

Warsaw, 15 June 2022

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**European Commission against Racism and Intolerance
(ECRI)**

Council of Europe

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FRANCE

Introduction & Context

Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej, SIP) is a national human rights civil society organization based in Warsaw, Poland. Its mission is to ensure social cohesion by promoting equality of all people before the law, with particular focus on the rights of migrants, refugees and asylum seekers.

Below, some human rights concerns relating to the treatment of irregular migrants and other third-country nationals in Poland are described. In accordance with the ECRI's request, a primary attention was given to access to education, healthcare, social security and assistance, labour protection and justice. Moreover, information about the Polish migration policy and integration programmes for persons under international protection has been added to address the ECRI's previous recommendations in this regard. The situation of people fleeing war in Ukraine and the humanitarian crisis ongoing on the Polish-Belarusian border have been taken into account as both crises reflect clearly a discriminatory approach of Poland in the area of asylum and migration.

1. Lack of migration policy

Despite the ECRI's recommendation, there is no migration or integration policy in Poland. The previous migration policy – the document mentioned in the 2015 ECRI report¹ - was annulled in 2017. While the Polish government made some attempts to develop a new migration policy or strategy, civil society was not included into the process. Government's proposals that have been made available to the public were heavily criticized and did not lead to adopting a final policy. In consequence, for the last five years, no official document has been agreed on that would shape migration or integration policy in Poland.

¹ 'ECRI Report on Poland (fifth monitoring cycle)', adopted on 20 March 2015, 26.

2. Access to education

By law, all children staying – also irregularly – in Poland have a constitutional right to education. The number of foreign pupils in Poland has been constantly rising in the recent years entailing various challenges to Polish educational system. Those difficulties were not accurately recognized and addressed by the Polish authorities.² In practice, multiple obstacles in accessing education by foreigners exist.

Most worrying is the lack of access to education for children that are detained in Poland. Polish law allows for a deprivation of liberty of all accompanied minors (pending asylum and return proceedings) and unaccompanied minors above 15 years old (pending return proceedings).³ By law, asylum-seeking unaccompanied minors should not be detained, but in practice they are placed in detention centres. For instance, in 2020, 101 children (including 22 unaccompanied) were placed in the guarded centres for foreigners; in 2021 the number rose to 567 (81 unaccompanied). Foreign children are not being detained for as short a period as possible. Cases of detention of accompanied and unaccompanied minors lasting several months or even over a year are often reported.⁴ Meanwhile, detained children have no sufficient access to education. Some didactic and educational activities are organized in the detention centres, but they do not cover even a minimal scope of a compulsory curriculum.⁵

Outside detention, the main problems relating to foreign nationals' education include language and cultural barriers. By law, all foreign children attending Polish schools are entitled to:

- additional free Polish language classes – organised as long as a child needs it, not less than 2 hours a week;
- compensatory (catch-up) classes – organized for a maximum of twelve months;
- assistance of a teacher's assistant who knows the mother language of a child, for max. twelve months.

However, not all foreign children receive this support in practice. Additional Polish language and compensatory classes are not organized at all in some schools or they are not adapted to individual needs of foreign pupils. Limitations to twelve months and to max. 5 hours of additional Polish language and compensatory classes per week for one child are criticized. It may be not enough time to learn a new

² The Supreme Audit Office concluded in 2020 that the Ministry of Education showed no interest in the education of foreign pupils: despite having public funds for an essential training for teachers in that area, the money was not spent, and no monitoring of the situation of foreign pupils was conducted on a national level; see Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available in Polish at: <https://www.nik.gov.pl/kontrole/P/19/028/>.

³ Poland has been repeatedly reproached by the European Court of Human Rights (ECtHR) for detaining families with children without a rigorous examination of alternative measures or the best interest of a child. Poland was found to have violated Article 5 and 8 ECHR in four recent immigration detention cases: ECtHR: *Nikoghosyan and Others v. Poland*, no. 14743/17, Judgment of 3 March 2022; *A.B. an Others v. Poland*, nos. 15845/15 and 56300/15, Judgment of 4 June 2020; *Bilalova and Others v. Poland*, no. 23685/14, Judgment of 26 March 2020; *Bistieva and Others v. Poland*, no. 75157/14, Judgment of 10 April 2018.

⁴ SIP, 'SIP in Action. Report on the activities of the Association for Legal Intervention (SIP) in 2021', June 2022, available in English at: <https://interwencjaprawna.pl/wp-content/uploads/2022/06/RAPORT-2022-ENG.pdf>, 18-21.

⁵ SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2020 roku', 2021, available in Polish at: https://interwencjaprawna.pl/wp-content/uploads/2021/01/raport_SIP_w_dzialaniu_2020.pdf, 63.

language and catch-up with peers.⁶ Moreover, in 2021, it was estimated that only 60-70 persons worked as a teacher's assistant supporting foreign children attending schools all around Poland.⁷ Many schools cannot afford employing such an assistant, so in practice some NGOs fund the assistant's remuneration where possible.⁸

To address those problems, since 2016, schools have a possibility to organise preparatory classes for foreign pupils who do not know Polish language in a sufficient manner. Preparatory classes are aimed at making foreign pupils ready for joining their Polish peers in regular classes, but it is often an unaccomplished goal. First, foreign minors attending preparatory classes, until recently, could have only 3 hours per week of Polish language lessons (since March 2022 – 6 hours), which was criticized as being counterproductive. Second, teachers are expected to implement the same curriculum in the preparatory classes as in the regular ones; only a method of teaching may be adapted to the special needs of foreign children. Third, one preparatory class can be organised for children of different ages and levels of education. Lastly, teachers struggle with accessing needed training in regard to working with foreign pupils.⁹

Migrants themselves most often complain about the hate speech - originating both from peers and teachers – in Polish schools. In 2020, the Supreme Audit Office established that 23% parents informed that their children encountered intolerance in school once or twice a year, 4% of respondents declared that it was occurring often.¹⁰

Due to the war in Ukraine, more than 200 thousand foreign children entered Polish education system.¹¹ While the new law adopted in Poland facilitated it to some extent (inter alia by enabling the employment of Ukrainian teachers who know Polish language to support minors who do not know that language), that influx has in fact put a considerable strain on the system that in practice fails to notice the special needs of foreign pupils and does not provide them with an access to education they need. Polish Teachers' Union indicates that the system is already overburdened. There are too many pupils in classes, teachers have to work overtime to cope with this new situation and adjust their teaching methods to Ukrainian children.

⁶ K. Rusiłowicz, E. Ostaszewska-Żuk, M. Łysienia, 'Asylum Information Database. Country Report: Poland 2021 Update', ECRE 2022, available in English at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf, 71.

⁷ K. Potoniec, 'Comparative analysis of instruments supporting the integration of pupils under international protection in the educational systems of the Czech Republic, Poland and Hungary', December 2021, available in English at: <http://www.forintegration.eu/pl/pub>, 12, 15.

⁸ K. Rusiłowicz, E. Ostaszewska-Żuk, M. Łysienia, 'Asylum Information Database. Country Report: Poland 2021 Update', ECRE 2022, available in English at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf, 71.

⁹ See also *ibid.*, 74-75.

¹⁰ Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available in Polish at: <https://www.nik.gov.pl/kontrola/P/19/028/>.

¹¹ Information provided by the Ministry of Education, 24.05.2022, available in Polish at: <https://www.gov.pl/web/edukacja-i-nauka/systemowe-wsparcie-obywateli-ukrainy--konferencja-prasowa-w-kprm-z-udzialem-ministra-przemyslaw-czarnka>.

Language barrier remains a biggest challenge: over 80% of new pupils from Ukraine do not know Polish language, but they joined regular classes held in Polish. It affects Polish pupils as teachers often cannot follow the curriculum in those circumstances.¹²

3. Access to healthcare

By law, no one – including migrants in irregular situations – can be denied emergency healthcare. However, irregular migrants are most often not covered by the public health insurance; thus, they must pay all medical expenses – often unaffordable – themselves. Moreover, in practice, medical staff frequently reports irregular migrants to Polish authorities, disclosing their undocumented stay in Poland and indirectly prompting the initiation of return and detention proceedings. In consequence, irregular migrants are often afraid to access public healthcare system.

Detained migrants should have access to healthcare guaranteed in detention centres, but in practice that access is limited. The number of GPs and psychologists employed to provide medical and psychological assistance in the detention centres is grossly inadequate.¹³ The overcrowding of those centres since 2021 worsened the situation, leaving some detainees without needed healthcare.¹⁴ Migrants are being consulted by specialists or referred to hospitals with difficulty even in the event of bone fractures or pregnancy-related complications.¹⁵

The insufficient access to psychological assistance raises great concerns. Detained migrants often suffered violence and trauma in their countries of origin or *en route* and struggle with diverse mental disorders. Suicides are being attempted in Polish detention centres. Despite that, only one or two psychologists are employed in those centres where hundreds of foreigners are being held.¹⁶ Despite the fact that the

¹² Polish Teachers' Union, 'Interwencja ZNP: Wniosek do premiera o wprowadzenie specjalnych rozwiązań dot. kształcenia uchodźców', 2.06.2022, available in Polish at: <https://znp.edu.pl/interwencja-znp-wniosek-do-premiera-o-wprowadzenie-specjalnych-rozwiazan-dot-ksztalcenia-uchodzcow/>.

¹³ See e.g. Commissioner for Human Rights, 'Ośrodek dla cudzoziemców w Wędrzynie nie spełnia standardów ochrony ich praw. Wnioski po trzeciej wizytacji BRPO', 24.01.2022, available in Polish at: <https://bip.brpo.gov.pl/pl/content/rpo-wedrzyn-cudzoziemcy-osrodek-standardy>; Amnesty International, 'Poland: Cruelty Not Compassion, at Europe's Other Borders', 11.04.2022, available in English at: <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>, 9.

¹⁴ Amnesty International mentioned 'extremely restricted access to medical care' in the detention centres in Białystok and Wędrzyn, see AI, 'Poland: Cruelty Not Compassion, at Europe's Other Borders', 11.04.2022, available in English at: <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>, 6. In 2022, SIP challenged before the ECtHR the inhuman and degrading conditions, including the illusory access to healthcare, in the detention centre in Wędrzyn, see <https://interwencjaprawna.pl/en/sip-complains-about-the-inhumane-treatment-of-refugees/>.

¹⁵ SIP, 'SIP in Action. Report on the activities of the Association for Legal Intervention (SIP) in 2021', June 2022, available in English at: <https://interwencjaprawna.pl/wp-content/uploads/2022/06/RAPORT-2022-ENG.pdf>, 13; Amnesty International, 'Poland: Cruelty Not Compassion, at Europe's Other Borders', 11.04.2022, available in English at: <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>, 9.

¹⁶ Amnesty International concluded that in the detention centres 'for most people, appropriate and timely psychological assistance was inaccessible in practice', see AI, 'Poland: Cruelty Not Compassion, at Europe's Other Borders', 11.04.2022, available in English at: <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>, 9. See also SIP, 'SIP in Action.

psychological assistance provided by the state in detention centres is clearly insufficient, the Border Guard (an authority responsible for immigration detention) recently regularly denies access to those centres to independent psychologists collaborating with SIP and other NGOs.¹⁷ Moreover, Polish authorities unwillingly release foreigners (even children) from detention due to their mental health problems.¹⁸

While the law prohibits detaining victims of violence, in practice they are regularly placed in the Polish detention centres. The identification mechanism applied by the Border Guard is ineffective, resulting in many instances of unlawful detention of victims of violence. In the ECtHR case of *A.A. v. Poland*, the Polish government admitted that the applicant – a rape survivor – was detained for months in breach of Article 5(1)(f) and (4) of the ECHR.¹⁹

Some foreigners are held in detention centres despite the fact that they suffered violence and ill-treatment at the Polish-Belarusian border²⁰ where a grave humanitarian crisis continues since August 2021. Numerous third-country nationals are being repeatedly and brutally forced to enter Poland in an irregular manner by Belarussian officers and immediately pushed back by Polish authorities. In consequence, some foreigners are being stranded at the border for days, weeks or even months, without an appropriate access to water, food, shelter, and medical care. Winter conditions and the announcement of the emergency state, that excluded media, NGOs and medical staff from the area surrounding the border, only aggravated the ongoing humanitarian crisis.²¹ Third-country nationals forced to seek to survive in the woods near the border in harsh winter conditions often suffered from hypothermia, dehydration, food poisonings and injuries inflicted by border guards or resulting from walking barefoot or climbing through a wired fence. Despite that, the medical staff's calls for allowing them to enter the restricted area were ignored by Polish

Report on the activities of the Association for Legal Intervention (SIP) in 2021', June 2022, available in English at: <https://interwencjaprawna.pl/wp-content/uploads/2022/06/RAPORT-2022-ENG.pdf>, 13.

¹⁷ SIP, 'SIP składa skargę na odmowę wpuszczania psychologów do ośrodków strzeżonych', 27.04.2022, available in Polish at: <https://interwencjaprawna.pl/sip-sklada-skarge-na-odmowe-wpuszczania-psychologow-do-osrodkow-strzezonych/>.

¹⁸ See e.g. the circumstances of the ECtHR case of *R.M. and Others v. Poland*, no. 11247/18 (communicated case), involving accompanied ill minor. See also ECtHR, *Z.E. and Others v. Poland*, no. 4457/18, Decision of 1 July 2021 (friendly settlement), concerning detention for almost a year of accompanied minors whose psychological state worsened while in detention.

¹⁹ ECtHR, *A.A. v. Poland*, no. 47888/19, Decision of 29 September 2020

²⁰ For instance, see the case of Iraqi family detained for 6 months despite being violently treated by Belarusian border guards and being pushed-back several times by Polish authorities while being stranded for 21 days at the border: SIP, 'Skarżymy Polskę za pobyt w detencji strauumatyzowanej rodziny z dziećmi', 5.05.2022, available in Polish at: <https://interwencjaprawna.pl/skarzimy-polske-za-pobyt-w-detencji-strauumatyzowanej-rodziny-z-dziecmi/>.

²¹ SIP, 'SIP in Action. Report on the activities of the Association for Legal Intervention (SIP) in 2021', June 2022, available in English at: <https://interwencjaprawna.pl/wp-content/uploads/2022/06/RAPORT-2022-ENG.pdf>, 7-10. For a comprehensive analysis of the beginnings of the humanitarian crisis, see Grupa Granica, 'Humanitarian crisis at the Polish-Belarusian border', 1.12.2021, available in English at: <https://www.grupagranica.pl/files/Grupa-Granica-Report-Humanitarian-crisis-at-the-Polish-Belarusian-border.pdf>.

authorities.²² In consequence, essential medical assistance was provided by doctors, nurses and paramedics – many volunteering their free time – in the woods surrounding the restricted area. Calling for an ambulance and hospital treatment was avoided unless necessary, as it entailed a risk for migrants to be pushed-back again by Polish authorities. Moreover, it was reported that ambulances were not sent (or were sent only upon civil society intervention) because of a foreign nationality and irregular status of the ill person.²³ Due to their activity at the border, doctors, nurses and paramedics experienced hostility, threats and violence.²⁴ Moreover, some persons who entered – intentionally or not – the restricted area to rescue life and health of third-country nationals were arrested and prosecuted.²⁵

While migrants stranded at the Polish-Belarusian border struggled with accessing necessary (or even emergency) healthcare, Ukrainian nationals fleeing war in their country (and some of their non-Ukrainian family members) had been given almost full access to the Polish healthcare system – to the similar extent as it is provided to Polish nationals. However, not all persons fleeing war in Ukraine are able to benefit from that broad access. Non-Ukrainian nationals who lived in Ukraine and are included into the temporary protection scheme, i.e. international or national protection beneficiaries as well as permanent residence holders in Ukraine, are only entitled – like asylum seekers – to access healthcare provided by the private contractor of the Office for Foreigners. Meanwhile, medical assistance offered by that contractor has been criticized for years as insufficient and ineffective. Asylum seekers often receive needed healthcare with difficulty, especially when a specialist consultation or treatment is required. In some cases, only after SIP's intervention could asylum seekers benefit from medical care they needed.²⁶

²² In response Médecins Sans Frontières announced that it must withdraw all its teams from the Polish-Belarusian border, see 'MSF leaves Polish border after being blocked from assisting people', 6.01.2022, Press release, available in English at: <https://www.msf.org/msf-leaves-polish-border-after-being-blocked-assisting-migrants-and-refugees>.

²³ It was often reported that after receiving a treatment in the hospitals, third-country nationals were at once deported back to the Belarusian woods by the Polish Border Guard. Some doctors tried to prevent those pushbacks by prolonging foreigners' stay in hospitals. See e.g. Grupa Granica, 'Humanitarian crisis at the Polish-Belarusian border', 1.12.2021, available in English at: <https://www.grupagranica.pl/files/Grupa-Granica-Report-Humanitarian-crisis-at-the-Polish-Belarusian-border.pdf>, 14, 23; A. Pałęcka, 'Przemoc państwa i działania oddolne. Raport Fundacji Ocalenie z kryzysu humanitarnego na pograniczu polsko-białoruskim', Fundacja Ocalenie, May 2022, available in Polish at: https://ocalenie.org.pl/wp-content/uploads/2022/04/Raport-Fundacji-Ocalenie-z-kryzysu-humanitarnego-na-pograniczu-PL-BY_1kor-1.pdf, 40-42.

²⁴ K. Rusilowicz, E. Ostaszewska-Żuk, M. Łysienia, 'Asylum Information Database. Country Report: Poland 2021 Update', ECRE 2022, available in English at https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf, 81.

²⁵ A. Pałęcka, 'Przemoc państwa i działania oddolne. Raport Fundacji Ocalenie z kryzysu humanitarnego na pograniczu polsko-białoruskim', Fundacja Ocalenie, May 2022, available in Polish at https://ocalenie.org.pl/wp-content/uploads/2022/04/Raport-Fundacji-Ocalenie-z-kryzysu-humanitarnego-na-pograniczu-PL-BY_1kor-1.pdf, 24-27.

²⁶ For examples, see SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2020 roku', 2021, available in Polish at: https://interwencjaprawna.pl/wp-content/uploads/2021/01/raport_SIP_w_dzialaniu_2020.pdf, 73-74; SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2019 roku', 2020, available in Polish at: <https://interwencjaprawna.pl/wp-content/uploads/2020/04/SIP-RAPORT-20195.pdf>, 60-62; SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 roku', 2019, available in Polish at: https://interwencjaprawna.pl/wp-content/uploads/2019/05/raport_sip_w_dzialaniu_2019R.pdf, 46-48.

4. Access to social security and assistance

Irregular migrants have no access to social security and assistance in Poland. Other third-country nationals, except most of the temporary stay permit holders, are entitled to some kind of state support, but it often proves to be insufficient or hardly accessible in practice.

For instance, the only financial allowance that is granted to asylum seekers to cover the costs of living outside reception centers, is insufficient to meet their basic needs, which can lead to extreme poverty or even threaten their lives.²⁷ Asylum seekers are not allowed to work in Poland (unless asylum proceedings last longer than 6 months). Thus, the above-mentioned financial allowance, that is grossly inadequate considering the costs of living in Poland, is often their sole income. Moreover, the amount of the allowance is not adjusted to individual needs of an asylum seeker; it is a set amount – the same for all persons seeking protection in Poland. For years, Polish government remained deaf to civil society's calls for the increase of the financial allowance. In 2021, finally, it proposed a small rise in that regard. However, eventually, the law introducing that change was not adopted.

While recognized refugees and beneficiaries of subsidiary protection can access social support to the same extent as Polish nationals, humanitarian stay holders – who are involuntary migrants like international protection beneficiaries – are only entitled to significantly limited social assistance, i.e. a support in the form of shelter, food, necessary clothing and an allowance granted for a particular purpose. The same limitation applies to tolerated stay holders.

Ukrainian nationals fleeing war in their country (and some of their non-Ukrainian family members) have been given access to the Polish social assistance system. Moreover, they were granted additional assistance in the form of a one-time cash benefit (PLN 300) per person, aimed at covering expenses for food, clothing, footwear, hygiene products personal and housing fees. However, some difficulties, in particular delays, in receiving state support have been reported by Ukrainian nationals and their spouses.

Ukrainian nationals are also entitled to other forms of support, including accommodation and provision of food, but it is guaranteed for two months only; further assistance depends on the availability of public funds. It is then possible that Ukrainian nationals will have access to this support for a very limited time.

Not all persons fleeing war in Ukraine can access general social assistance system. Non-Ukrainian nationals who lived in Ukraine and enjoy temporary protection in Poland, i.e. international or national protection beneficiaries as well as permanent residence holders in Ukraine, are only entitled to the assistance of the Office for Foreigners, i.e. accommodation and provision of food in reception centres or a financial allowance. However, it is the same financial allowance that is granted to asylum seekers. Thus, as explained

²⁷ SIP, 'Complaint to the European Commission: insufficient allowances for asylum seekers', 13.07.2020, available in English at: <https://interwencjaprawna.pl/en/complaint-to-the-ec-extremely-low-amount-of-financial-allowances-for-asylum-seekers/>.

above, it is not sufficient to meet even basic human needs. Furthermore, according to law, the assistance of the Office for Foreigners is guaranteed for persons enjoying temporary protection for two months only; further assistance depends on the availability of public funds.

5. Labour protection and justice

Irregular migrants cannot legally work in Poland. In particular, they cannot be granted a work and temporary stay permit. In consequence, they often have to work illegally to make a living. For that reason, they are more exposed to exploitation and abuse in work environment.

Meanwhile, all migrant workers who suffered exploitation or abuse in Poland are not sufficiently assisted. No state support is offered to them. National Labour Inspectorate is an authority responsible for investigating the legality of migrants' work and punishing them for working without needed documents rather than offering support in the event of exploitation or abuse.²⁸ Moreover, the National Labour Inspectorate collaborates closely with the Border Guard with the aim of detecting and deporting undocumented third-country nationals. Thus, complaining to the National Labour Inspectorate on exploitation or abuse in work is most often not an option for an irregular migrant as it entails a great risk of being detained and expelled.²⁹

Migrant workers profoundly depend on their employers. Work permits are issued for a specified job in a specified workplace for a specified remuneration, so a migrant worker cannot change jobs or even be promoted without a new permit being issued. Moreover, migrant workers' stay in Poland is closely intertwined with their work; thus, being dismissed from work, they may also lose their right to stay in Poland. In case of dismissal, the work and temporary stay permit is revoked unless a migrant finds a new job in 30 days. The close connection between work and stay strengthens the more advantageous position of employers in comparison with migrant workers. In consequence, the latter find it difficult to assert their rights in the event of exploitation or abuse.³⁰

Furthermore, many migrant workers report being discriminated in their workplace,³¹ but they are unwilling to seek protection against discriminatory practices. They are either afraid of being reported to national authorities for their illegal stay and work, or of being dismissed and, consequently, losing their right to stay in Poland. For instance, when a third-country national receives a lower remuneration than the one stated

²⁸ K. Wysińska-Di Carlo and W. Klaus, 'Pracodawcy i pracodawczynie a zatrudnianie cudzoziemców i cudzoziemek', SIP and Konrad Adenauer Stiftung, 2018, available in Polish at: https://www.interwencjaprawna.pl/wp-content/uploads/2018/06/RAPORT_PRACODAWCY_I_PRACODAWCZYNIEREv-1.pdf, 6.

²⁹ SIP, 'Unprotected. Migrant workers in an irregular situation in Central Europe', ed. K. Słubik, 2014, available in English at: <https://interwencjaprawna.pl/wp-content/uploads/2020/04/unprotected.pdf>, 40.

³⁰ K. Wysińska-Di Carlo and W. Klaus, 'Pracodawcy i pracodawczynie a zatrudnianie cudzoziemców i cudzoziemek', SIP and Konrad Adenauer Stiftung, 2018, available in Polish at: https://www.interwencjaprawna.pl/wp-content/uploads/2018/06/RAPORT_PRACODAWCY_I_PRACODAWCZYNIEREv-1.pdf, 3.

³¹ For examples, see SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 roku', 2019, available in Polish at: https://interwencjaprawna.pl/wp-content/uploads/2019/05/raport_sip_w_dzialaniu_2019R.pdf, 53-59.

in a work permit, he or she may be considered to work illegally in Poland and have his or her residence permit withdrawn.

6. Integration programmes

Despite the ECRI's recommendation to 'increase the length of the individual integration programmes for persons under international protection so as to be able to resolve the problems of language proficiency and acquisition of the basic skills needed to find employment'³², nothing has changed in that regard. The individual integration programme still lasts only 12 months which is not enough to successfully integrate into the Polish society. It is not tailored to individual needs of its recipients. It is often limited to paying financial allowance, no counselling or social work is offered. Received payments are insufficient to meet basic needs of beneficiaries of international protection, in particular to rent an apartment. Moreover, the programme does not apply to humanitarian stay holders who are involuntary migrants like international protection beneficiaries. Children of recognized refugees and beneficiaries of subsidiary protection born after their family has finished the programme cannot benefit from it either.³³

7. Concluding remarks on unwelcoming and discriminatory approach of Polish government

Since the 2015/2016 refugee crisis in the EU, the Polish government has been openly showing a hostile attitude towards third-country nationals entering and staying in Poland, in particular to asylum seekers. Asylum claims made at the Polish-Belarusian and Polish-Ukrainian border were systematically ignored by the Border Guard; asylum seekers were issued decisions on a refusal of entry rather than allowed to seek asylum in Poland. Asylum seekers, refugees and irregular migrants were presented by prominent politicians as an enemy or a threat to public order, security and health.

Recently, the situation at the Polish borders further worsened. In August 2021 a humanitarian crisis at the Polish-Belarusian border has started and continues until today. Numerous third-country nationals, originating from countries like Afghanistan, Iraq, Syria and Yemen, are being repeatedly and brutally forced to enter Poland in an irregular manner by Belarussian officers and immediately pushed back by Polish authorities. Those who manage (eventually) to seek protection in Poland, including children, are for months detained in inhuman and degrading conditions. Civil society representatives assisting third-country nationals are being intimidated by Polish officers, occasionally also arrested and prosecuted.

³² ECRI Report on Poland (fifth monitoring cycle)', adopted on 20 March 2015, 25-27.

³³ SIP, 'SIP w działaniu. Prawa cudzoziemców w Polsce w 2019 roku', 2020, available in Polish at: <https://interwencjaprawna.pl/wp-content/uploads/2020/04/SIP-RAPORT-2019.pdf#page=51%22%3E>, 69-70; SIP, 'Komentujemy propozycje zmian w ustawie o pomocy społecznej', 9.11.2020, available in Polish at: <https://interwencjaprawna.pl/komentujemy-propozycje-zmian-w-ustawie-o-pomocy-spoecznej/>. See also 'List of recommendations to improve housing situation of Beneficiaries of International Protection in Poland – prepared by Refugee Council operating within the NIEM/V4NIEM', available in English at: <http://www.forintegration.eu/pl/list-of-recommendations-to-improve-housing-situation-of-beneficiaries-of-international-protection-in-poland-prepared-by-refugee-council-operating-within-the-niem-v4niem>.

Meanwhile, in 2022, Ukrainian nationals fleeing war in their country (and some of their family members) have met with an overall warm welcome in Poland. Ukrainian border has been opened as soon as possible to enable entry to all seeking protection in Poland. NGOs were praised for their assistance for evacuees. Special law has been adopted that aimed at providing Ukrainian nationals with a greater scope of rights than guaranteed in the Temporary Protection Directive. While that goal was not fully accomplished, it is unquestionable that Ukrainian nationals are supposed to be treated better in Poland than other third-country nationals fleeing the same war. Other persons enjoying temporary protection in Poland, thus, non-Ukrainian international or national protection beneficiaries as well as permanent residence holders in Ukraine, are not covered by the special law mentioned above, so they are not able to access rights to the same extent as Ukrainian nationals. For those evacuees a separate temporary protection system has been created that in principle offers a lesser protection than the one that is given to Ukrainians. It has been illustrated above with regard to access to healthcare and social assistance, but this discriminatory approach also clearly shows when other rights are concerned. Moreover, some of third-country nationals fleeing war in Ukraine, that are not covered by the temporary protection scheme, have been detained in Poland instead of being offered protection.

While there is no official document establishing migration policy in Poland, it may be concluded that since 2015 Polish authorities have – deliberately and consistently – approached migration, in particular forced migration from remote states, in an unwelcoming or discriminatory manner. Polish authorities see migrants as ‘good’ when they are originating from neighbouring countries, mostly from Ukraine, and as ‘bad’ when they come from geographically, ethnically, and religiously distant countries like Afghanistan, Iraq, Syria, etc.³⁴ In consequence, the first group is supported and encouraged to migrate to Poland, while the second group suffers systematic pushbacks and mistreatment.

³⁴ W. Klaus, ‘The Porous Border Woven with Prejudices and Economic Interests. Polish Border Admission Practices in the Time of COVID-19’, *Soc. Sci.* 2021, 10(11), available in English at: <https://doi.org/10.3390/socsci10110435>.
