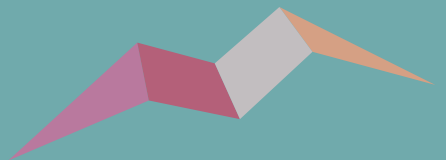




# Applying for international protection: My rights and obligations





# **Applying for international protection: My rights and obligations**

 HELSIŃSKA FUNDACJA  
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Warsaw 2016

## Applying for international protection: My rights and obligations.

**Authors of the 1st and 2nd editions:** Jacek Białas, Maja Łysienia,  
Ewa Ostaszewska-Żuk, Karolina Rusitowicz

**Authors of the 3rd revised and updated edition:** Jacek Białas, Małgorzata  
Jaźwińska, Maja Łysienia, Aleksandra Pulchny, Daniel Witko



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**CHICES**

3<sup>rd</sup> edition

Warsaw 2016

# Introduction

Refugees, migrants, and foreigners have become a permanent feature of the Polish landscape: be it the places we live and work in or our holiday destinations. This guide is intended mainly for those who seek international protection, i.e. for foreigners. However, it will also be of use for those who work with foreigners: administrative officers issuing administrative decisions, employees hiring foreigners, those teaching, providing medical treatment or dealing with foreigners in various situations. This guide is written from the perspective of a foreigner, a person seeking answers and explanations, one who knows nothing about the procedure of securing international protection, other forms of international protection and situations they might experience, e.g. being placed in a refugee detention centre.

I think that it is very important that the guide stresses that all information provided by the foreigner to administrative officers, social workers, or attorneys during proceedings is confidential.

The title of this publication is telling. The authors are experienced lawyers affiliated with the department of Legal Assistance to Refugees and Migrants at the Helsinki Foundation for Human Rights, and the questions that they pose, as if on behalf of a foreigner, are the questions which we hear on an everyday basis. These are issues raised by foreigners, migrants, or refugees in conversations with us, issues which they do not understand and ones that pose difficulties in explaining to persons who are used to a different legal culture, customs, and speak different languages.

The end of this publication features a list of institutions and non-governmental organisations which provide assistance to refugees. This list has grown somewhat long throughout the 20 years of granting refugee status to applicants, which is good as it indicates more possibilities of obtaining relevant information, legal assistance, and – as our experience shows – learning about the still difficult issues faced by migrants and refugees settling in Poland.

This is the third revised and updated edition of the guide. 2016 proved to be a special year as over 1 million migrants arrived in Germany from Syria, Africa, and Asia. They will soon arrive here in Poland in numbers decided on in the course of inter-governmental discussions amid EU members. Accurate information is the key to effective settlement of refugees in Poland.

**Dr Irena Rzeplińska,  
associate professor at the Institute of Law Studies  
of the Polish Academy of Sciences**

# Table of contents

## Glossary

7

## I Lodging application for international protection

8

1	Where can I lodge an application for international protection? .....	9
2	How do I apply for international protection? .....	9
3	Can the Border Guard decline accepting my international protection application? .....	10
4	What actions are taken by the Border Guard with regard to my application? .....	11
5	What happens once I have submitted my application? .....	12

## II Rights and obligations during the procedure

13

1	What is a TZTC? .....	14
2	What assistance am I entitled to in the course of applying for international protection? .....	17
3	Do I need to live in a centre for foreigners? .....	20
4	Am I entitled to medical care? .....	21
5	Am I allowed to work? .....	21
6	When will the interview take place and what is it about? .....	21
7	When can I present evidence in my case? .....	23
8	How long will I wait for the final decision on my application? .....	24
9	The procedure concerning my case is taking a long time – what do I do? .....	24
10	Can I go abroad during the procedure? .....	25
11	What is the Dublin III procedure? .....	25
12	A member of my family is staying in a different European country. How can I reunite with them? .....	26
13	Can I be obliged to return during the procedure? .....	27
14	What is assistance in voluntary return? .....	27

## III Minors

29

1	I am a minor – can I lodge an international protection application? .....	30
2	Where will I stay after I have submitted an international protection application? .....	31
3	Will I be interviewed during the international protection procedure? .....	31
4	What happens if I receive a negative decision? .....	32

## **IV Protection schemes in Poland**

**33**

- 1 What protection can I be granted in Poland? .....34
- 2 When will I be granted refugee status? .....34
- 3 Can I seek refugee status if I was not in danger when leaving my home country, but the situation has changed and now I am afraid to return? .....35
- 4 When will I be granted subsidiary protection? .....35
- 5 Will I be granted a tolerated stay permit or humanitarian stay permit? .....36

## **V I have received a positive decision – what next?**

**37**

- 1 Once I have received a positive decision, am I still entitled to the same public and medical assistance as during the procedure? .....38

## **VI Refusal of international protection**

**39**

- 1 When do the authorities issue refusals to grant refugee status? .....40
- 2 When do the authorities issue refusals to grant subsidiary protection? .....40
- 3 When do I have to leave Poland? .....41

## **VII I have received a negative decision – what next?**

**42**

- 1 Is the decision that I received final? .....43
- 2 What does a decision to discontinue the procedure mean? .....43
- 3 How much time have I got to appeal against this decision? .....44
- 4 What does it mean that the decision has been delivered? .....44
- 5 Who will help me to write the appeal letter? .....47
- 6 How and when do I file an appeal? .....48
- 7 What happens after I have filed an appeal? What happens if I decide not to file it? .....50
- 8 What decisions can the Council for Refugees issue? .....50
- 9 What can I do if I receive a negative decision from the Council for Refugees? .....51

## **VIII Court proceedings**

**52**

- 1 What are the court fees? Will I receive attorney assistance during court proceedings? .....53
- 2 Am I obliged to return during court proceedings? .....54
- 3 Am I entitled to public assistance and a Temporary Certificate of Foreigner's Identity (TZTC) during court proceedings? .....54
- 4 Do I have to attend the court hearing? .....55

5	Will an interpreter be present during the hearing? .....	55
6	What ruling can the court make? .....	55
7	The court has dismissed my complaint – what next? .....	56
8	Cassation appeal – what next? .....	56

## **IX Lodging subsequent international protection applications**

**57**

1	My international protection procedure has been completed – can I lodge a second/another application? .....	58
2	Can I be obliged to return during another international protection procedure? .....	58
3	Where should I file another international protection application? .....	59
4	Will an interview take place within the subsequent international protection procedure? .....	59
5	Am I entitled to public assistance and Temporary Certificate of Foreigner's Identity (TZTC) within the new procedure? .....	59
6	What decisions may the authorities reach during subsequent international protection procedures? .....	59

## **X Detention of international protection applicants**

**61**

1	Can I be apprehended by the Border Guard? .....	62
2	Can I be apprehended while lodging a subsequent international protection application? .....	63
3	Will I be placed in a guarded centre or in a foreigner detention centre? .....	64
4	What is the difference between a guarded centre and a foreigner detention centre? .....	65
5	Can I contact my attorney or non-governmental organisations while I am staying in a guarded centre or in a foreigner detention centre? .....	65
6	If I lodge an international protection application while I am staying in a guarded centre or a foreigner detention centre, will I be released? .....	66
7	When will I be released from guarded centre or a foreigner detention centre? .....	66
8	What measures, other than placing me in a guarded centre or a foreigner detention centre, can be imposed on me? .....	68

## **XI List of non-governmental organisations which provide assistance to refugees and migrants**

**69**

## **References**

**71**



# Glossary



## ● **HEAD OF THE OFFICE FOR FOREIGNERS**

– first instance authority which processes applications for granting the refugee status. It is located in Warsaw, ul. Koszykowa 16 and ul. Taborowa 33. The second office deals with issues concerning international protection (lodging applications, interviewing for refugee status, etc.).

## ● **COUNCIL FOR REFUGEES**

– authority which processes appeals against negative decisions issued by the Head of the Office for Foreigners with regard to providing international protection.

## ● **DĘBAK**

– it is a centre for foreigners located near Warsaw; it is a place where you lodge an application for public assistance.

## ● **TZTC**






– Temporary Certificate of Foreigner's Identity (Tymczasowe Zaświadczenie Tożsamości Cudzoziemca), a document issued for the duration of the procedure of granting international protection.

## ● **GUARDED CENTRE and FOREIGNER DETENTION CENTRE**

– places where applicants for international protection, for instance, whose identity requires verification, can be placed.



# Lodging application for international protection

-  Where can I lodge an application for international protection? p. 9
-  How can I lodge an application for international protection? p. 9
-  Can the Border Guard decline receiving my international protection application? p. 10
-  What actions are taken by the Border Guard with regard to my application? p. 11
-  What happens once I have submitted my application? p. 12



## Where can I lodge an application for international protection?

An application for international protection must be lodged through the Border Guard, which then passes it on to the Head of the Office for Foreigners. You need to inform a Border Guard officer that you want to apply for international protection using, for example, an international term “asylum”.

- On arrival to Poland, you can lodge an application at the border or at an airport.
- If you are already in Poland, you can lodge your application in a Border Guard office relevant to your place of residence (now also possible outside Warsaw).
- If you are in a detention centre for foreigners, prison for foreigners, remand centre or a correction unit, your application can be lodged in a Border Guard branch competent for this location, i.e. a branch whose jurisdiction covers the area of your residence.



**NOTE:** You can apply for international protection also in case you are a visa-holder or a residence card-holder.

You can also lodge an application if your stay is illegal; however, in this case you can be apprehended and placed in a guarded centre or foreigner detention centre by the court.

MORE INFORMATION >>>

APPREHENSION OF AN INTERNATIONAL PROTECTION APPLICANT

p.  
61



## How do I apply for international protection?



**Applications for international protection must be submitted in person.**

Applications can also be lodged jointly for the whole family – i.e. for the applicant’s spouse and minor children under their custody (also for the child which is due to be born during the proceedings) – to be considered as one case. Lodging an application on the spouse’s and their minor child(ren)’s behalf, necessitates the spouse’s written consent. Such a consent is given when applying for international protection.

- If you are the applicant's spouse, prior to applying, the Border Guard should inform you about the consequences of lodging an application, the right of being interviewed, and the possibility of lodging a separate application for international protection.
- If you are an unaccompanied minor, application on your behalf will be lodged by your guardian or a representative of an international or non-governmental organisation providing assistance to foreigners, including legal assistance. The guardian is appointed by the Border Guard.



## Can the Border Guard decline accepting my international protection application?

**No, they cannot.** The Border Guard is obliged to accept your application and hand it over to the Head of the Office for Foreigners.

If, due to reasons on the part of the Border Guard, it is not possible to lodge your application when you come in person to a Border Guard branch, you should be informed, in a language you understand, when and where the application will be received (it is, the so-called **declaration of the intent of lodging an application**). The Border Guard should also protocol this activity. Accepting the application itself and recording it should take place no later than 3 working days from the day the declaration of the intent of lodging an application was received; however, in the event of massive influx of foreigners to Poland, within 10 working days.

### If you are:

- a disabled or senior person,
- a single parent,
- pregnant woman,
- a person in the so-called alternative care,
- placed in a hospital, a remand centre, correction unit

and due to this fact cannot come in person to a Border Guard branch, the declaration of the intent of lodging an application can also be submitted by post or email.



## What actions are taken by the Border Guard with regard to my application?

A Border Guard officer will photograph you and the people on behalf of whom you are lodging the international protection application, and will take your fingerprints (this only refers to persons over 14). You will also undergo a medical examination.

An application for international protection is filled in on a special form. Additionally, a Border Guard officer will conduct a short interview with you in order to obtain the following information:

- Your personal data;
- How you came to Poland;
- Your country of origin;
- General reasons which made you apply for international protection.

During this interview, you have the right to use your own language. Translation services should be provided, if necessary.

A Border Guard officer should also provide you with information regarding the regulations of the international protection procedure, your rights and obligations, the conditions of obtaining free-of-charge legal assistance, organisations providing such help as well as give you contact details of non-governmental organizations providing help to refugees.

MORE INFORMATION >>>

LIST OF NON-GOVERNMENTAL ORGANISATIONS HELPING FOREIGNERS

p.  
69

### IMPORTANT:

- Provide as detailed answers to the Border Guard officer's questions as possible because this information will be later compared with your interview in the Office for Foreigners, which is the most important part of the procedure of granting you international protection.
- Economic or financial reasons for leaving your home country are not in themselves sufficient grounds for granting you international protection.
- If you have any documents which may corroborate your testimony, it is recommended that you enclose them; if you have any witnesses who can corroborate your testimony, be ready to provide the Border Guard with their addresses so that they can be summoned and interviewed.

## What happens once I have submitted my application?

Once you have decided to apply for international protection, your travel document (passport) will be collected by the Border Guard and deposited in the Office for Foreigners for the duration of the procedure. In exchange, you will receive a certificate of depositing your passport as well as a Temporary Certificate of Foreigner's Identity (TZTC).

MORE INFORMATION >>> WHAT IS A TZTC?

p.  
14



**You are entitled to receive public assistance and medical care during the procedure.**

MORE INFORMATION >>> DO I HAVE TO STAY IN A CENTRE FOR FOREIGNERS?

p.  
20

MORE INFORMATION >>> AM I ENTITLED TO MEDICAL CARE?

p.  
21



**REMEMBER** to notify the Office for Foreigners and the Council for Refugees of any address changes in order to ensure unobstructed communication between you and the authorities. For example, **summons for interview from the Head of the Office for Foreigners or the Council for Refugees** will be delivered to you by post. Please note that the interview is the most important part of the procedure in applying for international protection.

MORE INFORMATION >>>  
WHEN WILL THE INTERVIEW TAKE PLACE? WHAT IS IT ABOUT?

p.  
21

# Rights and obligations during the procedure



- 1 >> What is a TZTC? p. 14
- 2 >> What assistance am I entitled to in the course of applying for international protection? p. 17
- 3 >> Do I need to live in a centre for foreigners? p. 20
- 4 >> Am I entitled to medical care? p. 21
- 5 >> Am I allowed to work? p. 21
- 6 >> When will the interview take place and what is it about? p. 21
- 7 >> When can I present evidence in my case? p. 23
- 8 >> How long will I wait for the final decision on my application? p. 24

- 9 >> The procedure concerning my case is taking a long time – what do I do? p. 24
- 10 >> Can I go abroad during the procedure? p. 24
- 11 >> What is the Dublin III procedure? p. 25
- 12 >> A member of my family is residing in a different European country. How can I reunite with them? p. 26
- 13 >> Can I be obliged to return during the procedure? p. 27
- 14 >> What is assistance in voluntary return? p. 28

## 1 >> What is a TZTC?

Once you have submitted your application for international protection, your stay in the Republic of Poland is legal. You give your passport to be deposited for the duration of the procedure, and in return you get a document called Temporary Certificate of Foreigner's Identity (*Tymczasowe Zaświadczenie Tożsamości Cudoziemca* in Polish) (TZTC), often informally referred to as a "visa".

The Temporary Certificate of Foreigner's Identity (TZTC) confirms your identity and entitles you to stay in Poland for the duration of your case proceedings. You will get this document from the Border Guard no later than 3 days from the submission of your international protection application. The first TZTC is valid for 90 days. After this period, you should apply to the Head of the Office for Foreigners for a new TZTC, which will be valid for up to 6 months; this should be repeated until the procedure is completed. You should apply for a new TZTC whenever the period of validity of the previous one expires, any personal data contained in it changes, or in case your new child was born. It is worth doing it in advance as issuing a new TZTC can take up to one month.

If, on arrival in Poland, you have minor children, their personal data will be entered in your TZTC. If you want your child to have their own TZTC, a separate application needs to be filed (this applies to children over 5 years old only).



## What does a TZTC look like?

An example of the first Temporary Certificate of Foreigner's Identity (TZTC) issued by **the authority which receives the application**

front:



back:

The image shows the back side of a Temporary Certificate of Foreigner's Identity (TZTC). The document is light green with a subtle pattern. On the left side, there are several fields for personal information, each with a label and a line for the answer: "Nazwisko" (Surname), "Imię (Imiona)" (First name(s)), "Imiona rodziców" (Parents' first names), "Data urodzenia lub wiek" (Date of birth or age), "Miejsce i kraj urodzenia" (Place and country of birth), and "Obywatelstwo" (Citizenship). In the center, there is a line for the "Podpis posiadacza" (Holder's signature). On the right side, there are several fields for administrative information, each with a label and a line for the answer: "Malaletnie dzieci towarzyszące posiadaczowi dokumentu" (Minor children accompanying the document holder), "Nazwisko i imię (imiona)" (Surname and first name(s)), "Data urodzenia" (Date of birth), "Termin ważności" (Validity period), "Data wydania" (Date of issue), and "Organ wydający" (Issuing authority).

An example of the first Temporary Certificate of Foreigner's Identity (TZTC) issued by the **Head of the Office for Foreigners**

front



back:





## What assistance am I entitled to in the course of applying for international protection?

In the course of processing your case, **you are entitled to public assistance** provided by the centre for foreigners or outside it.

Entitlement to public assistance does not apply when: you were granted subsidiary protection, consent for humanitarian or tolerated stay, temporary residence permit, or long-term EU-resident permit. You are also not entitled to public assistance if you are staying in an educational care facility, a guarded centre or foreigner detention centre, temporarily apprehended or placed in a correctional facility.

[MORE INFORMATION ON PUBLIC ASSISTANCE >>>](#)

p.  
19

p.  
20

p.  
38

p.  
59

You should visit **the Central Reception Centre in Podkowa Leśna – Dębak** (you can get there by a Warsaw commuter train, i.e. the WKD; get off at the Otrębusy station and then continue on foot or by taxi) or **the Reception Centre in Biała Podlaska** (if your application was lodged at the Terespol border crossing)



**IMPORTANT!** If you are a **disabled or senior person, a single parent, or pregnant woman**, the Border Guard should provide you with transport to the relevant reception centre so that you do not have to make travel arrangements on your own. If needed, meal will be provided during travel.



**If you fail to report to a reception facility within 2 days, your refugee status proceedings will be cancelled.**

## Getting to the Central Reception Centre

### Warszawa Śródmieście WKD station:



#### Getting to the WKD station:

tram / bus

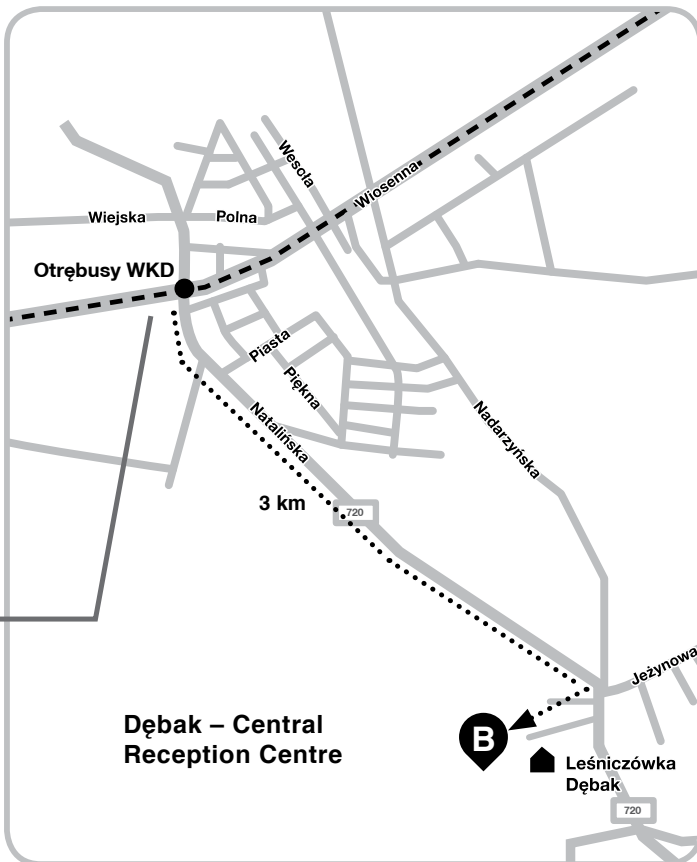
– Dworzec Centralny station,  
Centrum underground station,  
then continue for 10  
minutes on foot

Tickets can be bought in the  
ticket office at the station.

**Remember to punch your  
ticket once you get on the train!**

#### Otrębusy WKD station

The 16<sup>th</sup> station counting from the  
Warszawa Śródmieście station, just  
past the Kanie Helenowskie station.



After your stay at the reception centre, you can be transferred to one of refugee centres in Poland, subject to availability.

**REMEMBER** that you will have to produce your **Temporary Certificate of Foreigner's Identity** (TZTC) on your admission to the centre. This document is needed to confirm your entitlement to public assistance while you wait for the decision on international protection. Once you have been admitted to the centre, you will be given an ID which will confirm your entitlement to assistance provided by the centre you have been assigned to.

If, on lodging your application for international protection, you underwent neither a medical exam, nor body and clothes decontamination, it is possible that you will need to undergo them prior to admission to the centre. Note that you will not have to pay for or arrange them.

**At the centre for foreigners, you will be provided with PUBLIC ASSISTANCE.**

**It includes:**

- accommodation;
- full board or equivalent in cash (e.g. if children attend school or are younger than 6 years old). If your children attend school or you are unable to use the shared canteen, you will receive an equivalent for each person which amounts to PLN 9;
- the so-called pocket money in the amount of PLN 50 per month;
- constant financial aid for the purchase of personal hygiene products in the amount of PLN 20 a month;
- provision of non-recurring financial aid or a voucher for the purchase of clothes and shoes in the amount of PLN 140;
- Polish language classes and basic language learning materials;
- learning aids for children provided with education and care in public institutions, primary schools, middle schools or secondary schools;
- reimbursement of costs of transport in order to participate in refugee status proceedings (e.g. the interview), medical treatment and vaccination or other justified cases.

**REMEMBER** that in order to receive assistance in cash, you need to produce your ID from the centre or another ID with photograph on the day when benefit payments are made (e.g. the Temporary Certificate of Foreigner's Identity).



## Do I need to live in a centre for foreigners?

**No, you do not.** Public assistance can be provided also outside the centre in the form of monthly allowance which amounts to c. PLN 750 for a single person, c. PLN 1200 for a two-person family, c. PLN 1350 for a three-person family, and PLN 1500 for a four-person family.

**You can stay outside the centre for one of the following reasons:**

- to ensure foreigner's safety, with the consideration of the special circumstances of single women;
- to protect public order;
- to protect and maintain family relations (if your family member legally resides in Poland and you would like to live with them rather than stay at the centre);
- to prepare the foreigner to lead an independent life outside the centre, once they have been granted refugee status or supplementary protection;
- for organisational reasons (e.g. there are no vacant places in centres for foreigners).

If you are planning to be a beneficiary of public assistance outside the centre, you should file a relevant application and provide one of the above-mentioned reasons. The head of the Office for Foreigners will decide whether you qualify.



**REMEMBER that in case you are allowed to stay outside the centre you will be responsible for renting a flat and covering all everyday expenses from the allowance received from the Head of the Office for Foreigners.**

Apart from the allowance **you are entitled to:**

- free Polish language classes and free learning materials;
- learning aids for children at school;
- reimbursement of extra-curricular and sports and recreation classes for children;
- reimbursement of costs of transport in order to participate in refugee status proceedings (e.g. the interview), medical treatment and vaccination or other justified cases.



## Am I entitled to medical care?

**Yes, you are entitled to medical care.** Regardless of what public assistance you are receiving (in the centre or outside it), medical care will be offered to you. Medical insurance covers all **medical services** financed from public funds, which are available to the Polish citizen under the compulsory insurance scheme or insurance purchased on a voluntary basis with the exception of a sanatorium stay.

At present guaranteed medical assistance is provided by the Warsaw-based Petra Medica Sp. z o.o. company. If you need a medical consultation or medical assistance you should contact this company at (+48) 22 7402020.



## Am I allowed to work?

If the decision regarding your refugee status has not been issued within **6 months** and you are not responsible for this delay (e.g. due to leaving Poland during your procedure or declining to participate in the interview), you are allowed to **apply to the Head of the Office for Foreigners for a certificate**, which along with your TZTC grants you the right to work legally in Poland until your international protection application has been processed. It also applies to situations where you filed an appeal and your case is examined by the Council for Refugees.



## When will the interview take place and what is it about?

As noted above, the interview is the most important part of the international protection procedure. During the interview, you will be asked detailed questions about the reasons for fleeing your country. This means that relevant authorities will be looking into what your reasons for applying for international protection are, and then verify the information you provide.


A letter informing you about the exact date and time of your interview will be delivered to you by post (or by fax provided that you are staying in a centre for foreigners).



**IMPORTANT!** You need to inform the Head of the Office for Foreigners about any address change in order to make sure you receive all correspondence from this office. If your case is examined by the Council for Refugees, this authority needs to be notified about your address change.

The interview usually takes place in the Office for Foreigners in Warsaw. If you are staying in a guarded centre or a detention centre for foreigners, the interview will take place in this location. Please note that the interview can be conducted in person or through a video call, i.e. via the Internet.

During the interview, you have the right to speak a language you understand, hence an **interpreter** will take part in the interview, if needed. It is advisable to check in advance if the interpreter can speak the same dialect as you. If they cannot, or you have problems understanding them, you should immediately notify the interviewer.

 **IMPORTANT!** If you cannot understand the interpreter, remember to communicate it at the beginning of the interview and demand another interpreter whom you understand.

Your **attorney**, if you have one, may also participate in the interview; they may, for instance, clarify any inaccuracies which can be recorded, they can also ask you questions. It is advisable that you discuss your testimony with your attorney prior to the interview so that you agree on any questions they may ask you. You may also submit a request for **psychological assistance** during the interview in advance if you feel you will need a psychologist.

You will be asked questions about the **reasons why you left your home country** and how you got to Poland. Your credibility is of great significance here, so it is very important that you explain in detail why you had to leave your country. It is important to provide, if possible, information that can be verified later (names, dates). Make sure that your testimony is not self-contradictory and remember what you testified when submitting your application for international protection.

**»» REMEMBER** that an Office for Foreigners staff member, interpreter, your attorney and social workers need to follow confidentiality policy regarding your interview. This means that no information regarding the fact that you are applying for international protection in Poland may be disclosed to the authorities of your home country.

All questions and answers you provide are included in the written record of the meeting. Once the interview is over, the **contents of the written record should be interpreted to you** (orally translated) so that you can suggest amendments or make additions to your testimony. By signing the written record, you declare that you agree with its contents. Because of that, you need to be sure that you and the interpreter understand each other very well and that all information that is included in the written record is accurate. After the interview has come to an end, you should get a copy of the written record (this document is in Polish only).



**REMEMBER** that you have the right to disagree with information in the written record as well as add missing information. In such a case, you need to state it before signing the written record (it can happen either after the interview or after the record has been read to you). All amendments to your testimony need to be implemented before you sign the written record.

**If you are in need of special treatment, e.g. you are a victim of violence, tortures, a senior, disabled or bedridden person**, the time and date of the interview should be arranged taking into consideration your status so that you can communicate freely. You can request that your interview is attended by a psychologist or doctor. If due to your difficult experiences, the presence of a person of the opposite sex could make talking about your situation in your country difficult, you can request that only persons of your sex participate in your interview.

You can also request that the interview be conducted at your place of stay if, for medical reasons, you cannot reach the indicated interview venue.



## When can I present evidence in my case?

Documents and other evidence (CDs, photographs, etc.), if in your possession, can be presented **at any stage of the international protection procedure** (before, during or after the interview, yet before the decision is issued). It is recommended that you provide this evidence during the interview, as then you will be able to describe each piece and its relevance in detail. Original documents should be presented (if you want to submit copies, you should also take the originals with yourself). After the Office has copied these documents, they are usually returned to you.

**You do not have to translate the documents.** You have the right to enclose documents in your mother language and if they are of relevance to your case, they will be translated by the Head of the Office for Foreigners and taken into consideration in your procedure.

**REMEMBER** that you need to be provided with confirmation of submitting your documents in your case. Ask the Office staff for a stamp on the copies of documents that you submit.



## How long will I wait for the final decision on my application?

Decision on granting you international protection should be issued within **6 months** from lodging the application.

If the decision has not been issued within 6 months, the Head of the Office for Foreigners is obliged to inform you of the reasons of the delay and the new deadline for issuing the decision.

The proceedings for issuing the decision cannot exceed **15 months**. Extension is only possible if your case is particularly complicated, if in the given period a large number of foreigners is applying for international protection, or if you do not fulfil obligations of cooperating with the office and participating in the interview.

If an Office for Foreigners staff member failed to notify you of missing the deadline or about setting an additional deadline, they will be held liable under the regulatory or disciplinary regulations. However, it needs to be underlined that missing these deadlines will not result in vitiating the decision.

International protection **application can be processed summarily** (e.g. if you have misled the authority as to your identity or nationality, lodged your application in order to postpone the decision of obliging you to return, you are considered a threat to the state or the public order or you had been expelled from Poland for this reason before). If this is the case, the decision should be issued within 30 days.



## The procedure concerning my case is taking a long time – what do I do?

If a decision on a new deadline or extending the deadline has not been issued, or if the proceedings are carried out in a protracted manner, you have the right to file a complaint to the Council for Refugees. After examining the complaint and confirming its validity, i.e. confirming that your case has not been decided on within the first deadline, the council sets a new deadline and orders an inquiry into the reasons for the delay and the persons responsible. If needed, the council may employ measures to avoid missing deadlines in the future. This authority also decides whether a serious breach of regulations has taken place.

## Can I go abroad during the procedure?

**No, you cannot go abroad.** You have to stay in Poland until the final decision has been issued. If you decide to leave Poland once you have lodged an international protection application in Poland, it is very likely that you will be turned back here (in accordance with the Dublin III procedure).

MORE INFORMATION >>> WHAT IS THE DUBLIN III PROCEDURE

p.  
25

TZTC does not give you the right to cross the border. For this reason, if you decide to leave Poland, you can be apprehended for illegal entry to another country (i.e. crossing the borders into a country in violation of its immigration law). Despite the fact that border control in the Schengen zone has been lifted, respective border control agencies of individual countries guard border crossings. These agencies can also check whether your stay in a given country is legal.

**REMEMBER** that border crossing, or an attempted border crossing, during your international protection procedure can result in placing you in a guarded centre for foreigners.

MORE INFORMATION >>> DETENTION OF A REFUGEE-STATUS SEEKER

p.  
61

## What is the Dublin III procedure?

The Dublin III procedure stipulates which European Union member state will consider your international protection procedure. As a rule, only one state within the European Union should consider an international protection application of an individual. Usually it is the first state which the refugee has entered. As a consequence, if Poland was the first state in the European Union you arrived in, Poland will be responsible for processing your international protection application. Deciding on the state responsible for receiving refugee applications, other circumstances can be taken into account, e.g. whether your immediate relatives already reside in other European Union states, if you have the right of a permanent stay or are a visa-holder in a different country. If, for example, you have a visa for Spain, but you entered Poland and lodged an international protection application here, it is Spain which is responsible for processing your case and you may be deported there.

Determining the responsible state, the following need to be taken into account: the respect for the rights for the child, the unity of family and the need for guaranteeing basic rights to

foreigners. It is unacceptable to deport you to a country where procedures and conditions of receiving refugee-seekers are systematically violated in the form of inhumane or humiliating treatment.



**IMPORTANT** if you are issued a negative decision on granting you international protection in Poland, it does not mean that you can go to another country and attempt to receive protection there – should you do that, you will be turned back to Poland.



## **A member of my family is staying in a different European country. How can I reunite with them?**

If you are a minor and a member of your family is legally residing in a different European Union country or has lodged an international protection application there, you will be able to reunite with them if this is in your best interest.

In such a situation, you should file an application to the Head of the Office for Foreigners in order to start the Dublin III procedure. Enclosed, you should provide **documents confirming your kinship affinity with the person you wish to be reunited with** (e.g. your birth or marriage certificate). Following that, the Head of the Office for Foreigners applies to the authorities of the country where your member of family resides to accept your application.



**IMPORTANT!** If you want to reunite with your spouse who has not been granted refugee status, and their application is still being processed, it is possible if you entered into marriage in your home country.

### **Remember that the only following are considered family members:**

- Your spouse (husband or wife);
- Minor children (if they have not entered into marriage and are supported by you);
- Your parent or guardian (if you are an unattended minor).

**You can also reunite with other members of your family**, e.g. your adult child, siblings or parent **if you or they need help** in cases of pregnancy, serious illness or senior age. In order to do so, you need to send a letter to the Head of the Office for Foreigners explaining that due to these reasons you want to be transported to a different membership state.

In both cases you will receive a decision in writing from the state you want to go to. This decision is not reached by Polish authorities, however if new circumstances arise you can apply to

the Head of the Office for Foreigners to turn to the state you want to go to with a request that the state takes over your international application procedure.



## Can I be obliged to return during the procedure?

It depends on your legal situation. At present, in case a negative decision concerning international application is issued, you are not obliged to return to your home country. **You are protected against deportation from the moment of lodging of your international protection application until the completion of the first proceedings, i.e. until the Council for Refugees' decision has been issued (or after 14 days from the time when the Head of the has issued their decision against which you have not appealed).** You are entitled to this protection also provided that you file an appeal against the decision of the Council for Refugees in an administrative court along with filing an application for suspending the execution of this decision and if the court decides to suspend it.

MORE INFORMATION >>> CAN I RECEIVE A DECISION THAT OBLIGES ME TO RETURN DURING JUDICIAL PROCEEDINGS?

p.  
54

- **If your first proceedings has resulted in a negative decision, then – in accordance with the law – you should leave Poland within 30 days from the day you received this decision.** After this time, the Border Guard may initiate a procedure to oblige you to leave the country.
- **If, however, a negative decision concerns your second international protection application, a decision obliging you to leave Poland may be issued. Yet this decision cannot be enforced** if you have not received the final decision stating that the following international protection application is considered to be impermissible or a substantive decision with regard to granting you international protection.
- **If you have filed the third or subsequent international application, decision obliging you to leave can be both issued and enforced.**

MORE INFORMATION >>> SUBSEQUENT INTERNATIONAL APPLICATION

p.  
57



## What is assistance in voluntary return?

During the proceedings regarding granting international protection **you can receive assistance in voluntary return to a country you have the right to enter at any time.** It does not have to be your home country. If, for example, you have a double citizenship, hold a visa for

a given country or the right to visa-free travel in a given country, you can apply for arranging a voluntary return to this country.

Assistance in voluntary return **will enable you to leave Poland only once you have withdrawn your international protection application** and your procedure has been discontinued.

The following **costs with regard to voluntary return will be reimbursed**:

- your travel, inclusive of related administrative costs;
- meals during the travel;
- medical care during travel;
- arrangements concerning voluntary travel.

In order to be provided with assistance in voluntary return, you need to file a relevant application to the Head of the Office for Foreigners and await their decision.







**REMEMBER** that this application needs to be filed before the 30-day deadline following the decision on discontinued international protection procedure after which the decision is final.

An application for voluntary return can also be filed in the International Organisation for Migration

# Minors



-  I am a minor – can I lodge an international protection application? p. 30
-  Where will I stay after I have submitted an international protection application? p. 31
-  Will I be interviewed during the international protection procedure? p. 31
-  What happens if I receive a negative decision? p. 32



## I am a minor – can I lodge an international protection application?

If you are a minor and you arrived in Poland together with your parents or parent, you are covered by their international protection application. It means that you will receive the same decision as your parents. If they are granted refugee status, you will also receive it. However, if your parents are declined international protection in Poland, this decision will be binding for you as well.

If, however, you are a minor (i.e. less than 18 years old) and your stay is unattended (neither your parents nor legal guardians are with you), you have the right to apply for international protection. After submitting your declaration of intent to lodge an international protection application, the Border Guard should immediately apply to the Family Law Court [*sąd opiekuńczy* in Polish] to **appoint a legal guardian**. This is due to the fact that applications for international protection can be lodged only on your behalf by legal guardians or representatives of international or non-governmental organisations dealing with assistance to foreigners.

If, during the international protection procedure, it turns out that you are an unattended minor, the Head of the Office for Foreigners applies to the Family Law Court to appoint a legal guardian who can represent you in the international protection proceedings and place you in foster custody.

During the international protection procedure, Polish authorities should take measures in order to find your family. This is why it is important that you inform them of any relatives who can be staying in European Union states. You may have the opportunity to be reunited with them, so that you await the international protection decision together with them.



**IMPORTANT!** If the Border Guard has any doubts concerning your age, they can commission medical examination in order to determine it. This examination will be carried out only if they are accepted by you or your statutory representative (e.g. parents or legal guardian).

If you decline to undergo medical examination, you will be treated as an adult person.





## Where will I stay after I have submitted an international protection application?

If you are staying in Poland together with your parents, you will continue staying with them once they have submitted an international protection application.

If, however, you are an unattended minor, immediately after submitting a declaration of the intent of lodging an international protection application, you will be taken by the Border Guard to an emergency foster family or education and care centre. You will be placed there until the Family Law Court makes a ruling.



## Will I be interviewed during the international protection procedure?

**Yes.** You will be interviewed like other foreigners who have lodged an international protection application in Poland. However, the form of your interview will be different from the one attended by adult foreigners.

MORE INFORMATION ON INTERVIEW >>> WHEN WILL THE INTERVIEW TAKE PLACE AND WHAT IS IT ABOUT?

p.  
21

Your legal guardian will be notified about the date your interview at least 7 days before the interview, so that they can inform you about the importance and possible consequences of the interview as well as how to prepare for it. During the interview, your legal guardian has the right to ask questions and make comments. The legal guardian also needs to be notified of the possibility of audio-visual recording of the interview. An interpreter can also attend the interview, so that you can precisely state the reasons for fleeing your country in a language you know.

### The following persons will attend the interview:

- your legal guardian;
- an adult you indicate if this does not hinder the interview;
- a psychologist or teacher who will prepare an opinion on your psychophysiological state;
- an interpreter if you do not speak Polish



**IMPORTANT!** The interviewer should take your age, maturity, and development into account. If you do not know answers to some questions or do not understand a question, do not be shy and tell the interviewer about it. It will enable them to ask the question in a way that you will understand and you, in turn, will be able to inform them about all reasons which forced you to leave your country.



## What happens if I receive a negative decision?

If you have received a negative decision on your international protection application, you have the same right as adult foreigners to appeal against it. Your legal guardian should sign the appeal form on your behalf.

MORE INFORMATION IN CHAPTER >>>  
I HAVE RECEIVED A NEGATIVE DECISION – WHAT NEXT?

p.  
42

You will stay in foster care in Poland until you are transferred to your home country authorities or organisations whose statutory responsibilities include minors' issues.

# Protection schemes in Poland

# IV

- 1 >> What protection can I be granted in Poland? p. 34
- 2 >> When will I be granted refugee status? p. 34
- 3 >> Can I seek refugee status if I was not in danger when leaving my home country, but the situation has changed and now I am afraid to return? p. 35
- 4 >> When will I be granted subsidiary protection? p. 35
- 5 >> Will I be granted tolerated stay permit or humanitarian stay permit? p. 36



## 1 What protection can I be granted in Poland?

If you lodged an international protection in Poland, you can be granted **one** of the following forms of protection:

- **refugee status;**
- **subsidiary protection.**



## 2 When will I be granted refugee status?

You will be granted refugee status if the Head of the Office for Foreigners states that due to **justified fear of persecution** in your home country, you are **unable or do not want to be protected by this country**. Refugee status cannot be granted by the Council for Refugees, an authority responsible for processing appeals against decisions issued by the Head of the Office for Foreigners.

### Persecution can relate to:

- **race** (np. skin colour, ethnic origin or ethnic group affiliation);
- **religion** (your faith or practicing your faith, faith group affiliation, being an atheist);
- **nationality** (this concept is not limited to holding a citizenship, or the lack of thereof; stateless persons can also be considered refugees);
- **political views** (e.g. expressing one's views regarding a country's activities);
- **affiliation with a specific social group** (such as, for example, women, gay and lesbian people, social activists, etc.).

### Instances of persecution can involve:

- physical or psychological abuse, including sexual violence;
- use of legal, administrative, police or judicial measures of a discriminatory nature or in a discriminatory manner;
- initiating or conducting criminal proceedings or punishing in a manner which is disproportionate or discriminatory;
- lack of the right to appeal to a court against a disproportionate or discriminatory punishment;
- initiating or conducting criminal proceedings or punishing due to refusal to serve in the army during a military conflict if serving in the army constituted a crime;

**IMPORTANT:** if refusal to serve in the army concerns any other case and negative consequences that it entails cannot constitute sufficient grounds to grant you refugee status;

- actions taken against you due to your sex or being a minor.

**Persecution can be enacted by:**

- public authorities in your home country;
- groups or organisations not related to the government, but yielding control over your home country or its substantial area;
- other subjects, if public authorities or organisations governing a country cannot or do not want to provide protection against persecution or the risk of suffering serious harm.

In order to be granted refugee status, you need to provide evidence for being persecuted. Authorities will take into consideration your interview testimony and evidence that you put forward during the procedure. Information concerning your international protection procedure cannot be shared with subjects with regard to whom there is a reasonable basis to believe that they enact persecution or inflict serious harm. Therefore, what you say during the interview with the Office for Foreigners officer cannot be transferred to your home country.

While processing your case, the Head of the Office for Foreigners will consider your individual situation against the general level of adhering to human rights in your home country.



**Can I seek refugee status if I was not in danger when leaving my home country, but the situation has changed and now I am afraid to return?**

If you were not in danger when you were leaving your home country, however this changed during your stay abroad, you can also seek refugee status. This means that you became a refugee after you had left your country.



**When will I be granted subsidiary protection?**

**You will be granted subsidiary protection if:**

- 1 you do not satisfy conditions for the refugee status, but at the same time
- 2 your stay in the home country can put you in **real risk of serious harm** through:

- a death sentence or execution;
- tortures, inhumane or humiliating treatment or punishment;
- a serious and individualised threat to your life or health related to war;
- ③ due to this risk **you cannot or do not want to be protected by your home country.**



## **Will I be granted a tolerated stay permit or humanitarian stay permit?**

If you lodged your refugee status application before **30<sup>th</sup> April 2014**, you can be granted tolerated stay permit within this procedure, provided that you do not satisfy conditions to be granted refugee status or subsidiary protection, but – at the same time – your expulsion:

- would only be possible to a country where your right to life, freedom and personal safety would be threatened; you could be subject to tortures or inhumane or humiliating treatment or punishment or be forced to work; you could be deprived of the right to a fair trial or be illegally punished, or
- would violate your right to family life or violate the rights of the child to an extent that it would threaten their psychophysiological development.

Family life is understood, for example, as the situation where your minor child who is staying in Poland and has Polish citizenship.

If you lodged your international protection application **after 1<sup>st</sup> May 2014**, **it will not be possible to grant you a tolerated stay permit or humanitarian stay permit** within this procedure.

**I have received  
a positive decision –  
what next?**



Once I have received a positive decision, am I still entitled to the same public and medical assistance as during the procedure?

**p. 38**



## Once I have received a positive decision, am I still entitled to the same public and medical assistance as during the procedure?

You are entitled to live in a centre for foreigners, medical assistance or public assistance outside the centre for 2 months from the receipt of the positive decision. After this period, you have to secure your own income and accommodation.

Having received the positive decision, you can apply for an individual integration programme. This application should be submitted within 60 days following the receipt of the positive decision in a municipal welfare centre in your place of your residence.

Assistance provided to the foreigner is organised within individual integration programme arranged between a County Centre for Family Assistance (*Powiatowe Centrum Pomocy Rodzinie* in Polish) and the foreigner. The program determines the following: the amount, scope, and the forms of assistance depending on the individual situation of the foreigner and their family. This assistance is provided for a maximum period of **12 months** and includes, for example, cash benefits and social insurance fees.

MORE INFORMATION ON THIS IN A SEPARATE PUBLICATION >>>  
REFUGEE STATUS – SUBSIDIARY PROTECTION IN POLAND – WHAT NEXT?



# Refusal of international protection



- 1 >> When do the authorities issue refusals to grant refugee status? p. 40
- 2 >> When do the authorities issue refusals to grant subsidiary protection? p. 40
- 3 >> When do I have to leave Poland? p. 41



## When do the authorities issue refusals to grant refugee status?

Decisions concerning refusal to grant refugee status are issued when the Head of the Office for Foreigners finds that one of the following reasons apply:

- 1 there is no justified threat of persecution in your home country;
- 2 you are under the protection or assistance of United Nations bodies or agencies other than the United Nations High Commissioner for Refugees (provided that in the given circumstances you have the practical and legal means to return to the territory where such protection or assistance is available, without threat to your life, personal safety or freedom);
- 3 there are serious reasons to believe that:
  - a you have committed a crime against peace, war crime, or crime against humanity, as defined by international law;
  - b you are guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Article 1 of the Charter of the United Nations;
  - c you have committed a non-political crime outside the Republic of Poland prior to submitting your international protection application;
- 4 authorities of the Republic of Poland consider you to be a person having the rights and obligations associated with Polish citizenship;
- 5 there are serious reasons to believe that you have incited or otherwise participated in crimes or acts stipulated in point 3;
- 6 if you have submitted a subsequent asylum application, the authorities will refuse to grant you refugee status if your fear of persecution is based on circumstances which you have purposefully created after being refused refugee status in the previous procedure.



## When do the authorities issue refusals to grant subsidiary protection?

Decisions concerning refusal to grant subsidiary protection are issued when the Head of the Office for Foreigners finds that one of the following reasons apply:

- 1 there is no real risk of you being seriously harmed;

- 2 there are serious reasons to believe that:
- a you have committed a crime against peace, a war crime, or a crime against humanity, as defined by international law;
  - b you are guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Article 1 and of the Charter of the United Nations;
  - c you have committed a crime in the Republic of Poland or an act outside the Republic of Poland which is a crime according to the Polish law;
  - d you pose a threat to state security or to the safety of the society.
- 3 there are serious reasons to believe that you have incited or otherwise participated in crimes or acts stipulated in point 2 A-C;
- 4 if, before entering Poland, you have committed an act other than the acts listed above which is a crime punishable by imprisonment under the Polish law, you may be refused subsidiary protection if you left your home country with the sole purpose of avoiding punishment.



## When do I have to leave Poland?



**NOTE!** You must leave Poland within 30 days from the receipt of the decision on refusal to grant you refugee status or subsidiary protection, or the decision to discontinue your refugee status procedure has become final. If this decision has been issued by the Council for Refugees you must leave Poland within 30 days from its receipt.

# VII

## I have received a negative decision – what next?

- 1 >> Is the decision that I received final? p. 43
- 2 >> What does a decision to discontinue the procedure mean? p. 43
- 3 >> How much time have I got to appeal against this decision? p. 44
- 4 >> What does it mean that the decision has been delivered? p. 44
- 5 >> Who will help me to write the appeal letter? p. 47
- 6 >> How and when do I file an appeal? p. 48
- 7 >> What happens after I have filed an appeal?  
What happens if I decide not to file it? p. 50
- 8 >> What decisions can the Council for Refugees issue? p. 50
- 9 >> What can I do if I receive a negative decision  
from the Council for Refugees? p. 51



## Is the decision that I received final?

If you received a decision on:

- refusal to grant you refugee status and
- refusal to grant you subsidiary protection

– it is understood as a **NEGATIVE** decision.

If you received a decision stating that your international protection application was considered impermissible, it is understood as a **NEGATIVE** decision.

If you received a decision on:

- your application being processed summarily,
- refusal to be granted refugee status and
- refusal to be granted subsidiary protection

– it is understood as a **NEGATIVE** decision.



**You are entitled to file an appeal against a negative decision issued by the Head of the Office for Foreigners to the Council for Refugees.**



## What does a decision to discontinue the procedure mean?

A decision to discontinue a procedure is issued, for example, when you leave Poland during your procedure or decide not to continue your international application procedure. If this is the case, this decision will not include evaluation of your application, but simply means that the procedure has finished.

If you are issued this decision, you must leave Poland within 30 days. You are entitled to public assistance during 14 days from the date of the receipt of a decision on the discontinuation of your procedure. You can also appeal against it during this period.



## How much time have I got to appeal against this decision?

The appeal against a negative decision on international protection needs to be filed within the following deadlines:

- **14 days** – if you were issued negative decisions with regard to granting you refugee status or subsidiary protection;
- **14 days** -- if you were issued a decision stating that your international protection application is impermissible;
- **7 days** – if you received a negative decision by summary procedure with regard to granting you refugee status and subsidiary protection;
- **14 days** – if you were issued a decision on discontinuation of your international protection procedure, but **5 days** if this decision was issued due to the fact that you had withdrawn your international protection application.

The deadline should be determined on the basis of the receipt of the decision issued by the Head of the Office for Refugees (see the example below).



**NOTE!** If you withdraw your international protection application and later change your mind and are still willing to apply, you can appeal against a decision to discontinue your procedure. Remember, however, that you have only 5 days from the day of receipt.

### How do I determine the deadline to file an appeal?

#### Example:

If a negative decision on granting you international protection and subsidiary protection was delivered to you on 1<sup>st</sup> February 2016, the appeal against it needs to be filed within 14 days, i.e. by 15<sup>th</sup> February 2016 inclusive (excluding the day of receipt).



## What does it mean that the decision has been delivered?

A decision is considered to have been delivered on the day you actually received it: in the centre, place of your residence, or at the post office. The deadline on filing an appeal starts counting from this day and not the date of issuance (the date on the first page of the document).

The decision is sent to the address you provided the Office for Foreigners with.

**REMEMBER** to always inform the Office for Foreigners or the Council for Refugees of any address changes.


If you are staying in a centre for foreigners, the decision will be handed to you by a centre's officer once you have signed the confirmation of receipt, i.e. a legible signature, your name and surname, and the date of receipt. If it is not possible to deliver the letter to you in the centre, **it is stored in the centre for 7 days**. Please check the notice board for any notifications concerning the possibility of collecting your letter within the 7-day period (this notice will be displayed in a language you understand). If you fail to collect the letter past this deadline, it is considered to have been delivered to you.

**NOTICE!** If you are staying at a centre for foreigners, remember to regularly check yourself the notifications displayed on the notice board.

If you are staying in a guarded centre or a foreigner detention centre, the decision will be handed to you by the Border Guard.

If you are staying outside a centre for foreigners, the letter will be delivered by a postman. If you happen to be outside your home when the postman comes, they will leave an advice note (a "sorry you were out card") called "awizo" in your post box. **Awizo** is a small card which says when the postman tried to deliver the letter to you and when you are able to collect it from the nearest post office (the address will be provided on the advice note).

This is what awizo looks like:

 Poczta Polska

**ZAWIADOMIENIE / ZAWIADOMIENIE POWTÓRNE\***

W dniu .....

o numerze .....

przesyłkę poleconą     paczkę pocztową

przekaz pocztowy     przesyłkę z zadeklarowaną wartością

przesyłkę nieregistrowaną, której kształt lub wymiar nie pozwalają na włożenie do skrzynki oddawczej

inną przesyłkę .....

kwota pobrania ..... zł ..... gr

inne należności do zapłacenia ..... zł ..... gr

adresowaną do .....

pozostawiono w placówce pocztowej .....


przy ul. ....

czynnej w godzinach .....

Przesyłkę można odebrać w miejscu wyżej wymienionym w terminie .....

\* niepotrzebna skreślić  
\*\* zaznaczyć właściwy kwadrat

Już dziś skorzystaj z nowej, wygodnej usługi **DORĘCZENIE NA ŻYCZENIE**, która polega na ponownym doręczeniu awizowanej przesyłki poleconej. Zgłoś takie życzenie w swojej placówce, u listonosza albo telefonicznie za pośrednictwem infolinii: 801 333 444, +43 842 06 00. Szczegółowe informacje o usłudze na stronie internetowej [www.poczta-polska.pl](http://www.poczta-polska.pl).

 Poczta Polska

**e INFO: awizo**

**Czekasz przesyłkę poleconą?**  
Teraz o jej awizacji oraz możliwości odbioru w wskazanej placówce pocztowej powiadomimy Cię **bezpłatnie** SMS-em albo e-mailem! Wystarczy, że wypełnisz formularz dostępny na [www.poczta-polska.pl](http://www.poczta-polska.pl) albo każdej poczcie i złożysz go w Twojej placówce pocztowej lub u listonosza.

**e INFO: doręczenie**

**Nadajesz przesyłkę kurierską, paczkową lub poleconą?**  
Skorzystaj z możliwości otrzymania powiadomienia o jej doręczeniu bądź zwrocie. Podaj swój adres e-mail albo nr telefonu na potwierdzeniu nadania, aby otrzymać SMS albo e-mail z informacją, że wysłana przez Ciebie przesyłka dotarła do adresata.

**Żądanie R**

**Chcesz otrzymywać przesyłki polecone wprost do swojej skrzynki?**  
Jeśli wolisz, by adresowane do Ciebie przesyłki polecone nie były awizowane, ale trafiały od razu do Twojej skrzynki na listy, złóż wypełniony formularz zamówienia usługi w swojej placówce pocztowej lub przekaż go listonoszowi.

**e INFO: powiadomienie**

**Chcesz wiedzieć, czy przesyłka polecona jest już w Twojej skrzynce?**  
Wypełnij formularz dostępny na poczcie i podaj swój adres e-mail albo nr telefonu, a otrzymasz **bezpłatnie** SMS albo e-mail z informacją o doręczeniu przesyłki poleconej do Twojej skrzynki na listy.

**WIĘCEJ INFORMACJI:**  
Infolinia, czynna w dni robocze, w godz. 8.00-20.00: 801 333 444 (opłata jak za połączenie lokalne), (+48) 43 842 06 00 dla dzwoniących z telefonów komórkowych i z zagranicy (opłata wg cennika operatora).

[www.poczta-polska.pl](http://www.poczta-polska.pl)

PP S.A. nr 34 Wydział Poligrafii PI Wrocław 2014

If you find an awizo in your mailbox, you need to collect the letter from the post office within **14 days from the day the awizo was left by the postman**. If you fail to do so within 7 days, the postman will leave a second awizo in your mailbox. The second awizo looks different from the previous one – it's a computer printout.



**IMPORTANT!** Remember that in order to collect the letter from the post office, you will need to show your identity document (e.g. a TZTC or passport). Otherwise a post office clerk will not give you the letter.

» **REMEMBER** to check your mailbox on a regular basis. If you fail to collect the letter within the 14-day period, it is sent back to the Office for Foreigners. In such a case, the decision will be **considered to have been delivered** to you on the last day of the 14-day deadline.

Consequently, even though you are not in possession of the decision concerning your case, the deadline for filing an appeal might have already passed. Therefore, if you fail to collect the letter from the post office, filing an appeal against the decision might turn out to be impossible.

**Example:**

If the postman came to your flat on 1<sup>st</sup> February 2016, and you were not at home, you can collect the letter from the post office until 15<sup>th</sup> February 2016 (the day after the postman attempted to deliver the letter is considered to be the starting date). If you fail to collect the decision from the post office, the document is considered to have been delivered on 15<sup>th</sup> February 2016. As a consequence, the deadline for filing an appeal is 29<sup>th</sup> February 2016 inclusive.

» **REMEMBER** that if you live with other people, they can also collect your letter from the postman (they cannot, however, collect your letter from the post office). This is why you should regularly ask your flatmates if any letters were delivered to you. It is of great importance as the deadline for filing an appeal also applies if someone else collects the letter on your behalf.



**NOTICE!** Not all decisions will be delivered to you. This will happen if the Head of the Office for Foreigners does not know where you are staying (i.e. your address). For example, if you left the centre for foreigners for more than 7 days without a justifiable reason, a decision to discontinue your case will be issued. The Head of the Office for Foreigners includes this decision in the dossier deeming it to have been effectively delivered.





## Who will help me to write the appeal letter?

You can either write the appeal letter yourself or ask for attorney's assistance. **If you want to write your letter of appeal yourself**, remember to indicate the data of the decision you are appealing against (the decision issued by the Head of the Office for Foreigners on [provide the date], number [provide the number]) and to sign your document. You can either write your appeal letter in Polish or any other language that you understand. A helpful letter of appeal form can be obtained from the Office for Foreigners.

Your letter of appeal can also be written with the assistance of an attorney. **You will need to cover the costs of such services. Please remember to employ an attorney who has experience in dealing with international protection issues.**

Since 1<sup>st</sup> January 2016 you are also entitled to **free legal assistance system** for foreigners applying for international protection.

Free legal assistance can be delivered by:

- **selected attorneys or solicitors,**
- **some non-governmental organisations.**



**NOTICE!** You can seek assistance **only from one** of the types mentioned above, i.e. use services of an attorney, solicitor, or a lawyer affiliated with a non-governmental organisation.

A list of attorneys, solicitors, and non-governmental organisations can be found on the website of the Office for Foreigners:



[HTTP://UDSC.GOV.PL/EN/URZAD/BEZPLATNA-POMOC-PRAWNA](http://udsc.gov.pl/en/urzad/bezplatna-pomoc-prawna)

Remember to bring your identification document (TZTC) and the original decision against which you want to appeal to the first meeting with the attorney. Before using free legal services, **you need to sign a statement** to the effect that you have not yet appointed an attorney or a solicitor to deal with your international protection case. You also need to provide a **written letter of attorney**. Moreover, **if legal assistance is provided by a non-governmental organisation**, you need to sign a statement that you are aware of the fact that this assistance will be provided by a person who is neither a solicitor nor an attorney.

**Free legal assistance includes:**

- writing a letter of appeal against the decision issued by the Head of the Office for Foreigners;
- legal representation in the appeal proceedings (i.e. until the decision of the Council for Refugees has been issued).

**NOTICE!** The attorney, within free legal assistance system, will provide services only at the appeal stage, i.e. from the day when a negative decision or decision to discontinue your case was issued by the Head of the Office for Foreigners until the day when the decision by the Council for Refugees was issued.

Irrespective of the system of free legal assistance, **you can also approach one of non-governmental organisations**, which provide free legal assistance in such cases. These organisations are experienced in dealing with legal issues concerning foreigners. A list of such organisations is provided at the end of this guide.

## 6 ➤ How and when do I file an appeal?

Appeals need to be filed to the Office for Foreigners (not the appeal authorities, i.e. the Council for Refugees). You can hand it in personally in the Office (ul. Taborowa 33 in Warsaw) at an appropriate office counter, during office hours. Also remember to bring along a copy of the appeal. You should submit the original appeal to the Office clerk, and ask for confirming the receipt of the document by placing a date, stamp and signature on the copy of your appeal. **It is very important as this stamp is a proof that you filed your appeal at the Office on a given day.**

You can also post the appeal to the following address: Head of the Office for Foreigners, ul. Taborowa 33, 02-699 Warsaw. Remember, however, that this should not be posted as a regular letter, but rather **'tracked and signed'** (list polecony in Polish) as any other official document (including letters of appeal). In order to send a 'tracked and signed' letter, you need to provide a filled in "proof of posting" (*potwierdzenie nadania* in Polish) along with the letter of appeal in the envelope (proof of posting forms can be found at every post office). Once your letter has been registered at the post office, a stamped proof of posting form will be handed back to you. Remember to retain it at home, as a proof that you have sent your appeal by post, along with your copy of appeal.

### **NOTE!**

The correspondence address of the Office for Foreigners changed on 1<sup>st</sup> January 2016 to:

**ul. Taborowa 33,  
02-699 Warszawa**

(Please do not send any letters to the former address, i.e. ul. Koszykowa 16 in Warsaw)





## What happens after I have filed an appeal? What happens if I decide not to file it?

If you filed an appeal within the deadline, the proceedings in your case will continue. This means that you still have the right to continue to stay in Poland, receive public assistance, and a new Temporary Certificate of Foreigner's Identity (TZTC).

If you have not filed an appeal within the deadline, the proceedings in your international protection case has been finished. If you received a decision on:

- refusal to grant you refugee status and subsidiary protection or
- considering granting international protection impermissible or
- discontinuing your international protection proceedings,

– this means that you need to **leave Poland within 30 days** from the last day of the deadline for filing an appeal. After 30 days your stay in Poland will be illegal, unless you are in possession of another document which allows you to stay in Poland (e.g. a residence card or a visa).

### Example:

You have received a decision on refusal to grant you refugee status and subsidiary protection on 1<sup>st</sup> February 2016. The deadline for filing an appeal is 16<sup>th</sup> February 2016 inclusive, however you did not file one. In this situation, you are obliged to leave Poland until 16<sup>th</sup> March 2016.



## What decisions can the Council for Refugees issue?

The Council for Refugees can issue **two types of positive decisions**:

- 1 **Decision to overrule the decision of the Head of the Office for Foreigners and to return the case for reconsideration.** Such a decision means that the Council for Refugees has cancelled the previous decision and that your case will be considered again by the Office for Foreigners. Consequently, the proceedings in your case will continue.
- 2 **Decision to overrule the decision of the Head of the Office for Foreigners and to grant refugee status or subsidiary protection.** Such a decision means that the Council has ruled that the decision issued earlier by the Head of the Office for Foreigners was wrong and that the Council has granted you one of the forms of international protection available to foreigners in Poland. The proceeding in your case is closed.

The Council for Refugees can also issue **a negative decision**, i.e. a decision to uphold the decision you appealed against. This means that according to the Council, the decision issued by the Head of the Office for Foreigners was correct.



## What can I do if I receive a negative decision from the Council for Refugees?

Once you have received a negative decision from the Council for Refugees, or if you decide not to appeal against a negative decision or decision on discontinuation of your proceedings issued by the Head of the Office for Foreigners, you no longer have the right to stay in Poland, and need to leave.



**NOTE!** You must leave Poland within 30 days from the receipt of the decision on refusal to grant you refugee status or subsidiary protection, or the decision to discontinue your refugee status procedure has become final. If this decision has been issued by the Council for Refugees, you must leave Poland within 30 days from its receipt.

Once you have received a negative decision, you are entitled to public assistance for 30 more days. If you have received a final decision to discontinue your proceedings, this assistance is available to you for 14 days.

If you received a negative decision issued by the Council for Refugees, you may **file a complaint against it** to the Voivodeship Administrative Court in Warsaw (*Wojewódzki Sąd Administracyjny w Warszawie* in Polish). The complaint must be filed within **30 days** from the day on which the decision is delivered to you. Within this deadline, you should send your complaint to the Council for Refugees, to the following address: Al. Ujazdowskie 1/3, 00-583 Warszawa

The complaint should be written in Polish. It can be prepared by an attorney from a non-governmental organisation, or by an attorney you hired. A list of non-governmental organisations can be found at the end of the guide.

# VIII

## Court proceedings

- 1 >> What are the court fees? p. 53  
Will I receive attorney assistance during court proceedings?
- 2 >> Am I obliged to return during court proceedings? p. 54
- 3 >> Am I entitled to public assistance and a Temporary Certificate of Foreigner's Identity (TZTC) during court proceedings? p. 54
- 4 >> Do I have to attend the court hearing? p. 55
- 5 >> Will an interpreter be present during the hearing? p. 55
- 6 >> What ruling can the court make? p. 55
- 7 >> The court has dismissed my complaint – what next? p. 56
- 8 >> Cassation appeal – what next? p. 56

**IMPORTANT!** In cases concerning international protection applications, you may turn to the court only once the Council for Refugees, i.e. the 2nd instance authority, has issued its decision.



## What are the court fees? Will I receive attorney assistance during court proceedings?

Since 15<sup>th</sup> August, there are no court proceedings fees with respect to granting foreigners protection – **you do not have to make any payments.**

**NOTE!** During Voivodeship Administrative Court in Warsaw proceedings you do not have to be represented by an attorney, you can attend it **on your own**. Assistance of an attorney or a solicitor is, however, necessary in case the court dismisses your complaint and you will have to lodge a cassation appeal to the Supreme Administrative Court (*Naczelny Sąd Administracyjny* in Polish).

Free legal services for foreigners applying for international protection applies only to proceedings at the Council for Refugees. Once the decision has been reached by the Council for Refugees, this assistance is not available. **You can, however, make a request to the Voivodeship Administrative Court in Warsaw to appoint an attorney**, who will represent you in court. In such cases, legal assistance is free of charge.

In order to receive a free-of-charge legal services, you should attach a **legal assistance eligibility form** (*wniosek o prawo pomocy* in Polish) to your complaint. This application is to be found on the Voivodeship Administrative Court in Warsaw website (<http://www.warszawa.wsa.gov.pl/>), and in the court (ul. Jasna 2/4, 00-013 Warszawa). However, not every foreigner will receive such assistance. This request needs to be justified, i.e. **you need to prove that you do not have sufficient financial means to cover attorney fees.**

**If the court accedes to your request, you will be issued a decision granting you legal assistance by appointing an attorney, who will represent you in court.**

**REMEMBER!** The court will not appoint you a specific attorney, this will be done either by the Warsaw Bar Association (*Okręgowa Izba Radców Prawnych w Warszawie* in Polish) or the District Attorney Council in Warsaw (*Okręgowa Rada Adwokacka w Warszawie* in Polish). For this reason, you will receive yet another letter indicating the name and contact details of your attorney. Contact them immediately and provide your telephone number. **It is very important as your attorney will be able to contact you if needed.**

**IMPORTANT!** Once your attorney has been appointed, they will be receiving all documents regarding your case.

## 2 Am I obliged to return during court proceedings?

Filing a complaint about the negative decision on granting international protection to the court does not automatically suspend the obligation to leave Poland, neither does it protect from issuing a decision to oblige you return by the Border Guard. **Protection from the obligation to leave Poland**, after a negative decision has been issued by the Council for Refugees, **can be provided by suspending the contested decision by the Voivodeship Administrative Court in Warsaw (remember, however, that the person preparing the complaint needs to state this request)**. If the court decides to suspend the execution of the decision of the Council for Refugees, the Border Guard should not initiate the procedure to oblige you to leave Poland. Moreover, if such a decision is made, this will bear influence on the possibility of issuing Temporary Certificate of Foreigner's Identity (TZTC) and reinstating public assistance (see below).

## 3 Am I entitled to public assistance and a Temporary Certificate of Foreigner's Identity (TZTC) during court proceedings?

As a rule, the act of filing a complaint with the court does not entitle you to this during the court proceedings. If the court has suspended the contested decision issued by the Council for Refugees, you may file an application to the Office for Foreigners to reinstate public assistance until the court ruling has been made. In such a situation, you are also entitled to receive a new Temporary Certificate of Foreigner's Identity (TZTC).





## Do I have to attend the court hearing?

It depends. Once the court has set the date for the hearing, a letter will be sent to you notifying you of the time and place (which courtroom) of the hearing. The court will also inform you of whether you need to be present during the hearing. If the letter contains the phrase '**mandatory presence**' (*stawiennictwo obowiązkowe* in Polish), you have to attend the hearing. If the letter contains the phrase '**presence not mandatory**' (*stawiennictwo nieobowiązkowe* in Polish), it is your decision whether you want to attend the hearing.



## Will an interpreter be present during the hearing?

**Yes, provided that you apply to the court for interpreter assistance.** This request can also be included in the complaint.



## What ruling can the court make?

The court may uphold the complaint (positive ruling) or dismiss it (negative ruling).

**If the court upholds your complaint**, it overrules the decision of the Council for Refugees, or both decisions at the same time, i.e. ones made by the Council for Refugees and the Head of the Office for Foreigners. If this happens, your case will be returned for reconsideration to the Council for Refugees or the Head of the Office for Foreigners.



**IMPORTANT!** Returning your case for reconsideration by administrative authorities does not mean that you will be issued a positive decision by the Head of the Office for Foreigners or the Council for Refugees. If the court rules in your favour, it only means that you have yet another chance to be granted international protection in Poland.

The court may also state that the head of the Office for Foreigners and the Council for Refugees issued correct decisions. **If this is the case, the court dismisses your complaint.**



## The court has dismissed my complaint – what next?

If the court has dismissed your complaint, either you or your attorney **should request the verdict and justification in writing** within 7 days of the hearing. The court, then, will send you a written verdict and justification to your address of residence (or to the address of your attorney). From the day of the receipt of this document, you have **30 days for filing the cassation appeal** with the Supreme Administrative Court in Warsaw (*Naczelny Sąd Administracyjny w Warszawie* in Polish).



**NOTICE!** A complaint to the Supreme Administrative Court needs to be prepared by an attorney or solicitor. You cannot write it on your own.

If the Voivodeship Administrative Court in Warsaw granted you free legal assistance your attorney or solicitor is under the obligation to consider whether writing a cassation appeal is **justified**. If they state that it is, an appeal will be prepared for you. However, if the attorney concludes that the ruling of the court was correct, they will write a statement to the effect that there are no grounds for filing a complaint. Your lawyer should inform you that they have prepared a complaint as well as the opinion that they reach.

If during the proceeding before the Voivodeship Administrative Court in Warsaw you had no court-appointed attorney, you may ask for one after the verdict that this court has reached. However, you must remember to ask for such legal assistance as soon as the negative verdict is reached.



## Cassation appeal – what next?

The Supreme Administrative Court in Warsaw may uphold your complaint and overrule the verdict of the Voivodeship Administrative Court in Warsaw. In such an event your case will be reconsidered by the Voivodeship Administrative Court.

The Supreme Administrative Court in Warsaw may also dismiss your complaint by stating that the verdict reached by the Voivodeship Administrative Court was correct. The verdict of the Supreme Administrative Court is final, which means that you **cannot appeal against it in any way in Poland**.

# Lodging subsequent international protection applications



- 1 >> My international protection procedure has been completed – can I lodge a second/subsequent application? p. 58
- 2 >> Can I be obliged to return during a subsequent international protection procedure? p. 58
- 3 >> Where should I file a subsequent international protection application? p. 59
- 4 >> Will an interview take place within the new procedure? p. 59
- 5 >> Am I entitled to public assistance and Temporary Certificate of Foreigner's Identity (TZTC) within the new procedure? p. 59
- 6 >> What decisions may the authorities reach during subsequent international protection procedures? p. 59



## My international protection procedure has been completed – can I lodge a second/another application?

If your international protection procedure has been concluded with a negative decision, you have the right to file another application. However, the next procedure differs from the one initiated by filing the first application.



## Can I be obliged to return during another international protection procedure?

As a rule, lodging another international protection application does not suspend the obligation to leave Poland, which is the result of the first negative decision. If, however, you appealed against the first negative decision with the Voivodeship Administrative Court in Warsaw, you may apply for suspending this obligation in your complaint. If you do so, the Council for Refugees is authorized to suspend the contested decision until the complaint is handed to the Voivodeship Administrative Court in Warsaw.

On receipt of the complaint, the Voivodeship Administrative Court in Warsaw is authorized to suspend the execution of the contested decision. If the Voivodeship Administrative Court in Warsaw declines to suspend this decision, this can be appealed against with the Supreme Administrative Court in Warsaw.

If, once you received the first negative decision, Border Guard obliged you to leave Poland, you can appeal against this within 14 days to the Head of the Office for Foreigners (the appeal needs to be lodged to the commanding officer of the Border Guard). If the Head of the Office for Foreigners upholds the decision to oblige you to leave Poland, you can also appeal against it to the Voivodeship Administrative Court in Warsaw, and include the request to suspend this decision.



**NOTICE!** If you are lodging a subsequent international protection application, you may be apprehended by the Border Guard and placed, by the court, in a guarded centre for foreigners or a foreigner detention centre in order to secure the procedure of the obligation to return.

Lodging a second international protection application renders the decision on the obligation to return suspended until this application is considered impermissible.

In turn, lodging a third and subsequent international protection applications does not result in suspending the decision on the obligation to return.

### 3 >>> **Where should I file another international protection application?**

Subsequent applications should be lodged in the same way as the first one, i.e. through the Border Guard, which then hands it to the Head of the Office for Foreigners.

### 4 >>> **Will an interview take place within the subsequent international protection procedure?**

The new procedure may or may not include an interview. If the Head of the Office for Foreigners decides that the already gathered evidence in your case is sufficient, another interview will not take place.

### 5 >>> **Am I entitled to public assistance and Temporary Certificate of Foreigner's Identity (TZTC) within the new procedure?**

During a subsequent international protection procedure, you are entitled to public and medical assistance, and the Temporary Certificate of Foreigner's Identity (TZTC).

### 6 >>> **What decisions may the authorities reach during subsequent international protection procedures?**

The authority processing your subsequent international protection application will initially compare your previous application(s) and the findings of the authorities within the previous procedure against the content of the new application. **If the authorities determine that your new**

**application is based on the same grounds as the previous one, it will issue a decision to consider this application as impermissible.**

However, if your subsequent application is not considered impermissible, then the Head of the Office for Foreigners will carry out a similar procedure to the one initiated by your first application. Within the new procedure the following decisions can be made: positive, negative, and one on discontinuation of the procedure.

**General rules are described in the following chapters:**

<b>I HAVE RECEIVED A NEGATIVE DECISION – WHAT NEXT?</b>	<b>p. 42</b>
<b>COURT PROCEEDINGS</b>	<b>p. 52</b>
<b>MORE INFORMATION &gt;&gt;&gt; I HAVE RECEIVED A POSITIVE DECISION – WHAT NEXT?</b>	<b>p. 37</b>
<b>MORE INFORMATION &gt;&gt;&gt; I HAVE RECEIVED A NEGATIVE DECISION – WHAT NEXT?</b>	<b>p. 42</b>

# Detention of international protection applicants



- 1 >> Can I be apprehended by the Border Guard? p. 62
- 2 >> Can I be apprehended while lodging a subsequent international protection application? p. 63
- 3 >> Will I be placed in a guarded centre or in a foreigner detention centre? p. 64
- 4 >> What is the difference between a guarded centre and a foreigner detention centre? p. 65
- 5 >> Can I contact my attorney or non-governmental organisations while I am staying in a guarded centre or in a foreigner detention centre? p. 65
- 6 >> If I lodge an international protection application while I am staying in a guarded centre or a foreigner detention centre, will I be released? p. 66
- 7 >> When will I be released from guarded centre or a foreigner detention centre? p. 66
- 8 >> What measures, other than placing me in a guarded centre or a foreigner detention centre, can be imposed on me? p. 68



## Can I be apprehended by the Border Guard?

If you have lodged your first international protection application, then, as a rule, you should not be apprehended. However, this might happen in situations where this is **necessary in order to**:

- **establish or verify your identity** (this can happen if, for example, you cannot produce any documents confirming your identity, i.e. a passport or any other ID with photograph);
- **obtain information the international protection application is founded on** – if this was impossible without apprehending you and there is likelihood of your escape;
- **make or execute a decision to oblige you to return** – if this decision was made with regard to you or if the international procedure is being carried out, and you had the prior possibility to lodge an international protection, but there is likelihood that such an application was lodged only to delay a decision to oblige you to return (this happens, for example, in situations where a foreigner lodges a subsequent international protection application or if the decision to oblige them to return had already been issued before this application was lodged);
- **prevent the interests of national defence and security**, or to ensure public security and public order;
- **secure a transfer to another European Union member state** within the DUBLIN III procedure – when the immediate transfer is impossible, and there is a great likelihood you could escape.

When evaluating the **likelihood of an escape**, the following factors are investigated:

- if an ID confirming your identity is at your disposal;
- if you have crossed or attempted to cross a border illegally;
- if you left Poland during the period for which your data were entered into the foreigner record system, and this indicates that your stay in Poland is unwanted, or the Schengen Information System indicates that you are declined to enter.

The evaluation of the likelihood of escape should not be automatic. The authorities should take the applicant's individual situation into account.



**IMPORTANT!** Only a **great likelihood of escape** can be a basis for detention. Therefore, usually it is not sufficient when an applicant is unable to produce ID confirming their identity. Moreover, other circumstances suggesting that they will attempt an escape should be indicated.



**Apprehension is a short-term detention. It cannot last more than 48 hours.** The detained person is placed in a separated unit in Border Guard centres. If apprehended, you should be informed of your rights and given an apprehension document (*protokół zatrzymania* in Polish).

After 48 hours, the Border Guard should either release you or file a request to the court to place you in a guarded centre for foreigners or in a foreigner detention centre. The court should process this request within 24 hours. If it fails to do so, you should be released.



**REMEMBER** that during apprehension, and also the court proceedings, you can request free legal service, i.e. an attorney or solicitor, who will represent you in the courtroom with regard to the apprehension and placing you in a guarded centre or foreigner detention centre.



## Can I be apprehended while lodging a subsequent international protection application?

Cases of apprehending foreigners who lodge subsequent international protection applications are frequent. Lodging a subsequent application does not cancel the earlier decision obliging you to return.

If you lodged a second international protection application, the Border Guard can initiate a procedure whose goal is to oblige you to return. If, however, a decision to oblige you to return is issued, it will not be executed until the second international protection application has been considered inadmissible due to the lack of new evidence, factual or legal circumstances.

If, however, you lodged a third or subsequent international protection application, the Border Guard, at any time, can initiate a procedure whose goal is to oblige you to return and execute it.

**MORE INFORMATION >>> SUBSEQUENT INTERNATIONAL APPLICATION PROCEDURE**

p.  
57



**IMPORTANT!** When making the decision to lodge a subsequent international protection application, you need to take into account that you will be apprehended by the Border Guard and placed in a guarded centre. The Border Guard along with the court can conclude that this application was lodged only in order to delay issuing or executing the decision to oblige you to return.



## Will I be placed in a guarded centre or in a foreigner detention centre?

Following apprehension, the Border Guard usually files a request to the court to place the apprehended foreigner in a guarded centre for foreigners. The request should be filed not later than 48 hours after the apprehension and the apprehended person should be handed over and put at the disposal of the court before the 48-hour deadline.



**NOTICE!** During the court hearing, an interpreter speaking a language you understand should be present in the court room.

During the court hearing, you can also request to appoint an attorney or solicitor, who will represent you in the courtroom.

Courts usually rule that the foreigner should be detained in a guarded centre for a period of 30 to 60 days. After this period the Border Guard usually files a request to the court to extend the period of detention in the guarded centre. Each extension of this period cannot be longer than 90 days.



**REMEMBER** that in order to place you in a guarded centre, or to extend your stay in this centre, the court needs to conclude that it is impossible to use means alternative to detention.

MORE INFORMATION >>> ALTERNATIVES TO DETENTION

p.  
68



**IMPORTANT!** The overall period of your stay in the guarded centre cannot exceed 6 months if the sole grounds for placing you there is that you are applying for international protection.

Since the decision of the district court (*sąd rejonowy* in Polish) to place you in a guarded centre, or extending your stay there, you can file a complaint to the regional court (*sąd okręgowy* in Polish); the court needs to inform you of this possibility if you are represented neither by an attorney nor a solicitor. As the complaint should be written in Polish, it is important that

immediately after being placed in a guarded centre, you contact a non-governmental organisation dealing with legal advice for refugees, or with an attorney or a solicitor.

**MORE INFORMATION >>> A LIST OF NON-GOVERNMENTAL ORGANISATIONS WHICH PROVIDE ASSISTANCE TO REFUGEES**

p.  
69

**The following persons applying for international protection cannot be placed in a guarded centre:**

- unattended minors (one should remember that minors with families may be placed in a guarded centre);
- foreigners, whose psychophysical state suggests that they were subjected to violence (this is to be determined in the course of an examination by a psychologist);
- disabled persons;
- foreigners, whose life or health could be at risk, once they are placed in the guarded centre.



#### **What is the difference between a guarded centre and a foreigner detention centre?**

A guarded centre and a foreigner detention centre are both places where freedom is restricted. **You can be placed in the foreigner detention centre if there is a risk you will not obey the rules of the guarded centre (e.g. if you pose risk to other foreigners in the guarded centre).**

In the guarded centre, you will be accommodated in a room and will be able to move within the centre more freely. In the foreigner detention centre, in turn, you will be placed in a cell and will not be able to move freely within this centre.



#### **Can I contact my attorney or non-governmental organisations while I am staying in a guarded centre or in a foreigner detention centre?**

During your stay in a guarded centre you have the right to stay in contact (by mail, phone or in person) with organizations which provide assistance to refugees, with the representative of the United Nations High Commissioner for Refugees (UNHCR), and any persons providing you with legal services (e.g. an attorney, solicitor).

Assistance can be obtained by phone, mail, fax, or by email. Guarded centres have contact details of organizations which provide legal assistance to foreigners. Moreover, in some guarded centres, lawyers from such organizations visit detainees, so you may be able to speak to them directly. However, you should remember that if you want a lawyer to help you, you have to show them all the documents of your case and briefly explain what kind of assistance you expect.



## **If I lodge an international protection application while I am staying in a guarded centre or a foreigner detention centre, will I be released?**

You may file an international protection application also during your stay in the guarded centre. However, the fact that you have filed such an application does not mean that you will be released. In such a situation, the court may extend your stay in this place by 90 days counting from the day on which you have filed your asylum application.

In order to extend your stay at the guarded centre, at least one of the conditions justifying your stay, with regard to your international protection application, needs to be satisfied.



## **When will I be released from guarded centre or a foreigner detention centre?**

**You will be released from the guarded centre if:**

- the reasons for which you had been put in the guarded centre have ceased (e.g. you have been granted refugee status, subsidiary protection, humanitarian stay permit, or a tolerated stay permit);
- your stay in the guarded centre constitutes a threat to your life or health (however, a regular illness, even a chronic disease, is not considered sufficient grounds for release);
- foreigners, whose psychophysical state suggests that they were subjected to violence (this can be a result of an examination carried out by a psychologist once you have been placed in the guarded centre);

- other circumstances have arisen which make it impossible to continue your stay in the guarded centre (e.g. change of legal regulations regarding guarded centre placement);
- the detention period ordered by the court has expired and has not been extended;
- the Head of the Office for Foreigners has issued a decision to the extent of releasing you from the guarded centre due to the probability of granting you refugee status or subsidiary protection;
- 6-month period of your stay in the guarded centre has passed and no procedure or decision to oblige you to return has been initiated;
- with regard to executing a decision to oblige you to return, if such a decision was legally valid, and your international protection procedure was the third or subsequent one;
- the period for transferring you to a different European member state has passed (within the DUBLIN III procedure), if you were placed in the guarded centre to secure this transfer.

You can file a release request at any point. This request should be addressed to the chief of the respective Border Guard unit. If the Border Guard declines releasing you from the guarded centre, and your request was filed at least one month after the court decision to place you in a guarded centre, extend or release you from the guarded centre, then you are entitled to file a complaint to the court. This complaint needs to be filed within 7 days from the day of the receipt of a decision declining your release.

If it is very likely that you will be granted refugee status or subsidiary protection, you can be released from the guarded centre by the Head of the Office for Foreigners. If this authority refuses to release you from the guarded centre, you may appeal against this decision to the Warszawa-Śródmieście District Court (*Sąd Rejonowy Warszawa-Śródmieście* in Polish).

When releasing you from the guarded centre, the Head of the Office for Foreigners may order you to stay in a particular place or town/city and oblige you to report regularly to an authority specified in the decision concerning your release. The Head of the Office for Foreigners may also implement such measures if the court refuses to put you in a detention centre due to the fact that your stay there might pose a threat to your life or health, or if there is a belief that you were subjected to violence.



**REMEMBER** that on release from the guarded centre, if you are still awaiting a decision on your international protection, you should turn up at the reception centre indicated by the Border Guard within 2 days (in Biała Podlaska or Podkowa Leśna – Dębak).

If you are a **disabled or senior person, a single parent, or pregnant woman** and have been released from a guarded centre by the Head of the Office for Foreigners, the Border Guard will provide you with transport to the reception centre, and – if needed – meal during the transport.

If you think that your placement in a guarded centre is unjustified, you may **claim for compensation or reparation**. You do not have to pay any fees for making this claim. You can also apply to the court for an attorney or solicitor (legal assistance eligibility form), who will prepare such a claim and will represent you in the courtroom.



## What measures, other than placing me in a guarded centre or a foreigner detention centre, can be imposed on me?

If you were apprehended, it is possible that the Border Guard or the court will make a decision to use non-custodial measures instead of placing you in a guarded centre.

They may **oblige you to**:

- regularly report to indicated authorities (usually a branch of the Border Guard);
- pay a cash security deposit in an indicated amount;
- moving to a designated address (e.g. centre for foreigners applying for international protection).

You can file an **appeal** to a district court against the alternative measures that were imposed in your case. As the complaint should be written in Polish, it is important that immediately after receiving a decision on your place of stay, you contact a non-governmental organisation dealing with legal advice for refugees, or with an attorney or a solicitor.

**MORE INFORMATION >>> A LIST OF NON-GOVERNMENTAL ORGANISATIONS WHICH PROVIDE ASSISTANCE TO REFUGEES**

p.  
69

Before making the decision on placing you in a guarded centre, the court is obliged to investigate whether alternative measures can be sufficient. Only once the court concludes that such measures would be insufficient, can it place a foreigner in a guarded centre.

## List of non-governmental organisations which provide assistance to refugees and migrants



- **United Nations High Commissioner for Refugees in Poland (Wysoki Komisarz Narodów Zjednoczonych ds. Uchodźców Przedstawicielstwo w Polsce)**  
Al. Szucha 13/15 lok. 17 00-580 Warszawa  
tel.: + 48 22 628 69 30  
e-mail: polwa@unhcr.org  
www.unhcr.pl  
<http://brpd.gov.pl>
- **Helsinki Foundation for Human Rights (Helsińska Fundacja Praw Człowieka)**  
ul. Zgoda 11  
00-018 Warszawa  
tel.: +48 22 556 44 40, +48 22 556 44 66  
e-mail: refugees@hfhr.org.pl  
<http://www.hfhr.pl/en/>,  
<http://programy.hfhr.pl/uchodzcy/>
- **H. Nieć Legal Assistance Centre (Centrum Pomocy Prawnej im. H. Nieć)**  
ul. Krowoderska 11/7  
31-141 Kraków  
tel.: +48 12 633 72 23  
fax: +48 12 423 32 77  
e-mail: porady@pomocprawna.org  
<http://www.pomocprawna.org/>
- **International Organisation for Migration (Międzynarodowa Organizacja do Spraw Migracji)**  
ul. Mariensztat 8,  
00-302 Warszawa  
tel.: +48 22 538 91 03  
e-mail: iomwarsaw@iom.int  
www.iom.pl
- **Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej)**  
ul. Siedmiogrodzka 5/51  
01-204 Warszawa  
tel.: +48 22 621 51 65  
e-mail: biuro@interwencjaprawna.pl  
<http://interwencjaprawna.pl/en/>

● **Refugee.pl Foundation  
(Fundacja Refugee.pl)**

ul. Bracka 23/51  
00-501 Warszawa  
e-mail: [info@refugee.pl](mailto:info@refugee.pl)  
[www.refugee.pl](http://www.refugee.pl)

● **“MultiOcalenie” Foundation  
(Fundacja „MultiOcalenie”)**

tel./fax: +48 22 6350898  
e-mail: [info@multiocalenie.org.pl](mailto:info@multiocalenie.org.pl)

**Warsaw branch:**

ul. Wilcza 35/41  
office no.29 2<sup>nd</sup> floor, dial 2029 (intercom)

**Krynki branch:**

pl. Jagielloński 6  
16-120 Krynki

● **The Polish Migration Forum Foundation  
(Polskie Forum Migracyjne)**

ul. Szpitalna 5/14  
00-031 Warszawa  
tel.: +48 22 110 00 85  
e-mail: [info@forummigracyjne.org](mailto:info@forummigracyjne.org)  
<http://www.forummigracyjne.org/en/>

● **Ocalenie Foundation  
(Fundacja „Ocalenie”)**

ul. Koszykowa 24  
00-553 Warszawa, office. 1 (1<sup>st</sup> floor)  
tel.: +48 22 828 04 50  
fax: +48 22 828 50 54  
e-mail: [biuro@ocalenie.org.pl](mailto:biuro@ocalenie.org.pl)  
<http://m.fundacjaocalenie.org.pl/en/>

● **Foundation for Somalia  
(Fundacja dla Somalii)**

ul. Bracka 18/63, II piętro  
00-028 Warszawa  
tel.: +48 22 658 04 87  
<http://fds.org.pl/en/>

● **Refugees Welcome Polska**

e-mail: [kontakt@refugeeswelcome.pl](mailto:kontakt@refugeeswelcome.pl)  
[www.refugees-welcome.pl](http://www.refugees-welcome.pl)



## References



- 1 Ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego (tekst jedn. Dz.U. z 2016 r., poz. 23). [The Act of 14th June 1960 – Code of Administrative Proceedings].
- 2 Ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi (tekst jedn. Dz.U. z 2012 r., poz. 270, z późn. zm.). [The Act of 30th August 2002 – Proceedings before administrative courts].
- 3 Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej (tekst jedn. Dz.U. z 2012 r., poz. 680, z późn. zm.). [The Act of 13th June 2003 – Granting protection to foreigners in Poland].
- 4 Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach (Dz.U. z 2013 r., poz. 1650, z późn. zm.). [The Act of 12th December 2013 – On foreigners].
- 5 Rozporządzenie Parlamentu Europejskiego i Rady (UE) NR 604/2013 z dnia 26 czerwca 2013 r. w sprawie ustanowienia kryteriów i mechanizmów ustalania państwa członkowskiego odpowiedzialnego za rozpatrzenie wniosku o udzielenie ochrony międzynarodowej złożonego w jednym z państw członkowskich przez obywatela państwa trzeciego lub bezpaństwowca (wersja przekształcona) (Dz.Urz. UE L 180 z 29.06.2013). [Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person].





**The Helsinki Foundation for Human Rights** was established in 1989 by the members of the Helsinki Committee in Poland. At present, it is one of the biggest non-governmental organisations in Poland whose main activities revolve around monitoring and research into respect for human rights, providing legal assistance to Poles and foreigners, leading strategic litigation, and other activities in the public interest. The Foundation cooperates with international institutions dealing with human rights, and since 2007 it holds consultancy status at the United Nations Economic and Social Council (ECOSOC).

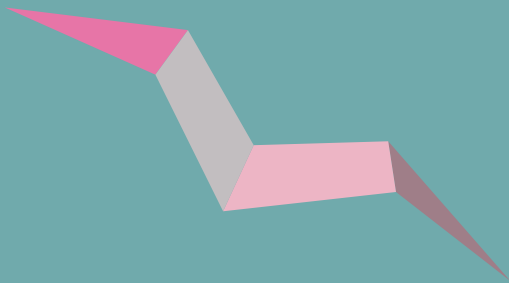
**The Legal Assistance to Refugees and Migrants Programme** was set up in 1992. The range of activities undertaken within it include monitoring Polish authorities' compliance with the Constitution of the Republic of Poland, provisions of the 1951 Geneva Convention on the status of refugees, the European Convention on Human Rights and Fundamental Freedoms, and Polish legislation concerning foreigners.

Lawyers working within this programme prepare – in the capacity of experts – reviews of bill drafts regarding foreigners and provide education and training on the rights of foreigners.

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