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REFUGEES IN POLAND: SELECTED ISSUES IN RESEARCH

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ABSTRACT. Since the beginning of the 1990s, there has been a steadily growing influx of foreign refugees in Poland. Poland's ratification of the Geneva Convention in 1991 and the New York Protocol in 1991 made it necessary to create a properly functioning refugee protection system in the country. The purpose of this work is to describe the dynamics of refugee influx in Poland from 1992 to 2007 as well as to analyze whether existing forms of legal stay are functioning properly in Poland. Furthermore, the work attempts to delve into key issues associated with the social integration of refugees in Poland.

KEY WORDS: refugees in Poland, refugee status, tolerated stay.

INTRODUCTION

Virtually everyday, the media report on new or continuing armed conflicts in different parts of the world. Unfortunately, the victims of such conflicts are most often average citizens who are forced to seek refuge in other countries. Persecutions and conflicts around the world constantly send new waves of refugees to Europe. The UN Convention held in Geneva in 1951 as well as the UN High Commissioner for Refugees play key roles in the refugee protection system around the world. In addition, every state has its own regulations and laws that govern issues related to the stay and protection of this particular group of migrants.

According to the Geneva Convention, refugees are a special group of migrants and are defined as persons who, as a result of the legitimate fear of persecution because of race, religion, ethnicity, being a member of a specific social group or because of political views, are staying outside the borders of the state of which

they are citizens and may not be permitted or may not want to seek its protection for the reasons above (Dz.U. z 1991 r. nr 119, poz. 515). In light of this definition, individuals who have left their homelands because of poverty are not refugees but migrants.

Most of today's refugees come from Asia and Africa. Only a few of them, however, reach Europe. Most refugees stay in neighboring countries within their geographic region of origin. 254,220 applications for refugee status were filed in Europe in 2007. 78% of the applications were filed in the "old 15" EU member states. The main recipients of applications were: Sweden (14%), France (11%), Great Britain (11%), Greece (10%), and Germany (8%). Three percent of refugee status applications were filed in Poland (Asylum Levels and Trends in Industrialized Countries 2007, 2008).

This paper attempts to answer several questions: 1) What forms of protection are offered to refugees in accordance with Polish and international law? 2) What is the decision procedure that governs the refugee status review process? 3) Do the different forms of refugee protection function properly within the realm of social integration with Polish society? 4) What are the factors that impact refugee integration in Poland? Finally, the paper attempts to describe the dynamics and scale of refugee influx in Poland from 1992 to 2007 with respect to the process of granting refugee status.

In order to accomplish the above mentioned goals, the paper delves into an analysis of both laws protecting refugees staying on Polish territory as well as statistical data obtained from the Office for Foreigners. Moreover, interviews were conducted with the residents and staff of the Refugee Center in the city of Lublin in September 2007. A paper-based survey was also conducted at the Center at the same time. The purpose of this research was the identification of the main problems facing the refugees living at the Center as well as the main obstacles standing in the way of their integration with Polish society.

POLISH REFUGEE LAWS

The political changes that took place in Poland in 1989 made it possible for Poles to go abroad and foreigners to come to Poland. Once Poland had ratified the Geneva Convention in 1991 and the New York Protocol in 1991, it became obligated to offer protection and aid to refugees such as victims of war and political conflict and religious conflict around the world. This new obligation made it necessary to create a system that would provide refugees with legal help, financial assistance, and integration procedures. The creation of appropriate institutions also became a necessity.

The following serve as the legal framework for the protection of refugees in Poland: 1) international laws such as the Geneva Convention of 1951 and the New York Protocol of 1967, refugee status laws that Poland had ratified in 1991 (Dz.U. z 1991 r. nr 119, poz. 515; Dz.U. z 1991 r. nr 119, poz. 517), as well as EU regulations including the Dublin II Directive that established criteria and mechanisms designed to identify the proper EU member state where an asylum application filed in an EU member state by a citizen of a non-member state ought to be reviewed (Dz.U. UE L50 z 2003 r. Polskie wydanie specjalne), 2) Polish law – the Constitution of the Republic of Poland (Dz.U. z 1997 r. nr 78 poz. 483), the Resolution on Refugees (Dz.U. z 2003 r. nr 128, poz. 1175 z późn. zmian.), the Resolution on the Provision of Protection to Refugees on Polish territory (Dz.U. z 2003 r. nr 128, poz. 1176 z późn. zmian.), and the Resolution on Social Assistance (Dz.U. z 2008 r. nr 115, poz. 728). Furthermore, a variety of laws govern the social, economic, and political framework that protects refugees in Poland. Such laws address specific issues such as education and the labor market (Grzymała-Kazłowska, Stefańska, 2008).

The main administrative body that watches over the refugee protection system in Poland is the Office for Foreigners. The Office accepts refugee status applications, takes care of the needs of applicants, and issues decisions regarding various forms of refugee protection. Other institutions that play supporting roles are: the Ministry of the Interior and General Administration, the Border Guard, the Ministry of Labor and Social Policy, centers for individuals seeking refugee status, voivodeship family assistance centers, social assistance centers, employment offices, healthcare centers, schools, colleges, and non-governmental organizations such as Caritas (a Catholic relief and development organization), the Helsinki Foundation for Human Rights, Polish Humanitarian Action, etc.

In accordance with applicable laws, foreign refugees staying on Polish territory can apply at appropriate government centers for the following forms of protection: refugee status, supplementary protection, tolerated stay, asylum, and temporary protection. Each of these forms of protection afford refugees a variety of privileges. The refugee status procedure starts when a refugee files an application for refugee status (Fig. 1).

An application can be filed at a border crossing point or anywhere in the country at any regional Office for Foreigners or via officials of the Border Guard. Normally, several months pass from the moment an application is filed to the moment a decision is rendered. Applicants can stay at a refugee center while awaiting a status decision. They may also live on their own if they can show proof of the ability to financially support themselves. As of 2008, there are 20 refugee centers in Poland. There were only 17 such centers in 2007. Most of the centers are located in the followings voivodeships: Mazowieckie, Lubelskie, and Podlaskie

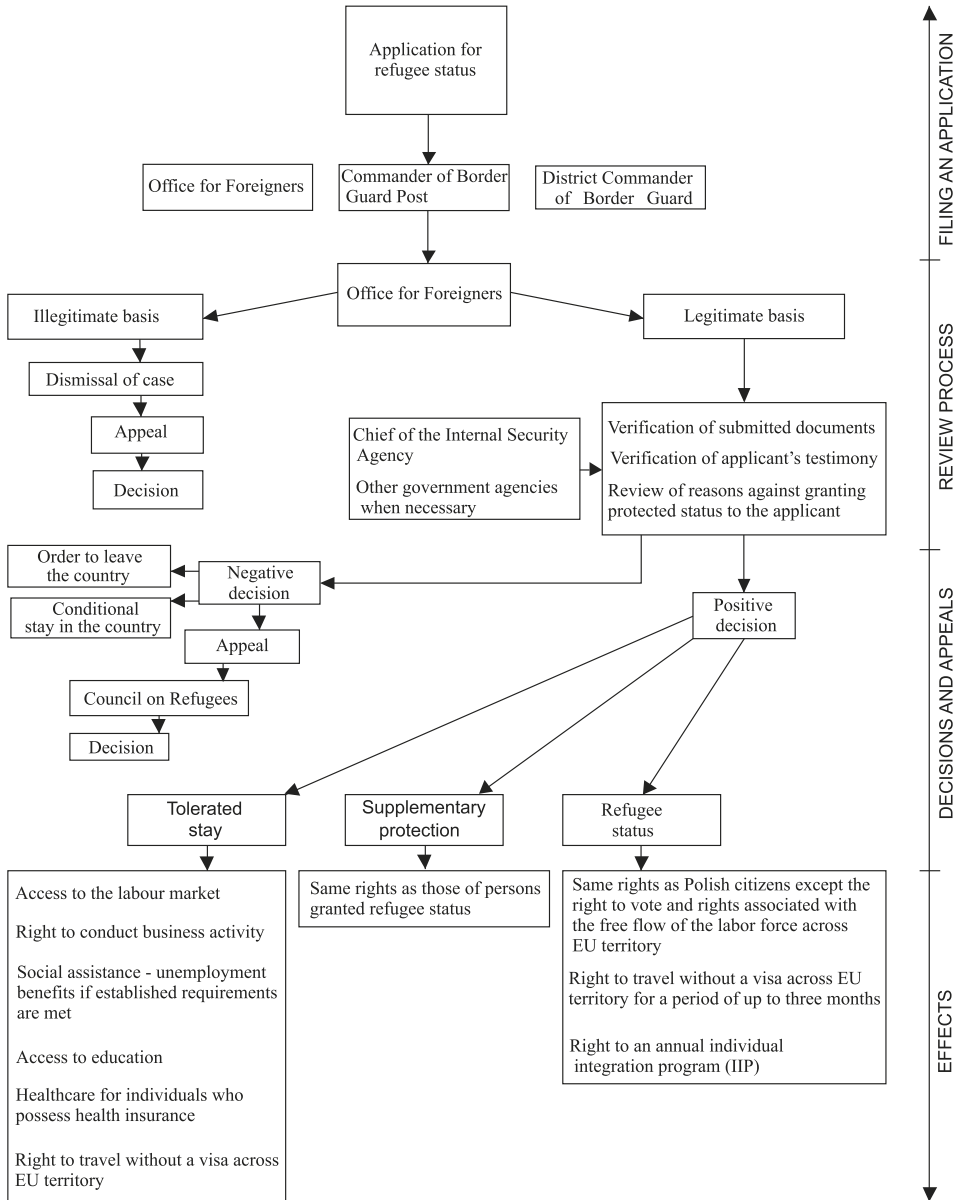


Fig. 1. The procedure behind granting the status of a refugee in Poland

Source: own study on the basis of information provided by the Office for Foreigners.

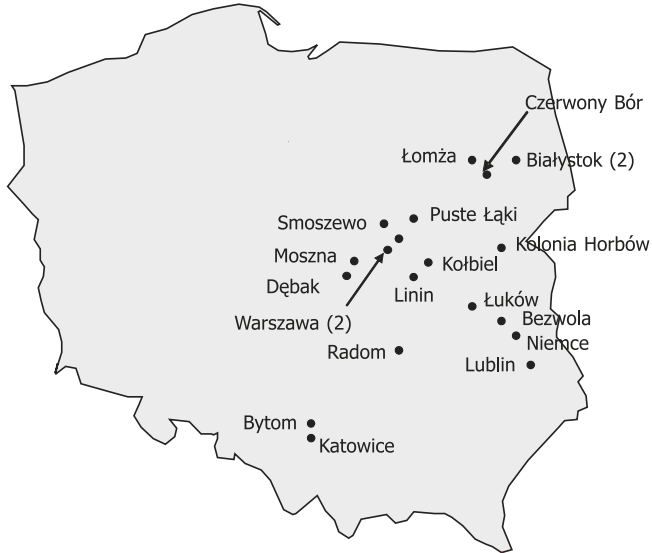


Fig. 2. Refugee centers in Poland in 2008

Source: own study based on data from the Office for Foreigners.

(Fig. 2). The aforementioned centers support refugees by providing them with living quarters, food, medical care, financial assistance for the purchase of personal hygiene products, Polish language courses, and public transportation tickets so that they may take part in refugee status proceedings or visit a doctor (Informator Biura Organizacji Ośrodków..., 2008). Individuals awaiting status decisions normally spend between several months and several years living at refugee centers. In most cases, they are not able to obtain assistance designed to help refugees integrate with Polish society or obtain legal employment. Survey research conducted in the city of Lublin has shown that more than half of the respondents (58%) have been in Poland between one and two years. Only 16% of survey respondents have been in Poland between one and six months. A lack of appropriate regulations as well as a long waiting period before a status decision is issued force refugees into a “vegetative” existence at their respective refugee centers. The refugees’ lack of access to integration assistance programs during the status review procedure delays their process of adaptation to the Polish way of life.

REFUGEES IN POLAND

Since the beginning of the 1990s, the number of individuals applying for refugee status in Poland has been growing steadily (Fig. 3). From 1992 to 2007, a total of 69,396 persons applied for this type of status. The number of applicants declined

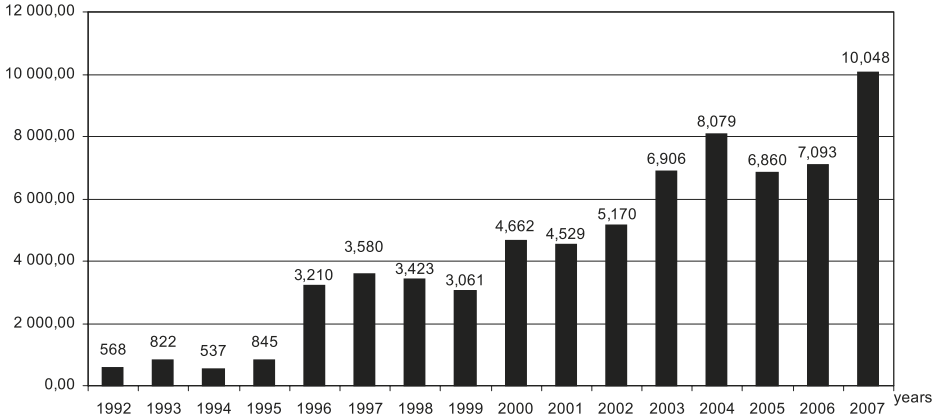


Fig. 3 Number of individuals applying for refugee status in Poland from 1992 to 2007

Source: own study based on data from the Office for Foreigners.

in 2004 as a result of Poland's entry into the European Union (EU). A number of EU regulations went into effect that introduced criteria and mechanisms that dictate which member states are responsible for which refugee status application filed by a citizen of a non-EU nation (Informacja Prezesa Urzędu ds. Repatriacji i Cudzoziemców..., 2006). The largest number of individuals applying for refugee status was noted in 2007 – over 10,000 persons. This was a 41.7% increase over 2006. The most likely and at the same time baseless reason for this increase may have been refugees' suspicions that once Poland enters the so-called Schengen Area (Dec. 21, 2007), entering Poland and applying for refugee status may become difficult or even impossible. Another reason for this large increase in applications was the fact that some refugees filed for refugee status more than once (Informacja Szefa Urzędu ds. Cudzoziemców..., 2008).

ETHNIC PROFILE OF REFUGEES

In 2007, the largest group of individuals applying for refugee status was made up of citizens of the Russian Federation – 9,239 persons or 92% of all applicants. About 91% of the Russian Federation applicants (8,415 persons) claimed Chechen nationality. The same pattern had held true in previous years as well. The remaining refugees came primarily from Belarus (83 persons), Pakistan (61 persons), Sri Lanka (57 persons), and the Ukraine (55 persons) (Fig. 4). This type of pattern has been observed in previous years with only minor changes (Tab. 1).

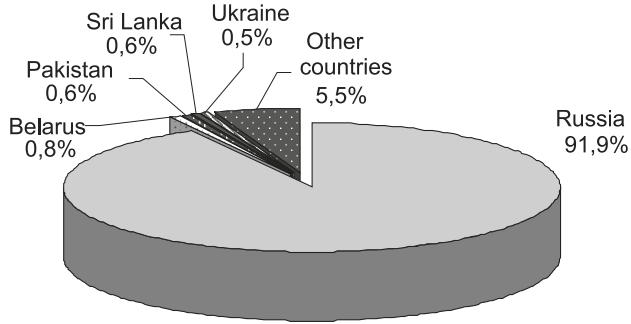


Fig. 4. Foreigners who filed for refugee status in 2007 based on country of origin
 Source: own study based on data from the Office for Foreigners.

Table 1. Foreigners who filed for refugee status based on country of origin from 2000 to 2007

2000	2001	2002	2003	2004	2005	2006	2007
Russia 1,182	Russia 1,501	Russia 3,055	Russia 5,569	Russia 7,183	Russia 6,248	Russia 6,405	Russia 9,239
Romania 907	Armenia 638	Afganistan 598	Afganistan 251	Pakistan 210	Ukraine 84	Belarus 70	Belarus 83
Armenia 844	Afganistan 416	Armenia 224	India 236	India 151	Belarus 73	Pakistan 66	Pakistan 61
Bulgaria 340	Moldova 272	India 200	Pakistan 150	Ukraine 72	Pakistan 69	Ukraine 60	Sri Lanka 57

Source: own study based on data from the Office for Foreigners.

Starting in 2000, the majority of the applicants have been citizens of Russia claiming Chechen nationality. There have been, however, some individuals from other republics of the Russian Federation who decided to migrate for economic or social reasons. Asia continues to be the second largest source of foreigners applying for protection in Poland. In this case, most of the applicants are simply trying to escape difficult living conditions in their home countries. The proof for this lies in the fact that most Asian applicants had first tried to enter other EU countries. Relatively few citizens from outside the Russian Federation (Belarus, Pakistan, Ukraine) apply for refugee status in Poland. Altogether, only 5% of refugee status applicants come from the three aforementioned countries (Informacja Szefa Urzędu ds. Cudzoziemców..., 2008).

From 1992 to 2007, the Republic of Poland granted refugee status to 1,798 Russian citizens (mainly Chechens), 390 citizens of Bosnia and Herzegovina, 213 citizens of Somalia, 76 citizen of Sri Lanka, and 74 citizens of Afghanistan. In the years immediately prior to 2007, the Polish government had granted refugee status to between 100 and 400 individuals per year. Most of those granted refugee status were Chechens. At the same time (since 2003), the number of permissions for tolerated stay has grown. These allow refugees to pursue refugee status without being deported (Fig. 5).

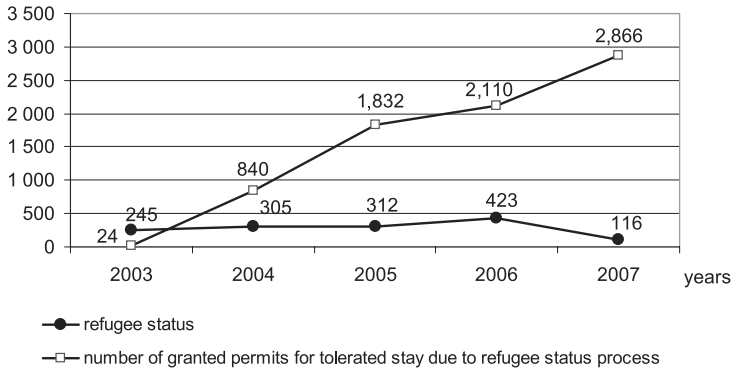


Fig. 5. Number of decisions granting refugee status and tolerated stay status issued from 2003 to 2007

Source: own study on the basis of information provided by the Office for Foreigners.

Tolerated stay status is granted in accordance with applicable refugee status laws (2003) and allows foreigners who do not meet refugee status criteria to stay in Poland for humanitarian reasons or to protect them from repression in their countries of origin.

SURVEY RESEARCH AT THE REFUGEE CENTER IN LUBLIN

The residents and staff of the Lublin Refugee Center were asked to participate in a survey in September 2007. The purpose of the survey was the identification of difficulties faced by foreigners applying for refugee status in Poland. The Center had 170 residents at the time, 98% of whom identified themselves as Chechens. One percent of the residents were nationals of Azerbaijan and one percent were nationals of Dagestan. Hence, the vast majority of the Center’s residents had come from the Caucasus Mountain region and were of the Muslim faith.

Most of the Center’s residents were between 0 and 15 years of age (56%) while the second largest age group was the 18–50 age group (41%). The large number of children living at the Center was the result of the fact that a large number of young couples were living at the Center as well. Most refugees migrate as families and not as single individuals. Moreover, a significant number of the children at the Center had already been born in Poland. The Center’s population at the time had more women (57%) than men (43%). 68% of the survey participants claimed to have a primary or middle school education. A substantial number of the participants claimed to have a secondary education or higher education (11% each). Of the residents, 82% had applied for refugee status while only 18% had received permission for tolerated stay.

PROBLEMS WITH REFUGEE INTEGRATION IN POLAND

The influx of foreigners is becoming increasingly noticeable in Poland. Poland's entry into the Schengen Area and the abolishment of political borders between European Union nations may cause some of the refugees in Poland to migrate to more affluent countries in Western Europe. However, some will remain and will attempt to make a life for themselves in Poland (Wencel, 2008). For this reason, it is very important to create a comprehensive integration program that would meet the needs of all groups of foreigners choosing to stay in Poland. Unfortunately, existing Polish law guarantees such assistance only for selected groups of foreigners. Integration programs supported by the national budget are designed for two types of foreigners: individuals granted refugee status and those offered supplementary protection. Since 2001, so-called Individual Integration Programs (IIPs) have been made available to selected groups of foreigners. The programs were introduced via social assistance legislation and outlined in a directive issued by the Ministry of Labor and Social Policy in 2000. The programs' initial legal basis was formally superseded by a new directive issued by the Ministry of Labor and Social Policy in 2005 (Dz.U. z 2005 r. nr 201, poz. 1,669).

The annual individual integration programs include financial assistance (517–1,149 PLN per month), health insurance, free Polish language courses, the services of a social worker, specialized psychological care, legal assistance, etc. The task of supporting foreign refugees during the integration process has been assigned to county family assistance centers. Such centers are supposed to provide refugees with information on available integration programs, offer help in finding a place to live, and provide access to a social worker (Dz.U. z 2005 r. nr 201, poz. 1669). Integration programs have been implemented thus far in three voivodeships: Mazowieckie (513 immigrants in 2004–06), Podlaskie (132 immigrants), and Lubelskie (35 immigrants) (Grzymała-Kazłowska, Stefańska, 2008). When these numbers are compared to the number of individuals eligible for such programs, it is quite clear that they “miss” a large number of eligible individuals. According to the Institute for Public Affairs and the Legal Intervention Association, the integration programs are not functioning properly (Frelak, Klaus, 2007). The two main reasons for this are refugees leaving Poland before completing these types of programs and a lack of training for the institutions and staff members responsible for this task. The relative ineffectiveness of the integration programs is also the result of a mismatch between program goals and program participants' needs. This is especially true with respect to families and individuals who come from substantially different cultures (Wencel, 2008).

Foreigners granted tolerated stay status as well as those going through the status review process are offered only limited integration assistance. They are not eligible to participate in IIPs which significantly limits their ability to integrate with Polish society, especially in the realm of the Polish language (i.e. no access to language courses).

Refugee centers do offer introductory integration programs designed to help their residents find their way in a new environment. Based on interviews with refugee center staff members, such programs involve a variety of events mentored by Polish volunteers who attempt to introduce refugees to Polish culture, customs, and traditions. These programs, however, are not popular with the refugees living at the Lublin Refugee Center. More than two thirds (69%) of surveyed refugees had no interest in becoming familiar with Polish culture and traditions and had not participated in such events. At the same time, most surveyed refugees (74%) expressed an interest in learning the Polish language. In reality, their knowledge was limited to basic phrases and expressions. One of the elements of integration within Polish society is having Polish friends and acquaintances who presumably have a direct impact on how foreigners absorb Polish culture, social customs, and traditions. The survey conducted as part of this research addressed this issue. More than half (53%) of the surveyed refugees claimed to have Polish acquaintances with whom they maintain regular contact. Of the refugees in this group, 37% said they contact Polish acquaintances once a week. This was considered a positive factor in the refugees' integration process.

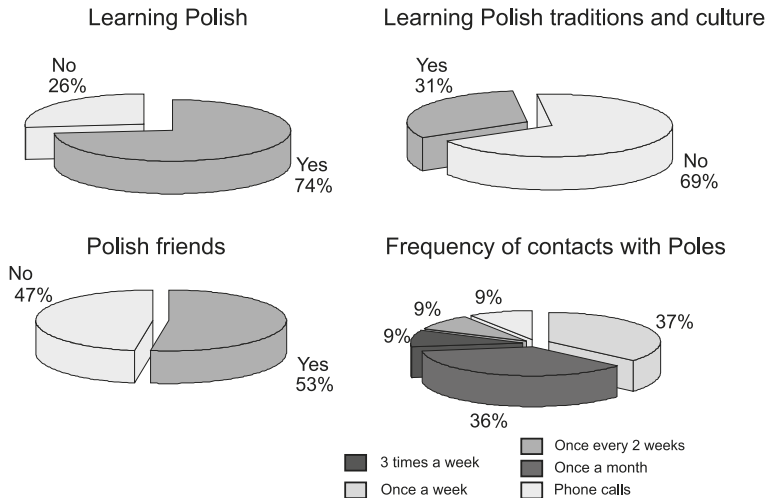


Fig. 6. Social integration and desire to become familiar with Polish culture – survey responses

Source: own study.

However, 36% of surveyed refugees claimed to contact Polish acquaintances only once a month which can be interpreted as a lack of interest in maintaining ties with Polish society (Fig. 6).

The low effectiveness of the introductory integration programs at the Lublin Refugee Center may, on the one hand, point to the programs being imperfect (i.e. lack of access to IIPs) but on the other hand, may also be the result of a skeptical or even indifferent attitude of the refugees towards these types of activities. Poland plays a transitional role for the vast majority of the refugees at the Lublin Refugee Center. Most of them really want to go to more affluent countries in Western Europe. Survey results have shown that over 79% of the respondents claim to want to settle in Poland and only 21% indicate that they want to move to Western Europe. Such claims, however, need to be scrutinized carefully. In reality, the situation is almost completely different.

Based on interviews with refugee center staff members as well as via other indirect methods, it has been established that very few refugees actually want to stay in Poland. There was, however, no independent method of confirming this finding. The lack of consistency between survey results and the aforementioned interviews was first and foremost the result of the surveyed refugees' lack of trust in the scientific nature of the survey. Most participants simply did not trust the intentions of the person conducting the survey. Indirect methods identified the real destinations of choice of most refugees staying the Lublin Refugee Center: Germany (33%), Sweden (17%), Belgium (16%), and Switzerland (16%). The above are countries where the number of applicants is relatively large and the financial assistance offered to them is much higher than that in Poland.

SUMMARY

It may be stated that the situation of refugees staying in Poland needs to change both in terms of regulations and material conditions. Research has shown that existing laws do not necessarily work in practice and often make it impossible for refugees to stay in Poland either permanently or for longer periods of time. The first issue that needs to be addressed is the slow speed of the legalization process. The second issue is the social integration process that needs to be more accessible to refugees. Refugees' lack of access to IIPs is another obstacle that hampers their social integration with Polish society. This applies to refugees awaiting status decisions and those granted tolerated stay status. It is important to note that the refugee issue in Poland will grow as a result of EU regulations. The Dublin II Directive of 2003 made possible the introduction of the Eurodac automated fingerprint identification system that makes it easier for EU member states to return migrants to Poland who have entered other EU states illegally.

For this reason, Poland cannot assume that the creation of a properly functioning refugee protection and integration system will simply cease to be important with time. In light of the problems described heretofore, the following question needs to be posed: Can individuals from substantially different cultures be integrated with Polish society, and if so, to what extent is this possible?

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