

POLAND

EMN COUNTRY FACTSHEET

2018

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



LEGAL MIGRATION AND MOBILITY

PROMOTING LEGAL MIGRATION CHANNELS

Poland amended the Act on the promotion of employment and labour market institutions at the beginning of 2018 to implement the Seasonal Workers Directive¹ ((EU)2014/36) on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. The Intra-Corporate Transfers Directive² ((EU)2014/66) and the Students and Researchers Directive³ ((EU)2016/801) were also transposed.

ECONOMIC MIGRATION

As consequence of Poland's shortage of workforce, the Council of Ministers adopted a document that outlined the main socio-economic objectives of the future Polish Migration Policy which aimed to respond to the needs of the labour market. The main focus lay on supplementing the Polish workforce with human capital from outside of Poland for industries with competency gaps and to encourage the return of Polish nationals residing abroad.

¹ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

² Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of

KEY POINTS



Amendments to the Act on Foreigners created various changes in the area of legal migration and aimed to introduce specific regulations for international students, graduates of higher education and foreigners taking up employment in Poland.



Various projects were launched at the Voivodeship level in cooperation with the national government to promote the integration of foreigners.



Legal changes were introduced aiming to ease access to the labour market for highly qualified foreigners and international graduates of Polish universities.

Foreigners' access to the labour market was eased by omitting the need for a labour market test for the issuance of a work permit for certain professions and for graduates from a university in the Schengen area, as well as individuals who have resided in Poland in the three years prior to the application. A simplified procedure was introduced for highly-specialised professions. The Act on Employment Promotion and Labour Market Institutions regulated the issuance of seasonal worker permits and stipulated that the

third-country nationals in the framework of an intra-corporate transfer.

³ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

remuneration of third-country nationals had to be on par with other employees and was limited to nine months per calendar year. The amended provisions also introduced new types of permits and visas for employment purposes for a period of less than six months. The amendments to the Act of Foreigners, which came into force in February 2018, led to legal changes in a wide range of economic migration areas, including international students, migrant employment and family reunification.

FAMILY REUNIFICATION

The amendments introduced to the Act on Foreigners also had effects on family reunification. A new aspect was that, in case the beneficiary of the permit for family reunification resides abroad, written consent from them or their legal representative was needed for the application to go forward.



INTERNATIONAL PROTECTION INCLUDING ASYLUM

Article 40a (based on Regulation (EU) No 604/2013)⁴ was added to the Act on Granting Protection to Aliens within the Territory of the Republic of Poland. This obliged the border guard authority responsible for the Dublin transfer of a third-country national to another Member State to ensure that foreigners who are persons with disabilities, elderly persons, single parents or pregnant women and who expressed their intention to apply for international protection after their transfer, were transported to the reception facility and, in some cases, provided with food during transport.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Changes introduced to the Act on granting protection to foreigners made it possible for unaccompanied minors to be placed in foster custody immediately after the receipt of their declaration of intention to submit an international protection claim, instead of after the receipt of their international protection claim.

⁴ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

Also, the changes allowed for second-degree direct-line relatives, indirect-line relatives or third-degree relatives (grandparents, siblings, aunts/uncles) to apply for custody over the minor for the duration of proceedings to place the minor in foster custody.

The border guard, in cooperation with NGOs, introduced procedures to prevent and respond to child abuse in guarded centres. It also established a process to be followed in case of suspicion of child abuse. Training sessions for employees were held to raise awareness about which behaviours should be considered abusive.



INTEGRATION

Since June 2018, multiple projects were implemented by the province of Greater Poland Voivodeship, co-funded by the National Asylum, Migration and Integration Fund, within the framework of a programme called “Greater Poland. Common Matter”. The main objective of the project was to raise the standard of integration services for third-country nationals by *inter alia* improving knowledge of welfare and job services among foreigners, ensuring specialist training for the state personnel dealing with foreigners, and ensuring access to language courses etc.

A new legislative act was adopted foreseeing the organisation of Polish language courses for repatriates, consisting of 30-100 hours.⁵

Another project was launched by the Lesser Poland Voivodeship called “Lesser Poland friendly to foreigners – support for integration and adaptation of third-country-nationals”, also co-funded by the National Asylum, Migration and Integration Fund. The project’s main focus was to extend the scope of integration services for third-country nationals within the region. The project mainly focussed on identifying and addressing the needs of the foreign population with regard to social assistance, employment services, information provision and service access. In addition to these projects, the Office of Foreigners started in 2018 to develop information materials for foreigners targeting especially those trying to obtain residence permit or international protection.

⁵ In accordance to the Act on repatriation as of 9 Nov 2009, a repatriate is a foreigner of Polish origin who came to the Republic of Poland on the basis of a national visa issued for the purpose of repatriation with the intention of settling permanently. This is a group of foreigners with Polish origin but without Polish nationality mainly from the ex-Soviet Union Republics.



CITIZENSHIP AND STATELESSNESS

The amendments to the Act on Foreigners and certain other acts changed the Polish citizenship act and introduced the requirement to have knowledge of the Polish language at least at B1 level, attested by an official certificate to be eligible to apply for citizenship.



BORDERS, SCHENGEN AND VISA

The tasks of EUROSUR's national coordination centre entrusted to the Commander-in Chief of the Border Guard were agreed upon in 2013. To facilitate collaboration within this platform during 2018, a new contract was signed to equip the Border Guard with additional helicopters. Regarding cooperation with third countries, in the area of border management, cooperation agreements were made with Ukraine to combat organised crime, with a particular emphasis on joint investigation, prosecution, operational and exploratory activities, as well as the exchange of information. In addition, the Polish Border Guard was involved in various projects with third countries, including Moldova, Lebanon and Turkey.

As regards visa policy, the Act amending the Law and Administrative Court Proceedings was passed in November 2018, which made it possible for a foreigner to file an appeal with a court against a decision to refuse, revoke or annul a Schengen visa.



IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

The amended Act on Foreigners introduced a 30-day deadline for leaving Poland after a negative decision related to the renewal procedure for a Schengen and national visa, to grant a temporary residence permit or a permanent residence permit.

Furthermore, Voivodeship liaison officers of the Border Guard were deployed to streamline the communication between the Border Guard's organisational units and the Voivodeships. The aim was to make the monitoring and verification measures more effective by checking information on foreigners applying for work permits or

temporary residence, as well as companies concerning the legality of work performed by foreigners.

In 2018, the main irregular migration route changed from the border with Lithuania to the Ukraine through Slovakia to Poland.



TRAFFICKING IN HUMAN BEINGS

In December 2018, the inter-ministerial committee for Combatting and Preventing Trafficking in Human Beings adopted a National Action Plan against Trafficking in Human Beings for 2019 -2020. The amendment of the Act of Foreigners introduced a change in the requirements for granting temporary residence permits to victims of trafficking in human beings (THB), in that the requirement of cooperation did not apply to victims who were minors. Moreover, they were to be granted victim status regardless of whether they cooperate. A further change was that the stay of foreigners who received a certificate confirming the assumption that they are THB victims ceases to be legal if the third-country nationals crossed, or attempted to cross, the border of Poland. Border guard officers received training regarding the procedure to be followed in case of detection of minors who were THB victims.



RETURN AND READMISSION

The Act on Foreigners was amended to give a pan-European dimension to the re-entry ban accompanying the decision on return, adopting Article 2(6) of the Return Directive (2008/115/EC).⁶ The re-entry ban was applicable for Polish territory and other Schengen areas. Also, it would not be possible to withdraw a re-entry ban before two years from the issuance of the decision, or half the period for which it had been ruled. These provisions did not apply to entry for humanitarian reasons. Regarding the recording of such entry bans, these measures stated that banned individual's data could only be recorded in the Schengen Information System from the day of the implementation of the decision to return, or from the day the deadline for voluntary return expired. Furthermore, the maximum possible time for administrative detention for the purpose of facilitating the return was extended to 18 months. In addition to the legal developments, there were also developments

⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and

procedures in Member States returning illegally staying third-country nationals

in international cooperation with regard to returns. Meetings with Uzbekistan, Tajikistan and Kyrgyzstan were held to establish a Polish liaison officer for returns and further cooperation.

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Poland on aspects of migration and international protection (2015-2018), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “N/A”.

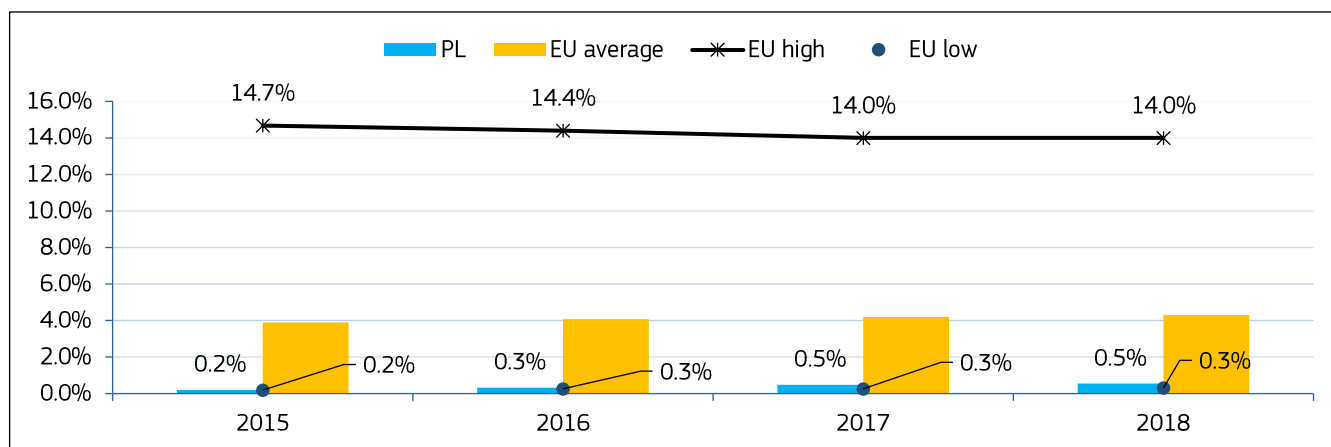
STATISTICAL ANNEX: MIGRATION AND ASYLUM IN POLAND (2015-2018)



LEGAL MIGRATION AND MOBILITY

Eurostat data on first residence permits for 2018 was not available at the time of writing. Please consult the 2018 ARM Statistical Annex for statistics on the number of first residence permits by reason (to be published in July 2019).

Figure 1: Resident population of third-country nationals as a share of total population in Poland, EU average, EU high and low (2015-2018)

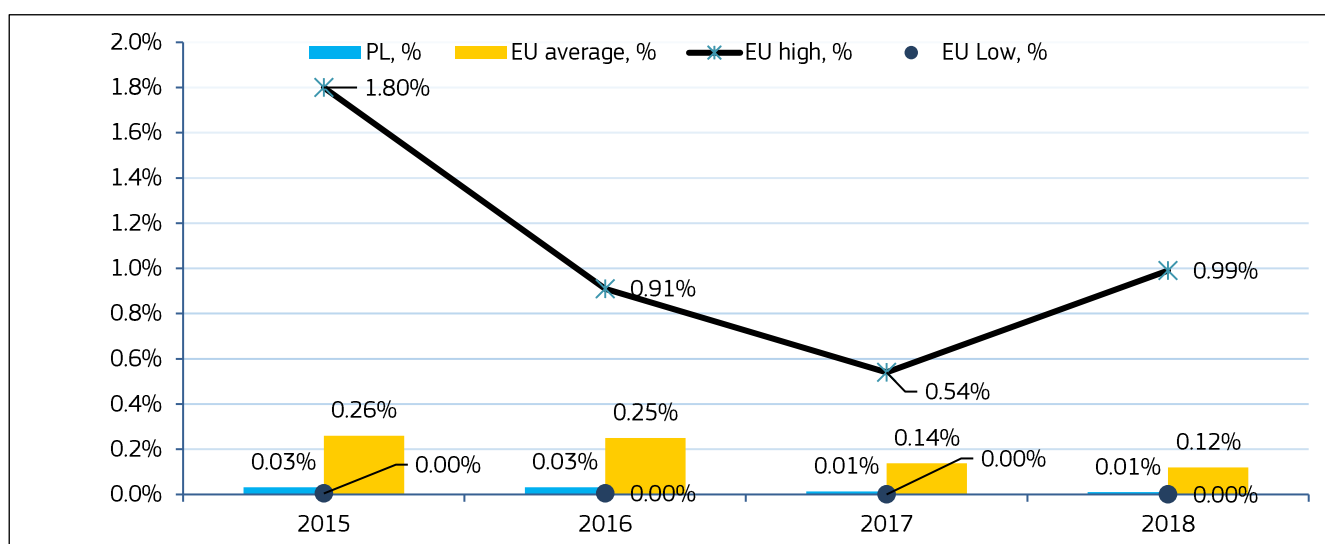


Source: Eurostat migration statistics ([migr_pop1ctz](#)), data extracted 02.05.19



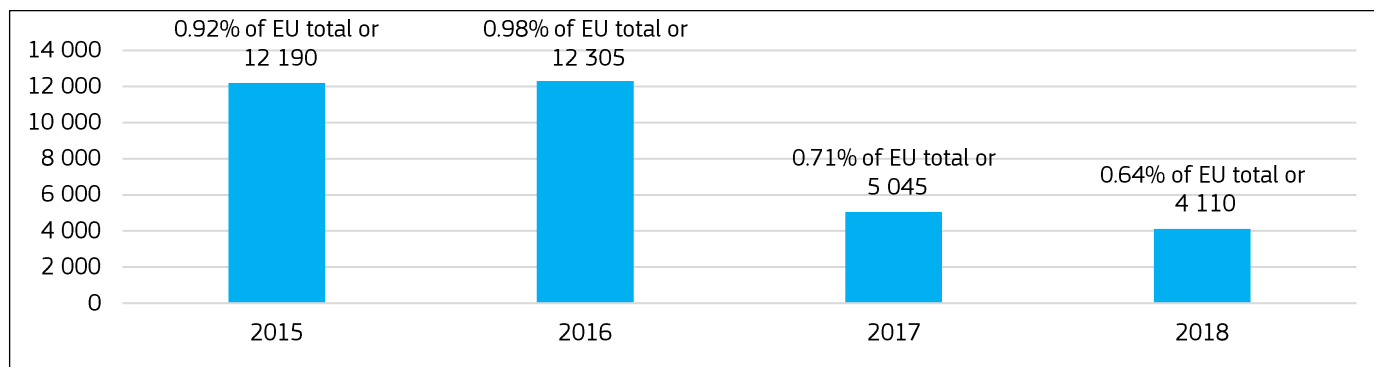
INTERNATIONAL PROTECTION INCLUDING ASYLUM

Figure 2: Asylum applications as a share of the total population in Poland, EU average and EU high and low (2015-2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

Figure 3: Number of asylum applications and as a share of the total number of applications in the EU (2015-2018)



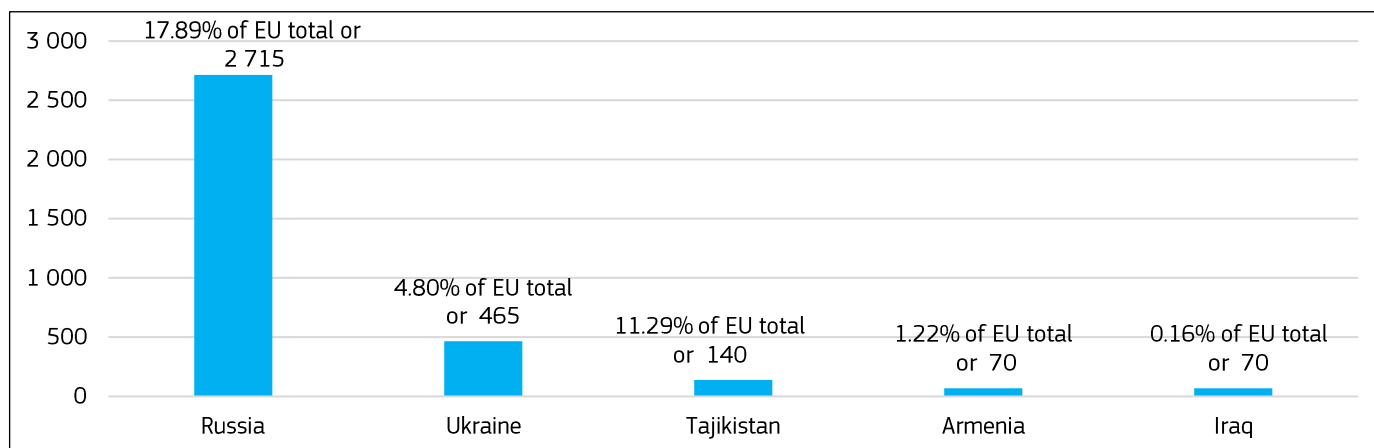
Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.2019

Table 1: Asylum applications: Top five third-country nationalities (2015-2018)

2015			2016			2017			2018		
Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total
Russia	7 870	65%	Russia	8 990	73%	Russia	3 535	70%	Russia	2 715	66%
Ukraine	2 295	19%	Ukraine	1 300	11%	Ukraine	670	13%	Ukraine	465	11%
Tajikistan	540	4%	Tajikistan	880	7%	Tajikistan	155	3%	Tajikistan	140	3%
Georgia	390	3%	Armenia	340	3%	Armenia	85	2%	Armenia	70	2%
Syria	300	2%	Georgia	125	1%	Georgia	70	1%	Iraq	70	2%

Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 29.04.2019

Figure 4: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.2019

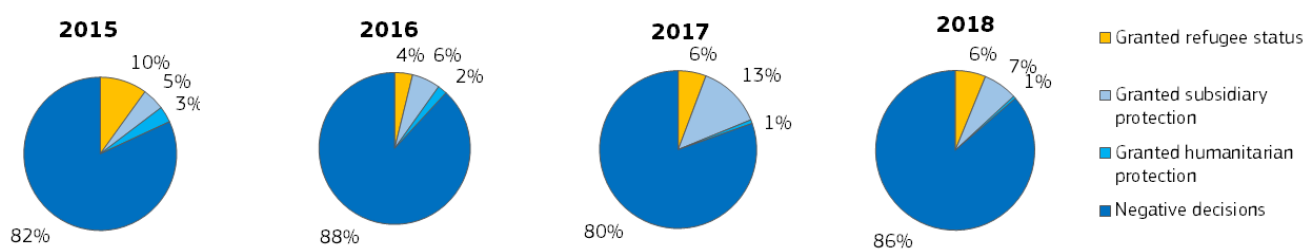
Note: the figure reads as: Poland received 2 715 asylum applications from Russia or 17.89 % of all asylum applications launched by Russia in EU in 2018.

Table 2: Asylum applications - First instance decisions by outcome (2015-2018)

	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2015	3 510	640	350	165	120	2 870
2016	2 485	295	95	150	50	2 185
2017	2 600	510	150	340	20	2 090
2018	2 735	375	170	190	15	2 360

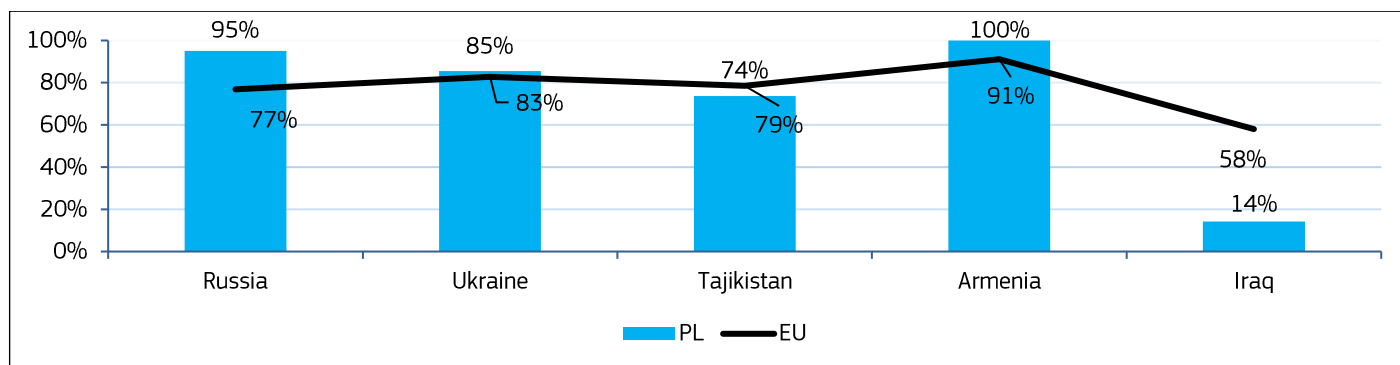
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 29.04.2019

Figure 5: Asylum applications - First instance decisions by outcome (2015-2018)



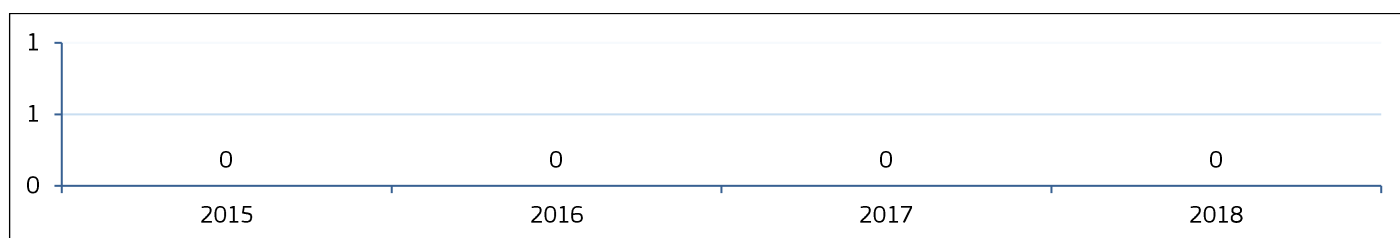
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.04.19

Figure 6: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2018)



Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.04.19

Figure 7: Third-country nationals resettled (2015-2018)

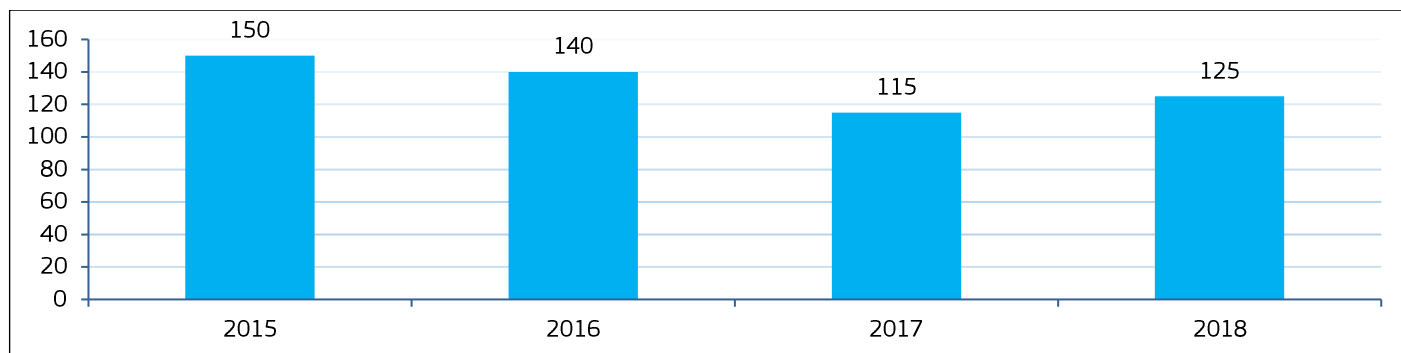


Source: Eurostat migration statistics ([migr_asyresa](#)), data extracted 02.05.19



UNACCOMPANIED MINORS

Figure 8: Unaccompanied minors applying for asylum (2015–2018)



Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr_asyunaa](#)), data extracted 02.05.19.



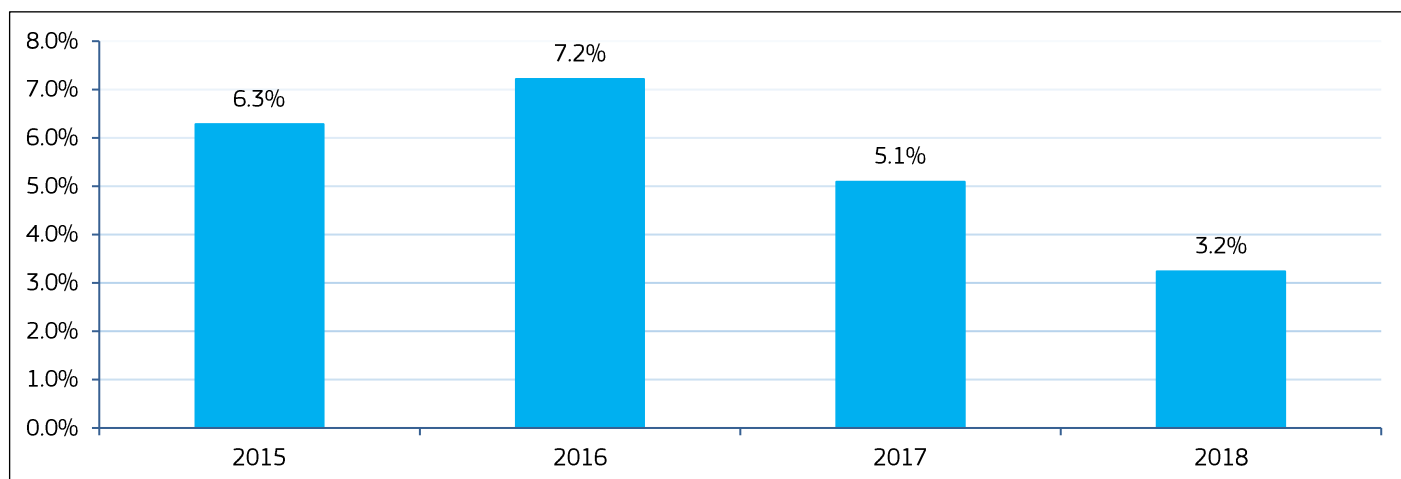
BORDERS, SCHENGEN AND VISA

Table 3: Number of Schengen visas applications (2015–2018)

	2015	2016	2017	2018
Uniform visas (short-stay visas)	970 907	1 096 465	823 101	518 003

Source: DG Migration and Home – Complete statistics on short-stay visas issued by the Schengen States

Figure 9: Uniform visa applications received in Poland as a share of the total number of uniform visa applications in all Schengen states consulates (2015–2018)



Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

Table 4: Top five countries in which the highest number of visa applications for Poland was lodged (2015-2018)

2015		2016		2017		2018	
Country	Number	Country	Number	Country	Number	Country	Number
Ukraine	472 584	Ukraine	1 472 622	Ukraine	275 676	Belarus	278 214
Belarus	319 582	Belarus	604 000	Belarus	308 274	Russian Federation	124 958
Russian Federation	92 444	Russian Federation	302 774	Russian Federation	136 190	Ukraine	24 632
China	14 070	China	49 956	China	25 638	China	21 555
Turkey	8 461	India	16 204	India	9 812	India	9 719

Source: DG Migration and Home Affairs

IRREGULAR MIGRATION

Table 5: Number of third-country nationals refused entry at external borders (2015–2018)

Third-country nationals:	2015	2016	2017	2018
Refused entry at external borders	30 245	34 485	38 660	53 695
Found to be illegally present	16 835	23 375	28 470	31 245
Ordered to leave	13 635	20 010	24 825	29 375
Returned following an order to leave	12 930	18 575	22 210	25 715

Source: Eurostat migration statistics ([migr_eirfs](#))([migr_eipre](#))([migr_eiord](#)),([migr_eirtn](#)) data extracted 03.05.2019

RETURN

Table 6: Third-country nationals returned (2015-2018)

Year	Returned as part of forced return measure	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2015	671	12078	1043
2016	1042	17974	786
2017	1376	21943	684
2018	1110	24572	547

Source: EMN Poland