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DISCRIMINATORY MIGRATION POLICY? AN ACCESS TO EDUCATION SYSTEM FOR MIGRANT CHILDREN IN POLAND¹

In recent years, much has been written about Polish migration policy (e.g., Kicinger 2009; Górny et al. 2011; Kicinger and Koryś 2011, Okólski 2012) as well as the education of migrant children in Poland (e.g., Cegiełka et al. 2011; Klaus and Rusiłowicz 2013; Kunicka 2013; MSW 2013; RPO 2013). While the former approach has been developed in academia and framed in public policy analysis, the latter has been developed by NGOs, the Ministry of the Interior and Ombudsman Office, and from research results from refugee centers and detention centers. The two fields rarely meet – therefore, this article addresses this gap by analyzing the policy of educational access for migrant children in refugee centers and detention centers in Poland. This article embeds the analysis of educational access for migrant children in a broader context of migration policy. Including the broader context allows understanding mechanisms underlying existing policy. As we argue, this policy actually results in direct and indirect discrimination of migrant children.

This article addresses three questions: 1) what assumptions underlay the policy of access to education for migrant children in refugee centers and detention centers; 2) what actions define the policy; and 3) what are the results of the policy? In order to identify assumptions underlying the existing policy, we

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analyze Migration Policy (the national migration strategy) and the official and unofficial statements by representatives engaged in the policy; i.e., representatives of government administrations, NGOs that assist refugees, and the migrants themselves. With the aim of defining policy actions, we analyze legal regulations regarding access to education for migrant children and the results of monitoring conducted by NGOs and the Polish Ministry of Interior and Ombudsman Office. We also include the results of research conducted in a project “Equal Treatment as a Standard of Good Governance,” a project intended to help the Polish government create an anti-discrimination strategy. The same data will be used to analyze the policy outcomes.

Polish migration policy which addresses the education of migrant children² requires analysis for several reasons. Developed societies recognize children’s rights as core values. This fact is reflected in legal regulations (e.g., the 1989 Convention of the Rights of the Child). In the same time, the rights are violated in the situation of detention. Children in refugee and detention centers are at a risk of various psychosocial and developmental problems. The problems have their source in previous (often multiple) forced migration experiences, but they are intensified with traumatizing conditions of life in the centers. Although migration policy can hardly impact pre immigration situations, it defines the conditions in refugee and detention centers and therefore influences the situation of children migrants. Especially prison-like environment in detention centers fails to ensure basic needs of children, such as health care, psychological care and education. Psychological distress takes various forms including ‘separation anxiety, disruptive conduct, nocturnal enuresis, sleep disturbances, nightmare and night terrors, sleepwalking, and impaired cognitive development. At the most severe end of the spectrum, children display profound symptoms of psychological distress, including mutism, stereotypic behaviors, and refusal to eat and drink’ (Burnett et al. 2010: 10). Also during detention the physical, psychosocial, and cognitive developmental needs of children are compromised. Due to the monitoring reports (Cegiełka et al. 2011; Klaus and Rusiłowicz 2013; RPO 2013) children detained in Polish guarded centers lack adequate health and psychological care, and in

² In this article, when discussing situation of children, we refer to persons under 18 years old. The legal definitions of child generally refer to minors, who are below the age of eighteen years. The UN Convention on the Rights of the Child, ratified by Poland in 1991 is the most commonly used definition and states that a child “means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier” (Art. 1, Convention on the Rights of the Child, 1989). This definition is also applicable In Polish law. Additional definitions of a child can be also found in specific Polish regulations such as Act on Ombudsman for Children, Civil Code, Family and Guardianship Code, Penal Code, Labour Code and Act on Education System.

addition they are not provided educational and recreational facilities. Most often staff working with children in detention facilities does not have appropriate training to identify and address physical and mental health needs of detained children, nor they have cultural awareness training. As research shows (HREOC 2004) these factors have a long-lasting negative impact on children's development and social relations years after realizing from the centers. The policy of access to education for migrant children requires special attention, as it can serve as a mitigation tool of this detrimental experience. Furthermore, educational system is a tool to reproduce social order and it defines chances for upward or downward mobility (Portes and Zou 1993). The policy addressing access to education for migrant children requires analysis in Poland, since the country is at its turning point defining its migration policy; therefore, evidence-based studies are needed to deliver information about current policy results as well as stimulate public discourse in the field.

The analysis of access to education for children migrants in Poland is challenging for standard policy analysis, including such approaches as program theory, logic model, causal model, results chain, or intervention. None of the techniques can be introduced, since they require detailed analysis of input from a policy (e.g., resources), previously-undertaken activities, outputs, and outcomes. In Polish context, neither policy goals are defined precisely, nor are the actions intended to lead to such goals. What is more, the policy described in a number of documents is reactive has evolved during recent years (as well as recent months), influenced by the unifying EU migration policy and actions undertaken by NGOs, as well as refugee protests recently taking place in Europe. Finally, the policy is implemented differently in different refugee centers and detention centers.

METHODOLOGY

The empirical base for this article is provided by desk research. The research aimed at identifying three elements of policy of access to education for migrant children, i.e. its assumptions, actions introduced to implement the assumptions and finally, its results. The results include both intended and unintended consequences of introduced actions. The analyzed data comprise strategic documents (e.g. Migration Policy) and migration-related legislation on international and national level. It also includes research results from other projects, such as four reports regarding monitoring at guarded centers for foreigners: two reports by Polish NGO representatives (Cegiełka et al. 2011; Klaus and Rusiłowicz 2013), another by the Ministry of Interior (2013), and a third by the Polish Ombudsman Office

(RPO 2013). The desk research also includes research results from the project *Equal Treatment as a Standard of Good Governance* project. The project prepared for the Chancellor of the Prime Minister of Poland, was conducted at the Jagiellonian University between 2011 and 2013. The project aimed at developing recommendations for the National Program of Equal Treatment; i.e., a national anti-discrimination strategy.³ The recommendations were based on desk research, IDI and FGI with representatives of discriminated groups (including immigrants), independent experts, and representatives from NGOs and government authorities. Furthermore, the project included a national survey that measured attitudes towards minorities.

ASSUMPTIONS UNDERLYING MIGRATION POLICY AND ACCESS TO EDUCATION SYSTEM FOR CHILDREN MIGRANTS

With the collapse of communism and the resulting political and economic transformation of the 1990's, Central and Eastern European countries experienced a major shift from forced ethnic homogenization and limited international migration to an increase in emigration and (most recently) a rise in immigration. This process is framed theoretically in the so-called European "migration cycle" (Górny et al. 2007; Kaczmarczyk and Okólski 2008; Okólski 2012); i.e., transformation from net emigration to net immigration. Although Poland still has a high rate of native emigration while at the preliminary stage of this cycle, this will change in the future (Okólski 2012). After the collapse of communism, a restrictive exit policy was replaced with control over labor immigration, introducing legislation that protected forced migrants and developing special policy for a privileged group of Polish repatriates. The new policy regarding labor migration was developed in response to the increased migration flow from Eastern Europe and particularly Ukraine. The trigger for changes related to forced migrants was the adoption of international and European regulations during the period of pre-accession to the EU and, later, after the accession. Despite implementing some regulations, the Polish government was redefining its attitude towards migration while participating in ongoing discussions under the common European migration policy. In the beginning, the process of developing Polish migration policy was opposite to that of Western Europe and the United States. In the West, migration policy was developed as an answer to social, cultural, and

³ The authors of the report conducted research, analyzed data, and developed research reports as well as final recommendations in the project "Equal Treatment as a Standard of Good Governance."

economic changes induced by the increase in immigration. In Poland, this policy was mostly imposed by the EU. Nevertheless, the most-recent policy changes have been introduced due to transformations that have taken place in Polish society. First, due to its EU membership, the country became more attractive to labor migrants. Second, refugees were more often forced to stay and settle in Poland (due to the Dublin II regulation). Third, recent protests in refugee centers and detention centers, as well as the increased media discourse regarding the topic, forced the government to take actions.

We can distinguish four main assumptions underlying the existing migration policy, based on different sources of information such as: analysis of strategic documents and the recently-adapted Migration Policy; migration-related legislation; documents specifically focused on education; and finally, formal and informal statements of people engaged in the policy-making process (Duszczuk and Lesińska 2010). The assumptions are as follows: (1) an increase in immigration is perceived as a social problem and not as potential for developing Polish society. Since limited integration assistance is offered only to refugees, a lack of integrative policy can be seen as a planned lack of policy for other migrants. (2) As a response to these problems, a primary duty of the Polish state is to protect its borders and labor market from illegal migration. (3) Restrictive border protection does not include other EU members and Polish repatriates. Poland supports a free flow of people within the Union. The Polish state recognizes a group of privileged migrants; i.e., ethnic Poles or repatriates. Only for this group a settlement migration is encouraged. (4) Polish naturalization policy is one of the most restrictive in the EU.

Identifying the assumptions which underlay specific education policy towards migrant children is more difficult than migration policy in general. Education is recognized by the legislator as vital in the process of migrant integration in Polish society. The policy underscores two main goals: (1) adapting institutions and educational programs to different levels of migrant knowledge and Polish language proficiency; and (2) better adaptation of institutions towards the increased cultural diversity of foreigners and their specific needs. Also, legislators consider the special role of schools as centers of civic education for both migrants and the receiving society. A school is seen as one of the first Polish institutions in which children migrants have regular contact with Polish society. Therefore, teachers should be well prepared for working with culturally-diverse children; i.e., having relevant knowledge about discrimination, migration processes, and the role of cultural differences as a part of school functioning. The document states that various actions should be taken in order to improve the cross-cultural qualifications of teachers. However it does not specify who should be responsible for executing them nor how they should be financed.

Although the educational policy recognizes the value of cultural diversity and aims to provide a high-quality education to children migrants, the ultimate goal is to educate them to the dominant culture. This does not address cultural diversity brought by migrants to the receiving state as potential for developing Polish society.

ACTIONS DEFINING POLICY OF ACCESS TO EDUCATION FOR MIGRANT CHILDREN

Actions introduced by the Polish government to provide access to education for children migrants are formed by international-level (specifically UN-based) and national-level regulations. Some regulations on a national level are different in case of children migrants in refugee centers and detention centers.

International regulations

The international regulations (1) guarantee access to education system for all children (no matter their origin or legal status), (2) define it as compulsory at least on elementary level and (3) stress that children shall not be punished for their parents actions. Although international legislation and international agendas such as UNHCR are advocates for education as a basic human right, the 1951 Refugee Convention and other international declarations (e.g., the Universal Declaration of Human Rights or 1989 Convention on the Rights of the Child) are rather ambiguous in defining specific tools to introduce the right to education. Art. 22 of The Refugee Convention ratified by Poland in 1954 mandates that the contracting states '*accord to refugees the same treatment as is accorded to nationals with respect to elementary education.*' Art. 26 of the 1948 Universal Declaration Of Human Rights states that '*Everyone has the right to education. Education shall be free, at least at the elementary and fundamental stages. Elementary education shall be compulsory.*'

The 1989 Convention on the Rights of the Child forbids punishing and discriminating children for their parents' deeds and obliges States Parties to take all possible actions in order to protect the child from unequal treatment. Similar regulations can also be found in Art. 14 of the Charter of Fundamental Rights of the European Union from 2000 or in Art. 13 of the International Covenant on Economic, Social and Cultural Rights from 1966.

National Regulations

The national regulations reflect and specify the international law making education up to 18 years old compulsory, regardless nationality of children and

their legal status. Based on the regulations, specific tools are implemented to provide access to education for migrant children, such as additional teacher's assistance or cultural assistants.

On the national level, the right to education is regulated by the 1997 Constitution of the Republic of Poland, which states that *'Everyone shall have the right to education. Education up to 18 years of age shall be compulsory. The Republic of Poland shall ensure the protection of the rights of the child. Everyone shall have the right to demand from the organs of public authority that they defend children against violence, cruelty, exploitation, and actions which undermine their moral sense.'*

The 1991 Act of Education System recognizes the presence of migrant children in the educational system and states that people who are not Polish citizens should benefit from an education in public schools and kindergartens with the same conditions as Polish citizens. In 2010, the Polish Ministry of National Education took legislative action to provide migrant children the right to have additional lessons of Polish language and complimentary lessons equalizing the level of school knowledge. It also provided the possibility of employing so-called "cultural assistants."

The right to education and educational obligation concerns all minors who are under the jurisdiction of Polish administration regardless of their nationality or legal grounds for staying in Poland (RPO 2013: 6). The actions to provide access to education for children migrants differentiate in the case of children residing in centers for foreigners and being held in detention centers.

Centers for refugees

Asylum seekers are offered residence in the centers for foreigners as an element of social assistance. This assistance is provided by the Office for Foreigners. According to Polish legislation, children placed in these centers should be offered the possibility and obligation to attend schools on the same legal grounds as their Polish peers (Art. 3 par. 13: 1991 Act on Education System). Admission to the first grade of elementary school is identical to the rights of Polish children. Admission to the school system for children at higher educational levels first requires child's parents or legal guardians to provide documents attesting to the level of education completed in the child's country of origin. These documents include a certificate or other document confirming attendance in school as well as indicating the class or completed stage of education. However, as asylum seekers, they often cannot provide such documentation. Therefore, it is also possible to admit a child on the basis of a statement from his/her parent(s) or legal guardian(s) concerning the number of years of school education for the child (RPO 2013: 12). In some cases, a qualification interview with the child is organized in the language in which

they are familiar (Regulation of the Minister of National Education of 1 April 2010 on the admission of non-Polish citizens to public kindergartens, schools, institutions training teachers, institutions and organizations of additional Polish language classes, extra-curricular and compensatory and learning of the language and culture of the country of origin [Journal of Laws 2010 No.57, item. 361]). Children living in centers for refugees have also the right to supplementary Polish language education. In addition to classes, they should receive all educational materials and financial support (whenever possible) to cover the costs of extra-curricular activities (Art. 71 section 1 of Act of 13 June 2003 on granting protection to foreigners on Polish territory [Journal of Laws 2012, No.680]).

Detention centers

Access to education for children migrants in detention centers is less defined in the legal system and as a result, more restricted. Legal provisions of detention in Polish law are included in Art. 101 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland which says that: *'the Border Guard or Police can detain foreigners for a period of time not longer than 48 hours. If required by the circumstances, they should also make a request to the court for placing an alien into the guarded center or for the arrest for the purpose of expulsion'*. Art. 41 of the same act allows for a foreigner to be placed in the guarded center or detained in a facility for the purpose of expulsion. An arrest for the purpose of expulsion shall be applied if circumstances determined by the Border Guard indicate such a necessity for reasons of state security or defense as well as public security and policy.

According to the Polish legislation, minors staying in detention centers have a right to educational and recreational activities. The provided programs should be adjusted to the detained children's age and length of stay in Poland (ibidem). However, according to experts, there are no detailed provisions regulating how they should be organized or financed (RPO 2013: 55).

According to European legislation, detention (and specifically the detention of children) shall be used exceptionally when other tools cannot be implemented (Klaus and Rusiłowicz 2013: 36). This legislation is expressed in the European Court of Human Rights Chamber judgment in the case of *Muskhadzhiyeva et al v. Belgium*, which states that detention of Chechen children was unlawful and the conditions of detention were unacceptable. Detention in this case was a violation of Art. 3 (prohibition of inhuman or degrading treatment) and 5 § 1 (right to liberty and security) of the European Convention on Human Rights.

DISCRIMINATORY POLICY OUTCOMES

Discrimination is a concept developed in the social sciences to describe inter-group relations. Discriminatory behavior “creates, maintains or reinforces advantage for some groups and their members over other groups and their members.” (Dovidio et al. 2010: 10). Discrimination researchers refer to stereotypes and prejudices as sources of discrimination (ibidem). The legal definition of discrimination enumerates the premises on which people can be discriminated against (e.g. ethnicity, age, gender) as well as the circumstances in which the process can take place (e.g. labor market, education, etc.). Both premises and circumstances present in legislation have their social, historical, and economic grounds and appear in different configurations in different regulations. Legal definitions of discrimination include three main sources of discrimination: discriminatory behavior (verbal or nonverbal), discriminatory practice (when discriminatory behavior, forbidden by law, is executed), and systemic discrimination (i.e., when an existing law discriminates against a particular group of people [Klaus and Wencel 2008: 3]). The most common typology of discrimination includes direct and indirect discrimination. Direct discrimination takes place when a person is treated unfairly or differently only because he/she belongs to a particular group of people. In the case of access to education for children migrants, neglecting the right to education is discriminatory. In the following chapter, we will provide evidence to support the thesis that children migrants in detention centers are directly discriminated against. Indirect discrimination reflects a situation when a person is treated (by other people or the legal system) the same way as everyone else is while, at the same time, more people from one group are disadvantaged than those in other groups. Indirect discrimination regarding access to education for children migrants reflects a lack of recognition of the special needs that children migrants have. When these needs are not recognized and addressed properly, children have unequal access to education as a result. Children migrants in Polish refugee centers are obligated to attend school just as Polish children are; more so, they are offered different forms of assistance. Nevertheless, this assistance is not sufficient (as we will prove in the following chapter). Therefore, resulting in the fact that they cannot attend schools on the same basis as Polish children.

This form of indirect discrimination does not require stereotypes or prejudice of specific authorities who implement migration policy of access to education. The lack of recognizing and addressing problems of discriminated people will lead to discriminatory results. Such a situation is often framed as institutional discrimination (Dovidio et al. 2010: 10–11).

Within a legal system, it is acceptable in some cases for a country to treat foreigners differently than their own citizens in some dimensions of social life

(Klaus and Wencel 2008: 3). In such cases, the legal definition of discrimination does not apply. Nevertheless, if rights which legally shall be provided to everyone regardless of legal status or origin are violated based on the origin or legal status of a person, then such a case is discrimination. As previously mentioned, a number of national and international regulations provide access to education for all children, no matter their origin or legal status. Specific regulations for children in refugee and detention centers authorize this right. Nevertheless, the right is often violated either directly or indirectly. Therefore, children migrants experience discrimination in the education system in Poland.

Centers for refugees

In September 2013, there were 658 children (6–18 years old) in centers for foreigners who were subjected to compulsory education. This represents a significant increase over the number of children during the 2001/2002 school year – this number was 43⁴. These children mainly attended schools located near centers for foreigners. The Office for Foreigners provided Polish language lessons and basic school accessories for children attending public schools at the elementary and secondary levels. In these centers, there were Polish language teachers who assisted children in learning the Polish language as well as other school subjects. Each teacher was supposed to be responsible for facilitating mutual learning of cultural diversity. In five of the 13 monitored centers for foreigners, there were cultural assistants employed to facilitate contact between students and their families with schools. These assistants usually came from the same cultural background as the asylum-seeking children. Therefore, they had a significant influence on the children's education.

Monitoring the access to education among children living in centers for refugees indicates that the right in general is being upheld (RPO 2013: 22). A vast majority of children asylum seekers are attending public schools. In the monitored centers, various educational activities for children were provided. It was possible that the children could attend additional Polish language lessons in the centers. However, there were significant differences between the amount of the additional lesson time – varying between 2 and 15 hours per week. In the majority of centers, kindergartens were also organized (RPO 2013: 23). Although the main results of the conducted monitoring did not identify direct discrimination against migrant children living in centers for foreigners, there are signs of indirect discrimination.

First, students were obligated to participate in external examinations (tests finishing primary school and gymnasium) even if they were admitted to

⁴ <http://www.udsc.gov.pl/Uchodzcy,w.polskiej,szkole,,2226.html>

school immediately before the test. Contrary to Polish students, they were not able to prepare for the tests. What is more, a situation of an examination soon after visiting Polish school for the first time generated additional stress. The schools requested that the migrant students be exempted from this requirement, but such requests were refused by the Examining Commissions (RPO 2013: 30). The consequences of participating in the external examinations are most severe in the context of “gymnasium test” as the obtained results are the basis for admission to the high schools. Very low scores in the exams hinder child’s possibility to choose a school suitable for him or her.

Second, the majority of teachers who provided Polish language lessons to the migrant children were never trained to teach Polish as a foreign language and they never had multicultural training (*ibidem*: 32). Some teachers themselves recognize this as a problem, but even if they search for additional training, there are little chances to find one. Sometimes different NGOs offer such trainings, but it is not sufficient to the scale of needs and there are no systemic solutions to this situation (Pawluś and Łukasiewicz 2012).

Third, although cultural assistants are perceived as a highly-beneficial factor for migrant children education by students, their parents, and some schools headmasters, there were only a few employed in schools providing education to refugee children (6 out of the 16 schools monitored where children from centers for refugees attended). The assistant was usually employed through an NGO’s project; thus, was only temporary. This means that the special needs connected with the students’ cultural diversity were not properly addressed (RPO 2013: 33).

Forth, migrant children are often blamed by teachers for causing conflicts at schools. In the authors’ opinion, this stems from a lack of cultural competence among teachers to recognize and address the problems of children migrants properly. Forced migration is a traumatic experience. In many cases, the students suffer from different adaptation difficulties (including culture shock and PTSD) and behave in such a way that can be perceived as aggressive (*ibidem*: 37). Some of them also have multiple migration experiences behind, including different education systems in different countries. It also increases the level of stress they experience (Pawluś and Łukasiewicz 2012). The lack of teacher training in regards to working with culturally-diverse children was often mentioned in interviews conducted with experts and NGO representatives in a project “Equal Treatment...”. One of the interviewees experienced many situations when teachers were not able to deal with refugee children, and their improper attitudes and behavior towards these students were not often corrected by their superiors (*ibidem*: 115).

Fifth, addressing efficient interventions for children migrants requires knowledge about the particular situations of these children in the educational

system. Some experts point to a lack of systemic data collection about the children (*ibidem*). Extemporaneous monitoring (introduced in reaction to some medially publicized cases) does not solve the problem.

Detention Centers

In Polish law, there are two types of detention centers: deportation centers and guarded centers. In practice, both institutions are similar (Cegiełka et al. 2011: 33). In November 2012, there were 34 children (including three under-aged children without caretakers) detained in four Polish guarded centers: Kętrzyn (20, including three without a caretaker), Przemyśl (7), Lesznowola (4), and Biała Podlaska (3) (Klaus and Rusiłowicz 2013: 8). The results of monitoring studies, conducted independently by various NGOs over the last 3 years, show that the right to education in guarded centers is not properly executed and while Polish children have much better access to education, such treatment can be defined as a direct discrimination of migrant children (Cegiełka et al. 2011; Klaus and Rusiłowicz 2013; RPO 2013; MSW 2013) and children are discriminated in regards to access to the education system. As the Polish Ombudsman points out, “Art. 117 par. 3a of Act on Foreigners, which states that children detained in guarded center can participate in educational and recreational activities adjusted to their age and length of stay in Poland, by any means does not guarantee realization of the right to education” (RPO 2013: 56).

Detention of children itself is a violation of the Convention of the Rights of the Child, which states that ‘the child has the right to play, to recreation and cultural activities’. In the circumstances of guarded center, this is nearly impossible. Surprisingly, Poland proposed to the United Nations Human Rights Commission that they enact the Convention on the Rights of the Child and presented the draft of the document (Kunicka 2013: 250).

The inability to satisfy the rights of detained children to have access to education is a violation of the 1997 Constitution of the Republic of Poland, which provides a universal right to education to all children up to 18 years and forbids discrimination in all areas of life. Since children held in detention centers are a vulnerable group subjected to serious traumas and experiencing PTSD, forcing them to stay in prison-like circumstances is state violence against them. Centers meet neither students’ developmental nor educational needs and, therefore, have a detrimental effect on their overall well-being.

Monitoring conducted in 2010 revealed that foreigners (as well as Board Guards) admit that the Polish state does not comply with its obligation (Cegiełka et al. 2011: 31). Children and youth staying in five of the six monitored detention centers did not have access to education. According to monitoring studies conducted two years later (Klaus and Rusiłowicz 2013; RPO 2013), the situation

was still disturbing. Although there were some educational activities provided in the majority of centers, most often they were inadequate for the needs of the children. Since migrants' children were not offered assistance of qualified teachers and the children did not speak any other language than their native tongue, they typically had only the opportunity to participate in art classes (RPO 2013: 45). In Przemyśl, there were educational classes and Polish language courses (ca. 2 hours a day) conducted by Board Guard officers (Klaus and Rusiłowicz 2013: 28). The officers did not have any training in pedagogy, not to mention work with traumatized children with multicultural background. In Lesznowola, general development activities took place five times a week for 90 minutes (also for all children at the same time) and were run by teachers from a local school. However, the teachers did not have any specialist background for work with foreigners, nor could they differentiate the program according to age, gender, or development of Polish language skills (Klaus and Rusiłowicz 2013: 28). Such circumstances make it difficult to provide a quality education to the detained children. The only center that provided classes in school was the facility in Kętrzyn. However, these activities took place only twice a week and included mainly Polish language learning (*ibidem*: 29).

Analysis based on the monitoring results points out one main direct reason for the present state of restricted access to education for children migrants. The organization of detained-children schooling misses specific, legal provisions regulating school obligations and a source of educational financing. The current state of affairs stems mainly from agreements between some guarded centers and schools, but their cooperation is not regulated whatsoever by any legal provisions (RPO 2013: 45). As a result of lack of specific regulations, trained pedagogical staff as well as educational materials in detention centers were missing at the time of conducting monitoring.

CONCLUSIONS

The Polish policy of access to education system for migrant children in refugee centers and detention centers, as proven in this article, results in indirect and direct discrimination of migrant children. Although lack of multicultural and antidiscrimination training among teachers and officials working with migrants and their children result in little sensitivity and understanding of migrants' situation, the discriminatory policy does not derive simply from prejudice or negative attitudes of Polish society towards foreigners. Understanding the situation requires embedding educational access for migrant children in a broader context of migration policy. Polish migration policy, and an access to education

system for children migrants is in its early stage and misses coherent vision. The assumptions underlying the policy and introduced actions are framed on a very general level. Specific regulations on how the actions are supposed to be implemented are often missing (e.g. education in detention centers). Polish migration policy is developed ad hoc and post factum, it is reactive, and not proactive (Duszczyk and Lesińska 2010). However, according to some policy makers, lack of coherent vision and specific actions to implement the vision are intentional and aim at refraining immigration to Poland (Pawluś and Łukasiewicz 2012). Polish migration policy in some cases is also defined as arbitrary, because a significant power for decision making is left to individual officials. At the same time, such situation is appreciated by migrants, because it gives a chance for successful decisions if met positive response from officials. On the other hand, it makes the legal decisions less transparent and understandable.

So far, specific problems of children migrants were poorly recognized and addressed by Polish authorities, even though they were reported by researchers and representatives of NGOs assisting refugees. The situation changed slightly after 2013 protests and hunger strikes in detention centers which focused media attention and started public discussion on migration policy but still constitute a challenge for the Polish government. A proper response to the challenge requires defining a coherent vision of migration policy followed by specific evidence based actions and its systematic evaluation.

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