



RIGHTS AND OBLIGATIONS OF FOREIGNERS LIVING IN THE REPUBLIC OF POLAND

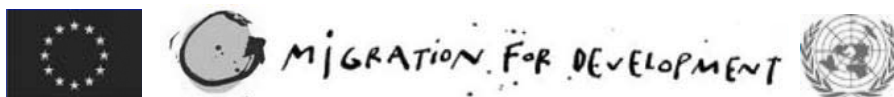
WISDOM EJEBUGHA (ed.)
MONIKA GWIAZDA
DAGMARA JACHACZ
JOANNA OLESZKOWICZ
GRZEGORZ PAWŁOWSKI
TOMASZ SIENIOW (ed.)

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Authors: Wisdom Ejebugha (ed.)
Monika Gwiazda
Dagmara Jachacz
Joanna Oleszkowicz
Grzegorz Pawłowski
Tomasz Sieniow (ed.)

Publisher: **The Rule of Law Institute Foundation**
14 Chopin Street, Suite 70
20-023 Lublin, Poland
Phone/fax: +48 81 743 68 05
e-mail: npi@fipp.org.pl
www.nigerianpolishinitiative.org
www.fipp.org.pl

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Przedmowa

Fundacja Instytut na rzecz Państwa Prawa od wielu lat pomaga cudzoziemcom przyjeżdżającym do Polski w sprawach dotyczących formalności pobytowych. Zasadniczą pomocą jaką świadczą nasi prawnicy jest doradztwo w postępowaniu o nadanie statusu uchodźcy w Polsce. Przy okazji rozwinęliśmy też naszą specjalizację w zakresie świadczenia usług prawnych osobom legalizującym pobyt na terytorium RP czy starającym się o uzyskanie obywatelstwa polskiego oraz będących ofiarą dyskryminacji ze względu na narodowość lub pochodzenie etniczne.

Niniejsza publikacja skierowana jest do szczególnej grupy migrantów, obywateli Nigerii, którzy z różnych przyczyn trafili do Polski i z nią związali swoje plany osobiste. Ze względu na to, że jest ich w Polsce coraz więcej, ich problemy dostrzegają nie tylko polskie organizacje pozarządowe i władze państwowe, ale również organizacje międzynarodowe. Cieszy nas fakt dostrzeżenia problemów migracji między Nigerią a Polską przez Organizację Narodów Zjednoczonych i Unię Europejską, które wspólnie postanowiły wesprzeć projekt „Migrant Rights: Nigerian-Polish Initiative” finansowany w ramach the European Commission-United Nations Joint Migration and Development Initiative. Ufamy, że dzięki dostrzeżeniu problemu migracji między naszymi państwami przez wspólnotę międzynarodową uda nam się poprawić rzeczywisty poziom ochrony prawnej zapewnianej obywatelom Nigerii w Polsce.

Preface

The Rule of Law Institute Foundation for a number of years has been helping immigrants coming to Poland with solving their problems with the residence formalities. The main assistance that our lawyers provide relates to the representation in the refugee status determination procedure. In parallel, we have developed expertise in issues of legalization of stay and acquiring Polish citizenship, or intervening in the situations of discrimination on the grounds of nationality or ethnic origin.

The present publication is prepared for use of the very special group of migrant, citizens of Nigeria, that for various reasons have come to Poland and decided to continue their personal and professional life here. Due to the fact that there is more and more Nigerian immigrants in Poland, their problems have been noticed not only by Polish NGOs and state authorities, but also by international organizations. We are pleased that the abovementioned problems have been noticed by the United Nations and by the European Union, who jointly decided to support the project Migrant Rights: Nigerian-Polish Initiative, funded by the European Union through the European Commission-United Nations Joint Migration and Development Initiative. We believe, that the fact of noticing the issues of migration between our countries by the international community, will improve the effective level of legal protection of Nigerian citizens in Poland.

Dr. Tomasz Sieniow
President, Rule of Law Institute Foundation

Introduction

Increasing economic disparities between countries, human rights violations, gender discrimination and varying degrees of development of the judicial and democratic institutions have always been the driving factors to migration especially from the African countries. In the recent years, the transitional process and the joining of the European Union has accelerated the inflow of migrants into the territory of the Republic of Poland. Similarly, there has been subsequent decrease in the protection of the rights of the continuous increasing immigrants in Poland.

Those migrants, who seek for better quality of life, still face the great challenges in the process of their integration in destination countries. The lack of knowledge about the rules, rights and obligations of these migrants has been hindering factor to the legalization of their residence. Residence legalization as a necessary condition that aids the process of integration require migrants who enter and stay on the territory of the Republic of Poland to possess adequate knowledge about their rights and obligations.

Being unaware of the guiding rules and possessing inferior knowledge of the rights and obligations, not only exposes migrants to be victims of the rights' violation, but it broadens the zone of ignorance about the society of residence. The result of these circumstances is enormous on the part of these migrants.

This publication is not only a legal guide prepared for migrants, the information in the publication is self educating on the rights and obligations of migrants and it acts as a companion for migrants who experience drastic plights in advancing the knowledge of their rights and obligations in the Republic of Poland. This publication carries also exhaustive information about the terms and conditions of obtaining the Polish citizenship. The purpose of this brochure is to assist you leap out the dangers of unfair discrimination by enhancing your knowledge on rights and obligations. Ignorance of the law is not an excuse at the court of law. Migrants should be aware of and to provide the necessary requirements for obtaining their residence permits. This publication is of unique importance to migrants in that it offers the opportunity to know when, where and how to apply for legalization of their stay.

The importance of this brochure in all ramifications cannot be over-emphasized. Till date, a great number of migrants lack the knowledge of the fact that they have access to education, employment, social services, etc in the Republic of Poland. This brochure will accelerate this inadequate knowledge of migrants by narrowing down their zones of ignorance in the listed areas of worrying concerns. Educating migrants to be responsible residents, this brochure will serve as a road-map to their integration which in turn the full reaping of the potentials migrants carry along into the Polish society. In this publication, the entitlements accorded to migrants with respect to expulsion decision from the territory of Republic of Poland are highlighted. Contact details to important offices in the Republic of Poland where migrants should contact on the series of bothering concerns are as well listed to give such migrants a directional inspiration to the integration struggles in the host country.

Wisdom U. Ejebugha
Project Coordinator
Migrant Rights: Nigerian-Polish Initiative

CHAPTER I

Terms and conditions of entry into and staying on the territory of the Republic of Poland by migrants

Basic information

The conditions of the legalization of stays on the territory of the Republic of Poland are regulated by the **Act on Aliens of June 13, 2003** (Journal of Laws of 2006, No 234, it. 1694, as amended). Administrative procedures concerning foreigners are also regulated by the **Administrative Procedure Code, Act of June 16, 1960** (Journal of Laws of 2000, No 98, it. 1071, as amended). The **Act of February 13, 1984 on functions of the consuls of the Republic of Poland** (Journal of Laws of 2002, No 215, it. 1823, as amended) applies to the procedures concerning issues regulated in the Act on Aliens that are within the competence of consuls except where otherwise stated.

The fundamental regulation on the conditions of the legalization of stay on the territory of the Republic of Poland by citizens of EU Member States and members of their families is the Act of July 14, 2006 on the terms and conditions of entry into and staying on the territory of the Republic of Poland of citizens of EU Member States and members of their families (**Journal of Laws, No 144, it. 1043, as amended**).

A foreigner who is regarded as **an Alien** according to Article 2 of the Act on Aliens of 13 June 2003 refers to any person that does not possess a Polish citizenship. A foreigner who is a citizen of two or more states shall be treated as a citizen of the state whose authority had issued the travel document presented by the foreigner upon crossing the border of the Republic of Poland.

A foreigner may cross the border and stay on the territory of the Republic of Poland if he/she possesses a valid travel document and a visa, unless the Act states otherwise. (This provision concerns especially foreigners entering the territory of the Republic of Poland within the visa-less border traffic area and foreigners that have a residence permit for a fixed period, a permit to settle or a long-term resident's EC residence permit).

Obligation to leave the territory of the Republic of Poland

A foreigner is obligated to leave the territory of the Republic of Poland:

- ▶ before the expiry of a residence permit indicated in the visa and before the expiry of the term of visa validity, unless the visa has been prolonged or he/she has obtained:

- a residence permit for a fixed period;
 - a permit to settle
 - a long-term resident's EC residence permit
- ▶ before the expiry of the term indicated in the international agreement or in an ordinance abolishing the visa requirement unless he/she has been granted a residence permit for a fixed period – a foreigner staying on the territory of the Republic of Poland on the basis of an agreement on full or partial abolition of visa requirements or on the basis of the unilateral abolition of the visa requirement.
- ▶ after the expiry of the period of residence that he/she has entered into the territory of the Republic of Poland, within the period not exceeding however 3 months from the date of entry into force the termination of the agreement or resumption of the visa requirement or from the date of the announcement of this fact in the form prescribed by law – a foreigner staying on the territory of the republic of Poland within visa- less border traffic areas.

Financial resources

According to the Regulation of the Minister of Interior and Administration of December 22, 2008 on the amount of money that a foreigner entering the territory of the Republic of Poland should possess and documents that may confirm the possession of the money (Journal of Laws 2008, No 235, it. 1611):

- ▶ A foreigner entering the territory of the Republic of Poland for the period not exceeding 3 days should possess the financial means for the costs of accommodation, food, transit through and the departure from the territory of the Republic of Poland, that amount to PLN 300 or the equivalent amount in foreign currency;
- ▶ A foreigner entering the territory of the Republic of Poland for a period exceeding 3 days should possess financial means for the costs mentioned above, that amounts to PLN 100 for each day of the stay or the equivalent amount in foreign currency;

Documents that may confirm that a foreigner possesses sufficient financial resources to cover the costs of accommodation, food, transit through and the departure from the territory of the Republic of Poland are:

- ▶ Travellers check or credit cards;
- ▶ A confirmation of finances that total the sum mentioned above in a bank or credit union on the territory of the Republic of Poland that is confirmed by the signature and the stamp of the authorised worker of the bank or the credit union, issued not later than a month before crossing the border.

The original of the invitation described below.

Exemptions on financial confirmation

Foreigners are exempted from presenting the above- mentioned requirements of financial confirmation on the basis of:

- ▶ An international agreements which exempts a foreigner from the requirement to possess these means or which provides that the obligation of covering the costs of his/her stay should be covered by Polish State agencies or public institutions;
- ▶ Agreements on local border traffic or agreements indicating conditions of border crossing in check points placed on the tourist trails that cross the border of Poland;
- ▶ An entry visa;

- ▶ A residence visa for the purpose of carrying out employment;
- ▶ A residence visa for the purpose of benefiting from temporary protection;
- ▶ A residence visa for the purpose of participating in asylum proceedings;
- ▶ A residence card;

These regulations also apply for the foreigners who cross the border with the aim of charity work and/or a rescue operation.

Invitations

Invitation – a document that may confirm that a foreigner possesses enough money for their stay on the territory of the Republic of Poland may be issued by:

- ▶ a citizen of Poland who lives on the territory of the Republic of Poland and a citizen of a member state of the European Union, a citizen of a member state of the European Free Trade Organization (EFTA) – the members of the European Economic Area and the Swiss Confederation, and also a member of his/her family who lives on the territory of the Republic of Poland and who possesses the residence right or permanent residence right on the territory of the Republic of Poland;
- ▶ A foreigner who has been staying legally consistently on the territory of the Republic of Poland for the period of 5 years prior to the invitation or who has a permit to settle or a long-term resident's EC residence permit.
- ▶ A legal person or an organizational unit which does not have legal personality that has its seat in Poland.

The invitation should include:

- ▶ the personal details of the host
 - first name(s), family name, date and place of birth, nationality, address, occupation, serial number and a type of identification card, or
 - firm or name, REGON number and the headquarters of the legal entity or an organizational unit which does not hold the status of legal entity,
- ▶ first name(s), family name, date and place of birth, sex, nationality, address, serial and number of travel documents of the foreigner invited as well as the degree of the relationship with the host;
- ▶ if invited, first name(s), family name, date of birth and the sex of the spouse and any children of the invited foreigner (who will be included in one invitation with the invited foreigner);
- ▶ the obligation of the host to cover the costs of the stay and departure of the invited foreigner, including the costs of possible medical treatment or the expulsion from the territory of the Republic of Poland,
- ▶ the defined period that a foreigner is invited for (starting and final dates).

The voivod competent with respect to the place of residence or the registered seat of the host shall enter an invitation into the registry of invitations or shall render the decision on refusal of such an entry and any decision on invalidation of the invitation.

The invitation shall become effective upon its entry to the registry of invitations at the host's request and shall be valid for a period of one year.

The verification of the legality of the foreigner's residence, employment and financial resources

While present on the territory of the Republic of Poland, on request of appropriate organs of the state, a foreigner should present documents confirming the legality of stay and a work permit on the territory of the Republic of Poland, and also present his/her financial resources that are necessary to cover the costs of the residence on the territory of the Republic of Poland, the transit through and the departure from the country or the documents that enable him/her to obtain the financial resources.

A foreigner staying on the territory of the Republic of Poland without a required visa, a residence permit for a fixed period, a permit to settle or a long-term resident's EC residence permit or working and conducting economic activity against the rules runs the risk of being expelled from the territory of the Republic of Poland with no possibility of entry into the country for the period of 3 or 5 years.

Obligation to register

After the arrival on the territory of the Republic of Poland a foreigner is obliged to register his/her temporary stay in the City Office or Commune Office no later than on the fourth day since the moment of crossing the border of the Republic of Poland. The confirmation of the registration is required during the procedures connected with the legalisation of the foreigner's stay if he stays on the territory of the Republic of Poland.

Residence visas and long-term residence on the territory of the Republic of Poland

Visas

According to the Act on Aliens, a foreigner may cross the border and stay on the territory of the Republic of Poland, if he/she has:

- ▶ A valid travel document;
- ▶ A valid visa or other document entitling them to enter and stay on the territory of the country, if required.

Citizens of the countries mentioned in annex II of Council Regulation (EC) No 539/2001 of 15 March 2001 listing third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempted from that requirement. (Official Journal, L 81, 21.03.2001) are exempted from the requirement of having to possess a visa while crossing the borders of the Member States of the EU. Citizens of mentioned countries are exempt from the requirement of visa possession if they enter the territory of the Republic of Poland for a period of up to 3 months.

Visas are issued as:

- ▶ Uniform visas: residence and transit visas
- ▶ National visas

Consul is the organ that issues visas.

A foreigner who is applying for a visa should submit **an application form** that includes:

- ▶ Personal details of the foreigner and the personal details of the children referred to in the application as well as other individuals recorded in the travel document of the foreigner, as necessary for the issuance of a visa;
- ▶ Details concerning the travel document of the foreigner;
- ▶ Information about foreign travels and stays within the last 5 years
- ▶ A defined and justified purpose of the stay in Poland.

Photographs of the individuals included in the application and the following documents should be attached to the application:

- ▶ a document confirming the information in the application;
- ▶ a document confirming the medical treatment costs coverage by the insurer on the territory of Schengen - in cases of uniform residence visas;
- ▶ a document confirming the possession of health insurance in agreement with the regulation on health benefits financed from the public sources or the medical treatment costs covered by an insurer on the territory of the Republic of Poland for the period of stay of the foreigner on the territory of the country- in cases of national visas.

Visas for the purpose of carrying out employment entitle the holder to the residence on the territory of the Republic of Poland and work on condition of first obtaining a work permit, if required (see: Chapter 2).

Residency permit for a fixed period of time

This type of permit is one of the forms of legalization of the residence on the territory of the Republic of Poland. It is possible to apply for a residence permit for a fixed period under the circumstances justifying the need for residence on the territory of the Republic of Poland for more **than 3 months**. According to Article 53 of the Act on Aliens, a residence permit for a fixed period shall be granted to a foreigner, who:

- ▶ obtained a work permit or prolongation of such permit or an employer's written declaration confirming the intention to employ a foreigner if a work permit is not required;
- ▶ conducts economic activity in conformity with the regulations of the law in force in the Republic of Poland, which is beneficial to the national economy and in particular, contributes to the development of investments, transfer of technology, innovation or the creation of new workplaces;
- ▶ is a spouse of a Polish citizen;
- ▶ as a member of a family of a foreigner and intends to arrive on the territory of the Republic of Poland or resides on that territory;
- ▶ is a minor, born on the territory of the Republic of Poland, child of a foreigner, and resides on Polish territory without custody;
- ▶ resides on the territory of the Republic of Poland on the basis of a residency permit to reside for a fixed period of time, granted in case of widowhood or divorce, if it is in the best interest of a foreigner;
- ▶ is a minor, born on the territory of the Republic of Poland, child of a foreigner possessing a permit to reside for a fixed period of time;
- ▶ is a victim of trafficking in human beings in the light of the Council Framework Decision of July 19th, 2002 on combating trafficking in human beings and fulfils all of the following conditions:

- resides on the territory of the Republic of Poland;
 - has undertaken cooperation with an authority competent with respect to conduct procedures on combating trafficking in human beings;
 - has terminated contacts with persons suspected of committing offenses related to trafficking in human beings;
- ▶ resides on the territory of the Republic of Poland with the aim to begin or continue the full-time studies or full-time PHD studies on this territory, or in case that an individual has begun studies on the territory of a member state of the EU and wants to continue them on the territory of the Republic of Poland.

Pursuant of Article 53a, paragraph 1 of the Act on Aliens, a residence permit for a fixed period **may** be granted to a foreigner, who:

- ▶ intends to undertake or continue:
- education;
 - occupational training or internship.
- ▶ intends to join the citizen of a member state of the European Union, a citizen of a member state of the European Free Trade Organization (EFTA) – the members of the European Economic Area and the Swiss Confederation, that lives on the territory of the Republic of Poland.
- ▶ is a member of the clergy, or holds a religious position in churches and/or religious organizations whose status is regulated by international contract and regulations on the relationship between the state and the church or other religious organization, or who work on the basis of the entry into the church registry, and as a result a foreigner's stay on the territory of the Republic of Poland is related to that function.
- ▶ provides a proof showing that circumstances other than defined in article 53 paragraph 1 of the Act on Aliens occur.

If the circumstances, on which he/she applies for this permit justifies his/her residence within the territory of the Republic of Poland for a period exceeding 3 months.

It is granted for a period sufficient for the realization of a foreigner's aim on the territory of the Republic of Poland, **not exceeding 2 years**. In cases when the reason of applying for a visa is to start or continue studies, education or occupational training or scientific research, a residence permit is granted for a period **not exceeding 1 year**.

Pursuant of Article 53a, paragraph 2 of the Act on Aliens, a residence permit for a fixed period of time may be issued to a foreigner who has been staying on the territory of the Republic of Poland illegally, if:

- ▶ the foreigner is summoned to appear before the organ of public administration by the regulations of the Polish law;
- ▶ the unique personal situation requires the foreigner's presence on the territory of the Republic of Poland;
- ▶ it is in the best interest of the Republic of Poland;
- ▶ an appropriate authority competent with respect to conducting procedure on combating trafficking in human beings decides that the foreigner is a victim of human trafficking in the light of Council Framework Decision of July 19th, 2002 on combating trafficking in human beings.

A residence permit for a fixed period of time is issued for a period of **at least 3 months**.

Permit to settle

In accordance with Article 64, paragraph 1 of the Act on Aliens, **a permit to settle shall be granted** to a foreigner who:

- ▶ is a minor, born on the territory of the Republic of Poland, child of a foreigner possessing a permit to settle;
- ▶ has been married to a Polish citizen for at least 3 years, if directly before submitting the application he/she had resided continuously on the territory of the Republic of Poland for at least 2 years on the basis of a residence permit for a fixed period of time;
- ▶ directly before submitting an application has resided on the territory of the Republic of Poland continuously for at least 10 years on the basis of a permit for tolerated stay (issued on the basis of Article 97, paragraph 1, it.1 or 1a or paragraph 2 of the Act of June 13th, 2003 on granting protection to foreigners on the territory of the Republic of Poland) or at least 5 years if he / she has been granted refugee status or the complementary protection;
- ▶ is a minor child of the citizen of the Republic of Poland, if the parent exercises parental custody over the child.

The residence of a foreigner on the territory of the Republic of Poland shall be regarded as **continuous** if a foreigner has not been absent from the territory of the Republic of Poland for a period **exceeding 6 months (or 10 months jointly) during the period** unless the reason of his/her absence was:

- ▶ performance of occupational obligations or work on the basis of a contract concluded with an employer whose headquarters is placed in the territory of the Republic of Poland;
- ▶ accompanying of a spouse performing his / her occupational obligations or work in circumstances referred to in the previous point;
- ▶ the medical treatment of a foreigner.

A permit to settle shall be granted for an unlimited period of time.

A long-term resident of European Community permit

A long-term resident's EC residence permit shall be granted to a foreigner residing legally and continuously on the territory of the Republic of Poland for a period of at least 5 years, who possesses::

- ▶ A stable and regular source of income enough to cover the cost of maintenance of a foreigner and members of his/her family supported by him/her.
- ▶ Health insurance within the meaning of provisions on common health insurance or documents confirming that the costs of medical treatment on the territory of the Republic of Poland shall be covered by an insurer.

IMPORTANT!!!

A foreigner who resides on the territory of the Republic of Poland without the required visa, a residency permit for a fixed period of time, a permit to settle or a long-term resident of the EC permit, and also works or conducts economic activity not in conformity the law of the Republic of Poland risks expulsion from the territory of the Republic of Poland with no possibility of re-entry for a period of 3 or 5 years. The personal details of a foreigner who has been expelled from the Republic of Poland are conveyed to the Schengen Information System (SIS) for the purpose of the refusal of the entry of that person into the whole territory of Schengen for the period of time mentioned above.

The states that are members of the Schengen Area are:

Austria, Belgium, Denmark, Finland, France, Greece, Spain, Luxemburg, Netherlands, Germany, Portugal, Sweden, Italy, Estonia, Lithuania, Latvia, Malta, Poland, The Czech Republic, Slovakia, Slovenia, Hungary, and also Norway, Iceland, and Switzerland (the last 3 countries do not belong to the EU). Great Britain, Ireland, Greek Cyprus, Bulgaria and Romania are member states of the EU, however, they do not belong to the Schengen Area.

Administrative procedures for applying for residency permit

Applications for the extension of residence permits are regulated by the Act on Aliens and are drawn up in the Polish language. The only exception is the application for a visa that may be submitted in a foreign language indicated by a consul. Documents in a foreign language that serve as evidence in the proceedings should be submitted with their translation into Polish by a certified translator.

Application forms are available on the websites of the Office for Foreigners (www.udsc.gov.pl) and in the proper administrative offices- The Department of the Citizen's Affairs and Foreigners and Voivodship Offices as well as in the consulates.

During the proceedings, the parties and their representatives or proxies are obliged to inform the administrative organ about every (even temporary) change of their address. In case of going abroad, the delivery address in the country should be indicated. Failure to comply with this obligation may have serious consequences including:

- ▶ leaving an application without examination;
- ▶ a decision of a competent organ may become permanent if a foreigner does not make an appeal to the organ of the first instance or does not make a complaint against the decision of the organ of second instance of the Administrative Court during required time limits.

NOTE: The moment the application for legalization of residence is submitted, an individual is obligated to pay a **stamp duty** (Act of November 16th, 2006 on stamp duty (Journal of Laws, No 225, it. 1635 as amended). A foreigner submitting an application should attach the receipt showing evidence of payment. If a foreigner does not pay the stamp duty, the organ will set a date prior to which a foreigner will be obliged to pay the stamp duty. If the foreigner fails to meet the deadline, the application will be returned.

A stamp duty should be paid in the case of:

- ▶ an entry of an invitation into the invitation registry (27 PLN);
- ▶ granting a residency permit for a fixed period of time (340 PLN);
- ▶ granting a permit to settle (640 PLN);
- ▶ granting a long-term resident of EC permit (640 PLN);
- ▶ The prolongation of a uniform visa (60 EURO paid in Polish zloties);
- ▶ the prolongation of a national visa (406 PLN);
- ▶ issuing certificates (17 PLN);
- ▶ submitting the document certifying a proxy (17 PLN);
- ▶ the confirmation of a personal signature (9 PLN).

The detailed list of documents that are subject to stamp duty, its amount and the exemption from the payment is available in the attachment to the Act of November 16th, 2006 on stamp duty.

Payments collected by consuls are regulated differently and information in this area may be obtained in the consulates or the Embassies of the Republic of Poland in a particular country or in the Ministry of Foreign Affairs.

A foreigner applying for a residency permit for a fixed period of time, a permit to settle and a long-term resident of EC residence permit should submit:

- ▶ a completed application form;
- ▶ 4 photographs 4,5 cm x 3,5 cm, in color;
- ▶ the documents necessary to confirm the data referred to in the application and the circumstances justifying the application for granting a permit to settle or a long-term resident of EC residence permit;
- ▶ a receipt proving payment of the stamp duty or consular payment;
- ▶ the legal title authorizing him/her to occupy a place of accommodation in which he/she resides or intends to reside, as well as documents confirming the costs of the accommodation;

A foreigner residing on the territory of the Republic of Poland is obliged to submit an application for granting a residence permit for a fixed period of time **at least 45 days prior to the expiration of the period of stay specified in the visa or the period of the validity of the previous residence permit for a fixed period.** If the Voivod is not able to issue a decision in this period of time, the foreigner will be granted a visa validating his residence until the end of the first stage of the procedure.

An application for the permit to settle and a long term resident of EC residence permit should be submitted during the time of the foreigner's legal stay on the territory of the Republic of Poland

In cases where the deadline for submitting the application referred to above is not met, a foreigner is obliged to leave the territory of the Republic of Poland prior to expiration of the period of residence indicated in a visa or in a residence permit for a fixed period of time, if the proceedings on granting a residence permit for a fixed period of time have not been completed prior to expiry of that period of residence.

A decision on the issue of a permit to reside for a fixed period of time shall be rendered by the voivod competent with respect to the place of the foreigner's intended residence. If the application is submitted abroad, the decision will be delivered to a foreigner through consul. In cases of issuing a residence permit for a fixed period of time, a foreigner will be issued with an entry permit to the territory on the Republic of Poland.

A foreigner not satisfied with the voivod's decision has the right to appeal to the President of the Office for Foreigners in Warsaw within 14 days from receiving the decision. If the decision of the President of the Office for Foreigners is also negative, a foreigner may submit a complaint to the Voivodship Administrative Court in Warsaw within 30 days from receiving the decision of the President of the Office for Foreigners.

The document confirming the issue of a residence permit for a fixed period of time, a permit to settle or a long-term resident of EC residence permit is a **residence card**. A residence card issued by the voivod competent with respect to the place of the foreigner's intended residence. To obtain the residence card, the foreigner is obliged to pay the fee of 50 PLN.. A foreigner shall collect the residence card in person, or, in case of a minor, through his representative or curator.

CHAPTER II

Migrants' Access to Employment in Poland

Basic information

No matter what the original reasons are for coming to Poland, almost every case of migration seems to become a labor migration at a certain point. It is then crucial for foreigners to find and carry out employment when they reside on the territory of Republic of Poland, as well as be aware of the rules and regulations of the job market.

In the Polish legal system there is a general rule that a foreigner should have a work permit to carry out employment. There is, however, a vast catalogue of exceptions, which make it easier for foreigners to access Polish job market.

This chapter consists of analysis of the most important aspects of aforementioned issues.

Legal basis

Issues concerning working foreigner in Poland are regulated by the following acts:

- ▶ Act of April 20th, 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws, No 99, it. 1001 as amended);
- ▶ Act on Aliens of June 13th, 2003
- ▶ Act of June 26th, 1974- The Labour Code (uniform text, Journal of Laws, No 21, it. 94 as amended);
- ▶ The Regulations of the Minister of Labour and Social Policy;
- ▶ Local criteria of granting work permits for foreigners.

Basic terminology and the most important rules

According to the Act on Aliens, a foreigner is a person without Polish citizenship. Carrying out work by an foreigner means employment, performing other types of paid work, or performing a function in the offices of legal entities that are entered into the Register of Entrepreneurs on the basis of the regulations on the Central State Court Register or that are commercial companies. Other types of paid work includes working or providing services on the basis of agency contract, contract of mandate, contract of specific work or being a member or the agricultural production association, the association of agricultural circles or the association of agricultural services.

The most common basis of carrying out work by foreigners on the territory of the Republic of Poland may be:

- ▶ an employment contract: a probation contract, fixed term contracts, contract for a period of performing specified work;
- ▶ a contract of specified work;
- ▶ a specific performance contract;

- ▶ agency contract.

Changes in the law introduced by the amendments of 2009

Before the amendment, the issuance of a work permit for a foreigner used to have two stages. First, the employer received a promise of a work permit which was the basis of applying for the documents that legalize the residence on the territory of the Republic of Poland in conjunction with working. After the issue of those documents, a work permit is granted. Currently, the first part, a promise of a work permit, has been abolished. In addition, before the amendment, there was no regulation on the period of time on which a permit may have been issued, therefore the voivod had to grant a permit for the same period of the validity as the visa. Currently, a work permit may be issued for a period not exceeding 3 years.

Still, the fundamental rule is the obligation of the possession of a work permit by a foreigner on the territory of the Republic of Poland. A work permit is required if a foreigner:

- ▶ performs work on the territory of the Republic of Poland on the basis of the contract with an employer whose headquarters or place of residence is on the territory of the Republic of Poland;
- ▶ performs any function in the offices of legal entities that are entered into the Registry of Entrepreneurs on the basis of the regulations on the Central State Court Register or that are commercial companies and reside on the territory of the Republic of Poland for a period of time longer than 6 months within the next 12 months;
- ▶ performs work on the territory of the Republic of Poland in connection with a delegation from a foreign employer.

However, there are many exceptions from this rule.

Exceptions from the requirement of obtaining a work permit by a foreigner

Pursuant of Article 87 of the Act, the following foreigners are exempted from the obligation of possessing a work permit:

- ▶ A foreigner who possesses a permit to settle on the territory of the Republic of Poland;
- ▶ A foreigner who possesses a permit for tolerated stay;
- ▶ A foreigner who benefits from temporary protection;
- ▶ A foreigner who possesses a residence permit for a fixed period of time issued in accordance to Article 53, paragraph 1, it. 10, 11, 13, 16- 18 of the Act of Foreigners;
- ▶ A foreigner who is a spouse of the citizen of the Republic of Poland or a foreigner referred to in the previous points that possesses a residence permit for a fixed period of time on the territory of the Republic of Poland issued in conjunction with marriage;
- ▶ Is a citizen of a member state of the European Economic Area that is not a member state of the EU;
- ▶ Is not a citizen of a member state of the European Economic Area, however may exercise freedom of transit on the basis of a treaty between that country and member states of the European Commission;
- ▶ Is a member of the family of the foreigner referred to in two previous points, or a descendant of a foreigner's spouse and is not older than 21 or financially dependent on that foreigner, or the foreigner's spouse or an ascendant of that foreigner, or the foreigner's spouse financially dependent on that foreigner, or the foreigner's spouse;
- ▶ A foreigner who possesses a Card of a Pole;

- ▶ A foreigner who is entitled to stay and work on the territory of a member state of the EU or a member state of European Economic Area or The Swiss Confederation and is employed by the employer whose headquarters are on the territory of that country or is temporarily delegated by that employer to the territory of the Republic of Poland ;
- ▶ A foreigner who possesses a residence permit for a fixed period on the territory of the Republic of Poland issued on the basis of Article 53, paragraph 1, point 7 or 14 of the Act on Aliens;
- ▶ A foreigner, who on the basis of an international agreement or other regulations, is allowed to work without a work permit;

Other regulations in this area are determined by the Regulation of the Minister of Labour and Social Policy of August 30th, 2006 on foreign workers who can access the job market without a work permit (Journal of Laws, No 156, it. 1116 as amended). On the basis of that regulation, a foreigner may work without a work permit if he/she:

- ▶ is a full-time student on the territory of the Republic of Poland – in July, August and September;
- ▶ is a graduate a secondary schools, university or PHD studies on the territory of the Republic of Poland;
- ▶ works as an academic;
- ▶ works in aid of the European Parliament Representatives;
- ▶ is a teacher of foreign languages in kindergarten, school or institution referred to in the regulation on the education, or in the Voluntary Labour Corps;
- ▶ performs artistic services individually or in a group for a period not exceeding 30 days per year including the services of: actors, directors, conductors, instrumentalists, singers, circus performers, dancers and mimes;
- ▶ gives occasional lectures or presentations of unique scientific value for a period not exceeding 30 days per year if they permanently reside abroad;
- ▶ is a citizen of the countries bordering on the Republic of Poland and cooperating with Poland in the area of migrating for jobs within the partnership in aid of the mobility between those countries and the EU, if that citizen works for a period not of time exceeding 6 months within the following 12 months on the basis of an employer's written declaration confirming intention to employ a foreigner, which should be registered in the local Employment Office competent with respect to employer's place of residence or seat.

The lack of requirement to obtain a work permit is not equal to a requirement to obtain a proper document that legalizes a foreigner's residence on the territory of the Republic of Poland. In that case, a foreigner applying for a visa for the purpose of working shall attach a written employer's declaration confirming his/her intention to employ a foreigner (Article 29 of the Act on Aliens). After arrival on the territory of the Republic of Poland, a foreigner shall submit an application for a residence permit for a fixed period of time. However, such permit is issued if the circumstances justify foreigner's residence on the territory of the Republic of Poland for a period of time exceeding 3 months. In cases when a foreigner needs a work permit, but stays outside the territory of the Republic of Poland, his future employer should obtain a work permit from a voivod and send it to the foreigner. A work permit should later be attached to the foreigner's application for a visa.

Procedures of obtaining a work permit and its content

An employer intending to employ a foreigner may apply for a work permit or its prolongation to a voivod competent with respect to the employer's place of residence or seat. The employer should pay 50 - 200 PLN for a work permit or 25 - 100 PLN for its prolongation. That payment is dependent on the period of time for which the employer intends to employ the foreigner. If it is not exceeding 3 months, the payment is 50 PLN. If it is exceeding 3 months – 100 PLN. The voivod issues a work permit for a fixed period of time not exceeding 3 years.

A work permit:

- ▶ is issued to a particular foreigner;
- ▶ identifies the employer;
- ▶ identifies a position or the type of a foreigner's work;
- ▶ includes a validity date;
- ▶ is issued in 3 copies, two of which are received by the employer.

Pursuant of Article 88c of the Act on Aliens, before the issuance of a work permit, a voivod examines the following circumstances:

- ▶ if the income of a foreigner is not going to be smaller than the income of the workers performing similar type of tasks
- ▶ if the information obtained from the Starosta Office shows the lack of possibilities to satisfy the staff vacancies on the basis of the unemployed registers and employment offices or on the basis of the negative result of the recruitment organized for the employer.

In case of submitting the application for a work permit for a part-time job or on the basis of civil law contract, the voivod takes into consideration the income of a foreigner that is defined in the contract in proportion to the work time or the predicted period of work. The voivod issues a work permit without taking into consideration the above mentioned circumstances if a foreigner:

- ▶ who within 3 years preceding the application for a work permit has graduated from school or university on the territory on the Republic of Poland or a member state of the European Economic Area, the Swiss Confederation;
- ▶ who within 3 years preceding the application for a residence permit has stayed legally on the territory of the Republic of Poland, except circumstances referred to in the article 110 of the Act on Foreigner.

Reasons for refusal to issue a work permit

The act gives a closed catalogue of circumstances for the refusal to issue a work permit. A voivod issues a decision to refuse to issue a work permit in the following cases:

- ▶ The employer has submitted an application with false personal details or information, attached the documents with such information, provided false information or suppressed the truth, forged a document or used a forged document;
- ▶ The employer did not meet the requirements referred to in the article 88c and 88d of the Act;
- ▶ The employer applies for a permit for a foreigner that does not meet the requirements of qualification and other requirements in cases of the intention to employ a foreigner for a regulated job;

- ▶ Personal details of the person the application refers to are signed into the central register of foreigners whose residence on the territory of the Republic of Poland is undesirable.

The abovementioned circumstances (with the exception of the last one) are not applied in cases of applying for a prolongation of a work permit for a foreigner that is not responsible for those circumstances or for the omissions that are the basis of the refusal to issue a work permit.

Repeal of work permits and expiration of the obligation to work

The act gives a closed catalogue of circumstances for the repeal of a work permit and the expiry of an obligation to work.

A Voivod shall repeal a work permit if:

- ▶ the circumstances or evidence referring to the issued decision have changed (except for a case when a permit remains valid);
- ▶ the basis for the issuance of the work permit is no longer justified;
- ▶ the foreigner no longer meets the requirements referred to in the article 88d of an Act;
- ▶ foreigner stops working for a period exceeding 3 months (except for a case when a permit remains valid);
- ▶ the voivod receives information that the personal data of the foreigner are registered in the central registry of foreigners whose residence on the territory of the Republic of Poland is undesirable

Obligation to work in accordance to a civil law contract or to a labour law contract on the territory on the Republic of Poland expires in cases when the foreigner no longer meets requirements referred to in the article 87 of the Act concerning the possession of a residence permit or a work permit. In these cases, the parties have the right to compensation, if the refusal or the repeal has been issued as a result of a lack of due diligence, unless otherwise provided by the contract or regulations.

Validity upkeep of a work permit

Pursuant of Article 88i of the Act, there are certain situations, where in spite of change of factual and legal circumstances concerning the work of a foreigner, a work permit maintains its validity. However, there are obligatory and optional circumstances for the upkeep of the validity of a work permit.

A work permit maintains its validity in following cases:

- ▶ if the employer intends to employ a foreigner for a period of time not exceeding 30 days per year in a different type of work or on a different position than the contract states;
- ▶ change of the place of residence, the seat, the name or legal form of an employer or in case of a takeover of the employer or his part by another employer;
- ▶ takeover of the company or its part by another employer;
- ▶ change of the employer's foreign representative who delegates a foreigner to work on the territory of the Republic of Poland;

Abovementioned circumstances require the voivod who has issued a work permit to be promptly informed by the employer about the changes, and that the requirements that have been necessary to issue a work permit are still met.

Moreover, a work permit may maintain its validity if:

- ▶ a foreigner, in agreement with his employer, has not started working within 3 months from the initial date of a work permit;
- ▶ a foreigner, in agreement with his employer, has stopped working for a period exceeding 3 months;

Abovementioned circumstances only justify the permit's upkeep if the reason of the delay or the break is justified and the voivod that has issued the work permit has been promptly informed in writing.

Duties of an employer towards a foreigner who must possess a work permit

Pursuant of the Act on Aliens, the employer has the following duties:

- ▶ to include information, especially concerning the foreigner's salary, that are included in the application for a work permit, in the contract;
- ▶ to sign a contract with a foreigner and present a contract to a foreigner in a language understandable to him/her;
- ▶ to give one copy of the work permit to the foreigner;
- ▶ to inform the foreigner about the measures taken in connection with the proceedings of the issuance or prolongation of a work permit, all decisions, any refusals or repeals of a work permit;
- ▶ due diligence in proceedings concerning the application for or the prolongation of a work permit for a foreigner is required
- ▶ to promptly inform the institution that issues a work permit if the foreigner does not start working within the period of 3 months from the initial date of the work permit or if the foreigner stops working earlier than 3 months before the validity date of the work permit.

After the contract has been signed with a foreigner who possesses a work permit or with a foreigner who is exempted from the need to possess such permit, the employer is supposed to perform his duties and respect the foreigner's rights resulting from the Labour Code (In cases when a foreigner is employed on the basis of a job contract).

The employer's other duties include:

- ▶ a duty to pay the proper amount of money on time;
- ▶ a duty to register the work time including overtime hours;
- ▶ a duty to pay for overtime hours;
- ▶ a duty to respect a daily and weekly rest;
- ▶ a duty to grant vacation;
- ▶ a duty to provide the employee with the proper work conditions and to react to any signs of discrimination or mistreatment from other employees.

The consequences of illegal work by a foreigner

Illegal work by a foreigner means work without a work permit (except when a foreigner is exempted from the possession of a work permit, or under other conditions or other post than a work permit defines, inconsistent with a previously declared aim of the residence on the territory of the Republic of Poland or without required job contracts or civil law contracts). The consequences of illegal employment concern not only the foreigner, but also the employer that employs the foreigner illegally. It needs to be underlined that the amendment referred to above has reduced those consequences.

Article 120 of the Act on Aliens defines the offences connected with illegal work and sanctions imposed for committing them. In all cases, the imposed sanction is a fine, but it differs in regard to the type of offence. An offence may be committed by the foreigner and by the employer. The basic offences are defined in the two first paragraphs of the Act. An employer, who illegally employs a foreigner, carries a penalty of a fine not lower than 3000 PLN. A foreigner who works illegally carries a penalty of a fine not lower than 1000 PLN.

Moreover, illegal employment of a foreigner may influence the permission for the legal employment of that foreigner. If the employer is found guilty of one of the offences defined in Article 120, paragraphs 3- 5 of the Act on the basis of the legally valid verdict, or if an employer is found guilty of the similar offence again within the period of 2 years from the previous offence of the illegal employment of a foreigner, a voivod will refuse to issue a work permit to the foreigner working for that employer. Moreover, a voivod will issue such decision if the employer is a person:

- ▶ convicted for committing an offence from the Articles 218-221 of the Criminal Code;
- ▶ convicted in connection with the proceedings concerning the issuance of a work permit on the basis of Articles 270-275 of the Criminal Code or is administered or controlled by such person.

It should be kept in mind, that the consequences of illegal work of a foreigner mentioned in this paragraph, are not applied in cases of the application for the prolongation of a work permit for a foreigner, who is not a person responsible for the actions or negligence that are the grounds of the refusal to issue a work permit.

The most restrictive consequences of the illegal work of a foreigner are imposed on a foreigner on the basis of Chapter 8 of the Act on Aliens. In cases where a foreigner carries out work contrary to the Act of April 20th, 2004 on the promotion of employment and institution of labour market (e.g. without a required work permit) or he/she took up another economic activity contrary to the law of the Republic of Poland, the foreigner shall be rendered a decision on expulsion from the territory of the Republic of Poland. The costs related to the expulsion of the foreigner shall be borne by the employer.

A decision on expulsion shall not be rendered to a foreigner who possesses a permit to settle or a long-term resident of EC resident permit. Despite the fact that he/she does not need a work permit, he/she can be illegally employed without a contract required by law (i.e. 'black market work').

CHAPTER III

Migrants' Access to Education in Poland

Basic information

According to Article 26 of Universal Declaration of Human Rights, *everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.* It also has to be mentioned, that *parents have a prior right to choose the kind of education that shall be given to their children.*

This chapter focuses on the regulations concerning migrants' access to education in the Republic of Poland.

Legal basis

Acts concerning the education of foreigners in Poland are:

- ▶ Act of September 7th, 1991 on the education system (Journal of Laws of 1991, No 95, it.425 as amended);
- ▶ Act of July 27th, 2005 – The law on higher education. (Journal of Laws of 2005, No 164, it. 1365 as amended);
- ▶ Regulation of the Minister of National Education and Sport of October 4th, 2001 on the admission of persons with no Polish citizenship in public pre-schools, schools, teacher training institution and units. (Journal of Laws of 2001, No 131, it.1458);
- ▶ Regulation of the Minister of Science and Higher Education of October 12th, 2006 on Admission and Taking up Studies and Internships and Participating in Research and Development Works by Foreigners (Journal of Laws of 2006, No 190, it. 1406).

Obligation to attend school

According to Article 15 of the Education System Act (Journal of Laws of 1991, No 95, it.425 as amended) a school attendance obligation means an obligation to attend an educational unit and acquire knowledge.

The school attendance obligation applies to everyone under 18 years of age and concerns elementary and gymnasium levels of education. As a result, the school attendance obligation does not concern people over 18 years old, even if they did not graduate from gymnasium or people who graduated from gymnasiums but are under 18. School attendance obligation concerns Polish citizens and foreigners residing on the territory of the Republic of Poland.

Educational institutions which a foreigner may attend

A foreigner residing on the territory of the Republic of Poland may attend the following educational units:

- ▶ Kindergartens;
- ▶ Elementary schools and gymnasiums ;
- ▶ Secondary schools;
- ▶ Art schools;
- ▶ Higher education units.

Regulations in this booklet concern public institutions, education in private institutions is available for foreigners in regard to the rules of a particular institution, usually the same as for Polish citizens. Detailed information is available in the school that a foreigner plans to attend. Some private institutions have reduced payments for foreigners with a difficult situation.

Kindergartens

On the basis of the Regulation of the Minister of National Education and Sport of October 4th, 2001 on the admission of persons with no Polish citizenship in public pre-schools, schools, teacher training institution and units, a foreigner's child attends kindergarten on the same terms as a Polish citizen's child. They have the same rights and duties and are subject to the same requirements (e.g. a requirement concerning the available places in a particular kindergarten).

Attending private kindergartens (not run by the state) depends on the fulfillment of the requirements of a particular kindergarten, which are not obliged to admit all candidates.

Elementary schools and gymnasiums

A foreigner attends elementary school and gymnasium on the same terms as Polish citizens, because of the school's obligation which concerns elementary schools and gymnasiums and is applied also to foreigners. A foreigner may acquire knowledge and use health care in public schools. This regulation applies to all foreigners, regardless of their legal status or the reason of their residence on the territory of the Republic of Poland. It also concerns the foreigners who reside illegally in Poland- article 94a of the Education System Act. It means that a foreigner under 18 years of age, who has not graduated from a gymnasium may attend Polish elementary school or gymnasiums. They have the same rights as Polish citizens. If a school predicts particular duties for Polish citizens, they also apply to foreigners on the same terms. The situation of Polish citizens and foreigners in the area of education shall not differ as it is unacceptable and against the law.

Secondary schools

Nevertheless, the situation is different when a foreigner wants to attend a secondary school, because obligatory education only applies to kindergartens and elementary schools. As a result, not all foreigners have the right to attend secondary school on the same terms as Polish citizens. A foreigner may attend a secondary school on the same terms as Polish citizens if he/she:

- ▶ is a migrating worker and a citizen of one of the Member States of the European Union or a citizen of a member state of the European Free Trade Organization (EFTA) that is at

the same time a member of the European Economic Area, on condition that he/she is or was employed in Poland;

- ▶ is a member of the family of a migrating worker mentioned in the previous point, on condition that he/she resides in Poland;
- ▶ has Polish origin;
- ▶ has a permit to settle on the territory of the Republic of Poland;
- ▶ has a right to attend a secondary school guaranteed by an international agreement;
- ▶ has refugee status, complementary protection or a tolerated stay on the territory of the Republic of Poland;
- ▶ has a long-term resident of EC residence permit issued in Poland;
- ▶ has a residence permit for a fixed period of time, issued because he/she:
 - is a member of family of a foreigner who has a refugee status, a permit to settle or a long-term resident of EC residence permit, issued in Poland or has lived in Poland for at least 2 years on the basis of a residence permit for a fixed period of time (a valid permit has to be issued for at least a year), and resides in Poland or intends to come to Poland to unite with this person;
 - has a long-term resident of EC residence permit issued by another member state of the EU and their residence results from working, conducting economic activity, attending university or occupational trainings, eventually from other reasons or is a member of the family of such person and has lived with such person in another European Union Member State.
- ▶ is a child of a person applying for refugee status on the territory of the Republic of Poland

Requirements that have to be met by a foreigner to attend secondary school

The following requirements that have to be met by a foreigner to attend a secondary school are defined in the abovementioned Regulation and the Education System Act:

- ▶ sufficient knowledge of the Polish language;
- ▶ a certificate of elementary school graduation or of a school equivalent to Polish elementary school which a foreigner attended;
- ▶ if the education is to start on a higher level, a foreigner shall submit documents qualifying him for an appropriate level;
- ▶ doctor's certificate that there are no medical contraindications from attendance to a particular school.

If a foreigner may not submit the required documents, there is a possibility of taking a separate exam. If a school organizes the general entry exam for all candidates, the foreigner shall take this exam with other candidates.

Payment for attending secondary school

Foreigners, in addition to those mentioned above, may attend a school on the basis of payment, unless a foreigner has obtained a scholarship. The payment amounts to (according to the Regulation – paragraph 3, it. 1):

- ▶ in secondary schools – the equivalent to 1 200 EUR;
- ▶ in post-secondary schools or in a teacher education institution – the equivalent to 1 500 EUR.

During the first year of studies, the payment increases by 200 EUR. The payment shall be made in PLN according to the exchange rate of the National Bank of Poland on the day of the payment, prior the beginning of a school year; if a period of education is shorter than the school year, an appropriate partial payment shall be made.

If the economic situation of a foreigner prevents him/her from paying for education, the institution responsible for school (commune or district)- on application of a foreigner, his/her parents or guardians – lowers the payment or entirely exempts a foreigner from payment - paragraph 4, it.2 of the regulation. A foreigner may start education in the secondary school if he/she supplies documentary evidence of the graduation from gymnasium in Poland or abroad – similarly to the beginning of education in gymnasium.

Scholarships may be obtained from the Minister of Education or from a particular school, its principal or the institution responsible for the school (local government) – article 94a of the Education System Act:

- ▶ for the students of elementary schools, gymnasiums, secondary schools, hitherto secondary schools, art schools and other institutions – double the amount of the scholarship of the Prime Minister;
- ▶ for students of post- secondary schools , art post-secondary and students of teacher education institutions – triple the amount of the scholarship of the Prime Minister.

A scholarship may be lowered if the foreigner:

- ▶ has poor results in education
- ▶ misbehaves at school

A scholarship may be suspended if the foreigner:

- ▶ obtained the scholarship on the basis of false information;
- ▶ was not promoted to the next grade;
- ▶ stays outside the territory of the Republic of Poland for more than a month.

A scholarship is not paid during the summer holidays, with the exception of students from outside of Europe who may obtain a scholarship also during summer holidays under Article 9 of the regulation.

University education

A foreigner may undertake undergraduate studies (Bachelor, 3 years), graduate studies (Master, 2 years), undergraduate studies (Master, 5 years), PHD studies and post-graduate studies. He/she may take part in post-PHD trainings, scientific trainings and medical trainings. Foreign students may also do their student apprenticeships on the territory of the Republic of Poland.

Conditions for studying on the territory of the Republic of Poland

According to Article 43 of the Act - the Law on Higher Education, the necessary conditions to undertake studies are:

- ▶ possession of a visa, a residence card or other document entitling the student to residence on the territory of the Republic of Poland;

- ▶ confirmation of proper health condition and lack of contraindications to study at a particular faculty (some faculties, e.g. medical or technical, may require additional confirmations of health condition);
- ▶ possession of health insurance in case of illness or an accident or the possession of the European Health Insurance Card, or joining the National Health Fund in Poland (NFZ).

Individuals that want to study in Poland are obliged to complete a year-long course of Polish language that prepares a foreigner to undertake studies in Poland (such courses are organized in particular institutions, individuals attending this course have the same rights as students). This obligation does not concern:

- ▶ individuals who possess an official certificate of the knowledge of Polish language,
- ▶ individuals who acquire confirmation of the knowledge of Polish language on a sufficient level to undertake studies at the university

If the classes are run in a foreign language (different than Polish, e.g. in French or English) a foreigner is obligated to present a confirmation of the knowledge of that language – an official language certificate or the report of the secondary school in which the classes have been run in that foreign language. In order to undertake the next level of studies a foreigner is obliged to finish the previous level of studies in Poland (e.g. undergraduate studies, 3 years, Bachelor) or to present a document confirming that they have finished the previous level abroad. Such document may be: in order to undertake undergraduate studies (3 years or 5 years) - Polish High School Graduation Certificate or its equivalent acquired abroad that entitles the student to undertake studies at the university; in order to undertake graduate studies – a diploma of the undergraduate studies or its equivalent acquired abroad that entitles the student to undertake graduate studies at the university; in order to undertake postgraduate studies – a diploma of the undergraduate studies – 3 or 5 years), the graduate studies or its equivalent acquired abroad that entitles the student to undertake postgraduate studies at the university; in order to undertake Ph. D. studies – a diploma of graduate studies or undergraduate studies (5 years) or its equivalent acquired abroad that entitles the student to undertake Ph. D. studies at the university; in order to take part in postgraduate training – a doctoral degree (Ph. D.) acquired in Poland or abroad that is equivalent to the Polish doctoral degree.

All documents mentioned above that have been acquired abroad shall be legalized in Poland or provided with *apostille* – a special confirmation of their authenticity and character. The documents may also be respected in Poland – officially recognized as equal to Polish documents.

Foreign documents concerning education are respected in Poland on the basis of international agreements on the mutual recognition of documents concerning education or by nostrification. Other regulations govern the recognition of the occupational qualifications acquired on the territory of the European Union.

Documents from countries with which the Republic of Poland does not have an international agreement on the mutual recognition of documents concerning education are subject to nostrification. For students from those countries, that have the above-mentioned agreements, the following documents are not included: if the agreement does not include those documents (e.g. the diplomas issued within the period of time when the agreement was not

in force or the documents that are not mentioned in the agreement) in which case they are also subject to the nostrification process.

Lack of knowledge of the Polish language

According to Article 94a, paragraph 4 of the Education System Act, a condition for attendance at Polish school is knowledge of the Polish language. The classes at Polish schools are taught only in Polish. A foreigner shall know Polish on the level sufficient to participate in classes. A foreigner, covered by the school obligation (under 18 years old), who does not know Polish on a level sufficient to attend school or does not know Polish at all, has the right to additional and free Polish classes.

Additional Polish classes are organized by local authorities, competent with respect to a foreigner's place of residence. The classes are held at school and are free of charge. If at least 15 foreigners intend to participate in the classes, the commune shall organize a preparatory course. If less than 15 foreigners are interested, additional classes of Polish language shall be organized.

Polish classes are held during the school year. A foreigner may take part in the course only once. Polish classes shall let a foreigner participate in the classes at school and shall last at least 2 hours per week, that is at least 90 minutes. A foreigner covered by the school attendance obligation (under 18 years old) has the right to attend additional and free Polish classes. The organization of the classes is governed by a minister's regulation.

Language and cultural training

On the territory of the Republic of Poland, there are no special schools for foreigners. Each public school shall be available for Polish citizens and for foreigners. According to Polish Law, private or legal persons may establish a school aimed at the integration of the foreigners and Polish citizens. However, the school has to acquire public school status. The right to attend the school has to be the same for Polish citizens and foreigners. The diplomatic or consular institutions of a foreigner's country of origin may organize their national language and culture classes for foreigners covered by the school attendance obligation. The classes may be held at school after the agreement of the headmaster and of the institution responsible for the school. A school makes the classrooms and teaching materials available for free. The classes may be run if at least 15 foreigners covered by the school obligation are interested in the classes.

Recognition of foreign university degrees and vocational certificates

As stated earlier, foreigner's access to education or issuance of a work permit in Poland are usually related to recognition, or nostrification, to a degree from a foreign university or foreigner's vocational certificates. This is particularly relevant in case of applying for university studies in Poland, where a certificate of completion of a high-school education and eligibility for university-level education is required. Similarly, in case of the job market some employers may require presenting a proof of foreigner's skills or competencies.

Higher education or vocational skills certificates are being recognized based on international agreements or through nostrification.

Poland has signed international agreements on diploma recognition with: Armenia, Belorussia, Bulgaria, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Estonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Libya, Moldova, Mongolia, Romania, Russian Federation, Slovakia, Slovenia, Soviet Union, Syria, Tajikistan, Ukraine, Uzbekistan, Vietnam and Yugoslavia. Some of those agreements were signed with countries that no longer exist. Nevertheless, they still remain in force in case of persons that obtained their university or vocational skills certificates before the break-up of Soviet Union or Yugoslavia. More information on these procedures can be obtained at the Bureau for Academic Recognition and International Exchange at this address: Biuro Uznawalności Wykształcenia i Wymiany Międzynarodowej (BUWiWM). ul. Ogrodowa 28/30, 00-896 Warszawa, tel.: (022) 826 74 34.

Nostrification is required in case of all certificates and diplomas issued by the education institutions in the countries with whom Poland does not have an agreement on mutual recognition of diplomas. The procedure depends on the document in question and can be undertaken by a school district or an university.

CHAPTER IV

Migrants' Access to Social Services

Basic information

Issues concerning social services are determined by the Act of March 12th, 2004 on social services (Journal of Laws of 2004, No 64, it. 593 as amended).

Foreigners residing on the territory of the Republic of Poland on the basis of a permit to settle, a long-term resident of EC residence permit, a residence permit for a fixed period of time issued in connection with the circumstances referred to in art. 53 paragraph 1, it. 13 of the Act on aliens of June 13th, 2003 (that is, a foreigner possesses the long-term resident of EC residence permit issued by another member state of the EU to a foreigner that intends to work or conduct economic activity on the basis of the regulations of the Republic of Poland, take up or continue studies or occupational trainings, or a foreigner that may confirm other circumstances justifying his/her residence on the territory of the Republic of Poland).

According to article 7 of the act on social service, assistance is given especially in cases of:

- ▶ becoming an orphan,
- ▶ poverty,
- ▶ homelessness,
- ▶ unemployment,
- ▶ physical disability,
- ▶ long or serious illness,
- ▶ domestic violence,
- ▶ a need of motherhood protection or multi children family protection,
- ▶ major difficulties with running a household, especially in multi children or incomplete families,
- ▶ the youth's inability to adjust
- ▶ trouble in adjusting to living in society after being released from prison
- ▶ alcohol or drug abuse
- ▶ accident of fate and critical situation,
- ▶ natural disaster or life disaster,
- ▶ a victim of trafficking in human beings in need of protection.

The following benefits may be received from social service:

- ▶ financial benefits,
- ▶ non-financial benefits

Non-financial benefits

Non-financial benefits include:

- ▶ social work,
- ▶ premiums for social insurance,
- ▶ material help to support economic independence,
- ▶ specialist advice,
- ▶ shelter,
- ▶ food,
- ▶ clothes,
- ▶ protected residence,
- ▶ stay and services in a social service center,
- ▶ a funeral,
- ▶ emergency intervention,
- ▶ funded ticket,
- ▶ care service in the place of residence, in the support centers, and centers for supporting the family
- ▶ specialist care services in the place of residence and in the support centers
- ▶ care and education in the foster family or care-and-education institution,
- ▶ help in obtaining proper housing conditions, including a protected residence, help in finding a job, material help for the development for independent persons,
- ▶ trainings, family advisory and family therapies conducted by adoption and care centers.

Financial benefits

According to Article 8 of the act on social services, only the following categories of people may apply for financial benefits:

- ▶ A single-person household whose income does not exceed the income criteria set for that household, currently set at 477 PLN.
- ▶ A member of the family whose income per one person does not exceed the income criteria per one person in a family, currently set at 351 PLN.
- ▶ A family whose income does not exceed the sum of income criteria per one person in a family.

Income is the sum of the incomes of all family members from the month preceding the submission of the application for consideration – or, in case of losing source of income – from the month of the submission of the application, reduced by:

- ▶ Monthly income tax
- ▶ Health and social insurance fees
- ▶ Maintenance paid in aid of other persons

Income does not include:

- ▶ Alimony paid by a family member to persons in other families
- ▶ one-time disability benefits,
- ▶ benefits in kind,
- ▶ financial benefits: fees for social insurance paid by the social service centers,
- ▶ income from socially useful jobs

In justified cases, financial help may be given to persons or families whose income exceeds the mentioned income criteria. This includes welfare for a particular purpose, temporary

welfare or material help. It is granted on condition, that the whole (or a part of) the help, that the beneficiary receives, is returned.

Financial benefits include:

- ▶ temporary welfare,
- ▶ permanent welfare,
- ▶ welfare for a particular purpose,
- ▶ special purpose welfare,
- ▶ welfare and loans for supporting economic independence,
- ▶ help to foster the family,
- ▶ help to individuals who want to become independent or to continue their education.

Permanent welfare

According to Article 37 of the act on social service, only the following persons may receive permanent welfare:

- ▶ a single-person household of an individual who is over 18 years old, unable to work because of age or completely unable to work, if his/her income does not exceed the income criteria of a single-person household;
- ▶ a minor staying with his/her family, unable to work because of age or completely unable to work, if his/her income and the income per one person in a family does not exceed the income criteria per one person in a family

A foreigner may apply for this welfare if he/she is unable to work because of age or disability. In that case, he/she must present the documents confirming disability to work, e.g. certificate confirming disability. A foreigner is not entitled to permanent welfare if:

- ▶ has an established right to the disability benefit, nursing benefit or additional allowance in virtue of bringing up a child by a single parent,
- ▶ has lost the right to the unemployment benefit as a result of the expiry of the statutory time of collecting a benefit

Temporary welfare

Persons and families eligible for temporary welfare (Art. 38 of the act on social service) are those, who have not enough financial means to cover the costs of their necessary needs, especially in case of a long or serious sickness, disability, unemployment or inability to maintain or acquire the eligibility for benefits from other systems of social security (e.g. a pension). While applying for a benefit, an individual shall present proper documents confirming the sickness, disability and the costs of medical treatment. It has to be kept in mind that during application for temporary welfare, a foreigner is obliged to actively search for a job (registration in the employment office alone is NOT enough!) and to accept any job offer regardless of his/her qualifications (exception: an individual may refuse to undertake a job only if their health condition does not allow them to do this job).

Welfare for a particular purpose

Welfare for a particular purpose (Art. 29 of the act) is granted in order to satisfy essential needs, e.g. to cover the costs (or part of costs) of food, medicine, treatment, fuel, clothes, necessary housing equipment, small redecoration or repairs, and the funeral.

In unique cases, special purpose welfare, which does not have to be paid back, may be granted.

Procedure of applying for social service benefits

In order to receive social help, you need to submit an appropriate application in a social service center (OPS) competent with respect to your place of residence. In some cases, a social worker decides himself/herself (without your application) that one's situation requires social assistance.

A social worker conducts a community interview in one's place of residence to determine whether they are entitled to social assistance. An interview is conducted within 14 days from the beginning of the procedure, in emergency cases within 2 days. During the community interview, the social worker asks about the family and economic situation, therefore the applicant should prepare all documents that may be helpful to the interview (e.g. ID – residence card, decision on the issue of the permit for legal residence, confirmation of attendance to school, certificate of physical disability, income certificate from the employer or a confirmation of granting the unemployed status from the employment office).

Financial benefits are granted on the basis of an administrative decision, except for social work, specialist advice and a funded ticket. The decision must be issued within one month from the beginning of the procedure. If a social service center needs more time to issue a decision, it shall inform the applicant about it in writing and set a new date.

A refusal may be issued on the following conditions:

- ▶ the applicant's refusal to present their income and financial information
- ▶ if a social worker concludes that the available income or acquired social benefit is managed with poor judgment
- ▶ the applicant's failure to cooperate with the social worker
- ▶ the applicant's refusal to take up a job for no apparent reason (if unemployed) or refusal to start detoxification in addiction to a treatment center (if addicted)
- ▶ the social worker concludes that there is a difference between documented income and the person's actual financial position which indicates one's ability to manage his/her difficult situation.

Decisions on the determination of social benefits may be repealed or changed if:

- ▶ legal regulations change,
- ▶ family situation or economic situation of a person changes,
- ▶ the foreigner collects unjustified benefits
- ▶ in cases when granting of the social benefits has been refused (mentioned above).

Everyone has the right to appeal from the decision if they are dissatisfied with the it. The appeal shall be made to the Council Appeals Board of the institution that issued the decision within 14 days from the reception of the decision.

The applicant should always cooperate with the social worker and inform him/her about every change concerning their personal, economic and financial situation. If the applicant deliberately misleads the social worker, they may not receive benefits or they could lose the benefits they already have and be obligated to return all unjustified benefits they have collected.

CHAPTER V

A Foreigner's rights and obligations concerning an expulsion decision from the territory of the Republic of Poland

Basic information

A decision on expulsion from the territory of the Republic of Poland shall be issued due to the occurrence of circumstances specified in Article 88 of the Act on Aliens of June 13th, 2003, hereafter referred to as the Act, if a foreigner:

- ▶ resides on the territory of the Republic of Poland without a valid visa, if required, or without any other document authorizing him/her to enter and reside on this territory;
- ▶ has not left the territory of the Republic of Poland after the expiration of an allowed period of residence on the territory of Schengen countries for 3 months within 6 months following the day of the first arrival;
- ▶ carried out work without a required permit, or took up economic activity contrary to the laws in force in the Republic of Poland;
- ▶ does not possess the financial means necessary to cover the costs of residence on the territory of the Republic of Poland and cannot indicate any credible sources of obtaining these financial means;
- ▶ his/her data is entered into the registry of aliens whose residence on the territory of the Republic of Poland is undesirable;
- ▶ his/her data has been entered into the Schengen Information System in order to refuse entrance, if an alien resides on the territory of the Republic of Poland on the basis of a uniform visa for the purpose of stay or within the visa free traffic area;
- ▶ the continuation of his/her residence would constitute a threat to national security or it would be contrary to the interests of the Republic of Poland;
- ▶ has crossed or has attempted to cross the border contrary to the laws;
- ▶ has not voluntarily left the territory of the Republic of Poland within the time limit specified in the decision;
- ▶ does not comply with fiscal obligations to the State Treasury;
- ▶ has served a sentence of imprisonment;
- ▶ has been sentenced in the Republic of Poland by a legally valid and enforceable sentence of imprisonment and there are grounds to conduct the extradition procedure abroad in order to execute the punishment adjudged in relation to this alien.
- ▶ resides outside the border zone, where he/she can reside pursuant to the permit for crossing the border within the local border traffic;
- ▶ resides on the territory of the Republic of Poland after the expiration of the period of stay, to which he/she was entitled on the basis of a local border traffic permit.

Pursuant to Article 97 of the Act, in cases referred to in 1-4, 8 as well as 13 and 14 above, a foreigner may be obliged to leave the territory of the Republic of Poland within the time limit of 7 days if the circumstances of the case indicate that he/she shall carry out this obligation voluntarily.

Pursuant to Article 101 of the Act, a foreigner in relation to whom any circumstances that justify rendering of the decision on expulsion apply or an alien who evades carrying out obligations specified in the decision on expulsion, may be detained for a period not exceeding 48 hours.

A foreigner shall be placed in a guarded centre if:

- ▶ it is necessary to ensure the effectiveness of the proceeding on expulsion,
- ▶ there is well-founded fear that a foreigner will attempt to evade the execution of the decision on expulsion,
- ▶ he/she crossed or has attempted to cross the border contrary to the law.

A foreigner shall be placed in arrest for the purpose of expulsion if there is a fear that he/she will not observe the rules in force in the guarded centre and if any of the circumstances referred to in 4 have arisen.

Pursuant to Article 106 of the Act, a decision to place a foreigner in the guarded centre or in arrest for the purpose of expulsion shall be rendered by a competent court, which shall specify the period of detention or arrest not exceeding 90 days. The period of stay in arrest or in the guarded centre may be prolonged for a specified period necessary to execute the decision on expulsion, if that decision was not executed due to the foreigner's fault. The period of stay in arrest or in the guarded centre may not exceed one year.

Pursuant to Article 89 of the Act, the decision on expulsion of a foreigner shall not be rendered, and the decision rendered shall not be executed if:

- ▶ there are circumstances pointing to granting a permit for tolerated stay;
- ▶ the foreigner is a spouse of the Polish citizen or of the a foreigner possessing a permit to settle or the long-term resident's EC resident permit and his / her does not constitute a threat to state security and defense or public security and policy, unless the marriage has been concluded in order to avoid expulsion;
- ▶ a foreigner is residing on the territory of the Republic of Poland on the basis of a uniform visa for the purpose of stay allowing exclusively to arrive on the territory of the Republic of Poland for humanitarian purposes, with regard to the interests of the country or international commitments, or a permit for a fixed period of time, if it has been granted due to the following circumstances:
 - regulations of the Polish law require alien's appearance in person before the Polish public authorities;
 - an exceptional personal situation of a foreigner requires he/she residence on the territory of the Republic of Poland;
 - interests of the Republic of Poland require alien's residence;
 - an authority competent to conduct the proceedings concerning combating trafficking in human beings has stated that a foreigner is probably a victim of trafficking in human beings as specified in the Council Framework Decision of July 19th, 2002 on combating trafficking in human beings.

The decision on expulsion:

- ▶ shall specify the time limit, not exceeding 14 days, in which a foreigner must leave the territory of the Republic of Poland, excluding the cases when the decision is subject to forced execution;
- ▶ may specify the route of arrival to the border and the place of crossing the border;
- ▶ may oblige a foreigner to stay in the indicated place until the execution of the decision and may oblige him/her to report to the authority indicated in the decision at specified time intervals.

A migrant has the right to file an appeal against the decision to the Head of the Office for Foreigners through a voivod who issued this decision, within 14 days following the date of service of the decision.

Rights and responsibilities of a detained person.

Basis for arrest and detention

According to the Act on Aliens of 2003 and pursuant of Art. 244 par. 1 of the Code for Criminal Procedure of 1997, a person may be detained in the territory of the Republic of Poland, if there is a reasonable suspicion, that they have committed a crime, and a suspicion that he/she will run, hide or try to cover-up the crime, or where the identity of the foreigner cannot be established. A foreigner who may be a subject to expulsion from the Republic of Poland, or who avoids their responsibilities under the decision on their expulsion, can be detained for 48 hours. Their case thereafter has to be presented to the court who has 24 hours to either decide to put the detained person in a secured facility or in jail, or to release them. A foreigner can be arrested and detained if:

- ▶ There is probable cause to suspect that a crime has been committed and that the person will try escaping or concealing or hiding the crime or covering-up the crime or it is impossible to establish the person's data or identity;
- ▶ there are existing circumstances which allow for the issuance of the expulsion decision or repeal from the realization of obligations;
- ▶ there exists circumstances in the application for refugee status, the alien:
 - has no right to entry into the territory of the Republic of Poland;
 - has stayed illegally on the territory of the Republic of Poland;
 - has crossed or tries to cross the state border before applying for the refugee status;
 - has been served with the decision to leave the territory of the Republic of Poland;
 - has been served with the decision about expulsion from the territory of the Republic of Poland;
 - has been served with an expulsion decision after applying for refugee status.

Rights of the detained foreigner

- ▶ A person who is detained should be immediately informed why he/she is being detained and informed about their rights. This information has to be in writing. The detained person also has the right to make a statement;
- ▶ The detaining authority is obliged to present the detained person with a copy of the protocol of the arrest. The protocol has to include:
 - name and position of the officer;
 - name of the detained person;
 - the reason for detention;

- the time and place of arrest;
 - the accusation against the arrested person.
- ▶ The arrested person has the right to contact a lawyer and talk to him directly. The arresting officer has the right to be present during this conversation;
 - ▶ The detained person can file a complaint to the court, where they can ask for checking the legality, reasonability and proper conduct of the arrest. It has to be filed within 7 days. If the court finds the detention illegal or unreasonable, the detained person should be released immediately;
 - ▶ The detained person cannot be detained twice upon the same evidence or facts;
 - ▶ The detained person has to be transferred to the disposition of the court within 48 hours. The court has 24 hours to present the detained person with the decision of temporary arrest. Otherwise, the detained person should be released;
 - ▶ The detained person has the right to contact his/her Embassy or Consulate;
 - ▶ Upon his/her request the arresting authority has to inform a person close to you (next of kin) that s/he is being detained. According to the Code of Criminal Procedure, Art. 115, par. 11 of 1997, the next of kin can be:
 - a spouse
 - ascendant
 - descendant
 - a relative
 - a person under his/her custody or their spouse, or his/her partner.
 - ▶ The arrested person has the right to choose who the arresting authority should contact. The arresting authority can also inform his/her employer or school.
 - ▶ The arrested person should be immediately released if the reason for the arrest no longer applies.

Rights and responsibilities of the defendant in the criminal procedure

According to the Constitution of the Republic of Poland, an accused is innocent of any crime until s/he is proved guilty of the crime accused of in a court of law. A person becomes a suspect according to the Code of Criminal Procedure of 1997, when the authorities make the decision of charging him/her with committing a crime. Similarly, A person becomes a defendant, when the indictment in his/her case is filed to the court, or when the prosecutor a files for conditional remission of criminal procedure. In most cases, the suspect has the same rights and responsibilities as the defendant. The defendant:

- ▶ is entitled to a translator free of charge if he/she does not speak polish;
- ▶ has the right to legal representation and the appointment of the attorney;
- ▶ has to prove the inability to support him/herself and the family if he/she paid for a lawyer and ask the court to appoint one for free;
- ▶ can ask the attorney to undertake actions in his/her favour;
- ▶ can communicate with the attorney directly without anyone present or by mail if he/she is in jail. However, in particularly justified cases, the prosecutor may be present at his/her meetings with the lawyer, or he can appoint another person to be there. The defendant's mail can also be checked by the prosecutor. These restrictions only apply up to 14 days after the defendant's arrest;
- ▶ cannot be forced to provide any evidence that is not good for them. They can however be subject to medical examination in order to get their DNA and all medical procedures

have to be carried out by a professional. The authority can take their finger-prints. The defendant can also be photographed. He/she can be subject to psychological and psychiatric evaluation;

- ▶ has to appear upon every request of the authorities if he/she is not in jail. The defendant should inform the authorities about the change of their residence, no longer than 7 days, following the change.

The Project in Brief

'Migrant Rights: Nigerian-Polish Initiative' is a partnership project designed to enhance the protection of rights of migrants in the Republic of Poland. The project is funded by the European Union through the European Union – United Nations, Joint Migration and Development Initiative, and implemented by the United Nations Development Programme (UNDP). Actions for the project are designed to be realized in both partner countries "the Federal Republic of Nigeria and the Republic of Poland". Partners to the project are the Rule of Law Institute Foundation and Human Support Services. The project seeks to create positive linkages between the phenomenon of migration and development in countries of migration origin and destination.

Fundamental in its goals include awareness raising, knowledge and skills improvement on the rules, rights and obligations of migrants, as well as to encourage respect for the rights of migrants. Project actions are as well designed to support and/or assist the integration process of migrants in the Republic of Poland.

The Project 'Migrant Rights: Nigerian-Polish Initiative' seeks to improve the knowledge of migrants on the dangers of using irregular channels of migration. The project focuses on facilitating networking for practitioners to learn from each other, and to support the creation of partnerships to strengthen the role of migrant groups in development processes and interventions in countries of origin. It therefore targets to enhance the exchange of knowledge and information on labour migration policies in both Nigeria and Poland.

Glossary

Adres zameldowania

– An address of permanent residence

Areszt – A jail

Azyl – Asylum

Cudzoziemiec – A foreigner

Dokument – A document

Dokument tożsamości

– An identity document

Dowód osobisty – An identity Card

Granica – A border

Grzywna – A fine

Kara – A punishment

Karta pobytu – Residence card

Konwencja Genewska – Geneva Convention

Kraj pochodzenia – Country of origin

Małżeństwo – A marriage

Narodowość – Nationality

Obywatelstwo – Citizenship

Ochrona – Protection

Odwołanie – A letter of appeal

Ośrodek Strzeżony dla Cudzoziemców

– A Guarded Facility for Foreigners

Państwo członkowskie – A member state

Paszport – A passport

Podróż – A journey

Pomoc prawna – Legal aid

Postępowanie karne – Criminal procedure

Prawa człowieka – Human rights

Prawa i obowiązki

– Rights and responsibilities

Prawo – The law

Przepisy – Regulations

Przestępstwo – A crime

Prześladowanie – Oppression, persecution

Sąd – The court

Skarga – A complaint

Straż graniczna – Border Guard

Szef Urzędu ds. Cudzoziemców

– Head of the Office for Foreigners

Uchodźca, status uchodźcy

– A refugee, a refugee status

Umowa – A contract

Urząd – The Office

Ustawa – An Act

Więzienie – A prison

Wiza – A visa

Wniosek – A motion, form

Wojewoda – A Voivod

Wojewódzki Sąd Administracyjny

– Voivodship Administrative Court

Wykroczenie – A misdemeanor

Zaświadczenie – A certificate

Zezwolenie – A permit

Zezwolenie na pobyt – A residence permit

Zameldowanie – Registered place of living

Useful Addresses:

Fundacja Instytut na rzecz Państwa Prawa
(Rule of Law Institute Foundation)
14 Chopin St., suite 85, 20-023 Lublin
Ph./Fax: (+48 81) 532 40 69 or 743 68 05
Hotline: +48 530 82 62 42
e-mail: npi@fipp.org.pl
www.nigerianpolishinitiative.org
www.fipp.org.pl

Human Support Services
G Close Shopping Complex, 321 Road
23401 Festac, Lagos, Nigeria
Phone: 2348023191501
e-mail: humansupportservices@gmail.com
<http://www.migrantrights.info/>

Ambasada Republiki Nigerii w Polsce
(The Embassy of the Republic of Nigeria to Poland)
Starościńska 1 B St.
02-516 Warszawa, Polska
Phone: (+48 22) 542 41 17, 18
Fax.: (+48 22) 542 41 13
e-mail: info@embassyofnigeria.pl
www.embassyofnigeria.pl

INTERNATIONAL ORGANIZATIONS

Biuro Wysokiego Komisarza Narodów
Zjednoczonych ds. Uchodźców
**(United Nations High Commissioner
for Refugees (UNHCR) Office in Poland)**
13/15 Szucha Av., Suite 17, 00-580 Warszawa
Phone: (+48 22) 628 69 30
Fax (+48 22) 625 61 24
e-mail: polwa@unhcr.org

**IOM International Organization
for Migration**
8 Mariensztat Street, 00-302 Warszawa
Phone: (+48 22) 538 91 03
Fax (+48 22) 538 91 40
e-mail: iomwarsaw@iom.int

Agencja Praw Podstawowych
Unii Europejskiej
**(European Union Agency
for Fundamental Rights)**
Schwarzenbergplatz 11, 1040 Wien, Austria
Phone: (+431) 580 3060
Fax: (+431) 580 30699
e-mail: information@fra.europa.eu

Międzynarodowy Ośrodek Rozwoju
Polityki Migracyjnej
**(International Centre for Migration
Policy Development - ICMPD)**
Gonzagagasse 1, 5th floor
1010-Vienna, Austria
www.icmpd.org

European Court of Human Rights
Council of Europe
67075 Strasbourg Cedex
France
Tel : +33 (0)3 88 41 20 18
Fax : +33 (0)3 88 41 27 30
<http://www.echr.coe.int/echr/>

**European Agency for the Management
of Operational Cooperation at the
External Borders of the Member States
of the European Union (FRONTEX)**
1 Rondo ONZ St.
00-124 Warszawa, Poland
Phone: +48 22 544 95 00
Fax +48 22 544 95 01
e-mail: frontex@frontex.europa.eu
<http://www.frontex.europa.eu/>

**The European Commission-United Nations
Joint Migration and Development
Initiative (JMIDI),**
UN House, 14 Rue Montoyer,
1000 Brussels, Belgium
Ph.:+32 2 235 0550
Fax: +32 2 503 4729
e-mail: jmidi.pmu@undp.be

NON-GOVERNMENTAL ORGANIZATIONS

Helsińska Fundacja Praw Człowieka
(Helsinki Foundation for Human Rights)
11 Zgoda Street, 00-018 Warszawa
Ph.: (+48 22) 556 44 66
Fax: (+48 22) 828 69 69
e-mail: hfhr@hfhrpol.waw.pl

Caritas Archidiecezji Lubelskiej
Centrum Pomocy Migrantom i Uchodźcom
**(Lublin Archdiocese Caritas Center
for Support of Migrants and Refugees)**

2 Prymas Wyszyński Av.
20-950 Lublin
Ph./Fax: (+48 81) 743 71 86
e-mail: migranci-lublin@caritas.pl

Stowarzyszenie Homo Faber
(Homo Faber Association)
39 Krakowskie Przedmieście
20-016 Lublin
Phone: (+48 81) 534 45 13
e-mail: info@hf.org.pl

Stowarzyszenie Interwencji Prawnej
(Association for Legal Intervention)

Al. 3 Maja 12/510
00-391 Warszawa
Ph./fax (+48 22) 621 51 65

Centrum Pomocy Prawnej im. Haliny Nieć
(Halina Nieć Legal Aid Center)

11 Krowoderska St. # 7, 31-141 Kraków
Tel: 012 633 72 23, Fax: 012 423 32 77
e-mail: biuro@pomocprawna.org

Polskie Forum Migracyjne
Polish Migration Forum

Ph.: (+48) 605 888 753
www.forummigracyjne.org

Polska Akcja Humanitarna
(Polish Humanitarian Action)

5 Szpitalna St., Room 3
00-031 Warszawa
tel. +48 22 828 88 82, 22 828 90 86
fax: 831-99-38
e-mail: pah@pah.org.pl

Instytut Spraw Publicznych
(The Institute of Public Affairs)

5 Szpitalna St., Room. 22
00-031 Warszawa
tel: +48 22 556 42 60
fax: +48 22 556 42 62
e-mail: isp@isp.org.pl
http://www.isp.org.pl

SELECTED PUBLIC OFFICES IN WARSAW

Wojewódzki Urząd Pracy w Warszawie
(Voivodship Employment Office in Warsaw)

16 Młynarska Street (main building)
01-205 Warszawa
Phone: (+48 22) 578 44 00
Fax (+48 22) 578 44 07
10a Erazma Ciołka Street
01-402 Warszawa,
Phone: (+48 22) 532 22 00
01-205 Warszawa
7 Młynarska Street
Phone: (+48 22) 224 02 09
e-mail: wup@wup.mazowsze.pl

Urząd do Spraw Cudzoziemców
(The Office for Foreigners)

16 Koszykowa St.
00-564 Warszawa
Phone: (+48 22) 601 75 14
e-mail: legalizacjapobytu@udsc.gov.pl

Ministerstwo Edukacji Narodowej
(Ministry of Education)

25 Szucha Av.
00-918 Warszawa
Phone: (+48 22) 347 41 00
e-mail: informacja@men.gov.pl

Wojewódzki Sąd Administracyjny
(Voivodship Administrative Court)

2 Jasna Street, Suite 4
00-013 Warszawa
Phone: (+48 22) 553 70 00
Fax. (+48 22) 826 98 89

Ministerstwo Finansów
(Ministry of Finance)

12 Świętokrzyska Street
00-916 Warszawa
Phone: (+48 22) 694 55 55
e-mail: kancelaria@mofnet.gov.pl

Izba Celna w Białej Podlaskiej
(Customs Chamber in Biała Podlaska)

19 Północna Street
21-500 Biała Podlaska
Phone: (+48 83) 344-98-33
Fax: (+48 83) 344-33-97
ic.bialapodlaska@bpd.mofnet.gov.pl

Komenda Główna Straży Granicznej
(Border Guard Head Office)

100 Niepodległości St.
02-514 Warszawa
Phone: (+48 22) 5004000
e-mail: gabinet.kg@strazgraniczna.pl

Biuro Uznanalności Wykształcenia
i Wymiany Międzynarodowej
**(Bureau of Academic Recognition
and International Exchange)**
28 Ogrodowa Street, Suite 30
00-896 Warszawa
Phone: (+48 22) 826 74 34
Fax: (+48 22) 826 28 23

Biuro Rzecznika
Praw Obywatelskich
(The Ombudsman's Office)
77 Aleja Solidarności, 00-090 Warszawa
telefon (+48 22) 55 17 700
fax. (+48 22) 827 64 53
e-mail rzecznik@rpo.gov.pl

OPS Warszawa – Śródmieście
(Center for Social Help in Warsaw)
43 Żurawia St.
00-680 Warszawa - Śródmieście
Phone: +48 22 628-07-12, 22 628-54-38
fax +48 22 626-91-32
sekretariat@ops-srodmiescie.waw.pl

Mazowiecki Urząd Wojewódzki w Warszawie
**(Voivodship Office for Mazowsze
in Warsaw)**
3/5 pl. Bankowy St., room 238
Warszawa
Phone: +48 22 695 62 99
Mondays 2PM-5PM

Powiatowe Centrum Pomocy Rodzinie
(District Center for the Support of Family)
1 Generała Andersa St., 00-147 Warszawa
Phone: +48 22 620 66 25
+48 22 654 13 49
Fax: +48 22 831 44 00

Urząd Pracy m. st. Warszawy
(The Labour Office for Warsaw)
171B Grochowska St.
04-111 Warszawa
Phone: +48 22 871-85-05,
+48 22 871-62-20
+48 22 810-31-07
fax: +48 22 813-20-32
e-mail: wawa2@praca.gov.pl

SELECTED PUBLIC OFFICES IN LUBLIN

Lubelski Urząd Wojewódzki w Lublinie
- Wydział Polityki Społecznej
**(Voivodship Office in Lublin
– The Department of Social Policies)**
4 Spokojna Street, 20-914 Lublin
Phone: (+48 81) 742 45 52
Fax: (+48 81) 742 44 70

Lubelski Urząd Wojewódzki w Lublinie
- Wydział Spraw Obywatelskich
i Cudzoziemców
**(Voivodship Office in Lublin
– The Department of Citizens' Affairs
and Foreigners)**
3 Północna Street , 20-064 Lublin
Phone: (+48 81) 747-74-00
Fax: (+48 81) 747-67-85
e-mail: lub-pass@lublin.uw.gov.pl

Miejski Ośrodek Pomocy Rodzinie
(City Center for the Support of Family)
15 Unii Lubelskiej Av.
20-108 Lublin
Phone: (+48 81) 532 20 12

Powiatowe Centrum Pomocy Rodzinie
**(District Center for the Support
of Family)**
9 Spokojna St., 20-074 Lublin
Phone: (+48 81) 442 10 21
Fax: (+48 81) 442 10 20

Powiatowy Urząd Pracy w Lublinie
(District Office of Labour in Lublin)
11 Mełgiewska St.
20-954 Lublin
Phone: (+48 81) 745 18 16

