### **DEPORTATION PROCEEDING**

(obligation to return)

Is initiated by the Boarder Guard if the foreigner:

- stays in Poland illegally
- has not applied for protection (or has made a subsequent application)



**Decision** (of the BG Commander)



Obligation to return (deportation)



Appeal against the decision (deadline of 14 days)



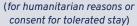
Decision of the 2nd instance body

(Head of the Office for Foreigners) on deportation or residence permit





Obligation to return (deportation) **Granting of residence** 





Appeal to the Voivodeship Administrative Court (deadline of 30 days)

(you can apply for a public defender)

+ request of suspension of the decision's enforcement



If the appeal is dismissed; an option of submitting a cassation appeal to the **Supreme Administrative Court** 

(about 12 months)

Usually 2 days -2 months (somentimes up to 12 monthe)



Residence permit

(for humanitarian reasons

or consent for tolerated stay)

6 - 9 months

9 - 12 months





## **GRANTING OF INTERNATIONAL PROTECTION**

(refugee status or subsidiary protection)

#### **Application** to BG

fingerprints | the issuance of a green temporary ID a short interview

If you do not have a travel document confirming your identity (the original), BG can start identification process (confirmation of identity)



Full interview

(usually 1-3 months after submitting an application)

Access to the labour market after 6 months (if negative decision has not been issued during that time)



**Decision on the status** 

from the Head of the Office for Foreigners





Negative (appeal: deadline of 14 days)



Appeal procedure

(before the Refugee Council) -in guarded center for foreigners (about 2 months) - Outside the center (about 12 months)



in case of 2nd negative decision: an appeal to the Voivodeship Administrative Court (deadline of 30 days)

+ request for suspension of the decision's enforcement



Proceeding before the Voivodeship Administrative Court (about 6 months)

The court may revoke the decision,

(but cannot grant refugee status or subsidiary protection)

If the complaint is dismissed: an option of submitting a cassation appeal to the **Supreme Administrative Court** 

usually 2 - 15 months (in detention: 3 months)

2 - 12 months

**Positive** 

6 -9 months

9 - 12 months

### **CRIMINAL PROCEEDING**

(for illegal border crossing)

# **DETENTION PROCEEDING**

(stay in guarded center for foreigners)

Is initiated by Boarder Guard under a prosecutor's supervision



Foreigners often voluntarily accept the penalty. The court orders a suspended sentence or a fine

Everyone has the right to have a public attorney and the right not to accept the Border Guard's/ prosecutor's proposals

Geneva Convention prohibits imposing penalties on refugees for their illegal entry or presence



Remember to inform the prosecutor/the court about a change of your address

It is best to apply for a public defender (free of charge)



Projekt finansowany przez Islandie, Liechtenstein i Norwegie z Funduszy EOG w ramach Programu Aktywni Obywatele - Fundusz Regionalny

### The Rule of Law Institute Foundation

ul. Chopina 14/70, 20-023 Lublin



#### **SUPPORT US:**

SWIFT: PKO PL PW (Bank Pekao SA III O/Lublin)



Bank account number: PL 02 1240 2382 1111 0 000 3926 3173

The first **detention for 48 h** by the Border Guard During this time, the BG prepares an application to the court (on detaining a foreigner in a guarded center for foreigners) The court has 24 h to consider the application



If the foreigner submits an application for granting international protection, the court can sentence him/her to detention in a quarded center for foreigners up to 60 days



If the foreigner did not submit an application for granting international protection, the court sentences him/her to detention in a quarded center for foreigners up to 90 days



If the foreigner submits an application for granting international protection while staying in a guarded center for foreigners, the court extends the detention by 90 days from the date of submission of the application

If the application for granting international protection has not been processed within a period of 60 or 90 days, the law does not allow any further detention (in practice, however, courts extend the detention to 180 days - i.e. by additional 90 or 120 days)



After 6 months from the moment of submitting the application, the foreigner is released from detention, unless a negative decision has been issued by the II instance body.

After the 2nd negative decision, the stay in a guarded center for foreigners can be extended by 90 days each time due to conducting of the return procedure

Maximum duration of detention – 18 months

www.panstwoprawa.org