



Information of the Head of the Office for Foreigners regarding the application of the *Act of 13th June of 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland* (Polish Journal of Laws of 2019, item 1666 as amended) in relation to executing the Republic of Poland's obligations under the *Geneva Convention Relating to the Status of Refugees* and the *New York Protocol Relating to the Status of Refugees* in the year 2019

Warsaw, March of 2020

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1. Legal status

Geneva Convention Relating to the Status of Refugees, of 28th July of 1951 (Polish Journal Laws of 1991, no. 119, item 515) and the *New York Protocol Relating to the Status of Refugees of 31st January of 1967* (Journal of Laws of 1991, no. 119, item 517) define the material and legal basis for granting refugee status and define the key laws and freedoms of refugees. However, the aforementioned legal acts do not define the rules and procedures of administrative proceedings for granting international protection. In Poland, these matters are defined by the *Act of 13th June of 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland*. In addition, the Act also regulates the rules for issuing documents to refugees and

the manner of cooperation with the United Nations High Commissioner for Refugees. Separate acts in the Polish legal system also define the *non-refoulement* principle, as well as the social and economic rights of refugees.

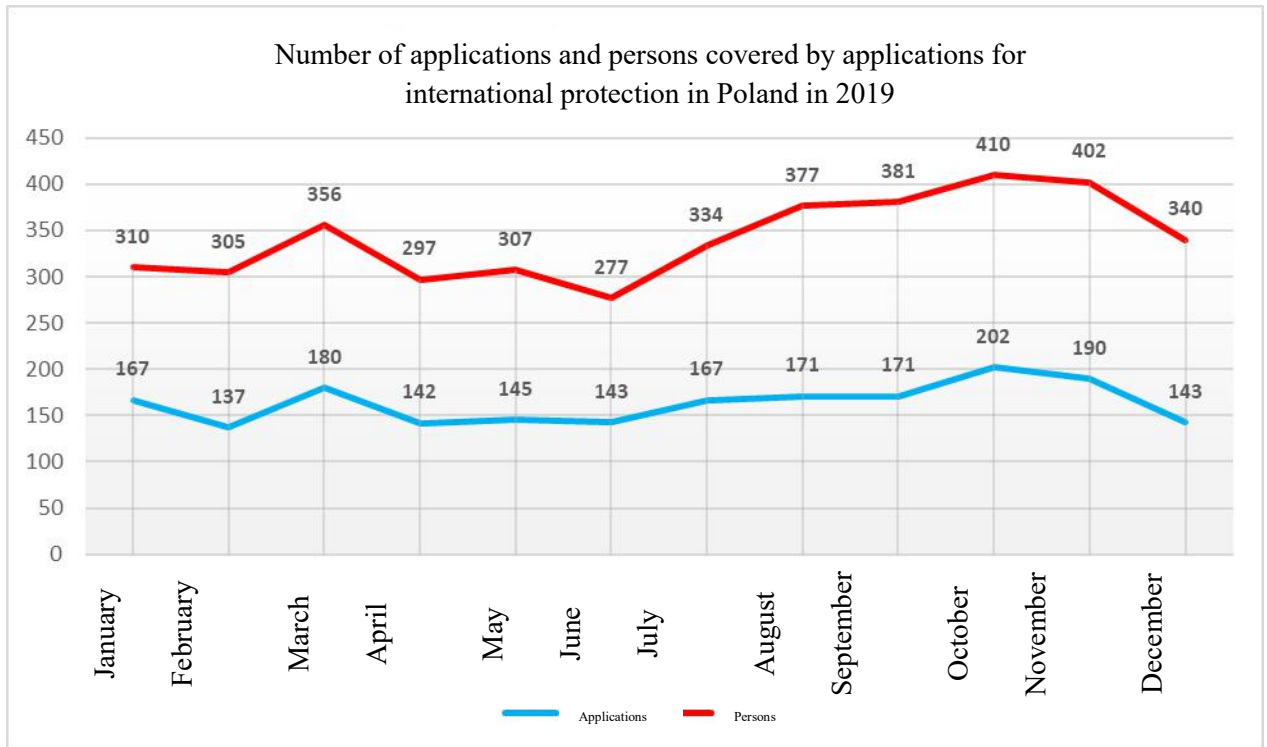
Poland follows the so-called uniform asylum procedure. The course of the procedure for granting international protection involves not only a verification of the criteria which must be met in order to be classified as a refugee, but also - in case when the criteria are not met - other circumstances resulting in granting protection against the return to the country of origin. A foreigner who does not qualify as a refugee, but who may be subject to a factual risk of serious harm upon re-entry to the country of origin is granted subsidiary protection. International protection may also be granted to foreigners resettled into Poland from third countries or relocated from other European Union Member States.

Beginning from 20th July of 2007, the authority competent for matters related to granting protection to foreigners on the territory of the Republic of Poland is the Head of the Office for Foreigners who conducts administrative cases for granting international protection via the Department for Refugees Procedures.

2. The execution of the *Act on Granting Protection to Foreigners within the Territory of the Republic of Poland* in the scope of processing applications on granting international protection

In 2019, 1,958 applications for granting international protection were submitted in the Republic of Poland. The applications covered

4,096 persons, which is a similar number in relation to 2018, i.e. 1,915 applications registered in relation to 4,135 persons.

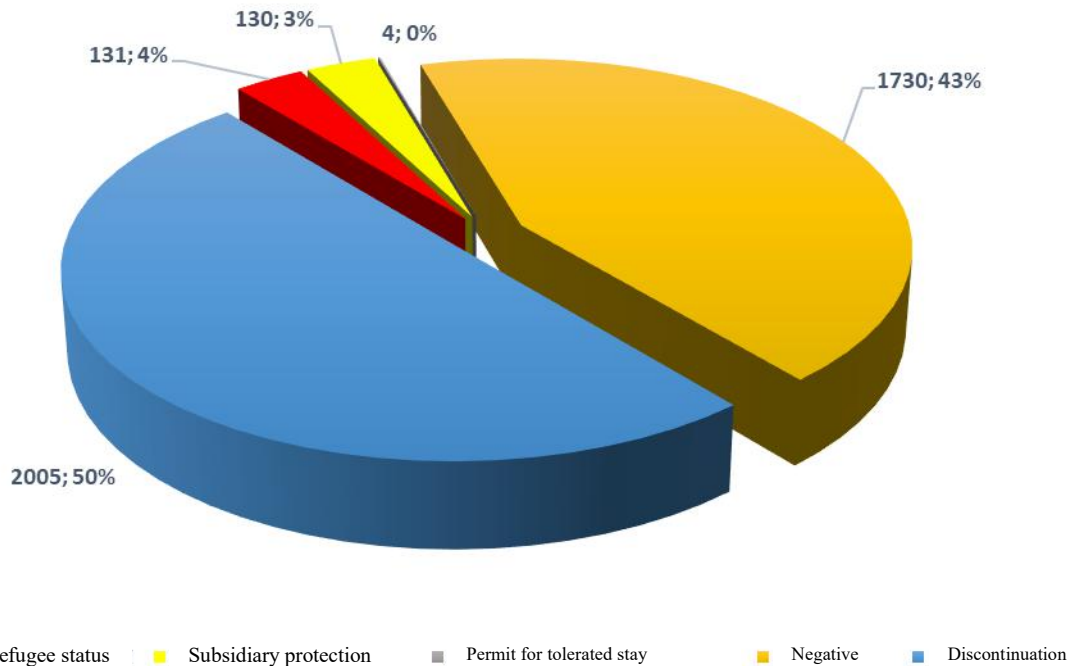


The citizens of the Russian Federation constituted the largest group of persons applying for international protection in 2019 - 2,614 persons (approximately 65% of the total number of applications). The majority of the applicants - 2,200 persons - declared Chechen nationality. Ukrainians were the second largest group of foreigners - 466 persons (approximately 11% of the total number of applications). Moreover, applications for international protection were submitted most often by the citizens of Turkey - 123 persons, Tajikistan - 113 persons, Georgia - 88 persons, Afghanistan - 62 persons and Iran - 52 persons.

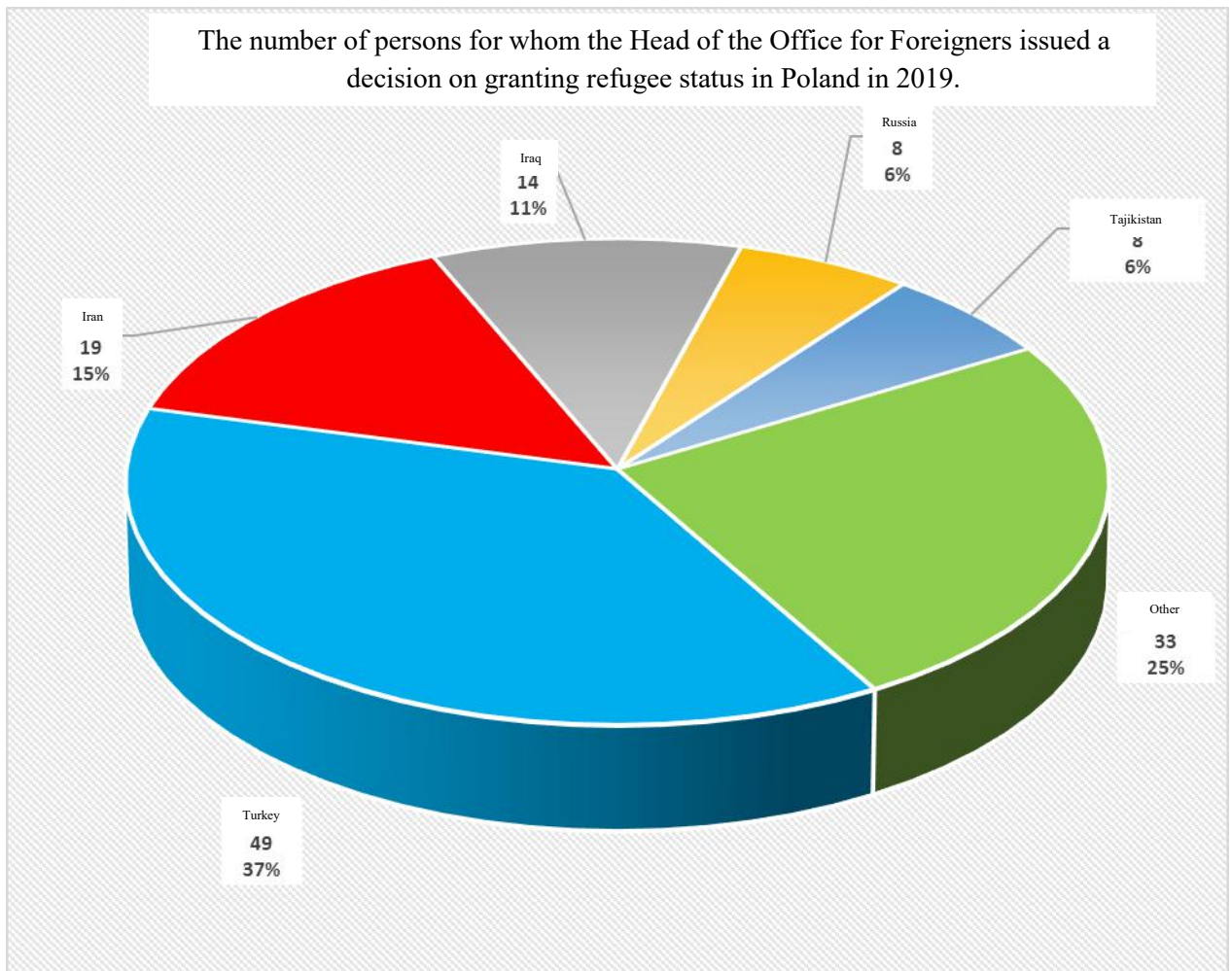
The analysis of the information provided above indicated that the composition of the nationalities of foreigners applying for international protection in the Republic of Poland did not change significantly in 2019, however there was a reduction in the percentage of citizens of the Russian Federation (in 2018, it constituted approximately 66% of the total number of applications), similarly to the number of foreigners from Tajikistan (144 persons in 2018). The number of Armenian and Iraqi citizens registered in 2018 (71 and 70 persons, respectively, positioning these groups at 4th and 5th positions in the statistics) significantly fell to 46 and 32 persons respectively. The number of Turkish nationals applying for international protection has doubled - from 61 persons in 2018 to 123 persons in 2019.

Decisions in administrative cases regarding 4,000 persons applying for international protection in 2019 and earlier were issued during the past year. That shows a downward trend in relation to 2018, when decisions with regards to 4,445 foreigners were issued.

The number of persons for whom the Head of the Office for Foreigners issued a decision on the case for granting international protection in Poland in 2019.



In accordance with Article 1A(2) of the *Geneva Convention*, a refugee is a person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. That provision has been directly transposed to the *Act on Granting Protection to Foreigners within the Territory of the Republic of Poland* (see art. 13(1)).



Throughout the previous year the refugee status was granted to 131 foreigners, including, among others, 49 citizens of Turkey, 19 Iranians, 19 foreigners from Iraq, 8 persons from the Russian Federation, 8 citizens of Tajikistan and 6 Egyptians.

In comparison, a year earlier that form of protection covered 168 persons (Turkey - 26 persons, Iraq - 19 persons, Syria - 16 persons, Pakistan - 14 persons, Ukraine - 11 persons, Tajikistan - 10 persons, Turkmenistan - 10 persons). Therefore, the number of persons who were granted refugee status in the past years was approximately 22% lower in relation to 2018.

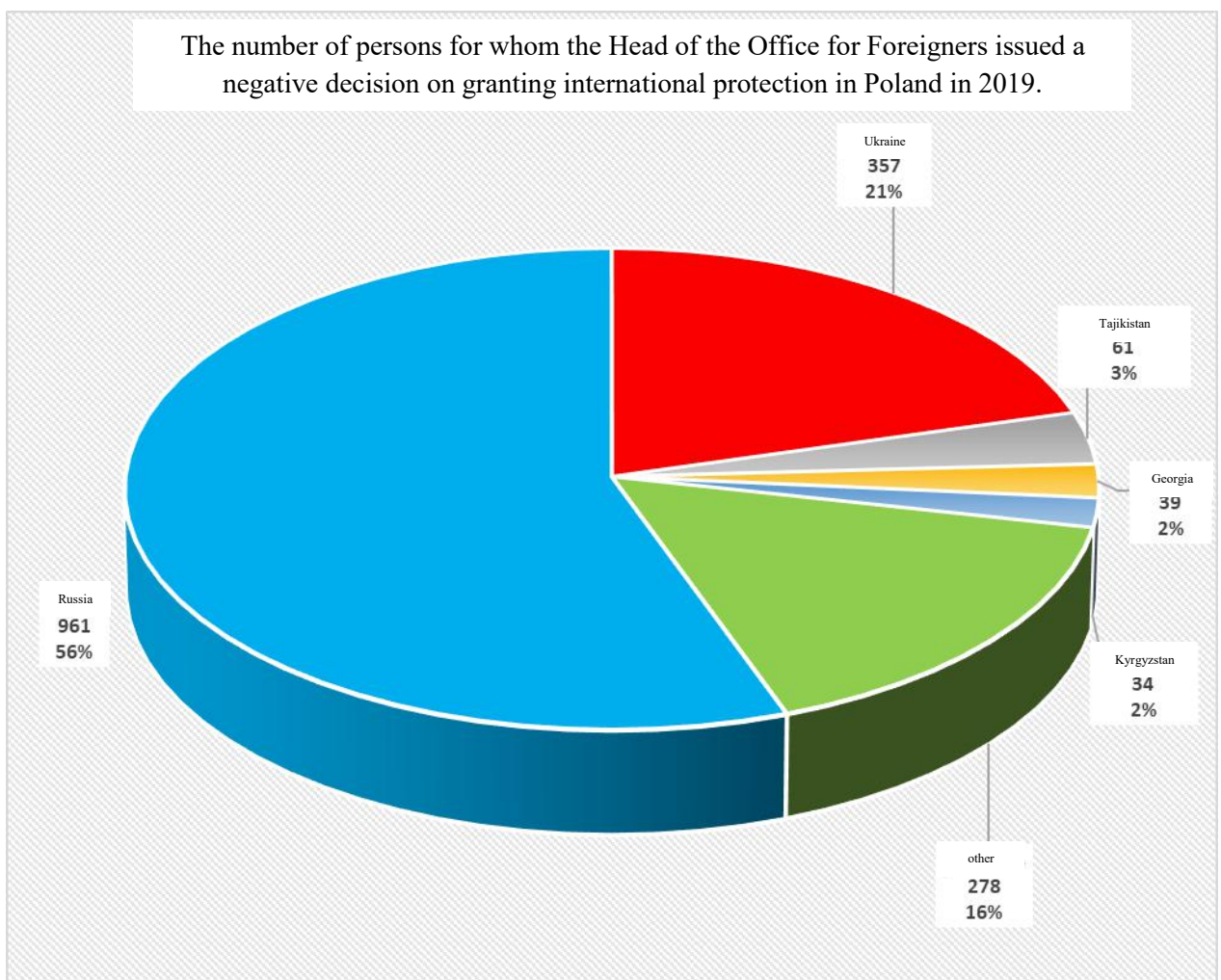
Pursuant to Article 1C of the *Geneva Convention*, the Convention shall cease to apply to any person, who voluntarily re-availed himself of the protection of the country of his nationality; having lost his nationality, he has voluntarily re-acquired it; has acquired a new nationality, and enjoys the protection of the country of his new nationality; has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution or who can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality. The clauses indicated above have been included in Article 21(1) of the *Act on Granting Protection to Foreigners within the Territory of the Republic of Poland*.

Based on the reasons indicated above, refugee status was revoked from 6 persons - 5 citizens of the Russian Federation and 1 citizen of Belarus. On the other hand, subsidiary protection was revoked from 100 persons - all of whom were citizens of the Russian Federation. A downward trend is clearly visible in terms of revoking international protection in comparison to 2018, as international protection was revoked from 168 persons during that year.

Negative decisions were issued in relation to 1,730 persons (i.e. decisions declaring the application inadmissible - 932 persons, or negative decisions on granting both form of international protection - 798 persons). It is a 19% decrease in relation to 2018 (in that year, negative decisions were issued with regards to 2,128 persons).

Some of the applications submitted in the preceding year were processed under an accelerated procedure. That is particularly

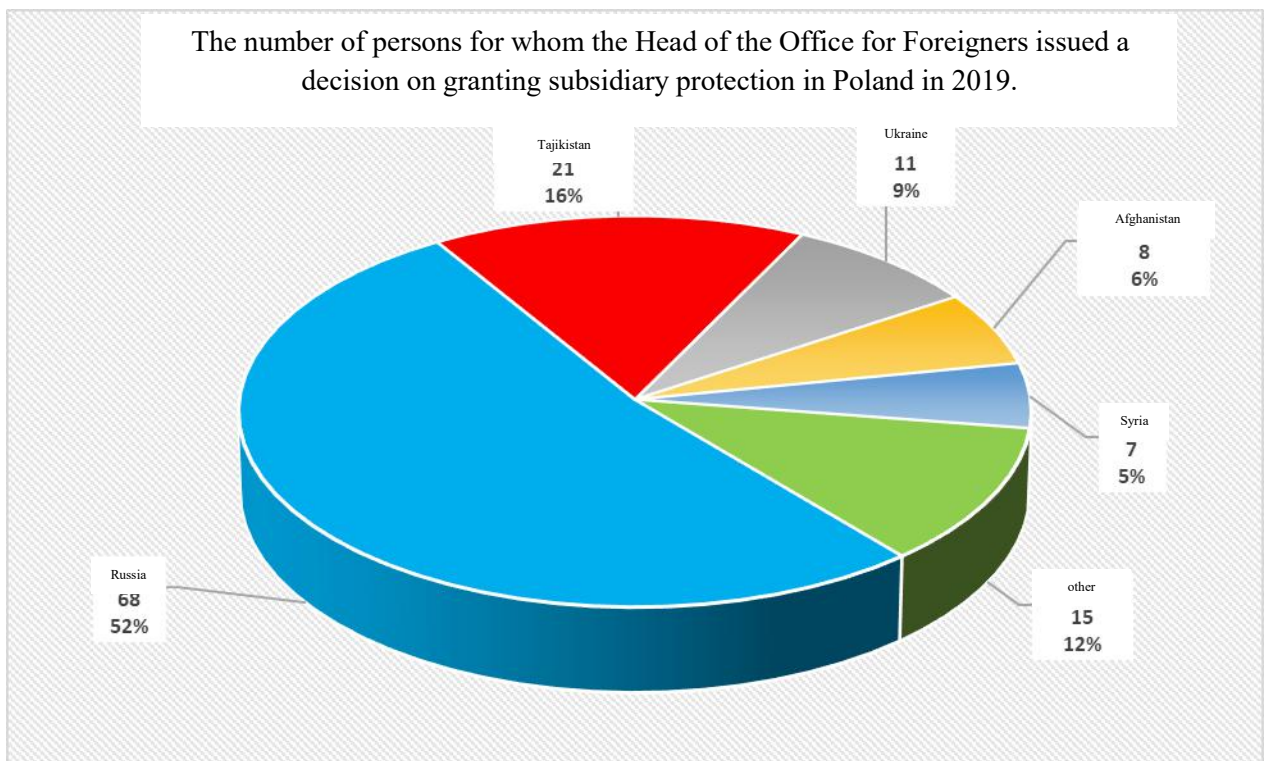
important in the case of an application for international protection made by a person who remains under obligation to return. That institution allows to prevent instrumental treatment of the procedure for granting international protection as a method for preventing return. In addition, its presence allows to reduce the time required for the administrative proceedings. The accelerated procedure was applied in relation to 162 foreigners.



During the previous year, there were 2 cases where the so-called exclusion clause was applied, as specified in Article 1F of the *Geneva*

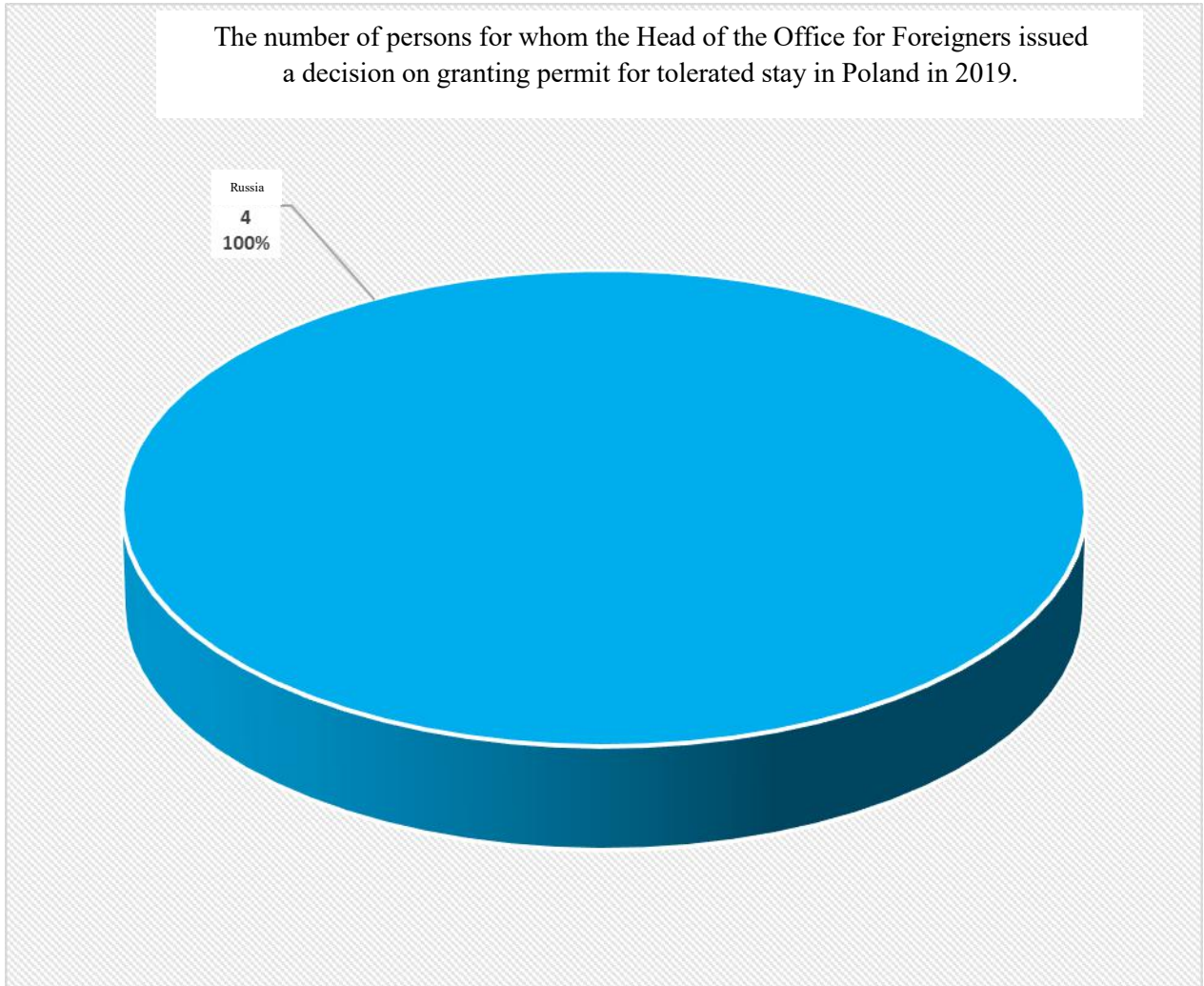
Convention. It should be mentioned, that the circumstances which result in excluding the possibility to use the laws granted by the *Convention* were directly indicated in the *Act on granting protection to foreigners within the Territory of the Republic of Poland* (see Article 19(1)(3)). The exclusion clause was also applied in 1 case regarding subsidiary protection.

As mentioned earlier, in the case of a negative decision on granting refugee status, the need to grant subsidiary protection to a foreigner is decided *ex officio*. In 2019, subsidiary protection was granted to 130 persons, including, among others, 68 citizens of the Russian Federation, 21 persons coming from Tajikistan and 11 citizens of Ukraine. That number is approximately 32% lower in relation to 2018 - when subsidiary protection was granted to 191 foreigners.



In administrative cases initiated prior to 1st May of 2014, in case when a foreigner did not meet the conditions for granting refugee status or the conditions for subsidiary protection, the Head of the Office for Foreigners examined the need to cover the foreigner with protection in the form of issuing a permit for tolerated stay. The permit for tolerated stay within the territory of the Republic of Poland was granted to a foreigner in case his/her expulsion would result in returning only to the country, which posed a threat to his/her life, freedom and personal safety, where he/she could be subject to torture, inhuman or degrading treatment, punishment, forced labour, be excluded from the right to just court proceeding or be subject to punishment without legal basis pursuant to the *Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on 4th November 1950* or would violate the right to family life within the meaning of the aforementioned *Convention*, or violate child laws as defined in the *United Nations General Assembly Convention on the Rights of the Child of 20th November 1989* to an extent which poses a significant threat to the child's mental and physical development.

In 2019, 4 persons received negative decisions on granting refugee status and subsidiary protection and were covered with tolerated stay - four times less in comparison to 2018. The group of foreigners who were granted permit for tolerated stay were citizens of the Russian Federation.



The data indicated above shows that in 2019, 265 foreigners were granted international and national protection in Poland. That constitutes approximately 6% of the persons who applied for international protection - 3 percentage points lower in relation to 2017.

A thorough assessment of the validity of the applications for granting international protection would not be possible without comparing the situation of the applicants to the factual situation in their countries of origin. Only that perspective allows to carry out a proper assessment if the person applying for international protection may, in fact, be at risk of persecution or serious harm within the

meaning of the *Act on Granting Protection to Foreigners within the Territory of the Republic of Poland*. In 2019, the Country of Origin Information Unit of the Department of Refugees Procedures prepared 505 studies regarding the situation in the countries of origin. The studies pertained to 62 countries, including, among others: Russian Federation (110 studies), Ukraine (48 studies), Turkey (28 studies), Iran (24 studies), Iraq (22 studies), Pakistan (19 studies), Tajikistan (19 studies), Belarus (14 studies), Azerbaijan (11 studies), Armenia (10 studies). In addition, the Country of Origin Information Unit of the Department for Refugees Procedures has cooperated with experts to develop thematic reports on the situation of the Kurds in Turkey, the situation of women in the Northern Caucasus and religious conflicts in Iraq.

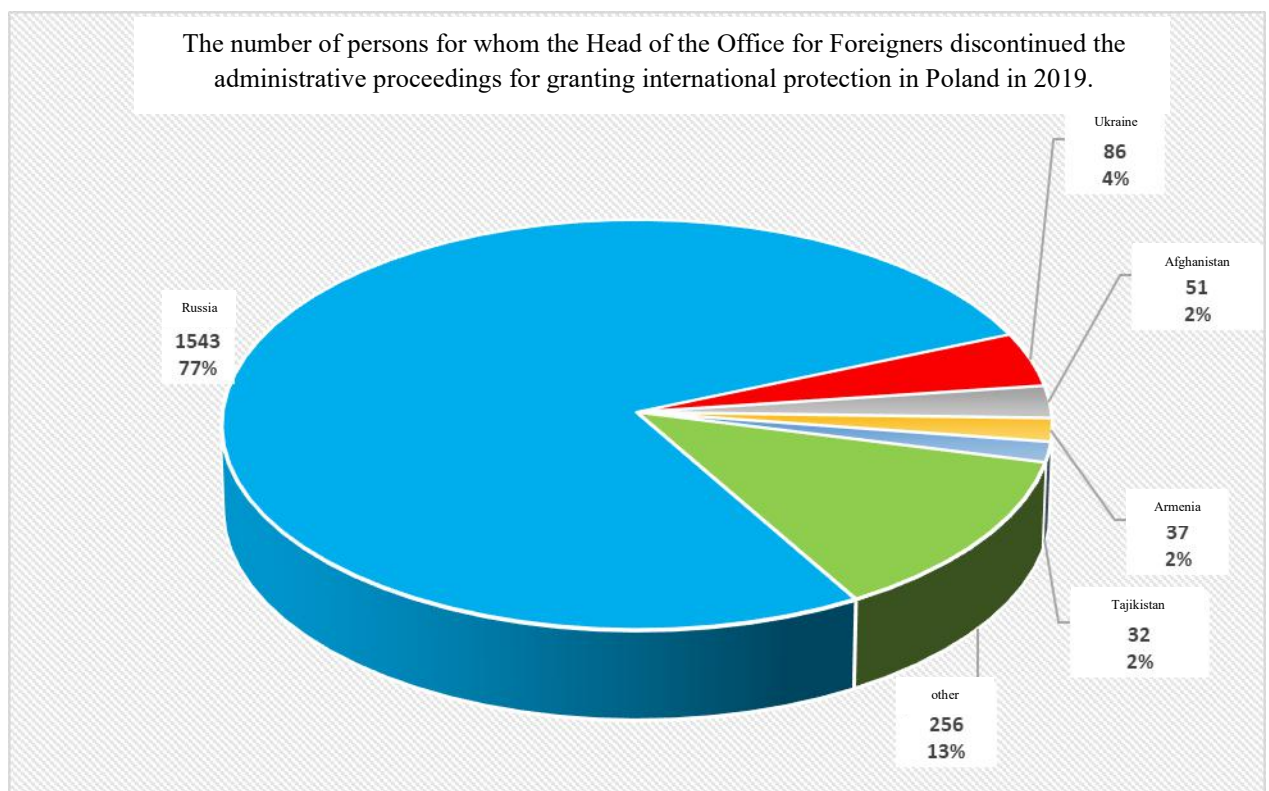
It is also worth mentioning, that in the previous year, the employees of the Country of Origin Information Unit of the Department of Refugees Procedures cooperated with the employees responsible for processing the applications for international protection and organised two fact finding missions to the countries of origin - India and Ethiopia. The fact finding mission to India was carried out between 30th October and 12th November of 2019. The purpose of the mission was to obtain information regarding the situation of religious minorities in the country, as such applications for granting international protection constitute the largest part of applications submitted by the citizens of India. The route of the fact finding mission included the following areas: New Delhi - Amritsar - McLeod Ganj/Dharamshala - Anandpur Sahib - Chandigarh - New Delhi. The visit included meetings with, among others, the local branch of the UNHCR, a meeting with representatives

of the Sikh community in Gurdwara Granth Sahib in Amritsar, a meeting with representatives of the Don Bosco Salesian organisation, a meeting with Ajal Sahni, the director of the Institute for Conflict Management (ICM) in Delhi and representatives of the Tibetan diaspora in Dharamshala. The fact finding mission to Ethiopia was carried out between 3rd and 18th November of 2019 in the following regions: Amhara, Oromia, Tigray. Meetings with representatives of UNHCR, IOM and the Polish Embassy in Addis Ababa were held during the visit. The subjects covered during the mission pertained to issues such as: the current security situation, the current relations between Ethiopia and Eritrea, the atmosphere after awarding Nobel Peace Prize to the Prime Minister of Ethiopia, the situation of forcefully resettled persons, the possibility to obtain documents, the situation of women, the situation of unaccompanied minors, the situation of Eritreans, the situation on the border with Eritrea, the situation of the Oromo and Somali minorities, the situation of the Amhara people, the situation of journalists and the political opposition.

Moreover, in 2019, the Information on the Country of Origin Information Unit of the Department for Refugees Procedures continued to maintain a book depository. By the end of the preceding year, the collection included 9,430 publications. 1 020 rentals were made within a year.

Coming back to the administrative proceedings for granting international protection carried out by the Head of the Office for Foreigners, it must be added that in 2019, cases involving 2,025 persons were discontinued, including 1,543 citizens of the Russian Federation, 86 foreigners from Ukraine, 51 citizens of Afghanistan, 37

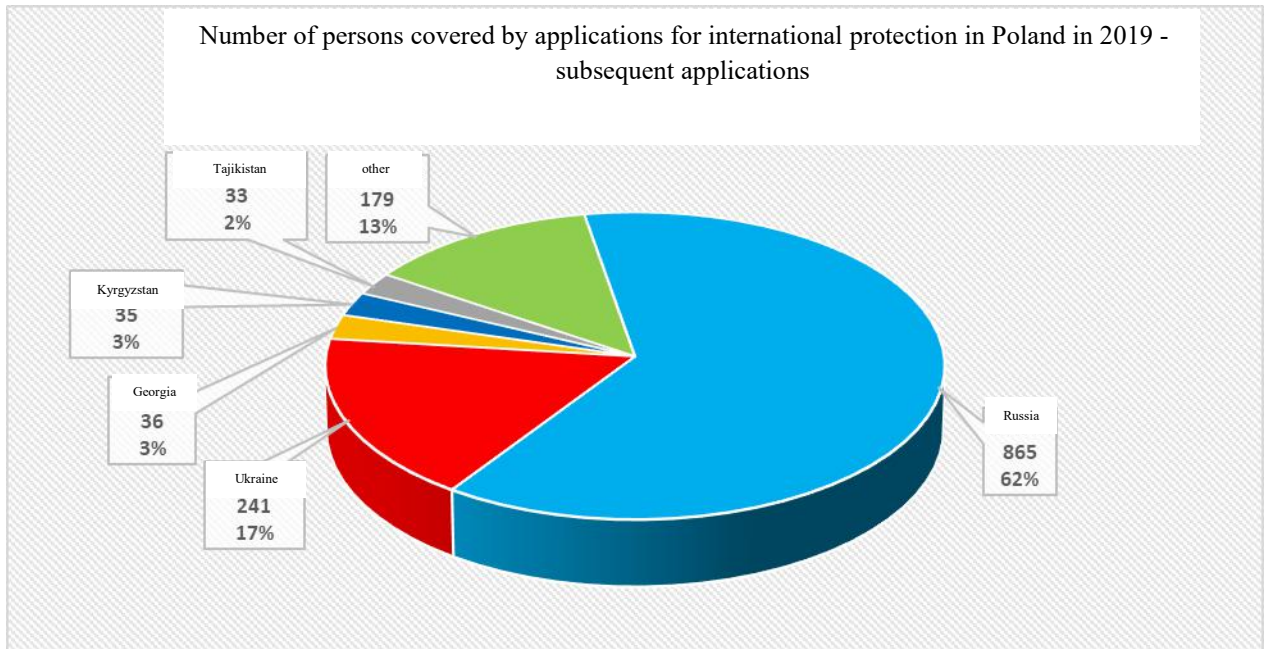
citizens of Armenia and 32 foreigners from Tajikistan. The number of persons covered by the proceedings with such outcome was slightly higher in relation to 2018 (1,942 persons). It should also be pointed out, that the percentage share of such discontinuations has increased for the first time in multiple years. While in 2016, they constituted 79% of the decisions, 51% in 2017, 44% in 2018, while in the preceding year they accounted for a half of all the issued decisions. That fact may indicate that increasingly smaller number of foreigners are interested in finishing the proceedings and Poland and remaining in our country.



Most often, the decisions on discontinuing the proceeding were issued due to withdrawal of an application for international protection (including the so-called implicit withdrawal).

Similarly, to preceding years, in 2019 there were multiple cases of foreigners lodging subsequent applications for international protection. The phenomenon of lodging such applications by a foreigner has been occurring since 2003, when 93 persons lodged subsequent applications for granting refugee status (approximately 1.3% of the total number of all applicants). The tendency continued to increase in the following years: 2004 – 137 persons (approximately 2 %), 2005 - 1,141 persons (approximately 21 %), 2006 – 3,280 persons (46 %). The number of persons lodging subsequent applications for obtaining refugee status decreased to 2,842 persons for the first time in 2007, constituting 28 % of the total number of applicants. In 2008, the percentage amounted to 15 % (1,316 out of 8,517 applicants), while in 2009 - 10% (1,538 out of 15,336 applicants). 2010 saw an upward trend - subsequent applications were lodged by approximately 34% persons (2,204 out of 6,534 applicants), in 2011, 2012 and 2013 - a further decrease, at around 26% (1 801 out of 6 534 applicants), 15% (1 579 out of 10 753 applicants) and 8% (1 219 out of 14 996 applicants) respectively. The trend has changed in 2014 - subsequent applications were lodged by approximately 16% applicants (1,072 persons). The level remained stables in the years that followed - in 2015, subsequent applications were lodged by 1,970 persons (approximately 16% of all applicants), in 2016 - 2,481 foreigners (approximately 20% of all applicants), in 2017 - 2,228 foreigners (approximately 44% of all applicants). In 2018, the tendency changed and the percentage of applicants lodging subsequent applications for international protection decreased to approximately 39% (1,621 foreigners). The downward trend continued in 2019 -

multiple applications were lodged by 1,389 persons, constituting approximately 34% of all applicants.



There are two reasons why foreigners lodge subsequent applications for international protection – an attempt at avoiding or executing the return decision or the possibility of using the benefits for foreigners applying for international protection.

2019 is the fourth year during which information and legal assistance are provided free of charge.

The free legal information in the first instance proceeding is available to an applicant and a foreigner who are undergoing administrative proceedings on revoking refugee status or subsidiary protection. The free legal information involves providing the applicant or foreigner undergoing administrative proceedings on revoking refugee status or subsidiary protection with information regarding the applicable legal regulations on granting international protection,

revoking the refugee status or subsidiary protection and the regulations governing the proceedings carried out before public administration offices in matters falling within the scope of competences of these authorities, taking into account the specific situation of these persons. The legal information is provided free of charge by the employees of the Office for Foreigners.

The free legal assistance involves:

- drawing up an appeal against the following decisions: denial of granting refugee status or subsidiary protection, discontinuation of the proceedings for granting international protection, transferring the applicant to the Member State responsible for examining the application for international protection and discontinuing the proceeding, declaring the application for international protection inadmissible, refusing to take into account the applicant's declaration of intention to continue to apply for international protection, revoking refugee status or subsidiary protection,

- legal representation in appeal proceedings concerning: granting international protection, transfer of the applicant to the Member State responsible for examining the application for international protection, revoking refugee status or subsidiary protection.

The free legal assistance is provided personally by: an attorney, a legal adviser or a person other than an attorney or a legal adviser, hired by a public benefit non-governmental organization, authorised to provide free legal assistance. In 2019, 161 legal advisers, 205 attorneys and 3 non-governmental organizations declared readiness to provide free legal assistance: The Rule of Law Institute Foundation (Lublin), Association for Legal Intervention (Warsaw) and the Halina

Nieć Legal Aid Centre (Cracow). The number of entities able to provide such service has therefore decreased in relation to the previous year (2018 - 184 legal advisers, 253 attorneys and 3 non-governmental organisations).

In 2019, 304 entitled foreigners used the free legal assistance, and the total cost of the free legal assistance amounted to approximately PLN 237,097. In comparison, there were 361 beneficiaries in the previous year and the total cost amounted to approximately PLN 249,635.

3. Administrative proceedings for granting international protection carried out with regards to special groups of applicants

The following groups of foreigners are under special protection in the course of administrative proceedings for granting international protection: minors residing on the territory of the Republic of Poland

without legal or customary representative (unaccompanied minors), victims of violence and persons with disabilities, as well as elderly persons, pregnant women, single parents, victims of human trafficking, ill persons. Special treatment may consist in the provision of special social assistance and/or special procedural support to such persons.

Therefore, such persons give their testimonies in conditions adapted to their needs and perception. Actions in the course of the proceedings are carried out with the involvement of a psychologist or pedagogue (in the case of unaccompanied minors), a psychologist or medical doctor (in the case of other categories of persons), only by employees adequately qualified in this respect. As a rule, persons whose mental and physical condition may justify the presumption that they have been subject to violence, unaccompanied minors or persons with disabilities cannot be placed in the arrest for foreigners or in a guarded centre for foreigners.

The specific manner of procedure does not stem directly from the *Geneva Convention*. However, it meets the recommendations of the United Nations High Commissioner for Refugees regarding standards of refugee procedures. Furthermore, it implements the provisions of *Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers* (OJ L 31, 6.2.2003,), *Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status* (OJ L 326, 13.12.2005), *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international*

protection (recast) and the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), implemented in the Polish legal system.

4. Legal proceedings carried out against foreigners who illegally arrive or remain in the territory of the Republic of Poland

Pursuant to Article 33, item 1 of the *Geneva Convention* "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." In respect of the restriction indicated above, the Polish legislator has forbidden the execution of the decision imposing the obligation to return until the final decision on granting international protection is delivered to the foreigner.

The use of this privilege by applying for international protection by persons who do not have a well-founded fear of being persecuted but are afraid of being sent back from Poland has led the legislator to introduce legal solutions to counteract that phenomenon.

For instance, Art. 87 - 89 cb regulate the issue of placing persons applying for international protection in a guarded facility, placing them in a guarded centre or under detention. In the case of a foreigner with an undetermined or questionable identity, these provisions allow to put the person under arrest for the purpose of collecting the information included in the application or for the purpose of carrying out a transfer pursuant to the so-called Dublin III Regulation, in the event of a substantial likelihood of such a person escaping, for the purpose of issuing or executing a decision imposing an obligation to return or in relation to a foreigner posing a threat to national defence

or security or public safety and order. The Border Guard authorities also have the possibility to apply alternative measures to detention, such as: reporting to a designated authority in accordance with a specific schedule, paying cash collateral or remaining at a designated place.

In 2019, 181 foreigners applying for international protection were detained and placed in guarded centres, which is a decrease in relation to 2018 (at that time 256 persons were detained and later imprisoned), but at the same time, 1,288 persons were put under alternative detention measures (823 persons in the preceding year).

5. Assistance for foreigners applying for international protection

The *Geneva Convention* does not regulate issues related to the public aid provided to the applicants for international protection by the host country. The *Act on Granting Protection to Foreigners within the Territory of the Republic of Poland* provides for the possibility to provide such persons with social assistance and medical care and, optionally, assistance in voluntary return to the country to which they have the right to enter or providing assistance in transfer to the country responsible for examining the application for international protection. Social assistance includes assistance provided in the centre or assistance provided outside the centre, consisting in the payment of a financial allowance to cover own costs of stay on the territory of the Republic of Poland. In addition, the person who covered the funeral costs of a foreigner who died during the proceedings is entitled to receive a funeral allowance.

In 2019, in connection with the aforementioned statutory tasks, the Office for Foreigners spent the total amount of PLN 46,323,381.33 - approximately 3 % more than in 2018 (the total amount of

expenditures in that year amounted to PLN 44,737,519.14). The aforementioned funds were allocated to:

- accommodation in the centres - PLN 16,502,567.21,
- financial allowances - PLN 15,115,515.87,
- medical services - PLN 12,367,848,
- commissioned nutrition – PLN 1,804,393.56,
- purchasing food products – PLN 486,142.77,
- assistance in voluntary departure from the territory of the Republic of Poland - PLN 46,913.92.

A large part of benefits is provided in centres for foreigners applying for international protection. 10 centres existed as of 31 December 2019: 4 own centres of the Office for Foreigners (2 reception and 2 residence centres) and 6 rented centres (including 1 dedicated to single women and mothers with children) - 1 less in comparison to the previous year.

At the end of 2019, a total of 2,935 persons benefited from the assistance of the Office for Foreigners, out of which 1,640 were granted assistance in the form of a financial allowance. The total number of persons benefiting from social assistance and medical care was therefore comparable to 2018 (in that year, it amounted to 2,905 persons).

In 2019, Office for Foreigners continued cooperation with the International Organisation for Migration (IOM) in the implementation of the voluntary return programme. 28 foreigners benefited from such support in the last year - approximately 36% less than in 2018 (44 persons). It is worth mentioning that on 10 May 2019 IOM, together with the Office for Foreigners and the Border Guard, launched the

project "*Assisted Voluntary Return and Reintegration*" co-financed under the Asylum, Migration and Integration Fund. Foreigners benefiting from assistance in voluntary return under the aforementioned project have the right to obtain additional reintegration assistance designed to increase their independence and gain a source of income in the country of origin.

In 2019, the cooperation of the Office for Foreigners with non-governmental organisations focused mainly on providing legal aid to foreigners, psychological assistance, conducting workshops on integration with the Polish society and organizing educational and recreational activities for children and they youth; the aforementioned activities were implemented by the following organisations: Halina Nieć Legal Aid Centre, Dialogue Foundation, Foundation for Freedom, Emic Foundation, The Rule of Law Institute Foundation, The Institute for Social and Economic Equilibrium Foundation, Ocalenie Foundation, Polish Migration Forum Foundation, Helsinki Foundation for Human Rights, Voluntary Work Centre Association, "For the Earth" Association, Association for Legal Intervention.

Within the scope of pre-integration activities undertaken by the Office for Foreigners, it should be pointed out that the reception centres (i.e. in Podkowa Leśna-Dębak and Biała Podlaska) organise information meetings for newly admitted foreigners in order to present information on issues related to social assistance and basic functioning in Poland, i.e. standards, customs, traditions, medical care, education, employment. The activities are carried out on the basis of the "*First steps in Poland*" guide and an information film. The guide focuses on issues which, according to the experience of the personnel of the Office

for Foreigners, are crucial for persons applying for international protection on the territory of Poland during the first months of their stay in Poland and has been prepared in six languages: English, Arabic, French, Georgian, Polish and Russian. The information film presents, step by step, the path of a foreigner applying for international protection from the moment of filing the application to the moment of receiving the final decision.

A number of pre-integration activities in 2019 the Office for Foreigners implemented under the project "*Material and educational support for foreigners applying for international protection in Poland*", co-financed under AMIF. Within the framework of the aforementioned project, common room classes addressed to school-age children (i.e. 7-18 years old) who remained under the care of the Office for Foreigners and resided in centres for foreigners were conducted from December 2018 until December 2019. The main aim of the day-care centre activities was to actively manage the children's free time and facilitate their positive emotions, i.e. sense of safety, joy and satisfaction. The classes supported the child's development with regards to their social, linguistic, motor and manual development. The children learned about correct attitudes towards their colleagues or others and shaped their ability to resolve conflicts in a peaceful manner, utilising dialogue and compromise. Examples of activities that took place during the meetings organised in the day-care centres included: hand-crafts (painting on glass, ceramics, origami, etc.), cooking, dancing, sports, etc. The aforementioned classes allowed to develop creative thinking and imagination. In addition, they introduced the children to the new host country, allowing them to learn about the

rules, laws and standards to be respected. In addition, the activities carried out in the day-care centres were supplemented with one-day cultural and entertainment events (day trips to cinemas, theatres) as well as occasional events organized in the centres. The events were attended by parents and children alike in order to strengthen family ties and support them in functioning in the Polish society.

Within the scope of its competence, the Office for Foreigners provides foreigners benefiting from social assistance with Polish language classes as well as the necessary basic materials. Learning Polish for children consists in helping them with homework and compensatory classes. The teacher carrying out the classes remains in contact with the schools attended by the children, which allows for the exchange of information about progress and problems in learning, giving the possibility to adapt the classes to their needs. Children who start their compulsory schooling in Poland have the opportunity to participate in a Polish language course designed to facilitate their adaptation to the school community. These classes involve learning Polish as a foreign language including real-life and socio-cultural elements. Children who start compulsory schooling in Poland benefit from the Polish language curriculum and model methodological solutions. The curriculum takes into account the specific communication needs of children applying for international protection in Poland. It includes the acquisition of basic skills, such as the learner's ability to introduce oneself and one's family, as well as simulating communication situations at school. It emphasizes the acquisition and consolidation of knowledge regarding the basics of

communication in Polish school and the applicable rules. It takes into account the age diversity of the participants; therefore, the teaching materials are adapted to two groups - children carrying out one-year compulsory preschool preparatory classes, primary school pupils and secondary school pupils. A teacher's handbook containing lesson scenarios and educational materials for children were developed under the Programme. The Program was developed from AMIF funds from the project *"Material and educational support for foreigners applying for international protection in Poland."*

Adult foreigners applying for international protection and remain under the care of the Office for Foreigners also attend Polish classes. Classes in groups for adults are conducted on the basis of unified teaching material, which was created under the project carried out by the Office for Foreigners and the Linguae Mundi Foundation. This material is a curriculum at A1 level with A2 elements. Stress is put on the development of listening, speaking, reading and writing skills. Moreover, the curriculum takes into account the specific communication needs of persons applying for international protection in Poland, including real-life and socio-cultural content. The curriculum includes the acquisition of basic skills, such as introducing oneself and one's family, as well as simulating communication situations: in a shop, in a restaurant, in the street, at a doctor's, on a trip, at school, while searching for employment or renting a flat. The Office for Foreigners is also preparing a tender procedure for the development of teaching materials for learning Polish

as a foreign language at the A2 level with elements B1, which will be co-financed under AMIF.

In addition, both own and rented centres offer educational and adaptation classes for children between the ages of 3 and 6. Classes are conducted by qualified and experienced teachers for 5 hours, 5 days each week.

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

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

The travel document issued to refugees recognised by the Head of the Office for Foreigners remains in accordance with the specimen set out in the said Annex. According to paragraph 3 of the Annex, the fees charged for the issue of a document should not exceed the lowest fees charged for a national passport. In Poland, the fees for issuing travel documents referred to in the *Geneva Convention* are completely waived.

Except in special or exceptional cases, the document should be issued for as many countries as possible (§ 4 of the Annex) and it should remain valid for one or two years, at the discretion of the issuing authority (§ 5 of the Annex). In conjunction with the provisions of the *Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States* (OJ L 381, 23.12.2004), beginning from 28th August of 2006, travel documents provided for in the *Geneva Convention* were issued with a validity period of 1 year. Pursuant to the aforementioned Regulation, travel documents with a validity period exceeding 12 months must contain suitably secured storage media containing biometric data, i.e. the facial image and fingerprints of the holder. This requirement was met as of 29th June of 2009 and therefore travel documents under the *Geneva Convention* are issued for a period of 2 years.

It should also be mentioned that Poland is party to *the European Agreement on the Abolition of Visas for Refugees, signed in Strasbourg on 20th April of 1959*, and the *European Agreement on the Transfer of Responsibility for Refugees, signed in Strasbourg on 16th October of 1980*.

7. Cooperation with the United Nations High Commissioner for Refugees

Pursuant to Article 35(1) of *the Geneva Convention*, States are required to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) or any other United Nations agency that may replace it in the performance of its functions, in particular in order to facilitate its duty to supervise the application of *the Convention*.

The Act on Granting Protection to Foreigners within the Territory of the Republic of Poland grants a representative of the UNHCR's a number of powers, including the right to freely contact a foreigner, access to information about the course of administrative proceedings, access to case files and the right to submit opinions, documents and materials to the case file.

Similarly to the previous years, in 2019, the Head of the Office for Foreigners cooperated with the UNHCR Representation in Poland on all issues relevant for refugees and applicants for international protection. UNHCR's views on the situation in the countries of origin of applicants have been taken into account in the process of carrying out administrative cases for international protection. UNHCR also organised two trainings for the personnel of the Department for Refugees Procedures: one related to interviewing foreigners seeking protection and the other on the revoking refugee status.

8. Implementation of the *Geneva Convention* and the *New York Protocol* in the context of the Republic of Poland's accession to the European Union

The *Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national* (OJ L 50, 13.2.2003) entered into force in Poland upon accession to the European Union. As of 1 January 2014, the *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)* (OJ L 180, 29.6.2013, p. 31) shall apply to issues of responsibility for examining applications for international protection.

The Regulation assumes the responsibility of only one Member State for examining an application for international protection. A foreigner who submits a subsequent application in another State where the Regulation is applicable shall be transferred to the State which is responsible for examining his application, in accordance to the criteria contained therein. When determining the responsibility of a State for examining the application, the following shall be taken into account, inter alia, the circumstances surrounding the entry and residence of the foreigner into the territory of the States applying the Regulation and the possibility of reuniting the foreigner with family members who have received international protection in other States.

The Act on Granting Protection to Foreigners within the Territory of the Republic of Poland complies with the majority of legal acts in

force in the European Union in the field of refugees. The following legal acts were transposed to the Act:

- *Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof* (OJ L 212, 07.08.2001);

- *Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;*

- *directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted* (OJ L 304, 30.09.2004);

- *Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status;*

- *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted* (OJ L 337, 20.12.2011, p. 9);

- *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)* (OJ L 180, 29.6.2013, p. 60);

- *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ L 180, 29.6.2013, p. 96);*

- *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).*

The consequence of Poland's membership in the European Union is not only the need to adapt the national law to the EU regulations, but also the possibility to use EU funds, including the Asylum, Migration and Integration Fund (AMIF).

In 2019 The Office for Foreigners was the beneficiary of the following projects co-financed under AMIF:

- *Renovation of the centre in Linin no. 18/1-2015/BK-FAMI;*
- *Study visits carried out by the personnel of the Office for Foreigners no. 10/1-2015/BK-FAMI;*
- *Material and educational support for foreigners applying for international protection in Poland no. 8/1-2015/BK-FAMI;*
- *Increasing the ability of the employees of the Department of Refugee Procedures of the Office for Foreigners to collect, store, analyse and disseminate information on the countries of origin, 2016-2018 no. 2/1-2015/BK-FAMI;*
- *Development and implementation of a long-term communication strategy for the Office for Foreigners no. 6/1-2015/BK-FAMI;*

- *Adaptation of the seat of the Office for Foreigners to provide services*

to foreigners no. 1/4-2017/BK-FAMI;

- *Renovation of the Service Point for Foreigners at ul. Taborowa 33 no. 2/4-2017/BK-FAMI;*

- *Logistical support for providing social assistance no. 3/4-2017/BK-FAMI;*

- *Modernization of the Pobyt v.2 System and the IT infrastructure used in the Pobyt v.2 System and the National Consultation System no. 1/3-2017/BK-FAMI;*

- *Migrational Analytical Centre no. 3/8-2018/BK-FAMI;*

- *Pilot training for EASO support teams no. 1/6-2017/BK-FAMI;*

- *Renovation of the centre in Biała Podlaska no. 4/1-2015/BK-FAMI;*

- *Modernization of Pobyt v.2 SYSTEM in the scope of implementation of the electronic registration system for foreigners - SERCE No 2/8-2018/BK-FAMI;*

- *Modernization of Pobyt v.2 System in the scope of creating case management module no. 1/8-2018/BK-AMIF.*

In addition, the Office for Foreigners acted as a partner in the project *Assisted Voluntary Return and Reintegration* implemented by the International Organization for Migration no. 1/9-2019/AMIF and was a partner and provided co-financing for the project *Monitoring of work and residence for gainful purposes foreigners on the territory of the Republic of Poland* financed under the Operational Programme Digital Poland.

9. Conclusion

In the opinion of the Head of the Office for Foreigners, the Republic of Poland has fully fulfilled its obligations arising from *the Geneva Convention* and *the New York Protocol* in 2019.

10. Appendices (statistical tables)

Table 1: Number of applications for international protection lodged in 2019 and the number of persons covered by the applications

NATIONALITY	TOTAL	
	applicati ons	perso ns
AFGHANISTAN	62	62
ALGERIA	10	10
ANGOLA	1	3
ARMENIA	26	46

AZERBAIJAN	16	29
BANGLADESH	12	12
NO NATIONALITY	11	12
BELARUS	28	37
BRAZIL	1	1
BULGARIA	2	3
BURKINA FASO	2	2
BURUNDI	2	2
CHINA	9	11
DEMOCRATIC REPUBLIC OF THE CONGO	1	1
EGYPT	23	23
ERITREA	2	2
ETHIOPIA	4	4
FINLAND	3	6
FRANCE	0	1
GAMBIA	4	5
GHANA	1	1
GREECE	1	1
GEORGIA	54	86
GUINEA	8	9
INDIA	23	24
IRAQ	30	32
IRAN	49	52
ISRAEL	2	2
YEMEN	7	7
JORDAN	6	6
CAMEROON	2	2
CANADA	1	1
KAZAKHSTAN	18	29
KYRGYZSTAN	21	46
COLOMBIA	2	2
CONGO	3	3
CUBA	22	29
LEBANON	15	30
LIBYA	8	8
LITHUANIA	1	1
NORTH MACEDONIA	1	1
MOROCCO	4	4
MOLDOVA	5	6
MONGOLIA	1	2
NEPAL	2	2

NIGERIA	12	12
PAKISTAN	20	23
PALESTINE	8	8
RUSSIA	899	2614
<i>including Chechnya</i>	738	2200
SENEGAL	2	2
SERBIA	1	1
SIERRA LEONE	6	6
SLOVENIA	1	1
SOMALIA	5	5
SRI LANKA	2	2
THE UNITED STATES OF AMERICA	1	1
SUDAN	2	2
SYRIA	24	26
SWEDEN	1	1
TAJIKISTAN	49	113
THAILAND	0	1
TANZANIA	2	2
TOGO	1	1
TUNISIA	5	6
TURKEY	69	123
TURKMENISTAN	5	9
UGANDA	1	1
UKRAINE	297	434
UZBEKISTAN	5	9
VENEZUELA	2	2
VIETNAM	32	33
TOTAL	1958	4096

Table 2: The number of persons covered by applications for international protection in 2019 - first and subsequent applications

NATIONALITY	FIRST	SUBSEQUENT	TOTAL
AFGHANISTAN	56	6	62
ALGERIA	7	3	10
ANGOLA	3	0	3
ARMENIA	31	15	46
AZERBAIJAN	17	12	29
BANGLADESH	10	2	12
NO NATIONALITY	8	4	12
BELARUS	28	9	37
BRAZIL	1	0	1

BULGARIA	0	3	3
BURKINA FASO	0	2	2
BURUNDI	2	0	2
CHINA	11	0	11
CONGO, Democratic Republic of	1	0	1
EGYPT	16	7	23
ERITREA	0	2	2
ETHIOPIA	0	4	4
FINLAND	0	6	6
FRANCE	0	1	1
GAMBIA	5	0	5
GHANA	1	0	1
GREECE	0	1	1
GEORGIA	50	36	86
GUINEA	6	3	9
INDIA	15	9	24
IRAQ	26	6	32
IRAN	36	16	52
ISRAEL	2	0	2
YEMEN	7	0	7
JORDAN	5	1	6
CAMEROON	2	0	2
CANADA	0	1	1
KAZAKHSTAN	13	16	29
KYRGYZSTAN	11	35	46
COLOMBIA	2	0	2
CONGO	2	1	3
CUBA	28	1	29
LEBANON	23	7	30
LIBYA	7	1	8
LITHUANIA	0	1	1
NORTH MACEDONIA	1	0	1
MOROCCO	3	1	4
MOLDOVA	3	3	6
MONGOLIA	2	0	2
NEPAL	0	2	2
NIGERIA	9	3	12
PAKISTAN	17	6	23
PALESTINE	8	0	8
RUSSIA	1749	865	2614
SENEGAL	0	2	2
SERBIA	1	0	1
SIERRA LEONE	6	0	6
SLOVENIA	0	1	1
SOMALIA	5	0	5
SRI LANKA	2	0	2
UNITED STATES OF AMERICA	1	0	1
SUDAN	1	1	2
SYRIA	26	0	26
SWEDEN	0	1	1
TAJIKISTAN	80	33	113
THAILAND	0	1	1
TANZANIA	2	0	2
TOGO	1	0	1
TUNISIA	6	0	6

TURKEY	117	6	123
TURKMENISTAN	8	1	9
UGANDA	0	1	1
UKRAINE	193	241	434
UZBEKISTAN	6	3	9
VENEZUELA	2	0	2
VIETNAM	26	7	33
TOTAL	2707	1389	4096

Table 3: The number of persons with regards to whom the Head of the Office for Foreigners issued a decision during a proceeding for granting international protection

NATIONALITY	REFUGEE STATUS	SUBSIDIARY PROTECTION	PERMIT FOR TOLERATED STAY	NEGATIVE	DISCONTINUATION	TOTAL
AFGHANISTAN	3	8	0	1	51	63
ALGERIA	0	0	0	12	0	12
ANGOLA	0	0	0	4	3	7
ARMENIA	0	0	0	28	37	65
AZERBAIJAN	0	3	0	19	7	29
BANGLADESH	0	0	0	8	2	10
NO NATIONALITY	1	0	0	3	8	12

BELARUS	3	0	0	31	10	44
BRAZIL	0	0	0	0	1	1
BULGARIA	0	0	0	0	2	2
BURKINA FASO	0	0	0	2	0	2
BURUNDI	0	0	0	1	1	2
CHINA	3	0	0	0	10	13
CONGO, Democratic Republic of	0	0	0	1	2	3
EGYPT	6	0	0	7	12	25
ERITREA	1	0	0	0	2	3
ETHIOPIA	0	0	0	3	1	4
FINLAND	0	0	0	0	6	6
FRANCE	0	0	0	0	1	1
GABON	2	0	0	0	0	2
GAMBIA	0	0	0	0	5	5
GHANA	0	0	0	2	0	2
GREECE	0	0	0	0	1	1
GEORGIA	0	0	0	39	28	67
GUINEA	0	0	0	1	0	1
INDIA	0	0	0	9	4	13
IRAQ	14	3	0	14	15	46
IRAN	19	0	0	20	12	51
ISRAEL	0	0	0	2	0	2
YEMEN	0	0	0	0	6	6
JORDAN	0	0	0	2	5	7
CAMEROON	0	0	0	1	1	2
KAZAKHSTAN	0	0	0	29	10	39
KYRGYZSTAN	1	1	0	34	5	41
COLOMBIA	0	0	0	0	1	1
CONGO	1	0	0	0	0	1
KOSOVO	0	0	0	1	0	1
CUBA	0	0	0	5	15	20
LEBANON	0	0	0	0	8	8
LIBYA	0	0	0	0	1	1
LITHUANIA	0	0	0	0	1	1
NORTH MACEDONIA	0	0	0	1	0	1
MOROCCO	0	0	0	1	2	3
MOLDOVA	0	0	0	2	3	5
MONGOLIA	0	0	0	1	2	3
MYANMA	0	1	0	0	0	1
NIGERIA	1	0	0	7	3	11
PAKISTAN	0	0	0	15	8	23
PALESTINE	0	0	0	1	2	3
RUSSIA	8	68	4	961	1543	2584
<i>including Chechnya</i>	7	63	1	843	1308	2222
SENEGAL	0	0	0	2	0	2
SIERRA LEONE	0	0	0	1	0	1
SLOVENIA	0	0	0	0	1	1
SOMALIA	1	2	0	0	2	5
SRI LANKA	0	0	0	2	1	3
SUDAN	0	0	0	1	1	2
SYRIA	4	7	0	0	9	20
SWEDEN	0	0	0	0	1	1
TAJIKISTAN	8	21	0	61	32	122
TUNISIA	0	0	0	1	2	3
TURKEY	49	0	0	7	12	68

TURKMENISTAN	2	0	0	2	0	4
UGANDA	0	0	0	3	0	3
UKRAINE	4	11	0	357	86	458
UZBEKISTAN	0	4	0	2	4	10
VENEZUELA	0	1	0	0	0	1
VIETNAM	0	0	0	23	17	40
TOTAL	131	130	4	1730	2005	4000

Table 4: The number of persons with regards to whom the Head of the Office for Foreigners issued a decision on revoking international protection

NATIONALITY	REVOKING REFUGEE STATUS	REVOKING SUBSIDIARY PROTECTION	TOTAL
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BELARUS	1		1
RUSSIA	5	100	106
TOTAL	6	100	106

Table 5: Application of the Dublin III Regulation in 2019

STATE PARTY	APPLICATIONS IN	POSITIVE DECISIONS IN	TRANSFERS IN	APPLICATIONS OUT	POSITIVE DECISIONS OUT	TRANSFERS OUT
AUSTRIA	80	58	25	6	3	1
BELGIUM	204	160	3	2	1	1
BULGARIA	0	0	0	18	14	8
CYPRUS	4	1	0	1	0	0
CZECH REPUBLIC	21	13	7	3	3	0
DENMARK	20	20	7	3	3	1
ESTONIA	1	1	0	1	0	0
FINLAND	11	13	6	3	3	0
FRANCE	1191	812	50	25	15	2
GREECE	1	0	0	37	6	1
SPAIN	6	4	0	4	4	0

IRELAND	12	3	0	0	0	0
ICELAND	2	2	2	0	0	0
LIECHTENSTEIN	1	1	0	0	0	0
LITHUANIA	1	0	0	13	12	1
LUXEMBOURG	2	2	0	0	0	0
LATVIA	1	1	0	2	2	0
MALTA	1	0	0	0	0	0
THE NETHERLANDS	173	161	18	5	1	0
Germany	1915	1689	497	46	31	15
NORWAY	19	19	14	1	0	0
PORTUGAL	0	0	0	0	0	0
ROMANIA	0	0	0	5	3	1
SLOVAKIA	1	0	0	2	0	0
SLOVENIA	3	2	0	1	1	1
SWITZERLAND	43	38	13	1	0	0
SWEDEN	168	143	43	9	9	4
HUNGARY	0	0	0	1	0	0
GREAT BRITAIN	9	3	1	2	1	1
Italy	94	72	1	10	9	1
TOTAL	3984	3218	687	201	121	38