



Annual Policy Report for Poland

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European Migration Network in Poland

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with a view to supporting policy-making in the EU.

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Executive Summary

In 2011, similar to the previous year, there was no sudden increase in the number of migrants interested in long-term stay or taking up permanent residence in Poland. Generally, the immigration aims of foreigners have been fulfilled within the framework of the existing scheme, under which they could be granted a permission to stay (including settlement permits and permits for residence for a specified period).

Statistical data as at 31 December 2011 show that foreigners – citizens of third countries (outside the EU, EEA and Switzerland) held in Poland 100,298 residence cards, of which 47,999 cards were linked with a settlement permit, 41,647 with permits for residence for a fixed period, 5,732 with stay of a long-term resident of European Communities, 3,012 with granting subsidiary protection, 1,170 with a refugee status and 738 with tolerated stay. As compared to 2010, there was an increase in the total number of valid residence cards (2010 – 97,080 cards, an increase by 3.3%). The highest number of residence cards was held by citizens of Ukraine, Russia, Vietnam and Belarus.

Analysis of statistical data on economic migration to Poland in recent years shows an increasing popularity of work on the basis of registered in Poviát Labour Offices employers' declarations of the intent to employ foreigners from Belarus, Ukraine, Russia, Moldova and Georgia. This way of employing third country citizens dominates as compared to taking up employment by foreigners on general terms (i.e. based on work permits issued by voivodes).

Year 2011 was another year rich in events that are significant to Poland and have a direct or indirect influence on matters relating to migration and asylum. The major events were as follows:

- ✦ Poland's presidency of the EU Council in the second half of 2011 during which matters relating to migration and asylum were discussed, such as:
 - developing the practical aspects of integrated border management and fostering popularisation of the best practices in border protection (including EUROSUR),
 - developing the mobility and security dimension of the Eastern Partnership policy by initiating and implementing various forms of cooperation in the area of effective border protection and enhancing the capacity of migration management (including combating illegal migration),
 - support for building of the next stage of the Common European Asylum System (CEAS),
 - developing measures to implement the Global Approach to Migration (eastern and southern dimension),
 - Schengen evaluation and launching the Visa Information System (VIS),
 - supporting the process of visa regime liberalisation with third countries, particularly with the countries covered by Eastern Partnership and with Russia,
 - finalising the adoption process of the Decision of the European Parliament and of the Council on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list,
- ✦ continuing preparations for organising the European football championship in 2012 in Poland and Ukraine (EURO 2012) that covered, *inter alia*, the need to prepare a risk analysis of illegal migration during the championship and deepening cooperation with Ukraine in the area of border crossing management, carrying out joint border checks and counteracting illegal migration,

- ⊕ adoption of a strategic document *Migration policy of Poland – the current state of play and further actions*, which defines the directions of current and planned changes in the Polish migration system, by the inter-governmental Committee for Migration on 20 July 2011,
- ⊕ adoption of the assumptions for the new Act on foreigners, whose task will be to simplify migration regulations, by the Council of Ministers on 16 August 2011. The provisions of the said Act will transpose into Polish law *inter alia* Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State,
- ⊕ adoption of the Act of 28 July 2011 on legalising the stay of foreigners staying in the territory of Poland illegally (the so-called abolition for migrants illegally staying on the territory of Poland) and introducing the notions of relocations and resettlement of foreigners into Polish law,
- ⊕ maintaining the so-called "declaration procedure" as it is conducive to circular and temporary migration of foreigners (by way of Ordinance of the Minister of Labour and Social Policy of 20 July 2011),
- ⊕ amendment to the currently valid agreement between the Minister of the Interior and Administration and IOM on voluntary returns of foreigners leaving Poland by covering people having the status of a human trafficking victim with the possibility to apply for participation in the voluntary return programme (the document was signed on 26 October 2011), and
- ⊕ drafting assumptions for the act regulating sanctions imposed on businesses that employ foreigners adopted by the Council of Ministers on 20 December 2011. Preparing the act was necessary for the transposition of the provisions of the Sanctions Directive to Polish law.

In addition, among other subjects touched upon during public debates on migration in 2011, these were the most important ones:

- ⊕ the predicted scale and demographic effects of economic migration of Poles in the territory of EU Member States triggered by opening of labour markets in Germany, Austria, etc.,
- ⊕ integration of refugees,
- ⊕ the possibility to set up a system of free legal assistance for foreigners,
- ⊕ situation of minors staying in guarded centres (detention centres) of the Border Guard.

The above subjects will undoubtedly be continued in 2012, also due to the schedule of adopting approved draft assumptions for the acts relating to migration.

1. Introduction: purpose and methodology followed

The Annual Policy Report 2011 gives an overview of the most important political discussions and developments in the field of migration and asylum in Poland in 2011. It was prepared by the Polish National Contact Point of the European Migration Network (EMN)¹, which, in accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, is required to provide such paper every year.

The 2011 Policy Report covers the period from 1st January to 31st December 2011 and will be the fourth in a series of such reports that were drafted by the Polish National Contact Point.

Like its predecessor (the Annual Policy Report 2010), it will also serve another purpose. In line with a suggestion made by the European Commission, the reports drafted by the 27 national contact points of the EMN are to help monitor (applying so-called “tracking method” which details methodology chosen for this exercise) progress in the implementation of the measures described in the *European Pact on Immigration and Asylum*², which the European Council adopted at its meeting on 15/16 October 2008. The year 2009 was a pilot year for the system of monitoring the implementation of the said Pact and the reporting system was further developed based on the experiences gained.

The positive experience taken from the abovementioned caused that in 2010 five-year *Stockholm Programme - An open and secure Europe serving and protecting the citizens*³ (adopted on 10/11 December 2009) was added to the tracking method applied with Pact and the national contact points of the EMN became one of the parties assigned to monitor a current status of this document.

The structure of this report matches the requirements of the method applied. The main part of the report presents the changes introduced in individual areas, evaluated from the national and EU perspective. The annex contains a detailed report on meeting the commitments resulting from the Pact and the Stockholm Programme by Poland.

2011 Policy Reports prepared by individual National Contact Points of the European Migration Network and the above report summarising the 27 national reports are the input in the annual summary report (which highlights the similarities and differences in migration and asylum

¹ Polish National Contact Point of the EMN is located at the Ministry of the Interior and Administration.

² *The European Pact on Immigration and Asylum* is a further steppingstone towards a comprehensive EU migration policy. The European Council makes five basic commitments, which will continue to be developed and transposed into concrete measures, specifically:

- ✦ to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
- ✦ to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
- ✦ to make border controls more effective;
- ✦ to construct a Europe of asylum;
- ✦ to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

³ *The Stockholm Programme – An open and secure Europe serving and protecting the citizens* defines the priorities of the European Union in the area of migration and asylum, as well as other Justice and Home Affairs issues for the five-year period 2009 - 2014. The programme follows the Tampere and the Hague Programmes that preceded it. The Stockholm Programme focuses on priorities such as the sustainability of return programmes, as well as the development of legal migration and integration and the protection of unaccompanied minors entering the EU. This programme, in addition to the *European Pact on Immigration and Asylum*, is considered to be a guiding tool in the future development of asylum and migration policy within the EU. The purpose of the *Action Plan Implementing the Stockholm Programme* is to deliver the priorities and objectives outlined in the *Stockholm Programme*, both at European and global level, ensuring that citizens benefit from progress made in the area of freedom, security and justice. The *Action Plan* sets out the EU's action in the next five years, with specific sections (and groups of actions) on the management of the external borders, visa policy, migration policies, asylum policy and the external dimension of migration and asylum

policies of each EU Member State) that will be prepared by the European Commission and submitted for discussion by the European Council at the end of May/beginning of June 2012.

Prepared in this way, the report will allow politicians, scientists and the public in a wide sense to better understand and analyse migration events that took place in 2011 in EU Member States. It will also be conducive to achieving a more complete picture of the state of play and thus allow taking more accurate policy decisions when drafting new solutions for the national and EU migration and asylum policy.

Chapter 2 gives an overview of the political structures, the existing institutions, any changes to these structures and general policy developments in 2010. Chapter 3 sketches relevant political and legal developments and important political debates on migration, integration and asylum. Chapters 4-8 deal extensively with the concrete political and legal measures in twelve specific areas of immigration and asylum policy with a focus on the basic commitments under the *European Pact on Immigration and Asylum* and *Stockholm Programme* and any progress and new developments in this respect. Chapter 9 focuses on developments which affect the global, overall approach to migration. And Chapter 10 finally deals with concrete issues concerning the implementation and interpretation of EU law in 2010.

Chapters 4-9 inclusive include two sub-sections. The part entitled "Developments within the national perspective" refers to details of all relevant developments concerning policies, legislative developments, specific debates within the national perspective, whereas the second part called "Developments from the EU perspective" specifically identifies those developments at national level to implement EU policy, legislative and financial instruments as well as any developments which were the result of actions at EU level.

As already mentioned above, the Annex will give a systematic overview of the concrete implementation of the commitments and goals of the *Pact* and the *Stockholm Programme*.

This policy report was compiled on the basis of the information received from different authorities in the field of asylum and migration, such as the Office for Foreigners, Border Guard, Ministry of Foreign Affairs and Ministry of Labour and Social Policy which played an important role while elaborating the final document.

Topics for this report were selected and weighted according to their relevance to the work of political decision-makers at both the national and the European level. The paper is also based on numerous sources of data and information. This includes:

- ⊕ legislation published in the Official Journal of Laws and draft documents subjected to public consultations,
- ⊕ various reports, such as the reports of the Border Guard, Unit for Trafficking Human Beings at the Ministry of Interior, Ministry of Foreign Affairs, etc.
- ⊕ reports and other materials prepared by public institutions taking part in the preparation to and further development of activities in the field of asylum and migration implemented during Polish presidency to the EU Council,
- ⊕ press releases of NGOs and non-profit organisations assisting asylum seekers or defending the fundamental rights of foreigners,
- ⊕ printed papers and minutes of plenary meetings of the two chambers of parliament (Sejm and Senat),
- ⊕ press articles, especially when the information could be cross-checked through other types of sources.

The figures and statistics included in this report were provided by the Office for Foreigners, Border Guard, Department for Citizenship and Repatriation of the Ministry of the Interior and Administration, National Labour Inspectorate and Warsaw Bureau of the International Organisation for Migration (IOM). As the Annual Policy Report was already completed by the

end of May 2012, some data on migration for 2011 is preliminary and may differ from the official statistics, which will be published by institutions later.

To ensure better understanding of the matters contained in the report, please read also the 2010 or 2009 Policy Report available at the website of the European Migration Network (<http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=1%2E%20Annual%20Policy%20Reports>) or at the website of the Polish EMN contact point (http://emn.gov.pl/portal/esm/713/Publikacje_Krajowego_Punktu_Kontaktowego_ESM.html).

For the sake of clarity, the basic definitions of notions such as legal migration, illegal migration, global approach to migration, family reunification, international protection and unaccompanied minor have the same meaning as those defined in the EMN's Glossary of terms⁴, unless otherwise specified. Readers should remember that many Polish acts and/or ordinances refer directly to the definitions of terms provided by EU decisions, directives or other documents due to implementation of EU legal solutions in the area of migration and asylum.

⁴ Definitions of terms can be found at the EMN's website (<http://emn.intrasoft-intl.com/Glossary/index.do>) and at the website of the Polish National Contact Point to the EMN (<http://www.emn.gov.pl>).

2. General structure of political and legal system in Poland

2.1. General structure of the political system and institutional context

Sejm and Senat (chambers of the Parliament) are the constitutional authorities vested in a legislative branch. There are bodies with primary responsibility for adoption of laws relating to migration.

The President of the Republic of Poland grants the Polish citizenship and agrees to the renouncement thereof.

As for the executive power, the migration policies are implemented both at the central as well as regional level and belong to the competences of the Council of Minister, appropriate Ministries (Ministers promulgate inter alia the executive acts regarding migration issues), specialized offices, services and local self-government. The distribution of competence is multilevel and constitutes the basis for the coherent national migration system.

The key actors with regard to migration and asylum in Poland are:

- ✦ **Minister of Interior**⁵ (www.msw.gov.pl) - leading authority in the field of migration, competent inter alia with respect to:
 - coordination of the activities related to state migration policy,
 - citizenship and repatriation,
 - protection of state borders,
 - border control and control of foreigners.

Moreover, the Ministry of Interior is responsible for carrying out the policy to combat trafficking in human beings.

The Minister of Interior supervises the activities of the following state agencies:

- ❖ **Head of the Office for Foreigners** (www.udsc.gov.pl) – the authority carrying out the executive tasks relating to, inter alia:
 - international and national protection (first instance),
 - legalization of stay, expulsions (appeal instance),
 - organization and management of reception centres for asylum seekers,
 - visa consultations,
 - management of the comprehensive teleinformatic system constituting collection of registers and records relating to foreign nationals.

Office for Foreigners has currently twelve (12) centers for foreigners applying for refugee status on Polish territory. Of the twelve centers, four centers (Biała Podlaska, Podkowa Leśna – Dębak, Linin and Czerwony Bór) remain to be managed by the Office for Foreigners, while eight other facilities are rented based on the implementation of public procurement published by the Office. By 6 September 2011 he rented office⁶ reception centers for foreigners located in Grotniki, Grupa near Grudziądz, Białystok, Lublin, Moszna, Kolonia Horbów in Zalesie, Łuków and Warsaw. During the year, on 6 September 2011, one of the rented reception centers was closed in Niemce village, while in Warsaw an additional service point foreigners have been opened.

⁵ The Ministry of Interior was created on 18 November 2011 with the basis of the Ministry of the Interior and Administration. The above issues are regulated by the Ordinance of the Council of Ministers of 21 November 2011 on establishing the Ministry of Interior (Dz. U. [Journal of Laws] of 21 November 2011, No 250, item 1502). Due to this regulation the body competent for coordination of Poland's migration policy is the Minister of Interior.

⁶ List of the Office reception center's is located at the following website <http://www.udsc.gov.pl/Liste.centersfor.refugees.464.html>.

Map 1: Location of centers for foreigners applying for refugee status in Poland



Source: Office for Foreigners

In mentioned above reception centers, were residing in total – 1,566 foreigners in 2011, and from the benefits to cover costs of their stay on their own on Polish territory benefited 1,162 persons. In addition, in the Children's Home in 2011 there were five minors foreigners.

❖ **Border Guard** (www.strazgraniczna.pl) is responsible for:

- border control and authorization to enter (issuing appropriate decisions i.e.: to refuse entry to the territory of Poland),
- receiving applications for refugee status,
- enforcing decisions on expulsion,
- issuing decisions on obligation to leave the territory of Poland,
- conducting controls of the legality of foreigners' stay and employment.

In the organizational structure of the Border Guard operates currently six guarded centers for foreigners, located in:

- Przemyśl - within the organizational structure of the Bieszczadzki Border Guard Unit,
- Kętrzyn - within the organizational structure of Warmia and Mazury Border Guard Unit,
- Biała podlaska - within the organizational structure of the Nadbużański Border Guard Unit,
- Białystok - within the organizational structure of the Podlaski Border Guard Unit,
- Krosno Odrzańskie - within the organizational structure of the Nadodrzański Border Guard Unit,
- Lesznów - within the organizational structure of Nadwiślański Border Guard Unit (adopted from the Police in 2008).

Map 2: Location of the Border Guard troops in Poland



Source: Border Guard Headquarters

The Border Guard also has an arrest's for the purpose of expulsion located in:

- Przemysł - within the organizational structure of the Bieszczadzki Border Guard Unit,
 - Kętrzyn- within the organizational structure of Warmińsko-Mazurski Border Guard Unit,
 - Biała Podlaska - the organizational structure of Nadbużański Border Guard Unit,
 - Białystok - the organizational structure of the Podlaski Border Guardv,
 - Warsaw - in the organizational structure of Nadwiślański Border Guard Unit,
 - Kołudzko - within the organizational structure Sudecki Border Guard Unit.
- ❖ **Police** (www.policja.pl) is:
- conducting controls of the legality of foreigners' stay,
 - participating in the expulsion procedure,
 - issuing decisions on the obligation to leave the territory of Poland.
- ⊕ **Minister of Labour and Social Policy** (www.mpips.gov.pl) is in charge of:
- preparation of legal framework governing the employment of foreigners and their access to the Polish labour market (work permits – appeal instance),
 - integration policy and social assistance to foreigners.
- ⊕ **National Labour Inspectorate** (www.pip.gov.pl) is an authority which conducts controls in the field of:
- the legality of foreigners' employment and performing work by foreigners,
 - management principles of the employment agencies for foreigners (including those for temporary employment),
- ⊕ **Ministry of Foreign Affairs** (www.msz.gov.pl) performs tasks related to:
- issuing visas and carrying out visa policy,
 - Polish diaspora,

- relations with third countries, supervision of the consular and diplomatic posts,
- development assistance.
- ✦ **Ministry of Economy** defines the business environment to foreigners willing to carry out business activity.
- ✦ **Ministry of Science and Higher Education:**
 - determines the policy and terms and conditions for the undertaking education and studying within higher education
 - recognizes foreign credentials for both academic and professional purposes.
- ✦ **Refugee Board** (www.rada-ds-uchodzcow.gov.pl):
 - is the appeal instance body with regard to proceedings to grant refugee status,
 - makes analysis of the jurisdiction of law matters relating to granting or withdrawing refugee status.
- ✦ **Voivods**⁷ are inter alia responsible for:
 - granting residence permits and issuing work permits (lower instance),
 - issuing decisions on expulsion,
 - supervising social assistance centers.
- ✦ **Inter-ministerial Committee for Migration**⁸ is chaired by the Minister of the Interior and Administration and constitutes an advisory body to the Prime Minister. Its tasks include inter alia:
 - initiating developments in migration-related issues and recommending them to the Council of Ministers,
 - passing opinions on multiannual and annual national programmes implementing the European Fund for the Integration of Third Countries Nationals,
 - exchanging information and monitoring works in the area of migration conducted in the EU,
 - cooperating with state and self-government administration as well as non-governmental organisations.

2.2. General structure of the legal system

The main legal acts regulating migration and asylum matters in Poland are:

- ✦ Polish Constitution of 2 April 1997⁹;
- ✦ Act of 13 June 2003 on foreigners¹⁰ (entry, admission, residence, return and registers of foreigners);
- ✦ Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland¹¹ (granting international and national forms of protection);

⁷ Governors of voivodeships (local governmental representatives).

⁸ The Committee is composed of the Secretaries or Undersecretaries of State representing the Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Administration and Digitization, Ministry of Economy, Ministry of Finance, Ministry of Science and Higher Education, Ministry of Culture and National Heritage, Ministry of National Education, Ministry of Regional Development, Ministry of Health as well as the President of the Central Statistical Office, Head of the Office for Foreigners, Chief of the Internal Security Agency, Chief Commanders of: the Police and Border Guards as well as the representatives of the Chancellery of the Prime Minister on the level of Secretary of Undersecretary of State.

⁹ Official Journal of Laws 1997, No 78, item 483, with later amendments.

¹⁰ Official Journal of Laws 2011, No 264, item 1573, with later amendments.

- ✦ Act of 14 July 2006 on the terms and conditions of the entry into and the stay in the territory of the Republic of Poland of the citizens of the EU Member States and the members of their families¹²;
- ✦ Act of 9 November 2000 on repatriation¹³;
- ✦ Act of 7 September 2007 on Card of the Pole¹⁴;
- ✦ Act of 15 February 1962 on citizenship¹⁵;
- ✦ Act of 20 April 2004 on promotion of employment and labour market institutions¹⁶;

and other acts relating to specific sectors (social assistance, education, visas, etc.).

In general, the entry (border crossing) phase of migration to Poland is controlled by the Border Guards, both in asylum and migration contexts. In order to be admitted to Polish territory, third-country nationals need to hold valid visa issued, as a general principle, by Polish consuls abroad. Asylum applications are examined by the Head of the Office for Foreigners – as the lower instance authority and the Refugee Board as the appeal one. Applications for legal residence in Poland, as well as conditions for issuing a work permit (when necessary) to a foreigner, are examined by the voivods. As for returns, several institutions may be involved, depending on the type of return (voluntary – Border Guards, Head of the Office for Foreigners, IOM Warsaw Office; forced – Border Guards, Police; expulsion decisions – voivod and the Head of the Office for Foreigners).

For more detailed information concerning a structure of the Polish political system and institutional context relevant for migration and asylum please review the “Organisation of Asylum and Migration Policies” report.¹⁷

¹¹ Official Journal of Laws 2009, No 189, item. 1472, with later amendments.

¹² Official Journal of Laws 2006, No 144, item. 1043, with later amendments

¹³ Official Journal of Laws 2004, No 53, item 532, with later amendments.

¹⁴ Official Journal of Laws 2007, No 180, item 1280, with later amendment.

¹⁵ Official Journal of Laws 2000, No 28 item 353, with later amendment. On 15 August 2012 a new act of 14 April 2009 on Polish citizenship (Official Journal of Laws 2012, item 161) will enter into force. In 2009 the current Polish President appealed to the Constitutional Court, as a law incompatible with Polish Constitution. Judgment of Constitutional Court from the 18 January 2012 (Polish Monitor of 2012 no. 39) considered that rules laid down in the act concerning to recognition as a Polish citizen, are corresponding with the Constitution. Based on the above-mentioned rules of Act, starting from 15 May 2012, foreigners can apply for the restoration of Polish citizenship, which has been lost in the past. Restoration of Polish citizenship is a completely new category in Polish law.

¹⁶ Official Journal of Laws 2008, No 69, item 415, with later amendments.

¹⁷ <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=17C07C7823B81B284810A0F30CDD2852?fileID=764>

3. General developments relevant to asylum and migration

3.1. General political developments

The two most important political events for the development of the political situation in Poland and the quality of policy debate were: election to the Parliament of the Republic of Poland (Sejm and Senate) in autumn and the first Polish presidency of the EU Council.

The date of the parliamentary election (to the Sejm and Senate) was set on 4 August 2011 by the President of the Republic of Poland to be held on 9 October 2011. The election was held according to the rules introduced by the Election Code adopted on 5 January 2011. As a result of the parliamentary elections in autumn the Civic Platform, headed by the then Prime Minister Donald Tusk, strengthened its political mandate. Prime Minister Donald Tusk was the first head of the Polish government past 1989 to form a new government second time in a row. The new government was sworn in the Presidential Palace on 18 November 2011. Also on that day, Prime Minister Donald Tusk delivered the new government's *exposé*.

It should also be noted that two Polish citizens of foreign origin (from Nigeria and Zambia) ran in the above elections and became Deputies of the Sejm of the Republic of Poland representing the Civic Platform.

Another important event was the process of Poland's preparations for the six month long presidency of the EU Council and the presidency itself (between 1 July and 31 December 2011). The major priorities of the Polish presidency in the area of migration and asylum were as follows:

- ✦ developing the practical aspects of Integrated Border Management and fostering popularisation of the best practices in border protection;
- ✦ developing the mobility and security dimension of the Eastern partnership policy by initiating and implementing different forms of cooperation in the area of effective border protection, enhancing the migration management capacity (including liberalisation of the visa regime and combating illegal migration);
- ✦ continuing work on the Common European Asylum System (CEAS). Actively seeking and negotiating political arrangements as to key legal acts.

In the framework of work of the Justice and Home Affairs Council (JHA Council), the major objectives were as follows:

- ✦ developing actions that implement the Global Approach to Migration (GAM);
- ✦ Schengen evaluation;
- ✦ launching the Visa Information System and further preparations for launching the second generation Schengen Information System (SIS II).

In addition, the objective of the Polish presidency of the EU Council was to develop basic standards of information exchange between EU Member States and third countries in the context of international mass sports events, as well as improving international cooperation and the exchange of information between EU Member States and third countries. The action was implemented, *inter alia*, as part of preparations to ensure security during the European football championship UEFA EURO 2012 that are scheduled to take place in June and July 2012 in Poland and Ukraine.

3.2. Main policy and legislative debates

Year 2011 was rich in legislative actions concerning changes in regulations on migration and asylum. The most important actions were undoubtedly: adoption of strategic document *Migration policy of Poland – current state of play and future actions* by the inter-ministerial

Committee for Migration, adoption of assumptions for the new draft Act on foreigners by the Council of Ministers and entry into force of the new act legalising the stay of irregular migrants in Poland.

In 2011, the Inter-Ministerial Committee for Migration¹⁸ (Prime Minister's advisory body) continued work on preparing the concept of the first strategic document on migration and asylum in Poland (*Migration policy of Poland – current state of play and future actions*) which, following social consultations in mid-2011, was adopted during the 12th meeting of the Committee, on 20 July 2011. Next, the document was passed on to the Chancellery of the Prime Minister for adoption during one of the sessions of the Government of the Republic of Poland. Yet due to the parliamentary election, the document had not been adopted by the end of 2011.¹⁹ Also, during the above-mentioned meeting of the Committee for Migration, its members exchanged information on projects in the area of asylum and migration organised during the Polish presidency of the EU Council and planned new legal solutions covering foreigners. The Committee learned about the situation of foreigners applying for international protection in Poland and was presented information on local border traffic agreements and the status of implementation of the Act on the Card of the Pole.

On 16 August 2011 the Council of Ministers adopted assumptions for the draft Act on foreigners, prepared during consultations with governmental entities and NGOs still in 2009. The final shape of the new assumptions was influenced by the positions of individual entities on issues relating to the rules of hosting foreigners in Poland and conducting proceedings for the legalisation of stay. Also, actions were adopted that will allow enhancing the transparency and clarity of regulations in the future. At the same time, the purpose of the new act is to transpose a number of EU legal acts into Polish law,²⁰ adjust the Polish law to the judgment of the Court of Justice in case C-291/05/Eind (that concerned EU citizens and their families returning home after they exercised the right to freedom of movement within the EU), and to implement the results of the discussion related to the work on the above-mentioned document *Migration policy of Poland – current state of play and future actions*.²¹

During the consultations on the above draft assumptions for the Act on foreigners with NGOs, a decision was made on excluding the provisions on the legalisation of irregular migrants' stay in Poland and adopting a separate act covering, but not limited to, this matter. Finally, on 26 August 2011, the President of the Republic of Poland signed the Act of 28 July 2011 on legalising the stay of certain foreigners in the territory of the Republic of Poland²² and amending the Act on

¹⁸ See: footnote 8.

¹⁹ In practice, though, all the assumptions and recommendations contained in this document were taken into account and postulated in amendments to acts in force and in draft assumptions to the new Act on foreigners throughout 2011. Finally, this document was adopted by the Polish government would on 31 July 2012.

²⁰ They are:

- ✦ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009);
- ✦ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008);
- ✦ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009) – the new act will serve transposing the Directive to a limited extent.

Yet, in the face of extending work on the text of the new Act on foreigners and the need to transpose the solutions laid down in Directive 2009/50/EC of the European Parliament and of the Council and Council Directive 2008/115/EC into Polish law as soon as possible, it was decided by the end of 2011 to prepare and adopt at the beginning of 2012 a governmental draft act amending the Act on foreigners and the Act on promotion of employment and labour market institutions. The draft amendment to *inter alia* the Act on foreigners from 2003 was submitted by the Minister of Interior on 21 February 2012.

²¹ The document was prepared by the Working Group for preparing Poland's Migration Strategy appointed on 12 February 2009 within the inter-governmental Committee for Migration.

²² Act of 28 August 2011 on legalising the stay of certain foreigners within the territory of the Republic of Poland and amending the Act on granting protection to foreigners within the territory of the Republic of Poland and the Act on foreigners (Dz. U. [Journal of Laws] of 2011, No 191, item 1133).

granting foreigners protection in the territory of the Republic of Poland and the Act on foreigners. On that basis, between 1 January and 2 July 2012 the foreigners who stay in Poland illegally have the possibility to legalise their stay by being issued a permit for residence for a specified period issued in the framework of the regularisation campaign (the so-called abolition). Pursuant to Article 1 of the above act, the possibility to legalise one's stay in the territory of Poland was restricted to several conditions. Foreigners can legalise their stay in Poland if they have been staying there:

- ⊕ continuously at least from 20 December 2007 and whose stay was considered illegal on the date of entry into force of the Act;
- ⊕ continuously at least from 1 January 2010, who prior to that date have been issued a final decision refusing the refugee status, including a decision on removal, and whose stay in the territory was illegal on the date of entry into force of the Act;
- ⊕ for whom on 1 January 2010 the procedure of granting the refugee status was in progress, which was initiated by a subsequent application.

Foreigners will not be granted a residence permit for a specified period under the abolition procedure if:

- ⊕ they do not meet the requirements for granting the permit;
- ⊕ their data are in the Schengen Information System for the purpose of denying entry and have been entered there by another Schengen area country;
- ⊕ during the permit granting procedure, an application or documents containing false personal data or false information have been submitted;
- ⊕ during the permit granting procedure, they forged or reworked a document to be used as genuine, or used such a document as authentic;
- ⊕ 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;
- ⊕ their data are on the list of foreigners whose residence in the territory of the Republic of Poland is undesirable ("list") and they were entered onto the list under Article 128(1)(6) of the Act of 13 June 2003 on foreigners.

Also, Article 14 of the Act of 28 July 2011 introduced the definition of notions such as relocation²³, resettlement²⁴ and mandatory refugee²⁵ to the Act of 13 June 2003 on granting foreigners protection in the territory of the Republic of Poland. The Act stipulates that the refugees who meet the conditions of granting the refugee status or subsidiary protection could be subject to resettlement and relocation. It also specifies the way in which resettlement and relocation are carried out.

The amendment to the Act of 14 July 2006 on the entry into, stay in and exit from the Republic of Poland of citizens of the European Union Member States and their family members entered into force on 21 May 2011.²⁶ The changes were intended to adjust the Polish law to EU regulations and were the response to changes in domestic regulations, i.e. amendment of the Act of 10 April 1974 on population records and identity cards (Journal of Laws of 2006, No 139, item 993, as

²³ Relocation means moving from a Member State to the territory of the Republic of Poland of a foreigner covered by international protection in the framework of division of responsibility and solidarity between Member States.

²⁴ Resettlement means moving from a third country to the territory of the Republic of Poland of a mandatory refugee with the purpose of granting him/her a refugee status of subsidiary protection in the territory.

²⁵ Mandatory refugee means a foreigner granted a refugee status by United Nations High Commissioner for Refugees according to his/her mandate resulting from the Geneva Convention and the Statute of the Office of the United Nations High Commissioner for Refugees approved by Resolution of the United Nations General Assembly No 428(V) of 14 December 1950.

²⁶ Act of 1 April 2011 amending the Act on citizens of the EU Member States and their family members entering, staying and leaving the territory of the Republic of Poland (Dz. U. [Journal of Laws] of 6 May 2011, No 92, item 532).

amended). In relation to the entry into force of the Act of 9 January 2009 amending the Act on population records and identity cards (Journal of Laws No 39, item 306), Article 36a which constituted the legal basis for charging Polish citizens for issuing an identity card was one of the articles repealed as of 1 January 2010. As the amounts of fees charged from EU citizens and their family members for issuing registration or stay documents may not exceed the amount of money charged for issuing an identity card to a Polish citizen, and from 1 January 2010 on identity cards are issued free of charge, pursuant to Article 25 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC there are no grounds to charge foreigners for the costs of issuing such documents.

In addition, the Act amending the Act – Higher Education Law, Act on academic degrees and degrees and titles in art and amending certain other acts (Dz. U. of 21 April 2011, No 84, item 455) was adopted on 18 March 2011. The provisions of the amended act specify, *inter alia*, that university rectors must inform the minister in charge of higher education and the Commander-in-Chief of the Border Guard immediately about enrolment, not taking up studies and expelling third country citizens who are not covered by the rules applicable to Polish citizens when it comes to taking up studies and studying. Pursuant to Article 43(6b) of the Act of 27 July 2005 – Higher Education Law (Dz. U. of 30 August 2005, No 164, item 1365) such information should be provided to the minister in charge of higher education by 15 January each year, as at 31 December of the previous year.

Mention should also be made of the Act of 22 December 2011 amending certain acts related to the implementation of the Budget Act.²⁷ It also refers to the Act of 28 July 2011 on legalising the stay of certain foreigners in the territory of the Republic of Poland and amending the Act on granting foreigners protection in the territory of the Republic of Poland and the Act on foreigners. It restricts at least one of the non-cash benefits granted to foreigners applying for the refugee status by, *inter alia*, reducing the period of learning Polish, reducing the amount of money provided for buying materials necessary to learn Polish and aids for children instructed and cared for in public institutions, primary schools, lower or higher secondary schools. Although the Act (with minor derogations) formally entered into force on 1 January 2012, the above provisions entered into force on the date published.

In 2011, competent ministries issued several ordinances relating to migration and asylum. One of them was the Ordinance of the Minister of the Interior and Administration of 22 April 2011 on visas for foreigners.²⁸ It sets out technical details of issuing visas that authorise entry into the territory of Poland (e.g. Schengen visa symbol designations, specimen visa application forms, specimen visa form, etc.). Specimen application forms for settlement permit and residence permit for the long-term resident of the European Communities, examples of photos attached to applications and specimen stamps confirming that an application was filed were laid down in the Ordinance of the Minister of the Interior and Administration of 19 January 2011.²⁹ Ordinance of the Minister of Labour and Social Policy of 20 July 2011 on cases when work can be commissioned to a foreigner in the territory of the Republic of Poland without the need to obtain a work permit was issued pursuant to Article 90 of the Act of 20 April 2004 on the promotion of employment and labour market institutions.³⁰

Due to the necessity to transpose the provisions of *Directive 2009/52/EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures*

²⁷ Dz. U. [Journal of Laws] of 30 December 2011, No 291, item 17070.

²⁸ Ordinance of the Minister of the Interior and Administration of 22 April 2011 on issuing visas to foreigners (Dz. U. of 16 May 2011, No 99, item 579).

²⁹ Dz. U. of 2 February 2011, No 23, item 125.

³⁰ Dz. U. of 28 July 2011, No 155, item 919.

*against employers of illegally staying third-country nationals*³¹ into Polish law, draft assumptions for the Act on the effects of entrusting the performance of work in foreigners staying in the territory of the Republic of Poland illegally were prepared. After social consultations in 2011, they were provided for the session of the Council of Ministers. The above draft was finally adopted during the Council of Ministers session on 20 December 2011. The draft imposes new obligations on entities employing third country citizens, sanctions for incompliance with the regulations (including crimes) and financial sanctions for breaching the ban on employing irregular migrants.

In connection with opening the German and Austrian labour market to the citizens of eight Central and Eastern European Member States, including Poland, from 1 May 2011, discussions during the year concerned the possible new wave of economic migration from Poland, primarily to Germany. The conviction was supported by the fact that German Minister of Economy Rainer Brüderle planned to pay the so-called *welcoming allowance* to Poles who would take up employment in Germany after 1 May 2011. Different German projections said that after 1 May between 200,000 and 600,000 Poles may move to Germany to work. It was supposed to be the second largest emigration wave from Poland's accession to the European Union. Similar projections were prepared by several Polish research centres, but it did not happen.³² Contrary to labour market experts' expectations, one of the major target destinations of Polish economic migrants was not Germany, but the Netherlands.³³

Compared to previous years, in 2011 individual actors of the civic society³⁴ became more active and started to influence various issues related to the country's migration policy to a greater extent (e.g. as concerns organising another regularisation campaign in Poland or debate on possible returns of Poles from emigration, integration-related problems of foreigners in Poland, including in particular the basis of functioning of the system of legal aid for refugees).

The Human Rights Defender expressed her opinion a number of times on the matters related to the planned Act on the legalisation of illegal stay of foreigners in the territory of Poland and the strategic document on Polish migration policy. Several meetings of the Expert Committee on Migrants at the Human Rights Defender were organised to discuss the above drafts (e.g. in May and October 2011). In addition, the Office of the Human Rights Defender hosted workshops devoted to the provisions of the Act on abolition for foreigners staying in the territory of Poland illegally, conducted by employees of the Office for Foreigners. They were attended *inter alia* by members of social organisations that provide foreigners with information and assistance.

In 2011, the IOM Office in Warsaw continued work on establishing an information communication and coordination system for strengthening the process of foreigners' integration in Poland, which is implemented *inter alia* by the National Platform of Cooperation between organisations associating immigrants and Polish institutions. The Platform serves as a forum for communicating and exchanging information and experiences between participating institutions. In 2011, it also played the role of the consultation mechanism for draft acts on migration prepared by the state administration. Subsequent meetings of the Platform were devoted to discussing issues related *inter alia* to the document creating Poland's migration policy, assumptions for the draft Act on foreigners and the act legalising illegal stay of foreigners in Poland. The project has been implemented from 2010 by the International Organization for Migration in cooperation with the Ministry of Interior and co-financed by the European Fund for the Integration of third-country nationals.

³¹ OJ L 168, 30.6.2009.

³² Initial estimates by the Polish government said that approximately 100,000 Polish citizens moved to Germany to work. German statistical data show, however, that as at 31 December 2011 there were 49,000 more Poles living there than in 2010.

³³ The above also resulted in considerable escalation of anti-Polish sentiments in the Netherlands in mid-2011.

³⁴ E.g. the Institute of Public Affairs, 'Ocalenie' Foundation, Helsinki Foundation for Human Rights, Rule of Law Institute.

During the entire 2011, also the Office for Foreigners organised many conferences and expert meetings devoted to issues related to different aspects of Polish migration and asylum policy. On the 10th anniversary of establishing the Office for Foreigners, i.e. on 3 June 2011, a cycle of lectures on the Office's current operation and its development prospects was organised in Warsaw. The speakers presented Poland's migration policy, the Office's role within the Common European Asylum System and the legalisation of foreigners' stay in the territory of Poland. As the Office celebrated its 10th anniversary, its work was also promoted on the national and EU forum (mainly during various conferences in Poland and abroad organised in the framework of the Polish presidency of the EU Council).³⁵

3.3. Institutional developments

After the transformation of the Ministry of the Interior and Administration, as of 18 November 2011 the body competent for coordination of Poland's migration policy is the Minister of Interior. The above issues are regulated by the Ordinance of the President of the Council of Ministers of 18 November 2011 on the specific scope of activity of the Minister of Interior (Journal of Laws of 18 November 2011, No 248, item 1491) and Ordinance of the Council of Ministers of 21 November 2011 on establishing the Ministry of Interior (Journal of Laws of 21 November 2011, No 250, item 1502).

On 23 February 2011, the Human Rights Defender appointed the new Expert Committee on Migrants pursuant to Order No 8/2011. The Committee is composed of lawyers, specialists and researchers from the field of migration.

³⁵ Information about the 10th anniversary of the Office for Foreigners was communicated *inter alia* during the European conference entitled *Challenges to the development of the Common European Asylum System on the 60th anniversary of adopting the Convention relating to the Status of Refugees* that took place on 11 and 12 July 2011 in Warsaw (organised by the Ministry of Interior) and during the annual meeting of the so-called **Warsaw Group** on 24 and 25 November 2011 in Warsaw. The meeting was co-organised by: **EUROSTAT** (Statistical Office of the European Communities), **National Contact Point of the European Migration Network** and the **Office for Foreigners**.

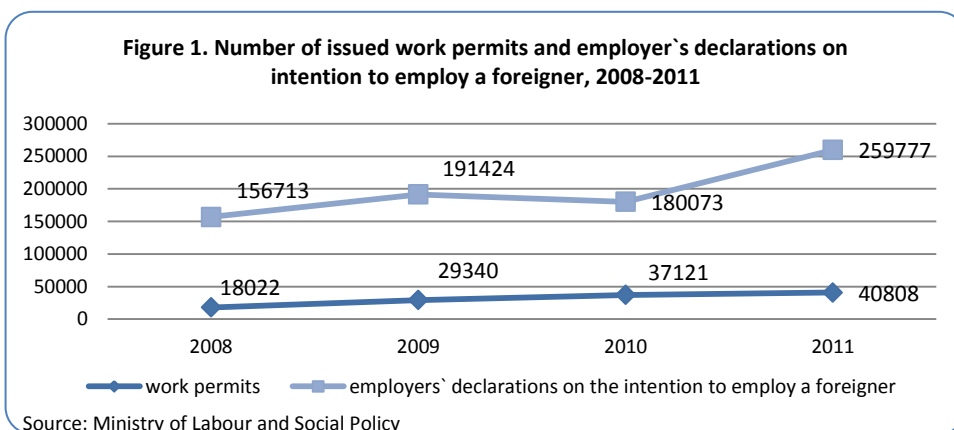
4. Legal immigration and integration

4.1. Economic migration

4.1.1. Developments within the national perspective

Significant changes to the Polish law introduced in 2011 consist in amending the provisions of the Act on the promotion of employment and labour market institutions of 2004 and the new ordinance on the so-called 'simplified procedure.' The provisions of the Act of 16 December 2010 amending the Act on the promotion of employment and labour market institutions and certain other acts (Dz. U. of 2010, No 257, item 1725) entered into force on 1 February 2011. From the point of view of foreigners' access to the Polish labour market, the most important changes introduced by the amendment considered the wording of the statutory delegation of Article 90(4), which allowed introducing relevant provisions to the implementing act – particularly those concerning the requirements to be met by an entity which entrusts the performance of work³⁶ to a foreigner so that his declaration could be registered by a Poviats Labour Office. Also, the group of foreigners exempt from the obligation to obtain a work permit was extended to include the persons who meet the requirements laid down in Article 53(1)(15) of the Act on foreigners. They are foreigners who:

- ⊕ are staying in the territory of the Republic of Poland, and
- ⊕ started cooperation with the body competent for proceedings on combating trafficking in human beings and severed relations with the persons suspected of committing forbidden acts related to trafficking in human beings (Article 87(2)(1) of the Act).



Before, the persons had the possibility to take up employment on the basis of a permit issued by a voivode.

In relation to entry into force, on 14 December 2010, of the Ordinance amending the Ordinance of the

Minister of Labour and Social Policy of 30 August 2006 *on the performance of work by foreigners without the need to obtain a work permit* (Dz.U. No 156, item 1116, as amended), which maintained the possibility of employing foreigners on the basis of employers' declarations on the intent to employ a foreigner registered in a Poviats Labour Office, the earlier provisions, whose validity expired on 31 December 2010, were replaced (the so-called 'simplified procedure' introduced as a pilot project in 2006). From January 2011, employers were able to register declarations on the intent to entrust work in a foreigner in Poviats Labour Offices on previous terms.

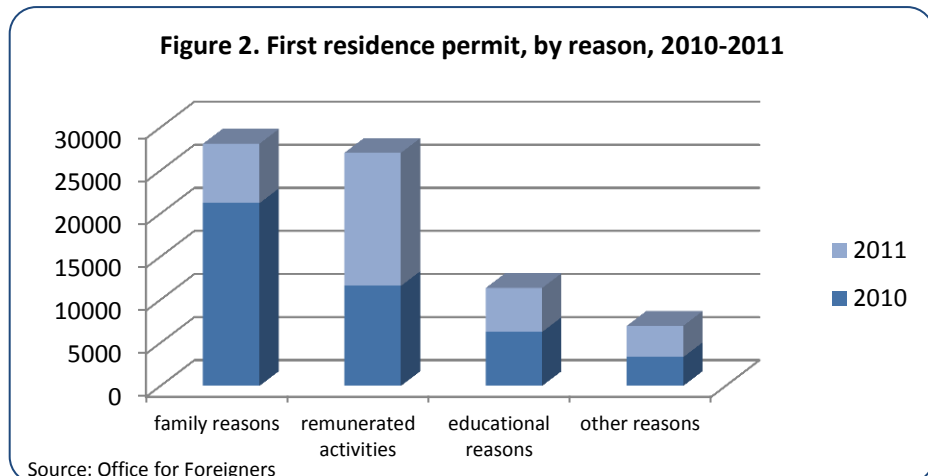
The solution that allows performing work on the basis of a declaration registered in a Poviats Labour Office received a positive opinion from employers as a tool that allows responding to staff shortages in a flexible way, particularly when seasonal work is concerned. The results of surveys among seasonal workers have also shown that such a solution is well-regarded by

³⁶ Polish law stipulates that foreigners can work on the basis of a contract of permanent employment (concluded with the employer) and civil law contracts (with another entity entrusting the performance of work). For the needs of this paper and for simplification, the phrase 'entity entrusting the performance of work' will be used interchangeably with 'employer.'

migrants themselves. There are also grounds to conclude that introduction of the above provisions that allow employing foreign employees in a legal, simple and fast way was conducive to restricting the employment of foreigners in the grey zone.

The conclusions from control bodies justified intensification of work on improving the provisions on the functioning of the declaration system in order to minimise undesirable phenomena in this area, e.g. by introducing additional requirements as to the content of declarations.

To that end, work started on the new Ordinance of the Minister of Labour and Social Policy on cases when work can be entrusted to a foreigner in the territory of the Republic of Poland without the need to obtain a work permit.³⁷ The above Ordinance entered into force on 28 July 2011. The new regulations did not change the essence of the previous regulations – citizens



of Belarus, Georgia, Moldova, Russia and Ukraine are still allowed to work without a permit for 6 months during 12 subsequent months if, prior to taking up the job, a Poviats Labour Office registered a written declaration of the entity entrusting work of the intent to entrust work to the foreigner. Yet, a number of new elements were introduced that must be included in the declaration of the intent to employ a foreigner submitted for registration. The most important changes consist in providing additional information, such as: gross remuneration for work, details of the job to be entrusted (position, starting and ending dates and the type of employment contract). Pursuant to new regulations, the entity filing a declaration must prove its inability to find suitable employees on the local labour market and confirm knowledge of the regulations covering foreigners' stay and work in Poland. The person who registers a declaration should also show his/her ID or documents to confirm that he/she runs a business or an agricultural holding.

Another important change was the introduction of the requirement to conclude employment contracts with foreigners in writing.

Introducing the above elements was intended to mitigate the risk of abuse e.g. by access to more information on a given job and data on the employer. The assumption is that it would have positive effects for foreigners (e.g. information on the remuneration level and a written contract simplifies claims in case the employer fails to comply with contract terms) and be conducive to improving the efficiency of controls by control bodies.

Issues related to the phenomenon of economic migrations were also widely discussed in the document *Migration policy of Poland – current state of play and future actions* adopted by the Inter-Ministerial Committee for Migration on 20 July 2011. In accordance with the recommendations contained therein, migrant workers having the necessary qualifications and relevant experience are referred to as one of the priority categories in the area of the admission of foreigners. In addition, the document says that employing foreigners will supplement the

³⁷ Ordinance of the Minister of Labour and Social Policy of 20 July 2011 on cases when work can be commissioned to a foreigner in the territory of the Republic of Poland without the need to obtain a work permit (Dz. U. [Journal of Laws] No 155, item 919).

employment of local employees, particularly as in the long run foreign labour resources will play an increasingly important role in balancing the needs of the Polish economy (the possibility to replace Polish employees with foreigners in individual sectors). The document also provides for the following:

- ⊕ preservation of the existing legal framework and basic rules of foreigners' access to the Polish labour market, including well-tailored permits for privileged categories of foreigners;
- ⊕ preservation of geographical preferences in the area of admitting economic migrants to the Polish market (eastern neighbouring countries, West Balkans, Caucasian countries);
- ⊕ facilitating and promoting legal circulatory migrations;
- ⊕ running an effective system for regular monitoring of supply and demand on the labour market.

In 2011, preparatory work was carried out for the project "National Action Plan for Employment for 2012-2014"³⁸. The document defines the priorities of state policy in the area of employment as well as objectives and measures implemented in the framework of individual priorities according to the "National Reform Programme for the implementation of the Europe 2020 Strategy" (NRP). The latter document was adopted by the Council of Ministers on 26 April 2011. It shows how Poland will respond to the challenges it faces in the coming years. The NRP assumes correlation of Polish development objectives with the priorities set by Europe 2020, which are:

- ⊕ development of knowledge- and innovation-based economy;
- ⊕ promoting sustainable economy;
- ⊕ strengthening economy with high employment as well as economic, social and territorial cohesion.

It should be emphasised that the "National Reform Programme for the implementation of the Europe 2020 Strategy" is primarily an instrument that responds to employment increase barriers taking into account the Polish conditions and challenges. At the same time, it is conducive to achieving common EU objectives, such as strengthening European Union's position in the world.

The subjects touched upon during preparatory work on the "National Action Plan for Employment for 2012-2014" included the conclusion that one must aim at improving the regulations connected with economic migration so that the inflow of foreigners is targeted at the sectors that are the most important from the point of view of Polish labour market's needs. It is also important to work out an integration system for immigrants and return migrants with particular emphasis on labour market needs. The state's objective in this area should be to put them in a position where they can make use of their potential and professional experience, which is conducive to achieving financial independence. The state should also seek the tools to effectively monitor the employment of foreigners in Poland.

Last year, negotiations were conducted on agreements to coordinate social security systems with Ukraine and the Republic of Moldova (the negotiations with Ukraine were initiated in 2008 and are now quite advanced)³⁹.

³⁸ The National Action Plan defines the main tasks of the government in terms of employment promotion, reducing the effects of unemployment and fostering labour force participation.

³⁹ On 18 May 2012 in Kiev the Ministers of Labour and Social Policy of Poland and Ukraine signed the Agreement between the Republic of Poland and Ukraine on Social Security and the Administrative Agreement on its application, which will be a foundation for coordination of social security arrangements in place in Poland and Ukraine. More information on the web site http://emn.gov.pl/portal/ese/719/9331/Poland_and_Ukraine_signed_the_agreement_on_social_security.html.

Year 2011 saw the continuation of the information campaign focused on Polish economic migrants living in Great Britain, Ireland and other European countries who are considering the possibility of returning to Poland (it covered a guidebook and website: www.powroty.zielonalinia.gov.pl). The purpose of actions was to provide Poles with practical information to facilitate making the decision to return. It should be emphasised that a large part of the migrant group are young and well-qualified people.

In the framework of the new system of admitting foreigners to the Polish labour market prepared by the Ministry of Labour and Social Policy, work continued on the draft National Development Strategy 2020. As concerns the package of tasks for 2011-2015, the document points to the necessity to “prepare a new concept of migration policy focused on complementing shortages on the labour market flexibly,” while the package of tasks for 2016-2020 calls for “implementing a new concept of migration policy connected with the needs of the labour market.” Social consultations on the draft National Development Strategy 2020 started in November 2011. On 28 November 2011, the initial expert meeting was organised with representatives of regions, and in December there were another two meetings with representatives of NGOs and the academia. Social consultations were completed on 29 December 2011.

4.1.2. Developments from the EU perspective

Draft assumptions for the new Act on foreigners adopted on 16 August 2011 (described in the previous section) takes into account the need to transpose the provisions of other EU directives that regulate economic migration into Polish law in the near future. Therefore, considering the advancement of the work on the draft Single Permit Directive and its general shape, the new draft act provides for introducing an important novelty – the single residence and work permit. The provisions of the new act offer the possibility to issue residence permits to graduates of Polish universities who intend to look for a job in Poland.

The assumptions for the new act also envisage implementing the arrangements included in the so-called Blue Card Directive (Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment). The solutions were implemented as part of the Act of 27 April 2012 amending the Act on foreigners and the Act on the promotion of employment and labour market institutions (Dz. U. of 25 May 2012, item 589).⁴⁰ According to the act, the Blue Card will be granted by a voivode⁴¹ after obtaining the opinion of a staroste⁴² on the possibility to satisfy the employer’s staffing needs (after a failed attempt at recruitment by the employer).

In 2011, the Ministry of Labour and Social Policy coordinated work on the draft Act on the effects of entrusting the performance of work in foreigners staying in the territory of the Republic of Poland illegally. The purpose of the Act is to transpose Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.⁴³ The draft Act was prepared by the Government Legislation Centre on the basis of assumptions for the draft Act on sanctions for entities employing third country nationals contrary to regulations and amending certain other acts, which were adopted by the Council of Ministers on 12 April 2011. The draft Act was finally adopted by the Council of Ministers on 20 December 2011.⁴⁴ The draft Act included solutions that have *inter alia* the following effect:

⁴⁰ The Act will enter into force on 12 June 2012.

⁴¹ See: footnote 4.

⁴² Head of powiat (powiat – a local government unit of the second degree), subject to a voivode.

⁴³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF>.

⁴⁴ The draft Act was finally adopted by the Polish parliament on 15 June 2012. The Act on the effects of entrusting the performance of work in foreigners staying in the territory of the Republic of Poland contrary to regulations was signed by the President of the Republic of Poland on 29 June 2012 and published on 6 July 2012 (Dz. U. of 2012, item 769). The Act shall enter into force on 21 July 2012.

- ⊕ imposing the obligation to verify the residence status of foreigners before employment and keeping a copy of a valid stay document on entities entrusting the performance of work to a foreigner;
- ⊕ deadline of 45 days for supplementing the records of the people already employed as at the date of the Act's entry into force;
- ⊕ proportionate and deterring sanctions for employing illegally staying foreigners;
- ⊕ facilitation of pursuing remuneration claims by illegally employed third country nationals by introducing the presumption of existence of a labour relationship for at least 3 months, and in the case of civil law contracts – presumption of agreed remuneration of three times the minimum salary;
- ⊕ in specified cases, covering the main contractor and other subcontractors with financial co-responsibility (fines and salaries due);
- ⊕ covering collective entities with sanctions for employing illegally staying foreigners;
- ⊕ extending the set of Border Guard's tasks to include combating crimes related to illegal stay of foreigners and allowing them to perform operating surveillance and sting operations;
- ⊕ imposing the obligation to define the sectors with the highest rates of employment of illegally staying third country nationals, on the basis of a risk analysis, and prepare information on controls for the European Commission on the minister competent for labour, in collaboration with other authorities.

4.2. Family reunification

4.2.1. Developments within the national perspective

Proposals of privileges for family members of Polish citizens and of foreigners who settled in Poland have been included in the draft document *Migration policy of Poland – current state of play and future actions*. According to the provisions of the document, the group was considered one of the priority groups in terms of admission to Poland. As the document is strategic, the detailed description of actions aimed at promoting the integration of the above group of foreigners will be included in the implementing document once it is adopted by the Council of Ministers.

Family reunification was also the subject of discussions on draft assumptions for the new Act on foreigners throughout 2011.

4.2.2. Developments from the EU perspective

In line with the solutions provided for in the Blue Card Directive, the draft Act on foreigners includes special regulations on family reunification that apply to holders of such cards.

4.3. Other legal migration

4.3.1. Developments from the national perspective

Amendment of the Act on entering, staying and leaving the territory of the Republic of Poland of EU Member State citizens and their families (Dz. U. [Journal of Laws] of 6 May 2011, No 92, item 532) introduced the provision that **contains** EU requirements connected with movement and stay of EU citizens in the territories of Member States. It introduced a number of facilitations for foreigners, such as the following:

- ⊕ lifting fees for issuing registration and stay documents – once the Act enters into force, EU citizens and their family members will not be charged for issuing or re-issuing documents (stay registration certificates and residence cards),
- ⊕ granting the right of residence to the child of an EU citizen who was an employee in the territory of the Republic of Poland but did not retain the right, when the child lives and

goes to school or university in the territory. The right of residence lasts as long as the child goes to school or university and the parents of the child have the right of residence until the child turns 18. The parents' right of residence is extended beyond that age if the child requires special care in order to be able to continue education and graduate.

The amendment of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Dz. U. [Journal of Laws] of 2010, No 257, item 1725) entered into force on 1 February 2011. It modified the rules of issuing work permits. According to the new rules, the work permits held by foreigners posted to Poland by a foreign employer in the framework of intra-corporate transfers or to perform an export service should indicate the entity to which the foreigner is posted. If a given permit concerns a foreigner working as a temporary employee, the voivode also states the employer of the user for whom the work will actually be performed, apart from the employment agency. The change was introduced to improve the efficiency and streamlining the controls of legality of employing foreigners in the above entities that employ foreigners.

4.3.2. Developments from the EU perspective

In 2011 Poland continued the implementation of the solutions set out in the *European Pact on Immigration and Asylum* which concern actions that allow improving the flow of information provided to foreigners on the possibilities and conditions of legal migration. The actions included primarily information campaigns focused on foreigners organised by the public administration and NGOs (e.g. distribution of leaflets translated into a number of languages in Offices of Voivodes, Office for Foreigners, labour offices, registry offices, embassies, bus stops, train stations, by publishing specific information on institutions' websites and by setting up new websites). The campaigns were focused on explaining the possibilities of and the conditions for legal migration to Poland, mutual rights and obligations resulting from establishing labour relationships between the parties, as well as the possibilities of pursuing claims.

In 2011, an information leaflet for the citizens of Belarus, Georgia, Moldova, Russia and Ukraine on, *inter alia*, the simplified procedure of access to the Polish labour market was prepared and published. Also, in the framework of Mobility Partnership between the European Union and Georgia the Ministry of Labour and Social Policy participated in a project focussed on providing correct information to possible migrants about the possibilities of legal economic migration to EU countries.

Additional actions were also performed to warn people travelling to EU Member States and coming to Poland to look for work against the threat of trafficking in human beings (announcements in specialist press, brochures, information published on websites, commercials).

In addition universities, research institutes and foundations performed actions aimed at promoting Polish universities and promoting the idea of studying in Poland.⁴⁵

4.4. Integration

4.4.1. Developments within the national perspective

In order to ensure better integration of foreigners with the Polish society, in 2011 the governmental administration continued to work on the development of recommendations for the country's integration policy to be included in the strategic document *Migration policy of Poland – current state of play and future actions*. In this context, last year saw the resumption of work of the Working Party for integration at the inter-ministerial Committee for Migration, which deals with, *inter alia*, drafting a detailed document on the Polish integration policy. The intention of the document will be to transpose the recommendations included in the strategic document into practical actions and legal solutions. For this reason, work with stakeholders has already started (local government institutions, NGOs, international organizations and research

⁴⁵ More information on the web site: <http://www.studyinpoland.pl/en/>.

institutes), it is planned to use the good practices identified during the implementation of projects financed and co-financed from European funds (EQUAL, European Refugee Fund, European Fund for the Integration of third-country nationals, European Social Fund), the experience of Member States in implementing integration policies and the European Modules on Migrant Integration worked out by the European Commission with the support of the Group of National Contact Points for Immigrant Integration.

In addition, the draft assumptions for the new Act on foreigners prepared and adopted by the Council of Ministers provide for a range of facilities for foreigners legally residing in Poland, including students, graduates and migrant workers. The draft also introduces the obligation of certain command of Polish language for those applying for a settlement permit or a permit for the stay of a long-term EC resident.

In 2011, many NGOs implemented projects related to promotion of the above issues, often in cooperation with the Ministry of Labour and Social Policy (the ministry responsible for the implementation of the integration policy in Poland):

- ⊕ Volunteer Centre Association in Lublin prepared a social campaign “Because I’m a newcomer...” whose purpose was to present immigrants and people in need of support in social integration with the Polish society. Campaign activities also included multicultural initiatives integrating Lublin inhabitants and foreigners. Over the duration of the campaign, the activities were enriched with elements of Polish society’s direct contact with immigrants – thus, in addition to initiatives to promote the presence of immigrants, the campaign also included voluntary actions to increase Poles’ approval of the phenomenon of migration and the presence of immigrants in Poland, an offer of courses in multicultural education and common international events. Meetings were also organised in schools and universities.

- ⊕ Caritas Poland has implemented the project "Integration Practices – methods and tools for assessing the effectiveness of integration policies," in which the Panel of Experts Monitoring Progress in Integration Policy was appointed. It cooperates with the Working Group for integration working as part of the inter-ministerial Committee for Migration.

- ⊕ In February 2011, the Lublin Volunteer Centre launched an integration centre run under the project “Volunteering for Integration. Partnership for Refugees.”

Integration centres help refugee children integrate with their peers in Poland and acquire the skills that will help them in the future and which these children were unable to acquire because of their life history. It is to be achieved by learning Polish through play, rhythm exercises, exercising manual skills, art classes, as well as catching up in a wide sense.

- ⊕ A centre for adult foreigners was run under the project “Volunteering for Integration. Partnership for Refugees” financed from the European Refugee Fund, state budget and the budget of the Lublin Volunteer Centre.

Foreigners are offered classes in Polish and in general information about Poland. These actions have been carried out since 2009.

- ⊕ Under the project "Give them a chance – Increasing integration opportunities of people applying for a refugee status through legal assistance, counteracting violence and a social campaign” financed by the European Refugee Fund, the state budget and the Polish-American Freedom Foundation, Halina Nieć Legal Aid Center provided free legal aid and information to foreigners applying for a refugee status residing in reception centres or elsewhere.

The legal assistance offered includes provision of information on the legal situation and options for legal actions in Poland, preparing pleadings, motions, appeals, requests for supporting evidence, legal representation (in certain cases), and preparing complaints to the Administrative Court.

4.4.2. Developments within the EU perspective

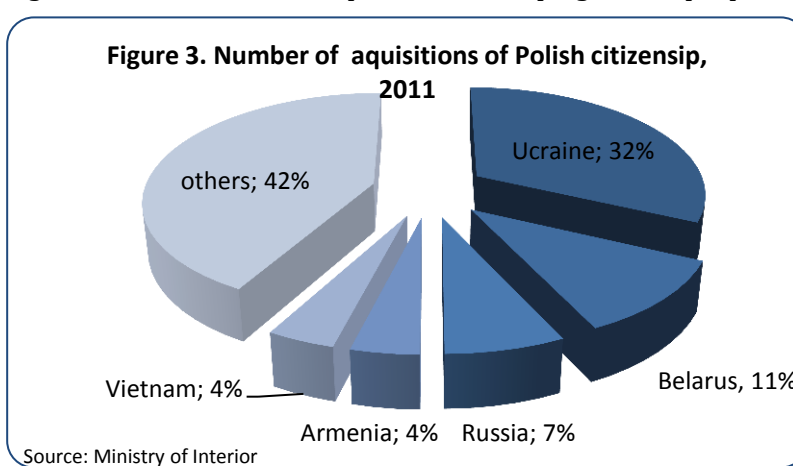
Thanks to access to financing from the European Fund for the Integration of third-country nationals and the European Refugee Fund, in 2011 many projects were implemented whose purpose was to improve and promote the integration of third-country nationals. These initiatives included, *inter alia*, pre-integration activities directed at people applying for a refugee status, programs that ensure satisfying the needs of beneficiaries of international protection (including Polish language courses, specialized trainings and career counselling, psychological and legal assistance, etc.), actions intended for foreigners living in Poland (e.g. courses in Polish, Polish culture and history, and occupational courses), and projects aimed at strengthening the inter-cultural dialogue between the host society and foreigners. The latter included, *inter alia*, awareness-raising campaigns addressed at the inhabitants of the eastern part of Poland, discussion clubs, the celebration of Migrant Day (lectures, exhibitions, film screenings, tasting of national dishes), national conferences intended for the representatives of higher education institutions involved in teacher education, intercultural trainings for health care workers, uniformed services (Border Guard, Police and Municipal Police), local government officials, teachers, parents of Polish children attending schools together with foreigners and trainings on discrimination issues intended for schools.

4.5. Citizenship and naturalization

4.5.1. Developments within the national perspective

In 2011, the new Act on Polish citizenship, adopted by the Sejm in 2009, was still examined by the Constitutional Tribunal in terms of its compliance with the Polish Constitution.⁴⁶ If extending the competence of voivodes in terms of the granting of Polish citizenship to foreigners integrated into the Polish society is recognised by the Constitutional Tribunal as compliant with the Constitution, it will mean that foreigners of Polish origin will have the opportunity not only to legalize their stay in Poland on preferential terms, but also will be able to acquire citizenship under an administrative procedure.⁴⁷

At the same time, as concerns the bill initiated by citizens on his return to the Republic of Poland people of Polish origin who were deported and exiled by the authorities of the Union of Soviet Socialist Republics (USSR) submitted to the Sejm in September 2010, in January 2011 the Government issued a negative opinion on the said document. It was submitted by the Citizens' Legislative Initiative Committee "Back to the Motherland." Although the initiative, in the part concerning the acquisition of Polish citizenship by way of repatriation, is based on the applicable regulation, it fundamentally changes the nature of the repatriation campaign. The proposed change of the subjective scope would mean that the number of people eligible to applying for repatriation visas would be difficult to determine. The project abandons the definition of the settlement conditions, thus imposing the obligation to provide housing to repatriates on the minister in charge of internal affairs. It also provides for the coverage of repatriated Polish citizens with welfare to the extent and manner unavailable to other Polish citizens.



⁴⁶ President of the Republic of Poland Lech Kaczyński referred the Act on Polish citizenship to the Constitutional Tribunal to challenge the provisions that expand the competence of voivodes on acknowledging foreigners as Polish citizens.

⁴⁷ See: footnote 15.

The changes proposed in the draft amendment are primarily intended to accelerate the repatriation of Poles from the East. In the framework of the mechanism currently in place, gminas⁴⁸ provide the repatriates with housing. Unfortunately, the situation on the labour market, the sale of municipal housing and the need to cover their own residents with welfare services discourage gminas from active involvement in the repatriation campaign.

Simultaneously, a separate draft amendment to the Act on repatriation, which assumes slightly different proposals for solutions, was also prepared by a group of senators. The draft was submitted by senators to the Sejm on 17 January 2011. The Senate's proposed procedure of examining Polish origin applies to all foreigners regardless of their current place of residence. In addition, the initiative expands the possibility of acquiring Polish citizenship under the procedure of acknowledging as repatriate to cover foreigners of Polish origin and graduates of Polish universities who have Polish origins. The introduction of changes in the rules of subsidising the gminas that offer housing to repatriates by standardizing benefits for all gminas which invite individuals having promised repatriation visas provides an opportunity to increase the interest of local governments in the matter and thus to reduce the waiting time for arrival to Poland.

Polish Presidency of the Council of the EU (1 July - 31 December 2011)

The Polish Presidency of the Council of the EU continued the work on the proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. The proposal for a Directive on ICT (intra-corporate transferees) lays down a transparent and simplified procedure for admission of intra-corporate transferees consisting in a single application for a single document combining residence and work permit. The proposal provides for easier mobility between the Member States and preferential rules governing family reunification. The aim of the Directive is to better use the human resources of multinational companies and to support the development of knowledge-based economy and the flow of investments in the entire EU.

The international conference on *Joint Integration Policy: Prevention of Exclusion of Immigrants in EU*, organised in October 2011 by the Ministry of Labour and Social Policy and Caritas Polska focused on the future integration policy in the EU. The objective of the organisers of this international meeting was to engage national organisations and institutions involved in integration of immigrants in the discussion at the European level. The conference enjoyed huge interest of key persons influencing the current integration policy addressed to immigrants living in the European Union. The agenda of the conference included thematic blocks and discussion panels on integration of immigrants. The organisers of the meeting focused on the issues relating to the joint European integration policy, its evaluation, integration modules and integration of foreigners at the local level. The conference took place under the patronage of the Polish Presidency.

⁴⁸ Gmina (commune) is a basic unit of Poland's territorial and administrative structure.

5. Illegal immigration and returns

5.1. Illegal immigration

5.1.1. Developments within the national perspective

The public discussion started in 2010 on the possibility to introduce abolition regulations (regularisation programme) continued in 2011 and eventually led to the introduction of significant changes to the legislation on migration. The issue was included in the final version of the strategic document *Migration policy of Poland – current state of play and future actions* adopted by the inter-ministerial Team for Migration on 20 July 2011 and was discussed during the work on assumptions for the new draft Act on foreigners. The prolonging work on the preparation of the above Act and the incidents resulting from the activity of the “Immigrants for Abolition” Committee that took place in autumn 2010⁴⁹ prompted a decision on excluding the relevant provisions on abolition from the work on the new Act on foreigners and drawing up a separate act on legalisation of stay of foreigners under this procedure.

Based on the analyses, a decision was made that the provisions on abolition must allow the largest possible number of foreigners illegally staying in Poland to legalise their stay. As a result, the provisions do not impose an obligation on foreigners to meet numerous requirements and allow to introduce a mechanism for legalising the stay of irregular foreigners in Poland in individual cases and to introduce provisions allowing the foreigners who are illegally staying in Poland to leave the countries without negative consequences related to illegal stay (in particular without an entry to the list of foreigners whose stay on the territory of the Republic of Poland is undesirable or a shorter duration of the given entry, with a simultaneous note of the illegal stay and the voluntary departure from Poland in the system). A decision was also made to carry out a “Be legal” media campaign on the regularisation programme to provide the information to the largest possible group of potential beneficiaries and to prepare a uniform message to be addressed from both government institutions and non-governmental organisations. Apart from TV and radio spots⁵⁰, a special website on abolition (<http://www.abolicja.gov.pl>) was also created. Furthermore, the Office for Foreigners, in cooperation with voivodeship offices, delivered numerous training courses and workshops on the prepared regularisation programme, addressed to the representatives of the state sector and associations acting for foreigners. Their objective was to appropriately prepare those organisations to i.a. offer assistance to foreigners staying illegally in Poland in submitting an application for abolition.

The draft document entitled *Migration policy of Poland – current state of play and future actions* and adopted by the Committee for Migration also contains recommendations for preventing illegal migration, including in particular:

- ⊕ Fighting the illegal migration, including by streamlining the administrative procedures on the legality of stay;
- ⊕ limiting the number of illegal migration channels;

⁴⁹ On 22 November 2010 non-governmental organisations acting on behalf of illegal migrants in Poland organised a happening in front of the parliament building, during which they submitted a petition on abolition for illegal migrants in Poland to Senator Łukasz Abgarowicz, deputy head of the Emigration Affairs and Contacts with Poles Abroad Committee. The petition of the “Immigrants for Abolition” Committee, consisting of i.a. The Foundation for Development “Beyond Borders”, Diversity Forum, Stowarzyszenie Wolnego Słowa (Association for Freedom of Speech) and “Our Choice” Foundation, was signed by 1 640 persons. The petition along with proposals for amendments to the Polish law was then submitted to the Chancellery of the President of the Republic of Poland and the Chancellery of the Prime Minister.

⁵⁰ The spots used can be found on the following websites: <http://www.youtube.com/watch?v=au2PWux-zFM>; <http://www.youtube.com/watch?v=gop2E3lmn60>; <http://www.youtube.com/watch?v=BUCQGRBg6E8>; http://www.youtube.com/watch?v=fxNnBSgf_VU.

- ⊕ actions aimed at informing about the possibility of legal entry and stay in Poland, which would be conducted in the countries of origin of migrants who most often breach the law in order to discourage them from attempting to enter Poland illegally.

At its sitting on 28 April 2011, the Sejm passed the amendments to the Act on State Labour Inspection (Act of 9 June 2011 amending the Act on State Labour Inspection and certain other acts - Dz.U. 2011 No 142, item 829). The amendment was intended to enable the inspection to undertake faster and more efficient control and supervisory actions (including on preventing illegal employment), to create conditions for comprehensive prevention and promotion campaigns among employers and to award the efficiently functioning controlling units. It was drawn up by the deputies from the State Audit Committee of Sejm. The amendment enabled the state labour inspectors to impose fines on those who committed offences related to legality of employment, as laid down in the Act on employment promotion and labour market institutions. The previous regulations allowed only for submitting a motion to a court in such cases.

5.1.2. Developments from the EU perspective

In 2011, the work continued on the draft new Act on consequences of commissioning work to foreigners staying illegally on the territory of the Republic of Poland, i.e. the Act implementing the Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. The assumptions for the above document were adopted by the Council of Ministers on 12 April 2011 and the draft Act was finally adopted by the Council of Ministers on 20 April 2011. The Sejm is expected to pass the Act in the first half of 2012.⁵¹ The adopted draft Act provides for extending the tasks of the Border Guard to include counteracting the crime⁵² related to commissioning work to foreigners staying on the territory of Poland without a valid documents authorising them to stay in order to obtain financial gains and imposes an obligation to perform risk assessment and regularly identify the sectors where the number of illegally staying third country nationals is the highest.

In line with the vision presented in the *Stockholm Programme*, while collecting information on migration routes, migrants' flow and threats related to illegal immigration the Border Guard used a number of tools, including regular exchange of information with the Frontex agency and other Member States via ICONet⁵³.

In order to improve the monitoring of migration phenomena in Eastern Europe, the Border Guard continued to exchange information about the situation on state borders and illegal immigration with the border services of Ukraine, Russia, Slovakia and Hungary (i.a. via working groups for border cooperation or provided by competent sections of the Border Guard units dealing with risk analysis on the basis of daily/monthly reports on incidents on joint sections of the border, the so-called DSR/MSR system).⁵⁴ Information obtained during this procedure supplements the data exchange within the framework of FRAN⁵⁵ by ICONet, since external borders are the core interest of Frontex.

⁵¹ The document was eventually adopted at the sitting of the Sejm on 15 June 2012, signed by the President of the Republic of Poland on 29 June 2012 and published in the Journal of Laws of 6 July 2012, item 769.

⁵² Pursuant to Article 9 and 10 of the said Act, a crime is the commissioning (including persistent) of work (including in the conditions of abuse) to numerous foreigners staying on the territory of Poland without a valid document authorising them to stay. A petty offence is persistent commissioning of work, instigating, aiding and abetting to commission work to the abovementioned foreigners, if the work is not related to the economic activity conducted by the person commissioning the work.

⁵³ ICONet is the Information and Coordination Network for Member States' Migration Management Services. It is a safe network for exchanging information about non-typical migration flows, cases of illegal entry and return of illegally staying persons.

⁵⁴ Based on information submitted in line with this procedure, the Border Guard compiles analytical materials, such as 'Information about the situation on section of the EU external border with Ukraine, Belarus and Russia'.

⁵⁵ FRAN is the Frontex risk analysis network. It is a European network consisting of analysts operating within the framework of the Frontex Risk Analysis Unit which plays the main role in the exchange of information between Frontex and Member States.

At the national level the Border Guard initiated a number of actions to harmonize statistics and the data flow system for data concerning the protection of the state border and the border traffic control. In 2011 the Staff of the Border Guard Commander-in-Chief continued to implement the Information Exchange Platform, i.e. *the system collecting the statistics of detention for illegally crossing the state border, illegal stay and illegal work*. The tool is to ensure completeness, cohesion and accuracy of data used for ongoing monitoring of the illegal migration situation and the related incidents, and the data used for analytical work. Information processed within the platform is transferred to the statistical office of the European Union (Eurostat) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) within the framework of FRAN (Frontex Risk Analysis Network) via ICONet. In order to ensure comprehensiveness of collected data, actions were initiated to obtain relevant information from other services, including first of all the Police (data on foreigners detained for illegal stay).

The Border Guard also conducted migration reconnaissance⁵⁶ in order to identify and counteract the violations of the provisions on entry and stay of foreigners on the territory of the Republic of Poland. Important elements supporting the reconnaissance include:

- ⊕ **Map of foreigners** which is a collection of information on place, nature and forms of stay of foreigners, including the estimate number of foreigners and the citizenship of the largest groups. The map is updated every six months based on statistical data collected by individual units of the Border Guard and on data provided by the central and local government institutions;
- ⊕ **Activity of the liaison officer of the Border Guard at the voivodeship office**, which consists in maintaining regular contacts with representatives of the units of voivodeship offices responsible for receiving and processing applications of foreigners for permit to reside on territory of the Republic of Poland. The liaison officer analyses files on foreigners, and in cooperation with the staff of voivodeship offices identifies cases that may involve violations of the residence procedure by foreigners. The report presenting the migration situation in a given area and drawn up by liaison officers are then submitted to the Department for Aliens within the General Headquarters of the Border Guard.

Poland has significantly contributed to the development of iMap drawn up under the project of “Building Migration Partnerships” which focuses on eastern external borders of Europe.

The activities of the network of Border Guard liaison officers had a positive impact on the implementation of the Border Guard’s tasks related to counteracting illegal immigration in 2011. The officers, delegated to work in the countries of origin and transit of migration, supported the activities of the Polish institutions by means of i.a.:

- ⊕ Maintaining regular contact with border services and other state institutions in the countries to which they were delegated;
- ⊕ Transfer of information for individual organisational units of the General Headquarters of the Border Guard;
- ⊕ Support in conducting readmission procedures, mainly by intermediation in sending and receiving readmission applications and requesting the diplomatic missions (accredited in Poland) to confirm the identity and issue substitute travel documents for foreigners subject to removal from Poland;
- ⊕ Organisation of the visits of the Border Guard delegations aimed at establishing cooperation with national and local entities;
- ⊕ Participation in seminars, conferences and monitoring missions.

⁵⁶ Migration reconnaissance has been defined in detail in an order of the Commander-in-Chief of the Border Guard No Z-28 on conducting reconnaissance in order to perform the tasks within the competence of the Border Guard.

The liaison officers of the Border Guard in i.a. Moscow, Berlin and Kiev, continued their activities in 2011. The officer delegated to work in Moscow intermediated in numerous activities related to the implementation of the Agreement on readmission (transfer of readmission applications, information about transfer of persons, obtaining travel documents and/or confirmation of identity in the embassies of Cameroon, Somalia, Sierra Leone, Burundi and Guinea Bissau).

The liaison officer in Kiev performed ongoing tasks for organisational units of the Border Guard. The major part of the correspondence were inquiries related to the activities conducted in the cases of obtaining visas under false pretences at the Polish consular offices in Ukraine and the information about events on the Ukrainian-Polish border and the migration situation in Ukraine. The officer also participated in the work of the expert group of the Administration of the State Border Guard Service of Ukraine and the General Headquarters of the Border Guard on *the joint analytical report on the threats on the joint section of the state border in terms of preparations for the European Football Championship EURO 2012*. At the invitation of EUBAM, the officer participated in a joint operation called AKKERMANN, organised between 10 and 21 May 2011 in Odessa. Other participants of the operation included representatives of law enforcement authorities of Ukraine, Moldova, FRONTEX, EUROPOL, Ministry of Internal Affairs of Ukraine, National Bureau of INTERPOL and a representative of the Italian Police. The objective of the operation was to exchange information between European agencies, EU Member States (Poland, Slovakia, Romania, Hungary - via the contact points established in those countries for the purposes of the operation) and Ukrainian and Moldavian services on combating border crime.

The Border Guard cooperates with liaison officers of other countries, including in particular: Germany, Ukraine, the Netherlands, the United Kingdom, the USA, Slovakia, Russia, Spain, Romania, Bulgaria and the Nordic Liaison Office (Sweden, Denmark, Norway, Finland.) In 2011, the cooperation focused on exchange of information and preparation of joint projects, as well as intermediation in cooperation in operations and investigations (including in counteracting trafficking in human beings and forgeries of documents). The liaison officers visited the Border Guard organisational units and intermediated in establishing cooperation at the regional level (i.a. with the Police and immigration services). Numerous meetings were organised throughout the year with the representatives of diplomatic posts of third countries having their offices in Poland. Their objective was to establish closer cooperation in confirming the identity of foreigners (e.g. when there are no ID documents or a forgery is suspected) coming mainly from Afghanistan, Democratic Republic of Congo, Pakistan, Nigeria or Iraq.

5.2. Return

5.2.1. Developments within the national perspective

Draft assumptions for the Act on foreigners, which have been prepared since 2010 and finally adopted by the Council of Minister on 16 August 2011, provide for a number of important amendments to regulation on the policy on returns of illegal immigrants, including the issuing of decisions ordering the foreigners to leave the country. According to the draft assumptions, the two types of decisions issued so far, i.e. decision ordering to leave the territory of the Republic of Poland and the decision on removal, will be replaced by **a single decision ordering the return** in which the deadline for voluntary return will be given⁵⁷.

In line with the assumptions, the new Act also provides for the possibility to reduce negative consequences of illegal stay of a foreigner on the territory of Poland. If a foreigner leaves Poland after receiving the first decision ordering him/her to return, his/her data will not be entered into the register of persons whose stay on the territory of Poland is undesirable⁵⁸.

⁵⁷ The failure to comply with this decision will result in its forced enforcement.

⁵⁸ The above elements were introduced as part of amendment to the Act on foreigners (Dz.U. [Journal of Laws] of 28 May 2012, item 589), that entered into force on 12 June 2012.

The proposed amendments to the regulations on return to the country of origin were also included in the draft amendment to the *Act of 14 July 2006 on the entry into, stay in and exit from the Republic of Poland of citizens of the European Union Member States and their family members*, which was submitted to the Sejm at the beginning of 2011 and which regulates forced removal of persons constituting a threat to



security. The forced removal procedure was adopted for an EU national or a member of the family who is not an EU national and represents a threat to state security or public order. Therefore, the previous 31-day period during which a foreigner could stay on the territory of Poland no longer applies.

Further recommendations of changes to the policy on returns were presented in the draft document *Migration policy of Poland – current state of play and future actions* adopted by the inter-ministerial Committee for Migration on 20 July 2011. They include i.a.:

- ✦ Extension of the group of beneficiaries of voluntary return programmes;
- ✦ Better access to help offered in the reintegration process following the return to the country of origin;
- ✦ Regular analyses on efficiency of voluntary returns and reintegration process.

The document is expected to be adopted by the Council of Ministers in 2012⁵⁹.

On 26 October 2011, the *Agreement between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration (IOM) amending the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in the field of voluntary returns of aliens leaving the territory of the Republic of Poland* was signed in Warsaw. The Agreement extends the cooperation between the Minister and the IOM in organisation of assistance in voluntary returns of foreigners leaving Poland.

Pursuant to the document, the group of persons authorised to a voluntary return is extended to include i.a. foreigners recognized as victims trafficking in human beings by an authority competent for proceedings aimed at combating trafficking in human beings. The Agreement specifies also the scope and forms of assistance provided to foreigners with regard to voluntary returns, taking into account the specific situation of victims of trafficking in human beings and introduces i.a. the requirement to perform, if possible, an individual risk assessment related to the return of the victim before he/she leaves the Republic of Poland.

Until now, only the following persons could apply for help in voluntary return:

- ✦ Persons who applied for refugee status and received a negative decision or decided to withdraw their application, or whose applications were not examined for formal reasons;

⁵⁹ The document was adopted by the Council of Ministers at its meeting on 31 July 2012.

- ⊕ Persons who received a decision ordering them to return;
- ⊕ Persons who applied for asylum and received a refusal.

5.2.2. Developments from the EU perspective

The abovementioned amendments to standards and procedures of return of immigrants residing illegally in Poland, which are included in the draft amendment to the Act of 14 July 2006 on the entry into, stay in and exit from the Republic of Poland of citizens of the European Union Member States and their family members and in the draft Assumptions for the new Act on foreigners, resulted from the necessity to transpose the so-called Return Directive to the Polish law. **The final legal act concerning the new Act on foreigners should be adopted in 2012.**⁶⁰

In 2011, representatives of the Border Guard participated in meetings whose purpose was to sign Implementing Protocols to agreements on readmission with such countries as the Russian Federation, Ukraine and Moldova. Furthermore, they took part in the meetings of the Joint Readmission Committees related to the agreements on readmission between the EU and Ukraine, Georgia and the Russian Federation. In March and May 2011, working meetings with the representatives of the Ukrainian migration service responsible for implementation of the EU-Ukraine readmission agreement took place in Poland, as well as working meetings on signing the Implementing Protocol on the implementation of the EU-Georgia readmission agreement.

Within the framework of the allocation of funds from the European Return Fund, several projects were implemented in 2011 with an aim to organise voluntary returns (the projects included information campaigns, providing advice on returns, assistance, financial aid, help in starting up a business in the country of return). Last year, a non-governmental organisation: The Rule of Law Institute Foundation continued the implementation of the first project of voluntary returns in Poland carried out by an organisation other than IOM.⁶¹ The actions implemented under the project are designed to popularise the concept of voluntary returns in the Lubelskie Voivodeship by means of i.a. development of cooperation between institutions and organisations involved in voluntary returns in this voivodeship to enable individual entities to quickly obtain information about experience and good practices in this regard.⁶²

As in the previous years, the cooperation continued with the EU Member States and Frontex in organisation of joint return operations. In 2011, the Border Guard participated in two air operations commissioned by Frontex, namely RABIT 2010 and HERMES 2011⁶³, with an aim to protect the EU external borders.

Apart from return activities co-financed by Frontex, Poland participated in four joint return operations organised with other Member States (four joint charter flights were organised in cooperation with Austria and Hungary), which resulted in the removal of 66 citizens of Georgia. The costs incurred by Poland were covered in 75% by the European Return Fund.

5.3. Actions against human trafficking

5.3.1. Developments within the national perspective

⁶⁰ The provisions were implemented based on the Act of 27 April 2012 amending the Act on foreigners and the Act on employment promotion and labour market institutions (Dz. U. of 28 May 2012, item 589).

⁶¹ The institutions which obtained the co-financing of projects of voluntary returns of foreigners from the European Return Fund included the IOM, the Office for Foreigners and the Border Guard.

⁶² The project includes regular training seminars and training visits for representatives of government institutions and non-governmental organisations, as well as the publication of "The guide on good practices" which will include guidelines on effective implementation of the voluntary return policy and the information on the situation in terms of voluntary returns in the Lubelskie Voivodeship. A newsletter, which constitutes an efficient communication tool for exchange of good practices, is also being prepared.

⁶³ The operation included patrol and reconnaissance flights by a helicopter and a manned aircraft in the areas of interest of Frontex. The support of Poland granted to Greece under the RABIT 2010 operation was the largest from among all countries participating in the operation.

The cooperation of various government administration institutions (i.a. Ministry of Interior, Ministry of Justice, Ministry of Labour and Social Policy, State Labour Inspection, General Headquarters of Police, General Headquarters of the Border Guards) with non-governmental organisations in combating and preventing the crime of trafficking in human beings takes place mainly based on the National Action Plans against Trafficking in Human Beings (currently for 2011-2012)⁶⁴ and the entity coordinating the tasks stemming from the said documents, i.e. the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings. In 2011, the representatives of the abovementioned institutions participated in the meetings of the Committee, as well as advisory bodies and expert groups established for the purposes of the Committee. They also took part in the meetings of the pilot Mazowieckie Voivodeship Committee for Preventing Trafficking in Human Beings.

Special attention should be paid to the cooperation of the General Headquarters of Police with the General Headquarters of the Border Guard in developing the methodology of supporting the victims of trafficking in human beings. In 2011, the focus was on drafting a new *Algorithm of conduct in the case of identifying a victim of trafficking in human beings*, which was not transferred to be used by the officers of both services due to the necessity to synchronize it with new draft assumptions for the Act on foreigners. However, a part of Algorithm was implemented. It consisted of the new form of reporting a victim of trafficking in human beings which previously was used only for entering foreign victims to the *Programme of support for victims of trafficking in human beings* and which from 2012 will also be a tool for collecting information about all victims, both Polish and foreign, of the said practice.

The cooperation in preventing trafficking in human beings in 2011 focused mainly on continuation of information and educational activities with the use of websites and local media. The information provided included the information on how to safely start working abroad, precautions while selecting job offers, as well as legal advice and contact details of institutions providing detailed information or offering help when there is a threat of such a crime taking place. The cooperation was established in this regard with poviats labour offices, social welfare centres and non-governmental organisations by means of i.a. distribution of posters, brochures and information leaflets. The projects implemented focused not only on forced prostitution, but also on safe work abroad and forced begging. Cooperation was also established with institutions and persons responsible for bringing up children and youth and taking care of them and with organisations helping children and families. The local communities were thus inspired to undertake actions aimed at curbing human trafficking.

Examples of nation-wide activities implemented in cooperation with non-governmental organisations include:

- ⊕ A campaign of the Nobody's Children Foundation entitled "Don't Lose" and
- ⊕ A campaign of the ITAKA Foundation – Centre for Missing People entitled "Safe Work".

⁶⁴ The tasks implemented under the current Plan are aimed at i.a. disseminating knowledge about trafficking in human beings (e.g. information campaigns targeted at potential victims) and supporting the victims of trafficking in human beings (e.g. activities of the National Consultation and Intervention Centre for victims of human trafficking). The National Consultation and Intervention Centre for victims of human trafficking is operated by the La Strada - Foundation against Trafficking and Slavery, commissioned by the Ministry of Interior. The Centre operates a 24/7 help line for victims and witnesses of trafficking in human beings. The organisation offers help for citizens of Poland who were i.e. forced to work abroad and for foreigners residing in Poland. The Centre also offers advice and consultation to persons leaving or planning to leave to work abroad. It offers comprehensive medical, psychological and legal assistance. Under the Programme for support and protection of victim/witness of trafficking in human beings, which is addressed to foreigners, the Centre help foreigners who were victims of trafficking in human beings to legalise their stay and organizes their returns to the countries of origin. Employees and volunteers of the Centre accompany the victims of trafficking in human beings during contacts with the Police and the prosecutor's office. The National Consultation and Intervention Centre for victims of human trafficking also operates a shelter for victims, offering them safe accommodation and care of specialist personnel. The victims also receive food and clothing.

The first initiative consisted in the distribution of educational and information materials on i.a. human trafficking crimes affecting minors, while the latter focused on dissemination of information among the general public on how to avoid threats related to working abroad.

The support for victims of trafficking in human beings, provision of information in order to counteract and prevent this practice and the role of non-governmental organisations are only some issues discussed at the 5th National Conference on combating and preventing trafficking in human beings that was held on 21 October 2011. Opening the conference, the Undersecretary of State at the Ministry of the Interior and Administration emphasized that thanks to a great commitment of non-governmental organisations cooperating with the services reporting to the Ministry, this negative phenomenon is minimised in Poland.

Other measures aimed at providing information to the groups at risk of falling victim to trafficking in human beings include:

- ✦ 24-hour hotline for victims/witnesses of trafficking in human beings;
- ✦ Meetings with students of upper secondary schools, their parents and students;
- ✦ Consultancy services (by phone and email) for persons leaving the country;
- ✦ Raising awareness of Poles planning non-tourist travel abroad and of foreigners deciding to stay longer in Poland, by means of i.a.:
 - Publishing basic information on various websites⁶⁵;
 - Advertisements published in thematic press warning about unreliable employers and presenting addresses of institutions offering help in such situations;
 - A mobile photo exhibition “Trafficking in human beings knows no borders”, presented i.a. on major railway stations in seven Polish cities and at various events in the country and abroad (it was the first such exhibition in Poland);
 - Brochures and handbooks warning against trafficking in human beings, distributed by the Border Guard at border crossings, by social workers and in Polish consulates, mainly in Belarus, Ukraine and Russia, but also in the Asian countries (in China, Vietnam, India, Nepal, Bangladesh, Thailand, Mongolia, Tajikistan, Uzbekistan, Pakistan, Kazakhstan, Turkmenistan and the Philippines).

In 2011 the media often presented the cases of trafficking in human beings where Polish citizens were forced to work abroad, e.g. in construction sector, or informed about arrests of people who recruited unemployed Poles for work in the Western Europe where they forced them to steal and deceive (the criminals took the documents of victims which they later used to take loans or open bank accounts). Other cases included situations when labour rights of foreigners (mainly Ukrainian citizens) working in Poland were violated and trafficking in women for the purpose of sexual exploitation (sale of Polish women and women from i.a. Bulgaria, Romania and Ukraine to brothels in the countries of Western Europe).

During the summer, numerous articles were also published with information about threats related to working abroad, addressed to Poles (in particular students) who intended to take up seasonal work in the EU countries.

5.3.2. Developments from the EU perspective

In 2011, the cooperation with third countries continued in the area of counteracting trafficking in human beings. It consisted mainly of a series of meetings of the representatives of the countries of origin and transit (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) with the Border Guard, the Police and the Ministry of the Interior and Administration. The purpose of the abovementioned meetings was to exchange experience and good practices in counteracting the said practice.

⁶⁵ On the website of the Ministry of Foreign Affairs, Itaka Foundation and La Strada Foundation.

The key issue was the organisation of training cooperation, in particular with the countries of origin of potential victims of trafficking in human beings. The projects implemented included a project of the International Police Cooperation Bureau entitled “Increasing the efficiency of law enforcement authorities as the joint objective of the Police in Poland and in the countries of the Eastern Partnership – mini EURO EAST”. The main objective of training was to create a platform for meetings and exchange of information, experience and best practices between the participants, to raise their awareness and expand their knowledge about trafficking in human beings and, first of all, to develop basic principles and effective methods of cooperation in specific cases of combating trafficking in human beings, helping the victims of this practice and to create joint strategies of preventive work with the risk groups in all countries participating in the project.⁶⁶

Polish Presidency of the Council of the EU (1 July - 31 December 2011)

An important task was to collect information about practices of Member States in organising assisted voluntary returns of foreigners and to prepare a joint report on the subject. The report presented on 26 October 2011 at the meeting of the Working Party of the EU Council on Integration, Migration and Expulsion helped answer the question whether there was a need to harmonise the applied solutions, including:

- ⊕ Identification of foreigners who can use the assisted return procedure;
- ⊕ Specification of the sources of funding of assisted returns; and
- ⊕ Specification of benefits available to persons participating in the assisted return programme.

The findings of the reports were also presented during the international conference “Assistance in voluntary return and reintegration as a humanitarian and permanent return home”, organised in Warsaw on 14 and 15 November 2011.

On 7-8 July 2011, in the framework of the Polish presidency, the fourth meeting of the informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings⁶⁷ took place in Brussels. The meeting was co-hosted by Poland and – for the first time from appointment – also by the EU Anti-Trafficking Coordinator. The issue discussed during the meeting was intra-EU trafficking in human beings – a crime committed within the EU whose victims are EU citizens. The problem concerns people who become abuse victims in their home country and in other EU Member States. Based on the analysis prepared by the Polish Presidency, discussions focused primarily on the possibilities and methods of solving problems connected with providing assistance and support to victims of trafficking in human beings. The subject of possible actions by EU Member States to support victims’ countries of origin in their efforts to counteract the phenomenon was also raised.

On 4 November 2011, one of the most important events during the Polish Presidency of the Council of the EU took place, namely the Prague Process Ministerial Conference (grouping over 50 Member States and international organisations), entitled *Building Migration Partnerships in Action*. The Action Plan was adopted for countries-beneficiaries for 2012-2016. The Plan covers a wide spectrum of tasks and issues related to widely understood migration management

⁶⁶ The project included four training panels (two in Poland, one in Ukraine and one in Moldova) on i.e. international regulations, forms of abuse and methods of operation of criminals, new trends in crime, challenges related to identification of victims, specialised structures and their tasks, cooperation with non-governmental organisations in providing support to victims, as well as instruments and examples of efficient international operational cooperation.

⁶⁷ The informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings was established by the Decision of the Council of the European Union of 4 June 2009. The Network is a forum for meetings of experts responsible for implementing the system of combating and preventing trafficking in human beings and the so-called National Rapporteurs – institutions independent of governments that evaluate governments’ actions on an ongoing basis. The Network serves mainly as a forum for exchanging good practices.

system, including also activities related to illegal migration and assistance in voluntary returns and reintegration, by means of i.a.:

- ⊕ Strengthening practical cooperation in the field of voluntary returns under the implemented projects and programmes, in particular with the countries that are not covered by any programme;
- ⊕ Support for reintegration of migrations by building adequate infrastructure and providing those who return with access to information about job offers, possibilities of participation in courses and vocational training, access to databases of employers, etc.;
- ⊕ Sharing the best practices relating to return, readmission and reintegration of vulnerable persons, such as victims of trafficking in human beings or unaccompanied minors.

It is worth noting that the actions described in the Plan will be financed from the relevant EU funds for migration. The participants of the conference welcomed the earlier declared intention of the European Commission to support the Prague Process in the form of the so-called Targeted Initiative with the amount of EUR 3 million.

Illegal migration was also discussed at the annual conference of the European Migration Network in Warsaw and a conference organised by the European Union Agency for Fundamental Rights (FRA) and the Ministry of Foreign Affairs of the Republic of Poland on 21 and 22 November 2011 in Warsaw. The first conference, entitled "Combating irregular migration: practical responses", took place on 25 October 2011 and focused on responses of the governments of the EU Member States to irregular migration of foreigners to those countries. The second conference was entitled "Dignity and rights of irregular migrants". The title of the conference points to the focus of discussions and the fact that assistance in voluntary returns and reintegration will be a leading topic on the agenda.

Within the framework of activities related to the Polish Presidency of the Council of the EU, the Ministry of the Interior and Administration organised the conference "EU Member States and Agencies jointly addressing trafficking in human beings and protecting victims" on 18 October 2011 and an expert seminar entitled "Management models within the field of combating and preventing trafficking in human beings present in EU countries and countries of the Eastern Partnership. Possibilities of cooperation development". The above initiatives demonstrate an increased interest in combating the crime of trafficking in human beings on the part of EU agencies and the extension of this interest in geographical terms to the Eastern Partnership countries, which is important since those countries are also the countries of origin of many victims of trafficking in human beings, also in Poland.

6. Border control

6.1. Control and surveillance at external borders

6.1.1. Developments from the EU perspective

In 2011, the reorganization of structures of the Border Guard continued. It aims to transform the national border protection formation into a modern immigration and border policing service, responsible for carrying out border checks and surveillance of the EU/Schengen external border, preventing and combating illegal migration, cross-border crime and crime involving foreigners.⁶⁸

Considering the above tasks and the rational use of infrastructure and staff resources, it is not advisable to maintain the formation of structures comparable to those before Poland's accession to the Schengen area. For this reason, several branches and posts of the Border Guard were closed down or moved from the EU internal borders, and the territorial reach of several other branches of the Border Guard was changed. Proposals were also developed for changes in the organizational structure of the Border Guard on the southern Polish border (external EU border), which ultimately is to be prepared adequately in 2012.

In addition, specialist and supplementary seminars were conducted (e.g. in the field of intercultural communication, border procedures, the conditions of entry and stay of foreigners in the EU/Schengen area, including issues related to the VIS, SIS, and a local border traffic) as well as trainings⁶⁹ whose purpose was to improve the quality and effectiveness of actions by Border Guard officers.

In November 2011, a mass implementation of the new IT system "Odprawa SG" was carried out that is to ensure full integration, operability and compatibility with the Visa Information System (VIS), and later on with the second generation Schengen Information System (SIS II), with Entry/Exit systems and with the traveller registration system that ensures complex control of foreigners not only when crossing the border, but also during their stay in Poland. In 2011, work was underway on a wider use of various forms and methods of biometric control towards their possible use in the framework of the planned e-border or e-kiosk system.

Another tool supporting the border surveillance system in areas such as monitoring illegal migration was the pilot project implemented in Poland, i.e. JORA (Joint Operations Reporting Application). Another pilot programme implemented in 2011 was the European Border Surveillance System – EUROSUR. The system is to focus on strengthening border surveillance to, *inter alia*, combat cross-border crime and illegal migration. The Border Guard is responsible for its implementation in Poland.

The role and effectiveness of the Border Guard officers at the second line of clearance, where the analysis and verification of more complex cases is carried out, was also strengthened. During clearance of people and means of transport crossing the external border, Border Guard officers are provided with constant and direct access to European and national databases (including specimen travel documents, visas, stay titles, forgery alerts, etc.). They also use modern tools to support border control, including mobile terminals, equipment for the detection of living beings

⁶⁸ Changes in the structure of Border Guard organisational units were related to the implementation of *Assumptions of multi-annual concept of Border Guard functioning (2009-2015)* and the *Concept of Border Guard functioning for 2009-2015* resulting from Decision No 333 of the Border Guard Commander-in-Chief of 17 December 2009. The above documents provide *inter alia* for removing the formation from the internal EU-Schengen border into the territory of Poland and entrusting the service with the tasks of the immigration service in Poland. On 30 May 2011, the Border Guard Commander-in-Chief approved the *Evaluation of implementation and proposal for update of the Concept of Border Guard functioning for 2009-2015 for 2010*.

⁶⁹ Training courses devoted to identification and verification of identification documents of foreigners, practical and legal aspects of carrying out controls of the legality of stay and performing work by foreigners, and cooperation and exchanging information on victims of trafficking in humans. Some of the trainings were financed by the European Return Fund (ERF).

hidden in the means of transport, equipment for radiometric screening, desktop fingerprint scanners, microscopes, systems to identify counterfeit documents, etc.

In addition, the Border Guard was working to implement a modern and efficient Post Management Auxiliary System whose purpose is to automate and streamline the activities and simplify procedures to the maximum extent. In the framework of the above work, actions were taken that focus on the participation of representatives of the Border Guard in trainings and visits to other EU countries where this type of solutions are already in place. It is difficult to determine the time when this form of control would be implemented at Polish border crossings.

Table 1. Third-country nationals refused entry, by type of border, 2008-2010

	2008	2009	2010	2011
at the land border	16 271	26 232	22 883	21 091
at the sea border	39	44	48	89
at the air border	542	613	590	867

Source: General Border Guard Headquarters

6.2. Cooperation with respect to border control

6.2.1. Developments within the national perspective

In the framework of preparations to organise the European football championship in Poland and Ukraine (EURO 2012), 2010 saw preparing and 2011 saw the implementation of the following documents: *Concept of reintroducing border control at internal borders, including the organisation, division of tasks and cooperation between the Border Guard Commander-in-Chief, Police Commander-in-Chief and Fire Service Commander-in-Chief* approved by the Minister of the Interior and Administration on 8 June 2010, and *Assumptions for the implementation of temporary reintroduction of border controls at internal borders* approved by the Border Guard Commander-in-Chief on 25 June 2010. The documents laid down the rules and procedures of temporary reintroduction of border controls, taking into account the adequacy of control to the threat level. All Border Guard Centres at the internal border prepared plans of temporary reintroduction of border controls.

In addition, the Act of 31 August 2011 amending the Act on mass events security and certain other acts and the Act on the state border protection were amended. The amendments obliged public road managers to prepare a reorganisation of road traffic in the vicinity of border crossings, and managers of rail infrastructures, airports, sea ports, port facilities, marinas and rail carriers to aid the Border Guard in the organisation of border control when border controls are temporarily introduced.

6.2.2. Developments from the EU perspective

The *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on rules on local border traffic* was signed on 14 December 2011 in Moscow. Pursuant to this Agreement⁷⁰, when crossing the Polish-Russian border the inhabitants of the region to which the provisions of this Agreement apply will no longer be obliged to hold a visa, but only a valid travel document and a special permission granting them the right to participate in the local border traffic. The LBT Agreement will allow multiple crossings of Polish-Russian land border by inhabitants of the border areas of both countries; provisions of the Agreement will be applicable only to land (road and rail) border crossing points. Adopting the document was only possible thanks to effort on the part of the parties to the Agreement and the EC. On 29 July 2011, the European Commission suggested that the European Council and the European Parliament facilitate border crossing for the inhabitants of Kaliningrad Oblast; a draft European

⁷⁰ The inhabitants of the Kaliningrad Oblast (approx. 1 million people) in Russia and the inhabitants of most regions in Pomorskie Voivodeship (poviats: Pucki, Nowodworski, Malborski and Gdański; towns: Gdynia, Sopot and Gdańsk) and in Warmińsko-Mazurskie Voivodeship (poviats: Elbląski, Braniewski, Lidzbarski, Bartoszycki, Olsztyński, Kętrzyński, Mrągowski, Węgorzewski, Giżycki, Gołdapski and Olecki; towns: Elbląg and Olsztyn) in Poland.

Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area [COM(2011)0461 – C7-0213/2011 – 2011/0199(COD)] was positively evaluated on 24 November 2011.⁷¹ This opened a way to formally end the process of liberalising border traffic rules in border areas between Poland and Russia.

In 2011, work continued aimed at achieving a compromise to sign new agreements on visa facilitations with Russia, Ukraine and Moldova, as well as on working out the negotiating mandate for the European Commission for talks with Armenia and Azerbaijan. Poland's priority in this area is the neighbourhood policy implemented i.a. by the Eastern Partnership initiative. It should be noted that one of the main objectives of the programme focused on supporting the processes in the countries it covers is to do away with visas with respect to Poland's eastern partners and promote legal economic migration to the EU of the nationals of states bordering Poland.

In 2011, Border Guard officers took part in several international operations organised by Frontex. They were primarily operations on land and air borders, such as:

- ⊕ RABIT 2010 – an operation where a Polish helicopter performed patrol and reconnaissance flights in the area covered by Frontex's interest in Greece. Polish support to Greece in the framework of the operation comprised a total of 25 officers and 2 service dogs. Their operations focused on helping Greece to patrol borders, carrying out studies and interviews aimed at determining the citizenship of people who had no identity documents and collecting information on smuggling networks in the area;
- ⊕ HERMES 2011 – an operation that consisted in performing patrol and reconnaissance flights in the area covered by Frontex's interest in Italy;
- ⊕ JUPITER – a joint operation aimed at strengthening border control at the eastern EU border; Polish Border Guard officers supported the protection of the green border and the first line of border control in Estonia, Slovakia and Hungary; the officers who visited Poland patrolled border crossings in Medyka and Korczowa;
- ⊕ POSEJDON – a joint operation aimed at supporting Greek immigration services in combating illegal migration. In the framework of the operation, Border Guard representatives were responsible *inter alia* for carrying out the procedure of initial verification of undocumented foreigners. Similar to RABIT, the projects' implementation involved a plane, a helicopter with crew and specialist equipment, such as night vision goggles;
- ⊕ NEPTUNE – a joint operation in the framework of which the Polish Border Guard supported border control in Greece;
- ⊕ HUBBLE – an operation organised to strengthen control at external air borders of the EU, with particular emphasis on flights from major hubs. Its purpose was also to detect illegal migration from third countries and to identify people who facilitate emigrants' entry into the EU;
- ⊕ MIZAR – an operation focused on strengthening border control in EU airports in the area of detecting travel documents that are highly likely to be counterfeit or obtained under false pretences;
- ⊕ DEMETER – an operation aimed at collecting information on migration flows in EU Member States/Schengen, including in particular on migration pressure in individual

⁷¹ For more information, visit <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2011-0398+0+DOC+XML+V0//PL>.

states, major routes of illegal migrants, major target countries and countries of origin of illegal migrants;

- ✦ FOCAL POINTS – operations at land and air border crossings that serve coordinating joint projects at selected border crossings and improving the actions aimed at securing external EU borders. Its purpose was also to prepare standard procedures for joint operations. Border Guard officers participated in operations in the Netherlands, Germany, Slovenia, Romania, Slovakia, Hungary and Lithuania, while border service officers from other Member States participated in control activities at the Warsaw international airport.

Moreover, to strengthen border control, Poland developed cooperation with third countries in 2011. The actions taken included *inter alia* the following:

- ✦ joint control of border areas with Slovakia, Czech Republic and Germany;
- ✦ participation of Border Guard officers in special border operations organised by the Border Guard of the Federal Security Service of the Russian Federation;
- ✦ signing an agreement on cooperation in the area of examining travel documents by Poland and Lithuania;
- ✦ establishing ‘green belts’ and ‘green corridors’ at border crossings with Ukraine, Russia and Belarus. They were created by linking green belts on the Polish side of border crossings with similar belts in the neighbouring country. The border crossings perform joint border and customs clearance so that vehicles stop only once (‘one stop’);
- ✦ securing major communication routes crossing the Polish-Slovak state border;
- ✦ activity of Polish liaison officers in countries of origin of illegal migrants or in transit countries, and cooperation of the Border Guard with liaison officers of other countries, such as Germany, Ukraine, the Netherlands, Great Britain, Slovakia, Russia, Spain, Romania, Bulgaria and the Nordic Liaison Office;
- ✦ participation in joint border operations whose purpose is exchanging information and strengthening cooperation between European agencies (Europol and Frontex) and Poland, Slovakia, Hungary, Romania, Ukraine and Moldova;
- ✦ participation in EU mission concerning joint border control along the Ukrainian-Moldovan border (EUBAM) whose purpose was to strengthen the processes and methods in the framework of international coordination and cooperation in combating in the area of combating cross-border crime in the region.

The Border Guard continued its cooperation with the Technical Assistance and Information Exchange instrument (TAIEX)⁷², International Centre for Migration Policy Development (ICMPD) and the International Organization for Migration (IOM) under which various initiatives in the area of border control were taken. For example:

- ✦ seminars for Armenian border service officers on border management, illegal migration, visa and asylum policy, and document safety features;
- ✦ seminars for personnel of the Croatian Ministry of the Interior on the experience of Schengen area countries in introducing the second line of control at border crossings;
- ✦ workshops on risk analysis at the strategic and operation level and on managing border –related information delivered to support Macedonia;

⁷² TAIEX is an instrument managed by Directorate-General Enlargement of the European Commission. It supports partner states in approximation, application and enforcement of EU law. Its operation is based on involvement of experts from Member States.

- ✦ traineeship visits of officers of Belarusian State Border Committee devoted to implementing tasks related to managing the state border in Poland, learning the practical aspects of operation of permanent border committees and joint border controls with neighbouring countries;
- ✦ study visits of Macedonian border services devoted to the implementation of the best practices, standards and procedures at the external EU border and implementation of regulations and procedures in the Schengen area;
- ✦ trainings for experts from the State Border Committee of the Republic of Belarus devoted to the best practices and typical problems/difficulties in developing and implementing bilateral international border agreements, such as the agreement on border plenipotentiaries and implementation of EU and Schengen legal regulations on borders;
- ✦ study visits of officers of Belarusian State Border Committee on the legal basis for local border traffic (LBT), procedures of issuing permits to cross border in the framework of LBT, the border control system at LBT crossings and organisation of work at border crossings during EURO 2012;
- ✦ trainings for officers from Kazakhstan on the methods of state border protection in the EU and Schengen area;
- ✦ workshops on the activity of border guard liaison officers organised at the request of the Belarusian State Border Committee;
- ✦ trainings devoted to presenting the Polish integrated border management model, including border control, to representatives from Turkey, Montenegro, Ukraine, Serbia, Albania, Croatia, Macedonia, Bosnia and Herzegovina;
- ✦ seminars on verification travel document authenticity for officers of Ukrainian and Russian border service;
- ✦ trainings on EU legislation on borders for officers of Ukrainian and Belarusian Border Guard;
- ✦ project for strengthening the border management system of South Caucasus states and development of the Integrated Border management in Armenia, Azerbaijan and Georgia;
- ✦ programme for strengthening cooperation in the area of identifying foreigners with third countries, implemented in collaboration with Ukrainian and Vietnamese border services;
- ✦ programme for cross-border cooperation between Poland, Ukraine and Belarus in the area of developing modern infrastructure of border guard units;
- ✦ trainings to support the modernisation of border services in the Palestinian Authority.

Considering that the level of visits organised by the Border Guard in Poland and the input of expertise in seminars organised in third countries by Polish experts is highly regarded by beneficiaries, it is supposed that the cooperation would continue also in 2012.

In relation to organising the European football championship in Poland and Ukraine (EURO 2012), to enhance the efficiency of handling increased border traffic and to ensure security at external EU borders, the Polish Border Guard performed a number of tasks. They were for example:

- ✦ organising a **Joint FRONTEX Operation “EUROCUP 2012”** in collaboration with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex);

- ⊕ drafting the document entitled *Assumptions of Joint Operation EURO CUP 2012* that reflects the needs and possibilities of accepting personnel and equipment, approved on 20 January 2011 by Border Guard Commander-in-Chief. On 15 March 2011, a meeting with Frontex representatives was organised in Warsaw. It was devoted to organising Joint Operation EURO CUP 2012 and the cooperation assumptions were approved. The initial time frame of the project was adopted in October 2011;
- ⊕ launching the so-called “**EURO lanes**” for EURO 2012 supporters and participants on the basis of “green corridors” for passengers having “nothing to declare” travelling through Korczowa border crossing and other crossing points. It was decided that the task would be performed at road Polish-Ukrainian border crossings: Korczowa-Krakowiec, Medyka-Szeginie, Dorohusk-Jagodzin and Hrebenne-Rawa Ruska;
- ⊕ agreeing some issues in the framework of the *Polish-Ukrainian inter-governmental Working Party for EURO 2012 safety coordination*, such as the organisation of traffic and clearance at particular border crossings, using joint patrols to monitor the situation and ensuring security at border crossings and the participation of Ukraine’s State Border Service in Joint Operation FRONTEX “EURO CUP 2012;”
- ⊕ adoption of *The concept of the functioning of the Polish-Ukrainian border during the European Football Championships EURO 2012* by the Team for State Border Management on 17 May 2011. It assumes introducing **single border and customs clearance** that would consist in vehicle clearance by officers of the Border Guard and Customs Service and their Ukrainian counterparts at Polish parts of border crossings;
- ⊕ based on the *Agreement on joint patrols* with Ukraine, signed on 8 December 2010 in Lvov, mixed patrols composed of officers from the Polish and Ukrainian Border Guard were introduced to the state border protection system in 2011;
- ⊕ drafting the *Joint analytical report evaluating the threats and risks in the framework of preparing and organising the 2012 European Football Championship* which evaluates the current border traffic at the Polish-Ukrainian stretch of the state border and presents the traffic projection for EURO 2012;
- ⊕ in order to check the system of cooperation and organisation of traffic in terms of functionality and security of road users and officers, **drills in possible temporary reintroduction of border control at internal border** were carried out at two state border stretches (the border with the Republic of Slovakia and Federal Republic of Germany).

The draft *Act of 31 August 2011 amending the Act on mass events security and certain other acts* (the special Act on security during EURO 2012) was extended to include provisions amending the Act on state border protection on temporary reintroduction of controls at state border stretches.

The Border Guard Commander-in-Chief was obliged to keep the *List of border crossings where border control will be temporarily introduced* and to notify managers of roads, of rail infrastructure, airports, sea ports, port facilities and marinas about including the objects they manage in the *List*. A duty was imposed in managers of rail, sea and air border crossings to cooperate with the Border Guard in terms of organising controls taking into account own tasks of those entities.⁷³

In 2011, meetings of spokespersons of the Border Guard and Customs Service of Poland and Ukraine and the Ministry of Internal Affairs of Ukraine were organised in the framework of EUBAM. The purpose of the meeting was to work out a model of social communication, prepare a package of necessary customs information and information related to crossing the border, and a proposal for forms of providing information to football fans crossing the border at road border

⁷³ The regulations entered into force on 12 November 2011.

crossings during the championship. It was proposed that supporters should receive the necessary information by electronic means along with a ticket, in the form of a newsletter. There were also meetings of the subgroup for organising the social communication process in crisis situations during Euro 2012 (as part of the Committee for EURO 2012 Safety). The purpose of the meetings was to work out a model of correct organisation and implementation of communication in crisis.

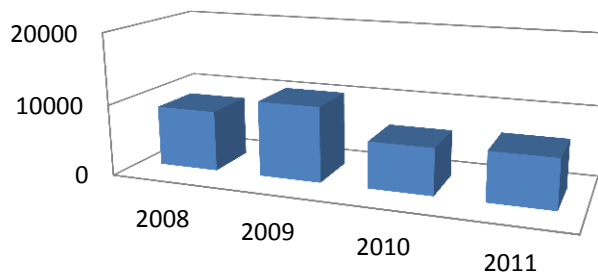
7. International protection, including asylum

7.1. Developments within the national perspective

In 2011, the controversy related to a sense of threat due to living next to foreigners of the inhabitants of cities where centres for foreigners are located decreased slightly as compared to 2010. On 6 September 2011, the centre for foreigners in Niemce (Lubelskie Voivodeship) was closed down. The reason for closing it was that the entity which provided accommodation and catering services to foreigners staying in the centre decided not to continue its cooperation with the Office for Foreigners due to a lower number of people applying for the refugee status and staying the centre.

The foreigners from the centre were offered to stay in other centres located in Poland. 18 people decided to support themselves on their own while staying in the Republic of Poland, while others were moved to other centres: Moszna (8 people), Dębak (12), Białystok (13), Łuków (14) and Lublin (22).

Figure 4. Number of foreigners applying for a refugee status in Poland, 2008-2011

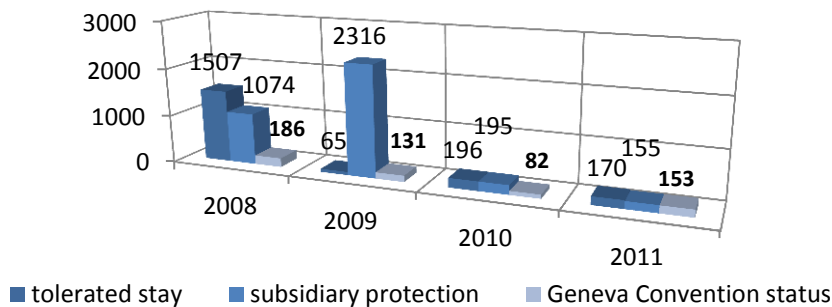


Source: Office for Foreigners

The Office for Foreigners provided transport for those people and for their belongings to the locations of their choice. The children covered by compulsory schooling were transferred to schools in the new locations still before the new school year began.

In addition, the Office started the implementation of programmes whose purpose was to improve the situation of foreigners applying for the refugee status in Poland, mainly in cooperation with the International Organization for Migration (IOM), Caritas Migrant and Refugee Support Centres and Halina Nieć Legal Aid Center.⁷⁴ The major actions included, for example, an educational campaign for the improvement of health and health care of the people applying for the refugee status. The project is co-financed

Figure 5. Number of first decisions, 2008-2011



Source: Office for Foreigners

by the European Refugee Fund. It started on 1 August 2010 and is scheduled to end on 31 December 2012. The main purpose of the project is to add to improving accessibility, quality and efficiency of health care of the people applying for the refugee status and covered by international protection by promoting health and encouraging taking care of one's health.⁷⁵

⁷⁴ To that end, Caritas Polska in collaboration with the Municipal Family Support Centre in Lublin and Caritas Migrant and Refugee Support Centres organised the conference entitled The situation of foreigners in Poland – state of affairs, possibilities, needs – conclusions from the implementation of project Common Home – Poland. The conference was attended by representatives of the Office for Foreigners. It was held on 9 November 2011 in Warsaw.

⁷⁵ These topics also dominated the meeting of the head of the Office for Foreigners with Chief Sanitary Inspector from the Ministry of Interior and State Sanitary Inspectorates of the Ministry of Interior from Lubelskie, Mazowieckie and Podlaskie Voivodeship (the voivodeships where centres for foreigners are located). During the meeting in November

Also in 2011, a draft amendment to the Act of 13 June 2003 on granting protection to foreigners in the territory of the Republic of Poland was prepared, which is the basic act of the refugee procedure. The changes included in the draft are *inter alia* intended to introduce solutions that allow admitting people who have been granted the refugee status in the framework of relocation (earlier on it was impossible because applications for the refugee status filed by people who were granted the refugee status in another Member State were considered inadmissible). The legal framework of the organisation of resettlement of foreigners in Poland under the refugee procedure and relocation of acknowledged refugees has been set up by the Act amending the Act on granting protection to foreigners in the territory of the Republic of Poland.⁷⁶ According to the provisions of the Act, the procedure of resettlement and relocation is analogous.

The above regulation was *inter alia* the effect of Poland's involvement in the implementation of EUREMA project (including the planned participation in the second edition of the project in 2012 and 2013) and implementation of the systemic solutions discussed on the forum of the inter-ministerial Committee for Migration. The above measures are, in many cases, the results of discussions in state institutions (mainly the Ministry of Interior, Border Guard and the Office for Foreigners) in the framework of preparations for the strategic document *Migration policy of Poland – current state of play and future actions*. It is also important that centres and NGOs monitoring the situation of foreigners in Poland were involved in the process of implementing changes to the Polish asylum system and were given the opportunity to express their opinions on the directions of proposed changes.

7.2. Developments from the EU perspective

In the face of mass inflow of people applying for the refugee status to Malta, Poland became involved in a pilot relocation project EUREMA. It envisages relocation of refugees from Malta as a country facing particular migration pressure that exceeds the country's reception capacity. On 15 December 2009 a declaration was signed pursuant to which Poland became one of the partners of the initial EUREMA project. Poland committed to receive six people (the project assumes receiving a total of 225 refugees from Malta by ten EU Member States) who have been granted subsidiary protection in Malta. Similar to other states receiving foreigners, Poland committed to cover them with its integration programmes once they arrive in the country. Yet, no foreigner has made use of the opportunity to come to Poland under the project. On 12 May 2011, during the Justice and Home Affairs Council (JHA Council) Polish Minister of the Interior and Administration Jerzy Miller declared Poland's readiness to receive 50 immigrants from Malta for relocation.

An equally difficult humanitarian and migration situation in north African countries, related to the events of the Arab Spring, triggered Poland to take a number of actions. In 2011, Poland spent over PLN 1.8 million for supporting the victims of the conflict in Libya. Financial support was also provided to the major international organisations and humanitarian funds, such as the International Committee of the Red Cross, UNHCR, UNRWA, UN OCHA and the Central Emergency Response Fund (CERF) – a total of over PLN 2.7 million. Poland also declared it would make an aircraft available for the Hermes operation coordinated by Frontex. On 15 May 2011, Marshal of the Senate Bogdan Borusewicz provided equipment whose weight was ca. 1 tonne to the representatives of Tunisian Red Crescent in the refugee camp in Shousha at the Tunisian-Libyan border. The Polish delegation provided *inter alia* 1,200 packages with clothing, blankets, towels and medicines, as well as ca. 7,500 blood and plasma substitute transfusion kits.

On 16 June 2011, after his visit to Tunisia, Minister of the Foreign Affairs Radosław Sikorski initiated a project that envisaged bringing 16 immigrants from the Shousha camp from Libya to

2011, the scope of welfare support granted to foreigners applying for the refugee status in Poland was summed up, with particular emphasis on health care and plans to set up an epidemiological filter in Biała Podlaska.

⁷⁶ [Act of 28 July 2011 on legalising the stay of certain foreigners in the territory of the Republic of Poland and amending the Act on granting protection to foreigners in the territory of the Republic of Poland and the Act on foreigners](#). An important feature of the Act is that it introduces the definitions of 'resettlement' and 'relocation.'

Poland – citizens of Nigeria and Eritrea (four families and one single pregnant woman). These actions were taken in addition to all the currently implemented programmes, including the EU Resettlement Programme implemented in collaboration with UNHCR, not yet acceded by Poland. The foreigners stay in the Dębak centre for foreigners, where they receive accommodation, food, medical attention, pocket money and participate in pre-integration measures delivered in cooperation with the Polish Humanitarian Action (PAH).⁷⁷ All of them were granted the refugee status in Poland within statutory deadlines.

Polish presidency of the EU Council (1 July – 31 December 2011)

The conference entitled “Challenges to the development of the Common European Asylum System on the 60th anniversary of adopting the Convention relating to the Status of Refugees” took place on 11 and 12 July 2011 in Warsaw. Work on the Common European Asylum System (CEAS) was one of the priorities of the Polish presidency of the Council of the European Union in the area of internal affairs. The conference was attended *inter alia* by EU Commissioner for Home Affairs Cecilia Malmström, Minister of the Interior and Administration Jerzy Miller, representatives of the Office of the United Nations High Commissioner for Refugees, European Commission, general directors of immigration services from European countries, representatives of EU institutions, international organisations and NGOs dealing with asylum matters, as well as representatives of the academia and judges adjudicating in refugee cases.

The conference was an opportunity to reflect on the Geneva Convention during the 60 years of its application and to show that it remains an important instrument of the humanitarian law which designates the directions of action to protect the persecuted. Meeting participants expressed their high regard of the Convention and of the achievements and activity of the United Nations High Commissioner for Refugees in the area of supporting refugees and developing the refugee protection system which developed from a small institutions into an international organisation of global import. During the Conference, the significance and validity of the Geneva Convention was confirmed as the basis for creating the Common European Asylum System. It was considered that the EU was on the right path to creating the system, but it required active cooperation and consensus in terms of adopting the necessary legal instruments. The Common European Asylum System should ensure the possibility of obtaining the same form of protection, including the refugee status, in every Member State, regardless of the place where the application is submitted.

Work on creating the Common European Asylum System (CEAS) was also the subject of discussion of ministers of internal affairs of EU Member States during the informal meeting on 18 July 2011 in Sopot.

The Council worked intensively and policy dialogue took place in the European Parliament on matters relating to key CEAS issues. On 13 December 2011, the so-called Qualifications Directive was adopted (the first of five CEAS legal acts). Work on the text of the new proposal for the Reception Directive was greatly advanced. As concerns the Procedures Directive, progress was made in a number of difficult problem areas. The result of negotiations that lasted many months was unclogging work on the Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (the so-called Dublin Regulation) by arriving at an agreement on rejecting the transfer suspension clause and replacing it with a mechanism for early warning, preparation for and managing migration crises.

During the international summit in Paris on 1 September 2011, which was designed to define a new formula of organisation of the international community to support Libya and define

⁷⁷ pre-integration support consists in a Polish course and cultural orientation; children are covered by compulsory schooling.

directions of action for the nearest future, Poland declared its full involvement in providing humanitarian aid to Libya and in actions for rebuilding the country's economy and introducing a better governance system once the armed conflict is extinguished. Prime Minister Donald Tusk emphasised that the Polish authorities would invite Libyans for the next parliamentary election as observers.⁷⁸

⁷⁸ Earlier, i.e. on 28 April 2011, Polish delegation visited Tunisia. It was composed inter alia of former President of the Republic of Poland Lech Wałęsa, former and now active politicians and Head of the Batory Foundation Aleksander Smolar. The purpose of the visit, whose agenda included many meetings with representatives of new Tunisian authorities, was to present the Polish experience of the transition from dictatorship to democracy.

8. Unaccompanied minors and other vulnerable groups

8.1. Developments within the national perspective

The measures of utmost importance to improving the situation of unaccompanied minors in Poland in 2011 include those which were covered by the assumptions for the new Act on foreigners adopted during the session of the Council of Ministers on 16 August 2011. It regulates the procedure to be followed as concerns minor foreigners under 13 without a legal guardian. Also, a new reason for granting a permanent residence permit to a minor child, born in Poland, of a foreigner who has a long-term EC resident permit was introduced. It is supposed to equalise the situation of minor children of foreigners having a permanent residence permit and a long-term EC resident permit. The text of the draft assumptions for the new Act on foreigners maintained and strengthened the provisions relating to the rights of foreigners and minors staying in removal centres. It was *inter alia* concluded that foreigners placed in a guarded centre together with a minor under his/her care will be provided common rooms for foreigners, if possible. Minors staying in a guarded centre without a guardian will be placed in a separate part of the centre in a way that makes contacting the adults staying in the centre impossible. Minors staying in a guarded centre will be able to attend courses, particularly classes, leisure and sport activities at the time and place defined by the centre head or the officer managing the centre. Class schedule should be adequate to the minor's age and the duration of his/her stay in the Republic of Poland.⁷⁹

In 2011, the Human Rights Defender started studies on exercising the minors' right to education in guarded centres for foreigners. Therefore, study visits were carried out to examine the access of children staying in centres for foreigners and applying for the refugee status to education. The topic was widely commented by NGOs (Helsinki Foundation for Human Rights, Association for Legal Interventions) that highlighted *inter alia* issues connected with observance of the rights of foreigners staying in guarded centres (removal detention centres and centres for foreigners) and placing juveniles in such centres.

Due to the specific situation of unaccompanied minors that are one of the groups of people at risk of trafficking in humans, the strategic document on the Polish migration policy in the area of preventing trafficking in humans points to the increasing interest and need of strengthening measures for identification of such cases, particularly among trafficking victims, and providing them with adequate support and help. In 2011, under the National Action Plan against Trafficking in Human Beings for 2011-2012, the following information and preventive actions were carried out:

- ⊕ preventive campaigns (posters, brochures) in collaboration with NGOs and the Police devoted to the problem of using children to beg, and the threat of trafficking in children;
- ⊕ tools to support identification of children who are victims of trafficking in humans were prepared (survey, indicators) for the representatives of institutions that may come into direct contact with minor victims, i.e. educational and care establishments, Police and Border Guard officers.

The Agreement between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration (IOM) amending the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in the field of voluntary returns of

⁷⁹ In 2011, Border Guard officers exchanged experiences with representatives of other EU Member States in the area of good practices in the migration process many times. On 7 November 2011, a representative of the Border Guard attended a conference devoted to good practices in organising returns of minor foreigners organised by the European Refugee and Exiles Council (ECRE) in Brussels.

aliens leaving the territory of the Republic of Poland was prepared in Warsaw in 12 July 2005 and signed on 26 October 2011. It stipulates that foreigners considered victims of trafficking in human beings by a body competent for combating trafficking in humans can now receive assistance in voluntary return to their country of origin. The support will cover not only assistance in preparing for a voluntary return, including obtaining the necessary travel documents and visas and carrying out an individual possible risk analysis related to the victim's return before leaving Poland, if required, but also supporting the re-integration of human trafficking victims in their country of origin. The support will always be granted in the case of voluntary return of a human trafficking victim, not on the request of the minister in charge of internal affairs as in other cases. The agreement applies from 26 October 2011. Already in 2011, several Romanian citizens left Poland on that basis. The provisions of the agreement also apply to foreigners who were denied subsidiary protection.

Polish presidency of the EU Council (1 July – 31 December 2011)

Protection of minors was one of the priorities of the Border Guard considered during the Polish presidency of the EU Council in the second half of 2011. Border control of minors from the point of view of granting protection against unlawfully leaving the Schengen area was one of the topics of discussions during the work of the Working Party on Frontiers.

9. Global approach to migration

9.1. Developments from national perspective

Poland is of an opinion that the global approach to migration is an attempt at a synthetic approach to all actions taken and planned by EU Member States that also cover third countries. Due to its geographical location, Poland is more interested in one of the two major regions of interest, i.e. the countries neighbouring the EU to the east and south-east, Central Asia included. The other important direction of actions, i.e. Africa and Mediterranean basin, is also covered by the activity in Poland. The main objective is to carry out measures to promote legal migration, counteracting illegal migration and popularising the links between migration and development.

In that area, the Border Guard carried out measures related to bilateral and multilateral cooperation to prevent illegal migration in collaboration with the following:

- ✦ Ukraine – meetings of representatives of the two countries' Border Guards to exchange experience in implementation of readmission agreements, and preparing border crossings between Poland and Ukraine to handle traffic during the finals of EURO 2012 football championship;
- ✦ Vietnam – meetings of representatives of the two countries' Border Guards to exchange experience and the best practices in returns and foreigner identification (including confirmation the identity of Vietnamese citizens by Vietnamese authorities and issuing replacement documents to allow their return to the country of origin⁸⁰);
- ✦ Belarus – trainings aimed at strengthening the means of preventing corruption within the Police and Border Guard and in the area of trafficking in human beings;
- ✦ Turkey – study visit of Turkish border services in the context of implementing Integrated Border Management (IBM)⁸¹ there and implementation of the future readmission agreement between the EU and Turkey;
- ✦ Ukraine, Georgia, Moldova and Russia – workshops devoted to the best practices and experiences related to implementing readmission agreements.⁸²

Poland also implemented projects in improving inter-institutional cooperation, also with research centres, from countries such as Georgia and Moldova (“Building training and analytical capacities on migration in Moldova and Georgia”), improving the exchange of experience and the best practices in migration policy, the role of various inter-ministerial groups and teams, setting up databases on migration and the system of providing aid to foreigners applying for the refugee status with Ukraine (“Project-workshop for Ukrainian officials and other relevant stakeholders on migration management, which aims to raise awareness among Ukrainian authorities on European Union rules and regulations as well as functioning of inter-ministerial migration group in Poland”) and exchanging experience and good practices in the area of inter-institutional cooperation in Georgia (“Strengthening capabilities of public administration on fighting illegal migration – sharing Georgian and Polish experiences in this field”).

⁸⁰ The cooperation took place pursuant to the Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on transferring and readmitting citizens of both States. Also, in November 2011 a training was organised for representatives of the Vietnamese Border Traffic Control Office at the Border Guard Training Centre in Kętrzyn. It was held under the project *Strengthening the capacity of the Vietnamese migration service in the area of combating illegal migration*.

⁸¹ A study visit of Border Guard experts under the initial stage of the twinning project that envisages introducing IBM in Turkey was held in May 2011 in Ankara. In September 2011, Poland was visited by a delegation of Turkish border services. The delegates were presented the Border Guard training system and electronic state border protection systems.

⁸² The conference on the subject was held on 20-21 October 2011 in Wrocław.

Aid projects offered by Poland in the area of migrations that cover inter alia Eastern Partnership countries are implemented under the Polish foreign aid programme coordinated by the Ministry of Foreign Affairs.

9.2. Selected actions – EU perspective

Poland took an active part in effective implementation of the global approach to migration by numerous initiatives implemented in many third countries along the eastern EU border. Poland was particularly active in respect of many flagship initiatives of the Eastern Partnership, especially integrated border management programme. During the meeting of Eastern Partnership's Platform 1: Democracy, good governance and stability, which took place on 6 May 2011 in Brussels, Sweden announced its plans to set up an expert panel on migration and asylum in the framework of the platform and thus to include the Cross-Border Co-operation Process (Söderköping Process) in the Eastern Partnership. The decision to establish the new panel was finally made during the Eastern Partnership summit on 29 and 30 September 2011 in Warsaw, during the Polish presidency of the EU Council. The initial meeting of the panel for migration and asylum of the Eastern Partnership was held on 9 December 2011 in Stockholm, during which Poland suggested organising *inter alia* an expert meeting devoted to profiling and reference mechanisms covering victims of trafficking in human beings, including unaccompanied minors.

In addition, Poland continued to participate in European Mobility Partnership, including with the Republic of Armenia, Georgia and Moldova. In this context, Poland participated in projects whose objectives were as follows:

- ✦ strengthening the capacity of migration services to manage economic and return migrations,⁸³
- ✦ exchanging experience in migration policy and cooperation with international organisations active in the field of migration,⁸⁴
- ✦ supporting governments in effort aimed at initiating a visa dialogue with the EU.

In this context, it should be noted that Poland is involved in the work of the Budapest Process Working Group on the Black Sea Region (in 2011, Poland and the United Kingdom headed the Group's work) and the Prague Process that is a policy initiative which emerged during the implementation of project Building Migration Partnerships (BMP).

Polish presidency of the EU Council (1 July – 31 December 2011)

During the Polish presidency of the EU Council, the second Prague Process Ministerial Conference *Building migration partnerships in action* was organised on 4 November 2011 in Poznań. During the conference, 50 partner states of the Prague Process adopted the *Prague Process Action Plan 2012-2016*. Six priority areas of cooperation between the Process states were debated, i.e. preventing and combating illegal migration; promoting readmission, voluntary returns and permanent reintegration in the country of origin; promoting legal migration and mobility with particular focus on economic migration; promoting the integration of legally staying foreigners; making migration and mobility positive development forces; and strengthening the capacity of host states in terms of asylum and international protection.

⁸³ Under the project *Supporting Georgian authorities in implementing the agreement on readmission with the EU* co-implemented by several EU countries (Belgium, Czech Republic, Great Britain, the Netherlands and Poland), a series of trainings for and study visits of Georgian Ministry of Internal Affairs' personnel were organised. On 20-21 October 2011, a seminar was organised in Wrocław devoted to exchanging experience in implementing the readmission agreement with representatives of Georgia and Moldova.

⁸⁴ It covered trainings for the employees of institutions involved in implementation and application of EU regulations on migration and asylum and for the people responsible for EU-Moldova negotiations in the framework of Mobility Partnership. The project was intended to enhance the efficiency of implementing the EU law into the national law, improving the effectiveness of Polish-Moldovan cooperation and identification of matters that may be covered by future projects.

10. Implementation of EU legislation

The progress made in 2011 in the area of implementing EU legislation on migration and asylum into Polish law and administrative practices was as follows:

- 1) Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;

- ⊕ Transposition required by: 19 June 2011,

- ⊕ Status: in 2011 it was planned to implement the provisions of the Directive into Polish law by adopting the new Act on foreigners. Finally, the provisions of the Directive were implemented by the Act of 27 April 2012 amending the Act on foreigners and the Act on the promotion of employment and labour market institutions (Dz. U. of 28 May 2012, item 589) in force since 12 June 2012.

On 16 August 2011, the Council of Ministers adopted draft assumptions for the new Act on foreigners that were prepared on 22 July 2011. As the work on preparing the draft Act took longer than assumed, it was decided that the amendment of the Act of 13 June 2003 on foreigners would be adopted in the beginning of 2012 to transpose the provisions of the Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

- 2) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

- ⊕ Transposition required by: 24 December 2010 (Article 13(4) by 24 December 2011);

- ⊕ Status: in 2011 it was planned to implement the provisions of the Directive into Polish law by adopting the new Act on foreigners. Finally, the provisions of the Directive were implemented by the Act of 27 April 2012 amending the Act on foreigners and the Act on the promotion of employment and labour market institutions (Dz. U. of 28 May 2012, item 589) in force since 12 June 2012 (comment as above).

- 3) Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

- ⊕ Transposition required by: 25 December 2013,

- ⊕ Status: discussion on the possible shape of implementing provisions started in 2011.

- 4) Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for the minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

- ⊕ Transposition required by: 20 July 2011,

- ⊕ Status: on 20 December 2011, the Council of Ministers adopted the draft Act on the effects of entrusting the performance of work in foreigners staying in the territory of the Republic of Poland contrary to regulations (the draft Act of 8 September 2011 after public consultations that took place in July 2011). The first reading of the draft Act in the Sejm of the Republic of Poland took place in February 2012. It is planned to be adopted in 2012. Finally, the provisions of the Directive were implemented by the Act of 15 June 2012 on the effects of

entrusting the performance of work in foreigners staying in the territory of the Republic of Poland contrary to regulations (Dz. U. of 6 July 2012, item 769) in force since 21 July 2012.

- 5) Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection.
 - ✦ Transposition required by: 20 May 2013,
 - ✦ Status: in preparation.
- 6) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
 - ✦ Transposition required by: 6 April 2013,
 - ✦ Status: in preparation.
- 7) Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.
 - ✦ Status: representatives of the Border Guard participated in the meeting of Joint Readmission Committees in Tbilisi on 1 June 2011.

Annex

LEGAL IMMIGRATION AND INTEGRATION

1. Economic migration

1.1 European Pact on Immigration and Asylum

1(a) Implement policies for labour migration

Work on assumptions for the draft Act on foreigners started in March 2010 and ended at the end of September 2010. The draft assumptions for the draft Act on foreigners were subject to internal consultations at the Ministry of Interior and Administration in November 2010. Next, it was passed on for inter-ministerial consultations with the deadline for submitting comments by 14 March 2011. A consultation conference devoted to the draft assumptions for the draft Act on foreigners was held on 6 April 2011. The draft assumptions for the draft Act on foreigners was to be submitted to the Council of Ministers on 16 August 2011. At present, the Government Legislation Centre prepares the draft Act on foreigners on the basis of the assumptions. The next step will be the legislation procedure.

The draft Act stipulates many facilitations for foreigners living in Poland. It was suggested to extend the maximum period for which foreigners are granted permits for temporary residence from two to three years. The adopted proposals also assume that foreigners would be able to file applications for a temporary residence permit at any time during their legal stay that they find convenient. The draft Act also includes a provision that requires foreigners to file the application in person as fingerprints will be collected and included as a biometric characteristic in the residence card.

New solutions were proposed for foreigners studying at Polish universities. Temporary stay permits for foreigners starting their first year of studies will be granted for a year and three months. If the application for a temporary residence permit says that the required stay would be shorter than a year, the permit will be granted for the duration of the academic year or studies (if studies last shorter than a year) plus additional three months. Foreigners who continue their studies for the second year and beyond will be granted temporary residence permits for two years. There is also the possibility to grant temporary residence permits for one year to foreigners who graduated from a Polish university and are looking for a job in Poland. The draft Act also assumes granting a single permit for residence and for work. A foreigner who works in Poland will be able to apply for a temporary residence permit and for a work permit under a single procedure. Yet, the procedure of granting work permits would not be liquidated.

The requirement to speak basic Polish when applying for a residence permit for an unspecified period will be introduced. Foreigners applying for a permit for permanent residence and for a long-term EC resident's residence permit will have to prove they speak Polish communicatively, as confirmed by an official examination. Applications for a permit for permanent residence and a long-term EC resident's residence permit must be filed in person due to collection of biometric data.

The Act of 16 December 2010 amending the Act on the promotion of employment and labour market institutions and certain other acts (Dz. U. [Journal of Laws] No 257, item 1725) entered into force on 1 February 2011. The most significant changes from the point of view of the policy of foreigners' access to the labour market introduced by the amendment concerned the wording of the delegation of legislative powers contained in Article 90(4). The changes allowed introducing relevant provisions to the executive act – particularly provisions relating to the requirements to be met by the entity which entrusts work to a foreigner so that the entity's statement could be registered by a Poviats Labour Office. The catalogue of foreigners exempt from the obligation to obtain a work permit was extended to include persons who meet the requirements laid down in Article 53(1)(15) of the Act on foreigners. They are people who:

- ⊕ stay in the territory of the Republic of Poland, and
- ⊕ started to cooperate with a body competent for proceedings in cases connected with trafficking in humans and severed contacts with people suspected of committing forbidden acts relating to such trafficking (Article 87(2)(1) of the Act; until recently such people could only work based on a permit issued by a voivode).

The purpose of other amendments (related to the employment of foreigners) was primarily to introduce order to the wording of certain provisions with a view to facilitating their practical application.

Ordinance 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* (Dz. U. [Journal of Laws] of 2011 No 155, item 919) entered into force on the date of its publication, i.e. on 28 July 2011. The new regulations did not change the essence of the current provisions – citizens of Belarus, Georgia, Moldova, Russia and Ukraine can still work without a permit for six months within 12 consecutive months if, before taking up such work, a Poviats Labour Office registered a written statement of an entity that entrusts them with work on the intent to entrust the foreigner with work. Yet, the regulations introduce a number of new elements that should be included in a statement on the intent to employ a foreigner registered by Poviats Labour Offices.

The purpose of those changes was to reduce the scale of malpractice by the following:

- ⊕ the requirement to supplement statements with the following information:
 - gross remuneration for work due to the foreigner,
 - details of the work being entrusted (occupation, date of commencement, period for which the work will be performed and the type of an employment agreement),

The Ordinance imposes an obligation on the employer to state the exact date when the foreigner starts and ends work in the statement. The person who registers the statement must also produce documents that confirm his/her identity or that he/she pursues economic or agricultural activity. An important change also consists in the fact that the agreement with the foreigner based on which work is concluded in writing.

- ⊕ improving access to more extensive information on the nature of work and details of the employer. According to assumptions, it will have positive effects for foreigners (e.g. information on remuneration and a written agreement constitute a better basis for claims if the agreement is breached),

Additionally, the abovementioned activities should also improve the efficiency of control bodies.

An important change introduced by the new ordinance consist in a marked reduction of the possibility to perform work based on an employer's statement registered at a Poviats Labour Office to 6 months – until recently § 2(27a) of the Ordinance of 30 August 2006 *on the performance of work by foreigners without the necessity to obtain a work permit* stipulated the possibility to perform work based on a statement also for foreigners from five countries: Belarus, Georgia, Moldova, Russia and Ukraine staying in the territory of the Republic of Poland based not only on a visa, but also on a residence permit for a specified period granted in connection with performing work other than the work covered by the statement for the statement's validity period, i.e. also for a period longer than 6 months. Resigning from such a provision is primarily intended to ensure that the simplified procedure of admitting foreigners to the Polish labour market concerns economic migrations that are short-term and circular. The difficulties of actual verification of the title of stay by the bodies registering such statements were also taken into account.

On 20th December 2011, the Council of Ministers adopted the assumptions of the draft Act on the repercussions of the work entrustment to foreigners staying illegally on the territory of Poland. The draft regulations take into account the provisions of Directive 2009/52/EC of 16 June 2009

providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals [Employer Sanction Directive, OJ L 168/24, 30.06.2009].

On 20th July 2011 first strategic document on migration policy *Migration Policy of Poland - current state of play and further actions* was accepted by the inter-governmental Committee for Migration, an advisory body to the Prime Minister, consisted of high officials representing main migration stakeholders. This final document was then submitted to the Prime Minister Office and is awaiting for final approval of Council of Ministers. Its important influence onto state policy within whole 2011 is unquestionable as the main recommendations that this documents indicates were introduced to the abovementioned guidelines to the draft Act on foreigners.

I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:

The assumptions of the draft Act on foreigners stipulate transposing Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155 of 18.6.2009, pp. 17-29) into the Polish national law.

The provisions to the Act on foreigners introduce a number of solutions that are more favourable from the point of view of foreigners than the provisions of the Directive, as allowed by Article 4(2) of Council Directive 2004/114/EC. The draft stipulates granting temporary stay permits for foreigners starting their studies for a year and three additional months. If the application for a temporary residence permit justifies the required stay of the foreigner in Poland that is shorter than a year, the permit will be granted for the duration of the academic year or studies plus additional three months. Also, facilitations were introduced for foreigners who continue their studies in Poland for the second year and beyond as they will be granted temporary residence permits for two years.

The drafter abandoned the provision which said that the voivode was obliged to refuse granting the foreigner another 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 studies. Instead, a facultative solution was imposed. The above solution would introduce a more flexible approach to the residence of students from third countries in Poland.

To eliminate abuse on the part of foreigners, the voivode was obliged to inform the relevant university on granting the foreigner a permit for temporary residence and universities were obliged to inform the voivode that the foreigner was no longer a student, that he/she failed to complete a year of studies and did not receive a conditional pass to the next year or semester of studies. There is also the possibility to grant temporary residence permits for one year to foreigners who graduated from a Polish university and are looking for a job in Poland. The above solution has not been envisaged in Polish law.

The draft regulations also take into account the provisions of Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15-22).

Based on the rules similar to those contained in the current provisions of the Act on foreigners, the abovementioned provisions stipulate granting temporary residence permits for the purposes of scientific research.

According to the draft regulations, research projects will only be carried out by scientific units approved by the minister in charge of science. Fundamental changes concern the procedure of approving research institutions by the minister in charge of science. The provisions currently in force stipulate that a scientific centre with its seat in the territory of the Republic of Poland had the possibility to conclude an agreement for admitting for the purpose of performing a research project with a scientist only if the centre was approved for that purpose by the minister in charge of science. Upon the request of a scientific centre, the minister in charge of science issued

a decision on the matter that was valid for five years. In justified cases, the decision could be issued for a period shorter than five years.

A scientific centre was obliged to file a detailed application for approval, appended with a proof of carrying out scientific research, particularly in the form of a report from its activities for the previous accounting year that includes information on carrying out scientific research by the centre.

The current regulations also stipulated a procedure of extending the approval of a scientific centre. According to the regulations in force, the current list of approved scientific units was to be published in the official journal of the minister in charge of science.

The draft assumptions say that a scientific unit having its seat in the territory of the Republic of Poland will have the possibility to conclude an agreement for admitting for the purpose of performing a research project with a scientist only if the unit is included in the list of units that were granted subsidies for their activity as defined in the statutes, published each year in the official journal of the minister in charge of science, and also if five years have not elapsed from the date of the most recent inclusion in such list, unless the unit ceased to perform the tasks connected with carrying out incessant research or development work.

The proposed solution would streamline the procedure of approving scientific units and thus also the procedure of legalising the stay of scientists from third countries in Poland in accordance with the directive 2005/71/EC.

As for matters related to the reception of students and researchers additionally to abovementioned issued Regulation of the Minister of Science and Higher Education of 1 September 2011 on the recognition of diplomas and other school certificated obtained abroad specifies the procedure of nostrification (recognition).

During the Polish presidency, work continued on the draft Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. The draft Directive on Intra-Corporate Transferees (ICT) lays down a transparent and simplified procedure of admitting employees transferred inside a company that includes a single application for a single document combining a work and a residence permit. The draft Directive also stipulates facilitating mobility between Member States and preferential rules of family reunification. Its purpose is to make better use of human resources of international enterprises and at the same time develop knowledge-based economy and movement of investments throughout the EU.

1(c) Do not aggravate the brain drain

Apart from the continuous work related to the information campaign addressed to Polish economic migrants staying in the United Kingdom, Ireland and other European countries who were considering the possibility of returning to Poland there were no additionally address measures taken to avoid brain drain. Main tool of this activity (a guide *Powrotnik* and a website www.powroty.zielonalinia.gov.pl) provides returning Poles with practical information on the actual possibilities on the Polish labour market needs.

1.2 Stockholm Programme

1(b) Improving skills recognition and labour matching

There were no measures undertaken to improve the skills recognition of third-country nationals and labour matching between Poland and third countries as well as no measures relating in this regard were undertaken in the light of economic crisis.

In case of Poland and the need to analyze its labour market shortages, the Central Statistical Office conduct studies among Polish enterprises employing minimum one person on the number of unfilled vacancies. No further activities are taken with this regard.

Only accepted by the inter-ministerial Committee on Migration on 20th July 2011 first strategic document *Migration policy of Poland – current state of play and future actions* provides for

establishing efficient system for monitoring labour market needs and shortages in the future. However no further actions were taken by now.

1.3 Key statistics (2011)

First residence permits, by reason

	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits	31 062	6 893	5100	15 438	3 631

Unemployment rates of Member State citizens versus third-country nationals residing in the (Member) State

	Third-country nationals
Unemployment rate (%)	Lack of data

* Data refer to all residence permits in 2011.

2 Family Reunification

2.1 European Pact on Immigration and Asylum

I(d) To regulate family migration more effectively

Guidelines to the Act on foreigners refer also to the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification into the national law. Newly proposed provisions considering the temporary residence permit with regards to the family reunification remain unchanged to those already existing in Polish law.

Elaborated additionally in 2011 Act of 1 April amending act on entry into, stay in and leave the territory of the Republic of Poland of the citizens of the EU Member States and the members of their families' sets i.a. that a foreigner who is parent of a child of a former worker UE national who has no longer the right to stay in the territory of Poland is accrued with the right to stay while a child studying in Poland will reach the legal age.

2.2 Stockholm Programme

2(b) The Directive on family reunification, the importance of integration measures

Not relevant.

3 Other legal migration

3.1 European Pact on Immigration and Asylum

I(e) to strengthen mutual information on migration by improving existing instruments where necessary;

The need to intensify the process of cooperation with other countries in terms of exchange of information was highlighted among various recommendations formulated in the draft of the strategic document on the Polish migration policy (*Migration policy of Poland – current state of play and future actions*) as well as in the guidelines to the Act on foreigners accepted on 16th August 2011 by the Council of Ministers.

Apart from that and especially during Polish presidency to the EU Council the representatives of the Ministry of Interior, Office for Foreigners, Central Statistical Office, Border Guard and the Ministry of Foreign Affairs participated in EC committees' meetings and working groups on asylum issues, legalization of the stay, issuance of visas etc. Further information exchange

through the European Migration Network (EMN), the mutual information mechanism (MIM), within the framework of International Centre for Migration Policy Development (ICMPD), Eurostat and Council of the Baltic Sea States Working Group was held. Bilateral and multilateral meeting with representatives of migration and refugee services of countries in our region continued to be conducted.

On 24-25 November 2011 a joint meeting of Eurostat and the Polish Office for Foreigners on the residence permits statistics was organized in Warsaw where *i.a.* data availability, quality and compliance with Regulation 862/2007 were discussed. The so called *Warsaw Group* meeting was organized with collaboration of the Polish Contact Point to the European Migration Network.

In 2011 due to the *Daily Statistics Reports/Monthly Statistics Reports System (DSR/MSR System)* Border Guards from Hungary, Poland and Slovakia on one side and from Ukraine on the other side exchange statistical data on illegal border crossing, readmission and smuggling and preparation of the risk analysis on the external land border.

With regards to the EURO 2012 European Football Championship finals closer collaboration between the State Border Guard Service of Ukraine and Polish Border Guard contributed to organization of several meeting devoted to exchange information on illegal migration. There has been established cooperation with Ukraine in the field of analytic activities. A *Joint Report on Illegal Migration Risk during the EURO 2012 European Football Championship finals* was prepared.

Furthermore the Central Statistical Office during 2011 conducted several trainings and seminars related to the problems of contemporary gathering and processing of migration and asylum data, e.g. in Georgia and Azerbaijan. From 18 to 19 August 2011 in Krakow the ISI Satellite Conference on Improving Statistical Systems Worldwide - Building Capacity was held. This meeting brought together professionals from across the disciplinary spectrum – *i.a.* statisticians and related experts from various institutions to share their experience on the recent changes of policy regarding the work on improving statistics in developing countries.

I(f) Improve information on the possibilities and conditions of legal migration

Please describe any (planned) measures to improve the provision of information on the possibilities and conditions of legal migration. These could include, for example, information campaigns, websites, specific centres, etc. Also refer to the European Migration Portal. Consider the effects of the economic crisis.

Accepted by the inter-ministerial Committee on Migration on 20th July 2011 document *Migration policy of Poland – current state of play and future actions* envisaged *i.a.* the information campaigns on possibilities of legal migration to Poland to be organized in the main countries of origin of foreigners coming to Poland, providing comprehensive single-source information on the wide-ranging subjects concerning legal channels of migration (available also to asylum seekers provided with the pre-integration assistance).

Additionally, measures warning against trafficking in human beings were undertaken with regard to people (also Polish citizens) travelling to other EU member states (e.g. Italy) or coming to Poland in search of work (brochures, information on websites, commercials and advertisements in thematic magazines were published).

In the matter of supporting labour migration in September 2011, Ministry of Labour and Social Policy started a project *Trainings for the staff of public employment services* implemented under Measure 1.1. Systemic support to labour market institutions, Priority I. *Employment and social integration* of Operational Programme Human Capital, was completed. The training included four modules, one of them was dedicated to the Polish migration policy. The main purpose of this project was to improve efficiency of the public employment services system in situations connected with migration.

In 2011, the Ministry of Labour and Social Policy in cooperation with other institutions, prepared and published (in five languages) an informational brochure for the citizens of Belarus, Georgia, Moldova, Russia and Ukraine on the simplified procedure of access to the Polish labour market.

Polish Ministry of Labour and Social Policy in 2011 participated in the project of *Support for reintegration of returning Georgian migrants and support in implementing readmission agreement with the EU* under the EU-Georgia Mobility Partnership devoted to the project component consisting in informing potential migrants about ways of legal migration to the European Union. The main objective of those activities, planned in various regions of Georgia, was to create an institutional network of exchanging information about ways of legal migration to the EU based on local actors which may play an important role in the process of preparing potential migrants for economic migration.

3.2 Stockholm Programme

The relevant commitments in the Stockholm Programme are similar to the Pact objective above.

4 Integration

4.1 European Pact on Immigration and Asylum

I(g) Promote harmonious integration in line with the common basic principles

In the adopted by the Council of Ministers guidelines to the Act on foreigners the requirement to speak basic Polish when applying for a residence permit for an unspecified period will be introduced. Foreigners applying for a permit for permanent residence and a for a long-term EC resident's residence permit will have to prove they speak Polish communicatively, as confirmed by an official examination. Applications for a permit for permanent residence and a long-term EC resident's residence permit must be filed in person due to collection of biometric data. This provision was announced before in the strategic document on migration policy *Migration policy of Poland – current state of play and future actions* (document accepted on 20th July 2011 by the inter-ministerial Committee for Migration).

Moreover in 2011 the Working Group for Integration at the inter-ministerial Committee for Migration chaired by the Ministry of Labour and Social Policy continued its role - to draft a national integration policy – action plan aimed at translating the general recommendations included in the abovementioned strategic document.

Additionally, several EU funded projects are carried out to increase chances of their beneficiaries for success in social life (including social counseling) as well as to assist them with integration into the labour market including specific programmes for immigrants teaching job-related language skills, providing vocational training, advisory activities, psychological help and assistance, Polish language (including distance learning courses for students available before the actual arrival in Poland), culture, institutions and history courses, legal aid as well as sightseeing tours.

On 10 and 11 October 2011, an international conference entitled *Common Integration Policy: preventing the exclusion of immigrants in the EU* was held at the Lublin Castle in Lublin. The purpose set by the organizers of the international meeting was to achieve stronger involvement of national organizations and institutions acting for the integration of immigrants in discussions on the European level.

I(h) Promote information exchange on best practices in terms of reception and integration

In 2011 many forums on integration (at the national as well as regional and local level) were in place. These included:

- ⊕ National Platform for Cooperation continued to be run by IOM Warsaw in cooperation with the Ministry of the Interior. The Platform serves as a forum for communication and exchange of information and experience between both policy-makers (representatives of government and self-government administration), practitioners (trade unions, employers' organisations, social, cultural and religious organisations, media, NGOs), as well as immigrants;
- ⊕ Expert Team to Monitor Progress in Integration Policy chaired by Caritas Polska was appointed, whose one of the main task is to exchange information and good practices between around 30 different entities implementing integration policy (representatives of local authorities, NGOs, representatives of migrant associations and academic experts dealing with migration issues and integration of migrants);
- ⊕ Polish Integration Forum whose goal is to initiate a dialog platform in the field of integration by organizing series of seminars and meetings in which experts and experienced persons from Poland and EU participate;
- ⊕ Foreigners Forum, a consultative and advisory body established by the Mazowieckie Province Governor, continued to operate. It is a platform aimed at facilitating active cooperation between state institutions and NGOs in order to improve the system of services for foreigners in Mazowieckie province;
- ⊕ Interdisciplinary Team for Foreigners composed of representatives of various municipal institutions and NGOs continued to work in the city of Lublin whose aim is to encourage the efficient flow of information between the stakeholders so that the professional assistance could be provided to asylum-seekers and beneficiaries of international protection residing in Lublin;
- ⊕ Regional Network of Immigrants Support in Lublin which associates subjects and people who take care of foreigners' integration in the Lublin Region. As a part of the program regular quarterly working meetings for the members of the network are organized. A mailing list and the newsletter dedicated to legal developments and the situation of foreigners in Lublin Region has been created and is being edited.

Poland actively participates in the meetings of the European Integration Forum and uses the European Website on Integration to exchange information (good practices submitted by Poland concern linguistic and cultural mediators in schools with foreign pupils, Foreigners Forum, Information Centre for Foreigners located both at the head office of the Department for Foreigners at the Mazowieckie Province Governor's (Voivodship) Office and at the head office of one of NGOs, National Platform for Cooperation, Intercultural Centre for Vocational Counseling for Foreigners, Self-Help Centre for refugees from Chechnya who live in Poland and Warsaw Multicultural Centre).

4.2 Stockholm Programme

3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas

The national integration policy laying down practical actions, legal developments in all relevant policy areas with accurately determined implementation schedule is being drafted.

3(e) improved consultation with and involvement of civil society

During 2011 and with regard to the process of preparation of new provision in Polish law public consultations were undertaken continuously. Mainly due to the guidelines to the draft Act on foreigners (accepted by the Council of Ministers on 16th August 2011) and the strategic document on migration policy *Migration policy of Poland – current state of play and future actions* (accepted by the inter-governmental Committee for Migration on 20th July 2011).

In addition, the Expert Team to Monitor Progress in Integration Policy chaired by Caritas Poland actively cooperated with the Working Group on Integration and helps the Ministry of Labour and Social Policy in devising nationwide integration policy elaborated in the course of the year.

3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts

Under the EU Funds, many projects aimed at strengthening an intercultural dialogue between host-society and foreigners were carried out in Poland. This included i.e. campaigns designed to enhance increasing social awareness launched in Eastern Poland, organizing events with the aim at promoting Vietnamese culture among Poles, establishing the discussion clubs, culinary meetings, Immigrant's and Refugee Day celebrations, lectures, exhibitions, film shows, establishing a journal devoted to migration issues edited by migrants and Poles, organizing cross-cultural trainings for employees of the health service, uniformed services (the Border Guard, Police and City Guard), self-government clerks, teachers, parents of Polish children attending schools together with foreign children as well as employing at schools cultural mediators who help in establishing and maintaining contacts between teachers, school staff and parents as well as promote mutual tolerance and intercultural dialogue. As an example of above-mentioned actions the project implemented by the Volunteer Centre in Lublin entitled *Because I used to be a newcomer...*

Apart from that and within the framework of the National Platform for Cooperation run by IOM Warsaw a seminar on the active role of foreigners in the democratic society was carried out. Its main goal was to promote migrants' participation in and interaction with the receiving societies.

ILLEGAL IMMIGRATION AND RETURN

5 Illegal Immigration

5.1 European Pact on Immigration and Asylum

II(a) only case-by-case regularisation

The Act of 28 July 2011 on legalising the stay of certain foreigners within the territory of the Republic of Poland and amending the Act on granting protection to foreigners within the territory of the Republic of Poland and the Act on foreigners [Journal of Laws No 191, item 1133] entered into force on 1 January 2012. Articles 1-13 of the Act include provisions regarding the regularization programme that allows foreigners who stay in Poland illegally to legalise their stay in the territory of the Republic of Poland. Applications for legalization of stay may be submitted since 01.01.2012 to 02.07.2012 to the Voivode with territorial jurisdiction for the foreigner's place of residence.

Regularization will be available for foreigners:

- ⊕ staying illegally in Poland on 01.01.2012 and continuously at least since 20 December 2007 (date of the full application of the provisions of the Schengen acquis in Poland),
- ⊕ staying illegally in Poland on 01.01.2012 and continuously at least since 1 January 2010, for those who prior to that date were granted a final decision on refusal to grant the refugee status along with the expulsion decision,
- ⊕ for whom on 1 January 2010 next proceedings for the granting of the refugee status were carried out.

The positive decision will result in issuing a residence permit valid for two years. Within this period, the foreigner will be able to start a job without a permit - under the employment contract.

The need of third regularization action was strongly stressed in a public debate by non-governmental organizations and the Defender of the Human Rights. According to the experts' estimations, there will be no significant impact of this abolition action on other Member States.

It must be mentioned, that target group of this regularization action will consist of foreigners, who have been residing in Poland for a long period of time, have strong family and business ties with Poland, and did not legalize their stay because of too difficult conditions to be met in former regularization actions.

In November 2011 through the mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (Article 2(2) of Council Decision 2006/688/EC) Poland reported measures to be implemented regarding the presented above case-by-case regularization program.

II(c) ensure that risks of irregular migration are prevented

In Poland the system of preventing illegal migration is regulated by the Act of 13 June 2003 on foreigners, Act of 12 October 1990 on the Border Guard and several other implementing acts (i.e. ordinances), issued usually by the Minister of the Interior and Administration and by the Minister of Foreign Affairs, as well as is based on the 4-level external EU border security management system.

The tasks in the field of preventing and combating illegal migration to Poland are also included in the *Multiannual concept of the functioning of the Border Guard for the years 2009-2015* which aims at transforming the Border Guard into a modern border and immigration service.

II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants

With regard to the return policy Polish Border Guard continued supporting voluntary return of foreigners to the country of return as an alternative and preferred measure to the forced return of foreigners. Assisted voluntary return of foreigners staying illegally in the territory of Poland was implemented with the basis on the Agreement of 12 July 2005 between the Minister of the Interior and Administration and the International Organization for Migration on the cooperation in the field of voluntary return as well as on the ground of IOM projects co-financed by the European Return Fund and the state budget.

On 21 October 2011 Polish Presidency completed joint report on the *Current practices in Assisted Voluntary Returns (AVR) of third country nationals*.

As to the forced expulsion of persons found to be staying illegally on the territory of Poland in 2011 Border Guard set up joint expulsion measures (joint charter flights) pointed in the Council Decision No 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country who are subjects of individual removal orders. Here in use are the common standardised guidelines of the security code for joint charter flights.

As in previous years, the cooperation with the EU Member States (especially with Austria, Germany and France) as well as with Frontex in organizing joint return operations continued

II(g) take rigorous actions and penalties against those who exploit illegal immigrants

During the whole 2011 the Ministry of Labour and Social Policy was working the draft Act on the repercussions of the work entrustment to foreigners staying illegally on the territory of Poland that shall implement the provisions of Directive 2009/52/EC of 16 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals [Employer Sanction Directive, OJ L 168/24, 30.06.2009] into national law. Proposed provisions are obliging a foreigner's employer to verify the legal status of a foreigner before signing the work agreement, foreseen imposing administrative, penal and financial sanctions to the legal persons as well as, in same circumstances, also a contractor and other

subcontractors. Due to the draft act the catalogue of the Border Guard and National Labour Inspectorate tasks and administrative privileges were extended.

Guidelines to the act were accepted by the Council of Ministers on 12 April 2011; finally the draft act was finalized on 8 September 2011 and accepted by the Council of Ministers on 20th December 2011. The draft act is expected to become legally binding in early 2012.⁸⁵

II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing

Following to the obligation of implementation into the Polish legal system of the so called return directive, the guidelines to the project of the Act on foreigners adopted by the Council of Ministers on 16 August 2012 predict, among others, replacement of existing decision on expulsion and decision on obligation to leave the territory of Poland by a uniform decision on obligation to return.

5.2 Stockholm Programme

4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows

In Poland the Office for Foreigners (through the Division for the country of origin information) and the Border Guard made use of different tools in order to gather information on migration routes, migratory flows and risk of illegal migration, including regular information exchange with Frontex Agency and other EU Member States via the ICONet. The last measure is mainly used by the Border Guard.

In order to improve the already existing migratory monitoring in the Eastern Europe, Polish Border Guard continued regular exchange of information on the situation at the national frontier and illegal migration with border authorities of Ukraine, Slovakia and Hungary (i.a. within joint working groups on boarder cooperation, daily/monthly exchange of information on the situation at the common border via separate sections of risk analysis units as well as bilaterally exchange of information with Ukraine and Russia).

The information obtained in this way are supplementary to the data shared within FRAN via the ICONet due to the fact that the main areas of interest of the Frontex Agency are external borders.

At the national level Border Guard continued implementation of several mechanisms aimed at harmonizing the exchange system of statistics and the data concerning the state border protection and the border traffic control:

- ⊕ Information Exchange Platform, i.e. the system collecting the statistics of detentions for illegal crossing of the state border, illegal stay and illegal work. This tool enables an ongoing monitoring of the illegal migration situation. The information processed by the platform is submitted to Eurostat and FRAN Frontex via ICONet.
- ⊕ Map of foreigners which is a set of information about the places, nature and form of stay of third country nationals, taking into account the estimated number of them and the citizenship of their most populous groups.

Poland contributed also actively to the development of a iMap – the Building Migration Partnerships (BMP iMap), which focused on the eastern European external borders.

⁸⁵ The draft act was finally accepted by Polish Parliament on 15 June 2012. Act on the effects of entrusting the performance of work in foreigners staying in the territory of the Republic of Poland contrary to regulations was signed by the President of the Republic of Poland on 29 June 2012 and published on 6 July 2012 (Dz. U. of 6 July 2012, item 769). This law will enter in force since 21 July 2012.

- ✦ Border Guard Liaison Officer, whose activities at the voivodeship office includes regular contacts with representatives of the voivodeship offices' units responsible for receiving and examining foreigners' applications in cases concerning residence permits. The liaison officer analyses the foreigners' records and, in cooperation with the voivodeship offices' employees, identifies cases which may involve abuses by foreigners of the residence permit granting procedure.

Border Guard also develops the Common Integrated Risk Analysis Model (CIRAM) and on this basis prepares analysis on migration risk. Moreover, within the cooperation between EU Member States and FRAN Frontex two risk reports are also prepared: Bi-monthly reports on illegal migration and border security and tailored-risk analysis.

The implementation of the Visa Information System (VIS) continued. In 2011 also in vast number of Polish consulates the Visa-Consul programme was introduced (e-konsulat).

4(k) increased targeted training and equipment support

At the end of 2011, the state border protection system included 98 Border Guard posts, while border traffic took place at 69 border crossings, of which: 17 road crossings, 14 rail crossings, 18 sea crossings, 1 river and 19 air crossings. There were 7 border crossings on the Russian border, 13 at the Belarusian border, 12 at the Ukrainian border, 18 at the sea border and 19 at the air border.

In 2011, the process of improving border control points continued. The Border Guard purchased 197 stationary Morpho Top fingerprint scanners by SAGEM (to implement the Visa Information System). It was financed by the Norwegian Financial Mechanism.

4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.

In 2011 the Polish Border Guard liaison officers continued their work i.a. in Ukraine and Moscow.

The Border Guard officer delegated to Moscow executed current tasks which were of the Border Guard Commander in Chief and of other Border Guard organizational entities or formations duties. Moreover, went between several activities regarding implementation of the readmission agreement provisions (i.a. conferring readmission applications and information regarding transferred persons, acquiring foreigner's travel documents and/or affirming foreigner's identity in the diplomatic representatives of Cameroon, Somalia, Sierra Leone, Burundi and Guinea Bissau).

The Border Guard officer delegated to Kiev executed current tasks which were of the Border Guard organizational entities or formations responsibilities; vast majority of which were linked to the visa falsification proceedings undertaken in Polish consular entities in Ukraine as well as problems of migratory nature on the Polish-Ukraine border check points. Moreover, the liaison officer's obligation was to send updated information regarding migration situation in Ukraine. Besides, took part in the process of preparation the *Joint Report on Illegal Migration Risk during the EURO 2012 European Football Championship finals*. Altogether with the representatives of Ukraine, Moldova, Frontex and Europol participated in the joint cooperation *AKKERMAN* (EUBAM mission).

The Border Guard also cooperates with liaison officers of other countries, in particular from Germany, Ukraine, Netherlands, United Kingdom, USA, Slovakia, Russia, Spain, Romania, and Bulgaria.

5.3 Key statistics

Third-country nationals regularised

Third-country nationals regularised Statistical data regarding the number of submitted applications to regularize foreigners stay on the territory of Poland within the regularization programme (which last from 1 January 2012 till 2 July 2012) as well as the type of decisions issued will be available on the second half of 2012.

6 Return

6.1 European Pact on Immigration and Asylum

II(b) To conclude readmission agreements at EU or bilateral level

Type of readmission agreement	Third countries involved	Main purpose of the agreement
EU	Albania	Readmission agreement of illegally staying migrants
EU	Ukraine	Readmission agreement
EU	Russian Federation	Readmission agreement
EU	Montenegro	Readmission agreement of illegally staying migrants
EU	Bosnia-Herzegovina	Readmission agreement of illegally staying migrants
EU	Moldova	Readmission agreement of illegally staying migrants
EU	Pakistan	Readmission agreement of migrants lacking of residence permits
EU	Serbia	Readmission agreement of illegally staying migrants
EU	Macedonia	Readmission agreement of illegally staying migrants
EU	Georgia	Readmission agreement of illegally staying migrants

On 20-21 October 2011 in Wrocław, during Polish Presidency of the Council of the EU, a seminary on exchanging experience in the field of realization of readmission agreements was conducted. The main aim of this meeting was better collaboration related to the system of exchange information with third countries: Russian Federation, Ukraine, Moldova and Georgia.

II(f) To devise incentive systems to assist voluntary return and to keep each other informed

Like in previous years, the programme of assisted voluntary return of foreigners to the country of return of foreigners staying illegally in the territory of Poland was implemented with the basis on the Agreement of 12 July 2005 between the Minister of the Interior and Administration and the International Organization for Migration on the co-operation in the field of voluntary return

as well as on the ground of IOM projects co-financed by the European Return Fund and the state budget.

Apart from the assisted return programmes, which were set up prior to and continued in 2011 (these included information campaigns, counselling on return opportunities, outreach activities, financial assistance, support to set up economic activity in the country of return), there was also a project run since 2010 by a non-governmental organization – the Rule of Law Institute. The measures under the project aim at popularizing voluntary returns in the Lubelskie Voivodeship by means of i.a. developing cooperation between institutions and organizations involved in organizing voluntary returns on the territory of the Voivodeship which would allow individual stakeholders to quickly obtain information on experience and good practices in this field.

In 2011 in Poland were implemented belowmentioned assisted voluntary return programme:

- ⊕ Voluntary returns of foreigners leaving the territory of the Republic of Poland (on the basis of the 2005 Agreement with IOM)
- ⊕ Counseling, travel, reintegration - assistance in voluntary return from Poland
- ⊕ Assistance in voluntary return and reintegration
- ⊕ Enhancing efficiency of measures in the field of voluntary returns

Moreover, as part of non-competition procedure, the Border Guard is implementing other projects that are not aimed at organizing voluntary returns, but on improving the cooperation between countries, e.g. at organizing charter flights, confirming the identity of citizens and issuing substitute travel documents. Border Guard makes a lot of effort to enhance efficiency of measures in the scope of returns executed by Border Guard, including cooperation with other institutions.

In 2011, talks were conducted on extending the group of foreigners who are eligible to support under the voluntary returns programme to cover the people identified as victims of trafficking in human beings by law enforcement bodies. The above solution was introduced in 26 October 2011 on the basis of an amendment to the agreement between the Minister of the Interior and Administration and the IOM on organising assistance for voluntary returns of foreigners leaving Poland.

Pursuant to the document, the group of persons authorised to a voluntary return was extended to include i.a. foreigners recognized as victims trafficking in human beings by an authority competent for proceedings aimed at combating trafficking in human beings. The agreement specifies also the scope and forms of assistance provided to foreigners with regard to voluntary returns, taking into account the specific situation of victims of trafficking in human beings and introduces i.a. the requirement to perform, if possible, an individual risk assessment related to the return of the victim before he/she leaves the Republic of Poland.

The possibility of extending the categories of foreigners to whom assistance in voluntary return may be offered was also pointed out in the strategic document on Polish migration policy *Migration policy of Poland – current state of play and future actions*.

6.2 Stockholm Programme

4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices

The agreements signed at EU-level created new perspectives for Poland with regard to return of illegal migrants by offering the opportunities to establish direct relations with other states and to implement new arrangements in the field of return management. One of the facilitations that may be introduced (also in the future) on the basis of the EU readmission agreements is the possibility to use the European Travel Document for the Expelled Third-Country Nationals in the event of those readmitted foreigners who are not in a possession of any travel document.

The readmission agreements with third countries contributed also to the reinforcement of return effectiveness and by harmonizing the rules of conduct to the simplification of the procedures which translates into faster procedures for return. Of crucial importance was the possibility to strengthen the levels of collaboration with the countries of origin of foreigners.

4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states

In 2011 Polish Border Guard took active part in 12 FRONTEX operations:

- ✦ RABIT 2010,
- ✦ HERMES 2011,
- ✦ POSEIDON 2011 LBS,
- ✦ POSEIDON 2011 SBS,
- ✦ FOCAL POINTS 2011 LBS,
- ✦ FOCAL POINTS 2011 SBS,
- ✦ FOCAL POINTS 2011 ABS,
- ✦ JUPITER,
- ✦ NEPTUNE,
- ✦ HAMMER,
- ✦ MIZAR and
- ✦ HUBBLE.

Within the operation RABIT 2010 on the territory of Greece participated in total 25 officers of the Polish Border Guard. Poland offered also the participation of 2 trained dogs, a helicopter and 6 office vehicles.

4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights

Without involvement of the Frontex Polish Border Guard chartered in 2011 four joint return flights to Georgia, where the Military transport aircraft aircrafts were used (CASA-C295). Chartering of joint return flights was enforced with two EU Member States: Austria and Hungary.

L.p.	Data	Country of destination	Countries involved	Citizenship of the returnee	Number of returned
1	27-29.04.2011	Georgia	Poland-Austria	Georgia	PL - 12 AT - 5
2	13-15.07.2011	Georgia	Poland-Austria	Georgia	PL - 6 AT - 9
3	22-24.08.2011	Georgia	Poland-Hungary	Georgia	PL - 18 HU - 2
4	14-16.09.2011	Georgia	Poland-Austria	Georgia	PL - 10 AT - 4

6.3 Key statistics

Third-country nationals ordered to leave and returned

	Returned as part of forced return measures	Returned voluntarily	Within the third-country nationals returned voluntarily, number of third-country nationals returned as part of an assisted return programme
Third-country nationals	1604	5435	<p><i>Assisted Return Programme of the Office for Foreigners: 15 persons</i></p> <p><i>Assisted voluntary return program of IOM and the Office for Foreigner and the Border Guard: 1149 persons. Within this number by the Office for Foreigners – 8 foreigners, and by implementation of the Agreement of 2005 and IOM projects` co-financed under the financial support of European Funds – 1141 foreigners were returned to the country of return.</i></p>

7 Actions against human trafficking

7.1 European Pact on Immigration and Asylum

II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat

In Poland the implementation of actions in the scope of combating and preventing trafficking in human beings has been appointed to the Border Guard, Police and the Prosecution Office. Their duties are, among others, to coordinate the cooperation between the Border Guard and the Police and other institutions and non-governmental organisations (e.g. La Strada) in terms of combating and preventing trafficking in human beings. In case of identification of a victim in human trafficking Border Guard or Police representatives react in accordance with the accepted *Algorithm of proceedings of the enforcement agencies' officers in the case of disclosing a crime of trafficking in human beings*. Algorithm is one of the measures that support actions taken by officers and make easier to follow the whole procedure of identification and granting protection to victims of human trafficking. In 2011 *National Programme for Combating and Preventing Trafficking in Human Beings for 2011-2012* was prepared and accepted; actions mentioned in the document were implemented through i.a. the work of the *National Consulting and Intervention Center for the Victims of Trafficking* (pl: KCIK). Some of them considers:

- ⊕ 24/7 hotline for victims/witnesses of human trafficking,
- ⊕ project titled *Migrants rights in practice* coordinated by the Ministry of the Interior and Administration, Border Guard and National Labour Inspectorate (addressed mainly to citizens of Ukraine, Belarus and Armenia),
- ⊕ pre-departure counselling (by phone and e-mail),
- ⊕ awareness raising action addressed to Poles planning a non-touristic trip abroad or to third-country nationals planning a longer stay in Poland,
- ⊕ contact information of the institutions dealing with human trafficking victims.

In 2011 Ministry of the Interior and Administration prepared and published preventive materials (leaflets translated into English, Russian, Vietnamese, and Bulgarian) on system of support and protection victims of human trafficking in Poland which were addressed to foreigners – potential victims who come to Poland for economic reasons. Materials were

distributed in cooperation with La Strada Foundation as well as with Police and Border Guard officers.

Between July 2-5 of 2011, workers and volunteers of the La Strada Foundation against Human Trafficking and Slavery represented the organization at the Opener Festival in Gdynia. The La Strada stand presented informational materials on the topic of human trafficking, and also promoted the activities of the National Center for Intervention and Consultation for Victims of Human Trafficking.

Moreover, cooperation with third countries with regard to combating human trafficking continued to be maintained and was mainly based on a series of consultative meeting between representatives of Polish Border Guard, Police, Ministry of the Interior and Administration as well as with representatives of countries of origin and transit (namely Moldova and Armenia). During Polish Presidency on 30.11-1.12 2011 in Warsaw expert seminary on the management models of preventing and combating trafficking in human beings in the EU Member States and the Eastern Partnership (Belarus, Ukraine, Moldova, Georgia, Azerbaijan and Armenia) was organised.

7.2 Stockholm Programme

The relevant commitments in the Stockholm are similar to the Pact commitments.

7.3 Key statistics

Third-country nationals receiving a residence permit as victims of human trafficking

Third-country nationals	4
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Traffickers arrested and convicted

	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	13	n/a

BORDER CONTROL

8 Control and surveillance at external borders

8.1 European Pact on Immigration and Asylum

III(a) more effective control of the external land, sea and air borders:

In order to ensure further development of the border checking points and increase its capacity in case of massive inflow Polish Border Guard continued the improvement of proceedings with regards to the border controls and conditions in which this control is to be done. Thus trainings, specialist and supplementary education seminars (i.e. on cultural competences, border procedures as well as conditions of entry and stay of foreigners in the EU/Schengen, including issues related to VIS, SIS and local border traffic) as well as language trainings aimed at improving the quality and efficiency of performed tasks were conducted.

With regards to the EURO 2012 European Football Championship finals closer collaboration between Polish and Ukrainian Border Guards was institutionalized in 2010 and continued its work through the whole 2011. The administration of the State Border Guard Service of Ukraine and Polish Border Guard participated in development of a cooperation agreement between the Ukrainian Cabinet of Ministers and the Polish government during organization of the EURO 2012

European Football Championship finals which also envisages improvement of joint control in check points. This cooperation contributed to a preparation of a *Joint Report on Illegal Migration Risk during the EURO 2012 European Football Championship finals*.

The branch program of preparation and holding the Euro 2012 European Football Championship finals pays much attention to border cooperation and interaction as well. Apart from further introduction of combined control in the check points, it also envisages organization of the passport control system of foreign citizens in takeoff airports including EU countries, before entering the aircraft and during the flights to Ukraine. The program also touches upon introduction of the system of preliminary receiving of the information about the number and structure of sports fan group and the organizations that will fulfill the transportation and accommodating of these people. Besides, in order to provide rhythmic functioning of check points, the list and types of passport and other documents of the organized sports fan groups as well as all other information should be coordinated with law-enforcement authorities of the adjacent state.

Additionally, trainings for Polish and Ukraine Border Guard officers *EURO 2012: joint border, joint language* were organized.

Referring to the new program of collaboration *Export Control and Related Border Security Assistance* (EXBS) Polish Border Guard participated also in the trainings and seminars on the mechanism used to combat smuggling of goods, combating illegal migration and terrorism by helping to build effective national export control systems in countries that possess, produce, or supply strategic items as well as in countries through which such items are most likely to be transited.

III(e) deploy modern technological means for border control:

The Border Guard is reinforcing its role and effectiveness with regards to the border control through participating in several programs regarding strengthening the European and national system of monitoring the state border. Thus Poland is actively taking part in the development of the European Border Surveillance System (EUROSUR) that shall reinforce the management of the Schengen external border by strengthening the information exchange and cooperation between Member States' border control authorities as well as with Frontex.

Other important tool needed to reinforce management of Polish external borders is the pilot project JORA (Joint Operations' Reports Application) implemented in Poland.

On national level the teleinformatic system "Odprawa SG" was implemented on a huge scale since November 2011. This system is to ensure full integration, operability and compatibility with the Visa Information System (VIS), over time with the second generation Schengen Information System (SIS II) and in the future with the systems Entry/Exit and Registered Traveller Programme which shall ensure the possibility of comprehensive control of a foreigner not only while crossing the border but also monitoring his/her stay in the territory of Poland..

8.2 Stockholm Programme

7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.

The Border Guard continued to work on implementation of a modern and effective "Management Facility Support System" whose objective is to maximally automate and improve efficiency of activities which are performed at the border as well as to simplify procedures. It is difficult to set the date when that form of control would be introduced at Polish border crossings.

8.3 Key statistics

Visas issued

	Total Visas	Schengen Visas	National Visas
Visas	1173582	895076	278506

9 Cooperation with respect to border control

9.1 European Pact on Immigration and Asylum

III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:

Not relevant.

III(d) solidarity with MS subjected to disproportionate influxes of immigrants

In the light of the disproportionate influx of immigrants recorded in Greece, Poland took part in Frontex-coordinated operation aimed at deployment of Rapid Border Intervention Teams (RABIT 201) to the Greek-Turkish land border.

III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control

In 2011, Border Guard officers participated in Frontex-coordinated operations at land and air borders, such as the following:

- ⊕ JUPITER operation whose purpose was to strengthen border control at the eastern external border of the EU;
- ⊕ NEPTUNE operation in whose framework Polish Border Guard offered support during border control in Hungary and Slovakia;
- ⊕ HUBBLE operation, organized to strengthen control at external air borders of the EU with particular emphasis on flights from major transfer airports, within the framework of which Polish Border Guard delegated two officers to the Netherlands and Germany;
- ⊕ FOCAL POINTS operations within the framework of which Polish Border Guard officers offered support in organizing and managing border control in several EU Member States.

9.2 Stockholm Programme

6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS

The implementation of the Visa Information System (VIS) along with a possibility to collect biometric data from foreign nationals started to work in July 2011. The mechanism shall use the Visa-Consul programme implemented in vast majority of Polish consulates offices.

ASYLUM

10 International Protection

10.1 European Pact on Immigration and Asylum

IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:

Pursuant to the Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (EASO) in 2011 Poland developed an asylum support team, located in the Office for Foreigners (OFF). On 22 December 2010 the Office for Foreigners appointed 6 experts in four areas (Expert on Country of Origin Information; Expert on reception systems; Trainer; Expert on language analysis) to the EASO Asylum Intervention Pool. In September 2011 due to creation of EAC Trainer Pool, the Office for Foreigners proposed 14 trainers (including 8 experts to the Trainer Pool and 6 experts to the Content Expert Pool). Poland became part of the so called EASO Reference Group.

Please describe any action undertaken with regard to the reallocation from (Member) States experiencing specific and disproportionate pressures of beneficiaries of international protection to other (Member) States. This relates to intra-EU movements, for example, as part of EU projects.

In 2011 Poland understanding the difficult situation of Malta, which, being a country with small area and population, faces a disproportionately large influx of refugees from African countries due to its geographical location, supported this country through the EUREMA II project, which is a continuation of a pilot project EUREMA and consists in relocation from Malta to other EU Member States. Under the current edition of the project, Poland offered 50 places for refugees relocated from Malta.

Moreover the Act of 28 July 2011 implementing changes to the Act on granting protection to foreigners within the territory of the Republic of Poland, which entered into force on 1 January 2012, provides for mechanisms of conducting relocation⁸⁶ and resettlement⁸⁷ activities.

In June 2011, on the initiative of the Ministry of Foreign Affairs, a group of 16 refugees (2 families from Eritrea and one family from Nigeria) was transported to Poland from a refugee camp in Tunisia. The refugees submitted applications for a refugee status on the territory of Poland and were placed in a centre for foreigners and granted refugee status.

IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

As regards to the resettlement the Act of 28 July 2011 implementing changes to the Act on granting protection to foreigners within the territory of the Republic of Poland introduced the definition of resettlements and relocation and describes their course and carrying out in detail.

The activities of the UNHCR National Office in Poland aimed at promoting resettlements included numerous meetings and seminars initiated by UNHCR in 2010.

Furthermore, between March 2010 and June 2011 Poland participated in the joint IOM – UNHCR – ICMC project *Promotion of Resettlement in the EU through practical cooperation by EU Member States and other stakeholders*. The project included a number of meetings with government partners, non-governmental partners and international organizations.

IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection

The Border Guard continued its cooperation with the Technical Assistance and Information Exchange instrument (TAIEX)⁸⁸, International Centre for Migration Policy Development (ICMPD) and the International Organization for Migration (IOM) under which various initiatives in the area of border control were taken. For example:

⁸⁶ Relocation means moving from a Member State to the territory of the Republic of Poland of a foreigner covered by international protection in the framework of division of responsibility and solidarity between Member States.

⁸⁷ Resettlement means moving from a third country to the territory of the Republic of Poland of a mandatory refugee with the purpose of granting him/her a refugee status of subsidiary protection in the territory.

⁸⁸ TAIEX is an instrument managed by Directorate-General Enlargement of the European Commission. It supports partner states in approximation, application and enforcement of EU law. Its operation is based on involvement of experts from Member States.

- ✦ seminars for Armenian border service officers on border management, illegal migration, visa and asylum policy, and document safety features;
- ✦ seminars for personnel of the Croatian Ministry of the Interior on the experience of Schengen area countries in introducing the second line of control at border crossings;
- ✦ workshops on risk analysis at the strategic and operation level and on managing border –related information delivered to support Macedonia;
- ✦ traineeship visits of officers of Belarusian State Border Committee devoted to implementing tasks related to managing the state border in Poland, learning the practical aspects of operation of permanent border committees and joint border controls with neighbouring countries;
- ✦ study visits of Macedonian border services devoted to the implementation of the best practices, standards and procedures at the external EU border and implementation of regulations and procedures in the Schengen area;
- ✦ trainings for experts from the State Border Committee of the Republic of Belarus devoted to the best practices and typical problems/difficulties in developing and implementing bilateral international border agreements, such as the agreement on border plenipotentiaries and implementation of EU and Schengen legal regulations on borders;
- ✦ study visits of officers of Belarusian State Border Committee on the legal basis for local border traffic (LBT), procedures of issuing permits to cross border in the framework of LBT, the border control system at LBT crossings and organisation of work at border crossings during EURO 2012;
- ✦ trainings for officers from Kazakhstan on the methods of state border protection in the EU and Schengen area;
- ✦ workshops on the activity of border guard liaison officers organised at the request of the Belarusian State Border Committee;
- ✦ trainings devoted to presenting the Polish integrated border management model, including border control, to representatives from Turkey, Montenegro, Ukraine, Serbia, Albania, Croatia, Macedonia, Bosnia and Herzegovina;
- ✦ seminars on verification travel document authenticity for officers of Ukrainian and Russian border service;
- ✦ trainings on EU legislation on borders for officers of Ukrainian and Belarusian Border Guard;
- ✦ project for strengthening the border management system of South Caucasus states and development of the Integrated Border management in Armenia, Azerbaijan and Georgia;
- ✦ programme for strengthening cooperation in the area of identifying foreigners with third countries, implemented in collaboration with Ukrainian and Vietnamese border services;
- ✦ programme for cross-border cooperation between Poland, Ukraine and Belarus in the area of developing modern infrastructure of border guard units;
- ✦ trainings to support the modernisation of border services in the Palestinian Authority.

Considering that the level of visits organised by the Border Guard in Poland and the input of expertise in seminars organised in third countries by Polish experts is highly regarded by beneficiaries, it is supposed that the cooperation would continue also in 2012.

In relation to organising the European football championship in Poland and Ukraine (EURO 2012), to enhance the efficiency of handling increased border traffic and to ensure security at external EU borders, the Polish Border Guard performed a number of tasks. They included *inter alia* drills in reintroducing order at road border crossings at the Ukrainian border. Officers exercised actions aimed at taking control of aggressive football fans travelling by buses and vans while performing border control.

10.2 Key statistics

Third-country nationals reallocated and resettled to your (Member) States

	Total	Reallocated	Resettled
Third-country nationals	n/a	n/a	n/a

Training of border guards on asylum

	Total number of border guards	Border guards who received training
Border guards	15 222	2 235

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11 Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No specific commitments are included.

11.2 Stockholm Programme

5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return

The principle of the minors' best interests, proclaimed in the Charter of Fundamental Rights and the UN Convention on the Rights of the Child, i.e. the right of the child to life, survival and development, non-discrimination and the right to express its views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, is fully integrated into the Polish legal system. Adequate provisions are included into the Act of 13 June 2003 on foreigners (Chapter IV), guidelines to the draft Act on foreigners accepted by the Council of Ministers on 16th August 2011, as well as are pointed in the document *Migration policy of Poland – current state of play and future actions* accepted by the inter-ministerial Committee on Migration on 20th July 2011.

The Action Plan on unaccompanied minors of 2010 is among the priorities of the European Asylum Support Office (EASO). The necessity to take appropriate measures aimed at implementing the Action Plan was provided for in the EASO Action Plan both for 2011 and for 2012 (further action are taken within this regard by the Office for Foreigners – Polish Contact Point to the EASO).

Taking also into consideration that unaccompanied minors are one of the vulnerable groups subjected to human trafficking, there is a constant need to strengthen activities in favour of quick identification of such cases among victims of trafficking in human beings and to provide

them with adequate support. Under the National Plan of Action against Trafficking in Human Beings for 2011-2012 several actions were implemented in 2011: preparations to finalized the model of support for minors - victims of trafficking in human beings (action 3); highly specialized training on early identification addressed to the representatives of institutions that may have direct contact with the minor victims (child care centres, Police and Border Guard) (action 4); analysis on the current legal and social situation of unaccompanied minors, potentially victims of trafficking in human beings (action 7).

11.3 Key statistics

Unaccompanied minors

Number of unaccompanied minors applying for a refugee status - unaccompanied minors	43
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GLOBAL APPROACH TO MIGRATION

12 External cooperation / global approach to migration

12.1 European Pact on Immigration and Asylum

V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development

Type of agreement	Third countries involved	Main purpose of the agreement
Bilateral	Russian Federation (Kaliningrad Oblast)	Local border traffic (signed in Moscow by Poland and Russian Federation on 14 December 2011)
EU	Moldova	Agreement on readmission – negotiations with regard to the executive protocol (15-16 th September 2011)
EU	Georgia	Mobility Partnership – signed on 30 th November 2009
EU	Moldova	Mobility Partnership – signed 21 st May 2008
EU	Armenia	Mobility Partnership – signed on 27 th October 2011

V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration

In 2011 regulations regarding the possibility to undertake work by foreigners up to 6 months during the period of 12 months without the need to obtain the work permit were specified in details in order to omit the malpractices. New provisions of 28th July 2011 did not change the core of abovementioned regulation that entitle citizens of Ukraine, Belarus, Russian Federation, Moldova and Georgia to work in Poland within the framework of the so-called simplified system.

Additionally in 2011 Ministry of Labour and Social Policy participated in several projects in this matter: *Support for reintegration of returning Georgian migrants and support in implementing*

readmission agreement with the EU under the EU-Georgia Mobility Partnership and also within the framework of the Mobility Partnership between the EU and Moldova and the Mobility Partnership between the EU and Armenia (the participation of the Ministry of Labour and Social Policy in the project of the so-called French was declared).

V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration

In 2011 Poland was taking part in several bilateral projects related to preventing illegal migration to and through Poland: *Building training and analytical capacities on migration in Moldova and Georgia; Support Reintegration of Georgian Returning Migrants and the implementation of EU-Georgia readmission agreement; and Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement*. Also a consortium between Sweden and Poland has been chosen recently to implement twinning project entitled *Support the State Migration Service for Strengthening of Migration Management in Armenia*.

Independently the Polish Border Guard carried out cooperation activities to deter or prevent illegal migration with: Ukraine (1. institutionalized in 2010 collaboration between Polish and Ukrainian Border Guards on the cooperation and joint operations during the EURO 2012 European Football Championship finals also envisages improvement of joint control in check points and preparation of the State Border Guards *Joint Report on Illegal Migration Risk during the EURO 2012 European Football Championship finals*; 2. meeting with experts from the Ukrainian State Border Guard regarding realization of the readmission agreement between EU and Ukraine) and Vietnam (expert meeting with representatives of the Border Control Office of the Ministry of Public Security during a seminar *Strengthening the capacities of the Vietnamese immigration service in combating illegal migration*).

Border Guard organized also meetings with diplomatic representatives of third-country nationals lacking diplomatic representation in the territory of Poland (Burundi, Sierra Leone, Somalia, Guinea Bissau, Cameroon). Official consultations were also prepared with diplomatic representatives of Afghanistan, Congo, Pakistan, Nigeria and Iraq.

V(d) More effective integration of migration and development policies

Just like in the recent years, in the framework of the Polish Aid Programme, Poland realized projects aimed at societies and authorities of principal countries of origin of the migrants, for example Belarus, Georgia, Moldova. The projects concentrate on good management, rural development and farming, small and medium enterprises.

V(e) promote co-development actions and support instrument for transferring migrants' remittances

Not relevant.

12.2 Stockholm Programme

11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin

Not relevant.