

EMN Annual Report on Migration and Asylum

Part 2 Poland 2023

The report was prepared by the Office for Foreigners acting as the coordinator of the National Contact Point to the European Migration Network in Poland (EMN Poland).



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This National Report was prepared by the Office for Foreigners acting as the coordinator of the National Contact Point to the European Migration Network in Poland (EMN Poland) and is a compilation of responses to questions from the European Migration Network (EMN) template for the Report. This Report follows the common specifications and methodology prepared by the European Migration Network.

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 European Migration Network is a Europe-wide network providing information on migration and asylum.

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Executive summary

In 2023 a number of significant developments in the area of migration and asylum in Poland took place. Some of them were of overarching character impacting migration system in Poland,

such as Commander-in-Chief of the Border Guard taking over the tasks of the Head of the Office for Foreigners in the area of illegal migration and becoming a higher-ranking authority to the commanders of the Border Guard Divisions and Stations, in terms of all matters related to illegal stay or illegal crossing of the border. Moreover, in December 2023 new Government was appointed and the decision was made to start works on creating Poland's migration strategy for 2025–2030.

As for the migration situation in Poland, in 2023 it was still dominated by the inflow of Ukrainian citizens to Poland and the consequences of the armed conflict in that country. A number of solutions related to temporary protection and other supportive measures to those fleeing Ukraine was introduced.

One of the effects of the war and the destabilisation of the political and economic situation in the region was the increased inflow of Belarusians and Russians to Poland. In order to meet the emerging needs, the Government of the Republic of Poland introduced further facilities for citizens of Belarus in the legalisation of their stay.

As far as irregular migration is concerned, important solutions were also introduced in response to instrumentalization of migration on the Polish-Belarusian border and increased migration from the territory of Belarus (for example, suspension of the traffic at the Polish-Belarusian border crossing in Bobrowniki, finalisation of construction of electronic barriers on the Polish-Belarusian and the Polish-Russian border). Important changes were also made in the area of countering trafficking in human beings (such as establishment the Inter-Ministerial Committee for Counteracting Trafficking in Human Beings, development of documents which will serve as guidance in detection and identification of victims, as well as increase in penalties in the area of the crime of human trafficking), which is treated as a primary issue by the Polish government.

Other important developments reported in 2023 concern areas such as international protection, labour migration (in regard to work-related migration and students), borders, visa and Schengen, forced and voluntary returns, as well as reintegration.

Introduction

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the European Migration Network (EMN), each EMN National Contact Point (NCP) is required to provide an annual report describing the migration and asylum situation and developments in the Member State, as well as statistical data.

The EMN Annual Report on Migration and Asylum consists of two parts and a Statistics Annex. Part I of the National Report and the Statistics Annex are

intended to inform policymakers, as well as wider audience about national developments in EMN Member States and Observer Countries. Part II, however, is aimed at audience interested in a wider overview of the asylum and immigration situation in each of EMN Member States – in this case Poland. The Report is structured to provide an overview of all aspects of migration and asylum in Poland, covering the period from 1 January to 31 December 2023. It consists of 14 sections and annexes.

1

Overview of migration and asylum situation in Poland

Overview of migration and asylum situation in Poland

In 2023 the migration situation in Poland was still dominated by the inflow of Ukrainian citizens to Poland and the consequences of the armed conflict in that state. One of the effects of the war and the destabilisation of the political and economic situation

in the region is the increased inflow of Belarusians and Russians to Poland.

Data presented in this section was prepared by the Office for Foreigners.

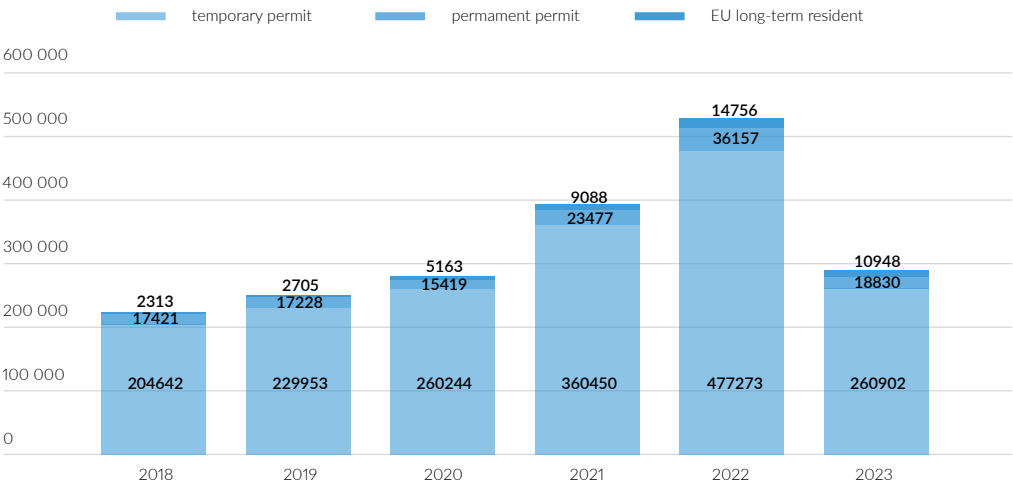
LEGAL MIGRATION

In 2023 alone, over 608 thousand applications for residence permits (temporary, permanent and long-term EU resident) have been received – 80 thousand more than in 2022 (+13%). The largest group of foreigners among those applying for residence permits were traditionally Ukrainian citizens – 54% (329 thousand). Besides this, the most numerous groups were citizens of: Belarus (86 thousand, 14%),

Georgia (33.7 thousand, 5%), India (18.9 thousand, 3%), and Turkey (15 thousand, 2%).

It is worth noting that despite the war in Ukraine, a significant increase in the number of applications has also been observed in the recent years for citizens of Moldova, Uzbekistan, the Philippines, Vietnam, Azerbaijan and Colombia.

Applications for resident permits 2018 - 2023



In 2023, Poland issued over 412 thousand decisions regarding granting temporary, permanent and EU long-term EU resident permits - about 31 thousand more than in 2022, including over **368** thousand positive decisions, **28** thousand negative decisions and over **15** thousand applications withdrawn. The most temporary residence permits were granted to citizens of: **Ukraine** (199,848), **Belarus** (46,967), **Georgia** (12,745), **India** (10,958) and **Turkey** (5,878). Permanent and EU long-term residence permits were issued most often to: **Ukrainians (17,380)**, **Belarusians (12,425)**, **Russians (1,356)**, **Vietnamese (544)** and **Turks (177)**.

As at the end of 2023, the number of foreigners entitled to stay in Poland was over 1.876 million. This figure does not include visas. At the beginning of 2022, this number was nearly 457,000. This value has increased fourfold over the last two years, and by 174,000 in 2023 alone. The most numerous group of foreigners in Poland were citizens of: Ukraine – 1.485 million (79%), Belarus – 118 thousand (6%), Georgia – 27 thousand (1%), Russia – 21 thousand (1%), India – 20 thousand (1%), Germany – 17 thousand (1%), Vietnam – 13 thousand (1%), Turkey – 11 thousand (0.6%), Moldova – 9 thousand (0.5%) and Uzbekistan – 8.8 thousand. (0.5%).

INTERNATIONAL PROTECTION

The number of people who applied for international protection in 2023 totalled **9,513** - 4% less than in

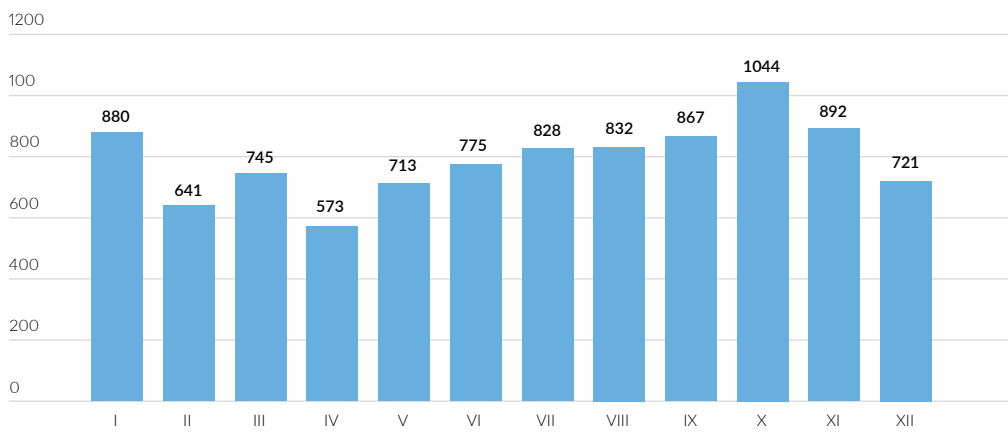
In 2023, valid documents issued in connection with temporary protection still prevailed - 51% (954.8 thousand). Next 36% (681.4 thousand) – were residence cards with a temporary residence permit, 6% (116 thousand) - with a permanent residence permit, 4% (70.2 thousand) - documents issued to EU citizens, and documents for beneficiaries of international or national protection (14.5 thousand).

Ukrainian citizens held 4/5th of all valid documents in Poland. 64% of them (951.8 thousand) were issued in connection with granted temporary protection, 30% (450.7 thousand) - temporary residence permit, 4% - permanent residence permit (52.1 thousand), and 2% - permit for long-term EU residents (23 thousand). In addition, 1,896 Ukrainians benefitted from subsidiary protection, 551 were family members of EU citizens, 406 were granted humanitarian stay, 64 were refugees, and 12 were granted tolerated stay.

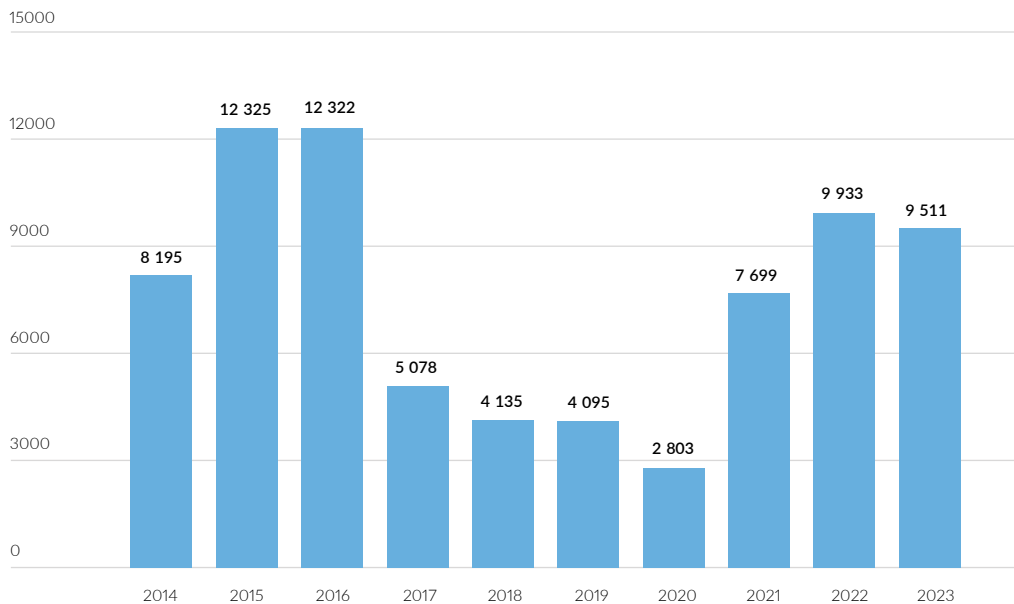
In 2023, the number of Belarusians with valid documents was rapidly increasing. Over the past year, this number has increased by nearly 45.6 thousand documents (39%).

2022 (9,933), but almost 2,000 more than in 2021 (7,699).

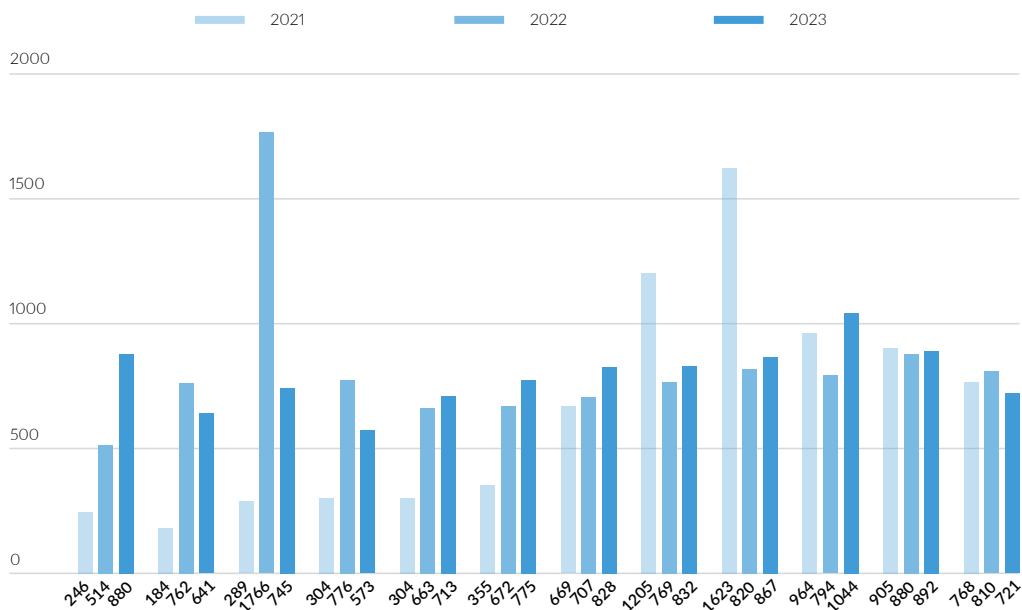
International protection applicants in Poland in 2023



International protection applicants in 2014 – 2023



International protection applicants in Poland in 2021 – 2023

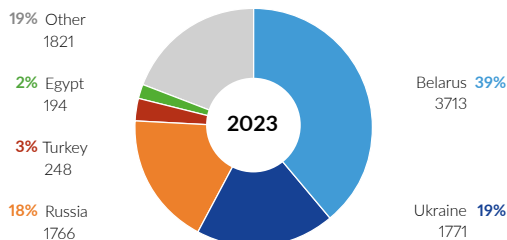
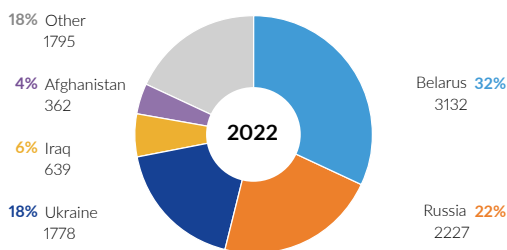
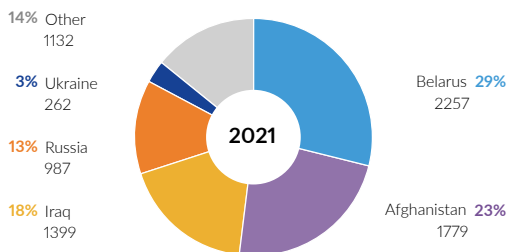


Applications for protection in Poland in 2023 were submitted by citizens of 76 countries, but the main countries of origin were: **Belarus** (3,713), **Ukraine** (1,771), **Russia** (1,766), **Turkey** (248) and **Egypt** (194). It is worth noting that 3/4th of applications were submitted by citizens of the first three countries. Compared to 2022, the following changes occurred in terms of the most numerous citizenships: Belarus - an increase of 19%, Ukraine - no change, Russia - a decrease of 21%, Turkey - more than a twofold increase, Egypt - an increase of 10%, Iraq - a fivefold decrease, Afghanistan – a twofold decrease. However, the largest increase (three-fold, from 46 to 152 people) was among Indian citizens. This may be related to the launch of flights between Minsk and Delhi by Belarusian airlines in August 2023. Although the number of Ukrainian applications remained at a similar level, Ukraine moved to second place in terms of the number of applicants. This is caused by a decline in the number of Russians, who are increasingly entering the EU through the Balkan countries.

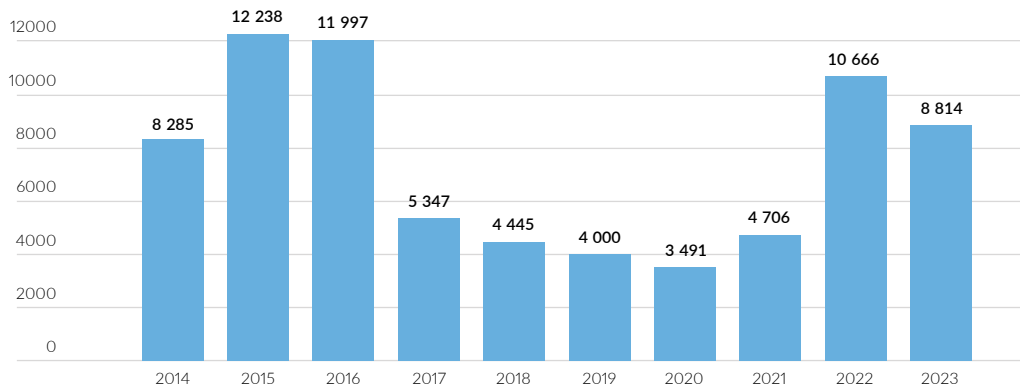
The number of decisions of the Head of the Office for Foreigners in regard to international protection issued in 2023 reached **8,814**, of which 4,631 people obtained a form of protection (602 - refugee status, 4,029 - subsidiary protection). Refugee status was granted mainly to citizens of **Belarus** (228), **Russia** (113), **Afghanistan** (106), **Turkey** (38) and **Syria** (16). Subsidiary protection was most often granted to citizens of **Belarus** (2,651) and **Ukraine** (1,126), but also to citizens of **Russia** (79), **Afghanistan** (53) and **Somalia** (22). 1,880 foreigners received negative decision - mainly from Russia (877), Egypt (133), Tajikistan (115), Ukraine (88) and India (63). The proceedings of 2,297 people (including 870 Russians, 169 Turks, 155 Ukrainians, 148 Egyptians and 143 Afghans) were withdrawn.

The number of applicants for protection slightly exceeds (by 7%) the number of decisions issued. The recognition rate in 2023 was **71%**, with 98% for Belarus, 93% for Ukraine, 18% for Russia, 98% for Afghanistan, 61% for Turkey and 2% for Egypt. The average duration of the proceedings was **120 days**, and the number of pending cases as at 31 December 2023 was **3.7 thousand**.

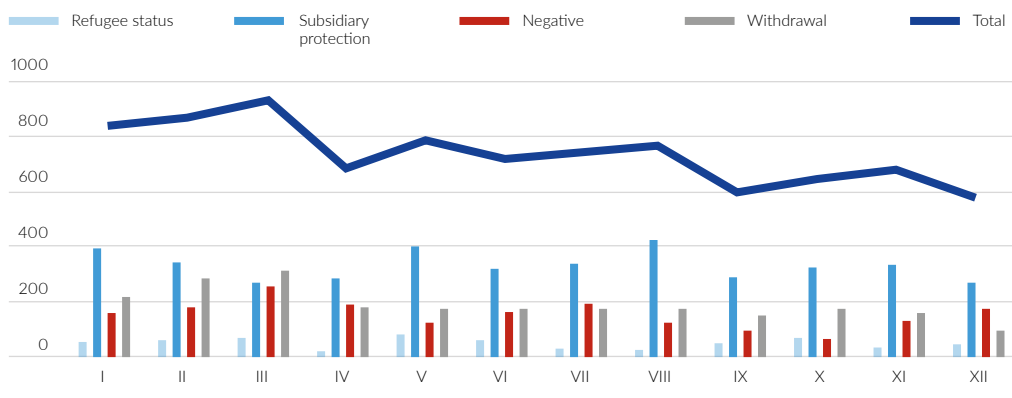
International protection applicants in 2021 – 2023



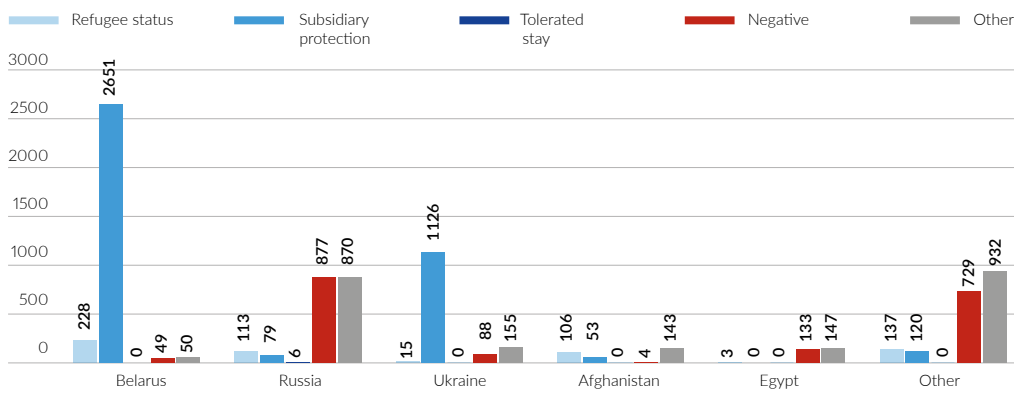
First instance decisions on international protection in 2014 - 2023



First instance decisions on international protection in 2023

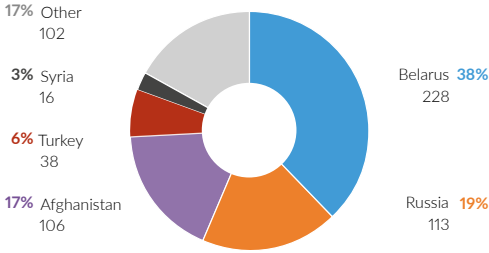


First instance decisions in 2023

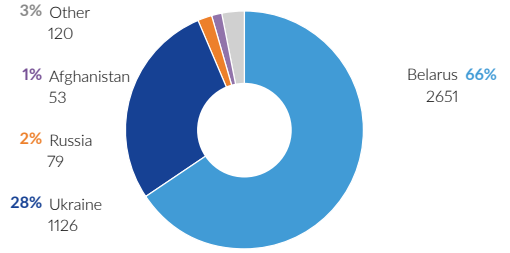


First instance decisions in 2023

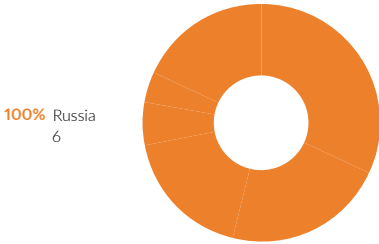
REFUGEE STATUS



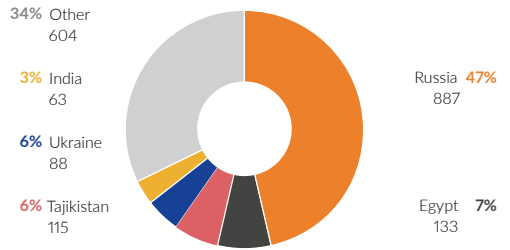
SUBSIDIARY PROTECTION



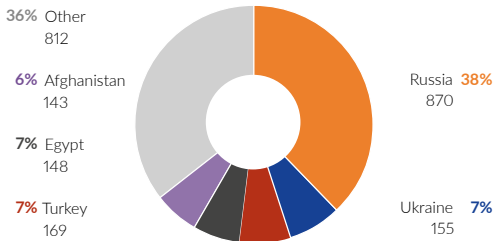
TOLARATED STAY



NEGATIVE



WITHDRAWN



TEMPORARY PROTECTION

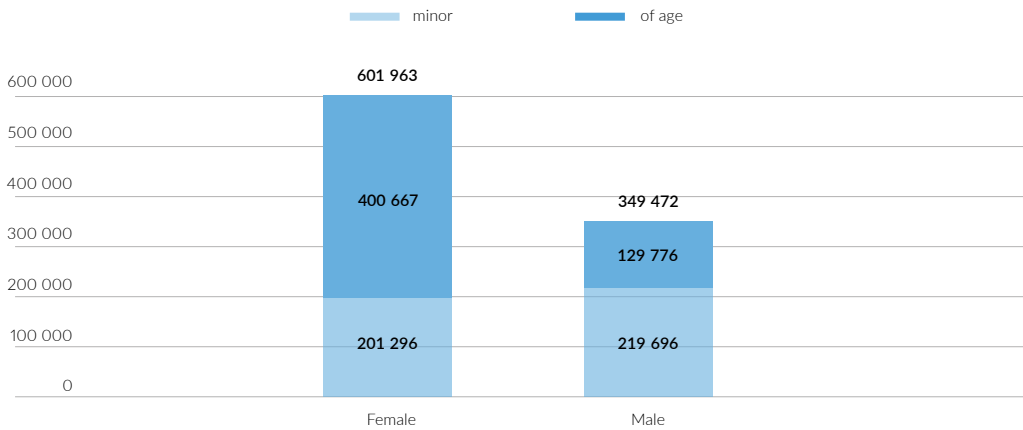
Since 24 February 2022, **the number of registered beneficiaries of temporary protection** in municipalities has totalled **1.776 million**, where the highest share of beneficiaries were citizens of Ukraine – 1.772 (which accounted for as many as 99.8% of all applications), followed by Russians (1,100) and Belarusians (485). Females were predominant in the breakdown by gender – 601,963 (63% of all applications), with half that being males (349,472 – 37%). In terms of age: 530,443 were adults (56%), and 420,992 were minors (44%).

The number of certificates on the use of temporary protection issued by the Head of the Office

for Foreigners totalled 1,334, most of which were issued to Russians – 460 (34% of all applications), Belarusians – 204 (15%) and Vietnamese – 95 (7%). In the group of people mentioned above, there were 716 females and 618 males.

As at 31 December 2023, the number of foreigners with valid temporary protection totalled 954,802, of which the majority were citizens of Ukraine – 951 thousand (99.5%), Russia – 1,068 (0.11%) and Belarus – 438 (0.05%). Adults made up 521,583 of registrations (55%) and minors 422,777 (45%). The largest age group (278,861 thousand) were young adults: 18-34 years of age. In terms of gender, females clearly predominated – 603,297 (63%), with half that being male – 351,505 (37%).

**Ukrainians with temporary protection status in Poland (as of 31 of December 2023)
- a total of 951 thousand**



2

**Overarching and
crosscutting changes
to national migration
and asylum systems**

Overarching and crosscutting changes to national migration and asylum systems

Among many developments in the area of migration and asylum that took place in 2023 in Poland, two of them had a significant, overarching impact on the migration system and policy in Poland as a whole.

In response to the challenges related to border management which needed to be addressed more effectively and swiftly, based on the amendment to the Act on Foreigners¹, the Commander-in-Chief of the Border Guard took over the tasks of the Head of the Office for Foreigners in the area of illegal migration and has become a higher-ranking authority (reviewing body) to the commanders of the Border Guard Divisions and to the commanders of the Border Guard Stations, in terms of all matters related to illegal stay or illegal crossing the border. The objective to this change was a further division of tasks between the Head of the Office for Foreigners – tasks related to legal migration - and the Border Guard responsible, among others, for illegal migration issues. It is worth mentioning, that this development not only affected the migration and asylum system in Poland, but also resulted in the need to introduce

further changes in areas such as international protection and return and reintegration (see sections 5 and 13).

End of 2023 also saw a change of government in Poland. On 13 December 2023 the President of the Republic of Poland appointed a majority coalition government formed following mid-October parliamentary elections. Mr. Marcin Kierwiński became the minister responsible for internal affairs². On 22 December 2023 Maciej Duszczyk was appointed the undersecretary of state at the Ministry of the Interior and Administration, responsible for international issues and migration policy³.

At the turn of the year, after the need was identified to launch a broad debate on migration issues and to adopt a document reflecting the conclusions of this debate, a decision was made to start work on developing Poland's migration strategy for 2025-2030. The strategy is intended to be synthetic and directional for the actions taken by various institutions and entities implementing the migration policy.

1. Act of 9 March 2023 amending the Act on Foreigners and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20230000547/O/D20230547.pdf>, last accessed: 15 April 2024

2. Ministry of the Interior and Administration, Marcin Kierwiński nowym Ministrem Spraw Wewnętrznych i Administracji, <https://www.gov.pl/web/mswia/marcin-kierwinski-nowym-ministrem-spraw-wewnetrznych-i-administracji>, last accessed 15 April 2024

3. Ministry of the Interior and Administration, Maciej Duszczyk nowym Podsekretarzem Stanu w MSWiA, <https://www.gov.pl/web/mswia/maciej-duszczyk-nowym-podsekretarzem-stanu-w-mswia>, last accessed 25 April 2024

3

Legal migration

Legal migration

In 2023 several changes were introduced in regard to legal migration – some of them of overarching character which impacted more than one area related to legal migration in Poland. There were no significant developments reported in 2024 in regard to family reunification and information provision on routes to and conditions of legal migration.

- **Overarching developments**

Additional measures were undertaken as a part of the instruments of active support that have been provided by the Polish authorities to the Belarusian society since August 2020. The solutions were adopted as a follow-up to the meeting of the Minister of the Interior and the Belarusian opposition leader, Svitlana Ciechanouska, in January 2023. The meeting was the opportunity to discuss the problems faced by the Belarusian diaspora in Poland. Under the Regulation of the Minister of the Interior and Administration⁴ on issuance of Polish travel documents for foreigners (polski dokument podróży), Belarusian citizens were exempted from the fee for issuing the document and, during the period originally established from 1 July 2023 to 31 December 2023, they were able to acquire a Polish travel document for foreigners under simplified rules (this period was subsequently extended to 30 June 2024). It was observed that the above-mentioned solutions are gradually being reflected in the statistics of submitted applications.

4. Regulation of 28 June 2023 of the Minister of the Interior and Administration on citizenships which entitle to apply for a Polish travel document for a foreigners under the conditions specified in Article 252a section 1 of the Act of 12 December 2013 on foreigners, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230001247>, last accessed: 15 April 2024

In order to expand opportunities to confirm language proficiency, including by accepting certain language certificates, such as certificates from the institutions ECL and TELC, the amendment of the Act on Foreigners and certain other acts⁵ provided for a change in the method of confirming the knowledge of Polish language for the purpose of granting a long-term EU residence permit by including some additional possibilities to confirm the level of required language proficiency (B1), which is a general integration criterion in Polish law for obtaining resident status.

In addition, in order to adjust national law to Schengen aquis with regard to implementation of SIS Recast, procedural changes were introduced based on amendments to Act on Foreigners and certain other acts⁶ and Act on Participation of Republic of Poland in Schengen Information System and Visa Information System and other Acts⁷. This change had an impact on the national immigration framework, Return Directive's implementation and List of foreigners whose stay within the territory of Republic of Poland is undesirable, as well as on legal migration procedures.

- **Work-related migration** (including the different categories of workers – highly qualified workers; medium and low skilled workers; seasonal workers,

5. Act of 9 March 2023 on amending the Act on Foreigners and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230000547>, last accessed: 15 April 2024

6. Ibidem

7. Act of 1 December 2022 on amending the Act on Participation of the Republic of Poland in the Schengen Information System and Visa Information System and certain other acts, <https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/2642>, last accessed: 15 April 2024

entrepreneurs, start-ups and investors; intra-corporate transferees; trainees, au-pairs and volunteers; other remunerated workers etc., but also different situations including labour market needs, 'social dumping' and labour exploitation, bilateral labour migration agreements, circular migration)

Throughout 2023, initial project assumptions have been developed for 3 legal migration policy-related projects co-funded by the European Social Fund Plus (within the national programme for 2021-2027, called the European Funds for Social Development). The projects, coordinated by the Ministry of Family, Labour and Social Policy, will involve support for reliable employers in recruitment abroad (including the selection of countries in terms of cooperation potential, foreign job fairs), standardization of services for foreigners in labour offices and the construction of an information and consultation centre. The launch of projects is planned for 2024⁸.

In regard to developments connected to work-related migration, one change was reported. On 19 August 2023 the Act on posting of drivers in road transport (which was also adopted in 2023) entered into force⁹. Based on it, drivers posted to work in Poland, both from EU member and non-member states, were given the right to certain terms and conditions of employment, at a level no less favourable than they are ensured under Polish law. The National Labour Inspectorate was established as the body that controls compliance with these requirements. The law implements Directive 2020/1057, the so-called Lex specialis, which is a part of the catalogue of provisions of the Mobility Package, into Polish law. The objective behind these legal solutions was to cover selected category of drivers who perform a certain type of transport operations (for drivers from EU Member States - cross-trade and cabotage, for drivers from third countries - all, except for transit) under the contract concluded by the carrier for the provision of transport services with social legislation.

In particular, with regard to wages for work, working time, including breaks from work as required by law.

• Students and researchers

The amendment of the Act - Law on Higher Education and Science and certain other acts¹⁰ (adopted in 2023 and entered into force on 1 October 2023) – introduced changes regarding the citizens of the United Kingdom of Great Britain and Northern Ireland. In accordance with them, fees for educational services related to the education of foreigners for full-time studies in Polish are not charged from a foreigner - a citizen of the United Kingdom of Great Britain and Northern Ireland, referred to in Article 10(1)(b or d) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and their family members living within the territory of the Republic of Poland. In addition, foreigners listed in Article 324(3)(1) of the Act the Law on Higher Education and Science may apply for a maintenance grant and a student loan.

The objective of this solution was to enable a specific group of citizens of the United Kingdom of Great Britain and Northern Ireland to undertake studies on the same terms as Polish citizens.

Another reported development was related to health insurance available for those who study in Poland. As of 1 January 2023, in connection with the changes introduced in Article 3 of the Act of 27 August 2004 on health care services financed from public funds¹¹ pursuant to the Act of 16 November 2022 amending the Act on the professions of doctor and dentist and certain other acts¹², students and doctoral students who do not have the citizenship of an EU/EFTA Member State studying in Poland, graduates undergoing a mandatory internship, and persons taking Polish language courses or preparatory courses to study in Polish language, people who have been recognized as persons of Polish origin

8. More information on calls for actions 4.10 and 4.11 EFSD: European Funds Portal, Szczegółowy Opis Priorytetów programu Fundusze Europejskie dla Rozwoju Społecznego 2021-2027; European Funds for Social Development 2021-2027 – call for proposals, <https://www.rozwojspoeczny.gov.pl/strony/dowiedz-sie-wiecej-o-programie/nabory-wnioskow/>, last accessed: 16 April 2024

9. Act of 28 July 2023 on posting of drivers in road transport, <https://dziennikustaw.gov.pl/DU/2023/1523>, last accessed: 16 April 2024

10. Act of 13 January 2023 amending the Law on Higher Education and Science and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU2023000212>, last accessed: 17 July 2024

11. Act of 27 August 2004 on health care services financed from public funds, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20042102135/U/D20042135Lj.pdf>, last accessed: 16 April 2024

within the meaning of the repatriation regulations or have a valid Pole's Card have been granted the right to compulsory health insurance. Before this change, the above-mentioned foreigners could only be covered by voluntary health insurance in Poland, which involved the obligation to pay monthly insurance premiums on their own.

12. Act of 16 November 2002 amending the Act on professions of doctor and dentist and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220002770/O/D20222770.pdf>, last accessed: 16 April 2024

4

International protection

International protection

Three developments were reported in 2023 in regard to international protection in relation to reception of applicants for international protection, protection of minors and national forms of protection.

There were no significant developments reported as overarching and crosscutting changes, or related to international protection procedure, reception of application for international protection, international protection status and withdrawal of status, as well as relocation, resettlement, humanitarian admission and other pathways to protection.

• Other developments

The development reported in this section is related to the previously introduced change in the Act on foreigners and certain other acts on organisation of voluntary returns of foreigners - as of April 2023, the Border Guard assumed the whole responsibility for organising voluntary returns. Currently, the Border Guard covers the food costs during the travel. Therefore, the amendment of the Regulation of Minister of the Interior and Administration on the amount of assistance for foreigners applying for international protection was adopted.¹³ The change consisted in removing the provision regarding the covering by the Office for Foreigners of the costs of food for foreigners while traveling in connection with a voluntary return to the country that the foreigner has the right to enter, or transfer to another Member State responsible for considering the application for international protection.

Taking into account the need for protecting children against various forms of abuse and raising

awareness in this field, works have started in 2023 on updating of the "Policy for the Protection of Children from abuse in centres for foreigners run by the Office for Foreigners". The document is addressed to all employees and co-workers of the Office, and sets out standards and procedures of conduct aimed at keeping children safe.

The amendments to the aforementioned document concern the need to develop standards resulting from the amendment of the following documents: Act of 28 July 2023 amending the Act – Family and Guardianship Code and certain others acts; Act of 13 May 2016 on counteracting threats of sexual crime and Act of 29 July 2005 on counteracting domestic violence. It was necessary to develop rules for safe staff-child relationships, rules for the protection of a child's personal data, rules for the recruitment and employment of staff for the facilities listed in the Act and a plan for assisting the abused child and the child perpetrator of violence.

In addition, based on the amendment of the Act on Foreigners and certain other acts¹⁴, the authority of the second instance in matters of granting national forms of protection (residence permit for humanitarian reasons and tolerated stay permit) was changed. The above-mentioned competences were taken over from the Head of the Office for Foreigners by the Commander-in-Chief of the Border Guard. This change was aimed at establishing a coherent and uniform structure of competences of both central authorities, and derived from the actions undertaken in order to improve return proceedings.

13. Regulation of 6 October 2023 of Minister of the Interior and Administration on the amount of assistance for foreigners applying for international protection, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230002154>, last accessed: 16 April 2024.

14. Act of 9 March 2023 amending the Act on foreigners and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230000547>, last accessed: 16 April 2024

5

**Temporary protection
and other measures in
response to persons
fleeing the war in Ukraine**

Temporary protection and other measures in response to persons fleeing the war in Ukraine

In the area of temporary protection and measures adopted in response to persons fleeing the war in Ukraine, several solutions have been introduced. They concerned the legal status of beneficiaries of temporary protection, access to rights and special protection of vulnerable groups.

No overarching and crosscutting developments in 2023 in the area of temporary protection were reported.

• Legal status

In order to prevent abuse and as the need for clarification of the regulations governing the scope of those benefiting from protection arose, as interpreted by the European Commission, the amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict in the territory of this state and certain other acts was adopted¹⁵. It regulates the situations of relocations of a beneficiary of temporary protection to and from Poland in a way that beneficiaries of temporary protection in another Member State cannot be covered by this form of protection in Poland at the same time and consequently lose their status in Poland as a result of benefitting from temporary protection in other Member States.

Driven by the objective of creating pathways for legalisation of stay for beneficiaries of temporary protection, under migration law, the amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts entered into force

on 28 January 2023¹⁶ providing, as of 1 April 2023, a new provision that allows the citizens of Ukraine, whose stay within the territory of Poland is considered legal and who have a PESEL number with the annotation "UKR", to apply for a temporary residence permit, which is associated with the basic forms of economic activity, namely:

- » temporary residence and work permit
- » EU Blue Card
- » temporary residence permits for business activities.

The permit is being granted under simplified procedure. Granting the permit results in the loss of temporary protection in Poland. There was a need identified to provide legal certainty in the event that temporary protection is terminated. Thanks to this solution Ukrainian citizens covered by temporary protection gained the possibility of obtaining regular residence permit for employed or self-employed Ukrainian citizens.

On 28 September 2023 the Council of the European Union announced that temporary protection would be prolonged until 4 March 2025¹⁷. To ensure the compliance with Implementing Decision (EU) 2022/382 and secure the possibility of legal stay in Poland for beneficiaries of temporary protection, the amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts¹⁸ extended, by virtue of law, the period of

15. Act of 13 January 2023 amending the Act on assistance to Ukrainian citizens in connection with the armed conflict in the territory of that state and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU2023000185>, last accessed: 16 July 2024

16. *ibidem*

17. Council of the European Union, Ukrainian refugees: EU member states agree to extend temporary protection, <https://www.consilium.europa.eu/en/press/press-releases/2023/09/28/ukrainian-refugees->

[eu-member-states-agree-to-extend-temporary-protection/](https://www.consilium.europa.eu/en/press/press-releases/2023/09/28/ukrainian-refugees-eu-member-states-agree-to-extend-temporary-protection/), last accessed: 16 July 2024

18. Act of 14 April 2023 on changing the names of state service universities supervised by the minister responsible for internal affairs, amending the Act on the Police, the Act on the Border Guard, the Act on the State Fire Service and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230001088>, last accessed: 16 July 2024

eligibility for benefitting from temporary protection in Poland. The period of legal stay of Ukrainian citizens and family members of Ukrainian citizens holding the Pole's Card, who arrived in Poland legally since 24 February 2022 declaring their intention to stay within the territory of the Republic of Poland, was extended until 4 March 2024. In addition, Ukrainian citizens or family members who hold the Pole's Card will have their legal stay extended until 31 August 2024, if on 4 March 2024 they attend pre-school education or fulfil their compulsory education requirement under the Polish educational system or study at a kindergarten or school functioning within the Ukrainian education system using distance learning methods and technologies. This solution also applies to parents or guardians of these persons if they are minors.

- **Rights**

- » **Access to accommodation**

The amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state¹⁹ provided for introduction of partial co-financing of the costs of stay and meals in collective accommodation centres by citizens of Ukraine. At the same time, there are numerous exceptions to this rule. The goal of this amendment was to increase the level of independence of beneficiaries.

- » **Access to labour market**

As for the access to labour market, the provisions were clarified²⁰ with regard to the possibility of taking up employment by citizens of Ukraine on the basis of a notification submitted via the ICT system: [praca.gov.pl](https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230000185). The amendment was introduced based on the experience from the application of the Act to date and was aimed in particular at removing the existing difficulties of interpretation.

Special provisions were also introduced to allow Ukrainian medical workers to apply for work permit not only until the 24 August 2023, but this period was significantly extended to 24 March 2024. What is more, in the period between November 2022 and

September 2023, the Ministry of Health was closely cooperating with the World Health Organisation in supporting medical personnel from Ukraine by running a hotline (available 7 days a week) that provided useful information concerning the requirements and documents necessary in the process of submitting an application to the Minister of Health for the work permit. This solution, introduced with the objective of both tackling work shortages in the health care system in Poland and supporting medical staff from Ukraine in the process of entering labour market in Poland, was regulated in the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts.

- » **Funding of health care**

As far as the access to health care is concerned, the costs of the services available to beneficiaries of temporary protection are settled with the service providers and pharmacies by the National Health Fund and financed from the Assistance Fund referred to in Article 14 of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state. The detailed procedure and method of financing is set out in the agreement concluded between the Minister responsible for health and the National Health Fund. According to the reports submitted by the National Health Fund with the applications for the release of funds, the costs of the above-mentioned services in 2023 amounted to PLN 848,002,386.37.

From 1 March 2022, as part of activities financed from the Assistance Fund, concentrates of clotting factors, which were crucial, began to be issued importance for the treatment of this group of patients. By the end of 2023, 83 clotting factor concentrates had been delivered citizens of Ukraine (75 men and 8 women) who suffered as a result of the conflict.

As of December 31, 2023, expenditure was made on the purchase of coagulation factors for refugees from Ukraine for the amount of PLN 4,499,426.81

19. Act of 13 January 2023 amending the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230000185>

20. Ibidem

In addition, thanks to an agreement between the Ministry of Health and the United Nations Children's Fund (UNICEF) concluded on 15 February 2023 to support the implementation of activities related to the Ukrainian crisis and refugee assistance undertaken by the Government of Poland, monetary assistance of a total of PLN 9,000,000 was transferred to the account of the Ukraine Assistance Fund for the Ministry of Health to partially cover the costs of primary health care services provided to women and children from Ukraine.

» **Access to education**

In May 2023, as part of the memorandum signed by the Minister of Education with UNICEF, a three-year project entitled "School accessible to all – training of specialist teachers in providing adequate support to pupils, parents and teachers" was launched. The Minister of Education commissioned the project with the Institute for Educational Research (IBE). The project will target more than 11 thousand teachers, at least 560 kindergartens and schools as well as institutions (psychological and pedagogical clinics, teacher improvement facilities), approx. 12 universities and non-governmental organisations. During the implementation of the project, it is planned that it will reach approx. 30 thousand children and students, and after gradual integration of project results into the system, it will be possible to use its results to effectively support all students. The project will provide teachers with knowledge and skills that will fit into the current challenges and needs. Training programs, being prepared with the participation of universities, include mental health protection, prevention of mental disorders in children and young people, support for students from Ukraine, pro-inclusive climate of class and school. The project takes into account two components: research and evaluation. Final results stemming from these activities are intended to produce evidence-based practices, thus strengthening an inclusive education system which is accessible to all. The selected good practices – results of the project – will be disseminated across all schools and institutions. The total value of the project will exceed PLN 15 million. Information on the project was presented at an on-line conference held on 14 September 2023.

• **Vulnerable groups**

The amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state which was adopted in 2023 introduced a number of legal solutions aimed at ensuring the rights of minors:

- » increased supervision of the groups of children who are in foster care in Ukraine and reside in centres in Poland, by County (Poviat) Family Support Centres (PCPR) in relation to Social Support Centres (OPS). It ensured the possibility of control by County Family Support Centres over the exercise of care and upbringing by temporary caregivers with respect to underage Ukrainian citizens who, prior to their arrival in Poland, were placed in foster care within the territory of Ukraine and arrived with the person in charge of such care.
- » possibility of subsidizing entities providing housing and meals to minors by the county (poviat) for the costs necessary to provide adequate care and upbringing by the county. The change derived from the need to provide counties (poviats) with significant discretionary slack, especially with respect to donations of private entities which provide help to Ukrainian minors,
- » expanding the competent court's ability to easier and quickly appoint a temporary guardian driven by the necessity of regulation due to the welfare of the child,
- » a minor who was placed in foster care in the territory of Ukraine before arriving in the territory of the Republic of Poland and arrived with the person in charge of such care, shall not be placed in the system of foster care, then the court shall appoint this person as a temporary guardian for the minor, except in cases where the welfare of the child is at risk. The objectives of this solution were twofold: avoiding the situation of excessive and unjustified placement of underage Ukrainian citizens in Polish foster care, if there is a caregiver who can be appointed temporary guardian by the court and providing the minor with a sense of security by not separating him or her from the current guardian,

- » providing provincial governors (voivods) with the possibility of accessing the data of minors' records and ensuring that they also have access to data from the minors' records for purposes other than simply controlling the performance of tasks by County (Poviat) Family Support Centres (removing the obstacles in carrying out all the statutory tasks such as arranging transportation for these children, or inspecting the performance of tasks by entities other than County (Poviat) Family Support Centres,
- » providing the competent authority of the municipality with access to records of minors for carrying out the statutory tasks and enabling the municipal authority to verify the data on the amount of the cash benefit and the conditions in order to grant and extend the benefit.

Based on the practice in the implementation to date of the Agreement between Poland and Ukraine on legal assistance and legal relations in civil and criminal matters, drawn up in Kiev on 24 May 1993, the amendment of the above-mentioned Act on assistance, enabled the proper implementation of the Agreement, so that Ukraine has knowledge of the whereabouts of its citizens also for other purposes justified by the agreement. In particular - but not exclusively - where the jurisdiction of the authorities depends on the nationality of the person, by expanding the scope of legitimate purposes for which the consul of Ukraine may obtain data from the register so that the bilateral agreement can be implemented in full and the rights of minors are duly protected. The solution removed the obstacles in releasing data from the IT system containing records of registered underage citizens of Ukraine who arrived in the territory of Poland without being under the care of a person having actual custody of them, and underage citizens of Ukraine who arrived in the territory of Poland and had been placed in foster care in the territory of Ukraine before their arrival.

• Statistical data

According to the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state minor citizens of Ukraine who arrived in the territory of the Republic of Poland

without being under the care of the person having actual custody of them, and minor citizens of Ukraine who arrived in the territory of the Republic of Poland and before that had been placed in foster care in the territory of Ukraine, must be entered into the register, hereinafter referred to as the "register of minors". The register of minors is run by the minister competent for matters related to family and County (Poviat) Family Support Centres via IT system.

According to the above-mentioned register, from 1 January 2023 to 31 December 2023:

- » 195 minor citizens of Ukraine who arrived in the territory of the Republic of Poland without being under the care of the person having actual custody of them,
- » 170 minor citizens of Ukraine who arrived in the territory of the Republic of Poland and before that had been placed in foster care in the territory of Ukraine were registered.

In general, from 24 February 2022 to 31 December 2023, 2853 minor citizens of Ukraine who arrived in the territory of the Republic of Poland and before that had been placed in foster care in the territory of Ukraine and 655 minor citizens of Ukraine who arrived in the territory of the Republic of Poland without being under the care of the person having actual custody of them were registered in the register of minors.

According to the register, in the period from 1 January 2023 to 31 December 2023, 363 minor citizens of Ukraine who arrived in the territory of the Republic of Poland and before that had been placed in foster care in the territory of Ukraine and 61 minor citizens of Ukraine who arrived in the territory of the Republic of Poland without being under the care of the person having actual custody of them came back to Ukraine.

According to statistical data made available by Voivodship Offices, in the period from 1 January 2023 to 31 December 2023 there were 28 children from foster care in Ukraine placed in foster care within the territory of the voivodships. In addition, in the same period, there were 429 children who were not in foster care in Ukraine, but who were placed in foster care within the territory of the voivodships.

In general, from 1 January 2023 to 31 December 2023, there were 457 citizens of Ukraine (229

females and 228 males) in Polish foster care, in the following ages:

Age	Number of citizens
0-2	54
3-6	80
7-12	158
13-15	86
16-18	77
19-26	2

Data source: Ministry of Family, Labour and Social Policy

• Other developments

The above-mentioned amendment of the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts²¹ also provided a set of solutions addressed to the Ukrainian citizens legally residing in Poland and not covered by the Temporary Protection Directive, including:

- » a legal basis for the subsidiary granting of temporary residence permit for a period of 1 year to a citizen of Ukraine in the event of not meeting the legal and material conditions set out in the provisions of the Act on Foreigners or where specific grounds for refusal of temporary residence permit under general rules (general schemes) would apply;
- » extension to 24 August 2023 of a legal stay of citizens of Ukraine i.a. holders of national visas and temporary residence permits (this period was subsequently extended by a further amendment of 14 April 2023, to 4 March 2024).

The aim of the solution was prevention of over-stays and providing safeguards for the international protection system, which derived from the risk of a significant increase in the number of people with unregulated residency.

» Use of foreign funds

In 2023 the final phase of settling the EU funds from the 2014-20 perspective was underway. In the migration policy area, a major challenge was redirecting a part of the funds to help refugees from Ukraine including i.a. European Social Fund (ESF). This was achieved thanks to a flexible approach, using the potential of ongoing projects and rapid programme changes.

Support was implemented both at the central level (under Operational Programme Knowledge Education Development – OP KED) and regionally (under Regional Operational Programmes).

Support in the regions focused on the areas of social inclusion and included: active integration, language skills and social competences, access to social and health services, intervention purchases (buying products and services for refugees from social economy entities), labour market (vocational activation, child care) and education (preschool education, financing school intercultural assistants, language courses for students and teachers, integration activities, additional equipment for schools).

Support under the OP KED included organization of the eighth-grade exam and secondary school leaving exam for students from Ukraine, launching a helpline in Ukrainian sign language for deaf people from Ukraine during the peak influx, expanding the implemented projects to include i.a. components supporting university staff and students from Ukraine, developing basic skills, language skills and social competences enabling refugees to function on a daily basis in Poland.

By the end of 2023, a total of 43,463 temporary protection beneficiaries were covered by the ESF-funded support, of which 14,256 people in the OP KED (national program) and 29,207 people in Regional Operational Programs.

²¹ Act of 13 January 2023 amending the Act on assistance to Ukrainian citizens in connection with the armed conflict within the territory of that state and certain other acts, <https://isap.sejm.gov.pl/>

isap.nsf/DocDetails.aspx?id=WDU20230000185, last accessed: 16 July 2024

6

Unaccompanied minors and other vulnerable groups

Unaccompanied minors and other vulnerable groups

No significant developments in 2023 were reported in areas related to unaccompanied minors and other vulnerable groups.

7

Integration and inclusion of migrants

Integration and inclusion of migrants

In March 2023 the Minister of Development Funds and Regional Policy signed the Guidelines for the implementation of projects using European Social Fund Plus (ESF+) in regional programmes for 2021–2027²². The Guidelines include general principles concerning socio-economic integration of third-country nationals (section 4.5). The document defines key areas and forms of support (with a focus on introducing so-called one-stop shop model of integration centres in coordination with Asylum, Migration and Integration Fund) and add priority for Ukrainian war refugees covered by temporary protection.

Almost all regions ensured significant ESF+ allocations (total of EUR 229 million) for specific objective (i) [SO (i): socio-economic integration of third-country nationals including migrants - ESF+ Regulation, Article 4²³]. Projects will include a wide variety of assistance options (labour market integration, social inclusion, education – including language skills, staff training and capacity building) for over 60,000 participants.

• Education and training

Amendment of the Act on Higher Education and Science²⁴ enabled students from foreign universities who complete a part of their studies in Poland to acquire Polish Student ID. With further changes, it was also made possible for them to take advantage of the 50% discount for the public transport fares (these are the benefits available for students of Polish universities). The aim of the change was to improve the situation of students of foreign universities who did not have right to use the available benefits before.

No significant developments in 2023 were reported in the areas of national integration strategy, involvement of stakeholders, pre-departure/post-arrival integration programmes, labour market and skills, basic services, active participation of migrants and receiving societies in integration and fighting racism and discrimination.

22. European Funds Portal, Guidelines for the implementation of projects using funds from the European Social Fund Plus in regional programs for 2021-2027, <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/dokumenty/wytyczne-dotyczace-realizacji-projektow-z-udzialem-srodkow-europejskiego-funduszu-spolecznego-plus-w-regionalnych-programach-na-lata-2021-2027/>, last accessed: 16 April 2024

23. Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R1057&from=EN>, last accessed: 16 April 2024

24. Act on 13 January 2023 amending the Act on Higher Education and Science, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230000212>, last accessed: 16 April 2024

8

Citizenship and statelessness

Citizenship and statelessness

No significant developments were reported in 2023 in relation to acquisition of citizenship and statelessness.

However, it must be underlined that in 2023 it became possible to lodge the statement on expressing consent to obtaining or losing Polish citizenship by minors, included in the application submitted by

parents, in a form of written statement before an entity authorized to officially certify the signature, e.g. a notary who confirms the signature placed on the statement. Before that change, giving testimony was allowed only before the voivod or consul, based on the place of residence of the Interested Party²⁵.

TABLE 1
Number of people who acquired Polish citizenship in 2023
Data source: Ministry of the Interior and Administration

Citizenship	Administrative mode	Granted by the President of the Republic of Poland			
AFGHANISTAN	11	5	BOLIVIA	0	1
ALBANIA	6	3	BOSNIA AND HERCEGOVINA	2	0
ALGERIA	14	11	BRAZIL	8	3
ARGENTINA	1	0	BULGARIA	10	3
ARMENIA	71	39	CAMEROON	3	0
AUSTRALIA	1	1	CANADA	25	3
AUSTRIA	6	0	CHINA	3	0
AZERBAIJAN	12	2	COLOMBIA	3	0
BANGLADESH	3	3	CONGO	3	1
STATELESS	4	2	COSTA RICA	0	1
BELARUS	4196	264	CUBA	4	3
BELGIUM	1	0	CYPRUS	0	1
			CZECH REPUBLIC	10	6
			DENMARK	7	6
			DOMINICANA	2	1

²⁵ Act of 7 October 2022 amending of certain Acts in order to simplify administrative procedures for citizens and entrepreneurs, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220002185>, last accessed: 19 July 2024

ECUADOR	2	1
EGYPT	19	15
FINLAND	5	0
FRANCE	6	5
GAMBIA	1	0
GEORGIA	29	5
GERMANY	107	35
GHANA	0	1
GREAT BRITAIN	28	23
GREECE	1	3
HAITI	1	0
HUNGARY	8	4
INDIA	24	11
INDONESIA	1	1
IRAN	8	0
IRAQ	11	3
IRELAND	1	0
ISRAEL	9	3
ITALY	2	7
IVORY COAST	1	2
JORDAN	3	1
KAZAKHSTAN	28	4
KENYA	0	1
KIRGISTAN	3	2
KOSOVO	0	1
LATVIA	3	3
LIBAN	2	1
LIBYA	3	1
LITHUANIA	5	4
LUXEMBOURG	2	0
MAROCCO	9	9
MEXICO	8	6
MOLDOVA	24	9
MONGOLIA	9	2
MONTENEGRO	7	0
NEPAL	6	6
THE NETHERLANDS	1	8

NEW ZEALAND	1	0
NIGERIA	10	8
NORTH MACEDONIA	10	7
NORWAY	0	12
PAKISTAN	9	4
PALESTINE	2	1
PERU	1	0
PHILIPPINES	0	2
PORTUGAL	1	0
REPUBLIC OF SOUTH AFRICA	1	3
ROMANIA	6	15
RUSSIA	546	52
RWANDA	2	0
SENEGAL	1	1
SERBIA	3	10
SLOVAKIA	3	2
SPAIN	1	0
SRI LANKA	1	1
SWEDEN	44	4
SWITZERLAND	2	1
SYRIA	21	7
TAJIKISTAN	6	3
THAILAND	0	2
TUNISIA	11	17
TURKEY	58	30
TURKMENISTAN	20	0
UKRAINE	4695	888
UNITED STATES OF AMERICA	21	21
UNKNOWN	2	2
UZBEKISTAN	22	0
VENEZUELA	2	3
VIETNAM	169	86
YEMEN	5	1
ZAMBIA	1	0
Total	10460	1719

9

Borders, visa and Schengen

Borders, visa and Schengen

Significant developments were reported in the area of borders, visa and Schengen, namely in regard to external dimension, external Schengen border management, situation at the internal borders and other developments in border management. No significant developments in 2023 were reported in Schengen area and governance.

- **External dimension**

In 2023 the Border Guard liaison officer was deployed as Immigration Liaison Officer (ILO) to the Polish General Consulate in Istanbul for the period of 16 October 2023 – 31 December 2024. This decision had a few major objectives: providing support at all stages of return of foreigners, maintaining contacts with border and migration services and other institutions responsible for migration issues in Turkey and providing ongoing relevant information on the geopolitical situation and promoting the work of the Polish Border Guard on the international arena.

- **External Schengen border management**

In regard to preparation of launching the Entry/Exit System (EES)²⁶ in October 2024, preparatory works at the Polish Border Guard continued in order to implement the EES system at the national level. The objective of this action was to adapt the national legal framework to the EES requirements and to

develop a training system and authorisations granting for national authorities. Solutions for the Central Access Point are being prepared.

Other legislative works were conducted in 2023 in order to ensure proper use of the Schengen Information System (SIS)²⁷ and establishing the SIS Recast framework. They included amendments of the Act on Foreigners and certain other acts²⁸ and the Act on Participation of Republic of Poland in Schengen Information System and Visa Information System and certain other acts (legislation adopted in 2022).²⁹

It is also worth mentioning that in 2023 works on the preparation of the Polish strategy of Integrated Border Management (IBM) began with the aim to finalise them by March 2024. This development is based on policy document developing a multianual strategic policy for European Integrated Border Management in accordance with Article 8(4) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019.³⁰

- **Situation at the internal borders**

Due to intensified migration pressure along the Balkan route through Slovakia to Poland resulting in illegal crossing of the border by the migrants who may pose a serious threat to the internal security and public order of the Republic of Poland, the Minister of

26. European Commission, Entry/Exit System, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/smart-borders/entry-exit-system_en, last accessed: 16 April 2024

27. European Commission, Schengen Information System, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system_en, last accessed: 16 April 2024

28. Act of 9 March 2024 amending the Act on foreigners and certain other acts, <https://dziennikustaw.gov.pl/DU/2023/547>, last accessed: 16 April 2024

29. Act of 1 December 2022 amending the Act on Participation of Republic of Poland in Schengen Information System and Visa Information System and certain other acts, <https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/2642>, last accessed: 16 April 2024

30. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, <https://eur-lex.europa.eu/eli/reg/2019/1896/oj>, last accessed: 16 April 2024

the Interior and Administration adopted regulations³¹ on the temporary reintroduction of border control of persons crossing the state border constituting the internal border, introducing the temporary reintroduction of border control at the border with the Slovak Republic. As a result, controls at the internal borders of the Republic of Poland with Slovak Republic since 4 October 2023 were temporarily re-introduced. The aim of this decision was to reduce the number of illegal migrants arriving in the territory of the Republic of Poland.

- **Other developments in Border management and Visa policy**

Increased illegal migration from the territory of Belarus resulted in further actions undertaken in order to ensure national security in Poland. By the regulation of the Minister of the Interior and Administration³² the traffic at the Polish-Belarusian border crossing in Bobrowniki has been suspended until further notice since 10 February 2023.

31. Regulation of 3 October 2023 of the Minister of the Interior and Administration on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002120>; Regulation of 4 October 2023 of the Minister of the Interior and Administration amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002129>; Regulation of 12 October 2023 of the Minister of the Interior and Administration amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002196>; Regulation of 30 October 2023 of the Minister of the Interior and Administration amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002362>; Regulation of 21 November 2023 of the Minister of the Interior and Administration

amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002523>; Regulation of 1 December 2023 of the Minister of the Interior and Administration amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002619>; Regulation of 28 December 2023 of the Minister of the Interior and Administration amending the regulation on the temporary restoration of border control of persons crossing the state border constituting the internal border, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230002811>, last accessed: 17 April 2024

32. Regulation of 9 February 2023 of the Minister of the Interior and Administration amending the regulation on the temporary suspension or restriction of border traffic at specific border crossings, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230000275>, last accessed: 17 April 2024

10

Irregular migration

Irregular migration

- **Combatting facilitation of unauthorised entry (migrant smuggling)**

As a result of the instrumentalization of migration on Polish-Belarusian border and increased migration from the territory of Belarus more actions were undertaken aimed at combatting facilitation of unauthorised entry to the territory of the Republic of Poland. The construction of electronic barriers on the Polish-Belarusian³³ and on the Polish-Russian borders³⁴, was finalized. In addition, a tender for the construction of an electronic dam on the Bug River was launched.³⁵

- **Preventing irregular stay**

In regard to the developments aimed at preventing irregular stay of foreigners in the territory of the Republic of Poland and strengthening the effectiveness of returns, an amendment to the Act on Foreigners was introduced³⁶. Based on it, the maximum period for which an entry ban to Poland and other Schengen countries may be imposed, has been extended to 10 years (previously it was 5 years).

An entry ban may be imposed for reasons of defence or security of the state, protection of public security and public order, Polish interest, and also when there is a fear that the foreigner may conduct terrorist or espionage activities, or is suspected of committing one of these crimes.

Moreover, if the foreigner does not pay the costs related to the issuance and enforcement of the return decision before the expiry of the entry ban period, the entry ban is extended by law until the date of payment of these fees, not more than up to 5 years.

The above-mentioned changes were driven by the need to address threats emerging from the ramifications of Russia's aggressive war against Ukraine.

No significant developments in 2023 were reported in the areas of monitoring and identifying irregular migration routes, preventing the arrival of irregular migrants, monitoring and identifying irregular migration routes, preventing irregular migration through information provision, cooperation with third countries to prevent irregular migration and access to services and legal solutions for irregularly staying migrants.

33. Zakończenie odbioru bariery elektronicznej na granicy polsko-białoruskiej, <https://www.strazgraniczna.pl/pl/aktualnosci/11875.Zakonczenie-odbioru-bariery-elektronicznej-na-granicy-polsko-bialoruskiej.html>, last accessed: 17 April 2024

34. Ministry of the Interior and Administration, Uruchomienie Centrum Nadzoru Straży Granicznej w Kętrzynie i bariery elektronicznej na granicy polsko-rosyjskiej, <https://www.gov.pl/web/mswia/uruchomienie-centrum-nadzoru-strazy-granicznej-w-ketrzynie-i-bariery-elektronicznej-na-granicy-polsko-rosyjskiej>, last accessed: 17 April 2024

35. Ibidem

36. Act of 9 March 2023 amending the Act on foreigners, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20230000547/O/D20230547.pdf>, last accessed: 17 April 2024

11

Trafficking in
human beings

Trafficking in human beings

In 2023, a number of significant developments was reported in the area of countering trafficking in human beings, in regard to national strategic policy developments, detection, identification and protection of victims, as well as cooperation with third countries.

- **National strategic policy developments**

In 2023, there were a few changes in Poland related to national strategic policy developments in the area of countering trafficking in human beings.

In September 2023 the Polish Prime Minister signed the Regulation on the establishment the Inter-Ministerial Committee for Counteracting Trafficking in Human Beings³⁷. Until then the Committee was established within the Ministry of the Interior and Administration.³⁸

The need was identified to increase the effectiveness of actions taken by the government in the situation caused by Russia's invasion of Ukraine and the related refugee crisis. This structural change was aimed at strengthening national coordination by shortening the decision-making process in the area of counteracting human trafficking; making the management process more flexible and increasing the effectiveness of implemented activities. Moreover, positioning the Committee with the Prime Minister will have a positive impact on the perception of Poland by international institutions (EU, OSCE, UN),

which treat the issue of trafficking in human beings as a priority.

The problem of human trafficking is treated as a primary issue by the Polish government. The rise of profile of the Committee is an important step towards overall improvement of activities towards combating and preventing trafficking in human beings as well as protecting the victims.

In 2023, the Department for International Affairs and Migration at the Ministry of the Interior and Administration published a report on the situation regarding trafficking in human beings in Poland for 2022³⁹ (which is also available in English). The report contains e.g. information on legal changes, activities carried out in 2022 and statistical data. Moreover, it presents the national policy and structure of counteracting and combating human trafficking and protecting victims.

- **Detection and identification of victims**

In order to facilitate detection and identification of victims of trafficking in human beings and ensure that the tools used are up to date, *Algorithm of conduct of law enforcement officers in the case of disclosing a human trafficking crime* was developed.

The document was developed by the Group for Supporting Victims of Trafficking in Human Beings, established within the Committee for Counteracting Trafficking in Human Beings at the Ministry of the

³⁷. Regulation no. 392 of 18 September 2023 of the Prime Minister on Inter-Ministerial Committee for Counteracting Trafficking in Human Beings, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-MP20230001036>, last accessed: 17 April 2024

³⁸. More information: Portal on Counteracting Trafficking in Human Beings, Zarządzenie nr 392 Prezesa Rady Ministrów z dnia 18 września 2023 r. w sprawie Międzyresortowego Zespołu do spraw Przeciwdziałania Handlowi Ludźmi, <https://www.gov.pl/web/handel-ludzmi/zarzadzenie-nr-392-prezesa-rady-ministrow-z-dnia-18-wrzesnia-2023-r-w-sprawie-miedzyresortowego-zespołu-do-spraw-przeciwdziałania-handlowi-ludzmi>, last accessed: 17 April 2024

³⁹. Ministry of the Interior and Administration, Department of International Affairs and Migration, Human Trafficking Report, 2022, <https://www.gov.pl/attachment/7a7b93f8-493b-47eb-84bf-27cbc-b803ab8>, last accessed: 17 April 2024

Interior and Administration and first adopted in 2015. The Algorithm is a basic guide that systematises and enhances knowledge about the phenomenon of human trafficking and determines the procedure of law enforcement authorities. The document contains Polish and international legal acts applicable in Poland, as well as model certificates issued to presumed victims of trafficking in human beings.

In 2023, another document of this kind was also updated: *Algorithm for identifying and dealing with a minor victim of human trafficking for Police and Border Guard officers*. The document was – like the one mentioned above – developed by the Group for Supporting Victims of Trafficking in Human Beings and first adopted in 2015. The Algorithm includes the most important information regarding the procedure in the event of revealing a minor victim of human trafficking, such as the definition, the initial identification process, and the intervention process. In addition, it contains a lot of useful advice regarding, among others: code of conduct for interacting with minors, establishing representation of a minor, procedural activities involving a minor victim of trafficking in human beings. The algorithm is a basic guide indicating the scheme for procedure and response that should be followed by Police and Border Guard officers.

The above-mentioned updates were driven by amending the Act on entry into, residence in and departure from the territory of the Republic of Poland of nationals of the Member States of the EU and members of their families, and adding a provision on the possibility of issuing certificates on the presumption of being a victim of trafficking in human beings also to citizens of the EU and the European Economic Area Member States.

While reporting on actions undertaken by Poland in order to combat trafficking in human beings by deterring potential offenders and driven by the need to increase the effectiveness of actions taken by the government in fighting against trafficking in human beings, it is necessary to mention the amendment of the Criminal Code which entered into force on 1 October 2023⁴⁰. It introduced a significant increase in penalties in the area of the crime of

human trafficking. According to the new regulations, Whoever commits trafficking in human beings shall be subject to a penalty of deprivation of liberty for a term between 3 and 20 years. When those guilty of trafficking in human beings are proven to have acted with particular aggravation, the punishment may be from 5 to 25 years' imprisonment.

• Protection of victims

Warto podkreślić, że rok 2023 był pierwszym, w którym Ministerstwo Spraw Wewnętrznych i Administracji podjęło decyzję o zwiększeniu finansowania zadania Krajowego Centrum Interwencyjno-Konsultacyjnego dla Ofiar Handlu Ludźmi (KCIK) o prawie 40% (do 1 500 000 zł), w celu dostarczania lepszej i skuteczniejszej pomocy zwiększonej liczbie ofiar handlu ludźmi.

Ponadto w 2023 r. Polska przyjęła Krajowy Plan Przeciwdziałania Przesłępsłwom Przeciwko Wolności Seksualnej i Obyczajności na Szkodę Małolełnich na lata 2023-2026. Plan został opracowany pod kierownictwem Ministra Sprawiedliwości i ma na celu wprowadzenie wysokich standardów ochrony małolełnich przed nadużyciami w celu ochrony wszystkich małolełnich przed przemocą. Małolełni obywatele państw trzecich, którzy są (domniemanymi) ofiarami handlu ludźmi, będą również beneficjentami opracowanych środków.

• Cooperation with Third Countries

It is worth emphasizing that 2023 was the first year when the Ministry of the Interior and Administration decided to increase the financing of the task of the National Intervention and Consultation Centre for Victims of Trafficking in Human Beings (*Krajowe Centrum Interwencyjno-Konsultacyjne dla Ofiar Handlu Ludźmi*, KCIK) by almost 40% (up to PLN 1,500,000), in order to provide better and more effective assistance to an increased number of victims of trafficking in human beings.

Moreover, in 2023 Poland adopted a National Plan to Counter Crimes Against Sexual Liberty and Vice Crimes Against Minors for 2023-2026. The plan was developed under the leadership of the Minister of Justice and aims to introduce high standards for

⁴⁰ Criminal Code of 6 June 1997, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19970880553>, last accessed: 17 July 2024

protecting minors from abuse with the objective of protecting all minors from violence. Third-country national minors who are (alleged) victims of trafficking will also be beneficiaries of the developed measures.

Information on countering trafficking in human beings in 2023 in Poland

In view of the current situation which resulted from Russia's armed attack on Ukraine, cooperation of Poland with the Ukrainian partner has been intensified and there are already increasing signs of organised criminal groups exploiting Ukrainian citizens in human trafficking. One of the new trends observed were attempts to carry out illegal adoptions of Ukrainian children evacuated from the Ukrainian territory. As part of the police actions based on the above information, it was possible to secure the rights of the children by establishing a legal representative for them under Polish legislation. Such actions have made it impossible for children to be transported out of Poland illegally and become victims of human trafficking.

In addition, the Polish Police carried out activities aimed at combating and preventing trafficking in human beings as part of the work of the various groups established under the EMPACT (European Multidisciplinary Platform Against Criminal Threats) THB platform. Particularly noteworthy is the creation of a special group in connection with the war in Ukraine. The task of the group is to identify and combat organised criminal groups involved in trafficking in human beings for the purpose of sexual exploitation, labour exploitation or other forms of exploitation in and within the EU, where the suspects and/or victims are from the countries of the South-Eastern Partnership (in particular Ukraine and, where relevant, Armenia, Azerbaijan, Georgia and Moldova). A particular focus of the work has been the exploitation of Ukrainian refugees.

The activities of the above group are supported by the work of other operational plans, including organisation of an annual HACKATON event, during which Internet resources, both public and dark web, are scanned for sexually-oriented job advertisements, suggesting the possibility of human trafficking. The information gathered is then passed on to analysts,

who examine it and, on its basis, initiate new trafficking cases. Most of the checks carried out during the event concern Ukrainians. In addition, representatives of the Criminal Investigation Department of the Police Headquarters take part in cyclical meetings of the Europol Task Force (UATF), which monitors the situation of refugees as a group that may become victims of human trafficking.

As part of the Polish Police's participation in the 2023 pan-European JAD (Joint Action Days) - op Chain and JAD Labour Exploitation - the police carried out checks on the whereabouts of potential victims of human trafficking, including refugees from Ukraine. Special attention was given to minors, their family situation and possible irregularities, including the possibility of sexual exploitation of children, exploitation for begging or criminal activities.

In 2024, all of the above activities will be continued under the EMPACT THB platform.

At the same time, it must be emphasised that within the framework of activities defined in the National Action Plan, the Polish Police carries out a number of activities to combat and prevent human trafficking. In 2023, police officers in all voivodships continuously conducted educational and informational activities on the phenomenon of trafficking in human beings, which were addressed to the general public, including Ukrainian citizens residing within the territory of Poland. These activities included distributing posters and leaflets at family picnics, festivals and other events, giving advice and talking to residents. In total, more than 3,200 such events were held in Poland. In addition, information on the threat of trafficking in human beings was placed on the websites of police units. The information covered current threats, risk groups, recruitment methods and how perpetrators operate, as well as telephone numbers for assistance and a link to the website www.handelludzmi.eu.

Current trends indicate that the majority of trafficking cases involve the use of victims

for forced labour. In this form of exploitation, women, men and children can be exploited equally. This form of exploitation is therefore much more profitable for criminals than pure sexual exploitation and it is possible that Ukrainian nationals residing in EU countries may fall victim to this form of exploitation in the coming years. Measures have therefore

been taken to raise awareness of the phenomenon of human trafficking by organising information sessions for schoolchildren and jobseekers. In 2023, 7,824 such sessions were held. More than 215,000 people (218,650) attended these sessions.

An example of the activities carried out is a unique educational project aimed at raising public awareness of the phenomenon of human trafficking. For the first time in Poland,

the "Escapetruck" project, an initiative of the Dutch Reshape Foundation, was launched on 23 October 2023. The project was initiated in close cooperation with the Centre for Research on Human Trafficking at the University of Wrocław and the Polish Police and Border Guard. In 2023, the project was carried out in Warsaw, in the car park in front of the Palace of Culture and Science (23 - 24 October), in Krakow, in the car park on the north side of the Henryk Reyman Stadium (25 - 26 October) and in Wrocław, the Zajezdnia History Centre (27 - 28 October).

In this project, the issue of human trafficking was presented to the visitors in the form of escape rooms. Although it was a game, it was a deeply thought-provoking experience. Those who played the game were exposed to real stories of people who had been victims of trafficking and who had escaped from their traffickers thanks to coordinated action and help from law enforcement services. During the game, participants - in groups of up to six - had to get out of the truck by solving interactive tasks and cracking ciphers. The main task for the players was to help the virtual victim get out of the extremely difficult situation they found themselves in. The spaces in Escapetruck were designed to reflect the very difficult living conditions of trafficked people and to make visitors aware of the suffering and trauma they have experienced. During the truck's visit to Poland, several thousand adults and young people over the age of 16 visited the project. In each of the locations visited by the Escapetruck, police officers were present to provide information on the dangers, methods and mechanisms used by criminals, and the rights of victims of human trafficking. Participation in the project was free and open to anyone over the age of 16. Due to the great interest in the project, it will be continued in 2024.

Thanks to the efforts of Polish police officers, including the above-mentioned commitments, since

Russia's armed attack on Ukraine, 7 cases of trafficking in human beings have been initiated for possible crimes against Ukrainian citizens. Trafficking in human beings was confirmed in only two of these cases. The first case concerned two Ukrainian minors. They had arrived in Poland after the outbreak of hostilities in their country. They looked for work to improve their living conditions. The perpetrators manipulated them and forced them to provide sexual services, taking advantage of their young age and lack of life experience. The second case is a case of exploitation into slavery and is under investigation. Police officers located a group from Ukraine. They were forced to work in an illegal cigarette factory on the territory of Poland.

In 2023, 30 presumed victims of trafficking were identified, including 24 adults and 6 minors (3 women and 1 man from Moldova and 1 woman and 1 man from Poland).

Out of the 30 victims, 16 were male.

In the majority of these cases (8 persons) the victims were foreigners from Ukraine. There were: 5 victims from Colombia, 5 victims from Moldova, 5 victims from Poland, 2 victims from Bangladesh, 1 victim from Bulgaria, 1 victim from Mali, 1 victim from Russia, 1 victim from Thailand and 1 victim from Zimbabwe.

The largest number of victims (16 persons) were exploited in the form of forced labour or forced services.

Eight people were victims of forced prostitution, pornography or other forms of sexual exploitation and six people were victims of forced begging.

2023 was another year in which the number of victims of forced labour related to exploitation in prostitution and pornography increased.

Forecasts indicate that this will be a continuing trend worldwide in the coming years. This is particularly true in light of the current geopolitical situation related to the conflict in Ukraine and the situation of Ukrainian refugees.

Of the total number of presumed victims of trafficking identified in 2023, 27 persons were exploited in Poland, 1 female (Thai national) in the Federal Republic of Germany, 1 male (Polish minor) in Cyprus and 1 male (Polish national) in the United Kingdom.

Eleven persons identified by the police expressed their willingness to receive assistance and support

for victims of trafficking within KCIK (National Intervention and Counselling Centre for Victims of Trafficking).

In 2023, the police issued 21 certificates to foreigners who were presumed to be victims of trafficking in human beings (according to Article 170 of the Act on Foreigners).

The number of human trafficking offences registered in the National Police Information System as part of ongoing investigations in 2023 was 12 offences, of which 11 offences were registered under Article 189a § 1 of the Criminal Code and only 1 under Article 189a § 2 of the Criminal Code.

Of the crimes recorded:

- 4 were registered as exploitation in the form of prostitution, pornography or other forms of sexual exploitation, including 1 in the form of preparation;
- 3 other forms involving degradation of human dignity;
- 3 begging offences;
- 2 in forced labour or services.

A total of 13 suspects have been charged in ongoing investigations over the past year.

Most suspects were from Poland - 7 persons (6 women and 1 man). Accusations were also made against: 2 Romanian nationals (1 woman and 1 man), 2 Ukrainian nationals (both men), 1 Moldovan national and 1 Pakistani national (both men).

12

Return and readmission

Return and readmission

- **Forced return**

Based on the amendment of the Act on Foreigners and certain other acts⁴¹ the authority of the second instance in matters of return and expulsion of citizens of a European Union Member State and their family members was changed. The above-mentioned competences were taken over from the Head of the Office for Foreigners by the Commander-in-Chief of the Border Guard. The transfer of competences of the Head of the Office for Foreigners to the Commander-in-Chief of the Border Guard as a higher-level authority in matters relating to the foreigner's return obligation and in matters related to this procedure was aimed at establishing a coherent and uniform structure of competences of both central authorities.

- **(Assisted) voluntary return and reintegration**

The above-mentioned amendment also introduced a change in the provision of assistance in the voluntary return of a foreigner and the transfer of a foreigner to another Member State responsible for considering the application for international protection. Assistance in voluntary return and reintegration is one of the statutory tasks of the Commander-in-Chief of the Border Guard, and since 7 April 2023 that authority has been the sole authority competent to provide such assistance. The Commander-in-Chief of the Border Guard cooperates in this field with International Organization for Migration (IOM) as a leading international organisation promoting voluntary returns, but also since September 2023 – with Frontex.

Both of those developments were driven by need for improvement in return procedures.

⁴¹. Act amending the Act on Foreigners and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20230000547>, last accessed: 17 July 2024

Reintegration Assistance – JRS programme

It needs to be underlined that since September 2023 the Commander-in-Chief of the Border Guard has been cooperating in the field of assisted voluntary returns with Frontex. It ensures more possibilities of providing voluntary returns and reintegration assistance, thus offering more effective incentives for return. As part of this cooperation, the Joint Reintegration Services (JRS) programme is run, which is a part of the comprehensive reintegration program of the Frontex Agency (Frontex Reintegration Program - FRP), covering all activities of the Agency in the area of return of the foreigner to the country of origin. In 2023 under the above-mentioned program, the Commander-in-Chief of the Border Guard provided reintegration assistance to 209 foreigners.

	I half of 2023	II half of 2023
Reintegration assistance in 2023	32	177

Citizens of the following countries received reintegration assistance in 2023 most frequently: Georgia – 62 persons, Turkey – 32 persons, Iraq – 30 persons, Moldova – 17 persons and India – 17 persons.

Assistance in voluntary return

In 2023, the Polish Border Guard received applications for providing of assistance in the voluntary return of foreigners, covering a total of 461 foreigners.

	I half of 2023	II half of 2023
Numbers of applications in 2023	140	321

Citizens of the following countries received assistance in 2023 most frequently: Colombia – 108 persons, Russia – 60 persons, Georgia – 51 persons, Moldova – 26 persons, Tajikistan – 22 persons.

Consent to granting AVR - 350 foreigners.

	I half of 2023	II half of 2023
Consent to granting AVR in 2023	96	254

Refusal of granting AVR – 111 foreigners.

	I half of 2023	II half of 2023
Refusal of granting AVR in 2023	44	67

In 2023, the Polish Border Guard, as part of assistance in voluntary return from Poland carried out in cooperation with IOM, co-financed the return of 254 foreigners.

These returns were carried out most frequently in regard to citizens of the following countries: Colombia – 69 persons, Georgia – 32 persons, Russia – 19 persons, Uzbekistan – 19 persons and Tajikistan – 13 persons.

In 2023, the Polish Border Guard, in cooperation with the Frontex Agency, organized the return of 25 foreigners, mostly the citizens of Colombia – 15 persons, Nepal – 2 persons, Philippines – 1 person, Georgia – 1 person and Kazakhstan – 1 person.

In total, in 2023, the Polish Border Guard, as part of cooperation with entities, organized the voluntary return to the country of origin for 279 foreigners.

	I half of 2023	II half of 2023
Numbers of returns of foreigners in 2023	75	204

Institutional support

As a result of the public procurement procedure for the service of organizing social assistance, medical and psychological care services provided to foreigners by the Commander-in-Chief of the Border Guard, in 2023 the DIALOG Foundation, as part of the implementation of agreement, provided assistance to 64 foreigners.

	I half of 2023	II half of 2023
Numbers of foreigners to whom institutional support was provided.	29	35

Assistance was provided most frequently to the citizens of Iraq – 11 persons, Afghanistan – 8 persons, Syria – 7 persons, Turkey – 6 persons and Sudan – 5 persons.

• Detention

In order to adjust the profiles of detention centres in Poland to current needs and possibilities, actions were undertaken by the Border Guard to change the profiles of detention centres, in particular designating only one centre for families with children and unaccompanied minors (newly opened building of the detention centre in Lesznowola).

Another development in this area was the temporary increase of the capacity of the existing detention centres, by reducing the average area per one foreigner from 4m² to 2m². It was based on the amendment of 2021 in regard to the Regulation of the Minister of the Interior and Administration on guarded centres and detention centres for foreigners⁴². The objective of this development was the necessity to ensure adequate capacity of the existing detention centres in case of unexpected influx.

• Cooperation with countries of origin and transit

The first rounds of negotiations on bilateral readmission agreements with Uzbekistan, Tajikistan and Kyrgyzstan took place on the Polish territory:

- » Tajikistan: 06–12.05.2023
- » Uzbekistan: 22–26.05.2023
- » Kyrgyzstan: 12–16.06.2023

Strengthening the cooperation was driven by increased migration from those countries to Poland.

⁴² Regulation of 13 August 2021 of the Minister of the Interior and Administration on guarded centres and detention centres

for foreigners, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210001482/O/D20211482.pdf>, last accessed: 17 July 2023

13

**Migration and
development**

Migration and development

No significant changes were reported in 2023 in the area of migration and development.

Annex A: Methodology and definitions

Methodology

The information required for drafting Part II of the National Report was obtained by sending information requests and summarising the responses received from the Ministry of the Interior and Administration, Ministry of Development Funds and Regional Policy, Ministry of Family, Labour and Social Policy, Ministry of National Education, Ministry of Health, the Office for Foreigners, the Polish Border Guard Headquarters, the Police Headquarters and the Nation Labour Inspectorate. Additional statistics were prepared by public administration institutions – as indicated in the Annex B.

Terms

All terms used in the Report are compatible with the definitions used in any relevant EU Directives and EU legislation, as well as definitions given in the EMN Asylum and Migration Glossary.

Annex B: National statistics

Section 12 - Statistics on human trafficking
(prepared by the Police Headquarters)

Statistics 2020 - 2023

Article 189a of the Criminal Code	Proceedings initiated	Crimes found	Alleged victims of human trafficking Identified by police officers
Identified by police officers	Total: 14 8 - other forms of exploitation degrading human dignity; 3 - forced labour or services; 2 - prostitution, pornography or other forms of sexual exploitation; 1 - preparation, concerning the procurement of cells, tissues or organs in contravention of the law	Total: 11 6 - prostitution, pornography or other forms of sexual exploitation; 3 - forced labour or services; 2 - other forms of exploitation degrading human dignity;	Total: 17 9 - prostitution, pornography or other forms of sexual exploitation; 8 - forced labour or services;
2021	Total: 21 12 - other forms of exploitation degrading human dignity; 6 - prostitution, pornography or other forms of sexual exploitation; 2 - forced labour or services; 1 - begging;	Total: 9 9 - prostitution, pornography or other forms of sexual exploitation	Total: 23 17 - prostitution, pornography or other forms of sexual exploitation; 5 - forced labour or services; 1 - begging;
2022	Suma: 20 7 - prostitution, pornography or other forms of sexual exploitation; 5 - forced labour or services; 4 - other forms of exploitation degrading human dignity; 3 - begging; 1 - procurement of cells, tissues or organs;	Suma: 23 20 - prostitution, pornography or other forms of sexual exploitation; 1 - other forms of exploitation degrading human dignity; 1 - begging; 1 - slavery;	Suma: 31 13 - forced labour or services; 12 - prostitution, pornography or other forms of sexual exploitation; 3 - begging; 3 - other forms of exploitation degrading human dignity;
2023	Suma: 13 8 - forced labour or services (including 1 in the form of preparation); 2 - other forms of exploitation degrading human dignity; 1 - begging; 2 - procurement of cells, tissues or organs;	Suma: 12 4 - prostitution, pornography or other forms of sexual exploitation (including 1 in the form of preparation); 3 - other forms of exploitation degrading human dignity; 3 - begging; 2 - forced labour or services;	Suma: 30 16 - forced labour or services; 8 - prostitution, pornography or other forms of sexual exploitation; 6 - begging;

Alleged victims of human trafficking 2020

form	total alleged victims	gender		age		citizenship		
		M	K	adult	minor	Poland	Colombia	Bulgaria
forced work or compulsory services	8	7	1	8		5	3	
prostitution, pornography or other forms of sexual abuse	9		9	8	1	6		3
suma	17	7	10	16	1	11	3	3

Alleged victims of human trafficking 2021

form	total alleged victims	gender		age		citizenship		
		M	K	adult	minor	Poland	Bulgaria	Ukraine
forced work or compulsory services	5	5		5		4	1	
prostitution, pornography or other forms of sexual abuse	20		20	19	1	16	3	1
begging	1		1	1				1
suma	26	5	21	25	1	20	4	2

Alleged victims of human trafficking 2022

form	total alleged victims	gender		age		citizenship								
		M	K	adult	minor	Poland	Ukraine	Vietnam	Belarus	Colombia	Romania	Slovakia	Czech Republic	Latvia
forced work or compulsory services	13	8	5	13		8		3				1	1	
prostitution, pornography or other forms of sexual abuse	12		12	10	2	2	8		2					
begging	3	1	2	2	1		1				1			1
slavery and other forms	3	3		3		1				2				
total	31	12	19	28	3	11	9	3	2	2	1	1	1	1

Alleged victims of human trafficking 2023

form	total alleged victim	gender		age		citizenship									
		M	K	adult	minor	Ukraine	Colombia	Moldova	Poland	Bagladesh	Bulgaria	Mali	Russia	Thailand	Zimbabwe
forced work or compulsory services	16	15	1	15	1	6	5		2	2					1
prostitution, pornography or other forms of sexual abuse	8		8	7	1	2			3		1	1		1	
begging	6	1	5	2	4			5					1		
total	30	16	14	24	6	8	5	5	5	2	1	1	1	1	1

Employment of foreigners as teachers in Polish units of the educational system

Annex C: additional information provided by the ministry of national education

Provisions of the Act of 26 January 1982 – Teacher’s Charter⁴³ allow foreigners to be employed as teachers in Polish units of the educational system. Foreigners are subject to the same requirements for the position of a teacher as Polish citizens.

In accordance with Article 9(1) of the Act – Teacher’s Charter, the position of a teacher may be occupied by a person who:

1. holds a university degree with appropriate pedagogical preparation or has completed a teacher education establishment and undertakes a job in a position for which it is sufficient;
2. respects basic moral principles;
3. meets the health conditions necessary for the exercise of the profession;
4. the teacher must also meet the specific requirements for the qualification to occupy a given position set out in the Regulation of the Minister of Education and Science of 14 September 2023 on specific qualifications required from teachers⁴⁴.

In accordance with Article 10(8) of the Teacher’s Charter, an employment relationship cannot be established with a teacher who does not meet the conditions referred to in (5)(2-5), subject to (5)(9), i.e. with a teacher who:

1. does not have full legal capacity and does not enjoy public rights;
2. against whom criminal proceedings are pending for an intentional offence prosecuted by public prosecution or disciplinary proceedings;

3. has been convicted, by a final judgment, of an intentional offence or an intentional fiscal offence;
4. was legally punished by imposing the disciplinary penalty referred to in Article 76(1)(3), during the period of 3 years prior to the commencement of the employment relationship, or the disciplinary penalty referred to in Article 76(1)(4);
5. does not have the qualifications required to hold a given position.

Having regard to what has been stated above, foreigners can work as teachers in kindergartens, schools and institutions in Poland if they meet the above requirements, which are uniform for all teachers, regardless of citizenship.

In addition, according to § 3 of the Regulation of the Minister for National Education of 30 October 1992 on the terms and conditions of employment in schools and public institutions of teachers who are not Polish citizens⁴⁵, employment of a teacher who is not a Polish citizen in a school requires the approval of the authority running the school.

Decisions concerning the organisation of the work of the school or other educational establishment, including the recruitment of a teacher and the assignment of activities to them, shall be taken by the principal, who, in accordance with Article 68(1)(5) of the Education Law Act of 14 December 2016, is the head of the workplace for teachers and non-teachers employed in a school or establishment and, in particular, decides on the recruitment and dismissal of teachers. The principal’s competence

43. Act of 26 January 1982 – Teacher’s Charter, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.aspx?id=WDU19820030019>, last accessed: 16 April 2024

44. Regulation of 14 September 2023 of the Minister of Education and Science on specific qualifications required from teachers, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.aspx?id=WDU20230002102>, last accessed: 19 July 2024

45. Regulation of 30 October 1992 of the Minister for National Education on the terms and conditions of employment in schools and public institutions of teachers who are not Polish citizens, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.aspx?id=WDU19920850432>, last accessed: 19 July 2024

is to take decisions in the field of employee matters specified by law.

In the light of the provisions of the Teacher's Charter Act, all teachers, regardless of their citizenship, are employed on the same terms, with one exception. A teacher who does not have Polish citizenship or citizenship of another Member State of the European Union, the Swiss Confederation or a Member State of the European Free Trade Agreement (EFTA) – a party to the Agreement on the European Economic Area – cannot be employed by appointment (*mianowanie*). Such person may be employed as a teacher at a school on the basis of an employment contract for an indefinite term or on the basis of a fixed-term employment contract.

Foreigners may also be employed in a school on the basis of Article 15 of the Education Law Act – a person who is not a teacher, who has the preparation recognised by the school principal as appropriate to conduct the classes, in justified cases, may be employed in a public school with the consent of the superintendent of education, and in the case of an art school – of the minister competent for culture and protection of national heritage.

These provisions also apply in the case of employing a person with a professional training course recognised by the principal of a school or establishment as suitable for conducting vocational training activities, except that the person is recruited with the consent of the governing body and, in the case of an artistic school, with the consent of the minister competent for culture and protection of national heritage.

Therefore, the aforementioned provisions of the Education Law Act allow the possibility of employing in schools persons who are not teachers, but who have completed specialised training preparing them to hold the given classes, but who do not have pedagogical preparation.

Under Article 15 of the Educational Law Act, a foreigner who does not have the pedagogical preparation required to be employed as a teacher in a school in the Republic of Poland, but who has adequate training to conduct classes recognised by the school principal, may also be employed at the school. According to the Educational Information System, as of 23 February 2024, 3862 foreigners were employed in the Polish educational system units, of which citizens of Ukraine account for 61%, Belarus – 8%, Great Britain – 5%.

Access to the profession of a teacher in Poland – special measure for Ukrainian citizens

Refugees from Ukraine who have obtained their qualifications to hold the position of a teacher, can exercise the profession in Poland on the basis of the same regulations as Polish teachers. After confirming the validity (equivalence) of diplomas completed in Ukraine (on the basis of an international agreement – in the case of diplomas obtained in Ukraine by 20 June 2006, or by nostrification – in the case of diplomas obtained in Ukraine after 20 June 2006) and meeting the Polish qualification requirements, teachers are eligible for employment in Polish schools and institutions. The assessment of the fulfilment of the qualification requirements necessary to occupy the position of a teacher in a Polish school or institution is carried out by the principal of the school or institution where the teacher concerned takes up employment.

As a matter of principle, in order to be able to hold a position as a teacher in Poland, it is necessary to:

- have completed university studies in a field consistent with the subject or classes being taught, and have the required pedagogical preparation, or
- complete university studies in a field whose learning outcomes – in terms of knowledge and skills – encompass the teaching content set out in the curriculum basis of general education of the course being taught at the appropriate educational stage, and have the required pedagogical preparation. In the case of teachers of theoretical vocational subjects, complete university studies in a field whose learning outcomes encompass the teaching content specified in the curriculum basis of the relevant profession.

The pedagogical preparation required by Polish regulations includes knowledge and skills in the field of psychology, pedagogy and didactics/teaching methods. These pedagogical subjects are taught in a pre-defined number of training hours and in connection with the direction of education (faculty/field of study). The pedagogical preparation includes also a positively evaluated pedagogical practice completed in pre-defined number of training hours. Completion of pedagogical preparation is confirmed by a diploma or another document issued by the university.

Adaptation and integration of children/youths from Ukraine

The following measures have been undertaken following the outbreak of war in Ukraine and the subsequent influx of refugees, including school-age children and young people (not solely in 2023):

- recommendations have been prepared for teachers and school educators: "How to talk to children and students about the situation in Ukraine". Recommendations were sent to all schools and institutions and offices of superintendents of education and are available on the Ministry of Science and Higher Education's website . In addition, on-line training organised by the Ombudsman for the Rights of the Child was promoted: "How to talk to children about war";
- info package has been prepared for parents or persons with ongoing custody of children from Ukraine and the principals of the educational system units on support for children with special educational needs;
- practical info package was prepared and sent to the psychological and pedagogical counselling centres and superintendents of education regarding the provision of support to children from Ukraine and their parents or persons with ongoing custody of children. Also, guidelines were provided on how to carry out the process of diagnosing children's needs;
- an application form for a decision on the need for special education or on the need for revalidation and education classes was translated into Ukrainian and Russian; once completed, it is submitted to a public psychological and pedagogical counselling centre;
- additional hours of psychological and pedagogical assistance classes were carried out in schools from 1 March to 20 December 2022. The Ministry of Education and Science has allocated PLN 180 million for this purpose. This amount made it possible to hold around 3 million additional hours of classes for students, including students from Ukraine. Support included the organisation

of corrective and compensatory classes, speech therapy (logopaedics), developing emotional and social competences and other therapeutic activities. Funds in the educational part of the general subsidy for psychological and pedagogical assistance for 2022 were therefore increased by 31%. The distribution of funds has been simplified as much as possible.

In addition, the legislation has been amended:

1. Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care for children and young people who are citizens of Ukraine⁴⁶:
 - » the number of integration and special units increased by no more than 2 disabled pupils who are citizens of Ukraine;
 - » the number of pupils in the 'mixed classes' in special schools has been increased,
 - » including social assistance units with no more than 2 disabled pupils who are citizens of Ukraine;
 - » the number of pupils in the 'educational group' in a special educational centre with no more than 2 disabled pupils who are citizens of Ukraine has been increased;
 - » the number of disabled pupils in day-care classes with one teacher has been increased by no more than 2 students with disabilities who are citizens of Ukraine;
 - » in case of special kindergartens, special schools, special educational centres, admission of a disabled pupil who is a citizen of Ukraine to a kindergarten, kindergarten department, school or the centre has been facilitated. A parents' statement about submitting to the psychological and pedagogical counselling centre the application for the need for special education shall be sufficient to pupils' admission to above-mentioned day-care centres/school.
 - » in order to improve the recognition of special educational needs of children and young people who are citizens of Ukraine, as well as providing them with psychological and pedagogical

46. Ministry of Science and Higher Education, Jak rozmawiać z dziećmi i uczniami na temat sytuacji w Ukrainie – rekomendacje dla nauczycieli i pedagogów szkolnych, <https://www.gov.pl/web/nauka/jak-rozmawiac-z-dziecmi-i-uczniami-na-temat-sytuacji-w-ukrainie--rekomendacje-dla-nauczycieli-i-pedagogow-szkolnych>, last accessed: 19 July 2024

47. Regulation of 21 March 2022 of the Minister of Education and Science on the organisation of education, upbringing and care for children and young people who are citizens of Ukraine, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000645>, last accessed: 19 July 2024

assistance, the catalogue of persons employed in public psychological and pedagogical counselling centres has been expanded. With the consent of the superintendent of education, these may be persons who are not teachers.

2. Regulation of the Minister of Education and Science of 8 April 2022 amending the Regulation on the organisation of education, upbringing and care for children and young people who are citizens of Ukraine:

- » a class, department, and educational group in which the number of children or pupils with disabilities has been increased and may function with an increased number of children or pupils with disabilities who are citizens of Ukraine throughout the educational phase.

The Ministry of National Education has also launched actions related to the preparation of an additional training offer dedicated to the staff of teachers and educators in education and tools that support the implementation of the tasks assigned to them on a daily basis. These actions are carried out in tight cooperation with the staff of universities and research institutes. It allows to develop a know-how based on contemporary knowledge in the field of pedagogy, psychology and neurobiology, as well as using modern technologies and methods of teaching adults with scientifically proven effectiveness (learning through action).

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www.gov.pl/web/europejska-siec-migracyjna
www.home-affairs.ec.europa.eu