

# COUNTRY FACTSHEET: POLAND 2012

## EUROPEAN MIGRATION NETWORK

### 1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Poland during 2012, including latest statistics. It has been prepared in conjunction with the European Commission's 4th Annual Report on Migration and Asylum (2012).

### 2. Legal Migration and Mobility

The **strategic document "Migration Policy of Poland – the Current State of Play and the Further Actions"**, prepared by the Inter-ministerial Committee for Migration, was adopted during a meeting of the Council of Ministers held on 31<sup>st</sup> July 2012. In an exposé delivered on 19<sup>th</sup> October 2012, the Minister of the Interior presented the new migration policy to be implemented according to the principles laid down in the strategic document. An **implementing document** accompanying the strategic document was being drafted by an expert working group - established by the Inter-ministerial Committee for Migration. However, some of the strategic document's recommendations were already implemented in 2012. These were also fed into the **draft and new Act on Foreigners** (proceeded during 2012) which aims is not only to transpose EU legislation (including 'Single Permit Directive') but also to provide a rearrangement of procedures for residence and issuance of permits to foreigners towards their simplification and transparency, as well as the implementation of changes to detention system, e.g. introducing alternative measures to detention. The Parliament is expected to adopt the Act by the end of 2013.

#### 2.1. PROMOTING LEGAL MIGRATION CHANNELS

At the end of 2012, the Ministry of Labour and Social Policy published another set of **information materials in several languages**, addressed to the citizens of Belarus, Georgia, Moldova, Russia and Ukraine and focusing on the **simplified procedure of**

**access to the labour market in Poland**. The aim of the publication is to improve the knowledge of potential migrants and migrants already residing in Poland, about the so-called declaration system which allows the Polish entities to legally employ foreigners with minimal formalities (foreigners who arrive to Poland as part of this system currently predominate). Inter-ministerial discussions are underway on the planned **opening of the simplified procedure for employment for citizens of Armenia**, as well as on the **improvement of the system's operation and to minimise the abuses** occurring therein (*inter alia* by introducing legal changes and closer cooperation with representatives of Ukraine authorities).

On 21 August 2012, the **National Action Plan for Employment for 2012-2014** was adopted by the Council of Ministers. The Plan provides a number of actions related to migration such as: dissemination of reliable information on the possibility of undertaking economic activity in Poland; implementation of legal changes related to employment of foreigners; enabling flexible reaction to labour market needs in various sectors and professions and; introduction of new methods of monitoring the deficit and surplus professions on the labour market.

#### 2.2. ECONOMIC MIGRATION

In June 2012, **amendments to the Act on Foreigners** entered into force and transposed the EU Blue Card Directive (2009/50/EC). New regulations introduced a number of **provisions for highly qualified employees**. Residence permits for a specified period of time are now issued by a **single administrative procedure** covering both residence permit and work permit. In case of temporary unemployment, the foreigner holding a specific and temporary residence permit for purposes of highly qualified employment is allowed to stay in Poland.

#### 2.3. FAMILY REUNIFICATION

According to the amended Act on Foreigners, foreigners holding a specific and temporary residence

permit for purposes of highly qualified employment may reunify with their family members under preferential rules. The draft new Act on Foreigners simplifies the prerequisites for a foreigner residing in Poland to obtain a residence permit, together with a Polish citizen or other EU/EFTA country.

#### 2.4. INTEGRATION

The draft Act on Foreigners introduces provisions for **obligatory knowledge of Polish language** for foreigners applying for residence permit. Proof of language knowledge at A2 level, will be required and will contribute to the better integration into Polish society. **The working group for the integration of foreigners** (consisting of NGOs, international organisations, government and local authorities, scientific and research institutions) at the Inter-ministerial Committee for Migration, held regular meetings in 2012 with the objective of developing the main principles of integration policy and a drafting policy document in regard to this issue. During the working party debates, the following matters were discussed: access to housing and pre-integration of forced migrants, actions addressed to receiving society targeted at building intercultural dialogue, language education, cultural orientation, children education, monitoring and assessment of integration activities.

#### 2.5 MANAGING MIGRATION AND MOBILITY<sup>1</sup>

**During the UEFA EURO 2012** internal border controls were temporary restored from 4<sup>th</sup> June 2012 to 1<sup>st</sup> July 2012. To ensure smooth flow of border traffic at the external border, specifically with Ukraine, border checks were optimised, number of border staff and patrols were increased at the "green" border.

As of 30 July 2012, apart from nationals from Ukraine, Russian **citizens from the Kaliningrad Oblast** can apply for a document permitting to cross **the border under the local border traffic regime**. The number of issued permits has increased. With regard to **visa representation** agreements, cooperation with Slovakia was agreed **in order to represent Poland** in Armenia and Russia. The implementation of **the Visa Information System (VIS)** is on schedule. VIS was successfully implemented in Libya (Region I) on February 2012, while on May 2012 it was implemented in Region II (Israel, Jordan, Lebanon and Syria) and on November 2012 in Region III (Afghanistan, Saudi Arabia, Iraq, Iran, Qatar and Kuwait). In September 2012, an **agreement between the Government of the Republic of Poland and the Council of Ministers of Ukraine**, on the abolition of fees for national visas came into force. According to the latter, Ukraine nationals are not obliged to pay fees for national visas that apply to stays lasting over three months and less than one year (D type visa). Poland

<sup>1</sup> "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

also carried out the **project 'Strengthening of Ukraine Administrative Capacities in Effective Cooperation with the European Union in Migratory Matters'** (developed in connection with the 'Ukraine Visa Liberalisation Action Plan') aimed at creating a standard database of migration management allowing for biometric verification and personal identification.

### 3. International Protection and Asylum

The **Act on granting protection for foreigners** was amended in 2012. The new provisions introduced legal solutions that enabled the provision of assistance and the inclusion of foreigners transferred to Poland under relocation or resettlement, in the pre-integration process. Regulations on the proceedings granting refugee status have been amended in order to be more precise, as a result processes have been improved. The scope of assistance provided to foreigners applying for the refugee status was also extended. In 2012, legislative work aiming to transpose the Qualifications Directive (2011/95/EU) was undertaken. The full transposition of the Directive is expected by the end of 2013.

### 4. Unaccompanied Minors and other Vulnerable Groups

During 2012, the Act of 9 June 2011, concerning family support and foster care, amended Act of 13 June 2003 on granting protection for foreigners on the territory of the Republic of Poland. The Act considerably changed the system providing assistance to unaccompanied minors (UAMs) looking for asylum (up to now, UAMs stayed in a specialised facility in Warsaw and as of 1 January 2012 they are placed in different establishments around Poland). Poland is currently working on finding an **appropriate centre that would provide proper care to UAMs** applying for a refugee status. Attempts were also made to **conduct interviews regarding the refugee status in the place of accommodation** of minor foreigners. Employees of relevant institutions dealing with UAMs, received training regarding the improvement and provision of care for UAMs applying for asylum and how to examine them. At the end of 2012, a decision was made on **profiling guarded centres for irregular migrants**, in order to ensure a better execution of the minors' rights and their living conditions (including unaccompanied minors- also minors awaiting the execution of decisions imposing an obligation to leave Poland are directed to two guarded centres only, in Kętrzyn and Biała Podlaska).

### 5. Actions against Trafficking in Human Beings

The new draft Act on Foreigners **transposes provisions of Directive 2011/36/EU** on preventing and combating trafficking in human beings and protecting its victims. The Act **introduced a**

**simplification procedure regulating the legal stay** of victims of human trafficking (draft provisions stipulate that during the two-month *reflection period*, the foreigner's stay is legal and a residence permit is no longer required) as well as the possibility to temporarily legalise their stay after the reflection period (the temporary residence permit duration increased from six months to three years) and eventually to settle or return to their country of origin under an assisted voluntary return programme. Following the transposition of the Employers Sanction Directive (2009/52/EC), legal provisions **imposing penalties on employers entrusting work to victims of human trafficking** were adopted. Legislative work was underway to include in the Border Guard's jurisdiction *ratione materiae* on the prosecution of human trafficking crimes. Also, several actions were undertaken aimed at **building awareness and sharing knowledge** about human trafficking (e.g. first international film festival on human trafficking and a contest for the best master thesis on trafficking in human beings were organised), **combating and prevention of trafficking in minors** (including procedure of examining the injured minors and better identification) as well as at **comprehensive training of practitioners**.

## 6. External Dimension of EU Migration Policy

In August 2012, the Minister of the Interior signed an agreement with the European Commission regarding the **'Support for the Implementation of the Prague Process and its Action Plan' project** to be implemented by the end of 2015. Currently, it is the **most important initiative implementing Prague Process Action Plan 2012–2016**. The overall objective of the three million euro project is to develop cooperation in the area of migration between the countries of the European Union/Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey.

## 7. Irregular Migration

**Eight main threats in the field of irregular migration were identified in 2012**, including: (1) violation of the entry rules – mainly at the Polish-Belarusian border; (2) abuse of the regularisation procedure; (3) visa abuse; (4) abuse of procedures for granting the refugee status; (5) risk of forgery of travel and residence documents; (6) risk of abuses in the field of employment of foreigners; (7) marriages of convenience and (8) undertaking fictitious education.

Given the cross-border approach of organised crime and its connection to illegal migration, **activities mainly on international arena are needed** including: **cooperation in operational** and investigative field between the Polish Border Guard and competent law enforcement bodies from third-

countries, **maintaining a network of Liaison Officers of the Border Guard and Police** operating at Polish diplomatic posts and foreign diplomatic posts accredited to Poland. The Border Guard participates also in many **activities aimed at strengthening migration management in third-countries**, mainly through counselling, sharing good practices and providing technical support (undertaken e.g. by the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) and under various international projects). Between January and June 2012, **Poland's third regularisation programme for irregular migrants** took place. A total of **9,555 applications were filed**. The majority of applications were lodged by nationals from Vietnam and Ukraine, accounting for 22.98% and 21.08% respectively of the total number of applicants.

On 21<sup>st</sup> August 2012 the **Act on the effects of employing foreigners illegally residing in Poland** implementing the Employer Sanctions Directive (2009/52/EC) came into force. The Act set new obligations for entities employing foreigners as well as facilitates reclaiming due remuneration by illegally employed immigrants.

The **Return Directive** (2008/115/EC) **was transposed** by the Act on Foreigners that came into force in June 2012. In 2012, a **new model of operation for the Polish Border Guard was developed** that assumes widening the tasks and powers of the Border Guard with respect to migration.

**Changes** are to take place also regarding the **administration of detention centres** for foreign nationals prior to expulsion with a view to ease the strict regimes and to improve their friendliness to foreigners to the extent possible.

## 8. Provision and Exchange of Information to support Policy Development

During the reporting period, Poland exchanged information with various EU and international entities, including Frontex, Europol, Interpol and EASO.

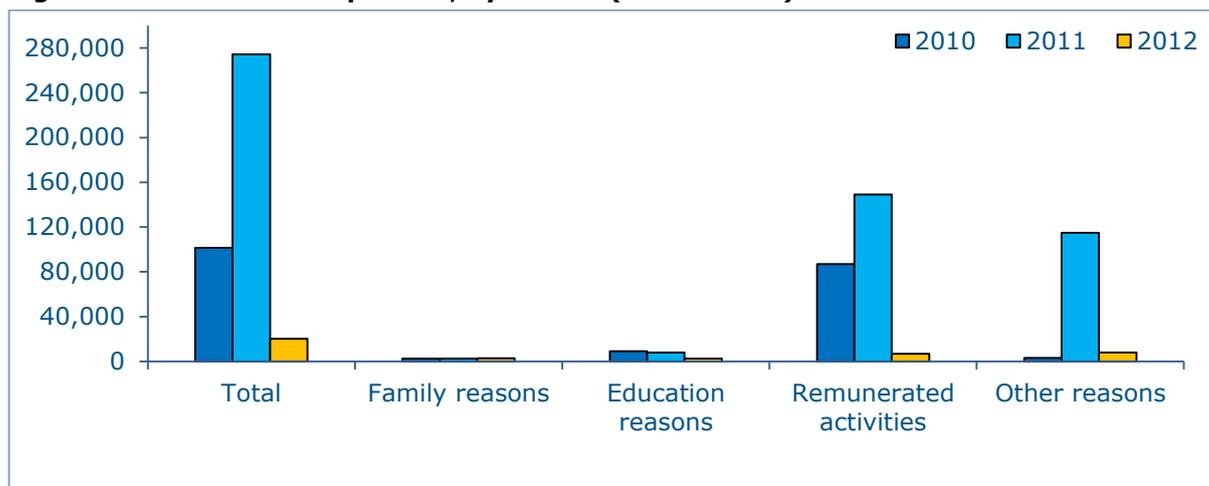
With regard to information exchange at national level, in 2012 individual actors of the civic society became more active and started to influence various issues related to the state migration policy to a greater extent e.g. the debate on the draft Act on Foreigners' provisions, the situation of unaccompanied minors located in the guarded centres for foreigners, or the debate regarding integration-related problems of foreigners in Poland, including in particular the basis of functioning of the system of legal aid for refugees.

### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Poland on aspects of migration and asylum (2010-2012), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

## Statistical Annex: Immigration and Asylum in Poland (2010-2012)

**Figure 1: First residence permits, by reason (2010-2012<sup>2</sup>)**



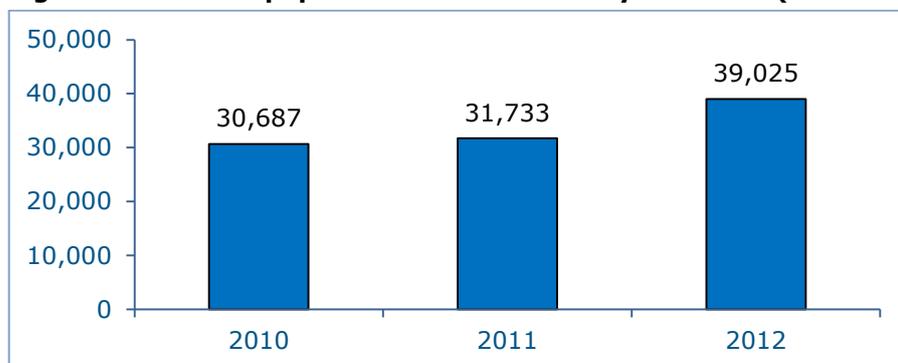
Source: Eurostat migration statistics (migr\_resfirst) for 2010 and 2011; Data for 2012 from National contribution to APR2012

**Table 1: First residence permits: Top 5 nationalities (2010-2011)**

2010	2011	2012
<b>1. Ukraine</b> – 76,485	<b>1. Ukraine</b> – 156,086	N/A
<b>2. China</b> – 4,170	<b>2. Belarus</b> – 69,622	N/A
<b>3. Belarus</b> – 3,645	<b>3. Russia</b> – 24,048	N/A
<b>4. Moldova</b> – 2,447	<b>4. Moldova</b> – 6,623	N/A
<b>5. Turkey</b> – 1,814	<b>5. Turkey</b> – 3,199	N/A

Source: Eurostat migration statistics (migr\_resfirst)

**Figure 2: Resident population of third-country nationals (2010-2012)**



Source: Eurostat migration statistics (migr\_pop1ctz)

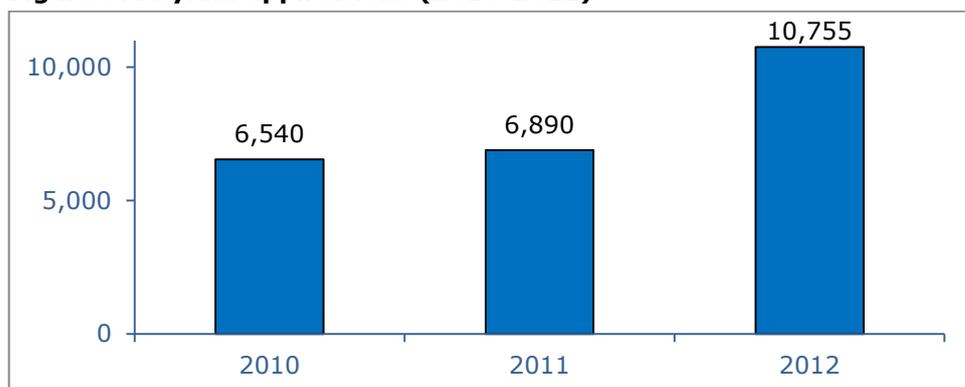
**Table 2: Resident population: Top 5 nationalities (2010-2012)**

2010	2011	2012
<b>1. Ukraine</b> - 10,227	<b>1. Ukraine</b> - 10,803	<b>1. Ukraine</b> – 13,427
<b>2. Russia</b> – 4,191	<b>2. Russia</b> – 4,148	<b>2. Russia</b> – 4,204
<b>3. Belarus</b> – 3,291	<b>3. Belarus</b> – 3,481	<b>3. Belarus</b> – 3,849
<b>4. Vietnam</b> – 2,875	<b>4. Vietnam</b> – 2,947	<b>4. Vietnam</b> – 2,629
<b>5. Armenia</b> – 1,393	<b>5. Armenia</b> – 1,522	<b>5. Armenia</b> – 1,777

Source: Eurostat migration statistics (migr\_pop1ctz)

<sup>2</sup> Incomplete data for 2012

**Figure 3: Asylum applications (2010-2012)**



Source: Eurostat migration statistics (migr\_asyappctza)

**Table 3: Asylum applications: Top 5 nationalities (2010-2012)**

2010	2011	2012
<b>1. Russia</b> – 4,795	<b>1. Russia</b> – 4,305	<b>1. Russia</b> – 6,085
<b>2. Georgia</b> – 1,085	<b>2. Georgia</b> – 1,735	<b>2. Georgia</b> – 3,235
<b>3. Armenia</b> – 105	<b>3. Armenia</b> – 215	<b>3. Armenia</b> – 425
<b>4. Ukraine</b> – 45	<b>4. Belarus</b> – 80	<b>4. Kazakhstan</b> – 130
<b>5. Belarus</b> – 45	<b>5. Ukraine</b> – 65	<b>5. Afghanistan</b> – 105

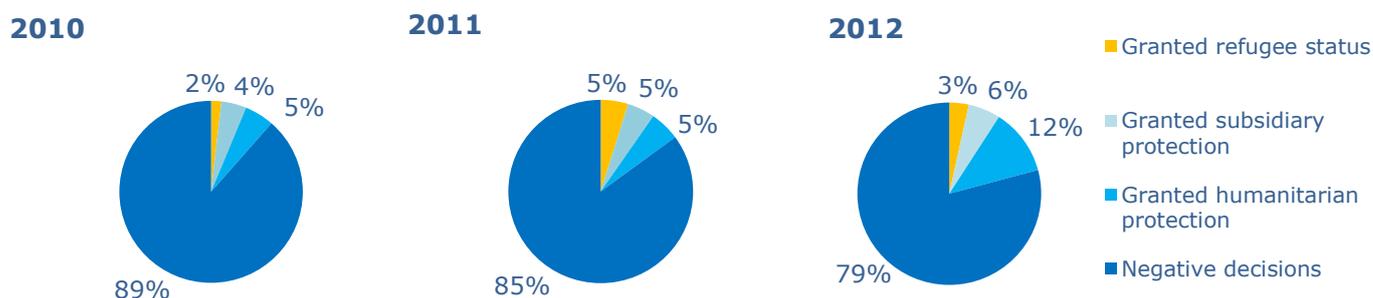
Source: Eurostat migration statistics (migr\_asyappctza)

**Table 4: Asylum applications - First instance decisions by outcome (2010-2012)**

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
<b>2010</b>	4,420	510	80	195	230	3,910
<b>2011</b>	3,215	475	155	155	170	2,740
<b>2012</b>	2,480	520	85	140	290	1,960

Source: Eurostat migration statistics (migr\_asydcfsta)

**Figures 4-6: Asylum applications - First instance decisions by outcome (2010-2012)**

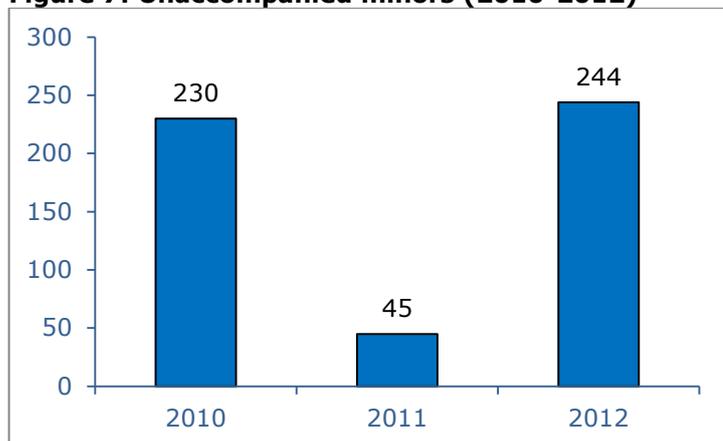


Source: Eurostat migration statistics (migr\_asydcfsta)

**Table 5: Third-country nationals relocated and resettled (2011-2012)**

	2010	2011	2012
<b>Third-country nationals relocated</b>	0	0	0
<b>Third-country nationals resettled</b>	0	0	0

Source: Eurostat migration statistics (migr\_asyresa)

**Figure 7: Unaccompanied minors (2010-2012)**

Source: National contributions to EMN Annual Policy Report and; \* Information provided by EMN National Contact Point

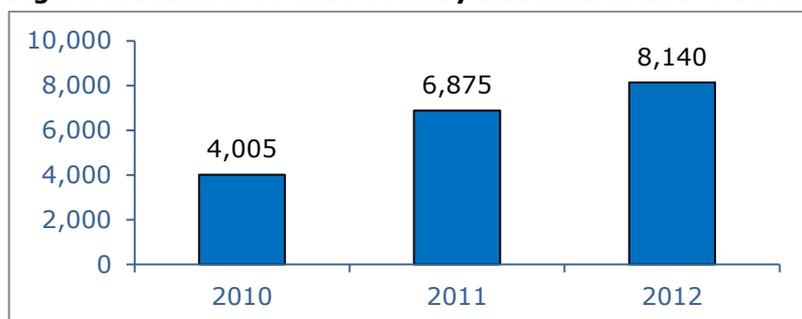
**Table 6: Unaccompanied minors (2010-2012)**

	2010	2011	2012
<b>Unaccompanied minors (total)</b>	231*	43*	244
<b>Unaccompanied minors not applying for asylum</b>	N/A	N/A	N/A
<b>Unaccompanied minor asylum applicants*</b>	231	43	244

**Table 7: Number of third-country nationals refused entry at external borders (2010-2012)**

	2010	2011	2012
<b>Third-country nationals refused entry at external borders</b>	23,015	20,225	29,705

Source: Eurostat migration statistics (migr\_eirfs)

**Figure 8: Number of third-country nationals found to be illegally present (2010-2012)**

Source: Eurostat migration statistics (migr\_eipre)

**Table 8: Third-country nationals returned (2010-2012)**

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
<b>2010</b>	10,700	508 <sup>3</sup>	718 <sup>4</sup>	1,647*
<b>2011</b>	7,750	625*	5,519*	1,164*
<b>2012</b>	7,995	512	6,143*	764

Source: Eurostat migration statistics (migr\_eiord); National contributions to EMN Annual Policy Report; \* Information provided by EMN National Contact Point.

**Table 9: Number of visas issued by type (2010-2012)**

	2010	2011	2012
<b>Total visas</b>	897 696	1 173 582	1,344,112
<b>Schengen visa (short-stay visas)*</b>	617,250	895,076	1,075,284
<b>National visa</b>	174,538	278,506	277,073

Source: Commission Staff Working Documents on the Annual Report on Immigration and Asylum; \* Information provided by EMN NCP on the basis of the 2010 National Report on Visa Policy updated data from the Ministry of Foreign Affairs.

<sup>3</sup> Data incomplete

<sup>4</sup> Data incomplete