



# The Organization of Reception Facilities for Asylum Seekers in Poland

Report produced by  
the National Contact Point  
to the European Migration Network in Poland

October 2013



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This National Report was prepared by the Ministry of the Interior acting as the coordinator of the National Contact Point to the European Migration Network in Poland (PL NCP EMN). The Report follows the common specifications and methodology prepared by the European Migration Network (EMN).

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# Preface

**T**his National Report constitutes a compilation of replies to the questions specified in the EMN Questionnaire, which have been provided - on the request of the Migration Policy Department (Ministry of Interior) - by the staff of the Office for Foreigners.





# The Organization of Reception Facilities for Asylum Seekers in Poland

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## Top-line “Factsheet”



The aim of this focused study is to outline and summarize significant challenges faced by national authorities responsible for the management and organization of reception facilities for foreign nationals applying for refugee status in Poland (the so-called reception centres). It is particularly important in the context of significant sinusoidal changes in the number of applicants recorded recently (2008-2012) per year and per Member State of the EU.

It should be noted that Poland has experienced a significant increase in the number of applications for international protection several times; the largest number of applications have been lodged by the citizens of the Russian Federation (of Chechen origin) and the citizens of Georgia. A particularly noticeable influx of persons seeking protection was recorded in 2009 and 2012, when the number of applicants almost doubled (in relation to previous years). On the basis of data for the first half of 2013, the Office for Foreigners foresees a significant increase in the number of applicants for international protection as compared to 2012. By 30 June 2013, 10,407 applications were submitted, mostly by the citizens of the Russian Federation (9,068) and Georgia (961). Throughout the record year of 2012, 10,753 applications for refugee status were submitted, whereas in 2010 and 2011, a significant decrease in the number of applicants was observed.

The influx of a large number of Russian citizens of Chechen origin, as well as the citizens of Georgia, is mainly due to economic reasons. The current social and political situation in these two regions is also of significant meaning. It cannot be ruled out that Poland is regarded as a transit country due to the fact that many foreigners are attracted by social benefits that they can obtain in countries such as Germany and Austria. Abuse of asylum procedures for purposes other than obtaining international protection is a matter of great importance from the Polish point of view, as every year, a large percentage (nearly 80%) of applicants use the asylum procedure in order to migrate to other EU/Schengen states. The openness of centres for foreigners and the lack of borders within the Schengen area facilitate the free (though contrary to the law and the purposefulness of the asylum procedure) movement of persons who have submitted appropriate applications to be granted the refugee status on the external section of the border in Poland and have not yet received a decision regarding their status.

Although the system of reception of foreigners seeking the refugee status in Poland is based on as little as two decades of experience, observations of the institution responsible for the organization of the reception system (the Office for Foreigners) and the results of cooperation with other Member States have brought a significant

improvement in the situation. Standards have been raised, primarily in terms of social assistance granted to foreigners and the so-called mixed reception system has been developed; it is based on a network of eleven currently operating open centres for foreigners and the possibility of obtaining financial support to cover the costs of accommodation and meals outside of the centre. Limited budgetary resources, inflexible procedures for the selection of third party administrators of centres and the insufficient number of staff employed in reception centres in Poland remain the source of problems hindering the effective functioning of the system. However, efforts have been made to eliminate these negative factors.

*Poland has recorded an increase in the number of asylum applications several times (in 2009, 2012 and 2013)*

An important element of the activities of national authorities was drawing attention to issues of social assistance for foreigners applying for the refugee status in a framework document "Migration policy of Poland - the current state of play and further actions", adopted by the Council of Ministers on 31 July 2012. The document states, inter alia, that the scope of services that reflects the needs of foreigners and many years of experience in providing assistance to this category of people, both in terms of their reception in the centres and outside, seem to be sufficient. However, the amount of benefits paid to persons residing outside the centres proves problematic. It would require the introduc-

tion of a mechanism adjusting the scope of financial assistance provided to meet the needs of this group of beneficiaries taking into account their financial situation. The document also recommends improvements to the system of operation of the centres, and a transition from providing accommodation in large buildings to model of renting model smaller facilities, located throughout the country in large cities with the view to enabling faster and easier integration into the host society. At one of the meeting of the working group preparing an implementation plan for the document entitled "Migration policy of Poland - the current state of play and further actions" (appointed by the Inter-ministerial Committee for Migration) on 24 April 2013, a number of issues were discussed, including the type of mechanism adjusting the scope of financial assistance for applicants receiving benefits offsite of the centre to the needs of this group of beneficiaries and to their financial situation. Another aspect of re-organization of the current system of the reception of foreigners was the modification of the types of centres (from accommodation in large centres to hiring smaller places). The implementation plan for the framework Polish migration policy should be completed by the end of 2013.

According to the document entitled "Migration policy of Poland - the current state of play and further actions", a functional evaluation of solutions should be carried out by the Minister of the Interior every four years, and its results should be sent to the Inter-ministerial Committee for Migration for debate.

# Executive Summary



**T**asks related to the conduct of proceedings in matters of asylum, as well as the granting of social benefits to the extent specified by the *Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland* and complying with the provisions of the Council Directive laying down minimum standards for the reception of asylum seekers in Member States (the so-called reception Directive 2003/9/EC, Article 13) are pursued to the Office for Foreigners. Pursuant to the provisions of Article 37, paragraph 1, point 3a of the above Act, asylum seekers are obliged to arrive at the reception centre within 2 days of lodging an application with the authority receiving applications - that is, the Border Guard.<sup>1</sup> Failure to appear at the reception facility on the prescribed date results in the discontinuance of the proceedings for refugee status, but according to Article 42 paragraph 2 of the above Act, proceedings may be reopened at the request of the foreigner submitted within two years from the date of the decision to discontinue the proceedings.

1. If the impossibility of fulfilling the abovementioned condition is caused by external factors (e.g. foreigner's stay at the hospital, in the arrest) he is obliged to summons himself in the nearest reception center just after the end of a given situation (it is presumed that the time limit for foreigner to present himself at the reception center is also two days). The foreigner's application to be granted a refugee status is questioned by the Head of the Office for Foreigners, who also issue a decision with this regards. Each person applying for refugee status in Poland receives a Temporary Certificate of Foreigner's Identity (TZTC), issued by the Border Guard and valid for 30 days. A subsequent certificate is issued by the Head of the Office for Foreigners.

It should be noted that foreigners applying for a refugee status at the border post are informed by the Border Guard (who receive applications for international protection on the territory of Poland), in a language understood by them, of the need to report to the reception centre before the deadline. In addition, each foreign national receives a map with directions specifying how to get to the reception centre. Experience shows that the majority of foreigners come to the centre on the same day on which they cross the border.<sup>2</sup> In order to arrive at the reception centre, foreigners use taxis or means of local transport, such as minibuses (at their own expense, with several exceptions specified below). Following their arrival in a reception centre, asylum seekers are provided with food and accommodation. They also undergo medical examination and are provided with social benefits.

In accordance with the *Act on granting protection to foreigners on the territory of the Republic of Poland*, asylum seekers are

2. It must be emphasized that not all foreigners required to do so appear at a reception facility after having crossed the border point at Terespol (Polish-Belarusian border). According to data collected by the Office for Foreigners, the percentage of foreigners applying for refugee status for the first time and registered in the reception facility in Biała Podlaska (located near the above mentioned border crossing point) oscillates between 30% and 80% of all applicants for refugee status who have lodged their application at the border crossing post in Terespol (49% on average in the period between 2010 and 2012). For the majority of foreigners crossing the border point in Terespol, Poland is a transit country on their way to Western Europe (mainly Germany, Austria and the Netherlands).

entitled to social assistance,<sup>3</sup> including the right to receive reimbursement of travel expenses in cases specified by relevant legal provisions, however only after they have registered at the centre for foreigners and entered their data into the social benefits accounting system. For this reason, as a general rule it is impossible to reimburse to foreigners the travelling costs for the journey from the border crossing point to a reception centres located on the Polish territory.

On its own initiative, the Office for Foreigners provides particularly vulnerable groups

### *Vulnerable groups of foreigners are provided with means of transport from the border crossing to the reception centre*

of foreigners with means of transport from the border crossing to the reception centre (for example, from the border crossing point at Terespol to the centre in Biła Podlaska). In this case, following the notice sent by the Border Guard in Terespol, specifying the number and the situation of foreigners applying for refugee status, transportation to the centre in Biła Podlaska is organized for those foreigners whose situation is exceptionally difficult, i.e. people with disabilities, pregnant women or families with very

young children, as well as all asylum seekers during periods of very low temperatures.

When their application for refugee status is being examined, foreigners can benefit from social assistance and medical care provided by the Head of the Office for Foreigners. Foreigners applying for refugee status have a number of rights, which include, among others:

- protection against expulsion until the date of delivery of the final decision on refugee status (it generally does not apply to foreigners who have submitted a subsequent application),
- data confidentiality and data protection,
- a Temporary Certificate of Foreigner's Identity (pl: TZTC) for the duration of the proceedings,
- social assistance and health care, as well as assistance in the case of voluntary return to the country of origin,
- access to the case file at any stage of the proceedings,
- unrestricted contact with a representative of UNHCR and organizations whose statutory tasks include dealing with international protection seekers,
- possibility of granting consent to access to information on the proceedings to a representative of UNHCR, as well as the right to review the case file and to make notes,
- right to be employed if asylum proceedings in the first instance take longer than six months (on the basis of a certificate issued by the Head of the Office for Foreigners and the Temporary Certificate of Foreigner's Identity – TZTC),
- right to be heard before a decision is made in relation to the evidence and

3. To a foreigner who has lodged an application to be granted a refugee status during his stay at the guarded centre of the Border Guard or in prison/arrest social assistance and medical care are provided in such situation by the Border Guard or the Penitentiary Office, correspondingly. In the second case if a foreigner served a sentence of imprisonment and the asylum procedure toward him is still ongoing, after summoning at the nearest reception center of the Office for Foreigners social assistance and medical care are provided to such a foreigner.

materials collected and to the submitted claims,

- receiving information in a written form (in a language understood by the foreigner) on the outcome of the proceedings and legal remedies,
- in the case of granting refugee status or subsidiary protection, a written statement of the rights and obligations stemming therefrom.

At the same time, during the refugee status proceedings, an applicant agrees to stay on the territory of the Republic of Poland until the delivery of the final decision on granting the status, unless he/she has submitted a subsequent application for refugee status, and the Head of the Office for Foreigners has not cancelled the execution of the decision on the expulsion of the foreigner.

The Department for Social Assistance of the Office for Foreigners is in charge of granting and provision of social assistance to foreigners applying for refugee status in Poland. Social assistance is provided to any foreigner who has applied for refugee status and registered within two days at one of the two reception centres of the Department for Social Assistance:

- foreigners who have applied for refugee status in Poland (at the border and within the Polish territory) for the first time are to register at the reception centre in Biała Podlaska within two days,
- foreigners who have reapplied for refugee status should register within two days at the centre in Podkowa Leśna - Dębak, this also applies to persons who have come back to Poland after a voluntary return and have applied for the renewal of a discontinued refugee procedure.

The Department for Social Assistance of the Office for Foreigners can provide the following forms of aid:

- accommodation in an open centre for foreigners, of which 11 are currently operating (4 are run by the Office for Foreigners and other 7 by third parties, selected on the basis of open tender procedures – public procurement),
- funds for financing their stay on the Polish territory - in this case, a foreigner receives financial assistance to cover his/her everyday expenses (accommodation and meals).

Furthermore, regardless of the form of aid, each foreigner:

- is provided with medical care, and
- can request assistance for his/her voluntary return to the country of origin.

A foreign national who has been accommodated in a centre is provided with:

- full board (three meals a day) in accordance with cultural principles. It is also possible to exchange food for cash equivalent (for organizational reasons),
- allowance for incidental expenses,
- extra allowance for the purchase of personal hygiene products,
- clothing and footwear allowance,
- reimbursement of travel costs due to participation in asylum proceedings, medical examinations and vaccinations, and in other justified cases,
- access to free Polish language courses, which are organized at the centre, and to basic learning materials.<sup>4</sup>

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4. Polish language courses are organized in all reception centres. The number of hours of classes depends on the number of participants (adults and children). Participants are divided into groups: usually, children aged 6 to 9, children aged 10 to 15, young adults and adults.

In addition:

- children have access to public schools, and those who participate in compulsory education receive a set of required textbooks and exercise books, basic school supplies and cash equivalent instead of meals,
- parents of children up to 6 years of age receive financial compensation in exchange for food in order to purchase food tailored to the age of the child (for children up to 6 years of age, children attending kindergarten, elementary school, secondary and high school students and persons requiring a special diet, it may also be granted for organizational reasons).

As indicated above, a foreigner can receive social assistance in the form of cash payments to cover his/her living costs in the Republic of Poland (accommodation and meals). If a person wishes to live outside a reception centre, he/she must submit an appropriate request at the Department for Social Assistance of the Office for Foreigners. Assistance may be granted in this form for organizational reasons, and also in the following cases:

- in order to provide a foreigner with security if, for various reasons, it is not possible in the centre,
- there is a threat to public order,
- there is a need to protect and maintain family ties,
- the foreigner has received the decision on granting refugee status or a decision on the refusal to grant the refugee status providing for subsidiary protection or permit for tolerated stay.

The amount of aid is determined by the *Regulation of the Minister of the Interior and Administration of 10 November 2011 on*

*the amount of assistance for foreigners applying for refugee status.* According to the above Regulation, the amount of assistance provided in the form of “cash benefits” depends on the size of the family who has submitted the request according to the following rules:

- PLN 25 per day per person (approx. EUR 6.25),
- if the foreign national lives on the Polish territory along with a spouse or under-age children, cash benefits for each family member per day amount to: in the case of a family consisting of two members - PLN 20 (approx. EUR 5), three members - PLN 15 (approx. EUR 3.75), four or more members - PLN 12.50 PLN (approx. EUR 3).

Benefits are paid monthly at the centre located nearest to residence of the foreigner or by postal order to the address indicated.

Foreigners living outside the centre are also provided with:

- medical assistance,
- access to free Polish language courses, which are organized in the centres,
- necessary learning materials (children are provided with a set of textbooks and basic school supplies),
- assistance in the case of a voluntary return to the country of origin.

The Department for Social Assistance of the Office for Foreigners decides on the accommodation for foreigners, taking into account the conditions provided in all eleven open reception centres located on the Polish territory; if possible, the opinion of the foreigner is taken into account. In situations of high occupancy of the centres, foreigners have the right to choose the centre

in which they wish to stay only in justified cases, for instance:

- if the immediate family of the foreigner is staying in a particular centre,
- in order to provide the foreigner with specialist medical care if access to the abovementioned is facilitated in the selected centre,
- for security reasons, or in other special cases.

In the event of the emergence of migratory pressure from foreigners seeking international protection, the Office for Foreigners uses several mechanisms to support efforts taken in order to ensure decent living conditions for foreigners in Poland until a decision in the above case is taken. The most important are:

- constant monitoring of the influx of foreigners and occupancy rate management at the centres, in order to maintain a number of vacancies in case of a sudden influx of foreign nationals,
- mixed reception system, i.e. the provision of accommodation in one of the reception centres or the granting of financial assistance covering the living costs of a foreign national on the Polish territory,
- development of procedures for the opening and closing of reception centres (following a reduction in the number of persons seeking asylum in 2010, seven centres managed by third parties were closed),
- supervision over the proper execution of accommodation agreements,
- training for employees, regarding conflicts, stress management, cultural differences, and the possibility of using savings mechanisms.

The following acts constitute the legal basis for activities relating to the placement of foreigners in reception centres for persons applying for refugee status and the provision of social assistance:

- *Act on Foreigners of 13 June 2003* (Dz. U. of 2012, item 680),
- *Rules of stay in the centre for foreigners seeking refugee status, which constitute Annex to the Regulation of the Minister of the Interior of 6 December 2011* (Dz. U. of 2011, No. 282, item 1654),
- *Regulation of the Minister of the Interior and Administration of 10 November 2011 on the amount of assistance for foreigners applying for refugee status* (Dz. U. of 2011, No. 261, item 1564),
- *Regulation of the Minister of the Interior and Administration of 27 May 2008 on the template of the refugee status application form* (Dz. U. of 2008, No. 92, item 579),
- *Regulation of the Minister of the Interior and Administration of 30 January 2009 on the temporary certificate of foreigners identity* (Dz. U. of 2009, No. 27, item 168),
- *Regulation of the Minister of Health of 1 March 2011 on medical examination and the sanitary treatments of the body and clothing of foreigners applying for refugee status* (Dz. U. of 2011, No. 61, item 313),
- *Act of 27 August 2004 on health care services financed from public funds* (Dz. U. of 2004 No. 210, item 2135, as amended),
- *Act of 29 January 2004 on Public Procurement* (Dz. U. of 2004 No. 19, item 177, as amended).

# 1

## Different Types of Reception Facilities and different Actors managing the Facilities



**T**he Reception Conditions Directive (Directive 2003/9/EC, Article 13) and the Commission's proposal for the recast Reception Conditions Directive (Article 17) stipulate that Member States shall ensure availability of material reception conditions to applicants for international protection. Housing constitutes an essential, if not the primary, element of reception conditions. Provision of accommodation can be provided in a variety of possible manners. Directive 2003/9/EC (Article 14) makes broad reference to:

- accommodation premises for applicants who lodged their application at the border,
- accommodation centres which guarantee an adequate standard of living,

- private houses,
- flats,
- hotels,

or other premises adapted for housing applicants for international protection. Consequently, (Member) States have established different types of reception facilities, such as, collective/communal reception facilities, individual housing (private houses, flats or hotels arranged and paid for by the State), or, some also offer the applicant financial compensation which covers housing expenses.

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### 1) What type of reception facilities exist in Poland?



**Table 1. Different types of Reception Facilities**

Type of accommodation	Does this type of facility exist in Poland?	If so, how many of these facilities existed at the end of 2012?	The maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Collective initial/transit reception centres	Yes	2 (Biała Podlaska and Dębak)	Highest numbers of accommodated applicants: <b>2008:</b> Dębak (521); Biała Podlaska (148) <b>2010:</b> Dębak (204); Biała Podlaska (148) <b>2011:</b> Dębak (204); Biała Podlaska (155) <b>2012:</b> Dębak (186); Biała Podlaska (200)	Average yearly balance of accommodation in all reception centres: <b>2008</b> - 5 264 <b>2009</b> - 3 732 <b>2010</b> - 2 484 <b>2011</b> - 1 630 <b>2012</b> - 1 492
Collective open reception centres <sup>18</sup>	Yes	9	Highest numbers of accommodated applicants in subsequent years: <b>2008:</b> 4,761 (20 centres) <b>2009:</b> 4,643 (21 centres) <b>2010:</b> 2,657 (17 centres) <b>2011:</b> 1,361 (12 centres) <b>2012:</b> 1,401 (9 centres)	
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)	Yes	1	130	The centre has been in operation since November 2010. Highest numbers of accommodated applicants: <b>2010</b> - 77 <b>2011</b> - 135 <b>2012</b> - 158
Special separate reception centres for unaccompanied minors	There are no separate reception centres for unaccompanied minors applying for refugee status. A separate care system has been provided for them (see Question 6)	-	-	-

18. Open centres means that applicants are free to enter and leave the centre whenever they want.

Table 1. Different types of Reception Facilities (continued)

Type of accommodation	Does this type of facility exist in Poland?	If so, how many of these facilities existed at the end of 2012?	The maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Private houses or flats: arranged and paid for by competent authorities	<p>No. One of the forms of social assistance in Poland are cash benefits provided to cover the foreigner's living costs on the territory of the Republic of Poland. The amount of cash benefits depends on the number of family members. Foreigners who receive this form of social assistance organize their own accommodation and meals outside of the centre. The legal basis is set out by the <i>Regulation of Minister of the Interior and Administration of 10 November 2011 on the amount of assistance for foreigners applying for refugee status</i> (Dz. U. of 2011, No. 261, item 1564)</p>	-	-	<p>Nearly half of the total number of foreigners applying for refugee status live outside the centres. Funding to cover the cost of accommodation outside the centre were provided to the following number of foreign nationals:</p> <p><b>2012:</b> 1,295 (annual average); 1,428 (as of end of December)</p> <p><b>2011:</b> 1,393 (annual average); 1,162 (as of end of December)</p> <p><b>2010:</b> 1,778 (annual average); 1,772 (as of end of December)</p> <p><b>2009:</b> 1,922 (annual average); 1,895 (as of end of December)</p> <p><b>2008:</b> 1,398 (annual average); 1,773 (as of end of December)</p>
Private hotels: arranged and paid for by competent authorities	<p>No, the provision of accommodation and meals for foreigners is subject to the provisions of the public procurement act, which require the organization of a public tender for facilities in which foreigners are accommodated.</p>	-	-	-

**Table 1. Different types of Reception Facilities (continued)**

Type of accommodation	Does this type of facility exist in Poland?	If so, how many of these facilities existed at the end of 2012?	The maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family	No	-	-	-
Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities	No	-	-	-

**2) Which authority(ies) carry financial responsibility over the reception facilities?**

a) State authorities

Yes.

b) Local authorities/regional governments

No.

c) External service provider such as NGOs, actors from the private sector or any other kind of third party involvement?

No.

b) Local authorities/regional government

No.

c) External service provider such as NGOs, actors from the private sector or any other kind of third party involvement?

Yes.

**3) Which authorities carry executive responsibility<sup>5</sup> over the facilities:**

a) State authorities

Yes.

**4) In case reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection?)**

*Yes. Pursuant to the provisions of Article 71 paragraph 1 of the Act of 2003 on granting protection to foreigners within*

5. Executive responsibility refers to the day-to-day running of the reception facilities and would also

for example include including quality control of the services provided in the facility.

*the territory of the Republic of Poland, the Head of the Office for Foreigners provides and organizes the management of centres for foreigners under the refugee procedure. The Department for Social Assistance of the Office for Foreigners is in charge of these issues. The reception system in Poland is based on a mixed model and consists of four centres owned by the Office for Foreigners and seven centres leased from third parties.*

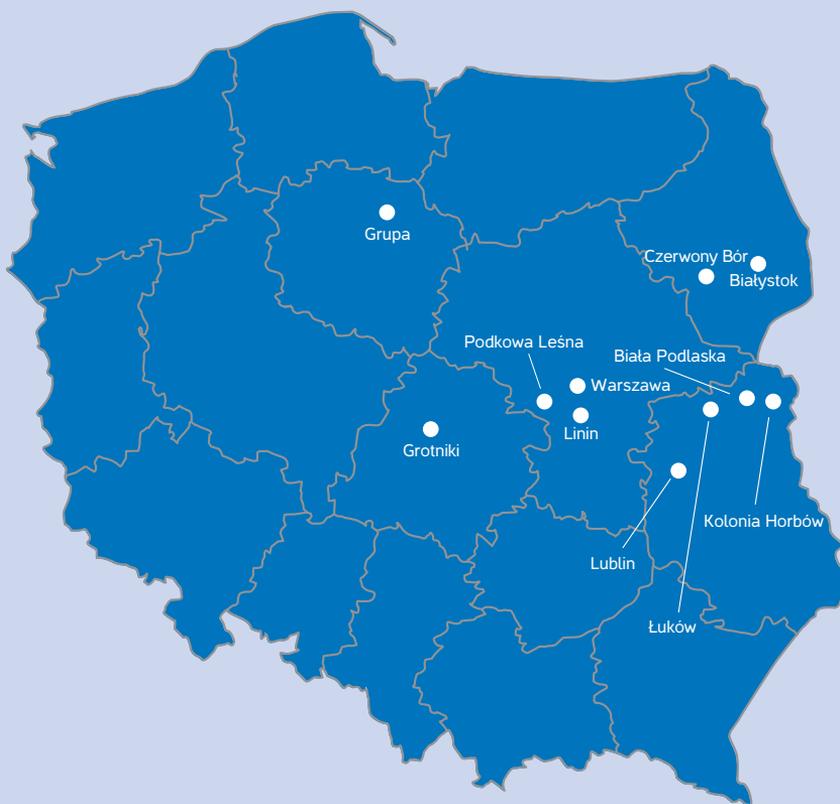
*Four institutions owned by the Office for Foreigners are located in Czerwony Bór near Łomża, Linin near Góra Kalwaria, Dębak near Podkowa Leśna and in Biała Podlaska, whereas the last two serve as initial reception centres, from which foreigners are transferred to other reception facilities. Other centres for foreigners applying for refugee status and managed by third parties are located in Grotniki, Grupa near Grudziądz, Białystok, Lublin, Łuków, Kolonia Hobrów in Zalesie and in Warsaw. The objective of the Office is to ensure that external entities administered by the centres provide space for 80 to 120 people, in order to ensure appropriate care and flexible approach to any sudden influx of foreigners seeking international protection.*

*At present, operators of centres for foreigners applying for refugee status by other entities in accordance with the provisions of the Act of 29 January 2004 on Public Procurement (Dz. U. of 2004, No. 19 item 177, as amended) are selected in the process of open tenders and any organization meeting the requirements specified in the Terms of Reference can apply for the running of such a centre.<sup>6</sup> Article 79, paragraph 2 of the Act on granting protection*

*to foreigners on the territory of the Republic of Poland allows the Head of the Office for Foreigners to outsource the management of centres to social organizations, associations or other legal or natural persons. The practice of the Office for Foreigners, however, shows that attempts at running such centres by NGOs have not been successful.*

6. Pursuant on the public procurement procedure, reception centers for foreigners are run by registered business operators from the sector of tourism and hospitality services.

Map 1. Localization of centers for foreigners who submitted the application to be granted refugee status in Poland (source: Office for Foreigners)



5) In case reception facilities are run by local authorities/regional governments or with involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated? Have any formal coordination mechanisms between the different actors been signed (for example cooperation agreements stipulating the division of competences)?

Yes. Centres for foreigners run by external administrators (by third parties) are created on the basis of procurement procedures (open tender), and successful business operators sign appropriate agreements that set out the obligations which the Contractor undertakes to fulfil. In the tender procedure, the Office for Foreigners pays particular attention to the criteria introduced in order to ensure a high standard of accommodation in leased facilities. The criteria for the award of contracts are as follows: 30% - the price, 50% - housing conditions, 20% - distance from the headquarters of the Office for Foreigners in Warsaw. Housing conditions encompass a number of elements that all facilities must meet, i.a. the following criteria:

- facilities must comply with legally required regulations in the field of construction, fire protection and sanitary requirements (each confirmed with relevant documents),
- a capacity of at least 120 places in the centre, for the entire duration of the contract, and specifying the maximum number of persons who can be accommodated in the facility,
- maintaining an adequate quality standard of the centre (living quarters with certain equipment and in an appropriate condition, access to recreation facilities and areas, a certain number of toilets and

bathrooms with appropriate equipment, facilities that can be used as places of worship, recreational areas, classrooms, an appropriate number of refrigerators and washing machines to be used by the residents, facilities for medical staff and employees of the centre, etc.),

- providing residents of the centre with three meals a day (usually delivered by an external catering company),
- providing cleaning services in the establishment and in the adjacent area, as well as a regular change of bed linen,
- ensuring security in the centre 24/7.

In each of the centres the Office for Foreigners employs its own staff providing services to residents.

At the same time, in each of the centres, residents have access to medical staff who are employed by the institution coordinating medical care for asylum seekers in Poland (also selected on the basis of a public procurement). Medical care for foreigners applying for refugee status in Poland is coordinated by the Central Clinical Hospital of the Ministry of Interior in Warsaw, on the basis of an agreement concluded with the Office following a public procurement procedure. Under the agreement signed with the Office for Foreigners, the Hospital provides the following medical services directly and through its subcontractors:

- creation of the so-called epidemiological filter: all persons applying for the first time for social assistance must go through the so-called “epidemiological filter” at the reception centre in Biła Podlaska or in Podkowa Leśna - Dębak. Medical examinations are performed, including

*procedures for early detection, diagnosis and referral to specialists in the cases of tuberculosis and other infectious diseases, as well as venereal and parasitic diseases,*

- *creation of a medical facility in each centre, where primary medical help is provided by doctors and nurses (this includes vaccinations, medical diagnosis and outpatient specialist care),*
- *hospitalization, emergency medical services, ambulance and other medical transportation services,*
- *in justified cases, referral of foreigners by doctors employed at the medical centres for foreigners to hospitals or to centres where specialized tests can be carried out. Specialized services are performed at the Central Clinical Hospital of the Ministry of Interior or other health care facilities, with which the above Hospital has concluded agreements,*
- *dental care in dental practices with which the Office for Foreigners has concluded a service agreement,*
- *psychological help; in special cases, foreigners are referred to specialized psychological or psychiatric facilities, and*
- *rehabilitation services (in justified cases).*

*In order to provide foreign nationals with efficient and appropriate health-care, the Central Clinical Hospital of the Ministry of the Interior has created within its structure a Medical Service Team for Persons Applying for Refugee Status. The team coordinates the work of medical facilities in all reception centres run by the Office for For-*

*eigners, oversees the work of subcontractors in terms of research, specialist consultations and hospitalization, and ensures that the requirements arising from the agreement concluded with the Office for Foreigners are met.*

# 2

## Take up of Reception Facilities: Factors determining Access to the different Types of Facilities



### 1) Which applicants for international protection are entitled to reception facilities provided by the State?

**Table 2. Categories of applicants entitled to reception facilities**

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or specific reception facilities?
Applicants under Dublin II <sup>19</sup>	Yes	Standard
Applicants in admissibility procedures <sup>20</sup>	Yes	Standard
Applicants subject to accelerated procedures	Yes	Standard
Vulnerable groups of applicants <sup>21</sup> (with specific psychological/medical assistance needs)	Yes	A separate centre for women and mothers with children

19. Specific reception facilities refer to facilities which differ from mainstream reception facilities, e.g. depending on the type of applicant, or stage/procedure.

20. Applicants under Dublin II means those applicants for which a Dublin procedure has been initiated and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

21. Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) which stipulates circumstances in which Member States are allowed to declare application as inadmissible and are subsequently not required to examine the application.



**Table 2. Categories of applicants entitled to reception facilities (continued)**

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or specific reception facilities?
Unaccompanied minors awaiting decision for international protection	No	Unaccompanied minors are not placed in reception facilities for foreigners. Following the submission of an asylum application by a minor, the Border Guard - as the authority receiving the application - applies immediately to the family court with jurisdiction over the place of residence of the minor, in order to 1) appoint a guardian to represent him/her in the proceedings for granting the refugee status and 2) to place the minor in an educational care facility of intervention character (for a period of up to three months, following which the minor is transferred to an educational care facility of socializing character) or to a foster family. One of the institutions to which unaccompanied minors are sent is a children's home in Warsaw, which has extensive experience in working with foreign children <sup>22</sup>
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return	No	
Applicants who have lodged an appeal procedure	Yes	Standard
Applicants who have lodged a subsequent application	Yes	Standard
Applicants who have received a positive decision on their international protection application	Yes	Standard – up to 2 months following the receipt of the decision
Applicants who have exhausted the procedure for international protection and who are awaiting return	Yes	Standard – up to the departure date
Other (e.g. applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin etc.)	Any person who has submitted an application for refugee status in Poland is entitled to social assistance	Standard

22. According to the Act of 9 June 2011 on family support and foster care system (Dz. U. of 2013, item 135, Article 103 paragraph 1 and 5) and the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (Dz. U. of 2012, item 680, Article 62), an unaccompanied minor is transferred to a professional foster family acting as an emergency children's shelter or an educational care facility, whose scope of operation includes childcare in crisis situations. Such institutions are required to accept a child in cases requiring an immediate provision of care. An important feature of the above facility is that it accepts children regardless of their place of residence, which makes the provision of immediate assistance to unaccompanied minors easier. However, this has resulted in the lack of specialized centers providing care and educational assistance to unaccompanied foreign minors. Changes to the above system, taking into account the specific situation of unaccompanied minors, are to be introduced and relevant steps have already been taken by the IOM Warsaw Office in cooperation with the Office for Foreigners and the Ministry of Labour and Social Policy. Work is conducted in the framework of the project entitled „Enhancing the effectiveness of voluntary return activities. Phase II” and conducted by an expert group.

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2) From the aforementioned categories of applicants who are entitled to reception, can any be excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

Yes. All foreigners who have applied for refugee status on the Polish territory must report within two days to one of the two reception centres (in Dębak<sup>7</sup> near Podkowa Leśna or in Biała Podlaska<sup>8</sup>), where they are provided with accommodation and board. Should they fail to do so, the proceedings for granting the refugee status are discontinued. Subsequently, the Department for Social Assistance of the Office for Foreigners may grant assistance through the provision of accommodation in one of the reception facilities (see the map no. 1), or provide financing to cover the living costs of a foreigner on the Polish territory - in this case, a foreign national is provided with financial assistance to cover the expenses incurred for his/her accommodation and meals outside the centre.

All centres for foreigners of the Office for Foreigners are open institutions. Foreigners who have been granted social benefits are accommodated in double rooms or rooms for four or more people, depending on their family situation. All residents are obliged to comply with the legal standards applicable within the territory of Poland and the rules in force

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7. Foreign nationals who had already applied for refugee status in the past as well as foreign nationals who have returned to Poland following a voluntary return and have applied for the renewal of the discontinued procedure should report to the reception facility in Podkowa Leśna - Dębak within two days.

8. Foreign nationals who have applied for refugee status in Poland for the first time should report to the reception facility in Biała Podlaska within two days.

in the centres for foreigners applying for refugee status - as implemented by Regulation of the Minister of the Interior of 6 December 2011.

Those who refuse to undergo the mandatory medical examination or, if necessary, the sanitary procedures, cannot be accepted at the reception centre. If, following his/her admission, a foreign national grossly violates the principles of social behaviour and does not respect the rules of stay in the facility, he or she may be deprived of social assistance. The decision is taken on individual case basis by the management of the Department for Social Assistance of the Office for Foreigners.

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3) Does Poland carry out an assessment of vulnerability which could result in assignment to special reception facilities for vulnerable groups of applicants?

Yes, this practice applies to single women, mothers with children and people with disabilities in need of specially adapted accommodation.

In addition, if an unaccompanied minor lodges an application for refugee status, the Border Guard - as the body receiving applications for refugee status - applies immediately to the family court with jurisdiction over the place of residence of the minor to appoint a guardian to represent him/her in the proceedings for granting the refugee status and to place the minor in an educational care facility or in a foster family.

a) Does the assessment of vulnerability is:

- Obligatory and laid down in law

Yes.

- Standard practice

Yes.

- Optional

No.

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**4) Which authority/(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities?**

*The Department for Social Assistance of the Office for Foreigners decides on the referral of foreigners to particular reception centres.*

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**5) How do these authorities allocate applicants to different types of reception facilities? Is one of the scenarios below, or a combination thereof, are applicable to Poland:**

**a) Capacity**

Scenario: Poland assigns applicants for international protection according to capacity, e.g. it monitors occupancy rate of each reception centre and assigns applicants accordingly

*Yes. The Department for Social Assistance of the Office for Foreigners verifies the occupancy rate of each centre for foreigners. Efforts are also made to ensure that the nationalities of the residents of a particular centre and their ethnic origins are not a potential source of conflict.*

**b) Dispersal Mechanism**

Scenario: Poland applies a dispersal scheme which defines how many applicants each reception centre at national/regional/local level ought to receive (ei-

ther in percentages or based on a specific quota)

*No. Each of the centres for foreigners has a specifically defined limit of available accommodation places.*

**c) Type of asylum procedure**

Scenario: Poland takes into account the type of asylum procedure and assigns applicants accordingly to a specific reception facility. For example, one or more of the below is applicable:

- Applicants who fall under the Dublin II Regulation are accommodated in specific reception facilities
- Applicants subject to accelerated procedures are assigned to specific reception facilities

*No. In Poland, each application for international protection is treated as an application for refugee status, unless the foreigner proves that he/she is applying for asylum.*

**d) Stage of asylum procedure**

Scenario: Poland takes into account the stage of the asylum procedure and assigns applicants accordingly to a specific facility. For example, one or more of the below is applicable:

- Applicants during the admissibility procedure - when a (multiple) application is assessed for admissibility or when a Dublin examination is carried out – are temporarily placed in specific initial/transit reception facilities
- Applicants who are awaiting a first instance decision are placed in specific reception facilities

- Applicants who have lodged an appeal procedure are transferred to specific reception facilities
- Failed/rejected applicants for international protection are transferred to specific reception facilities

No.

#### e) Profile of the asylum applicant

**Scenario:** Poland takes into account the profile of the applicant for international protection (e.g. special needs<sup>9</sup>, nationality, or specific motives underpinning the application) and assigns applicants accordingly to a specific reception facility

*Yes, in the case of women, mothers with children and persons with disabilities who have special accommodation requirements.*

#### f) Duration of the asylum procedure

**Scenario:** Poland moves applicants for international protection from one facility to another after a certain time period has elapsed

No.

#### g) Other criteria (e.g. family composition)?

No.

### 6) Is the process for assignment of applicants to different reception facilities:

#### a) Laid down in legislation

*Yes and No. In Poland, there is no distinction between the different types of centres for foreigners. Pursuant to Article 82 paragraph 1 point 6 of the Act of 2003 on granting protection to foreigners on the territory of the Republic of Poland, a foreigner “staying at a centre (that is the initial reception centre in Biła Podlaska or in Podkowa Leśna – Dębak) is required to move to another facility if this is justified for organizational reasons. Pursuant to the provisions of Art 61 paragraph 1 of the above Act, on the basis of a decision of a family court, an unaccompanied minor must be placed in an educational care institution for the duration of the proceedings.*

#### b) Outlined in soft law/guidelines

No.

#### c) Not outlined in official documents, but there is a standard practice in place

Yes.

### 7) Provided there is sufficient capacity, does Poland offer the applicant a choice for reception facility/location?

*Yes, if possible, foreign nationals are given the possibility to select the facility in which they wish to stay, while a steady occupancy level in all facilities is maintained. In the case of a high occupancy rate in all centres, foreigners are allowed to choose the facility in which they wish to stay only in justified cases:*

9. The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

- *contacts with immediate family staying in the facility*
- *need for specialized medical care, access to which is facilitated in the chosen centre*
- *safety reasons*
- *other special cases.*

- Incidents at centres which may require transfer to alternative accommodation

Yes.

- Time limits (procedural-driven)

No.

- Programme for voluntary return to the country of origin

Yes.

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8) Does Poland provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

*Yes, foreigners can request to be transferred to another facility. In his/her request, a foreign national must justify the reasons for the need to change the place of residence. Decisions on the transfer are taken by the management of the Department for Social Assistance of the Office for Foreigners (on the basis of authorization granted by the Head of the Office for Foreigners).*

a) Which of the below criteria are applied, or a combination thereof, for relocation to a different reception centre:

- Capacity/bed management issues

Yes.

- Change in family profile (e.g. birth of a child)

Yes.

- Medical or special need reasons

Yes.

# 3

## Quality: National Legislation on Material Reception Conditions



1) According to national legislation in Poland, what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions:

a) Food

b) Clothing

c) Financial allowance

*The following acts constitute the legal basis in the matter of social assistance for persons applying for international protection and accommodated in reception centres of the Office for Foreigners:*

- Chapter 5 of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (Dz. U. of 2012, item 680),
- Rules of stay in the centre for foreigners seeking refugee status, which constitute Annex to the Regulation of the Minister of the Interior of 6 December 2011 (Dz. U. of 2011, No. 282, item 1654),
- Regulation of the Minister of the Interior and Administration of 10 November 2011 on the amount of assistance for foreigners applying for

*refugee status (Dz. U. of 2011, No. 261, item 1564).*

a) Food

*In all reception facilities meals are provided three times a day (breakfast, lunch and dinner) and they are prepared in accordance with the cultural norms of the residents. In addition, each centre has a communal kitchen, where foreigners can prepare their own food (products must be purchased by the residents themselves). Parents of children up to 6 years of age and children attending school receive funding to prepare meals for their children.*

b) Clothing

*Every foreigner applying for refugee status and benefiting from social assistance of the Office for Foreigners receives a one-off financial assistance for the purchase of clothing and footwear (especially in winter), amounting to PLN 140 (approx. EUR 35). In some centres, clothing and footwear are provided by NGOs. In addition, in 2012 in the framework of a project co-financed by the European Refugee Fund, the Office for Foreigners bought vouchers for the purchase of clothing and footwear for children and teenagers aged 3-18.*

### c) Financial means

Foreigners residing in the facilities of the Office for Foreigners are provided with:

- continuous financial assistance in the form of the so-called pocket money amounting to PLN 50 (approx. EUR 11) per month per person for any expenses,
- a fixed amount for the purchase of personal hygiene products, amounting to PLN 20 per month (approx. EUR 5),
- financing of transportation to (1) participate in the proceedings for granting the refugee status, (2) attending medical examinations or vaccination, and (3) in other justified cases.

Parents of children up to 6 years of age and children attending schools receive the equivalent value of board amounting to PLN 9 (approx. EUR 2) per day per child (paid in advance for the entire month) for the purpose of preparing meals.

It is worth noting that the Polish reception system implies the possibility of receiving cash benefits to cover the foreign national's living costs in Poland (the Office for Foreigners does not provide foreigners with houses or apartments in which they could reside, and it does not act as an intermediary in the process of house rental and the payment of relevant fees by foreigners). The amount of financing is determined on the basis of the Regulation of the Minister of the Interior and Administration of 10 November 2011 on the amount of assistance for foreigners applying for refugee status. According to the above Regulation, rates of the "financial assistance" are as follows:

Number of family members	Daily amount per person	Monthly amount per person
1 person	EUR 6,25	EUR 187.5
2 persons	EUR 5	EUR 150
3 persons	EUR 3.75	EUR 112.5
4 persons	EUR 3	EUR 93.75

Benefits are paid monthly, by the 15th day of each month, at the centre located nearest to the place of residence of a foreigner or by postal order to the address indicated.

Given the diversity of nationalities, religions, cultures, traditions and the history of the countries of origin represented by applicants for refugee status, in addition to ensuring adequate living condition for foreigners, the Office for Foreigners takes the necessary steps to ensure the safety of foreigners and the respect of their religion.

2) Please indicate for each type of reception facility in place in Poland: the available surface per applicant (in square meters); the supervision rate (number of staff per applicant); and specify whether applicants have the possibility to take part in organised leisure activities.

**Table 3. Other quality criteria for reception facilities that relate to the applicant’s experience of being accommodated in a reception facility**

Type of accommodation	Available surface per applicant in square meters	Supervision rate (number of staff per applicant)	Possibility of leisure activities? Yes/No. If yes, briefly describe
Collective initial/transit reception centres	Living quarters: <ul style="list-style-type: none"> <li>• single or double rooms: at least 6 m<sup>2</sup></li> <li>• triple rooms or larger: additionally at least 2 m<sup>2</sup> per person</li> </ul>	At present, one employee is in charge of approx. 90 residents.	Yes: Community centres, schools, kindergartens, sport grounds, TV rooms for each sex, a room for religious practice, computer rooms (in 4 centres)
Collective open reception centres			
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)			

**3) Has Poland developed guidelines or a handbook in relation to the reception offered to applicants for international protection?**

Yes. A handbook for foreigners applying for refugee status, containing general information about Poland and details on the system of social assistance was published in 2012. A new version of the handbook has been prepared, supplemented with information on the asylum procedure and information related to the completion of the procedure and further steps to be taken by a foreigner.

In addition, a number of procedures governing the operation and running of centres for foreigners have been developed for internal purposes. These procedures provide guidance to the staff of reception facilities on how to behave in certain situations:

- receiving foreigners in the facility,
- opening and closing of the facility,
- supervising the implementation of social services,
- medical assistance,
- delivery of decisions (social assistance and refugee procedure),

- payment of benefits,
- financial records,
- safety threats for foreigners residing in a centre,
- violation of legal provisions by a resident,
- allocation of allowances to cover the costs of a foreigner’s stay on the territory of the Republic of Poland,
- marriages with minors,
- funeral arrangements,
- sanitary and epidemiological guidelines.

In addition, the Office for Foreigners is a party to the Agreement on standard operating procedures for the detection, prevention and response to sexual violence and gender-based violence against foreigners residing in centres for persons applying for refugee status, concluded on 25 March 2008 between the Ministry of Interior and Administration, the Police Headquarter, the UN-HCR National Office in Poland, the “La Strada” Foundation and the Halina Nieć Legal Aid Centre. Pursuant to the above Agreement and the Project for the prevention of sexual abuse and gender-



based violence against persons applying for refugee status (2008/2009) the "Handbook of sexual violence and gender-based violence prevention for persons applying for refugee status" has been prepared.

the UN High Commissioner for Refugees in Poland.

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**4) What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?**

*The duties of the staff of reception facilities include ensuring the compliance with the provision of contracts concluded with the Office for Foreigners by the administrators of facilities.*

*In addition, employees of the Department for Social Assistance of the Office for Foreigners regularly visit reception facilities in order to verify if the provisions of contracts are being implemented.*

*One has to note that in accordance with §6 of the Rules of stay in the centre for foreigners seeking refugee status, representatives of the Office of the UN High Commissioner for Refugees are authorized to enter a centre for foreigners following a prior notification sent to the director of the facility (without the necessity of obtaining the consent of the Head of the Office for Foreigners).*

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**5) Has there been a public debate about the quality of reception facilities in Poland in the period from 2008 onwards - to date?**

*No. This issue has not yet required a public debate. Reception centres in Poland are being constantly monitored by non-governmental organizations and branches of the Office of*

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**6) Does primary research exist in Poland, evaluating the quality of reception facilities?**

*Yes. Within the framework of public procurement procedures relating to accommodation of foreigners, the standard practice includes a visit of a specially appointed committee to each facility participating in the procurement procedure in order to ensure that it satisfies the requirements of the Office for Foreigners.*

*Additionally, in 2011, a survey was conducted among foreigners living in reception centres with the view to evaluating the standard of living in the centres run by the Office for Foreigners.*

*The Office for Foreigners participates annually in "Age Gender Diversity" - a project of the Office of the UN High Commissioner for Refugees. In the framework of the project, multi-task teams (including representatives of UNHCR, the Office for Foreigners, NGOs and other institutions) visit centres for foreigners (in recent years, also guarded centers run by the Border Guard) and meet with residents in order to discuss their problems. Residents have the opportunity to express their views on the living conditions in the centres and the quality of social assistance. A summary report is then prepared in which the situation of applicants for international protection (in Central Europe) is analysed and the key issues raised by foreigners are outlined.*

# 4 Flexibility



**Table 4. National statistics on flexibility**

	2008	2009	2010	2011	2010
Total number of applicants entitled to reception <sup>23</sup>	8 517	10 587	6 535	6 889	10 753
Total number of applicants accommodated in reception facilities	Annual average: 5,264	Annual average: 3,732	Annual average: 2,484	Annual average: 1,630	Annual average: 1,492
Maximum number of applicants that could be accommodated in reception facilities	Approx. 5,200	Approx. 5,100	Approx. 3,000	Approx. 2,100	1900-2100
Average occupation rate in reception facilities	100%	73%	80%	77%	70%-80%

23. Data refers to the number of foreign nationals who have applied for refugee status both for the first and subsequent time. Below data indicates the average percentage of foreigners who reported in 2009-2012 to the reception center in Biła Podlaska as compared to the total number of applicants for refugee status at the border crossing in Terespol (Polish-Belarusian border):  
 - 2009 – 54,95%,  
 - 2010 – 49,45%,  
 - 2011 – 49,81%,  
 - 2012 – 49,78 %.

## 1) Has Poland experienced any pressure in relation to the reception of applicants for international protection during the period 2008-2012? What were possible reasons for such pressure?

*Poland has recorded an increase in the number of applications for international protection several times, submitted in particular by the citizens of the Russian Federation (of Chechen origin) and by the citizens of Georgia. A particularly noticeable influx of foreigners seeking protection was recorded in 2009 and 2012.*

**Figure 1. Number of asylum applications lodged by foreigners in 1992-2012 (own elaboration of the PL EMN NCP)**



*Analysing data for the first half of 2013 the Office for Foreigners foresees a significant increase (as compared to 2012) of the number of applicants for international protection. By 30 June 2013, 10,407 foreigners submitted applications, mostly citizens of the Russian Federation (9,068) and Georgia (961).*

*When referring to the statistical data for 2008-2012, it should be stressed that the number of persons applying for any form of international protection in Poland in 2012 was highest in history, as applications for refugee status were submitted by a total of 10,753 foreigners (nearly 4,000 more than in 2011, comparable only with record years of 2007 and 2009, when applications were lodged by 10,048 and 10,587 foreigners respectively); 85% of them were applications submitted for the first time (74% in 2012). The greatest number of refugee applications were submitted by the citizens of the Russian Federation (usually declaring Chechen nationality) - 6,084, and the citizens of Georgia - 3,234.*

*The current growing influx of Russian citizens of Chechen origin, as well as the citizens of Georgia, is mostly due to economic reasons, but the current*

*socio-political situation in these areas also has an impact on the rising number of applications for refugee status. It cannot be ruled out that regarding Poland as a transit country by many applicants attractive is caused by social benefits offered to foreigners in countries such as Germany and Austria.*

*One possible factor that explains the increased volume of Chechen migration is the judgment of the Federal Constitutional Court in Germany, and subsequent changes in German legislation (since 2011), which resulted in increasing the amount of social assistance provided to applicants for international protection.*

*Cases of abusing the refugee procedure for purposes other than obtaining international protection are quite important from the Polish point of view, since a great number of applicants use the refugee procedure in order to migrate to other EU or Schengen Member States. According to the Border Guard and the Office for Foreigners, only about one sixth of applicants remain in Poland while waiting for the decision in pending asylum proceedings. This is one of the main reason why a large proportion of cases (about 78% in 2012)*

are finally discontinued. The open character of facilities for foreigners and the lack of borders within the Schengen area, in turn, facilitate the free movement of people who have submitted refugee application on Poland's eastern border, being external EU border.

2) Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities?

**Table 5. Flexibility Mechanisms**

Type of mechanism	Does this exist in Poland? (Yes/No)	If yes, please describe	Has this mechanism been used?
Early warning mechanism <sup>24</sup> (including any software programmes monitoring capacity and occupancy in reception facilities)	No	-	-
Additional reception centres acting as buffer capacity	No	-	-
Emergency plans	Yes	For several years, the Ministry of the Interior has been working on the development of the activities of state authorities in the framework of the Guidelines for action in the case of a sudden influx of foreigners. These guidelines define the type and scope of activities, responsibilities of authorities and the expected cost of their implementation in the case of a sudden influx of a significant number of foreigners in Poland. The concept of response to the sudden influx of foreigners is developed within the Standard operating procedures in the field of crisis management outlined in the National Crisis Management Plan adopted by the Council of Ministers in March 2012	No

24. An early warning mechanism refers to a monitoring system, e.g. a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage. An early warning mechanism could for example include among others any software programmes monitoring capacity and occupancy rate in reception facilities.

**Table 5. Flexibility Mechanisms (continued)**

Type of mechanism	Does this exist in Poland? (Yes/No)	If yes, please describe	Has this mechanism been used?
Budget flexibility (to in-or decrease the budget when necessary)	Yes	If there is a risk of exceeding the budget allocated to social assistance, the <i>Act on granting protection to foreigners within the territory of the Republic of Poland</i> allows the use of a corrective mechanism to enable a proportional reduction of the various social benefits received by foreign nationals without any further increase in the total amount of the social assistance budget. This mechanism enables authorities to provide social services to a larger number of foreigners (although of a lesser amount per person) without increasing the total amount of the social assistance budget	No
Fast-tracking procedures <sup>25</sup>	Yes	Deployment of additional staff to work on foreigners' applications and focus on the preparing of decisions regarding the incoming applications (priority is given to these applications)	Yes, in the situation of an increased number of applications lodged by foreigners
Application of different standards/modalities of reception conditions in emergency situations <sup>26</sup>	No	-	-
Provision of financial vouchers/allowance to cover costs of private accommodation	Yes	Foreigners are allowed to make a claim for social assistance to cover the costs of their stay in the Republic of Poland. Persons using this form of social assistance receive monthly funding, which is to be used for accommodation, meals and other expenses. The amount of aid depends on the size of the family	Systemic solutions used in daily practice. In case of an increased influx of foreign nationals, they are encouraged to use this form of assistance
Review for specific categories of applicants who obtain priority access to reception	No	-	-
The use of excess space for other purposes	Yes	Use of the available facilities for the temporary accommodation of foreigners	Yes. At the turn of 2007 and 2008 (Poland's accession to the Schengen area), when a sudden increase in the number of foreigners applying for international protection was observed

25. E.g. by contracting more case-workers to decide on applications to create or close reception facilities).

26. Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: "Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs".

**Table 5. Flexibility Mechanisms (continued)**

Type of mechanism	Does this exist in Poland? (Yes/No)	If yes, please describe	Has this mechanism been used?
Other	Yes	<p>Constant monitoring of the occupancy rates in the facilities by the staff of the Department for Social Assistance of the Office for Foreigners.</p> <p>Mechanism of monitoring the scale of the influx of foreigners conducted by the Border Guard</p>	-

**3) Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time.**

Over twenty years of Poland’s experience (Poland signed the Geneva Convention and the accompanying Protocol on 27 September 1991) in the management of the reception system for persons seeking international protection has led to the development of a number of solutions for cases of an increased and decreased influx of foreigners. The most important response mechanisms to migration pressure include:

- management of the occupancy rate of accommodation facilities and maintaining a number of vacancies in case of a sudden influx of foreign nationals,
- development of procedures for the opening and closing of reception facilities,
- constant monitoring of the influx of foreigners and the occupancy rate of reception facilities,
- mixed reception system, i.e. provision of accommodation in reception facilities or financial assistance to cover the living costs of a foreigner staying in Poland,

- cooperation with the Border Guard in terms of the legality of a foreigner’s stay in Poland (savings in the social assistance system are generated through the speeding up of the procedure following which the provision of social assistance to a foreigner is discontinued) and the effective implementation of decisions regarding departure from the Republic of Poland,
- encouraging voluntary return to the countries of origin,
- accelerating the process of issuing decisions on the granting of refugee status,
- exploring possibilities of providing new facilities and alternative forms of accommodation<sup>10</sup> (several facili-

10. In case of sudden increase of the influx of foreigners applying for refugee status in Poland the Office for Foreigners takes action to, at first stage, accommodate additional number of foreigners in the already existing and functioning reception centres (if there still are spare places in the centers managed by third parties the Office for Foreigners with the basis on the already signed agreements may buy additional accommodation for foreigners). If there is no possibility to raise the level of accommodation in the already existing facilities, the Office for Foreigners allude contact with former administrators of the reception centres and verifies the possibility to accommodate foreigners in those facilities. And finally, at the later stage, the Office is seeking for new entities that may deliver services with this regard. An important trump of the above mentioned system of exploring possibilities of providing new facilities for foreigners in case of sudden flow is fact, that current and former administrators of the centres for foreigners posses more

*ties were or still are operating as centres for foreigners),*

- *supervising the proper execution of contracts for the provision of accommodation to foreigners,*
- *training for staff regarding conflict resolution, stress management and cultural differences,*
- *possible application of savings mechanisms.*

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necessary experience, than those who for the first time take part in action of this type.

# 5

## Efficiency



**Table 6. National Statistics on Efficiency**

	2008	2009	2010	2011	2010
National budget allocated to the reception of applicants for international protection	PLN 80,100,124 EUR 20,025,031	PLN 81,640,012 EUR 20,410,003	PLN 57,532,278 EUR 14,383,069.5	PLN 42,814,918 EUR 10,703,729.5	PLN 44,774,906 EUR 11,193,726.5
Total costs of reception					
Total direct costs <sup>27</sup>	PLN 59,085,150 EUR 14,77, 287.5	PLN 56,022,489 EUR 14,005,622.25	PLN 54,080,342 EUR 13,520,085.5	PLN 35,744,271 EUR 8,936,067.5	PLN 38,016,488 EUR 9,504,122
Total indirect costs <sup>28</sup>	PLN 21,014,974 EUR 5,253,743.5	PLN 25,617,523 EUR 6,404,380.75	PLN 3,451.936 EUR 862,984	PLN 7,070,647 EUR 1,767,661.5	PLN 6,758.418 EUR 1,689,604.5
Total costs of reception including Dublin cases	The Office for Foreigners does not split the costs of reception between those resulting from the application of the provisions of the so-called Dublin Regulation and other costs. All costs of receiving foreigners are included in the social assistance budget for foreign nationals applying for refugee status				
Total costs of reception excluding Dublin cases					
Inflow of new applicants to reception facilities	6,687	6,843 (a sudden and significant increase of the number of refugee applications submitted by the citizens of Georgia was observed – 2,700)	3,266	2,881	4,625
Inflow/return of applicants who have temporarily left a reception facility	Data not available in the Office for Foreigners				

27. Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

28. Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

**Table 6. National Statistics on Efficiency (continued)**

	2008	2009	2010	2011	2010
Outflow of applicants from reception facilities, who do not return later	Data not available in the Office for Foreigners				
Share of applicants in reception facilities who have received a final decision on their application <sup>29</sup>	Refugee status – 186	Refugee status – 131	Refugee status – 82	Refugee status – 153	Refugee status – 87
	Permit for tolerated stay – 1,507	Permit for tolerated stay – 65	Permit for tolerated stay – 196	Permit for tolerated stay – 170	Permit for tolerated stay – 292
	Subsidiary protection – 1,074	Subsidiary protection – 2,316	Subsidiary protection – 195	Subsidiary protection – 155	Subsidiary protection – 140
	Negative decisions – 1,454	Negative decisions – 4,043	Negative decisions – 3,906	Negative decisions – 2,739	Negative decisions – 1,960
	Discontinuation of proceedings – 5,638	Discontinuation of proceedings – 8,859	Discontinuation of proceedings – 6,181	Discontinuation of proceedings – 6,584	Discontinuation of proceedings – 8,641
Tolerance time for extended stay of applicants in reception facilities who have already received a final decision on their application	<p>The length of stay depends on the type of decision received by a foreign national:</p> <ul style="list-style-type: none"> <li>• up to two months following the date on which the refugee status, subsidiary protection or permit for tolerated stay are granted;</li> <li>• up to 14 days following the date on which the decision to discontinue the proceedings is issued;</li> <li>• the date indicated in the negative decision with an obligation to leave the territory of Poland;</li> <li>• up to the day on which departure is organized in the case of persons who have applied for voluntary return to their country of origin on the basis of Article 70 and 75 of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (Dz. U. of 2011, item 680)</li> </ul>				
Median <sup>30</sup> range of an applicant's stay	Data not available in the Office for Foreigners				
Interquartile <sup>31</sup> ranges of an applicant's stay	Data not available in the Office for Foreigners				
<p>29. Extensive data in this regard is not available. The table shows the number of decisions issued per year, indicating the type of decision, but not the type of accommodation provided to applicants (reception facilities or other type of accommodation)</p> <p>30. The median is the numerical value separating the higher half of the distribution of the lower half (middle value).</p> <p>31. The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.</p>					

**1) Are cost (estimations) available for the flexibility mechanisms used in Poland?**

*Budget flexibility is of great importance in this respect. A simulation carried out by the Office for Foreigners in 2013, with the use of all the functions of the corrective mechanism, has shown that it is possible to generate savings of approximately PLN 5 million (EUR 1,250,000),*

*thus enabling the authorities to provide financial assistance for an additional number of about 560 foreigners over a period of eight months.*

# Conclusions



**B**ased on the experience in managing reception facilities, a number of strengths and weaknesses of the

Polish system of reception facilities for foreigners applying for refugee status can be outlined.

Strengths	Weaknesses
<p>The social assistance system is based on over 20 years of experience and its development continues. Poland's own experience and the experience of other countries have led to the introduction of a number of innovations and an improved quality of accommodation provided to foreigners</p>	<p>Centres that are leased and administered by external contractors are selected in accordance with the public procurement law whose provisions are not flexible enough and prevent the use of selection criteria that are important from the point of view of the Office for Foreigners (e.g. the choice of location)</p>
<p>Implementation of a quality management system in accordance with the requirements of the PN-EN ISO 9001:2009 standard<sup>32</sup></p>	<p>Insufficient number of staff in the centres. Depending on the facility, the number of staff varies between 2 and 4</p>
<p>Mixed reception system based on a network of reception centres for foreigners and the provision of financial assistance by those who wish to live outside the centre</p>	<p>Budgetary constraints</p>
<p>Medical care coordinated by the Central Clinical Hospital of the Ministry of Interior</p>	
<p>Improving the quality of accommodation in the centres for foreigners</p>	
<p>Development of international cooperation, participation in international events (conferences, seminars, study visits) and networks bringing together European reception organizations (ENARO, EPRA) have enabled Polish institutions to gain new experiences and develop their own system of operation (centres for mothers and single women, an organizational equivalent, or a flexible system of providing meals) and to improve the skills and competences of the staff</p>	

32. The PN-EN ISO 9001:2009 standard outlines requirements for a quality management system and is designed for organizations who wish to prove their ability to consistently deliver products that meets customer and regulatory requirements and which strive to increase the level of customer satisfaction. The standard is designed for a variety of organizations, regardless of type or size. It can be used by organizations, manufacturers, retailers and service providers. The PN-EN ISO 9001:2009 standard allows an organization to modify its management system in accordance with the established criteria - on the one hand, creating based for a quality management system of the company and, on the other hand, allowing for the certification of the system by an independent third party, that is the Polish Committee for Standardization. More information is available on the website of the Polish Committee for Standardization: [http://pkn.pl/sites/default/files/szj\\_pkn.pdf](http://pkn.pl/sites/default/files/szj_pkn.pdf).



In 2004 (prior to Poland's accession to the European Union), the first major influx of foreigners applying for refugee status was recorded. Over a period of a year, 8,283 foreign nationals were admitted to reception centres, including 7,592 citizens of Russian Federation who declared having Chechen nationality.

The largest influx of foreigners took place soon before the Polish accession to the Schengen area. On 21 December 2007, 7,422 foreigners were placed under the care of the Office for Foreigners, including 854 individuals who benefited from assistance outside reception centres and 6,568 foreign nationals who were accommodated in reception centres. During this period, seven new centres for foreigners were created (Horbów, Bezwola, Grupa, Biała Podlaska in a building which was to serve as a Guarded Centre for Foreigners run by the Border Guard, Lubycza Królewska, Bytom and Katowice). The elimination of the problem of overcrowding of reception facilities took about 18 months.

In June 2008, i.e. six months after Poland's accession to the Schengen area, a total of 6,900 foreigners (including 5,301 in reception centres and 1,599 living outside of reception facilities) remained under the care of the Office for Foreigners. During this period, an average of 252 persons per centre were accommodated in 21 reception facilities.

In 2009, a sudden influx of citizens of Georgia to Poland had an impact on the occupancy rate of the centres (4,397 people in August alone, and a total of 6,193 individuals benefiting from social assistance).

A clear decrease in the number of applicants for international protection in 2010 and 2011 in Poland brought about a reversal of the current trend of searching for and opening new facilities for the reception and accommodation of foreigners. In 2010, seven centres leased from third

party contractors were closed. In the first half of 2012, one of the leased facilities was closed.

Over that time, the Department for Social Assistance of the Office for Foreigners acquired substantial experience relating to the effective management of reception centres. The most effective tools of migratory pressure management include the following:

- management of the occupancy rate of reception facilities in order to ensure a number of vacancies in case of a sudden influx of foreign nationals,
- development of procedures for the opening and closing of reception centres,
- constant monitoring of the influx of foreigners and the occupancy ratio of reception facilities,
- a mixed reception system, encompassing the provision of accommodation in reception centres or the financial assistance to cover living costs in Poland,
- search for new facilities and alternative forms of accommodation,
- supervisions of the proper implementation of contracts for the accommodation of foreigners,
- training for employees regarding conflict resolution, stress management, cultural differences, and
- possibility of applying savings mechanisms.

The most important best practices in controlling costs of reception facilities whilst ensuring quality include:

- on-going monitoring of the budget for social assistance and controlling expenditure,
- cost planning and simulation of future expenditure,
- introduction of a procedure of financial record circulation,
- introduction of different rates for accommodation and meals for foreigners, depending on the number of persons accommodated (in facilities leased from third parties),
- introduction of specific requirements regarding the standard of accommodation in reception facilities into contracts concluded with third parties,
- monitoring of the implementation of contracts and responding to cases of non-compliance with their provisions,
- possibility of introducing a savings mechanism, lowering the amount of individual financial assistance (by 30%) or its partial reduction in order to provide social assistance to a larger than expected number of foreigners without increasing the allocated budget.



Table 7. Reception conditions in different reception facilities

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs	Private houses or flats	Private hotels	Individually arranged accommodation <sup>33</sup>	Other premises	Comments
Food	-	x	x	-	-	-	-	-	Full board (three meals a day) in accordance with the cultural norms of the residents. In facilities managed by third parties, meals are usually provided by a catering company
Clothing	-	x	x	-	-	-	-	-	Foreigners receive cash equivalent to be used for the purchase of clothing and footwear. Moreover, in the framework of their work, non-governmental organizations work alongside the Office for Foreigners in order to provide residents of reception facilities with clothing. The Office for Foreigners also benefits from the European Refugee Fund (ERF) to create projects aimed at improving reception conditions of foreigners applying for refugee status and social assistance provided to them, inter alia through the purchase of school kits for children, prams and clothing for infants, as well as clothing and footwear vouchers for the youngest residents of reception facilities

33. E.g. houses/flats/hotels and/or staying with friends and family.

Table 7. Reception conditions in different reception facilities (continued)

Financial allowance	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs	Private houses or flats	Private hotels	Individually arranged accommodation	Other premises	Comments
	-	x	x	-	-	-	x	-	<p>Foreign nationals residing in reception centres receive:</p> <ul style="list-style-type: none"> <li>• continuous financial assistance in the form of so-called pocket money amounting to PLN 50 per month;</li> <li>• a fixed amount of assistance for the purchase of personal hygiene products, amounting to PLN 20 per month;</li> <li>• a one-off benefit amounting to PLN 140 for the purchase of clothing and footwear;</li> <li>• cash equivalent instead of meals (for children up to 6 years of age and children attending kindergartens, primary, secondary and high schools, as well as persons with special dietary needs, or if this solution is convenient for organizational reasons);</li> <li>• reimbursement of transportation costs incurred in order to participate in the proceedings for granting refugee status, to attend medical examinations or vaccination, and in other justified cases.</li> </ul> <p>The amount of assistance for foreign nationals residing outside reception centres depends on the size of the family who has applied for refugee status:</p> <ul style="list-style-type: none"> <li>• PLN 25 per day per person (approx. EUR 6.25),</li> <li>• if a foreigner resides on the Polish territory together with a spouse or underage children, the amount of financial assistance for each family member per day is as follows: in the case of a family consisting of two members - PLN 20 (approx. EUR 5), three members - PLN 15 (approx. EUR 3.75), four or more members - PLN 12,50 (approx. EUR 3)</li> </ul>

Table 7. Reception conditions in different reception facilities (continued)

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs	Private houses or flats	Private hotels	Individually arranged accommodation	Other premises	Comments
Emergency health care	-	x	x	-	-	-	-	-	Each centre has an emergency service. On the basis of the agreement concluded between the Office for Foreigners and the Central Clinical Hospital of the Ministry of Interior in Warsaw, the latter (together with subcontractors) provides hospitalization services, emergency medical care and ambulance transportation
Medical care	-	x	x	-	-	-	x	-	Primary medical care is available in all centres. Specialist medical care is performed outside of reception centres
Psychological care	-	x	x	-	-	-	x	-	Psychologists are on duty in all reception facilities
Free legal assistance	-	x	x	-	-	-	x	-	Organized by NGOs. Future plans include the introduction of free legal aid as a systemic solution
Interpretation services	-	x	x	-	-	-	x	-	Staff of the Office for Foreigners are continually trained in order to improve their communication skills necessary for dealing with foreigners applying for refugee status (language courses). NGOs and the UNHCR provide foreigners residing in reception centres with access to interpreters

Table 7. Reception conditions in different reception facilities (continued)

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs	Private houses or flats	Private hotels	Individually arranged accommodation	Other premises	Comments
Access to education	-	x	x	-	-	-	x	-	All children aged 7-18 are obliged to attend school. In addition to supporting enrolling children and acquiring school supplies, efforts are made in order to provide children with the assistance of the so-called multiculturalism mentors <sup>34</sup> .
Access to vocational training	-	x	x	-	-	-	x	-	Programs carried out by NGOs. The Office for Foreigners cooperates in this respect with such entities as the Polish Humanitarian Organization, Polish Association of Coaching and Development. The residents of the centres located in Czerwoný Bór and Linin participated in programs whose main purpose was the professional and social activation of foreign nationals applying for refugee status. These programs include: (1) MUR Partnership – Możesz Uczyc się Rozumieć (You Can Learn to Understand). Partners: Polish Humanitarian Organization, Polish Association of Legal Education, Mazowieckie Province Office, IOM, Halina Niec Human Rights Association, the Institute of Ethnology and Cultural Anthropology at the Department of History, University of Warsaw, (2) @InterCamp Partnership. Partners: Polish Red Cross, the Polish Scouting Association, Proxenia Association, Salvation Foundation, Ministry of Labour and Social Policy, Institute of Social Policy, University of Warsaw

<sup>34</sup> Pursuant to the Regulation of the Minister of National Education of 1 April 2010 on the admission of children who are not Polish citizens to public kindergartens, schools, teacher training institutions and establishments and organizations providing additional Polish language courses, compensatory classes and classes relating to the language and culture of the country of origin (Dz. U. of 2010 No. 57, item 361), foreign children have the right to participate in Polish language lessons and compensatory classes (1 to 5 hours per week, pursuant to § 5 and § 6 of the above Regulation). Decisions in this respect are taken by the school's principal following consultation with the school's governing authority.

Table 7. Reception conditions in different reception facilities (continued)

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs	Private houses or flats	Private hotels	Individually arranged accommodation	Other premises	Comments
Access to employment (after which period of time?)	-	x	x	-	-	-	-	-	<p>If the decision on granting refugee status is not issued within six months (not through the fault of the applicant), the latter can apply for a work permit, which is valid until the final decision is issued.</p> <p>Granting a refugee status or subsidiary protection means that a foreigner is allowed to work in Poland without having to apply for a work permit.</p>
Other: Foreigners security	-	x	x	-	-	-	x	-	<p>The Office for Foreigners works closely with the Police and the Border Guard on security issues and takes immediate action in case of security threats against foreigners applying for refugee status.</p> <p>The security of residents is ensured by security staff employed in each reception facility. In the centres run by the Office for Foreigners, security services are contracted out on the basis of a public procurement procedure, while in the case of centres managed by a third party, contractors are responsible for ensuring the physical security of residents. Security guards work in shifts and protection is provided 24/7. It should be noted that all employees are aware of the particular security needs of the residents of reception facilities.</p>

Poland has experienced a significant increase in the number of applications for international protection, in particular submitted by the citizens of the Russian Federation (of Chechen origin) and of Georgia (in 2009, 2012 and 2013).

A sinusoidal change in the number of persons applying for protection in Poland does have an impact on the management of the system of facilities for foreigners seeking the refugee status in Poland (the so called reception centres); the system should flexibly address the arising challenges.

Regardless of a considerable improvements in managing the system of reception of foreigners in Poland recorded in recent years, the limited budgetary funds, inflexible procedures for selecting entities administering facilities for foreigners, and inadequate staff, which characterise the national system of reception centres in Poland, still result in problems in the efficient functioning of the system.

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