

EMN Annual Report on Migration and Asylum

Part 2
POLAND 2022



EMN Annual Report on Migration and Asylum

Part 2
POLAND 2022

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 (PL NCP EMN) 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. The EMN consists of National Contact Points (NCPs) in the EMN Member (EU Member States except Denmark) and Observer Countries (Norway, Georgia, Moldova, Ukraine, Montenegro, Armenia, Serbia), the European Commission and the EMN Service Provider (ICF).

The electronic version (both English and Polish) of the National Report is available on <https://www.gov.pl/web/european-migration-network> under "Publications".

DISCLAIMER:

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

CONTACT:

European Migration Network
National Contact Point in Poland
Office for Foreigners
16 Koszykowa St., 00-564 Warsaw
Email: esm@udsc.gov.pl
Web site: <https://www.gov.pl/web/european-migration-network>

DTP & GRAPHIC DESIGN:

SmartDTP
www.smartdtp.pl

Table of content

Executive summary
>7

1

Overview of asylum and migration
policy developments
>11

Introduction
>9

2

Responses to the influx of persons
fleeing the war in Ukraine
>17

3

Legal migration
>31

4

International
protection
>33

5

Minors and other
vulnerable groups
>35

6

Integration and
inclusion
>37

7

Citizenship and
statelessness
>39

8

Borders, visa and
Schengen
>45

9

Irregular migration
including migrant smuggling
>49

10

Trafficking in human beings
>51

11

Return and readmission
>55

12

Migration and development
cooperation
>57



The European Migration Network (EMN) is an EU network of migration and asylum experts who work together to provide objective, comparable policy-relevant information and knowledge on emerging issues relating to asylum and migration in Europe.

Executive summary

In 2022, we observed a number of developments in the area of migration and asylum in Poland. Many of these were the result of the need for rapid reaction related to the massive arrival of Ukrainian citizens fleeing the war in their country.

On 4 March 2022, the Council of the European Union adopted the implementing Decision 2022/382, establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of introducing temporary protection. In Poland, a number of legislative acts have been adopted to ensure assistance and facilitate the stay of foreigners covered by temporary protection within the territory of Poland.

From the point of view of illegal migration, the most important event in Poland in 2022 was the further influx of illegal migrants across the border with Belarus. As a result, a number of developments in the area of border management and the fight against facilitation of irregular migration and prevention of irregular stay was introduced.

In addition, significant changes were adopted in the area of return and readmission, which included entrusting competent parties with the ability to provide reintegration assistance for foreigners returning to their country of origin, both voluntarily and involuntarily, by the Commander in Chief of the Border Guard.

Moreover, some actions were undertaken in the areas of visa policy (possibility of issuing national visas to citizens of Ukraine and Belarus residing within the territory of the Republic of Poland and creating the Visa Decision Centre), international protection (changes of the amount of aid for daily alimentation for foreigners staying in centres for foreigners and the repealing of some solutions introduced as a result of the COVID-19 pandemic), legal migration (launching of a new website – Case Handling Module), as well as countering trafficking in human beings – related to national strategy and detection, identification and provision of information to the victims.

Introduction

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN 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 Policy Report consists of two parts and a Statistics Annex. Part I of the National Report and the Statistics Annex are intended to inform policymakers within the European Commission about national developments. Part II, however, is aimed at a wider audience interested in an overview of the asylum and immigration situation in 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 2022.

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 Economic Developments and Technology, Ministry of Family and Social Policy, the Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Health, the Office for Foreigners, the Polish Border Guard, the Police Headquarters and the Nation Labour Inspectorate.

All terms used in the Report are compatible with the definitions in the EMN Asylum and Migration Glossary.

1

Overview of asylum and migration policy developments

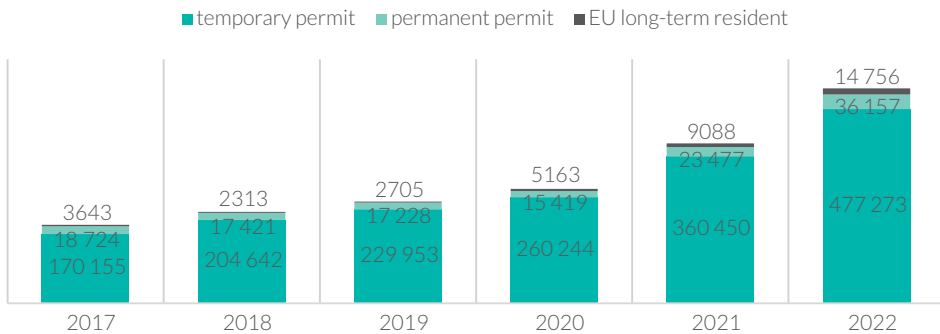
Since 24 February 2022, the situation in Poland in terms of migration has been dominated by the influx of Ukrainian citizens to Poland and the consequences which the armed conflict in Ukraine has created. From the beginning of war to the end of the year 2022, 8.8 million persons from Ukraine entered Poland, of which 1.5 million have been registered for temporary protection. It is worth noticing that from 2014 to the beginning of 2022, the number of Ukrainian nationals who possess valid residence permits in Poland has risen eight-fold, from 41,000 to 313,000. Such a large (Ukrainian) diaspora and the geographical proximity are strong attracting factors for people fleeing from the consequences of war. At the same time, an increased influx of Belarusians and Russians to Poland was noticeable.

In 2022 alone, 528 thousand applications for temporary residence, permanent residence or long-term EU resident have been received – over

135 thousand more than in 2021 (+34%). The largest group of foreigners among those applying for residence permits were traditionally Ukrainian citizens – 65% (317 thousand). Besides this, the most numerous groups were citizens of: Belarus (66.6 thousand, 13%), Georgia (37 thousand, 7%), Russia (12.2 thousand, 2%), India (11.6 thousand, 2%) and Moldova (9.8 thousand, 2%).

It is estimated that the trend of gradual increase in the number of applications for residence permits will persist. However, its scale will be dependent primarily on the political and economic situation not only in Ukraine, Russia and Belarus but also in other former countries of the USSR. It has been noticed that despite the COVID-19 pandemic and war in Ukraine, there is a significant increase in the number of applications in the last couple of years from citizens of: Georgia, India, Moldova, Uzbekistan, Turkey, Vietnam, Azerbaijan, China, Philippines and Zimbabwe.

Applications for residence permits 2015–2022

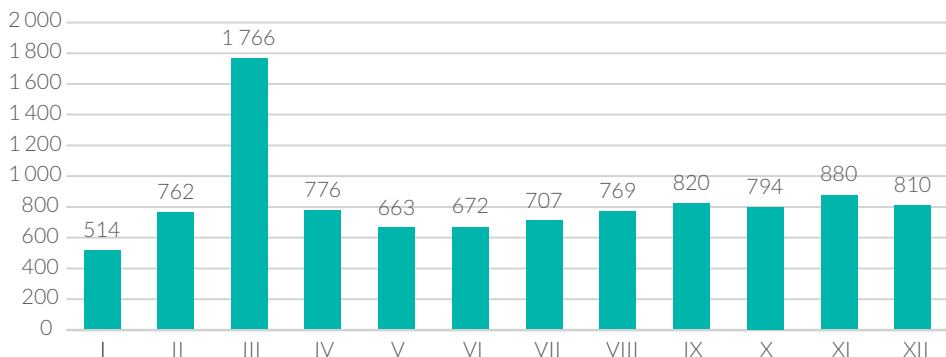


The number of people who applied for international protection in 2022 totalled 9 933 – an increase of 29% compared to the previous year (7 699), the highest number since 2017. A sudden increase could be seen in March 2022, just after the Russian attack on Ukraine. 1 766 applications have been submitted (three times the number from January 2022 – 514).

The main countries of origin of applicants for international protection were: Belarus (3 132), Russia (2 277), Ukraine (1 778), Iraq (639) and Afghanistan (362), whereas 72% of applications

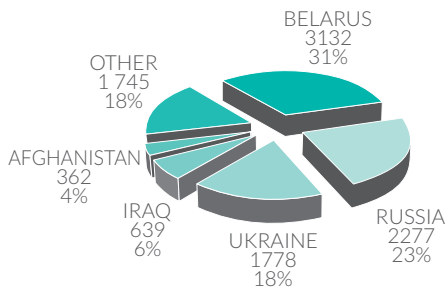
submitted in 2022 came from citizens of the first three countries. Compared to 2021, an increase in the number of applications submitted by citizens of: Ukraine (seven-fold), Russia (two-fold), Belarus (by 39%) was noticeable. At the same time, a decrease could be seen regarding applications from citizens of Afghanistan (five-fold) and Iraq (two-fold). A visible increase in the number of Egyptian applications has been noticed – 176 persons (eight-fold). This trend occurred at the end of the year and is suspected to continue.

International protection applicants in 2022

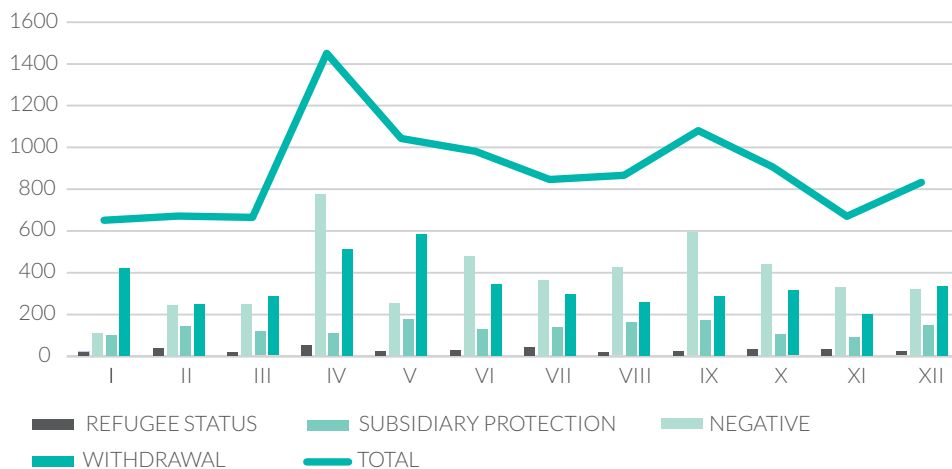


The Head of the Office for Foreigners issued 10 666 decisions regarding international protection in 2022 – twice the number from the previous year (4 689) and the highest number since 2017. Over a thousand decisions per month were issued in April, May and September. 4 966 of these were granted some form of protection: 372 – refugee status and 4 594 – subsidiary protection, while 1 602 persons received a negative decision, along with 4 098 proceedings being withdrawn. The recognition rate reached a record high of 76%.

International protection applicants in 2022



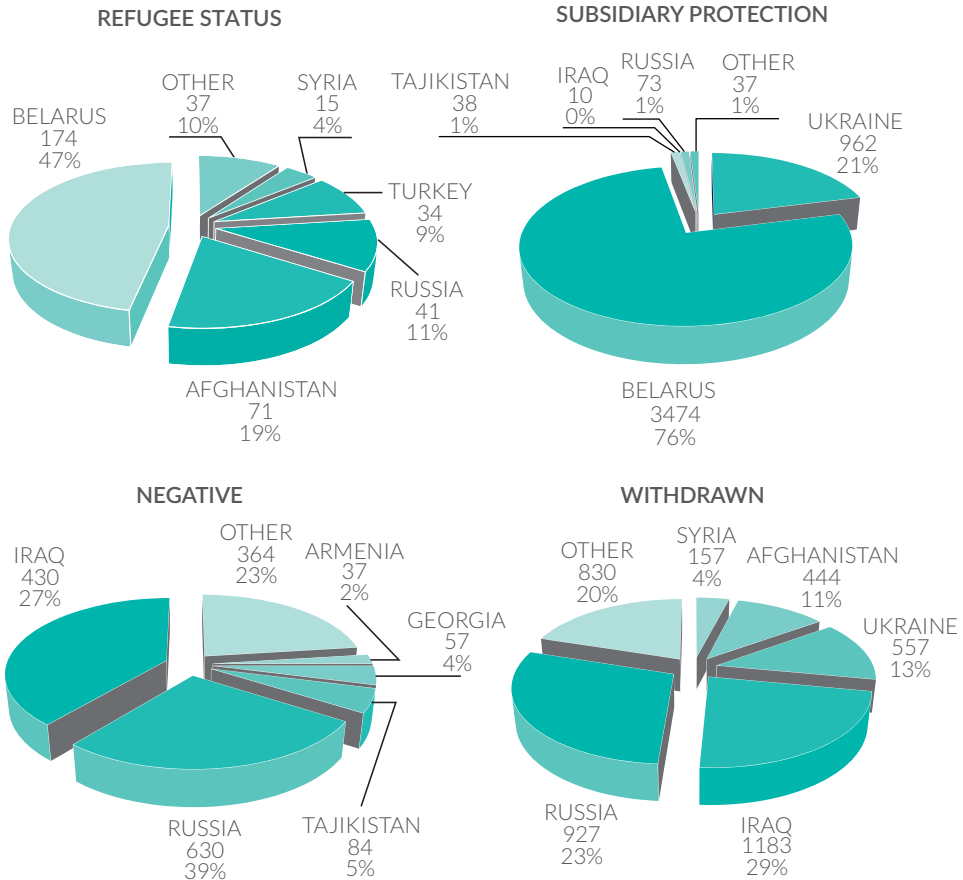
First instance decisions on international protection in 2022



The main beneficiaries of the granted forms of protection were primarily citizens of: Belarus (3 648), Ukraine (965), Russia (114), Afghanistan (71) and Tajikistan (40). Most of the negative decisions were received by: Russians (630), Iraqis (430),

Tajiks (84), Georgians (57) and Armenians (37). Withdrawals concerned mainly citizens of: Iraq (1 183), Russia (927), Ukraine (557), Afghanistan (444) and Syria (157).

First instance decisions on international protection in 2022



Since 24 February 2022, the number of registered applications for temporary protection in municipalities totalled 1.55 million, where the highest share of beneficiaries were citizens of Ukraine – 1 549 933 (which accounted for as much as 99.8% of all applications), then Russians (1 117) and Belarussians (446). Females were predominant in the

breakdown by gender – 1 082 493 (70% of all applications), males, on the other hand, made up half the group – 469 913 (30%). In terms of age: 922 761 were adults (59%), and 629 645 were minors (41%).

The number of certificates on the use of temporary protection issued by the Head of the Office for Foreigners totalled 1 301, most of which were

issued to Russians – 445 (34% of all applications), Belarusians – 200 (15%) and Vietnamese – 93 (7%). In the group of people mentioned above, there were 697 females and 604 males.

As of 31 December 2022, the number of foreigners with valid temporary protection totalled 944 360, of which the majority were citizens of Ukraine – 940 thousand (99,5%), Russia – 1 475 (0.16%) and Belarus – 616 (0.07%). Adults made up 521 583 of registrations (55%) and minors 422 777 (45%). The largest age group (277 100 thousand) were young adults 18-34 years of age. In terms of gender, females clearly predominated – 622 158 thousand (66%), with half that being male – 322 202 thousand (34%).

Regarding 2022, the number of valid documents owned by foreigners totaled over 1.654 million. At the beginning of 2022, this number was close to 457 thousand. Compared to the previous year, this value increased nearly three times (+ 1.118 million). The most numerous group of foreigners in Poland were citizens of: Ukraine – 1 356 thousand (82%), Belarus – 67 thousand (4%), Georgia – 19 thousand (1%), Russia – 19 thousand (1%), Germany – 18 thousand (1%), India – 14 thousand (1%), Vietnam – 12 thousand (1%), Italy – 8.5 thousand. (0.5%), UK – 7.5 thousand. (0.4%) and China – 6.6 thousand. (0.4%).

In 2022, due to the war in Ukraine, there was a change in the dominance of valid documents – those

issued for temporary protection – 58%, 30% residence cards with a temporary residence permit, 8% – permanent residence permit, 4% – certificate of registration of stay or documents confirming the right of permanent residence of an EU resident. Residence cards for persons covered by international or national protection within the territory of the Republic of Poland were held by 10 thousand foreigners: 2 228 – refugee status, 5 910 – subsidiary protection, 211 – tolerated stay, 1 818 – stay for humanitarian reasons.

Ukrainian citizens amount to over half of the valid documents which have been issued in Poland. 70% were issued in connection with temporary protection, 26% – with a temporary residence permit, 3% – permanent residence permit, and 1% – with long-term EU resident title. 559 Ukrainian citizens reside in Poland as a family member of an EU citizen, 60 are refugees, 852 have a document confirming the granting of subsidiary protection, 8 – tolerated stay and 444 with a stay for humanitarian reasons.

The number of Belarusians with valid documents is rapidly increasing. Over the past year, this number has increased by nearly 27 thousand documents (74%). It is also worth mentioning the clear dominance of permanent stays (36.5 thousand), which were obtained primarily in connection with being of Polish origin or the Pole's Card (10 thousand permits issued in 2022).

2

Responses to the influx of persons fleeing the war in Ukraine

» Temporary protection for persons fleeing the war in Ukraine

On 24 February 2022, Russia invaded Ukraine, in a major escalation of the Russo-Ukrainian War that began in 2014. Poland reacted flexibly to the situation, taking every effort to increase the capacity of the border crossing points and adapting to the circumstances. Persons coming from Ukraine were referred immediately after crossing the border to the competent reception points at the border, where they received detailed information on the possibility of legalising their stay in Poland, temporary accommodation, hot meals, basic medical care and a place to rest.

The government (the council of ministers) adopted a special law – Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state on 7 March 2022¹, which was further proceeded by the Polish Parliament. On Saturday 12 March 2022, President Andrzej Duda signed the abovementioned Act². As a rule, the new solutions entered into force on the day they are published in the Journal of Laws and apply retroactively from 24 February 2022.

The Act is aimed at creating a special legal regulation ensuring an *ad hoc* legal basis for legal stay to foreigners, in particular those with Ukrainian citizenship, who as a result of hostilities, were forced to leave their country of origin and entered the territory of the Republic of Poland. The Act provides Ukrainian citizens who have crossed the Polish border since 24 February 2022:

- recognition of their stay as legal for 18 months,
- free access to the Polish labour market,
- medical care,
- access to education,
- social assistance.

In 2022, several amendments to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state were

adopted aimed at specifying the scope of the Act, which included:

- Extending its scope to citizens of Ukraine and their family members who came to Poland as a result of an armed invasion on Ukraine to include those in transit through another country (the condition of direct entry from Ukraine to Poland was lifted – initially, such persons had been issued, upon their request, a certificate of temporary protection in Poland by the Head of the Office for Foreigners, in accordance with the Act on granting protection to foreigners within the territory of the Republic of Poland);
- Clarification that the citizen of the Republic of Poland or the EU who is a spouse of a Ukrainian citizen is not entitled to temporary protection;
- Adding to the list of persons not eligible for temporary protection those who have been granted a residence permit for humanitarian reasons.

The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, as originally drafted, foresees that the departure from Poland for a period longer than 1 month deprives the foreigner of the rights related to the status of person enjoying temporary protection in Poland. The Act of 23 March 2022 on special regulations in the field of the transport and the maritime economy in connection with the armed conflict on the territory of Ukraine (entered into force on 26 March 2022 with a retroactive effect from 24 February 2022) provides exemptions to this requirement for Ukrainian seamen and fisherman. The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state provides further exemptions to the above-mentioned general requirement – for Ukrainian nationals and their family members directed to perform work or services outside the territory of the Republic of Poland by entities operating within the territory of the Republic of Poland. The objective of these exemptions is lifting of the risk of loss of protection rights for Ukrainian

¹ Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000583>, last accessed on 19.05.2023

² Ministry of the Interior and Administration, 'Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state signed by the President', <https://www.gov.pl/web/mswia/ustawa-o-pomocy-obywatelom-ukrainy-w-zwiazku-z-konfliktem-zbrojnym-na-terytorium-tego-panstwa-podpisana-przez-prezydenta>, last accessed on 19.05.2023

seamen and fisherman, as well as Ukrainian nationals posted by national employers to work or provide services abroad.

Foreigners who are not covered by the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and belong to the category of displaced persons listed in the EU Council executive decision stating the existence of a mass influx of people displaced from Ukraine³ may benefit from temporary protection in accordance with the Act on granting protection to foreigners within the territory of the Republic of Poland⁴. The abovementioned foreigners are issued – upon their request – a certificate by the Head of the Office for Foreigners, which confirms that they are benefitting from temporary protection in the territory of the Republic of Poland.

REGISTRATION

For the purpose of managing the process of registration for temporary protection within the territory of Poland and access of foreigners to economic and social benefits deriving from that, a national register has been created to gather the data of persons who wish to benefit from temporary protection within the territory of Poland. The creation of the above system has also required the adoption of the internal systems of the different governmental bodies engaged in order to enable the processing of data of beneficiaries of temporary protection for further exchange of up-to-date data and access to it. The above has also required ensuring a secure and reliable infrastructure that protects the environment involved in exchanging data between the national register and Temporary Protection Platform databases and the import of data of temporary protection beneficiaries in Poland to the platform. The abovementioned solution also enables accession to the Temporary Protection Platform in order to exchange information on beneficiaries of

temporary protection between particular Member States, ensuring that people enjoying temporary protection can effectively benefit from their rights in all Member States while limiting possible abuse (to avoid multi-beneficiaries).

On 30 June 2022, another amendment to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and certain other laws was signed. The introduced changes concern, among others: designation of the Border Guard Commander in Chief as the competent authority acting as the national contact point for the purpose of exchanging information on persons enjoying temporary protection within the meaning of art. 106 sec. 1 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.

Pursuant to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, citizens of Ukraine receive a PESEL number (Universal Electronic System of Population Records; an 11-digit, constant numeric symbol that uniquely identifies a specific individual registered in the PESEL database) – this means they are registered in Polish national population system. From 16 March 2022, citizens of Ukraine who fled their country because of the war can apply for a PESEL number. The application for a PESEL number can be completed at any commune office.

In July 2022, Poland notified the European Commission of an electronic document available to refugees from Ukraine – Diia.pl⁵, a document confirming their legal stay within the territory of Poland and enabling them to travel within the European Union, as well as crossing its external borders. This is the first fully digital residence permit in the European Union.

ACCESS TO BASIC SERVICES AND SUPPORT

Ukrainian citizens may apply for a one-time maintenance cash benefit in the amount of PLN 300 per

³ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>, last accessed on 19.05.2023

⁴ Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20031281176>, last accessed on 19.05.2023

⁵ Ministry of the Interior and Administration, 'Diia.pl – electronic document for war refugees from Ukraine', <https://www.gov.pl/web/mswia/diia-pl--elektroniczny-dokument-dla-uchodzcow-wojennych-z-ukrainy>, last accessed on 21.08.2023

person. Persons providing accommodation and meals to Ukrainian citizens receive a benefit of PLN 40 for each day of assistance. The period of such support was set at 60 days. On 29 April 2022, President Andrzej Duda signed a law amending the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state. The purpose of the amendment was to extend the period for which cash benefits may be granted for providing accommodation and meals to Ukrainian citizens to 120 days.

On 29 November 2022, the Council of Ministers adopted a draft law amending the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and certain other laws. Citizens of Ukraine who stay in Poland in collective accommodation centres will participate in the costs of accommodation and meals. Citizens of Ukraine whose stay in Poland exceeds 120 days will cover 50% of the costs of assistance – but not more than PLN 40 (about EUR 8.50) per person per day. People who will live there for more than 180 days – 75% costs, but not more than PLN 60 (about EUR 13) per person per day. The costs will not be covered by people who are unable to work, e.g. due to disability, age, difficult life situation, pregnancy or the need to take care of children.

In 2022, amendments were adopted to the Act on granting protection to foreigners within the territory of the Republic of Poland, according to which, the person benefiting from temporary protection to whom a certificate has been issued by the Head of the Office for Foreigners, upon his/her request, can be provided by the Office for Foreigners with assistance in the form of accommodation and meals (at the centre for foreigners) or assistance in the form of a financial allowance (to cover the costs of living).

In regard to access to the labour market, which is ensured for beneficiaries of temporary protection, it is worth mentioning that the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state introduced provisions entitling citizens of Ukraine to take up employment in Poland in a simplified procedure consisting in notifying the competent employment office by the employer of the fact of commencement of work by an employee. This information is given *post factum* within 14 days from commencement of an employment. Moreover, access to the labour market in a

simplified procedure applies not only to beneficiaries of temporary protection but also to all citizens of Ukraine legally staying in Poland.

Beneficiaries of the temporary protection – based on the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state – are granted full access to health care on equal terms with Polish nationals (for a period of 18 months, with the exception of spa treatment).

Foreigners who benefit from temporary protection based on the Act of granting protection to foreigners within the territory of the Republic of Poland to whom a certificate has been issued by the Head of the Office for Foreigners, upon his/her request, can be provided by the Office for Foreigners with medical care, which is provided by private contractors and includes basic medical care, special medical treatment, dental care, medicines and medical supplies (however, in this case, medical care is not granted to beneficiaries who use healthcare services financed from public funds in connection with work or business activities). The Head of the Office provides medical care and social assistance to a foreigner benefiting from temporary protection who performs work or conducts business activity, taking into account the amount of income obtained by the foreigner. Along with the request for social assistance and medical care, a foreigner benefiting from temporary protection submits a declaration concerning the amount of monthly family income per person in the family and the right to use healthcare services financed from public funds. The scope of the assistance depends on the declared income.

The Polish system of education has always been open to pupils and students from other countries, and before 24 February 2022, Poland already had relevant solutions to welcome and support foreigners in Polish schools and higher education institutions. Nevertheless, further measures have been introduced to make the system even more flexible in order to facilitate the large and sudden influx of refugees from Ukraine into the Polish system.

In Poland, the decision on the choice of the most appropriate educational solution for children and pupils who have arrived to Poland from the territory of Ukraine as a consequence of the war was left to the parents or persons having custody of the child.

The parent has two options in providing education to their child:

- continuation of education in the Ukrainian system, using distance education methods and techniques. Ukrainian child refugees who prefer to stay in the Ukrainian education system are not subject to compulsory education in Poland. Ukrainian children can continue national schooling online – through individual schools' offers or under the International Ukrainian School or via self-education.
- enrolling in a school operating within the Polish educational system

Students from Ukraine at the age of compulsory schooling and compulsory education in Poland (7-18 years) are admitted to public schools and are provided with care and education under the conditions applicable to Polish citizens. Admission to school is possible throughout the whole school year, and the determination of the class in which education is continued is based on the sum of completed years of schooling abroad.

Ukrainian students who do not speak Polish to an extent allowing them to benefit from school education may:

- participate in additional classes of Polish language,
- study in the form of a preparatory class, in which the teaching process is adapted to the needs and educational capabilities of the pupils,
- be assisted by a person speaking the language of the country of origin, employed as a teacher's assistant,
- benefit from additional remedial classes in the subject area organised by the school authority.

The decision to grant a given form of support is made by the school head in agreement with the school managing body. Therefore, the individual needs of each child are taken into account in order to provide the best possible assistance and reduce further stress after the trauma of war.

Teaching in a preparatory class is conducted on the basis of general education curricula implemented at school, adapted in terms of the scope of teaching content and methods and forms of their implementation to the development and educational needs and psychophysical abilities of the pupils. Pupils in the preparatory class have at least 6 hours a week of Polish language, the remaining hours can be freely allocated by the school head

for the implementation of activities supporting the adaptation of pupils and preparing them for further study. The period of the pupil's education in the preparatory class lasts until the end of didactic and educational activities in the school year in which the pupil was qualified for the preparatory class; however, depending on the pupil's learning progress and educational needs, this period may be shortened or extended for no longer than one school year.

For students who do not speak Polish or whose knowledge of the Polish language is inadequate in preparatory classes, the "School for You" website was created on the Integrated Educational Platform. The Platform includes a link to "Preparatory classes" (<https://zpe.gov.pl/a/oddzialy-przygotowawcze/D1EzffxI8>), which contain materials and links to free textbooks and educational materials for teaching Polish as a foreign language to children and young people. The resources are supplemented and expanded on an ongoing basis. The Integrated Educational Platform, run by the Minister of Education and Science, provides everyone with open and free access to numerous and diverse educational materials. Primary and secondary school teachers and students will find several thousand e-materials here for teaching and learning in all subjects.

Poland enabled students who are Ukrainian citizens and arrived in Poland after 24 February 2022 to take the eighth-grade exam, the matriculation exam and the vocational exam in the 2021/22 school year. According to Polish educational law, in order to graduate from elementary school, students are only required to take the eighth-grade exam. The results of the eighth-grade exam are the basis for recruitment to secondary school in Poland.

The Central Examination Board could introduce additional adaptations (e.g. translation into Ukrainian of some examination sheets, the possibility of using dictionaries during the exam, extended exam time) to the eighth-grade exam, matriculation exam and vocational exam for students and graduates who arrived in Poland from Ukraine after 24 February 2022.

Directors of district examination boards, with the consent of the director of the Central Examination Board, were allowed to appoint as members of the team of examiners checking the work of students taking the eighth-grade exam or the matriculation exam persons who are not registered as examiners by the given district examination board,

on the condition that the appointed persons take part in training for registered examiners checking examination work. This applies to persons with knowledge of the Ukrainian language who will be able to assist examiners checking the examination papers of students who are Ukrainian citizens.

The Ministry of Education and Science collects data on Ukrainian children/students in the administrative database School Education Information System (System Informacji Oświatowej). The Ministry uploads open databases regularly with data of Ukrainian students at: <https://dane.gov.pl/pl/dataset/2711,uczniowie-uchodzcy-z-ukrainy>.

The schooling obligation for Ukrainian children is monitored on the same terms as for Polish children/youth. The heads of public schools control the fulfilment of compulsory education by children residing in the precincts of these schools, and the commune (*gmina*) controls the fulfilment of the compulsory education by young people residing in this commune.

Ukrainian child refugees who are operating in the Ukrainian education system are not subject to compulsory education. However, the parent or the person caring for the child or youth must submit to the municipality competent for their place of residence a declaration that the child or youth will continue education in the online Ukrainian education system. Basically, the Polish education system does not provide for the fulfilment of full-time/part-time compulsory education in two education systems. However, due to the special situation of refugees from Ukraine, distance (online) education in the Ukrainian education system was permitted to continue, while not forbidding the enrolment of a child in a Polish school, if that was the will of the parents. In this case (participating in education in two systems: Polish and Ukrainian), the obligation of compulsory education for Ukrainian children is monitored on the same terms as for Polish children/youth.

The Ministry of Education and Science does not have information on the number of Ukrainian refugee pupils residing in Poland who study remotely in the Ukrainian education system. Statistics on the number of pupils studying online would have to be

compiled on the basis of data collected by municipalities on how Ukrainian pupils fulfil their compulsory education based on declarations made by the parent or guardian of the child. It should be borne in mind, however, that this data might not be reliable due to the fact that Ukrainian pupils who are educated in schools according to the Ukrainian educational system in the mode of online education may, at the same time, be pupils in Polish schools. This means that they can study in schools under the Ukrainian educational system in an online mode and, at the same time, attend classes in Polish schools. Thus, the number of declarations submitted will not necessarily correspond to the real number of pupils benefiting from Ukrainian online education.

Taking into account the number of new pupils from Ukraine, the possibility of creating other locations for teaching, upbringing and caring activities subordinated organisationally to schools and kindergartens has been introduced.

The necessary requirements for pre-school or school premises have been differentiated depending on the age of the children and pupils using them. With regard to schools, the possibility of holding classes in premises that may also be located in a public building or part of a public building other than a school has been introduced.

In order to facilitate the establishment of other locations for the provision of classes in public buildings, the need to comply with the procedure for change of use of a building or part thereof has been temporarily waived. It should be emphasised that this does not waive the obligation to provide safe conditions for education, upbringing and care as set out in the provisions of the 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 Ukraine⁶. With the introduction of this regulation, any public building, such as an office or social building, can be used, which can be helpful in the organisation of education in large cities.

The Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict within the territory of that state provides for

⁶ 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 Ukraine, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=W-DU20220000645>, last accessed on 19.05.2023

the possibility of financial support from the reserve of the educational part of the general subvention or the Assistance Fund for additional educational tasks related to the education, upbringing and care of pupils from Ukraine.

The funds transferred to local self-governments to support pupils from Ukraine are calculated in accordance with an algorithm, constituting an annex to the regulation on the manner of distribution of the educational part of the general subvention for local self-government units in 2022⁷ on the basis of data shown in the education information system referred to in the Act of 15 April 2011 on the educational information system⁸.

The total amount of funds transferred to local government units on the basis of data shown in the education information system for the period from 24 February 2022 to the end of February 2023, for the purpose of the above-mentioned educational tasks carried out by local government units, amounts to PLN 2.3 billion.

Poland has facilitated the employment of Ukrainian citizens who have a good command of the Polish language (spoken and written) to the extent that enables them to assist a student who does not speak Polish. The employment of Ukrainian citizens in the position of a teacher's aide is possible without the requirement to possess a specific document certifying knowledge of the Polish language.

In the case of applying for a job as a teacher, a citizen of Ukraine will have to meet the same requirements as a citizen of Poland. Ukrainian citizens may be employed as teachers. A citizen of Ukraine who has been granted a temporary residence permit may work in the Republic of Poland without a work permit. If a person qualified to practice in Ukraine wants to work in this profession in Poland, he or she must recognise a foreign diploma in order to be able to apply for professional qualifications in accordance with the regulations governing the practice of this profession in Poland.

On 8 June 2022, a Memorandum of Understanding (MoU) was signed between UNICEF and the

Minister of Education and Science of the Republic of Poland in order to prevent the educational exclusion of children and young people from Ukraine and to maintain the quality of education for Polish children of refugee host communities in the Republic of Poland.

Among the activities implemented under the MoU in 2022 were:

information hotline service dedicated to refugees from Ukraine: pupils and students, as well as their parents and guardians; available from 16 August to 30 November 2022 (operated by the Polish Centre for International Aid selected by UNICEF);

summer camps and extracurricular activities for refugee children and children from the host community were organised – by the Freedom and Democracy Foundation (operator selected by UNICEF);

the UNICEF Learning Passport is available on the Integrated Education Platform with resources in Ukrainian language on mental health and psychosocial support for students, teachers and caregivers.

Building on the effective cooperation between UNICEF and the Ministry in 2022, further actions (preparing teachers and teacher educators/trainers to provide appropriate support to pupils with different developmental and educational needs, including refugee children from Ukraine; conference "A child is a child – National dialogue on promoting accessibility and inclusion in education" and meetings of the Ministry of Education and Science with UNICEF) are planned for 2023.

SUPPORT IN CONDUCTING ENTRANCE EXAMS FOR UNDERGRADUATE AND GRADUATE STUDIES IN UKRAINE IN 2022

In connection with the request of the Minister of Education and Science of Ukraine for assistance in conducting entrance exams for undergraduate and graduate studies in Ukraine in 2022 (for Ukrainian citizens residing in Poland), the Ministry of Education and Science has taken steps to make computer rooms available to Polish universities for that purpose. The location of the examination centres was

⁷ Regulation of the Ministry of Education and Science of 21 December 2021 on the manner of distribution of the educational part of the general subvention for local self-government units in 2022, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20210002453>, last accessed on 19.05.2023

⁸ Act of 15 April 2011 on the educational information system, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=w-du20111390814>, last accessed on 19.05.2023

based on the preferences of persons interested in taking part in the examination identified by the Ukrainian side.

In total, over 7 thousand people took part in the main session of the National Multi-subject Test.

The Ukrainian side highly appreciated the cooperation with Polish universities, emphasising the kind help, support, understanding and empathy that the Ukrainian partners experienced during the examinations in Poland.

It is worth emphasising that among many countries where the matriculation exam was organised, the largest number of people (except Ukraine) took the exam in Poland. A significant number of young Ukrainians have been given a chance to start academic studies both in their homeland and abroad.

PROTECTION OF MINORS, UNACCOMPANIED MINORS AND SEPARATED CHILDREN

The influx of refugees from Ukraine, including minors and separated children, made it necessary to take additional measures to ensure the safety of unaccompanied minors, effective care assistance and prevent them from human trafficking.

For this reason, the amendment to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state put an obligation on the minister responsible for family matters, as well as poviats family assistance centres, to keep a register of unaccompanied minors. According to the new regulation, a minor citizen of Ukraine who arrived within the territory of the Republic of Poland without the care of a person exercising actual custody of him/her and a minor citizen of Ukraine who arrived within the territory of the Republic of Poland before his/her arrival was placed in foster care within the territory of Ukraine are subject to entry in the register.

Pursuant to the abovementioned Act, a temporary guardian represents a minor citizen of Ukraine referred to in Art. 1 p. 1 who stays within the territory of the Republic of Poland without adults responsible for him/her in accordance with the

law in force in the Republic of Poland. A temporary guardian also takes care of his/her person and property and should obtain a guardian in all important cases conducted by persons or minors.

In the foster care system referred to in the Act of 9 June 2011 on supporting the family and the foster care system⁹, a minor who has not been placed in foster care within the territory of Ukraine and came with a person taking care of him/her (then the court appointed a temporary guardian for the minor) is not placed in foster care, apart from a situation in which, due to the events that occurred, the child's welfare is at risk.

According to the information generated from the central minors register, from 1 July to 29 December 2022, the system registered 223 guardians who were appointed as temporary guardians of the minors described in Art. 25a sec. 1. of the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state. The procedure for submitting applications for the appointment of a temporary guardian takes place at the place of the group's final stay.

If it is not possible to appoint a temporary guardian, minor citizens of Ukraine stay in foster care without setting a date. The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state also makes it easier for the court to entrust the function of a foster family or run a family orphanage in regard to a child who is a citizen of Ukraine to a citizen of Ukraine, despite not meeting the conditions for foster families or those running family orphanages in the scope of necessary training. The provisions of the Act on supporting the family and the foster care system apply accordingly to such families.

The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state also introduces the principle that the stay in foster care of a child who is a citizen of Ukraine residing within the territory of the Republic of Poland, whose stay within the territory of the Republic of Poland is considered legal, is financed from the state budget.

In addition, according to the diplomatic note of the Embassy of Ukraine in the Republic of Poland

⁹ Act of 9 June 2011 on supporting the family and the foster care system, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20111490887>, last accessed on 19.05.2023

of 10 March 2022, Ukraine does not grant permits for the adoption of children by foreigners. This is related to the safety of these children. Adoption may take place only when there are no doubts as to the fully regulated legal situation of the adoptee. For children from or in war-affected areas, this is often not possible at all.

The number of children from foster care in Ukraine placed in the local government unit in Polish foster care from 24 February 2022 – as of 19 February 2023 – is 85 children, while the number of the above-mentioned children placed outside the foster care system in a local government unit is 1 999 children.

On the other hand, the number of children outside foster care in Ukraine placed in the foster care system in the local government unit from 24 February 2022 – as of 19 February 2023 – is 264 children.

To provide support and assistance to children and youth who suffer as a result of the armed conflict, non-governmental entities were also involved by e.g. providing telephone and e-mail duty hours in Ukrainian and Russian language dedicated to children and youth who came to Poland from the territory of Ukraine. The helpline has been operated by psychologists from Ukraine. The project started on 27 June 2022 and is run by the Empowering Children Foundation in cooperation with the Orange Foundation. To ensure the safety of refugees crossing the border, the Ministry of the Interior and Administration, in cooperation with the Police Headquarters, developed a procedure for verifying the legality of operations of foreign entities, as well as security checks of persons declaring their will to help refugees from Ukraine. The above document contains two procedures: at the national level, through the Police, and at the international level, through the Ministry of the Interior and Administration and the Ministry of Foreign Affairs.

» Measures taken outside of the legal framework of the Temporary Protection Directive

For humanitarian reasons, in order to provide assistance for huge numbers of people fleeing from war and to alleviate the movement of persons and

prevent gridlocks at the borders, all border crossing points at the Ukrainian – Polish border were opened for movement and foot traffic (at the entrance to Poland), despite the fact that previously foot traffic was not permitted. For those not fulfilling all the entry conditions deriving from art. 6 par 1 of the Schengen Borders Code¹⁰, the exception from art. 6 par 5 a) was used in order to permit entry to Poland for humanitarian reasons for people fleeing Ukraine as a result of armed conflict on the territory of that state.

On many occasions, persons travelling to Poland from the territory of Ukraine have not been in possession of any documents confirming their identity. This applied both to citizens of Ukraine and citizens of third countries who were staying within the territory of Ukraine when the war started. Therefore, special organisational measures have been taken in order to deal with this difficult situation.

Specialised teams located in Chełm and Przemyśl were urgently created to support these border crossing points. Operational task forces operate within the framework of a temporary identity verification point for foreigners. The above groups are the 3rd line of control (internal nomenclature), performing tasks in the field of verification of undocumented foreigners who are presumed to come from countries with high probability of using the current situation within the territory of Ukraine for strictly migration purposes.

The tasks of the 3rd line of border control primarily include determining the citizenship and identity of undocumented foreigners who are fleeing from the war in Ukraine, examining the travel route of foreigners, verifying whether they pose a threat to internal security and national defence and identifying these people in terms of migration, as well as using available IT systems.

ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

In order to prevent and fight against trafficking in human beings among minors more effectively, the Group for Supporting Victims of Trafficking in Human

¹⁰ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399>, last accessed on 19.05.2023

Beings, established within the Team for Counteracting Trafficking in Human Beings of the Minister of the Interior and Administration, developed "Recommendations for persons supervising the implementation of the rights and obligations of a temporary guardian" referred to in Article 25 of the Act of 12 March 2022 on Assistance to Ukrainian citizens in connection with armed conflict on the territory of that state.

Under the auspices of the Ministry of Justice, "The Procedure for dealing with unaccompanied minors when crossing the border", developed on the basis of the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, has been developed. The institutions engaged are the Ministry of Justice, Ministry of the Family and Social Policy and the Border Guard. The procedures provide for the establishment of legal guardians for unaccompanied minors and locating them in the HUB for minors in Stalowa Wola, among others.

Due to the Russia's invasion of Ukraine and tied to the influx of Ukrainian refugees and high risk of human trafficking, in March 2022, Polish authorities toughened the penalties for trafficking in human beings. According to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, the perpetrator who, during the armed conflict on the territory of Ukraine, committed the crime referred to in Article 189a of the Criminal Code shall be sentenced to imprisonment for 10 to 15 or 25 years. The main goal of the solution mentioned above was to deter potential offenders. To raise awareness of trafficking in human beings among people fleeing from Ukraine and thus reduce the high risk of trafficking in human beings, in May 2022, the Ministry of the Interior and Administration launched the information campaign "Do not trust implicitly. Don't become a victim of human trafficking". As a part of the campaign, leaflets in Ukrainian and English language versions containing basic information on the threat of trafficking in human beings and contact details to relevant assistance institutions were distributed at the border (0.5 million leaflets).

The Ministry of Justice, the Chancellery of the Prime Minister and the Government Centre for Security have developed the content of information alerts (SMS) for people crossing the border from Ukraine, which contain comprehensive information

about potential threats and possibilities of obtaining assistance. These alerts reach people arriving in Poland from the territory of Ukraine.

To better detect and identify human trafficking cases, about one week after Russia's invasion of Ukraine, the police launched telephone and e-mail duty hours for people who want to provide information about cases of trafficking in human beings, sexual crimes and the disappearance of refugees and their families.

MEASURES UNDERTAKEN IN THE AREA OF LEGALISATION OF STAY AND ACCESS TO LABOUR MARKET

In order to provide legal certainty for Ukrainian nationals to continue their stay in Poland without burdening the system for receiving applications for residence permits and the asylum system, in regard to Ukrainian nationals falling outside the legal framework of the Temporary Protection Directive and Council of the European Union's Implementing Decision 2022/382, the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, as originally drafted, foresees the following solutions:

- Extension *ex lege* of the national visas expiring after 24 February 2022 – until 31 December 2022 (no new visa sticker affixed to the travel document of the citizen of Ukraine. National visa during the period of extension of the period of stay and the period of validity does not entitle one to cross the state border);
- Extension *ex lege* of the validity of temporary residence permits expiring after 24 February 2022 – until 31 December 2022 (with no possibility to exchange or issue new residence cards);
- Extension *ex lege* of residence cards and other IDs issued to foreigners expiring after 24 February 2022 – for 18 months (with no possibility to exchange or issue new cards)
- Extension *ex lege* of a 30-days period for leaving Poland (*inter alia* in the event of a binding decision refusing or on withdrawal of a residence permit) when this period is due after 24 February – for 18 months, with the possibility to apply for a residence permit during the extended period for voluntary return;

- Extension *ex lege* of the period of voluntary return when this period is due after 24 February – for 18 months, with the possibility to apply for a residence permit during the extended period for voluntary return;
- Extension of short-term stays (i.e. in a visa-free regime or on the basis of a Schengen visa) – for a period of 18 months.

Moreover, in order to build preparedness for a massive influx of people fleeing Ukraine by adjusting procedures and lifting the additional burdens of governors, from 15 April to 31 December 2022, the time limits for handling proceedings related to the legalisation of stay of foreigners, including granting and revoking of residence permits, conducted by voivodeship offices, were suspended. The suspension of the time limits does not mean freezing of administrative proceedings, but only that a Polish official is not obliged to inform the party about the case not being resolved on time. Due to this change, proceedings regarding inactivity or delay could not be initiated.

The amendment of the Act on Foreigners facilitated the acquisition of a temporary residence permit for the purpose of conducting business activity by Ukrainian nationals by temporarily (until 31 December 2022) abolishing one of the crucial requirements for its granting. In that period, Ukrainian nationals running sole proprietorships in Poland or being partners in a civil partnership do not need to prove that the conducted business activity is (or will become) beneficial for the Polish economy or the labour market (i.e. in order to obtain an adequate level of income or employment).

As of 15 April 2022 (amendment to the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state), it is possible for Ukrainian citizens who benefit from temporary protection in Poland to apply for a temporary residence and work permit if they intend to work as drivers in international transport. This is an exception from the general rule of refusal of initiating residence permit proceedings if a foreigner is registered for temporary protection in Poland. Moreover, Ukrainian drivers in international transport whose visas have been extended by law on the basis of special regulations have the option of obtaining a visa sticker for their passport which

gives them the opportunity to continue employment and cross the borders of the Republic of Poland.

In 2022 legislative changes were introduced that enabled Ukrainian citizens legally residing in Poland to undertake and perform business activity. This action significantly expanded the group of persons, entitled to such business activity.

Citizens of Ukraine who legally stay in Poland are able to pursue business activity within the territory of Poland on the same terms as Polish citizens. In order to ensure the security of business transactions, they will be obliged to have a PESEL number. This regulation is addressed both to Ukrainian citizens who come to Poland in connection with hostilities that began on 24 February 2022 and Ukrainian citizens who arrived in Poland before that date and stay within the territory of Poland legally.

Facilitations in recognition of qualifications for Ukrainian citizens introduced in Poland include the possibility of exemption from the fee for the recognition procedure and leaving the decision on submitting translations to universities and the possibility of employing an academic teacher without formally recognised diplomas and degrees. The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and its amendments introduced special solutions (limited in period and place) regarding obtaining the licence for practicing the profession of doctor or dentist by citizens of Ukraine or doctors or dentists from outside the European Union, who obtained their qualifications outside of the European Union. Requirements and timeframes are specified in the abovementioned Act.

By implementing inspection and prevention activities, among others, the National Labour Inspectorate guards the observance of labour law with regard to persons working in Poland, including foreigners migrating from Ukraine owing to the ongoing military conflict in this country. Provisional data for 2022 indicates that labour inspectors conducted 8 895 inspections of legality of employment and performance of work by foreigners. Legality of entrusting work to over 40.7 thousand foreigners was inspected, including 13.2 thousand (32%) foreigners working under a declaration of entrusting work to a foreigner, 1.3 thousand (3%) foreigners working under a seasonal work permit and 9.8 thousand (24%) for whom a notification was filed pursuant to

the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state. As in previous years, the largest group of foreigners covered by inspections were citizens of Ukraine – 33 thousand, i.e. 82% of all inspected third-country nationals.

In 2022, labour inspectors identified cases of illegal employment of workers during 1 947 inspections, i.e. 22% of all inspections conducted in the scope of legal employment of foreigners. Overall, 5 183 foreigners were found to have been entrusted with illegal work, which constitutes 12.8% of all inspected third-country nationals. In regard to foreigners working under a declaration on entrusting work to a foreigner, the percentage of illegally employed foreigners amounted to 14.9%; in the group of foreigners working under a seasonal work permit – 3.8%; whereas among foreigners for whom a notification was filed with a county labour office – 6.5%.

The largest group of foreigners employed illegally were citizens of Ukraine – 3 943 persons, i.e. 12% of this country's nationals who were covered with inspection, which constitutes 76% of all foreigners who were entrusted with illegal performance of work.

The most often identified irregularity was the lack of a required work permit (55% of identified cases of entrusting illegal work to foreigners), the next was entrusting work on terms other than the ones specified in the work permit (38% of cases).

FUNDS IN SUPPORT TO PERSONS FLEEING FROM UKRAINE

From the beginning of the Russian aggression against Ukraine, Poland participated in a dialogue with the European Commission, the aim of which was to introduce greater flexibility in spending cohesion policy funds and to mobilise additional funds in connection with the refugee crisis and other consequences of the war. Among others, thanks to the legislative changes proposed by the European Commission (CARE Package, package of changes to REACT EU), the institutions managing the programmes were able to identify savings that were allocated to assistance activities. These changes concerned the ending of the financial perspective 2014-2020.

Unfortunately, due to the high level of use of funds available from the allocation under the 2014–2020 financial perspective, there was a lack of sufficient funds that could be allocated to help refugees in the necessary amount.

Nevertheless, Poland has taken and is taking all actions aimed at mobilising new and additional funds (including those under the 2021-2027 financial perspective) that will allow it to support refugees from Ukraine. It should be noted that the latest proposal for changes to the regulations on cohesion policy, which entered into force on 26 October 2022 (the so-called FAST-CARE Package), creates greater opportunities to support refugees even in the new financial perspective. In addition, Poland is taking measures to support refugees from other available instruments, i.e. the Bilateral Cooperation Fund, development assistance of the Ministry of Foreign Affairs and the European Neighbourhood Instrument (ENI).

So far, under the 2014-2020 cohesion policy funds and the ENI, the following have been allocated to help refugees from Ukraine:

- Approx. EUR 111 million was allocated under the Regional Operational Programmes. These funds come from the European Social Fund and the European Regional Development Fund;
- Within the framework of the national Operational Programme Knowledge Education Development, measures for the purposes related to refugees are planned in the amount of approx. EUR 23.5 million;
- In the Interreg Czech Republic-Poland Programme, more than EUR 2 million was allocated for support;
- Under the EIS (Poland-Belarus-Ukraine and Poland-Russia programmes), approx. EUR 700 000, as additional activities in already implemented projects.

However, the above calculation cannot constitute exhaustive information on the amount of funds allocated to help refugees from Ukraine under EU funds, because support is also provided from the funds of the Ministry of the Interior and Administration, as well through activities for which it is impossible or has not yet been estimated in monetary terms, e.g. transportation of refugees, support

for doctoral students and students from Ukraine as additional project participants.

Support under the cohesion policy 2014–2020

Regional Operational Programmes (ROP) – support for refugees from the European Social Fund (ESF) and the European Regional Development Fund (ERDF): According to information provided by voivodship governments (institutions managing regional programmes – ROP MA), it appears that approx. EUR 111 million was allocated to support people fleeing Ukraine in connection with the attack by the Russian Federation. The scope of activities under Regional Operational Programmes includes:

- Social Inclusion:
 - Activities in the field of active integration and professional activation, e.g. in the form of socio-professional reintegration carried out by Social Integration Centres and environmental activities integrating people from Ukraine with the local community;
 - Support under the Centre for Integration of Foreigners (already launched in some voivodeships);
 - Access to social and health services, including support services for families, the elderly and people with disabilities (family assistants, day support services, psychological support, self-help groups, educational support for children, community centres, assistant services);
 - Activities related to community-led local development (Local Development Directed by Community), including social services, social integration, educational support, improving qualifications and competences, legal and psychological assistance, in learning Polish;
 - Support for social infrastructure, including housing and education for Ukrainian citizens;
 - Support for people with disabilities – creation of a new care and rehabilitation centre for refugees (100% co-financing from REACT without national contribution) in the Kuyavian-Pomeranian Voivodeship.
- Education:
 - Pre-school education, general and vocational education of children and youth from Ukraine,

including financing intercultural school assistants, teaching Polish language to Ukrainian students, integration activities, providing schools with e.g. computer equipment and teaching aids, Ukrainian language courses for Polish teachers;

- Learning the Polish language and improving key competences for adult citizens of Ukraine;
- The mechanism of intervention purchases enabling the purchase of products and services from social economy entities and their free transfer or provision to Ukraine or refugees.

- Labour market and adaptability
 - Comprehensive professional activation (e.g. job placement, career guidance, training, internships, self-employment);
 - Creation of childcare facilities for children up to 3 years old;
 - Support for Ukrainian citizens taking up employment in Polish companies in the field of learning Polish, training and courses, including professional ones.

Operational Programme Knowledge Education Development (POWER) – support under the European Social Fund.

As part of the Operational Programme Knowledge Education Development, activities for the amount of approx. EUR 23.5 million are planned to support people fleeing the war in Ukraine. It is also worth remembering that in many projects, the participation of refugees from Ukraine is possible even without allocating additional funds. Activities undertaken in the projects include, *inter alia*, comprehensive professional activation (for people registered as unemployed), support for children with mental disorders, social services, support for people with disabilities and training for social workers in helping refugees.

Interreg Czech Republic-Poland Programme

Within the Interreg Czech Republic-Poland programme, more than EUR 2 million has been allocated to support refugees. The funds are transferred for activities in the field of Polish-Czech cooperation in cross-border areas (based on the applicable provisions of the regulation) in order

to solve logistic and social problems and integrate local communities.

Operational Programme Innovative Development (POIR) – support for scientists/students and R&D employees: As part of currently implemented projects, it is possible to employ students, doctoral students and scientists from Ukraine. Researchers can be hired as “visiting scientists”, as well as research staff and technicians. This solution is an example of modifying the already operating SG OP instrument in such a way that its funds could be allocated to a specific group of refugees from Ukraine.

Support under other instruments

- Norwegian and EEA Funds

In 2022 the Ministry of Funds and Regional Policy (MFRP) agreed with donors (Norway, Iceland, Liechtenstein) to use EUR 5 million from the Bilateral Cooperation Fund and the Technical Assistance Fund of the Norwegian and EEA Funds to support humanitarian initiatives related to Ukraine. Initiatives aimed at the purchase of medical materials/medicines for hospitals in Ukraine were financed (EUR 1 million); activities related to supporting refugees in Poland – creating Child-Friendly Spaces, organising educational and psychological workshops for children/parents; vouchers/coupons aimed at professional activation of Ukrainians in Poland – finding a job, training and consulting for companies. In addition, in 2022, under the research programmes of the Norwegian and EEA Funds, the implementation of initiatives to support Ukrainian scientists affected by the Russian invasion of Ukraine was launched in the form of funding scholarships at Polish research institutions or participation in projects financed from the Norwegian and EEA Funds. The initiatives will continue in 2023.

- Development aid for Ukraine

Within the scope of activities carried out by the MFRP in 2022, as part of development assistance for Ukraine, the Ministry of Foreign Affairs funded a support project for Ukraine entitled "Increase in competitiveness of Ukrainian regions and development of Polish-Ukrainian economic cooperation".

Activities in 2022 were modified in relation to the current situation in Ukraine and also included

Ukrainian citizens currently residing within the territory of Poland in the field of training and consulting activities, e.g. in the field of cyclical training for Ukrainian entrepreneurs and natural persons using co-working spaces provided by the Polish Investment and Trade Agency and a support programme for Ukrainian Small and Medium Enterprises, in particular start-ups, towards providing support in the territory of the Republic of Poland (activities implemented for Ukrainian enterprises temporarily relocated to Poland in connection with the ongoing war in Ukraine to protect Ukraine's key business and research potential). In autumn 2022, a programme of professional adaptation and support for entrepreneurial attitudes was also launched among female war refugees from Ukraine, including a series of trainings and workshops for 40 participants of the programme. The budget of the project after the changes amounted to approximately PLN 1.4 million (approx. EUR 31 0000).

- Cross-border cooperation programmes of the European Neighbourhood Instrument (ENI)

Since the beginning of the war, the Poland-(Belarus)-Ukraine 2014-2020 (PBU 2014–2020) cross-border cooperation programme has been supporting Ukrainian partners and Ukrainian refugees in Poland. As part of the implemented projects, about EUR 700,000 was allocated for this purpose. These activities are intended to help improve the health and safety of refugees from Ukraine, provide them with basic necessities and to learn Polish. The beneficiaries of the PBU 2014–2020 programme allocated funds for the purchase of specialist and necessary equipment, including fire-fighting equipment, medical equipment and basic necessities. The beneficiaries also organised shelters for internally displaced persons, language and cycling camps and psychological support.

In addition, in connection with the legal solutions agreed upon with the European Commission, it was possible to allocate funds in the amount of approx. EUR 4.6 million for the implementation of non-competition projects supporting Ukrainian refugees. A number of actions dedicated to assistance initiatives are being prepared.

3

Legal migration

- » Students and researchers
- » Family reunification and family formation
- » Information on routes to and conditions of legal migration

No significant developments were reported in the abovementioned areas in 2022.

- » Other measures regarding legal migration

In mid-December 2022, the Office for Foreigners launched a new website – Case Handling Module (MOS – Moduł Obsługi Spraw), available at [https://](https://www.mos.cudzoziemcy.gov.pl/)

www.mos.cudzoziemcy.gov.pl/. The website, which is in principle addressed to foreigners interested in applying for a residence permit, also contains information on temporary protection. The website contains, *inter alia*, a questionnaire addressed to Ukrainian citizens (Polish, Ukrainian and Russian versions are available) enabling them to determine their residence status within the territory of Poland. The website was created with a view to prepare the possibility of filling in and submitting applications for residence on-line and providing necessary knowledge in the field of migration procedures. The project is co-financed from the National Programme of the Asylum, Migration and Integration Fund "Save Haven".

4

International protection

» Implementation of the Common European Asylum System and related policy developments (e.g. applications for international protection and first-instance / final decisions)

» Access to the asylum procedure

No significant developments were reported in 2022 in these areas.

» Reception of the applicants for international protection

Amendment of the Regulation of the Minister of the Interior and Administration of 19 February 2016 on the amount of aid for foreigners applying for international protection¹¹ was adopted, changing the amount of aid for daily alimentionation of foreigners in the centres from 9 PLN to 11 PLN.

Moreover, legislation adopted in 2022¹² led to the repealing of Art. 15z8 of the Act of 2 March 2020 on special solutions related to the prevention, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them, according to which the time limit for providing social assistance and medical care was extended, despite the termination of the procedure for granting international protection with a final decision.

» Relocation

» Resettlement and humanitarian admission programmes

No significant developments were reported in 2022 in these areas.

¹¹ Regulation of the Minister of the Interior and Administration of 6 October 2022 on change of the amount of aid for foreigners applying for international protection, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220002071>, last accessed on 26.07.2023

¹² Act of 8 April 2022 on change of the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000830>, last accessed on 26.07.2023

5

Minors and other vulnerable groups

Unaccompanied minors:

- » Identification, registration and reception (identification and registration, human trafficking, missing children, reception facilities of minors);
- » Access to status determination procedures and procedural safeguards (guardianship, age assessment, family unity, family tracing, family reunification, statelessness);
- » Integration of minors (access to services, transition to adulthood, fighting racisms and discrimination);
- » International protection of unaccompanied minors (access to asylum procedure, resettlement and relocation);
- » Return (Voluntary and forced return; detention and alternatives to detention).

Other vulnerable groups (excluding victims of trafficking)

- » In the asylum procedure;
- » Outside the asylum procedure.

No significant developments were reported in 2022 in these areas.

6

Integration and inclusion

- » National integration strategy;
- » Involvement of multi-stakeholders including non-governmental organisations;
- » Pre-departure/arrival programmes;
- » Education and training of adults;
- » Labour market and skills;
- » Basic services;
- » Active participation of migrants and receiving societies in integration;
- » Fighting racism and discrimination.

No significant developments were reported in 2022 in these areas.

7

Citizenship and statelessness

- » Acquisition of citizenship
- » Statelessness determination, status and rights granted

No significant developments were reported in 2022 in these areas.

Table 1 – Number of people who acquired Polish citizenship in 2022 (as of 18 May 2023)

Citizenship	Administrative mode (recognition as a Polish citizen and restoration of Polish citizenship)	Granted by the President of the Republic of Poland
AFGHANISTAN	14	3
ALBANIA	6	2
ALGERIA	9	13
ARGENTINA	1	2
ARMENIA	52	55
AUSTRALIA	2	0
AUSTRIA	15	2
AZERBAIJAN	7	1
BANGLADESH	1	5
BELGIUM	1	1
BELIZE	1	0
BELARUS	2 578	410
BOLIVIA	0	1
BRAZIL	9	4
BULGARIA	8	9
CAMERUN	6	3
CANADA	25	5
CHINA	1	0
COLUMBIA	3	2
CONGO	1	0
CROATIA	2	2
CUBA	1	4
CZECH REPUBLIC	5	17
DENMARK	4	8

Citizenship	Administrative mode (recognition as a Polish citizen and restoration of Polish citizenship)	Granted by the President of the Republic of Poland
DOMINICANA	1	0
EGYPT	21	19
EKWADOR	0	2
ESTONIA	1	0
FINLAND	4	1
FRANCE	7	12
GAMBIA	0	1
GERMANY	151	44
GHANA	0	3
GREECE	1	3
GEORGIA	9	2
GUYANA	0	1
GWINEA	0	2
HAITI	0	1
HONDURAS	1	0
HUNGARY	6	12
INDIA	11	16
INDONESIA	1	0
IRAQ	1	2
IRAN	1	1
IRELAND	0	1
ISRAEL	4	6
ITALY	2	17
IVORY COST	0	1
JAPAN	1	0
JEMEN	1	3
JORDAN	1	5
KAZAKHSTAN	9	3
KENIA	2	3
KIRGISTAN	3	1
LEBANON	1	2
LIBYA	3	1
LITHUANIA	7	9

Citizenship	Administrative mode (recognition as a Polish citizen and restoration of Polish citizenship)	Granted by the President of the Republic of Poland
LUXEMBOURG	1	0
LATVIA	4	3
MADAGASCAR	1	0
MALI	0	1
MAROCCO	10	12
MAURITIUS	0	1
MEXICO	5	5
MOLDOVA	30	7
MONGOLIA	10	6
MONTENEGRO	1	2
NEPAL	3	4
THE NETHERLANDS	1	4
NO CITIZENSHIP	6	6
NORTH KOREA	1	0
NORTH MACEDONIA	4	4
NORWAY	0	20
PAKISTAN	6	2
PALESTINE	4	4
PARAGWAY	0	1
PERU	4	2
PHILIPPINES	3	2
PORTUGAL	0	1
REPUBLIC OF SOUTH AFRICA	1	0
RUSSIA	352	53
ROMANIA	2	13
RWANDA	1	0
SENEGAL	1	2
SERBIA	8	3
SINGAPORE	1	0
SLOVAK REPUBLIC	3	8
SOUTH KOREA	1	1
SPAIN	1	1
SRI LANKA	0	2

Citizenship	Administrative mode (recognition as a Polish citizen and restoration of Polish citizenship)	Granted by the President of the Republic of Poland
SUDAN	1	0
SIRIA	25	15
SWITZERLAND	1	3
SWEDEN	40	6
TADZIKISTAN	1	0
TOGO	1	0
TUNISIA	11	17
TURKEY	41	37
TURKMENISTAN	7	0
UGANDA	1	0
UKRAINE	3 803	1 401
UNITED KINGDOM	19	37
UNITED STATES OF AMERICA	32	29
UZBEKISTAN	35	11
VENEZUELA	0	1
VIETNAM	62	92
ZIMBABWE	1	0
Total	7 560	2 552

8

Borders, visa and Schengen

- » Border management (external border control measures/management, implementation of EU developments at external border, reinforced cooperation with third countries in the area of border management)

According to Polish law, the Minister of the Interior and Administration may order a temporary suspension or restriction of traffic at specific border crossing points, taking into account the need to ensure national security or public safety or protection against threats to human life or health and preventing the spread of animal disease epidemics.

On 19 September 2022, due to the war in Ukraine, Poland tightened the entry restrictions on Russian citizens, which are currently in force on the basis of a regulation of the Minister of the Interior and Administration¹³. This is the result of agreements between the prime ministers of Poland, Estonia, Lithuania and Latvia. As part of these arrangements, a common regional position on travel opportunities has been developed.

Pursuant to the new regulations, citizens of the Russian Federation are not able to enter the territory of the Republic of Poland through the external border for economic, sports, tourist or cultural purposes. The possibility of entry at air and sea border crossings for all air and sea traffic has also been limited for citizens of the Russian Federation. The change in this respect applies from 26 September 2022.

These restrictions do not constitute a total entry ban, and mutually agreed upon reasonable exceptions for dissidents, humanitarian cases, family members, holders of residence permits, entry for goods transport, diplomatic missions and transit facilities will be maintained. The parties to the statement take into account the need to continue supporting the opponents of the Russian President's regime and

giving them the opportunity to leave the territory of the Russian Federation. The abovementioned initiative aims to mobilise the remaining Member States of the European Union and its institutions to adopt a common position on restricting, other than absolutely necessary, travel by Russian citizens.

In the area of border management, several regulations were introduced which were the response to illegal migration from the territory of Belarus and Russian aggression in Ukraine.

In 2022, several regulations of the Voivode of Podlasie (regional authority) on the introduction of a ban on staying within an area of 200 m from the state border were also adopted. Regulation 3/2022 of the Podlasie Voivode¹⁴ was in force between 1 July 2022 – 15 September 2022, regulation no. 4/2022¹⁵ between 16 September 2022 – 30 November 2022, and regulation no. 9/2022¹⁶ was in force till 31 December 2022. The objectives of the above regulations, similarly to the regulation of Minister of the Interior and Administration from 30 November 2021 (on the introduction of a temporary ban on staying in specific areas in the border zone adjacent to the state border with the Republic of Belarus, which was in force for a temporary period from 1 November 2021 to 1 March 2022) were the prevention of irregular migration of third-country nationals from the territory of the Republic of Belarus and necessity of the completion of work connected with the construction of the barrier at the Polish-Belarus border and construction of an electronic barrier.

There were also two additional amendments of the regulation of the Minister of the Interior and Administration of 13 March 2020 on temporary suspension or limitation of the border traffic at certain border crossing points (this regulation, initially adopted in 2020, was introducing entry restrictions

¹³ Regulation of the Minister of the Interior and Administration of 19 September 2022 on changes in the Regulation on temporary suspension or restriction of the border movement on certain border crossings, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220001963/O/D20221963.pdf>, last accessed on 26.07.2023

¹⁴ Regulation no 3/2022 of 15 June 2022 of Voivode of Podlasie on introduction of a ban on staying within 200 m from the state border line, <https://edziennik.bialystok.uw.gov.pl/legalact/2022/2772/>, last accessed on 26.07.2023

¹⁵ Regulation no 4/2022 of 31 August 2022 of Voivode of Podlasie on introduction of a ban on staying within 200 m from the state border line, <https://puw.bip.gov.pl/rozporzadzenia-z-2022-roku/rozporzadzenie-nr-4-2022-wojewody-podlaskiego-z-dnia-31-08-2022-r-w-sprawie-wprowadzenia-zakazu-przebywania-na-obszarze-200-m-od-linii-granicy-panstwowej.html>, last accessed on 26.07.2023

¹⁶ Regulation no 9/2022 of 21 November 2022 of Voivode of Podlasie on introduction of a ban on staying within 200 m from the state border line, <https://edziennik.bialystok.uw.gov.pl/legalact/2022/5203/>, last accessed on 26.07.2023

in relation to the COVID-19 pandemic at that time). The purpose of the first of these amendments (of 18 February 2022)¹⁷ was to suspend the limitations of movement at the Ukraine border. The second amendment (of 29 April 2022)¹⁸ suspended the previously imposed restrictions of movement of person to Poland through the maritime border.

When it comes to preparation deriving from SIS Recast, the Border Guard Headquarters adopted a new organisational structure to carry out new tasks and responsibilities in SIS by Border Guard officers seconded to the National SIRENE Bureau. The Border Guard Headquarter also made preparations for implementation of new migratory alerts (art. 3 of SIS Regulation¹⁹).

Moreover, a plan for adjusting the participation of Polish authorities for use of upgraded EU large-scale IT systems was approved in July 2022 (internal document of governmental administration). It sets out policy rules and project managements for development of EES and ETIAS components.

The amendment of the Act on participation of the Republic of Poland in the Schengen Information System (SIS) and Visa Information Systems (VIS) and certain other acts²⁰ was adopted in 2022. The above act takes into account changes brought by SIS Recast regulations – providing the legal base for access to the new features of SIS.

» Visa policy

In accordance with the Regulation of the Minister of Foreign Affairs of 18 August 2022²¹, national

visas can also be issued to citizens of Ukraine and Belarus residing within the territory of the Republic of Poland. These visas can be issued by the Visa Decision Centre, created previously within the Consular Department of the Ministry of Foreign Affairs. The following persons are entitled to submit their applications in such a way:

- citizens of Ukraine and citizens of Belarus who apply for visas in order to work as a driver in international road transport;
- citizens of Ukraine and citizens of Belarus who apply for a humanitarian visa (visa issued for humanitarian purposes, due to the interest of the state or international obligations) who entered the territory of Poland with a national visa with the annotation “Poland Business Harbour” (governmental programme dedicated to the third-country nationals – IT specialists);
- citizens of Ukraine who apply for visas in order to work as a pilot or other member of the crew of a civil aircraft,
- citizens of Belarus applying for humanitarian visas (visas issued for humanitarian purposes, due to the interest of the state or international obligations) who cannot return to their country of origin for security reasons, threat of repression or persecution and who while submitting an application for a national visa, reside legally within the territory of Poland on the basis of valid, previously issued with national visas for the same purpose (humanitarian, due to the interest of the state or international obligations) or who declare that immediately before

¹⁷ Regulation of the Minister of the Interior and Administration of 18 February 2022 on change in regulation on temporary suspension or restriction of the border movement on certain border crossings, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000423>, last accessed on 26.07.2023

¹⁸ Regulation of the Minister of the Interior and Administration of 29 April 2022 on change in regulation on temporary suspension or restriction of the border movement on certain border crossings, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000940/O/D20220940.pdf>, last accessed on 26.07.2023

¹⁹ Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32018R1862>, last accessed on 19.05.2023

²⁰ Act of 1 December 2022 on participation of the Republic of Poland in the Schengen Information System (SIS) and Visa Information Systems (VIS) and certain other acts, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220002642>, last accessed on 19.05.2023

²¹ Regulation of 18 August 2022 of the Minister of Foreign Affairs on issuing national visas to foreigners staying at the territory of the Republic of Poland, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220001809>, last accessed on 19.05.2023

24 February 2022, they resided legally within the territory of Ukraine and came to Poland from the territory of Ukraine after 24 February 2022 in connection with military operations conducted within its territory.

» Schengen governance

No significant developments were reported in this area in 2022.

9

Irregular migration including migrant smuggling

- » Preventing and tackling irregular migration in legal migration channels

No significant developments were reported in 2022 in this area.

- » Fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

Since mid-2021, on the Polish-Belarusian section of the state border, Poland has been dealing with migration pressure of an exceptional nature, which is manifested above all by the unprecedentedly high number of attempts to cross the state border in violation of the regulations.

The situation on the border of Belarus with Poland, Lithuania and Latvia is a component of hybrid aggression against Poland, the European Union and the entire West. In the background, one can see that the architect of these activities is Moscow. Russia was interested in a controlled escalation of the crisis, to use it as a form of political pressure on Western countries, without formally being responsible for it, and to expand the empire to include Belarus, which is becoming increasingly isolated.

In 2022, migration pressure on the Polish-Belarusian border continued, although on a smaller scale. Poland has taken further steps to counteract this phenomenon.

On 4 January 2022, the Border Guard signed three agreements on the construction of a barrier on the Polish-Belarusian border. The barrier is over 186 km long and 5.5 metres high: 5 metres are steel poles, topped with a coil of wire so that it is impossible to pass to the other side. Modern electronic methods of border management (motion sensors along the entire border, cameras) are also to be used. The barrier is equipped with special passages for animals – similarly to the construction of motorways. Border rivers are not fenced. On these

sections, other border protection systems have been applied which will enable wild animals to cross it freely. The construction of the physical part of the barrier on the Polish-Belarusian border was completed in autumn 2022, then the construction of the electronic barrier was continued. The creation of this barrier was aimed at prevention of organised, state-sponsored smuggling of people and interfering with the border guard infrastructure from the territory of the Republic of Belarus.

On 9 December 2022, the Border Guard signed a contract for the construction of an 199 km long electronic barrier on the border with the Russian Federation covering the entire land border with the Kaliningrad Oblast. The electronic barrier ensures the detection of all events related to border crime, primarily related to illegal migration and smuggling of goods. The trigger of this action to be taken was a decision of the Russian authorities on increasing – since September 2022 – air connections between this Russian exclave and some African, Asian and Middle Eastern countries, which could be a form of preparation for establishing a new illegal migration route to Poland and Lithuania (and finally to other Schengen countries).

In 2022, reactivation of irregular migration along the so-called Balkan route was also observed. Through this route, illegal migrants from third countries such as Syria, Iraq, Afghanistan and citizens of African states try to enter the European Union. One branch of this route passes through Poland. In 2022, the Border Guard apprehended many illegal migrants and members of organised crime groups involved in organising illegal border crossings.

- » Access to services and legal solutions for irregularly staying migrants

No significant developments were reported in 2022 in this area.

10

Trafficking in human beings

» National strategic policy developments

In terms of National Referral Mechanism developments and international cooperation, it is worth mentioning that in December 2022, the Deputy Director in the Department of International Affairs and Migration in the Ministry of the Interior and Administration was appointed as a Polish National Rapporteur in the EU Network of National Rapporteurs and Equivalent Mechanisms.

Moreover, work on the creation of the document that will constitute a National Referral Mechanism was completed in late 2022. The legislative process is expected to be completed in the middle of 2023.

With regard to emerged organisational changes within the internal structure of governmental administration, to meet the needs to increase the effectiveness of all activities towards anti-trafficking of human beings, from July 2022, the Team for the Coordination of Counteracting Trafficking in Human Beings, a separate organisational unit reporting directly to the Deputy Director of the Department for International Affairs and Migration, was initiated. Solution was aimed at shortening the decision-making process in the area of counteracting trafficking in human beings, making the management process more flexible and increasing the effectiveness of the performed tasks.

The main tasks of the above-mentioned unit are e.g.: coordination and monitoring of anti-trafficking work undertaken by institutions and organisations involved in the fight against trafficking in human beings in Poland and coordination of international cooperation in the field of counteracting trafficking in human beings.

To provide better and more effective assistance to victims, the Ministry of the Interior and Administration decided to increase the financing of the tasks performed by the National Intervention and Consultation Centre for Victims of Trafficking in Human Beings (Krajowe Centrum Interwencyjno-Konsultacyjne dla Ofiar Handlu Ludźmi) by almost 40% (up to PLN 1 500 000) in 2023.

- » Detection, identification and provision of information to victims of human trafficking (Provision of information to third-country national victims

of human trafficking; Cooperation with third countries)

In 2022, there was an increased influx of nationals from South American states such as Mexico, Venezuela, Colombia and Guatemala. Foreigners arrive in Poland mainly through visa-free traffic in order to take up employment. These foreigners are often identified by the Border Guard as victims of human trafficking. In 2022, 110 such victims used for forced labour were identified. Worth mentioning is that the Ministry of the Interior and Administration, on an ongoing basis, monitors and analyses the situation of human trafficking in Poland and reacts to all emerging changes. Therefore, due to the new trend consisting records of the increased number of identification of victims from South America, the Ministry of the Interior and Administration decided to reprint information and educational materials in Spanish and English (250 000 leaflets), to be distributed in 2023.

Moreover, to raise the awareness of people dealing with the issue of trafficking in human beings, the Ministry of the Interior and Administration has developed (as part of activities of the Working Group on drafting a handbook for the judiciary and law enforcement authorities) and published in August 2022 a handbook entitled "Human trafficking - practical aspects of conducting proceedings". The publication is dedicated to people who conduct proceedings related to human trafficking as part of their everyday duties. The handbook is a response to the needs of many actors directly interested in issues related to trafficking in human being who pointed out the need to create a publication on these matters and presents various aspects of criminal proceedings in these cases. The content of the handbook has been developed with the use of the professional knowledge and experience of employees of the Ministry of the Interior and Administration, Border Guard, Police, as well as Judges and Prosecutors.

The handbook has the advantage that it covers the topic from different perspectives for key players in the fight against human trafficking. As the Minister of the Interior and Administration pointed out in the introduction to the handbook, „the responsibility of the criminal systems is not limited only to

criminalising acts but also consists in an effective process of identifying victims, properly conducted preparatory and investigative activities, as well as cooperation with victims and institutions participating in the system for combating human trafficking.”

The handbook is available at the link: <https://www.gov.pl/attachment/dc41a856-3f04-4540-ab53-1c40731699ae>.

To improve the competence of law enforcement authorities, the Border Guard, in cooperation with the Ministry of the Interior and Administration, in late May and June 2022, organised “Workshops for Police officers, Border Guard officers and prosecutors on cooperation in prosecuting perpetrators of trafficking in human beings”.

In 2022, at the request of law enforcement authorities, the National Labour Inspectorate (NLI) participated in another edition of the nationwide initiative „Labour Exploitation Empact Action Days 2022”, whose objective is to combat undeclared work and prevent trafficking in human beings.

In May and June, within the framework of the first round of the EMPACT action, following the invitation by local police units, NLI labour inspectors conducted joint activities with law enforcement

officers and the Border Guard which covered farming industry facilities, including farms, poultry farms, mushroom farms, etc.

The second round of the nationwide EMPACT 2022 initiative was held in September 2022, and it was also addressed to employers in the farming sector.

In 2022, the National Labour Inspectorate's Training Centre in Wrocław hosted another annual training event titled: „Issues related to combating and preventing trafficking in human beings, including forced labour”.

A two-day training session comprising lectures and practical exercises was held on 8 and 9 November 2022 and was attended by 17 employees of the National Labour Inspectorate, predominantly labour inspectors, while the lecturers included experts from the National Labour Inspectorate, the Border Guard, the Police and the National Intervention and Consultation Centre for Victims of Trafficking in Human Beings, i.e. institutions and organisations whose remit includes counteracting and combating trafficking in human beings, including forced labour.

11

Return and readmission

- » Enhancing return migration management, including cooperation among EU Member States on return practises

No significant developments were reported in this area in 2022.

- » Main national developments in the field of return (general policy development, forced return, (assisted) voluntary return, (alternatives to) detention, reintegration measures)

On 15 April 2022, as a result of an amendment to the provisions of the Act on Foreigners of 12 December 2013²², the Border Guard Commander-in-Chief was entrusted with the authority in the form of granting reintegration assistance to foreigners returning to their country of origin both voluntarily and involuntarily. The above allowed for the streamlining and the ensurance of a complementary approach to the implementation of the return policy, as well as to strengthen the sustainability of returns to the country to which the foreigner is returning. As a result of the above, the Border Guard Headquarters also joined the Joint Reintegration Services (JRS) project in cooperation with the European Border and Coast Guard Agency Frontex. The Agency provides technical and operational assistance to Member States at all stages of the return process, including reintegration assistance.

At the central level, a special strategy was also developed for opening additional places in detention centres in crisis situations. The above strategy allows for the management of places in detention centres in an effective manner – the number of places is increased and decreased in a flexible way if necessary. The direct reason for creation of this strategy was an increased influx of migrants coming through the Polish-Belarusian border. The migrants are coming in irregular intervals; therefore, a flexible

approach is necessary. The above strategy is regularly updated.

A new agreement between the Border Guard and DIALOG Foundation was signed for institutional support for irregular migrants. This allowed for the provision of support (accommodation, meals, medical assistance) for irregular migrants not seeking asylum, who are not detained.

- » Cooperation with third countries of origin and transit on return and reintegration management (return management, readmission)

When it comes to the readmission, the Prime Minister of the Republic of Poland authorised the opening of negotiations on three draft readmission agreements with: the Republic of Tajikistan (June 2022), the Republic of Kyrgyzstan (November 2022) and the Republic of Uzbekistan (November 2022). Invitations to open negotiations were already delivered through diplomatic channels.

In 2022 the Border Guard has not made any decision to deploy liaison officers to particular regions or countries. However, it has decided to prolong deployment of the European Return Liaison Officer (EURLO) to Vietnam (from 1 February 2022 to 31 January 2024 – with financing from Frontex) and EURLO to Central Asia (request sent by the Border Guard to Frontex in September 2022– approved by Frontex for the period 1 February 2023 – 31 January 2025).

- » Cross-cutting developments in return and reintegration related to other thematic chapters of the ARM (borders, irregular migration and trafficking).

No significant developments were reported in this area in 2022

²² Act of 12 December 2013 on foreigners (consolidated version), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20130001650/U/D20131650Lj.pdf>, last accessed on 27.07.2023

12

Migration and development cooperation

- » New developments aimed at facilitating synergies between migration and development in third countries

No significant developments were reported in 2022 in this area.

