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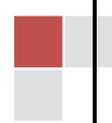
# Visa policy as migration channel in Poland. National report

(reported period 2004 – 2010)

Prepared by Polish National Contact to the European  
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## **Executive summary**

The main aim of this Report is to outline the general organisation of the system and legislation terms in the area of visa policy as well as to understand the existing strategies which promote (or do not promote) legal and long-term migration of foreigners to the territory of the Republic of Poland. The main tool for carrying out this objective of the state's migration policy is the visa regime in Poland. This Report includes an overview of national legal and organizational framework for implementing actions aimed at promotion of long-term migration to Poland. The analysis includes also those elements of the Union *acquis* in the area of visa policy organization and migration flow management which had an undeniable influence both on the evolution of this issue in the Polish legislation and on actions carried out inside the country, as well as on the cooperation with other third countries.

The Report states that Poland's visa policy is carried out by the consular offices in line with the provisions of the Community Code on Visas and as part of the state's tasks concerning the legalization of stay of legal immigrants by means of issuing national visas by the consuls. All these tasks are carried out worldwide by 127 consuls and by 350 persons acting in the capacity of consuls, who were authorised by the consuls themselves. They perform their function in 37 general consulates, 30 embassies, 45 consular sections and 15 independent consular positions at embassies. They are supported by 194 honorary consuls. Furthermore, the visa policy is also – to some extent - implemented by voivodes, who pursuant to Article 16 to 20 of the Act of 13 June 2003 on foreigners and pursuant to Ordinance of the Minister of the Internal Affairs and Administration of 12 August 2003 on formats of invitations and applications for entering invitations into the register of invitations support consuls in the process of issuing visas by verifying and registering invitations for foreigners. This document is mainly used by foreigners applying for national visas. The Border Guard also plays an important role in the national visa policy, which is aimed primarily at preventing possible attempts of illegal crossing of state borders (including cases of using visas that were obtained under false pretences or counterfeited and cases of using false personal IDs, etc.).

The main aim of Poland's visa policy from the point of view of proper management of migration flows is the neighbourhood policy implemented i.a. by the Eastern Partnership initiative. It should be noted that one of the essential objectives of this programme, which is aimed at supporting the transformation processes that are under way in the countries covered by this programme, is to liberalize and, ultimately, lift the visa regime for Poland's eastern neighbours. Expanding the cross-border cooperation and possibility of movement of persons with respect to Poland's eastern partners and promoting legal economic migration to the EU of the nationals of states bordering Poland to the east, constitute an important element of these activities. One should emphasize Poland's commitment on the EU forum to sign new agreements on visa facilitation with Russia, Ukraine and Moldova, as well as Poland's contribution to hammering out a negotiating mandate for the European Commission for talks with Armenia and Azerbaijan. The issues relating to the visa policy were described in Chapter 2.

Chapter 3 refers to policy instruments elaborated in the area of visa policy which promote legal migration and prevent illegal migration. Of these one should mention the standards and requirements applied by Polish consular offices. They were specified in the Convention implementing the Schengen Agreement and in the Community Code on Visas, whose aim is to harmonise visa practices. Pursuant to the above-mentioned documents, visas (type A, C and D) are issued according to a specific format and contain a uniform safeguards. The remaining instruments include:

1. Consultations between consular offices of the Republic of Poland and the authorities of other Schengen area states which stipulated such consultations with respect to specific categories of persons who apply for a visa (the data shall be exchanged via electronic channels) and consultations with the Central Visa Authority when a foreigner applies for a visa; Local cooperation on immigration risk assessment between Polish consular posts and Border Guard Liaison Officers and the consuls of other Schengen States; Entering into agreements between Poland and other EU Member States on issuing Schengen visas by Polish consulates and representing Poland when visas are issued by some other EU Member States in countries where there are no Polish diplomatic representations;
4. Entering into local border traffic agreements (the agreement concluded with Ukraine has been in force since 2008, the agreements with Belarus and Russia [the Kaliningrad Oblast] are still negotiated); Entering into agreements on liberalisation of the visa regime; and Implementing specific national solutions, e.g. waiving consular fees for issuing national visas (Ukraine, Belarus), issuing the Card of Poles, issuing repatriation visas or implementing the *e-voucher* system, which was established after the Ministry of Foreign Affairs and the Polish Chamber of Tourism signed a declaration of cooperation in promoting tourism to Poland.

Chapter 4 briefly analyses the cooperation between Poland and Ukraine on the one hand and Poland and Vietnam on the other. The cooperation concerns the promotion of legal migration and the prevention of illegal migration from these states to Poland. This fragment of the Report asserts that the most numerous group of illegal migrants currently staying on the territory of the Republic of Poland consists of Ukrainian, Russian and Vietnamese nationals. Having regard to the fact that Poland signed readmission agreements with the governments of the abovementioned countries, the nationals of these countries that sent back in the majority of cases. It is noteworthy that the Vietnamese diaspora in Poland constitutes one of the most numerous groups of irregular migrants. Consequently, state actions aimed at preventing illegal migration are also centred around cooperation with neighbouring countries which serve as transit countries for illegal migrants. The Report also mentions the positive outcome of two regularization (abolition) actions, whose objective was to enable a temporary legalisation of foreigners' illegal stay in Poland.

Chapter 5 presents the EU solutions on the visa policy which significantly influenced the development of national legislation concerning this area. Amongst these mechanisms one should point out to agreements signed by Poland which include agreements on local border traffic and agreements which liberalise the current visa regime, the development of computer systems used in verifying visa applications and controlling the legality of foreigners' entry into the territory of Poland. An important element is also the external dimension of cooperation between the EU Member States in the area of visa policy and Poland's participation in such initiatives as the Eastern Partnership and Building Migration Partnerships / Prague Process.

The last chapter presents the number of issued national visas which entitle foreigners to enter and stay in the territory of Poland. Statistical data for the period 2008–2010 show that consular offices issued 159,250 national visas in 2008 (of which 71% were visas issued for the purpose of taking up employment/running a business in Poland), 202,753 visas in 2009 (67% of which were visas issued for the purpose of taking up employment/running a business in Poland) and 174,538 visas in 2010 (54% of which were visas issued for the purpose of taking up employment/running a business in Poland). Almost 90% of national visas issued for the purpose of taking up employment in Poland were granted to nationals from only three countries, i.e. Ukraine, Russia and Belarus. It is noteworthy that due to facilitation in taking up employment in Poland, nationals of these states, as well as nationals of Georgia and Moldova, lodge applications for temporary residence permits very

seldom and stay in Poland on the basis of a visa that was issued for the purpose of employment (in most cases these are seasonal or circular migrations and not migrations whose purpose is settlement). Since 2008 there has been an observable increase in the number of temporary residence permits issued due to taking up employment in Poland. This increase was observed mainly in the case of nationals of Asian countries, especially those from China, India, Japan, Nepal and Armenia. In the period 2008-2010, the biggest number of temporary residence permits issued due to taking up employment in Poland was issued to nationals of Ukraine and Vietnam (the total number of permits issued to nationals of only these two countries accounted for 40% to 50% of the overall number of temporary residence permits issued due to taking up employment in Poland).

As far as other types of national visas and temporary residence permits are concerned, the majority of visas are those which were issued for the purpose of family reunion or due to the fact that a foreigner remains in marriage with a spouse who holds a Polish citizenship.

At the same time, the number of visas issued on the territory of Poland within the same period by voivodes (in cases of issuing the procedural stay visa) and by commanding officers of Border Guard units (in the case of visas issued at the state border) was stable and amounted to approx. 23,000 visas per year (the issued national visas by the abovementioned bodies constituted 85%-90% of all issued visas).

## **Chapter 1 Introduction: purpose and methodology followed**

### **1.1 Introduction**

This Report on the Polish visa policy as a form of promotion of long-term migration was drafted by the Polish EMN National Contact Point within the framework of the Polish membership in the EMN<sup>1</sup>. The majority of work on this Report was contributed by the Migration Policy Department at the Ministry of Interior, which tasks include promoting awareness concerning the Polish migration policy<sup>2</sup>. This Report was elaborated in cooperation with the Consular Department at the Ministry of Foreign Affairs which is competent for setting goals and directions for international cooperation in the area of consular matters, especially those concerning the movement of persons, visa policy, migration policy and conditions for Polish nationals' stay abroad.<sup>3</sup>

At the same time, Polish Report is a part of the EMN Synthesis Report, summarizing the knowledge on the issue of visa policy as a form of promoting long-term migration in each of the EMN countries. The Report is addressed to National Contact Points of the European Migration Network and for the European Commission, as well as for national and EU policy-makers, national executive authorities and the society, i.e. NGOs, research centres and other stakeholders. The Report offers access to clear, organised and easily available data to all those who want to learn more about entry and stay rules which apply to third-country nationals in Poland. However, having agreed on some restriction concerning the scope of this Report, certain legal and/or procedural nuances have been omitted in order to maintain clarity.

The data included in Polish National Report reflect the Polish legal framework as of 31 December 2011, in particular it refers to the Act of 13 June 2003 on foreigners<sup>4</sup>, the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members<sup>5</sup> and the guidelines to the draft Act on foreigners of 22 July 2011, which was approved by the Council of Ministers on 16 August 2011. The Report refers also to those elements of the national visa policy which were listed in the first Polish migration policy strategy paper entitled Migration Policy of Poland: current state and proposed actions (Polityka migracyjna Polski: stan obecny i postulowane działania). The paper was adopted during the meeting of the Inter-ministerial Committee for Migration on 20 July 2011 and was sent to the Chancellery of the Prime Minister where it for approval.

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<sup>1</sup>Presently, Polish NCP consists of representatives of the Ministry of Interior (National Coordinator), the Ministry of Labour and Social Policy, the Office for Foreigners, the Border Guard, and the Central Statistical Office.

<sup>2</sup> Article 16 of the Annex to Order No 4 of the Minister of the Interior of 9 December 2011 on establishing organizational rules of the Ministry of Interior stipulates that the duties of the Migration Policy Department include the coordination of actions connected with the state's migration policy and international cooperation in this area.

<sup>3</sup> Article 43 of the Annex to Order No 42 of 17 December 2010 of the Minister of Foreign Affairs on establishing organizational rules of the Ministry of Foreign Affairs states that the duties of the Consular Department include participation in e.g. drafting objectives and directions of national visa policy and in carrying out the EU visa policy. The Department is also responsible for analysing visa and migration policy of third countries, it initiates and conducts negotiations of agreements on facilitating travels of Polish nationals, and negotiations concerning the local border trade, visa representation and allocation of consuls.

<sup>4</sup> i.e. Dz.U. [Journal of Laws] of 2006, No 234, item 1694.

<sup>5</sup> Journal of Laws of 2006 No 144, item 1043, as amended.

The analysis of the Polish visa policy should begin with a statement that it takes into account the priorities of the state's foreign policy, serving as an instrument for preventing illegal migration and contributing to maintaining security of Poland and other Schengen area countries. Starting from negotiations on accession, the accession of Poland to the European Union since 1 May 2004 and the full applying into force of the Schengen acquis on 21 December 2007, the policy has been also consulted within the framework of European cooperation which takes into account Poland's regional specificity.

In recent years Polish consular service has undergone a significant reform. The idea of using IT solutions developed within the island model, in which each consular office was an independent unit, was changed so that now the offices are using solutions offered by multi-module structure, which is administered centrally. Currently, the data (including biometric data) are transferred to central online systems located in Poland and a consul who issues visas has an on-line access to data in Schengen registers. The modernization allowed to introduce new systems providing consular offices with comprehensive service. These include Wiza-Konsul, e-konsulat, Karta Polaka (the Card of the Pole) and e-voucher. The innovative Wiza-Konsul system operates in all departments of a consular office and is integrated with e.g. e-konsulat system and the Schengen Information System (SIS) and also via the integrated local border traffic sub-system with registers of the Office for Foreigners. The objective of the e-konsulat system is to facilitate an applicant's contact with a consular office and to streamline the procedure of handling consular cases. Moreover, the e-voucher system, which was established when the Ministry of Foreign Affairs and the Polish Chamber of Tourism signed a cooperation declaration on promoting tourism in Poland, was implemented in consular offices in Ukraine, Belarus, Russia and Moldova. This application will allow consuls to confirm the authenticity of tourist invitations to Poland and it will give foreigners an opportunity to obtain visas in a simple and convenient way. Also, the so-called mobile consular posts are being implemented. These will allow Polish consuls to perform virtually all their official duties when outside consular offices (e.g. when they are on duty in honorary consuls' offices).

Specific data on the Polish visa policy will be presented in the subsequent chapters of this Report. In Chapter 2 of this document will highlight the main assumptions of Poland's visa policy and the legal grounds for issuing visas on the territory of Poland. Chapter 3 discusses legislative basis for issuing visas, with most attention being devoted to discussing the applicable Polish procedures for issuing visas. Chapter 4 elaborates on the practical dimension of Poland's visa policy, both with regard to promoting legal migration (Ukraine was analysed in greater detail than other countries) and with regard to preventing illegal migration (the example of Vietnam). Chapter 5 shortly analyses the impact of the EU policy on national solutions concerning the migration policy, including the visa policy. The last part of this Report (Annex) offers a compendium of most important and accessible statistical data on visas issued in Poland.

## **1.2 Methodology**

This Report is based on data retrieved entirely from secondary sources coming both from public institutions responsible for creating the visa policy and from materials provided by scientific centres which for years have been occupied with visa-related issues and are interested in hammering out relevant recommendations. The main source of information were the existing databases (i.e. reports on research conducted and statistics) of institutions responsible for conducting statistical data and for monitoring the implementation of visa policy (the Ministry of Foreign Affairs, the Office for Foreigners, The Polish Border Guard, *i.a.*).

The Polish Report contains the latest data on foreigners obtained mainly from the electronic system for submitting applications for a Polish visa or a Polish passport which has been gradually implemented in all consular offices since 2010 (the so-called *e-konsulat* which can also be accessed at <https://secure.e-konsulat.gov.pl>). The data specifies the number of foreigners who applied for a visa granting them the right to enter the territory of Poland, the number of foreigners who were granted such a visa and the number of foreigners who were issued a residence permit for a fixed period on account of their staying in Poland (this data is obtained from the so-called *Pobyt system*<sup>6</sup>, which is run by the Head of the Office for Foreigners). However, it should be noted that the available data for the period between 2008 and 2011 is incomplete. In the interests of clarity and transparency of this document, the most basic definitions of such terms as a visa, a foreigner's country of origin, illegal entry, and illegal stay, Schengen Information System or Visa Information System coincide with those found in the European Migration Network glossary of migration terms<sup>7</sup>, unless indicated otherwise.

It should be noted, however, that the term *visa policy* in the strict sense does not function in the national legal arrangements. Therefore, within the context of this Report, the term should be interpreted as these actions of the state whose aims include regulating the rules of foreigners' entering the territory of a given country. Such a policy may have a preventive function, counteracting the influx and stay of foreigners which in violation of the national provisions. It can support and promote legal migration within the territory of a given country.

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<sup>6</sup>The *Pobyt* system run by the Head of the Office for Foreigners is a national collection of registers, accounting records and lists which contain data on foreigners' cases on the Act of 13 June 2003 on foreigners and the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. The system consists of the following elements:

1. the register of applications submitted, rulings and decisions rendered in the following cases: concerning issue of the entry visa, residence permits for a fixed period, permits to settle and long-term EC residence's permits;
2. the register of cases concerning issuing the identity Polish documents for foreigners as well as the identity Polish travel document and the provisional travel documents for foreigners;
3. the register of cases concerning the number of refusals of entry to the territory of Poland, the number of decisions on the foreigner's obligation to leave Poland and the number of decisions on the foreigner's expulsion from the territory of Poland;
4. the register of cases concerning the refugee status, subsidiary protection as well as providing support to foreigners applying for refugee status;
5. the register of cases concerning the expulsion of foreigners granted the refugee status;
6. the register of cases concerning asylum and temporary protection;
7. the register of cases concerning the tolerated stay;
8. the register of cases conducted pursuant to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
9. the register of invitations;
10. the index of foreigners whose residence on the territory of the Republic of Poland is undesirable.

Until 2003, the above-mentioned register of cases related to legalization of stay as well as stay of persons applying for refugee status was regulated by the provisions of the Act on foreigners of 25 June 1997. Additionally, the data in these registers could be made available via ICT devices. The beginnings of the system, which was commonly referred to as the Alien System (System Obcy), can be dated back to the mid-1990s. At that time it was a database containing information on residence permits issued by voivodes and on refugee status.

<sup>7</sup>Definitions of terms can be found on the EMN's website (<http://emn.intrasoft-intl.com/Glossary/index.do>) and on the website of the Polish National Contact Point to the ESM (<http://www.emn.gov.pl>).

## **Chapter 2 Policy and legal framework for the granting of visa in Poland**

### **2.1 National Policy and legislative framework**

The main state authorities which have influence on the national policy related to entry of foreigners on the territory of the Republic of Poland, each within - their own competencies in this regard are: the Minister of Foreign Affairs, the Minister of Interior, the Commander-in-Chief of the Border Guard and the Voivode.

It should be noted, however, that the primary areas of interest in this policy are set out in relevant national legislation, namely:

1. Act of 13 June 2003 on foreigners [Journal of Laws of 2011 No 264, item 1573];
2. Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland [Journal of Laws of 2009 No 189, item 1472];
3. Act of 14 July 2006 the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members [Journal of Laws of 2006 No 144, item 1042, as amended];
4. Act of 7 September 2007 on the Card of the Pole [Karta Polaka] [Journal of Laws of 2007 No 180, item 1280, as amended];
5. Act of 9 November 2000 on repatriation [Journal of Laws of 2004, No 53, item 532, as amended];
6. Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System [Journal of Laws No 165, item 1170, as amended];
7. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009)<sup>8</sup>;
8. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006);
9. and in Ordinances concerning types of visas and the procedure for granting them issued by the minister in charge of internal affairs and/or the minister in charge of foreign affairs.<sup>9</sup>

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<sup>8</sup>Commission Decision C(2010) 1620 of 19.3.2010 establishing the Handbook for the processing of visa applications and the modification of issued visas and Commission Implementing Decision C(2011) 5501 of 4.8.2011 amending Commission Decision No C (2010) 1620 final of 19 March 2010 establishing the Handbook for the processing of visa applications and the modification of issued visas.

<sup>9</sup>Pursuant to Article 48g(1) and (4) of the Act on foreigners of 13 June 2003, the minister in charge of interior in cooperation with the minister in charge of foreign affairs shall specify by means of an ordinance the designation of Schengen visas and national visas, formats of visa forms and formats of visa applications. Pursuant to Article 48f(1) of the Act on foreigners of 13 June 2003, the minister in charge of foreign affairs specifies, among other things, the procedure for issuing visas to diplomatic representatives and their family members.

Concurrently, certain aspects of state's visa policy were highlighted in the guidelines to the draft act on foreigners of 22 July 2011, which was adopted on 16 August 2011, and in the strategy paper entitled *Migration policy of Poland: current state and proposed actions*, which was adopted during the meeting of the Inter-ministerial Committee for Migration on 20 July 2011 and awaits the acceptance of the Prime Minister.

Having regard to the rules of international law, the decision to allow a foreigner to enter a country and stay within its territory constitutes one of the attributes of its sovereignty. However, freedom of countries in this respect does have some restrictions forced upon it, these being derived from both the international law and national provisions. Much in the same vein Polish legal arrangements oblige every third country national to hold a valid travel document or a visa when entering Poland.

The obligation to hold an entry visa to Poland applies to the majority of citizens of countries which Poland has established diplomatic relations with, yet this catalogue of countries has been changing along with changes in the state's political system. In the case of the Republic of Poland, attempts at creating a single national approach to visa regulations can be divided into two periods, the first one dating back to the beginning of the 1990s and characterised by a limited possibility of free movement of persons into and out of the territory of Poland. At that time, only the citizens of the so-called Eastern block countries could use the visa-free travel regime; citizens of these countries were allowed to stay in Poland without holding a visa for a strictly specified period of time. Directly after the 1989 systemic transformation, the then common practice of issuing visas to citizens of privileged countries (mainly Belarus, Russia and Ukraine) was changed. The perspective of accession of Poland into the EU necessitated changing the rules for travel not only for the nationals of EU Member States (state border crossing was facilitated and with time the visa-free travel regime was introduced), but first and foremost for citizens of Poland's eastern neighbours and for citizens of other third countries (talks are being conducted with governments of some countries in order to introduce visa facilitations, for example by establishing the so-called local border traffic). Citizens of Belarus, Russia and Ukraine, due to the need for cancelling the previously applicable visa-free travel agreements, were covered by the new visa regime which entered into force on 1 October 2003. Based on that they were obliged to apply for a visa allowing them to enter the territory of Poland.<sup>10</sup> It needs to be mentioned, however, that the provisions of new intergovernmental agreements signed by Poland with Ukraine<sup>11</sup>, Russia and Belarus guaranteed the possibility of introducing more favourable rules for visa-free travel for citizens of these countries. Pursuant to the provisions of the agreements signed with Belarus and Russia, Polish citizens were granted similar privileges (reciprocity rule), whereas pursuant to the provisions of the agreement signed with Ukraine, Polish citizens were exempt from the visa obligation when staying in Ukraine for a period not exceeding 90 days.

Due to the existing geopolitical conditions, the need to work out adequate mechanisms that will make it possible to address the issue of visa liberalisation for the citizens of the Eastern Partnership and Russia is one of the main challenges of the Polish visa policy. Legal and economic consequences of abandoning the visa regime in the case of Poland's eastern neighbours, which is postulated by some circles, are extremely difficult to foresee. However, the very idea of introducing in the future a

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<sup>10</sup>Until that moment, the situation on Poland's eastern border was regulated by the provisions of the Agreement between the Government of the People's Republic of Poland and the Government of the Union of Soviet Socialist Republics on a simplified procedure for crossing state border by citizens residing in border-area towns (Dz. U. of 1986, No 24, item 114). The Agreement was signed in Moscow on 14 May 1985. Annex 1 to the Agreement included a list of border towns which were covered by the above-mentioned provisions.

<sup>11</sup>The agreements with Ukraine and Russia were signed in 2003, the agreement with Belarus was signed in 2007 (see Table 1 in the Annex).

visa-free travel system for citizens of countries neighbouring Poland is a challenge for the new era in relationships not only between Poland but also all EU Member States with these countries, including Russia. On 2 September 2010, during the visit of Mr. Sergey Lavrov, Russia's Minister of Foreign Affairs, to Warsaw, Mr. Radosław Sikorski, Poland's Minister of Foreign Affairs, stated that *Poland wishes to establish a visa-free regime with all of its neighbours. It should be remembered, however, that these countries' actions do matter*<sup>12</sup>. The common challenges of visa liberalisation include not only the problems and tasks related to the evidently growing number of crossings on Polish eastern border (in other words those related to limiting the potential threat of illegal migration), but also, and perhaps most importantly, to the proper handling of the growing influx of illegal migrants. In this context it should be reminded that towards the end of the 1990s the Polish border was crossed by approx. 90 million people, the vast majority of whom were citizens of Eastern European countries who entered Poland under the visa-free travel regime, including the provisions related to the so-called local border traffic (LBT).

At the same time, following the authors of a report entitled *The limits of enlargement-lite: European and Russian power in the troubled neighbourhood* one can infer that a visa policy constitutes the most important aspect of the soft power<sup>13</sup> that the EU applies towards Eastern Partnership countries. The simplest way to improve the image of Poland and the EU in this region is to proceed with the visa liberalisation.

## 2.2. Bilateral visa policy agreements with third countries

Since the 1980s, the government of the Republic of Poland has signed almost 57 bilateral agreements regulating issues related to migration flow management and introducing certain elements of visa facilitation (a list of these bilateral agreements is annexed to this Report). Only three of these agreements date back to the 1960s and 1970s (agreements with Canada, Iraq and the USA), whereas the remaining documents were mostly drafted in the 1990s. However, due to the changing face of Europe and Poland as well as the requirements on cross-border traffic and migration flow management resulting from political changes, numerous of these agreements require amendments as regards the visa policy. Furthermore, many countries, including Poland, are seeking new forms of visa regulations.

The website of the Ministry of Foreign Affairs includes a list of countries whose citizens are allowed to visa-free travel for stays up to 90 days (this does not apply to entry for a permanent stay, with the aim of finding employment or engaging in some other form of economic activity in the territory of Poland).<sup>14</sup>

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<sup>12</sup>Comments from

[http://www.msz.gov.pl/Wizyta\\_Ministra\\_Spraw\\_Zagranicznych\\_Federacji\\_Rosyjskiej\\_37569.html](http://www.msz.gov.pl/Wizyta_Ministra_Spraw_Zagranicznych_Federacji_Rosyjskiej_37569.html) and [http://europarlament.pap.pl/palio/html.run? Instance=cms\\_ep.pap.pl& PageID=1& menuId=17& nrDep=2582& CheckSum=-1455672949](http://europarlament.pap.pl/palio/html.run? Instance=cms_ep.pap.pl& PageID=1& menuId=17& nrDep=2582& CheckSum=-1455672949) (accessed: May 2011).

<sup>13</sup>Polish translation of the report entitled *The limits of enlargement-lite: European and Russian power in the troubled neighbourhood* by Nicu Popescu and Andrew Wilson can be downloaded from: <http://www.batory.org.pl/doc/Polityka UE i Rosji wobec wspolnych sasiadow 2010.pdf>.

<sup>14</sup>A list of countries is available at the [Council Regulation \(EC\) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement](#) (OJ L 81, 21.3.2001). For more information on the conditions to admission to Poland please

visit: [http://www.msz.gov.pl/Informacje\\_dla\\_cudzoziemcow\\_przyjezdzajacych\\_do\\_Polski\\_1801.html](http://www.msz.gov.pl/Informacje_dla_cudzoziemcow_przyjezdzajacych_do_Polski_1801.html) as well as

When describing the issues related to cross-border traffic one should also mention local border traffic agreements which largely determine the current nature of relationships on the eastern border of Poland and the EU.

### **2.2.1. Local Border Traffic**

The so-called local border traffic constitutes a form of facilitating border crossing for the citizens residing in the border area.<sup>15</sup> Under the local border traffic regime (the LBT) residents of border areas may regularly cross the state border with a view to staying in the border region of the other country. Such trips may have various causes, including social, cultural, family-related and justified economic reasons (which do not however constitute any kind of gainful activity). In the case of Poland, this special simplified procedure for state border crossing had been already functioning based on the Agreement signed in May 1985 between the Government of the People's Republic of Poland and the Government of the Union of Soviet Socialist Republics (see footnote 10); this solution was applied also in the case of bilateral relations between Poland and Germany, the Czech Republic and Slovakia and was binding for the citizens of these countries until 20 December 2007. After Poland, the Czech Republic and Slovakia joined the Schengen area, on 21 December 2007 all border crossing points of this kind were lifted and citizens were granted the right to cross the borders of these states almost at any desirable location (some restrictions apply only to protected areas and other closed areas).

After several months of efforts by the authorities of the Republic of Poland, when Poland joined the Schengen area, it was possible to sign three crucial local border traffic agreements with Ukraine, Belarus and the Russian Federation.

#### **Ukraine**

As far as Polish-Ukrainian relationships are concerned, since 1 July 2009 the *Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on rules on local border traffic signed in Kiev on 28 March 2008* and the *Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine signed in Warsaw on 22 December 2008 amending the LBT Agreement* (a list of all towns located within the border is included in the Annex to

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<http://www.msz.gov.pl/Wizy,i.paszporty,13427.html>.

<sup>15</sup>Since 19 January 2007, Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention has been in force. The rules of local border traffic constitute a derogation from the general provisions regulating border control of persons who cross the EU Member States' external borders which are stipulated in Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

In the preamble to the new regulation it is stated that the European Community should lay down criteria and conditions to be complied with when the crossing of an external land border under the local border traffic regime if being eased for border residents. Such criteria and conditions should ensure a balance between, on the one hand, the easing of border crossing for *bona fide* border residents having legitimate reasons frequently to cross an external land border and, on the other hand, the need to prevent illegal immigration and potential threats to security posed by criminal activities.

The Community legislator stipulated that as a general rule, in order to prevent abuses, local border traffic permits should be issued only to those who have been lawfully resident in a border area for at least one year. Bilateral Agreements concluded between Member States and neighbouring third countries may provide for a longer period of residence and may contain some exceptions concerning the easing of border crossing (in the case of agreements concluded by Poland this period is 3 years).

the Protocol amending the Agreement) have been in force.<sup>16</sup> In this case the border area is marked out by the area of administrative units of Poland and Ukraine, which, as a rule, are located within 30 kilometres from the common border. The alphabetical list of all towns and administrative units which are located within the border area is included in Annex 1 to the Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the LBT Agreement. It is considered that border area residents are the persons who can prove their residence in the border area for at least 3 years along with their spouses and dependant children (both adults and minors). The basis for crossing the border under the Local Border Traffic regime is holding a document called “a permit for crossing the border under the Local Border Traffic”.

### **Belarus**

The Belarusian authorities received the proposal to enter into an agreement on local border traffic between Poland and Belarus during inter-consular consultations which took place in February 2008 in Minsk. The draft Agreement between the government of the Republic of Poland and the government of the Republic of Belarus on LBT rules has been agreed and signed on 12 February 2010 in Warsaw. After the President of the Republic of Poland ratified the abovementioned agreement on 17 September 2010 the Polish party is waiting now for the Belarusian side to confirm this fact. The Agreement shall enter into force after the ratification procedure in both countries has been completed and after both parties to the Agreement notify each other of this fact via diplomatic channels. During the negotiations the Belarusian party was signalling that it would need a couple of months to prepare for implementation of the Agreement after it enters into force. The Polish party, on the other hand, is seeking to sign and implement the Agreement within the shortest possible time.

It is expected that the Agreement on local border traffic with Belarus will facilitate contacts between families living on both sides of the border and enhance the cultural and economic cooperation between the closest neighbours.<sup>17</sup> This Agreement will be beneficial not only to individuals who will be able to visit their relatives or their ancestors' graves, but also to the local businesses. It also provides the border communities with an opportunity to develop. Inhabitants of 1,265 towns located within this over 30-kilometre long area at the Polish-Belarusian border will be able to benefit from the LBT. In Poland, the LBT shall apply to communities (*gminy*) and towns/cities in Lubelskie, Mazowieckie and Podlaskie voivodeships (e.g. Biała Podlaska, Augustów, Bielsk Podlaski, Hajnówka, Sokółka, Siemiatycze – inhabited by 800 thousand people) and to rural councils and towns in Belarus (approx. 1.1 mln inhabitants, including Brest and Grodno).

### **Russia (Kaliningrad Oblast)**

On 14 December 2011 in Moscow 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. Pursuant to this Agreement, when crossing the Polish-Russian border the inhabitants of the region to which the provisions of this Agreement apply<sup>18</sup> will no longer be obliged to hold a visa, but only a valid travel

<sup>16</sup>For more information, visit the website of the Bieszczady Border Guard Unit <http://www.bieszczadzki.strazgraniczna.pl/static/MRG/MRG.htm>.

<sup>17</sup>It has been provisionally agreed that a fee for accepting and processing an application for a permit to cross the border under the local border traffic shall amount to €20. The fee will be waived for the following categories of persons: 1) disabled persons; 2) pensioners; 3) children under 18. First permits shall be issued to border area inhabitants for the period of 2 years, whereas subsequent permits shall have a validity period of 5 years.

<sup>18</sup>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

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.

The hope that the LBT Agreement will be signed by the end of 2011 was expressed at the 11<sup>th</sup> Meeting of the Polish-Russian Council for Cooperation between the Kaliningrad Oblast and Polish Regions, which took place in June 2011 in the Kaliningrad Oblast (Zelenogradsk). In line with these expectations, on 29 July 2011 the European Commission suggested that the European Council and the European Parliament facilitate border crossing for inhabitants of the Kaliningrad area; a draft European 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 examined on 24 November 2011.<sup>19</sup> This opened a way to end formally the process of liberalising border traffic rules in border areas between Poland and Russia.

### **2.3 Recent changes to Visa Policy and Legislation within the context of a common EU dimension**

While analysing Poland's current visa policy, it should be highlighted that since the accession negotiations between the Republic of Poland and the European Union officially began<sup>20</sup>, Poland started the process of adjusting the national law to applicable EU law in the field of migration and asylum. Consequently, there was a change not only in rules on entry and residence of EU Member States citizens and their families, but also in rules on entry, residence and procedure of issuing visas to third-country nationals.

The obligation to hold a visa while staying within the territory of the Republic of Poland has been lifted for nationals of the countries listed in Annex 1 to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders. Also foreigners possessing the residence document issued in the EU MS are exempted from obligation to possess a visa. A detailed list of countries to which the visa-free regime applies and the provisions concerning visas are available on the website of the Ministry of Foreign Affairs (<http://www.msz.gov.pl/Informacje,wizowo-paszportowe,dla,obywateli,polskich,i,cudzoziemcow,1799.html>).

Joining the Schengen area by Poland as of 21 December 2007 resulted in the necessity to increased restrictions on the entry into Poland of citizens of countries bordering Poland in the east: higher fees

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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.

<sup>19</sup>For more information, visit <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2011-0398+0+DOC+XML+V0//PL>

<sup>20</sup>Official negotiations regarding Polish accession to the UE commenced on 22 December 1990 and were completed by signing on 16 December 1991 the European Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part. Poland lodged its official EU accession application on 8 April 1994. This fact was then accepted by all EU Member States during the European Council in Essen which took place on 9 and 10 December 1994.

for examining visa applications and for issuing a visa<sup>21</sup>, stricter procedures on visa issuing (checking personal data in the Schengen Information System, more frequent direct interviews with persons applying for a visa), increased number of required documents. The procedure for granting visas in accordance with the Common Consular Instructions (now the Code on Visas) was mainly aimed at verifying whether a visa applicant presents a potential threat to the security of Schengen States, but also at preventing the migration risk. In addition to more applications being rejected, all this leads to extending the time needed to obtain a visa.

The Community Code on Visas<sup>22</sup>, which has been in force since 5 April 2010 and which stipulates the procedure for issuing short-term Schengen visas for third-country nationals substantially influences the existing rules for entering the territory of Poland. It is the most important document which sets out the framework, rules and types of visas issued by Schengen States. It introduces three visa types: A, C and D. Type A is an airport transit visa allowing the holder to stay only in the transit zone of an airport situated in a Schengen State. Such visas are issued only to citizens of certain countries, such as Iran, Iraq and Somalia. Another visa category is type C - the so-called Schengen visa. These are short-stay visas which entitle a person to stay in the territory of Schengen States for a period of time specified in the said document, however no longer than 90 days in every six months. The visa fee amounts to 60 EUR. In addition, the Visa Code provides for national visas – the so-called D visas. These are visas which are issued for a longer period of stay than the above-mentioned period of 90 days in every six months. This visa type is issued pursuant to national legislation of each Member State. The fee for this type of visa is also set independently by each country<sup>23</sup>. Poland advocates among other EU Member States the idea of liberalising EU visa policy towards citizens of the Eastern Partnership countries, which includes waiving fees for processing visa applications submitted by Belarusian citizens. So far, three countries have made such a decision: Latvia (at the end of January 2011), Estonia (at the beginning of February 2011), and then Germany. According to the Regulation (EU) No 265/2010 of 25 March 2010<sup>24</sup> since April 2010 the D type visa allows its holder to move freely within the entire Schengen area (until April 2010 special visas were issued, i.e. the so-called D+C visas, which allowed persons holding a national visa to move freely within the Schengen area).

In the context of implementing the EU directives and regulations into the national legal order, it should be noted that the provisions of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)<sup>25</sup>, Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)<sup>26</sup> and amendments to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the

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<sup>21</sup>Paid visas (€35) were introduced for citizens of Ukraine, Moldova and for the inhabitants of the Kaliningrad Oblast who earlier had been granted Polish visas for free.

<sup>22</sup>For a full text of the Visa Code, visit <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:PL:PDF>.

<sup>23</sup> In the case of Polish national visas issued in Belarus until 1 January 2011 the fee amounted to 20 EUR. As of 1 January 2011, the decision of the Minister of Foreign Affairs waived the fee for reviewing an application for a national visa for those citizens of Belarus who apply for visas in Poland's consular offices in Belarus (approx. 25% of all visas issued by Poland in Belarus are D type visas).

<sup>24</sup> Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (OJ L 85/1 of 31.03.2010).

<sup>25</sup>OJ L No 243 of 15.09.2008.

<sup>26</sup>OJ L 218, 13.08.2008.

third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement<sup>27</sup> were implemented by:

1. Act of 9 April 2010 amending the act on foreigners and some other acts (Dz. U. of 14 May 2010, No 81, item 531);
2. Act of 3 December 2010 amending the act on foreigners and some other acts (Dz. U. of 20 December 2010, No 239, item 1593);
3. Ordinance of the Minister of Interior and Administration of 28 July 2010 on issuing visas to foreigners (Dz. U. of 18 August 2010, No 151, item 1015);
4. Ordinance of the Minister of Interior and Administration of 22 April 2011 on issuing visas to foreigners (Dz. U. of 16 May 2011, No 99, item 579);
5. Order No 37 of the Minister of Foreign Affairs of 5 November 2010 on the rules and procedure for outsourcing certain actions related to accepting visa applications (Dz. Urz. MSZ of 3 December 2010, No 4, item 56);
6. Order No 10 of the Director-General of the Foreign Service of 9 May 2011 on implementation and operation of the *Wiza-Konsul* system in the Ministry of Foreign Affairs and in Polish diplomatic missions (Dz.Urz. MSZ of 19 July 2011, No 4, item 36);
7. Ordinance of the Minister of Foreign Affairs of 17 March 2011 on visas and documents confirming the performance of functions of heads of diplomatic missions staff members, heads of consular offices and members of consular staff of foreign countries as well as other persons who enjoy the same privileges and immunities pursuant to acts, agreements or customary international rules of conduct and also confirming the status of family members of these persons, which enables them to enter the territory of the Republic of Poland and stay therein ((Dz. U. of 4 April 2011, No 71, item 378).

Furthermore, in the adopted by the Inter-ministerial Council of Ministers on 20 August 2011 the guidelines to the project of the new Act on foreigners<sup>28</sup> as well as in the agreed on 20 December 2011 the assumptions of the draft Act on the repercussions of the work entrustment to foreigners staying illegally on the territory of Poland (the draft Act was prepared on 8 September 2011 just after the public consultations in July 2011) contain reference to the following legal acts:

1. 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;
2. 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;

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<sup>27</sup>OJ L 81, 21.03.2001 as amended.

<sup>28</sup> The proposed act aims at ensuring greater transparency of the provisions on foreigners' stay in Poland and at implementing the recently adopted Community legislation. The act shall comprehensively regulate issues regarding the entry, transit and stay of foreigners in the territory of the Republic of Poland as well as issues connected with their departure from this territory. The draft act retains the institution of the Head of the Office for Foreigners as a central government authority in charge of issues related to foreigners' stay, which have been set forth in relevant acts of law. As is the case today, the minister in charge of internal affairs shall supervise the Head of the Office for Foreigners.

3. 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; and
4. the assumptions to the Directive regarding 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 (Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011).

## **2.4 Recent changes to Visa Policy and Legislation relating to national visas**

### **2.4.1. Regulations on visa regime**

Chapter 3<sup>rd</sup> of the Act on foreigners of 13 June 2003 regulated items related to visa issuing, types of visas, purposes of its issuance and prerequisites of visa refusal as well as procedures applying in these issues. Pursuant to the legislative deputation included in the Article 48g(1) of the Act on foreigners of 13 June 2003 the minister in charge of internal affairs, acting in agreement with the minister in charge of foreign affairs, shall – by means of ordinance – specify detailed technical issues for issuing visas entitling the holder to enter the territory of the Republic of Poland (marking visa symbols, formats of the visa applications, sample of the visa blank forms). Therefore, pursuant to the latest Ordinance of the Minister of Interior and Administration of 22 April 2011 on visas for foreigners (Dz. U. of 16 May 2011, No 99, item 579) a Schengen visa or a national visa, excluding an airport transit visa, may be issued for the following reasons:

1. tourism;
2. visit;
3. participating in sport events;
4. carrying out economic activity;
5. carrying out work in a period not exceeding 6 months within consecutive 12 months, on the basis of an employer's declaration of the intention to commission work to a foreigner, registered in a poviast labour office;
6. working as a driver in international road transport;
7. carrying out work on the basis of documents other than employer's declaration of the intention to commission work to a foreigner, registered in the poviast labour office or a work other than that of an international road transport driver;
8. carrying out cultural activity or participating in conferences;
9. performing statutory functions by representatives of a foreign state authority or an international organisation;
10. studies (first or second degree) or uniform Master's degree studies or studies of third degree.
11. vocational training;
12. education or training other than defined in Points 10 and 11;
13. didactic purposes;
14. scientific research;
15. transit;
16. medical treatment;
17. executing a residence permit for a fixed period, the permit to settle or the residence permit for a long-term EC resident;

18. joining or accompanying a citizen of the European Union Member State, the European Free Trade Association (EFTA) Member State which is a party to the Agreement on the European Economic Area or the Swiss Confederation;
19. participating in cultural or educational exchange, humanitarian aid programmes or student summer employment programmes;
20. taking part in asylum proceedings (national visa only);
21. resettlement as a repatriate's closest family member (D 22 national visa only);
22. enjoying the rights conferred upon holders of the Card of the Pole (D 23 national visa only),
23. repatriation (D 24 national visa only);
24. temporary protection (national visa only);
25. arriving for humanitarian reasons, due to public interest or international obligations;
26. or some other reasons than those specified above.

Furthermore, pursuant to Article 48f of the Act on foreigners of 13 June 2003, having regard to the existing agreements or commonly accepted international customs and in agreement with the minister in charge of interior, the minister in charge of foreign affairs shall – by means of ordinance – lay down the principles for issuing visas and documents confirming the performance of the function of heads and members of diplomatic missions, and their family members. The latest Ordinance in this regard was published and entered into force on 4 April 2011<sup>29</sup>.

#### **2.4.2. The Card of the Pole**

The Card of the Pole [Karta Polaka] is a document confirming belonging to the Polish Nation of people living in the East and is issued to persons who declare Polish nationality and who fulfill the requirements set out in Article 2(1)(1) to (3)<sup>30</sup> of the Act of 7 September 2007 on the Card of the Pole. A foreigner who obtained the so-called the Card of the Pole in accordance with the applicable provisions may receive at no cost, *inter alia*, the long-stay visa (i.e. the so-called national visa) for multiple crossing of the border of the Republic of Poland and is entitled to take up employment on

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<sup>29</sup>Ordinance of the Minister of Foreign Affairs of 17 March 2011 on visas and documents confirming the performance of a function of heads and members of diplomatic missions, heads of staff members of consular offices of foreign countries as well as other persons who enjoy the same privileges and immunities pursuant to acts, agreements or customary international rules and also confirming the status of family members of these persons, which enables them to enter the territory of the Republic of Poland and stay therein replaced the previous Ordinance of 22 October 2009 on this matter.

<sup>30</sup>According to the above mentioned Act, in order to obtain the so-called Card of the Pole, it is required to prove one's affiliation to Poland through at least the basic knowledge of the Polish language and familiarity with and cultivation of Polish traditions and customs. The assessment of the level of knowledge of the Polish language and familiarity with and cultivation of Polish traditions and customs is performed by the consul during an interview with the applicant. In the presence of the consul of the Republic of Poland or a competent staff member of a non-governmental organization having legal personality and performing activities related to providing help for Polish nationals residing in the territory of a given country (according to Article 15(1) of the above mentioned Act), the foreigner submits a written declaration of his belonging to the Polish Nation, proves that at least one of his parents or grandparents or two of his great-grandparents were of Polish nationality or were Polish citizens, or presents a certificate issued by a Polish organization or an organization of the Polish community abroad established on the territory of one of the following countries: Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Republic of Estonia, Georgia, Republic of Kazakhstan, Kyrgyz Republic, Republic of Lithuania, Republic of Latvia, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Ukraine or Republic of Uzbekistan (such a person can also have the status of a stateless person in one of these countries), confirming his active involvement in promoting the Polish language and culture or in activities related to the Polish national minority for at least the last three years. The territorial scope of these provisions is limited to abovementioned states.

the territory of the Republic of Poland without the need to possess a work permit, should it be required. Furthermore, they obtain the right to carry out economic activity in Poland on the same conditions as those applicable to Polish citizens<sup>31</sup>. Even though obtaining the Card of the Pole is not equivalent to being granted Polish citizenship, the right to settle in the territory of the Republic of Poland or the right to cross Poland's border without the required visa, it significantly contributes to promoting migration flows to Poland, and facilitates taking the decision to possible immigration into the territory of Poland, take up employment and quickly integrate with the society of the host nation.

In line with the provisions of the Act on the Card of the Pole, a new type of national visa was introduced, which is issued in order to exercise the rights conferred upon the holders of the Card of the Pole (visa symbol D 23; new Article 28(3)(5) of the Act of 13 June 2003 on foreigners).

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<sup>31</sup> The remaining privileges conferred upon the third-country national being a holder of the Polish Charter include: the possibility of free access to the educational system in the territory of Poland; such a foreigner is entitled to receive, in cases of emergency, free healthcare services in Poland according to the same rules that apply to Polish citizens; to visit the national museums in Poland free of charge; to be given priority while applying for funds from the Polish State budget or from the budget of local governments of municipalities (gminy) in Poland allocated for supporting Polish citizens abroad.

## **Chapter 3 Practical implementation and organization of visa policy**

### **3.1 General procedure followed in the Stages of the Visa Procedure**

Third-country nationals may enter the territory of Poland provided that they hold one of the following documents:

- a uniform short-stay Schengen visa (type C), which entitles its holder to stay on the territory of Schengen States for up to 90 days during the 6-month period from the date of first entry<sup>32</sup>
- a long-stay Polish national visa (type D), which entitles its holder to stay within the territory of Poland (during one or several entries) for a total period of more than 90 days (minimum 91 days) during the 6-month period beginning from the date of the first entry
- a permit to reside in Poland
- a residence permit or a national visa issued by another Schengen State<sup>33</sup>
- or any other valid document entitling its holder to enter and stay in the territory of Poland, e.g. a permit to cross the border under the local border traffic regime issued pursuant to Article 24f(1) of the Act of 13 June 2003 on foreigners.

There are several types and many different kinds of visas that is permit to enter and stay in the territory of a given country issued by its authorities to a particular foreigner; different kinds of visas give a particular person varying range of rights. Generally, a visa is obtained prior to entering the territory of Poland, in one of the consulates of the Republic of Poland (or of another Schengen State authorised to issue such visas on the basis of an agreement on visa representation), and, if necessary, in the consulates of countries located on the transit routes to Poland.

On the basis of such documents foreigners may stay within the territory of Poland (national visas – type D) or the Schengen area (uniform visas – type C) for a time period defined in the visa (“duration of stay”, indicated by numbers) and in the visa validity period (“visa valid from... to...”, indicated by dates). A foreign national must leave Poland/Schengen area no later than on the last day (“valid until...”) on which the visa is valid (regardless of how many days of the “duration of stay” the foreigner has actually used).

#### **3.1.1. Applying for a visa**

The consular post of a given country is the authority responsible for receiving and submitting foreigners' applications for a visa entitling them to enter and stay on the territory of Poland. Such

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<sup>32</sup>The Schengen visa with limited territorial validity (type C valid only on the territory of Poland or with exclusion of a particular Schengen state(s)) entitles its holder to stay only on the territory of the state(s) for which it is valid.

<sup>33</sup> This list does not contain information about the airport transit visa (type A visa), because generally it is intended for third-country nationals travelling by plane from a third country to another third country when the flight involves landing at an airport located in the Schengen area (in this case on the territory of Poland), as well as when a given foreigner (1) does not intend to leave the international transit area of the airport and (2) is a citizen of Afghanistan, Bangladesh, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Sudan or Sri Lanka. The airport transit visa type A entitles the foreigner only to entry and stay in the international transit area of the airport (it does not entitle him to enter the Schengen area or to leave the international transit area of the airport).

applications are accepted and further examined by the consul or the competent staff member of the consular post or the consular unit within the embassy. Since 24 May 2010 only those forms of visa applications which are submitted electronically via the *e-konsulat* system (<https://secure.e-konsulat.gov.pl>) and which contain an appropriate bar code are accepted – this requirement applies to both individual applicants and travel agencies. The above mentioned website provides also general information about visas and passports, and a Polish citizen may use it in order to notify their individual departure abroad<sup>34</sup>. In any way, for a visa application to be accepted, one should present the following items (along with the correctly completed visa application):

- a travel document (valid for at least three months after the intended departure from the territory of Poland/Schengen area; containing at least 2 blank pages; issued during the past 10 years);
- 2 photographs (biometric or other, not older than 6 months, allowing the applicant to be identified);
- a visa fee in the amount indicated in the Ordinance of the Minister of Foreign Affairs of 14 August 2003 on consular fees<sup>35</sup> (the visa fee for examining an application for a uniform visa is 60 EUR; the fee is paid in euro in the cashier's window of the consular post)<sup>36</sup>;
- a health insurance with a minimum coverage of 30,000 EUR, valid throughout the Schengen area;
- supplementary documents, indicated individually by the consul (most frequently documents confirming the purpose of the visit, declaration of having a dwelling and sufficient means of subsistence to be able to enter, stay and depart from the territory of a Schengen State or Poland, or documents confirming readiness to leave the territory of Poland/Schengen States after the visa's expiry date)<sup>37</sup>.

The printed application, along with other documents, has to be submitted in an appropriate consular post at a date selected by the foreigner. It should be borne in mind that while receiving an application for a visa in the consulate, the consul or the competent staff member of the consulate may always require, after going through the documents attached thereto, the application to be supplemented with specified documents. Therefore, before starting to complete the application form (available in the *e-konsulat* system) and reserving a date of appointment in the Polish consular post, it is recommended to contact a given consular post directly in order to establish what kind of additional documents may be required in a given case.

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<sup>34</sup>This is meant to create an opportunity of contacting the Polish citizens staying abroad in case of the emergence of various crisis situations (e.g. the need to evacuate due to a natural disaster). A person declaring departure agrees to using the information contained in his declaration also in the context of organizing joint consular activities between Poland and other EU Member States.

<sup>35</sup>Dz.U. of 5 September 2003, No 156, item 1530 as amended.

<sup>36</sup>As of 1 January 2011, the decision of the Minister of Foreign Affairs waived the fees for examining an application for a national visa for citizens of Belarus who apply for visas in Poland's consular offices located on the territory of this country.

<sup>37</sup>It is relatively frequent that Polish consular posts, while examining an application for a national visa (type D), require the foreigner to present a personal invitation entered to the register of invitations by the voivode competent for the location of the intended stay of a particular foreigner on the territory of Poland. The legal basis for issuing such an invitation is contained in Article 16 of the Act of 13 June 2003 on foreigners.

Foreigners entering the territory of Poland may be generally divided into three categories, depending on their citizenship; each of these groups is governed by different conditions of entry into the territory of Poland, presented in the table below.

Table 1. List of countries whose citizens are allowed to enter the territory of Poland with or without a visa

<b>Third-country nationals, who do not need visas that entitled them to enter the territory of Poland within the period of 90 days:</b>		<b>Additional conditions of entry</b>
<p>On the basis of the Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as well as other agreements negotiated with UE</p>	<p>The citizens of the following countries may stay on the territory of Poland for a period of up to 90 days: Albania (only the holders of biometric passports), Andorra, Antigua and Barbuda, Argentina, Australia, the Bahamas, Barbados, Bosnia and Herzegovina (only the holders of biometric passports), Brazil, Brunei, Canada, Chile, Costa Rica, Croatia, El Salvador, Guatemala, Honduras, Hong Kong (Special Administrative Region of the People's Republic of China), Israel, Japan, Liechtenstein, Macedonia (only the holders of biometric passports), Macau (Special Administrative Region of the People's Republic of China), Malaysia, Mauritius, Mexico, Montenegro (only the holders of biometric passports), Nicaragua, Norway, New Zealand, Panama, Paraguay, Saint Kitts and Nevis, San Marino, Serbia (only the holders of biometric passports), Seychelles, Singapore, South Korea, Taiwan (only the holders of biometric passports containing the ID number), the United Kingdom of Great Britain and Northern Ireland, Uruguay, USA, Venezuela.</p> <p>As of 21 May 2005, in view of signing the European Agreement on the Abolition of Visas for Refugees (drafted in Strasbourg on 20 April 1959) by Poland, refugees lawfully resident in Ireland, Lichtenstein, Romania and Switzerland are exempt from the obligation to obtain visas for entering or leaving the territory of the Republic of Poland provided that they hold a valid travel document issued in accordance with the United Nations Convention Relating to the Status of Refugees of 28 July 1951 or the Agreement relating to the issue of a travel document to refugees of 15th October 1946, by the authorities of the Contracting Party in whose territory they are lawfully resident and that their visit is of not more than three months' duration.</p>	<p>Third-country nationals do not need any visa, provided that they do not stay in the Schengen area for a period longer than 90 days within next 6 months. Those foreigners need only a valid travel document (or any other document that confirm its citizenship and identity) when traveling in the Schengen area, which Poland joined on 21 December 2007. If a foreigner enters the territory of Poland in order to take up employment or any other kind of economic activity, or intends to stay in Poland for a period exceeding 90 days within 180 days, he is required to apply for a visa.</p>
<b>Third-country nationals, who do need visas that entitled them to enter the territory of Poland (not linked to the period of foreigner's stay):</b>		<b>Additional conditions of entry</b>
<p>On the basis of the Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as well as pursuant to lack of other agreements negotiated with UE</p>	<p>Other third-country nationals</p>	<p>Third-country nationals need to apply for a visa that will entitle them to enter the territory of Schengen zone. They are also obliged to hold a travel document valid for at least 90 days following the date of departure from the territory of the Schengen states.</p>

Source: Materials of the Ministry of Foreign Affairs

### **3.1.2. Visa application verification**

Further activities related to verifying the data contained in the visa application and issuing a positive decision are taken by the Polish consul or a competent staff member of the Polish consular post or the consular unit within the embassy in a third country (or any other country with which Poland

signed an agreement on visa representation). It should be noted that the consul competent in a given case is always the consul of the Schengen State which constitutes the principal destination of a particular foreigner's stay. Thus, if a foreigner plans to visit several Schengen States, the Polish consul is competent to examine his application only if the stay in Poland constitutes the principal objective of entry into the Schengen area or if Poland is the country in which a given foreign citizen intends to stay for the longest period of time.

A long-stay visa is issued after verifying whether a given applicant complies with the requirements for issuing a visa of a given category. In order to obtain such a permit, the foreigner, obviously apart from holding a valid travel document, needs to fulfil the following conditions:

1. Justify the purpose of visit and conditions of their intended stay, and in case of an application for a national visa, justify the necessity to stay in the territory of Poland for a period exceeding 90 days;

Justification of the purpose of foreigner's visit to the Schengen States, including Poland, needs to correspond to one of the reasons indicated in Article 26(1)(1) to (27) of the Act of 2003 on foreigners, i.e. – in case of short-stay Schengen visas – e.g. a visit (C 02), taking up different forms of employment (C 03–C 07), studying, receiving vocational training or conducting scientific research (C 10–C 14), medical treatment (C 16) as well as – in case of long-stay national visas – repatriation and resettlement as a repatriate's closest family member (D 24 and D 22 respectively), on account of being granted the Card of the Pole (D23) or for humanitarian reasons (D26).

Furthermore, it needs to be noted that in order to minimise the migratory risk, the visa consultations, i.e. the exchange of information on foreigners applying for a visa entitling them to enter the territory of Schengen States, including Poland, between different Member States and national Consulted Authorities (in the case of Poland these are: the Head of the Office for Foreigners, the Commander-in-Chief of the Border Guard, the Commander-in-Chief of the Police, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency and the minister in charge of foreign affairs), include a thorough verification of the justification of purpose and the conditions of the declared stay by means of various systems, e.g. by conducting interviews with the inviting persons/companies or checking the credibility of Polish economic operators and national institutions inviting foreign nationals.

2. Have at their disposal sufficient means of subsistence, both for the duration of their intended stay and for the return to their country of residence, or for the transit to a third country, into which they are certain to be admitted, or be in a position to acquire such means lawfully;

The foreigner may present an invitation registered by the competent voivode and entered into the register as a document confirming possessing sufficient means of subsistence for the duration of their intended stay and for the return to their country of residence. The invitation may be issued by: (1) a Polish citizen residing on the territory of the Republic of Poland and a citizen of the European Union Member State, the European Free State Association (EFTA) Member State which is a party to the Agreement on the European Economic Area or the Swiss Confederation and their family member, who reside on the territory of the Republic of Poland and hold the right to reside or to settle therein, (2) a foreign national residing legally and continuously on the territory of the Republic of Poland for at least 5 years immediately prior to issuing an invitation or holding a permission to settle or a long-term resident's EC residence permit or (3) a legal person or organisational unit without legal personality established in the territory of the Republic of Poland. Such an invitation should contain the personal data of the inviting and invited persons (first and last name(s), date and place of birth, citizenship, address of residence, telephone number, type, series and number of the identity card or

the company or its name, REGON number, address of the registered office and telephone number of the legal person or organisational unit without legal personality), a degree of relationship between the invited and inviting persons, a declaration of the inviting person to cover the costs related to the foreigner's stay, including the cost of accommodation and any medical treatment, the cost of return to the country of origin or residence or the cost of transit to a third country which will admit the foreigner, and the costs of removal from the territory of the Republic of Poland, as well as the address of the place of accommodation of the invited foreign national. Such a document shall also specify the period, for which the foreigner is being invited<sup>38</sup>.

3. May not figure on a list of persons who were refused the permission to enter;
4. May not be considered a person likely to violate public policy, security or international relations of one of the Schengen States.

The visa verification process also includes visa consultations organised by the Visa Consultation Unit in the Office for Foreigners, which performs the tasks imposed upon the Head of the Office for Foreigners as a Central Visa Authority by Article 33, Article 34, Article 34a and Article 46 of the Act of 13 June 2003 on foreigners. The information on foreigners applying for a visa entitling them to enter the territory of Schengen States exchanged between particular Member States and the national Consulted Authorities are related to checks performed in accordance with Article 30(1) of the Act of 13 June 2003 on foreigners in order to determine whether a person applying for a Schengen visa or national visa *is not considered a threat to State security or defence or public security or policy or to the national interests of the Republic of Poland* and whether the purpose and conditions of intended stay have been justified. According to the above mentioned Act, the information about persons applying for a short-stay Schengen visa may be handed over to all Member States as well as the Commander-in-Chief of the Border Guard, the Commander-in-Chief of the Police, the Head of the Internal Security Agency, the Head of the Intelligence Agency and to the minister in charge of foreign affairs.

Data on persons applying for a national visa are consulted only by the Polish Consulted Authorities. In cases that do not require additional checks, visa consultations should be completed within 10 days, respecting the 15-day deadline for the visa authority to render a decision.<sup>39</sup>

### **3.1.3. Foreigners` entry, stay and departure**

In accordance with national and Community legislation the fact that a visa has been granted does not guarantee its holder an unconditional right to enter the territory of Poland and should be regarded merely as a preliminary decision which ultimately needs to be verified by the Border Guard officers while crossing the Polish border. Pursuant to the Act of 13 June 2003 on foreigners, a foreigner may cross the border of the Republic of Poland and stay in its territory if he holds a valid travel document and a valid visa, should the latter be required. Furthermore, a foreigner entering the territory of the Republic of Poland on the basis of a national visa should:

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<sup>38</sup>If a foreigner is unable to produce e.g. an invitation registered with the competent voivode or entered into the invitation register, he/she may be required to present other documents such as those confirming his income, intention to return to his country of origin (e.g. an air or rail ticket), the accommodation in Poland (hotel reservation, stay in the place of residence of Polish citizens) and additional documents, apart from travel documents, confirming his identity (e.g. an ID, an electricity bill, on which the personal data of a foreigner are indicated).

<sup>39</sup> In the first half of 2011, the Central Visa Authority received 11,805 cases for consultation (in the same period of the previous year – 12,940, which is a decrease by approximately 9%).

1. justify the purpose and conditions of their intended stay,
2. hold and produce on request of the Border Guard officer:
  - a proof of being covered by health insurance in the meaning of the provisions on healthcare services financed from public funds, or a proof of being covered by travel medical insurance for the minimum amount of 30,000 EUR, valid for the entire duration of the intended stay in the territory of the Republic of Poland, covering all expenses which might occur during his stay in this territory due to the need of return for medical reasons, the need for urgent medical assistance, emergency hospital treatment or death, in which the insurer undertakes to reimburse the health service provider directly for the costs of medical services provided for the insured, based on the invoice issued by this provider (the requirement of being covered by medical insurance may be regarded as fulfilled when the foreigner is covered by appropriate insurance related to his professional status),
  - sufficient means of subsistence for the duration of the intended stay or for the return to the country of origin or residence or for the transit to a third country, into which he is certain to be admitted, or a proof that he is in a position to acquire such means lawfully,
  - a permit to enter another country or stay in another country, if such permits are required in the case of transit.

At this point it should be noted that the obligation to present a proof of possessing means of subsistence or proof of being in a position to acquire such means lawfully does not apply to foreigners who cross the border on a visa issued for the purpose to carrying out work.

Documentary checks concerning the purpose and conditions of intended stay and means of subsistence are performed by the Border Guard officer when the foreigner crosses the border. With regard to entry and short-term/long-term stay in the territory of Poland, the provisions of the above mentioned Schengen Borders Code and the provisions of the Act of 13 June 2003 on foreigners are applicable. The conditions of performing border controls including the forms of border control and the ways of carrying it out are established in the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

As in the first half of 2010, the analysis of the information held by the Border Guard Headquarters confirms that foreigners coming from high migration risk countries (Bangladesh, India, Nepal, Pakistan, Egypt, Tunisia) tend to show strong interest in coming to Poland, mainly in order to take up employment and for educational purposes. Such foreigners submit the necessary documents, e.g. work permits and letters of approval issued by schools, for the purposes of visa proceedings, however, later on after the checks performed by the Border Guard officer it frequently turns out that the declared purpose of their journey is only a pretext to enter the territory of Poland and to migrate further to a different Schengen State. Visa consultation tasks carried out during the last few years show the emergence of completely new phenomena. One of them is the occurrence in Poland of intermediaries recruiting workers, primarily from Asia, and the resulting irregularities. Such irregularities are often related to the employee recruitment procedure applied by companies whose activities raise concerns of numerous Polish institutions. On many occasions the foreigners are selected owing to their various connections, e.g. with the employer, and not on the basis of their professional qualifications. In light of the deepening population decline in Poland, for many schools (mainly private) the only criterion for enrolling a student is his ability to pay the tuition fee, without the need to specify the reasons for choosing a particular course of study or different kinds of courses.

**Refusal of entry**

If the foreigner does not fulfill the conditions for entry, the decision to refuse entry into the territory of the Republic of Poland is issued by the commanding officer of the Border Guard post. The foreigner has the right to appeal against the decision of the commanding officer of the Border Guard post to the Commander-in-Chief of the Border Guard. The decision to refuse entry into the territory of the Republic of Poland is made immediately enforceable.

**Control of the legality of the foreigners' stay in the territory of Poland**

Pursuant to the Act of 2003 on foreigners (Article 85), the competent authorities of the Border Guard and the Police are responsible for controlling the legality of the foreigners' stay in the territory of the Republic of Poland. Insofar as this is necessary to conduct proceedings with regard to foreigners, the above mentioned competences are also given to the Head of the Office for Foreigners and to voivodes. Controls of the legality of stay may be also performed by the Customs Service authorities.

Upon request of the competent authorities the foreigner is obliged to present:

- documents and permits entitling him to stay in the territory of the Republic of Poland,
- the means of subsistence for the duration of the intended stay and for the return to his country of origin or for transit or a proof that he is in a position to acquire such means lawfully,
- documents entitling him to take up employment, conduct economic activity and perform the job offered.

**Cancellation and revocation of a national/Schengen visa**

A national visa shall be cancelled if at the time of its issuing circumstances arose that justified the refusal. If the circumstances justifying the refusal to issue a national visa, with the exception of the situation when data on the foreigner were included in the SIS, materialized after the visa was issued, such a national visa shall be revoked.

A national visa may be revoked upon request of its holder. The conditions for cancelling/revoking Schengen visas are specified in the provisions of the Community Code on Visas.

A national/Schengen visa shall be cancelled or revoked by means of a decision issued by the consul, the commanding officer of the Border Guard post, the Chief of the Border Guard Unit or the minister in charge of foreign affairs with regard to diplomatic and service visas.

The decision to cancel or revoke a national/Schengen visa issued by the commanding officer of the Border Guard post or the Chief of the Border Guard Unit can be appealed against to the Commander-in-Chief of the Border Guard. The above mentioned decisions are immediately enforceable.

A national visa may also be cancelled by virtue of law – in the case when the foreigner is subject to a decision on expulsion or to an obligation to leave the territory of Poland. Decisions to cancel and revoke a national/Schengen visa may be taken both in the country and abroad.

**Removing foreigners and obliging them to leave the territory of the Republic of Poland**

A foreigner who no longer complies with the conditions of entry and stay in the territory of the Republic of Poland is issued a decision on expulsion from this territory. The expulsion decision is issued *ex officio* or upon request of the Minister for Defence, the Head of the Internal Security Agency, the Head of the Intelligence Agency, the Commander-in-Chief of the Border Guard, the

Commander-in-Chief of the Police, the Chief of the Border Guard Unit, the voivodeship Police Chief, the commanding officer of the Border Guard post or the Customs Service authority, by the voivode competent for the foreigner's place of stay or the place of disclosing the fact or the event which formed the basis for submitting application request for the foreigner's expulsion.

In certain cases a decision imposing an obligation to leave the territory of Poland (within 7 days) may be taken, if the circumstances of the case indicate that the foreigner will voluntarily comply with this obligation. The decision on imposing an obligation to leave the territory of the Republic of Poland is issued by the Voivodeship Police Commander, the Poviast (municipal) Police Commander, the Chief of the Border Guard Unit or the commanding officer of the Border Guard post.

A foreigner has the right to appeal against the expulsion decision to the Head of the Office for Foreigners, and against the decision imposing an obligation to leave the territory of Poland – to the competent voivode.

## **3.2 Visa issuance for the purpose of legal immigration**

### **3.2.1. National Visa Practices for admission of third country nationals**

As stipulated in Article 13(1) of the Act of 2003 on foreigners, a foreigner may cross the border and stay in the territory of Poland if, in addition to a valid travel document, he holds a valid visa (a short-term or long-term visa) or another valid document entitling him to enter this territory and stay therein or a permit to enter another country (in this case also e.g. a visa/residence permit issued to a third-country national in another EU Member State). A foreigner may apply for issuing a residence permit in Poland for a period longer than 90 days within next consecutive 6 months (so: a long-term visa, a residence permit for a fixed period, a permit to settle or a long-term EC resident's residence permit) from abroad or during his / her stay on the territory of Poland. Pursuant to Article 62(1) of the Act of 2003 on foreigners the decision to grant a residence permit for a fixed period (or any other residence permit mentioned above) is issued by the voivode competent for the place of foreigner's intended stay in the territory of Poland. Place of submitting of the foreigner's application to reside on the territory of Poland for a period longer than 90 days as well as the country where a foreigner expects the decision or the document that confirms the decision issued influence on a practice regarding visa issuance. The abovementioned causes that in the case of Poland, with some exceptions, all four scenarios described below are applicable. However, one should remember that each of the four scenarios itself is describing fragmented reality with this regards. So:

1. Scenario 1: Holding a visa constitutes a prerequisite for issuing a residence permit (an application for a residence permit is submitted only in the country of origin)

This scenario is applicable only if a foreigner residing abroad submits his application for a residence permit through a consul. The consul attaches the information on whether the entry and stay of a given foreigner in the territory of the Republic of Poland poses a threat to state security or defense or public security or policy to the application for a residence permit for a fixed period.<sup>40</sup> The decision regarding residence permit in Poland foreigner receives being already therein, in a voivode competent

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<sup>40</sup>Before issuing a decision on granting a residence permit for a fixed period, the competent voivode requests the Chief of the Border Guard Unit, the Voivodeship Police Commander, the Head of the Internal Security Agency, and, if necessary, the consul competent for the last place of residence of the foreigner abroad or other relevant authorities to provide information on whether the foreigner's entry and stay in the territory of the Republic of Poland poses a threat to the State security or defense or public security or policy.

for the place of foreigner's intended stay in the territory of Poland. In this case he/she is obliged to possess a visa entitling to enter the territory of Poland.

2. Scenario 2: Holding a visa constitutes a prerequisite for issuing a residence permit (an application for a residence permit is submitted only in the country of intended stay)

In this case a foreigner is obliged to submit an application to be granted a visa that entitles his / her to enter to the territory of Poland. The abovementioned application is submitted in the consular post located in the country of origin. After being granted a positive decision on visa application and entering Poland a foreigner submits an application to be granted a residence permit. This document should be submitted in the voivod competent for the place of foreigner's intended stay in the territory of Poland.

3. Scenario 3: Application for a residence permit is submitted in the foreigner's country of origin

This scenario takes place when a foreigner submits and receives an application for a residence permit for a fixed period (or any other residence permit) in his country of origin. On this basis after being granted a positive decision on residence permit a foreigner is obliged to arrive to Poland with the aim to submit an application on the so called residence card issuance. This card confirm a foreigner's identity during his / her stay in Poland and allow, altogether with a travel document, to multiple crossings of the border without the necessity to be issued a visa. In this situation and due to the Article 26(17) of the Act of 2003 on foreigners he / she can enter the territory of Poland on the ground of the national or Schengen visa issued with in order to execute a residence permit. Nonetheless, issuing the visa is not a prerequisite to be granted a residence permit in Poland.

4. Scenario 4: The visa is a residence title in itself (applicable for visas issued for a period longer than 90 days when any other document is needed)

Situation described in the last scenario is applicable when a foreigner intends to stay in Poland for a period longer than 90 days on the ground of the long-term visa (visa national) but without the intention to apply for a long-term residence permit. Under this circumstances the national visa granted to a foreigner on the basis of Article 26 of the Act of 2003 on foreigners altogether with a travel document state his / her legal basis for regular stay in Poland. Due to different reasons why visa may be issued for (e.g. taking up employment, studying) a foreigner is obliged to present to the Polish consular post or consular unit within the Polish embassy any additional documents confirming foreigner's intention to stay in the territory of Poland for a period longer than 90 days within 6 months.

Two unique solutions facilitating entry and stay in the territory of Poland are significant from the Polish perspective. They include the so-called repatriation visa and a visa issued in order to exercise the rights conferred upon the holders of the Card of the Pole and the permit to cross the border under the local border traffic regime:

1. A repatriation visa (national visa D 24 and D 22) is issued pursuant to the provisions of the Act on foreigners and the Act of 9 November 2000 on repatriation. As stipulated in Article 1(2) of the above mentioned Act, a repatriate is a person of Polish descent, who entered Poland on a national visa in order to repatriate with an intention to settle in Poland permanently.
2. A visa issued in order to exercise the rights conferred upon the holders of the Card of the Pole (national visa D 23) is issued pursuant to the provisions of the Act of 7 September 2007 on the Card of the Pole. The visa entitles the foreigner to obtain a free-of-charge long-stay

visa allowing for multiple entries into the Republic of Poland; the foreigner may take up legal employment in the territory of the Republic of Poland without the obligation to hold a work permit; he may conduct economic activity in Poland according to the same rules as those applicable to Polish citizens; he is entitled to free access to the educational system in Poland; in cases of emergency he is entitled to receive free healthcare services in Poland according to the same rules as those applicable to Polish citizens<sup>41</sup>; he may visit national museums in Poland free of charge; he is entitled to be given priority when applying for funds from the Polish State budget or from the budget of the local governments of municipalities (gminy) in Poland allocated for supporting Polish nationals.

The Card of the Pole does not entitle its holder to cross the border or to settle within the territory of the Republic of Poland; it is issued for the period of 10 years and expires when the foreigner is granted Polish citizenship or receives a permit to settle down within the territory of the Republic of Poland.

3. The permit to cross the border under the local border traffic regime based on the local border traffic agreements concluded by Poland with Ukraine, Belarus (not ratified by Belarus) and Russia (applies to the Kaliningrad Oblast, not entered into force yet) may be issued to the inhabitants of the border area, however does not entitle its holder to move outside the border area, and each violation of the local border traffic rules is subject to sanctions provided for in the national legislation of both countries (i.a. cancellation of the permit, a fine, expulsion). In order to obtain the permit to cross the border under the local traffic regime with Ukraine it is necessary to provide the competent authorities with a completed application form, a valid passport and a proof of having a place of permanent residence in the border area, as well as any documents proving the existence of justified grounds for frequent crossing of the border between Poland and Ukraine. The applicant is required to attach 2 colour photographs showing his/her current appearance, 35 x 45 mm in size, presenting a person from the top of the head to the upper part of the arms, without a headgear or dark glasses.

### **3.2.2. Challenges and success factors for facilitating legal immigration**

The cooperation between the EU Member States in the field of visas undoubtedly constitutes an important factor facilitating legal migration of third-country nationals into Poland. It can take the following forms:

1. applying the same requirements and procedures established under the Schengen Convention, and as of 5 April 2010 under the Community Code on Visas, to short-stay visas,
2. carrying out consultations via the Central Visa Authority with authorities from other countries, which reserved such rights with regard to certain categories of persons applying for a visa,
3. exchange of information and statistical data on immigration risk assessment with consuls of other Schengen States in the framework of the so-called local Schengen cooperation,
4. negotiations and agreements on visa representation concluded with other EU Member States and allocation of consuls from other EU Member States to work in Polish consular posts. The benefits include the possibility of issuing visas to foreigners travelling to Poland

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<sup>41</sup> This exempts them from the requirement to be covered by the health insurance valid on the territory of Poland.

from countries where Poland does not have its own consular posts (e.g. in Africa). The relevant agreements in this respect have been recently signed for example with Estonia on 22 January 2010 ("Monitor Polski" of 2 April 2010, No 18, item 191), with the Netherlands on 11 January 2010 ("Monitor Polski" of 5 August 2010, No 54, item 730) and with Sweden on 3 March 2010 ("Monitor Polski" of 14 July 2010, No 49, item 657).

As regards Poland's cooperation in bilateral dimension, the cooperation with the Eastern Partnership countries and with the citizens of the Western Balkans region is of particular importance. The Eastern Partnership programme adopted on the initiative of Poland and Sweden provides for the gradual opening of the EU borders for citizens of these countries on the basis of concluded agreements on *mobility and security*, which guarantee them a privileged position in access to the labour market, and the prospect of dialogue on the visa-free travel regime.

With regard to bilateral relations with the eastern neighbours, the following measures aimed at facilitating the movement of persons are taken:

1. Concluding and implementing agreements on local border traffic,
2. Applying all solutions aimed at facilitating arrivals provided under the Schengen regulations.

In this context it is worth mentioning the agreements on facilitating the issuance of visas signed by the EU or the Republic of Poland with selected third countries. The provisions of the agreements indicated below further regulate the conditions of visa issuing and introduce solutions which frequently serve to liberalise the general terms and conditions of issuing visas to third-country nationals.

Table 2. List of visa liberalization agreements

<b>Albania</b>	<a href="#">Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas</a>
<b>Belarus</b>	Agreement between Poland and Belarus on the local border traffic ( <i>signed by Poland, but did not enter into force yet</i> )
<b>Bosna and Herzegovina</b>	<a href="#">Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas</a>
<b>Montenegro</b>	<a href="#">Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas</a>
<b>Russian Federation</b>	<a href="#">Agreement between the European Community and the Russian Federation regarding facilitation in issuing visa to the citizens of the European Union and the Russian Federation</a> (text in Polish) <a href="#">Agreement between the Republic of Poland and the Russian Federation regarding travel conditions of the citizens of the Republic of Poland and the Russian Federation</a> (text in Polish) <a href="#">Agreement between the Republic of Poland and the Russian Federation on the local border traffic conditions and the list of administrative entities located in the border zone</a> (text in Polish) Agreement between Poland and Russia on the local border traffic ( <i>signed, but did not enter into force yet</i> )
<b>Macedonia</b>	<a href="#">Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas</a>
<b>Moldova</b>	<a href="#">Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas</a>

<b>Serbia</b>	<a href="#">Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas</a> Since 1 January 2009 citizens of Serbia may travel through the Schengen zone without visa
<b>Ukraine</b>	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the travel conditions of their nationals, signed on 30 July 2003 <sup>42</sup> Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the travel conditions of their nationals <a href="#">Agreement between the European Community and Ukraine on the facilitation of the issuance of visas</a> <a href="#">Agreement between Poland and Ukraine on the local border traffic</a> (in Polish) <a href="#">Index of administrative division units included into the local border zone</a> <a href="#">Protocol amending the agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on local border traffic</a>

Source: Materials of the Ministry of Foreign Affairs

It still seems that the main challenge faced by the Polish visa policy is to change the image of Poland in the international arena, so as to make it attractive for migrants. However, due to the geopolitical location of Poland (in the neighborhood of countries quite attractive to migrants, such as Germany, France or Scandinavian countries) and, more importantly, due to its unattractive labour market (significant level of unemployment, low wages, frequent requirement of knowing the Polish language), the highly qualified economic migrants prefer other Western European countries to Poland as their destination country. For the same reason, the labour market shortages in sectors requiring little specialization are usually supplemented with low-skilled workers from Ukraine, Belarus, Russia, Moldova and Georgia (pursuant to Article 26(1)(5) they may apply for a visa for the purpose of performing work in a period not exceeding 6 months within consecutive 12 months on the basis of an employer's declaration of the intention to employ them, registered in a poviata labour office).

Fees to issue visas seem to be another decisive factor which negatively affects the scale of legal migration to Poland from its eastern neighbours. The necessity to introduce visa fees after 2003, especially for the citizens of Belarus, Ukraine and Russia, resulted in a temporary drop in the number of people crossing the Polish border on this basis.

The visa prices in the consular post are established in the Ordinance of the Minister of Foreign Affairs of 14 August 2003 on consular fees (Dz. U. of 5 September 2003, No 156, item 1530). According to the above mentioned Ordinance, the consular fee comprises the basic fee and the lump-sum for expenses incurred by the consular post with regard to the performance of consular action (about 20 % of the basic fee rounded up to full units).

Table 3. Quotas to be paid for acceptance and examination of a visa application

Acceptance and examination of an application for a Schengen airport transit visa	50 EUR
Acceptance and examination of an application for a Schengen visa	50 EUR

<sup>42</sup> Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the travel conditions of their nationals that was signed on 30 July 2003 in Kyiv includes resolutions regarding visa-free travel of Polish citizens to the territory of Ukraine and the free of charge mode of issuing visa to the citizens of Ukraine travelling to Poland.

for single, double or multiple entries	
Acceptance and examination of an application for a national visa for single, double or multiple entries	50 EUR
Acceptance and examination of an application for a permit to cross the border under local border traffic rules	16 EUR
Acceptance and examination of a request for re-examination of an application for a Schengen or national visa	50 EUR

Source: *Materials of the Ministry of Foreign Affairs*

However, as has already been mentioned, as of 1 January 2011 the citizens of Belarus applying for a national visa in a consular post in the territory of Belarus have been exempted from the obligation to pay the consular fee. Earlier, in June 2009, a similar exemption was made for the citizens of Ukraine; the 35 EUR fee for examining a visa application is still applicable.

At the same time, Article 7 of the Act of 9 April 2010 amending the Act on foreigners and certain other acts<sup>43</sup> amends Part III of the Annex to the Act of 16 November 2006 on stamp duty in paragraph 6 and 7 (Dz. U. of 8 December 2006, No 225, item 1635, as amended). On this basis the cost of a visa issued by the commanding officer of the Border Guard post is established, for example for children between 6 and 12 years of age – the equivalent of 35 EUR, and in cases other than a visa for a family member of a citizen of the European Union Member State, the European Free Trade Association (EFTA) Member State which is a party to the Agreement on European Economic Area or the Swiss Confederation, who joins him or resides with him; a visa for a foreigner enjoying temporary protection; a visa for a foreigner under 6 years of age; a visa for students, university students, postgraduate students and teachers accompanying them, who travel for the purposes of education, studying or receiving training; visas for scientists arriving in order to conduct scientific research; or visas for representatives of non-profit organizations up to 25 years of age taking part in seminars, conferences and sports, cultural and educational events organized by non-profit organizations – the equivalent of 60 EUR, and in the case of extending a Schengen visa in circumstances referred to in Article 33(1) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, but for a period not exceeding 90 days – the equivalent of 30 EUR or 406 PLN for a national visa.

### 3.3 Visa procedures for the purpose of preventing illegal migration

#### **3.3.1. Prevention of illegal migration during visa issuing and monitoring process**

The requirement to have a short-stay or long-stay visa became the first of two major barriers preventing illegal entry into the territory of the immigration country. The limited efficiency of the visa “barrier” may significantly reduce the efficiency of another element preventing illegal migration, i.e. border control at external EU/Schengen borders. The cases of obtaining visas under false pretences (for the purpose of tourism, study or running economic activity) identified by the Polish Border Guard and border guards of other EU Member States prove that there is a significant risk of such practices for the Polish consular posts. The situation of a foreigner, who obtained a visa for entry into the territory of Poland and other countries of the Schengen area, is monitored by means of border control of the documents held by the foreigner, including the travel document and other documents entitling to cross the border of the Republic of Poland.

<sup>43</sup>Dz. U. of 14 May 2010, No 81, item 531.

Since crossing the external Polish border is related to the right of free movement within the EU area, border controls must ensure the highest possible security level and prevent entry of people or goods that are undesirable or dangerous. At the same time it must not disrupt the legal border crossing of persons or legal international trade. The Border Guard is responsible for border traffic control and security control pursuant to the Act of 12 October 1990 on the Border Guard, the Act of 12 October 1990 on the protection of state borders and the Schengen Borders Code. The Border Guard's preparedness to perform this task, the procedures applied and their effectiveness were positively evaluated by the European Union experts already during evaluation missions by SchEval preceding the accession of Poland to the Schengen area.

In exceptional circumstances, border controls at internal borders may be reintroduced. Such measures will be implemented in line with the Schengen Border Code which allows for temporary reintroduction of border control at internal borders, when specific conditions are met. The reintroduction of control will take the form of an ordinance, which, as a commonly binding act, is published in the Journal of Laws [*Dziennik Ustaw*]. The competences in this regard belong to the minister in charge of internal affairs.

The tools to control migration situation in terms of issued documents entitling to enter and stay in the territory of Poland include autonomous monitoring systems existing in Poland.

Illegal migration is monitored mainly by the Border Guard. This task stems from the role performed by this service in the Polish system of law enforcement authorities. Effective monitoring of illegal migration requires also cooperation with other services, including the Police and the National Labour Inspectorate (on such issues as controlling the legality of employment of foreigners). To monitor illegal migration, the Border Guard uses the possibility of conducting the migration reconnaissance. In this respect, the following competences of the Border Guard are particularly useful:

- community interviews;
- establishing the place of residence of a spouse or some other family member of a foreigner, or of a person who is in a family relationship with the foreigner,
- checking the premises which a foreigner indicated as his/her place of residence.

The actions taken by the Border Guard officers are carried out in order to reveal, prevent and combat phenomena associated with violation of the provisions on entry and stay of foreigners in the territory of the Republic of Poland. For those actions to be efficient, the Border Guard must develop its cooperation with other institutions in disclosing cases of illegal stay of foreigners. The institutions and entities of particular significance in this regard include rectors of higher education institutions as well as headmasters of schools attended by foreigners. The ongoing cooperation with directors of detention centres and of prisons where foreigners are incarcerated, as well as with directors of institutions for minors, is equally important.

Effective cooperation with voivodeship offices is also necessary to obtain and verify information on the stay of third-country nationals in the territory of a given voivodeship. The introduction of this solution will enable the authorities to plan and conduct control activities with respect to foreigners more effectively, as well as to counteract unwelcome practices, such as marriages of convenience or fake enrolment at higher educational institutions, which often serve foreigners only as a means of legalising their stay.

The Border Guard also uses information provided by border/immigration services and the Police of other EU Member States within the framework of cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the

European Union (FRONTEX), INTERPOL and EUROPOL, and the working groups operating at the EU level. It is also necessary to establish good cooperation with and obtain information from border/immigration services and the Police in other countries, in particular the third countries neighbouring Poland.

The monitoring system comprises also the appropriate cooperation and exchange of information with consular services of the Republic of Poland, operating in illegal migrants' countries of origin, and with diplomatic services of those countries.

Furthermore, the Head of the Office for Foreigners, pursuant to Article 125(3) of the Act of 2003 on foreigners, runs the register of foreigners, whose stay on the territory of the Republic of Poland is undesirable, in order to prevent the entry of foreigners with regard to whom the circumstances referred to in Article 128(1) of the Act on foreigners occur. The *Pobyt* System includes a *Wykaz* [Register] module, the data from which is exported to systems of other institutions, i.e. the Border Guard, the Police, the Ministry of Interior, or made available to authorised users of the *Pobyt* System, e.g. in voivodeship offices. The information from the *Wykaz* module is used for such purposes as border control, control of the legality of stay, issuing decisions on e.g. refusal of entry or all decisions related to legalization of stay, and issuing visas.

Moreover, in accordance with Article 134a of the Act on foreigners, the data of foreigners, excluding the data on citizens of the European Union Member States, the European Free Trade Association (EFTA) Member States which are parties to the Agreement on the European Economic Area or the Swiss Confederation, is stored in the register and submitted to the Schengen Information System for the purpose of refusal of entry for the period when they are stored in the register.

The administration authorities and courts which have the information about the circumstances referred to in Article 128(1) of the Act on foreigners, which are the basis for entering the data on foreigners into the register of foreigners, whose stay on the territory of the Republic of Poland is undesirable, have the obligation to provide the information to the Head of the Office for Foreigners, in line with Article 130(1) to (4) of the Act on foreigners.

The data on foreigners, processed in the register of foreigners, whose stay on the territory of the Republic of Poland is undesirable, is made available to the following authorities: the Police, the Border Guard, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the Minister of National Defence, the minister in charge of public finance, the minister in charge of internal affairs, the minister in charge of foreign affairs, the Refugee Council, courts and administrative courts, prosecutors, voivodes, consuls, the Chief of the Military Intelligence Service, the Head of the Military Counterintelligence Service and the Military Gendarmerie Commanding Officer. Information on the legal and factual grounds for entry of the data on foreigners into the register is made available to the above authorities, except for (pursuant to Article 133(5) of the Act on foreigners) voivodes and consuls.

### **3.3.2. Prevention of illegal migration through other measures**

Other measures aimed at preventing illegal migration include the control of legality of employment and stay of foreigners, sanctions for foreigners whose stay is illegal and for other entities involved in facilitating illegal migration, including human smuggling and trafficking, as well as the preparation of information about the migrants' countries of origin.

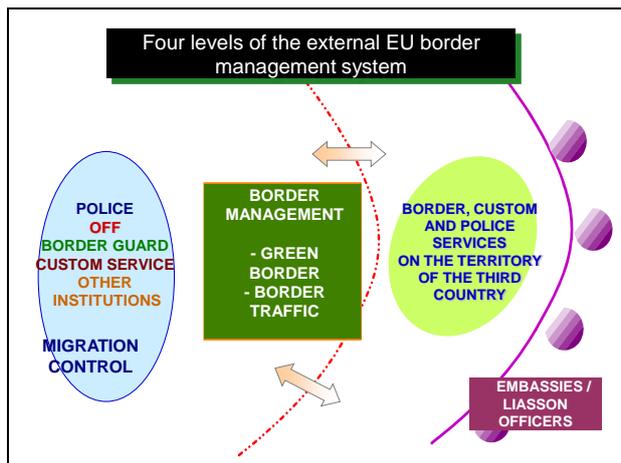
#### **Control of the legality of employment and stay**

The border protection system of the Republic of Poland is based on cooperation between all Polish border services, with a special role performed by the Border Guard. Given the membership of Poland

of the European Union (as of 1 May 2004) and in the Schengen area (as of 21 December 2007), the effectiveness of the system has a direct impact on the security of not only Poland, but also all other EU Member States.

The Polish border protection system is adapted to the four-tier external EU border security management system, used also in other EU Member States. The model was devised in 2002 for the purposes of external EU border management system and includes four complementary border protection areas:

- 1) visa system (consultations within and between EU Member States) and the use of (police and immigration) liaison officers;
- 2) cooperation with third countries (especially neighbouring countries) in preventing illegal migration and threats to the border;
- 3) protection of state border and border traffic control performed by border and immigration services, customs services and other;
- 4) immigration controls (legality of stay, work and employment of foreigners) in the territory of a Member State by border and immigration services and/or other competent services and institutions (the Police, services controlling the legality of employment).



Rys. 1. The four levels of the external EU border management system (Source: Polish Border Guard materials)

The adjustment of the Polish services to function in this system entails not only transposing legal and organizational regulations, but also requires effective cooperation and adequate operational capacity of all Polish border services, in particular the Border Guard. Besides the protection of state borders and performance of border controls, the main tasks of the Border Guard include preventing and combating illegal migration (controlling the legality of stay, work and employment of foreigners in Poland).

Following the entry into force of the Act of 24 October 2008 amending the Act on foreigners and certain other acts<sup>44</sup> on 1 January 2009, the Border Guard is gradually becoming an immigration service, responsible for combating illegal migration. This is accomplished primarily by means of controls of the legality of entry and stay of foreigners in the territory of the Republic of Poland, and controls of the legality of work performed by foreigners, economic activity conducted by foreigners, commissioning work to foreigners, and employing foreigners. The Border Guard performs the above

<sup>44</sup>Dz. U. [Journal of Laws] of 5 December 2008, No 216, item 1367.

activities in close cooperation with the National Labour Inspectorate which performs those tasks as of 1 July 2007, pursuant to the Act of 13 April 2007 on the National Labour Inspectorate.<sup>45</sup> As regards legality of employment and work of foreigners, the National Labour Inspectorate controls in particular whether the foreigners possess a valid visa or other document authorising them to stay in the territory of Poland, verifies the appropriateness of the grounds for stay which entitle the foreigner to work on the territory of Poland, the required work permit, commissioning work to a foreigner and performance of work by the foreigner at the position and on terms specified in the work permit, realization of obligation to conclude written employment contracts with a foreigner and with a citizen of Ukraine, Russia, Belarus, Moldova or Georgia working pursuant to the employer's declaration confirming the intention to commission work to a foreigner (in a period of 6 months within consecutive 12 months), registration of a foreigner for the purpose of social insurance and the payment of the Labour Fund contributions for a foreigner.

The rules governing cooperation between those two institutions were laid down on 18 April 2008 in the Agreement of the Chief Labour Inspector and the Commander-in-Chief of the Border Guard on rules of cooperation between the National Labour Inspectorate and the Border Guard. The Agreement obliges these authorities to exchange information about violations of regulations concerning foreigners, including the cases of illegal employment of foreigners, and to carry out joint controls when performing statutory controls of compliance with regulations on foreigners and controls at the request of the cooperating authority.

Apart from inspection and supervisory activities, the National Labour Inspectorate also carries out preventive activities to eliminate illegal employment of foreigners. Such activities include in particular providing legal advice on legality of employment (e.g. information meeting for foreigners) and cooperation with diplomatic posts of other countries whose citizens take up employment in Poland (e.g. Ukraine, Philippines).

**Sanctions for foreigners whose stay is illegal and for other entities involved in facilitating illegal migration (such as employment agencies, entities inviting foreigners)**

Due to a growing influx of temporary economic migrants to Poland and numerous irregularities concerning, *inter alia*, the legality of employment of foreigners (e.g. foreigners being employed by a different employer than the one indicated in the work permit, failure to observe the statutory requirements of commissioning work to foreigners by employing them on a different position than specified in the permit and the conclusion of less favourable contracts than specified in the permit, usually civil-law contracts instead of employment contracts), the controls were intensified, among others in employment agencies recruiting foreigners to work in Poland, notably in temporary work agencies. The carriers and entities facilitating entry of foreigners into the territory of Poland are controlled on an ongoing basis, for example by registering invitations for third-country nationals at the voivodeship offices. The above entities are subject to criminal liability (Articles 264 and 264a of the Act of 6 June 1997 – Penal Code stipulate that (Article 264 § 2) whoever crosses the border of the Republic of Poland in violation of the relevant regulations, with the use of violence, threats or deceit or in co-operation with other persons shall be subject to the penalty of deprivation of liberty for up to 3 years; (§ 3) whoever organises the crossing of the border of the Republic of Poland for other persons, in violation of the relevant regulations shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years; and (Article 264a.§ 1) whoever, in order to obtain financial or personal gain, allows for or facilitates the other person's stay on the territory of the Republic of Poland in violation of the relevant regulations shall be subject to the penalty of

<sup>45</sup>Dz. U. of 21 May 2007, No 89, item 589, as amended.

deprivation of liberty for a term of between 3 months and 5 years. Furthermore, Article 49a of the Act of 20 May 1971 – Code of Petty Offences stipulates that whoever, in violation of the relevant regulations, tries to cross the border of the Republic of Poland, crosses the border or assists in such activities shall be subject to a fine. There are also administrative sanctions (pursuant to the Act of 2003 on foreigners, a foreigner may be without delay escorted to the border, he/she may be ordered to leave the territory of Poland or may receive a decision on expulsion, a foreigner may also be entered into the register of persons whose stay on the territory of Poland is undesirable, a foreigner or an entity inviting the foreigner must cover the cost of removal, except for granting assistance in voluntary return and assisted voluntary returns.

The sanctions for foreigners staying illegally in the territory of the Republic of Poland and for other entities assisting in facilitating illegal migration should prevent these persons from further attempts at illegal migration. This necessarily entails the adequately long prohibition of entry into the territory of Poland and efficient (fast and effective) removal of such persons from the territory of Poland. Legal mechanisms should also eliminate the abuse of possibilities provided by the procedure of applying for international protection. The efficiency of sanctions and their inevitability should act as a deterrent for illegal migrants against attempts to settle on the territory of Poland in violation of applicable regulations.

### **Country of origin information**

When making decisions on granting international protection within the territory of Poland, the employees of the Office for Foreigners must take into account all available information which may contribute to objective evaluation of a given application. In practice, in addition to statements by applicants and the documents they submit, such information includes mainly the Country of Origin Information (COI). This information is used not only during the procedure for granting refugee status in Poland, but also by other authorities competent for foreigners. The information on applicants' countries of origin is supposed to contribute to:

1. establishing the actual, and not only the declared, country of origin of an applicant and his/her nationality;
2. determining/evaluating the current situation in the applicant's country of origin, including also, if important for full clarification of the application, the situation in a specific region of this country;
3. verifying the reliability of particular elements of statements of the applicant, his/her family members, and the documents provided by the applicant (e.g. party membership cards, articles from local press, etc.).

The organisational unit of the Office for Foreigners responsible for obtaining, processing and storing country of origin information is the Country of Origin Information Unit. While preparing answers to specific questions of employees conducting proceedings in cases related to foreigners, the Unit uses mainly publicly available information, obtaining it from various Internet sources (as they provide access to numerous government, non-government and international reports, press articles, maps, etc.), as well as books, specialist magazines and newspapers. In some cases, the Country of Origin Information Unit requests assistance from other domestic (e.g. Ministry of Foreign Affairs or the Centre for Eastern Studies (OSW)) and foreign institutions (e.g. partner units in immigration/asylum offices of other EU Member States) or international institutions (e.g. UNHCR), as well as from external experts. Recently, the Country of Origin Information Unit has begun to collect information

also during the so-called fact-finding missions to the countries of origin (mission to Armenia and Nigeria in 2011, mission to Georgia in 2009).<sup>46</sup>

**Entry to the register of foreigners whose stay in the territory of Poland is undesirable**

Pursuant to Article 128 of the Act of 13 June 2003 on foreigners, illegal stay of a foreigner and the related decision ordering the foreigner to leave the territory of Poland or a expulsion decision results in the foreigner's personal data being entered into the register of persons whose stay on the territory of Poland is undesirable and entails the denial of entry or stay in the territory of Poland for as long as such an entry is valid.

**3.3.3. Challenges and success factors for preventing illegal migration**

1. Cooperation with countries of origin of the main group of immigrants residing in Poland without the required legal title

One of the objectives of the four-tier system of external border security management applied in Poland is cooperation with third countries in preventing illegal migration and threats to the border. It is an important element of the system, whose implementation involves using the network of (police and immigration) liaison officers working in third countries and appropriate cooperation with diplomatic missions in those countries.

This allows for ongoing collection and analysis of information about the migration situation, which makes it possible to identify the phenomena related to potential intensification of illegal migration, as well as the methods used in order to settle in the territory of the Republic of Poland in violation of applicable regulations. The appropriate cooperation with countries of origin of illegal migrants facilitates also the preparation of the removal procedures and the removal of foreigners coming from those countries.

Furthermore, for many years now the Border Guard in Poland has been conducting bilateral consultation with competent representatives of the countries of origins which are the most important from Poland's point of view. Such cooperation has been established with representatives of such countries as Ukraine (in June 2008 a regular exchange of information and statistical data began at the central level between the Headquarters of the Border Guard and the Administration of the State Border Guard Service of Ukraine) and Georgia (in 2000 the Border Guard declared its readiness to cooperate with, *inter alia*, the State Border Protection Department at the Georgian Ministry of Internal Affairs). The cooperation resulted in the exchange of visits at the level of heads of border services and (starting from 2003) the training for Georgian border services delivered in the training centres of the Polish Border Guard. On 31 May 2007, an agreement was signed in Tbilisi between the Government of the Republic of Poland and the Government of Georgia on cooperation in combating organised crime and other crime).

2. Information campaigns in the countries of origin and in Poland on the threats related to illegal migration.

Information campaigns presenting the phenomena related to detention and deportation of illegal migrants, including victims in human trafficking, are conducted in the countries of origin of illegal migrants. Publicizing such events should demonstrate the efficiency of both the border control

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<sup>46</sup> TheCountry of Origin Information Unit is considered to be one of the best units collecting information about countries of origin (in particular about Asian countries) in Europe. Several publications with results of fact-finding missions were published on the following website: <http://www.udsc.gov.pl/CIKAWY,OPRACOWANIA,O,KRAJACH,POCHODZENIA,1767.html>.

system and the control activities in the country. It will also serve as a deterrent against attempts of illegal migration to Poland.

### 3. Visa shopping

The tasks related to identifying the cases of visa shopping are performed by the Border Guard units as part of their routine activities connected with controlling the movement of travellers across borders and controls within the territory of the Republic of Poland (controlling the legality of stay and employment). The information obtained is used for creating profiles of foreigners who resort to visa shopping in order to illegally enter/stay in the territory of Poland and of other entities (intermediaries) facilitating (consciously or unconsciously) the obtaining of visas. The data analysis allows to compile lists of e.g. dishonest scientific/sport institutions or employers that obtain financial gains for issuing the so-called declaration of the intention to commission work, and of fictitious companies created by criminal groups for this purpose. The Border Guard also cooperates with the Central Visa Authority with respect to visa consultations on specific categories of foreigners. The results of the activities and the information collected in the course of their performance are analysed and submitted to competent authorities responsible for granting visas.

### 4. Misuse of visas as residence permits

In order to reduce the scale of using visas as residence permits on the territory of Poland, from the accession of the Republic of Poland to the Schengen Information System and the Visa Information System and pursuant to the Act of 24 October 2008 amending the Act on foreigners and certain other acts (Dz. U. of 5 December 2008, No 216, item 1367), the possibility of issuing a national visa (valid for up to 3 months) for entering Poland due to reasons referred to in Article 33(1) of the Act of 13 June 2003 was eliminated starting from 1 January 2009. The provision permitted granting a residence visa to a foreigner, despite the circumstances that would justify otherwise, for example in the event of an exceptional personal situation that requires the presence of the foreigner on the territory of the Republic of Poland; the provisions of the Polish law require that he/she should appear in person before the Polish public authority (now Article 53a(2) of the Act on foreigners of 2003).

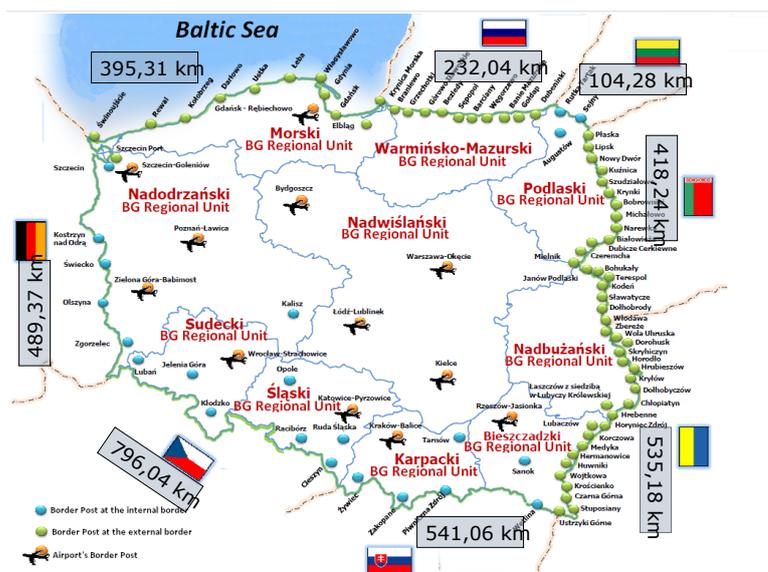
### 5. *Odprawa SG* ICT system

The Border Guard is working on putting into force a new ICT system called *Odprawa SG*, whose aim is to expand the possibility of simultaneous use by the Border Guard officers of the Visa Information System (VIS), the second generation of the Schengen Information System (SIS II), the Entry/Exit system and the programme for travellers' registration.

## Chapter 4. Co-operation with third countries: Ukraine and Vietnam case studies

### 4.1. Promoting legal migration: the example of Ukraine

Centuries-long historical ties, geographical proximity and a 535.18 km long border between Poland and Ukraine, as well as the constantly changing nature of current migration movements make the analysis of visa policy with respect to Ukraine particularly interesting, also in the context of almost 200,000 people living in Ukraine who declare their nationality as Polish.<sup>47</sup>



Rys. 2. Map of Poland (Source: Materials of the Polish Border Guard)

In line with the information provided in Chapter 2, the history of visa relations between Poland and its eastern neighbours (including Ukraine) may be divided into two main periods. The first period, lasting until the beginning of 1990s, was characterised by a limited possibility of free movement of persons to and from the territory of Poland and was regulated by the Agreement signed in May 1985 between the Government of the People's Republic of Poland and the Government of the Union of Soviet Socialist Republics on simplified border crossing procedure for citizens living in the border area. As soon as Ukraine gained independence (24 August 1991), Poland and Ukraine signed on 4 January 1992 a joint communication on establishing diplomatic relations. On 8 September 1991, the two countries also signed a consular convention and soon their diplomatic representatives at the rank of special government delegates started their service in Warsaw and Kiev (it is worth noting that

<sup>47</sup> According to the latest population census (2001), there are approximately 144,000 people living in Ukraine who declare their nationality as Polish. It is a significant drop as compared to the 1989 census, when there were 219,000 people of Polish nationality. The Polish minority is the 9<sup>th</sup> most numerous minority in Ukraine. It is protected, as are other national and ethnic groups, by the national Ukrainian legislation and international legal regulations, including the Council of Europe's *Framework Convention for the Protection of National Minorities*, and bilateral agreements. The Ukrainian legal acts, including the *Act on national minorities in Ukraine*, safeguard the fundamental rights of minorities, such as the right to cultivate tradition and national language (also in schools) and the freedom of association. However, those legal acts do not specify clearly the obligations, especially financial obligations, of the Ukrainian state towards minorities. In practice, the Ukrainian government allocates insignificant funds for Polish organisations. Currently, a vast majority of Polish minority organisations in Ukraine is associated in two central organisations, namely, the Federation of Polish Organisations (Lviv) and the Association of Poles in Ukraine (Kiev).

Poland had established its General Consulate in Kiev before). In 1995 an agreement on visa-free tourism was signed; on 25 June 1996 an agreement on visa-free movement was signed too.

In the course of accession negotiations with the European Union, an obligation was imposed on Poland to reform its visa regime. The new regime in the movement of persons between Poland and Ukraine was introduced pursuant to the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on rules governing the movement of persons (the Agreement was signed on 30 July 2003 in Kiev and entered into force on 9 October 2003). The adopted solutions, including the visa-free travels of Polish nationals to Ukraine and the issue of free of charge visas for Ukrainian citizens by Polish consuls, demonstrated the strategic partnership between Poland and Ukraine and the wish of both countries to further develop their cooperation. The Agreement specified the group of persons exempt from the obligation to hold a visa (including Ukrainian citizens who receive residence cards issued by the competent authorities of the Republic of Poland) and stipulated when the accelerated visa issue procedure applies (visas issued immediately, visas issued within 2 days from the receipt of application, etc.). The above solutions were changed due to the fact that since 21 December 2007 the Schengen acquis has become binding in the territory of Poland. The changes were introduced based on the Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on rules governing the movement of persons (the Protocol was signed on 30 November 2007 and entered into force on 15 May 2008). At that time, one of much criticized provisions of the Protocol was the introduction of fees for acceptance and examination of visa applications (in 2009, Poland stopped charging consular fees for issuing national visas in consular offices located in Ukraine).

#### **4.1.1. Existing forms of promoting legal migration to the territory of Poland**

##### **Liberalization of the visa regime**

Poland supports the EU plans to liberalise the visa regime for Ukraine<sup>48</sup>, which can be reflected by such actions as participating in the EU migration mission to Ukraine between 20 and 23 September 2010; supporting migration reforms, whose integral part in 2010 were the activities of the head of state aimed at establishing the State Migration Service of Ukraine at the Ministry of Internal Affairs and the adoption of the State Migration Policy of Ukraine<sup>49</sup> by the decree of President Viktor Yanukovich of 30 May 2011, as well as numerous workshops and seminars on effective border management for the Ukrainian border guard officers.

##### **Local border traffic**

Another element contributing to a constant increase in the number of crossings of the Polish-Ukrainian border are the aforementioned provisions of the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on local border traffic regime (LBT)<sup>50</sup>,

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<sup>48</sup> The above refers to the Action Plan for liberalization of the EU-Ukraine visa regime, adopted by a decree of President Viktor Yanukovich on 22 April 2011 (No 494/2011). The Plan was presented on 22 November 2010 at the EU-Ukraine summit.

<sup>49</sup> The document defines directions and strategic objectives of migration policy, priorities of public institutions in this regard, areas in need of institutional or legislative changes and the mechanisms for their implementation.

<sup>50</sup> *Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on LBT regime signed on 28 March 2008 in Kiev and Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on amending the LBT Agreement signed on 22 December 2008 in Warsaw (a list of all towns located within the border area is attached to the Protocol amending the Agreement).*

which have been in force in bilateral relations since 1 July 2009. Within the framework of local border traffic, the border residents of both countries may regularly cross the common border in order to stay in the another country, without having a visa. In order to cross the border, the residents must possess a permit (LBT card) issued by a consul, provided specific requirements are met (such as proving being resident in the area for the period of three years).

In 2010, 36,934 applications were received (26,652 in the consulate in Lviv and 9,742 in Lutsk) and 38,845 LBT cards were issued (29,703 in Lviv and 9,142 in Lutsk). In the period 2009 - November 2011, both consular posts received 102,429 applications and issued 77,415 LBT cards.

As regards local border traffic with Ukraine, a small number of abuses of the provisions of the Agreement on local border traffic by Ukrainian nationals was recorded. The abuses concerned mainly exceeding the time limit for stay in the border area specified in the local border traffic permit, staying outside the border area and occasional presenting the LBT permit when the validity period of the Polish visa held has expired.<sup>51</sup> Therefore, 65 decisions ordering the Ukrainian national to leave the territory of the Republic of Poland were issued between January and September 2010 constitutes a small scale.

### **Promoting economic migration**

The introduction of measures facilitating legal employment of foreigners within the territory of the Republic of Poland in the form of registered declarations of the intention to commission work resulted in a significant growth of the number of foreigners coming to Poland in order to work under the above procedure. The statistics on the number of declarations are as follows:

Table 4. Number of registered employers` declaration on their will to employ a foreigner in Poland in 2007-2010

Number of registered employer` declarations on their will to employ a foreigner	2010		2009		2008		2007	
	Total of citizens from: Ukraine, Russia, Belarus, Moldova and Georgia	Only Ukraine citizens	Total of citizens from: Ukraine, Russia, Belarus and Moldova	Only Ukraine citizens	Total of citizens from: Ukraine, Russia, Belarus	Only Ukraine citizens	Razem Total of citizens from: Ukraine, Russia, Belarus	Only Ukraine citizens
	<b>180073</b>	<b>169490</b>	<b>188414</b>	<b>180133</b>	<b>156713</b>	<b>142960</b>	<b>21797</b>	<b>20260</b>
Including number of declarations issued to foreigners with a visa or residence permit for a fixed period	17717	16855	13410	12862	8806	8021	1286	1110

Source: Materials of the Ministry of Labour and Social Policy

In the years 2007–2010, approximately 96% of all declarations concerned Ukrainian citizens who receive a D 05 national visa upon entry into the territory of Poland. The largest number of declarations was registered in agriculture and construction sector.

### **The Card of the Pole**

One of the forms of promoting legal migration to Poland is the possibility of applying for a document confirming belonging to the Polish Nation, pursuant to the Act of 7 September 2007 on the Card of the Pole. In this way, the citizens of several countries, including Ukraine, after meeting the requirements laid down in the Act, may enter the territory of Poland with a visa issued in order to

<sup>51</sup>The above most often applied to Ukrainian citizens migrating further to work in Italy.

exercise the rights conferred upon the holders of the Card of the Pole (D-23 national visa). The holder of the Card of the Pole has the right to work within the territory of the Republic of Poland without obtaining a work permit, if such a permit is required. He/she is also entitled to carry out economic activity in Poland according to the same rules that apply to Polish citizens.

From the entry into force of the Act until the end of 2010, approximately 55,000 applications for the Card of the Pole were submitted to consular offices abroad, out of which 19,046 in 2010. Positive decisions were issued in the overwhelming majority of cases, with only around 200 applications being rejected. The cards were received by approx. 40,000 people, including 18,333 in 2010. The Polish consular offices in Ukraine and Belarus bear the greatest burden related to the implementation of the Card of the Pole, since they examine 90% of all applications (approx. 29,000 applications in Ukraine and 20,000 in Belarus). The General Consulate in Lviv receives the largest number of applications (38%), followed by the General Consulate of the Republic of Poland in Grodno and consulates in Minsk, Brest, Lutsk, Vilnius and Kiev. By the end of 2010, approximately 3,000 applications were submitted in Lithuania and 1,700 in Russia. By mid July 2011, a total of 71,000 charters were issued, out of which 35,000 in Ukraine, 26,000 in Belarus, 3,800 in Lithuania and 1,700 in Russia.

#### **Agreement on readmission**

The rules governing readmission of citizens of Ukraine and third-country nationals (including stateless persons), who stayed in the territory of Poland in violation of applicable regulations, are regulated by the Agreement on the readmission between the European Community and Ukraine.<sup>52</sup> Its provisions have applied to the relations between Poland and Ukraine since 1 January 2008; whereas the provisions laying down the rules of readmission (transfer) of other foreigners residing in the territories of Contracting Parties entered into force on 1 January 2010. A person may be transferred on the basis of readmission under the regular (a readmission application is sent by e-mail to the Ministry of Internal Affairs in Kiev; the deadline for reply is 14 days) or simplified procedure (a readmission application is sent by fax to the Contact Point in Korczowa and to the Border Guard post where the transfer is supposed to take place). In practice, the transfers of persons usually take place under the simplified procedure, in indicated places on the national border with Ukraine, within 48 hours from crossing the border (almost 99% of transfers take place in the border check in Medyka).

The statistical data on the implementation of the Readmission Agreement states that 373 foreigners were transferred to Ukraine in 2009 (including 304 citizens of Ukraine, 25 citizens of Moldova, 14 of Vietnam, 11 of Russia, 5 of Georgia, 4 of Turkey, 2 of Afghanistan and one citizen of such countries as Pakistan, Belarus, Kazakhstan and Sri Lanka). Altogether in 2010, 456 foreigners were transferred (5 under the regular procedure and 451 under the simplified procedure), whereas between 1 January and 31 July 2011, 210 foreigners were transferred to Ukraine (majority of applications were examined under the regular procedure).

Table 5. Number of foreigners expelled from the territory of Poland within the readmission agreement

Total	2010	I-VII 2011
	453	210
<i>including:</i>		
Ukraine	373	39
Moldova	27	13
Georgia	13	7

<sup>52</sup>OJ L 332 of 18.12.2007, p. 48. The text of the Agreement is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0048:0065:EN:PDF>.

Afganistan	9	11
Belarus	b.d.	3
Russian Federation	20	2

Source: *Materials of the Polish Border Guard*

The Joint Readmission Committee, established pursuant to Article 15 of the Readmission Agreement, provides a platform for exchange of experience related to the implementation of this Agreement between the EU Member States and Ukraine. The Committee is co-chaired by the European Commission representing the EU and assisted by experts from EU Member States. The Joint Readmission Committee has met six times so far to examine technical issues raised by Member States. The last meeting of the Committee took place on 5 May 2011 in Brussels and the next will be held in Ukraine. Furthermore, both parties are organizing also bilateral meetings concerning e.g. practical issues of the readmission agreement.<sup>53</sup>

#### **4.1.2. Assessment of the cooperation in other areas**

##### **Consular service**

Efficient consular service constitutes a very important element supporting migration of foreigners from Ukraine, especially given the fact that for several years three consular posts located on the territory of Ukraine (i.e. in Lviv, Lutsk and Kiev) have led the way with regard to statistics concerning the largest number of registered consular activities. Currently, the Ukrainian citizens may apply for a visa entitling them to cross the national border of Poland in one of the seven consulates of the Republic of Poland: in Kiev, Lviv, Lutsk, Kharkiv, Vinnytsia, Odessa and Sevastopol. In 2011, the Polish Ministry of Foreign Affairs announced the upcoming introduction of special visa points in those cities in Ukraine, in which the Polish consular posts are not established. The first such point was opened at the end of 2011 in Ivano-Frankivsk, in Western Ukraine. Other visa points are planned to be opened in Donetsk and Dnipropetrovsk in the eastern part of the country, as well as in Lviv. Visa points will be operated by a private company which will act as an intermediary between the person applying for a visa and the consulates. This company will charge a fee equivalent to 19.5 EUR for its services. This fee is independent from the charges for processing a visa application collected by the consulates. In the case of Polish national visa the charge amounts to 20 EUR, and in the case of Schengen visa – 35 EUR.

The above mentioned activities are meant to support the already implemented measures (such as abolishing consular fees for processing an application for a national visa in consular posts located within the territory of Ukraine in 2009, streamlining the procedure for obtaining national visas from September 2011: as a consequence, the number of documents required by the consuls was reduced – Polish consuls no longer request Ukrainian citizens to present certificates of income, employment or financial resources being at their disposal; however such documents need to be presented to the border guards during border controls) and thus encourage the Ukrainian citizens to migrate into the territory of Poland legally.

##### **The road map of cooperation between the Republic of Poland and Ukraine**

On 3 February 2011, the presidents of Poland and Ukraine signed a background document important from the point of view of the guidelines for further bilateral cooperation: *The road map of cooperation between the Republic of Poland and Ukraine*. This document indicates the main trends

<sup>53</sup> The last meeting with this regard was organized in Kombornia, between 6-9 February 2012.

and presents examples of bilateral cooperation in such issues as the integration of Ukraine with the EU, including:

1. supporting Ukraine's participation in flagship initiatives and other multifaceted projects of Eastern Partnership;
2. supporting Ukraine in the implementation of the Action Plan on the liberalization of visa policy for Ukrainian citizens travelling to the European Union;
3. sharing the Polish experiences of the administrative and territorial reform and local government reform, for example by organizing training for higher corps of the Ukrainian civil service and conducting bilateral consultations with regard to the introduction of electronic services in the area of public administration and development of the information society;

as well as cross-border and interregional cooperation, in particular with regard to:

1. expansion and modernization of the border crossing points, in particular separation of the crossing of persons from the freight traffic at the road border crossing point Korczo-wa-Krakowiec and establishing new border crossing points by using the available funds, including EU funds;
2. continuing work on expanding the scope of cooperation in border controls;
3. conducting cross-border cooperation between the regions of Poland, Ukraine and Belarus in the context of Cross-Border Cooperation Programme Poland–Belarus–Ukraine 2007–2013.

**Preparations for EURO 2012, including a joint analytical report on the threats and risks developed in cooperation with the Ukrainian counterparts**

In order to ensure the appropriate level of consular assistance during the finals of the European Football Championships EURO 2012 organized by Poland and Ukraine and efficient issuing of visas for football fans and participants of the Championships, the Polish Ministry of Foreign Affairs, in cooperation with the Ukrainian counterparts, has prepared several guidelines and rules aimed at streamlining the procedure of issuing visas entitling their holders to enter the territory of Poland, primarily with regard to the citizens of Ukraine and Russia. It was determined that for the EURO 2012 participants (football players, referees, doctors, UEFA and FIFA staff) Polish consular posts will issue free-of-charge long-stay multi-entry visas on the basis of the original document issued by UEFA or the national football federation (personal appearance in the consular post not required). For the duration of EURO 2012 all Polish consular posts in Russia and Ukraine will provide a separate visa corridor, requiring no early registration of the visa application submission date via the *e-konsulat* system<sup>54</sup>.

The issue of joint organization of the European Football Championships was also included in the above mentioned document entitled *The road map of cooperation between the Republic of Poland and Ukraine 2011–2012*. The document states that it is necessary to ensure constant and effective cooperation between state institutions and services responsible for the implementation of the Plan of joint activities of these two countries while preparing and during the EURO 2012 Championships finals, adopted during the meeting of the Polish-Ukrainian Committee for the Preparation and Carrying out of the EURO 2012 (30 September 2010).

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<sup>54</sup> Further information can be found on the Ukrainian visa information website: <http://www.mfa.gov.ua/mfa/en/publication/content/1865.htm>.

The Border Guard also carries out important preparatory work in this matter: in 2011 the experts from Poland and Ukraine began their work on developing a joint analytical report on the assessment of threats and risks in the framework of organization of the European Football Championships in 2012. Two further documents were elaborated: *The concept of the functioning of the Polish-Ukrainian border during the European Football Championships EURO 2012* and *The cooperation plan between the Border Guard of the Republic of Poland and the State Border Guard Service of Ukraine*. Moreover, on 20 April 2011 another important document entitled *The concept of cooperation between liaison officers in relation to EURO 2012 safety activities* was adopted.

### **Cooperation between border authorities**

Since June 2008 the General Headquarters of the Border Guard in Poland has been conducting a regular exchange of information and statistical data with the Information and Analytical Board of the Administration of the Ukrainian State Border Guard Service. It followed the arrangements resulting from the document entitled *Memorandum of a working meeting of the experts of Polish and Ukrainian border services*, which took place on 17–18 March 2008 in Świder, and was approved by the Commander-in-Chief of the Border Guard and the Head of the Ukrainian State Border Guard Service. At the meeting in Świder the Ukrainian side presented a draft protocol on the exchange of information between the Polish and Ukrainian Border Guard, which also provided for the exchange of information at the level of individual departments. This protocol was subject to agreements within the Border Guard and the appropriate Ukrainian government departments. An agreement in this matter was signed at the Conference of the Chief Border Delegates of Poland and Ukraine, which took place in Yalta between 15 and 17 June 2009 (*Agreement No 12/BP between the Commander-in-Chief of the Border Guard of the Republic of Poland and the Administration of the State Border Guard Service of Ukraine on the exchange of statistical and analytical information*).

The Border Guard cooperates with the Ukrainian side also in the framework of DSR/MSR system (Daily Situation Report/Monthly Situation Report). The cooperation covers the exchange of information on the situation on the external borders of the EU with Ukraine and is carried out by the border services of Poland, Slovakia, Hungary and Ukraine. This system was established in 2005 during the meeting of the Border Guard experts in the Border Guard post in Huwniki (Bieszczady Border Guard Unit), and subsequently developed during consecutive evaluation meetings. The system is used to exchange information on persons detained due to illegal crossing of the border, persons involved in aiding and abetting and persons transferred in the framework of readmission. The data is exchanged by e-mail on a daily (DSR) or monthly (MSR) basis. The DSR/MSR system is perceived by the participants of this project, including the Polish Border Guard, as an important source of information necessary for analysing the phenomenon of illegal migration. For the Ukrainian side the system also constitutes an important element of international cooperation, reflecting its pro-European orientation.<sup>55</sup>

Furthermore, it should be stressed that in the last few years different kinds of workshops have been organized for the Ukrainian migration services, during which Polish and Ukrainian experts discuss

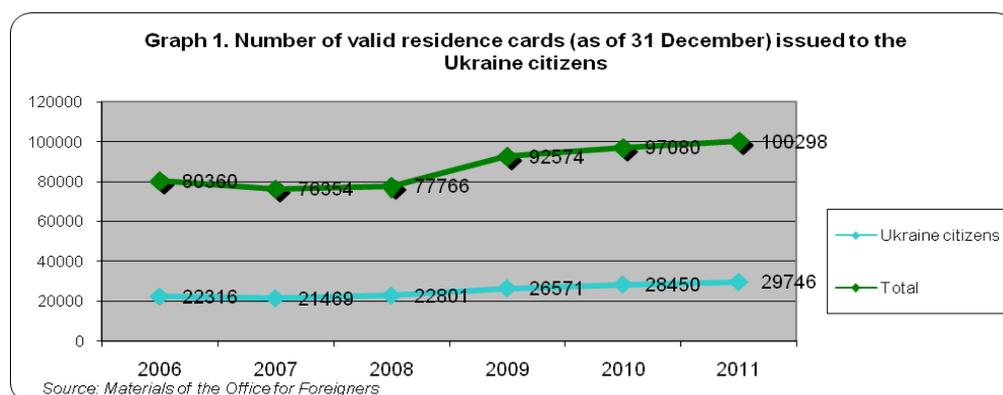
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<sup>55</sup> Based on sample reports and the definitions hammered out for the purposes of DSR/MSR several local data exchange systems were created, e.g. between Poland and Lithuania (the so-called IMMS – currently it has been replaced by the exchange of information in the framework of FRAN via the ICONet network) as well as Hungary and Romania. The Frontex Agency has also drawn on the DSR/MSR experience. The services participating in the system decided that monthly reports would be submitted also to the Frontex Agency, so as to provide it with an additional source of information for the purposes of monitoring the migration situation in the region.

various topics related to the migration policy of both countries.<sup>56</sup> The officers of the Polish Border Guard have also taken part in numerous study visits in Ukraine, which resulted in planning joint exercises on the management of crisis situations at all border crossing points with Ukraine in 2011 and the first half of 2012.

#### 4.1.3 Statistics

Taking into account all abovementioned information focused on promoting legal migration of Ukraine citizens to the territory of Poland one should mention that the number of Ukraine migrants entering and then staying on the territory of Poland is rising systematically.



Data regarding the number of valid on the territory of Poland residence cards issued to the citizens of Ukraine (total number of all type valid residence cards that legitimize a foreigner to stay on the territory of Poland) is increasing and so express the general trend with this matter. The main legal basis for legal stay in Poland of this group of foreigners are in general two types of residence permits: the residence permit for a fixed period and the permit to settle. Those two consists more than 90 % of all issued residence cards.

Table 6. Number of valid (as of 31 December) residence cards issued between 2008-2011 to the citizens of Ukraine in Poland, by the legal base of the decision issued

Year	Subsidiary protection	Settlement	Long-term resident's EC residence permit	Tolerated stay	Refugees status	Residence permit for a fixed period	Total
2008	12	12383	1202	12	1	9191	22801
2009	17	13787	1656	36	1	11074	26571
2010	13	15338	2027	74	-	10998	28450
2011	7	15919	2002	67	1	11750	29746

Source: Materials of the Office for Foreigners

Taking into account the legal basis on the entrance of the Ukrainian citizens to the territory of Poland, as it was already mentioned in the first part of this chapter, the vast number of registered invitations issued for citizens from Ukraine should be stressed. This document not only promotes legal migration to Poland but also facilitate the way to be granted a national visa, if this is the case.

<sup>56</sup> In cooperation with the Managerial Initiatives Foundation and the Jan Nowak-Jeziorański College of Eastern Europe and under the Ministry of Foreign Affairs programme *Poland Aid 2009*, the Border Guard implemented the project *Professional staff, friendly border – strengthening Ukrainian border and customs service*.

One should also remember that the invitation for a third country national can be issued by a Polish citizen (type A), by a foreigner residing legally in the territory of the Republic of Poland for at least 5 years (type B) and a legal person or organisational unit without legal personality (type C).

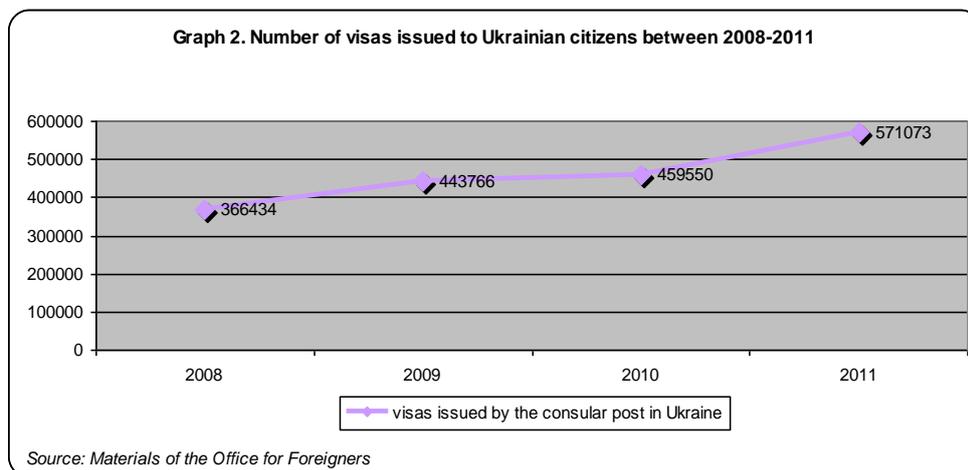
Data from the table attached below shows that that majority of invitations registered by the competent voivod are issued upon request of Polish citizens (type A). However, it is worth mentioning that during last few years constant increase in the number of invitations issued on the request of the other third country nationals is observed (type B). One may assume that those invitations are issued for Ukrainian citizens on request of other Ukrainian citizens legally residing on the territory of Poland.

Table 7. Number of registered invitations issued for the citizens of Ukraine and Vietnam between 2008-2010

Citizenship	Data	2008				2009				2010			
		A	B	C	Total	A	B	C	Total	A	B	C	Total
Total	registered	52 500	4 008	3 426	59 934	60 901	4 609	2 756	68 266	64 826	4 978	2 487	72 291
	not registered	263	26	15	304	578	47	9	634	1088	78	64	1230
Ukraine	registered	21922	1663	1231	24816	24760	2016	818	27594	23845	2105	760	26710
	not registered	111	10	3	124	171	17	2	190	252	26	19	297
Vietnam	registered	173	161	17	351	145	127	11	283	150	147	20	317
	not registered	1	-	-	1	-	-	-	0	3	1	-	4

Source: Materials of the Office for Foreigners

Also the number of issued to the Ukrainian citizens visas entitling to enter the territory of Poland (short and long term visas) is constantly increasing. Although in 2008 to migrants originating from this country were issued around 360 thousands visas legitimating them to enter the territory of Poland, in 2011 more than 570 thousands visas were issued.



When analyzing data concerning the number of visas issued to Ukrainian citizens one should remember that the vast number of visas (nationals as well as Schengen ones) were issued with regard to performing work on the territory of Poland, especially within the so called *simplified system* – registered employer’s declaration on their will to employ a foreigner for 6 months within the period of 12 months. This solution was introduced to Polish law on the second part of 2007 and caused i.a. the ongoing process of promoting legal labour migration to Poland and significant increase in the level of circular and seasonal migration from Ukraine to Poland.

A decrease in the number of migrant from this country expelled from the territory of Poland as well as those to whom a decision on obligation to leave the territory of Poland had been issued was noted. Main reason for issuing negative decision in those cases was in general the fact of illegal stay or/and performing work on the territory of Poland illegally. The abovementioned conclusion is proved by statistical data from the table below.

Table 8. Total number of visas and the residence permits for a fixed period issued to Ukrainian citizens between 2008-2011

	2008	2009	2010	2011
<i>basic type of the document that legitimate foreigner`s entry to the territory of Poland (national or Schengen visa)</i>				
<b>Number of national visas issued by the Polish consular posts located on the territory of Ukraine</b>	113208	158337	128954	200434
<b>Number of Schengen visas issued by the Polish consular posts located on the territory of Ukraine</b>	232672	277929	302266	370639
<i>basic type of document that legitimate further legal stay of foreigners on the territory of Poland (so called stay visa and other residence permit for a fixed period)</i>				
<b>Number of residence permits for a fixed period issued to Ukrainian citizens</b>	8472	8660	8549	8165

Source: Materials of the Office for Foreigners and the Ministry of Foreigner Affairs

Taking into account available data it may be stated that only from 2% to 4% of foreigners that had entered the territory of Poland on the ground of visa are applying for residence permits for a fixed period.

The border control quite often reveals a vast number of visa cadge in the Polish consular posts located on the territory of Ukraine on the basis on documents that certify untruth. Under this circumstances visa were thought to be not only the document that helps to cross Polish border and also the entry of foreigners to the Schengen zone. Documents that are used in this process were quite often issued by the Polish companies (i.a. invitations).

Table 9. Number of and the type of decisions regarding the fact of illegal stay of migrants from Ukraine on the territory of Poland between 2007-2010

	2007		2008		2009		2010	
<b>Rejection of entry to the territory of Poland</b>	15.334		9.446		12.802		11.599	
<b>Decision on obligation to leave the territory of Poland (number of decision issued in total)</b>	6.273		2.593		4.549		4.769	
<b>Number of obligations to leave issued by the Polish Border Guard</b>	5.755		2.425		4.438		4.661	
	<i>Illegal stay</i>	<i>Work performed illegally</i>						
	4.931	795	2.251	156	2.276	315	2.570	538
<b>Decisions on expulsion (number of decisions issued)</b>	1.186		1.933		632		554	
<b>Number of foreigners expelled by the Polish Border Guard*</b>	1.592		3.430		705		752	

Source: Materials of the Polish Border Guard

\* data shows the factual number of foreigners expelled from the territory of Poland by the Border Guard (also on the basis of negative decisions issued in the previous years as well as on the negative decision on granting refugee status where the decision on expulsion was issued too)

Vast majority of the long-term visas issued by the Polish consulate posts to the Ukrainian citizens are related to taking up studies on the territory of Poland, work or due to the fact that Ukrainian citizens

poses the Card of the Pole. One of the main problem is the fact of quite frequent attempts to wheedle visas legitimating legal entry to the territory of Poland or/and other EU MS.

#### 4.2 Preventing illegal migration: the example of Vietnam

Diplomatic relations between Poland and Vietnam were officially established on 4 February 1950, when the then People's Republic of Poland was one of the few countries to acknowledge the independence of the Democratic Republic of Vietnam. Until 1989 the Polish-Vietnamese relations were based on purely ideological foundations, and in the aftermath of the political changes in Poland in 1989 they were completely redefined. Following the first visit of the president of the Republic of Poland in Vietnam in 1999, there were two other visits of Polish prime ministers (in 2005 and 2010) and two visits of the representatives of Vietnam (in 2003 the then president of the Socialist Republic of Vietnam Tran Duc Luong<sup>57</sup> paid an official visit to Poland, followed by a visit of the prime minister of Vietnam in 2007).

Bilateral relations between Poland and Vietnam are regulated i.a. by the consular convention between the People's Republic of Poland and the Socialist Republic of Vietnam, signed in Hanoi on 27 September 1979<sup>58</sup>, the agreement on legal assistance in civil, family and criminal matters<sup>59</sup> (1993), the protocol on the applicability of agreements<sup>60</sup> (2000), the agreement on cooperation in the field of organised crime<sup>61</sup> (2003), the agreement on readmission<sup>62</sup> (2004) and the agreement between the Minister of National Education and Sport of the Republic of Poland and the Minister of Education and Learning of the Socialist Republic of Vietnam on cooperation in the field of higher education in the period 2005–2008<sup>63</sup>.

In the context of this report it should be stressed that the nature of immigration of Vietnamese nationals to the territory of Poland is mixed. On the one hand, there are foreigners who travelled to Poland in the period before the country's unification and stayed, severing all ties with their country of origin (this group has created strong migration networks with frequent cases of family reunions). On the other hand, the migration from Vietnam since the 1990s up until now consists mainly of persons delegated by their families or a broader community to acquire the necessary capital as quickly as possible and send it to their country of origin. Persons belonging to this group are frequently not interested in legalizing their stay and work in the country of residence; in most cases they left their country of origin due to economic reasons.

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<sup>57</sup> During his visit to Poland in October 2003 the president of the Socialist Republic of Vietnam was accompanied by the Ministers of Trade and of Education; and deputy Ministers of Foreign Affairs, of Industry, of Agriculture, of Finance, of Education and of Science and Technology, who participated in meetings and discussions with their Polish counterparts.

<sup>58</sup> Dz. U. of 29 September 1980, No 21, item 76.

<sup>59</sup> Agreement of 22 March 1993 between the Republic of Poland and the Socialist Republic of Vietnam on legal assistance in civil, family and criminal matters (Dz. U. of 1995, No 55, item 289).

<sup>60</sup> Protocol of 18 July 2000 signed between the government of the Republic of Poland and the government of the Socialist Republic of Vietnam on the applicability of bilateral agreements in relations between the Republic of Poland and the Socialist Republic of Vietnam (Monitor Polski of 2002, No 6, item 129).

<sup>61</sup> Agreement of 28 July 2003 between the government of the Republic of Poland and the government of the Socialist Republic of Vietnam on cooperation in combating organised crime (Dz. U. of 2004, No 216, item 2197).

<sup>62</sup> Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on transfer and re-admission of the nationals of both countries (Dz. U. of 2005, No 156, item 1306).

<sup>63</sup> Monitor Polski of 1 January 2005, No 13, item 242.

It should be noted that the citizens of Vietnam frequently abuse the procedures for legalization of stay and for granting the refugee status by using false data and documents or attempting to corrupt the public officials. Among the most frequently practiced forms of abusing such procedures are entering into fictional marriages, recognition of the children of Vietnamese nationals by the Polish nationals or submission of false personal data. The abovementioned abuses are facilitated by a well-functioning network of informal relations in the diaspora, which makes it possible to obtain detailed information on the legalization procedures and the means of taking advantage of them.

#### **4.2.1. Existing forms of combating illegal migration on the territory of Poland**

##### **Implementation of the agreement on readmission**

The most numerous groups of illegal migrants currently staying on the territory of the Republic of Poland are made up of Ukrainian, Russian and Vietnamese nationals. In this context the application of the bilateral agreement of 22 April 2004 on readmission signed with the Socialist Republic of Vietnam<sup>64</sup> constitutes an example of proper implementation of the key agreement for combating illegal migration from third countries (Poland is one of the few European Union Member States who have signed such agreement). First applications for readmission were submitted to the Office for Border Traffic Control of the Ministry of Public Security in Hanoi in June 2005 through the Embassy of the Socialist Republic of Vietnam in Warsaw.

Due to the extended period of the transfer of correspondence to which the foreigners' files were attached, since September 2005 the Embassy of the Republic of Poland in Hanoi has also been involved in activities related to the implementation of the Agreement on readmission. After receiving the readmission documentation, which is sent to Hanoi via an air courier service, the employees of the Embassy of the Republic of Poland in Hanoi transfer the applications for readmission to the Office for Border Traffic Control of the Ministry of Public Security in Hanoi. All the decisions issued by the Vietnamese, including also the identity documents, are sent to the Headquarters of the Border Guard in Warsaw by the same means. Due to a rather complicated nature of cooperation between the Polish border services and the Embassy of Vietnam, in particular in the field of the exchange of information related to the verification procedure applicable to the foreigners declaring Vietnamese citizenship<sup>65</sup> in the framework of the agreement on readmission, in May 2007 the first meeting of the representatives of the Office for Border Traffic Control of the Ministry of Public Security in Hanoi and the representatives of the department for foreigners of the Headquarters of the Border Guard was held. The meeting aimed primarily at finding new methods of increasing effectiveness of the implementation of the agreement on readmission. At the end of the meeting the two parties signed a memorandum of understanding, in which the Vietnamese partners agreed to organize cyclical visits of Vietnamese experts in the Republic of Poland in order to certify the Vietnamese citizenship of and issue substitute travel documents on the territory of the Republic of Poland to persons who are presumed to be Vietnamese citizens and were detained due to illegal stay or attempted crossing of

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<sup>64</sup> The agreement entered into force on 14 May 2005 [Dz. U. of 2005, No 156, item 1306 and 1307].

<sup>65</sup> There were reported cases of direct submission of applications for confirmation of identity and for the issuing of a travel document to the Embassy of the Socialist Republic of Vietnam in Warsaw by foreigners detained in detention centres (usually by persons whose period of residence approached 12 months). In the applications for passports submitted to the Embassy the foreigners provided different personal data than data included in readmission declarations (e.g. very frequent use of the surname Nguyen). It needs to be added that those foreigners did not specify the place of detention in a detention centre. In many cases the identity of a given person was confirmed by the Embassy after the foreigners have left the detention centres. However readmission could not have been enforced due to the fact that a given person submitted false address information.

the border in violation of the relevant regulations. Working visits of the groups of experts from the Office for Border Traffic Control of the Ministry of Public Security in Hanoi are conducted. However, this does not change the general assessment according to which both the Vietnamese diplomatic representation, as well as the authorities in Hanoi are very reluctant to process applications for readmission of illegal migrants to their territory, frequently creating obstacles of bureaucratic nature, and sometimes even authenticating false information.

#### **Cooperation with neighbouring countries**

Due to the still prevalent threat of illegal migration of the Vietnamese nationals, the Polish Border Guard cooperates with the border services of Belarus, Russia (Kaliningrad Oblast) and Ukraine in order to effectively combat illegal migration via the territory of those countries to Poland. Quite often, the Vietnamese coming to Poland legally or illegally intend to migrate further to other EU Member States or to stay illegally on the territory of Poland. The main migration routes used by the Vietnamese nationals usually lead to Poland through Russia, Belarus (directly or via the territory of Lithuania) and Ukraine. Nationals of Vietnam legally arrive in those countries from their country of origin by air (Moscow, Minsk, Kiev) using visas. Further travel to Poland or other EU Member States requires obtaining help from organized criminal groups. For this reason, visa consultations, exchange of statistical data and meetings of liaison officers and expert groups are so important i.a. with regard to the implementation of the agreement on readmission.

#### **4.2.2. Assessment of cooperation in other areas**

##### **Regularization campaign**

Due to the awareness of the large number of cases of undocumented stay of Vietnamese nationals in Poland and the related pathologies, the decision to introduce legal solutions aimed at legalization of stay of foreigners illegally residing on the territory of the country was already made three times. The amendment implemented for the first time in 2003 introduced regulations providing for the use of the so-called abolition with regard to illegally residing migrants. Out of the total of 2 747 positive decisions granting the right to reside on the territory of Poland issued during this period, the nationals of Vietnam received 1 047 permits. This did not change the fact that in the years 2003–2005 decisions on removal from the territory of Poland were issued with regard to 1 200 Vietnamese nationals (6% of the applications out of the total 20 004 applications of this type), mainly due to residing without the appropriate permit. Among 2 026 foreigners who applied for a temporary residence permit under the next regularization until 31 May 2008 there were 1 125 nationals of Vietnam (the nationals of Armenia constituted the second largest group – 577 applications). 840 Vietnamese nationals were able to legalize their stay on this basis. With the basis on 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 since 1 January 2012 foreigners who stay in Poland illegally will be allowed to for the third time legalise their stay in the territory of the Republic of Poland.

First analyses conducted by the Ministry of Foreign Affairs with regard to the effectiveness of the two regularization campaigns implemented so far indicate that almost 60% of persons who legalized their stay on this basis still reside in Poland and do not experience any problems in legalizing their stay further.

Table 10. Number of applications and decisions on the residence permit for a fixed period issued with regards to the regularization programs in Poland

	Vietnam	Armenia	Ukraine	Total
<i>Regularization campaign 2003</i>				
Number of applications	1,341	1,626	88	<b>3,508</b>
Number of positive decisions	1,047	1,245	68	<b>2,696</b>
<i>Regularization campaign 2007</i>				
Number of applications	1,125	577	115	<b>2,028</b>
Number of positive decisions	840	301	34	<b>1,263</b>
<i>Regularization campaign 2012</i>				
Number of applications (1–31 January)	1,047	384	751	<b>2,863</b>

Source: The Office for Foreigners

\*The number of foreigners who during the period from 1 September to 31 December 2003 (regularization campaign 2003) and 20 July 2007–14 January 2008 (regularization campaign 2007) submitted applications for a temporary residence permit in line with Article 154 of the Act of 13 June 2003 on foreigners (regularization campaign 2003) and Article 18 (regularization campaign 2007) of the Act amending the Act of 13 June 2003 on foreigners and the number of persons who received positive decisions on this basis

### **Students in Poland**

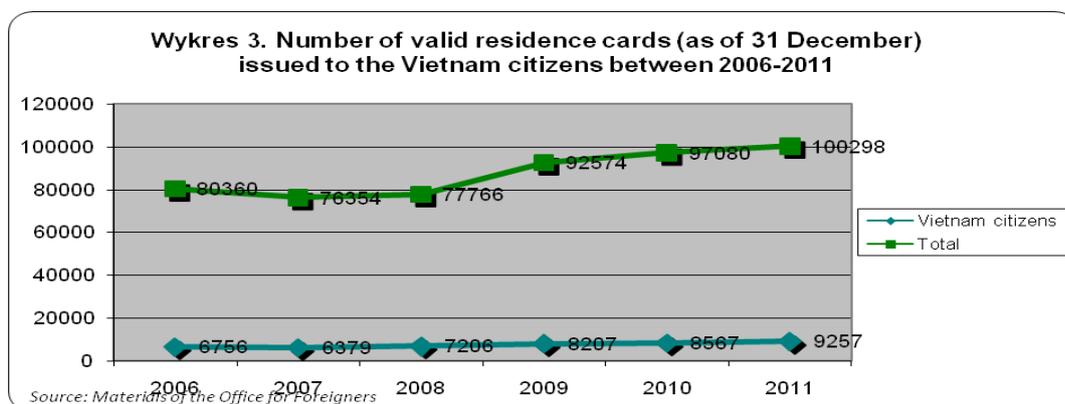
The number of students from Vietnam is not large, it is stable (during the academic year 2010/11, 305 nationals of Vietnam were studying in Poland, whereas in the previous years this number oscillated around 190). The terms and conditions of cooperation in this regard were established in the Agreement between the Ministry of National Education of the Republic of Poland and the Ministry of Education and Learning of the Socialist Republic of Vietnam<sup>66</sup> on cooperation in the field of higher education in the years 2005–2008 (the agreement is automatically extended for subsequent three-year periods). According to the Agreement, 10 persons per year (students, PhD students, members of the academic staff and scientists) can come for scientific internships for a period of up to 10 months. The Bureau for Academic Recognition and International Exchange is responsible for organizing the stay of the foreigners in Poland.

Also the Polish universities continue their efforts to enlist students from Vietnam, and one of the important activities in this regard is related to the creation of consortia, e.g. Study in Warsaw, Study in Krakow, Study in Wrocław consortium. The above mentioned projects financed from EU funds are aimed at disseminating information concerning the possibility to study on the territory of Poland via different websites, as well as by taking part in educational fairs. In 2007 the Polish educational mission participated in the European Higher Education Fair in Hanoi. In the framework of the project entitled *Promoting the offer of higher education in Małopolska*, its originators seek to expand on the Brazilian and Vietnamese market. The main reason for this expansion is the capacity of both of these educational markets.

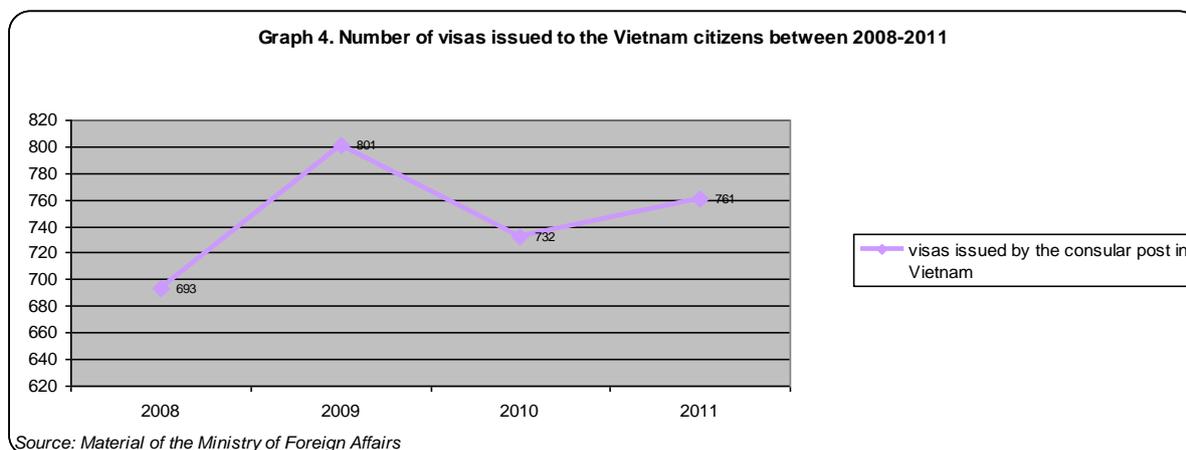
<sup>66</sup>More information is available at <http://www.buwiwm.edu.pl/wym/intro.htm>. The Bureau for Academic Recognition and International Exchange is an entity subordinate to the minister in charge of higher education. It was established pursuant to Order No 16 of the Minister of National Education of 9 November 1998 on the creation of the Bureau for Academic Recognition and International Exchange (Dz. Urz. MENiS of 1998 No 7, item 37, as amended). The Bureau coordinates and organizes the recruitment and enrolment of Polish scientists and students on foreign scholarships and of the foreigners on studies and traineeships in Poland. It also operates the State Commission for the Certification of Proficiency in Polish as a Foreign Language.

### 4.2.3 Statistics

Taking into account all abovementioned information focused on preventing illegal migration of Vietnamese citizens to the territory of Poland it should be mentioned that all taken measures causes that the number of irregular Vietnamese migrants entering and then staying on the territory of Poland is decreasing. Better knowledge regarding negative repercussions of illegal border crossing, stay and performing work on the territory of Poland provokes that altogether with the systematically rising number of legally staying foreigners from Vietnam - especially after 20 December 2007 - dynamic increase in the number of valid residence cards are noted. During just one year total number of valid residence cards issued to Vietnamese migrants increase of 7%, from 8567 (in 2010) to 9257 (in 2011).



However, and on the contrary to the situation of migrants from Ukraine, a certain correlation between the number of visas legalizing legal entry to the territory of Poland and the number of further issued residence permit for a fixed period can be observed.



Belowmentioned data shows indirectly that around 40% of all visa legalizing entry to the territory of Poland issued in 2010 and 2011 might be related further with the temporal stay on this territory as number of residence permit for a fixed period were issued to migrants from Vietnam.

Table 11. Number of visas and residence permit for a fixed period issued to Vietnamese migrants between 2008-2011

	2008	2009	2010	2011
<i>basic type of the document that legitimate foreigner`s entry to the territory of Poland(national or Schengen visa)</i>				
<b>Number of national visas issued by the Polish consular posts located on the territory of Vietnam</b>	46	220	147	121

<b>Number of Schengen visas issued by the Polish consular posts located on the territory of Vietnam</b>	642	581	577	640
<i>basic type of document that legitimate further legal stay of foreigners on the territory of Poland (so called stay visa and other residence permit for a fixed period)</i>				
<b>Number of residence permits for a fixed period issued to citizens of Vietnam</b>	2173	2400	2255	1915

Source: Materials of the Office for Foreigners and the Ministry of Foreign Affairs

The character of Vietnamese migration to the territory of Poland show also tendency of Vietnamese migrants to a long-term stay in Poland as other types of residence permit are issued to this group of foreigners (a permit to settle and a long-term resident's EC residence permit). In 2011 residence permits for a fixed period stated 38% of all residence permits issued to Vietnamese foreigners (in 2010 – 33%), residence to settle – 48% (in 2010 – 52%). In 2010 and 2011 number of the long-term resident's EC residence permits stated around 16-18%.

Table 12. Number of valid residence cards issued to the Vietnamese migrants between 2008-2011 (by the legal basis of the card issued)

Year	Subsidiary protection	Settlement	Long-term resident's EC residence permit	Tolerated stay	Refugees status	Residence permit for a fixed period	Total
2008	3	4218	182	246	-	2557	7206
2009	4	4375	721	333	-	2774	8207
2010	2	4471	943	337	3	2811	8567
2011	1	4437	1032	252	3	3532	9257

Source: Materials of the Office for Foreigners

The abovementioned may suggest that migrants from Vietnam are more often taking decision to settle on the territory of Poland, rather than migrate to other EU countries or return to their country of origin.

Vietnam citizens who are legally residing on the territory of Poland are usually employed as skilled workers or in a position of members of management boards of legal persons or Vietnamese companies in Poland. It is worth mentioning that the inflow of the Vietnamese migrants to Poland is not based on the organized system of labour recruitment and is of spontaneous character (in 2010 to citizens of Vietnam there were issued 2,252 work permits - in total 37,121; whereas in 2009 they were issued 1,241 work permits). Moreover, of minor importance but constant group of Vietnam citizens (around 190 people per year) are studying in Poland.

Simultaneously, on a low scale maintained the number of migrants from Vietnam to whom entry to the territory of Poland was refused (in 2009 Polish Border Guard officers had refused entry of 3 Vietnam citizens, in 2010 – 10 people were refused entry to Poland), also to whom a decision on expulsion or obligation to leave the territory of Poland was issued. That tendency on the low scale of decisions issued by a voivod or the commanding officer of the Border Guard division or the commanding officer of the Border Guard checkpoint (or the Police) resulting in the voluntary or forced return of foreigners to the country of origin is noticeable, although is constantly changing. Of relevant importance is the fact that the number of migrants obliged to leave the country as a result of illegally performed work is decreasing.

Table 13. Number of decisions issued to Vietnamese migrants related to their illegal stay on the territory of Poland between 2007-2010

	2007		2008		2009		2010	
<b>Refusal of entry to the territory of Poland</b>	110		3		3		10	
<b>Decision on obligation to leave the territory of Poland (number of decision issued in total)</b>	133		38		82		44	
<b>Number of obligations to leave issued by the Polish Border Guard</b>	41		18		74		33	
	<i>Illegal stay</i>	<i>Work performed illegally</i>						
	36	5	15	3	50	8	15	6
<b>Decisions on expulsion (number of decisions issued)</b>	210		282		213		196	
<b>Number of foreigners expelled by the Polish Border Guard*</b>	215		439		245		227	

Source: Materials of the Border Guard

\* data show the final number of foreigners returned by the Border Guard to their country of origin (with the basis on the decisions issued in previous years as well as on the negative decision in the refugees procedure where the expulsion order was issued too)

Detailed data regarding the number of foreigners to whom the decision on expulsion and the obligation to leave the territory of Poland were issued between 2007-2010 shows table below.

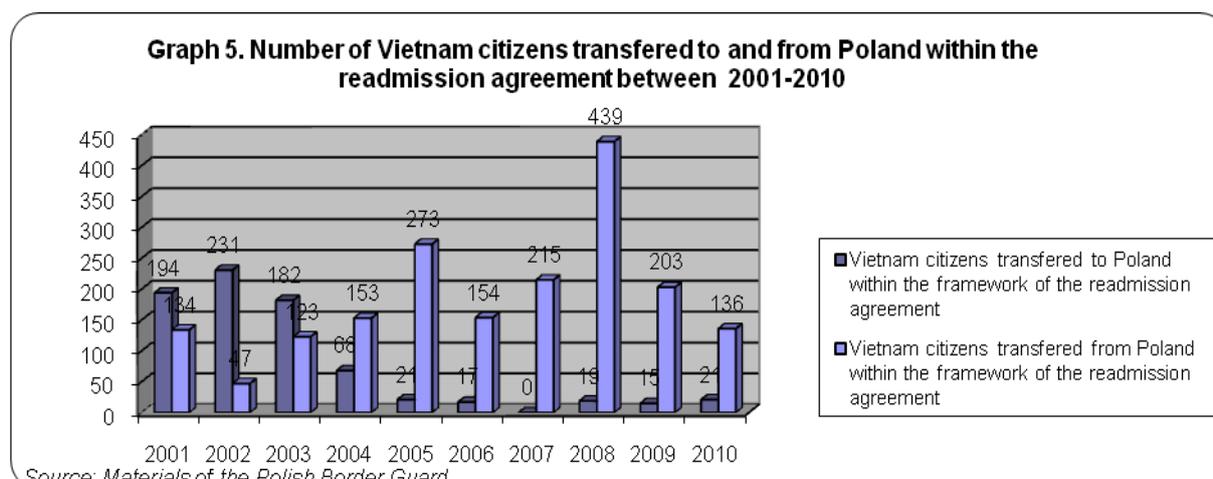
Table 14. Number of decisions on expulsion and obligation to leave the territory of Poland issued between 2007-2010 (by main citizenship)

Number of decision on expulsion from the territory of Poland	2007	2.390	Ukraine	1.186
				Armenia
			Vietnam	210
			Belarus	125
	2008	3.831	Ukraine	1.933
			Russia	442
			Belarus	321
			Vietnam	282
	2009	1.793	Ukraine	632
			Vietnam	213
			Russia	190
			Georgia	129
	2010	1.603	Ukraine	554
			Russia	200
			Vietnam	196
			Georgia	125
<b>Number of decisions on the</b>	2007	7.625	Ukraine	6.273

obligation to leave the territory of Poland			Belarus	526
2008	3.322		Russia	164
			Ukraine	2.593
			Russia	235
			Belarus	128
			Armenia	77
2009	6.381		Ukraine	4.549
			Russia	694
			Belarus	444
			Moldova	133
2010	6.650		Ukraine	4.769
			Russia	853
			Belarus	461
			Moldova	91

Source: Materials of the Border Guard

With regards to Vietnamese migrants illegally staying on the territory of Poland the bilateral agreement of 22 April 2004 on readmission signed with the Socialist Republic of Vietnam is applicable. As it was already mentioned several meetings with experts from Vietnam on i.a. identifying migrants` identity were organized. In 2010, 136 citizens of Vietnam were transferred to Vietnam (111 through the external EU border).



Migrants from Vietnam illegally staying on the territory of Poland are performing work usually in trade, in small companies owned by legally staying in Poland migrants from Vietnam and China.

## **Chapter 5. Effects of EU policy and legislation**

Given the membership of Poland of the European Union (as of May 2004) and the full adoption of the Schengen acquis by Poland (December 2007), since 5 April 2010 the visa policy of the Republic of Poland has been realized by Polish consular posts and the Border Guard while implementing the provisions of the Community Code on Visas and the recommendations put forward in the European Commission's Handbook for the processing of visa applications and the modification of issued visas, and with regard to legalization of stay of foreigners – through the national legal solutions (invitations, national visas) implemented by the consuls and voivodes.

The measures for promoting legal migration on the territory of Poland adopted at the EU level constitute important components of the visa regime enforced in Poland. They include the following:

1. Agreements on the local border traffic with Ukraine (implemented from January 2008) and with Belarus and Russia (awaiting ratification), signed on the basis of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 29 of 3.02.2007);
2. EU plans and agreements on visa facilitations which modify the existing procedures for issuing visas entitling their holders to enter the territory of Schengen States:
  - a. Agreement of 18 December 2007 between the European Union and Ukraine on the facilitation of the issuance of visas,
  - b. Action Plan for liberalization of the EU-Ukraine visa regime, adopted by a decree of President Viktor Yanukovich on 22 April 2011 (No 494/2011),
  - c. Agreement of 17 June 2010 between the European Union and Georgia on the facilitation of the issuance of visas, which entered into force on 1 March 2011,
  - d. Agreement of 17 May 2007 between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and of the Russian Federation,
  - e. Agreement of 19 December 2007 between the European Community and the Republic of Moldova on the facilitation of the issuance of visas,
  - f. Agreement of 19 December 2007 between the European Community and Albania on the facilitation of the issuance of visas, and
  - g. the beginning of negotiations on signing the agreement on the facilitation of the issuance of visas with Belarus, Armenia and Azerbaijan;
3. Implementation, as of 11 October 2011, of the Visa Information System in the first region (Northern Africa), allowing for collection of biometrics of persons applying for a visa and transferring them to the central EU server in Strasburg. In Poland this mechanism is operated by the *Wiza-Konsul*<sup>67</sup> program, implemented in all consular posts;
4. Arrangements on the EU forum with regard to the implemented programmes, e.g. Prague Process - political initiative established during the implementation of the Building Migration

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<sup>67</sup>The *Wiza-Konsul* system was introduced by Order No 10 of the Director-General of the Polish Foreign Service of 9 May 2011 on implementation and operation of the *Wiza-Konsul* system in the Ministry of Foreign Affairs and in Polish foreign posts (Dz. Urz. MSZ of 19 July 2011, No 4, item 36).

Partnerships project (BMP). The Process` road map for 2012–2016 provides for such actions as addressing the issue of strengthening the measures ensuring the safety of travel documents and visas, combating forgery of such documents (including ensuring compliance with ICAO standards) and promoting introduction of biometric documents;

5. Concluding so called mobility partnerships, were the European Union broaden lawful possibilities to promote legal migration of third-country nationals (mainly within circular and temporal migration) in return for implementing by the governments of Georgia, Moldova and Armenia (also the Cape Verde) politics focussed on combating illegal migration. Examples of broaden activities and practicies in this field were presented in a new publication: *A new and ambitious European Neighbourhood Policy* by the European Commission and the EU High Representative for Foreign Affairs and Security Policy Catherine Ashton on 25 May 2011. This document sets out the main priorities and directions of a revitalised ENP strategy which seeks to strengthen individual and regional relationships between the EU and countries in its neighbourhood. It suggests the possibility to include to the mobility partnerships also Morocco, Tunisia and Egipt.
6. Cooperation in the framework of Eastern Partnership<sup>68</sup>, especially in the context of one of several flagship initiatives concerning integrated border management as well as the Panel on migration and asylum and Eastern Partnership Platform for democracy, good governance and stability (the first meeting of the Panel was held in Stockholm on 8 December 2011).

As regards combating illegal migration under the implemented visa policy, it is necessary to point to the standards and requirements applied by the Polish consular posts and established in the Convention implementing the Schengen Agreement and the Community Code on Visas, whose aim is to harmonise the visa practice, also in terms of uniform level of visa protection. This includes in particular conducting electronic exchange of information with the authorities of other Schengen States on specific categories of persons applying for a visa and consulting the Central Visa Authority, as well as cooperating with the consuls of other Schengen States on immigration risk assessment and concluding agreements on visa representation by Poland.

Furthermore, the EU agreements on readmission play an important role in this respect, including the recently signed agreements with Georgia (Agreement between the European Union and Georgia on readmission of illegal residents, which entered into force on 1 March 2011) and agreements negotiated with Belarus, Azerbaijan and Armenia.

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<sup>68</sup> An original initiative by Poland and Sweden introduced into the system of external relations of the European Union and approved by the European Council on 19–20 March 2009. The Eastern Partnership is directed at third countries such as: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

**Annex**

Table 1. The index of bilateral agreements regarding visas` issues signed by Poland with third countries

Country	Agreement	Was signed on:	Entered into force since:
Albania	Porozumienie w formie wymiany not pomiędzy RP a Republiką Albanii w sprawie zniesienia wiz dla posiadaczy paszportów dyplomatycznych oraz służbowych MSZ oraz rodzin pozostających z nimi we wspólnocie domowej bez względu na rodzaj posiadanego paszportu.	1992-03-21	1992-04-25
Argentina	Porozumienie między Rządem PRL a Rządem Republiki Argentyny w sprawie uproszczenia wydawania wiz kurierom dyplomatycznym zawarte w drodze wymiany not	1981-10-27	1981-10-27
	Porozumienie w formie wymiany not między Rządem RP a Rządem Republiki Argentyńskiej o wzajemnym zniesieniu obowiązku posiadania wiz dla posiadaczy paszportów dyplomatycznych, służbowych i prywatnych.	1990-10-22	1990-11-22
Armenia	Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Armenii o wzajemnym zniesieniu wiz dla posiadaczy paszportów dyplomatycznych	1998-11-24	2000-01-01
Benin	Porozumienie między Rządem PRL a Rządem Republiki Ludowej Beninu o wzajemnym zniesieniu wiz w odniesieniu do posiadaczy paszportów dyplomatycznych i służbowych zawarte w formie wymiany not.	1982-05-11	1982-05-11
Belarus	Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Białorusi o ruchu osobowym, w formie wymiany not.	2007-12-20	2008-08-06
Bosnia	Porozumienie w formie wymiany not między RP a Bośnią i Hercegowiną o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych	1999-03-04	1999-05-04
Brasil	Umowa między Rządem RP a Rządem Federacyjnej Republiki Brazylii o ruchu bezwizowym.	1999-07-14	2000-04-23
Chile	Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Chile o zniesieniu wiz dla posiadaczy paszportów dyplomatycznych i służbowych w ruchu osobowym między Polską i Chile.	1990-09-06	1990-10-07
	Umowa o zniesieniu obowiązku wizowego między Rzeczpospolitą Polską a Republiką Chile.	1995-02-24	1995-02-24
China	Umowa między Rządem PRL a Rządem Chińskiej Republiki Ludowej o wzajemnym zniesieniu obowiązku wizowego przy podróżach służbowych.	1988-06-07	1988-07-06
	Porozumienie w formie wymiany not w sprawie zmiany w art. 2 pkt 1 i 2 Umowy między Rządem PRL a Rządem ChRL o wzajemnym zniesieniu obowiązku wizowego przy podróżach służbowych, podpisanej 07.06.1988 r.	1992-06-26	1992-07-27

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Country	Agreement	Was signed on:	Entered into force since:
Croatia	Porozumienie zawarte w formie wymiany not o zniesieniu obowiązku wizowego między Rządem RP a Rządem Republiki Chorwacji.	1992-12-08	1992-12-08
Ecuador	Umowa między Rządem RP a Rządem Rep. Ekwadoru o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych i służbowych	2007-10-03	2007-11-24
Philippines	Porozumienie zawarte w formie wymiany not między Rządem RP a Rządem Republiki Filipin w sprawie zniesienia wiz dla posiadaczy paszportów dyplomatycznych i służbowych MSZ.	1992-10-14	1992-11-13
Honduras	Porozumienie w formie wymiany not w sprawie zniesienia obowiązku wizowego pomiędzy RP a Republiką Hondurasu.	1993-12-10	1994-01-11
Hongkong	Porozumienie w formie wymiany not między RP i Hongkongiem o zniesieniu obowiązku wizowego w podróżach obywateli polskich do Hongkongu i mieszkańców Hongkongu do Polski, legitymujących się tzw. brytyjskim paszportem Hongkongu.	1991-10-28	1991-11-28
	Umowa między Rządem RP a Rządem Hongkongu-Specjalnego Regionu Administracyjnego Chińskiej Republiki Ludowej o ruchu bezwizowym.	2001-08-30	2002-08-28
Iran	Porozumienie w sprawie ułatwień wizowych dla niektórych kategorii obywateli polskich i irańskich zawarte w formie wymiany listów.	1975-04-24	1975-05-01
	Protokół między Rządem RP a Rządem Islamskiej Republiki Iranu w sprawie zniesienia obowiązku wizowego dla posiadaczy paszportów dyplomatycznych.	1991-07-08	1991-08-07
Islandia	Porozumienie w formie wymiany not między Rządem RP i Rządem Islandii o zniesieniu obowiązku wizowego	1992-06-19	1992-07-01
Izrael	Porozumienie w formie wymiany not między Rządem RP a Rządem Izraela o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych i służbowych wydanych przez MSZ obu Państw.	1992-11-08	1993-02-08
	Porozumienie w formie wymiany not między RP a Państwem Izrael o wzajemnym zniesieniu opłat wizowych dla grup młodzieży do 20 lat o liczbie uczestników powyżej dziesięciu.	1999-05-04	1999-06-03
	Umowa między Rządem RP a Rządem Państwa Izrael o zniesieniu obowiązku wizowego dla posiadaczy paszportów zwykłych i krajowych.	1999-12-29	2000-05-15
Japan	Umowa w formie wymiany not dotycząca zniesienia obowiązku wizowego (paszporty dyplomatyczne i służbowe) między RP i Japonią.	1994-12-07	1995-02-07
	Umowa w formie wymiany not między Polską a Japonią w sprawie zniesienia obowiązku wizowego i opłat za wizen od obywateli obu Państw.	1998-12-16	1999-02-14

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Country	Agreement	Was signed on:	Entered into force since:
Canada	Porozumienie zawarte w formie wymiany not między MSZ Kanady a Ambasadą PRL w Ottawie w sprawie utworzenia polskiego przedstawicielstwa handlowego w Toronto, zatrudniania obywateli polskich w firmie Dalimpex i ułatwień wizowych dla polskich przedstawicieli handlowych.	1971-10-15	1971-10-15
Kazachstan	Umowa między Rządem RP a Rządem Rep. Kazachstanu o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych	2007-03-29	2008-07-31
Korea	Porozumienie w formie wymiany not między Rządem RP a Rządem Republiki Korei o zniesieniu obowiązku wizowego.	1993-11-24	1993-12-24
Costa Rica	Porozumienie w formie wymiany not między Rządem RP a Rządem Republiki Kostaryki o zniesieniu obowiązku wizowego dla obywateli obu Państw.	1992-07-08	1992-07-08
Laos	Umowa między Rządem PRL a Rządem Laotańskiej Republiki Ludowo-Demokratycznej o wzajemnym zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych i służbowych.	1981-09-10	1981-10-26
Makau	Umowa między Rządem RP a Rządem Makau-Specjalnego Regionu Administracyjnego Chińskiej Republiki Ludowej o ruchu bezwiz.	2001-09-03	2002-08-28
Malaysia	Umowa między Rządem RP a Rządem Malezji w sprawie częściowego zniesienia obowiązku wizowego.	1997-12-23	1998-05-24
Morocco	Porozumienie w formie wymiany not w sprawie zniesienia wiz dla posiadaczy paszportów dyplomatycznych i służbowych MSZ na okres 90 dni między RP a Królestwem Maroka.	1992-04-13	1992-04-13
Mexico	Umowa między Rządem RP a Rządem Meksykańskich Stanów Zjednoczonych o ruchu bezwizowym.	1998-11-30	1999-06-08
Nicaragua	Porozumienie o zniesieniu obowiązku wizowego między RP a Republiką Nikaragui, zawarte w formie wymiany not.	1995-01-10	1995-02-10
Norway	Porozumienie w formie wymiany not między Rządem RP a Rządem Królestwa Norwegii o zniesieniu wiz.	1991-03-26	1991-04-15
Panama	Umowa między Rządem RP a Rządem Republiki Panamy o ruchu bezwizowym.	2000-06-27	2002-08-23
Paraguay	Umowa o ruchu bezwizowym między Rządem RP a Republiką Paragwaju dla posiadaczy paszportów dyplomatycznych i paszportów służbowych	1991-08-07	1993-10-04
Peru	Porozumienie (w formie wymiany not) w sprawie zniesienia wiz dla posiadaczy paszportów dyplomatycznych, służbowych MSZ na okres 90 dni między RP a Republiką Peru.	1991-12-12	1992-01-11
Russia	Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Federacji Rosyjskiej o warunkach podróży obywateli RP i obywateli Federacji Rosyjskiej.	2003-09-18	2003-10-01

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Country	Agreement	Was signed on:	Entered into force since:
RPA	Porozumienie między Rządem RP a Rządem RPA w sprawie zniesienia obowiązku wizowego dla posiadaczy paszportów dyplomatycznych i służbowych.	1992-02-07	1992-03-08
Serbia	Uzgodnienie między MSZ RP a Federalnym Ministrem Spraw Zagranicznych Federacyjnej Republiki Jugosławii w sprawie wzajemnych ułatwień w praktyce udzielania wiz obywatelom RP i FRJ.	1996-09-03	1996-09-03
Singapur	Umowa między Rządem RP a Rządem Republiki Singapuru o ruchu bezwizowym.	1998-11-21	1999-09-02
Switzerland	Umowa między Rządem RP a Radą Federalną Konfederacji Szwajcarskiej o wzajemnym zniesieniu obowiązku wizowego.	1991-09-02	1991-09-03
Thailand	Umowa między Rządem RP a Rządem Królestwa Tajlandii o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych i służbowych.	1992-07-31	1992-10-29
Tunisia	Porozumienie zawarte w formie wymiany not o zniesieniu obowiązku wizowego dla posiadaczy paszportów dyplomatycznych, służbowych i specjalnych.	1990-09-17	1990-10-19
Turkey	Porozumienie w formie wymiany not między Rządem RP a Rządem Turcji o zniesieniu wiz dla posiadaczy paszportów dyplomatycznych, specjalnych i służbowych.	1996-02-14	1996-03-14
Ukraine	Umowa między Rządem RP a Gabinetem Ministrów Ukrainy o zasadach ruchu osobowego.	2003-07-30	2003-10-09
	Protokół między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zmianie Umowy między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zasadach ruchu osobowego, podpisanej w Kijowie dnia 30 lipca 2003 roku.	2007-11-30	2008-05-15
Uruguay	Porozumienie zawarte w formie wymiany not dotyczące zniesienia wiz w paszportach dyplomatycznych, oficjalnych, służbowych i zwykłych obywateli RP i Urugwaju.	1991-08-02	1991-09-02
USA	Porozumienie w formie wymiany not w sprawie zniesienia opłat wizowych dla artystów i grup artystycznych udających się na występy z Polski do USA i z USA do Polski.	1963-01-21	1963-01-21
	Porozumienie w drodze wymiany aid-memoires między Polską Rzeczpospolitą Ludową a Stanami Zjednoczonymi w sprawie zasad podejmowania decyzji wizowych.(paszporty służbowe i dyplomatyczne).	1982-10-06	1982-10-06
	Porozumienie w formie wymiany not między Rządem RP a Rządem Stanów Zjednoczonych w sprawie zniesienia wiz dla obywateli USA.	1991-04-04	1991-04-15
	Porozumienie w formie wymiany not między Rządem RP a Rządem Stanów Zjednoczonych Ameryki w sprawie zwolnienia z opłat wizowych i wydłużenie okresu ważności wiz dla pewnej kategorii obywateli polskich.	1995-12-05	1995-12-15

Country	Agreement	Was signed on:	Entered into force since:
Vatican	List Prezesa Rady Ministrów dotyczący jednostronnego zniesienie obowiązku uzyskiwania polskich wiz w paszportach dyplomatycznych i służbowych wystawianych przez Stolicę Apostolską, dla ich posiadaczy, udających się do Polski.	1988-12-23	1989-01-01
Venezuela	Porozumienie w formie wymiany not o zniesieniu obowiązku posiadania wiz przez obywateli RP i Republiki Wenezueli, posiadaczy paszportów dyplomatycznych i służbowych wystawionych przez MSZ.	1996-11-22	1996-12-22

Source: Materials of the Ministry of Foreign Affairs

Table 2. Multilateral agreements on visas issues

Symbol	Agreement	Place of formulation	Data of formulation	Signed by Poland	Entered into force since (temporarily):	Entered into force since:	Entered into force since: (as of Poland):
EU	Umowa między Wspólnotą Europejską a Federacją Rosyjską o ułatwieniach w wydawaniu wiz obywatelom Unii Europejskiej i Federacji Rosyjskiej.	Soczi	2006-05-25			2007-06-01	2007-06-01
	Umowa między Wspólnotą Europejską a Republiką Mołdowy o ułatwieniach w wydawaniu wiz	Bruksela	2007-10-10			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Republiką Serbii o ułatwieniach w wydawaniu wiz.	Bruksela	2007-08-19			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Byłą Jugosłowiańską Republiką Macedonii o ułatwieniach w wydawaniu wiz	Bruksela	2007-09-18			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Republiką Czarnogóry o ułatwieniach w wydawaniu wiz	Bruksela	2007-09-18			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Bośnią i Hercegowiną o ułatwieniach w wydawaniu wiz	Bruksela	2007-09-18			2008-01-01	2008-01-01

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Symbol	Agreement	Place of formulation	Data of formulation	Signed by Poland	Entered into force since (temporarily):	Entered into force since:	Entered into force since: (as of Poland):
	Umowa między Wspólnotą Europejską a Republiką Albanii o ułatwieniach w wydawaniu wiz	Bruksela	2007-09-18			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Ukrainą o ułatwieniach w wydawaniu wiz	Luksemburg	2007-06-18			2008-01-01	2008-01-01
	Umowa między Wspólnotą Europejską a Republiką Seszeli w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28			2010-01-01	2010-01-01
	Umowa między Wspólnotą Europejską a Republiką Mauritiusu w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28			2010-03-01	2010-03-01
	Umowa między Wspólnotą Europejską a Federacją Saint Kitts i Nevis w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28		2009-05-28		
	Umowa między Wspólnotą Europejską a Wspólnotą Bahamów w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28			2010-04-01	2010-04-01
	Umowa między Wspólnotą Europejską a Barbadosem w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28			2010-03-01	2010-03-01
	Umowa między Wspólnotą Europejską a Antiguą i Barbudą w sprawie zniesienia wiz krótkoterminowych	Bruksela	2009-05-28		2009-05-28	2010-05-01	2010-05-01
Council of Europe	Europejskie Porozumienie w sprawie zniesienia wiz dla uchodźców /31/	Strasburg	1959-04-20	2004-05-19		1960-09-04	2005-05-21

Source: Materials of the Ministry of Foreign Affairs

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Table 3. Number of visas issued in Polish consular posts 2001 – 2007

Country	Consular post	2001	2002	2003	2004	2005	2006	2007
<b>Afganistan</b>	Kabul	0	0	0	0	0	0	77
<b>Albania</b>	Tirana	748	631	586	690	649	604	585
<b>Algeria</b>	Algier	428	333	591	673	625	570	508
<b>Angola</b>	Luanda	76	79	193	74	68	87	98
<b>Arabia Saudi</b>	Rijad	510	394	469	509	547	629	942
<b>Argentina</b>	Buenos Aires	33	27	52	111	30	35	25
<b>Armenia</b>	Erewań	55	1163	1006	1304	1598	1491	1102
<b>Australia</b>	Canberra	24	30	33	2	7	7	0
	Sydney	7987	7808	7573	3533	158	135	135
<b>Austria</b>	Vienna	923	894	850	786	861	919	768
<b>Azerbaijan</b>	Baku	1229	1115	1223	1666	1262	876	1370
<b>Bangladesh</b>	Dhaka	108	0	0	0	0	0	0
<b>Belgium</b>	Brussels	831	906	784	622	702	663	608
<b>Belarus</b>	Brześć	8837	8975	41330	102494	124076	94035	106732
	Grodno	13254	7366	35460	84304	86780	99258	87531
	Mińsk	10729	10337	43325	105667	97443	98144	85640
<b>Bosnia and Herzegovina</b>	Sarajewo	631	701	584	667	670	762	1024
<b>Brazil</b>	Brasilia	2	4	4	6	9	4	12
	Kurytyba	19	13	14	17	14	17	16
	Rio de Janeiro	20	9	3	14	11	20	19
	Sao Paolo	9	8	12	36	25	41	65
<b>Bulgaria</b>	Sofia	255	185	225	156	155	151	118
	Warna	347	192	86	66	56	284	16
<b>Chile</b>	Santiago	3	18	5	15	6	9	10
<b>China</b>	Hong Kong	1084	1591	291	190	480	379	375
	Kanton	122	469	273	629	996	1424	1771
	Pekin	1069	1236	1061	2031	2395	4057	4577
	Szanghaj	339	444	418	1062	1771	2908	3488
<b>Croatia</b>	Zagrzeb	190	130	98	111	125	85	73
<b>Cyprus</b>	Nikozja	66	44	69	102	88	65	85
<b>Czech Republic</b>	Ostrawa	1715	1353	2699	9219	7316	5089	3019
	Praga	4436	4168	5607	6651	4792	4069	2541
<b>Denmark</b>	Kopenhaga	974	953	1003	797	657	573	473
<b>Egipt</b>	Kair	1133	1051	1184	1113	1390	1764	1592
<b>Estonia</b>	Tallin	1915	1987	1783	1952	2053	2167	347
<b>Etiopia</b>	Addis Abeba	0	0	0	21	26	39	29
<b>Finlandia</b>	Helsinki	384	280	309	182	138	202	201
<b>France</b>	Lille	105	77	81	66	0	77	75
	Lyon	385	375	305	294	268	291	255
	Paryż	1581	1383	1264	1394	1723	1855	1777
	Strasburg	565	514	739	738	636	439	114
<b>Greece</b>	Ateny	182	142	187	212	282	276	383
<b>Georgia</b>	Tbilisi	1256	963	1025	1475	1607	2047	2157
<b>Spain</b>	Barcelona	141	121	168	133	185	292	307

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	Madryt	285	301	454	379	559	662	653
<b>Holandia</b>	Haga	1086	924	1036	901	1090	1122	946
<b>India</b>	Mumbaj	1300	1267	1306	1368	1681	1951	2940
	New Delhi	1170	1469	1723	2307	2492	3419	3752
<b>Indonesia</b>	Dżakarta	547	620	990	1013	806	868	847
<b>Irak</b>	Bagdad	78	110	36	365	425	379	263
<b>Iran</b>	Teheran	594	656	738	824	849	903	762
<b>Ireland</b>	Dublin	273	308	388	413	376	488	913
<b>Izrael</b>	Tel Aviv	298	343	299	293	277	333	397
<b>Japan</b>	Tokio	242	149	247	357	336	397	557
<b>Jemen</b>	Sana	138	120	70	95	74	97	90
<b>Jordania</b>	Amman	169	238	148	289	412	368	325
<b>Cambodia</b>	Phnom Penh	8	12	8	23	58	18	37
<b>Canada</b>	Montreal	2776	2761	2690	1004	95	88	90
	Ottawa	1501	1341	1596	507	51	43	45
	Toronto	5840	5462	7768	3243	402	377	397
	Vancouver	2959	2132	2539	1178	155	209	162
<b>Kazakhstan</b>	Ałmaty	31902	25608	19554	17225	12816	9473	6164
<b>Kenia</b>	Nairobi	168	181	226	285	262	330	229
<b>Columbia</b>	Bogota	226	249	251	231	299	603	580
<b>Congo</b>	Kinszasa	71	51	39	70	54	42	102
<b>Korea S.</b>	Seul	97	75	139	172	153	541	669
<b>Korea N.</b>	Pjongjang	98	93	52	83	54	66	70
<b>Costa Rica</b>	San Jose	61	41	45	79	9	15	32
<b>Cuba</b>	Hawana	3	94	154	119	134	181	180
<b>Kuwejt</b>		582	594	714	541	472	668	598
<b>Laos</b>	Vientiane	5	1	2	6	8	11	29
<b>Liban</b>	Bejrut	564	476	483	508	598	469	499
<b>Libia</b>	Benghazi	184	173	114	95	0	0	0
	Trypolis	747	750	645	544	527	521	456
<b>Lithuania</b>	Wilno	1096	881	912	1118	1153	1121	1025
<b>Luksemburg</b>	Luksemburg	0	0	0	0	0	32	36
<b>Latvia</b>	Ryga	11529	10840	9306	8473	7944	6229	313
<b>Macedonia</b>	Skopje	79	256	1281	1051	1386	1436	1567
<b>Malaysia</b>	Kuala Lumpur	47	25	76	59	31	357	1031
<b>Morocco</b>	Casablanca	214	170	113	172	0	0	0
	Rabat	233	120	84	110	99	149	359
<b>Mexico</b>	Meksyk	34	79	112	89	94	177	217
<b>Moldova</b>	Kiszyniów	22722	19748	20192	18350	24001	17525	9480
<b>Mongolia</b>	Ułan Bator	1407	1227	851	1155	1326	1384	631
<b>Germany</b>	Berlin	8878	6928	7749	8049	8338	6468	3062
	Hamburg	4079	3787	3811	4007	3885	3267	1843
	Kolonia	8551	6717	7051	7433	7599	6329	3273
	Lipsk	1650	1406	1570	1966	2117	1765	1075
	Monachium	3212	3255	3342	3201	3039	2461	1629
<b>Nigeria</b>	Abuża	633	352	432	208	436	707	890
	Lagos	0	0	0	470	0	0	0
<b>Norway</b>	Oslo	325	348	346	335	337	448	372

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<b>New Zealand</b>	Wellington	880	932	936	533	30	30	22
<b>Pakistan</b>	Islamabad	324	286	210	186	375	314	350
	Karaczi	109	112	126	137	153	183	242
<b>Panama</b>		59	34	4	5	2	12	10
<b>Peru</b>	Lima	122	208	133	184	390	378	325
<b>Portugal</b>	Lizbona	138	149	230	186	149	231	149
<b>Russia</b>	Irkuck	0	0	0	322	434	450	603
	Kaliningrad	3913	3571	55798	136736	160969	141809	87826
	Moskwa	12994	13205	25047	49083	50258	58715	55798
	Sankt Petersburg	4261	3807	5626	11364	11109	14639	10776
<b>RPA</b>	Pretoria	1624	1197	1396	1853	2303	2300	2007
<b>Rumunia</b>	Bukareszt	814	278	265	352	437	420	330
<b>Senegal</b>	Dakar	124	168	207	264	116	234	217
<b>Serbia and Montenegro</b>	Belgrad	3080	3046	3629	3696	4400	5196	6616
<b>Singapur</b>	Singapur	88	113	107	103	100	219	220
<b>Slovakia</b>	Bratysława	422	371	332	348	274	261	340
<b>Slovenia</b>	Lublana	133	152	150	152	158	104	89
<b>Syria</b>	Damaszek	814	442	341	377	429	392	551
<b>Switzerland</b>	Berno	577	621	821	773	679	692	743
<b>Sweden</b>	Malmoe	389	256	267	252	257	216	219
	Sztokholm	619	548	476	404	373	331	387
<b>Thailand</b>	Bangkok	3393	2590	2008	1982	1858	1962	1728
<b>Taiwan</b>	Tajpej	0	0	0	0	3957	3881	3367
<b>Tanzania</b>	Dar es Salaam	41	44	77	61	86	128	74
<b>Tunezja</b>	Tunis	455	488	642	599	671	886	649
<b>Turkey</b>	Ankara	2233	2541	3171	3635	3752	4489	5207
	Stambuł	3917	4194	4091	4560	6528	6866	8150
<b>Ukraine</b>	Charków	604	349	7826	13926	13569	21909	26218
	Kijów	2266	1617	60330	148233	138958	132617	100281
	Lwów	2625	1388	54797	217935	273565	306240	283017
	Łuck	0	0	52536	178046	161008	142215	141049
	Odessa	0	0	11028	18292	18221	32381	35206
<b>Urugwaj</b>	Montevideo	5	2	2	3	3	2	0
<b>USA</b>	Chicago	406	354	534	896	744	729	721
	Los Angeles	570	504	656	786	863	856	814
	Nowy Jork	862	593	974	1383	1185	1261	1221
	Waszyngton	552	548	576	576	710	709	806
<b>Uzbekistan</b>	Taszkient	1331	1593	1764	1095	1135	1024	1345
<b>Venezuela</b>	Caracas	673	326	424	206	478	91	90
<b>Hungary</b>	Budapeszt	1041	601	603	486	478	497	420
<b>United Kingdom</b>	Edynburg	253	248	237	114	94	172	244
	Londyn	5959	5813	6390	4069	4253	5250	5977
	Manchester	0	0	0	0	510	0	0
<b>Vietnam</b>	Hanoi	199	335	556	573	684	635	864
	Ho Chi Minh	163	110	158	136	171	259	490
<b>Italia</b>	Mediolan	733	1066	955	584	438	434	349

	Rzym	601	476	583	613	765	903	585
<b>Ivory Coast</b>	Abidżan	91	75	0	0	0	0	0
<b>ZEA</b>	Abu Dhabi	578	660	643	690	898	1068	1145
<b>Zimbabwe</b>	Harare	62	55	49	64	64	88	53
<b>Total</b>		<b>244458</b>	<b>217273</b>	<b>562365</b>	<b>1229400</b>	<b>1299030</b>	<b>1296014</b>	<b>1148517</b>

Source: Materials of the Ministry of Foreign Affairs

Table 4. Number of visas issued in Polish consular posts and number of refusals 2008 – 2010

Country	Consular post	2008		2009		2010	
		visas issued	refusals	visas issued	refusals	visas issued	refusals
<b>Afganistan</b>	Kabul	165	9	176	9	315	54
<b>Albania</b>	Tirana	817	51	1122	204	1253	416
<b>Algeria</b>	Algier	248	195	266	220	514	156
<b>Angola</b>	Luanda	112	71	138	83	243	172
<b>Arabia Saudyjska</b>	Rijad	762	16	1034	38	1324	34
<b>Argentina</b>	Buenos Aires	20	19	26	5	46	5
<b>Armenia</b>	Erewań	1517	257	1542	373	1547	226
<b>Australia</b>	Canberra	4	0	2	0	5	0
	Sydney	159	0	142	1	107	0
<b>Austria</b>	Wiedeń	19	0	22	0	20	0
<b>Azerbajjan</b>	Baku	1296	106	1050	77	1389	47
<b>Belgium</b>	Bruksela	7	0	8	0	13	0
<b>Belarus</b>	Brześć	26183	356	37799	244	63700	131
	Grodno	40986	1056	53711	489	64795	485
	Mińsk	43652	1499	57078	628	73662	635
<b>Bosnia and Herzegovina</b>	Sarajewo	1095	11	1057	2	1510	64
<b>Brazil</b>	Brasilia	21	4	3	0	24	0
	Kurytyba	21	0	32	1	50	0
	Rio de Janeiro	18	0				
	Sao Paolo	63	0	47	0	52	2
<b>Bulgaria</b>	Sofia	98	8	95	3	102	1
	Warna	12	0				
<b>Chile</b>	Santiago	9	0	16	1	11	0
<b>Chiny</b>	Hong Kong	252	8	290	6	108	0
	Kanton	1575	65	1026	9	1616	14
	Pekin	4815	860	4250	431	5742	814
	Szanghaj	3178	646	3663	652	5076	1028
<b>Chorwacja</b>	Zagrzeb	100	4	337	3	403	0
<b>Cypr</b>	Nikozja	90	5	114	38	91	36
<b>Czech Republic</b>	Ostrawa	1132	2	710	3	157	4
	Praga	1677	5	1075	1	126	0
<b>Denmark</b>	Kopenhaga	5	0	19	0	18	2
<b>Egipt</b>	Kair	1515	518	1543	320	1929	496
<b>Estonia</b>	Tallin	0	0	0	0	3	0

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<b>Etiopia</b>	Addis Abeba	102	25	52	31	136	39
<b>Finlandia</b>	Helsinki	0	0	0	0	1	0
<b>France</b>	Lille	11	0	8	0	0	0
	Lyon	28	0	9	0	7	0
	Paryż	82	1	71	0	71	1
	Strasbourg	6	0				
<b>Greece</b>	Ateny	73	1	55	1	71	0
<b>Georgia</b>	Tbilisi	2668	645	2798	572	2198	446
<b>Spain</b>	Barcelona	17	0	5	0	2	0
	Madryt	28	0	23	1	17	1
<b>Holland</b>	Haga	3	0	5	0	8	0
<b>India</b>	Mumbaj	2354	154	2278	190	2328	275
	New Delhi	3027	831	3677	1097	2678	2003
<b>Indonesia</b>	Dżakarta	1088	38	1158	20	1113	61
<b>Irak</b>	Bagdad	319	86	411	30	463	14
<b>Iran</b>	Teheran	923	102	1160	210	1734	626
<b>Ireland</b>	Dublin	873	37	797	18	952	23
<b>Izrael</b>	Tel Aviv	369	46	492	77	301	62
<b>Japon</b>	Tokio	338	2	253	3	308	0
<b>Jemen</b>	Sana	67	0				
<b>Jordania</b>	Amman	265	40	238	58	574	129
<b>Cambodia</b>	Phnom Penh	33	0				
<b>Canada</b>	Montreal	54	0	38	0	63	1
	Ottawa	22	0	46	1	31	0
	Toronto	187	0	207	1	209	0
	Vancouver	95	0	90	0	112	0
<b>Katar</b>	Doha	77	0	212	20	209	8
<b>Kazakhstan</b>	Ałmaty	5153	296	3104	72	3857	52
	Astana			0	0	1007	2
<b>Kenia</b>	Nairobi	392	47	290	169	641	168
<b>Columbia</b>	Bogota	279	81	329	36	387	44
<b>Congo</b>	Kinszasa	74	147				
<b>Korea S.</b>	Seul	558	0	505	1	580	2
<b>Korea N.</b>	Pjongjang	175	0	109	13	152	18
<b>Costa Rica</b>	San Jose	9	0				
<b>Kuba</b>	Hawana	369	139	160	12	165	5
<b>Kuwait</b>		366	23		823	10	
<b>Liban</b>	Bejrut	520	42	638	45	505	65
<b>Libia</b>	Trypolis	1428	151	466	69	361	19
<b>Lithuania</b>	Wilno	153	20	5	0	8	0
<b>Luxemburg</b>	Luksemburg	3	0	0	0	0	0
<b>Latvia</b>	Ryga	11	1	13	0	9	0
<b>Macedonia</b>	Skopje	1494	65	1869	172	626	165
<b>Malaysia</b>	Kuala Lumpur	133	8	111	4	286	111
<b>Marocco</b>	Rabat	491	215	1482	1132	989	585
<b>Mexico</b>	Meksyk	233	0	146	0	110	2
<b>Moldova</b>	Kiszyniów	7171	523	6818	1091	9211	1576
<b>Mongolia</b>	Ułan Bator	1037	101				
<b>Germany</b>	Berlin	73	4	176	2	279	6

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	Hamburg	13	1	8	0	7	0
	Kolonia	55	8	24	2	56	1
	Monachium	36	1	45	0	10	1
<b>Nigeria</b>	Abuża	669	698	637	815	335	559
<b>Norway</b>	Oslo	16	1	24	2	22	0
<b>New Zealand</b>	Wellington	52	0	21	0	30	0
<b>Pakistan</b>	Islamabad	219	198	241	278	272	232
	Karaczi	264	19				
<b>Peru</b>	Lima	298	66		170	51	
<b>Portugal</b>	Lizbona	40	0	26	2	13	2
<b>Russia</b>	Irkuck	763	0	961	11	2102	68
	Kaliningrad	64531	942	56950	552	74115	419
	Moskwa	54927	285	57270	304	71846	463
	Sankt Petersburg	7427	16	6398	20	10282	0
<b>RPA</b>	Pretoria	1384	12	37	4	1436	16
<b>Rumunia</b>	Bukareszt	188	6	204	3	236	12
<b>Senegal</b>	Dakar	233	0				
<b>Serbia</b>	Belgrad	5005	58	4232	74	426	7
<b>Singapur</b>	Singapur	191	1	173	8	225	5
<b>Slovakia</b>	Bratysława	11	0	7	0	13	0
<b>Slovenia</b>	Lublana	7	0	5	0	1	0
<b>Syria</b>	Damaszek	357	149	488	96	498	102
<b>Switzerland</b>	Berno	475	1	36	0	15	0
<b>Sweden</b>	Malmoe	4	0	10	0	8	0
	Sztokholm	29	1	28	0	28	0
<b>Thailand</b>	Bangkok	1377	144	2000	66	1189	92
<b>Taiwan</b>	Tajpej	1886	4	1554	2	1676	14
<b>Tanzania</b>	Dar es Salaam	46	10				
<b>Tunisia</b>	Tunis	581	82	675	245	586	477
<b>Turkey</b>	Ankara	4370	250	3394	274	3376	364
	Stambuł	4334	189	5824	404	6318	528
<b>Turkmenistan</b>	Aszchabad	102	8	117	3	196	3
<b>Ukraine</b>	Charków	19370	266	16661	525	16194	385
	Kijów	53016	1644	56001	794	58049	1180
	Lwów	192957	4852	273542	7833	248943	7723
	Łuck	71305	2973	81090	2441	91444	1986
	Odessa	14062	473	11763	176	16830	306
	Winnica					21372	356
<b>USA</b>	Chicago	439	5	381	1	321	1
	Los Angeles	616	1	494	12	536	6
	Nowy Jork	801	5	752	5	626	6
	Waszyngton	719	5	623	13	570	3
<b>Uzbekistan</b>	Taszkient	1482	30	1183	54	1494	54
<b>Venezuela</b>	Caracas	171	21	30	3	60	12
<b>Hungary</b>	Budapeszt	13	0	8	0	18	0
<b>United Kingdom</b>	Edynburg	382	16	375	0	372	1
	Londyn	5350	41	4113	50	4351	52
	Manchester	0	0	406	3	778	18
<b>Vietnam</b>	Hanoi	703	338	806	239	725	160

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	Ho Chi Minh	347	0				
Italia	Mediolan	7	1	32	1	14	0
	Rzym	0	0	5	0	1	0
ZEA	Abu Dhabi	770	132	0	230	910	170
Zimbabwe	Harare	222	0				
<b>Total</b>		<b>677476</b>	<b>23595</b>	<b>788351</b>	<b>25527</b>	<b>897696</b>	<b>27115</b>

Source: Materials of the Ministry of Foreign Affairs

Table 5. Total visas by type

		Total A	Total C	Total D	D - less than 6 months	D - 6 to 12 months	D - more than 12 months
2008	Issued	14	485 788	169 298	147 338	21 956	4
2008	Applied	85	505 969	179 203	154 747	24 141	315
2008	Rejected	3	16 088	5 006	4 099	904	3
2009	Issued	4	552 086	209 355	175 038	34 316	1
2009	Applied	66	585 137	217 227	180 547	36 311	369
2009	Rejected	11	17 578	4 945	3 696	1 234	15
2010	Issued	5	617 250	176 387	131 625	44 762	0
2010	Applied	79	711 650	219 112	164 351	54 334	427
2010	Rejected	5	19 146	7 230	3 637	3 553	40

Source: Materials of the Ministry of Foreign Affairs

Table 6. D visas issued by reason

	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Humanitarian / international protection reasons	Other reasons: Residence only	Other reasons: Other reasons not specified
2008	159 250	5 898	113 745	40	39 567	0	16 270	23 297
2009	202 753	6 983	135 418	190	60 162	157	22 400	37 605
2010	174 538	8 888	94 035	120	71 495	10	24 707	46 778

Source: Materials of the Ministry of Foreign Affairs

Table 6. D visas issued by reason and main 10 countries of citizenship (extra EU - 27)

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	Position of the country	Name of the country	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Humanitarian / international protection reasons	Other reasons: Residence only	Other reasons: Other reasons not specified
2008	1st main	UKRAINA	113 397	2 208	93 416	0	17 773	0	5 574	12 199
2008	2nd main	BIAŁORUŚ	38 190	2 023	15 194	33	20 940	0	10 468	10 472
2008	3rd main	TURCJA	2 258	1 039	1 189	0	30	0	19	11
2008	4th main	CHINY	2 225	291	1 904	0	30	0	18	12
2008	5th main	ROSJA	1 940	236	1 031	1	672	0	105	567
2008	6th main	MOŁDOWA	1 621	14	1 594	0	13	0	9	4
2008	7th main	INDIE	576	52	486	0	38	0	36	2
2008	8th main	STANY ZJEDNOCZONE AMERYKI	452	264	146	0	42	0	33	9
2008	9th main	UZBEKISTAN	359	36	316	1	6	0	5	1
2008	10th main	KOREA POŁUDNIOWA (REPUBLIKA KOREI)	331	74	206	0	51	0	51	0
2009	1st main	UKRAINA	155 740	2 380	122 431	1	30 928	7	7 714	23 207
2009	2nd main	BIAŁORUŚ	35 654	1 495	6 434	146	27 579	150	14 164	13 265
2009	3rd main	TURCJA	2 195	1 233	945	1	16	0	7	9
2009	4th main	ROSJA	1 785	242	626	8	909	0	113	796
2009	5th main	CHINY	1 654	330	1 313	0	11	0	8	3
2009	6th main	MOŁDOWA	1 614	11	1 505	1	97	0	5	92
2009	7th main	INDIE	455	81	290	0	84	0	79	5
2009	8th main	NEPAL	419	30	380	0	9	0	8	1
2009	9th main	TAJLANDIA	385	5	376	0	4	0	4	0
2009	10th main	KAZACHSTAN	360	216	21	16	107	0	30	77
2010	1st main	UKRAINA	111 269	2 777	82 135	0	26 357	6	6 520	19 831
2010	2nd main	BIAŁORUŚ	47 000	1 171	2 844	80	42 905	4	17 461	25 440
2010	3rd main	CHINY	2 996	518	2 404	0	74	0	62	12
2010	4th main	MOŁDOWA	2 695	31	2 514	0	150	0	16	134
2010	5th main	TURCJA	2 308	1 545	704	0	59	0	11	48
2010	6th main	ROSJA	1 702	267	463	8	964	0	112	852
2010	7th main	STANY ZJEDNOCZONE AMERYKI	758	491	209	0	58	0	23	35
2010	8th main	NEPAL	529	63	458	0	8	0	8	0
2010	9th main	INDIE	473	136	288	0	49	0	46	3
2010	10th main	ARABIA SAUDYJSKA	418	320	0	0	98	0	63	35

Source: Materials of the Ministry of Foreign Affairs

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Table 7. D visas issued by consular posts and by reason

	Position of the consular post	Name of the consular post	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Humanitarian / international protection reasons	Other reasons: Residence only	Other reasons: Other reasons not specified
2008	1st main	LWÓW	80 698	1 331	63 111	0	16 256	0	4 492	11 764
2008	2nd main	ŁUCK	22 758	458	20 956	0	1 344	0	935	409
2008	3rd main	GRODNO	21 698	1 336	5 117	34	15 211	0	8 322	6 889
2008	4th main	BRZEŚĆ	10 965	296	6 592	0	4 077	0	1 574	2 503
2008	5th main	MIŃSK	5 861	417	3 652	0	1 792	0	630	1 162
2008	6th main	KIJÓW	3 649	276	3 231	0	142	0	117	25
2008	7th main	CHARKÓW	3 292	83	3 165	0	44	0	37	7
2008	8th main	ODESSA	3 224	112	3 095	0	17	0	17	0
2008	9th main	KISZYNIÓW	1 631	9	1 612	0	10	0	8	2
2008	10th main	ANKARA	1 433	666	743	0	24	0	16	8
2009	1st main	LWÓW	117 706	1 301	88 002	1	28 402	4	6 724	21 674
2009	2nd main	ŁUCK	26 548	533	24 176	0	1 839	2	928	909
2009	3rd main	GRODNO	20 188	883	1 852	149	17 304	150	11 385	5 769
2009	4th main	BRZEŚĆ	11 748	298	3 407	0	8 043	0	2 601	5 442
2009	5th main	KIJÓW	5 329	338	4 399	0	592	0	87	505
2009	6th main	MIŃSK	4 030	342	1 262	0	2 426	0	294	2 132
2009	7th main	CHARKÓW	3 873	211	3 537	0	125	1	19	105
2009	8th main	ODESSA	2 820	64	2 668	0	88	0	12	76
2009	9th main	KISZYNIÓW	1 609	11	1 500	1	97	0	6	91
2009	10th main	ANKARA	1 315	777	533	0	5	0	0	5
2010	1st main	LWÓW	78 939	1 204	55 919	0	21 816	0	5 586	16 230
2010	2nd main	GRODNO	23 843	376	539	83	22 845	4	14 433	8 408
2010	3rd main	BRZEŚĆ	17 958	383	1 275	0	16 300	0	2 903	13 397
2010	4th main	ŁUCK	17 491	636	15 340	0	1 515	6	730	779
2010	5th main	WINNICA	6 339	253	3 798	0	2 288	0	74	2 214
2010	6th main	MIŃSK	5 557	409	1 048	0	4 100	0	223	3 877
2010	7th main	KIJÓW	4 348	415	3 413	0	520	0	117	403
2010	8th main	KISZYNIÓW	2 657	29	2 479	0	149	0	13	136
2010	9th main	CHARKÓW	2 462	230	2 067	0	165	0	18	147
2010	10th main	ODESSA	2 055	56	1 892	0	107	0	6	101

Source: Materials of the Ministry of Foreign Affairs

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Table 8. C visas issued by consular posts and by reason

	Total	Tourism	Business	Visiting family / friends	Cultural	Sports	Official	Medical reasons	Transit	Airport transit	Other Reason Employment	Other Reason Education	Other Reason Humanitarne	Other Reason residence	Other Reason protection	Other Reason Family	Other Reason Repatriation	Other Reason Not Specified
2008	461 187	100 855	167 206	35 197	85 915	21 842	2 231	0	17 101	2	65	12 585	3	968	0	10	38	17169
2009	544 698	122 101	204 654	42 378	94 683	24 445	2 349	0	15 793	0	1 060	12 576	167	0	0	43	0	24449
2010	597 397	151 635	205 131	43 527	89 273	26 800	2 703	360	0	4	22 573	10 154	342	104	0	31	0	44760

Source: Materials of the Ministry of Foreign Affairs

Table 9. C visas issued by consular posts and by reason (main 10 consular posts)

	Position of the consular post	Name of the consular post	Total	Tourism	Business	Visiting family / friends	Cultural	Sports	Official	Medical reasons	Transit	Airport transit	Other Reason Employment	Other Reason Education	Other Reason Humanitarne	Other Reason residence	Other Reason protection	Other Reason Family	Other Reason Repatriation	Other Reason Not Specified
2008	1st main	LWÓW	113293	29276	38 655	7 345	27 802	3 204	39	0	1 969	0	28	1 232	1	257	0	2	2	3 481
2008	2nd main	OBWÓD KALININGRADZKI	63748	24675	15 788	1 167	8 685	1 582	32	0	8 006	0	1	89	0	12	0	0	0	3 711
2008	3rd main	MOSKWA	54193	18503	19 374	2 833	6 012	3 539	234	0	562	0	0	1 977	0	63	0	0	1	1 095
2008	4th main	ŁUCK	48911	2180	25 137	5 890	11 919	1 557	89	0	312	0	4	418	0	138	0	0	0	1 267
2008	5th main	KIJÓW	48665	5577	19 624	3 804	9 521	3 280	711	0	1 853	0	2	1 870	1	123	0	0	0	2 299
2008	6th main	MIŃSK	37854	8911	10 656	4 222	6 836	2 837	278	0	2 210	0	6	1 077	0	66	0	0	0	755
2008	7th main	GRODNO	18769	986	7 302	3 110	3 976	1 226	27	0	342	0	1	1 188	0	20	0	0	19	572
2008	8th main	CHARKÓW	16069	2499	6 117	1 461	2 488	1 281	102	0	262	1	0	1 510	0	55	0	0	0	293

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	Position of the consular post	Name of the consular post	Total	Tourism	Business	Visiting family / friends	Cultural	Sports	Official	Medical reasons	Transit	Airport transit	Other Reason Employment	Other Reason Education	Other Reason Humanitarne	Other Reason residence	Other Reason protection	Other Reason Family	Other Reason Repatriation	Other Reason Not Specified
2008	9th main	BRZEŚĆ	15315	2685	6 960	1 217	2 659	749	33	0	327	0	0	183	0	24	0	0	1	477
2008	10th main	ODESSA	10788	2075	4 527	777	1 115	776	168	0	416	0	0	564	0	53	0	0	0	317
2009	1st main	LWÓW	155486	40362	64 281	8 740	26 917	4 742	18	0	858	0	86	1 751	13	0	0	1	0	7 717
2009	2nd main	MOSKWA	56460	26375	15 382	2 967	4 539	2 828	391	0	748	0	27	1 732	0	0	0	1	0	1 470
2009	3rd main	OBWÓD KALININGRADZKI	56370	20449	12 094	1 243	7 397	1 995	23	0	7 609	0	51	203	14	0	0	4	0	5 288
2009	4th main	ŁUCK	54631	1153	33 259	4 880	11 438	1 559	143	0	198	0	26	492	11	0	0	0	0	1 472
2009	5th main	MIŃSK	53048	10808	19 049	4 992	10 549	3 549	291	0	1 776	0	98	1 050	0	0	0	0	0	886
2009	6th main	KIJÓW	37351	4274	13 901	2 886	9 528	2 409	492	0	1 056	0	176	985	6	0	0	1	0	1 637
2009	7th main	GRODNO	33487	3451	8 972	4 019	11 439	1 848	119	0	314	0	87	1 646	92	0	0	23	0	1 477
2009	8th main	BRZEŚĆ	26081	3778	13 135	3 560	2 461	552	19	0	438	0	30	75	0	0	0	0	0	2 033
2009	9th main	CHARKÓW	12781	2240	4 834	1 243	1 761	1 102	70	0	160	0	6	1 039	14	0	0	0	0	312
2009	10th main	ODESSA	8930	2528	2 631	812	941	784	144	0	301	0	14	348	0	0	0	0	0	427
2010	1st main	LWÓW BIS	131975	27872	54 296	6 551	19 071	4 911	19	87	0	0	8 553	1 204	1	0	0	0	0	9 410
2010	2nd main	ŁUCK	65577	10847	28 456	4 281	11 896	1 802	347	42	0	2	4 708	420	51	8	0	0	0	2 717
2010	3rd main	MOSKWA	62280	30156	15 422	2 833	6 017	3 420	396	34	0	0	1 248	1 230	1	3	0	0	0	1 520
2010	4th main	OBWÓD KALININGRADZKI	58561	25720	14 130	1 240	6 894	1 871	28	46	0	0	497	155	112	0	0	1	0	7 867
2010	5th main	MIŃSK	58546	13063	27 006	4 582	9 414	2 731	230	3	0	0	70	798	0	0	0	0	0	649
2010	6th main	KIJÓW	42402	10370	13 531	2 858	6 627	2 933	132	36	0	0	2 645	1 063	0	1	0	0	0	2 206
2010	7th main	BRZEŚĆ	38754	4082	12 092	2 764	4 077	1 076	101	1	0	0	135	41	0	0	0	0	0	14 385

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	Position of the consular post	Name of the consular post	Total	Tourism	Business	Visiting family / friends	Cultural	Sports	Official	Medical reasons	Transit	Airport transit	Other Reason Employment	Other Reason Education	Other Reason Humanitarne	Other Reason residence	Other Reason protection	Other Reason Family	Other Reason Repatriation	Other Reason Not Specified
2010	8th main	GRODNO	33561	4370	9 281	3 689	11 036	1 479	94	14	0	0	386	256	125	0	0	10	0	2 821
2010	9th main	ODESSA	13472	6051	2 589	843	1 838	830	89	19	0	0	368	410	4	12	0	2	0	417
2010	10th main	WINNICA	13394	1753	4 528	960	3 538	641	69	7	0	0	1 076	254	30	10	0	0	0	528

Source: Materials of the Ministry of Foreign Affairs

Table 10. Third country nationals refused entry at the external borders (overall trend)

	2007	2008	2009	2010
Total number of refusals	32 204	16 852	26 889	23 521

Source: Materials of the Border Guard

Table 11. Third country nationals refused entry at the external borders (main 10 citizenships)

	Position of the country of citizenship	Name of the country of citizenship	Total
2007	1st main	Ukraina	15 334
2007	2nd main	Białoruś	9 630
2007	3rd main	Rosja	4 410
2007	4th main	Mołdowa	330
2007	5th main	Chiny	237
2007	6th main	Kazachstan	180
2007	7th main	Turcja	170
2007	8th main	Indie	162
2007	9th main	Nigeria	153
2007	10th main	Wietnam	110
2008	1st main	Ukraina	9 446
2008	2nd main	Białoruś	3 349
2008	3rd main	Rosja	3 236
2008	4th main	Mołdowa	177
2008	5th main	Kazachstan	91
2008	6th main	Bezpaństw.	59
2008	7th main	Turcja	51
2008	8th main	Uzbekistan	41
2008	9th main	Gruzja	39
2008	10th main	Libia	36
2009	1st main	Ukraina	12 802
2009	2nd main	Gruzja	5 686
2009	3rd main	Białoruś	4 203
2009	4th main	Rosja	3 348
2009	5th main	Armenia	222
2009	6th main	Mołdowa	125
2009	7th main	Bezpaństw.	54
2009	8th main	Kazachstan	50
2009	9th main	Nigeria	39
2009	10th main	Turcja	37
2010	1st main	Ukraina	11 599
2010	2nd main	Białorus	4 719
2010	3rd main	Rosja	3 530
2010	4th main	Gruzja	2 886
2010	5th main	Armenia	102
2010	6th main	Mołdowa	87
2010	7th main	Kazachstan	67
2010	8th main	Mongolia	61

	Position of the country of citizenship	Name of the country of citizenship	Total
2010	9th main	Uzbekistan	40
2010	10th main	Kirgistan	35

Source: Materials of the Border Guard

Table 12. Third country nationals refused entry at the external borders due to the absence of a valid visa or residence permit (overall trend)

	2007	2008	2009	2010
Total number of refusals due to the absence of a valid visa or residence permit	14 024	7 642	12 019	9 813

Source: Materials of the Border Guard

Table 13. Third country nationals refused entry at the external borders due to the absence of a valid visa or residence permit (main 10 citizenships)

	Position of the country of citizenship	Name of the country of citizenship	Total
2007	1st main	Ukraina	5 715
2007	2nd main	Białoruś	3 758
2007	3rd main	Rosja	3 194
2007	4th main	Turcja	123
2007	5th main	Kazachstan	117
2007	6th main	Mołdowa	104
2007	7th main	Wietnam	86
2007	8th main	Chiny	83
2007	9th main	Maroko	67
2007	10th main	Tadżykistan	64
2008	1st main	Ukraina	3 594
2008	2nd main	Rosja	1 995
2008	3rd main	Białoruś	1 713
2008	4th main	Mołdowa	99
2008	5th main	Bezpaństw.	45
2008	6th main	Kazachstan	43
2008	7th main	Gruzja	26
2008	8th main	Uzbekistan	19
2008	9th main	Mongolia	12
2008	10th main	Turcja	11
2009	1st main	Gruzja	5 303
2009	2nd main	Ukraina	2 648
2009	3rd main	Rosja	2 097
2009	4th main	Białoruś	1 466
2009	5th main	Armenia	198
2009	6th main	Mołdowa	55
2009	7th main	Bezpaństw.	42
2009	8th main	Kazachstan	40
2009	9th main	Tadżykistan	24
2009	10th main	Uzbekistan	19

2010	1st main	Gruzja	2 695
2010	2nd main	Rosja	2 616
2010	3rd main	Ukraina	2 327
2010	4th main	Białoruś	1 838
2010	5th main	Armenia	90
2010	6th main	Kazachstan	43
2010	7th main	Uzbekistan	36
2010	8th main	Mołdowa	30
2010	9th main	Bezpaństw.	26
2010	10th main	Azerbejdżan	12

Source: Materials of the Border Guard

Table 14. Third country nationals refused entry at the external borders due to the presentation of a false visa or residence permit (overall trend)

	2007	2008	2009	2010
Total number of refusals due to the presentation of a false visa or residence permit	49	29	24	18

Source: Materials of the Border Guard

Table 15. Third country nationals refused entry at the external borders due to the presentation of a false visa or residence permit (main 10 citizenship)

	Position of the country of citizenship	Name of the country of citizenship	Total
2007	1st main	Ukraina	25
2007	2nd main	Rosja	9
2007	3rd main	Kuba	2
2007	4th main	Mołdowa	2
2007	5th main	Bangladesz	1
2007	6th main	Ghana	1
2007	7th main	Gwinea	1
2007	8th main	Indie	1
2007	9th main	Irak	1
2007	10th main	Turcja	1
2008	1st main	Ukraina	11
2008	2nd main	Mołdowa	7
2008	3rd main	Rosja	5
2008	4th main	Armenia	2
2008	5th main	Turcja	2
2008	6th main	Białoruś	1
2008	7th main	Kamerun	1
2008	8th main		
2008	9th main		
2008	10th main		
2009	1st main	Rosja	6
2009	2nd main	Ukraina	4
2009	3rd main	Kamerun	3
2009	4th main	Jordania	2
2009	5th main	Mołdowa	2
2009	6th main	Nigeria	2

2009	7th main	Chiny	1
2009	8th main	Dominikana	1
2009	9th main	Iran	1
2009	10th main	Kongo	1
2010	1st main	Gruzja	4
2010	2nd main	Rosja	4
2010	3rd main	Egipt	3
2010	4th main	Mołdowa	2
2010	5th main	Armenia	1
2010	6th main	Dominikana	1
2010	7th main	Tunezja	1
2010	8th main	Turcja	1
2010	9th main	Ukraina	1
2010	10th main		

Source: Materials of the Border Guard

Table 16. Third country nationals refused entry at the external borders due to the fact that the person already stayed 3 months in a 6-months period (overall trend)

	2007	2008	2009	2010
Total number of refusals due to the fact that the person already stayed 3 months in a 6-months period	12	66	31	75

Source: Materials of the Border Guard

Table 17. Third country nationals refused entry at the external borders due to the fact that the person already stayed 3 months in a 6-months period (main 10 countries of citizenship)

	Position of the country of citizenship	Name of the country of citizenship	Total
2007	1st main	Bezpaństwowcy	5
2007	2nd main	Ukraina	4
2007	3rd main	Białoruś	1
2007	4th main	Rosja	1
2007	5th main	Wietnam	1
2007	6th main		
2007	7th main		
2007	8th main		
2007	9th main		
2007	10th main		
2008	1st main	Rosja	66
2008	2nd main		
2008	3rd main		
2008	4th main		
2008	5th main		
2008	6th main		
2008	7th main		
2008	8th main		
2008	9th main		
2008	10th main		
2009	1st main	Rosja	13

2009	2nd main	Białoruś	10
2009	3rd main	Ukraina	5
2009	4th main	Australia	1
2009	5th main	Korea Pd.	1
2009	6th main	Nowa Zelandia	1
2009	7th main		
2009	8th main		
2009	9th main		
2009	10th main		
2010	1st main	Ukraina	37
2010	2nd main	Białoruś	19
2010	3rd main	Rosja	14
2010	4th main	Nepal	5
2010	5th main		
2010	6th main		
2010	7th main		
2010	8th main		
2010	9th main		
2010	10th main		

Source: Materials of the Border Guard

Table 18. Third country nationals found to be illegally present (overall trend)

	2007	2008	2009	2010
Total number of third-country nationals found to be illegally present	4 544	5 430	4 521	3 994

Source: Materials of the Border Guard

Table 19. Third country nationals found to be illegally present (main 10 countries of citizenship)

	Position of the country of citizenship	Name of the country of citizenship	Total
2007	1st main	UKR	2 278
2007	2nd main	BLR	382
2007	3rd main	VNM	370
2007	4th main	RUS	365
2007	5th main	ARM	240
2007	6th main	MDA	161
2007	7th main	CHN	117
2007	8th main	UNK	72
2007	9th main	MNG	58
2007	10th main	GEO	49
2008	1st main	UKR	3 202
2008	2nd main	RUS	466
2008	3rd main	VNM	435
2008	4th main	BLR	246
2008	5th main	MDA	238
2008	6th main	CHN	128
2008	7th main	MNG	114
2008	8th main	ARM	112

2008	9th main	TUR	64
2008	10th main	NGA	39
2009	1st main	UKR	2 071
2009	2nd main	RUS	606
2009	3rd main	VNM	330
2009	4th main	GEO	254
2009	5th main	BLR	178
2009	6th main	CHN	149
2009	7th main	ARM	111
2009	8th main	MDA	94
2009	9th main	TUR	94
2009	10th main	NGA	86
2010	1st main	UKR	1 883
2010	2nd main	RUS	644
2010	3rd main	BLR	286
2010	4th main	VNM	253
2010	5th main	ARM	144
2010	6th main	TUR	84
2010	7th main	GEO	73
2010	8th main	MDA	68
2010	9th main	CHN	61
2010	10th main	NGA	44

Source: Materials of the Border Guard

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Table 20. Number of submitted applications considering the Card of the Pole and number of Card issued

Country	Consular post	2008			2009			2010		
		applications	Card received	Card annulated	applications	Card received	Card annulated	applications	Card received	Card annulated
Angola	Luanda							2		
Armenia	Erewań	15	3		22			10		
Azerbejdżan	Baku	22			14					
Białoruś	Brześć	1270	1181	73	1385	1277	84	1453	1363	63
	Grodno	2659	4	159	5017	744	83	5904	5679	114
	Mińsk	902	844	12	1200	1067	20	1670	1579	19
Bułgaria	Sofia				1	1				
Chiny	Szanghaj									
Cypr	Nikozja	2								
Czechy	Praga				2					
Estonia	Tallin							1	1	
Francja	Lyon									
Grecja	Ateny	2	2		4	3				
Gruzja	Tbilisi	4	4		10	10		6	6	
Hiszpania	Madryt									
Irlandia	Dublin	9	7		6	6		5	4	
Kanada	Toronto				2					
	Vancouver				4					
Kazachstan	Almaty	215	185	15	334	290	12	65	63	1
	Astana				22	20	2	221	182	2
Litwa	Wilno	692	541	37	1498	1199	7	936	369	
Luksemburg	Luksemburg	1			1					
Łotwa	Ryga	457	315	20	476	257	10	216	186	6
Mołdowa	Kiszyniów	123	108	12	118	115	1	98	97	1

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<b>Niemcy</b>	Berlin							2	1		
	Kolonia							1			
	Monachium				1						
<b>Portugalia</b>	Lizbona	4									
<b>Rosja</b>	Irkuck	67	58	2	74	3		82	18		
	Kaliningrad	218	135	3	121	39		111	47		
	Moskwa	311	278	20	305	271	10	231	222	4	
	Petersburg	124	41	1	129			37			
<b>Szwecja</b>	Sztokholm				1	1		2	2		
<b>Turkmenistan</b>	Aszchabad	7	4	1	8	8		13	10		
<b>Ukraina</b>	Charków	182	147	10	141	119	5	173	162	1	
	Kijów	1037	965	52	1041	1006	19	256	244	10	
	Lwów	6053	5077	433	10695	9992	381	5254	5028	118	
	Łuck	1341	1044	75	1219	1067	17	597	557	6	
	Odessa	101	80	6	103	95	3	73	67	1	
	Sewastopol							7	6		
	Winnica							1913	1728	50	
<b>USA</b>	Chicago	1						1			
	Los Angeles				4			10			
	Nowy Jork	1			9	7		10	9		
	Waszyngton	1			1						
<b>Uzbekistan</b>	Taszkient	40	34	5	26	17	2	18	13		
<b>Wielka Brytania</b>	Londyn	3	3		1	1					
	Manchester				1			1			
<b>Włochy</b>	Rzym							1			
<b>ZEA</b>	Abu Zabi										

Source: Materials of the Prime Minister Office

