



Immigration of international students to Poland

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

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This National Report was prepared by the Ministry of the Interior acting as the coordinator of the National Contact Point to the European Migration Network in Poland (PL NCP EMN). The Report follows the common specifications and methodology prepared by the European Migration Network (EMN).

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Executive Summary



Although economic migration flows account for the majority of contemporary migration, migration for education purposes is a significant phenomenon, often paving the way for further mobility, including economic migration.

Poland has seen a marked increase in migration of international students for around a decade ([subsection 1.3](#)). Furthermore, the growth rate of such migration has exceeded the increase in total immigration to Poland (the number of non-EU nationals studying in Poland almost doubled in the years 2007-2012 - from approximately 8 000 in the 2007/2008 academic year to almost 14 000 in 2011/2012). One of the reasons is the fact that generations born during a period of population decline are now reaching the academic age and the number of potential “national” students is gradually decreasing which stimulates the universities to attract international students.

The conditions (including financial terms) under which a foreigner may take up studies ([subsection 1.2](#)) strictly depend on the category to which s/he belongs. Apart from the traditionally applied different rules to the EU citizens (as well as citizens of Switzerland, Iceland, Liechtenstein and Norway) and nationals of the third countries, these conditions also include, but are not limited to, the fact of having Polish origin or not, type of residence permit, study programme a foreigner wishes to take up,

and may also be a result of the provisions of international, intergovernmental agreements or aid schemes.

In Poland, there are many actors and stakeholders interested in participation in direct or indirect development of the national policy of attracting international students ([subsection 1.2.1](#)). Each of them sees migration for education purposes from the perspective of adopted priorities and specific nature of their activity.

So far Poland has not developed a single strategic document that would address all the issues related to admitting international students in a consistent and comprehensive way. However, relevant recommendations and suggestions in this respect have been included in several documents of a different status and nature which were adopted (or whose approval is still pending) in recent years ([subsection 1.2.2](#)). Nevertheless, the issue of internationalisation of the Polish higher education has recently become increasingly present in the mainstream political debate in Poland ([subsection 1.2.3](#)).

Due to the increasing awareness of the benefits related to the presence of international students in Poland, the last several years saw a significant expansion of available tools for attracting the largest possible number of foreigners to study at the Polish universities ([subsection 2.1](#)). Such tools include large-scale and increasingly

professional recruitment and promotional activities (e.g. foreign language versions of universities' websites, participation in foreign educational fairs, using the services of agencies recruiting students in their countries of origin, advertising campaigns, agreements between universities on exchange of students or development of common curricula, obtaining international accreditations by universities and institutions, introduction of studies in foreign languages and employing foreign lecturers) – [subsection 2.1.1](#).

Poland introduced a number of developments aimed at facilitating the recognition of foreign documents on education (Poland entered into 9 international bilateral agree-

A number of favourable solutions in terms of legalization of stay will be introduced by the new Act on Foreigners (to enter into force in 2014)

ments on mutual recognition of documents on education and granting academic degrees) – [subsection 2.1.2](#). Poland also has a relatively extensive offer of scholarships (addressed mainly to persons of Polish origin) and offers exemptions from tuition fees or a 30% reduction of such fees for international students ([subsection 2.1.3](#)).

In accordance with the present provisions, it is up to international students to decide where to apply for a given residence document (in a country of origin or in Poland) as well as whether they want to stay in Poland on the basis of subsequent national visas issued abroad or a *residence permit for a fixed period of time* ([subsection 2.2](#)). International students who hold the Card of

the Pole enjoy privileges when applying for a national visa. The new draft Act on Foreigners, whose adoption is planned for the second half of 2013 introduces a number of solutions in terms of legalization of stay that are more favourable for foreigners than the current regulations (i.e. extension of validity period of a residence permit for a fixed period of time and more individual and elastic approach in terms of granting subsequent residence permit in a situation when no sufficient progress in education was noted). Whereas international students belong to a category of foreigners with a relatively low percentage of refusals in proceedings for granting a residence permit for a fixed period of time ([subsection 2.3](#)), they often face problems related to obtaining visa on time or possessing sufficient financial means to cover costs of subsistence required to be granted a residence permit for a fixed period of time.

If already in Poland, international students are given various entitlements ([subsection 2.5](#)), including access to a labour market without a need to obtain a work permit, possibility to carry out a business activity (the scope of that access depend on *inter alia* residence title that they hold), right to family reunification ([subsection 2.7](#)), right to social insurance benefits and access to health care.

Despite a lack of full complete information on a type of work performed by foreigners studying in Poland ([subsection 2.6](#)), quantitative researches have shown that the type of work performed by foreigners studying in Poland was not much different from that performed by Polish students (mainly catering sector, child care and other temporary work).

The current provisions of the Act on Foreigners do not provide for extending foreigners' stay in Poland after graduation ([subsection 2.8](#)) and for a separate stay legalisation path intended solely for grad-

uates of Polish universities. In practice, in order to extend his/her stay after graduation on the basis of, for example, being employed, a foreign student must start working still while studying and continue working until graduation. A foreigner can also prolong his stay in Poland without the need to leave if an employer makes a commitment to employ him/her straight after graduation (graduates of Polish universities were allowed to take up employment without a work permit). The current regulations in the area will be changed significantly when the new Act on Foreigners is adopted in 2013. It will provide for the possibility of foreigners who graduated from Polish universities to extend their stay in Poland for one year to look for a job. Additionally, Poland has recently embarked on an extensive reform of university education (it will *inter alia* include: closer cooperation between universities and employers by changing the organisation of education and university curricula, granting universities the autonomy to create original fields of study, also fields that merge different elements as well as introducing a programme of so-called 'ordered' fields of study) whose purposes is to better adjust international students' skills to the needs of the labour market and improve their chances (it applies both to national and international students) of finding employment after graduation ([subsection 2.9](#)).

A wider opening of the educational market to students from third countries is sometimes used as a possibility for illegal migration. The scale of abuse of entry and stay procedures ([subsection 2.10](#)) by international students in Poland is relatively low (though increasing). Such practices are recorded most often during visa granting procedures in Asian countries and usually concern non-state universities and short-term forms of education, such as vocational trainings, supplementary trainings, attending post-upper secondary schools or attending classes organised by NGOs. More abuses are reported in the case of permits

issued pursuant to Article 53a(1)(1) of the *Act of 13 June 2003 on Foreigners* (i.e. issued in relation to taking up education or attending vocational training). Regardless of the relatively modest scale of misuses, consular and immigration authorities take various practical measures to detect and prevent abuse ([subsection 2.10.1](#)), including *inter alia* verification of the authenticity of documents submitted by foreigners, interviewing applicants, performing community interviews by Border Guard officers, contacting the international students' universities and tutors as well as introducing an obligation of university rectors to inform competent bodies that foreigners have not taken up studies or dropped out.

Studying in Poland is facilitated for foreigners by international cooperation in this regard ([section 3](#)), both at the macro, i.e. state, level and at the micro level, i.e. direct cooperation between individual universities ([subsection 3.1](#)). The specific character of Polish higher education system in the context of international cooperation includes a low share of foreigners studying in Poland based on the intergovernmental agreements (approximately one-third); overwhelming majority of students arriving to Poland (approximately two-thirds) takes part in international exchange student programmes carried out within the framework of bilateral agreements with foreign universities (both at university or faculty level).

While promoting students' mobility, Poland undertook a number of measures aimed at facilitating such mobility ([subsection 3.2](#)), both within the EU (e.g. participation in Erasmus Mundus) and outside the EU (e.g. participation in one of the largest programmes for multilateral exchange of students in Central Europe - CEEPUS) – [subsection 3.3](#). Foreigners who participate in programmes which aim to enhance student mobility sometimes encounter difficulties in obtaining a visa or legalising their stay in Poland ([subsection 3.4-3.5](#)).

Most impacts of the international students' influx on individual spheres and aspects of life in Poland ([section 4](#)), as identified in the study, were deemed positive. The presence of international students at Polish universities is rather perceived as one of the solutions to balance the declining number of candidates, as a factor that contributes to the promotion of democracy, freedom, equality and human rights in the countries of origin (i.e. Poland's cooperation on students exchange with Eastern Partnership countries) as well as in terms of financial benefits for Polish universities. International students are also treated as possibly highly qualified long-term immigrants of great importance to the Polish economy.



Introduction



The study on immigration of international students to Poland was produced by the National Contact Point to the European Migration Network in Poland (PL NCP EMN), in relation to Poland's EMN¹ membership. The study constitutes a national contribution to the EMN main study whose objective is to provide an overview of the immigration mobility policies that are currently being implemented by the EU states to allow international students to enter into the EU for the purpose of study.

The main contribution was provided by the Migration Policy Department of the Ministry of the Interior, in co-operation with the Department of Strategy at the Ministry of Science and Higher Education, the Department of Consular Affairs in the Ministry of Foreign Affairs, the Department of Labour Market in the Ministry of Labour and Social Policy, the Office for Foreigners, the Bureau for Academic Recognition and International Exchange, the Foundation for the Development of the Education System and the Department for Foreigners of the Border Guard Head Office.

The study will contribute to better understanding of current national policy on ad-

mitting international students to Poland. It also analyses the degree of involvement of individual entities in the actions encouraging international students to study in Poland, the extent to which the 'student route' to migration is misused by migrants for purposes other than study, it presents measures undertaken (methods used) by public bodies to detect attempts of obtaining student visas under false pretenses, abuses of the "student legislative path" as well as it describes ways of preventing misuses.

The focus of the study remains on migration behaviours of the group concerned rather than wider aspects related to student behaviours.

Among the recipients of this report are the National Contact Points of the European Migration Network, the European Commission, national as well as European policy-makers, national executive institutions and the society – non-governmental organizations, research institutes and other stakeholders.

The report follows the common specifications and methodology adopted by the European Migration Network.

- **Methodology applied**

The report is largely based on desk analysis of existing documents that were provided by public bodies in charge of shaping policy on attracting international students to Po-

1. The Polish NCP currently comprises the representatives of the Ministry of the Interior (National Coordinator), Ministry of Labour and Social Policy, Office for Foreigners, Border Guard and the Central Statistical Office.

land as well as institutions and NGOs which value the importance of internationalization.

The collected literature and conducted researches on the subject of educational migration to Poland were reviewed. Information on legalization proceedings, abuses concerning the entry and stay of international students in Poland (including reasons for refusals to issue visas or to grant a residence permit) as well as practical measures taken by migration authorities to detect and prevent abuses were drafted based on answers to a questionnaire sent to the employees of voivodship offices, the Office for Foreigner (the bodies responsible for granting residence permits in first and second instance) and to the Consular Department of the Ministry of Foreign Affairs.

The information included in the national report relate to the Polish legal framework as at 31 December 2012, in particular the *Act of 13 June 2003 on Foreigners*,² the *Higher Education Law of 27 July 2005*³ and the draft Act on Foreigners, which is planned to enter into force on 1 May 2014 (at the time of drafting this report, the draft Act on Foreigners was being discussed by the ad-hoc parliamentary sub-committee to the Committee on Interior Affairs tasked with examining the bill).

The report makes reference to strategic documents – crucial in terms of educational migration perspective – such as *‘Human Capital Development Strategy’*, *‘Migration Policy of Poland – Current State of Play and Further Actions’*, multiannual programmes, including *‘Directions of Poland’s Promotion by 2015’*, *‘Government Programme for Cooperation with the Polish Community and Poles Abroad’*, and *‘Multiannual Development Cooperation Programme 2012-2015’*.

The statistics generated by the Bureau for

Academic Recognition and International Exchange and the Central Statistical Office were the main source of numerical data presented in the report. However, due to different methodologies of data collection applied by those institutions,⁴ for many years there has been a significant disparity in the data on the number of foreigners studying in Poland. The gap has been reduced in recent years thanks to the cooperation between the Central Statistical Office and the Bureau consisting in exchange of experience on data collection.

In view of the definition of international students adopted for the purposes of this report and the method of statistical data aggregation by the Bureau for Academic Recognition and International Exchange, the data produced by this institution were used more extensively to describe the scale of educational migration to Poland.

Up-to-date statistics on number of visas issued for the duration of studies of the first or second degree or uniform master’s degree studies or studies of the third degree (visa type 10) and issued for education or other form of training (visa type 12) as well as number of visa refusals were sourced from the Visa-Consul system – national electronic register of visa applications and decision issued, which is being gradually implemented in all Polish consular posts around the world starting from 2007. Data for 2008-2010 are incomplete due to the fact that the system became operational in all consular posts only in December 2010.

• Definitions

In the context of this study, “international student” refers to a “*third-country national*”⁵

2. Dz. U. [Journal of Laws] of 2011, No. 264, item 1573, consolidated text.

3. Dz. U. [Journal of Laws] of 2012, item 572, consolidated text.

4. Contrary to the data produced by the Central Statistical Office, the Bureau for Academic Recognition and International Exchange data are personalised which may suggest that they are more accurate.

5. In accordance with the EMN Glossary, a ‘third-country national’ refers to any person who is not a citizen of the European Union within the meaning



accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognized by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation.”⁶

Additionally, the study will focus on international students on level 5 and 6 under the International Standard Classification of Education (ISCED).

Therefore, non-EU nationals who come to Poland to study at full-time bachelor's, master's studies (including second-cycle programmes and uniform master's studies), PhD and post-graduate studies, as well as foreigners attending preparatory courses for studying in Poland are treated as international students. The study does not cover the EU nationals studying in Poland.

Moreover, the study does not include migrants who come to the EU for another purpose, even if they subsequently decide to undertake a course of study.

of Article 20(1) of the *Treaty on the Functioning of the European Union*, and who is not a person enjoying the Union right to freedom of movement as defined in Article 2(5) of the *Schengen Borders Code*. This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals.

6. Based on the definition under *Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service*.

1

The National Higher Education System and International Students in Poland



1.1. Structure of national higher education system

In Poland, higher education is one of the most dynamically developing areas of social life. Over the period of the last twenty years it has undergone a rapid quantitative and institutional transformation. Currently, there are 470 universities in Poland, out of which almost 132 are public, and 338 are non-public. Almost 2 million students (1 764 060) studied in these institutes in 2011/2012 academic year which makes Poland to have one of the highest Net Enrolment Ratios among OECD countries and the highest number of higher education establishments in Europe in absolute terms.

Since the beginning of academic year 2007/2008, a three-stage system of higher education has been applied in Poland and development of the system is directly linked to the fact that the government administration joined the so called Bologna Process⁷ that was designed to approximate higher education systems of European countries.

7. *The Bologna Declaration* was signed on June 19th 1999. On that day ministers of education of 29 countries undertook to fulfil tasks included in that document. The status of fulfilment of recommendations included in the *Bologna Declaration* is discussed at the education ministers' conferences. They take place every two years and end with a communication summarizing current achievements as well as defining further actions. Presently, also non-European countries are involved in the Bologna Process. In total, 47 countries participate in the process.

Tertiary education currently includes the following types of programmes:

- **teacher training colleges, foreign language teacher training colleges (ISCED 5B⁸)** – 3-year long colleges which prepare teachers for pre-primary (nursery) schools, primary schools and education-and-care establishments as well as train teachers of foreign languages for all levels of school education – from pre-primary to post-secondary schools and other establishments providing education or training below the higher education level. They are classified as tertiary education for international comparisons and prepare students for employment;
- **first-cycle programmes (ISCED 5A)** which last 3 to 4 years (bachelor's degree) and lead to the degree of *licencjat* or 3.5 to 4 years (Engineer's Degree) and lead to the degree of *inżynier* or equivalent degree, depending on the field of study. They prepare students to take up employment or continue studies;

8. The International Standard Classification of Education (ISCED) was developed by the UNESCO in 1970s to facilitate comparisons of education statistics and indicators across countries on the basis of uniform and internationally agreed definitions. Its revised version classifies education levels into 7 different levels (0, 1, 2, 3, 4, 5, 6), with higher education falling under Level 5 (First stage of tertiary education) and Level 6 (Second stage of tertiary education).

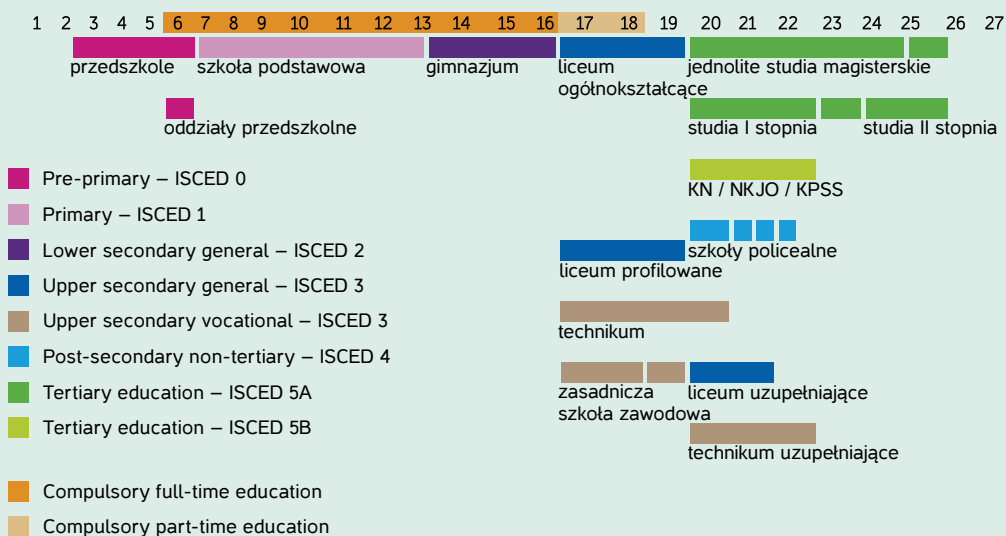
- second-cycle programmes – complementary master’s studies (ISCED 5A) which last 1.5 to 2 years and lead to the degree of *magister*. During such studies, students obtain extensive theoretical knowledge and develop their creative skills. In the case of artistic disciplines, education of students focuses on developing their creativity and talent;
 - » moving image production and photography,
 - » veterinary medicine;
- uniform master’s studies (ISCED 5A) which last between 4.5 and 6 years (studies at the faculty of medicine last 6 years + 13 months of post-graduate medical internship, studies at the faculty of medicine and dentistry last 5 years + 12 months of post-graduate internship, studies at the faculty of pharmaceuticals last at least 11 semesters and a 6-month training (internship) at a pharmacy constitutes an integral part of the studies). They lead to the same degree of *magister*, *magister inżynier* or the same equivalent degree as second-cycle programmes and the same education profile i.e. Master of Pharmacy; however, they may be offered exclusively in 11⁹ fields of study:
 - » acting,
 - » medical analysis,
 - » pharmacy,
 - » medicine,
 - » medicine and dentistry,
 - » art conservation and restoration,
 - » law,
 - » canon law,
 - » psychology,
- third-cycle programmes – doctoral studies (ISCED 6) which last up to 4 years and lead to the academic degree of *doctor* (upon registering for Ph.D. title conferment procedure, submitting and defending a doctoral dissertation before examining body and passing the Ph.D examination). Holders of the academic degree of *doktor* may continue their research career to obtain second the academic degree of *doktor habilitowany* (eng. assistant professor) and subsequently the academic title of *profesor* (eng. professor).

Access to first-cycle programmes and uniform master’s studies is open to holders of an upper secondary school leaving certificate (*Matura certificate*) while access to second-cycle programmes is open to holders of a Bachelor’s degree (*licencjat* or *inżynier*). Admission to the post-graduate studies is open to holders of a Master’s degree (*magister* or an equivalent degree). As for post-degree studies and doctoral programmes, the access to them is open to applicants who hold a Master’s degree (*magister* or an equivalent degree).

Studies at Polish universities may be full-time studies, where classes take place Monday to Friday (no tuition fee is charged for such studies at public universities), or part-time studies, where classes take place on average once in two weeks, Friday to Sunday (a tuition fee is charged for part-time studies and its amount is specified by the rector of the university for each faculty).

9. Uniform master’s studies may also be offered as an option at such faculties as: graphic arts, painting, sculpture, direction and theology (in particular the priesthood programme).

Chart 1. Education system in Poland



Source: The Polish Bureau of Eurydice, *The System of education in Poland*, Warsaw 2010

1.2. National policy framework regarding international students

Poland's policy in relation to enrolment of foreigners to tertiary studies consists of several key stages, starting from enrolment at the university, through entry and legalisation of stay in the country and a number of rights related to the student status, to specific conditions regulating the possibility of the foreigners staying in Poland after graduation.

The foreigners (both EU citizens and nationals of the third countries) may join the following study programmes:¹⁰

- bachelor's studies (1st cycle) – full-time or part-time,
- master's studies (2nd cycle) – full-time or part-time,

- uniform master's studies - full-time or part-time,
- postgraduate studies,
- doctoral studies,
- habilitation placements,
- scientific or artistic internships, dedicated training courses and medical post-graduate internships,
- additional training courses, including the Polish language courses or 1-year preparatory course for studying in the Polish language,
- student internships,
- participation in scientific research and development work.

The conditions (including financial terms) under which a foreigner may take up studies strictly depend on the category to which he/she belongs. Apart from the traditionally applied different rules to the

10. Article 1 of the *Regulation of the Minister of Science and Higher Education of 12 October 2006 on foreigners undertaking and pursuing studies and training and their participation in research and development work* (Dz. U. [Journal of Laws] of 2012, item 572, consolidated text).

EU citizens (as well as citizens of Switzerland, Iceland, Liechtenstein and Norway) and nationals of the third countries, these conditions also include, but are not limited to, the fact of having Polish origin or not, type of residence permit, study programme a foreigner wishes to take up, and may also be a result of the provisions of international, intergovernmental agreements or aid schemes.

◇ Enrolment criteria applied by the Polish universities

The enrolment process for foreigners applied by the Polish universities depends on many variables. The basic criterion is whether or not a given foreign student can take up education in Poland under the same rules as Polish citizens. Thus, pursuant to the *Higher Education Law of 27 July 2005*¹¹ students who are entitled to study under the same rules as Polish citizens,¹² i.e. by way of a qualifying procedure, specifically include Card of the Pole¹³

holders, people who have resided in Poland for a long time (including foreigners who have been granted permit to settle, EU citizens as well as nationals of Iceland, Liechtenstein, Norway or Switzerland who have been granted right of permanent residence), foreigners who arrive to Poland to reunite with their families), or those who are entitled to study under international commitments or EU regulations (including, but not limited to people granted international protection, holders of a residence permit for a long-term EU resident).

For the third country nationals who leave their country of origin with the intention to take up and continue education in Poland and who have never migrated to Poland, the access to higher education is governed by different rules. They can omit recruitment rules applicable to Polish citizens and enroll, if they are holders of an appropriate legalized¹⁴ document¹⁵ or document with an

11. Dz. U. [Journal of Laws] of 2012, item 572, consolidated text.
12. Those foreigners have access to the public higher education establishment free of charge; if they participate in paid education programmes set up by these universities (e.g. part-time studies, post-graduate studies, classes in foreign languages) they pay fees under the same terms and in the same amount as the Polish citizens. They are also entitled to apply for a scholarship and aid, or scholarship for the disabled, or the chancellor's scholarship for the best students, ministerial scholarship for academic merit, ministerial scholarship for excellent achievements and ministerial scholarship for excellent achievements in sports.
13. A Card of the Pole is a document that confirms its holder belongs to the Polish Nation. The holders have the rights stipulated in the *Act on the Card of the Pole*. Granting the Card of the Pole is not tantamount to granting Polish citizenship or confirming Polish origin. It does not authorise holders to cross the Polish border without a visa or taking up residence in the territory of the Republic of Poland. The Card of the Pole is not a document that legalises the stay in the territory of the Republic of Poland, but its holders have a number of rights that facilitate maintaining relations with Poland. It is granted to people who, at the time of filing the application, are citizens of: Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Republic of Estonia, Georgia, Republic of Kazakhstan, Kyrgyz Republic, Republic of Lithuania, Republic of Latvia, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Ukraine and Republic of Uzbekistan or having a stateless per-

son status in one of the countries. The Card of the Pole is granted to people who declare they belong to the Polish Nation and meet all of the following three criteria:

- prove their affiliation to Poland, in particular through the command of Polish and cultivation of Polish traditions and customs,
 - make a written declaration of belonging to the Polish nation in the presence of the consul of the Republic of Poland,
 - prove to be of Polish nationality or have Polish citizenship, or at least one of their parents or grandparents or two of their great-grandparents were of Polish nationality or were Polish citizens, or present a certificate issued by a Polish organisation or an organisation of the Polish community abroad operating in one of the above countries that confirms active involvement in activity for the Polish language and culture or the Polish national minority for at least the last three years.
- Minor foreigners are granted the Card of the Pole upon the request of their parents when:
- both parents are holders of the Card of the Pole,
 - one of the parents is a Card of the Pole holder – upon the consent of the other parent expressed in a declaration made before a consul, unless the other parent has no parental authority.
14. Legalisation is the certification of a document's formal conformity with the law binding in the place of its issue. Document requires a legalisation if a country in which a given document was issued is not a party to the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents*, concluded in The Hague.
 15. The following documents are required: for candidates applying for first-degree studies or uniform master's studies – maturity certificate, for

The conditions, under which a foreigner may take up studies in Poland, strictly depend on the category to which he/she belongs

apostille¹⁶ (issued by the competent body in the country of origin) which entitles them to take up any given education programme in the country in which the document has been issued. The document's equivalence with a relevant Polish school certificate has to be stated¹⁷ by means of nostrification procedure of maturity certificates¹⁸ or university diplomas¹⁹ obtained abroad or it can be recognised on the basis of an international agreement on mutual recognition of university documents concerning education and equivalence of degrees.²⁰

candidates applying for second-degree studies – university diploma (first-degree), for candidates applying for post-graduate studies – university diploma, for candidates applying for doctoral studies – university diploma (second degree).

16. If a country in which a given document was issued is a party to the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents*, concluded in the Hague.
17. Foreigner must present certificate of equivalence to a Polish maturity certificate or university diploma by the end of the first semester of his studies in Poland.
18. The body competent for recognition of maturity certificates is one of the voivodship education boards competent for the place of residence of the person applying for nostrification; if the foreigner does not live in Poland, education boards competent for the location of the institution to which the foreigner intends to submit the certificate to.
19. The body competent for recognition of university diplomas is a board of the university's organisational unit authorised to grant the degree of a doctor in a specific field of study or art that organises education in the area that covers the given field of study the graduation from which is confirmed by a diploma obtained abroad.
20. If Poland concluded the above-mentioned agreements, the document's equivalence with a relevant Polish document is stated automatically. Poland currently is a party to several bilateral agreements which regulate the issue of recognizing documents for academic purposes – see: subsection 2.1.2.

Where the qualifying procedure requires special predisposition (most frequently in medical schools), the international students must additionally prove such specific talents or skills (i.e. command of foreign language, artistic talent). They must also have an adequate command of the language in which they will study. If the candidates are enrolled in a higher education establishment to study in the Polish language the following requirements apply:

- Completed 1-year preparatory course of the Polish language for at the designated institutions (in Poland, there are currently 7 centres of this kind), or
- Certificate of the Polish language knowledge issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language, or
- Proof of adequate preparation to take up studies in Polish provided by the enrolling university.

If a candidate applies for studying in a foreign language,²¹ s/he must submit a document which proves knowledge of that language.²²

Polish regulations do not specify the level of lecture language knowledge required from a foreigner at the individual stages of education, therefore, the universities enjoy

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21. Foreigners can be enrolled in all fields of education where courses are held in a foreign language, with the exception of doctoral studies in clinical disciplines at the medical universities.
 22. Including, but not limited to: diploma in philology in the field of foreign languages or applied linguistics; diploma of a foreign language teacher training college, higher education abroad – the knowledge of a language of instruction is acknowledged; diploma of the National School of Public Administration (KSAP), certificate of ministerial exam; certificate confirming the command of a foreign language issued by KSAP and given foreign language certificates listed in separate regulations (in English, German, French, Spanish and Italian), as well as certificates, diplomas or other documents which confirm completion of a secondary school in which classes were in a foreign language in which the foreigner will study in Poland.

a relative high degree of freedom in establishing their own requirements in this respect (most frequently B1 or B2 level is required).

The detailed application procedure for this category of candidates depends on the financial terms under which the foreigners may study. Thus, they may study in Poland:

- 1) as holders of scholarships granted by the Polish party,
- 2) as holders of scholarships granted by the sending institution without being charged for education,
- 3) free of charge studies without scholarship,
- 4) as holders of scholarships granted by the higher education establishment,
- 5) against a fee.

In the case of the situations described in points 1-3, according to the provisions of international agreements, aid programmes or by the decision of a competent minister granting scholarships, candidates for studies in Poland may be submitted by Polish or foreign diplomatic and consular posts or ministries or institutions from a given country responsible for academic exchange with foreign countries to the Bureau for Academic Recognition and International Exchange which approves the candidate following approval by a competent minister²³ and in agreement with the authorities of the university applied to by a foreigner.

The recruitment process is slightly different for people of Polish origin²⁴ who plan to study in Poland with a scholarship (from

a competent minister). Under this procedure, scholarships are granted on the basis of the provisions of the *Government Programme for Cooperation with the Polish Community and Poles Abroad* to Polish community students and PhD students from Belarus, Bulgaria, Czech Republic, Estonia, Georgia, Kazakhstan, Lithuania, Latvia, Moldova, Russia, Romania, Slovakia, Ukraine, Uzbekistan, Turkmenistan and Hungary.

Due to a limited number of scholarships granted each year by competent ministers, and their relative popularity among Polish community youth, the process of recruitment for studies under the procedure is usually slightly longer than in other cases and frequently consists in several stages (a test in Polish at the A2 level,²⁵ a test in two major subjects²⁶ and an interview)²⁷ that allow selecting the best candidates. If there is a small number of candidates from a given country, selection may be made on the basis of the documents they file alone. It concerns primarily Russia, Uz-

Polish origin is a person declaring his/her nationality as Polish who meets all of the following criteria:

- at least one of his/her parents or grandparents or both his/her great-grandparents were of Polish nationality;
- he/she proves his/her affiliation to Poland, in particular through command of Polish and cultivation of Polish traditions and customs.

A person of Polish origin is also a person declaring his/her nationality as Polish, who held a Polish citizenship in the past or at least one of his/her parents or grandparents or both great-grandparents held a Polish citizenship and who proves his/her affiliation to Poland in particular through command of Polish and cultivation of Polish traditions and customs. Decisions on confirming Polish origin are issued by a consul.

23. Depending on the type of university – the Minister of Science and Higher Education, the Minister of Health or the Minister of Culture and National Heritage.

24. Within the meaning of the *Act of 9 November 2000 on repatriation* (consolidation text Dz. U. [Journal of Laws] of 2004 No. 53, item 532), a person of

25. Candidates for studies in humanities and social sciences also take another exam in Polish at the B1 level.

26. The list of subjects in which tests were organised in academic year 2011/2012 is available at: http://www.wschod-zachod.org.pl/images/pliki/studia_w_polsce/2_kierunkistudiow.pdf (accessed on 23 May 2013).

27. The qualification procedure is carried out by the Bureau for Academic Recognition and International Exchange in cooperation with Polish diplomatic and consular posts. The list of fields of study for which recruitment is planned is available at: http://www.wschod-zachod.org.pl/images/pliki/studia_w_polsce/2_kierunkistudiow.pdf (accessed on 23 May 2013).

bekistan and Turkmenistan as each year the number of young people is lower.

In the case of international students coming to Poland (students officially submitted by a given country's authorities) pursuant to international agreements, the admission procedure is simplified to the maximum. It consists primarily in formal verification of

Scholarships for students of Polish origin are granted on the basis of the provisions of the „Government Programme for Cooperation with the Polish Community”

the documents submitted by foreign posts in Warsaw by the Bureau for Academic Recognition and International Exchange.

Candidates for studies in Poland on the basis of the financial terms described in point 3 (exemption from tuition fees with no scholarship) are selected, in turn, following formal verification of the documents gathered by competent institutions of a given country or Polish diplomatic or consular posts.

It should be emphasised that in all of the above-mentioned cases, in the process of recruitment for certain fields of study universities may require an additional interview, additional skills and predispositions, i.e. command of foreign languages, art talents (e.g. when applying for studies in architecture or conservation) or, as in the case of studying sports at physical education and art academies – passing a physical ability or talent exam.²⁸ Apart from a posi-

tive result of the qualification procedure, the basis for qualification to medical studies, i.e. at the faculty of medicine, medicine and dentistry, and pharmaceuticals, is also a test conducted by the Medical Examination Centre in Łódź (conducted on behalf of the Minister of Health).

If it is impossible to obtain one of the above scholarships (points 1 and 2) or to exempt a foreigner from tuition fees (situation no. 3), the foreigner may apply for a scholarship granted by a university from his own funds or for studying for a fee²⁹ (points 4 and 5). Such applications are filed directly to the university of the foreigner's choice.

Particular emphasis should be placed on acceptance of people holding a valid Card of the Pole. They have the right to study following the rules applicable to Polish citizens, and are eligible to all kinds of benefits, as well as to study following the rules and terms other than those applicable to Poles (e.g. as holders of scholarships granted by Poland, by the host state or the university).

◇ Terms of entry to and stay in Poland

When a foreign student fills in the admission form required by a given university (usually on-line) and files it with all the necessary documents, and when s/he is admitted to studies in Poland, s/he must contact a Polish consular or diplomatic post in his/her country of origin (or if there is no such post – in other third country) which is responsible for issuing entry visas (unless the student's country of origin is covered by visa-free regime). A document required when applying for the Polish visa is the certificate of admission to a Polish university sent to the student at admission. Detailed regulations on the visa procedure

28. In addition, foreigners who wish to study acting must also have perfect command of Polish

already when they attempt at passing the entry exam.

29. Foreigners of Polish origin taking up paid studies in Poland have their fees reduced by 30%.

are presented in subsection 2.2. A (Schengen or national) visa, a valid travel document, sufficient funds for the stay in Poland and for return to the country of origin and health insurance allow the student's entry to Poland. Each time the foreigner crosses the border, the documents are reviewed by a Border Guard officer who, in selected cases, may decide not to admit the foreigner to Poland (decision on entry refusal).

Considering the validity of visas defined by law (validity period of national visa may not exceed 365 days) and the fact that it is possible to extend visas only in exceptional circumstances, to extend their stay in Poland international students must apply for a *residence permit for a fixed period of time* at least 45 days before the end of their legal stay in Poland. Due to many inconveniences connected with the obligation to adhere to the deadline for filing the application for a residence permit, the provisions of the draft new Act on Foreigners, planned to be adopted in 2013, stipulate that a foreigner will be able to file the application for a residence permit at a convenient time within the validity period of already granted residence permit, also on the last day of his/her legal stay in Poland.

The draft new Act also includes a proposal for extending the validity period of the first residence permit issued to foreigners studying in Poland. It is to be valid for 15 months (at present, its validity is up to 12 months). Foreigners who continue their studies for the second or subsequent year will be granted temporary residence permits for three years,³⁰ not for a year as is the case now.

Generally, first instance decisions on granting a *residence permit for a fixed period of time* in Poland are made by the voivode

competent for the place of stay of the foreigner. Decisions of the voivode can be appealed against to the Head of the Office for Foreigners and the decisions of the authority of second instance to the Voivodeship Administrative Court and the Supreme Administrative Court.

If the student fails to get credits for a year of studies or conditional consent to continue with the next year of semester of studies, the voivode has the obligation to refuse granting another residence permit. The draft new Act on Foreigners nonetheless provides voivodes with a degree of flexibility in such situations: they will be able to make decisions on the basis of an individual evaluation of facts. In the course of work of the parliamentary sub-committee for examining the draft Act on Foreigners, it was specified that the possibility to refuse granting of the subsequent residence permit will only concern situations when a foreigner failed to complete a year of studies within the deadline.

◇ Conditions for prolonging stay in Poland after graduation

If third country citizens who study in Poland wish to stay in the country after graduation, they must apply for a new residence permit and invoke the circumstances provided for in law (e.g. work, economic³¹ or artistic activity, marriage to a Polish citizen, research, traineeship or voluntary work) to justify their stay in Poland.

In the case of international students, the most frequent reason for changing their stay status was for personal and family reasons (in the case of over a half of all *residence permits for a fixed period*

30. In the original version of the draft Act on Foreigners provided for granting residence permit for two years, but in the course of work of the parliamentary sub-committee for examining the draft this period was extended.

31. In this case there are certain restrictions, since a foreigner who is not a student anymore can conduct the activity in a more limited scope, which often requires registration of the activity in a different form (see: subsection 2.5.2).

of time issued in relation to education in a wide sense).³²

The current regulations in the area will be changed significantly when the new Act on Foreigners is adopted in 2013. It will provide for the possibility of foreigners who graduated from Polish universities to extend their stay in Poland for one year to look for a job. This solution, and lifting the obligation of graduates of Polish universities to obtain a work permit in 2009, will be conducive to creating a system of incentives for this group of migrants to stay in Poland.

The draft new Act of Foreigners provides for extending the validity period (up to 15 months) of the first residence permit granted to students

1.2.1. Actors and stakeholders involved in the development of the national policy regarding international students

In Poland, there are many actors and stakeholders interested in participation in direct or indirect development of the national policy of attracting international students, especially the following:

- **Ministry of Science and Higher Education (MNiSW)** which defines the rules and terms on which foreigners can study in Poland, develops policy of mutual recognition of qualifications, and pursues international cooperation in the area of admitting international

students to Polish universities. In the last two years, there was an increase in the Ministry's involvement in promoting the internationalisation of Polish science and higher education, including primarily supporting Polish universities in successfully competing with the best universities in the world. This purpose is to be served by the:

- » image campaign promoting Polish universities in the world initiated in March 2012,
- » presence of the Minister of Science and Higher Education and rectors of about 20 public and non-public universities on the Polish president's visit to China in December 2011 – first high-level visit to China in the last 14 years – aimed at i.e. promoting Polish education offer in China,
- » adding the degree of internationalisation of studies to the list of criteria taken into account by the State Accreditation Committee while assessing the quality of education (in the longer perspective the education in foreign languages is to be given additional financial support from the state budget),
- » plans for increasing the number of centres authorised to carry out exams in Polish as a foreign language which facilitate foreigners' access to such exams,
- » adopting legal provisions which facilitate launching joint degree programmes together with foreign universities and issuing joint diplomas,
- » accreditation granted by the National Committee on Foreign Medical Education and Accreditation (NCFMEA) to the Polish Accreditation Committee, as a result of which Americans studying medicine in Poland can ob-

32. Eurostat data for 2011 on residence permits granted in connection with a change of purpose of a stay in Poland.

tain financial support on the same basis as for the American universities, and after completing the studies they can take the United States Medical Licensing Examination according to the same rules as their colleagues who had obtained their scientific title at an American University.

Additionally, preparing framework for the needs of the reform of higher education in Poland that has been implementing since 2011, the Ministry of Science and Higher Education introduced a new model to allow linking universities with the economy and better adjustment of their educational offer to the needs of the labour market. In the long run, the reform is to contribute to enhancing young graduates', including foreigners' chances of finding employment that matches their qualifications.

In 2011-2012, MNiSW was working on establishing National Academic Exchange Agency, modelled after already existing institutions of this kind in other EU countries (i.e. British Council or the German DAAD), which was supposed to handle, *inter alia*, the exchange of students and researchers, help obtain international grants and promote Polish science and universities abroad. However due to vast financial restrictions with regard to creating such Agency, its launch was postponed,

- **Ministry of Culture and National Heritage (MKiDN)**, which supervises art universities, shapes the government's scholarship policy towards foreigners studying at art universities;
- **Ministry of Health (MZ)**, which supervises medical universities, shapes the government's scholarship policy towards foreigners studying at medical universities, as well as the terms of becoming consultants and performing postgraduate internships by doctors

and dentists, and the policy of access to the profession of a doctor and dentist (e.g. imposes the requirement of command of Polish necessary to work in such professions);

- **Ministry of Labour and Social Policy (MPiPS)** – responsible for creating the legal framework of employing foreigners, including international students, and defining their access to the Polish labour market taking into account *inter alia* the current unemployment rate. Current policy aims at facilitating access to employment during studies and after graduation.
- **Ministry of Foreign Affairs (MSZ)** and a network of Polish consular posts and embassies – develop the policy of issuing visas to international students. Additionally, in the framework of Poland's considerable involvement in cooperation with Poles and the Polish community abroad, the Ministry attempts at ensuring people of Polish origin the most extensive opportunities of studying in Poland possible, thus providing the young generation with possibilities to get to know Poland and their mother tongue (mainly by supporting further development of the scholarship programme). Such measures are to contribute to accomplishing the strategic objective of obtaining understanding and efficient support for the Polish *raison d'état* and the Polish foreign policy among the graduates of Polish universities, as well as using their potential to promote a positive image of Poland around the world and building their long-term bonds with Poland (promotion of education in Poland is one of the priorities of Poland's promotion by 2015).³³

33. *Directions of Poland's Promotion by 2015*, a document drafted by the Ministry of Foreign Affairs under the auspices of the Board for Poland's Promotion, adopted by the Board in 2010.

The scholarship policy also plays an important role in the context of the development cooperation policy coordinated by the Ministry (mainly through the K. Kalinowski scholarship programme);

- **Ministry of the Interior (MSW)** with its subordinate the **Office for Foreigners** and the **Border Guard** – as the leading entity that coordinates actions relating to pursuing the national migration policy, the Ministry has a decisive influence on new regulations. In the context of the proposed changes in the area stipulated by the draft new Act on Foreigners, the procedures of admitting international students to Poland are liberalised. As the Ministry also holds competence in the area of combating illegal migration, its actions are however mainly focused on preventing and more effectively detecting cases of abuse of legalisation procedures;
- **Bureau for Academic Recognition and International Exchange (BUWiWM)**, subordinate to the Ministry of Science and Higher Education, performs *inter alia* the following tasks:
 - » issuing opinions on international agreements or other agreements with foreign partners in the area of foreigners' education in Poland,
 - » participating in drafting legal acts relating to foreigners' education in Poland and participating in consultations of the drafts,
 - » coordinating and organising recruitment of foreigners for studies and internships in Poland under international agreements, implementing programmes for the agreements and ministerial programmes.

The Bureau also provides services to the State Commission for Certification of Command of Polish as a For-

eign Language that organises exams in Polish and issues certificates that confirm the command of Polish.

- **Local authorities** - bearing in mind the strategic objectives connected with the development of cities such as Warsaw, Krakow, Wrocław and Lublin, which are also academic centres, local governments and universities located in a given area undertake common initiatives (compendia, websites, participation in educational fairs, etc.) aimed at enhancing the appeal of those cities as the places where foreigners can study. The postulate of internationalising universities frequently appears among the recommendations included in development strategies of individual cities.³⁴ The presence of international students is to be a significant factor shaping the prestige and competitiveness of individual cities and regions;
- **Public and non-public universities** – because international students are an increasingly important target group of their educational offer, their strategies focused on attracting international students are adjusted to their individual needs and potential. The presence of international students at a given university constitutes a way of mitigating the consequences of national student population decline, it also enhances its prestige and is a possibility to generate additional revenue from tuition fees paid by international students;
- **Conference of Rectors of Academic Schools in Poland, Conference of Rectors of Vocational Schools in Poland and others** – as the Conferences were granted a number of statutory rights to represent joint interests of academic

34. I.e. 'Social Strategy of Warsaw – the strategy for solving social problems for the years 2009 – 2020' [Spoleczna Strategia Warszawy - Strategia Rozwiązywania Problemów Społecznych na lata 2009-2020].

schools, they enjoy a significant degree of influence on the system of admitting international students to Polish universities. Public authority bodies ask the opinion of the Conferences when determining the rules of functioning and development directions of universities in Poland (including *inter alia* university management), as well as drafting legal acts that concern higher education, science, culture and promotion of Polish science abroad. The Conferences are also entitled to submit their own initiatives to the Minister of Science and Higher Education (*inter alia* the resolutions they adopt, the opinions they express and the proposals they put forward). One of the important initiatives that was widely consulted in academic circles, was the initiative of the Conference of Rectors of Vocational Schools in Poland to draft the “*Strategy of higher education development for 2010-2020*” whose many postulates, including those on enhancing the degree of internationalisation on Polish higher education and the need to spend more public funds for that purpose, were taken into account by the government when designing the higher education reform planned for the coming years. The matters connected with admitting international students by Poland most frequently discussed by the Conferences included the following:

- » Simplification of regulations covering foreigners studying in Poland (approximation with the regulations covering Polish citizens);
 - » Expanding the offer of studies in English;
 - » Increasing the number of centres where international students can prepare for studying in Polish;
 - » Simplification of procedures of recognising qualifications (diplomas) obtained abroad;
 - » Facilitations in granting visas;
 - » Expanding the offer of scholarships, especially government scholarships;
 - » Establishing a government agency called the National Academic Exchange Agency that would support academic exchange, promote studying in Poland and coordinate activities of particular ministries and public institutions in this area;
 - » Defining priority geographic areas (states or a group of states) that should be the focus of, *inter alia*, actions aimed at deepening academic cooperation, particularly actions aimed at attracting students;
- **Central Council for Science and Higher Education** – similar to the above-mentioned Conferences, it is a body that represents the academic circles. It advises to the minister in charge of science and higher education and other bodies of public authority and administration in the area of developing state higher education policy (it *inter alia* drafts opinions, requests public authority bodies, scientific units and universities for explanations and information, issues opinions on draft legal acts that concern higher education and on international agreements that concern higher education and science concluded by Poland). The Council may suggest amendments to regulations that concern education, but the decisions on the introduction of such amendments are made by the Minister;
 - **Polish Accreditation Committee** – it is a statutory higher education body whose task is to ensure high quality of

education in Poland³⁵ thanks to which it is conducive to building the image of Polish higher education on the global education market. The Committee submits opinions and requests to the Minister that concern setting up universities, setting up branches of universities, granting universities the right to set up new fields of study and education levels. It is important to note that when evaluating universities and their curricula, the Committee takes into account the degree of internationalisation of studies, including international cooperation in the area of education, exchange of students and lecturers, the ratio of international students to the total number of students and availability of courses in foreign languages;

- **Foundation for the Development of the Education System** – its function is to coordinate European Union educational programmes. It also supports analyses, studies and promotion of the reform and development of the Polish education system and promotes the development of international cooperation between educational institutions. It participates in international conferences and education fairs. Its national stand, prepared in cooperation with the Ministry of Science and Higher Education and the Conference of Rectors of Academic Schools in Poland, presents the offer of Polish universities and provides information on the higher education system in Poland;
- **Students' Parliament of the Republic of Poland, National Representation of Doctoral Students** – they represent and defend the rights of students as well as

doctoral students in Poland; they are involved in the process of developing state policy for students and doctoral students, including the situation of foreigners studying in Poland, they issue opinions and submit requests. They support international exchange of students and mobility of doctoral students. They are involved in organising the annual competition for international students in Poland – InterSTUDENT;

- **Other organisations** (foundations, associations, agencies) that recruit foreigners to study in Poland, support foreigners and promote Polish higher education abroad which often lobby for introduction of solutions facilitating taking up studies by foreigners (often, however, they do not share opinions in certain matters).

1.2.2. National strategy for admitting international students

So far Poland has not developed a single strategic document that would address all the issues related to admitting international students in a consistent and comprehensive way. However, relevant recommendations and suggestions in this respect have been included in several documents of a different status and nature, such as:

- **“Human Capital Development Strategy”**³⁶ which specifies the target percentage of students-foreigners studying at Polish universities in 2020 at 5%³⁷

35. The basic purpose of the Committee is to support Polish public and non-public universities in improving the quality of education and achieving educational standards that match the best models in Europe and globally. Its activities are aimed at ensuring the best opportunities on the Polish and international labour market to graduates of Polish universities and at enhancing the competitiveness of Polish universities as European institutions.

36. *Human Capital Development Strategy (HCDS)* is one of nine development strategies prepared by the Board of Strategic Advisors of the Prime Minister, which contribute to the implementation of objectives specified in the “*Long-term National Development Strategy. Poland 2030. Third wave of modernity*” and “*Medium-term National Development Strategy*”. The HCDS is also intended to support the achievement of objectives identified in the strategic document of the European Union “*Europe 2020*” in such areas as” employment growth, increasing competences, and decreasing poverty. In mid 2012, the Ministry of Labour and Social Policy was assigned the task of continuing work on the drafting of document.

37. The percentage is produced by the Central Sta-

- Government strategic document entitled “Migration Policy of Poland – Current State of Play and Further Actions” (adopted by the Council of Ministers in July 2012), in which international students and graduates from Polish higher education institutions were referred to as a priority from the point of view of the policy of admitting foreigners to Poland, which is supposed to translate into legal solutions to be introduced in the future, such as legalisation procedures concerning foreigners. Moreover, the document expresses the need to initiate a number of measures going beyond the scope of strictly migration-related solutions, i.e.:
 - » Preparing university staff to teach in foreign languages;
 - » Dissemination of information about the possibilities of studying in Poland by all stakeholders;
 - » Carrying out the recruitment procedures for studies in Poland in such regions or states that are priority from the point of view of Poland’s foreign policy, with the reservation that candidates are accepted by Polish universities and meet the recruitment criteria;
 - » Development of additional measures to recruit foreign candidates who are interested in starting studies in Poland; such measures should include both procedures related to the recruitment of candidates and actions of consular services and authorities responsible for public security. The system should allow for the elimination of potential illegal immigrants by the selection of persons who are really interested in studying in Poland;
- » Preparation of a concept of an institution dealing with international exchange of students and academics and the promotion of Polish universities abroad;
- » Support for the influx of students from the Eastern Partnership countries, e.g. through a swift implementation of procedures related to the issue of long-term visas and residence permits;
- » Simplification of formalities related to residence documents obtained by foreigners: students and academics, accompanied by appropriate measures to prevent the abuse of such procedures only with the aim of the legalisation of stay;
- » Formulation of rules for the supervision of the course of foreigners’ studies in Poland, creation of a central register of persons studying at Polish universities;
- » Broad use of measures allocated for development aid for the strengthening of the grant and scholarship system to encourage foreigners to study in Poland, including at faculties that are important from the point of view of research carried out at universities or the needs of the labour market.

Crucially, it is also stressed in the document that international students are a tremendously important group of immigrants for Poland, as – when studying at Polish universities – they gain in a natural way a fundamental scope of knowledge and integration potential which can be used if they decide to continue their stay in Poland after the end of education. Therefore, it is recommended in the document to in-

tistical Office and concerns foreigners planning to study in Poland for at least one year. It includes both students coming from third-countries and other EU countries.

roduce measures supporting and promoting the retention of foreign university graduates in Poland;

- Document entitled “**Directions of Poland’s Promotion by 2015**” (adopted by the Board for Poland’s Promotion in 2010) which is an important reference point when government institutions plan their activities in the areas covered by the document, although it is not a government programme. Some of the recommendations contained therein have been included, *inter alia*, in “*Migration Policy of Poland – the Current State of Play and Further Actions*”.

The document provides for a close connection between promoting the Polish higher education with promoting Poland’s science and tourism as the assumption is that one of the significant motives behind students’ choices is the well-established and promoted international renown of science in the country where they plan to study as well as its tourist appeal (it is beneficial for Polish tourism’s promotion to present it as a country where foreigners have been studying for decades). The document emphasises the interest of Poland in direct and indirect revenues generated by the stay of international students (by fostering the initiatives for promoting commercial education in Poland, e.g. by using adequate incentives and awards, such as the government award for the best universities where foreigners study). The document also highlights the need for expanding the circle of well-educated people having direct and deep experience in contacts with Poland to the maximum by pointing out that generating more and more foreign graduates of Polish universities is one of the effective forms of enhancing the Polish ‘lobby’ globally and developing political, economic, social, cultural and scientific links between Poland and other countries. The measures to serve

achievement of the above objectives include, *inter alia*, the following:

- » To ensure adequate opportunities to learn Polish as a foreign language – providing sufficient funds for that purpose;
- » To introduce a reform of the scholarship policy so that it actually constitutes one of the basic instruments of Poland’s foreign policy and promotion in a wide sense. The purpose of scholarship policy should be to create groups of people who have spent the most important time of their lives in Poland, which offered them the possibility to take up studies, in prospective countries;
- » To establish mechanisms that allow using the Polish development aid to finance scholarships for students from developing countries;
- » To map priority geographic directions under the Polish scholarship policy, i.e. countries whose citizens should be offered the possibility to study in Poland, as well as fields of study whose promotion is in Poland’s long-term interest;
- » To establish an institution responsible for strategic promotion of Poland’s scholarship policy;
- » To make Poland’s scholarship offer for foreigners more flexible and modern (tutoring, funds for learning aids, promoting ‘foster families,’ special measures and mechanisms to stimulate participation in non-university forms of activity);
- » To establish links between graduates of Polish universities and Poland (setting up a website in Polish and 2-3 key languages, fostering the setting up of clubs and associations

of foreign graduates of Polish universities by Polish posts, involving graduates in promotion and information activities of Polish institutions abroad).

The document also reviews particular regions for significance from the point of view of promoting Polish higher education to conclude that the EU is an area of possible priority importance (in the context of targeting the scholarship policy and developing commercial studies). Several Asian and Pacific states were defined as possible countries of origin of vast groups of students (for that purpose, it was recommended to improve the effectiveness of promotion and extend the offer of studies in English), as well as European non-EU countries (particularly in the context of studying for a tuition fee). Africa and Middle East were also considered significant in this respect, for which it was emphasised that foreigners could study in Poland under aid programmes – as one of the elements of development aid - and it could play a role as a significant capacity for establishing long-term relations with Poland that could be used in the future. North America was considered an area of low significance (due to absence of a competitive educational offer in Poland, with the exception of specialists in relatively narrow fields), as well as South America;

- Draft “Government Programme for Cooperation with the Polish Community and Poles Abroad”³⁸ whose approval is planned for 2013. The document considers supporting education of people of Polish origin (who reside in EU and non-EU countries) one of the strategic objectives of the policy towards the Polish

community. The measures to serve the Programme’s implementation include, *inter alia*, the following:

- » To develop the scholarship policy addressed to people of Polish origin, particularly in countries of the former USSR and other states referred to as official development assistance recipients (in accordance to the OECD guidelines),
 - » To establish a database of graduates and scholarship holders of Polish universities to maintain contact when they return to their countries,
 - » To establish an internet subpage containing information and advices addressed to foreigners of Polish origin taking up studies in Poland.
- Strategic annual plans of cooperation with the Polish community and Poles abroad,³⁹ including the “Plan of Cooperation with the Polish Community and Poles Abroad in 2013” which states that “*education of the Polish community is one of the most obvious and permanent priorities of the programme for cooperation with compatriots abroad.*” The education is to be ensured by providing the persons of Polish origin with the possibility to learn Polish and obtain broadly understood knowledge about Poland. This in turn “*may significantly improve chances for further education, also at the best Polish universities, and thus increase the competitive position of better educated young people in finding a better job, both in Poland and in their country of residence*”. As a result, aid in the area of education is to focus on such measures as:

38. Government administration entities, which are responsible for taking action in a field of cooperation with Polish diaspora and Poles abroad, implement the Government Programme. The Ministry of Foreign Affairs coordinates all activities.

39. The plans (assessed in a competition) serve as the basis for allocation of funds for projects proposed by non-government organisations, local government units, public universities, research institutes, the Polish Academy of Sciences and its organisational units.

- » Education of young people from the Polish community abroad in specializations in demand in their countries of residence and in Poland;
- » Support for scholarship programmes;
- » Promotion of education, in particular tertiary education, in Poland among the Polish community abroad;
- » Teaching in Polish and teaching Polish, including also knowledge about Poland, its culture, history and geography, promotion of the Polish language and cooperation in this regard with the countries of residence.
- » Other countries of Latin America, Africa, Asia, Oceania, Turkey and Israel - creating mechanisms promoting activity of the Polish community in the countries of residence, with a particular emphasis on students; providing an opportunity for practical use of the graduates' potential to develop bilateral cooperation of their country of residence with Poland;
- » Germany, Austria - extending the access to education about Poland and in Polish;
- » Australia, Republic of South Africa, New Zealand - promotion of learning Polish.

The activities under the above thematic objectives are to be implemented in the geographical areas specified in the Plan, such as:

- » Lithuania - intensification of the exchange of academic staff and students;
- » Russia, Kazakhstan, Moldova, Georgia, Armenia, Azerbaijan, Uzbekistan, Tajikistan, Turkmenistan, Kyrgyzstan - support for granting scholarships to young people from the Polish community and providing an opportunity to study or undergo training in Poland;
- » Brazil and Argentina - establishing cooperation with the Polish communities which are not organised into any structures, also to promote Poland in their countries of residence, i.a. involving the Polish community elite in promoting Poland as an attractive place for studying;
- » Czech Republic, Romania, Latvia, Estonia - support for granting scholarships to young people from the Polish community and providing an opportunity to study in Poland;

- “Multiannual Development Cooperation Programme 2012-2015”, where initiatives increasing the access to high quality education are listed as one of the measures financed from development aid (for the countries being the priority target of the Polish development aid).⁴⁰ Experience of the Polish transformation after 1989 proves that citizens who are aware of their rights and obligations, take part in the public debate and change their surrounding environment, constitute a precondition for sustainable and harmonious development of contemporary democratic systems and the basis for efficient governance.⁴¹

Summing up, all of the above documents perceive the possibility of admitting higher number of international students to Polish universities as a *sine qua non* condition of Poland's further development in economic, political and cultural terms. Analysis of the

40. They include the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), as well as 8 East African countries (Burundi, Ethiopia, Kenya, Ruanda, Somalia, South Sudan, Tanzania, Uganda), two North African countries (Libya, Tunisia), Afghanistan, Kyrgyzstan and Tajikistan and Palestinian Authority.

41. *Multiannual Development Cooperation Programme 2012-2015*, p. 7.

documents yields a conclusion that there are three way of thinking about educational migrations to Poland:

- in terms of financial benefits for Polish universities (when students are admitted to study for a tuition fee), particularly with the perspective of the upcoming population decline,
- as an important element of shaping Poland's image on the international scene in a wide sense, and
- from the angle of the high intellectual and integration-related capacity of this group of migrants who may later find employment at the Polish labour market and contribute to economic growth in Poland.

In the case of the second approach to migration of international students to Poland, people of Polish origin for whom Poland prepared a number of measures to create long-term bonds have been the focus of special attention for years. Yet, such measures should be perceived from the point of view of Poland's historical background (such as the territorial changes after World War II due to which over 5 million Poles were left outside the Polish border, and mass deportations of Poles to the East during the Stalinist regime) and Polish government's policy towards Poles in the East that had a significant influence on shaping the government's scholarship policy.

In this context, it should be emphasised that until recently the dominating view was that foreign graduates played primarily the role of 'ambassadors of Polishness.' At present, the perspective of looking at international students shifts from prestige-related aspects to financial ones, or the possibility to generate profit by host universities and treating international students and graduates as possibly highly qualified long-term immigrants of importance to the economy. Such a take on educational mi-

gration makes Poland one of the countries that take an active part in the 'global competition for talent' by admitting students from abroad.⁴²

It is important that in response to the increasingly frequent practice of foreigners to use the possibility to take up studies in Poland solely to legalise their stay, strategic documents also include provisions on the need for initiatives aimed at preventing such practices. According to the recommendations included in the above documents, taking actions aimed at increasing the number of international students in Poland will be correlated with relevant measures to allow effective elimination of possible illegal migrants at the stage of the visa procedure and improved monitoring of the process of studying in Poland, thanks to which it will be possible to identify cases of using the legislative path intended for international students for purposes other than the declared ones and to prevent abuses in this area.

Such a position of state authorities and planned actions are frequently confronted with the vision of wide internationalisation of Polish higher education presented by certain non-public entities (including universities, scientific and research centres and institutions promotion Polish education abroad). In their opinion, public administration supports initiatives aimed at increasing the number of foreigners studying at Polish universities insufficiently.

1.2.3. Debate on the internationalisation of education in Poland

The debate on internationalisation of education was initiated by the Polish academic community and has remained confined

42. C. Żołędowski (ed.), M. Duszczyk, J. Godlewska, E. Jaroszevska, J. Łukaszewska, *Studenci zagranicznici w Polsce, motywy przyjazdu, ocena pobytu, plany na przyszłość* [Foreign students in Poland, motivations for coming, assessment of their stay, plans for the future], Wydawnictwo Uniwersytetu Warszawskiego, Warsaw, 2010, p. 191.

to this very group for many years. The subject was then discussed to a rather limited extent in 2011 during the debate on the higher education reform package which was later adopted by the Parliament. The discussion of experts on the need to increase the number of international students at Polish universities in the context of planned preferential legislative solutions for foreigners was held also during the work on developing the document formulating migration policy of Poland, conducted in the years 2009–2011 by the working group of the inter-ministerial Committee for Migration.

The issue of internationalisation of the Polish higher education has recently become increasingly present in the mainstream political debate in Poland.⁴³ For the first time this topic appeared in the statements made by the President of the Republic of Poland during his visit to China in December 2011, when the President openly admitted that Poland was very interested in increasing educational immigration and encouraged Chinese students to study in Poland. The President also referred to the necessity to make Polish universities attractive for international students, speaking at the inauguration of the 2011/2012 academic year at two non-public universities in Warsaw (Collegium Civitas and the Koźmiński University) - *“Faced with the upcoming consequences of the demographic crisis, we must have the power and ability to attract international students. It is a huge task and a test verifying whether on the education market in Poland we are able to compensate for the outflow of Polish youth using the freedom to travel, work and obtain education. (...) Poland should be a good place to study and should attract students from all over the world, the more so since the foreigners study in our country using their financial means”*.

43. B. Siwińska, *Polska: Blżej masy krytycznej internacjonalizacji*, article from www.studyinpoland.pl (accessed on 1 November 2012).

The fact that the issue of internationalisation of Polish universities is repeatedly discussed by the head of state shows that the process has entered into a new phase. It seems that it is gaining a momentum necessary to make this issue a priority of the state policy.⁴⁴

The Minister of Science and Higher Education has also declared support for internationalisation of Polish universities in her recent statements (at the Sejm and during expert meetings - *“the objective we want to support is further support for internationalisation”*).⁴⁵ In the opinion of the management of the Ministry, the increased number of international students in Poland should be considered as a consequence of an improved international position of Polish science and not a goal of its own. According to Professor Daria Lipińska-Nałęcz, Undersecretary of State at the Ministry of Science and Higher Education, *“if students are to come to Poland, they must find us attractive not only in terms of educational offer. This can be ensured first of all by attractiveness of our science. We must have internationally recognised achievements in specific disciplines. If we do not have high quality research on a global or European scale, we will not have good students from abroad. (...) Let us do something to boost science, create excellent research centres attracting good foreign professors and they will also bring international students. Some students want to use our offer already, e.g. because they consider our country attractive and studies in Poland inexpensive. But we mainly want to attract the most ambitious students for whom the quality of the offer matters. If we are able*

44. Ibidem.

45. Statement of the Minister of Science and Higher Education during the discussion at the Sejm Education, Science and Youth Committee on 26 January 2012; minutes of the meeting: [http://orka.sejm.gov.pl/Zapisy7.nsf/0/EAB84919354CEF6DC12579A000483BAD/\\$file/0020407.pdf](http://orka.sejm.gov.pl/Zapisy7.nsf/0/EAB84919354CEF6DC12579A000483BAD/$file/0020407.pdf) (access on 12 December 2012).

to compete with the best ones, we will not have to worry about students”.⁴⁶

A seminar on education of international students organised in April 2013⁴⁷ and attended by Professor Janusz Cisek, Undersecretary of State at the Ministry of Foreign Affairs for consular matters and Polish diaspora, was an opportunity to discuss visas issued to students which has been called for by the academic community for years. The meeting was an occasion to present the problems with visas, encountered mainly by students from Ukraine, which had been identified by universities, and to announce initiatives planned by the Ministry of Foreign Affairs with the aim to facilitate the immigration of international students to Poland.

The method and frequency with which the Polish media cover the topics related to internationalisation of education are also changing gradually. Mass media focus mainly on two aspects related to the studying of foreigners in Poland. They first of all emphasize the resulting economic benefits. However, they simplify the issue, focusing only on short-term benefits stemming from the payment of high tuition fees by international students. The media also point to the risk of illegal migration from Asia. They relatively often discuss the risk of brain drain from Poland, but almost completely ignore the phenomenon of brain gain, which consists in a country attracting scientists, specialists and students from abroad that can enhance its potential.⁴⁸

46. Article in Forum Akademickie (No. 02/2013) “We want to compete with the best - interview with Professor Daria Lipińska-Nałęcz, Undersecretary of State at the Ministry of Science and Higher Education” [p. Chcemy konkurować z najlepszymi” - rozmowa z prof. Darią Lipińską-Nałęcz, podsekretarz stanu w Ministerstwie Nauki i Szkolnictwa Wyższego].

47. Seminar entitled “Education for foreign students as an opportunity for the development of the higher education sector in Poland” organised on 17 April 2013 by the University of Information Technology and Management in Rzeszów and the Ministry of Foreign Affairs.

48. B. Siwińska, *How media reflects and affects issues on internationalization of higher education in*

1.3. Profile of international students in Poland

In the 2011/2012 academic year, there were 23 485 foreigners studying in Poland⁴⁹ (see Chart 2), which marks an approx. 21% growth as compared to the previous year.

Less than 60% of them (13 511) were full-time international students from non-EU/EFTA countries, whereas the number of full-time students from the EU/EFTA countries amounted to 4 301.

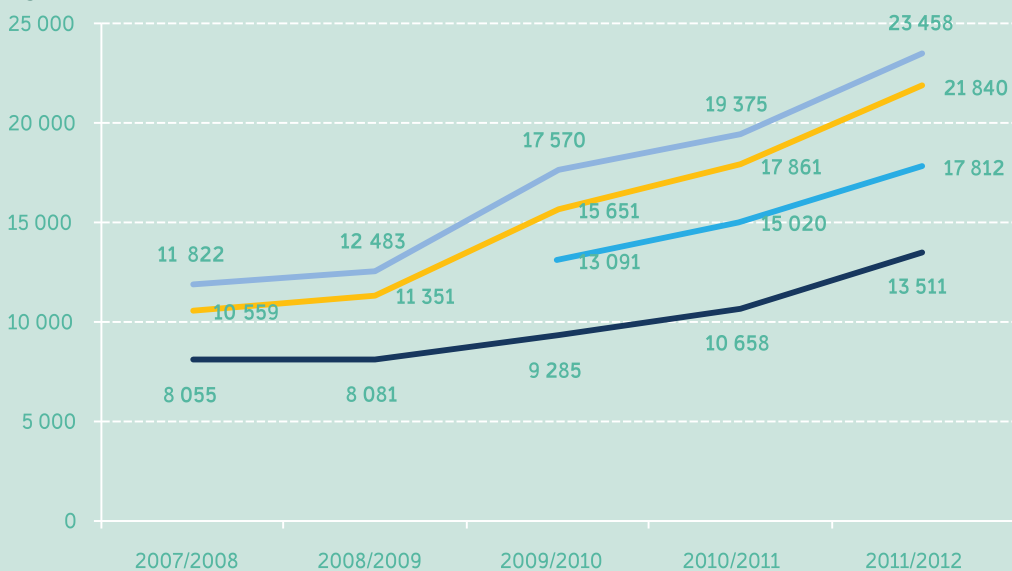
Part-time studies enjoyed a relatively high popularity and part-time students (EU and third country nationals) accounted for almost 20% (4 028) of the total number of international students in Poland. A slightly lower number of persons (1 616) chose short-term forms of education (including summer language courses, semester studies, internships of up to 9 months and research visits, habilitation placements and internships longer than 10 months).

An overwhelming majority of international students in Poland come from Europe (approx. 72%), of whom 33% are the citizens of the EU/EFTA countries (mainly Norway, Lithuania, Sweden and Germany – see Chart 4). Many students come also from Asian countries (almost one fourth of them), mainly from China, Taiwan and Vietnam. The percentage of students from other continents is insignificant: North America – approx. 5%, Africa – approx. 4%, South America, Middle America, Australia and Oceania – less than 1%.

Poland?”, “Journal of University Development and Academic Management”, article at www.studyin-poland.pl (access on 20 October 2012).

49. For the sake of comparison, in 2010 there were approx. 685 thousand foreigners studying in the USA, while the number of foreign students in the United Kingdom in the 2010/2011 academic year amounted to 430 thousand.

Chart 2. Foreigners studying at Polish universities in 2007/2008 – 2011/2012, by categories of students⁵⁰



- stud-1 non-EU nationals, full-time studies
- stud-2 non-EU nationals+EU citizens, full-time studies
- stud-3 non-EU nationals+EU citizens, full-time and part-time studies
- stud-4 non-EU nationals+EU citizens, full-time and part-time studies (summer courses, one-semester studies, internships lasting up to 9 months and research visits, habilitation placements and internships longer than 10 months)

Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

50. Abbreviations used:

- stud - 1 – students, PhD students and postgraduate students (non-EU nationals, full-time studies) – data for 2007/2008 and 2008/2009 cover number of foreigners studying in Poland part-time,
- stud - 2 – students, PhD students and postgraduate students (non-EU nationals+EU citizens, full-time studies) – no data for 2007/2008 and 2008/2009,
- stud - 3 – students, PhD students and postgraduate students (non-EU nationals+EU citizens, full-time and part-time studies) – data for 2007/2008 and 2008/2009 cover number of foreigners taking up short-term forms of education (part-time studies),
- stud - 4 – students, PhD students and postgraduate students (non-EU nationals+EU citizens, full-time and part-time studies) and foreigners taking up short-term forms of education (summer courses, one-semester studies, internships lasting up to 9 months and research visits, habilitation placements and internships longer than 10 months – data for 2007/2008 and 2008/2009 do not cover number of foreigners taking up short-term forms of education (part-time studies).

Chart 3. Foreigners studying at Polish universities (full-time students, full-time PhD students and full-time postgraduate students) in 2009/2010 – 2011/2012, by countries of origin

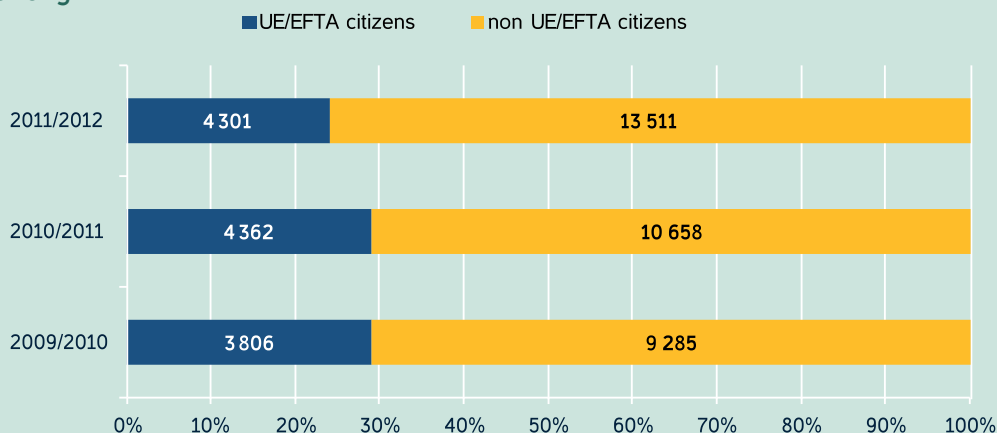
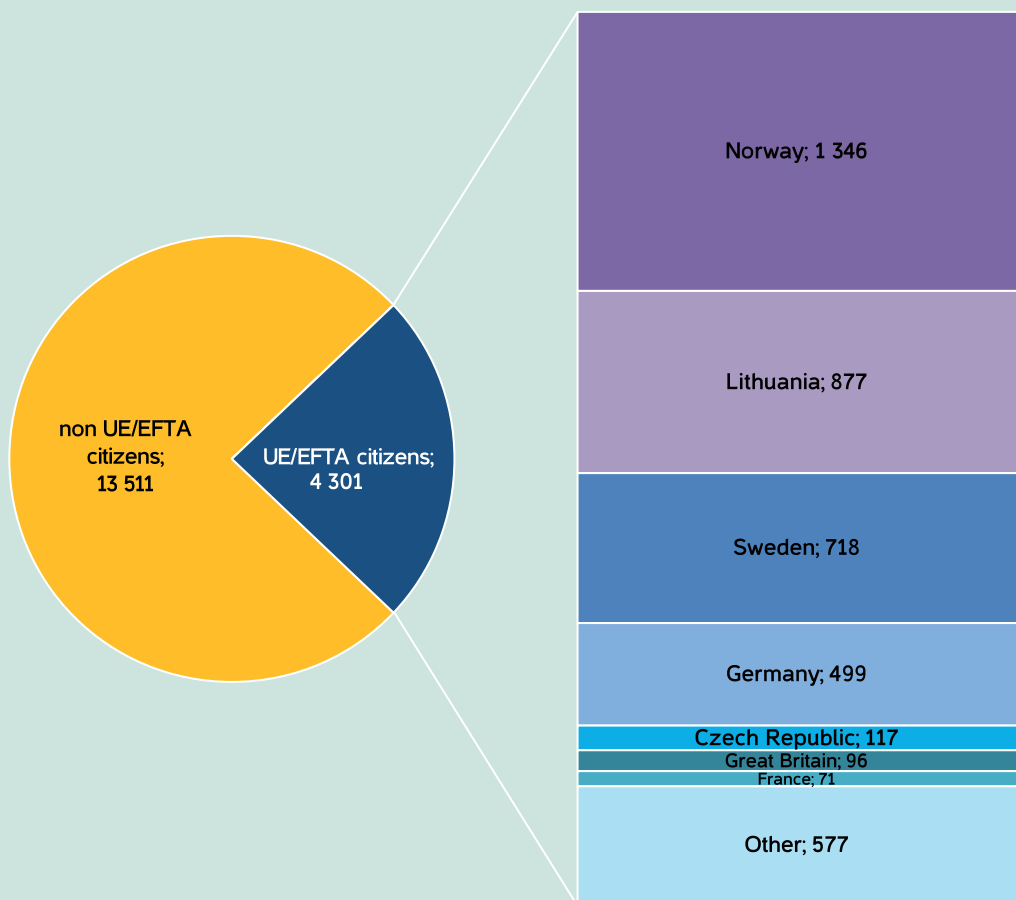
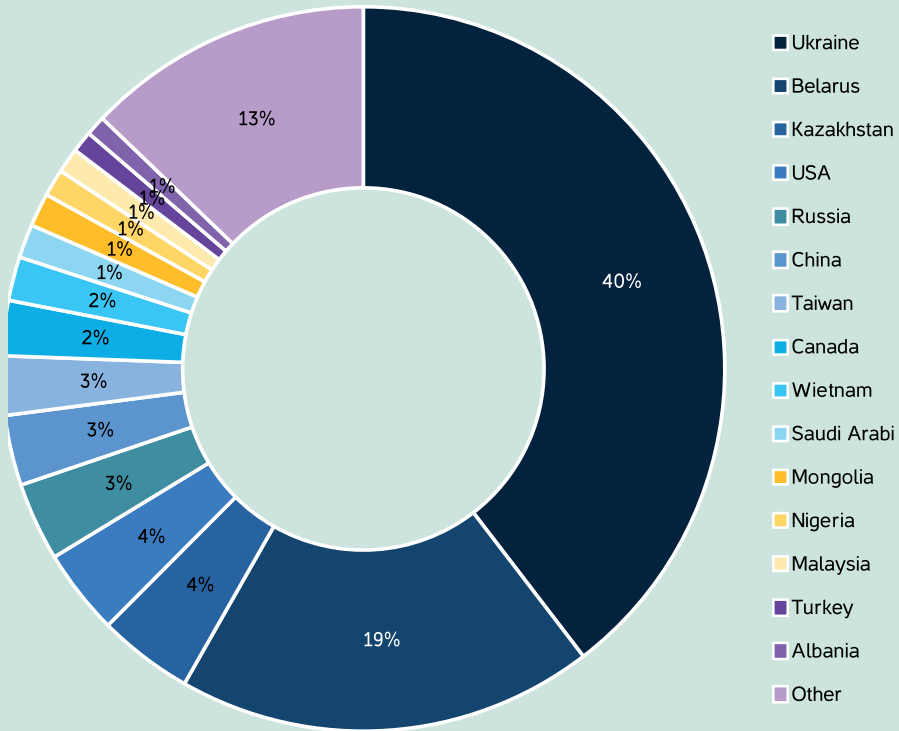


Chart 4. Foreigners studying at Polish universities (full-time students, full-time PhD students and full-time postgraduate students) in 2011/2012, by countries of origin



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Chart 5. Foreigners – third-country nationals - studying at Polish universities (full-time students, full-time PhD students and full-time postgraduate students) in 2011/2012, by countries of origin



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

The structure of countries of origin of international students staying in Poland is visibly monolithic – over a half of all third country nationals (59%) who studied in Poland in 2011/2012 were citizens of two former Soviet states: Ukraine and Belarus (see: Chart 5)

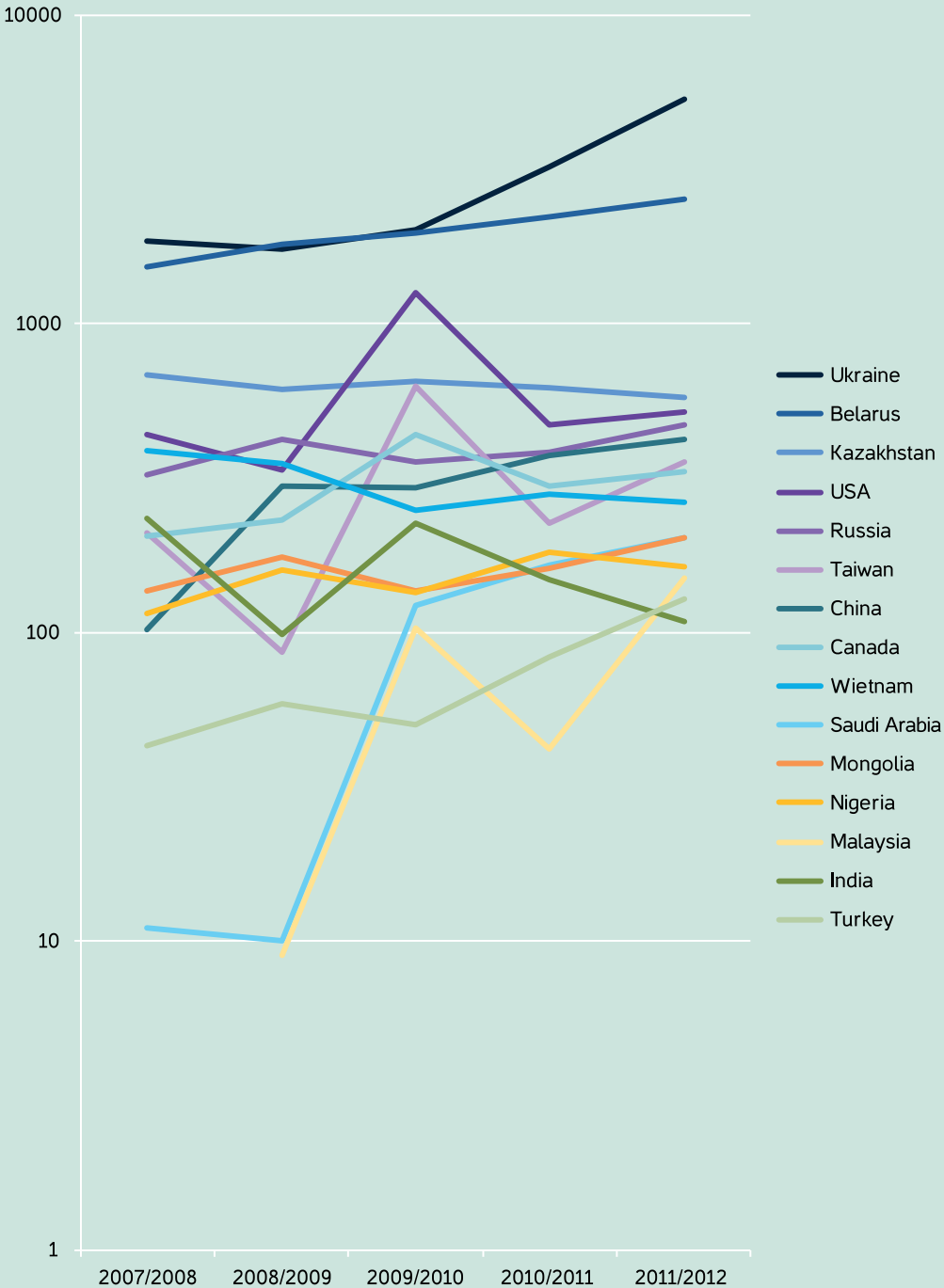
The third largest group of foreigners (from outside the EU/EFTA) who studied in Poland in academic year 2011/2012 were citizens of Kazakhstan, followed by the U.S., Russia, China, Taiwan and Canada; the percentage of students from each of these countries was below 5%.

As to the growth in the number of students from particular countries, recent years saw a marked increase in the number of students from Malaysia and Saudi Arabia, the majority of whom are holders of scholarships from the sending state and study at

medical universities, as well as students from China, Turkey and Ukraine (see: Chart 6). Also, the number of students from EU/EFTA countries interested in studying in Poland, mainly from Norway, Sweden and Spain, has increased visibly. Yet, the number of students from India has been decreasing on a regular basis for some time now.

It is characteristic of Poland that, for many years now, a large part of the foreigners who study in Poland are people of Polish origin, both among EU/EFTA citizens (35% of students in 2011/2012; mainly from Lithuania – 819, Germany – 187, Norway – 240, Sweden – 147, Czech Republic – 84, Latvia – 48 and the UK – 47) and third country nationals (65%). In 2011/2012, people of Polish origin constituted 32% of all foreigners (third country nationals) who studied at Polish universities (see: Chart 7).

Chart 6. Foreigners studying at Polish universities full-time in 2007/2008-2011/2012, by countries of origin of most numerous groups of foreigners (chart in a logarithmic scale)



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Table 1. Foreigners – third-country nationals - studying at Polish universities full-time in 2009/2010, 2010/2011 and 2011/2012, by countries of origin

2009/2010		2010/2011		Increase/ Fall	2011/2012		Increase/ Fall
Ukraine	2018	Ukraine	3204	59%	Ukraine	5348	67%
Belarus	1974	Belarus	2212	12%	Belarus	2521	14%
USA	1262	Kazakhstan	620	-5%	Kazakhstan	574	-7%
Kazakhstan	654	USA	470	-63%	USA	517	10%
Taiwan	631	Russia	385	8%	Russia	472	23%
Canada	440	China	375	28%	China	424	13%
Russia	358	Canada	298	-32%	Taiwan	356	58%
China	293	Vietnam	279	12%	Canada	332	11%
Vietnam	249	Taiwan	226	-64%	Vietnam	265	-5%
India	227	Nigeria	182	36%	Saudi Arabia	202	22%
Mongolia	136	Saudi Arabia	166	36%	Mongolia	202	25%
Nigeria	134	Mongolia	161	18%	Nigeria	164	-10%
Saudi Arabia	122	Albania	148	25%	Malesia	150	257%
Albania	118	India	148	-35%	Turkey	129	55%
Malesia	103	Armenia	111	118%	Albania	120	-19%
Other	1345	Other	1673		Other	1735	

Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Among them, the most numerous groups were students from Ukraine, Belarus, Kazakhstan, U.S., Canada and Russia (the citizens of those six countries constitute 93% of all students of Polish origin from outside the EU/EFTA) – see: Chart 8.

Although in absolute terms the number of students of Polish origin has been increasing (in 2011/2012 it increased by over 20%),⁵¹ the share such students in the total number of international students in Poland has been decreasing year by year (in 2011/2012 it was 32%; for comparison, in academic year 2000/2001 the figure was 55.1%).⁵²

In academic year 2011/2012, more than half international students pursued bachelor's studies, or first cycle studies - see: Chart 9. A comparable number of international students were doing supplementary master's studies (second cycle) and uniform master's studies (about 2,600 people in each case). There was a surprisingly low percentage of PhD students (third cycle studies). While in many EU countries (e.g. France and Belgium) foreigners constitute a considerable percentage of candidates for PhD studies, in Poland their share in the total number of international students was only ca. 4%.

Analysing the distribution of international students according to individual higher education institution types, attention should

51. According to information provided by the Consular Department of the Ministry of Foreign Affairs, the number of people applying for the Polish Charter who intend to study in Poland on that basis has increased in recent years.

52. Data from a paper by E. Jaroszewska, *Studenci zagraniczni w Polsce z uwzględnieniem wyników badań przeprowadzonych na Uniwersytecie Warszawskim* [International students in Poland, Taking into Account the Results of Studies Car-

ried out at the University of Warsaw, [in:] A. Rajkiewicz (ed.), *Zewnętrzne migracje zarobkowe we współczesnej Polsce* [External Economic Migrations in Contemporary Poland], Wyższa Szkoła Humanistyczno-Ekonomiczna, Włocławek 2000.

Chart 7. Origin of foreigners – third-country nationals – studying at Polish universities full-time in 2009/2010 – 2011/2012

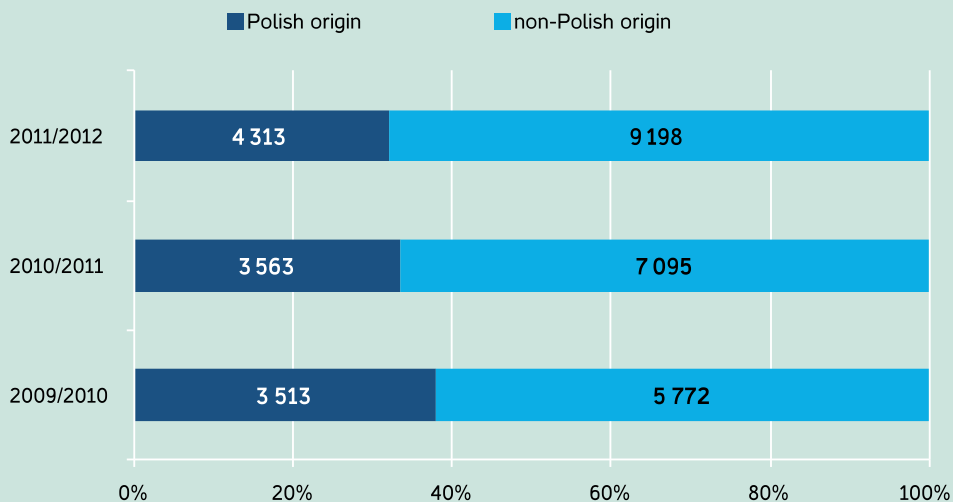
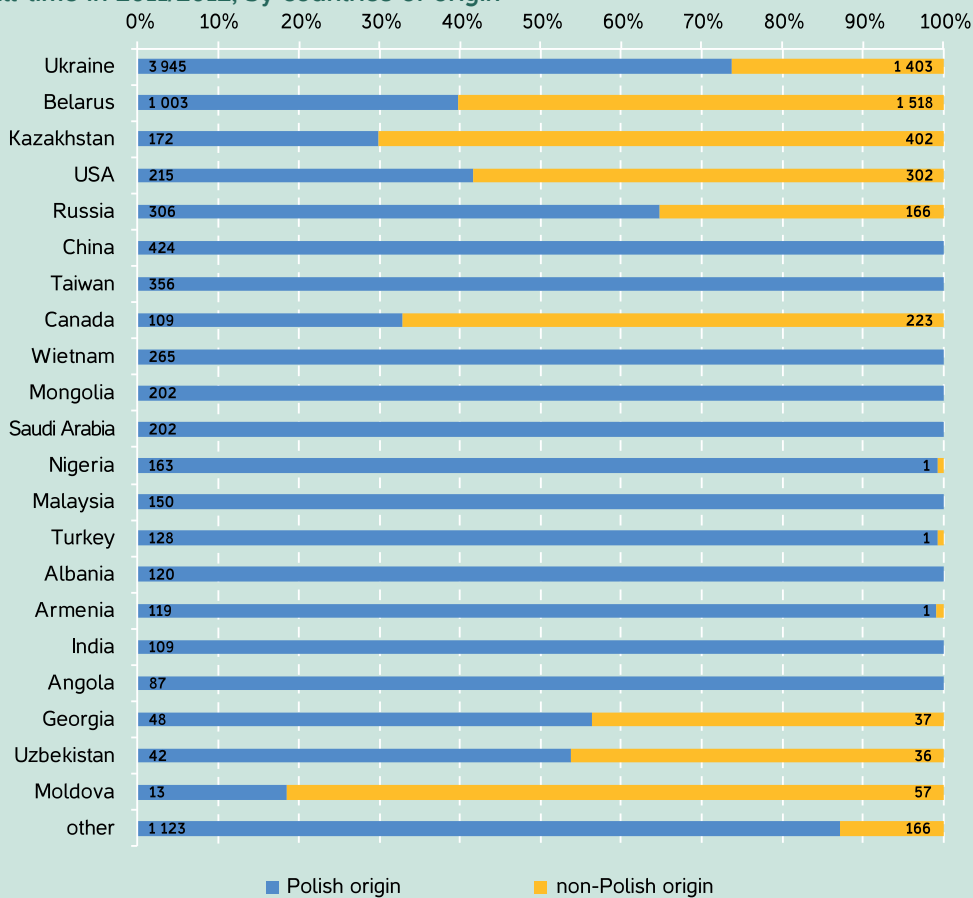
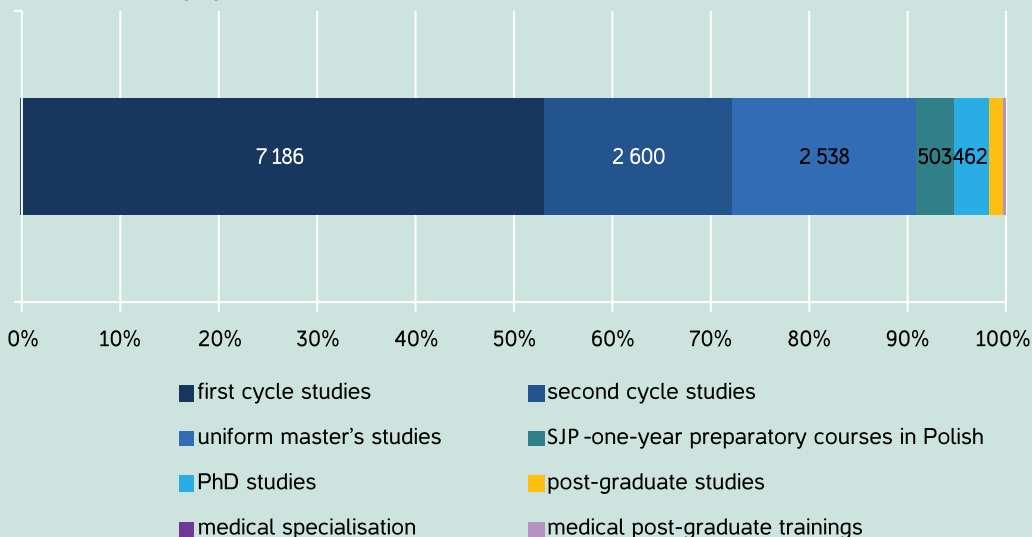


Chart 8. Origin of foreigners – third-country nationals – studying at Polish universities full-time in 2011/2012, by countries of origin



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Chart 9. Foreigners – third-country nationals - studying at Polish universities full-time in 2011/2012, by type of education



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

be paid to one regularly: compared to the end of 1990s, the share of non-public schools in the absorption of international students has increased significantly (by over 12%).⁵³ At present, such institutions absorb almost one-third of international students (see: Chart 10), including a half of Ukrainians who study in Poland.

The majority of foreigners enrol at universities (ca. 60% of all students from Kazakhstan, ca. 50% of students from Russia and about 40% of students from Mongolia, Belarus and China). The schools that successfully attract students from abroad are also medical universities (in 2011/2012, about 14% of foreigners went to such universities). Apart from non-public universities, such universities saw the highest increase in the number of enrolled international students in the last decade and their educational offer is appreciated by students from all over the world. Medical universities are attended by the vast majority of citizens of Malaysia, Taiwan (97% and 96%, respectively), Canada (90%), Saudi Arabia (87%) and the U.S. (86%) who come

to Poland to study. The frequently highlighted advantage of these universities is the high quality education they offer (compared to global standards) and competitive prices.

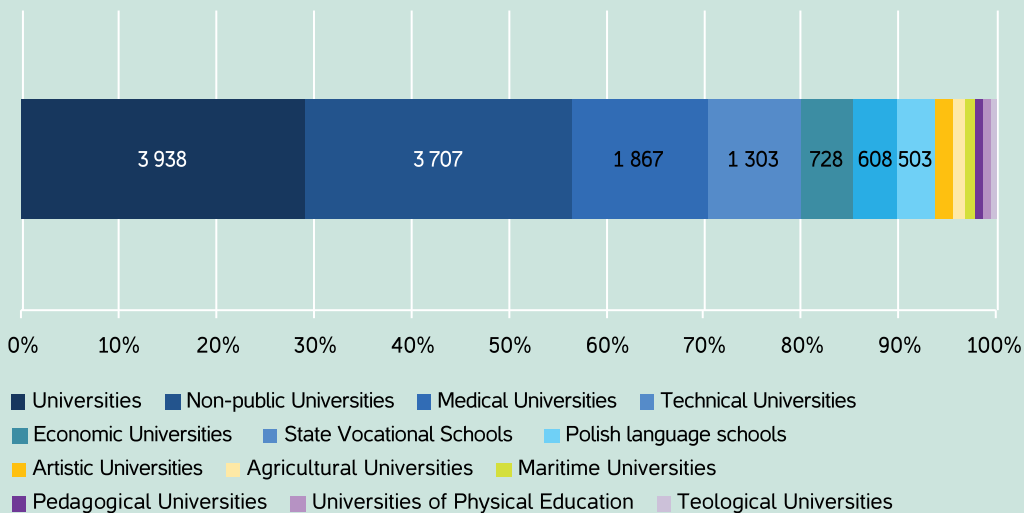
10% of all foreigners studying in Poland chose technical universities (mainly citizens of Ukraine, Belarus, China, Nigeria, Vietnam, Russia and Mongolia), followed by economic universities and state-run higher vocational schools (in 2011/2012, about 5% of international students attended each of them). Other university types (artistic, agricultural and maritime, pedagogical, sport and theological) have low numbers of international students – about 1-2%.

Although it is impossible to precisely define the preferences of international students who are third country nationals as to the fields of study they choose in Poland,⁵⁴ the general conclusion is that the most popular majors are: medicine, economics, management, international relations, IT, tourism and recreation.

53. C. Żołędowski (ed.), *International students in Poland...* [pł. *Studenci zagraniczni w Polsce...*], op.cit., p. 60.

54. It results from certain limitations with regard to data collected by GUS as well as by BUiWM.

Chart 10. Foreigners – third-country nationals - studying at Polish universities full-time in 2011/2012, by type of universities



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

As to the financing of international students' studies in Poland, in academic year 2011/2012 over half of them paid their own tuition, close to one-third were exempt from tuition fees and nearly one-fourth received a scholarship (e.g. from the Polish government, the sending state or a foundation). Importantly, in the 1990s the proportion was slightly different: the percentage of scholarship holders was much higher, at about 67% (see: Chart 11), while only over 10% of foreigners financed their studies on their own. Considering that the percentage of people exempt from the tuition fee virtually does not change, it may be concluded that Polish universities treat international students as an element of a strategy to boost revenues to an increasing extent.⁵⁵

Among the foreigners who receive a scholarship from the Polish government, in academic year 2011/2012 the vast majority were students from Europe (i.a. Belarus, Ukraine and Russia, mainly thanks to the policy to support the Polish community,

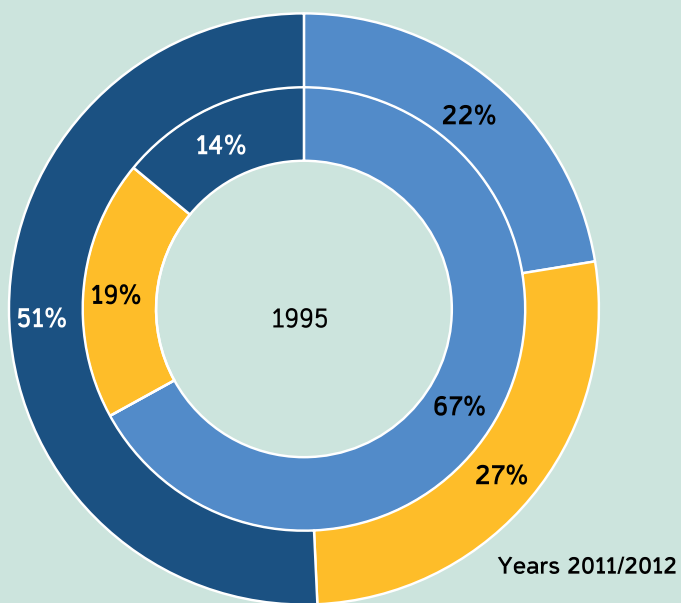
primarily in former Soviet countries, that has been pursued for years), and from Asia (mainly from Kazakhstan, Georgia and Moldova) – see: Chart 12 and Table 2. Other scholarship holders (also holders of scholarships granted by the sending state) came primarily from Ukraine, Belarus, but also from Malaysia, Saudi Arabia, Vietnam and Mongolia. Students from Europe constituted the group of foreigners most frequently exempt from tuition fees at Polish universities, mainly on the basis of the Card of the Pole. The group included primarily the citizens of Ukraine and Belarus.

Despite a high percentage of students from Ukraine who received scholarships or were exempt from tuition fees in 2011/2012, almost 60% of all Ukrainians who studied in Poland paid for their studies themselves. Interestingly, almost all students from the U.S., Taiwan and Canada who studied in Poland attended tuition-based studies.

55. C. Żołędowski (ed.), *International students in Poland...* [pł. *Studenci zagraniczni w Polsce...*], op.cit., p. 64-65.

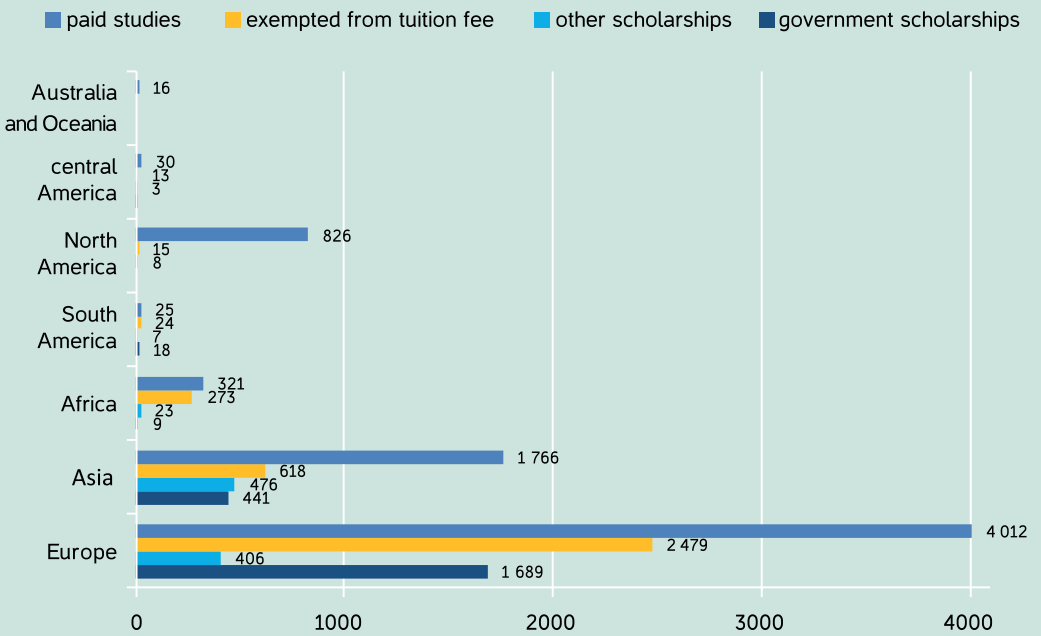
Chart 11. Financing studies by foreigners – third-country nationals – who studied at Polish universities full-time in 1995 and 2011/2012

■ scholars ■ exempted from tuition fee ■ paid studies



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Chart 12. Financing studies by foreigners – third-country nationals – who studied at Polish universities full-time in 2011/2012, by regions of origin



Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

Table 2. Financing studies by foreigners – third-country nationals – who studied at Polish universities full-time in 2011/2012, by countries of origin

Polish government scholarship holders			Paid studies		
	Number of students	% total number of students from this country		Number of students	% total number of students from this country
Ukraine	1 435	27%	Ukraine	3 159	59%
Belarus	789	31%	Belarus	584	23%
Russia	165	35%	USA	502	97%
Kazakhstan	129	22%	Taiwan	344	97%
Vietnam	110	42%	Canada	319	96%
Armenia	65	54%	China	282	67%
Angola	65	75%	Russia	183	39%
Other	664	-	Other	6 847	-
Exempted from tuition fee			Other scholars		
	Number of students	% total number of students from this country		Number of students	% total number of students from this country
Belarus	981	39%	Ukraine	195	4%
Ukraine	549	10%	Belarus	165	7%
Kazakhstan	296	52%	Malesia	108	72%
Russia	106	22%	Saudi Arabia	104	51%
Georgia	40	47%	Vietnam	56	21%
Moldova	36	51%	Mongolia	51	25%
Other	162	-	Other	244	-

Source: Own elaboration on the basis of the Bureau for Academic Recognition and International Exchange data

According to data from the Centre for Communications with Foreigners Graduates of Polish Universities, in the years 1950-2000 about 14,000 foreigners graduated from full university studies in Poland (see: Table 3).

Table 3. Foreign graduates from Polish universities in 1950-2000, by continents (the Centre for Communications with Foreigners Graduates of Polish Universities data)

	1950-1960	1961-1970	1971-1980	1981-1990	1991-2000
Europe	120	471	1 137	577	3 229
Asia	338	266	1 314	1 220	1 764
Africa	-	211	393	725	1 145
North and South America	-	53	81	316	418
Australia	-	-	-	2	4
Total	458	1 001	2 925	2 840	6 560

Source: M. Chilczuk, *50 lat kształcenia cudzoziemców w Polsce [50 years of educating international students in Poland]*, "Kontakt" magazine No. 1-2/2001, p.15.

In 2011, 2,453 third country nationals graduated from Polish universities (full-time and part-time programmes), as well as 911 EU/EFTA citizens – see: Chart 13, primarily from Lithuania, Norway, Sweden and Germany.

Citizens of Ukraine and Belarus constituted a half (50%) of all graduates from outside the EU/EFTA (see: Chart 14), followed by Russia, Taiwan (5% in each case), China and Kazakhstan (4% from each country).

Chart 13. Foreign graduates from Polish universities in 2005-2011

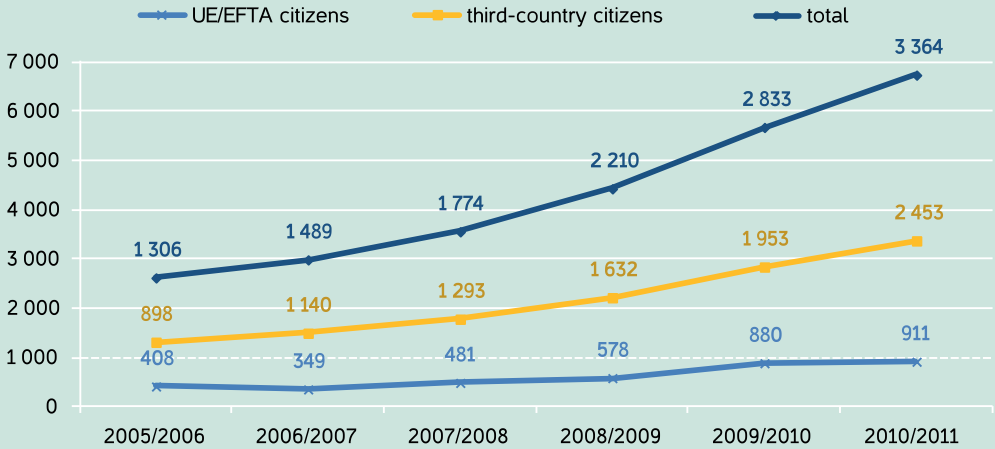
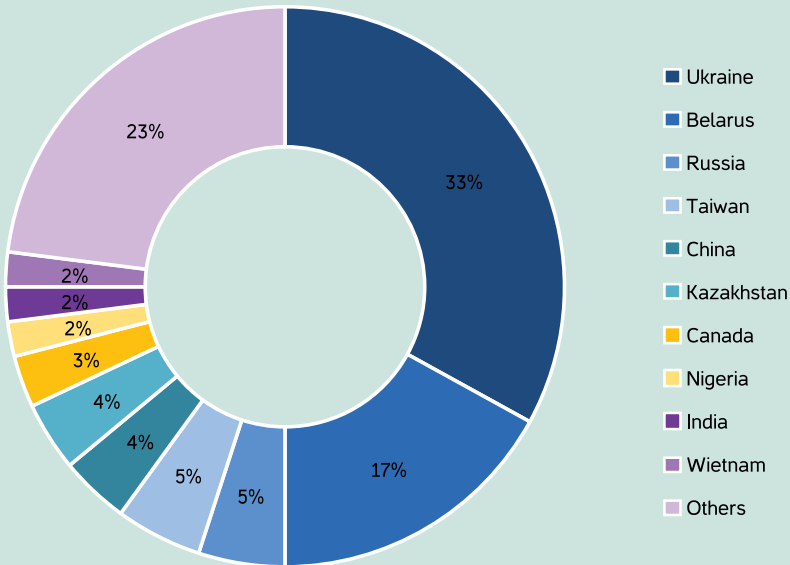


Chart 14. Foreign graduates (third-country nationals) from Polish universities in 2010/2011, by countries of origin



Source: Own elaboration on the basis of the Central Statistical Office data

2

Legal and practical Conditions that apply to International Students coming to Poland



2.1. Measures to encourage international students to pursue studies in Poland

2.1.1. Promotional and recruitment activities

Due to the increasing awareness of the benefits related to the presence of international students in Poland, last several years saw a significant intensification of recruitment and promotional activity of an increasingly wide range of Polish institutions. For obvious reasons, the main actors taking extensive steps in that direction are **universities**. Importantly, they take to operating on a more commercial basis, similar to companies. The actions they resort to taking include:

- Providing foreign language versions of their websites (mainly English, but also Chinese, Russian, Ukrainian, Arabic, French and Spanish) which serve as advertisements (they include information on the recruitment process, fields of study, university infrastructure, scholarships, student internships, accommodation, photos of and films from the university, interviews with lecturers, opinions of graduates, and information on the city where a given university is based); the websites also have a practical role to play as they
- serve as an e-learning platform and a medium for communication between lecturers and students (opportunity to download course syllabuses, multimedia presentations and electronic textbooks),⁵⁶
- Participation in foreign educational fairs,
- Organisation of information meetings at schools and universities in prospective students' countries of origin; organisation of study visits to Polish universities,
- Using the services of agencies recruiting students in their countries of origin (agents frequently assist in obtaining scholarships/loans and in starting communication with graduates),
- Creating separate structures within universities whose task is to attract candidates and assist them in Poland,
- Presence in social networks,
- Organisation of "open days" when future students have the opportunity to meet lecturers and students,

56. J. Łukaszewska, *Jak szkoły wyższe zabiegają o studentów cudzoziemców* [How Universities Attract International students], [in:] *Biuletyn Migracyjny* – vol. 26, p. 7.

- Advertising campaigns (including billboards, flyers, website banners, press ads, commercials and special radio programmes) – organised by subcontracted PR agencies increasingly frequently,
- Encouraging students to recruit their friends (for a commission),
- Cooperation with Polish diplomatic posts and Polish community organisations to disseminate information on the opportunities to study in Poland,
- Cooperation with and using contracts with graduates of Polish universities who live abroad (including the promotion of success stories, i.e. successes of given university's graduates),
- Concluding agreements between universities under which universities exchange students or develop joint curricula,
- Obtaining international accreditations (recently, medical and business universities employ the practice increasingly frequently for their management faculties) which are the basic proof of the quality of teaching,
- Organising Polish courses for foreigners, frequently with trips and cultural events,
- Expanding their offer of fields of study with instruction in foreign languages – in 2011 university-type higher education institutions offered 363 programmes in foreign languages,⁵⁷
- Employing foreign lecturers (who deliver short-term courses or are employed for longer periods – in 2011 the number of foreign lecturers working in Poland was 1,719),⁵⁸
- Offering unique research opportunities (e.g. research into application of physics in biology and medicine, nanostructure engineering) or unique fields of study (usually by smaller universities), e.g. heritage conservation or professional services to foreigners offered by universities located near the eastern Polish border, which is one of the longest EU external border,
- Offering state-of-the-art forms of education (mainly in the case of medical universities),
- Job placement.

In order to improve the efficiency of the above actions, and to optimise related costs, Polish universities tend to consolidate effort in the area of promotion by way of multilateral cooperation for building the renown of Polish universities abroad. In this context, the “Study in Poland” programme should be highlighted - particularly important project of the Conference of Rectors of Academic Schools (see: page 25) initiated in 2005 in cooperation with the Education Foundation „Perspektywy”.⁵⁹ The programme is one of the longest running projects promoting Polish higher education and studying in Poland abroad, which provides a marketing platform for Polish universities. It quickly became a leading initiative in this field. Currently 43 universities participate in the project. The following initiatives are

58. Ibidem, p. 41.

59. The “Perspektywy” Education Foundation is a non-profit foundation. In 2006 acted as a National Coordinating Structure for the European Higher Education Fairs (EHEF) i.e. the largest EU project for promoting European higher education beyond Europe. It is also a key partner to numerous European projects, including the latest one i.e. IMPI - Indicators for Mapping and Profiling Internationalisation, the aim of which is to create a list of internationalisation indicators profiled for the needs of European universities.

57. Perspektywy Education Foundation, *Study in Poland. International students in Poland 2012* [p. Studenci zagraniczni w Polsce 2012], p. 40.

carried out within the framework of the project:

- Organising joint participation of Polish universities in international educational fairs (between 2005 and 2012, the universities covered by the programme took part in 55 educational fairs in 17 countries, primarily in Ukraine, China, Russia and the U.S.), promotion and information visits (for specific target groups), seminars and debates (NAFSA, EAIE, ACA and EHEF conferences, and bilateral “round table” meetings

The main actors undertaking promotional and recruitment activities at the biggest scale are universities

in countries of special interest to the programme),⁶⁰

- Maintenance of “Study in Poland” mobile application, also its version for devices running on iOS,
- Managing regularly updated multilingual internet portal (www.studyinpoland.pl),⁶¹ which presents information

60. The meetings offer an opportunity to visit a number of universities with which Polish universities have no working contacts and frequently are a starting point for talks on potential didactic and scientific cooperation.

61. The portal was launched on 5 June 2008. The service is extensively promoted via academic channels and by the Ministry of Foreign Affairs (many embassies include a link to the service on their websites), as well as by means of search engine optimization and location of the address on main international websites on education.

about universities and courses they offer and is addressed to candidates wishing to apply for studies in Poland as well as managing ‘Study in Poland’ Facebook profile,

- Drawing up guides in English which present the educational offer of Polish universities and are sent to Polish diplomatic posts and distributed at international educational fairs,
- Organizing international conferences which provide an opportunity to exchange experiences and know-how on internationalizing of studies between national and foreign institutions,
- Organizing training courses on issues related to admitting international students, various services provided to them and promotion of Polish universities abroad,
- Providing universities information about the most important global education markets,
- Organising the annual “Interstudent” competition under which the best students who study in Poland are awarded.⁶²

As Polish universities are particularly interested in developing cooperation with Ukraine, a decision was made in 2007 to make Ukraine a priority country for the actions taken under the programme. In the opinion of people responsible for the “Study in Poland” programme, intensified effort to promote Polish universities in Ukraine⁶³

62. The success of one of the laureates of the 2011 competition edition (Anna Sugiyama from Japan, student of political sciences at the University of Warsaw) was used by the Polish embassy in Japan to promote Polish higher education.

63. Activities include *inter alia* organizing informational and promotional events so-called “road shows”, academic forums bringing together executives of universities from both countries, the Polish-Ukrainian “round table” of rectors of Polish and Ukrainian universities, as well as the establishing in Ukraine a Ukrainian-Polish center (apart from promotion of Polish universities, center organizes Polish lan-

undertaken in the last six years has brought about visible effects: more and more students come from Ukraine to Poland.

The “Study in Poland” programme is also implemented locally, at the level of individual cities. At present, the largest Polish academic cities such as Warsaw, Krakow, Wrocław and Lublin, offer their websites in a number of languages, public guidebooks and participate in educational fairs where they promote their universities.

The need for universities to take joint actions aimed at the dissemination of information on the Polish educational offer materialised by establishing the **Boym Universities Consortium**, a consortium of Polish universities, in 2010. Its purpose is to promote its member universities (primarily selected fields of study offered in English) in China under a joint “university brand”. The main reason behind establishing the programme was the conclusion from analysis of the attempts of several Polish universities to enter the Chinese educational market for some years. It has shown that individual actions taken by Polish universities failed to secure success in China. The methods of promoting universities and attracting candidates to study in Poland failed to bring about satisfactory effects.

Apart from promoting programmes offered by consortium members at educational fairs in China, the consortium offers support to universities in the process of qualifying candidates for studying in Poland via its representative office in Beijing (it performs extensive verification and screening of candidates,⁶⁴ which enables Polish consular services to make visa de-

isions favourable to qualified students and ensures universities of the quality and reliability of their prospective students). In the future, the Consortium also plans to establish Polish-Chinese university in China.

Also a commercial organisation **Think Poland** is active in the same field – it offers Polish universities services that consist in conducting extensive promotional activities on their behalf (positioning of a multilingual educational website www.thinkpoland.org⁶⁵ on the Internet, social media and face-to-face marketing)⁶⁶ and in recruiting students (via cooperation with recruitment agencies from several countries in Europe, Asia, Australia and middle East).⁶⁷

As to promotional activities undertaken by the state administration, mainly by the Ministry of Science and Higher Education, many stakeholders believe that the activity of the state in this area has been insufficient for many years. It resulted from the belief that Polish universities should actively promote their offer abroad themselves. In the opinion of Undersecretary of State for the Ministry of Science and Higher Education, Ms Daria Lipińska-Nałęcz, *“universities passively wait for the state to act, while those which develop their own contacts and recruitment activity achieve great success. (...) As I said, the responsibility cannot be borne solely by the state. Let us look at the practice*

guage courses and enrolment exams) and organizing annual Polish-Ukrainian football tournament of academic teams - StudentEuro.

64. It organises entrance interviews and examinations, verifies and authenticates certificates and diplomas (in cooperation with local notaries and Polish consulates) and verifies the authenticity of documents submitted by candidates.

65. The website provides information on the Polish education system, voivodeships and descriptions of academic cities. It can also be used to send a complete preliminary application for a given faculty, matching the needs of a given university.

66. The organisation assists in, *inter alia*, selecting a university that suits the student's financial capacity, his/her interests and career plans, and in organising his/her move to Poland (tickets, visas, insurance, accommodation, etc.). In Poland, the student is assisted by Think Poland student centres located in the largest academic cities (they help obtain residence permits, the tax ID number (NIP), find an apartment and a job).

67. Think Poland has a network of local and foreign offices in countries such as Australia, Ukraine, India, Nepal, Saudi Arabia, Pakistan, Nigeria, Greece and Turkey.

of major foreign universities, such as Oxford, Cambridge and others, universities do it on their own, they develop their foreign branches themselves, it is not an overstatement to say that the state has no role in the process. (...) Maybe we will have to wait some more until universities start to be more pro-active, not counting on someone else to attract students for them. I can say that the conclusion from the discussions held so far it seems that universities can only wait and the Ministry, the state should look for students and grant scholarships. We think that

Many stakeholders believe that the promotional activities undertaken by the state for many years have been insufficient

*we should not necessarily grant so many scholarships, and if so, only in the areas, population groups and fields of study we believe to be significant.*⁶⁸

However, in March 2012 the Ministry of Science and Higher Education developed and began to implement the promotion campaign, which is to enhance the image of Polish universities and innovative research on foreign markets. The following activities are covered by the campaign:

- A grant competition for innovative promotional activities abroad, which will offer a possibility for universities and their consortia, as well as teams car-

rying out innovative research projects, to apply for financing of planned promotional activities, gadgets, publications and multimedia,

- A system of trainings in communication and marketing addressed to people responsible for creating the image of universities (including spokespersons of universities, employees of university promotion offices and international cooperation offices),⁶⁹
- An interactive “catalogue of good practices” which, by referring to the best global examples, will be a practical set of tools for Polish universities and research institutions to create their own promotional campaigns,⁷⁰
- A multilingual interactive internet portal go-poland.pl (www.go-poland.pl) which, apart from comprehensive information about Poland, will include information about the educational offer, procedures governing the issuance of residence permits and the living conditions in academic cities,⁷¹
- Participation in recruitment fairs and expert conferences abroad where Polish universities will present their offer for international students at the national stand (organised by the Ministry

69. The trainings will be delivered by outstanding specialists from the European and global advertising sector and the experts of foreign agencies specializing in the work for internationalization of higher education and research.

70. The catalogue will include *inter alia*: basic models of promotional campaigns used by higher education institutions, guidelines on selecting appropriate, target group adjusted tools for promotional purposes, review of the best campaigns promoting foreign universities, a forum for exchange of experience in this regard between the representatives of universities responsible for their promotion, as well as specification of partners that should support universities in creating promotional campaigns.

71. The portal will serve as an intranet allowing to provide the universities with information about current activities of the Ministry of Science and Higher Education in the area of support for promotion abroad (fairs, grants, trainings, etc.) and enabling contact between universities.

68. Statement of 19 February 2013, transcript of the 30th session of the Senate Committee on Liaison with Poles Abroad.

of Science and Higher Education and the Foundation for the Development of the Education System) and where the participants will receive general information about the higher education system in Poland,

- A comprehensive visual identification system and image campaign under the motto “Ready, Study, Go! Poland” and “Research, Go! Poland” (including preparing brochures adjusted to specificity of recipients in individual countries).

2.1.2. Recognition of qualifications obtained abroad

Foreign secondary school leaving examination certificates or university diplomas are recognised in Poland differently, depending on the foreigner’s country of origin, education level and the purpose of recognition (for academic or professional purposes).

Considering that the national system of recognition of qualifications obtained abroad is an important factor conducive to taking up studies by foreigners, Poland introduced a number of solutions to meet the need for smooth recognition of education completed abroad. One of the solutions is concluding international agreements on mutual recognition of education documents and academic degrees on the basis of which the documents are recognised by the parties to such agreements automatically. Poland is currently a party to nine such bilateral agreements: six with EU Member States, Belarus,⁷² Ukraine⁷³

(countries of origin of the vast majority of foreigners studying in Poland) and Libya.⁷⁴

If a given type of a foreign document is not covered by such an agreement or it had been obtained in a country with which Poland did not conclude an agreement on recognition of qualifications, it may be recognised in Poland differently, depending on the education level it concerns.

In the case of recognising a foreign certificate for the purpose of admission to bachelor’s studies or uniform master’s studies in Poland, the applicable regulation is the *Regulation of the Minister of Education Science of 6 April 2006 on the validation of school certificates and secondary school leaving examination certificates obtained abroad*⁷⁵ according to which such certificates must be submitted to the education board and validated. If a foreigner holds a secondary school leaving examination certificate that authorises him/her to start studies at all types of higher education institutions in a country whose higher education system encompasses the university that issued the document,⁷⁶ the certificate will be stated equivalent with a relevant Polish one.

Ukraine on mutual recognition of university documents concerning education and equivalence of degrees signed on 11 April 2005 – it allows people who started education in Ukraine to apply to universities in Poland, continue studies at supplementary master’s studies, start doctoral studies, start *habilitation* studies and complete a certain period of studies at a Polish university. The Agreement is purely academic.

72. *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on equivalence in higher education, equivalence of scientific degrees and degrees in the field of art done in Warsaw on 28 April 2005* – it allows people who started education in Belarus to apply to universities in Poland, continue studies at supplementary master’s studies, start doctoral studies, start *habilitation* studies and complete a certain period of studies at a Polish university. The Agreement is purely academic.

73. *Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of*

74. *Agreement between the Government of the People’s Republic of Poland and the Socialist People’s Libyan Arab Jamahiriya on mutual recognition of studies, certificates, diplomas and academic degrees done in Tripoli on 27 October 1976* (not published, approved by way of the *Resolution of the Council of Ministers No. 26/89 of 23 February 1989*) – the Agreement allows deciding on equivalence of Libyan and Polish school reports and secondary school leaving examination certificates and deciding on equivalence of Libyan and Polish PhD degrees – regardless of the purpose served by the recognition. The Agreement also allows holders of Libyan diplomas to register for Ph.D. degree in Poland (recognition for academic purposes).

75. Dz. U. [Journal of Laws] No. 63, item 443.

76. Certificate or its duplicate submitted, together with the application for validation, should be legalized

If a foreigner holds a foreign university diploma that authorises him/her to continue studies at the next level or register for Ph.D. degree at higher education institutions in a country whose higher education system encompasses the university that issued the diploma, s/he may apply for master's studies, postgraduate studies, Ph.D. studies or register for Ph.D. degree in Poland⁷⁷ without having his/her diploma nostrified/validated.⁷⁸

In a situation where the diploma does not provide direct access to higher level stud-

Poland is currently a party to nine bilateral agreements on mutual recognition of education documents and academic degrees

ies in the country where it was obtained, before starting studies it is necessary to validate it according to the procedure laid down by the *Regulation of the Minister of Science and Higher Education of 1 September 2011 on the validation of university diplomas obtained abroad*⁷⁹ that is performed by the majority of faculties of public universities that offer a given field of study.⁸⁰ It should be noted that the vali-

dation process depends largely on a given university as universities enjoy a significant degree of freedom in this respect. Usually, validation consists in comparing the curriculum of studies in Poland and abroad.⁸¹ The university can consider the intensity of studies, results or the prestige of the foreign university and validate a foreign title at the level it considers appropriate. In the case of considerable curriculum gaps, the university may require the student to pass additional exams or obtain additional credits. However, many diplomas are not nostrified as in Poland often no equivalent diplomas exist.

Diplomas granted by authorised universities operating within the higher education system of a EU/EFTA and OECD Member State that confirm graduating from three-year studies or bachelor's studies that last at least three years, supplementary master's studies or at least four-year uniform studies are considered in Poland to confirm that the holder has completed higher education at an adequate level (bachelor's or master's).⁸²

Poland is also the signatory of the *Convention on the Recognition of Qualifications concerning Higher Education in the European Region concluded in 1997* which does not constitute a direct legal basis for recognising foreign documents on education, but it includes guidelines on general rules of assessing foreign qualifications and good practice in their recognition. The Convention also obliges the Parties to assess the qualifications and education obtained in a foreign country, at the request of a prospective student, fairly.

by the Polish consul in the country where the document was issued.

77. Legal basis for recognition of a diploma – Article 191a(3) and (4) of the *Act of 27 July 2005 – Higher Education Law* (Dz. U. [Journal of Laws] No. 164, item 1365, as amended).
78. If a diploma does not give a direct access to studies in the country where it was issued, it has to be subject to nostrification procedure.
79. Dz. U. [Journal of Laws] No. 196, item 1168.
80. Students choose the faculty themselves and apply for diploma validation to the faculty Board. All faculties of a university that can grant the Polish

doctor's degree in a given field of study are authorised to validate diplomas at the level of the Polish bachelor and master.

81. It can be impossible to validate a diploma obtained after two years of studies as in Poland the shortest studies last for three years and the title of a bachelor or engineer is granted.
82. Article 191a of the *Act of 27 July 2005 – Higher Education Law*.

Until 6 August 2004 Poland had also been the party to the *Convention on mutual recognition of documents that confirm graduating from secondary schools, vocational secondary schools and universities, and documents on granting academic degrees and titles concluded in Prague on 7 June 1972* that provided for automatic recognition of such diplomas. Documents on the level of education (except for diplomas issued to doctors, pharmacists, dentists, vets, architects, nurses and midwives) issued in states-signatories when the *Prague Convention* was valid are still recognised on its basis.⁸³

Analysing the system of recognising education obtained abroad for academic purposes adopted by Poland, it can be concluded that it allows to assess the skills of candidates for students in a reliable and fair manner, while not creating excessive bureaucratic barriers to studying in Poland.

In addition, many universities assist foreigners in the process of validation of the required documents at the stage of recruitment. Yet, there are instances where universities accept foreigners (and charge them) before their certificates or diplomas are validated (if certificates, diplomas or other documents obtained abroad are subject to recognition under the validation procedure, regulations offer foreigners the possibility to submit a certificate to prove they are equal with their Polish counterparts by the end of the first semester of studies). It may hence turn out that, despite meeting recruitment criteria (such as paying the tuition fee), the student cannot in fact be sure s/he would be able to graduate and obtain a diploma.⁸⁴

83. Nevertheless, sometimes diplomas issued during the period when the agreements were in force may still require nostrification procedure.

84. K. Naranovich (ed.), *Roadmap for Friendlier Integration of Migrants with the Polish Society – A Practical Guide for Those Responsible for Changes* [pl. *Mapa drogowa do przyjaźniejszej integracji migrantów i polskiego społeczeństwa – praktyczny poradnik dla odpowiedzialnych*

2.1.3. Scholarships for foreigners

Foreigners who decide to study in Poland may be granted the following kinds of scholarships:

- 1) **Scholarships granted by Poland** (so-called government scholarships), **scholarships from funds of the Senate of the Republic of Poland** (granted until 2011) and **other public institutions** (i.e. Stanisław Grabski scholarship programme co-financed by National Bank of Poland and addressed to international students of Polish origin coming from post-Soviet states and studying economics at Polish universities),⁸⁵
- 2) **Scholarships of the country of origin** – the foreign government,
- 3) **Scholarships granted and financed by the university** (i.e. the University of Environmental and Life Science in Wrocław every year grants scholarships to students of Polish origin – nationals of post-soviet countries – Prof. Stanisław Tołpa scholarship), **scholarships offered by national and foreign foundations and associations** (i.e. scholarship programme of the Polish-American Foundation of Liberty - Lane Kirkland scholarship – for students from Ukraine, Belarus, Russia, Moldova, Georgia, Armenia, Azerbaijan, Kazakhstan i Kirgizstan;⁸⁶ the Kościuszko Foundation's scholarships for students from USA; Visegard

za wprowadzenie zmian], Foundation for Development Beyond Borders, Warsaw, pp. 177-183.

85. In academic year 2011/2012, scholarships were granted to 93 students of economy from 20 Polish universities. The overriding objective of the programme is to share and disseminate Polish experience in economic and systemic transformation to countries of the former Soviet bloc in the framework of two-semester studies and 2-4 week long internships in private and state institutions in Poland.

86. Under the programme, the foundation offers student scholarships for two semesters of studies and 2-4 week long internships in private and state institutions. So far, the programme has covered over 350 scholarship holders.

scholarship programme;⁸⁷ John Paul II Foundation's scholarships addressed to students of the Catholic University in Lublin who come from Eastern European countries⁸⁸ as well as the Foundation's for Polish Science and the Ryoichi Sasakawa Young Leaders Fellowship Fund's scholarships), church organisations, offices and administrative units, e.g. city or gmina presidents, or by individuals.

The vast majority of holders of scholarships granted by the Polish government study in Poland pursuant to decisions of competent ministers

Government scholarships are granted to foreigners studying in Poland within a limit (see: appendix No. 3) set by:

- International agreements and implementation programmes – scholarships granted on their basis are mainly short-term (usually for summer courses in Polish language and culture, short scientific and research placements). Only agreements with Georgia, South Korea and Mongolia provide for granting scholarships to international students for longer forms of education;
- On the basis of a separate decision of the minister in charge of science and

higher education (in the case of people studying at universities, as well as technical, economic, agricultural and sport universities), of the minister in charge of culture and national heritage protection (for art universities), of the minister competent for health care (for medical universities).

It should be noted that the vast majority of holders of scholarships granted by the Polish government study in Poland pursuant to decisions of competent ministers, rather than on the basis of international agreements. They are mainly students from Ukraine, Belarus, Kazakhstan, Lithuania, Russia and the Czech Republic. Another major target group of the Polish scholarship programme are people of Polish origin⁸⁹ (granted pursuant to the *Government Programme for Cooperation with the Polish Community and Poles Abroad*); the percentage of people of this category in the total number of holders of scholarships granted by Poland is at present about 80%.⁹⁰ It is therefore a proof for the important role played by Polish scholarship programmes for youth of Polish origin.

Although the programmes have maintained a steady level for a number of years (due to a growing number of international students, people studying at Polish universities constitute a smaller and smaller part of foreigners studying in Poland) but for years the programmes have been an important factor attracting students – people of Polish origin who lived in the East.

Launching scholarships provided by the Polish government for this group was closely connected with political and eco-

87. In recent years, among scholars hosted by Poland there were mainly citizens of Ukraine, Belarus, Georgia, Armenia and Serbia.

88. So far 700 scholars graduated from Bachelor's and Master's degree studies. Three of them are professors, and 67 doctors.

89. Polish origin is determined by Polish consular or diplomatic posts based on submitted documentation, interviews with outsiders and family correspondence.

90. In 2012, 156 5-year scholarships were granted to persons of Polish origin, 140 3-year scholarships, 100 – 1-year scholarships and 25 scholarships for doctoral studies and long-term traineeships.

conomic transformation that started in Poland by the end of the 1980s. The transformation triggered a renaissance of the national spirit and stimulated the activity of the Polish community abroad, as reflected by new ideas behind the assumptions and objectives of scholarship campaigns in line with which scholarships of the Polish government, granted at that time mainly to students from Third World countries, were shifted to help Polish students from the East. Providing a possibility for Poles living abroad and people of Polish origin to pursue education in Poland was to be conducive to maintaining the Polish identity in the former Borderland and rebuilding Polish intelligentsia and middle class in countries from the former communist bloc, particularly in the former USSR. The intelligentsia would then act for Poles living in a given country and for consolidating their relations with the homeland.⁹¹

The same long-term objectives are achieved by scholarships (mainly in the form of one-semester scholarships and welfare benefits) granted by the Ministry of Foreign Affairs (granted by the Senate of the Republic of Poland until recently) – via Polish community organisations – and scholarships of the Ministry of Science and Higher Education,⁹² addressed at people of Polish origin who study in their country of residence.⁹³

91. M. Głowacka-Gnajper, R. Wyszynski, *Education of Polish Intelligentsia from Belarus, Lithuania and Ukraine in Poland – Ideas, Realities, Contexts* [pl. *Kształcenie polskiej inteligencji z Białorusi, Litwy i Ukrainy w Polsce – idee, realia, konteksty*], [in:] Wyszynski R. (ed.), *Polish Minority at the Crossroads. Students and Graduates of Polish Universities from Lithuania, Belarus and Ukraine*, [pl. *Mniejszość polska na rozdrożu. Studenci i absolwenci uczelni polskich pochodzący z Litwy, Białorusi i Ukrainy*], Instytut Socjologii Uniwersytetu Warszawskiego, Warsaw, 2005.

92. Pursuant to the *Regulation of the Minister of Science and Higher Education of 14 December 2006 on scholarships for foreigners of Polish origin who study in their country of residence* (Dz. U. [Journal of Laws] of 2006, No. 240, item 1743).

93. In the countries listed by OECD as beneficiaries of Official Development Assistance whose annual gross national product per capita did not exceed USD 3,255 in 2004, or in countries that emerged in lieu of the former Union of Soviet Socialist Republics.

Not referring to the degree to which the assumed purpose of the scholarship campaign has been achieved, it should be noted that until now government scholarships have been an important element of the policy towards the Polish community abroad in a wide sense, development policy as well as the foreign policy (addressed mainly to Eastern countries – they prove Poland's involvement in shaping future of the region) and Poland's promotion.

Foreigners can apply for scholarships for the purpose of taking up one of the education forms available in Poland (see: p. 17) at a public or non-public university. Such scholarships are granted for the entire period of studies or for a part thereof, with the possibility to extend the period to cover subsequent years (even up to three months following graduation).

The majority of government scholarships depend on the type of university and form of education (see: table 4). Their amounts range from PLN 900 (approx. 225€) to nearly PLN 2,400 (approx. 600€) a month. It is important to note that holders of scholarships granted by Poland are exempt from the tuition fee. In addition, some universities provide students places in student dormitories. Holders of scholarships granted by Poland can also apply for the following allowances:

- The relocation allowance during the first year of studies (up to 60% of the scholarship amount);
- The emergency allowance – e.g. in the case of theft, death in the family (up to 40% of the scholarship amount);
- For writing a bachelor's/master's thesis or a doctoral dissertation for students at their last year of studies (up to 40% of the scholarship amount).

A considerable part of the close to two thousand government scholarships granted annually by Poland to international students

Table 4. Amounts of scholarships granted by Poland (government scholarships) divided into fields of education⁹⁴

Education form	Scholarship Amount		
	Art universities	Medical universities	Other universities
<ul style="list-style-type: none"> • Studies, • Practical training of students, • Courses preparing for starting education in Polish 	PLN 900 (approx. 225€) a month		
Summer courses in Polish language and culture	PLN 1,785 – approx. 446€ (for courses that last 21 days) PLN 2,380 - approx. 595€ (for courses that last 28 days)		
<ul style="list-style-type: none"> • Research and development work, • PhD studies, • Postgraduate studies, Habilitation and research placements 	PLN 1,350 (approx. 338€) a month		
Art internships	PLN 1,350 a month	N/A	N/A
<ul style="list-style-type: none"> • Specialisation trainings, • Medical postgraduate internships, • In-service training courses 	N/A	PLN 1,350 (approx. 338€) a month	N/A
<ul style="list-style-type: none"> • Research and development work, • Postgraduate studies, Research internships (for people holding a degree that corresponds to the Polish doktor habilitowany degree or employed at a foreign university as professor) 	PLN 1,600 (approx. 400€) a month		
Art internships (for people holding a degree that corresponds to the Polish doktor habilitowany degree or employed at a foreign university as professor)	PLN 1,500 (approx. 375€) a month	N/A	N/A
<ul style="list-style-type: none"> • Specialisation trainings, • Medical postgraduate internships, • In-service training courses (for people holding a degree that corresponds to the Polish doktor habilitowany degree or employed at a foreign university as professor) 	N/A	PLN 1 600 (approx. 400€) a month	N/A
Short-term research internships (up to 15 days)	PLN 110 (approx. 25€) a day (scholarship) PLN 160 (approx. 40€) a day (subsidy for accommodation costs)	N/A	PLN 120 (approx. 30€) a day (scholarship) PLN 170 (approx. 43€) a day (subsidy for accommodation costs)

Source: Own elaboration based on legal acts, as at 10 July 2012

is provided under long-term scholarship programmes. The major programmes are:

- The scholarship programme of the Centre for East European Studies of the University of Warsaw which grants annually

25 scholarships for candidates – graduates of universities with the title of a master or specialist from Central Europe, Eastern Europe, Balkans, Russia, Cauca-

94. International agreements or agreements concluded with university bodies may provide for other scholarship amounts. Abbreviations used: N/A – not applicable.

sus and Central Asia.⁹⁵ The scholarships are granted for two-year master's studies "Specialist Eastern Studies,"⁹⁶

- Konstanty Kalinowski scholarship programme⁹⁷ for Belarusian students who due to political reasons have limited possibilities to take up studies in Belarus,⁹⁸
- The scholarship programme for citizens of countries – members of the EU Eastern Partnership who start PhD studies in Poland in humanities and social studies (fields such as sociology, journalism, political sciences and law),⁹⁹
- The scholarship programme for young researchers for research placements in the form of one-year individual supplementary studies – addressed to candidates from Russia, Ukraine, Belarus,

Moldova, and countries from Central Asia and Caucasus,¹⁰⁰

- The scholarship programme supporting year-long studies and traineeships for graduates of the Schools of Polish and European Law in Ukraine organised by the Jagiellonian University (launched in 2013),
- The scholarship programme for PhD students and people on academic placement in technical sciences for citizens of developing countries (launched in 2013),
- The Stefan Banach scholarship programme for graduates of first cycle studies from Eastern partnership countries who will be able to continue their education in Poland at second cycle studies in the following fields: exact sciences, natural sciences, technical sciences, law and economy (launched in 2013).

95. Up to date there were over 280 scholarship holders from 20 countries covered by the programme, including 13 countries from outside the EU (Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Turkey, Ukraine and Uzbekistan).

96. The scholarship includes a maintenance grant of PLN 1,350 (approx. 338€) a month, exemption from the tuition fee, a one-semester Polish course, a two-year regional language course and a free study visit within Poland.

97. Programme scholarship holders benefit from a wide support, including a scholarship whose amount is PLN 1,240 (approx. 310€) a month, which serves to cover the cost of maintenance and accommodation, exemption from the tuition fee, opportunity to attend a summer foundation course with classes in Polish, elements of culture and history of Poland and the region, educational aids (dictionaries and encyclopaedias, books on culture and history) and additional PLN 400 (approx. 100€) as relocation allowance.

98. The event that triggered its establishment was oppression (including mass arrests) of Belarusian university students who protected in March 2006 against the fraud of the Belarusian authorities during the presidential election. Faced with such a controversial reaction of Belarusian authorities, Polish Prime Minister Kazimierz Marcinkiewicz decided to set up a programme to allow the students who are unable to study in Belarus for political reasons to complete studies in Poland or continue studies until they are able to return to their universities in Belarus. The programme later covered also children of parents who were oppressed for political reasons.

99. Ultimately, the programme is to cover ca. 120 citizens of certain states that emerged following the collapse of the former USSR.

Scholarships of the sending state (government of another country)¹⁰¹ are granted to foreigners who start their studies on the basis of international agreements concluded by Poland with ministries or institutions of a given state that are responsible for academic exchange with foreign countries. At present, starting studies in Poland on such terms is possible on the basis of agreements with the following countries:

- China – 40 places in studies or academic placements;
- Serbia – 32 months of scholarships for research placements, 10 places in semester-long studies.

If there is no international student exchange agreement with a given country, Poland can accept international students who are send-

100. The applicants are usually PhD students, young lecturers or university graduates who plan to continue education after they return to their countries.

101. Foreigners who hold such scholarships are not required to pay tuition fees for studies in Poland.

ing state scholarship holders on the basis of ad hoc cooperation in this area. In Poland, there is a large group of students from Saudi Arabia who made use of this opportunity.

An additional form of supporting international students who decide to come to Poland is **exemption from tuition fees** (yet, they do not receive scholarships in such case). The people who apply to Polish universities on such terms are holders of the Card of the Pole (who decided to study on different terms than Polish citizens), as well as foreigners covered by international agreements (including agreements with Armenia, Georgia, Mongolia and Moldova) or support programmes offered to specific countries by the Polish government. It is sometimes the case that such support is offered by universities, for example the Warsaw University of Technology provides a number of free places in selected faculties and fields of study with Polish as the instruction language to international students of Polish origin (about 1% of the total number of places in relevant circles of study, with enrolment in the form of a competition). Such foreigners do not pay the tuition fee, but are not eligible to Polish government scholarships and must cover the costs of living in Poland by themselves.

Special support is also offered to foreigners of Polish origin.¹⁰² If they take up studies in Poland where **tuition fees** are charged, the fees are **reduced by 30%**.

2.1.4. Access to information on the terms and conditions of the study in Poland

In Poland, there are many entities that attempt to reach international students with extensive information on the terms and conditions of studying in Poland.

Information on the organisation of higher education in Poland, available scholar-

ships, recognisability of certificates and diplomas, the cost of studies, opportunities of studying in different languages, and the procedure and rules of recruitment of international students by Polish universities is provided mainly on the Internet, including the websites of Polish diplomatic and consular posts, the ministries that supervise individual universities, the Bureau for Academic Recognition and International Exchange, particular universities, foundations for the promotion of Polish schools abroad, and dedicated websites of local authorities.

The above information can also be obtained during information and promotion campaigns (national and international educational fairs, symposia, exhibitions, etc.) organised by public institutions (ministries, universities) and NGOs active in the field of education.

Similar channels are also used to provide information on the conditions of entry and stay in Poland. Apart from information on visas published on websites of all Polish diplomatic and consular posts, *inter alia* on the required documents, health insurance, required amount of funds, forms and consular fees, additional information on entry regulations is provided to visa holders by the consular staff. Yet it is sometimes the case that time restrictions prevent consuls from doing so.

Extensive information on the procedures to be followed to legalise one's stay in Poland is available at the websites of bodies responsible for examining applications for residence permits, i.e. 16 offices of the voivode and the Office for Foreigners which is the appellate body in such cases. It should be noted that not many universities inform their students about the rules of stay legalisation or the deadlines for arranging matters in relevant offices.

In 2009, the District Chamber of Legal Advisors published the *Guidebook for foreigners – Learning and studying in Poland* in three languages (Polish, English and Russian).

102. Polish origin must be recognised within the meaning of Article 5(1)-(3) of the Act of 9 November 2000 on repatriation.

The Guidebook provides comprehensive information on the terms of entry, legalising one's stay in Poland and the possibility to take up employment. It also presents templates of the most important documents and instructions on filling them in.¹⁰³

In spite of numerous actions taken to provide international students with information on the conditions of studying in Poland, their access to necessary information turns out to be an area with lots of room for improvement (as pointed out by foreigners themselves).¹⁰⁴

The main problems seem to be that information is scattered, incomplete, not up-to-date (which is partly due to dynamic changes in Polish migration law), not sufficiently clear descriptions of the regulations and providing links to websites with more detailed information that do not work.

2.2. Terms and conditions of entry and stay of international students in Poland

As a rule, foreigners who intend to come to Poland to study must, first of all, obtain an entry visa (**an uniform - Schengen - visa**)¹⁰⁵ issued for the duration of stay in the territory of a Schengen area country of up to 3 months within 6 subsequent months, or a **long-term national visa** that authorises entry and stay in Poland for longer than 3 months but less than a year; the foreigner decides on the visa type based *inter alia* on documents s/he can provide. There

are two types of visas issued to foreigners willing to take up education in Poland. The type includes:¹⁰⁶

- visa for the duration of studies of the first or second degree or uniform master's degree studies or studies of the third degree – the so-called *student visa* (type 10),¹⁰⁷ and
- *education or training visa* – issued for other forms of education, *inter alia* for postgraduate studies, yearly preparatory courses for studies in Polish or issued for the purpose of take up training other than vocational training (type 12)¹⁰⁸.

Visa applications must be submitted well in advance, not later than two weeks before the planned entry. According to Polish law, visas are not extended as a rule.¹⁰⁹ When the stay in Poland on the basis of a visa is coming to an end, a foreign student may apply to the voivode (competent for the foreigner's place of residence) for a *residence permit for a fixed period of time* due to the circumstance set out in

103. K. Rowińska, I. Zemanek, *Guidebook for foreigners – Learning and studying in Poland*, District Chamber of Legal Advisors, Warsaw 2009.

104. Cf.: S. Kubiciel-Lodzińska, *Factors Behind Decisions of Foreigners to Study in Poland and in Opolskie Voivodeship* [pl. Czynniki przysądżające o wyborze przez cudzoziemców studiów w Polsce i w województwie opolskim (na podstawie wyników przeprowadzonych badań)], [unpublished].

105. The obligation does not cover the citizens of certain countries who, pursuant to *Council Regulation (EC) No. 539/2001 of 15 March 2011*, are exempt from the obligation to hold a Schengen visa for their stay in the EU that lasts up to 90 days.

106. Article 26(1) of the *Act of 13 June 2003 on Foreigners*.

107. In accordance with Article 2(2)(10) of *Regulation the Minister of the Interior and Administration of 22 April 2011 on visas issued to foreigners* (Dz.U [Journal of Laws] of 2011, No. 99, item 579).

108. In accordance with Article 2(2)(12) of *Regulation the Minister of the Interior and Administration of 22 April 2011 on visas issued to foreigners* (Dz.U [Journal of Laws] of 2011, No. 99, item 579).

109. The legislator provided for the possibility of extending visas, but it is limited to special situations listed in the *Act of 13 June 2003 on Foreigners* in Article 41(1), when all three conditions are met:

- it is justified by the foreigner's important interest of personal or professional nature or by humanitarian reasons that prevent him/her from leaving the country before the expiry of the national visa or before the elapse of the period of stay permitted by the visa;
- reasons on the basis of which he/she applies for prolongation of a visa have occurred imperatively and could not be foreseen at the date of applying for the visa;
- circumstances of the case does not demonstrate that the purpose of his/her stay in the territory of the Republic of Poland shall be other than the one declared;
- the circumstances for refusing a national visa do not arise.

Chart 15. Visas¹¹⁰ issued to international students in 2008-2012

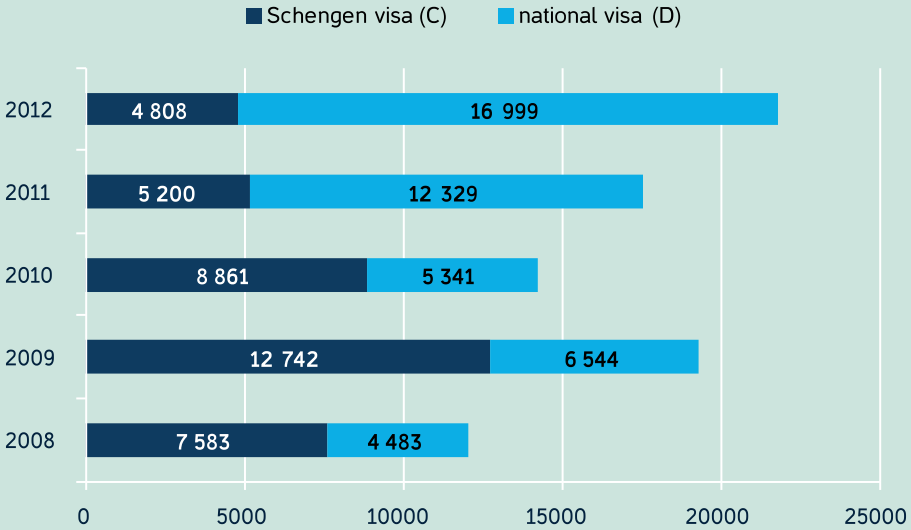


Chart 16. Visas issued to international students for the purpose of taking up first, second and third-cycle studies as well as uniform master's studies in 2011-2012, by countries of origin



Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

110. Student visas and education and training visas (in a period 2008-01.09 2010 research and teaching visas were also included).

Article 53(1)(16) of the Act on Foreigners that is the basic form of legalising the stay of Poland for international students. It is important that only **students of full-time studies or full-time doctoral studies**, including people carrying out research in the context of doctoral studies, may apply for such permit (“Article 53(1)(16) (...) *The residence permits for a fixed period of time shall be granted to a foreigner who (...) arrives to or resides in the territory of the Republic of Poland in order to take up or continue full-time studies or doctoral studies in the territory, hereinafter referred to as the “studies”; also if s/he began to study on the territory of another European Union Member State and intends to continue or complete the studies in the territory of the Republic of Poland (...)*”). Other categories of students, i.e. **part-time students, postgraduate students as well as attendants of yearly preparatory courses for studies in Polish** may apply for a *residence permit for a fixed period of time* due to another circumstance set out in **Article 53a(1)(1a) of the Act on Foreigners**. The provision stipulates that “*a residence permit for a fixed period of time may be granted to a foreigner who intends to take up or continue education in the territory of the Republic of Poland (...)*”. The premise isn’t however of obligatory character. Making such a clear distinction between the above categories of international students in the legalisation procedure by the legislator entails certain legal consequences that will be discussed further on.

The legalisation procedure for granting a *residence permit for a fixed period of time* before the voivode is a new procedure whose initiation must be applied for by the foreigner. It is not directly connected with the visa procedure. Supporting documents required for granting the residence differ from the ones required under visa procedure. Before the expiry of the permit, the foreigner may apply for another one and for subsequent permits if s/he wishes to continue staying in Poland. In the case of inter-

national students, the period for which the permit is issued is between 3 months and a year.

The application for a *residence permit for a fixed period of time* must be submitted at least 45 days prior to the elapse of the legal stay in Poland (on the basis of a visa or a residence permit for a fixed period of time issued earlier).¹¹¹ Compliance with the date is very important as it determines whether the foreigner would be able to stay in Poland legally throughout the procedure of granting the permit in question (even if the voivode is unable to issue a decision before the elapse of the foreigner’s legal stay in Poland on the basis of visa or residence permit for a fixed period of time), including the appeal procedure (if the foreigner files an effective appeal to a second instance body).¹¹² If the application deadline is not met and the procedure for granting residence permit is not finalised prior to the elapse of his/her legal stay in Poland indicated in his/her residence permit, the foreigner must leave Poland and wait for a decision abroad. It is important to note that the above time limit for filing an application for a residence permit is very problematic and will be lifted when the new Act on Foreigners enters into force. The new Act will provide for a possibility to lodge the

111. A similar condition applies when filing an application for a visa extension. This obligation does not however apply to foreigners arriving to Poland under visa-free regime.

112. If the deadline for submitting an application was complied with and the application is free from formal defects, or formal defects are removed in a timely manner, the voivode stamps the foreigner’s travel document to confirm the application has been submitted (this allows him/her to legally reside in Poland until the procedure is finalised). Stamping a foreigner’s travel document is not tantamount to issuing a visa or a document that authorises the foreigner to stay in Poland or to travel to other Schengen area countries. A foreigner with such a stamp may leave the territory of Poland (and enter a country he/she has the right to enter), but if he/she is covered by a visa obligation, he/she must obtain a visa to enter and stay in Poland or a residence permit issued by another Schengen area country to re-enter Poland. If a student while filling an application does not have all necessary documents, it is possible to submit only a filled application, photo and a valid residence document. The student will then receive a notification to supplement the missing documents at the later date.

above application at any time during a foreigner's stay in Poland, but not later than on the last day of the legal stay in Poland.

Foreigners may also stay in Poland on the basis of subsequent national visas that must be applied for each time abroad – to a Polish consul. What is important, in the case of this form of stay legalisation, it should be noted that the requirements for the documents to be attached to the application are less stringent than the requirements under the procedure of applying for residence for a fixed period of time (e.g. it is not necessary to present a legal title to an apartment or a certificate of registering one's address) and the deadline for obtaining another visa is shorter. Yet, there are additional costs related to the necessity to leave Poland. In accordance with currently binding provisions, each time, foreigners choose the preferred scenario. It is up to foreigners to decide, based on their individual preferences whether they want to stay in Poland on the basis of subsequent national visas issued abroad or a *residence permit for a fixed period of time*.

It is important that the Polish law provides foreigners with a possibility to apply for a *residence permit for a fixed period of time* directly from abroad, also from their countries of origin. In this situation, the application for the above permit is filed via a consul. Having appended the application with information whether the foreigner's entry and stay in the territory of Poland would constitute (or not) a threat to the state security, defences or public security and order, the consul passes it on to the voivode competent for the foreigner's planned place of residence. If the voivode issues a positive decision, the foreigner must collect it in Poland, but first he/she must obtain *visa for the collection of a residence permit for a fixed period of time* from a Polish consular office.

However, in practice international students rarely make use of this procedure. Instead,

they enter Poland with a visa (or a stay title issued by another EU Member State) or under visa-free regime and apply for a residence permit only later. The reason is, first of all, that applying for a visa (and thus for entry to Poland) takes a shorter time¹¹³ than the procedure of applying for a *residence permit for a fixed period of time* directly from the foreigner's country of origin (as it requires the consul to pass documents to the voivode via post, which extends the procedure). Secondly, it is also due to the fee a foreigner must pay when applying for a *residence permit for a fixed period of time* via a consul.¹¹⁴ When applying for a visa, the fee may be even five times lower (or even reduced to zero¹¹⁵), which is a lower financial burden at the very beginning of an academic year and allows more rational management of all the payments related to entry and stay in Poland.

It should also be noted that, in general, foreigners prefer to legalise their stay in Poland by applying for subsequent entry visas rather than for a *residence permit for a fixed period of time*. Obtaining a *residence permit for a fixed period of time* and a residence card costs in total PLN 390 - approx. 98€ (it also requires higher financial means

113. It should be noted that the waiting time for a visa has extended recently. This is due to the introduction of the obligation to register a visa application on-line (via e-consulate) in 2010, the obligation to book a date of filing the application to the consulate, and a number of irregularities that affected the system's operation (mainly at the initial stage following its introduction), such as: filing false applications via the e-consulate, hacker attacks on the servers of the Polish Ministry of Foreign Affairs (which concerns mainly Ukraine and Belarus, i.e. the countries where the vast majority of visa applications is submitted). At present, the waiting time for filing the application is about a month.

114. Up to EUR 200 of consular fees for accepting and processing an application, and possibly also for sending the decision abroad + up to EUR 60 for issuing a visa for collecting a residence permit for a fixed period of time (unless a foreigner is not exempted from the fee), PLN 340 for granting a residence permit + PLN 50 for issuing a residence card = a total of ca. PLN 1,430 (EUR 360).

115. Issuing a national visa costs EUR 60. The citizens of a number of third countries (including the students from Ukraine, Belarus, Russia and Moldova who form the most numerous groups of international students in Poland) are not charged the visa fee pursuant to separate regulations.

to cover maintenance costs throughout the planned stay in Poland and return – see: Table 7), contrasted with a faster procedure of obtaining a visa (especially in the East), which is frequently free of charge. To change the situation, the Ministry of Foreign Affairs motioned the Minister of Finance in April 2013 to reduce (currently it amounts to PLN 340 - approx. 85€) or waive the stamp duty for issuing a residence permit altogether.

It should be noted that the draft new Act on Foreigners, that is to be adopted by the Sejm most probably in the second half of 2013, will no more allow foreigners for applying for a residence permit from abroad. This is due to introducing the obligation to fingerprint foreigners applying for a residence permit.

◇ Validity period and terms of issuing subsequent residence permit

In line with a general principle stipulated in the *Act on Foreigners*, the residence permit for a fixed period of time is granted for one year. However, the period is shorter if the form of education selected by the foreigner justifies the foreigner's residence in Poland for a period shorter than a year.

If the foreigner wishes to continue his/her studies and thus stay in Poland after the period fixed in the permit, s/he should apply for subsequent permit. The requirements for the permit are the same as when the permit for residence is issued for the first time (see page: 65). In order to renew the permit, students of full-time master's studies or PhD students must prove that they successfully completed the previous year of their studies or that they obtained a conditional pass for another year or semester of studies. Otherwise, the voivode must refuse them the permit. Therefore, the foreigner must attach a certificate from his/her higher education institution which confirms that he/she continues the studies and indicates the year of

his/her course of study to his/her application.

In the case of lack of progress in education and the related refusal of another permit, the foreigner cannot legally stay in Poland. In this situation, a foreigner may continue education on the basis of a relevant visa, but it requires him/her to leave Poland and re-enter with a new visa. Voivodes report it is frequently the case that foreigners take up studies in a different field and try to legalise their stay on that basis.

The requirement to demonstrate relevant progress in education does not cover other categories of educational migrants, such as students of postgraduate studies, part-time master's studies or PhD students.

It is worth noting that Poland intends to significantly reform its regulations in this area. The new draft Act on Foreigners introduces a number of solutions that are more favourable for foreigners than the current regulations.

Firstly, the *residence permit for a fixed period of time* for study purposes will be granted for a year and another 3 months to enable international students to re-take the examination session which takes place in September each year. Secondly, facilitations were introduced for foreigners who continue their studies in Poland for the second year and beyond as they will be granted residence permits for three years¹¹⁶, which will nonetheless require them to prove they have sufficient funds to cover their maintenance costs at their disposal.

Additionally, the draft waived the current solutions according to which the voivode has an obligation to refuse granting the foreigner subsequent residence permit if the foreigner failed to complete a year of studies and did not receive a conditional pass to the next year or semester of stud-

116. See: footnote 30.

ies. Instead, the voivode will be able to enjoy more flexibility in the decision-making process, depending on the circumstances of a given case. Moreover, in the course of work of the parliamentary sub-committee for examining the draft Act on Foreigners, it was fixed that the possibility to refuse granting of the subsequent residence permit will only concern situations when a foreigner failed to complete a year of studies within the deadline.

◇ Conditions for issuing a visa/residence permit

Foreigners applying for a visa (including those who want to take up studies in Poland) must register their visa applications on-line,¹¹⁷ fill it in and produce the following:

- 1) a travel document (issued within the past ten years, valid for at least three months after the date of planned return, and with at least two unused pages),
- 2) current photo,
- 3) proof of paying the visa fee¹¹⁸ (visa fees are waived for Schengen visas for students, the fee for type D national visa is EUR 60,¹¹⁹ but there will be many exemptions, e.g. for Card of the Pole holders and citizens of countries with which Poland concluded international contracts on visa fee waiver or waived the obligation unilaterally),¹²⁰
- 4) health insurance (the type of insurance depends on the type of visa applied for: in the case of a Schengen visa the insur-

ance coverage must amount to at least EUR 30,000, the insurance must be valid for the entire period of the foreigner's stay in a Schengen area country, it must cover the expenses related to return for medical reasons, emergency medical aid or emergency hospital treatment; in the case of a national visa – it must be insurance within the meaning of the regulations on health care services financed from public funds or a travel medical insurance whose coverage must amount to at least EUR 30,000, the insurance must be valid for the entire period of the foreigner's stay in Poland),

- 5) sufficient funds to cover the foreigner's maintenance costs throughout the planned stay in Poland and return to the country of origin or stay or transit to a third country that grants him/her an entry permit, or a possibility to obtain such funds legally (international students during border control upon entry in Poland must have PLN 1,600 (approx. 400€) or its equivalent in foreign currencies to cover the costs of accommodation and food for the initial two months of their stay in Poland or documents to confirm s/he has the funds, i.e. a certificate of having a sufficient amount of money in a bank or credit union with its registered office in the territory of the Republic of Poland (issued a month before crossing the border at the latest), traveller's cheque, credit card that can be used in Poland, payment card that can be used in Poland (along with an account balance certificate or a valid account statement), original invitation, the document that confirms granting a scholarship, return ticket),
- 6) documents to confirm:
 - a) purpose and conditions of the planned stay (such as a certificate of being accepted or continuing studies in Poland; if the studies require paying a tuition fee – proof of payment for

117. Visa applications are registered via the e-consulate system that registers the date of submitting the required documents to a Polish consular office.

118. Visa fee is set out in the *Regulation of the Minister of Foreign Affairs of 23 April 2013 on consular fees* (Dz. U. [Journal of Laws] of 2013, item 522).

119. The fee is increased if the foreigner uses a visa application acceptance point. Such points operate in Russia, Turkey and Ukraine.

120. As of 1 January 2011, the Minister of Foreign Affairs waived fees for application examination and issuing national visas to citizens of the Republic of Belarus.

the first year of studies or the entire programme if it lasts less than a year, or a proof of holding enough funds to pay the tuition fee; certificate of the command of Polish or English at the level that allows taking up studies in the language; secondary school leaving examination results that allow taking up university studies; documents to confirm accommodation, either provided by the university or found by the foreigner),

- b) other facts stated in the application (such as ID, birth certificate).

Having checked the documents, the consulate considers the application admissible (or not) and performs further analyses. A decision on issuing a visa is made by the consul following an analysis of the above documents (that includes verification of personal data and information, and authenticity of the documents), and checking if the applicant had been entered into the list of people refused to enter Poland,¹²¹ and whether the applicant is considered a person who may violate public order, security, interests of the Republic of Poland or international relations of any Schengen country.¹²² It is important to note that the number and types of documents accompanying the application, primarily those to confirm the purpose and conditions of the planned stay, may differ

121. If the foreigner's data had been entered into the Schengen Information System for the purpose of entry refusal, a national visa can only be granted for very important reasons, such as humanitarian reasons or due to international commitments, taking into account the interests of the country that made the SIS entry.

122. In the framework of the so-called visa consultations, the consul who examines the application for a Schengen or national visa may request the following bodies, via the Head of the Office for Foreigners (that plays the role of the central visa body in Poland), for information whether there are any reasons to refuse issuing a visa to the foreigner:

- Commander-in-Chief of the Border Guard;
- Commander-in-Chief of the Police;
- Head of the Internal Security Agency,
- Head of the Foreign Intelligence Agency,
- Minister competent for foreign affairs; or
- central body of other Schengen area country (in the case of Schengen visas).

depending on the consular office to which the application is submitted and specificity of the case, so it is impossible to prepare an exhaustive list of the document currently required by Polish consuls.

As part of the procedure of issuing a national visa for the purpose of studying in Poland, the consul always interviews the applicant. During the interview, the consul checks the command of the language of the studies (e.g. if courses are to be taught in English, the consul interviews the applicant in English), the level of general knowledge, with particular emphasis on the applicant's preferred field of studies, the level of knowledge about Poland, and the conditions of studying and living in Poland. In addition, the consul asks the applicant about the reasons for deciding to study in Poland and his/her plans for the future. This procedure covers all candidates for studies in Poland, particularly the citizens of countries with the so-called 'high immigration risk.'

It should be noted that international students who hold the Card of the Pole enjoy privileges when applying for a national visa. During border control upon arrival in Poland, they have no obligation to prove they have enough funds for the entire period of their stay or return to the country of origin, they do not have to show documents to prove they are able to obtain such funds, they can apply for exemption from the fees for accepting and examining an application for a national visa or can claim a fee reimbursement, the only condition being that the apply for a special *visa issued to use the rights of a Card of the Pole holder*.

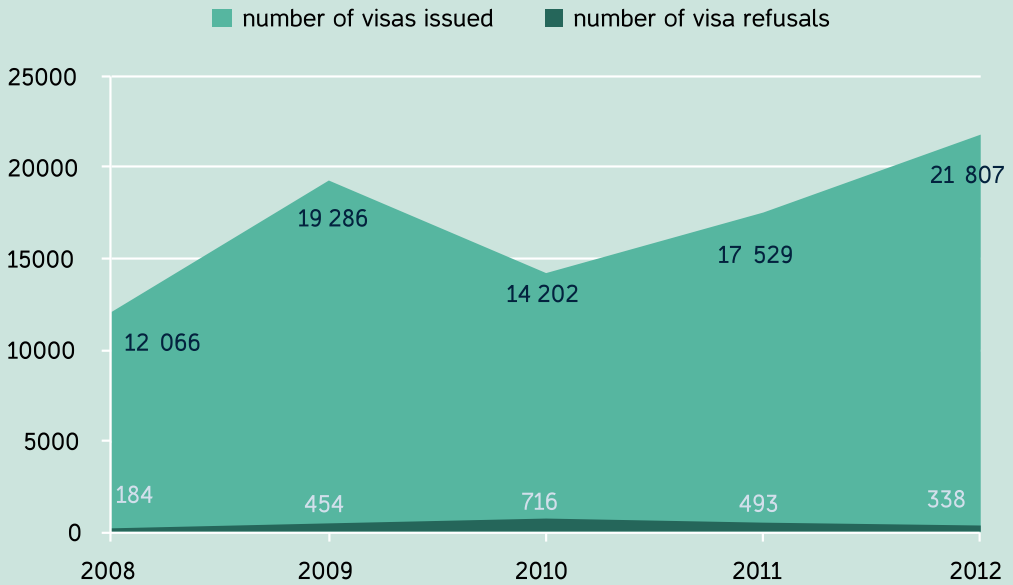
It should be noted that the problem of visas issued to international students by Polish consuls, including practical problems related to visa procedures, has been raised by academic circles as one of the issues that require improvement and a more liberal approach of the authorities.

In this context it is important to note that the

percentage of refusals to issue student and education visas in 2008–2012 was relatively

low and amounted to approx. 3% of all visa applications (both C and D type).

Chart 17. Visas¹²³ and visa refusals issued to international students in 2008-2012



Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 5. Visa refusals issued to international students applying for a visa for the purpose of taking up first, second and third-cycle studies as well as uniform Master's studies) in 2011-2012, by countries of origin

2011		2012	
India	70	Nepal	51
Nepal	41	India	49
Pakistan	31	Ukraine	15
China	16	Nigeria	10
Congo	7	Bangladesh	10
Sri Lanka	8	Sri Lanka	8
Nigeria	4	Egypt	2
Syria	4	Russia	2
Ukraine	4	Turkey	2
Palestine	4	Pakistan	1
Other	33	Other	15

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

123. Student visas and education and training visas (in a period 2008-01.09 2010 research and teaching visas were also included).

As to the *residence permit for a fixed period of time* granted to students of full-time studies or full-time doctoral studies, its granting is obligatory (provision stipulates: *the residence permits (...) shall be granted*) if the requirements set forth in the relevant act are met and if there is no ground for refusing the application (it is up to the deciding authority to assess whether there are grounds on which to grant a residence). Foreigners who apply for such a permit must:

- 1) submit an application for the permit that has been filled in correctly,
- 2) present a valid travel document (in justified cases, when foreigners do not have a valid travel document or it is impossible to obtain one, they can present another identity document or provide a certified true copy of the document),
- 3) current photographs,
- 4) proof that the stamp duty of PLN 340 (approx. 85€) has been paid,
- 5) confirm their intent to take up or continue studies in the Republic of Poland by producing a certificate from the educational establishment they have been enrolled,
- 6) produce a proof of paying the tuition fee if the educational establishment requires it to take up or continue studies or sufficient funds on their bank account to cover it,
- 7) have sufficient funds to cover maintenance costs (the minimum amount is PLN 800 for every month of the 12 month long stay (so nearly PLN 10,000 – approx. 2,500€) or a stay shorter than 12 months, or the equivalent of the amount in a foreign currency),¹²⁴ the

costs of studies and return to the country of origin (funds to cover the costs of return to the country of origin must be equal to the cost of the ticket for entry into Poland, but not less than PLN 200 (approx. 50€) – if foreigners enter Poland from a neighbouring country, PLN 500 (approx. 125€) – if they arrive from a third country in Europe, PLN 2,500 (approx. 625€) – if they arrive from a non-European third country)¹²⁵ or present document to confirm they have such funds,

- 8) have health insurance within the meaning of the regulations on health care services financed from public funds, or a confirmation that the insurer would cover the medical expenses incurred in the territory of the Republic of Poland (insurance policy),
- 9) present additional documents to confirm the data and information provided in the application (e.g. a copy of the birth certificate) and necessary for in-depth investigation of facts (e.g. certificate of a clean criminal record in Poland, confirmation of registered address in Poland).

As concerns all other forms of education, such as postgraduate and part-time studies, yearly preparatory courses for studies in Polish, a “*residence permit for a fixed period of time* is granted facultatively (provision stipulates: *the residence permits (...) may be granted*)”, on the basis of the premise set out in Article 53a(1) (1a) of *Act on Foreigners*. However, this is subject to change after the entry into force of the new Act on Foreigners (prepara-

should have PLN 456 (approx. 114€) per every such family member for every month of the 12 month long stay or a stay shorter than 12 months, or the equivalent of the amount in a foreign currency (up to end of September 2012 the amount equaled to PLN 351 – approx. 88€).

125. If foreigners travel with dependent family members, the obligation to have a return ticket or sufficient funds extends to all family members.

124. In addition, when a foreigner arrives in Poland together with a dependent family member, he/she

tory courses will be covered by the rules on granting a residence permit due to the circumstance set out in Article 53(1)(16) of the *Act on Foreigners* – residence permit granted obligatorily).

The conditions for granting the above permit are similar to those for granting the permit to students of full-time studies or full-time doctoral studies, the only difference being that they are not required to prove they have enough funds to cover the costs of education¹²⁶ - a condition that is required in the case of other groups of foreigners. Yet, they have to present the legal title to the apartment they intend to stay or are staying in.¹²⁷ This requirement will be however lifted when the new Act on Foreigners will enter into force. According to the Act it will be only necessary to indicate the place of residence in Poland.

Some of the requirements, i.e. the requirement to submit an application for a *residence permit for a fixed period of time* using a special form, signing the application, attaching photos, presenting a valid travel document and legal title to the apartment, are formal requirements of examining the application. If a foreign student submits an application that fails to meet any of the formal requirements, the body competent to examine it requests the student to supplement the application within a fixed period. Otherwise, the application is not examined. If the stamp duty is not paid at the time of filing the application, the foreigner

is requested to pay it, the day s/he will collect a decision at the latest.¹²⁸

The main reason for refusing a given foreign student residence permit on the territory of Poland for a fixed period is the emergence of negative reasons, according to which if:¹²⁹

- 1) a foreigner does not comply with the requirements for granting a residence permit fixed in the *Act on Foreigners*,
- 2) foreigner's data are included on the list of foreigners whose stay on the territory of Poland is undesirable or in the Schengen Information System for the purpose of entry refusal,
- 3) circumstances of the case indicate that the purpose of his/her entry or stay is or will be different than declared,
- 4) s/he failed to get credits for a given year of studies and did not obtain conditional consent to continue the next year or semester of studies (concerns refusals to grant subsequent *residence permit for fixed period of time*),
- 5) it is required for reasons of state defences or security, the protection of public safety and order or it is in the interest of the Republic of Poland,
- 6) s/he submitted an application or attached to it documents containing false personal data or false information in the course of proceedings for granting a residence permit,
- 7) a foreigner has given false testimony or withheld the truth or counterfeited or forged a document which s/he intended

126. In accordance with the Article 2(1) of the *Regulation of the Minister of Labour and Social Policy of 16 December 2009 on minimum amounts required to be held by non-nationals enrolling at or continuing studies and conducting scientific research to cover costs of living within the territory of the Republic of Poland and their return home and on documents that may confirm the possibility of obtaining such funds* (Journal of Laws [Dz.U.] of 2009 No. 222, item 1766).

127. The application must be appended with a declaration to confirm the intent to take up or continue education that states the duration of such education as in the rules of the university and proof that relevant fees have been paid, if required by the educational establishment to take up or continue education.

128. Pursuant to Article 261(4) of the *Code of Administrative Procedure*, the body may nonetheless examine the case (even if the due charges are not paid) if it should be examined immediately for social reasons or for important interest of the party.

129. Article 57(1) and (1a) of the *Act on Foreigners*.

to use or used as an authentic document in the course of proceedings for granting a residence permit,

- 8) s/he has failed to reimburse the removal expenses financed from the national budget,
- 9) s/he was diagnosed with or is suspected to have succumbed to an illness or an infection subject to obligatory treatment pursuant to the *Act of 5 December 2008 on preventing and combating infections and infectious diseases affecting humans* and the foreigner does not consent to the treatment,
- 10) s/he stays on the territory of Poland illegally.

In order to establish whether the above-mentioned ground exist, the competent voivode processing the application *inter alia* requests the Chief of the Border Guard Unit, the Voivodeship Commander-

in-Chief of the Police, the Head of the Internal Security Agency, and, if necessary, the consul competent for the last place of residence of the foreigner abroad or other relevant authorities to provide information on whether the foreigner's entry and stay in the territory of the Republic of Poland poses a threat to the State security or defences or public security or order.

Unlike the visa procedure, the law provides for no facilitations for foreigners holding the Card of the Pole who apply for a residence permit. They apply for the residence permit in accordance with general rules.

The authority examining the application (consul or voivode) may request the foreigner to submit additional documents necessary for in-depth investigation of facts, which confirm the purpose and conditions of planned stay, as well as data and information presented in the application.

Table 6. Foreigners granted residence permit for a fixed period of time in 2011 (by legal basis)

Year	Article 53(1)(16) (full-time studies and PhD studies)	Article 53a(1)(1a) (education)	Article 53a(1)(1b) (vocational training)
2008	4 535	1 442	188
2009	5 272	1 487	113
2010	4 951	1 163	140
2011	4 616	1 162	4140
2012	4 463	1 128	25

Source: Pobył System

Table 7. List of conditions to be met when applying for a visa or for a residence permit for a fixed period of time

Conditions to be met when applying for a visa	Conditions to be met when applying for a residence permit for a specified period of time
electronically registered visa application, printed and filled in	filled-in application for a residence permit submitted on a relevant form
current photographs	
a travel document fulfilling given criteria	a valid travel document (in justified cases - another document confirming identity of a foreigner

Conditions to be met when applying for a visa	Conditions to be met when applying for a residence permit for a specified period of time
a certificate confirming the intention to take up or continue studies (compliant with the template specified in the Regulation)	
documents to confirm having financial means to cover costs of subsistence (at least PLN 1,600 (approx. 400€) or its equivalent in foreign currencies to cover the above-mentioned costs during the period of the first 2 months of planned stay) and financial means to cover the return costs, or documents to confirm a possibility of obtaining such funds legally	documents to confirm that a given foreigner has financial means to cover his/her costs of subsistence and return and the costs of subsistence and return of family members being his/her dependants (at least PLN 800 – approx. 200€ - for each month of stay and additional PLN 456 – approx. 114€ - per family member for each month of stay, as well as PLN 200–2,500 – approx. 50-625€ for covering the costs of return), or documents to confirm a possibility of obtaining such funds legally
documents proving that a foreigner has paid a fee for taking up or continuing studies (if it is required)	
<u>Schengen visa</u> : health insurance coverage amounting to at least EUR 30,000, valid for the entire period of the foreigner's planned stay on the territory of the Schengen area countries; <u>national visa</u> – health insurance within the meaning of the regulations on health care services financed from public funds or a travel medical insurance whose coverage must amount to at least EUR 30,000, valid for the entire period of the foreigner's stay on the territory of Poland	health insurance within the meaning of the regulations on health care services financed from public funds, or a confirmation that the insurer would cover the medical expenses incurred in the territory of the Republic of Poland (insurance policy)
proof of having paid the visa fee: <u>Schengen visas</u> – no fees for students, <u>national visas</u> – 60 € fee (visa fees are waived for Card of the Pole holders and citizens of countries with which Poland concluded international contracts on visa fee waiver or waived the obligation unilaterally)	proof of having paid stamp duty of PLN 340 (approx. 85€) for the permit (when being granted a permit, a foreigner is required to pay an additional fee of PLN 50 (approx. 13€) for issuing a residence card)
documents necessary for in-depth investigation of facts	
documents confirming the data and information presented in the application (e.g. birth certificate)	
facultative – proof of sufficient command of language in which foreigner will follow courses	N/A
foreigner's data cannot be included on the list of foreigners whose stay on the territory of the Republic of Poland is undesirable or in the Schengen Information System for the purpose of refusal of entry	
a foreigner may not be considered a person likely to violate public policy, security, interests of the Republic of Poland or international relations of any Schengen country	a foreigner may not be considered a person likely to violate public policy, security, interests of the Republic of Poland or public health
N/A	foreigner's stay in Poland has to be legal

Source: Own elaboration

The conditions for granting a foreigner a *residence permit for a fixed period of time* are compliant with requirements specified in *Council Directive 2004/114/EC of 13 December 2004 on the conditions for admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service*. With regard to the possibility of requesting a given foreigner to provide the proof

of sufficient knowledge of the language of the course to be followed (Article 7(1)(c) of the above-mentioned Directive), this condition is taken into account by a consul issuing a visa. It is not however required by a voivode who examines an application for a residence permit.

◇ Deadline for issuing documents

In urgent cases, the decision on issuing a visa may be taken within up to three working days (does not apply to all countries – contact with consular post is recommended). However, as a rule it is usually issued within 15 calendar days from the date on which the consul considers the application to be admissible (i.e. after submitting all necessary documents). In individual cases, when it is necessary to carry out further, detailed control of documents, examination of the application may be extended to up to 30 days, and in exceptional cases, when additional documents need to be submitted, this deadline may be extended up to the maximum period of 60 days.¹³⁰

The period of visa validity and the length of permitted stay in Poland, as well as the period of study, depends on the results of application examination carried out by the consul, including length of studies. When determining the visa validity, the date on which a given student starts his/her classes is also taken into account in order to allow for starting classes according to the schedule established by the university.

Despite the fact that Poland does currently use and does not plan to create in the future a systemic, formal and legal solution consisting in introducing a special, fast-track procedure with regard to issuing student visas (this also concerns students qualified to follow a course of study under a specific exchange programme, e.g. Erasmus Mundus, or students from the countries signatory to the *Lisbon Convention*), the Polish consuls seek to shorten the period for issuing a visa in each justified case in order to allow the students to begin their course of study normally.

A problem that emerged with the intensification of interest in Polish visas in the East

130. An application for visa cannot be submitted to the consulate earlier than 3 months before the planned date of arrival to Poland.

(mainly in Ukraine and Belarus) in recent years consisted in queues to the consulates (frequently controlled by “queue mafias”) that made it more difficult to file a visa application and issue a visa in a timely manner. In order to remedy the situation, the Ministry of Foreign Affairs decided to establish new consular posts, introduce an electronic system to register visa applications – the so-called e-consulate (the system provides an opportunity to arrange the date and time of an interview at the consulate, change data or the date of the interview) and start visa outsourcing, i.e. commission accepting visa applications (together with assisting in preparing them and completing the required documents) to third party companies operating on local markets.¹³¹ The e-consulate system has been subject to many hacking attempts by organised criminal groups,¹³² due to which it was frequently the case that dates of visits to consulates were very remote – even several months. At present, the waiting time for a visit to a consulate is about a month.

The system is improved on an ongoing basis and new entries are modified and removed manually if they are suspected of fraud.¹³³ In the states where Visa Application Acceptance Points are located also call centers have been set up that provide information and assist in the visa procedure.

It is important to add that agreements on mutual visa representation signed by Po-

131. Yet, Belarus did not consent to outsourcing and opening new posts, it also blocks increasing the number of Polish consular staff, which we need so much.

132. The attacks consist in mass entering of fictitious names to the e-consulate system (using special scripts that check the availability of dates of interviews with the consular staff) in order to book these dates and sell them. In effect, it is frequently the case that out of 30 people registered via the e-consulate who are supposed to show up at a Polish post, only few actually show up. In Belarus, the scale of such attacks was so large that it was decided to set up dedicated servers and separate domains not to block the system for Polish posts worldwide.

133. Biuletyn Migracyjny [Migration Bulletin] No. 38 – October 2012, *Pan XYZZ o 10:00 po wizę [Mr XYZZ at 10 a.m. to apply for a visa]*.

land with other countries usually include exemptions for issuing visas for the purpose of following a course of studies (agreements on mutual visa representation with Estonia, the Netherlands and Slovakia, which are not applicable to visas issued for educational or other purpose, for which obtaining an earlier permission is necessary, constitute a good example in that regard; agreements with Slovenia and Sweden do not include such exemptions). Therefore, under normal circumstances a foreign student cannot apply for a Polish student visa in a consulate of another country representing Poland's interests on the territory of a third country.

As regards procedures for granting a *residence permit for a fixed period of time*, in line with the *Code of Administrative Procedure* a case which requires explanatory proceedings to be carried out should be settled no later than within a month; for an especially complex case this period should be no longer than two months since the date of initiating proceedings.¹³⁴

Prolonged period of waiting for a decision on granting a residence permit is also caused by the fact that prior to issuing a decision on granting a *residence permit for a fixed period of time*, the voivode is obliged to discuss with relevant authorities the potential impact of a given foreigner's entry and stay on the territory of the Republic of Poland on public policy, defence system or security of the State. These authorities have 30 days to submit the above-mentioned information to the voivode – in especially justified cases this deadline can be extended to up to 3 months, which directly affects the length of procedure.

Fast-track procedure for granting residence permits depending on the specific group of students, including persons following their course of study under EU student exchange

programmes or students from the countries signatory to the *Lisbon Convention*, also cannot be used under this procedure. Applicable *Act of 13 June 2003 on foreigners* does not differentiate between the situation of students from third countries entering Poland individually and students entering Poland under formalised exchange programmes – for this reason all international students are subject to a single procedure, and public authorities examine the applications in line with the principle of equal treatment of all applicants. Therefore, the student will not be required to present documents confirming his/her participation in any exchange programmes, such as e.g. Erasmus Mundus, at any stage of the proceedings, and a voluntary inclusion of such documents in the case files does not have any impact on its settlement, as the provisions do not provide for such preferential treatment.

Usually, all students qualified under the Erasmus Mundus programme or other exchange programmes enter Poland with an appropriate visa and do not have to apply for a residence permit. Occasionally, the exchange period needs to be extended; in such a case visa is prolonged without unnecessary delay on the basis of certificates issued by the university.

◇ **Obligation to appear before the relevant authority in person**

Requirement obliging the applicant for a visa to appear in person and exemption from this requirement is applied on the basis of Article 10(1) and (2) of the *Community Code on Visas*. Therefore, an applicant for a visa has to submit his/her application in person, bearing in mind that submission of a visa application in any Polish consular office has to be preceded by an electronic registration of such application.

The obligation to submit the application in person is meant to allow the consulate employees to assess whether data contained

134. Deadlines provided for in legislation on certain activities, periods of suspension of proceedings and delays due to the fault of the party or due to reasons beyond the control of an authority are not included in the above-mentioned period.

in the application are correct and to ask questions about the travel destination and submitted documents. Regardless of practical circumstances of accepting the application and supporting documents, it is important to obtain the largest possible amount of information from the applicant on this occasion in order to determine the purpose of his/her travel.

However, the consul may waive the obligation to appear in person when the applicant is known for his/her integrity and reliability (Article 10(2) of the *Community Code on Visas*).

Furthermore, on an exceptional basis, a consul may invite the applicant for an additional interview or request him to present additional documents in the consulate. Consular offices generally do not accept documents sent by fax, mail or e-mail. A foreigner is also obliged to appear in person to collect his visa.

A slightly different rules apply with regard to the procedure carried out by the voivode. Application for a *residence permit for a fixed period of time* may be submitted in person in the voivodeship office, its branch offices, contact points for inhabitants, through a plenipotentiary (established on the basis of a written power of attorney or given before an official examining the case; only persons with full capacity to perform acts in law may become a plenipotentiary – 17 PLN – approx. 4€ - fee is required)¹³⁵ or via a letter sent to the office's address. In addition, a voivode may request the foreigner to submit additional explanations or documents in the course of conducted administrative proceedings for granting a *residence permit for a fixed period of time* (following the same procedure as in the case of submitting an application). An employee of the voivodeship office conducting pro-

ceedings in a given case may also summon a foreigner to the office and to request him/her to submit his/her personal explanations. Even though decision on granting a permit can be collected in person, via mail or by a plenipotentiary, in order to collect a residence card a foreigner is obliged to appear in person. However, in line with projected provisions of the new *Act on Foreigners*, acceptable means of submitting an application presented above will be substituted with the obligation to appear in person in the voivodeship office, due to the necessity to take the foreigner's fingerprints (obligation to appear before the relevant authority in person will not exclude the possibility to act as a proxy).

◇ Applying facilitations provided for under the Community Code on Visas with regard to students

Pursuant to Article 16(4)(b) of the *Community Code on Visas*, a Schengen visa fee shall be waived with regard to school pupils, students and postgraduate students who undertake stays for the purpose of study or educational training.

◇ Rules for legalising the stay in case of taking a preparatory course in Polish language

If a given foreigner plans to participate in a year-long preparatory course in order to learn Polish before officially beginning his/her course of study, s/he can choose two different paths to legalising his/her stay in Poland, in addition to the possibility that the consul will grant him/her a relevant visa (*education visa or visa issued for the purpose of training other than bachelor's, master's and doctoral studies or uniform master's studies*). The choice of one of these methods depends primarily on the establishment in which the above-mentioned course is organised. If a foreigner takes part in a course of Polish language organised by the university on which s/he intends to take up regular studies, in line with applicable legislation s/

135. Plenipotentiary authenticated by a notary is required, if party does not submit original document (Article 76a § 2 of the *Code of Administrative Proceedings*).

he acquires student's rights,¹³⁶ and thus the right to apply for the *residence permit for a fixed period of time* on the basis of Article 53(1)(16) of the *Act on Foreigners* (full-time first, second and third degree studies). In the above situation, the case file is supplemented with a certificate from the university confirming the foreigner's admission to full-time studies on a specific faculty, preceded by a year-long course in Polish language. Many universities in Poland has applied this solution for several years now, greatly facilitating the process of legalising foreigners' stay on the territory of Poland.

The e-consulate system has been attacked by hackers several times

On the other hand, if a foreigner takes part in an intensive language course organised by:

- a language school which is not in any way related to a university on which a foreigner intends to take up studies, and
- a given university, with the intention of taking up studies on a different university later on

may apply for a *residence permit for a fixed period of time* due to a circumstance re-

ferred to in Article 53a(1)(1) of the above-mentioned Act – education. A student is obliged to present a certificate confirming his/her status as a language course student in order to fulfil his/her obligations under the above-mentioned procedure.

Despite the fact that the occurrence of the above circumstances does not translate into an obligation to issue a residence permit, according to the employees of the voivodeship offices the students qualified for taking part in preparatory courses have no difficulties in obtaining the above-mentioned permit for the duration of such course. However, a formal difficulty stems from the fact that in light of the *Act on Foreigners* the above-mentioned courses are not treated in the same way as university studies (will be considered upon entry into force of the new *Act on Foreigners*), and therefore a foreigner is required to fulfil other formal criteria, assessed by the employees of voivodeship offices as less beneficial for foreigners, e.g. requirement to hold a legal right to occupied apartment, from which persons applying for a residence permit on the basis of Article 53(1)(16) of the above-mentioned Act are exempted.

However, a formal difficulty reported by voivodes with regard to both methods of legalising stay in Poland described above is the fact that a residence permit for taking part in a preparatory course is issued for the duration of this course (but for no longer than one year), while the decision to admit a student on a given course of study is frequently taken in the last week before s/he takes up studies, which means that in the last week in which his/her visa/permit remains valid. Therefore, it is difficult to submit an application for a residence permit for the period after the completion of the course in compliance with the 45-day period specified in relevant legislation. The situation will change when the new Act on Foreigners, which lifts the time restriction for submitting the application, enters into force.

136. Persons participating in such course do not hold a student status (they are considered to be unenrolled students), but on the basis of student cards provided to them by the university they are treated as students studying on the "zero" year of studies.

2.3. Reasons for refusals to issue visas or to grant a residence permit

The most common reasons behind refusals to grant student visas¹³⁷ are:

- inconsistency of data and information presented in the visa application with the actual purpose of travel;
- lack of basic documents entitling a given person to take up studies at a given degree level, e.g. in China it is necessary to present a high-school diploma and the results of the national universities' exam (the so-called Gao Kao) – the equivalent of a secondary school-leaving examination, which jointly entitle a given person to apply for admission to university studies in China;

137. In line with Article 30(1) of the *Act of 13 June 2003 on Foreigners*, a foreigner shall be refused the issue of a national visa, if:

- his/her data are recorded on the list of foreigners whose residence on the territory of the Republic of Poland is undesirable or the Schengen Information System for the purpose of refusal of entry,
- s/he does not have sufficient means of subsistence for the duration of the intended stay on the territory of the Republic of Poland or for the return to the country of origin or residence or for the transit to a third country, into which she is certain to be admitted, or a possibility of acquiring such means lawfully,
- s/he is not covered by health insurance in the meaning of the provisions on healthcare services financed from public funds or by travel medical insurance for the minimum amount of EUR 30,000, valid for the entire duration of intended stay on the territory of the Republic of Poland, in which the insurer undertakes to reimburse the health service provider directly for the costs of medical services provided for the insured, based on the bill issued by this provider,
- his/her entry or stay on the territory of the Republic of Poland may pose a threat to the State security or defences or public security or order or may violate the interests of the Republic of Poland,
- his/her travel document does not meet certain criteria, except for the situation in which such criteria were waived due to the legitimate interest of a foreigner,
- s/he submitted an application or attached to it documents containing false personal data or false information,
- s/he has given false testimony or withheld the truth or counterfeited or forged a document which he/she intended to use or used as an authentic document,
- s/he did not justify the purpose or conditions of intended stay,

- forgery of documents, diplomas, certificates confirming knowledge of a foreign language and certificates of completed vocational or preparatory courses;
- insufficient knowledge of English or of the course of study which a given foreigner is meant to attend (applicants are unable to specify e.g. the duration of their course of study, employment perspectives, do not know whether university degrees issued in Poland will be recognized in their home country), verified during the interview between the applicants and the consul.

After analysing premises which constituted the basis for issuing a negative decision in proceedings for granting *residence permit for a fixed period of time*,¹³⁸ it needs to be stated that until now the most frequent reasons for a refusal to grant a residence permit to international students included: insufficient amount of funds to cover costs of subsistence and return (including also costs of studies/education) and the failure to obtain all credits for a given year or studies combined with the lack of conditional consent to continue studies during the next year/semester (in case of applying for subsequent residence permit), which resulted in the expulsion of a given foreigner from the university.

Employees of voivodeship offices with varying frequency pointed also to other reasons for a refusal to grant the above-mentioned permit:

- lack of health insurance,
- submission of the application later than 45 days before the end of the period of legal stay in Poland (with regard to the first and subsequent application),
- overstaying a visa or residence permit,

138. Conditions for granting or refusing to grant a residence permit – see: p. 68-70.

- failure to supplement necessary documents which have to be submitted in the course of the procedure by a foreigner, despite sending a notification in that regard (this usually happens when a person is applying for a *residence permit for a fixed period of time* for the first time),
- submission of an application or attachment of documents containing false personal data or false information by an applicant,
- lack of documents confirming the legality of stay on the territory of the Republic of Poland.

It should be noted that submission of an appeal by a foreigner together with missing documents, confirming that s/he complies with the conditions for granting the relevant permit, will lead to a successful appeal, i.e. the previously issued decision will be changed. Therefore, if in the course of an appeal procedure a foreign student submits e.g. a proof of holding enough funds to cover the costs of stay, studies and return, proof of having met relevant insurance conditions, the second-instance body will usually repeal a negative decision of the first-instance body and grant a given student the permit s/he applied for.¹³⁹

What is important is that international students belong to a category of foreigners with a relatively low percentage of refusals in proceedings for granting a *residence permit for a fixed period of time*.

2.4. Fees for higher education in Poland¹⁴⁰

Taking into account the financial conditions on which foreigners can study in Poland, they can take up studies as beneficiaries of scholarship, free of charge and with no scholarships or for a fee.

In case of foreigners whose studies require paying a tuition fee or foreigners studying in a foreign language, the minimum annual tuition fee¹⁴¹ amount to, respectively:

- 1) on bachelor's and master's studies or on uniform master's studies – EUR 2,000,
- 2) on doctoral and postgraduate studies, postgraduate medical internships, scientific and artistic internships, dedicated training courses and habilitation placements – EUR 3,000,
- 3) supplementary trainings and student internships – EUR 3,000,
- 4) fees for taking part in a language course, including preparatory course for studying in Polish – EUR 2,000;
- 5) in research institutions of the Polish Academy of Sciences, scientific and research units and organisational units having the status of research and development unit, as well as the Polish Academy of Arts and Sciences – the amount

139. Information provided by the voivode of Lubelskie Voivodeship indicate that in such circumstances, in line with the Code of Administrative Procedure, he uses the possibility to amend a decision in favour of the applicant before submitting an appeal to the second instance.

140. General note: in line with the Polish legislation, full-time Bachelor, Master and Doctoral studies at public universities (as opposed to studies at non-state universities) are free of charge for the Polish citizens, as well as for the citizens of EU, EEA and Switzerland and the holders of the Card of the Pole. All students are obliged to pay for non-stationary studies and postgraduate studies. Universities may also introduce fees for classes conducted in foreign languages. However, they are frequently free of charge for the above-mentioned categories of people.

141. Presented fees for studies were introduced in 2002 and have not been changed since then.

of fee established for a given form of university education.¹⁴²

Furthermore, an additional one-off (recruitment) fee of EUR 200 has to be paid together with the fee for the first year of study. Upon substantiated request of a foreigner (e.g. when taking up a second, parallel course of studies or other form of education or demonstrating a difficult financial situation – low income levels, incomplete family etc.), the university vice-chancellor may reduce the above-mentioned fees or waive them completely.

Taking into account the way in which higher education fees are organised in Poland, in practice the amount of such fees differs depending on the university or the course of studies, their level and programme, frequently exceeding the values presented above (sometimes reaching the amount of EUR 6,000, and on certain medical, technical courses of study or MBA programmes even by approx. EUR 8,000 - 12,000 per academic year).

Foreigners of Polish origin (in the meaning of the Article 5 (1-3) of the *Act of 9 November 2000 on Repatriation*), taking up paid studies in the Polish language have their fees reduced by 30%.

2.5. Rights granted to international students

2.5.1. Access to labour market

While describing the rights of international students with respect to the access to the labour market, it must be noted that foreigners residing in Poland based on residence permit granted in relation to full-time studies or doctoral studies (pursuant to Article

53(1)(16) of the *Act on Foreigners*) enjoy the most extensive rights in this regard, since they have the right to work in Poland without a work permit.¹⁴³ The same situation also applies to students who are holders of the Card of the Pole¹⁴⁴ and students who work in the framework of selected types of internships or placements,¹⁴⁵ cooperation of public employment services and their foreign partners¹⁴⁶ or students participating in summer work programmes organised in cooperation with the ministry in charge of labour.¹⁴⁷

The legal situation is different for students being holders of other documents authorising them to stay in Poland, i.e.

- Foreigners holding a residence permit granted in relation to taking up education - Article 53a(1)(1a) of the abovementioned Act, including i.a. post-graduate and part-time studies and yearly preparatory courses for studies in Polish, as well as
- Foreigners staying in Poland based on a visa.

They are still subject to certain restrictions in access to the labour market. They can work without the work permit only during

143. Article 87(2)(1) of the *Act of 20 April 2004 on employment promotion and labour market institutions*.

144. Article 6 (1)(1) of the *Act of 7 September 2007 on Card of the Pole*.

145. Internships for which they are sent by organisations that are members of international student associations, six-month placements provided for in the rules of studies or the curriculum, organised in the framework of an agreement between a foreign university and the employer, registered at a poviat labour office, or placements provided for in the rules of studies or the curriculum, if a university or vocational university sends a student for such placement (if the foreigner is a student of a university in an EU/EFTA Member State).

146. If the need to entrust work to a foreigner has been confirmed by a competent employment body.

147. *Regulation of the Minister of Labour and Social Policy of 20 July 2011 on the cases in which the assignment of work to a foreigner in the territory of the Republic of Poland shall be permitted without obtaining a work permit*.

142. §17 of *Regulation of the Minister of Science and Higher Education of 12 October 2006 on foreigners undertaking and pursuing studies and training and their participation in scientific research and development work*.

academic holidays (July-September).¹⁴⁸ In addition, what is of utmost importance, the above refers only to foreigners who are full-time students of Polish higher education institutions.¹⁴⁹ Therefore if part-time students wish to work, they need to obtain a work permit.

It should be noted that regardless of the residence title, the following persons have unconditional access to the labour mar-

School pupils, students and postgraduate students are exempt from paying a fee for issuing Schengen visa

ket: graduates of Polish upper secondary schools, full-time studies or full-time PhD studies at Polish universities, at research institutes of the Polish Academy of Sciences or research institutes operating pursuant to provisions on research institutes.¹⁵⁰

In addition, foreigners who stayed in Poland legally¹⁵¹ for three years before submitting

the application for a work permit (and the stay was continuous) are granted a work permit by the voivode regardless of the conditions on the local labour market,¹⁵² which in practice facilitates access to the labour market for senior-year students who stay in Poland on the basis of a visa.

It is worth noting that the citizens of Ukraine, Belarus, Russia, Georgia and Moldova, are - under certain conditions - exempt from the obligation to have a work permit while performing work,¹⁵³ even if they reside in Poland based on a visa or a residence permit granted pursuant to Article 53a(1)(1a) of the abovementioned Act.

Although the Polish law does not restrict the number of hours which international students can work or the type of such work, it is possible to revoke a foreigner's residence permit or refuse issuing another confirmation of the status of a student if work becomes his/her primary objective of staying in Poland.

It is worth noting that international students, being third-country nationals, are not entitled to protection due to unemployment (benefits and other allowances). It is planned to introduce changes in the area, *inter alia* to grant the right to use labour market services excluding the right to benefits.¹⁵⁴

2.5.2. Self-employment possibilities

As with taking up work, different rules apply to taking up economic activity by inter-

148. In other months they must have a work permit, granted in line with general rules. The procedure for granting the work permit is initiated at the request of an employer. The foreigner staying legally in Poland is not required to leave its territory to obtain a permit.

149. §1(11) of the *Regulation of the Minister of Labour and Social Policy of 20 July 2011 on the cases in which the assignment of work to a foreigner in the territory of the Republic of Poland shall be permitted without obtaining a work permit* (Journal of Laws [Dz. U.] of 2011, item 919).

150. See above - § 1(17).

151. Except when the foreigner stays in a guarded centre or in a detention facility, or in the case of foreigners who have been covered by a preventive measure in the form of a ban on leaving Poland or arrested to execute verdicts issued pursuant to acts (their stay is then considered legal).

152. Article 88c(8)(2) of the *Act of 20 April 2004 on employment promotion and labour market institutions*.

153. *Ibidem* §1(12). Citizens of Ukraine, Belarus, Russia, Georgia and Moldova have the right to work without a work permit for 6 months within 12 months. It is possible when an employer registers the declaration on the intention to employ the foreigner at the labour office which includes all the elements listed in a regulation and under condition that performing work is based on an agreement concluded in writing.

154. The change will be introduced by way of an amendment to the *Act on employment promotion and labour market institutions* resulting from the adoption of the new Act on Foreigners in 2013.

national students in Poland depending on the type of permit for residence in Poland that they hold. Therefore, only the foreigners being full-time studies or PhD studies, who were granted the *fixed permit for a specified period of time* on those grounds (Article 53(1)(16) of the *Act on Foreigners*),¹⁵⁵ can take up and conduct economic activity in Poland according to the same rules as Polish citizens (including as sole proprietorships carried out by a natural person – one of the most popular forms of business activity among Poles). Similar rights are granted to persons holding a valid Card of the Pole.

However, other international students do not have those rights. They include:

- Foreigners holding a residence permit granted in relation to taking up education - Article 53a(1)(1a) of the abovementioned Act, including i.a. post-graduate and part-time studies, yearly preparatory courses for studies in Polish; as well as
- Foreigners staying in Poland based on a visa.

The abovementioned persons have the right to take up and conduct economic activity only in the following forms:

- » limited partnership;
- » limited joint-stock partnership;
- » limited liability company;
- » joint-stock company;

as well as to join such partnerships and companies and to acquire or purchase their units or shares, unless stipulated otherwise in international agreements.

In this context, it should be noted that when a foreigner graduates in Poland and his/her residence status changes, also the extent to which s/he is permitted to pursue economic activity in Poland is restricted (it becomes the same as in the case of foreigners who hold a residence permit granted for taking up studies and staying in Poland on the basis of a visa), which may result in a situation where the foreigner would have to wind down his/her economic activity in its current form.¹⁵⁶

2.5.3. Access to social insurance benefits

The provisions of the *Act of 13 October 1998 on the social insurance system* do not make the insurance coverage conditional on particular citizenship, place of residence or type of document granting the right to stay in Poland. However, they take into account the fact of conducting non-agricultural¹⁵⁷ economic activity in Poland or entering into an employment relationship with a Polish entity or entering into some other contract resulting in the social insurance obligation and performing work under such contract on the territory of Poland.

Pursuant to Article 6(1) of the abovementioned Act, all persons (including international students) who are i.a. employees, contractors or persons conducting non-agricultural economic activity are subject to obligatory social insurance.¹⁵⁸

A foreigner employed in Poland is not subject to Polish legislation on social insurance only if it is so stipulated in an international agreement on social security to which Poland is a party¹⁵⁹ (the provisions of such an

155. Article 13(2) of the *Act of 2 July 2004 on the freedom of economic activity* (Dz. U. of 2010, No. 220, item 1447, consolidated text).

156. K. Naranovich (ed.), *Roadmap for...* [pL Mapa drogowa...], op.cit., p. 108.

157. Farmers are subject to different rules on social insurance in Poland, because the social insurance scheme for farmers is separate from the general social insurance system.

158. *Act on social insurance system* stipulated that social insurance may be obligatory, voluntary or may not apply.

159. Poland signed agreements on social security with

agreement prevail over the provisions of the *Act on the social insurance system*). It may happen that, despite working on the territory of Poland, a foreigner is covered by the social insurance system of his/her country.

It is also worth noting that particular principles apply to students¹⁶⁰ (Polish and foreign ones) who work under a contract of mandate¹⁶¹ as the obligatory social insurance (as well as health insurance) does not cover them if they are under 26 years of age. However, they have the right to be covered by voluntary pension and disability insurance (provided that they are not subject to such insurance on other grounds).¹⁶² If a student works under an employment contract or conducts economic activity, social and health insurance premiums are charged as in any other case. Therefore, employers willingly employ this groups of persons based on contracts of mandate, since it allows them to minimize own costs (students on the other hand prefer contracts for a specific work).

2.5.4. Employment conditions

The non-discrimination principle is stipulated in the Polish Labour Code. According to the principle, any discrimination in employment, in particular in respect of sex, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religious convictions, sexual orientation or due to employment for a definite or an indefinite period, or on a full-time or a part-time basis, is prohibited.¹⁶³ This means that all employees, including international students working during their studies, should be equally treated in employment relationships in terms of:

- establishment and termination of employment relationships;
- employment conditions (concerning i.a. norms and work time and period of daily and weekly rest, holiday entitlement, minimum salary, allowance for working overtime, health and safety at work, rights of employees related to parenthood);
- promotion;
- access to training in order to improve professional qualifications.

2.5.5. Access to health care

The public health care services financed from public funds are available to persons insured at the National Health Fund.¹⁶⁴ In Poland, there is both obligatory and voluntary health insurance.¹⁶⁵ Free of charge health care services are available to the insured persons and in case of non-insured ones, including foreigners, to persons who are under 18 years of age and to women during pregnancy, childbirth and postpartum period.

Pursuant to the *Act of 27 August 2004 on health care services financed from public funds*,¹⁶⁶ the right to voluntary health insurance (which entails paying around PLN 50 (approx. 13€) a month for insurance) is granted both to international students and doctoral students studying in Poland and to graduates who are on an obligatory in-

such countries as Macedonia, Canada, USA, South Korea, Australia and Ukraine.

160. This refers only to students on bachelor's or master's degree studies and on uniform master's studies.

161. A contract of mandate is a civil law contract regulated in the *Civil Code*.

162. Article 7 of the *Act of 13 October 1998 on the social insurance system*.

163. Article 11 of the *Labour Code*.

164. The National Health Fund is the institution, which is responsible for financing health services available to insured persons and assuring refund of medicines.

165. The difference between the two types of health insurance concerns the institution/person responsible for paying the health insurance contribution for the insured. In the case of obligatory health insurance, the health insurance contribution for an insured person is paid by another entity, i.e. employer, Labour Office, school or higher education institution, etc., whereas in the case of voluntary health insurance, the health insurance contribution is paid by the insured themselves.

166. Journal of Laws [Dz. U.] of 2008, No. 164, item 1027.

ternship in Poland. The voluntary insurance may also cover foreigners who are on courses preparing them to start education in Polish.

The foreigners participating in other forms of education in Poland (including post-graduate studies) can enter into a voluntary agreement with the National Health Fund, provided that they stay in Poland based on a *residence permit for a fixed period of time*.¹⁶⁷

A group of students who received special rights to use health care services financed from public funds consists of student with a documented Polish origin within the meaning of the provisions on repatriation. They can apply to the higher education institution where they study for the payment of the insurance costs (the institution pays a contribution to the National Health Fund and obtains the reimbursement of the cost of insurance from the state budget).

After entering into an insurance agreement with the National Health Fund and selecting their “basic health care” doctor, all the above described categories of international students have the same rights of access to public health care services as Polish students.

All international students may also conclude agreements for health insurance with any private insurance company that offers such insurance.

2.5.6. Access to social assistance

The principle of the Polish legislation is that only Polish citizens are entitled to use social assistance. However, there are several exceptions. Those exceptions do not refer directly to all international students. However, international students may benefit from Polish social assistance, if they belong to a category of foreigners residing in Poland based on:

- a permit to settle,
- a long-term EU residence permit,
- a permit for residence for a fixed period granted to a foreigner who obtained a status of long-term EU resident in another EU Member State and came to Poland in order to e.g. work, start up economic activity, continue studies or professional training;
- a refugee status or subsidiary protection granted in Poland;
- a permit for tolerated stay obtained in Poland - in this case services offered include only shelter, meal, necessary clothing and designated benefit.

The right to benefits in the form of crisis intervention, shelter, meal, necessary clothing and designated benefit is also granted to foreigners who are victims of trafficking in human beings or presumed victims of trafficking in human beings and who meet the conditions for granting a *residence permit for a fixed period of time*, as laid down in the *Act on Foreigners*.¹⁶⁸

2.5.7. Financial assistance for international students

Only selected categories of international students taking up education in Poland can apply for financial assistance available to Polish citizens (i.e. maintenance grants, special scholarships for the disabled, scholarship of the chancellor for best students, scholarship of the minister for achievements), namely: students holding long-term residence permits (including permit for settlement and long-term EU residence permit issued by Poland or other EU state), persons covered by international protection or who were granted residence permit for family reunification.

¹⁶⁷ The basis for calculating the contribution is the amount of declared monthly income, which cannot be lower than the average salary.

¹⁶⁸ Article 5 and 5a of the *Act of 12 March 2004 on social assistance* (Dz. U. of 2009 No. 175 item 1362, as amended).

The situation is different in the case of persons holding a valid Card of the Pole who study in line with the rules binding for Polish citizens (i.e. according to the qualification procedure for Polish students). They have the right to apply for all types of financial assistance available for students and doctoral students being Polish citizenship.¹⁶⁹

Once a foreigner graduates and his/her residence status changes, the extent to which s/he is permitted to pursue economic activity in Poland is restricted

2.6. Nature of employment during the studies

Due to the nature of Polish regulations on international students' access to the labour market (exempting a significant group of people from the obligation to have a work permit) and economic activity, as well as the method of aggregating the relevant data (statistics on the number of work permits issued or the number of self-employed in Poland do not provide information on the entitlement to residence of the foreigner or the category of foreigners to which a given person belongs), the systemic monitoring of the phenomenon is not possible. The relevant information is provided only by scientific re-

search. However, it describes only a part of the reality and does not allow to formulate clear-cut conclusions.

The studies conducted under the project entitled "*Educational migrations to Poland - social and economic consequences*", carried out in 2009 and 2010 by the Centre of Migration Research of the University of Warsaw,¹⁷⁰ show that a significant percentage of international students covered by the study had some experience with participation in the Polish labour market, by performing paid work, both legally and illegally, during the studies (according to respondents, as many as 40% of them had only an oral employment contract, and 20% a civil law contract, i.e. a contract concluded pursuant to the Civil Code). The types of work most often performed by respondents included:

- temporary manual labour;
- child care;
- translation/interpreting;
- work in the restaurants/catering sector;
- IT classes.

It is worth noting that the type of work performed by foreigners studying in Poland was not much different from that performed by Polish students, apart from probably more frequent cases of offering private

¹⁶⁹. Holders of a valid Card of the Pole, who take up education in Poland in line with the procedure and conditions other than those binding for the citizens of the Republic of Poland (as scholarship holders of Poland, the referring party, higher education institution, for a tuition fee or without a fee and without scholarships) cannot apply for scholarships and do not have the right to apply for social financial assistance and special scholarships for disabled persons.

¹⁷⁰. The study included:

- a quantitative study performed based on a questionnaire in ten Polish higher education institutions (University of Warsaw, Warsaw University of Technology, Medical University of Białystok, The John Paul II Catholic University of Lublin, School of Law and Public Administration in Przemyśl-Rzeszów, Maria Curie-Skłodowska University in Lublin, Warsaw School of Economics, Alcide De Gasperi University of Euroregional Economy in Józefów, Warsaw University of Life Sciences) - a total of 256 questionnaires were collected; and
- a qualitative study performed on 10 foreign graduates of Polish higher education institutions and with experts having extensive knowledge about international students in Poland.

foreign language lessons and translation work.¹⁷¹

Work during the studies in Poland was common among students of Polish origin and students speaking Polish. Students from Africa and Asia were at the other extreme with their economic activity being marginal and limited. It seems that due to the nature of work performed most often by international students (catering sector, child care and other temporary work), as identified in the study, the knowledge of Polish is the most important factor for finding employment. This does not concern only private foreign language lessons and translation/interpreting.

The study showed that in general respondents were not aware that they can take up a job without having a work permit.¹⁷²

It also must be emphasized that students (both Polish and foreign) usually work during holidays and use the earnings from the work for maintenance during the academic year.

2.7. Foreign student's family members

2.7.1. Right to family reunification

Family members of international students studying in Poland may use the family reunification procedure according to general rules, i.e. after at least two years of the stay of main family member in Poland on the basis of the *residence permit for a fixed period of time* (granted due to the circumstance set out in Article 53(1)(16) and Article 53a(1) (1a) of the *Act on Foreigners*), also directly before filing the application for a residence

permit for a family member – on the basis of the residence permit longer than a year¹⁷³ (at present, such a permit is issued to international students for up to one year; thus, there are situations where such a permit is issued for a shorter period of time, which makes it impossible to meet one of the basic criterion of family reunification).

To reunite with family, a foreign student may submit a application for granting his/her family members a *residence permit for a fixed period of time* to the voivode (competent for the foreigner's place of stay). The application must be appended with the following:

- documents to confirm s/he has a stable source of regular income which suffices to cover his/her maintenance costs and the maintenance costs of his/her dependent family members,¹⁷⁴
- legal title to the apartment where the applicant stays or intends to stay (the legal title to the apartment where the applicant stays or intends to stay may not be an agreement on lending for use, unless the lender is the foreigner's descendant, ascendant, spouse, spouse's parents or the foreigner's siblings),¹⁷⁵
- documents to confirm holding health insurance within the meaning of the regu-

173. In addition, residence permits for a fixed period of time for the purpose of family reunification are granted to family members of international students living in the Republic of Poland on the basis of other stay documents, i.e. a permit for settlement, permit for EU long-term resident's stay, residence permit for a fixed period of time to perform work in a profession that requires high qualifications, or refugees or in connection with granting subsidiary protection. Yet, it concerns instances where the foreigner stays in Poland for an extended period of time or where taking up studies is not the main reason for entry to Poland – Article 53(1) (7) of the *Act of 13 June 2003 on Foreigners*.

174. The income, less accommodation costs, per one dependent family member must be higher than the income threshold for welfare assistance eligibility pursuant to the *Act of 12 March 2004 on social assistance* (i.e. higher than PLN 456 – approx. 114€ per family member).

175. Draft Act on Foreigners provides for lifting this obligation.

171. C. Żołędowski (ed.), *International students in Poland, motivations for coming, assessment of their stay, plans for the future* [pl. *Studenci zagraniczni w Polsce, motywy przyjazdu, ocena pobytu, plany na przyszłość*], op. cit., p. 162-168.

172. Ibidem, p. 187-188.

lations on health care services financed from public funds, or a confirmation that the insurer would cover the medical expenses incurred in the territory of the Republic of Poland,

- documents necessary to confirm the data in the application and the circumstances that justify applying for the *residence permit for a fixed period of time*, such as:
 - » copy of the marriage certificate (together with sworn translation) – if the application concerns a spouse,

The studies carried out by the Centre of Migration Research (University of Warsaw) show that a significant number of international students had work experience in Poland

- » copy of a birth certificate of the child – depending on the situation:
 - of the foreigner and his/her spouse, also of an adopted child,
 - of the foreigner who submits the application, also of an adopted dependent child over whom the foreigner exercises actual parental authority,
 - of the person to whom the foreigner is married, and the marriage is recognised by the law of the Republic of Poland, also of an adopted dependent child over whom the foreigner exercises actual parental authority,

- » final court decision confirming that a minor child has been adopted (depending on the situation),
 - » consent of the people who exercise parental authority over a minor foreigner who applies for a residence permit for a specified period of time (together with sworn translation),
 - » certificate of compliance with tax obligations towards the State Treasury (certificate from a competent Tax Office),
- proof of paying stamp duty of PLN 340.00 (approx. 85€) for the permit.

A family member reunifying with a foreigner residing in Poland presents a valid travel document (passport) or provides a true certified copy thereof.¹⁷⁶

In this case, a family member of a foreigner is:

- his/her spouse (if the marriage is recognised by Polish law),
- a minor child, also an adopted child:
 - » of the foreign student and his/her spouse,
 - » of the foreign student, if the child is a dependent child and over whom s/he exercises actual parental authority,
 - » of the foreign student's spouse, if the child is a dependent child and over whom s/he exercises actual parental authority.

¹⁷⁶ In justified cases, when foreigners do not have a valid travel document (passport) or it is impossible to obtain one, they can present another identity document or provide a certified true copy of the document.

2.7.2. Right granted to foreign student's family members

◇ Access to the labour market and possibility to run an economic activity

A foreign student's family member who arrive in Poland for the purpose of family reunification (according to the procedure described in subsection 2.7.1) can perform work in Poland without a work permit. When it comes to taking up employment that is permanent or based on a civil law agreement, they are treated the same as Polish citizens. They can also set up and pursue economic activity in Poland following the same rules as Polish citizens.

Yet, they are not eligible to unemployment benefits or other such benefits.

◇ Access to health care

International students cannot cover their family members with their health insurance. It means that the health care insurance contribution paid by international students does not cover his/her family members. If they wish to use health care services financed from public funds, they must have voluntary health insurance which means that they have to pay the insurance themselves.

◇ Access to social assistance

Foreigners coming to Poland for the purpose of reunification with a family member who is a foreign student are not eligible to welfare benefits.

◇ Access to education

In Poland, education is compulsory from the age of 7 until graduation from a lower secondary school, but not longer than until 18.¹⁷⁷ The obligation covers all foreigners,

regardless of their legal status and the basis for staying in Poland, also children coming to live with a foreign student under the family reunification procedure.

All minor foreigners staying in the territory of the Republic of Poland are covered by education and care in public kindergartens (children aged 3-6), in public primary schools, lower secondary schools, public art schools and public post-lower secondary schools until they turn 18 or until they graduate from a post-lower secondary school following the same rules as Polish citizens (free of charge). Foreign parents can also place their children in private kindergartens and schools, but then they must comply with the requirements and recruitment rules adopted by a given establishment (fees, admission limits, etc.).

Different rules apply to education in establishments such as public post-upper secondary schools and the rules of teacher training. Family members of a foreign student can attend such establishments:

- As scholarship holders who receive scholarships granted by the minister competent for educational and pedagogical matters;
- As scholarship holders who receive scholarships granted by the authority running the school, teacher training institution or establishment, or by the principal of the school, teacher training institution or establishment;
- Against payment.

Students who do not speak Polish or whose command of Polish is not adequate have the right to attend additional free Polish classes organised by a *gmina* competent for their place of residence. The body running a school can also organise additional

177. If the child is below 18, having graduated from a lower secondary school he/she continues compulsory education in a post-lower secondary school/ Students who graduate from a post-lower

secondary school before turning 18 can also continue compulsory education by attending a university.

remedial classes for international students to help them make up for curricular gaps or delays with respect to curriculum. Remedial classes cover the subjects taught at a given school at a given education stage. In addition, diplomatic or consular posts of foreigners' countries of origin accredited in Poland and cultural and educational associations representing a given nationality may, in cooperation with the principal of the school and with the consent of the body running the school, organise classes in the language and culture of the country of origin for a given group of foreigners in the school.

Family members of an international student can study or take up other forms of education at Polish universities following the rules and conditions other than those applying to Polish citizens. As to financial terms, those foreigners can study at Polish universities:

- As beneficiaries of scholarship granted by Poland;
- Free of charge and with no scholarships;
- Against payment;
- As beneficiaries of scholarship granted by the sending state, free of charge.

◇ Access to family benefits and disability pensions

The family members of a foreign student are not entitled to family benefits, unless they reside in Poland on the basis of permit for settlement, long-term EU residence permit, residence permit for a specified period of time granted to a foreigner - long-term EU resident in other EU country or they were covered by international protection in Poland as well as bilateral agreements on

social security concluded by Poland grant a right to this kind of benefits.^{178 179}

Summing up, the conditions on which international students can exercise the right to family reunifications are akin to those applicable to other groups of migrants. Family members of a foreign student (spouses and minor children) enjoy a relatively broad range of rights and freedoms. They have vast access to areas that are key from the point of view of their needs, i.e. the labour market and the educational system. It allows relatively smooth integration in the host country.

There is no evidence that the right to family reunification and the conditions of exercising the right in Poland are important factors that influence the decisions of international students to come to Poland. It is confirmed by the employees of Offices of the Voivode who say that the number of international students who come to and stay in Poland with their families is very low.¹⁸⁰ The matter has not been analysed in the framework of any studies of the foreign student community in Poland.

178. Article 1(2)(2) and (3) of *Act of 28 November 2003 on family benefits* (Dz. U. [Journal of Laws] of 2006, No. 139, item 992, as amended).

179. These persons are eligible to family benefits if they have been living in the Republic of Poland for the benefit period, when they receive family benefits, unless the provisions on the coordination of social security systems or bilateral international agreements on social insurance stipulate otherwise.

180. An interesting case was described for Lubelskie Voivodeship, where female students from Saudi Arabia are also accompanied by a male family member (father, brother, less often husband) having a relevant certificate from the Embassy of Saudi Arabia on the purpose of stay and source of income (usually a government scholarship). In individual cases, also students from other countries are accompanied by their family members (spouses, children), such as Ukraine, Taiwan, US.

2.8. Conditions and rules of foreigners' stay in Poland after graduation from a university

The current provisions of the *Act on Foreigners* do not provide for extending foreigners' stay in Poland after graduation and for a separate stay legalisation path intended solely for graduates of Polish universities. Graduates can apply for the right to stay in Poland on the basis of a *residence permit for a fixed period of time* according to general rules,¹⁸¹ i.e. on the grounds listed in the Act, such as being employed, running economic activity,¹⁸² undertaking traineeship, performing voluntary work or marriage to a Polish citizen. When there are no such grounds, the foreigner must leave Poland.

In practice, in order to extend his/her stay after graduation on the basis of, for example, being employed, a foreign student must start working still while studying and continue working until graduation. A foreigner can also prolong his stay in Poland without the need to leave if an employer makes a commitment to employ him/her straight after graduation.

It is a major facilitation that graduates of full-time studies at Polish universities have been exempt from the obligation to have a work permit. Regardless of the above, during the procedure for granting subsequent *residence permit for a fixed period of time* the foreigner must prove that there is a reason that justifies his/her residence in Poland for a period longer than three months. The foreigner must also meet other requirements for a residence permit provided for in the *Act on Foreigners*.

181. In such cases, the permit is issued for up to two years. It is important to note that the draft new Act on Foreigners extends the period to three years.

182. In this case, there are certain restrictions, since a foreigner who is not a student anymore can conduct the activity to a more limited extent, which often requires registration of the activity in a different form (see: subsection 2.5.2).

It should also be noted that only half of the period of studying in Poland is included in the period of stay necessary to obtain the status of EU long-term resident (it concerns the people staying in Poland on the basis of a *residence permit for a specified period of time* as well as people having a student or education visa), but periods outside Poland (e.g. during holidays) are accounted for in full. One cannot apply for the status during the studies.

Yet, the current legal solutions in the area are soon to change as the draft new Act on Foreigners introduces the possibility to grant a temporary residence permit for one year to foreigners who graduated from a Polish university (have graduation diploma) and plan to seek employment in Poland.

The change in the approach to the matter proves that Poland plans to encourage specialists to stay in Poland.

2.9. Initiatives aimed at better adjustment of international students' skills to the needs of the labour market

In order to characterise the measures taken for better adjustment of qualifications of international students to the current needs of the labour market, first of all they should be perceived in a much wider context of similar measures taken for the benefit of all (Polish and foreign) students who take up studies in Poland. It is related to the fact that Poland has recently embarked on an extensive reform of university education. One of its purposes is to respond to problems increasingly frequently faced by graduates with finding employment, including increasing the number of graduates from scientific and technical-related faculties.

The reform was introduced by adoption by the Sejm of the *Act of 18 March 2011 amending the Act – Higher Education Law*,

the Act on academic degrees and the academic title in the field of art and amending certain other acts¹⁸³ that entered into force on 1 October 2011. The Act provides for a number of solutions aimed at better adjustment of the process and effects of education of all students (Polish and foreign) to the needs of the labour market. The measures are to stimulate closer cooperation between universities and employers by changing the organisation of education and university curricula. In several years, they are to result in better preparation of graduates to enter the labour market.

The draft Act on Foreigners introduces the possibility to grant one-year long residence permit to graduates seeking employment in Poland

It is important that the reform changed the philosophy behind the approach to the Polish educational offer. The autonomy of universities in terms of drafting their curricula increased considerably as they now enjoy freedom in creating original fields of study, also fields that merge different elements. Universities can also include people representing social, economic and public organisations in the process of creating practical curricula. Every student is to have an opportunity to acquire knowledge and skills in entrepreneurship and be able to choose, in the framework of additional 30 ECTS points, additional topics (courses) s/he finds interesting, which will improve their professional qualifications without the need to take up another major.

The Act also introduced an obligation for universities to monitor graduates' careers to support adjusting the educational offer to the labour market needs and established the post of Ombudsman for Graduates' Rights who works to reduce barriers in access to work.

The new mechanisms were introduced on the basis of the European Qualifications Framework (description of the effects of education year by year), thanks to which the diplomas from Polish universities are to be comparable with diplomas from other European countries.

In this context, it should also be noted that a very interesting solution was introduced: a programme of so-called 'ordered fields of study' was introduced in 2008. Under the programme, universities can apply for additional funds to launch fields of study that are considered strategic from the point of view of the Polish economy,¹⁸⁴ following a dialogue with economic partners.

Considering the schedule of changes in the Polish university education system,¹⁸⁵ it is now impossible to point to their measurable effects. Initial effects of the measures will only be visible several years from now.

2.10. Abuse concerning the entry and stay of international students in Poland

With the increasing number of international students attending Polish universities, migration authorities detect an increasing number of instances of misusing the "student route" to migration.

184. At present, the number of 'ordered fields of study' is 29. They are: automatics and robotics, biotechnology, construction, chemistry, energetics, physics and technical physics, informatics, materials engineering, environmental engineering, mathematics, mechanics and machine building, mechatronics, environmental protection, design, chemical engineering, chemical and process technology.

185. First graduates left universities only in 2011/2012.

183. Dz. U. [Journal of Laws] of 2011, No. 84, item 455.

Consular posts (particularly in Asian countries) report on increasing numbers of foreigners applying for visas for the purpose of taking up different forms of education in Poland (studies, internships, language courses) who do not meet the minimum requirements for entry to Poland or who try to obtain a visa by presenting falsified school documents or certificates.¹⁸⁶ Examples of abuse in the process of applying for a Polish visa are inter alia:

- removing Schengen country stamps from passports which indicate visa refusal issued in the past (by removing ink; some third country consulates in India are known for placing stickers on stamps for a 'special fee');
- presenting a new passport without proof of previous refusals to grant a visa;
- presenting documents with false details of universities/schools;
- presenting forged graduation diplomas, insurances, bank certificates, documents to confirm taking out a loan, plane bookings.

In this context it should be noted that as presenting falsified documents was one of the main forms of abuse during the visa procedure, it was practically not detected during stay legalisation procedures before voivodes.

Considering the very stage of international students' stay in Poland, materials provided by the Border Guard and information provided by employees of Offices of the Voivode allow identifying the following categories of the most frequent forms of abuse or circumstances that may potentially reflect such abuses:

- foreigners using the residence permit authorising their stay in Poland for a purpose other than education, e.g.:
 - » to enter other Schengen area countries with intention to stay there;
 - » to set up economic activity or take up employment – many international students believe that a residence permit for the purpose of studying is easier to obtain than a work permit and there are less requirements to be met; in addition, holders of such permits are also exempt from the obligation to obtain a work permit (the practice is particularly popular among students from Nigeria, India, Pakistan and Bangladesh); foreigners usually return to school right before filing another application for a *residence permit for a fixed period of time*;
- marrying a Polish citizen during studies and applying for a permit on that grounds, abandoning studies at the same time (e.g. citizens of Tunisia, Nigeria, Turkey, Morocco, Saudi Arabia, Nepal, Gambia) – in some cases, the student's stay in Poland before marriage is short, between several months and a year;
- changing fields of study or universities to re-apply for a permit due to taking up, not continuing, studies – there are cases where a student starts the first year of studies for 3-4 years in a row, but each time in a different field or at a different university (often it results from poor quality of education, no possibility to pass exams or change of preferences of a student; such practices were identified e.g. in the case of citizens of Nepal and Bangladesh);
- resigning from university studies and taking up different thematic courses, e.g. in business, management, banking, tourism (it should be noted that such courses can last up to two years, and the prac-

186. *Migration policy of Poland – the Current State of Play and Further Actions*, p. 38.

tice was employed by *inter alia* citizens of India, Pakistan and Bangladesh), attending courses in Polish and English for foreigners or enrolling at post-upper secondary schools – this is due to less stringent recruitment criteria (it is enough to have graduated from a secondary school to enrol, there are no age limits), which is why foreigners frequently want to legalise their stay in Poland on that basis;¹⁸⁷ therefore, the above forms of foreigner education in Poland entail high risk of illegal migration;

- absence in courses, not attempting at exams, failing to get credits for a year of studies or conditional consent to continue with the next year of semester of studies;
- overstaying a visa or a *residence permit for a fixed period of time*;
- applying for a sabbatical after obtaining a residence permit (in such case it is impossible to determine the actual circumstances of the stay or to revoke a permit as foreigners on sabbatical remain students).

It should be noted that the above circumstances frequently overlap, some of them may be direct consequences of deciding to abandon studies, dropping out of a university (e.g. due to bad results, frequent absences or not paying the tuition fee) or other similar reasons.

During border controls, the Border Guard detected cases of attempts to enter Poland (*inter alia* by citizens of Mongolia, Su-

dan, Bangladesh) for a purpose other than the purpose of a visa issued for attending a language course, usually a Polish course. In the case of foreigners from African countries, a *modus operandi* has been identified that consists in pretending to be students of Ukrainian universities attempting to enter Poland *inter alia* to allegedly attend language courses. Yet, the actual purpose of the travel was immigration.

Although the specific scale and nature of abuse remain largely not analysed, a frequently used measure of the phenomenon are data from the Border Guard on the number of people who, in spite of being granted a visa and qualified to take up studies, never take up studies or drop out (frequently, dropping out results from the fact that it is impossible to extend the student's legal stay and resignation, unfulfilled expectations as to the stay in Poland or insufficient funds; for these reasons, the measure should be treated as ambiguous). The data show that in academic year 2010/2011 after the first year of studies 1 218 citizens of third countries dropped out, including the citizens of Ukraine, Belarus, Saudi Arabia, Taiwan, Russia, Tunisia, India, Kazakhstan, Mongolia, China and Vietnam. It should be noted, however, that the scale of the phenomenon is most likely wider as not all universities notify drop-out or do it with a significant delay (sometimes of several years).¹⁸⁸

Additional information on abuse in the area of migration of international students to Poland is also provided by statistics on the number cancelled visas,¹⁸⁹ whose number in the last several years did not exceed 30

187. The Border Guard also detects foreigners arriving in Poland for vocational trainings of several days, which are provided by entities that do not have the status of a higher education establishment, who do not leave Poland after the trainings end and stay illegally or decide to travel to other EU countries. It should be noted that tracking foreigners who attend such schools is difficult as the schools have no obligation to provide information on admissions/failure to take up education/dropping out to any authority.

188. The obligation to inform the Commander-in-Chief of the Border Guard immediately on admissions of foreigners, failures to take up studies and dropping out has been imposed on university rectors in 2006 as an attempt to prevent abuse of procedures for students by foreigners. The obligation is stipulated by *Regulation of the Minister of Science and Higher Education of 12 October 2006 on foreigners undertaking and pursuing studies and trainings and their participation in scientific research and development work* (Dz. U. [Journal of Laws] of 2006, No. 190, item 1406, as amended).

189. The data concern several categories of visas, i.e.

a year,¹⁹⁰ as well as the number of cases of revoking a *residence permit for a fixed period of time* issued to students *ex officio*: there were 13 such cases between 2006 and 2012. Yet we should remember that due to the high number of reasons for which a residence permit can be revoked, and legal constraints (the bodies running universities do not have a statutory obligation to inform the voivode on the course of studies in Poland, or about students dropping out¹⁹¹), the data are only fragmentary.

The information on the scale of abuse by foreigners who come to Poland for purposes other than education at universities allows claiming that the practice usually concerns non-public universities¹⁹² and short-term forms of education, such as vocational trainings, supplementary trainings, attending post-upper secondary schools or attending classes organised by NGOs.

The institutions that deal with preventing false education claim that the reasons behind the phenomenon and its increasing frequency are, *inter alia*, too liberal and imprecise admission rules of Polish universities, subcontracting student recruitment to third parties (that frequently have no possibility/experience in verifying the documents produced by international students) and absence of an inter-institutional database on international students. The above conditions result in many problems with identifying and combating abuse, as well as a number of difficulties at the stage of the visa procedure when it comes to documents that must be submitted to apply for a student visa, grades, applicants' level of education, plans for choosing a particular field of study in Poland and command of English. Such problems were encountered by Polish con-

sular offices in Asia, Africa, Middle East and South America.¹⁹³

2.10.1. Practical measures taken to detect and prevent abuse

At the stage of the visa procedure, practical measures taken to detect and prevent abuse as well as to increase the number of misuses detected are the following:

- exchanging experience between consular offices of EU countries in the framework of Local Schengen Cooperation;
- checking passports (with the use of specialist equipment present in all consular offices) to verify the authenticity of a document of a third-country national, including the authenticity of visa stickers, particularly those of countries with the status of 'high migration risk' (in the case of Polish consular posts in India they are: China, Vietnam, Indonesia, Malaysia, Kazakhstan, Laos, Uzbekistan, etc.), or issue date of a passport;
- checking the documents attached to the visa application for quality, addresses of the universities that issued them, and signatures on the documents (including contacting the representatives of universities);
- each time, the applicant is interviewed and the questions are asked concerning the reasons for studying in Poland, the reasons for choosing a given university, the recruitment process, knowledge on the chosen field of study, accommodation, university, prices in Poland, funds necessary to complete the studies, interests, plans for the future after graduation, recognisability of the diploma in the country of origin, how the apostille was obtained, previous educational history (names of schools, graduation

for studying, for vocational training and for education.

190. Data provided by the Border Guard.

191. The obligation is to be introduced by the new Act on Foreigners.

192. In Poland, there are many non-public universities which offer *inter alia* part-time studies in English consisting of only a few of classes per semester.

193. *Report of the Polish consular service for 2010*, Ministry of Foreign Affairs, Department of Consular Affairs, p. 24.

years, subjects covered by school reports, grades and comparison with actual knowledge). Questions are also asked in the area which the foreigner intends to study/learn/take courses in. Sometimes an IQ test is organised, with simple questions;

- informing national authorities on abuse on the part of foreigners.

The actions taken by Offices of the Voivode under procedure for granting *residence permit for a fixed period of time* include:

- contacting the international students' universities and tutors (asking whether the foreigner attends classes, whether s/he got credit for individual semesters, when is the planned date of graduation, and what are the conditions for getting credit); sometimes universities pass information on foreigners dropping out or graduating (it is the basis for initiating a procedure for revoking a residence permit),
- interviewing a foreigner as part of the procedure with a view to determining whether the foreigner attends classes, knows the subjects of current classes, knows the names of lecturers, times of lectures or classes and places where classes are held,
- verification of authenticity of the documents presented by the foreigner,
- community interviews performed by Border Guard officers to check whether a foreigner lives at the given address and attends classes, verification if the foreigner is using the permit solely with the purpose of working, i.e. at the local markets,
- informing Polish diplomatic and consular posts on abuse on the part of foreigners,
- cooperation of Offices of the Voivode with the National Labour Inspectorate

and the Border Guard which, when detecting foreigners who study in Poland and work without a permit or stay in Poland illegally, provide information on such irregularities to the voivode (which is the basis for initiating an expulsion procedure).

Moreover, to further prevent abuses by foreigners, obligation of university rectors to inform competent bodies was introduced (including the Commander-in-Chief of the Border Guard, the Bureau for Academic Recognition and International Exchange and competent ministers) that foreigners have not taken up studies or dropped out. In the draft new Act on Foreigners, the obligation was extended to cover voivodes: university chancellors will inform them about international students dropping out, failing to get credit for a year of studies and not granting them conditional consent to start another year or semester of studies. Voivodes, in turn, will have the obligation to inform the entities running universities on foreigners granted residence permits.

Actions to eliminate the irregularities are not only taken by government entities. In response to the "wild" market of recruitment services offered to students by intermediaries in Ukraine who usually do not have the necessary knowledge or experience, in 2012 "Perspektyw" Education Foundation devised a concept of voluntary verification of Ukrainian agencies interested in rendering services in the field of recruitment for universities in Poland (first certificates were granted in April 2013). The purpose of verification is to protect the interests of potential students (by preventing situations where agencies charge them additional unlawful fees) and of universities (by ensuring high recruitment standards).

3

Trans-National Cooperation in the Area of International Students



3.1. Bilateral/multilateral cooperation with third countries

Currently, Poland is involved in academic exchange at the inter-governmental level with over 80 countries, including over 60 non-EU countries¹⁹⁴ (based on bilateral or multilateral international agreements, or executive programmes or agreements at the government level concerning continuation of academic exchange where the official international documents have expired). The agreements usually provide for a broad cooperation in the field of science, education, culture and sport. While most of them (mainly the agreements concluded in recent years) include arrangements made with the sending institution with regard to the form and number of student exchange, a considerable number of agreements do not specify these issues, therefore, exchange does not actually occur. The list of bilateral complementary agreements to the international treaties in the field of education concluded by Poland

(which defined forms and volume of exchange) is enclosed in Annex No. 4.

Further agreements or cooperation programmes are planned, especially with the countries are not bound with Poland by any formal agreement any more, including but not limited to: Belarus and Russia, as well as with a few other non-European countries.

The review of the issues which make up the contents of provisions in the above-mentioned agreements and programmes shows that they generally lay down the forms of education, limits and exchange conditions for students (including sometimes the admission¹⁹⁵/qualification procedures, period of education and financing), doctoral candidates and academic teachers.

They also often raise the issues of health-care in case of sudden illness or accident (usually it is required to provide any persons involved in the exchange with an insurance policy). The agreements do not deal with the issues such as access to the labour market (during and after studies are completed) or family reunification, etc. Quite unique solution has been applied in the agreement with Mongolia: the persons who are admitted as students in Poland have to sign an agreement with the Ministry of Education,

194. These include: Albania, Algeria, Angola, Saudi Arabia, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Bosnia and Herzegovina, Brazil, Chile, China, Montenegro, Egypt, Ethiopia, Ghana, Georgia, Guinea, India, Indonesia, Iran, Israel, Japan, Cambodia, Canada, Kazakhstan, Kenya, Kirgizstan, Columbia, South Korea, Costa Rica, Cuba, Laos, Libya, Macedonia, Malaysia, Mali, Mexico, Moldavia, Mongolia, Nigeria, Pakistan, Panama, Paraguay, Peru, Russia, South Africa, Serbia, Sudan, Syria, Tajikistan, Thailand, Tanzania, Tunisia, Turkey, Ukraine, Uruguay, USA, Uzbekistan, Venezuela, Vietnam, United Arab Emirates.

195. For example, the sending institution must notify the date of arrival, means of transport and point of entry of persons sent to study or for a scientific internship to competent authorities in Poland well in advance in order to facilitate their effective entry to Poland (agreement with China).

Culture and Science of Mongolia, in which they commit themselves to effectively work for a Mongolian public institution for at least 3 years after completing studies in Poland. This automatically excludes the possibility that a foreign student would throw in his or her lot with Poland after completing the education and is aimed at ensuring the utilisation of the gathered human capital in the country of origin.

Furthermore, when describing forms of education available to the foreigners coming to Poland under international agreements it should be emphasised that the short-term forms are predominant, i.e. summer language programmes, science and research placements ranging from a few to twenty months, and artistic internships.

However, given the possibility to complete full studies in Poland by the foreigners, this is guaranteed only in the agreements with Armenia, China, Georgia, South Korea, Mongolia, and Moldova.¹⁹⁶

Taking into account the above conditions as well as relatively low limits of places provided for in the existing intergovernmental agreements on the admission of students, it should be noted that the specific character of Polish higher education system in the context of international cooperation includes a low share of foreigners studying in Poland based on the above-mentioned agreements.

As the legal provisions applicable in Poland give every university the right to directly cooperate and exchange with foreign partners, the majority is willing to take this opportunity and conclude numerous bilateral agreements with foreign universities, both at university or faculty level (some of them are parties to several dozen agreements with various universities outside the EU).

196. Agreements in which the form and size of exchange have not been agreed upon with the other party have not been included.

Analysis of the list of the above-mentioned agreements signed by 30 universities which receive the highest number of students every year¹⁹⁷ shows that their foreign partners are usually universities from the USA, Ukraine, Russia, China, Canada, Japan, South Korea and Belarus.

3.2. Measures aimed at promoting student mobility

As in recent years international students have tended to increasingly appreciate the possibility of studying at several European universities, Poland introduced a number of solutions that facilitate student mobility within the EU (in line with the assumptions of EU programmes that promote such mobility) and without the EU.

One of the solutions was to allow Polish universities and research institutions to conduct joint bachelor's and master's studies with their foreign counterparts. The institutions are thus allowed to offer studies in a given field on the basis of the agreements concluded between them and issue joint diplomas to graduates.¹⁹⁸ On the basis of such agreements, councils of organisational units of universities or other organisational units are also able to conduct joint PhD programmes (the only condition being that they must be authorised to grant the PhD degree).¹⁹⁹

In this context, Poland's experience in participation in Erasmus Mundus should also be highlighted. Since the beginning of the Erasmus Mundus programme, until 2012 the Polish universities/institutions (most of all renowned public universities) were the

197. Universities have been selected based on statistics of the Central Statistical Office (GUS) of 2010.

198. Article 168(1 and 2), Article 168(3) of Act of 27 July 2005 – Higher Education Law (Dz. U. [Journal of Laws] of 2012, item 572, as amended).

199. Article 14a(1) of the Act of 14 March 2003 on academic degrees and the academic title, and on degrees in the area of art (Dz. U. [Journal of Laws] No. 65, item 595, as amended).

partners of the EU Member States' universities within the framework 37 projects concerning joint master's study programmes and 5 joint doctoral study organization.²⁰⁰ However, they have never acted as project coordinators.

Polish universities also take part in Action 2 of Erasmus Mundus that supports partner projects that allow student exchanges between EU states and third countries at all education levels. In the years 2007-2012, Polish universities participated in 75 partner projects, of which in six as the coordinator.

Under the Erasmus Mundus programme, in the years 2007-2012 third countries sent 765 students, PhD students, employees and academic placement participants to Poland. The majority came from Ukraine, Belarus, Russia and Kazakhstan. The number of students from China and India is increasing.

Another example of involvement in Poland's promotion of intra-regional mobility is its active participation in the Central European Exchange Program for University Studies (CEEPUS) – the first programme that supports academic exchange in the field of education and in-service training of students and lecturers in Central European countries (i.e. 7 EU Member States: Austria, Bulgaria, Czech Republic, Romania, Slovakia, Slovenia and Hungary, as well as in Albania, Croatia, Montenegro, Macedonia, Moldova, Serbia, Bosnia and Herzegovina, and UNMIK Kosovo). Under the Programme, partner universities from at least three countries create joint programmes of bachelor's, master's and PhD studies available to students from all the countries involved in the initiative.

3.3. Other forms of cooperation with the third countries in the area of students' exchange

Over the last few years the interest of the Polish universities in creating **branches or regional basic organisational units** is increasing (usually it is a faculty dealing with at least one field of education).²⁰¹ This is associated mainly with the intention to present the education offer (mainly of the non-public universities) to the Polish Diaspora and Poles temporarily staying abroad and first of all concerns the establishments which are being developed in other EU Member States (see: table 8). The establishment of so called satellite campuses in these countries was however accompanied by numerous controversies, when cases of branches established and delivering courses without a permission required by law were disclosed.

In the context of establishing branches or departments in non-EU countries of migrants' origin by the Polish universities, it is worth mentioning the University of Information Technology and Management in Rzeszow (non-public university) which has been authorised by the Minister of Science and Higher Education to carry out courses in Ukraine²⁰²(Lviv). However due to a number of organisational and legal issues, the branch has not been opened yet.

Direct cooperation of Polish universities with Ukraine has become also a basis for the idea to establish in 2000 the **European College of Polish and Ukrainian Universities (EKPUiU)**. The College was founded by two Polish universities from Lublin, namely: Maria Curie-Skłodowska University in Lublin

200.The possibility to organise joint doctoral studies occurred only in 2009.

201.Establishing procedures for these entities are governed by the *Regulation of the Minister of Science and Higher Education of 5 October 2011 on the conditions for studies within a given field of education and education level.*

202.According to the plans of the university, three courses are to be created: economy (I), tourism and leisure (I).

Table 8. List of Polish universities authorised to deal with education on the territory of other countries

No.	Name of the Polish university	Name of the foreign branch	Name of the course of studies
1	University of Białystok	Branch Faculty of Economics and Informatics in Vilnius	„economics”, „informatics”
2	Katowice School of Economics	Branch Department in Vienna	„administration”, „management – (I)
3	Western Pomeranian Business School	Branch Department in Berlin	„economy” – (I)
4	Social Academy of Science in Łódź	Branch Education Department in London	„management” – (I)
		Branch Education Department in Dublin	„management”, „pedagogy” – (I)
		Branch Department in Paris	„management”, „pedagogy” – (I)
5	Pułtusk Academy of Humanities	Branch Department in London	„political science” – (I)
6	The Local Government College in Żyrardów	Branch Faculty of Economics in Dublin	„economy” – (I)
7	Legnica University of Management	Branch Department in Vienna	„management” – (I)
8	European School of Law and Administration in Warsaw	Branch department in London	„law” – (um)
9	College of Management “Education” in Wrocław	Branch education department in Pardubice	„management” – (I)

Source: Own development on the basis of information on www.nauka.gov.pl website (accessed on 10 October 2012)

Abbreviations used:

(I) - bachelor's degree studies

(um) – unitary masters studies

and the Catholic University of Lublin, and four Ukrainian universities - Taras Shevchenko Kyiv University, Ivan Franko National University of Lviv, National University of Kyiv-Mohyla Academy and the Institute of East-Central Europe in Lublin. The College offered doctoral studies covering broadly defined problems of the East-Central Europe in the area of economy, law, history, linguistics, literature, cultural studies, philosophy, sociology, political science, international relations, pedagogy and psychology, and it granted diplomas to numerous post-graduate students from Poland, Ukraine and other post-Eastern Bloc countries.

Because of the historical context of Polish-Ukrainian relations, from the very beginning the politicians and highest authorities of both countries were interested in the

activities of the College, as proved by numerous targeted grants provided by the Polish Government and subsequently the Ministry of Science and Higher Education of the Republic of Poland for its functioning, as well as by the fact that the President of the Republic of Poland, Aleksander Kwaśniewski, and the President of Ukraine, Leonid Kuchma, participated in the opening of the first academic year.

However, in 2011, this initiative was terminated because of the lack of legal personality of the College and related legal and administration problems, as well as the lack of co-financing by the Ukrainian party. The College was replaced by a new structure - The Centre for Eastern Europe from Maria Curie-Skłodowska University in Lublin which overtook the scientific and research faculty thereby extending the ac-

ademic cooperation between Poland and Ukraine with the Western European countries and Eastern College of the Catholic University of Lublin.

In this context it should be highlighted that the establishment of EKPUiU was to be the first step towards creating the Polish-Ukrainian European University in the future which would operate in two places – in Lublin and probably in Lviv (Kyiv is also considered to be the second place).²⁰³ It is initially assumed that the University would educate about 4 thousand people, while 20% students and lecturers would come from the Central-Eastern Europe countries. The offered bachelor's degree, master's degree and doctoral studies would be provided by three departments: humanistic (fields of education: Ukrainian studies, Russian studies, European studies and cultural studies), information technology and management as well as nuclear physics. Interestingly, the subjects of scientific theses would be ordered by the governments of both countries. Therefore, this shows a highly political nature of issues related to the functioning of the university, which would be important also for the Polish-Ukrainian relations.

Despite the declaration signed in 2007 by the prime ministers of Poland and Ukraine, as well as advanced preparation works, this initiative will not be developed.

Polish universities understand the importance of globally recognised high quality of the offered education in the worldwide competition to attract international students, therefore, they more and more frequently apply a promotion strategy consisting in applying for cyclical international accreditations. Recently, the medical and business universities are the leaders of this strategy.

203. The managing body of the university would be the Managing Council and the head of the university would be the rector, whose function would be of a rotational nature – one term of office would be held by a Polish citizen, and the next term would be held by a Ukrainian.

In this context it should be highlighted that in October 2011 the Polish Accreditation Committee was approved by the National Committee on Foreign Medical Education and Accreditation (NCFMEA) – an American committee working with foreign medical schools, which found that standards and rules applied by the Polish Accreditation Committee for the evaluation of entities providing medical education are comparable to those applied by institutions evaluating medical universities in the USA. As a result of the accreditation, the Polish institutions may become members of the American government loan programme “U.S. William D. Ford Federal Direct Loan”, and students from the USA can obtain financial support for education in Poland on the same basis as for the American universities (provided that they chose medical studies at any university or faculty accredited by the Commission), and after completing the studies in Poland they can take the United States Medical Licensing Examination according to the same rules as their colleagues who had obtained their scientific title at an American University. Therefore, we may expect that the initiative described above will help Polish medical universities attract students from the USA.

3.4. Procedures for legalisation of stay for the students who participate in the EU programmes promoting the students' mobility

The legal situation of the international students should be distinguished depending on whether they are coming from a Schengen zone country or from other places outside this zone in order to determine the requirements to be met by the international students covered by EU programmes promoting students' mobility (among others the Erasmus Mundus programme) who desire to come to Poland to study after staying in another Member State.

According to the EU regulations, if a stu-

dent from a place outside the EU qualified for the EU education programme is staying in a Schengen country, s/he can enter Poland pursuant to the provisions of Article 21 of the Convention implementing the Schengen Agreement, i.e. if s/he has a (Schengen or national) visa²⁰⁴ or a residence document issued by another country of the Schengen area.²⁰⁵

Pursuant to the freedom of movement principle applicable on the territory to the Schengen zone countries, the holder of a national visa issued by another EU Mem-

In 2013, the Polish Accreditation Committee was approved by the National Committee on Foreign Medical Education and Accreditation

ber State may reside in Poland for up to 3 months during a half-year period, if the general conditions of entry and residence within the Schengen territory are satisfied.²⁰⁶ For a foreigner who has a residence document issued by another Schengen

area country, the stay cannot also cannot exceed 3 months during the next 6 months. Consequently, if a foreign student intends to stay in Poland for more than 3 months (which concerns mainly one-semester stays), it is reasonable to obtain a national visa issued by a Polish consul (valid for up to 1 year) or a *residence permit for a fixed period of time* due to the circumstance defined in Article 53(1)(16) of the *Act on Foreigners* (“a foreigners enters or stays on the territory of the Republic of Poland in order to undertake or continue full time master’s degree studies or full time doctorate studies on the territory, hereinafter referred to as “the studies”, and also if s/he has started studies on the territory of another EU Member State, which s/he intends to continue or complement on the territory of the Republic of Poland”), issued by a competent voivode. In order to obtain the permit referred to above the foreigner has to prove, however, that s/he intends to stay in Poland longer than for 3 months.

Therefore, at the stage of application for *residence permit for a fixed period of time*, the Polish legislation does not make any difference between the legal situation of international students covered by a programme promoting students’ mobility who desire to come to Poland to continue their education after they stay in another Member State and the legal situation of other international students (future or present students who apply for the mentioned above permit and who had stayed before only on the territory of their country of origin or on the territory of Poland). They both apply for a residence permit under the same procedure and on the basis of the same legal provision.

If a student arrives to Poland from outside the Schengen area, the general provisions related to entry and stay of all other international students apply. Thus, in order to enter Poland a foreigner residing in a non-Schengen country should obtain

204.Foreigners who are not obliged to have a visa (under the visa-free movement) can stay in Poland for up to 3 month during the next 6 months. After the expiry of this period they can stay in the country (with no need to depart from Poland) on the condition that they obtain a permit for residence for a specified period of time.

205.Article 21 *Convention implementing the Schengen Agreement* (EU Journal of Laws L.00.239.19).

206.This means the following: a foreigner has a valid travel document and is able to justify the aim and conditions of the planned stay as well as has sufficient means of maintenance or a possibility to obtain such means legally, and is not considered a threat for the public order, internal security, public health and international relations of any of the Member States, and in particular he/she was not registered in the national data base of any Member Stets to refuse entry on such grounds.

a relevant *student visa* (national visa issued by a Polish consul or a Schengen visa) authorising him/her to stay in Poland during its validity period, or s/he should, as any other foreign student, legalize the stay on the basis of a *residence permit for a fixed period of time* (Article 53(1)(16) of the *Act on Foreigners*) – see subsection 2.2.

It should be, however, emphasized that in order to apply for a Schengen visa a foreign student must have a valid permit for residence in the country where s/he was studying. If a foreign student does not have a residence permit, s/he has to submit a visa application in the country of his/her origin.

In the remaining cases the standard procedure of application for a residence permit applies. This means that each foreign student staying in another Member State can apply for a visa (if required) to the Polish consul in this Member State or submit an application for *residence permit for a fixed period of time* due to continuation of studies in Poland via consular post (directly to the voivode competent for the foreigner's place of residence, if s/he is already legally staying in Poland based on other residence documents). A residence card issued following the granted permit should however be collected in person. This is why a foreigner arriving to Poland from a country outside Schengen area should hold a visa.

The legal conditions referred to above prevent precise monitoring of the intra-EU flows of students from non-EU countries. Because of the free movement within the Schengen area of a considerable number of international students of this category, and because of the lack of a separate legalisation procedure for the said categories of foreigners after their entry on Polish territory, the available statistics on the legalisation procedures do not inform on the exact number of foreigners who decide to continue studying in Poland after

they had previously resided in another EU Member State.

The analysis of statistics on the number of *student visas* issued by the Polish consulates in other EU Member States²⁰⁷ allows to establish that the majority of students come to Poland pursuant to the residence permits obtained in other EU Member States and apply for a *residence permit for a fixed period of time* after arrival. Generally, only the Polish Embassy in Berlin is regularly issuing this type of visa (about 30% of all the student visas issued by Polish consulates in the EU Member States). However, this is not a result of a high number of international students coming to Poland from Germany, but because communication with this post is the most accessible (and without visa) for the majority of Polish university centres. Most often, visas issued in Berlin are for the students who have not submitted applications for *residence permit for a fixed period of time* in Poland on time and had to leave the country to obtain a student visa for a period necessary to examine application.

207. In 2011, 7 Polish consulates, which issued about 80% of all visas on the EU territory during this period, issued the following numbers of student visas:

- Embassy of the Republic of Poland in Dublin: 2 student visas against 696 visas issued;
- Embassy of the Republic of Poland in London: 3 student visas against 3 789 visas issued;
- Embassy of the Republic of Poland in Edinburgh: 1 student visa against 340 visas issued;
- Embassy of the Republic of Poland in Manchester: 7 student visas against 663 visas issued;
- Embassy of the Republic of Poland in Prague: 9 student visas against 353 visas issued;
- Embassy of the Republic of Poland in Bucharest: 4 student visas against 328 visas issued;
- Embassy of the Republic of Poland in Berlin: 108 student visas against 380 visas issued;

It is, however, not possible to estimate the number of persons who intend to enter Poland to study under the Erasmus Mundus exchange programme, for example, or beyond it, since this type of information is not singled out in the statistics of the Ministry of Foreign Affairs.

◇ Difficulties encountered by the students who study in Poland under the Erasmus Mundus programme and desire to continue or round up their studies in other EU Member States

Pursuant to the rules of legalisation of stay applicable in Poland, the international students who apply for *residence permit for a fixed period of time* in Poland have to prove that they intend to stay in Poland for a period of time exceeding 3 months. This provision considerably complicates the situation of students coming to Poland for short period (e.g. one semester), as the planned stay of many of them does not meet the above mentioned requirement on the day of issuing the final decision (a foreigner is not able to prove that s/he will still stay in Poland for at least 3 months, because e.g. s/he plans to leave and continue his/her studies in another Schengen country in 2 months) due to a 45-day procedure of granting permit.

Similar problems arise in the case of students who apply for a residence permit and are planning a long stay outside Poland, for example 10 months long, within the framework of students' exchange. The applicable legislation does not provide for a possibility to grant a residence permit to a foreigner who plans to leave Poland and go to another country for a longer period in order to continue education (it does not concern departures for up to 3 months during the next 6 months, permitted by the EU regulations relating to Schengen area).

The foreigners also happen to apply for a residence permit in Poland without observance of the at least 45-day term before the expiry date of the residence period fixed in the visa or before the expiry date of the previous *residence permit for a fixed period of time* (e.g. the consul issued a visa valid for a too short period of time, or a foreigner not familiar with the residence legalisation procedures submitted an ap-

plication too late). A failure to submit an application by the due date entails specific consequences for the applicant and the reasons of a foreigner's stay in Poland are irrelevant in this situation. In such cases the administration bodies endeavour, as far as possible, to collect all documents and to obtain other bodies' decisions required by the law in order to issue decisions during the legal stay of a foreigner. However, it is not always possible.

There were several cases where entire groups of students were refused an entry visa to a country of their choice – a partner from a third country (e.g. Argentina) or students were required to return to their country of origin and file a visa application there.

◇ Difficulties encountered by the students who study in another EU Member State under the Erasmus Mundus programme and desire to continue or round up their studies in Poland

Long-term relations of the Foundation for the Development of the Education System, which coordinates all EU educational programmes in Poland, with universities allow concluding that the most frequently mentioned problem are difficulties of students from certain regions (usually Pakistan and Nigeria) with obtaining a visa. In this context, it was emphasised that Polish consular posts refuse a visa altogether or the document verification process is too long to be able to start studying in a timely manner. Universities also declared that sometimes, even if a candidate presents full documentation (with a confirmation from the European Commission and a university that s/he was granted a scholarship for a given programme), s/he is refused a visa without stating the reasons behind the decision. Many Polish universities that accept students under Erasmus Mundus report that potential students who are refused a Polish visa are frequently positively

verified by consulates of other EU Member States and decide to continue their studies there.

Furthermore, based on the practice of the institutions that deal with recognition of documents, the following problems have been identified:

- The requirement to legalise the certificate/diploma (this is related to the certification of the authenticity of documents) by a Polish consul in the country where the certificate/diploma was issued and submission of a complete set of required documents²⁰⁸ sometimes requires the foreigner to return to the country where the certificate/diploma was issued;²⁰⁹
- As there are no court certified translators from some languages, such as Mongolian or Kazakh, having certificates translated is a problem;
- No. possibility of formal recognition of certain certificates – it is due to the many changes introduced in foreign educational systems over the years, which are not covered by the current recognition regulations.²¹⁰

208.They are, *inter alia*, the documents presenting the course of education that include a list of courses and the scores for each course, the number of hours of educational activities, a certificate to confirm acquiring the right to apply for admission to all types of higher education institutions in the country of the university that issued the certificate.

209.Sometimes, in the country which issued the certificate/diploma there is no Polish consular representation, such as in Syria (Syrian citizens must therefore apply to the consulate in Beirut to have their documents legalised and translated).

210.The current classification of professions acquired after completing vocational education, in the group of professions under the name of „medium-level health care professionals,” does not include nurses or midwives. Therefore, on the basis of existing legislation there is no upper secondary school in Poland which would currently educate nurses or midwives. A chief education officer, therefore, does not hold competence to recognise a certificate of a nurse or a midwife as equivalent to the corresponding type of a school-leaving certificate in Poland.

◇ Facilities for the international students covered by programmes for students' mobility provided for in the Community Code on Visas

Apart from the facilities for all categories of international students referred to in subsection 2.2 there are no any additional facilities listed in the *Community Code on Visas* for the international students covered by the students' mobility programmes under the visa application procedure in Poland. The visa procedure for the students from the third countries who study in other Member States is, however, simplified as far as possible, in particular for the candidates who intend to study at the renowned universities with unquestionable reputation, for whom visas are often issued within one day.

3.5. Procedures for legalisation of stay for the students who do not participate in the EU programmes promoting the students' mobility

Polish legislation does not differentiate the situation of students in respect of their participation in the student exchange programmes. The legal situation of international students not covered by EU programmes who want to continue or round up their education in Poland is, therefore, the same as that of the students covered by these programmes.

4

Impacts of International Students in Poland



4.1. Competition for study places and the implications of this on EU students

Due to the relatively small number of foreigners applying for admission to universities in Poland every year, they are not generally a competition to Polish students (despite the fact that among the most popular fields of study chosen by foreigners, there are also those that are the most popular among Polish students, such as management, computer science, economics, tourism and recreation).

It is particularly noteworthy that medical universities have admission limits to the faculty of medicine and medicine and dentistry set by the Minister of Health,²¹¹ which in the case of the growing interest in the faculties from international students (mainly from Sweden, Norway, US, Canada, Germany, Taiwan, Malaysia and Saudi Arabia) and the implementation of plans to reduce the number of places for students who study for the tuition fee by these universities (which is usually the case with foreigners)²¹² may result in

increased competition between Polish and international students in terms of available placements.

The presence of international students at Polish universities is rather perceived in the context of the effects of the population decline on the Polish higher education and given as one of the solutions to balance the declining number of candidates. It is estimated that, due to the intensification of demographic factors, by 2020 Poland is to record the strongest decrease in the number of students among all OECD countries, which is expected to be 25-30% of the current number of students (600-800,000 as compared with the current number).

Demographic processes in the society can also affect the higher education sector directly, and result in the following:

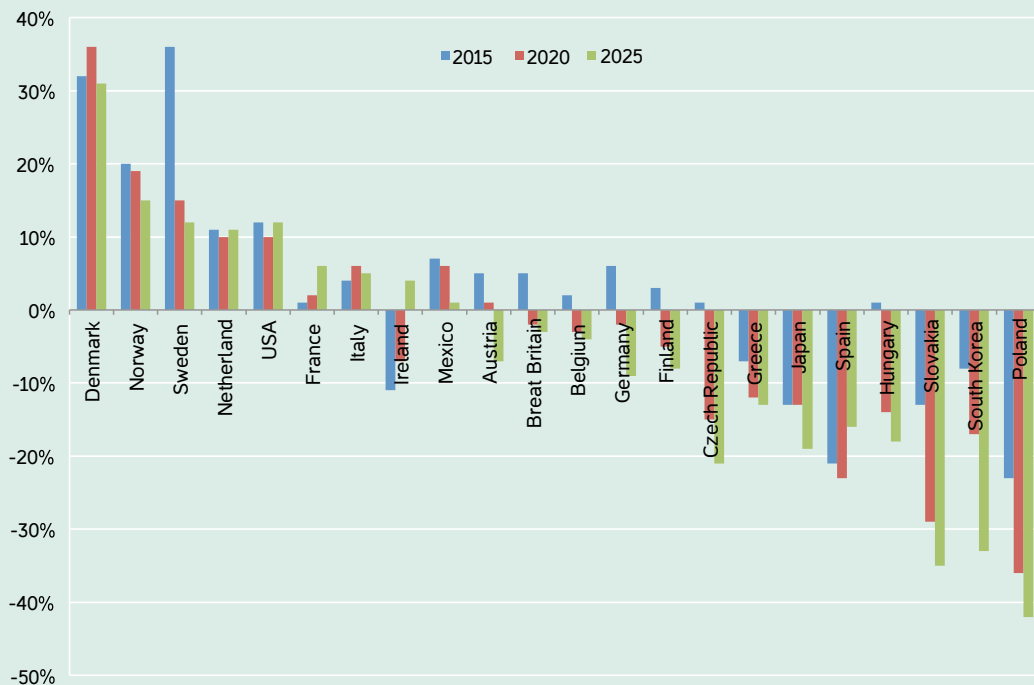
- A decrease in demand for higher education due to an increase in the percentage of people with higher education among those aged 25-64 (from 17% in 2005 to 25-30% in 2025),

211. Regulation of the Minister of Health of 23 July 2012 on the limit of admissions to the faculty of medicine and medicine and dentistry (Dz. U. [Journal of Laws] of 2012, item 864).

212. This is due to the reform of the education of doctors and dentists which assumes shortening the studies by one year. As a result, the approach to the education of this group of students is to change into a more practical one; in the case of many medical universities, it will generate additional costs (pur-

chasing additional equipment, manikins, and even the construction of new buildings where future doctors could improve their skills); in the context of concern for the safety of future patients, it will also prevent educating the same number of doctors in such a short time.

Chart 18. Student number projections for selected OECD countries, 2015, 2020 and 2025 (% change compared to 2005)



Source: OECD, Higher Education to 2030, vol. 1, Paris, 2008

- A reduction in higher education financing from public funds – displacement by other categories of expenditure that are more useful from the point of view of older people,
- Significant changes in patterns of consumption, hence in the structure of demand for labour, and as a result also in the structure of demand for education in various fields of study.²¹³

The above conditions which, according to the government's plans are to be accompanied by popularisation of bachelor's studies and their promotion as the studies completing the cycle of formal education, may lead to a situation where the opening Polish universities for international stu-

dents would undoubtedly be one of the opportunities for the development of Polish universities, which in the next several years may even result in competing for students by universities.

According to experts, the problem would not affect all universities to the same extent. While the situation in public schools, particularly specialised ones (universities of technology, agricultural and medical universities) seems stable,²¹⁴ the largest decline in the number of candidates will affect mostly non-public universities that depend on revenues from the tuition fee.²¹⁵ It is already visible that international

213. *The strategy for the development of higher education in Poland until 2020* [pl. *Strategia rozwoju szkolnictwa wyższego w Polsce do 2020 roku*], 2010, Ernst&Young, p. 20-21.

214. This does not usually concern extramural studies at public universities, the interest in which is lower.

215. Non-public universities gradually cease to be first-choice universities. They are chosen mainly by people who failed to be admitted to public universities. This is even in spite of the fact that they expand their offer, modernise buildings and attract the best lecturers.

students are very important recipients of educational services at these universities. It is proven by a twofold increase in the number of Ukrainians studying at private universities in academic year 2011/2012 as compared to the previous year.

4.2. Remaining in Poland following the completion of studies

In the absence of statistical data available or a current nationwide study that would cover all graduates of Polish universities, only limited and fragmentary information on this category of people staying in Poland after graduation,²¹⁶ or on the kind of the jobs they find, exist.

One of the sources of information is the 2009 survey by the Centre of Migration Research of the University of Warsaw, already referred to in this report. Although the most numerous group of respondents were students of Polish universities,²¹⁷ the answers on their plans for the future were only declarations. On their basis, however, it was possible to draw far-reaching conclusions on the strategies adopted by certain groups of students. The majority of international students surveyed did not intend to stay in Poland after graduation (ca. 54%).

Similar trends were discovered by surveys of students in a number of academic centres, such as Lublin, Opole and Rzeszów. A survey of a group of Ukrainian citizens studying at the University of Information Technology and Management in Rzeszów,

carried out by its Department of Research on Higher Education, shows that 36% of respondents plan to stay in Poland, 39% wish to move to another EU country and only 4% intend to go back to Ukraine. A survey by Sabina Kubiciel-Lodzińska (carried out between 2010 and 2012 in a group of 82 international students from the EU and from third countries who studied in Opolskie Voivodeship) shows that over one-third of respondents planned to stay in Opolskie Voivodeship after graduation, but a similar group had no specific plans for the future.²¹⁸

According to research by the Centre of Migration Research of the University of Warsaw, much more frequently, staying in Poland was declared by students of Polish origin (three-fourths intended to stay in Poland after graduation, but among students who were not of Polish origin the group was one-third). This regularity translated into the results of a regional analysis. The highest interest in staying in Poland was declared by students from CIS countries (73%) and the United States (67%), among whom there were the most people of Polish origin. In the case of people from Asia²¹⁹ and Africa, only slightly more than one-third of respondents (36% and 34%, respectively) expressed such a desire. The percentage of people from Eastern and Western Europe who declared their intent to stay in Poland was similar (44% and 40%, respectively). None of the surveyed students from Scandinavian countries intended to stay in Poland, which resulted primarily from their life strategy focused on the completion of studies in Poland, but in order to obtain the right to practice (usu-

216. It is frequently the case that the analysis concerns the reasons behind returning to the country of origin and the motives behind staying in Poland after graduation among graduates of Polish origin from Belarus, Lithuania and Ukraine.

217. 256 interviews were conducted with international students (also from the EU countries). These were followed by individual in-depth interviews with 10 foreign graduates of Polish universities who, at the time of the survey, were still in Poland, in order to supplement or verify the information gathered during the quantitative study.

218. Sabina Kubiciel-Lodzińska, *Factors which determine the choice of foreigners to study in Poland and Opole province (based on research results [pl. Czynniki przesądzające o wyborze przez cudzoziemców studiów w Polsce i w województwie opolskim (na podstawie wyników przeprowadzonych badań)]*, [unpublished].

219. The same trend was confirmed by the Institute of Public Affairs by way of qualitative studies of students from China and India.

ally a as doctor or a psychologist) in their country of origin.^{220 221}

People determined to stay in Poland after graduation usually justified their decision with the possibility of finding a good job or family matters (including starting a family with a Polish citizen).²²²

In this context, it is very important that Poland has gradually introduced (or intends to introduce in the near future) further facilitations to increase the number of foreign graduates staying in Poland. In 2009, graduates of Polish universities were allowed to take up employment without a work permit. At present, it is also planned to introduce the possibility to grant a residence permit for seeking a job on the Polish labour market for one year. As most students make staying in Poland longer dependent on finding a decent job, it is expected that the solutions would constitute an additional factor that may encourage foreign graduates to extend their stay in Poland. It is also important that the people most likely to stay in Poland after graduation (people with Polish roots and people from the post-Soviet countries outside the EU) usually graduate from faculties whose graduates are less sought after in the labour market, which may significantly reduce the positive effects of the above facilitation.

220.Thanks to studying in Poland, they have the opportunity to attend fields in which there is high competition in their countries of origin.

221.Similar tendencies as to the willingness and opportunities to stay in Poland following graduation declared by foreigners from different regions of the world were observed during the qualitative study of 51 foreigners (from the EU and from third countries) studying in Lublin carried out in 2011 and 2012. [in:] R. Furtak, M. Lipowski, *Analysis of the Offer of Lublin-based Universities and the Possibilities of Adjusting It to Current Labour Market Needs* [pl. *Analiza oferty lubelskich uczelni i możliwości jej dostosowania do aktualnych potrzeb rynku pracy – Raport z badań*], Marie Curie-Skłodowska University Foundation, Lublin 2012.

222.M. Duszczyk, C. Żołędowski, *International students in Poland – motivations for coming, assessment of their stay, plans for the future* [pl. *Studenci zagraniczni w Polsce – powody przyjazdu, ocena pobytu i plany na przyszłość*], [in:] *Biuletyn Migracyjny*, No. 26.

4.3. Risk of brain drain

Analysing issues related to the education of international students in the context of the problem of “brain drain” from their country of origin, the Polish experience in this field should be mentioned. Already during the post-war period, Poland took an active part in the UN initiative on educational assistance to developing countries, as a result of which staff from Third World countries was educated in Poland with full scholarships of the Polish government, and on the assumption they would subsequently return to their countries of origin.²²³

The turning point for the scholarship system was 1989, when there was a significant re-evaluation of the assumptions of the programme – it was re-designed for young people of Polish origin from the countries of the former communist bloc, especially from the former USSR.

The objective of the campaign of awarding “Polish community scholarships” was to train the new young Polish intelligentsia, who would have a kind of a “mission” after returning to their country – act for Poles living in a given country and consolidate their relations with Poland (which then would translate into, among others, the development of mutually beneficial bilateral cooperation between the country of origin of the graduate and Poland). Thus, the key factor of the programme’s success was the return of graduates to their countries of origin. This was supported by determining preferred fields of study for which there is particular demand in each country but with limited educational opportunities, making the prospect of graduates finding jobs relatively high. The issue of graduates’ return is very important as it is the condition of the programme’s success.

223.M. Chilczuk, *50 years of educating international students in Poland* [pl. *50 lat kształcenia studentów zagranicznych w Polsce*], “Kontakt” magazine.

Although the efficiency of the scholarship campaign pursued by Poland for decades has not been analysed extensively (there is no systematic monitoring of the fates of graduates – Polish government scholarship holders), there is some information on the achievement of its desired effects while preventing the “brain drain” from the countries of origin of students. As stated by Professor Michał Chilczuk, Chairman of the Scientific Council of the Centre for Communications with Foreigners Graduates of Polish Universities at the University of Lodz,²²⁴ many foreign graduates of Polish universities, after

In 1989, Polish authorities decided to allocate scholarships for young people of Polish origin from the countries of the former USSR

returning to their home countries, contributed to their economic, scientific, cultural and socio-political development, frequently filling high prestigious positions, such as presidents (in Mali), ministers (in Tanzania, Namibia and Vietnam), deputies or chairmen of various parliamentary committees (e.g. in Laos and Vietnam) and their countries’ ambassadors to various states, including

224. The Centre operated in the years 1987-2003 and was established by the Ministry of National Education in collaboration with the Ministry of Foreign Affairs in order to „inspire” and „maintain” constant communication with universities in the country of international students’ origin and to maintain permanent contacts with foreign clubs and associations of Polish university graduates. One of the tasks of the Centre was also to initiate symposia and conferences, to act as an intermediary in the recruitment of candidates for postgraduate and doctoral studies, preparing analyses and information for the Ministry of Education, and keeping a „data bank” of foreign graduates of Polish universities.

Poland (Albania, Chile, China, Cuba, Palestine, Vietnam). After returning to their home countries, dozens of graduates of Polish universities devoted themselves to science (in dozens of countries, they were lecturers and rectors, deans, heads of departments and research institutes) or translation of Polish literature into their native languages, including Chinese and Vietnamese. They also occupied many important positions from the point of view of the economies of their countries, *inter alia* directors of banks, unions and industry enterprises, etc. In their home countries, foreign graduates of Polish universities establish groups, clubs and associations whose mission is, among others, to maintain contacts with Poland, their universities and to cherish personal relations.²²⁵

Yet it is frequently the case that students do not stick to the campaign’s assumptions and stay in Poland after graduation.²²⁶ The response to the phenomenon was the creation of a parallel scholarship system for Polish youth studying at universities in their countries of origin, which was to contribute to eliminate the willingness to extend their stay in Poland after graduation.

In light of the provisions of recently adopted strategic documents which recognise particular value of the potential of inte-

225. M. Chilczuk, *50 lat kształcenia... [50 years of education...]*, op.cit.

226. Students who are relatively likely to return to their country of origin are those from Latvia and the Czech Republic (mainly Zaozie). Students and graduates from Kazakhstan are in a particular situation, however, as they are not required to return. They are covered by the right to repatriation, which gives them the opportunity to not only stay in Poland, but also to be granted Polish citizenship relatively quickly. Previously, also students from Lithuania, Belarus and Ukraine enjoyed such rights, but from 2001 on can no longer repatriate to Poland.

The issue of return to the country of permanent residence after graduation was also widely discussed in relation to the Konstanty Kalinowski scholarship programme (addressed at Belarusian students). Since the beginning of the programme, there were doubts whether the scholarship holders would want and whether they would be able to return to Belarus after graduation. Both the official state media and some opposition groups considered the Kalinowski programme a brain drain.

grating foreign graduates of Polish universities, as well as measures to be taken in order to encourage this category of persons to stay in Poland, it needs to be said that considerations concerning the issue of educational migration to Poland are more and more clearly linked with considerations related to the concept of “brain gain”. Therefore the need to introduce measures to eliminate the possibility of causing “brain drain” with regard to foreigners studying in Poland is gradually becoming less and less pressing.

This does not apply e.g. to the influx of students from countries forming the Eastern Partnership,²²⁷ which in the long-term is meant to contribute to achieving many important objectives of the Polish foreign policy, i.e. bringing those countries closer to the European Union both in political and economic terms (as a result of their stay in Poland, such persons are meant to contribute to supporting mutual understanding between two regions, as well as to promote respect for democracy, freedoms, equality and human rights in the Partnership countries).

It is also important to note that Poland is still facing the problem related to outflow of Polish graduates to other EU countries, which begun in 2004. The scope and nature of this phenomenon has caused it to be regarded as a “brain drain” which poses a threat to the future of Polish economy and social structure.

4.4. Impact of the phenomena related to the abuse of legalisation procedures on the shape of national policy for admitting international students

As it was already noted in the previous parts of the report, as the level of threats connected with the illegal practices of ob-

taining residence titles for education in Polish universities under false pretences is low, the entities responsible for creating the policy still have an unreserved approach to accepting international students.

The Polish state authorities endeavour to identify all attempts to abuse the “student migration path” by foreigners on an on-going basis (practical measures to identify or prevent such abuses are taken by employees of consular posts, voivodeship offices and officers of the Border Guard), as well as to introduce solutions which could serve to eliminate such practices in the future (introducing an obligation to inform the Border Guard and the Ministry of Science and Higher Education about the foreigner’s failure to appear at the university – following the adoption of a new Act on Foreigners, the catalogue of authorities to be informed about this fact will include also voivodes, in order to allow them to instigate the procedure for revoking previously granted residence permit).

4.5. Incomes generated by universities

Up until 1990 the Ministry of Higher Education gathered statistical data on the income generated from the fees for studying on Polish universities. For example, in 1985 revenues from this source amounted to USD 4 million. Currently, the Ministry of Science and Higher Education collects only statistical data pertaining to annual expenditure related to government scholarships, as well as educational and administrative activities (this expenditure amounts to ca. USD 10 million on average, of which government scholarships correspond to ca. USD 6 million). Neither the Ministry nor the Central Statistical Office keep a register of income which the state budget receives from these sources. The fees for studies are received direct-

²²⁷See the document entitled “Migration Policy of Poland – the Current State of Play and Further Actions”, p. 39-40.

ly by the universities' cashier's offices.²²⁸ However, it is estimated that the level of international students' contribution to the Polish economy amounts to ca. EUR 100 million annually.²²⁹

In light of the steadily growing percentage of foreigners who finance their studies in Poland from their own funds (in the 2011/2012 academic year this was the case for 52% of all international students, with almost a half of such persons studying on non-public universities) it can be concluded that universities in Poland are starting to perceive international students as an element of their strategies to improve their financial condition to a greater extent.

4.6. Demographic aspects

Despite the fact that the number of international students in Poland increased four times during the last two decades, and irrespective of relative acceleration of the rate of this increase in recent years, the share of this category of persons in the total number of students remains low (less than 1%). Taking this fact into account and bearing in mind other causes which influence the overall attractiveness of the country, educational migration to Poland has no chance of becoming a mass social phenomenon. Therefore the impact of the influx of foreign graduates on improving the unfavourable demographic situation in which Poland will soon find itself, as well as its impact on a difficult situation on the labour market, has to be assessed as marginal. This means that graduates' immigration to Poland, as well as general level of immigration, will not compensate a large outflow of graduates of Polish universities abroad.²³⁰

4.7. Public opinion and social attitudes towards international students' immigration

Numerous studies examining Poles' attitudes towards immigrants indicate a relatively positive social reaction to the presence of foreigners, including international students, in Poland, making Poland a moderately tolerant country and placing it among one of the most tolerant countries in the Central and Eastern Europe. Instances in which different groups of Polish citizens openly manifest a negative attitude towards foreigners are reported relatively rarely.

The international students themselves also generally assess their relations with Poles, both those with whom they meet during the course of their studies, as well as those with whom they maintain contact outside of university, as good. Due to generally better linguistic competences and cultural and conventional closeness, the most favourable opinions in this regard were expressed by people of Polish origin. The greatest adaptation difficulties were observed with regard to students coming outside of Europe and North America – people of African, Asian and Arabic origin. These students most frequently indicated that they are being treated in an unfriendly way by the Polish society.

228.M. Chilczuk, *50 years of education...[pl. 50 lat kształcenia...]*, op.cit.

229.B. Siwińska, *International students on Polish universities* [pl. *Studenci zagraniczni na polskich uczelniach*], an article published at www.edunews.pl (accessed on 30 November 2012)..

230.C. Żołędowski (ed.), *International students in Po-*

land... [pl. Studenci zagraniczni w Polsce...], op.cit., p. 192-196.

Summary



Immigration of international students is of increasing importance for numerous countries, including Poland. The most often mentioned benefits from the influx of such migrants include improved quality of education, increased income generated by universities, better demographic and economic situation of the host country (as a result of foreign graduates remaining in the country and entering its labour market), increased social capital resources, higher prestige of the host country and the promotion of international cooperation with the international students' countries of origin.

Internationalisation of the Polish higher education, measured by the percentage of foreigners in the total number of students, must be considered extremely low. Despite a marked increase in the number of international students studying in Poland within the last 30 years, their percentage is still below 1%²³¹ (the average figure for the OECD countries is 6%), which places Poland at one of the last positions in the world. The reasons for such a small number of educational migrants include mainly low competitiveness of Polish higher education institutions when compared to their foreign counterparts (the best Polish universities come very low in international rankings and thus the recognisa-

bility and attractiveness of Polish universities in the world is rather low), but also insufficient institutional support for universities for enrolment of international students.

For many years, universities have been the main actors influencing the policy of foreign student recruitment. They developed their own strategies for internationalisation, promotion and recruitment of international students, taking into account their individual needs and financial and human resources.

One of the most significant results of the activity of universities in this regard was the launch of a programme for Polish higher education promotion entitled "Study in Poland" in 2005, with the support of the "Perspektywy" Education Foundation. The programme was then reinforced by promotional initiatives carried out locally in selected towns and cities.

At the level of the state, for many years there has not been any comprehensive and consistent strategy for internationalisation of universities and the implemented activities were mainly addressed to students of Polish origin and limited to participation of Poland in the EU programmes and implementation of the Bologna Process.

Poland is currently a party to various international agreements on students exchange and mutual recognition of maturity certificates and university diplomas. However,

231. In the 2011/2012 academic year, there were only approximately 14 000 foreigners in almost two-million population of students (the figure was calculated according to the methodology described in the introduction to this study).

bilateral agreements on student exchange provide for relatively low limits of study places in Poland and they usually concern short-term forms of education (mainly summer courses in Polish language and culture, short scientific and research placements and art internships) which results in a low share of foreigners studying in Poland full-time. The analysis of recent activities shows a positive shift in the approach of the state to educational migration to Poland in the context of a decreasing number of potential students due to subsequent generations from the period of population decline reaching the university starting age.

Internationalisation of Polish universities was an extremely important topic during the visit of the Polish President to China in December 2011. The President was accompanied by the Minister of Science and Higher Education and 20 rectors of Polish universities. For the first time, the issues related to promotion of the Polish educational offer and attracting international students to Poland had the same status as political and economic issues on the agenda of a foreign visit of a high Polish official which makes the visit a real breakthrough.

The statements of the President of the Republic of Poland (“*we must have the power and ability to attract international students*”) and of the Minister of Science and Higher Education (“*the objective we want to support is further support for internationalisation of universities*”) demonstrate the increasing awareness of the subject among politicians.

Recently the Polish Ministry of Science and Higher Education has managed to initiate a number of qualitative changes aimed at building the foundations for the system supporting the internationalisation of Polish higher education institutions. They include mainly the implementation of an image campaign promoting Polish higher education abroad, introduction of an obligation for the Polish Accreditation Committee to evaluate the degree of internationalisation of stud-

ies while assessing the quality of education which is to popularise the education internalisation strategies among universities; plans to facilitate the access of foreigners to the Polish language exams by means of increasing the number of centres authorised to perform such exams; as well as introduction of regulations on issuing diplomas jointly with foreign universities.

In 2009 the access of international students and graduates of Polish universities to the labour market was further liberalised significantly - the persons who reside in Poland based on a *residence permit for a fixed period of time*, issued in relation to their studies in Poland, or who graduated from a university in Poland, do not have to obtain a work permit. The problems with recruiting students to Polish universities belong to key determinants of the migration policy as evidenced by the strategic documents of the government in the years 2009-2012. The key document seems to be “*Human Capital Development Strategy*”, which is one of nine development strategies of the government defining core areas of Poland’s development by 2020. One of its objectives is to increase the percentage of international students studying at Polish universities for at least one academic year (according to the Central Statistical Office) from 1.4% in 2011 to 5% in 2020.

Considerably different approach to educational migration takes also strategic document in the area of migration entitled “*Migration Policy of Poland – Current State of Play and Further Actions*” which was adopted by the Council of Ministers in July 2012.²³² In the document international students and graduates from Polish higher education institutions were referred to as a priority from the point of view of the policy of admitting foreigners to Poland.

232. Action Plan is currently being drafted which will list concrete initiatives to be undertaken, define institutions responsible for implementing them, deadlines and sources of financing.

The document also highlights intellectual and integration potential of the graduates of Polish universities which, if used appropriately, can support the development of the entire country. It provides for measures encouraging this group of migrants to settle in Poland permanently. Although the work is ongoing on drafting a plan for implementation of “*Migration Policy of Poland*”, some recommendations from the document, in particular those concerning the simplification of legalisation procedures for international students, were included in the draft new *Act on Foreigners* to be adopted at the end of 2013.

The science and higher education reform, implemented since 2011 and aimed at increasing the opportunities for university graduates (both Poles and foreigners) in the labour market, may also contribute to improving the image of Polish higher education in the world in the long-term. The initiative is a perfect complement to the created system of incentives for foreign graduates to stay in Poland.

The abovementioned measures demonstrate that Poland is at a ground-breaking moment when it is about to start creating an informed and comprehensive policy relating to enrolment of international students. The adoption of *Human Capital Development Strategy* by the government means a political decision on the role to be played by educational migration in the social and economic development of Poland and on its priority status.

It should also be noted that Poland has the capacity to achieve measurable results of the above objectives. Studies in Poland are a less expensive alternative to studies in Western Europe which, combined with a relatively well-developed higher education system, constitutes a significant competitive advantage of Poland. It is important that, despite numerous constraints, selected Polish universities offer higher quality education and the result desired by international students. This is demonstrated by increasing prestige of Polish medical universities where internationalisation amounts to 3% (and, in-

cluding students from other EU countries and Norway, to almost 9%). The unused potential of Polish technical universities is increasingly often discussed as those universities are seen by many as potential leaders of internationalisation in Poland.

The OECD analyses show that migration policy of the state is one of the main determinants of international students’ choice of the country of study. In view of the fact that Poland plans to remove other formal barriers to studying and working in Poland during studies and after graduation and to offer more attractive conditions for foreign graduates to stay in Poland, combined with already applied relatively favourable regulations on family reunification, an important criterion determining the attractiveness of the country as a final destination of European, regional and global educational migration will soon be fulfilled.

Due to a relatively low number of abuses of entry and stay procedures by international students in Poland and a generally positive attitude of the society to immigration, further measures liberalising the regulations on legalisation of stay may be expected for this group of migrants.

The analysis of educational migration to Poland in the coming years must take into account certain limitations. The growth of the number of international students in Poland so far indicates that it is rather unlikely that Poland will become an important actor in the global, or even European, education market.²³³

This is also strongly linked to the persistent monolithic structure of the international students’ countries of origin. Although recent years saw signs of increasing regional diversification of students migrating to Poland (mainly from Turkey, Asian countries and Saudi Arabia),²³⁴ the structure still does not

233. C. Żołędowski (ed.), *International students in Poland...* [pl. *Studenci zagraniczni w Polsce...*], op.cit., p. 192.

234. Compared to 2001, an increase in number of students from Sweden, Norway, Germany and Spain

match the potential of these countries.²³⁵ It is important since, according to experts' projections, two Asian countries, namely China and India, will account for a half of the global population of students in 2025. However, in Poland it is students from Ukraine and Belarus²³⁶ that for many years have accounted (and most likely will account) for the majority of international students (in the 2011/2012 academic year, citizens of those countries represented approx. 60% of all foreigners studying in Poland; in the previous year - 51%) which, in view of the fact that those countries face an even more severe demographic crisis than Poland, undermines their role as a potential source of students.

The analysis of current global trends in the education services market reveals that yet another countries, such as China, Russia, Singapore, Malaysia, Thailand or the Middle East countries which so far have been the sending states of students, join the global competition for talents. As a result, attracting international students is an increasingly difficult and demanding task.

The attractiveness of education in Poland is also determined by a low popularity of Polish language in the world which, combined with a relatively low percentage of full-time study programmes in English, places Poland far behind the countries that for years have been providing high quality education in the so-called congress languages (English, French, German, Spanish and Russian).

was noted. However due to methodology applied, those foreigners are not covered by the scope of this study.

235. Compared to the world average, the number of students from Asia in Poland is low - in the 2011/2012 academic year, they included only 424 Chinese, 356 Taiwanese, 265 Vietnamese, 150 Malaysians, 129 Turks, 109 Indians, 202 Saudis and 19 Singaporeans.

236. The dominant role of Ukraine and Belarus in this area is influenced by, among others, close proximity, long-term cultural relations, high percentage of people of Polish origin and perception of studies in Poland (which is a member of the EU) as a possibility opening door to international career opportunities and giving opportunities for mobility within the Schengen area.

The efforts of the state to transform the migration of students to Poland to study into permanent immigration must be analysed separately. The recent studies of the Centre of Migration Research show that persons of Polish origin and persons coming from former Soviet non-EU countries are most likely to stay in Poland after graduation. However, they usually graduate from faculties that are in lower demand in the labour market which may constitute an incentive for migration from Poland (the said studies show that finding an attractive job is the main determinant of staying in Poland). This in turn reduces to the minimum the chance for compensating a large outflow of Polish graduates abroad and the population decline experienced by Poland with an influx of international students in the long-term.²³⁷

However, bearing in mind the activities undertaken by universities and the government with the aim to increase the internationalisation of Polish education system, and the growing competitive pressure on universities from demographic factors and foreign universities, next years should see a further growth of the number of foreigners studying in Poland, a gradual improvement of education quality, extension of educational offer in foreign languages and a higher position of Polish universities in international rankings, as well as the strengthening of their competitiveness in the international market of educational services.

The increase in the number of international students will require further improvement of access to complete and up-to-date information on applicable procedures, including rules governing the issuing of visas and residence permits, and on educational opportunities in Poland. The policy in this regard should take into account the need to solve the problems reported by international students which will allow to eliminate such undesirable phenomena as they occur.

237. C. Żołędowski (ed.), *International students in Poland...* [pl. *Studenci zagraniczni w Polsce...*], op.cit., p. 196.

Appendix No. 1 – Foreigners studying at Polish universities

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships - MNiSW	Other scholarships - MZ	Other scholarships - MKiDN	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MZ	No tuition fee and no scholarship - MKiDN	Studies for a fee - MNiSW	Studies for a fee - MZ	Studies for a fee - MKiDN	Graduates
Albania	120	0	0	0	26	0	0	28	15	0	50	0	1	0
Austria	27	0	0	0	0	0	0	13	0	0	5	8	1	4
Belgium	12	0	0	0	0	0	0	10	0	0	2	0	0	1
Belarus	2521	893	61	27	154	6	5	737	24	28	578	6	2	204
Bosnia and Herzeg.	13	1	5	0	0	0	0	4	0	1	1	1	0	0
Bulgaria	58	14	0	0	2	1	0	28	0	0	10	0	3	2
Croatia	14	3	0	0	0	0	0	3	0	3	5	0	0	0
Cyprus	9	0	0	0	0	0	0	4	0	0	4	1	0	1
Montenegro	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Czech Republic	117	63	2	0	1	0	0	37	0	6	8	0	0	19
Denmark	37	0	0	0	0	0	0	2	0	0	3	31	1	2
Estonia	4	1	0	0	0	0	0	3	0	0	0	0	0	0
Finland	27	0	0	0	1	0	0	5	0	0	8	13	0	0
France	71	0	0	0	2	0	0	22	13	3	28	0	3	10
Greece	25	0	0	0	1	0	0	14	0	0	4	6	0	1
Spain	21	0	0	0	0	0	0	12	0	0	4	5	0	4
The Netherlands	16	0	0	0	1	0	0	8	0	0	7	0	0	0
Ireland	34	0	0	0	1	0	0	2	0	0	24	6	1	1
Iceland	6	0	0	0	0	0	0	0	0	0	0	4	2	1
Lithuania	877	286	7	3	8	0	1	421	2	2	146	1	0	17

Abbreviations used in the table: MNiSW - Ministry of Science and Higher Education, MZ - Ministry of Health, MKiDN - Ministry of culture and National Heritage

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships - MNiSW	Other scholarships - MZ	Other scholarships - MKiDN	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MZ	No tuition fee and no scholarship - MKiDN	Studies for a fee - MNiSW	Studies for a fee - MZ	Studies for a fee - MKiDN	Graduates
Latvia	57	29	1	0	3	0	0	14	0	3	5	1	1	3
Macedonia	5	3	0	0	0	0	0	2	0	0	0	0	0	2
Moldova	70	34	2	0	1	0	0	26	0	0	6	0	1	3
Germany	499	0	0	0	5	0	0	216	0	6	65	198	9	29
Norway	1346	0	0	0	0	0	0	3	0	0	84	1254	5	26
Portugal	25	0	0	0	0	0	9	0	0	0	10	5	1	1
Russia	472	105	1	0	18	0	163	2	0	0	183	0	0	23
Romania	49	30	0	0	3	0	8	0	0	0	7	1	0	3
Serbia	22	5	0	0	1	0	8	0	0	0	7	1	0	1
Slovak Republic	64	5	0	0	0	0	28	1	11	18	0	0	1	3
Slovenia	3	0	0	0	0	0	0	0	0	2	1	0	0	1
Switzerland	5	0	0	0	0	0	3	0	0	0	0	1	1	0
Sweden	718	0	0	0	1	0	11	1	2	2	101	597	5	5
Ukraine	5348	526	17	6	189	3	1398	22	15	15	3139	20	10	424
Hungary	58	14	1	0	6	0	28	0	1	8	0	0	0	3
UK	96	0	0	0	2	0	11	0	4	25	53	1	1	6
Italy	40	0	0	0	0	0	25	0	3	6	6	0	0	2
Europe - Total	12887	2012	97	36	426	10	3506	80	90	4553	2219	49	802	
Afghanistan	19	2	0	0	8	0	1	1	0	7	0	0	0	0
Saudi Arabia	202	0	0	0	0	104	0	0	0	26	72	0	1	

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships – MNiSW	Other scholarships – MZ	Other scholarships – MKiDN	No tuition fee and no scholarship – MNiSW	No tuition fee and no scholarship – MZ	No tuition fee and no scholarship – MKiDN	Studies for a fee – MNiSW	Studies for a fee – MZ	Studies for a fee – MKiDN	Graduates
Armenia	120	0	0	2	1	0	0	62	3	0	50	1	1	6
Azerbaijan	43	4	0	0	1	0	0	9	0	0	29	0	0	5
Bangladesh	6	0	0	0	1	0	0	3	0	0	2	0	0	0
Bhutan	4	0	0	0	3	0	0	0	0	0	1	0	0	0
Burma	1	0	0	0	0	0	0	1	0	0	0	0	0	0
China	424	2	0	0	29	0	0	56	0	0	278	4	55	23
Philippines	4	0	0	0	4	0	0	0	0	0	0	0	0	0
Georgia	85	40	0	0	3	0	0	15	0	1	25	0	1	3
India	109	2	0	0	13	0	0	13	1	0	61	15	4	27
Indonesia	9	0	0	0	4	0	0	2	0	0	1	2	0	0
Iraq	73	3	3	0	24	0	0	10	2	0	20	11	0	3
Iran	63	0	0	0	3	0	0	13	2	0	31	12	2	8
Israel	43	2	0	0	0	0	0	3	4	0	11	23	0	0
Japan	32	7	0	1	0	0	0	0	0	3	3	6	12	2
Yemen	17	0	0	0	1	0	0	6	0	0	8	2	0	4
Jordan	16	2	0	0	0	2	0	2	9	0	0	1	0	0
Kazakhstan	574	295	1	0	17	1	0	128	0	1	131	0	0	19
Kirgizstan	26	3	0	0	2	0	0	12	0	0	9	0	0	1
South Korea	47	0	0	0	7	0	0	3	0	0	5	8	24	0
Kuwait	1	0	0	0	0	0	0	1	0	0	0	0	0	0

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships - MNiSW	Other scholarships - MZ	Other scholarships - MKiDN	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MZ	No tuition fee and no scholarship - MKiDN	Studies for a fee - MNiSW	Studies for a fee - MZ	Studies for a fee - MKiDN	Graduates
Lebanon	17	0	0	0	0	1	0	7	3	0	4	2	0	2
Malaysia	150	0	0	0	0	108	0	0	0	0	5	37	0	9
Mongolia	202	0	0	0	51	0	0	43	5	1	95	7	0	3
Nepal	23	0	1	0	4	0	0	0	0	0	18	0	0	3
Pakistan	30	0	0	0	5	0	0	3	0	0	14	8	0	3
Palestine	25	8	3	0	0	0	0	4	6	0	3	1	0	1
Singapore	13	0	0	1	0	0	0	12	0	0	0	0	0	0
Sri Lanka	2	0	0	0	0	0	0	0	0	0	0	2	0	1
Syria	36	1	0	0	9	0	0	15	2	0	4	2	3	2
Tajikistan	8	4	0	0	2	0	0	0	0	0	2	0	0	0
Thailand	7	0	0	0	2	0	0	3	0	0	2	0	0	0
Taiwan	356	5	0	0	5	0	0	2	0	0	2	342	0	8
Turkey	129	1	0	0	0	0	0	14	0	0	101	3	10	5
Turkmenistan	39	22	0	0	1	0	0	4	0	0	11	0	1	0
Uzbekistan	78	21	3	2	4	0	0	14	0	3	30	1	0	2
Vietnam	265	0	0	0	56	0	0	105	3	2	96	3	0	8
United Arab Emirates	3	0	0	0	0	0	0	0	0	0	2	1	0	0
Asia	3301	424	11	6	260	216	0	566	41	11	1087	566	113	149
Algeria	10	0	0	0	4	0	0	0	0	0	6	0	0	0
Angola	87	0	0	0	0	0	0	65	0	0	22	0	0	9

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships – MNiSW	Other scholarships – MZ	Other scholarships – MKiDN	No tuition fee and no scholarship – MNiSW	No tuition fee and no scholarship – MZ	No tuition fee and no scholarship – MKiDN	Studies for a fee – MNiSW	Studies for a fee – MZ	Studies for a fee – MKiDN	Graduates
Benin	1	0	0	0	0	0	0	0	0	0	1	0	0	1
Botswana	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Chad	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Congo	28	0	0	0	0	0	0	20	2	0	4	2	0	4
Egypt	14	0	0	0	6	0	0	5	0	0	2	0	1	3
Ethiopia	12	0	0	0	1	0	0	5	1	0	4	1	0	1
Gambia	8	0	0	0	0	0	0	2	0	0	6	0	0	0
Ghana	25	0	0	0	1	0	0	8	1	0	9	6	0	4
Guinea	3	0	0	0	0	0	0	2	0	0	1	0	0	1
Guinea Bissau	1	0	0	0	0	0	0	1	0	0	0	0	0	1
Equatorial Guinea	2	0	0	0	0	0	0	2	0	0	0	0	0	0
Cameroon	72	0	1	0	4	1	0	25	6	0	32	3	0	2
Kenya	55	0	0	0	0	0	0	27	20	0	6	2	0	16
Congo	5	0	0	0	0	0	0	3	0	0	2	0	0	1
Libya	10	1	0	0	2	0	0	0	0	0	3	4	0	5
Malawi	2	0	0	0	0	0	0	0	0	0	1	1	0	0
Morocco	16	0	0	0	0	0	0	4	0	0	12	0	0	0
Mauretania	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Mauritius	5	2	1	0	0	0	0	0	0	0	1	1	0	0
Nigeria	164	1	2	0	0	2	0	18	5	0	112	24	0	51
Cape Verde	1	0	0	0	0	0	0	1	0	0	0	0	0	0
South Africa	13	0	0	0	0	0	0	1	0	0	2	10	0	0

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships - MNiSW	Other scholarships - MZ	Other scholarships - MKiDN	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MZ	No tuition fee and no scholarship - MKiDN	Studies for a fee - MNiSW	Studies for a fee - MZ	Studies for a fee - MKiDN	Graduates
Rwanda	11	0	0	0	0	0	0	9	0	0	2	0	0	0
Senegal	10	0	0	0	0	0	0	6	1	0	2	1	0	2
Sudan	3	0	0	0	0	0	0	1	1	0	0	1	0	1
Tanzania	25	0	1	0	1	0	0	16	1	0	5	1	0	3
Togo	3	0	0	0	0	0	0	2	0	0	1	0	0	0
Tunisia	22	0	0	0	0	0	0	8	0	0	14	0	0	3
Uganda	4	0	0	0	1	0	0	1	0	0	1	1	0	0
Zambia	4	0	0	0	0	0	0	0	0	0	3	1	0	1
Zimbabwe	7	0	0	0	0	0	0	2	1	0	3	1	0	2
Africa	626	4	5	0	20	3	0	234	39	0	259	61	1	111
Argentina	3	1	0	0	0	0	0	0	0	0	1	0	1	0
Bolivia	1	1	0	0	0	0	0	0	0	0	0	0	0	1
Brazil	29	10	0	0	2	0	0	7	1	0	8	0	1	3
Chile	3	0	0	0	0	0	0	1	0	0	1	0	1	1
Ecuador	8	4	0	0	0	0	0	3	0	0	1	0	0	0
Guyana	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Columbia	20	1	0	0	5	0	0	9	0	0	5	0	0	3
Peru	5	0	0	0	0	0	0	2	0	0	3	0	0	2
Venezuela	4	1	0	0	0	0	0	1	0	0	2	0	0	0
South America	74	18	0	0	7	0	0	23	1	0	22	0	3	10

Table 9. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2011/2012 academic year (continued)

Country of origin	Total	Polish government scholarship – MNiSW	Polish government scholarship – MZ	Polish government scholarship – MKiDN	Other scholarships – MNiSW	Other scholarships – MZ	Other scholarships – MKiDN	No tuition fee and no scholarship – MNiSW	No tuition fee and no scholarship – MZ	No tuition fee and no scholarship – MKiDN	Studies for a fee – MNiSW	Studies for a fee – MZ	Studies for a fee – MKiDN	Graduates
Canada	332	0	0	0	1	0	0	7	0	3	19	300	2	20
USA	517	0	0	0	7	0	0	5	0	0	56	446	3	50
North America	849	0	0	0	8	0	0	12	0	3	75	746	5	70
Dominican Republic	2	0	0	0	0	0	0	1	0	0	0	1	0	0
Guatemala	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Haiti	10	10	0	0	0	0	0	0	0	0	0	0	0	0
Honduras	3	0	0	0	0	0	0	2	0	0	1	0	0	0
Jamaica	4	0	0	0	0	0	0	0	0	0	0	4	0	0
Costa Rica	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Cuba	3	2	0	0	0	0	0	0	0	0	1	0	0	1
Mexico	32	1	0	0	3	0	0	8	0	1	12	0	7	0
Salvador	1	0	0	0	0	0	0	1	0	0	0	0	0	0
Trinidad and Tobago	2	0	0	0	0	0	0	0	0	0	2	0	0	0
Central America	59	13	0	0	3	0	0	12	0	1	17	5	8	1
Australia	11	0	0	0	0	0	0	0	0	0	3	8	0	0
New Zealand	5	0	0	0	0	0	0	0	0	0	1	4	0	0
Australia and Oceania	16	0	0	0	0	0	0	0	0	0	4	12	0	0
Total	17812	2471	113	42	724	229	9	4153	161	105	6017	3609	179	1143

Source: Bureau for Academic Recognition and International Exchange

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Albania	148	0	0	0	3	93	0	16	36	1
Austria	32	0	0	0	0	14	1	0	17	3
Belgium	7	0	0	0	0	4	0	0	3	0
Belarus	2212	811	12	40	125	647	19	6	552	90
Bosnia and Herzeg.	1	1	0	0	0	0	0	0	0	0
Bulgaria	50	9	0	0	4	20	1	1	15	5
Croatia	10	0	0	0	1	1	0	0	8	1
Cyprus	8	0	0	0	0	3	0	0	5	0
Czech Republic	155	73	0	4	5	46	10	1	16	5
Denmark	42	0	0	0	0	5	0	0	37	1
Estonia	5	1	0	0	0	4	0	0	0	0
Finland	19	0	0	0	1	3	0	0	15	2
France	92	0	1	0	2	37	2	1	49	9
Greece	35	0	0	0	0	11	0	0	24	1
Spain	54	0	0	0	0	16	0	0	38	1
Netherlands	17	0	0	0	0	9	0	0	8	2
Ireland	39	0	0	0	1	3	0	0	35	1
Iceland	6	0	0	0	0	0	0	0	6	2
Lithuania	742	287	1	9	16	408	5	2	14	154
Latvia	58	39	1	1	2	11	1	0	3	6

Abbreviations used in the table: MNiSW - Ministry of Science and Higher Education, MZ - Ministry of Health, MKiDN - Ministry of culture and National Heritage

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Macedonia	6	4	0	0	0	2	0	0	0	2
Moldova	77	31	0	2	3	27	0	1	13	4
Germany	459	0	0	0	8	165	7	0	279	19
Norway	1084	0	0	0	0	4	0	0	1080	1
Portugal	13	0	0	0	0	7	0	0	6	1
Russia	385	105	1	1	19	127	2	5	125	11
Rumania	41	21	0	0	5	10	0	0	5	2
Serbia	29	8	0	0	2	11	0	1	7	1
Slovak Republic	79	7	0	0	3	38	10	1	20	3
Slovenia	7	0	0	0	0	2	3	0	2	0
Switzerland	9	0	0	0	0	4	0	0	5	1
Sweden	1122	0	0	0	1	13	1	0	1107	5
Ukraine	3204	474	3	16	156	982	19	26	1528	158
Hungary	46	9	0	1	3	20	1	1	11	3
UK	88	0	0	0	1	8	0	0	79	4
Italy	52	0	0	0	1	26	2	0	23	3
Europe	10433	1880	19	74	362	2781	84	62	5171	502
Afghanistan	76	0	0	0	14	0	0	1	61	0
Angola	1	0	0	0	0	1	0	0	0	0
Saudi Arabia	166	0	0	0	16	9	0	0	141	0

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Armenia	109	1	0	0	1	37	0	2	68	5
Azerbaijan	23	1	0	0	2	4	0	0	16	1
Bangladesh	9	0	0	0	2	2	0	0	5	0
Bhutan	3	0	0	0	2	0	0	0	1	0
China	375	1	0	0	21	25	0	1	327	17
Cyprus	1	0	0	0	0	1	0	0	0	0
Philippines	1	0	0	0	0	1	0	0	0	0
Georgia	84	41	0	0	3	10	3	0	27	2
India	148	2	0	0	14	16	0	0	116	7
Indonesia	11	0	0	0	2	3	0	0	6	0
Iraq	72	2	0	2	40	4	0	3	21	3
Iran	57	0	0	0	7	7	0	2	41	1
Israel	32	2	0	0	1	3	0	4	22	2
Japan	31	5	0	0	1	1	5	0	19	3
Yemen	17	1	0	0	0	14	0	1	1	1
Jordan	15	3	0	0	0	2	0	9	1	0
Kazakhstan	620	297	1	2	23	185	1	1	110	12
Kirgizstan	28	4	0	0	2	14	0	0	8	0
South Korea	48	1	0	0	1	11	0	0	35	1
North Korea	3	0	0	0	0	0	0	0	3	0

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Kuwait	3	0	0	0	0	0	0	0	3	1
Laos	0	0	0	0	0	0	0	0	0	1
Lebanon	18	1	0	1	0	7	0	4	5	1
Malaysia	42	0	0	0	0	0	0	0	42	0
Mongolia	161	1	0	0	1	70	1	6	82	0
Nepal	36	0	0	1	3	1	0	0	31	0
Pakistan	44	0	0	0	0	6	0	0	38	0
Palestine	35	12	0	5	1	4	0	7	6	0
Singapore	14	0	0	0	0	13	0	0	1	0
Sri Lanka	3	0	0	0	0	1	0	0	2	0
Syria	40	3	0	0	0	10	0	6	21	0
Tajikistan	4	3	0	0	0	0	0	0	1	0
Thailand	4	1	0	0	1	1	0	0	1	0
Taiwan	226	14	0	0	0	7	0	0	205	15
Turkey	83	0	0	0	0	5	1	0	77	4
Turkmenistan	34	19	0	0	0	6	0	0	9	0
Uzbekistan	89	28	0	1	3	23	1	0	33	0
Vietnam	279	0	0	0	4	146	1	3	125	22
United Arab Emirates	3	0	0	0	0	0	0	0	3	0
Asia	3048	443	1	12	165	650	13	50	1714	99

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Algeria	1	0	0	0	0	0	0	0	1	0
Angola	74	0	0	0	3	54	0	0	17	2
Chad	1	0	0	0	0	0	0	0	1	0
Congo	31	0	0	0	2	20	0	2	7	6
Egypt	12	0	0	0	2	8	0	0	2	0
Eritrea	1	0	0	0	0	1	0	0	0	0
Ethiopia	13	0	0	0	0	6	0	1	6	1
Gambia	14	0	0	0	0	2	0	0	12	0
Ghana	14	0	0	0	0	7	0	1	6	1
Guinea	4	0	0	0	0	2	0	0	2	1
Guinea Bissau	4	0	0	0	0	2	0	0	2	2
Cameroon	74	0	0	1	1	30	0	6	36	2
Kenya	59	0	0	1	1	21	0	26	10	0
Congo	4	0	0	0	0	4	0	0	0	1
Libya	22	1	0	0	1	2	0	0	18	3
Malawi	4	0	0	0	0	1	0	0	3	0
Morocco	14	0	0	0	0	2	0	0	12	2
Mauretania	1	0	0	0	0	0	0	0	1	0
Mauritius	5	2	0	1	0	0	0	0	2	0
Nigeria	182	1	0	0	1	23	0	7	150	31

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
South Africa	16	0	0	0	0	1	0	0	15	0
Rwanda	9	0	0	0	1	7	0	0	1	0
Senegal	8	0	0	0	0	5	0	1	2	3
Sudan	4	0	0	0	0	1	0	1	2	1
Tanzania	24	0	0	0	5	13	0	1	5	3
Togo	3	0	0	0	0	2	0	0	1	0
Tunisia	21	0	0	0	0	5	0	1	15	5
Uganda	3	0	0	0	1	0	0	0	2	0
Ivory Coast	1	0	0	0	1	0	0	0	0	0
Zambia	7	0	0	0	0	1	0	0	6	2
Zimbabwe	10	0	0	0	0	5	0	1	4	5
Africa	640	4	0	3	19	225	0	48	341	71
Canada	298	0	0	0	0	13	0	0	285	6
Mexico	1	0	0	0	0	0	0	0	1	0
USA	470	0	0	0	0	9	0	0	461	34
North America	769	0	0	0	0	22	0	0	747	40
Dominican Republic	2	0	0	0	0	1	0	0	1	0
Honduras	3	0	0	0	0	2	0	0	1	0
Jamaica	2	0	0	0	0	0	0	0	2	0
Cuba	4	2	0	0	1	0	0	1	0	0

Table 10. Students, PhD students and post-graduate students (third country nationals and EU citizens, full-time studies) in 2010/2011 academic year (continued)

Country of origin	Total	Polish government scholarship - MNiSW	Polish government scholarship - MZ	Polish government scholarship - MKiDN	Other scholarship - MNiSW	No tuition fee and no scholarship - MNiSW	No tuition fee and no scholarship - MKiDN	No tuition fee and no scholarship - MZ	Studies for a fee	Graduates
Mexico	19	2	0	0	0	4	1	0	12	4
Salvador	1	0	0	0	0	0	0	0	1	0
Central America	31	4	0	0	1	7	1	1	17	4
Argentina	3	1	0	0	0	0	0	0	2	1
Bolivia	4	2	0	0	0	2	0	0	0	0
Brazil	31	7	0	0	0	13	0	1	10	3
Chile	2	0	0	0	0	1	0	1	0	0
Ecuador	13	5	0	0	0	6	0	1	1	3
Guyana	1	0	0	0	0	0	0	0	1	0
Guatemala	1	0	0	0	0	0	0	0	1	0
Columbia	15	1	0	0	0	1	0	0	13	2
Peru	5	0	0	0	0	1	0	0	4	1
Uruguay	2	0	0	0	0	1	0	0	1	0
Venezuela	3	1	0	0	0	0	0	0	2	2
South America	80	17	0	0	0	25	0	3	35	12
Australia	18	0	0	0	0	2	0	0	16	0
New Zealand	1	0	0	0	0	0	0	0	1	0
Australia and Oceania	19	0	0	0	0	2	0	0	17	0
Total	15020	2348	20	89	547	3712	98	164	8042	728

Source: Bureau for Academic Recognition and International Exchange

Appendix No. 2 – Visas and visa refusals issued to foreigners willing to take up education in Poland

Table 11. Visas²³⁸ issued in 2008-2012 to foreigners willing to take up education in Poland, by visa types

	2008	2009	2010 until 31.8	2010 until 1.9	2011	2012
visa C	7583	12742	7843	574	996	1099
visa D	4483	6544	4358	3622	8540	12547

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 12. Education visas and visa issued for the purpose of training other than stipulated in Article 26(1)(10) and (11) of Act on Foreigners in 2010-2012, by visa type

	2010 until 1.9	2011	2012
visa C	1018	4204	3709
visa D	983	3789	4452

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

238. **Data for 2008** – include visas type „9” – research, training and teaching visas;

Data for 2009 – include visas type „9” – visa issued for the purpose of taking up bachelor’s, master’s and doctoral studies or uniform master’s studies and „10” – visa issued for the purpose of research, training and teaching visas other than stipulated in Article 28(1)(8) of Act of Foreigners;

Data for 2010 were divided into two periods:

- 01.01.2010 – 31.08.2010 – include visas as data for 2009;

- 01.09.2010 – 31.12.2010 – include visas type „10” – visa issued for the purpose of taking up bachelor’s, master’s and doctoral studies or uniform master’s studies;

Data for 2011-2013 – include visas type „10” – visa issued for the purpose of taking up bachelor’s, master’s and doctoral studies or uniform master’s studies.

Table 13. Top 10 citizenships of foreigners who were issued uniform visa in 2008-2012 (see: footnote 238)

2008		2009		2010 until 31.8		2010 until 1.9		2011		2012	
UKRAINE	3425	UKRAINE	4684	UKRAINE	3362	UKRAINE	348	UKRAINE	596	UKRAINE	802
RUSSIA	1366	BELARUS	2751	RUSSIA	1607	BELARUS	98	BELARUS	130	BELARUS	101
BELARUS	1099	RUSSIA	2391	BELARUS	754	KAZAKHSTAN	40	RUSSIA	58	RUSSIA	37
MOLDOVA	490	GEORGIA	604	GEORGIA	415	RUSSIA	32	KAZAKHSTAN	39	KAZAKHSTAN	28
SERBIA	189	MOLDOVA	519	MOLDOVA	196	MOLDOVA	12	CHINA	24	CHINA	12
CHINA	160	SERBIA	467	BOSNIA AND HERZEGOVINA	178	SAUDI ARABIA	9	AZERBAIJAN	21	SYRIA	9
KAZAKHSTAN	129	KAZAKHSTAN	225	KAZAKHSTAN	173	NIGERIA	6	SAUDI ARABIA	15	MOLDOVA	9
VIETNAM	112	EGYPT	131	CHINA	156	IRAN	5	MOLDOVA	10	AZERBAIJAN	8
AZERBAIJAN	77	CHINA	113	AZERBAIJAN	120	BANGLADESH	3	KENIA	10	TURKEY	8
TURKEY	68	AZERBAIJAN	112	TURKEY	97	KENIA	3	TURKEY	7	KENIA	7

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 14. Top 10 citizenships of foreigners who were issued national visa in 2008-2012 (see: footnote 238)

2008		2009		2010 until 31.8		2010 from 1.9		2011		2012	
UKRAINE	1497	UKRAINE	2444	UKRAINE	1226	UKRAINE	1704	UKRAINE	3954	UKRAINE	6790
BELARUS	1096	BELARUS	1377	TURKEY	668	BELARUS	672	BELARUS	1375	BELARUS	2184
TURKEY	634	TURKEY	761	BELARUS	545	SAUDI ARABIA	163	SAUDI ARABIA	447	SAUDI ARABIA	540
CHINA	226	CHINA	329	USA	358	CHINA	159	USA	353	RUSSIA	312
RUSSIA	164	TAIWAN	227	CHINA	292	RUSSIA	139	RUSSIA	271	USA	270
USA	162	KAZAKHSTAN	216	SAUDI ARABIA	164	USA	102	CHINA	238	TURKEY	246
KAZAKHSTAN	123	RUSSIA	212	CANADA	120	TURKEY	87	TURKEY	231	CHINA	242
CANADA	73	TUNISIA	122	RUSSIA	102	INDIA	60	CANADA	151	TAIWAN	191
SOUTH KOREA	30	USA	110	TAIWAN	100	TAIWAN	56	TAIWAN	145	KAZAKHSTAN	180
AUSTRALIA	28	EGYPT	85	SOUTH KOREA	82	CANADA	48	KAZAKHSTAN	141	CANADA	151

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 15. Top 10 citizenships of foreigners who in 2008-2012 were issued education visas and visas for the purpose of education training other than stipulated in Article 26(1)(10) and (11) of Act of Foreigners, by visa type

		VISA C					VISA D				
2008		2009		2010 until 31.8		2010 from 1.9		2011		2012	
UKRAINE	590	UKRAINE	2229	UKRAINE	1812	TURKEY	433	TURKEY	2002	TURKEY	2558
RUSSIA	145	RUSSIA	642	RUSSIA	531	UKRAINE	159	UKRAINE	670	UKRAINE	792
BELARUS	85	BELARUS	452	BELARUS	302	CHINA	73	BELARUS	188	BELARUS	150
GEORGIA	53	KAZAKHSTAN	187	KAZAKHSTAN	210	MONGOLIA	73	USA	155	CHINA	130
AZERBAIJAN	21	MOLDOVA	147	MOLDOVA	149	BELARUS	43	CHINA	138	KAZAKHSTAN	117
TAJIKISTAN	17	GEORGIA	93	CHINA	138	USA	39	RUSSIA	101	USA	111
KAZAKHSTAN	16	CHINA	72	ARMENIA	119	RUSSIA	35	MONGOLIA	73	RUSSIA	99
MOLDOVA	15	ARMENIA	69	GEORGIA	113	TUNISIA	15	SOUTH KOREA	51	JAPAN	50
UZBEKISTAN	13	MONGOLIA	48	TURKEY	73	SOUTH KOREA	15	JAPAN	43	GEORGIA	43
MONGOLIA	11	UZBEKISTAN	41	EGYPT	43	JAPAN	10	KAZAKHSTAN	39	MEXICO	42

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 16. Visa refusals (see: footnote 238) issued in 2008-2012 to foreigners willing to take up education in Poland, by visa types

	2008	2009	2010 until 31.8	2010 from 1.9	2011	2012
visa C	103	161	161	4	16	10
visa D	81	293	472	239	206	155

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 17. Visa refusals issued to foreigners applying for visas for the purpose of education training other than stipulated in Article 26(1)(10) and (11) of *Act of Foreigners* in 2008-2012, by visa type

	2010 until 1.9	2011	2012
visa C	18	34	48
visa D	79	237	125

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 18. Top 10 citizenships of foreigners who were refused uniform visa in 2008-2012 (see: footnote 238)

2008		2009		2010 until 31.8		2010 until 1.9		2011		2012	
BELARUS	35	GEORGIA	36	BELARUS	35	BELARUS	2	AZERBAIJAN	6	CONGO	3
UKRAINE	25	UKRAINE	26	BOSNIA AND HERZEG.	27	VIETNAM	2	CONGO	3	JORDAN	1
EGYPT	20	EGYPT	20	NIGERIA	18	SRI LANKA	0	RUSSIA	1	NEPAL	1
MOLDOVA	9	BELARUS	20	UKRAINE	16	PAKISTAN	0	SRI LANKA	1	UKRAINE	1
CHINA	3	MALI	8	GEORGIA	15	TURKEY	0	SOMALIA	1	ERYTREA	1
MONGOLIA	2	NIGERIA	7	TUNISIA	5	INDIA	0	TAJIKISTAN	1	SYRIA	1
RUSSIA	2	MOLDOVA	7	EGYPT	5	PALESTINE	0	BANGLADESH	1	INDIA	1
NIGERIA	2	CHINA	6	SRI LANKA	4	CAMEROON	0	PAKISTAN	1	IVORY COST	1
SYRIA	1	RUSSIA	4	INDIA	4	TUNISIA	0	ANGOLA	1	RUSSIA	0
SUDAN	1	MONGOLIA	3	CONGO	4	UKRAINE	0	SUDAN	0	CONGO	0

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 19. Top 10 citizenships of foreigners who were refused national visa in 2008-2012 (see: footnote 238)

2008	2009		2010 until 31.8		2010 until 1.9		2011		2012		
CHINA	32	EGYPT	69	INDIA	211	INDIA	170	INDIA	70	NEPAL	50
UKRAINE	12	INDIA	42	EGYPT	80	NEPAL	26	NEPAL	41	INDIA	48
BELARUS	7	GEORGIA	32	BANGLADESZ	43	CHINA	11	PAKISTAN	30	UKRAINE	14
NIGERIA	5	NEPAL	24	CHINA	29	BANGLADESH	11	CHINA	16	NIGERIA	10
EGYPT	5	PAKISTAN	17	NEPAL	18	UKRAINE	4	SRI LANKA	7	BANGLADESH	10
PAKISTAN	4	CONGO	14	TUNISIA	13	CAMEROON	4	NIGERIA	4	SRI LANKA	8
NEPAL	4	UKRAINE	13	MALI	12	BELARUS	2	SYRIA	4	EGYPT	2
TURKEY	3	CHINA	13	PAKISTAN	7	TUNISIA	2	UKRAINE	4	RUSSIA	2
GAMBIA	3	PALESTINE	11	STATELESS	7	SRI LANKA	2	PALESTINE	4	TURKEY	2
VIETNAM	2	BANGLADESH	8	CAMEROON	7	PALESTINE	2	CONGO	4	PAKISTAN	1

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Table 20. Top 10 citizenships of foreigners who were in 2008-2012 refused visa for the purpose of education training other than stipulated in Article 26(1)(10) and (11) of Act of Foreigners, by visa type

	visa C						visa D					
	2010 until 1.9		2011		2012		2010 until 1.9		2011		2012	
BANGLADESH	4	NIGERIA	7	INDIA	20	TUNISIA	37	INDIA	75	INDIA	33	
NIGERIA	3	MONGOLIA	4	NEPAL	6	TURKEY	17	CHINA	47	CHINA	19	
TUNISIA	2	INDIA	4	NIGERIA	6	CHINA	14	PAKISTAN	22	UKRAINE	18	
CHINA	2	ARMENIA	3	MONGOLIA	4	CAMEROON	5	NEPAL	19	TURKEY	13	
UKRAINE	2	GEORGIA	3	MOLDOVA	3	CONGO	3	TUNISIA	18	EGYPT	7	
INDIA	1	CAMEROON	3	JORDAN	2	AZERBAIJAN	1	MONGOLIA	13	NIGERIA	4	
GUINEA	1	CHINA	2	UKRAINE	2	EGYPT	1	SRI LANKA	8	SYRIA	4	
CONGO	1	EGYPT	2	LIBAN	1	ALGERIA	1	ERYTREA	5	PALESTINE	3	
GABON	1	UKRAINE	2	UGHANDA	1	NIGERIA	0	TURKEY	4	CAMEROON	3	
GHANA	1	TUNISIA	1	EGYPT	1	GUINEA	0	UKRAINE	4	SRI LANKA	3	

Source: Own elaboration on the basis of the Ministry of Foreign Affairs data

Appendix No. 3 – Government scholarship limits granted by Poland

The number of scholarships granted by Poland to foreigners who study and participate in research and development work in the Republic of Poland pursuant to **international agreements or a decision of the minister in charge of higher education** in a given academic year may not exceed:

- For people starting uniform master's studies – 60 scholarships;
- For people starting bachelor's studies – 440 scholarships;
- For people starting supplementary master's studies – 400 scholarships;
- For people starting PhD and postgraduate studies – 360 scholarships;
- For people who participate in scientific or specialisation internships that last for 12 months or longer – 200 scholarships;
- For people who participate in scientific or specialisation internships that are shorter than 12 months – the number of scholarships equal to a total of 1,600 months;
- For people who participate in short-term scientific internships (up to 30 days) – the number of scholarships equal to a total of 250 weeks;
- For people who participate in summer Polish courses – 700 scholarships.

In academic year 2011/2012, the number of scholarships granted by Poland to foreigners studying at **universities subordinate to the minister in charge of culture and national heritage protection** may not exceed:

- For foreigners starting uniform master's studies, bachelor's studies and supple-

mentary master's studies – 22 scholarships;

- For foreigners starting PhD studies, postgraduate studies or on art internships – 8 scholarships.

In a given academic year, the number of scholarships granted by Poland to foreigners studying at **universities subordinate to the minister in charge of health care** may not exceed:

- For foreigners starting uniform master's studies, bachelor's studies and supplementary master's studies – 15 scholarships;
- For foreigners starting postgraduate studies that consist in postgraduate internships of doctors and dentists, specialisation of doctors and dentists or PhD studies – 5 scholarships.

Appendix No. 4 – Complementary agreements to the international treaties in the field of educational cooperation concluded by Poland

Table 21. Complementary agreements to the international treaties in the field of educational cooperation concluded by Poland (as at 1 March 2013)

No.	Country	Name of the document	Specification of the offer under the agreement
1.	Armenia	<i>“Programme of implementation between the Government of the Republic of Poland and the Government of the Republic of Armenia in the field of culture, science and education for the years 2011-2013”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • up to 4 places for higher studies; • 2 places for PhD studies; • a total of 10 months of scientific-research internships. <p>The candidates are admitted under the following conditions:</p> <ul style="list-style-type: none"> • Free of charge and with no scholarships.
2.	China	<i>“Agreement between the Minister of Science and Higher Education of the Republic of Poland and the Minister of Education of the People’s Republic of China on cooperation in the area of higher education</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 40 places for studies or scientific internships. <p>The candidates are admitted under the following conditions:</p> <p>Scholarship granted by the sending institution.</p>
3.	Georgia	<i>“Program of cooperation between the Government of the Republic of Poland and the Government of Georgia in the field of Science, Education, Culture, Youth and Sports for the years 2011 – 2013”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • up to 15 scholarships for students who know the Polish language, for nine-month studies at Polish public higher education institutions - participants in Polish language courses at accredited Georgian higher education institutions; • up to 10 places for higher studies; • up to 2 places for PhD studies; • a total of up to 10 months of scientific-research internships. <p>The candidates are admitted under the following conditions:</p> <ul style="list-style-type: none"> • For the nine-month higher studies – Polish scholarship; • For higher studies, PhD studies and scientific internships – free of charge and scholarships.
4.	Japan	<i>“Agreement between the Polish People’s Republic and the Government of Japan on cultural cooperation concluded in the form of exchange of notes”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 8 – 24-month scientific and research internships; • 3 places for summer language courses. <p>The candidates are admitted under the following conditions:</p> <p>Polish scholarship.</p>
5.	South Korea	<i>“Cooperation Programme between the Government of the Republic of Poland and the Government of the Republic of Korea in the field of culture, science and education for the years 2008-2011”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 45 scholarship months for internships and studies; • 3 places for summer language courses. <p>The candidates are admitted under the following conditions:</p> <p>Polish scholarship.</p>

Table 21. Complementary agreements to the international treaties in the field of educational cooperation concluded by Poland (as for 1 March 2013) (continued)

No.	Country	Name of the document	Specification of the offer under the agreement
6.	Mongolia	<i>“Executive Agreement between the Minister of Science and Higher Education of the Republic of Poland and the Ministry of Education, Culture and Science of Mongolia on implementation of the »Scholarship Programme« for Mongolia students taking up and pursuing studies at Polish universities, signed in Warsaw on 18 July 2007”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 10 places for undergraduate, graduate and postgraduate studies, uniform master studies or preparatory courses to undertake studies in Polish language. <p><u>The candidates are admitted under the following conditions:</u> Polish scholarship or against a payment.</p>
		<i>“Program of cooperation of 21 January 2013 in the field of higher education between the Ministry of Science and Higher Education of the Republic of Poland and the Ministry of Education and Science of Mongolia”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 20 places for bachelor’s, master’s and uniform master’s studies • 3 places for doctoral studies • 10 places for 30-month internship for graduates <p><u>The candidates are admitted under the following conditions:</u> free of charge and scholarships.</p>
7.	Moldova	<i>“Programme of implementation between the Government of the Republic of Poland and the Government of the Republic of Moldova in the field of culture, science and education for the years 2012-2014”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 5 places for bachelor’s and master’s studies • 5 places for doctoral studies and research placements <p><u>The candidates are admitted under the following conditions:</u> free of charge and scholarships.</p>
8.	Serbia	<i>“Program of cooperation in the field of education and culture between the Government of the Republic of Poland and the Federal Government of the Federal Republic of Yugoslavia for 2002, 2003, 2004, 2005”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 32 scholarship months for scientific internships; • 10 places for semester studies; • 6 places for summer courses. <p><u>The candidates are admitted under the following conditions:</u></p> <ul style="list-style-type: none"> • For scientific internships and semester studies the scholarships are paid by the sending institution; • under summer courses on Polish language and culture scholarships are paid by Poland.
9.	Turkey	<i>“Programme for the implementation of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Turkey on cooperation in the field of science, schooling and culture for the years 2003–2006”</i>	<p>Poland annually grants:</p> <ul style="list-style-type: none"> • 40 scholarship months for internships; • 6 places for summer Polish language courses. <p><u>The candidates are admitted under the following conditions:</u> Polish scholarship.</p>

Source: Bureau for Academic Recognition and International Exchange and Ministry of Science and Higher Education

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Immigration of international students is of increasing importance for numerous countries, including Poland. However, internationalisation of the Polish higher education, measured by the percentage of foreigners in the total number of students, must be considered extremely low (still below 1%).

For many years, universities have been the main actors influencing the policy of foreign student recruitment. At the level of the state, for many years there has not been any comprehensive and consistent strategy for internationalisation of universities.

The analysis of recent activities however shows a positive shift in the approach of the state to educational migration to Poland in the context of a decreasing number of potential students due to subsequent generations from the period of population decline reaching the university starting age.

The problems with recruiting students to Polish universities belong also to key determinants of the migration policy as evidenced by the strategic documents of the government in the years 2009-2012.

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