

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN POLAND

OVERVIEW

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INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **Poland**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by [Poland](#) in **January 2023**.

supervised by the Minister of the Interior and Administration: the Head of the Office for Foreigners and the Border Guards Headquarters; the Ministry of Family and Social Policy (including the Labour Market Department); the National Labour Inspectorate; the Ministry of Foreign Affairs supervising Polish diplomatic and consular posts; the Refugee Board; 16 voivodeship offices (local administration) and administrative courts (16 Voivodship Administrative Courts and the Supreme Administrative Court).

The Minister of the Interior and Administration is responsible for the general coordination of activities of the State with regard to migration and asylum policy.

Important role is also played by the interministerial Team for Migration, set up as the advisory body to the Prime Minister. This Team plays an important role in coordination of activities undertaken by ministers in the field of migration policy, i.a. by adopting strategic documents in the area of migration management. Committee is also led by the Minister of the Interior and Administration.

In general, the entry (border crossing) phase of migration to Poland is controlled by the Border Guard, both in asylum and migration contexts. In order to be admitted on Polish territory, third-country nationals need to be in possession of a valid visa (if required), issued, as a general principle, by Polish consuls abroad, or other document confirming right to entry. Asylum applications are examined by the Head of the

the residence and employment of foreigners as well as integration of foreigners;



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

In the context of executive power, the migration policies are implemented both at the central as well as regional level and belong to the competence of the Council of Ministers and appropriate Ministries (Ministers issue i.a. the executive acts to legislation regulating the migration issues), specialized institutions and services. Migration policies constitute an important area of work of the local and self-governance administration¹. The distribution of competence is multilevel and constitutes the basis for a coherent national migration system.

The following actors constitute the 'core' of the institutional framework with regard to migration and asylum in Poland: the Ministry of the Interior and Administration with two authorities

¹ In the scope of e.g. shaping regional policies, creating conditions for repatriation and re-emigration, legalisation of

Office for Foreigners – as the I instance and the Refugee Board as the II instance. Applications for both residence and work permits (when necessary) are examined by the local authorities (voivodes) while the appellate procedures are being conducted in those cases by - the Head of the Office for Foreigners (including single permits for residence and work) and Ministry of Family and Social Policy respectively.

As for the returns, several institutions might be involved, depending on the type of return (voluntary – Border Guards, Head of the Office for Foreigners, IOM –International Organization for Migration – Warsaw Bureau; obligatory – Border Guards; return decisions– Border Guards).

Non-governmental organisations and research institutes may, to certain extent, have an impact on national legal arrangements concerning migration and asylum, however their role is rather limited – mainly to advisory activities.

Competent for the registration matters of third-country nationals seeking temporary protection are, respectively, the municipal authorities in regard to eligible UA nationals and their family members (reception and processing applications for the allocation of a PESEL number with the “UKR suffix”) and the Head of the Office for Foreigners in regards to other TCNs eligible to enjoy from temporary protection under Council Implementing Decision (EU) 2022/382 of 4 March 2022 (responsible for issuing certificates confirming the entitlement to temporary protection). The assistance is coordinated by the Prime Minister's Office of the Council of Ministers and provided a number of ministries and bodies, with significant role of the Border Guard and Ministry of the Interior and Administration.

THE LEGAL SYSTEM

The current Polish migratory/asylum legal framework has been in large part influenced by the *acquis communautaire* of the European Communities² and the *acquis Schengen*³. In addition, Poland has strived to develop its individual approach to migration in areas not

covered by the Community law (i.e. especially economic migration of non-EEA citizens and policy towards Polish Diaspora) – these attempts have been continued and recently intensified.

The main legal acts regulating migration and asylum matters in Poland are:

- Polish Constitution of 2 April 1997;
- Act of 12 December 2013 on foreigners (entry, admission, residence, return, national protection statuses and registers of foreigners);
- Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (granting temporary and international protection statuses);
- Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System;
- Act of 14 July 2006 on entry into the territory of the Republic of Poland, stay and departure from this territory of citizens of the Member States of the European Union and their family members;
- Act of 9 November 2000 on Repatriation;
- Act of 7 September 2007 on Card of the Pole;
- Act of 2 April 2009 on Polish Citizenship;
- Acts on particular sectors (labour, economic activity, education, recognition of education, social policy, etc.);
- Binding international instruments and *acquis communautaire*.

The system adopted in Poland is interrelated, both in the legislative and institutional spheres, with other policies, above all those related to: labour market policy, integration policy, education policy, demographic policy as well as internal security and public order.



INSTITUTIONAL CHART

The most up to date Institutional Chart will be added in as an Annex.

² Poland joined the European Union on 1 May 2004

³ Polish accession to the Schengen zone was finalised on 30 March 2008, when the border controls at the air borders were

lifted (the controls at land borders and maritime borders were lifted already on 21 December 2007)