



## INFORMATION BY THE HEAD OF THE OFFICE FOR FOREIGNERS

on the application of the Act of 13 June 2003 on granting protection to foreigners within the territory of Poland (OJ of 2003, No. 128, item 1176 as amended)

in terms of the implementation of the obligations of the Republic of Poland resulting from the Geneva Convention on the status of refugees and the New York Protocol relating to the status of refugees



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## LEGAL STATUS

The Geneva Convention on the Status of Refugees, drawn up on the 28th of July 1951 (OJ of 1991, No. 119, item 515) and the New York Protocol relating to the Status of Refugees, drawn up on the 31st of January 1967 (OJ of 1991, No. 119, item 517) define substantive legal basis for granting refugee status and determine the most important rights and freedoms of refugees. The aforementioned legal acts do not, however, lay down the rules and procedures on granting refugee status. In Poland, these matters are governed by the Act of 13 June 2003 on granting protection to foreigners within the territory of Poland. The act also regulates the rules of issuing documents to refugees, the non-refoulment principle and the rules of cooperation with the United Nations High Commissioner for Refugees. The social and welfare rights of refugees have been regulated in separate acts of Polish law.

Poland uses the so-called unified asylum procedure. Over the course of the proceeding of granting refugee status, not only the conditions required to be met in order to be considered a refugee are examined, but also - if it is found that they are not satisfied - other circumstances resulting in protection against expulsion.

Until the 30th of April 2014, the unified asylum procedure included three forms of protection: refugee status, subsidiary protection and permission for tolerated stay.

Foreigners who did not qualify to be considered refugees, but who could face a real risk of suffering serious harm upon returning to their country of origin, have been granted subsidiary protection. In the event of refusal to grant refugee status and refusal to grant subsidiary protection, the grounds for granting permission for tolerated stay have been examined ex officio. These grounds were link with the specific provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on the 4th of November 1950 (OJ of 1993, No. 61., item 284) and the Convention on the Rights of the Child, adopted by the United Nations General Assembly on the 20th of November 1989 (OJ of 1991, No. 120, item 526 and of 2000, No. 2, item 11). The recognition, however, that the foreigner's application is not allowable neither by granting refugee status, nor by granting subsidiary protection and permission for tolerated stay resulted in - with exceptions laid out in art. 48 (2) of the Act on granting protection to foreigners within the territory of Poland - a decision on expulsion. Deciding about the foreigner's legal situation, therefore, happened over the course of a single investigation, carried out by a single administrative authority.

On 1 May 2014 the Act of 12 December 2013 on foreigners (OJ of 2013, item 1650) entered into force. Its provisions modified the procedure model in matters relating to granting refugee status by removing a form of national protection - the permission for tolerated stay, as well as by wavering of issuing decisions on the expulsion (in the new nomenclature - on issuing a return decision) within the refugee procedure.

The Act of 13 June 2003 on granting protection to foreigners within Poland has been subject to subsequent changes pursuant to the provisions of the Act of 26 June 2014 amending the Act on granting protection to foreigners within Poland and certain other acts (OJ of 2014, No. 0, item 1004), whose aim was to implement into the Polish legal system the provisions of the directive of the European Parliament and the Council 2011/95/UE of 13 December 2011 on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, the uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection-granted. (EU Journal of Laws L 337 of 20.12.2011, p. 9).

As of 20 July 2007, the authority competent in matters of granting protection to foreigners within the territory of the Republic of Poland is the Head of the Office for Foreigners, who conducts proceedings for granting refugee status with the help of the Refugee Proceedings Department.



## LEGAL STATUS

It has to be mentioned that on 1 January 2012, the Act of 28 July 2011 on legalising the stay of certain foreigners within the territory of the Republic of Poland and amending the Act on granting protection to foreigners within the territory of the Republic of Poland and the Act on foreigners (OJ of 2011, No. 191, item 1133) entered into force. The aforementioned act introduced into the Polish legal system two institutions which are an expression of solidarity with states experiencing increased migration burdens - resettlement and relocation.

Resettlement is the transfer of foreigners recognized as refugees by the United Nations High Commissioner for Refugees from a third country to the territory of the Republic of Poland, in order to grant them refugee status or subsidiary protection on the territory of our country. Relocation, however, is the transfer of a beneficiary of international protection from a member state to the territory of the Republic of Poland.

Foreigners who satisfy the conditions for granting refugee or subsidiary protection status set out in the Act on granting protection to foreigners within Poland can use resettlement and relocation. Resettled or relocated persons are to be granted refugee or subsidiary protection status, after completing the refugee proceedings, which shall be partly conducted in the foreigner's country of residence. The decision has to be issued within 30 days from the date of their entry into the territory of the Republic of Poland.

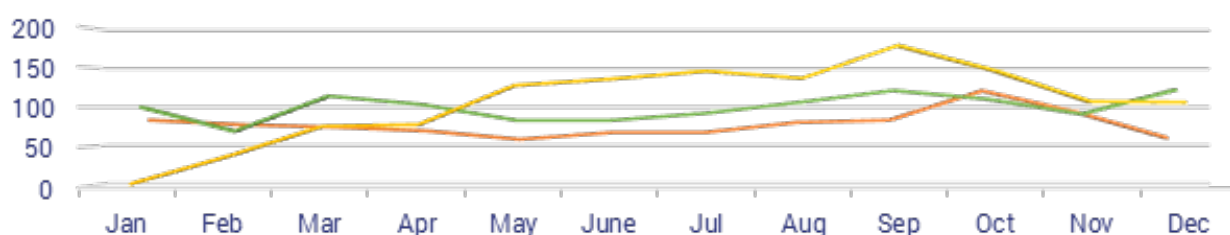
# GRANTING PROTECTION



## APPLICATION OF THE ACT ON GRANTING PROTECTION TO FOREIGNERS WITHIN THE TERRITORY OF POLAND WITH REGARD TO PROCESSING APPLICATIONS FOR REFUGEE STATUS

In 2014, 3 402 applications for refugee status have been lodged in the Republic of Poland. These applications covered 6 624 persons, which is over twice less compared to the previous year, when 14 996 persons sought protection.

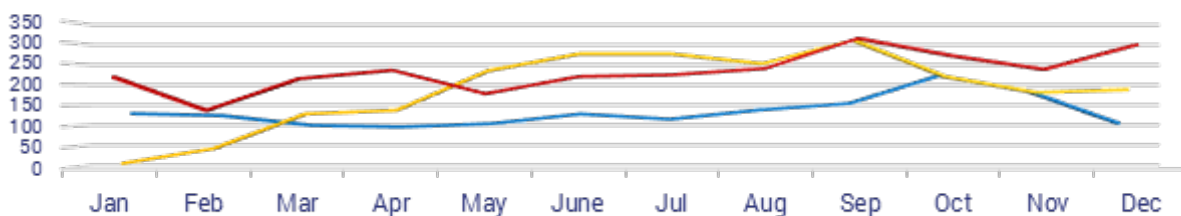
Number of applications for international protection in Poland in 2014



	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
Ukraine	4	38	76	78	127	135	145	136	177	146	107	106
Russia	100	69	114	103	83	83	92	106	121	110	91	122
other	83	77	74	69	58	67	67	80	83	121	94	60

The largest group of applicants for refugee status in 2014 were the citizens of the Russian Federation – 2 772 persons (approximately 42% of the total number). The second largest group of foreigners applying for refugee status were citizens of Ukraine – 2 253 persons (approximately 34% of the total number). In addition, the citizens of the following countries applied for refugee status most often: Georgia - 652 persons (ca. 10% of the total number), Armenia - 126 persons, Tajikistan - 107 persons, Syria - 104 persons and Kyrgyzstan - 101 persons.

Applicants for international protection in Poland in 2014



	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
Russia	218	138	214	234	178	219	223	238	310	269	236	295
Ukraine	9	45	129	138	234	275	275	251	308	220	181	188
other	129	124	100	96	104	128	115	138	154	223	184	105

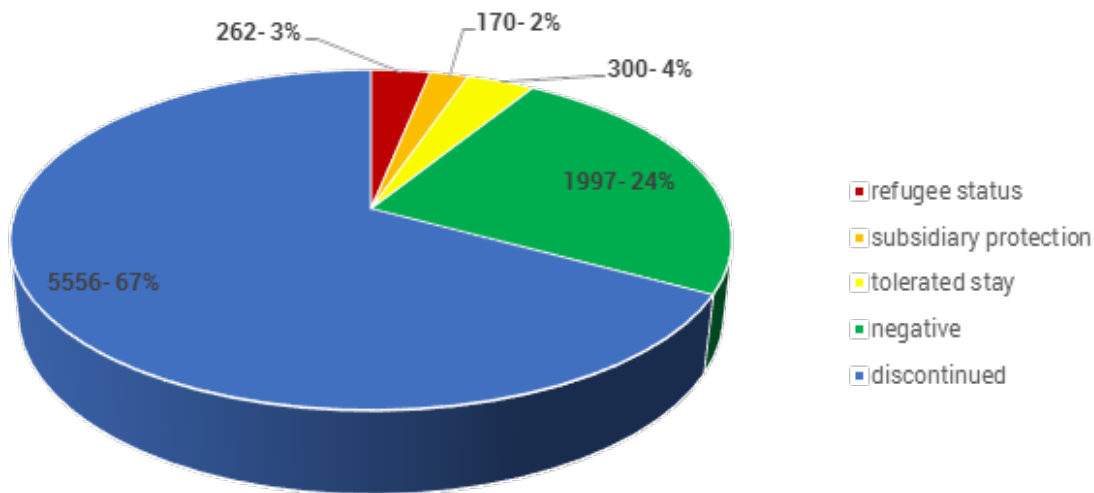


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The analysis of the above data indicates that the year 2014, compared to the previous year, has seen a change in the national structure of foreigners applying for refugee status in the Republic of Poland. Although the citizens of the Russian Federation still made up the largest group, their percentage in the above structure decreased from 85% in 2013 to 42% in the previous year. Citizens of Ukraine took second place in terms of the number of persons applying for refugee status, comprising as much as 34% of the total number of foreigners applying for this form of protection. The percentage of foreigners from Georgia remained at a level close to 2013 (2013 - ca. 8%, 2014 - ca. 10%), however the number of persons was almost two times lower (2013 - 1 212 persons, 2014 - 652 persons). In addition it should be noted that, as in the year 2013, the citizens of Armenia, Syria (both cases exhibit a decreasing trend in terms of number of people) and Kyrgyzstan (in this case, an almost double increase in the number of foreigners can be observed) have applied for refugee status. A new trend is the increase in the number of people coming from Tajikistan and a decline in the number of citizens of Afghanistan.

In the past year, decisions have been issued concerning 8 285 persons applying for refugee status in 2014 and earlier.

Persons covered by first instance decision in cases for refugee status in 2014



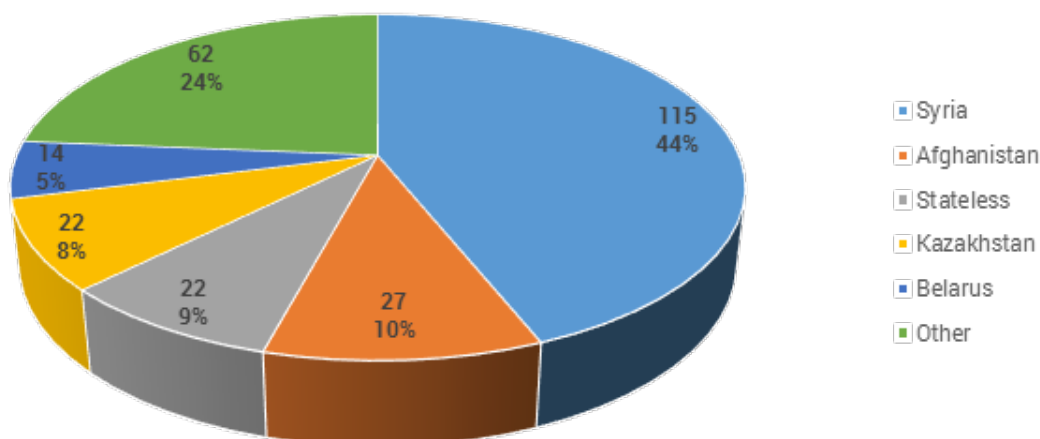
In accordance with 1A(2) of the Geneva Convention, a refugee is a person who exhibits a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. This provision has been transposed directly to the Act on granting protection to foreigners within the territory of the Republic of Poland (see article 13 (1)).

Last year, refugee status has been given to 262 foreigners, including 115 citizens of Syria, 25 foreigners from Afghanistan, 22 stateless persons, 22 nationals of Kazakhstan, 13 foreigners from the Russian Federation, 14 people from Belarus, 12 citizens of Somalia and 10 of Egypt. For comparison, the year before this form of protection was granted to 200 people (69 citizens of Syria, 25 stateless persons, 23 Russian Federation citizens, 20 foreigners from Afghanistan, 19 people from Belarus, 15 citizens of Egypt and 11 of Kyrgyzstan). The number of people who have been given refugee status in the previous year was larger by approximately 31% compared to the year 2013.



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Persons granted refugee status in Poland by the Head of the Office for Foreigners in 2014



In accordance with article 1C of the Geneva Convention, its provisions shall cease to apply to any person who has voluntarily re-availed himself of the protection of the country of his nationality, or having lost his nationality, he has voluntarily reacquired it, has acquired a new nationality, and enjoys the protection of the country of his new nationality; has voluntarily settled in the country they left or the country outside of which he has resided out of fear of persecution, can no longer, because of the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality. The clauses indicated above have been included in art. 21(1) of the Act on granting protection to foreigners within the territory of the Republic of Poland.

In 2014 on the basis of the above conditions, refugee status was revoked for 3 people - 2 nationals of Serbia and Montenegro, 1 citizen of Belarus. In turn, subsidiary protection status was revoked for 22 people - all of them were citizens of the Russian Federation. In terms of revoking international protection, decreasing trends are apparent when compared to 2013, which saw 5 foreigners deprived of refugee status and 36 persons had their subsidiary protection revoked.

Negative decisions have been issued in the case of 1 997 persons. This is a level comparable to the year 2013 (the negative decisions have been issued in the case of 2 139 people). Part of the examined applications in the past year were found to be manifestly unfounded. The advantage of the institution of a manifestly unfounded application is the possibility of conducting quick proceedings. This is especially important when an application for refugee status has been lodged by a person to be obligated to return. This institution allows for the prevention of instrumental treatment of refugee procedures, as a means of preventing return. In addition, its existence contributes to the shortening of the duration of proceedings for the granting of refugee status.

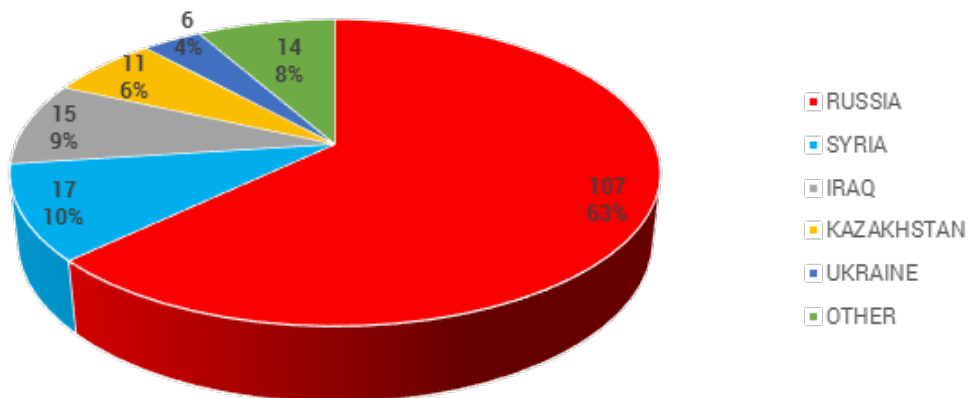
As in the year 2013, in the last year there has been no case of the application of the so-called exclusionary clause referred to in article 1F of the Geneva Convention. It should be noted that the circumstances resulting in the exclusion of the possibility to use the benefits of the Convention have been directly set out in the Act on granting protection to foreigners within the territory of the Republic of Poland (see article 19(1)(3)).

As mentioned earlier, in the event of a refusal to grant refugee status, it is decided ex officio of the need to grant subsidiary protection status to a foreigner. In 2014, subsidiary protection was granted to 170 persons, including, inter alia, 107 citizens of the Russian Federation and 17 citizens of Syria, 15 foreigners from Iraq and 11 from Kazakhstan. This is a higher level when compared to 2013 as the subsidiary protection was granted to 131 foreigners then.



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The number of persons granted subsidiary protection by the Head of the Office for Foreigners in the Republic of Poland in 2014



In cases initiated before 1 May 2014, when the foreigner does not meet the conditions for refugee status and conditions for the granting of subsidiary protection status, the Head of the Office for Foreigners studied the need for placing the foreigner under protection against expulsion in the form of a permit for tolerated stay. The foreigner was granted consent for tolerated stay within the territory of the Republic of Poland, if his expulsion could only occur to the country in which his right to life, liberty and personal security were at risk, in which he could be subjected to torture or to inhuman or degrading treatment or punishment or be forced to work or denied the right to a fair trial or be punished without legal basis within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950, or infringe on the right to family life within the meaning of the aforementioned. Convention, or infringe on the rights of the child laid down in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, as indeed threatening physical and mental development.

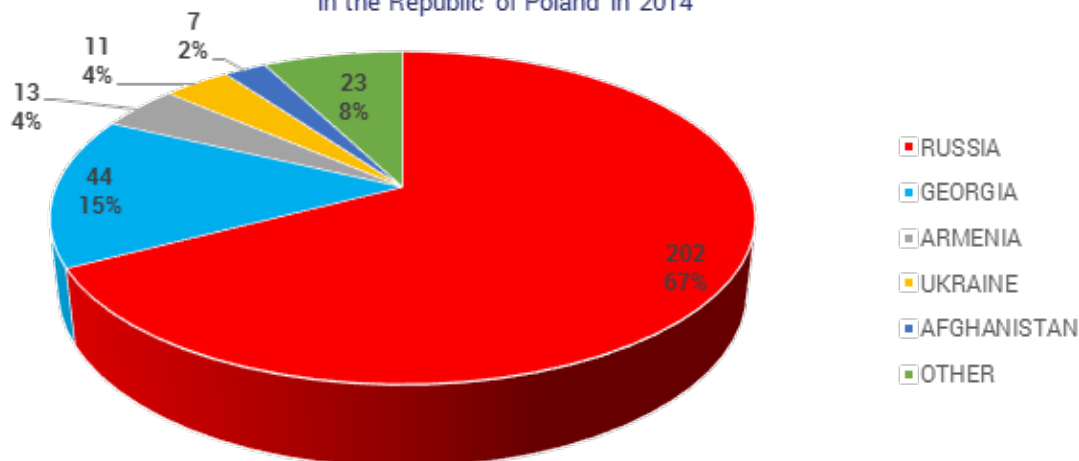
In 2014, refugee status and subsidiary protection was denied and, at the same time, permit for tolerated stay was granted to 300 persons - approximately 24% less than in the year 2013 (this form of protection was then granted to 392 foreigners). As in the case of subsidiary protection, the dominant group of foreigners granted permission for tolerated stay were citizens of the Russian Federation - 202 people. Other countries of origin, whose nationals most often obtained permission for tolerated stay in 2014 were Georgia (44 persons), Armenia (13 people) and Ukraine (11 people).





## APPLICATION OF THE ACT ON GRANTING PROTECTION TO FOREIGNERS WITHIN THE TERRITORY OF POLAND WITH REGARD TO PROCESSING APPLICATIONS FOR REFUGEE STATUS

Number of persons granted tolerated stay by the Head of the Office for Foreigners in the Republic of Poland in 2014



This data indicates that in 2014 in Poland, international and national protection was granted to a total of 732 foreigners. This represents approximately 11% of those who have applied for refugee status – more than twice as much as a year earlier.

Similarly as in previous years, the mode of adjudication in matters of foreigners coming from the Chechen Republic of the Russian Federation was in line with the recommendations of the UNHCR.

As for citizens of Ukraine, it should be noted that in the case of applications for granting refugee status to persons coming from Crimea and the Donetsk and Lugansk circuits, they are examined with regard to the so-called internal relocations. The following situation regarding internally displaced persons in Ukraine allows for such adjudication.

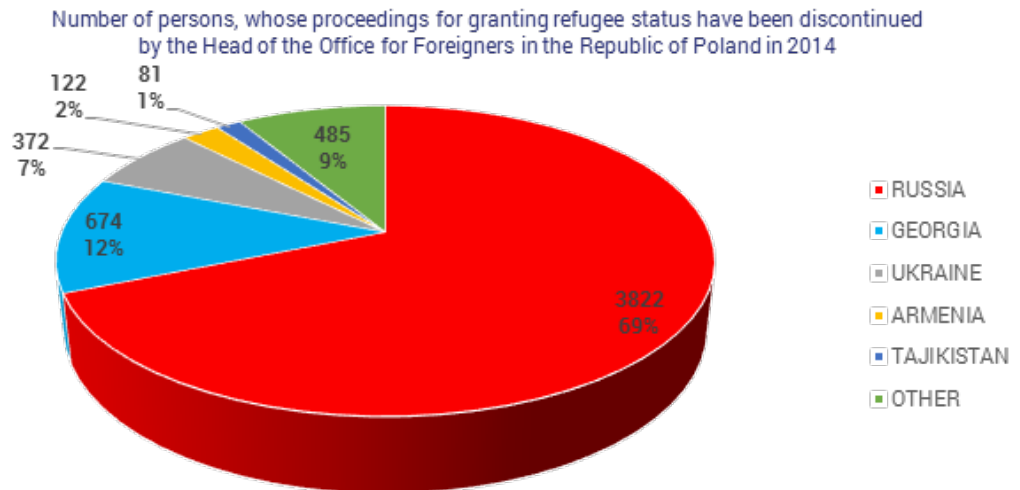
According to the regional representative of the UNHCR in Belarus, Moldova and Ukraine – Mr. Oldrich Andrysek, regardless of all sorts of problems, none of the displaced in Ukraine does not remain alone, in practical terms. In addition, it should be noted that, despite the undoubtedly difficult economic situation in Ukraine, from public sources of information, it appears that aid is provided to displaced people is granted by a several parties (central and regional authorities, non-governmental organisations, volunteers) and at different levels. The relevant state structures (Migration Service, Ministry of Labour, Ministry of Education, the Ministry of Social assistance) register the displaced, issue new documents, help in continuing education, provide social, medical and psychological assistance, help in finding work and residence (the internally displaced persons are settled in student dormitories, hotels, sanatoriums, holiday homes). The fact of the matter is that the State provided residence only for about 25% of the internally displaced persons from Eastern Ukraine and Crimea, however, it should be noted that on 1 October 2014, the Cabinet of Ministers of Ukraine adopted the provisions governing major issues concerning social protection for those forcibly migrated, allowing, inter alia, monthly financial assistance in the following amounts: for those unable to work (disabled, children) - 884 hryvnia per person (family member); for people able to work - 442 hryvnia per person (family member). Granting and payment of the above financial assistance shall be implemented by the social protection authorities in the actual place of residence (stay), at the request of the authorized representative of the family. Aid is granted from the date of submission of the application and shall be paid for a period of not more than six months. Persons fit for work will receive financial assistance for a period of two months. In order to receive the aid in the next period, the persons fit to work will have to get a job, including with the help of the state employment service. In a situation where a family member will not find



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employment, the amount of aid for him for the next two months will be reduced by 50%, and will be completely suspended for the next period of assistance. The total amount of assistance per family, is calculated as the sum of the aid for each family member and must not exceed 2400 UAH. According to data of the Ministry of Social policy of Ukraine from January 5, 2015, „monthly targeted assistance” to cover the costs of residence has already been given to almost 180 000 families. On 20 October 2014, The Supreme Council of Ukraine adopted the Act No. 4490-a-1 „On ensuring the rights and freedoms of internally displaced persons”. The OSCE, the Council of Europe, the EU and the UNHCR have commended the Ukrainian authorities for adopting the said act. This act introduced a suitable document confirming the status of an internally displaced person. It also ensures the right to use free-of-charge rental homes for a period of half a year, and also introduces a simplified procedure for registration in the new place of residence of the internally displaced persons, needed to conduct business, use administrative services, or open a bank account. Notwithstanding the above mentioned, hundreds of millions of dollars and euros for the needs of internally displaced persons in Ukraine are spent, for example, by the UNHCR, UNICEF and IOM. Tens of millions of euros to help displaced people in Ukraine also flowed from the EU budget. The assistance from western states (e.g. USA, Germany, Poland) is also of great importance.

In 2014, the proceedings were discontinued against 5 556 people, including 3 822 citizens of the Russian Federation, 674 people from Georgia, 372 foreigners from Ukraine and 122 from Armenia. The number of people whose proceedings have been completed with such a decision was almost three times lower than in the year 2013 (16 078 individuals).



The most common basis for a discontinuation decision was the withdrawal of the request for granting refugee status, leaving the centre for a period longer than 7 days without a justified reasons and failure to arrive at the centre within 2 days of lodging the application for refugee status. Often the decision to discontinue the proceedings has been issued even when the applicant, upon receipt of the final decision of refusal to grant refugee status, filed a new application based on the same grounds (inadmissible application).

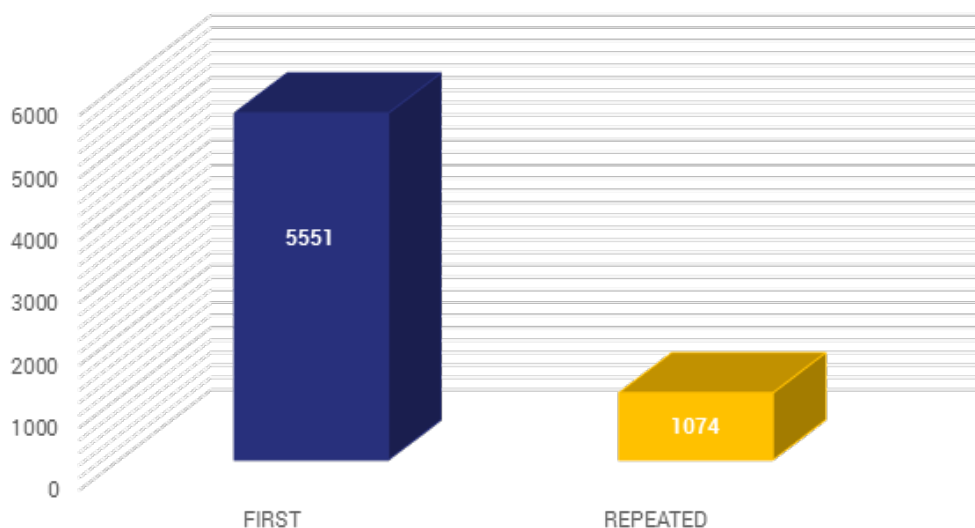
The phenomenon of the lodging subsequent applications by the same foreigners is observed since 2003, back then subsequent applications for refugee status were lodged by 93 people (around 1.3% of the total number of all applicants). In the following years, the trend in this regard was growing: 2004 - 137 individuals (about 2%), 2005 - 1 141 people (about 21%), 2006 -



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3 280 people (46%). In 2007, for the first time there has been a decline in the number of foreigners that lodged subsequent applications for granting refugee status. The number decreased to a level of 2 842 people, which represented 28% of the total number of all applicants. In 2008, this proportion was 15% (1 316 out of 8 517 applicants), and in 2009 - 10% (1 538 of 15 336 applicants). In 2010, there has been an upward trend - subsequent applications were lodged by approx. 34% of people (2 204 of 6 534 applicants), in 2011, 2012 and 2013 - a downward one again, at the level of about 26% (1 801 of 6 534 applicants), 15% (1 579 persons of 10 753 applicants) and 8% (1 219 people of 14 996 applicants). In 2014, this trend has changed - approximately 16% of the applicants (1 072 people) have lodged subsequent applications.

Applicants for international protection in Poland in 2014  
(first and subsequent applications)



The reasons for the practice of lodging repeated requests by the same people for granting refugee status are twofold - to avoid expulsion/obligation to return or (most often) the possibility of further using benefits for foreigners applying for refugee status.

A significant impact on reducing the practice of lodging repeated requests for granting refugee status in order to avoid the execution of the decisions of the obligation to return potentially has the abandonment, by the legislator, with automatically pausing the execution of such a decision during the refugee proceedings. The full right of residence on the territory of Poland over the course of refugee proceedings may only be used by those who lodged the request for the first time. In the case of the other foreigners, stopping the enforcement of the decision about the obligation to return is only possible at the request of the foreigner with the justification of the existence of legitimate interest of the applicant in suspending its execution. In the year 2014, the Head of the Office for Foreigners issued this type of decision in relation to 103 people - less than a year earlier (in 2013. this type of decisions was issued to 183 foreigners).

PROCEEDINGS FOR GRANTING REFUGEE STATUS CONCERNING  
SPECIFIC GROUP OF APPLICANTS

The following groups of foreigners are under special protection over the course of the proceedings for granting refugee status: minors residing on Polish territory without legal or customary representative (unaccompanied minor), victims of violence and people with disabilities.

The testimonies of such persons are taken in conditions suited to their needs and perception abilities. Activities within the procedure are carried out with the participation of a psychologist or a teacher (in the case of unaccompanied minors) or a psychologist or doctor (in the case of victims of violence and people with disabilities), exclusively by staff qualified in this regard. As a rule, persons who fall into these groups may not be placed in detention for the purpose of exclusion / detention centre for foreigners or guarded centre for foreigners.

Specific procedures for unaccompanied minors, victims of violence and persons with disabilities does not stem from the Geneva Convention. They do, however, meet the recommendations of the United Nations High Commissioner for Refugees in terms of refugee procedures' standards. In addition, it comprises an implementation of the provisions of Council Directive 2003/9/EC of 27 January 2003 on minimum standards for the reception of asylum seekers (Journal of Laws EC No. L 031 of 6 February 2003) and Council Directive 2005/85/EC of 1 December 2005. on minimum standards on procedures for granting and withdrawing refugee status in Member States (Journal of Laws EC No. L 326 of 13 December 2005), implemented into the Polish legal system.



## PROCEEDINGS CONCERNING FOREIGNERS ILLEGALLY ENTERING OR RESIDING ON THE TERRITORY OF THE REPUBLIC OF POLAND

According to art. 33(1) of the Geneva Convention, „no Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”. Respecting this prohibition, the Polish legislator banned the execution of decisions obligating to return until the delivery of the final decision on granting refugee status.

The use of this privilege by applying for refugee status by persons who do not feel founded fear of persecution, but are afraid of being sent away from Poland, prompted the legislator to introduce legal solutions to counter this phenomenon.

Art. 33(4) of the Act on granting protection to foreigners within Poland allows to obligate the foreigner to return while the refugee procedure is still in motion if the proceedings have been initiated as a result of lodging a subsequent application, and the application is aimed at delaying or disrupting the execution of the decision obligating to return.

Additionally, art. 87 - 89c of the cited Act govern detention and placing in the guarded centres or detention of foreigners applying for refugee status. On their basis it is possible to deprive foreigners of unknown identity, persons who abuse the refugee proceedings, foreigners posing a threat to safety, health, life or property of others or the defence or security, or public order and safety of their freedom. Apprehension is an optional way for people who illegally crossed or attempted to cross the border and entered the territory of the Republic of Poland or reside within it without a permit or in the case of foreigners staying at a centre, whose behaviour poses a threat to the safety, health or life of other residents or employees of the said centre.

It is worth mentioning that as of 1 May 2014, Border Guard authorities are allowed to use alternatives to detention, such as reporting at specified intervals to the designated authority, a security deposit of money or living in a designated area.

In 2014, a total of 522 foreigners were apprehended. Of that number, 209 persons have been placed in guarded centres or under arrest for purposes of expulsion/detention centres for foreigners. The number of applicants for refugee status, for whom detention was used last year was three times lower when compared to 2013 (then, 608 people were detained).



## ASSISTANCE FOR FOREIGNERS APPLYING FOR REFUGEE STATUS

The Geneva Convention does not regulate issues related to providing for people applying for refugee status by the host country. The Act on granting protection to foreigners on Polish territory allows granting such persons social assistance and medical care, and, optionally, assistance in voluntary return to the country to which they are entitled to enter. Social support includes assistance in the centre or assistance provided outside of the centre, involving payment of cash benefits to cover the costs of their stay on Polish territory on their own. In addition, a person who covered the funeral expenses of a deceased foreigner during the proceedings on granting refugee status is entitled to a funeral grant.

In 2014, in connection with the implementation of the above mentioned statutory tasks, the Office for Foreigners expended a total amount of PLN 45,549,551, approximately 13% more than in 2013 (an amount of PLN 40,270,249). The aforementioned funds have been used for:

- cash benefits - PLN 15,788,029,
- accommodation in leased centres - PLN 15,298,311,
- medical services - PLN 10,328,120,
- commissioned feeding system - PLN 2,872,198,
- purchase of food - PLN 724,935,
- assistance in voluntary departure from the territory of the Republic of Poland (under the project and on one's own) - PLN 533,873,
- purchase of medicines and other medical products - PLN 4,086.

A large part of the benefits is provided in the centres for foreigners applying for refugee status. As of 31 December 2014, there were 13 centres (4 centres owned by the Office for Foreigners and 9 leased ones) - this number is the same as in the previous year. The number of places available in all centres totalled 2,145.

At the end of 2014, 3,821 people were using the help of the Office for Foreigners, of which 2,402 were granted assistance in the form of cash benefits. The overall number of people using social assistance and medical care was, therefore, little higher than a year earlier (when it amounted to 3,406 people).

In 2014, the Office for Foreigners continued to cooperate with the International Organization for Migration (IOM) in the implementation of the voluntary return program (project „Consulting, travel, reintegration assistance in the voluntary return from Poland. Phase II”). Last year, 872 foreigners benefited from IOM's support- about 30% less compared to 2013.

In addition to the current tasks related to granting assistance to foreigners applying for refugee status, the Office for Foreigners also undertook pre-integration activities, which include:

- Polish language classes,
- providing teaching aid to children under compulsory education in primary schools, middle schools, or high schools and covering, to the extent possible, the cost of extra-curricular, sport and recreation activities of children
- tours and educational packages under the ERF project „Educational support for children seeking refugee status”
- open days in the centres.

Some of the pre-integration activities for foreigners are implemented in cooperation with NGOs. This cooperation is carried out on multiple levels, such as:

- cultural and educational activities for children (Stowarzyszenie Centrum Wolontariatu in Lublin, Fundacja dla Wolności, Stowarzyszenie Przyjaciół Międzynarodowego Ruchu ATD „Czwarty Świat”, Fundacja Edukacji i Twórczości, PAH, Stowarzyszenie Społeczno-Kulturalne Ethnos, Vox Humana, Teatr NN, Fundacja Ocalenie, Fundacja MultiOcalenie, among others),

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- legal and integration assistance (Centra Pomocy Migrantom i Uchodźcom Caritas, Fundacja Ocalenie, PAH, Fundacja Instytut na rzecz Państwa Prawa, Centrum Pomocy Prawnej im. H. Nieć, Helsińska Fundacja Praw Człowieka, Instytut Spraw Publicznych, Stowarzyszeniem Interwencji Prawnej, Uniwersytet Warszawski - Klinika prawa, among others),

The cooperation relies on, inter alia, partnerships and participation in projects such as the project implemented in collaboration with the Centrum Pomocy Prawnej im. Haliny Nieć „Give them a chance! Legal and informational support for vulnerable persons seeking protection in Poland and prevention of gender-based sexual violence in centres for persons applying for refugee status” or the project „From tolerance to integration” held in cooperation with the Polish Migration Forum and the Fundacja dla Somalii.



## IMPLEMENTATION OF THE GENEVA CONVENTION AND THE NEW YORK PROTOCOL IN THE CONTEXT OF THE ACCESSION OF THE REPUBLIC OF POLAND TO THE EUROPEAN UNION

Art. 28(1) of the Geneva Convention provides that the Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require. The Annex to the Geneva Convention contains detailed provisions relating to travel documents for refugees. These standards are implemented in Poland.

Travel document issued to recognized refugees by the Head of the Office for Foreigners is consistent with the model set out in that Annex. In accordance with paragraph 3 of the Annex, the fees charged for issuing the document shall not exceed the lowest charges for issuing national passports. In Poland, the collection of fees for issuing travel documents referred to in the Geneva Convention has been completely abandoned.

The document, except in special or exceptional cases, should be issued to the greatest possible number of countries (§4 of the Annex), and the period of its validity shall be one year or two years, depending on the discretion of the authorities issuing it (§5 of the Annex). In conjunction with the provisions of Council Regulation No 2252/2004/EC of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (Journal of Laws EU L 385 of 29 December 2004), starting on 28 August 2006, travel documents provided for in the Geneva Convention were issued for a period of one year. In accordance with the above mentioned regulation, travel documents which validity exceeds 12 months, must include a properly secured storage media for biometric data, i.e. facial image and fingerprints of the holder. This requirement was met on 29 June 2009, therefore the travel documents provided for in the Geneva Convention began to be issued for a period of 2 years.

It should also be noted that Poland is a party to the European Agreement on the abolition of visas for refugees, drawn up at Strasbourg on 20 April 1959 and the European Agreement on Transfer of Responsibility for Refugees, drawn up in Strasbourg on 16 October 1980.





## COOPERATION WITH THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Pursuant to art. 35(1) of the Geneva Convention, the Contracting States undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

The Act on granting protection to foreigners within Polish territory, grants the UNHCR's representative a number of rights, including the right to freely communicate with a foreigner, access to information about the course of the refugee procedure, access to the file and the right to submit reviews, documents and materials in the case file.

In 2014, as in previous years, the Head of the Office for Foreigners cooperated with the UNHCR Representation in Poland in all matters relevant to refugees and persons applying for granting such status. UNHCR's opinions on the situation in the countries of origin of applicants are taken into account in the course of proceedings for refugee status.

It also should be noted that last year the Office for Foreigners continued to cooperate with UNHCR in the comparative analysis of the quality of refugee procedures.

The Office for Foreigners also participated in a UNHCR project, „Asylum Systems Quality Initiative in Eastern Europe and the Southern Caucasus”. Poland, next to Germany, Romania and Sweden, is a country of good practices. The beneficiaries of the project include, in turn, Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The aim of the project is to promote the international protection of refugees in the countries of Eastern Europe and the Southern Caucasus, as well as improve the quality of decision making. The project will continue to be implemented in 2015.



## IMPLEMENTATION OF THE GENEVA CONVENTION AND THE NEW YORK PROTOCOL IN THE CONTEXT OF THE ACCESSION OF THE REPUBLIC OF POLAND TO THE EUROPEAN UNION

With the accession of Poland to the European Union, inter alia, Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State which is responsible for examining an asylum application lodged in one of the Member States by third-country nationals (Journal of Laws EC No. L 50 of February 2003.) came into force. As of 1 January 2014, a new act applies in the matter of responsibility for examining applications for refugee status - Regulation of the European Parliament and of the Council (EU) No 604/2013 of 26 June 2013 on establishing the criteria and mechanisms for determining Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (recast) (OJ EU L 180 of 06.29.2013, p. 31).

The Regulation stipulates the responsibility of only one Member State for examining an application for refugee status. A foreigner who makes a subsequent application in another country applying the Regulation will be handed over to the state, which is responsible for examining the application, according to the criteria contained within it. When determining state responsibility for examining the application, inter alia, the circumstances relating to the entry and stay of the foreigner in the territory of the States applying the Regulation and the ability to connect a foreigner with family members who have received refugee status in other countries shall be taken into account.

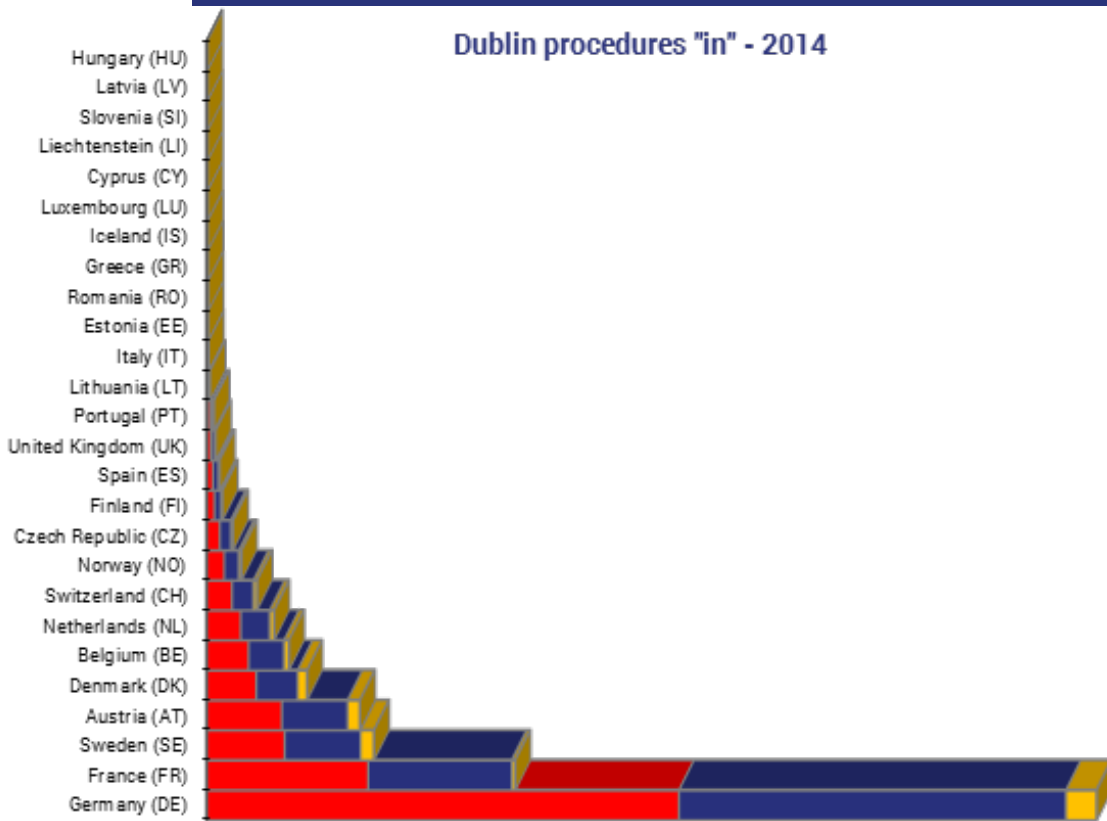
Practice shows that Poland is still regarded by foreigners as a transit country and the real goal of most people applying for refugee status in Poland is the legalization of residence in other countries that guarantee access to the highest social benefits. Meanwhile, the regulation, after a foreigner enters Poland and submits an application for refugee status, makes it virtually impossible to successfully apply for such status in other countries applying it.

In 2014, on the basis of the provisions of the aforementioned regulation, 6,944 applications have been directed to Poland from other countries, most of which were based on identification of fingerprints in the Eurodac system. Most requests were sent to Poland from Germany - 3,310 applications, France - 1,131 applications, Sweden - 544 applications and Austria - 525 applications. 5,922 applications have been examined positively (approximately 85%). In 2014, 656 foreigners were transferred to Poland.



IMPLEMENTATION OF THE GENEVA CONVENTION AND THE NEW YORK PROTOCOL IN THE CONTEXT OF THE ACCESSION OF THE REPUBLIC OF POLAND TO THE EUROPEAN UNION

Dublin procedures "in" - 2014



■ Number of lodged applications ■ Positive decisions ■ Number of transferred persons

Poland sent 184 requests to other countries, the most to Germany - 57, France - 19, Lithuania - 15 and Hungary - 14. Most of them were based on the principle of reunification of family members and humanitarian reasons. 95 requests have been examined positively (approximately 52%). In 2014, 42 persons were transferred to Poland from other countries implementing the regulation.

Dublin procedures "out" - 2014



■ Number of lodged applications ■ Positive decisions ■ Number of transferred persons



## IMPLEMENTATION OF THE GENEVA CONVENTION AND THE NEW YORK PROTOCOL IN THE CONTEXT OF THE ACCESSION OF THE REPUBLIC OF POLAND TO THE EUROPEAN UNION

These figures suggest that, in relation to 2013, (9,600 applications, 8,814 positive decisions - approx. 92%, 3,133 transferred foreigners) in the past year the number of requests addressed to Poland from other countries and the percentage of positively examined cases significantly decreased, whereas the number of transferred persons was lower almost fivefold.

In respect of „out” proceedings, downward trends were also seen in terms of recognition and the number of transferred persons (2013 - 72% and 50 transferred persons, 2014 - 52% and 42 transferred persons), an increase was recorded in relation to the number of requests made by Poland to other countries (2013 - 130 requests, 2014 - 184 requests).

The Act on granting protection to foreigners within the territory of Poland is compatible with the majority of the EU legislation in the field of asylum. The provisions of the following acts have been transposed to the Act:

- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons and on measures taken in order to spread efforts between Member States in order to receive such persons, and the consequences of adoption (Journal of Laws No. L 212, of 7 August 2001.),
- Directive on minimum standards for the reception of asylum seekers,
- Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Journal of Laws No. L 304 of 30 September 2004.), and
- Directive on minimum standards on procedures for granting and revoking refugee status.

It should also be pointed out that last year the provisions of Directive of the European Parliament and of the Council 2011/95/EU of 13 December 2011 on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, a uniform status for refugees or persons eligible for subsidiary protection, and the content of the protection granted (Journal of Laws EU L 337, 20.12.2011, p. 9) have been implemented into Polish law. The Act of 26 June 2014 amending the Act on granting protection to foreigners on Polish territory and other acts (OJ 2014 No. 0 item 1004), which transposed the above regulations came into force on 30 August 2014.

Legislative work also continued on a draft law amending the Act on granting protection to foreigners on Polish territory in connection with the need to transpose the following provisions of European Union law into the Polish legal system:

- Directive of the European Parliament and of the Council 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (Journal of Laws EU L 180, 29.06.2013, p. 60),
- Directive of the European Parliament and of the Council 2013/33/EU of 26 June 2013 on the establishment of standards for the reception of applicants for international protection (recast) (Journal of Laws EU L 180, 06.29.2013, p. 96),
- Regulation of the European Parliament and of the Council (EU) No. 604/2013 of 26 June 2013 on establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (Recast).

The consequence of Poland's accession into the European Union is not only a need to adapt national legislation to EU regulations, but also the possibility of using EU funds, including the European Refugee Fund (ERF).

In 2013, the Office for Foreigners completed, continued or commenced the implementation of the following projects co-financed by the ERF:



### IMPLEMENTATION OF THE GENEVA CONVENTION AND THE NEW YORK PROTOCOL IN THE CONTEXT OF THE ACCESSION OF THE REPUBLIC OF POLAND TO THE EUROPEAN UNION

- project No. 4/11/2011/ERF „Technical and language trainings for employees of the Office for Foreigners”,
- project No 3/12/ERF „Educational support for children seeking refugee status”,
- project No 5/12/ERF „Renovation of the centre for foreigners applying for refugee status - Czerwony Bór”,
- project No. 4/12/ERF „Research missions to countries of origin”,
- project No. 6/12/ERF „Optimizing access of the Refugee Proceedings Department of the Office for Foreigners’ employees to information on countries of origin”,
- project No. 3/14/ERF „Study visits III”,
- project No. 4/14/ERF „Material support for foreigners applying for refugee status. Purchase of school and baby kits”,
- project No 5/14/ERF „Improving the identification of persons with special needs in the procedure for granting refugee status”,
- project No. 6/14/ERF „Research missions to countries of origin”,
- project No. 7/14/ERF „Study visits of the Dublin Proceedings Division’s employees”.



## CONCLUSION

In the opinion of the Head of the Office for Foreigners, in 2014 the Republic of Poland has implemented in its entirety the obligations arising from the Geneva Convention and the New York Protocol.



## ATTACHMENTS (STATISTICAL TABLES)

Table 1: Number of asylum seekers in Poland in 2014

CITIZENSHIP	TOTAL	FIRST	REPEATED
AFGHANISTAN	34	31	3
ALBANIA	2	2	0
ALGERIA	6	6	0
ARMENIA	126	101	25
BANGLADESH	23	17	6
BELARUS	25	21	4
CAMEROON	1	1	0
CANADA	1	1	0
CENTRAL AFRICAN REPUBLIC	1	1	0
CHINA	12	12	0
CONGO	1	1	0
CROATIA	1	1	0
CUBA	5	5	0
DEMOCRATIC REPUBLIC OF CONGO	1	1	0
EGYPT	12	11	1
ERITREA	7	7	0
ETHIOPIA	3	3	0
GAMBIA	1	1	0
GEORGIA	652	558	94
GERMANY	1	1	0
GUINEA	3	1	2
INDIA	10	5	5
IRAN	16	13	3
IRAQ	27	26	1
JORDAN	8	8	0
KAZAKHSTAN	52	37	15
KYRGYSTAN	101	96	5
LEBANON	7	6	1
LIBERIA	3	3	0
LIBYA	12	12	0
LITHUANIA	1	1	0
MOLDOVA	2	2	0
MONGOLIA	9	8	1
MOROCCO	2	2	0
NEPAL	4	2	2
NIGERIA	7	6	1
PAKISTAN	48	42	6



## ATTACHMENTS (STATISTICAL TABLES)

Table 1: Number of asylum seekers in Poland in 2014

OBYWATELSTWO	LICZBA OSÓB OBJĘTYCH WNIO- SKIEM	OSOBY, KTÓRE ZŁOŻYŁY WNIOSEK PO RAZ PIERWSZY	OSOBY, KTÓRE ZŁOŻYŁY KOLEJNE WNIOSKI
PALESTINE	9	6	3
RUSSIA	2772	2060	712
RWANDA	3	1	2
SERBIA	1		1
SOMALIA	3	3	0
SOUTH KOREA	2	2	0
SRI LANKA	3	1	2
STATELESS	38	29	9
SUDAN	4	4	0
SYRIA	104	103	1
TAJIKISTAN	107	107	0
TOGO	1	1	0
TUNISIA	4	3	1
TURKEY	3	3	0
TURKMENISTAN	15	15	0
UGANDA	4	3	1
UKRAINE	2253	2094	159
UNKNOWN	4	0	4
UZBEKISTAN	13	12	1
VIETNAM	55	52	3
TOTAL	6625	5551	1074



## GRANTING PROTECTION



## ATTACHMENTS (STATISTICAL TABLES)

**Table 2: Withdrawals at first instance by type of status withdrawn and by citizenship in 2014**

CITIZENSHIP	WITHDRAWN SUBSIDIARY PROTECTION STATUS	WITHDRAWN REFUGEE STATUS	IN TOTAL
BELARUS	-	1	1
RUSSIA	22	-	22
SERBIA AND MONTENEGRO	-	2	2
IN TOTAL	22	3	25

**Table 3: Number of persons, who have been issued a decision, under the refugee procedure, on suspending the implementation of the decision on expulsion/obligation to return by the Head of the Office for Foreigners in 2014**

CITIZENSHIP	Number of persons
ARMENIA	1
BELARUS	1
GEORGIA	18
KAZAKHSTAN	4
RUSSIA	71
UKRAINE	6
UZBEKISTAN	1
ZAMBIA	1
IN TOTAL	103

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