

Information on voluntary return

Dissemination of information on voluntary return: how to reach irregular migrant not in contact with the authorities

Report produced by the National Contact Point to the European Migration Network in Poland



Information on voluntary return

Dissemination of information on voluntary return: how to reach irregular migrant not in contact with the authorities

Report produced by the National Contact Point
to the European Migration Network in Poland

This National Report was prepared by the Ministry of the Interior and Administration acting as the coordinator of the National Contact Point to the European Migration Network in Poland (PL NCP EMN) and constitutes a compilation of replies, which have been provided - on the request of the Migration Policy Department (Ministry of the Interior and Administration) - by the staff of respective institutions: Border Guard, Office for Foreigners, International Organisation for Migration - office in Warsaw, Institute of Public Affairs, Rule of Law Institute and voivodes. This Report follows the common specifications and methodology prepared by the European Migration Network (EMN).



ISBN
978-83-64955-30-3 (electronic version)
978-83-64955-35-8 (printed version)

The European Migration Network was established by Council Decision 2008/381/EC in order to provide up-to-date objective, reliable and comparable information on migration and asylum to Community institutions, Member States authorities and to general public, with a view to supporting policy-making in the EU. The EMN is co-ordinated and financially supported by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

The electronic version (both English and Polish) of the National Report is available from www.emn.gov.pl under "EMN Poland Publications".

COMPILED BY:
Joanna Sosnowska

DISCLAIMER:
This Report has been produced by the National Contact Point to the European Migration Network in Poland (PL NCP EMN). This report does not necessarily reflect the opinions and views of the institutions - members of the PL NCP EMN, or the European Commission, nor are they bound by its conclusions.

CONTACT:
Ministry of the Interior and Administration
- Migration Policy Department
National Contact Point to the European Migration Network in Poland
5 Stefana Batorego
02-591 Warsaw, Poland
Email: esm@mswia.gov.pl
Web site: www.emn.gov.pl

DESIGN:
Voilà! Information Design Studio
www.voila-infographics.com



Co-financed by
the European Union



Table of contents

1

Overview of the national
situation
> 9

2

Overall national approach
to disseminating information
on (voluntary) return
> 27

3

Case studies on information
provision to irregular migrants
with whom the authorities do
not have contact
> 43

4

Effectiveness of different
approaches to disseminating
information on (voluntary)
return
> 47

*

Statistical Annex
> 51



Poland is one of the countries with a relatively small population of irregular migrants. In the long term we can expect a significant increase in the number of citizens of Ukraine, whose stay in Poland for various reasons became illegal. During the implementation of promotion undertakings, the actions of entities involved in disseminating information about the possibility of return carried out in cooperation with the leader of a group of foreigners were positively evaluated. The limited effectiveness of actions has been indicated with regard to use of the so-called info-kiosk, i.e. mobile points of information on voluntary returns.

Top-line “Factsheet”

The aim of this focus study prepared by the European Migration Network is to summarize and evaluate different methods used in Poland in order to ensure effective informing of irregular immigrants about the possibilities of return, including voluntary return and assisted voluntary return. The overall objective of this study is to identify solutions, which have been addressed to and/or have proven to be effective in reaching those irregular immigrants who have no contact with the authorities in the country of residence. However, in order to ensure comparison and wider context it will also gather information on national policy and practical actions aimed at illegally staying migrants in general.

The report indicated that estimating the size of irregular migration in Poland and number of people illegally staying in Poland and not being in contact with the authorities of country of residence is a very difficult task, because, on the one hand, we are dealing with an undocumented phenomenon, which it is impossible to measure precisely, and on the other hand, it is impossible to make full use of the classical methods of data collection in relation to irregular migrants. None of the ratings made by public administration can accurately estimate the true size of this phenomenon, also due to the fact that for the majority of irregular migrants, Poland still represents mainly a transit country en route to their target country [section 1]. However, taking into account a number of factors and data, which have an indirect impact on assessing the extent of irregular migration, we can say that Poland is among countries with a relatively small population of irregular migrants. According to the estimates by the Ministry of the Interior and Administration, the number of irregular migrants in Poland amounts to tens of thousands, including about 15 thousand people

belonging to the Vietnamese and Armenian communities. In the long term we can expect a significant increase in the number of citizens of Ukraine, whose stay in Poland for various reasons became illegal.

There are still no specific legislation relating to dissemination/transfer of information on the return in Poland. The basic guidance for the people responsible for informing the foreigners about the opportunity to take advantage of the programme of voluntary return and rules concerning the dissemination of above-mentioned information have been regulated in the most important documents regarding the management of return migration in Poland. These are, among others, the Act on foreigners of 2013, Agreement between the Minister of Interior and Administration and International Organisation for Migration on cooperation in terms of voluntary returns of 2005, Algorithm of conduct in case of foreigners applying for assistance in voluntary return from Poland of 10 July 2014 and “Migration policy of Poland – current state and postulated actions” together with implementation plan. All information on the opportunity to take advantage of assistance in voluntary return are transferred to foreigners in a language they understand, which in case of Poland means that the most commonly used languages are Russian, Ukrainian, English, Georgian, Vietnamese, Armenian, Chinese, Arabic and French. Not all promotion materials are so detailed and transparent in their message. The report points out that during the implementation of certain promotion actions such as TV campaign on the voluntary return programme, too general information was sometimes misleading for the recipients. The actions of entities involved in disseminating information about the possibility of return [especially IOM] were positively evaluated and concerned the organisation of information meetings

in cooperation with the leader of a group of foreigners. The limited effectiveness of actions has been indicated by the use of the so-called info-kiosk, i.e. mobile points of information on voluntary returns. Materials are distributed in the consultancy desk of IOM, in social centres for foreigners applying for a refugee status, Border Guard facilities, non-governmental organisations, markets, cultural centres and religious sites, universities, voivodeship offices

throughout the country. Due to the high concentration of foreigners in Warsaw and its vicinity the majority of NGOs working on this issue is located in Warsaw [IOM, Helsinki Foundation for Human Rights, Institute of Public Affairs], while it has to be welcomed that the information centres are also in other cities [for example The Rule of Law Institute in Lublin and The Halina Nieć Legal Aid Centre in Krakow].

1

Overview of the national situation

1.1 Scale of irregular migration in Poland
> 11

1.2 Scale and nature of irregular migrants who are
not in contact with the authorities
> 16

1.3 National legislation and policy on the disse-
mination of information on (voluntary) return
> 18

1.0 Overview of the national situation

1.1 Scale of irregular migration in Poland

Estimating the size of irregular immigration is a very difficult task, because, on the one hand, we are dealing with an undocumented phenomenon, which it is impossible to measure precisely, and on the other hand, it is impossible to make full use of the classical methods of data collection in relation to irregular migrants. None of the ratings made by public administration nor any of the research centres can accurately estimate the true size of this phenomenon, also due to the fact that for the majority of irregular migrants, Poland still represents mainly a transit country en route to their target country. The recent migration challenges in Europe, a significant inflow of foreigners seeking international protection from the Ukraine, Syria, Eritrea and Maghreb countries have not caused material changes in estimates of the number of people attempting to illegally enter the territory of Poland from neighbouring countries, including other EU Member States. Given that the majority of foreigners migrating to Poland attempts to legally enter the Polish territory [people with the Card of the Pole, persons applying for a refugee status, people with work visas based on the so-called declaration system allowing the citizens of Ukraine, Georgia, Armenia, Belarus, Moldova and Russia to take up employment for 6 months during one year], the number of people staying illegally in Poland has not increased significantly. It should be noted that

further deterioration of the migration situation in the EU neighbouring countries, and in case of Poland in the Ukraine and other EU countries [including Hungary, Romania, Bulgaria, the Czech Republic and Slovakia] can cause that the current estimates of irregular migration will quickly become obsolete.

In most of the available analyses and studies, the size of irregular migration in Poland is estimated to be between 50 000 and 300 000¹ people. Such wide discrepancy in the evaluation of this phenomenon demonstrates the inability to determine the real number of foreigners having an irregular legal status. However, taking into account a number of factors and data [such as the scope of legal migration, the number of detected illegal border crossings, estimates of illegal stay of some well-documented and recognised migrant communities, as well as the size of conducted regularisation programmes in 2003, 2007 and 2012], which have an indirect impact on assessing the extent of irregular migration, we can say that Poland is among the few European countries with a relatively small population of irregular migrants. According to the estimates by the Ministry of the Interior and Administration, the number of irregular migrants in Poland amounts to tens of thousands², including about 15 thousand people belonging to the Vietnamese and Armenian communities³.

1. Information based on final report concerning the Clandestino project of 2009 [link: http://irregular-migration.net/typo3_upload/groups/31/4_Background_Information/4.3.Policy_Briefs_NATIONAL/Poland_Policy-Brief_Clandestino_Nov09_2_pl.pdf, <http://cordis.europa.eu/documents/documentlibrary/126625701EN6.pdf>]. See also National Contact Point to the European Migration Network "Practical measures for reducing the scale of irregular migration", Warsaw, 2011 [link: <https://emn.gov.pl/esm/publikacje/nasze-publicacje/tematyczne-studia-bada/10233,Praktyczne>

-aspekty-zmniejszenia-skali-nielegalnej-migracji.html].

2. Own Reports of Migration Policy Department in the Ministry of the Interior prepared in 2011 made estimations regarding the number of foreigners illegally staying on the territory of Poland for around 25-50 thousands of people.

3. Own Reports of Migration Policy Department in the Ministry of the Interior [link: <https://emn.gov.pl/esm/publikacje/publikacje-departament>].

These data are derived from taking into consideration the following factors:

- the number of foreigners to whom entry to the Polish territory was refused,
- the number of foreigners detained for crossing or attempting to cross the state border illegally,
- the number of foreigners obliged to leave Poland,
- the number of foreigners detained for illegal stay,
- the number of foreigners expelled due to a decision imposing the return obligation,
- the number of people who applied for regularisation of their stay during one of the three regularisation programmes,
- the number of people who left Poland in the course of a refugee procedure thus causing dismissal of refugee proceedings [application of Article 42 of the on granting foreigners protection],
- the number of foreigners transferred from Poland under the Dublin procedure,

- the number of foreigners transferred to Poland under the Dublin procedure, and as a possible source for illegal migration,
- the number of people toward whom a negative decision on applications for international protection in Poland was issued,
- the number of people toward whom a negative decision on legalisation of stay in Poland was issued.

The scale of migration pressure on the eastern sector of the state frontier is not a significant one, however, changes in the geopolitical situation in region causes noticeable interest of foreigners to cross Polish border. The above-mentioned may be reaffirmed not only by the number of foreigners to whom entry to the Polish territory was refused, but also the number of foreigners detained for crossing or attempting to cross the state border illegally.

	2010	2011	2012	2013	2014
The number of foreigners to whom entry to the Polish territory was refused	23 643	22 047	32 209	42 451	27 687

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the General Headquarters of Border Guard

	2010	2011	2012	2013	2014
The number of foreigners detained for crossing or attempting to cross the state border illegally	2 170	2 500	3 248	3 795	4 911

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the General Headquarters of Border Guard

Increase in the number of foreigners who reside in the territory of Poland without documents legalizing their stay is visible. Between 2010 and 2014 the number

of foreigners detained for illegal stay in Poland risen around 201%.

	2010	2011	2012	2013	2014
The number of foreigners detained for illegal stay	4 005	6 875	8 140	9 280	12 050
The number of foreigners obliged to leave Poland	10 700	7 750	7 995	10 160	8 551
The number of foreigners expelled due to a decision imposing the return obligation	6 770	7 050	7 050	9 003	10 504

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the General Headquarters of Border Guard

The above data prove high efficiency of enforcement of decisions obliging foreigners to leave Poland – of

about 85-90%, which prevents an increase in the number of irregular migrants in Poland.

Year	Forced returns	Voluntary returns	Assisted voluntary returns
2010	512	5 246	1 647
2011	625	5 519	1 164
2012	512	6 143	764
2013	1 223	7 106	1 994
2014	901	8 101	1 502

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the General Headquarters of Border Guard, Office for Foreigners, IOM and work of the Polish EMNwv Return Experts Group [PL EMN REG]

Also the number of foreigners covered by the three regularisation programmes implemented to-date proves there are not many migrants whose stay in Poland is illegal. Applications for legalisation of stay under

three subsequent regularisation programmes were filed by slightly above 15,000 people, and close to 8,500 foreigners [57%] legalised their stay successfully.

Regularisation programme 2003		Regularisation programme 2007		Regularisation programme 2012	
The number of people who applied for regularisation of their stay	The number of people who legalised their stay	The number of people who applied for regularisation of their stay	The number of people who legalised their stay	The number of people who applied for regularisation of their stay	The number of people who legalised their stay
3 508	2 696 [77%]	2 033	1 346 [66%]	9 499	4 405 [46%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

Analysis of statistical data shows that on average in the case of 70% of foreigners who are issued a decision on discontinuation of proceedings for granting international protection it is the result of their leaving a centre for foreigners seeking asylum before fi-

nalisation of the procedure or failure to show up at a centre for asylum seekers within two days from filing an application for international protection [Article 42 of the Act of 2003 on granting foreigners protection in the Republic of Poland].

	2010	2011	2012	2013	2014
The number of people covered by applications for the refugee status	6 534	6 887	10 653	15 253	8 193
The number of people who left Poland in the course of a refugee procedure thus causing dismissal of refugee proceedings [application of Article 42 of the on granting foreigners protection]	4 677 [63%]	4 647 [65%]	7 793 [84%]	15 248 [92%]	4 966 [77%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

It should be noted that under the Dublin procedure between 2010 and 2014 7,952 foreigners were diverted in Poland and only 332 foreigners left Poland. The

above proves a thesis that Poland is a transit country, especially in terms of the refugee procedure, which may indicate the scale of refugee status abuse.

	2010	2011	2012	2013	2014
The number of foreigners transferred from Poland under the Dublin procedure	49	52	119	70	42
The number of foreigners transferred to Poland under the Dublin procedure	2 212	1 026	1 044	3 014	656

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Border Guard

When it comes to foreseen the number of foreigners illegally staying on the territory of Poland one should take into account also those persons, toward whom within different procedures seeking foreigners' legalizations of stay, a negative decision was issued. Although the procedures of legalising short- and long-term residence in Poland with the basis on:

- residence permit for a fixed period [till 30 April 2014] or temporal residence permit [since 1 May 2014],

- permit to settle [till 30 April 2014] or residence permit [since 1 May 2014],
 - long-term EU resident residence permit,
- testifies that the percentage of foreigners toward whom a negative decision in question was issued is insignificant and confirms small scale of illegally foreigners potentially staying in Poland.

	2012	2013	2014
The number of people who applied for residence permit for a fixed period or temporary residence permit between 2012-2014	44 145	36 129	53 934
The number of people toward whom positive decisions on granting residence permit for a fixed period or temporary residence permit were issued between 2012-2014	1044	3014	42 555
The number of people toward whom negative decisions on granting residence permit for a fixed period or temporary residence permit were issued between 2012-2014	6 352 [14%]	2 972 [8%]	2 188 [5%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

	2012	2013	2014
The number of people who applied for permit to settle or residence permit between 2012-2014	4 746	4 402	8 552
The number of people toward whom positive decisions on granting permit to settle or residence permit were issued between 2012-2014	3 699 [78%]	3 660 [83%]	6 660 [78%]
The number of people toward whom negative decisions on granting permit to settle or residence permit were issued between 2012-2014	499 [11%]	498 [11%]	402 [5%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

	2012	2013	2014
The number of people who applied for the long-term EU resident residence permit or residence permit between 2012-2014	1 593	2 077	2 255
The number of people toward whom positive decisions on granting long-term EU resident residence permit or residence permit were issued between 2012-2014	861	1 686	1 885
The number of people toward whom negative decisions on granting long-term EU resident residence permit or residence permit were issued between 2012-2014	236 [18%]	277 [17%]	234 [10%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

	2012	2013	2014
Number of person, who applied for being granted international protection	10 753	15 253	8 193
Number of person toward whom a negative decision on granting international protection was issued	1 960 [18%]	2 279 [12%]	1 997 [24%]
Number of person toward whom a decision on withdrawing application on granting international protection in Poland was issued	8 641 [78%]	16 331 [84%]	5 558 [67%]

SOURCE: Own study of the Polish EMN NCP on the basis of statistical data of the Office for Foreigners

It follows from the above quoted statistics on illegal border crossing, control of legality of stay and expulsions, number of negative decisions regarding foreigners' legalisation of stay or application on granting international protection, that the scale of these phenomena is generally small and its general trend is steady, although data for 2014 clearly reflect the

new migration situation of Europe and an increase in the threat of illegal migration. In the long run and due to the situation in Ukraine we expect a significant (compared to current data) increase in the number of citizens of Ukraine, whose stay in Poland for various reasons became illegal.

1.2 Scale and nature of irregular migrants who are not in contact with the authorities

Below the main scenarios of illegal stay of migrants in Poland were listed:

- individuals who crossed the external Schengen area border [Polish state border] illegally and entered Poland [in a group or individually] and

remained in the country they entered;

- individuals who crossed the external Schengen area border [Polish state border] illegally and entered Poland [in a group or individually] and attempted to get to other Member States [e.g.

those with better welfare opportunities];

- individuals who entered other Schengen area countries in violation of the law or entered legally, but their stay in those countries became illegal for various reasons. Next, these individuals entered Poland and failed to apply for stay legalisation or protection;
- individuals who, after their legal stay on the basis of visas or residence permits ended, failed to show up at the Office to extend their stay;
- individuals who declared a wrong address during stay legalisation procedures and, after their legal stay on the basis of visas or residence permits ended, changed their residence address without notification of the change;
- individuals who changed their employer without notifying the change during legal stay and work;
- unaccompanied minors being third country citizens whose parents [with various stay status] failed to apply for legalisation of the minors' stay;
- individuals who applied for international protection and, having obtained a Temporary Identity Card [valid for 30 days], failed to show up at an open centre within two days from submitting an application for international protection;
- individuals who applied for international protection and have been refused or whose applications were not processed due to formal shortcomings, and have been obliged to return, failed to leave Poland by the set deadline;
- individuals who were issued a decision which obliges them to leave Poland and failed to leave by the set deadline.

Estimates of the scale of the irregular migrants who have not contacted the authorities in the country of residence

So far, no methodology for obtaining statistical data or estimates of the number of foreigners staying in Poland illegally and have not contacted the authorities in the country of residence have been available. There are no estimates concerning the number of irregular migrants who never contacted the authorities in the country of residence either.

Considering the information provided in question 2, it can be assumed that similar indicators can be used to estimate this scale. It should be noted, however, that the above can concern two of those situations at the same time. Also data on the scale of

human smuggling to Poland can help in estimating the number of people staying in Poland illegally and not contacting the authorities. In 2013 1,720 people were smuggled to Poland [it is the number of people revealed during court proceedings], while in 2014, despite a difficult migration situation and the onset of mass influx of foreigners to the EU, there was a slight decline: the figure was 1,464. This may prove that the scale of illegal stay of foreigners in Poland is small.

Challenges faced in Poland by actors involved in promoting voluntary return in reaching out to irregular migrants who are not in contact with the authorities

According to the talks held with the organisations acting on behalf of foreigners' voluntary returns and with the migrants alone the serious obstacles which prevent sharing information with the target groups include the following: absence of detailed information on residence place of the foreigners; no trust in the reliability of information provided to the migrants on voluntary returns, information ambiguity [e.g. the publicly displayed posters were not clearly understood so that the legal residents also requested a return to their country to be organised], lack of trust in public institutions, treatment of non-governmental organisations or UN agencies as public institutions resulting in the lack of confidence in these organisations. During the talks with the foreigners [e.g. in Lublin] it was found that they did not know the IOM logo and were not familiar with the tasks this organisation carried out in connection with voluntary returns. Spreading unreliable information about the voluntary return programme among the immigrants themselves [on the basis of word of mouth marketing] was another serious problem.

However, as the foreigners are reluctant to disclose the place of their residence to the host country authorities, mostly due to the absence of valid travel document, the major problem consists in that it is difficult to inform them about the voluntary return, the more so as their identity cannot be confirmed. The regularization campaign carried out in 2012 also showed that the problem consists in reaching the irregular immigrants and convincing them to disclose the place of residence. Despite large-scale information campaign across the whole country few migrants residing in Poland submitted applications to legalize their stay in Poland. The above-mentioned

may be also caused by a insignificant number of irregular migrants in Poland.

The experience gained [voivodes of Podlaskie, Podkarpacke, Warmińsko-Mazurskie, Małopolskie, Kujawsko-Pomorskie Voivodeships] shows that the problem consists in providing authoritative information to the potential beneficiaries of voluntary return programme. This is directly related to the specific situation of the illegal migrants. Some groups of foreigners [such as Vietnamese diaspora] are uninviting and detailed methods for reaching these groups should be considered [such as winning local opinion leaders]. In this respect certain organisational problems arise because the International Organisation for Migration has no local offices

outside Warsaw. And the foreigners prefer personal contacts.

Other specific groups of (irregular) migrant group which actors involved in promoting voluntary return find hard to reach

In Poland, no any category of illegal migrants has been identified to be particularly inaccessible as far as information on voluntary returns is concerned. However, it should be mentioned that there are no precisely defined tools that allow reaching the foreigners who could make use of the voluntary return programme, or any survey methodology for the a.m. group. Hermetic nature of some groups of foreigners prevents different actions targeted at the migrants difficult to carry out.

1.3 National legislation and policy on the dissemination of information on (voluntary) return

In Poland, there are no specific legal solutions in place yet so far as the dissemination/provision of information on voluntary return is concerned. The basic guidance for the entities responsible for informing the foreigners about the opportunity to use the voluntary return programme and information dissemination rules have been regulated in the following legislative acts:

- Act on foreigners of 12 December 2013 [Journal of Laws of 2013.1650];
- Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2012.680);
- Agreement of 12 July 2005 concluded between the Minister of Interior and Administration of the Republic of Poland and the International Organisation for Migration (IOM) on the cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland [Monitor Polski of 2005.3.46], and Action Plan drawn up annually and approved by the Minister of Interior and Administration;
- Ordinance of the Minister of Interior and Administration of 10 November 2011 on the amount of assistance for foreigners seeking refugee status [Journal of Laws of 2011.261.1564];

- Ordinance of the Minister of Interior and Administration of 31 July 2014 on the request to issue a decision imposing an obligation on the foreigner to return and the method of registering the decision imposing an obligation on the foreigner to return in he travel document [Journal of Laws of 2014.1063];
- Ordinance of the Minister of Interior and Administration of 23 July 2014 on the form template for the decision imposing an obligation to return issued to a foreigner who crossed or attempted to cross the border illegally [Journal of Laws of 2014.535];
- document entitled "Conduct to be adopted by the Border Guard officers in order to proceed in case of returns of foreigner illegally staying on he territory of he Republic of Poland, based on the provisions of the Act of 12 December 2013 on the foreigners" complete with the "Algorithm of conduct in case of foreigners applying for assistance in voluntary return from Poland of 10 July 2014".



The above listed documents lay down the general rules of voluntary return organisation under the refugee or expulsion procedure. However, the

specific rules for presenting the above mentioned information are laid down in the internal circulars concerning the conduct of the Border Guard officers [e.g. the algorithm referred to above] and that of social workers of the Office for Foreigners, including the heads of open centres for foreigners. The most important elements of the documents are addressed below.

Act of 12 December 2013 on foreigners

The responsibility for funding of foreigners' voluntary return resides with the Border Guards. Act of 12 December 2013 on foreigners (Dz.U. of 2013, item 1650) regulated the matter of assistance in voluntary return within the framework of regulation of the obligation imposed on a foreigner to return. Commander-in-Chief of the Border Guard is responsible for the organisation of the foreigner's voluntary return in the cases listed in the a.m. Act. Assistance in voluntary return may be provided to a foreigner in the situations such as: [1] when he/

she has applied for refugee status and the application has not been examined for formal reasons or [2] when a decision has been issued to the foreigner that imposes a return obligation on him/her, with the exception of a decision imposing the return obligation which does not specify a deadline of voluntary return, or with the exception of another case where the decision is subject to the forced execution, or [3] when he/she resides on the territory of the Republic of Poland on the basis of a certificate which confirms the allegation that he/she is a victim of trafficking in humans in the meaning of Article 115(22) of the penal Code, as well as based on the temporary residence permit for the victims of trafficking issued to a foreigner who resides in Poland and who cooperates with body competent to conduct proceedings related to the criminal offence, referred to in Article 189(1) of the Penal Code, and has severed relations with the persons suspected of committing prohibited act, referred to in Article 189a(1) of the Penal Code.

Issue	Description
<p>The actors involved</p> <hr/>  <p>The content of the information (i.e. whether it covers AVR(R), other voluntary return options, legal obligations including information about return decisions, etc.)</p>	<p>Border Guards, Office for Foreigners and other entities under statutory obligation to organise voluntary returns [such as International Organisation for Migration, IOM]</p> <hr/> <p>General information concerning the Border Guard's obligation to advise the foreigners on the possibility of assisted voluntary return. There is no distinction between the assisted voluntary return programmes and the assisted voluntary return programmes with reintegration component, as the reintegration assistance in the country of return is practically a part of the general scheme of the program for the assisted voluntary return from Poland. The Border Guard inform the foreigner about his/her legal obligation, consequences of the decision imposing an obligation on the foreigner to return and about the methods of voluntary departure from Poland, including the assisted voluntary return. The foreigner is also informed that the detailed data in this respect are accessible in IOM.</p>
 <p>The timing of the information provision (e.g. on applying for international protection/for a visa) or only on becoming irregular</p>	<p>In accordance with Article 334(2) assistance in voluntary return may be provided to a foreigner: [1] who applies for refugee status and whose application for this status has been disregarded for formal reasons or [2] for whom a decision has been issued that imposes a return obligation on a foreigner, with the exception of a decision on imposing the return obligation that does not specify a deadline for voluntary return, or with the exception of another case where the decision is subject to forced execution, or [3] who resides within the territory of the Republic of Poland on the basis of a certificate referred to in Article 170 or on the basis of a temporary residence permit referred to in Article 176 [foreigners being the victims of trafficking]. Based on Article 335(3) of the</p>

Act of 12 December 2013 on foreigners the authority that issued the decision on imposing the return obligation on a foreigner shall inform the foreigner referred to in Article 334(2) about an opportunity to take advantage of assistance in voluntary return. The obligation provided for in Article 335(3) of the above-mentioned Act is fulfilled by the competent authorities of the Border Guard when they open the proceedings concerning the imposition of the return obligation for a foreigner. The foreigner receives written instruction made in the language he understands that concerns the rules and proceedings as well as his/her rights and obligations, including the opportunity to take advantage of assistance in voluntary return. They use "Algorithm of conduct in case of foreigners applying for assistance in voluntary return from Poland of 10 July 2014".

Social workers of Office for Foreigners provide foreigners with relevant information in centres opened for persons applying for a refugee status in Poland.



Any particular provisions for vulnerable groups (e.g. victims of trafficking, unaccompanied minors, elderly people) and other specific groups (e.g. specific nationalities)

As above.

It should be noted that the fulfilment of Border Guard obligation i.e. issuing a decision that imposes a return obligation on a foreigner in respect of persons who are victims of trafficking [i.e. staying on the territory of the Republic of Poland on the basis of a certificate referred to in Article 170 or on the basis of a temporary residence permit referred to in Article 176 may raise doubts. Pursuant to Article 302(5) and (12) of the Act on foreigners the decision that imposes a return obligation on a foreigner shall not be issued to a foreigner when he (...) stays on the territory of the Republic of Poland on the basis of a certificate referred to in Article 176 or on the basis of a temporary residence permit referred to in Article 170. In view of the above in relation to these foreigners, the proceedings concerning the return obligation should not be opened and the written instruction about the opportunity to take advantage of voluntary return should not be handed over to a foreigner on this occasion. In practice, the foreigners being the victims of trafficking also receive information about opportunity to take advantage of assistance in voluntary return in National Consulting and Intervention Centre for the Victims of Trafficking [KCIK] and International Organization for Migration [IOM].



The tools of dissemination (in person (written), in person (oral), via post, via email, in a telephone call, in public spaces, etc.)

There is no specification in the Act.

Dissemination of information is allowed in all forms [including oral, written, by postal operators, in public space]. Information in public space is perhaps the most accessible.

Social workers of Office for Foreigners verbally provide foreigners with relevant information, relying on previously prepared information materials, in centres opened for persons applying for a refugee status in Poland.

Border Guard officers inform foreigners about the opportunity to take advantage of voluntary return in the so-called "Statement on being instructed on the rules and procedures regarding return obligation". On 10 July 2014 the Management Board for Foreigners of General Headquarters of Board Guard prepared special "Algorithm of conduct in case of foreigners applying for assistance in voluntary return from Poland" which is associated with the aforementioned "Instruction on the rules and procedures regarding return obligation". Each time it is handed over to a foreigner in a language which he or she understands.

Point 13 of this instruction indicates the opportunity to use the programme "Assistance in voluntary return from Poland", so in case of submitting such declaration by the foreigner Border Guard officers act in accordance with the guidelines contained in the Algorithm.

If a foreigner declares an intention to apply for assistance in voluntary return and complies with the provisions of Article 334(2) of the Act on foreigners of 2013 a declaration of assisted voluntary return filled by a foreigner is sent to International Organization for Migration [IOM]. In such cases the foreigner is orally informed by the Border Guard officer that IOM will contact him/her using the contact details provided in the declaration and he/she is provided with IOM's contact details [e.g. IOM's brochure on assistance in voluntary return].

The workers of International Organization for Migration orally informs about voluntary return during the private and phone conversation, in writing [by e-mail, website and leaflets] and in public space [information campaign, information meetings, leaflets, posters].



The language(s) in which the information must be given and any accessibility/quality criteria (visual presentation, style of language to be used, etc.)

According to "Algorithm of conduct in case of foreigners applying for assistance in voluntary return from Poland" instruction on the rules of providing assistance is each time handed over to a foreigner in the language he/she understands. The declaration of intention to take advantage of the programme "Assistance in voluntary return from Poland" is also available in many language versions [mostly in Russian, Ukrainian, Belarusian, Armenian, Georgian, Vietnamese, Chinese, Arabic, English and French].



Confidentiality considerations (i.e. whether the anonymity of the irregular migrant is maintained if they consult an information service)

Lack of detailed rules. While filling in the voluntary return declaration, the foreigners declare that they understand the aim of transferring their personal data to the voluntary return organisation. Additionally they sign a declaration of acceptance [or non-acceptance] for collecting, processing and sharing personal data by the competent entities.

Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland

Act on granting protection to foreigners within the territory of the Republic of Poland [Article 70 and 75] in the part concerning the return of persons applying for a refugee status within the territory of the Republic of Poland enables to provide foreigner with assistance for the organisation of voluntary return

in case of cancellation of the procedure. Assistance in voluntary return for this category of foreigners is provided by the Head of the Office for Foreigners. Detailed information on the ways of providing assistance, among other, financial assistance are included in the Ordinance of the Minister of Interior and Administration of 10 November 2011 on the amount of assistance for foreigners seeking refugee status.

Issue	Description
The actors involved	Office for Foreigners
The content of the information (i.e. whether it covers AVR(R), other voluntary return options, legal obligations including information about return decisions, etc.)	It is the task of the head of the centre for foreigners and of the social workers in the open centre for foreigners to submit all information. In line with § 16 of the annex to Ordinance of the Minister of the Interior of 6 December 2011 [Dz.U. of 2011, No 282, item 1654] - on the rules of stay in the centre for foreigners seeking refugee status, information concerning entities providing free legal assistance and those concerning non-governmental or international organisations the statutory tasks of which include refugees matters, are placed in a visible spot at the centre's premises and they are produced in Polish and in languages understandable for foreigners staying in the centre.
The timing of the information provision (e.g. on applying for international protection/for a visa) or only on becoming irregular	Lack of detailed information. Information is placed in a prominent place in the centres for foreigners.
Any particular provisions for vulnerable groups (e.g. victims of trafficking, unaccompanied minors, elderly people) and other specific groups (e.g. specific nationalities)	Lack of detailed information. It is the task of the head of the centre for foreigners and of the social workers in the open centre for foreigners to submit all information for all interested groups of foreigners.
The tools of dissemination (in person (written), in person (oral), via post, via email, in a telephone call, in public spaces, etc.)	As above; personally, both in writing and orally, in public space, by e-mail and during phone calls.
The language(s) in which the information must be given and any accessibility/quality criteria (visual presentation, style of language to be used, etc.)	In line with § 16 of the annex to Ordinance of the Minister of the Interior of 6 December 2011 [Dz. U. of 2011, No 282, item 1654] - on the rules of stay in the centre for foreigners seeking refugee status, information concerning entities providing free legal assistance and those concerning non-governmental or international organisations the statutory tasks of which include refugees matters, are placed in a visible spot at the centre's premises and they are produced in Polish and in languages understandable for foreigners staying in the centre.
Confidentiality considerations (i.e. whether the anonymity of the irregular migrant is maintained if they consult an information service)	Lack of detailed rules. While filling in the voluntary return declaration, the foreigners declare that they understand the aim of transferring their personal data to the voluntary return organisation. Additionally they sign a declaration of acceptance [or non-acceptance] for collecting, processing and sharing personal data by the Office for Foreigners.

Agreement of 12 July 2005 concluded between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on the cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland, and Action Plan drawn up annually and approved by the Minister of the Interior

On 26 October 2011, the Agreement between the Minister of the Interior and Administration of the Republic of Poland and the International

Organization for Migration (IOM) amending the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on the cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland was signed in Warsaw. The Agreement extends the group of persons who may benefit from the assistance in voluntary return to the categories of foreigners who were considered victims of trafficking by the competent authority responsible

for proceedings aimed at combating trafficking in human beings⁴. At the stage of preparations for the implementation of the voluntary returns programme in the framework defined by the Agreement concerned, the cooperating entities, that is the IOM Office in Warsaw, Border Guard Headquarters and Office for Foreigners are to develop a joint information and promotion strategy. This strategy referred informally to the developed standards of interinstitutional cooperation, development of basic guidelines concerning promotion materials such as leaflets, posters, and website, establishment of an information and

consultancy point, and ensuring distribution of information materials about the programme and applications for assistance in voluntary return. Verification and evolution of the applied cooperation tools take place i.a. during the meetings of the Joint Consultative Commission and during the meeting of experts from the abovementioned institutions or, as from the February 2014, during the meetings of the national group of experts from the European Migration Network for the returns [PL EMN REG] established at the Migration Policy Department of the Ministry of the Interior and Administration.

Issue	Description
The actors involved	General Headquarters of Board Guard, Office for Foreigners, International Organization for Migration
The content of the information (i.e. whether it covers AVR(R), other voluntary return options, legal obligations including information about return decisions, etc.)	General information concerning the Border Guard's obligation to inform foreigners about the possibility to obtain assistance in voluntary return. There is no distinction between the assisted voluntary return programmes and the assisted voluntary return programmes with reintegration component, as the reintegration assistance in the country of return is practically a part of the general scheme of the program for the assisted voluntary return from Poland. The Border Guard informs the foreigner about his/her legal obligation, about the consequences of the decision imposing an obligation on the foreigner to return and about the methods of voluntary departure from Poland including under the assisted voluntary return. The foreigner is also informed that the detailed data in this respect are accessible in IOM.
The timing of the information provision (e.g. on applying for international protection / for a visa) or only on becoming irregular,	The information is constantly made available independently of the foreigner status, though the detailed information is provided mainly during the expulsion procedure.
Any particular provisions for vulnerable groups (e.g. victims of trafficking, unaccompanied minors, elderly people) and other specific groups (e.g. specific nationalities),	The information is constantly made available independently of the group the foreigner belongs to, though the costs of the voluntary return organisation are qualified only for the strictly defined target group. These are foreigners who: [1] applied for international protection in Poland but were refused, [2] who were issued a decision that entails an obligation to leave Poland, [3] were victims of trafficking.
The tools of dissemination (in person (written), in person (oral), via post, via email, in a telephone call, in public spaces, etc.),	Lack of detailed rules both in the Agreement and in the Annual Action Plans in the scope of voluntary return under preparation. Minister of the Interior's tasks in the scope of voluntary return programme implementation mentioned in the Article 5 of the Agreement consist in providing groups of foreigners specified in Article 1 of the Agreement with information on the possibility to take advantage of voluntary returns and in submitting information about foreigners to IOM, with their consent, insofar as such information is necessary to carry out the tasks indicated in the Agreement.

4. The Agreement of 2005 referred to foreigners who were unsuccessful applicants for international protection in Poland and persons who were issued return decision.

The most common tools for distribution and promotion of information on the voluntary returns programme include website www.iom.pl which provides on-line applications for assistance in return. Information is provided in person, in writing and verbally, by e-mail, during a conversation over a phone and via the Infoline, in public space, during IOM picnics, at meetings with community leaders, via brochures, leaflets, a billboard and TV campaign, and in info-KIOSKS, that is mobile information points.

In the course of the information activities IOM tries to provide the information about the programme to the widest group of the potential beneficiaries. Information activities constitute an important component of the programme strategy and they are decisive in relation to its effectiveness and scope. Situation of persons requiring assistance in voluntary return may differ accordingly to the legal regulations in force and to the forms of support for individual foreigners groups accessible to them. They may include persons with irregular residence status [so called irregular migrants], person applying for a refugee status and those who were refused in the course of the refugee proceedings. These may be persons staying in centres for foreigners [open and closed], in refuges including refuges for homeless, or in rented apartments.

The language(s) in which the information must be given and any accessibility / quality criteria (visual presentation, style of language to be used, etc.),

Lack of detailed rules both in the Agreement and in the Annual Action Plans in the scope of voluntary return under preparation. However in prepared applications for assistance in voluntary return [in paper and on-line form http://app.iom.pl/iomform/contact_form.html?lang=pl] and in accompanying declarations the information is included that the available languages are Polish, English, Russian, Vietnamese, Ukrainian, Georgian, French, Chinese, Armenian and Arabic. What is more, the IOM workers can provide current assistance with the translation of the application.

Confidentiality considerations (i.e. whether the anonymity of the irregular migrant is maintained if they consult an information service).

Lack of detailed rules. While filling in the voluntary return declaration, the foreigners declare that they understand the aim of transferring their personal data to the voluntary return organisation. Additionally they sign a declaration of acceptance [or non-acceptance] for collecting, processing and sharing personal data by IOM.

Moreover, in the programming document "Poland's Migration Policy – Current State of Affairs and Postulated Actions" adopted by the Council of Ministers on 31 July 2012 and in other document implementing the above, that is "Implementing plan for the document Poland's Migration Policy – Current State of Affairs and Postulated Actions" adopted by the Council of Ministers on 2 December 2014, several recommendations were included, which, after implementation, are to contribute to the improvement in the functioning of the programme for the voluntary return of foreigners in Poland. The recommendation No 2.4.1 should be pointed out, as it concerns the organisation and promotion of the information activities in the countries of origin the citizens of which most often violate Polish regulations in the scope of entry and stay, presenting

possibilities for legal arriving and staying in Poland and informing about the consequences of irregular migration, which entails the necessity of leaving the territory of Poland. This recommendation is constantly implemented i.a. by giving instructions and by organising new information campaigns.

- Instructions given in line with the Article 10 of the Act on foreigners fulfil an information role, as the foreigners are instructed in a language understandable to them about the principles and the procedure of the administrative proceedings as well as about the rights granted to foreigners and obligations imposed on them [e.g. under the ongoing procedure for the legalisation of stay or the expulsion procedure. After returning to the country of origin they transfer the acquired knowledge to other persons who might be

interested in arriving to Poland and staying [an element of the word of mouth marketing].

- Information campaign about the Act of 12 December 2013 on foreigners "Poland, I live here".

Recommendations 2.4.6 and 2.4.7 also refer directly to the method of providing information to foreigners about the programme of voluntary returns in specific situations. The first one refers to actions aimed at extending the categories of foreigners entitled to benefit from the voluntary returns programme to cover persons who have been granted subsidiary protection in Poland and persons who have been victims of human trafficking, including those who have refused to participate in the support programme for witness/victim of human trafficking [partially implemented recommendation]. This means that during the procedures resulting in recognising a foreigner as a victim of human trafficking or in granting international protection, the information about the possibility to participate in the programme is provided by the entities implementing a given procedure [Border Guard, Office for Foreigners, employees of the National Consulting and Intervention Center for the Victims of Trafficking [KCIK].

Recommendation 2.4.7 [not implemented recommendation] refers to ensuring the possibility to provide the foreigners whose returns are organised wholly by the Office for Foreigners with the possibility to benefit from reintegration aid. This means that the employees of the Office for Foreigners must provide information about the possibility of participating in the voluntary returns programme. Analytical work is pending on the possibility to extend the components of the programme of voluntary returns organised by the Head of the Office for Foreigners to include additional reintegration aid in the country of return.

Furthermore, websites of consulates provide information on legal work in the Republic of Poland and on how to obtain a visa to this end. Instructions for filling in a visa application available at <http://www.e-konsulat.gov.pl> include information for foreigners that they have to leave Poland if they do not fulfil the requirement concerning the legalisation of their stay.

Another example of voluntary returns of foreigners from Poland is the so-called "small abolition", i.e. possibility of voluntary return to the country of origin

after the foreigner applies for it at the border. Such opportunity was available for the last time in 2012 during the third regularisation campaign conducted pursuant with the Act of 28 July 2011 on legalising the stay of certain foreigners on the territory of the Republic of Poland and amending the Act on granting protection to foreigners on the territory of the Republic of Poland and the Act on foreigners [Dz.U.2011.191.1133].

Starting from May 2014, the Departments for Foreigners of the Voivodeship Offices have been implementing good practices in the field of informing migrants about their rights and obligations, and also in disseminating information about voluntary returns. In addition, voivodeship offices distribute information leaflets on voluntary return provided by such organisations as the Helsinki Foundation for Human Rights or the IOM.

Information that the national authority provide to the migrant when it issues a return decision

There are no detailed guidelines on the method and form of provided information [see: above]. In practice, the Office for Foreigners, the Border Guard or voivodeship offices inform the foreigner about his/her legal status and the resulting rights and obligations. If the stay is found to be illegal and a decision on return is issued, or the refugee procedure is pending, the foreigner is informed about the possibility to participate in the voluntary return programme and about his/her rights as a programme participant. The foreigners are also informed about the obligations resulting from participation [travel by public transport, obligation to execute the decision on the obligation to return, etc.]. The foreigners are also informed about the need to submit a specific application and contact the International Organization for Migration Office in Warsaw via an on-line form, telephone or in person. In Poland, the information and forms of application for voluntary return are usually available in native languages of the main target groups of the programme [e.g. Russian, Vietnamese, Ukrainian, Georgian, Armenian, Chinese, etc.]. General information along with a request to contact the IOM is distributed via virtually all available channels: in person [in writing], in person [orally], by post, e-mail, during telephone conversations, at the meetings, etc.

Until the entry into force of the Act on foreigners from 2013, where the competences of voivodes included issuing decisions on return, foreigners had received instructions about the obligation to leave and the right to assistance in voluntary return. Decisions on expulsions included information about legal grounds for the decision, justification of the decision, obligations stemming from the decision [e.g. deadline for leaving the country], instructions related to the decision, including information about the possibility of appeal to the higher level authority]. Legal grounds, obligations stemming from the decision and instructions were also provided [if possible] in a language understood by the foreigners concerned. There was also the possibility to have the decision translated by a sworn translator into a language understood by the foreigner. The decisions were issued in writing on paper and orally. The decisions could also be delivered in person to the foreigner, via a postal operator or electronically [through the Border Guard]. Starting from 1 May 2014, such information has been provided by voivodeship offices as part of good practices and continuation of cooperation with international organisations [IOM] and non-governmental organisations [Helsinki Foundation for Human Rights, Association for Legal Intervention, The Halina Nieć Legal Aid Centre, Rule of Law Institute]. An example is the website of the Podkarpackie Voivodeship Office in Rzeszów which includes information about the fact that the Helsinki Foundation for Human Rights implements a project entitled "Returns. Legal assistance and information for returning migrants", under which it offers free-of-charge consultation with lawyers for non-EU citizens, as well as information that under the project entitled "Lawyers for Refugees V" legal and integration aid is offered for foreigners covered by international

protection or applying for a refugee status in Poland. The website also includes information that detailed data on the projects are available at: <http://programy.hfhr.pl/uchodzcy>, or www.migrant.info.pl. The said office also presents posters of migrant.info website in foreign languages on the noticeboards in the corridor of its building. This enables access to information for all foreigners and their representatives. In addition, websites of voivodeship offices are available in various languages which also provides access to information [Podkarpackie Voivodeship Office in Rzeszów – English, Ukrainian; Małopolskie Voivodeship Office in Kraków – English, French, Russian].

Impact of the adoption and transposition of the Return Directive⁵ on legislation and policy

Yes. Although at the beginning, the system of providing assistance in voluntary return from Poland had developed independently of work on the so-called Return Directive, the new Act on foreigners of 12 December 2013, by transposing the provisions of the Directive, directly referred to assistance in voluntary return. Until the entry into force of the new Act on foreigners, voluntary returns were regulated by the Act of 2003 on granting protection to foreigners on the territory of Poland and in the agreement between the Minister of Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in voluntary returns of foreigners leaving the territory of the Republic of Poland of 12 July 2005.

Changes to legislation/policy having an impact on the dissemination of information on (voluntary) return planned for the future

No changes are planned in this area.

5. Ireland and the United Kingdom do not participate in the Return Directive and are therefore not bound by its provisions. Norway implements the Directive as it is bound by the provisions of the Schengen acquis.

2

Overall national approach to disseminating information on (voluntary) return

2.1 Actors involved in disseminating information on (voluntary) return

> 31

2.2 Tools used to disseminate information on (voluntary) return to irregular migrants not in contact with the authorities

> 36

2.3 Specific campaigns and strategies

> 40

2.4 Accessibility of the information

> 42

2.5 Content of the information

> 43

2.6 Targeting of the information

> 45

2.0 Overall national approach to disseminating information on (voluntary) return

2.1 Actors involved in disseminating information on (voluntary) return

According to legal regulations in force in Poland, voluntary return of a foreigner may:

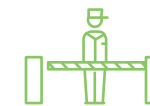
- be organised by the Head of the Office for Foreigners [in cooperation with the Commander-in-Chief of the Border Guard, pursuant to Article 70 and 75 of the Act of 2003 on granting protection to foreigners on the territory of Poland],
- be organised by a foreigner on his/her own in relation to a decision on the obligation to return [Article 302 of the Act of 2013 on foreigners],
- be financed by the Commander-in-Chief of the Board Guard [Article 334 of the Act of 2013 on foreigners],
- fulfil a supplementary function and be implemented in cooperation with the International Organization for Migration [IOM], the Head of the Office for Foreigners and the Commander-in-Chief of the Border Guard [Agreement of 2005].



The Minister of the Interior and Administration

The tasks of the Minister of the Interior related to the implementation of the programme of voluntary returns specified in Article 5 of the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on

cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland consist in informing groups of foreigners specified in Article 1 of this Agreement about the possibility to take advantage of voluntary return and in submitting information about foreigners to IOM with their consent insofar as such information is necessary to carry out the tasks indicated in the Agreement. The Head of the Office for Foreigners and the Commander-in-Chief of the Border Guard are responsible for carrying out tasks entrusted to the Minister.



Commander-in-Chief of the Border Guard

The Border Guard fulfils an important role in carrying out controls of the legality of foreigners' stay and employment in Poland, as it issues decisions on imposing the return obligation. If the results of the control of the legality of stay justify the issuing of a decision on imposing the return obligation on a given foreigner, such foreigner is informed about the possibility to take advantage of voluntary return by means of the so-called "Statement on being informed of the rules and procedures regarding return obligation". On 10 July 2014 the Management Board for Foreigners of General Headquarters of Board Guard prepared special "Algorithm of conduct in case of foreigners applying for assistance in voluntary

return from Poland” which is associated with the aforementioned “Instruction on the rules and procedures regarding return obligation”. Each time it is handed over to a foreigner in a language which he or she understands. According to point 13 of this Instruction a foreigner is entitled to participate in the programme of “Assistance in voluntary return from Poland”, therefore if a foreigner submits the above-mentioned declaration, the Border Guard officers take appropriate measures in line with the guidelines included in the Algorithm. If a foreigner declares an intention to apply for assistance in voluntary return and complies with the provisions of Article 334(2) of the Act on foreigners of 2013 a declaration of assisted voluntary return filled by a foreigner is sent to International Organization for Migration [IOM]. In such cases the foreigner is informed by the Border Guard officer that IOM will contact him/her using the contact details provided in the declaration and he/she is provided with IOM’s contact details [e.g. IOM’s brochure on assistance in voluntary return]. In accordance with Article 334(2) assistance may be provided to the following categories of foreigners: [1] persons who apply for a refugee status and whose application for this status has been disregarded for formal reasons, or [2] persons for whom a decision has been issued that imposes a return obligation on a foreigner, with the exception of a decision on imposing the return obligation that does not specify a deadline for voluntary return, or with the exception of another case where the decision is subject to forced execution, or [3] persons who resides within the territory of the Republic of Poland on the basis of a certificate or on the basis of a temporary residence permit granted to victims of trafficking.



The Head of the Office for Foreigners

In the course of the refugee procedure migrants are actively informed about the possibility to obtain assistance in voluntary return. The tasks of the head of the centre for foreigners and of the social workers in the open centre for foreigners consist in submitting all information about the possibility to take

advantage of assistance fully funded and organised by the Head of the Office for Foreigners and the possibility to take part in the programme of assisted voluntary return on the basis of the Agreement of 2005. In line with § 16 of the annex to Ordinance of the Minister of the Interior of 6 December 2011 [Dz. U. of 2011, No 282, item 1654] - on the rules of stay in the centre for foreigners seeking refugee status, information concerning entities providing free legal assistance and those concerning non-governmental or international organisations the statutory tasks of which include refugees matters, are placed in a visible spot at the centre’s premises and they are produced in Polish and in languages understandable for foreigners staying in the centre. Social workers act as intermediaries in collecting the applications for assistance in voluntary return and in submitting such applications to the Head of Office for Foreigners and IOM. They provide foreigners with contact details of IOM Office in Warsaw and assist them in the acquisition of information from relevant websites and at mobile information points, the so-called info-kiosks.



Voivodes

Prior to the entry of the Act on foreigners of 12 December 2013 into force [i.e. until 1 May 2014] sixteen voivodes were responsible for issuing decisions on expulsion and for informing the foreigner about his/her rights and obligations, including the obligation to leave Poland and the right to take advantage of the assisted voluntary returns programme. Furthermore, the voivode was responsible for the distribution of information materials on the voluntary returns on the territory of the voivodeship [e.g. leaflets, information published on the Public Information Bulletin website of the office]. Due to the fact that as of 1 May 2014 voivodes no longer take part in the expulsion procedure, voivodeship offices currently carry out information activities in the field of voluntary returns assistance on a permanent basis. Information materials provided e.g. by IOM, Helsinki Foundation for Human Rights, The Halina Nieć Legal Aid Centre and the Rule of

Law Institute are distributed in the foreigner service room. Information leaflets on voluntary returns prepared in different languages most frequently used by the foreigners [e.g. Russian, Vietnamese, Ukrainian, Georgian, Armenian, Arabic, French, English, Chinese etc.] are distributed in offices; employees of the office in the customer service point are prepared to provide any information about the possibility to contact IOM for advice on voluntary return. Furthermore, voivodeship offices participate in information campaigns organised by IOM or by the Office for Foreigners [cf. information in subsection 1.3].

In 2012, during the third regularization campaign for foreigners staying in Poland illegally, voivodeship offices sent information leaflets on the possibility to legalise the foreigners’ stay to the voivodeship’s local authorities – Poviast Starost’s offices and gminas – requesting their publication. In addition, information meetings with the foreigners were organised in Poviast Starost’s offices.



Commander-in-Chief of the Police

The Police plays a role during the control of the legality of foreigners’ stay in Poland. If police officers detect a foreigner who stays in Poland illegally, he/she is handed over to the Border Guard, which instructs him/her about his/her rights and obligations.







Chief Labour Inspector







The National Labour Inspectorate plays a role during the control of the legality of foreigners’ stay in Poland. If National Labour Inspectorate officials detect a foreigner who stays in Poland illegally, he/she is handed over to the Border Guard, which instructs him/her about his/her rights and obligations.

TABLE 1

Other actors disseminating information on (voluntary) return, their role and the rationale for their involvement

Actor	Y/N	Role that the actor plays in disseminating information voluntary return	Nature of/rationale for involvement
 NGOs/IOs dealing with return counselling and/or implementing AVR schemes	Yes	Administration of the migrantinfo.pl website; periodic implementation of national information campaigns (ATL and BTL) on the AVRR programme; regular distribution of multilingual information materials (leaflets, posters and brochures); carrying out information activities in migrant communities in cooperation with the leaders of individual communities; running a consultation site and a hotline for persons interested in AVRR; publishing reports and other publications on-line and on paper; organising thematic conferences and seminars	Implementation of partnership projects on assistance in voluntary return and on combating irregular migration between the IOM, the Border Guard Headquarters and the Office for Foreigners on the basis of the ERF/AMIF. Implementation of the Agreement signed in 2005 between the International Organization for Migration and the Minister of the Interior and Administration.

	Yes	Administration of the website within the framework of different projects; regular distribution of multilingual information materials (leaflets, posters and brochures); carrying out information activities in migrant communities in cooperation with the leaders of individual communities; running a consultation site; publishing reports and other publications on-line and on paper; organising thematic conferences and seminars.	Implementation of individual and partner projects for assistance in voluntary return and monitoring of the returns policy co-funded by the European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund. Cooperation with the IOM in the framework of actions as project co-executor.
Other NGOs/civil society organisations (e.g. migrant rights groups, migrant-led organisations and other advocacy groups)			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Implementation of individual and partner projects for assistance in voluntary return and monitoring of the returns policy co-funded by the European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund.
Diaspora groups			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Implementation of individual and partner projects for assistance in voluntary return and monitoring of the returns policy co-funded by the European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund.
Faith-based groups			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Information support/provision of materials; organisation of joint information meetings.
Migrant-led groups			
	No	n/a	n/a
Other community groups			
	No	n/a	n/a
Libraries			

	No	n/a	n/a
Social/health/education services			
	No	n/a	n/a
Care workers			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Implementation of individual and partner projects for assistance in voluntary return and monitoring of the returns policy co-funded by the European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund.
Legal advisors			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Implementation of individual and partner projects for assistance in voluntary return and monitoring of the returns policy co-funded by the European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund.
Ombudsman/citizens advice bureaus			
	No	n/a	n/a
(Advisory services of) trade unions/employer associations			
	Yes	Information support/provision of materials; organisation of joint information meetings.	Information support/provision of materials; organisation of joint information meetings.
Embassies (third-country and EU)			



Shopkeepers/
Internet café
workers/etc.

Tak

Information support/provision of materials;
organisation of joint information meetings.

Implementation of individual and partner
projects for assistance in voluntary return and
monitoring of the returns policy co-funded by
the European Return Fund, European Refugee
Fund and Asylum, Migration and Integration
Fund.



Poster
campaigns

Yes

- Current tool.
- Repeated several times between 2010 and 2014, also in the framework of completed ATL campaigns. Posters were hanged in means of transport, at stations and on outdoor carriers in strategic places in large agglomeration.
- Posters and leaflets are always present in centres for foreigners applying for a refugee status, Border Guard facilities, selected consular posts, non-governmental organisations, markets, cultural centres, religious sites, voivodeship offices throughout the country, railway and bus stations and means of urban transport.

Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].

The applicant is the IOM or non-governmental organisations.




- Ministry of the Interior [Border Guard, Office for Foreigners]
- IOM
- Helsinki Foundation for Human Rights
- The Rule of Law Institute
- Halina Nieć Centre for Legal Aid
- The Institute of Public Affairs
- Polish Humanitarian Action [till 2014]

- Migrant Info.pl portal
- IOM Poland website
- Border Guard website
- Office for Foreigners website

2.2 Tools used to disseminate information on (voluntary) return to irregular migrants not in contact with the authorities

TABLE 2

Tools used in Poland for disseminating information on (voluntary) return

	Y/N	Description (please be brief, using bullet points including whether this is a current, past or future tool)	Actor(s) designing/funding	Actor(s) managing/delivering	Link to further information
 <p>Leaflets/ brochures</p>	Yes	<ul style="list-style-type: none"> • Current tool. • Leaflets, brochures and posters are provided to partners whenever they are available. • Always available (inter alia in the consultation point of the IOM, in centres for foreigners applying for a refugee status, Border Guard facilities, consular posts of third countries, non-governmental organisations, markets, cultural centres, religious sites, universities, voivodeship offices throughout the country) and in several languages (such as Russian, English, Ukrainian, Vietnamese, Chinese, Armenian, Georgian, etc.). 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the IOM or non-governmental organisations.</p>	<ul style="list-style-type: none"> ◦ Ministry of the Interior [Border Guard, Office for Foreigners] ◦ Voivods ◦ IOM ◦ Helsinki Foundation for Human Rights ◦ The Rule of Law Institute ◦ Halina Nieć Centre for Legal Aid ◦ The Institute of Public Affairs ◦ Association for Legal Intervention ◦ Polish Humanitarian Action [till 2014] 	<ul style="list-style-type: none"> ◦ Migrant Info.pl portal ◦ IOM Poland website ◦ Border Guard website ◦ Office for Foreigners website
 <p>Media campaigns</p>	Yes	<ul style="list-style-type: none"> • Current tool. • National ATL campaigns implemented in 2012 and 2013. They employed electronic media (information spot on TV, radio spot, various forms of on-line advertising) and press. 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the IOM.</p>	<ul style="list-style-type: none"> ◦ Ministry of the Interior [Border Guard, Office for Foreigners] ◦ IOM ◦ Polish Humanitarian Action [till 2014] 	<ul style="list-style-type: none"> ◦ Migrant Info.pl portal ◦ IOM Poland website
 <p>Websites</p>	Yes	<ul style="list-style-type: none"> • Current tool. • Information on AVRR is available: in a dedicated section on www.iom.pl (information in several languages, it is possible to download an application and apply on-line), at migrantinfo.pl and at the website of the Office for Foreigners. 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the Border Guards, Office for Foreigners, IOM or non-governmental organisations.</p>	<ul style="list-style-type: none"> ◦ Ministry of the Interior [Border Guard, Office for Foreigners] ◦ Voivods [Departments' for Foreigners web sites] ◦ IOM ◦ Helsinki Foundation for Human Rights ◦ The Rule of Law Institute ◦ Halina Nieć Centre for Legal Aid ◦ The Institute of Public Affairs ◦ Association for Legal Intervention 	<ul style="list-style-type: none"> ◦ Migrant Info.pl portal ◦ IOM Poland website ◦ Border Guard website ◦ Office for Foreigners website ◦ Helsinki Foundation for Human Right website ◦ Podkarpackie Voivodship Office in Rzeszow



Dedicated social media pages (e.g. Facebook page for returnees or for diaspora groups)

Yes and No	<ul style="list-style-type: none"> Current tool. Websites of non-governmental organisations' projects. 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the IOM or non-governmental organisations.</p>	<ul style="list-style-type: none"> IOM Helsinki Foundation for Human Rights The Rule of Law Institute Halina Nieć Centre for Legal Aid The Institute of Public Affairs Association for Legal Intervention 	<ul style="list-style-type: none"> Migrant Info.pl portal IOM Poland website Border Guard website Office for Foreigners website
------------	--	---	---	---



Online discussion forums

No	n/a	n/a	n/a	n/a
----	-----	-----	-----	-----



Helplines/info lines

Yes	<ul style="list-style-type: none"> Current tool. The consultation point has been operating incessantly since 2005. Advice on returns is provided in several languages. 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the IOM or non-governmental organisations.</p>	<ul style="list-style-type: none"> IOM Helsinki Foundation for Human Rights The Rule of Law Institute Halina Nieć Centre for Legal Aid The Institute of Public Affairs Association for Legal Intervention 	<ul style="list-style-type: none"> Migrant Info.pl portal IOM Poland website Border Guard website Helsinki Foundation for Human Right website
-----	---	---	---	---



Drop-in clinic (face-to-face)

Yes	<ul style="list-style-type: none"> Current tool. The consultation point has been operating incessantly since 2005. Advice on returns is provided in several languages. 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is the IOM or non-governmental organisations for which it is part of their statutory activity.</p>	<ul style="list-style-type: none"> Ministry of the Interior [Border Guard, Office for Foreigners] Voivods [Departments' for Foreigners web sites] IOM Helsinki Foundation for Human Rights The Rule of Law Institute Halina Nieć Centre for Legal Aid The Institute of Public Affairs Polish Humanitarian Action [until 2014] 	<ul style="list-style-type: none"> Border Guard website Office for Foreigners website IOM Poland website Migrant Info.pl portal Rule of Law Institute website Helsinki Foundation for Human Right website Foreigners Portal Halina Nieć Centre for Legal Aid website Migration Programme website
-----	---	--	---	---



Community visits

Yes	<ul style="list-style-type: none"> Current tool. Information meetings throughout Poland. Meetings with representatives of migrant communities and with foreigners staying in the centres for persons applying for a refugee 	<p>Financing from the state budget [Border Guard, Office for Foreigners] and EU projects [European Return Fund, European Refugee Fund and Asylum, Migration and Integration Fund].</p> <p>The applicant is then the IOM or non-governmental organisations.</p> <p>Financing from the budget if it is an own action of welfare centres in individual voivodeships or of centres for the homeless.</p>	<ul style="list-style-type: none"> Ministry of the Interior [Border Guard, Office for Foreigners] Voivods [Departments' for Foreigners web sites] IOM Helsinki Foundation for Human Rights The Rule of Law Institute Halina Nieć Centre for Legal Aid The Institute of Public Affairs Association for Legal Intervention European Migration Network 	<ul style="list-style-type: none"> IOM Poland website Border Guard website Helsinki Foundation for Human Right website Podkarpackie Voivodship Office in Rzeszowie National Contact Point to the European Migration Network in Poland website Institute of Public Affairs website Rule of Law Institute website Migration Programme website Helsinki Foundation for Human Right website
-----	--	--	--	--

2.3 Specific campaigns and strategies

The tools listed in table 2 form part of a specific strategy/campaign implemented in Poland to better disseminate information on (voluntary) return.

The Agreement of 12 July 2005 concluded between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on the cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland of 12 July 2005 is implemented in Poland, as well as Action Plans approved annually by the minister competent for internal affairs. At the stage of preparations for the implementation of the voluntary returns programme in the framework defined by the Agreement concerned, the cooperating entities, that is the IOM Office in Warsaw, Border Guard Headquarters and Office for Foreigners are to develop a joint information and promotion strategy. This strategy referred

informally to the developed standards of interinstitutional cooperation, development of basic guidelines concerning promotion materials such as leaflets, posters, and website, establishment of an information and consultancy point, and ensuring distribution of information materials about the programme and applications for assistance in voluntary return. The most common tools for distribution and promotion of information on the voluntary returns programme include website www.iom.pl/www.migrant.info.pl which provides on-line applications for assistance in voluntary return. Information is provided in person, in writing and verbally, by e-mail, during a conversation over a phone and via the Infoline, in public space, during IOM picnics, at meetings with community leaders, via brochures, leaflets, a billboard and TV campaign, and in KIOSKS, or mobile information points. The said Agreement also extended the group

of people who can take advantage of assistance in voluntary return to include foreigners who: [1] applied for international protection in Poland but were refused, [2] who were issued a decision that entails an obligation to leave Poland, [3] were victims of trafficking in human beings.

These actions constitute performance of the task of the Minister of the Interior related to the

implementation of the voluntary returns programme specified in Article 5 of the Agreement. They consist in providing groups of foreigners specified in Article 1 of the Agreement with information on the possibility to take advantage of voluntary returns and in submitting information about foreigners to IOM, with their consent, insofar as such information is necessary to carry out the tasks indicated in the Agreement.

	2006	2007	2008	2009
The number of foreigners beneficiaries of the assistance in voluntary return [Article 70 & 75 of the Act] – Head of the OFF	138	48	514	256
The number of foreigners beneficiaries of the assisted voluntary return programme [Agreement of 2005]	228	262	721	226
The number of foreigners beneficiaries of the assisted voluntary return programme [projects implemented by IOM and cofinanced by EU funds, the Office for Foreigners and Border Guard]	184	481	241	1 339
Total number	550	791	1 476	1 821

SOURCE: Own study of the Polish EMN NCP

	2010	2011	2012	2013	2014
The number of foreigners beneficiaries of the assistance in voluntary return [Article 70 & 75 of the Act] – Head of the OFF	25	15	5	45	39
The number of foreigners beneficiaries of the assisted voluntary return programme [Agreement of 2005]	180	8	7	24	17
The number of foreigners beneficiaries of the assisted voluntary return programme [projects implemented by IOM and cofinanced by EU funds, the Office for Foreigners and Border Guard]	1 442	1 141	752	1 925	1 446
Total number	1 647	1 164	764	1 994	1 502

SOURCE: Own study of the Polish EMN NCP

2.4 Content of the information

All information on the opportunity to take advantage of assistance in voluntary return is provided to foreigners in a language they understand, which in the case of Poland means that the most commonly used languages are Russian, Ukrainian, English, Georgian, Vietnamese, Armenian, Chinese, Arabic, and French. Information is provided in various forms, both in the media and in print. Not all promotion materials are so detailed and transparent in their message. The feedback received often pointed to the fact that e.g. the TV campaign on the voluntary returns programme, prepared for the IOM, was sometimes misleading. Too short information was sometimes misunderstood by the foreigners.

As already mentioned, materials were distributed in the IOM consultation point, in centres for foreigners applying for a refugee status, Border Guard facilities, consular posts of third countries, non-governmental organisations, markets, cultural centres, religious sites, universities, voivodeship offices throughout the country, railway and bus stations and means of public transport, as well as restaurants and bars, Orthodox churches, Buddhist temples, shopping malls. The activities of the IOM in Warsaw included the establishment of a consultation point where return advisors can provide information in Polish, English, Russian, Ukrainian, Spanish and Bulgarian. The services of interpreters [e.g. Vietnamese, Arabic, Chinese, etc.] or employees of the IOM offices in the country of origin [e.g. Sri Lanka] are used if necessary. Information materials [leaflets, brochures] are translated into English, Russian, Ukrainian, Vietnamese, Hindi, Georgian, Chinese, Arabic, French, Mongolian and Turkish. As part of the strategy adopted in Poland, the IOM prepared also an application with an instruction film, information about the IOM and the programme of voluntary returns in Poland, which is available in several language versions: Polish, English, Russian, Ukrainian, Spanish, Vietnamese, Hindi, Arabic.

Actions implemented by both the IOM and other non-governmental organisations were co-financed from the EU funds under specific projects with their own websites [websites of non-governmental organisations]. Therefore, those entities promote the information about voluntary returns also within the

framework of their statutory activity which contributes to enhancing their credibility among foreigners. Non-governmental organisations also decided to establish an Infoline for foreigners where all types of information may be provided [see: table in question 13]. Also in this case, the promotion of the Infoline [e.g. migrant.info.pl] was accompanied by actions supporting the role of the IOM in this regard. The operating hours of the Infoline and other forms of contact [e.g. chat] correspond to the working hours of non-governmental organisations specified upon submission of an application for co-financing from the EU funds [ERF, AMIF]. The return advisory point operates mainly in Warsaw [ul. Mariensztat 8], on weekdays, between 9.00 am and 5.30 pm. The Infoline also operates on early mornings and evenings and on weekends. Calls to the infolines or to non-governmental organisations are not free of charge [the fee is charged according to the tariff of the phone operator]. The team for voluntary returns where foreigners may obtain assistance includes approximately 10 experts. Information is also provided [or calls are transferred to the team for voluntary returns] via the Migrant.info infoline operated by the IOM. For some time [2012-2013], consultation was also offered via an infoline of the Ternopilaska Foundation [approx. 2 employees] pursuant to the agreement on cooperation with the IOM – information was provided mainly to migrants from Ukraine.

Confidentiality is ensured at each stage of providing the information about the situation of a foreigner in Poland, and advice on voluntary return constitutes only a small percentage of all consultations. The majority of conversations concern legalisation of work and stay on the territory of Poland. Foreigners contact the consultants anonymously [directly or via an infoline]. Personal data are collected, processed and provided to selected entities only after the foreigners file a request for assistance in voluntary return; the foreigners are informed about this fact and grant their consent [separate form is also available online].

Due to the high concentration of foreigners in Warsaw and its vicinity, the majority of NGOs working on this issue is located in Warsaw [IOM, Helsinki Foundation for Human Rights, Institute of Public

Affairs), but the information centres are created also in other cities. Examples include the Rule of Law Institute in Lublin, which from 2010 has been implementing the project entitled "Support for Voluntary Returns in the Lublin region" [publications], and the

Halina Nieć Legal Aid Centre in Kraków, which from 2013 has been implementing the project entitled "Safe return – legal aid and monitoring of human rights observance during returns of third country nationals to their countries of origin" [publication].

2.5 Content of the information

TABLE 1
Content of the information disseminated to irregular migrants in Poland

	National authorities responsible for return	Diaspora groups, faith-based groups, migrant-led groups, other community groups	Case workers	Legal advisors	Other
The legal obligations of the returnee (i.e. their status, their obligation to return and how they can ensure compliance with return decisions)	In written [detailed information is provided in written return decision with evidence, and letter of rights and responsibilities] Leaflets/Brochures Websites	Leaflets/Brochures Websites of the migration authority and other entities Dedicated social media pages [e.g. Facebook page for returnees or for diaspora groups] Online discussion forums Helplines / Info lines Drop-in clinic (face-to-face) Community visits	n/a	n/a	n/a
Information on AVR(R) programmes available in Poland	In written [detailed information is provided in written return decision with evidence, and letter of rights and responsibilities] Leaflets / Brochures Websites	Leaflets/Brochures Face-to-face	Leaflets/Brochures Face-to-face	n/a	Leaflets/Brochures Face-to-face
Information on eligibility conditions for AVR(R) programmes	In written [detailed information is provided in written return decision with evidence, and letter of rights and responsibilities] Leaflets / Brochures Websites	Leaflets/Brochures Face-to-face	n/a	n/a	n/a

Where the irregular migrant should go for more information (signposting)	Leaflets / Brochures Websites Face-to-face	Leaflets/Brochures	Leaflets/Brochures	Leaflets/Brochures	Leaflets/Brochures
Other voluntary return options (i.e. options for voluntary return without assistance)	In written [detailed information is provided in written return decision with evidence, and letter of rights and responsibilities]	Leaflets/Brochures Face-to-face	Leaflets/Brochures	Leaflets/Brochures	Leaflets/Brochures
What the irregular migrant can expect at the airport on returning	In written [detailed information is provided in written return decision with evidence, and letter of rights and responsibilities]	Leaflets/Brochures Face-to-face	Leaflets/Brochures	Leaflets/Brochures	Leaflets/Brochures
What the irregular migrant can expect in the country of return (e.g. registration with third-country authorities labour market access, housing, etc.)	n/a	Leaflets/Brochures Face-to-face	n/a	n/a	n/a
Individually tailored information	n/a	Leaflets/Brochures Face-to-face	n/a	n/a	n/a

2.6 Targeting of the information

There is currently no instrument specially prepared and used to reach migrants staying illegally on the territory of the country who are not in contact with the authorities of the country. In order to reach the largest possible number of such foreigners, all available methods were used to distribute information about the consequences of illegal stay on the territory of Poland and about the possibility to participate in the voluntary returns programme, in particular before and during the regularisation campaign [the last one

took place in 2012]. The tools used included a media campaign, a poster campaign, leaflets, brochures, promotion of publicly available reports and study results, organisation of information meetings with leaders of migrant communities and meetings of the representatives of the Office for Foreigners and the Border Guard with migrant organisations and non-governmental organisations acting for migrants. Furthermore, according to non-governmental organisations, posters in means of public transport are

an efficient method of reaching a large number of irregular migrants.

None of the approaches described in subsection 2.2 and 2.5 target any other groups (e.g. specific types of irregular migrant, e.g. vulnerable groups, failed asylum applicants, particular nationalities, etc.). Similar methods of information distribution are used with respect to all groups of foreigners.

Only the foreigners who are victims of trafficking in human beings and stay at the National Consulting and Intervention Center for the Victims of Trafficking [KCIK] obtain individually the information about the possibility to participate in the programme of voluntary return to the country of origin or other country of return.

3

Case studies on information provision to irregular migrants with whom the authorities do not have contact

3.1 Efficient method
– snowball effect and a media campaign
> 49

3.2 Method of limited effectiveness
– the so-called info-kiosks
> 50

3.0 Case studies on information provision to irregular migrants with whom the authorities do not have contact

3.1 Efficient method – snowball effect and a media campaign

One of the most efficient methods of reaching irregular migrants who are not in contact with authorities includes the earlier mentioned information activities, organised in cooperation with a representative of a given community who is held in high regard and respected, which allows to overcome the concerns of migrants with respect to the unknown institution. The meetings are usually held in the IOM office in Warsaw, and in the language of a given community in the places indicated by the migrants [religious sites, markets, restaurants run by migrants]. The above-mentioned leader, who knows who may be interested in obtaining information about the programme and how it should be provided, is the liaison between participants and the IOM employees and ensures that the information about the meeting reaches all those who may be interested in assistance in return. The high efficiency of this method was confirmed also during the information campaign before the last regularisation campaign in 2012. A similar practice is pursued by the UNHC Representation in Poland, which under the project entitled "Age, Gender, Diversity" promoted integration actions for migrants in Poland in cooperation with the leaders of various foreigner groups by organising the meetings with the representatives of public administration. The above practice requires the entities preparing the information meetings with representatives of migrant communities to maintain constant and active contact with foreigners in the country, to have knowledge about the characteristics of migrants coming to Poland and to have cultural sensitivity.

Another example of actions informing about voluntary return include media campaigns which, al-

though they usually do not reach a large group of potential beneficiaries, in particular when they are conducted in the Polish media and in Polish, reach Poles who have contact with migrants and on their behalf contact the Organisation and/or provide migrants with information about available assistance in return. Between 4 and 29 June 2012, the International Organization for Migration (IOM) implemented a project entitled „The information campaign and assistance in voluntary return” refinanced in 75% from European Return Fund no 1/12/ERF/2010 and in 25% from the Border Guard budget. The aim of the national information campaign was to reach people who have contact with migrants and foreigners staying illegally in Poland, and enable them the return to their country of origin. During campaign media, such as press, radio and TV, were used. The TV campaign implemented 682 GPR [Gross Rating Point – a measure identifying strength and effectiveness in reaching the recipient of information campaign by percentage or numerical average minute rating], thanks to which OTS reached 7.92 of contacts with an advertising message among people from the target group. However, during the internet campaign marketing tools [Search Engine Marketing] have been used. The campaign generated over 30 thousand of clicks in all language versions. The highest rate CTR [Click through Rate – the basic rate measuring the effectiveness of the campaign expresses the ratio between number of clicks and number of displays of the advertisement and is given in percentage] was reached for the Ukrainian language.

3.2 Method of limited effectiveness – the so-called info-kiosks

In 2013 International Organisation for Migration, for the implementation of the project „Assistance in voluntary return from Poland and reintegration”, co-financed by the European Return Fund, commissioned the purchase of 23 internal info-kiosks, i.e. mobile points containing information on voluntary return. Anonymity and easy access to info-kiosks were supposed to encourage the foreigners illegally staying in Poland and potential beneficiaries of the voluntary return programme to raise awareness about the programme. In info-kiosks foreigners can fill in an on-line programme participation application form available at the IOM website [<http://www.iom.pl/item.aspx?id=12&LANG=PL>] and upload scans of

their IDs to the IOM server via a dedicated application [ID scans are not saved on info-kiosk local drive]. In addition, info-kiosks offer audio and video conversations [solely with defined contacts] on Skype and access to dedicated websites. System configuration ensures access to the IOM website alone [using Internet Explorer].

The small number of info-kiosks [23], their location in places where access to social workers of the Office for Foreigners or other people who are able to provide information is ensured, and first of all software use difficulty resulted in rather negative opinions of project users [opinions of users in Warsaw and Lublin].

4

Effectiveness of different approaches to disseminating information on (voluntary) return

4.1 Indications/evidence from the testimonies
of irregular migrants and returnees

> 53

4.2 Other indications/evidence of effectiveness

> 53

4.3 Lessons learnt

> 54

4.0 Effectiveness of different approaches to disseminating information on (voluntary) return

4.1 Indications/evidence from the testimonies of irregular migrants and returnees

Poland does not collect any (monitoring and/or evaluation) information from those returning voluntarily (e.g. at airports, when participating in AVR programmes, after they have returned) about the information they received prior to return and/or how useful they found this information. Some aspects of monitoring and assessment of information provided to foreigners before voluntary return are collected during monitoring of programme implementation of assisted voluntary returns with elements of reintegration in the country of return. Such data are collected by IOM personnel in the country of return via surveys, phone conversations and videoconferences. In addition the IOM Office in Warsaw together with representatives of the Border Guard, Office for Foreigners and European Projects Implementation Centre [COPE MoI] participate in visits for monitoring the implementation of the reintegration programme

in the country of return. During individual interviews with programme beneficiaries the assistance provided to foreigners is verified, although so far no additional analysis of efficiency or availability of information on the voluntary returns programme in Poland has been carried out.

In the case of Poland, most information about the programme of voluntary returns is provided by friends/family. Some information reaches migrants through the media campaign, poster campaign and leaflets, but in the majority of cases the migrants themselves want to ask some more questions about the programme and do so by phone or, if possible, by visiting the IOM office. Information is provided by e-mail only occasionally. In general, 90% of migrants request the IOM for additional information before making a decision on returning to the country of origin or other country of return.

4.2 Other indications/evidence of effectiveness

There is lack of other evidence for efficiency of the methods of disseminating information about voluntary returns. Periodic reports of the IOM on the implementation of the programme of voluntary returns from Poland, submitted to the minister competent for the interior, do not refer specifically to this issue.

Since the evaluation questionnaires of foreigners who are beneficiaries of the voluntary returns programme are not collected and analysed in detail, the assessment of the efficiency of information

dissemination methods is not possible. At the same time, the data collected thus far concern only the participants of the voluntary returns programme with an element of reintegration in the country of return. Poland does not evaluate the efficiency of voluntary returns programmes as a whole.

The greatest challenge is the lack of trust on the part of migrants to the authorities of the country of stay – this is particularly evident in the largest group of foreigners [Ukrainian citizens], and the lack of

developed social capital. The experience of voivodes shows that major challenges related to dissemination of information and raising awareness of irregular immigrants include the hermetic nature of foreigner communities [e.g. Vietnamese].

In addition the need to rely on one's own contacts/social ties may lead to dissemination of frequently false information e.g. about voluntary returns. The lack of well developed infrastructure – in particular

on-line tools – may also be regarded as the source of threats, restricting the foreigners' access to information available exclusively on-line. Similarly, limited financial resources of foreigners and non-governmental organisations managing hotlines for foreigners make it impossible to provide the foreigners with access to free phone services or reimbursement of travel expenses to the office of one of the relevant organisations for consultation.

4.3 Lessons learnt

Based on past experiences it has to be noted that the process regulating the provision of information for the purposes of foreigners and other individual and institutional customers service should be continuously improved. This concerns the arrival and stay of third country nationals, as well as the provision of information about (voluntary) returns.

An outline of the process of assisted voluntary return monitoring and evaluation which would focus on the efficiency of methods of distributing information about voluntary return should be developed. This outline should refer not only to assisted voluntary return programmes containing elements of the programme of reintegration in the country of return, but to all foreigners – beneficiaries of the voluntary return programme. Based on the data contained in the Border Guard database which differentiates the beneficiaries of assisted voluntary return programmes from people entering voluntarily, a questionnaire could be distributed for the purpose of assessing the programme's effectiveness at the border. The questionnaire could be filled in manually or on-line.

It seems that one of the most effective and the simplest methods of reaching all groups of foreigners in Poland, regardless of their status [legal or illegal stay], with information on voluntary return is the 'routine' distribution of posters and leaflets. All non-governmental organisation and the IOM, participating in dissemination of information on voluntary return, use this tool. Yet they, as well as the majority of the voivodeship offices consulted on this study, believe that they are not effective. In spite of availability of information materials put out in visible places, voivodeship offices [e.g. in Podkarpackie and Małopolskie Voivodeships] did not notice any interest in voluntary return on the part of foreigners. The importance of personal contact [face to face or by phone] was emphasised, as impersonal provision of information to foreigners may raise their concerns as to reliability of data. It could be considered to set up local information centres on migration issues, including returns, but attempts taken so far failed [in Wrocław, mainly due to scarcity of funds]. Due to high concentration of foreigners near Warsaw and their dispersion throughout Poland it is difficult to select potential locations for the information centres.



Statistical Annex

Statistical Annex

National statistics on return of third-country nationals

TABLE 1

National statistics on the number of third-country nationals returning, by year and by type of migrant

	2010	2011	2012	2013	2014	Source	Method used to reach the estimates, as well as any caveats as to their likely accuracy
Third-country nationals returning by force (forced return)	3 328	625	512	1 223	901	Register of cases regarding foreigners' return, case studies, System Pobyt v2.	The Border Guard data base; statistics in accordance to the Frontex specifications [table 7a and 7b]. The legal basis for voluntary return [voluntary departure or assisted voluntary return] is registered by the Border Guard since 2012.
Number of third-country nationals returning voluntarily within 30 days⁵ of receiving a return decision (voluntary departure)	b/d	4 441	6 152	7 106	7 427	Register of cases regarding foreigners' return, case studies, System Pobyt v2.	The Border Guard data base; statistics in accordance to the Frontex specifications [table 7a and 7b]. The legal basis for voluntary return [voluntary departure or assisted voluntary return] is registered by the Border Guard since 2012.

5. In accordance with the provisions of Directive 2008/52/EC (Return Directive). Ireland and United Kingdom do not take part in the

Directive, are not bound by its rules and therefore may apply different time limits on voluntary departure.

Number of irregularly-staying third-country nationals returning via AVR packages (assisted voluntary return)	815	575	300	688	576	The Border Guard data base. The legal basis for voluntary return [voluntary departure or assisted voluntary return] is registered by the Border Guard since 2012.	IOM and the Border Guard data base.
Number of irregularly-staying third-country nationals returning via AVRR packages (assisted voluntary return and reintegration)	629	573	298	680	570	IOM data base.	IOM data base.

TABLE 2

National statistics on the number of third-country nationals whose place of residence is no longer known to the authorities, by year and by type of migrant

	2010	2011	2012	2013	2014	Source	Method used to reach the estimates, as well as any caveats as to their likely accuracy
Number of irregular migrants who were previously known to the authorities, but whose place of residence is no longer known to the authorities (absconding)	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Number of irregular migrants whose residence on the territory has never been known to the authorities (clandestine entry)	n/i	n/i	n/i	n/i	n/i	n/i	n/i

TABLE 3

Description of data-collection methods used

Sources of info/method	Used? (Y/N)
Evaluations	No
Studies	No
Other reports	Yes
Legislation	Yes
Policy documents	Yes
'Mystery shopper'	Yes
Interviews with stakeholders	Yes
Consultation with national stakeholder	Yes
Consultation with national network	Yes

During the implementation of various promotion undertakings aimed at informing irregular immigrants about the possibilities of return, the actions of entities carried out in cooperation with the leader of a group of foreigners were positively evaluated. The limited effectiveness of actions has been indicated with regard to use of the so-called info-kiosk, i.e. mobile points of information on voluntary returns.

This report was prepared in relation with Polish membership in the European Migration Network and constitutes contribution to the report synthesising the knowledge about various methods used in the EU countries plus Norway in order to ensure effective informing of irregular immigrants about the possibilities of return.

ISBN

978-83-64955-30-3 (electronic version)

978-83-64955-35-8 (printed version)