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Europejska Sieć Migracyjna



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with a view to supporting policy-making in the EU.

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Executive Summary

In 2010, the political debate in Poland was strongly influenced by the presidential plane crash near Smoleńsk as well as the presidential and local elections held in the second half of the year. Given this context, it should be noted that migration, asylum and integration played rather minor role in terms of public concerns.

However, due to economic implications of an ageing population and a tight situation in the labour market in the coming years, Poland faces the necessity to open its doors to immigrants and prepare appropriate tools to help manage this phenomenon. Those tools are included inter alia in the draft "Migration Policy of Poland"- first strategic document in the field of migration, which was elaborated by the advisory body to the Prime Minister in the course of the year.

During the reported period no sharp increase in number of migrants interested in long-term stay or seeking to settle in Poland was recorded. Migrants expectations were met under the existing legalization of stay system – a residence permit for fixed period or a permit to settle.

Nevertheless, the year 2010 in Poland was characterised by much legislative activity, focused on amending migration regulations. Significant legislative amendments included changes to visa regulations related to the implementation of the 'EU Visa Code'. Moreover, amendments to the legal provisions concerning the rights of EU nationals and their family members in order to introduce series of facilitations for those groups of foreigners were being laid down. Equally important were the Penal Code amendments which introduced into Polish law a definition of human trafficking, as a result of which the scale of trafficking will be significantly limited.

Due to the need for comprehensive reform of the Act on foreigners - basic legal act to regulate migration issues, in 2010 the Office for Foreigners initiated work aimed at drawing up the assumptions for the new act.

Furthermore, due to necessity to implement the 'Employer Sanction Directive' provisions, the assumptions for the act regulating sanctions against entities who employ third-country nationals in breach of legal provisions were drafted.

Further widely discussed and debated issues in the area of migration were:

- ✦ possible labour emigration of Poles after opening of German and Austrian labour markets to the nationals of eight Central European EU Member States, including Poland in May 2011,
- ✦ future shape of repatriation policy in Poland,
- ✦ regularisation of illegal migrants,
- ✦ reduction of the number of centers for asylum seekers,
- ✦ question of integration of refugees.

In addition, considering a need for wider approach to migration Poland not only continued to take part in activities addressed to the beneficiaries from the regions located on the East and South-East of the European Union but also supported similar initiatives undertaken in other third countries.

1. Introduction: purpose and methodology followed

The Annual Policy Report 2010 gives an overview of the most important political discussions and developments in the field of migration and asylum in Poland in 2010. It was prepared by the Polish National Contact Point of the European Migration Network (EMN)¹, which in accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN; it is required to provide such paper every year.

The 2010 Policy Report covers the period from 1st January to 31st December 2010 and will be the third in a series of such reports that were drafted by the Polish National Contact Point.

Like its predecessor (the Annual Policy Report 2009), it will also serve another purpose. In line with a suggestion made by the European Commission, the reports drafted by the 27 national contact points of the EMN are to help monitor (applying so-called “tracking method” which details methodology chosen for this exercise) progress in the implementation of the measures described in the European Pact on Immigration and Asylum², which the European Council adopted at its meeting on 15/16 October 2008. The year 2009 was a pilot year for the system of monitoring the implementation of the said Pact and the reporting system was further developed based on the experiences gained.

In 2010 five-year Stockholm Programme - An open and secure Europe serving and protecting the citizens³ (adopted on 10/11 December 2009) was added to the tracking method applied with Pact and the national contact points of the EMN became one of the parties assigned to monitor a current status of this document.

In order to meet the requirements of the said method, the format of the Annual Policy Report has been adapted, to enable reporting on “general” EU and national developments in the Member States in the main body of the report, and specific reporting on the commitments of both the Pact and in the Stockholm Programme in a separate Annex.

The Annual Policy Reports 2010 prepared by all national contact points of the EMN shall then contribute to the annual summarized report (setting forth the similarities and differences of the migration and asylum policies of the Member States) to be prepared by the Commission and presented to the Council in June 2011 for discussion purposes.

¹ Polish National Contact Point of the EMN is located at the Ministry of the Interior and Administration.

² The European Pact on Immigration and Asylum is a further steppingstone towards a comprehensive EU migration policy. The European Council makes five basic commitments, which will continue to be developed and transposed into concrete measures, specifically:

- to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
- to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
- to make border controls more effective;
- to construct a Europe of asylum;
- to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

³ The Stockholm Programme – An open and secure Europe serving and protecting the citizens defines the priorities of the European Union in the area of migration and asylum, as well as other Justice and Home Affairs issues for the five-year period 2009 - 2014. The programme follows the Tampere and the Hague Programmes that preceded it. The Stockholm Programme focuses on priorities such as the sustainability of return programmes, as well as the development of legal migration and integration and the protection of unaccompanied minors entering the EU. This programme, in addition to the European Pact on Immigration and Asylum, is considered to be a guiding tool in the future development of asylum and migration policy within the EU. The purpose of the Action Plan Implementing the Stockholm Programme is to deliver the priorities and objectives outlined in the Stockholm Programme, both at European and global level, ensuring that citizens benefit from progress made in the area of freedom, security and justice. The Action Plan sets out the EU's action in the next five years, with specific sections (and groups of actions) on the management of the external borders, visa policy, migration policies, asylum policy and the external dimension of migration and asylum

In general, the compiled report will enable the policy-makers as well as scientists and broader public to understand better the events in the European Union Member States and to analyse it, to obtain a better overview of the situation and thereby make better decisions when forming the European Union migration and asylum policy.

Chapter 2 gives an overview of the political structures, the existing institutions, any changes to these structures and general policy developments in 2010. Chapter 3 sketches relevant political and legal developments and important political debates on migration, integration and asylum. Chapters 4-8 deal extensively with the concrete political and legal measures in twelve specific areas of immigration and asylum policy with a focus on the basic commitments under the European Pact on Immigration and Asylum and Stockholm Programme and any progress and new developments in this respect. Chapter 9 focuses on developments which affect the global, overall approach to migration. And Chapter 10 finally deals with concrete issues concerning the implementation and interpretation of EU law in 2010.

Chapters 4-9 inclusive include two sub-sections. The part entitled "Developments within the national perspective" refers to details of all relevant developments concerning policies, legislative developments, specific debates within the national perspective, whereas the second part called "Developments from the EU perspective" specifically identifies those developments at national level to implement EU policy, legislative and financial instruments as well as any developments which were the result of actions at EU level.

As already mentioned above, the Annex will give a systematic overview of the concrete implementation of the commitments and goals of the Pact and the Stockholm Programme.

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 Foreign Affairs and Ministry of Labour and Social Policy which 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:

- ✦ legislation published in the Official Journal of Laws and draft documents subjected to public consultations,
- ✦ press releases of NGOs and non-profit organisations assisting asylum seekers or defending the fundamental rights of foreigners,
- ✦ various reports, such as the reports of the Border Guard, Unit for Trafficking Human Beings at the Ministry of the Interior and Administration, Ministry of Foreign Affairs, etc.
- ✦ printed papers and minutes of plenary meetings of the two chambers of parliament (Sejm and Senat),
- ✦ 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 the Interior and Administration, National Labour Inspectorate and Warsaw Bureau of the International Organisation for Migration (IOM). As the Annual Policy Report was already completed by the end of January 2011, some data on migration for 2010 is preliminary and may differ from the official statistics, which will be published by institutions later.

In the interest of clarity, it is recommended to review the previous Polish Policy Reports which are available on the website www.emn.intrasoft-intl.com/html/index.html.

2. General structure of political and legal system in Poland

2.1. General structure of the political system and institutional context

Sejm and Senat (chambers of the Parliament) are the constitutional authorities vested in a legislative branch. There are bodies with primary responsibility for adoption of laws relating to migration.

The President of the Republic of Poland grants the Polish citizenship and agrees to the renouncement thereof.

As for the executive power, the migration policies are implemented both at the central as well as regional level and belong to the competences of the Council of Minister, appropriate Ministries (Ministers promulgate inter alia the executive acts regarding migration issues), specialized offices, services and local self-government. The distribution of competence is multilevel and constitutes the basis for the coherent national migration system.

The key actors with regard to migration and asylum in Poland are:

- ✦ Minister of the Interior and Administration (www.mswia.gov.pl) - leading authority in the field of migration, competent inter alia with respect to:
 - coordination of the activities related to state migration policy,
 - citizenship and repatriation,
 - protection of state borders,
 - border control and control of foreigners.

Moreover, the Ministry of the Interior and Administration is responsible for carrying out the policy to combat trafficking in human beings.

The Minister of the Interior and Administration supervises the activities of:

- ❖ Head of the Office for Foreigners (www.udsc.gov.pl) – the authority carrying out the executive tasks relating to, inter alia:
 - international and national protection (first instance),
 - legalization of stay, expulsions (appeal instance),
 - organization and management of reception centres for asylum seekers,
 - visa consultations,
 - running the comprehensive teleinformatic system constituting collection of registers and records relating to foreign nationals.

In November 2010, seven reception centres for asylum seekers (Białystok, Bytom, Radom, Warsaw-Bielany district, Smoszew, Puste Łąki, Łomża) were closed. It was due to the fact that all these institutions lost the bids to accommodate asylum seekers. The authorities of the Office for Foreigners came into conclusion that due to the decreasing number of asylum seekers arriving in Poland such a large number of reception centers is no longer needed. However, two new centres were launched: in Warsaw's district Targówek (women and single mothers with children-oriented) and in Grotniki (for residents requiring special care, i.e.: disabled people or persons who suffered traumatic experience).

In general, at the end of the year 2010 there were 14 reception centres for asylum seekers opened.

- ❖ Border Guard (www.strazgraniczna.pl) is responsible for:
 - border control and authorization to enter (issuing appropriate decisions i.e.: to refuse entry to the territory of Poland),
 - receiving applications for refugee status,
 - enforcing decisions on expulsion,
 - issuing decisions on obligation to leave the territory of Poland,
 - conducting controls of the legality of foreigners' stay and employment.
- ❖ Police (www.policja.pl) is:
 - conducting controls of the legality of foreigners' stay,
 - participating in the expulsion procedure,
 - issuing decisions on the obligation to leave the territory of Poland.
- ✚ Minister of Labour and Social Policy (www.mpips.gov.pl) is in charge of:
 - preparation of legal framework governing the employment of foreigners and their access to the Polish labour market (work permits – appeal instance),
 - integration policy, social assistance.
- ✚ National Labour Inspectorate (www.pip.gov.pl) is an authority which conducts controls of the legality of foreigners' employment.
- ✚ Ministry of Foreign Affairs (www.msz.gov.pl) performs tasks related to:
 - issuing visas and carrying out visa policy,
 - Polish diaspora,
 - relations with third countries, supervision of the consular and diplomatic posts,
 - development assistance.
- ✚ Ministry of Economy defines the business environment to foreigners willing to carry out business activity.
- ✚ Ministry of Science and Higher Education:
 - determines the policy and terms and conditions for the undertaking education and studying within higher education
 - recognizes foreign credentials for both academic and professional purposes.
- ✚ Refugee Board (www.rada-ds-uchodzcow.gov.pl):
 - is the appeal instance body with regard to proceedings to grant refugee status,
 - makes analysis of the jurisdiction of law matters relating to granting or withdrawing refugee status.
- ✚ Voivods⁴ are inter alia responsible for:
 - granting residence permits and issuing work permits (lower instance),
 - issuing decisions on expulsion,
 - supervising social assistance centers.

⁴ Governors of voivodeships (local governmental representatives).

✚ **Inter-ministerial Committee for Migration⁵** is chaired by the Minister of the Interior and Administration and constitutes an advisory body to the Prime Minister. Its tasks include inter alia:

- initiating developments in migration-related issues and recommending them to the Council of Ministers,
- passing opinions on multiannual and annual national programmes implementing the European Fund for the Integration of Third Countries Nationals,
- exchanging information and monitoring works in the area of migration conducted in the EU,
- cooperating with state and self-government administration as well as non-governmental organisations.

2.2. General structure of the legal system

The main legal acts regulating migration and asylum matters in Poland are:

- Polish Constitution of 2 April 1997⁶;
- Act of 13 June 2003 on foreigners⁷ (entry, admission, residence, return and registers of foreigners);
- Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland⁸ (granting international and national forms of protection);
- Act of 9 November 2000 on repatriation⁹;
- Act of 7 September 2007 on Card of the Pole¹⁰;
- Act of 15 February 1962 on citizenship¹¹;
- Act of 20 April 2004 on promotion of employment and labour market institutions¹²;
- Acts relating to specific sectors (social assistance, education, etc.).

In general, the entry (border crossing) phase of migration to Poland is controlled by the Border Guards, both in asylum and migration contexts. In order to be admitted to Polish territory, third-country nationals need to hold valid visa issued, as a general principle, by Polish consuls abroad. Asylum applications are examined by the Head of the Office for Foreigners – as the lower instance authority and the Refugee Board as the appeal one. Applications for legal residence in Poland, as well as conditions for issuing a work permit (when necessary) to a foreigner, are examined by the voivods. As for returns, several institutions may be involved, depending on the type of return (voluntary – Border Guards, Head of the Office for Foreigners, IOM Warsaw Office; forced – Border Guards, Police; expulsion decisions – voivode and the Head of the Office for Foreigners).

For more detailed information concerning a structure of the Polish political system and institutional context relevant for migration and asylum please review the “Organisation of Asylum and Migration Policies” report.¹³

⁵ The Committee is composed of the Secretaries or Undersecretaries of State representing 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 Health as well as the President of the Central Statistical Office, Head of the Office for Foreigners, Chief of the Internal Security Agency, Chief Commanders of: the Police and Border Guards as well as the representatives of the Chancellery of the Prime Minister on the level of Secretary of Undersecretary of State.

⁶ Official Journal of Laws 1997, No 78, item 483, with later amendments.

⁷ Official Journal of Laws 2006, No 234, item 1694, with later amendments.

⁸ Official Journal of Laws 2006, No 234, item. 1695, with later amendments.

⁹ Official Journal of Laws 2004, No 53, item 532, with later amendments.

¹⁰ Official Journal of Laws 2007, No 180, item 1280, with later amendment.

¹¹ Official Journal of Laws 2000, No 28 item 353, with later amendment.

¹² Official Journal of Laws 2008, No 69, item 415, with later amendments.

¹³ <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=17C07C7823B81B284810A0F30CDD2852?fileID=764>

3. General developments relevant to asylum and migration

3.1. General political developments

Due to the death of President Lech Kaczyński in aircraft crash in Smoleńsk, presidential elections, originally planned for the autumn, were brought forward and voting took place on 20th June 2010. As no candidate received a majority of votes in the first round, a run-off elections were held on 4 July 2010. Bronisław Komorowski, candidate of Civic Platform (Platforma Obywatelska - PO) and speaker of the Parliament, defeated Jarosław Kaczyński, candidate of Law and Justice (Prawo i Sprawiedliwość - PiS). The global financial crisis, flooding in Poland and the Smolensk disaster were the main themes in the last months of the election campaign. As a consequence, a new Speaker was appointed in the Polish Parliament – Grzegorz Schetyna who served as the Minister of the Interior and Administration until 13 October 2009. Like in the previous year, in 2010 Jerzy Miller held the post of the Minister of the Interior and Administration and Piotr Stachańczyk held the post of the Undersecretary of State responsible for migration and asylum matters.

In addition to that, on 21 November Poland held the first round of local elections (the second round took place on 5 December). In it, the PO emerged victorious at all three administrative levels. The party won in 12 of the country's 16 regions. These results are an improvement over the last round of local elections in 2006, where it won in 10 regions and secured slightly smaller share of the vote. Therefore, the Prime Minister Donald Tusk's Civic Platform (PO) gained a stronger mandate to rule, while the strongest opposition party, former Prime Minister Jarosław Kaczyński's Law and Justice (PiS), has lost voters since the previous municipal elections in 2006.

One needs to be noted that there were 12 foreigners seeking offices in the said elections - three Germans, two French, Slovaks, Czechs and Italians, Danish and Bulgarian (all of them run for local councils as foreigners can not candidate for mayors, town clerks nor presidents of the cities)

3.2. Main policy and legislative debates

The year 2010 brought about much legislative activity, focused on amending migration regulations.

In the course of the year 2010, the inter-ministerial Committee for Migration¹⁴, an advisory body to the Prime Minister, continued drafting Polish migration policy which eventually led to the elaboration of a draft "Migration Policy of Poland" – first strategic paper in the field of migration, which will have an influence onto state policy in the future. On 8 October 2010 the Committee preliminarily approved the draft document and submitted it for the final consultation within the Committee, before launching a public consultations on it in the first half of 2011.

The assumptions for the new Act on foreigners were also set out, based on the outcome of the consultations with governmental and non-governmental entities held in 2009. The final form of these assumptions was influenced by the opinions of individual entities on issues related to the rules for admitting foreigners to Poland as well as to the rules applicable to regularisation procedure, and by comments and suggestions of those entities which, in their opinion, would help to increase the transparency and legibility of legal provisions. The new act is also aimed at implementing into the Polish legal order the provisions of several EU acts¹⁵ as well as adjusting

¹⁴ See footnote 5.

¹⁵ These include:

1) 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 (OJ L 155, 18.6.2009);

Polish law to the ruling of the European Court of Justice in case C-291/05/Eind (concerning EU citizens and their family members returning home after exercising their right of free movement) it also largely incorporates the results of the debate that was triggered while drafting the “Migration Policy of Poland.”¹⁶

The year 2010 brought also about certain developments in the area of legal provisions concerning EU nationals and their family members. Those included elaboration of draft amendments to the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of the nationals of European Union Member States and their family members which contain changes that translate into a series of facilitations of stay and movement of EU nationals and their family members.¹⁷

The necessity to implement into the Polish legal order the provisions of Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals¹⁸ resulted in draft assumptions for the Act on sanctions against entities who employ third-country nationals staying in the territory of Poland in breach of legal provisions which were submitted for public consultations at the end of the year. The draft law imposes new obligations on entities commissioning work to third-country nationals, and sanctions for non-observance of these regulations, including penal sanctions.

Furthermore, on 22 May and 28 December 2010, two amendments to the Act of 13 June 2003 on foreigners came into force.¹⁹ Both amendments were aimed at aligning national law with Union legislation. The first amendment introduced changes in accordance with the provisions of the EU Visa Code,²⁰ while the second one ensured compliance of national law with Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa.²¹ The changes provided for in the acts concerned, inter alia, the issues related to the manner and rules of issuing visas.

As for debates undertaken within publish media, the most important included the possible consequences of the upcoming opening of German and Austrian labour markets to the nationals of eight Central European EU Member States, including Poland (to take place in May 2011). The high demand for work observed in Germany sparked a wide-ranging discussion about a possible new economic emigration wave from Poland to Germany. Many people believed that such a phenomenon would occur after the German Minister of Economics, Rainer Brüderle, envisaged the so-called “welcome” payment for Polish nationals taking up employment in Germany after 1 May 2011. Hence, various forecasts indicated that after 1 May some 200–600 thousand Poles could leave for Germany to work there, representing the second migration wave since Poland joined the European Union.

The prospect of the complete opening of national labour market stirred diverse reactions also in the German media, which warned against wage dumping on the part of employment agencies from Eastern Europe that might offer workers’ services at much lower rates than those

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- 2) 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 (OJ L 348, 24.12.2008);
 - 3) 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 (OJ L 168, 30.6.2009) – the new Act will be aimed at transposing the directive within a limited scope.

¹⁶ The document was prepared by the Working Group for elaborating Migration Strategy of Poland, established on 12 February 2009, within the inter-ministerial Committee for Migration.

¹⁷ The document was submitted to the Parliament on 4 January 2011.

¹⁸ OJ of the EU L 168, 30.6.2009.

¹⁹ Official Journal of Laws 2010, No 239, item 1593, and Official Journal of Laws No 81, item 531.

²⁰ 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) (OJ L 243, 15.9.2009).

²¹ OJ of the EU L 85, 31.03.2010.

presently paid in Germany. Considerable concerns were also voiced in Germany concerning the anticipated inflow of workers into areas along the Polish-German border. The Germans were worried that a vast majority of Poles would seek employment in this region in order to be able to commute from Poland and spend only a few days a week in Germany, thus reducing the cost of living. Some believed that this could create competition for German workers. With the aim of preventing such phenomena, the German Government intended to establish a minimum wage in more sectors.

The opinions predicting an increased outflow of skilled workers from Poland were, however, offset by the opinions voiced on both sides of the Oder by government administration. The Polish Ministry of Labour and Social Policy reassured that in the subsequent year no economic reasons for increasing the migration wave would arise because Polish economy was growing, the employment rate and wages were improving, and the unemployment rate was gradually falling. Moreover, it was highlighted that the simplification of the German procedure for issuing work permits for engineers of selected specialties - in 2007, as well as for issuing permits for higher education institutions graduates to work in the field that they studied - in 2009, had not as yet created any clearly negative trends on the Polish labour market.

As the Ministry of Labour and Social Policy estimates that, starting from 1 May 2011, the yearly influx into Germany of workers from Poland and other EU Member States that joined the European Union six years ago will be between 100–140 thousand. The Ministry also predicts, however, that this influx will decrease after four years after opening the labour market.

In comparison with previous years, in 2010 civil society actors have become more active and influential within the field of migration policy. In September 2010, a committee of citizens submitted to the Sejm a draft Act on repatriation which initiated a wider debate on the future shape of repatriation policy and in November 2010, Polish undocumented immigrants organised a regularisation campaign in front of the Polish Parliament, during which they presented the Polish authorities a signed petition in favour of the regularisation of irregular immigrants in Poland.

3.3. Institutional developments

On account of the death in the presidential plane crash near Smoleńsk of Dr Janusz Kochanowski, the former Human Rights Defender, the Expert Team on Return Migration and Immigration, operating at the Defender's Office since 2009, on 15 April 2010 terminated its work - by way of a decision of Deputy Defenders. On 10 June 2010, Professor Irena Lipowicz was appointed as the Defender, and she announced the establishment of a new Committee on Immigration that would be composed of lawyers, experts and scientists addressing migration issues. Such Committee was not established by the end of 2010.

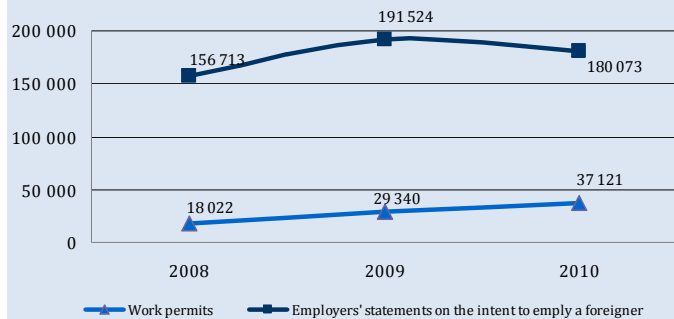
4. Legal immigration and integration

4.1. Economic migration

4.1.1. Developments within the national perspective

On 14 December 2010 regulations prolonging the possibility to undertake by foreigners work on the basis of employer's statement on the intention to employ a foreigner (so-called simplified system) came into force. As a result, the citizens of the neighboring countries (Ukraine, Belarus, Russian Federation) as well as citizens of Moldova and Georgia (based on mobility partnership) will be entitled to work up to 6 months during the period of 12 months without the need to obtain a work permit. The above-mentioned regulations replaced the binding provisions²² the validity of which ended on 31 December 2010. According to those provisions, employers willing to hire citizens of one of the abovementioned country are only required to register (free of charge) in a District Labour Office a statement on the intention to employ a foreigner. On the basis of such statement foreigner may apply for visa in the Polish consulate.

Figure 1. Number of issued work permits and employer's statements on intention to employ a foreigner, 2008-2010



Source: Ministry of Labour and Social Policy

Such a solution, especially in the context of the economic upturn, accompanied by an increase in investments and in demand for competitive workforce, was enthusiastically welcomed by thousands of Polish employers, mainly from the construction, agricultural and gastronomic sectors. In numerous statements for the press, economists highlighted the positive influence of the Eastern workforce on Polish economy, explaining that lower labour costs would protect consumers against excessive rises in prices of goods and services. They argued that labour migration would also help to bridge the widening 'employment gap' caused by ageing society.

Issues related to economic migration were widely discussed under the draft "Migration Policy of Poland". In accordance with the guidelines laid down therein, labour immigrants with skills and experience deemed essential for Polish labour market as well as foreigners carrying out business activity in Poland were defined as one of the priority categories in terms of admission. Additionally, the document stipulates that migrant workers will be perceived as complementary to the indigenous labor force, bearing in mind that in the long run they will play an increasingly important role in balancing economy's needs (possible substitution between immigrants and natives in certain sectors) which may require major developments in terms of recruitment policy, giving foreigners (as well as their families) settled down in Poland priority access to the labour market. The draft "Migration Policy of Poland" provides also for:

- ✦ preserving legal framework and basic principles for foreign nationals access to the Polish labour market, including suitably adapted exemptions,
- ✦ preserving geographic preferences for admitting economic migrants (Eastern neighboring countries, Western Balkans, followed by the Caucasus countries),
- ✦ facilitating and promoting legal temporary migration,
- ✦ establishing the mechanism for systematic monitoring of supply and demand in the

²² Introduced in 2006.

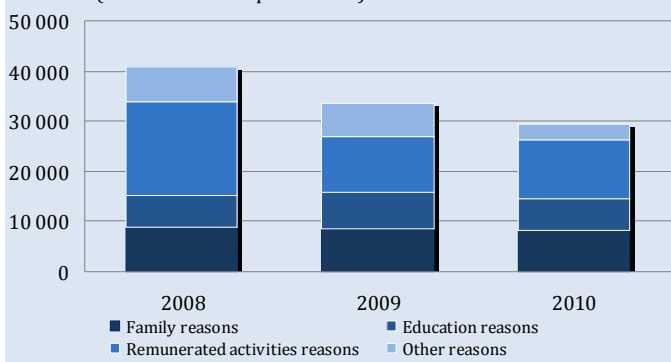
labour market.

On 14 July 2010 the Council of Ministers adopted the National Employment Action Plan for the years 2009-2011²³ which envisages the implementation of an appropriate migration policy responding to the labour market needs and reinforcing the integration of migrants. The document sets out a necessity to improve the attractiveness of legal employment in Poland for foreigners and simultaneously to counteract illegal employment. The planned initiatives aimed at implementing the established plan, are as follows:

- ✦ legal changes concerning employment of foreigners,
- ✦ implementing economic migration monitoring mechanisms,
- ✦ implementing the EU acts developed under the Policy Plan on legal migration,
- ✦ carrying out trainings on new legal regulations addressed to employment services employees.

In 2010, the Ministry of Labour and Social Policy in co-operation with research and scientific centre (the Institute of Social Policy of the University of Warsaw) conducted a research on different approaches towards labour migration to be implemented in the future. The project was aimed at examining the possible scenarios of opening up Polish labour market to different

Figure 2. First residence permit, by reason, 2008-2010
(data for 2010 are provisional)



Source: Office for Foreigners

groups of immigrants i.e.: highly-skilled, foreign students graduated from Polish universities, foreign students in training/internship in Poland, employees delegated by foreign companies, to provide services in Poland, temporary immigrants from neighboring countries. The final outcome of the project provides expert's view of the future labour migration policy and its recommendations can be further applied to reshape regulations relating to foreign employees working in Poland.

In the course of the year, the agreement on coordination of social security with Ukraine

and on coordination of social security with the Republic of Moldova continued to be negotiated (negotiations with Ukraine, initiated in 2008, reached an advanced stage).

Additionally, the information campaign addressed to Polish economic migrants staying in the Great Britain, Ireland, and other European countries, who were considering the possibility to return to Poland continued to be carried out in 2010 (mainly through a published guide and a website www.powroty.gov.pl). Undertaken measures aimed at providing Poles with practical information, which might help them to decide on possible return to Poland. It is worth to notice that the large proportion of those migrants are young and highly qualified persons.

4.1.2. Developments from the EU perspective

The assumptions for the new Act on foreigners drafted in 2010, referred to in the previous chapter, account also for the need to transpose in the near future the provisions of the EU directives governing the matters related to economic migrations. Therefore, given the advanced stage of work on the draft Directive on a single permit and, in consequence, the general outline of the said document, the new draft law provides for the introduction of a significant innovation, that is of a single residence and work permit.

²³ The Action Plan sets out the main tasks of government in terms of employment promotion, cushioning the effects of unemployment and occupational activation.

The new act will introduce also Blue Card regulations. In line with the provisional arrangements, the Blue Card will be granted by the voivods²⁴ after having consulted starosta²⁵ about the condition of the local labour market (after employer's failed attempt to fill the vacancy).

Additionally, the provisions of the new act are also expected to provide for the issuance of a residence permit to young graduates of Polish higher education institutions and universities looking for a job in Poland.

With regard to the information provided in the previous sections of the present paper, the government administration elaborated two documents of key importance for the year 2010 ("Migration Policy of Poland" and the provisions prolonging the possibility to undertake by foreigners work under the so-called simplified procedure) which supported the solutions promoting legal circular migrations, thus following the recommendations presented in the European Pact on Immigration and Asylum. The "Migration Policy of Poland" will also contribute to a better adjustment of employment mechanisms to the market needs voiced. It provides for creating an effective system for regular monitoring of the demand on the labour market, which will provide basis for designing the instruments of migration policy in line with the evolving conditions.

4.2. Family reunification

4.2.1. Developments within the national perspective

The issues related to the family reunification were addressed in course of the debate on the draft assumptions for the new Act on foreigners. As a result of expert discussions and in line with the ruling of the European Court of Justice in case C-291/05/Eind, rights of family member of Polish citizen returning home after exercising their right of free movement will be strengthened.

As for family members of Polish citizens and of foreigners settled in Poland, the proposals of adequate facilities in their regard were discussed under the draft "Migration Policy of Poland". As a result, in accordance with the document, the said group of foreigners will be one of the groups offered treatment with respect to stay in Poland. Due to the strategic character of the document, concrete measures to promote the integration of this group of foreigners will be worked out in a scheduled Action Plan once the document is adopted.

4.2.2. Developments from the EU perspective

In line with the Blue Card Directive provisions, the draft Act on foreigners includes special provisions on family reunification for the EU Blue Card holder.

4.3. Other legal migration

4.3.1. Developments from the national perspective

Elaborated in 2010, the draft amendments to the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of the nationals of European Union Member States and their family members, which take into account the Union requirements regarding the movement and stay of EU nationals in the territory of Member States, introduces a range of facilitations for foreigners, including:

- ✦ abolition of fees for issuing registration and residence documents – after the entry into force of the act, EU nationals and their family members will no longer have to pay for their documents (registration certificates and residence cards) being issued or replaced;
- ✦ granting the right of residence to a child of an EU national who has worked in Poland but has not retained the right of residence - until the child completes education or studies – irrespective of his/her nationality. In addition, the parent taking care of the

²⁴ The governor of a voivodeship (provinces) appointed by the central government.

²⁵ Head of powiat (county - the second-level unit of local government and administration), supervised by the voivode.

child will be granted the right of residence until the child's coming-of-age or longer – until the child completes education or studies.

In December 2010, the amendment to the Act of 20 April 2004 on employment promotion and labour market institutions came into force, which allowed the employers employing foreigners and experiencing temporary financial difficulties to shorten working hours and, as a result, to lower remunerations – without the necessity of requesting the voivode to change the decision on work permit. Previously, the voivode would revoke the work permit if, inter alia, there were changes in the circumstances that had provided grounds for issuing it. This solution allowed the entrepreneurs to respond with greater flexibility to the evolving economic situation, and it fits well within the framework of measures introduced by the government in the face of the consequences of world economic crisis, which had arisen in 2007.

4.3.2. Developments from the EU perspective

In line with European Pact on Immigration and Asylum provisions, in order to improve provision of information on the possibilities and conditions of legal migration to third-country nationals, various measures in this regards were implemented. Those included information campaigns addressed to foreigners (i.e. leaflets in different languages distributed in provincial offices, Office for Foreigners, offices of employment, register offices, embassies, bus stops, railway stations, information available on institutions' websites as well as launching new websites) run by governmental authorities and NGOs. The campaigns focused on the possibilities and conditions of legal migration to Poland, mutual rights and obligations between parties to an employment relationship and the possibility of redress.

Additionally, particular measures warning against trafficking in human beings were undertaken with regard to the people traveling to other EU countries or coming to Poland in search of work (advertisements in thematic magazines, brochures, information on websites, commercials).

Furthermore, actions popularising Polish universities and the possibilities of taking up studies in Poland were undertaken by universities, research institutes, foundations and local government.

Draft "Migration Policy of Poland" elaborated in 2010 envisages also inter alia the information campaigns on terms and conditions of arrival and stay in Poland to be organized in the main countries of origin of foreigners coming to Poland, providing comprehensive single-source information on the wide-ranging subjects concerning legal migration.

4.4. Integration

4.4.1. Developments within the national perspective

To further define access to education for different categories of third-country nationals, legislative changes concerning integration were introduced at the beginning of the year 2010. Under the amendments to the Act on education system of 7 September 1991, starting from January 2010, all foreigners can benefit from free of charge education until completing a post-gymnasium school (or until reaching the age of 18). Moreover foreigners who do not speak Polish language or if their language skills are insufficient are entitled to additional, free lessons of Polish. Under new provisions foreigners are also entitled to compensatory courses at school in order to make up for curriculum differences. Courses of the language and the culture of the country of origin may also be arranged for a given group of foreigners. In order to help foreign national children attending school to overcome language barriers, the institution of child care assistant originating from the same ethnic group was also introduced.

In November 2009, the Migration Policy Department at the Ministry of the Interior and Administration conducted a survey on integration. The questionnaire consisted of 18 questions and was addressed to nearly 60 recipients (NGO's, public administration entities, migrants organizations). The survey examined inter alia different models of integration, opinions on pre-integration assistance, forms of monitoring the integration programs, the question of reintegration, institutional framework for migration management etc. The issue raised by the

recipients were then analysed and took into consideration while drawing up the “Migration Policy of Poland”.

The document, in its final draft and in line with the recommendations included in the recipients’ responses, provided for:

- ✦ extending the catalogue of foreigners being able to participate in the integration programmes,
- ✦ improving access to housing,
- ✦ monitoring activities undertaken in integration field,
- ✦ emphasis shifted to the education of immigrant children,
- ✦ undertaking actions addressed to the host society and actions aimed at mainstreaming an intercultural dialogue which would include: schools, units offering extra-curricular classes, teacher’s in-service training centres, schools offering education for teachers as well as education institutions and mass media.

Additionally, in order to contribute to a better integration of foreigners with Polish society, the draft Act on foreigners developed in 2010 envisaged new facilitated rules of stay for legally residing foreigners including students, graduates and workers. The draft law provides also for certified good command of Polish to be required for being granted permit to settle and residence permit for a long-term EC resident.

In order to enhance democratic values and social cohesion in relation to immigration and integration of immigrants, measures aimed at counteracting racism and xenophobia were undertaken by the Police. In July 2010, the third edition of the Specialist course within counteracting and combating hate crimes for police officers conducted by the Police Training Centre in Legionowo was held. Its objective was to prepare, through local trainings, a further group of police officers-trainers that would carry out vocational training on the counteraction and combating the hate motivated crimes. In some of the classes participated the representatives of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.

Furthermore, measures in order to promote information exchange on best practices in terms of reception and integration continued to be undertaken. In Podlaskie Voivodship, an advisory team coordinating activities of organizations in charge of integration of foreigners who have been granted refugee status or subsidiary protection continued to operate in 2010.²⁶ Parties involved in the Team consider its activities as very effective. Moreover, the Centre for Social Communication operating within Municipal Office of the Capital City of Warsaw, which is a platform cooperation forum with non-governmental organizations including representatives of immigrant communities residing in Poland, continued its activities in 2010.

4.4.2. Developments within the EU perspective

Under the European Fund for the Integration of Third Country Nationals and the European Refugee Fund, many projects aimed at enhancing and promoting integration of third-country nationals were carried out. These activities included inter alia pre-integration actions addressed to asylum-seekers, programmes supporting the needs of beneficiaries of international protection (namely organising Polish language courses, providing professional trainings and advisory, psychological help and assistance, legal aid), actions intended for foreigners living in Poland (i.e. Polish language courses, Polish culture and history courses, employment preparation activities and advisory programmes) as well as projects aimed at strengthening an intercultural dialogue between host-society and foreigners. The latter comprised i.e. campaigns designed to enhance

²⁶ The Team was appointed in August 2008 and comprises representatives of the Voivodship Office, the Office for Foreigners, the Regional Centre of Social Policy, the Voivodship Police Headquarters, the Education Office, the Poviats Labour Office, the Regional Unit of the Border Guard, the Municipal Family Support Centre and non-governmental organizations operating in the territory of Podlaskie Voivodship.

increasing social awareness launched in Eastern Poland, establishing the discussion clubs, Immigrant's Day celebrations (lectures, exhibitions, film shows, national dishes-tasting), national conferences addressed to the representatives of higher education institutions educating pedagogical staff, organising intercultural trainings for employees of the health service, uniformed services (the Border Guard, Police and City Guard), self-government clerks, teachers, parents of Polish children attending schools with foreign children as well as organising contests concerning problem of discrimination addressed to schools.

One of the above-mentioned initiatives was a new project called "Cooperation: a way to integration" launched in 2010 by the International Organization for Migration in cooperation with the Ministry of the Interior and Administration, within which a national platform of cooperation between organizations of immigrants and Polish institutions was established. The platform plays a role of a consultation mechanism which facilitates development, implementation and assessment of an integration strategy as well as actions taken within this scope. Representatives of government and self-government administration of different levels, of other public institutions; trade unions; organizations of employers; social, cultural, religious organizations; media; political parties; non-governmental organizations as well as organizations of immigrants have been invited to participate in the platform forum. Among the main activities undertaken within the platform, were the seminars which concerned different issues having an influence on integration of immigrants residing in Poland and which provided an opportunity to discuss the experience gained so far as well as good practice applied in Poland and in other countries. As a final outcome of the project, a set of the so-called good practice in the field of integration of immigrants, applied in selected countries having wide experience in admission and integration of immigrants is to be elaborated.

4.5. Citizenship and naturalization

4.5.1. Developments within the national perspective

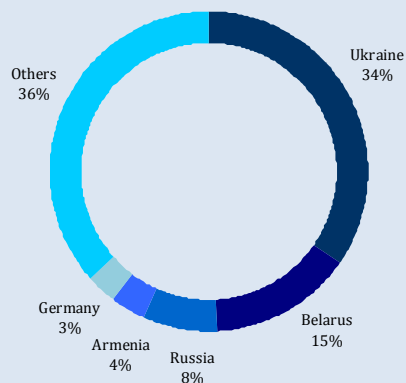
The new Act on citizenship of 2 April 2009, which was adopted by the Parliament in 2009 was still under consideration of the Constitutional Tribunal, which was adjudicating whether it was in line with the Constitution.²⁷

Should the Constitutional Tribunal consider it compliant with the Constitution to extend the voivodes' competences in granting Polish citizenship to foreigners who are integrated with Polish society, it will become possible for the foreigners of Polish origin as well as foreigners who will prove a good command of Polish not only to regularise their stay in Poland on preferential terms, but also to obtain full citizenship rights under a simplified procedure.

In September 2010, a draft Act on repatriation, prepared by a committee of citizens, was submitted to the Sejm. This way a wider debate was initiated on the flaws of the current, ten-year-old Act on repatriation.²⁸

The changes proposed in the draft law are principally aimed at accelerating the repatriation of Poles from the East. Within the framework of the present mechanism, the *gminy*²⁹ are

Figure 3. Number of acquisitions, 2010



Source: Department for Citizenship and Repatriation of the Ministry of the Interior and Administration

²⁷ The President of the Republic of Poland Lech brought the new act before the Constitutional Tribunal after having doubts concerning the provisions expanding the catalogue of premises allowing the voivods to grant a Polish citizenship to a foreigner.

²⁸ The collapse of communism resulted in the problem related to the return to their homeland by many inhabitants of the Central and Eastern European countries. In the case of Poland, this problem is particularly complex owing to changes in the borders and deportations of Poles during various historic periods.

responsible for ensuring that appropriate conditions exist for repatriates to settle. Unfortunately, the situation on the labour market, the sales of public apartments, and the necessity to ensure social welfare for own residents discourage gminy from engaging in repatriation activities.

For this reason, the draft Act provides for transferring the responsibility to provide apartments for repatriates from local-government units onto the Ministry of the Interior and Administration. Yet, according to the Ministry, it would not be possible since the Ministry only has a limited number of apartments at its disposal.

Moreover, the draft law also envisages benefits for the repatriates (in the amount of PLN 1,175 per month) towards the cost of living during the first three years following their arrival to Poland.

At the same time, a group of Senate Deputies have elaborated a separate draft amendments to the Act on repatriation, which contains slightly different solutions. The Senate Deputies submitted the draft to the Sejm in January 2011.

The procedure for verifying Polish origin, proposed by the Senate of the Republic of Poland, applies to all foreigners, regardless of their current place of residence. Furthermore, this initiative offers a possibility to acquire Polish citizenship under the repatriation procedure by all foreigners of Polish origin who graduated from Polish higher education institutions. Changes in the principles for granting financial support to gminy that offer conditions for repatriates to settle, consisting in standardisation of benefits for all gminy that welcome the holders of the promises of repatriation visas, create an opportunity to increase the interest of local-government units, and hence to shorten the waiting period prior to arrival in Poland.

It needs to be noted that the Ministry of the Interior and Administration expressed its support for the recommendations included in the said draft.

²⁹ Gmina is the principal unit of the local government and administration in Poland.

5. Illegal immigration and returns

5.1. Illegal immigration

5.1.1. Developments within the national perspective

The possibility to introduce regularisation-granting provisions was discussed in 2010 by various bodies, having the influence on establishing laws on immigration and foreigners. As a result, this possibility was taken into account while developing the draft "Migration Policy of Poland"; it was also discussed during the work on assumptions for the Act on foreigners. The discussions concerned a possibility to introduce a mechanism that would allow to regularise the stay of illegal residents in individual cases, as well as the adoption of legal provisions that would enable the persons residing in Poland without authorisation to leave the country without bearing the negative consequences of having illegally resided in Poland (refraining from entering the data of such foreigners into the register of foreigners whose stay in Poland is undesirable, or shortening the validity of such entry). A necessity to organise a media campaign focused on regularisation was also discussed, with a view of disseminating the information about it to as many its potential beneficiaries as possible.

Additionally, the developed draft "Migration Policy of Poland" included also recommendations concerning inter alia:

- ✦ future combating of irregular migration with emphasis on the improved control of administrative procedures for legalisation of stay,
- ✦ reduction of irregular migration routes,
- ✦ actions aimed at informing about the possibility of legal arrival and residence in Poland carried out in countries of origin in order to discourage immigrants from attempting illegal entry to Poland.

On 8 November, the Social Insurance Institution and the National Labour Inspectorate signed an agreement concerning joint counteraction of unlawful employment. The agreement stipulates that the Social Insurance Institution and the National Labour Inspectorate will inform each other whether employers employ the foreigners in accordance with the law.

On 22 November 2010, the NGOs advocating on behalf of undocumented immigrants organised a regularisation campaign³⁰ in front of the Polish Parliament, during which they presented the Polish authorities a signed petition in favour of the regularisation of irregular immigrants in Poland. The campaign organisers handed in their petition with 1,640 signatures from their supporters³¹ to Senator Łukasz Abgarowicz, Deputy Chair of the Immigration Affairs and Contacts with Poles Abroad Committee. The petition, together with the recommendations on the amendments to the Polish law, was then presented to the Chancellery of the President of the Republic of Poland and the Prime Minister.

During the above-mentioned happening, apples were distributed among the passers-by, symbolising the contribution of foreigners present on the Polish labour market, who often work as apple pickers.

In their petition, the organisers demanded that as many people as possible should be covered by the planned regularisation: people working in the territory of Poland, as well as students and graduates of Polish higher education institutions, pupils below the age of 18, persons of Polish origin and their family members. The demand was justified by the limited scope of the

³⁰ Action was conducted by Committee "Immigrants for amnesty" which consists among others of the Foundation for Development "No Borders", Diversity Forum, Association for Free Expression, Our Choice Foundation.

³¹ The petition was signed by representatives of NGOs, journalists, artists, politicians and migrants living in Poland.

regularisations announced thus far – in 2003 and 2007 they applied to only 4.6 thousand foreigners. The appeal and the signatures collected were accompanied by a document entitled *Foreigners with Non-regularised Residence in Poland: Attempts at Solving the Problem*, which was developed based on experiences gained in the course of everyday's activities of non-governmental organisations. The authors of the report tried to describe the problem, and to put forward recommendations as to statutory solutions.

5.1.2. Developments from the EU perspective

The provisions of the *Employer Sanction Directive* were included in a draft assumptions for a new Act on sanctions against employers of irregular migrants that were drawn up in the course of the year. The document was submitted for public consultations at the end of the year and it is expected to be adopted in 2011.

Draft assumptions for the above-mentioned act provide for inter alia extending the tasks of the Border Guard to include combating the crime of illegal employment of foreigners committed with the view to obtain material benefits, as well as for imposing an obligation to assess the risk and regularly identify sectors where the illegally staying third-country nationals are mainly employed.

In line with the provisions of *Stockholm Programme*, the Border Guard made use of different tools in order to gather information on migration routes, migratory flows and risk of illegal migration, including regular information exchange with Frontex Agency and other Member States via the ICONet.³²

However in order to improve the migratory monitoring in the Eastern Europe, Polish Border Guard continued regular exchange of information on the situation at the national frontier and illegal migration with border authorities of Ukraine, Russia, Slovakia and Hungary (inter alia within joint working groups on boarder cooperation, daily/monthly exchange of information on the situation at the common border via separate sections of risk analysis units).

In 2010, the Border Guard established also a similar cooperation with the Czech border authorities and the State Border Committee of the Republic of Belarus³³. The information obtained in this way are supplementary to the data shared within FRAN³⁴ via the ICONet due to the fact that the main areas of interest of the Frontex Agency are external borders.

The cooperation with the FBI Legal Attaché at the U.S. Embassy in Warsaw consisted in the exchange of information about a criminal groups in which Poles were involved, and which smuggled Polish nationals to the USA via Canada was also elaborated.

Furthermore, the Polish-Lithuanian and Polish-Belarusian task forces for illegal migration were established. They identify international criminal groups which organise illegal migration of the nationals of Sri Lanka, Pakistan, Vietnam and India to Poland from the territory of Lithuania, Belarus and Ukraine (the activities of the task forces resulted in identification of persons involved in criminal activity and of their places in the hierarchy of the criminal group, including its chief organiser staying in Germany).

At the national level, the Border Guard initiated a number of measures aimed at harmonising the exchange system of statistics and the data concerning the state border protection and border traffic control. In 2010, the Staff of the Border Guard Commander-in-Chief implemented the 1st Stage of Information Exchange Platform, i.e. the system collecting the statistics of detentions for

³² ICONet is the Information and Coordination Network for Member States' Migration Management Services. It is a secure web-based Information and Coordination Network for the exchange of information on irregular migration, illegal entry and immigration and the return of illegal residents.

³³ Based on furnished information, the Border Guard drafts analytical materials i.e. 'The monitoring of migration situation in Belarus'.

³⁴ FRAN is the Frontex Risk Analysis Network. It is a European network of analysts within the framework of the FRONTEX Risk Analysis Unit and it plays a key part in the exchange of information between FRONTEX and the Member States.

illegal crossing of the state border, illegal stay and illegal work.³⁵ This tool enables an ongoing monitoring of the illegal migration situation. The information processed by the platform is submitted to Eurostat and Frontex via ICONet. In order to ensure comprehensiveness of collected data, the measures were undertaken to obtain relevant information from other services, in particular from the Police (data on foreigners detained for illegal stay).

The Border Guard conducted also migration reconnaissance aimed at revealing and counteracting the violations of regulations on entry and stay of foreigners on the territory of the Republic of Poland. Important elements supporting the reconnaissance include:

- ✦ map of foreigners which is a set of information about the places, nature and form of stay of foreigners, taking into account the estimated number of foreigners and the citizenship of their most populous groups. It is updated every six months, based on statistical data collected by individual units of the Border Guard, and on data provided by the central and local government institutions.
- ✦ activities of the Border Guard liaison officer at the voivodeship office, which include regular contacts with representatives of the voivodeship offices' units responsible for receiving and examining foreigners applications in cases concerning residence permits. The liaison officer analyses the foreigners' records and, in cooperation with the voivodeship offices' employees, identifies cases which may involve abuses by foreigners of the residence permit granting procedure. The reports on the migration situation in a given area, drawn up by individual liaison officers, are then submitted to the Board for Foreigners of the Border Guard.

Poland contributed also actively to the development of a iMap – the Building Migration Partnerships (BMP iMap), which focused on the eastern European external borders.

Additionally, in the second half of 2010, the Border Guard took actions aimed at establishing a Central National Visa Registry which would contain complete information on foreign nationals applying for visas and a register of visas already issued. So far such data has been collected to a limited extent.

The positive impact of the Border Guard liaison officers' network on the tasks of counteracting illegal migration performed by the Border Guard's also needs to be recognised. The officers are delegated to work in the transit countries and in the countries of migrants' origin where they support Polish institutions by inter alia:

- ✦ maintaining permanent contacts with the border guard services and other state institutions in the countries to which they were delegated;
- ✦ providing information to individual organisational units of the National Border Guard Headquarters;
- ✦ organising visits of the Border Guard delegations aimed at establishing cooperation with national and local entities;
- ✦ participating in seminars, conferences and monitoring missions.

In 2010, the liaison officers in Moscow, Kiev and Berlin continued their work. The Border Guard officer delegated to Moscow participated in a seminar on development of readmission mechanisms in the Russian Federation, and he also visited Arkhangelsk and Arkhangelsk Oblast, with a group of liaison officers of the police, border guard and customs services accredited in Moscow, in order to obtain information focused on the threat of crime and illegal migration.

³⁵ The document constituting the so-called instructions for the platform was adopted by the Border Guard Commander-in-Chief on 4 November 2010.

The liaison officer in Kiev participated in the 7th Joint Border Control Operation "TYRA".³⁶ His involvement was highly appreciated by the Ukrainian Ministry of Internal Affairs which awarded him with a distinction "For supporting internal authorities in combating trafficking in human beings".

The liaison officer in Berlin organised study visits of the National Border Guard Headquarters representatives in 9 diplomatic missions of third countries in Berlin (in the mission of Senegal, Ivory Coast, Togo, Namibia, Guinea, Sudan, Benin, Nepal and Liberia) in order to establish direct contacts and cooperation in the field of return policy (including in confirming the identity of foreigners and in issuing replacement travel documents). The officer also participated in the meeting of the Nadodrzański Border Guard Unit in the Customs Investigation Office in Dresden, the aim of which was to establish further cooperation, and in the meeting of the Border Guard Unit Commanders (Krosno, Gdańsk) with the Presidents of the BPOL Directions (Pirna, Berlin, Bad Bramstedt) on the project of joint facilities at the Polish-German border.

The Border Guard also cooperates with liaison officers of other countries, in particular from Germany, Ukraine, Netherlands, United Kingdom, USA, Slovakia, Russia, Spain, Romania, Bulgaria and the Nordic Liaison Office (Sweden, Denmark, Norway, and Finland). In 2010, the cooperation focused on ongoing exchange of information and on preparation of joint projects, as well as the intermediation in operational and investigative cooperation (including in counteracting trafficking in human beings and falsification of documents). The liaison officers visited the Border Guard organisational units and intermediated in establishing cooperation at the regional level (i.a. with the police and immigration services). The role of the officers at the Embassy of the Republic of Poland in Moscow and Berlin was also important in terms of implementation of readmission procedures, and it consisted mainly in their intermediation in sending and receiving readmission applications and in requesting the diplomatic missions (accredited for Poland and located on the territory of the Russian Federation and the Federal Republic of Germany) to confirm the identity and to issue replacement travel documents for foreigners subject to expulsion from the territory of the Republic of Poland.

5.2. Return

5.2.1. Developments within the national perspective

Draft assumptions for the Act on foreigners, prepared in 2010, introduced a number of significant changes in regulations concerning the return policy with regard to illegal migrants, including the issuing of decisions ordering the foreigner to leave the country. According to the draft assumptions, two types of decisions issued so far, i.e. on ordering to leave the territory of the Republic of Poland and on expulsion, will be replaced by one decision imposing an obligation to return, which will specify the deadline for voluntary return.³⁷

In accordance with the assumptions, the new Act will envisage the possibility of reducing the negative consequences suffered by immigrants illegally residing in Poland. If an immigrant leave Poland on the basis of the first decision imposing an obligation to return on time, his/her data will not be entered into the register of foreigners whose stay in Poland is undesirable.

The changes in regulations on return, including provisions on forced removal of persons representing a threat to security, were also discussed while elaborating the draft amendments to the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of the nationals of European Union Member States and their family members, which were submitted to the Sejm at the beginning of 2011. Pursuant to those amendments, in case of EU national or a member of the family who is not an EU national and represents a threat to state security or public order a forced removal procedure shall be applied. As a consequence, the 31-

³⁶ The purpose of the operation was the information exchange and cooperation between European agencies, i.e. Europol and Frontex and the involved countries (Poland, Slovakia, Hungary, Romania, Ukraine and Moldova), in the area of combating border crime.

³⁷ The failure to submit to the decision will result in its forced execution.

day period within which a foreigner should leave the territory of Poland voluntarily no longer applies.

In addition, further recommendations for changes in the return policy were included in the draft "Migration Policy of Poland". The document provides for further promotion of voluntary form of return of migrants by means of:

- ✦ broadening the group of beneficiaries of voluntary return programmes,
- ✦ wider access to the reintegration support granted after returning to the country of origin and
- ✦ systematic research studies on the effectiveness of voluntary returns and reintegration assistance.

In 2010 the talks on broadening the category of foreigners refused to be granted assistance within the voluntary return programme in order to include also persons identified as victims by a body in charge of conducting proceedings related to the combating trafficking in human beings were conducted. It is expected that this possibility shall be ensured in 2011.

5.2.2. Developments from the EU perspective

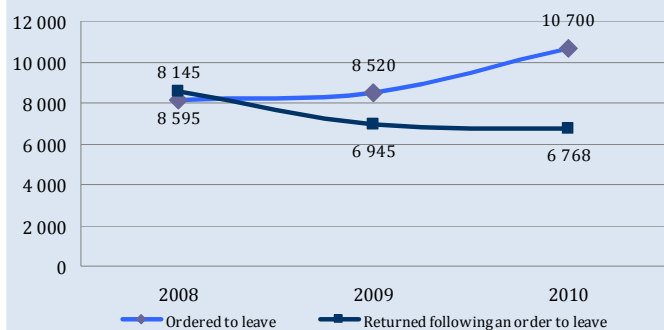
The abovementioned changes in standards and procedures for return of migrants illegally residing in Poland, which were included in draft assumptions for the new Act on foreigners, were related to the transposition to the Polish law the "Return Directive". The final act shall be adopted in 2011.

In 2010, the multilateral agreement on the readmission of persons residing without authorisation, concluded in 2009 between the European Union and Pakistan, entered into force. In November 2010, an analogous agreement was signed with Georgia, that will enter into force

in March 2011. The said agreements signed at the EU-level create new perspectives for Poland with regard to return of illegal migrants by offering the opportunities to establish direct relations with those states and to implement new arrangements in the field of return management.

Within the framework of an allocation of funds from the European Return Fund, several projects aimed at organising voluntary returns were implemented in 2010. Apart from the assisted return

Figure 4. Third-country nationals ordered to leave and returned, 2008-2010



Source: National Border Guard Headquarters

programmes, which were set up prior to and continued in 2010 (these included information campaigns, counselling on return opportunities, outreach activities, financial assistance, support to set up economic activity in the country of return), there was also one newly established project run by a non-governmental organisation – the Rule of Law Institute.³⁸ The measures under the project aim at popularising voluntary returns in the Lubelskie Voivodeship by means of inter alia developing cooperation between institutions and organisations involved in organising voluntary returns on the territory of the Voivodeship which would allow individual stakeholders to quickly obtain information on experience and good practices in this field.³⁹

³⁸ The institutions which have so far obtained the co-financing of projects of voluntary returns of foreigners from the ERF included the International Organization for Migration, the Office for Foreigners and the Border Guard. In 2010, for the first time a non-governmental organization, the Rule of Law Institute Foundation, received the co-financing of the voluntary return project.

³⁹ The project includes the organization of regular training seminars and training visits for representatives of institutions and organizations, the preparation of the "Guide on good practice" which will include guidelines on

As in previous years, the cooperation with the EU Member States and Frontex Agency in organising joint return operations continued. In 2010, the Polish Border Guard participated in 10 joint flights coordinated by the Frontex Agency⁴⁰ within which 90 foreign nationals were expelled to their countries of origin. The majority of the persons constituted nationals of Georgia – 77 foreigners. Moreover 7 nationals of Nigeria, 3 nationals of Armenia, 2 nationals of Kosovo and 1 national of Albania were expelled.

An extremely important project was the joint return operation to Georgia, with Poland being the leading country for the first time. Other participants of the operation included 3 EU Member States (Germany, Austria, and France), Frontex, and observers from non-governmental organisations.

Furthermore, apart from return operations coordinated and co-financed by Frontex, Poland took part in 4 return operations organised with other Member States (including 2 operations organised by Poland and 2 operations organised by Austria), as a result of which 90 nationals of Georgia were expelled.

5.3. Actions against human trafficking

5.3.1. Developments within the national perspective

On 8 September 2010 new provision amending Penal Code entered into force. The provision defined the concept of human trafficking.⁴¹ The previous one (binding up to 8 September) referred to the concept, but did not further specify it. The wording led to the situation in which in most cases the courts did not apply it, having trouble interpreting it and convicting the traffickers. This provoked a lively discussion about the necessity of introducing into the Penal Code the definition of human trafficking. Under new provisions, the preparation with the intent to commit a crime of human trafficking is also interpreted as penal act which is punishable with up to five years of imprisonment (a crime of human trafficking is punishable with at least three years of punishment). The introduced regulations are expected to reduce the phenomenon of trafficking in human beings.

In 2010, the debate undertaken within the published media concerned most frequently cases of trafficking in human beings for the purpose of forced labour where the victims were Polish nationals abroad, i.e. the arrest of Poles belonging to the criminal group operating in the United Kingdom which recruited workers from inter alia Poland for seasonal work as construction workers, or the detention of persons who recruited unemployed Poles for work in Western Europe where they were subsequently forced to steal and deceive (the perpetrators used to take away documents from their victims which later they used for concluding loan agreements and opening bank accounts). Other cases concerned the violation of employee rights of foreigners employed in Poland, and trafficking in human beings for the purpose of sexual exploitation (exploitation of Polish and foreign women in Poland and in Western European countries).

During the summer holidays, numerous articles were published in the press on the threats connected with going abroad for the purpose of seasonal work. They were addressed to Poles (students in particular) who intended to take up seasonal work in other EU Member States.

5.3.2. Developments from the EU perspective

Cooperation with third countries with regard to combating human trafficking continued to be maintained and was mainly based on a series of consultative meetings between representatives of countries of origin and transit (namely Azerbaijan, Armenia, Moldova and Western African

effective implementation of good returns policy and information on voluntary returns in the Lublin region as well as the preparation of a regular newsletter which is an efficient tool for exchange of best practices.

⁴⁰ Additionally, the Border Guard officer took part in a joint return operation to Ecuador and Columbia as an observer.

⁴¹ Trafficking in human beings is the recruitment, transportation, transfer, harbouring or receipt of a person, by means of threat or use of force or other forms, namely coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving or receiving payments or benefits to obtain consent of a person having control over another person, for the purpose of exploitation.

countries) and Polish Border Guard, Police and Ministry of the Interior and Administration. The objective of the said meetings was to share experience and best practices in the area of counteracting the phenomenon.

Among annually organized various actions aimed at providing better information to communities under threat one has to mention:

- ✦ 24/7 hotline for victims/witnesses of human trafficking,
- ✦ meetings with high-school students and their parents as well as with university students,
- ✦ pre-departure counselling (by phone and e-mail),
- ✦ awareness raising action addressed to Poles planning a non-touristic trip abroad or to third-country nationals planning a longer stay in Poland which inter alia included:
 - key information inserted on various websites,⁴²
 - newspaper advertisements warning against unreliable employers and including contact information of the institutions dealing with human trafficking victims,
 - mobile photo exhibition „Trafficking in human being doesn't recognize the borders” presented inter alia at the railway stations in 7 Polish cities as well as during different kinds of events taking place in Poland and abroad (it was the first exhibition of such kind in Poland),
 - human trafficking-prevention information campaigns i.e. the advertisement „Taśma”⁴³ which was broadcasted on national television,
 - brochures and information guides cautioning against trafficking in human being distributed by the Border Guard at the border crossings, Police, social workers and by the Polish consulates mainly in Belarus, Russia, Ukraine as well as in Asian countries (China, Vietnam, India, Nepal, Bangladesh, Thailand, Philippines, Mongolia, Tajikistan, Uzbekistan, Pakistan, Kazakhstan and Turkmenistan).

⁴² On the website of the Ministry of Foreign Affairs as well as “Itaka” and “La Strada” Foundation.

⁴³ www.youtube.com/watch?v=8LyAfIXIBbU.

6. Border control

6.1. Control and surveillance at external borders

6.1.1. Developments from the EU perspective

In 2010, the structural reorganisation of Border Guard continued with a view to transforming it into a leading modern border and immigration service of police-like character, whose scope of responsibility would cover clearance and protection of the external EU/Schengen border, counteracting illegal migration, cross-border crime and crime involving foreigners.⁴⁴

Considering the above tasks as well as rational use of infrastructure and employment, it is impossible to maintain the structure of the Border Guard as from before Poland's entry into the Schengen area. For that reason, a number of Border Guard branches and posts were closed down or moved (i.e. new Grzechotki-Mamonowo road border crossing was established on the Polish-Russian border). Proposals of changes to the organisational structure of Border Guard on the southern border of Poland (internal EU border) were also elaborated.

Table 1 . Third-country nationals refused entry, by type of border, 2008-2010

	2008	2009	2010
at the land border	16 271	26 232	22 883
at the sea border	39	44	48
at the air border	542	613	590

Source: National Border Guard Headquarters

Additionally, trainings, specialist and supplementary education seminars (i.e. on cultural competences, border procedures as well as conditions of entry and stay of foreigners in the EU/Schengen area, including issues related to VIS, SIS and local border traffic) as well as language trainings⁴⁵ aimed at improving the quality and efficiency of performed tasks were conducted.

The teleinformatic system "Odprawa SG" was also being constructed. This system is to ensure full integration, operability and compatibility with the Visa Information System (VIS), over time with the second generation Schengen Information System (SIS II) and in the future with the systems Entry/Exit and Registered Traveller Programme which shall ensure the possibility of comprehensive control of a foreigner not only while crossing the border but also monitoring his/her stay in the territory of Poland. Apart from that, in 2010 works on wider use of various forms and methods of biometric control for the purpose of their potential use with such future systems as e-borders or e-kiosks were being conducted.

The Border Guard reinforced also the role and effectiveness of its officers at the second line of the border control where more complex cases are analysed and verified. The officers during border control of people and means of transport are provided with permanent and direct access to the European and national databases (containing also specimen of travel documents, visas, residence titles, forgery alerts etc.). They also use modern instruments supporting border control operations including mobile terminals, detectors of living beings hidden in the means of transport, radiometric control devices, microscopes, systems for identification of forged document etc.

⁴⁴ Changes in the structure of Border Guard organisational units were connected with the implementation of the "Assumptions of the Long-Term Concept of Border Guard Operation (2009-2015)" and the "Concept of Border Guard Operation between 2009 and 2015" which assume, inter alia, removing the service from the internal EU/Schengen border deeper into the territory of Poland.

⁴⁵ Those included English, Russian, German and Ukrainian language trainings.

Moreover, the Border Guard works on implementation of a modern and effective “Management Facility Support System” whose objective is to maximally automate and improve efficiency of activities which are performed at the border as well as to simplify procedures. Within the framework of the aforementioned work the Border Guard representatives so far have participated in trainings and visits to other Member States where such solutions are in place. It is nonetheless difficult to set the date when that form of control would be introduced at Polish border crossings.

In order to increase the effectiveness of border control, the Border Guard continued also to deploy modern technological means for border control (thanks to the funding received from the European External Border Fund). Those included:

- ✦ expanded use of specialized vehicles for carrying out mobile checks and for rapid screening and fingerprint identification,
- ✦ further development of the Central Teleinformatic Network (by purchasing the additional Power 5+ processors, blade servers and necessary software),
- ✦ purchasing additional portable thermal imagining cameras used for observing, detecting and recognizing objects in the border area⁴⁶,
- ✦ purchasing additional equipment for electronic fingerprint identification as well as electronic terminals for rapid verification of the identity of people which will be liaised with AFIS system administrated by the Police⁴⁷.

6.2. Cooperation with respect to border control

6.2.1. Developments within the national perspective

Two amendments of 2010 to the Act of 13 June 2003 on foreigners introduced a number of changes concerning visa issuing, among others:

- ✦ introducing a new division of types of visas namely into Schengen visas (previously uniform visas) and national visas - having introduced the term “Schengen visas” to the Act of 13 June 2003 on foreigners, a generic term of visas regulated by the Visa Code was created;
- ✦ shorter validity period of national visas – it used to be up to five years, now it is only one year. If a Schengen country allows a foreigner’s stay for more than a year, he/she should obtain a different kind of a residence permit instead of a long-stay visa;
- ✦ additional reason for denying a Polish visa was introduced – when the personal data of the visa applicant are in the Schengen Information System⁴⁸ for the purpose of entry refusal. The exception which allows for issuing a visa in such a case consists in serious reasons, in particular humanitarian reasons, or international obligations. If personal data of a visa applicant are in the SIS and yet there are serious reasons for issuing the visa, the consul who examines the application solicits an opinion, via the Police Commander in Chief, of the Schengen area country which made the entry;
- ✦ allowing heads and personnel of diplomatic missions, heads of consular offices and consular personnel of foreign states, as well as other persons and their families to enter and stay in the territory of Poland on the basis of previously issued documents. So far

⁴⁶ The video cameras are used by mobile and foot patrols especially in limited visibility conditions as well as are installed at the remotely-controlled platform on the buildings.

⁴⁷ AFIS (Automated Fingerprint Identification System) is a computer system for rapid detention of offenders who left behind their fingerprints at the crime scene. The system is also used to verify the identity of people detained by police, during the boarder check and to identify the corpses.

⁴⁸ The Schengen Information System (SIS) is a European database of wanted persons and sought objects. Each Schengen area country enters data into the database that are accessed by services responsible inter alia for border protection and issuing visas, as well as the police.

- they were issued Schengen visas or national visas for the period during which they held the post;
- ✦ liquidation of the so-called procedural visas issued for the duration of proceedings aimed at obtaining a residence permit for a fixed period, permit to settle or residence permit for EC long-term resident. A stamp in the travel document serves to confirm that the foreigner filed an application for such residence permit on time, and that the application contains no formal errors. The foreigner's stay is considered legal until a final decision granting a permit is issued;
 - ✦ introducing a possibility to reconsider by a consul and the Border Guard an application for a Schengen and a national visa. Such an application should be submitted within seven days after a decision on refusal to grant the visa was issued. So far there has not been such a possibility.
 - ✦ imposing on foreigners travelling to Poland an obligation to hold a mandatory health insurance whose value is at least EUR 30,000 in the case of an illness, hospital treatment or death. As a proof, the foreigner may hold, for example, a travel medical insurance contract valid throughout the planned stay in Poland;
 - ✦ introducing a new reason for issuing a Schengen and national visa – for work purposes issued for a period not exceeding 6 months within the subsequent 12 months (visa issued on the basis of an employer's statement on intention to employ a foreign citizen, registered in the Poviát Labour Office);
 - ✦ specifying the scope of documents to be filed by persons inviting foreigners to Poland – those documents also confirm, inter alia, the provision to foreigners of accommodation, board, possible treatment, transit or return to the country of origin;
 - ✦ reducing a fee for prolonging a Schengen visa (from EUR 60 to EUR 30);
 - ✦ introducing an additional fee for issuing by the Border Guard a visa to children at the age 6-12 which shall amount to EUR 35. Children under 6 years old are exempt from such a fee (just as in the case of scientists, school children, students or persons who benefit from temporary protection). Young people under 25 years old representing non-profit organizations and participating in conferences, seminars, sports events are also eligible for a fee exemption;
 - ✦ modifying provisions concerning legal controls - the Visa Information System shall be used by the bodies which are in charge of legal controls. Upon those bodies an obligation to take fingerprints from a controlled foreign national was imposed. The regulation shall apply from the date stipulated in the decision of the European Commission specifying the date of commencement of the operation of the Visa Information System in Poland. Furthermore, if a foreigner crossing the border refuses to show an identity card, the Border Guard officer, Police, Customs Service and the Office for Foreigners shall be obliged to take fingerprints. Fingerprints shall be taken also in order to verify a foreigner's identity;
 - ✦ changing a specimen of visa sticker.

6.2.2. Developments from the EU perspective

The above amendments to regulations on the procedures and rules of issuing Polish and Schengen visas were aimed at adjusting Polish law to EU regulations (implementation of the EU Visa Code and Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa).

Furthermore, the implementation of the Visa Information System (VIS) along with a possibility to collect biometric data from foreign nationals (July 2011) was under preparation. The

mechanism shall use the Visa-Consul programme which by the end of the year was implemented in all consulates.

As for cooperation between Polish and other Member State's consulates, in the reference year Poland concluded a number of visa representation agreements:

1. Agreement with Sweden dated 3 March 2010 in accordance with which Poland is a party representing Sweden in the Russian Federation in Kaliningrad and Algeria in Algiers, whereas Sweden in Bangladesh in Dhaka. The implementation agreements came into force respectively on 6 April 2010 (Kaliningrad, Dhaka) and 15 September 2010 (Algiers);
2. Agreement with Estonia dated 20 January 2010 – Poland is a representing party in Ethiopia (Addis Abeba), Turkmenistan (Ashgabat), Colombia (Bogota) and the North Korea (Phenian), whereas Estonia represents Poland in the Russian Federation (Psków). The agreement along with the implementation agreement came into force on 5 April 2010;
3. Agreement with the Netherlands dated 11 June 2010 in accordance with which Poland is a party representing the Netherlands in the Russian Federation in Kaliningrad and Irkutsk, whereas the Netherlands is representing Poland in the Republic of Suriname (Paramaribo), in Zimbabwe (Harare), in the Philippines (Manila), in Ghana (Accra), in Ecuador (Quito), in Bolivia (La Paz) and in Sri Lanka (Colombo). The implementation agreement came into force on 1 July 2010.

Agreements with Hungary and Slovakia were in final stage of negotiations. The talks on visa representation agreements with France, Switzerland, Belgium, the Czech Republic, Greece, Finland and Germany were also being held.

In the light of the disproportionate influx of immigrants recorded in Greece, Poland (starting from November 2010) took part in Frontex-coordinated operation aimed at deployment of Rapid Border Intervention Teams (RABITs) to the Greek-Turkish land border. Within the framework of the operation, 12 Polish border guard officers were sent to the region of Orestiada and neighbouring areas. The 175 guest officers sent to Greece by Frontex to take part in the operation were under the command and control of the Greek authorities and were mainly working on patrolling border hot spots and assisting Greece in screening and interviewing, with the aim to determine the nationality of the undocumented persons as well as collecting information about the people-smuggling networks who are behind them.

Following the decision of Frontex Executive Director of 3 December 2010 on extending the mission to 2 March 2011, the number of officers and equipment units was increased (from 12 to 25 officers in Greece and from 3 to 6 officers in Warsaw). The Polish mission was also provided with four vehicles, night-vision goggles, a night-vision camera, a helicopter, a technical car and two service dogs.

To support Greek migration services in their fight with illegal migration, Polish Border Guard participated also in ATTICA and POSEIDON 2010 projects, in whose framework representatives of the Border Guard were responsible for, inter alia, conducting initial verification of undocumented foreigners who claimed to be Pakistani, Indian, Nepalese, Sri Lankan, Afghan and Iranian nationals (the procedure consisted in examining the command of mother language or dialect, as well as the familiarity with culture and religion of the declared country of origin). Similarly to the RABIT operation, ATTICA and POSEIDON also involved the use of a plane and a helicopter with a crew, as well as night-vision goggles.

In 2010, Border Guard officers participated also in a number of other international operations organised by Frontex Agency. These were primarily operations at land and air borders, such as the following:

- ✦ JUPITER operation whose purpose was to strengthen border control at the eastern external border of the EU – Polish Border Guard officers provided support in counteracting illegal border crossing, and at the first line of border control in Romania,

- Slovakia and Hungary, while officers who came to Poland patrolled border crossings in Medyka and Korczowa;
- ✦ NEPTUNE operation in whose framework Polish Border Guard offered support during border control in Hungary and Slovakia;
 - ✦ HUBBLE operation, organised to strengthen control at external air borders of the EU with particular emphasis on flights from major transfer airports, within the framework of which Polish Border Guard delegated two officers to the Netherlands and Germany;
 - ✦ AGELAU operation which was targeted at detecting minors crossing borders (both unaccompanied or accompanied by their guardians). Three officers participated in the operation (missions to Italy, Czech Republic and Finland);
 - ✦ FOCAL POINTS operations within the framework of which Polish Border Guard officers offered support in organising and managing border control in Belgium, France, the Netherlands, Germany, Greece, Slovenia, Romania, Lithuania, Slovakia, Hungary and Italy (33 officers were delegated), while officers of border guard services from other Member States participated in control activities at border crossings in Dorohusk, Terespol, Korczowa, Medyka, Bezledy, and at the Warsaw Okęcie airport.

Furthermore, in order to improve border control, Poland in 2010 fostered cooperation with third countries. This included:

- ✦ signing a bilateral agreement with Belarus, for the regulation of local border traffic (the agreement was ratified by Poland on 22 June 2010),⁴⁹
- ✦ conducting in border areas joint border controls with Slovakia, Czech Republic and Germany,⁵⁰
- ✦ signing an agreement between Poland and Ukraine on joint patrols;
- ✦ adopting a joint action plan by the Polish and Ukrainian Border Guard connected with preparations for and conducting of the 2012 European Football Championship, which envisages inter alia preparing a joint analysis of threats at the Polish-Ukrainian border, introducing simplified clearance for the duration of Euro 2012, and delegating Ukrainian Border Guard officers to Polish airports to provide clearance in the territory of the Republic of Poland;
- ✦ participation of Polish Border Guard officers in special border operations organised by the Border Guard Service of the Federal Security Service of the Russian Federation;
- ✦ signing an agreement on cooperation in the scope of examining travel documents by Poland and Lithuania;
- ✦ protecting major communication routes crossing the Polish-Slovakian state border;
- ✦ planning a temporary reinstatement of border control between Poland and neighbouring EU Member States during the 2012 European Football Championship,
- ✦ participation in joint border operations, which aimed at exchanging information and bolstering cooperation against cross-border crime between European agencies (Europol and Frontex) and Poland, Slovakia, Hungary, Romania, Ukraine and Moldova,
- ✦ taking part in joint border control operation of EUBAM (European Border Assistance Mission) along the Moldovan-Ukrainian border which aimed at enhancing the processes and methodologies in international coordination and cooperation to combat cross-border crime in the region.

⁴⁹ The agreement was ratified by the President of Poland as well as by the National Assembly of Belarus and is pending ratification by the President of Belarus.

⁵⁰ In 2010, in total approx. 2 400 joint border controls were conducted.

The Border Guard continued also its cooperation with Technical Assistance and Information Exchange (TAIEX),⁵¹ the International Centre for Migration Policy Development (ICMPD) and the International Organisation for Migration, within the framework of which it undertook a number of initiatives in the area of border control. This included:

- ✦ seminars for officers of the Ukrainian and Russian Border Guard Service on the verification of travel document authenticity;
- ✦ internship visit of Ukrainian Border Guard Service officers in Poland devoted to the use of air force in patrolling sea and land borders;
- ✦ study visits of Turkish border guard services in Poland devoted to the implementation of best practices, standards and procedures at the external border of the EU, and to implementation of regulations and procedures within the Schengen area;
- ✦ study visit of employees of the Ministry of Interior and the Ministry of Foreign Affairs of Macedonia whose purpose was to share Polish experience and information on issuing visas at the border;
- ✦ trainings for experts from the State Border Committee of the Republic of Belarus on best practices and typical problems/difficulties experienced when developing and implementing bilateral border agreements, such as the agreement on border plenipotentiaries and implementation of EU and Schengen regulations on borders;
- ✦ trainings for officers of Palestinian security services in verifying the authenticity of documents, the specific character of border traffic control in the European Union, and state border protection;
- ✦ study visit of representatives of Ukrainian Border Guard Service devoted to cynology;
- ✦ training visits focused on presenting Poland's model of integrated border management, including border control, to participants from Turkey, Georgia, Morocco, Algeria, Tunisia, Egypt, Syria, Jordan, Libya and Sierra Leone;
- ✦ presentation of infrastructure of Polish Border Guard units (including border infrastructure) to representatives of Azerbaijani Border Guard Service;
- ✦ visit of representatives of Russian Border Guard Service whose purpose was to present border management techniques in seaports (as well as standards and technologies applied for border control, administration of border crossings and checkpoints);
- ✦ trainings for representatives of Armenian and Georgian ministries in the area of personal control and document control;
- ✦ training on joint patrols for representatives of Ukrainian Border Guard Services;
- ✦ training on legislation on EU border for Belarusian Border Guard officers,
- ✦ trainings on clearance for officers of the Kosovo Border Police at seven border crossings located at Kosovo's borders with Serbia, Macedonia, Albania and Montenegro, and at the Pristina international airport;
- ✦ visit of a delegation from the Iranian Ministry of Interior during which information was provided on sea border protection, the types of vessels, and the threats at Poland's sea border;
- ✦ training for officers from the Office for Border Traffic Control of the Ministry of Public Security of the Republic of Vietnam in the area of strengthening its capacity in combating illegal migration.

⁵¹ TAIEX is an instrument managed by the Directorate-General Enlargement of the European Commission. It supports partner countries with regard to the approximation, application and enforcement of EU legislation. Member States experts are the main actors of TAIEX operations.

As the quality of visits organised by the Border Guard in Poland and the input of Border Guard experts in seminars organised in third countries is highly appreciated by beneficiaries, it is very likely that cooperation will also continue in 2011.

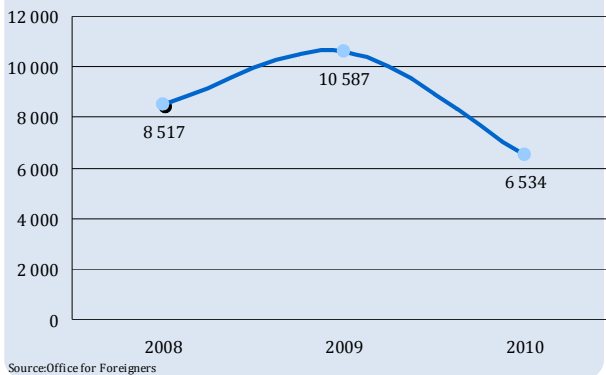
7. International protection, including asylum

7.1. Developments within the national perspective

In 2010, the controversy over the Łomża-based centre for foreigners applying for refugee status, occupied mainly by Chechen nationals, was a subject featured prominently in the media. The discussion was initiated by Lech Kołakowski, 'Law and Justice' deputy, who petitioned to closed down the centre in autumn 2009 on the grounds that Chechen neighbours were perceived as a threat by Łomża inhabitants.

Soon afterwards, two Chechen women were assaulted in Łomża, posters and stickers with insulting nationalistic slogans could be seen in the city, insulting and hate-instigating films were posted on the internet, and in January 2010, 800 Łomża inhabitants signed a petition demanding that the centre be moved.

Figure 5. Number of asylum application, 2008-2010

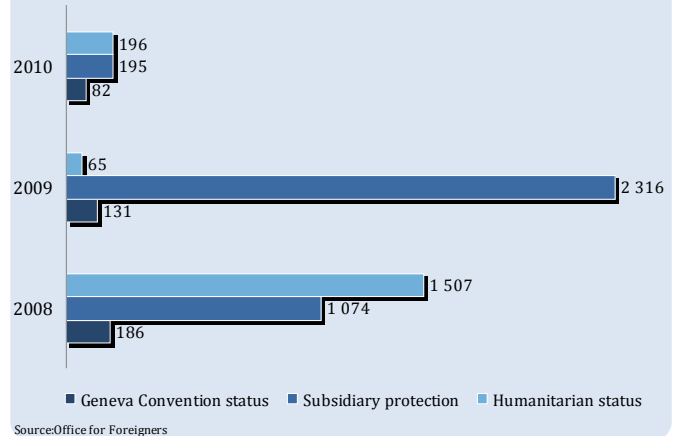


Source: Office for Foreigners

In March 2010, the Office for Foreigners which runs centres for foreigners, informed that the centre could be liquidated due to tension and hostility towards foreigners prevalent in Łomża.

The escalation of negative attitudes in Łomża coincided with the expiry of the agreement on running the centre (analogous as for several other centres throughout Poland). In September, the Office for Foreigners organised a tender for a network of new centres in Poland and the Łomża-based centre, which had been operating for over 10 years, was not successful. The Łomża centre, as well as Bytom and Warsaw-based centres, were finally closed down in November 2010. A centre (for women and mothers with children) in Warsaw – Targówek district was opened instead by the end of the year, as well as a centre in Grotniki near Łódź for the vulnerable groups, such as disabled or persons having traumatic experiences. Due to the decreasing number of refugee applicants in Poland, the Office for Foreigners plans to reduce the number of centres to 13.

Figure 6. Number of first instance decisions, 2008-2010



Source: Office for Foreigners

7.2. Developments form the EU perspective

In the face of a massive influx of asylum applicants experienced in recent years by Malta, Poland got involved in a pilot relocation project EUREMA aimed to relocate refugees from Malta. On 15 December 2009, Poland signed a declaration based on which it became one of the partners of the project. The support included admitting 6 persons⁵² who have already been granted subsidiary protection in Malta. Poland, just as the other countries which admitted relocated foreign nationals, undertook to grant the relocated foreigners integration assistance. So far no foreigner has come to Poland under the said project.

⁵² In total, the project envisages admission of 225 refugees from Malta by 10 EU countries.

Moreover, in 2010 a draft amendments to the Act of 13 June 2003 on providing foreigners with protection in the territory of the Republic of Poland which constitutes a basic regulation in the field of the refugee procedure was being discussed. The draft law aims, inter alia, at introducing solutions based on which it would be allowed to admit, within relocations, people granted refugee status (under present regulations applications for granting refugee status submitted by the people who have already obtained refugee status in another Member State are considered inadmissible).

Since March 2010 Poland has also been participating in the “Project on promotion of resettlement in the EU countries through practical cooperation of the Member States” which shall be finalised in May 2011. The project is carried out by the International Organization for Migration, United Nations High Commissioner for Refugees (UNHCR) and the International Catholic Migration Commission (ICMC). The general aim of the project is to promote resettlement in countries aspiring to this undertaking (Poland is considered by the organisers as a country aspiring to carry out resettlements), exchange the experiences between countries which carry out resettlements and undertake joint actions to enhance coordination in this field. Representatives of administration bodies, self-government authorities and non-governmental organizations i.e. institutions which in the future would be engaged in realisation of resettlements, were involved in the activities undertaken within the project.

Furthermore, the draft “Migration Policy of Poland” stipulated that it is possible for Poland to join in the future the resettlement and relocation programmes which have become a sort of a European standard. At the same time, in order to make it possible, the document provides for the necessity to implement appropriate changes with regard to legal regulations concerning procedures of granting subsidiary protection and social assistance.

8. Unaccompanied minors and other vulnerable groups

8.1. Developments within the national perspective

Taking into consideration that unaccompanied minors are one of the vulnerable groups subjected to human trafficking, there is growing interest and need to strengthen activities in favour of identification of such cases among victims of trafficking in human beings and to provide them with appropriate support and aid. In 2010, under the National Plan of Action against Trafficking in Human Beings the following information and prevention activities were carried out:

- prevention campaigns were developed (posters, brochures) in cooperation with Police and NGOs on forcing children to begging and the threat of child trafficking,
- tools to assist early identification of children - victims of trafficking - were developed (questionnaire, indicators) addressed to the representatives of institutions that may have direct contact with the minor victims (child care centers, Police and Border Guard).

Moreover, a pilot program on support and protection of minor victims of human trafficking was run in three provinces.

9. Global approach to migration

9.1. Developments from EU perspective

Poland contributed to the effective implementation of the global approach to migration through a number of initiatives implemented in several third-countries located at the EU's eastern border.

Poland continued participation in the EU Mobility Partnerships, including those with the Republic of Moldova. In relation to this, Poland participated in a project to:

- ✦ strengthen Moldova's capacity to manage labour and return migration,⁵³
- ✦ exchange experience in the field of migration policy and cooperation with international organizations dealing with migration,⁵⁴
- ✦ support the Moldovan government in its efforts to initiate visa dialogue with the EU.

Moreover, the Polish Border Guard carried out cooperation activities to deter or prevent irregular migration with:

- ✦ Belarus – trainings aimed at strengthening corruption counter measures in Police and Border Guard as well as in the area of anti-trafficking in human beings,
- ✦ Ukraine, Georgia and Russia – study visits and workshops on best practices and experiences concerning implementation of readmission agreements and policies enforcing assisted voluntary returns,
- ✦ Vietnam⁵⁵ - meetings of border guard representatives which aimed at exchanging information and best practices in return managements and identification (including in confirming the identity of foreigners and in issuing replacement travel documents to enable them to return to their country of origin,⁵⁶
- ✦ Azerbaijan - workshops for border guard officers on visa procedures and various migration issues,
- ✦ Albania, Bosnia and Herzegovina, Croatia, Montenegro, Kosovo, Serbia, FYROM and Turkey – risk analysis training.

⁵³ The purpose of the visit in Moldova was to familiarise the representatives of the Moldovan administration with the Polish system of legalization of stay of foreigners.

⁵⁴ This included training workshops for employees of the Moldovan institutions involved in the implementation and application of EU legislation relating to migration and asylum and the persons responsible for conducting EU-Moldova mobility partnership negotiations. The project aimed at enhancing the effective implementation of EU law to the national legal system, increasing the efficiency of the Polish-Moldovan cooperation and identifying thematic domains which could constitute the basis for the future projects in Moldova.

⁵⁵ This cooperation was based on the Agreement between the Government of the Republic of Poland and Government of the Socialist Republic of Vietnam on the readmission of illegal immigrants.

⁵⁶ The Border Guard donated to Vietnam two laptops in order to improve the process of confirming the identity and issuing replacement travel documents to illegal immigrants who were detained at the territory of Poland and to give Poland possibility to organize training for Migration Service of Vietnam.

10. Implementation of EU legislation

The progress made during 2010 in the transposition of EU legislation in the field of migration and asylum into national law and administrative practices is presented below:

- 1) Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas
 - ✦ Status: Transposed through Amendment to the Act on foreigners of 13 June 2003 (Act of 9 April 2010), came into force on 22 May 2010
- 2) Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa
 - ✦ Status: Transposed through Amendment to the Act on foreigners of 13 June 2003 (Act of 3 December 2010), came into force on 28 December 2010
- 3) 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)
 - ✦ Status: Transposed through Amendment to the Act on foreigners of 13 June 2003 (Act of 9 April 2010), came into force on 22 May 2010 – amended provisions regulating the control of legality of stay of foreigners
- 4) Council Directive 2009/50/EC of the European Parliament and of the Council of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment
 - ✦ Transposition required by: 19 June 2011
 - ✦ Status: Bill under preparation
- 5) 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
 - ✦ Transposition required by: 24 December 2010 (in relation to Article 13(4) by 24 December 2011);
 - ✦ Status: Bill under preparation
- 6) 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
 - ✦ Transposition required by: 20 July 2011
 - ✦ Status: Bill under preparation

Annex

LEGAL IMMIGRATION AND INTEGRATION

1. Economic migration

1.1 European Pact on Immigration and Asylum

I(a) Implement policies for labour migration

On 14 December 2010 regulations prolonging the possibility to undertake by foreigners work on the basis of employer's statement on the intention to employ a foreigner (so-called simplified system) came into force. As a result, the citizens of the neighboring countries (Ukraine, Belarus, Russian Federation) as well as citizens of Moldova and Georgia (based on mobility partnership) will be entitled to work up to 6 months during the period of 12 months without the need to obtain a work permit. The above-mentioned regulations replaced the binding provisions⁵⁷ the validity of which ended on 31 December 2010. According to those provisions, employers willing to hire citizens of one of the abovementioned country are only required to register (free of charge) in a District Labour Office a statement on the intention to employ a foreigner. On the basis of such statement foreigner may apply for visa in the Polish consulate.

Issues related to economic migration were widely also discussed under the draft "Migration Policy of Poland". In accordance with the guidelines laid down therein, labour immigrants with skills and experience deemed essential for Polish labour market as well as foreigners carrying out business activity in Poland were defined as one of the priority categories in terms of admission. Additionally, the document stipulates that migrant workers will be perceived as complementary to the indigenous labor force, bearing in mind that in the long run they will play an increasingly important role in balancing economy's needs (possible substitution between immigrants and natives in certain sectors) which may require major developments in terms of recruitment policy, giving foreigners (as well as their families) settled down in Poland priority access to the labour market. The draft "Migration Policy of Poland" provides also for:

- ✦ preserving legal framework and basic principles for foreign nationals access to the Polish labour market, including suitably adapted exemptions,
- ✦ preserving geographic preferences for admitting economic migrants (Eastern neighboring countries, Western Balkans, followed by the Caucasus countries),
- ✦ facilitating and promoting legal temporary migration,
- ✦ establishing the mechanism for systematic monitoring of supply and demand in the labour market.

On 14 July 2010 the Council of Ministers adopted the National Employment Action Plan for the years 2009-2011⁵⁸ which envisages the implementation of an appropriate migration policy responding to the labour market needs and reinforcing the integration of migrants. The document sets out a necessity to improve the attractiveness of legal employment in Poland for foreigners and simultaneously to counteract illegal employment. The planned initiatives aimed at implementing the established plan, are as follows:

- ✦ legal changes concerning employment of foreigners,
- ✦ implementing economic migration monitoring mechanisms,
- ✦ implementing the EU acts developed under the Policy Plan on legal migration,
- ✦ carrying out trainings on new legal regulations addressed to employment services employees.

⁵⁷ Introduced in 2006.

⁵⁸ The Action Plan sets out the main tasks of government in terms of employment promotion, cushioning the effects of unemployment and occupational activation.

In 2010, the Ministry of Labour and Social Policy in cooperation with research and scientific centre (the Institute of Social Policy of the University of Warsaw) conducted a research on different approaches towards labour migration to be implemented in the future. The project was aimed at examining the possible scenarios of opening up Polish labour market to different groups of immigrants i.e.: highly-skilled, foreign students graduated from Polish universities, foreign students in training/internship in Poland, employees delegated by foreign companies, to provide services in Poland, temporary immigrants from neighboring countries. The final outcome of the project provides expert's view of the future labour migration policy and its recommendations can be further applied to reshape regulations relating to foreign employees working in Poland.

As for matters related to cooperation with third countries aimed at fostering and controlling the economic migrants movement, in 2010 an agreement on coordination of social security with Ukraine and on coordination of social security with the Republic of Moldova continued to be negotiated (negotiations with Ukraine initiated in 2008 reached in 2010 an advanced stage).

In 2010 government started elaborating assumptions for a brand new Act on foreigners which will be adopted in 2011. The new act will inter alia provide for the issuance of a residence permit to young graduates of Polish higher education institutions and universities looking for a job in Poland.

In December 2010, the amendment to the Act of 20 April 2004 on employment promotion and labour market institutions came into force, which allowed the employers employing foreigners who are experiencing temporary financial difficulties to shorten working hours and, as a result, to lower remunerations – without the necessity of requesting the voivode to change the decision on work permit. Previously, the voivode would revoke the work permit if, inter alia, there were changes in the circumstances that had provided grounds for issuing it. This solution allowed the entrepreneurs to respond with greater flexibility to the evolving economic situation, and it fit well within the framework of measures introduced by the government in the face of the consequences of world economic crisis, which had arisen in 2007.

I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:

Activities aimed at implementing the Blue Card Directive took place in 2010 (while elaborating the assumptions for the new Act on foreigners mentioned in point 1 (a)). In line with the provisional arrangements, the Blue Card will be granted by the voivods⁵⁹ after having consulted starosta⁶⁰ about the condition of the local labour market (after employer's failed attempt to fill the vacancy).

The provisions of the new Act are also expected to provide for the issuance of a residence permit to young graduates of Polish higher education institutions and universities looking for a job in Poland.

Certain measures relating to facilitated admission of students and researchers are also set up in the aforementioned "Migration Policy of Poland" document. The conclusions and recommendations included in the document define students, graduates from Polish universities, researchers and foreigners undertaking trainings as privileged groups of foreigners subjected to special regulations. Among crucial actions needed to be taken in this regard, the document lists: strengthening the scholarship system which would encourage foreigners to take up studies in Poland, providing support in handling bureaucratic procedures and creating more attractive conditions for foreigners involved in research studies (i.e. conducting an open, transparent and competitive recruitment process, meeting the needs of researchers in the field of social security and supplementary pension schemes, giving them opportunities to develop skills and acquire new experiences).

⁵⁹ The governor of a voivodeship (provinces) appointed by the central government.

⁶⁰ Head of powiat (county - the second-level unit of local government and administration), supervised by the voivode.

No measures relating in this regard were undertaken in the light of economic crisis.

I(c) Do not aggravate the brain drain

The only measures taken to avoid brain drain were addressed to Poles. They related to information campaign addressed to Polish economic migrants staying in the Great Britain, Ireland, and other European countries, who were considering the possibility to return to Poland continued to be carried out in 2010 (mainly through a published guide and a website www.powroty.gov.pl). Undertaken measures aimed at providing Poles with practical information, which might help them to decide possible return to Poland. It is worth to notice that the large proportion of those migrants are young and highly qualified persons.

1.2 Stockholm Programme

1 (b) Improving skills recognition and labour matching

There were no measures undertaken to improve the skills recognition of third-country nationals and labour matching between Poland and third countries as well as no measures relating in this regard were undertaken in the light of economic crisis. In the course of past few years Poland was negotiating such kind of agreement only with Mexico, but no this document has been so far adopted.

As for analysis of labour market needs, the Central Statistical Office conducts periodic studies among Polish enterprises employing minimum one person on the number of unfilled vacancies.

The draft "Migration Policy of Poland" provides for establishing efficient system for monitoring labour market needs and shortages in the future.

1.3 Key statistics (provisional data*)

First residence permits, by reason				
	Total	Education reasons	Remunerated activities reasons	Other reasons
First permits	21 210	6 261	11 604	3 345

All valid residence permits, by duration				
	Total	3-5 months	6-11 months	12 months and over
All permits	97 080			

* Data refer to all residence permits for a fixed period. The final data will be much higher because they will also refer to the long-term visas issued by Polish consuls.

2 Family Reunification

2.1 European Pact on Immigration and Asylum

I(d) To regulate family migration more effectively

The issues related to the family reunification were addressed in course of the debate on the draft assumptions for the new Act on foreigners. As a result of an expert discussion and in line with the ruling of the European Court of Justice in case C-291/05/Eind, rights of family member of Polish citizen returning home after exercising their right of free movement will be strengthened.

As for family members of Polish citizens and of foreigners settled in Poland, the proposals of adequate facilities in their regard were also discussed under the draft "Migration Policy of Poland". As a result, in accordance with the document, the said group of foreigners will be one of the groups offered special treatment with respect to stay in Poland. Due to the strategic character of the document, concrete measures to promote the integration of this group of foreigners will be worked out in a scheduled Action Plan once the document is adopted.

In line with the Blue Card provisions, the draft Act on foreigners includes special provisions on family reunification for the EU Blue Card holder.

Moreover, elaborated in 2010, the draft amendments to the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of the nationals of European Union Member States and their family members, which take into account the Union requirements regarding the movement and stay of EU nationals in the territory of Member States, introduces a range of facilitations for foreigners, including:

- ✦ abolition of fees for issuing registration and residence documents – after the entry into force of the Act, EU nationals and their family members will no longer have to pay for their documents (registration certificates and residence cards) being issued or replaced;
- ✦ granting the right of residence to a child of an EU national who has worked in Poland but has not retained the right of residence - until the child completes education or studies – irrespective of his/her nationality. In addition, the parent taking care of the child will be granted the right of residence until the child's coming-of-age or longer – until the child completes education or studies.

2.2 Stockholm Programme

2(b) The Directive on family reunification, the importance of integration measures

Not relevant.

2.3 Key statistics

First residence permits for family reasons (provisional data)	
Number of first permits	8 338

3 Other legal migration

3.1 European Pact on Immigration and Asylum

I(e) to strengthen mutual information on migration by improving existing instruments where necessary;

In 2010 the Central Statistical Office continued its cooperation with Austria, Germany, the Czech Republic, Slovakia, Slovenia and Hungary within the Working Group aimed at cooperating in the field of international migration statistics (Mid-European Group for Cooperation In the Field of International Migration Statistics). On the occasion of the last meeting, problems related to the implementation of Migratory Statistics Regulation 862/2007 as well as a possibility to adapt existing studies and a possibility to use other sources of data for the purposes of migration statistics were discussed. The cooperation within the Mid-EU Working Group will be continued. It is planned to enlarge the group by including Switzerland. Moreover, the Central Statistical Office pursued bilateral cooperation with Germany and the Great Britain in the field of methodology for migration data collection, problems which occur in this area and exchange of data on international migrants. However, this cooperation was of incidental character.

Additionally, the representatives of the Office for Foreigners participated in EC committees' meetings and working groups on asylum issues, legalization of stay, issuance of visas etc.

Further information exchange via the European Migration Network, Rapid Asylum Inflow Alert System (RAIAS) within the framework of International Centre for Migration Policy Development (ICMPD), Eurostat and Council of the Baltic Sea States Working Groups was held. Bilateral and multilateral meetings with representatives of migration and refugee services of countries in our region continued to be conducted.

Furthermore, among instruments used by the Polish institutions in order to share and exchange information on migration were also the EU existing platforms and networks, such as EURES, EUROSTAT, FRAN⁶¹ and ICONET⁶².

The need to intensify the process of cooperation with other countries in terms of exchange of information was highlighted among various recommendations included in the draft "Migration Policy of Poland".

In 2010, the Polish Border Guard has also been established cooperation with Ukraine in the field of analytic activities within the framework of which joint migration reports will be drawn up. So far the scope of those reports was provisionally agreed on.

I(f) Improve information on the possibilities and conditions of legal migration

The most frequent measures in this regards included information campaigns addressed to foreigners (i.e. leaflets in different languages distributed in provincial offices, Office for Foreigners, offices of employment, register offices, embassies, bus stops, railway stations, information available on institutions' websites as well as launching new websites) run by governmental authorities. The campaigns focused on the possibilities and conditions of legal migration to Poland, mutual rights and obligations between parties to an employment relationship and the possibility of redress.

Furthermore, actions popularising Polish universities and the possibilities of taking up studies in Poland were undertaken by inter alia universities and local government.

Draft "Migration Policy of Poland" envisages also inter alia the information campaigns on possibilities of legal migration to Poland to be organized in the main countries of origin of foreigners coming to Poland, providing comprehensive single-source information on the wide-ranging subjects concerning legal migration.

3.2 Stockholm Programme

The relevant commitments in the Stockholm Programme are similar to the Pact objective above.

4 Integration

4.1 European Pact on Immigration and Asylum

I(g) Promote harmonious integration in line with the common basic principles

Programmes aimed at integration of beneficiaries of international protection as well as other immigrants, co-financed by European Refugee Fund and European Fund for the Integration of Third Country Nationals, were implemented. Pre-integration activities addressed to asylum seekers were also carried out. The programmes included mainly: Polish language courses, professional trainings, advisory activities, psychological help and assistance, Polish culture and history courses as well as legal aid.

To further define access to education for different categories of third-country nationals, legislative changes concerning integration were introduced at the beginning of the year 2010. Under the amendments to the Act on education system of 7 September 1991, starting from January 2010, all foreigners can benefit from free of charge education until completing a post-gymnasium school (or until reaching the age of 18). Moreover foreigners who do not speak

⁶¹ FRONTEX Risk Analysis.

⁶² Secure web-based Information and Coordination Network for Member States' Migration Management Services, established by Council Decision 2005/267/EC, OJ 2005 L 83, p. 48.

Polish language or if their language skills are insufficient are entitled to additional, free lessons of Polish. Under new provisions foreigners are also entitled to compensatory courses at school in order to make up for curriculum differences. Courses of the language and the culture of the country of origin may also be arranged for a given group of foreigners. In order to help foreign national children attending school to overcome language barriers, the institution of child care assistant originating from the same ethnic group was also introduced.

According to draft law on foreigners new facilitated rules of stay for legally residing foreigners including students and workers will be ensured what will have positive impact onto integration of immigrants in Poland. Certified good command of Polish required for being granted permit to settle and residence permit for a long-term EC resident is also envisaged.

As for policy development on integration the draft of "Migration Policy of Poland" provides for some major improvements in this regards, namely broadening the catalogue of foreigners being able to participate in the integration projects and programmes, improving access to housing, monitoring undertaken activities, social education and emphasis shifted to the education of immigrant children.

I(h) Promote information exchange on best practices in terms of reception and integration

In 2010 a project called "Cooperation: a way to integration" was launched by the International Organization for Migration in cooperation with the Ministry of the Interior and Administration, within which a national platform of cooperation between organizations of immigrants and Polish institutions was established. The platform plays a role of a consultation mechanism which facilitates development, implementation and assessment of an integration strategy as well as actions taken within this scope. Representatives of government and self-government administration of different levels, of other public institutions; trade unions; organizations of employers; social, cultural, religious organizations; media; political parties; non-governmental organizations as well as organizations of immigrants have been invited to participate in the platform forum. Among the main activities undertaken within the platform, were the seminars which concerned different issues having an influence on integration of immigrants residing in Poland and which provided an opportunity to discuss the experience gained so far as well as good practice applied in Poland and in other countries. As a final outcome of the project, a set of the so-called good practice in the field of integration of immigrants, applied in selected countries having wide experience in admission and integration of immigrants is to be elaborated.

A similar form of cooperation (meetings of practitioners, experts, scientists, representatives of non-governmental organizations and immigrant associations) was applied with regard to projects co-financed by the state budget in 2010 within the framework of the European Fund for the Integration of Third Country Nationals.

Since August 2008 in Podlaskie Voivodship, an advisory team coordinating activities of organizations in charge of integration of foreigners who have been granted refugee status or subsidiary protection continued to operate in 2010.⁶³ Parties involved in the Team consider its activities as very effective. Supplementary, the Centre for Social Communication operating within Municipal Office of the Capital City of Warsaw, which is a platform cooperation forum with non-governmental organizations including representatives of immigrant communities residing in Poland continued its activities in 2010.

⁶³ The Team was appointed in August 2008 and comprises representatives of the Voivodship Office, the Office for Foreigners, the Regional Centre of Social Policy, the Voivodship Police Headquarters, the Education Office, the Poviats Labour Office, the Regional Unit of the Border Guard, the Municipal Family Support Centre and non-governmental organizations operating in the territory of Podlaskie Voivodship.

4.2 Stockholm Programme

3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas

In 2010 the education provisions with regard to foreign nationals were introduced. Pursuant to those provisions foreigners have better access to free of charge education in Poland. The solutions facilitating adaptation of foreign children in schools were also adopted (the institution of the teacher's assistant was introduced).

3(e) improved consultation with and involvement of civil society

In November 2009, the Migration Policy Department at the Ministry of the Interior and Administration conducted a survey on integration (it was one of the largest consultations ever undertaken). The questionnaire consisted of 18 questions and was addressed to nearly 60 recipients (NGO's, public administration entities, migrants organizations). The survey examined inter alia different models of integration, opinions on pre-integration assistance, forms of monitoring the integration programs, the question of reintegration, institutional framework for migration management etc. The issue raised by the recipients were then analysed and took into consideration while drawing up the "Migration Policy of Poland". The consultations with civil society regarding the final shape of the whole document are planned at the beginning of 2011.

Additionally, the above-mentioned document provides for further development of cooperation with non-state actors.

3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts

The recommendations included in the draft "Migration Policy of Poland" provide for actions addressed to the host society and actions aimed at mainstreaming an intercultural dialogue which would include: schools, units offering extra-curricular classes, teacher's in-service training centres, schools offering education for teachers as well as education institutions and mass media. These activities should also take into account acquisition of intercultural competences (i.e. awareness of cultural differences and ability to function in multicultural environment), greater acceptance of migration in the society and acceptance of actions taken within integration conducted with reference to third country nationals.

Under the European Fund for the Integration of Third Country Nationals and the European Refugee Fund, many projects aimed at enhancing and promoting integration of third-country nationals were carried out. These activities included inter alia pre-integration actions addressed to asylum-seekers, programmes supporting the needs of beneficiaries of international protection (namely organising Polish language courses, providing professional trainings and advisory, psychological help and assistance, legal aid), actions intended for foreigners living in Poland (i.e. Polish language courses, Polish culture and history courses, employment preparation activities and advisory programmes) as well as projects aimed at strengthening an intercultural dialogue between host-society and foreigners. The latter comprised i.e. campaigns designed to enhance increasing social awareness launched in Eastern Poland, establishing the discussion clubs, Immigrant's Day celebrations (lectures, exhibitions, film shows, national dishes-tasting), national conferences addressed to the representatives of higher education institutions educating pedagogical staff, organising intercultural trainings for employees of the health service, uniformed services (the Border Guard, Police and City Guard), self-government clerks, teachers, parents of Polish children attending schools together with foreign children as well as organising contests concerning problem of discrimination addressed to schools.

In July 2010 within actions aimed at counteracting racism and xenophobia, the third edition of the Specialist course within counteracting and combating hate crimes for police officers conducted by the Police Training Centre in Legionowo was held. Its objective was to prepare, through local trainings, a further group of police officers-trainers that would carry out vocational training on the counteraction and combating the hate motivated crimes. In some of the classes participated the representatives of the Office for Democratic Institutions and Human

Rights of the Organization for Security and Cooperation in Europe.

4.3 Key statistics

Long-term third-country national residents	
Number of long-term third-country national residents	53 292

Acquisition of citizenship	
Number of third-country national nationals (Citizens of countries other than of EU-27, EFTA and Candidate countries) taking up citizenship	2 926

ILLEGAL IMMIGRATION AND RETURN

5 Illegal Immigration

5.1 European Pact on Immigration and Asylum

II(a) only case-by-case regularisation

Not relevant.

II(c) ensure that risks of irregular migration are prevented

In 2010 under the ongoing works of the Working Group on drawing up of the Migration Strategy of Poland, recommendations on the policy in the field of combating illegal immigration were elaborated. They were later on included in the draft "Migration Policy of Poland". In accordance with them it was agreed, inter alia, to:

- maintain existing provisions on the abuse prevention in the proceedings related to the legalisation of stay paying, at the same time, attention to the necessity of their effective enforcement,
- strengthen the visa consultation system and incorporate into this process procedures connected with granting national visas as well as to intensify the visa cooperation with other EU countries,
- better control carried out during legalisation of stay proceedings (environmental inquiries, assuring the efficiency of control activities),
- reduce illegal immigration routes (false students and spouses, illegal workers),
- carry out, in countries of origin of illegal immigrants, actions informing about the possibility of legal entry and residence in Poland,
- shortening the time necessary to expel a foreign national found to be illegal in Poland,
- support concluding readmission agreements and to more frequently cooperate with the EU countries while carrying out expulsions within the readmission agreements,
- promote voluntary returns and
- consider conducting regularisation for irregular immigrants.

II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants

As in previous years, the cooperation with the EU Member States and Frontex Agency in organising joint return operations continued. In 2010, the Polish Border Guard participated in

10 joint flights coordinated by the Frontex Agency⁶⁴ within which 90 foreign nationals were expelled to their countries of origin. The majority of the persons constituted nationals of Georgia – 77 foreigners. Moreover 7 nationals of Nigeria, 3 nationals of Armenia, 2 nationals of Kosovo and 1 national of Albania were expelled this way.

An extremely important project was the joint return operation to Georgia, with Poland being the leading country for the first time. Other participants of the operation included 3 EU Member States (Germany, Austria, and France), Frontex, and observers from non-governmental organisations.

Furthermore, apart from return operations coordinated and co-financed by Frontex, Poland took part in 4 return operations organised with other Member States (including 2 operations organised by Poland and 2 operations organised by Austria), as a result of which 90 nationals of Georgia were expelled.

II(g) take rigorous actions and penalties against those who exploit illegal immigrants

On 8 November, the Social Insurance Institution and the National Labour Inspectorate signed an agreement concerning joint counteraction of unlawful employment. The agreement stipulates that the Social Insurance Institution and the National Labour Inspectorate⁶⁵ will inform each other whether employers employ the foreigners in accordance with the law.

The provisions of the Employer Sanction Directive were included in a draft guidelines for a new Act on sanctions against employers of irregular migrants that was also elaborated in the course of the year. The document at the end of the year was submitted for public consultations and it is expected to be adopted in 2011. Draft assumptions for the said Act provide for inter alia extending the tasks of the Border Guard to include combating the crime of illegal employment of foreigners committed with a view to obtain material benefits, as well as for imposing an obligation to assess the risk and regularly identify sectors where the illegally staying third-country nationals are mainly employed.

II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing

Due to the transposition into the Polish legal order the Return Directive, the draft assumptions for the new Act on foreigners elaborated in 2010 provides for inter alia replacing a decision on expulsion of a foreigner and a decision on obligation to leave the territory of the Republic of Poland with a decision imposing an obligation to return.

5.2 Stockholm Programme

4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows

The Border Guard made use of different tools in order to gather information on migration routes, migratory flows and risk of illegal migration, including regular information exchange with Frontex Agency and other Member States via the ICONet.

However in order to improve the migratory monitoring in the Eastern Europe, Polish Border Guard continued regular exchange of information on the situation at the national frontier and illegal migration with border authorities of Ukraine, Russia, Slovakia and Hungary (inter alia within joint working groups on boarder cooperation, daily/monthly exchange of information on the situation at the common border via separate sections of risk analysis units).

⁶⁴ Additionally, the Border Guard officer took part in a joint return operation to Ecuador and Columbia as an observer.

⁶⁵ For conducting employment legality controls the Border Guard and the National Labour Inspectorate are responsible.

The Border Guard established also a similar cooperation with the Czech border authorities and the State Border Committee of the Republic of Belarus.⁶⁶ The information obtained in this way are supplementary to the data shared within FRAN via the ICONet due to the fact that the main areas of interest of the Frontex Agency are external borders.

The cooperation with the FBI Legal Attaché at the U.S. Embassy in Warsaw consisted in the exchange of information about a criminal groups in which Poles were involved, and which smuggled Polish nationals to the USA via Canada was also elaborated.

Furthermore, the Polish-Lithuanian and Polish-Belarusian task forces for illegal migration were established. They identify international criminal groups which organise illegal migration of the nationals of Sri Lanka, Pakistan, Vietnam and India to Poland from the territory of Lithuania, Belarus and Ukraine (the activities of the task forces resulted in identification of persons involved in criminal activity and of their places in the hierarchy of the criminal group, including its chief organiser staying in Germany).

At the national level, the Border Guard initiated a number of measures aimed at harmonising the exchange system of statistics and the data concerning the state border protection and border traffic control. In 2010, the Staff of the Border Guard Commander-in-Chief implemented the 1st Stage of Information Exchange Platform, i.e. the system collecting the statistics of detentions for illegal crossing of the state border, illegal stay and illegal work.⁶⁷ This tool enables an ongoing monitoring of the illegal migration situation. The information processed by the platform is submitted to Eurostat and Frontex via ICONet. In order to ensure comprehensiveness of collected data, the measures were undertaken to obtain relevant information from other services, in particular from the Police (data on foreigners detained for illegal stay).

The Border Guard conducted also migration reconnaissance aimed at revealing and counteracting the violations of regulations on entry and stay of foreigners on the territory of the Republic of Poland. Important elements supporting the reconnaissance include:

- ✦ map of foreigners which is a set of information about the places, nature and form of stay of foreigners, taking into account the estimated number of foreigners and the citizenship of their most populous groups. It is updated every six months, based on statistical data collected by individual units of the Border Guard, and on data provided by the central and local government institutions.
- ✦ activities of the Border Guard liaison officer at the voivodeship office, which include regular contacts with representatives of the voivodeship offices' units responsible for receiving and examining foreigners applications in cases concerning residence permits. The liaison officer analyses the foreigners' records and, in cooperation with the voivodeship offices' employees, identifies cases which may involve abuses by foreigners of the residence permit granting procedure. The reports on the migration situation in a given area, drawn up by individual liaison officers, are then submitted to the Board for Foreigners of the Border Guard.

Poland contributed also actively to the development of a iMap – the Building Migration Partnerships (BMP iMap), which focused on the eastern European external borders.

Additionally, in the second half of 2010, the Border Guard took actions aimed at establishing a Central National Visa Registry which would contain complete information on foreign nationals applying for visas and a register of visas already issued. So far such data has been collected to a limited extent.

⁶⁶ Based on furnished information, the Border Guard drafts analytical materials i.e. 'The monitoring of migration situation in Belarus'.

⁶⁷ The document constituting the so-called instructions for the platform was adopted by the Border Guard Commander-in-Chief on 4 November 2010.

Furthermore, the Border Guard participated in the meetings of the CIREFI Group (it also prepared materials necessary to draw up CIREFI reports). The Group ceased to operate in April 2010.

4(k) increased targeted training and equipment support

Poland extended the use of specialized vehicles for carrying out mobile checks and devices for rapid screening and fingerprint identification as well as carried out some form of staff training activities relating to human trafficking addressed to the border guards and other police authorities, immigration office staff and personnel from other relevant Ministries and departments.

Trainings on the forms and methods of counteracting illegal migration and employment of foreigners as well as the control of legal stay and employment delivered to the Border Guard officers were also conducted.

4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.

In 2010, the liaison officers in Moscow, Kiev and Berlin continued their work. The Border Guard officer delegated to Moscow participated in a seminar on development of readmission mechanisms in the Russian Federation, and he also visited Arkhangelsk and Arkhangelsk Oblast, with a group of liaison officers of the police, border guard and customs services accredited in Moscow, in order to obtain information focused on the threat of crime and illegal migration.

The liaison officer in Kiev participated in the 7th Joint Border Control Operation "TYRA".⁶⁸ His involvement was highly appreciated by the Ukrainian Ministry of Internal Affairs which awarded him with a distinction "For supporting internal authorities in combating trafficking in human beings".

The liaison officer in Berlin organised study visits of the National Border Guard Headquarters representatives in 9 diplomatic missions of third countries in Berlin (in the mission of Senegal, Ivory Coast, Togo, Namibia, Guinea, Sudan, Benin, Nepal and Liberia) in order to establish direct contacts and cooperation in the field of return policy (including in confirming the identity of foreigners and in issuing replacement travel documents). The officer also participated in the meeting of the Nadodrzański Border Guard Unit in the Customs Investigation Office in Dresden, the aim of which was to establish further cooperation, and in the meeting of the Border Guard Unit Commanders (Krosno, Gdańsk) with the Presidents of the BPOL Directions (Pirna, Berlin, Bad Bramstedt) on the project of joint facilities at the Polish-German border.

The Border Guard also cooperates with liaison officers of other countries, in particular from Germany, Ukraine, Netherlands, United Kingdom, USA, Slovakia, Russia, Spain, Romania, Bulgaria and the Nordic Liaison Office (Sweden, Denmark, Norway, and Finland). In 2010, the cooperation focused on ongoing exchange of information and on preparation of joint projects, as well as the intermediation in operational and investigative cooperation (including in counteracting trafficking in human beings and falsification of documents). The liaison officers visited the Border Guard organisational units and intermediated in establishing cooperation at the regional level (i.a. with the police and immigration services). The role of the officers at the Embassy of the Republic of Poland in Moscow and Berlin was also important in terms of implementation of readmission procedures, and it consisted mainly in their intermediation in sending and receiving readmission applications and in requesting the diplomatic missions (accredited for Poland and located on the territory of the Russian Federation and the Federal Republic of Germany) to confirm the identity and to issue replacement travel documents for foreigners subject to expulsion from the territory of the Republic of Poland.

⁶⁸ The purpose of the operation was the information exchange and cooperation between European agencies, i.e. Europol and Frontex and the involved countries (Poland, Slovakia, Hungary, Romania, Ukraine and Moldova), in the area of combating border crime.

5.3 Key statistics

Third-country nationals apprehended	
TOTAL of third-country nationals apprehended	3 994

6 Return

6.1 European Pact on Immigration and Asylum

II(b) To conclude readmission agreements at EU or bilateral level

Type of readmission agreement	Third countries involved	Main purpose of the agreement
EU	Pakistan	Readmission of illegally staying immigrants
EU	Georgia	Readmission of illegally staying immigrants

II(f) To devise incentive systems to assist voluntary return and to keep each other informed

Within the framework of an allocation of funds from the European Return Fund, several projects aimed at organising voluntary returns were implemented in 2010. Apart from the assisted return programmes, which were set up prior to and continued in 2010 (these included information campaigns, counselling on return opportunities, outreach activities, financial assistance, support to set up economic activity in the country of return), there was also one newly established project run by a non-governmental organisation – the Rule of Law Institute.⁶⁹ The measures under the project aim at popularising voluntary returns in the Lubelskie Voivodeship by means of inter alia developing cooperation between institutions and organisations involved in organising voluntary returns on the territory of the Voivodeship which would allow individual stakeholders to quickly obtain information on experience and good practices in this field.⁷⁰

In 2010 the talks on broadening the category of foreigners enabled to be granted assistance within the voluntary return programme in order to include also persons identified as victims by a body in charge of conducting proceedings related to the combating trafficking in human beings were conducted. It is expected that this possibility shall be ensured in 2011.

The draft document “Migration Policy of Poland” also provides for broadening the category of foreigners who can be granted support within the voluntary return programme. The document provides also for the wider access to reintegration support, systematic research studies on the effectiveness of voluntary returns and reintegration assistance.

⁶⁹ The institutions which have so far obtained the co-financing of projects of voluntary returns of foreigners from the ERF included the International Organization for Migration, the Office for Foreigners and the Border Guard. In 2010, for the first time a non-governmental organization, the Rule of Law Institute Foundation, received the co-financing of the voluntary return project.

⁷⁰ The project includes the organization of regular training seminars and training visits for representatives of institutions and organizations, the preparation of the “Guide on good practice” which will include guidelines on effective implementation of good returns policy and information on voluntary returns in the Lublin region as well as the preparation of a regular newsletter which is an efficient tool for exchange of best practices.

6.2 Stockholm Programme

4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices

The agreements signed at EU-level create new perspectives for Poland with regard to return of illegal migrants by offering the opportunities to establish direct relations with other states and to implement new arrangements in the field of return management. One of the facilitations that may be introduced (also in the future) on the basis of the EU readmission agreements is the possibility to use the European Travel Document for the Expelled Third-Country Nationals in the event of those readmitted foreigners who are not in a possession of any travel document. Poland has already taken advantage of this opportunity when returning persons to Sri Lanka under readmission procedure.

The readmission agreements contribute also to the reinforcement of return effectiveness and by harmonizing the rules of conduct to the simplification of the procedures which translates into faster procedures for return.

4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states

Not relevant.

4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights

As in previous years, the cooperation with the EU Member States and Frontex Agency in organising joint return operations continued. In 2010, the Polish Border Guard participated in 10 joint flights coordinated by the Frontex Agency⁷¹ within which 90 foreign nationals were expelled to their countries of origin. The majority of the persons constituted nationals of Georgia – 77 foreigners. Moreover 7 nationals of Nigeria, 3 nationals of Armenia, 2 nationals of Kosovo and 1 national of Albania were expelled this way.

An extremely important project was the joint return operation to Georgia, with Poland being the leading country for the first time. Other participants of the operation included 3 EU Member States (Germany, Austria, and France), Frontex, and observers from non-governmental organisations.

Furthermore, apart from return operations coordinated and co-financed by Frontex, Poland took part in 4 return operations organised with other Member States (including 2 operations organised by Poland and 2 operations organised by Austria), as a result of which 90 nationals of Georgia were expelled.

⁷¹ Additionally, the Border Guard officer took part in a joint return operation to Ecuador and Columbia as an observer.

6.3 Key statistics

Third-country nationals ordered to leave and returned				
	Ordered to leave	Returned following an order to leave	Returned as part of forced return measures	Returned through an Assisted Return Programme
Third-country nationals	10 700	6 768	508	1 622

7 Actions against human trafficking

7.1 European Pact on Immigration and Asylum

II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat

On 8 September 2010 new provision amending Penal Code entered into force. The provision defined the concept of human trafficking.⁷² The previous one (binding up to 8 September) referred to the concept, but did not further specify it. The wording led to the situation in which in most cases the courts did not apply it, having trouble interpreting it and convicting the traffickers. This provoked a lively discussion about the necessity of introducing into the Penal Code the definition of human trafficking. Under new provisions, the preparation with the intent to commit a crime of human trafficking is also interpreted as penal act which is punishable with up to five years of imprisonment (a crime of human trafficking is punishable with at least three years of punishment). The introduced regulations are expected to reduce the phenomenon of trafficking in human beings.

Cooperation with third countries with regard to combating human trafficking continued to be maintained and was mainly based on a series of consultative meetings between representatives of countries of origin and transit (namely Azerbaijan, Armenia, Moldova and Western African countries) and Polish Border Guard, Police and Ministry of the Interior and Administration. The objective of the said meetings was to share experience and best practices in the area of counteracting the phenomenon.

Among annually organized various actions aimed at providing better information to communities under threat one has to mention:

- ✦ 24/7 hotline for victims/witnesses of human trafficking,
- ✦ meetings with high-school students and their parents as well as with university students,
- ✦ pre-departure counselling (by phone and e-mail),
- ✦ awareness raising action addressed to Poles planning a non-touristic trip abroad or to third-country nationals planning a longer stay in Poland which inter alia included:
 - key information inserted on various websites,⁷³
 - newspaper advertisements warning against unreliable employers and including contact information of the institutions dealing with human trafficking victims,
 - mobile photo exhibition „Trafficking in human being doesn't recognize the borders" presented inter alia at the railway stations in 7 Polish cities as well as

⁷² Trafficking in human beings is the recruitment, transportation, transfer, harbouring or receipt of a person, by means of threat or use of force or other forms, namely coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving or receiving payments or benefits to obtain consent of a person having control over another person, for the purpose of exploitation.

⁷³ On the website of the Ministry of Foreign Affairs as well as "Itaka" and "La Strada" Foundation.

during different kinds of events taking place in Poland and abroad (it was the first exhibition of such kind in Poland),

- human trafficking-prevention information campaigns i.e. the advertisement „Taśma”⁷⁴ which was broadcasted on national television,
- brochures and information guides cautioning against trafficking in human being distributed by the Border Guard at the order crossings, Police, social workers and by the Polish consulates mainly in Belarus, Russia, Ukraine as well as in Asian countries (China, Vietnam, India, Nepal, Bangladesh, Thailand, Philippines, Mongolia, Tajikistan, Uzbekistan, Pakistan, Kazakhstan and Turkmenistan).

7.2 Stockholm Programme

The relevant commitments are similar to the Pact commitments, hence no further description is required.

7.3 Key statistics

Third-country nationals receiving a residence permit as victims of human trafficking	
Third-country nationals	0

Traffickers arrested and convicted		
	Arrested/otherwise involved in a criminal proceeding	Convicted
Traffickers	42	

BORDER CONTROL

8 Control and surveillance at external borders

8.1 European Pact on Immigration and Asylum

III(a) more effective control of the external land, sea and air borders:

In 2010, the structural reorganisation of Border Guard continued with a view to transforming it into a leading modern border and immigration service of police-like character, whose scope of responsibility would cover clearance and protection of the external EU/Schengen border, counteracting illegal migration, cross-border crime and crime involving foreigners.⁷⁵

Considering the above tasks as well as rational use of infrastructure and employment, it is impossible to maintain the structure of the Border Guard from before Poland's entry into the Schengen area. For that reason, a number of Border Guard branches and posts were closed down or moved (i.e. new Grzechotki-Mamonowo road border crossing was established on the Polish-Russian border). Proposals of changes to the organisational structure of Border Guard on the southern border of Poland were also elaborated.

Additionally, trainings, specialist and supplementary education seminars (i.e. on cultural competences, border procedures as well as conditions of entry and stay of foreigners in the

⁷⁴ www.youtube.com/watch?v=8LyAfIXIBbU.

⁷⁵ Changes in the structure of Border Guard organisational units were connected with the implementation of the "Assumptions of the Long-Term Concept of Border Guard Operation (2009-2015)" and the "Concept of Border Guard Operation between 2009 and 2015" which assume, inter alia, removing the service from the internal EU/Schengen border deeper into the territory of Poland.

EU/Schengen, including issues related to VIS, SIS and local border traffic) as well as language trainings⁷⁶ aimed at improving the quality and efficiency of performed tasks were conducted.

III(e) deploy modern technological means for border control:

The teleinformatic system “Odprawa SG” was also being constructed. This system is to ensure full integration, operability and compatibility with the Visa Information System (VIS), over time with the second generation Schengen Information System (SIS II) and in the future with the systems Entry/Exit and Registered Traveller Programme which shall ensure the possibility of comprehensive control of a foreigner not only while crossing the border but also monitoring his/her stay in the territory of Poland. Apart from that, in 2010 works on wider use of various forms and methods of biometric control for the purpose of their potential use with such future systems as e-borders or e-kiosks were being conducted.

The Border Guard reinforced also the role and effectiveness of its officers at the second line of the border control where more complex cases are analysed and verified. The officers during border control of people and means of transport are provided with permanent and direct access to the European and national databases (containing also specimen of travel documents, visas, residence titles, forgery alerts etc.). They also use modern instruments supporting border control operations including mobile terminals, detectors of living beings hidden in the means of transport, radiometric control devices, microscopes, systems for identification of forged document etc.

8.2 Stockholm Programme

7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.

The Border Guard worked on implementation of a modern and effective “Management Facility Support System” whose objective is to maximally automate and improve efficiency of activities which are performed at the border as well as to simplify procedures. Within the framework of the aforementioned work the Border Guard representatives so far have participated in trainings and visits to other Member States where such solutions are in place. It is nonetheless difficult to set the date when that form of control would be introduced at Polish border crossings.

8.3 Key statistics

Third-country nationals refused entry				
	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
Third-country nationals refused entry	23 521	22 883	48	590

Visas issued			
	Total Visas	Schengen Visas	National Visas
Visas	898 545		

9 Cooperation with respect to border control

9.1 European Pact on Immigration and Asylum

⁷⁶ Those included English, Russian, German and Ukrainian language trainings.

III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:

In the reference year Poland concluded a number of visa representation agreements:

1. Agreement with Sweden dated 3 March 2010 in accordance with which Poland is a party representing Sweden in the Russian Federation in Kaliningrad and Algeria in Algiers, whereas Sweden in Bangladesh in Dhaka. The implementation agreements came into force respectively on 6 April 2010 (Kaliningrad, Dhaka) and 15 September 2010 (Algiers);
2. Agreement with Estonia dated 20 January 2010 – Poland is a representing party in Ethiopia (Addis Abeba), Turkmenistan (Ashgabat), Colombia (Bogota) and the North Korea (Phenian), whereas Estonia represents Poland in the Russian Federation (Psków). The agreement along with the implementation agreement came into force on 5 April 2010;
3. Agreement with the Netherlands dated 11 June 2010 in accordance with which Poland is a party representing the Netherlands in the Russian Federation in Kaliningrad and Irkutsk, whereas the Netherlands is representing Poland in the Republic of Suriname (Paramaribo), in Zimbabwe (Harare), in the Philippines (Manila), in Ghana (Accra), in Ecuador (Quito), in Bolivia (La Paz) and in Sri Lanka (Colombo). The implementation agreement came into force on 1 July 2010.

Agreements with Hungary and Slovakia are at an advanced stage of negotiations. The talks on visa representation agreements with France, Switzerland, Belgium, the Czech Republic, Greece, Finland and Germany are also being held.

III(d) solidarity with MS subjected to disproportionate influxes of immigrants

In the light of the disproportionate influx of immigrants recorded in Greece, Poland (starting from November 2010) took part in Frontex-coordinated operation aimed at deployment of Rapid Border Intervention Teams (RABITs) to the Greek-Turkish land border. Within the framework of the operation, 12 Polish border guard officers were sent to the region of Orestiada and neighbouring areas. The 175 guest officers sent to Greece by Frontex to take part in the operation were under the command and control of the Greek authorities and were mainly working on patrolling border hot spots and assisting Greece in screening and interviewing, with the aim to determine the nationality of the undocumented persons as well as collecting information about the people-smuggling networks who are behind them.

Following the decision of Frontex Executive Director of 3 December 2010 on extending the mission to 2 March 2011, the number of officers and equipment units was increased (from 12 to 25 officers in Greece and from 3 to 6 officers in Warsaw). The Polish mission was also provided with four vehicles, night-vision goggles, a night-vision camera, a helicopter, a technical car and two service dogs.

To support Greek migration services in their fight with illegal migration, Polish Border Guard participated also in ATTICA and POSEIDON 2010 projects, in whose framework representatives of the Border Guard were responsible for, inter alia, conducting initial verification of undocumented foreigners who claimed to be Pakistani, Indian, Nepalese, Sri Lankan, Afghan and Iranian nationals (the procedure consisted in examining the command of mother language or dialect, as well as the familiarity with culture and religion of the declared country of origin). Similarly to the RABIT operation, ATTICA and POSEIDON also involved the use of a plane and a helicopter with a crew, as well as night-vision goggles.

III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control

In 2010, Border Guard officers participated in Frontex-coordinated operations at land and air borders, such as the following:

- ✦ JUPITER operation whose purpose was to strengthen border control at the eastern external border of the EU – Polish Border Guard officers provided support in counteracting illegal border crossing, and at the first line of border control in Romania, Slovakia and Hungary, while officers who came to Poland patrolled border crossings in Medyka and Korczowa;
- ✦ NEPTUNE operation in whose framework Polish Border Guard offered support during border control in Hungary and Slovakia;
- ✦ HUBBLE operation, organised to strengthen control at external air borders of the EU with particular emphasis on flights from major transfer airports, within the framework of which Polish Border Guard delegated two officers to the Netherlands and Germany;
- ✦ AGEL AUS operation which was targeted at detecting minors crossing borders (both unaccompanied or accompanied by their guardians). Three officers participated in the operation (missions to Italy, Czech Republic and Finland);
- ✦ FOCAL POINTS operations within the framework of which Polish Border Guard officers offered support in organising and managing border control in Belgium, France, the Netherlands, Germany, Greece, Slovenia, Romania, Lithuania, Slovakia, Hungary and Italy (33 officers were delegated), while officers of border guard services from other Member States participated in control activities at border crossings in Dorohusk, Terespol, Korczowa, Medyka, Bezledy, and at the Warsaw Okęcie airport.

Furthermore, in order to improve border control, Poland in 2010 fostered cooperation with third countries. This included:

- ✦ signing a bilateral agreement with Belarus, for the regulation of local border traffic (the agreement was ratified by Poland on 22 June 2010),⁷⁷
- ✦ conducting in border areas joint border controls with Slovakia, Czech Republic and Germany,⁷⁸
- ✦ signing an agreement between Poland and Ukraine on joint patrols;
- ✦ adopting a joint action plan by the Polish and Ukrainian Border Guard connected with preparations for and conducting of the 2012 European Football Championship, which envisages inter alia preparing a joint analysis of threats at the Polish-Ukrainian border, introducing simplified clearance for the duration of Euro 2012, and delegating Ukrainian Border Guard officers to Polish airports to provide clearance in the territory of the Republic of Poland;
- ✦ participation of Polish Border Guard officers in special border operations organised by the Border Guard Service of the Federal Security Service of the Russian Federation;
- ✦ signing an agreement on cooperation in the scope of examining travel documents by Poland and Lithuania;
- ✦ protecting major communication routes crossing the Polish-Slovakian state border;
- ✦ planning a temporary reinstatement of border control between Poland and neighbouring EU Member States during the 2012 European Football Championship,

⁷⁷ The agreement was ratified by the President of Poland as well as by the National Assembly of Belarus and is pending ratification by the President of Belarus. It is envisaged that the document will enter into force in April 2011.

⁷⁸ In 2010, in total approx. 2 400 joint border controls were conducted.

- ✦ participation in joint border operations, which aimed at exchanging information and bolstering cooperation against cross-border crime between European agencies (Europol and Frontex) and Poland, Slovakia, Hungary, Romania, Ukraine and Moldova,
- ✦ taking part in joint border control operation of EUBAM (European Border Assistance Mission) along the Moldovan-Ukrainian border which aimed at enhancing the processes and methodologies in international coordination and cooperation to combat cross-border crime in the region.

The Border Guard continued also its cooperation with Technical Assistance and Information Exchange (TAIEX),⁷⁹ the International Centre for Migration Policy Development (ICMPD) and the International Organisation for Migration, within the framework of which it undertook a number of initiatives in the area of border control. This included:

- ✦ seminars for officers of the Ukrainian and Russian Border Guard Service on the verification of travel document authenticity;
- ✦ internship visit of Ukrainian Border Guard Service officers in Poland devoted to the use of air force in patrolling sea and land borders;
- ✦ study visits of Turkish border guard services in Poland devoted to the implementation of best practices, standards and procedures at the external border of the EU, and to implementation of regulations and procedures within the Schengen area;
- ✦ study visit of employees of the Ministry of Interior and the Ministry of Foreign Affairs of Macedonia whose purpose was to share Polish experience and information on issuing visas at the border;
- ✦ trainings for experts from the State Border Committee of the Republic of Belarus on best practices and typical problems/difficulties experienced when developing and implementing bilateral border agreements, such as the agreement on border plenipotentiaries and implementation of EU and Schengen regulations on borders;
- ✦ trainings for officers of Palestinian security services in verifying the authenticity of documents, the specific character of border traffic control in the European Union, and state border protection;
- ✦ study visit of representatives of Ukrainian Border Guard Service devoted to cynology;
- ✦ training visits focused on presenting Poland's model of integrated border management, including border control, to participants from Turkey, Georgia, Morocco, Algeria, Tunisia, Egypt, Syria, Jordan, Libya and Sierra Leone;
- ✦ presentation of infrastructure of Polish Border Guard units (including border infrastructure) to representatives of Azerbaijani Border Guard Service;
- ✦ visit of representatives of Russian Border Guard Service whose purpose was to present border management techniques in seaports (as well as standards and technologies applied for border control, administration of border crossings and checkpoints);
- ✦ trainings for representatives of Armenian and Georgian ministries in the area of personal control and document control;
- ✦ training on joint patrols for representatives of Ukrainian Border Guard Services;
- ✦ training on legislation on EU border for Belarusian Border Guard officers,

⁷⁹ TAIEX is an instrument managed by the Directorate-General Enlargement of the European Commission. It supports partner countries with regard to the approximation, application and enforcement of EU legislation. Member States experts are the main actors of TAIEX operations.

- ✦ trainings on clearance for officers of the Kosovo Border Police at seven border crossings located at Kosovo's borders with Serbia, Macedonia, Albania and Montenegro, and at the Pristina international airport;
- ✦ visit of a delegation from the Iranian Ministry of Interior during which information was provided on sea border protection, the types of vessels, and the threats at Poland's sea border;
- ✦ training for officers from the Office for Border Traffic Control of the Ministry of Public Security of the Republic of Vietnam in the area of strengthening its capacity in combating illegal migration.

9.2 Stockholm Programme

6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS

On 22 May 2010 amendment to the Act on foreigners of 13 June 2003⁸⁰ which aimed at implementing the EU Visa Code in Polish law came into force.

Furthermore, the implementation of the Visa Information System (VIS) along with a possibility to collect biometric data from foreign nationals (July 2011) was under preparation. The mechanism shall use the Visa-Consul programme which by the end of the year was implemented in all offices.

ASYLUM

10 International Protection

10.1 European Pact on Immigration and Asylum

IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:

In the face of a massive influx of asylum applicants experienced in recent years by Malta, Poland got involved in a pilot relocation project EUREMA aimed to relocate refugees from Malta. On 15 December 2009, Poland signed a declaration based on which it became one of the partners of the project. The support included admitting 6 persons⁸¹ who have already been granted subsidiary protection in Malta. Poland, just as the other countries which admitted relocated foreign nationals, undertook to grant the relocated foreigners integration assistance. So far no foreigner has come to Poland under the said project.

Moreover, in 2010 a draft amendments to the Act of 13 June 2003 on providing foreigners with protection in the territory of the Republic of Poland which constitutes a basic regulation in the field of the refugee procedure was being discussed. The draft law aims, inter alia, at introducing solutions based on which it would be allowed to admit, within relocations, people granted refugee status (under present regulations applications for granting refugee status submitted by the people who have already obtained refugee status in another Member State are considered inadmissible).

IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

Since March 2010 Poland has also been participating in the "Project on promotion of resettlement in the EU countries through practical cooperation of the Member States" which shall be finalised in May 2011. The project is carried out by the International Organization for Migration, United Nations High Commissioner for Refugees (UNHCR) and the International

⁸⁰ Journal of Laws dated 2006 No. 234, item 1694, with further amendments.

⁸¹ In total, the project envisages admission of 225 refugees from Malta by 10 EU countries.

Catholic Migration Commission (ICMC). The general aim of the project is to promote resettlement in countries aspiring to this undertaking (Poland is considered by the organisers as a country aspiring to carry out resettlements), exchange the experiences between countries which carry out resettlements and undertake joint actions to enhance coordination in this field. Representatives of administration bodies, self-government authorities and non-governmental organizations i.e. institutions which in the future would be engaged in realisation of resettlements, were involved in the activities undertaken within the project.

Furthermore, the draft "Migration Policy of Poland" stipulated that it is possible for Poland to join in the future the resettlement and relocation programmes which have become a sort of a European standard. At the same time, in order to make it possible, the document provides for the necessity to implement appropriate changes with regard to legal regulations concerning procedures of granting subsidiary protection and social assistance.

IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection

There no developments in this respect.

10.2 Key statistics

Asylum applications and decisions								
	Applications		First instance decisions on asylum applications					
	Total applications under consideration	Total applications applied	Total positive	Rejected	Geneva Convention status	Subsidiary protection	Temporary protection	Humanitarian status
Asylum applications	1 902	6 534	473	3 905	82	195	-	196

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11 Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No specific commitments are included.

11.2 Stockholm Programme

5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return

Taking into consideration that unaccompanied minors are one of the vulnerable groups subjected to human trafficking, there is growing interest and need to strengthen activities in favour of identification of such cases among victims of trafficking in human beings and to provide them with appropriate support and aid. In 2010, under the National Plan of Action against Trafficking in Human Beings the following information and prevention activities were carried out:

- prevention campaigns were developed (posters, brochures) in cooperation with Police and NGOs on forcing children to begging and the threat of child trafficking,

- tools to assist early identification of children - victims of trafficking - were developed (questionnaire, indicators) addressed to the representatives of institutions that may have direct contact with the minor victims (child care centers, Police and Border Guard).

Moreover, a pilot program on support and protection of minor victims of human trafficking was run in three provinces.

11.3 Key statistics

Unaccompanied minors	
Number of unaccompanied minors	
Number of asylum applicants considered to be unaccompanied minors	231

GLOBAL APPROACH TO MIGRATION

12 External cooperation / global approach to migration

12.1 European Pact on Immigration and Asylum

V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development

Type of agreement	Third countries involved	Main purpose of the agreement
Bilateral	Belarus	Local border traffic – ratified by Poland on 22 June 2010
EU	Georgia	Mobility Partnership – 30 November 2009

V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration

In 2010, the regulations prolonging the possibility to undertake by foreigners work on the basis of employer's statement on the intention to employ a foreigner (so-called simplified system) came into force. As a result, the citizens of the neighboring countries (Ukraine, Belarus, Russian Federation) as well as citizens of Moldova and Georgia (based on mobility partnership) will be entitled to work up to 6 months during the period of 12 months without the need to obtain a work permit. The above-mentioned regulations replaced the binding provisions⁸² the validity of which ended on 31 December 2010. According to those provisions, employers willing to hire citizens of one of the abovementioned country are only required to register (free of charge) in a District Labour Office a statement on the intention to employ a foreigner. On the basis of such statement foreigner may apply for visa in the Polish consulate.

Moreover, Poland participated in a project to strengthen Moldova's capacity to manage labour and return migration. The purpose of the visit in Moldova was to familiarize the representatives of the Moldovan administration with a Polish system of legalization of stay of foreigners.

⁸² Introduced in 2006.

V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration

The Polish Border Guard carried out cooperation activities to deter or prevent irregular migration with:

- ✦ Belarus – trainings aimed at strengthening corruption counter measures in Police and Border Guard as well as in the area of anti-trafficking in human beings,
- ✦ Ukraine, Georgia and Russia – study visits and workshops on best practices and experiences concerning implementation of readmission agreements and policies enforcing assisted voluntary returns,
- ✦ Vietnam⁸³ - meetings of border guard representatives which aimed at exchanging information and best practices in return managements and identification (including in confirming the identity of foreigners and in issuing replacement travel documents to enable them to return to their country of origin,⁸⁴
- ✦ Azerbaijan - workshops for border guard officers on visa procedures and various migration issues,
- ✦ Albania, Bosnia and Herzegovina, Croatia, Montenegro, Kosovo, Serbia, FYROM and Turkey – risk analysis training.

V(d) More effective integration of migration and development policies

Like in the past, Poland under Development Cooperation Programme carries out projects addressed to the societies and authorities in the main countries of origin i.e. Belarus, Ukraine, Georgia and Moldova. The projects focus on the areas like good governance; rural and agricultural development; small and medium enterprises.

V(e) promote co-development actions and support instrument for transferring migrants' remittances

Not relevant.

12.2 Stockholm Programme

11 (h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin

Not relevant.

⁸³ This cooperation was based on the Agreement between the Government of the Republic of Poland and Government of the Socialist Republic of Vietnam on the readmission of illegal immigrants.

⁸⁴ The Border Guard donated to Vietnam two laptops in order to improve the process of confirming the identity and issuing replacement travel documents to illegal immigrants who were detained at the territory of Poland and to give Poland possibility to organize training for Migration Service of Vietnam.