

EMN



Granting non-EU harmonised protection statuses to foreigners in Poland

Prepared by: Polish National Contact Point to the European Migration Network

April 2010



The Ministry of the Interior and Administration,
acting as the coordinator of the Polish National Contact Point
to the European Migration Network (EMN)
acknowledges funding from the European Community
via the European Commission's
Directorate General for Justice, Freedom and Security
—Solidarity and Management of Migration Flows
programme. The EMN was established by
Council Decision 2008/381/EC in order to provide
up-to-date objective, reliable and comparable information
on migration and asylum to Community institutions,
Member States authorities and to general public,
with a view to supporting policy-making in the EU.

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EXECUTIVE SUMMARY

This report is an attempt to systematise the knowledge on the wide range of protection statuses granted to foreigners on the territory of the Republic of Poland—various instruments that have been developing gradually in the Polish legislation system since the interwar period. The first act that regulated the situation of foreigners in Poland was the Regulation by the President of the Republic of Poland on foreigners of 13 August 1926.¹ The subsequent stages included: introduction of the institution of an asylum in art. 75 of the Constitution of the People’s Republic of Poland dated 22 July 1952;² accession of Poland (1991) to the Geneva Convention Relating to the Status of Refugees dated 28 July 1951³ and to the Protocol of 1967;⁴ then adoption of the new Act on foreigners of 13 June 2003 and a separate Act on granting protection to foreigners within the territory of the Republic of Poland.⁵ The aforementioned acts are subject to continuous amendments, fully reflect the evolution of the approach to protection granted to foreigners on the European and international scene, and refer to regulations in force in the EU Member States that concern the creation of common standards related to providing protection for those who seek it in a humanitarian manner that guarantees observance of human rights and personal dignity.

The paper consists of five parts. The first one describes the subject matter and the methodology applied. The second one aims at putting in order the up-to-date achievements concerning various forms of protection granted to foreigners on the territory of the Republic of Poland, as well as at describing the development of the Polish system of protection granted to foreigners. The third part is devoted to the legislative solutions adopted, to reasons behind granting international and domestic forms of protection granted to foreigners as listed in the document, as well as to procedures that accompany those forms of protection. The above is somewhat challenging, as permits for tolerated stay are issued on the basis of protection-related or technical reasons, and the reasons are examined within the framework of two different procedures: protection-related (refugee and asylum) and expulsion-related. Afterwards, the rights that beneficiaries of the domestic forms of protection are entitled to have been presented concerning, *inter alia*, access to the labour market, education, medical care and social benefits. The fourth chapter presents the available statistical data depicting the scale of the phenomenon and the manner in which foreigners take advantage of the forms of protection offered in Poland. The last part of the document is devoted to the presentation of opinions of various non-governmental organisations and institutions dealing with the practical aspect of granting different forms of protection to foreigners on the territory of the Republic of Poland. The document has also been supplemented with statistical data elaborating the fourth chapter thereof, as well as with a list of crucial domestic legal acts whose scope is related, to a varying degree, with the legal solutions referred to herein (both in terms of the procedure of granting protection itself and the rights that foreigners are entitled to).

The report points out that a uniform refugee procedure is characteristic for the model adopted in Poland. The above means that each application for granting protection submitted by a foreigner (except from temporary protection) is examined as an application for the refugee status, unless the foreigner expressly seeks an asylum, or the demand of protection is

¹ Journal of Laws of 1926, No. 83, item 465, and Journal of Laws of 1937, No. 11, item 83.

² Journal of Laws of 1952, No. 33, item 232.

³ Journal of Laws of 1991, No. 119, item 515.

⁴ Journal of Laws of 1991, No. 119, item 517.

⁵ Act on granting protection to foreigners within the territory of the Republic of Poland dated 13 June 2003 (Journal of Laws of 2009, No. 189, item 1472, uniform wording).

based on a court's judgment on the inadmissibility of a foreigner's extradition or on a decision of the Minister of Justice on the refusal to extradite a foreigner. In the course of the proceedings not only the criteria based on which a given person is to be declared a refugee in the meaning of the 1951 Geneva Convention are examined, but also—in case of such criteria have not been met—other circumstances justifying granting to the foreigner a subsidiary protection or issuing a permit for tolerated stay, both of which result in protection against expulsion are considered. Thus, no separate procedure is applied for issuing a permit for tolerated stay. Therefore, the report, which is intended to describe domestic forms of protection granted to foreigners, in the chapter presenting the individual procedures contains references to the institutions of refugee status and subsidiary protection.

This report contains also statistical data concerning the number of cases in which the refugee status was granted and the number of permits for tolerated stay issued between 2004–2009. It is worth highlighting that introduction of the subsidiary protection institution to the Polish legislation in 2008 has resulted in a decreased number of persons to whom permits for tolerated stay were issued. Those protective institutions that have not been used in practice so far, i.e. temporary protection and asylum (the Head of the Office for Foreigners, in co-operation with the Minister of Foreign Affairs, has not granted asylum to any foreigner who has waged a relevant application),⁶ are also referred to in this report.

It should be pointed out that nearly all issues related to granting protection to foreigners on the territory of the Republic of Poland are provided for in the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003, while the rights and obligations of foreigners staying at the centre for foreigners applying for refugee status as well as the principles concerning the stay at such a centre have been set out in the Ordinance of the Minister of the Interior and Administration of 4 May 2009 on the by-law regulating the stay at a centre for foreigners applying for refugee status.⁷ Furthermore, some of the protection-related regulations may be found in the Act on foreigners of 13 June 2003. The report also points out the detailed forms of assistance granted to foreigners, with particular emphasis on integration-related support offered to those who have already taken advantage of one of the forms of protection listed herein.

It is also worth bearing in mind that all the forms of protection provided for herein, except from the temporary protection, are of an individual character and are examined as such. Procedures related to granting protection to the foreigners are mainly based on domestic legal regulations. Those provisions define also prerequisites whose fulfilment is essential for granting to the foreigner a specific form of protection. When the refugee status, subsidiary protection or/and a permit for tolerated stay is granted to a foreigner, public administration body responsible for examining the matter is obliged to issue a positive decision whenever is assumed that applicant met criteria necessary to be granted protection status and that there are no negative prerequisites excluding possibility of granting protection (law provisions state that: (...) shall be granted to a foreigner). In turn, granting asylum and temporary protection is followed by the discretionary decision of an administrative body (law provisions state that: (...) may be granted to a foreigner). This type of decision of an administrative body does not

⁶ P. Dąbrowski, "Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej. Komentarz z orzecznictwem (Art. 1–104)," *CMN Working Papers* No. 41/99, February 2009, p. 95.

⁷ *Journal of Laws* of 2009, No. 71, item 616.

denote discretion in the process of issuing the decision, it rather offers to the public administrative organ mayor latitude while choosing the most adequate solution.⁸

⁸ Discretionary decision of an administrative body is a specific form of administrative freedom enjoyed by the administrative body but does not mean that the body has the right to operate freely. It is an action that should be justified by all the determined actual and purpose-related circumstances. The body may choose one of the two or more legally equal solutions that have been provided for in the Act. The scope of discretionary decision of public administrative bodies is currently limited by general principles of administrative law and by other provisions of administrative code. The scope of discretionary decision of an administrative body marks out also the range of freedom and choice of public administration bodies, which means that it is obliged to duly justify the choice of one of the solutions and to determine why the other one has not been selected.

1. INTRODUCTION: PURPOSE AND METHODOLOGY APPLIED

The main objective hereof is to present the general organisational structure of the entire system and the migration law in terms of granting protection to foreigners on the territory of the Republic of Poland, with particular emphasis on the so-called domestic forms of protection: *inter alia* the permit for tolerated stay and asylum. The above will relate both to those forms of protection that stem from Poland's international obligations, and to those that have been referred to in the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003,⁹ as well as stemming from the individual articles of the Act on foreigners of 13 June 2003.¹⁰ The information contained herein is a review of the legal and organisational base for the activities undertaken by Polish institutions and non-governmental organisations with an aim to assist foreigners seeking protection in Poland. The good practices have also been pointed out. The report also lists provisions of EU's *acquis* related to protection granted to foreigners that have undoubtedly contributed both to the evolution of the terminology in Polish legislation and to the actions undertaken domestically, as well as to cooperation with other countries and organisations dealing with issues related to foreigners. The report focuses on presenting the legal framework and statistical data, supplemented by opinions expressed by non-governmental organisations whose core activity includes, *inter alia*, working with the persons awarded a permit for tolerated stay.

This report has been drawn up by the Polish National Contact Point (NCP) of the European Migration Network (EMN), in relation to Poland's EMN membership. The Polish NCP currently consists of representatives of the Ministry of the Interior and Administration (National Coordinator), Ministry of Labour and Social Policy, Office for Foreigners, Border Guard and the Central Statistical Office. The main contribution comes from Migration Policy Department of the Ministry of the Interior and Administration, whose tasks include dissemination of knowledge on the Polish migration policy.¹¹ The report is based mainly on the examination of secondary sources provided by public institutions involved in granting various forms of protection to foreigners and in guaranteeing their integration with the society of the receiving country, as well as in securing their rights. The information included herein comes mainly from the existing databases (i.e. analysis of the legal order in Poland and statistical data) maintained by institutions that grant and act as intermediaries in granting protection (i.e. public administration bodies and NGOs). The most crucial legal acts related to the problem of granting protection in Poland also served as a source of information. Thus, the particular chapters of the report are based mainly on data collected primarily by the Office for Foreigners, on own publications of the Migration Policy Department of the Ministry of the Interior and Administration, of numerous research centres, as well as on the opinions of

⁹ Journal of Laws of 2009, No. 189, item 1472, uniform wording. Article 3 sec. 1 states that *a foreigner may be granted protection on the territory of the Republic of Poland in one of the forms specified below:*

1) *granting the refugee status;*

1a) *granting subsidiary protection* (since May 29, 2008, when the amendment to the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003 came into force, Journal of Laws of 2008, No. 70, item 416);

2) *granting asylum;*

3) *granting the permit for tolerated stay;*

4) *granting temporary protection.*

¹⁰ See: clause 3.3 in Chapter 2 hereof (p. 24).

¹¹ Ordinance No. 33 of 28 March 2008 of the Minister of the Interior and Administration on defining the organisational regulations for the Ministry of the Interior and Administration, determines by § 19 of the Appendix to the aforementioned Ordinance that the Migration Policy Department is, among other tasks, in charge of co-ordinating activities related to the state's migration policy and international co-operation in this field.

representatives of the Office for Foreigners, non-governmental organisations having field experience working with persons who seek or were seeking various forms of protection (mainly the La Strada Foundation).

This report has been drawn up within the framework of the EMN 2009 Action Plan and is a contribution to the report that synthesises the related knowledge possessed by the states of the European Migration Network. It is targeted at National Contact Points of the EMN, the European Commission, policy makers both on the domestic and pan-European level, national law enforcement institutions and the society: non-governmental organisations, research institutes and other interested parties. The report offers clearly presented, well structured and easy-to-find information to all interested in data concerning the problem of protection granted to foreigners on the territory of Poland, the forms of protection available, the accompanying procedures, as well as in the rights entitled to the foreigners. Certain legal and/or procedural nuances have been skipped due to the requirement of maintaining clarity and to the limited volume hereof.

The information presented herein focuses mainly on the solutions related to citizens of non-EU countries¹²—EU citizens and members of their families, as well as other persons taking advantage of the EU *acquis* on free movement of workers are practically excluded from this analysis, as no assistance is granted to them in practice in the shape of the refugee status, which is one of the primary forms of protection. The above applies also to the basic procedures related to obtaining subsidiary protection, asylum, temporary protection and protection for victims of trafficking in human beings, as described in the report. In the aforementioned cases EU citizens are subject to regulations other than those applicable to foreigners being the third country nationals.

As the National Reports and the Synthetic Report share the same degree of their up-to-date character, the report contains the latest data on both the number of people who take advantage of protection or apply for such protection on the territory of the Republic of Poland, as well as on the planned legislative and organisational initiatives. Statistical data on the number of persons who have benefited from various forms of protection are provided by the Ministry of the Interior and Administration and the Office for Foreigners. It is also assumed that once obtained, the data needs to be updated on a regular basis, as often as practicable. Therefore, this document is intended to be updated on a regular basis in order to provide a wider group of recipients with access to precise data. Information contained in the Polish National Report relates to the Polish legal framework as at 30 April 2010, and in particular to the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003.¹³

A general comment concerning the report has to be made: during the process of joining the European Union (finalised by accession of Poland to the EU on 1 May 2004), Poland was adapting its legal solutions concerning migration and asylum policies to the relevant provisions of *acquis communautaire* of the EU (and then *acquis Schengen*). The institutional framework has also been adapted to the new challenges resulting from membership in the EU. Nevertheless, in those areas that are not covered by EU's common policy, Poland is still at the

¹² Pursuant to art. 2 of the Act on Foreigners of 13 June 2000, everyone who does not possess Polish citizenship is a foreigner, but in the case of foreigners taking advantage of the EU law on free movement of persons, other regulations are applied in relation to their stay on the territory of Poland.

¹³ Uniform wording, Journal of Laws of 2009, No. 189, item 1472, hereinafter the Act is referred to as the Act of 2003, unless specified otherwise.

stage of defining its own approach to migration. Discussions are currently held on the interministerial level, and are accompanied by efforts to work out the key principles of the migration policy, *inter alia* covering the issue of providing foreigners with international protection. The legal and organisational solutions set out in this document reflect, however, those principles that were in effect in April 2010.

2. PROTECTION STATUSES GRANTED TO FOREIGNERS IN POLAND

The process of reforms that took place in Poland at the turn of 1980s and 1990s was accompanied by other phenomena of immense impact on the current migration-related situation in Poland. Those phenomena include not only opening the borders of the Republic of Poland to foreigners, but also the very important acquisition of experiences concerning, *inter alia*, granting international protection to foreigners and providing them with domestic forms of protection. Poland, by signing on 27 September 1991 the Geneva Convention Relating to the Status of Refugees of 28 July 1951 and its accompanying Protocol Relating to Status of Refugees drawn up in New York on 31 January 1967, assumed a number of international law commitments. Accession of Poland to the EU and requirement to adapt the Polish legislation to *acquis communautaire* associated with this have also played important role in developing Polish policy concerning various forms of protection granted to foreigners. The necessity of introducing to the Polish legal system numerous directives related to the common asylum policy has contributed to a wide range of forms of protection that foreigners may be offered on the territory of the Republic of Poland.

Poland's policy towards foreigners seeking protection, and in particular towards persons applying for a refugee status, is based on the following documents:

1. Constitution of the Republic of Poland dated 1997 (art. 56¹⁴);
2. Convention Relating to the Status of Refugees drawn up in Geneva of 28 July 1951 (so-called Geneva Convention) and the Protocol Relating to the Status of Refugees dated 1967;
3. Act on foreigners of 13 June 2003;¹⁵
4. Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003.¹⁶

Pursuant to art. 3 sec. 1¹⁷ of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003, a foreigner may be provided with protection in one of the forms specified below:

1. granting the refugee status—pursuant to the provisions of the Geneva Convention of 1951 and the Protocol of 1967;
2. granting subsidiary protection—in the meaning of the Council Directive 2004/83/EC of 29 April 2004;
3. granting temporary protection—in line with the provisions of the Directive 2001/55/EC of 20 July 2001;

¹⁴ Article 56 sec. 1: Foreigners shall have a right of asylum in the Republic of Poland in accordance with principles specified by statute.

sec. 2: Foreigners who, in the Republic of Poland, seek protection from persecution, may be granted the status of a refugee in accordance with international agreements to which the Republic of Poland is a party (www.sejm.gov.pl/prawo/konst/angielski/kon1.htm).

¹⁵ Journal of Laws of 2006, No. 234 item 1694 (amended Journal of Laws of 2009, No. 95, item 790), uniform wording.

¹⁶ Journal of Laws of 2009, No. 189, item 1472, uniform wording.

¹⁷ See: footnote 9.

and by the application of two domestic forms of protection:

1. granting asylum—pursuant to art. 56 of the Constitution of the Republic of Poland dated 1997, and based on the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003;
2. granting a permit for tolerated stay—pursuant to the Act on foreigners dated 2003 and the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003.

It has to be pointed out that under the Polish law and in practice, the institution of a refugee is separated from the institution of asylum, although in numerous European states asylum and refugee status are, from the legal point of view, a single institution. Asylum is an institution that the Polish legislative system has been acquainted with for a long time now, while the institution of a refugee is the new one. The refugee status is subjected to the international law regime, while asylum is understood as an internally regulated right, issued by the state, to provide foreigners with protection on its territory, and is intended not only to provide humanitarian help, but also to secure the state's political interests.

In addition, each application for protection on the territory of Poland is examined as an application for the refugee status, unless the foreigner explicitly seeks asylum, the demand of protection stems from a court's judgment on the inadmissibility of a foreigner's extradition or from a decision of the Minister of Justice on the refusal to extradite a foreigner (art. 3 sec. 2 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003).

The aforementioned regulations and other obligations provide also for additional forms of protection that may be granted to foreigners. They regulate, *inter alia*, the situation of minor unaccompanied foreigners seeking the refugee status, and envisage special protection for victims of traumatic experiences, etc. Detailed information concerning the above is presented in section 3 of this chapter. All forms of protection granted to foreigners described in this document, except for temporary protection, are of an individual character and are also examined as such. The related procedures are provided by the domestic legal provisions. Relevant legal acts circumscribe in detail each situation where a foreigner may/shall be granted protection status in Poland not allowing in this respect discretion of actions and practices of public administrative bodies. In cases provided for in the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 provisions of the Code of Administrative Proceedings are applied as well, unless the aforementioned Act provides otherwise.

1. Forms of EU harmonised protection statuses granted in Poland

1.1. Granting the refugee status

Between 1945 and 1989, Poland constituted an example of a country that was a source of considerable groups of migrants, and not a state receiving foreigners, including those seeking international protection. It was only after the economic transformation that Poland ratified in 1991 the Convention Relating to the Status of Refugees dated 1951 and the Protocol Relating

to the Status of Refugees dated 1967.¹⁸ As a result of transition in the social and political system in Poland, several important changes concerning the protection of foreigners were introduced to the legal system. Pursuant to the Act on the amendment of the Constitution of the People's Republic of Poland dated 18 October 1991,¹⁹ art. 88 of the document was changed, whose section 1 read that *citizens of other countries and stateless persons may take advantage of the right to asylum on the conditions set out in the act* (previously art. 88 of the Constitution stated that the People's Republic of Poland *grants asylum to citizens of other countries, persecuted for protecting the interests of working masses, fighting for social advancement, defending peace, fighting for the liberation of nations or for performing scientific activity*). It was at that time that in Poland's first Act on foreigners dated 1963,²⁰ amended by the Act on the amendment of the Act of 19 August 1991 on the amendment of the Act on foreigners,²¹ included provision introducing the institution of a refugee, as defined by the aforementioned international law documents, and which constituted a base for granting the refugee status in Poland.²² Regulation was introduced to art. 10 of the amended Act on foreigners, which provided that the decisions on granting asylum to foreigners in Poland were issued by the Minister of the Interior in agreement with the Minister of Foreign Affairs, stating that foreigners may be granted the refugee status in the meaning of the Geneva Convention dated 1951 and the Protocol dated 1967. It was stated that the decision on granting the refugee status was to be issued by the Minister of the Interior in agreement with the Minister of Foreign Affairs.

Then, in a separate article of the Act on foreigners of 25 June 1997,²³ i.e. in art. 32, it was stated that *foreigners may be granted, in the Republic of Poland, the refugee status in the meaning of the Geneva Convention and the New York Protocol, unless they have obtained that status in a different country which provides them with actual protection*.²⁴ In 1997 the Constitution of the Republic of Poland referred, for the first time, in a separate article, to the institution of the *refugee*, stating in its art. 56 sec. 2 that *a foreigner seeking protection from*

¹⁸ Declaration of the government of the Republic of Poland on accession of Poland to the Convention and the Protocol was published on 26 November 1991 in the Journal of Laws of 1991, No. 119, item 517 and 518. The Convention entered into force in Poland on 26 December 1991. The above obliged the Polish side to co-operate with the Office of the United Nations High Commissioner for Refugees. In 1992 a Liaison Office of the United Nations High Commissioner for Refugees was opened in Warsaw.

¹⁹ Journal of Laws 1991, No. 119, item 514.

²⁰ The Act on foreigners of 29 March 1963 was the first legal act of this type (Journal of Laws of 1963, No. 15, item 77). Until the 1960s provisions of the pre-World War II Regulation by the President of the Republic of Poland on foreigners of 13 August 1926 were applied with regard to foreigners (Journal of Laws of 1926, No. 83, item 465 and Journal of Laws of 1937, No. 11, item 83.). This document presented the definition of a foreigner that has remained in use until this day, in line with which all persons who do not possess Polish citizenship are considered foreigners.

²¹ The amendment in question related to art. 1 sec. 3 of the aforementioned Act (Journal of Laws of 1991, No. 119, item 513).

²² As a result of the aforementioned legislative and infrastructural changes, Poland was capable of evacuating in October 1992 a group of approximately 900 refugees—victims of the armed conflict in Bosnia.

²³ Journal of Laws of 1997, No. 114, item 739.

²⁴ The new Act introduces two notions: *safe country of origin* and *safe third country*, which have so far been unknown in the Polish legal system, and have been long functioning in the migration-related legislation of EU Member States. The definition of those notions has allowed to eliminate applications for refugee status submitted by persons from the so-called *safe countries* (or to apply, with regard to such persons, simplified expulsion procedures), and to examine only those applications that are lodged by persons truly threatened by persecution (art. 35 sec. 3).

*persecution may be granted, in the Republic of Poland, the refugee status in accordance with the international agreements that Poland is bound by.*²⁵

An important change in the regulations concerning granting the refugee status in Poland was implemented along with the adoption of the new Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003.²⁶ Pursuant to art. 13 of the above-mentioned act, *the refugee status* is granted to a foreigner if he/she cannot or does not want to enjoy the protection of his/her country of origin due to justified threat of persecution²⁷ for the reason of race, religion, nationality, political beliefs or membership of a specific social group. Section 2 of the aforementioned article provides that the refugee status is also granted to a minor child of the foreigner who was granted the refugee status in Poland, born on its territory. The Act granting protection to foreigners within the territory of the Republic of Poland dated 2003 also points out that the aforementioned persecution may consist in particular of: the use of physical or psychological violence, including sexual violence; the use of legal, administrative, police or court actions in a discriminative manner or of a discriminative character; commencing or conduction legal proceedings or punishing in a manner that is of non-proportional or discriminative character; lack of the right to appeal to court against a penalty of a non-proportional or discriminative character; initiating or conducting legal proceedings or punishing for the refusal to serve in the army during a conflict, if military service would constitute a crime, or would be a crime against peace and/or humanity in the meaning of the international law.

As a result of the subsequent amendments to the Act granting protection to foreigners within the territory of the Republic of Poland dated 2003 (including the one of 2005), the refugee status could be sought irrespective of the fact whether the persecution was coming from state authorities or the so-called non-state actors, controlling at least part of the given country's territory.²⁸ It could happen that state organs are not capable of guaranteeing protection for its citizens, as they lose control over some of their country's territory.

1.2. Granting subsidiary protection

On 18 March 2008, due to the need of introducing to the Polish law the provisions of the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted,²⁹ a Bill on the amendment of the Act on granting protection to foreigners within the territory of the

²⁵ Journal of Laws of 1997, No. 78, item 483.

²⁶ Journal of Laws of 2009, No. 189, item 1472, uniform wording.

²⁷ The persecution must constitute, due to its character or repeatability, a considerable violation of human rights, in particular the rights whose violation is not acceptable pursuant to art. 15 sec. 2 of the Convention on the Protection of Fundamental Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, No. 61, item 284 and 285, as amended), or may be an accumulation of various actions and omissions, including those that constitute a violation of human rights, whose effects are equally acute as persecutions.

²⁸ See: art. 16 sec. 1 of the Act of 2003, where: the subject committing persecutions referred to in Art. 13 or causing serious injuries, referred to in Art. 15 may be:

- 1) the body of public authorities of the country of origin;
- 2) groups or organisations controlling the country of origin or significant part of its territory;
- 3) entities other than those determined in subparagraphs 1 and 2 in case in which the entities referred to in subparagraphs 1 and 2, including international organisations, are not in a position or do not want to provide protection against persecutions or against the risk of incurring serious injury.

²⁹ Official Journal of European Union L 304 dated 30 September 2004.

Republic of Poland and on the amendment of some other acts was adopted. The Act, whose provisions entered into force on 29 May 2008,³⁰ introduced to the catalogue of forms of protection granted to foreigners in Poland a new form of the so-called *subsidiary protection*.³¹ This additional form of protection is offered to foreigners who do not meet the terms and conditions required to be granted the refugee status but whose return to the country of origin could pose a real risk of incurring serious injury through awarding a penalty of death or performing an execution, inflicting torture, inhumane or humiliating treatment or punishment, serious and individualised threat to life or health resulting from common use of violence to civil population in the situation of international or internal armed conflict.

Foreigners covered by this form of protection have acquired the right to integration assistance on the same terms and conditions as apply to refugees. In addition, once the Act has entered into force, the previously issued permits for tolerated stay granted within the framework of proceedings for granting the refugee status have become, by rule of law, decisions on granting subsidiary protection. Another change that the aforementioned Act provided was a provision allowing to issue decisions with regard to a foreigner and his closest relatives. So far, if a negative decision concerning granting the refugee status was issued with regard to a foreigner, it applied not only to the applicant but also to the members of his family. Under the new law, two different decisions may be issued. More precise provisions concerning the situation of unaccompanied minors seeking the refugee status have also been introduced. Pursuant to court decisions they are placed exclusively at caretaking and educational institution, instead of a centre for foreigners under the supervision of an appointed guardian, as it has been the case so far. The new regulation also provided for feasibility to apprehend a foreigner staying at a centre for foreigners if his behaviour posed a threat to the safety, health and life of other persons staying at such a centre (in such a case the person is placed in a guarded centre or in arrest for the purpose of expulsion).

1.3. Granting temporary protection

As a result of introduction to the Polish legal system of the Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, in art. 106 and 107 of the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003³² categories of foreigners that may be covered by the aforementioned form of

³⁰ Journal of Laws of 2008, No. 70, item 416. At the same time provisions of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status were introduced to the Polish legal system. The purpose of the Directives that were implemented to introduce criteria for identification of persons in real need of assistance that would be common for all EU Member States, as well as common minimum standards on procedures for granting and withdrawing such protection.

³¹ Art. 15 of the aforementioned Act.

³² The first provision on the ability to grant temporary protection to a foreigner in Poland appeared in the Polish legislative system in the Act on foreigners dated 25 June 1997 (Journal of Laws of 2001, No. 42, item 475), as a result of the need to adapt the Polish regulations to the requirements set out by the European Union. The Act on foreigners was amended in April 2001, and the amended regulations entered into force on 1 July 2001. This form of protection (art. 51a of the Act of 1997) was to be offered to foreigners temporarily leaving their country of origin due to a foreign invasion, ethnic conflicts or gross violations of human rights. The foreigners received assistance in the form of accommodation, board and medical care up to the moment they were able to return to their country of origin.

protection have been indicated. Those categories include foreigners who fled massively,³³ either spontaneous or with help from the authorities of Poland or the international community, from their country of origin or a geographical area defined in a regulation of the Council of the European Union, for reasons that posed a threat to their lives, including, *inter alia*, foreign invasion, war, civil war, ethnic conflict or other gross violations of human rights. Protection of this type, granted on the territory of Poland by the Head of the Office for Foreigners, is not offered, however, if there are well founded reasons to suspect that a foreigner:³⁴

1. has committed a crime against peace, a war crime, or a crime against humanity, as defined in the provisions of international law relating to such crimes,
2. has committed a serious non-political crime outside the territory of the Republic of Poland prior to his/her arrival on that territory,
3. has been guilty of acts contrary to the purposes and principles of the United Nations, or
4. his/her entry or stay may constitute a threat to the state security or the foreigner has been sentenced by a final sentence for a crime, the nature of which indicates that presence of that foreigner on the territory of the Republic of Poland may constitute a threat to Polish citizens.

The possibility to issue a decision—by means of a Regulation of the Council of Ministers—envisaged by art. 107 of the Act on granting temporary protection to foreigners dated 2003 who are not covered by the decision of the European Union Council and are forced to leave the country or the geographical area to which such decision pertains, for reasons specified in art. 106 of the aforementioned act, constitutes an additional form of protection for foreigners who have found themselves in a difficult situation in which their lives are threatened. However, this form of protection has not been used in practice so far [till 30 April 2010].

2. Non-EU harmonised protection statuses granted in Poland

2.1. Granting asylum

With reference to the information presented above, one has to remember that in Poland the institution of asylum and its ideological definition were introduced by art. 75 of the Constitution of the People's Republic of Poland of 22 July 1952³⁵, which stated that the People's Republic of Poland grants asylum *to citizens of other countries, persecuted for protecting the interests of working masses, fight for social advancement, activity defending peace, nation liberating fight or scientific activity*. The 1991 amendment of the 1952 Constitution³⁶ not only changed the political aspect of the institution of asylum, but also broadened the scope of categories of the foreigners who could take advantage of this form of protection (in line with the principles set out in the Act) on the territory of Poland by the

³³ It has to be reminded that granting temporary protection may be of a mass character. All other forms of protection offered to citizens in the territory of Poland are granted based on individual applications, and are examined by the relevant authorities on a case-by-case basis.

³⁴ See: art. 109 of the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003.

³⁵ Journal of Laws of 1952, No. 33, item 232.

³⁶ Journal of Laws of 1991, No. 119, item 514.

*citizens of other countries and stateless persons.*³⁷ This form of protection has still remained an institution of internal legal regulations, which means that protection is valid only on the territory of Poland.

At the end of the 1940s Poland gained some experience in dealing with persons seeking political asylum. This group of foreigners included the citizens of Greece who were involved, during the civil war of 1944–1949, on the side of the communist guerrillas. As a result of their defeat, a considerable group of the country's citizens migrated to the block of the so-called people's democracy states (including Poland). It is estimated that 13,500 persons entered the territory of Poland at that time. At the beginning of the 1970s Poland faced once again the arrival of another group of political asylum seekers including approximately 6,000 Chilean citizens who left their country after the Augusto Pinochet's Coup.³⁸

Pursuant to art. 56 sec. 1 of the currently in force Constitution of the Republic of Poland dated 2 April 1997,³⁹ all foreigners may enjoy a right of asylum in the Republic of Poland in accordance with principles specified by law.⁴⁰ Asylum-related issues have been provided for in chapter 1 of section III of the Act on granting protection to foreigners within the territory of the Republic of Poland. Pursuant to art. 90⁴¹ of the aforementioned Act, a foreigner may be granted asylum, upon his/her application, if the asylum is necessary for providing him/her with protection, and when *vital interests* of the Republic of Poland are at stake. The very notion of *a vital interest of Poland* is to be understood in this case as related to issues of significant importance for the state. In this respect one should take into account two important judgements of Polish administrative courts, which provided for interpretation of this notion. According to the first judgement, *willingness to work honestly in Poland, possession of professional skills and experience, as well as Poland's need to meet its international obligations, including those imposed by the European Convention for the Protection of Human Rights and Fundamental Freedoms dated 1950*⁴² presented by the foreigner as the reason for being granted asylum could not be regarded as *crucial for the interest of Poland*. The Supreme Administrative Court, however, in its verdict dated 7 February 2000, stated that *persecution due to national identity is not considered a base for granting asylum, as this type of persecution exhausts the notion of the 'refugee' in the meaning of art. 1 letter A sec. 2 of the Geneva Convention, and in the case in which it is really taking place, it may authorize the foreigner to seek the refugee status*⁴³. In another sentence,⁴⁴ the Supreme Administrative Court stated that *if the applicant is seeking asylum, he/she has to prove that his/her political*

³⁷ See: pages 10–11 and art. 88 of the 1952 Constitution (Journal of Laws of 1991, No. 119, item 514).

³⁸ A. Pinochet's coup of 11 September 1973 removed the pro-Marxist government of Salvador Allende. More: A. Florczak, 2003. *Uchodźcy w Polsce między humanitaryzmem a pragmatyzmem*. Toruń: Wydawnictwo Adam Marszałek, pp. 97–98.

³⁹ Journal of Laws of 1997, No. 78, item 483.

⁴⁰ J. Białocerkiewicz, 2001. *Cudzoziemcy w Rzeczypospolitej Polskiej*, Toruń, p. 320.

⁴¹ Article 90 sec. 1 Upon his/her request, a foreigner may be granted asylum in the Republic of Poland if it is necessary for providing him/her with protection and if it is in a good interest of the Republic of Poland.

1a. An application for granting asylum shall include:

- 1) applicant's data together with data of a person on whose behalf the application is made, within the scope necessary to carry proceedings for granting asylum,
- 2) determination of the country of origin of the applicant and the person on whose behalf the application is made by the applicant,
- 3) determination of material events justifying applying for asylum.

2. A foreigner who has been granted asylum shall be granted the permit to settle.

⁴² Judgment by the Voivodeship Administrative Court in Warsaw V SA/ Wa 2289/07 dated 29 January 2008.

⁴³ Judgment by the Supreme Administrative Court V SA 1486/99 dated 7 February 2000.

⁴⁴ Judgment by the Supreme Administrative Court V SA 2004/98 dated 21 December 1999.

activity has exposed him/her to the persecution law and authorities of the country of origin. Such an understanding of the prerequisites of this form of protection has definitely contributed to the fact that despite over a dozen years of the existence of asylum institution in the Polish legal order, no case of granting one has been recorded so far. As a matter of fact, the institution of asylum is maintained among the forms of protection granted to foreigners solely due to the constitutional character thereof.⁴⁵

2.2. *Protection against expulsion and granting the permit for tolerated stay*

After 1989, Poland lacked the basic provisions and procedures, as well as the knowledge concerning international standards related to the entry, stay, and departure of foreigners. Therefore, it is no wonder that when the Act on foreigners dated 1963 was in effect, the problem of lack of references to other forms of foreigners' protection in the Polish legislation—apart from the then-existing institution of asylum—surfaced.

The situation changed after Poland ratified in 1991 the Geneva Convention Relating to the Status of Refugees dated 1951, which launched a long process of shaping protection institutions in the Polish legal system. Pursuant to the provisions of the Convention, Poland committed itself to apply one of the most important institutions of the international law that protects persecuted persons, i.e. the so-called *non-refoulement* principle. The aforementioned principle forbids to expel the persons who sought the refugee status or to whom the status was granted, to a country in which they would be threatened by persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. When recapitulating, one needs to stress that this was the moment when the institution of protection of specific category of foreigners against expulsion was implemented into the Polish legal system.

As the time passed by, due to the case-law of the European Court of Human Rights (ECHR), the limited character of international protection provided for in the Geneva Convention was becoming ever more evident. Starting at the end of the 1980s, ECHR admitted examination of acceptability of expulsion of a foreigner also in the light of certain rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms. As a result, even if the decision on granting the refugee status was negative, the foreigner could allege the existence of legal obstacles, other than those identified in the Geneva Convention dated 1951, thereby preventing his expulsion.⁴⁶ This meant for the states-parties to the Convention the need to implement into their national legislation new forms of protection adequate to the aforementioned standards, i.e. introducing forms for legalising the stay of foreigners who do not meet the criteria required for granting the refugee status, but whose expulsion is unacceptable in the light of the Convention for the Protection of Human Rights and Fundamental Freedoms.⁴⁷ Those newly introduced institutions of supplementary character with regard to the primary form of protection (the refugee status) were referred to as complementary protection.

⁴⁵ See: P. Dąbrowski, *op. cit.*

⁴⁶ P. Dąbrowski, "Quo vadis pobycie tolerowany," *Biuletyn Migracyjny*, No. 23, August 2009.

⁴⁷ Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, amended by Protocols No. 3, 5 and 8 and supplemented by Protocol No. 2 (Journal of Laws dated 1 March 2003, No. 42, item 364, uniform wording).

The aforementioned practice has resulted in the introduction, to the new Act on foreigners of 25 June 1997,⁴⁸ of a provision concerning *the ban to expel a foreigner to a country in which he/she could be subjected to persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or be subjected to torture or to inhumane or degrading treatment or punishment.*⁴⁹ The abovesaid provision has expanded the range of the category of persons protected against expulsion. Protection against expulsion was no longer offered only to those with the refugee procedure in progress, or to those to whom the refugee status has already been granted, but to all foreigners staying on the territory of the Republic of Poland who could not return to their countries for the abovementioned reasons. Secondly, the catalogue of legal obstacles that could be quoted in order to prevent a foreigner's expulsion was expanded as well. Aside from reasons listed in the Geneva Convention (fear of being persecuted for the reasons of race, religion, nationality, membership of a particular social group, political opinion), the threat of subjecting the foreigner, upon his/her return, to torture, inhumane or degrading treatment or such a punishment was included in the list as well, as a direct reference to the rights provided for in the Convention for the Protection of Human Rights and Fundamental Freedoms.⁵⁰

Over a span of years, due to the lack of clear legal regulations in this area, the necessity to define the status of foreigners who did not meet the conditions for legalising their stay under any of the forms provided for by the law, and at the same time, due to factual reasons (inability to expel—lack of technical measures for expulsion) could not be expelled was more often stressed. So far, the legal status of such persons was not legally defined in any manner, which resulted in a situation that the number of foreigners staying in Poland illegally but “tolerated” by the state authorities was increasing. Therefore, when amending the Act on foreigners of 25 June 1997 in 2001,⁵¹ for the very first time the legislators defined the status of persons remaining in the so-called “legal vacuum,” thus laying a foundation stone for the current institution of the permit for tolerated stay. The aforementioned Act has provided foreigners with the ability to apply for a residence permit for a fixed period in a situation, when:

1. their expulsion or obligation to leave the territory of the Republic of Poland would violate the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950,⁵²
2. decision on expulsion is unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or beyond the foreigner,
3. the court has issued a judgment on inadmissibility of the foreigner's extradition,
4. the Minister of Justice has issued a decision on the refusal to extradite the foreigner.

Furthermore, provisions of the aforementioned act expanded, once again, the catalogue of legal prerequisites for granting the foreigner protection against expulsion. Thus, pursuant to art. 53 of the aforementioned act, the foreigner could not be expelled or obliged to leave the territory of the Republic of Poland if such an expulsion or obligation would violate the

⁴⁸ Journal of Laws of 1997, No. 114, item 739.

⁴⁹ Art. 53 of the Act on foreigners of 25 June 1997.

⁵⁰ In particular to art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, referring to the ban on torture.

⁵¹ Journal of Laws of 2001, No. 42, item 475.

⁵² Journal of Laws of 1993, No. 61, item 284 and 285, of 1995, No. 36, item 175, 176 and 177, as well as of 1998, No. 147, item 962.

provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950.

The act in question envisaged, as a matter of fact, a possibility to apply for a residence permit for a fixed period by the persons who could not, in certain cases, be expelled from the territory of Poland to their country of origin, but the prolonging and complicated procedure in the case of such an application made the provision to be difficult to apply in practice. A breakthrough concerning this issue and other forms of protection of foreigners came in 2003, when the national migration and asylum legislation was finally adjusted to EU requirements. It was then that the system was ordered by excluding issues related to international protection from the then-binding Act on foreigners and by including them in the separated Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003.⁵³ The abovesaid act introduced - previously unknown in the Polish law on foreigners - the institution of a permit for tolerated stay, which focused on all issues related to the conditions for granting Convention-based forms of complementary protection. This solution was another step forward in the process of developing legal protection of foreigners staying on the territory of Poland. The permit for tolerated stay could be issued to a foreigner in a situation in which his/her expulsion:

1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any legal grounds—within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;
2. was unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or the foreigner;
3. could only be effected to a country to which extradition is inadmissible on the basis of court's judgment on inadmissibility of a foreigner's extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner;
4. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.⁵⁴

Despite the fact that the institution of the permit for tolerated stay has been present in the Polish legal system for 6 years now, and despite the fact that the reasons for which it is granted have evolved, its background is exceptionally complex. Initially, in the course of the procedure for granting the refugee status, authorities examined the reasons for granting a permit for tolerated stay only after refusing to grant the refugee status. Therefore, such a permit was aimed at protecting against expulsion, if circumstances justifying the granting of such a permit could be identified in the course of the proceedings for granting the refugee status. It is worth highlighting here that the permit for tolerated stay could be granted not only in the course of the refugee procedure, but also under the expulsion procedure. Legal regulations provided for a ban to issue a decision on expulsion, and if it had already been issued, for a ban to execute such a decision if reasons to grant a permit for a tolerated stay existed.⁵⁵

⁵³ Journal of Laws of 2003, No. 128, item 1176.

⁵⁴ Therein, art. 99 of the a/m Act.

⁵⁵ Art. 89 of the Act on foreigners of 13 June 2003 (Journal of Laws of 2003, No. 128, item 1175).

The procedure for granting the permit for tolerated stay changed in 2008 when the additional institution of subsidiary protection was introduced. Its background is based on the Council Directive 2004/83/EC⁵⁶ of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. When defining the criteria for granting this type of protection, EU legislators have pointed out rights and freedoms that are partly different from those on which permit for tolerated stay was based. When implementing the directive into the Polish legal system, a new form of protection was introduced, based on the reasons listed by the directive, positioned between the refugee status (international foreigners protection form) and permit for tolerated stay (national form of foreigner protection)—namely subsidiary protection. Thus, complementary protection was distinguished between two parallel forms of protection, and the permit for tolerated stay has become additional form of protection offered next to the refugee status and subsidiary protection.⁵⁷ In addition, subsidiary protection is granted only in the course of procedures for granting the refugee status, and permit for tolerated stay is granted also under expulsion procedures and the procedure for withdrawing of national asylum.

2.3. Assistance to victims of trafficking in human beings

Issues concerning assistance granted to victims of trafficking in human beings on the territory of Poland are currently provided for by the provisions of the Act on foreigners of 13 June 2003 and the Act on Social Assistance of 12 March 2004. As a result, public administration bodies have been entrusted with the performance of tasks whose aim is to facilitate the system of protection and assistance for victims of trafficking in human beings. Those tasks are set out in Part III of the *National Action Plan for Combating Trafficking in Human Beings for 2009–2010*, as adopted and approved by the Council of Ministers. The current document relates to years 2009–2010 and constitutes a continuation of national programs for combating and preventing trafficking in human beings that were implemented at the beginning of 2003, when the first one was adopted by the Council of Ministers. Actions implemented under the Action Plan were the *Safe Poland* program's element aimed at improving the safety of citizens and adopted by the Council of Ministers on 28 August 2002. The need for such a program stemmed, at that time, from Poland's international commitments, in particular from the fact of signing and ratifying of the UN Convention against Transnational Organized Crime (so-called Palermo Convention)⁵⁸ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁵⁹ The subsequent changes to the Polish legal system were rooted in the need of implementing thereto the provisions of:

1. Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA),⁶⁰
2. Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (2004/68/JHA) and

⁵⁶ *Official Journal of the European Union* L 304 of 30.9.2004.

⁵⁷ P. Dąbrowski, *op. cit.*, p. 97.

⁵⁸ Government's declaration dated 27 August 2004, on effective character of the United Nations Convention Against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000, (Journal of Laws 2005 No. 18 item 159).

⁵⁹ Journal of Laws of 2005, No. 18, item 160.

⁶⁰ *Official Journal of the European Union* L 203 of 01.08.2002.

3. Council Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (Council Directive 2004/81/EC dated 29 April 2004).

The objective of the National Action Plan on Combating Trafficking in Human Beings is to create the conditions necessary for effective counteraction and combating trafficking in human beings. Within the framework of the aforesaid agenda government administration bodies and non-governmental organisations perform tasks aimed at counteracting and combating trafficking in human beings in Poland. The system of assistance and protection to the victims of trafficking in human beings offered in Poland is largely based on the *Program of assistance and protection for victims/witnesses of trafficking in human beings*. Between 2006 and 2009 the program was implemented by a non-governmental organisation as a separate public task assigned by the Minister of the Interior and Administration. Since 1 January 2010, the program is being held within the framework of a new public task related to the managing National Consulting and Intervention Centre for Victims of Trafficking in Human Beings (Krajowe Centrum Informacyjno-Konsultacyjne dla Ofiar Handlu Ludźmi, KCIK),⁶¹ which is also commissioned by the Minister of the Interior and Administration to the non-governmental organisation appointed, on every occasion, in an open bid. Any foreigner may take advantage of this form of assistance, regardless of his/her decision concerning cooperation with law enforcement agencies. A foreigner who shows no intention to testify against a person participating in and benefiting from trafficking in human beings will not be covered by the program of assistance for victims of trafficking in human beings implemented within the framework of the National Action Plan for Combating and Preventing Trafficking in Human Beings (until the end of 2009 assistance in voluntary returns offered to such persons was financed within the framework of a public task order) by the La Strada Foundation. The basic objective of the Action Plan is to provide foreigners with protection and support by securing their fundamental needs and by evoking their higher confidence in law enforcement agencies and the justice system as such, and thus boosting their preparedness to report crimes of trafficking in human beings.

3. Other forms of protection of foreigners on the territory of Poland

3.1. Persons fleeing Bosnia and Herzegovina

Due to the 1992 armed conflict in Bosnia and Herzegovina, upon signing an agreement with its state, Poland received on its territory over 900 persons, mainly children, youths and their guardians from the Bosansky Brod area. The group was evacuated from the Croatian border town of Slavonsky Brod by rail (two special trains), in a convoy coordinated by the Polish Ministry of the Interior. Upon their identification at the railway stations, the persons

⁶¹ The main tasks of the center include the following:

- identification of victims of trafficking in human beings,
- intervention,
- running a shelter for victims of trafficking in human beings,
- care for foreigners covered by the *Program of assistance and protection for victims/witnesses of trafficking in human beings*,
- preventive consulting and consultations for institutions.

fleeing their country were issued under the extraordinary procedure applied, Polish travel documents authorising them to cross the border. Basic medical care was also provided.

The costs relating to their stay in Poland were covered by the state budget reserve, pursuant to a resolution passed by the government.

Upon their arrival in Poland, the group was divided: some of the foreigners were placed at three centres for foreigners run by the Plenipotentiary of the Minister of the Interior for Refugees, some were accommodated at centres for foreigners run by the Polish Red Cross, and others were placed at centres run by voivodeship authorities. Children and youths were given an opportunity to learn their native language and to attend local schools. Additionally, integration program, financed by UNHCR, which covered 40 persons with special needs staying in one of the centres for foreigners run by the Plenipotentiary for Refugees (mothers raising children alone, disabled persons and children requiring special attention) was launched. The Bosnians were the first group in Poland that took advantage of the integration programs offered by non-governmental organizations.

With the lapse of time the number of Bosnians in the group decreased. Less than one year after their arrival the group amounted to less than 400 people. By October 1993 their number equalled slightly over 100, as most of them decided to return home as soon as possible. Some of them decided to join their families evacuated to other Western countries and left Poland.

3.2. Persons fleeing Kosovo and evacuated by the Polish government from the territory of Macedonia

Taking into account solidarity with the victims of war in the former Yugoslavia (Kosovo), the Council of Ministers of the Republic of Poland adopted the resolution No. 31/99 of 13 April 1999 on the principles of receiving refugees from Kosovo and their stay in Poland. This resolution constituted a basis for admission to Poland one of the region's largest group of refugees (approximately 1,000 people) in a tragic humanitarian situation originating from Macedonia and Albania. Based on an agreement concluded between the Ministry of the Interior and Administration and the Headquarters of the Polish Red Cross, which was responsible, under the abovesaid agreement, for all the issues related to the stay of the refugees from Kosovo, the refugees were placed temporarily at centres for foreigners, where they found shelter and temporary care. Their stay in Poland was based, however, on a system that differed from the solutions applied with regard to persons seeking the refugee status. The Council of Ministers passed a resolution on awarding financial resources for the stay of those who fled Kosovo, and the Minister of the Interior and Administration legalised their stay by issuing 685 temporary residence cards.

As a result of a return of the aforementioned persons to Kosovo organized by the Polish authorities, nearly all those who were relocated in Poland returned to their country. Only 13 persons stayed in Poland, including two in need of medical treatment and other 11-person Roma family whose members applied for the refugee status.

3.3. Other forms of granting protection to foreigners under the Act on foreigners dated 2003

The Polish legislation lists a few other, specific and not provided for in the international law, forms of protection offered to foreigners on the territory of Poland, namely:

1. Regulations preventing expulsion of a foreigner;
2. Residence permit for a fixed period issued to a foreigner if an exceptional personal situation that requires the presence of a foreigner on the territory of the Republic of Poland has occurred;
3. Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland;
4. Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for the humanitarian reasons;
5. Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland;
6. Prolongation of visa;
7. Court judgment on the inadmissibility of a foreigner's extradition and the decision of the Minister of Justice on the refusal to extradite a foreigner.

Introduction of regulations preventing expulsion of a foreigner

The Act on foreigners of 13 June 2003 provides for a number of situations in which no decisions on expulsion are issued to foreigners, and in which the ones that have already been issued are not executed. The aforementioned cases include the following:

1. the foreigner is staying on the territory of the Republic of Poland on the basis of:
 - a. a uniform short-stay Schengen visa authorising entry on the territory of the Republic of Poland for humanitarian reasons, due to the interest of the state or due to international obligations,
 - b. residence permit for a fixed period, if it has been issued in relation to the circumstances listed below:
 - regulations of the Polish law require personal appearance of the foreigner before a Polish public authority body;
 - an exceptional personal situation of the foreigner requires their presence on the territory of the Republic of Poland;
 - the interest of the Republic of Poland so requires;
 - the authority competent with respect to conduct procedure on combating trafficking in human beings has ascertained that the foreigner is probably a victim of trafficking in human beings in the meaning of the Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings;
2. the foreigner holds a residence permit for a fixed period, a permit to settle, a long-term resident's EC residence permit, a right of residence or a right of permanent residence, pursuant to the Act on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members of 14 July 2006, or a permit for tolerated stay;

3. the foreigner is a spouse of a Polish citizen or a foreigner holding a permit to settle or a long-term resident's EC residence permit, and their further stay do not constitute a threat to the state security and defence or public security and order, unless the marriage was concluded in order to avoid expulsion.

Residence permit for a fixed period issued to a foreigner if an exceptional personal situation that requires the presence of a foreigner on the territory of the Republic of Poland has occurred

Polish authority competent with respect to conduct procedure on legalising the foreigner's stay may also issue a residence permit for a fixed period to a foreigner who is staying on the territory of the Republic of Poland illegally, if an exceptional personal situation requires his/her presence on the territory of the Republic of Poland. This regulation is of unique character, and the maximum period for which the aforementioned residence permit may be issued must not exceed two years.⁶²

Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of the Republic of Poland if it is required by the interest of the Republic of Poland

Another form of granting protection on the territory of the Republic of Poland—discretionary to a certain degree—consists of a residence permit for a fixed period, issued by the voivode, if the interest of the Republic of Poland so requires. The above means that the foreigner's stay may be legalised for a period of up to two years. This regulation was introduced to the Polish legal system in the amendment of the Act on foreigners in 2008.⁶³ Therefore, one may assume that in a situation when the interest of the state requires (the notion *interest of the state* may, but does not have to be understood as in the case of the procedure of granting an asylum to a foreigner on the territory of Poland)⁶⁴ that the stay of such a foreigner in Poland will be legalised by the respective administrative body, the foreigner shall be granted the residence permit for a fixed period pursuant to art. 53a sec. 2 clause 3.

Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for the humanitarian reasons

The Act on foreigners of 13 June 2003 provides, apart from numerous other types of residence visas, also for a residence visa (either uniform short-stay Schengen visa and Polish

⁶² Subsequent application based on the same grounds is not examined.

⁶³ Art. 53a sec. 2 was introduced by means of art. 1 sec. 24 of the Act on amendment of the Act on foreigners and certain other acts of 24 October 2008 (Journal of Laws of 2008, No. 216, item 1367). The same prerequisites to legalise a foreigner's stay, although in a slightly different context, appeared, for the first time, in the amendment of the Act on foreigners of 1997 (Act on amendment of the Act on foreigners and certain other acts dated 11 April 2001, Journal of Laws of 2001, No. 42, item 475). It allowed the voivode to issue a residence visa to a foreigner if the interest of the Republic of Poland so required (added in sec. 1 clause 5 of the aforementioned act). In addition, art. 14 sec. 2 of the Act stated that in such a case the total period of the foreigner's stay on the territory of the Republic of Poland based on the visas could not exceed 6 months. In art. 68d. sec. 1, the then-President of the Office for Repatriation and Foreigners, in agreement with the Commander in Chief of the Border Guard could authorize, upon application by a consul, Commander of the Border Guard crossing point or *ex officio*, the entry or the stay on the territory of the Republic of Poland of a foreigner who did not meet the entry or stay-related criteria as set out in the Act, but if such an entry or stay were required by humanitarian reasons or by the interest of the Republic of Poland.

⁶⁴ See: footnotes 46–48, pp. 14–16 herein.

long-stay national visa) issued to enable entry for humanitarian reasons. Such visas are issued mainly in cases in which the entry of a foreigner is required due to the need to undergo a lifesaving medical procedure.

Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland

Under the Polish legal system it is also possible to issue a residence visa (either uniform short-stay Schengen visa and Polish long-stay national visa) if the state's interest so requires.

Prolongation of visa

The general principle of the Polish legal system states that each type of a visa issued to a foreigner staying on the territory of the Republic of Poland may be extended only if all of the conditions listed below are met jointly:

1. an important professional or personal interest of the foreigner or humanitarian reasons justifies such a decision;
2. the events that constitute a ground for seeking the prolongation of the visa took place irrespective of the foreigner's will and could not be foreseen at the moment when the visa was issued;
3. the circumstances of the case do not indicate that the stay of the foreigner on the territory of the Republic of Poland will be of other character than declared;
4. there are no circumstances defined in the regulations and which justify the refusal of a visa.

A visa of a foreigner may also be prolonged if he/she is staying at the hospital and his/her health prevents his/her from departing or transporting to another country, until the day on which the condition of the foreigner will enable such a departure. In such a case the visa may be prolonged on multiply occasions. In order to issue a relevant decision, the organ in charge of prolonging the visa (voivode relevant for the place of the foreigner's residence) may appoint an expert medical practitioner.

Court judgments on the inadmissibility of a foreigner's extradition and the decision of the Minister of Justice on the refusal to extradite a foreigner

If expulsion of a foreigner residing on the territory of the Republic of Poland could be effected to a country to which extradition is not possible due to a court's judgment on inadmissibility of extradition of a foreigner, or due to a decision by the Minister of Justice on the refusal to extradite a foreigner, a permit for tolerated stay may be issued. In such a case the decision is issued by the Head of the Office for Foreigners, and his decision is arbitrary. It is the Head of the Office for Foreigners who decides about the potential legalisation of the foreigner's stay, basing on two assessment criteria: the reasons for refusing extradition of the foreigner and the interest of the Republic of Poland.

3. PROCEDURES FOR GRANTING PROTECTION TO FOREIGNERS ON THE TERRITORY OF POLAND AND RIGHTS PROVIDED

1. Procedures concerning forms of protection granted to foreigners harmonised and non-harmonised with European Union law

Institutions responsible for conducting procedures related to granting protection to foreigners on the territory of the Republic of Poland apply a uniform procedure. The above means that each application for such a protection submitted by a foreigner (except for the situation in which temporary protection is sought)⁶⁵ is examined as an application for the refugee status, and the possibility for granting other forms of protection—including those of domestic character—is viewed as an integral part of the overall procedure. This does not apply in any case where the foreigner clearly declares that he/she is going to seek an asylum, or where the demand for protection stems from a court's judgement on inadmissibility of foreigner's extradition to the authorities of the country of his/her origin, or from a decision of the Minister of Justice on the refusal to extradite the foreigner.

Therefore, in the course of the proceedings for granting the refugee status not only conditions required for granting such status under the Geneva Convention dated 1951 are examined, but also—once it has been determined that such conditions are not met—other circumstances are taken into consideration that justify granting the foreigner a subsidiary protection or a permit for tolerated stay, both resulting in protection against expulsion. The report also states that circumstances preventing the foreigner's expulsion from Poland have so far been of diverse character, which has translated into a non-uniform structure of the most frequently applied forms of domestic protection, i.e. the institution of a tolerated stay. Due to fairly complicated character of the institution of the *permit for tolerated stay* that has been present in Poland legislation since 2003, such permit can be issued to the foreigner due to various reasons. Thus, the authors of the report have decided to present the aforementioned form of domestic protection in the context of three major administrative procedures. Therefore, along with the procedures discussed below (refugee, asylum and expulsion), there will be also described situations in which a permit for tolerated stay may be issued to the foreigners.

The document discusses, separately, the remaining forms of protection granted in Poland, i.e. the institution of asylum, temporary protection harmonised with EU law, assistance to victims of trafficking in human beings provided for in the national law, inadmissibility of foreigner's extradition adjudicated by courts and decisions of the Minister of Justice on the refusal to extradite a foreigner. The report also refers to other circumstances justifying granting protection to the foreigners which have been included in detailed statutory solutions.

When analysing different forms of protection of foreigners applied in Poland, it has to be pointed out that the asylum procedure is the only legal solution concerning granting protection in Poland that is of discretionary character.

⁶⁵ More detailed comments provided in part 1.4.

1.1. Refugee procedure

On the territory of the Republic of Poland a foreigner may be granted the refugee status (granted pursuant to the provisions of the Geneva Convention of 28 July 1951 and the New York Protocol of 31 January 1967). The application for the refugee status shall be submitted in person (in some cases the said application may cover persons other than the applicant himself)⁶⁶ to the Head of the Office for Foreigners, through the Commander of the Border Guard checkpoint, during border inspection.⁶⁷ A foreigner residing on the territory of the Republic of Poland submits the application through the Commander of the Border Guard division whose area of territorial competence includes Warsaw Capital City. It has to be noted that the application for the refugee status is examined simultaneously as an application for subsidiary protection,⁶⁸ and the proceedings for granting the refugee status is conducted in the mode and in line with the principles set out in the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003. Decisions on granting the refugee status are issued by the Head of the Office for Foreigners, and the applicant may appeal against such a decision to the Refugee Board.⁶⁹

When accepting the application for granting the refugee status, the Commander of the Border Guard checkpoint:⁷⁰

1. determines identity of the applicant and of the person on behalf of whom the applicant is acting;
2. verifies whether the application has been filled out correctly and whether it specifies: identity of the applicant and the persons he represents, information on the country of origin, data concerning visas or residence permits issued by authorities of other countries, description of the route taken all the way to the border and the place of border crossing, information on whether the applicant or members of his/her family have applied for the refugee status in another country,⁷¹ as well as data of family

⁶⁶ This applies to minor children accompanying the applicant, provided that such children are not married and are dependent on the applicant. The procedure may also cover the applicant's child born in the period between commencement of the procedure and its completion by means of a final decision, as well as the following persons accompanying the applicant: a spouse dependent on the applicant and/or minor children of the applicant's spouse who are not married, upon a written consent of the spouse (art. 24 and 25 of the Act).

⁶⁷ Based on art. 28 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 13 June 2003 (Journal of Laws of 2009, No. 189, item 1472).

⁶⁸ See: art. 23 sec. 2 of the aforementioned Act, with the following wording: Application for granting the refugee status is simultaneously examined as an application for granting subsidiary protection.

⁶⁹ Information on the principles and modes of submitting appeals, as set out in the Code of Administrative Proceedings, are included in decisions.

⁷⁰ In the case of foreigners who apply for an asylum (domestic form of protection) while staying in Poland, or who have been covered by temporary protection, the procedure (taking photographs, fingerprints) is carried out by the Commander of the Border Guard division relevant for the capital city of Warsaw.

⁷¹ The definition of this group of foreigners and the base for conducting procedures for granting the refugee status to members of the foreigner's family are provided for in art. 2 letter i of the Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Official Journal of European Union L 50 dated 25 February 2003) [art. 2 letter i has the following wording: 'family members' means insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States:

- (i) the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to foreigners;
- (ii) the minor children of couples referred to in point (i) or of the applicant, on condition that they are unmarried and dependent and regardless of whether they were born in or out of wedlock or adopted as defined under

members who live in another European Union Member States. It is also verified whether the foreigner and the person he/she represent hold documents authorising them to enter the territory of Poland,⁷² if the circumstances have occurred that are referred to in art. 1 paragraph F of the Geneva Convention;

3. takes photographs and fingerprints (in the case of persons over the age of 14) of the foreigner and the person he/she represents (the fingerprints are verified/stored in the Eurodac system⁷³);
4. ensures that medical examinations are conducted and the necessary sanitary procedures are performed with regard to the body and clothes of the foreigner and the person he/she represents;
5. informs the foreigner, in a language spoken by him/her, about the refugee and asylum procedure (domestic), the rights and obligations vested to the applicant, as well as about the possibility of informing the UNHCR representative about the procedure in progress and about providing this organisation with access to the documentation of the case, as well as about other organisations that deal, according to the law, with refugee-related issues.⁷⁴

Once the aforementioned procedures have been completed, the receiving authority hands the application over to the Head of the Office for Foreigners for examination. Then, through receiving authority the foreigner leaves the travel document he/she holds to be deposited with the Head of the Office for Foreigners. During the proceedings and upon the foreigner's application, assistance may be offered in the form of accommodation in a centre for foreigners seeking the refugee status, or outside such a centre if organisational aspects so require, or if it is necessary for: ensuring safety of the foreigner, including the exceptional situation of women travelling alone; protection of the public order; protection and maintenance of family ties; preparing the foreigner for independent life outside the centre for foreigners (once the decision on granting the refugee status or a decision on refusal to grant the refugee status and to grant subsidiary protection or a permit for tolerated stay has been issued).⁷⁵

Pursuant to art. 33 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 initiation of the procedure for granting the refugee status results, by the rule of law, in annulment of the visa, annulment of the decision on the obligation to leave the territory of the Republic of Poland, suspension of the decision's on expulsion enforcement and, in certain cases, suspension of enforcement of the decision on

the national law;

(iii) the father, mother or guardian when the applicant or refugee is a minor and unmarried].

⁷² In the case of persons applying for the refugee status already on the territory of the Republic of Poland also the fact whether the foreigner is staying thereon legally, i.e. in line with the applicable legal regulations.

⁷³ The task of the system is to compare the fingerprints of persons seeking the refugee status and illegal immigrants in order to enhance the implementation of the Dublin II Regulation allowing to determine the Member State responsible for examining the application for granting the refugee status.

⁷⁴ In order to rule out the possibility of committing a crime or an offence or to determine the foreigner's identity, the receiving authority may perform a personal search of the applicant and the person on behalf of whom the applicant is acting (the search may also cover their luggage).

⁷⁵ If so required by the circumstances (more detailed description in art. 87–89 of the Act), the foreigner is placed, based on a court judgement, in a guarded centre or arrest for the purpose of expulsion—if the country's defence-related interest is at stake, or if the state's security or the public safety and order need to be protected. No unaccompanied minors are placed in a guarded centre or in an arrest for the purpose of expulsion, and neither are foreigners whose physical and mental shape indicate that they have been subjected to violence or that they are handicapped (except for a situation in which the foreigner's behaviour poses a threat to the safety, health or life of other foreigners staying at the centre for foreigners seeking the refugee status or for the personnel of such a centre).

expulsion till the day on which final decisions concerning the granting of the refugee status, as issued to the applicant and the person on behalf of whom he acts have been delivered to the foreigner.⁷⁶

In the course of the refugee procedure no visas are issued or prolonged, and no decisions on the obligation to leave the territory of Poland, and no decisions on expulsion are issued.

Proceedings for granting refugee status

The decision-making process starts with determining whether the Republic of Poland is relevant for examining the application for the refugee status (in line with the provisions of the Dublin II Regulation⁷⁷). In such a case, the application is examined in the first instance by the Head of the Office for Foreigners. The applicant is required to arrive for an interview on the date set out by the in order to make a deposit and provide explanations, and to provide any evidence justifying the granting of the refugee status. The applicant is also obliged to notify the Head of the Office of any change in the place of his/her residence or stay on the territory of the Republic of Poland until the final decision is issued. The applicant is interviewed by a representative of the Office and may receive, upon demand, a certified copy of the interview transcript. The authority in charge of conducting the proceedings provides, during the interview and in the event of such need, assistance of an interpreter of language spoken by the applicant.

Medical or psychological examinations of a foreigner are carried out if he/she informs the authority in charge of conducting the proceedings that he/she has been subjected to violence, is disabled, or his/her physical and mental shape give rise to a suspicion that he/she has been subjected to violence. Should the examination prove that the information provided by the applicant was true, further activities in the course of the proceedings for granting the refugee status and related to providing assistance at the centre for foreigners may be carried out by a person who has undergone training preparing him/her for work with victims of crimes, violence, and with disabled persons, and is of a sex determined by the foreigner.

In the course of the proceedings a foreigner seeking the refugee status may freely contact the representative of the UN High Commissioner for Refugees, as well as non-governmental organisations, in accordance with their statutes.

The Head of the Office for Foreigners should issue the decision concerning the refugee status within 6 months⁷⁸ after filling the application, or in the case of a manifestly unfounded

⁷⁶ In such a case the application of the aforementioned provision is limited by law, which will be elaborated further on (pp. 33–34).

⁷⁷ If circumstances justifying the transfer of the applicant or the person on behalf of whom he/she is acting to another Member State arise, the Head of the Office issues a decision on transferring him/her and discontinuing the proceedings. Persons subject to transfer may be assisted to the border or to the border of the country to which they are transferred to, or to an airport or a sea port of the country. Such assistance is provided, upon Head's of the Office application, by:

1. Commander of the Border Guard division relevant for the place of stay of the applicant—to the border;
2. Commander in Chief of the Border Guard or the Commander of the Border Guard relevant for the location at which the applicant or the person on behalf of whom he/she is acting has crossed the border—from the border to the airport or the sea port of the country to which he/she is expelled.

⁷⁸ If no decision has been issued, for reasons other than those attributable to the applicant, within 6 months from the application date, the Head of the Office issues a certificate, upon foreigner's application, which constitutes, along with the temporary identification certificate of the foreigner, a base, for the applicant and his spouse on behalf of whom he/she is acting, for performing work on the territory of the Republic of Poland, in line with the

application, within 30 days after submitting the application. If it is the intention of the authority conducting the proceedings to provide foreigner with the refugee status, grant to him/her subsidiary protection or issue a permit for tolerated stay, the body in question applies to the Internal Security Agency, and in the event of such need also to other administrative bodies, for information whether circumstances denying the grant of refugee status to the applicant or the person on behalf of whom the applicant is acting exist.⁷⁹

Granting the refugee status

A foreigner is granted the refugee status if, as a result of a justified threat of persecution, in the country of origin, due to race, religion, nationality, political opinion or membership of a particular social group, he/she is unable or unwilling to avail himself/herself of the protection of that country. The refugee status is also granted to a minor child of the foreigner who has obtained the refugee status in the Republic of Poland and whose child was born on that territory (see art. 13 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003). The persecution that the foreigner is quoting in his/her application must constitute, under the Geneva Convention, due to its nature and repeated character, a gross violation of human rights, in particular the rights whose violation is inadmissible in compliance with art. 15 par. 2⁸⁰ of the Convention for the Protection of

principles and in the mode set out in the Act on the promotion of employment and institutions of the labour market dated 20 April 2004 (Journal of Laws of 2008, No. 69, item 415).

⁷⁹ The above relates to a situation described in art. 19 sec. 1 clause 3 or sec. 2, art. 20 sec. 1 clause 2, sec. 2 or 3 or in art. 97 sec. 1a of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003, i.e. a situation in which there are serious grounds to assume that the foreigner has committed a crime against peace / a war crime or a crime against humanity in the meaning of international law / is guilty of acting in contradiction to the objectives and principles of the United Nations set out in the Preamble and in art. 1 and 2 of the United Nations Charter / has committed a crime of a character other than political outside the territory of the Republic of Poland prior to submitting the application for the refugee status; has committed, on the territory of the Republic of Poland, a crime or an action that constitutes a crime under the Polish law; constitutes a threat to the safety of the state or the society; has committed another action, prior to his arrival to the territory of the Republic of Poland, which constitutes, under the Polish law, a crime penalised with imprisonment, if the foreigner has left the country of origin exclusively for the purpose of avoiding penalty or has encouraged to committing such crimes or actions or has otherwise participated therein; or if the further stay of the foreigner on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or the public safety and order. The aforementioned authority provide the relevant information within 30 days from receiving the application for the submission of such information, and in the case of lack of such information, the requirement to obtain such information shall be deemed fulfilled. In exceptional cases the deadline for submitting such information may be extended to 3 months.

⁸⁰ Art. 15 sec. 2. No derogation from Article 2, shall be made under this provision [with Article 2 having the following wording: 1. Everyone's right to life shall be protected by law. No one shall be deprived of his/her life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

- a) in defence of any person from unlawful violence;
- b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- c) in action lawfully taken for the purpose of quelling a riot or insurrection], except in respect of deaths resulting from lawful acts of war, or from Articles 3 [having the following wording: No one shall be subjected to torture or to inhuman or degrading treatment or punishment], 4 par. 1 [having the following wording: No one shall be held in slavery or servitude] and 7 [having the following wording: 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed. 2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations].

Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 (Journal of Laws of 2003, No. 61, item 1369, uniform wording), or be an accumulation of various acts or omissions which are equally acute as persecution, including those constituting the violation of human rights. Such persecution may consist, in particular, of the following:

1. use of physical or mental violence, including sexual violence;
2. applying legal, administrative, political or juridical means in a discriminative manner or of a discriminative character;
3. commencing or conducting penal proceedings or penalising in a manner that is of non-proportional or discriminative character;
4. lack of the right to appeal to court against a penalty of a non-proportional or discriminative character;
5. commencing or conducting penal proceedings or penalising for the refusal to serve in the army during a conflict, if military service would constitute a crime, or would be an action against the objectives and principles of the United Nations as set out in the Preamble and art. 1 and 2 of the United Nations Charter.⁸¹

Refusal to grant the refugee status

In the decision on the refusal to grant the refugee status the Head of the Office for Foreigners (or in the 2nd instance the Refugee Board) may decide to grant two other forms of protection on the territory of Poland, i.e. subsidiary protection or, if the conditions for granting subsidiary protection are not met, the permit for tolerated stay. So, the refusal to grant the refugee status may be accompanied by a positive decision on awarding subsidiary protection or a permit for tolerated stay.⁸² A decision on expulsion from the territory of the Republic of Poland may also be issued with regard to a foreigner (in the proceedings for granting the refugee status, in their part related to expulsion, provisions of the Act on foreigners of 13 June 2003 concerning the expulsion procedure shall apply—a more detailed description is provided for under the so-called expulsion procedure).

Subsidiary protection

In relation to the introduction of the provisions of the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted⁸³ to the Polish legal system, the Head of the Office for Foreigners may grant subsidiary protection to a foreigner who does not meet the conditions required for obtaining the refugee status, but his return to the country of origin may pose a threat of:

1. real risk of significant suffering by adjudicating capital punishment or performing the execution;
2. torture, inhumane or humiliating treatment or punishment;
3. significant and individualised threat for health or life resulting from common use of violence towards civilian population in the situation of an international or domestic

⁸¹ More details provided in art. 19 sec. 1 clause 3 of the Act of 2003.

⁸² Only persons awarded refugee status and those who have been granted subsidiary protection are authorised to benefit from a year-long integration program offering certain benefits that are not available to those holding permit for tolerated stay.

⁸³ Official Journal of European Union L 304 dated 30 September 2004.

armed conflict;

and the foreigner may not or does not want to take advantage of the protection of that country due to the risk described above.

Permit for tolerated stay

The permit for tolerated stay—i.e. the domestic status of protection granted to the foreigner—is issued by the Head of the Office for Foreigners (ex officio) in a situation in which the expulsion of the foreigner:

1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived of the right to fair trial, or could be punished without any legal grounds—within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms signed up in Rome on 4 November 1950, *or*
2. would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children's rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child's physical and mental development.

It has to be noted that no permit for tolerated stay may be issued in the two cases described above if the further stay of the foreigner on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or to public safety and order.

Leaving the application unprocessed

The Head of the Office for Foreigners may leave the application unprocessed if it does not include the first and the last name of the applicant or if it fails to identify the country of origin, and the missing information could not be obtained as a result of actions undertaken by the authority accepting the application. Should the authority conducting the proceedings declare the application inadmissible, it issues a decision on discontinuing the proceedings on grounds of inadmissibility. The aforementioned situation takes place in the following cases:

1. the applicant was granted the refugee status in another Member State,
2. upon receiving the final decision on the refusal to grant the refugee status the applicant has submitted subsequent application based on the same grounds,
3. the spouse who previously authorised the applicant to submit the application on his/her behalf has submitted a separate application, when no circumstances justifying the submitting of such an application by the spouse exist.

If the applicant:

1. has indicated reasons for filing the application other than threat of persecution due to race, religion, nationality, political opinion or membership of a particular social group, or the risk of serious harm, or has failed to provide any information on the circumstances related to the fear of persecution or the risk of serious harm,
2. comes from a safe country of origin, included in the common minimum list adopted

by the Council of the European Union, provided that the applicant is a citizen of that country or a stateless person and has previously resided, on a permanent basis, in that country and has failed to indicate any important reasons that would justify failure to consider that country as a safe country of origin in the applicant's particular situation and in relation to his fulfilment of the conditions required to grant the refugee status,

3. has misled the authority examining the application by concealing information or documents or by presenting false information or documents, which are of crucial importance for granting the refugee status,
4. has submitted another application for the refugee status in which other personal data was indicated,
5. has presented incoherent, contradicting, improbable or insufficient explanations to support the claim of persecution,
6. has submitted the application in order to delay the issuing of the decision on expulsion or to hinder the enforcement of such a decision,
7. constitutes a threat to the state security or public order and has already been expelled from the territory of the Republic of Poland for that reason.

—his application is examined, in the first place, as manifestly unfounded. In such a situation the proceedings are conducted in line with the principles set out in the act, but the applicant who has justified the submission of his application with reasons other than threat of persecution due to race, religion, nationality, political opinion or membership of a particular social group, or the risk of serious harm, or has failed to indicate any information on the circumstances related to the threat of persecution or the risk of serious harm shall not be interviewed, unless the applicant is an unaccompanied minor. In the decision on the refusal to grant the refugee status it is then indicated that the application was examined as manifestly unfounded, and the decision shall be issued within 30 days from the application date.⁸⁴

Expulsion of a foreigner

Pursuant to the regulations in effect, the decision on the refusal to grant refugee status to a foreigner or to a person on behalf of whom he/she is acting includes the decision on expulsion if no circumstances justifying the grant of subsidiary protection or a permit for tolerated stay exist. The foreigner shall be obliged to leave the territory of the Republic of Poland within 30 days from being handed the final decision concerning the issue in question. A foreigner who has submitted a subsequent application for the refugee status and with regard to whom the enforcement of the decision on expulsion has been suspended, and the decision on the refusal to grant the refugee status includes no decision on granting subsidiary protection or a permit for tolerated stay, shall leave Poland within the deadline specified above.⁸⁵ There are, however, certain exceptions that do not require the decision on the refusal to grant the refugee status to include a decision on expulsion of the foreigner. The decision finalising the refugee proceedings includes no expulsion provision if the foreigner:

- 1) holds a residence permit for a fixed period, a permit to settle, a long-term resident's EC residence permit, a right of residence or a right of permanent residence, pursuant to the Act on the entry into, residence in and exit from the Republic of Poland of

⁸⁴ The decision on the refusal to grant the refugee status for the reason of manifestly unfounded application may be appealed against within 5 days from being handed to the foreigner (in the regular mode within 14 days from the decision being issued).

⁸⁵ More details provided in art. 33 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003.

nationals of the European Union Member States and their family members dated 14 July 2006, or holds a permit for tolerated stay;

- 2) is under temporary arrest, is imprisoned or is subject to a ban on leaving the territory of the Republic of Poland as a preventive measure;
- 3) is a spouse of a Polish citizen or a spouse of a foreigner holding permit to settle or a long-term resident's EC residence permit;
- 4) is obliged to leave the territory of the Republic of Poland based on an expulsion decision whose enforcement was suspended.

If the foreigner has already been obliged to leave the territory of Poland due to previous decision on expulsion which has not been enforced and in a situation in which the foreigner submits subsequent application for the refugee status, in a decision on the refusal to grant the refugee status one does not decide to expel the foreigner (a previous decision on expulsion remains in power). The Head of the Office for Foreigners may, however, in each case upon the foreigner's application suspend the enforcement of decision on expulsion, until the day on which the final decision on granting the refugee status is delivered to the applicant, if it is justified by the crucial interest of the party (i.e. the foreigner), it does not contradict the public interest, and the subsequent application has not been submitted in order to delay the decision on expulsion, or to delay or interfere with the enforcement of such a decision.⁸⁶ The aforementioned application for the suspension of the enforcement of the decision on expulsion should contain a justification of the applicant's crucial interest and should be submitted along with a subsequent application for the refugee status, through the receiving organ, and in a situation in which the decision on expulsion was issued after the subsequent application for the refugee status had been submitted—directly to the Head of the Office for Foreigners. The decision on suspending the enforcement of the decision on expulsion should be issued within 5 days after the relevant application was being handed over by the receiving authority or from the date of submission of application to the Head of the Office.⁸⁷ The decision on suspending the enforcement of the decision on expulsion expires, by rule of law, on the date on which the final decision concerning granting the refugee status, commenced due to the subsequent application for granting the refugee status, is delivered to the foreigner.

In this context one should also take notice of the situation in which expulsion of the foreigner is unenforceable for reasons beyond the control of the enforcing authority (Voivodeship Commander of the Police, Commander-in-Chief of the Border Guard or the Commander of the Border Guard division) and of the foreigner. In such a case, the voivode, pursuant to art. 104 sec. 1 clause 1 letter b of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003, or the Head of the Office for Foreigners, pursuant to art. 104 sec. 1 clause 2 letter c of the aforementioned act, may grant to the foreigner, *ex officio*, a permit for tolerated stay. The situations referred to in art. 97 par. 1 clause 1 or 1a⁸⁸ may also be quoted, in the decision on granting the permit for tolerated stay, by the voivode who has issued the decision on expulsion, if they became apparent after the decision on expulsion had been issued or if the expulsion of the foreigner was unenforceable

⁸⁶ This solution was introduced to the Polish legal system on the date of entry into force the Act on amendment of the Act on granting protection to foreigners within the territory of the Republic of Poland of 29 May 2008 (Journal of Laws of 2008, No. 70 item 416). A similar solution is applied in the case of the asylum procedure.

⁸⁷ Art. 33 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 also states that a foreigner who does not agree with the decision on suspending the decision on expulsion issued by the Head of the Office for Foreigners may apply to the same authority for re-examining the case, within 5 days after receiving the decision. Then, the Head of the Office may change or cancel the decision on suspending the enforcement of the expulsion decision, at any time, if the circumstances have changed.

⁸⁸ See: page 33 hereof.

for reasons beyond the control of the organ enforcing the decision on expulsion and beyond the control of the foreigner.

Submitting appeals against 1st instance decisions on granting the refugee status

Decisions on granting the refugee status (or subsidiary protection or a permit for tolerated stay) issued by the Head of the Office for Foreigners, may be appealed against to the Refugee Board (2nd instance), which issues its decision within one month after the appeal being lodged.⁸⁹ The Refugee Board issues a decision in which: it maintains or overrides, fully or partially, the decision that was appealed against and provides a relevant verdict in the case, or, by overriding the decision, discontinues the first instance proceedings or discontinues appeal proceedings. The Board may override the decision that was appealed against fully and refer the matter back to the first instance authority for re-examination, if the final decision requires that the explanatory proceedings should be carried out concerning the entire subject matter or its considerable part. When referring the matter back, the authority may point out the circumstances that should be taken into consideration when re-examining the matter. The authority may also issue a decision on granting a permit for tolerated stay, if it finds, as a result of considering the appeal against the decision on granting the refugee status, that the circumstances justifying providing the foreigner with this specific form of protection exist.

The Board is also competent body in matters relating to renewing the proceedings, overriding, as well as changing or annulling the decisions or resolution issued. Decisions of the Refugee Board may be appealed against, by the foreigner, to the Voivodeship Administrative Court (WSA) within 30 days after the decision has been issued. The decision by Voivodeship Administrative Court may be appealed against (cassation) to the Supreme Administrative Court (NSA).

In addition, if in case of denying the refugee status circumstances justifying the grant of a permit for tolerated stay are identified, the Head of the Office may renew the proceedings and grant, in a separate decision, the permit for tolerated stay.

Withdrawal of permit for tolerated stay

The permit for tolerated stay may be withdrawn in situations, in which:

- 1) the reason for which it had been granted ceases to exist;
- 2) the foreigner has voluntarily applied for protection, to the authorities of the country of origin,;
- 3) the foreigner has permanently left the territory of the Republic of Poland;
- 4) its validity could result in a serious threat to the defence or security of the state, or to public safety and order.

A foreigner whose permit for tolerated stay has been withdrawn is issued with a decision on expulsion. A situation in which a decision on expulsion of the foreigner has already been issued is an exception here. According to this, one may conclude that granting a permit for tolerated stay does not cancel (thus making it groundless) the previously issued decision on expulsion. The decision on granting the permit for tolerated stay coexists, therefore,

⁸⁹ The appeal shall be lodged within 14 days after the decision being delivered to the foreigner.

indefinitely, with the decision on expulsion. Thus, one may state that as a result of granting to the foreigner a permit, the enforcement of the decision on expulsion is suspended.

The decision on withdrawing the permit for tolerated stay is issued by the authority which has issued the decision in question. If it has been issued by the Refugee Board, the decision on withdrawing the permit for tolerated stay is issued by the Head of the Office for Foreigners.

In the case in which the decision on granting the permit for tolerated stay could pose a serious threat for the defence or security of the state, or to public safety and order, the decision on withdrawing the permit for tolerated stay is issued, ex officio or upon application of the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Head of the Central Anticorruption Bureau, the Head of the Military Counterintelligence Service, the Head of the Military Intelligence Service, the Commander-in-Chief of the Border Guard, the Commander-in-Chief of the Police, the Commander of the Border Guard division, the Commander of a Border Guard checkpoint or the Voivodeship Commander of the Police.

1.2. Asylum procedure

The possibility to apply by a foreigner for granting asylum, as guaranteed by the Constitution, was included in the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003 (art. 90 through art. 96). On this basis, a foreigner may apply for asylum directly to the Head of the Office for Foreigners or—if the foreigner stays outside the Republic of Poland—he/she may apply through a respective consul. Then, the application is transferred to the Head of the Office for Foreigners,⁹⁰ and in order to allow entry to the territory of Poland and participate in the asylum procedure, a special visa is issued to the applicant.

A foreigner, just like in the case of the refugee procedure, may submit an application⁹¹ on behalf of those who accompany him/her: spouse being his/her dependent and spouse's unmarried minor children, with a written consent thereof. The spouse's consent to submit such an application on his/her behalf shall be deemed as granting the applicant a power of attorney also to act on behalf of the spouse's children. When the spouse has withdrawn the permission to apply on his/her behalf, the asylum procedure for him/her and the children is discontinued.

Additionally, the applicant shall be obliged to present information necessary to establish the actual state of affairs, in particular referring to his/her age, origin, identity, nationality, relatives, countries and places of previous stay, previous applications, route and reasons for submitting the application. He/She should also provide any evidence which confirms circumstances presented in the application's justification, appear at any call before the authority conducting the proceeding on interrogation or produce explanations and notify

⁹⁰ Only in the case of the asylum procedure it is possible to apply for granting protection on the territory of the Republic of Poland outside its borders.

⁹¹ Pursuant to art. 90 sec. 1a of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003, an asylum application should contain: information on the applicant and the person on behalf of whom the applicant is acting, in the scope necessary to conduct the asylum procedure; the name of the country of origin of the applicant and the person on behalf of whom the applicant is acting; key events which constitute the reason to apply for asylum. The applicant submits the application on behalf of his/her accompanying minor children, provided they are not married and they are their dependent(s). The asylum procedure also covers any applicant's children born between commencing the procedure until the final decision.

about each change of his/her place of stay and the place of stay of the person on behalf of whom the applicant is acting.

After submission of an application for asylum on the territory of Poland, the Head of the Office for Foreigners conducts clarification procedure whose objective is to establish the factual situation. Subsequently, on the basis of the evidence collected, the Head of the Office for Foreigners issues a decision in the matter, pursuant to art. 90 sec. 1 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 which states that *a foreigner may, upon his/her own request, be granted asylum in the Republic of Poland, if this is necessary to provide them with protection or when the vital interest of the Polish state so requires*. It should be stressed that those prerequisite must be fulfilled jointly. Therefore, during the proceedings, the foreigner should prove that obtaining asylum shall be necessary to provide him/her with protection and the authority which deals with the case should share such an opinion. However, the decision whether the vital interest of the Republic of Poland requires granting the asylum is subject to the discretion of the authority. It is because the interest of the Polish state not always supports granting asylum—this must be a vital state interest, i.e. one regarding issues of essential, fundamental meaning for Poland.⁹²

A decision on granting asylum is issued by the Head of the Office for Foreigners, after obtaining consent of the minister in charge of foreign affairs. A foreigner, who was granted asylum, is also granted a permit to settle⁹³ and Head of the Office for Foreigners issues him/her a residence card. A decision on granting asylum is issued within 6 months after filling the application.⁹⁴ A negative decision issued under proceedings for granting asylum on the territory of Poland means that a decision on expulsion⁹⁵ is issued unless, according to provisions of art. 97 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003, a permit for tolerated stay is granted.⁹⁶ Just like in the case of the refugee procedure, if a final decision concerning the issue in question contains a decision on expulsion or when a decision on expulsion was suspended, by law, due to initiation of the

⁹² Both the Voivodeship Administrative Court and the Supreme Administrative Court in their sentences on reasons for granting asylum stated that neither the will of diligent work in Poland nor persecution due to nationality create the basis for granting asylum (this type of persecution meets the criteria for the refugee status). See: J. Chlebny (ed.), *Prawo o cudzoziemcach. Komentarz*, CH. Beck Publishing House, Warsaw 2006.

⁹³ Pursuant to art. 64 sec. 5 of the Act on foreigners dated 2003, a permit to settle is granted for an indefinite period of time.

⁹⁴ In the case if it is not settled within the aforementioned timeline, according to the Administrative Proceedings Code (art. 36–28 of the Code), the public administration body is obliged to notify the parties, stating reasons for the delay and indicating a new deadline for the case. Also, failure to complete the case within the aforementioned timeline may be appealed against by the party to a public administration body of a higher instance. Whereas a public administration employee who, due to unjustified reasons, failed to complete a case within the specified deadline or neglected their duty or did not end a case within an additional deadline provided, pursuant to art. 37 par. 2 of the Administrative Proceedings Code is subject to regulatory or disciplinary liability or any other responsibility stipulated in legal regulations (the Act dated 14 June 1960, Administrative Proceedings Code, Journal of Laws of 2000, No. 98, item 1071).

⁹⁵ It should be mentioned here that pursuant to art. 95 thereof, a foreigner who has been granted asylum, must not be obliged to leave the territory of the Republic of Poland. Foreigner who has been granted asylum may be issued with a decision on expulsion only after he/she has been deprived of the asylum (art. 96 thereof).

⁹⁶ If a foreigner has not been granted asylum and his/her expulsion from the territory of Poland could pose a threat to his/her right to life, freedom and personal safety, a risk of subjecting such a person to torture or inhuman or degrading treatment or punishment, forcing such a person to work, depriving him/her of the right to fair trial or punishing him/her without a legal grounds, or if his/her expulsion would violate the right to family life or to children's rights, a permit for tolerated stay is issued to such a person. Such a decision is also issued when expulsion is unenforceable due to reasons beyond the control of the authority in charge of enforcing the decision on expulsion or beyond the control of the foreigner. It should be stressed that a competent authority should issue a permit for tolerated stay if any of the aforementioned conditions is met.

asylum procedure and the decision on refusal to grant asylum contains no decision on granting a permit for tolerated stay, a foreigner is obliged to leave the territory of the Republic of Poland within 30 days after being handed the final decision. In the case of a negative decision, the foreigner may submit to the Head of the Office for Foreigners a request for re-consideration of the case.⁹⁷ A decision issued by the Head of the Office for Foreigners after re-consideration of the matter may be appealed against to the Voivodeship Administrative Court, and a cassation appeal may be submitted to the Supreme Administrative Court.⁹⁸

The act, in art. 91 sec. 1⁹⁹ foresees a possibility to depriving a foreigner of asylum, if the reasons for the asylum ceased to exist or the asylum holder acts against the Polish state. The act further states that a decision on depriving a foreigner of asylum contains a decision on expulsion of the foreigner, and that to the procedure for depriving asylum, in the part relating to the decision on expulsion apply the provisions of the Act on foreigners of 13 June 2003 apply in their section regarding the expulsion procedure. Simultaneously, ex officio, the Head of the Office for Foreigners, in his decision on depriving a foreigner of asylum may grant a permit for tolerated stay,¹⁰⁰ if any of the prerequisites mentioned under art. 97 sec. 1 clause 1 or clause 1a of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 are fulfilled.

A decision on depriving of asylum, just like in the case of granting asylum, is issued by the Head of the Office for Foreigners,¹⁰¹ after obtaining consent of the minister in charge of foreign affairs. It should be remembered that the requirement of obtaining the consent applies only to decisions on granting or depriving of asylum, and not to each decision regarding asylum (including a negative one).

However, in practical terms, the asylum procedure is an institution seldom used by foreigners who seek protection on the territory of Poland. After 1989, several applications for asylum were submitted, none of them resulted in issuing the positive decision. Some of the applicants for asylum, in case of refusal to commence the asylum procedure or in case of being handed a negative decision, applied for being granted the refugee status. Such a proceeding often resulted in a positive decision. Under the Polish law, the asylum is a form of protection of discretionary character and it only belongs to the exclusive competence of the state.

⁹⁷ In this situation, a procedure is applied similar to the one in the refugee procedure (see p. 34).

⁹⁸ The Act on Administrative Court Proceedings dated 30 August 2002 (Journal of Laws, No, 153, item 1270, with further amendments).

⁹⁹ Art. 91. 1. A foreigner is deprived of asylum, if:

- 1) reasons for which the asylum was granted have ceased to exist;
- 2) he/she acts against the defence or security of the state or against public safety and order.

¹⁰⁰ If a foreigner has been deprived of asylum but his/her expulsion from the territory of Poland could pose threat to his/her right to life, freedom and personal safety, a risk of subjecting such a person to torture or inhuman or degrading treatment or punishment, forcing such a person to work, depriving him/her of the right to fair trial or punishing him/her without a legal grounds, or if his/her expulsion would violate the right to family life or to children's rights, a permit for tolerated stay is issued to such a person. Such a decision is also issued when expulsion is unenforceable due to reasons beyond the control of the authority in charge of enforcing the decision on expulsion or beyond the control of the foreigner. It should be stressed that a competent authority should issue a permit for tolerated stay if any of the aforementioned condition is met (the decision is not of discretionary character).

¹⁰¹ See: art. 94 thereof.

1.3. *Expulsion procedure and permit for tolerated stay issued under expulsion proceedings*

Legal regulations concerning the expulsion procedure¹⁰² are provided for in the Act on foreigners dated 13 June 2003.¹⁰³ Accordingly, in certain cases there is a possibility to grant a foreigner protection against expulsion. The applicable regulations envisage a situation where a decision on expulsion is not issued to a foreigner who illegally stays on the territory of the Republic of Poland or is already issued but is not enforced, if there are reasons to grant a permit for tolerated stay¹⁰⁴. This means that before issuing decision on expulsion, the voivode is obliged to examine if there are circumstances which could justify granting the foreigner a permit for temporary stay and, if so, to grant such a permit and discontinue the expulsion procedure.¹⁰⁵ The prerequisites for granting the aforementioned status examined under the expulsion procedure are the same as the ones justifying granting a permit for tolerated stay under the proceedings for granting the refugee status. Therefore, they refer to situations when expulsion of a foreigner:

1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived of the right to fair trial, or could be punished without any legal grounds—within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, *or*

¹⁰² A decision on a foreigner's expulsion is issued, ex officio or upon a request of the Minister of the National Defence, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Commander-in-Chief of the Border Guard, the Commander-in-Chief of the Police, a Commander of a Border Guard division, a voivodeship commander of the Police, a Commander of a Border Guard checkpoint or a Customs authority, by a voivode relevant for the foreigner's place of stay or for the place where a fact or an event which constitutes the basis for decision on expulsion occurred. Main reasons for issuing the aforementioned decision occur when a foreigner, inter alia: is staying on the territory of the Republic of Poland without a valid visa, if required, or another valid document which authorises entry and stay on this territory; has not left the territory of the Republic of Poland after using the available stay time for Schengen countries—3 months in a 6-month period counted from the first entry date; works against the Act on employment promotion and labour market institutions dated 20 April 2004 (Journal of Laws of 2008, No. 69, item 415, with further amendments) or started a business against regulations applicable in this respect in the Republic of Poland (the Act on freedom of economic activity dated 2 July 2004, Journal of Laws of 2007, No. 155, item 1095, with further amendments); does not have any financial means necessary to cover the costs of his/her stay on the territory of the Republic of Poland and can not point at credible sources allowing him/her to obtain such means; his/her data are entered into the registry of the foreigners whose stay on the territory of the Republic of Poland is undesirable, if the entry of the foreigner to this territory takes place in the period of validity of the entry into the registry; his/her data are included in the Schengen Information System for refusal of entry; and the foreigner is staying on the territory of the Republic of Poland on the basis of a uniform residence visa or within visa-free regime; his/her further stay would pose a threat to the defence or security of the state or for public safety and order or would breach the interest of the Republic of Poland; he/she illegally crossed or attempted to cross the border; did not leave the territory of the Republic of Poland within the deadline provided in a decision on: the obligation to leave this territory, on the refusal to grant a residence permit for a fixed period or on the withdrawal of the residence permit for a fixed period; does not comply with his/her fiscal obligations towards the State Treasury; completed serving a sentence of imprisonment issued in the Republic of Poland for an wilful crime or fiscal crime; has been sentenced in the Republic of Poland with a legally valid sentence for imprisonment and there are grounds for conducting the proceedings referring to transfer him/her abroad in order to serve the sentence; is staying outside the border zone where he/she is authorised to stay according to the permit to cross the border within the local border traffic; is staying on the territory of the Republic of Poland after the expiry period of a stay he/she was entitled to on the basis of a permit to cross the border within the local border traffic.

¹⁰³ Journal of Laws of 2006, No. 234 item 1694, with further amendments.

¹⁰⁴ Art. 89 sec. 1 clause 1 of the Act on foreigners of 13 June 2003.

¹⁰⁵ If a voivode's decision was not preceded with examination for reasons for granting a permit for tolerated stay, then in an appeal procedure the decision is overruled and the case is referred for re-examination.

2. would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children's rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child's physical and mental development.

Additionally, a decision on granting a permit for tolerated stay in order to protect a foreigner staying on the territory of Poland against expulsion may, upon a foreigner's application, be issued by the Head of the Office for Foreigners. This applies to a narrow category of foreigners, whose extradition was refused by the court which issued a judgement on the inadmissibility of a foreigner's extradition or by the Minister of Justice who issued a decision on the refusal to extradite a foreigner.

The Polish legal regulations also allow to grant a permit for tolerated stay in a situation when decisions on expulsion was previously issued. However, different modes of granting such a permit should be differentiated in the case of two circumstances of issuing a decision on expulsion, i.e. when it has been issued by a voivode or by another Member State's authority which applies the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.¹⁰⁶

In the case of decisions on expulsion issued by a voivode, a permit for tolerated stay is granted when:

1. the decision is unenforceable for reasons beyond the control of the authority in charge of enforcing decision on expulsion and beyond the control of a foreigner,
2. during an appeal procedure, the 2nd instance authority (the Head of the Office for Foreigners) states that there are circumstances that allow to issue such a permit,
3. circumstances which justify granting this status by the voivode reveal.

It should be mentioned that the decision of the higher instance (the Head of the Office for Foreigners) may be complained against to the Administrative Court. A complaint does not have automatic suspension character, yet a court may suspend enforcement of the decision on expulsion.

In the case of decisions on expulsion issued by another Member State's authority, a permit for tolerated stay is issued by a voivode upon an application of the authority in charge of enforcing the decision on expulsion (the Border Guard), when any reason, as provided for in the Act on foreigners dated 2003, justifying the grant of such a permit exist.¹⁰⁷

¹⁰⁶ Official Journal of European Union L 149 of 2.06.2001.

¹⁰⁷ When expulsion of a foreigner could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived of the right to fair trial, or could be punished without any legal grounds, within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950; would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children's rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child's physical and mental development or is unenforceable for reasons beyond the control of the authority in charge of enforcing decision on expulsion and beyond the control of a foreigner.

A special case of protection of a foreigner who illegally resides on the territory of the Republic of Poland against expulsion is a situation of a foreigner temporarily delegated to provide services on the territory of the Republic of Poland by his/her company which is based in a European Union member country, a European Free Trade Area (EFTA) member country—a signatory country of the European Economic Area or the Swiss Confederation, entitled to stay and work on the territory of such a state. It should be noted that such a person, in spite of his/her stay on the territory of Republic of Poland without a valid visa if required, or any other document which entitles to enter and stay on this territory or having crossed or tried to cross the border illegally, can not be issued with a decision on expulsion.

The Act on foreigners also stipulates numerous other situations where no decision on expulsion is issued and the one already issued is not enforced. Contrary to situations which justify granting a permit for tolerated stay, this mainly applies to situations where a given foreigner is staying on the territory of the Republic of Poland legally, on the basis of valid residence permits. Therefore, no decision on expulsion is issued and the issued one is not enforced, if:

1. the foreigner is staying on the territory of the Republic of Poland on the basis of:
 - i. a uniform short-stay Schengen visa authorising entry into the territory of the Republic of Poland for humanitarian reasons, due to the interest of the state or due to international obligations,
 - ii. residence permit for a fixed period, if it has been issued in relation to the circumstances listed below:
 - regulations of the Polish law require personal appearance of the foreigner before a Polish public authority;
 - an exceptional personal situation of the foreigner requires his/her presence on the territory of the Republic of Poland;
 - the interest of the Republic of Poland so requires;
 - the authority relevant for conducting proceedings related to trafficking in human beings has ascertained that the foreigner is probably a victim of trafficking in human beings in the meaning of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings;
2. the foreigner holds a residence permit for a fixed period, a permit to settle, a long-term resident's EC residence permit, a right of residence or a right of permanent residence, pursuant to the Act on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members dated 14 July 2006, or holds a permit for tolerated stay;
3. the foreigner is a spouse of a Polish citizen or a spouse of a foreigner holding permit to settle or a long-term resident's EC residence permit, and his/her further stay poses no threat for the defence or security of the state, or to public safety and order, unless the marriage was concluded in order to avoid expulsion.

Reasons which justify withdrawal of a permit for tolerated stay and procedures in this respect have been described in the previous sub-chapter (1.1.).

1.4. Temporary protection

Following the previous considerations regarding the possibility of granting temporary protection in Poland, it should be stressed that this form of protection is granted by the Council of Ministers in its regulation, on the basis and within the scope defined in the decision of the Council of the European Union¹⁰⁸ in the event of a mass influx of foreigners to the territory of EU Member States. As it has also been indicated, the Council of Ministers, pursuant to art. 107 sec. 2 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003 may, by way of a regulation, grant temporary protection to foreigners who have been forced to leave their place of residence, not included in the aforementioned decision of the Council of the European Union.¹⁰⁹ In such a situation, in each case, the regulation of the Council of Ministers states detailed rules of financing temporary protection, the number of foreigners who shall use this form of international protection, its term or termination conditions and the method of granting assistance. This document defines also the scope, detailed conditions and the method of performing medical examinations and other sanitary treatments which shall aim at preventing the spread of contagious diseases.¹¹⁰ The Council of Ministers, by way of a regulation, may entrust performance of tasks under temporary protection, to non-governmental organisations, upon terms and conditions which shall ensure proper protection of foreigners.

Also by way of a regulation, the Council of Ministers may extend the term of temporary protection if obstacles to return of foreigners to their previous place of residence unveil.

Pursuant to art. 110 sec. 1, a foreigner taking advantage of temporary protection shall be issued a visa,¹¹¹ if this is necessary for his/her entry to the territory of the Republic of Poland, whereas the Head of the Office for Foreigners, after a foreigner's arrival to the territory of the Republic of Poland, shall grant a foreigner who enjoys temporary protection a residence permit for a fixed period of one year and shall issue a residence card. If the term of temporary protection has been extended in a regulation of the Council of Ministers, the Head of the Office for Foreigners shall be obliged to grant subsequent residence permit for a fixed period equal to the time period the temporary protection was extended for. The residence card shall also be issued again.¹¹²

¹⁰⁸ Art. 107 sec. 1 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 2003.

¹⁰⁹ Until the end of 2009, Poland did not grant this form of protection on its territory to any foreigner.

¹¹⁰ Art. 108. 1. Temporary protection, if the events mentioned under art. 106 par. 1 have arisen, shall be granted on the basis and within the scope defined each time by the Council of Ministers in a regulation.

2. The regulation referred to in par. 1 includes:

1) detailed rules of financing temporary protection, the number of foreigners who may be granted this form of protection, its duration, conditions for termination, a method of granting assistance mentioned under art. 112 par. 1 and the manner of carrying out the tasks undertaken within the framework of this protection, taking into account, including in particular the type of threat foreigners were subjected to before arriving on the territory of the Republic of Poland, possibility of financing this protection and obligations under provisions of international agreements binding for the Republic of Poland;

2) the scope, detailed conditions and a method of performing medical examinations and other sanitary treatments for the foreigner's body and clothing mentioned under art. 114 sec. 2, aiming at preventing the spread of contagious diseases.

¹¹¹ A consul is the authority in charge of issuing to a foreigner a visa entitling to enter the territory of the Republic of Poland.

¹¹² If, after one year, obstacles for foreigners' safe return still exist, the Council of Ministers extends the temporary protection period by subsequent 6 months, but such an extension may be offered only twice. In such a case, the visa, residence card and granting a residence permit for a fixed period are free of administrative fees.

The Head of the Office for Foreigners may also apply to a respective body of a EU Member State for transferring a foreigner (upon their consent) who takes advantage of temporary protection on the territory of the Republic of Poland to the territory of another EU Member State. In such a situation, the Head of the Office shall be obliged to notify the European Commission and the United Nations High Commissioner for Refugees¹¹³ about the situation that had occurred.

After the end of the temporary protection, the Head of the Office for Foreigners undertakes actions which aim at assisting foreigners' return to their country of origin or to the territory they arrived from. If, after the end of temporary protection, a foreigner's return to his/her country of origin or to the territory he/she arrived from is impossible due to his/her health condition, and in particular if this means interrupting a hospital treatment, the Head of the Office for Foreigners shall grant the foreigner a residence permit for a fixed period until the circumstances which make his/her return to his/her country of origin or to the territory he/she arrived from impossible cease to exist.¹¹⁴

1.5. Trafficking in human beings

In order to provide foreigners who may be potential victims of trafficking in human beings with the right to decent life and to enjoy the human rights they are entitled to, to increase confidence in law enforcement agencies and jurisdiction among victims of trafficking in human beings and thus increase their willingness to cooperate with authorities on the territory of Poland, one of the main elements of the support system for victims of trafficking in human beings, as it has been shown in the previous section hereof, is the *Program for support and protection of a victim/witness of trafficking in human beings* (since 1 January 2010 operating as the National Intervention and Consultation Center for Victims of Trafficking in Human Beings, Krajowe Centrum Informacyjno-Konsultacyjne dla Ofiar Handlu Ludźmi, KCIK). The Programme may be launched only by a representative of law enforcement agency, if, following the *Algorithm of Conduct for Law Enforcement Officers in Case of Revealing a Crime of Trafficking in Human Beings*,¹¹⁵ they find that a given foreigner may be a victim of trafficking in human beings. Then they immediately commence actions aiming at separating such a person from other detained persons, including presumed perpetrators, and fill out a report form for the programme and send it to a coordinator in charge of the programme in the Ministry of the Interior and Administration with carbon copies to respective coordinators in the Police, Border Guard and prosecution office. The foreigner shall also be informed about his/her right to social assistance, pursuant to the Act on Social Assistance of 12 March 2004.¹¹⁶ This information should always be delivered to the foreigner in the presence of a translator or enclosed in writing, in a language spoken by the

¹¹³ See art. 117a sec. 1.

¹¹⁴ See art. 118.

¹¹⁵ *Algorithm of Conduct for Law Enforcement Officers in Case of Revealing a Crime of Trafficking in Human Beings* is a list of guidelines to be applied by officers of the Police and the Border Guard in the case of revealing or suspecting the crime of trafficking in human beings. Considering the specific nature of this type of criminal actions and the need to respect national and international standards, this document, in the form of guidelines, focuses mainly on describing the mode of conduct for law enforcement agencies towards victims of trafficking in human beings.

¹¹⁶ Art. 7 states that social assistance is granted to persons and families in particular because of:

7a) the need to protect victims of trafficking in human beings.

Item 7a was added by art.1 item 4 letter a of the Act of 16 February 2007 (Journal of Laws of 2007, No. 48, item 320) and became effective as of 1 April 2007. 7a was added by art.1 item 4 letter a of the Act of 16 February 2007 (Journal of Laws of 2007, No. 48, item 320) and became effective as of 1 April 2007.

foreigner. Further actions (performed with translator's participation) shall be conducted by a Police officer trained in dealing with victims of trafficking in human beings (it is recommended that the officer is of the same sex as the victim) as well as all procedural actions with participation of the victim that should invariably be conducted by the same prosecutor. If the victim's testimony is of crucial importance for the investigation and if his/her knowledge about the crimes committed may constitute a threat for his/her safety, such a foreigner may be taken under direct police protection as an endangered person.¹¹⁷

It should be stressed that during an interrogation (if a victim of trafficking in human beings has decided to report the crime and agreed to testify), presence of a psychologist having field experience working with victims of violence is recommended. Upon victim's/witness' request, a representative of a non-governmental organisation which supports the victim/witness¹¹⁸ may be present during the interrogation.

If the authority in charge of combating trafficking in human beings states that a foreigner who is illegally staying on the territory of the Republic of Poland may be a victim of trafficking in human beings, then, in the light of the applicable regulations (i.e. the Act on foreigners dated 2003¹¹⁹), such a foreigner may be granted a residence permit for a fixed period.¹²⁰ The above regulation allows to apply the institution of *reflection period*¹²¹ with regard to those foreigners illegally staying in Poland who, being identified as victims of trafficking in human beings, have not decided to testify and cooperate with the law enforcement authorities. On the date upon which the last amendment to the aforementioned regulation entered into force (1 January 2009), the *reflection period* institution has been extended (from 2 to 3 months) and the residence visa issued for two months in order to commence cooperation with law enforcement agencies has been replaced with a residence permit for a fixed period. Pursuant to the applicable regulations, such a three-month permit

¹¹⁷ A regulation of the Commander-in-Chief of the Police of 15 July 2005 on methods and forms of protection granted by the Police to endangered persons.

¹¹⁸ This mainly applies to the organisation which performs the public task *Program for support and protection of a victim/witness of trafficking in human being* on the basis of an agreement with the Ministry of the Interior and Administration, e.g. La Strada Fundacja Przeciwko Handlowi Ludźmi i Niewolnictwu [*La Strada Foundation against Human Trafficking and Slavery*].

¹¹⁹ Art. 53.a. 2. A residence permit for a fixed period may be granted to a foreigner who is illegally staying on the territory of the Republic of Poland, if (...):

4) the authority relevant for conducting proceedings referring to combating trafficking in human beings has determined that the foreigner may be a victim of trafficking in human beings in the meaning of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (Official Journal of European Union L 23 of 1.08.2002, page 1; Official Journal of European Union, Polish special edition, chapter 19, table 6, page 52).

¹²⁰ This permit, on the basis of a certificate from a law enforcement authority on identifying the foreigner as a victim of trafficking in human beings, is issued by a voivode. If a foreigner refuses to cooperate with law enforcement authorities, the Border Guard and/or the Police issue to the foreigner an obligation to leave the territory of Poland. This obligation, by law, is of immediate enforceability.

¹²¹ This is a 3-month period during which a foreigner identified as a victim of trafficking in human beings may legalize his/her stay by submitting an application to a respective voivode for granting a residence permit for a fixed period. During these 3 months, the victim is under protection of a non-governmental organisation and must take a decision on possible cooperation with law enforcement authorities or its refusal. See art. 56 sec. 7 item 7 of the Act on foreigners of 2003.

must not be extended and afterwards, due to the illegal stay in the Polish territory, the foreigner should leave the territory of Poland.¹²²

If a foreigner has decided to report a crime, started to cooperate with law enforcement agencies in charge of combating *trafficking in human beings*, terminated contacts with *persons suspected of committing illegal actions related to trafficking in human beings* and his/her stay in Poland is justified for a period longer than three months, then he/she shall be entitled to a residence permit for a fixed period. Then, pursuant to art. 53 sec. 1 item 15¹²³ of the Act on foreigners, a victim of trafficking in human beings may apply to a voivode for granting a residence permit for a fixed period (i.e. for a period of six months with optional extension to two years), however only when they show that circumstances which constitute the basis to apply for the permit do justify their residence on the territory of the Republic of Poland for a period longer than three months.¹²⁴ The situation described above refers to the foreigners who immediately take decision on cooperation or who shall decide so during the *reflection period*.

A victim/witness participating in proceedings shall be instructed about his/her rights and obligations and shall receive the instruction in writing, in a language spoken by him/her. It should be stressed that the mere fact of delivering the text is not equal to instructing. If knowledge about the committed crimes may constitute a threat to the victim's safety, he/she may be covered by direct protection of the Police and may be granted the status of an anonymous witness.¹²⁵

Any proceedings with the participation of victims of trafficking in human beings are conducted in cooperation with, inter alia, the La Strada Foundation and the International Organization for Migration. In the case of children who are victims of trafficking in human beings and are unaccompanied on the territory of Poland, such assistance is provided by the the *Nobody's Children Foundation* [Fundacja Dzieci Niczyje]. It should be noted that apart from the aforementioned organisations, support to victims of trafficking in human beings is provided by: *Warsaw Archdiocese Caritas Organization* [Caritas Archidiecezji Warszawskiej], the *Centre of Women's Rights in Cracow* [Centrum Praw Kobiet w Krakowie], *Itaka*.

¹²² Frequently, in such situations the expulsion procedure was applied. In order to change this unfavourable situation for victims of trafficking in human beings, the *Program for support and protection of a victim/witness of trafficking in human beings* was developed and subsequently implemented.

¹²³ Art. 53.a. 2. A residence permit for a fixed period may be granted to a foreigner who (...):

15) is a victim of trafficking in human beings in the understanding of the framework decision of the Council of 19th July 2002 on combating trafficking in human beings and fulfills all the following prerequisites:

a) is staying on the territory of the Republic of Poland,
b) has commenced cooperation with an authority competent to conduct proceedings relating to combating trafficking in human beings,
c) has terminated contacts with persons suspected of committing forbidden acts related to trafficking in human beings,

¹²⁴ Art. 56.1. A residence permit for a fixed period is from time to time granted for a period necessary to realise the purpose of foreigner's stay on the territory of the Republic of Poland, however for maximum 2 years.

2. A residence permit for a fixed period is granted to:

4) a foreigner mentioned under art. 53 sect. 1 item 15, for a period of 6 months.

¹²⁵ In such a situation, no-one, apart from the authority which is conducting the proceedings, i.e. a judge, a prosecutor and possibly a Police officer, shall be notified on the foreigner's identity and place of residence (pursuant to art. 184 §1 of the criminal code). Any identification during the preparatory proceedings should be performed in a manner which shall make recognition of the victim/witness impossible (art. 173 par. 2 of the Code of Criminal Proceedings).

If a victim/witness of trafficking in human beings has decided to take advantage of the rights referred to above, the law enforcement agency which conducts the proceeding relating to this matter shall address to respective voivode a letter which confirming a justified suspicion that the given foreigner may be a victim of trafficking in human beings and that this person participates in the *Program for support and protection of a victim/witness of trafficking in human beings*. During the entire program implementation period, the foreigner shall be under protection of a non-governmental organisation which operates the KCIK (currently the La Strada Foundation) which, depending on the needs, shall always provide him/her with material, medical, psychological and/or legal assistance. The program finishes when all procedural actions with the foreigner's participation were completed and if safe return of a foreigner to the country of origin is possible.

After completing legal actions with the aggrieved party's participation, the foreigner shall be provided with safe return to the country of origin, and to avoid repeated victimisation he/she is also informed about support programmes available in his/her country of origin. However, in practice, the foreigner often stays on the territory of Poland legalising his/her stay after having applied for different kind of residence permits.

2. Rights arising from individual statuses

In this section of the study, knowledge about various forms of assistance granted to foreigners on the territory of Poland and the rights that they are entitled to during proceedings for granting protection and after their completion has been systematised. This summary divides them as follows:

1. Length of authorisation to reside and conditions of its renewal;
2. Access to education;
3. Access to the labour market;
4. Right to social assistance;
5. Right to family benefits;
6. Right to social pension;
7. Right to health care;
8. Travelling;
9. Possibility of obtaining the long-term resident's EC resident permit;
10. Right to naturalisation;
11. Right to family reunification;
12. Other rights.

2.1. Length of authorisation to reside and conditions of its renewal

- *Refugee status*

The refugee status is granted for an indefinite period and the validity period of the document issued to the foreigner—the residence card—is 3 years. This means that the foreigner is obliged to replace the card before this period expires.

- *Subsidiary protection*

This form of protection is granted for an indefinite period of time and the residence card issued to the foreigner is valid for 2 years. Before the end of the validity period, the foreigner shall be obliged to replace the card.

- *Temporary protection*

A foreigner is granted residence permit for a fixed period of 1 year and a residence card is issued for this period. Before the expiry of this period, if the obstacles for safe return of the foreigner do not cease to exist, the permit is prolonged to maximum 2 years and so is the validity period of the residence card issued.

- *Asylum*

A foreigner who has been granted asylum is also granted a permit to settle. The permit to settle is issued for an indefinite period of time, and holders of such a permit are granted a residence card valid for 10 years. The card should be replaced before the expiry of that period.

- *Permit for tolerated stay*

A decision on granting a permit for tolerated stay is issued for an indefinite period of time. A foreigner receives a residence card valid for 1 year which they are obliged to replace before expiry of that term.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

A foreigner who has been identified, by an authority relevant for conducting proceedings for combating trafficking in human beings, as a potential victim of trafficking in human beings, is granted a residence permit for a fixed period necessary to take a decision on co-operating with this authority, however for no longer than 3 months. After taking a decision on co-operation with these authorities and terminating contacts with a criminal group, such a person may be granted a residence permit for a fixed period (for a period of 6 months with a possibility to extend it to 2 years). The foreigner is also granted a residence card valid for the same period of time as the permit. According to the assumption of the *Program for support and protection of a victim/witness of trafficking in human beings*, a victim of trafficking in human beings may remain under protection of the programme until all acts in law involving their participation are completed and their safe return to the country of origin is possible. However, the aforementioned term may be extended by respective law enforcement authorities, if this is recommended due to, for instance, requirement to complete all the acts in law involving participation of the victim of trafficking in human beings.¹²⁶ The foreigner, after expiry of the 2-year term for which the residence permit for a fixed period was issued, may also apply for legalisation of their stay on the basis of reasons other than those mentioned above.

¹²⁶ In practice, the statistical information for the period 2006–2008 shows that the longest stay of the victim in the Program lasted 640 days, i.e. almost 2 years, while the shortest one only 2 days.

- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*

The permit each time is granted for a period necessary to fulfil the purpose of the foreigner's stay on the territory of the Republic of Poland, however for no longer than 2 years. The foreigner is also granted a residence card valid for the same period of time as the permit. It should be noted that such a permit cannot be extended (subsequent application on the same basis results in remaining such an application unprocessed).

- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*

A residence permit for a fixed period each time is granted for a period necessary to fulfil the purpose for which it was issued, however for no longer than 2 years. The foreigner is also issued with a residence card valid for the same period of time as the permit.

- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

The period of stay on the basis of a uniform short-stay Schengen visa may not exceed 3 months and the period of stay on the basis of a Polish long-stay national visa is longer than 3 months but may not exceed 1 year. The visa validity period in both cases may not exceed 5 years. Visas can only be prolonged in special circumstances listed in legal provisions. Accordingly, a foreigner staying on the territory of the Republic of Poland may have his/her uniform short-stay Schengen visa or Polish long-stay national visa extended if all the following conditions are met:

1. it is justified by an important professional or personal interest of a foreigner or for humanitarian reasons;
2. events that constitute the reason for applying for a visa extension occurred independently from foreigner's will and could not be foreseen when issuing the visa;
3. circumstances do not indicate that the foreigner's purpose of a stay on the territory of the Republic of Poland shall be different from the declared one;
4. there are no circumstances, as stipulated in legal regulations, that would justify refusal of a visa.

A visa can be extended once, save for a situation when the foreigner's health condition excludes his/her transportation or departure to another country. An application to extend a uniform short-stay Schengen visa should be submitted at least 7 days before expiry of the stay period determined in the visa possessed by the foreigner, while an application to extend a Polish long-stay national visa—at least 14 days before expiry of the stay period. A visa is extended by the voivode respective for the foreigner's place of residence.

2.2. Access to education

As the law stands, attendance to school in Poland is compulsory from the age of 7 and lasts until completing the gymnasium, however not longer than until reaching the age of 18.¹²⁷ This law applies to all foreigners regardless of their legal status and their basis of residence in Poland.

All foreigners staying on the territory of the Republic of Poland who are under 18, attend public kindergartens (for children between 3 and 6 years of age), public primary schools, gymnasiums, public art schools and public post-gymnasium schools until the age of 18 or until completing a post-gymnasium school, under the same conditions that apply to Polish citizens (free of charge).

Foreigners who do not speak the Polish language or if their language skills are insufficient are entitled to additional, free lessons of Polish. Responsibility for arranging such classes lies with *gmina*¹²⁸ respective for the foreigners' place of residence. Additionally, diplomatic or consular outposts of the foreigners' countries of origin accredited in Poland or social and cultural associations representing a given nationality, may arrange for a given group of foreigners the course of the language and culture of the country of origin, upon an agreement with the principal of a school and after obtaining school supervisory board's consent.

- *Refugee status*
- *Subsidiary protection*

A recognised refugee or a person who has been granted subsidiary protection and members of his/her family, apart from free education until completing a post-gymnasium school (or until reaching the age of 18), may, based on the same conditions as apply to Polish citizens, benefit from the education in public post-secondary schools,¹²⁹ public teacher training centres and other public institutions. These persons' rights are equal to Polish citizens' rights with respect to undertaking education and studying within higher education. Therefore, they are entitled to apply for admission to higher education studies and for material assistance (scholarships) upon the same terms and conditions and in the same mode relating to Polish citizens.

- *Temporary protection*
- *Asylum*

These persons, apart from free education until completing a post-gymnasium school (or until reaching the age of 18) are entitled, based on the same conditions as apply to Polish citizens, to further education in public post-secondary schools, public teacher training centres and other public institutions as well as higher education institutions.

¹²⁷ If a child is under 18, after completing the gymnasium he/she continue compulsory education in a post-gymnasium school. A student who has completed a post-gymnasium school before the 18th birthday may continue education by attending a higher education institution.

¹²⁸ *Gmina* is the principal unit of the local government and administration in Poland.

¹²⁹ Post-secondary schools are schools based on a post-gymnasium school curriculum and they allow persons who completed secondary education to obtain a diploma which confirms professional qualifications after passing an examination. These schools prepare graduates from general high-schools and specialised high-schools for work at worker's and non-worker's positions. Post-secondary schools include post-secondary vocational schools, colleges for social services employees and teacher training centres.

- *Permit for tolerated stay*

A foreigner with a permit for tolerated stay, apart from free education until completing a post-gymnasium school (or until reaching the age of 18) is entitled, based on the same conditions as apply to Polish citizens, to further education in public post-secondary schools, public teacher training centres and other public institutions. A person holding a permit for tolerated stay may apply for admission to higher education studies only under the terms of payment, with a possibility to reduce a fee or be exempt from paying the tuition fees.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*

These persons can attend public post-secondary schools, public teacher training centres and other public institutions:

- 1) as scholarship holders who receive grants from the minister competent for education;
- 2) as scholarship holders who receive grants from the supervisory body of a school, teacher training centre or institution, the principal of a school, a teacher training centre or the institution;
- 3) on a fee-paying basis.

They may commence studies or other forms of education and participate in scientific research and development programs in Polish institutions of higher education upon terms and conditions other than those which apply to Polish citizens. Considering financial conditions, foreigners may study in Polish institutions of higher education:

- 1) as scholarship holders awarded by the Polish party—they receive scholarships to pay their living costs which are awarded by the minister competent for higher education or ministers who are in charge of medical or arts universities if they study in universities which are subordinated to these ministers and they are exempted from the tuition fees. These costs are incurred by the Ministry of Science and Higher Education, which transfers money in the form of a subsidy to universities where these foreigners study;
 - 2) free of charge and without scholarship benefits if the studying persons have financial means to support their living, and the Ministry of Science and Higher Education, like in item no. 1, incurs the tuition fees for these persons;
 - 3) on a fee-paying basis—foreigners do not receive any support from the Polish party (they study and live using their own financial resources);
 - 4) as scholarship holders awarded by the sending party, without paying the tuition fees.
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
 - *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

These persons may attend public post-secondary schools, public art schools, public teacher training centres and other public institutions upon conditions different from those that apply to Polish citizens:

- 1) as scholarship holders who receive grants from the minister competent for education;
- 2) as scholarship holders who receive grants from the supervisory body of a school, teacher training centre or institution, the principal of a school, a teacher training centre or the institution;
- 3) on a fee-paying basis.

This type of visa do not entitle its holder to attend higher education.

2.3. Access to the labour market

- *Refugee status*
- *Subsidiary protection*
- *Temporary protection*
- *Asylum*
- *Permit for tolerated stay*

These foreigners enjoy unlimited access to the labour market. In all the matters related to taking up a job and enforcing civil-law contracts they are treated in the same way as Polish citizens. These foreigners can work without the necessity to obtain a work permit. Also such foreigners' family members are exempted from obligation to obtain a work permit, provided they hold a respective residence status (residence permit for a fixed period granted for a reason of family reunification).

Both the abovementioned foreigners and their family members (provided they hold a residence permit for a fixed period granted for a reason of family reunification) may undertake and carry out economic activities on the territory of the Republic of Poland in accordance with the rules applying to Polish citizens.

Additionally, these persons are entitled to protection against unemployment (benefits and other forms of assistance).

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

Foreigners who have been granted residence permits for a fixed period in order to take a decision on cooperation with law enforcement authorities do not have access to the labour market. After taking a decision on cooperation with respective authorities, terminating contacts with a criminal group and obtaining a respective residence document, such persons may take up work under general rules applicable to foreigners, i.e. on the basis of a work permit issued.

They are also entitled to undertake and carry out economic activities solely in the form of: a limited partnership, a limited joint-stock partnership, a limited liability company and a joint-stock company and also joining such companies or purchasing their shares and stocks unless international agreements stipulate otherwise.

- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Abovementioned residence titles do not entitle their holders to work.

2.4. Right to social assistance

Social assistance is intended to enable the persons and families to overcome difficult life situations which they are unable to manage using their own entitlements, resources and potential. Social assistance may be granted, *inter alia*, for the following reasons: orphanage, poverty, homelessness or unemployment. Social assistance is also granted due to: disability, chronic or severe illness, domestic violence, a need to protect a child and a family, addictions (alcoholism and drug abuse), sudden and unpredictable situations (a natural/ecological disaster, a crisis situation, a fortuitous event), difficulties in adjusting and integration after leaving special education centre or a custodial institution.

- *Refugee status*
- *Subsidiary protection*
- *Asylum*

These foreigners shall be entitled to social assistance benefits on the same basis as all Polish citizens. These may be cash benefits, for instance: permanent benefit, periodical benefit, purpose benefit or non-financial support, which includes social work, specialist counselling (including psychological and family), emergency or periodic aid, providing shelter, providing necessary clothing and care services.

Before granting assistance, a social employee interrogates the foreigner during a so-called environmental inquiry which shall constitute the basis for granting support.

- *Permit for tolerated stay*

Foreigners holding permit for tolerated stay may benefit from social assistance in accordance with the rules applying to Polish citizens solely in the form of a shelter, a meal, necessary clothing or a purpose benefit. Before granting assistance, a social employee interrogates the foreigner during a so-called environmental inquiry, which shall then constitute the basis for granting support.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

Foreigners who have legalised their stay in Poland due to the mere fact of being granted a status of a victim of trafficking in human beings (both foreigners who were issued with a

residence permit for a fixed period in order to take a decision on co-operation with law enforcement agencies and foreigners who were issued with a residence permit for a fixed period after having taken a decision on co-operation with law enforcement agencies and terminating contacts with a crime group) are entitled to social assistance in the form of a crisis intervention (psychological support, specialist or legal counselling, or providing shelter for a period up to 3 months), a shelter, a meal, necessary clothing and a purpose benefit granted for the period of stay in the Republic of Poland set by a residence permit. This assistance is granted on the basis of a certificate issued by the Police, the Border Guard or a prosecutor's office which confirms that the person is a victim of trafficking in human beings. Decision to grant assistance does not require an environmental inquiry on family and establishing the material status. Such persons are entitled to benefit from assistance just due to the mere fact of being victims of trafficking in human beings.

- *Temporary protection*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Abovementioned residence titles do not entitle their holders to social assistance benefits.

2.5 Right to family benefits

In Poland, the state helps families in a difficult situation due to, *inter alia*, low income or disability of a family member, including a child. Family benefits include: a family allowance and supplements to the family allowance paid by the *gmina*, allowance, one-off child's birth grant or care benefits.

- *Refugee status*
- *Subsidiary protection*
- *Asylum*

Foreigners granted abovementioned protection may apply for family benefits upon the same terms and conditions as apply to Polish citizens, provided they reside on the territory of the Republic of Poland with their family members.

- *Permit for tolerated stay*
- *Temporary protection*
- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*

- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Foreigners holding abovementioned residence titles are not entitled to family benefits.

2.6 Right to social pension

Social pension is available in Poland to a person of full age and fully incapable of work due to a physical disability.

- *Refugee status*
- *Subsidiary protection*
- *Asylum*

Foreigners granted one of the abovementioned forms of protection may apply for social pension upon the same terms and conditions as apply to Polish citizens.

- *Permit for tolerated stay*
- *Temporary protection*
- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Foreigners holding abovementioned residence titles are not entitled to apply for social pension.

2.7. Right to health care financed from public means

Publicly funded health care is available to everyone who is insured in the National Health Fund [*Narodowy Fundusz Zdrowia*]. In Poland, a person may be subject to compulsory health insurance or take out a voluntary insurance. Free health care is available to uninsured persons who are under 18 years old and pregnant women, the women who are about to deliver a child or are during their confinement period.

- *Refugee status*
- *Subsidiary protection*
- *Temporary protection*
- *Asylum*
- *Permit for tolerated stay*
- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*¹³⁰
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*

Health care is provided to foreigners holding abovementioned statuses upon the same terms and conditions as apply to Polish citizens which means that these persons, in order to benefit from publicly founded health care, must be covered by the compulsory health insurance scheme or must take out a voluntary insurance.¹³¹ Therefore, a foreigner who:

- 1) is legally employed on the territory of the Republic of Poland,
- 2) is an insured person's family member (including a family member of employed person),
- 3) is an unemployed person registered in the Labour Office,
- 4) is a priest,
- 5) is a student in a higher education institution,
- 6) receives permanent benefit from a social assistance,

—is subject to the compulsory health insurance.

Other foreigners staying in Poland on the basis of the aforementioned residence titles may benefit from the public health care system if they voluntarily take out an insurance.

As for foreigners who have been granted temporary protection, the costs of their medical care if they are not subject to compulsory health insurance, are financed from the state budget, from its part administered by the minister competent for the internal affairs, from the financial resources put at the disposal of the Head of the Office for Foreigners (except for the costs stipulated in the Act on preventing and combating infections and contagious diseases affecting humans of 5 December 2008).

If a victim of trafficking in human beings is ill, he/she is granted assistance and in order to document this, medical examinations are performed whose costs are covered under the *Program for support and protection of a victim/witness of trafficking in human beings*.

¹³⁰ Excluding those who have been granted a residence permit for a fixed period in order to take a decision on co-operation with law enforcement authorities.

¹³¹ The difference between two types of health insurance refers to the institution/person responsible for paying the health contributions in favour of the insured person. So, in the case of the compulsory health insurance, the health contribution in favour of insured foreigners is paid by another entity, i.e. the employer, the Labour Office, a school or a higher education institution, etc., and in the case of a voluntary health insurance, the health contribution is paid by the insured themselves.

- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Foreigners staying in Poland on the basis of residence visa may benefit from health care services if they pay for them or if they have an insurance policy.

2.8 Travelling

- *Refugee status*

Recognised refugees are granted a travel document as set forth in the Geneva Convention. This document contains foreigner's biometric data (face image and fingerprints) and is valid for a period of 2 years from the date of issue. This document, together with a residence card, entitles to multiple border crossing without a need to obtain a visa. If a foreigner has lost his/her own travel document or it has been damaged or this document has become invalid, and it is impossible to obtain a new one, upon the foreigner's request he/she may be issued with a temporary travel document.

- *Subsidiary protection*
- *Asylum*

While travelling, a foreigner may use a valid travel document from his/her country of origin. This document, together with a residence card entitles to multiple border crossing without a need to obtain a visa. If a foreigner has lost his/her own travel document or this document has been damaged or has become invalid, and it is impossible to obtain a new one, upon the foreigner's request he/she may be issued with a Polish travel document¹³² or a temporary travel document.¹³³

- *Permit for tolerated stay*

While travelling, a foreigner may use a valid travel document from his/her country of origin. This document, together with a residence card entitles to multiple border crossing without a need to obtain a visa. If a foreigner has lost his/her own travel document or this document has been damaged or has become invalid, and it is impossible to obtain a new one, upon the foreigner's request he/she may only be issued with a temporary travel document.

- *Temporary protection*

When travelling, a foreigner granted a temporary protection may use a valid travel document from his/her country of origin. This document, together with a residence card entitles to multiple border crossing without a need to obtain a visa. A foreigner not possessing a travel document may be issued with a Polish travel document for a foreigner.

¹³² The Polish travel document for a foreigner is valid for a period of 1 year and is issued by a voivode respective for the foreigner's place of residence.

¹³³ The temporary travel document for a foreigner is valid for a period of maximum 7 days and is issued:

- 1) abroad—by a consul;
- 2) in the country—by a voivode respective for the foreigner's place of residence and in specially justified cases by the Commander of a Border Guard checkpoint.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*

While travelling, a foreigner may use a valid travel document from his/her country of origin. This document, together with a residence card entitles to multiple border crossing without a need to obtain a visa. A foreigner cannot be issued with a Polish travel document or a temporary travel document even if he/she has lost his/her own travel document or this document has been damaged or has become invalid, and it is impossible to obtain a new one.

- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

A foreigner who holds a valid travel document and the aforementioned national residence visa is entitled to enter and constant stay on the territory of the Republic of Poland or to several subsequent stays, which in total last longer than 3 months and do not exceed one year during the validity period. In the case of the uniform short-stay Schengen residence visa, a foreigner is entitled to one or more entries, provided that the total length of constant stay or the total length of subsequent stays in the Schengen zone countries does not exceed 3 months in each 6-month period counted from the day of the first entry to this territory.

2.9. Possibility of obtaining the long-term resident's EC resident permit

- *Refugee status*
- *Subsidiary protection*
- *Temporary protection*
- *Asylum*
- *Permit for tolerated stay*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

Holders of the aforementioned residence titles are by law excluded from the possibility to obtain a long-term resident's EC resident permit.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

It is impossible to obtain this type of residence permit only on the basis of the fact of being recognised as a victim of trafficking in human beings. However, persons granted aforementioned form of protection may be issued with this residence title after fulfilling the prerequisites for granting a long-term resident's EC resident permit which apply to all foreigners.¹³⁴

2.10. Right to naturalisation

Polish citizenship is granted to a foreigner upon his/her request after fulfilling the prerequisites stipulated in the Act on Polish citizenship of 15 February 1962.¹³⁵ In particularly justified cases, it is possible to grant to a foreigner, upon his/her request, Polish citizenship, even if he/she does not meet the conditions stipulated in the act. In such a situation, decision on granting to a foreigner the Polish citizenship issued by the President of the Republic of Poland is of discretionary character which means that in each of the following situations, the President may grant citizenship to a foreigner regardless of whether all indicated conditions were met by him/her or not.

- *Refugee status*
- *Subsidiary protection*

Foreigners who have been uninterruptedly residing on the territory of the Republic of Poland for 5 years on the basis of the aforementioned residence titles, are entitled to obtain a permit to settle. In the case of a foreigner who has been residing on the territory of the Republic of Poland after having obtained the refugee status or subsidiary protection granted due to examination of an application for the refugee status, the uninterrupted 5-year period also includes the period during which the procedure for granting the refugee status is held, even if the foreigner was placed in a guarded centre or an arrest for the purpose of expulsion. Subsequently, after 5 years of living in Poland on the basis of a permit to settle, the foreigner, upon his/her own request, may be granted Polish citizenship. Granting Polish citizenship to one of the parents covers, in certain cases, also children (if they are over 16 years old, their consent is required). Acquiring Polish citizenship due to marrying a Polish citizen is regulated by the terms and conditions which apply to all other categories of foreigners.¹³⁶

¹³⁴ A long-term resident's EC resident permit shall be issued to a foreigner legally and uninterruptedly residing on the territory of the Republic of Poland, directly before submitting the application, for a period of at least 5 years, who possesses:

- 1) a stable and regular source of income sufficient to cover his/her own and his/her dependent family members' costs of living;
- 2) a health insurance or a certificate confirming that the costs of medical treatment on the territory of the Republic of Poland shall be covered by an insurer.

¹³⁵ Journal of Laws of 2000, No. 28 item 353, uniform wording.

¹³⁶ A possibility to acquire Polish citizenship by a foreigner who has been married for at least 3 years to a Polish citizen, if the foreigner has been living on the territory of the Republic of Poland on the basis of a permit to settle and who in the specified time submits a declaration of will in respect of the acquisition of Polish citizenship in front of a respective voivode or a consul, and the authority issues a decision on accepting the declaration.

- *Temporary protection*

Neither a permit to settle nor Polish citizenship may be granted to a foreigner, as he/she may only stay in Poland for maximum 2 years.

- *Permit for tolerated stay*

A foreigner who has been uninterruptedly residing on the territory of the Republic of Poland for 10 years on the basis of a permit for tolerated stay (excluding situations where granted permit for tolerated stay constitutes a basis for legalisation of stay of foreigners who have not been extradited) is entitled to obtain a permit to settle. The uninterrupted 10-year period also includes the period during which the procedure for granting the refugee status is held, even if the foreigner was placed in a guarded centre or an arrest for the purpose of expulsion. Subsequently, after 5 years of living in Poland on the basis of a permit to settle, the foreigner, upon his/her own request, may be granted Polish citizenship. Granting Polish citizenship to one of the parents covers, in certain cases, also children (if they are over 16 years old, their consent is required). Acquiring Polish citizenship due to marrying a Polish citizen is regulated by the terms and conditions which apply to all other categories of foreigners.

- *Asylum*

A foreigner who is staying in Poland on the asylum basis (who holds a permit to settle), may, after 5 years of living in Poland, upon his/her own request, be granted Polish citizenship. Granting Polish citizenship to one of the parents covers, in certain cases, also children (if they are older than 16, their consent is required). Gaining Polish citizenship due to marrying a Polish citizen is regulated by the rules which apply to all other categories of foreigners.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

At present, a foreigner can not obtain a permit to settle due to the mere fact of being a victim of trafficking in human beings. However, persons granted the aforementioned form of protection may be granted this residence title after fulfilling the prerequisites for granting a permit to settle which apply to all foreigners.¹³⁷ Lack of a permit to settle excludes such foreigners from the possibility of applying for Polish citizenship in ordinary way.

¹³⁷ A permit to settle shall be granted to a foreigner who:

1. is a minor child of a foreigner who holds a permit to settle, born on the territory of the Republic of Poland;
2. has been married to a Polish citizen for at least 3 years before submitting the application and has been residing on the territory of the Republic of Poland on the basis of a residence permit for a fixed period uninterruptedly for at least 2 years before submitting the application;
3. directly before submitting the application has been residing on the territory of the Republic of Poland on the basis of a tolerated stay permit pursuant to art. 97 sec. 1 item 1 or 1 a or sec. 2 of the Act on granting protection to foreigners within the territory of the Republic of Poland dated 13 June 2003 uninterruptedly for a period of at least 10 years or on the basis of granted refugee status or subsidiary protection for a period of 5 years;
4. is a child of a Polish citizen and remain in his/her parental custody.

- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

After expiry of the validity term of the abovementioned residence titles, a foreigner can not legalise their stay in the Republic of Poland. Lack of a permit to settle excludes such foreigners from the possibility of applying for Polish citizenship in ordinary way.

2.11. Right to family reunification

In order to contract marriage in Poland, a foreigner (regardless of the residence title on the basis of which he/she resides on the territory of the Republic of Poland) needs three documents: an identity document with a photograph, a copy of birth certificate (and sworn translation of the document into the Polish language) and a certificate from the country of origin on legal capacity to enter marriage (and sworn translation of that document into the Polish language). If a bride/groom does not speak Polish, the presence of a sworn translator is required during submitting the Letter of Assurance and during the marriage ceremony (sworn translator of the mother tongue of a foreigner or another language spoken by the foreigner).

- *Refugee status*
- *Subsidiary protection*
- *Asylum*

If a foreigner is residing on the territory of the Republic of Poland on the basis of the aforementioned residence titles, he/she may apply for a residence permit for a fixed period for his/her family member under the so-called family reunification procedure. Such a permit is issued for the period of 2 years.

The following persons are considered as a foreigner's family members: his/her spouse; a foreigner's and his/her spouse's minor child, including an adopted child; a foreigner's minor child, including an adopted one, who is dependent on him/her, over whom the foreigner effectively exercises parental custody and a foreigner's spouse's minor child, including an adopted one, who is dependent on him/her, over whom the spouse effectively exercises parental custody.

- *Temporary protection*

If the spouse, a minor child or close relatives¹³⁸ of a foreigner enjoying temporary protection are residing outside the territory of the Republic of Poland, the Head of the Office for Foreigners undertakes activities aimed at reuniting the family. Such persons are granted

¹³⁸ This applies to persons who lived in common household with the foreigner and were fully or partially dependent on him directly before the foreigner's arrival on the territory of the Republic of Poland.

visas and residence permits for a fixed period upon the same terms and conditions as apply to the foreigner who has been granted temporary protection.

- *Permit for tolerated stay*
- *Residence permit for a fixed period issued to a foreigner if an exceptional personal situation requires the presence of the foreigner on the territory of the Republic of Poland*
- *Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if it is required by the interest of the Republic of Poland*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

A foreigner staying in Poland on the basis of one of abovementioned residence titles is not entitled to bring in his/her family to Poland on the basis of family reunification.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

If a foreigner who has been granted this form of protection on the territory of the Republic of Poland has been residing in Poland for a period up to 2 years, he/she shall not be entitled to bring in his/her family to Poland pursuant to the terms and conditions stipulated in family reunification regulations. However, if after 2 years all acts in law involving his/her participation are not completed and he/she is granted subsequent residence permit for a fixed period, the foreigner may apply for a residence permit for a fixed period for his/her family member under the so-called family reunification procedure. Such a permit is granted to family members for the same period of time, as the residence permit of the foreigner they intend to arrive to.

2.12. Other rights

- *Refugee status*
- *Subsidiary protection*

A foreigner holding a refugee status, a person enjoying subsidiary protection and members of his/her family may be granted assistance to support the process of his/her integration. Such assistance is provided under the Individual Integration Programme (IIP), as agreed in the form of an agreement concluded between the foreigner and a *poviat*¹³⁹ centre for family support,¹⁴⁰ which defines the amount, scope and forms of assistance, depending on the individual situation of the foreigner and his/her family. Within IIP, for a period of 12 months, a recognised refugee/person covered by subsidiary protection and members of his/her family are granted support in the form of: cash benefits for the maintenance, covering expenses related to learning the Polish language, paying health insurance contributions and specialist consultancy. Additionally, the support programme obliges the *poviat* centre for family support to support a foreigner in his/her contacts with the local community, non-governmental

¹³⁹ *Poviat* is the second-level unit of the local government and administration in Poland.

¹⁴⁰ A local unit of the social assistance system.

organisations and labour market institutions, to help him/her find accommodation, perform with him/her social work and any actions resulting from his/her life situation. Participation in the programme is voluntary, and its purpose is to facilitate foreigner's social existence in Poland. However, it should be noted that the integration support is not available to a foreigner married to a Polish citizen.

A foreigner holding the refugee status or enjoying subsidiary protection must not be issued with a decision obliging him/her to leave the territory of the Republic of Poland or a decision on expulsion without depriving his/her of this status or protection, unless the circumstances stipulated under art. 32 par. 1 or art. 33 par. 2 of the Geneva Convention exist.¹⁴¹

Additionally, foreigners applying for the refugee status, during the proceedings and within 2 months after being handed the final decision, may benefit from the social assistance and health care provided by the Office for Foreigners. These persons may also be granted support in their voluntary return to the country they are entitled to enter.

- *Temporary protection*

A foreigner covered by temporary protection is granted support in the form of accommodation and board. If a foreigner works or runs a business, he/she provided with support depending on the level of his/her income.

- *Asylum*

A foreigner who has been granted asylum must not be obliged to leave the territory of the Republic of Poland. A decision on expulsion may only be issued after a foreigner has been deprived of asylum.

- *Permit for tolerated stay*

A person who has been granted a permit for tolerated stay must not be issued with a decision obliging him/her to leave the territory of the Republic of Poland or a decision on expulsion.

- *Foreigners identified by the law enforcement authorities as victims of trafficking in human beings*

These foreigners are provided with:

1. accommodation in a safe centre under the care of a trained social worker,
2. board,
3. psychological support,
4. legal consultations,
5. assistance in contacts with law enforcement authorities and the administration of justice (e.g. presence of a non-governmental organisation while giving evidence),
6. translator's services.

¹⁴¹ Refers to the following circumstances: national security or public order; reasonable grounds for regarding a foreigner as a danger to the security of the country in which he/she is; or a foreigner having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Within cooperation with the International Organization for Migration, a foreigner may also be granted support in arranging his/her safe return to his/her country of origin (or in leaving Poland for a country of return, within the framework supported voluntary return programme).

- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons*
- *Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland*

A foreigner residing in Poland on the basis of the aforementioned visa is not issued with a decision obliging him/her to leave the territory of the Republic of Poland and a decision on expulsion and the issued one is not enforced.

To sum up, foreigners who have been granted any of the forms of protection regulated by Polish legislation harmonised with the EU law (i.e. the refugee status, subsidiary protection or temporary protection) have access to the widest range of rights they are entitled to. Among the national forms of protection, it is the institution of asylum that provides equally broad range of various rights. The other forms of granting protection in Poland provide for slightly narrower scope of rights available to holders of the given residence titles. This, however, is related to the character and thus to the term for which a given form of protection is granted. Special attention should be paid to the tolerated stay institution which, having evolved in 2008 as a result of implementation of a subsidiary protection into the Polish legislation, changed modestly the character of rights granted to its holders. Yet, it still provides, *inter alia*, an unlimited access to the labour market and free education till the post-gymnasium level and post-secondary level. However, the right to social assistance has been reduced. Holders of the visas mentioned herein on the other hand, enjoy elementary rights, i.e. the right to health care or education.

4. STATISTICS ON PROTECTION GRANTED TO FOREIGNERS IN POLAND

Analysis of statistical data which refer to various forms of protection in Poland (both resulting from international regulations and national legislation) is possible due to an existing database, the Residence System [*System Pobyt*]¹⁴² held by the Head of the Office for Foreigners since 2007 (before that by the President of the Office for Repatriation and Foreigners). The *System Pobyt* is a national collection of registers, records and lists of matters relating to foreign nationals conducted pursuant both to the Act on foreigners of 13 June 2003 and to the Act on granting protection to foreigners within the territory of the Republic of Poland of 13 June 2003 by the Head of the Office for Foreigners. In “protection” matters, the collection comprises *inter alia*:

1. a register of cases concerning granting the refugee status/subsidiary/assistance to foreigners applying for the refugee status;
2. a register of cases concerning the expulsion of persons granted the refugee status;
3. a register of cases concerning granting asylum;
4. a register of cases concerning granting permit for tolerated stay;
5. a register of cases concerning granting temporary protection;
6. a register of proceedings carried under Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Considering the aforementioned issues, it should be emphasised that on the territory of Poland, the *System Pobyt* is the only IT system which collects all the information regarding proceedings for granting protection to foreigners (excluding proceedings related to trafficking in human beings) and serves to document and accelerate the proceedings referred to in the study. Data required by this system is mainly provided by the Office for Foreigners which, as the only body, supervises its efficiency and safety of the information contained therein.

¹⁴² Until 2003, the aforementioned register of cases concerning legalisation of stay of foreigners and persons applying for the refugee status was regulated by the provisions of the Act on foreigners dated 25 June 1997. Accordingly, respective bodies held registers of matters relating to foreigners:

- 1) registers of visa applications submitted and decisions issued,
- 2) register of persons obliged to leave the territory of the Republic of Poland and decisions issued,
- 3) registers of decisions on expulsion and of persons expelled from the Republic of Poland,
- 4) registers of submitted applications for granting a residence permit for a fixed period/permit to settle and decisions issued,
- 5) register of submitted applications for granting the refugee status/ asylum and decisions issued,
- 6) register of invitations,
- 7) register of fingerprints,
- 8) register of persons arrested within the border zone.

Additionally, information included in the registers, records and lists were available with the use of data transmission equipment. The beginnings of the aforementioned system, which was commonly known as the Alien System [*System Obcy*] dates back to mid-1990s. At that time it was establishing a database of residence permits and refugee statuses granted by voivods.

Table 1. The registers of particular cases concerning granting protection to foreigners on the territory of the Republic of Poland held in Poland.

Registers	Body holding the register
A register of cases concerning granting the refugee status/subsidiary protection/assistance to foreigners applying for the refugee status	Commander of the Border Guard division or Commander of Border Guard checkpoint, the Head of the Office for Foreigners and the Council on Refugees, each within its scope of competence
A register of cases concerning the expulsion of persons granted the refugee status	The Head of the Office for Foreigners
A register of cases concerning granting asylum	The Head of the Office for Foreigners
A register of cases concerning granting permit for tolerated stay	The Head of the Office for Foreigners, voivode and Council on Refugees, each within its scope of competence
A register of cases concerning granting temporary protection	The Head of the Office for Foreigners
A register of fingerprints taken from a foreigner who: <ul style="list-style-type: none"> a) applied for the refugee status, b) applied for asylum, c) were granted a permit for tolerated stay, d) enjoys temporary protection. 	Commandant-in-Chief of the Police
A register of cases carried pursuant to the Council Regulation (EC) No 343/2003	The Head of the Office for Foreigners

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration pursuant to the provisions of the Act of 2003 on granting protection to foreigners within the territory of Poland.

Bearing in mind the evolution of the Polish system of granting protection to foreigners, the variety of the national forms of protection and the fact that the foreigners benefit from various forms of protection at different intervals, this report shall present statistics regarding:

1. granted refugee statuses (2004–2009);
2. persons who were granted subsidiary protection (2008–2009);
3. persons who were granted permit for tolerated stay (2004–2009);
4. persons who were granted asylum (2004–2009);
5. persons covered by protection of victims of trafficking in human beings (2006–2009).

According to the information presented in this chapter, the statistical data regarding these procedures are mainly found in the *System Pobytu*. The only exception is data on the number of foreigners who on the territory of Poland were granted protection due to the fact of being the victim of trafficking in human beings. This information are provided in the own register of the Ministry of the Interior and Administration and the National Public Prosecutor's Office and shall be presented later herein.

The statistics precisely reflect the manner in which foreigners benefit from the forms of protection granted to foreigners envisaged by the Polish legal system. Among the catalogue of the different forms of protection, foreigners most often apply for the refugee status. It is with respect to this procedure that the scope of protection provided by the accompanying additional forms of protection i.e. subsidiary protection (since May 2008) and a permit for tolerated stay (the institution that has been evolving since 2003) was substantially expanded

in the Polish regulations. Because no case of granting asylum to a foreigner has so far been recorded in Poland, this document shall only present information on the number of applications submitted in this respect. However, forms of protection granted under the refugee procedure shall be analysed in detail.

Table 2. Number of persons who were granted various forms of protection (resulting from international conventions and indicated in statutory solutions) on the territory of the Republic of Poland in the years 2004–2009 (1st and 2nd instance).

Year	Number of persons who were granted protection on the territory of Poland (total)	Number of persons who were granted one of the forms of protection harmonised with the EU law on the territory of Poland			Number of persons who were granted one of the national forms of protection on the territory of Poland			
		refugee status	subsidiary protection	temporary protection	asylum	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other circumstances of granting permit for tolerated stay ¹⁴³
2004	1399	315	0	0	0	840	210	34
2005	2403	335	0	0	0	1856	168	44
2006	2616	485	0	0	0	2110	10	11
2007	3317	180	0	0	0	2910	9	218
2008	2957	193	1077	0	0	1527	46	114
2009	2781	133	2376	0	0	82	68	122
Total	15473	1641	3453	0	0	9325	511	543

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the Office for Foreigners (System Pobytu).

Granting asylum

Bearing in mind the data provided in table 2, it is clear that the analysis presented in this section of the document shall only concern the applications for granting asylum submitted to the Head of the Office for Foreigners. The protection form in question—*asylum*—does not attract considerable interest among foreigners. This is evidenced by the fact that in the period 2004–2009 only 18 foreigners submitted relevant applications. Among applicants who requested for asylum, the dominating group are citizens of Poland's neighbouring countries, i.e. Ukraine, Belarus and Russia. They are mostly men, at the age from 18 to 64. Over the past five years, only one woman, a Cuban citizen, applied for asylum in Poland, in 2006.

¹⁴³ Circumstances in which permits for tolerated stay are issued, if:

- the decision on expulsion was unenforceable for reasons beyond the control of the authority in charge of enforcing decision on expulsion and beyond the control of a foreigner;
- court issued a judgement on the inadmissibility of a foreigner's extradition;
- the Minister of Justice issued a decision on refusal to extradite a foreigner.

Table 3. Number of persons who submitted applications for granting asylum to the Head of the Office for Foreigners.

Citizenship	2004	2005	2006	2007	2008	2009
Algeria	0	1	0	0	0	0
Armenia	0	0	1	0	0	0
FYR Macedonia	0	0	1	0	0	0
Without citizenship	0	0	0	0	0	0
Belarus	1	1	0	0	0	0
Iraq	0	0	1	0	0	0
Iran	0	1	1	0	0	0
Cuba	0	0	1	0	0	0
Unspecified	1	0	0	0	0	0
Russia	1	1	0	0	1	0
Turkey	0	1	0	0	0	0
Ukraine	2	0	1	0	0	0
Vietnam	0	0	0	0	1	0
Total	5	5	6	0	2	0

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration based on data provided by the Office for Foreigners (System Pobyt).

Detailed statistical data regarding the applicants' sex and age and foreigners who were refused asylum (including decisions appealed against and re-considered by the Head of the Office for Foreigners) have been enclosed in the appendix hereto.

Granting refugee status, subsidiary protection and permit for tolerated stay

According to statistics provided by the Office for Foreigners, there has been increasing interest in submitting applications for granting the refugee status on the territory of Poland during the past few years. Refugee applications are submitted, just like in the case of other procedures, mostly by young people, 0–13 and 18–34-year-olds. There is no clear cut dividing line between males and females applying for the refugee status. However, foreigners under the age of 13 constitute nearly half of the group of people granted the refugee status on the territory of Poland. The increasing tendency of granting this form of protection to foreigners in this age group is also marked in the case of expulsion procedure and decisions of respective bodies competent to grant e.g. permit for tolerated stay.

Once the permit for tolerated stay was introduced into the Polish legal system, the number of positive decisions concerning this form of protection has been constantly increasing. This can be noticed especially during the reporting period, from 2004 till 2007 inclusive. While in 2004 under the refugee procedure 840 permits were granted, in 2007 the number reached 2 910. This trend reversed in 2008 when the number of permits granted to foreigners decreased rapidly—they were issued to 1 527 foreigners. This phenomenon should be associated with the introduction in May 2008 to the Act on granting protection to foreigners within the territory of Republic of Poland dated 2003 the institution of subsidiary protection. This decision followed implementation of the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. The adoption of this type of protection in a short period caused a remarkable fall in the number of permits for tolerated stay issued under the refugee procedure. These decisions are replaced in most cases with decisions on granting subsidiary protection. This argument is supported by the data covering the year 2009. Between 1st January and 31st

December 2009, under the refugee procedure only 82 persons were granted permits for tolerated stay. In the same period, the number of persons who were granted subsidiary protection amounted to 2 376. In 2009, persons who were granted permits for tolerated stay under the refugee procedure, accounted for only 2% of all foreigners who were granted various forms of protection on the territory of Poland, whereas persons who were granted subsidiary protection constituted 85% of all persons who were granted protection in Poland. One should be recalled that in the years 2004–2007, persons who were granted permits for tolerated stay represented 80% of all foreigners who were granted protection in Poland. Yet in the second half of 2008, when subsidiary protection was introduced into the Polish law, persons who were granted permits for tolerated stay accounted for only 50% of this number of foreigners. Right then, the share of persons who were granted subsidiary protection in the total number of persons granted one of the forms of protection in Poland was 36%.

Table 4. Number of persons who were granted permits for tolerated stay under the refugee procedure (1st and 2nd instance).

Citizenship	2004		2005		2006		2007		2008		2009	
	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure
Afghanistan	23	23	12	12	3	3	0	0	0	0	0	0
Albania	0	0	1	0	0	0	0	0	0	0	0	0
Algeria	14	2	4	0	0	0	0	0	0	0	1	0
Armenia	39	5	31	3	6	1	10	1	16	4	36	8
Azerbaijan	4	0	3	3	0	0	0	0	1	0	0	0
FYR Macedonia	0	0	0	0	0	0	0	0	1	0	0	0
Bangladesh	0	0	2	0	2	2	0	0	1	0	9	0
Stateless	10	6	3	1	1	0	4	2	3	0	4	1
Bhutan	0	0	0	0	0	0	0	0	0	0	1	0
Belarus	17	6	9	5	8	5	1	1	4	3	7	1
Bosnia-Herzegovina	1	1	0	0	0	0	0	0	0	0	0	0
Bulgaria	11	2	6	0	0	0	0	0	0	0	0	0
China	2	0	2	2	2	2	12	0	16	1	5	0
Egypt	5	0	6	0	0	0	0	0	0	0	1	0
Ecuador	2	0	0	0	0	0	0	0	0	0	0	0
Eritrea	0	0	0	0	0	0	1	1	0	0	0	0
Philippines	0	0	1	0	0	0	0	0	0	0	1	1
Georgia	3	1	1	0	1	0	3	1	0	0	0	0
Guinea	0	0	1	0	1	0	0	0	0	0	0	0
Guinea Bissau	0	0	2	1	0	0	0	0	0	0	0	0
India	7	0	9	1	2	1	2	0	1	0	3	1
Iraq	18	12	6	2	9	9	18	18	6	1	1	0
Iran	0	0	2	0	0	0	1	0	0	0	0	0
Israel	0	0	1	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	1	0
Jordan	1	0	1	0	0	0	0	0	0	0	0	0
Cameroun	3	2	4	2	0	0	0	0	1	1	0	0
Kazakhstan	0	0	0	0	1	1	1	0	0	0	4	3
Kenya	0	0	0	0	0	0	0	0	1	1	0	0
Kyrgyzstan	0	0	1	0	0	0	0	0	0	0	0	0
Congo	1	1	3	3	0	0	1	1	1	1	1	0

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	2004		2005		2006		2007		2008		2009	
	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure	Total	permit for tolerated stay under the refugee procedure
DR Congo	0	0	0	0	0	0	1	1	0	0	0	0
South Korea	0	0	0	0	0	0	0	0	1	0	0	0
Cuba	0	0	0	0	0	0	1	1	0	0	0	0
Laos	0	0	1	1	0	0	0	0	0	0	0	0
Lebanon	3	1	0	0	0	0	0	0	0	0	0	0
Liberia	0	0	0	0	0	0	1	0	0	0	1	0
Libya	5	0	0	0	0	0	0	0	0	0	0	0
Morocco	3	0	3	0	0	0	0	0	0	0	1	0
Moldova	1	0	1	0	0	0	1	1	0	0	2	0
Mongolia	7	1	1	0	0	0	0	0	0	0	1	1
Nepal	0	0	2	2	1	1	0	0	0	0	2	0
Germany	1	0	0	0	0	0	0	0	0	0	0	0
Unknown	1	0	0	0	0	0	5	0	1	0	10	0
Nigeria	14	7	15	2	0	0	0	0	3	1	1	0
Pakistan	4	4	13	3	3	0	7	1	1	0	1	1
Peru	3	0	2	0	0	0	0	0	0	0	0	0
Republic of South Africa	0	0	1	0	0	0	0	0	0	0	0	0
Russia	742	735	1800	1791	2077	2076	2869	2864	1514	1502	64	58
Romania	0	0	4	0	0	0	0	0	0	0	0	0
Senegal	2	2	0	0	2	2	0	0	0	0	0	0
Serbia and Montenegro	0	0	2	0	0	0	0	0	0	0	0	0
Somalia	6	4	8	8	1	1	1	1	0	0	0	0
Sri Lanka	2	0	3	1	4	4	9	9	5	5	0	0
USA	0	0	0	0	0	0	1	0	0	0	0	0
Sudan	0	0	2	2	0	0	0	0	1	1	1	0
Surinam	1	0	0	0	0	0	0	0	0	0	0	0
Syria	1	1	3	0	1	1	0	0	0	0	1	0
Togo	0	0	2	2	1	1	0	0	0	0	0	0
Tunisia	3	0	2	1	0	0	0	0	0	0	0	0
Turkey	15	10	8	6	0	0	5	5	0	0	0	0
Ukraine	39	10	19	0	2	0	3	0	14	1	36	4
Uzbekistan	0	0	0	0	0	0	1	0	2	2	0	0
Vietnam	64	2	63	0	3	0	177	1	90	1	76	3
Ivory Coast	1	0	0	0	0	0	0	0	0	0	0	0
St. Thomas Island and Prince Island	0	0	0	0	0	0	0	0	1	0	0	0
West Bank and Gaza Strip	5	2	1	1	0	0	1	1	2	2	0	0
Zimbabwe	0	0	1	1	0	0	0	0	0	0	0	0
Total	1084	840	2068	1856	2131	2110	3137	2910	1687	1527	272	82

Source: The Office for Foreigners.

Referring to the age structure of the persons who were granted subsidiary protection, it should be noted that in each case these foreigners are mainly persons (both women and men) aged 0–13 and 18–64 years.

It should be yet remembered that the institution of the permit for tolerated stay in the Polish law also applies to other situations.¹⁴⁴ Whenever best interest of the foreigner shall be considered and due to existing reasons of humanitarian or technical nature (e.g. it was impossible to obtain for a foreigner a travel document necessary to leave Poland) which make expulsion of such a person impossible, it is advisable to legalise his/her stay on the territory of Poland. A need to determine the form of a residence permit in case of persons who cannot be expelled derives from the need to prevent their social exclusion, further marginalisation and helps to safeguard their legal existence in the society (taking up a job, using certain benefits). It should be stressed that a decision on granting this form of protection on the territory of Poland in such situations is issued by a respective voivode or the Head of the Office for Foreigners. Detailed statistical information referring to such situations has been included in the table attached hereto. It should be also indicated that while the sex ratios were approximately equal, the decisions on granting permits for tolerated stay are issued relatively more frequently to two age groups, i.e. 0–13 and 18–34-year-olds.

Because there is no detailed information on people fleeing from the former Republic of Yugoslavia in 1990s, it has not been provided in this section of the study. The same reasoning applies to other (except for victims of trafficking in human beings) statutory forms of granting protection to foreigners in Poland presented in chapter 2. It is due to the possibility of granting the aforementioned forms of protection to persons in need under every procedure related to a foreigner. Therefore, it would be difficult to clearly present statistical data relating only to regulations applying to particular situations.

Victims of trafficking in human beings

A separate record relevant to the number of foreigners who on the territory of Poland are under various aid programmes covers the number of victims/witnesses of trafficking in human beings. Statistics in this respect, based on information provided by the Police Headquarters, the National Public Prosecutor's Office and non-governmental organisations which participate in implementation of annually submitted action plans (mainly the La Strada Foundation), are collected by the Minister of the Interior and Administration. Due to its character, the published statistical data in this respect is limited to a necessary minimum and mainly refers to the years 2006–2009—the period when foreigners were taken under protection within the *Program for support and protection of a victim/witness of trafficking in human beings*.

The aggregated statistics on the scope of trafficking in human beings on the territory of Poland have been presented in the table below, which shows that the number of foreigners affected by trafficking in human beings fluctuated annually, but within a specified period (i.e. 1995–2008) the total number did not exceed 700 persons.

¹⁴⁴ See pp. 16–19 hereof.

Table 5. Number of foreigners affected by trafficking in human beings between 1995–2008.

Citizenship	2007	2008	between 1995-2008
Ukraine	24	65	263
Belarus	15	10	255
Bulgaria	-	12	40
Romania	-	4	22
Moldova	-	-	17
Russia	-	2	14
Latvia	-	-	8
Vietnam	-	-	7
Lithuania	-	1	6
Sri Lanka	-	-	4
Mongolia	-	-	3
Costa Rica	-	-	2
Senegal	1	-	1
Kenya	1	-	1
Total	41	94	643

Source: Data provided by the Office in the Fight against Organized Crime of the National Public Prosecutor's Office.

More detailed information referring to the profile of persons benefiting from this form of protection on the territory of Poland has been presented in the Ministry's of the Interior and Administration materials, submitted annually and entitled "*Trafficking in Human Beings in Poland*". *Materials for the Report*. By definition, they present the implementation of the *Program for support and protection of a victim/witness of trafficking in human beings* in a particular year, i.e. during the period 2006–2009. The collected information shows that till the end of 2009, 85 foreigners benefited from assistance for victims of trafficking in human beings. According to the data provided in the attached table, in 2009 29 foreign women profited from assistance under the *Programme*, including: 12 citizens of Bulgaria, 3—Belarus, 3—Ukraine, 2—Mongolia, 2—Moldova, as well as citizens of China, Djibouti, Nigeria, Romania, Turkey, Uganda and Vietnam.

Table 6. Number of foreigners who were covered by the Programme for support and protection of victim/witness of trafficking in human being between 2006–2009.

Edition of the Programme	Number of victims that participated in the Programme
2006	10
2007	22 (including 3 victims from the previous year)
2008	24 (including 6 victims from the previous year)
2009	29 (including 7 victims from the previous year)
Total between 2006–2009	85 (including 7 victims from the previous years)

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration.

Whereas, information provided by the National Intervention and Consultation Centre for Victims of Trafficking in Human Beings (KCIK) shows that in the period 22 April 2009 till the end of 2009, the Centre within its task of supporting identification of victims of trafficking in human beings, assisting victims during contacts with the police and administration of justice, providing psychological support, translation services, legal consultations and transport within the country (available 24 hours a day), provided support to 193 persons, including 116 foreigners.

The statistical information presented in the *Programme for support and protection of a victim/witness of trafficking in human beings* covering the period 2006–2008, clearly indicates a annual development of the programme recorded not only in quantitative terms but also in the context of a so-called victim profile. Between 2006 and 2008, the beneficiaries of the programme were mainly victims originating from European countries (53% were citizens of Bulgaria, a lower percentage constituted citizens of Ukraine, Moldova, Belarus—therefore Eastern European countries and Romania), and remarkably less of them came from Africa and Asia. Victims originating from European countries represented almost 83% of all foreigners covered by the activities set up by institutions working on co-creating the programme for support of victims of trafficking in human beings. Simultaneously, during three-year period a remarkable majority of beneficiaries has been constituted by women. During first edition of the programme, they made up 100% of all participants. In subsequent editions, the percentage of female victims remained still at a very high level. However also men began to receive support under the programme, as well as minors, i.e. persons under 18 years old (detailed data has been included in the table below).

Table 7. Number of foreigners who were covered by the Programme for support and protection of victim/witness of trafficking in human being between 2006–2008 (by sex and age).

Edition of the Programme	Women	Men	Minors, under 18 years old	
			Boys	Girls
2006	10	-	-	-
2007	17	-	1	1
2008	14	2	1	1
Total between 2006 and 2008	41	2	2	2

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration.

Although the idea of the programme for support to victims was created to meet the need of adults, between 2006 and 2008, among 47 foreigners who were granted support, 4 were under 18 years old (of which 2 unaccompanied minors). Along with the information presented in the table below, the youngest beneficiary of the Programme was a 9-year-old child whilst the oldest one was 54 years old.¹⁴⁵

Table 8. Number of foreigners who were covered by the Programme for support and protection of victim/witness of trafficking in human being between 2006–2008 (by sex and age).

Edition of the Programme	Minimum age	Maximum age	Average age
2006	19	41	25.7
2007	9	35	24.2
2008	17	54	30.6
Total between 2006 and 2008	9	54	26.87

Source: Study of the Migration Policy Department of the Ministry of the Interior and Administration.

Among 43 adults, 35 were between 18 and 35 years old, and only 8 foreigners were older (the percentage share is presented in the chart below).

¹⁴⁵ The given values present victims' ages in the moment of reporting them to the Programme.

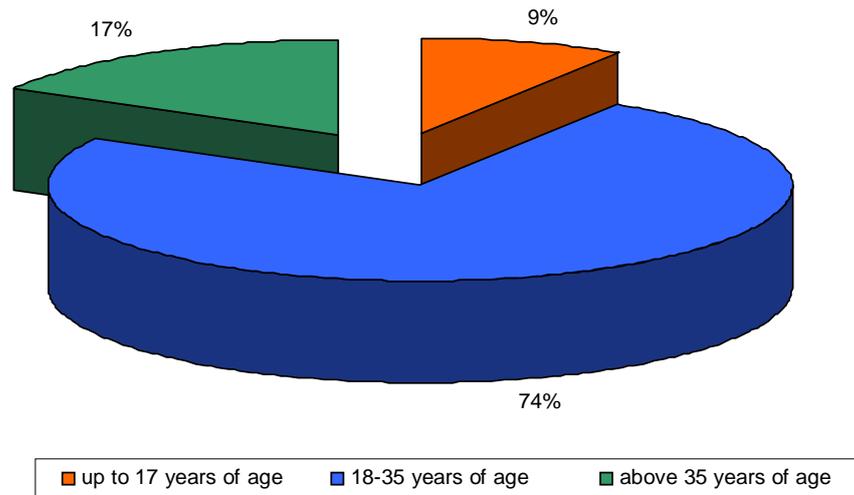


Chart 3: Age structure of foreigners who were covered by the Programme for support and protection of victim/witness of trafficking in human beings between 2006–2009 (by: Migration Policy Department of the Ministry of the Interior and Administration).

These figures show that mainly young persons were covered by the Programme. However, there is no clear relation between the victim's age and the form of exploitation. Both children and adults were used for prostitution, forced labour and begging.

5. NATIONAL OPINIONS ON THE PROTECTION GRANTING TO FOREIGNERS IN POLAND

Of all opinions relating to the domestic forms of granting protection to foreigners in Poland not harmonised with the EU legislation, most of them refer to the institution of a permit for tolerated stay, its form and function in the Polish legal system.

Therefore, much space during one of the sessions of the Working Group on elaboration of Polish Migration Strategy¹⁴⁶ dedicated to the international protection issues was devoted to a discussion of the abovementioned form of protection assessment. It is worth pointing out that the meeting, apart from representatives of government administration who are the Group's permanent members, was also attended by the representatives of the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees' (UNHCR) Office and the Council on Refugees. During the meeting the participants agreed that due to the variety of prerequisites for granting to a foreigner a permit for tolerated stay (prerequisites related to international and humanitarian protection, including a right to respect for one's private and family life) they need to be distinguished. Thus it was agreed to arrange and organise the prerequisites for granting a permit for tolerated stay set out currently by the applicable regulation in the relevant acts. The range of requirements examined under the procedures for granting international protection included in the Act on granting protection to foreigners within the territory of the Republic of Poland should be restricted to prerequisites related to granting a permit for the tolerated stay due to an insecure situation in the country of origin. Other (so called *humanitarian*) requirements, mainly related to personal situation, should be investigated under different mode and should be included into a catalogue of prerequisites for legalising the stay set forth in the Act on foreigners. This approach was justified by the fact that the refugee procedure often is perceived by the foreigners as the only way leading to legalisation of stay even if some of them do not meet the criteria for granting the refugee status. It is therefore necessary to create a possibility of granting a humanitarian status under the procedures for legalisation of stay. Additionally, this change would increase the transparency of regulations and make the procedures more efficient. The recommendations drawn up at the meeting were approved by the representatives of the International Organisation for Migration, the United Nations High Commissioner for Refugees' Office and the Council on Refugees.

It should also be noted that the elaborated proposal of the Polish Migration Strategy which is currently being developed shall in the future be subject to broad-based consultations opened to governmental entities, non-governmental organisations, employers' and employees' organisations, scientific and religious circles as well as international organisations. Hence the subject matter of protection of foreigners shall be further discussed and shall become, even to a limited extent, a subject of public debate.

Non-governmental organisations¹⁴⁷ having field experience working with people granted in Poland various forms of protection, including in particular permits for tolerated stay,

¹⁴⁶ The Group was appointed in February 2009 by the interministerial Committee for Migration which acts as a subsidiary (advisory and consultative) body to the Prime Minister. The Committee is chaired by the Minister of the Interior and Administration and the results of its works are notified to the Prime Minister who may decide on presenting them to the Council of Ministers. The representatives of more than a dozen institutions of government administration participate in the Committee's works.

¹⁴⁷ Among the organisations which expressed their *opinion* on proper protection of foreigners on the territory of the Republic of Poland there were: Helsinki Foundation for Human Rights [*Helsinkińska Fundacja Praw*

basically expressed opinion that this institution fulfils its role. Access to the labour market (people who were granted a permit for tolerated stay enjoy unlimited access to the labour market and undertake and carry out their own economic activity) is a crucial element which enables their professional reintegration. Simultaneously, the aforementioned organisations drew attention to some problems and presented proposals for solutions which, in their opinion, would contribute to a better functioning of a permit for tolerated stay institution in practice. The most frequently indicated problems included:

1. lack of legal regulations enabling persons holding a permit for tolerated stay to apply for a Polish travel document, in particular with regard to people who do not have any citizenship; as well as lack of clarity whether holders of a permit for tolerated stay may apply for a travel document to representatives of their country of origin without affecting the withdrawal of the permit for tolerated stay;
2. difficulty to demonstrate that the decision on expulsion is unenforceable for reasons beyond the control of the foreigner, as diplomatic outposts often do not confirm the fact that no identity document can be issued; a need to define the term “unenforceability” of expulsion; currently, due to lack of unambiguous understanding of that term many foreigners are kept in detention centres for way too long;
3. prolonging procedures for granting a permit for tolerated stay.

Among recommendations proposing solutions that would facilitate the functioning of the abovementioned form of protection, the following proposals were most often presented:

1. the catalogue of persons whose family members may be entitled to residence permit for a fixed period should include holders of a permit for tolerated stay;
2. a need to refine the definition of a tolerated stay; in its current wording the definition is too similar to the supplementary protection definition and makes it difficult to determine which form should be adopted in practice; such a situation may arouse suspicions of misusing permit for tolerated stay with regard to persons who should be rather granted the subsidiary protection;
3. if a court or another administrative body refused to expel a foreigner to his/her country of origin, his/her stay in Poland should be obligatorily legalised, meanwhile the current regulations entailing optional decisions;
4. a need to consider including certain categories of holders of permit for tolerated stay who shall stay in Poland for a longer period of time in integration programmes.

The national opinion on another form of granting protection to a foreigner—residence permit for a fixed period issued to a foreigner who illegally resides on the territory of Republic of Poland if an exceptional personal situation that requires the presence of a foreigner on the territory of the Republic of Poland has occurred (see page 25 hereof) is also worth mentioning. This issue was raised during discussion at the aforementioned meeting of the Working Group on elaboration of Polish Migration Strategy. It was pointed out that a problem with regard to this residence title is posed by a defined period for which it may be issued. Such a permit may only be granted for not longer than 2 years, without a possibility to prolong it (subsequent application based on the same grounds results in leaving such application unprocessed). According to the opinions of participants, subsequent application should be examined even if reasons for granting this type of permit remained unchanged.

Członwieka], Association for Legal Intervention [*Stowarzyszenie Interwencji Prawnej*], La Strada Foundation [*La Strada Fundacja Przeciwko Handlowi Ludźmi i Niewolnictwu*].

6. SUMMARY

1. There are many forms of granting protection to foreigners on the territory of the Republic of Poland which reach beyond the framework of EU asylum policy. Apart from granting to foreigners the refugee status, subsidiary protection and temporary protection, other forms of protecting third countries' citizens have developed within the Polish legal system. Nevertheless, not all of them are used in practice (including, for instance, the asylum).
2. Forms of international protection granted to foreigners present in the Polish legislation are harmonised with the EU law and reflect the European standards. The domestic forms of protection laid out in this report regulated by particular acts of the national law are the result of a pragmatic approach to the problem. Their essential characteristics mirror their continuous evolution and attempt to adapt them to variable situation as in the case of the permit for tolerated stay institution.
3. The basic national forms of protection which may be granted to foreigners in Poland are the institution of asylum and the permit for tolerated stay.
4. The institution of asylum, as the only national form of protection in Poland, has its legitimacy in the Constitution of the Republic of Poland dated 2 April 1997. Provisions stipulating detailed regulations with regard to asylum are of statutory character and have been included in the Act on granting protection to foreigners within territory of the Republic of Poland of 13 June 2003. Pursuant to these, a foreigner, upon his/her own request, may be granted asylum when it is necessary to provide him/her with protection and when *a vital interest of the Republic of Poland* requires so. The term *vital interest of Poland* should be understood as relating to issues of crucial importance for the country. Such a comprehension of reasons for granting this form of protection contributed to the fact that even though the institution of asylum has been present in the Polish law for several years, so far no case of granting it to a foreigner was recorded.
5. Permit for tolerated stay is issued on the basis of prerequisites of protective or of technical character. The occurrence of any of those prerequisites is examined under two different procedures: protective (refugee and asylum) and expulsion one. Foreigners holding the permit for tolerated stay are persons who cannot be expelled to their country of origin due to:
 - possibility of breaching some fundamental rights listed in the Convention on Human Rights and Fundamental Freedoms and Convention on the Rights of the Child (protective character);
 - lack of travel or identity documents (technical character).
6. Apart from abovementioned reasons permit for the tolerated stay may be also issued to a foreigner when the inadmissibility of a foreigner's extradition is affirmed (protective nature; however, during the refugee procedure prerequisites that manifest granting this form of protection are not examined).
7. Once the permit for tolerated stay was introduced into the Polish legal system, the number of positive decisions concerning this form of protection has been constantly increasing. This trend reversed in 2008 when the number of permits granted to foreigners decreased rapidly. This phenomenon should be associated with the introduction in May 2008 to the Act of 2003 on granting protection to foreigners within the territory of Poland the institution of subsidiary protection. The adoption of this type of protection in a short period caused a remarkable fall in the number of permits for tolerated stay issued under the refugee procedure. These decisions are replaced in most cases with decisions on granting subsidiary protection.

8. Among other national forms of protection and assistance granted on the territory of the Republic of Poland the following should be listed: support and protection granted to victims of trafficking in human beings; establishing regulations preventing expulsion of a foreigner in certain circumstances; granting to a foreigner a residence permit for a fixed period, if his/her exceptional situation requires his/her presence on the territory of the Republic of Poland; granting a residence permit for a fixed period to a foreigner who illegally resides in Poland, if this is required by the interest of the Republic of Poland; issuing a residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) for the purpose of arrival for the humanitarian reasons or if it is required by the interest of the Republic of Poland; prolonging visas; court's judgment on the inadmissibility of a foreigner's extradition and the decision of the Minister of Justice on refusing to extradite a foreigner.
9. Persons who were granted protection in Poland, depending on the form, are entitled to certain rights, including: access to education, access to the labour market, right to social assistance, right to family benefits, right to social pension, right to health care, right to family reunification, etc.
10. Expert ongoing discussions indicate a need to distinguish cases of granting protection due to a situation in the foreigner's country of origin and cases of legalisation of stay based on humanitarian grounds. Both these circumstances are currently regulated within the framework of the permit for tolerated stay institution.

Appendix 1

Polish Law

1. Constitution of the People's Republic of Poland of 22 April 1952 (Journal of Laws of 1952, No. 33, item 232 with further amendments);
2. Constitution of the Republic of Poland of 2nd April 1997 (Journal of Laws of 1997, No. 78, item 483 with further amendments);
3. Act on foreigners of 13 June 2003 (Journal of Laws of 2009, No. 189, item 1694, uniform wording);
4. Act on granting protection within the territory of the Republic of Poland of 13 June 2003 (Journal of Laws of 2009, No. 189, item 1472, uniform wording);
5. Act on the terms and conditions of the entry into and the stay in the territory of the Republic of Poland of the citizens of the EU Member States and the members of their families of 14 July 2006 (Journal of Laws of 2006, No. 144, item 1043 with further amendments);
6. Act on Polish Citizenship of 15 February 1962 (Journal of Laws of 2000, No. 28, item 353 with further amendments);
7. Act on Social Assistance of 12 March 2004 (Journal of Laws of 2008, No. 115, item 728 with further amendments);
8. Act of 25 February 1964 - Family and Guardianship Code (Journal of Laws of 1964, No. 9, item 59 with further amendments);
9. Act on Education System of 7 September 1991 (Journal of Laws of 2004, No. 256, item 2572 with further amendments);
10. Act on health care services financed from the public funds of 27 August 2004 (Journal of Laws of 2008, No. 164, item 1027, uniform wording);
11. Act on Health Care Facilities of 30 August 1991 (Journal of Laws of 2007, No. 14, item 89, uniform wording);
12. Act of 6 June 1997 – Penal Code (Journal of Laws of 1997, No. 88, item 553 with further amendments);
13. Act on Passport Documents of July 13, 2006 (Journal of Laws of 2006, No. 143, item 1027);
14. Regulation by the President of the Republic of Poland on foreigners of 13 August 1926 (Journal of Laws of 1926, No. 83, item 465 and Journal of Laws of 1937, No. 11, item 83);
15. Ordinance of the Minister of Labour and Social Policy on assistance to foreigners who in the Republic of Poland have been granted refugee status or subsidiary protection of 9 March 2009 (Journal of Laws of 2009, No. 45, item 366);
16. Ordinance of the Minister of Labour and Social on caretaking and educational institutions of 19 October 2007 (Journal of Laws of 2007, No. 201, item 1455);
17. Ordinance of the Minister of Labour and Social Policy on foster families of 18 October 2004 (Journal of Laws of 2004, No. 233, item 2344 with further amendments);
18. Ordinance of the Minister of the Interior and Administration on the by-law regulating the stay at a centre for foreigners applying for refugee status of 4 May 2009 (Journal of Laws of 2009, No. 71, item 616);
19. Regulation of the Commander of the Police on the methods and forms of protection provided by the Police to the persons at risk of 15 July 2005 (unpublished).

International Law

1. Convention Relating to the Status of Refugees drawn up in Geneva dated 28 July 1951 (Journal of Laws of 1991, No. 119, item 515);
2. Protocol Relating to the Status of Refugees dated 31 January 1967 (Journal of Laws of 1991, No. 119, item 517);
3. United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000, (Journal of Laws of 2005, No. 18, item 158);
4. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Journal of Laws of 2005, No. 18, item 160);
5. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (Official Journal of European Union L 261 dated 6 August 2004);
6. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Official Journal of European Union L 304 dated 30 September 2004);
7. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (Official Journal of European Union L 212 dated 7 August 2001);
8. Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (Journal of Laws of 1993, No. 61, item 284);
9. Council Framework Decision of 19 July 2002 on combating trafficking in human beings (Official Journal of European Union L 203 dated 1 August 2002);
10. Official Statement of the Government of 27 August 2004 on the binding force of United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000 (Journal of Laws of 2005, No. 18, item 159);
11. Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (Official Journal of European Union L 013 dated 20 January 2004);
12. Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 (Journal of Laws of 1991, No. 120, item 526 with further amendments);
13. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (Official Journal of European Union L 149 dated 2 June 2001);
14. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (Official Journal of European Union L 031 dated 6 February 2003);
15. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (Official Journal of European Union L 326 dated 13 December 2005).

Appendix 2**Statistical Data****Asylum**

Table 1: Number of persons who applied for asylum (2004-2009)

Year	Citizenship	Women		Men			Total
		[18-34]	Total	[18-34]	[35-64]	Total	
2004	BELARUS	-	-	-	1	1	1
	UNKNOWN	-	-	-	1	1	1
	RUSSIA	-	-	-	1	1	1
	UKRAINE	-	-	1	1	2	2
	Total	-	-	1	4	5	5
2005	ALGERIA	-	-	1	-	1	1
	BELARUS	-	-	-	1	1	1
	IRAN	-	-	1	-	1	1
	RUSSIA	-	-	-	1	1	1
	TURKEY	-	-	-	1	1	1
	Total	-	-	2	3	5	5
2006	ARMENIA	-	-	-	1	1	1
	FYROM	-	-	1	-	1	1
	IRAQ	-	-	-	1	1	1
	IRAN	-	-	-	1	1	1
	CUBA	1	1	-	-	-	1
	UKRAINE	-	-	-	1	1	1
	Total	1	1	1	4	5	6
2007	Total	-	-	-	-	-	0
2008	RUSSIA	-	-	1	-	1	1
	VIETNAM	-	-	-	1	1	1
	Total	-	-	1	1	2	2
2009	Total	-	-	-	-	-	0
Total		1	1	5	12	17	18

Table 2: Number of persons to whom the decision on granting asylum was issued (2004-2009)

Year	Citizenship	NEGATIVE						DISCONTINUED PROCEEDINGS		
		Women			Men			Total	Men	Total
		[18-34]	[35-64]	Total	[18-34]	[35-64]	Total		[35-64]	
2004	ALGERIA	1	-	1	-	1	1	2	-	-
	ARMENIA	-	1	1	1	2	3	4	-	-
	AZERBAIJAN	2	1	3	1	-	1	4	-	-
	STATELESS	-	-	0	1	-	1	1	-	-
	BELARUS	1	-	1	-	1	1	2	-	-
	IRAQ	-	-	0	2	-	2	2	-	-
	IRAN	1	1	2	1	2	3	5	-	-
	MOLDOVA	2	-	2	-	-	0	2	-	-
	MONGOLIA	-	-	0	-	1	1	1	-	-
	UNKNOWN	-	-	0	-	1	1	1	-	-
	NIGERIA	-	-	0	1	-	1	1	-	-
	RUSSIA	1	-	1	1	3	4	5	-	-
	UKRAINE	-	-	0	-	1	1	1	-	-
	Total	8	3	11	8	12	20	31	-	-
2005	IRAN	-	-	0	1	-	1	1	-	-
	RUSSIA	-	-	0	-	-	-	0	1	1
	UKRAINE	-	-	0	-	1	1	1	-	-
	Total	-	-	0	1	1	2	2	1	1
2006	ALGERIA	-	-	0	1	-	1	1	-	-
	ARMENIA	-	-	0	-	1	1	1	-	-
	TURKEY	-	-	0	-	1	1	1	-	-
	Total	-	-	0	1	2	3	3	-	-
2007	IRAQ	-	-	0	-	1	1	1	-	-
	IRAN	-	-	0	-	1	1	1	-	-
	CUBA	1	-	1	-	-	-	1	-	-
	UKRAINE	-	-	0	-	1	1	1	-	-
	Total	1	-	1	-	3	3	4	-	-
2008	Total	-	-	0	-	-	-	0	-	0
2009	RUSSIA	-	-	0	1	-	1	1	-	-
	Total	-	-	0	1	-	1	1	-	-

Applications for the refugee status

Table 3: Number of persons who applied for the refugee status in Poland in 2004

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	2	-	1	1	-	4	2	11	34	6	-	53	57
ALGERIA	-	-	-	-	-	-	-	-	8	1	-	9	9
ARMENIA	-	-	-	2	1	3	2	-	10	3	-	15	18
AZERBAIJAN	2	-	1	1	-	4	-	1	3	2	-	6	10
BANGLADESH	-	-	-	-	-	-	-	2	-	-	-	2	2
STATELESS	-	-	1	2	-	3	-	-	6	2	-	8	11
BELARUS	7	-	10	4	-	21	4	1	14	10	-	29	50
BOSNIA-HERZEGOVINA	-	-	-	-	-	-	-	-	1	-	-	1	1
BULGARIA	-	-	2	1	-	3	2	-	2	-	-	4	7
BURUNDI	-	-	-	1	-	1	-	-	-	-	-	-	1
CHINA	1	-	9	1	-	11	-	-	5	3	-	8	19
EGYPT	-	-	-	-	-	-	-	-	-	2	-	2	2
ECUADOR	-	-	-	-	-	-	-	-	-	1	-	1	1
ESTONIA	-	-	-	-	-	-	-	-	1	-	-	1	1
ETHIOPIA	1	-	-	-	-	1	-	-	-	-	-	-	1
GREECE	-	-	-	-	-	-	-	-	1	-	-	1	1
GEORGIA	1	1	4	3	-	9	-	-	28	10	-	38	47
GUINEA	-	-	-	-	-	-	-	-	2	2	-	4	4
INDIA	-	-	2	-	-	2	1	20	115	13	-	149	151
IRAQ	-	-	-	1	-	1	-	-	1	4	-	5	6
IRAN	-	-	-	1	-	1	-	-	6	2	-	8	9
CAMEROON	-	-	-	-	-	-	-	-	4	1	-	5	5
KAZAKHSTAN	2	1	7	2	-	12	6	1	8	3	-	18	30
KYRGYZSTAN	-	-	6	-	-	6	2	-	9	2	-	13	19
CONGO	-	-	-	-	-	-	-	-	1	-	-	1	1
DEMOCRATIC REPUBLIC OF CONGO	-	-	1	-	-	1	-	-	2	1	-	3	4
LAOS	-	-	-	-	-	-	-	-	-	1	-	1	1
LIBERIA	-	-	-	-	-	-	-	-	1	-	-	1	1
LIBYA	-	-	-	-	-	-	-	-	2	-	-	2	2
LITHUANIA	-	-	-	-	-	-	-	-	1	-	-	1	1
MAROCCO	-	-	-	-	-	-	-	-	1	-	-	1	1
MOLDOVA	4	1	3	-	-	8	-	-	5	-	-	5	13
MONGOLIA	-	-	1	-	-	1	-	-	1	1	-	2	3
NEPAL	-	-	-	-	-	-	-	-	1	3	-	4	4
NIGERIA	-	2	-	-	-	2	-	-	5	3	-	8	10
PAKISTAN	1	-	1	-	-	2	1	13	173	21	-	208	210
PERU	-	-	-	-	-	-	-	-	-	1	-	1	1
CAPE VERDE	-	-	2	-	-	2	-	-	-	-	-	-	2
RUSSIA	1477	153	1235	565	9	3439	1603	172	1383	583	3	3744	7183
ROMANIA	-	2	2	-	-	4	-	-	-	1	-	1	5
SENEGAL	1	-	-	-	-	1	-	-	-	-	-	-	1
SERBIA AND MONTENEGRO	-	-	-	-	-	-	-	-	-	1	-	1	1
SIERRA LEONE	-	-	-	-	-	-	-	-	1	-	-	1	1
SOMALIA	1	-	1	1	-	3	1	4	10	1	-	16	19
SRI LANKA	-	-	1	-	-	1	-	-	3	-	-	3	4
SYRIA	-	-	-	-	-	-	-	-	4	3	-	7	7

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
TOGO	-	-	-	-	-	-	-	1	4	-	-	5	5
TUNISIA	-	-	-	-	-	-	-	-	-	1	-	1	1
TURKEY	3	-	2	1	-	6	1	1	17	4	1	24	30
TURKMENISTAN	-	-	3	-	-	3	1	-	1	-	-	2	5
UGANDA	-	-	-	-	-	-	-	-	1	-	-	1	1
UKRAINE	5	2	12	13	1	33	5	6	16	12	-	39	72
UZBEKISTAN	-	1	-	1	-	2	1	-	-	-	-	1	3
VIETNAM	1	-	3	1	-	5	1	1	6	3	-	11	16
IVORY COAST	-	-	-	-	-	-	-	-	2	-	-	2	2
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	4	-	-	4	4
ZIMBABWE	-	-	-	-	-	-	-	-	1	2	-	3	3
Total	1509	163	1310	602	11	3595	1633	234	1904	709	4	4484	8079

Table 4: Number of persons who applied for the refugee status in Poland in 2005

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	-	-	-	-	-	1	3	2	-	6	6
ALGERIA	-	-	-	-	-	-	-	-	1	1	-	2	2
ARMENIA	-	1	2	2	3	8	2	2	9	6	-	19	27
AZERBAIJAN	4	1	3	2	-	10	2	1	-	5	-	8	18
BANGLADESH	-	-	-	-	-	-	-	1	3	1	-	5	5
STATELESS	-	-	-	-	-	-	-	-	9	6	-	15	15
BELARUS	9	1	9	7	1	27	2	2	27	14	1	46	73
BULGARIA	-	-	3	4	-	7	-	-	2	6	-	8	15
BURUNDI	-	-	1	-	-	1	-	-	-	-	-	-	1
CHINA	-	-	1	-	-	1	-	3	4	1	-	8	9
EGYPT	-	-	-	-	-	-	-	-	1	-	-	1	1
ETHIOPIA	1	-	-	-	-	1	-	-	-	-	-	-	1
GEORGIA	4	1	5	3	-	13	2	1	25	6	-	34	47
GUINEA	-	-	-	-	-	-	-	-	12	2	-	14	14
INDIA	-	-	-	-	-	-	-	-	34	2	-	36	36
IRAQ	-	-	1	1	-	2	2	1	9	1	-	13	15
IRAN	-	-	-	1	-	1	-	-	-	1	-	1	2
JORDAN	-	-	-	-	-	-	-	-	-	1	-	1	1
CAMEROON	-	-	-	-	-	-	-	-	2	-	-	2	2
KAZAKHSTAN	5	-	7	3	-	15	4	-	4	1	-	9	24
KENYA	-	-	-	-	-	-	-	-	1	-	-	1	1
KYRGYZSTAN	1	-	3	4	-	8	2	2	4	2	-	10	18
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
CONGO	-	-	1	-	-	1	-	-	3	1	-	4	5
DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	-	1	-	1	1
CUBA	-	-	1	-	-	1	-	-	-	1	-	1	2
LEBANON	-	-	-	-	-	-	-	-	1	-	-	1	1
LIBERIA	1	-	-	-	-	1	-	-	-	-	-	-	1
MAROCCO	-	-	-	-	-	-	-	-	-	1	-	1	1
MAURITANIA	-	-	-	-	-	-	-	-	1	-	-	1	1
MOLDOVA	1	-	2	1	-	4	1	-	11	3	-	15	19
MONGOLIA	1	-	-	1	-	2	-	-	1	1	-	2	4
NEPAL	-	-	1	-	-	1	-	-	1	-	-	1	2

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
NIGERIA	-	-	-	-	-	-	-	-	8	2	-	10	10
PAKISTAN	1	-	-	-	-	1	-	2	61	5	-	68	69
REPUBLIC OF SOUTH AFRICA	-	-	-	-	-	-	-	-	-	1	-	1	1
RUSSIA	1289	155	1004	547	11	3006	1428	170	1150	489	5	3242	6248
ROMANIA	-	-	1	-	-	1	-	-	3	-	-	3	4
SENEGAL	-	-	-	-	-	-	-	-	1	-	-	1	1
SERBIA AND MONTENEGRO	-	-	1	-	-	1	1	-	-	-	-	1	2
SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2
SLOVAKIA	-	-	-	-	-	-	-	-	-	1	1	2	2
SOMALIA	-	-	-	-	-	-	-	-	4	-	-	4	4
SRI LANKA	-	-	1	-	-	1	1	-	3	1	-	5	6
USA	-	-	-	-	-	-	-	-	-	1	-	1	1
SUDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
SYRIA	-	-	-	1	-	1	2	-	3	1	-	6	7
TAJIKISTAN	-	-	-	-	-	-	-	-	1	-	-	1	1
TURKEY	1	2	-	1	-	4	2	1	3	1	-	7	11
UGANDA	-	1	-	-	-	1	-	1	2	-	-	3	4
UKRAINE	12	4	9	11	1	37	12	4	8	20	3	47	84
UZBEKISTAN	-	-	-	-	-	-	-	-	3	1	-	4	4
VIETNAM	-	1	3	-	-	4	1	1	14	3	-	19	23
IVORY COAST	-	-	-	-	-	-	-	-	2	-	-	2	2
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	2	-	-	2	2
Total	1330	167	1059	589	16	3161	1464	193	1440	592	10	3699	6860

Table 5: Number of persons who applied for the refugee status in Poland in 2006

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	2	-	2	-	-	4	4	-	9	-	-	13	17
ALGERIA	-	-	-	1	-	1	-	-	6	1	-	7	8
ANGOLA	-	-	-	-	-	-	-	-	1	1	-	2	2
ARMENIA	3	-	4	4	1	12	3	1	17	15	-	36	48
AZERBAIJAN	-	1	-	2	-	3	1	1	-	3	-	5	8
BANGLADESH	-	-	-	-	-	-	-	-	7	1	-	8	8
STATELESS	-	-	-	-	-	-	-	-	8	5	-	13	13
BELARUS	3	-	7	8	1	19	4	1	24	21	1	51	70
BULGARIA	-	-	-	-	-	-	-	-	-	2	-	2	2
BURUNDI	-	1	-	-	-	1	-	1	-	-	-	1	2
CHINA	-	-	-	-	-	-	-	-	3	2	-	5	5
EGYPT	-	-	-	-	-	-	-	-	8	4	-	12	12
ERITREA	-	-	1	-	-	1	-	-	-	-	-	-	1
ETHIOPIA	-	-	-	-	-	-	-	-	1	-	-	1	1
GAMBIA	-	-	-	-	-	-	-	-	3	-	-	3	3
GHANA	-	-	-	-	-	-	-	-	2	1	-	3	3
GEORGIA	-	-	-	4	-	4	2	2	18	9	-	31	35
GUINEA	-	-	1	-	-	1	-	-	-	-	-	-	1
INDIA	-	-	-	-	-	-	-	-	18	1	-	19	19
IRAQ	8	-	2	2	-	12	1	3	13	6	-	23	35
IRAN	-	-	-	-	-	-	-	-	1	1	-	2	2
CAMEROON	-	-	4	1	-	5	-	-	18	1	-	19	24

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
KAZAKHSTAN	4	1	3	1	-	9	3	1	3	2	-	9	18
KENYA	-	-	-	-	-	-	-	-	2	-	-	2	2
KYRGYZSTAN	2	2	5	5	-	14	11	2	9	3	-	25	39
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
CONGO	-	-	-	-	-	-	1	-	4	-	-	5	5
DEMOCRATIC REPUBLIC OF CONGO	-	-	1	-	-	1	1	-	3	3	-	7	8
CUBA	-	-	2	-	-	2	-	-	2	-	-	2	4
LIBERIA	-	-	-	-	-	-	-	1	2	-	-	3	3
LIBYA	-	-	-	-	-	-	-	-	1	1	-	2	2
LITHUANIA	3	-	1	-	1	5	-	-	-	-	-	-	5
MADAGASCAR	-	-	1	-	-	1	1	-	-	1	-	2	3
MOLDOVA	-	-	3	2	-	5	3	1	1	2	-	7	12
MONGOLIA	1	-	2	1	-	4	1	-	1	2	-	4	8
NEPAL	1	-	3	-	-	4	-	-	9	1	-	10	14
NIGERIA	-	-	-	-	-	-	-	-	11	4	-	15	15
PAKISTAN	-	-	-	-	-	-	-	1	61	4	-	66	66
REPUBLIC OF SOUTH AFRICA	-	-	-	-	-	-	-	-	1	1	-	2	2
RUSSIA	1456	165	1010	595	12	3238	1587	189	901	485	5	3167	6405
SENEGAL	1	-	-	-	-	1	-	-	1	1	-	2	3
SERBIA	1	-	2	-	-	3	1	-	1	-	-	2	5
SERBIA AND MONTENEGRO	-	-	-	-	-	-	1	-	1	1	-	3	3
SIERRA LEONE	-	-	-	-	-	-	-	-	6	-	-	6	6
SOMALIA	-	-	1	-	-	1	-	2	5	-	-	7	8
SRI LANKA	-	-	1	-	-	1	-	-	1	2	-	3	4
SUDAN	-	-	-	-	-	-	1	-	2	-	-	3	3
SYRIA	-	-	-	-	-	-	-	-	2	1	-	3	3
TOGO	-	-	-	-	-	-	-	-	6	-	-	6	6
TUNISIA	-	-	-	-	-	-	-	-	2	1	-	3	3
TURKEY	-	-	-	1	-	1	-	2	11	3	-	16	17
TURKMENISTAN	-	-	-	-	-	-	1	-	-	1	-	2	2
UKRAINE	4	1	5	6	1	17	5	1	14	21	2	43	60
UZBEKISTAN	1	-	1	-	-	2	-	-	1	1	-	2	4
VIETNAM	-	-	3	-	-	3	-	-	13	11	-	24	27
IVORY COAST	-	-	-	-	-	-	-	-	1	1	-	2	2
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	6	-	-	6	6
Total	1490	171	1065	633	16	3375	1632	209	1242	627	8	3718	7093

Table 6: Number of persons who applied for the refugee status in Poland in 2007

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	2	1	-	3	-	-	3	4	-	7	10
ALGERIA	-	-	-	1	-	1	-	-	8	3	-	11	12
ANGOLA	-	-	-	-	-	-	-	-	2	2	-	4	4
ARMENIA	1	-	4	8	-	13	6	1	13	10	-	30	43
AZERBAIJAN	-	-	-	1	-	1	-	-	2	5	-	7	8
FYROM	-	-	-	-	-	-	-	-	-	1	-	1	1
BANGLADESH	-	-	-	-	-	-	-	3	27	-	-	30	30
STATELESS	-	-	1	1	-	2	1	-	10	6	-	17	19
BHUTAN	-	-	-	-	-	-	-	-	3	-	-	3	3

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
BELARUS	5	1	10	8	1	25	5	-	33	19	1	58	83
BURKINA FASO	-	-	-	-	-	-	-	-	1	-	-	1	1
BURUNDI	-	1	-	-	-	1	-	1	1	-	-	2	3
CHINA	-	-	6	-	-	6	-	1	9	6	-	16	22
EGYPT	-	-	-	-	-	-	-	-	6	-	-	6	6
ERITREA	-	-	-	-	-	-	-	-	3	-	-	3	3
ETHIOPIA	1	-	2	-	-	3	1	-	2	-	-	3	6
GAMBIA	-	-	-	-	-	-	-	-	2	-	-	2	2
GHANA	-	-	-	-	-	-	-	-	3	-	-	3	3
GEORGIA	-	-	-	2	-	2	2	1	16	10	-	29	31
GUINEA	-	-	-	-	-	-	-	-	6	1	-	7	7
EQUATORIAL GUINEA	-	-	-	-	-	-	-	-	2	-	-	2	2
INDIA	-	-	-	-	-	-	-	1	43	4	-	48	48
IRAQ	1	-	2	1	-	4	4	-	12	8	-	24	28
IRAN	1	-	1	-	-	2	-	-	1	1	-	2	4
JORDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
CAMEROON	1	-	4	1	-	6	-	-	10	-	-	10	16
KAZAKHSTAN	2	-	2	2	-	6	1	1	3	1	-	6	12
KENYA	-	-	-	-	-	-	-	-	1	-	-	1	1
KYRGYZSTAN	1	2	2	2	-	7	2	1	6	5	-	14	21
COLOMBIA	-	-	1	-	-	1	-	-	-	1	-	1	2
CONGO	-	-	1	-	-	1	-	-	3	1	-	4	5
DEMOCRATIC REPUBLIC OF CONGO	-	-	2	-	-	2	-	-	4	2	-	6	8
NORTH KOREA	-	-	-	-	-	-	-	-	-	2	-	2	2
LIBERIA	-	-	-	-	-	-	-	-	2	-	-	2	2
LITHUANIA	3	-	-	1	1	5	-	-	-	-	-	-	5
LATVIA	-	-	1	-	-	1	-	-	-	1	-	1	2
MALI	-	-	1	-	-	1	-	-	2	-	-	2	3
MOLDOVA	1	-	2	-	-	3	1	-	8	1	-	10	13
MONGOLIA	1	-	5	2	-	8	-	-	2	2	-	4	12
MYANMAR	-	-	-	-	-	-	-	-	-	1	-	1	1
NEPAL	-	-	1	-	-	1	-	-	10	1	-	11	12
UNKNOWN	-	-	2	-	-	2	-	-	-	-	-	-	2
NIGERIA	-	-	2	-	-	2	-	1	15	3	-	19	21
PAKISTAN	-	-	-	-	-	-	-	4	44	13	-	61	61
RUSSIA	1 997	206	1631	709	28	4 571	2 218	214	1614	617	5	4 668	9 239
SENEGAL	-	-	1	-	-	1	-	1	3	1	-	5	6
SERBIA	1	-	1	-	-	2	-	-	-	-	-	-	2
SERBIA AND MONTENEGRO	-	-	-	-	-	-	1	-	-	-	-	1	1
SIERRA LEONE	-	-	-	-	-	-	-	-	1	1	-	2	2
SOMALIA	1	-	3	-	-	4	2	1	1	1	-	5	9
SRI LANKA	-	-	3	2	-	5	1	2	44	5	-	52	57
SUDAN	-	-	-	-	-	-	-	-	4	-	-	4	4
SYRIA	-	-	-	-	-	-	-	-	4	2	-	6	6
TAJKISTAN	-	-	-	-	-	-	-	-	-	1	-	1	1
TOGO	-	-	-	1	-	1	-	-	1	-	-	1	2
TUNISIA	-	-	-	-	-	-	-	-	2	-	-	2	2
TURKEY	-	1	-	-	-	1	-	-	10	1	-	11	12
UGANDA	-	-	1	-	-	1	-	-	3	-	-	3	4
UKRAINE	4	1	4	11	1	21	4	2	14	14	-	34	55

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
UZBEKISTAN	-	-	1	-	-	1	-	1	4	-	-	5	6
VENEZUELA	-	-	2	-	-	2	-	-	-	-	-	-	2
VIETNAM	-	-	2	4	-	6	-	-	33	9	-	42	48
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	1	6	2	-	9	9
Total	2021	212	1703	758	31	4725	2249	237	2063	768	6	5323	10048

Table 7: Number of persons who applied for the refugee status in Poland in 2008

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	1	-	-	-	-	1	1	-	4	1	-	6	7
ALBANIA	-	-	-	-	-	-	-	-	1	-	-	1	1
ALGERIA	-	-	-	1	-	1	-	-	10	3	-	13	14
ARMENIA	1	2	2	8	-	13	4	1	14	18	-	37	50
AZERBAIJAN	-	-	-	-	-	-	-	-	2	1	-	3	3
FYROM	-	-	-	-	-	-	-	-	1	-	-	1	1
BANGLADESH	-	-	-	-	-	-	-	-	17	1	-	18	18
STATELESS	-	-	1	-	-	1	2	-	8	6	1	17	18
BELARUS	3	-	6	4	1	14	6	-	25	12	1	44	58
BURUNDI	-	-	1	-	-	1	-	1	1	-	-	2	3
CHINA	1	-	3	-	-	4	1	-	11	6	-	18	22
DJIBOUTI	-	-	1	-	-	1	-	-	-	-	-	-	1
EGYPT	-	-	-	-	-	-	-	-	5	2	-	7	7
GAMBIA	-	-	-	-	-	-	-	-	-	1	-	1	1
GHANA	-	-	1	-	-	1	-	1	1	-	-	2	3
GEORGIA	3	1	5	11	-	20	3	1	26	21	-	51	71
GUINEA	-	-	1	-	-	1	-	-	3	-	-	3	4
HAITI	-	-	-	-	-	-	-	-	1	-	-	1	1
INDIA	-	-	-	-	-	-	-	-	16	2	-	18	18
IRAQ	7	2	6	7	-	22	12	5	22	9	-	48	70
IRAN	-	-	1	-	-	1	-	-	1	1	-	2	3
JORDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
CAMEROON	-	-	-	1	-	1	-	-	11	-	-	11	12
KAZAKHSTAN	2	-	3	4	-	9	2	1	4	1	-	8	17
KENYA	1	-	1	-	-	2	-	-	1	1	-	2	4
KYRGYZSTAN	-	1	1	1	-	3	1	-	3	-	-	4	7
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
CONGO	-	-	1	-	-	1	-	-	2	1	-	3	4
DEMOCRATIC REPUBLIC OF CONGO	-	-	1	-	-	1	-	-	7	-	-	7	8
CUBA	-	-	1	-	-	1	-	-	-	-	-	-	1
LIBERIA	-	-	-	-	-	-	-	-	3	-	-	3	3
LIBYA	-	-	-	-	-	-	-	-	1	-	-	1	1
MADAGASCAR	1	-	-	-	-	1	-	-	-	-	-	-	1
MALI	-	-	-	-	-	-	-	-	2	-	-	2	2
MAROCCO	-	-	-	-	-	-	-	1	2	-	-	3	3
MOLDOVA	2	-	2	1	-	5	2	-	11	1	-	14	19
MONGOLIA	-	-	3	3	-	6	1	-	6	5	-	12	18
NEPAL	-	-	1	-	-	1	-	-	6	2	-	8	9
UNKNOWN	1	-	2	-	-	3	-	-	-	-	-	-	3
NIGERIA	-	-	2	1	-	3	-	-	17	4	-	21	24

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
PAKISTAN	-	-	-	-	-	-	-	-	16	5	-	21	21
RUSSIA	1 577	182	1377	710	47	3 893	1 804	191	1290	571	11	3 867	7 760
RWANDA	1	-	-	-	-	1	-	-	-	-	-	-	1
SENEGAL	-	-	1	-	-	1	-	-	2	-	-	2	3
SERBIA	2	-	1	-	-	3	1	-	1	1	-	3	6
SIERRA LEONE	-	-	-	-	-	-	-	-	3	1	-	4	4
SOMALIA	-	-	-	-	-	-	-	-	1	-	-	1	1
SRI LANKA	-	-	-	-	-	-	-	-	22	-	-	22	22
SUDAN	3	1	-	1	-	5	3	-	2	1	-	6	11
SYRIA	1	-	1	-	-	2	2	-	5	1	-	8	10
TANZANIA	-	-	-	-	-	-	-	-	1	-	-	1	1
TOGO	-	-	-	-	-	-	-	-	2	1	-	3	3
TUNISIA	-	-	1	-	-	1	-	-	3	2	-	5	6
TURKEY	-	-	1	-	-	1	-	-	12	5	-	17	18
TURKMENISTAN	-	-	1	-	-	1	-	-	-	-	-	-	1
UKRAINE	1	1	2	11	-	15	4	-	9	12	-	25	40
UZBEKISTAN	2	1	4	2	-	9	3	-	8	4	-	15	24
VIETNAM	-	-	14	3	-	17	1	4	31	12	-	48	65
WEST BANK AND GAZA STRIP	-	-	-	1	-	1	-	-	4	2	-	6	7
ZAMBIA	-	-	-	-	-	-	-	-	-	1	-	1	1
Total	1610	191	1449	770	48	4068	1853	206	1659	718	13	4449	8517

Table 8: Number of persons who applied for the refugee status in Poland in 2009

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	3	-	-	3	-	4	6	1	-	11	14
ALGERIA	-	-	-	1	-	1	-	-	8	2	-	10	11
ARMENIA	22	-	34	18	1	75	19	-	31	22	-	72	147
AZERBAIJAN	-	-	2	-	-	2	3	-	2	3	-	8	10
BANGLADESH	-	-	-	-	-	-	-	-	13	-	-	13	13
STATELESS	1	-	1	-	-	2	1	-	5	11	-	17	19
BELARUS	5	-	8	3	-	16	2	-	14	5	-	21	37
CHINA	-	2	1	1	-	4	-	-	8	4	-	12	16
CROATIA	-	-	-	-	-	-	-	-	-	1	-	1	1
DJIBOUTI	-	-	-	-	-	-	-	-	2	-	-	2	2
EGYPT	-	-	-	-	-	-	-	-	3	1	-	4	4
ETHIOPIA	-	-	1	-	-	1	-	-	-	-	-	-	1
PHILIPPINES	-	-	-	-	-	-	-	-	-	1	-	1	1
GAMBIA	-	-	-	-	-	-	-	-	1	-	-	1	1
GHANA	-	-	2	-	-	2	-	-	-	2	-	2	4
GEORGIA	385	45	686	402	12	1530	463	65	1 672	478	6	2684	4214
GUINEA	-	-	-	-	-	-	-	-	6	-	-	6	6
INDIA	-	-	-	-	-	-	-	-	16	-	-	16	16
IRAQ	6	-	3	-	-	9	-	-	9	3	-	12	21
IRAN	-	-	1	-	-	1	-	-	3	1	-	4	5
YEMEN	-	-	-	-	-	-	-	-	1	-	-	1	1
CAMEROON	-	-	3	-	-	3	-	-	8	1	-	9	12
KAZAKHSTAN	-	-	1	-	-	1	1	-	1	2	-	4	5
KENYA	-	-	1	-	-	1	-	-	-	-	-	-	1

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
KYRGYZSTAN	1	1	2	1	-	5	4	1	2	1	-	8	13
COLOMBIA	-	-	1	-	-	1	-	-	-	-	-	-	1
CONGO	-	-	1	-	-	1	-	-	3	1	-	4	5
DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	2	-	-	2	2
CUBA	-	-	1	1	-	2	-	-	3	1	-	4	6
LEBANON	-	1	-	1	-	2	-	-	3	2	-	5	7
LIBYA	-	-	-	-	-	-	-	-	2	2	-	4	4
MALI	-	-	-	-	-	-	-	-	1	-	-	1	1
MAROCCO	-	-	-	-	-	-	-	-	2	-	-	2	2
MOLDOVA	-	-	1	2	-	3	-	-	2	1	-	3	6
MONGOLIA	-	1	1	8	-	10	-	-	3	2	-	5	15
NEPAL	3	-	1	-	-	4	-	-	9	1	-	10	14
UNKNOWN	1	-	-	-	-	1	-	-	-	-	-	-	1
NIGERIA	-	1	2	-	-	3	-	-	17	3	-	20	23
PAKISTAN	-	-	-	-	-	-	-	-	16	3	-	19	19
RUSSIA	1090	144	961	694	50	2939	1229	163	889	488	18	2787	5726
RWANDA	-	-	-	-	-	-	-	-	1	-	-	1	1
SENEGAL	1	-	-	-	-	1	-	-	-	-	-	-	1
SERBIA	-	-	-	-	-	-	-	1	1	1	-	3	3
SIERRA LEONE	-	-	-	-	-	-	-	-	3	-	-	3	3
SOMALIA	-	-	-	-	-	-	-	-	2	-	-	2	2
SRI LANKA	1	-	-	-	-	1	1	-	7	2	-	10	11
USA	-	-	-	-	-	-	-	-	-	1	-	1	1
SUDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
SYRIA	-	-	-	-	-	-	-	-	5	2	-	7	7
TAJIKISTAN	-	-	-	-	-	-	-	-	1	1	-	2	2
TANZANIA	-	-	-	-	-	-	-	-	1	-	-	1	1
TOGO	-	-	-	-	-	-	-	-	3	-	-	3	3
TUNISIA	-	-	-	-	-	-	-	-	3	1	-	4	4
TURKEY	-	-	1	-	-	1	-	-	8	2	-	10	11
UGANDA	-	-	-	-	-	-	-	-	3	-	-	3	3
UKRAINE	3	-	5	9	-	17	2	-	10	7	-	19	36
UZBEKISTAN	1	1	3	-	1	6	2	-	7	4	-	13	19
VIETNAM	-	1	18	3	-	22	-	1	31	13	-	45	67
WEST BANK AND GAZA STRIP	-	-	1	-	-	1	-	-	3	-	-	3	4
Total	1520	197	1746	1144	64	4671	1727	235	2852	1077	24	5915	10587

Granting refugee statuses

Table 9. Number of persons who were granted refugee status in 1st instance (2004-2009)

Year	Citizenship	Women						Men					Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	Total	
2004	AFGHANISTAN	1	-	-	-	-	1	-	-	-	-	-	1
	STATELESS	-	-	1	1	-	2	-	1	-	1	2	4
	BELARUS	5	-	2	1	-	8	-	-	2	3	5	13
	ETHIOPIA	1	-	-	-	-	1	-	-	-	-	-	1
	IRAN	-	-	1	-	-	1	-	-	-	-	-	1
	MYANMAR	-	-	1	-	-	1	-	-	-	-	-	1
	PAKISTAN	1	-	1	-	-	2	1	-	1	1	3	5
	RUSSIA	53	11	35	27	2	128	69	4	42	22	137	265
	SOMALIA	-	-	-	-	-	-	-	-	8	-	8	8
	TURKEY	-	-	-	-	-	-	-	-	1	2	3	3
	UZBEKISTAN	-	-	1	-	-	1	-	-	-	-	-	1
	ZIMBABWE	-	-	-	-	-	-	-	-	-	2	2	2
Total	61	11	42	29	2	145	70	5	54	31	160	305	
2005	AFGHANISTAN	-	-	-	1	-	1	-	-	1	1	2	3
	AZERBAIJAN	-	-	1	-	-	1	-	-	-	-	-	1
	STATELESS	-	-	-	-	-	-	-	-	-	1	1	1
	BELARUS	1	-	1	2	-	4	2	1	-	2	5	9
	GEORGIA	-	-	1	-	-	1	-	-	-	-	-	1
	IRAN	-	-	-	-	-	-	-	-	3	-	3	3
	LIBERIA	1	-	-	-	-	1	-	-	-	-	-	1
	PAKISTAN	1	-	-	-	-	1	-	-	-	-	-	1
	RUSSIA	68	7	44	20	-	139	67	9	33	36	145	284
	SOMALIA	-	-	-	-	-	-	-	1	4	-	5	5
	SRI LANKA	-	-	1	-	-	1	1	-	-	-	1	2
	SYRIA	-	-	-	-	-	-	-	-	-	1	1	1
Total	71	7	48	23	-	149	70	11	41	41	163	312	
2006	AZERBAIJAN	4	-	2	-	-	6	-	-	-	1	1	7
	BELARUS	4	1	2	3	-	10	-	-	4	4	8	18
	ETHIOPIA	1	-	-	-	-	1	-	-	-	-	-	1
	IRAQ	-	-	-	-	-	-	-	-	1	-	1	1
	CONGO	-	-	-	-	-	-	-	-	1	-	1	1
	RUSSIA	100	9	61	29	-	199	95	6	56	28	185	384
	SOMALIA	-	-	-	1	-	1	-	-	1	-	1	2
	TURKEY	-	3	-	1	-	4	2	-	-	-	2	6
	UKRAINE	-	-	-	-	-	-	1	-	-	-	1	1
	UZBEKISTAN	1	-	1	-	-	2	-	-	-	-	-	2
Total	110	13	66	34	-	223	98	6	63	33	200	423	
2007	ARMENIA	-	-	-	-	-	-	1	-	-	-	1	1
	BELARUS	-	-	-	-	-	-	-	-	2	1	3	3
	IRAQ	-	-	1	1	-	2	1	-	1	1	3	5
	CAMEROON	1	-	-	-	-	1	-	-	-	-	-	1
	NIGERIA	-	-	-	-	-	-	-	-	-	1	1	1
	RUSSIA	25	-	16	8	1	50	32	1	18	3	54	104
	SOMALIA	-	-	-	-	-	-	-	-	1	-	1	1
Total	26	-	17	9	1	53	34	1	22	6	63	116	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women					Men					Total	
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64		Total
2008	AFGHANISTAN	1	-	-	-	-	1	1	-	-	-	1	2
	ARMENIA	-	-	-	-	-	-	1	-	-	-	1	1
	BHUTAN	-	-	-	-	-	-	-	-	1	-	1	1
	BELARUS	1	-	2	3	-	6	1	-	5	2	8	14
	ETHIOPIA	-	-	-	-	-	-	1	-	-	-	1	1
	IRAQ	4	1	2	3	-	10	7	2	5	4	18	28
	CUBA	-	-	1	-	-	1	-	-	-	1	1	2
	RUSSIA	30	3	21	8	-	62	39	3	14	11	67	129
	RWANDA	1	-	-	-	-	1	-	-	-	-	-	1
	SOMALIA	-	-	2	-	-	2	-	-	4	-	4	6
	SRI LANKA	-	-	-	1	-	1	-	-	-	-	-	1
Total	37	4	28	15	-	84	50	5	29	18	102	186	
2009	BELARUS	2	1	1	4	-	8	5	-	4	3	12	20
	IRAQ	1	-	-	-	-	1	-	-	-	-	-	1
	IRAN	1	-	-	1	-	2	1	-	-	1	2	4
	PAKISTAN	-	-	-	-	-	-	-	-	-	1	1	1
	RUSSIA	27	4	16	7	-	54	23	7	9	9	48	102
	SOMALIA	-	-	-	-	-	-	-	-	2	-	2	2
	VIETNAM	-	-	1	-	-	1	-	-	-	-	-	1
Total	31	5	18	12	-	66	29	7	15	14	65	131	
Total		336	40	219	122	3	720	351	35	224	143	753	1473

Table 10. Number of persons who were granted refugee status in 1st instance in 2nd instance (2004-2009)

Year	Citizenship	Women					Men					Total	
		[0-13]	[14-17]	[18-34]	[35-64]	[65 WIĘCEJ]	Total	[0-13]	[14-17]	[18-34]	[35-64]		Total
2004	IRAN									1		1	1
	RUSSIA	3		2			5	1		3		4	9
2004 Total		3		2			5	1		4		5	10
2005	RUSSIA	4	1	3	1		9	7	1	4	2	14	23
2005 Total		4	1	3	1		9	7	1	4	2	14	23
2006	BELARUS	2		1			3	1			1	2	5
	RUSSIA	12		11	4	1	28	12	1	9	3	25	53
	SYRIA				1		1	2			1	3	4
2006 Total		14		12	5	1	32	15	1	9	5	30	62
2007	BELARUS									1		1	1
	INDIA									1		1	1
	PAKISTAN									1		1	1
	RUSSIA	15	1	10	4	1	31	18	2	7	3	30	61
2007 Total		15	1	10	4	1	31	18	2	10	3	33	64
2008	RUSSIA	1			1		2					2	2
	TURKEY									1		1	1
	TURKMENISTAN			1	1		2	1		1		2	4
2008 Total		1		1	2		4	1		2		3	7
2009	RUSSIA				1		1					1	1
	SRI LANKA										1	1	1
2009 Total					1		1				1	1	2
Total		37	2	28	13	2	82	42	4	29	11	86	168

Granting subsidiary protection under refugee procedure

Table 11: Number of persons who were granted subsidiary protection in 1 st instance (2008-2009)

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
2008	AFGHANISTAN	-	-	-	-	-	-	-	-	1	-	-	1	1
	BELARUS	1	-	-	-	-	1	2	-	-	-	-	2	3
	IRAQ	-	-	-	-	-	-	1	-	2	-	-	3	3
	KAZAKHSTAN	-	-	1	-	-	1	-	-	-	-	-	-	1
	UNKNOWN	1	-	-	-	-	1	-	-	-	-	-	-	1
	RUSSIA	244	19	151	61	2	477	282	29	182	86	-	579	1056
	SRI LANKA	-	-	-	-	-	-	-	-	7	1	-	8	8
	UKRAINE	-	-	1	-	-	1	-	-	-	-	-	-	1
	Total	246	19	153	61	2	481	285	29	192	87	-	590	1074
2009	AFGHANISTAN	-	-	-	-	-	-	-	-	3	-	-	3	3
	STATELESS	-	-	-	-	-	-	-	-	-	1	-	1	1
	IRAQ	5	1	3	1	-	10	3	-	5	4	-	12	22
	NEPAL	2	-	-	-	-	2	-	-	-	-	-	-	2
	RUSSIA	527	47	319	176	2	1071	648	52	324	164	2	1190	2261
	SENEGAL	1	-	-	-	-	1	-	-	-	-	-	-	1
	SOMALIA	1	-	2	-	-	3	2	-	-	1	-	3	6
	SRI LANKA	1	-	-	-	-	1	-	-	14	1	-	15	16
	SUDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
	WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	3	-	-	3	3
	Total	537	48	324	177	2	1088	653	52	350	171	2	1228	2316
Total		783	67	477	238	4	1569	938	81	542	258	2	1818	3390

Table 12: Number of persons who were granted subsidiary protection in 2 nd instance (2008-2009)

Year	Citizenship	Women					Men					Total
		[0-13]	[14-17]	[18-34]	[35-64]	Total	[0-13]	[14-17]	[18-34]	[35-64]	Total	
2008	RUSSIA						1	1		1	3	3
2008 Total							1	1		1	3	3
2009	STATELESS									1	1	1
	CONGO			1		1						1
	RUSSIA	20	2	11	4	37	17	1	16	2	36	73
2009 Total		20	2	12	4	38	17	1	16	3	37	75
Total		20	2	12	4	38	18	2	16	4	40	78

Granting a permit for tolerated stay under refugee procedure

Table 13: Number of persons who were granted a permit for tolerated stay in 1 st instance (2004-2009)

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
2004	AFGHANISTAN	1	-	2	-	-	3	6	1	9	3	1	20	23
	ALGERIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	ARMENIA	-	-	1	-	-	1	-	-	3	1	-	4	5
	STATELESS	-	-	1	-	-	1	-	-	3	2	-	5	6
	BELARUS	-	-	1	-	-	1	-	-	4	1	-	5	6
	BOŠNIA-HERZEGOVINA	-	-	-	-	-	-	-	-	1	-	-	1	1

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Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	BULGARIA	1	-	-	1	-	2	-	-	-	-	-	-	2
	GEORGIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	IRAQ	-	-	1	4	-	5	-	1	3	1	-	5	10
	CAMEROON	-	-	-	-	-	-	-	-	2	-	-	2	2
	CONGO	-	-	-	-	-	-	-	-	-	1	-	1	1
	LIBAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	MONGOLIA	-	-	-	-	-	-	-	1	-	-	-	1	1
	NIGERIA	1	-	-	-	-	1	-	-	6	-	-	6	7
	PAKISTAN	-	-	-	-	-	-	-	-	2	1	-	3	3
	RUSSIA	158	14	108	63	2	345	169	20	121	63	1	374	719
	SENEGAL	1	-	-	-	-	1	-	-	1	-	-	1	2
	SOMALIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	TURKEY	2	-	1	-	-	3	-	-	3	3	-	6	9
	UKRAINE	2	1	1	-	-	4	-	4	2	-	-	6	10
	VIETNAM	-	-	-	-	-	-	-	-	1	1	-	2	2
	WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	2	-	-	2	2
	Total	166	15	116	68	2	367	175	27	167	79	2	450	817
2005	AFGHANISTAN	-	-	-	-	-	-	-	-	9	3	-	12	12
	ARMENIA	-	-	-	-	1	1	-	-	2	-	-	2	3
	AZERBAIJAN	-	1	-	1	-	2	-	-	-	1	-	1	3
	STATELESS	-	-	-	-	-	-	-	-	1	-	-	1	1
	BELARUS	1	-	1	1	-	3	1	-	-	1	-	2	5
	CHINA	-	-	-	-	-	-	-	-	1	1	-	2	2
	GUINEA BISSAU	-	-	-	-	-	-	-	-	1	-	-	1	1
	INDIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	IRAQ	-	-	-	-	-	-	-	-	1	1	-	2	2
	CAMEROON	-	-	-	-	-	-	-	-	1	1	-	2	2
	CONGO	-	-	1	-	-	1	-	-	1	1	-	2	3
	LAOS	-	-	-	-	-	-	-	-	-	1	-	1	1
	NEPAL	-	-	1	-	-	1	-	-	1	-	-	1	2
	NIGERIA	-	-	-	-	-	-	-	-	1	1	-	2	2
	PAKISTAN	-	-	-	-	-	-	-	-	2	-	-	2	2
	RUSSIA	423	36	257	146	1	863	428	53	286	128	-	895	1758
	SOMALIA	-	-	-	1	-	1	-	-	6	1	-	7	8
	SRI LANKA	-	-	-	-	-	-	-	-	1	-	-	1	1
	SUDAN	-	-	-	-	-	-	-	-	-	2	-	2	2
	TOGO	-	-	-	-	-	-	-	-	2	-	-	2	2
	TUNISIA	-	-	-	-	-	-	-	-	-	1	-	1	1
TURKEY	-	-	-	1	-	1	-	1	2	1	1	5	6	
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	1	-	-	1	1	
ZIMBABWE	-	-	-	-	-	-	-	-	1	-	-	1	1	
Total	424	37	260	150	2	873	429	54	321	144	1	949	1822	
2006	AFGHANISTAN	-	-	-	-	-	-	-	-	2	1	-	3	3
	ARMENIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	BANGLADESH	-	-	-	-	-	-	-	-	2	-	-	2	2
	BELARUS	2	-	1	-	-	3	1	-	-	1	-	2	5
	CHINA	-	-	-	-	-	-	-	-	1	1	-	2	2
	INDIA	-	-	-	-	-	-	-	-	1	-	-	1	1

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Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	IRAQ	3	-	2	-	-	5	2	-	1	1	-	4	9
	KAZAKHSTAN	-	-	-	1	-	1	-	-	-	-	-	-	1
	NEPAL	1	-	-	-	-	1	-	-	-	-	-	-	1
	RUSSIA	469	44	306	166	4	989	472	46	365	148	2	1033	2022
	SENEGAL	1	-	-	-	-	1	-	-	1	-	-	1	2
	SRI LANKA	-	-	1	-	-	1	-	-	2	1	-	3	4
	SYRIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	TOGO	-	-	-	-	-	-	-	-	1	-	-	1	1
	Total	476	44	310	167	4	1001	475	46	378	153	2	1054	2055
2007	ARMENIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	STATELESS	-	-	-	1	-	1	-	-	1	-	-	1	2
	BELARUS	-	-	-	-	-	-	-	-	1	-	-	1	1
	ERITREA	-	-	1	-	-	1	-	-	-	-	-	-	1
	GEORGIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	IRAQ	2	-	2	1	-	5	4	-	4	5	-	13	18
	CONGO	-	-	1	-	-	1	-	-	-	-	-	-	1
	MOLDOVA	-	-	1	-	-	1	-	-	-	-	-	-	1
	RUSSIA	695	69	425	236	5	1430	763	76	356	202	3	1400	2830
	SOMALIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	SRI LANKA	-	-	-	-	-	-	-	-	8	1	-	9	9
	TUKEY	-	-	-	1	-	1	-	-	3	-	-	3	4
	VIETNAM	-	-	1	-	-	1	-	-	-	-	-	-	1
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	1	-	-	1	1	
Total	697	69	431	239	5	1441	767	76	376	209	3	1431	2872	
2008	ARMENIA	-	-	-	-	-	-	-	1	2	1	-	4	4
	BELARUS	-	-	-	-	-	-	-	-	1	-	1	2	2
	CHINA	-	-	-	-	-	-	-	-	1	-	-	1	1
	IRAQ	-	-	-	-	-	-	-	-	1	-	-	1	1
	UNKNOWN	1	-	-	-	-	1	-	-	-	-	-	-	1
	NIGERIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	RUSSIA	380	31	204	134	2	751	432	45	168	83	1	729	1480
	SRI LANKA	-	-	-	-	-	-	-	-	5	-	-	5	5
	SUDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
	UKRAINE	-	-	-	1	-	1	-	-	-	-	-	-	1
	UZBEKISTAN	-	-	-	-	-	-	-	-	1	1	-	2	2
	WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	-	2	-	2	2
Total	381	31	204	135	2	753	432	46	181	87	2	748	1501	
2009	ARMENIA	-	1	-	1	-	2	1	-	1	2	-	4	6
	STATELESS	-	-	-	-	-	-	-	-	-	1	-	1	1
	BELARUS	-	-	-	-	-	-	-	-	1	-	-	1	1
	PHILIPPINES	-	-	-	-	-	-	-	-	-	1	-	1	1
	INDIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	MONGOLIA	-	-	-	1	-	1	-	-	-	-	-	-	1
	PAKISTAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	RUSSIA	7	1	12	-	1	21	14	-	3	8	-	25	46
	UKRAINE	-	-	1	2	-	3	1	-	-	-	-	1	4
	VIETNAM	-	-	3	-	-	3	-	-	-	-	-	-	3
Total	7	2	16	4	1	30	16	-	6	13	-	35	65	

Year	Citizenship	Women					Men					Total		
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64		65+	Total
	Total	2151	198	1337	763	16	4465	2294	249	1429	685	10	4667	9132

Tabela 14: Number of persons who were granted a permit for tolerated stay in 2 nd instance (Refugee Board)

Year	Citizenship	Women					Men					Total
		[0-13]	[14-17]	[18-34]	[35-64]	Total	[0-13]	[14-17]	[18-34]	[35-64]	Total	
2004	IRAQ								1	1	2	2
	PAKISTAN								1		1	1
	RUSSIA			1	1	2	2		2	1	5	7
	SOMALIA			1		1			1		1	2
	SYRIA								1		1	1
	TURKEY								1		1	1
2004 Total				2	1	3	2		7	2	11	14
2005	PAKISTAN								1	1	1	1
	RUSSIA	7		4	1	12	6		3	2	11	23
2005 Total		7		4	1	12	6		3	3	12	24
2006	RUSSIA	11		5	8	24	22	4	5	6	37	61
	SOMALIA								1		1	1
2006 Total		11		5	8	24	22	4	6	6	38	62
2007	DEMOCRATIC REPUBLIC OF CONGO									1	1	1
	CUBA								1		1	1
	PAKISTAN									1	1	1
	RUSSIA	8		5	5	18	14	1	5	2	22	40
	TURKEY								1		1	1
2007 Total		8		5	5	18	14	1	7	4	26	44
2008	BELARUS									1	1	1
	CAMEROON			1		1						1
	KENYA									1	1	1
	CONGO								1		1	1
	RUSSIA	3	1	1	2	7	3	1	2	2	8	15
2008 Total		3	1	2	2	8	3	1	3	4	11	19
2009	ARMENIA				1	1			1		1	2
	KAZAKHSTAN	1		1		2	1				1	3
	RUSSIA	2		1		3	5		3	1	9	12
2009 Total		3		2	1	6	6		4	1	11	17
Total		32	1	20	18	71	53	6	30	20	109	180

Tabela 15: Number of persons who were granted a permit for tolerated stay in 2 nd instance in 1st and 2nd instance (2004-2009)

Citizenship	2004			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	23	23	0	0
ALBANIA	0	0	0	0
ALGERIA	14	2	9	3
ARMENIA	39	5	30	4
AZERBAIJAN	4	0	1	3

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Citizenship	2004			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
FYROM	0	0	0	0
BANGLADESH	0	0	0	0
STATELESS	10	6	2	2
BHUTAN	0	0	0	0
BELARUS	17	6	10	1
BOŠNIA-HERZEGOVINA	1	1	0	0
BULGARIA	11	2	7	2
CHINA	2	0	2	0
EGYPT	5	0	5	0
ECUADOR	2	0	2	0
ERITREA	0	0	0	0
PHILIPPINES	0	0	0	0
GEORGIA	3	1	2	0
GUINEA	0	0	0	0
GUINEA BISSAU	0	0	0	0
INDIA	7	0	6	1
IRAQ	18	12	6	0
IRAN	0	0	0	0
ISRAEL	0	0	0	0
YEMEN	0	0	0	0
JORDAN	1	0	1	0
CAMEROON	3	2	1	0
KAZAKHSTAN	0	0	0	0
KENYA	0	0	0	0
KYRGYZSTAN	0	0	0	0
CONGO	1	1	0	0
DEMOCRATIC REPUBLIC OF CONGO	0	0	0	0
SOUTH KOREA	0	0	0	0
CUBA	0	0	0	0
LAOS	0	0	0	0
LEBANON	3	1	2	0
LIBERIA	0	0	0	0
LIBYA	5	0	3	2
MAROCCO	3	0	2	1
MOLDOVA	1	0	1	0
MONGOLIA	7	1	4	2
NEPAL	0	0	0	0
GERMANY	1	0	1	0
UNKNOWN	1	0	0	1
NIGERIA	14	7	7	0
PAKISTAN	4	4	0	0
PERU	3	0	3	0
REPUBLIC OF SOUTH AFRICA	0	0	0	0
RUSSIA	742	735	6	1
ROMANIA	0	0	0	0
SENEGAL	2	2	0	0
SERBIA AND MONTENEGRO	0	0	0	0
SOMALIA	6	4	1	1

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Citizenship	2004			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
SRI LANKA	2	0	1	1
USA	0	0	0	0
SUDAN	0	0	0	0
SURINAME	1	0	1	0
SYRIA	1	1	0	0
TOGO	0	0	0	0
TUNISIA	3	0	2	1
TURKEY	15	10	3	2
UKRAINE	39	10	26	3
UZBEKISTAN	0	0	0	0
VIETNAM	64	2	59	3
IVORY COAST	1	0	1	0
SAO TOME AND PRINCIPE	0	0	0	0
WEST BANK AND GAZA STRIP	5	2	3	0
ZIMBABWE	0	0	0	0
Suma	1084	840	210	34

Citizenship	2005			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	12	12	0	0
ALBANIA	1	0	1	0
ALGERIA	4	0	4	0
ARMENIA	31	3	22	6
AZERBAIJAN	3	3	0	0
FYROM	0	0	0	0
BANGLADESH	2	0	1	1
STATELESS	3	1	0	2
BHUTAN	0	0	0	0
BELARUS	9	5	4	0
BOŠNIA-HERZEGOVINA	0	0	0	0
BULGARIA	6	0	5	1
CHINA	2	2	0	0
EGYPT	6	0	5	1
ECUADOR	0	0	0	0
ERITREA	0	0	0	0
PHILIPPINES	1	0	1	0
GEORGIA	1	0	1	0
GUINEA	1	0	1	0
GUINEA BISSAU	2	1	0	1
INDIA	9	1	3	5
IRAQ	6	2	1	3
IRAN	2	0	1	1
ISRAEL	1	0	1	0
YEMEN	0	0	0	0

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Citizenship	2005			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
JORDAN	1	0	1	0
CAMEROON	4	2	2	0
KAZAKHSTAN	0	0	0	0
KENYA	0	0	0	0
KYRGYZSTAN	1	0	1	0
CONGO	3	3	0	0
DEMOCRATIC REPUBLIC OF CONGO	0	0	0	0
SOUTH KOREA	0	0	0	0
CUBA	0	0	0	0
LAOS	1	1	0	0
LIEBANON	0	0	0	0
LIBERIA	0	0	0	0
LIBYA	0	0	0	0
MAROCCO	3	0	3	0
MOLDOVA	1	0	0	1
MONGOLIA	1	0	0	1
NEPAL	2	2	0	0
GERMANY	0	0	0	0
UNKNOWN	0	0	0	0
NIGERIA	15	2	10	3
PAKISTAN	13	3	4	6
PERU	2	0	1	1
REPUUBLIC OF SOUTH KOREA	1	0	1	0
RUSSIA	1800	1791	8	1
ROMANIA	4	0	3	1
SENEGAL	0	0	0	0
SERBIA AND MONTENEGRO	2	0	2	0
SOMALIA	8	8	0	0
SRI LANKA	3	1	1	1
USA	0	0	0	0
SUDAN	2	2	0	0
SURINAME	0	0	0	0
SYRIA	3	0	2	1
TOGO	2	2	0	0
TUNISIA	2	1	1	0
TURKEY	8	6	2	0
UKRAINE	19	0	16	3
UZBEKISTAN	0	0	0	0
VIETNAM	63	0	59	4
IVORY COAST	0	0	0	0
SAO TOME AND PRINCIPE	0	0	0	0
WEST BANK AND GAZA STRIP	1	1	0	0
ZIMBABWE	1	1	0	0
Total	2068	1856	168	44

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Citizenship	2006			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	3	3	0	0
ALBANIA	0	0	0	0
ALGERIA	0	0	0	0
ARMENIA	6	1	4	1
AZERBAIJAN	0	0	0	0
FYROM	0	0	0	0
BANGLADESH	2	2	0	0
STATELESS	1	0	0	1
BHUTAN	0	0	0	0
BELARUS	8	5	1	2
BOŠNIA-HERZEGOVINA	0	0	0	0
BULGARIA	0	0	0	0
CHINA	2	2	0	0
EGYPT	0	0	0	0
ECUADOR	0	0	0	0
ERITREA	0	0	0	0
PHILIPPINES	0	0	0	0
GEORGIA	1	0	0	1
GUINEA	1	0	0	1
GIUNEA BISSAU	0	0	0	0
INDIA	2	1	0	1
IRAQ	9	9	0	0
IRAN	0	0	0	0
ISRAEL	0	0	0	0
YEMEN	0	0	0	0
JORDAN	0	0	0	0
CAMEROON	0	0	0	0
KAZAKHSTAN	1	1	0	0
KENYA	0	0	0	0
KYRGYZSTAN	0	0	0	0
CONGO	0	0	0	0
DEMOCRATIC REPUBLIC OF CONGO	0	0	0	0
SOUTH KOREA	0	0	0	0
CUBA	0	0	0	0
LAOS	0	0	0	0
LEBANON	0	0	0	0
LIBERIA	0	0	0	0
LIBYA	0	0	0	0
MAROCCO	0	0	0	0
MOLDOVA	0	0	0	0
MONGOLIA	0	0	0	0
NEPAL	1	1	0	0
GERMANY	0	0	0	0
UNKNOWN	0	0	0	0
NIGERIA	0	0	0	0

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Citizenship	2006			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
PAKISTAN	3	0	0	3
PERU	0	0	0	0
REPUBLIC OF SOUTH AFRICA	0	0	0	0
RUSSIA	2077	2076	1	0
ROMANIA	0	0	0	0
SENEGAL	2	2	0	0
SERBIA AND MONTENEGRO	0	0	0	0
SOMALIA	1	1	0	0
SRI LANKA	4	4	0	0
USA	0	0	0	0
SUDAN	0	0	0	0
SURINAME	0	0	0	0
SYRIA	1	1	0	0
TOGO	1	1	0	0
TUNISIA	0	0	0	0
TURKEY	0	0	0	0
UKRAINE	2	0	2	0
UZBEKISTAN	0	0	0	0
VIETNAM	3	0	2	1
IVORY COAST	0	0	0	0
SAO TOME AND PRINCIPE	0	0	0	0
WEST BANK AND GAZA STRIP	0	0	0	0
ZIMBABWE	0	0	0	0
Total	2131	2110	10	11

Citizenship	2007			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	0	0	0	0
ALBANIA	0	0	0	0
ALGERIA	0	0	0	0
ARMENIA	10	1	2	7
AZERBAIJAN	0	0	0	0
FYROM	0	0	0	0
BANGLADESH	0	0	0	0
STATELESS	4	2	0	2
BHUTAN	0	0	0	0
BELARUS	1	1	0	0
BOŠNIA-HERZEGOVINA	0	0	0	0
BULGARIA	0	0	0	0
CHINA	12	0	0	12
EGYPT	0	0	0	0
ECUADOR	0	0	0	0
ERITREA	1	1	0	0
PHILIPPINES	0	0	0	0

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Citizenship	2007			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
GEORGIA	3	1	0	2
GUINEA	0	0	0	0
GUINEA BISSAU	0	0	0	0
INDIA	2	0	0	2
IRAQ	18	18	0	0
IRAN	1	0	0	1
ISRAEL	0	0	0	0
YEMEN	0	0	0	0
JORDAN	0	0	0	0
CAMEROON	0	0	0	0
KAZAKHSTAN	1	0	0	1
KENYA	0	0	0	0
KYRGYZSTAN	0	0	0	0
CONGO	1	1	0	0
DEMOCRATIC REPUBLIC OF CONGO	1	1	0	0
SOUTH KOREA	0	0	0	0
CUBA	1	1	0	0
LAOS	0	0	0	0
LEBANON	0	0	0	0
LIBERIA	1	0	0	1
LIBYA	0	0	0	0
MAROCCO	0	0	0	0
MOLDOVA	1	1	0	0
MONGOLIA	0	0	0	0
NEPAL	0	0	0	0
GERMANY	0	0	0	0
UNKNOWN	5	0	1	4
NIGERIA	0	0	0	0
PAKISTAN	7	1	0	6
PERU	0	0	0	0
REPUBLIC OF SOUTH AFRICA	0	0	0	0
RUSSIA	2869	2864	1	4
ROMANIA	0	0	0	0
SENEGAL	0	0	0	0
SERBIA AND MONTENEGRO	0	0	0	0
SOMALIA	1	1	0	0
SRI LANKA	9	9	0	0
USA	1	0	0	1
SUDAN	0	0	0	0
SURINAME	0	0	0	0
SYRIA	0	0	0	0
TOGO	0	0	0	0
TUNISIA	0	0	0	0
TURKEY	5	5	0	0
UKRAINE	3	0	2	1
UZBEKISTAN	1	0	0	1
VIETNAM	177	1	3	173
IVORY COAST	0	0	0	0

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	2007			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
SAO TOME AND PRINCIPE	0	0	0	0
WEST BANK AND GAZA STRIP	1	1	0	0
ZIMBABWE	0	0	0	0
Total	3137	2910	9	218

Citizenship	2008			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	0	0	0	0
ALBANIA	0	0	0	0
ALGERIA	0	0	0	0
ARMENIA	16	4	11	1
AZERBAIJAN	1	0	0	1
FYROM	1	0	1	0
BANGLADESH	1	0	0	1
STATELESS	3	0	1	2
BHUTAN	0	0	0	0
BELARUS	4	3	1	0
BOŠNIA-HERZEGOVINA	0	0	0	0
BULGARIA	0	0	0	0
CHINA	16	1	0	15
EGYPT	0	0	0	0
ECUADOR	0	0	0	0
ERITREA	0	0	0	0
PHILIPPINES	0	0	0	0
GEORGIA	0	0	0	0
GUINEA	0	0	0	0
GUINEA BISSAU	0	0	0	0
INDIA	1	0	0	1
IRAQ	6	1	5	0
IRAN	0	0	0	0
ISRAEL	0	0	0	0
YEMEN	0	0	0	0
JORDAN	0	0	0	0
CAMEROON	1	1	0	0
KAZAKHSTAN	0	0	0	0
KENYA	1	1	0	0
KYRGYZSTAN	0	0	0	0
CONGO	1	1	0	0
DEMOCRATIC REPUBLIC OF CONGO	0	0	0	0
SOUTH KOREA	1	0	1	0
CUBA	0	0	0	0
LAOS	0	0	0	0
LEBANON	0	0	0	0
LIBERIA	0	0	0	0

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	2008			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
LIBYA	0	0	0	0
MAROCCO	0	0	0	0
MOLDOVA	0	0	0	0
MONGOLIA	0	0	0	0
NEPAL	0	0	0	0
GERMANY	0	0	0	0
UNKNOWN	1	0	0	1
NIGERIA	3	1	2	0
PAKISTAN	1	0	0	1
PERU	0	0	0	0
REPUBLIC OF SOUTH AFRICA	0	0	0	0
RUSSIA	1514	1502	9	3
ROMANIA	0	0	0	0
SENEGAL	0	0	0	0
SERBIA AND MONTENEGRO	0	0	0	0
SOMALIA	0	0	0	0
SRI LANKA	5	5	0	0
USA	0	0	0	0
SUDAN	1	1	0	0
SURINAME	0	0	0	0
SYRIA	0	0	0	0
TOGO	0	0	0	0
TUNISIA	0	0	0	0
TURKEY	0	0	0	0
UKRAINE	14	1	13	0
UZBEKISTAN	2	2	0	0
VIETNAM	90	1	2	87
IVORY COAST	0	0	0	0
SAO TOME AND PRINCIPE	1	0	0	1
WEST BANK AND GAZA STRIP	2	2	0	0
ZIMBABWE	0	0	0	0
Total	1687	1527	46	114

Citizenship	2009			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
AFGHANISTAN	0	0	0	0
ALBANIA	0	0	0	0
ALGERIA	1	0	1	0
ARMENIA	36	8	15	13
AZERBAIJAN	0	0	0	0
FYROM	0	0	0	0
BANGLADESH	9	0	0	9
STATELESS	4	1	1	2
BHUTAN	1	0	0	1
BELARUS	7	1	6	0

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	2009			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
BOŠNIA-HERZEGOVINA	0	0	0	0
BULGARIA	0	0	0	0
CHINA	5	0	0	5
EGYPT	1	0	1	0
ECUADOR	0	0	0	0
ERITREA	0	0	0	0
PHILIPPINES	1	1	0	0
GEORGIA	0	0	0	0
GUINEA	0	0	0	0
GUINEA BISSAU	0	0	0	0
INDIA	3	1	1	1
IRAQ	1	0	1	0
IRAN	0	0	0	0
ISRAEL	0	0	0	0
YEMEN	1	0	1	0
JORDAN	0	0	0	0
CAMEROON	0	0	0	0
KAZAKHSTAN	4	3	0	1
KENYA	0	0	0	0
KYRGYZSTAN	0	0	0	0
CONGO	1	0	1	0
DEMOCRATIC REPUBLIC OF CONGO	0	0	0	0
SOUTH KOREA	0	0	0	0
CUBA	0	0	0	0
LAOS	0	0	0	0
LEBANON	0	0	0	0
LIBERIA	1	0	0	1
LIBYA	0	0	0	0
MAROCCO	1	0	1	0
MOLDOVA	2	0	0	2
MONGOLIA	1	1	0	0
NEPAL	2	0	0	2
GERMANY	0	0	0	0
UNKNOWN	10	0	3	7
NIGERIA	1	0	1	0
PAKISTAN	1	1	0	0
PERU	0	0	0	0
REPUBLIC OF SOUTH AFRICA	0	0	0	0
RUSSIA	64	58	4	2
ROMANIA	0	0	0	0
SENEGAL	0	0	0	0
SERBIA AND MONTENEGRO	0	0	0	0
SOMALIA	0	0	0	0
SRI LANKA	0	0	0	0
USA	0	0	0	0
SUDAN	1	0	0	1
SURINAME	0	0	0	0
SYRIA	1	0	1	0

Citizenship	2009			
	Total	permit for tolerated stay under refugee procedure	permit for tolerated stay under expulsion procedure	other instances of granting permit for a tolerated stay
TOGO	0	0	0	0
TUNISIA	0	0	0	0
TURKEY	0	0	0	0
UKRAINE	36	4	26	6
UZBEKISTAN	0	0	0	0
VIETNAM	76	3	4	69
IVORY COAST	0	0	0	0
SAO TOME AND PRINCIPE	0	0	0	0
WEST BANK AND GAZA STRIP	0	0	0	0
ZIMBABWE	0	0	0	0
Total	272	82	68	122

Negative decisions issued under refugee procedure

Table 16: Number of persons who were denied refugee status in 1st instance (2004-2009)

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
2004	AFGHANISTAN	5	2	3	2	-	12	6	20	70	13	-	109	121
	ALGERIA	-	-	-	-	-	-	-	-	7	1	-	8	8
	ARMENIA	-	2	2	5	1	10	3	2	13	9	-	27	37
	AZERBAIJAN	2	-	-	1	-	3	-	1	2	2	-	5	8
	BANGLADESH	-	-	-	-	-	-	-	1	5	-	-	6	6
	STATELESS	-	-	1	1	-	2	-	1	6	4	-	11	13
	BELARUS	6	-	14	12	1	33	16	-	19	16	1	52	85
	BULGARIA	-	-	2	1	-	3	1	-	1	-	-	2	5
	CHINA	1	-	9	2	-	12	-	-	7	2	-	9	21
	EGYPT	-	-	-	-	-	-	-	-	-	2	-	2	2
	ETHIOPIA	-	-	-	-	-	-	-	-	2	1	-	3	3
	GEORGIA	1	-	3	1	-	5	1	-	16	6	-	23	28
	GUINEA	-	-	-	-	-	-	-	-	2	1	-	3	3
	GUINEA BISSAU	-	-	-	-	-	-	-	-	2	-	-	2	2
	INDIA	-	-	1	-	-	1	1	20	144	23	-	188	189
	IRAQ	-	-	2	1	-	3	-	-	21	5	-	26	29
	IRAN	-	-	-	1	-	1	-	-	7	3	-	10	11
	ISRAEL	-	-	-	-	-	-	-	-	1	-	-	1	1
	JORDAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	CAMEROON	-	-	-	-	-	-	-	-	1	-	-	1	1
	KAZAKHSTAN	1	-	3	1	-	5	5	-	2	1	-	8	13
	KYRGYZSTAN	2	2	4	1	-	9	-	-	8	2	-	10	19
	CONGO	-	-	-	-	-	-	-	-	3	-	-	3	3
	DEMOCRATIC REPUBLIC OF CONGO	-	-	1	-	-	1	-	-	1	1	-	2	3
	LIBERIA	-	-	-	-	-	-	-	-	3	-	-	3	3
	LIBYA	-	-	-	-	-	-	-	-	1	1	-	2	2
LITHUANIA	-	-	-	-	-	-	-	-	2	-	-	2	2	
MAROCCO	-	-	-	-	-	-	-	-	1	-	-	1	1	
MOLDOVA	4	1	3	-	-	8	-	1	3	-	-	4	12	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	MONGOLIA	-	1	1	1	-	3	-	-	3	2	-	5	8
	NIGERIA	-	-	-	-	-	-	-	-	4	3	-	7	7
	PAKISTAN	-	-	-	-	-	-	-	11	191	25	-	227	227
	PERU	-	-	-	-	-	-	-	-	-	1	-	1	1
	RUSSIA	133	25	170	76	2	406	164	17	251	94	2	528	934
	ROMANIA	-	1	1	-	-	2	-	-	-	1	-	1	3
	SERBIA AND MONTENEGRO	-	-	-	-	-	-	-	-	-	1	-	1	1
	SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2
	SLOVAKIA	2	-	-	1	-	3	1	-	-	1	-	2	5
	SOMALIA	1	-	2	-	-	3	1	-	20	-	-	21	24
	SRI LANKA	-	-	-	-	-	-	-	-	11	2	-	13	13
	SUDAN	-	-	-	-	-	-	-	-	1	1	-	2	2
	SYRIA	-	-	-	-	-	-	-	-	2	2	-	4	4
	TURKEY	3	-	1	-	-	4	1	1	11	3	-	16	20
	TURKMENISTAN	-	-	3	-	-	3	1	-	2	-	-	3	6
	UKRAINE	6	6	9	18	-	39	3	6	13	12	-	34	73
	UZBEKISTAN	1	-	-	1	-	2	-	-	2	-	-	2	4
	VIETNAM	1	-	3	1	-	5	1	1	9	5	-	16	21
	IVORY COAST	-	-	-	-	-	-	-	-	6	-	-	6	6
	WEST BANK AND GAZA STRIP	-	1	1	-	-	2	-	-	6	1	-	7	9
Total	169	41	239	127	4	580	205	82	884	248	3	1422	2002	
2005	AFGHANISTAN	-	-	-	-	-	-	-	3	8	2	-	13	13
	ALGERIA	-	-	-	-	-	-	-	-	5	-	-	5	5
	ARMENIA	-	1	2	2	-	5	2	2	8	5	-	17	22
	AZERBAIJAN	-	-	1	1	-	2	2	1	1	1	-	5	7
	STATELESS	-	-	-	2	-	2	-	-	3	3	-	6	8
	BELARUS	2	-	4	3	-	9	-	-	14	8	-	22	31
	BULGARIA	-	-	3	3	-	6	-	-	1	5	-	6	12
	CHINA	-	-	-	-	-	-	-	1	3	2	-	6	6
	EGYPT	-	-	-	-	-	-	-	-	1	2	-	3	3
	GREECE	-	-	-	-	-	-	-	-	1	-	-	1	1
	GEORGIA	3	1	6	4	-	14	1	-	23	8	-	32	46
	GUINEA	-	-	-	-	-	-	-	-	9	1	-	10	10
	INDIA	-	-	1	-	-	1	-	-	17	-	-	17	18
	IRAQ	-	-	-	1	-	1	-	1	3	-	-	4	5
	IRAN	-	-	-	2	-	2	-	-	3	-	-	3	5
	CAMEROON	-	-	-	-	-	-	-	-	2	1	-	3	3
	KAZAKHSTAN	-	1	4	1	-	6	5	1	9	3	-	18	24
	KYRGYZSTAN	-	-	2	2	-	4	2	2	4	2	-	10	14
	CONGO	-	-	1	-	-	1	-	-	2	-	-	2	3
	DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	2	-	-	2	2
	CUBA	-	-	1	-	-	1	-	-	-	1	-	1	2
	LIBYA	-	-	-	-	-	-	-	-	1	-	-	1	1
	MOLDOVA	2	-	3	1	-	6	1	-	6	2	-	9	15
	MONGOLIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	NEPAL	-	-	-	-	-	-	-	-	1	3	-	4	4
	NIGERIA	-	-	2	-	-	2	-	-	4	2	-	6	8
	PAKISTAN	-	-	-	-	-	-	-	3	54	4	-	61	61
REPUBLIC OF SOUTH AFRICA	-	-	-	-	-	-	-	-	-	1	-	1	1	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	RUSSIA	352	47	310	168	1	878	442	57	312	171	2	984	1862
	ROMANIA	-	-	1	-	-	1	-	-	3	-	-	3	4
	SIERRA LEONE	-	-	-	-	-	-	-	-	1	-	-	1	1
	SLOVAKIA	-	-	-	-	-	-	-	-	-	-	1	1	1
	SOMALIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	SRI LANKA	-	-	-	-	-	-	-	-	2	-	-	2	2
	SYRIA	-	-	-	-	-	-	-	-	3	-	-	3	3
	TOGO	-	-	-	-	-	-	-	-	3	-	-	3	3
	TURKEY	-	-	-	-	-	-	-	-	2	-	-	2	2
	UGANDA	-	-	-	-	-	-	-	-	1	-	-	1	1
	UKRAINE	4	2	14	2	1	23	5	-	8	14	2	29	52
	UZBEKISTAN	-	1	-	1	-	2	1	-	-	1	-	2	4
	VIETNAM	-	-	4	-	-	4	1	1	8	2	-	12	16
	IVORY COAST	-	-	-	-	-	-	-	-	1	-	-	1	1
	Total	363	53	359	193	2	970	462	72	531	244	5	1314	2284
2006	AFGHANISTAN	-	-	-	-	-	-	-	-	3	-	-	3	3
	ALGERIA	-	-	-	1	-	1	-	-	5	2	-	7	8
	ANGOLA	-	-	-	-	-	-	-	-	1	1	-	2	2
	ARMENIA	3	-	1	2	-	6	-	-	8	10	-	18	24
	AZERBAIJAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	BANGLADESH	-	-	-	-	-	-	-	1	6	2	-	9	9
	STATELESS	-	-	-	-	-	-	-	-	3	1	-	4	4
	BELARUS	2	-	2	2	2	8	-	-	14	7	2	23	31
	BULGARIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	BURUNDI	-	1	1	1	-	3	-	1	-	-	-	1	4
	EGYPT	-	-	-	-	-	-	-	-	6	-	-	6	6
	GAMBIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	GERGIA	1	-	1	2	-	4	1	-	9	1	-	11	15
	GUINEA	-	-	-	-	-	-	-	-	4	1	-	5	5
	GUINEA BISSAU	-	-	-	-	-	-	-	-	1	-	-	1	1
	INDIA	-	-	-	-	-	-	-	-	8	1	-	9	9
	CAMEROON	-	-	-	-	-	-	-	-	5	-	-	5	5
	KAZAKHSTAN	-	-	-	2	-	2	-	1	2	1	-	4	6
	KENYA	-	-	-	-	-	-	-	-	2	-	-	2	2
	KYRGYZSTAN	1	1	1	2	-	5	2	-	3	1	-	6	11
	COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
	CONGO	-	-	-	-	-	-	-	-	1	1	-	2	2
	DEMOCRATIC REPUBLIC OF CONGO	-	-	1	-	-	1	-	-	-	1	-	1	2
	LIBERIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	LITHUANIA	-	-	-	-	1	1	-	-	-	-	-	-	1
	MAROCCO	-	-	-	-	-	-	-	-	-	2	-	2	2
	MAURITANIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	MOLDOVA	1	-	1	2	-	4	3	-	1	2	-	6	10
	MONGOLIA	2	-	1	2	-	5	1	-	1	3	-	5	10
	NEPAL	-	-	1	-	-	1	-	-	3	-	-	3	4
NIGERIA	-	-	-	-	-	-	-	-	8	1	-	9	9	
PAKISTAN	-	-	-	-	-	-	-	1	26	1	-	28	28	
RUSSIA	110	17	93	66	1	287	141	20	118	67	1	347	634	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	SENEGAL	-	-	-	-	-	-	-	-	1	-	-	1	1
	SERBIA AND MONTENEGRO	-	-	-	-	-	-	1	-	-	1	-	2	2
	SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2
	SOMALIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	SRI LANKA	-	-	-	-	-	-	-	-	-	1	-	1	1
	SUDAN	-	-	-	-	-	-	-	-	2	-	-	2	2
	SYRIA	-	-	-	1	-	1	2	-	1	1	-	4	5
	TAJIKISTAN	-	-	-	-	-	-	-	-	1	-	-	1	1
	TUNISIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	TURKEY	-	-	-	-	-	-	-	-	4	1	-	5	5
	UKRAINE	4	1	3	5	1	14	2	1	11	11	-	25	39
	VIETNAM	-	-	3	-	-	3	-	-	11	8	-	19	22
	IVORY COAST	-	-	-	-	-	-	-	-	2	-	-	2	2
	Total		124	20	109	88	5	346	153	25	280	132	3	593
2007	AFGHANISTAN	-	-	-	-	-	-	-	-	4	-	-	4	4
	ALGERIA	-	-	-	1	-	1	-	-	4	3	-	7	8
	ANGOLA	-	-	-	-	-	-	-	-	-	1	-	1	1
	ARMENIA	3	-	5	3	-	11	2	-	15	6	-	23	34
	AZERBAIJAN	-	-	-	1	-	1	-	-	1	1	-	2	3
	FYROMI	-	-	-	-	-	-	-	-	-	1	-	1	1
	BANGLADESH	-	-	-	-	-	-	-	-	17	-	-	17	17
	STATELESS	-	-	1	1	-	2	-	-	6	3	-	9	11
	BELARUS	2	-	9	3	1	15	2	1	17	16	1	37	5
	BURUNDI	-	-	-	-	-	-	-	-	1	-	-	1	52
	CHINA	-	-	5	-	-	5	-	1	10	6	-	17	1
	EGYPT	-	-	-	-	-	-	-	-	2	2	-	4	22
	GAMBIA	-	-	-	-	-	-	-	-	2	-	-	2	4
	GHANA	-	-	-	-	-	-	-	-	3	-	-	3	2
	GEORGIA	-	-	-	1	-	1	1	-	15	5	-	21	3
	GUINEA	-	-	-	-	-	-	-	-	1	-	-	1	22
	INDIA	-	-	-	-	-	-	-	-	29	4	-	33	1
	IRAQ	-	-	-	-	-	-	-	1	10	3	-	14	33
	IRAN	-	-	-	-	-	-	-	-	-	2	-	2	14
	CAMEROON	-	-	1	1	-	2	-	-	18	-	-	18	2
	KAZAKHSTAN	-	-	-	-	-	-	-	-	1	-	-	1	20
	KENYA	-	-	-	-	-	-	-	-	-	1	-	1	1
	KYRGYZSTAN	1	1	2	1	-	5	1	-	5	4	-	10	1
	CONGO	-	-	1	-	-	1	-	-	6	1	-	7	15
	DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	3	2	-	5	8
	NORTH KOREA	-	-	-	-	-	-	-	-	-	2	-	2	5
	CUBA	-	-	1	-	-	1	-	-	1	-	-	1	2
	LIBERIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	LIBYA	-	-	-	-	-	-	-	-	-	1	-	1	2
	LITHUANIA	3	-	-	1	1	5	-	-	-	-	-	-	1
LATVIA	-	-	1	-	-	1	-	-	-	1	-	1	5	
MADAGASCAR	-	-	1	-	-	1	1	-	-	1	-	2	2	
MALI	-	-	1	-	-	1	-	-	2	-	-	2	3	
MOLDOVA	1	-	1	-	-	2	1	-	5	1	-	7	3	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	MONGOLIA	1	-	4	1	-	6	-	-	2	2	-	4	9
	NEPAL	-	-	1	-	-	1	-	-	5	1	-	6	10
	UNKNOWN	-	-	-	-	-	-	1	-	-	-	-	1	7
	NIGERIA	-	-	2	-	-	2	-	-	14	5	-	19	1
	PAKISTAN	-	-	-	-	-	-	-	2	36	8	-	46	21
	RUSSIA	217	32	198	129	9	585	243	44	209	113	-	609	1194
	SENEGAL	-	-	1	-	-	1	-	1	3	-	-	4	5
	SERBIA	2	-	1	-	-	3	1	-	1	-	-	2	5
	SIERRA LEONE	-	-	-	-	-	-	-	-	5	-	-	5	5
	SRI LANKA	-	-	2	-	-	2	-	-	7	1	-	8	10
	SUDAN	-	-	-	-	-	-	-	1	-	1	-	2	2
	SYRIA	-	-	-	-	-	-	-	-	3	1	-	4	4
	TOGO	-	-	-	-	-	-	-	-	3	-	-	3	3
	TUNISIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	TURKEY	-	-	1	-	-	1	-	-	5	3	-	8	9
	TURKMENISTAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	UGANDA	-	-	1	-	-	1	-	-	3	-	-	3	4
	UKRAINE	3	1	3	9	-	16	5	2	11	8	-	26	42
	VENEZUELA	-	-	1	-	-	1	-	-	-	-	-	-	1
	VIETNAM	-	-	3	4	-	7	-	-	24	10	-	34	41
	IVORY COAST	-	-	-	-	-	-	-	-	-	1	-	1	1
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	1	4	-	-	5	5	
Total	233	34	247	156	11	681	258	54	516	222	1	1051	1732	
2008	AFGHANISTAN	-	-	-	-	-	-	-	3	1	-	4	4	
	ANGOLA	-	-	-	-	-	-	-	-	1	-	1	1	
	ARMENIA	-	1	1	6	-	8	3	-	10	11	-	24	32
	AZERBAIJAN	-	-	-	-	-	-	-	-	1	-	1	1	
	BANGLADESH	-	-	-	-	-	-	1	5	1	-	7	7	
	STATELESS	-	-	-	1	-	1	-	-	5	3	-	8	9
	BELARUS	1	-	3	-	-	4	2	-	10	3	-	15	19
	BURKINA FASO	-	-	-	-	-	-	-	-	1	-	-	1	1
	BURUNDI	-	-	1	2	-	3	-	-	-	-	-	-	3
	CHINA	-	-	-	-	-	-	-	-	-	2	-	2	2
	EGYPT	-	-	-	-	-	-	-	-	-	1	-	1	1
	ETHIOPIA	-	-	1	-	-	1	-	-	-	-	-	-	1
	GAMBIA	-	-	-	-	-	-	-	-	1	-	-	1	1
	GHANA	-	-	-	-	-	-	-	-	1	-	-	1	1
	GEORGIA	-	-	-	1	-	1	-	-	3	5	-	8	9
	GUINEA	-	-	-	-	-	-	-	-	14	-	-	14	14
	INDIA	-	-	-	-	-	-	-	1	10	1	-	12	12
	IRAN	1	-	-	1	-	2	-	-	-	2	-	2	4
	CAMEROON	-	-	5	1	-	6	-	-	11	2	-	13	19
	KAZAKHSTAN	1	-	-	1	-	2	-	-	1	2	-	3	5
	KYRGYZSTAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	COLOMBIA	-	-	1	-	-	1	-	-	-	1	-	1	2
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1	
CONGO	-	-	1	-	-	1	-	-	1	-	-	1	2	
DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	3	-	-	3	3	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total	
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total		
	LIBERIA	-	-	-	-	-	-	-	-	1	-	-	1	1	
	LIBYA	-	-	-	-	-	-	-	-	-	1	-	1	1	
	LATVIA	-	-	1	-	-	1	-	-	-	1	-	1	2	
	MADAGASCAR	1	-	-	1	-	2	1	-	-	1	-	2	4	
	MALI	-	-	-	-	-	-	-	-	1	-	-	1	1	
	MOLDOVA	1	-	1	-	-	2	2	-	8	1	-	11	13	
	MONGOLIA	-	-	3	2	-	5	1	-	1	3	-	5	10	
	NEPAL	-	-	-	-	-	-	-	-	8	1	-	9	9	
	UNKNOWN	2	1	-	-	-	3	8	-	-	-	-	8	11	
	NIGERIA	-	-	1	-	-	1	-	-	10	1	-	11	12	
	PAKISTAN	-	-	-	-	-	-	-	-	17	4	-	21	21	
	RUSSIA	243	24	211	83	3	564	211	19	229	86	1	546	1110	
	SENEGAL	-	-	-	-	-	-	-	-	1	-	-	1	1	
	SERBIA	-	-	1	-	-	1	-	-	-	-	-	-	1	
	SERBIA AND MONTENEGRO	-	-	-	-	-	-	1	-	-	-	-	1	1	
	SIERRA LEONE	-	-	-	-	-	-	-	-	1	-	-	1	1	
	SOMALIA	-	-	-	-	-	-	-	-	1	-	-	1	1	
	SRI LANKA	-	-	-	1	-	1	-	2	1	1	-	4	5	
	SUDAN	-	-	-	-	-	-	-	-	1	1	-	2	2	
	SYRIA	-	-	-	-	-	-	-	-	-	2	-	2	2	
	TANZANIA	-	-	-	-	-	-	-	-	1	-	-	1	1	
	TOGO	-	-	-	-	-	-	-	-	2	-	-	2	2	
	TUNISIA	-	-	1	-	-	1	-	-	1	-	-	1	2	
	TURKEY	-	-	-	-	-	-	-	-	1	2	-	3	3	
	UGANDA	-	-	-	-	-	-	-	-	2	-	-	2	2	
	UKRAINE	1	-	1	3	1	6	2	-	4	9	-	15	21	
	UZBEKISTAN	-	-	-	-	-	-	-	-	2	-	-	2	2	
	VIETNAM	-	-	5	1	-	6	-	3	34	13	-	50	56	
	WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	1	-	-	1	1	
	Total	251	26	238	104	4	623	231	26	408	165	1	831	1454	
2009	AFGHANISTAN	-	-	1	-	-	1	-	-	1	2	-	3	4	
	ALBANIA	-	-	-	-	-	-	-	-	1	-	-	1	1	
	ALGERIA	-	-	-	-	-	-	-	-	10	2	-	12	12	
	ANGOLA	-	-	-	-	-	-	-	-	-	1	-	1	1	
	ARMENIA	6	-	11	7	-	24	3	-	15	16	-	34	58	
	AZERBAIJAN	-	-	1	-	-	1	1	-	1	2	-	4	5	
	BANGLADESH	-	-	-	-	-	-	-	-	14	-	-	14	14	
	STATELESS	-	-	-	1	-	1	-	-	6	3	-	9	10	
	BELARUS	1	-	6	3	-	10	1	1	5	8	-	15	25	
	BURUNDI	-	-	1	-	-	1	-	-	-	-	-	-	1	1
	CHINA	-	-	-	-	-	-	-	-	10	-	-	10	10	
	EGYPT	-	-	-	-	-	-	-	-	4	2	-	6	6	
	ETHIOPIA	-	-	-	-	-	-	-	-	2	-	-	2	2	
	GAMBIA	-	-	-	-	-	-	-	-	-	1	-	1	1	
	GHANA	-	-	3	-	-	3	-	-	-	-	-	-	3	3
	GEORGIA	164	23	268	113	3	571	219	27	480	184	2	912	1483	
	GUINEA	-	-	-	-	-	-	-	-	2	-	-	2	2	2
INDIA	-	-	-	-	-	-	-	1	14	2	-	17	17	17	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
	IRAQ	-	-	-	-	-	-	-	-	5	-	-	5	5
	IRAN	-	-	-	-	-	-	-	-	-	1	-	1	1
	JORDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
	CAMEROON	-	-	2	-	-	2	-	-	5	-	-	5	7
	KAZAKHSTAN	-	-	1	-	-	1	-	-	2	1	-	3	4
	KYRGYZSTAN	-	-	1	-	-	1	1	-	1	-	-	2	3
	CONGO	-	-	1	-	-	1	-	-	-	1	-	1	2
	DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	1	-	-	1	1
	CUBA	-	-	1	1	-	2	-	-	1	-	-	1	3
	LEBANON	-	-	-	-	-	-	-	-	2	-	-	2	2
	LIBYA	-	-	-	-	-	-	-	-	2	1	-	3	3
	LATVIA	-	-	1	-	-	1	-	-	-	1	-	1	2
	MAROCCO	-	-	-	-	-	-	-	-	2	-	-	2	2
	MAURITANIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	MOLDOVA	-	-	-	3	-	3	-	-	2	3	-	5	8
	MONGOLIA	2	1	2	7	-	12	-	-	4	3	-	7	19
	NIGERIA	-	-	-	-	-	-	-	-	12	2	-	14	14
	PAKISTAN	-	-	-	-	-	-	-	-	14	3	-	17	17
	RUSSIA	467	38	314	155	2	976	508	69	378	206	1	1162	2138
	RWANDA	-	-	-	-	-	-	-	-	1	-	-	1	1
	SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2
	SYRIA	-	-	-	-	-	-	-	-	9	3	-	12	12
	TAJIKISTAN	-	-	-	-	-	-	-	-	-	2	-	2	2
	TOGO	-	-	-	-	-	-	-	-	8	-	-	8	8
	TUNISIA	-	-	-	-	-	-	-	-	2	-	-	2	2
	TURKEY	-	-	1	-	-	1	-	-	14	4	-	18	19
	UGANDA	-	-	-	-	-	-	-	-	1	-	-	1	1
	UKRAINE	2	1	4	3	-	10	4	1	6	8	-	19	29
	UZBEKISTAN	-	-	1	1	-	2	1	-	4	2	-	7	9
	VENEZUELA	-	-	-	1	-	1	-	-	-	-	-	-	1
	VIETNAM	-	-	9	4	-	13	1	3	34	14	-	52	65
	WEST BANK AND GAZA STRIP	-	-	-	1	-	1	-	-	1	1	-	2	3
	ZAMBIA	-	-	-	-	-	-	-	-	-	1	-	1	1
	Total	642	63	629	300	5	1639	739	102	1079	481	3	2404	4043
	Total	1766	237	1810	967	31	4811	2038	361	3694	1492	16	7601	12412

Table 17: Negative decision issued by Refugee Board in 2nd instance

Year	Citizenship	Women						Men						Total
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	
2004	BELARUS			1	2		3	1		1	2		4	7
	EGYPT									1			1	1
	GEORGIA			1			1			1			1	2
	GUINEA									1	1		2	2
	INDIA									4			4	4
	DEMOCRATIC REPUBLIC OF CONGO										1		1	1
	MOLDOVA									1			1	1
	MONGOLIA			1			1			1			1	2
	PAKISTAN									1	1		2	2
	RUSSIA	1		2	2		5	2		4	2		8	13
	SOMALIA									2			2	2
	SUDAN										2		2	2
	TURKEY									1	1		2	2
	UKRAINE				2		2				3		3	5
VIETNAM			1			1	1			1		2	3	
2004 Total		1		6	6		13	4		18	14		36	49
2005	AFGHANISTAN									1	1		2	2
	ALGERIA									1			1	1
	ARMENIA		1		1		2		1		3		4	6
	AZERBAIJAN			1			1						1	1
	BELARUS	1		1	2		4			4	2		6	10
	BULGARIA			3	2		5				4		4	9
	EGYPT										1		1	1
	GEORGIA			1	2		3			6	3		9	12
	GUINEA									2			2	2
	INDIA								1	2			3	3
	IRAN									1			1	1
	KAZAKHSTAN	1	1	2			4	3		1	1		5	9
	KYRGYZSTAN										1		1	1
	CONGO			1			1			1			1	2
	DEMOCRATIC REPUBLIC OF CONGO									1			1	1
	CUBA			1			1				1		1	2
LIBYA									1			1	1	
MOLDOVA			1	1		2			1	1		2	4	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	
2005	NIGERIA									1	1		2	2
	PAKISTAN									6	1		7	7
	RUSSIA	52	7	39	22		120	59	4	42	28	1	134	254
	SOMALIA									1			1	1
	TOGO									1			1	1
	TURKEY									2			2	2
	TURKMENISTAN			3			3	1		1			2	5
	UKRAINE	4	2	3	3	1	13	6		4	9	1	20	33
	UZBEKISTAN		1		1		2	1					1	3
2005 Total		58	12	56	34	1	161	70	6	80	57	2	215	376
2006	ALGERIA									1			1	1
	ARMENIA	1			1		2			1	3		4	6
	BANGLADESH									1			1	1
	STATELESS									1	1		2	2
	BELARUS				1	1	2			2	2	1	5	7
	BURUNDI			1			1							1
	EGYPT									1			1	1
	ETHIOPIA	1		1			2							2
	GEORGIA							1			1		2	2
	GUINEA									2	1		3	3
	KAZAKHSTAN			1	1		2	1	1	3	1		6	8
	KENYA									1			1	1
	KYRGYZSTAN				1		1	2	1	1			4	5
	CONGO										1		1	1
	MOLDOVA			1			1				1		1	2
	NEPAL			1			1			3			3	4
	NIGERIA			2			2			1			1	3
	PAKISTAN									2			2	2
	REPUBLIC OF SOUTH AFRICA											1	1	1
	RUSSIA	36	6	36	20		98	54	5	38	29		126	224
SERBIA AND MONTENEGRO			1			1	1					1	2	
SIERRA LEONE									1			1	1	
SOMALIA									1			1	1	
SRI LANKA									1	1		2	2	
SYRIA									1			1	1	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	
	TURKEY									2			2	2
	UKRAINE									1	2		3	3
	UZBEKISTAN										1		1	1
2006 Total		38	6	44	24	1	113	59	7	65	45	1	177	290
2007	ALGERIA				2		2			2			2	4
	ANGOLA										1		1	1
	ARMENIA									2	3		5	5
	AZERBAIJAN									1			1	1
	BANGLADESH									2			2	2
	STATELESS									2	1		3	3
	BELARUS			3	4	1	8			8	4	1	13	21
	BURUNDI								1				1	1
	EGYPT									2			2	2
	GAMBIA									1			1	1
	GHANA									1			1	1
	GEORGIA									3			3	3
	GUINEA									1	1		2	2
	INDIA									2	1		3	3
	IRAQ								1				1	1
	CAMEROON										5	1	6	6
	KYRGYZSTAN										1	2	3	3
	DEMOCRATIC REPUBLIC OF CONGO										2	1	3	3
	LIBYA											1	1	1
	MONGOLIA	1			1		2			1			1	3
	NEPAL			1			1			1			1	2
	NIGERIA									5			5	5
	RUSSIA	85	10	54	38	2	189	87	17	61	45		210	399
	SIERRA LEONE										3		3	3
	SUDAN											1	1	1
	SYRIA									1			1	1
TOGO									1			1	1	
TURKEY									2	1		3	3	
UGANDA			1			1			3			3	4	
UKRAINE	3	1		5		9	3	2	4	4		13	22	
VIETNAM			1			1				1		1	2	

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women						Men						Total	
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total	[0-13]	[14-17]	[18-34]	[35-64]	[65 +]	Total		
	WEST BANK AND GAZA STRIP									3			3	3	
2007 Total		89	11	60	50	3	213	90	21	120	68	1	300	513	
2008	ARMENIA										1		1	1	
	BELARUS	2		2			4	1		1	2		4	8	
	BURKINA FASO									1			1	1	
	EGYPT										2		2	2	
	GAMBIA									1			1	1	
	GHANA										1		1	1	
	GUINEA										1		1	1	
	INDIA										1		1	1	
	IRAN											1		1	1
	CAMEROON				1		1				3		3	4	
	COMOROS										1		1	1	
	CONGO										2		2	2	
	MOLDOVA											1		1	1
	NEPAL										2	1		3	3
	NIGERIA											2		2	2
	RUSSIA	18	3	14	11		46	29	5	13	10		57	103	
	SERBIA	2		1			3	1		1			2	5	
SIERRA LEONE										2			2	2	
TOGO										2			2	2	
TURKEY										1			1	1	
UKRAINE	2	1	1	2		6	1	1	1	1		4	10		
VIETNAM											1		1	1	
2008 Total		24	4	18	14		60	32	6	34	22		94	154	
2009	ARMENIA				1		1							1	
	RUSSIA	1		2			3	3		1			4	7	
2009 Total		1		2	1		4	3		1			4	8	
Total		211	33	186	129	5	564	258	40	318	206	4	826	1390	

Discontinued proceedings for granting refugee procedureTable 18: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2004

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	-	-	-	-	-	2	1	1	-	4	4
BELARUS	1	-	1	1	-	3	3	1	7	2	2	15	18
BULGARIA	-	-	1	-	-	1	1	-	1	-	-	2	3
ECUADOR	-	-	-	-	-	-	-	-	-	1	-	1	1
ESTONIA	-	-	-	-	-	-	-	-	1	-	-	1	1
GEORGIA	1	1	-	1	-	3	-	-	1	1	-	2	5
INDIA	-	-	-	-	-	-	-	-	2	-	-	2	2
IRAQ	-	-	-	1	-	1	-	-	-	3	-	3	4
KAZAKHSTAN	1	-	2	1	-	4	1	-	2	1	-	4	8
LEBANON	-	-	-	1	-	1	1	-	-	1	-	2	3
MOLDOVA	1	-	2	-	-	3	1	-	-	-	-	1	4
NIGERIA	-	-	-	-	-	-	-	-	1	1	-	2	2
PAKISTAN	-	-	-	-	-	-	-	-	3	-	-	3	3
RUSSIA	559	60	453	215	2	1289	581	75	496	235	1	1388	2677
ROMANIA	-	1	2	-	-	3	-	-	-	-	-	-	3
SERBIA AND MONTENEGRO	-	-	1	1	-	2	-	1	2	-	-	3	5
SRI LANKA	-	-	-	-	-	-	-	1	3	1	-	5	5
SYRIA	-	-	-	-	-	-	-	-	-	1	-	1	1
TURKEY	-	-	1	-	-	1	-	-	-	1	-	1	2
UKRAINE	-	-	1	-	-	1	-	-	6	2	-	8	9
WEST BANK AND GAZA STRIP	-	-	2	-	-	2	-	-	-	-	-	-	2
ZIMBABWE	-	-	-	-	-	-	-	-	-	1	-	1	1
Total	563	62	466	221	2	1314	588	80	526	252	3	1449	2763

Table 19: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2005

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	-	-	-	-	-	-	1	1	-	2	2
ARMENIA	1	-	4	-	2	7	3	-	3	1	-	7	14
AZERBAIJAN	2	-	1	-	-	3	-	-	-	1	-	1	4
STATELESS	-	-	-	-	-	-	-	-	4	1	-	5	5
BELARUS	-	-	1	1	-	2	-	-	7	1	-	8	10
BOŠNIA-HERZEGOVINA	1	-	2	1	-	4	1	-	2	1	-	4	8
BULGARIA	-	-	-	1	-	1	-	-	2	-	-	2	3
CHINA	-	-	1	-	-	1	-	2	1	-	-	3	4
GEORGIA	2	-	1	-	-	3	-	-	11	1	-	12	15
GUINEA	-	-	-	-	-	-	-	-	1	-	-	1	1
INDIA	-	-	-	-	-	-	-	-	20	3	-	23	23
IRAQ	-	-	1	-	-	1	1	-	5	2	-	8	9
IRAN	-	-	-	-	-	-	-	-	1	1	-	2	2
JORDAN	-	-	-	-	-	-	-	-	-	1	-	1	1
KAZAKHSTAN	5	-	6	2	-	13	3	1	1	1	-	6	19
KYRGYZSTAN	-	-	6	-	-	6	-	-	-	1	-	1	7
LEBANON	1	-	1	-	-	2	1	-	1	-	-	2	4
MOLDOVA	-	-	2	-	-	2	-	-	9	-	-	9	11

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
NIGERIA	-	-	-	-	-	-	-	-	1	-	-	1	1
PAKISTAN	-	-	-	-	-	-	-	-	30	2	-	32	32
RUSSIA	785	98	698	365	10	1956	897	121	833	349	2	2202	4158
SERBIA AND MONTENEGRO	3	-	4	1	-	8	3	1	5	1	-	10	18
SLOVAKIA	-	-	-	-	-	-	-	-	-	1	-	1	1
SOMALIA	-	-	-	-	-	-	-	-	3	-	-	3	3
USA	-	-	-	-	-	-	-	-	-	1	-	1	1
SYRIA	-	-	-	-	-	-	-	-	1	-	-	1	1
TURKEY	-	1	-	-	-	1	-	1	1	-	-	2	3
UKRAINE	6	1	7	8	1	23	8	3	2	10	-	23	46
UZBEKISTAN	-	-	-	-	-	-	-	-	2	-	-	2	2
IVORY COAST	-	-	-	-	-	-	-	-	1	-	-	1	1
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	4	-	-	4	4
Total	806	100	735	379	13	2033	917	129	952	380	2	2380	4413

Table 20: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2006

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	2	-	2	-	-	4	4	-	7	-	-	11	15
ALGERIA	-	-	-	-	-	-	-	-	1	-	-	1	1
ARMENIA	-	-	-	1	1	2	1	1	1	4	-	7	9
AZERBAIJAN	-	1	-	2	-	3	-	2	-	3	-	5	8
BANGLADESH	-	-	-	-	-	-	-	1	1	-	-	2	2
STATELESS	-	-	-	-	-	-	-	-	5	6	-	11	11
BELARUS	1	-	1	5	1	8	1	1	6	8	1	17	25
BULGARIA	-	-	-	-	-	-	-	-	-	2	-	2	2
CHINA	-	-	-	-	-	-	-	-	-	1	-	1	1
EGYPT	-	-	-	-	-	-	-	-	1	3	-	4	4
ETHIOPIA	-	-	-	-	-	-	-	-	1	-	-	1	1
GHANA	-	-	-	-	-	-	-	-	-	1	-	1	1
GEORGIA	-	-	-	3	-	3	1	2	14	7	-	24	27
GUINEA	-	-	1	-	-	1	-	-	-	-	-	-	1
INDIA	-	-	-	-	-	-	-	-	8	-	-	8	8
IRAQ	3	-	-	1	-	4	-	-	5	1	-	6	10
IRAN	-	-	-	1	-	1	-	-	1	-	-	1	2
CAMEROON	-	-	2	-	-	2	-	-	1	1	-	2	4
KAZAKHSTAN	2	-	4	2	-	8	4	2	3	2	-	11	19
KENYA	-	-	-	-	-	-	-	-	1	-	-	1	1
KYRGYZSTAN	-	2	4	4	-	10	6	1	7	2	-	16	26
CONGO	-	-	-	-	-	-	1	-	1	-	-	2	2
DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	1	-	-	2	-	3	3
LIBERIA	-	-	-	-	-	-	-	-	1	-	-	1	1
LIBYA	-	-	-	-	-	-	-	-	1	1	-	2	2
LITHUANIA	3	-	1	-	-	4	-	-	-	-	-	-	4
MOLDOVA	-	-	1	1	-	2	1	1	1	1	-	4	6
MONGOLIA	-	-	1	-	-	1	-	-	-	-	-	-	1
NEPAL	-	-	1	-	-	1	-	-	2	1	-	3	4
UNKNOWN	-	-	-	-	-	-	1	1	-	-	-	2	2

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
NIGERIA	-	-	-	-	-	-	-	-	1	2	-	3	3
PAKISTAN	-	-	-	-	-	-	-	-	27	1	-	28	28
REPUBLIC OF SOUTH AFRICA	-	-	-	-	-	-	-	-	1	1	-	2	2
RUSSIA	794	102	558	355	6	1815	879	113	492	290	4	1778	3593
SENEGAL	-	-	-	-	-	-	-	-	-	1	-	1	1
SERBIA AND MONTENEGRO	-	-	-	-	-	-	-	-	1	-	-	1	1
SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2
SOMALIA	-	-	-	-	-	-	-	-	2	-	-	2	2
SYRIA	-	-	-	-	-	-	-	-	2	-	-	2	2
TOGO	-	-	-	-	-	-	-	-	2	-	-	2	2
TUNISIA	-	-	-	-	-	-	-	-	-	1	-	1	1
TURKEY	-	-	-	-	-	-	-	-	6	-	-	6	6
TURKMENISTAN	-	-	-	-	-	-	1	-	-	-	-	1	1
UKRAINE	-	-	1	1	-	2	-	-	3	10	3	16	18
VIETNAM	-	-	-	-	-	-	-	-	4	2	-	6	6
IVORY COAST	-	-	-	-	-	-	-	-	1	-	-	1	1
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	3	-	-	3	3
Total	805	105	577	376	8	1871	901	125	616	354	8	2004	3875

 Table 21: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2007

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	2	1	-	3	-	-	-	2	-	2	5
ALGERIA	-	-	-	-	-	-	-	-	3	-	-	3	3
ANGOLA	-	-	-	-	-	-	-	-	1	-	-	1	1
ARMENIA	-	-	3	2	-	5	2	-	4	3	-	9	14
AZERBAIJAN	-	-	-	-	-	-	-	-	-	1	-	1	1
BANGLADESH	-	-	-	-	-	-	-	1	2	-	-	3	3
STATELESS	-	-	-	-	-	-	-	-	1	1	-	2	2
BHUTAN	-	-	-	-	-	-	-	-	1	-	-	1	1
BELARUS	-	-	1	-	-	1	2	-	5	5	-	12	13
BURUNDI	-	-	-	-	-	-	-	1	-	-	-	1	1
EGYPT	-	-	-	-	-	-	-	-	3	1	-	4	4
ERITREA	-	-	-	-	-	-	-	-	3	-	-	3	3
GEORGIA	-	-	-	-	-	-	-	-	5	-	-	5	5
INDIA	-	-	-	-	-	-	-	-	4	-	-	4	4
IRAQ	1	-	-	-	-	1	-	-	2	1	-	3	4
JORDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
KAZAKHSTAN	1	-	1	1	-	3	1	1	1	1	-	4	7
KYRGYZSTAN	1	-	1	1	-	3	3	1	2	-	-	6	9
DEMOCRATIC REPUBLIC OF CONGO	-	-	-	-	-	-	-	-	2	-	-	2	2
NEPAL	-	-	1	-	-	1	-	-	2	-	-	2	3
UNKNOWN	-	-	2	-	-	2	-	-	-	-	-	-	2
NIGERIA	-	-	-	-	-	-	-	-	1	3	-	4	4
PAKISTAN	-	-	-	-	-	-	-	2	9	2	-	13	13
RUSSIA	201	20	166	128	10	525	201	30	133	74	1	439	964
SERBIA	1	-	2	-	-	3	1	-	1	-	-	2	5
SERBIA AND MONTENEGRO	-	-	-	-	-	-	1	-	-	-	-	1	1

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
SRI LANKA	-	-	2	-	-	2	-	-	2	2	-	4	6
SUDAN	-	-	-	-	-	-	-	-	1	-	-	1	1
TOGO	-	-	-	1	-	1	-	-	-	-	-	-	1
TURKEY	-	-	-	-	-	-	-	-	5	-	-	5	5
UKRAINE	-	-	-	2	-	2	-	-	3	1	1	5	7
UZBEKISTAN	-	-	-	-	-	-	-	-	-	1	-	1	1
VIETNAM	-	-	-	-	-	-	-	-	5	1	-	6	6
Total	205	20	181	136	10	552	211	36	202	99	2	550	1102

 Table 22: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2008

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	-	-	-	-	-	-	1	1	-	2	2
ALGERIA	-	-	-	1	-	1	-	-	3	-	-	3	4
ANGOLA	-	-	-	-	-	-	-	-	1	-	-	1	1
ARMENIA	-	-	1	3	-	4	1	1	3	4	-	9	13
AZERBAIJAN	-	-	-	-	-	-	-	-	1	3	-	4	4
BANGLADESH	-	-	-	-	-	-	-	-	18	-	-	18	18
STATELESS	-	-	-	-	-	-	1	-	2	2	1	6	6
BHUTAN	-	-	-	-	-	-	-	-	1	-	-	1	1
BELARUS	2	-	3	4	1	10	2	-	22	9	1	34	44
BURUNDI	-	-	1	-	-	1	-	1	-	-	-	1	2
CHINA	-	-	3	-	-	3	1	-	2	1	-	4	7
EGYPT	-	-	-	-	-	-	-	-	1	2	-	3	3
ETHIOPIA	1	-	1	-	-	2	-	-	-	-	-	-	2
GAMBIA	-	-	-	-	-	-	-	-	1	-	-	1	1
GHANA	-	-	-	-	-	-	-	-	2	-	-	2	2
GEORGIA	1	-	2	4	-	7	1	-	7	5	1	14	21
GUINEA	-	-	1	-	-	1	-	-	1	1	-	2	3
INDIA	-	-	-	-	-	-	-	-	9	5	-	14	14
IRAQ	-	-	-	-	-	-	-	-	6	1	-	7	7
IRAN	-	-	-	-	-	-	-	-	-	1	-	1	1
CAMEROON	-	-	1	1	-	2	-	-	6	1	-	7	9
KAZAKHSTAN	3	-	7	2	-	12	3	1	2	-	-	6	18
KENYA	-	-	-	-	-	-	-	-	-	1	-	1	1
KYRGYZSTAN	-	2	1	2	-	5	1	-	4	1	-	6	11
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
DEMOCRATIC REPUBLIC OF CONGO	-	-	2	-	-	2	-	-	5	1	-	6	8
LIBERIA	-	-	-	-	-	-	-	-	2	-	-	2	2
MADAGASCAR	1	-	-	-	-	1	-	-	-	-	-	-	1
MALI	-	-	-	-	-	-	-	-	1	-	-	1	1
MAROCCO	-	-	-	-	-	-	-	1	1	-	-	2	2
MOLDOVA	1	-	1	1	-	3	-	-	3	1	-	4	7
MONGOLIA	-	-	-	-	-	-	-	-	3	1	-	4	4
MYANMAR	-	-	-	-	-	-	-	-	-	2	-	2	2
NEPAL	-	-	-	-	-	-	-	-	2	1	-	3	3
UNKNOWN	-	-	2	-	-	2	-	-	-	-	-	-	2
NIGERIA	-	-	1	-	-	1	-	-	8	2	-	10	11

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
PAKISTAN	-	-	-	-	-	-	-	-	9	3	-	12	12
RUSSIA	980	135	1 028	505	30	2678	1 169	109	960	385	8	2 631	5309
SENEGAL	-	-	1	-	-	1	-	-	1	1	-	2	3
SERBIA	2	-	1	-	-	3	1	-	1	1	-	3	6
SIERRA LEONE	-	-	-	-	-	-	-	-	3	1	-	4	4
SRI LANKA	-	-	-	-	-	-	-	-	7	-	-	7	7
SUDAN	-	-	-	-	-	-	-	1	2	-	-	3	3
SYRIA	-	-	-	-	-	-	-	-	2	-	-	2	2
TOGO	-	-	-	-	-	-	-	-	1	1	-	2	2
TUNISIA	-	-	-	-	-	-	-	-	1	1	-	2	2
TURKEY	-	-	-	-	-	-	-	-	4	1	-	5	5
UGANDA	-	-	1	-	-	1	-	-	3	-	-	3	4
UKRAINE	1	1	2	7	-	11	2	1	4	6	-	13	24
UZBEKISTAN	-	-	1	-	-	1	-	-	4	-	-	4	5
VENEZUELA	-	-	1	-	-	1	-	-	-	-	-	-	1
VIETNAM	-	-	2	-	-	2	-	-	3	1	-	4	6
WEST BANK AND GAZA STRIP	-	-	-	-	-	-	-	-	3	-	-	3	3
ZAMBIA	-	-	-	-	-	-	-	-	-	1	-	1	1
Total	992	138	1064	530	31	2755	1182	115	1127	448	11	2883	5638

 Tabela 23: Number of persons who were issued a decision to discontinue proceedings under the refugee procedure in 1st instance, 2009

Citizenship	Women						Men						Total
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total	
AFGHANISTAN	-	-	-	-	-	-	-	-	3	1	-	4	4
ALGERIA	-	-	-	-	-	-	-	-	8	2	-	10	10
ANGOLA	-	-	-	-	-	-	-	-	-	1	-	1	1
ARMENIA	11	-	18	10	1	40	7	-	12	12	-	31	71
AZERBAIJAN	-	-	2	-	-	2	6	-	3	2	-	11	13
FYROM	-	-	-	-	-	-	-	-	-	1	-	1	1
BANGLADESH	-	-	-	-	-	-	-	-	3	1	-	4	4
STATELESS	1	-	1	-	-	2	2	-	4	6	-	12	14
BELARUS	1	-	6	1	-	8	2	-	9	6	-	17	25
BURUNDI	-	-	1	-	-	1	-	-	1	-	-	1	2
CHINA	1	-	2	-	-	3	-	-	2	3	-	5	8
CROATIA	-	-	-	-	-	-	-	-	-	1	-	1	1
EGYPT	-	-	-	-	-	-	-	-	3	-	-	3	3
GHANA	-	-	-	-	-	-	-	-	1	1	-	2	2
GEORGIA	205	17	394	267	10	893	226	34	1128	292	4	1684	2577
GUINEA	-	-	-	-	-	-	-	-	2	-	-	2	2
INDIA	-	-	-	-	-	-	-	1	9	1	-	11	11
IRAQ	2	1	2	2	-	7	1	-	11	3	-	15	22
IRAN	-	-	1	-	-	1	-	-	1	-	-	1	2
CAMEROON	-	-	1	-	-	1	-	-	5	1	-	6	7
KAZAKHSTAN	1	-	1	1	-	3	2	-	3	1	-	6	9
KENYA	-	-	1	-	-	1	-	-	1	-	-	1	2
KYRGYZSTAN	-	-	1	1	-	2	2	1	1	1	-	5	7
COMOROS	-	-	-	-	-	-	-	-	1	-	-	1	1
CONGO	-	-	1	-	-	1	-	-	2	-	-	2	3

Granting non-EU harmonised protection statuses to foreigners in Poland

Citizenship	Women						Men						Total	
	0-13	14-17	18-34	35-64	65+	Total	0-13	14-17	18-34	35-64	65+	Total		
CUBA	-	-	-	-	-	-	-	-	-	1	-	-	1	1
LEBANON	-	-	-	-	-	-	-	-	-	2	2	-	4	4
MALI	-	-	-	-	-	-	-	-	-	1	-	-	1	1
MAROCCO	-	-	-	-	-	-	-	-	-	1	-	-	1	1
MOLDOVA	-	-	-	1	-	1	-	-	-	-	-	-	-	1
MONGOLIA	-	-	2	2	-	4	-	-	1	2	-	3	7	
NEPAL	-	-	-	-	-	-	-	-	3	-	-	3	3	
NIGERIA	-	-	2	1	-	3	-	-	6	1	-	7	10	
PAKISTAN	-	-	-	-	-	-	-	-	5	3	-	8	8	
RUSSIA	1087	147	1082	702	58	3076	1200	145	1012	475	18	2850	5926	
SERBIA	-	-	-	-	-	-	-	-	-	1	-	1	1	
SIERRA LEONE	-	-	-	-	-	-	-	-	2	-	-	2	2	
SOMALIA	-	-	-	-	-	-	-	-	2	-	-	2	2	
SRI LANKA	-	-	-	-	-	-	-	1	19	2	-	22	22	
SYRIA	1	-	1	-	-	2	2	-	1	1	-	4	6	
TOGO	-	-	-	-	-	-	-	-	2	-	-	2	2	
TUNISIA	-	-	-	-	-	-	-	-	3	2	-	5	5	
TURKEY	-	-	-	-	-	-	-	-	4	3	-	7	7	
UKRAINE	-	1	-	3	-	4	1	-	6	3	-	10	14	
UZBEKISTAN	4	1	5	2	1	13	3	-	4	3	-	10	23	
VIETNAM	-	1	2	-	-	3	-	-	5	-	-	5	8	
WEST BANK AND GAZA STRIP	-	-	1	-	-	1	-	-	2	-	-	2	3	
Total	1314	168	1527	993	70	4072	1454	182	2295	834	22	4787	8859	

Table 24: Decision to discontinue proceedings issued by the Refugee Board in 2 nd instance

Year	Citizenship	Women					Total	Men					Total	
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]		
2004	ALGERIA									1			1	1
	BELARUS			1			1							1
	GEORGIA									2			2	2
	INDIA									3			3	3
	MOLDOVA										1		1	1
	PAKISTAN									4			4	4
	RUSSIA	9	5	9	6		29	12	1	8	11	1	33	62
	UKRAINE	1		1			2			2	1		3	5
	UZBEKISTAN									1			1	1
2004 Total		10	5	11	6		32	12	1	21	13	1	48	80
2005	BELARUS			1			1			1			1	2
	BULGARIA				1		1			1			1	2
	GEORGIA									1			1	1
	INDIA									2			2	2
	KYRGYZSTAN									1			1	1
	MOLDOVA	1		1			2							2
	RUSSIA	38	8	21	17		84	31	4	26	10		71	155
	ROMANIA			1			1			1			1	2
	SLOVAKIA											1	1	1
	SYRIA									1			1	1
	TURKEY									1			1	1
UKRAINE	2	1	1	1		5	3	1		1		5	10	
2005 Total		41	9	25	19		94	34	5	35	11	1	86	180
2006	STATELESS										1		1	1
	BELARUS				1		1							1
	EGYPT									1			1	1
	GEORGIA				1		1							1
	KYRGYZSTAN									1			1	1
	PAKISTAN										1		1	1
	RUSSIA	9		8	5		22	9	2	11	2		24	46
	UKRAINE	1	1	1			3		3		1		4	7
2006 Total		10	1	9	7		27	9	5	13	5		32	59
2007	ANGOLA										1		1	1
	BANGLADESH										1		1	1
	GEORGIA							1		1	1		3	3
	KYRGYZSTAN	1		1			2	1		1			2	4
	DEMOCRATIC REPUBLIC OF CONGO										1		1	1
	MOLDOVA			1			1							1
	PAKISTAN									2			2	2
	RUSSIA	24	3	16	20	1	64	28	5	15	8		56	120
	UKRAINE			1	1		2							2
	VIETNAM									1			1	1
2007 Total		25	3	19	21	1	69	30	5	20	12		67	136
2008	ARMENIA				1		1							1
	AZERBAIJAN										1		1	1
	BELARUS										1		1	1
	GHANA									1			1	1
	INDIA									1			1	1
	CAMEROON									3			3	3

Granting non-EU harmonised protection statuses to foreigners in Poland

Year	Citizenship	Women					Total	Men					Total	
		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]		[0-13]	[14-17]	[18-34]	[35-64]	[65 +]		
2008	KAZAKHSTAN									1			1	1
	KYRGYZSTAN									1			1	1
	CUBA									1			1	1
	LIBYA										1		1	1
	MOLDOVA									1			1	1
	MONGOLIA				1		1							1
	NIGERIA									1			1	1
	RUSSIA	23	4	18	13		58	38	6	14	14		72	130
	SIERRA LEONE									1			1	1
	UKRAINE		1		1		2	3			1		4	6
	VIETNAM									1			1	1
2008 Total		23	5	18	16	62	41	6	26	18		91	153	
2009	ARMENIA				1		1			2	2		4	5
	BANGLADESH								3				3	3
	STATELESS				1		1						1	1
	BELARUS	1		1	1		3	1			1		2	5
	BURUNDI									1			1	1
	CHINA									1			1	1
	ETHIOPIA	1		1			2							2
	GEORGIA	7	1	10	9		27	10		12	6		28	55
	IRAQ									1			1	1
	KYRGYZSTAN			1			1	1					1	2
	LIBYA										1		1	1
	LATVIA										1		1	1
	MOLDOVA									1			1	1
	MONGOLIA										2		2	2
	PAKISTAN									1			1	1
	RUSSIA	68	5	54	17		144	79	11	50	17		157	301
	SYRIA									1			1	1
TOGO										1		1	1	
UKRAINE									1	1		2	2	
UZBEKISTAN			2			2			1			1	3	
VIETNAM				1		1							1	
2009 Total		77	6	69	30	182	91	11	75	32		209	391	
Total		186	29	151	99	1	466	217	33	190	91	2	533	999