

Policy Report in the field of migration and asylum 2013



European Migration Network
National Contact Point in
Poland

National contribution of Poland

This National Report was prepared by the Ministry of Interior acting as the coordinator of the National Contact Point to the European Migration Network in Poland [PL EMN NCP]. The Polish National Contact Point consists of representatives of the Ministry of Interior [National Coordinator], Ministry of Labour and Social Policy, the Office for Foreigners, the Border Guard, and the Central Statistical Office.

This Report follows the common specifications and methodology adopted by the European Migration Network [EMN].

Compiled by: *Joanna Sosnowska*

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Contact:

Ministry of the Interior

Migration Policy Department

5 Stefana Batorego

02-591 Warsaw, Poland

E-mail: esm@msw.gov.pl

Web site: <http://www.emn.gov.pl>

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Summary of the National Report

Poland is one of these European countries whose migration situation has been stable for many years and has not been subject to significant change despite a steadily increasing influx of foreigners. Taking into account the geographical location of Poland, migration is dominated by the nationals of third countries bordering the Republic of Poland in the east, particularly from Ukraine, at the same time the Polish-Ukrainian border constitutes a section of the external borders of the European Union.

The share of foreigners in the total Polish population is small and does not exceed 0.5%.

Because of more and more clearly emerging in Poland demographic problems caused, among others, by a decline in the fertility rate coupled with an increase in the scale of emigration of Poles to member states of the European Union making use of the principle of free movement of persons, migrations of foreigners from EU states and third countries are becoming more and more important.

For these reasons, on 31 July 2012 the Council of Ministers of the Republic of Poland adopted a policy paper entitled "Migration Policy of Poland - the Current Stay of Play and Further Actions" which constitutes an evaluation of the current migration situation of Poland and calls, among others, for: simplification of procedures and strengthening of structures responsible for the implementation of migration policy, defining categories of foreigners of special importance for the interests of Poland, improving the attractiveness of Poland as a potential country to settle for skilled workforce, researchers, students and specialists and monitoring of the phenomena relating to the broadly defined migration and asylum issues. The main purpose of the document is to adjust the migration policy to the labour market priorities in accordance with the need to ensure the competitiveness of Polish economy. In addition, the need has been assumed to build an effective system of foreigners' integration so that immigrants could exist independently and make use of the opportunities offered by the domestic labour market, education and health protection systems as well as participate in social life in a manner ensuring respect for cultural and religious needs of the stakeholders. On the other hand, in the course of the year 2013, intensive works were performed on preparing a plan to implement this policy paper in the area of national migration policy.

On 12 December 2013, the Parliament of the Republic of Poland adopted a new act on foreigners, but works on the act started in 2011. The provisions of the act to largely simplify, in accordance with the principles indicated in the policy paper, the procedures for the legalisation of the stay of foreigners and enlarge a group of foreigners who may benefit from facilitations in the process of settling in Poland. It is worthwhile to point out that a special place in this group is occupied by foreigners with Polish origin and foreigners coming from countries neighbouring with Poland.

In 2013, works were also in progress on the preparation of important policy papers in the area of migration and asylum, i.e. as regards the integration of foreigners within the territory of Poland and the provision of free legal aid to foreigners. The first of them was submitted to inter-ministerial and public consultation in autumn 2013 and once they are taken into account in the material, it will be published as a strategic document of the Ministry of Labour and Social Policy. The last one, on the other hand, is in the process of consultation within the inter-ministerial Committee for Migration.

Last year works were completed on the other documents, including among others the document which constitutes a concept of actions to be taken by the state in the event of a mass and sudden influx of foreigners to Poland [the document was finally adopted on 24 January 2014] and on indicators to identify victims of human trafficking, which were introduced in the Border Guard in autumn 2013 and in the Office for Foreigners - in early 2014.

Analysis of the migration situation in our country show that Poland is becoming more and more open to the presence of foreigners within its territory. Most statistical data on the entry and legalisation of the stay of foreigners in Poland indicates an upward trend. A significant increase in the number of crossings of Poland's eastern border, which is also an external border of the European Union, was recorded in 2013. In total, over 28 million of foreigners crossed the Polish external border in 2013, i.e. by over 3.2 million more than in 2012. Foreigners most often crossed the Polish-Ukrainian border [14.4 million]. Data on the number of valid residence cards which reflect medium and long-term stays are a very reliable source of

information on the general number of foreigners legally residing in our country. As at 9 December 2013, approximately 12.2 thousand foreigners in Poland had valid residence cards, which constitutes an increase of over 9% as at 31 December 2012. The largest number of residence cards was held by the citizens of Ukraine, China, Vietnam, Belarus and Russia, in this order, while over 50% of all the cards issued were held by citizens of the countries neighbouring with Poland: Ukraine, Russia and Belarus. This significant increase was in no important way impacted by the third regularisation programme [so called abolition] for migrants illegally staying in Poland implemented in 2012, thanks to which over 4.5 thousand foreigners staying in Poland without an appropriate permit was given an opportunity to legalise their stay in our country.

In addition, Poland has plans to significantly increase the number of foreign students. This is connected with both demographic changes as a result of which less and less Polish citizens are using the possibilities of education at the tertiary level as well as the policy aimed at encouraging foreign nationals educated in our country to settle in Poland. Analysis of the indicator of internationalization of Polish institutions of higher education resulting from the total number of students to the number of foreigners shows a very strong growth. In the academic year 2005/2006, the indicator was only 0.52%, while in the year 2012/2013 - it already reached 1.74%. In line with the assumptions of the long-term strategy, in 2020 the indicator should increase to five percent. Among citizens who most often study in Poland are those of Ukraine, Belarus, Norway, Spain and Sweden. Many of them have Polish origin.

It can be concluded on the basis of an evaluation of the current trends and migration situation of Poland that the new migration policy is more and more efficient. This direction will be also strengthened thanks to the provisions of the new act on foreigners which, as already indicated, was adopted in December 2013. In this context it is also worthwhile to emphasise that apart from the assumptions resulting from the migration policy, an increase in the scale of entries and stays of foreign nationals is also due to a general health of the economy and the growing attractiveness of Poland.

In 2013 the number of applications for international protection reached its highest value in history as over 15 thousand persons submitted applications for refugee status, an increase by almost 4.5 thousand persons in relation to the previous "record" year 2012, when in total 10,753 persons applied for refugee status. In the past 2013, nearly 13 thousand applications for international protection were submitted by the citizens of Russia, declaring mainly Chechen nationality, 1.2 thousand - by the citizens of Georgia, and 255 - by the citizens of Syria.

Analysis of the risk of illegal immigration show that in 2013 this phenomenon was at a similar level as in 2012, especially as regards decisions on expulsion or an obligation to leave the territory of Poland issued to foreign nationals. In 2013, over 42 thousand foreign nationals were refused entry to Poland, while the largest number of refusals to enter Poland was issued to the citizens of Russia - nearly 16 thousand, the citizens of Ukraine - 13.5 thousand and Georgia - over 7.2 thousand. What is more, 3.5 thousand citizens of third countries who illegally crossed or attempted to cross the state border were detained, which constitutes an increase by almost 14% compared to the previous year.

An outflow of Poles to work abroad, mainly to the countries of the European Union, in accordance with the Community principle of the free movement of persons, is a multi-faceted and large scale problem. Their number at the end of 2013 is estimated at 2.1 million, an increase by approx. 70 thousand people in relation to the year 2012. At present the largest number of citizens of the Republic of Poland is staying in Great Britain [over 640 thousand], Germany [approx. 500 thousand] and Ireland [nearly 120 thousand]. Although in the short-term perspective, benefits of emigration seem to prevail, in the long-term and in the light of the projected development of Polish economy, they may prove less significant, while the stay abroad of such a large diaspora may adversely affect Poland's development potential, even taking into account the projected demographic changes, in particular a decrease in the number of people of working age.

I. Introduction to the Report

This report provides an overview of the most important policy debates, and the changes made in Poland in the field of migration and asylum in 2013. It was prepared by the Polish National Contact Point of the European Migration Network [PL EMN NCP] which, in accordance with Art. 9 paragraph. 1 Council Decision 2008/381/EC is required for the annual preparation of this type of document. Political Reports of the national contact points of the European Migration Network serve to monitor the implementation of the various provisions set out in the adopted by the European Council of 15-16 October 2008, the European Pact on Immigration and Asylum and the five-year Stockholm Programme - An open and secure Europe serving and protecting citizens [this document was adopted by the European Council on 10-11 December 2009]. European Migration Network is also one of the entities responsible for evaluation of the five-year Stockholm Programme in 2014.

Prepared by the individual national contact point of the European Migration Network Policy Reports are a contribution to the annual summary report [indicating similarities and differences in policy in the field of migration and asylum carried out by each of the EU Member States¹], which will be prepared by the European Commission and presented to the European Council discussions in late May and June 2014.

The report covers the period from 1 January to 31 December 2013 and is the fifth edition of this type of studies issued by the National Contact Point in Poland.

1.1 General structure of political and institutional system

Migration and asylum policy in Poland is implemented at the central and regional level. It falls within the competence of the Council of Ministers, relevant ministries [such ministers as among others of the Minister of the Interior, the Minister of Administration and Digitalization, the Minister of Foreign Affairs, the Minister of Labour and Social Policy issue for example implementing regulations to the acts on the issues of migration and asylum], specialized offices, services and local government. The division of competence is multi-level, which forms the basis of a coherent national migration system.

A key role as regards migration and asylum policy in Poland is played by the Minister of the Interior [www.msw.gov.pl] who coordinates actions connected with implementation of the national migration policy, citizenship and repatriation as well as the protection and control of state borders, and control of the legality of entry and residence of foreigners in Poland. In addition, the Ministry of the Interior is responsible for implementing the policy regarding the countering of trafficking in human beings².

The Minister of the Interior supervises the activity of the Head of the Office for Foreigners [www.udsc.gov.pl] who performs executive tasks relating, among others, to the provision of national and international protection to foreign nationals, organisation and management of centres for persons applying for refugee status, provision of assistance to foreigners applying for refugee status, visa consultations and management of the central ICT system which serves as a database in the cases of foreign nationals as well as examination of appeals against decisions of province governors in matters relating to the legalisation of stay within the territory of Poland. The Minister of the Interior also supervises the Commander in Chief of the Border Guard [www.strazgraniczna.pl], who is responsible for border controls and issuing entry permits [issuing relevant decisions among others: on refusal to enter the territory of Poland], receipt of applications for refugee status, controlling the legality of stay and employment of foreigners, execution of the expulsion decisions, issuing decisions on an obligation to leave the territory of the Republic of Poland. Reporting directly to the Minister of the Interior, the Chief Police Commander [www.policja.pl] is responsible for controlling the legality of stay of foreign nationals within the territory of the country, takes part in the expulsion procedure and issues decisions on an obligation to leave the territory of Poland. The Police structure also includes the National Access Point to the Eurodac system.

¹ The country reports and a report synthesizing the knowledge of the national reports of the European Migration Network will also serve to prepare the European Asylum Support Office [EASO] analysis of the situation of asylum in Europe in 2013. It will be prepared and presented to the EU Council in June 2014.

² Information available at the website <http://www.handelludzmi.eu>.

The Minister of the Interior supervises the works of the Inter-Ministerial Committee for Migration³, which is a consultative and advisory body of the Prime Minister. Its tasks include, among others: initiating directions of change relating to migration issues and recommending them to the Council of Ministers, giving opinions on the annual and multi-annual national programmes within the European Fund for the Integration of Third Country Nationals, exchange of information and monitoring the EU works on migration and also cooperation with government and local government administrative bodies and non-governmental organisations.

In addition, the following public administration bodies play an important role in the creation and implementation of the migration and asylum policy: 1] the Ministry of Labour and Social Policy [www.mpips.gov.pl] responsible for forming the legal framework as regards the employment of foreign nationals and determining their access to the Polish labour market as well as integration policy and principles for the provision of social assistance to foreigners; 2] the State Labour Inspectorate [www.pip.gov.pl] competent for controlling the legality of employment and performance of work by foreign nationals within the territory of Poland and the principles of running employment agencies [including temporary employment agencies]; 3] the Ministry of Economy [www.mg.gov.pl], which defines the conditions of conducting business activity, which relates to foreign nationals as well; 4] the Ministry of Health [www.mz.gov.pl] which defines the conditions of foreign nationals' access to health care; 5] the Ministry of Science and Higher Education [www.nauka.gov.pl], which defines the principles and conditions of taking up education and learning at higher education institutions and gives opinions on foreign documents confirming the completion of higher education or the gaining of professional qualifications; 6] the Ministry of Foreign Affairs [www.msz.gov.pl] which fulfils tasks relating to the issuing of visas and the carrying out of visa policy, the Polish diaspora, relationships with third countries, supervision over consular and diplomatic establishments as well as development assistance directed towards third countries; 8] the Council for Refugees [www.rada-ds-uchodzcow.gov.pl] examines appeals against decisions on the granting of refugee status and performs analyses of the case law in cases for the granting or withdrawing the refugee status; while 9] province governors⁴ are among others responsible for issuing residence and work permits, recognising a foreigner as a Polish citizen, issuing decisions on expulsion and supervising the activities of social welfare centres.

President of the Republic of Poland confers Polish citizenship and gives consent for the renunciation thereof.

Both chambers of the Parliament of the Republic of Poland, i.e. the Sejm and the Senate, exercise legislative power within the territory of Poland and are responsible, among others, for the adoption of laws in the field of migration and asylum.

The most important acts relating to the situation of foreign nationals in Poland are as follows:

- ❖ Constitution of the Republic of Poland of 2 April 1997⁵;
- ❖ The Act of 13 June 2003 on foreigners⁶ [crossing of the border, entry, residence and re-entry permits, and record of foreign nationals];
- ❖ The Act of 13 June 2003 on the granting of protection to foreigners within the territory of the Republic of Poland⁷ [granting of national and international forms of protection];

³ The Inter-Ministerial Committee for Migration was appointed under Regulation No. 12 of the Prime Minister of 14 February 2007 on the establishment of the Committee for Migration, amended by Regulation No. 10 of the Prime Minister of 5 February 2008, Regulation no. 142 of the Prime Minister of 15 December 2008 and Regulation No. 17 of 7 March 2012. The function of the head of the Committee is performed by the Minister of the interior, while the function of deputy heads - by appointed secretaries or under-secretaries of state in the office servicing the Minister of the Interior and the office servicing the Minister of Labour.

The Committee is composed of, at the level of secretaries and under-secretaries of state, representatives of the Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Economy, Ministry of Finance, Ministry of Science and Higher Education, Ministry of Culture and National Heritage, Ministry of National Education, Ministry of Regional Development, Ministry of Administration and Digitalisation, Ministry of Health, as well as President of the Central Statistical Office, Head of the Office for Foreigners, Head of the Internal Security Agency, the Chief Police Commander, the Commander-in-Chief of the Border Guard and representatives of the Chancellery of the Prime Minister in the rank of Secretary or Under-Secretary of State.

⁴ Local government administration authority.

⁵ Dz. U. [Journal of Laws] of 1997 No. 78, item 483, as amended.

⁶ Dz. U. [Journal of Laws] of 2011 No. 264, item 1573 consolidated text, as amended. The new Act on foreigners was adopted on 12 December 2013 [Dz.U. [Journal of Laws] of 2013, item 1650] coming into force on 1 May 2014 [[text of the Act](#)].

- ❖ The Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union member states and their family members⁸;
- ❖ The Act of 9 November 2000 on repatriation⁹;
- ❖ The Act of 7 September 2007 on the Card of the Pole¹⁰;
- ❖ The Act of 2 April 2009 on Polish citizenship¹¹;
- ❖ The Act of 20 April 2001 on the promotion of employment and labour market institutions¹²;

and other legal acts relating to particular sectors (social assistance, education, visas, etc.).

As a rule, the entrance [crossing of the border] stage, both in the context of migration and the procedure for the provision of international protection is subject to the Border Guard's control. In order to enter the territory of Poland, third-country nationals must have a valid visa [Schengen or national visa], issued in line with general principles, outside the borders of Poland. Applications for refugee status submitted at the border of the Republic of Poland are examined by the Head of the Office for Foreigners [as the first instance body] and by the Council for Refugees [as the appeal body]. The main administrative body competent to legalize the stay of foreigners in Poland and to examine the conditions of issuing work permits are local authorities [provincial governors]. Several institutions are engaged in the issue of returns, depending on the type [voluntary returns are executed by the Border Guard, the Head of the Office for Foreigners, the IOM Office in Warsaw; involuntary returns are within the exclusive competence of the Border Guard; decisions on expulsion of a foreigner from the territory of Poland are issued by provincial governor having jurisdiction over the foreigner's place of residence and the Head of the Office for Foreigners].

⁷ Dz. U. [Journal of Laws] of 2012, item 680.

⁸ Dz. U. [Journal of Laws] of 2006 No. 144, item 1043, as amended.

⁹ Dz. U. [Journal of Laws] of 2004 No. 53, item 532, as amended.

¹⁰ Dz. U. [Journal of Laws] of 2007 No. 180, item 1280, as amended

¹¹ Dz. U. [Journal of Laws] of 2012, item 161.

¹² Dz. U. [Journal of Laws] of 2008 No. 69, item 415, as amended.

II. Overview of asylum and migration policy developments

2.1 Political developments in Poland

Events of significant importance for the development of the political and migration situation in Poland in 2013 and the quality of debate in this respect include works on the plan to implement the policy paper "Migration Policy of Poland - the Current Stay of Play and Further Actions"¹³.

It is worthwhile to point out that some assumptions and recommendations indicated in the policy paper were in the course of 2013 implemented and postulated in the amendments to the existing laws and draft new act on foreigners. In addition, the paper in question had a significant impact on the structure of the new act on foreigners which as of 1 May 2014 is to replace the repeatedly amended Act of 13 June 2003.

2.2 Overall developments in asylum and migration

In 2013, the working group for preparing the plan to implement the paper "Migration Policy of Poland - the Current Stay of Play and Further Actions" appointed by the Committee for Migration conducted nine plenary sessions that focussed on discussing the recommendations included in the paper "Migration Policy of Poland - the Current Stay of Play and Further Actions". Each of the meetings was devoted to discuss recommendations in the following subject areas: legal migration, combating illegal immigration, protection of foreigners in Poland, integration of foreigners, citizenship and repatriation, economic migration, return migration, efficient functioning of the legal and institutional system, international considerations of migration policy of Poland, relations between other policies and the migration policy of Poland, migration process monitoring, principles of financing the postulated actions. What is more, the above mentioned paper was also discussed during consultation meetings organised in 2013 with international and non-governmental organisations, research centres. The result of works performed by the group is an action plan for the implementation of the demands of the policy paper approved at the meeting of the inter-ministerial Committee for Migration on 18 December 2013 and submitted to public consultation¹⁴ on 20 December 2013. The latter is still in progress, mainly due to protracted discussions with local government authorities and non-governmental organisations. Among the consulted entities were non-governmental organisations, immigrant organisations and Polish community, research centres, international organisations, associations and organisations from the world of science, research and higher education, trade unions, employers' organisations, provincial governors as well as the Council for Refugees and the Government Population Council.

In the course of 2013 works continued on the draft act on foreigners in the committees of the Sejm and the Senate, which were also attended by numerous representatives of the non-governmental sector. The purpose of the new Act on foreigners adopted on 12 December 2013 and signed by the President of the Republic of Poland on 27 December 2013 is not only adjustment of Polish legislation in this area to the EU regulations, including among others Directive on a single application procedure for a single permit for work and residence in a Member State of the EU for third country nationals [so called Single Permit Directive] but also restructuring of procedures for legalisation of stay and issuance of relevant permits to foreigners with

¹³ The policy paper entitled "Migration Policy of Poland - the Current Stay of Play and Further Actions" adopted on 31 July 2012 by the Council of Ministers was prepared by a working group for preparing the migration strategy of Poland, appointed within the inter-ministerial Committee for Migration, and was consulted with non-governmental organizations and representatives of scientific circles. It includes, among others, proposals to simplify procedures and strengthen structures responsible for migration, determination of categories of foreigners of special importance for the interests of Poland, restructuring of the system of foreigners' integration and monitoring their situation and increasing the role of non-governmental organisations and research units dealing with broadly defined migration issues. The document assumes adjustment of the migration policy to the labour market priorities [while maintaining the complementary nature of employing economic migrants in relation to local workers] and ensuring competitiveness of Polish economy. The adopted course of action includes such issues as: legal migration, combating illegal migration, integration, provision of international protection to foreigners, emigration, efficient functioning of the legal and institutional system and migration process monitoring. More information on the policy paper can be found in the 2012 policy report on migration and asylum issues.

¹⁴ More at <http://emn.gov.pl/esm/aktualnosci/11407.Ruszyly-konsultacje-spoleczne-planu-wdrazania-polityki-migracyjnej.html>.

a view of their simplification and greater transparency.¹⁵ This Act includes a package of solutions introducing facilitations for foreigners who work and study in Poland.

The Act, *inter alia*, extended from 2 to 3 years the maximum period for which foreigners may be granted a temporary residence permit. The foreigner will be able to submit an application for a temporary residence permit during his legal stay, at any convenient time, which constitutes a significant change in relation to the current solutions. In addition, new solutions were adopted for foreigners who study at Polish higher education institutions, where the first temporary residence permit will be issued to foreign students for 15 months [i.e. 1 year and 3 months]. If the foreigner's stay in Poland is shorter than 1 year, then the permit will be granted for the duration of the academic year or the duration of studies plus an additional period of three months. On the other hand, foreigners who continue studies in the next year are issued temporary residence permits for up to 3 years, not for the period of one year as previously. The amendments also relate to foreign graduates of Polish higher education institutions looking for a job in Poland. They will be able to apply for a temporary residence period for one year.

A new feature included in the Act is issuance of a single permit - both to stay and work. A foreigner who works in Poland will be able to apply for a residence and work permit in a single procedure. Currently, the employer who wants to hire a foreigner in Poland must apply for a work permit. The foreigner may apply for a residence permit when the work permit is obtained. The procedure for issuing work permits will not be liquidated and employers will be still able to obtain a work permit, which will give the right, among others, to apply for a visa for the foreigner wishing to work in Poland. The new Act also includes the provision that the foreigner who applies for a temporary residence permit will not have to submit legal title to the occupied premises. It will be sufficient to prove that the foreigner has a guaranteed place of stay in Poland.

In addition, work was carried out in 2013 on important documents and government projects in the field of migration and asylum. The most important ones include:

[1] The concept of actions to be taken in the event of a mass and sudden influx of foreigners to Poland

The document was finally adopted on 24 January 2014 by two advisory bodies to the Prime Minister, i.e. the inter-ministerial Committee for Migration¹⁶ and the inter-ministerial Committee for the Development of the State Border¹⁷. The document, so called "The Concept of Actions to be Taken in the Event of a Mass and Sudden Influx of Foreigners to the Republic of Poland" constitutes a set of guidelines and is not legally binding. The document was being prepared from June 2011 in the Ministry of the Interior in cooperation with the Government Centre for Security simultaneously as a result of work of two above mentioned teams, namely the inter-ministerial Committee for Migration and the Committee for the Development of the State Border.

The resulting document describes in some detail an action plan to be implemented by state bodies in the event of a potential migration crisis at the eastern border of Poland, which constitutes an elaboration of the standard operating procedure, worked out by the Government Centre for Security, which is an element of the "National Crisis Management Plan" adopted by the Council of Ministers on 6 March 2012.¹⁸ The concepts worked out in the Ministry of the Interior will be used to work out a detailed procedure describing the adoption process of a mass arrival of foreigners to the territory of Poland as a result of the situation in their own country of origin, e.g. because of foreign invasion, war, civil war,

¹⁵ The new Act on foreigners [Dz.U. [Journal of Laws] of 2013, item 1650] comes into force on 1 May 2014. The exception is formed by some of the provisions amending *the Act of 12 October 1990 on the Border Guard*, which come into force on the date of promulgation. The course of parliamentary works on the Act can be monitored on the Parliament website <http://www.sejm.gov.pl/Sejm7.nsf/PrzebiegProc.xsp?nr=1526> Text of the Act [[here](http://www.emn.gov.pl/esm/aktualnosci/11411,Prezydent-podpisał-ustawe-o-cudzoziemcach.html): <http://www.emn.gov.pl/esm/aktualnosci/11411,Prezydent-podpisał-ustawe-o-cudzoziemcach.html>], statement of reasons for the Act [[here](http://orka.sejm.gov.pl/Druki7ka.nsf/Projekty/7-020-703-2013/$file/7-020-703-2013.pdf): [http://orka.sejm.gov.pl/Druki7ka.nsf/Projekty/7-020-703-2013/\\$file/7-020-703-2013.pdf](http://orka.sejm.gov.pl/Druki7ka.nsf/Projekty/7-020-703-2013/$file/7-020-703-2013.pdf)], review of the most important amendments [[here](http://legislacja.rcl.gov.pl/docs/2/70222/70259/70260/dokument76215.pdf?lastUpdateDay=05.07.13&lastUpdateHour=08%3A12&userLogged=false&date=pi%C4%85tek%2C+5+lipiec+2013): <http://legislacja.rcl.gov.pl/docs/2/70222/70259/70260/dokument76215.pdf?lastUpdateDay=05.07.13&lastUpdateHour=08%3A12&userLogged=false&date=pi%C4%85tek%2C+5+lipiec+2013>].

¹⁶ See: <http://bip.kprm.gov.pl/kpr/bip-rady-ministrow/organy-pomocnicze/organy-pomocnicze-preze/201.Zespol-do-Spraw-Migracji.html>.

¹⁷ See: <http://bip.kprm.gov.pl/kpr/bip-rady-ministrow/organy-pomocnicze/organy-pomocnicze-preze/1927.Zespol-do-spraw-Zagospodarowania-Granic-Panstwowej.html>.

¹⁸ <http://rcb.gov.pl/wp-content/uploads/2012/03/KPZK.pdf>.

economic reasons, ethnic conflicts or gross human rights violations. After making the necessary arrangements, this procedure will be included in the update of "Public Administration Crisis Management Plan: Internal Affairs" as the full implementation of the recommendation of the Council of Ministers of 23 July 2013 as regards ensuring consistency of crisis management plans with "National Crisis Management Plan".

[2] Providing access to free legal aid for foreigners

A new working group was appointed on 8 April 2013 within the inter-ministerial Committee for Migration to discuss the possibilities of fulfilling by non-governmental organisations the task consisting in the provision of free legal aid to the selected categories of foreigners at the stage of appeal proceedings all over the country; determination of costs that may arise and proposals of how they can be settled; indication of the criteria relating to persons who are to provide legal aid and the related problems. Apart from the institutions represented in the Committee for Migration, the meetings were attended by representatives of the Ministry of Justice, Implementing Authority for European Programmes, UNHCR and IOM as well as experts from non-governmental organisations providing legal aid. During three consecutive meetings, the group worked out a system of free counselling for the above mentioned group of beneficiaries, taking into account as a source of finance for the actions not only state budget funds but also funds from the European Union. In principle, the new system of free legal aid would be reduced to the funding of expenditures from the Migration, Asylum and Integration Fund within national projects. This decision was taken due to the high cost of the system and maintained reductions of budget spending. The developed proposal for the functioning of the system of free legal aid was based on the current model of managing projects implemented on competitive basis and was presented at the meeting of the inter-ministerial Committee for Migration on 29 October 2013, while the time until 31 December 2013 was devoted to preliminary arrangements concerning the issue in question made with representatives, among others, of the Ministry of Finance and the Ministry of Justice, as well as the Implementing Authority for European Programmes. The working group to ensure access to free legal aid for foreigners will continue its activities in 2014. Actions aimed at arrangements with the public will be taken then as well and doubts will be resolved as to the role of the proposed solution in the system of free legal aid designed by the Ministry of Justice.

[3] Indicators to identify victims of human trafficking originating from the so called risk group

So called indicators to identify potential victims of human trafficking were worked out in 2013 at the initiative of the Ministry of the Interior. The purpose of the above action was to facilitate the identification of potential victims of human trafficking among persons from so called risk groups, i.e. persons particularly vulnerable to be abused in the human trafficking. Among such persons there are: [1] people involved in prostitution, [2] beggars, especially beggars with children, [3] persons involved in door-to-door selling, including trade in counterfeit goods, [4] foreigners illegally working in Poland, e.g. found during audits in workplaces, [5] minor foreigners left unattended within the territory of the Republic of Poland, [6] minors who travel unattended or accompanied by adults who are not their legal guardians, and [7] young persons seeking seasonal work. This tool was introduced in autumn 2013 at the Border Guard Headquarters and in February 2014 in the Office for Foreigners. The action was divided into five parts, each of which refers to a different element of a situation of using a person for trafficking in human beings. In view of the fact that indicators do not allow for a complete verification of the existence of a crime against the person and indicate only the conditions that may show the commission of trafficking in human beings, they constitute a practical tool for preliminary and unofficial identification of victims of trafficking in human beings by officers or officials who are not directly involved in the prosecution of perpetrators of these underhand dealings. Official identification of victims of trafficking in human beings is only carried out by officers trained in combating human trafficking¹⁹.

[4] Integration of foreigners in Poland

A result of two years of work carried out by the working group for integration of foreigners within the inter-ministerial Committee for Migration, whose debates, in addition to the permanent members, were also

¹⁹ Identification of victims of trafficking in human beings is carried out by officers from criminal divisions of the Police and operation and investigation departments of the Border Guard.

attended by representatives of international and non-governmental organisations, research institutions, organisational units of social assistance, local government and public bodies involved in actions for the benefit of foreigners, was a draft policy paper "Foreigner Integration Policy in Poland - Assumptions and Guidelines". The purpose of the paper was to present actions implementing the recommendations of the government paper "Migration Policy of Poland - the Current Stay of Play and Further Actions" in such a manner that they provide details for actions aimed at the integration of foreigners specified in the document implementing the basic policy paper on migration policy. Issues tackled in the draft paper included, among others, questions relating to the pre-integration of foreigners applying for international protection, integration of already recognised refugees and persons granted subsidiary protection (including a proposed change to the course of Individual Integration Programmes, facilitated access to flats, improved situation of this group of people on the labour market and guidelines relating to the education of children of foreigners subject to international protection), building systemic solutions, such as integration programmes offered upon arrival in Poland to all groups of foreigners, expansion of their political rights and access to Polish language courses. Under the assumption that integration is a two-way process involving both foreign nationals and the host society, the paper proposes a series of actions targeted at the Polish society, the effect of which is the building of inter-cultural dialogue. Another aspect deemed important are initiatives that support the migrant community itself. The paper emphasises the importance of actions to strengthen knowledge of integration and includes principles for the monitoring and assessment of the effectiveness of the integration policy carried out by Poland.

On 27 September 2013, the paper was submitted by the Ministry of Labour and Social Policy to inter-ministerial and public consultation²⁰. Further works on the policy paper in question are carried out exclusively under the auspices of the Ministry of Labour and Social Policy.

[5] Amendments to the regulations regarding the employment of foreigners

In the course of 2013, the Ministry of Labour and Social Policy carried out analytical work on potential amendments to the regulations regarding the employment of foreigners and also updating and making more precise the information for employers registering statements of the intention to entrust the performance of work to a foreigner. This resulted in an update in 2013 by the Ministry of Labour and Social Policy of the most important documents on this issue, i.e. the recommended model statement of the intention to entrust the performance of work to a foreigner; instruction for the person submitting the statement; and a statistical report model for district employment agencies relating to the registered statements. The above amendments and more precise conditions for the application of a simplified procedure for issuing work permits to the citizens of Belarus, Georgia, Moldova, Russia, Ukraine and Armenia, employed so far on the basis of statements of the intention to entrust the performance of work to a foreigner, came into force on 1 January 2014²¹.

[6] Continued reorganisation of the Border Guard

The first decisions on the restructuring of the Border Guard, announced as early as in 2012, were presented in the Ministry of the Interior in January 2013. The changes were mostly prepared with regard to Poland's southern border on the basis of the restructuring process that had been previously carried out at the western border of the country. The main objective of the new concept of Border Guard operation was integration of three Border Guard units, operating in the south - the Carpathian, Silesian and Sudetian Border Guard regional units, and establishment of one Silesian-Lesser Poland unit with the Opolskie, Silesian and Lesser Poland voivodships within its territorial range and the seat in Racibórz as well as a reduction in the number of units in this part of Poland from 14 to 11. The decision was taken based on the

²⁰ A draft paper is available at the website of the Ministry of Labour and Social Policy [<http://www.mpips.gov.pl/bip/projekty-aktow-prawnych/projekty-programow-i-inne/olskapolitykaintegracjicudzoziemcow-zaoeniawityczne/>]. An obligation to work out a document on the foreigners' integration in Poland was the implementation of the recommendation included in the policy paper "Migration Policy of Poland - the Current Stay of Play and Further Actions". Public consultation over the paper was carried out, among others, at the platform of the Expert Committee on Migrants at the Human Rights Defender and the Foundation of the Institute for Migration Studies and Lublin City Hall. More at <http://emn.gov.pl/esm/aktualnosci/11087.Trwaja-konsultacje-w-sprawie-polskiej-polityki-integracji-cudzoziemcow.html>.

²¹ More at <http://www.emn.gov.pl/esm/aktualnosci/11413.Zmiany-w-przepisach-o-zatrudnieniu-cudzoziemcow.html> and <http://www.mpips.gov.pl/aktualnosci-wszystkie/zatrudnienie-i-przeciwdzialanie-bezrobociu/art,6550.zmiany-w-przepisach-o-zatrudnieniu-cudzoziemcow-wchodzace-w-zycie-w-styczni-2014-r.html>.

comparison of workload on both borders, the southern and the western, where a similar decision was taken earlier to establish one large Nadodrzański Border Guard Unit. Results of analysis have shown that indicators on both borders are in fact very similar. Besides, the southern border is regarded as the so called "safe border" characterised by a relatively low degree of risk of illegal migration.

Except for the changes planned in the south of Poland, another new solution will be adaptation of the territorial range of the Border Guard units to the administrative division. The only exception will be the Maritime Regional Unit of the Border Guard responsible for the entire coastline of the Baltic Sea including an area covered by the Pomeranian and West-Pomeranian voivodships and the Warmian-Masurian part.

Further steps were also taken to introduce changes in the guarded centres for foreigners. The Act of 12 December 2013 on foreigners includes provisions introducing a ban on placing in the guarded centres of the Border Guard unattended minors under 15 [not 13 - as it was proposed]. It was also pointed out that persons falling within this category should only be placed in detention centres in the absence of an alternative and a decision in each case would be taken by the court taking into account the interests of the child. The need was emphasised to standardise internal arrangements in the centres, including rules regulating the carrying out of religious rituals. Another change undertaken was detailed regulation of provisions on the so called detention or isolation facilities, so that they do not differ in terms of appearance or equipment from other premises of the guarded centre and the period of stay therein would not exceed 48 hours²².

[7] The use of coercion

The Act of 24 May 2013 on coercive measures and firearms came into force on 5 June 2013. As recommended by the Constitutional Tribunal, it comprehensively regulates the circumstances and manner of use by officers of different state services, including the Border Guard, of the above mentioned coercive measures. The Act also specifies in detail [in accordance with the recommendations of audits carried out in guarded centres for foreigners in autumn 2012] the manner of use of isolation facilities in the guarded centres for foreigners run by the Border Guard. Detailed conditions to be met by isolation facilities and rules of placing foreigners therein will be specified by ordinance of the Minister of the Interior taking into account the need to respect the rights of foreigners²³. The Act also provides for an amendment of the Act on foreigners, among others, in such areas as broadening the powers of officers of another EU Member State belonging to an escort during the transit of a foreigner by air through the Polish airports and on the specific circumstances in which they can wear and use coercive measures, such as physical strength, handcuffs, baton, chemical incapacitating agents and items intended to incapacitate using electricity²⁴.

The table presented below shows legislation published in 2013 which may have an impact on the situation of foreigners within the territory of Poland.

Table 1. The list of administrative acts related to foreigners adopted in 2013

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
Journal of Laws 2013 item 26	Ordinance of the Minister of Health of 2 January 2013 on the specialisation of doctors and dentists
Journal of Laws 2013 item 3	Ordinance of the Minister of Labour and Social Policy of 3 January 2013 on the manner and procedure for family benefits
Journal of Laws 2013 item 71	Statement of the Minister of Finance of 12 December 2012 on the publication of the consolidated text of the Ordinance of the Minister of Finance on the authorizations templates to exercise control by the Customs Service
Journal of Laws 2013 item 60	Statement of the Government of 19 September 2012 on the binding force of the Agreement between the Republic of Poland and the Kingdom of Morocco on the transfer of sentenced persons, signed in Rabat on 30 June 2008
Journal of	Agreement between the Republic of Poland and the Kingdom of Morocco on the transfer of sentenced persons,

²² More information at <http://emn.gov.pl/esm/aktualnosci/9971.Kolejne-zapowiedzi-zmian-w-osrodkach-detencyjnych-dla-cudzoziemcow.html> and here <http://emn.gov.pl/esm/aktualnosci/10515.Stan-i-sposoby-wdrazania-zmian-w-regulacjach-dotyczacych-detencji-cudzoziemcow.html>.

²³ Text of the Act is available at http://orka.sejm.gov.pl/proc7.nsf/ustawy/1140_u.htm.

²⁴ More at <http://emn.gov.pl/esm/aktualnosci/10629.Nowe-zasady-stosowania-srodkow-przymusu-bezposredniego-i-broni-palnej-wobec-cudz.html>.

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
Laws 2013 item 59	signed in Rabat on 30 June 2008
Journal of Laws 2013 item 52	Act of 16 November 2012 on the ratification of the Protocol between the Republic of Poland and the Kingdom of Norway amending Convention between the Republic of Poland and the Kingdom of Norway for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, done at Warsaw on 9 September 2009, signed in Oslo on 5 July 2012
Journal of Laws 2013 item 1706	Ordinance of the Minister of Interior of 30 December 2013 amending the Ordinance on the identity cards and identification marks of the officers of the Border Guard
Journal of Laws 2013 item 182	Statement of the Marshal of the Sejm of the Republic of Poland of 14 November 2012 on promulgation of the uniform text of the Act on social assistance
Journal of Laws 2013 item 159	Statement of the Government of 14 December 2012 on the binding force of the Executive Programme of the Agreement of the Government of the Republic of Poland and the Government of the Federative Republic of Brazil on cultural cooperation for the years 2013–2015, signed in Brasilia on 26 November 2012
Journal of Laws 2013 item 158	Executive Programme of the Agreement of the Government of the Republic of Poland and the Government of the Federative Republic of Brazil on cultural cooperation for the years 2013–2015, signed in Brasilia on 26 November 2012
Journal of Laws 2013 item 154	Act of 14 December 2012 amending the Act on the public funding of healthcare and the Act on the family support and foster care
Journal of Laws 2013 item 135	Statement of the Marshal of the Sejm of the Republic of Poland of 20 September 2012 on promulgation of the uniform text of the Act on family support and foster care
Journal of Laws 2013 item 129	Ordinance of the Council of Ministers of 4 January 2013 amending the Ordinance on the programme of statistical surveys of official statistics for the year 2012
Journal of Laws 2013 item 123	Ordinance of the Minister of Interior of 7 January 2013 amending the Ordinance on the list of enclosed spaces for detainees, in which temporarily arrested and convicted can be placed separately, and the requirements the facilities shall meet
Journal of Laws 2013 item 243	Act of 4 January 2013 on the ratification of the Agreement between Republic of Poland and Grenada for the exchange of information on tax matters, signed in New York on 19 July 2012
Journal of Laws 2013 item 219	Statement of the Minister of Labour and Social Policy of 30 January 2013 on promulgation of the uniform text of the Ordinance of the Minister of Labour and Social Policy on the detailed scope of data included in central registers kept by the Social Insurance Institution
Journal of Laws 2013 item 284	Executive Programme between the Government of the Republic of Poland and the Government of the Republic of Moldova in the fields of culture, education and science for the years 2012-2014, signed in Chisinau on 3 December 2012
Journal of Laws 2013 item 283	Act of 20 February 2013 on ratification of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union between the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Kingdom of the Netherlands, the Republic of Poland, Romania, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden, signed in Brussels on 2 March 2012
Journal of Laws 2013 item 285	Statement of the Government of 31 January 2013 on the binding force of the Executive Programme between the Government of the Republic of Poland and the Government of the Republic of Moldova in the fields of culture, education and science for the years 2012-2014, signed in Chisinau on 3 December 2012
Journal of Laws 2013 item 268	Statement of the Marshal of the Sejm of the Republic of Poland of 30 January 2013 r. on promulgation of the uniform text of the Ordinance on passport documents
Journal of Laws 2013 item 342	Ordinance of the Minister of Interior of 6 March 2013 on dissolution of certain branches of the Border Guard and amending Ordinance on establishment of branches of the Border Guard
Journal of Laws 2013 item 391	Statement of the Government of 1 March 2013 on the binding force of the Agreement between the Republic of Poland and the Presidency of the Community of Democracies concerning the Permanent Secretariat of the Community of Democracies, signed in Ulan Bator on 9 July 2012
Journal of Laws 2013 item 390	Agreement between the Republic of Poland and the Presidency of the Community of Democracies concerning the Permanent Secretariat of the Community of Democracies, signed in Ulan Bator on 9 July 2012
Journal of Laws 2013 item 377	Ordinance of the Minister of Economy of 11 March 2013 on the authorization for the recognition of professional qualifications for regulated professions acquired in the European Union Member States
Journal of Laws 2013 item 426	Ordinance of the Minister of Interior of 3 April 2013 on entering SIS data and updating, deleting and searching SIS data via the National Information System (KSI)
Journal of Laws 2013 item 425	Ordinance of the Minister of Interior of 3 April 2013 amending the Ordinance on the mode of transferring to the Police persons or objects found as a result of access to the SIS data, as well as the related responsibilities of the Police
Journal of Laws 2013 item 454	Statement of the Government of 6 March 2013 on the binding force of the Agreement between the Republic of Poland and the Republic of San Marino on the exchange of information on tax matters, signed in San Marino on 31 March 2012
Journal of	Agreement between the Republic of Poland and the Republic of San Marino on the exchange of information on tax

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
Laws 2013 item 453	matters, signed in San Marino on 31 March 2012
Journal of Laws 2013 item 532	Ordinance of the Minister of National Education of 30 April 2013 on the rules of providing and organising psychological and pedagogical assistance in public kindergartens, schools and institutions
Journal of Laws 2013 item 522	Ordinance of the Minister of Foreign Affairs of 23 April 2013 on consular fees
Journal of Laws 2013 item 509	Act of 22 February 2013 amending the Act on the social service and certain other Acts
Journal of Laws 2013 item 605	Act of 5 April 2013 on the ratification of the Protocol on the concerns of the Irish people on the Treaty of Lisbon, done at Brussels on 13 June 2012
Journal of Laws 2013 item 681	Statement of the Government of 11 April 2013 on the binding force of the Protocol between the Republic of Poland and the Kingdom of Norway amending the Convention between the Republic of Poland and the Kingdom of Norway for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, done at Warsaw on 9 September 2009, signed in Oslo on 5 July 2012
Journal of Laws 2013 item. 680	Protocol between the Republic of Poland and the Kingdom of Norway amending the Convention between the Republic of Poland and the Kingdom of Norway for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, done at Warsaw on 9 September 2009, signed in Oslo on 5 July 2012
Journal of Laws 2013 item 677	Statement of the Government of 27 March 2013 amending the scope of the Convention on the Rights of the Child, adopted on 20 November 1989 in New York City
Journal of Laws 2013 item 675	Act of 28 May 2013 amending the Labour Code Act and certain other Acts
Journal of Laws 2013 item 674	Statement of the Marshal of the Sejm of the Republic of Poland of 26 March 2013 r. on promulgation of the uniform text of the Act on employment promotion and labour market institutions
Journal of Laws 2013 item 740	Statement of the Government of 19 June 2013 on the binding force of the Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union, signed in Brussels on 9 December 2011
Journal of Laws 2013 item 739	Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union, signed in Brussels on 9 December 2011
Journal of Laws 2013 item 727	Statement of the Marshal of the Sejm of the Republic of Poland of 5 April 2013 on promulgation of the uniform text of the Customs Law Act
Journal of Laws 2013 item 829	Act of 13 June 2013 amending the Acts regulating the practice of certain professions
Journal of Laws 2013 item 828	Act of 24 May 2013 on the ratification of the Agreement between the Republic of Poland and the Principality of Andorra on the exchange of information on tax matters, signed in Andorra la Vella on 15 June 2012
Journal of Laws 2013 item 899	Ordinance of the Minister of Labour and Social Policy of 30 July 2013 on the activity of employment agencies
Journal of Laws 2013 item 881	Act of 14 June 2013 on the ratification of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Singapore for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and the Protocol relating to that Agreement, signed in Singapore on 4 November 2012
Journal of Laws 2013 item 866	Act of 13 June 2013 amending the Act on family support and foster care
Journal of Laws 2013 item 965	Statement of the Government of 2 August 2013 on the binding force of the Protocol between the Republic of Poland and the Grand Duchy of Luxembourg amending the Convention between the Republic of Poland and the Grand Duchy of Luxembourg for the avoidance of double taxation with respect to taxes on income and wealth, done at Luxembourg on 14 June 1995, signed in Luxembourg on 7 June 2012
Journal of Laws 2013 item 964	Protocol between the Republic of Poland and the Grand Duchy of Luxembourg amending the Convention between the Republic of Poland and the Grand Duchy of Luxembourg for the avoidance of double taxation with respect to taxes on income and wealth, done at Luxembourg on 14 June 1995, signed in Luxembourg on 7 June 2012
Journal of Laws 2013 item 1049	Ordinance of the Prime Minister of 30 July 2013 on determining regulated professions for which recognition of qualifications can be initiated

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
Journal of Laws 2013 item 1056	Ordinance of the Minister of Labour and Social Policy of 16 August 2013 amending the Ordinance on granting social assistance to foreigners, who have been granted the refugee status or subsidiary protection in the Republic of Poland
Journal of Laws 2013 item 1084	Ordinance of the Minister of Finance of 7 August 2013 amending the Ordinance on the method of confirmation of import into the country and export abroad of foreign currency or domestic currency and forms of declaration of import and export of those
Journal of Laws 2013 item 1105	Statement of the Government of 28 May 2013 on the binding Implementation Agreement between the Government of the Republic of Poland and the Government of the Government of the United States of America to the Agreement between the Government of the Republic of Poland and the Government of Government of the United States of America on the status of the armed forces of the United States of America in the territory of the Republic of Poland certifying entitlement to drive private motor vehicles, signed in Stuttgart on 20 May 2013
Journal of Laws 2013 item 1124	Cooperation Programme between the Minister of Culture and National Heritage of the Republic of Poland and the Minister of Human Resources of Hungary in the field of culture for the years 2013–2016, signed in Krakow on 13 June 2013
Journal of Laws 2013 item 1125	Statement of the Government of 5 July 2013 r. the binding Cooperation Programme between the Minister of Culture and National Heritage of the Republic of Poland and the Minister of Human Resources of Hungary in the field of culture for the years 2013–2016, signed in Krakow on 13 June 2013
Journal of Laws 2013 item 1217	Ordinance of the Minister of Interior of 14 October 2013 amending the Ordinance on detailed rules for cooperation between the Border Guard, the Air Force and the Navy of the Armed Forces of the Republic of Poland for protection of state border
Journal of Laws 2013 item 1246	Ordinance of the Minister of Interior of 23 October 2013 on the temporary restoration of border control of persons crossing the state border constituting internal border
Journal of Laws 2013 item 1250	Act of 30 August 2013 amending the Act on the provision of legal assistance by foreign lawyers in the Republic of Poland
Journal of Laws 2013 item 1252	Framework Agreement on cooperation between the Republic of Poland and the Bolivarian Republic of Venezuela, signed in Santiago on 27 January 2013
Journal of Laws 2013 item 1253	Statement of the Government of 13 September 2013 on the binding force of the Framework Agreement on cooperation between the Republic of Poland and the Bolivarian Republic of Venezuela, signed in Santiago on 27 January 2013
Journal of Laws 2013 item 1255	Agreement between the Government of the Republic of Poland and the Government of Montenegro on cooperation in the fields of culture, education and science, signed in Warsaw on 26 October 2012
Journal of Laws 2013 item 1256	Statement of the Government of 13 September 2013 r. on the binding force of the Agreement between the Government of the Republic of Poland and the Government of Montenegro on cooperation in the fields of culture, education and science, signed in Warsaw on 26 October 2012
Journal of Laws 2013 item 1309	Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part, done at Luxembourg on 29 April 2008
Journal of Laws 2013 item 1310	Statement of the Government of 7 August 2013 on the binding force of the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part, done at Luxembourg on 29 April 2008
Journal of Laws 2013 item 1354	Statement of the Government of 14 October 2013 r. on the binding force of the Protocol between the Government of the Republic of Poland and the Government of the Republic of Iceland amending the Agreement between the Government of the Republic of Poland and the Government of the Republic of Iceland for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and wealth, done at Reykjavik on 19 June 1998, signed in Reykjavik on 16 May 2012
Journal of Laws 2013 item 1353	Protocol between the Government of the Republic of Poland and the Government of the Republic of Iceland amending the Agreement between the Government of the Republic of Poland and the Government of the Republic of Iceland for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and wealth, done at Reykjavik on 19 June 1998, signed in Reykjavik on 16 May 2012
Journal of Laws 2013 item 1451	Ordinance of the Minister of Interior of 31 October 2013 amending the Ordinance on the establishment of additional air border crossings
Journal of Laws 2013 item 1454	Denunciation Document by the Republic of Poland of the Settlement Convention between Poland and Turkey, signed in Ankara, on 29 August 1931
Journal of Laws 2013 item 1455	Statement of the Government of 14 November 2013 r. denunciation by the Republic of Poland of the Settlement Convention between Poland and Turkey, signed in Ankara, on 29 August 1931
Journal of Laws 2013 item 1486	Ordinance of the Minister of Finance of 3 December 2013 amending the Ordinance on detailed classification of income, expenditure, revenue and expense and funds from foreign sources
Journal of Laws 2013 item 1487	Ordinance of the Minister of Finance of 4 December 2013 r. on amendment of the Ordinance of the amending Ordinance on detailed classification of income, expenditure, revenue and expense and funds from foreign sources
Journal of Laws 2013 item 1507	Ordinance of the Minister of Labour and Social Policy of 28 November 2013 amending the Ordinance on the cases when employment of a foreigner on the territory of the Republic of Poland is possible without the necessity of obtaining a work permit
Journal of Laws 2013 item 1534	Ordinance of the Minister of Labour and Social Policy of 28 November 2013 r. amending the Ordinance on determining the cases, in which work permit for foreigner is issued regardless of detailed conditions for issuing work

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
Journal of Laws 2013 item 1561	permits for foreigners Ordinance of the Minister of Interior of 9 December 2013 amending the Ordinance on the authority bodies for the recognition of qualifications in regulated professions
Journal of Laws 2013 item 1603	Statement of the Government of 26 November 2013 on the binding force of the Agreement between the Republic of Poland and the Principality of Andorra on the exchange of information on tax matters, signed in Andorra la Vella on 15 June 2012
Journal of Laws 2013 item 1602	Agreement between the Republic of Poland and the Principality of Andorra on the exchange of information on tax matters, signed in Andorra la Vella on 15 June 2012
Journal of Laws 2013 item 1674	Ordinance of the Minister of Labour and Social Policy of 10 December 2013 amending the Ordinance on issuing work permits for foreigners
Journal of Laws 2013 item 1705	Ordinance of the Minister of Interior of 30 December 2013 amending the Ordinance on the properties of bodies and organs of the Border Guard in matters arising from the employment relationship of the officers of the Border Guard and procedure in these matters
Journal of Laws 2013 item 1706	Ordinance of the Minister of Interior of 30 December 2013 amending the Ordinance on the identity cards and identification marks of the officers of the Border Guard
Journal of Laws 2013 item 1644	Ordinance of the Minister of Labour and Social Policy of 10 December 2013 on the amount of the payment made in connection with the submission of the application for work permits for foreigners
Journal of Laws 2013 item 1650	Act of 12 December 2013 on Foreigners
M.P. 2013 item 29	Statement of the Government of 9 January 2013 r. on the binding Cooperation Programme between the Minister of Culture and National Heritage of the Republic of Poland and the Ministry of Culture of the Republic of Belarus for the years 2012–2014, signed in Minsk on 19 November 2012
M.P. 2013 item 28	Cooperation Programme between the Minister of Culture and National Heritage of the Republic of Poland and the Ministry of Culture of the Republic of Belarus for the years 2012–2014, signed in Minsk on 19 November 2012
M.P. 2013 item 79	Resolution No. 6 of the President of the Council of Ministers of 13 February 2013 on the Council on the Prevention of Racial Discrimination, Xenophobia and related Intolerance
M.P. 2013 item 66	Agreement between the Government of the Republic of Poland and the Government of the United Arab Emirates on the abolition of visa requirements for holders of diplomatic passports, signed in Abu Dhabi on 22 April 2012
M.P. 2013 item 67	Statement of the Government of 30 January 2013 on the binding Agreement between the Government of the Republic of Poland and the Government of the United Arab Emirates on the abolition of visa requirements for holders of diplomatic passports, signed in Abu Dhabi on 22 April 2012
M.P. 2013 item 177	Cooperation Programme between the Minister of Science and Higher Education of the Republic of Poland and the Ministry of Education and Science of Mongolia in the field of higher education, signed in Warsaw on 21 January 2013
M.P. 2013 item 178	Statement of the Government of 20 February 2013 on the binding Cooperation Programme between the Minister of Science and Higher Education of the Republic of Poland and the Ministry of Education and Science of Mongolia in the field of higher education, signed in Warsaw on 21 January 2013
M.P. 2013 item 378	Resolution No. 61 of the Council of Ministers of 26 March 2013 on the adoption of the "Social Capital Development Strategy 2020"
M.P. 2013 item 377	Resolution No. 67 of the Council of Ministers of 9 April 2013 on the adoption of the "Strategy of Development of the National Security System of the Republic of Poland 2022"
M.P. 2013 item 590	Statement of the Minister of Health of 28 June 2013 r. on diplomas, certificates and other evidence of certifying formal qualifications for practice of specialisations of nurse, midwife of national of the Member States of the European Union, the Member States of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and the Swiss Confederation
M.P. 2013 item 568	Statement of the Minister of Health of 26 June 2013 on diplomas, certificates and other evidence of certifying formal qualifications for medical and dental specialisations of national of the Member States of the European Union, the Member States of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and the Swiss Confederation
M.P. 2013 item 567	Statement of the Minister of Health of 26 June 2013 on diplomas, certificates and other evidence of formal qualifications for the professions of doctor and dentist by the citizens of the Member States of the European Union, the Member States of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and the Swiss Confederation
M.P. 2013 item 566	Statement of the Minister of Health of 26 June 2013 on on diplomas, certificates and other evidence issued in the Member States of the European Union, the Member States of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and the Swiss Confederation, confirming formal qualifications of Pharmacy to perform in the Republic of Poland by the nationals of those countries
M.P. 2013 item 553	Statement of the Minister of Health of 26 June 2013 on the list of medical specialties obtained in the Member States of the European Union, the Member States of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and the Swiss Confederation, which correspond to the specializations obtained in the Republic of Poland
M.P. 2013 item 641	Resolution No. 121 of the Council of Ministers of 11 July 2013 on the adoption of the updated "Strategy for socio-economic development of Eastern Poland until 2020"
M.P. 2013 item 640	Resolution No. 104 of the Council of Ministers of 18 June 2013 on the adoption of the Human Capital Development Strategy for 2020

2013 Journal of Laws or Monitor of Poland	Title of administrative Act
M.P. 2013 item 792	Agreement between the Government of the Republic of Poland and the Government of the People's Democratic Republic of Algeria on air transport, signed in Warsaw on 7 July 2011
M.P. 2013 item 793	Statement of the Government of 19 August 2013 on the binding force of the Agreement between the Government of the Republic of Poland and the Government of the People's Democratic Republic of Algeria on air transport, signed in Warsaw on 7 July 2011
M.P. 2013 item 787	Agreement of 19 September 2012 between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the establishment of road border crossing Malhowice – Niżankowice
M.P. 2013 item 788	Statement of the Government of 26 July 2013 on the binding force of the Agreement of 19 September 2012 between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the establishment of road border crossing Malhowice – Niżankowice
M.P. 2013 item 757	Statement of the Minister of Transport, Construction and Maritime Economy of 20 August 2013 on the list of diplomas and other documents, issued by countries other than the Republic of Poland, Member States of the European Union, the Swiss Confederation, Member States of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area, confirming formal qualifications to practice as an architect and time limits within which education takes place
M.P. 2013 item 850	Statement of the Minister of Labour and Social Policy of 11 October 2013 on the lists of adoption agencies authorized to cooperate with the central authorities of other countries or licensed by foreign governments or organizations or adoption centers
M.P. 2013 item 806	Statement of the Government of 17 June 2013 r. on the binding force of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on cooperation in maritime and aeronautical search and rescue, signed in Vilnius on 19 October 2009
M.P. 2013 item 805	Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on cooperation in maritime and aeronautical search and rescue, signed in Vilnius on 19 October 2009
M.P. 2013 item 983	Statement of the Government of 7 November 2013 on the binding force of the Agreement between the Minister of Science and Higher Education of the Republic of Poland and the Ministry of Education and Science of the Republic of Macedonia on cooperation in the field of science and higher education, signed in Skopje on 10 September 2013
M.P. 2013 item 982	Agreement between the Minister of Science and Higher Education of the Republic of Poland and the Ministry of Education and Science of the Republic of Macedonia on cooperation in the field of science and higher education, signed in Skopje on 10 September 2013
M.P. 2013 item 981	Statement of the Government of 25 November 2013 on the binding force of the Agreement between the Government of the Republic of Poland and the Government of Georgia on cooperation in the field of tourism, done at Tbilisi on 3 June 2013
M.P. 2013 item 980	Agreement between the Government of the Republic of Poland and the Government of Georgia on cooperation in the field of tourism, done at Tbilisi on 3 June 2013
M.P. 2013 item 952	Statement of the Government of 19 November 2013 on the binding force of the Agreement of 9 October 2013 between the Government of the Republic of Poland and the Government of the Federal Republic of Germany amending article 4 paragraph 2, article 10 paragraph 2, 5 and 8 of the Financial Regulations of the “Polish-German Youth Cooperation” Organization, constituting an integral part of the Agreement of 1 October 2003 between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the Statute of Personnel and the Financial Regulations of the “Polish-German Youth Cooperation” Organization
M.P. 2013 item 951	Agreement of 9 October 2013 between the Government of the Republic of Poland and the Government of the Federal Republic of Germany amending article 4 paragraph 2, article 10 paragraph 2, 5 and 8 of the Financial Regulations of the “Polish-German Youth Cooperation” Organization, constituting an integral part of the Agreement of 1 October 2003 between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the Statute of Personnel and the Financial Regulations of the “Polish-German Youth Cooperation” Organization

Source: PL EMN NCP based on the Online System of Legal Acts [www.isap.sejm.gov.pl], www.dziennikurzedowy.gov.pl and www.monitorpolski.gov.pl]

In addition, an important element of the migration and asylum actions undertaken in 2013 were numerous bilateral and multilateral projects as well as organisation of study visits of public administration representatives and non-governmental organisations of third countries. The following actions may serve as examples:

[i] A study visit of representatives of the State Migration Service of Ukraine held in Warsaw from 9 to 13 September 2013. The visit was organised by the Polish Ministry of the Interior and the Office for Foreigners under a pilot project concerning asylum and international protection - the Prague Process Targeted Initiative led by Sweden and Germany. The delegation of the State Migration Service of Ukraine was composed of specialists dealing with the issues of asylum and international protection from branches in Kiev, Lviv, Odessa and Transcarpathia. The first two days of the visit were devoted to the training in the "Inclusion" module of the European Asylum

Curriculum [EAC] conducted by trainers from the Office for Foreigners [in August 2013 participants of the visit completed the on-line part of the training], which ended with the presentation of certificates of the European Asylum Support Office [EASO]. During the other three days of their stay in Warsaw, visit participants held a series of meetings - including, among others, in the Office for Foreigners, Council for Refugees, Border Guard Headquarters and the Ministry of Labour and Social Policy - whose purpose was to present the system of granting asylum and other forms of international protection in Poland.

[ii] On 1 September 2013, Poland launched a four-month project "Strengthening the migration management system in the area of border protection in Tunisia" implemented by the Polish Ministry of the Interior and three Tunisian partners: the Tunisian Ministry of the Interior, the Police and the Tunisian National Guard. The aim of the project was to conduct a series of trainings in Tunisia, organise a study visit and workshops in Poland and prepare internships for Tunisian migration services in Poland. The internships were to contribute to the acquisition of practical skills in organising returns under specific conditions, e.g. by air. The trainings also included ways to confirm the identity of foreigners, including age estimation methods. Among the trainees there were also representatives of Tunisian non-governmental organisations, whose program in Poland, among others, included trainings in the field of centralized management of refugee movements, humanitarian aspects of the refugee presence within the territory of Poland and the situation of minors and women in the management of migration.

[iii] Another event that was organised and attended were working workshops under the project "Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan and Georgia". The Polish side organised, among others, visits of the representatives of Georgian and Azerbaijani administration in Poland.

[iv] In addition, the Polish side participated in such initiatives as, among others, the project "Strengthening Evidence-Based Management of Labour Migration in Armenia" coordinated by the International Centre for Human Development [IChD] in Austria, in the project of Thematic Initiative for Armenia entitled "Strengthening Armenia's Migration Management Capacities, with Special Focus on Reintegration Activities in the Framework of the EU-Armenia Mobility Partnership", in the GOVAC project "Building Training and Analytical Capacities on Migration in Moldova and Georgia", and also in the project "Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement".

III. Legal migration and mobility

3.1 Promoting legal migration

3.1.1 Students and researchers

In 2013, in comparison to the previous 2012, no additional changes were introduced in Poland in the scope of terms and conditions of admitting foreigners coming to Poland for working or studying purposes or for doing scientific research. The admission of students and researchers is in compliance with the principles set out in the Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service²⁵ and the Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research²⁶. Appointed Directives were implemented into Polish law by the amendment to the Act of 13 June 2003 on foreigners²⁷ as well as issued on its basis implementing regulations.

At present, Polish regulations more favourably regulate the issues of student mobility than it is provided for in Council Directive 2004/114/EC. In case of foreigners intending to continue in Poland studies started in another member state, the Act of 13 June 2003 on foreigners does not provide for a requirement to participate in a Community or bilateral exchange programme or to be admitted as a student for a period of not less than two years. Referring to the issue of researcher mobility, it must be pointed out that the applicable provisions provide for the granting of a residence permit for a fixed period to a foreigner holding a residence document endorsed researcher issued by another member state, if a research project is to be implemented in Poland.

The new Act on foreigners passed on 12 December 2013²⁸ provides for the introduction of new solutions for foreigners studying at Polish higher education institutions and for graduates thereof. Among the introduced provisions was one providing that the first temporary residence permit will be issued to foreign students for 15 months [i.e. 1 year and 3 months]. If the foreigner's stay in Poland is shorter than 1 year, then the permit will be granted for the duration of the academic year or the duration of studies plus an additional period of 3 months. On the other hand, foreigners who continue studies in the next year are issued temporary residence permits for up to 3 years, not for one year as previously. The amendments also relate to foreign graduates of Polish higher education institutions looking for a job in Poland. They will be able to apply for a temporary residence permit for one year. Temporary residence permits for the purpose of studies will be also issued to persons attending a preparatory course for those wishing to take up studies in the Polish language.

Simultaneously, the Ministry of Science and Higher Education conducted discussions in order to sign further bilateral agreements and arrangements in the scope of science and higher education. On 21 January 2013 i.a. a bilateral agreement was signed concerning a programme of cooperation with the Ministry of Education and Science of Mongolia. Currently, negotiations are being under way concerning 13 bilateral agreements in the domain of science and higher education with the following states: Bosnia and Herzegovina, Ecuador, Greece, Iraq, Jordan, Columbia, Luxembourg, Peru, Serbia, Syria, Turkey, Italy and Macedonia. During the seminar "Education of foreign students - a chance for the development of higher education in Poland"²⁹, under-secretary of state for consular affairs and the Polish community at the Ministry of Foreign Affairs announced initiatives that are to be taken by the ministry to facilitate the arrival in Poland of foreign students. The issues pointed out included, among others, standardisation of the process of applying for a visa, including in particular standardisation of the list of documents that are

²⁵ Official Journal of the European Union L 375 z 23.12.2004, str. 12.

²⁶ Official Journal of the European Union L 289 z 3.11.2005, str. 15-22.

²⁷ Journal of Laws of 2011 No 264, item. 1573 with amendments

²⁸ Journal of Laws of 30 December 2013, item 1650. The Act will come into force as of 1 May 2014.

²⁹ The meeting was organised on 17 April 2013 in Rzeszów by the University of Information Technology and Management in Rzeszów and the Ministry of Foreign Affairs. More information on the course of the seminar is available at: <http://www.wsiz.rzeszow.pl/pl/Strony/aktualnosci.aspx?AID=1956>.

necessary so that a consul could issue a long-term visa, as well as plans to apply to the Minister of Finance for abolition or reduction of stamp duty [in the amount of PLN 390] for residence permits for a fixed period issued to students and researchers.

3.1.2 Other legal migration

In 2013, no major changes were introduced as regards improvements to the system of providing information on promoting legal migration to Poland.

Within the framework of information actions, Office for Foreigners has been continuing the development of information concerning the principles of entry to and stay of foreigners in Poland, which information is posted on the Office website [www.udsc.gov.pl]. The website is available also in Russian and English³⁰.

An important element of promoting legal migration channels within Poland included a project „The Rights of Migrants in Practice” which was implemented by International Organization for Migration [IOM] in the partnership with the National Labour Inspectorate and the Ministry of the Interior. The project is co-financed by the European Fund for Integration of Third-Country Nationals, and it aims at facilitating integration of the nationals from non-EU countries in Poland through raising their awareness of their rights and obligations, as well as taking actions to prevent discrimination and exploitation of migrants in Poland. Actions to be implemented under the project, i.e. by the end of 2014, include: [1] an information campaign in Poland and in Ukraine, Belarus and Armenia, [2] help to be rendered to migrants in emergency situations by means of providing free legal advice, support in mediation with employers, support for casualties of human trafficking, etc, [3] anti-discrimination training, including for labour inspectors in the scope of equal treatment of migrants on the labour market.

Information regarding other forms of legal migration to Poland are also disseminated through international projects, i.a. under an international project „Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement” implemented in Georgia by a consortium of 8 EU Member States [including PL, represented by the Ministry of the Interior and the Ministry of Labour and Social Policy; this project is co-financed by European funds]. Within the abovementioned project several vocational trainings were provided where employees of the Czech consortium and representatives of the Ministry of Labour and Social Policy informed potential migrants about the possibilities of legal migration to Poland. Already mentioned information is also provided at the Centre for Mobility conducted in Tbilisi by the consortium, whereas leaflets including information are available at the Centre and on the website³¹.

The Ministry of Labour and Social Policy also participated in EU projects implemented under the EU-Armenia Mobility Partnerships, so called French consortium "Strengthening Armenia's migration management capacities with special focus on reintegration". The Ministry of Labour participated in the information component of the above project, whose purpose is to promote knowledge of the possibilities of legal migration to the EU countries. In addition, the Ministry of Labour and Social Policy took part in the project implemented by the think tank International Centre for Human Development and IOM, in the course of which there was prepared, among others, a documentary on legal work opportunities in the EU. Along with other representatives of Polish institutions, experts from the Ministry of Labour and Social policy present in it information on the principles of legal employment of foreigners. As part of its information activities, the Ministry of Labour and Social Policy prepared information leaflets addressed to foreigners on short-term job opportunities in Poland. The text of the leaflet has now been translated into the Armenian language because of the inclusion of Armenian citizens among the countries whose citizens may work in Poland in connection with a registered declaration.

A special form of legal migration is repatriation, i.e. a definite change in the current place of residence dictated by a desire to return to Poland. In order to improve the system of providing information on legal

³⁰ Additionally the Office for Foreigners responded to inquiries addressed via e-mail, and thus gave interested persons the necessary legal information on the specific facts. Similar activities are also carried out by units for foreigners located at sixteen Voivodships in Poland designated for providing service to foreigners.

³¹ More information on the web site <http://www.informedmigration.ge>.

migration, such as repatriation³², the websites of Polish consulates, Ministry of the Interior, Province Offices provide detailed information on repatriation to Poland. Consulates were sent in paper form so called Guides to Repatriates including many useful and current information on the living conditions in Poland, documents required upon arrival in Poland, places of recognition of diplomas and certificates of citizenship, etc. The guides are distributed among those interested in repatriation before their arrival in Poland through the Polish organisations and consular posts operating abroad. The above information is disseminated for the benefit of those interested in repatriation issues, procedure for obtaining the status of repatriate and to facilitate the completion of all formalities relating to the repatriation to Poland. The expected result of the introduction of the above mentioned actions is providing the foreigners who have the right to repatriate with the information in question, which will enable each of them successful submission of an application and migration to Poland, following the procedure carried out in accordance with the provisions of the Act on repatriation.

An important element of promoting legal migration to Poland is implementation of agreements on local border traffic [LBT] that Poland concluded with Ukraine and the Russian Federation [Kaliningrad region]³³. From the moment of the coming into force of the agreement [i.e. from August until December 2012], the number of permits issued so far to cross the border under the local border traffic regime with Russia was characterised by a steady increase. During this period, Russian citizens were issued a total of 17,846 documents [which constitutes 37% of all documents of this type]³⁴. In 2013, Consul General of the Republic of Poland in Kaliningrad issued to the citizens of the Russian Federation 123,778 permits to cross the state border under the local border traffic regime. As regards the agreement on local border traffic between Poland and Ukraine, in force since July 2009, it must be pointed out that in 2013 at the border crossings in Korczowa and Medyka special lanes were separated [for entry and exit] to be used by travellers crossing the border under the local border traffic regime. In 2013, 49,956 cards authorising to travel under the local border traffic regime with Ukraine were issued to Ukrainian citizens.

3.2 Economic migration

An important aspect of the management of the state migration policy was to conduct in 2013 work on the preparation of the action plan of the program document "Migration Policy of Poland – The Current State of Play and Further Actions" adopted by the Council of Ministers on 31 July 2012. At the meeting of the inter-ministerial Committee for Migration on 29th October 2013 a draft of the document implementing the recommendations and assumptions of Polish migration policy was presented. This document was forwarded to the internal consultation, and after its completion in December of 2013 years was sent for public consultation³⁵.

Discussions on how to improve the state policy regarding economic migration were held both in the course of works on the plan to implement the policy paper of the Polish migration policy and also in the course of parliamentary debates on the new draft act on foreigners [the Act was adopted on 12 December 2013 and its provisions will come into force on 1 May 2014]. One of the repeatedly tackled issues was modernisation of the existing IT tools enabling the implementation of new methodological recommendations relating to the monitoring of surplus and deficit professions. An important element of these actions will be making use of the data collected in several studies commissioned among others by: [a] the Human Resource Development Centre [project 1.13 - "The analysis of the processes taking place in the Polish labour market and in the area of social integration in the context of the economic policy" whose purpose was among others to create a forecast of the Polish labour market demand for foreign workforce in connection with changes in the demographic structure of Poles and emigration; the report "Employment in Poland of immigrants/ethnic minorities 2011-2013 and the impact of the emigration and immigration phenomena on the labour market", whose purpose, among others, was to propose an optimum model of admission of

³² In the Polish law system, the repatriation process is regulated by the Act of 9 November 2000 on repatriation. Dz.U. [Journal of Laws] of 2004, No. 53, item 532.

³³ The above is done on the basis of the Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on the rules of local border traffic executed in Moscow on 14 December 2011.

³⁴ More at http://msw.gov.pl/portal/pl/2/10701/Maly_ruch_graniczny_ponad_62_wiecej_zezwolen_w_2012.html.

³⁵ Social consultations will last by mid-2014.

foreigners to the Polish labour market]; and [b] the Central Analytical and Reporting System [in-depth analysis of, among others, work permits and the so called declarations-based system].

The new Act on foreigners of 12 December 2013 provides for the introduction of clear criteria for benefits of business activity conducted by foreigners within the territory of Poland, on the basis of which foreigners apply for temporary residence permits. The solution adopted provides that in the course of the procedure to issue the above mentioned permit, province governors will check whether business activity conducted by the foreigner is beneficial for national economy through achieving the level of revenue³⁶ required by law or employing the required number of staff³⁷, or by demonstrating the availability of funds, or conducting activities to fulfil these conditions in the future - in particular by conducting activity that contributes to the growth of investment, technology transfer, innovation or job creation. The new regulations also provide that the foreigner staying within the territory of Poland in connection with the conducted business activity will have a chance to apply in a single procedure for a permit giving the right to both work, i.e. perform a function in the management board of a limited liability company (spółka z ograniczoną odpowiedzialnością) or a joint stock company (spółka akcyjna) that the foreigner has established or whose shares he has taken up or acquired, and to stay in Poland in connection with the business activity conducted. This is a new solution in relation to the currently applicable regulations. The two documents issued previously [a work permit and a residence permit] will be replaced by a single document.

In 2013, work continued on the new methodological recommendation for the monitoring of deficit and surplus professions on the local labour market in Poland, which after the adjustment of ICT tools, will facilitate identification of the labour market situation in terms of deficit and surplus professions. This action was initiated in 2012 and is co-financed from the resources of the European Social Fund. At present works are in progress in the IT Department of the Ministry of Labour and Social Policy on an application to support the monitoring process, which will make possible the implementation of new methodological recommendations. Additionally, the Ministry of Labour and Social Policy supervised implementation of the project "Elaboration of integrated prognostic and information system", which is implemented by the Institute of Labour and Social Studies [IPSS]. The abovementioned project is implemented under a more general project "Analysis of processes undergoing on the Polish labour market" and in the social integration domain in the context of the current economic policy under the Human Capital Operational Programme Priority I: Employment and Social Integration, Measure 1.1 System Support to labour market institutions. This project will end by the end of 2014³⁸.

The Ministry of Science and Higher Education prepared in 2013 a draft ordinance on the recognition of higher education diplomas obtained abroad and on the confirmation of higher education diploma at a certain level by third country nationals or stateless persons. The purpose of the ordinance is providing an opportunity to recognise education of refugees, stateless persons and other beneficiaries of international protection, also when for reasons beyond their control, they may not provide adequate evidence of education obtained abroad. Entry into force of the above mentioned provisions will allow these persons to continue education or perform work corresponding to their level of education. The ordinance was worked out as a result of an obligation to introduce into Polish law Directive 2011/95/EC of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Moreover, among the relevant recommendations for the Polish migration policy taken into account during preparation of the implementation plan of the policy paper "Migration Policy of Poland – The Current State

³⁶ In the tax year preceding the submission of an application for temporary residence permit in connection with the business activity conducted by a foreigner, the foreigner must reach an income of not less than 12 times average monthly salary in the voivodship, in Q3 of the year preceding the submission of the application announced by the President of the Central Statistical Office (GUS) pursuant to Article 30 section 2 of the Act of 26 October 1995 on certain forms of support to residential construction [Dz. Dz.U. [Journal of Laws] of 2000, No. 98, item 1070, as amended.

³⁷ Reference is made here to the employment for an indefinite period and on a full time basis for a period not shorter than a year before the submission of the application of two employees, who are Polish citizens or foreigners, referred to in Article 87 section 1 points 1-9 of the Act on employment promotion and labour market institutions [i.e. giving the right to perform work in Poland without a work permit].

³⁸ More information on web site www.prognozowaniezatrudnienia.pl.

of Play and Further Actions” in the course of 2013 were mentioned, among others, the need to strengthen ties with countries of origin, including through the conclusion of complex contracts and agreements regulating the situation of persons employed on the territory of Poland. In the course of the discussion the need for further work with the purpose of concluding further agreements with third countries to avoid double taxation was indicated. Poland has hitherto been a Party to such agreements with 89 states³⁹. In 2013, Poland entered into the double-taxation avoidance agreements with Canada and Jersey. Moreover, Poland entered into 8 agreements concerning the exchange of information on tax issues with the following states and dependencies: The Isle of Man, Jersey, Guernsey, San Marino, Andorra, The Commonwealth of Dominica, Grenada and Gibraltar.

In 2013, the Ministry of Labour and Social Policy participated in the negotiations of agreements of the "Visit and Work" type, taking at the same time into account the needs of the Polish labour market, opportunities open to Polish citizens to gain new experience and skills as well as potential risks [an agreement was concluded with New Zealand]. In connection with the Fifth Polish-Ukrainian Intergovernmental Commission on Economic Cooperation (May 2012) a proposal was considered to establish a dialogue and cooperation in the area of economic migration. In January 2013, the Minister of Labour and Social Policy put forward to the Ukraine's Minister of Social Policy a proposal of talks on involving the public employment services in the procedure of Ukrainian citizens' access to the Polish labour market. In September 2013, appointment of the Polish-Ukrainian working group for economic migration was agreed.

Another recommendation discussed in 2013 by the working group for preparing the plan to implement the document "Migration Policy of Poland - the Current Stay of Play and Further Actions" is also the creation of new conditions supporting circular migration, e.g. through visa facilitation. It was concluded as a result of the talks that after adoption of the directive on the conditions of entry and stay of third country nationals for the purpose of seasonal work, it is necessary to consider an option of issuing multi-seasonal permits that is provided for in the draft directive as optional. Depending on the development of the domestic labour market situation, the creation of grounds for issuing an ordinance of the Minister of Labour and Social Policy extending the application of the statement-based procedure also for the purpose of employing foreigners in specific occupations, regardless of nationality, will come under consideration⁴⁰.

Following the accession of Armenia to the Partnership for the EU-Armenia Mobility [late 2011], the Ministry of Labour and Social Policy decided to include this country among the countries whose nationals are entitled to work in Poland on the simplified basis. The new *Ordinance of the Minister of Labour and Social Policy of 28 November 2013 amending the Ordinance on the cases in which employing a foreigner within the territory of the Republic of Poland is permitted without the need to obtain a work permit*⁴¹ extended the scope of application of provisions determining simplified procedure of access to the labour market. This means that beginning from 2014 citizens of Armenia, apart from citizens of Russia, Ukraine, Belarus, Georgia and Moldova, may perform work in Poland for 6 months within subsequent 12 months without the need to apply for a work permit, provided that they have a statement of an entity of its intention to entrust the performance of work to a foreigner that is registered in a poviats labour office. In November 2013, works were also finalised on the amendment of Ordinance of 29 January 2009 on determining cases when work permits for foreigners are issued irrespective of specific conditions for issuing work permits for foreigners⁴². Pursuant to the provisions of the new *Ordinance*⁴³, beginning from 2014 citizens of Armenia [apart from the citizens of the above mentioned 5 countries] may take up work on the basis of a permit issued under a simpler procedure [without the labour market test procedure] if they performed work for a minimum period of 3 months for the same entity on the basis of a statement or when the work performed relates to the

³⁹ For the current list of those agreements see: <http://www.finanse.mf.gov.pl/abc-podatkow/umowy-miedzynarodowe/wykaz-umow-o-unikaniu-podwojnego-opodatkowania>.

⁴⁰ In Poland, a simplified system for the employment of foreigners is in force, under which a foreigner may perform work for up to six months within subsequent 12 months without having to obtain a work permit, on the basis of an employer's statement of the intention to entrust the performance of work to a foreigner, registered in a poviats labour office. Under the above mentioned system, preferences cover citizens of 6 countries - Ukraine, Belarus, Georgia, Moldova, Russia and Armenia [as of 1 January 2014].

⁴¹ Dz.U. [Journal of Laws] of 2013, item 1507.

⁴² Dz. U. [Journal of Laws] of 2009 No. 16, item 85.

⁴³ *Ordinance of the Minister of Labour and Social Policy of 28 November 2013 amending the Ordinance on determining cases when work permits for foreigners are issued irrespective of specific conditions for issuing work permits for foreigners*. Dz.U. [Journal of Laws] of 2013, item 1534.

sector of domestic work performed in the household. In addition, the ordinance regulates new conditions of applying the simplified procedure of issuing work permits for citizens of Belarus, Georgia, Moldova, Russia and Ukraine, previously employed on the basis of a statement of an intention to entrust the performance of work to a foreigner⁴⁴.

The Polish-Moldovan bilateral agreement on social security was signed on 9 September 2013 [because of the ratification procedure the agreement will come into force in the second half of 2014]. Provisions of the agreement will apply to the employees and the self-employed persons covered by social insurance. The agreement allows for the aggregation of insurance periods completed in Poland and Moldova for the purpose of calculating old-age and disability pensions and for obtaining these benefits while living in one of the above mentioned countries. In addition, it eliminates the obligation to pay double social insurance contributions for posted employees.

The Agreement on Cooperation entered into on 14 March 2013 by and between the National Labour Inspectorate of the Republic of Poland and the National Labour Inspectorate of the Slovak Republic refers in turn to cooperation in the field of occupational safety and health and labour protection. The Parties agreed to develop cooperation through the exchange and cooperation of labour inspectors as regards the powers of offices and other employees, depending on the needs; cooperation at the level of regional labour inspectorates, including the participation of inspectors, on an exchange basis, in the routine activities of the regional labour inspectorates in a relevant country; or the working out and implementation of joint projects relating to the submission of applications to the European Union institutions, International Labour Organisation or other international organisations dealing with labour issues, occupational health and safety.

In addition, the National Labour Inspectorate, as a substantive partner, participated in the international project: "Posting employees. Developing cooperation between public administration bodies and social partners". The project was implemented from July 2012 until June 2013. The project was coordinated by the French National Institute of Labour, Employment and Vocational Training [INTEFP]. The aim of the project was to work out and develop tools of cooperation between public authorities and social partners of the EU, so as to increase the effectiveness of protection of employees posted to temporarily perform work abroad in two sectors: construction and agriculture. In December 2013, the National Labour Inspectorate launched a new project - similar to the previous one - under the name: "Posting employees. Learning by doing".

Besides, in 2014 or in the next years the National Labour Inspectorate is planning to enter into further bilateral agreements with such countries as: France, Finland, Romania and Ukraine (third country). Agreements entered into by the National Labour Inspectorate with its foreign counterparts are aimed at strengthening bilateral relations and ensuring efficient and effective exchange of information on law enforcement in the field of occupational safety and health and labour law. The National Labour Inspectorate attaches particular importance to the exchange of information on workers posted in the implementation of the tasks of the liaison bodies, in accordance with Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. In this sense, we can say that most of the concluded agreements relates to circular migration.

3.3 Family reunification

In 2013, no changes were introduced to the terms of admission of foreigners visiting or staying in Poland for the purpose of family reunification. In the Polish law family reunification takes place in accordance with the principles defined in Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification⁴⁵. Provisions of the Act of 13 June 2003 on foreigners take into account, provided for in the European Union law, preferential rules of family reunification as regards family members of researchers

⁴⁴ Detailed information is available at the website of the Ministry of Labour and Social Policy <http://www.mpips.gov.pl/aktualnosci-wszystkie/zatrudnienie-i-przeciwdzialanie-bezrobociu/art.6550.zmiany-w-przepisach-o-zatrudnieniu-cudzoziemcow-wchodzace-w-zycie-w-styczniu-2014-r.html>.

⁴⁵ Official Journal of the European Union, L 251, 3 October 2003, pp. 12-18.

[Council Directive 2005/71/EC], family members of EU Blue Card holders [Council Directive 2009/50/EC] , family members of long-term residents of the EU moving with them to another Member State [Council Directive 2003/109/EC].

With regard to the provisions of the new Act of 12 December 2013 on foreigners, provisions concerning temporary residence permit for the purpose of family reunification remain unchanged compared to the current regulations. The Act provides for preferential rules of family reunification with respect to foreigners who are family members of a third-country national who came to Poland to implement a research project.

Under Polish law, the right to family reunification does not depend on a given family member's capacity to integrate, e.g. on knowledge of a given country's language, level of education, professional experience. Similarly, the right of a foreigner to family reunification does not depend on a given country's capacity to admit foreigners. In the course of proceedings, human rights are fully respected and procedural guarantees are provided [including the provision of written information about the issued decision, indication of legal and factual grounds as well as indication of the available means of challenge].

3.4 Integration

In 2013, works were under way on an implementing document which provides for modalities to the recommendations included in the strategic materials related with Polish migration policy. The work was conducted in two working groups within the inter-ministerial Committee for Migration [i.e. the working group for preparing the implementation plan for the document „*Migration Policy of Poland – The Current State of Play and Further Actions*” and the working group for foreigners’ integration]. There are two chapters in the document, which relate to issues of foreigners’ integration, namely integration of persons covered with international protection and the integration of the remaining groups of foreigners.

At the same time, the Ministry of Labour and Social Policy took actions aiming to develop a programme document which relates directly to the integration of foreigners. The work on the document “*Foreigners` Integration Policy of Poland – Goals and Guidelines*” was at first conducted within the working group for foreigners’ integration by the inter-ministerial Committee for Migration. Then, a document framework was prepared, including all the goals and guidelines concerning actions to be taken in relation with integrating foreigners in Poland. Since autumn 2013 the policy paper is being discussed only at the Ministry of Labour and Social Policy and after its acceptance the document shall in details relates to planned actions foreseen in the programmed document “*Migration Policy of Poland – The Current State of Play and Further Actions*”.

The policy paper “*Foreigners` Integration Policy of Poland – Goals and Guidelines*” includes issues concerning the planned actions as regards means of improving migrants' language skills, to a lesser degree the issues relating to migrants' access to social security, health care and housing. These issues are sufficiently regulated in the law. However, the issue of ensuring for the foreigners covered by international protection access to housing is more problematic, which is mainly due to an insufficient supply of council and social housing on the market. Nevertheless, there are plans for actions to facilitate access to housing for this group of foreigners, for example by encouraging municipalities to provide housing for refugees. Plans have also been made to undertake actions aimed at improving knowledge of the Polish language among foreigners through the organisation of appropriate courses of the Polish language that would be at least partially financed from resources not provided by foreigners.

The driving force behind the proposed changes is primarily the creation of the policy paper “*Migration Policy of Poland – The Current State of Play and Further Actions*” and the need to comply with the recommendations contained therein. The document itself is a response to Polish reality and the need to react, on the one hand, to the increasing number of migrants in Poland, and on the other hand, to the alarming demographic phenomena. As regards the administrative requirement of knowledge of the Polish language among foreigners, a discussion is currently in progress on the possibility of introducing in the more distant future a requirement of knowledge of the Polish language for those interested in obtaining a long-term residence permit. Regardless of the outcome of these discussions, the need to provide migrants with an opportunity to learn the Polish language is evident. The main aim of the planned actions is to allow the foreigners staying in Poland better integration with the Polish community. On the one hand, it is

connected with an opportunity of independent functioning on the labour market, while on the other hand, with better understanding of the Polish culture and better functioning within the society. The aim of all of these actions is prevention of social exclusion of immigrants and counteracting their exploitation.

In Poland, there are currently in use tools to facilitate the integration of migrants through the improvement of their rights and responsibilities, achieving equal treatment and a sense of belonging through the participation of representatives of migrants in the development of integration policies. Already achieved experience shows that the introduction of a mechanism of consulting of different actions of relevance for migrants with representatives of their community is a very effective and beneficial tool for the changes. This happens not only in the working group of the inter-ministerial Committee for Migration for integration of foreigners but also at local levels, where such migrants e.g. in Warsaw and Lublin have the opportunity to speak on issues directly affecting them. In November 2012 in Warsaw was established committee for social dialogue for migrants, in which the committee, alongside representatives of NGOs working for migrants, are also present migrants themselves. Involving migrants in this type of activity brings the expected results, since migrants can be advocates in their own case. Also strengthens their ability to participate actively in social and public life. Increasing their competence, and ultimately improving their social integration. of importance is also undoubtedly the participation of the financing of such activities by the European Fund for the Integration of Third-Country Nationals. Since 2009 has been working initiated by the International Organisation. Migration [IOM] and the Ministry of the Interior "Platform for Integration" in which the meetings are also attended by foreigners. The platform meets regularly and discusses the most pressing issues related to various aspects of integration.

So far actions aimed at the integration of foreigners in Poland have been mainly funded from the European Union resources [in particular from the Fund for the Integration of Third Country Nationals, and also in case of persons applying for refugee status - from Funds for Refugees]. Before implementation in Poland of the Fund for the Integration of Third Country Nationals, there had been no actions targeted at immigrants aimed at supporting the process of their integration [apart from actions targeted at foreigners covered by international protection]. The Fund has become the factor that triggered a discussion on the need for better targeting of external funds and thus the creation of integration policy foundations. During several years of implementation of the Fund, such foundations were successfully created and lessons were learnt how to most efficiently and effectively help immigrants to guarantee the most appropriate course of integration. The projects implemented within the Fund for the Integration of Third Country Nationals provided an opportunity to work out a set of tools that should be introduced at the national level. In addition, non-governmental organisations have specialised in the provision of services to foreigners, also those connected with the teaching of the Polish language. In this context, the creation in 2014 of the new Asylum, Migration and Integration Fund [AMIF] poses in front of the beneficiaries and the implementing institution new challenges that were already the subject of many debates in 2013.

The main policy instrument for equal treatment on the grounds, *inter alia*, of race, nationality and ethnic origin in Poland is to be the National Programme of Action for Equal Treatment for 2013-2016 that is currently being worked out. Under Article 22 of the Act of 3 December 2010 on the implementation of some regulations of the European Union regarding equal treatment, Government Plenipotentiary for Equal Treatment worked out in 2013 the National Programme of Action for Equal Treatment. On 20 December 2013, the document was adopted at the meeting of the Council of Ministers. The programme sets out the objectives and priorities for action for equal treatment and ways of combating discrimination on grounds of sex, race, ethnic origin, nationality, religion, creed, belief, disability, age and sexual orientation. It will be the horizontal, government strategy for equal treatment in all areas of social life, it will include, *inter alia*, actions to promote, disseminate and propagate the issue of equal treatment. It will be implemented by individual ministries and other central administration entities. Entities responsible for conducting actions under the Programme work together in accordance with the horizontal assumption for the implementation of the policy of equal treatment. The Programme is coordinated by the Government Plenipotentiary for Equal Treatment.

Actions for equal treatment of foreigners which are listed in the draft National Action Plan for Equal Treatment 2013-2016 include i.a.:

[1] Support to groups in risk of discrimination, i.e. female and male migrants, on the labour market through conducting a nation-wide representative study on the situation of female and male migrants on the Polish labour market, account taken of the categories of their vocational competencies and the degree of Polish language competence as well as of using good practices in order to conduct a policy which facilitates diversity management on the labour market.

[2] Improvement of legal protection of groups in risk of discrimination, i.a. through development of integration and cooperation of ministries in the area of preventing hate crimes within the framework of operations of the Council for Preventing Racial Discrimination, Xenophobia and related Intolerance.

[3] Reduction of constraints in the education of i.a. migrants' children through: development and implementation of the system of Polish language as a foreign language teaching – to take account of the operation of inter-school foreign language teaching teams, the analysis of a practical use of legislation concerning the children of foreigners in terms of their access to education, preparation of teachers (teachers of particular subjects, supporting teachers, cultural assistants) to the work in multi-cultural classes, promotion of the institution of “cultural assistant”.

The issue of the access of foreigners' children to education in Poland was also tackled by the Human Rights Defender who, in 2013 commissioned studies on the access of foreigners' children to education in Poland. While evaluating the degree of the enforcement of the right to education in case of minor foreigners, the Human Rights Defender focused in particular on:

[a] the organization of teaching and classes conducted in centres for foreigners who apply for a refugee status,

[b] the enforcement of the right to additional Polish language courses,

[c] access to support and help of a cultural assistant,

[d] method of organizing educational classes in guarded detention centres, or

[e] method of funding education conducted in detention centres.

In recent years, Poland have seen a dynamic development of cooperation platforms, both local, national and multi-level ones. In Warsaw, at the City Office of the Capital City of Warsaw there operates the Social Dialogue Committee for Migration which gathers representatives of non-governmental and migrant organisations. A similar structure created by non-governmental organisations, operates in Lublin, while local authorities of Lublin are working on the creation of a local strategy for the integration of foreigners⁴⁶. The initiative of three non-governmental organisations [from Warsaw, Cracow and Lublin] led to the creation of the Forum on the Local Migration Policies, which gathers the most extensive group of experts representing the largest number of local players and non-governmental organisations.

Several non-governmental organisations were also involved in the activities of the European Integration Forum. Representatives of the Foundation "Our Choice" have participated in the meetings practically from the very beginning of the functioning of the Forum. For several years among the participants of the Forum was Caritas Polska, and then the Institute for Migration Studies, at present it is the Foundation for Development Beyond Borders. All these organizations are very actively committed to the work of the Forum and greatly contribute to its activity.

3.4.1 Citizenship and naturalisation

In 2013, no changes were introduced as regards the conferring of Polish citizenship to foreigners. On the basis of the provisions of the Act of 2 April 2009 on Polish citizenship⁴⁷, which came into force on 15 August 2012, foreigners could acquire Polish citizenship: by virtue of law⁴⁸, by being conferred Polish

⁴⁶ This will be the first document of this type.

⁴⁷ Dz.U. [Journal of Laws] of 2012, item 161. More information about the policy report in the field of migration and asylum in 2012 [the document available at the website of the EMN National Contact Point].

⁴⁸ Polish citizenship is acquired by virtue of law in a traditional way, above all by birth as well as by being found within the territory of the Republic of Poland when parents are unknown, or by adoption. Citizenship is also acquired by birth in a situation when parents of a child born in Poland are unknown, do not have any citizenship or their citizenship is unspecified. A completely new solution, however,

citizenship, by being recognised as a Polish citizen and by reinstatement of Polish citizenship.

Data gathered in the central register show that Polish citizenship was conferred in 2013 as a result of administrative procedure under the provisions of the Act of 2009 - to 2,165 foreigners. Under the provisions of the above mentioned Act, the President of the Republic of Poland conferred Polish citizenship to 2,195 foreigners.

Last year, certificate examinations in Polish as a foreign language for the second time functioned as examinations whose passing had been made a requirement of obtaining other documents, including the certificate in Polish as a foreign language issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language, so important for those applying for Polish citizenship. In 2013, the above examination was taken by 2,073 persons [in 2012 by 1,113 foreigners]. Due to the increased interest therein, examination sessions were organized not only outside the country⁴⁹, but also in several Polish cities, namely in Warsaw, Cracow, Poznań, Lublin and Wrocław. Obtaining Polish citizenship was the main reason for taking the examination in case of 43.5% of persons. Nearly 70% of those taking the examination was over 30 and 56% of them were women.

In addition, pursuant to the provisions of the Act of 9 November 2000 on repatriation⁵⁰, Polish law guarantees a possibility of reintegration of a special group of foreigners of Polish origin, such as the repatriates⁵¹. Crossing the border of the Republic of Poland on the basis of a repatriation visa, repatriates acquire Polish citizenship and thereby gain all the rights that each Polish citizen enjoys. No limitations result from the fact that a given person has the status of a repatriate. Upon arrival, the repatriates acquire the right to pension benefits in accordance with applicable regulations in this respect, have the right to social insurance and equal treatment. The spouses of repatriates, who are not of Polish origin, obtain a permit to settle in Poland, which also guarantees them equal treatment. Repatriates are members of various associations, whose goal is mutual support and assistance: Association of Repatriates (Związek Repatriantów), Siberians Exiles (Sybiracy). In 2013, as many as 163 certificates of Polish citizenship acquired by way of repatriation were issued on the basis of Article 4 of the Act of 9 November 2000 on repatriation ["a person coming to the Republic of Poland on the basis of a national visa for repatriation, acquires Polish citizenship by operation of law on the date of crossing the border of the Republic of Poland"]. Repatriates are mostly people from Kazakhstan and Russia.

The works in progress since 2012 on a draft Act amending the Act on repatriation have focussed in particular on covering the repatriates by an individual adaptation programme whose aim would be independence of the repatriate and his family members following their settlement in Poland. The adaptation programme would include an increase in the number of hours of learning of the Polish language as well as raising professional qualifications or retraining. Emphasis was put on intensive support for the repatriate during the first very important period, immediately after his resettlement in Poland. In addition, the draft amendments proposed widening of the circle of entities that implement the adaptation programme by the inclusion of social and non-governmental organisations, which will certainly help to improve the integration process.

3.5 Managing migration and mobility

3.5.1 Visa policy and Schengen governance

Actions aimed at the creation of an effective migration management system and visa policy in 2013 once again focussed on the implementation of the provisions of the system document "Migration Policy of Poland - the Current Stay of Play and Further Actions" adopted by the Council of Ministers on 31 July 2012. Works

constitutes a possibility to acquire Polish citizenship as a result of adoption. It relates to a foreign national who is a minor, adopted by a holder or holders of Polish citizenship, provided that full adoption is completed before the child turns 16.

⁴⁹ The examinations were organised in Irkutsk, Moscow, Łuck, Lviv, Chicago, New York, Kiev, Dnipropetrovsk and Dortmund.

⁵⁰ Dz.U. [Journal of Laws] Of 2000, No. 106, item 1118.

⁵¹ As stipulated by the Act, a repatriate is a person of Polish origin, who came to the Republic of Poland on the basis of a repatriation visa with an intention of taking up permanent residence [Article 2 of the above mentioned Act].

were in progress on the plan to implement the recommendations of the above mentioned document and on 20 December 2013 the plan was sent for public consultation.

In 2013, a dialogue was conducted with both the partnership countries as well as with EU Member States which are sceptical towards Visa Liberalization idea and the EU institutions. Joint actions were conducted with the like-minded countries [i.a. Vishegrad Group, Sweden], as well as in the form of developing „non-papers” to be directed to the other Member States and the EU institutions, for the sake of making progress in the process of abolishing visas for the Eastern Partnership countries.

Visa liberalization under the Eastern Partnership is an ongoing process which has been carried out at different levels depending on particular partner countries. In 2013, progress was noted in the implementation thereof [e.g. an end is close of Moldova’s implementing the 2nd phase of Visa Liberalisation Action Plan – VLAP; progress was noted in Georgia and Ukraine in the implementation of VLAP phase 1; in 2013 Armenia signed an agreement on visa facilities and readmission]. The Ministry of Foreign Affairs took actions to motivate the Eastern Partnership states to implement the EU recommendations, which are necessary for progress in the establishment of visa-free regime, as well as actions to encourage skeptical EU Member States to take a positive position as relates to visa issues as well as actions towards the EU institutions to efficiently prepare actions which are necessary for the process of visa liberalization.

Poland fulfilled its liabilities concerning the introduction of an obligation to collect bio-metrical data and forward it to the visa information system in the first three regions. In 2013, relevant devices and software were installed in Abiji [region 4 and 5], in June 2013 in Addis Ababa, Nairobi, Luanda, Pretoria [region 6 and 7], in September 2013 Santiago, Lima, Bogota, Caracas, Buenos Aires, Brasilia, Curitiba, Sao Paulo [region 8], and in November 2013 in Almaty, Astana, Tashkent, Jakarta, Singapore, Bangkok, Hanoi [region 9, 10 and 11].

At the current stage, the Ministry of Foreign Affairs does not conduct any preparations for the establishment of joint centres for accepting visa applications [so called Schengen houses] due to non-proportionality of costs to be incurred to possible benefits. Non-performance of this task is compensated by strengthened cooperation with the Member States under the visa representation and expansion of the network of Visa Application Accepting Points under outsourcing in the countries where interest is noted in the Polish visas [Russia with Kaliningrad Area, Ukraine, Turkey].

In 2013, an amendment was made to an implementing memorandum to the agreement on visa representation signed by Poland and the Kingdom of the Netherlands [active representation was extended to introduce Khartoum – The Sudan - and Port of Spain - Trinidad and Tobago]. An agreement with Latvia was signed as well. In contrast, from 1st May 2013 the citizens of Moldova, on the basis of the decision issued by the Minister of Foreign Affairs, do not need to pay for the processing of visa applications when applying for a Polish long-stay visa [type D visa - for periods exceeding 90 days]⁵².

So far Poland has applied the mechanism of reintroduction of checks at internal borders twice: for the first time when it hosted the finals of the European Football Championships [June 2012], and for the second time in November 2013 when it organised a global forum on the global climate policy, i.e. the 19th. Session of the Conference of the Parties to the UN Framework Convention on climate change - COP19 [Conferences of the Parties], the 9th Session of the Conference of the Parties to the UN Framework Convention on climate change, the 9th Session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the 39th Session of the Subsidiary Bodies. The Minister of the Interior decided to reintroduce checks at internal borders between 8 and 23 November 2013 in Ordinance of 23 October 2013 on temporary reintroduction of border checks for persons crossing the state border being an internal border.⁵³ The border could be crossed in places indicated in the ordinance: i.e. at 126 land border crossings with the Czech Republic, 58 with Slovakia, 43 - with Germany, 11 - with Lithuania, and also at nine sea crossings and 18 airports. The checks were conducted on a random basis on entry to Poland, with the use of mobile equipment with access to databases and enabling verification of the authenticity of documents.

⁵² More on the web site <https://emn.gov.pl/ese/news/10543.Poland-abolished-long-term-visa-fees-for-Moldovan-citizens.html>.

⁵³ Dz.U. [Journal of Laws] of 2013, item 1246.

At the national level an important initiative to liberalise the visa regime was undertaken by the Centre for Eastern Studies, which in cooperation with analytical centres from seven countries of Central and Eastern Europe completed in 2013 the implementation of a study project entitled "Forecasting migration between the EU, V4 and Eastern Europe: impact of visa abolition". The aim of the project was to examine the scale and structure of migration flows in the countries of Eastern Europe [Ukraine, Belarus, Moldova] in the perspective of their citizens emigration to the EU [with a special emphasis on V4 countries] in the event of a potential abolition of visas by the European Union.⁵⁴ This is a very timely topic, given the fact that in November 2012, the EC recommended to the Council the abolition of the visa regime for Moldovan citizens. The forecast will be formed on the basis of three elements: Delphi study among migration experts in the seven studied countries, econometric model examining the future dynamics of the stock of immigrants from Ukraine, Belarus and Moldova in the EU countries and the earlier study of the processes of abolishing visa by the EU and their impact on migration flows to the EU. The final outcome of the project will be publication summarising the results, among others, of the Delphi studies among migration experts in the seven studied countries⁵⁵.

3.5.2 Border monitoring

Pursuant to the applicable regulations, officers of the Border Guard may be seconded to serve in any part of the country. This solution was already used not so long ago, among others between April and July 2013 due to a significant increase in the number of foreigners applying for a refugee status at the Border Guard Post in Terespol [Polish-Belarusian border]. Officers from other Border Guard posts, where migration streams had remained unchanged, were seconded to support the officers at the Border Guard Post in Terespol.

In 2013, discussions were held on the project "The Concept of Actions to be Taken in the Event of a Mass and Sudden Influx of Foreigners to the Republic of Poland". On 24 January 2014, this document was adopted by two inter-ministerial Committees⁵⁶ acting as subsidiary bodies to the Prime Minister, i.e. the inter-ministerial Committee for Migration and the inter-ministerial Committee for the Development of the State Border⁵⁷. The above document constitutes a set of guidelines and assumes primarily the strengthening of human resources of the Office for Foreigners. The resulting document describes in some detail an action plan to be implemented by state bodies in the event of a potential migration crisis at the eastern border of Poland, which constitutes an elaboration of the standard operating procedure, worked out by the Government Centre for Security, which is an element of the "National Crisis Management Plan" adopted by the Council of Ministers on 6 March 2012⁵⁸. The concept of actions to be taken in the event of a mass arrival of foreigners does not provide for any changes to the procedure of support granted and implemented under the assisted voluntary return programme, which functions optimally. Solutions applied at present for the conducting of refugee proceedings in a situation of a sudden or more intense influx of foreigners applying for international protection include internal redeployment of available employees, e.g. seconding several employees who will only conduct the interrogation, while others prepare draft decisions focussing on a new migration stream. In 2013, the number of persons applying for international protection reached 15,177. For comparison, in 2012 it was 10,753 foreigners.

⁵⁴ It is worthwhile to remember of the coming into force on 1 July 2013 of an amendment to the agreement between the European Community and Ukraine on the facilitations in the issuance of Schengen visas, which will clarify a number of issues which so far have resulted in interpretation problems and will make further facilitations. They include among others: simplification of documentation requirements relating to the purpose of travel, *inter alia*, for representatives of civil society organisations, technical staff accompanying journalists and participants of international exhibitions, conferences and seminars; clarifying and unifying the provisions on the validity period of multiple entry visas; clarifying the provisions on the cost of acceptance of visa applications by an external service provider (with the guarantee option of submitting an application directly at consulates; fee for the use of mediation may not exceed EUR 30); exempting from the visa obligation holders of service biometric passports. Agreement content <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:168:0011:0017:PL:PDF>.

⁵⁵ More information about the project: <http://www.osw.waw.pl/pl/projekty/forecasting-migration-between-eu-v4-and-eastern-europe-impact-visa-abolition>.

⁵⁶ More at <http://bip.kprm.gov.pl/kpr/bip-rady-ministrow/organy-pomocnicze/organy-pomocnicze-preze/201.Zespol-do-Spraw-Migracji.html>.

⁵⁷ More at <http://bip.kprm.gov.pl/kpr/bip-rady-ministrow/organy-pomocnicze/organy-pomocnicze-preze/1927.Zespol-do-spraw-Zagospodarowania-Granicz-Panstwowej.html>.

⁵⁸ More at <http://rcb.gov.pl/wp-content/uploads/2012/03/KPZK.pdf>.

3.5.3 Frontex

In case of Poland the competent institution for implementation of consultation process with the Frontex Agency with regards to tasks of management and monitoring of migration flows through the section of the EU external border which is also the state border of Poland is the Polish Border Guard.

There are 7 so called Focal Points at the Polish external EU border. In the context of joint operations JO FOCAL POINTS 2013 [LBS] in Polish focal points, there were a total of 55 officers from fourteen EU Member States [AT, BE, BG, CZ, DE, EE, ES, FR, LT, LV, NL, PT, RO, SK]. Moreover, under a Seconded Guest Officer mechanism [SGO] 5 officers of Member States were seconded to work at the Focal Points [RO, SI].

Border Guard participated in border surveillance actions. In 2013, Mobile Surveillance Unit took part in those actions, together with their operators.

Polish experts on border surveillance participated in common operations in Alexandroupolis [EL] and in Elhovo [BG]. One Mobile Surveillance Unit, i.e. 4 experts on border surveillance, took part in the common operation JO POSEIDON 2013 SBS on the isle of Lesbos.

As regards the cooperation with Frontex Agency, one has to highlight the participation of Boarder Guard in:

[1] Workshops of „Reference Manual” project, the aim of which is to develop a support tool to provide a full list of forged and modified documents, visas and seals for the first and second lines of border control. Due to its contents, the Reference Manual tool enjoys also the interest of enforcement bodies and traffic control authorities.

[2] Periodical tactical meetings of Risk Analysis Network in the scope of abuses related with the abuse of EU documents [European Union Document Fraud (EDF) - Tactical Meetings] organized by Frontex Agency with the aim to facilitate sharing information and experience concerning modus operandi of document forgers. During the above mentioned meetings, the delegations exchange experience in the above mentioned respect and provide information concerning the number of revealed forged documents, account taken of detailed character of the forgeries concerned.

[3] Pilot project of Frontex Agency, so called IDCHECK 2013.

[4] Other Frontex activities related to e.g. the examination of documents, conducting interrogations and conduct controls at the airports

IV. International protection, including asylum

4.1 International protection procedures

In 2013, no important changes were noted in the legal status or practice as regards facilitation of the procedure of granting international protection, or the Dublin procedure. Estimated average time of issuing decisions for foreigners applying for refugee status by the first instance body, namely the Office for Foreigners, was significantly shortened from 6 to approx. 3 months. Shortening of an average time of issuing administrative decisions in 2013 was possible mainly due to the fact that 85% of decisions were those discontinuing the proceedings because of, among others [1] submission of the applicant's statement of withdrawal of application, [2] foreigner's failure to appear in the reception centre within 2 days of the date of receipt of the application by the authority receiving the application, [3] foreigner's absence in the reception centre without a justified reason for a period in excess of 7 days, [4] leaving by the foreigner the territory of Poland, or [5] applicant's failure to appear for interrogation and failure to justify the absence within 7 days of the date set for the interrogation.

In connection with the need to implement into the Polish law Directive 2011/95/EC of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted⁵⁹, work was continued in the previous year on implementing to the domestic legal system the provisions of the above mentioned document by preparing an amendment of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland⁶⁰. A draft Act amending the Act on granting protection to foreigners within the territory of the Republic of Poland and some other acts was worked out for this purpose. The aim of the proposed amendments is further detailing of the provisions on protection from persecution or a risk of serious harm in the country of origin, entities that grant protection, internal flight alternative, or search for family members of an unaccompanied minor. The amendment also aims to provide equal rights for beneficiaries of international protection and their family members who are not eligible to obtain the protection in question [among others access to vocational training]. Beneficiaries of refugee status and subsidiary protection will be provided with an opportunity to obtain the status of beneficiaries other than the insured as stipulated by the provisions of the Act on healthcare services financed from public funds, so as to equalize the rights exercised by this group of people with the rights granted to citizens of the Republic of Poland. In addition, detailed provisions will be introduced in the law on higher education that will define the situation of beneficiaries of international protection in the field of education recognition and equivalence of diplomas. The draft Act was adopted by the Council of Ministers on 4 March 2014⁶¹. The project was discussed by the Sejm of the Republic of Poland in March 2014, and the provisions of the Act should come into force within 30 days from the date of publication of the adopted legal act in the Journal of Laws.

In addition, in 2013, preparations began on the assumptions of a new draft Act on granting protection to foreigners in order to transpose the newly adopted EU law into the Polish legal system⁶². The provisions of the directives will force changes, among others, in the regulation relating to access to the asylum procedure, the conditions for detention of persons applying for refugee status, access to free legal aid, the conditions for conducting accelerated procedures, duration of asylum procedures in the first instance. It will be also possible to introduce more detailed regulation on subsequent applications and the right to stay within the territory of a member state.

⁵⁹ Official Journal of the European Union, L 337, 20 December 2011, p. 9.

⁶⁰ Journal of Laws of 2012, item 680.

⁶¹ <http://legislacja.rcl.gov.pl/lista/2/projekt/173832/katalog/173870>. On 10 July 2014, the President of the Republic of Poland signed the Act.

⁶² See the table in chapter X.

In 2013, work was also undertaken, within the working group for free legal aid for foreigners at the inter-ministerial Committee for Migration⁶³, on the concept of the system of free legal aid for selected groups of foreigners [for foreigners applying for refugee status and foreigners obliged to leave Poland]. Work on the creation of the concept has reached its final stage. The deadline for implementation of the system is the first half of 2015 and depends on the entry into force of the Regulation creating an Asylum, Migration and Integration Fund [AMIF] and the completion of ongoing projects in the field of free legal aid. In line with the assumptions, legal aid would be provided to foreigners as early as at the stage of administrative proceedings. It must be pointed out here that in the course of court and administrative proceedings foreigners may use provisions on free legal aid in line with general principles⁶⁴.

According to its goal, legal aid would be provided to foreigners as early as at the stage of administrative proceedings. In the course of work the working group on legal aid for foreigners developed a proposal to base the system of free legal advice on the funds originating from the an Asylum, Migration and Integration Fund [AMIF]. This decision was made because of significant costs of the system of legal aid, budget constraints as well as currently conducted work on the AMIF. The system would be financed in 75% by the Fund and in the remaining 25% by the state budget. The suggested model is effective and reliable. This is the model in which legal aid is being provided to foreigners at the moment.

Comprehensive legal aid is going to be provided to the following categories of foreigners:

[a] those applying for a refugee status at the stage of proceedings conducted by the Head of Office for Foreigners in the 1st instance and by the Council for Foreigners in the 2nd instance;

[b] those appealing to the Head of Office for Foreigners under a procedure concerning an order to leave Poland.

4.2 Reception of applicants for international protection

Year 2013 was another year in which the Office for Foreigners recorded a historically large number of people who in the course of the year submitted an application for international protection in Poland. Until 31 December 2013 applications in this case had been submitted by 15,177 foreigners, mainly citizens of the Russian Federation [12,790], Georgia [1,241], Syria [255] and Armenia [206]. It should be noted at this point that Poland has experienced several times a significant increase in the number of applications for international protection, especially submitted by citizens of the Russian Federation [declaring Chechen nationality] and Georgia. A particularly noticeable influx of people seeking protection in that period was recorded in 2009 and 2012, when the number of applications almost doubled [in relation to the previous year]. At the same time the years 2010 and 2011 were characterized by a significant decrease in the number of applications. An average number of foreigners applying for refugee status in Poland covered by benefits of the Office for Foreigners in subsequent months of 2013 was 3,222 persons.

The system of reception of foreigners applying for international protection in Poland is based on two decades of experience only. The most important changes that were made during this period include improving the standard of social assistance provided to foreigners and expanding the so called reception system, which in 2013 was based on a network of thirteen open centres for foreigners⁶⁵ and a possibility of receiving financial support to cover the costs of accommodation and meals outside the centre. Limited budgetary resources, inflexible procedures for the selection of third party entities to administer the centres for foreigners and inadequate human resources that characterize the national system of organization of reception centres in Poland are still causing problems in ensuring the effective functioning of the system, but steps are taken to eliminate these negative factors.

⁶³ The working group for free legal aid for foreigners was appointed on the 14th meeting of the inter-ministerial Committee for Migration held on 8 April 2013. The working group is composed of representatives of the Ministry of the Interior, the Border Guard Headquarters, the Office for Foreigners, the Ministry of Labour and Social Policy, the Ministry of Finance and the Ministry of Justice. The group is chaired by the Head of the Office for Foreigners.

⁶⁴ There applies in this situation the Act of 30 August 2002 on proceedings before administrative courts [consolidated text Dz. U. [Journal of Laws] of 2012, items 270, 1101, 1529].

⁶⁵ Four own centres of the Office for Foreigners and nine centres rented from third party administrators.

The Department for Social Assistance at the Office for Foreigners deals with the granting and implementation of social assistance to foreigners applying for refugee status in Poland. Any foreigner who had applied for refugee status, and within two days reported to one of the two reception centres of the Office is eligible for social assistance:

[1] persons who have submitted an application for refugee status for the first time in Poland [at the border or within the territory of the country] report to the reception centre in Biała Podlaska within two days,

[2] foreigners who have started a subsequent procedure for refugee status are referred to the centre in Podkowa Leśna- Dębak. And persons who have returned to Poland after departure under the voluntary return procedure and submitted an application to resume the procedure discontinued because of their departure⁶⁶.

This topic was also tackled during the sixth conference of the National Migration Network entitled "Identification of vulnerable groups and the organization of system of reception of persons applying for refugee status in Poland", organised by the national contact point of the European Migration Network in Warsaw on 28 November 2013. The purpose of the meeting was, among others, an attempt to answer the question whether the adopted in Poland solutions for the reception and further placement of people in the refugee procedure according to their needs meet the expectations, and whether it is possible to apply in Poland certain elements from the systems for the reception of foreigners implemented in other EU Member States⁶⁷.

An important element of actions taken by state authorities in 2013 was directing attention to the issues of social assistance for foreigners applying for refugee status indicated in the framework paper "Migration Policy of Poland - the Current Stay of Play and Further Actions" adopted at the meeting of the Council of Ministers on 31 July 2012. The document states, among others, that the scope of benefits reflecting the needs of foreigners and many years of experience in the provision of assistance to this category of persons, both during their stay in the centres, and outside them, seems sufficient. One problem is, however, the amount of benefits granted to persons staying outside the centres, which would require the introduction of a mechanism allowing for an adjustment of the scope of financial assistance provided to the needs of this group of beneficiaries and their financial status. The document also recommends the introduction of corrections to the system of centres' functioning and launching the process of a shift from accommodation in large facilities to the model of renting small facilities evenly located throughout the country in large agglomerations, enabling faster and easier integration with the host society. At one of the meetings of the working group for preparing the plan to implement the document "Migration Policy of Poland - The Current Stay of Play and Further Actions" [appointed within the inter-ministerial Committee for Migration] held on 24 April 2013, among the topics tackled was, among others, the type of mechanism to adjust the scope of financial assistance granted to the applicants receiving benefits outside the centre to the needs of this group of beneficiaries and their financial status. Another element of restructuring of the present system of reception of foreigners subject to debate was changing the type of centres used [from accommodation in large centres to the model of small rented facilities]. At present [February/March 2014] works are still in progress to finalise the implementation plan for the framework document as regards the migration policy of Poland, which focus on numerous and repeated consultations with external entities.

In mid-January 2013, a group of six foreigners relocated from Malta arrived in Poland in the second edition of the EUREMA II project. Joining the project, Poland declared its readiness to receive 50 persons, while seven foreigners declared their willingness to be relocated to Poland [six citizens of Somalia and one citizen of Eritrea]. Toward relocated foreigners beyond the standard scope of social assistance payable to people applying for refugee status professional Polish language courses were organized, provided such assistance cultural and allowed connection to the families who have been resident in Africa without having to follow

⁶⁶ More information on the organisation of the system of reception of foreigners applying for refugee status in Poland in the study on the above mentioned topics of the European Migration Network [[the EMN study](#)].

⁶⁷ More information about the meeting can be found at the website of the EMN national contact point in Poland [[conference of the National Migration Network](#)].

the standard procedure for family reunification. Office for Foreigners also provided the group of relocated foreigners with assistance when the Labour Office organized vocational courses for foreigners [courses for fixer, carpenter and welder].

In 2013, together with Germany, Romania and Sweden, Poland as a model country of good practice participated in a two-year project⁶⁸ of UNHCR entitled "Asylum Systems Quality Initiative in Eastern Europe and the Southern Caucasus". Beneficiaries of the project are: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, and its purpose is the provision of support in procedures concerning cases for international protection in the countries of Eastern Europe and Southern Caucasus as well as improving the quality of the decision process. The following actions have been planned as part of the project:

- [a] extending the practice of bodies dealing with the refugee issues by quality control mechanisms,
- [b] developing potential by means of trainings, educational materials and exchange of experts,
- [c] making available information about countries of origin in the Russian language with the use of databases.

The first of the above mentioned components assumes strict cooperation with the countries of good practice [technical visits and support during trainings have been planned]. The second component is mainly connected with the use of EASO Training Curriculum and its selected training modules [e.g.: Interview Techniques, Evidence Assessment and Drafting and Decision Making], which will be translated into Russian. The third component made it possible to create the Refworld basis in the Russian language⁶⁹.

In addition, the Office for Foreigners actively participated in the Prague Process component dedicated to the training in the "Inclusion" model, i.e. in the so called "Pilot Project IV – Asylum and International Protection". In the course of 2013, there were organised e-learning trainings, face to face meetings attended by representatives of the migration offices of Belarus, Moldova, Armenia, Georgia and Kyrgyzstan and UNHCR representatives in Belarus, Ukraine and Russia. Employees of the Office for Foreigners carried out a similar training for representatives of Ukrainian migration offices, which were combined with a study visit to Poland.

4.3 Integration of asylum applicants and persons with international protection status

In 2013, under the tasks of two working groups within the inter-ministerial Committee for Migration [i.e. the working group for preparing the plan to implement the document "Migration Policy of Poland - The Current Stay of Play and Further Actions" and the working group for the integration of foreigners], work was in progress on the implementing document that contains provisions detailing the recommendations included in the strategic material relating to the migration policy of Poland. The document includes a chapter relating to the issues of integration of foreigners covered by international protection and pre-integration of persons applying for international protection. The most important topics tackled in the course of the works were, among others [1] extending the scope of cooperation with immigrant communities and non-governmental organisations, inter alia, by consulting with their representatives actions relating to the issue of foreigners' integration; and [2] carrying out information campaigns, trainings, preparing publications on foreigners in Poland for local communities and taking other actions at the national and local level to raise awareness of the host society in terms of the issue of migration and the consequences, also positive ones, of the presence of foreigners in Poland.

At the same time, the Ministry of Labour and Social Policy took actions aimed at the creation of a policy paper directly relating to the integration of foreigners. At first, work on the document "Foreigners` Integration Policy in Poland – Goals and Guidelines" was performed within the working group for the integration of foreigners of the inter-ministerial Committee for Migration, and then in the Ministry of Labour and Social Policy. So far, the outline of the document has been prepared. It includes the main assumptions

⁶⁸ The project is co-funded from the EU resources and ends in 2014.

⁶⁹ The official base of information about the UNHCR countries of origin - <http://www.refworld.org.ru/>.

and guidelines as regards the actions that need to be taken in connection with the pre-integration and integration of foreigners applying for and covered by international protection in Poland.

In the draft version of the document "Foreigners' Integration Policy in Poland – Goals and Guidelines" there is among others a statement that a serious problem are difficulties in access to housing experienced by foreigners covered by international protection, which is mainly due to an insufficient supply of council and social housing on the market. Nevertheless, there are plans for actions to facilitate access to housing for this group of foreigners, for example by encouraging municipalities to provide housing for refugees.

Actions aimed at the integration of foreigners applying for and covered by international protection in Poland were mainly financed from the state budget and from the European Union resources [the Fund for Refugees and the Fund for the Integration of Third Country Nationals]. A characteristic feature of non-governmental organisations in Poland is that they have specialised in the provision of services to foreigners applying for international protection [in particular legal aid and teaching the Polish language]. In this context, the creation in 2014 of the new Asylum, Migration and Integration Fund poses in front of the institution implementing European funds⁷⁰ and non-governmental organisations new challenges that were already the subject of many debates in 2013.

4.4 Measures to implement aspects of the CEAS

Like in previous periods, the Office for Foreigners participated in 2013 in the meetings of EASO Executive Board, shared information and experience during expert meetings. Other EASO actions in which the Office participated included:

[i] „Quality Matrix” initiative;

[ii] providing personnel to support teams handling asylum cases [since October 2013 the Office provided support for organizing a country-of-origin information unit in Greece and the system of reception of persons applying for protection in Bulgaria]. For this reason the Office for Foreigners created an intervention group of 7 experts maintained constantly in readiness;

[iii] development of EASO Training Curriculum modules: CEAS and the module for managerial staff;

[iv] participation in the update of Inclusion module;

[v] participation in meetings concerning the countries of origin/inflow of applicants from particular countries of origin [Syria, Pakistan, the Balkans, Russian Federation];

[vi] participation in meetings of the heads of Country-of-Origin Information Units;

[viii] conducting training within the Dublin Regulation module.

The Office for Foreigners could train trainers under EASO Training Curriculum [it was, however, a limited possibility due to the participation of the Office staff in training organized in Malta], as well as share information and experience, as well as use EASO publications, including reports on the situation in the area of asylum in the EU and reports concerning information on countries of origin.

⁷⁰ Since 1 January 2014 this function has been performed by the Centre for European Projects at the Ministry of the Interior [COPE MSW] www.copemsw.pl.

V. Unaccompanied minors and other vulnerable groups

5.1 Unaccompanied minors

The provisions of the new Act on Foreigners⁷¹ of 12 December 2013 adopted by the Polish Sejm refer also to extending the list of persons entitled to family reunification in cases of unaccompanied minors who are staying in Poland and have been granted protection [minors who have been granted refugee status or subsidiary protection].

The provisions of the new Act on Foreigners provide a number of measures that are more favourable than those currently in force with respect to the placement of minors in guarded centres for foreigners. The Act restricts the application of the measure consisting in placing unaccompanied minors in guarded centres. This measure shall affect only those over 15 years of age. Competent authorities [the court at the request of the Border Guard] shall base their decision regarding placing an unaccompanied minor in a guarded centre⁷² on the welfare of the minor, taking into account in particular:

- [1] the degree of physical and mental development of the minor foreigner;
- [2] personality traits of the minor;
- [3] circumstances in which the minor was detained;
- [4] individual circumstances justifying the placement of the minor alien in a guarded centre.

The Act also proposes the introduction of measures alternative to detention, namely an obligation to report at regular intervals to the Border Guard, payment of a security deposit, depositing a travel document or taking residence in a designated place. The priority is to reduce to a minimum the period of stay of minors in centres of this type. Consequently, proceedings concerning minors are conducted in a manner allowing prompt decisions, so as to shorten as much as possible the duration of proceedings and the length of stay in a guarded centre. It has also been decided to ease the current terms and conditions of stay of foreigners in guarded centres, in particular taking into account the needs of minors.

Thus far, the following changes have been introduced to the functioning of guarded centres:

[1] Profiles of guarded centres were defined, adjusting the scope of their operation to the existing infrastructure, the current migration situation and the possibilities guaranteed by the staff of these centres in order to provide Foreigners with the best living conditions and to ensure that children subject to compulsory education are taken care of by qualified teachers. The stay of accompanied minors has been limited exclusively to guarded centres adapted for this purpose and located in Kętrzyn, Biała Podlaska and - in the absence of vacancies in these centres - in the guarded centre in Przemyśl [the above applies only to minors under the school age]. At the same time, the Guarded Centre for Foreigners in Kętrzyn has been adapted to receive only families and unaccompanied minors. The activity of guarded centres in Białystok and Lesznowola has been limited to receiving solely men without families.

[2] In order to standardize the rules of stay in all centres, a uniform internal order has been developed. The uniform "Internal Order" governs the rules of stay in guarded centres, increases the freedom of movement in these facilities, the use of available infrastructure and contacts with the so-called "outside world". The document in question has been shortened and simplified, and subsequently translated into 15 foreign languages, i.e. English, French, Russian, Ukrainian, Arabic, Chinese, Georgian, Hindi, Urdu, Mongolian, Persian, Armenian, Vietnamese, Bengali, Spanish.

Amendments introduced therein include:

⁷¹ Journal of Law of 2013, item 1650. The President of the Polish Republic signed the document on 29 December 2013. The Act shall come into force on 1 May 2014.

⁷² Given Poland's obligations arising from the need to protect the external border of the EU, frequent cases of instrumental use of the asylum procedure and the fact that many migrants regard Poland as a transit country, it is impossible to renounce completely the option of placing minors in guarded centres.

[i] the introduction of a uniform period duration of walks and moving around the centre during free time by persons placed therein;

[ii] introduction of unlimited use of teaching rooms in a guarded centre by children accompanied by adults;

[iii] providing additional equipment to clubs, recreational and sports sites, libraries and - in several centres - also to living quarters, as well as enabling the use of these facilities;

[iv] prolongation of visits [60 minutes in general, with the possibility of extension in justified cases], increasing the number of visitors [2 adults at a time, unlimited number of minors];

[v] actions aimed at the construction and equipment of computer rooms [the first centres benefitting from this measure are located in Biała Podlaska, Kętrzyn and Przemyśl].

[3] Measures have been taken to minimize discipline imposed on foreigners. Guarded centre managers have also been obligated to develop a diverse programme of activities for subsequent days of the week, in order to ensure that foreigners staying in the facility have access to diverse leisure activities, which is to be ensured by specialized education units, taking into consideration, where possible, the preferences and needs of foreigners staying in the facility. Minor foreigners are provided with educational, sport and recreational activities, taking into account their age, period of stay on the Polish territory and their knowledge of Polish language.

5.2 Other vulnerable groups

The provisions of the new Act on Foreigners of 12 December 2013⁷³ clarify issues concerning the placement of minors together with their guardians, as well as pregnant women in guarded centres. Based on the provisions of the new Act, the following changes are to take effect as of 1 May 2014:

[a] The common court examining a request of placing an alien together with a minor under his/her care in a guarded centre, shall base his/her decision on the welfare of the minor;

[b] The placement of pregnant women in guarded centres is to be limited. A woman may be placed in custody prior to deportation up to the fourth month of pregnancy, instead of the seventh month as currently applicable.

⁷³ Journal of Law of 2013, item 1650. The President of the Polish Republic signed the document on 29 December 2013. The Act shall come into force on 1 May 2014.

VI. Actions addressing trafficking in human beings

In respect of actions aiming at preventing human trafficking one has to mention that in August 2013 the Ministry of the Interior⁷⁴ launched a website www.handelludzmi.eu dedicated to professionals and those interested in the problem of combating human trafficking. The website serves as information platform for entities involved in combating that type of crime. The main goal of the portal is to develop social awareness on risks related directly with human trafficking, in particular within the so called “risk groups”. Moreover, the website includes a lot of current information on programmes and projects implemented by state institutions and NGOs, analysis of statistics to reflect the scale of the crime in Poland and worldwide, as well as a data base including comprehensive list of legislation and other documents related to the problem. Thanks to the website, a person who has been a victim of human trafficking or who knows about another person who has been harmed as a result of illegal actions of an employer, employment agent or a member of crime group procuring to prostitution or begging, may report – also anonymously – such a case by means of a special form provided on the website⁷⁵. Such a person will also find practical information on possibilities of getting help in case of human trafficking. Portal is prepared in two languages: in Polish and in English.

In May 2013, the Council of Ministers adopted another governmental document „*National Action Plan against Human Trafficking 2013-2015*”⁷⁶. The document is composed of six chapters: preventive actions, support and protection of victims, improvement of effectiveness of persecuting criminals, increase of qualifications, studies concerning human trafficking/evaluation of actions and international collaboration. This time, actions planned in the National Action Plan shall be implemented during a three-year period rather than during a two-year period as it has hitherto been. The following actions listed in the 2013 National Action Plan against Trafficking in Human Beings were initiated and conducted in 2013 by the Team for Combating and Preventing Trafficking in Human Beings in the Ministry of the Interior:

[1] A tool developed in cooperation with the Police and Border Guard and NGOs which facilitates identification of human trafficking victims, in the form of „Indicators helping to identify victims of trafficking in human beings” in a general version (level 1 – initial identification) and expanded version (level 2 – with a division against the forms of abuse) to be used by Police and Border Guard officers.

[2] Development of „Procedures to be followed by the employees of the Office for Foreigners who handle applications for granting a refugee status in case of initial identification of a foreigner as a human trafficking victims” by a task force for efficient identification of human trafficking victims among foreigners applying for a refugee status. Also, a tool was prepared to help identify potential victims, in the form of „Indicators for identification of potential human trafficking victims” and a coordinator for human trafficking cases has been appointed at the Department for Refugees Procedures in the Office for Foreigners. Implementation of procedures together with the indicators will be accompanied by the organization of training for employees of the Office for Foreigners on the phenomenon of trafficking in human beings. Indicators were finally adopted in February 2014.

[3] Work was started on preparing a new algorithm of procedures for enforcement officers in case of suspected human trafficking. A decision was made to modify the algorithm to exclude a number of materials which are to form attachments to the algorithm. The work on the algorithm is closely related to the completion of the Act on Foreigners and the issuance of executive acts; therefore, it is expected that the work shall be completed in mid-2014. At the same time, work on internal algorithm for officers is under way in the Police Headquarters. The algorithm pertains to the use of operation and investigation techniques in the case of suspicion of trafficking in human beings. Due to its level of detail, the regulation cannot be

⁷⁴ Ministry of the Interior, The Team for Combating and Preventing Trafficking in Human Beings in the Department of Migration Policy, phone [+4822] 60 145 52, fax [+4822] 60 154 62, e-mail: zespol.handel@msw.gov.pl, web site: www.handelludzmi.eu.

⁷⁵ In 2013, National Labour Inspectorate received three signals of cases in which there were signs of human trafficking for forced labor. The victims of crime are usually citizens of Ukraine, Vietnam and Romania [industry: agriculture, meat processing, catering, sewing garments, trade and construction].

⁷⁶ „National Action Plan against Human Trafficking” is a continuation of projects started in 2003. The system of the Plan implementation and monitoring is based chiefly on the actions of inter-ministerial Team for Combating and Preventing Trafficking in Human Beings.

directly implemented into the Algorithm for law enforcement officers acting in cases of suspected trafficking in human beings.

[4]. Conducted trainings on the identification of victims of trafficking and on assistance provided to them, intended to be used by Border Guard officers [from the foreign division, as well as operation and investigation division], the Police [prevention and criminal departments], as well as training for social workers and employees of the Office for Foreigners. As part of the training, both Police and Border Guard officers have the opportunity to participate in meetings with representatives of educational institutions. The Police have also been actively involved in the organization of a festival of films on trafficking of human beings for forced labour [September and October 2013].

In addition, in order to improve the flow of information pertaining to the situation of victims of trafficking, monthly meetings of the Expert Group on Support and Protection of victims/ witnesses of trafficking in human beings have been organized since 2013. The above allows for a monthly review of the current issues related to the operation of the National Intervention and Consultation Centre [NCCI]⁷⁷ for Polish and foreign victims of trafficking. Meetings of the group are attended by representatives of the Ministry of the Interior, the Police, the Border Guard, the Prosecutor's Office and NGOs involved in the operation of the National Intervention and Consultation Centre. Meetings are held by the Team for Combating Trafficking in Human Beings, which operates at the Department of Migration Policy of the Ministry of the Interior. In mid-2013, the above Expert Group undertook the development of a document entitled "Rights of victims of trafficking and rights and obligations of persons aggrieved by trafficking in human beings". Following the completion of work, the document shall be sent to prosecutors and officers of the Police and the Border Guard; it is to be used in situations of direct contact with potential victims of trafficking in human beings. In addition, since November 2013, a similar document regarding the victims of trafficking in human beings has been prepared. This version will also be translated into selected languages.

Following the amendment of the Code of Criminal Procedure, terms and conditions of interrogating minor victims of human trafficking (under 15 years of age) have changed⁷⁸. Legal provisions in force stipulate that a minor shall be interviewed only if his/her testimony may be of crucial importance for the case. A single interrogation is held, unless important circumstances come to light in the course of proceedings, and if their clarification requires another interrogation. Another hearing must be held also at the request of the suspect, if he/she was not accompanied by a defence counsel at the time of the first hearing of the victim. Nevertheless, in connection with the said amendment, if the accused does not have a defence counsel on the day of the hearing, a counsel is appointed ex officio by the court. Minors are always heard by a court, in the presence of a psychologist. The suspect does not participate in the interrogation, which is recorded and played back during the main court hearing⁷⁹.

Due to the entry into force of the Act on Foreigners and the abovementioned provisions of the Code of Criminal Procedure⁸⁰, planned on 1 May 2014, documents in question [i.e. Procedures and Guidelines] shall be updated in the second half of 2014. In addition, it is planned to draw up a document entitled "Algorithm for action in the case of identification of minor victims of trafficking in human beings", to be used by law enforcement officers and representatives of the judiciary.

At the national level, responsible authorities implemented a series of measures in order to carry out a comprehensive analysis of the phenomenon of human trafficking and to identify the best tools for countering the phenomenon. In June 2013, the working group of the Team for Combating and Preventing Trafficking in Human Beings discussed the available statistical data collected by relevant Polish entities, i.e. the Police Headquarters, the Headquarters of the Border Guard, the Public Prosecutor's Office, the Ministry of Justice and NGOs. During the meeting, it was suggested that the expert group on statistical data collection, whose first meeting was held in September 2013, resume its activity. Improving the data collection system, which is important i.a. for an effective prosecution policy in this area, was discussed at

⁷⁷ www.kcik.pl.

⁷⁸ Act of 27 September 2013 amending the Code of Criminal Procedure and certain other laws [Dz. U. of 2013, item 1247].

⁷⁹ The above rules governing interrogations may also apply to minors aged 15 or older, who are victims of trafficking, if it may be reasonable suspected that a hearing in other circumstances could have a negative impact on their mental state.

⁸⁰ Amendments shall come into force on 1 July 2015, although certain provisions shall become binding earlier [[link](#)].

the time. It was agreed that statistical data should take into account, in a uniform and detailed manner, such categories as the gender and nationality of offenders, as well as the nationality, gender and age of the victims of trafficking in human beings.

In order to conduct a comprehensive analysis of the phenomenon of trafficking in human beings, taking into account different forms of abuse, the Ministry of the Interior initiated its close cooperation with the Prosecutor General with respect to the possibility of generating relevant data in this regard from the SIP Libra system used by the Prosecutor General. In addition, detailed information on the number of victims and assistance provided to them is outlined in the report of the "National Intervention and Consultation Centre for Polish and Foreign Victims of Trafficking", operating on behalf of the Minister of the Interior.

National anti-trafficking experts held a debate on the identification of vulnerable groups and their needs at the sixth conference of the National Migration Network, organized on 28 November 2013 in Warsaw by the National Contact Point to the European Migration Network in Poland. The main objective of the conference held under the theme "Identification of vulnerable groups and the reception of foreigners applying for refugee status in Poland" was the analysis of Polish authorities' experience in the identification of vulnerable groups, in particular potential victims of trafficking, the refugee procedure and the organization of a system of reception for foreigners applying for refugee status. The outcome of the meeting was the assessment of procedures in force and of planned activities that may significantly improve programmes and trainings currently in use⁸¹. Identification of victims of trafficking, with particular emphasis on forced labour, restitution and compensation, standards of providing safe accommodation for victims of trafficking and ensuring their rehabilitation and safe return were, in turn, discussed at the *"Priority to Victims. Conference on the Protection and Promotion of the Rights of Victims of Trafficking in Human Beings"*, organized by the Polish Ministry of the Interior in partnership with the governments of Iceland, Liechtenstein and Norway, the Council of Europe and the International Organization for Migration.⁸²

In addition, the Border Guard participated as a partner in a project implemented by the Human Trafficking Studies Centre at Warsaw University: "Filling the Gaps in the System of Combating Human Trafficking in Poland - FIGAS". The aim of the project is to provide the missing elements in the system preventing and combating trafficking in human beings in Poland. In turn, the National Labour Inspectorate participated in regularly held training sessions pertaining to procedures aimed at the identification of victims of trafficking and it conducted a number of information activities, i.e. issuing leaflets and brochures with information on workers' rights and manners in which to claim them. Leaflets include, i.a., information on the phenomenon of trafficking in human beings for forced labour, safety recommendations for those willing to work abroad and contact data of organizations providing assistance to victims of trafficking.

At the international level, in May 2013 in Warsaw, workshops on trafficking victims were organized under the Eastern Partnership Panel on Migration and Asylum [The Expert Workshop on Victims of Trafficking in Human Beings]. The meeting was organized by the European Commission in cooperation with Poland and Armenia. The workshop was attended by representatives of EU Member States, representatives of the Eastern Partnership, i.e. Armenia, Azerbaijan, Georgia, Moldova and Ukraine, as well as experts from international institutions. As part of the panel on the rights of victims of trafficking, good practices in terms of support and protection models for victims of trafficking were presented. The second panel was devoted to standards of cooperation between law enforcement authorities and NGOs. In turn, the third panel regarded the issue of underage victims: their identification, protection and support. The workshop demonstrated that the protection of victims of trafficking in human beings is a challenge and a priority for countries of origin, as well as countries of transit or abuse. In April 2013, the First National Meeting of the ADSTRINGO project was held in Warsaw, concerning the improvement of cooperation, diagnosing problems and strengthening the systemic approach of Poland and the Russian Federation to combatting trafficking in human beings for forced labour. During that meeting, several recent cases were presented, involving victims who were sent to work through employment agencies. Moreover, various laws relating to the role

⁸¹ More information <http://www.emn.gov.pl/esm/wydarzenia/spotkania-krajowej-sieci-11069,Szosta-Konferencja-Krajowej-Sieci-Migracyjnej.html>

⁸² More information <http://www.handelludzmi.eu/hl/kalendarium-1/6367,W-dniach-26-27-listopada-w-Warszawie-odbedzie-sie-konferencja-na-temat-ochrony-i.html>

and activities of employment agencies were discussed, and the existing legislation was analysed in terms of effective protection of workers against the use of forced labour and violation of workers' rights.

In turn, in November and December 2013, the Ministry of the Interior organized two study visits of representatives of Ukrainian militia in Poland, aimed at strengthening the Polish-Ukrainian cooperation, exchange of experiences in the area of identifying and combating cross-border crime, including trafficking in human beings, as well as developing best cooperation practices in this area. Polish-Ukrainian cooperation in combatting trafficking in human beings is also pursued in the framework of the project "Combating and preventing trafficking in human beings as a common challenge of Poland and Ukraine", which has been financed from Polish Development Aid. During the training on the identification and support for victims of trafficking, attended by officers of the Ukrainian militia and the Polish Police, the following issues were discussed: profiles of victims of trafficking, cases of trafficking for sexual exploitation, trafficking for begging and forced labour, detection measures taken by the Polish Police in cases of trafficking in human beings.

The Border Guard pursued its cooperation with the representatives of third countries whose citizens have a significant impact on Poland's migration situation. Cooperation is carried out on a regular basis with Ukraine, Russia, Georgia and Vietnam. It should also be noted that cooperation is conducted on ad hoc basis, depending on the extent of migratory phenomena involving nationals from countries such as Congo, Armenia, Pakistan, Bangladesh, Sri Lanka, Nigeria, Afghanistan. The aim of activities undertaken by the Border Guard is to develop effective forms of cooperation in the field of authentication and obtaining replacement travel documents for foreigners subject to expulsion. In the case of Georgia, cooperation consists primarily in raising foreigners' awareness of the consequences of illegal migration. These activities are carried out jointly with the Office for Foreigners, directly in the country of origin.

At the same time, the National Labour Inspectorate has teamed up with inspection services in Germany and Luxembourg (i.e. with the Federal Finance Directorate (West) in Cologne and the Inspectorate of Labour and Mines in Luxembourg), with respect to information relating to the exploitation of workers on the territory of these countries.

VII. Migration and development policy

In 2013, significant activities undertaken to support migration and development agenda were those associated with the continuing work on the inclusion of the most important recommendations and goals of the governmental document „*Migration Policy of Poland – The Current State of Play and Further Actions*” to a number of other governmental documents defining long- or medium term strategies. The most important ones include:

- [1] Long-term National Development Strategy Poland 2030. Third Wave of Modernity
- [2] National Development Strategy 2020
- [3] Human Capital Development Strategy 2020
- [4] Social Capital Development Strategy 2020
- [5] Efficient State Strategy 2020
- [6] Strategy of Innovation and Economic Efficiency „Dynamic Poland 2020”
- [7] Poland’s National Security Strategy
- [8] National Reform Programme 2020
- [9] National Action Plan for Employment
- [10] National Action Plan against Poverty and Social Exclusion [draft]
- [11] The Government Population Council – Goals of Poland’s Population Policy [draft]

Is worth reminding that the National Action Plan for Employment [for 2012-2014] entered the action on the development of a flexible labor market with a range of international, ensuring freedom of movement for workers, enabling alignment of shortages and surpluses of labor resources. Tasks related to migration have been recorded in the National Action Plan for Employment in Activity no 5, where creation of legal employment of foreigners was provided, as well as the professional activity of foreigners in Poland under international protection.

In 2013, work was carried out on the development of a new service for the Polish diaspora in other countries. At the initiative of the Ministry of National Education and the Centre for the Development of Polish Education Abroad, an online manual entitled „*Włącz Polskę!*” (“Activate Poland!”) was prepared and financed by the above institutions. It is a collection of educational resources designed for the building of textbooks for the students of Polish schools throughout the world. The project website, [www.wlaczpolske.pl], where the manual is published, is a tool that allows users to create customized sets of content tailored to the age of students and their level of knowledge of Polish language. The available materials encompass primary education, Polish language, knowledge about Poland, Polish history and geography.⁸³

The volume of fund transfers from Poland to countries of origin of foreigners and tools for examining transfers from Poland to countries of origin were examined in the first study devoted to this subject in Poland. The study was conducted in late 2012 and at the beginning of 2013, and the results were published in January 2014. Information provided by the Polish National Bank shows that the greatest amount of earnings of foreigners working in Poland is transferred to Ukraine. In the case of employees' salaries, Ukraine accounts for approximately 85% of the total amount, whereas in the case of transfers of earnings, its share stands at just over 25%.

In 2013, a programme „*Conservation and Revitalization of Cultural Heritage*” was implemented by the Ministry of Culture and National Heritage. The programme is funded with the funds of the Financial

⁸³ The project is co-financed by the European Union under the European Social Fund's project entitled "The development and pilot implementation of innovative curricula - compatible with the Polish national curriculum - designed for students - children of Polish citizens abroad" and "Human Capital. National Cohesion Strategy".

Mechanism of the European Economic Area and Norwegian Financial Mechanism 2009-2014 and it is to contribute i.a. to the preservation of traditions and values of ethnic minorities and national minorities in Poland, and in the development of social competences.

Within the scope international cooperation Poland was taking part in several activities, among which particularly noteworthy is project on „*Increasing Effectiveness of Migration Management in Poland*” implemented thanks to the Swiss-Polish Cooperation Programme, the goal of which is to reduce socio-economic gaps which exist between Poland and more developed EU Member States and the gaps within Poland between urban centres and less developed regions in structural terms. The project is implemented by the Office for Foreigners in collaboration with International Organization for Migration. The project provides for the development of competencies in the scope of migration management, the promotion of inter-cultural dialogue and facilitation of migrants integration through comprehensive actions targeted at institutions and at the hosting society as well as at migrants themselves.

The following actions are implemented under the project:

- [1] Preparation and conducting training on migration management, including the training of central and regional offices' staff, i.a. members of the migration team;
- [2] Building competencies of organizations associating immigrants and/or acting on their behalf, as well as other entities who have impact on migration processes or immigrants' integration;
- [3] Supporting the integration of migrants through the building of a National Platform for Integration and building competences in the scope of diversity management.

In addition, by the end of 2013 Poland ended the Swedish-Polish twinning program "Support the State Migration Service for Strengthening of Migration Management in Armenia" [Wzmacnianie państwowych służb migracyjnych w zarządzaniu migracjami w Armenii], which organized inter alia, study missions to Armenia, expert workshops were conducted, and the work was carried out on a report containing an analysis of the compatibility of the Armenian law with EU law in the area of migration and asylum.

During last year Poland was also involved in projects as follows:

- [1] Thematic Initiative for Armenia "Strengthening Armenia's Migration Management Capacities, with Special Focus on Reintegration Activities in the Framework of the EU-Armenia Mobility Partnership",
- [2] The project GOVAC "Building Training and Analytical Capacities on Migration in Moldova and Georgia",
- [3] A project implemented by the Polish development assistance for 2013 with Tunisia "Strengthening migration management in Tunisia in the field of border security." The project was organized, among others, seminars and study visits to Poland.

VIII. Irregular migration

In 2013, Poland's migration situation in terms of illegal migration changed as compared to the previous year, i.a. due to an increase in the total volume of passenger traffic in each section of the external EU border and to substantial migratory pressure from foreigners seeking international protection on the Polish territory. The Border Guard, i.e. the body responsible for preventing illegal migration on the Polish territory, reported a continuous downward trend in the number of foreigners arrested on the Polish territory for having crossed the state border illegally [by 5.5% as compared to 2012]. The largest decrease in the number of third-country nationals detained for crossing the state border illegally was observed among the citizens of Ukraine, Georgia, Syria and Vietnam. At the same time, the number of Russian and Belarusian citizens arrested for crossing the state border illegally increased. The Border Guard reported a significant increase [of up to several dozen per cent] of the number of third country nationals:

[1] who were refused entry into the territory of Poland [an increase of 31.8% compared to 2012, mainly citizens of Russia];

[2] detained for illegal stay on the territory of Poland [an increase of 24.2% compared to 2012, mainly citizens of Ukraine];

[3] who work illegally in Poland [an increase of 17.2% compared to 2012, mainly citizens of Ukraine];

[4] who have applied for refugee status in Poland [an increase of 40.1% compared to 2012, mainly citizens of Russia];

[5] detained for crossing a state border illegally from the Polish territory [an increase of 102.7% compared to 2012, mainly citizens of Russia].

In the past year, the Border Guard identified five major threats in the domain of illegal migration.

[i] Abuse of the refugee procedure by Russian citizens declaring Chechen nationality

Increased migration pressure of Russian citizens declaring Chechen nationality has been observed in the past year in Terespol, at the railway border crossing on the Polish-Belarusian section of the state border. These foreigners, who are not authorized to enter the Polish territory, submitted applications for refugee status in order to enter the territory of a Member State of the EU. The greatest number of applications were submitted in April and May 2013; a downward trend in the number of applications submitted by Russian citizens was recorded subsequently.

A significant increase in the influx of foreigners to Poland was due primarily to an increase in the amount of benefits paid in Germany to foreigners in the asylum procedure. Before deciding to migrate, Russian citizens of Chechen nationality had been informed of the substantial financial support provided to foreigners. Germany's policy limiting the application of the Dublin II procedure in the event of separation of family members also had a significant impact on increasing the migration pressure. Consequently, the majority of Russian citizens of Chechen nationality entering the territory of Poland were in transit. Following the submission of an application for international protection at a border crossing in Poland and obtaining the so-called Temporary Foreigner's ID [TZTC]⁸⁴, foreigners would fail to report to the reception centre in Biała Podlaska⁸⁵ or leave open centres for foreigners in which they were staying and attempt to illegally enter the territory of Germany or another EU Member State. At present, there is no indication of a potential change in the nature and scale of migration of Russian citizens of Chechen nationality to Poland.

[ii] Increase in illegal migration from Belarus

⁸⁴ The above certificate confirms the identity of an alien and legalizes his/her stay on the Polish territory due to the on-going administrative procedure. It is issued for a period of 30 days by an officer of the Border Guard upon the completion of registration of the application for refugee status.

⁸⁵ The centre for foreigners who apply for refugee status, located in Biała Podlaska, is the first place of stay for foreigners submitting the application for the first time. They are obliged to arrive at the centre within 2 days registering the application. Third-country national who have initiated a subsequent procedure for refugee status, and those who have returned to Poland after a voluntary return and requested the resumption of discontinued proceedings, are placed in the centre in Podkowa Leśna – Dębak. More information in the EMN study of the system of reception organization in Poland [[ESM study](#)].

In 2013, the Polish Border Guard, as well as Lithuanian and Belarusian authorities recorded an increased traffic on the migratory route leading from Belarus through Lithuania/ Latvia to Poland, or directly from Belarus to Poland. Attempts at illegal migration were recorded mainly with respect to the citizens of Georgia, Vietnam, Afghanistan and Russia. Just as in previous years, the majority of illegal migrants travelled legally or illegally by land from Russia, where they had arrived through different routes and means of transport from their country of origin. The majority of foreigners would enter the territory of Belarus legally, by air. They would then head to Lithuania, less often to Latvia, and to Poland through the main road and rail routes. One of the determining factors for migration from Russia was the country's restrictive migration policy, particularly in relation to foreigners residing in the country illegally. Due to the activity of migrant transfer channels from Russia through Belarus to EU countries and the approach of the Belarusian authorities to border management, the risk of illegal migration to Poland is likely to remain high.

[iii] increase in illegal migration from Ukraine - illegal crossing of the so-called "green" border

Last year, an increase in the number of illegal border crossings along the "green" section of the Polish-Ukrainian border was reported. Continuous migration threat outside border crossings towards Poland have been confirmed by incidents revealed both by the Border Guard and by Ukrainian authorities.⁸⁶ The majority of migrants detained for crossing the Ukraine-Polish border illegally were citizens of Ukraine, Moldova, Georgia, Turkey and, to a lesser extent, citizens of Iran, Afghanistan, Russia and Vietnam. Sporadic attempts at crossing the border by Palestinian nationals, as well as the citizens of Bangladesh, Sudan, Côte d'Ivoire and Mali, who were not registered in the previous year on the „green” stretch of the Polish-Ukrainian border, should also be noted. The *modus operandi* of illegal migrants consisted primarily in their legal entry into Ukraine through border crossings, or illegally, through "green" sections of the border.

[iv] migration pressure on non-Schengen flights

The Border Guard identified numerous illegal migration incidents on flights from third countries [*non-Schengen flights*]. In the majority of cases, they took place at the Warsaw-Okecie air border crossing [i.a. due to the wide range of international and domestic flights] and involved mainly the citizens of Syria, Afghanistan, Iraq, Georgia, Lebanon, Armenia, Iran, Libya and Egypt. The list of destination countries included Germany, Sweden, Austria, France. The most impacted were flights from Istanbul [Turkey], Moscow [Russia], Kiev [Ukraine], Tbilisi and Kutaisi [Georgia], Dubai [United Arab Emirates] and Yerevan [Armenia]. The *modus operandi* involved the use of transit flights to reach the territory of one of Schengen states and applying for refugee status. This phenomenon was detected i.a. among Egyptian citizens, who travelled with original Egyptian passports and Russian visas, holding airline tickets for onward travel, i.a. to Moscow or Cairo. Foreigners staying in the transit area of the airport refused to continue the journey to their destination and submitted applications for refugee status in Poland.

[v] trafficking in persons hidden in confined spaces of vehicles

Although in 2013, the Border Guard did not disclose any attempts to secretly enter the Polish territory through the external EU border section, it recorded an increased degree of probability of incidents involving crossing national borders secretly [e.g. in a motor vehicle]. The analysis of information received from foreign nationals after their arrest on the Polish territory confirms that a number of third-country nationals who were arrested in Poland did in fact cross the border secretly despite denying it.

Given that findings must be based on the evidence provided by detainees, it is difficult to clarify the situation and the number of cases assessed on the basis of the available information cannot be confirmed. Identified cases indicate that foreigners used mainly the eastern trail [from Ukraine or Belarus directly to Poland or the Baltic States], or the southern trail [referred to in Europe as „the Balkan trail”]. The largest group of foreign detainees suspected of crossing national borders secretly were citizens of Syria, Georgia and Vietnam.

In order to limit the occurrence of the above mentioned risks, the Border Guard has taken the following measures with respect to all third-country nationals:

⁸⁶ The above is based on an agreement on the exchange of statistical and analytical data between Polish and Ukrainian border guards, which was signed in June 2009.

- [i] border control at air border crossing points in "non-Schengen" directions and the selection of passengers for security control at "Schengen" directions
- [ii] verifying the legality of residence on the territory of Poland⁸⁷,
- [iii] verifying the legality of employment, employing foreigners and conducting business activities by foreigners in Poland⁸⁸,
- [iv] conducting community interviews,
- [v] providing support to bodies conducting proceedings pertaining to granting residence permits for a fixed period, permanent residence permit and a long-term resident's EC residence permit.

Furthermore, in order to ensure the optimal functioning of border crossings at the external border of the European Union in terms of liquidity and efficiency of border control, the Border Guard has undertaken a number of initiatives in this area, which included in 2013:

- [i] Development of joint orders of the Commander of the Border Guard and the Head of the Customs Service on the minimum standards for the number of vehicles cleared during a shift at each road crossing point;
- [ii] Developing a schedule of measures aimed at implementing the technology of data exchange between the ICT systems of the Border Guard and the Customs Service;
- [iii] Continued use of the "ONE STOP" technology;
- [iv] Work on the implementation of the Early Warning System [EWS] for emergency situations at border crossings;
- [v] Installation of webcams within or in close proximity of crossing points in order to control the situation in the area around the border crossing and along access roads.

The experience of the Border Guard and the National Labour Inspectorate indicates that no particular threat was observed in 2013 in terms of an increased number of foreigners staying in Poland illegally and performing work on behalf of an employer. The employers' liability for assigning work to foreigners staying in Poland illegally - defined in the Act of 15 June 2012 on the effects to employing foreigners residing on the Polish territory illegally⁸⁹ - should also reduce the scale of such infringements. The vast majority of infringements identified in this area pertained to non-compliance in domains other than illegal residence. Cases of delegating work to foreigners who do not hold a required work permit or who are not registered with the Social Insurance Company, or paying wages that are below the amount specified in the work permit are reported much more often than cases of illegal residence. The majority of entities assigning work to third-country nationals without a valid document authorizing their stay on the territory of the Republic of Poland were reported in the following sectors: trade, accommodation and catering.

Data provide by the Social Insurance Company contributes to the monitoring of foreigners taking up employment in Poland; this information is used by the National Labour Inspectorate for inspection and surveillance operations, also at the stage of their preparation and planning, as it facilitates the selection of entities employing foreigners that are subject to inspection.

Due to the transnational nature of the criminal activity associated with the organization of illegal migration, the Border Guard is principally engaged in international activities aimed at reducing the associated risks. In 2013, representatives of the Border Guard participated in the following projects

- [i] "Fighting Irregular Migration in Moldova" [FIRMM - practical implementation of the mobility partnership for Moldova]

⁸⁷ One of the solutions applied in 2013 in order to prevent abuses committed by foreign students was cooperation between universities and relevant inspection bodies operating in Poland. The new Act on Aliens of 12 December 2013 obliges the voivode to inform the rector of a university or the head of an educational unit on granting a temporary residence permit to a foreigner; the rector must immediately notify the voivode in writing about the deletion of a third-country national from the list of students, as well as about his/her failure to complete a year of study within a specified timeframe.

⁸⁸ The above operations are carried out independently and in cooperation with the National Labour Inspectorate.

⁸⁹ Dz. U. of 2012, item 769. The Act entered into force on 21 July 2012.

- [ii] "Support for the implementation of the Prague Process Action Plan" [EaP SIPPAP]
- [iii] "Information management in the system of combating cross-border crime - training for the representatives of the Border Police of the Republic of Moldova"
- [iv] "Supporting the establishment of effective readmission management in Armenia, Azerbaijan, Georgia", implemented under the EU Thematic Programme on Migration and Asylum, Part A Concept Note Lot 2 IOM South Caucasus Readmission
- [v] "Pilot project under the Prague Process Targeted Initiative", financed by the European Commission
- [vi] "Development of modern infrastructure of the border service" implemented in the framework of the Cross-Border Cooperation Programme Poland-Belarus-Ukraine 2007

Another element of cooperation on the international forum aimed at preventing illegal migration is the participation of the Border Guard in the Training and Advisory Mission of the European Commission - EU Border Assistance Mission to Moldova and Ukraine (EUBAM). Representatives of the Border Guard participated in the development of specialized training aimed at officers of Ukrainian and Moldovan customs and border services, in the preparation of special reports and in patrols.

Furthermore, in 2013, representatives of the Border Guard participated in the project entitled "Strengthening migration management system in Tunisia in the area of border protection", which was implemented with the Polish Foreign Aid 2013. The problem of illegal migration was presented during a study visit to Tunisia and at a seminar organized at the Ministry of the Interior in Warsaw. The Tunisian delegation also visited the Guarded Centre for Foreigners in Biała Podlaska. In the framework of the project, training for representatives of the Tunisian government and Tunisian NGOs was organized at the Border Guard Training Centre in Kętrzyn.

As part of the international project "Support Reintegration of Georgian Returning Migrants and the Implementation of the EU-Georgia Readmission Agreement", conducted in Georgia by a consortium of 8 EU Member States [including PL], information is provided to potential migrants on possibilities of legal migration to Poland and risks associated with illegal migration. Information is also provided by the Centre for Mobility run by the consortium in Tbilisi; leaflets outlining all necessary information are available at the centre and on the project's website.⁹⁰ In addition, reintegration support in the country of origin is provided within the project [e.g. vocational training, information on services available in Georgia].

Cooperation between the Border Guard of the Republic of Poland and competent law enforcement authorities of other countries is carried out on the basis of agreements pertaining to combating organized crime. The network of Liaison Officers of the Border Guard and the Police working with Polish diplomatic missions abroad, as well as a network of Liaison Officers of law enforcement agencies of other countries working with diplomatic missions accredited to the Republic of Poland also proved helpful for this cooperation. Liaison Officers of the Border Guard⁹¹ operate in Ukraine and Russia, where they perform on-going tasks for organizational units of the Border Guard and participate in numerous projects carried out both within the country and abroad. Immigration Liaison Officers collect information pertaining i.a. to:

- [a] routes used by illegal migrants in order to reach the territory of Member States,
- [b] their modus operandi, including the means of transport used, intermediaries etc.,
- [c] events that may trigger a rise in illegal migration,
- [d] methods used to detect forged identity papers and travel documents,
- [e] methods and means of facilitating the return and repatriation of illegal immigrants to their country of origin,

⁹⁰ See footnote 35.

⁹¹ In 2013, the Office for Foreigners continued cooperation with the Federal Office for Migration and Refugees of the Federal Republic of Germany through the German Liaison Officer.

[f] legislation and legal practice relating to the issues identified above,

[g] information provided through the early warning system.

Partnership cooperation with Europol is carried out through the National Liaison Office for Europol, at the Office of International Police Cooperation of the Police Headquarters. The subject of cooperation is the mutual exchange of information on persons and organized crime groups involved in illegal migration, trafficking in human beings, smuggling of narcotic drugs, psychotropic substances and goods subject to excise duty, or falsification of documents; check pertaining to persons, vehicles and documents in national databases and the databases of Europol. Execution of requests submitted through the National Liaison Office for Europol was performed through:

[i] verification in the Europol Information System [EIS];

[ii] queries to Liaison Officers of Europol Member States in order to perform checks in national databases;

[iii] operational meetings and participation in analytical work files.

The Border Guard participates in analytical work files allowing access to data collected in EUROPOL databases pertaining to illegal migration [AWF] and in sub-projects [Focal Point Twister, Typhoon, Rain, Thunder or Snow]. The Border Guard is also interested in joining the TG TORNADO subproject, aimed at preventing illegal migration of Chinese citizens.

One of the important actions enabling cooperation in the EU is information exchange in the field of illegal migration through the ICONet. Another project [EDF - European Union Document Fraud] pertains to the exchange of information on persons using forged documents for crossing borders, together with data on these documents. However, in the framework of cooperation with TAIEX EU [Technical Support and Information Exchange], Border Guard experts usually participate in initiatives aimed mainly at the region of southern Caucasus [Georgia, Armenia, Azerbaijan], the Balkan countries and Eastern European countries [Ukraine, Belarus]. The above initiatives focus on issues related to integrated border management systems, training systems, forgery of documents, risk analysis etc.

The Border Guard also participates in joint operations coordinated by EUBAM [European Union Border Assistance Mission to Moldova and Ukraine] on the border between Moldova and Ukraine. For the purposes of cooperation and operations of the Border Guard, the National Contact Point has been established.

In order to prevent and combat illegal migration, Poland also strives to ensure strong and stable agreements on border controls with third countries. This form of cooperation is conducted, i.a., with:

[1] Ukraine, based on the "Agreement No. 37 on joint patrols concluded between the Commander-in-Chief of the Polish Border Guard and the Administration of the State Border Guard Service of Ukraine [PSGU] ", signed in Lviv on 8 December 2010, "Plan of development of cooperation between the Border Guard of the Republic of Poland and the State Border Service of Ukraine in 2013", which forms Annex No. 2 to the Protocol of the Conference of the Chief Border Delegates of Poland and Ukraine, and „2013 Plan of Cooperation between the Border Guard Training Centre in Ketrzyn and the National Academy of State Border Guard Service of Ukraine in Khmel'nitsky";

[2] Moldova, on the basis of the draft project of Polish aid in 2013: "Information management in the system of combating cross-border crime - training for representatives of the Border Police of the Republic of Moldova";

[3] Tunisia, on the basis of the project entitled "Strengthening migration management in Tunisia in the area of border protection", co-financed by the Polish Development Aid for 2013;

[4] Montenegro, based on the American EXBS programme: Export Control and Related Border Security;

[5] Kosovo, through training organised at the Training Centre for Border Guard officers from Kosovo;

[6] Serbia, Bosnia and Herzegovina, through training organised at the Border Guard Training Centre in Croatia for border guard officers from Serbia, Bosnia and Herzegovina.

Another source of data on migration routes is the Department of Information on the Countries of Origin at the Office for Foreigners. These materials are developed for own needs and based on interviews with foreigners, information provided by other bodies [including the Border Guard and the Internal Security Agency], organizations [e.g. Frontex Agency, EASO] and on the basis of international bilateral co-operation with migration authorities of other Member States [e.g. Germany, Switzerland], as well as prepared by working groups [e.g. Working Group on Statistical Data of the Baltic Sea States]. On the basis of the analysis of migration routes, reception facilities for third-country nationals applying for refugee status have been established. This information is also used for forecasting the number of potential refugees and for the economic analysis of the needs of the Office for Foreigners in the coming years.

IX. Return

Return policy is perceived as an important tool for combatting illegal migration, limiting the extent of the current problem, namely cases of illegal stay of foreigners, as well as fulfilling an important preventive role.

The Border Guard and the Office for Foreigners have carried out activities aimed at sustainable and effective return of foreigners, i.a. through:

[1] cooperation with international organizations, including EU organizations, in combatting illegal migration. The Border Guard conducted cooperation with the International Organization for Migration [IOM] in the field of combating illegal migration, involving partnership and comprehensive measures aimed at assisting foreigners in voluntary returns from Poland, including i.a. reintegration assistance, which increases the chances of durable return and reduces the likelihood of irregular migration. The document defining the roles and responsibilities of all entities involved in the implementation of the programme, defining target groups and the nature of assistance, as well as indicating the source of funding for the programme is the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in field of voluntary returns of foreigners leaving the territory of the Republic of Poland. The Border Guard is also working with the FRONTEX Agency in the framework of joint return operations. In 2013, 26 foreigners were expelled from the Polish territory in five joint charter flights organized with Lithuania and Austria.

[2], the exchange of best practices in the field of voluntary return, i.a. within VREN [Voluntary Return European Network]. Poland is not officially a member of VREN - representatives of designated institutions participate as experts and on a voluntary basis. The Office of the International Organization for Migration in Warsaw participated in all the meetings of the above network.

[3] providing information on the availability of assisted voluntary return. The above data is available in all centres for foreigners applying for refugee status, at the premises of the Office for Foreigners in Warsaw and at the headquarters of the International Organization for Migration, which implements programmes of assistance in voluntary returns, financed by the Office for Foreigners and the Border Guard. IOM employees regularly visit centres for foreigners and the Service Point at the Office for Foreigners in Warsaw at the time of payment of social benefits, in order to promote the idea of voluntary return. The Border Guard also distributes informational materials in guarded centres and in detention centres for the purpose of expulsion.

Within the framework of the project implemented by the International Organization for Migration in cooperation with the Border Guard, an information campaign was conducted in order to reach a maximum number of potential beneficiaries, as well as persons and institutions having contact with potential beneficiaries, and to provide them with information about the project and the availability of assistance for voluntary return. Information about the availability of the programme is also provided upon the transfer of third-country nationals to Poland from other Member States, under the provisions of Regulation 343/2003 (DUBLIN II).

[4] organization of seminars and training for staff involved in the implementation of voluntary return programmes. It is implemented e.g. by the Rule of Law Institute Foundation through the project entitled "Support for Voluntary Return in Lubelskie Voivodeship II".

[5] reinforcement of activities in the field of voluntary return by organizing consultative seminars and training workshops for local and regional authorities, representatives of the judiciary, NGOs [providing legal aid], migrants and diplomatic posts with institutions, i.e. the Border Guard, the Police, the Office for Foreigners, Voivodeship Offices, National Labour Inspectorate and consular offices. The purpose of these meetings is to improve and strengthen cooperation between national institutions involved in the programme of assisted voluntary return.

In 2013, measures were also taken to negotiate readmission agreements signed by the EU with third countries. The following should be indicated:

[i] Readmission Agreement between the EU and Pakistan: unsuccessful efforts were repeatedly undertaken in order to organize a bilateral meeting and discuss i.a. the content of the implementing protocol;

[ii] Readmission Agreement between the EU and Russia: the implementing protocol to the Agreement was signed on 28 November 2012 and came into force on 22 April 2013; a bilateral meeting was also held to summarize the application of the above agreement in Polish-Russian relations.

X. Implementation of UE legislation

In 2013, the basic legal act regulating issues of legalization of stay of foreigners on the territory of the Republic of Poland was the **Act on Foreigners of 13 June 2003** [consolidated text Journal of Laws of 2011, No. 264, item 1573, as amended]. It defines, i.a., terms and conditions of entry of foreigners into Poland, their transit through the territory of Poland, stay and departure from Poland, the procedure and the competent authorities. The Act settled issues relating to the granting of residence permits to foreigners: residence permit for a fixed period, permanent residence permit, long-term resident's EC residence permit, as well as matters regarding documents issued to foreigners, the legality of residence of foreigners, return decisions, decisions on placing an alien in a guarded centre or in detention centres for the purpose of expulsion, carrier's liability and issues regarding registers pertaining to the matters involving foreigners, the register of invitations and the list of foreigners whose stay on the Polish territory is undesirable. The Act also defines the tasks and powers of the Head of the Office for Foreigners as a central government authority competent in matters of entry of foreigners into the Polish territory, transit, stay and departure from the Polish territory, granting refugee status, subsidiary protection, asylum, permission for tolerated stay and temporary protection.

Due to the need to adjust Polish law to EU regulations, as well as the need for further legislative changes, resulting from both the case law of the European Court of Justice, as well as national case law of administrative courts or the development of the domestic law institutions, the Act on Foreigners currently in force has been repeatedly amended. The clarity and transparency of regulations suffered from the above, and therefore the decision was made to prepare a new act on foreigners. The provisions of the **new Act on Foreigners adopted on 12 December 2013** account for the necessary transposition of a number of EU documents into Polish law.⁹² It should also be stressed that legal and institutional solutions proposed in the new Act on Foreigners are in line with the recommendations set out in the policy paper entitled "Migration Policy of Poland – The Current State of Play and Further Actions", adopted by the Council of Ministers on 31 July 2012.

The new Act on Foreigners implements following EU directives⁹³:

[1] Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals [Official Journal of the European Communities L 149/34, 2.6.2001];

[2] Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 [Official Journal of the European Communities L 187, 10/07/2001];

[3] Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification [Official Journal of the European Communities L 251, 3.10.2003];

[4] Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air [Official Journal of the European Communities L 321/26, 6.12.2003];

[5] Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [Official Journal of the European Communities L 16, 23.1.2004];

[6] Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings residents [Official Journal of the European Communities L 261/19, 6.8.2004];

[7] Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service [Official Journal of the European Communities L 375/12, 23.12.2004];

⁹² The Act shall come into force on 1 May 2014.

⁹³ The majority of following Directives was already previously implemented in the Act of 13 June 2003 on foreigners.

[8] Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research [Official Journal of the European Communities L 289, 3.11.2005];

[9] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals [Official Journal of the European Communities L 348, 24.12.2008];

[10] Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment [Official Journal of the European Communities L 155 of 18.6.2009];

[11] Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals [Official Journal of the European Communities L 168/32, 30.6.2009];

[12] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [Official Journal of the European Communities L 101, 15.4.2011];

[13] Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance [Official Journal of the European Communities L 132, 19.5.2011];

[14] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted [Official Journal of the European Communities L 337/9, 20.12.2011];

[15] Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State [Official Journal of the European Communities L 343, 23.12.2011].

The Act also aims to adapt Polish law to a number of EU regulations. This applies to:

[1] Council Regulation (EC) No 539/2001 of 15 March 2001 listing the Non-EU Member Countries whose nationals must be in possession of visas when crossing the Member States' external frontiers, with a view to harmonising Member States' visa policies [Official Journal of the European Communities L 72 of 18.3.1999];

[2] Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third country nationals [Official Journal of the European Communities L 157/1 of 15.6.2002];

[3] Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) nationals [Official Journal of the European Communities L 105 of 13.4.2006];

[4] Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention [Official Journal of the European Communities L 405, 31.12.2006];

[5] Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance) [Official Journal of the European Communities L 199, 31.07.2007];

[6] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) [Official Journal of the European Communities L 218 of 13.8.2008];

[7] Commission Regulation (EU) No 800/2013 of 14 August 2013 amending Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) [Official Journal of the European Communities L 243 of 15.9.2009].

The following list contains information about ongoing in 2013 legislative work related to the implementation into national law of the new EU legislation.

Table 2. The ongoing in 2013 legislative work related to the implementation into national law EU legislation

EU LAW (IN ENGLISH)	EU LAW (IN POLISH LANGUAGE)	IMPLEMENTATION MEASURE
Asylum		
Decision No 258/2013/EU of the European Parliament and of the Council of 13 March 2013 amending Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability [link]	Decyzja Parlamentu Europejskiego i Rady nr 258/2013/UE z dnia 13 marca 2013 r. zmieniająca decyzję nr 573/2007/WE, nr 575/2007/WE Parlamentu Europejskiego i Rady oraz decyzję Rady 2007/435/WE w celu zwiększenia stawki współfinansowania w ramach Europejskiego Funduszu na rzecz Uchodźców, Europejskiego Funduszu Powrotów Imigrantów oraz Europejskiego Funduszu na rzecz Integracji Obywateli Państw Trzecich w odniesieniu do pewnych przepisów dotyczących zarządzania finansowego dla niektórych państw członkowskich doświadczających poważnych trudności w zakresie swojej stabilności finansowej lub nimi zagrożonych [link]	there has not been a need to adjust Polish law to the above decision
Regulations Regulation (EU) No 603/2013 Of The European Parliament And Of The Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) [link]	Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 603/2013 z dnia 26 czerwca 2013 r. w sprawie ustanowienia systemu Eurodac do porównywania odcisków palców w celu skutecznego stosowania rozporządzenia (UE) nr 604/2013 w sprawie ustanowienia kryteriów i mechanizmów ustalania państwa członkowskiego odpowiedzialnego za rozpatrzenie wniosku o udzielenie ochrony międzynarodowej złożonego w jednym z państw członkowskich przez obywatela państwa trzeciego lub bezpaństwowca oraz w sprawie występowania o porównanie z danymi Eurodac przez organy ścigania państw członkowskich i Europol na potrzeby ochrony porządku publicznego, oraz zmieniające rozporządzenie (UE) nr 1077/2011 ustanawiające Europejską Agencję ds. Zarządzania Operacyjnego Wielkoskalowymi Systemami Informatycznymi w Przestrzeni Wolności, Bezpieczeństwa i Sprawiedliwości [link]	measures had been adopted to introduce changes to Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. Works in this area were conducted by the Office for Foreigners
Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) [link]	Rozporządzenie Parlamentu Europejskiego i Rady UE Nr 604/2013 z dnia 26 czerwca 2013 roku w sprawie ustanowienia kryteriów i mechanizmów ustalania państwa członkowskiego odpowiedzialnego za rozpatrzenie wniosku o udzielenie ochrony międzynarodowej złożonego w jednym z państw członkowskich przez obywatela państwa trzeciego lub bezpaństwowca [link]	measures had been adopted to introduce changes to Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. Works in this area were conducted by the Office for Foreigners

EU LAW (IN ENGLISH)	EU LAW (IN POLISH LANGUAGE)	IMPLEMENTATION MEASURE
Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) [link]	Dyrektywa Parlamentu Europejskiego i Rady 2013/33/UE z dnia 26 czerwca 2013 r. w sprawie ustanowienia norm dotyczących przyjmowania wnioskodawców ubiegających się o ochronę międzynarodową [link]	measures had been adopted to introduce changes to Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. Works in this area were conducted by the Office for Foreigners
Directives Directive 2013/32/EU OF the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) [link]	Dyrektywa Parlamentu Europejskiego i Rady 2013/32/UE z dnia 26 czerwca 2013 r. w sprawie wspólnych procedur udzielania i cofania ochrony międzynarodowej [link]	measures had been adopted to introduce changes to Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. Works in this area were conducted by the Office for Foreigners
UE external borders		
Decision No 259/2013/EU of the European Parliament and of the Council of 13 March 2013 amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability [link]	Decyzja Parlamentu Europejskiego i Rady nr 259/2013/UE z dnia 13 marca 2013 r. zmieniająca decyzję nr 574/2007/WE w celu zwiększenia stawki współfinansowania w ramach Funduszu Granic Zewnętrznych dla niektórych państw członkowskich doświadczających poważnych trudności w zakresie swojej stabilności finansowej lub nimi zagrożonych [link]	there has not been a need to adjust Polish law to the above decision
Regulation (EU) No 1052/2013 Of The European Parliament And Of The Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) [link]	Rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 1052/2013 z dnia 22 października 2013 r. ustanawiającego europejski system nadzorowania granic (EUROSUR) [link]	attempt shall be made to introduce changes to the Act of 12 October 1990 on the protection of the state border. For works in this area is responsible the Border Guard Headquarters
VIS		
Commission Implementing Decision of 20 August 2013 determining the date from which the Visa Information System (VIS) is to start operations in an eighth region (2013/441/EU) [link]	Decyzja wykonawczej Komisji 441/2013/UE z dnia 20 sierpnia 2013 r. określająca datę uruchomienia wizowego systemu informacyjnego (VIS) w regionie ósmym [link]	there has not been a need to adjust Polish law to the above decision
Commission Implementing Decision of 30 September 2013 determining the third and last set of regions for the start of operations of the Visa Information System (VIS) (<i>notified under document C(2013) 5914</i>) (Only the Bulgarian, Croatian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish texts are authentic) (2013/493/EU) [link]	Decyzja wykonawcza Komisji 2013/493/UE z dnia 30 września 2013 r. określającej trzecią i ostatnią grupę regionów, w których uruchomiony zostanie wizowy system informacyjny (VIS) (notyfikowana jako dokument nr C(2013) 5914) [link]	there has not been a need to adjust Polish law to the above decision
Commission Implementing Decision of 8 November 2013 determining the date from which the Visa Information System (VIS) is to start operations in a ninth, a tenth and an eleventh region (2013/642/EU) [link]	Decyzja wykonawcza Komisji 2013/642/UE z dnia 8 listopada 2013 r. określającej datę uruchomienia wizowego systemu informacyjnego (VIS) w regionach dziewiątym, dziesiątym i jedenastym [link]	there has not been a need to adjust Polish law to the above decision
Entrance to the UE		
Commission Delegated Regulation (EU) No 887/2013 of 11 July 2013 replacing Annexes II and III to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative [link]	Rozporządzenie delegowanego Komisji (UE) nr 887/2013 z dnia 11 lipca 2013 r. zastępujące załączniki II i III do rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 211/2011 w sprawie inicjatywy obywatelskiej [link]	implementation does not brought about the necessity to amend the provisions governing the entry, stay and return of foreigners leaving from the territory of the Republic of Poland
Counteracting irregular migration and return		

EU LAW (IN ENGLISH)	EU LAW (IN POLISH LANGUAGE)	IMPLEMENTATION MEASURE
Council Decision of 7 October 2013 on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorization (2013/522/EU) [link]	Decyzja Rady 2013/522/UE z dnia 7 października 2013 r. dotyczącej zawarcia Umowy między Unią Europejską a Republiką Zielonego Przylądka o readmisji osób przebywających nielegalnie [link]	there has not been a need to adjust Polish law to the above regulation, in particular, to introduce changes in regulations governing the entry, stay and returns of foreigners leaving from the territory of the Republic of Poland
International cooperation		
Council Decision 2013/77/EU of 4 February 2013 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation [link]	Decyzja Rady 2013/77/UE z dnia 4 lutego 2013 r. dotycząca podpisania w imieniu Unii Europejskiej Umowy między Unią Europejską a Republiką Zielonego Przylądka o readmisji osób przebywających nielegalnie [link]	implementation does not brought about the necessity to amend the provisions governing the entry, stay and return of foreigners leaving from the territory of the Republic of Poland
Council Decision of 7 October 2013 on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union (2013/521/EU) [link]	Decyzja Rady 2013/521/UE z dnia 7 października 2013 r. dotyczącej zawarcia Umowy między Unią Europejską a Republiką Zielonego Przylądka w sprawie ułatwień w wydawaniu wiz krótkoterminowych obywatelom Republiki Zielonego Przylądka i Unii Europejskiej [link]	implementation does not brought about the necessity to amend the provisions governing the entry, stay and return of foreigners leaving from the territory of the Republic of Poland
Schengen / SIS		
Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances [link]	Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 1051/2013 z dnia 22 października 2013 r. zmieniające rozporządzenie (WE) nr 562/2006 w celu ustanowienia wspólnych zasad tymczasowego przywracania w wyjątkowych okolicznościach kontroli granicznej na granicach wewnętrznych [link]	is in the process examination of the situation

Source: PL EMN NCP

XI. Other relevant National policy development in the field of migration and asylum

The national migration policy also addresses the large scale of emigration of Polish citizens and their returns, as well as international cooperation with external entities in the field of migration and asylum, implemented in particular in the framework of twinning projects and study visits.

The Government's „Plan for Cooperation with the Polish Diaspora and Poles abroad in 2013"⁹⁴ provided for a change in the current concept of cooperation with the Polish diaspora and Poles living abroad. Obtaining effective support for the Polish *raison d'etat* and using the potential of the Polish diaspora and Poles living abroad to promote Poland and strengthen its positive image in Europe and throughout the world was identified as the policy's strategic objective. Given the above, it was considered legitimate not only to appeal to the potential of traditional Polish organizations abroad, but also to the much more numerous unorganized Polish diaspora, whose many members no longer speak Polish. Measures taken in 2013 were aimed at creating ties at the level of civil society through favouring contacts between Poles and persons of Polish origin living both abroad and in Poland. An important new element was the particular attention paid to the implemented plan of cooperation with the view to supporting the returns of Poles. Other measures initiated in previous years and pursued in 2013 included: [1] Education of the Polish diaspora and Poles abroad, including education of Polish youth in Poland; [2] Encouraging the promotion of Poland and Polish culture in all areas of life in the countries of residence; [3] Support for Polish communities; rights of Polish minorities, the Polish diaspora and Poles abroad; [5] The involvement of the Polish diaspora and Poles abroad in economic cooperation between Poland and countries of residence of Polish migrants. In turn, in the "Plan of Cooperation with the Polish Diaspora and Poles in 2014"⁹⁵, adopted in autumn 2013, the scope of planned activities was significantly limited to a few measures, including [1] teaching of Polish language, teaching in Polish and about Poland; [2] strengthening, activation and mobilization of Polish communities in the countries of residence; and [3] strengthening of ties and contacts with Poland. With respect to the last measure listed above, it is planned to take further steps in 2014 in order to provide assistance to Polish economic migrants, for example in the domain of legal and psychological counselling. It is also planned to develop incentives aimed at encouraging Poles and persons of Polish origin to recognize Poland as the target place of residence, through providing support to returning migrants and involving them in integration activities [e.g. professional retraining, career planning, adaptation of children to the Polish education system]. It should be noted that all support measures for returning migrants were intended merely to facilitate their return to Poland, should they decide to leave the country of residence. One of the primary tools of Polish public authorities was the continually updated website „Powroty” ("Returns"), operated under the project entitled "Green Line. Information Centre of Employment Services" [<http://zielonalinia.gov.pl>].

Poland has also been involved in the exchange of information aimed at supporting migration and asylum, including:

[1] in the framework of the Swedish-Polish Twinning Programme "Strengthening state services in migration management in Armenia", where Polish experts prepared a report indicating discrepancies between the Armenian law and the EU law in the area of migration and in terms of granting international protection to foreigners. The document is based on the results of a detailed analysis of Armenian law, conducted by specialists from the Ministry of the Interior, the Headquarters of the Border Guard and the Office for Foreigners. The findings of Polish experts were then verified during interviews with Armenian experts, which were carried out during five research missions to Armenia. The report refers to the organization of

⁹⁴ The document is available at <http://www.msz.gov.pl/resource/7dc8cbce-9364-4a96-8c38-f56e71796c2d:JCR>. Pursuant to the "Plan of Cooperation with the Polish Diaspora and Poles in 2013", on 11 October 2012, the Ministry of Foreign Affairs announced an open competition for the implementation of a public task: "Cooperation with the Polish Diaspora and Poles in 2013". Details of the competition are provided on the website of the Ministry of Foreign Affairs http://www.msz.gov.pl/pl/ministerstwo/konkursyministra/konkurs_na_realizacje_zadania_publicznego_wspolpraca_z_polonia_i_polakami_za_granica_w_2013_r.

⁹⁵ The document is available at: <http://www.msz.gov.pl/resource/add94038-7544-40bc-8320-bc5363503be1:JCR>.

legal migration, combating illegal immigration, border control, granting of international protection to foreigners;

[2] in the framework of a bilateral project implemented with the Polish Development Aid in 2013 and entitled "Strengthening migration management system in Tunisia". During the implementation of the project, seminars were organized in Tunisia, along with a study visit to Poland. A group of trainees from Tunisia were also invited to Poland;

[3] within the Prague Process Targeted Initiative – the EU's political response to eastern migration, as well as the efforts made with respect to the European Commission, aimed at providing further funding to actions conducted in the framework of the above the political process. Poland has organized study visits of delegations from Ukraine and Georgia as part of a pilot project concerning asylum and international protection, organized and coordinated an online training session of the European Asylum Curriculum in the framework of Pilot Project of the Fourth Targeted Initiative of the Prague Process for participants from Ukraine. Poland coordinated works in the framework of the Prague Process, in which it has assumed the role of the leader;

[4] during meetings of an informal body that brings together the Ministers of the Interior of Central European countries [Poland, Austria, Bulgaria, Czech Republic, Hungary, Romania, Slovakia, Slovenia and Croatia], called the "Salzburg Forum". The most important areas of cooperation encompass: police cooperation, border control cooperation, combating illegal migration, asylum policy, sharing of opinions on matters from the current EU agenda. In 2013, two ministerial meetings of the Salzburg Forum took place, during which issues of migration, asylum and borders were discussed. The first meeting took place in April 2013 and pertained to a new multi-annual program for the Area of Freedom, Security and Justice; the second was held in October 2013 and was devoted to the future of policies in the field of justice and home affairs [in the context of the discussion on the new multi-annual political programme] and to an effective approach to illegal migration⁹⁶;

[5] within the so-called "informal meetings of Ministers of the Interior of the Schengen states having an external land border", established at the initiative of Poland and Finland. Here, focus is put on issues of land borders and on ensuring public order and internal security, particularly in the context of the visa dialogue conducted with the UE neighbouring countries in the East. Its members are: Estonia, Finland, Lithuania, Latvia, Poland and Slovakia; the first meeting was organized in September 2013 in Finland. The next meeting of the forum shall be held in Poland in the spring of 2014;

[6] in the framework of the Polish Presidency in the Visegrad Group. In June 2013, Poland hosted a two-day expert seminar on labour migration. During the meetings, representatives of Czech, Hungarian and Polish governments and Polish researchers discussed i.a. the formula of Mobility Partnerships in the context of labour migration; experience of V4 countries regarding the presence of Chinese nationals in labour markets was also discussed;

[7] through active participation in the project entitled "Fighting Irregular Migration in Moldova [FIRMM]" and the preparation of the Memorandum of Understanding for the FIRMM project, establishment of a Polish point of contact for project coordination and applications of Polish participants of expert missions to Moldova;

[8] conducting a project co-funded by the EU, "Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan and Georgia," through the organization and participation in workshops and the organization of a working visit of the Georgian administration and the Azeri administration to Poland; and

[9] participating in a number of other initiatives, including the project entitled "Strengthening Evidence-Based Management of Labour Migration in Armenia" coordinated by the International Centre for Human Development [IChD] in Austria, in the Thematic Initiative for Armenia entitled "Strengthening Armenia's

⁹⁶ Participation of various EU agencies in this forum depends on the plans of the presidency of the Salzburg Forum. Under the Romanian presidency in Salzburg Forum, in the second half of 2013, representatives of Frontex, Europol and EASO were invited to participate in the meeting.

Migration Management Capacities, with Special Focus on Reintegration Activities in the Framework of the EU-Armenia Mobility Partnership", in GOVAC project "Building Training and Analytical Capacities on Migration in Moldova and Georgia", and in the project entitled "Support Reintegration of Georgian Returning Migrants and the Implementation of the EU-Georgia Readmission Agreement".

In addition, on 5 December 2013, Poland along with eight other EU Member States, i.e. Bulgaria, Czech Republic, France, Lithuania, the Netherlands, Slovenia and Slovakia signed in Brussels a Joint Declaration establishing a Mobility Partnership between the EU and Azerbaijan⁹⁷. It is planned that the measures outlined in the Annex to the document shall be initiated in 2014. The declared projects shall relate to the deepening of cooperation between the EU and Azerbaijan and to supporting the Azerbaijani partner in building its migration management capacity. Projects shall cover four areas: [1] promoting legal migration; [2] combatting illegal migration; [3] strengthening the positive impact of migration on development and [4] international protection and asylum.

⁹⁷ The mobility partnership is one of the four instruments used for building cooperation with third countries in the field of migration, operating within the framework of the Global Approach to Migration and Mobility (GAMM), which forms an overarching framework of external migration policy of the EU. More information is available at: <http://emn.gov.pl/esm/aktualnosci/11384.Powolano-do-zycia-Partnerstwo-na-rzecz-Mobilnosci-miedzy-UE-a-Azerbejdzanem.html>.

XII. National Report Annexes 2013

1. Methodology and definitions

Methodology

This policy report was compiled on the basis of the information received from different authorities in the field of asylum and migration, such as the Office for Foreigners, Border Guard, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy and National Labour Inspectorate, all of them played an important role while elaborating the final document.

Topics for this report were selected and weighted according to their relevance to the work of political decision-makers at both the national and the European level. The paper is also based on numerous sources of data and information. This includes:

- [1] legislation published in the Official Journal of Laws and draft of legal acts subjected to public consultations,
- [2] various reports, such as the reports of the Border Guard, Unit for Prevention of Trafficking in Human Beings at the Ministry of the Interior, Ministry of Foreign Affairs, etc.
- [3] press releases of NGOs and non-profit organisations assisting asylum seekers or defending the fundamental rights of foreigners,
- [4] printed papers and minutes of plenary meetings of the two chambers of parliament [Sejm and Senat],
- [5] press articles, especially when the information could be cross-checked through other types of sources.

The figures and statistics included in this report were provided by the Office for Foreigners, Border Guard, Department for Citizenship and Repatriation of the Ministry of Interior, National Labour Inspectorate and Warsaw Bureau of the International Organisation for Migration [IOM].

To ensure better understanding of the matters contained in the report, it is recommended to read also the 2011 or 2012 Policy Report available at the website of the European Migration Network [[link](#)] or at the website of the EMN National Contact Point in Poland [[link](#)].

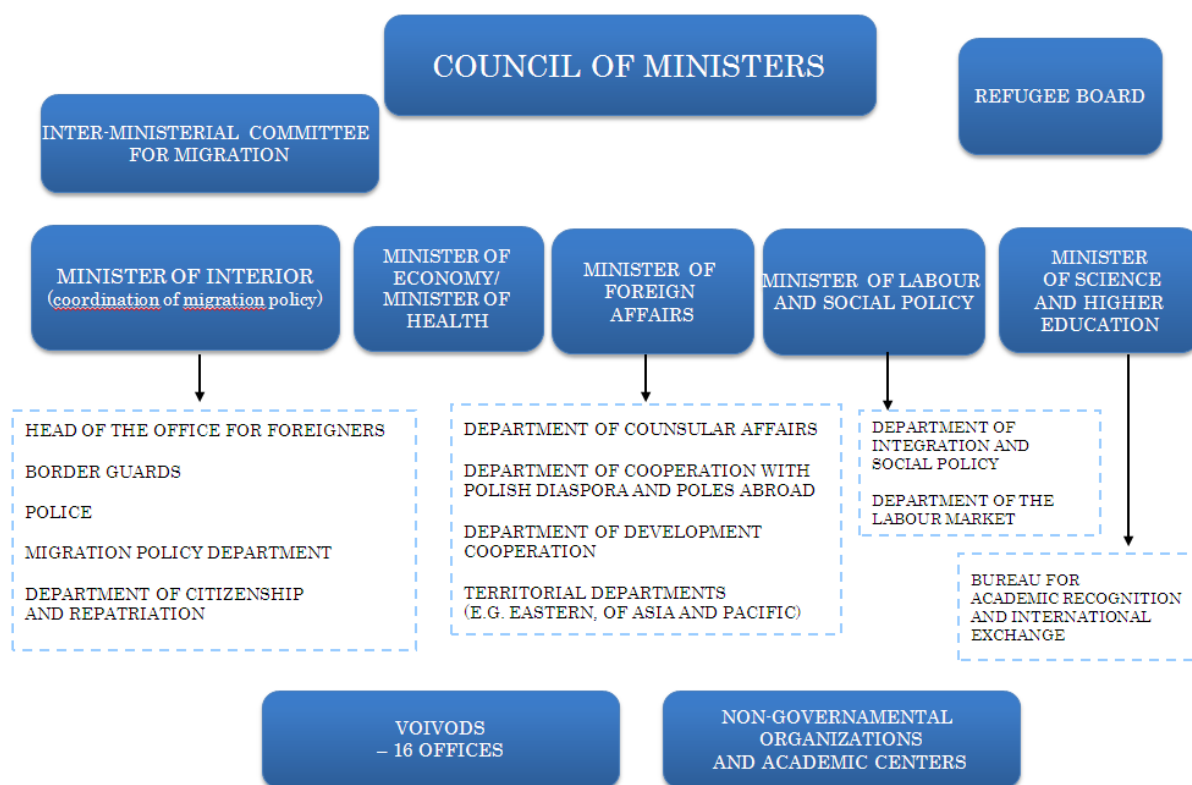
Terms and definitions

For the clarity reasons, the basic definitions of notions such as legal migration, illegal migration, global approach to migration, family reunification, international protection and unaccompanied minor have the same meaning as those defined in the EMN's Glossary of terms⁹⁸, unless otherwise specified. Readers should remember that many Polish acts and/or ordinances refer directly to the definitions of terms provided by EU decisions, directives or other documents due to implementation of EU legal solutions in the area of migration and asylum.

2. National statistics

Diagram 1. Key actors in the field of migration

⁹⁸ Definitions of terms can be found at the EMN's website (<http://emn.intrasoft-intl.com/Glossary/index.do>) and at the website of the Polish National Contact Point to the EMN (<http://www.emn.gov.pl>).



Source: PL EMN NCP

Visas

In 2013, Polish consulates issued a total of 1,401,862 visas [as compared to 1,340,929 in 2012]. In turn, a total of 2,954 visas were issued on the territory of the Republic of Poland⁹⁹ [90 national visas and 2,864 Schengen visas; as compared to 156 and 3,027 respectively in 2012].

Table 1. Number of National and Schengen visas issued in 2013

type of visa	Schengen visas	National visas
visas issued by Polish consuls	1 107 037	294 825
visas issued on the territory of Poland by Voivods	2 864	90
total number of issued visas	1 109 901	294 915

Source: Office for Foreigners and Ministry of Foreign Affairs

The greatest number of visas were issued by consulates in Ukraine [720,678 visas - an increase of 11% compared to 2012], Belarus, [346,723 - a decrease of 0.47%] and Russia [228,221 visas - a decrease of 10%].

The above countries were followed by China [14,506 visas - an increase of 9%], Kazakhstan [13,452 visas - a decrease of 2%, although it should be stressed that the number of visas issued in Kazakhstan since 2012 remains very high], Moldova [12,498 visas - an increase of 15%] and Turkey [11,753 visas - an increase of 16%].

⁹⁹ The data refers to the number of visas issued to foreigners by voivodes and commanders of units of the Border Guard; it does not take into account the number of visas issued by Polish diplomatic missions or consular offices abroad. Data applies only to positive visa decisions and it does not reflect the total number of visa applications.

Table 2. Number of visa applications, number of visas issued to foreigners in 2013, by country of issue and type of visa

Country of issue	number of applications			number of issued visas			number of refusals		
	C	D	total	C	D	total	C	D	total
Afghanistan	742	21	763	626	21	647	116		116
Albania	89	69	158	51	64	115	38	5	43
Algeria	1 561	74	1 635	1 220	68	1 288	341	6	347
Angola	822	56	878	563	52	615	259	4	263
Saudi Arabia	1 250	1 143	2 393	1 197	1 135	2 332	53	8	61
Argentina	10	27	37	10	27	37			
Armenia	2 045	180	2 225	1 943	138	2 081	102	42	144
Australia	200	51	251	199	51	250	1		1
Austria		8	8		8	8			
Azerbaijan	1 541	219	1 760	1 482	212	1 694	59	7	66
Belgium	6	13	19	6	13	19			
Belarus	272 920	75 927	348 847	271 462	75 261	346 723	1 458	666	2 124
Bosnia and Herzegovina	31	56	87	31	56	87			
Brazil	17	84	101	17	84	101			
Bulgaria	179	14	193	178	14	192	1		1
Chile	8	4	12	8	4	12			
China	13 208	1 842	15 050	12 880	1 626	14 506	328	216	544
Croatia	52	68	120	51	68	119	1		1
Cyprus	126	16	142	105	13	118	21	3	24
Montenegro [lack of all data]		10	10		10	10			
Czech Republic	5	9	14	5	8	13		1	1
Denmark	10	2	12	10	2	12			
Egypt	2 471	94	2 565	2 040	73	2 113	431	21	452
Estonia	1	4	5	1	4	5			
Ethiopia	283	44	327	254	42	296	29	2	31
Finland	3	9	12	3	9	12			
France	43	51	94	43	51	94			
Greece	21	12	33	17	11	28	4	1	5
Georgia	3 153	1 442	4 595	2 922	1 106	4 028	231	336	567
Spain	1	29	30	1	29	30			
Netherlands	2	7	9	2	7	9			
India	5 504	1 469	6 973	4 908	953	5 861	596	516	1 112
Indonesia	1 914	80	1 994	1 914	80	1 994			
Iraq	1 274	141	1 415	1 064	130	1 194	210	11	221
Iran	1 874	119	1 993	1 275	115	1 390	599	4	603
Ireland	445	12	457	444	12	456	1		1
Israel	281	67	348	269	64	333	12	3	15
Japan	208	184	392	104	173	277	104	11	115
Jordan	650	42	692	650	42	692			
Canada	261	241	502	261	241	502			
Qatar	536	23	559	504	23	527	32		32
Kazakhstan	12 826	1 212	14 038	12 050	1 197	13 247	776	15	791
Kenya	662	67	729	497	54	551	165	13	178
Colombia	590	49	639	577	49	626	13		13
South Korea	49	304	353	44	302	346	5	2	7
North Korea	22	125	147	22	125	147			
Cuba	195	15	210	186	15	201	9		9
Kuwait	639	19	658	628	18	646	11	1	12
Lebanon	1 053	43	1 096	789	36	825	264	7	271
Libia	2 129	238	2 367	2 113	235	2 348	16	3	19
Lithuania	2	32	34	2	32	34			
LUXEMBURG [lack of all data]		2	2		2	2			
Latvia	9	18	27	9	18	27			
FYROM	247	63	310	197	63	260	50		50
Malaysia	62	127	189	47	118	165	15	9	24
Morocco	603	55	658	459	50	509	144	5	149
Mexico	78	141	219	78	141	219			

Country of issue	number of applications			number of issued visas			number of refusals		
	C	D	total	C	D	total	C	D	total
Moldova	5 655	8 240	13 895	5 423	7 075	12 498	232	1 165	1 397
Germany	90	632	722	88	630	718	2	2	4
Nigeria	628	96	724	425	77	502	203	19	222
Norway	6	24	30	5	24	29	1		1
New Zealand	21	19	40	21	19	40			
Pakistan	314	105	419	238	74	312	76	31	107
Peru	324	22	346	320	22	342	4		4
Portugal		7	7		7	7			
Republic of South Africa	1 747	63	1 810	1 717	60	1 777	30	3	33
Russia	227 114	3 237	230 351	225 054	3 167	228 221	2 060	70	2 130
Romania	620	22	642	617	22	639	3		3
Serbia	80	293	373	74	286	360	6	7	13
Singapore	242	83	325	241	82	323	1	1	2
Slovakia	2	8	10	2	8	10			
Slovenia		2	2		2	2			
USA	1 283	683	1 966	1 281	683	1 964	2		2
Syria	380	22	402	218	16	234	162	6	168
Switzerland	5	4	9	5	4	9			
Sweden	3	110	113	3	108	111		2	2
Thailand	1 321	159	1 480	1 294	128	1 422	27	31	58
Tunisia	675	53	728	497	33	530	178	20	198
Turkey	7 730	4 394	12 124	7 438	4 315	11 753	292	79	371
Turkmenistan									
Ukraine	538 181	198 852	737 033	528 277	192 401	720 678	9 904	6 451	16 355
Uzbekistan	2 113	914	3 027	2 012	752	2 764	101	162	263
Venezuela	74	29	103	74	29	103			
Hungary	4	22	26	4	22	26			
United Kingdom	3 545	36	3 581	3 509	35	3 544	36	1	37
Vietnam	781	134	915	749	131	880	32	3	35
Italy	3	3	6	3	3	6			
United Arab Emirates	1 093	63	1 156	1 030	55	1 085	63	8	71
Total	1 126 947	304 804	1 431 751	1 107 037	294 825	1 401 862	19 910	9 979	29 889

Source: Ministry of Foreign Affairs

Taking into account all work visas [with the following symbols: 05 - work on the basis of a declaration, 06 - drivers in international road transport and 07 - work on the basis of other documents, i.e. mainly work permits, but also in the case of Foreigners who are not required to hold a permit] a total of 182,840 were issued in 2013, as compared to 196,047 in 2012 [a decrease of 15%].

In 2013, 295,425 business visas were issued, which represents an increase of 9% as compared to 2012. The greatest number of business visas were issued to the citizens of Ukraine [184,200 - an increase of 5%], Russia (37,700 - an increase of 4%), Belarus (35,900 - a decrease of 25%) and China (6,200 - a decrease of 11%).

Table 3. Number of local border traffic regime permits issued [LBT] in 2013

	Number of local border traffic regime (LBT) applications	Number of local border traffic regime permits	Number of negative decisions to sue local border traffic regime permits
TOTAL	225 583	173 734	231
<i>including:</i>			
Ukraine	51 066	49 956	166
Kaliningrad Oblast	174 517	123 778	65

Source: Ministry of Foreign Affairs

In 2013, more than 10,000 visa consultations were also carried out; the authority responsible for visa consultations is the Head of the Office for Foreigners, acting as the **Central Visa Authority in Poland** [pursuant to Article 17 of the Convention implementing the Schengen Agreement, in some cases the

issuance of visas requires consultation with the central authority of the EU Member State in which the application was submitted, or the central authority of another Member State of the EU].

Table 4. Number of visa consultations conducted in 2013

Applying organ	Number of applications	Number of issued decisions
Other State	9 600	13 182
Consul of Poland	361	601
facultative	147	228
Total	10 108	14 011

Source: Office for Foreigners

One of the essential elements of the EU common visa policy, which helps to boost Poland's activity in this area at the EU level, is the conclusion of agreements on visa representation. Visa representation consists in the issuing of visas of one of Schengen State by diplomatic and consular services of another. Thus, European Union Member States facilitate access to visa-issuing institutions to third-country nationals. Visa representation only applies to Schengen visas, i.e. visas entitling their holders to stay in the Schengen area for three months within any six-month period starting on the date of first entry into the territory of a Member State.

Poland signed an agreement on visa representation with a number of EU Member States.

Table 5. List of states with which Poland signed visa representation agreements

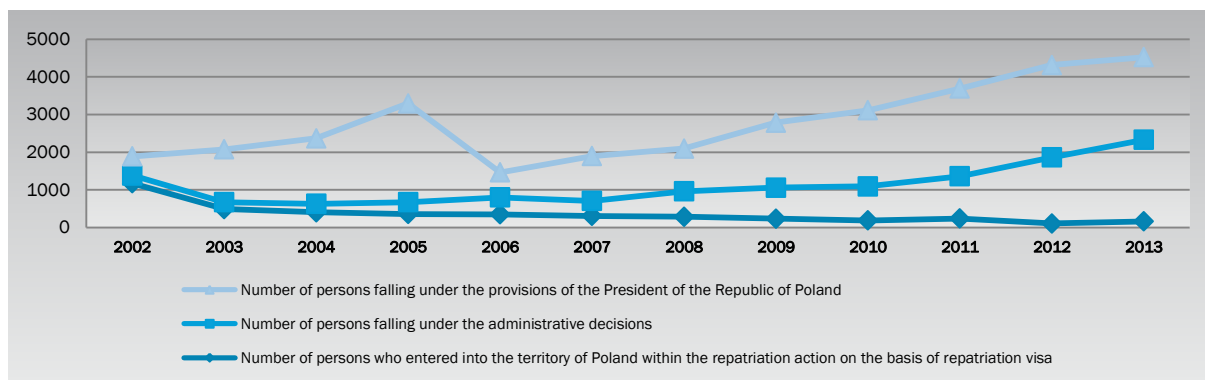
(Member) State with which the visa representation agreement exists	Country acting as representative
ESTONIA - Addis Ababa (Ethiopia) - Bogota (Colombia) - Pyongyang (North Korea) - Seoul (South Korea)	ESTONIA - Pskov (Russia)
THE NETHERLANDS - Kaliningrad (Russia) - Irkutsk (Russia)	THE NETHERLANDS - Accra (Ghana) - Khartoum (The Sudan) - Harare (Zimbabwe) - Colombo (Sri Lanka) - Manila (The Philippines)
LATVIA - Bagdad (Iraq) - Los Angeles (USA) - Sao Paulo (Brazil) - Wellington (New Zealand)	- Paramaribo (Surinam) - Port of Spain (Trinidad and Tobago) LATVIA - Vitebsk (Russia)
SLOVAKIA - Yerevan (Armenia)	SLOVENIA - Podgorica (Montenegro)
SLOVENIA - Luanda (Angola) - Tbilisi (Georgja) - Yerevan (Armenia) - Pyongyang (North Korea)	SWEDEN - Dhaka (Bangladesh)
SWEDEN - Algiers (Algeria)	

Source: Ministry of Foreign Affairs

Citizenship

In 2013, the upward trend continued in terms of the number of foreigners who acquired Polish citizenship on the basis of administrative decisions [an increase of 19% compared to 2012], decisions of the President of the Republic of Poland [a decrease of 12%], or on the basis of the Repatriation Act [an increase of 34%].

Chart 1. Number of foreigners granted Polish citizenship between 2002-2013 and number of foreigners entered into the territory of Poland on the basis of repatriation visas



Source: Ministry of the Interior

Table 6. Number of foreigners who were granted Polish citizenship as well as entered into the territory of Poland on the basis of repatriation visas

Year	Number of persons who entered into the territory of Poland within the repatriation action on the basis of repatriation visa	number of persons falling under the administrative decisions (on granting Polish citizenship)	Number of persons falling under the decisions of the President of the Republic of Poland (on granting Polish citizenship)
2012	108	1754	2454
2013	163	2165	2195

Source: Ministry of the Interior

Table 7. Number of repatriated persons resided in 2013 in different voivodships of Poland

Voivodship [names in Polish]	Number of repatriated families	Number of repatriated persons [adults]	Liczba osób niepolskiego pochodzenia (family members of the repatriated person)	Number of minors (below 18 years old)	Total number of persons resided on the territory of Poland (total number of Tab 3, 4 and 5)
Dolnośląskie	7	8	3	4	15
Kujawsko – pomorskie	0	0	0	0	0
Lubelskie	1	1	1	0	2
Lubuskie	1	1	0	0	1
Łódzkie	2	4	0	0	4
Małopolskie	16	20	8	7	35
Mazowieckie	29	51	8	11	70
Opolskie	2	3	1	3	7
Podkarpackie	1	1	1	0	2
Podlaskie	3	4	0	1	5
Pomorskie	5	7	0	6	13
Śląskie	8	9	4	7	20
Świętokrzyskie	0	0	0	0	0
Warmińsko-mazurskie	0	0	0	0	0
Wielkopolskie	4	5	0	2	7
Zachodniopomorskie	3	8	1	0	9
Total	82	122	27	41	190

Source: Ministry of the Interior

Table 8. Number of foreigners taking the examination in Polish as a foreign language

Country of origin of person taking the examination in Polish as a foreign language	number of persons
Ukraine	1018
Russia	214
Belarus	176

Country of origin of person taking the examination in Polish as a foreign language	number of persons
Germany	73
Armenia	72
Poland	58
USA	55
Vietnam	35
PL / USA	23
Turkey	21
Japan	16
Kazakhstan	15
France	15
Czech Republic	14
India	13
Spain	13
Italy	12
Moldova	12
Slovakia	11
Hungary	11
Serbia	11
United Kingdom	10
Azerbaijan	9
Syria	9
Bulgaria	9
South Korea	8
Mongolia	8
Romania	8
Tunisia	7
West Bank and Gaza Strip	7
Canada	6
Uzbekistan	6
Georgia	6
Egypt	6
Lithuania	5
Brazil	5
Turkmenistan	5
Algeria	5
Somalia	4
Bosnia and Herzegovina	3
Netherlands	3
Finland	3
FYROM	3
Albania	2
Greece	2
PL / Germany	2
Lebanon	2
Peru	2
Mexico	2
Switzerland	2
Ireland	2
Sri Lanka	2
China	2
Cameroon	2
Saudi Arabia	1
Australia	1
Austria	1
Bangladesh	1
Belgium	1
Stateless	1
Ghana	1
Iraq	1
Iran	1
Israel	1
Jordan	1
Yugoslavia	1
Kirgistan	1
Kosovo	1

Country of origin of person taking the examination in Polish as a foreign language	number of persons
Costa Rica	1
Cuba	1
Latvia	1
Madagascar	1
Malta	1
Nigeria	1
PL / Netherlands	1
PL / Canada	1
Republic of South Africa	1
Sierra Leone	1
Slovenia	1
Togo	1
Uganda	1
Venezuela	1
TOTAL	2 073

Source: State Commission for the Certification of Proficiency in Polish as a Foreign Language

The Card of the Pole

Table 9. Number of foreigners issued the Card of the Pole

Citizenship	Number of foreigners issued the Card of the Pole
Ukraine	8136
Kazakhstan	234
Kyrgyzstan	2
Uzbekistan	136
Belarus	13323
Turkmenistan	8
Lithuania	490
Russai	615
Armenia	7
Moldova	162
Latvia	110
Tajikistan	3
Georgia	17
Azerbaijaan	4
other	6
TOTAL	23 253

Source: The Chancellery of the Prime Minister

The greatest number of decisions on granting the Card of the Pole (Karta Polaka) to foreigners were issued in five consulates of the Republic of Poland: in Brest, Grodno, Lvov, Minsk and Vineyard [84% of the total number of Cards issued].

International protection

In 2013, a record-breaking number of applications for refugee status were submitted in relation to all applications for international protection. Applications were submitted by over 15,000 persons; two thirds of them submitted their applications in the first half of the year [over 10,000]. There was also a record number [twice as high as in 2012] of requests for taking responsibility for international protection applications submitted on the territory of another Member State [under the so-called Dublin Regulation]; they totalled approximately 10,000, with two thirds received in the second half of 2013.

Among those applying for refugee status, 85% were citizens of Russia [most of whom declared Chechen nationality], followed by the citizens of: Georgia -8%, Syria - 2%, Armenia and Kazakhstan - 1%.

Table 10. Number of foreigners in the refugee procedure in 2013

Citizenship	1.01-31.12.2013		
	female	male	Total
Russia	6 385	6 405	12 790
Georgia	547	694	1 241
Syria	94	161	255
Armenia	110	96	206
other	215	470	685
Total	7 351	7 826	15 177

Source: Office for Foreigners

For several years, the citizens of the Russian Federation, mainly declaring Chechen nationality, have constitute the most numerous group of foreigners applying for international protection in Poland. In 2013, an increase of approximately 100% was observed in the number of applications submitted by this group of foreigners as compared to 2012. An increase in the number of applications filed by citizens of Syria has also been recorded, even though the number of applications remains insignificant despite the on-going civil war in the country. It should also be noted that the rapid increase in the number of applications filed by citizens of the Russian Federation was observed between June and September 2013; the situation stabilized in subsequent months at a level not exceeding significantly the level recorded in 2012.

Reasons of this increase in the number of applications, observed over a period of several months, are complex and not fully comprehensible. The internal situation in Chechnya, from which the vast majority of persons applying for refugee status emigrate, had not deteriorated. Thus, it seems that the influx may be due to an increase in the amount of benefits allocated by German authorities to persons seeking international protection [the country recorded a significant increase in the number applications submitted by citizens of the Russian Federation who consider Poland as a transit country] and rumours on the tightening of the exit policy by the regime of Kadyrov. It should also be noted that there has been a decline of over 50% in the number of applications filed in 2013 by Georgian citizens as compared to the previous year.

Table 11. Number of decisions on granting the refugee status in Poland issued by the Head of the Office for Foreigners between 1 January – 9 December 2013 (by citizenship)

Citizenship	Refugee status (Geneva convention)	Subsidiary protection	Permit for tolerated stay	Negative decision	Discontinuance of proceedings
AFGHANISTAN	20	1	-	26	55
ALGERIA	-	-	-	2	2
ANGOLA	-	-	-	1	-
ARMENIA	1	-	22	86	181
AZERBAIJAN	-	-	-	-	4
BANGLADESH	1	1	-	4	14
STATELESS	25	-	1	2	24
BELARUS	19	1	3	17	15
BULGARIA	-	-	-	-	2
CHINA	-	-	-	1	3
CROATIA	-	-	-	-	2
CONGO, DEMOCRATIC REPUBLIC	-	-	-	3	-
EGYPT	15	-	2	5	25
ERYTREA	-	1	-	-	3
GHANA	-	-	-	-	1
GEORGIA	-	-	62	379	1 464
GUINEA	-	-	-	1	3
INDIA	-	-	-	4	7
IRAQ	2	-	2	3	8
IRAN	-	-	1	2	6
ISRAEL	-	-	-	-	1
JORDAN	-	-	-	-	1
CAMEROON	-	1	1	1	6
KAZAKHSTAN	-	7	2	29	86
KYRGYZSTAN	11	1	5	9	36

Citizenship	Refugee status (Geneva convention)	Subsidiary protection	Permit for tolerated stay	Negative decision	Discontinuance of proceedings
CONGO	-	-	-	2	2
NORTH KOREA	-	-	-	-	1
CUBA	-	-	1	-	-
LEBANON	-	-	-	-	12
LIBYA	-	-	-	-	2
MOROCCO	-	-	-	-	3
MOLDOVA	1	-	-	3	1
MONGOLIA	-	-	2	6	4
NEPAL	-	-	-	1	7
UNKNOWN	-	-	-	2	2
NIGERIA	1	-	-	3	8
PAKISTAN	3	-	2	10	22
WEST BANK AND GAZA STRIP	2	-	1	1	3
REPUBLIC OF SOUTH AFRICA	-	-	-	-	1
RUSSIA	23	85	273	1457	13 818
ROMANIA	-	-	-	1	2
RUANDA	-	-	-	2	1
SERBIA	-	-	1	-	1
SIERRA LEONE	-	-	1	-	-
SOMALIA	-	7	-	-	1
SRI LANKA	-	-	-	2	4
USA	2	-	-	-	-
SYRIA	69	20	-	1	150
TAJKISTAN	-	-	-	-	4
TUNISIA	1	-	-	-	5
TURKEY	-	1	-	3	8
TURKMENISTAN	1	-	-	-	3
UGANDA	-	-	-	-	2
UKRAINE	2	5	7	38	26
UZBEKISTAN	-	-	3	3	15
VIETNAM	1	-	-	29	20
IVORY COAST	-	-	-	-	1
Total	200	131	392	2139	16078

Source: Office for Foreigners

The Head of the Office for Foreigners issued over 19,000 decisions, including: 85% discontinuation decisions, 12% negative decisions, 1.5% decisions on tolerated stay, 1% decisions on granting refugee status and 0.5% decisions on granting subsidiary protection. Refugee status was mainly granted to citizens of: Syria - 35%, persons without citizenship [foreigners of Syrian origin] - 13%, Russia - 12%, Afghanistan and Belarus - 10%. Subsidiary protection was mainly granted to: Russians - 65%, Syrians - 15%, citizens of Kazakhstan and Somalia - 5% each, citizens of Ukraine - 4%. Tolerated stay permits were issued mainly to the citizens of: Russia - 70%, Georgia - 16%, Armenia - 6%, Ukraine - 2% and Kyrgyzstan - 1%. Negative decisions were mainly issued to: Russians - 68%, Georgians - 18%, citizens of Armenia - 4%, citizens of Ukraine - 2%, citizens of Kazakhstan and Vietnam - 1% each. In total, 723 foreigners were granted international and domestic protection in Poland in 2013. It represents approximately 5% of all applicants for refugee status [same as in 2012]. Just as in previous years, the manner in which decisions were made in relation to the citizens of the Russian Federation was in line with the recommendations of the UNHCR.

Table 12. Number of foreigners in the refugee procedure and are residing in the reception centres for foreigners who are applying for international protection

Foreigners:	Number of persons
residing in the centres for foreigners	1 946
Residing outside centres for foreigners	1 441
who left the centres for foreigners	159
who entered centres for foreigners [newcomers]	112
unaccompanied minors	7
Total number of foreigners under assistance of the Office for Foreigners as of 2.01.2014	3 394

Source: Office for Foreigners

Dublin conclusions affected in particular the following countries: Germany - 71%, France - 9%, Austria - 5% Sweden - 3% and Switzerland - 2%.

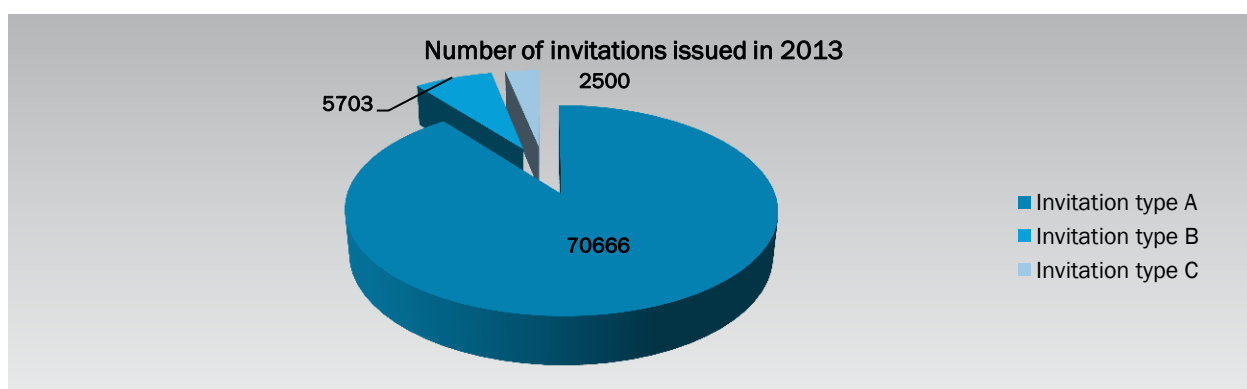
The Refugee Board issued approximately 1,200 decisions, 80% of which upheld the decisions of the Head of the Office for Foreigners.

In 2013, five persons lost their refugee status [three citizens of the Russian Federation, a citizen of Georgia and a citizen of India]. In turn, subsidiary protection has been cancelled in relations to 36 persons [35 Russian citizens and one citizen of Turkey]. In terms of withdrawing international protection, a downward trend was observed as compared to 2012, when 14 foreigners lost their refugee status and 88 were divested of subsidiary protection.

Legal migration

Approximately 80,000 invitations were issued in Poland, mostly to Belarusians, citizens of Ukraine, Russia, China and Mongolia.

Chart 2. Number of registered invitations, by type of invitation, by type of invitation



A - Invitations issued by a Polish citizen; B - Invitations issued by a foreign national residing legally and continuously on the territory of the Republic of Poland for at least 5 years; C - Invitations issued by a legal person or organizational unit without legal personality established in the territory of the Republic of Poland.

Source: Office for Foreigners

As of 9 December 2013¹⁰⁰, 121,219 foreigners in Poland held a valid residence card, which constitutes an increase of over 9% as compared to 31 December 2012 [111,971]. The amnesty for illegal immigrants, introduced in 2012 and, to a much lesser degree, in 2013, did not have a major impact on the above number.

The greatest number of residence permits were held by the citizens of the following third countries: Ukraine [31%], Vietnam [11%], Russia [10%], Belarus [9%], China and Armenia [4%], Turkey, India and the United States [2% each] and South Korea [1.5%].

Table 13. Number of foreigners with valid residence cards as of 9 December 2013, by citizenship and reason of issuance

Citizenship	SUBSIDIARY PROTECTION	PERMIT TO SETTLE	EU LONG-TERM RESIDENT'S RESIDENCE PERMIT	TOLERATED STAY	REFUGEE STATUS	RESIDENCE PERMIT FOR A FIXED PERIOD	TOTAL
AFGHANISTAN	21	36	3	-	32	80	172
ALBANIA	-	66	11	-	-	123	200
ALGERIA	-	316	16	3	1	250	586
ANGOLA	-	24	1	4	-	88	117

¹⁰⁰ Due to the reconstruction of the "Pobyt" system, the Office for Foreigners has yet to prepare comprehensive data for 2013. It should be available in May 2014. All data presented in this study and pertaining to the legalization of stay and (partly) to international protection in 2013 reflects the situation as of 9 December 2013; therefore, it allows, to a certain extent, for comparison with data from 2012.

Citizenship	SUBSIDIARY PROTECTION	PERMIT TO SETTLE	EU LONG-TERM RESIDENT'S RESIDENCE PERMIT	TOLERATED STAY	REFUGEE STATUS	RESIDENCE PERMIT FOR A FIXED PERIOD	TOTAL
SAUDI ARABIA	-	2	-	-	-	245	247
ARGENTINA	-	37	4	-	-	60	101
ARMENIA	11	1675	662	274	3	2217	4842
AUSTRALIA	-	83	3	-	-	121	207
AUSTRIA	-	167	-	-	-	-	167
AZERBAIJAN	-	110	16	6	5	188	325
BAHRAIN	-	-	-	-	-	1	1
BANGLADESH	1	42	8	13	2	188	254
BELGIUM	-	55	-	-	-	-	55
BELIZE	-	1	-	-	-	-	1
BENIN	-	1	-	-	-	5	6
STATELESS	5	544	7	35	31	111	733
BHUTAN	-	1	-	-	-	1	2
BELARUS	15	7078	367	38	92	3570	11161
BOLIVIA	-	26	2	-	-	16	44
BOŠNIA AND HERZEGOVINA	-	87	9	-	3	46	145
BOTSWANA	-	1	-	-	-	2	3
BRAZIL	-	87	9	-	-	276	372
BULGARIA	-	730	8	-	-	-	738
BURKINA FASO	-	1	1	-	-	6	8
BURUNDI	-	3	-	-	-	4	7
CHILE	-	26	3	-	-	37	66
CHINA	4	514	259	16	-	4223	5016
CROATIA	-	167	15	-	-	106	288
CYPRUS	-	12	-	-	-	1	13
CHAD	-	-	-	-	-	3	3
MONTENEGRO	-	27	5	-	-	30	62
CZECH REPUBLIC	-	436	-	-	-	-	436
DENMARK	-	50	-	-	-	-	50
CONGO, DEMOCRATIC REPUBLIC	-	7	-	1	-	15	23
DOMINICAN REPUBLIC	-	8	-	-	-	29	37
DJIBUTI	-	2	-	-	1	-	3
EGYPT	-	279	6	3	14	655	957
ECUADOR	-	24	-	-	-	27	51
ERYTREA	2	1	-	-	-	13	16
ESTONIA	-	12	-	-	-	-	12
ETHIOPIA	-	27	2	-	2	24	55
PHILIPPINES	-	66	25	1	-	239	331
FINLAND	-	25	-	-	-	-	25
FRANCE	-	238	-	-	-	-	238
GABON	-	4	-	-	-	1	5
GAMBIA	-	7	-	2	-	23	32
GHANA	-	13	2	-	-	57	72
GREECE	-	230	-	-	-	-	230
GEORGIA	2	199	31	101	-	302	635
GUYANA	-	1	-	-	-	2	3
GUATEMALA	-	9	1	-	-	12	22

Citizenship	SUBSIDIARY PROTECTION	PERMIT TO SETTLE	EU LONG-TERM RESIDENT'S RESIDENCE PERMIT	TOLERATED STAY	REFUGEE STATUS	RESIDENCE PERMIT FOR A FIXED PERIOD	TOTAL
GUINEA	-	18	2	2	-	18	40
GUINEA BISSAU	-	6	-	-	-	-	6
EQUATORIAL GUINEA	-	1	-	-	-	4	5
HAITI	-	3	-	1	-	12	16
SPAIN	-	66	-	-	-	-	66
HONDURAS	-	2	1	-	-	8	11
HONGKONG	-	2	1	-	-	14	17
INDIA	-	558	317	7	-	1757	2639
INDONESIA	-	42	4	-	-	103	149
IRAQ	34	112	15	7	28	230	426
IRAN	3	51	6	2	7	156	225
IRELAND	-	19	-	-	-	-	19
ICELAND	-	3	-	-	-	-	3
ISRAEL	-	64	25	-	-	194	283
JAMAICA	-	6	-	-	-	13	19
JAPAN	-	193	21	1	-	779	994
YEMEN	-	68	7	1	-	42	118
JORDAN	-	129	10	2	-	76	217
CAMBODIA	-	8	1	-	-	9	18
CAMEROON	-	47	8	3	-	163	221
CANADA	-	142	14	1	-	295	452
QATAR	-	1	-	-	-	-	1
KAZAKHSTAN	7	863	22	7	-	382	1281
KENYA	1	28	7	2	-	91	129
KYRGYZSTAN	5	40	2	13	12	45	117
KIRIBATI	-	-	-	-	-	1	1
COLOMBIA	-	42	4	-	-	95	141
COMOROS	-	-	-	-	-	3	3
CONGO	1	33	1	5	7	66	113
SOUTH KOREA	-	60	122	-	-	1673	1855
NORTH KOREA	-	-	18	-	-	285	303
KOSOVO	-	19	1	-	-	39	59
COSTA RICA	-	10	-	-	-	15	25
CUBA	2	50	1	5	2	82	142
KUWAIT	-	15	-	-	-	8	23
LAOS	1	12	-	-	2	4	19
LEBANON	1	137	10	-	2	84	234
LIBERIA	-	7	-	2	6	5	20
LIBYA	-	68	2	3	1	76	150
LITHUANIA	-	297	-	-	-	-	297
LUXEMBURG	-	2	-	-	-	-	2
LATVIA	-	18	-	-	-	-	18
FYROM	-	125	7	2	-	60	194
MADAGASCAR	-	13	-	1	-	10	24
MALAWI	-	-	-	-	-	4	4
MALAYSIA	-	10	4	-	-	217	231
MALI	-	17	3	-	-	9	29
MOROCCO	-	151	11	2	-	247	411

Citizenship	SUBSIDIARY PROTECTION	PERMIT TO SETTLE	EU LONG-TERM RESIDENT'S RESIDENCE PERMIT	TOLERATED STAY	REFUGEE STATUS	RESIDENCE PERMIT FOR A FIXED PERIOD	TOTAL
MAURETANIA	-	3	-	-	-	2	5
MAURITIUS	-	7	2	-	-	19	28
MEXICO	-	108	4	-	-	239	351
MOLDOVA	-	338	71	11	1	455	876
MONGOLIA	-	366	111	35	1	414	927
MOZAMBIQUE	-	3	-	-	-	-	3
MYANMAR	-	1	-	-	-	15	16
NAMIBIA	-	2	-	-	-	2	4
NEPAL	-	33	38	6	3	461	541
NETHERLANDS	-	116	-	-	-	-	116
GERMANY	-	693	-	-	-	-	693
UNKNOWN	1	38	2	16	-	10	67
NIGERIA	2	329	17	14	1	536	899
NICARAGUA	-	5	-	-	-	4	9
NORWAY	-	39	-	-	-	-	39
NEW ZEALAND	-	18	1	-	-	42	61
PAKISTAN	1	109	12	21	5	355	503
WEST BANK AND GAZA STRIP	8	45	11	1	3	94	162
PANAMA	-	5	-	-	-	4	9
PARAGUAY	-	-	-	-	-	7	7
PERU	-	88	3	1	-	68	160
PORTUGAL	-	8	-	-	-	-	8
REPUBLIC OF SOUTH AFRICA	-	61	7	-	-	94	162
CENTRAL AFRICAN REPUBLIC	-	-	-	-	-	1	1
REPUBLIC OF CABO VERDE	-	1	-	-	-	-	1
RUSSIA	2243	4813	425	610	530	4024	12645
ROMANIA	-	159	-	-	-	-	159
RUANDA	-	4	-	-	-	16	20
SAINT VINCENT AND THE GRENADINES	-	-	-	-	-	1	1
EL SALVADOR	-	2	-	-	-	12	14
SENEGAL	-	22	4	1	-	53	80
SERBIA	-	421	15	1	-	197	634
SEYCHELLES	-	-	-	-	-	1	1
SIERRA LEONE	-	20	-	2	-	6	28
SINGAPORE	-	14	-	-	-	32	46
SLOVAKIA	-	245	-	-	-	-	245
SLOVENIA	-	12	-	-	-	-	12
SOMALIA	8	19	-	-	4	26	57
SRI LANKA	24	58	1	4	5	51	143
USA	-	834	80	2	2	1572	2490
SUDAN	4	28	3	9	3	21	68
SYRIA	18	242	50	4	67	392	773
SWITZERLAND	-	39	-	-	-	-	39
SWEDEN	-	296	-	-	-	-	296
TAJIKISTAN	-	9	4	-	-	56	69
THAILAND	-	38	11	-	-	250	299

Citizenship	SUBSIDIARY PROTECTION	PERMIT TO SETTLE	EU LONG-TERM RESIDENT'S RESIDENCE PERMIT	TOLERATED STAY	REFUGEE STATUS	RESIDENCE PERMIT FOR A FIXED PERIOD	TOTAL
TAIWAN	-	14	12	-	-	203	229
TANZANIA	-	22	1	1	-	39	63
TOGO	-	5	1	2	-	10	18
TRINIDAD AND TOBAGO	-	3	-	-	-	2	5
TUNISIA	-	267	18	1	1	550	837
TURKEY	8	587	280	6	2	1835	2718
TURKMENISTAN	-	35	2	-	1	59	97
UGANDA	-	8	-	2	1	22	33
UKRAINE	7	17959	2198	142	1	17372	37679
URUGUAY	-	6	-	-	-	6	12
UZBEKISTAN	4	117	24	9	-	276	430
VENEZUELA	-	37	5	-	-	56	98
HUNGARY	-	304	-	1	-	-	305
UNITED KINGDOM	-	243	-	-	-	-	243
VIETNAM	1	4340	1947	368	4	6744	13404
ITALY	-	253	-	-	-	-	253
IVORY COAST	-	6	1	-	-	12	19
SAO TOME AND PRINCIPE	-	1	-	1	-	-	2
ZAMBIA	-	7	-	1	-	5	13
ZIMBABWE	1	7	6	-	-	35	49
UNITED ARAB EMIRATES	-	1	-	-	-	-	1
Total	2446	51027	7490	1838	888	57529	121219

Source: Office for Foreigners

Applications for registering residence were submitted by 9,000 EU citizens [most from Germany, Spain, Italy, Bulgaria and France]. The greatest number of foreigners who are citizens of EU member states holding valid travel documents come from Germany, Italy, France, Great Britain, Bulgaria and Spain.

When it comes to different types of residence permits on the basis of which residence cards are issued, the situation on 9 December 2013 was as follows:

Residence permit for a fixed period – 57,529 cards [31 December 2012 – 54,503]

Permanent residence permit – 51,027 cards [31 December 2012 – 47,908]

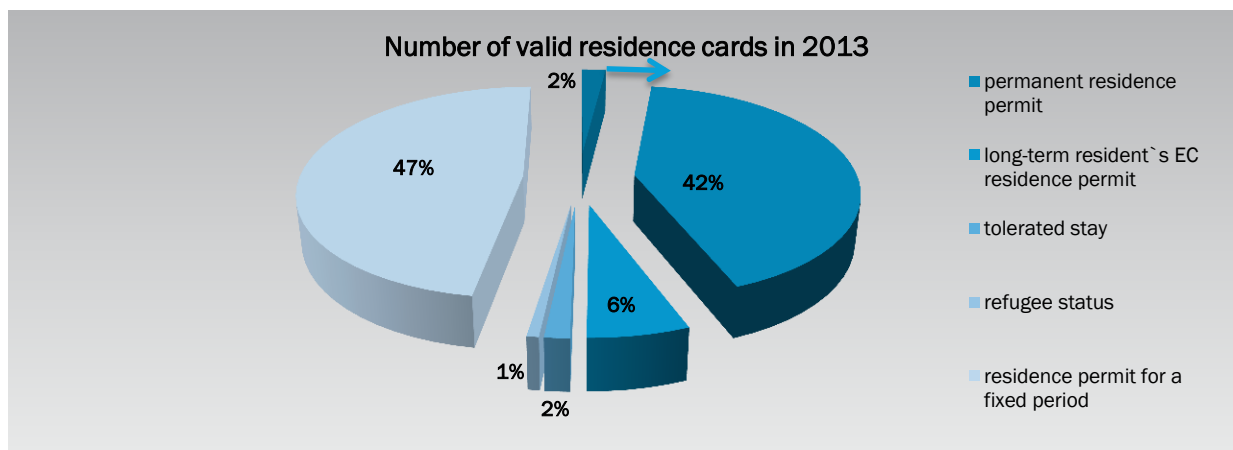
Long-term resident's EC residence permit – 7,400 cards [31 December 2012 – 5,722]

Refugee status - 888 cards [31 December 2012 - 849]

Subsidiary protection – 2,446 cards [31 December 2012 – 2,369]

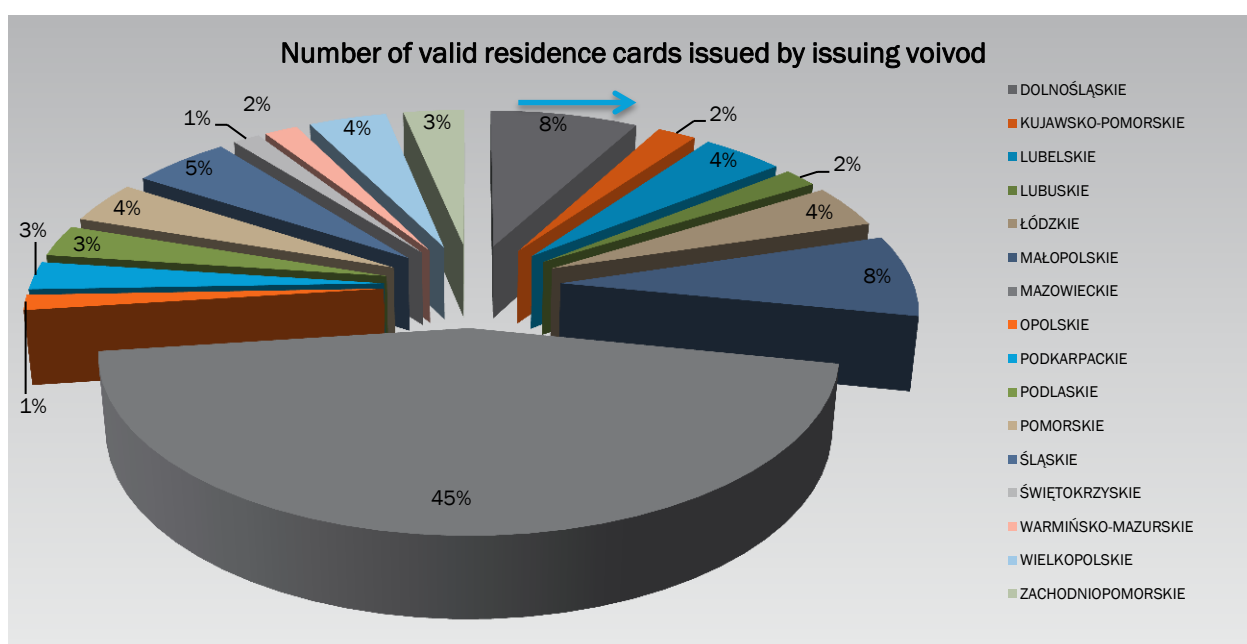
Tolerated stay – 1,838 cards [31 December 2012 - 620]

Chart 3. Number of valid residence cards issued to foreigners as of 9 December 2013



Source: Office for Foreigners

Chart 4. Number of valid residence cards issued to foreigners as of 9 December 2013 by issuing organ



Source: Office for Foreigners

In 2013, 35,000 applications for residence permit for a fixed period were received, one third of which were filed by citizens of Ukraine, followed by the citizens of China [9%], Vietnam [6%], Belarus and Russia [5% each]. In the case of applications for permanent residence permit [a total of 4,500 applicants], the number of applications submitted by persons who have married of a citizen of the Republic of Poland has been growing [nearly 100% of applications filed by citizens of Turkey, Nigeria, Egypt and Tunisia]. The majority of third-country nationals who obtain a residence permit for a fixed period of time [a total of 3,500 persons] are citizens of: Ukraine [46%], Belarus [17%], Russia [6%], Turkey, Egypt and Tunisia [2%].

In 2013, the number of applications for long-term resident's EC residence permit increased [over 2,000]. The majority of positive decisions were issued to citizens of: Vietnam [35%], Ukraine [22%], Armenia [8%], China [7%] and Russia [4%].

Economic migration

In 2013, a decrease as compared to 2012 was observed in both the number of permits issued [by 0.2%] and the number of registered declarations of intention to employ a foreigner [3.3%]. In both cases,

however, the decrease was recorded in the first half of 2013 [lower as compared to the first half of 2012 by less than 9%]. In the second half of 2013, the number of permits and the number of employer's declarations of intention to employ a foreigner increased as compared to the second half of 2012 by 8.9% and 7.1% respectively.

Table 14: Number of work permits issued in 2013 including 10 leading countries of origin

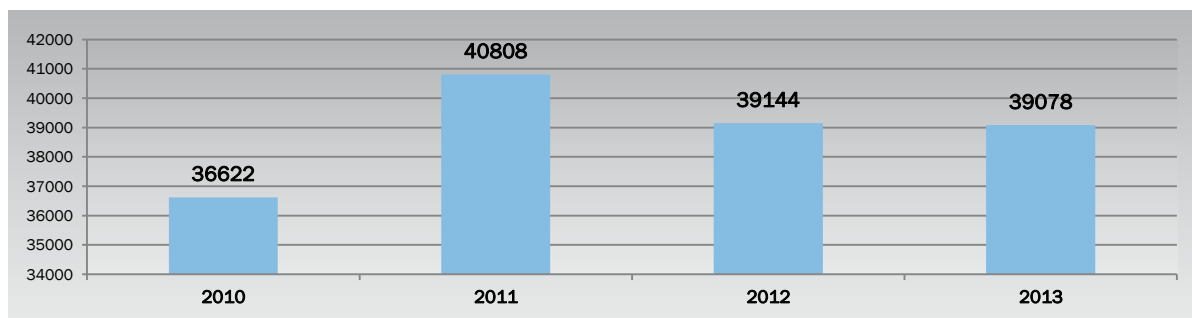
Country of origin	Number of work permits issued	Udział procentowy
Ukraine	20.416	52,24%
China	3.089	7,90%
Vietnam	2.230	5,70%
Belarus	2.004	5,12%
India	1.300	3,32%
Turkey	967	2,47%
Uzbekistan	948	2,42%
Russia	822	2,10%
Moldova	699	1,78%
Nepal	525	1,34%
others	6.078	15,55%
Total	39 078	100%

Source: Ministry of Labour and Social Policy

In 2013, the greatest number of work permits were issued to citizens of Ukraine [52.24%], China [7.90%] and Vietnam [5.88%]. These countries had also ranked highest in 2012. Apart from the above, the following countries form the list of top ten: Belarus, India, Turkey, Uzbekistan, Russia, Moldova and Nepal.

Among declarations registered in 2013 by district employment agencies, 92.34% concerned citizens of Ukraine; data regarding the share of citizens of other countries in the structure of declarations issued is similar to statistical data from previous years.

Table 15. Number of work permits issued between 2010-2013



Source: Ministry of Labour and Social Policy

Table 16. Number of work permits issued in 2013 according to selected PKD sections (Polish Classification of Economic Activities)

Selected PKD section	Number of issued permits	percentage
Total of work permits	39.078	100%
agriculture, forestry and fishing	1.842	4,71%
manufacturing	1.897	4,85%
construction	5.054	12,91%
trade	7.164	18,30%
transportation and storage	3.380	7,87%
accommodation and catering	3.029	7,74%

Selected PKD section	Number of issued permits	percentage
information and communication	758	1,94%
financial and insurance activities	251	0,64%
professional, scientific and technical activities	1.849	4,72%
education	356	0,91%
human health and social work activities	343	0,88%
domestic services	5.014	12,81%
others	8.141	21,56%

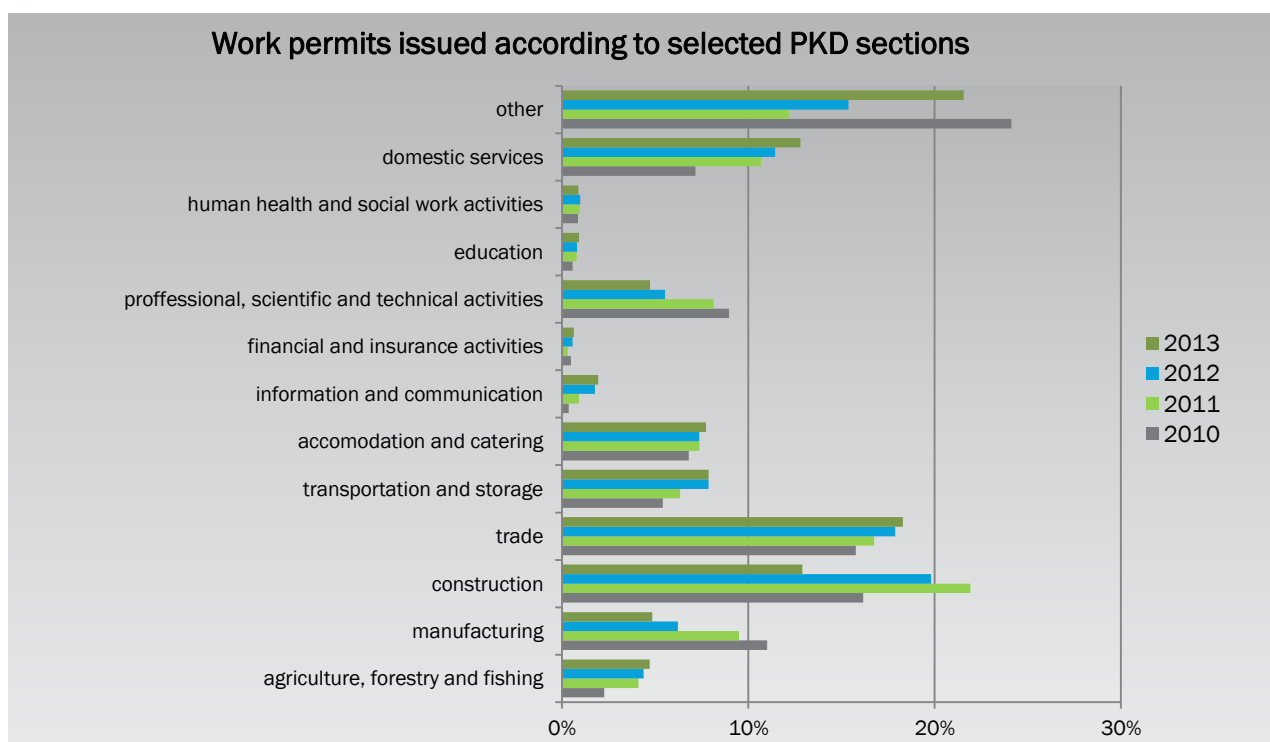
Source: Ministry of Labour and Social Policy

The greatest number of foreigners who were granted a work permit in Poland in 2013 found employment in wholesale and retail [18.30%], construction [12.91%] and in households employing workers [12.81%].

In 2013, many declarations of intention to employ a foreigner were issued for employment in agriculture [approx. 52.2%], construction [approx. 12.6%] and manufacturing [7.5%].

In the case of both work permits and declarations, a relatively significant decline in the employment of foreigners in the construction sector has been observed as compared to 2012. In terms of the number of permits, the share of this sector decreased by 6.9 percentage points, and in terms of declarations - by 9.5 percentage points.

Chart 6. Work permits issued between 201-2013 according to selected PKD sections



Source: Ministry of Labour and Social Policy

Table 17. Number of employer's statement on intention to entrust work to a foreigner registered between 2008-2013 by citizenship

Year	Citizenship					TOTAL
	BELARUS	RUSSIA	UKRAINE	MOLDOVA	GEORGIA	
2008	12606	1147	142960	X	X	156713
2009	4860	674	180133	2747	X	188414

Year	Citizenship					TOTAL
	BELARUS	RUSSIA	UKRAINE	MOLDOVA	GEORGIA	
2010	3623	595	169490	5912	453	180073
2011	4370	963	239646	13024	1774	259777
2012	7636	1624	223671	9421	1384	243736
2013	5194	1260	217571	9248	2343	235614

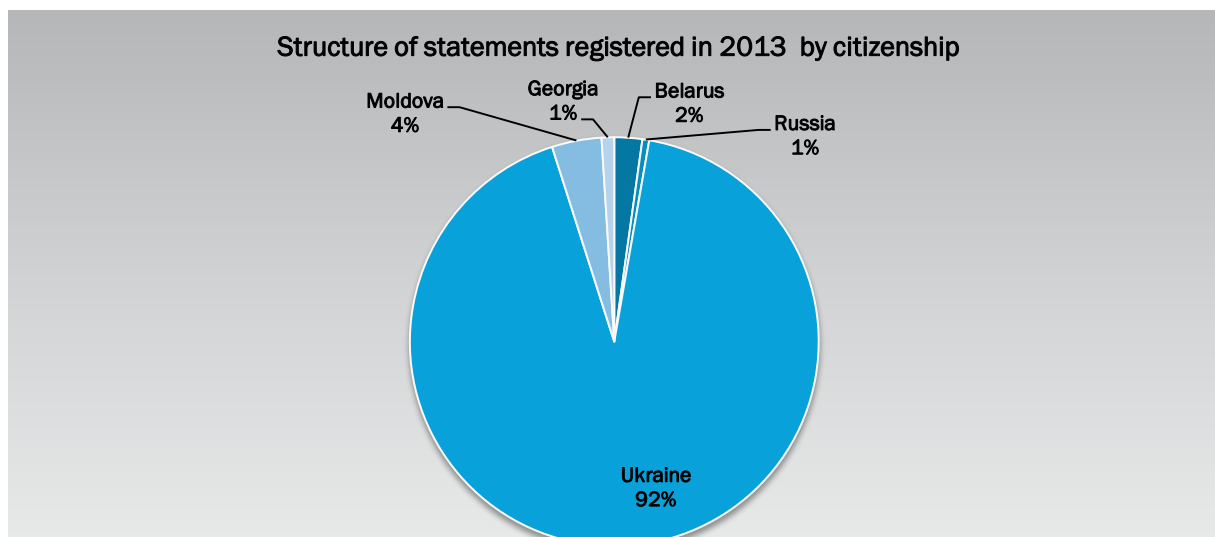
Source: Ministry of Labour and Social Policy

Table 18. Number and structure of statements on intention to entrust work registered by the Poviats Labour Office (PUP) between 2011 – 2013, by selected PKD sections (number, %)

Statements by sections	2011		2012		2013	
	number of statements	% of total	number of statements	% of total	number of statements	% of total
Agriculture, forestry and fishing	128788	49,6%	113694	46,6%	118480	50,2%
Manufacturing	15264	5,9%	16426	6,7%	17739	7,5%
Construction	57169	22,0%	53968	22,1%	29734	12,6%
Trade	4597	1,8%	6511	2,7%	12130	5,1%
Transportation and storage	5897	2,3%	7304	3,0%	5548	2,3%
Accommodation and catering	4410	1,7%	4639	1,9%	3770	1,6%
Information and communication	296	0,1%	460	0,2%	686	0,29%
financial and insurance activities	179	0,1%	169	0,1%	671	0,28%
Professional, scientific and technical activities	360	0,1%	943	0,4%	1452	0,6%
Education	98	0,0%	144	0,1%	110	0,04%
Human health and social work activities	751	0,3%	916	0,4%	541	0,22%
Domestic services	11564	4,5%	7289	3,0%	5796	2,45%
Others	30404	11,7%	31273	12,8%	38959	16,5%
Total	259777	100,0%	243736	100,0%	235614	100%

Source: Ministry of Labour and Social Policy

Chart 7. Structure of statements registered in 2013 [by citizenship]



Source: Ministry of Labour and Social Policy

In 2013, a total of nearly 102,000 foreigners were registered in social security systems. 101,083 of them were registered at the Social Insurance Company [ZUS], and 850 at the Agricultural Social Insurance Fund [KRUS].

Table 19. Number of foreigners with social insurance in Poland^{a)}: old-age and disability pensions who declared non-Polish citizenship as of 31.12.2013 r.

Citizenship	Assured natural foreigners ^{b)}			Foreign workers			Foreigners who run non-agricultural activity ^{c)}		
	Total, including: ^{d)}	women	men	Total, including: ^{d)}	women	men	Total, including: ^{d)}	women	men
TOTAL	101 083	38 614	61 629	71 787	26 958	44 381	13 323	3 976	9 255
AFGHANISTAN	137	30	107	100	23	77	30	5	25
ALBANIA	97	24	73	71	19	52	14	2	12
ALGERIA	272	19	253	179	15	164	65	1	64
USA	1 008	236	761	592	148	439	244	37	206
ANDORRA	1	0	1	1	0	1	1	0	1
ANGOLA	32	9	23	18	6	12	6	1	5
ARGENTINA	55	15	39	41	13	28	9	1	7
ARMENIA	1 922	827	1 092	1 175	547	626	631	219	412
ARUBA	1	0	1	1	0	1	0	0	0
AUSTRALIA	105	30	73	68	21	47	21	5	15
AUSTRIA	452	118	332	280	76	202	145	34	111
AZERBAIJAN	134	27	107	89	18	71	39	8	31
BANGLADESH	178	3	175	98	1	97	35	0	35
BARBADOS	2	1	1	1	0	1	1	1	0
BELGIUM	402	55	341	259	44	210	96	7	88
BENIÑ	6	2	4	4	2	2	1	0	1
BELARUS	6 387	2 986	3 359	4944	2169	2742	651	356	294
MYANMAR	13	3	10	11	2	9	2	1	1
BOLIVIA	16	5	11	15	4	11	0	0	0
BOSNIA AND HERZEGOVINA	91	9	82	67	3	64	16	2	14
BOTSWAÑA	2	0	2	1	0	1	1	0	1
BRAZIL	197	40	155	129	22	107	15	6	9
BRITISH INDIAN OCEAN TERRITORY	7	2	4	3	1	2	0	0	0
UNITED KINGDOM	1 759	266	1 479	1015	170	840	559	57	498
BRITISH VIRGIN ISLANDS	26	1	25	12	0	12	12	1	11
BULGARIA	2 658	933	1 698	1492	463	1026	921	347	555
BURKIÑA FASO	5	0	5	2	0	2	1	0	1
BURUNDI	3	0	3	1	0	1	0	0	0
CHILE	34	4	30	23	2	21	6	1	5
CHIÑA	3 298	1 196	2 088	3137	1131	1993	135	45	89
CROATIA	235	41	191	162	30	130	44	3	41
CYPRUS	25	5	20	15	3	12	9	2	7

Citizenship	Assured natural foreigners ^{b/}			Foreign workers			Foreigners who run non-agricultural activity ^{c/}		
	Total, including: ^d	women	men	Total, including: ^d	women	men	Total, including: ^d	women	men
MONTENEGRO	40	4	36	29	2	27	7	1	6
CHECHOSLOVAKIA	1	0	1	1	0	1	0	0	0
RUSSIA	14	5	9	12	4	8	0	0	0
CZECH REPUBLIC	1 256	466	776	980	354	617	128	42	86
DOMINICAN REPUBLIC	10	3	7	7	2	5	3	1	2
DENMARK	345	27	316	207	17	190	137	9	126
EGYPT	419	6	413	285	4	281	81	2	79
ECUADOR	29	4	25	20	3	17	7	1	6
UNITED ARAB EMIRATES	3	0	3	3	0	3	0	0	0
ERYTREA	2	1	1	1	1	0	0	0	0
ESTONIA	61	35	24	37	24	13	17	7	9
ETHIOPIA	41	10	31	24	5	19	10	2	8
PHILIPPINES	184	114	68	149	87	60	1	1	0
FINLAND	213	62	149	181	54	125	19	3	16
FRANCE	2 010	301	1 685	1593	225	1356	315	42	269
FRENCH SOTHERN AND ANTARCTIC LANDS	38	4	34	25	2	23	11	2	9
GABOÑ	1	1	0	1	1	0	0	0	0
GAMBIA	9	1	8	4	0	4	0	0	0
GHAÑA	28	2	26	23	2	21	3	0	3
GREECE	413	59	346	272	38	229	98	9	87
GRENADA	2	0	2	0	0	0	2	0	2
GEORGIA	360	119	241	243	83	160	49	16	33
GUYANA	8	1	7	5	1	4	3	0	3
GUATEMALA	18	4	14	13	2	11	1	0	1
GUINEA	34	4	30	26	4	22	2	0	2
HAITI	4	0	4	2	0	2	0	0	0
INDIA	1 380	134	1 239	1150	99	1046	145	6	138
SPAIN	1 160	200	936	903	145	739	142	30	110
NETHERLANDS	817	85	725	586	66	515	197	14	182
HONDURAS	4	0	4	2	0	2	1	0	1
INDONESIA	91	50	38	75	45	27	3	1	2
IRAQ	141	12	128	95	7	87	38	3	35
IRAÑ	117	21	94	72	10	61	30	5	25
IRELAND	335	32	295	197	21	173	105	4	97
ICELAND	10	0	10	3	0	3	6	0	6
ISRAEL	156	30	122	117	23	92	28	6	21
JAMAICA	10	5	5	9	4	5	2	1	1
JAPAN	324	89	234	255	65	190	30	10	20
YEMEN	60	0	60	36	0	36	23	0	23
JORDAÑ	124	3	121	72	1	71	46	1	45
YUGOSLAVIA	137	22	114	92	16	75	34	3	31
CAMBODIA	14	1	13	10	1	9	5	0	5
CAMEROON	114	12	101	92	9	82	5	1	4
CANADA	186	44	140	115	30	85	40	4	36
KAZAKHSTAN	762	410	352	619	333	286	70	34	36
KENYA	55	19	36	33	10	23	13	5	8
KYRGYZSTAN	53	30	23	44	25	19	3	1	2
COLOMBIA	80	15	64	55	11	43	9	0	9
CONGO	72	9	63	57	7	50	8	0	8
SOUTH KOREA	530	133	386	441	97	341	29	5	23
COSTA RICA	19	1	18	14	1	13	3	0	3
UNITED KINGDOM	163	18	145	81	8	73	74	7	67
CUBA	96	22	73	62	16	45	16	2	14
KUWAIT	6	0	6	4	0	4	1	0	1
SRI LANKA	56	9	47	42	7	35	6	0	6
LAOS	17	0	17	13	0	13	2	0	2
LEBANON	104	10	92	73	9	62	33	0	33
LIBERIA	5	0	5	2	0	2	1	0	1
LIBYA	55	0	54	32	0	32	12	0	11
LITHUANIA	1 365	703	644	988	553	422	158	88	68
LUXEMBURG	3	0	3	3	0	3	0	0	0
LATVIA	310	154	152	203	106	95	35	14	21
FYROM	127	25	102	96	20	76	18	1	17
MADAGASCAR	13	5	8	8	3	5	1	0	1
MALAYSIA	17	8	9	14	6	8	0	0	0
MALI	28	3	25	17	1	16	7	1	6

Citizenship	Assured natural foreigners ^{b/}			Foreign workers			Foreigners who run non-agricultural activity ^{c/}		
	Total, including: ^d	women	men	Total, including: ^d	women	men	Total, including: ^d	women	men
MALTA	12	4	8	5	3	2	5	0	5
MOROCCO	199	14	184	141	10	130	32	2	30
MAURETANIA	5	2	3	4	2	2	0	0	0
MAURITIUS	12	4	8	10	3	7	2	1	1
MEXICO	194	52	141	160	38	121	11	5	6
MOLDOVA	1 217	476	734	1047	426	619	38	12	26
MONACO	1	0	1	0	0	0	0	0	0
MONGOLIA	323	197	125	217	128	88	94	62	32
MOZAMBIQUE	3	0	3	3	0	3	0	0	0
NEPAL	376	78	297	288	54	233	9	1	8
GERMANY	3 048	637	2 371	1950	435	1496	848	132	704
NIGER	24	3	21	21	3	18	1	0	1
NIGERIA	237	14	221	114	9	105	47	1	46
NICARAGUA	11	1	10	7	1	6	2	0	2
NORWAY	88	11	77	46	7	39	31	0	31
NEW ZEALAND	30	8	21	20	6	14	5	0	5
PAKISTAN	223	28	195	166	26	140	47	1	46
WEST BANK AND GAZA STRIP	83	4	78	51	4	46	31	0	31
PANAMA	12	3	9	8	3	5	3	0	3
PAPUA NEW GUINEA	1	1	0	0	0	0	0	0	0
PARAGUAY	13	6	7	7	3	4	2	1	1
PERU	78	23	55	57	18	39	15	4	11
REPUBLIC OF SOUTH AFRICA	65	18	47	48	17	31	10	0	10
PORTUGAL	643	72	557	569	63	493	52	6	46
REPUBLIC OF SOUTH AFRICA	17	4	13	13	2	11	4	2	2
REPUBLIC OF CABO VERDE	2	2	0	1	1	0	0	0	0
RUSSIA	3 832	2 264	1 558	2826	1680	1140	511	271	240
ROMANIA	2 492	1 042	1 430	1635	383	1237	143	33	106
RUANDA	11	4	7	9	3	6	0	0	0
EL SALVADOR	6	1	5	3	1	2	2	0	2
AMERICAN SAMOA	1	0	1	1	0	1	0	0	0
SAUDI ARABIA	2	0	2	2	0	2	0	0	0
SENEGAL	49	4	45	38	4	34	2	0	2
SERBIA AND MONTENEGRO	301	61	236	215	46	168	39	4	34
SIERRA LEONE	12	2	10	7	0	7	0	0	0
SINGAPORE	11	5	6	8	5	3	3	0	3
SLOVAKIA	1 087	408	665	864	319	535	89	28	59
SLOVENIA	105	28	74	65	19	46	16	3	13
SOMALIA	20	0	20	14	0	14	1	0	1
SUDAŃ	35	5	30	26	4	22	7	0	7
SURINAM	3	0	3	2	0	2	1	0	1
SYRIA	457	24	432	297	18	279	150	3	146
SWITZERLAND	70	16	54	48	11	37	18	4	14
SWEDEN	500	109	387	358	79	277	125	26	98
CENTRAL AFRICAN REPUBLIC	2	0	2	1	0	1	0	0	0
TADJIKISTAN	18	4	14	11	2	9	6	2	4
THAILAND	224	133	86	206	121	80	5	4	1
TAIWAN	50	28	22	41	22	19	6	4	2
TANZANIA	30	5	25	23	5	18	3	0	3
TOGO	15	1	14	5	1	4	1	0	1
TRINIDAD AND TOBAGO	2	2	0	0	0	0	0	0	0
TUNISIA	405	14	390	292	11	280	61	0	61
TURKEY	1 843	78	1 756	1517	70	1440	311	4	305
TURKMEŃISTAN	24	19	5	18	16	2	3	1	2
UGANDA	19	5	14	13	3	10	1	0	1
UKRAINE	32 989	16 327	16 313	21451	10485	10813	2157	1158	995
URUGUAY	6	2	4	3	1	2	3	1	2
UZBEKISTAN	333	77	252	258	54	200	25	14	11
VATICAN	5	0	5	4	0	4	1	0	1
VENEZUELA	32	7	25	23	4	19	7	3	4
HUNGARY	742	261	468	603	223	373	80	15	61
VIETNAM	5 267	1 864	3 380	4455	1622	2811	818	240	578
ITALY	2 208	230	1 950	1465	173	1280	545	33	502

Citizenship	Assured natural foreigners ^{b/}			Foreign workers			Foreigners who run non-agricultural activity ^{c/}		
	Total, including: ^{d/}	women	men	Total, including: ^{d/}	women	men	Total, including: ^{d/}	women	men
IVORY COAST	11	2	9	10	1	9	1	1	0
SAO TOME AND PRINCIPE	5	2	3	4	1	3	0	0	0
ZAMBIA	16	8	8	11	4	7	1	0	1
ZIMBABWE	27	9	17	20	7	13	3	1	2
OTHERS	6 680	3 467	3 212	5 051	2 695	2 355	906	366	540

^{a/} Central Register of Persons with Social Security ; ^{b/} Assured natural foreigners – insured foreigner counted only once regardless of number of designation codes of assurance; ^{c/} Including collaborators ; ^{d/} Tab „Total” consists also of data of assured persons in case when wrongly gathered data on the sex of a person [or no data with this regard] were included.

Source: Social Insurance Institution

Table 20. Number of foreigners registered in the Agricultural Social Insurance Fund in 2013

Year 2013	Total number of assured persons	Agriculturists	Members of family
Total	850	766	84
including:	10	9	1
Austria			
Belgium	6	6	0
Bulgaria	11	9	2
Croatia	6	6	0
Cyprus	1	1	0
Czech Republic	21	20	1
Denmark	5	5	0
France	13	12	1
Greece	8	7	1
Spain	4	2	2
Netherlands	45	39	6
Ireland	1	1	0
Lithuania	43	39	4
Luxemburg	1	1	0
Latvia	2	1	1
Germany	101	90	11
Portugal	3	3	0
Romania	18	11	7
Slovakia	35	30	5
Sweden	5	3	2
Hungary	9	8	1
Unietd Kingdom	19	15	4
Italy	26	24	2
Norway	4	4	0
Switzerland	12	12	0
Albania	2	2	0
Algeria	1	1	0
Armenia	9	9	0
Stateless	1	0	1
Belarus	24	24	0
Bosnia and Herzegovina	1	1	0
China	2	2	0
Egypt	1	1	0
Philippines	1	1	0
Georgia	1	1	0
India	1	0	1
Iraq	1	1	0
Jordan	1	1	0
Kenya	1	1	0
Cuba	1	1	0
Morocco	2	2	0
Mauritius	1	1	0
Mexico	1	1	0

Year 2013	Total number of assured persons	Agriculturists	Members of family
Total	850	766	84
Moldova	4	3	1
Mongolia	2	2	0
Nigeria	1	1	0
Republic of South Africa	1	1	0
Russia	19	18	1
Serbia and Montenegro	1	1	0
USA	3	3	0
Taiwan	1	0	1
Tunisia	2	2	0
Ukraine	350	322	28
Uzbekistan	1	1	0
Vietnam	4	4	0

Source: Agricultural Social Insurance Fund

Irregular migration

Despite the growing scale of illegal border crossing and the number of customs clearances carried out by the Border Guard at the Polish border in 2013 [14.1 million, or an increase of 11.7% as compared to 2012], the scale of illegal migration did not change significantly, but rather remained at a relatively low and stable level.

In 2013, 42,451 foreigners were refused entry into Poland; the largest number of entry refusals were issued to citizens of: Russia – 15,999, Ukraine – 13,652, Georgia – 7,253 and Belarus – 3,287. Pursuant to the Ordinance of the Minister of the Interior of 23 October 2013 on temporary resumption of border controls in relations to persons crossing a state border which is an internal EU border [Dz. U. of 2013. item 1246] in the period between 8 and 23 November 2013, 63 foreigners were refused entry into Poland.

In 2013, a total of 3,563 third-country nationals [3,052 in 2012] were arrested¹⁰¹ for having crossed the state border illegally [pgpwp] or for attempting to cross the border; they were arrested immediately after having crossed the border or while attempting to do it. 2,314 foreigners [third-country nationals] were arrested while attempting to cross the border and enter the territory of Poland illegally. In 2012, a total of 2,449 foreigners were arrested.

A total of 1,484 third country nationals were arrested after they had crossed an external border illegally [1,281 in 2012] Number of arrests related to the crossing of the state border illegally [pgpwp] along the following sections of the border:

- [i] with Ukraine - 753 [577 in 2012],
- [ii] with Belarus - 417 [421 in 2012],
- [iii] external air routes - 222 [267 in 2012],
- [iv] with Russia - 84 [15 in 2012],
- [v] external sea routes - 8 [1 in 2012].

A total of 830 third country nationals [1,168 in 2012] were arrested after having crossed the internal border illegally. Arrests related to the crossing of the state border illegally [pgpwp] along the following sections of the border:

- [i] with Germany - 422 [557 in 2012],
- [ii] with the Czech Republic - 217 [337 in 2012],
- [iii] with Lithuania - 117 [116 in 2012],

¹⁰¹ According to the adopted definitions, arrest may also mean disclosure, seizure etc. It includes cases of "detection" of a given event and stopping/seizing/disclosing the person committing an illegal act. It also encompasses arrests of persons charged with acts other than crossing the state border illegally [e.g. forgery of documents].

- [iv] with Slovakia - 25 [7 in 2012],
- [v] internal sea routes - 34 [7 in 2012],
- [vi] internal air routes - 15 [144 in 2012].

Among the total number of persons arrested for crossing the Polish border illegally [pgpwp] along all of its sections, the most numerous were citizens of: Ukraine – 1,156 [1,158 in 2012], Russia - 265 [141 in 2012], Belarus - 255 [203 in 2012], Georgia - 130 [152 in 2012], Syria - 86 [101 in 2012] and Vietnam - 56 [81 in 2012].

In 2013, in the process of border control, the Border Guard revealed 26 cases of abuse of visa procedures by third-country nationals declaring their intention to study in Poland. The above cases of abuse involved citizens of: Ukraine [19], Belarus [6] and Congo [1].

Among 11,709¹⁰² third-country nationals [9,652 in 2012] arrested for having crossed the state border illegally [pgpwp], for illegal residence, illegal employment and smuggling of documents, a total of 1,773 persons [1,901 in 2012] held false documents [including original documents of other persons and documents obtained by deception¹⁰³]. A total of 1,351 false visas, 216 false stamps, 111 passports, 50 identity cards, 42 residence permits and 3 other documents were seized. The greatest number of visas obtained by deception were issued by the Polish diplomatic post in Lviv [44%], in Vinnitsa [9%], and Luck [8%].

It was established that in 2013, 3,367¹⁰⁴ third-country nationals [3,215 in 2012] who crossed the border and entered the Polish territory illegally, were stopped by the Border Guard while attempting to travel from Poland to other countries [stopped for crossing the border illegally when attempting to leave Poland), as well as for illegal residence, illegal work and the smuggling of documents. Among this group of foreigners, 2,590 [2,522 in 2012] crossed sections of the internal border, mainly with Germany, while 717 [637 in 2012] crossed external border sections, mainly with Ukraine.

7,664 third-country nationals [6,169 in 2012] were stopped in connection with illegal stay. 33% of arrests in connection with illegal stay took place in the following voivodeships: Dolnośląskie [24%], Mazowieckie [16%], Podkarpackie [12%], Lubuskie [10%] and Małopolskie [9%].

In 2013, the Border Guard recorded 17 cases of fraud committed by third-country nationals declaring their intention to study in Poland. They involved citizens of: Belarus [1] Morocco [1] Senegal [1] Bangladesh [1] Iran [1] Cameroon [1] Kenya [1] Pakistan [1] Nepal [1], the US [2], Taiwan [2], Turkey [2] and Ukraine [2].

In 2013, the Border Guard obliged 6,515 foreigners [5,890 in 2012], mainly citizens of Ukraine, Russia and Belarus, Moldova, Kazakhstan and Vietnam, to leave the territory of Poland.

Chart 8. Number of decisions on obligation to leave Poland issued by the Border Guard between January - December 2013

¹⁰² Not accounting for persons detained by the Border Guard, who crossed the border to/from Poland illegally, following their transfer by authorities of the other countries (2,423 third-country nationals).

¹⁰³ Cases of obtaining a visa by deception were also recorded in situations where arresting an alien took place due to the presentation of a fake cooperation invitation, which was to be used in order to obtain a visa. In many cases, only information about forging an invitation was reported, without any direct reference to "obtaining a visa by deception". Nevertheless, due to the importance of the phenomenon, such cases are referred to as „obtaining a visa by deception” for monitoring purposes.

¹⁰⁴ The system of Polish border protection has been adapted to the four-level safety management system of the external borders of the European Union. In this model, developed in 2002 for the purposes of the management system of external borders of the EU, four complementary border protection zones are distinguished. Zone 4 includes immigration checks carried out on the territory of a Member State. These are complemented by activities undertaken directly at the border (zone 3). It is not always possible to determine at the border crossing whether the purpose of the journey of a foreigner declared at the entry (and previously in the visa application) is consistent with his/her actual intention. In many cases, this can only be established following the analysis of the person's stay on the Polish territory. Therefore, for example, if a person charged with obtaining visa by deception or changing his/her name in order to circumvent the ban on entry into Poland is stopped on the Polish territory, it is assumed that this person entered the Polish territory illegally.



Source: Border Guard

Voivodes issued expulsion orders to nearly 1,000 foreigners [mostly citizens of Russia, Ukraine, Georgia, Vietnam and Belarus]. A similar number of expulsion decisions were issued by voivodes in 2012. The number of third-country nationals actually expelled/ transferred from the territory of Poland by the Border Guard stood at nearly 3,000 in 2013 [2,289 foreigners, 519 in readmission]. In 2012, these numbers were, respectively, 1,657 of expelled foreigners, including 551 in readmission.

Table 21. Number of foreigners expelled from the territory of Poland in 2013

CITIZENSHIP	TOTAL
TOTAL	2289
AFGHANISTAN	20
ALBANIA	5
ALGERIA	2
SAUDI ARABIA	2
ARMENIA	37
AZERBAIJAN	3
BANGLADESH	15
STATELESS	5
BELARUS	44
CHILE	1
CHINA	7
THE REPUBLIC OF THE CONGO (ZAIR)	2
EGIPT	11
ERITREA	1
GAMBIA	2
GHANA	1
GEORGIA	395
GUINEA	2
INDIA	18
IRAQ	8
IRAN	14
KAZAKHSTAN	9
KYRGYZSTAN	7
CONGO	1
LIBAN	2
LIBIA	1
MALI	1
MAROCCO	3
MOLDOVA	21
MONGOLIA	7
NEPAL	4
GERMANY	1
NOT DEFINED	1
NIGERIA	6
PAKISTAN	23
PALAU	2
PANAMA	1
RUSSIA	957
SERBIA	2

CITIZENSHIP	TOTAL
SIERRA LEONE	1
SRI LANKA	3
USA	3
SUDAN	1
TADJIKISTAN	3
TUNESIA	1
TURQUIA	15
UKRAINE	464
UZBEKISTAN	9
VIETNAM	140
KOSOWO	3
CÔTE D'IVOIRE	2

Source: Border Guard

Table 22. Number of foreigners returned/expelled from the territory of Poland in 2013

Nationality of person	Total Returns	Total Voluntary	IOM Assisted	Others	Total Forced	Enforced by Member State	Enforced by Joint Operation
Ukraine	4747	4625	76	4549	122	122	
Russia	2234	1734	476	1258	500	461	39
Belarus	444	439	9	430	5	5	
Georgia	368	35	20	15	333	286	47
Vietnam	133	26	26		107	107	
Armenia	66	36	18	18	30	30	
Moldova	40	35		35	5	5	
Kazakhstan	35	28		28	7	7	
Uzbekistan	31	23	17	6	8	8	
Mongolia	24	18	9	9	6	6	
Kyrgyzstan	22	19		19	3	3	
Pakistan	19	5	5		14	11	3
China	19	13	2	11	6	6	
Afghanistan	15	3	1	2	12	12	
Azerbaijan	11	10		10	1	1	
Egipt	11	3	1	2	8	8	
Iraq	9	1		1	8	8	
Tajikistan	9	8	2	6	1	1	
others	92	45	26	19	47	47	249

Source: Border Guard

769 third-country nationals were arrested for performing illegal work, as established by the State Labour Inspectorate and the Border Guard; the majority of them were citizens of Ukraine, China and Vietnam. The greatest number of persons were arrested in Mazowieckie, Śląskie and Świętokrzyskie voivodeships. Inspections pertaining to the legality of employment of foreigners in Poland are carried out by the Border Guard and the National Labour Inspectorate, acting together or independently. The Border Guard arrested a total of 491 foreigners, including 378 citizens of Ukraine, 29 citizens of Vietnam, 18 citizens of Armenia and 10 Chinese. In the course of inspections carried out in 2013¹⁰⁵ independently and together with the Border Guard, the State Labour Inspectorate revealed 494 cases of illegal employment and work of foreigners. Citizens of 39 countries, mainly Ukraine, Vietnam, Belarus, China and Russia, were found to be working illegally in Poland. In 2013, without the participation of the Border Guard, labour inspectors found 434 cases of illegal employment and work of foreigners [mainly citizens of Ukraine - 310, Vietnam - 17, China - 13, Belarus - 12 and Russia - 10].

Table 23. Number of foreigners illegally performing work in Poland between 2011-2013 revealed by the National Labour Inspectorate and the Border Guard

¹⁰⁵ In 2013, labour inspectors conducted 2,026 inspections pertaining to the legality of employment and work of foreigners. 2,007 entities employing 13,623 foreigners were subject to inspection.

by organ revealing illegal work	2012	2013
Border Guard	419	491
National Labour Inspectorate	497	434
TOTAL	916	925

Source: PL EMN NCP own material based on the data provided from the Border Guard and the National Labour Inspectorate