



Fundusze Europejskie

International protection - basic information



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Warte zachodu

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concerning: individual issues related to residence and work in Poland: the education system, health, social security including social benefits, transportation, taxes and other matters of daily life in the new country, the rules for the continuation of legal residence in Poland, legal work and employment of third-country nationals.

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WE INVITE YOU



Dear Ladies and Gentlemen,

We are giving you an educational brochure on the rights and obligations of foreigners staying in Poland. This publication was created with the aim of facilitating your daily life in a new country - a place that may be becoming your new home.


The information collected here will help you understand the most important aspects of life in Poland - both formal and legal, social and customary. We hope that the information it contains will make it easier for you to adapt and function in our country on a daily basis.

If, after reading the brochure, you have doubts about the presented regulations or need additional assistance, we encourage you to contact the Center for Integration of Foreigners Zielona Góra (CIC). At the CIC you will receive free and professional assistance from first contact assistants. In addition, at the Center you have the opportunity to use computers and access the Internet, which can be helpful in dealing with official matters or searching for information.

Remember that knowing your rights and responsibilities is key to full integration and comfort in your new environment.

We wish you good luck and success in Poland.

The team of the Center for Integration of Foreigners Zielona Góra



International protection - basic information



What is international protection?

International protection is a form of support granted to foreigners who cannot safely return to their country of origin due to persecution, armed conflict or human rights violations. In Poland, it is granted in the form of refugee status or subsidiary protection. The main purpose of international protection is to ensure the

safety of people who face threats in their home country.

International protection stems from Poland's obligations as a member of the European Union and a signatory to the 1951 Geneva Convention. Poland, as a country that respects human rights, provides support to people fleeing persecution, war and other forms of threats to life and health.

Who can apply for international protection?

Any foreigner residing on the territory of Poland may apply for international protection if he or she is threatened in his or her country of origin with persecution on the grounds of race, religion, nationality, political opinion, membership in a particular social group or a real threat to life and health due to armed violence.

It is worth noting that stateless persons, those who do not have citizenship of any state, also have the right to apply for international protection. Poland, as a signatory to international conventions, is obliged to consider each case individually and with due diligence.

How to apply for international protection?

To apply for international protection in Poland, you must submit an application at the Office for Foreigners or at a border crossing to the Border Guard or to the Border Guard post in your locality. After submitting the application, the foreigner will receive a temporary identity document and will be sent to a center for foreigners (or may live in a designated place at their own expense).

When submitting the application, the person seeking protection should provide all relevant information about his situation, including the reasons why he fears returning to his country. It is also advisable to provide available documents to prove the threat, although the absence of such documents does not exclude the possibility of granting protection.

Procedure for processing the application.

The process of evaluating an application can take up to six months, although it can be extended in justified cases. During this time, the applicant undergoes an interview, during which he presents the reasons for his flight and documents supporting his situation. During the procedure, the foreigner may be assisted by a lawyer or NGOs supporting refugees. The applicant is also entitled to an interpreter if he or she does not speak Polish.

Will the authorities of the foreigner's country of origin learn about his application for international protection?

No. The procedure for applying for international protection in Poland is confidential, and applicants' data are



protected. Information about the foreigner and his application is not transferred to the authorities of the country of origin. This is to ensure the safety of people who may be persecuted by their country.

Can a person who has received international protection return to his country?

A person who has received international protection in Poland should not travel to his country of origin. A return may be considered proof that he or she is no longer in danger, which could result in the revocation of refugee status or subsidiary protection. If the

person decides to return, Polish authorities may consider that there is no longer a need for international protection.

Forms of international protection in Poland:

1. International protection, which includes refugee status and subsidiary protection, is granted to people who are fleeing persecution or serious danger in their home country. Here are the details of both forms of protection:

- **Refugee status:** is granted to people who meet the definition of a refugee in the 1951 Geneva Convention. This includes individuals who: fear persecution on account of race, religion, nationality, membership in a particular social group or political opinion, and are fleeing war, violence or other forms of serious danger to life and health.
- **Subsidiary protection:** is granted to persons who do not meet all the criteria for refugee status, but who may face serious dangers in their country, such as torture, inhuman or degrading treatment and serious threats to life or health, such as armed conflict or violence.

Duration: in Poland, refugee status is granted for an indefinite period of time. This means that a person who has been granted refugee status is entitled to protection for as long as there are reasons why he or she cannot return to his or her country. It is also worth remembering that those with refugee status can apply for a permanent residence permit after five years of legal residence in Poland, which gives them the opportunity to obtain full civil rights.

Of course, refugee status can be revoked if the person no longer meets the conditions for its possession, such as in the case of voluntary return to the country of origin.

However, in the case of subsidiary protection, which is granted to people who do not meet all the criteria for refugee status, the validity period is limited.

Subsidiary protection in Poland is granted for a maximum of 3 years, after which the person's situation is reviewed to assess whether there are still grounds for granting this form of protection. Depending on the situation in the foreigner's country of origin, subsidiary protection can be extended, but at the foreigner's request and after reconsideration of the circumstances.

Both forms of protection are intended to

ensure the safety of those who cannot return to their country due to fears for their lives or freedom.

2. Asylum - is a form of international protection that is granted to foreigners who fear persecution in their country of origin for various reasons, such as religion, political beliefs, membership in a particular social group, nationality or race. Asylum allows legal residence in a country that has granted this protection and provides the applicant with security.

In the Polish legal system, the term "asylum" does not appear as a separate category of protection. Instead, Poland applies international protection in the form of refugee status or subsidiary protection, which are regulated under the Geneva Convention and European Union law. Nonetheless, the Polish legal system includes the possibility of granting asylum in exceptional cases.

When can a foreigner apply for asylum in Poland?

A foreigner may apply for asylum in Poland if he or she meets the criteria for risk of persecution in his or her country of origin.

The asylum seeker must prove that:

- **Case of persecution** - a person faces persecution in his or her country of origin because of: race, religion, nationality, membership in a particular social group or political opinion.
- **Risk of loss of life or health** - a person must demonstrate that he or she is in real danger of loss of life or health in the country of origin.
- **Other reasons** - asylum may be granted if a foreigner in his or her country of origin faces other forms of persecution or threats that prevent his or her return.

Rejection of an asylum application: if an asylum application is rejected, a foreigner has the right to appeal to an administrative court. In addition, in the case of a negative decision, a foreigner may apply for other forms of protection, such as refugee status or subsidiary protection, if he meets the relevant criteria.

Asylum vs. deportation: a person who has been granted asylum in Poland is not subject to deportation to his country of origin. Asylum guarantees her safety and the right to stay in Poland. If a person

decides to leave for his or her home country after receiving asylum, this may lead to the cancellation of this protection, as returning to the country of origin may be considered proof that he or she is no longer in danger.

3.Consent to stay for humanitarian reasons - is a form of protection granted to foreigners who do not meet the conditions for refugee status or subsidiary protection, but for those who returned to their country of origin, would be in danger of violation of their human rights or a serious threat to their life and health. It is a special type of protection that is designed to ensure the safe stay in Poland of those who are unable to take advantage of traditional forms of international protection, but still require humanitarian assistance.

Consent to stay on humanitarian grounds is issued in cases where the foreigner demonstrates that return to his or her country may involve significant risks, such as:

- exposure to persecution, torture or inhumane treatment.
- the existence of danger to life and health due to war, armed violence or humanitarian disasters.

- the existence of other special circumstances that make it unsafe for a person to return to his or her country.

When is a humanitarian residence permit granted?

A residence permit for humanitarian reasons may be granted in situations where:

- the foreigner does not meet the formal requirements for refugee status or subsidiary protection.
- the person is in a situation in which his/her return to his/her country of origin would involve a threat to his/her life, health, dignity or fundamental human rights.
- foreigners demonstrate that it is impossible or unduly dangerous to live in their country of origin in the current situation, such as war, ethnic or religious persecution, political instability or humanitarian disasters.

This consent is intended to help people in special situations who do not qualify for standard forms of international protection, but are in need of humanitarian support.

Decision on the humanitarian residence permit: 30 days after the application is submitted, the Foreigners Authority reviews the case and makes a decision, taking into account the situation in the foreigner's country of origin, the risks that would be involved in his return, and the evidence presented by the applicant. The waiting time for a decision depends on the complexity of the case, but the standard process can take from several months to a year.

If the foreigner meets the conditions, he is **granted a residence permit for humanitarian reasons**, which allows him to stay legally in Poland for a certain period of time - usually for **1-2 years**. After this time, the foreigner can apply for an extension of the stay if there are still circumstances that prevent him from returning to his country of origin.

Restrictions and obligations of persons covered by a residence permit for humanitarian reasons:

- **Observance of the law** - these persons must observe Polish law and respect the rules of public order.
- **Social integration** - foreigners should try

to integrate into Polish society, including learning the Polish language and actively seeking employment.

- **Notification of change of residence** - they are required to inform the relevant services of their change of residence in Poland.

Rejection of an application for a residence permit for humanitarian reasons:

if a foreigner does not meet the conditions for obtaining a residence permit for humanitarian reasons, his application may be rejected. In such a case, the person may apply for other forms of protection or appeal the decision to an administrative court.

Termination of stay: humanitarian residence permit is a form of temporary protection, granted for a specified period of time. If the situation of the person who has been granted protection does not change in such a way that he or she can safely return to the country, the stay can be extended. However, if the situation in the person's country of origin improves and he or she is no longer in danger, his or her stay in Poland may be terminated.

4. Tolerated stay is a special form of protection granted to foreigners who do not meet the conditions for refugee status, subsidiary protection, or a residence permit for humanitarian reasons, but due to exceptional circumstances cannot be deported to their country of origin. It is a form of protection that allows foreigners to stay legally in Poland for a specified period of time when their return to the country would be impossible or would put them at risk.

Tolerated stay is a form of protection that does not grant the full rights associated with legal residence, such as refugee status or residence under other forms of protection, but is a solution that allows foreigners to remain in Poland in special situations.

Tolerated stay can be granted in situations when:

- the foreigner does not meet the formal requirements for refugee status or subsidiary protection, but his return to his country of origin could involve a threat to his life, health or other fundamental human rights.
- there are practical reasons that prevent his deportation, such as the impossibility

of enforcing a deportation order due to problems with documentation or the foreigner's personal situation.

- the person demonstrates that his/her stay in Poland does not pose a threat to public order and that he/she is able to cooperate with the authorities on issues concerning his/her continued stay.

Rejection of an application for tolerated stay.

If a foreigner does not meet the conditions for obtaining a tolerated stay, his application may be rejected. In such a case, the person may be obliged to leave Poland, unless new circumstances arise that will make it possible to reapply for tolerated stay.

Termination of tolerated stay.

- tolerated stay is a form of temporary protection. Its termination may occur if:
- the foreigner no longer meets the conditions that justified the granting of this form of protection.
- there are changes in the country of origin that will enable the foreigner's safe return.
- the person decides to voluntarily return to his/her country.

Rights and obligations of protected persons.

Persons who have been granted refugee status or subsidiary protection have the right to legal residence, work, education and health care in Poland. They can enjoy social benefits and integration programs.

However, beneficiaries of international protection are also required to abide by Polish law, integrate into society and undertake activities that enable them to live independently, such as learning the Polish language or taking up employment.

Deadlines for issuing various forms of international protection.

Different forms of international protection in Poland are granted for different periods, depending on the type of protection and the foreigner's situation:

- **refugee status:** Permanent residence (indefinite).
- **subsidiary protection:** Granted for a period of up to **3 years**, with the possibility of renewal if circumstances preventing return to the country of origin persist.
- **humanitarian residence permit:** Granted for a limited period of time,

usually **1 to 2 years**, renewable.

- **tolerated stay:** granted for a limited period of time, usually up to **3 years**, with the possibility of extension depending on the situation.

The duration of the various forms of international protection depends on the foreigner's situation and the type of protection sought. In any case, the foreigner has the right to reconsideration if there are changes in his or her situation.

When applying for international protection in Poland, it is crucial to know your rights and obligations well. This is an important step that requires understanding your rights and the obligations you have to fulfil.

Understanding your rights allows you to better navigate the legal system and take advantage of the support available to you: legal aid, health care, education.

Responsibilities, such as complying with the law and cooperating with relevant authorities, are equally important. Failure to comply can lead to negative consequences, including denial of

international protection or other difficulties in legalizing residence.

Rational decision-making when applying for international protection is key. It is worthwhile to carefully analyse each situation, seek information from trusted sources and lawyers or organizations that can offer support.

Remember that every decision can affect your future in Poland, so it is important to approach the process with caution and responsibility.



NOTES

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IMPORTANT

Note: The educational brochure is not a source of law.

The authors have made every effort to ensure that the content of the brochure is in compliance with applicable laws. However, please note that the publication deals with typical situations and the most common cases, so it may not fully apply to individual cases.

The number and type of documents that may be requested by administrative authorities in the course of proceedings to legalize residence and work in POLAND, health and education cases may differ from those given in the brochure, depending on the specific case.

In case of any doubt, it is recommended:

- contact the relevant administrative body (e.g., Provincial Office, Office for Foreigners),
- familiarize yourself with the law,
- take advantage of the free assistance of the Center for Integration of Foreigners in Zielona Góra.



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