

EMN Annual Report on Migration and Asylum

part 2, Poland 2021 r.



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This National Report was prepared by the Office for Foreigners acting as the coordinator of the National Contact Point to the European Migration Network in Poland (PL NCP EMN) and is a compilation of responses to questions from the EMN template for the Report. This Report follows the common specifications and methodology prepared by the European Migration Network (EMN).

The European Migration Network was established by Council Decision 2008/381/EC in order to provide up-to-date objective, reliable and comparable information on migration and asylum to Community institutions, Member States authorities and to general public, with a view to supporting policy-making in the EU. The European Migration Network (EMN) is a Europe-wide network providing information on migration and asylum. The EMN consists of National Contact Points (NCPs) in the EMN Member (EU Member States except Denmark) and Observer Countries (Norway, Georgia, Moldova, Ukraine, Montenegro, Armenia), the European Commission and the EMN Service Provider (ICF).

The electronic version (both English and Polish) of the National Report is available on <https://www.gov.pl/web/european-migration-network> under "Publications".

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This Report has been produced by the National Contact Point to the European Migration Network in Poland (PL NCP EMN). This report does not necessarily reflect the opinions and views of the institutions – members of the PL NCP EMN, or the European Commission, nor are they bound by its conclusions.

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The European Migration Network (EMN) is an EU network of migration and asylum experts who work together to provide objective, comparable policy-relevant information and knowledge on emerging issues relating to asylum and migration in Europe.

1

Executive summary

In 2021, we observed the number of developments in the area of migration and asylum in Poland. These were mostly related to the situation in Afghanistan, Belarus and on the Polish-Belarusian border. As a result of these events, several amendments to the national legislation were introduced (i.e. to the Act of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland, Act of 12 December 2013 on Foreigners, Act of 12 October 1990 on the Protection of the State Border), as well as new provisions were adopted in the areas of international protection, border management, visa policy, fighting against facilitation of irregular migration and prevention of irregular stay and return.

The other important factor which had an impact on developments in the area of legal migration was the continuing trend of the increasing number of applications for legal residence in Poland. Regarding legal migration, several

measures were adopted as a part of the amendment to the Act on Foreigners and certain other acts. These changes were designed to reduce the burden on administrative authorities conducting proceedings when admitting foreigners to the Polish labour market and to eliminate backlogs. They include i.e. amendments to the regulations on granting and altering temporary residence and work permits, rules governing the granting the temporary residence permits for the purpose of family reunification and the procedure of instructing foreigners about rights and obligations. The above-mentioned changes entered into force in January 2022 but were adopted in 2021.

Moreover, some actions were undertaken in the area of fighting racism and discrimination, countering the trafficking of human beings, as well as additional measures related to the spread of the COVID-19 pandemic.

1.1. Introduction

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN NCP is required to provide an annual report describing the migration and asylum situation and developments in the (Member) State, as well as statistical data.

The EMN Annual Policy Report consists of two parts and a Statistics Annex. Part I of the National Report and the Statistics Annex are intended to inform policy-makers within the European Commission about national developments. Part II, however, is aimed at a wider audience interested in an overview of the asylum and immigration situation in Poland. The Report is structured to provide an overview of all aspects of migration and asylum in Poland, covering the period from 1 January to 31 December 2021.

The information required for drafting Part II of the National Report was obtained by sending information requests and summarising the responses received from the Ministry of the Interior and Administration, the Polish Border Guard, the Office for Foreigners, the Ministry of Foreign Affairs, Government Plenipotentiary for Equal Treatment, Police Headquarters and the State Labour Inspectorate.

All terms used in the Report are compatible with the definitions in the EMN Glossary of Asylum and Migration Terms.

2

**Overview of the asylum
and migration situation
and policy developments**

Although the COVID-19 pandemic stopped the growing trend of international migrations in most European countries, in the case of Poland, it led to flexible modifications of the migration model. There has been a gradual transformation from a country dominated by circular migrations from neighbouring countries to a country of residents. A new tendency has emerged in the area of residence permits for extending the duration of stay by foreigners (from visas to temporary stays, from temporary stays to permanent permits, from permanent stays to the acquisition of citizenship). An additional factor pushing foreigners towards Poland is the political and economic situation of the neighbouring countries, which undoubtedly encourages foreigners to seek better living conditions.

Restrictions on the movement of people in connection with the COVID-19 pandemic did not reverse the upward trend in the number of applications in cases related to legalisation of stay. Third-country nationals submitted 393,000 applications for a residence permit in 2021 (temporary, permanent and long-term resident) – 110,000 more than in 2020 (+ 39%). Among the foreigners applying for residence permits, citizens of Ukraine were traditionally dominant – 70% (265,000). In addition, the most numerous applications were submitted by citizens of: Belarus (8%, 29,000), Georgia (6%, 22,000), Moldova (8,600, 2%), India (7,100, 1.8%) and Russia (7,000, 1.8%). The most popular were applications for temporary residence permits (359,000) – submitted mainly by the citizens of Ukraine, Georgia, Belarus, Moldova and India. 23,000 applications were for permanent residence (foreigners coming mainly from Belarus, Ukraine, Russia, Vietnam and Turkey). On the other hand, almost 9,000 people applied for a long-term EU resident permit (most of the applicants were citizens of Ukraine, Russia, Belarus, Vietnam and Armenia).

Regarding international protection, the three-fold increase in the number of foreigners submitting applications (7,700) and the change in the group of countries which the largest number of applicants come from should be emphasised: Belarusians – 2,257, Afghans – 1,781 (991 evacuees), Iraqis – 1,400, Russians – 987, Ukrainians

– 261. The factors responsible, to the greatest extent, for the increase in the number of people applying for international protection in Poland in 2021 were political emigration from Belarus, the evacuation of nearly a thousand Afghans from Kabul in connection with the return to power of the Taliban and the increase in irregular immigration – mainly by Iraq – as a result of the creation of an artificial migration route to Poland and other EU countries by the Belarusian authorities. Political emigration from Belarus, which significantly intensified after the rigged presidential elections in 2020 and the wave of repression, is a permanent phenomenon and will probably have a significant impact on the number of proceedings regarding international protection on the territory of Poland in 2022. On the other hand, the evacuation of Afghan citizens was a unique one. The number of applications for international protection submitted by Afghans decreased significantly in the last months of 2021.

It is difficult to forecast the development of the situation on the Polish-Belarusian border and the scale of migratory pressure from this direction. It seems, however, that the limitation of the influx of immigrants through the migration route organised by the Belarusian authorities will result in a marked decline in applications for international protection filed in Poland by Iraqis. It is worth noting that the recognition of applications for protection amounted to 60%, which is almost a fourfold increase compared to the previous year (16%). With regard to the Dublin proceedings, it should be noted that in 2021, OUT procedures were directed mainly to Romania (33%), which may indicate the growing importance of this country on the irregular immigration route to Poland.

As of 31 December 2021, almost 6,000 foreigners were under the care of the Head of the Office for Foreigners, i.e. 2,800 more than the year before. 18% lived in one of the centres for foreigners, and the remaining 82% received a cash benefit for independent functioning.

The number of valid documents was nearly 540,000. Compared to the state of the previous year, this value has increased by over 88,000. The most numerous groups of foreigners in Poland were the citizens of: Ukraine – 308,000. (57%),

Belarus – 40,000 (7%), Germany – 20,000 (4%), Russia – 14,000 (3%) Vietnam, India and Georgia – 11,000 each (2%), Italy – 8,500 (1%), Great Britain – 7,000 (1%) and China – 6,700 (1%).

75% of valid documents were residence cards issued in relation to a temporary residence permit, 20% – residence cards for holders of a permanent residence permit, 13% – certificates of registration or permanent residence of an EU citizen, and residence cards confirming the granting of international or national protection within the territory Poland – nearly 6,000 foreigners, including: 1,565 – refugee status, 2,239 – subsidiary protection, 223 – tolerated stay, 1,750 – stay for humanitarian reasons.

Ukrainian citizens held more than half of all valid documents in Poland. 81% (252,000) were issued in relation to the granting of a temporary residence permit, 14% – for a permanent residence permit (44,000) and 3% – for the status of long-term EU resident (10,500). 371 Ukrainian citizens stayed in Poland as family members of an EU citizen, 69 were refugees, 313 had a document confirming the granting of subsidiary protection, 4 had tolerated stay and 421 people might have stayed for humanitarian reasons.

The number of Belarusians in possession of a valid document was growing dynamically. Over the last year, over 12,000 documents have been added to this list, which is an increase of 45%. It is worth noting the clear dominance of permanent stays (24,000), which are obtained mainly due to Polish origin or the Pole's Card (7,000 permits issued in 2021).

In the near future, one should expect an increased influx of foreigners, especially to highly urbanised areas. Its scale, however, will depend primarily on the development of the political and economic situation in Ukraine and Belarus, as well as in other countries of the former USSR. It is worth noting that despite the COVID-19 pandemic, a marked increase in the number of applications – apart from the two above-mentioned countries – has also been related to Georgia, Moldova, Russia and Uzbekistan for several years.

3

Legal migration

3.1. Work-related migration

The amendment to the Act on Foreigners and certain other acts was adopted on 17 December 2021 (entered into force on 29 January 2022) in order to reduce the burden on administrative authorities in conducting proceedings aimed at admitting foreigners to the Polish labour market, in particular on temporary residence and work permits, as well as to eliminate the existing and to prevent new backlogs in this area.

These changes serve to reduce the number of proceedings for protracted cases and the financial costs related to these cases. They also ensure the greater involvement of foreigner in cooperating with the authority handling the application for a residence permit by setting up administrative deadlines that are favourable to the authority.

Under the amendment, the permissible period of work on the basis of a declaration on entrusting work to a foreigner (a simplified instrument allowing citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine to enter the Polish labour market) was extended to a maximum of 24 months. Previously, this was 6 months.

The amendment of 17 December established a specific procedure for the termination of proceedings on temporary residence and work permits initiated before 1 January 2021 and which were still pending on the date of its entrance into force (i.e. 29 January 2022). Those permits are the most commonly chosen for extension of short-term stays in Poland, accounting for the vast majority of all proceedings conducted in migration cases in Poland.

Under this simplified procedure, a temporary residence and work permit will be granted to a foreigner without further examination of the requirements for granting it, provided that the foreigner is not entered on the list of foreigners whose residence within the territory of Poland is undesirable (i.e. their data will not be listed in the national register for the purposes of an entry ban), and their data will not be included in the Schengen Information System for the purposes of refusing entry, and under the condition that it will not be impossible to grant the permit due to considerations of State defence or security or the protection

of public security and order, or obligations arising from the provisions of ratified international agreements binding the Republic of Poland. Apart from the issues mentioned above, the application cannot contain any formal defects, it must have been submitted during the foreigner's legal stay within the territory of Poland, and inter alia there must be no grounds for refusing initiation of proceedings. In such a case, the competent voivode or the Head of the Office for Foreigners (if an appeal procedure is pending) shall immediately end the procedure by issuing a decision on granting a temporary residence and work permit for 2 years. To ensure that this authorisation does not expire and a foreigner is able to perform work on this basis, he/she has to provide a statement of the entity entrusting performance of work concerning the entrustment of work to a foreigner along with the necessary documents. The beneficiary of the permit has 60 days from the date of delivery of the decision on granting a permit to the entity entrusting performance of work to a foreigner to do this. This authorisation shall provide autonomous grounds for withdrawal and the possibility of ex-post control. The foreigner is obliged to inform the voivod about every change of the place of residence.

The act amending the Act of 12 December 2013 on Foreigners introduced general deadlines for the processing of residence permits for the purpose of work (60 days from filing a complete application and 90 days from filing appeal). This deadline applies to proceedings initiated and still pending before, as well as initiated after the entry into force of the 2021 amendments to the Act on Foreigners (29 January 2022). Before this change, the fact of whether a foreigner presented all required documentation when submitting the application was of no significance to the time frame when considering a case resulting from the general provisions of procedural law.

The substantive requirements of having a stable and regular source of income sufficient to cover the costs of living and having a guaranteed place of residence within the territory of Poland to grant a temporary residence and work permit was replaced by the newly shaped requirement that

the amount of monthly remuneration received by a foreigner was not lower than the minimum remuneration for work, regardless of the number of working hours and the type of legal relationship constituting the basis for work. The requirement concerning health insurance was also significantly modified by deeming this requirement to be satisfied if there is a prospect that the foreigner will take up employment and thus be covered by health insurance by virtue of law.

This amendment also entails the addition of a new provision, i.e. Article 114 section 4b of the Act on Foreigners, which takes into account a case where a foreigner applies for a temporary residence permit due to the performance of work for more than one entity. In such case, the requirement to grant a temporary residence and work permit will be deemed to be fulfilled if the sum of wages indicated in Appendix 1 to the application for a temporary residence and work permit is not lower than the minimum wage.

The amending act also introduces, as a result of the practical demands, significant changes in the procedure for amending a temporary residence and work permit. In the current legal status, a change of this permit may include a change of the user employer or a change of the conditions for performing work as specified in the permit pursuant to Article 118 section 1 items 2-5 of the Act on Foreigners. The amendment consists in the fact that the scope of the change allowed under this procedure also includes the change of the entity

entrusting the performance of work, as well as the fact that the foreigner is granted an exemption from the obligation to possess a work permit specified by separate provisions. The application for the change of a temporary residence and work permit is submitted via a form in accordance with the template to be defined in the regulation of the Minister of the Interior and Administration, issued pursuant to the introduced Article 120b of the Act on Foreigners. The application for the change of a temporary residence and work permit has to be filed together with Appendix No. 1 of the application for granting a temporary residence permit according to the template specified in Appendix No. 2 to the Regulation of the Minister of the Interior and Administration of 17 April 2019 (Polish Journal of Laws, item 779) and the documents necessary to confirm the data included in the application, as well as the circumstances justifying the change of a temporary residence and work permit. The change of a temporary residence and work permit is subject to a stamp duty at the new rate of PLN 220 (half of the stamp duty rate for granting a temporary residence and work permit).

In parallel to these changes, a legal framework has been created for priority handling of applications for work permits, as well as for temporary residence and work permits, that entitle employment with entities included in the list of entrepreneurs conducting activities of strategic importance for the economy.

3.2. Students and researchers

No significant developments were reported in 2021 for this category of migrants.

3.3. Family reunification and family formation

The amendment of the Act on Foreigners of 17 December 2021 implemented the judgments of the European Union Court of Justice relating to family reunification procedures delivered in cases: C-133/19, C-136/19 and C-137/19 of 16 July 2020 B.M.M. and others v. État belge and C-550/16 of 12 April 2018 A. and S. v. Staatssecretaris van Veiligheid en Justitie.

Under the amendment, the date of submission of an application for a temporary residence permit for the purpose of family reunification is (from 29 January 2022) considered as the relevant date for assessing whether a family member within the meaning of the Act on Foreigners is a minor.

Another change is that a foreigner who has been granted refugee status or subsidiary protection may be joined by a direct ascendant or an adult responsible for him/her if that foreigner, on the date of submitting the application for international protection, was an unaccompanied minor or become unaccompanied after lodging the application and has then reached the age of maturity, under the condition that the application for granting a temporary residence permit is submitted within 6 months from the date of obtaining refugee status or subsidiary protection.

3.4. Information on routes to and conditions of legal migration

The amendment of 17 December 2021 introduced to the Act on Foreigners the presumption that the obligation to instruct a foreigner about their rights and obligations and the procedure is fulfilled, inter alia, when the authority sends a written instruction recorded in an electronic

form to an e-mail address indicated by a foreigner or indicates a website address where the instruction is located, and the foreigner gives written consent to be instructed in one of these forms.

3.5. Labour exploitation (prevention of)

No significant developments were reported in 2021 in this area.

3.6. Other aspects of legal migration

No other significant developments were reported in 2021.

4

International protection

4.1. Implementation of the Common European Asylum System and related policy developments

No significant developments were reported in 2021 in this area.

4.2. Reception of applicants of international protection

No significant developments were reported in 2021 in this area.

4.3. Relocation

No significant developments were reported in 2021 in this area.

4.4. Resettlement and humanitarian admission programmes

In 2021, the biggest challenge in the area of international protection for Poland were the situations in Belarus, Afghanistan and on the Polish-Belarusian border. We could observe a huge increase in the number of asylum applications which were made by Belarusian and Afghan nationals and by individuals, mainly from Iraq, who decided to apply for international protection after irregular crossing of the border. In response to this, Poland decided to give more priority to cases where it was possible to grant international protection to Belarusian and Afghan citizens. Regarding Afghanistan, it was possible to grant international protection – both refugee status or subsidiary protection – according to Article 15b of Directive 2011/95/EU, mainly to those Afghan nationals who were evacuated by the Polish authorities. Refugee status was granted in cases where it was possible to assess that the applicant could be prosecuted on the grounds of political opinion. On the other hand, higher priority was also given to those cases where it was possible to issue a negative decision for those applicants who irregularly crossed the Polish-Belarusian border.

As a consequence, a few changes to Polish law were introduced. On 26 October 2021,

an amendment to the Act of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland entered into force. This amendment establishes an optional legal basis for leaving the application for international protection lodged by a foreigner immediately after illegal border crossing unprocessed. This provision does not lay down an obligation but only a possibility of leaving an application lodged in such circumstances unprocessed. The Head of the Office for Foreigners will act under administrative discretion and after individual assessment, weighing the public interest and the legitimate interest of the individual.

A foreigner dissatisfied with the decision of the Head of the Office for Foreigners may submit to the Refugee Board – as a higher-level authority – a formal remedy. The Refugee Board will be obliged to assess the manner of using the administrative discretion by the Head of the Office for Foreigners. Moreover, the decision of the Head of the Office for Foreigners will be subject to judicial control. According to Polish law, a foreigner may submit a complaint to the Administrative Court. The court may order the administrative authority to examine the foreigner's application.

This procedure does not apply when a foreigner arrives to Poland directly from a territory where his/her life or freedom was threatened with persecution or the risk of serious harm. The foreigner is also obliged to present reliable reasons for illegal entry into the territory of Poland and submit an application for international protection immediately after crossing the border.

It was also possible to observe some changes in the area of the Dublin procedure. In 2021,

applications for assuming responsibility were addressed to all countries, unless they concerned representatives of the so-called sensitive groups. Each proceeding was considered individually. In the event of a positive decision, only Greece was asked to provide Poland with a guarantee of compliance with the provisions of the Directives 2008/115/EC and 2013/33/EU after foreigner's transfer.

5

Unaccompanied minors and other vulnerable groups

No significant developments were reported in 2021 in this area.

6

Integration and inclusion

6.1. National integration strategy

No significant developments were reported in 2021 in this area.

6.2. Pre-departure/arrival programmes

No significant developments were reported in 2021 in this area.

6.3. Education and training of adults

No significant developments were reported in 2021 in this area.

6.4. Labour market and skills

No significant developments were reported in 2021 in this area.

6.5. Basic services

No significant developments were reported in 2021 in this area.

6.6. Active participation

No significant developments were reported in 2021 in this area.

6.7. Fighting racism and discrimination

In 2021 legislative work was underway to adopt the National Action Programme for Equal Treatment for 2022-2030 (legislation not adopted in 2021), which is one of the priority actions of the Government Plenipotentiary for Equal Treatment, aimed at integrating the principle of equal treatment into national policies. The Programme sets out the objectives and priorities of activities in the field of equal treatment, and its aim is to eliminate discrimination from social life

in Poland to the highest possible degree. The scope of actions includes, in particular, raising social awareness in the field of equal treatment, counteracting breaches of the principle of equal treatment and co-operation with social partners, non-governmental organisations and other relevant bodies.

The individual priorities of this document have been built on the basis of main areas of social and economic life rather than on the basis of challenges concerning the grounds for discrimination.

Therefore, most of the activities planned in the project will target all groups vulnerable to discrimination in a given area of socio-economic life.

The Programme, among activities addressed to people vulnerable to discrimination on the basis of race, origin or nationality, includes:

- increasing knowledge of stereotypes, prejudices and discrimination, as well as possibilities of counteracting these phenomena, e.g. through series of trainings and conferences with representatives of national and ethnic minorities;
- conducting social campaigns aimed at counteracting discrimination and shaping tolerance through campaigns in traditional and social media on the problems related to discrimination and prejudice;
- actions to prevent and improve the effective prosecution of hate crimes, including, among others, actions of a preventive nature and those aimed at improving the quality of service to individuals reporting hate crimes;
- promoting respectful and factual language to reduce the spread of hate speech;
- conducting social research on the phenomenon of hate speech;
- establishing a team at the Government Plenipotentiary for Equal Treatment that will monitor the language of public debates in terms of hate speech;
- developing a model to support people with migrant experience in integrating into the labour market;
- support for schools and preparation of teachers and specialists to work with a diverse student community, including children and youth with migration experience;
- pilot programme for final-year students of elementary schools and high schools with national and ethnic minorities in Warsaw;
- conducting training for employees and officers of the Border Guard.

7

Citizenship and statelessness

7.1. Acquisition of citizenship

In 2021, in Poland, there were no significant changes in this area.

TABLE 1. Number of people who acquired Polish citizenship in 2021 (as of 10 May 2022)

Citizenship	Administrative mode	Granted by the President of the Republic of Poland
AFGHANISTAN	4	0
ALBANIA	6	5
ALGERIA	7	3
ANGOLA	1	2
ARGENTINA	0	5
ARMENIA	18	49
AUSTRALIA	1	0
AUSTRIA	12	0
AZERBAIJAN	5	5
BANGLADESH	1	3
BELARUS	1,710	503
BELGIUM	1	0
BENIN	1	0
BOSNIA AND HERCEGOVINA	6	0
BRASIL	2	7
BULGARIA	7	4
CAMEROON	5	3
CANADA	21	4
CHILE	0	1
CHINA	2	3
COLOMBIA	4	1
CONGO	2	3
CROATIA	0	1

Citizenship	Administrative mode	Granted by the President of the Republic of Poland
CUBA	1	0
CZECHIA	2	15
DEMOCRATIC REPUBLIC OF THE CONGO	1	1
DENMARK	6	3
EGYPT	11	12
ESTONIA	0	2
ETHIOPIA	1	0
FRANCE	7	3
GEORGIA	9	4
GERMANY	158	30
GHANA	0	2
GREECE	3	4
GUATEMALA	0	1
GUINEA	0	1
HUNGARY	6	10
INDIA	11	16
INDONESIA	0	2
IRAN	5	6
IRAQ	2	2
IRELAND	0	1
ITALY	3	13
ISRAEL	6	4
JAPAN	0	1
JORDAN	3	1
KAZAKHSTAN	12	11
KENIA	0	1
KOSOVO	4	0

Citizenship	Administrative mode	Granted by the President of the Republic of Poland
KYRGYZSTAN	2	0
LATVIA	5	9
LEBANON	5	4
LIBYA	3	1
LITHUANIA	5	25
LUXEMBOURG	1	3
MADAGASCAR	1	0
MALAYSIA	1	1
MALI	0	1
MOROCCO	3	8
MEXICO	7	2
MOLDOVA	24	16
MONGOLIA	4	5
MONTENEGRO	1	0
NEPAL	2	18
THE NETHERLANDS	3	3
NIGERIA	2	17
NO CITIZENSHIP	4	7
NORTH MACEDONIA	4	3
NORWAY	2	4
PAKISTAN	3	2
PALESTINE	1	0
PARAGUAY	1	1
PERU	0	1
PHILIPPINES	2	6
ROMANIA	1	17
RUSSIA	247	82
RWANDA	1	0
SENEGAL	0	1

Citizenship	Administrative mode	Granted by the President of the Republic of Poland
SERBIA	2	2
SIERRA LEONE	1	1
SLOVAKIA	4	10
SOUTH AFRICA	0	4
SOUTH KOREA	6	0
SRI LANKA	0	1
SUDAN	1	1
SYRIA	15	12
SWEDEN	67	7
SWITZERLAND	3	0
TANZANIA	0	2
THAILAND	0	1
TUNISIA	12	10
TURKEY	24	32
TURKMENISTAN	1	0
UKRAINE	2,740	1,271
UNITED KINGDOM	39	27
UNITED STATES OF AMERICA	35	21
UNKNOWN	1	0
UZBEKISTAN	9	1
VENEZUELA	1	3
VIETNAM	55	143
YEMEN	4	1
TOTAL	5422	2535

7.2. Statelessness determination, status and rights granted

In 2021, in Poland, there were no significant changes in this area.

In total, 11 people from the stateless category acquired Polish citizenship in 2021.

8

Borders, visa and Schengen

8.1. Border management at the external border

In a view of the serious threat to public health caused by the coronavirus and the need to ensure internal security and public order, in 2021, the Border Guard undertook a number of tasks aimed at counteracting the spread of the COVID-19 pandemic. Activities undertaken by the Border Guard resulted from the implementation of the Regulation of the Minister of the Interior and Administration on the Temporary Suspension or Limitation of Border Traffic at Certain Border Crossing Points (from 15 March 2020) and the Council of Ministers on the Establishment of Certain Restrictions, Orders and Bans in Connection with an Epidemic.

According to above-mentioned legal acts:

- the possibility of entry into the territory of the Republic of Poland was limited to certain groups of people. In addition, in order to ensure effective sanitary control of individuals crossing the state border, traffic was channelled only to designated border crossings;
- steps were taken to send individuals crossing the border of the Republic of Poland into compulsory quarantine (except for the exemptions specified in legal provisions).

Additionally, because of the particular threat

to the security of citizens and public order connected with the situation on the State border with the Republic of Belarus (mass influx of migrants), on the basis of the Regulation of the President of the Republic of Poland of 2 September 2021, a state of an emergency was established in parts of the Lubelskie Voivodeship and Podlaskie Voivodeship (ended on 30 November 2021).

Moreover, in line with the amendment of the State Border Protection Act of 17 November 2021, proper actions were taken in order to increase the security of the external Polish border. Having above in mind Regulation of the Minister of the Interior and Administration of 30 November 2021 on a Temporary Ban on Staying in Certain Areas in the Frontier Zones Adjacent to the State Border with the Republic of Belarus was introduced until 1 March 2022.

Moreover, in order to minimise the threats connected with the uncontrolled influx of illegal migrants from the territory of the Republic of Belarus, a decision was made on the building of a construction securing the State border constituting an external border (barrier) on the basis of the Act of 29 October 2021.

8.2. Visa policy

On 9 February 2021, the Act on Foreigners as of 12 December 2013 was amended. New legal provisions were introduced to allow the Minister of Foreign Affairs to examine visa applications lodged by third country nationals in some countries specified in the subsequent Regulation of the Minister of Foreign Affairs. An implementing Regulation was issued and entered into force on 15 June 2021 (the Regulation of the Minister of Foreign Affairs as of 26 May 2021 on countries where foreigners can lodge applications for visas to be issued by the Minister of Foreign Affairs). It

provides that the visa applications lodged within the territory of Belarus (with the appropriate Polish Consuls) can be examined by and issued by the Minister of Foreign Affairs. Concerning the above legal amendment, a Visa Decision Centre was established within the Consular Department of the Ministry of Foreign Affairs. Due to the huge load of visa applications in Belarus, a part of them is now examined by duly authorised officers within the Visa Decision Centre, and this is considered to be huge support to the daily work of consuls in this part of Europe.

8.3. Schengen governance, including acquis, temporary suspension of Schengen, etc.

In order to ensure the efficient functioning of the Schengen area, while maintaining and further strengthening its security, one of the main aspects in this respect was to ensure the smooth flow of goods and employees across the internal Polish borders (in Schengen traffic). In 2021, the Border Guard did not report any obstacles in crossings of the internal border. In view of the serious

threat to public health caused by the COVID-19 pandemic and the need to ensure internal security and public order, the Border Guard conducted sanitary activities on the sections of the border constituting the internal border in the form of verifying that travellers had a negative test result against COVID-19.

9

Irregular migration including migrant smuggling

9.1. Preventing and tackling of misuse of legal migration channel

No significant changes were reported in 2021 in this area.

9.2. Fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

Situation at the Polish-Belarusian Section of the State Border

In 2021, we recorded a gradual increase in the number of foreigners illegally crossing the State border from the Republic of Belarus to Poland. The Belarusian side refused to confirm the fact of illegal border crossing of migrants in spite of obvious traces of crossing of the State border in violation of the applicable regulations. The migration situation at the Polish-Belarusian section of the State border did not resemble traditionally understood migration threats but was the result of deliberate actions of the Republic of Belarus related to the instrumental treatment of migration in order to destabilise the internal situation of individual EU countries and influence the entire Community so that it would make decisions favourable to Belarus under pressure.

Cooperation between the Border Guard and the Belarusian Border Guard over the past years (before the 2020 presidential election in Belarus) had been carried out at a good level. In the second half of 2021, cooperation was practically entirely stopped. The Belarusian side has not implemented the readmission agreement. As early as July 2021, the Belarusian Border Guard Service stopped carrying out its border protection tasks and started taking an active part in illegal activities related to the smuggling of migrants to EU countries, including Poland.

Belarusian services coordinated the process of bringing migrants into Belarus. As the migration crisis developed, the Belarusian service not only became actively involved in the smuggling of migrants but also increased the number

of officers on duty in the immediate vicinity of the border. Officers from "other services" appeared, wielding sniper rifles and machine guns, who, by their actions, blocked and physically "pushed" migrants across the border into Poland.

In addition, in order to exacerbate the situation on the border, the Belarusian side started to use provocations against the Polish side (i.e. shooting with firearms, reloading/shooting with weapons, throwing stones and tree branches at officers and soldiers of the Polish Armed Forces and vehicles of the Border Guard, playing recordings of crying and screaming children on the Belarusian side, throwing dangerous objects at the Polish side, etc.). There have been incidents where Belarusian services have tried to 'push' as many migrants as possible out of the territory of Belarus. The attempts made were forcible and aggressive in nature. Provocations against the Polish side have also increased (blinding with laser lights, shooting with signal weapons). The turn of November and December was a period when large groups of migrants, with the active support of Belarusian service officers, tried to force their way across the Polish-Belarusian border, behaving very aggressively. The incidents mostly occurred after dark.

In the next phase of the migration crisis, the regime's actions led to a reduction in the number of migrants residing not only in and around Minsk but also in warehouses/logistical centres.

As a result, around 4,000 individuals have voluntarily returned to Iraq by air from Belarus. Foreign nationals were forced to make repeated, successful attempts to cross the border into Poland or were threatened with being sent back to their countries of origin. It is difficult to predict a further

scenario for the actions of the Belarusian side, which does not cease in its provocations.

Migration Profile at the Polish-Belarusian Section of the State Border

The initial stage of the migratory wave until July 2021 was mainly made up of pressure from Afghan nationals, Russian nationals of Chechen origin and the visible participation of Tajik and Somali nationals. Beginning in August, the participation of Iraqi nationals became very evident and, at various levels, were subsequently dominant. Q4 2021, in addition to continued high pressure from Iraqi nationals, brought an increasing share of Syrian nationals in particular, as well as Turkish, Iranian, Indian, Egyptian and Sri Lankan nationals, along with a noticeable decline in the share of Afghanistan, Russian, Tajik and Somali nationals. At the turn of the year, nationals from countries such as Lebanon, Yemen, Ethiopia and Senegal begin to appear in greater numbers.

Illegal Migration on the Polish-Belarusian Border

In conclusion, there is still a high level of threat of cross-border crime on the border between Belarus and Poland. This applies, in particular, to illegal migration of foreigners from high-risk migration countries who cross the green border from the territory of Belarus in organised groups. Such incidents have not been recorded at this section of the border since 2012; however, after the presidential elections in Belarus in August 2020, this phenomenon reappeared. In 2021, the Border Guard revealed a total of 2,744 third-country nationals (mainly citizens of Iraq, Afghanistan, Syria) illegally crossing the State border into the Republic of Poland outside border crossing points. This represents a more than 22-fold increase in the number of foreigners detained compared to 2020. The largest increase in the number of foreigners disclosed in such incidents took place in Q3 and Q4 2021 (1,521 and 1,073 cases, respectively).

As a result of this situation, a number of measures were taken to prevent illegal migration, including legislative changes:

- On 25 October 2021, the Act of 14 October 2021, amending the Act on Foreigners and other acts, came into force. The amendment introduced new provisions to the Act on Foreigners, the Act on Granting Foreigners Protection within the Territory of the Republic of Poland and the Act on Protection of the State Border:
 - The new Article 303b in the Act on Foreigners, along with consequential amendments of Art. 302, 303, 435, 438, 441 and 443, provides that a foreigner who has been apprehended immediately after an unauthorised crossing of the State border, being the external border of the EU, will be issued an order to leave the territory of the Republic of Poland and will be temporarily banned from entering Poland and the Schengen area.
 - The new Art. 18c in the Act on Protection of the State Border introduces a criminal provision with regard to destroying border infrastructure, in particular, fences, entanglements, barriers or turnpikes.
- On 2 November 2021, the President of the Republic of Poland, Andrzej Duda, signed the Act of 29 October 2021 on Building Security for the State Border. The purpose of the Act is to define the rules for the implementation of the construction of the security of the State border, which is also the external border of the European Union. Due to the migratory pressure on the Polish-Belarusian section of the State border, the adopted law proposed the creation of mechanisms that would enable the construction of a barrier in the shortest possible time. Therefore, the Act regulates these issues in a comprehensive manner.
- On 30 November 2021 President Andrzej Duda signed amendments to the Act on the Protection of the State Border and certain other acts. The amendment implied the possibility of introducing, for a limited period of time, a residence ban in areas near the border. The adopted solutions were aimed at improving the security of Border Guard officers who perform tasks related to border protection. Journalists may work within the border area on special

terms. A temporary ban on staying in a specified area in the border zone was introduced for the period from 1 December 2021 to 1 March 2022.

Illegal Migration on the Polish-Ukrainian Border

A systematic increase in the number of cases of third-country nationals using falsified supplementary documents was observed on the Polish-Ukrainian Border at border crossings. In 2021, the Border Guard revealed 3,465 such cases (an increase of 142% compared to 2020). The incidents particularly concerned citizens of Ukraine, but also Moldova, Georgia and Turkey. Foreigners most often used falsified supplementary documents, mainly declarations of entrustment of work to a foreigner, documents related to COVID-19 vaccination (vaccination certificate, negative test result) or certificates of registration of application in the register of applications for seasonal work.

The recorded events related to illegal migration of Ukrainian citizens are related to the unfavourable economic situation of that country and, at the same time, with the high absorptive capacity of the Polish labour market. The high scale economic migration of this group of foreigners entails the need to substantiate the fact of fulfilling the conditions for entering the Republic of Poland in order to provide work and the threat of using forged documents during border control. Restrictions introduced in March 2020 in connection with the coronavirus pandemic translated into an increase in falsified supporting documents that were supposed to substantiate the purpose of a foreigner's stay in the Republic of Poland during the period of these restrictions.

Outside border crossing points, an increasing number of cases related to crossing the State border illegally into the Republic of Poland were also reported. In 2021, the Border Guard apprehended 192 third-country nationals in such incidents, an increase of 76% in comparison to 2020. Mainly Turkish, Ukrainian and Afghan nationals were detained. In case of Turkish citizens, the possibility of entering Ukraine on the basis of identity cards and the increased number of air connections

between Turkey and Ukraine was a facilitating factor. These foreigners mostly treated Poland as a transit country, and the destination country was mainly Germany, mainly due to the large Turkish emigrant community there. The increased migration of Afghan nationals, on the other hand, was related to the unstable political situation in the country, which was an important factor to push towards Western European countries.

Smuggling of Migrants in Closed Vehicle Spaces

The actions of the EU Member States/Schengen zone in the form of border barriers, as well as restrictions on movement between individual countries due to restrictions preventing the spread of the COVID-19 virus, contributed significantly to maintaining the scale of the phenomenon of migrant smuggling in closed vehicle spaces. Despite the movement restrictions introduced throughout Europe in the wake of the COVID-19 pandemic, this modus operandi of irregular migrants has remained practically active throughout due to the need to ensure an uninterrupted supply chain of goods within the EU. The attractiveness of this mode of movement of migrants is confirmed by the consistently high incidence of this type of event over recent years. In 2021, the Border Guard recorded 91 incidents involving the smuggling of migrants in concealed vehicles involving 260 third-country nationals, while in 2020, there were 65 incidents, in which 254 foreigners were apprehended.

In 70 incidents, in which mainly citizens of Afghanistan, Syria and Morocco were involved, it was unequivocally stated that foreigners entered Poland whilst in hiding. On the other hand, in the remaining 21 incidents involving mainly citizens of Afghanistan, Morocco and Pakistan – the foreigners were not detained immediately after being found in the semi-trailer of a lorry, but the testimonies and circumstances of their detention indicated that the individuals could have previously entered Poland in such a way.

Routes along the so-called Balkan route were the mostly used. Migrants most frequently boarded vehicles in Romania, Bulgaria or Serbia,

from where they travelled through Hungary and/or Romania and further on to Slovakia and/or the Czech Republic (migrants were most frequently stopped in Poland in the direction from Slovakia). The migrants then tried to make their way to Germany, France and the Scandinavian countries. This confirms Poland's role as a transit country towards Western European countries. In most cases, foreigners entered Poland hidden in the cargo space of heavy goods vehicles. There have been cases of migrants hiding in busses and on trains.

Illegal Migration by Air from Greece

The air route from Greece (mainly from the ports of Athens, Thessaloniki and Crete) is an alternative path compared to the land route for migrants to enter EU/Schengen countries, including Poland. In 2021, the Border Guard apprehended 285 foreigners immediately upon arrival from Greece to Poland, a 6-fold increase compared to 2020. Syrian nationals were by far the most predominant group of detainees, with others including Afghan and Iraqi nationals. The vast majority of migrants used falsified documents or documents belonging to other individuals. The higher number of incidents in relation to 2020 was mainly due to the restoration of air services suspended due to the COVID-19 pandemic.

Actions taken in the context of the situation on the Polish-Belarusian section of the State border

Due to the unprecedented scale of the phenomenon related to the influx of illegal migration to Poland, measures have been taken to increase the reception capacity and detention of foreigners.

In order to secure the places of stay of foreigners apprehended in connection with illegal crossing of the State border, a Foreigners Registration Centre was established at the border crossing point

in Połowce, as well as at the Border Guard post in Dubicze Cerkiewne. In the centres, all activities related to the procedure of detaining a foreigner, accepting a declaration for applying for international protection in Poland, initiating and conducting administrative proceedings and applying to the court for placing a foreigner in a guarded centre for foreigners were performed. In 2021, in order to increase the capacity of the detention centres, infrastructure facilities meeting the relevant criteria were acquired and the necessary adaptation works were carried out. In addition, extensions were made to existing guarded centres using residential containers with connection to all necessary utilities. In comparison to 2020, the Border Guard has increased its capacity for administrative detention five-fold.

In order to ensure proper service of foreigners and securing the functioning of guarded centres, officers from other divisions of the Border Guard (in particular those experienced in the Foreigners Department) were delegated to the Podlaskie Border Guard, guarded centres and centres for foreigner registration.

Within the framework of the agreement signed with Fundacja Dialog [Dialogue Foundation] in Białystok, the Border Guard provided institutional assistance to foreigners who could not stay in a guarded centre due to health reasons, who were classified as vulnerable groups and those coming from the three countries to which their return was suspended (e.g. citizens of Syria and Afghanistan). Foreigners qualified for the programme received the necessary assistance, including accommodation at the foundation's night shelter, full board, as well as medical and psychological care. In 2021, around 300 foreigners benefited from this form of assistance. However, the vast majority of them, after spending only a few days in the programme, arbitrarily left the foundation's premises and continued their illegal migration to other EU countries.

10

Trafficking in human beings

10.1. National strategic policy developments

On 17 November 2021, the Council of Ministers adopted the National Action Plan (NAP) against Trafficking in Human Beings for the years 2022–2024. The NAP is the basic document regarding the functioning of the system of combating and preventing trafficking in human beings. National Action Plans are developed every three years and set the directions for action to prevent trafficking in human beings. They oblige the addressees to perform specific tasks related to trafficking in human beings. The tasks planned for implementation under the NAP have a nationwide scope: they concern both the activities of central institutions in the field of creating commonly implemented legal regulations or model practices, as well as activities undertaken in all regions through the relevant units (in particular, voivodship anti-trade teams). The first document of this type: “The National Programme for Combating and Preventing Trafficking in Human Beings” was adopted by the Council of Ministers in September 2003. As of 2009, the name of the document was changed to the National Action Plan against Trafficking in Human Beings.

On 12 October 2021, a meeting of the Team for Counteracting Trafficking in Human Beings was held, chaired by the Deputy Director of the Department of International Affairs and Migration, acting as the Secretary of the Team for Counteracting Trafficking in Human Beings. The Team is an auxiliary body of the Minister of the Interior and Administration.

In the fourth quarter of 2021, an open competition of tenders for conducting a public task entitled Running the National Intervention and Consultation Centre for Victims of Human Trafficking (Krajowe Centrum Interwencyjno-Konsultacyjne dla Polskich i Cudzoziemskich Ofiar Handlu Ludźmi, KCIK) in 2022 was carried out. The Minister of the Interior and Administration entrusted the implementation of the above task to two non-governmental organisations: ‘La Strada’ – the Foundation Against Trafficking in Persons and Slavery and the Association “Po MOC” for Women and Children named after Maria Immaculate. The contract was signed on 30 December 2021.

10.2. Detection and identification of victims of human trafficking

Among the activities carried out by the State Labour Inspection in 2021 with regard to identification of potential victims of trafficking in human beings and prevention of this crime, the following should be listed:

1. Development of guidelines for labour inspectors in relation to the methodology of inspection proceedings in cases where there arises a suspicion of human trafficking, in particular for forced labour purposes.

In 2021, work was completed with regard to development of the above-mentioned guidelines for labour inspectors along with an accompanying list of indicators for identification of potential victims of human trafficking for forced labour purposes. The guidelines are the outcome of several months of work by members of an ad hoc working group established at

the Ministry of the Interior and Administration within the framework of the Task Force for Counteracting Human Trafficking, which comprised, inter alia, representatives of the State Labour Inspection (Legality of Employment Department), Ministry of the Interior and Administration, Border Guard, Police Headquarters and Foundation Against Trafficking in Persons and Slavery ‘La Strada’.

The above document was adopted by the working group on 23 December 2021 and was subsequently forwarded to all district labour inspectorates to be applied in the everyday inspection activity of the State Labour Inspection.

2. Training session for labour inspectors on the phenomenon of trafficking in human beings for forced labour purposes.

Like every year, the Training Centre of the State

Labour Inspection in Wrocław hosted a training session organised under the slogan: "The issues of combating and prevention of human trafficking, including trafficking for forced labour purposes".

The training session, held on 25–26 November 2021, was attended by 19 employees of the State Labour Inspection, predominantly labour inspectors, with lecturers including experts from the State Labour Inspection, Border Guard, National Intervention – Consultation Centre for Victims of Human Trafficking, Police, as well as Ministry of the Interior and Administration, i.e. the institutions and organisations which remit comprises preventing and combating human trafficking, including trafficking for forced labour purposes.

3. Joint inspections of the SLI's labour inspectors and functionaries of the Border Guard and Police concerning the legality of employment within the framework of "EMPACT 2021" action.

While executing its statutory tasks with regard to inspection of the legality of employment and performance of work, including foreigners, the State Labour Inspection, based on provisions of bilateral agreements, has been cooperating for many years with other authorities for inspection of the legality of employment, predominantly with the Border Guard and the Police.

In 2021, a successive edition of a countrywide action entitled 'Labour Exploitation Impact Action Days 2021' was implemented with a view to counteracting human trafficking. Within the framework of joint activities conducted at the turn of May and June 2021, labour inspectors carried out several dozen inspections of the legality of employment jointly with police officers and functionaries of the Border Guard. As a result of joint activities, a number of irregularities were revealed regarding the legality of employment and entrusting other types of paid work to foreigners.

10.3. Provision on information to third-country national victims of human trafficking

In 2021, the State Labour Inspection carried out activities aimed at assisting potential victims of trafficking in human beings, as well as raising awareness and prevention of this crime:

1. Nationwide communication campaign under the slogan "Rights for All Seasons", organised under the umbrella of the European Labour Authority.

In 2021, within the framework of national activities, the State Labour Inspection joined the implementation of a communication campaign of the European Labour Authority under the slogan "Rights for All Seasons". The above-mentioned initiative was addressed at a target audience of workers, including foreigners and employers, including employment agencies which offer various types of seasonal work, predominantly in the farming sector. The main objective of the ELA campaign was

to promote registered seasonal work and counteract undeclared seasonal work. Activities undertaken within the framework of the campaign were mainly focused on:

- raising the awareness of seasonal workers on their rights, the negative consequences of undeclared work, as well as the possibility to declare unregistered work in order to gain protection, pursue one's rights and transform undeclared work into declared work;
- advising seasonal workers of their employers' responsibilities related to provision of, inter alia, safe working conditions and supporting employers in ensuring compliance with these requirements;
- ensuring that employers are aware of their responsibilities within the scope of entrusting legal work and benefits which arise from offering work in the formal sector, as well

as the risk related to offering unregistered work;

- fostering cooperation between national authorities and social partners in order to convey relevant messages to seasonal workers regarding legal provisions and regulations concerning their work and to provide a network of assistance, consultancy and advisory services.

In connection with the State Labour Inspection joining the campaign "Rights for All Seasons" activities were undertaken in all district labour inspectorates across Poland with a view to implement the above-described assumptions, including, among others: involvement of foreigners in training events organised for workers and employers within the framework of prevention and promotion activities, consultancy and legal counselling on seasonal work, promotion of campaign assumptions and a dedicated campaign website (<https://www.ela.europa.eu/en/campaigns/rights-for-all-seasons>) in local media, organisation of conferences, seminars and communication meetings on seasonal work within the SLI's own activities and in collaboration with institutional and social partners. The activities in question were implemented from 1 August to 31 October 2021, with their peak intensity in the period 20-24 September 2021 – designated by the European Labour Authority as the Action Week.

Throughout the implementation period of the campaign "Rights for All Seasons", organisational units of the State Labour Inspection conducted educational and communication activities through traditional forms to increase the knowledge of employers and workers in terms of seasonal work. The basic forms of these activities were training events. In the period from August to the end of October 2021, there were 136 training events organised across the country, whose participants were acquainted with legal provisions on seasonal work. 1,213 employers and 2,542 workers, including 151 foreigners, were trained. It should be noted that some of the communication materials placed on the website of the State Labour Inspection and circulated by district

labour inspectorates within their own activities were translated into the Ukrainian language, owing to high rate of participation of Ukrainian workers who undertake seasonal work in our country.

The thematic scope of the campaign was also promoted at conferences and seminars where the organiser or participant of which was the State Labour Inspection. During the 3 months of the campaign, over 40 events of this kind were organised to popularise the issues of seasonal work.

Activities aimed to advocate the messages and slogans of the campaign also encompassed consultancy and legal advice provided by labour inspectors within the scope of seasonal work, as well as setting up information and consultation points of the SLI during trade shows, farming exhibitions, open days and other mass events. Knowledge in this area was popularised at over 800 stands and information points, with the estimated number of visitors to the stands reaching nearly 14,000 individuals.

It is also worth mentioning that within the framework of the phone-in services, experts of the State Labour Inspection took questions from people interested in the legal aspects of seasonal work. Some district labour inspectorates, among others those in Katowice and Rzeszów, launched their own phone-in services dedicated to seasonal work issues.

Owing to the cooperation between district labour inspectorates and the mass media, the campaign was also promoted on television, radio, in the press and on the Internet, as well as via social media on a non-profit basis. In the course of three months of campaign activities, some 370 announcements, reports, interviews, coverages and communiques of various sort were published in the mass media in relation to the campaign's messages. It is worth adding that some publications also appeared in November 2021, reaching a total of 450 by the end of the month. The reach, i.e. the number of potential recipients of the above-mentioned publications (from 1 August to 31 October), amounted to 1,800,000.

In the course of all activities carried out during the implementation of the campaign, some 25,758 copies of the State Labour Inspection's publications were utilised. A dedicated leaflet was published under the title 'Seasonal work of foreigners', both in hard copy to be distributed free of charge by all district labour inspectorates and online to be downloaded from the website www.pip.gov.pl.

In addition to that, a special 16-page thematic insert was drafted for the monthly 'Labour Inspector' magazine, published by the State Labour Inspection. The supplement to the September issue of the magazine was devoted to the topic of seasonal work and new legal provisions on employment of foreigners or entrusting foreigners with other types of paid work.

2. Consultancy services on the legality of employment for foreign workers

In 2021, the provision of phone-in advice in the Ukrainian language was continued for citizens of this country, who have constituted the largest group of foreign workers within the territory of Poland for many years. Since 2020, the State Labour Inspection has

been operating 3 telephone lines, over which SLI experts provide advice on the legality of employment in the Ukrainian language.

In 2021, a total of approximately 5,000 consultations were provided within the framework of the above-mentioned phone-in service.

Advisory and consultancy services were particularly important in connection with the entry into force of provision laid down in the Act of 2 March 2020 on Special Solutions Related to Prevention, Counteracting and Combating COVID-19, Other Infectious Diseases and the Emergency Situations Triggered by them, as well as certain other legal acts. Information on the rules of employment and entrusting paid work to foreigners during the coronavirus pandemic could be obtained by calling a dedicated telephone number but also by visiting the webpage of the State Labour Inspection (<https://www.pip.gov.pl/pl/informacje-dla-obcokrajowcow/covid-19-informacje-dla-cudzoziemcow>), which comprises a compendium of knowledge on legal provisions of the above-mentioned Act in the Polish, English and Ukrainian languages.

11

Return and readmission

11.1. Main national developments in the field of return

Within the context of the migration situation at the Polish-Belarusian section of the State border, legislative changes were introduced:

- The Act of 14 October 2021 amending the Act on Foreigners and certain other acts entered into force (Journal of Laws, item 1918). The purpose of the Act is to adapt national legislation to the current migration situation occurring at the external border. The provisions of the Act are intended to ensure that proceedings are carried out expeditiously in cases of border crossings in contravention of the law. The introduction of the provisions of the Act into the legal order will considerably shorten the duration of the proceedings and will prevent any abuse of the procedure for granting international protection. Individuals who wish to apply for international protection in Poland will have unrestricted access to the asylum procedure.
- The Ordinance of the Minister of the Interior and Administration of 24 April 2015 on Guarded Centres and Detention Centres for Foreigners was amended as of 21 July 2021. The amendment to the Ordinance results from the need to introduce a regulation into the legal order according to which, in specific circumstances justified by the need to locate residential, administrative and economic premises of a guarded centre outside its premises, it will be possible to locate such premises in buildings outside the guarded centre.
- As of 13 August 2021, the Ordinance of the Minister of the Interior of 24 April 2015 on Guarded Centres and Detention Centres for Foreigners was amended, with the aim to increase the reception capacity in guarded centres in the event that a large number of foreigners had to be placed there at the same time, thus increasing security and public order in a situation of a mass influx of migrants. The amendment to the Ordinance allows for a reduction in the space per foreigner in a room for foreigners or in a residential cell from 4 m² to 2 m², but no longer than for a period of 12 months.

- As of 21 August 2021, the Ordinance of the Minister of the Interior and Administration of 20 August 2020 amending the Ordinance on Temporary Suspension or Restriction of Border Traffic at Certain Border Crossing Points entered into force, which introduced new solutions allowing for the turning back to the State border line of individuals who do not belong to the categories allowed under the said Ordinance to border control, with simultaneous instruction on the obligation to leave the territory of the Republic of Poland.

Return Decisions

In 2021, 10,349 foreigners were covered by decisions to oblige a foreigner to return, of which decisions were implemented by 6,561 foreigners, which represents an enforceability of 63% (2020 – 77%). When assessing the level of enforceability of the above-mentioned decision, it should be noted that 5,773 illegally staying foreigners (88%) received the decision in question by voluntarily reporting at the border crossing point to leave Poland, which is tantamount to performing the obligation to leave the territory of the Republic of Poland. Approximately 75% of all issued decisions obliging a foreigner to return were decisions with a deadline to leave the territory of the Republic of Poland (voluntary decisions).

In connection with the migration crisis on the Polish-Belarusian section of the State border, the Border Guard has noted a change in the profile regarding illegal migration. So far, the largest number of foreigners with regard to whom the Border Guard issued a decision obliging them to return were foreigners coming mainly from countries of the former USSR (i.e. Ukraine, Belarus, Russia, Georgia, Moldova) and Vietnam. In 2021, there was an increase in the scope of issued decisions on the obligation of a foreigner to return concerning citizens of Iraq (2021 – 1,357 persons, 2020 – 22 persons) and Afghanistan (2021 – 253 persons, 2020 – 44 persons).

Identification and Forced Return of Iraqi Citizens

In 2021, cooperation with Iraq on identification and forced returns was among the most problematic due to the high scale of the phenomenon and the lack of consent from the Iraqi authorities to implement forced returns. In 2021, 427 requests were made to the Iraqi Embassy in Warsaw to identify Iraqi nationals and issue a replacement travel document for return to their country of origin – 227 requests were left unanswered. The Iraqi Embassy has issued only 20 travel documents for return to the country of origin. It should be noted that approximately 70% of all foreigners in guarded centres are Iraqi citizens.

From 13 to 15 December 2021, an identification mission took place under the auspices of the Frontex Agency, the purpose of which was to confirm the identity of foreigners declaring Iraqi citizenship by the Iraqi services and to issue replacement documents for their return to their country of origin. The Iraqi side confirmed the identity of 143 persons, while for 1 person, identity was not confirmed. The Border Guard, as a result of the mission, obtained only 6 documents allowing for return to the country of origin for foreigners who expressed their willingness to voluntarily return to Iraq.

Last year, the Border Guard requested permission from the Iraqi side on 3 occasions for a charter plane to land for a return operation. Each time, Iraq did not give permission for the aircraft to land. Forced returns of Iraqi citizens were carried out by scheduled flights only for foreign nationals who had valid travel documents or who had expressed a wish to return to Iraq voluntarily.

The problem of the lack of cooperation from the Iraqi side on readmission has been raised repeatedly at the national and EU level.

Enforced Returns

In 2021, due to the situation in Afghanistan, the Border Guard added Afghanistan to the national list of third countries to which returns are suspended.

In 2021, 788 forced returns (by air and land) were made, including, in cooperation with the Frontex Agency, the forced returns of 345 foreigners made by air (mainly citizens of Iraq, Georgia, Turkey, Russia).

Forced returns were carried out, as far as possible, on an ongoing basis, though still under the conditions of the COVID-19 pandemic and the associated restrictions set by: countries of origin of foreigners, airlines (the need to have valid tests/vaccinations and, in some cases, the need to secure a quarantine facility for the transferred person).

Other possibilities were sought to organise the return of foreigners to their country of origin (in the era of the pandemic), such as the use of special charter flights carried out under the #LOT-doDomu project (in 2021, 5 Georgians were transferred) and repatriation flights carried out on behalf of the governments of third countries (in 2021, 18 citizens of Vietnam).

On 22 September 2021, the Border Guard attempted to organise a return operation to Tajikistan (coordinated by the Frontex Agency). Other EU countries have joined the operation (e.g. Lithuania and Germany). On the day the operation was launched, the Tajik side withdrew its permission to land. No official position on the clarification of the situation has been received (as of February 2022).

11.2. Cooperating with third countries of origin and transit on return and reintegration management

International cooperation is one of the key elements determining the effectiveness and efficiency of third country migration services. The Border Guard initiates and develops international cooperation with countries of origin of foreigners in the area of return by organising trainings, workshops and study visits. The above-mentioned project activities contribute directly to strengthening third countries' capacities in the area of irregular migration management, as well as providing a valuable platform for information exchange in the area of migration. In 2021, the Border Guard conducted a number of training initiatives for Ukraine, Central Asian countries and Vietnam.

- Training on document forgery for representatives of the state administrations of Central Asia and Ukraine.
In 2021, the Border Guard conducted 3 workshops on document forgery for Uzbekistan, Tajikistan and Ukraine. The classes were conducted by top Border Guard experts.
In addition, the Border Guard conducted trainings and workshops on migration issues for representatives of the state administrations of:

1. Ukraine – 107 participants (State Migration Service of Ukraine, State Border Service of Ukraine);
2. Vietnam – 30 participants (Department of Immigration Affairs of the Socialist Republic of Vietnam);
3. Uzbekistan – 12 participants (Ministry of Foreign Affairs, Ministry of Interior, Border Forces of the Republic of Uzbekistan).

A study visit for representatives of the Ministry of Foreign Affairs, the Ministry of the Interior and the Border Service of the Kyrgyz Republic was also held in 2021 (5 participants). The main purpose of the visit was to present to the Kyrgyz side the system and manners of protecting the European Union's external border, aimed, among others, at preventing illegal migration. In addition, information on the principles of functioning of guarded centres for foreigners was presented during the event.

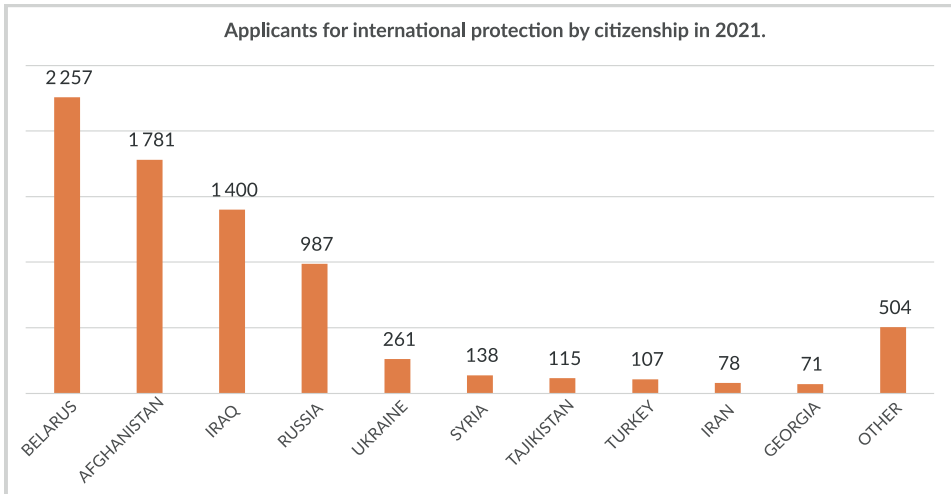
The above initiatives were funded from the Asylum, Migration and Integration Fund.

12

Annex a – national statistics

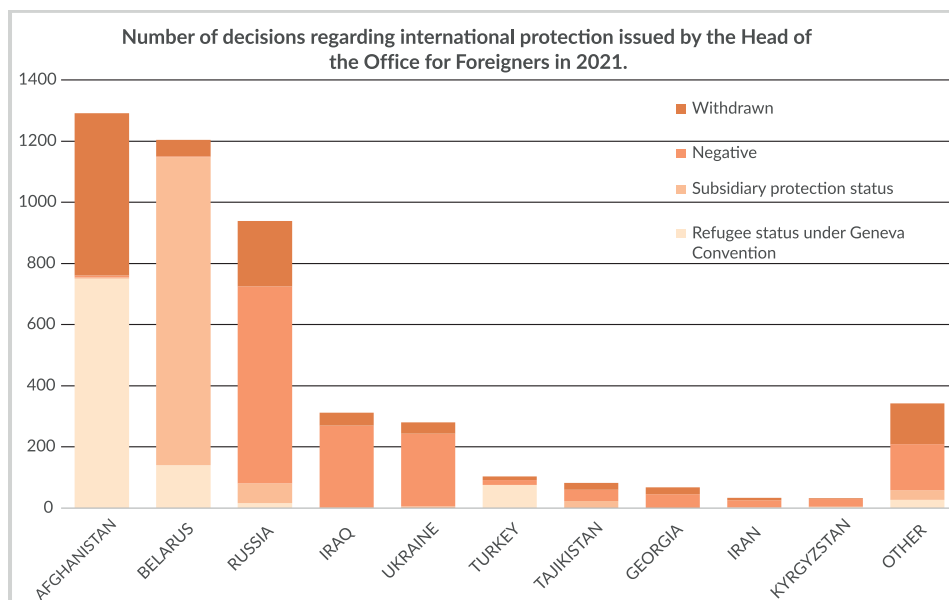
Applicants for international protection by citizenship in 2021.

Citizenship	Total
BELARUS	2,257
AFGHANISTAN	1,781
IRAQ	1,400
RUSSIA	987
UKRAINE	261
SYRIA	138
TAJIKISTAN	115
TURKEY	107
IRAN	78
GEORGIA	71
OTHER	504
Total	7,699



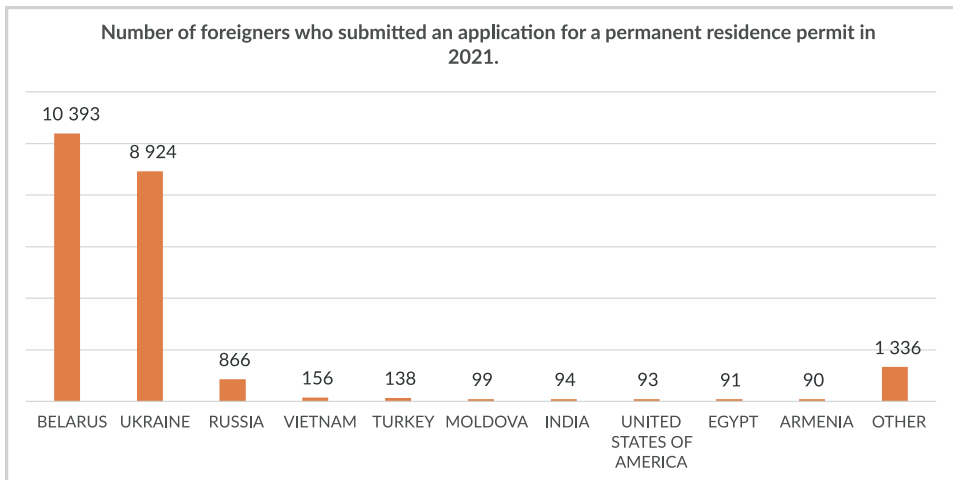
Number of decisions regarding international protection issued by the Head of the Office for Foreigners in 2021.

Citizenship	Refugee status under Geneva Convention	Subsidiary protection status	Negative	Withdrawn	Total
AFGHANISTAN	751	3	7	530	1,291
BELARUS	140	1,008	3	54	1,205
RUSSIA	17	64	644	214	939
IRAQ	1	1	268	42	312
UKRAINE	1	5	238	37	281
TURKEY	76	-	15	12	103
TAJKISTAN	1	22	37	22	82
GEORGIA	-	-	45	23	68
IRAN	2	-	23	9	34
KYRGYZSTAN	3	1	26	2	32
OTHER	27	31	151	133	342
Total	1,019	1,135	1,457	1,078	4,689



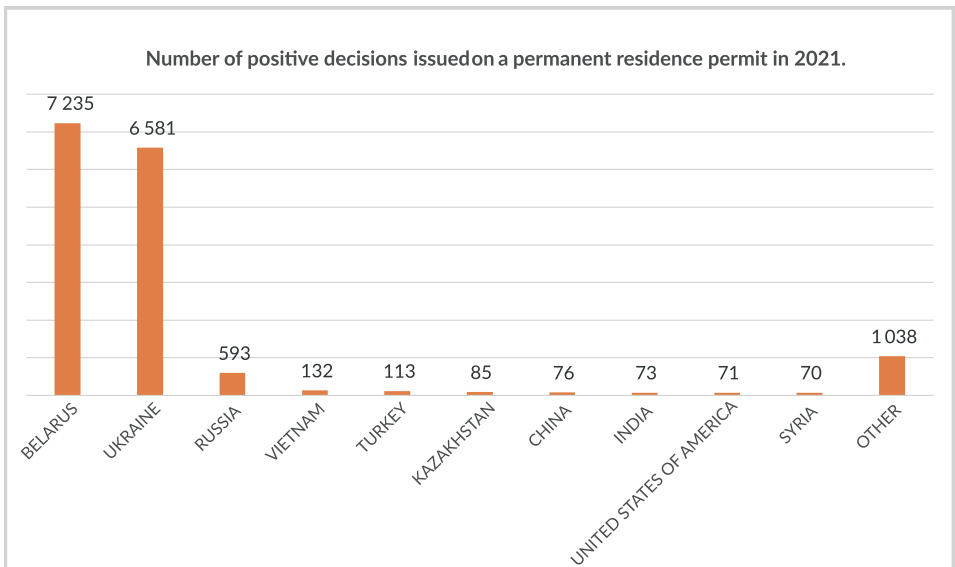
Number of foreigners who submitted an application for a permanent residence permit in 2021.

Citizenship	Total
BELARUS	10,393
UKRAINE	8,924
RUSSIA	866
VIETNAM	156
TURKEY	138
MOLDOVA	99
INDIA	94
UNITED STATES OF AMERICA	93
EGYPT	91
ARMENIA	90
OTHER	1,336
Total	22,280



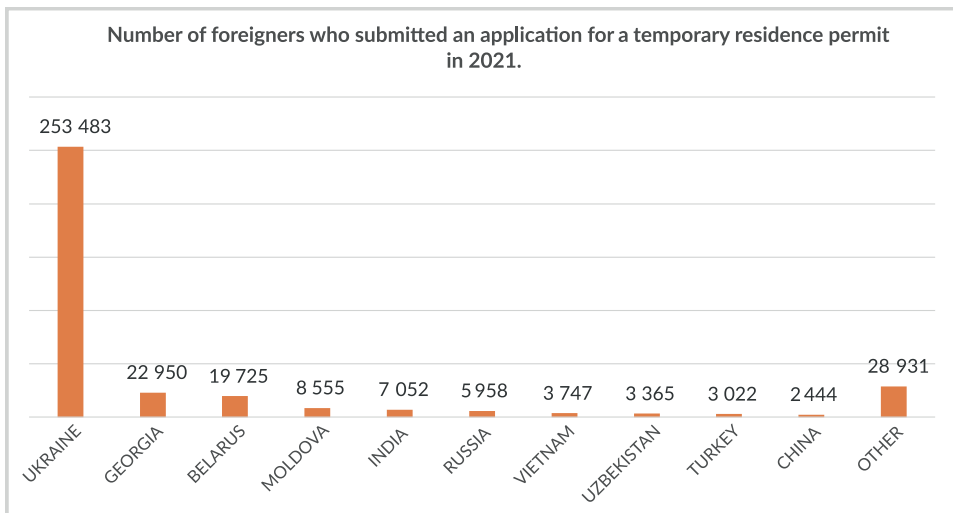
Number of positive decisions issued on a permanent residence permit in 2021

Citizenship	Total
BELARUS	7,235
UKRAINE	6,581
RUSSIA	593
VIETNAM	132
TURKEY	113
KAZAKHSTAN	85
CHINA	76
INDIA	73
UNITED STATES OF AMERICA	71
SYRIA	70
OTHER	1,038
Total	16,067



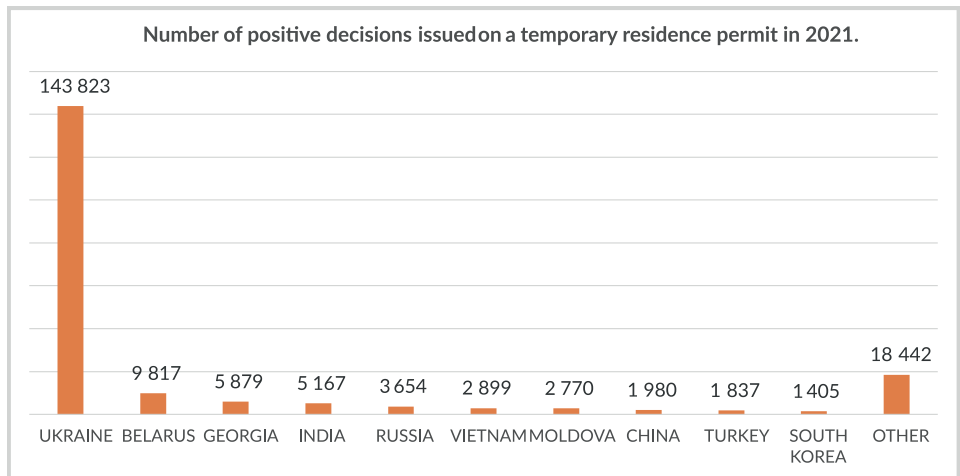
Number of foreigners who submitted an application for a temporary residence permit in 2021.

Citizenship	Total
UKRAINE	253,483
GEORGIA	22,950
BELARUS	19,725
MOLDOVA	8,555
INDIA	7,052
RUSSIA	5,958
VIETNAM	3,747
UZBEKISTAN	3,365
TURKEY	3,022
CHINA	2,444
OTHER	28,931
Total	359,232



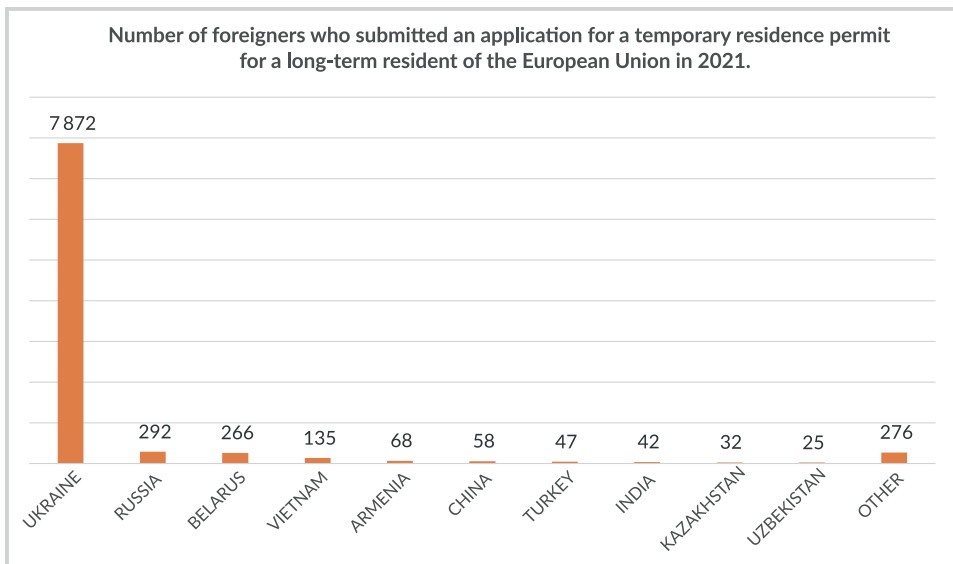
Number of positive decisions issued on a temporary residence permit in 2021.

Citizenship	Total
UKRAINE	143,823
BELARUS	9,817
GEORGIA	5,879
INDIA	5,167
RUSSIA	3,654
VIETNAM	2,899
MOLDOVA	2,770
CHINA	1,980
TURKEY	1,837
SOUTH KOREA	1,405
OTHER	18,442
Total	197,673



Number of foreigners who submitted an application for a temporary residence permit for a long-term resident of the European Union in 2021.

Citizenship	Total
UKRAINE	7,872
RUSSIA	292
BELARUS	266
VIETNAM	135
ARMENIA	68
CHINA	58
TURKEY	47
INDIA	42
KAZAKHSTAN	32
UZBEKISTAN	25
OTHER	276
Total	9,113



Number of positive decisions issued on a temporary residence permit for a long-term resident of the European Union in 2021.

Citizenship	Total
UKRAINE	4,214
RUSSIA	180
BELARUS	173
VIETNAM	83
ARMENIA	51
TURKEY	26
CHINA	24
KAZAKHSTAN	21
INDIA	17
UZBEKISTAN	16
OTHER	147
Total	4,952

