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## **The situation of refugees in Poland in the years 2013–2016 – the scale of the problem and the scope of the social support**

### **Introduction**

According to the *Global Trends* report elaborated by the United Nations High Commissioner for Refugees (UNHCR), in 2015 there was a new world record set up concerning the number of people who were forced to resettle, amounting to 65,3 million people, including 40, 8 million of the so called internal migrants, who fled their homes due to war or persecution, but still remained within the territory of their homeland; 21,3 million of them are refugees, and 3,2 million of them are displaced people waiting for refugee status. It means that in 2015, on the average, every 113<sup>th</sup> inhabitant of the Earth was an internal migrant, a refugee or an international protection seeker, and that every single minute 24 people lost their homes.

The biggest number, that is more than a half, of the refugees come from Syria (4,9 million), Afghanistan (2,7 million) and Somalia (1,1 million). These are war-torn countries, with military actions taking place there. The great majority of the refugees covered by protection of the UNCHR in 2015 found shelter in their neighbouring countries. Turkey accepted the greatest number of refugees (2,5 million people)<sup>1</sup>.

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<sup>1</sup> [Online] <http://www.unhcr-centraleurope.org/pl/wiadomosci/2016/653-mln-os%C3%B3b-przymusowo-przesiedlonych-kolejny-rekord-w-statystykach.html>, access 15.07.2016.

The figures presented above show that migration is a big challenge to the contemporary Europe, including Poland as well. Although in Poland this phenomenon is still marginal, as compared with the situation in other EU countries, there are some activities undertaken here to get prepared to receive people seeking refugee status. The present paper aims at presenting the most recent statistical data on the numbers of people seeking asylum in Poland, as well as describing forms of protection offered to foreigners with a special focus on the international protection application procedures. The discussion is complemented with an analysis of social assistance guaranteed by regulations in force which is offered to people seeking international protection and a picture of the real situation of refugees and people seeking asylum in Poland.

### **Demographic data concerning people applying for international protection in the Republic of Poland in the years 2013–2016**

The attractiveness of Poland as a country in which immigrants would wish to live permanently or temporarily rose after our joining EU (1.05.2004), especially after Poland had entered the Schengen Area (21.12.2007), which implied the necessity to impose the visa and asylum regulations that are binding in EU. However, for the past few years the contribution of the number of foreigners to the total number of the citizens in Poland has been rather small and has not exceeded 0,5%<sup>2</sup>.

In Poland the statistical data related to foreigners staying in our country is collected by the Office for Foreigners – a government administration authority managed by the Head of the Office for Foreigners. Apart from the above, the mission of the Office is to provide comprehensive and professional services concerning legalization of the stay as well as granting protection to foreigners staying in the Republic of Poland<sup>3</sup>. The data referred to in the present paper related to the number of immigrants who have been applying for international protection in Poland in the years 2013–2016 comes from the above source.

On July 31<sup>st</sup>, 2012 the Cabinet adopted the document entitled “Immigration Policy of Poland – the present state and the actions postulated”<sup>4</sup>, in which the Inter-ministerial Committee on Migration described the current situation of migration in Poland and indicated the challenges that the Polish migration policies were about to face. One of them, among other things, was liberalization

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<sup>2</sup> [Online] *Political report on Migration and asylum, 2013*, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/annual-policy/2013/21b\\_poland\\_annual\\_policy\\_report\\_2013\\_pl.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2013/21b_poland_annual_policy_report_2013_pl.pdf), access 4.07.2016.

<sup>3</sup> [Online] <http://udsc.gov.pl>, access 7.07.2017.

<sup>4</sup> [Online] <https://bip.mswia.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>, access 18.07.2016.

of regulations related to foreigners coming to our country. In the same year, an amendment to the *Law of April 2, 2009 on the Polish citizenship*<sup>5</sup> came into force, which granted more power to Voivodes in terms of recognizing foreigners as Polish citizens. Additionally, from January 1, 2012 to July 2, 2012 the third abolition to foreigners was announced, by virtue of which 4,5 thousand of foreigners legalized their residency in Poland<sup>6</sup>.

The above events resulted in 2013 in record numbers of applications for international protection in Poland /15.253/ filed by citizens of foreign countries that had come to stay in our country (see table 1). The Head of the Office for Foreigners issued then 19 thousand decisions, the most of which were on closing the administrative proceedings against the foreigners /16.331 – 85%/, as well as negative decisions /2.279–12%/, which were received by, first of all, Russians/ 68%/, Georgians /18%/, citizens of Armenia /4%/, Ukraine /2%/ and of Kazakhstan and Vietnam /1% each/. In the year under analysis, 405 people were granted tolerated residence permit (1,5% of all the decisions/. 208 people (82 women and 126 men/ were granted refugee status /1% of all decisions/. Of those numbers the most people were citizens of Syria /70 people/, Russia /26 people/, Afghanistan and Belarus /21 people each/ and Kyrgyzstan /11 people/ (see table 2). Apart from the above, 146 people were granted subsidiary protection /0,5% of all decisions/. The recognisability of the decisions in 2013 was 25%<sup>7</sup>.

On the other hand, in 2014 the number of people applying for international protection decreased significantly. The relevant applications were then submitted by 6.621 people (see table 1) for the first time. Additionally, 1.472 people filed applications for renewal of the proceedings after the Dublin transfer, owing to which in total there were 8.193 people applying for the refugee status<sup>8</sup>. 262 people were finally granted that status, including 80 women and 182 men.

The most of them came from Syria /115 people/, Afghanistan /27 people/, Kazakhstan /22 people/, Belarus /14 people/ and Russia /13 people/ (see table 2). Furthermore, 170 applicants were granted subsidiary protection, and 300 people were granted tolerated stay permit. The recognisability of the applications was 16% on the average. In 2014 5.556 applications were discontinued, and 1.997 people obtained a negative decision concerning their applications for a refugee status.

<sup>5</sup> *Law of April 2, 2009 on the Polish citizenship*, Journal of Law 2012, i.161.

<sup>6</sup> See R. Stefańska, M Szulecka, *Rozwój polityki migracyjnej Polski: otwarcie granic – regulowanie imigracji – kontrolowane otwarcie*, "Migration Bulletin" 2014, No 50, p. 5

<sup>7</sup> [Online] *Komentarz-do-danych-dotyczących-zestawienia-za-2013-rok-pdf*, <http://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/>, access 15.07.2016.

<sup>8</sup> [Online] *Komentarz-do-danych-dotyczących-zestawienia-za-2014-rok-pdf*, <http://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/>, access 15.07.2016.

**Table 1. Foreigners applying for the international protection in Poland in 2013-2016**

Year	2013	2014	2015	2016
Number of people applying for the international protection	15.253	6.621	12.325	12.319
<b>Number of people who have received the refugee status</b>	<b>208</b> (82 women and 126 men)	<b>262</b> (80 women and 182 men)	<b>348</b> (138 women and 210 men)	<b>108</b> (47 women and 61 men)
Number of people who have received the supplementary protection	146	170	167	150
Number of people who have received permission for tolerated stay	405	300	122	49
Negative decision	2.279	1.997	2.877	2.188
Remission (leaving without consideration)	16.331	5.556	8.724	9.502

Source: J. Bąbka, A. Nowicka (2016), *Education of the migrants' children in Poland*, [in:] M. Mačkinová (ed.), *Migration and its impact on V4 countries*, Trnava 2016, p. 101 and on the basis of the data collected by the Department of Foreigners, <http://udsc.gov.pl/cudzoziemcy/>.

**Table 2. Country of origin of people who have received de status of refugees in 2013–2016**

2013		2014		2015		2016	
Country of origin	Number of people	Country of origin	Number of people	Country of origin	Number of people	Country of origin	Number of people
Syria	70	Syria	115	Syria	203	Syria	40
Russia	26	Afghanistan	27	Syria	24	Ukraine	16
Afghanistan	21	Kazakhstan	22	Iraq	21	Russia	10
Belarus	21	Belarus	14	Russia	15	Turkmenistan	9
Russia	11	Russia	13	Egypt	14	Tajikistan	6
Kirghizstan				Belarus			
Others	59	Others	71	Others	71	Others	27
<b>In total</b>	<b>208</b>	<b>In total</b>	<b>262</b>	<b>In total</b>	<b>348</b>	<b>In total</b>	<b>108</b>

Source: J. Bąbka, A. Nowicka, *Education of the migrants' children in Poland*, [in:] M. Mačkinová (ed.), *Migration and its impact on V4 countries*, Trnava 2016, p. 102 and on the basis of the data collected by the Department of Foreigners, <http://udsc.gov.pl/cudzoziemcy/>.

Another significant increase in the number of applicants for international protection in the Republic of Poland was noted in 2015. This was a result of a new Act that came into force on December 12<sup>th</sup>, 2013 on foreigners<sup>9</sup>, that simplified the procedures of legalizing foreigners stay in Poland, as well as extended the catalogue of foreigners who were granted the right of using the facilitations for settling in our country (for example, foreigners with Polish origin or from countries adjoining Poland), as well as of evacuating to our country 178 people with Polish origin from Donbas and Ługańszczyzna. In 2015 there were in total 12.325 applications for international protection filed in Poland (see table 1). As compared with other countries in European Union, Poland was on 13-14 place<sup>10</sup>. In the year under analysis 348 people were granted refugee status /138 women and 210 men/. In this subgroup the most people were from Syria /203/, Iraq /24 people/, Russia /21/, Egypt /15/ and Belarus /15/ (see table 2). Furthermore, 167 people were granted subsidiary protection and 122 were granted the tolerated stay permit. Throughout 2015 the Head of the Office for Foreigners issued 2.877 negative decisions and closed 8.724 proceedings, mainly due to the fact that applicants showed no interest.

In 2016, the number of people applying for the international protection remained at a similar level. Appropriate applications were submitted by 12,319 people. However, compared to the previous years, the number of people who were granted the refugee status has clearly decreased (up to 108 people). Among them the largest number was Syrians (40 people), Ukrainians (16 people), Russians (10 people), as well as inhabitants of Turkmenistan (9 people) and Tajikistan (6 people). In addition, in 2016, 150 people received subsidiary protection, and 49 people – permission for tolerated stay. The number of negative decisions (2.188) as well as the record high number of closed proceedings (9,502) was still high.

Summing up, the data presented in tables 1 and 2 show that in the analyzed period the number of people who were granted refugee status increased regularly – starting with 208 people in 2013 and ending with 348 people in 2015. This trend changed in 2016, when the refugee status was granted to 308 people. Even the smaller number of people will be granted this status this year. Currently only data for the first half of 2017 are available. They show that in the first 6 months of this year only 99 people (including 39 women and 60 men) were granted the refugee status<sup>11</sup>. The reasons for this phenomenon should be seen in changing

<sup>9</sup> Act that came into force on December 12<sup>th</sup>, 2013 on foreigners, Journal of Law 2013, i.1650.

<sup>10</sup> [Online] *Komentarz-do-danych-dotyczących-zestawienia-za-pierwsze-półrocze-2015-roku-pdf*, <http://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/>, access 15.07.2016.

<sup>11</sup> [Online] <https://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/>, stan z dn. 7.07.2017.

the position of the Polish government towards migration policy. Since last year, the government strongly opposes the automatic relocation of refugees, and in March 2017, at the request of Mariusz Błaszczak, the head of the Ministry of Interior Affairs and Administration, invalidated the document adopted in 2012, entitled *the Polish migration policy – current status and postulated actions*, because it did not take into account the migration crisis which affected Europe. At the same time, the government announces the necessity to start work on a new migration policy, which would take into account the impact of migration processes on the labor market and provide Polish citizens with security from terrorist threats.

Among the people who in the years 2013–2016 were granted the refugee status by the Head of the Office for Foreigners mainly were men. In most cases, they came from the Near East (Syria, Egypt) or from the Middle East (Afghanistan, Iraq) or from the neighbouring countries (Russia, Belarus, Ukraine). Furthermore, the analysis of the statistics collected by the Office for Foreigners makes it possible to conclude, that Poland is not a target country for settlement for refugees, but only a transit country. In 2013 as much as 1/3 of the people applying for refugee status in Poland did not reach any centres for foreigners. They wished to reach Germany as quickly as possible in order to file there another application and obtain much better social benefits. Presently, this situation has not changed for better. The reason for this is an increased, as compared with previous years, number of applications submitted in wealthier countries in EU as well as foreigners' greater awareness of the consequences of the Dublin III Regulation which came into force on January 1, 2014. It defines the criteria and mechanisms of establishing a EU member state responsible to examine applications for protection in European Union. Usually, it is the first member state, the border of which was crossed by a foreigner applying for international protection. According to the Dublin III Regulation, foreigners are sent back to countries responsible to examine applications for asylum seekers. Apart from EU countries, this regulation is also followed by: Norway, Switzerland, Island and Lichtenstein<sup>12</sup>. The Frontex data shows that the most immigrants reached Poland following the so called East-European route, running through eastern borders of European Union. This path was mainly followed by Vietnamese, Afghans and Syrians<sup>13</sup>.

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<sup>12</sup> [Online] [http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=URISERV:23010503\\_1](http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=URISERV:23010503_1), access 18.07.2016.

<sup>13</sup> *Various faces of Migration/refugee and political problems in Europe*, "Migration Bulletin" 2015, No 53, p. 2

## Forms of protection granted to foreigners

In Poland there are two forms of protection offered to foreigners: (1) international protection, (2) national protection (see table 3).

Table 3. Forms of the protection in Poland

<p><b>Forms of international protection</b></p> <p>[regulated by the international law or the European Union law]</p>	<ul style="list-style-type: none"> <li>– refugee status</li> <li>– supplementary protection</li> <li>– temporary protection</li> </ul>
<p><b>Forms of national protection</b></p> <p>[regulated solely by the law of a particular country and applied only in Poland]</p>	<ul style="list-style-type: none"> <li>– asylum</li> <li>– permission to stay for humanitarian reasons</li> <li>– tolerated stay</li> <li>– permission to stay temporary for victims of human trafficking</li> <li>– permission to stay temporary due to humanitarian reasons and the right to respect family life and the children's rights</li> </ul>

Source: "Migration Bulletin" 2015, No 53, p. 12.

The forms of international protection make it possible to receive a refugee status or a subsidiary protection and temporary protection. The forms are governed by international or EU regulations in force. The forms of national protection are governed exclusively by regulations in force in Poland. They give possibilities to seek asylum, obtain a stay permit for humanitarian reasons, a tolerated stay permit, a temporary stay permit for human trafficking victims, a temporary stay permit issued in relation to respecting the right to family life and children's rights.

According to the Article 1A of the Act of the Geneva Refugee Convention of 1951, the term refugee shall apply to a person who is outside the country of his nationality and because due to well-founded fear of being persecuted because of religion, nationality, race, political opinion or membership of a particular group. The most important seems to be the fact that the right of residence in a particular country can be denied for economic immigrants, while refugees under the Geneva Convention, the New York Protocol of 1967, as well as the Convention for the Protection of *Human Rights and Fundamental Freedoms*, which came into force in 1953, are entitled to the international protection.

A foreigner who does not meet the criteria of a refugee is granted a subsidiary protection for such reasons as: capital punishment sentence, tortures, inhuman treatment, serious and individualized threat to life, etc. The status of subsidiary protection and a permit to stay in Poland is granted for two years commencing on the day the relevant decision was issued. Temporary protection is granted for the reasons of a foreign invasion, war, civil war, ethnic conflicts or severe infringement of human rights by virtue of and within the frames defined in a decision of European Union, for a period each time indicated therein. Temporary protection is granted for a period until a foreigner is able to return to his previous place of residence, however, for no longer than a year. The protection period can be prolonged by further six months, however not more than twice. Refugee status is also connected with obtaining a residence card for three years and a travel document defined in the Geneva Convention. People who have been covered by subsidiary or temporary protection have the same rights as people that have been granted refugee status. People who have been granted refugee status or a subsidiary protection can apply for settlement permit after five years of continuous stay in Poland.

Refugee status and asylum are two different protection statuses and they cannot be used alternatively. Refugee status is a form of international protection and is granted on the grounds of the criteria defined in the Geneva Convention. Whereas, asylum is a form of national protection and is granted when it is advocated by an important interest of the Republic of Poland. Asylum, because of other various forms of protection is currently rarely granted. A foreigner, who for an important reason cannot be sent back to his country of origin, can in Poland receive a stay permit for humanitarian reasons, such as risk to human life, freedom and personal safety or a tolerated stay permit in case the foreigner's return is impossible due to reasons beyond control of Polish institutions responsible for making a relevant decision and because of the foreigner himself.

Foreigners, who have received a stay permit for humanitarian reasons or a tolerated stay permit, have a limited right to social benefit. They can only seek help in finding shelter, receiving meals, necessary clothes and a designated benefit.

### **Procedure of applying international protection**

The procedure for foreigners (see figure 1) who within the territory of the Republic of Poland are seeking international protection is described at length in the Act of December 12<sup>th</sup>, 2013 *on foreigners* and in the Act of 10 September 2015 amending the act on granting protection to foreigners within the territory of the Republic of Poland and certain other acts.

According to the Act on protection every foreigner can seek protection in Poland by submitting a relevant application with the Office for Foreigners through



Border Guards Office. The application can also cover the applicant's minor children and a spouse, after the latter has agreed to it in writing. The application must be attached with recent photos and passports or other documents of the applicants to give grounds for establishing identities and the country of origin of the protection seekers as well as to prove the circumstances entailing them to seek international protection. A foreigner can file an application at the border crossing at the time he is legally entering the territory of the Republic of Poland or on a later date. However, if he has entered the territory of Poland illegally and is seeking protection there he must be aware of the fact that he can be detained.

Then, the procedure is continued by a Border Guard Authority whose duties are: 1) establishing the applicant's/ applicants' identity; 2) providing translator's assistance when filing the application; 3) interviewing the applicants individually; 4) making photos of the applicants and taking their finger prints, which will be then sent to the European data base; 5) providing the refugees with the possibility of having medical examination as well as the necessary sanitary treatment of their bodies and clothes; 6) establishing whether the applicant/applicants possess/ possesses documents entitling them to cross the border and whether their stay in our country is legal; 7) providing them in writing and in the language they can understand with information on the procedure of granting them international protection, the rights they are entitled to and the duties that are imposed on them, as well as about organizations assisting foreigners in obtaining social help, medical care and legal advice, the address of the reception centre in which they have to arrive not later than two days after filing the application; 8) promptly accepting and registering the application; 9) sending the application to the Head of the Office for Foreigners for consideration within 48 hours upon filing.

According to the *Act of December 12<sup>th</sup>, 2013 on foreigners*, an application for international protection should be considered by the Head of the Office for Foreigners within 6 months, and when justified, the procedure can be prolonged up to 15 months. In 2013 the average time necessary for the first instance authority that is the Office for Foreigners, to issue a decision to an applicant seeking refugee status decreased significantly, from 6 to 3 months.

In the majority of cases this was because 85% of the decisions issued were the decisions to close the proceedings due to the fact that (1) the applicant delivered his declaration to withdraw his/her application, 2) the foreigner did not turn up in the reception centre during 2 days after the application was accepted by the relevant authority, 3) the foreigner left the reception centre for the period longer than 7 days without an excuse, 4) the foreigner left the territory of Poland, 5) the applicant did not turn up at the interview and did not excuse this fact during 7 days following the date of the scheduled interview.

### Scheme 1. The procedure of granting the international protection

1. **Foreigner** applies for granting the international protection to the Head Office of the Department for Foreigners through the Border Guard on the Polish border, an airport or in the office of the Border Guard. Application may include a foreigner's minor children and his spouse provided that he gives the written consent. The application should also include the current photographs and the necessary documents to confirm the data contained in the application, as well as the circumstances justifying the application for granting the international protection.

2. **Polish Border Guard:**

- identifies the applicant,
- provides a translator's help during submitting applications,
- conducts the individual interviews,
- makes photographs and collects fingerprints,
- provides the necessary medical examinations and sanitary treatments (bodies and clothes),
- determines whether the applicant has documents entitling to cross the border or legally resides on the territory of Poland,
- provides the written form of information in the understandable language for foreigner about the terms of granting the international protection, as well as foreigner's rights and duties, organizations which can assist refugees in the range of social help, health and legal service, the address of the reception centers in which a foreigner has to appear within 2 days from the data of submission the application,
- immediately takes and registers the application,
- within 48 hours from the data of submission the application delivers it to the Head of the Office of the Department for Foreigners.

3. **Head of the Office of the Department for Foreigners:**

within 6 months (max. within 15 months) from the data of application is completed the procedure of granting the international protection by taking one of the decisions:

DECISION OF GRANTING THE REFUGEE STATUS

DECISION OF REFUSING THE REFUGEE STATUS AND GRANTING THE SUPPLEMENTARY PROTECTION

DECISION OF REFUSING THE REFUGEE STATUS AND NOT GRANTING THE SUPPLEMENTARY PROTECTION

By the duration of examination of the application foreigner may testify personally during the status interview, as well as submit documents which confirm that it is a sufficient reason to apply for international protection. He can have an attorney. An alien may also communicate freely with representative of United Nations Commissioner for Refugees and the organizations, which provide legal aid.

Immigrant may appeal for the decision of the Head Office of the Department for Foreigners to the Council for Foreigners.

The appeal must be filed through the Head Office within 14 days from the date of receipt or announcement of the decision.

That period is reduced to 5 days, if the refusal to grant refugee status was due to the obvious groundlessness of the application.

A foreigner may complain about the decision of the Council for Foreigners within 30 days from the date of receipt of the decision to the Voivodship Administrative Court (Jasna 2/4 Street, 00-013 Warsaw)

Source: [Online] pierwsze-kroki-w-polsce-Informator-dla-cudzoziemców-ubiegających-się-o-udzielenie-ochrony-międzynarodowej.pdf, s. 22, <http://udsc.gov.pl/uchodzcy-2/pomoc-socjalna/informatory-do-pobrania/pierwsze-kroki-w-polsce-2/>, access 1.07.2016.

On the other hand, the figures published on the website of the Office for Foreigners show, that in Poland in 2015 the average time of the proceedings for granting international protection was 161 days on the average (5 months and 8 days), and the recognisability increased by 10% as compared with 2014, in which this figure was around 16%.

During the time his application is being considered, a foreigner has the right to the so called asylum interview that is a confidential talk with an employee of the Department for Refugees Procedures of the Office for Foreigners, the purpose of which is to establish significant facts necessary for considering a particular case. During the interview, an applicant can personally make an additional statement, as well as provide evidence supporting his reasons to seek international protection he can be accompanied by a duly appointed attorney responsible for monitoring all the proceedings and an interpreter. The applicant may also at this time freely contact a representative of the United Nations High Commissioner for Refugees or organizations that provide legal assistance.

The proceedings for granting international protection are finalized when the Head of the Office for Foreigners makes one of the following three decisions: 1) granting the applicant refugee status, 2) refusing to grant the applicant refugee status and granting him subsidiary protection or 3) refusing to grant the applicant refugee status and refusing to grant him subsidiary protection. After the applicant has received the relevant decision he is obliged to observe it. He also has the right to appeal to the Council for Foreigners. He can make it via the Office for Foreigners within 14 days upon the date of receipt of the decision or its announcement. In the situation when the refusal to grant refugee status was a result of lack of clear justifiability of the application, the above deadline can be shortened to 5 days. A foreigner has also the right to make a complaint on the decision issued by the Council for Foreigners and file it with the Regional Administrative Court within 30 days upon service of notice.

### **Help offered to refugees and people seeking refugee status – assumption and facts**

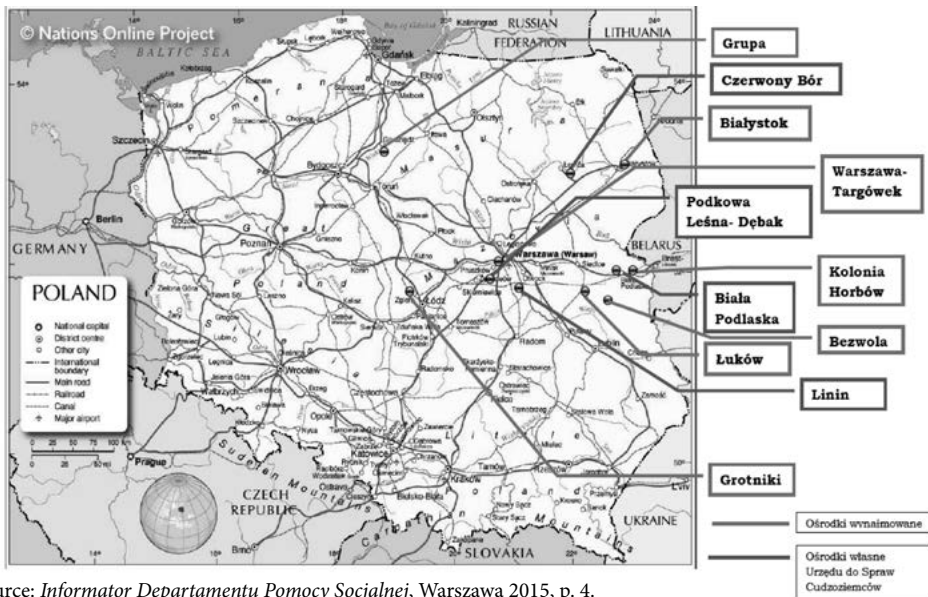
Poland is obliged to offer international protection to foreigners. Poland has made a commitment to apply at least basic protocol standards towards foreigners seeking refugee status and protection, which are recognized by international community.

Foreigners seeking refugee status in Poland have the right to medical treatment which covers: epidemiological filter, medical points at reception centres, specialist examination and consultancy, dental care, psychological assistance, rehabilitation. People who have been granted refugee status and foreigners

covered by subsidiary protection are subject to health insurance. The relevant premium for refugees and people covered by subsidiary protection (provided they have entered integration programme) is paid by the Family Support Centre.

Granting and providing social support to foreigners seeking refugee status in Poland lies in the responsibility of the Social Support Department of the Office for Foreigners. Every foreigner, who has applied for refugee status in Poland, is entitled to social support. The condition is however to report to one of the two reception centres of the Social Support Department: in Biała Podlaska (people who have applied for the status for the first time) , or in Podkowa Leśna – Dębak (foreigners who have started another procedure for granting them refugee status, or those who, after having returned to our country, have applied for resuming proceedings that were closed because they departed from Poland). If a foreigner does not report to a reception centre during two days, the procedure for granting refugee status will be closed.

Scheme 2. Centers for foreigners applying for de refugee status in Poland



Source: *Informator Departamentu Pomocy Socjalnej*, Warszawa 2015, p. 4.

In Poland, apart from the two above mentioned reception centres, there are 9 more stay centres for refugees (see figure 2). Reception centres and stay centres (Linin near Góra Kalwaria and Czerwony Bór near Łomża) belong to the Office for Foreigners. The other 7 stay facilities (Grupa near Grudziądz;

Bezwola; Łuków; Kolonia Horbów; Grotniki; Warszawa-Targówek; Białystok; Czerwony Bór) are leased out from private administrators on the grounds of contracts concluded in an open tender. The stay centre in Warsaw – Targówek that has been functioning since 2010 is the only facility for women and mothers with children.

In 2013 in Poland there were in total 3.222 people staying in centres for refugees and the total maintenance cost for this group amounted to 51,8 million zł. The figures remained at similar level throughout 2014 in which 4473 foreigners stayed in our centres and the maintenance cost amounted to 57,8 million zł. It has been noticed however, that lately foreigners have been becoming more and more interested in living outside the refugee centres. In 2015 2/3 of them (66%) rented a flat on the open market and lived with the sources they got from the Office for Foreigners. In 2014, the percentage of foreigners who sought refugee status and decided to live outside a centre was 40%.

Safety of refugees is especially cared for in all the refugee centres and it is provided by round the clock security services and by the other employees of centres, who have been professionally trained for that and who in emergency can take adequate actions as it is prescribed in the procedures defined in the *Agreement on Standard Procedures of recognizing, preventing and reacting to sexual and gender abuses for foreigners staying in centres for people seeking refugee status concluded on March 25<sup>th</sup>, 2005 in the Office of the United Nations High Commissioner for Refugees*. The parties to the contract were Head of the Office, Chief Police Commander, the Office of the UNHCR, “La Strada” Fund and Halina Nieć Centre for Legal Advice. A form of the cooperation developed by the parties are the Cooperation Teams consisting of: 1) an employee of the Office for Foreigners responsible for a particular centre, 2) a police officer from a police unit functioning within the territory in which the centre is located, 3) a representative of NGO being a party to the Agreement or another NGO invited. When necessary, the Teams cooperate with medical services, the centre administrator and representatives of refugee communities<sup>14</sup>.

In 2014 the Office for Foreigners together with other services of the Ministry of Internal Affairs was actively involved in elaborating and updating the action plans in case of a massive migration from Ukraine. *The Action Plan of the Ministry of Internal Affairs for organizing reception, transport and stay of refugees from Ukraine in Poland* was then worked out and adopted. The plan contains a system of reacting to a massive inflow of refugees for all the units of the Ministry of Internal Affairs including cooperation with territorial

<sup>14</sup> *Informator Departamentu Pomocy Socjalnej*, Warszawa 2015, p. 8.

administrative offices and Military Forces. As a result, at the end of 2015 and the beginning of 2016 additional 116 facilities were provided offering 21500 beds to accommodate foreigners<sup>15</sup>.

A refugee in Poland is offered various forms of social support, depending on whether he is staying in the reception centre or not. Support offered by the centres is limited to providing accommodation, meals, refunding travels by public transport in connection with seeking refugee status or for medical examinations, regular financial support for purchasing personal hygiene products (20 PLN a month), a single purchase of clothes and foot wear (140 PLN), equivalent in money for meals for children up to 6 years of age and children attending school (9 PLN a day). If a foreigner is not staying in a reception centre he can receive benefit payments to cover the cost of his/her stay in Poland depending on the number of his/her relatives, for example in case of a family consisting of 3 people it is 550 PLN a month. Foreigners have the right to attend public schools and to have free access to learning Polish, to have medical care and receive help in their voluntary return to the motherland. Furthermore, if a refugee takes part in a year integration programme, he can get support of 1260 PLN per person a month for half a year. The more people are in a particular family, the less money of the support is allocated to every additional person. For the other half of the year the amount of the financial support is 1.134 PLN a month<sup>16</sup>.

Currently in Poland there have been several non-governmental organizations for people seeking refugee status. Worth mentioning are the following: Halina Nieć Centre for Legal Advice, Polish Humanitarian Action, A-venir Fund, Social Versatility Fund, Polish Humanitarian Action and the other<sup>17</sup>. The scope of the activities run by non-governmental organizations includes:

- free legal and social advisory,
- psychological help for a group with trauma,
- teaching Polish programme,
- educational programmes for refugees,
- multicultural education programmes for children, teachers and parents,
- organizing help for refugees in the country of origin,
- communications.

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<sup>15</sup> *Informator Departamentu Pomocy Socjalnej*, Warszawa 2015, p. 10–11.

<sup>16</sup> [Online] <http://www.bi.gazeta.pl>, access 21.08.2016.

<sup>17</sup> M. Goździk, *Problematyka organizacji pozarządowych świadczących usługi na rynku pracy, skierowanych do uchodźców, imigrantów i mniejszości narodowych*, Warszawa 2006, p. 14–15.

Another activity performed by non-governmental institutions is monitoring operations of state authorities in terms of their compliance with the procedures and human rights standards. This is in favour of establishing new laws. Non-governmental institutions also inform community about the situation of the refugees and people seeking refugee status. The results of the research on the attitude of Poles to migration and receiving refugees are not optimistic. The statistics show that only in 2015 Polish people were afraid of refugees: 73% of the people surveyed acknowledged that receiving refugees would increase unemployment, whereas over 2/3 of the surveyed stated that presence of refugees contributes to an increase of criminal records. Only 1/3 of the respondents in 2015 stated that receiving refugees enriches a country they have arrived<sup>18</sup>. (This means, that non-governmental institutions have an important role to play in the process of changing people's attitude towards refugees and people seeking refugee status.

Basing on the report of the Supreme Chamber of Control and assessment made by 21 units, including the Ministry of Labour and Social Policy, the Office for Foreigners, regional governments, local family support centres and municipal social support centres, as well as refugee centres, it is possible to get a real picture of the situation of refugees and people seeking refugee status. The audit covered the years 2012-2014<sup>19</sup>. The sum designated from the state budget for refugees in the years 2012-2014 amounted in total to 126,2 million PLN, including 119,6 million PLN for refunding the amounts spent by the Office for Foreigners on covering the cost of refugees' stay and for other benefits during the refugee status application period, 6,2 million PLN for implementation of Individual Integration Programmes and 0,4 million PLN for implementation of integration programmes from European funds (excluding the cost of benefits from social support, cost of teaching Polish and the cost of trainings and courses run by non-governmental organizations).

The Supreme Chamber of Control indicated the prolonged time for consideration of applications for refugee status. In the period under analysis 40% of applications were considered within a period of time longer than the six months' period defined in the act on granting protection to foreigners. The sample of applications analysed by the Supreme Chamber of Control showed that the average consideration time was 14,5 months. Insufficient steps to help refugees familiarize with living in Poland on this stage means, that several months'

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<sup>18</sup> J. Bąbka, A. Nowicka, *Education of the migrants' children in Poland*, [in:] M. Mačkinová (ed.), *Migration and its impact on V4 countries*, Trnava 2016.

<sup>19</sup> *Pomoc społeczna dla uchodźców. Informacja o wynikach kontroli*, Najwyższa Izba Kontroli 2015.

or even several years' time spent in refugees' centres waiting for a decision on granting refugee status is not efficiently used for the process of integration. People who have been granted refugee status or subsidiary protection can receive support in the integration process through local family support centres offered as part of Individual Integration Programmes. The audit shows that in practise the implementation of these programmes was limited to payment of money benefits. The Individual Integration Programmes did not take, for example, into account the number of hours of compulsory learning Polish. Teaching Polish courses were not funded with any amounts allocated from the state budget and they were on a very small scale, though, financed by local governments. As a result, the obligation to teach Polish during implementation of integration programmes was carried out almost exclusively by non-governmental institutions with EU funds. Only 1/3 of refugees participating in the programmes attended Polish language courses and the learning intensity was rather low – two to four lesson hours a week.

Generally, the activities related to providing social support are run correctly. The centres offered adequate living standards. The facilities meet the fire-fighting and sanitary requirements. They had kitchens and canteens or offered meals delivered by catering companies. They were also provided with medical facilities and isolation wards. The centres were of an open character. The foreigners staying there could maintain their habits, national and cultural traditions and practice their religion. They were also provided with an access to medical treatment: to family doctors, specialists and hospitals. As part of the so called epidemiological filter they were subject to necessary examinations for detecting contagious diseases.

The analysis made by the Supreme Chamber of Control shows that the system of social support offered to refugees does not guarantee their proper integration with the society nor does it establish conditions for starting living on one's own. The majority of refugee status seekers leave the territory of our country just after they have filed the application for granting them that status, and some leave Poland during an individual integration programme or just after its is completed. Only a few who decided to stay here can find job. The problems were related to recognizing job market properly and running the right vocational courses and trainings. A significant part of refugees after completing their integration programme lives on benefits from social support. The situation of refugees in Poland is difficult. Newcomers from abroad are threatened with homelessness, they have problems with getting access to flats from communal housing stock and face unemployment. One of the reasons is not speaking Polish as well as insufficient coordination of the activities performed by state authorities responsible for implementing projects for refugee integration.



It is worrying that the process of integration after completing the twelve months' implementation programme is not monitored. The sources from the state budget for integration of refugees, transferred to centres through voivodes covered only the cost of benefits payment and health insurance during implementation of the programmes. The fact that no one is obliged to monitor refugees after they have completed a year's integration programme causes that the fate of some of the people is not known. The objective of the integration process, that should be providing a foreigner with possibilities to function on his/her own in the country he/she has arrived in, including in the job market, and making them not depending on social support benefits has not been reached. According to the Supreme Chamber of Control there is a risk that such people without help from the state will not be able to make up with the differences separating them from the Polish society in order to have equal chances in the job market and to function in the local community<sup>20</sup>.

## **Conclusion**

The demographic data presented in the paper speaks for the fact that Poland is not an attractive country for refugees to settle. The reasons for this, among many others, are difficulties in finding a job and a flat as well as too high living expenses as compared with salaries. Immigrants leave Poland illegally after they have filed an application for refugee status or leave it legally during implementation of their individual integration programmes. The problem is, that the majority of refugees treat Poland as a transit country, where filing an application for refugee status makes it possible for them to emigrate to wealthier EU countries.

Many issues related to refugees and people seeking refugee status have already been governed by legal regulations, such as, for example international protection application procedure, or accommodation base for immigrants, medical and social care, education for immigrants' children. However, there are no procedures that would show step by step how to manage care over the people who have been granted refugee status in Poland – beginning with a refugee centre, through social support centres, to support and care after completion of an individual integration programme. The key problem of integration process is that refugee pre-integration and integration processes function separately and independently of one another and do not bring the expected results. The aim of the integration process is to provide a foreigner with possibilities for functioning in a reception country, including in a job market and making him/ her not depend on social benefits.

<sup>20</sup> *Pomoc społeczna dla uchodźców. Informacja o wynikach kontroli*, Najwyższa Izba Kontroli 2015.

When working on the present paper, it turned out how difficult it was to obtain information on the situation of refugees or refugee status seekers in Poland. The data is dispersed on various websites. Thus, there is a need to intensify cooperation developed by the Office for Foreigners and the Ministry of Labour and Social Policy in order to create a relevant database, including information on legal regulations and procedures related to refugees and refugee status seekers. For example, it would be creating a coherent system for teaching foreigners Polish, as a necessary element of the integration process, providing solutions enabling foreigners to find a place to live, focusing especially on those areas in Poland with better job opportunities. It would also be very important to introduce employment support policies for immigrants and a system of incentives for employers, so that they would be more eager to offer jobs to immigrants. Many of those tasks are currently run by non-governmental institutions. A special attention should be paid to the problem of monitoring foreigners during and after implementation of their individual integration programmes.

As researchers of social phenomena we could only outline a picture of the situation of refugees in Poland. We are aware of the fact, that the picture presented is not complete and finding solutions to the problems indicated is not simple. A clear declaration of the current government is required here related to the state policy towards migration in Europe. The feeling is that our government has a tendency to put those problems aside. The figures concerning attitudes of Polish people towards immigrants referred to herein show that it is necessary to run social campaigns that would decrease the distance to cultural otherness of another man.

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## **Streszczenie**

### **Sytuacja uchodźców w Polsce w latach 2013-2015 – skala problemu i zakres pomocy socjalnej**

Procesy migracyjne stanowią istotne wyzwanie dla współczesnej Europy, w tym także dla Polski. Choć w Polsce zjawisko migracji wciąż jeszcze ma charakter marginalny, w porównaniu z innymi krajami Unii Europejskiej, to podejmowane są działania o charakterze systemowym mające na celu przygotowanie się do przyjęcia ludzi, którzy będą ubiegać się o status uchodźcy. Opracowanie ma na celu ukazanie najnowszych danych statystycznych dotyczące liczby osób w Polsce starających się o status uchodźcy, a także opis form ochrony cudzoziemców, ze szczególnym uwzględnieniem procedury ubiegania się o ochronę międzynarodową. Dopełnienie rozważań stanowi analiza pomocy socjalnej gwarantowanej regulacjami prawnymi dla osób ubiegających się o ochronę międzynarodową oraz opis rzeczywistego obrazu sytuacji uchodźców, a także osób ubiegających się o status uchodźcy w Polsce.

**Słowa kluczowe:** uchodźca, cudzoziemiec, imigrant, ochrona międzynarodowa, pomoc socjalna.

## **Summary**

### **The situation of refugees in Poland in the years 2013–2015 – the scale of the problem and the scope of the social support**

Migration is a big challenge to the contemporary Europe, including Poland as well. Although in Poland this phenomenon is still marginal, as compared with the situation in other EU countries, there are some activities undertaken here to get prepared to receive people seeking refugee status. The present paper aims at presenting the most recent statistical data on the numbers of people seeking asylum in Poland, as well as describing forms of protection offered to foreigners with a special focus on the international protection application procedures. The discussion is complemented with an analysis of social assistance guaranteed by regulations in force which is offered to people seeking international protection and a picture of the real situation of refugees and people seeking asylum in Poland.

**Keywords:** refugee, foreigner, migrant, international protection, social welfare.