



# Access to International Protection in Poland

22 April 2022

# Legal Framework

Beyond 15 days, a TCN may be eligible for four general types of legal stay:

- PESEL Registration
- Temporary Protection
- Other forms of legal stay (i.e. work visa)
- • **International Protection (refugee status)**

## PESEL

- Only if they are the **spouse** of a Ukrainian citizen

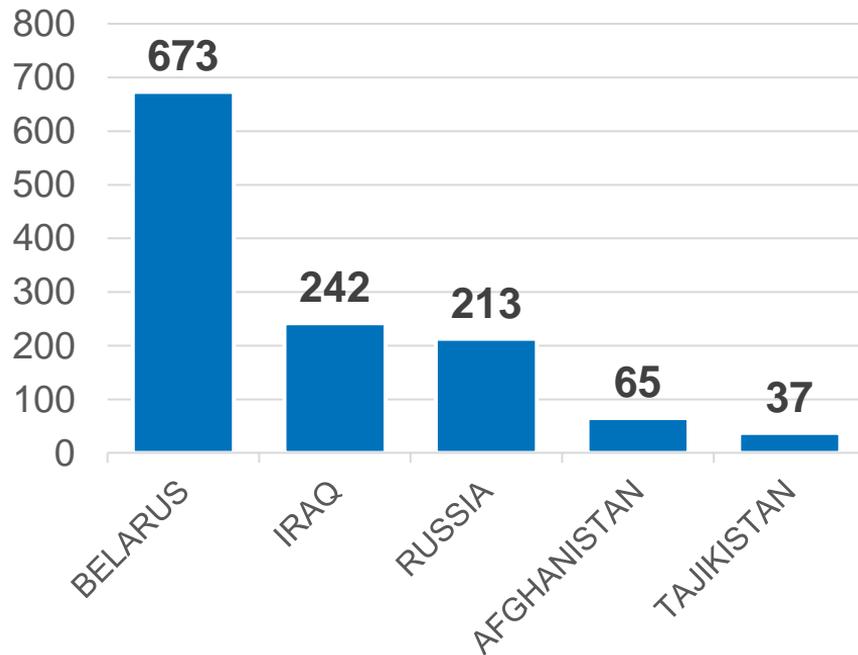
## Temporary Protection

- If they can prove they legally resided in Ukraine prior to 24 Feb **and** are unable to return to the country under safe conditions or region of origin, **or**
- **Held international protection or equivalent national protection in Ukraine**

# Applications for International Protection

Between 24 Feb-18 April:

- **Ukraine:** 973 applications
- **TCN (total):** 1,515
- **Top 5 Countries (besides Ukr)**
  - Belarus
  - Iraq
  - Russia
  - Afghanistan
  - Tajikistan



# Accessing Intl Protection

help.unhcr.org/poland

## “Accessing International Protection”

- English
- Polish
- Ukrainian
- Russian
- French
- Dari
- Sorani Kurdish
- Arabic

The screenshot shows the UNHCR website interface for Poland. At the top left is the UNHCR logo and the text 'The UN Refugee Agency'. To the right is a 'Help Poland' header. The main content area is titled 'Accessing International Protection' and includes a blue banner with the text: 'This page provides a general overview of access to international protection procedures in Poland and other forms of legal stay. Where possible, always try to consult with a lawyer about your case. (A list of available lawyers available [here](#))'. Below this is a section titled 'What is International Protection?' with a paragraph explaining that a person may be in need of international protection if they are afraid to return to their country of origin due to persecution or serious harm. It lists criteria such as race, religion, nationality, political opinion, or membership in a political social group. A second paragraph states that international protection allows a person to stay in Poland instead of being sent back to a country where they are afraid to go because of persecution. A third paragraph notes that international protection is not automatically granted and that people must apply and show the government that they qualify. A yellow box contains the text: 'Not everyone qualifies for international protection. In the European Union (EU), only one EU country can review an application for international protection, usually the first country of entry. This is called the Dublin Regulation. This means that if a person first enters the EU in Poland: • Poland is the only EU country that can review their international protection claim. • They will likely be sent back to Poland if they travel to another EU country and apply for international protection there. There are limited exceptions to this rule (such as holding a valid visa for another EU country, or family reunification). NOTE: International protection is often called "asylum". This is not the case in Poland. In Poland, the law defines different types of protection: • International protection - refugee status and subsidiary protection • Asylum - a separate, national form of protection • Humanitarian or tolerated stay - national form of legalization of stay in case there is no possibility of deportation/return'. Below this is a table of contents with links to various sections: 'Who Processes International Protection Claims?', 'Who can apply for international protection in Poland?', 'How to apply for international protection in Poland', 'What documentation is needed?', 'What happens after I submit my application in Poland?', 'I am the spouse of the main applicant. What will the procedure look like for me?', 'Can I work while my application is pending?', 'Can I appeal a negative decision?', and 'Other options for legal stay in Poland'.

# Forms of Protection under Polish Law

- **International protection:** refugee status and subsidiary protection
- **Asylum:** a separate, national form of protection
- **Humanitarian or tolerated stay:** national form of legalization of stay in case there is no possibility of deportation/return

# Eligibility

A person has a right to apply for international protection **at any time** if they:

- **Are on Polish territory** (including in detention) or at a Polish border
- Fear that they would be **persecuted in their country of origin**:
  - For reasons of race, religion, nationality, membership of a particular social group or political opinion, **or**
  - Would be at serious risk of death penalty and execution, torture, inhumane treatment, or a serious threat to life due to widespread violence or armed conflict.
- **A person can include other family members** (i.e. minor children, spouse) **only** if the relevant family member is physically present during the submission

# Who Processes Claims?

In Poland, the **Government**, not UNHCR, is responsible for processing international protection claims and recognizing someone as a refugee

- Applications for international protection must be filed through **Polish Border Guard**
- The **Office for Foreigners (OFF)** is responsible for processing claims and making a decision

Are you afraid to go back to your home country?

You may be in need of international protection in Poland

International protection allows a person to stay in Poland **instead of being sent back to a country where they are afraid of persecution**

The **Polish government is responsible** for processing international protection claims

International protection is **not** automatically granted. You must **apply**:



You have a right and obligation to stay in Poland while your application is reviewed



For more information on asylum-seeker and refugee assistance in Poland, visit [help.unhcr.org/Poland](https://help.unhcr.org/Poland)

# Six Step Procedure

1

Clearly **express intent** to apply for international protection to a **Border Guard Officer**

- When entering Poland at a border
- Within a detention facility, reception center, or other official location
- At any time from within Poland by visiting any Border Guard unit or outpost

**For persons with disability, older persons, pregnant women, single parents, foster children, hospitalized or arrested:** a written declaration can be submitted by post or e-mail

# Six Step Procedure:

- 2 Border Guard **registers an application** (interview, photos, fingerprints, medical exam)
- 3 Border Guard **submits the application** to the Office for Foreigners
- 4 Office for Foreigners **initiates a review and** conducts an **interview**
- 5 Office for Foreigners **issues a decision** (within 6 months)
- 6 An applicant can **appeal a decision**

# Important Considerations

- A person **cannot work for 6 months from date of submission**
  - Even if they were in Poland before applying
  - After 6 months: if there is no decision, they can apply for a work permit
- A court may decide to put an applicant in **detention**

# Factsheet

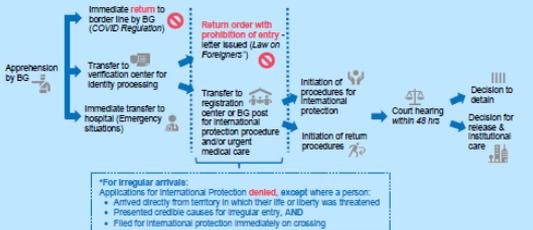
PROTECTION FACTSHEET > Poland / January 2022

## Overview: Legal Frameworks and Procedures in Poland

The below represents simplified summaries of border processing and protection procedures.

### Border Processing

In 2021, amendments to the *Moi COVID Regulation* and the *Act on Granting Protection to Foreigners* (Law on Foreigners) restricted the categories of persons able to enter territory and access international protection.



### International Protection Procedures

For those able to apply, the Polish legal regime recognizes and recognizes two forms of protection:

- International protection: refugee status and subsidiary protection
- National protection: humanitarian or tolerated stay

Under a unified procedure, both international and national protection are considered. National protection may be recognized within the framework of a return procedure if there are grounds not to return an applicant.

A separate status, "asylum", arises from the Constitution and is only granted for State interest, under separate Office for Foreigners procedure upon application by mail.



**During the process:** An applicant must remain on Polish territory until a final decision is issued. Unless detained, they can stay in an open accommodation center or request a cash allowance, receive an ID, and are entitled to healthcare. They may request labor market access after 6 months from the date of application submission. Children are entitled to free public education, with support mechanisms, up to secondary.

**For those recognized with international protection:** refugees enjoy the same rights as citizens, apart from voting. However, efficient integration services are limited. An initial 12 months of individual support can be arranged with a refugee and the local Family Assistance Center, with targeted counselling and cash assistance, for i.a. Polish language study, as well as available additional services (i.e. social work, assistance finding a flat).

# Help.unhcr.org/poland



Help Poland

- Welcome
- How to find help
- Accessing International Protection
- Rights and obligations of asylum-seekers
- Services for recognized refugees
- Reporting fraud and corruption
- Reporting sexual exploitation and abuse by humanitarian workers
- COVID-19 measures
- Information for New Arrivals From Ukraine

## Accessing International Protection

This page provides a general overview of access to international protection procedures in Poland and other forms of legal stay. Where possible, always try to consult with a lawyer about your case. (A list of available lawyers available [here](#))

### What is International Protection?

A person may be in need of international protection if they are afraid to return to their country of origin because they are in danger of persecution or serious harm due to their race, religion, nationality, political opinion, or membership in a political social group. Under international and Polish law, specific criteria must be met to determine eligibility to be recognized as a refugee.

International protection allows a person to stay in Poland instead of being sent back to a country where they are afraid to go because of persecution.

International protection is not automatically granted. People hoping to get this protection must apply and show the government that they qualify.

Not everyone qualifies for international protection.

In the European Union (EU), only one EU country can review an application for international protection, usually the first country of entry. This is called the Dublin Regulation.

This means that if a person first enters the EU in Poland:

- Poland is the only EU country that can review their international protection claim.
- They will likely be sent back to Poland if they travel to another EU country and apply for international protection there.

There are limited exceptions to this rule (such as holding a valid visa for another EU country, or family reunification).

NOTE: International protection is often called "asylum". This is not the case in Poland.

In Poland, the law defines different types of protection:

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# Detention Pamphlet



UNHCR  
The UN Refugee Agency

## Important Information for You and Your Family

### You are in an immigration detention facility in Poland

It is run by Polish Border Guards

You have already been through a lot, but your journey is not over yet.

This a resource to help answer your immediate questions.

The information in this pamphlet is not legal advice, and it does not have everything you need to know. There may be other resources that can better answer your questions.



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