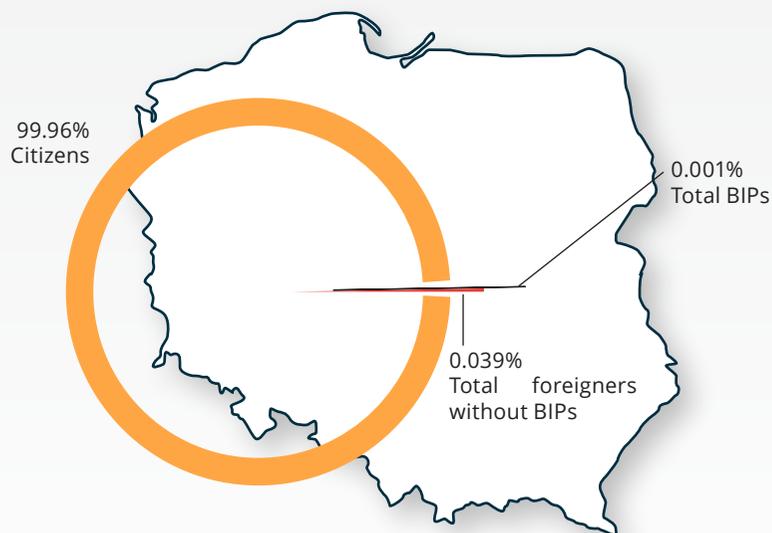


Asylum seekers and beneficiaries of international protection in Poland

V4NIEM: Visegrad Countries National Integration Evaluation Mechanism Report 2017

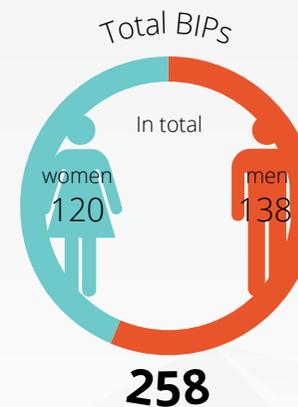
INTERNATIONAL PROTECTION

Central Statistical Office for Poland, Office for Foreigners



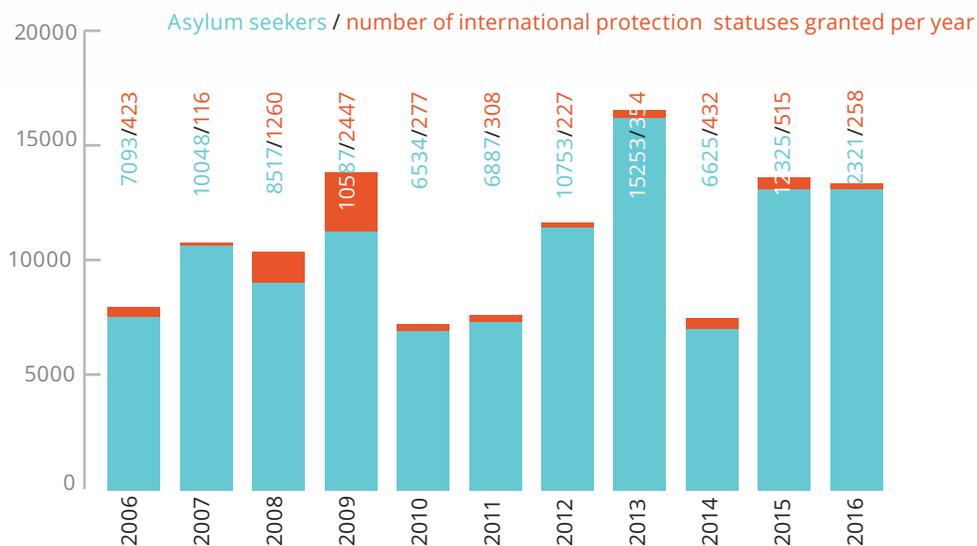
NUMBER OF BIPs STATUSES GRANTED IN 2016 (FIRST INSTANCE)

Office for Foreigners



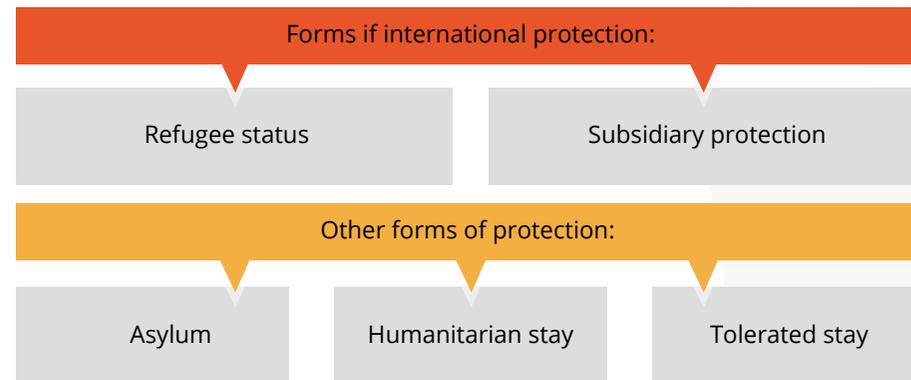
DEVELOPMENT OF THE NUMBER OF ASYLUM SEEKERS AND BIPs IN POLAND

Office for Foreigners

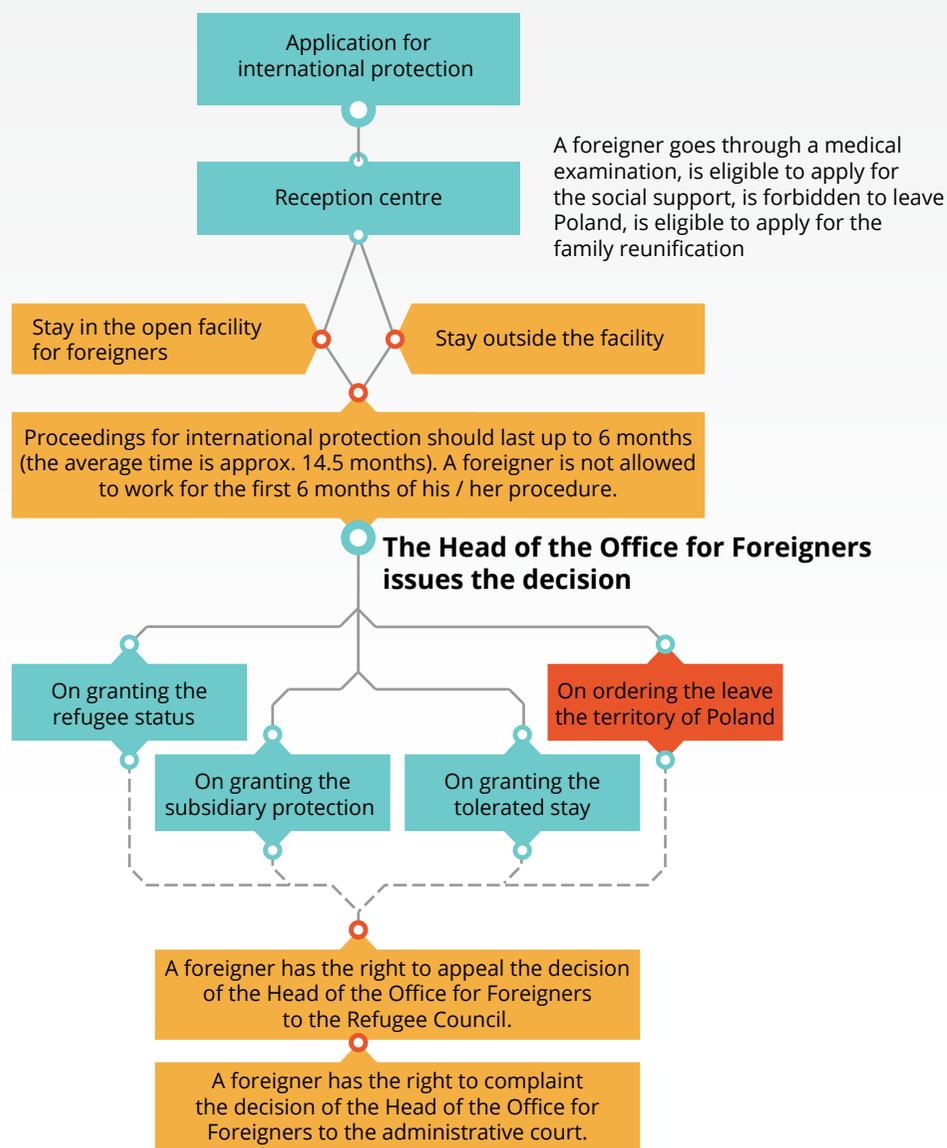


NATIONAL LEGAL FRAMEWORK OF INTERNATIONAL PROTECTION IN POLAND

- *Constitution of the Republic of Poland of 2 April 1997, Art. 56.2
- *Act of 13 June 2003 on granting protection to aliens in the territory of the Republic of Poland
- *Act of 12 December 2013 on foreigners



FROM APPLICATION TO ...
SETTLEMENT / "DUBLIN" / DEPORTATION / RE-MIGRATION



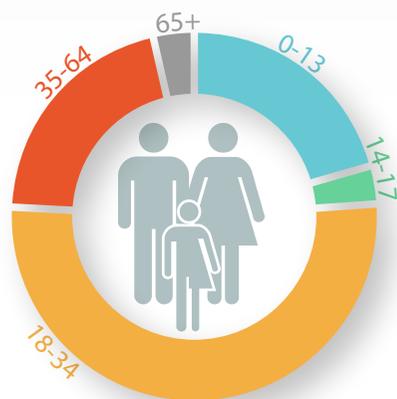
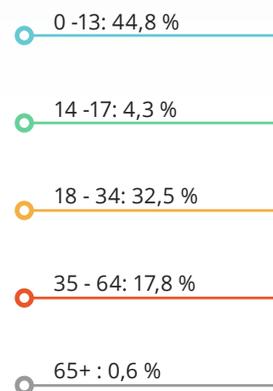
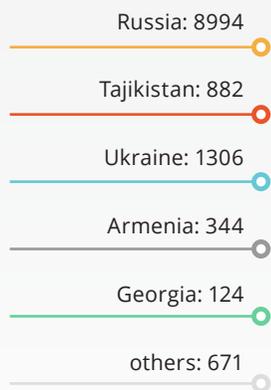
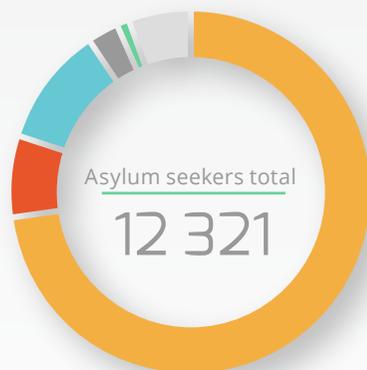
FACILITIES FOR ASYLUM SEEKERS, BIPS AND DETAINED FOREIGNERS IN POLAND IN 2017

Urząd do Spraw Cudzoziemców



- Reception center:** the first facility to which seekers for international protection are directed when crossed the border and found themselves in Poland. At present, there are two centers of this type: in Biała Podlaska and Podkowa Leśna-Dębak.
- Open center:** a center for foreigners who are in the process of granting international protection. In Poland there are currently 9 such centers. Foreigners applying for international protection may stay in them throughout the refugee procedure and, depending on the decision taken, from 14 days to 2 months after the expiry of the procedure.
- Detention center (otherwise: guarded centers):** in Poland there are currently 6 guarded centers for foreigners.

WHO WERE THE ASYLUM SEEKERS IN POLAND IN 2016?



WHAT IS THE DIFFERENCE BETWEEN ASYLUM AND SUBSIDIARY PROTECTION?

In order to obtain the refugee status, the legitimate fear of prosecution for reasons listed in the Geneva Convention has to be demonstrated. Foreigners who are not eligible to be granted the refugee status can receive subsidiary protection.

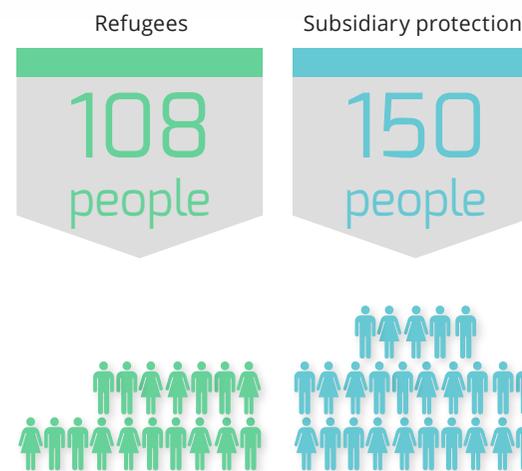
Subsidiary protection is granted if a foreigner faces a real risk of suffering serious harm related to death penalty or execution, torture, inhuman or degrading treatment or punishment, or serious and individual threat to a life or health arising of the widespread use of violence against civilians in an international or internal armed conflict, and thus is unwilling to return to the country of origin.

There are also three other national forms of protection of foreigners in Poland.

For example, if a foreigner's return obligation would be contrary to the 1950 European Convention on Human Rights (e.g. with his/her, freedom from torture, the right to respect for private or family life would be threatened) or the 1989 Convention on the Rights of the Child, a foreigner may be granted a residence permit for humanitarian reasons. If a foreigner cannot be granted with a stay for humanitarian reasons, he/she can be granted with a tolerated stay in cases when his/her expulsion is not possible due to the risk of violation of basic human rights. Additionally, a foreigner might be granted asylum when it is necessary to protect him/her and when it is in favor of the important interest of Poland.

NUMBER OF BIPS ACCORDING TO TYPE OF INTERNATIONAL PROTECTION IN 2016

Office for Foreigners



LET'S TALK ABOUT... HATE SPEECH IN POLAND

Immigration to Poland was almost unnoticed in the Polish public debate until 2015. The turning points were tragic events in the Mediterranean and the European Commission's proposals on the redistribution of asylum seekers reaching Italy and Greece that coincided with the 2015 presidential and parliamentary elections in Poland.

Various public actors voiced their opinion on immigration during the heated public debate back in 2015. NGOs considered the migration crisis as a common European problem and asked for joint actions. Some newspapers initiated public awareness campaigns and outlined a history of Polish emigration. The Catholic Church underlined the need to support asylum-seekers by praying, providing direct help, addressing policy-makers and cooperating with public administrations. Finally, both left-wing and right-wing politicians found an arbitrary redistribution of immigrants utopian, with far-right politicians openly refusing relocation and admission of immigrants.

The 2015 uninformed debate on immigration has resulted in the wave of hate speech and racially-motivated violence. This, coupled with the acceptance for such behaviour has become a large challenge causing great concern in Poland.

According to official statistics of the National Public Prosecutor's Office, during 2013–2015 the number of recorded hate crimes doubled. According to non-governmental organisations dealing with this issue, the situation is continuing to deteriorate. What is most concerning is that the victims of the violence are not exclusively or primarily refugees. Any people with a different skin colour, way of dressing, or speaking in a foreign language are vulnerable to such attacks. This also includes people who have lived in Poland for years, or were even born here.

In response to the process of the intensification of hate crime, in spring 2016, 319 non-governmental organisations signed a petition to the

Prime Minister Beata Szydło calling for a response to hate crimes and loud condemnation of the perpetrators. As they have emphasised, there was no strong counter-reaction and the contempt characterising some public statements has created a climate in which the perpetrators of such attacks equate the lack of response with silent approval. Unfortunately, the situation has not improved until then.

The form taken by anti-immigration attacks and protests is very concerning: those who are the most reluctant to see refugees living, working and integrating in Poland are young people. How can their concerns be addressed and attitudes changed? There is a big need for education in order to improve young people's knowledge of the situation of refugees and the range of social support which would be offered to them after they arrive in Poland. However, the challenge still remains of how to get across new information to young people who are social networks users, since their opinions are most shaped on their peers'

profile pages. Moreover, the mainstream political discourse, represented, in particular, by the government, tends to arouse more negative sentiment towards refugees rather than promoting positive attitudes. Nevertheless, educating and creating opportunities for young people and people from different cultures to meet and forge relationships (e.g. in the form of live libraries), are of great importance and should be one of the top priorities of public institutions, non-governmental organisations and local communities.

The key element in changing reluctant young people's attitudes is to approach the arguments and concerns of people who are against hosting refugees in a very serious way, because only then is real social dialogue possible.

ATTITUDES TO MIGRATION IN POLAND ACCORDING TO THE STANDARD EUROBAROMETER

The Migrant and BIP population in V4 countries is rather low in comparison to old EU member states, with a maximum share of less than 5 % of the total population. Despite this fact, according to the Standardised Eurobarometer Survey conducted twice a year, societies of V4 countries are consistently among those opposing a common migration policy at the EU level and people are mostly against all kinds of immigration.

On one side over 80 % of the V4 population support the free movement of EU citizens who can live, work, study or do business anywhere in the EU. On the other hand, immigration from other EU countries evokes

rather negative feelings for 40 % of the V4 population (most sceptical are Czechs, most open are Poles).

V4 populations are also the ones who believe the least in the positive contribution of immigrants for their countries. Paradoxically, on other side of the opinion spectre, countries with the highest rates of immigration – 86 % of Swedish, 80 % of Irish, 76 % of British or 72 % of Luxemburg nationals think immigrants contribute positively to their countries. Even in Germany, in a country with the highest number of asylum seekers and BIPs, 52% of the population believe migrants enrich the country.

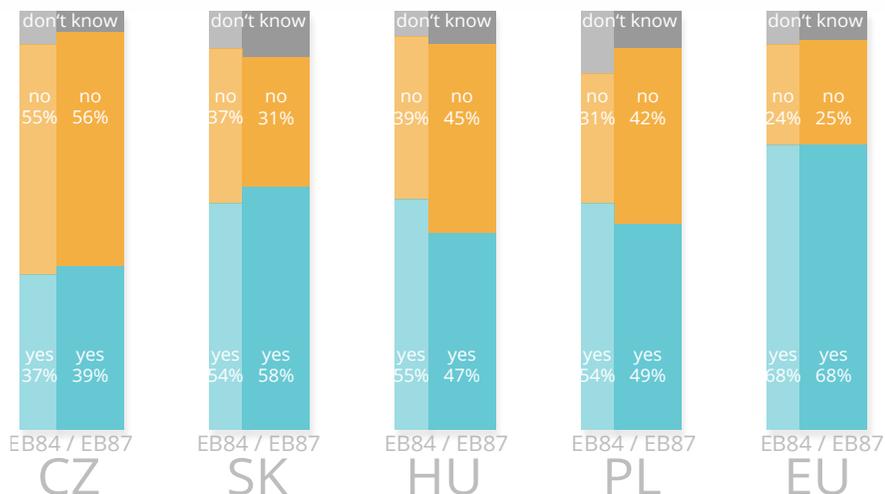
DO YOU THINK MIGRANTS CONTRIBUTE A LOT TO YOUR COUNTRY?

Eurobarometr 84 (11/2015), Eurobarometr 87 (05/2017)



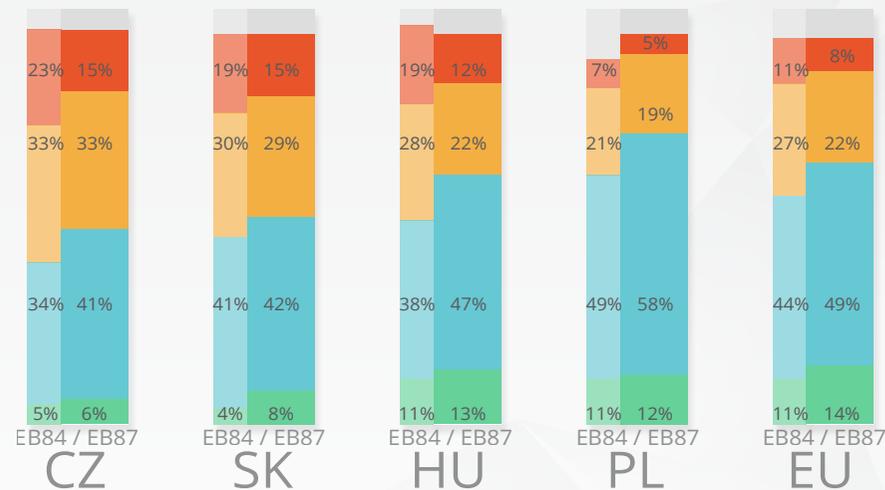
DO YOU AGREE WITH A COMMON EUROPEAN POLICY ON MIGRATION?

Eurobarometr 84 (11/2015), Eurobarometr 87 (05/2017)



WHAT FEELINGS DO THE IMMIGRATION OF PEOPLE FROM OTHER EU COUNTRIES EVOKE FOR YOU?

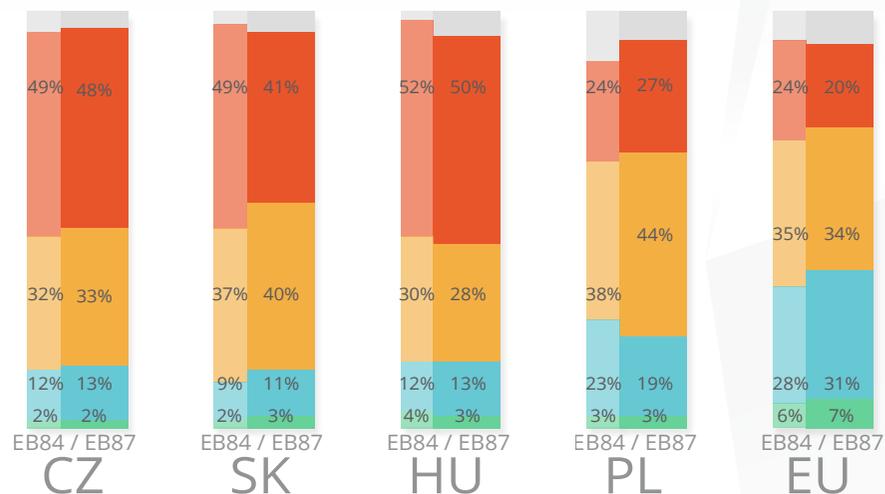
Eurobarometr 84 (11/2015), Eurobarometr 87 (05/2017)



EB 84 (11/2015): very negative (red), fairly negative (orange), fairly positive (light blue), very positive (green), do not know (grey)
 EB 87 (05/2017): very negative (red), fairly negative (orange), fairly positive (light blue), very positive (green), do not know (grey)

WHAT FEELINGS DO THE IMMIGRATION OF PEOPLE FROM OUTSIDE THE EU EVOKE FOR YOU?

Eurobarometr 84 (11/2015), Eurobarometr 87 (05/2017)



STORY OF QUOTAS IN POLAND

In September 2015 firm declarations were made by the previous Polish ruling coalition (PO-PSL) to accept 7 082 asylum seekers from Italy and Greece within the European Commission's Relocation and Resettlement Programme. Even after the change of government to the more right-wing Law and Justice Party (PiS), those declarations were upheld and the Office for Foreigners was preparing makeshift camps to receive newcomers. In response to the new challenges, a special interdepartmental working group was created. It was led by the Migration Policy Department at the Ministry of the Interior and Administration and was tasked with working on a scenario that adequately responded on two fronts: firstly, to the "Ukrainian crisis" and secondly, to the migration crisis that hit Europe in 2015.

Additionally, while preparing for the relocation process in 2015, the Ministry

of Labour and Social Policy conducted a study among Regional Labour Offices on their experiences working with people granted refugee status or subsidiary protection. This examined what challenges were being faced as a result of the higher influx of migrants and how the Labour Offices could be better prepared to support the integration of beneficiaries of international protection into the labour market.

However, the declared number of asylum seekers who could be admitted within the Relocation and Resettlement Programme subsequently dropped to 400 in 2016 and the executive regulation to this decision was never adopted. The Brussels terrorist attack of 22 March 2016 provided the final impetus (or even excuse) for the complete abandonment of those declarations and, as the Polish Prime Minister Beata Szydło stated: "as things stand, I don't see any possibility of

	overall key		relocation from Italy		relocation from Greece		relocated 30/09/2017	by
CZ	 3.32%		797		531		12	
HU	 2.07%		306		988		0	
PL	 6.65%		1595		1064		0	
SK	 1.96%		471		314		16	

any migrants being accepted in Poland". "As things stand" was not defined though, either by the Prime Minister, or the follow-up statements made by the Ministry of the Administration and the Interior.

European leaders accused Poland and the Polish government of a lack of solidarity with Member States under a direct migratory pressure and of selfishness. In September 2017 the European Court of Justice (ECJ) dismissed complaints by Hungary and Slovakia (supported by Poland), and upheld the legality of quotas. However,

the ruling did not affect the position of the Polish government regarding the EU migration policy. Poland not fulfilled its obligations yet and has not relocated any refugees so far.

On 7 December 2017, the EU Commission sued Czechia, Hungary and Poland in the European Court of Justice for not complying with the 2015 decision to relocate refugees, based on a quota, from Greece and Italy.



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