



Implementation of the Assisted Voluntary Return and Reintegration of Foreigners in Third Countries Programmes in Poland

Prepared by: Polish National Contact Point to the European Migration Network



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Executive summary

This report is an attempt to compile knowledge on assisted voluntary returns of foreigners leaving the territory of the Republic of Poland, an institution that did not exist in the Polish legal order until 2003. While it refers to the laws of the Member States relating to establishing common standards for expelling individuals in a humane way and with full respect for human rights and dignity, it also strives to describe the evolution of organisational and legal arrangements that are currently (as of 31 December 2009) applicable in this area within the territory of Poland. It also presents a list of legislative and non-legislative measures that have been implemented in the Polish migration system referring to voluntary returns of foreigners.

This study consists of five parts. The first one describing the subject of this paper and the methodology used. The second one is aimed to listing and ordering the existing outputs within the scope of defining the term '*assisted voluntary return*', to specify the categories of foreigners who have the opportunity to take advantage of this instrument when leaving Poland and to presenting the available statistical data showing the extent of the phenomenon. The third part is dedicated to present an overview of legal framework and of actions taken by institutions involved in this procedure. The Polish and European sources of funding for the aforementioned institution have also been indicated. The next chapter describes the existing forms of voluntary return of foreigners (as i.e. *assistance in voluntary return* and *assisted voluntary return programme*). In the overview of public institutions and non-governmental organizations involved in the implementation of the programme not only motives for introducing the above mentioned instrument together with its consecutive stages have been described, but also obstacles pointed out by both the organisers and the beneficiaries. The last part of this paper presents still modest achievements of the Republic of Poland with regard to providing reintegration assistance to foreigners in their countries of return. In addition, this document is accompanied by a tabular list of existing projects on voluntary return as well as by statistics complementing the second part of this study.

This report emphasizes that all measures taken within the framework of the voluntary return programme remain in conformity with the guidelines that were set earlier both at the national and European levels. All the assisted voluntary return projects presented each year must therefore adhere to the guidelines and criteria specified in the Agreement of 2005 between the Minister of Interior and Administration of the Republic of Poland and International Organization for Migration (IOM) on the co-operation in the field of voluntary returns of aliens leaving the territory of the Republic of Poland and they have to be compatible with any actions taken in the area of providing abovementioned assistance under the European Return Fund and European Refugee Fund projects. The significant role of the IRRiCO project aimed to gathering information about the countries of origin with a view to return and reintegration issues is highlighted as part of a good practice.

Experience gathered hitherto shows that voluntary return of a foreigner, if successful, constitutes the most recommended assistance scheme involving a decision on return taken freely by a foreigner and allowing them to prepare for a departure to their country of origin or another country they have the right to reside in. Moreover, it has been possible to significantly reduce the costs related to the return of foreigners since the institution of assisted voluntary return was implemented.

The report includes some other insights into the implementation of voluntary return programme, which also show difficulties that occurred in practice. The vital problem

regarding the implementation of voluntary return programmes in Poland is due to difficulties in ensuring own funds for the co-financing of projects encountered by organizations providing substantial support to state institutions in their activity in the field of voluntary return. It is therefore necessary, mostly for IOM Warsaw Office, to arrange a partnership with an institution that is going to co-finance such actions (projects submitted to calls for proposals under the financial instrument of European Funds are implemented in co-operation with the Office for Foreigners and the National Border Guard Headquarters – Border Guard).

The report also includes extended statistics whose analysis shows that further institutional and organizational arrangements need to be introduced in Poland in connection with the new projects that are being implemented in order to let foreigners leaving the territory of Poland benefit from voluntary return. The hitherto existing output of the finished and current projects under the voluntary return programmes for foreigners has also been clearly illustrated herein.

1. Introduction: purpose and methodology followed

The main purpose of this report is to present the general organisation of the migratory system and legislation in Poland with regard to assisted voluntary return. Information included herein embraces an overview of legal and organisational framework for implementing programmes aimed at assisting foreigners with their departures to the countries of origin or any other countries they have the right to reside in. Good practices in the area of providing reintegration assistance to the beneficiaries of the projects, developed by institutions participating in the provision of such support, has been described. The report highlights those EU achievements regarding voluntary return that had an indubitable impact both on the evolution of this institution in the Polish legal system and on the actions taken domestically, as well as on the co-operation with other countries and organizations dealing with issues regarding foreigners.

The Polish report contributes to the EMN Synthesis Report that brings together thematic knowledge gathered by the states within the European Migration Network. This study is addressed to a group composed of the National Contact Points to the European Migration Network, the European Commission, policymakers both at national and European levels, domestic executive institutions and the public, including non-governmental organizations, research institutes and other interested parties. This report provides legible, properly arranged and easy-to-find data and makes them available to every individual who is interested in obtaining information about issues related to assisted voluntary return of foreigners. Certain legal or procedural nuances have been omitted herein, though, in order to ensure the transparency and not to exceed the maximum volume limit set for this report.

The Polish National Contact Point (NCP) to the European Migration Network (EMN) prepared this report within the framework of activities resulting from the Polish membership in EMN. The Polish NCP currently consists of the representatives of the Ministry of the Interior and Administration (National Coordinator), the Ministry of Labour and Social Policy, the Office for Foreigners, the National Border Guard Headquarters and the Central Statistical Office. The main contribution to this report comes from the Migration Policy Department of the Ministry of the Interior and Administration whose activities include propagating knowledge on the issues related to the Polish migration policy¹. This report was based entirely on desk research, while data were derived from sources produced both by public institutions involved in the assisted voluntary return projects and by International Organization for Migration that shares responsibility for the implementation of this programme in Poland. The existing databases (that is reports on measures taken and statistics) of institutions managing assisted voluntary return of foreigners (that is, public administration bodies and non-governmental and international organizations shown in the report) as well as the most important legal acts on return issues in Poland constituted the main source of information. The particular parts of this report were based on data produced by the Office for Foreigners and the National Border Guard Headquarters as well as on feedback from the representatives of international and non-governmental organizations experienced in working with individuals who were the beneficiaries of voluntary return, mainly by International Organization for Migration Warsaw Office.

¹ Ordinance No. 33 of 28 March 2008 of the Minister of the Interior and Administration on defining the organizational regulations for the Ministry of the Interior and Administration, determines by § 19 of the Appendix to the aforementioned Ordinance that the Migration Policy Department is, among other tasks, in charge of coordinating activities related to the state's migration policy and international co-operation in this field.

The information presented within this study focuses primarily on policy arrangements that apply to non-EU nationals², as EU nationals and members of their families as well as other individuals benefiting from the EU achievements in the scope of free movement of workers have been excluded from this analysis due to the fact that they do not come under the assistance in voluntary return and the assisted voluntary return programme and are not the beneficiaries of the projects. The same applies to the basic proceedings described in this report and relating to the expulsion of foreigners whose residence on the territory of the Republic of Poland is undesirable either because they do not possess the necessary documents and/or due to state security issues. In matters of expulsion of EU nationals, they are subject to different regulations than other foreigners.

As the main purpose of the National Reports as well as of the Synthesis Report is their up-to-datedness, this report includes the most current information regarding the number of individuals who make use of the voluntary return programme in order to return to their countries of origin or any other countries of return, as well as organizational and legislative initiatives planned in this scope. When analysing the statistical data presented herein, one needs to take into account that there may be certain inaccuracies in the quoted numbers of individuals who actually took advantage of the programmes in the concerned year. This is due to the fact that there are varied methods of financing particular projects and many institutions managing voluntary return as well as to the fact that particular projects have different implementation periods and starting dates (also, projects' closing dates only extremely rarely fall at the end of the settlement period). Statistics including the total number of the beneficiaries of the assisted voluntary return programme are presented by International Organization for Migration in their annual reports on the implementation of the Action Plan to the Agreement of 2005 between the Minister of the Interior and Administration and IOM that are submitted during the first quarter of each year. Considering the wide range of institutions participating in the programme, the various methods of settling financially projects that are co-financed by EU funds and by the budgets of state entities, certain inaccuracies are inevitable. In view of the purpose of this study the numbers given by IOM are assumed herein as final, primarily since they include those individuals who were provided with reintegration assistance.

It is also assumed that the data already gathered need to be brought up to date as often as possible and hence regular updates of this document are foreseen in order to ensure the accuracy of information provided to a larger group of recipients. Information published in the Polish National Report refer to the Polish legal framework as of 31 December 2009 and in particular to the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland³ and to the Agreement of 12 July 2005 between the Minister of the Interior and Administration of Republic of Poland and the International Organization for Migration on the Co-operation in the Field of Voluntary Returns of Aliens Leaving the Territory of the Republic of Poland⁴.

As a general comment to the report: in the process of joining the European Union (finalized with the accession of Poland to the European Union on 1 May 2004) Poland adjusted its legal system in the field of asylum and migration in line with the relevant provisions of the EU

² According to the Article 2 of the Act of 13 June 2003 on aliens, any person who does not have Polish citizenship shall be regarded as a foreigner, however to those foreigners who enjoy the Community right of free movement of persons other regulations shall apply with regard to their stay on the territory of Poland.

³ Journal of Laws of 2009, No. 189, item 1472, unified text.

⁴ Official Journal of the Republic of Poland (M.P.) of 13 January 2006, No. 3, item 46.

acquis communautaire (and further, of the *acquis* Schengen). Institutional framework was also modified to face the new challenges resulting from Polish membership in the EU. Nonetheless, in the areas that are not covered by the common EU policy, Poland is still in the process of developing its own approach to migration. Currently, there is an intense debate at the inter-ministerial level accompanied by attempts to develop the core fundamentals of migration policy embracing, among other things, such issues as assisted voluntary return of foreigners leaving the territory of Poland, combating illegal migration and granting international protection to foreigners. Yet the organizational and legislative arrangements described in this report reflect those remaining in force as of December 2009.

2. Definitions and categories of individuals benefiting from the assisted voluntary return programmes. Statistics.

2.1 Definition of assisted voluntary return

A separate institution of “assisted voluntary return” is not mentioned *expressis verbis* in Polish legislation; however, a foreigner who submitted application for granting the refugee status can be granted assistance, upon his/her request, in voluntary return to a country which agrees or is obliged to receive a foreigner. This kind of assistance is referred to in Polish legislation and practice as *assistance in voluntary return*. This term is a relatively new element in Poland’s migration policy and it emerged for the first time in Article 68 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland⁵. Since the Act was amended in 2008⁶ it has been possible to grant such assistance to a foreigner on the basis of Article 70⁷ and Article 75⁸ of the amended Act, in light of which a

⁵ **Article 68.** ‘1. A foreigner referred to in Article 56 sec. 1 [A foreigner, in relation to whom the proceedings for granting the refugee status have been initiated, shall be provided, upon his / her request, with the assistance for the period of the proceedings and for the period of 14 days from the date of delivery of the final decision in this case, with reservation of sec. 2 and Article 60], who has withdrawn an application for granting the refugee status, may, upon his / her application, be granted the assistance in voluntary return from the territory of the Republic of Poland.

2. An application referred to in sec. 1 may refer to a foreigner’s spouse and his / her minor children.

⁶ Act of 18 March 2008 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2008, No. 70, item 416, original text in: Journal of Laws of 2003, No. 128, item 1176).

⁷ **Article 70.** 1. The applicant and a person on whose behalf the application is made by the applicant shall be granted social assistance and medical care and **may be also provided with assistance in voluntary return to the country, which may be entered by them, further called „assistance in voluntary return”.**

2. The provision of subpar. 1 shall not apply to a foreigner, who:

- 1) benefits from subsidiary protection;
- 2) resides on the territory of the Republic of Poland on the basis of permit for tolerated residence after expiry of the time limit, referred to in Art. 74 subpar. 1 [after expiry of the period of 2 months from the date of delivery of final decision in this matter, and in the event in which the proceedings for granting the refugee status was discontinued – within the period of 14 days from the day of delivery of final decision on discontinuation of the proceedings];
- 3) resides on the territory of the Republic of Poland on the basis of the residence permit for a fixed period, the permit to settle or the long-term resident’s EC resident permit;
- 4) stays in the care and educational institution;
- 5) stays in guarded centre or in arrest for the purpose of expulsion;
- 6) is temporarily arrested or imprisoned.

3. The request of the foreigner referred to in subpar. 2 for granting social, medical assistance or assistance in repatriation shall be left unconsidered.

4. A foreigner who submitted successive application for granting the refugee status before lapse of two years period from the date of being granted assistance in voluntary return, shall be entitled exclusively to medical assistance and social assistance in form of monetary benefit amounting to 1/3 of monetary benefit granted in the events referred to in Art. 72 [in the events associated with organizational considerations or when it is necessary in order to:

- 1) ensure safety to the foreigner, with special consideration for lonely women situation;
- 2) secure public order;
- 3) protect and maintain family relations
- 4) prepare a foreigner to carrying independent life outside the centre, after rendering decision on granting the refugee status or decision refusing granting the refugee status, in which the subsidiary protection or permit for tolerated stay shall be granted].

5. If it appears in the course of procedure carried in connection with successive application for granting the refugee status that there were new circumstances related to persecutions or the risk of incurring serious injury,

foreigner, upon application, may be provided with *assistance in voluntary return* to a country which agrees or is obliged to receive a foreigner.

The arrangement described in Article 68 of the Act on granting protection to foreigners within the territory of the Republic of Poland constituted a starting point for the signing of the *Agreement of 12 July 2005 between the Minister of Interior and Administration of the Republic of Poland and the International Organization for Migration on the Co-operation in the Field of Voluntary Returns of Aliens Leaving the Territory of the Republic of Poland*, (hereinafter referred to as “the Agreement of 2005”) pursuant to which foreigners may return to their countries of origin or other countries with the support provided by International Organization for Migration (IOM). Not only IOM Warsaw Office is involved in this process, but also IOM representatives in all the countries in which this organization operates (altogether in 127 countries). Pursuant to the Agreement of 2005 and the annually updated Action Plans, both the Office for Foreigners and the Border Guard are partners of International Organization for Migration within the scope of co-financing departures of foreigners from the territory of Poland.

The aforementioned Agreement of 2005 provided an essential input with regard to terminology by defining the institution of assisted voluntary return. According to Article 2 of the Agreement *voluntary return* refers to a situation

. . . where a foreigner agrees to leave the territory of the Republic of Poland to return to the country of which he/she is a national or, where such return is not possible or a foreigner is a stateless person – to the country of former residence or to another country which agrees or is obliged to receive him/her, when foreigner’s decision on return is based upon freedom of choice, meaning the absence of any physical, psychological or material pressure, and upon an informed decision which requires having sufficiently accurate and objective information about the conditions of return and the situation in the country that the foreigner returns to.

What is being said here is that a foreigner is required to take an *independent* decision on a possible departure from Poland. Such an independent decision should be based upon two elements: freedom of choice – meaning the decision is to be taken without any physical, psychological or material pressure, and conscious choice – assuming that a foreigner has sufficient knowledge and enough accurate and objective information available. Whereas *country of return*⁹ is defined in the Agreement of 2005 as the country *of which a foreigner is a*

compared to those indicated by the foreigner in previous proceedings, the Head of the Office for Foreigners shall, by means of decision grant to the foreigner assistance on general terms and conditions.

⁸ Article 75. 1. Assistance in voluntary return may be provided to the foreigner, who shall notify the Head of the Office in writing on his/her intention of voluntary return, not later than prior to lapse of the period until which he/she is obliged to leave the territory of the Republic of Poland.

2. The assistance in voluntary return shall include:

- 1) purchase of a ticket for the cheapest mean of public transport to a country chosen by the foreigner, to which he/she has the right of entry;
- 2) covering administration charges connected with obtaining necessary visas and permits;
- 3) partial covering of food costs during the travel.

3. Decision on granting assistance in voluntary return shall be issued, upon foreigner’s request, by the Head of the Office.

4. Voluntary return of foreigner shall proceed in a way arranged by the Head of the Office.

⁹ In the Act of 18 March 2008 on the amendment to the Act on granting protection to foreigners within the territory of the Republic of Poland the following term was used: *the country of which a foreigner is a national, the country of his/her former residence, or a country which agrees or is obliged to receive him/her.*

national, the country of former residence, or a country which agrees or is obliged to receive a foreigner.

According to the definition used by the Border Guard *assisted voluntary return* means *dignified, safe return of a foreigner based upon a voluntary decision. Such a return is managed in mutual co-operation of non-governmental or international institutions and is financed by the state budget or by EU funds*¹⁰.

International Organization for Migration in turn puts the institution of *assisted voluntary return* of a foreigner into such words: it is a situation in which

a state or a third party – for example an international organization – offers financial or organizational support or reintegration assistance to the returning individual, as opposed to a ‘spontaneous return’, when an interested individual decides upon and implements the return himself or herself¹¹.

It has to be noted here that an evolution in understanding of the institution of *assisted voluntary return* in Poland is strictly related to the achievements of the European Union and good practices formulated in this context. It is therefore necessary to associate Poland’s hitherto achieved legislative arrangements on this issue with works undertaken on the *Directive 2008/115/CE 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*¹². As stated in the Directive, ‘return’ refers to those illegally staying foreigners who may be subject to procedures obliging them to leave the territory of a state or against whom a decision on expulsion from the territory of the Republic of Poland may be issued. It also seems that the evolution process of the institution of voluntary return would not have been that effective one without experiences gained from the application of legal arrangements by the other EU Member States and without support provided within the framework of various EU funds.

2.2 Categories of assisted voluntary returns

In order to enhance the effectiveness of removal proceedings, it was essential to provide foreigners staying illegally in Poland with the opportunities of voluntary return. Whereas the Act of 13 June 2003 on aliens (Journal of Laws of 2006, No. 234, item 1694, unified text with further amendments) determined that it was possible to expel a foreigner using coercive measures only after he had not left the territory of Poland as specified in the decision on obligation to leave the territory of the Republic of Poland or on expulsion of the foreigner, there were limited opportunities to provide them with assistance (whether organizational, financial or reintegration assistance in the country of return) as these opportunities were only made available to those individuals who withdrew their applications for granting the refugee status (Article 70 of the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland). With a view to expanding this group of individuals entitled to benefit from such assistance, a decision was made to conclude an agreement with

¹⁰ On the basis of an interview and sources received from the National Border Guard Headquarters.

¹¹ On the basis of an interview and sources received from IOM Warsaw Office.

¹² Official Journal of the European Union L 348 of 24 December 2008: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:PL:PDF>.

International Organization for Migration (IOM) on a co-operation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland. The voluntary return programme has been implemented in Poland since 2006, pursuant to the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration (IOM) on the Co-operation in the Field of Voluntary Return of Aliens Leaving the Territory of the Republic of Poland. So in practice and under the Agreement of 2005 foreigners may leave the territory of the Republic of Poland via IOM¹³ but their voluntary return is financed by the Border Guard¹⁴, the Office for Foreigners¹⁵.

Additionally IOM may prepare projects on voluntary return of foreigners which are co-financed under the financial support of European Funds (European Return Fund and till 2008 European Refugee Fund) and where as a partner of this organization stands the Office for Foreigners and the Border Guard.

It is possible to provide foreigners with *assistance in voluntary return* (Article 70 and 75 of Act) or to allow them to come under the *assisted voluntary return programme* (under the Agreement of 2005 and IOM projects co-financed under financial support of European Funds) for the purpose of a departure from Poland only in several cases, such as:

1. with regard to foreigners who applied for refugee status (international protection) and may be supported with *assistance in voluntary return* on the basis of the Article 70 sec. 1 and Article 75 of the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland¹⁶;
2. with regard to foreigners whose applications for refugee status have been left without examination for formal reasons or who have been refused refugee status or have not been granted a permit for tolerated stay;
3. with regard to foreigners who applied for refugee status and then withdrew their claim or with regard to foreigners who applied for (national) asylum in Poland and who have been refused it;
4. if a third-country national resides illegally in the territory of the Republic of Poland and against whom a decision on obligation to leave the territory of the Republic of Poland or a decision on expulsion has been issued as a result of the control of the legality of their residence¹⁷ and who decides to leave for their country of origin or for

¹³ IOM (*IOM fee* is a lump sum fee to cover the costs incurred by IOM in relation to the management of voluntary return) covers the administrative and personnel costs such as remuneration for staff employed for the purpose of assisted voluntary return programme implementation, office expenses and expenditure related to providing assistance with transit by IOM employees in the transit countries and the countries of origin. The *fee* also covers the so-called *administrative overhead*, which equals to 12% of administrative and office expenditure in case of the voluntary return project, according to IOM Council Resolution (Member States) of December 2005. On the basis of the Agreement of 2005 the so-called *IOM fee* shall be reimbursed by the Office for Foreigners or the Border Guard. In the event that the voluntary returns project is co-financed by EU funds, the costs incurred by IOM are covered from these resources.

¹⁴ The Border Guard covers the costs of detaining individuals staying illegally in the territory of the Republic of Poland, such as the costs of transporting a foreigner to the state border of the Republic of Poland, costs of the foreigner's travel to their country of return and costs of food and accommodation for the night during the travel.

¹⁵ The Office for Foreigners participates in the costs of voluntary returns of those foreigners, with regard to whom the proceedings for granting refugee status were initiated, meaning the Office pays the cost of transport and the cost of travel documents.

¹⁶ See footnote 7 and 8.

¹⁷ **The decision on expulsion of a foreigner** shall be issued *ex officio* or at the request of the Minister of National Defence or the Head of the Internal Security Agency or the Head of the Foreign Intelligence Agency or the Chief Commander of the Border Guard or the Chief Commander of the Police or the Commanding Officer of

another country they have the right to reside in¹⁸ (excluding decisions on expulsion with the order of immediate enforceability with the exception of the situation where the decision was issued with regards to sound interest of a foreigner);

5. whenever a foreigner was neglected to be granted with/prolonged a residence permit for a fixed period and in this decision was obliged to leave the territory of the Republic of Poland within the time indicated in the abovementioned decision (Article 57 sec. 6 and sec. 7 of Act of 2003 for Foreigners)¹⁹ or the abovementioned permit was withdrawn (Article 58 sec. 4 and sec. 5²⁰ of Act of 2003 for Foreigners). However the circumstances when the abovementioned categories of foreigners may benefit from the assisted voluntary programme are not identified.

Generally two categories of foreigners may apply to participate in the voluntary return programme. First of all those who have sought international protection and the proceedings in their cases are in progress or they have received a decision on refusal and also in the event that the proceedings for granting them a permit for tolerated stay are in progress or have been discontinued or they withdrew their applications for granting refugee status (but only on condition that the expulsion proceedings have not been initiated yet). Secondly, the foreigners who were issued a decision obliging them to leave the territory of the Republic of Poland (excluding decisions on expulsion with the order of immediate enforceability with the exception of the situation where the decision was issued with regards to sound interest of a foreigner) may take advantage of voluntary return assistance as well, regardless of the fact

the Border Guard Division or the Voivodship Commander of the Police or the Commanding Officer of the Border Guard Outpost or the Customs Service, by the relevant voivode in respect of the place of residence of a foreigner or the place of disclosure of circumstances or the occurrence constituting grounds for putting forward a motion for the expulsion of a foreigner. **The decision obliging the foreigner to leave the territory of the Republic of Poland** shall be issued by the Voivodship Commander of the Police or the Poviast Commander of the Police or the Commanding Officer of the Border Guard Division or the Commanding Officer of the Border Guard Outpost.

¹⁸ The main prerequisites for issuing the above-mentioned decision occur in situations when a foreigner, among other things: resides in the territory of the Republic of Poland without a valid visa, if it is required, or without another valid document confirming their right to enter and reside in this territory; did not leave the territory of the Republic of Poland upon expiry of an allowed period of residence within the territory of Schengen countries being three months over a six months period following the day of the first entry into this territory; carried out work contrary to the provisions of the Act of 20 April 2004 on employment promotion and labour market institutions (Journal of Laws of 2008, No. 69, item 415, unified text with further amendments) or took up another economic activity in contradiction to the provisions of the applicable regulations in the Republic of Poland (Act of 2 July 2004 on freedom of economic activity – Journal of Laws of 2007, No. 155, item 1095 with further amendments); does not possess financial means necessary to cover the costs of their stay within the territory of the Republic of Poland and they cannot indicate any credible sources of obtaining those means; crossed or attempted to cross the border contrary to the law; stays outside of the border zone in which they were entitled on the basis of the permit to cross the border within local border traffic; stays in the territory of the Republic of Poland upon expiry of the allowed period of stay specified in the permit to cross the border within local border traffic.

¹⁹ Article 57 sec. 6 In the decision on refusal of the residence permit for a fixed period issued to a foreigner staying on the territory of the Republic of Poland, whose residence is undesirable, the foreigner may be obliged to leave this territory within the period indicated.

Article 57 sec. 7 Provisions regulating proceedings on obligation to leave the territory of the Republic of Poland shall apply mutatis mutandis to decisions on refusal of the residence permit for a fixed period, which oblige the alien to leave the territory of the Republic of Poland.

²⁰ Article 58 sec 4. A foreigner staying on the territory of the Republic of Poland, whose residence is undesirable may be obliged, in the decision on withdrawal of the residence permit for a fixed period, to leave this territory within the time limit indicated in the decision.

Article 58 sec. 5. Provisions regulating proceedings in cases of obligation to leave the territory of the Republic of Poland shall apply mutatis mutandis to decisions on withdrawal of a residence permit for a fixed period, which oblige the foreigner to leave the territory of the Republic of Poland.

whether they have submitted applications for being granted international protection or not.

The following individuals are not entitled to make use of assisted voluntary return:

1. foreigners legally residing in Poland (holding visas or residence permits) who wish to return to their countries of origin,
2. foreigners who were not granted a residence permit or its prolongation, but were not issued a decision obliging them to leave the territory of Poland,
3. foreigners whose residence permits were withdrawn but who were neither issued a decision obliging them to leave the territory of Poland (in case of short-term stays) nor a decision on expulsion (in case of withdrawal of a residence permit for indefinite period),
4. foreigners who are nationals of EU, EEA or Switzerland and the members of their families who have the right to reside in Poland,
5. foreigners who received a decision on expulsion with the order of immediate enforceability,
6. foreigners who applied for voluntary return after the readmission procedure or after the transfer procedure under Dublin II²¹ Regulation had been initiated, or who were found eligible for return under a joint return operation organized under the auspices of the FRONTEX Agency²²,
7. foreigners who do not possess a valid travel documents and for whom it is not possible to obtain such documents,
8. foreigners staying in care and educational centres,
9. foreigners who have been placed under temporary arrest or undergo the penalty of imprisonment,
10. foreigners staying within the territory of the Republic of Poland on the basis of a permit for tolerated stay – after expiry of the period of 2 months from the date of delivery of final decision in the case of granting refugee status, and in case the proceedings for granting the refugee status was discontinued – after 14 days from the day of delivery of final decision on discontinuation of the proceedings.

²¹ Since 1 May 2004 Poland has implemented the Council Regulation No. 343/2003/CE 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, amending the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (the so-called Dublin II Regulation). Pursuant to the aforementioned Regulation, with regard to those foreigners who lodged their applications for granting refugee status in Poland and were later stopped in the territory of the Member States (due to submission of secondary application for granting refugee status in another Member States or due to other circumstances) and with regard to those individuals who did not apply for refugee status in Poland but it was the first Member State they entered the EU (e.g. holding a Polish visa). Poland is obliged to admit them into its territory and to examine their applications for granting refugee status. The State responsible for examining such an application is most often determined either by comparing the foreigner's fingerprints stored by EURODAC or on the basis of other sources and information (e.g. declarations, documents, etc.).

²² The European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (FRONTEX) started its official operation on 1 May 2005. Its purpose is to facilitate the application of the existing and future EU arrangements relating to the management of external borders by ensuring a co-ordination of activities of the Member States within the scope of implementing these arrangements, by contributing to the more efficient, unified, high standard border controls and border security at the external borders of the EU. Its aim is also to provide the European Commission and the Member States with the necessary technical support and expertise on the management of the external border and to promote solidarity between the Member States.

Foreigners who were granted subsidiary protection in Poland, as introduced in the Act on granting protection to foreigners within the territory of the Republic of Poland as a result of an amendment made by the Act of 18 March 2008, are not eligible for the assisted voluntary return programme. This is due to the fact they were not mentioned in the Agreement of 2005 as one of the target groups of the voluntary return programme. Article 70 sec. 2 point 1 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland also excludes the possibility to provide foreigners with assistance in voluntary return in case they enjoy subsidiary protection²³.

It can also be noticed that there is no possibility of providing reintegration assistance to migrants whose returns are entirely financed by the Office for Foreigners²⁴.

Trafficking in human beings and assisted voluntary return

When referring to the programmes that are being implemented in Poland with regard to voluntary return of foreigners being victims of trafficking in human beings, it needs to be stated that there are many obstacles often preventing this category of foreigners from participating in the above-mentioned programme. Such problems mainly concern those individuals who have not expressed willingness to participate in the support programme for the witness/victim of trafficking in human beings²⁵. This situation changes, however, in case a decision on obligation to leave the territory of Poland is issued against these foreigners²⁶. Only then it is possible to cover the costs of managing their returns to the countries of return on the basis of the Agreement of 2005 between the Minister of the Interior and

²³ Pursuant to Article 15 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2006, No. 234, item 1695 with further amendments) subsidiary protection may only be granted to foreigners in the event that their return to the countries of origin could expose them to actual risk of incurring a serious harm through: a death penalty or its execution; tortures, inhuman or degrading treatment or punishment; serious and individualized threat to life or health resulting from indiscriminate use of violence to civil population in the situation of international or internal armed conflict and in view of this risk cannot or do not want to enjoy the protection of their countries of origin (but not of other countries the foreigner could enter). It needs to be noted that the aforementioned Act does not provide for the possibility to renounce subsidiary protection by foreigners, which might allow them to participate in the assisted voluntary return programme, if needed. The Council Directive 2004/83/EC of 29 April 2004 (Official Journal of the European Union L 304 of 30.09.2004) 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 does not provide for this possibility, either.

²⁴ With reference to Article 70 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.

²⁵ Foreigners who do not express willingness to testify against a person involved in human trafficking and profiting from the business of human trafficking cannot be included in the programme to help victims of human trafficking implemented by the La Strada Foundation under the National Programme for Combating and Preventing Trafficking in Human Beings (until the end of 2009 assistance in voluntary return provided to such individuals was financed on the basis of commissioning a public task). Their travel to the countries of origin cannot be funded on the basis of the provisions of the Agreement of 2005, either, because the Agreement does not include this particular category of individuals. This issue is currently being debated between the Minister of the Interior and Administration and IOM.

²⁶ In this case voluntary return of foreigners may be financed by the Border Guard. This form of voluntary return seems to be less humane, though, because an individual regarded by the relevant institutions in the territory of the Republic of Poland as a victim of human trafficking must renounce the assistance received so far, including the temporary legal stay, and receive an obligation to leave the territory of Poland from the Border Guard. As a result of the above-described situation the foreigner's data are entered into the registry of persons whose residence in the territory of the Republic of Poland is considered undesirable [see Article 128, sec. 1 and sec. 3 of the Act of 13 June 2003 on aliens (Journal of Laws of 2006, No. 234, item 1694)].

Administration and IOM. In this case, IOM in consultation with the Border Guard may support a foreigner, if only they had taken an independent decision to leave Poland.

Obtaining financial support for the management by IOM of voluntary return of foreigners being victims of human trafficking may otherwise be impossible, because regulations that would secure this form of support do not exist. The support scheme for victims of human trafficking, both Polish citizens and third-country nationals, is based on the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Act of 12 March 2004 on social assistance (Journal of Laws of 2008, No. 115, item 728, unified text)²⁷, where covering the costs of voluntary return of foreigners is not mentioned²⁸. Articles 5²⁹ and 5a of the aforementioned Act on social assistance specify that social assistance may be provided not only to Polish citizens, but also to foreigners, including those being victims of human trafficking. Article 7, point 7a states at the same time that *social assistance shall be provided to individuals and families particularly for the reason of (. . .) need for protection of human trafficking victims*³⁰. Social assistance offered in this case means solely granting the right to receive benefits in the form of crisis intervention measures, shelter, meals, necessary clothing or appropriated benefits. The costs of voluntary return of foreigners to their countries of return are not included therein.

The current legal status additionally causes problems for the nationals of the Member States of the European Union (especially for the citizens of Bulgaria and Romania) who are victims of human trafficking. They cannot participate in the voluntary return programmes, because generally a decision on expulsion may not be issued to them³¹. What is more, such persons who have applied for granting the refugee status are rather unlikely to obtain such protection. This all results from the *Protocol on asylum for nationals of Member States of the European Union*³² being part of the Treaty of Amsterdam amending the Treaty on the European Union, Treaties establishing the European Communities and certain related acts. Therefore no national of any Member State of the European Union has applied for refugee status in Poland since 2008 (in 2005 such applications were lodged by 15 citizens of Bulgaria, 4 citizens of

²⁷ The provisions of this Act apply to a foreigner who is a victim of human trafficking within the meaning of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (Official Journal of the European Union L 203 of 1 August 2002).

²⁸ The National Programme for Combating and Preventing Trafficking in Human Beings prepared for the consecutive periods of 2005-2006 and 2007-2008 (since 2009 known as *The National Action Plan against Trafficking in Human Beings for 2009-2010*) is part of the programme implementation on improving the safety of citizens called 'Safe Poland' and adopted by the Council of Ministers on 28 August 2002. The aim of the national programme is to successfully implement the recommendations included therein, so as to create conditions that are necessary to prevent and combat human trafficking effectively.

²⁹ Article 5 sec. 2 of the Act on social assistance states that foreigners who: have a place of residence and reside in the territory of the Republic of Poland on the basis of a permit to settle or a long-term EC resident's permit or a residence permit for a fixed period granted as a result of considering this person as a victim of human trafficking or a permit for tolerated stay or as a result of obtaining refugee status in the Republic of Poland, have the right to receive social benefits, unless international agreements provide otherwise.

³⁰ Article 20 point 4 extends the list of tasks performed by poviats within the scope of government administration by adding the obligation to grant benefits to foreigners who are victims of human trafficking in the form of crisis intervention measures.

³¹ Excluding situations set forth in Articles 66, 67 and 68 of the Act of 14 July 2006 on entering the territory of the Republic of Poland, residence and departure from this territory of the nationals of the Member States of the European Union and members of their families (Journal of Laws No. 144, item 1043), i.e. when their residence in this territory constitutes a threat to, among other things, the state security or defence or the public security and public order.

³² See http://libr.sejm.gov.pl/oide/dokumenty/traktaty/Traktat_amsterdamski_PL_7.pdf.

Romania and 2 citizens of Slovakia; in 2006 by 2 citizens of Bulgaria, 5 citizens of Lithuania; and in 2007 by 2 citizens of Latvia and 5 citizens of Lithuania).

In 2009 discussions on amendments to the provisions of the Agreement of 2005 between the Minister of Interior and Administration of Republic of Poland and International Organisation for Migration on the Co-operation in the Field of Voluntary Returns of Aliens Leaving the Territory of the Republic of Poland were initiated with an aim to include foreigners being victims of human trafficking in the category of individuals who may be provided with support for voluntary return.

2.3 Statistics

The statistical data regarding those foreigners who participated in assisted voluntary return programme implemented on the basis of the Agreement of 2005 and IOM projects` co-financed under the financial support of European Funds, the Office for Foreigners and the border Guard as well as in the *assistance in voluntary return* (Article 70 and Article 75 of the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland) show that there is a growing interest among the third-country nationals in returning to their countries of origin or to other countries they have the right to reside in.

Statistics in relation to the Agreement of 2005 and IOM projects` co-financed under the financial support of European Funds, the Office for Foreigners and the border Guard

The growing number of individuals who are interested in leaving the territory of Poland voluntarily is most apparent in the reports that IOM draws up as part of their Annual Reports on the implementation of the voluntary return programme and submits for the approval of the Minister of Interior and Administration. The number of foreigners who benefited from support for voluntary return to the countries which agree or were obliged to receive them is presented in Table 1.

Table 1. Number of participants in assisted voluntary return programmes from 2005 to 2009 (on the basis of the Agreement of 2005 and other projects on voluntary return).

Foreigners' country of return	2004	2005	2006	2007	2008	2009
<i>Including</i>	2	86	412	743	962	1,565
Afghanistan				1		1
Albania					1	
Algeria						1
Argentina				4		
Armenia			4	10	13	19
Azerbaijan						1
Belarus				1	1	12
Burkina Faso					1	
Burundi						1
Cameroon						1
China			2	1		10
Croatia					1	
Ethiopia						2
Georgia			1			216
India				1		2
Iran						1

Foreigners' country of return	2004	2005	2006	2007	2008	2009
Including	2	86	412	743	962	1,565
Iraq				5	2	4
Kazakhstan						3
Kenya			1			1
Kosovo					2	
Lebanon						3
Lybia						1
Mauritius						1
Moldova					5	
Mongolia					8	13
Nepal					1	2
Pakistan					1	
Philippines						1
Russian Federation			402	688	887	1 189
Rwanda						1
Serbia						1
Somalia			1			
Sri Lanka					1	2
Syria						5
Tajikistan				5		
Tanzania				1		
Togo						1
Tunisia						1
Turkey					1	1
Uganda					1	
Ukraine			1	9	30	45
Uzbekistan					3	20
Vietnam					3	2
Zimbabwe						1

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by IOM.

The statistical data concerning number of foreigners who return to the country of return under the provisions of the Agreement of 2005 IOM states as follows:

Table 2. Number of participants in assisted voluntary return programme under the provisions of Agreement of 2005 from 2005 to 2009.

	2006	2007	2008	2009
Number of participants who has been provided support for voluntary return programme (only implementation of the Agreement of 2005)	228	262	721	226

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by IOM

General statistical data provided by IOM Warsaw Office indicates that 412 individuals left Poland in 2006 under the voluntary return programme, out of which 104 belonged to the group requiring special approach. Among them there were single mothers with children (86) and persons with health problems who underwent medical examinations, so that it was possible to determine, whether their medical conditions allowed them to travel (15)³³. The

³³ This group included 10 pregnant women (in three cases the return procedure was postponed until after the delivery), one child under one year of age, two persons sick with TB and two disabled persons.

Border Guard co-financed this programme by covering the costs of voluntary returns for 167 individuals, whereas the Office for Foreigners co-financed 245 departures of foreigners.

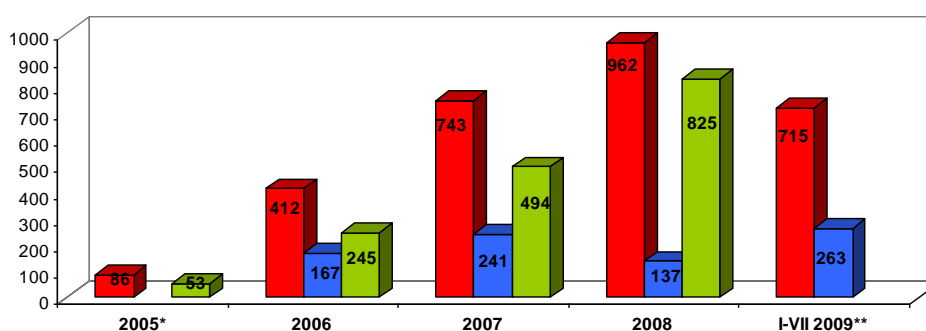
In the following year of the management of voluntary return, meaning 2007, a total of 743 individuals left Poland, out of which 509 had withdrawn their applications for refugee status, 169 had been granted permit for tolerated stay, 42 had been subjected a decision on refusal to grant a refugee status and 20 persons had received a decision on obligation to leave the territory of the Republic of Poland. In 2007 241 returns were co-financed from the resources of the Border Guard. Included in the above given number were 206 persons who returned to the territory of the Russian Federation, out of which 183 declared to be of Chechen nationality, 9 of Ingush, 9 of Dargin, 3 of Avar and 2 of Kumyk one.

Table 3. Number of foreigners who benefited from assisted voluntary return programme financed by the National Border Guard Headquarters and who left Poland in 2006-2008, including a presentation of costs (when determining the value of the budget exchange rate 1 EUR = 4 PLN was applied).

	2006	2007	2008
Number of individuals who left Poland voluntarily	167	241	137
Foreigners' countries of return	Russia, China, Georgia and Armenia	Russia, Armenia, Iraq, Georgia, Ukraine and India	Russia, Ukraine, Armenia, Vietnam and Mongolia
Costs of managing voluntary returns		PLN 199,669.43 (approx. EUR 50,000)	PLN 187,366.00 (approx. EUR 47,000)

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters.

In 2007 the Office for Foreigners co-financed voluntary returns of, among others, 464 citizens of the Russian Federation of Chechen nationality, 7 citizens of the Russian Federation of Avar nationality, 11 citizens of the Russian Federation of Dargin nationality, 8 citizens of the Russian Federation of Ingush nationality and 4 Kazakh citizens (who returned to Argentina).



- the number of beneficiaries
- the number of beneficiaries including those receiving funding from the National Border Guard Headquarters
- the number of beneficiaries including those receiving funding from the Office for Foreigners
- * The National Border Guard Headquarters did not participate in the programmes
- ** Information from the Office for Foreigners is unavailable

Diagram 1. Number of participants in the assisted voluntary return programmes from 2005 to July 2009 by the co-financing sources covering the costs of their departures from Poland (Source: Study of the Migration Policy

Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters and the Office for Foreigners).

In 2008 under the assisted voluntary return programme a total of 962 individuals left Poland for their countries of return. In 825 cases the returns were managed due to the foreigners' withdrawals of applications for refugee status, 80 other individuals were subjected a decision on refusal to grant a refugee status and 57 individuals received a decision on obligation to leave the territory of the Republic of Poland. In the above-mentioned group, the majority were women.

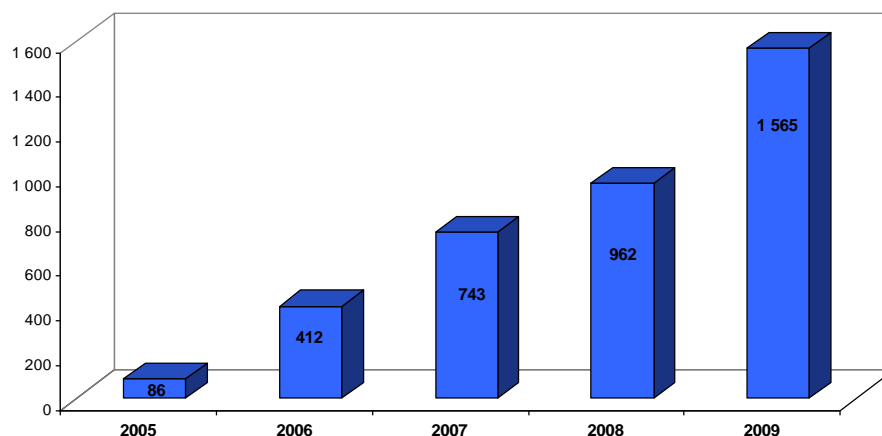


Diagram 2. Number of participants in the assisted voluntary return programmes from 2005 to 27 November 2009 (Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters, IOM and the Office for Foreigners).

It needs to be noted that nearly 90% of foreigners who decided to leave Poland under the assisted voluntary return programmes in 2006-2009 were the citizens of the Russian Federation, mainly of Chechen nationality. Before joining the programme most of them had applied for refugee status in the territory of the Republic of Poland.

Statistics in relation to Articles 70 and 75 of the Act

The foregoing notwithstanding, it needs to be kept in mind that pursuant to Article 70 sec. 1 and Article 75 of the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland, the Head of the Office for Foreigners has competence to provide assistance in voluntary return to the country of return to any foreigner in the refugee proceedings who expresses such intention. In practice, however, foreigners referred to this regulation more seldom than to the opportunity of voluntary return managed on the basis of the Agreement of 2005 (one of the reasons for this might be that neither support in return to the exact destination in the foreigner's country of return nor reintegration assistance could be provided later). In 2004 assistance was provided to 58 individuals, in 2005 to 116 individuals, in 2006 to 138 individuals, in 2007 to 48 individuals and in 2008 to 514 individuals (see Table 3). Yet there are no quantitative data available for the year, in which the opportunities to provide *assistance in voluntary return* were introduced pursuant to Article 68 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of

Poland. In 2009 the Office provided voluntary return assistance to 265 foreigners, including 4 Georgians³⁴.

Table 4. Number of individuals who made use of Article 70 sec. 1 and Article 75 of the Act on granting protection to foreigners within the territory of Poland in 2003 by countries of return

	2004	2005	2006	2007	2008	2009
In total	58	116	138	48	514	256
<i>Including (by countries of return):</i>						
Russia	42	112	136	46	512	NDA
Slovakia	6	NDA	NDA	NDA	NDA	NDA
Ukraine	NDA	2	2	NDA	NDA	NDA
Belarus	NDA	NDA	NDA	2	2	NDA
Georgia	NDA	NDA	NDA	NDA	NDA	4

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the Office for Foreigners.

Table 4 illustrates the expenditure incurred by the Office for Foreigners during the implementation of the task imposed by Articles 70 and 75 of the aforementioned Act. These financial resources came from the Office for Foreigners's budget allocated for providing care to foreigners applying for the refugee status. In the event of expenses incurred during the management of the voluntary return programmes for foreigners and demonstrated by IOM Warsaw Office, the size of the annual budget allocated for the implementation of tasks as imposed by the aforementioned Agreement of 2005 was presented³⁵.

Table 5. Expenditure incurred in relation to the provision of assistance in voluntary return of foreigners on the basis of Article 70 sec. 1 and Article 75 of the Act of 2003 on granting protection to foreigners within the territory of Poland and to the management of assisted voluntary return in 2004-2008

	2004	2005	2006	2007	2008
Expenditure incurred by the Office for Foreigners in relation to the provision of assistance in voluntary return	PLN 15,000 (approx. 3,750 EUR)	PLN 35,000 (approx. 8,750 EUR)	PLN 42,000 (approx. 10,500 EUR)	PLN 17,000 (approx. 4,250 EUR)	PLN 195,000 (approx. 48,750 EUR)
Costs of the management of the voluntary return programmes demonstrated by IOM Warsaw Office	NDA	NDA	PLN 686,620 (approx. EUR 172,000)	PLN 1,536,620 (approx. EUR 384,000)	PLN 1,530,120 (approx. EUR 382,500)

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the Office for Foreigners and IOM.

³⁴ According to preliminary data provided by the Office for Foreigners, in 2009 International Organization for Migration provided assistance in voluntary return to 1,130 foreigners.

³⁵ In this situation the voluntary return projects, which are implemented on an annual basis, are co-financed from EU funds in around 75% (by the European Return Fund and till 2008 - the European Refugee Fund – later on the possibility to co-financed voluntary return projects under support of European Refugee Fund has been ceased). The remaining amount is financed from the budget resources of the Office for Foreigners and the National Border Guard Headquarters.

For comparative purposes the statistical data on the total number of foreigners expelled from the territory of Poland and on the number of foreigners who obtained assistance in voluntary return on the basis of Articles 70 and 75 of the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland or under the voluntary return programmes need to be presented herein as well. Against such background it may be easily noticed that a growing number of foreigners is starting to take advantage of various forms of voluntary return opportunities in order to leave the territory of Poland.

Table 6. Number of participants in the assisted voluntary return programmes in 2006-2009 and number of decisions on expulsion from the territory of Poland executed by the Border Guard.

	2006	2007	2008	2009
Number of persons to whom a decision on expulsion from the territory of Poland was issued	2,959	2,502	4,846	1,514
Number of persons who benefited from assistance in voluntary return (Articles 70 and 75 of the Act)	138	48	514	256
Number of participants who have been provided with support for voluntary return programmes (implementation of the Agreement of 2005)	228	262	721	226
Number of participants who have been provided with support for voluntary return programmes (implementation of IOM projects` co-financed under the financial support of European Funds, the Office for Foreigners and the Border Guard)	184	481	241	1,339

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters, Office for Foreigners and IOM.

The citizens of Ukraine, Moldova, Vietnam, Belarus and Russia are among foreigners to whom the above-mentioned decisions are issued most often. It is also worth presenting data which illustrate, the number of decisions on expulsion from the territory of the Republic of Poland: 5,462 persons in 2005, 3,789 persons in 2006, 3,030 persons in 2007, 5,779 persons in 2008 and 935 persons in 2009 (until June).

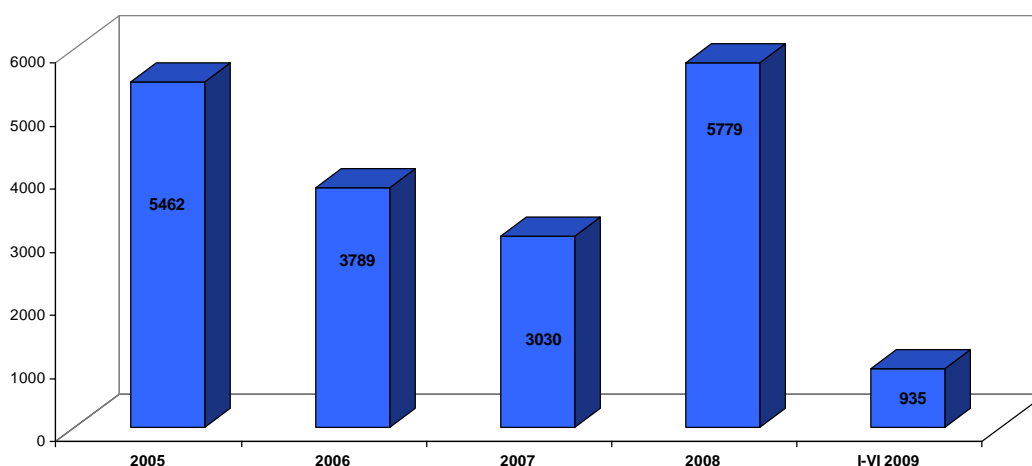


Diagram 3. Number of persons who were expelled from the territory of the Republic of Poland from 2005 to June 2009 (Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters.)

3. Legal framework

3.1 Legal and political background

The migration situation of Poland is characterized by huge dynamics. Poland, being once a transit country, is becoming more and more a destination country to migrants coming mainly from the area of the Commonwealth of Independent States. The number of foreigners who seek international protection is growing and they make the largest group of individuals interested in voluntary return to their countries of return.

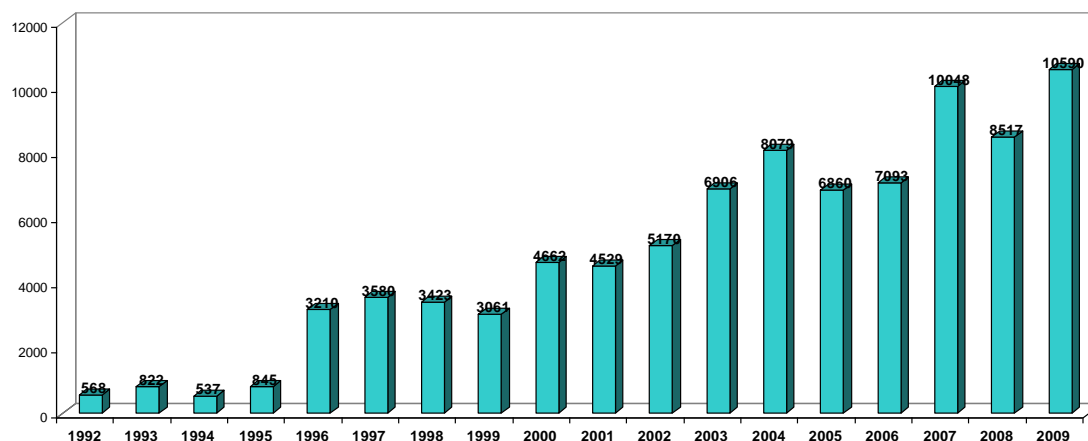


Diagram 4. Number of applications for granting refugee status in the territory of the Republic of Poland (Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the Office for Foreigners)

Therefore, introducing legal arrangements regarding voluntary return in Poland is strictly linked to individuals seeking international protection in the territory of the Republic of Poland³⁶. The institution of assistance in voluntary return was introduced into the Polish legal order for the first time by the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland³⁷. Pursuant to Article 68 of the Act it was possible to provide assistance in voluntary return from the territory of the Republic of Poland exclusively to a foreigner who had applied for refugee status but had withdrawn the application. Assistance was granted upon the foreigner's request and the provisions of the Act provided for the possibility to have the foreigner's spouse and minor children come under this request. The President of the Office for Repatriation and Aliens³⁸ issued decisions on provision of such assistance. Assistance in voluntary return from the territory of the Republic of Poland may have included:

³⁶ More information in Part 2 of this study.

³⁷ Journal of Laws of 2003, No. 128, item 1176.

³⁸ Since 1 July 2001 the Office for Repatriation and Aliens headed by the President has dealt with the issues regarding stay of foreigners in Poland. With the Act amending the Act of 24 May 2007 on aliens, which came into force on 20 July 2007, competences of particular government authorities in this field were changed. In this Act the competences regarding repatriation and citizenship issues held so far by the President of the Office for Repatriation and Aliens were transferred to the minister in charge of internal affairs – Minister of the Interior and Administration. This change in the scope of responsibilities under the jurisdiction of the President of the Office for Repatriation and Aliens was a result of replacing this body with a new central government body, the Head of the Office for Foreigners in charge of the Office for Foreigners.

- 1) purchasing a ticket for the cheapest means of public transport to a country of foreigner's choice which agrees or is obliged to receive a foreigner;
- 2) covering administrative charges connected with obtaining necessary visas and permits;
- 3) covering part of the costs of food during the travel.

It is also worth emphasizing that the provisions set forth in the aforementioned Act allowed for a single provision of *assistance in voluntary return* to the same person within the period of two years, thereby setting limits to the potential abuse of this law.

By the amendment to the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland that came into force in 2008³⁹, it is possible for the Head of the Office for Foreigners to organize assisted voluntary return only as part of the benefits granted to foreigners applying for refugee status. It also has to be noted that the scope of assistance provided to foreigners has not changed. According to Article 75 of the aforementioned Act, assistance in voluntary return may be provided to a foreigner who notifies the Head of the Office for Foreigners in writing about their intention of voluntary return not later than prior to lapse of the period until which they are obliged to leave the territory of the Republic of Poland⁴⁰. Moreover, subjective exclusions were introduced which resulted in reducing the number of potential beneficiaries of the *assistance in voluntary return*. Such assistance will therefore not be provided to the foreigner who:

- 1) benefits from subsidiary protection,
- 2) reside on the territory of the Republic of Poland on the basis of a permit for tolerated stay – after expiry of time limit referred to in Article 74 sec. 1⁴¹;
- 3) reside on the territory of the Republic of Poland on the basis of a residence permit for a fixed period or a permit to settle or a long-term EC resident's residence permit;
- 4) stays in care and educational centres;
- 5) stays in guarded centres or in arrest for the purpose of expulsion;
- 6) is temporary detained or serves a term of imprisonment.

Agreement of the 12 July 2005 between the Minister of Interior and Administration of the Republic of Poland and International Organization for Migration on the Co-operation in the Field of Voluntary Returns of Aliens Leaving the Territory of the Republic of Poland

As mentioned in Chapter 2, the Office for Foreigners not only manages voluntary return within the task set forth in the Act on granting protection to foreigners within the territory of the Republic of Poland, but also implements the voluntary return programmes in co-operation with International Office for Migration (IOM). These programmes have functioned in Poland since 2006 on the basis of the Agreement of 12 July 2005 on the co-operation between the Minister of the Interior and Administration and International Organization for Migration⁴².

³⁹ Act of 18 March 2008 r. on the amendment to the Act on granting protection to foreigners within the territory of the Republic of Poland and to some other acts (Journal of Laws of 2008, No. 70, item 416).

⁴⁰ The application for assistance may not be lodged upon expiry of a 30-day period from the date of delivery of the final decision on expulsion in the proceedings for granting refugee status. However, the application may be lodged upon expiry of the date for leaving the territory of the Republic of Poland set in a decision issued on another basis (i.e. in another proceedings), e.g. in the voivode's decision on expulsion.

⁴¹ See footnote 7.

⁴² The Agreement between the Minister of the Interior Internal Affairs and Administration of the Republic of Poland and the International Organization for Migration on the co-operation in the field of voluntary returns of

The basis for performing tasks scheduled for the given calendar year and resulting from the provisions of the aforementioned Agreement is the Action Plan submitted yearly for approval to the Minister of the Interior and Administration by IOM, along with a specification of expected costs of their performance. It is worth emphasizing that within the implementation of the provisions of the aforementioned Agreement of 2005 the Border Guard and the Office for Foreigners manage the voluntary return programme for foreigners and they are payers for the services performed by IOM in relation to the management of voluntary return of foreigners. It also needs to be noted that the measures taken up by IOM within the framework of the voluntary return programmes are financed under the expense reimbursement procedure.

The range of actions implemented by IOM Warsaw Office within the voluntary return programme is specified by the Article 4 of the Agreement according to which this organization is obliged to:

- 1) prepare informational materials concerning voluntary return and disseminate them promptly among foreigners eligible to participate in the programme;
- 2) provide assistance to foreigners in order to obtain travel documents and visas;
- 3) arrange for transportation in order to enable voluntary return of foreigners, including:
 - a) departure from the territory of the Republic of Poland,
 - b) arrival in the country of return and transit through its territory,
 - c) travel through the territories of transit countries, if necessary;
- 4) prepare and update training materials and information concerning the foreigners' countries of origin;
- 5) train the representatives of Polish governmental and non-governmental organizations dealing with foreigners' affairs.

The aforementioned Agreement provides for establishing a Joint Consultative Commission⁴³ whose aim is to facilitate the implementation of the provisions of this Agreement. The responsibilities of the Commission shall be to:

- 1) supervise the implementation of the provisions of the Agreement;
- 2) evaluate the co-operation with Polish governmental and non-governmental organizations dealing with foreigners' affairs;
- 3) advise upon submitted proposals concerning organization of voluntary return of foreigners.

In addition, on the basis of Article 4 sec. 2 of the Agreement of 2005, IOM may provide foreigners⁴⁴ – beneficiaries of the Agreement - with reintegration assistance in the form of

aliens leaving the territory of the Republic of Poland (Monitor Polski / Official Journal of the Republic of Poland of 13 January 2006, No. 3, item 46). The Agreement came into force on 7 November 2005.

⁴³ The Commission consists of four representatives, out of which two are appointed by the Minister of the Interior and Administration and two by IOM.

⁴⁴ It needs to be mentioned that this applies exclusively to foreigners:

- 1) seeking refugee status:
 - a) whose applications were left without examination for formal reasons,
 - b) who received a decision on refusal to grant refugee status and on refusal to grant a permit for tolerated stay;
- 2) who lodged and then withdrew the applications for refugee status;
- 3) seeking asylum in the territory of the Republic of Poland, who received a decisions on refusal to grant asylum; - thereby excluding those foreigners who received a decision obliging to leave the territory of the Republic of Poland. In case of projects receiving EU funding (ERF), every returning foreigner is provided with reintegration

financial benefits paid out to them in their countries of return. This financial support could support the process of settlement down, but also could be used for current needs or to start business activity. IOM, as far as possible and necessary, also strives to enter into agreements with transit countries and the countries of return in order to be able to provide assistance to foreigners benefiting from the voluntary return programmes and to secure control over the foreigners' transit through these countries.

Recently launched actions

Due to the low number of foreigners in the total population of Poland and the lack of problems related to foreigners' integration that are typical of immigration-host countries, migration issues are not subject to domestic political debate at the moment. As a consequence of the above-described situation there is no political elite discourse on the topics related to the issues of voluntary or forced return of foreigners. However, it is worth noting that the Working group on elaboration of Polish Migration Strategy, appointed in February 2009 by the interministerial Committee for Migration⁴⁵, discussed the issues related to combating illegal migration in a session held in October 2009. Voluntary return of foreigners was one of the topics discussed in relation to the above-mentioned issues. During the debate it was agreed that voluntary return as a more humane system of returning immigrants that ensured full respect for human dignity during the expulsion procedure should be considered as an arrangement to strive for. Furthermore it was established that the cost/effectiveness ratio should play an important role in return policy so that the decision-making process could be optimised. It was recognized that voluntary return, when supported financially, had a more lasting effect and resolved the problem of sustainable return of immigrants to their countries of return or other countries they had the right to reside in a cheaper and more effective way.

It is worth mentioning that the ultimate project on Polish Migration Strategy, which is currently under development, shall be subject to broad consultations with governmental stakeholders, non-governmental organizations, employer/employee organizations, academic and church communities as well as international organizations (including IOM and UNHCR) in the future. It is therefore to be expected that the topic of voluntary return of foreigners will be discussed and – at least to a limited extent – publicly debated.

3.2 Implementation of the EU immigration and asylum law

Among the legislative changes that had an impact on the implementation of the voluntary return programme in Poland there is one to be distinguished. It is adding a new form of protection (i.e. subsidiary protection) to the forms of protection granted to foreigners within the territory of the Republic of Poland as set forth in the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. This amendment was introduced by the Act of 18 March 2008 on amending the Act on granting protection to foreigners within the territory of the Republic of Poland and some other acts⁴⁶ due to the

assistance regardless of his/her status.

⁴⁵ Acting as a subsidiary (advisory and consultative) body to the Prime Minister, the Committee is headed by the Minister of the Interior and Administration and the results of its works are passed on to the Prime Minister who may decide to present them to the Council of Ministers. The representatives of more than a dozen institutions of government administration participate in the Committee's works.

⁴⁶ Journal of Laws of 2008, No. 70, item 416.

necessity to implement the provisions of the Council Directive 2004/83/EC of 29 April 2004 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 granted⁴⁷ and of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status⁴⁸ into the Polish legal system. As already stated, those foreigners who were granted subsidiary protection in Poland, would not be – under the current legal status – included in the voluntary return programme implemented by IOM Warsaw Office. They are also excluded from assistance in voluntary return provided by the Office for Foreigners.

Other EU legal acts whose provisions are reflected in Polish legal arrangements include:

- 1) Council Directive 2001/40/EC⁴⁹ of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals and Council Decision 2004/191/EC⁵⁰ of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals.

The provisions of the aforementioned Directives were introduced into Polish law by the Act of 24 October 2008 on amending the Act on aliens and some other acts⁵¹ and have been applied since 1 January 2009.

It is worth pointing out that Chapter 8b of the aforementioned Act on aliens titled *Execution of the decision on expulsion of a foreigner issued by a body of another Member State* is entirely dedicated to the subject matter governed by the above mentioned EU legal acts and includes a number of regulations that relate to, among other things, consultations conducted by the Chief Commander of the Border Guard with the bodies of other Member States aiming at confirming the enforceability of the decisions on expulsion issued by them, the range of situations in which decisions on expulsion of foreigners issued by the body of another Member State shall not be enforced, the proceedings followed in the event of execution by Polish authorities of the decision on expulsion of a foreigner issued by the body of another Member State and the methods of reimbursing the costs of execution of the above mentioned decisions.

- 2) Council Directive 2003/110/EC⁵² of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

This legal act was introduced into the Polish legal system by the Act of 22 April 2005 on amending the Act on aliens and the Act on granting protection to foreigners within the territory of the Republic of Poland and some other acts⁵³.

⁴⁷ Official Journal of the European Union L 304 of 30 September 2004 (Official Journal of the European Union L 304 of 30 September 2004, page 12; Official Journal of the European Union, special edition in Polish, Chapter 19, Volume 7, page 96).

⁴⁸ Official Journal of the European Union L 326 of 13 December 2005.

⁴⁹ Official Journal of the European Union L 149 of 2 June 2001.

⁵⁰ Official Journal of the European Union L 60 of 27 February 2004.

⁵¹ Journal of Laws of 2008, No. 216, item 1367.

⁵² Official Journal of the European Union L 321 of 6 December 2003.

⁵³ Journal of Laws of 2005, No. 94, item 788.

The aforementioned amendment acts govern the rules that the Chief Commander of the Border Guard needs to follow when applying for transit of a foreigner via an airport of another Member State of the European Union during their expulsion proceedings. The acts also specify the terms and conditions under which the Chief Commander of the Border Guard issues authorisation for transit by air via a Polish airport to another Member State of the European Union and the conditions for the refusal of authorisation. Furthermore, the act defines the scope of assistance provided during transit, the management of the transit process and the criteria for covering the costs of assistance provided.

- 3) Council Decision 2004/573/EC⁵⁴ of 29 April 2004 on the organisation of joint flights for removals, from the territory of two or more Member States, of third-country nationals who are the subjects of individual removal orders.

On the basis of the Council Decision, the Border Guard organise and participates in joint charter flights for the purposes of the forced return proceedings. The guidelines on security rules for charter expulsions by air, included in the Appendix to the aforementioned Council Decision, are applicable in carrying out these measures.

On the basis of the aforementioned Decision, the Border Guard have so far co-operated in organizing joint charter flights with Austria, Germany and France. In 2005 a charter flight to Guinea was performed with the participation of the German side, by which 7 Guinean citizens were expelled, including 2 from Poland and 5 from Germany. In 2006 four charter flights to Armenia, Georgia, Kosovo and Bulgaria were performed with the participation of the Austrian and French sides. As a result of these flights 54 foreigners from the following countries were expelled: 5 Georgian citizens were expelled from Poland, 10 from Austria, 2 from France; 2 Armenian citizens were expelled from Poland; 10 Bulgarian citizens were expelled from Poland; 1 Serbian citizen was expelled from Poland and 24 from Austria.

Moreover, in 2007 the Border Guard participated in the project called *Performing joint charter flights for the purposes of the expulsion of migrants to West African states*. The project was co-financed within the framework of the RETURN Preparatory Actions under the EU's financial instrument and implemented by the Federal Police Directorate of Koblenz with the partner participation of eleven states and the FRONTEX Agency as a project observer and coordinator. The total project costs amounted to EUR 2,171,425. The partner states were: Great Britain, France, the Netherlands, Italy, Spain, Switzerland, the Czech Republic, Poland, Austria, Luxembourg and Malta. The German side provided a physician and a nurse during each charter flight. A total of 121 foreigners were expelled to: Cameroon (64), Togo (31), the Republic of Guinea (9), Ghana (9) and Benin (8).

The percentage share of the particular partner states in the general number of foreigners expelled within this project was as follows: Germany 59% - 71 expelled persons, Switzerland 12% - 14 persons, Spain 11% - 13 persons, France 7% - 9 persons, the Netherlands 3% - 4 persons, Luxembourg 2% - 3 persons, Poland 2% - 3 persons, Malta 2% - 2 persons and Italy 2% - 2 persons.

This project was the first large-scale action of the type, regarding the number of participating states. It also allowed for establishing a co-operation with other countries with which the

⁵⁴ Official Journal of the European Union L 261 of 6 August 2004.

Polish Border Guard had not have the opportunity to co-operate earlier in this field, such as Italy, Switzerland, Spain or Great Britain.

- 4) Directive 2008/115/WE⁵⁵ 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.

A group of experts is currently working on developing the basic assumptions of necessary changes in Polish law. Legislative works are planned for the first quarter of 2010. A new Act on aliens should be ready between the third and fourth quarters of 2010.

- 5) Decision 575/2007/EC⁵⁶ of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows*.

The programme on *Solidarity and Management of Migration Flows* was developed with an aim to address the issue of a fair share of responsibilities between the Member States, to introduce integrated management of the external borders of the European Union and to implement common policies on asylum and migration. The framework programme consists of four financial instruments, out of which two – that is the European Refugee Fund (2008-2013) and the European Return Fund (2008-2013) – concern the organization and co-financing of assisted voluntary return of foreigners leaving the territory of the Republic of Poland⁵⁷.

European Refugee Fund (ERF)

The purpose of the European Refugee Fund is to support the Member States in their activities and to encourage them to make efforts with regard to accepting and bearing consequences related to receiving refugees and displaced persons, taking account of the EU legislation in this field. This support is provided by co-financing the measures that provide for, among others, voluntary return of the above-mentioned persons, unless they receive a new citizenship or leave the territory of a Member State.

The European Refugee Fund was established by the Council Decision 2000/596/EC of 28 September 2000. The first phase of the Fund covered the period 2000-2004 and aimed to support the Member States of the European Union in their efforts to receive refugees and displaced persons and in bearing all the consequences of their stay. Besides the Common European Asylum System the Fund contributes to achieving the goal for an area of freedom, security and justice open to those who are forced by circumstances to seek protection within the European Union according to the applicable law. The budget of the European Refugee Fund was set for the period 2000-2004 in the amount of EUR 216,000,000.

In view of positive experience gathered during the first phase of the Fund and the growing number of EU legal acts on asylum, the European Union expressed its intention to continue with the European Refugee Fund for the period 2005-2010 in its Decision 2004/0032/EC. Poland, being a new Member State, has benefited from the Fund pooling since 1 May 2004

⁵⁵ Official Journal of the European Union L 348 of 24.12.2008.

⁵⁶ Official Journal of the European Union L 144 of 6.6.2007.

⁵⁷ Additionally, the framework SOLID programme consists of two other financial instruments, such as the External Border Fund and the European Fund for the Integration of Third-country Nationals.

using this financial instrument also for organizing and co-financing first projects on voluntary returns.

The operation of the European Refugee Fund in the period 2005-2010 was set forth in the Council Decision of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 (2004/904/EC). In the Decision an amount of EUR 114,000,000 was allocated for the Fund's measures during this period. 93% of this amount was to be used for financing actions in the Member States and up to 7% was dedicated for transnational measures called *Community Actions*. The measures to be taken up in the Member States were divided into two phases: 2005-2007 and 2008-2010, but as soon as the first phase was finished in 2007, the Member States expressed their intention to continue with the European Refugee Fund for the period 2008-2013 (partly replacing the second phase of the European Refugee Fund) in the Decision 575/2007/EC.

In Poland the European Refugee Fund provides funding for projects aimed at supporting institutions that deal with the refugees from third countries who are staying within the territory of Poland and – via these institutions – for projects aimed to serve refugees directly. The programme has been implemented in Poland since 2004, i.e. since the day of the Polish accession into the European Union, on the basis of annual phases.

Now it needs to be mentioned that during the previous evaluation of the programme certain difficulties in grasping and measuring the results of the Programme were identified. The reasons for this are the subject matter of the Programme, its annual cycle and most importantly the specific characteristics of the final beneficiaries (their cultural diversity, psychological burden, temporary character of their stay in Poland). Hence, there is a need not only for the projects to be implemented effectively and efficiently, but also for the revision of methods and the monitoring, research and evaluation tools applied to these highly complex projects that are so difficult to be analysed.

European Return Fund (ERF)

The general purpose of the European Return Fund is supporting the efforts made by the Member States and aimed at improving the management of return of immigrants in all its dimensions by implementing the idea of integrated management and by enabling the Member States to carry out joint actions or national actions oriented towards achieving EU goals in line with the solidarity principle, taking account of the Community legislation in this field and with full respect for the fundamental rights⁵⁸. Within the implementation system of the Fund, the Ministry of the Interior and Administration performs the function of the responsible authority, while the Implementing Authority for European Programmes is the delegated authority⁵⁹.

⁵⁸ The specific goals and objectives of the European Return Fund include: introduction and improvement of the organization and implementation of integrated return management by the Member States; strengthening the co-operation between the Member States as regards the integrated return management and its implementation; promotion of effective and uniform application of common standards on returns according to the policy development in this field.

⁵⁹ The Implementing Authority for Phare Cross-Border Co-operation Programme was appointed in 1994 by the Financial Agreement of 19 September 1994 between the Government of the Republic of Poland and the European Commission. The Agreement regarded a subvention for financing the 1994 Poland-Germany Cross-Border Co-operation Programme. In the following years the Implementing Authority for Cross-Border Co-operation Programme was entrusted with implementation of the consecutive Phare Cross-Border Co-operation

As a result of the fact that the European Commission gave its approval to Strategic Guidelines for the period 2008-2013 (Commission Decision 2008/458/EC of 5 March 2008 laying down rules for the implementation of Decision 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows* as regards Member States' management and control systems, the rules for administrative and financial management and the criteria for eligibility of expenditure on projects co-financed by the European Return Fund)⁶⁰ and in view of the management of assisted voluntary return, a Multi-Annual Programme for 2008-2013 was adopted in Poland and it is being implemented by means of consecutive and more detailed Annual Work Programmes. Each annual work programme involves two types of award procedures: competitive (with calls for proposals) and non-competitive (without calls for proposals); the competitive part is open and directed to a wide range of potential beneficiaries. The total amount within the Fund available to Poland during this period is approx. EUR 18,230,524.96.

On 22 December 2008 the European Commission gave its approval to the Polish Multi-Annual Programme for 2008-2013 and the *Annual Work Programme 2008*⁶¹. Since 2008 all activities aimed at organization of voluntary returns of foreigners leaving the territory of Poland have been financed only from European Return Fund.

In May 2009 the European Commission gave its approval to the *Annual Work Programme 2009*. A modified Annual Work Programme 2008 is currently undergoing the approval process by the European Commission. In August 2009 works on developing the *Annual Work Programme 2010* were launched and the programme's first version was submitted to the European Commission in October 2009. Due to the fact that the financial amounts allocated for Poland were not exhausted during the implementation of the previous programmes within the framework of the *Annual Work Programme 2008*, on 7 August 2009 the Implementing Authority for European Programmes announced the third and last call for proposals under the 2008 programme along with an award procedure within the *Annual Work Programme 2009*.

Experience gained from the implementation of readmission agreements

Readmission is yet another instrument facilitating the effective management of return of foreigners who reside illegally in the territory of Poland. It may be defined as a form of co-operation between states, consisting in a simplification of formalities with regard to sending foreigners back to their countries of citizenship or to the countries of origin or to the countries

Programmes (CBC), later also with implementation of Phare Justice and Home Affairs Programme (JHA) and by the Agreement between the Minister of the Interior and Administration and the Minister of Economy with implementation of the Phare Economic and Social Cohesion Programme (ESC). Since 1 January 2004 the Implementing Authority for Phare Cross-Border Co-operation Programme has been a state budgetary entity subordinate to the Minister of the Interior and Administration who is in charge of its operation. On 7 March 2007 by the decision of the Minister of the Interior and Administration the entity's name was changed into the Implementing Authority for European Programmes (IAEP). Currently IAEP implements tasks related with the management of the EU Structural Funds' resources, the non-returnable aid funds and other resources within the entrusted programmes (including the European Refugee Fund and the European Return Fund) on behalf of the Government of the Republic of Poland.

⁶⁰ See also: Commission Decision of 30 November 2007 implementing Decision 575/2007/EC of the European Parliament and of the Council as regards the adoption of the strategic guidelines for 2008 to 2013; Commission Decision of 23 July 2009 amending Decision 2008/458/EC laying down rules for the implementation of Decision 575/2007/EC; Council Regulation No. 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

⁶¹ See footnote 75.

they have the right to return to (in the event they do not have the right to reside in the territory of the returning country) and with regard to the procedures of receiving these persons by the countries obliged thereto. However, managing return of foreigners leaving the territory of the Republic of Poland to their countries of origin under the readmission procedure does not guarantee any sustainability of such return – according to the opinion of the Border Guard, these foreigners often try to organize their re-entry into the territory of Poland.

International agreements between the states, the so-called readmission agreements, govern the principles of procedure in this matter and set forth the rules for receiving (returning) the citizens of the agreeing parties and foreigners residing in the territories of the agreeing parties in detail. The citizens of the states that have signed such agreements, the third-country nationals residing in the territories of the agreeing parties as well as persons with no citizenship or nationality (i.e. stateless persons) are usually subject to transport within the readmission procedure. Readmission agreements as well as executive protocols lay down the rules on return of foreigners in detail and give deadlines to the readmission procedures. A person may be readmitted within the framework of simplified or a full readmission procedure may be followed for the purpose of readmission.

A simplified procedure means that a third-country national or a stateless person, who crossed the common border illegally, is taken back without an earlier application lodged by one of the agreeing parties, provided that 48 hours have not elapsed since the illegal border-crossing.

There are currently twenty bilateral readmission agreements in force signed between Poland and other countries: Ukraine, Moldova, Switzerland, Austria, Bulgaria, Lithuania, Latvia, the Federal Republic of Germany, Romania, the Czech Republic, Slovakia, Slovenia, Hungary, Greece, Ireland, Spain, Macedonia, Sweden, Spain, Vietnam as well as a multilateral agreement between Poland and the Schengen states, i.e. the Federal Republic of Germany, Belgium, France, The Netherlands, Italy and Luxembourg. Since the day of its accession into the European Union, Poland has become a party to readmission agreements concluded on behalf of the Member States by the European Community with the following third countries: Sri Lanka, the Russian Federation, Ukraine, Hong Kong, Macao, Moldova and the West Balkan Countries, i.e. Serbia, Bosnia-Herzegovina, Montenegro and Macedonia.

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

In practice, returning persons under the simplified procedure is most common. There are fixed points along the state border with the neighbouring countries, i.e. the Federal Republic of Germany, the Czech Republic, Slovakia and Ukraine, used for readmission proceedings managed during 48 hours from the border-crossing. The agreement on returning and receiving persons signed with Lithuania is an exception in this field, as according to this agreement a simplified readmission procedure may only be followed during 24 hours from the illegal state border-crossing. In these cases, returning such persons is processed without undue formality, upon a readmission protocol.

The implementation of readmission agreements in accordance with the full procedure is observed by an assigned unit in the Foreigners Department of the National Border Guard Headquarters that submits readmission requests to the assigned units in the states with whom the Republic of Poland has signed readmission agreements and which are in charge of the implementation of these tasks.

The citizens of Ukraine, Russia and Vietnam are among the largest groups of illegal migrants staying in the territory of the Republic of Poland. Bearing in mind that Poland has signed readmission agreements with these countries, returning foreigners coming from these groups occurs most often. It is worth pointing out that the Vietnam's Diaspora in Poland has one of the biggest numbers of migrants with irregular status. It is also worth mentioning that Poland is one of few EU countries (next to Germany, Great Britain and Slovakia) which signed a bilateral readmission agreement with the Socialist Republic of Vietnam.

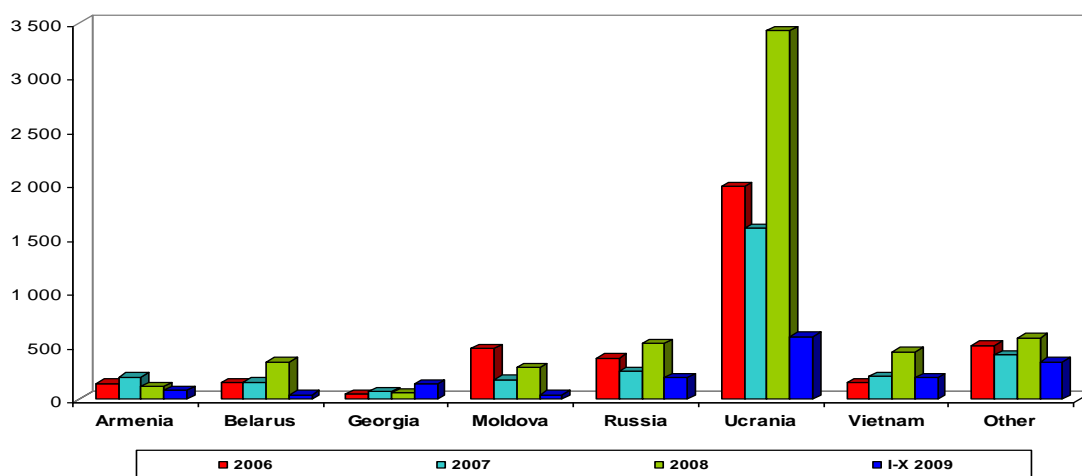


Diagram 5. Number of persons returned from Poland under readmission agreements in the consecutive years by the largest groups of citizens (Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the National Border Guard Headquarters).

Within the implementation of bilateral agreements between the Republic of Poland and other states, a return under a full readmission procedure most often applied in case of the Czech Republic, Spain, Italy, Switzerland, Austria, the Netherlands and France.

4. Implementation of the assisted voluntary return programme aimed at the third-country nationals

The programmes implemented in the territory of Poland under the institution of assisted voluntary return are developed by a small number of entities including the Office for Foreigners, the National Border Guard Headquarters and the International Organization for Migration (IOM). The Implementing Authority for European Programmes (IAEP)⁶² also needs to be mentioned in relation to the award procedure with calls for proposals as regards obtaining funding for the management of voluntary return.

The Office for Foreigners

On the basis of Articles 70 and 75 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, the Head of the Office for Foreigners may provide a foreigner with *assistance in voluntary return* to the country they have the right to enter upon their request and *Assistance* is understood as a measure regarding both the applicant and the person on behalf of whom the applicant acts. The aforementioned Act requires that the foreigner, who intends to leave Poland voluntarily or to return to the country which agrees or is obliged to receive him, informs the Head of the Office for Foreigners thereof (Article 75 of the aforementioned Act). In practice, this means that the Office for Foreigners may organise a voluntary return of a foreigner to their country of origin, once they express such intention. The Head of the Office issues a decision in this case upon the foreigner's application. *Assistance in voluntary return* includes covering the costs of a ticket for the cheapest means of public transport to the country of foreigner's choice, which agrees or is obliged to receive a foreigner (train is the mean of transport chosen most often by foreigners leaving Poland and benefiting directly from IOM assistance). The Office also assists foreigners with obtaining necessary documents and helps them reach their means of transport heading for their countries of return⁶³. For the purposes of the programme implementation the Office for Foreigners operates with institutions which are capable of issuing travel documents to foreigners who do not possess passports, i.e. with the embassies (mainly with the Embassy of the Russian Federation), consulates and the Department of Foreigners at the Mazowieckie Province Governor's Office, which implements tasks assigned by the voivode and covering the scope of issues related to the residence of foreigners.

The Office for Foreigners finances voluntary return programme managed by IOM within the framework of the assigned tasks resulting from the Agreement of 2005 between the Minister of Internal Affairs and Administration and IOM. The categories of persons eligible for the provision of such assistance were defined in the contents of the Agreement of 2005⁶⁴.

The National Border Guard Headquarters (Border Guard)

The Border Guard is yet another partner, next to the Office for Foreigners, of the International Organization for Migration in the field of co-financing returns of foreigners as part of the management of voluntary return pursuant to the *Agreement of 12 July 2005 between the Minister of Interior and Administration of the Republic of Poland and the International*

⁶² The Delegated Authority for the General Programme *Solidarity and Management of Migration Flows (SOLID) 2008-2013*.

⁶³ The assistance in voluntary return implemented by the Office for Foreigners does not provide for the possibility of reintegration assistance paid out to a foreigner in the country of return.

⁶⁴ More information about page 37.

Organization for Migration on the co-operation in the field of voluntary returns of aliens leaving the territory of the Republic of Poland signed on 12 July 2005 in Warsaw. The Border Guard in their work bases on their hitherto experience in co-operation with various non-governmental organizations, including the Helsinki Foundation for Human Rights, Caritas, the Fu Shenfu Migrant Centre and the Legal Clinic at the University of Warsaw. At the same time, the Border Guard collaborates with the Office for Foreigners, the Refugee Council, the Police and the La Strada Foundation, primarily for the purposes of exchanging information about foreigners illegally residing in the territory of Poland.

It needs to be emphasised that the Border Guard attaches particular importance to disseminating information among foreigners about the opportunities to benefit from the voluntary return programmes. Information materials such as posters or brochures translated by IOM into a number of languages are available for foreigners staying in guarded centres or in arrests for the purpose of expulsion. Regular meetings, organized by the representatives of IOM Warsaw Office, are held in guarded centres and arrests for the purpose of expulsion to propagate voluntary return. Foreigners are informed that they may be provided with support for voluntary return also when they are transferred to Poland under Council Regulation No. 343/2003 (Dublin II)⁶⁵.

International Organization for Migration (IOM)

As far as the territory of the Republic of Poland is concerned, International Organization for Migration⁶⁶ has so far provided support for voluntary return of foreigners solely on the basis of the Agreement of 12 July 2005. Voluntary return of foreigners managed under the aforementioned Agreement of 2005 may be co-financed by EU funds.

IOM offers services to foreigners within a similar scope as the Office for Foreigners, i.e. they assist foreigners with obtaining necessary visas and documents, make travel arrangements but, unlike the Office for Foreigners, they provide the transit, reception and escort assistance, medical assistance after the return and they pay out financial benefits to help foreigners settle down in the first days upon return to the new country of residence. In addition IOM, having a substantial number of offices in over 120 countries, is in a position to provide foreigners with assistance also in their countries of return by supporting their reintegration process in the new countries of residence (this is the so-called reintegration assistance). For the purposes of the programme implementation, IOM employees collaborate primarily with the offices located in other countries, for example IOM Moscow Office assists with purchasing tickets for in-country travel, because it is rather difficult to purchase such tickets outside of the Russian Federation. They also provide assistance in such an important transit point like Moscow, by arranging for and proceeding with transport of persons and luggage between railway stations and airports. IOM Moscow Office is also responsible for paying out reintegration assistance.

⁶⁵ See footnote 21.

⁶⁶ International Organization for Migration has been assisting foreigners in voluntary return to their countries of origin or other countries of return for thirty years already. The first such programme was developed in 1979 with reference to a German REAG Project. The next ones followed in Belgium, Holland and Switzerland.

Implementation of the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on the co-operation in the field of voluntary returns of aliens leaving the territory of the Republic of Poland

The target groups of the programme, the sources of finance, the budget, the participating institutions, the tasks and the implementation phases of particular actions are all specified in the Agreement of 2005 and in the Action Plan submitted yearly to the Minister of the Interior and Administration for approval. The agreement has been in force since 7 November 2005. IOM together with the Border Guard, the Office for Foreigners, non-governmental organizations and migrant communities undertakes various initiatives that would facilitate reaching the largest possible number of potential beneficiaries with information about the voluntary return programme. This information is available and shared in the very beginning of administrative procedures with regard to refugee procedure, proceedings following a decision on obligation to leave the territory of the Republic of Poland or expulsion procedure. Therefore it is possible to inform and to prepare migrants for voluntary return in a more effective way. IOM organizes seminars, trainings and conferences *inter alia* for representatives of the institutions co-operating on implementation of the programme (the Office for Foreigners and Border Guard), the voivods, Police, non-governmental organizations` dealing with migrants` issues as well as migrants` associations. . The operation of the aforementioned programme is based also on good practice applied in the voluntary return proceedings.

Poland gathered its first experiences from the implementation of the voluntary return programmes after the Act on granting protection to foreigners within the territory of the Republic of Poland came into force on 1 September 2003 (as regards Article 68 of this Act), but the relevant achievements related to the institution of *assistance in voluntary return* have been made since the day of the Polish accession into the European Union. It is when Poland became the beneficiary of financial support measures allocated under the European Refugee Fund⁶⁷. Eight programs, which defined their purpose *expressis verbis* as supporting the management of assisted voluntary return of foreigners whose intention is to leave Poland⁶⁸, were initiated until December 2009 (some of them are still under implementation).

⁶⁷ In the beginning the Office for Repatriation and Aliens (functioning now as the Office for Foreigners) was in charge of the management of the Fund. The call for proposals was published on 30 September 2003 and the deadline for submitting applications with projects was set for 30 October 2003. But then, in November 2003 the management of the European Refugee Fund was assigned to the Office of the Committee for European Integration, and finally, i.e. in February 2004 to the Ministry of the Interior and Administration, the Implementing Authority for Phare Cross-Border Co-operation Programme. Thereupon, on 2 March 2004 the Implementing Authority for Phare Cross-Border Co-operation Programme asked the applicants, who submitted projects in the call for proposals in October 2003, to confirm their willingness to proceed with their participation and to update their application, if needed, until the end of March 2004. As a result nine applications were subject to assessment, out of which six were recommended for co-funding. The assessment board consisted of the representatives of non-governmental organizations, the Sejm of the Republic of Poland, the Ministry of the Interior and Administration, the Ministry of Economy and the Implementing Authority for Phare Cross-Border Co-operation Programme. The latter specified the detailed criteria for assessment of applications based on four main assessment criteria (project management capability and expertise in the relevant area, significance, methodology, project's sustainability and budget). The majority of the grant agreements between the Implementing Authority for Phare Cross-Border Co-operation Programme and the beneficiaries were signed in August 2004 and the project's implementation period was set as a maximum of twelve months. It needs to be pointed out that such projects had not been implemented in Poland earlier and from this perspective this one financed by European Refugee Fund in 2004 was a pilot project.

⁶⁸ A list of consecutive projects constitutes Appendix 1 to this study.

Financing issues of assisted voluntary return programme and assistance in voluntary return

The voluntary return programme implemented within the territory of Poland and the provision of assistance in voluntary return have various sources of finance:

1. **state budget:** state budget resources cover 100% of the expenditure incurred by the Office for Foreigners in order to provide assistance in voluntary return to foreigners on the basis of Article 70 and 75 of the Act on granting protection to foreigners within the territory of the Republic of Poland. Furthermore, following the Agreement of 2005 the expenses incurred by IOM are covered by the Office for Foreigners within eight weeks upon receipt of the so-called monthly invoices and evidences confirming incurring of these expenses issued by the Organization. It is also the Border Guard that covers the expenses that are incurred by IOM for the management of voluntary return programme and documented by invoices, taking from the resources allocated for their current operation⁶⁹. However, as to the projects co-financed under the financial support of European Funds, approx. 25% of the entire budget of each of the voluntary return programmes is covered from the state budget. This amount is set in the beginning of every financial year and transferred accordingly from the budget resources of these institutions⁷⁰. This procedure is conducted on the basis of the invoices, issued upon the quarterly substantial IOM reports and applications to certificate expenditures submitted for the Implementing Authority for European Programmes` approval⁷¹.
2. **EU funding:** resources provided by EU funds may be allocated to support financially the voluntary return projects implemented on the basis of the Agreement of 2005. The amount of funding allocated for those annual voluntary return projects, which are accepted in the award procedures with calls for proposals of the EU funds, makes around 75% of their value. In the event of applications for the co-financing of the regional voluntary return projects the amount makes 70% of the budget. In the award procedure without a call for proposals the applicant (either the Border Guard or the Office for Foreigners) receives from the Implementing Authority for European Programmes a certificate of expenditures incurred in connection with organization of voluntary returns that is used for the purpose of reimbursement of costs with the European funds.

The voluntary return projects are co-financed from the resources of two EU Funds, the European Refugee Fund and the European Return Fund:

1. The European Refugee Fund⁷² – pursuant to Article 3 of the Council Decision 2000/596/EC of 28 September 2000 establishing the European Refugee Fund, the

⁶⁹ See Article 9 of Agreement of 2005.

⁷⁰ In the event of the Border Guard, which also co-financed voluntary return of foreigners within the regional programme *Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary*, the Border Guard provided financial contribution to cover 30% of the project budget - part of the project implemented in the territory of Poland - from own resources.

⁷¹ See footnote 58. Only in case of the regional programme *Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary* the aforementioned report is submitted to the European Commission for approval.

⁷² Council Decision 2000/596/EC of 28 September 2000 constituted a legal basis for using the resources of the European Refugee Fund by Poland. The first phase of the Fund covered the period 2000-2004 and aimed to

target group of the Fund includes, among others, every third-country national or stateless person who has applied for refugee status defined by the Geneva Convention or for any form of subsidiary protection within the meaning of Council Directive 2004/83/EC of 29 April 2004 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 granted⁷³;

IOM submitted for approval and implemented the first pilot project on assisted voluntary return of foreigners leaving the territory of Poland under the European Refugee Fund (Annual Programme 2004). The Organization worked in partnership with the Office for Foreigners and they financed the project together. Other voluntary return projects that followed and were co-financed under the Annual Programmes for 2005 and 2007 had been submitted to the European Refugee Fund by IOM which managed them in partnership both with the Office for Foreigners and with the Border Guard (this co-operation was established on the basis of the Agreement of 2005).

Following to the Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows* and repealing Council Decision 2004/904/EC actions of the Member states concerning management of voluntary returns of foreigners will not be financed through this fund due to the fact of establishing other financial instrument dedicated in whole to support returns of immigrants.

During the implementation of the projects co-financed by the European Refugee Fund under yet another financial instrument (previous to the European Return Fund⁷⁴) called 'RETURN 2005 – preparatory action for return management in the area of migration', the institution applying for the financial support for measures related to the management of voluntary return of foreigners leaving the territory of Poland was International Organization for Migration. The Border Guard and the Office for Foreigners secured the co-financing of the project developed under the Annual Programme 2005.

2. The European Return Fund – pursuant to Article 7 point 1 of Decision 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows*, the target groups of the Fund include, among others, all third-country nationals who have not yet received a final negative decision in relation to their request for granting international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State as well as all third-country nationals who do not or no longer fulfil the conditions for entry

support the Member States of the European Union in their efforts to receive refugees and displaced persons and in bearing all the consequences of their stay. As the Fund is only available for the Member States, Poland has been its beneficiary since May 2004.

⁷³ Official Journal of the European Union L 304 of 30 September 2004.

⁷⁴ Decision 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows* (SOLID) constitutes a legal basis for using the resources of the European Refugee Fund by Poland. The General SOLID Programme consists of four funds, three of which are managed by the Minister of the Interior and Administration (the External Borders Fund, the European Refugee Fund and the European Return Fund), while the fourth one, the European Fund for the Integration of Third-Country Nationals, is under the competence of the Minister of Labour and Social Policy.

and/or stay in a Member State and who, in accordance with the obligation to leave the territory of that Member State, make use of voluntary return⁷⁵.

Among institutions that received financial support from the European Return Fund⁷⁶ for the management of the voluntary return projects for foreigners leaving the territory of Poland there were: IOM (in the award procedure with a call for proposals), the Office for Foreigners and the Border Guard (both in the award procedure without a call for proposals). The two latter institutions appeared in award procedures with calls for proposals always as partners of International Organization for Migration. In the Annual Programme 2009 of the European Return Fund the Rule of Law Institute Foundation (Fundacja Instytut na Rzecz Państwa Prawa) applied for the co-funding of the voluntary return project as the first non-governmental organization. The project proposed by this organization entitled *Supporting Voluntary Return in the Lubelskie Region* shall be implemented in 2010-2012 and the co-funding provided by the European Return Fund shall constitute 75% of the project value to be matched with the funds from the state budget (10% allocated as support for a non-governmental organization) and own resources of the Foundation (the remaining 15%).

4.1 Motives for assisted voluntary return

Based on the assumption that both the voluntary return programme and the provision of *assistance in voluntary return* are beneficial to nearly every interested party, including migrants and the institutions in charge of the implementation of migration policies in the returning countries and sometimes in the countries of origin and/or the new countries of residence of the migrants, the participating countries should take further steps in order to support development of these programme. For the returning country voluntary return – in contrast to forced return – is an arrangement bearing less financial and administrative burden. As an example: foreigner under the refugee procedure, being aware of the probable negative

⁷⁵ Official Journal of the European Union L 144 of 6 June 2007.

⁷⁶ With regard to issues related to the management of the European Refugee Fund and the European Return Fund, each benefiting Member State developed, based on the strategic guidelines of the European Union and the dialog with the European Commission, its own Multiannual Programme covering the period 2008–2013 and establishing a specific long-term strategy in the respective areas. This strategy in turn creates a framework for implementing tasks within the Annual Programmes (planned for each and every year), which provide details thereof. These two documents need to be approved on an annual basis by the European Commission. The Ministry of the Interior and Administration is the responsible institution for developing and managing the Multiannual Programme and the Annual Programmes and it delegated part of the responsibilities to the Implementing Authority for European Programmes, according to the agreement specifying the division of tasks between these two institutions. And so, the Implementing Authority for European Programmes within its scope of duty primarily: supervises the implementation of entrusted project that are financed from, among others, EU funds (by announcing calls for applications for funding, receiving applications, selecting tenders in co-operation with the Ministry of the Interior and Administration, transferring funds); plans, settles and controls payments and the management of financial resources within the framework of the aforementioned projects and within the scope that has not been transferred under competence of other entities; monitors the financial and factual progress of the project implementation; issues certificates of eligibility of expenditure within the programmes implemented by them. The allocation of financial resources within each Annual Programme is subject to the award procedure divided into two parts: with a call for proposals and without a call for proposals. The award procedure with a call for proposals is open, which means a large number of potential beneficiaries may apply. In the award procedure without a call for proposals specific projects and the implementing entity acting as a partner of the Ministry of the Interior and Administration are defined for each Annual Programme separately. Subject to the award procedure without a call for proposals are those projects which due to a *de jure* monopoly or for security reasons may not be selected in a call for proposals.

decision, resign from pursuing their application for refugee status and withdraw it. In this case the Office for Foreigners issues a decision to discontinue the proceedings (the procedure is simpler and quicker compared with preparing a negative decision), thereby the foreigner leaves the refugee centre earlier, which undoubtedly contributes to reducing costs of this person's stay in the centre⁷⁷. Moreover, voluntary return is often the only solution providing for a dignified return and successful reintegration upon return for those migrants who want or have to return to their countries of origin, but do not have sufficient means to realise this.

It is also worth mentioning that reintegration assistance may be provided in the country of return under the assisted voluntary return programme, which can contribute to ensure sustainability of the return. This means that under certain circumstances it is more likely for a foreigner to remain outside of the territory of the country of immigration.

For the countries of origin voluntary return of their citizens has more advantages from the political point of view – as long as foreigners express their intention to return to their country of origin, it means they are not afraid of using this country's protection or functioning in the society, which has a positive impact on the country's image. Another indubitable advantage of this form of assistance towards leaving the territory of the country in which the foreigner resided illegally is the possibility to avoid tension in relation with national or international partners. The hitherto practice shows that there have been difficulties confirming the identity of citizens from Asian and African regions who did not possess any travel documents. It is often the case that the diplomatic posts of these countries confirm the identity and issue a relevant travel document only on the condition that IOM employees submit the foreigner's written declaration of intention to return. An example proving that it is possible to ensure a better co-operation between the bodies of government administration of both interested states is the existing co-operation with Georgia under the programme *Enhancing Returns to Georgia Operationally, ERGO*⁷⁸.

In addition, it needs to be pointed out that voluntary return is the best option to leave the territory of Poland for those foreigners who obtained decision on refusal to grant refugee status within the territory of the Republic of Poland and were not granted subsidiary protection or tolerated stay, and who informed the Head of the Office for Foreigners about their intention to return voluntarily not later than prior to the date by which they were obliged to leave the territory of the Republic of Poland. Firstly, this option allows the foreigner to prepare for departure. Secondly, a declaration of voluntary return helps avoid a forced expulsion and thereby a situation in which airlines or transit countries might refuse to receive the foreigner that is being expelled. As a general rule voluntary return has priority over forced return of foreigners to their countries of origin. Also, a foreigner detained in a guarded arrest or in the centre for the purpose of expulsion, if only they are eligible for the voluntary return programme, they await departure from Poland much shorter; and with regard to obtaining travel documents for the foreigner, the co-operation between IOM and the diplomatic agencies of the countries of origin is better.

The psychological aspect of assisted voluntary return is also worth mentioning, as this optional form of return allows the foreigner to minimize their feeling of 'failure', particularly if reintegration assistance is also provided. A foreigner is often discouraged to return by the

⁷⁷ According to estimation of the National Border Guard Headquarters the cost of forced return of a foreigner is close to PLN 6,800 per person on average, while the estimated cost of organizing and carrying out voluntary return of a foreigner is PLN 3,400 (see appendix 2 to this study).

⁷⁸ More information about page 57.

perspective of receiving a negative reception upon coming home from the local community (family, friends) and being perceived as someone who did not succeed.

4.2 Obstacles to the programme

As discovered during evaluation of the programme, the fundamental problems are related to factors on which the parties have limited influence. The following factors are mentioned most often: delays in signing agreements on co-financing of voluntary return with regard to projects eligible for EU co-funding, resulting in delayed transfers of financial resources; problems with receiving further tranche payments and – protracted tender procedures being one of the main reasons for hindrances to the fast flow of funding resources. All the institutions that implement and co-work on the implementation of the described programmes in Poland point out the restrictiveness of legal regulations (particularly of those related to public procurements), putting limits on flexibility, speed and the efficiency of actions. Such opinions, presented by the institutions and organizations managing the particular programmes and referring to significant delays in payments, are also corroborated in reports compiled after the implementation of the programmes. The representatives of the Ministry of the Interior and Administration (including the Implementing Authority for European Programmes) agree with this opinion. It needs to be noted that there are certain non-governmental organizations among the final beneficiaries for whom the obligation to ensure own funding for the purposes of the programme implementation is often impossible to meet. The requirements regarding the European Return Fund funding till 2008 (which allowed to transfer the next tranche payment only after the preceding tranche was used in 70%, the rule being applicable to the entire Annual Programme and not to the particular projects separately) led to a situation in which the programmes whose implementation reached the most advanced stage may have not received further payments, until other projects show appropriately big commitment to disbursing funds, so that they could altogether reach the level of 70%. In the event of implementation of projects being co-financed within SOLID by the European Return Fund and European Refugee Fund, the individual amount of co-funding may not exceed 75% of the assumed budget. Certainly other circumstances and factors may also arise and have impact on the implementation process of the programme, for example: a wrong decision may be taken regarding persons/institutions responsible for the partial implementation of the programme.

Reaching the final beneficiaries of *assisted voluntary return* remains a vital issue, both when it comes to establishing direct contact with the interested persons (primarily with those accommodated outside of the centres for foreigners seeking refugee status) and considering their actual needs. There are many indications, however, that the situation is starting to improve – information of better quality about the benefits this group is eligible for is passed on, while at the same time refugees and other foreigners, who received a decision obliging them to leave the territory of Poland, become more aware of these opportunities. As *voluntary return* is being propagated, these persons also receive knowledge on the actual needs related to their functioning in the new environment of the receiving country, on their rights and on addresses and institutions they can turn to, if they want to enforce these rights.

As shown in Part 2 of this study, there is a large group of foreigners excluded from opportunity to take advantage of various forms of voluntary departure from Poland. From the formal-legal point of view, this situation leads to limiting the implementation capabilities of the programme as regards the subject. Foreigners who received a decision on expulsion with

the order of immediate enforceability or those who applied for assistance in voluntary return after the Border Guard had initiated their readmission procedure are among those who can not become beneficiaries of the described measures. Those persons who do not possess valid travel documents and for whom such documents may not be obtained are in a similar situation.

At the same time it needs to be mentioned that the employees of the Office for Foreigners, who implement tasks related to providing assistance in voluntary return, report difficulties concerning the collaboration with certain third-country embassies as far as confirming the foreigner's identity or obtaining documents enabling them to leave for a third country⁷⁹ is concerned. One of the typical problems encountered by the officers is the protracted wait time for the relevant documents to be issued by these embassies. Difficulties related to return management are most likely to arise in case of the citizens of those states that do not have diplomatic posts in Poland. In such situations the employees of IOM Warsaw Office try to obtain travel documents for foreigners via IOM offices located in those countries, where diplomatic posts of the foreigner's country of origin are available.

A similar procedure is followed in order to obtain a transit permit, a visa for the returning person or assistance in managing voluntary return or transit for persons especially those belonging to groups at particular risk, i.e. the sick, the elderly and pregnant women. Sometimes difficulties arise, when foreigners wish to return to their country of origin with a child who was born in another third-country. It is when IOM Warsaw Office, via IOM offices in other countries, tries to obtain documents required by the diplomatic posts (a birth certificate with *apostille*), in order to enter the child's data into the parent's passport.

4.3 Structure and management of the assisted voluntary return programme

Assisted voluntary return programme for foreigners leaving the territory of the Republic of Poland is/was being implemented in Poland within the frameworks of the projects presented below (under provisions of Agreement of 2005 and IOM projects' co-financed under the financial support of European Funds, the Office for Foreigners and the Border Guard):

1. *Pilot project – assisted voluntary returns and reintegration of unsuccessful asylum or refugee status seekers, migrants who have not received temporary protection or those who have abandoned their claim for any of the above mentioned forms of protection – implemented from November 2004 to October 2005 by IOM Warsaw Office, co-financed from the resources of the European Refugee Fund. Financial contributions were provided by the IOM and the Office for Foreigners;*
2. *Voluntary Returns of Foreigners Leaving the Territory of the Republic of Poland – co-financed by the Office for Foreigners on the basis of the Agreement of July 2005. This project was implemented for the first time in 2006 and then continued based on the actions plans annually developed by IOM and submitted for the Minister's of Interior and Administration approval. The project is aimed to persons who have applied for refugee status in Poland and those who are staying illegally (Article 2 of the agreement);*

⁷⁹ With persons holding a travel document, a return can be organized without any problems.

3. *Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups* – co-financed from the resources of the European Refugee Fund Annual Programme 2005. Financial contributions were provided by the Border Guard and the Office for Foreigners. The project was implemented from 1 May 2006 to 31 December 2006;
4. *Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary* – co-financed by EU funds under the financial instrument *RETURN 2005 – preparatory action for return management in the area of migration*. The representatives of the Czech Republic, Slovakia, Hungary governments participated in the project as well as the Border Guard and the Office for Foreigners – from the Polish side. The programme was implemented from 1 September 2006 to 31 January 2010;
5. *Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups (Phase 2)* – co-financed from the resources of the European Refugee Fund Annual Programme 2007, of the Border Guard and of the Office for Foreigners. The project was implemented from 16 June 2007 to 18 May 2008;
6. *Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland* – managed by International Organization for Migration (IOM) and financed by the Office for Foreigners and co-financed from the European Return Fund Annual Programme 2007. The project was implemented from 15 April 2010 to 31 January 2010.
7. *Voluntary Return and Reintegration Assistance* – implemented with participation of the Office for Foreigners until the end of 2009 and co-financed from the European Return Fund budget for 2008;
8. *Voluntary Return and Reintegration Assistance for Irregular Migrants* – developed for the period from 29 September 2009 to 30 June 2011 and co-financed from the resources of the European Return Fund Annual Programme 2008 and of the Border Guard;

and additionally:

9. *Supporting Voluntary Return in the Lubelskie Region* – developed for the period from 1 January 2010 to 31 December 2012. The funds for its implementation are to be provided under the European Return Fund Annual Programme 2009, from the state budget and from the Rule of Law Institute Foundation's own resources.

Actions taken within the framework of the voluntary return programme

On the basis of the Agreement of 2005 the IOM employees are responsible for the management of return of migrants, which includes, among others, providing assistance in obtaining travel documents or visas and arranging for transport, so that a foreigner can return to their country of origin. All these actions can be taken only after receiving a confirmation that either the Office for Foreigners or the Border Guard are capable of financing the foreigner's voluntary return.

The preparatory phase for the management of *assisted voluntary return* programme, implemented by IOM in partnership with the Office for Foreigners⁸⁰, may be divided briefly into the following stages:

1. Counselling on an individual basis, with regard to assisted voluntary return opportunities, consisting in providing the beneficiary with objective information about their legal and social status in Poland, in their country of origin and about the voluntary return programme.
2. Taking an independent decision by a foreigner about participation in the programme (in case of a foreigner in the refugee proceedings, this should be followed by a decision to withdraw the application for granting refugee status in Poland).
3. Providing assistance with obtaining the lacking travel documents, mostly in relation to the procedure of entering the data of a child who was born in the territory of the Republic of Poland or of another third country into the parent's passport; less often with regard to providing support in obtaining a travel document due to the lack of a valid passport.
4. In particular cases, arranging for medical examinations, so that it is possible to determine whether there are or there are not any medical contraindications to the foreigner's travel (e.g. advanced pregnancy).
5. Purchasing tickets for transportation to the place of destination in the foreigner's country of origin or another country of return.
6. Arranging for transport to the railway station or an airport.
7. Assisting during the departure and with transit.
8. Reintegration.

In situations in which IOM's partner in managing assisted voluntary return is the Border Guard⁸¹, those foreigners staying in guarded centres or in centres for the purpose of expulsion, who expressed willingness to return voluntarily and whose eligibility for the programme has been confirmed, are transferred to Warsaw Okecie Airport under escort. In the event that an foreigner is staying illegally within the territory of Poland, the necessary prerequisite to find this person eligible for the assisted voluntary return programme is for them to receive a decision obliging to leave Poland. Within the scope of exchanging information about foreigners staying illegally in the territory of the Republic of Poland, the Border Guard collaborates with, among others, the Office for Foreigners, the Refugee Council, the Police and the La Strada Foundation. With regard to persons residing without a relevant permit, their return travel usually includes the following:

1. Foreigner status verification;
2. Assistance in obtaining valid travel documents;
3. Arranging for the foreigner transport from its place of stay to the place of destination in the country of return, which involves the following:
 - a) purchasing a ticket to the place of destination in the country of origin and for the most convenient means of transport in terms of distance, travel time,

⁸⁰ The above-mentioned situation refers to those foreigners who applied for refugee status and then withdrew their application and to those seeking (national) asylum in the Republic of Poland who received a decision on refusal. The Office for Foreigners may take these measures also separately, when *assistance in voluntary return* is provided to foreigners on the basis of Articles 70 and 75 of the Act.

⁸¹ This situation refers to a foreigner who sought refugee status in the territory of the Republic of Poland and whose application was left without examination for formal reasons; who received a decision on refusal to grant refugee status and on refusal to grant a permit for tolerated stay; who received a decision obliging to leave the territory of the Republic of Poland (without the order of immediate enforceability).

- safety and medical conditions of the returning person –arrangements for in-country travel, if necessary, are also provided;
- b) help with getting to the airport or a railway station;
 - c) co-ordination of travel with IOM offices in transit countries, in the foreigner's country of origin and country of return. If there is need, assistance offered may also encompass: purchasing a ticket to the place of destination in the country of origin, helping with transit in airports or transit terminals (such assistance may be necessary with persons requiring special approach or due to the lack of possibility to purchase a direct ticket to the place of destination in Poland or due to the lack of appropriate visas etc.), collecting the returning persons by IOM staff and paying out reintegration financial support in cash.

The experience gained hitherto by IOM Warsaw Office shows that the most efficient way of reaching the potential beneficiaries with information about the programme are the meetings organized by IOM employees in the centres for persons seeking refugee status and in guarded centres, held with participation of foreigners and the staff working at the centres. Successful dissemination of information materials and the propagation of knowledge take place also during meetings with migrants held in culture centres, places of worship or places of work. Additionally, information about the assisted voluntary programme is made available to the interested persons by being published at IOM website and in newspapers of national minorities as well as by being broadcasted on the radio.

The language barrier that sometimes occurs (especially with the citizens of China or Vietnam staying in guarded centres) is overcome thanks to the collaboration with interpreters who usually contact foreigners by phone and provide them with information about the project in a language they understand. Moreover, the employees running the promotional campaign have information materials in foreign languages (including Armenian, Bengal, Chinese, Georgian, Mongolian, Russian, Thai and Vietnamese) at their disposal.

During the counselling process the particular situation of foreigners is taken into account, both when discussing various aspects of return travel and when exploring the prospects in their countries of origin. Those foreigners who are interested in assisted voluntary return are provided with reliable and credible information that is necessary to take decision on voluntary return, including information about local possibilities to continue or take up education, on the availability of social care, on personal safety upon return (which is so vital in case of victims of human trafficking coming from third countries)⁸². Within the implemented programme accommodation, before departure and during travel, may also be provided. In duly justified cases assistance measures may include medical examinations which would allow to determine the foreigner's health status and confirm the lack of medical contraindications to travel.

Special procedures are followed with regard to unaccompanied minors, in light of the superior principle of the best interests of the child (and pursuant to the United Nations Convention on the Rights of the Child)⁸³.

⁸² The IRRiCO and IRRiCO II projects are being implemented under the European Return Fund. Their purpose is among others to gather information about the countries of origin of foreigners who participate in the voluntary return programme, in order to determine the possibilities to manage the return and to ensure successful reintegration.

⁸³ The General Assembly of the United Nations adopted the Convention on the Rights of the Child on 29 November 1989 (Journal of Laws of 1991, No. 120, item 526).

Such factors as distance, travel time, safety, health conditions of the returning person and whether the most convenient means of transport has been chosen for travel, are taken into account in the process of making arrangements for the foreigner's return travel. Furthermore, persons in charge of organizing voluntary return of foreigners pay attention whether migrants are assisted in leaving the territory of Poland as well as with support in transit to the country of return and in reaching the place of destination. Medical escort or regular escort (e.g. for unaccompanied minors, single parents with several children, persons in need of constant care or the disabled) is arranged for, if needed.

While all the returning persons receive financial support paid out in cash, unaccompanied minors are provided with additional, individually tailored reintegration assistance⁸⁴. In such cases an assistance scheme is developed in co-operation with an IOM employee in the country of origin and the child's guardian based on the superior principle of the best interests of the child. Additional reintegration assistance is also provided to such persons whose health status requires them to undergo or continue medical treatment or rehabilitation in their country of origin. In such cases assistance is also provided according to a previously developed scheme. In duly justified cases of persons needing special approach, assistance offered includes arranging for medical examinations in order to confirm the beneficiary's ability to undertake return travel and providing accommodation before departure.

Various trainings and conferences organized both at national and international levels are among the key elements of competent development of the *assisted voluntary return programme* by the implementing persons. IOM Warsaw Office has gained experience in this field. Certain selected activities taken up by IOM Warsaw Office until 27 November 2009 as part of the voluntary return programme are presented below:

1. a monitoring visit to Armenia – in April 2008 the first monitoring visit took place. In this visit the representatives of the Border Guard, Office for Foreigners and IOM participated. The visit was held in order to conduct the evaluation of the reintegration assistance's scheme implemented within the framework of the project entitled *Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States*.
2. a monitoring visit to Kosovo – in March 2009 the representatives of the Border Guard, the Office for Foreigners and IOM took part in visit to Kosovo, in order to evaluate the *Enhancing Mechanisms and Harmonising Standards in the Field of Voluntary Return of Irregular Migrants in EU central European Member States* programme;
3. a national conference – a conference on the assisted voluntary return programme was held on 21 May 2009 in the seat of the Ministry of the Interior and Administration; IOM was one of its organisers. The representatives of government administration (Ministry of Labour and Social Policy, Ministry of the Interior and Administration, the Office for Foreigners, the National Border Guard Headquarters, voivodship offices, local divisions of the Border Guard, the Police) and of non-governmental organizations were among conference participants;
4. third annual consultations on the assisted voluntary return programme – between September and October 2009 consultations took place with participation of the representatives of the governments of the Member States, Switzerland and Norway as well as representatives of IOM. Poland's representatives came from both partner institutions, that is the Office for Foreigners and the Border Guard, and from IOM.

⁸⁴ More information in Part 5 of this study.

The main part of the consultations regarded the impact of return counselling, information about the country of return and reintegration assistance on the sustainability of voluntary return;

5. a study visit to the Netherlands – in October 2009 the representatives of the National Border Guard Headquarters and IOM visited the Netherlands, in order to get to know the Dutch system of voluntary return management including the promotional activities aimed to propagate information about the programme among migrants with irregular status and the practical aspects of managing return of persons placed in detention centres, as well as the frames of co-operation with the Border Guard in this scope;
6. a training for the Border Guard employees – two two-day trainings on the programme took place at the Border Guard Training Centre in Kętrzyn in November 2009. During the training the programme guidelines, its legal grounds, the co-operation between IOM and the Border Guard, the target groups and the scope of assistance provided, including assistance to persons requiring special approach, were discussed in detail. The representatives of the National Border Guard Headquarters and of the local divisions of the Border Guard from all over the country participated in the training;
7. a study visit of the representatives of Bulgarian and Romanian institutions to Poland – in November 2008 IOM Warsaw Office arranged for a study visit of the Bulgarian and Romanian representatives of government institutions and of IOM. The purpose of this meeting was to acquaint the visitors with the voluntary return programme implemented in Poland. They had the opportunity to acquire practical knowledge regarding the conditions at the reception centres for foreigners seeking refugee status in Poland. On the occasion of this visit it was also possible to discuss the principles of the trilateral co-operation, i.e. between IOM, the Border Guard and the Office for Foreigners;
8. a seminar for the representatives of diplomatic missions – a seminar for the representatives of diplomatic missions (from the Russian Federation, Armenia, Georgia, Uzbekistan and Vietnam, among others) was held in 2008 in IOM Warsaw Office, during which the legal grounds for the functioning of the programme, practical solutions and the hitherto achieved results were presented;
9. meetings of informative character, promoting the assisted voluntary return programme – in 2008 IOM repeatedly organised meetings with the representatives of immigrant communities in Poland: in February with the Armenian community leader and with the migrants Fu Shen Fu organization, in June with the representatives of the Hindu community in Raszyn, in August with the members of the Ukrainian community, three times in July and August with the migrants working so far at the (now non-existent) 10-th Anniversary Stadium in Warsaw used as a trade centre, in September with the members of the Vietnamese and Chinese communities in Wólka Kosowska, just to mention a few;
10. meetings with the non-governmental organizations – in March 2008 a meeting between IOM and Caritas Białystok was held with the purpose to present the assisted voluntary return programme and to distribute information materials.

The actions described above were implemented within the frameworks of the projects:

1. *Pilot project – assisted voluntary returns and reintegration of unsuccessful asylum or refugee status seekers, migrants who have not received temporary protection or those who have abandoned their claim for any of the above mentioned forms of protection*

In 2004 IOM implemented the first project called *Pilot project – assisted voluntary returns and reintegration of unsuccessful asylum or refugee status seekers, migrants who have not received temporary protection or those who have abandoned their claim for any of the above mentioned forms of protection*⁸⁵ preparing the ground for the assisted voluntary return programme developed on the basis of the Agreement of 2005 as part of Measure 3 financed from the resources of the European Refugee Fund. This project was implemented in the period from November 2004 to October 2005. The resources for the task implementation were allocated under the European Refugee Fund. In 2004 Poland received an allocation of EUR 440,490.02⁸⁶ within the Annual Programme of the European Refugee Fund, and this amount was shared to support three measures: Measure 1 (Reception) – 50%, Measure 2 (Integration) – 35%, Measure 3 (Voluntary repatriation) – 10% and technical support – 5%. The remaining 25% of the project budget were covered from own resources of the Office for Foreigners (amounting to approx. PLN 63,000 and making around 11% of the budget) and of IOM (amounting to approx. PLN 78,000 and making around 13% of the budget).

Table 7. Division of resources allocated for Poland under the European Refugee Fund in 2004 by undertaken activities

Measure	Amount in EUR	% of the allocated amount
Reception	220,245.02 (approx. PLN 881,000)	50%
Integration	154,171.50 (approx. PLN 617,000)	35%
Repatriation	44,049.00 (approx. PLN 176,000)	10%
Technical support with regard to voluntary return of foreigners	22,024.50 (approx. PLN 88,000)	5%
In total	440,490.02 (approx. PLN 1,8 mln)	100%

Source: The Implementing Authority for Phare Cross-Border Co-operation Programme, 2005: *Ex-post Evaluation of the European Refugee Fund, 2004 Programme*:
http://www.wvpe.gov.pl/files/ewaluacja/Raport%20EFUFINAL%20full_ostateczna.pdf

In 2004 and 2005 the total number of 85 foreigners made use of provided support for voluntary return within the framework of the pilot project and according to the information found in the evaluation report on the implemented programme for 2004, these foreigners returned to their countries of origin. The report compiled by the Implementing Authority for European Programmes to sum up the use of the resources under the European Refugee Fund

⁸⁵ The first project referring to the implementation of the *voluntary return programme* defined this phenomenon as the *repatriation of foreigners* who were not granted refugee status, asylum or temporary protection in Poland or who resigned from seeking one of the aforementioned protection forms, who were returning to their countries of origin and who should have been ensured safety and provided with assistance in social, economic and political reintegration. According to the opinion presented by UNHCR at that time, voluntary return of foreigners to their countries of origin was the best solution, but only if the conditions in these countries allowed a safe return. It also indicated that it was necessary to develop a comprehensive set of tools enabling to assess the actual situation in the country of origin correctly and to make the relevant data available to interested parties. Supporting the returning foreigners should also be accomplished through trainings that would prove useful upon return to the country of origin.

⁸⁶ EUR 440,490.02, that is approx. PLN 1,8 mln.

in 2004 also shows that 60 persons were provided reintegration assistance in their countries of residence (59 foreigners received all the assistance granted, one person died). Furthermore, 6 persons did not meet the obligations resulting from the agreement and/or ceased contacting IOM Office. The information gathered also shows that 33 persons resigned from returning to their countries of origin in the total number of 118 applications for granting voluntary return and reintegration assistance.

Within the framework of the project a number of actions were performed in relation to: disseminating information about the voluntary return opportunities among the potential beneficiaries; giving advice to interested foreigners eligible for participation in the project on the conditions of return (nearly 200 persons), on the current situation in their countries of origin or other countries of return and on assistance with settling down; on arranging travel to the countries of return (around 100 persons) and on resettlement assistance.

Considering the fact that the project on assisted voluntary return of foreigners implemented in 2004 and 2005 was the first pilot project concerning assistance in this scope and that all the aims and objectives set in the project phase were achieved during its duration, it can be regarded as completed with a success. Moreover, it needs to be pointed out that 70% of persons, to whom return to the countries of origin was made possible, were also provided with reintegration assistance.

2. Voluntary Return of Foreigners Leaving the Territory of the Republic of Poland

On the basis of the Agreement of 2005, IOM Warsaw Office together with the Border Guard and the Office for Foreigners performs actions related to voluntary return of foreigners (that is, manages the assisted voluntary return programme). Within the framework of this programme its main project *Voluntary return of foreigners leaving the territory of the Republic of Poland* is being implemented on an annual basis. Until December 2009 three editions of this project were implemented (in 2006, 2007 and 2008). So far there is no report available summing up the actions taken in 2009.

Voluntary Return of Foreigners Leaving the Territory of the Republic of Poland: edition 2006

According to the IOM report on the first period during which voluntary returns from Poland were managed on this basis, meaning from 1 March 2006 to 31 December 2006, the beneficiaries of the project were persons with regard to whom a decision on granting international protection was not issued and against whom a decision obligating to leave the territory of the Republic of Poland was issued (Article 1 of Agreement of 2005). In the aforementioned project IOM worked in partnership with the Office for Foreigners and the National Border Guard Headquarters. The total budget of the project amounted to PLN 686,620⁸⁷, while the financial contribution of the institutions of the Republic of Poland (the Office for Foreigners and the Border Guard) reached PLN 210,898⁸⁸ and was provided from own resources. The project was enhanced with the measure of reintegration assistance provided in the country of return, financed from their European Refugee Fund resources (May 2006 to December 2006).

⁸⁷ PLN 686,620, that is approx. EUR 172,000.

⁸⁸ PLN 210,898, that is approx. EUR 53,000.

Under the Action Plan for 2006 assistance to foreigners was provided in various forms including undertaking actions for return information to their country of origin or another third country (412 foreigners returned, assistance with transit was provided to 404 foreigners) and assisting 28 foreigners with travel documents (having children's data entered into parents' passports – 17 persons, obtaining a valid travel document – 10 persons, obtaining a Somali passport – 1 person, obtaining birth certificates for two children born in Belgium, whose parents returned to Poland under the Dublin II Regulation⁸⁹). Also, numerous consultations were held and Polish institutions were supported with the management of voluntary return by numerous non-governmental organizations, *inter alia* The Helsinki Foundation for Human Rights and La Strada Foundation. The variety of actions included the identification of foreigners eligible for participation in the project, especially persons in difficult situations like minor children, the sick, single mothers and victims of human trafficking, in the event their return had not been possible within the government Programme for Combating and Preventing Trafficking in Human Beings for 2005-2006. Some of the results of these actions were: preparing leaflets in the languages most often used by the beneficiaries of the project (above all, in English, French and Russian) as well as in Polish and organising meetings and conferences to propagate information about the implemented project.

Furthermore, 134 foreigners were provided with one-off payments of equivalent of EUR 250⁹⁰ (in 57 cases the purpose was to help them rebuild their destroyed houses, in 2 cases to enable them to cover the costs of education, in 18 cases to support their own business projects and in 57 cases to allow them to cover the costs of basic needs) as part of the reintegration assistance.

*Assisted Voluntary Return of Foreigners Leaving the Territory of the Republic of Poland:
edition 2007*

The second edition of the project *Voluntary Return of Foreigners Leaving the Territory of the Republic of Poland* was implemented in the period from January to December 2007 and its target were again such persons who had been rejected international protection and issued a decision obligating them to leave the territory of the Republic of Poland (Article 1 of Agreement of 2005). The total budget of the project was PLN 1,536,620⁹¹, while the contributions made by the institutions of the Republic of Poland amounted to PLN 509,944⁹² (the Border Guard provided a contribution from own resources in the amount of PLN 174,347 PLN, the Office for Foreigners provided a contribution from own resources in the amount of PLN 335,597). The project was enhanced with the measure of reintegration assistance provided in the country of return, financed from the European Refugee Fund resources within the frameworks of the project, i.e. *Voluntary return and reintegration of persons who were not granted refugee status in Poland, taking particular account of the groups requiring special approach* and preparatory actions for the return fund within the framework of the project *Enhancing mechanisms and harmonising standards in the field of voluntary return of illegal migrants in EU central European Member States, in the Czech Republic, Poland, Slovakia and Hungary*.

⁸⁹ See footnote 19.

⁹⁰ EUR 250, that is approx. PLN 1,000.

⁹¹ PLN 1,536,620, that is approx. EUR 384,000.

⁹² PLN 509,944, that is approx. EUR 127,000. Border Guard's own financial contribution total approx. EUR 43,500 and of the Office for Foreigners approx. EUR 84,000.

During the project implementation IOM in co-operation with the Office for Foreigners and the Border Guard provided assisted voluntary return to the total number of 740 foreigners, the vast majority of whom were persons returning to the territory of the Russian Federation (688 persons), followed by those returning to Armenia (10 persons), Ukraine (10 persons) and Tajikistan (5 persons)⁹³. The Border Guard covered the costs of return in 231 cases and the Office for Foreigners covered the costs of return in 249 cases. Nearly 75% of the beneficiaries of the project (i.e. 551 persons) were foreigners who had not been granted refugee status (including 509 cases of application withdrawals and 42 cases of refugee status refusals), while a decision on leaving the territory of the Republic of Poland was issued against 189 persons (169 persons resigned from tolerated stay, while 20 persons were obliged to leave the territory of Poland).

Within the framework of the Action Plan for 2007 actions for return information to the country of origin or another third country were undertaken and counselling to the potential beneficiaries was provided on an individual basis. The actions taken included also adjusting provided help to the individual situation of the foreigner (especially persons in difficult situations like minor children, the sick, single mothers and victims of human trafficking⁹⁴ – see above). Additionally, leaflets in the languages used by the beneficiaries (above all, in Russian, Vietnamese, Chinese, Armenian, Mongolian and English) as well as in Polish were prepared; assistance with obtaining travel documents was provided to 75 foreigners, assistance with transit was provided to 562 foreigners.

Voluntary Return of Foreigners Leaving the Territory of the Republic of Poland: edition 2008

Another edition of the project was implemented in the period from January to December 2008 and the joint actions of three institutions were also aimed at persons who had not been issued a decision on granting international protection but who had been issued decisions obligating to leave the territory of the Republic of Poland (Article 1 of Agreement of 2005). The total budget of the project was PLN 1,530,120⁹⁵, while the contributions made by the institutions of the Republic of Poland amounted to PLN 596,353⁹⁶ (the Border Guard provided a contribution from own resources in the amount of PLN 37,380 PLN, the Office for Foreigners provided a contribution from own resources in the amount of PLN 558,973 PLN).

During the implementation of the project IOM provided assisted voluntary return to the total number of 962 foreigners, the vast majority of whom were persons returning to the territory of the Russian Federation (889 persons), followed by those returning to Ukraine (25 persons), Armenia (15 persons) and Mongolia (8 persons). In this group of persons who benefited from assisted voluntary return as many as 902 foreigners were persons who had not been granted refugee status or who had withdrawn their applications for granting refugee status; in 60 cases a decision on obligation to leave Poland was issued. In 137 cases the costs of financing the return were covered by the Border Guard and in 825 – by the Office for Foreigners.

⁹³ IOM organizes returns to the countries where foreigners have the right to reside in. It is not always the foreigner's country of origin; one citizen of Ukraine went to Russia, one Chechen national went to Belarus, three other Chechen nationals went to Azerbaijan while the Kazakhs went to Argentina.

⁹⁴ A citizen of Moldova and a citizen of Kenya were beneficiaries of the programme. With regard to the latter victim of human trafficking, voluntary return was organised by IOM and financed under the La Strada Foundation's Programme for Support and Protection of Victims/Witnesses of Trafficking in Human Beings.

⁹⁵ PLN 1,530,120, that is approx. EUR 382,500.

⁹⁶ PLN 596,353, that is approx. EUR 14,900. Border Guard's own financial contribution total approx. EUR 9,000 and of the Office for Foreigners approx. 14,000.

The vital aspect of the implementation of the voluntary return project in 2008 was its reference to the amendment to the Act on granting protection to foreigners within the territory of the Republic of Poland. Following this amendment an additional form of protection, the so-called international protection, was introduced into the Polish legal order. As a consequence, many persons interested in voluntary return were not able to make use of the project, because persons who had been granted subsidiary protection in Poland were not eligible for participation in the project⁹⁷.

3. Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups (Phase 1)

From 1 May 2006 to 31 December 2006 the efforts of IOM and of the Office for Foreigners were focused on implementing the new assisted voluntary return project. This project was financed in 75% from the European Refugee Fund (Annual Programme 2005) and from own resources of the Office for Foreigners (25% of the budget). The costs of implementing the entire project amounted to EUR 111,723.38⁹⁸ in total. The project was continued still in 2007.

Table 8. Assisted voluntary return project accepted under the European Refugee Fund programme for 2005

Project	Applicant	Measure	Total value in EUR	Contribution of the European Refugee Fund in EUR
<i>Voluntary return and reintegration of persons who were not granted refugee status in Poland, taking particular account of the groups requiring special approach</i>	<i>International Organization for Migration</i>	Voluntary return – the European Refugee Fund	134,136.00 <i>(approx. PLN 537,000)</i>	100,602.00 <i>(approx. PLN 400,000)</i>
In total (the budget of the projects financed under the European Refugee Fund)			1,099,396.17 <i>(approx. PLN 4,4 mln)</i>	800,400.64 <i>(approx. PLN 3,2 mln)</i>

Source: The Implementing Authority for Phare Cross-Border Co-operation Programme, 2006: Current Evaluation – the European Refugee Fund / Poland 2005:

http://www.wvpe.gov.pl/files/EFU/OSTATECZNA%20WERSJA%20RAPORTU%2022_11_06.doc

The project involved 156 persons who were provided with assisted voluntary return, out of which 134 were additionally provided with reintegration assistance. The measures taken by IOM and the Office for Foreigners were primarily focused on: preparing information materials and disseminating relevant information by means of leaflets and posters prepared in several languages; propagating information about the projects (information materials were placed in the centres for persons seeking refugee status and distributed among non-governmental organizations); counselling on return (first of all, giving information about the current status of the beneficiary in Poland and about the opportunities and conditions of return, based on the information available with regard to the country of origin or another

⁹⁷ According to the information provided by IOM Warsaw Office, around 50 foreigners who had been granted subsidiary protection turned to IOM asking for assistance in voluntary return to their countries of origin in 2008.

⁹⁸ EUR 111,723.38, that is approx. PLN 447,000.

country the foreigner has the right to reside in, as well as about reintegration assistance); making arrangements for the return travel (providing assistance with obtaining necessary documents, arranging for transport from the foreigner's place of stay to the place of destination in the country of return) and on providing reintegration assistance upon return to the country of return.

4. Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary

This is another project implemented as part of the voluntary return programme in Poland in the period from 1 September 2006 to 31 January 2010 and was conducted in Poland by IOM in partnership with the Border Guard and the Office for Foreigners (first phase only). The title of the project was *Enhancing mechanisms and harmonizing standards in the field of voluntary return of illegal migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary*. The project received funding in 70% of the budget under the financial instrument *RETURN 2005 – preparatory action for return management in the area of migration*. The Border Guard provided financial support to cover the remaining 30% of the project budget - part of the project implemented in the territory of Poland - from own resources. During the first phase of the project (from 1 September 2006 till 29 February 2008), 416 persons left Poland, while the costs of return of 245 persons were covered by the Office for Foreigners and the costs of return of 167 persons were covered by the Border Guard⁹⁹. The second phase of the project was implemented from 1 March 2008 to 30 October 2008 and co-financed under Preparatory Action for the Return Fund 2007. The total cost of the project implementation amounted to EUR 1,007,605.80¹⁰⁰ (with regard to all four countries altogether). It was not possible to include persons who had withdrawn their applications for granting refugee status in Poland as the beneficiaries of this project. A further unification of standards and developing competence in the field of voluntary return were set as goals within this project¹⁰¹. Actions were taken also during the third phase of the project which lasted from 1 November 2008 till 31 January 2010.

The general purpose of this project (realised so far in three phases) was to unify the standards and good practice as well as to develop competence in the field of voluntary return. A video popularising voluntary return was produced and information materials (e.g. posters and leaflets in various languages used by the main groups of beneficiaries) were prepared and printed during the project implementation. Seminars and information meetings were organised as well (in 2007 a seminar with attendance of the representatives of the participating countries, i.e. the Czech Republic, Poland, Slovakia and Hungary and a study visit to Great Britain took place as part of the project). In the first phase of the project on assisted voluntary return of the illegally staying migrants from the territory of Czech Republic, Hungary, Slovakia and Poland (financed under Preparatory Action for the Return

⁹⁹ In 2006 the total cost of the project implementation amounted to EUR 783,686.08 (approx. PLN 3 mln with regard to all four countries altogether). The aforementioned project was to 70% financed by the European Commission under *RETURN 2005 – preparatory action for return management in the area of migration* fund.

¹⁰⁰ EUR 1,007,605.80, that is approx. PLN 4 mln.

¹⁰¹ Each returning person received a grant of equivalent of EUR 200 (approx. PLN 800); it was also possible to be provided with additional financial support of equivalent of EUR 2,000 (approx. PLN 8,000) at the maximum or another kind of assistance to start business activity or to pursue education. Providing this form of assistance was foreseen for around 10% of the participants in the voluntary return programme, who submitted their business plans for consideration in the countries of return.

Fund 2005) assistance in voluntary return was provided to 315 persons¹⁰². Eligible for assistance were those persons who had been refused refugee status or who had withdrawn their applications for granting refugee status and as such were obliged to leave the territory of Poland, as well as foreigners who had not been subject to refugee procedure but received a decision obliging them to leave Poland. In 2007 the total number of 276 persons took advantage of the opportunities offered within the aforementioned project, whereas 109 foreigners withdrew their applications for granting protection in the territory of the Republic of Poland. Six business plans received grants in the countries of return under reintegration assistance schemes, while the eligibility for grants was determined in co-operation with IOM offices in the foreigners' countries of return. In 2007 four more business plans received grants (three in Russia and one in Tanzania) and in 2008 another two (in Russia and Armenia).

5. Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups (Phase 2)

Between 18 June 2007 and 31 August 2008 the second phase of the above mentioned project was implemented by IOM and the Office for Foreigners. The total budget of the project amounted to EUR 199,833.57¹⁰³, and it was financially supported by Poland with resources provided by the European Commission under the European Refugee Fund (75% of the budget). The remaining amount was provided by the Office for Foreigners from own funds.

This project was aimed at those foreigners who had withdrawn their applications for granting refugee status. As part of this project, those foreigners who were leaving Poland voluntarily were also provided with reintegration assistance in their countries of return (amounting to EUR 200, approx. PLN 800). Foreigners who left Poland under this project and returned to the country of origin, received solely one-off reintegration benefits¹⁰⁴. From 1 January to 31 August 2008, 103 participants in the programme benefited from voluntary return and reintegration assistance when leaving Poland (voluntary return was managed in aid of 181 Chechen nationals, 14 Ingush nationals and 4 Dargin nationals during the project implementation period).

The aim the organisers of the project decided to pursue was again to effectively inform the beneficiaries about the opportunities to take advantage of the assisted voluntary return project as well as to provide assistance to the returning persons with resettlement in their new countries of return. For the purposes of the project actions for return to the country of origin or third country information were undertaken, return counselling to migrants was provided on an individual basis, assistance with obtaining travel documents was provided, travel arrangements were made, financial support was made available to foreigners upon their arrival in the country of return.

¹⁰² The above quoted data refer solely to persons departing from Poland under the aforementioned programmes.

¹⁰³ EUR 199,833.57, that is approx. PLN 800,000.

¹⁰⁴ The foreigners received an additional equivalent of PLN 15 (approx. EUR 4) per person and per each travel day. This form of assistance is provided for by the Ordinance of the Minister of the Interior and Administration on the amount of assistance provided to foreigners seeking refugee status in Poland and is paid out by IOM on behalf of the Office for Foreigners. The amount is then reimbursed by the Office on the basis of debit notes. The project is co-financed by the Office for Foreigners in the amount of 25% of the expenditure incurred. The co-funding by the Office for Foreigners covers the costs set forth in the Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland, i.e. the costs of transport and obtaining travel documents.

Projects under implementation

With regard to the implementation of the Annual Programme 2008 of the European Return Fund an award procedure with a call for proposals was followed (within Measure 1 – *assisted return programme implementation*), as a result of which three projects were submitted:

1. *Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland;*

This project is being implemented by IOM in co-operation with the Office for Foreigners and it is co-financed in 75% from the European Return Fund for 2008. Its main purpose is to provide those foreigners who have resigned from seeking refugee status in Poland and are willing to return to the country of origin with assistance in voluntary return to the country of origin as well as with reintegration assistance too. As part of this project (similarly to other projects on assisted voluntary return) certain measures are being taken with a view to informing about the opportunities to make use of the above mentioned project, reliable and credible information (necessary to take a decision on return) is being gathered and passed on to foreigners eligible for the project, assistance with obtaining valid travel documents is being provided.

2. *Assistance in Voluntary Return and Reintegration;*

IOM in partnership with the Office for Foreigners is implementing this project over the 8,5-month time span, until the end of March 2010. Its purpose is to enhance the mechanisms of assisted voluntary return in Poland by providing information to the potential beneficiaries that would enable them to take a decision on return, but also to make voluntary return possible to around 350 foreigners and to provide them with assistance with resettlement in the country of origin or another country of return – thereby ensuring the sustainability of return. In order to ensure the co-ordination of all activities and to enhance their effectiveness a co-ordination meeting with IOM Moscow Office was organized.

3. *Assistance in Voluntary Return and Reintegration for Irregular Migrants;*

This project involves providing assisted voluntary return to irregular migrants by IOM together with the Border Guard and has been planned for the period of 21 months (from 29 September 2009 to 30 June 2011). This project encompasses, among other things, trainings for the Border Guard officers on the scope of voluntary return and research on migrant communities in Poland. It is expected that assisted voluntary return shall be provided to 850 foreigners.

As these projects have not been evaluated yet, comprehensive knowledge and final results are still lacking.

In the award procedure without a call for proposals¹⁰⁵ under the Annual Programme for 2008 of the European Return Fund three projects were accepted, whose implementation fell within the scope of responsibility of the National Border Guard Headquarters. The projects listed below are being developed by the Border Guard within their statutory tasks and include:

¹⁰⁵ The Office for Foreigners does not implement any projects directly related to the assisted voluntary return programme under the award procedure without a call for proposals.

1. *Managing voluntary return* – a project encompassing execution of expulsion proceedings with regard to third-country nationals against whom a decision on expulsion from the territory of the Republic of Poland to be carried out by air (with scheduled flights or charter flights) or overland was issued.
2. *Strengthening co-operation between the Member States in the field of return* – a project encompassing co-operation with other EU Member States regarding joint charter flights arrangements for third-country nationals who are subject to expulsion from the territory of the Member States.
3. *Strengthening co-operation with third countries regarding the identification of foreigners* a project encompassing co-operation with the countries of origin of illegal foreigners in terms of strengthening this co-operation with regard to confirming the identity of these countries' citizens and issuing substitute travel documents allowing them to return.

Table 9. List of approved beneficiaries of the annual work programme 2008 under the European Return Fund

Beneficiary	Project	Community contribution (75%) in PLN	Own contribution (25%) in PLN	In total
Award procedure with a call for proposals				
International Organization for Migration (IOM)	<i>Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland</i>	804,862.20 <i>(approx. EUR 201,000)</i>	268,289.40 <i>(approx. EUR 67,000)</i>	1,073,157.60 <i>(approx. EUR 268,000)</i>
International Organization for Migration (IOM)	<i>Assistance in Voluntary Return and Reintegration</i>	946,728.00 <i>(approx. EUR 237,000)</i>	315,576.00 <i>(approx. EUR 79,000)</i>	1,262,304.00 <i>(approx. EUR 316,000)</i>
International Organization for Migration (IOM)	<i>Assistance in Voluntary Return and Reintegration for Irregular Migrants</i>	522,766.29 <i>(approx. EUR 131,000)</i>	174,255.43 <i>(approx. EUR 44,000)</i>	697,021.72 <i>(approx. EUR 174,000)</i>
Award procedure without a call for proposals				
The National Border Guard Headquarters	<i>Managing forced return</i>	3,573,131.25 <i>(approx. EUR 893,000)</i>	1,191,043.75 <i>(approx. EUR 298,000)</i>	4,764,175.00 <i>(approx. EUR 1,2 mln)</i>
The National Border Guard Headquarters	<i>Strengthening co-operation between the Member States in the field of return</i>	602,482.50 <i>(approx. EUR 151,000)</i>	200,827.50 <i>(approx. EUR 50,000)</i>	803,310.00 <i>(approx. EUR 201,000)</i>
The National Border Guard Headquarters	<i>Strengthening co-operation with third countries regarding the identification of foreigners</i>	158,250.00 <i>(approx. EUR 40,000)</i>	52,750.00 <i>(approx. EUR 13,000)</i>	211,000.00 <i>(approx. EUR 53,000)</i>

Source: The Ministry of the Interior and Administration

Under the award procedure without a call for proposals carried out within the framework of the Annual Programme for 2009 of the European Return Fund three above mentioned projects are currently being implemented by the Border Guard (as a continuation of the Annual Work Programme 2008) as well as an additional project entitled: *Strengthening effectiveness of actions in the field of return managed by the Border Guard in co-operation with other institutions*.

The Annual Programme of the European Return Fund for 2009 also provides for the financing of projects under measures related to the enhancement of voluntary return (Measure 1) as well as the project *Strengthening capacities for action of the representatives of domestic institutions in the field of return management*, also based on co-operation with foreign partners (Measure 2). The total amount of funding available to Poland in 2009 is EUR 1,992,689.91¹⁰⁶, including means for technical support.

Other forms of providing support for voluntary return of foreigners leaving the territory of the Republic of Poland

Poland has been a participating party to other actions related to, among other things, promoting voluntary return of foreigners leaving the territory of Poland, including the international project in aid of Georgia called *Enhancing Returns to Georgia Operationally, ERGO*¹⁰⁷ and the project no. 1154/2009 entitled *Strengthening Moldova's migration management system and international co-operation in the field of migration policies taking particular account of issues related to admission, visa procedures, detention, return, readmission and combating illegal migration*, implemented with the Polish Foreign Assistance funds for 2009.

The first of the above-mentioned projects is co-financed by the European Union, while the Danish Refugee Council (DRC) is responsible for its implementation in partnership with Estonia, the Netherlands, Poland and the International Centre for Migration Policy Development (ICMPD). The main purpose of this project is to enhance the administrative capacities of Georgia's authorities in the scope of providing active support for their own citizens as regards voluntary return and reintegration upon return to Georgia. The detailed guidelines for measures taken under this instrument include such goals as negotiations and practical implementation of policies and procedures on readmission, to be achieved by establishing durable work relations between the EU Member States and the government of Georgia. Work is being performed with a view to developing a support scheme for the returning Georgian citizens at local level and to sharing knowledge on good practice, worked out by the EU Member States regarding voluntary return of foreigners, with the authorities of Georgia. Although the purpose of this project is not to enhance return of the Georgian citizens from Poland *sensu stricto*, yet still its added value consists in contributing to the propagation of assisted voluntary return of foreigners also in their country of origin and to drawing attention of Georgia's authorities to the vital issue of reintegration of the returning citizens in their country of origin.

In order to ensure that the above mentioned goals are achieved promptly, the ERGO project has been divided into three parts described below:

¹⁰⁶ EUR 1,992,689.91, that is approx. PLN 8 mln.

¹⁰⁷ This project is a continuation of another project entitled *Towards Durable Reintegration Systems in Georgia*.

1. Organizing two visits of experts from the countries that participate in the project, from the Development Research Centre on Migration, Globalisation and Poverty (DRC) and from the International Centre for Migration Policy Development (ICMPD) to Georgia – during the first visit the return and readmission issues (including procedures, co-operation mechanisms, good practice etc.) as well as setting up contact points for exchanging information between the countries involved in the project were discussed;
2. Preparing study visits of the Georgian experts to the Member States that participate in the project;
3. Developing a handbook on readmission, return and reintegration.

The first meeting dedicated to the *Enhancing Returns to Georgia Operationally (ERGO)* project was held in Tbilisi on 2-4 June 2009. In 2009 the second phase of the project was implemented, i.e. the study visit of experts to the Member States participating in the project. On 16-20 November 2009 a Georgian delegation paid a study visit to Poland within the ERGO project (the study visit to Warsaw was the third one, after the visits to the Netherlands and Estonia).

The second of the above-mentioned projects focuses on Moldova's migration management system and is co-financed by the state budget under the Polish Foreign Assistance programme of the Ministry of Foreign Affairs. Although no concrete measures with regard to voluntary return are being taken currently, yet still, just like in the first case, the project constitutes an excellent forum for co-operation with the migrants' country of origin.

5. Reintegration and sustainability of the assisted voluntary return programme

Poland's experience gained in providing reintegration assistance¹⁰⁸ to foreigners returning to the countries of return (Article 2 sec. 1 of the Agreement of 2005) is not yet relevant for comparative purposes. The measures related to reintegration assistance are still being developed and they fall within the scope of responsibility of International Organization for Migration as part of their projects. However, it is obvious that IOM Warsaw Office implements their reintegration assistance projects based on experience of other Member States and good practice in this field, and with participation of with IOM offices in third countries as well as of other non-governmental organizations with whom a co-operation is being established. In the very beginning it needs to be noted that all the voluntary return projects which are currently under implementation (excluding *assistance* provided on the basis of Articles 70 and 75 of the Act) involve providing reintegration assistance to migrants returning to their countries of origin or other receiving countries, either by offering them financial support to cover the costs of their basic needs upon return (money to buy food, clothing, hygiene products etc.), or in the form of additional reintegration assistance (aid in kind) for the purpose of, among other things, starting and running business activity or pursuing education, including vocational trainings. This latter form of reintegration assistance is granted on condition that a foreigner presents a business plan to IOM Warsaw Office before their departure from Poland or upon return to the receiving country. The business plan, i.e. the document describing the planned business activity or ways to become independent, is evaluated by IOM Warsaw Office in co-operation with IOM office in the country receiving the foreigner in terms of its viability, which includes assessment of implementation capacity of the very beneficiary, of the impact the project would have on the situation of the beneficiary and their family and on securing them a regular source of income, as well as of the efficiency of expenditure etc. In the event IOM does not have its office in the relevant country of return, a co-operation with the non-governmental organizations operating in the territory of this country is being established, so that the action plan can be evaluated and implemented. Due to limited funding available to finance such reintegration projects, only the best business plans are being granted financial support.

Additional reintegration assistance is provided to all the returning unaccompanied minors. In such cases an assistance scheme is developed in co-operation with IOM office in the receiving country and with the child's guardian, based on the superior principle of the best interests of the child. Whenever it is possible to provide funding for projects in this scope, subsidiary assistance is also provided to those persons whose health status requires them to undergo or continue medical treatment or rehabilitation in their country of origin or another country of return.

The IOM employees usually conduct monitoring of reintegration assistance after six to eight months from the day a foreigner started the implementation of the business plan that had been

¹⁰⁸ Reintegration is the process of rebuilding the abilities to participate in local community and to perform certain social roles in the foreigner's place of stay or residence upon return to their country of origin or, as it often happens with assisted voluntary return, to another receiving country. International Organization for Migration offers assistance within this scope to foreigners leaving the territory of Poland. In practice, one may come across another definition of reintegration and reintegration assistance used by some domestic institutions in their documents. For example, it is stated in paperwork distributed by the Border Guard that reintegration assistance provided to foreigners may take the form of financial means needed to cover the costs of travel to the new place of stay, the costs of settling down, of current needs or of starting business activity.

submitted and approved earlier and referred to the activities to be taken upon their departure from Poland. The monitoring is most often conducted through visits to the foreigners' countries of return or takes the form of phone interviews, during which the beneficiaries are asked to provide answers to questions prepared earlier. During these visits the IOM employees are usually accompanied by the Border Guard officers or the representatives of the Office for Foreigners.

Reintegration assistance is *de facto* implemented and monitored by IOM offices in the countries receiving foreigners and co-ordinated by IOM Warsaw Office. During duration of each voluntary return project evaluation polls are conducted with the beneficiaries of reintegration assistance, in order to determine its impact on their situation and the sustainability of the very return of a foreigner. Monitoring visits take place once a year with an aim to verify the results of reintegration assistance provided in the new environment of the beneficiary and their evaluation. For 2010 a visit has been planned to monitor the implementation of reintegration projects in the territory of Georgia.

The results of the evaluation polls and the monitoring visits conducted so far show that reintegration assistance (particularly in the scope of providing financial means for starting and running business activity) enables the beneficiaries of the assisted voluntary return programme to win a regular source of income for themselves and their family members, which contributes directly to the improvement in their socio-economic status in their new country of residence and to their reintegration into the local community, at the same time making their voluntary return sustainable. One of the important factors contributing to the sustainability of return is definitely access to information about the situation and the perspectives in the country of origin or another receiving country, which facilitates the migrant's decision on the possible participation in the voluntary return programme. Other decisive elements, which determine the success of this programme, include development of the socio-economic profile of the beneficiaries whose aim and objective is to define their needs and motivation, as well as efficient monitoring upon their return to the country of return, contributing to providing for the right scope and continuity of reintegration assistance.

Within the framework of the project entitled *Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland* implemented by IOM in partnership¹⁰⁹ with the Office for Foreigners, one-off reintegration benefits of equivalent of PLN 350 per person¹¹⁰ in cash have been paid out since 2008. This form of support is usually made available to foreigners upon return to their countries of origin or other countries of return. Additionally, all the persons returning under this project are offered the opportunity to apply for supplementary reintegration assistance of equivalent of PLN 6,500 (approx. EUR 1,625) at the maximum, granted as benefit in kind to be used for, among other things, starting and running business activity, commencing employment or pursuing education (including vocational trainings). This form of support is granted under the award procedure, which means that the best business plans are selected from all the submitted proposals. As there are very few applicants at the moment looking to obtain such grants compared to the total number of all the returning persons, each submitted plan that looks promising is very likely to be granted such aid. With

¹⁰⁹ The Office for Foreigners in Poland does not grant reintegration assistance for foreigners who make use of *assistance in voluntary return* to their countries of origin or other countries which agree or are obliged to receive a foreigner. The Office itself does not conduct any research on the sustainability of the assisted voluntary return programme for foreigners.

¹¹⁰ In the pilot project on voluntary return and reintegration assistance in 2004-2005 the totalled equivalent of EUR 250 (approx. PLN 1,000) per person was provided.

reference to persons requiring special approach (e.g. unaccompanied minors, the sick) additional reintegration assistance is provided with the exception of the award procedure.

In reference to the project entitled *Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland* that is currently (i.e. during 2009) being implemented by IOM Warsaw Office and within the framework of the projects implemented by IOM earlier this year (according to the available data covering the period until 27 November 2009), reintegration assistance was provided under twenty-four assistance schemes¹¹¹. Measures enhancing the integration of foreigners in their countries of return consisted mainly in supporting their own business activity which took as various forms as: a clothes shop in Armenia, a farm in the Philippines, a grocery store in Armenia, production and sale of souvenirs in Mongolia, a farm in Georgia, a grocery store in Georgia, a music shop in Kenya, window production and assembly in Uzbekistan, production and sale of souvenirs in Russia, a farm in Russia, installation and service of heating equipment in China, a bakery in Russia, an internet café in Ethiopia, a hairdressing course in Russia. Another eleven assistance schemes are currently being implemented, to mention just several of them: a computer course and a language course in Georgia, a grocery store in Georgia, a car spare parts store in Georgia, a car garage in Russia, alternative medicine practice in Mongolia and founding a farm in China.

In 2008 the total number of 137 persons made use of voluntary return and reintegration assistance under the project entitled *Enhancing mechanisms and harmonizing standards in the field of voluntary return of illegal migrants in EU Central European Member States* (see Chapter 4 of this study). Those foreigners who returned to their countries of return were provided with financial support of equivalent of EUR 200 (approx. PLN 800) immediately upon return¹¹². Additionally, every returning foreigner had the opportunity to submit their business plan, with regard to business activity planned to be started and run in the receiving country, under the award procedure with a call for proposals. As a result of this project thirteen best business plans were implemented during 2008. Awarded foreigners were granted financial support of equivalent of EUR 1,500 (approx. PLN 6,000) for the implementation of their projects. During the second phase of the project foreigners were granted an additional amount of EUR 2,000 (approx. PLN 8,000) for the same purpose. During the first phase in 2008 a citizen of Tanzania received a grant to set up an internet café and a citizen of Armenia received a grant to open a grocery store. During the second phase of the project the citizens of Russia and Uganda received grants to purchase equipment needed to run a farm, the citizens of Nepal and Russia received grants to open tailor's shops. Thanks to the participation in this reintegration project a citizen of Ukraine was able to start offering photocopy services, a citizen of Armenia opened a clothes shop, a citizen of Sri Lanka set up a nursery school and a citizen of Vietnam started their own woodwork business.

Within the scope of supervision of reintegration measures, in April 2008 the representatives of the Border Guard, the Office for Foreigners and IOM Warsaw Office took part in a monitoring visit to follow up on a citizen of Armenia who had been granted support allowing him to start his own business activity. In March 2009, representatives of the Border Guard, the Office for Foreigners and IOM participated in a monitoring visit to find out about the implementation of reintegration assistance provided to a citizen of Kosovo in order to help

¹¹¹ It is expected that in 2009 the maximum amount of benefit may reach the level of equivalent of PLN 8,000 (approx. EUR 2,000) per person.

¹¹² During the first Phase of the Project foreigners who return to their place of destination on the country of return were provided with equivalent of EUR 200 (approx. PLN 800) and those returning foreigners during the second and third Phase of the project were provided with equivalent of EUR 100 (approx. PLN 400) per person.

him open a small restaurant.

At the same time it needs to be noted that so far IOM Warsaw Office, the Border Guard and the Office for Foreigners have not conducted any research on the effectiveness of voluntary return as well as reintegration assistance and they do not have any detailed information regarding the scope or opinions of foreigners. The above described situation is due to the fact that, as already mentioned in the beginning of this study, projects on reintegration of foreigners in other receiving countries have been implemented for quite a short time, that is since 2004 and lack of stable financial support should be mentioned as well.

Summary

1. Until 2005 the Polish legislation did not provide for *expressis verbis* the institution of assisted voluntary return. However, it was possible to provide a foreigner with assistance in voluntary return to the country which agrees or is obliged to receive him (*assistance in voluntary return*). This form of assistance falls within the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (pursuant to Articles 70 and 75 of the Act). The hitherto practice in co-operation between the institutions dealing with these issues in Poland, meaning the Office for Foreigners, the National Border Guard Headquarters and IOM, resulted in developing their own definitions. Furthermore, a definition of the institution of voluntary return can also be found in the Agreement of 12 July 2005 between the Minister of the Interior and Administration and the International Organization for Migration on the co-operation in the field of voluntary return which, together with the annual Action Plans, constitutes a basis for the implementation of the aforementioned projects. When implementing the projects, good practice and many years of experience gained by IOM are made use of.
2. From the formal-legal point of view only those foreigners who have sought refugee status within the territory of the Republic of Poland and whose applications have been left without examination for formal reasons or who have received a decision on refusal to grant refugee status or on refusal to grant a tolerated stay status as well as those persons who have received a decision obliging to leave the territory of the Republic of Poland (excluding decisions on expulsion with the order of immediate enforceability with the exception of the situation where the decision was issued with regards to sound interest of a foreigner) may seek to participate in the voluntary return programme. In addition, those foreigners who have withdrawn their applications for granting refugee status and those persons seeking (national) asylum in the Republic of Poland who have received a negative decision shall be eligible for the new projects prepared consecutively within the framework of the voluntary return programme. Other categories of foreigners are not eligible for participation in the voluntary return projects under the current legal regime.
3. As the statistics on foreigners who were provided with assistance within the framework of the assisted voluntary return programme show, there is a growing interest in this form of leaving Poland among third-country nationals staying within the territory of the Republic of Poland contrary to applicable law. It is worth noting that the number of cases of voluntary return to the country of origin managed by the Office for Foreigners under the provisions of the Act on granting protection to foreigners within the territory of the Republic of Poland is rather small. Almost 90% of foreigners deciding to leave Poland are the citizens of the Russian Federation, primarily of Chechen nationality. The majority of these persons had sought refugee status in the territory of Poland before they made use of the programme.
4. The assisted voluntary return programme is being implemented within the territory of Poland with the participation of institutions listed below: the National Border Guard Headquarters, the Office for Foreigners, the Implementing Authority for European Programmes (IAEP) and International Organization for Migration (IOM).
5. The projects implemented consecutively within the assisted voluntary return programme were mainly supported under the financial instrument *RETURN 2005 – preparatory action for return management in the area of migration* and received funding from the European Refugee Fund and from the European Return Fund, but were also co-financed by the state budget in a proportion corresponding to the area of

responsibility of the Office for Foreigners and the Border Guard respectively. Furthermore, in the framework of the European Refugee Fund and European Return Fund, the Implementing Authority for European Programmes is announcing calls for proposals, training applicants, evaluating projects co-financed by European funds from formal and substantial point of view. In the event of *assistance in voluntary return* of foreigners leaving the territory of Poland managed by the Head of the Office for Foreigners (pursuant to Articles 70 and 75 of the Act) such return of a foreigner is organized and financed solely from the budget resources of the Office allocated for providing care to foreigners.

6. It is common practice under the implementation of assisted voluntary return programme that information campaign during which leaflets and other materials on voluntary return are provided in a language understandable to foreigner. Additionally, during seminars organized by IOM employees in the centres for foreigner individual return counselling is provided.
7. In spite of the fact that until December 2009 only a few projects, whose purpose was defined *expressis verbis* as supporting the management of assisted voluntary return of foreigners, were implemented in a fully institutional way, it is noticeable that the projects prepared from year to year contribute to the enhancement of the mechanisms of this institution in Poland and also to reliable development of the system of providing assistance to foreigners in this scope. It also needs to be mentioned that the partner institutions involved in the implementation of the voluntary return projects, that is IOM, the Office for Foreigners and the Border Guard, evaluate both the projects and the co-operation in the field of performing mutual obligations positively.
8. All the currently implemented projects involve providing reintegration assistance to migrants returning to the countries of origin or to other receiving countries (with the exception of assistance provided on the basis of Articles 70 and 75 of the Act), by offering them financial support to cover the costs of basic needs upon return (money to buy food, clothing, hygiene products etc.) as well as supplementary reintegration assistance for the purpose of, among other things, starting and running business activity or pursuing education (including vocational trainings). It needs to be mentioned, though, that Poland's gained experience in providing this kind of support is not relevant for comparative purposes yet. The measures aimed at ensuring full integration of foreigners in their countries of return are being constantly developed and they are provided by International Organization for Migration.

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Commission Decision 2008/458/EC of 5 March 2008 laying down rules for the implementation of Decision 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme *Solidarity and Management of Migration Flows* as regards Member States' management and control systems, the rules for administrative and financial management and the criteria for eligibility of expenditure on projects co-financed by the European Return Fund (Official Journal L 167 of 27 June 2008: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:167:0135:0200:PL:PDF>)

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Appendix 1

LIST OF PROJECTS IMPLEMENTED IN POLAND WITHIN THE FRAMEWORK OF THE VOLUNTARY RETURN PROGRAMME AND FINANCED FROM EU FUNDS

	Project name	Project purpose	Implementing institution	Funding	Implementation period
1	‘Pilot project – assisted voluntary returns and reintegration of unsuccessful asylum or refugee status seekers, migrants who have not received temporary protection or those who have abandoned their claim for any of the above mentioned forms of protection’	Ensuring voluntary repatriation and reintegration in the country of origin by the implementation of the following measures: 1) disseminating information about the opportunities of voluntary repatriation among the potential beneficiaries; 2) giving advice and information to the interested foreigners eligible for participation in the programme with regard to the conditions of return, the current situation in the country of origin and assistance with settling down; 3) arranging for return travel to the country of origin, re-settlement assistance (reintegration assistance of EUR 250 per person, approx. PLN 1,000).	IOM	European Refugee Fund Annual Programme 2004 ; Co-funding by: IOM; The Office for Foreigners	November 2004 – October 2005
2	‘Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups’ – Phase 1	The project included: 1) preparing information materials and disseminating information about the programme (leaflets and posters in various languages); 2) disseminating information about the project (information materials placed in refugee centres and distributed among non-governmental organizations); 3) counselling on return issues (information about the current status of the beneficiary in Poland, the opportunities and conditions of return, reintegration assistance – EUR 250 per person, approx. PLN 1,000); 4) arranging for return travel (assistance with obtaining necessary documents, transport from the foreigner’s place of stay to their place of destination in the country of return).	IOM, The National Border Guard Headquarters, The Office for Foreigners	European Refugee Fund Annual Programme 2005; Co-funding by: The National Border Guard Headquarters, The Office for Foreigners	1 May 2006 – 31 December 2006; 1 January 2007 – 31 December 2007; 1 January 2008 – 31 December 2008; 1 January 2009 – 31 December 2009
3	‘Assisted Voluntary Returns and Reintegration of Unsuccessful Asylum Seekers with a Special Emphasis on Vulnerable Groups’ – Phase 2	Informing the beneficiaries about the voluntary return option, managing voluntary return for a maximum of 500 foreigners and providing assistance with re-settlement to the returning persons (reintegration assistance). The project encompassed the following measures: 1) preparing information materials and disseminating information about voluntary return opportunities; 2) counselling with regard to return issues provided on an individual basis; 3) arranging for return travel – assistance with obtaining travel documents and helping with transport arrangements; 4) providing reintegration assistance in cash, paid out upon return to	IOM, The National Border Guard Headquarters, The Office for Foreigners	European Refugee Fund Annual Programme 2007; Co-funding by: The National Border Guard Headquarters, The Office for Foreigners	16 June 2007 – 18 May 2008

		the country of origin (EUR 200 per person, approx. PLN 800); 5) organising a co-ordination meeting with IOM Office Moscow with a purpose to co-ordinate actions and to enhance their effectiveness			
4	‘Enhancing Mechanism and Harmonizing Standards in the Field of Voluntary Return of Illegal Migrants in EU Central European Member States, in the Czech Republic, Poland, Slovakia and Hungary’	Harmonising and strengthening practice, standards and mechanisms in the field of voluntary return of illegal migrants in the Czech Republic, Poland, Slovakia and Hungary, taking account of the specific needs of particular countries. The framework of the project involves the following measures: 1) counselling on return issues provided in IOM office or in the foreigner’s place of stay; 2) ensuring access to current and reliable information about the situation in the country of return; 3) providing assistance with obtaining travel documents, if need arises; 4) enabling access to medical care before departure for persons requiring special treatment (pregnant women, persons with medical conditions), in order to obtain a confirmation from a physician that the person’s health status allows them to travel safely; 5) arranging for return travel of migrants to their countries of origin: - purchasing a ticket for the most convenient means of transport providing safety of travel, - providing assistance with transit, - collecting the returning persons from the airport or the railway station in the country of return and making arrangements for onward travel to the place of destination, providing reintegration assistance (including benefits in cash, usually paid out in the country of return at the amount of EUR 200 per person, approx. PLN 800) and offering the opportunity to apply for benefits in kind to start business activity or to pursue education (up to EUR 1,500, approx. PLN 6,000).	IOM, The National Border Guard Headquarters, The Office for Foreigners	RETURN 2005 – preparatory action for return management in the area of migration; Co-funding by: The National Border Guard Headquarters, The Office for Foreigners	1 September 2006 – 31 January 2010
5	‘Consultancy, Travel, Reintegration – Assistance in Voluntary Return from Poland’	Offering and providing voluntary return and reintegration assistance to foreigners leaving for their countries of origin, who resigned from seeking refugee status in Poland. The following measures are performed within the framework of the project: 1) disseminating information about voluntary return opportunities among the potential beneficiaries; 2) counselling on return issues; 3) gathering and providing reliable and credible information, needed to make a decision on voluntary return to foreigners eligible for participation in the programme; 4) providing assistance with obtaining valid travel documents; 5) arranging for return travel and providing reintegration assistance. The measures performed take account of the particular situation and	IOM, The National Border Guard Headquarters, The Office for Foreigners	European Return Fund Annual Programme 2008;	Under implementation

		needs of persons requiring special approach – pregnant women, single parents with children, unaccompanied minors, the elderly, the disabled and the sick including those with mental health conditions. Each returnee receives a benefit in cash to cover the costs of their basic needs (food, hygiene products, clothing etc.) in the first days upon return. The returning persons are also offered the opportunity to obtain additional reintegration assistance to be used for, among other things, starting and running business activity or pursuing education (including vocational trainings). Unaccompanied minors and persons requiring medical care in the country of origin are also provided with supplementary reintegration assistance.			
6	‘Voluntary Return and Reintegration Assistance’	Enhancing mechanisms of assisted voluntary return in Poland by providing the potential beneficiaries with information allowing them to take a decision on return, making voluntary return available to around 350 foreigners and providing them with assistance in resettlement in the country of origin or another country of return and thereby making the return sustainable.	IOM, The National Border Guard Headquarters, The Office for Foreigners	European Return Fund Annual Programme 2008;	15 April 2009 – 31 January 2010
7	‘Voluntary Return and Reintegration Assistance for Irregular Migrants’	Conducting trainings for the Border Guard officers as regards voluntary return; taking measures aimed at developing a network of informants within the territory of Poland reaching the potential beneficiaries with message on the assisted voluntary return project and research on migrant communities in Poland; developing a database on voluntary return and study visits to the foreigners’ countries of return and to other countries managing return of migrants staying illegally in the territories of the EU Member States.	IOM, The National Border Guard Headquarters	European Return Fund Annual Programme 2008;	29 September 2009 - 30 June 2011
8	‘Supporting Voluntary Return in the Lubelskie Region’	Organising seminars and external trainings for the representatives of institutions and organizations dealing with voluntary return in the Lubelskie Province; publishing a Handbook on good practice, which would include guidelines and hints regarding the effective implementation of good return policies as well as information about the current situation in the field of voluntary return in the Lubelskie region; publishing a regular newsletter at the foundation’s website (www.fipp.org.pl).	Rule of Law Institute Foundation	European Return Fund Annual Programme 2009; State budget; Rule of Law Institute Foundation	1 January 2010 – 31 December 2012

Appendix 2

THE AVERAGE COSTS OF FORCED AND VOLUNTARY RETURN

THE AVERAGE COST OF FORCED RETURN

The average cost of expelling a foreigner (based on the actual expenditure incurred by the National Border Guard Headquarters on expulsions in the first quarter of 2008).

Costs of airline tickets: **PLN 290,833.00 (approx. EUR 72,700.00)**

Costs of escort tickets: **PLN 251,929.00 (approx. EUR 63,000.00)**

Costs of escort travel allowance: **PLN 58,117.44 (approx. EUR 14,500.00)**

Costs of overland transport: **PLN 30,913.00 (approx. EUR 7,700.00)**

Total: **PLN 631,792.44 (approx. EUR 158,000.00)**

The above costs refer to 166 expelled foreigners (including 88 foreigners expelled by air and 78 foreigners expelled by land).

The average cost:

PLN 3,800/person (approx. 950 EUR/person)

Costs of the foreigner's stay in a detention centre – PLN 1,000/person/month (approx. EUR 4,000/person/month)

Length of the foreigner's stay in a detention centre – 3 months

The average cost:

PLN 3,000 per person (approx. 750 EUR per person)

TOTAL: the average cost of forced return of a foreigner is PLN 6,800 (approx. EUR 1,700).

THE AVERAGE COST OF VOLUNTARY RETURN

The average cost of voluntary return of a foreigner (based on the approximations of the project that is currently being developed by IOM and the Border Guard under the Annual Programme 2008 of the European Return Fund)

Costs of travel to the place of destination in the country of origin: PLN 1,200.00 (approx. EUR 300.00)

Costs of assistance with transit: PLN 150.00 (approx. EUR 37.50)

Costs of obtaining a travel document: PLN 20.00 (approx. EUR 5.00) - (PLN 200 for every tenth person - approx. 50.00 EUR for every tenth person)

Costs of accommodation / food before travel: PLN 7.00 (approx. EUR 1.75) - (PLN 70 for every tenth person - approx. EUR 17.50 for every tenth person)

Cost of benefit in cash: PLN 350.00 (approx. EUR 87.50)

Costs of reintegration assistance: PLN 650.00 (approx. EUR 162.50) - (PLN 6,500.00 for every tenth person – EUR 1,625.00 for every tenth person)

The average cost:

PLN 2,400.00 per person (approx. EUR 600.00 per person)

Costs of the foreigner's stay in a detention centre – PLN 1,000/person/month (approx. EUR 250 /person/month)

Length of the foreigner's stay in a detention centre – 1 month

The average cost:

PLN 1,000.00 per person (approx. EUR 250.00 per person)

TOTAL: the average cost of voluntary return of a foreigner is PLN 3,400 (approx. EUR 850).

Source: The National Border Guard Headquarters

Appendix 3

STATISTICAL DATA ON SELECTED FEATURES OF THE MIGRATION SITUATION IN POLAND

Table 1. Number of persons who applied for the refugee status in Poland and number of persons with decisions issued in 1st instance (leading countries):

Citizenship	Applications				Decisions issued in 1st instance															
					2006					2007					2008					
	2006	2007	2008	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Subsidiary protection	Total
Russian Fed.	6405	9239	7760	23404	384	634	3593	2015	6626	104	1194	964	2834	5096	129	1120	5309	1486	1057	9101
Belarus	70	83	58	211	18	31	25	5	79	3	52	13	1	69	14	18	44	2	3	81
Pakistan	66	61	21	148	0	28	28	0	56	0	46	13	0	59	0	21	12	0	0	33
Ukraine	60	55	40	155	1	39	18	0	58	0	42	7	0	49	0	21	24	1	1	47
Armenia	48	43	50	141	0	24	9	1	34	1	34	14	1	50	1	32	13	4	0	50
Kyrgyzstan	39	21	7	67	0	11	28	0	39	0	16	9	0	25	0	1	11	0	0	12
Georgia	35	31	71	137	0	15	27	0	42	0	22	5	1	28	0	9	21	0	0	30
Iraq	35	28	70	133	1	0	10	9	20	5	14	4	18	41	28	0	7	1	3	39
Vietnam	27	48	65	140	0	22	6	0	28	0	41	6	1	48	0	55	6	1	0	62
Cameroon	24	16	12	52	0	5	4	0	9	1	20	0	0	21	0	19	9	0	0	28
India	19	48	18	85	0	9	8	1	18	0	33	4	0	37	0	12	14	0	0	26
Kazakhstan	18	12	17	47	0	6	19	1	26	0	1	7	0	8	0	5	18	0	1	24
Afghanistan	17	10	7	34	0	3	15	3	21	0	4	5	0	9	2	4	2	0	1	9
Turkey	17	12	18	47	6	5	6	0	17	0	9	5	4	18	0	3	5	0	0	8
Nigeria	15	21	24	60	0	9	3	0	12	1	21	4	0	26	0	12	11	1	0	24
Nepal	14	12	9	35	0	4	4	1	9	0	7	3	0	10	0	9	3	0	0	12
Moldova	12	13	19	44	0	10	6	0	16	0	9	0	1	10	0	13	7	0	0	20
China	5	22	22	49	0	0	1	2	3	0	22	0	0	22	0	2	7	1	0	10

Citizenship	Applications				Decisions issued in 1st instance															
					2006					2007					2008					
	2006	2007	2008	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Subsidiary protection	Total
Sri Lanka	4	57	22	83	0	1	0	4	5	0	10	6	9	25	1	5	7	5	8	26
Stateless	13	19	18	50	0	4	11	0	15	0	11	2	2	15	0	9	6	2	0	17
Total of foreigners	7093	10048	8517	25658	423	939	3875	2048	7285	116	1732	1102	2876	5826	186	1454	5638	1507	1074	9859

Table 2. Number of persons who appealed to the Refugee Council against the decision on refugee status in Poland issued by 1st instance authority and number of persons with decisions issued in 2nd instance (leading countries):

Citizenship	Appeals to the Refugee Council (2nd instance)				Desicions issued in 2nd instance					Desicions issued in 2 nd instance					Desicions issued in 2 nd instance					
					2006					2007					2008					
	2006	2007	2008	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Subsidiary protection	Total
Russian Fed.	3808	2781	615	7204	53	224	46	61	384	61	399	130	40	630	2	103	130	15	3	253
Belarus	45	48	30	123	5	7	1	0	13	1	21	0	0	22	0	8	1	1	0	10
Pakistan	33	25	13	71	0	2	1	0	3	1	0	3	1	5	0	0	0	0	0	0
Ukraine	47	38	22	107	0	3	7	0	10	0	22	2	0	24	0	10	6	0	0	16
Armenia	22	38	22	82	0	6	0	0	6	0	5	0	0	5	0	1	1	0	0	2
Kyrgyzstan	45	15	4	64	0	5	1	0	6	0	3	4	0	7	0	0	1	0	0	1
Georgia	29	20	12	61	0	2	1	0	3	0	3	3	0	6	0	0	0	0	0	0
Iraq	9	4	1	14	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Vietnam	5	22	36	63	0	0	0	0	0	0	2	1	0	3	0	1	1	0	0	2
Cameroon	5	16	19	40	0	0	0	0	0	0	6	0	0	6	0	4	3	1	0	8
India	12	19	21	52	0	0	0	0	0	1	3	0	0	4	0	1	1	0	0	2

Citizenship	Appeals to the Refugee Council (2nd instance)				Desicions issued in 2nd instance					Desicions issued in 2 nd instance					Desicions issued in 2 nd instance					
					2006					2007					2008					
	2006	2007	2008	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Total	Geneva Convention status granted	Negative	Discontinued proceedings	Tolerated stay	Subsidiary protection	Total
Kazakhstan	19	7	5	31	0	8	0	0	8	0	0	1	0	1	0	0	1	0	0	1
Afghanistan	12	3	2	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	4	11	4	19	0	2	0	0	2	0	3	0	1	4	1	1	0	0	0	2
Nigeria	10	11	11	32	0	3	0	0	3	0	5	0	0	5	0	2	1	0	0	3
Nepal	9	5	9	23	0	4	0	0	4	0	2	0	0	2	0	3	0	0	0	3
Moldova	8	4	6	18	0	2	0	0	2	0	0	1	0	1	0	1	1	0	0	2
China	2	9	2	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	1	8	3	12	0	2	0	0	2	0	0	0	0		0	0	0	0	0	0
Stateless	9	9	10	28	0	2	1	0	3	0	3	0	0	3	0	0	0	0	0	0
Total of foreigners	4222	3201	968	8391	62	290	59	62	473	64	513	149	44	770	7	154	153	19	3	336

Table 3. Number of persons with decisions on expulsion from the territory of Poland issued by the voivods (by citizenship):

Citizenship	2006	2007	2008	2009	Total
Afganistan	11	3	8	4	26
Albania	4	1	5	3	13
Algeria	5	3	10	6	24
Angola	4	0	0	0	4
Armenia	335	222	103	103	763
Azerbaijan	2	3	1	4	10
Bangladesh	19	10	10	1	40
Belarus	188	126	274	110	698
Bhutan	1	3	0	1	5
Bolivia	0	1	0	1	2
Bosnia and Herzegovina	0	0	1	0	1
Brasil	0	3	2	0	5
Bulgaria	261	3	1	0	265
Burkina Faso	0	0	2	0	2
Burundi	1	0	0	0	1
Cameroon	5	7	3	5	20
Canada	1	0	1	0	2
China	122	89	128	103	442
Colombia	1	4	1	2	8
Comoros	0	2	0	0	2
Cuba	1	0	0	0	1
Democratic Republic of the Congo	1	0	1	0	2
Dominican Republic	1	0	3	1	5
Ecuador	2	1	1	0	4
Egypt	9	10	7	3	29
Eritrea	3	0	0	0	3
Estonia	0	1	0	0	1
Ethiopia	1	0	0	0	1
France	0	0	0	1	1
FYROM	2	3	4	1	10
Georgia	78	35	38	128	279
Germany	1	0	1	1	3
Ghana	3	1	0	2	6
Guinea	0	0	2	2	4
Guinea Bissau	0	0	0	1	1
Hungary	1	0	0	0	1
India	28	48	18	23	117

Citizenship	2006	2007	2008	2009	Total
Iran	7	1	0	5	13
Iraq	30	7	16	11	64
Israel	2	1	2	1	6
Jordan	0	2	2	1	5
Kazakhstan	6	8	18	10	42
Kenya	0	0	1	1	2
Kongo	2	2	7	0	11
Kosovo	0	0	1	0	1
Kyrgyzstan	0	2	9	0	11
Lebanon	2	0	5	4	11
Liberia	2	1	1	1	5
Libya	1	0	3	1	5
Lithuania	6	0	0	0	6
Mexico	0	0	0	1	1
Moldova	478	154	241	76	949
Monaco	1	0	0	0	1
Mongolia	105	48	107	54	314
Montenegro	0	0	0	2	2
Morocco	9	7	6	10	32
Nepal	3	4	3	13	23
Netherlands	1	0	0	0	1
Nigeria	13	20	29	74	136
Pakistan	40	20	11	13	84
Paraguay	0	0	1	0	1
Peru	1	3	0	1	5
Philippines	2	0	5	7	14
Republic of Cape Verde	0	0	1	0	1
Republic of Kiribati	0	0	1	0	1
Republic of Mali	1	2	2	0	5
Republic of Mauritius	0	0	0	1	1
Republic of Rwanda	0	0	0	1	1
Romania	182	3	0	6	191
Russia	182	110	383	267	942
Sao Tome and Principe	0	0	1	0	1
Senegal	7	5	4	1	17
Serbia	2	6	2	12	22
Serbia and Montenegro	1	1	0	0	2
Sierra Leone	0	0	0	1	1
Slovakia	0	0	0	1	1
Somalia	1	0	0	0	1
South African Republic	0	0	0	1	1

Citizenship	2006	2007	2008	2009	Total
Spain	0	0	1	0	1
Sri Lanka	5	23	3	9	40
Sudan	1	2	1	0	4
Surinam	0	0	1	0	1
Syria	1	2	7	11	21
Taiwan	0	0	3	0	3
Tajikistan	1	1	4	1	7
Tanzania	0	0	3	0	3
Thailand	1	0	1	0	2
Togo	2	0	1	2	5
Tunesia	22	4	15	16	57
Turkey	15	30	44	25	114
Uganda	0	1	1	0	2
Ukraine	2222	1541	2743	803	7309
USA	1	3	3	1	8
Uzbekistan	13	11	17	16	57
Venezuela	0	1	0	0	1
Vietnam	414	215	362	217	1208
West Bank and Gaza Strip	7	1	4	2	14
Yemen	0	0	1	0	1
Zambia	0	0	1	0	1
Stateless	8	7	5	2	22
Unknown	4	5	7	4	20
Total	4895	2833	4714	2192	14634

Table 4. Number of persons to whom decisions on obligation to leave Poland were issued by the commanding officer of the voivodship Police headquarter, the commanding officer of the district (powiat) or municipality, the commanding officer of the Border Guard division or the commanding officer of the Border Guard checkpoint (by citizenship):

Citizenship	2006	2007	2008	2009	Total
Afganistan	0	1	0	0	1
Albania	6	2	0	2	10
Algeria	3	1	1	1	6
Angola	1	0	0	1	2
Argentina	0	1	0	0	1
Armenia	252	167	75	67	561
Australia	0	0	1	6	7
Azerbaijan	1	11	1	7	20
Bangladesh	0	1	0	6	7
Belarus	642	528	128	445	1743
Benin	0	0	0	1	1

Citizenship	2006	2007	2008	2009	Total
Bolivia	1	3	0	0	4
Bosnia and Herzegovina	1	5	2	0	8
Brasil	1	2	0	2	5
Bulgaria	480	1	0	0	481
Cameroon	0	0	1	2	3
Canada	0	0	0	1	1
Chile	0	1	2	1	4
China	13	16	38	39	106
Colombia	2	0	0	2	4
Croatia	1	2	0	0	3
Cuba	2	0	0	0	2
Democratic Republic of the Congo	1	0	0	0	1
Dominican Republic	2	0	0	0	2
Ecuador	0	1	0	1	2
Egypt	2	2	5	3	12
Ethiopia	1	0	0	0	1
FYROM	0	4	0	1	5
Georigia	16	9	12	15	52
Ghana	2	0	0	0	2
Guinea	0	1	0	1	2
Guinea Bissau	0	0	0	1	1
Hongkong	1	1	0	0	2
India	16	4	9	9	38
Indonesia	0	1	0	2	3
Iran	1	0	0	3	4
Iraq	5	1	1	5	12
Israel	0	2	0	1	3
Jamaica	0	0	0	1	1
Japan	0	0	0	1	1
Jordan	1	1	0	1	3
Kazakhstan	15	24	14	55	108
Kenya	0	0	1	1	2
Kosovo	0	0	0	1	1
Kyrgyzstan	1	6	1	8	16
Libya	0	2	2	2	6
Malesia	0	37	0	0	37
Mexico	2	0	1	3	6
Moldova	85	86	64	132	367
Mongolia	46	31	31	50	158
Morocco	2	2	0	5	9

Citizenship	2006	2007	2008	2009	Total
Nepal	0	0	1	1	2
New Zealand	0	0	1	0	1
Nigeria	10	12	8	10	40
North Korea	0	0	0	2	2
Pakistan	7	0	2	4	13
Philippines	0	0	6	10	16
Poland	0	0	1	0	1
Republic of Turkmenistan	1	0	0	0	1
Romania	240	0	0	0	240
Russia	119	165	237	686	1207
Senegal	1	1	2	1	5
Serbia	1	3	1	8	13
Serbia and Montenegro	4	0	0	0	4
South African Republic	0	1	0	1	2
South Korea	4	8	1	2	15
Sri Lanka	0	0	2	0	2
Sudan	0	0	8	0	8
Syria	3	2	4	0	9
Taiwan	0	3	0	4	7
Tajikistan	1	0	8	5	14
Tanzania	1	1	2	0	4
Thailand	0	0	0	16	16
Tunisia	13	4	1	1	19
Turkey	10	11	6	26	53
Tuvalu	0	0	0	1	1
Ukraine	5823	6216	2700	4528	19267
USA	3	6	3	7	19
Uzbekistan	16	40	16	50	122
Vietnam	108	135	38	82	363
Vatican	0	1	0	0	1
Yemen	1	1	0	0	2
Zimbabwe	0	0	0	1	1
Unknown	1	1	0	0	2
Stateless	1	4	0	5	10
Total	7973	7572	3431	6336	25312

Table 5. Number of migrants who were apprehended by the Polish Border Guard while attempting to illegally enter or leave Poland (by citizenship):

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
Afganistan	0	0	0	0	0	0	11	1	12	4	6	10
Albania	0	4	4	0	2	2	1	2	3	2	3	5
Algeria	1	3	4	1	0	1	12	0	12	2	4	6
Angola	1	0	1	0	19	19	1	0	1	0	0	0
Armenia	22	30	52	25	0	25	26	20	46	21	13	34
Australia	1	0	1	0	0	0	1	0	1	1	0	1
Austria	0	0	0	1	0	1	3	1	4	0	0	0
Azerbaijan	1	0	1	1	6	7	1	3	4	5	0	5
Bangladesh	2	3	5	6	18	24	5	1	6	5	1	6
Belarus	30	39	69	25	33	58	81	161	242	34	106	140
Belgium	0	0	0	0	0	0	3	0	3	0	0	0
Benin	0	0	0	0	0	0	0	0	0	1	2	3
Bhutan	0	0	0	0	0	0	1	0	1	0	0	0
Bolivia	0	0	0	1	1	2	0	0	0	1	0	1
Bosnia and Herzegovina	0	0	0	1	1	2	2	0	2	2	0	2
Brasil	0	0	0	0	0	0	0	0	0	1	0	1
Bulgaria	20	2	22	1	0	1	2	0	2	3	0	3
Burkina Faso	0	0	0	0	0	0	0	1	1	0	1	1
Burundi	0	0	0	0	0	0	0	0	0	0	1	1
Cameroon	3	2	5	1	3	4	2	5	7	8	7	15
Canada	0	0	0	2	0	2	2	1	3	1	0	1

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
China	40	29	69	46	8	54	32	42	74	15	50	65
Colombia	0	1	1	1	2	3	0	0	0	0	1	1
Comoros	0	0	0	0	2	2	0	0	0	0	0	0
Croatia	1	0	1	0	1	1	0	0	0	1	0	1
Cuba	0	0	0	4	0	4	2	0	2	1	0	1
Czech Republic	212	28	240	138	26	164	104	2	106	0	0	0
Democratic Republic of the Congo	1	3	4	1	3	4	5	2	7	2	1	3
Denmark	1	0	1	6	1	7	0	0	0	1	0	1
Djibouti	0	0	0	0	0	0	0	0	0	2	0	2
Dominican Republic	0	0	0	0	1	1	0	2	2	1	1	2
Ecuador	0	0	0	0	0	0	1	0	1	0	1	1
Egypt	3	3	6	4	2	6	2	1	3	9	0	9
Equatorial Guinea	0	0	0	0	0	0	0	0	0	1	0	1
Estonia	0	0	0	0	2	2	1	1	1	0	0	0
Ethiopia	0	1	1	0	0	0	0	1	1	0	0	0
France	2	6	8	0	1	1	4	0	4	3	0	3
FYROM	0	2	2	0	1	1	0	3	3	3	0	3
Gambia	0	0	0	0	0	0	1	0	1	0	0	0
Georgia	54	12	66	35	10	45	33	3	36	46	225	271
Germany	118	19	137	179	20	199	64	4	68	3	2	5
Ghana	4	1	5	0	1	1	0	0	0	0	0	0
Greece	0	0	0	0	1	1	1	0	1	0	0	0

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
Guinea	0	0	0	0	0	0	0	0	0	3	1	4
Guinea Bissau	0	0	0	1	0	1	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	3	1	4	0	0	0
India	25	6	31	3	9	12	15	6	21	7	9	16
Indonesia	0	0	0	0	0	0	1	0	1	0	0	0
Iran	1	0	1	2	0	2	0	0	0	4	5	9
Iraq	7	12	19	11	6	17	14	5	1	14	6	20
Ireland	0	0	0	0	0	0	0	0	0	1	0	1
Israel	2	1	3	0	0	0	3	0	3	0	1	1
Italy	0	3	3	0	0	0	2	0	2	0	1	1
Jamaica	0	1	1	0	0	0	0	0	0	1	0	1
Japan	0	0	0	0	0	0	2	1	3	0	0	0
Jordan	0	0	0	2	0	2	0	0	0	2	2	4
Kazakhstan	2	2	4	1	1	2	0	15	15	5	7	12
Kenia	1	0	1	0	0	0	0	1	1	0	0	0
Kosovo	0	0	0	0	0	0	0	1	1	2	0	2
Kyrgyzstan	0	0	0	1	1	2	3	5	8	0	1	1
Laos	0	0	0	0	0	0	1	0	1	0	0	0
Lebanon	2	0	2	0	0	0	7	2	9	6	3	9
Liberia	0	1	1	0	2	2	0	0	0	0	1	1
Libya	0	0	0	0	0	0	2	0	2	2	0	2
Lithuania	11	13	24	10	8	18	217	4	221	9	2	11

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
Lotvia	4	1	5	1	2	3	9	0	9	0	0	0
Malesia	0	0	0	4	0	4	0	0	0	0	0	0
Mauritania	0	0	0	0	2	2	1	1	2	0	0	0
Mexico	0	0	0	0	0	0	0	1	1	1	0	1
Moldova	236	118	354	119	32	151	109	158	267	85	36	121
Mongolia	2	1	3	2	3	5	12	68	80	13	7	20
Montenegro	0	0	0	0	0	0	0	0	0	1	2	3
Morocco	0	2	2	2	2	4	3	1	4	2	3	5
Namibia	0	0	0	0	0	0	0	0	0	1	0	1
Nepal	0	0	0	7	1	8	0	2	2	1	9	10
Netherlands	6	1	7	0	4	4	6	0	6	2	1	3
New Zealand	0	0	0	0	0	0	1	0	1	2	0	2
Niger	0	0	0	0	0	0	3	1	4	4	2	6
Nigeria	3	1	4	8	3	11	15	14	29	18	30	48
North Korea	0	0	0	0	0	0	1	0	1	2	0	2
Norway	0	0	0	0	2	2	0	0	0	0	0	0
Pakistan	44	12	56	15	8	23	15	1	16	6	7	13
Panama	0	0	0	1	0	1	0	0	0	0	0	0
Paraguay	0	0	0	0	0	0	1	0	1	0	0	0
Peru	0	0	0	3	0	3	4	0	4	1	0	1
Philipins	0	0	0	1	0	1	1	3	4	0	9	9
Republic of Cape Verde	0	0	0	0	0	0	1	0	1	0	0	0

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
Republic of Côte d'Ivoire	0	0	0	1	0	1	0	0	0	1	0	1
Republic of Kiribati	0	0	0	0	0	0	1	0	1	0	0	0
Romania	11	4	15	0	3	3	4	1	5	0	0	0
Russia	95	241	336	95	227	322	132	317	449	105	485	590
Saudi Arabia	0	0	0	0	0	0	1	0	1	0	0	0
Senegal	0	0	0	0	3	3	1	0	1	0	1	1
Serbia	0	0	0	0	4	4	2	0	1	13	7	20
Serbia and Montenegro	1	2	3	0	0	0	0	0	0	0	0	0
Sierra Leone	0	1	1	0	0	0	0	0	0	0	1	1
Slovakia	3	2	5	5	1	6	445	0	445	2	1	3
Slovenia	0	0	0	0	0	0	3	0	3	0	0	0
Somalia	2	1	3	1	0	1	0	0	0	1	0	1
South Korea	0	0	0	0	2	2	0	0	0	1	0	1
Spain	0	0	0	1	0	1	1	0	1	1	0	1
Sri Lanka	0	1	1	15	17	32	34	4	38	2	3	5
Suazi	0	1	1	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	1	1	0	1	1	1	0	1
Surinam	0	0	0	0	0	0	0	1	1	0	0	0
Sweden	0	3	3	0	0	0	0	0	0	2	6	8
Switzerland	0	0	0	2	0	2	1	0	1	1	0	1
Syria	1	0	1	0	0	0	6	2	8	4	2	6
Taiwan	0	0	0	0	0	0	0	6	6	1	0	1

Citizenship	2006			2007			2008			2009		
	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total	Apprehended while entering Poland	Apprehended while leaving Poland	Total
Tajikistan	3	0	3	1	0	1	1	0	1	1	0	1
Tanzania	0	0	0	0	0	0	1	0	1	0	0	0
Thailand	0	0	0	0	0	0	3	0	3	1	2	3
Togo	1	0	1	1	0	1	7	1	8	2	0	2
Tunisia	0	8	8	1	0	1	4	3	7	2	6	8
Turkey	5	5	10	3	14	17	45	13	58	39	37	76
Tuvalu	0	0	0	0	0	0	0	0	0	1	0	1
Uganda	2	0	2	0	0	0	0	0	0	0	0	0
Ukraine	457	777	1234	352	694	1046	817	2055	2872	800	658	1458
United Kingdom	0	0	0	0	1	1	1	0	1	1	0	1
Uruguay	0	0	0	0	0	0	0	1	1	0	0	0
USA	0	0	0	1	0	1	2	2	4	3	2	5
Uzbekistan	0	1	1	2	2	4	7	7	14	4	6	10
Venezuela	0	0	0	2	0	2	0	0	0	0	0	0
Vietnam	152	45	197	79	24	103	147	41	188	65	33	98
West Bank and Gaza Strip	3	2	5	0	2	2	0	2	2	4	0	4
Yemen	0	0	0	0	0	0	1	0	1	0	0	0
Zimbabwe	0	0	0	0	0	0	0	0	0	0	2	2
Unknown	31	78	109	14	58	72	17	17	34	1	18	19
Stateless	5	4	3165	3	3	6	7	4	11	3	2	5
Total	1635	1539	3174	1252	1307	2559	2547	3027	5574	1436	1842	3278

Table 6. Number of persons detained in guarded centres and arrests for the purpose of expulsion (by citizenship):

Citizenship	2006			2007			2008			I-VI 2009		
	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total
Afganistan	3	0	3	1	0	1	5	2	7	6	0	6
Albania	1	1	2	0	1	1	4	0	4	3	0	3
Algeria	1	0	1	3	2	5	8	6	14	7	7	14
Angola	0	1	1	0	0	0	0	0	0	0	0	0
Armenia	72	14	86	39	11	50	57	25	82	43	26	69
Azerbaijan	5	0	5	1	5	6	2	1	3	2	2	4
Bangladesh	8	2	10	14	7	21	9	3	12	1	0	1
Bhutan	0	0	0	1	1	2	0	0	0	0	0	0
Biélarus	16	15	31	21	9	30	25	12	37	7	7	14
Birma (Myanmar)	0	0	0	1	0	1	0	0	0	0	0	0
Bolivia	0	0	0	0	0	0	0	0	0	1	0	1
Bosnia and Herzegovina	0	0	0	0	1	1	0	0	0	0	0	0
Brasil	0	0	0	1	0	1	0	0	0	0	0	0
Bulgaria	13	4	17	0	0	0	0	0	0	0	0	0
Burkina Faso	0	0	0	0	0	0	1	0	1	0	0	0
Cameroon	0	0	0	1	0	1	9	0	9	2	0	2
Canada	1	0	1	0	0	0	1	0	1	0	0	0
China	29	29	58	32	20	52	57	12	69	59	3	62
Colombia	0	0	0	0	0	0	0	1	1	0	0	0

Citizenship	2006			2007			2008			I-VI 2009		
	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total
Dominican Republic	0	0	0	0	0	0	2	1	3	3	0	3
Ecuador	1	0	1	0	0	0	0	0	0	0	0	0
Egypt	7	6	13	0	4	4	4	1	5	3	1	4
Equatorial Guinea	0	0	0	0	0		0	0	0	0	2	2
Estonia	0	0	0	0	0	0	0	0	0	0	1	1
Ethiopia	0	0	0	0	0	0	1	0	1	0	0	0
France	0	0	0	0	0	0	1	0	1	0	1	1
FYROM	0	0	0	0	1	1	5	0	5	1	0	1
Gambia	0	1	1	1	0	1	1	0	1	0	1	1
Georgia	11	3	14	7	10	17	26	11	37	103	9	112
Germany	0	0	0	0	1	1	0	0	0	0	0	0
Ghana	0	0	0	0	1	1	2	1	3	3	0	3
Guinea	0	0	0	0	2	2	2	1	3	2	0	2
India	4	2	6	10	28	38	16	8	24	17	3	20
Iran	2	1	3	0	0	0	0	0	0	1	0	1
Iraq	13	8	21	1	8	9	16	4	20	17	4	21
Israel	0	1	1	0	0	0	0	1	1	0	0	0
Jordan	0	0	0	0	1	1	0	1	1	0	0	0
Kazakhstan	1	0	1	3	3	6	2	3	5	1	1	2
Kongo	0	1	1	2	2	4	8	3	11	1	0	1

Citizenship	2006			2007			2008			I-VI 2009		
	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total
Kosovo	0	0	0	0	0	0	1	0	1	0	0	0
Kyrgyzstan	2	0	2	0	1	1	1	0	1	3	0	3
Lebanon	1	1	2	0	0	0	2	1	3	4	1	5
Liberia	0	1	1	0	2	2	1	0	1	1	0	1
Libya	1	0	1	0	0	0	2	0	2	0	1	1
Lithuania	0	0	0	0	0	0	0	1	1	0	0	0
Lotvia	0	0	0	0	0	0	1	0	1	0	0	0
Mali	0	1	1	2	0	2	3	1	4	0	0	0
Mauritius	0	0	0	0	0	0	0	0	0	1	0	1
Moldova	22	17	39	8	18	26	26	15	41	10	2	12
Mongolia	20	3	23	12	6	18	38	6	44	16	3	19
Morocco	0	5	5	1	1	2	4	1	5	9	1	10
Nepal	2	0	2	2	2	4	5	1	6	5	1	6
Netherlands	0	1	1	0	0	0	0	0	0	0	0	0
Nigeria	4	2	6	4	7	11	19	14	33	46	15	61
Pakistan	14	21	35	2	6	8	17	4	21	15	1	16
Peru	0	1	1	0	0	0	0	0	0	0	0	0
Philipins	0	0	0	0	0	0	1	1	2	4	0	4
Republic of Rwanda	0	0	0	0	0	0	0	0	0	1	0	1
Republic of Turkmenistan	0	0	0	0	0	0	0	0	0	1	1	2

Citizenship	2006			2007			2008			I-VI 2009		
	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total
Romania	12	6	18	0	0	0	0	0	0	0	1	1
Russia	126	40	166	118	40	158	443	97	540	324	43	367
Senegal	1	0	12	2	2	4	6	0	6	0	0	0
Serbia	1	0	1	1	2	3	0	0	0	16	0	16
Sierra Leone	1	0	1	0	0	0	0	2	2	0	0	0
Somalia	2	0	2	0	0	0	2	0	2	0	0	0
South African Republic	0	0	0	0	0	0	0	0	0	2	0	2
Spain	0	0	0	0	0	0	0	1	1	0	0	0
Sri Lanka	0	0	0	25	8	33	22	8	30	14	2	16
Sudan	0	0	0	1	1	2	1	0	1	0	2	2
Surinam	0	0	0	0	0	0	1	0	1	0	0	0
Syria	0	0	0	2	0	2	2	1	3	0	5	5
Tajikistan	2	0	2	1	0	1	1	1	2	1	1	2
Tanzania	0	0	0	0	0	0	1	1	2	0	0	0
Togo	1	1	2	0	0	0	2	0	2	2	2	4
Tunesia	2	5	7	2	1	3	7	8	15	4	1	5
Turkey	4	1	5	5	9	14	11	10	21	6	3	9
Ukraine	45	105	150	51	43	94	95	101	196	68	36	104
USA	0	0	0	0	0	0	0	1	1	0	0	0
Uzbekistan	0	5	5	2	1	3	14	6	20	11	4	15
Venezuela	0	0	0	1	0	1	1	0	1	0	0	0

Citizenship	2006			2007			2008			I-VI 2009		
	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total	Guarded centres	Arrests for the purpose of expulsion	Total
Vietnam	58	166	224	75	86	161	185	163	348	123	79	202
West Bank and Gaza Strip	3	2	5	1	1	2	1	1	2	0	0	0
Yemen	0	0	0	0	0	0	0	1	1	0	0	0
Zambia	0	0	0	0	0	0	1	0	1	0	0	0
Unknown	0	0	0	0	0	0	4	1	5	0	0	0
Stateless	1	0	1	1	2	3	4	3	7	4	7	11
Total	511	475	986	458	357	815	1189	548	1737	974	280	1254