



# **Basic guide to refugee status in Poland**

**Warsaw, November 2001**

## **What is the refugee status**

The refugee status is a legal institution created in order to grant protection and assistance to persons threatened with persecution in their countries. A recognised refugee has a lot of rights, among others the right of temporary residence in Poland, right to work, to social welfare, education. Such person may apply for a permit to bring his/her family to Poland and may participate in an integration program for refugees. The refugee also receives a travel document, substitute of a passport - the so called „Geneva Travel Document”.

The definition of the refugee status as well as his/her rights as the refugee are settled in the Geneva Convention of 1951. Poland is a democratic state of law. Your situation is regulated in provisions of the law. The Act of 25 June 1997 with subsequent amendments provides detailed principles for granting the refugee status in Poland. The Administrative Procedure Code in turn defines rules to carry out the procedure in your case.

## **Who may obtain the refugee status**

You may obtain the refugee status if you left your country, because you have well founded fear of persecution for reason of your race, religion, nationality, political opinion or membership in a particular social group.

Only a gross violation of human rights is deemed persecution - inappropriate treatment by authorities not always is considered a persecution.

You may fail to obtain the refugee status if you left your country only due to economic difficulties, personal problems etc.

A person suspected to have committed a crime against peace, war crime, crime against humanity or a serious common offence prior to entering Poland cannot obtain the refugee status either.

## **Right to information**

If you want to obtain the refugee status, competent authorities should inform you about details of the proceedings, your rights and duties. If you have any doubts, do not hesitate to ask the officer who deals with your case.

## **Application for granting the refugee status**

If you are in Poland, the application for granting the refugee status should be submitted personally to the Commandant in Chief of the Border Guard, at his office at ul. Koszykowa 16, 00 - 562 Warsaw.

If you are on the border and you do not have the right to enter Poland - the application should be submitted to the Commandant of the Border Guard at the border crossing.

You may not submit the application through an attorney. The request should be addressed to the President of Repatriation and Aliens' Office, ul. Koszykowa 16, 00 - 562 Warsaw. Officers of Refugee and Asylum Proceedings Department in that Office will conduct your case. Previously the applications were received by the Minister of Interior and Administration. The Border Guard only receives your request.

The request should include the following information:

- your name, surname, age
- country of origin
- why you apply for the refugee status (why you were persecuted, by whom, what particular persecutions you or your family suffered)

The request also covers your minor children and your spouse - upon his/her consent.

If the request does not contain all the above information or you refuse to submit to identification activities and medical examinations, the President will leave your application unacknowledged.

The application for granting the refugee status, which is provided to you by officers of the Border Guard must be fulfilled in your mother tongue or other language you understand. In fact, you may demand to have an opportunity to submit your application personally together with your trusted advisor.

## **Decision on proceedings initiation**

If your request is correctly filled in, a decision on proceedings initiation will be issued. Refusal to initiate the proceedings is possible if:

- you come from a safe third country you have the right to return to
- you have already applied in Poland for granting the refugee status and now you do not provide any new, significant circumstances

After initiation of the proceedings, you obtain a temporary alien's identity, which in relations with the Polish authorities substitutes a passport.

Your own passport must be put into a deposit in the Repatriation and Aliens Office for the entire duration of the procedure. It does not constitute an indication that you make steps to renounce your citizenship.

## **State support during the refugee status determination proceedings**

After initiating the proceedings, you have the right to accommodation, food, medical care, material and pecuniary assistance. Your children may go to school. You receive benefits since the moment of being accommodated in one of the refugee centres. However you may apply for help outside the refugee centre if it is justified with your health conditions or if you fear for your safety in the centre.

You obtain assistance for the whole duration of the refugee procedure, in justified cases you may apply for extension of the benefits for the period up to 3 months from the date of granting the refugee status.

The request for assistance should be submitted to the President of the Repatriation and Aliens Office on the date of completing registration formalities as a person applying for the refugee status.

If you have any medical reasons or you fear for your safety in the refugee centre, in exceptional cases you may submit the application for granting the right to benefits outside the centre.

Proceedings before the President of the Office for Repatriation and Aliens

The President examines your case in the first instance.

You will be called for a status interview - it is a conversation with an officer of the Refugee Department conducted in your mother tongue or other language you speak.

During the interview the officer will ask:

- what you were doing in your country of residence
- why you left your country
- if you were persecuted, and if yes, why
- if you still have fear for persecutions and why
- what is your nationality, religion, political opinions

The officer may also ask many detailed questions which may seem unnecessary for you, but they are really helpful in order to prove your reliability, e.g. how does your city look, what is the name of the main street etc.

Apart from the status interview you may submit other evidence to the files - such as documents and your written statements.

You also have access to the files of your case. You may demand to supplement the evidence collected in your case.

In the proceedings you may be represented by an attorney being any adult person. The attorney may participate in the status interview, submit statements, review files of the case. However this representation is not necessary.

Recorded statements are very important. Do not be afraid of making any amendments and rectifications if you think that the statement is not consistent with your words. You may refuse to put your signature under the protocol if you do not agree with its contents. Take your time and prepare yourself well for the interview with the officer, who will prepare grounds for a decision in your case.

## **Manifestly unfounded application**

If the President acknowledges, that:

- the contents of your request indicates that you have no reasons to apply for the refugee status
- the data contained in your request are unreliable or untrue
- you come from a safe country of origin
- you submitted the request only in order to avoid deportation

he will issue a negative decision due to a manifest unfoundedness of your application. You may appeal against that decision to the Refugee Board within only 3 days from the date of its delivery.

The Board shall render the decision within 5 days. You may submit an appeal against that decision to the Supreme Administrative Court within only 30 days.

## **Proceedings before the Refugee Board**

If you receive a negative decision of the President, you may appeal only within 14 days from the date of reception of the above decision to the Refugee Board. The appeal should be submitted through the Repatriation and Aliens Office.

You may also appeal against the decision leaving the application unacknowledged or deeming it as manifestly unfounded.

You may act through an attorney, you may provide new evidence, statements etc. to the files.

After lodging the appeal, you shall send letters directly to the Refugee Board, Al. Ujazdowskie 19., 00 - 557 Warsaw.

The appeal shall be prepared in Polish language. It is sufficient that it contains your statement that you do not agree with the President's decision. You have to provide strong argumentation to prove the first negative decision was wrong.

The Board may uphold in force the negative decision, grant you the refugee status, or return the case for another review.

## **Proceedings before the Supreme Administrative Court**

You may lodge the appeal against the negative decision of the Board to the Supreme Administrative Court within only 30 days of the reception of such decision. The appeal may be lodged only personally or through an attorney or legal counsel, directly to the Supreme Administrative Court, ul. Jasna 6, 00 - 013 Warsaw. Submission of the appeal does not automatically protect you against deportation from Poland.

The Court during a trial, to which you are called, verifies if the rendered decisions are in compliance with the law. It may issue a verdict upholding the negative decision or annulling it - then the case will be examined from the beginning.

## **Social Integration Assistance for recognized refugees**

Alien who has received in Poland refugee status under the Geneva Convention, may be granted the governmental integration assistance:

- **Monetary benefit** to cover the expenditures for food, clothing, and hygienic materials and rent related to lease of the flat etc.
- **Polish language training fee**



The monthly benefit is calculated on the basis of the number of family members and the period the benefit is claimed. (The benefit will be provided in amounts ranging from 350 zł. to 1000 zł., for a period not longer than 12 months)

Refugees who were recognized have 30 days to submit their application.

Application should be submitted to **starosta** or to **directors of Centre for Family Aid** in powiat of residence.

Application should include:

- Request for social integration assistance
- Detailed description of needs
- Information about members of the family
- Acceptance of terms of individual integration program

Required documents:

- Copy of the relevant decision of the Minister of Administration and Internal Affairs, granting the refugee status.
  - Copy of the Convention Travel Document.
  - Copy of the temporary residence card
- copies of any other significant documents which may be necessary to process an individual's program of integration

The details are contained in the executive ordinance of the Minister of Labour and Social Policy. The executive ordinance was published on 13 December 2000 in the Journal of Law. No 109, it. 1160.

**Polish Humanitarian Action (PAH)** will provide further information concerning application for integration assistance at the following numbers: **(022) 828 88 82, 828 90 86 and fax (022) 831 99 38.**

## **Humanitarian status**

Even if you are not recognised as the refugee, you may not be deported from Poland if such act is in conflict with the Convention for the Protection of Human Rights and Fundamental Freedoms. Therefore, if you are of the opinion that after return to your country your fundamental human rights will not be respected, you may lodge the application for residence permit for a time indicated (humanitarian status).

The application shall be submitted to a Province Governor (Voivod) and if he/she renders a negative decision - you may appeal to the President of the Office for Repatriation and Aliens and to the Supreme Administrative Court.

## **Asylum**

A foreigner may, upon his/her request, obtain asylum in Poland, in case it is indispensable to assure his/her protection or it agrees with a valid interest of the Republic of Poland. Applications abroad are accepted by a consul in any Polish

diplomatic mission. You may also apply for asylum through a commandant of the Border Guard Checkpoint.

The request is examined by the President of the Office for Repatriation and Aliens in consultation with the Minister of Foreign Affairs. The decision is prepared by officers of the Department for Refugee and Asylum Proceedings in the Office for Repatriation and Aliens.

## Refugee status in other country

- Poland is treated by states of the European Union as a safe third country. It means that if you illegally leave for e.g. Germany and submit your application for granting the refugee status there, it will not be examined and you will be deported to Poland and placed on the list of persons unwanted in the EU territory. You also risk that your refugee proceedings in Poland will be discontinued during your stay abroad.
- In case you leave the refugee centre without consent of its head, you will not be readmitted. Thus you will lose the right to benefits vested in persons under the refugee proceedings.

## Important addresses:

- **Caritas Polska**  
**Information Offices for Immigrants and Refugees**  
**Białystok**, ul. Warszawska 32,  
tel. (85)6621166.  
**Lublin** 20-950, ul. Prymasa Stefana Wyszyńskiego 2,  
tel. (81)7437186.  
**Wrocław** 50-329, pl. Katedralny 7,  
tel. (71)3221715

- **The Commanding Officer in Chief of the Border Guards,**  
ul. Koszykowa 16, 00-564 Warszawa,
- **Office for Repatriation and Aliens,**  
ul. Koszykowa 16, 00-564 Warszawa,  
tel. (22)8498044, (22)6035282
- **Refugee Board,**  
Aleje Ujazdowskie 19, 00-583 Warszawa,  
tel. (22)5200421
- **Supreme Administrative Court,**  
ul. Jasna 6, 00-013 Warszawa
- **Ombudsman,**  
Al. Solidarności 77, 00-090 Warszawa,  
tel. (22)5517700, (22)5517760
- **Branch Office of the United Nations High Commissioner for Refugees in Poland,**  
Al. Róż 2, 00-556 Warsaw,  
tel. (22)6286930, (22)6256146
- **Helsinki Foundation for Human Rights,**  
ul. Bracka 18/62, 00-026 Warsaw,  
tel. (22)8269875, (22)8269957, (22)8261008  
- free legal assistance
- **Polish Humanitarian Action,**  
ul. Szpitalna 5/3, 00-031 Warsaw,  
tel. (22)8288882, (22)8289086 - material aid
- **Polish Red Cross,**  
ul. Mokotowska 14, 00-561 Warsaw,  
tel. (22)6285575, (22)6213625 - material aid
- **Law Clinic of the Warsaw University,**  
Krakowskie Przedmieście 26/28, 00-927 Warsaw,  
tel. (22)8269294 - free legal assistance
- **Law Consultancy of the Jagiellonian University,**  
Plac Inwalidów 4, 30-033 Cracow,  
tel. (12)6333796 - free legal assistance.



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High Commissioner for Refugees  
Branch Office, Poland  
Al. Róż 2, 00-556 Warszawa  
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