



**Information of the Head of the Office for Foreigners on applying in 2018 the *Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland* (i.e. Journal of Laws of 2018 item 1109, as amended) with regard to implementing the Republic of Poland's commitments resulting from the *Geneva Convention Relating to the Status of Refugees* and the *New York Protocol Relating to the Status of Refugees***

**Warsaw, March 2019**

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## 1. Legal status

The *Geneva Convention Relating to the Status of Refugees, drawn up on 28 July 1951* (Journal of Laws of 1991, No 119, item 515) and the *New York Protocol Relating to the Status of Refugees, drawn up on 31 January 1967* (Journal of Laws of 1991, No 119, item 517) define the material and legal foundations for granting the status of refugee and determine the most important rights and freedoms of refugees. The above-mentioned legal acts do not, however, specify the rules and procedure in cases on granting international protection. In Poland, these issues are governed by the *Act of 13 June 2003 on on granting protection to foreigners within the territory of the Republic of Poland*. The Act governed also the rules of issuing documents for foreigners, the non-refoulment principle, i.e. the prohibition to expel refugees and the rules of cooperation with the United Nations High Commissioner for Refugees. In the Polish legislation, separate acts govern the living rights of refugees.

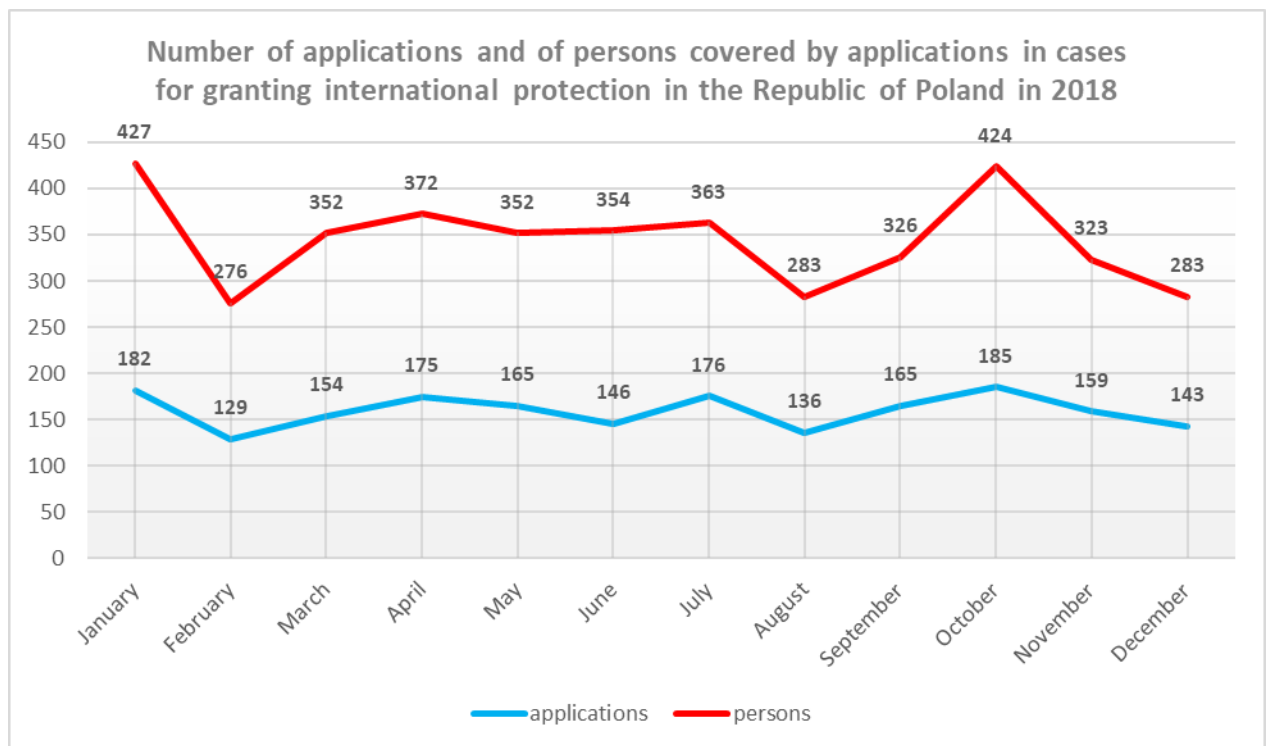
Poland applies the so-called uniform asylum procedure. What is examined during the proceedings for granting international protection, is not only the meeting of requirements for the purpose of being regarded as a refugee but also – should they found to be unmet – other circumstances resulting in protection from the return to a country of origin. A foreigner who cannot be qualified as a refugee, but who, in the case of returning to their country of origin, may be exposed to an actual risk of serious harm, shall be granted protection in a form of subsidiary protection. International protection may also be granted to refugees resettled to Poland from third countries or relocated from other European Union Member States.

As from 20 July 2007, the body competent for granting foreigners protection in the Republic of Poland, has been the Head of the Office for

**Foreigners, conducting proceeding on granting international protection with a help of the Department for Refugees Procedures.**

## 2. Implementation of the *Act on granting protection to foreigners within the territory of the Republic of Poland* with regard to examining applications for granting international protection

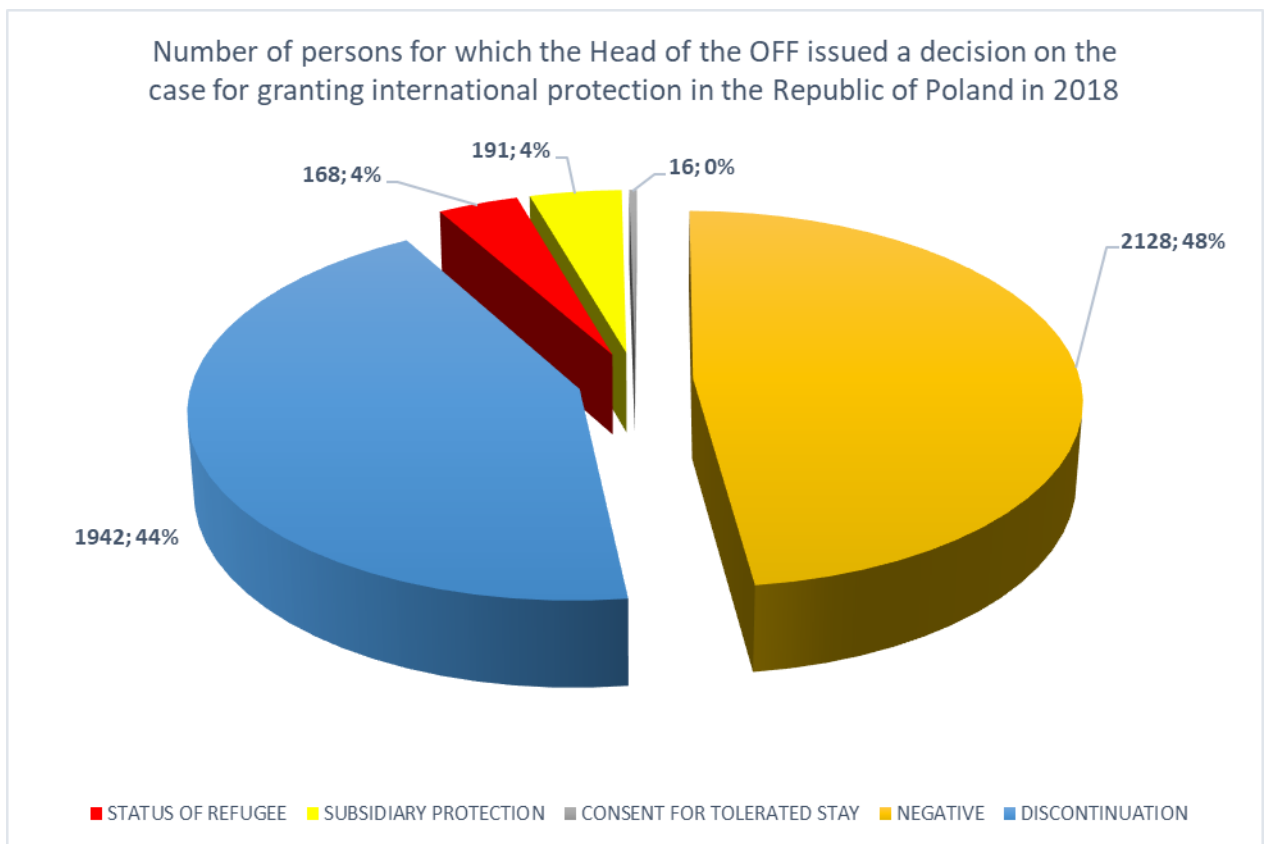
In 2018, 1,915 applications for granting international protection were submitted in the Republic of Poland. Those applications covered 4,135 persons which is the number lower than in 2017 by a dozen or so percent (about 14% - applications, about 19% - persons).



The largest group of persons applying for granting international protection in 2018 were nationals of the Russian Federation – 2,721 persons (66%). The second most numerous group of foreigners were nationals of Ukraine – 466 persons (about 11%). Moreover, international protection was most often applied for by nationals of Tajikistan – 144 persons, Armenia – 71 persons, Iraq – 70 persons and Turkey – 61 persons.

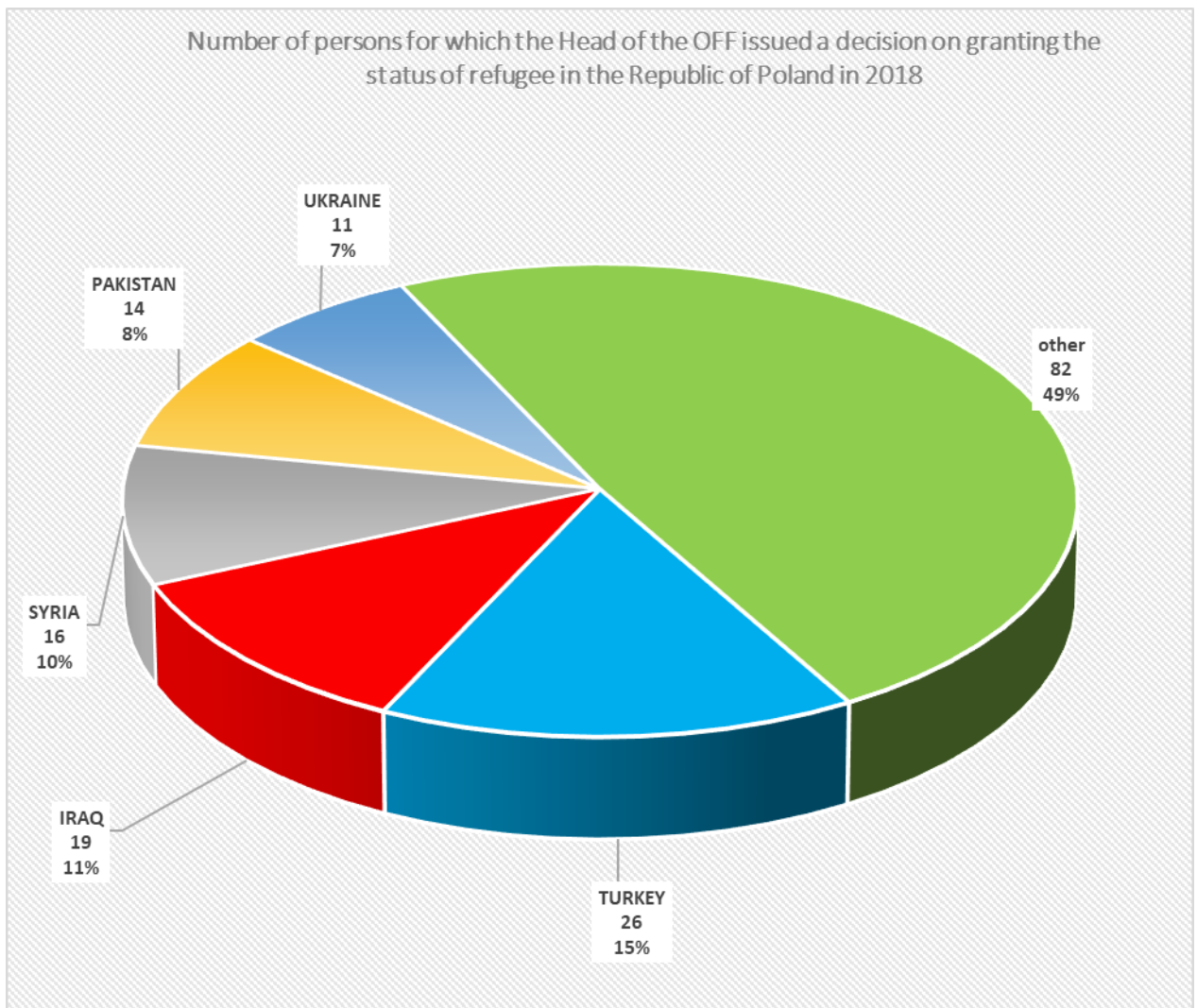
An analysis of the above data shows that in 2018, in relation to the previous year, the national structure of foreigners applying for granting international protection in the Republic of Poland did not change significantly, although the percentage of persons from the Russian Federation and Ukraine slightly decreased (in 2017, respectively, about 70% and about 13%), similarly as the number of foreigners from Tajikistan (in 2017, 154 persons) and Armenia (in 2017, 85 persons).

In the previous year, decisions were issued in the case of 4,445 persons applying for granting international protection in 2018 and previously.



Pursuant to Article 1A(2) of the Geneva Convention, the term “refugee” shall apply to any person who has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or

political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. This provision has been directly transposed into the *Act on granting protection to foreigners within the territory of the Republic of Poland* (see Article 13(1)).



Last year, the status of refugee was granted to 168 foreigners, including, *inter alia*, 26 nationals of Turkey, 19 Iraqis, 16 foreigners from Syria, 14 Pakistanis, 10 persons from Tajikistan and 10 from Turkmenistan.

For comparison, the year before, this form of protection covered 150 persons (17 Syrians, 56 foreigners from Ukraine, 14 nationals of the Russian

Federation and 13 persons from Iran). The number of persons who were granted the status of refugee was therefore higher by 12% than in 2017.

Pursuant to Article 1C of the *Geneva Convention*, its provisions shall cease to apply to persons who voluntarily re-avail themselves of the protection of the country of their nationality, voluntarily re-acquire the previously lost nationality, acquire a new nationality and enjoy the protection of the country of their new nationality, re-establish themselves in the country which they left or outside which they remained owing to fear of persecution or can no longer, because the circumstances in connection with which they have been recognised as refugees have ceased to exist, continue to refuse to avail themselves of the protection of the country of their nationality. The above-mentioned cessation clauses have been included in Article 21(1) of the *Act on granting protection to foreigners within the territory of the Republic of Poland*.

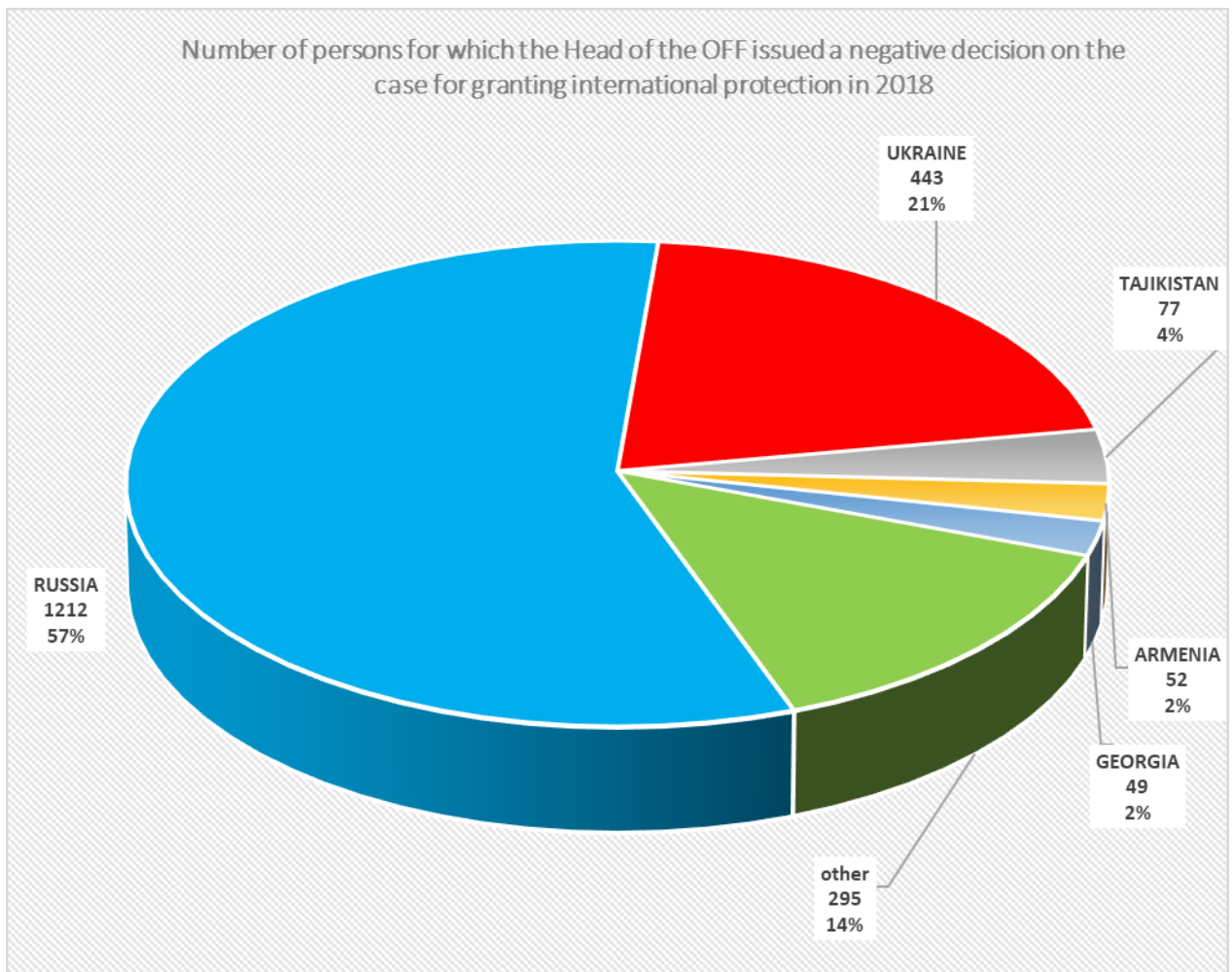
In 2018, based on the above-mentioned grounds, 11 persons were deprived of the status of refugee – 9 nationals of the Russian Federation, 1 national of Lebanon and 1 national of Pakistan. In turn, 157 persons were deprived of subsidiary protection – 154 nationals of the Russian Federation, 2 nationals of Bulgaria and 1 national of Iraq. As regards the withdrawal of international protection, clear upward trends are visible when compared to 2017, where 89 persons were deprived of international protection.

In the case of 2,128 persons, negative decisions were issued (i.e. either on finding the application inadmissible – 1,144 persons or on refusal to grant both forms of international protection – 984 persons). This level is comparable to that of 2017 (back then, negative decisions were received by 2,091 persons).

Some last year's applications were examined in an accelerated manner. This is particularly important, when an application for granting international protection is submitted by a person who is to be obliged to return. This institution allows to prevent instrumental treatment of the procedure on granting



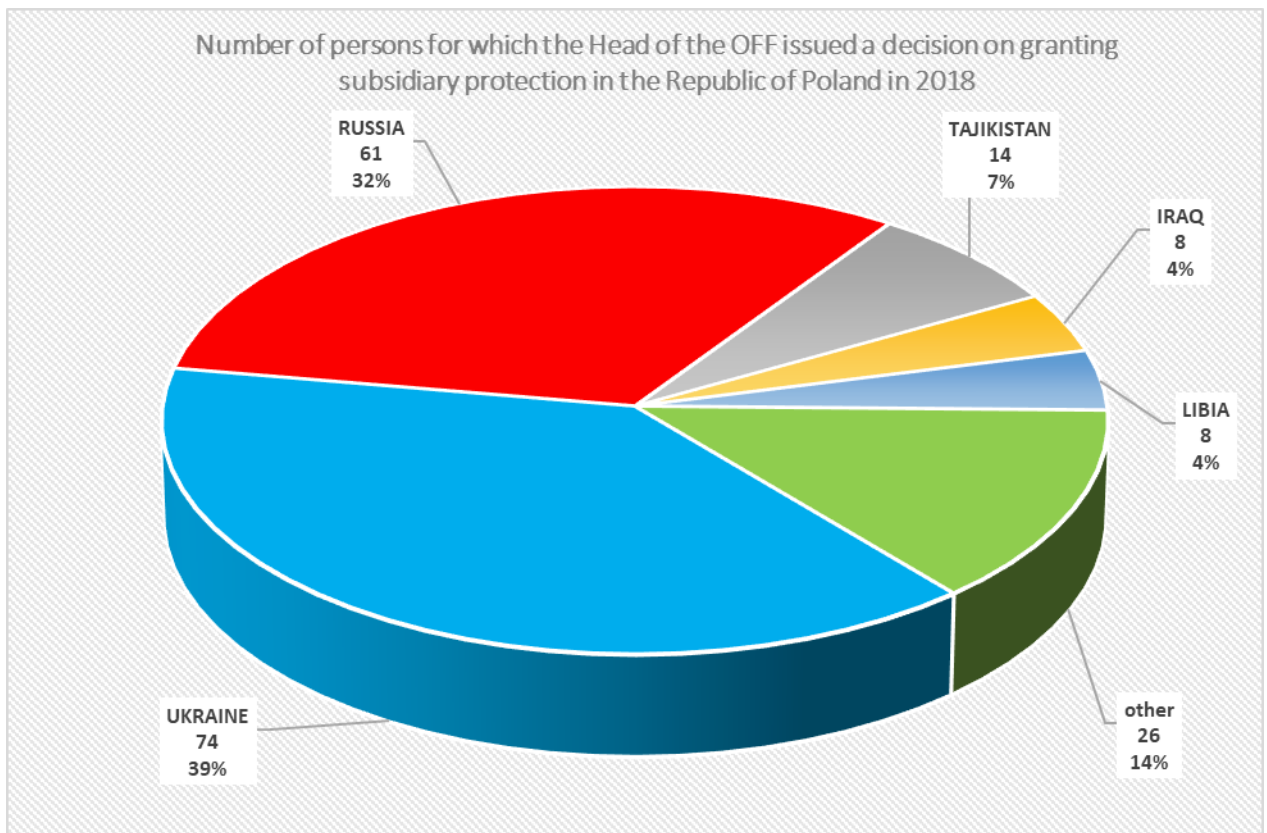
international protection as a measure preventing the return. Moreover, its existence contributes to shortening the duration of such a procedure. This manner of examining applications has been applied in the case of 173 foreigners.



In 2018, there were 2 cases of applying the so-called exclusion clause, as specified in Article 1F of the *Geneva Convention*. One case referred to a national of Libya while the other – to a national of Egypt. In both cases, the appeal proceedings are being in progress before the Refugee Council. It should be mentioned that the circumstances resulting in the exclusion from a possibility of

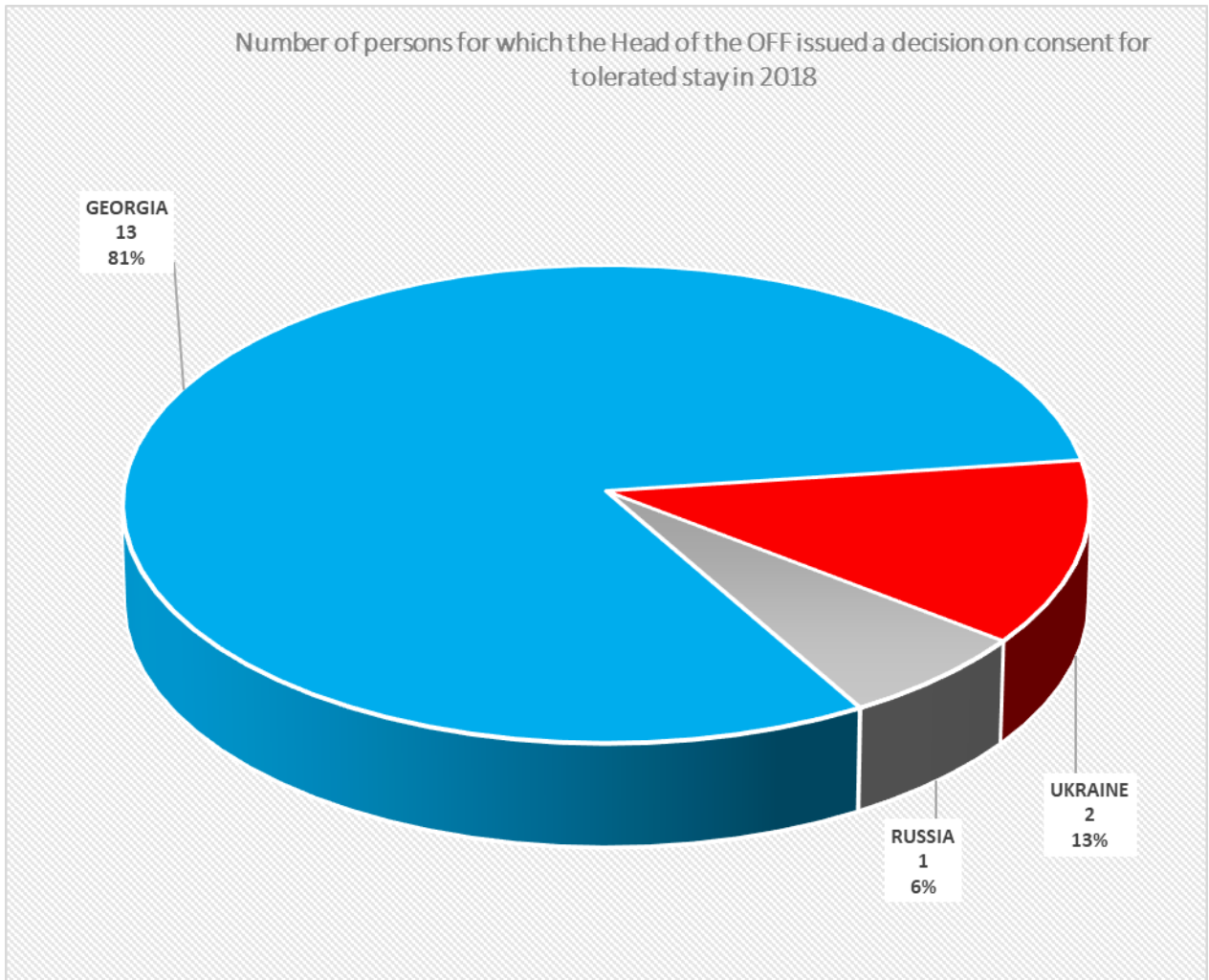
using the benefits of the *Convention* have been directly indicated in the *Act on granting protection to foreigners within the territory of the Republic of Poland* (see Article 19(1)(3)). The exclusion clause (due to safety reasons of the state or society) has also been applied in one case regarding subsidiary protection – the case applied to a national of Syria and the appeal proceedings are being underway.

As mentioned before, in the case of refusing to grant the status of refugee, the need to grant subsidiary protection to a foreigner is determined *ex officio*. In 2018, subsidiary protection was granted to 191 persons, including, inter alia, 74 nationals of Ukraine, 61 nationals of the Russian Federation and 14 persons from Tajikistan. This number is almost twice lower than in 2017 – back then, subsidiary protection was received by 340 foreigners.



In the cases initiated before 1 May 2014 in a situation where a foreigner did not meet the requirements for granting the status of refugee or for granting subsidiary protection, the Head of the Office for Foreigners examined a need to cover a foreigner with protection in a form of permit for tolerated stay. A foreigner was granted permit for tolerated stay in the Republic of Poland, if their expulsion could take place only to the country where their right to life, freedom and personal safety could be threatened, where they could be subjected to torture or inhuman or degrading treatment or punishment or be forced to work or be deprived of the right to fair trial or be punished without a legal basis within the meaning of the *Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950*, or this expulsion would infringe the right to family life within the meaning of the above *Convention* or would infringe the rights of the child laid down in the *Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989*, to an extent significantly threatening their mental and physical development.

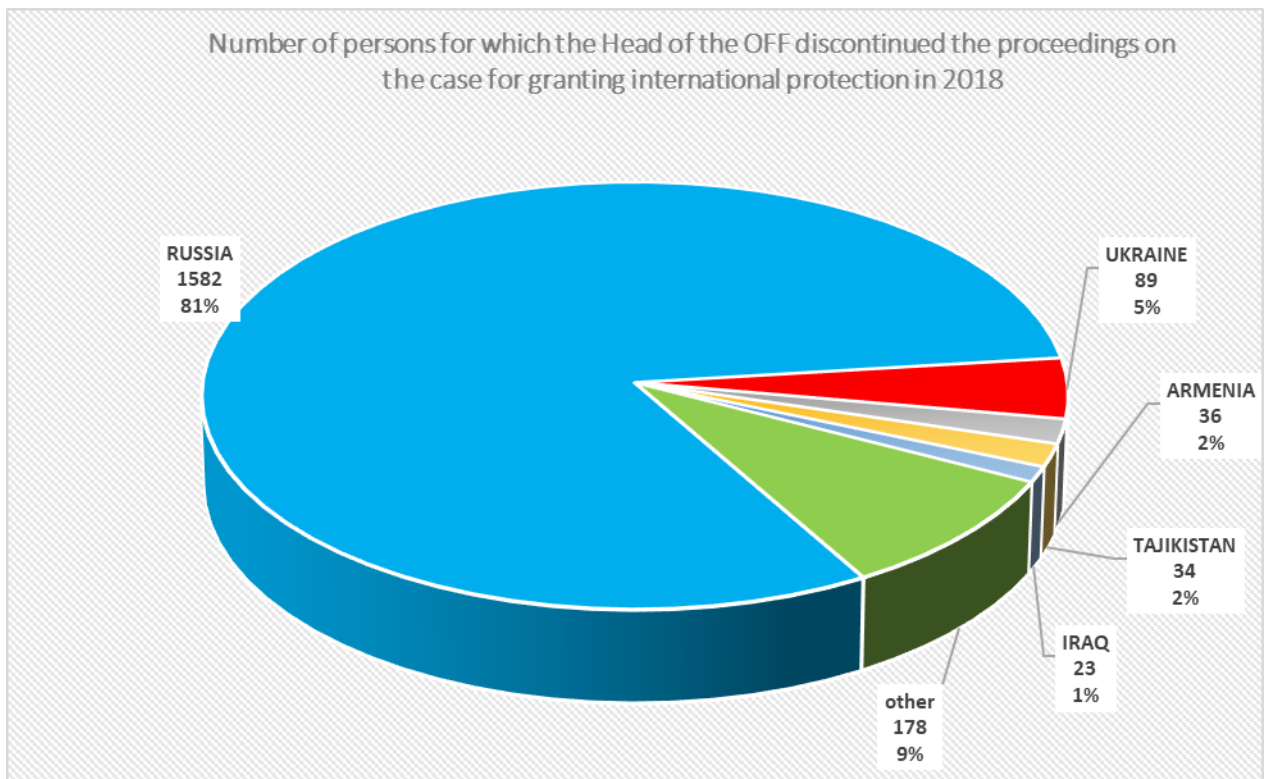
In 2018, 16 persons were refused to be granted the status of refugee and international protection and were also given permit for tolerated stay – as in 2017, back then, this form of protection was applied to 19 foreigners. A dominant group of foreigners, given permit for tolerated stay, were nationals of Georgia – 13 persons.



The above data shows that in 2018 in Poland, international and national protection covered in total 375 foreigners. This accounts for about 9% of persons who submitted applications for granting the status of refugee – which is a level comparable to that of 2017.

In 2018, the proceedings conducted against 1,942 persons were discontinued, including 1,582 against nationals of the Russian Federation, 89 foreigners from Ukraine, 36 nationals of Armenia and 34 nationals of Tajikistan. The number of persons, whose proceedings were concluded with such a decision, was then lower than in 2017 (2,747 persons). However, it must be noted that the percentage of such decisions in relation to all issued decisions

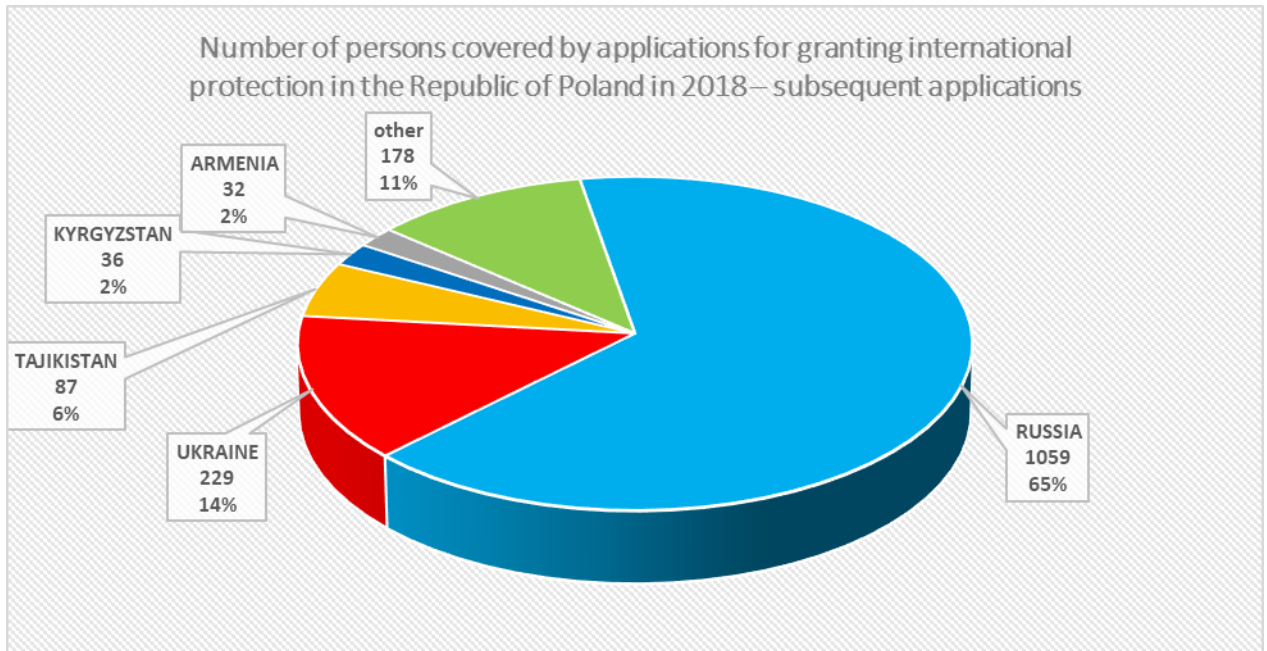
also decreased. While in 2016 they accounted for about 79% of decisions, and in 2017 – for about 51%, last year this percentage was only about 44%. This may mean that more and more foreigners are interested in the conclusion of the proceedings in Poland and in a potential stay in our country.



Most often, a basis for issuing the decision on discontinuation was the withdrawal of an application for granting international protection (also so-called implicit).

In 2018, as in previous years, there were cases of submitting subsequent applications for granting international protection. The phenomenon of submitting subsequent applications by the same foreigners has been observed since 2003, back then subsequent applications for granting the status of refugee were submitted by 93 persons (about 1.3% of the total number of applicants). In the next years, the trend in this regard was upward: 2004 – 137 persons (about

2%), 2005 – 1,141 persons (about 21%), 2006 – 3,280 persons (46%). In 2007, the number of foreigners submitting subsequent applications for granting the status of refugee decreased for the first time to 2,842 persons which accounted for 28% of the total number of applicants. In 2008, this percentage was 15% (1,316 among 8,517 applicants) and in 2009 – 10% (1,538 among 15,336 applicants). In 2010, the upward trend was observed – subsequent applications were submitted by as many as about 34% of persons (2,204 among 6,534 applicants), in 2011, 2012 and 2013 – the trend was downward again, at the level of, respectively, 26% (1,801 among 6,534 applicants), 15% (1,579 persons among 10,753 applicants) and 8% (1,219 persons among 14,996 applicants). In 2014, this trend changed – subsequent applications were submitted by about 16% of applicants (1,072 persons). In the next years, this level was maintained – in 2015, subsequent applications were submitted by 1,970 persons (about 16% of applicants), in 2016 – 2,481 foreigners (about 20% of applicants), in 2017 – 2,228 foreigners (about 44% of applicants). Last year, this trend changed and the percentage of applicants reapplying for international protection decreased to 39% (1,621 foreigners).



There are two reasons for submitting subsequent applications by the same persons for granting international protection – an attempt to avoid issuance and/or execution of the decision on an obligation to return or a possibility of further use of benefits for foreigners applying for granting international protection.

2018 is the third year in which the legislation on providing free information and legal assistance is applicable.

Free legal information in the first instance proceedings is granted to an applicant and foreigner, against whom the proceedings are underway on depriving them of the status of refugee or subsidiary protection. Free legal information consists in informing an applicant or foreigner, against whom the proceedings are underway on depriving them of the status of refugee or subsidiary protection, of the applicable legislation on granting international protection, depriving of the status of refugee or subsidiary protection and the legislation governing the proceedings before public administration bodies in cases being under jurisdiction of these bodies, while taking account of the

special situation of these persons. Free legal information is provided by the employees of the office supporting the Head of the Office.

Free legal assistance includes:

- preparing an appeal against the decision on: refusal to grant the status of refugee or subsidiary protection; discontinuation of the proceedings on granting international protection; transferring an applicant to the Member State responsible for examining the application for granting international protection and discontinuation of the proceedings; finding an application for granting international protection inadmissible; refusal to take account of the applicant's declaration of an intention to continue applying for granting international protection; depriving of the status of refugee or subsidiary protection,

- legal representation in the appeal proceedings on: granting international protection; transferring an applicant to the Member State responsible for examining the application for granting international protection; depriving of the status of refugee or subsidiary protection.

Free legal assistance is provided in person by: attorney, legal adviser or a person not being an attorney or a legal adviser and employed in a non-governmental organisation providing public benefit services and authorised to provide free legal assistance. The willingness to provide free legal assistance in 2018 was declared by 184 legal advisers, 253 attorneys and 3 non-governmental organisations: the Rule of Law Institute Foundation (Lublin), Association for Legal Intervention (Warsaw) and The Halina Nieć Legal Aid Centre (Kraków).

In 2018, free legal assistance was used by 361 authorised foreigners and for legal aid assistance PLN 249,653 were spent. For comparison, in 2017 there were 425 such foreigners and the amount spent was about PLN 258,033.



### 3. Proceedings for granting international protection, conducted with respect to special groups of applicants

Special protection during the proceedings for granting international protection covers the following groups of foreigners: minors staying in the Republic of Poland without a legal or customary caregiver (unaccompanied minors), victims of violence and persons with disabilities, as well as the elderly, pregnant women, single parents, victims of trafficking in human beings, sick persons. Special treatment may consist in providing special social welfare to such persons and/or providing special support with regard to the procedure.

Testimonies from such persons are received in conditions adjusted to their needs and perception possibilities. The activities during the proceedings are carried out with participation of a psychologist or pedagogue (in the case of unaccompanied minors) or a psychologist or physician (in the case of other categories of persons), only by employees qualified in this regard. As a rule, persons, whose mental and physical state may justify a suspicion that they were subjected to violence, are unaccompanied minors or persons with disabilities cannot be placed in a detention centre for foreigners or guarded centre for foreigners.

The special procedure with regard to unaccompanied minors, victims of violence and persons with disabilities does not result from the *Geneva Convention* itself. However, it meets the recommendations of the United Nations High Commissioner for Refugees as to the standards of refugee procedures. In addition, it is the implementation of the provisions of the *Council Directive No 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers* (OJ EC L 031 of 6 February 2003), *Council Directive No 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status* (OJ EC L 326 of 13

December 2005), *Directive of the European Parliament and of the Council 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)* and *Directive of the European Parliament and of the Council 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*, implemented into the Polish legislation.

#### 4. Proceedings with respect to foreigners illegally coming to or staying in the territory of the Republic of Poland

Pursuant to Article 33(1) of the Geneva Convention, *“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”*. Respecting the above prohibition, the Polish legislator prohibited to execute decisions on an obligation to return until a foreigner receives a final decision on granting international protection.

The use of this privilege by applying for granting international protection by persons who are not in fear of persecution, but are in fear of being sent away from Poland, made the legislator introduce legal solutions preventing this phenomenon.

For example, Articles 87-89cb govern the issues of detention and placing in a guarded centre or applying, in relation to persons applying for granting international protection, arrest for foreigners. On their basis, it is possible to imprison a foreigner with an undetermined or doubtful identity; a person for collecting information on which the application is based or for implementing the transfer in accordance with the so-called Dublin III Regulation, if there is a significant probability of escape of such a person; foreigner for the purpose of issuing or executing the decision on an obligation to return; foreigner posing a threat for defence or security or security and public order. The Border Guards bodies also have a possibility of using alternative measures in relation to detention such as: reporting, at specific intervals, to the specified body, paying a cash collateral or living in a designated place.

In 2018, 256 foreigners applying for international protection were detained and placed in guarded centres or arrests for foreigners, which is a level lower

than in 2017 (back then, 353 persons were detained and placed in such centres), but alternative measures in relation to detention were applied to 823 persons (in 2017, to as many as 2,139 persons).

## 5. Assistance for foreigners applying for granting international protection

The *Geneva Convention* does not govern the issues related to maintenance of persons applying for international protection by a host country. The *Act on granting protection to foreigners within the territory of the Republic of Poland* provides for a possibility of providing such persons with social assistance and medical care and, optionally, assistance in voluntary return to a country which they are allowed to enter or assistance in transferring to a country responsible to considering the application for granting international protection. Social assistance includes assistance provided in or outside a centre and consisting in paying a cash benefit to cover, on own account, the costs of stay in the territory of the Republic of Poland. In addition, a person who covered the costs of burial of a foreigner who had died during the proceedings, is entitled to receive a funeral allowance.

In 2018, in view of implementing the above-mentioned statutory tasks, the Office for Foreigners spent a total amount of PLN 44,737,519.14, by about 22% less than in 2017 (back then, that amount was PLN 57,043,375.04). The above-mentioned funds have been allocated for:

- accommodation in rented centres – PLN 16,864,262.09
- cash benefits – PLN 15,128,711.25
- medical services (including purchase of medicines) – PLN 10,529,523.39
- outsourced feeding – PLN 1,681,597.89
- purchase of food products – PLN 443,812.12
- assistance in voluntary departure from the territory of the Republic of Poland – PLN 89,612.40

A large part of services is provided in centres for foreigners applying for granting international protection. As of 31 December 2018, there were 11

centres (4 own centres of the Office for Foreigners and 7 rented centres) – this number is the same as in the previous year.

At the end of 2018, assistance provided by the Office for Foreigners was used by 2,905 persons, including 1,628 who received assistance in a form of a cash benefit. The total number of persons using social assistance and medical care was therefore lower when compared to 2017 (back then, it was 3,417 persons).

In 2018, the Office for Foreigners continued its cooperation with the International Organisation for Migration (IOM) with regard to implementing the voluntary return programme. Last year, support by the IOM was used by 44 foreigners – by about 63% less than in 2017 (118 persons).

In 2018, the Office for Foreigners cooperated with non-governmental organisations. As part of their activity, in individual centres the following were organised:

- psychological support,
- legal assistance,
- activation, integration and recreational activities, and
- anti-violence workshop addressed in particular to women and children.

The aforementioned activities were carried out by about 30 foundations and institutions involved in activity in centres subordinate to the Office for Foreigners.

In addition, the Office for Foreigners, as part of the project *“Financial and educational support for foreigners applying for granting international protection in Poland”*, co-financed from the funds of the Asylum, Migration and Integration Fund, organised, in all centres, activities on teaching Polish and day room activities. Activities on teaching Polish were carried out on all weekdays, with a breakdown into children and adults. On the other hand, day room activities were

carried out once a week and were used by minors living in centres, aged 7-18 years. Also, in all centres kindergartens were organised for pre-school children.

For newcomers, information meetings were organised at the reception centres in Podkowa Leśna-Dębak and Biała Podlaska. They informed about the issues related to social assistance and basic functioning in Poland, i.e. norms, customs, traditions, medical education, employment issues, etc.

## 6. Implementation of the *Geneva Convention* and *New York Protocol* with regard to issuing documents to refugees

Article 28(1) of the *Geneva Convention* stipulates that the states shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. The Annex to the *Geneva Convention* contains detailed provisions regarding travel documents for refugees. These norms are fully implemented in Poland.

The travel document issued to recognised refugees by the Head of the Office for Foreigners is consistent with the model specified in the above-mentioned annex. Pursuant to paragraph 3 of the annex, charges collected for issuing the document should not exceed the lowest charges collected for state passports. Poland fully resigned from collecting charges for issuing travel documents, referred to in the *Geneva Convention*.

The document, except for special or exceptional cases, should be issued for the largest possible number of states (§4 of the annex), and its period of validity should be 1 or 2 years, at the discretion of the bodies issuing it (§5 of the annex). In view of the provisions of the *Council Regulation No 2252/2004/EC of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States* (OJ EU L 385 of 29 December 2004), as from 28 August 2006, travel documents, provided for in the *Geneva Convention*, were issued for 1 year. In accordance with the aforementioned Regulation, travel documents, whose period of validity exceeds 12 months, shall include properly secured storage media containing biometric data i.e. a facial image and fingerprints of the document holder. This requirement was met as of 29 June 2009 therefore travel documents, provided for in the *Geneva Convention*, started being issued for 2 years.



It should also be mentioned that Poland is a party to the *European Agreement on the abolition of visas for refugees, drawn up in Strasbourg on 20 April 1959* and the *European Agreement on transfer of responsibility for refugees, drawn up in Strasbourg on 16 October 1980*.

## 7. Cooperation with the United Nations High Commissioner for Refugees

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

The *Act on granting protection to foreigners within the territory of the Republic of Poland* grants to the UNHCR representative a number of rights, *inter alia*, the right to contact freely with a foreigner, access to information on the proceedings, access to case files and right to put opinions, documents and materials on case files.

In 2018, as in the previous years, the Head of the Office for Foreigners cooperated with the UNHCR Representative in Poland, in all issues of relevance to refugees and persons applying for granting international protection. The UNHCR's opinions on the situation in countries of origin of applicants were taken into account during the proceedings for granting international protection.

## 8. Implementation of the *Geneva Convention* and *New York Protocol* in the context of joining the European Union by the Republic of Poland

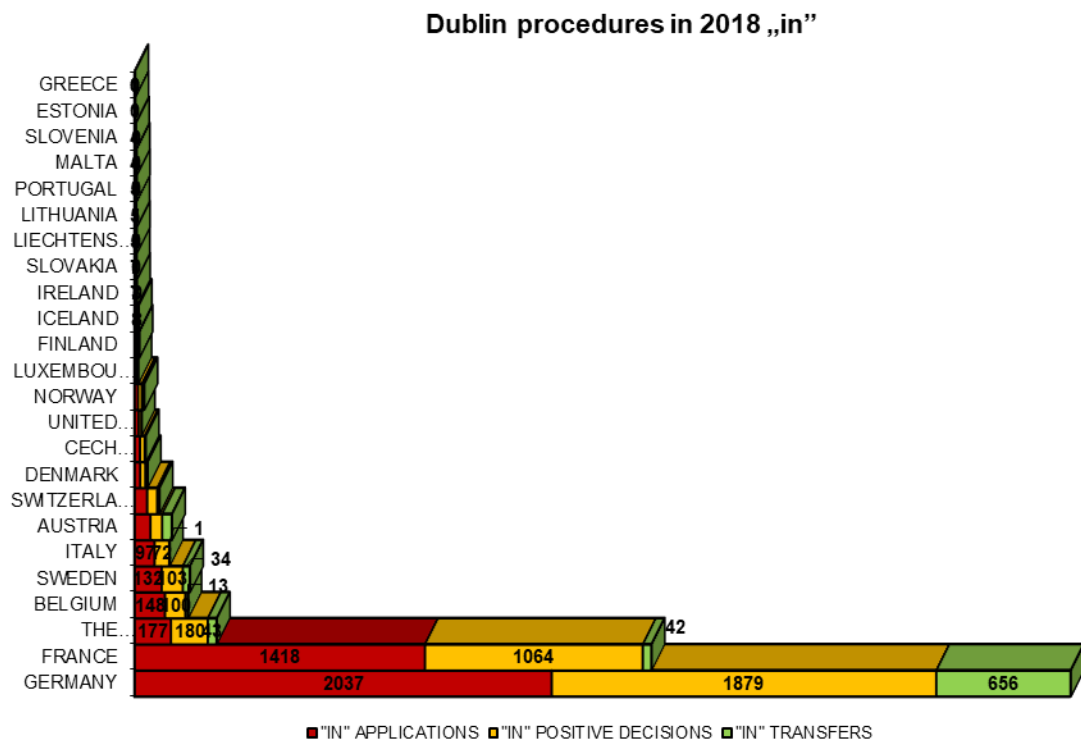
Along with the accession to the European Union, Poland became obliged to apply, *inter alia*, the *Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national* (OJ EC L 50 of 25 February 2003). As from 1 January 2014, the *Regulation of the European Parliament and of the Council (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)* (OJ EU L 180 of 29.06.2013, p. 31) is applicable to the issues of responsibility for examining applications for granting international protection.

The regulation assumes the responsibility of only one Member State for examining an application for granting international protection. A foreigner who submits another application in another state applying the Regulation will be transferred to the state which is responsible for examining their application, according to the criteria contained therein. When determining the responsibility of the state for examining an application, account is taken, *inter alia*, of circumstances related to the foreigner's entrance into and stay in the territory of states applying the Regulation and a possibility of reuniting a foreigner with family members who were granted international protection in other states.

Practice shows that Poland is, after all, often treated by foreigners as a transit country and an actual goal of many persons applying for granting international protection is to legalise their stay in other countries which guarantee access to the highest social benefits. Meanwhile, the Regulation, once

a foreigner enters Poland and submits an application, virtually makes it impossible for them to apply efficiently for granting international protection in other states applying this Regulation.

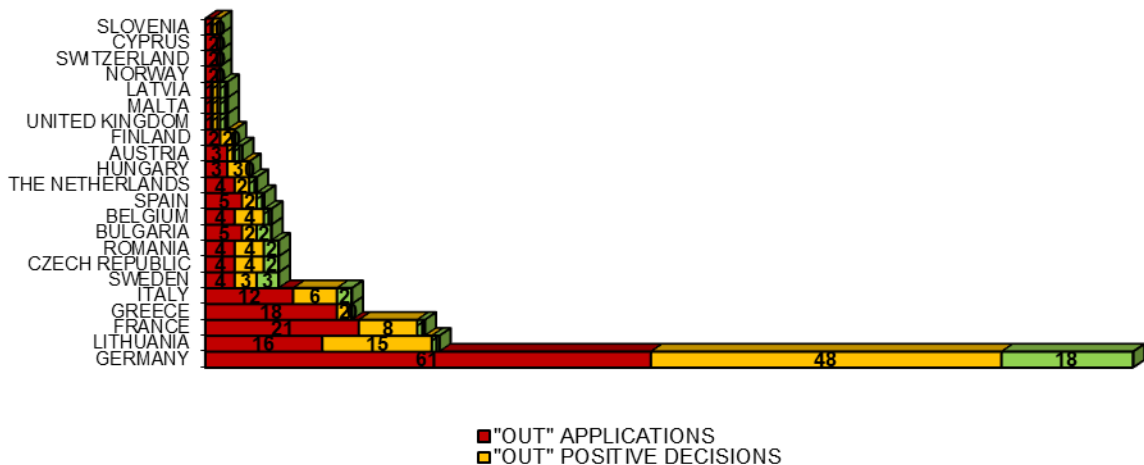
In 2018, pursuant to the provisions of the aforementioned Regulation, 4,301 applications were sent to Poland from other countries, where the majority of them were based on the fingerprint identification in the Eurodac system. Most applications were sent to Poland by: Germany – 2,037 applications, France – 1,418 applications, the Netherlands – 177 applications, Belgium – 148 applications and Sweden – 132 applications. 3,623 applications were examined positively (about 84%). In 2018, 883 foreigners were transferred to Poland.



Poland submitted 176 applications to other countries, mostly to Germany – 61, France – 21, Greece – 18, Lithuania – 16 and Italy – 12. Most of them were based on the principle of reuniting family members and on humanitarian

reasons. 110 applications were examined positively (about 62%). In 2018, 39 persons were transferred from Poland to other states applying the Regulation.

Dublin procedures in 2018 „out”



The above data shows that in comparison to 2017 (5,808 applications, 5,144 positive decisions – about 89%, 1,422 transferred foreigners), the number of applications sent to Poland from other states, the percentage of positively handled cases and the number of transfers decreased last year.

As regards the “out” proceedings, there were downward trends in the number of applications submitted by Poland to other states and in the acceptance level (2017 – 165 applications and the acceptance level of about 74%, 2018 – 176 applications and the acceptance level of about 62%), while an increase was recorded in respect to the number of transferred foreigners (2017 – 16 persons, 2018 – 38 persons).

The *Act on granting protection to foreigners within the territory of the Republic of Poland* is consistent with the majority of legal acts on refugees applicable in the European Union. The following provisions have been transposed into the Act:

- *Council Directive No 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof* (OJ EC L 212, of 7 August 2001),
- *Directive laying down minimum standards for the reception of asylum seekers,*
- *Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted* (OJ EC L 304 of 30 September 2004) and
- *Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status.*
- *Directive of the European Parliament and of the Council 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted* (OJ EU L 337 of 20.12.2011, p. 9),
- *Directive of the European Parliament and of the Council 2013/32/UE of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)* (OJ EU L 180 of 29.06.2013, p. 60),

- *Directive of the European Parliament and of the Council 2013/33/UE of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ EU L 180 of 29.06.2013, p. 96),*
- *Regulation of the European Parliament and of the Council (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).*

*The draft act on amending the Act on granting protection to foreigners within the territory of the Republic of Poland and certain other acts, proceeded in 2018 (currently being at the stage of interministerial arrangements and public consultations) is aimed at further harmonisation of national law with EU law, including, first of all, with regard to regulations resulting from the *Directive on common procedures for granting and withdrawing international protection (recast)* and the *Directive laying down standards for the reception of applicants for international protection*, towards using in national law of optional solutions allowed by the directives. Among them, a particularly useful instrument, according to the draft author, is a possibility of introducing the border procedure for examining an application for granting international protection. The Member States may, according to basic rules and guarantees, provide for procedures allowing to make, on borders or in transit areas of the Member States, decisions on acceptability of applications for granting this protection, which were submitted in such places, or decisions on the substantive content of applications, issued in accordance with basic rules and guarantees set out in the directive.*

A consequence of the Polish membership in the European Union is not only a need to adjust the provisions of national law to the EU regulations, but

also a possibility of using EU funds, including the Asylum, Migration and Integration Fund (AMIF).

In 2018, the Office for Foreigners was a beneficiary to the following projects co-financed from the AMIF funds:

- *Renovation of the centre in Podkowa Leśna-Dębak No 3/1-2015/BK-FAMI;*
- *Renovation of the centre in Linin No 18/1-2015/BK-FAMI;*
- *Study visits of the employees of the Office for Foreigners No 10/1-2015/BK-FAMI;*
- *Financial and educational support for foreigners applying for granting international protection in Poland No 8/1-2015/BK-FAMI;*
- *Improving the capacity of the employees of DRP OFF to collect, store, analyse and distribute information about countries of origin, 2016-2018 No 2/1-2015/BK-FAMI;*
- *Development and implementation of a long-term communication strategy of the Office for Foreigners No 6/1-2015/BK-FAMI;*
- *Adaptation of the seat of the Office for Foreigners to the needs of service of foreigners No 1/4-2017/BK-FAMI;*
- *Renovation of the Refugee Application Acceptance Point at 33 Taborowa Str. No 2/4-2017/BK-FAMI;*
- *Logistic support with regard to providing social welfare No 3/4-2017/BK-FAMI;*
- *Modernisation of the Pobył v. 2 System and ICT infrastructure used for the Pobył v. 2 System and National Consultation System No 1/3-2017/BK-FAMI;*
- *Creation of the concept of the Migration Analytical Centre No 1/5-2017/BK-FAMI;*
- *Pilot training for the needs of EASO support teams No 1/6-2017/BK-FAMI.*

In addition, the Office for Foreigners acted as a partner, by providing co-financing in the project *Monitoring of work and stay, for financial purposes, of*



*foreigners in the territory of the Republic of Poland*, financed from the funds of the Digital Poland Operational Programme.

## 9. Conclusion

According to the Head of the Office for Foreigners, the Republic of Poland in 2018 fully implemented the commitments resulting from the *Geneva Convention* and *New York Protocol*.

## 10. Annexes (statistical tables)

**Table 1: Number of applications for granting international protection submitted in 2018 and the number of persons covered by them**

NATIONALITY	TOTAL	
	applications	persons
AFGHANISTAN	40	44
ALBANIA	1	1
ALGERIA	15	15
ANGOLA	1	4
ARMENIA	35	71
AZERBAIJAN	17	37
BANGLADESH	20	20
NO NATIONALITY	11	11
BELARUS	32	45
BRAZIL	1	1
BULGARIA	2	2
CHINA	4	5
DEMOCRATIC REPUBLIC OF THE CONGO	2	2
EGYPT	19	21
ERITREA	3	3
ETHIOPIA	4	4
GABON	1	2
GAMBIA	1	1
GHANA	3	3
GEORGIA	30	52
GUINEA	3	3
INDIA	15	17
IRAQ	54	70
IRAN	42	45
YEMEN	8	13
JORDAN	3	3
CAMEROON	3	3
CANADA	0	1
KAZAKHSTAN	6	26
KYRGYZSTAN	17	43
KOSOVO	1	1
LEBANON	1	1
LIBYA	4	4
MOROCCO	1	1
MOLDOVA	5	7
MONGOLIA	1	1
MYANMAR (BIRMA)	1	1
NEPAL	1	1
UNDETERMINED	2	2
NIGERIA	14	14
PAKISTAN	37	42
PALESTINE	4	4
RUSSIA	956	2721
Including Chechnya	840	2435
ROMANIA	1	1

SENEGAL	2	2
SIERRA LEONE	1	1
SLOVENIA	1	1
SOMALIA	1	1
SRI LANKA	3	3
SUDAN	3	3
SYRIA	19	25
TAJKISTAN	57	144
THAILAND	0	1
TUNISIA	1	1
TURKEY	36	61
TURKMENISTAN	3	9
UGANDA	3	4
UKRAINE	321	466
UZBEKISTAN	5	6
VENEZUELA	3	3
VIETNAM	34	35
<b>Total</b>	<b>1915</b>	<b>4135</b>

**Table 2: Number of persons for whom the Head of the Office for Foreigners issued in 2018 a decision on the proceedings for granting international protection**

NATIONALITY	REFUGEE STATUS	SUBSIDIARY PROTECTION	PERMIT FOR TOLERATED STAY	NEGATIVE	DISCONTINUATION	TOTAL
AFGHANISTAN	8	3	0	3	20	34
ALBANIA	0	0	0	1	0	1
ALGERIA	0	0	0	5	8	13
SAUDI ARABIA	0	0	0	1	0	1
ARMENIA	0	0	0	52	36	88
AZERBAIJAN	0	4	0	27	9	40
BANGLADESH	0	1	0	20	7	28
NO NATIONALITY	7	4	0	2	5	18
BELARUS	5	5	0	20	9	39
BULGARIA	0	0	0	0	3	3
CHINA	0	0	0	3	1	4
DEMOCRATIC REPUBLIC OF THE CONGO	1	0	0	2	1	4
EGYPT	9	0	0	4	8	21
ERITREA	0	1	0	0	0	1
ETHIOPIA	2	0	0	5	0	7
GHANA	0	0	0	1	1	2
GEORGIA	0	0	13	49	12	74
GUINEA	0	0	0	4	0	4
INDIA	1	0	0	12	4	17
IRAQ	19	8	0	11	23	61
IRAN	9	0	0	12	7	28
JAMAICA	0	0	0	1	0	1
YEMEN	1	3	0	0	1	5
JORDAN	0	0	0	1	0	1
CAMEROON	1	0	0	2	0	3
CANADA	0	0	0	1	0	1

KAZAKHSTAN	0	1	0	10	7	18
KYRGYZSTAN	2	0	0	43	7	52
CONGO	1	0	0	2	0	3
KOSOVO	0	0	0	0	1	1
CUBA	0	0	0	3	2	5
LEBANON	0	0	0	3	0	3
LIBYA	1	8	0	1	2	12
MOROCCO	0	0	0	0	1	1
MOLDOVA	0	0	0	7	2	9
NEPAL	1	0	0	1	0	2
UNDETERMINED	0	0	0	3	1	4
NIGERIA	0	0	0	8	4	12
PAKISTAN	14	0	0	26	14	54
PALESTINE	1	0	0	0	3	4
RUSSIA	9	61	1	1212	1582	2865
including Chechnya	7	45	1	1089	1407	2549
ROMANIA	0	0	0	0	1	1
SENEGAL	0	1	0	0	1	2
SIERRA LEONE	0	0	0	1	0	1
SLOVENIA	0	0	0	0	1	1
SOMALIA	1	0	0	0	1	2
SRI LANKA	0	0	0	1	1	2
UNITED STATES OF AMERICA	0	0	0	1	0	1
SUDAN	0	0	0	2	1	3
SYRIA	16	3	0	2	1	22
TAJIKISTAN	10	14	0	77	34	135
THAILAND	0	0	0	1	0	1
TAIWAN	0	0	0	1	0	1
TUNISIA	0	0	0	1	0	1
TURKEY	26	0	0	20	15	61
TURKMENISTAN	10	0	0	0	0	10
UGANDA	0	0	0	1	1	2
UKRAINE	11	74	2	443	89	619
UZBEKISTAN	1	0	0	2	4	7
VENEZUELA	0	0	0	0	1	1
VIETNAM	1	0	0	17	10	28
<b>Total</b>	<b>168</b>	<b>191</b>	<b>16</b>	<b>2128</b>	<b>1942</b>	<b>4445</b>

**Table 3: Number of persons for whom the Head of the Office for Foreigners issued in 2018 a decision on depriving international protection**

Nationality	DEPRIVATION OF REFUGEE STATUS	DEPRIVATION OF SUBSIDIARY PROTECTION	TOTAL
BULGARIA	0	2	2
GEORGIA	0	0	0
IRAQ	0	1	1
LEBANON	1	0	1
PAKISTAN	1	0	1
RUSSIA	9	154	163
<b>Total</b>	<b>11</b>	<b>157</b>	<b>168</b>