

STATEMENT FOR FOREIGNERS

ACCEPTED TO THE CENTRE FOR FOREIGNERS

I declare that I have received rules of stay in the centre for foreigners and was informed about:

- the rights I'm entitled to in the centre, as well as imposed duties,
- provisions governing the provision of assistance for foreigners applying for international protection, including provisions on rules governing the stay in the centre,
- entities providing free legal assistance in cases of granting international protection as referred to in Article 82a, paragraph 3 of the Act of 13 June 2003 on granting protection to foreigners on Polish territory (Journal of Laws 2012 item 680 as amended),
- non-governmental or international organizations the statutory tasks of which include refugee issues,
- national bodies for human rights protection,
- the use in the centre of the procedures to combat all cases of violence and to respond to them, especially to violence against minors foreigners,
- the fact that the centre bears no responsibility for money or other items kept by me,
- the mode of conduct in the event of a threat of a terrorist attack,
- prohibition and the consequences of child marriage,
- principles of the fire safety,
- the need for vaccination of minor children.

.....

(date)

.....

(signature)

At the same time I declare that:

- I familiarised myself with the instructional movie of the Office for Foreigners;
- I participated in the orientation course.

.....

(date)

.....

(signature)



Rights and obligations of the foreigners staying in the Centre following from Article 82(1) and 82a of the Act on granting protection to foreigners within the territory of the Republic of Poland.

1. A foreigner staying in the centre shall be obliged to:
 - 1) comply with the rules of stay in the centre;
 - 2) abide by the instructions of the centre's personnel;
 - 3) assure personal hygiene and cleanliness of the rooms;
 - 4) undergo medical examinations and sanitary procedures prescribed by the physician who provides health care in the centre;
 - 5) immediately inform the personnel of the centre about symptoms of a disease or an event that threatens to cause damage to the property of the centre;
 - 6) move to another centre if necessary due to organisational requirements.
2. A foreigner accepted to stay in the centre shall have the right to:
 - 1) preserve their customs, national and cultural traditions and to exercise religious practices;
 - 2) move freely within the premises of the centre, excluding the places where access is prohibited;
 - 3) have access to information about organisations providing legal assistance free of charge in cases concerning the applications for refugee status;
 - 4) have access to information about non-governmental or international organisations the statutory tasks of which cover the refugee-related matters;
 - 5) have access to information about the procedure for counteracting and responding to violence, including sexual violence or gender-based violence;
 - 6) be visited by guests in the rooms intended for that purpose;
 - 7) lodge complaints and requests to the Head of the Office in their native language in cases pertaining to the functioning of the centre and conditions of stay therein.

DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ

Warsaw, 6 November 2015

Item 1828

REGULATION OF THE MINISTER OF THE INTERIOR^{1), 2)} of 23 October 2015

on the rules of stay in the centre for foreigners

On the basis of Article 82(2) of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (Dz. U. of 2012, item 680, as amended³⁾), it is provided as follows:

§ 1. The rules of stay in the centre for foreigners, annexed to the Regulation, are hereby specified.

§ 2. The Regulation of the Minister of the Interior of 6 December 2011 on the rules of stay in the centre for foreigners seeking refugee status (Dz. U. No. 282, item 1654) shall expire.

§ 3. Regulation shall come into force on 13 November 2015.

Minister of the Interior: pp *P. Stachniaczyk*

¹⁾ The Minister of the Interior manages the department of governmental administration – internal affairs, on the basis of § 1(2) of the Regulation of the Prime Minister of 22 September 2014 on the detailed scope of activity of the Minister of the Interior (Dz. U. item 1265).

²⁾ Within its regulatory scope, this Regulation shall implement Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ EU L 180 of 29.06.2013, p. 96).

³⁾ Amendments to the consolidated text of the above Act were published in Dz. U. of 2013 item 1650, of 2014 item 1004, and of 2015 item 1607.

RULES OF STAY IN THE CENTRE FOR FOREIGNERS

- § 1. The rules specify the principles of stay in the centres for foreigners, hereinafter referred to as the "centres."
- § 2. 1. A foreigner shall be admitted to the centre after entering the foreigner's personal data in the register of the residents of the centre.
2. After performing the activities referred to in point 1, an employee of the Office for Foreigners, hereinafter referred to as an "employee of the office," shall give the foreigner an ID against receipt.
- § 3. 1. A foreigner admitted to the centre shall receive, in writing or in the form of an electronic document, in a language the foreigner understands:
- 1) the rules of stay in the centre;
 - 2) information about:
 - a) the foreigner's rights and obligations,
 - b) the provisions governing granting aid to foreigners seeking international protection, including the provisions governing the stay in the centre,
 - c) the entities providing free legal assistance in cases for granting international protection, referred to in Article 82a(3) of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (Dz. U. of 2012, item 680, as amended),
 - d) non-governmental or international organisations whose statutory tasks include issues of the refugees,
 - e) the national bodies for human rights protection,
 - f) the use of procedures by the centre to counteract all cases of violence and respond to them, with particular emphasis on violence against minor foreigners,
 - g) the lack of responsibility of the centre for money or other items kept by a foreigner.
2. A foreigner shall submit a written statement confirming the receipt of the rules and information referred to in point 1.
- § 4. 1. A foreigner admitted to the centre, hereinafter referred to as a "resident," shall receive, against receipt, for personal use: a towel, cutlery, dishes and a bed linen set.
2. A resident, before leaving the centre in connection with:
 - 1) a transfer to another centre,
 - 2) granting social assistance in the form of financial benefits to cover own costs of stay on the territory of the Republic of Poland,
 - 3) the termination of the right to social assistance
 - shall account for the items received for use against receipt.
- § 5. 1. A resident shall be accommodated in a living area in the centre along with the resident's minor children, insofar as it serves the best interests of these minor children and, where possible, with the resident's consent, also with other members of the family, and have a place to sleep appointed.
2. While accommodating in a living area of the centre, the age and sex of a resident shall be taken into account.
3. A resident requiring special treatment shall be accommodated taking these specific needs into consideration.
4. A resident may change the living area or the place assigned to sleep with the consent of an employee of the office.
5. A resident may be moved to a different living area if:
 - 1) organizational considerations require this, or
 - 2) this is dictated by the need to ensure safety for this resident or other residents of the centre.

§ 6. 1. An employee of the office or a security employee of the centre can enter the living area of the centre where the residents are accommodated after obtaining consent of at least one of the adult residents accommodated in this room.

2. An employee of the office or a security employee of the centre can enter the living area of the centre where the residents are accommodated without the consent referred to in point 1 when it is justified by important safety considerations, sanitary and epidemiological considerations or emergencies or unexpected circumstances, requiring action to ensure the protection of health and rights of people.

3. In the case referred to in point 2, the living area of the centre where the residents are accommodated can be entered by at least two people from among the employees of the office or security employees of the centre.

4. An employee of the office or a security employee of the centre can enter a room which is not a living area of the centre where the foreigners are staying without the need to obtain their consent.

§ 7. 1. The entrance to the area of the centre by persons who are not its residents or employees of the office shall require permission each time.

2. Permission for the entrance to the area of the centre shall be granted at the request of:

- 1) foreigners benefiting from social assistance, other than the residents of this centre – by an employee of the office;
- 2) other persons – by the Head of the Office for Foreigners, hereinafter referred to as the “Head of the Office.”

3. The request for permission for the entrance to the area of the centre should include address of the centre, purpose of entrance, date and name of the person entering, and in the case of a visit to a resident his or her name.

4. In the case of representatives of organisations whose tasks include providing assistance to foreigners, entities providing legal assistance in cases for granting international protection and a teacher conducting individual classes or classes of individual compulsory year-long pre-school preparation with a child, according to the judgement issued pursuant to Article 71b(3) of the Act of 7 September 1991 on education system (Dz. U. of 2004 No. 256, item 2572, as amended), the Head of the Office may grant permission for the entrance to the area of the centre for a period of conducting activities for the foreigners staying in the centre.

5. The Head of the Office or an employee of the office may refuse permission for the entrance to the area of the centre or withdraw such permission when:

- 1) it is dictated by the best interests of a foreigner or the need to ensure safety of this foreigner, of other residents of the centre or of an employee of the office, or
- 2) safety of the centre requires this, or
- 3) the sanitary and epidemiological considerations require this.

6. The obligation to obtain permission for the entrance to the area of the centre shall not apply to:

- 1) the foreigners benefiting from aid granted outside the centre, who receive financial benefits in this centre, provided that they enter the centre between 9 a.m. and 4 p.m. and their entry is related to the use of powers resulting from the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland;
- 2) the representatives of the Office of the United Nations High Commissioner for Refugees;
- 3) Police and Border Guard officers, members of the Emergency Medical Service and other law enforcement agencies and emergency services;
- 4) the entities providing services to the Head of the Office;
- 5) the representatives of state control agencies and sanitary inspection;
- 6) the representatives of the Office of the Commissioner for Human Rights and the Office of the Ombudsman for Children.

7. Persons referred to in point 6 may enter the area of the centre after prior notification to an employee of the office.

8. The Head of the Office may prohibit entrance to the centre or restrict the possibility of entrance for the foreigners referred to in point 6(1) in the cases referred to in point 5.

§ 8. 1. The person whose entry to the area of the centre requires permission shall show a document to a security employee of the centre confirming his/her identity, as well as a document confirming the permission for the entrance to the area of the centre.

2. The person whose entry to the centre does not require permission shall show an identity document to a security employee of the centre as well as a document confirming that he or she is the person referred to in § 7(6).

3. Data of persons entering and leaving the area of the centre is placed in the records, including names, phone numbers and types of documents confirming the identity of these persons.

§ 9. 1. The persons referred to in § 7(1) and point 6(1) may stay on the area of the centre between 9 a.m. and 4 p.m. in a place agreed on with an employee of the office.

2. As far as possible, the place of meeting of a resident with an attorney should provide for conditions which do not violate the right to privacy.

3. With the consent of an employee of the office, the hours of staying on the area of the centre can be extended, but not later than until 10 p.m.

4. In justified cases, the Head of the Office, granting the permission referred to in § 7(4), may specify other hours of stay on the area the centre.

§ 10. 1. Collective full board is served in the canteen.

2. Meals are served three times a day between: 8 a.m. and 10 a.m., 12 noon and 2 p.m., and 5 p.m. and 7 p.m.

3. Meals and drinks which the residents receive take into account, as far as possible, religious and cultural requirements. Hours of serving meals can be changed by an employee of the office, if it is justified by organisational considerations or important interest of the residents, in particular related to cultural considerations or with the exercise of religious practices by the residents.

5. Food not collected by the residents on a given day within the hours of consuming meals is not subject to serving later and no cash equivalent for it is granted.

6. If a resident, for reasons beyond his/her control, cannot collect a meal within the hours it should be consumed, the meal can be served to this resident later that day, when organisational and sanitary and epidemiological considerations allow it.

§ 11. Kitchen rooms for food preparation and refrigerating units for storing foodstuffs shall be made available to a resident.

§ 12. A resident is obliged to:

1) show special concern for the safety of minor children under the resident's care;

2) observe lights-out from 10 p.m. to 6 a.m.;

3) return to the centre before 11 p.m.;

4) have and produce at the request of an employee of the office or a security employee of the centre a temporary identity certificate of a foreigner and an ID;

5) leave a security employee of the centre the ID every time a resident leaves the area of the centre.

§ 13. On the area of the centre, the foreigners are not allowed to:

1) possess arms or ammunition within the meaning of the Act of 21 May 1999 on arms and ammunition (Dz. U. of 2012, item 576, as amended), or explosives, or other items the use of which may endanger order in the centre;

2) possess or use drugs, psychotropic substances or substitutes;

3) possess or consume alcoholic beverages;

4) disturb order in the centre, in particular by screaming, making noise, raising an alarm or by a different prank which disturbs peace, order, rest or causes a scandal in the centre;

5) put persons unauthorized to stay in the centre up for the night;

6) move the furnishings of residential areas of the centre without permission;

7) use additional heating devices which are not a part of the centre's equipment;

8) take out food from the canteen;

- 9) record conversations or photograph or film foreigners staying on the area of the centre without their consent;
- 10) destroy the property of the centre and the property of other foreigners residing in the centre;
- 11) conduct activities for economic purposes;
- 12) misuse the rooms of the centre;
- 13) smoke tobacco products outside designated areas.

§ 14. 1. A smoking room in the building of the centre or a place outside the building of the centre shall be designated where the use of tobacco products is allowed. These places are designated in such a way so as not to expose non-smokers to the effects of tobacco smoke.

2. A verbal and graphic information about the prohibition of using tobacco products shall be placed in the building of the centre and the smoking room and places where using tobacco products is allowed shall be marked.

§ 15. The centre applies procedures in order to counteract all cases of violence and respond to them, with particular emphasis on violence against minor foreigners.

§ 16. The centre shall provide for the opportunity of minors to participate in recreational activities and the opportunity of organising cultural, educational or sports activities involving institutions, organisations, associations and other entities and individuals.

§ 17. 1. Applications, complaints or requests of foreigners may be submitted in writing or by facsimile or electronic mail, as well as verbally to the protocol.

2. In the case of an application, complaint or request submitted orally, the person accepting it shall draw up a protocol which is signed by the persons accepting and submitting the application, complaint or request. The protocol shall include the date of receiving the application, complaint or request, the name and address of the person submitting it and a brief description of the essence of the matter.

3. The person accepting applications, complaints or requests shall confirm their receipt.

4. Applications, complaints or requests of foreigners shall be accepted by an employee of the office.

5. Applications and complaints about an employee of the office and the matters connected with the functioning and conditions of stay in the centre shall be submitted directly to the Head of the Office.

§ 18. The rules of stay in the centre and information referred to in § 3(1)(2) (c)-(e) shall be placed in a visible point on the area of the centre in Polish and languages understood by the residents of the centre for foreigners.

Information for foreigners about the fire alarm and terrorist attack procedure

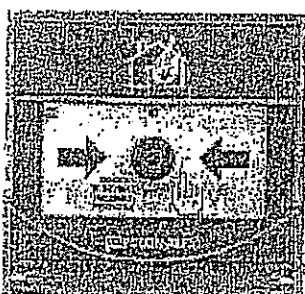
1. FIRE ALARM

If you discover a fire or hear the fire alarm in the centre (fire alarm sound and a red light -> audible and visible in the hallways and housing units) the *"Fire alarm procedure"* enclosed as an Annex to the information, shall be followed.

Fire alarm procedure is also placed in the centre for foreigners near the indoor fire hydrants along the stairways.

Please familiarise yourself with the procedure before accommodation in order to know what to do in the event of a fire.

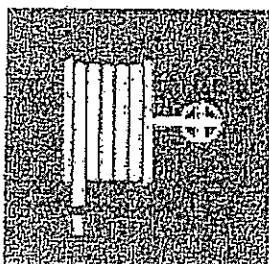
MANUAL CALL POINT



This is a manual call point. Such devices are placed in the hallways of the centre.

If you discover a fire, push the button forcefully until the alarm and the red light turn on. Next, follow the *"Fire alarm procedure"*.

DO NOT START THE ALARM WITHOUT A REASON

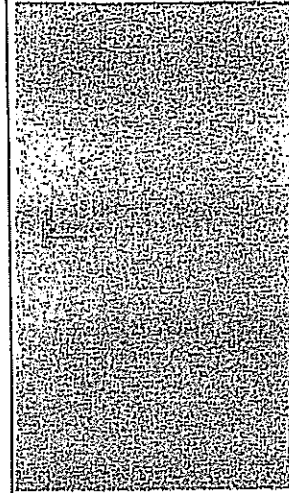


INDOOR FIRE HYDRANT

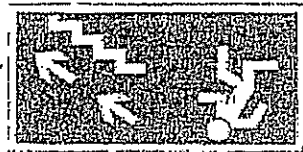
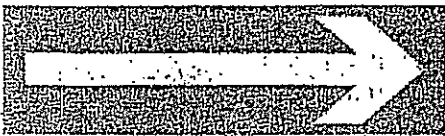
Indoor fire hydrants are situated along the stairways.

REMEMBER that all actions taken quickly and confidently ensure the SAFETY OF YOU AND YOUR FAMILY.

The building of the centre is divided into zones separated with fire door.
 Each hallway is a zone. Stairways are separate zones.
 Fire door stops the fire spreading in a different zone for at least 30 minutes. Half an hour is enough for people to evacuate safely from the centre with the help of the fire brigade, e.g. through windows (if the fire cuts off the emergency exits).

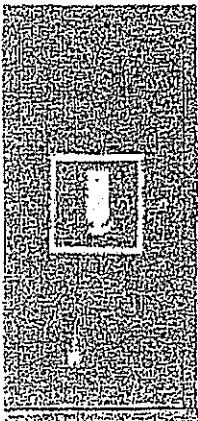


FIRE DOOR



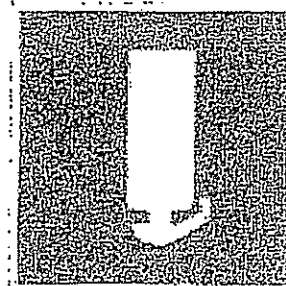
Signs informing about emergency exits are placed in the hallways and along the stairways. They are white signs against the green background. In the event of emergency, follow the signs in order to leave the building safely.

EMERGENCY EXITS



Fire extinguishers are closed in red closets hanging on the walls next to the fire door in the hallways.

FIRE EXTINGUISHER



2. THE RISK OF A TERRORIST ATTACK

Pay attention to what is happening around you.

What signals the risk of a danger?

- conspicuous untypical behaviour,
- objects left unattended: packages, bags, parcels,
- do not touch suspicious objects left unattended,
- report it to the competent services (the centre security guard, the police, the municipal police),
- in the event of evacuation or rescue procedure, follow the instructions given by people in charge of the operation,
- keep calm and safe, leave the danger zone without panic,
- do not try to be a hero, leave it to the professionals (the police, the fire brigade, the rescue service).

WHAT TO DO IN CASE OF THE RISK OF A BOMB ATTACK

If you are aware of a bomb being planted or if you had found the object of an unknown origin that might be a bomb or other dangerous device, report it immediately to the competent services – THE CENTRE SECURITY GUARD. You may also report it to the nearest police or municipal police station, or to the building administrator.

Give the following information to the police officer:

- the type of risk and the source of information about it (a phone call, a suspicious object),
- contents of the conversation with a person reporting about the bomb, phone number of the recipient of the information about the threat, and the connection time, description of the place and the object.

Prepare yourself:

- think what is the best way to evacuate quickly from the building or other crowded places,
- pay attention to heavy or easy breakable objects that may be relocated during the explosion,
- memorise the elements of the immediate surroundings,
- remember not to take any packages from strangers and not to leave your luggage unattended.

- If someone informs you about planting a bomb or the risk of planting a bomb:
- secure the threatened location until the arrival of the police, by taking basic security measures,
 - remember that after the arrival at the place, the police takes charge of the operations,
 - the police instructions should be strictly followed,
 - if there is no specific information about the place of planting the bomb, the users of the building (rooms, offices, etc.) should check it – maybe some objects of the unknown origin would be found,
 - do not touch suspicious objects,
 - rooms open for general use should be checked by people responsible for the security of a given institution,
 - after announcing the evacuation, stay calm in order to leave the dangerous area quickly and safely,
 - after announcing the evacuation at the work place, take your personal belongings (purses, bags, cases) and leave,
 - the blowing charge is identified by the police specialised organisational units,
 - curiosity is dangerous – immediately leave the place potentially at risk of explosion,
 - if the parking is included in the danger zone, do not necessarily rescue your car (or any other valuable objects) – your life is more important.

I. Marriage

Pursuant to Polish law, marriage may be contracted only by two adults – a woman and a man.

Persons that are 18 years old or older are regarded as adults. From the above it follows that younger persons are not allowed to get married. Such a marriage will not be registered at the Registry Office, and hence it will not be valid under the Polish law.

Exception:

The only exception is a situation when a Family Court allows a woman aged at least 16 to get married. During the proceedings, a Family Court examines whether:

- a) there are important reasons for such marriage to be contracted;
- b) such marriage will be advantageous for the family to be established.

A Court of Law is not obliged to consent to such a marriage, it only can do so!

A marriage contracted according to the rites of the Muslim religion does not have legal effects under the Polish law.

A man and a woman that got married in such a way are not husband and wife under the Polish law! In order for their marriage to be valid, it has to be contracted before a registrar of a Registry Office.

THEREFORE, IN POLAND:

A WOMAN BELOW THE AGE OF 16 AND A MAN BELOW 18 ARE NEVER ALLOWED TO GET MARRIED.

A WOMAN AGED AT LEAST 16 IS ALLOWED TO GET MARRIED ONLY UPON CONSENT GRANTED BY A FAMILY COURT.

A MARRIAGE CONTRACTED ONLY BEFORE A MULLAH IS NOT CONSIDERED AS VALID UNDER THE POLISH LAW.

II. Legal effects of a marriage contracted by a woman aged less than 18 (or more than 16 without consent granted by a Family Court)

A. For the parents of the girl

Parents have parental authority over a child until it has reached the age of 18. This means that they are obliged to assure well-being of the child, meaning that they have to take care of it, of its physical and spiritual development. Therefore, in practice, parents must not leave a child without care, they are responsible for its attendance at school, for its behaviour, for assuring that no harm is done to it, etc. Consent by parents to a marriage of a minor daughter can be regarded by a court as failure to properly fulfil their parental obligations. Should a court decide that a daughter is in danger, it might for instance appoint a guardian, who will supervise the way the parents take care of the daughter. In serious situations, a court might even limit parental

authority or deprive them of it – in such a case the girl comes under the custody of a guardian or is sent to a special institution, e.g. an orphanage.

B. For the "husband"

A man who got married according to customary law with a girl who is aged below 15 and has sexual intercourse with her, commits a crime and is liable for prosecution. A custodial sentence up to 2 years of imprisonment applies to him.

C. For the "wife"

Every child is obliged to attend school until they reach the age of 18. It applies also to a girl who got married according to customary law. Failure to fulfill this obligation might result in application of educational measures in relation to the girl, e.g. in establishing supervision of a guardian, obligation to attend school or even referral to a foster family or an orphanage.

D. For a child born in such a relationship

A minor girl who has borne a child is not able to fulfill the obligations of a mother since she is still under parental authority of her parents. Hence, she is not able to take care of her child. A man who – under the Polish law – is not a husband of the child's mother, is also not considered the father of the child unless he recognises the child as his own child before the Director of Registry Office or until a decision has been passed in that case by a Court of Law. Therefore, for a child born in such a relationship there is nobody who could take care of it, and hence a Family Court will appoint a guardian for it. Usually, it is the parents of the girl of the child who become the guardians, and not her parents-in-law. It should be kept in mind that the father can recognise the child already during pregnancy, before it is borne. It means that once it is borne, the father becomes the guardian.

THEREFORE, IN POLAND:

SHOULD THE PARENTS OF A MINOR GIRL GRANT CONSENT TO HER MARRIAGE AND DISCONTINUATION OF EDUCATION, A FAMILY COURT MAY APPLY SPECIFIC MEASURES, BOTH AGAINST THE PARENTS AND THE GIRL. IN EXTREME CASES, IT MAY ALSO LIMIT THE PARENTAL AUTHORITY OF PARENTS OR DEPRIVE THEM OF IT.

SEXUAL INTERCOURSE WITH A MINOR AGED LESS THAN 15 IS A CRIME.

A FAMILY COURT HAS TO APPOINT ANOTHER GUARDIAN FOR A CHILD BORN BY A MINOR MOTHER.

III. Results in the procedure for award of the refugee status

Minors that have come to Poland with parents are covered by a status-awarding procedure for the mother or father until they have reached the age of 18. If a girl is minor, it is not possible to separate this procedures, and under the Polish law the girl remains under the custody of her parents instead of the

custody of her husband and his family even if they got married according to customary law. She is subject to parent's procedure, and the decision to be given to the parents will also apply to her.

If parents are given a negative decision and are ordered to leave Poland, she will also be obliged to leave even if her "husband" has been awarded the right of residence.

If the parents decide to leave the territory of Poland and leave a minor daughter with her "husband", she will be regarded as a minor without custody and will be sent to an orphanage. A guardian will be appointed for her for the time when proceedings are carried out.

Exception:

The only exception is when a minor girl is aged at least 16 and has been granted consent by a Family Court to get married, and she got married in a Registry Office. Once she gets married according to Polish law, the girl will be recognised as an adult, and hence her case will be excluded for separate proceedings.

THEREFORE, IN POLAND:

A PERSON AGED BELOW 18 IS COVERED BY PARENT'S STATUS PROCEDURE. EVEN IF SHE GOT MARRIED ACCORDING TO HUSBAND'S CUSTOM, HER SITUATION DEPENDS ON THE DECISION OF HER PARENTS, NOT OF HER HUSBAND.

SHOULD PARENTS LEAVE HER UNDER CUSTODY OF HER HUSBAND AND HIS FAMILY AND LEAVE THE TERRITORY OF POLAND, THE GIRL WILL BE SENT TO ORPHANAGE AND A GUARDIAN WILL BE APPOINTED FOR HER.

EXCLUSION FOR A SEPARATE PROCEDURE IS POSSIBLE ONLY WHEN THE GIRL HAS REACHED THE AGE OF 18 OR WHEN SHE GOT MARRIED PURSUANT TO POLISH LAW UPON CONSENT GRANTED BY A COURT OF LAW.

