



Raphaelswerk e.V.

POLAND: Information for refugees who are returned to Poland

Under the Dublin Regulation, refugees may be transferred to the EU country responsible (in most cases, the country of first entry), so that the asylum procedure is carried out there. Refugees who have already been recognised in another EU country will be returned to that country on the basis of the safe third country clause because their asylum application is not admissible in Germany.

For many refugees, their imminent return to another EU country creates great uncertainty. Our guide is intended for advisers, voluntary support groups and people who are affected. It is supposed to show existing services and contacts. Refugees will be given information about their situation after being returned as well as addresses of organisations they may contact locally for support. However, no assessment of these organisations and services is made. Many services offering help in Poland are short-term projects and not subsidised on a regular basis. At the time when the information provided herein was compiled (November 2019), there was only a small number of permanent support structures. We therefore do not claim that the list is exhaustive. Links provided were updated in February 2022.

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Procedure after re-entry into Poland

The Polish Border Guard is responsible for persons who are returned to Poland under the Dublin Regulation.

The Border Guard checks the aliens register to see whether an asylum procedure is still in progress or whether it has been completed in the meantime.

What needs to be done first?

That depends on whether the person concerned left Poland while the asylum procedure was in progress or whether he/she had not yet initiated an asylum procedure in Poland before his/her departure. Depending on the situation, different steps must be taken.

1) The person concerned has not lodged an application for asylum in Poland yet

Upon return, the person concerned has the opportunity to lodge an asylum application under the regular procedure. He/she tells the Border Guard that he/she wishes to lodge an asylum application. The Border Guard notes down the personal data and takes photos as well as fingerprints; then the application is forwarded to the Office for Foreigners for processing.

The Border Guard decides to which reception centre the person is assigned. Most returnees under the Dublin Regulation are assigned to the facilities in Podkowa Leśna-Dębak or Biała Podlaska.

For people who are ill, disabled persons, elderly people, single mothers with children or pregnant women, the Border Guard organises the trip to the reception centre. All others must organise the trip themselves. There is no financial support for buying tickets.

If it is suspected that the returnee will leave Poland again, detention may be ordered.

2) The person concerned has already lodged an application for asylum in Poland and left Poland during the asylum procedure

a) A decision in favour of granting the asylum application has been taken:
The person concerned has residence status in Poland.

b) No decision has yet been taken on the asylum application:
Asylum seekers are obliged to remain in Poland until their asylum application has been processed. If they left Poland during that time, the asylum procedure may have been discontinued because of their absence.

The person concerned must apply for reopening of the procedure when he/she returns. To do so, a written declaration must be made. It may be made within 9 months of delivery of the decision on discontinuation of the procedure.

If this period has expired, a new application may be lodged. It is regarded as a subsequent application and its admissibility is checked.

As described above, asylum seekers are assigned to a reception centre.

c) The application for asylum was rejected:

The person concerned must leave Poland. He/she may leave the country voluntarily within a period of up to 30 days from the date when the decision was



taken or he/she is deported. If there is a risk of absconding, he/she is detained in a closed reception centre.

An appeal may be lodged against the rejection of the asylum application if the time limit to do so has not expired yet.

If there are new grounds for asylum, a new application for asylum may be lodged (subsequent application).

Residence status in Poland

a) International protection:

- refugee status (*status uchodźcy*): unlimited duration; residence card (*karta pobytu*) that is valid for three years is issued; it may be extended on application
- subsidiary protection (*ochrona uzupełniająca*): unlimited duration, residence card (*karta pobytu*) that is valid for two years is issued; it may be extended on application

b) national protection:

- asylum, humanitarian protection (*zgoda na pobyt ze względów humanitarnych*): unlimited duration, residence card (*karta pobytu*) that is valid for two years is issued; it may be extended on application

The Office for Foreigners in Warsaw (*Urząd do Spraw Cudzoziemców*) is responsible for issuing the residence cards. The refugee must collect the residence card there in person.

An application for extension of the residence card must be filed 30 days before expiry of the current residence card.

Procedures under the law of residence / asylum procedures

Applications for international protection are filed with the Border Guard. The Border Guard questions the asylum seekers, records their personal data and registers them. Subsequently, the asylum application is forwarded to the Office for Foreigners, where it is processed.

The asylum seeker is registered within a period of three to ten days from the time when he/she expresses the wish to apply for asylum.

Then the asylum seeker is given a provisional identity card for foreigners (*Tymczasowe Zaświadczenie Tożsamości Cudzoziemca*, TZTC). This card entitles the holder to remain in Poland until the asylum procedure is completed. For returnees under the Dublin Regulation, this card is initially valid for 10 days (for other asylum seekers, it is valid for 90 days).

Subsequently, it is extended by six months each time for the duration of the asylum procedure. The card does not entitle the holder to cross the border.

The interview at the Office for Foreigners takes place at a later time; during the interview, the refugee is asked about the reasons for applying for asylum. He/she is entitled to an interpreter during the interview.

Subsequently, a decision on the asylum application is taken. In general, this should be done within six months of lodging the application (within 30 days for accelerated procedures, within 15 months for complicated procedures).

An appeal may be lodged against the decision of the Office for Foreigners with the Refugee Board (*Rada do Spraw Uchodźców*) within 14 days. The exact time limits are specified in the notice.

An appeal may be lodged against the decision of the Refugee Board with the Administrative Court in Warsaw within 30 days.

If the person concerned leaves Poland or does not keep appointments that were fixed, this may be regarded as a withdrawal of the application for asylum. In that case, the asylum procedure is interrupted. It is possible to declare within nine months of the decision on interruption that one wants to continue applying for international protection. Then the asylum procedure is resumed. Such a declaration may only be made once; it is submitted to the Border Guard.

If, after the period of nine months, the refugee declares that he/she wishes to continue applying for asylum, this is regarded as a new application and its admissibility is checked.

Information on the asylum procedure in Poland: Office for Foreigners (*Urząd do Spraw Cudzoziemców*) <https://www.gov.pl/web/udsc-en/refugee-procedure>

Competent authorities

Stage of the procedure	Competent authority	English name of the authority
Application at the border	Straż Graniczna (SG)	Border Guard
Application on the territory	Straż Graniczna (SG)	Border Guard
Dublin procedure (responsibility assessment)	Szef Urzędu do Spraw Cudzoziemców	Head of the Office for Foreigners
Refugee status determination	Szef Urzędu do Spraw Cudzoziemców	Head of the Office for Foreigners
First appeal	Rada do Spraw Uchodźców	Refugee Board
Onward appeal	- Wojewódzki Sad Administracyjny w Warszawie - Naczelny Sad Administracyjny	- Voivodeship Administrative Court in Warsaw - Supreme Administrative Court
Subsequent application (admissibility)	Szef Urzędu do Spraw Cudzoziemców	Head of the Office for Foreigners

Source: Country Report: Poland; aida Asylum Information Database; 2018 update

What duties do asylum seekers have in Poland?

Asylum seekers must:

- go to the Office for Foreigners upon request in order to make a statement in an interview;
- inform the Office for Foreigners of any changes in the place of residence;
- remain in Poland until a decision on the asylum application is taken.

What rights do asylum seekers have in Poland?

Asylum seekers are entitled to:

- state support and health care
- communication with UNHCR, international organisations as well as NGOs that support refugees, including legal advice
- information on measures taken by the Border Guard with regard to them in a language the asylum seekers understand
- free legal information from staff of the Office for Foreigners during the asylum procedure about the procedure and applicable law
- free legal assistance given by lawyers, legal advisers and NGOs after rejection of the application for asylum to receive support in connection with the appeal against the rejection (this is available for persons who have no lawyer and whose income is below a certain threshold)

There are long waiting times to get an appointment with a lawyer. Especially at NGOs, the services made available are very limited due to insufficient resources.

In the event of any discrimination or infringement of rights, an advisory centre of an NGO should be contacted; see addresses in the annex.

Return to the country of origin

Refugees who want to return to their country of origin may receive financial support on certain conditions. This option is available both during the asylum procedure and after rejection of the asylum application.

Further information:

IOM Poland

Tel. +48 22 628 24 13 or +48 666 34 34 66 (mobile number)

E-mail: iomwarsawvr@iom.int

<http://poland.iom.int/>

Accommodation after re-entry

The same reception conditions that apply to other refugees also apply to returnees under the Dublin Regulation. After they have entered the country, the Border Guard assigns them to a reception centre.

Asylum seekers must register at one of the reception centres within two days of lodging the asylum application. From that time, material reception services are provided to them: if they are placed in a reception centre, accommodation as well as food and clothes (benefits in kind and in cash or vouchers) as well as cash benefits to meet personal needs, for hygiene products and clothes.

Alternatively, they may apply to the Office for Foreigners for provision of services outside the centre. In that case, they receive cash benefits. These consist of a fixed amount per person, which they must use to pay for all expenses, including rent (approx. 3 to 6 euro per person and day, depending on the composition of the family).

The cash benefits are standard amounts that are not adjusted depending on the state of health, age or disabilities. Moreover, the amounts that are paid out are below the subsistence level ("social minimum" in Poland) and are therefore not sufficient to cover the basic necessities of life.

There are two reception centres and various facilities for subsequent accommodation in Poland.

According to the country report for Poland of the Asylum Information Database (aida), the facilities offer enough places and are not filled to capacity.

Overview of the facilities: <https://www.gov.pl/web/udsc-en/centres-for-Foreigners>

Detention

If it is suspected that the returnee will leave Poland again, detention in a closed reception centre may be ordered.

While the asylum application is processed, the applicant may be detained for up to 60 days if there are reasons to do so. The decision must be taken by a court on application of the Border Guard. The period of detention for asylum seekers may be extended to six months at the most. Persons to be deported may be detained for a period of up to 18 months.

The person concerned may only be detained if there is no alternative. Alternatives are a duty to register, staying at a specified place or lodging a deposit.

Victims of torture, disabled asylum seekers and unaccompanied minors must not be detained. Since the identification of victims of torture is not always reliable, in practice victims of torture are also detained.

As regards legal assistance, detainees depend on NGOs. However, these only work in detention centres on an irregular and project-related basis.

Access to housing

Persons granted international protection may stay in the accommodation facility for another two months after the decision on the asylum application was taken. Subsequently, the State will not provide accommodation any more. Refugees are free to choose their place of residence.

The "Individual Integration Programme" (*Indywidualny Program Integracji, IPI*) provides for financial support for rent payments for a period of 12 months.

An application for social housing may be filed with the local authorities. However, there are long waiting lists.

It is generally difficult for refugees to find a rented apartment. There is a high risk of becoming homeless and living in poverty.

The initiative "Refugees Welcome Polska" establishes contact between private individuals who want to sublet living space and refugees who are looking for living space.

Currently, places are only arranged in the Warsaw area.

Further information and registration: <https://refugeeswelcome.pl/>

Access to health care

Asylum seekers have access to the Polish health care system to a similar extent as Polish citizens. Their medical care is ensured via a special provider (Petra Medica) entrusted by the Office for Foreigners. There is a medical practice in each reception centre. Asylum seekers may undergo special examinations in facilities outside the centres. There are also psychologists working in the reception centres.

Since doctors and nursing staff often do not speak any foreign languages, medical treatment can be problematic in practice. Interpreters are not always available or cannot be paid. NGOs report that no specialised treatment is available for victims of torture or traumatised asylum seekers, especially no psychotherapeutic treatment.

Recognised refugees and beneficiaries of subsidiary protection are deemed insured persons and are thus entitled to the same services as Polish citizens. Access to health care is guaranteed if they pay insurance premiums to the National Health Fund NFZ (*Narodowy Fundusz Zdrowia*). The health insurance premiums are either paid through the Integration Programme IPI (for the first 12 months) or by the employer, the social welfare office or the insured himself/herself.

Children under the age of 18 have access to health care free of charge.

Access to social services

Asylum seekers are entitled to state support services in Poland as soon as they have lodged an application for asylum. They must report to the reception centre within two days of lodging the application.

Asylum seekers who are accommodated in a reception centre are provided with everything they need there. Asylum seekers who are not accommodated in a reception centre are given flat-rate sums of money per person (see "Accommodation after re-entry").

The entitlement to state support ends when a final decision on the asylum application has been taken, i.e. after the period specified in the decision.

Refugees enjoying international protection are entitled to social services on the same terms as Polish citizens. No distinction is made between persons with refugee status and those enjoying subsidiary protection.

Among other things, social services are provided in the case of: orphanage, homelessness, unemployment, disabilities, serious illnesses, integration problems. The competent authority is the social welfare centre (*Ośrodek Pomocy Społecznej*) in the district where the person concerned resides.

In addition, an application for family benefits (child benefits, birth allowance, allowance for payment of nursing care, parental allowance) can be filed if a certain income is not exceeded.

Moreover, refugees may file an application for an Individual Integration Programme (*Indywidualny Program Integracji*, IPI). The application must be filed within 60 days of recognition. The Integration Programme is organised through family support centres in the districts (*Powiatowe Centrum Pomocy Rodzinie*). It runs for a maximum period of 12 months. It comprises cash benefits for cost of living and for Polish courses, payment of health insurance premiums and social counselling.

Voluntary support groups could support returnees by collecting money as an initial aid for them and transferring it to them as soon as they arrive in Poland. They should not take cash with them.

Access to the labour market

Asylum seekers have access to the labour market in Poland six months after lodging the application for asylum if no decision has been taken on the application by then and such delay is not caused by the asylum seeker himself/herself.

They can apply with the Office for Foreigners for a certificate. This certificate and the foreigner's identity card enable them to work legally in Poland until a decision on the asylum application is taken. This also applies if there is an appeal procedure before the Refugee Board.

Access to the labour market is not limited to certain lines of business.

It is often difficult for asylum seekers to find work; on the one hand because employers do not know the regulations and on the other hand because reception centres are often far away from big cities.

Recognised refugees have access to the labour market and do not require a special permit. Problems with access to the labour market arise due to a lack of language skills, a lack of qualifications or lengthy procedures for the recognition of qualifications.

Access to educational institutions (kindergarten, school, etc.)

All children living in Poland are entitled to school education. Compulsory school attendance applies to children up to the age of 18.

Children of asylum seekers and of recognised refugees attend the regular schools. Normal lessons are given in Polish. In addition, the schools are supposed to offer Polish lessons for children seeking asylum, but only for a few hours every week and for a limited time (12 months max.). However, not all schools offer this service.

Some schools offer preparatory classes for foreign children that are attended instead of the normal lessons.

Access to pre-school education is generally problematic in Poland because there are not enough places in public kindergartens. Therefore, child care in kindergartens in the reception centres is often organised for children seeking asylum, mostly by NGOs.

Adult asylum seekers are not entitled to vocational training.

Access to language courses

Polish courses are offered in all reception centres (for both children and adults). Some NGOs offer language courses and workshops there.

In bigger towns, NGOs offer language courses free of charge. In the rural areas, it is difficult to find such services.



Vulnerable persons

Among the vulnerable persons are: minors, pregnant women, disabled persons, older persons or persons who are seriously ill, single parents and persons who were subject to torture, rape or other forms of severe psychological, physical or sexual violence as well as victims of human trafficking.

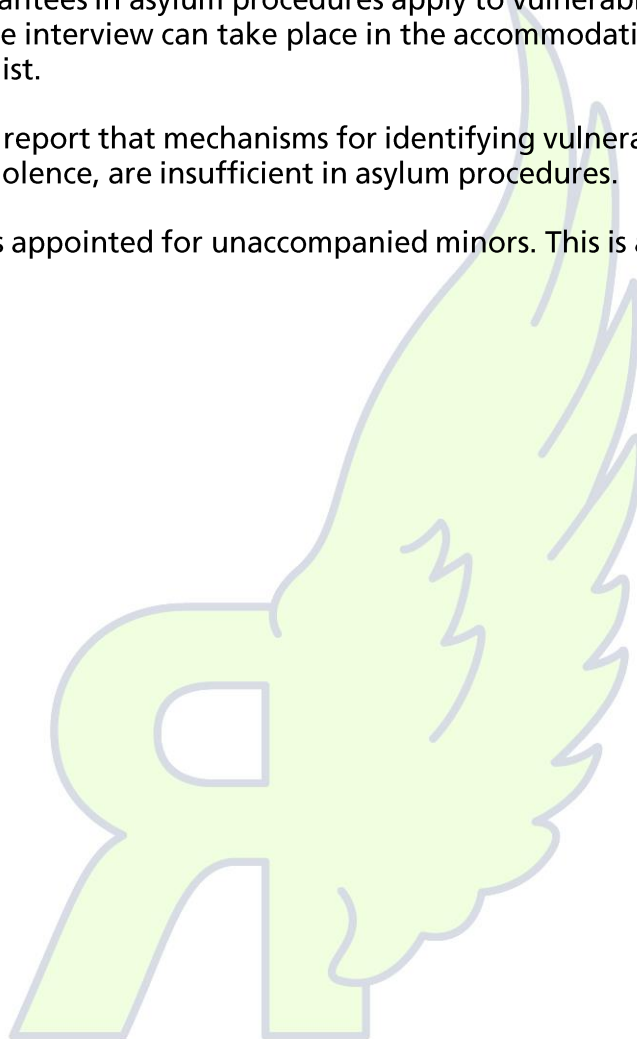
The Office for Foreigners examines whether these persons require special treatment during the asylum procedure or with regard to state support services.

Persons who are not able to appear in person before the Border Guard may express their wish to apply for asylum in writing.

Special procedural guarantees in asylum procedures apply to vulnerable persons. For example, on certain conditions the interview can take place in the accommodation facility and in the presence of a psychologist.

However, various NGOs report that mechanisms for identifying vulnerable persons, especially victims of torture and violence, are insufficient in asylum procedures.

A legal representative is appointed for unaccompanied minors. This is arranged by the Office for Foreigners.



Annex: Where can I get advice and support?

Note: Many services offering help in Poland are short-term projects and not subsidised on a regular basis. At the time when the information provided herein was compiled (November 2019), there was only a small number of permanent support structures. We therefore do not claim that the list is exhaustive.

Please do not hesitate to send your comments and feedback to:
infostelle@raphaelswerk.de.

Information material on Poland for refugees in various languages:

- **First steps in Poland** – brochure published by the Polish Office for Foreigners, available in 7 languages (English, Polish, French, Russian, Arabic, Georgian, Dari): <https://www.gov.pl/web/udsc-en/first-steps-in-poland>
- **Applying for international protection: My rights and obligations** – brochure published by the Helsinki Foundation for Human Rights (last updated in 2016), in English, Arabic and Ukrainian: <https://www.hfhr.pl/en/publication/applying-for-international-protection-my-rights-and-obligations-enarua/>

Contacts / local advisory services

NGOs published on the website of the Polish Office for Foreigners that provide support to foreigners:

"List of organizations ensuring assistance to foreigners" <https://www.gov.pl/web/udsc-en/rights-and-obligations-applicant>

Moreover, we refer to the addresses compiled on the website "Welcome to Europe", in short: W2EU. This network of activists and organisations from Europe and North Africa gathers independent information for migrants and refugees on various European countries and publishes it on the portal <http://www.w2eu.info>.

Here you can find contacts in Poland:
<https://w2eu.info/en/countries/poland/contacts>

Caritas

Please ask the local Caritas office what kind of support is provided. The addresses of the local Caritas organisations can be found here:
<http://caritas.pl/diecezje/>

Caritas Polska (national umbrella organisation of Caritas)

ul. Okopowa 55
01-043 Warszawa
Tel. +48 22 3348500, +84 22 3348585
E-mail: caritaspolska@caritas.pl
www.caritas.pl

Fundacja Refugee.pl

ul. Bracka 23/51

00-028 Warszawa

Tel. +48 22 121 20 00

E-mail: info@refugee.pl

<https://www.facebook.com/refugee.pl.pah>

Social counselling (accommodation and job search), Polish courses, professional training (e.g. tailoring courses), material aid (e.g. food vouchers, baby care products)

Helsińska Fundacja Praw Człowieka

Helsinki Human Rights Foundation

Helsinki Foundation for Human Rights

Zgoda 11 Street

00-018 Warszawa

Tel. +48 22 556 44 40

E-mail: hfhr@hfhr.pl

<http://www.hfhr.pl/en>

<http://www.hfhr.pl/en/contact/>

Fundacja Ocalenie

Ocalenie Foundation

Warsaw office:

ul. Krucza 6/14a

00-537 Warszawa

Tel. +48 22 828 04 50

E-mail: biuro@ocalenie.org.pl

<https://ocalenie.org.pl>

Advice on integration issues, legal advice, psychological support, Polish courses

Łomża office:

ul. Sadowa 8

18-400 Łomża

Tel. +48 86 214 16 57

Polskie Forum Migracyjne

Szpitalna Street 5/14

00-031 Warszawa, Poland

Tel. 00 48 22 110 00 85

E-mail: info@forummigracyjne.org

<http://www.forummigracyjne.org/en/index.php>

Advice for migrants on work and life in Poland



Legal advice:

- Free legal information during the asylum procedure from staff of the Office for Foreigners. They provide information about the procedure and applicable law.
 - o Office for Foreigners in Warsaw: ul. Taborowa 33
 - o Office for Foreigners in Biala Podlaska: ul. Dokudowska 19

- Free legal assistance given by lawyers, legal advisers and NGOs after rejection of the application for asylum to provide support in connection with the appeal against the rejection. This is available for persons who have no lawyer and whose income is below a certain threshold.
Further information and lists of advisers: <https://www.gov.pl/web/udsc/bezplatna-pomoc-prawna>

NGOs that offer legal advice:

Stowarzyszenie Interwencji Prawnej – Association for Legal Intervention

ul. Siedmiogrodzka 5/51

01-204 Warszawa

Tel. +48 22 621 51 65

interwencja@interwencjaprawna.pl

<https://interwencjaprawna.pl>

Legal advice and social counselling for refugees, asylum seekers and third-country nationals in English, Russian, Ukrainian, French, German and Arabic

Appointments can be set up by phone: +48 880 145 372 (Monday to Friday, 3 pm – 4 pm)

Fundacja Instytut na rzecz Państwa Prawa

The Rule of Law Institute Foundation

14 Chopin Street Apt. 70

20-023 Lublin

Tel. +48 81 743 68 00

Hotline for refugees +48 606 703 933

E-mail: status@panstwoprava.org

<http://panstwoprava.org/?lang=en>

Centrum Pomocy Prawnej im. Haliny Nieć

Halina Nieć Legal Aid Center

ul. Krowoderska St. 11/7

31-141 Kraków

Tel. +48 12 633 72 23

E-mail: porady@pomocprawna.org

www.pomocprawna.org



Health care and advice:

Petra Medica

ul. Grochowska 166

04-329 Warszawa

Tel. +48 22 22 112 02 06

kontakt@petramedica.pl

www.petramedica.pl/

Health care for asylum seekers on behalf of the Office for Foreigners

Information on assistance in returning to the country of origin:

IOM Poland

Tel. +48 22 628 24 13 or +48 666 34 34 66 (mobile number)

E-mail: iomwarsawvr@iom.int

<http://poland.iom.int/>

Sources:

- Country Report: Poland; aida Asylum Information Database; 2018 update; <http://www.asylumineurope.org/reports/country/poland>
- Caritas Polska (Marta Walasik-Sałek, Ireneusz Krause)
- Bożena Jastrzebska, former employee of Caritas Zgorzelec
- Iwona Kesicki, former adviser of Raphaelswerk, Kaarst
- Polish Border Guard (Straży Granicznej), <https://www.strazgraniczna.pl/>
- Polish Office for Foreigners (Urząd ds. Cudzoziemców), <https://www.gov.pl/web/udsc>
- First Steps in Poland. Guidebook for foreigners applying for international protection, Urząd ds. Cudzoziemców (Polish Office for Foreigners), <https://www.gov.pl/web/udsc-en/first-steps-in-poland>
- Applying for international protection: My rights and obligations; Helsinki Foundation for Human Rights, 2016, in English, Arabic and Ukrainian <http://www.hfhr.pl/en/publication/applying-for-international-protection-my-rights-and-obligations-enarua/>
- w2eu.info, welcome to europe – Poland, <https://w2eu.info/en/countries/poland>