

Foreigners in Krakow

An assessment of Krakow institutions
and their adjustment to the needs of foreigners
living or visiting Krakow.

REPORT

Krakow 2011

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1. Introduction.

1.1. Description of the project.

The main reason for which **INTERKULTURALNI PL Association for Multicultural Poland** has decided to implement the project has been to put attention in the preliminary research, to the lack of Krakow institutions adjustment to foreigners' needs. Particularly, about the legislative procedures that generate problems and conflicts, the strict formalism in enforcing the legalization, the difficulties in accessing informations, and the lack of communication in languages other than Polish.

The project realized from the Stefan Batory Foundation funds entered into our strategy of **KRK FF** (*Kraków Foreigners Friendly*). The superior goal of our organization is to enable foreigners to live in Krakow, make the work of the monitored institutions employees easier and improve the quality of communication.

Also, the long-term strategic objective of this monitoring is to **enable foreigners to live in Krakow**. Aiming at achieving such an objective is coherent to the Association's mission (to act for development of the open and inter-cultural society that has been implemented at the local level) in this case. In our opinion, respecting individual rights is a fundamental issue and diversity of its citizens should be treated as a potential, not as a threat. Foreigners, in particular those who have come to Poland recently, constitute the most helpless in dealing with the public administration, which offers the services they must use to legalize their stay in Poland. The same issues occur when dealing with the law enforcement agencies which control legality of stay.

Preliminary analysis of the foreigners' situation in Krakow has been prepared on the basis of information from the varied sources: association members' expertise, interviews with foreigners who live in Krakow (citizens of the EU and Third Countries Nationals), analysis of other reports.

On the basis of the information gathered we state that the fundamental problem of each foreigner, immediately after coming to Poland, is to **meet the administrative requirements** regulating their stay. Poland belongs to a group of countries with a high degree of complexity in its legalization procedures. Proceedings in these cases are characterized by low flexibility,

numerous restrictions and a final expiration date after which legalization is not possible. An unhelpful legal system overlaps with additional difficulties resulting from the lack of staff responsible for legalization and a lack of information in other than Polish languages.

Preliminary analysis has proved that **places of first contact with the city** are inconvenient. Train and coach stations, and using the Municipal Transport Company.

We believed that all necessary steps must be taken in order to improve the situation.

It has a great influence on negative opinions about our country, leads to frustration and strengthens xenophobic attitudes. It would be beneficial to make an effort to remove all obstacles which foreigners have to face and are often completely irrational. Another of our aims was to test how local government copes with immigration and how they manage problems.

Similar projects were carried out by the Association of Legal Intervention (Stowarzyszenie Interwencji Publicznej), and carried on in Lublin by the Homo Faber Association. Solutions developed by those organizations improved significantly the situation, the level of service and the level of beneficiaries satisfaction. It is acknowledged how important it is to take such research issues and we would like to transfer good practice created by other organizations into the Małopolska Region.

The monitoring has been planned in a systematic way to correspond with the process of legalization. Therefore it includes fundamental institutions, which take part in an administrative service for foreigners coming to Krakow. The research covered the Department of Administrative Affairs of the Krakow's Municipal Office (3 Units: the Municipal Office of Krakow Al. Powstania Warszawskiego 10, the Municipal Office of Krakow ul. Wielicka 28a, the Municipal Office of Krakow Os. Zgody 2) and the Foreigners' Affairs Unit of the Małopolska Provincial Office. Also local branches of the Social Insurance Company and the National Health Fund. Additionally, we examined places which had been defined as problematic and significant from the point of view of individuals coming to Krakow, i.e. train and coach stations. In compliance with the fact that quality of life depends on a sense of security we have decided to examine the work of Police officers, particularly those working on the main Market Square at Szeroka street. Finally, the last aspect concerning legalization was to examine the duties and powers of the Border Guards.

This report constitutes a critical summary of performed activities, at the same time putting forward proposals for positive changes in the functioning of examined institutions, as well as the law itself, in order to enable foreigners to assimilate.

1.2. Local background of the monitoring.

The city of Krakow, with a population of 900 000 people, the capital city of Malopolska and the biggest monocentric urban agglomeration in the south of Poland. The city is the main tourist attraction in this region, and possibly in the whole country. Krakow is a significant academic centre with 12 state institutions of higher education and numerous private colleges. Krakow is also an important transport hub, through which pass the roads to Warsaw and Vienna, Berlin to Lvov and Kiev. For this reason it has become a significant business centre. In the report "Top 50 Emerging Global Outsourcing Cities" published by the consulting company Tholons, Krakow was 4th in the world and 1st in East Central Europe as an attractive location for BPO companies (*Business Process Outsourcing*). Companies, such as Philip Morris, Motorola, Capgemini or Comarch employing foreigners have their seats in Krakow. City has also become a part of Knowledge and Innovation Communities of EIT (*European Institute of Innovation and Technology*), which will promote a constant exchange of scientific staff and the arrival of foreign students at universities.

Most of all, Krakow is the biggest foreign tourist centre in Poland. Every year it is visited by over 8 million tourists, over 2 million of them are from abroad (Tab.1.).

Table 1. Estimated number of guests visiting Krakow in years 2003-2010¹

Specification	2003	2004	2005	2006	2007	2008	2009	2010
Total number of visitors	5,500,000	6,400,000	7,100,000	7,500,000 + 500,000	8,060,000	7,450,000	7,300,000	8,150,000
Polish visitors	4,800,000	4,860,000	4,900,000	5,100,000 + 450,000	5,560,000	5,300,000	5,200,000	6,050,000
Foreign visitors	700,000	1,540,000	2,200,000	2,400,000 + 50,000	2,500,000	2,150,000	2,100,000	2,100,000

The socio-economic nature of Krakow makes it one of the main immigration centres, its authorities should be prepared factually and logistically to accept foreigners, providing them with professional services and safety. The fundamental measurement of service quality is the efficiency of procedures, the accessibility of offices and the accessibility of information.

¹ The number of foreign tourists in Krakow in years 2003-2010 (data taken from the project final report)

1.2.1. Foreign population in Malopolska Region.

Data provided by the Office for Foreigners shows **7071** foreigners own valid residence cards issued by the Malopolska province governor (20.02.2011). The largest ethnic groups which includes at least 100 representatives (in total 71% of the whole test) are composed of citizens from Ukraine, Russia, Vietnam, Belarus, the United States of America, Armenia, India, China, Kazakhstan and Turkey. The rest (2012 persons, 29%) come from 116 other states. The majority live on the basis of permits for settlement (54%) or residence permits for a defined period of time (42%). Only 4% of the total number of foreigners own residence permits for a long-term EC resident, and the number of people who own tolerated stay permits does not constitute 1% (21 persons).

Table 2. The most numerous ethnic groups in Malopolska

Total number of foreigners	7071	100%
1.UKRAINE	2422	34%
2.RUSSIA	586	8%
3.VIETNAM	431	6%
4.BELARUS	392	6%
5.THE USA	342	5%
6.ARMENIA	254	4%
7.INDIA	214	3%
8.CHINA	165	2%
9.KAZAHSTAN	152	2%
10.TURKEY	101	1%

The Department of Administrative Affairs only has information about people residing in the territory of the Krakow urban commune. In accordance with data on 15.07.2011 the following presents the number of foreigners with different permits residing in the territory of Krakow:

-permanent stay: 1575

-temporary stay over 3 months: 2911

-temporary stay until 3 months: 295

The majority of foreigners residing in Malopolska live in Krakow (4781, 68%).

2. An outline of legal regulations with respect to migration.

2.1. Description of the institutions responsible for immigration policy.

The migration movement is subject to administrative control at many levels, depending on the type of entitlement to enter into the Republic of Poland. In the outer extent it is exercised by the Polish diplomatic and consular agencies that are responsible for issuing visas, and granting permissions to enter into Poland. Border controls and legality of stay are exercised by the Border Guards, that is a militarized civil service established to control border movement. The Carpathian Unit of the Border Guards in Krakow with its seat in Nowy Sacz is responsible for exercising fundamental tasks in the territory of Małopolska. Within its structure the **Branch of the Carpathian Border Guards Unit in Krakow-Balice** operates in the city of Krakow. This mainly includes border control in the territory of the International Airport in Krakow- Balice and control of foreigners in Poland, what is held as their own task or ordered by the Małopolska province governor. The latter is the basic administrative link reviewing applications for visa and stay. The administrative service of this government office in the territory of the self-government unit of the territorial division of the country is executed by the Małopolska Provincial Office, and for foreigners' affairs it's specialized the Department of Nationals' and Foreigners' Affairs. In this Department there are employed specialists to support foreigners, who collect evidence, conduct administrative proceedings and prepare decisions, which are approved by the Manager of the Department on the basis of authorization granted by the province governor. An appeal body in relation to province governor's decision is the Manager of the Office for Foreigners, the central organ within the structure of the Ministry of the Interior and Administration with its seat in Warsaw. Due to the nature of an administrative proceeding concerning legalization of stay within the whole process the Department of Residence, the Department of Population Records and Identity Cards of the Department of Administrative Affairs for the city of Krakow also take part in such proceedings. In the city, three such units are operating, serving certain groups of districts: right-bank Krakow, left-bank Krakow, City Centre and Nowa Huta. Additionally, Branch of the National Health Fund in Małopolska and Branch of the Social Insurance Institution in Krakow are also associated with entering into health and social insurance contracts.

2.2 Procedures of legalization of stay.

We believe that describing procedures concerning legalization of stay is necessary, mainly because we want to present this process from the legal and institutional sides, but also to make the readers of this report aware of the complexity of Polish Immigration Law. The most crucial is the existence of many titles authorizing legal stays in Poland and the large variation of foreign groups who are subjected to different legal regimes. Three Acts are applicable for foreigners and two directly used EU directives, which is also not conducive to the currently existing regulations for foreigners, or for officials. It may cause offices to settle into a groove in accordance with common schemes which are not fully associated with legal regulations or may even be contrary.

2.2.1 Trip for tourist purposes.

Such trips may be held on the basis of a free-visa or visa movement. Free-visa movement includes all citizens of the EU member states as well as European Economic Area, and all countries with which Poland entered into appropriate agreements. The list of such countries is published on the website of the Ministry of Foreign Affairs. Citizens residing in border areas travelling within so called 'little border movement' are also exempt from the obligation of having a visa. They receive a special permit authorizing them to cross the border frequently and stay in the border area. Such a permit does not apply to persons coming to Krakow and to Malopolska Region because of their geographic location.

A tourist visa is issued for a stay in Poland; however the total time period within the validity of the visa cannot exceed three months. It can be a national or Schengen visa whereas the latter entitles to travel from the Polish territory to territory of other state which is a signatory of the free-border movement.

2.2.2 Entry and stay on the basis of a visa.

Persons obliged to own entitlements to enter into Poland have to have a visa before crossing the border. It can be a subsidiary visa, which is, after submitting the appropriate

application, changed into permanent a stay permit in Poland. A visa is issued by the diplomatic or consular agency and in some exceptions it can be issued by the Commander of the Border Guard Unit. A visa can be prolonged by the provincial governor; however it can be done only once. The total time period of stay with a visa cannot exceed three months. In some cases a visa can be issued for a longer period of stay when it is issued in order to work in Poland. There are two types of such visas: in order to work and in order to work for time period which does not exceed 6 months in the following 12 months, on the basis of the statement of the intention to appoint a foreigner to a post, registered in the District Employment Agency.

When a foreigner who crosses the border, he/she is obliged to own a visa and show it at the request of the authorized body (the officer of the Border Guards), financial resources which are sufficient to provide for himself/herself within the duration of stay and insurance covering costs of medical treatment in the amount of at least 30,000 EUR. It has also been decided that a foreigner is obliged to have minimum 100 zloty per day of stay, however not less than 300 zloty. The border is crossed on the basis of a travel document (passport), that expiry date exceeds 3 months before expiration of the validity of submitted visa, and it has also been issued within last ten years.

When a foreigner wants to prolong his/her stay in Poland he/she must, at least three days before the expiry date of stay indicated in a visa, submit an appropriate application to the provincial governor and at the same time prove that it is caused by important professional or personal business or humanitarian issues. Moreover, the circumstances of the case cannot reveal that the purpose of foreigners stay in Poland is going to be different than the declared one. There cannot be any circumstances that justify the refusal to issue a visa.

Adopted solution shall be considered as restrictive and basically unnecessary. It shall also be noticed that foreigners, in particular tourists, decide to prolong stay spontaneously, on the basis of circumstances which occurred within their stay, thus it will be difficult to show factors concerning lack of dependence on their own will, factors concerning the lack of possibility of predicting such situation, not mention about important personal business. The nature of adopted solution shows that migration movement including tourist movement is treated as a threat against which we shall protect ourselves, and not in categories of openness and chance to improve social capital. Implementation of such barriers does not have any rational explanation if one take into consideration that the period of prolonged (and only once) stay will not exceed the period of 6 months or a year in the event of work visas.

2.2.3. Entrance and stay on the basis of free-visa movement.

This affects citizens of EU member states, European Economic Area, the Swiss Confederation and all countries that Poland has made suitable agreements with. This entrance is possible on the basis of travel document and in the event of EU citizens on the basis of any other document proving identity and nationality. The EU citizens can stay in the territory of Poland for three months from the date of entrance without necessity of observing any conditions of stay. The stay for a longer period requires at least having health insurance and financial resources allowing to live without social welfare. It is also required to register such a stay in the provincial office. After 5 years of a registered stay the EU citizen is entitled to permanent stay. After fulfilling factors defined by the Act it is possible to obtain permanent permit earlier. However, those circumstances are marginal and we do not describe them in this report.

2.2.4. Temporary residence in Poland of foreigners who are not EU citizens.

All foreigners who are going to stay in Poland for a time period longer than 3 months have to obtain a temporary residence permit.

Procedure for such permit belongs to the most complicated and the most problematic, not only from the foreigners point of view, but also from provincial offices point of view. The law is unclear and regulations concerning certain institutions or legalization basis included in different, very often systematically separate regulations, and even in various Acts. Therefore, it seems that from point of view of adjusting offices for foreigners' needs a crucial issue shall be connected with full access to information, as well as kind and open attitude of people conducting proceedings.

In Poland foreigners can obtain a temporary residence permit if they:

- Obtain a work permit or a declaration of employment;

A work permit is required from every foreigner except UE citizens unless certain agreements or regulations imposing restrictions, and except persons who have been granted refugee status, complementary protection, temporary or tolerated stay in Poland, own a settlement permit or residence permit in Poland for European Communities residents, is the EEA citizen or other state, which pursuant to agreements with the EU is included in the area of free movement or belongs to family of people mentioned above and fulfill conditions determined in the Act. What is more, scientist, students, people who have any relationships with Polish citizens or foreigners who live in Poland permanently, people who continues their residence after breaking the family relationships, people who own Polish Charter (Karta Polaka), residents of the EC in other countries do not have to own permit. Persons applying for granting the refugee

status can work without a permit if the decision has not been issued within 6 months from the date of submitting the application. A residence permit can be issued after issuing the work permit or promissory note of such permit by a provincial governor. The procedure of issuing a work permit is covered by certain rigors mainly by protecting internal markets what makes the process of employing people outside the EU more difficult. An additional factor discouraging from employing foreigners is a great number of documents that has to be presented by the employer together with an application, the fact that permission concerns certain employer and certain time of employment and necessity of waiting for examination of local market needs by the district governor. In the light of principles of the monitoring such obstacles are impossible to eliminate. However, the improvement of the office work may minimize negative influence of such regulations in the process of employing foreigners.

- Run business activities in Poland for the benefit of the national economy promoting growth of investments, transfer of technology, implement profitable innovations or create new work places;
- Continue an artistic activity by a person of recognized achievements;
- Take part in vocational trainings within EU programmes;
- Have family relationships (stipulated by the Act) with people having a permanent residence permit, or with migrating employee and going to accompany those persons;
- Are married to a Polish citizen;
- A minor without custody who was born in Poland;
- Are a victim of human trafficking, if they have cooperated with law enforcement agencies;
- Study;
- scientists staying in order to conduct scientific research;
- Are Turkish citizens and have entitlements to work in Poland.

It is significant that applicant **can be granted a temporary residence permit only if he/she stays in the territory of the Republic of Poland legally**. At the time of losing basis to stay in Poland legally there is lack of possibility to grant said permit.

It shall be added that such legal regulation is extremely restrictive what with combined with not very clear law and numerous final dates included in it and concerning among others final date of submitting applications, or completing documentation causes danger of loss by foreigners the status of legal residence within duration of administrative proceedings. It seems that the role of administration is to prevent any situation like those mentioned hereabout through providing foreigners not only full information related to the rules of proceedings but also by emphasizing issues related to attending to formalities necessary to

legalize their residence in such formation of the immigration law regulations. The Act also includes other regulations impeding migration movement. The definition of family is restricted to the relatives in a straight line and in addition only to the first-degree kinship and to spouses in relationships accepted by the Polish Law. In this meaning it is against the meaning of family life determined by art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (referred to as ECHR- European Convention on Human Rights) and Convention of the Rights of Child (referred to as CRC).

Persons who have been granted a tolerated stay permit cannot legalize their stay.

They have to stay in Poland for ten years in quite restrictive legal regime and without possibility to travel. If the main reason of regulations in relation to foreigners' stay in Poland is their integration, such regulation is not conducive to achieve it. It shall be also mentioned that factors for granting a permit for tolerated stay have to be considered in every case, in which the authority conducting proceeding intends to issue a negative decision. Grounds for granting such permits are humanitarian issues and are combined with the possibility of infringing foreigner's rights defined in art. 2-8 of the ECHR of rights of child defined in CRC by his/her state of origin. Thus, the office shall have effective and efficient mechanism of determining such factors.

A proceeding is conducted in Polish. Its basis is to submit an appropriate application which shall be filled in Polish. However the application itself has instruction and in two languages: English or French. Apart from the application with stamp duty payment confirmation, specific documents shall be attached.

For all categories of residence, applicant shall attach certification of the address , which shall be effected by the apartment's owner, and is leased by the foreigner to the Department of Population Records for the city of Krakow. A contract of lending for use cannot be a legal title to apartment unless lenders are relatives in lineal or collateral in the first degree of kinship; spouse or his/her parents.

A foreigner is obliged to have health insurance (unless he/she is insured by his/her spouse) and financial resources necessary to live for the period of his/her stay and persons dependant. The amount of health insurance is determined by the appropriate regulation and its limit has been defined at the amount of so called minimum subsistence level.

In contrary to Polish citizens income which the foreigner shall have is calculated as a net income after deducting costs of residence. It causes that the financial resources which a foreigner is obliged to have substantially exceeds minimum subsistence level what seems to be unjustified discrimination.

The proof of having health certificate by a foreigner is issued by a branch of the

National Health Fund, but prior to entrance to Republic of Poland, the foreigner makes the agreement with a private insurance company. The insurance is registered in a branch of the Social Insurance Company on the appropriate form (ZUS ZZA).

Financial resources can be documented by a certificate issued by a bank, by using a credit card, a certificate of earnings or in any other way, for example by showing cash.

The applicant is not party in to proceedings concerning issuing the permit. Issuing of a work permit is possible only after completing 'labour market test'. Moreover, the employer has to attach registration and financial documents, and pay for granting such a permit. The employer has to adjust the content of the employment agreement and other duties statutory required.

Procedure connected with running business is as complicated as the previous one, however in this case the applicant is obliged to submit all required documentation to the office.

Basically, there is lack of uniform and close list of documents which may be required from foreigner by the authority conducting the proceeding in order to prove circumstances which are grounds for application for permit; therefore officials are equipped with a great amount of administrative discretion. In this context, it is important that those officials use their entitlements thoughtfully and required only those documents that are really necessary to be well informed about personal situation of a foreigner.

Granting a foreigner a temporary residence permit on the basis of contraction of marriage, the authority is entitled to confirm the authenticity of such marriage.

Confirmation the authenticity of marriage takes place on the basis of excluding factors which can indicate that the marriage was not made for appearances. Those factors are determined by the Act and concern circumstances such as: acceptance financial benefits by one spouse unless it is resulted from cultural traditions; not fulfillment of legal responsibilities resulting from marriage, spouses do not live together, lack of personal contact before marriage, problems with communication, disagreement over the personal particulars and other material circumstances which are applied to them, previous marriages for appearances. The necessity of establishing such factors causes that spouses are put through humiliating and violating private sphere examination for the fact of cohabitation. Additionally, such proceeding is made many times (at every prolongation of permit), what raises the question about the point of such institution. For sure, the law as it stands shall be modified, and the procedure of examination shall be used only when, from other evidence, there is a possibility that that the marriage has been made for appearances.

In the event of granting a foreigner permission the authority may require a certificate from the Inland Revenue for evidence of fulfilling duties towards the State.

In the event when the applicant has not attached all documents to the application,

he/she will be summoned in writing to complete documentation in 7 days, under the pain of rejection. The applicant has to answer this letter even if collecting all required documents is impossible. In such a situation relevant explanation must be filed. In every proceeding the authority summoned the applicant to appear in person. The office may order a community interview which is effected by the Border Guards in the applicants residence or work.

An application for a new visa must be submitted at least 45 days prior to the expiry of a document on the basis of which a foreigner may stay in Poland. If a foreigner neglects such a deadline and the proceeding will not finish before the expiry date of the previous visa, the applicant shall leave Poland or the EU if he/she does not have any entitlements to stay.

2.2.5. Stay on the basis of a settlement permit.

This is a permanent residence, and affects only a specific category of people. It applies to spouses of Polish citizens, children of such citizens who stays under his/her parental authority, or children of foreigners who have settled in Poland. Refugees may also be granted such a permit, as well as those under complementary protection. A feature of a settlement permit is the duty of uninterrupted stay in Poland for a determined period of time. For spouses such periods are short, it amounts 2 years provided that the marriage lasts 3 years. Long periods of time concerns people protected by international law. It is a period of 5 years for refugees and people with complementary protection and a period of ten years for people who have been granted a tolerated stay permit.

It also shall be mentioned that tolerated stay is a protected institution assuring stay for a person whose country of origin cannot provide protection of basic rights and human freedoms. It is a humanitarian stay, whereas Polish lawmaker treats such permit for the stay as a punishment. In our opinion, the system of accepting people on this legal basis leads to open and unjustified discrimination of such people, which resulted among others in lack of possibility to travel and leaving the territory of the Republic of Poland for a period of ten years. In the prepared amendments to law (guidelines of a new act on foreigners) to these requirements lawmakers are going to add a duty to stay in the place of residence, report of every change of place and report in the provincial office in the specified periods of time. Such requirements approach the regime of function within the institution of tolerated stay with the regime of executing the penalty of restriction of liberty. However, time period of the latter is limited to maximum 24 months, whereas minimum time period for the stay on the basis of permission for tolerated stay amounts to 120 months.

The repeating of the procedure examining the authenticity of marriage in the event of intermarriages, is a surprising solution in relation to granting a settlement permit.

2.2.6. Stay for a long term resident of the European Community.

A stay for an EU resident is a typical case of permanent residence and its character is unified in all European Union states. It is granted to every foreigner who stays in the territory of the Republic of Poland for a period of at least five years and fulfills the conditions of integration. Such conditions include having a stable source of income and health insurance. Students and persons who are on vocational trainings, persons looking for protection or those who are protected, temporary and seasonal employers, foreigners in prisons, foreigners who own humanitarian visa or permission for definite time residence as victims of human trafficking, are excluded from the possibility of obtaining residence permit.

Students and people on vocational trainings are discriminated by the regulations in relation to permanent residence. There is no point to look for causes of such solutions. They are not only excluded from entitlement to be granted permanent residence permit but also only half of their stay relating to their studies or vocational training is recognized to the period necessary to obtain permanent residence. It seems that holding in Poland people who have been educated here, with benefits for the social capital of our country does not belong to priorities of Polish authorities what is believed to be a great mistake.

Permission is granted to the application filed on a special form. An applicant shall attach documents proving legal title to an apartment to this form. The list of documents necessary to legalize such forms is not closed. The authority conducting decides which documents are necessary.

2. Stay documents.

Each applicant staying within Poland shall prove his/her identity by visa and a valid residence card for the basis of which he/she stays legally in Poland. This card is subject to periodical exchange. If a foreigner losses the card he/she has to immediately (within 3 days) notify the authority, police and provincial office. Apart from a residence card, a foreigner shall hold valid travel documents in the event of control. The law in certain situations predicts a possibility to issue a Polish travel document for an applicant. However, it applies only to

applicants who stay in Poland permanently or who use different forms of protection, apart from tolerated stay.

2.4. Examination of foreigners' legality to stay in Poland

It is conducted on the basis of Act on Foreigners, Act on the Border Guard and executive regulations to these acts. Foreigners may be controlled in every situation and in any place . The primary authority performing the control is competent for the Border Guards. In case of Krakow it is Carpathian Branch of the Border Guards Unit with its seat in Nowy Sacz, by the Border Guards office in the International Airport in Balice. The control may also be conducted by the Manager of the Office for Foreigners and Małopolska province governor. In a limited scope, such control may be conducted by the Border Guards pursuant to control plans by at least two officers. They shall inform of the object and scope of conducted control. If necessary they shall appoint a translator. The scope of control includes: summon to present documents entitling to stay or work in Poland, running a business activity, having financial resources which are sufficient to provide for himself/herself. An appropriate regulation determines precisely which documents prove certain entitlements. The Border Guards officers and police officers are also authorised to take foreigners fingerprints, in particular to verify the authenticity of the Schengen visa.

A control which proves legality of stay is finished by making a note, and in the event of lack of legal basis for stay a foreigner is detained until investigated. The protocol is also made from the detention activity. Activities connected with detention shall be finished within 48 hours from time of detention until releasing a foreigner or filing application to the court for placing a foreigner in a guarded facility. The authority that detained a foreigner shall file an application for deportation.

2.5. Deportation from Poland

An applicant may be deported from Poland in any situation in which he/she stays illegally. The basis for deportation may also concern:

- illegal work or running businesses violating the regulations effective in Poland;
- non fulfilment of tax obligations and lack of finance resources for stay or information of reliable source of their obtaining;

- those whose data are on the list of foreigners whose residence on the territory of the Republic of Poland is undesirable
- those whose stay would pose a threat to the defence or safety of Poland, to protection of public order or would infringe the interest of Poland;
- those who have crossed the border or have been trying to cross the border violating the regulations
- those who have not complied with the decision on leaving territory of the Republic of Poland;
- those who have received negative decisions in legalization proceedings;
- people who finished serving sentence for voluntary offence or for fiscal offence, or have been sentenced by a valid court decision for imprisonment which is executed;
- those who have infringed rules determined by crossing of the borders within little border movement.

To the scope of negative factors belongs: incohesion of the Act resulting from the fact that in the event of persons protected pursuant to art. 8 of ECHR (family life) and entitlements to obtaining permission for a tolerated stay, factors concerning threats to safety and order are not examined as it is used in the event of marriages.

decision of deportation is usually ordered forthwith and is executed under the administrative duress. A person who received such a decision may be detained for the period necessary to implement such decision, for period which does not exceed 12 months. During this time he/she is placed in a guarded facility for foreigners (the nearest is in Przemyśl) or in prison. The cost of deportation shall be incurred by the foreigner; however, temporarily costs are incurred by the Treasury. A foreigner may also be escorted to the border promptly if he/she holds a valid travel document. If there is a possibility that a foreigner will not leave the country voluntarily, instead of decision on deportation, competent commander of the Border Guard or commander of the Police station shall issue a decision to oblige a foreigner to leave the Republic of Poland.

Factors for granting permission for tolerated stay includes the anxiety for infringing the European Convention on Human Rights and Fundamental Freedoms by the state of the territory of which a foreigner stays in a situation of implementing decision on deportation. It mainly regards to right to live, freedom from tortures and inhumane treatment, freedom from slavery work, freedom to personal safety, liable trial, and freedom from being sentenced without legal basis and to keep family life, as well as protection of children's

rights provided in the Convention of Rights of Child. Obtaining permission for a tolerated stay is the only possibility to obtain a right to stay by a person who stays illegally. The scope of factors entitling to obtaining such right to stay does not run out the scope of problem which foreigners; who have lost the right to legal stay; have to face with. Hence, it is commonly postulated to implement/introduce abolition for illegal immigrants. Such abolition is an imperfect solution because it does not resolve a problem of illegal immigration but in an imperfect manner it reduces its size at the most. Thus, it seems that there shall exist some solution in law which would allow to; under certain circumstances; legalize the foreigner's stay independently from the fact of illegal stay. It is important that factors would be constructed in the way to comply with the fact of foreigner's fault or its lack in the issue of the status.

3. Assessment of Krakow institutions in terms of adjustment to foreigners' needs.

3.1 General operational objectives of research.

The assessment of research institutions and places has been made to examine adjustment of services provided for foreigners in Krakow. On the basis of preliminary research we have distinguished two areas of focus.

On the basis of preliminary diagnosis of a situation we have distinguished areas potentially the most problematic for foreigners. It was the **path of proceeding within the legalization process, using places of the first contact** with the city – train and coach stations and **using public transport**. We have decided to include in monitoring activities 9 institutions, the Foreigners' Affairs Unit of Małopolska Provincial Office, the Municipal Office of Krakow, the Social Insurance Company, Police, Border Guards, Polish State Railways (PKP), the Regional Bus Station in Krakow and the Municipal Transport Company (MPK). The Association members and people involved in the project have not been associated with any of the mentioned institutions. We have formulated the following operational objectives for the monitoring:

1.To guarantee access to information within two main areas from the point of view of functioning in the city:

- a. administrative and legal requirements regulating stay in Poland
- b. using the most problematic points of first contact in the urban space and mass public transport. The International Airport in Balice has been excluded from the monitoring

analysis because there were no reported problems in this place and there was quite unanimous opinion that the airport is prepared properly for foreign customers needs.

2.To guarantee simplifications within the procedure of legalization of stay in Poland – implementing facilitations in the procedure within current regulations and to guarantee the possibility of fulfilling the administrative requirements regulating a stay in Poland.

3.To guarantee foreigners rights while he/she is in touch with public administration and legal services, in particular by reducing the bureaucracy.

On the basis of these objectives we have formulated our research questions. We have decided to check where foreigners derive information on procedures in relation to legalization of stay, what is the access to such information, in what extent offices and employees are adjusted to the needs of people who do not have a good command of the Polish. Also, accessibility of markings, instruction of filling in official forms and the form itself in language other than Polish. We also wanted to find out whether the path to legalize stay (in the light of legal regulations and administrative proceedings) is coherent with reality, i.e. existence of the bureaucratic barriers, service offered to the foreigners, in what way the procedures which are characterized by a large sphere of discretion are implemented.

Also, we decided to observe the functioning of monitored entities in terms of contact with a foreigner, from the employees point of view. We were interested in the problems which they have to face while in contact with foreigners, what are their working conditions, how are they prepared to work with foreign customers. We believe that if we do not take into consideration that perspective our research will be incomplete and it will be difficult to identify the reasons for problems.

For the duration of the project we have been analysing the law. Upon examination of the “Project of changes to the Act on Foreigners” published on the websites of the Office for Foreigners we have sent to the Ministry of Internal Affairs and Administration our remarks. The comment to those amendments prepared by our Association is available in Polish on our website: <http://interkulturalni.interhead.info/Kosultacje-spoleczne---zalozenia-do-nowej-ustawy-o-cudzoziemcach-73.html>.

3.2. Monitoring methodology.

In order to explore the functioning of chosen the institutions, we have used various research techniques – collecting objective data, evaluate the premises – space, websites analyses, poll research and in- depth interview of foreigners and employees of the particular institution, mystery customer research. Techniques varied depending on the object of study. A table presented below presents what techniques of collecting information have been used to gain data on particular institutions and places. In the text below there is their description.

Table 3. Monitoring techniques

Monitoring techniques	Foreigners' Affairs Unit	Municipal Office	1) NHF	2) SIC	Border Guards	Police	3) MTC	4) RBS	5) PSR
statistical data	X	X	X	X	X	X	X	X	X
place evaluation	X	X	X	X			X	X	X
websites analysis	X	X	X	X			X	X	X
surveys- foreigners	X	X	X	X	X	X			
interviews- foreigners	X	X	X	X	X	X	X	X	X
mysterious customer research	X	X	X	X			X	X	X
surveys- employees	X								
interviews- employees	X						X	X	X

- 1)
NHF – National Health Fund (NFZ)
- 2)
SIC – Social Insurance Company (ZUS)
- 3)
MTC – Municipal Transport Company (MPK)
- 4)
RCS – the Regional Bus Station (RDA)
- 5)
PSR – Polish State Railways (PKP)

3.2.1. Statistical data.

In every monitored entity we have collected statistical data presenting its functioning in terms of contact with foreigners. We have also asked for suitable data at meetings, directed questions to institutions, collected data from their websites. In many cases statistics which we were interested in had never been made.

3.2.2. Place evaluation.

As the 'place evaluation' we understand examining adjustment of public space to foreigners needs. Such evaluation has been conducted by the Association employees who visited selected institutions, collected photographic documentation and saved data on previously prepared observation sheets. They have also put attention on space or buildings designation, information in language other than Polish at the entrances, information boards, queue machines. One of our intentions was to check whether the employees of the institutions dealing with the foreigners declares the possibility to use any foreign language.

9 analyses have been made in total.

3.2.3. Websites analysis.

Websites of chosen institutions have been analysed in terms of availability of information in foreign language, compatibility of different language version and informative content (whether is it understandable, and the given information is full). Additionally, we checked if it is possible to download documents as the edited file, if there are samples to fill in and if there are certain activities to be done electronically (submit documents, purchase tickets). The websites analysis has been conducted by the Association employees who speak English or Spanish fluently. Volunteers helped to check the compatibility of various language versions. Within duration of creating the analysis sheet we based on the survey which we received from The Homo Faber Association, used with the project "Open Lublin – monitoring."

3.2.4. Survey – foreigners.

We have conducted surveys in order to find out foreigners opinion on the process of legalization of stay, as well as the functioning of the institutions involved in this process in Malopolska (survey no. 1; Appendix II) and contacts with Border Guards and Police (survey no. 2, Appendix III). Each survey was available in different language versions (Polish, Russian and English). In the process of creating instruments we have used Association's of Legal Intervention survey "Friendly Office. Evaluation of functioning of the Foreigners' Affairs Unit in Malopolska Provincial Office."²

² Klaus W. (ed.) *Przyjazny Urząd. [Friendly Office]. Evaluation of functioning of the of Foreigners' Affairs Unit in*

The survey has been conducted by volunteers who were previously trained. They got to a target group in various ways, that the conducted test would be the most representative for the researched group. The half of surveys has been conducted among foreigners visiting the Foreigners Affairs Unit (directly after visit in the Office or when they have been waiting in a queue) at different hours, at different days. The remaining surveys have been conducted in places attended by foreigners (restaurants, the Armenian school, dorms) or among foreigners with whom volunteers worked or studied.

They were asked to fill in the survey concerning the process of legalization of stay and functioning of the offices they have to deal with in Malopolska. Those who dealt with Police and the Border Guards completed the second survey. It was emphasized, that in case of the Border Guards it does not concern the standard passport control but control of legality of stay. The first question in this survey additionally verified that fact. Foreigners, who have declared to take part in the survey at other time, filled up an on-line form of the survey.

Data concerning the process of legalization of stay and institutions involved in it has been collected from **94 people**. Immigrants from Vietnam constituted the under-represented group, even though they are the third largest group in Malopolska (6% of the total foreigners population). Getting through to the respondents from that country was especially difficult because of the language problems and possible cultural differences. The survey about the Police and Border Guards has been filled in by **41 persons**. Some of them described the contact only during the passport control, what is not covered under the survey. For further analysis, data collected from **10 people** were taken into account (contact with the Border Guards) and from **21 persons** (contact with Police).

Collecting quantitative data on control of legality made by the Border Guards was quite problematic. Answers collected from 10 persons will be treated as a qualitative data. We also paid attention to the fact that over $\frac{1}{5}$ of foreigners who agreed to take part in the survey dealt with Police.

3.2.5. In-depth interviews – foreigners.

In-depth interviews were conducted by previously trained volunteers, students of social sciences – psychology and sociology. Questions were focused on issues brought up in different surveys, additionally expanding the part connected with the Administrative Department of the

Municipal Office, the National Health Service and the Social Insurance Company. Respondents also answer questions on using the Polish State Railways services, the Regional Bus Station in Krakow and the Municipal Transport Company.

In-depth interviews about contact with institutions included in monitoring were conducted with 12 persons (6 women and 6 men). Respondents were coming from Belarus, Italy, France, Great Britain, Greece, Brazil, Colombia, Venezuela, Nigeria and Jamaica.. For the six of them the main reason to come to Poland was work related, three of them came to study, two of them came to live here, and one of them came to Poland because of marriage. All respondents finished higher education. They were interviewed in the Polish and English language.

3.2.6. Mysterious client survey.

The mysterious customer survey was conducted at the end of June and at the beginning of July 2011. All institutions covered by the monitoring excluding the Border Guards and Police have been taken into account in that survey. Foreigners living in Krakow were engaged to take part in the survey by responding to the advert published on one of the web portals. Respondents came from Portugal (1 person), Spain (2 persons) and from Poland (1 person). The survey was conducted in English.

The survey was consisted on the visit of “the mysterious client” in particular offices and to receive information concerning the procedure suitable for each of them. “Mysterious clients” have received scenarios of visits and questionnaires to fill in after such visit. Apart from visits, respondents also made phone calls to institutions. They called once to the Municipal Office, the Foreigners’ Affairs Unit of Małopolska Provincial Office, the Social Insurance Company and the National Health Fund.

3.2.7. Survey – employees.

Using this technique we collected data from employees of the Foreigners Affairs Unit. In this office works 25 persons. The survey is attached in the Annex IV. As it may be seen there were relatively many open questions. The content was consulted with delegated employee of

the Unit to verify whether those questions are understandable and concern the most important areas of the functioning of the office. Employee distributed the survey among all employees of the Unit. In such way we collected data from **9 persons**.

3.2.8. In-depth interviews – employees.

The Association members conducted in total 28 in-depth interviews with employees of monitored entities. We examined employees of the Foreigners' Affairs Unit (5 persons), the Municipal Transport Company (4 persons), the Regional Bus Station (3 persons), the Polish State Railways Intercity S.A (9 persons), the Polish State Railways Regional Transport (5 persons), the Police Department (2 persons).

Additionally, the Association members conducted less structural interviews with representatives of a branch of the Social Insurance Company, and National Health Fund in Małopolska – the Manager of the Social Insurance Company in Krakow, the Supervisor of the Customer Service, and Manager of the Department of Beneficiaries Issues in the National Health Fund and with the employee dealt with voluntary health insurances (foreigners use such insurances). Collected information was considered as sufficient, thus more interviews with employees were not conducted.

Due to the lack of consent of some institutions we could not interviewed employees of the Department for Administrative Affairs of the Municipal Office of Krakow and officers of the Border Guards.

4. Foreigners' Affairs Unit of the Malopolska Provincial Office.

4.1. General information.

The number of administrative decisions on legalization of foreigners stay issued in the Unit in Krakow amounts over 3,000 annually (source: information received from the Office for Foreigners). In this institution works 25 employees. In respect to previous years the employment is lower (2008 – 26 persons, 2009 – 26 persons, 2010 – 27 persons, source: information provided by the Human Resources and Payroll Department of the Malopolska Provincial Office).

Table 4. The number of administrative decisions on legalization of the immigrants stay issued by the Malopolska Province Governor.

The number of issued decisions	2008	2009	2010
Total	3192	3523	3089
Positive	2882	3148	2707
Negative	72	168	130
Discontinued	238	207	252

The number of complaints lodged by the customers of the Unit in recent years is between 2 and 3 annually (2008 – 3 complaints, 2009 – 2 complaints, 2010 – 3 complaints, 2011 – 2 complaints; source: information provided by the Foreigners' Affairs Unit). Only in one case the complaint has been reviewed positively.

Little percentage of complaints suggests that foreigners do not know about existence of such legal instrument. It is disturbing because the only measure of implementation of the task: "16.5. The foreigners' service and migration movements" by the Malopolska Province Governor in 2010, is the relation of justified complaint made against functioning of the office to general number of the reviewed cases (source: BIP of the Malopolska Provincial Office in Krakow).

4.2. Place evaluation.

Foreigners' Affairs Unit of Malopolska Provincial Office is located in Grzegórzki district at Przy Rondzie 6. The Unit is situated in a multi-story building which is the principal office,

among others, the Department of Nationals' and Foreigners' Affairs.

At the entrance there is the national emblem and red board with names of the province, municipal units located in the building and information on Malopolska Provincial Office in Krakow the Department of Nationals' and Foreigners' Affairs. There is no designations or information in language other than Polish.

A foreigners' affairs room is separated from the rest of the building space by transparent wall with blinds and doors. There is also a caption "OBSŁUGA CUDZOZIEMCÓW, FOREIGNER'S AFFAIRS" and opening hours. The caption "Foreigner's Affairs" is the only one written in English in the whole office. Interrogation rooms are not separate, soundproof rooms but rather cubicles separated by the partition walls, which are lower by about a meter than the total height of the room.

There are no forms or instructions how to fill in those forms. The only available leaflets are those published by the Institute for the Legal State within the programme "Immigration of Foreigners in Lublin" including information in English on health care and health insurance (2 remaining leaflets).

Dwelling conditions of the Unit may be assessed as unsatisfactory. Especially striking is lack of soundproof rooms for interrogations. After all interviewed customers by officials have to answer questions concerning their private life. Lack of privacy is unacceptable. It is curious that people who have decided about transferring the Unit to this location had not taken such aspect into account. The most significant drawback of this place is lack of separated information point. Foreigners who come to the Unit for the first time very often do not know what they have to do and they just stand in a queue and wait. For most of them the basic source of information is the official at the counter. Currently, employees working in the foreigners' affairs room apart from providing information do many other activities as it was defined by one interviewed person who also works in the Unit: "Everything what happens in the Unit go through the counter". Additionally, boards and free space on the walls also may be used to provide information in other languages than in Polish.

4.3. Websites analysis.

[\(http://www.malopolska.uw.gov.pl/\)](http://www.malopolska.uw.gov.pl/)

Foreigners' Affairs Unit does not have a dedicated website. Information for foreigners and about the Unit itself may be found on the general website of the Malopolska Provincial Office. This website is in three language versions – English, French and Russian. However, only content from bookmark "Dla cudzoziemcow" /"For Foreigners"/ (home page, menu on the left

hand side) is available in those three languages. When the user chooses browsing the websites in foreign language he/she is automatically transferred to information for foreigners. There is not an option to switch between different language versions so that the content would remain the same. The scope of a described content in the event of different languages is similar. All terms are translated and in other language versions there are not any Polish equivalents in brackets.

Available information is grouped in the following categories:

-Places of foreigners' service in Malopolska:

There are enumerated the following Units: Foreigners Affairs Unit in Krakow as well as Branch Offices in Tarnow and in Nowy Sacz. On the website there are also addresses of such units, phone numbers, opening hours and the range of issues that can be done there. General e-mail address is available only for the unit in Krakow.

Then there are enumerated the following categories concerning the basis of particular types of legalization:

- Residence permits for EU nationals;
- Visa prolongation;
- Granting of settlement permits in Poland;
- Residence permit for a long-term EC resident;
- Residence permit for a fixed period;
- Registration of invitations for foreigners;
- Acquisition of permanent residence by EU nationals;
- Work permit for foreigner's work in Poland.

In those categories there is included basic information, contact with the office (address, phone number, email do the Unit Manager), information whom concerns certain type of legalization of stay, list of required documents, hours when the fee may be paid if it is required and where, legal basis of the procedure, appeal procedure and additional information. Foreigners may also download application form in pdf format from the website. Information is up-to-date. Any amendments in requirements, for example, concerning photos attached to the applications (from February 2011) are emphasized – marked in red and placed at the top of the page.

The branch designated to foreigner services does not have its separate website adjusted to this particular group. Customers have to use the general website the Malopolska Provincial Office to get to necessary information. The advantage of this website is the existence of that there is bookmark "For Foreigners", with other than polish language version.

The website created for the Foreigners Affairs Unit may be compendium of the knowledge for foreigners living in Małopolska and in a significant degree it may help foreigners to be informed about administrative requirements which are often unclear. However, the website shall be rebuilt existing website and displayed more clearly.

In surveys conducted among customers of the Unit which are mentioned hereunder, over half of the respondents emphasized that they use this website as a source of information (58% of respondents, 94 persons). Thus, its modification and adjustment to foreigners' needs is necessary. Information published on the website are translated as it is described in the Act, i.e. not very clear, formulated in a difficult, legal language which makes difficult to understand such information.

The website of the Małopolska Provincial Office itself includes a lot of useful information. The advantage of such website is the possibility to download the application form. Unfortunately, it is available only in the unedited version. It would be recommended to publish such form to edit (for example as a Microsoft Office Word file) and to publish sample form and instruction how to fill in it in different languages. One respondent also pointed that there are "confusing deadlines in different language versions." The good solution would be to leave Polish equivalents in the event of specialized terms, for example, "... have the obligation to obtain a residence card (karta pobytu)."

On the website there is not information concerning the path of proceeding, i.e. description of the procedure "step by step." Applicants may read that they are required to present certificate confirming that they performed the duty to report a place of residence but there is no information how and where they shall obtain it. In the event of Krakow it is one of the three branches of the Administrative Department of the Municipal Office of Krakow and each of them is competent for different place of foreigners residence. It is necessary to inform about this and publish what district belongs to certain branch. What is more, on the website there shall be link to the website of certain offices, information how to get there, list of required documents and forms to edit which may be downloaded. Similarly, foreigners are required to present "a document confirming having the health insurance pursuant to regulations on benefits of the medical care financed by public funds or confirmation of coverage of the costs of medical treatment by the insurer in the territory of the Republic of Poland." They may also insure themselves or in the National Health Fund, suitable certificate is issued by another office – the Social Insurance Company. Analogical amendments to those shown hereinabove shall also be implemented. The Office shall notify foreigners of the way of

obtaining work permit, where and how they may obtain suitable certificates from the Inland Revenue, the National Criminal Register or the Births, Marriages and Deaths Office.

The best solution would be to implement the possibility of filling the application in and submit it together with the required documents in the electronic form. The possibility to check the status of the settlement of the certain case via the Internet would be also very useful. However, it would require upgrading the Office and the significant funds.

4.4. Survey – foreigner.

Survey investigating the foreigners’ opinion on legalization of stay and functioning of the offices in Małopolska including the Foreigners’ Affairs Unit was distributed by previously trained volunteers. The instrument was available in **three language versions** (Polish, Russian and English). Volunteers used different methods to get to the target group – they asked foreigners coming to the Foreigners Affairs’ Unit for taking part in the survey, they visited places attended by the foreigners (restaurants, the Armenian school etc.) or distributed surveys among their foreign friends. At least half of the surveys was conducted among clients of the Foreigners’ Affairs Unit. Such methods aimed at getting to the most representative test of foreigners’ population.

Test:

94 people - 45 men and 48 women (one person did not mark the box “sex”) have taken part in the survey. Mostly, they were **young people** (Table 5.) and **well educated**. The average age is 26 years (SD=7) and almost all respondents have higher education diploma (54%) or secondary education diploma (44%). Only 2% finished only primary school.

Table 5. Respondents’ age

Years of age	%
to 25 years	65%
25 - 30	17%
30 - 35	7%
35 - 40	7%
40 - 45	3%
over 45	1%

The most represented group constituted the group of Ukrainians, then Belarusian, Kazakhs, Russian and Armenians. The rest of respondents come from 24 other countries. It presents the structure of the foreigners' population in Malopolska with one exception. Under-represented group was the group of Vietnamese nationals who have not taken part in the survey and they constitute 6% of the whole population of foreigners in this region. A table presented below shows percentage contribution of the citizens coming from particular states.

Table 6. Respondents' country of origin

Country of origin	%
Ukraine	29%
Belarus	13%
Kazakhstan	9%
Russia	6%
Armenia	5%
Other (24 countries)	38%

Most respondents are people who have come to Poland **in recent 5 years** (81%, details presented in Table 7). Most part of the test has a good command of the Polish language. Respondents having choice between 3 language versions in half cases chose the Polish one. The Russian version was filled in by the 30% of respondents and the English one by 20% of them.

Table 7. Year of starting legalization of stay

Year of starting legalization of stay	%
2011 – 2010	31%
2009 – 2008	30%
2007 – 2006	20%
2005 – 2004	3%
before 2004	9%
no data	7%

* 2004 may be recognized as a limit date prior to implementing a new Foreigners Act.

For most of our respondents the main aim was to **study** in Poland (63%), every fifth respondent came to **work** (22%) and 17% have a wife or husband in Poland. The rest of the respondents gave other aim (for example "volunteer", "children").

The significant majority of respondents – 82% has been trying to obtain a temporary residence card (residence permit for fixed period in the territory of the Republic of Poland), 9% of them a permanent residence card (permanent residence permit in Poland), 5% to be granted a long-term EU resident status in the territory of the Republic of Poland, and the EU members registering their stay constitutes only 4%. In relation to population **under-represented** are those persons who are trying to obtain a permanent residence card (54% in Malopolska, 9% in a test) and **over-represented** were those who are trying to obtain a temporary residence card (42% in Malopolska, 82% in a trail).

Results:

a) Generally about legality of stay

Most respondents mentioned the Foreigners' Affairs Unit of the Malopolska Provincial Office as the source of information on what they have to do to legalize their stay (63%). Almost half of them suggested their **friends** or **family members** (44%), and ¼ suggested the Internet (24%) as the main source of information. The marginal informative role is performed by embassies and consulates, non-governmental organizations and agents. Every of this option was marked by 3% of all respondents. Similar situation is in the case of Office for Foreigners in Warsaw which is the source of information for only 5% of people. More than one answer may be chosen.

The structure of answers shows that the main source of information on proceeding for a foreigner is still official what have an impact on burden and responsibility of persons conducting administrative proceeding on the case. What is more, it seems that because of complicated nature of proceeding and its complexity, accessibility of full information directly in the office is profitable for the Office itself, and it would prevent from disinformation or imprecise information from other sources.

The open question: "What was the biggest problem in the legalization process" 10% of respondents have answered that any problems have occurred. The majority of people has pointed that there was at least one problem (Table 8). Almost half of them has written that the biggest issue was connected with the **high degree of bureaucratization of the whole process** which is composed of many stages and requires collecting a great number of documents (some of them have to be translated into Polish). Apart from this the most often problem given by the foreigners is **time** of duration of the procedure and **lack of clear information** what shall be done. Among other categories of answers respondents gave language problems, costs, wrong regulations and unsatisfactory way of service.

Table 8. The biggest problem in the legalization process

The biggest problem	%
Bureaucracy, collecting documents and numerous stages	48%
Time	20%
Lack of clear information	16%
Office employees who do not speak in English	12%
Costs	7%
Regulations	7%
Documents and instructions which are not in English	5%
The way of service	4%

The legalization proceeding mentioned hereinbefore is a very complicated, problematic and time-consuming procedure. Thus, providing information on such procedure is the most significant issue and a very responsible task.

b)The assessment of the Foreigners' Affairs Unit

The way of settling the case in the Unit **meet expectations** of 62% of its customers, however, 38% of them recognized it as unsatisfactory.

Time of waiting in queues, language barriers, and lack of clear information concerning the procedure and the required documents, and unfriendly office employees (Table 9) have been said to be **the biggest problem**. Foreigners also mentioned problems which were qualified as "others" and those problems are as follows – bureaucracy, costs, long time of waiting for issuing a decision, problems with getting through to the office, difficult navigation of the website, confusing deadlines in various language versions. 34% of the respondents marked that there were not any problems with contact with the office. Respondents gave more than one problem.

Table 9. The biggest problems in the Office for Foreigners

The biggest problem	%
Long time of waiting in a queue	29%
Language problems	22%
Lack of clear information concerning the procedure and the required documents	15%
Unfriendly office employees	8%
Others	15%

The open question: "What would you change in the functioning of the Office? Please write one thing, which seems to be the most important for you" **59% of respondents** have answered. They often suggested that more than one change shall be implemented. Next 8% of the test have written that there is nothing what would have to be changed, and every third respondent has not given any answer.

Among people who have mentioned more than one change the most occurring category of answers was connected with the **improvement of the service** (31%). Respondents have suggested that more officials shall be employed and more counters shall be opened, opening hours shall be prolonged, a queue machine shall be inserted, the submitting of the application and arrange the meeting via the Internet shall be possible and officials shall pick up the phones more often.

Every fifth respondents pointed that there is necessity to **improve English language skills** by employees. Sporadically they also mentioned other languages.

15% of respondents postulated that time of waiting for the decision shall be shortened, bureaucracy (limiting the number of required documents and stages, amendments in regulations) shall be limited and service standards shall be. 5% of respondents wanted that employees provide clear information on what shall be done and what documents they would need or at what stage is their case. For 3% of people the key issue was to reduce costs connected with the whole legalization procedure.

c) Access to information

The previous general results have shown that for the majority of respondents (63%) the Foreigners' Affairs Unit is the main source of information on legalization process of stay in Poland. In most cases foreigners are informed of **required documents necessary to submit the application** from the Office workers (63%), from its website (25%), from the leaflets/information board in the Office (11%) by phone (10%). Additionally, the important source of information is family (31%). Any of the respondents have not marked the non-governmental organization and only 1% marked the answers "agent" or "other". Foreigners might choose more than one answer.

The majority of the respondents – 83%, believe that they know what documents are **statutorily required** during the process of legalization of stay. The answer for the next question may increase that result. 62% of respondents mentioned that **during legalization procedure** other documents than those listed in the act **have not been required**. Every fifth respondents claimed that such documents have been required (20%) and 18% have not issued

their opinion to that question.

Assessing of the received results shall be said that foreigners do not have a good grasp of rules regulating the procedure of legalization of stay, because most of documents usually required within this procedure do not have statutory nature and depend from the free assessment of the person conducting the case. Received results also suggest that official providing information to foreigners on required documents makes the impression that obtaining certain document constitutes a statutory requirement what is not always true.

The analysis of specific source of information in the Unit shows, that the majority of foreigners receive information **directly from the official**. Moreover, over half of them also use the contact by phone or via the Internet. Polish language informative boards or leaflets or Bulletin of Public Information (Biuletyn Informacji Publicznej) constitutes the source of information for less than half of the all respondents. All sources of information in the office have received more positive than negative opinions.

Table 10. The number of people using from the particular source of information together with its assessment

Source of information	% of people	The assessment
Official at the counter	87%	86% positive opinions
Phone contact	66%	72% positive opinions
Website	58%	71% positive opinions
Informative boards and leaflets	44%	74% positive opinions
Bulletin of Public Information (BIP)	44%	81% positive opinions
Email contact	10%	Very small group of people using this source of information, 8 out of 10 people gave positive opinion

Negative assessment of contact by phone and the website by almost 1/3 of respondents cannot be treated as the satisfactory result. Moreover, every 7th respondent (14%) had negative opinion of information provided by officials directly. Some sources of information are available only in the Polish language what excludes a large group of potential users. Completely unused but a very effective source of information of providing information is contact via email.

Almost half of all respondents declare that they **fill in the application** themselves

(48%). In compliance with current procedures it shall be done in the Polish language. Almost ¼ of foreigners have to use the officials' assistance (24%) or Polish people whom they know. Friends who are also foreigners help 12% of respondents. Although this question was with an instruction to mark only one answer, respondents very often marked two answers. That is why that question was decided to be treated as the multiple choice question.

In the group of foreigners 16 of them use of the services of **agents**, and 4 of them paid for such help.

The application form has been assessed as understandable by the respondents (90% of people said "yes" or "definitely yes") and having clear structure ("yes" or "definitely yes" – 80% of people). **Instruction of filling the application in** has been assessed as a good and clear for 75% of foreigners ("yes" and "definitely yes"). However ¼ of respondents have not agreed with that opinion.

Among problems occurring most often within the whole legalization process respondent on the second place put time of the procedure. In the assessment of functioning of the office the basic problem was the time that they had to spend in queues. In terms of average number of visits in the office ¾ of respondents appear there quite often – over half of them several times a year (56%), 7% once a month, 9% even a few times in a month. Only every fourth visit it once a year or less (24%, details – Table 11). The office is opened to 3 p.m., except Mondays when it is opened until 5 p.m. A person who studies or works usually has to leave work earlier or miss classes what is quite problematic at high frequency. The average time spent in the office amounts to half an hour (70%). ¼ of foreigners spent an hour on average, 5% until 2 hours. Any of all respondent have not given longer waiting time.

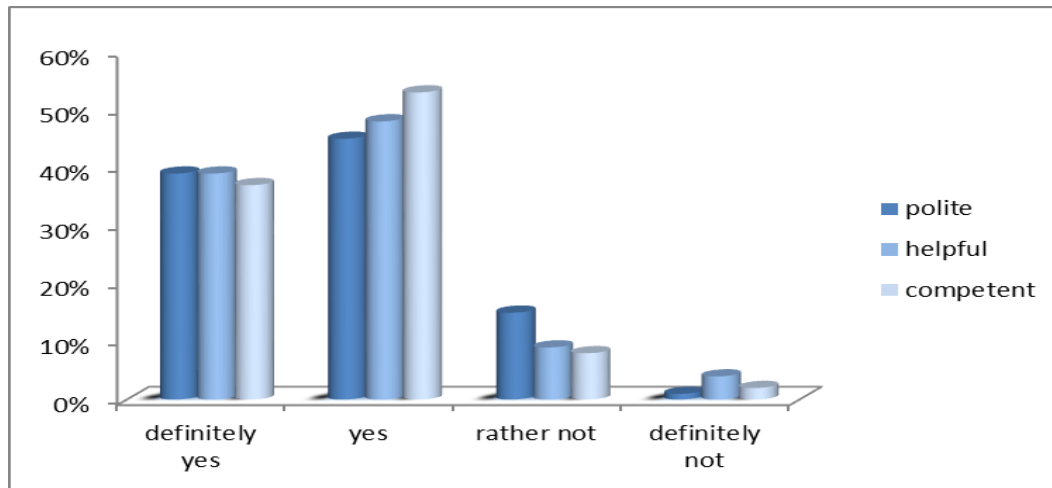
Table 11. The average frequency of the visits in the Office

Visits frequency	%
a few times a month	9%
once a month	7%
a few times a year	56%
once a year	15%
rarely	9%
for the first time	4%

Table 12. The average time of the visit

The average time of the visit	%
0 – 30 min	70%
30 min – 1 hour	25%
1 – 2 horus	5%

Although that 8% of respondents admitted that the unfriendly officials were the biggest problem in settling the issue in the Office the most respondents gave positive opinion for the Office employees. Most respondents described them as polite (**84%**), helpful, willing to answer each question (**87%**) and competent (**90%**).



$\frac{2}{3}$ of the respondents have received full information on activities conducted in their case (69%) and the information on how long the procedure of legalization of stay is going to last, but $\frac{1}{3}$ has not received such information.

Such result seems to show that the range of provided information reflects individual poses and attitudes of people who represent foreigners' affairs. It seems that this example shows the lack of codified rules and standard of foreigners' services, which shall include determined liabilities of each person conducting proceeding in such case.

Six respondents found the questions asked by the officials as uncomfortable (in relation to 87 who were not asked such questions, 1 person – no data). Examples of such questions include: “what did you cook on Sunday for lunch?” or “question concerning the date of entrance in the territory of the Republic of Poland – who does not live permanently/temporarily and sometimes travels is quite problematic to answer”, “very personal sometimes irritating concerning basic activities, what did you eat, what colours are tiles in a bathroom, in what circumstances did you meet your husband and what happened next”, “privacy”, “questions concerning financial funds and their sources (although scholarship). “

Conducting activities connected with establishing the authenticity of marriage or any other verification of sensitive information is problematic not only from legal point of view but also in connection with lack of soundproof rooms in the office and the problems with keeping due protection of such information.

4.5. In-depth interviews – foreigners.

Nine respondents answer questions concerning the contact with the Foreigners' Affairs Unit of the Malopolska Provincial Office. Respondents have answered questions concerning officials experience in legalization procedure and if in their opinion the office is adjusted to service foreigners.

Two persons whom their Polish friends helped during the whole procedure have assessed it as simple. However, significant majority, i.e. seven people assessed it as too **complicated** and **long-lasting**. The necessity of collecting numerous documents is also believed to be **the biggest problem** (6 persons), lack of clear procedures and guidelines on documents (4 persons "some employees accept documents and other say it is not enough ..."). Five people for the biggest problem suggested the language barrier ("If you know someone you do not have any problems"). Two persons said that the officials do not know the English language in the extent that would enable them communication with foreigners. One respondent said that the Office provides information in English in the extent enabling to settle the issue by oneself. One of the respondent also paid attention to costs connected with paying for translator ("There was one interview when I had to hire a translator ... One person having enough language knowledge, not a specialist who takes a lot of money").

Three persons said that the office is not adjusted to service foreigners, and two answered that it is adjusted enough. One person said that continuous changes are seen ("It has recently changed, there is less mess and probably more officials").

In question concerning **recommendation for the office**, 5 persons has emphasized the language issues, i.e. clear instructions in other languages. Two persons also emphasized the necessity of clear guidelines on documents required to the process of legalization of stay. One person suggested creating information points with English speaking staff.

4.6. Mystery client survey.

a) visit in the office

The researcher was a foreigner living in Krakow and coming from Portugal. He did not use

the Polish language.

The Office building has been assessed as to be correctly designated from the outside, as well as from the inside (“visible red letters”). The researcher did not have any problems to find the appropriate department. All information and announcements in the room (on the informative board and the doors) was in the Polish. The official at the counter spoke English and understood the researcher. The official gave the instruction in English, phone number that he may use for more information.

The researcher received answers for all questions and received full information on the procedure. When he asked for necessary documents required to be attached to this application he was asked for passport, lease agreement, certificate of insurance and money funds records. The researcher did not ask for help in filling in the application form because all necessary information was included in the instruction which he received from the official. In his opinion, the employee was helpful, willing to answer all his questions and polite, and the whole visit in the office was assessed as satisfactory. Lack of any announcements and information just after the entrance to the building was considered as the only problem. A great facilitation for people who do not know the Polish language are designations in English however all announcements (directed to foreigners after all) shall be translated into other languages.

b) phone contact

The researcher was the Association employee who speaks English fluently. She called to the Office asking for the information on the legalization of the stay.

A person who answered the phone did not speak English but gave number to the English speaking person. The Office employee whom she contacted had a good command of the English language and patiently explained all doubts about required documents necessary to submit the application form (passport, lease agreement, bank statement, certificate of insurance). The phone call was assessed as satisfactory, and the employee as competent and polite.

4.7. Survey – employees.

Prior to its implementation the survey was consulted with the employee delegated to be in touch with the Association. As a result of such consultation some amendments were implemented and the questions became specified. Then the survey was sent to the Manager of the Unit to be accepted. Although the instrument was accepted the office did not want to

answer questions concerning relation with customers in terms of possible problems occurring because of cultural differences (especially difficult was to determine the ethnic group). The question was modified for more general and connected with the necessity of indicating problems with office customers' service. The survey for employees is attached in the Annex IV. It contains quite many open questions.

Test:

3 men and 6 women took part in the survey. The average **seniority** in the Office amounts to 5 years, thus it was very diverse group – the shortest period amounted to 2 years and the longest over 11. 7 persons had a higher education diploma and 2 persons had high school education diploma. The vast majority were employees responsible for conducting and reviewing cases and other process activities. Only one person worked in the foreigners' affairs room.

The assessment of work in the Office:

Most of the employees claimed that they **could not fulfill their duties** in given time for it (5 people in relation to 3 who claimed that they could).

Almost all employees (8 out of 9) assessed that the **technical equipment** in their work place as **unsatisfactory**.

All employees took part in trainings for which they were delegated from the work place and almost all of them said that they were useful in their further work (only one person did not agree with such statement). 8 out of 9 persons felt that there were not enough language trainings – among most necessary languages they listed English and Russian. Four employees said, that there are not enough trainings on act and regulations on foreigners, two of them mentioned training on intercultural communication, knowledge on certain cultures from where the customers come from and trainings how to handle stress. Other trainings mentioned by employees include: administrative law, trainings on consulates' work and other offices working with foreigners.

The assessment of the service:

The employees could not tell how many cases one official shall conduct – they've answered as follows: “cases are varied”, “number is not important but the complexity of the case”. However, 4 persons gave such amount – it was “25”, “maximum 20”, “to 40”, “to 50”, what means that granted obligatory numbers exceed twice on average their own potential.

On question “What language do you use to communicate with foreigners”, most respondents mentioned Polish (7 persons) and English (6 persons).

Using English indicated that the necessity of adjustment of requirements of the act on the Polish language to reality of proceeding with foreigners. It seems that the legislator shall allow the possibility of conducting certain evidence activities in foreign language understandable for the official as well for the foreigner under the condition that the effect of such activity will be translated into Polish (in the form of note or protocol/report).

Only one person declares to help very often a foreigner in filling the application in (clear instruction, translation of useful terms), two of them do it often, three rarely, two of them very rarely, and this question did not apply to one of the respondents.

Non-uniform policy of providing information, what often has a great significance for understanding by a foreigner requirements and thus results in the success of the legalization process shows that the Office did not create internal uniform procedures of the applicant services, what is dubious in terms of having the certificate of the service quality. Such issue shall be codified and shall improve defining the minimal standards of service within providing foreigners information.

In the event of taking over the legislative proceeding from other regions most employees (6 persons) repeat activities which had been already done. In the answer for that question there were a lot of remarks: “some, but many I omit”, “from the specificity of <<transferring the case>> results the necessity of asking some questions and do certain activities”, “depends on the type of proceeding”, “Almost no. The only exception is to inquire services from given region”, “questions to the Provincial Police Department, the Carpathian Border Guard Unit, and the Internal Security Agency.”

In our opinion repeating the activities done previously by other public administration body at the same level is counterproductive for the proceeding.

The open question: “The office’s customers come from different cultural circles. They know the Polish language in various extents and it may happen that they are used to another

standards of the service. Could you define certain problems connected with the customers' service in the office?" has been answered by 4 persons.

The problems mentioned hereinabove were mainly focused on the following issues:

1.Foreigners attitude and behavior:

"Foreigners (customers) treat an official as the <<enemy>>, are conflict-oriented, do not want to accept explanations if they are against their <<vision>>", " Customers from certain cultural circles treat officials-women in a disrespectful way, even they ignore women", "submitting false statements and placing false information on applications," "Lack of respect by foreigners for the Polish legal order," "Problems of <<different>> understanding of an official proceeding, especially among customers from countries of ex-socialist <<community>>. Customers represented by "agents" are often convinced that their case "is being settled in the office" and in their case decision in 100% depends on at "official's discretions."

2.Activities of dishonest agents

"Agents who represent foreigners very often wheedle expenditures out of them and thus represent their clients in a very unprofessional way," "Agents' activities are only focused on immediate profits."

3.Language problems

"Language barriers," "Problems connected with lack of Vietnamese or Armenian language translators."

4.Other problems with conducting the proceeding

"Many legal regulations - disorientation of clients," "Lack of separate cubicles," (necessity of privacy). Cubicles/rooms for individual interrogations are not soundproof," "People conducting proceeding work under pressure from newspapers and non-governmental organization but when something will happen or a foreigner commits a crime, an official is always the only guilty person. Conducting a proceeding is not the same thing as selling bread. Not everyone will be satisfied and not everyone will get what he/she wants."

Two persons feel safe in their workplace, 5 do not feel safe and 2 other persons could not tell. The officials do not know whether foreigners know their rights or no. Only one person claimed that "they know their rights, but they also know that making fuss about their case (by media and non-governmental organisations) it is a good way to exert pressure."

Lack of feeling safety in the workplace by the officials has to set them worrying especially because such emotions have returnable nature, changing the attitude to serviced people. Managers of the Unit shall precisely analyze such problem, diagnosed its causes and if possible improve conditions or atmosphere at work, thus to strengthen the feeling of confidence of the employees. Also the fact that remarks and postulates made by non-governmental organisations would be received as exerting pressure. Maybe it would be worth thus the managers and employee conducting a case would evaluate the postulates and requirements of the non-governmental organisations in terms of a certain case. It would allow improving better results but also coherent, factual position of the whole unit to the certain case, taking personal responsibility off an official for a certain decision.

Lack of knowledge by officials if foreigners know their rights show the strong necessity to providing such information by the Office irrespectively of the applicants' own knowledge. The essence of modern public service is providing customers information on conducted proceedings concerning their case.

The biggest problem at work at employees' opinion is too little number of employees (8 persons), too small space and lack of equipment (5 persons), impolite customers (4 person) and one person mentioned the language barrier. What is more, 6 persons mentioned problems such as: staff rotation, law remuneration, lack of suitable legal back and informative back (not many specialist in those areas), not enough trainings, permanent pressure of criminal groups, establishing ineffective law, instability of regulations and continuous changes.

In an open question on implementing changes in functioning of the Office only one person did not give any answer. The rest employees (8 persons) described numerous changes that they would implement. The answers could be grouped into the following categories:

1.Improvement of work conditions:

- a.Increase the number of employees (5 persons). One person suggested employing someone who would be responsible for being in touch with non-governmental organisations.
- b.Change of remuneration system (higher salaries, implementing clear and motivatiional system). (4 persons)
- c.Improving technical equipment (4)
- d.Respecting an employee (3 persons)
- e.Developing the system of trainings and permanent improving qualifications (3 persons)

2.Organizational and legislative changes:

- a.Organizational changes – separate Immigration Office (5 persons)
- b.Standardize proceedings in all regions (1 person)
- c.Statutory changes directed at the monitoring of foreigners situations, legislative initiative (2 persons)

3.Changes in functioning of the Department

- a.Cooperation with other non-governmental and foreign organisations, the Border Guards (3 persons)
- b.Implementing the system of numbers (2 persons)
- c.Implementing soundproof boxes (1 person).

4.8. In-depth interviews – employees.

The interviews with employees of Foreigners' Affairs Unit of Małopolska Provincial Office were conducted on 16 May, 2011. The respondents were two Customer Service workers, two professional workers dealing with foreigners' affairs and a representative of the management. Questions concerned three areas: work in the office, foreigners' service and suggestions of improvement.

In-depth interviews - Part I

When it comes to workers dealing with foreigners' affairs, they both admitted that sometimes **workload** blocks carrying out their responsibilities in determined worktime. One of them reported working approximately 6 hours of overtime, while the other about 8 hours ("... I come to work an hour earlier, sometimes it happens twice a week.."). The amount of overtime largely depends on the season. Employees do not get paid for overtime hours. As far as workflow is concerned, it was mentioned that a single employee is responsible for too many cases at a time ("...too many for one person (...) the number of cases is increasing while the budget decreases..."). However, during peak seasons, management tries to assure assistance from interns, trainees as well as additional workers, hired on the basis of mandate contracts.

Both interviewees claimed that they possess sufficient knowledge of both legal conditions and laws regulating work in the office. In order to prepare for the job, officials undergo "preparatory service" lasting about six months (this was the case at the time when our respondents began their careers). Both were provided with training courses preparing them for the job. One of interviewees mentioned courses regarding, for example,

Administrative Code, time and stress management; some of them were referred to as useful, others as 'off the mark'. The second respondent stated that offered the training system was inadequate with needs and that it is often prepared by incompetent people. There is insufficient number of trainings which would be the most useful in terms of cooperation with foreigners these could include: language courses, trainings on cultural differences involving: acquiring intercultural competences and knowledge of legal systems of clients' countries ("...trainings related to foreigners' stay in Poland. Culture-related courses would be really useful too...").

Both respondents claim that they do not feel unjustified pressure from their supervisors. When asked about the pressure at a work place, one of the interviewees indicated the clients as the ones causing that. All cases when such pressure transforms into threats are reported to supervisors. The first respondent usually feels safe at a work place, however there are potentially dangerous situations ("...there are outbursts of anger and aggression resulting from cultural discrepancies and misunderstandings.."). However, the other respondent stated that they did not feel safe at work, which is caused by clients' outbursts of aggression ("... I don't feel safe at work. Some clients are aggressive... I feared for my health..."). In such cases they would inform their supervisors who undertook appropriate actions ("...No one has ever refused to help me...").

The shortage of staff was determined to be the main impediment. One of the respondents mentioned clients' attitude which may be disrespectful at times ("...a given person doesn't do anything, then comes to the office and starts arguing with me..."). Both respondents admitted that **knowledge of English** is essential in this job ("...knowing English is half the battle in this job..."). As it was reported, every employee knows English; about a half of the staff knows English at communicative level, one in five people have very good command of the language, while the remaining group's level is satisfactory. However, the latter usually do not have contact with the clients. The situation is a lot worse when it comes to other foreign languages, for example, Portuguese or French, knowledge of which would be undoubtedly useful.

Both interviewees claimed that they always strived to provide clients with exhaustive information, adjusted to individual needs related to legalisation of residence. Moreover, they offer their assistance in solving problems resulting from inability to speak Polish ("...Professional workers help with the translation couple times a day. I give clients my e-mail address and I handle many cases via e-mail, I have enough time to ponder upon the possible answer..."). One of employees admits spending considerable amount of time on providing clients with necessary information ("...it's additional work, and I have problems with keeping up with

my own duties...”). Respondents are not afraid of being brought to justice for advising clients, because they know the boundaries, hence they would never get involved in situation in which they would “give ideas for evading the regulations”.

Both interviewees agree that the final decision of whether or not the residence will be legalised belongs to their supervisor, and sometimes the result is not accepted. The first respondent applies numerous methods of verifying rationale for issuing the final decision. They mainly deal with foreign students, and require documents which should not be problematic to submit. The information is often confirmed via phone call to the university. In case of any doubts, the examination is organised. When it comes to marriages, examination is integral part of the process, it also involves visitation at the place of residence, cooperation with the Border Guard, which verifies i.a. the legality of employment. The other interviewee states that rationale for issuing the decision depend on the article of the act under which a foreigner applies for legalisation of residence (“...if it’s job - we check whether given company is in National Court Register, if it’s beneficial for the state, doesn’t have arrears in paying taxes or contributions to Social Insurance Institution, whether it hires Polish employees (...) We rely on Administrative Code. In case of marriages we organise examinations. The act determines stipulations that need to be fulfilled, for example, common language and flat, shared household. We actively cooperate with the Police, Board Guard and Internal Security Agency.”).

When asked about a possibility to propose changes in workflow, one of respondents admitted that employees have such an opportunity, moreover such proposals are taken into account by supervisors (“I proposed changes many times (...) I participated in information campaigns for students, conference at Jagiellonian University, preparation of leaflet concerning students.”). The second interviewee agrees that there are meetings attended by employees and management, during which adjustments are being discussed. Supervisors attempt to listen to the ideas and “if they seem probable they’re implemented right away”. However, the office copes with financial issues, that is why, despite good will from both parties, the implementation of necessary adjustments is not feasible.

In-depth interviews Part II

According to one of the respondents working in Customer Service, **shortage of staff** appears to be a major problem. Excessive workload gives rise to customer’s dissatisfaction. Moreover, due to the fact that there is no separate information point for foreigners, the staff spends a lot of time answering clients’ questions (“According to our calculations, Customer Service room handles from 60 to 70 clients every day. Not to mention the phone calls. Since

there's only one information number, it's often hard to get through. There's a lack of solely information point."). The second interviewee usually does not work overtime, however sometimes they help clients even when the office is no longer open for customers.

When asked about preparation to the job, both respondents admitted that trainings were useful in most cases. One of interviewees stated that the training system was not sufficient and suggested that there should be more **courses involving changes in the law system, language, culture-related, and client relations courses**.

One respondent reported that their knowledge of work regulations is satisfactory, whereas the other admitted not receiving efficient preparation for the job.

Both respondents have good command of **English**, still they underline the necessity of organising language courses ("I believe that workers of customer service should have chance to participate in language courses organised by the office, so that they wouldn't have to do it on their own. I communicate in both Polish and English. Most people from Russian-speaking countries and Vietnam know Polish or they come with proxies. Knowledge of English is fundamental. Some time ago, there was a language course, however the number of people willing to participate exceeded available places. I think if employees were given such a chance, they would attend language courses after working hours, I definitely would. When it comes to other officials, 50% of them knows English at a communicative level, 20% at very good level, 10-15% has problems with English. One of the employees speaks German and Russian too.").

Both respondents mention that clients often put pressure on them when it comes to changing deadlines for documents submission or taking action in other matters, even those independent of officials, like documents required by law. Both interviewees report that in case of any **problems** they turn to their supervisors. They both admit that there are issues resulting from cultural differences that lead to general misunderstanding and aggression of the clients. One respondent feels safe at a workplace, while the other does not. On account of nature of this job, there should be security ("among our clients there are people who had conflicts with the law. We usually find out about that later. I think that in the room, there should be an officer of Board Guard, so that they commanded respect. Policemen are around, however they work for the court [which is in adjacent building]. I don't want to be misconceived, but there were clients spreading slanders.").

According to one of interviewees, the final decision is made by the director of the office. Another person said that the motion is forwarded to Board Guard, police and Internal Security Agency. If these institutions issue positive decision then the office can do the same. Neither of respondents deals with determining obstacles to deportation so they did not express their

opinion on that.

Both subjects confirm that they often strive to offer precise solutions, suitable for individual needs of the client; moreover they always **thoroughly explain the whole procedure.**

One of respondents admits that supervisors often ask for proposals of adjustments which would improve their work. Unfortunately, due to limited budget it is impossible to implement even basic improvements (“Certain possibilities are blocked, but not by our supervisors. It’s because of the lack of funds. We thought about purchasing a ticket machine, however it wasn’t possible because of shortage of funds. It’s really disturbing if your job is constantly interrupted. Our supervisors have their hands tied. It used to be better, but financial situation deteriorated. This year’s budget was cut by 10 %.”). One person mentions changes in customer service room concerning booths in which conversations with clients are held. The fact that the walls are not soundproof lowers work comfort and negatively influences on clients’ well-being.

In-depth interviews Part III

Another part of the interview was conducted with the representative of management. The respondent has considerable experience in public administration; they have been working for the office since 2004.

Firstly, the interviewee answered question concerning workflow in the office. Posts in the office are not formally determined, however they are grouped according to particular function: Customer Service room, archive room, correspondence, office, and professional staff. The shortage of employees is a major problem, especially that since 2001 the department has taken over responsibilities of the Institute of Social Policy. Another issue is related to **lack of information point for foreigners.**

The respondent admitted realising the necessity of further trainings for employees. Currently trainings are organised internally by the office, however there should be system of courses organised at a central level. When it comes to language courses, apart from English there should also be a basic Vietnamese and Armenian course.

According to the subject, employees are familiar with acts and directives regulating office work. Since the rotation of staff decreased, the work in the office runs smoothly. The Department does not have autonomy when it comes to motivational system. This job gives possibility to acquire knowledge and competences, however as it is the case of all public institutions, a promotion is a long-term goal.

The respondent was asked to take a stance on the results of survey conducted among employees. When it comes to questions concerning technical and social base, the interviewee stated that the problem with lack of space could not be solved, however there were plans on providing new computers.

The subject was also asked questions regarding substantial matters involved in office work. They stated that examinations are conducted by a person responsible for a given case. Occasionally there are some **complaints**, however the office spares no effort to make sure all standards of examination were observed (for example, avoid asking too personal questions). There are only few formal complaints regarding employees (3 in the first half-year of 2011); each is investigated as a part of accusatorial proceedings regulated by Administrative Code. All complaints and problems are systematically solved.

In case of determining obstacles to deportation, the motion is thoroughly analysed with regard to i.a. Act on Granting Protection to Aliens within the Territory of the Republic of Poland. The situation is revised when, for example, someone has a child in Poland (Convention on the Rights of The Child). "We conduct various procedures, e.g. field work, visits at prison. If we receive information that given person may be persecuted, during examination we try to learn who threatens them, why they think deportation may influence their psychophysical state. We also suggest appropriate services. In most cases, such proceedings are solved in favour of the party."

The respondent was also asked to comment on issues raised by foreigners in the previous research. They stated that implementing adjustments in customer service (more employees, longer opening hours, ticket machine) implicates costs which the office cannot afford. Moreover, surveyed foreigners suggested that possibility of filing motions and making appointments via Internet would be a good solution. The respondent admitted that such solution would facilitate work, however it is not a decision to be made autonomously by the office; legislative approval and financial resources would be required.

When it comes to language problems, the interviewee points out that often clients themselves do not have sufficient command of English (an employee with basic Chinese would be useful). The staff is benevolent and willing to help, still "administrative proceedings have to be conducted in Polish. We advise foreigners to come to the office with trustworthy person. We can't take responsibility for any language misunderstandings. We're requesting for more trainings."

In relation to lack of available information, the respondent admitted that there was a necessity of creating Polish-wide compendium for foreigners which would be useful for both

officials and foreigners, moreover it would save time spent on providing information (“We strive for establishing an information point. Answering phone calls is disturbing. We’re not pleased with present situation. Shortage of staff is the biggest problem. We constantly petition to the board for creating new vacancies. It’s hard to tell whether service conditions have improved”).

All employees seem to agree in terms of lack of information point, language barrier and shortage of staff.

5. Krakow Municipal Office - Residence Registration Departments/Offices.

The department of Administrative Proceedings of Krakow Municipal Office refused to take part in the survey, stating that it did not deal with process of residence legalisation and did not see any common ground in terms of cooperation with our organisation. The content of the letter let us imply that the office has no understanding of its own duties, moreover it has no understanding of the role of office as such. The office does not seek cooperation with citizens and social organisations representing their interests, yet it responds to their needs in natural way. By acting automatically, citizens set a certain ground to which the office is obliged to refer to.

In view of the office's refusal the research was limited to inspection of premises, participant observation and surveying foreigners.

5.1 Evaluation of the premises.

The building of Municipal Office is situated in 10 Zgody District (it serves residents of Nowa Huta - districts from XIV to XVIII), at the street that intersects main rout leading to Central Square. There are no signposts on bus and tram stops indicating the location of Krakow Municipal Office.

The building is well-marked and it has disabled entrance. The signs and the name of office are exclusively in Polish. There is a national emblem and signs informing about departments of the office. In the vestibule, there is the plan of the building with all departments marked. The information is in Polish. In the foyer of the office there is porter's lodge, ticket machine, table with registration forms, and information board (contains information on each unit and free standing board with various official information attached). There is no information point and porter lodge is not predestined for those purposes. Moreover, all forms are in Polish.

Caution on forms for temporal and permanent registration, directed to foreigners, are in Polish. No one working at porter's lodge is able to provide information in language other than Polish. There is no post serving exclusively foreigners. Registration post is not supported by a ticket system, however there is no information in foreign languages concerning that matter. There is no language option in the ticket machine. One of employees dealing with registration claims that officials know English. There are no example forms in foreign

languages. Registration form is simple and clear, still it contains information which can appear to be difficult for foreigners. It seems that registration should not be problematic for a foreigner, provided that they have assistance of the official or an accompanying person.

The building of Municipal Office situated at 10 Powstania Warszawskiego Av. (serving residents of left-bank Krakow – districts I-VII) is halfway between two major interchanges (Mogilskie Roundabout and Grzegórzeckie Roundabout). The office is next to Foreigners' Affairs Unit in Krakow.

There are three entrances: from Powstania Warszawskiego Av., Kordylewskiego Street and Sądowa Street (all accessible to disabled). The entry from Sądowa Street is poorly marked. The only piece of information to be found on the door is the sign informing that this is Administrative Centre of Krakow Municipal Office as well as its working hours. All signs and names are exclusively in Polish.

Next to entrances from Powstania Warszawskiego Av. and Kordylewskiego Street there are porter's lodges serving as general information points. Employees provide customers with information in Polish. When asked about ways of communication with foreigners, they replied that most of clients know at least few words of Polish. In case of Russian-speaking clients it is quite easy to communicate since the languages are rather similar.

Registration proceedings are carried out by Administrative Affairs Department. All markings are exclusively in Polish.

There is no post for foreigners service, information on each board is in Polish. There is no ticket machine. According to one of employees, it is possible to obtain information in English, but it depends on "who is on duty". There are no example forms in other languages.

Municipal Office at 28 A Wielicka Street (serving residents of right-bank Krakow – districts VIII-XIII) alike other offices, is well-marked (national emblem, signs informing about particular departments – all in Polish).

At the porter's lodge, one may receive basic information in Polish. Administrative Affairs Department is on the ground floor, on the left. There are no signs in foreign languages and no foreigners' service point. There is no ticket machine. When asked about possibility of communication in language other than Polish, the employee replied that the foreigner "would have to come with someone".

5.2. The analysis of Krakow Municipal Office website.

<http://www.bip.krakow.pl/>

Information concerning particular Departments of Krakow Municipal Office is available in Public Information Bulletin of the city of Krakow. The website is available only in Polish language version. There is no tab that would be directed at foreigners. Admittedly, Civic Internet Platform – Magical Krakow (www.krakow.pl) has English and Russian version; however the information it contains can be useful only for tourists.

Information on how to register in Administrative Affairs Department may be obtained through the Structure of Office tab. One can find contact details of department's seat, the name of Director and Vice Director, their contact details as well as contact through Internet Request System. Moreover, website contains categorised information: "Scope of activities", "Remarks", "Department structure", "How to settle matters in the Office?". In case of the first category one may find out about duties of the Department, i.e. "general registry and ID issue", which may imply accepting registration forms, still it is not directly stated.

Another category – "Remarks", contains information on working hours of the entire Krakow Municipal Office. One has to choose that reference, then "Departments in which working hours and range of handled issues has changed" to find details concerning other Departments of Krakow Municipality Office. Three of them belong to Administrative Affairs Department; their deal with "Admitting registration and deregistration requests, issuing registration certificates." There are no telephone numbers or e-mail addresses of the Departments. It is not stated anywhere that the registration should be carried out in particular office, corresponding with the district of residence.

"Department structure" section contains the list of 13 units (sections, departments, posts). We are mostly interested in: "General Registry and ID Issue Department for Districts VIII-XIII" (No. 6 on the list), "General Registry and ID Issue Department for Districts XIVXVIII" (No. 7 on the list). It is the first proof for regionalisation of registration proceedings. Available information contains contact details, Directors name, contact through Internet Request System, and range of activity (i.a. permanent and temporal registration/deregistration).

Another category – "How to settle matters in the Office?" - has just one reference to "The list of procedures conducted by Administrative Affairs Department (54)."

We would petition for PDF file containing foreigners' registration and deregistration procedure to be translated into basic languages and uploaded as one of tabs on foreign language version of Magical Krakow

site, along with short information on compulsory registration. It could be a tab concerning accommodation, practical information or important information.

After choosing appropriate procedure, foreigners would be transferred to site from which they could download PDF file with complete information on procedures. It contains details on who and where will take care of a given case, contact details of the unit, direct phone number to the official, list of necessary documents. An attachment to the procedure (PDF form to be filed in the office) can be downloaded too.

The site is available only in Polish language version, which is its biggest disadvantage. It basically contains a lot of information including photos of Offices, their layout, yet its usefulness is limited. The site is chaotic, and the outlay of information seems to be incautious. Obtaining the most important information is very time consuming and requires a lot of patience. One needs to know what to exactly look for and has to browse through numerous sub sites. For a foreigner with even basics of Polish it is an impassable path. The solution for that would be translation of particular parts and delivering clear information on regionalisation of registration procedures. Forms should be more approachable (not only as attachment to the procedure) and accessible in format enabling edition of the document.

The sites the most accessible for foreigners are the ones concerning tourism, whereby two sites of Municipal Office available in English version were analysed:
http://www.krakow.pl/english/5667,artykul,accessibility_of_krakow.html
<http://www.Krakow.travel/for-tourists/tourist-information>

Both sites contain concise and clear information on tourism attractions, accommodation, restaurants, entertainment, cultural and social events, rules of travelling around the town, and basic aid institutions (such as hospitals, police stations, tourist information offices). There is also information concerning history, business, real estate market and other details connected with life in the city. One may find all information useful for people visiting Krakow. Moreover, one will not find any information on compulsory registration and way of obtaining it.

5.3. Survey – foreigners. Cumulative questions for Municipal Office, National Health Fund and Social Insurance Institution

27% of participants refused to answer the question about office they registered in. 14% of respondents registered in office at 2 Zgody District (Nowa Huta), 35% - 28 a Wielicka Street (Płaszów), while 51% - 10 Powstania Warszawskiego Av. (Grzegórzki). Quantitative research

analysis concerned all three institutions.

There were 94 people participating in the survey. Not everyone answered every question. The number of replies ranged from 80 to 86, except for question concerning staff's foreign language skills, which was answered by 77 respondents.

Majority of 84 respondents (87%) stated that they had no problems with localising proper office. When asked about assistance from other people (translator, friend etc.), 42% of interviewees declared having assistance, while 58% dealt with registration procedures on their own.

Majority of respondents (67% out of 84 people) received comprehensible information on what they should do next after they entered the building. However, as many as 33% of interviewees negatively replied to that question.

Question concerning official's language skills was answered by 77 people, 79% of whom stated that the staff did not know foreign languages. Still, general assessment of officials came out to be positive. They were appreciated for their competences; 90% of respondents claim they are well-prepared for this job (Table 13.).

Table 13. The assessment of staff

General assessment	%
competent	90%
courteous	86%
helpful, willing to answer every question	79%

The analysis of particular sources of information in offices showed that most foreigners received it directly from the official (86% of respondents). More than a half of interviewees decided to contact via phone. As other sources of information respondents mentioned website and announcement boards (45% and 41% respectively). All available sources of information received more positive than negative opinions (Table 14).

Table 14. The assessment of information sources

Information source	% of people who used it	Opinion of people who used it
phone	51%	79% of positive opinions
email	9%	chosen by a small group of people; 4 out of 7 opinions are positive
website	45%	79% of positive opinions
information boards, leaflets	41%	84% of positive opinions
information from officials	86%	89% of positive opinions

The results of the survey concerning contacts with Municipal Office differ from the information obtained through other research methods (in-depth interviews, 'mysterious client') that will be discussed later on. The possible reason may be the fact that majority of surveys participants had a good command of Polish, while foreigners taking part in other parts of the research did not.

5.4. In-depth interviews – foreigners.

Ten out of twelve interviewees answered the question concerning contact with Municipal Office. Five respondents reported that finding proper office was very problematic, whereas five of them were accompanied by a Polish friend. Seven interviewees registered at Powstania Warszawskiego Av. office, three of them at Wielicka Street.

When asked about difficulties in handling registration procedures, respondents mentioned lack of clear and legible information (information exclusively in Polish). Two interviewees mentioned the lack of information concerning required documents, which leads to the situation when the same set of documents is not accepted by, for example, official working morning shift, but is approved by the one on afternoon shift. One person claimed not having any problems in contact with the office, however they admitted that the Polish spouse took care of all formalities.

Only one respondent knowing Polish admitted that they obtained information from the

office itself. Two people declared that they attained guidance by “trial and error method”, checking various offices.

No respondent decided to try contacting with the office via phone or e-mail. No one used website, when asked about its usefulness, interviewees either did not know such site existed or were not able to find necessary information (“when I wanted to get some information, I had to go there and ask..”).

Half of respondents assessed officials as being courteous, the other half found them unhelpful and impolite. Even respondents who thought the staff was polite, stated that unfortunately they did not know foreign languages and language barrier was a serious problem while settling matters in the office (“the ladies were really courteous but they didn’t speak English”).

The most common recommendation concerning office is concerned with foreign languages. All of those who answered that question (8 people) stated that the office should hire employees who speak English. An information point providing guidance in English would be great facilitation.

5.5 Mystery client research

Municipal Office at Powstania Warszawskiego Av.

a) visit to the office

The mystery client was a Portuguese national.

According to him, the office is not appropriately marked. After asking passers-by he finally managed to find the Municipal Office. He failed to find comprehensible signs inside the building as all the information was in Polish. The employee did not speak English, therefore the researcher was not able to get more information.

The Customer Service official spoke English; they provided information concerning procedures and explained which documents were necessary (passport, lease contract). The employee was referred to as courteous, competent and very kind. When additionally asked about department of vehicle registration, the official not only gave the answer but also took foreigner to a proper room.

General assessment of the visit was positive, however according to the researcher if it was not for the client he asked at the beginning, he would probably have never found registration department. The lack of information in English at the entrance to the building makes it very complex for foreigners to settle matters on their own.

b) contact by phone

The researcher was an employee of Interkulturalni PL who speaks fluent English. She called the office pretending to be a person willing to register and asked for information concerning the procedure. The official knew English just enough to communicate. When asked about documents required in registration process, they mentioned i.a. residence card. When researcher remarked that in order to obtain residence card one had to possess registration certificate first, official repeated previous answer and recommended to go to Foreigners' Affairs Unit. The employee was assessed as being polite and willing to help, however incompetent. The result of the conversation was not satisfactory as the researcher received incorrect information concerning registration procedure.

Municipal Office at Zgody Street

a) visit to the office

The researcher was an employee of Interkulturalni PL who speaks fluent English. Pretending to be a person willing to register, she asked for information concerning the procedure. As she reported, the building was not sufficiently marked, she was able to find it thanks to help from passers-by. All signs inside are in Polish. After she entered the building, the porter offered her help, however he backed out when it appeared she did not speak Polish. There were no other clients or employees in the hall to turn for help to, however when the researcher showed porter piece of paper with 'registration' written on it, he told her the number of the room.

After entering the room, researcher tried to communicate with the worker, however they did not speak English so they asked a person from the other room for assistance. The other employee had very good command of English and provided answers for all questions concerning registration procedure. The official was assessed as being competent and helpful, and the whole visit as satisfactory. The only recommendation involves putting basic information in English at the entrance to the building and instructing porter how to deal with foreigners who do not speak Polish (for example, to which English-speaking official given person should turn to).

b) contact by phone

The researcher was an employee of Interkulturalni PL who speaks fluent English. She called the office pretending to be a person willing to register and asked for information

concerning the procedure. When asked whether he spoke English, the official replied he did not, when researcher asked him for contact to someone who did speak English, the official hung up.

Municipal Office at Wielicka Street

a) visit to the office

The researcher was an employee of Interkulturalni PL who speaks fluent English. Pretending to be a person willing to register, she asked for information concerning the procedure.

The building was reported to be well-marked (however in Polish) and approachable. All signs inside the building were in Polish, thus incomprehensible. There were no employees or other clients in the hall so the researcher went to Customer Service room, situated on the left from the entrance, next to Customer Service post.

The researcher made an attempt to communicate in English, however the official replied they did not understand (in Polish). After strenuous effort to explain the official that matter concerned registration procedure, they ultimately started to speak basic English. As a result of conversation, during which the employee made use of Internet translator, the researcher received information about the procedures and necessary documents (passport, lease contract). The visit was assessed to be rather stressful (lack of information, other official's comments: "just tell her to come with someone"), however satisfactory (despite the fact that the official initially refused giving information in English and made an impression of someone who did not speak that language).

b) contact by phone

The researcher was a Spanish woman who replied to the announcement on the Internet portal. She tried to get through for couple of times for two days, at various working hours. Unfortunately, she did not manage to speak to anybody.

There is a visible discrepancy between experiences of 'mysterious clients' and participants of survey. Results presented above constitute qualitative data, portraying particular people's experience. Those differences may result from the fact that in qualitative research there was a bigger group of Polish-speaking participants. It seems that there is a lack of Customer Service standards, which causes so diverse experiences, depending on officials' individual attitude.

6. National Health Fund

Interkulturalni PL submitted an official letter (dated to 17th January, 2011) to National Health Fund in Krakow with request for cooperation. In response to the letter NHF contacted us and the meeting was arranged. The meeting took place on 15th March in NHF office at 24 Batorego Street. The participants were: the Head of Recipient's Affairs Department, the spokesperson and official dealing with voluntary insurance and responsible for foreigners' service. Representatives of the institution did not report any particular problems connected with foreigners' service. At the same time they expressed readiness to cooperate in case if any problems should be reported by foreigners. It was decided that the next meeting will be arranged after the analysis of survey results.

6.1. Evaluation of the building/place

Małopolska Provincial Unit of National Health Fund (24 Batorego Street, Krakow – Recipients' Service Department– Insured Service Post).

The building in which office is seated is situated considerably close to the city centre, in First District of Krakow. Convenient location, near busy streets, fosters communication with the rest of the city. The building is well-marked, there are three white boards with NHF logo, the name of office and working hours (in Polish).

All the information available in the office is in Polish. Foreigners who would like to enter into health insurance contract will most probably be directed to information point. If they have all necessary documents, they can sign the contract right away. There is one employee responsible for those matters; he declares having good command of English. If there is such a necessity, he comes to Customer Service room and prepares the contract. The observer was informed that in case of any documents missing, it will not be necessary to wait in a queue next time. They can be left in In-coming Correspondence Log, or a customer may ask for an official and hand in the documents.

6.2. Website analysis.

www.nfz-krakow.pl

www.nfz.gov.pl

The website of Malopolska Provincial Unit of National Health Fund has only Polish

language version. In order to find information on voluntary health insurance one has to choose “Site for patients” (large menu with 4 options). From 8 thematic groups, one should pick “Patient’s rights”. “Voluntary health insurance” gives a lot of information, however written in a very formal language (mainly quote from corresponding legal acts). Moreover, it is difficult to find precise information – there is no list of necessary documents, the option “Obligatory payment”, put prior to “Contributions” concerning additional fee, is misleading. Despite the fact that there is information that the form may be downloaded from the website of NHF’s Head Office, there is no direct link provided. Link to NHF’s Head Office website is to be found at the end of the text. Actually, the form is available, however in PDF format (impossible to edit). Whereas on the website of Małopolska Province NHF, there is a form available in format allowing editing the document (Word). It can be downloaded through “See more”-> “Useful forms”.

On the website of NHF Head Office foreigners can find information in language other than Polish. The information concerning health care during temporal stay in Poland is available in English, German, Spanish and French. Information is useful only for foreigners from European Economic Area countries.

6.3. Survey - foreigners. Jointed questions for the City Office, the NFZ and ZUS

Foreigners report to just one branch of NFZ in Krakow, i.e. at Batory street. Not all persons participating in the survey answered the questions related to NFZ; the number of answers to individual questions ranges from 65 to 72. Presented below are the results of the survey. Out of 68 people who responded, 81% had no problem getting to the NFZ facility. About 3/4 of the respondents (77%) out of a group of 70 people said that no one helps them complete the formalities at the office, 1/4 of the people said they receive such assistance from friends or an interpreter. 70 people replied to the question of whether, after entering the building, one can obtain clear information (information point, notice boards, workers). Slightly more respondents answered yes - 54%, while the remaining 46% did not obtain proper information.

Due to such a distribution of the results, it is difficult to determine whether the facility is actually well-adjusted in terms of providing information. It appears that many variables may impact the outcome, i.e. prior knowledge of the procedure or fluency in Polish.

The vast majority of respondents, 85% out of 65 people, stated that the office workers were speaking no other language than Polish. However, when giving an overall assessment of the staff in terms of their competence and politeness, the majority of evaluations (70 respondents) were positive (see Table 15).

Table 15. Evaluation of office employees

General evaluation of the employees	%
competent	77%
polite	79%
helpful, willing to answer all questions	78%

In the case of declared sources of obtaining information about the functioning of the NFZ, the employees of the institution are the one most frequently indicated. Out of 71 people who responded, 79% obtained information from office workers, and 86% of them rated this source positively. Such a result may stem from the fact that a large proportion of respondents were people who know Polish.

Other sources of information are treated rather marginally and are not used by most respondents:

Contact via telephone - 70 respondents - **83%** has never called the office in order to obtain information. Those who have, constituted a small group; among them, 8 people assessed this information channel positively, and 4 people - negatively.

Contact via email - 67 people responded. Almost no one has ever benefited from this source of information (**97%**). Only 2 people contacted the office this way, one of whom evaluates this contact positively, the other one negatively.

Website - 67 people responded. The vast majority (**85%**) stated they have never benefited from it. Among those using the website, 6 people rated it positively, and 5 people - negatively.

Notice boards and leaflets at the Office - 72 people replied. Just under one third of the sample has made use of the boards of leaflets (**31%**). Most of the 16 people assessed this source of information positively, and 6 people assessed it negatively.

6.4. In-depth interviews.

Seven out of twelve respondents declared they had contacted NFZ, with three of the respondents having had no direct contact with the institution, and all formalities being handled by an appropriate person in their workplace. Two of the people surveyed stated that they had no problem getting to the NFZ facility; one of them was directed there from another office, and the other one obtained the information individually. Two of the respondents received information about the NFZ from Polish friends. Two people obtained information about the procedure at the office. One of the respondents (speaking Polish) assesses the access to information as positive ("There's an information table ... It's hard to make a mistake"). Two of the respondents during the entire procedure have benefited from the help of Polish friends who accompanied them to the office as interpreters. None of the respondents who had contact with the NFZ benefited from the office's website and therefore cannot assess its accessibility and usefulness. Similarly, in the case of contact via telephone and e-mail, none of the respondents contacted the office in this way. Two respondents proposed introducing explanations and forms in English, which they believe would allow foreigners to handle their matters in the office on their own. Two people do not see the need for any improvements ("As far as NFZ goes, I have only fond memories of it: you come, you say you want to sign a contract ... it takes about 20 minutes...").

The survey results should be treated as qualitative data (as an illustration of individual experiences of 7 respondents) that may serve as an incentive to facilitate the procedure for foreigners, e.g. by implementing explanations in English.

6.5. Mystery shopper study

a) the visit

The mystery shopper was an employee of the Association who speaks English fluently. Claiming to be a person wishing to conclude a voluntary insurance contract, she asked to be provided information about the procedure.

The building has been assessed as properly marked. The mystery shopper had no problem getting to the appropriate facility. Inside, all information is printed in Polish and is unintelligible for an English-speaking person. In the lobby of the office, which also serves as a waiting room, were many customers. There is also an automated queue machine, but with

Polish markings only, so the mystery shopper was unaware that she should have used it. She then proceeded to the customer service room and approached the first free post. The employee spoke English, gave partial information about the voluntary insurance, and when he was not sure about formal issues, asked another employee of the office for help. The employee who had been called came down to the customer service room and explained in very good English the following procedure to the mystery shopper.

The office staff have been assessed as competent, very polite and willing to help. The visit itself was assessed as satisfactory, but placing markings in English on the automatic queuing machine would make it much less stressful, according to our employee.

b) contact via telephone

The mystery shopper was a foreigner of Spanish origin. On asking whether the employee who answered the phone spoke English, the mystery shopper was been redirected to an official who provided her information and listed the documents she should bring in order to conclude the insurance contract. Telephone contact has been assessed as satisfactory, and the office worker as competent and polite.

As in the case of the City Hall, there is a lack of cohesion between the experiences of people participating in the 'mystery shopper' study and the results of in-depth interviews and surveys. Again, the results should rather be considered as reflecting the experience of individuals rather than constituting data upon which conclusions can be drawn as regards the adaptation of NHF to the needs of foreigners. The observed inconsistencies seem to lead to the conclusion that the office lacks standardised foreigner service, resulting in such diverse experiences of individual respondents, which depend on individual attitudes and the attitude of officials.

7. Zakład Ubezpieczeń Społecznych (Social Insurance Institution, ZUS)

The Association asked the Krakow Department of ZUS for cooperation. The meeting, held on 10 February at the department of ZUS at Pędzichów Street 27, was attended by the department manager and its press officer. During the meeting, the objectives of the project were presented, and then the Association asked a series of questions about the activities and tasks of the institution in connection with stay legalisation of foreigners in Poland. The representatives of the institution did not report any specific problems associated with foreigner service. At the same time, they expressed their willingness to cooperate in case of problems occurring on the side of the foreigners; the next meeting was to be held after the analysis of survey results among foreigners has been finished.

7.1. Evaluation of the venue.

The ZUS facility is located at Pędzichów Street 27, relatively close to the city centre proper. Its convenient location just off very busy streets ensures good communication with the rest of the city. The building is correctly marked - in front of the entrance are signs with the logo of ZUS, the name of the office and its opening hours (in Polish).

One enters the building through a foyer, where all information and markings are in Polish. On the right side of the entrance is a clearly marked information point. One can receive ZUS forms there, but there are no explanatory pamphlets for non-Polish speakers. The person conducting the observation noted, however, that the employee of the point is able to provide comprehensive information in English.

In the hall in which customers are served are notices and information for the office customers; again, there are no explanatory pamphlets for foreigners. The facility uses an automatic queuing system, but the queuing machine does not have any language options other than Polish

7.2. Analysis of the ZUS website.

www.zus.pl

Krakow department of ZUS does not have an independent website. Contact details (no contact via email), opening hours, the territorial coverage and information on subordinate units are available on the ZUS homepage.

Even though the home page has an option to switch the language into English or German, the content available in these languages is very limited. One may browse through 10 bulky booklets (in pdf files, from 20 to 80 pages each). The topics include social insurance, information about ZUS, instructions for foreign employers who have to make payments in Poland, an agreement between Poland and the United States, Canada, Australia and the European Union regarding pensions, etc. The rest of the information is available in Polish only.

7.3. Survey - foreigners.

Not all persons participating in the survey answered the questions related to ZUS; the number of answers to individual questions ranges from 65 to 73. Presented below are the results of the survey.

Out of 68 people who responded, 82% had no problem getting to the NHF facility. Out of a group of 70 people, 63% stated that no one helps them complete the formalities at the office, and 37% of the people said they receive such help from their friends or an interpreter. 68 people replied to the question of whether, after entering the building, one can receive clear information (information point, notice boards, and employees). Slightly more respondents answered yes - 57%, while the remaining 43% did not receive such information.

As in the case of the NHF, the distribution of results to this question cannot unambiguously reflect the actual adjustment of the facility in terms of information. It appears that many variables may impact the outcome, i.e. prior knowledge of the procedure or fluency in Polish.

The vast majority of respondents, 86% out of 65 people, stated that the office workers spoke no other language than Polish. However, when giving an overall assessment of the staff in terms of their competence and politeness, the majority of evaluations (66 to 68 respondents) were positive (see Table 16).

Table 16. Evaluation of office employees

General evaluation of the employees	%
competent	78%
polite	85%
helpful, willing to answer all questions	70%

In the case of declared sources of obtaining information about the functioning of the NHF, the employees of the institution are the one most frequently indicated. Out of 71 people who responded, 70% obtained information from office workers, and 86% of them rated this source positively. A large proportion of respondents spoke Polish very well.

Other sources of information are treated rather marginally and are not used by most respondents:

Contact via telephone - 70 respondents - 76% has never called the office in order to obtain information. Those who have constituted a small group - among them, 10 people assessed this information channel positively, and 7 people - negatively.

Contact via email - 67 people responded. Almost no one has ever benefited from this source of information (96%). Only 3 people contacted the office this way, two of whom evaluate the contact positively, the remaining one negatively.

Website- 73 people responded. The vast majority (81%) stated they have never benefited from it. Among those using the website, 9 people rated it positively, and 5 people - negatively.

Notice boards and leaflets at the Office - 73 people replied. Almost one third of the sample has made use of the boards of leaflets (29%). Positive evaluations outweigh negative ones among users - 15 positive over 6 negative evaluations.

7.4. In-depth interviews - foreigners.

Out of twelve people participating in the study, seven responded to questions concerning ZUS, while the rest declared they had no contact with the institution. Two of the respondents who knew Polish stated that there had been no major problems with getting to ZUS. The only difficulty was to obtain information on which facility they should go to, which information they obtained in one of the branches of the institution. Two people claimed that the identification of the proper ZUS branch was very problematic and stressful ("It was terrible there, I just didn't know what to do, and everything was in Polish"), while the other three received help from their Polish friends.

The procedure itself is regarded as posing no significant problems by the majority of respondents (5 people). One person conducting business in Poland assessed it as time-consuming and involving a lot of paperwork along with unnecessary bureaucracy. One person surveyed stated that delivering proof of one's payment of premiums each month is a problem.

Obtaining information on the office was in most cases based on visits to the Krakow branch of ZUS. Two people speaking Polish obtained the information in the office on their own. Three people received help from their Polish friends, who accompanied them in the offices as interpreters. Two respondents, after several visits to ZUS during which they never managed to obtain any information whatsoever, decided to seek assistance from a tax advisor ("I had to make some kind of payment, I didn't know how much, I've been there 4 times ...").

None of the respondents made use of the ZUS website. No one also tried to contact the institution via email. One of the respondents contacted the institution by telephone; however, she assessed this way of obtaining information negatively and as hardly effective ("They said that I should call, but when I did, they didn't give me any information").

The employees of the office are considered polite in general by all respondents. One person (who knows English) described the employees as competent ("One of the employees explained everything to me and helped me fill in the forms"). One person described the employees as "probably useful" ("they were probably useful, since they tried to explain things"). Five of the respondents who do not know Polish stated that the staff were nice, but were unable to evaluate their competence because they could not communicate due to the language barrier ("The ladies were very nice, but, of course, they only spoke Polish").

When asked about any suggestions for the office in order to facilitate contact for foreigners, two people said that there is no dire need of changes. Five people mentioned the languages, the introduction of markings and forms in English, as well as the presence of an employee who could provide information in English.

Qualitative research should be treated as an illustration of the experiences of a particular group of respondents. One can notice the consistency between the respondents' replies and the survey results, particularly in the case of language competence of employees or sources of information used by foreign citizens; all of which can only be used as an incentive to facilitate the procedure for foreigners, e.g. by providing explanations in English.

7.5. *Mystery shopper study*

a) the visit

The mystery shopper was an employee of the Association who speaks English fluently. Claiming to be a person wishing to conclude a voluntary insurance contract, she asked to be provided information about the procedure. The ZUS building has been assessed as well-marked; the mystery shopper had no problem finding the institution. Inside the building are information boards and markings in Polish. Between the entry and the customer service room is an information point; that is also where our employee went first.

The employee of the information point spoke English fluently, answered all the questions and explained the procedure. The mystery shopper was asked to fill forms (in Polish) and was also offered assistance in filling them. The employee presented the costs of the procedure and asked the mystery shopper about the possible ways of contacting the office and sending the filled forms by email.

The visit has been assessed as satisfactory, and the office employee as competent and polite.

b) contact via telephone

The person making the telephone call was an employee of the Association who speaks English fluently. After a few tries, she managed to contact ZUS via telephone. Having started the conversation in English, she was politely asked to wait (in Polish) and then switched over to another ZUS employee, who said in English he did not understand, and switched her over to yet another person. After some time (about 2 minutes) with no response, our employee hung up. Telephone contact was assessed as unsatisfactory.

The results of the "mystery shopper" study depict a certain aspect of reality foreigners have to deal with when contacting institutions. In the case of ZUS, there appear points consistent with other methods used during the monitoring regarding e.g. the lack of telephone contact, which seems to confirm the result that the main source of information is still an official behind the glass. The results can be seen as the basis for some suggestions for the office that could facilitate contacting it for foreigners.

7.6. Survey - foreigners. Jointed questions for the City Office, the NHF and ZUS.

The persons involved in the survey were also asked to answer questions about drafts for changes in the offices, suggestions regarding their employees and recommendations aimed at facilitating the process of handling matters at these offices. Questions focused collectively on the assessment of all three institutions taking part in the legalisation process yielded the following results:

52 people responded to the question "**What would you change in the functioning of these offices (City Office, NFZ, ZUS)?**" with 29% of them (15 people) stating that they would not change anything. The group that proposed at least one change comprised 37 people. The suggestions involved changes in the **office staff's** skills, streamlining the process of handling matters and the **procedure** itself. (see Table 17 & Table 18).

Table 17. Suggestions regarding office staff

Suggestions regarding office staff	Number of answers
increasing the knowledge of procedures for foreigners	8 people
increasing the standards of service (politeness and positive attitude)	9 people
increasing their English skills	5 people

Table 18. Suggestions for improving the process of handling clients

Suggestions regarding office staff	Number of answers
reducing queues	5 people
the possibility of handling matters via the Internet	4 people
streamlining the procedure	7 people

In the case of improvements for specific procedures, 5 people suggested reducing bureaucracy and one person mentioned reducing costs. In addition, there were suggestions that were not attributed to any of the previous category as they appeared only once each. Here are some of these suggestions: forms in English; more understandable and accessible information; the possibility of contact via telephone; providing information on incoming changes. It seems that such responses can be classified as streamlining the process of providing information, both through English translations and facilitating the contact with the office.

8. The activities of law enforcement services in relation to foreigners.

The primary state services with which a foreigner is likely to come into contact during their stay in Poland are the Border Guard and Police. The Border Guard screens the legality of foreigners' stay, conducts actual and legal activities related to the expulsion of foreigners, and keeps control over the border traffic. Even though the Police is also authorised to conduct legality screening, the basic plane of contact of foreigners with the institution will, however, involve public order and security issues or, in other words, be associated with crime and offences.

8.1. The Border Guard.

8.1.1. Survey - foreigners.

The sample consisted of 37 people. The vast majority of foreigners surveyed by us had contact with the Border Guard only in the context of border control (27 people). For nearly one-third of the sample, the contact was made in the context of the legal screening of their stay (10 people). In the latter group there was also one person for whom the Border Guard additionally verified the legality of their occupation. He completed a survey written in Polish.

The following preliminary analysis applies only to the group whose contact with the Border Guard took place in the context of legality screening.

Stay legality screening

10 people (5 men, 4 women, 1 person - no data, 2 persons - Russia, Kazakhstan, 1 - Armenia, Mauritius, Turkey, Ukraine, USA, no data) who were in contact with the Border Guard in the context of legal screening of their stay **were demanded** a passport (9), a visa (2), a stay card (4) and a work permit (1 person). After being presented, the above items were found to be sufficient in all cases.

In the case of half of the sample, **the screening** lasted half an hour, for 2 people it lasted up to an hour, while for 3 persons it lasted from one hour to three hours. Half of the respondents were screened at night, one person between 6.00 and 9.00, three between 9.00 and 12.00, one person each between 17.00 and 20.00 and between 20.00 and 22.00. There was

no relationship between the time of the screening and its duration. The respondents were screened in various places - 3 persons at the border, two at the airport, 2 on the street, 2 at work, 2 on a train, 2 in their car, 1 on a plane, 1 in their flat. Some respondents were screened more than once.

In all cases, the language in which the officers communicated with the respondents was **Polish**. Two people have also indicated the English language (one of them with the note "poor English"), two other persons also indicated Russian (one of them with the note "some simple Russian"). An interpreter was not present during any of the screenings. In 6 cases out of 10, the officers did not present **their Border Guard IDs** in a way allowing a subject to write down their names. 7 of the 10 respondents were **informed about the purpose of the** procedure carried out by the Border Guard. In all cases, the screening was carried out on site and none of the respondents was transported to another location. Most of the foreigners (7 of out 9 persons) stated that during the procedure no **documentation was created**. During the screening, such documentation was created for only two persons, but only one of them received a **copy** (the copy was in Polish, but the content was understandable for the subject).

Only half of those surveyed described **the behaviour of the inspecting officers**. 3 people considered the officers formal, 2 persons considered them polite, while 1 person - matter-of-fact. Nobody selected the vulgar, negligent or other options. Only one person claimed that they were asked embarrassing questions. No **fingerprints** were collected. In the case of three people, a search of clothing was conducted, one person had their flat searched, and one person - their backpack. Two of them were provided the **legal basis** for such a search (in the case of clothing and the backpack). In three cases during the inspection, the officers had dogs (in two cases, the screening was conducted on the border, and in the remaining case - in the street).

The respondents were asked to rate various aspects of **contact** with the Border Guard on a scale from 1 (very negative) to 5 (very positive). Half of the respondents rated the process of **providing information** at 3 (medium value), two people found it positive (4), and extreme values (very positive and very negative) were chosen by one person each. **Helpfulness/understanding** in most cases received an average rating (3), in two cases the rating was very positive, and negative in two cases (rate 2 and 1). **The politeness of the officers** received the greatest ratings: most of the ratings were average, 2 positive and very positive, with no negative evaluation.

Only one of the respondents (a citizen of Kazakhstan screened at the border) was detained by the Guard. The detainment lasted for 3 hours. During the time, he was not offered hot drinks or food, and was also not allowed to contact a relative. He was informed of his rights in a language he understood, and received a spoken explanation of the doubts he had.

8.1.2. Evaluation of a study conducted in relation to the Border Guard.

On 17 January 2011, the Association contacted the Carpathian Division of the Border Guard and asked for the participation of the Border Guard Outpost at the John Paul II International Airport in Krakow in the monitoring activities conducted by the organisation. On 7 February, a meeting was held with officers of the Border Guard Outpost in Balice, Krakow, presented during which were details of the planned study and the main areas of our interest in the way of performing duties by Border Guard in relation to foreigners. The meeting was held in a matter-of-fact and amiable atmosphere, although the Border Guard officers approached the project with a clear reserve. One could see that they limited the amount of information provided during a conversation, while demanding that we specify exactly our expectations and requests. The desire to confirm that the Border Guard has always operated according to laws and regulations, and that its activity does not transgress these laws, was evident. On being told that some legal provisions are general enough to leave a considerable leeway in choosing how to act, the officers answered that some procedures associated with the methodology of action were covered by professional secrecy and protection as classified information. The officers also limited the scope of information provided and based their agreement to conduct further studies on the consent of their superiors. The limitations imposed by the professional hierarchy were tangible throughout the whole conversation. As a result, conducting interviews with individual officers was impossible, and filling in questionnaires could also prove problematic, since it would have to be detrimental to the exercise of their duties. Additionally, it was agreed during the meeting that the Association will send another document, specifying the scope of the study. Furthermore, the officers expressed the need for coordinated action to amend certain laws that hamper the performance of their duties, as well as have a negative, albeit unjustified in their opinion, impact on the Border Guard image in the eyes of foreigners. However, no specifics were given. The Association has also not received such information during the consequent, written communication. During the interview, the officers clearly wanted the Border Guard to not be disdained by foreigners.

In this context, quite striking is a film posted on YouTube at <http://www.youtube.com/watch?v=WRA1BorwcxA>, in the channel of Cities and Regions portal, entitled "Carpathian Branch of the Border Guard: May we never have to stand at your door..." which presents the activities of the Border Guard. The film is accompanied by an aggressive music score with Middle Eastern roots, and the imagery itself also has this kind of character. Even the title itself is meant to provoke the viewer's fear, and various actions shown, including breaking doors to houses, dragging detained persons from inside their cars, using brutal measures of direct coercion against them, aiming automatic weapons at people and using dogs can all but enhance this fear. The film ends with an image of a board with a photo attached showing two armed Border Guard officers using coercion towards an unidentified person, against the background of two Alaskan Malamute heads with barred teeth. The question arises whether a foreigner-friendly formation should present itself in this particular way? The film creates a negative image of the Border Guard as a militarised corps, focused on actions based on violence rather than cooperation.

In the further stages of the study, according to the previous agreement, the Association sent another letter to the Border Guard on 17 February 2011, in which we clarified the nature of future monitoring and what data we would like to acquire from the Guard. In the meantime, as if in response to the meeting, we received a letter dated 10 February, in which the Chief of the Carpathian Outpost of the Border Guard stated that the data we requested will be provided to us according to the provisions governing access to public information. Consequently, on March 21 we directed an appropriate letter under the Act on the Access to Public Information with a request to respond to 57 questions posed in it. The reply came on 8 April 2011. The following can be derived from the response:

Stay Legality Screening always takes place in accordance with the Regulation of the Ministry of the Interior and Administration (MSWiA) of 19 November 2009 on the Procedure of Stay Legality Screening of Foreigners within the Territory of the Republic of Poland. This operation is performed both in the place of screening and in a different location, depending on the individual circumstances surrounding a foreigner. During the screening, the person is identified. According to the statement we received, if the person's ID is in his or her place of residence, the officers accompany the foreigner there to inspect the ID. On being asked how the stay legality screening of EU citizens beyond the permitted periods takes place if the citizens do not have a specific entry date into the territory of Poland in their passport, the Border Guard answered that in such a case, the foreigner is asked questions, and a declaration from the person is taken. During the screening, the Border Guard accepts only such documents that indicate the possession of adequate means of subsistence, indicated in the above Regulation of

MSWiA; nevertheless, it is very rarely the case that such documents are presented. Usually, presented are tenders in Polish or foreign currency. As for the foreigners' work legality screening, it is usually performed in the workplace or the in place of activity conducted by a foreigner. If the documents on which the stay is based are in a different place than the place of screening, the screened person is asked to provide these documents. Requested here are documents specified in the Act on the Promotion of Employment and Labour Market Institutions.

It is worth pointing out, *de lege ferenda*, that due to the fact that during the stay legalisation procedure, the foreigner or his employer provides a suitable range of documents in order to obtain a specific form of consent for temporary stay, and also due to the fact that they document the possession of appropriate means of subsistence for the time of the stay, the scope of stay legality screening should for the period of legal stay be limited to providing only the stay card and a travel document. Such screening would not generate any excess burden for the foreigner, and there are generally no reasons that would necessitate the reassessment of privileges embodied in the stay card in each and every case. This proposal is indeed consistent with the general principle of fixedness of administrative decisions. Therefore, it seems that only possessing a specific type of information and knowledge by the screening body, indicating that there occurred a significant change in a foreigner's personal situation, would allow the body to perform a wider scope of the foreigner's documents screening.

Stay legality screenings of foreigners in Poland are conducted in all places foreigners visit, and the location of which favours an increased risk of Polish law being violated by foreigners, involving an illegal stay as well as employment. Due to their numbers, screened in the Małopolska province are usually the citizens of Ukraine, Vietnam and Armenia. Foreigners screened are identified during patrol duty or operational work on the basis of citizen reports (denunciations), or sometimes at the request of another administrative body (community interview). During the patrol duty, the detainment of a foreigner in the street is performed in respect to the procedural principles in the event of justified suspicion of breach of Poland's provisions in force, which principles were sent to us. According to the response we have received, the profiling of persons undergoing screening occurs, *inter alia*, on the basis of identification of vehicles travelling with foreign licence plates, during the screening of international coach buses, when someone uses a language other than Polish or Polish with a foreign accent, or in the event of public order breaching, but also on the basis of appearance.

The issue of stay legality screening of foreigners executed in public space should be regarded as controversial. In the Association's opinion, the legislature should prohibit such screenings, because they are conducted in a discriminatory manner and based on racist grounds. While it is true that the issue exceeds the

actual will or intention of the Border Guard, when acting under such methodology it is nevertheless impossible to avoid accusations of profiling based on skin colour, appearance, or other discriminatory considerations favouring people ethnically close to Polish citizens. Democratic countries should therefore avoid engaging in racially- or ethnically-motivated administrative activities. The lack of rules of foreigner screening admissibility in public space also leads to another type of problems. During the study, we were informed of a case where a screened woman described the circumstances of the screening in the following manner: The screening took place in Georgian restaurant. The Border Guard surrounded the building with officers leading dogs on leashes. The officers legitimised all foreigners present in the restaurant one by one, restricting their personal freedom for a long time. The person providing the information had to wait for their turn for nearly an hour, despite being in a hurry. Putting the question of legal admissibility of this kind of actions aside, they bring to mind the worst possible associations from a time the Poles would prefer to forget. It seems, therefore, that the screening in public space should be allowed only in relation to particular persons, on the subject of which the Border Guard already received credible information justifying such screening.

As a response to the question concerning the average duration of the screening procedure, we were informed that each screening is different, and its duration depends on the number of foreigners and the size of the area occupied by the foreigners. The Border Guard, therefore, was unable to provide a specific duration due to the fact that every case has its own specificity. As long as the foreigner understands the language, the screening is conducted in Polish. In case of communication issues, the screening is conducted through an interpreter or a chosen person speaking both Polish and the language of the foreigner. This person may be a citizen of the same county who knows Polish or is using the assistance of an interpreter. In the case of a breach of provisions related to staying in Poland or working, in order for accurate checks to be performed and appropriate questions asked, the foreigner is taken to the nearest Border Guard facility, where he uses the assistance of an interpreter. Should the need arise, the officers also use the premises of the police. In the cases specified by the Act on foreigners, the Border Guard collects the foreigner's fingerprints. This is performed by a qualified technician, or using a Morpho Touch device. When such check is impossible, the fingerprints are collected onto a dactyloscopic card and then sent to the Central Dactyloscopic Registry for verification.

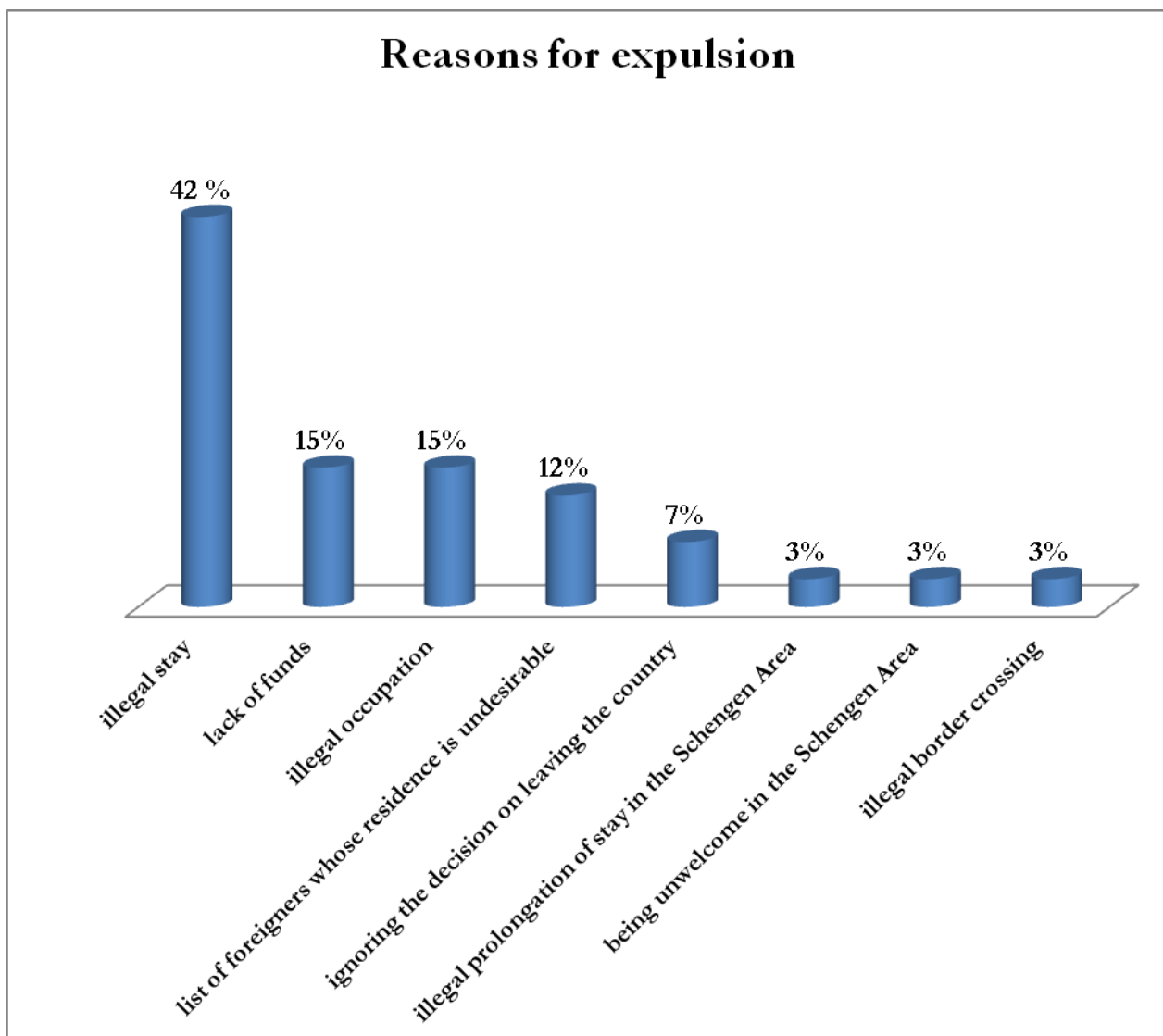
Whenever a foreigner is detained, a detainment report is prepared in accordance with the provisions of the Code of Criminal Procedure. The Border Guard does not, however, store statistics on the percentage distribution of causes of foreigner detainment. Without the need to place the foreigner in the Guarded Centre for Foreigners, the detainment activities last, depending on the hour of detainment (morning, afternoon), from about 4 to 24 hours. This stems from the requirement to perform multiple steps prescribed by law, as well as the work hours of state institutions (the provincial office, the appropriate courts). If there is a need to

place the foreigner in a Guarded Centre for Foreigners, the detainment may last up to 48 hours, and once the foreigner is transferred to a court, the detainment may be extended by another 24 hours, as per the provisions of the Code of Criminal Procedure. The detained foreigner is placed in a room for detainees in a Border Guard or Police facility. In the case of a Border Guard's detainee room, the conditions and standards of such premises are listed in the Regulation of the Ministry of Interior and Administration of 30 November 2001 on Conditions to Be Met by Premises for Detainees within the Structural Units of the Border Guard and on the Rules of Staying in Such Rooms. Whenever detainment occurs, the appropriate Regional Prosecutor and the appropriate diplomatic agency are notified immediately and obligatorily. At the foreigner's request, they are provided means of contact with a relative, a lawyer or other persons/institutions listed in the instruction, of which the foreigner is informed each time, and which they receive in writing. Therefore, the foreigners are informed about their rights each time, and their acknowledgement of being informed of the instruction is confirmed by the foreigner's signature. The Border Guard's experience also shows that foreigners rarely take advantage of their rights. In case of doubt as per the scope of rights and how they apply to foreigners, according to the Border Guard, a comprehensive oral information is given, including information on the institutions that provide legal assistance to foreigners. If there are reasons to suspect a crime, information on legal aid is provided mandatory regardless of the foreigner's requests and needs. They are also provided information about circumstances that could constitute an obstacle to expulsion. A detainment report is written in Polish, and then, if necessary, translated orally by an interpreter. The assets of a foreigner that have been placed in a guarded centre are secured in accordance with the procedural rules and provisions issued by the court.

The procedure described above, as long as it is implemented (this issue is discussed further in the case study), deserves special recognition, especially since it contains information relevant from the foreigner's perspective on their legal and actual status, including the possibility of putting to question the decisions taken against them, including the decision to expel them from Poland. A bit worrying is the fact that the activities involving foreigners are performed only in Polish, and then interpreted into a language understandable for the foreigner. *De lege lata*, contrary to the widespread belief of administrative bodies, the Act on the Polish Language does not prevent transcribing the explanations by a translator into the foreigner's mother tongue, and then, based on such a transcript, writing an appropriate report in Polish to be used for court procedures. Through such procedures, the principle of factuality and accuracy in proceedings would be implemented in a decidedly more trustworthy manner.

The Border Guard does not keep statistics related to the structure of the legal basis for expulsion decisions being issued; hence the data shown below are only approximate. In addition, there rarely occurs just a single reason for issuing such a decision. Expulsion requests submitted by the Foreigner Department of the Carpathian Outpost of the Border Guard were assumed to be representative of the group. For the percentage distribution of reasons for expulsion found, see Table 19.

Table 19. Reasons for expulsion



Moreover, Border Guard representatives declared that they file a foreigner expulsion form, containing all the information about a foreigner’s legal situation, including the circumstances that may form the basis for issuing consent for a tolerated stay; based on that, the appropriate voivode takes proper actions within the limits of their competence. According to the statement

in the letter received by the Association, the Border Guard also respects the obstacles to the expulsion of a foreigner as indicated in Article no. 89 of the Act on Foreigners. As regards the particular case of a guardian-less minor, implemented are provisions of the Act on Foreigners, the family and guardianship code, and the Convention on the Rights of the Child of 20 November 1989. The Border Guard cooperates with the appropriate voivode, the court (Family and Minors Department), special education centres, and relevant diplomatic agency.

When asked about the methodology of expulsions, the Border Guard answered that in the case of expulsions carried out by land, foreigners are expelled during the working hours of offices. In the case of expulsions carried out by air (using special aircraft), the humanitarian aspect is taken into account and the expulsions are carried out from morning until early evening. In the case of expulsions carried out via scheduled flights, the Border Guard has to adapt to the specific hours of departure established by the carrier. Money and personal belongings are deposited in the Detainee Room belonging to the Border Guard or to the Police based on a deposit receipt signed by the foreigner, and then transferred together with the foreigner to officers forming a convoy. A foreigner in a guarded centre or detention centre is informed that they are only allowed to take such baggage with them that does not exceed the dimensions and weight stipulated by the carrier. Any excesses baggage must be paid for with their own money. It can also be send by post/courier, or left for family members or friends. And should an expulsion under escort form be filed, the foreigner takes with them their possessions in the form of hand luggage. It is never the case that the foreigner's baggage should exceed the possibility of carrying it personally. The Border Guard also stated that the decisions to expel dominate in the structure of decisions that stipulate leaving the country, and their proportion in relation to the decisions stipulating a voluntarily leave is 56 to 44. Decisions that stipulate leaving Poland most often concern the citizens of Ukraine, Vietnam and Belarus, while in case of citizens of Ukraine, Vietnam, Armenia and Mongolia, their expulsion is tied to their illegal stay or working without the required permit. What is more, most foreigners do not have travel documents with them. The duration of the replacement document issuing procedure depends on many factors: the foreigner's nationality, their good will and the credibility of data provided by them, the effectiveness of a diplomatic agency. No statistics related to the issue are maintained. There were situations where a Vietnamese did not receive identity confirmation for one year and was released from the detention centre. The authorities of Poland's neighbour countries are the quickest to confirm the identity of their citizens. Transit by air is organised depending on the situation and needs. Under the aegis of various countries of the European Community, organised are jointed flights to minimise expenditures. There have been 5 such

flights since early 2011.

In its contacts with foreigners, the Border Guard officers found no cases of violence or aggression on the part of foreigners.

According to our investigation, there is no tendency of forcing foreigners to stay at a specific location in lieu of denying them liberty within a guarded centre, which should be considered negatively as a violation of the principle of the proportionality of measures to aims and of preferring measures of higher acuteness. The same applies to the prevalence of the decision to expel over the decisions on the obligation to leave the territory of Poland. Disturbing is also the fact that foreigners are usually forced to leave all their possessions, often acquired over many years, in Poland, and in the face of the consequences of expulsion, it is difficult for them to sell these possessions or move them to their country of origin at a later date.

8.1.3. Case study – the Batdaava family.

Due to the infamous case associated with an attempt to deport the Batdaava family (a Mongolian family considered as well-integrated with the local community) and due to legal and actual repercussions of this case, the decision has been taken to interview Mrs. Jargal Jambaa.

Monitoring activities undertaken by our Organization have also influenced the above-mentioned decision. During the interview Mrs. Jargal Jambaa was asked to describe the course of events associated with her detention, placing her in a special facility and legal proceedings against her and her family. The interview was held on April 27, 2011.

The foreign national was detained by the Border Guard while shopping at the Plac Binczycki in Krakow. The incident took place between 11 and 12 in the morning. The Border Guard officers showed their Border Guard identity cards and afterwards checked Mrs. Jargal Jambaa's ID. One of the Border Guard officers, who was assigned to carry out the actions associated with detention of Mrs. Jargal Jambaa, was familiar with her family's case. She asked the officers not to detain her. She also suggested that she would appear unaided at a designated Border Guard unit.

She justified her request with the fact that she had to pick up her son from school. The officers did not explain to her why she had not been detained at the place of residence instead of a public place. In response, the officers stated that they were simply following the procedure. Due to the fact that the officers were ordered to detain Mrs. Jargal Jambaa, they consented to her request to allow her to pick up her son from school. Together with two officers the respondent

went to school to which her 11-year-old son Karol attends. The son participated at that time in classes and he was forced to leave school earlier, despite other classes scheduled for that day. The mother and her child were taken to the Border Guard unit at the Balice airport, where it was supposed to become clear whether there was a chance that she may be released from custody. The authorities representing the Border Guard did not take into consideration any of the arguments set forth by the detainee, who clearly stated that she did not intend to flee. She also declared that the situation of her family was stable and that the family had been living in Poland for a considerably long period of time. The officers also asked questions relating to the other two sons of the respondent, who at that time were studying in Krakow. During the conversation the woman requested that the officers postponed the moment of detention of one of her sons as he was taking his end-of-term examinations at that time and was scheduled to defend his master's thesis within the next few days. She guaranteed that she would convince her son to report to the Border Guard unity immediately after defending his master's thesis. The officers were very kind. They heard the woman out with full attention and understanding. She was also informed that she had the right to appeal against the decision of detention within 7 days of being served with a notice. Mrs. Jargal Jambaa also received the said decision in writing.

Directly from the Border Guard Unit in Balice, the respondent and her son were transported to the court in Krakow. A hearing scheduled for 6 p.m. was to determine whether the family would have to be placed in a guarded facility for foreign nationals. Both the mother and her son received neither any food nor anything to drink. In the court building, the officers took so called "mug shots" of the woman. Her son Karol was present throughout the hearing. The hearing was conducted in the Polish language and was comprehensible for Mrs. Jargal Jambaa. During the hearing Mrs. Jargal Jambaa explained that her son Karol was born in Poland and that the family was applying for *permanent stay* in Poland. The judge did not react to these explanations and did not consent to release Mrs. Jargal Jambaa. Moreover, the judge ruled a 90-day-period of detention.

This arouses doubts as to the qualifications presented by the judge and his knowledge of law. The fact that Mrs. Jambaa's son, Karol, was born in Poland constitutes a significant premise which, under the Convention on Children's Rights, creates an obstacle for a change of the child's social environment to an alien environment, especially at the age of 11. The judge ought to assess the said premise in detail. On the basis of general provisions of the Polish Penal Code it should be determined whether the mother and her son ought to be placed in a guarded facility for foreign nationals.

Immediately after the hearing, the respondent together with her son Karol were transported to a facility in Przemyśl (Guarded Facility for Foreign Nationals in Przemyśl). One of the officers, having heard about Karol's motion sickness, bought the boy some medicaments to overcome the symptoms during the travel. The officers also informed Mrs. Jambaa that it was possible to inform the embassy about her detention. However, the officers did not offer Mrs. Jargal Jambaa to make a call to a member of the family or a friend. The 11-year-old Karol accompanied his mother throughout the detention procedure from the moment he was picked up from school to his transfer to the facility in Przemyśl. The officers, who detained the woman and her son, accompanied them until the end of the hearing. Immediately after the hearing, the mother and her son were transported from the court in Krakow to the facility in Przemyśl by yet another pair of guards.

Having received the information that the older son, Khash, had also been detained by the Border Guard, Mrs. Jambaa requested to allow Khash to take his masters exam. The Border Guard, however, did not consent to this request. However, what the Border Guard did offer was a room to carry out the examination, if the examination board decided to come to the facility. Khash was detained prior his masters exam. He underwent exactly the same procedure as his mother did. In fact, it was impossible to contact Khash until late evening on the day when he was detained. His younger brother was unable to enter the flat as he did not poses the keys. The mother would not believe that the Border Guard would decide to detain her son before his final exam despite her request not to do so. Yet, she does not hold any grudges towards the Border Guard. On the day of her detention the foreign national could not collect her belongings before being transported to the facility in Przemysl. She did not even have with her any necessary personal items. It was a group of friends who sent clothes and other necessary personal items to the facility in Przemysl. Similarly, Khash was not allowed to collect his belongings from his house and was transported directly to Przemyśl, where he arrived at about 1 a.m. on the day of his detention.

Such a treatment is not humane and it is against all basic human rights, especially the right to safety (art. 5 of European Convention on Human Rights) and the right to be treated with dignity and respect (art. 3 of European Convention on Human Rights). An individual detained for a 90-day-period ought to be granted the right to collect his or her personal belongings which will be indispensable for the individual during the said period, especially when the individual is to be detained together with his/her child. One could also call depriving the foreign national and her child of food and drink for about 19 hours as inhumane treatment. The said 19 hours is the period between the moment of detention to the first meal which was served the next morning in the facility in Przemyśl.

According to the Jambaa family, circumstances in the facility were good. It was clean and the food was tasty. Mrs. Jargal Jambaa together with her son Karol were placed in the facility's family block, where they were granted a private room. Only after 3 or 4 days from filing a request for uniting her with her husband, who was kept in the same facility, did she receive a permission to meet her husband. Karol attended the classes for children staying in the facility. The majority of activities, such as sending letters, required a permission of the facility governor, preceded of course by a proper application. The woman filed an official complaint with the court, questioning the 90-day-period of detention as too long. She also filed with the court in Przemyśl a petition for discharge from the facility. Mrs. Jargal Jambaa participated in the hearing held in Przemyśl. She was represented by one of her acquaintances who happens to be an attorney. The officers in the facility were very kind and sympathetic. They were really worried with her situation.

After the court issued a ruling allowing for a tolerated residence in the country, she had to stay in the facility for yet another 7 days; exactly the period required for a ruling to come into effect. She was not informed when she would finally be discharged from the facility and whether the above-mentioned 7-day-period is a period of 7 weekdays or a period including the weekend. Nobody was able to clarify this issue. The majority of information concerning the situation was passed to the woman by her friends rather than by employees of the facility. Upon leaving the facility, the governor of the facility and his deputy were very kind towards the family. The family received even some sandwiches for their return journey.

Unfortunately, as it was already mentioned, the family was not provided with any food or drink while being transported to the facility in Przemyśl.

The fact that the foreign national was discharged from the facility only when the ruling came into effect infringes the constitutional right to freedom. The Border Guard, as a unit accountable for the facility, ought to bear this fact in mind, especially in the context of art. 107(1) (1) of the Foreigners Act. The said article orders to discharge the foreign national when the causes underlying the application of detention measures cease to exist. Such procedure is to be applied whenever an appropriate authority issues even a preliminary ruling regulating the legal status of the foreign national.

The period of detention resulted in Karol worrying that his parents would be deported to Mongolia and he will be sent to an orphanage. The family had been trying to legalize their stay in Poland for 7 years without any success.

8.2. The police.

8.2.1. Survey – foreign nationals.

The survey has been conducted among 21 respondents. Half of the interviewed foreign citizens have had contact with the police in the context of a control of legality of residence in Poland (11 respondents). This contradicts information disclosed by the Provincial Police Headquarters. Five persons reported a crime or an offence, four persons were subjected to a road traffic control, three persons were subjected to a community interview and two persons committed a crime/offence. One person chose an option marked as *other*, namely “verification of residence”. The police demanded from the foreign nationals the following **documents**: passport (10), driving license (5), residence permit (4), student ID (3), car registration (3), ID (1), documents necessary to obtain a residence permit (1), registration at a place of residence (1), marriage certificate (1), insurance (1). Only once the police did not demand to see any documents. In more than half of the cases the **duration** of the police actions did not exceed 30 minutes. Eight respondents stated that the above-mentioned police actions lasted between 30 minutes and 1 hour, while in two cases the duration ranged from 1 to 3 hours. The place of contact with the police, for nearly half of the respondents, was the street (9 persons). In case of 6 persons it was their place of residence, for 5 other persons it was a police station and for 3 a public road. Two respondents marked 2 places of contact; in one case it was a street and a police station and in the other a public road and a street.

Police officers used **only Polish** while interviewing the respondents. In more than half of the cases (12 persons) police officers presented their official IDs in a way that enabled the respondents to write down the officers surnames. The number of reports of such professional attitude among police officers is more numerous than in case of the Border Guard. The majority of the respondents were **informed about the aim** of actions (15 persons). The actions were carried out **on the spot**. In more than half of the cases no **documentation** was made during the said actions (11 persons). In cases when the documentation was made, only three persons received a **copy** in the Polish language (twice after a control of legality of residence and once after reporting a crime). For one of the respondents information contained in the copy of the document was incomprehensible (in case of a foreign national who reported a crime/offence).

The behaviour of the officers was regarded as concrete/useful and formal by 9 respondents. Seven respondents assessed the behaviour of the officers as kind. One of the

respondents claimed that the police officers were vulgar and disrespectful. Three of the respondents underwent a **personal search** (two women and one man) – one of the respondents during a road traffic control (clothes, luggage and car); the officers mentioned the legal basis for such actions. Another personal search was carried out when the officers were examining the legality of work performed by a respondent (clothes). The third case of personal search occurred during a control of legality of residence (car). The respondents have been asked to assess particular aspects of **contact** with the officers on a scale ranging from 1 (very negative) to 5 (very positive). **Providing information** concerning police actions has been assessed by one third of the respondents (i.e. 7 persons) at 3 (the middle value); 6 persons have evaluated this aspect as positive (value: 4) and 3 respondents have evaluated it as very positive. One person has assessed the said aspect as negative and one person as very negative.

Such attributes as **helpfulness/understanding** in majority of cases have been assigned the middle value (6 persons), 5 persons have evaluated this aspect as very positive, 4 respondents have evaluated it as positive, 3 persons have assessed it as very negative and 2 persons have evaluated this aspect as negative. **Politeness** of police officers has received the highest mark: 7 persons have evaluated this aspect as positive, 6 persons have assigned the middle value, 4 persons have assessed this aspect as positive, 1 person as negative and 2 persons as very negative.

One third of the respondents (7 persons) have used **emergency numbers** (997/112). Four persons (all those who completed the questionnaire in language other than Polish) have stated that they could not communicate with the dispatcher while making the emergency call. One of the respondents has written: "There was a time when I called for an ambulance 3 x and they hang up on me 3 times! Had to take a taxi to hospital". **Taking the call** alone was very brief (up to a couple of minutes in case of 3 persons) and up to 15 minutes (2 persons). One person has described the emergency call as "too long, about 1 hour" and as a matter of fact in the above-mentioned case the attempt concluded in a failure.

Execution of the emergency call in two cases has been assessed as speedy: 1 person waited for about 30 minutes and 1 person had to wait for 45 minutes. One of the respondents waited for about 1 hour and another respondent has stated: "There was no reaction to my call at all". In majority of cases the undertaken actions **concluded with a satisfactory effect**. This opinion has been shared by 5 out of 7 respondents.

The majority of respondents feel safe in Krakow (13 persons), about one fourth of respondents does not support this statement (5 persons) and three respondents have not

expressed their opinion. It seems that the feeling of safety increases in one's **place of residence**; 15 affirmative responses (question: "Are you feeling safe...?"). Those respondents, who do not feel safe in Krakow, generally feel insecure also in their place of residence (with the exception of one person).

Among 21 persons who had been in contact with the police prior to participation in this survey, two persons have been **detained**. The said persons were subjected to a control of legality of stay. In both cases detention lasted no more than 3 hours. The reason for such lengthy procedure was the obligation to produce an explanation and "crossing the street on the red light". Neither of the respondents was offered food or drink. One of the respondents, a woman originating from Ukraine, was allowed to contact a friend or a relative (the woman was detained in order to provide an explanation). She also received information concerning her rights (in a comprehensible language). Any remaining doubts were explained to her orally. The man detained for crossing the street on the red light has not stated whether he had been informed as to his rights. However, he has stressed that all doubts were cleared by the officers.

8.2.2. Evaluation of survey concerning the Police

The organization issued an official letter dated January 17, 2011 towards the Municipal Police Commander in Krakow with a request for co-operation. The meeting was held on February 15, 2011. The police were represented for e.g. by the Deputy of Municipal Police Commander in Krakow. The meeting focused on the guidelines of the project. The police shed light on the overall situation concerning actions and assignments undertaken by the police towards the migrations and tourism among foreign nationals. The police also selected a contact person for the project. The Organization was requested to specify the topics and areas of police actions the organization is interested in. As a result, an official letter dated February 22, 2011 was addressed to the police. The letter contained a set of questions associated with possible contacts with foreign nationals in Krakow as well as actions undertaken towards this group. In the course of another meeting which took place on March 15, 2011 we have received answers to questions posed in one of the letters to the police. The police were represented by the previously appointed contact person and a representative of the 1st Police Department in Krakow responsible for the area of the *Stare Miasto* (ang. Old City) and *Kazimierz*. As far as control of legality of residence is concerned, the issue lies in the hands of the Provincial Police Commander. An appropriate letter concerning this issue was addressed to Police in

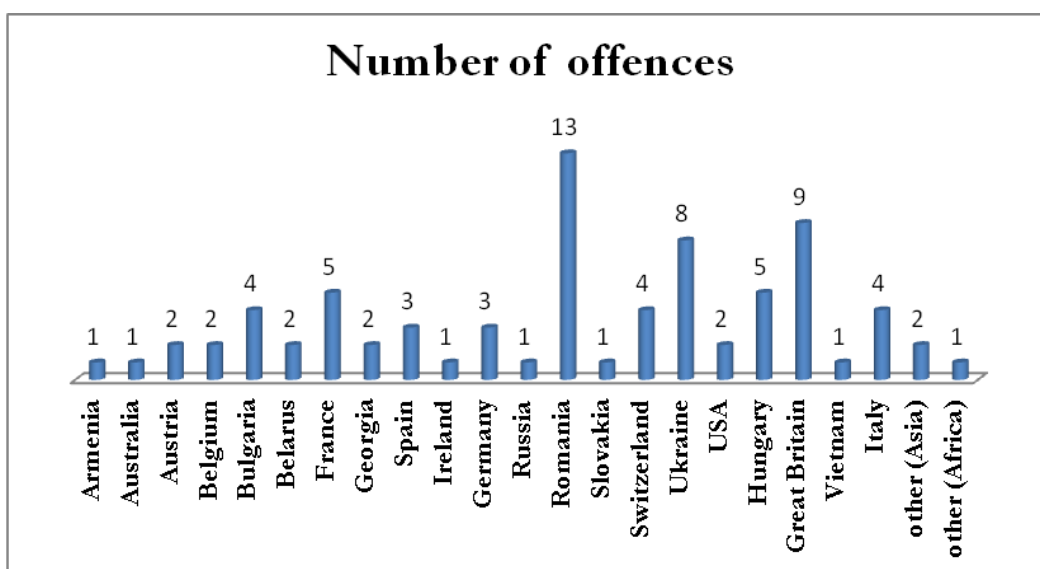
Krakow on March 21, 2011. Shortly after, a meeting at Provincial Police Headquarters office was organized. The meeting provided both answers to previously posed questions and some data concerning the said issue.

8.2.2.1. Preservation of legal order/ prevention and prosecution.

The most frequent obstacle in contacts between police officers and foreign nationals is the language barrier. Police officers speak English and have no problems communicating with foreign nationals in this language. However, in accordance with the requirements of penal procedure, all actions associated with the proceedings require the presence of a sworn interpreter.

It seems that immigrants fall victims to crimes and offences more frequently than they commit them. It is caused by the fact that foreign nationals are trusting and tend to share all information (for e.g. information concerning financial resources, possessed equipment) in good faith. As a consequence, they fall victim to frauds and extortions. They also tend to leave their property and electronics unattended. In 2010 the police have recorded altogether 325 aggrieved persons, while it is impossible to exactly estimate the types of victimization. In majority of the cases offences against other people's property have prevailed. There have not been observed any disparities between crimes committed towards tourist and foreign nationals staying in Krakow as residents.

Figure 20. Crimes committed by foreign nationals within the area of Krakow (absolute values)



The majority of cases constitute crimes and offences against the Act on Prevention of Drug Abuse (possession, transport through the border and dealing). Among other crimes and offences are the following: *skimming* (illegal copying of debit cards), faking cosmetic products, theft and economic crimes. Generally, no crimes and offences against human life and health are recorded. Until recently, hooligan misdemeanours of citizens of Great Britain visiting Krakow caused seasonal problems. The phenomenon was associated with a dynamic development of inexpensive air lines and a favourable rate of pound against the zloty. The above-mentioned cases were at the time given a wide coverage in press which published accounts of property-demolishing both in hotels and restaurants. As a rule hotels and restaurants do not report such incidents to the police and prefer to settle such cases out of court by right of compensation. Information about committed crimes and offences reach law enforcement authorities by way of filing reports. Foreign nationals tend to file the complaints in person (usually to the police station at the *Rynek Główny*) or report crimes by approaching police officers patrolling the streets. Also, employees working in restaurants and hotels choose to contact the police. Employees of polish branch offices of international concerns – for e.g. Philip Morris (generally originating from India) have an appointed guardian, who accompanies them to the police station and files in a complaint on the behalf of the foreign national. The procedure of reporting an offence varies depending on the place, where the incident occurred. It is usually *Rynek Główny* as this is the biggest cluster of foreign nationals in Krakow. When informed by a phone call, the police patrol arrives at the place depending on the availability of a patrol car. It usually takes no more than 20 minutes. In case of a crime or an offence associated with personal distort, the case is given a priority and police patrols are sent to the scene immediately. If needed, they are withdrawn from other scenes. According to the police, it is better to call 997 than

112 in such cases, as it ensures quicker police intervention (no mediate). The dispatcher receives a call and passes the request further for execution. The response time depends on the availability of police patrols and category of the incident (serious offences have priority). Usually waiting time for a patrol car ranges from a few up to 20 minutes from the call.

The majority of police officers speak English well enough to communicate with a foreigner. If the police officers have no problems communicating with a foreign national, then preliminary actions are carried out in the absence of an interpreter. The interpreter is required for acts of court proceedings or when it is difficult to communicate with a foreign national. Moreover, police officers investigate the crime scene (act of investigation and inquiry,

interviews, etc.). Police officers working at the police stations are in majority young (average age is about 30). They have higher education and they speak English well enough to communicate in this language. Police officers working at the Municipal Police Headquarters are also taking part in a project aimed at improving their language skills. The project is to prepare police officers for EURO 2012 (duration of the project is 2 years, until June "English for police officers"). Whenever a need arises to communicate in languages other than English, the police use a list of expert interpreters. In case of exotic languages, such as for e.g. Japanese, the first steps have to be carried out via telephone. The police co-operates in such cases for e.g. with the Manggha Centre.

All forms with information associated with the proceedings are in the Polish language. All actions relating to proceedings require an expert interpreter, who explains the foreign national all necessary information (the interpreter is obliged to sign a relevant document stating the liability for his service). The police, however, provide brochures in a few foreign languages (leaflets with basic information), which are to serve as a tool for preventive actions. About 3 or 4 years ago the police launched a preventive campaign aimed at the tourists. During that campaign, the police distributed leaflets, published an article in a tourist information booklet distributed by the city. The above-mentioned contained basic information: what to avoid, where to seek help (co-operation with the Tourist Chamber). Such preventive information is also contained in the tourist guides for the city of Kraow. Between May and September, a special national emergency number for foreign citizens, called *Tourist Emergency Line*, is activated. This emergency number is available in a few languages (such as Russian, English and Polish). The police do not ensure any kind of psychological help for the victims of criminal incidents. The group of psychologists employed by the police are to serve police officers (and therefore, there is no need for them to speak foreign languages).

Similarly to cases involving Polish nationals, when a foreign national falls victim to an offence and requires psychological help, the police cooperate with public organizations, mainly the *Ośrodek Interwencji Kryzysowej* at ul. Radziwiłłowska (a twenty-four-hour crisis intervention centre). The requirement to inform a consulate or an embassy of the mother country of the foreign national exists only when the foreign national is detained (with the exclusion of persons applying for international protection, for e.g. refugees). In majority of the cases, it is the foreigner who falls victim to an offence. Therefore, in the above-mentioned situation the injured decides whether or not seek help with an appropriate institution. In practice, the said organizations are notified at the request of the foreign national. The information is sent to an appropriate organization as soon as the foreign national is transported to the police

department. At the earliest opportunity, the foreigners family, or any other person indicated by the foreign national, is also informed. It often happens that foreign nationals select their guardian from their place of employment. Because foreign nationals rarely commit crimes (rather petty offences), it seems that the procedure of 24-hour summary courts would probably not apply to this group. Most probably there have not been such a case in Krakow. However, one can notice some discrepancies in statements of police officers; some of the statements regarding brawls started by English tourists included reference to summary procedure and an expulsion order as well as imposition of a fine. The police pointed to thefts (documents, electronics, debit cards), which constitute about 90% of all recorded incidents, as the biggest threat for tourist traffic. To make matters worse, foreign nationals do not protect their property and are very trusting. This statement applies both to foreign nationals staying in Krakow as residents and tourists. Among offences committed by foreign nationals, it seems that extortion of hotel services constitute an interesting category. It seems that even some basic actions associated with personal search may be problematic. Personal searches are conducted on general terms, as in case of Polish nationals (art. 308 of the Polish Penal Code) mainly directly after the incident. The absence of an interpreter at such activities may lead to violation of some rights to which a foreign national is entitled to. Moreover, the character of the activity itself may be misunderstood. Police officers could not tell how often direct coercive measures were applied towards foreign nationals. In addition, the officers were not able to recollect neither the circumstances associated with the use of the said measures nor the type of measures. Lack of statistic data limits transparency of actions undertaken by the police and hinders external control. There are also no statistic data concerning complaints against police officers and their actions. The issue of proceedings carried on by police with penal orders, conducted only in the Polish language, is also problematic.

A fine imposed on a foreign national is executed immediately and in cash. Foreigners are allowed to use a cash point and this is how they settle the amount due. When a foreign national refuses to pay the fine, does not have any cash or when it is impossible to withdraw money from a cash point, the case is brought to court (speeded-up procedure). Documentation associated with proceedings by police penal orders, just as any other judicial documentation, is translated by sworn translators.

For the details concerning keeping foreign nationals in detention with the purpose of sobering up, the Organization was directed to the detoxification centre located at ul. Rozrywki 1. Therefore, an official letter was sent to the Municipal Centre of Preventive Treatment of Addictive disorders dated March 21, 2011. The letter constituted a request for data and

information. In reply to the above-mentioned letter the Organization received requested data. According to the data for 2010, a total number of 120 foreign nationals were admitted to the detoxification centre in Krakow. Among the most numerous inmates were the citizens of Great Britain (37 admissions), Ukraine (17), Czech Republic (16) and Ireland (9). Moreover, the facility also admitted citizens of Romania, France, Germany, Norway, USA, Italy, Austria, Finland, Spain, Belgium, Belarus, Brasil, Croatia, the Netherlands, Latvia, Mongolia, New Zealand, Portugal, Russia, Switzerland, Sweden, Hungary and and Vietnam. All cases were caused by conditions specified in art. 40 of the Sobriety and Prevention of Alcohol Addiction Act. The cases were executed either by the police or municipal police. Each time a proper legal procedure was followed. The personnel of the detoxification centre is not required to speak foreign languages. However, the personnel has higher education and the employees speak English well enough to communicate with a foreigner. Upon leaving the detoxification centre a duplicate of a report from the escort to the detoxification centre together with documents concerning financial settlement are handed over to each inmate, all in the Polish language. The execution of the amount due for the stay in the facility is conducted as executive proceedings before an administration body.

8.2.2.2. Detention and application of preventive measures

Detentions are one of many activities of Municipal Police Headquarters in Krakow. They are carried out solely in relation to committed crimes and offences. Considerable number of cases concerns crimes infringing the Drug Abuse Prevention Act. Duration of detention depends on the character of the incident. It may last up to 48 hours, although there are no detailed statistics concerning this issue. Foreign nationals are kept in detention at a detention room at ul. Mogilska 109, where the Provincial Police Headquarters is located. The following entities are informed about the detention of a foreign national: the embassy or a consulate as well as a person nominated by the detainee. Usually an attorney is absent during actions, because foreign nationals basically do not seek this kind of help.

Information concerning rights and obligations of the suspect is served in the Polish language. A sworn interpreter, whose presence is required during all actions concerning the proceedings, gives a verbal account of all information disclosed by the foreign national. Whenever doubts arise, they are interpreted and immediately cleared out. It is similar with a report concerning undertaken actions. The biggest problem encountered by the police in

contacts with foreigners is the afore-mentioned language barrier. The penal procedure requires the presence of a sworn interpreter at all times when formal actions are carried out. This prolongs the duration of the proceedings and creates additional costs for the budget.

8.2.2.3. Control of the legality of residence.

Controls of legality of residence constitute occasional operations. Their number does not exceed a few cases per year. Occasionally, control of legality of residence is carried out at the crime scene where the foreign national participated in an occurrence. Generally, the task of control of legality of residence has been entirely taken over by the Border Guard, which has also been equipped with both financial and administrative measures for the said assignment. The police co-operates with the Border Guard by exchanging information. Police officers, however, do not participate in strictly control actions. According to information disclosed by the Municipal Police Headquarters in Krakow, the Border Guard uses police departments and police infrastructure while executing control actions. The police do not hand individuals over to Border Guard. No complaints have been filed against police officers as far as their actions are concerned. The police do not conduct interviews as they lack the necessary statutory rights. Interviews commissioned on the basis of the Foreigners Act may be conducted exclusively by the Border Guard. It does not, however, change the fact that interview-like activities associated with issuing an opinion are very similar in their form to environmental interview. The police carry out control actions under an appropriate regulation. The actions are carried out at the crime scene and are complementary to other investigative actions. The Provincial Police Headquarters mainly provides information concerning obstacles relating with granting foreign nationals the right to stay in Poland. The authority which requests that kind of information is either the Province Governor's Office or Foreign Citizen's Office. The information is gathered by a precinct or other officer at the place of residence. This procedure is associated with officer's own operational actions. The information is unbinding and the foreign national cannot question the information (no legal possibility to appeal). This solution was negatively assessed by the interlocutor.

9. Public transport

9.1. Municipal Public Transport (MPK)

Public transport in Krakow is supported by Municipal Public Transport, a municipal enterprise who supports buses and trams. Moreover, some lines are provided by smaller companies who have won auctions for their support. In Krakow, there are both municipal and zone tickets which cover a journey to nearby parishes (eg. Wieliczka). Basic ticket costs 2.5 zł, zone ticket – 3 zł. Foreign students under 26, who have Euro 26 or different student cards, are entitled to use a discount ticket. There is information in English, German and Russian, posted in all buses and trams in Krakow, saying that it is necessary to mark a ticket. In some means of transport, there is also a warning about the possibility of being robbed and a link to a website of the enterprise.

All of the modern buses and trams are also equipped with a journey navigation system, which screens the routes and the specific stops. The information available on bus and tram stops is also announced via loudspeaker system. The system provides a huge convenience for foreigners and allows them to be well informed while travelling. Before the introduction of the system, foreigners who visited Krakow, often complained about the lack of such information. What is more, an electronic system screening the timetables of certain lines and their final destination is placed at some of the tram stops (along the fast tram track).

9.1.1. MPK website analysis

www.mpk.krakow.pl

The MPK (Municipal Public Transport) website is available in both English and German version. It also includes a mobile version, that doesn't provide any language version other than the Polish one, which should be changed because of the technical development and common usage of smart phones nowadays.

Different language versions of the website contain links to bus and tram timetables, a route search application and information on Krakow City Card. The following bookmarks offer the advance search option (by line, stop or name of the street) are also available only in Polish.

As far as other aspects are concerned, the site contains all necessary information on the functioning of transport, kinds of tickets, service points, purchase of tickets and a map of tram, bus and night bus routes. In this regard, the provided information is clear, comprehensible and approachable.

Using the MPK service (by bus and tram) is based on a valid ticket. Tickets can be purchased in a newsagent's, on the bus or on the tram and in vending machines of the Krakow City Card (a

period ticket medium in Krakow). Vending machines operate in English, German, French, Italian and Spanish. Respective language versions are a faithful translation of the Polish one. The only exception is the “Information” bookmark whose very rich content includes options such as “Tourist and cultural information in Krakow” or “Public Transportation”. Even though the instructions and names of the specific categories of information (that includes, among others, weekdays) are written in every foreign language, the content is available only in English.

9.1.2. Deep interviews – foreigners.

All respondents answered questions about the MPK. The interviewees answered questions concerning the accessibility of information for users of foreign languages and a general assessment of the website and MPK employees.

Most of the respondents receive information mostly from the website and bus stops and they consider them to be legible and clear (“Information in English is available on the buses, the options in vending machines are also in English. There's nothing to complain about”). Two respondents consider the information at bus stops not comprehensible. The other interviewees have no complains concerning the MPK information system and give high marks both to signs at bus stops and to signs and messages in the buses and trams (“Bus and tram lines are very well-planned. Vending machines with different language options let you buy tickets without stress”).

Only one person says they have had difficulties with the approachability of the information on the website. The other 11 respondents give high notes to the site. Respondents state that it contains all the necessary information about routes and they give high marks to the “plan your journey” option.

Two respondents consider the drivers as impolite, and they had no contact with other MPK employees. One person thinks that employees working at an MPK counter can speak English well enough to make it possible to buy a ticket there, while one person mentions a situation in which they bought a wrong ticket, due to a language misunderstanding, which ended up in having to pay a fine. Apart from this single incident, no negative opinions on the employees working at MPK counters have been registered. Three respondents complain about corrupt controllers who refuse to write down a fine for a foreigner, for travelling without a ticket, and they demand “on-the-spot bribe” instead.

9.1.3. Deep interviews – employees.

An assessment of the adjustment of the public transportation to the needs of foreigners was

performed on 10 June 2011, at a public transport ticket sales point, on the Podwale Street in Krakow. The interviewees were four respondents working as sales assistants, all of them with an over 10-year seniority, who are directly responsible for serving customers. The ticket sales point has been chosen due to its location in the centre of the city, which is why it probably serves most of the foreigners coming to Krakow. The employees admit that foreigners account for a substantial percentage of all customers. From June to August, a sales assistant serves around 20-30 foreigners a day. On some days, the number may reach up to several dozen.

One of the interviewees is a Supervisor, responsible for monitored area. According to him, other employees don't have any major problems with serving customers, apart from language difficulties. Most often, problems occur when it's necessary to explain how to get to a specific destination or to give information on means of transport or the timetable.

Among seven respondents hired as sales assistants in this sales point, one has completed a course in English and they very often offer help to their co-workers in case of communication problems while serving foreigners. It seems that it's the major problem of the employees, as far as serving foreign customers is concerned. The course in English took place at a private language school, out of hours and was paid-for by the MPK. After two semesters of English classes, the attendant of the course feels comfortable while speaking English at work. They don't rule out the possibility to continue their English classes. All interviewees were eager to attend language courses, particularly courses in English as it is rarely necessary to use a different foreign language while serving foreign customers.

In case of language problems, workers ask for help of the other sellers or third parties, for example customers waiting in queue. The ticket sales point isn't equipped with any information brochures in foreign languages. Neither is it equipped with a special information counter, nor, all the more, a special counter adjusted to foreign customer service. The sales assistants consider it necessary to distribute information brochures, especially maps with bus and tram routes, which would make foreign customer service much easier. Despite communication difficulties, the interviewees emphasise that foreigners usually leave the ticket sales point satisfied.

9.2. Local Bus Station

9.2.1. Spot evaluation - RDA.

The headquarters of the Local Bus Station in Krakow is situated in a two-floor building on the Bosacka 18 Street. It's situated in the centre of the city, right next to the PKP Main Railway

Station. All information at the entrance (the name of the building, information about counters and announcements for passengers) are in Polish.

In a waiting room there is a board screening the information about arrivals and departures of the buses. All signs are in Polish. Next to the departure board, there are two self-service points with a free access to a RDA website. The site contains links to English, Russian and German version but with every attempt to enter a site different than the Polish one, a user will probably read a message: „site in construction” (in suitable languages). If foreign language sites are available, the information they provide is clear, professional and helpful, but not flawless because not all of the messages in the route search engine are translated, e.g. when the entry isn't precise enough, the request to write a more precise entry is in Polish.

Ticket counters and information counter provide information in English. Unfortunately, we've observed lack of any signs in foreign languages. All information at the counter, for example about the necessity to inform in advance about a credit card transaction, is written in Polish.

„International Tickets” is a small room with one counter. There are no signs leading there and there is no visible information about such counter. Generally, there are neither departure boards in the building, nor signs addressed to visitors who can't speak Polish, containing such basic information as the direction to the exit leading to the platforms.

9.2.2. Deep research – foreigners.

Nine respondents answered questions about RDA. The questions included the availability of information for foreigners, adjustment of the space of the railway station and a general evaluation of the website and the workers.

One person says that it's not difficult to find information about RDA, the only problem is that you need to visit the railway station to receive the information. They were unaware of the existence of the RDA website. Two respondents described the departure board as clear and readable. Four respondents described the railway station as not having clear signs and the unclear system of departures is one of the main problems.

Most of the respondents (6 people) describe the employees as kind and helpful, and three of them describe them as speaking basic English, another three say that the workers are unable to give necessary information in English but „somehow they handle it”.

Two respondents describe the system of the two companies as complicated and complained about the lack of coherent information about specific routes. The solution suggested by the interviewees is to enhance the information system through a website, which would „minimize

the stress”.

Most of the respondents think that the railway station should be equipped with clear signs showing how to find information via Internet. The problem is that an English version of the site doesn't exist. One person mentions that the employee who works at the information counter should speak English, particularly because all the information provided on the website is available only in English („Krakow is full of tourists, there definitely should be somebody who can speak English.”).

9.2.3. Secret client research.

Visit:

The research was conducted by an employee of INTERKULTURALNI PL who speaks English fluently. The building of the Local Bus Station has been described as having clear signs on the outside but without any signs in English inside the building. The Information Counter was closed during the research (8 am.), so the researcher headed right to the ticket counter.

The cashier spoke English well. They were able to give information on time of departure, platform of departure and price of the tickets. The visit was described as satisfactory and the worker as competent, kind and helpful.

9.2.4. Deep research – employees.

The research was carried out on 20 June 2011. It included the railway station manager and two cashiers who work at an international counter.

There is an Information Counter on the railway station, open 7 days a week from 9 am. to 5 pm., served by people who can speak English at advanced level. There is also a separate international counter where foreigners are served most often. Apart from the international counter, whose job is to serve foreigners, cashiers at the other counters are also capable of serving foreign passengers without difficulties, according to the manager, and their knowledge of languages is satisfactory. If it's necessary, foreigners are shown to the international counter or a cashier from the counter is called on to serve customers. It happens very often that, apart from the questions strictly connected with bus transport, passengers ask numerous questions about other ways of moving around the city or about the bus routes. Hence the concept of giving maps to foreigners, with MPK timetables and other basic tourist information. There were plans to carry out the project, together with the municipal authorities who would provide financial support, but it was never introduced. The manager of the railway station is also considering publishing such maps, which would be available for the passengers for a small

amount of money . He thinks that such publication would make the job of the cashiers and the informers much easier and that it would be a valuable help for the foreigners. The manager also takes into consideration the possibility to print timetables and routes for the customers if there is enough money to cover the costs of such project.

The person who works as a cashier – informer, with a one-year seniority, serves 50 to 100 foreigners a day. Foreigners account for up to 30 per cent of all passengers who are served there. The main language of communication is English which he can speak at an intermediate level. He's satisfied with his knowledge of the language and doesn't consider it necessary to broaden it within trainings organized by the employer. Generally, serving foreign customers isn't a problem to him.

The cashier who works at an international counter, with a two-and-a-half seniority, can speak English at advanced level and German at basic level. He has no problems with serving foreign customers, as long as they are able to speak a language of the service. He points out that many of the foreign customers speak Russian (up to 50 per cent), due to a route with destination in Lwów. In case of language difficulties, he sometimes uses an online translator. He has also prepared a mini dictionary with the most useful expressions, necessary to communicate in English, which he's been continuously enhancing and passing on to the other cashiers.

As we can see, the bus station is adjusted quite well to serving foreigners, with suitable procedures and necessary mechanisms created without support from the city whose responsibility it should be to support appropriately the logistics of the bus station. Therefore, it seems rational that the city should support the projects for foreigners, mentioned in this report but not introduced yet.

9.3. Railway transport and PKP railway station.

9.3.1. Spot evaluation – PKP Main Railway Station.

The headquarters of the Main Railway Station in Krakow is situated at Jana Nowaka-Jeziorańskiego 1 Square. The building is situated in the right centre of the city, in the neighbourhood of the Main Market (600 m). Next to the railway station, one of the largest Krakow shopping malls (Krakow Gallery) is situated, with exits leading right to the platforms of the railway station.

Information placed on the door of the main entrance to the railway station building is both in Polish and English. It contains information about the opening hours and tips where to purchase tickets out of the opening hours. On the left side of the entrance, a board is placed,

with information connected with the ongoing reconstruction of the railway station (July 2011). The information board shows the way to the ticket counters, Local Bus Station and to all of the platforms. All the information is translated to English.

Information about arrivals and departures of the trains and departure boards with announcements for passengers are placed in the foyer. All the information is in Polish. There is no specific information for foreigners.

The research on the adjustment of Polish railway transport to serve foreigners is difficult due to the recent reconstruction of the branch and the division of formerly unitary company into a number of smaller companies who support the infrastructure, railway stations and itineraries separately. Different companies can be specified among the transport companies, who support various kinds of national, foreign and local routes. Each of the companies has got separate ticket counters and serves their passengers on their own.

9.3.2. PKP website analysis.

www.pkp.pl

The PKP website has been designed in Polish. A user can choose a different language version by clicking a barely visible banner with state flag miniatures. Having clicked, a user is redirected to a sub-site that offers several dozen of languages. Unfortunately, the company uses Google translator, which gives average results. It enables a foreigner to get an translation of the routes clear enough to read it and to properly arrange a journey. Unfortunately, it doesn't make it possible to get valid information in other aspects, as text translated by the Google tool is often inaccurate or even wrong. Nevertheless, it enables maintenance of basic functionality of the site. It would be worth suggesting that the site administrator enhance the automatic translation by choosing an advance option of the tool.

www.intercity.pl

Theoretically, PKP Intercity website has got two language versions: English and German, but in both cases, having clicked a suitable link, a user is informed about a site error or lack of a sub-site. Both errors occur permanently. Therefore, we can assume that language versions of PKP website don't exist.

www.przewozyregionalne.pl

The Local Transport company have no foreign language versions.

9.3.3. Deep research – foreigners.

All respondents answered questions about PKP. The questions concerned the adjustment of the railway station space, the availability of information and a general assessment of the work of the PKP employees.

Two interviewees stated that the space of the PKP Main Railway Station in Krakow is very well-adjusted and one of them emphasized that they speak Polish, which is probably why they don't find it difficult at all to read the train timetable.

Vast majority of the respondents (10 people) described the railway station as completely unadjusted to the needs of foreigners. The greatest problem are the timetables that have proven to be unclear and incomprehensible to the respondents. Another problem is the lack of information in English addressed to foreigners. Six respondents mentioned the aspect of unclear company system („I don't understand the difference between PKP Intercity etc. It looks all the same to me. Once, I got on a wrong train and I had to pay some extra money”). The lack of information on what company every train belongs to, and the differences between ticket prices, lead to consequences such as fines, which could be easily prevented by publishing information in English.

All respondents have used the PKP website and have given high notes to it, even though every one of them points out that the site is in Polish („Usually, I look something up online first and then I visit the railway station and I try to buy a ticket there“). Only one person thinks that the site should provide more information about international routes.

As far as general workers assessment is concerned, half of the respondents describe them as kind, and the other half – as rude and unhelpful, complaining that they were redirected from one counter to another and no one was willing to give them the necessary information. All respondents say that the workers can't speak English.

Five interviewees have suggested that information boards should be placed at the railway station, containing information about changes in the timetable, delays and changes of the platforms, as the current system (announcements about any changes only in Polish) isn't comprehensive for them and leads to problems, which include, among others, the inability to find the right train.

9.3.4. Secret client research.

Visit:

The researcher was an employee of the company who spoke English fluently. The building of

the main railway station has been described as having clear signs, both outside and inside. The researcher had no problems getting to the counter.

When asked about routes between Krakow and Warsaw, the lady at the counter answered she couldn't speak English and redirected the researcher to the information counter. Unfortunately, the worker at the information counter couldn't speak English at all, so the researcher was unable to communicate with her. Despite the fact that the lady was willing to help and offered a map of routes, she didn't answer the question asked by the researcher. Afterwards, the researcher headed towards an international counter where she was served by a worker who spoke English at a level that made it possible to get some information and buy a ticket.

The employees are often described as kind and willing but, unfortunately, often unable to help, due to the lack of basic knowledge of English (apart from the cashier at the international counter). Generally, the visit has been evaluated as "unsatisfactory". The researcher didn't manage to get information about national routes.

9.3.5. Deep research – employees of PKP Intercity S.A. company

The research has been conducted on 15 June 2011. It involved eight employees working as ticket cashiers and the PKP Intercity Cashier Manager at the Main Railway Station in Krakow.

The manager with a 23-year seniority isn't directly responsible for serving customers. When evaluating the work of the cashiers, as far as serving foreign customers is concerned, she doesn't notice any problems with serving this specific type of customers. The main hall of the PKP Intercity railway station is equipped with two counters and used to support international routes. Employees working at both of the counters can speak English fluently and most of them can also communicate in basic German or Russian. The hall also contains an information counter with opening hours: 6 am. – 8 pm. An additional information counter opens during holiday season. Employees working at the information counter have no difficulties in speaking English. Generally, they are young people, experienced in working in anglo-phone countries, or studying. Foreigners can get additional information on PKP Intercity service there. As there are no information brochures in foreign languages, crucial information is often printed in order to make it easier for foreigners to use PKP Intercity service. According to the Cashier Manager, the standards of serving foreigners has recently changed substantially for the better. Language qualifications among the employees have increased, and, in case of language problems, cashiers help each other. The standard of service has become more professional due to an introduced training programme. The Cashier Manager emphasises a positive role of a training whose costs were covered with EFS funds, organized in order to enhance the passenger service and

addressed to the employees of public transport companies (the number of the training programme: CSSI-140/19/EFS/06). 16 hours of language classes were conducted within the training, which was given high notes by the participants, mostly because it involved learning specific language. 30 out of 66 cashiers have applied for online English course via eTutor system, organized by the company. The course has been organized within preparations for EURO 2012 and costs 35 zł a month, but it's possible to be relieved from payment on the condition that one actively learns English via the platform at least 5 hours a month.

Seven out of eight cashiers who participated in the research had an over twenty-year seniority. One of them was responsible for selling tickets at the international counter. Foreign customers account for the majority of off all customers served at the counter. The most common tickets sold there are those of international routes but foreign customers who want to purchase national tickets are also very often served there. Foreigners from standard counters are also advised to use this counter, in case of significant communication problems. The interviewee can speak languages such as English, Russian and German at basic or higher level. She has attended a free six-month course in English, paid-for with EU funds (active working life 45+ programme), which took place at a private language school, out of hours (two hours, three times a week). It was a general English course, but addressed specifically to workers of the transportation branch. The interviewee is still learning English on her own but she would like to attend another English courses as it is the most commonly used language in contacts with customers. She has also participated in a training at professional customer service. At work, she uses a mini dictionary with the most useful expressions, made by herself. She's also equipped with information brochures in English on InterRail routes.

In comparison to language qualifications of the employees working at the international counter or the information counter, the other cashiers don't meet such high standards. Three respondents state that, even though they understand spoken English, they can't speak well. The other respondents describe their level of English as: poor, basic or "I can speak a little". Two of the interviewees also rarely speak Russian. Still, English is the most commonly used language in communication with foreigners. Despite poor language qualifications, the interviewees don't mention any greater problems with serving customers. According to their opinions, foreigners are usually very kind. There's been a single statement that sometimes they tend to be excessively demanding. Surprisingly, the number of served foreigners isn't small, and is estimated to stand for every 5-10th customer or even 3rd-4th during weekends and summer holiday. In case of language difficulties, the cashiers advise the foreigners to use an international counter or ask their colleagues or the queuing customers for help. Such

situations usually occur when customers expect to be informed about PKP services in details.

Four cashiers have applied for an online English course, another two haven't, because of lack of a computer, and one cashier has only one year left to retire, so she doesn't find it necessary to broaden her qualifications. The cashiers, apart from those who are close to retirement, would like to learn English as it's most useful when serving customers. One of them points out that the number of Italian passengers has been increasing and their poor knowledge of English is an obstacle. Therefore, she would like to attend a course in Italian. One person attended a six-month course in English organized by the company and paid-for with EU funds. The classes took place twice a week for two hours. However, today, the respondent isn't self confident when speaking English as she has forgotten many expressions. The research emphasises that the courses should be better adapted to the needs of workers who serve passengers. One of the cashiers has placed a piece of paper with useful expressions in English at her desk. The list of expressions was prepared by the Customer Service Office more or less 5 years ago. Another three interviewees have prepared such brochure on their own but they would like to use a professional textbook with useful expressions.

9.3.6. Deep research – employees of the PKP Local Transport company

The interview was conducted on 24 June and it involved 5 ticket sellers, four of them with an over 20-year seniority. Even though the Local Transport doesn't support transportation on international routes, the number of foreign customers served is substantial. The interviewees estimate that every 5-10th passenger is a foreigner. One cashier says that, during Christmas time or peak season, even every second customer is a foreigner. All of the interviewees say that serving foreign customers doesn't generate any greater problems, apart from communication difficulties. Foreigners are usually kind and understanding, despite occasional communication problems. The interviewees can speak English at the following levels: barely, poorly, at intermediate level, some of them know basic expressions useful in selling tickets, some describe their language qualifications as communicative. One person can also speak German and another – Russian, at basic level. Nevertheless, the interviewees state that English is the language most commonly used in communication with foreigners. Therefore, they point out that language courses in English are necessary and that they should be focused on specialist language, well adapted to their jobs. Only one person would like to attend course in Italian, because of a large number of Italian they serve, who often can't speak English. It should be emphasized that none of the interviewees has ever participated in language courses. Three of them would attend an English course if it was for free and organized by the company.

Another two wouldn't like to participate in any trainings, one of them – because of the fact that she's got only four years left to retire.

Two cashiers state that they are learning English on their own, which makes it much easier for them to serve customers. In case of language problems, employees ask the other passengers for help, one of them calls her sister when dealing with Italians who can't speak English or they call on an acquainted taxi driver. Nevertheless, such situations don't occur often and usually take place when it's necessary to give additional information, not concerning selling tickets. Two cashiers have prepared a mini dictionary of basic expressions in English, and another one has got an old, German, Russian and English mini dictionary, made a few years ago. Three respondents consider it useful to create a catalogue of basic idioms in English often used in their job.

When asked why none of the interviewees has ever attended any trainings, the senior cashier explains that some trainings for cashiers were organized but most of their participants later moved to the rival company.

The cashiers aren't equipped with any information brochures in foreign languages for foreigners travelling by the Local Transport, apart from a brochure with a timetable for the Krakow Central – Krakow Airport route. Additionally, the brochure contains a timetable for Krakow-Oświęcim route and a legible map of the centre of the city, with the most important monuments marked and their names translated to English.

It is worth pointing out that, in all of the places connected with transport, foreigners account for a relatively large percentage of all customers. The factors that generate most of their problems are: a language barrier and the lack of signs in English.

10. Conclusions and recommendations.

Trying to reach the final conclusion from our monitoring it has to be emphasized that on the general level the institutions handling foreigners are adjusted to their service. Most problems are the result of more detailed issues as well as unfriendly legal conditions. The assessment of adjusting institution to the needs of foreigners is also derivative of an individual contact between a foreigner and a given clerk, which definitely has to be marked as one of negative aspects of institution functioning. It means the lack of uniform and high service standards, which results in cases of negative assessment of a given office or institution. The incredibly problematic issue is the lack of appropriate level of communication and devotion of public institutions to Polish language, due to which the information and markers in foreign languages are placed unwillingly. The lack of linguistic adjustment in public space and in institutions turned out to be the most troublesome problem for foreigners visiting Krakow.

10.1. Conclusions and recommendations concerning need for law changes

Generally there is the need to transform the structure of institutions handling foreigners. The process of legalization of stay should be dealt with in one office, to which a foreigner would bring the documents and which would be responsible for handling them, i.e. send them accordingly to City Council (to get a residence permit). Eliminating the indirect links would facilitate the contact between a foreigner and institutions and decrease the rate of mistakes made by them, which result in common changes in law. The part of these postulates has been included in the project for a new act about foreigners, which includes the stage of obtaining work permit into legislation procedure. The government is also planning to dispose of residence permit; the foreigners, however, will probably be excluded from this act. Dealing with procedures in one office would be also beneficial for the office itself and should theoretically shorten the process.

It is necessary to change the strict application of law within the procedure of prolonging visas also as a result of the current practice, which already treats the legal prerequisites leniently and this can lead to unjustified differentiating of foreigners and their situation based on not transparent assessment of people handling their cases. It also seems that requirements connected with finances necessary to cover the costs of stay for people residing in Poland based on visa are too high. They often reach the amount of 3000 PLN a month, whereas people

having or applying for residence permit for a specified time are required to possess much lower amount of money.

The complicated nature of the procedure of legalizing temporary stay, the vast number of legal claims to obtain one as well as fragmentation of acts regulating the process results in the need to prepare approachable instruction of procedures for foreigners written in an accessible language. The instructions distributed by an office and information on an office website contain the terms taken directly from legal language, which are highly difficult to comprehend for an average foreigner. In this case a foreigner may find it hard to compare his/ her situation with the ones in the official descriptions. Creating simple and transparent written information containing the description of procedures and stages is an absolute minimum when it comes to information that every foreigner applying for temporary residence permit in Poland should obtain.

Taking into consideration the constitutional duty to protect a family and the duty of the state to create conditions for its development there is a rational postulate to resign from the duty to examine authenticity of marital relation in case it has already been established (while prolonging the stay).

The postulate to dispose final dates in case of handing in an application to prolong the temporary stay in Poland has been reflected in the project for a new act about foreigners.

There is an urgent need to reform the residence permits in such way that it would be sooner available for those who have received a permit for tolerated stay. Current legal state presents an inhumane attitude towards those people as it leads to practical limitation of their freedom. It also seems that the possibility of staying abroad by people applying for this kind of permit without interrupting the period required by a legislator should be widened.

In the migration law also students, scientists and people undergoing professional trainings should not be discriminated against.

The official actions should be allowed to be conducted in another language than Polish, which would be spoken both by a clerk and a foreigner.

10.2. Department of Civil Affairs and Foreigners Malopolska Regional Office.

The Department should have its own website. It should present information in a very approachable way and contain information about the whole procedure of obtaining residence

permit and its stages. The best solution would be to present materials as a chain of activities to be performed. The office should also give information about other institutions connected with this procedure and about the way to hand in necessary documents. The website should also include editable forms used in the office and other institutions. Finally, there should be information about how to get to the office and which posts to choose.

The building should be marked in a more transparent way. There should be boards in English on it. Similar boards should be hung inside the office and lead foreigners to proper posts, which should also be marked in English. Also information about office working days and hours should be given in English.

In the office there should be separate and soundproof rooms for interrogation.

In the office there should be a separate information point. A person working there should be trained how to serve a customer and possess full knowledge concerning obtaining residence permit. This person should also help foreigners to fill in the forms, instruct them and explain all doubts.

It is advisable to take into consideration hiring foreigners' assistants, who would help foreigners to deal with the process of obtaining residence permit as social workers.

In the office there should be a board with basic information, such as a process of obtaining residence permit, ground of this process and required documents.

The office should improve social conditions and increase a number of employees so that they would be able to fulfill their duties within their working hours. These are the most important factors causing the lack of comfort and stress, which could possibly negatively influence relations with suppliants.

What is more, the office does not have standards of conducting the process and of customer service, which was visible as foreigners with similar cases faced different requirements. It seems a good idea to create this kind of standard methodology of conduct based on employees' experience. Each employee would be obliged to act according to that methodology, which would positively influence the level of foreigner service and provide employees with confidence.

It is necessary to conduct language trainings, advanced trainings about legal matters, cultural differences and customer service.

A rational postulate is to decrease to minimum a number and kinds of documents required from foreigners to confirm the circumstances justifying obtaining residence permit. Sufficient number of evidence does not mean that all documents have been completed but only those which are necessary to reach positive settlement or to resolve doubts. It also seems that

clerks should obligatorily resign from repeating activities already performed by different office or service. Excessive bureaucracy is a basic problem with process of obtaining residence permit brought up by foreigners.

Despite of declaration of correct conduct in the office, there have been irregularities with settling obstacles to extradite a foreigner from Poland. The most vivid example in of Batdaava family, in which case in spite of evident grounds to legalize their tolerated stay the decision of their extradition has been made. It seems that in the office there is no appreciation for the meaning and nature of these obstacles with respect for human rights. Trainings concerning this matter are necessary.

Clerks should be trained to play the role of foreigners' agents during the process of obtaining residence permit and not only governmental organ conducting the procedure. The change of perspective and role would allow them to shift the stress from imposing certain requirements on foreigners to providing them with complex information how to deal with the process in a quick and proper way. This kind of approach would also eliminate an existing problem of dishonest employees. It would also provide foreigners with information they do not possess now, especially that it is clerks who are the main source of information about obtaining resident permits for foreigners.

The research has shown that language of communication is a very important obstacle in adjusting the institution to foreigners' need. Those, who are communicative speakers of Polish describe and come across less number of problems than those who use only English to communicate with a clerk.

10.3. Krakow City Council – Residence Permit Department.

Until the duty to possess residence permits exists there should be a separate post for servicing foreigners properly marked in English within the office. A person working there should be a fluent speaker of English. To this person telephone calls should be directed as well.

Office employees should be instructed about the standards of servicing foreigners and information given to suppliant. Not knowing the language does not mean that an employee should not act according to these standards. Especially unacceptable and negatively influencing an office image is denial of possessing certain linguistic skills or hanging up during a telephone call.

The parts of residence permit form directed to foreigners should be translated into English. However, we would also recommend that the form is translated into other basic

languages. Because of limited character of this form and its simplicity it does not generate the costs which the office would not be able to cover.

In a residence permit department there should be transparent information for foreigners with an instruction of relevant actions.

10.4. National Health Fund (NFZ)

Information about how to obtain insurance and health care by the foreign citizens should be published on NFZ website.

In a department hall there should be an information board with a short description of how to make an insurance agreement, what documents are necessary and how to obtain health care. There should also be a note about the post where a person can get information at least in English.

10.5. Social Insurance Institution (ZUS).

On a website there should be a section including information in foreign languages about social insurance and the role of institution in the process of obtaining residence permit.

A place where a person speaking English works should be tagged in a foreign language

Lobbying actions leading to disposal of necessity to hand in declarations about paid contributions every month should be considered.

10.6. Border Guard.

Acting with authorization to control if a foreigner stays in Poland legally should be conducted only based on information gathered during operational work and which make suspicious about illegal stay probable. Such control during street patrols or organizing control actions in public places in which foreigners do not live or work (e.g. in restaurants) should be excluded. Such actions are based on either racism (even if not intended), which do not comply with the rules of democratic country, or lead to disproportionate interference into basic human rights and freedoms, as in case of collective controls.

Controlling if foreigners stay in Poland legally should be performed only on the basis of presenting a residence permit as it is the document in which the law previously settled within hearing of evidence is embodied. Requiring additional documents is unnecessary. An exception from this rule would a situation in which a controller would have a reasonable doubt if a situation of foreigner is complaint with the one settled in the office – it has changed in such way that a foreigner is no longer authorized to stay in Poland.

Border Guard should dispose of strict military approach and work on standards of conduct and foreigner service with who they are in touch. It would allow increasing humanity of performed actions. Trainings in human rights can be crucial. Thanks to them the officials would find out that it is not appropriate to deprive a person a food for almost 24 hours. It is also inappropriate to put a minor into guarded facilities, especially that there are more benign solutions in the regulations. Border Guard officers would also get to know why they should postulate releasing a person from such facility before the decision of providing him/ her with residence permit (e.g. tolerated stay) becomes final.

Border Guard should settle the reasons which are obstacles to extradite a foreigner and inform about them a right void to a greater extent.

Within the procedure of extradition there is a significant problem of securing foreigners' assets but also possibility of foreigner to take basic possessions to a guarded centre. Both issues can be solved without the necessity to change regulations. They only require goodwill from Border Guard officers conducting procedures.

The officials controlling if the foreigners who took part in our questionnaire were staying in Poland legally were not satisfactorily communicative. They also did not provide foreigners with their personal data in such way that they would be able to note them down.

There is a need to change the way of recording activities involving foreigners. In case when a translator is present an original transcript of conducted actions should be made in a language which has been used to communicate with a foreigner. Only then content should be accurately translated into Polish in the form of a protocol. An original should be included in files for further verification.

10.7. Police.

It seems that there is a need for conducting preventive actions towards foreigners visiting Krakow. To do so the police should cooperate with other institutions and try to obtain resources to publish appropriate brochures and folders.

There is need for linguistic training of police officers. Preferably such trainings should be conducted full-scale.

Call center for foreigners should function during the whole year.

There is a need to change the way of how actions involving foreigners are recorded. In case when a translator is present an original transcript of conducted actions should be made in a language which has been used to communicate with a foreigner. Only then content should be

accurately translated into Polish in the form of a protocol. An original should be included in files for further verification.

The system of telephone notification of events should be elaborated as it is not satisfactory. There are plans to reform functioning of number 112, which can bring some improvement.

However, in most cases people taking part in a questionnaire admitted that the police were helpful in solving their problems and the police officers acted in an exemplary way.

10.8. Public space.

It seems that a city wishing to gain profits from tourism and to be perceived as a foreigner-friendly place should take care of readability of designations important in tourism. That is why strategic places, such as railway and bus stations should be tagged with an apparent name in English. In case of the bus station it is even more important as it is hidden and its function is not fully visible.

The city should also invest in a transparent and professional guide in foreign languages. In many local information centres there is lack of such kind of publications as there prevail files concentrating on entertainment and full of commercial advertisements. In a city of such traditions, meaning and culture this is a culpable negligence. As an example we should take Bialystok whose information guide is perfect.

City Council should also create a map in which places important for foreigners in process of obtaining residence permits would be marked.

10.9. Public transport.

Information in foreign languages should be placed on key stops and communication junctions.

A website (especially timetables and a route planner) should have full language versions.

In two points selling long-term tickets on Podwale Street and Wawrzynca Street there should be a specially tagged ticket office for foreigner service, in which there will be an employee speaking fluent English.

In ticket offices there should be communication maps in foreign languages with high marks available.

Ticket collectors should be made sensitive about corruption and its consequences.

Mobile version of the website should have language versions.

10.10. Bus transport.

A way to international ticket office should be tagged in English. There also should be information in English that stops marked with letter G are on the upper part of the station and those with letter D on the lower part.

Announcements in route planner on a website should be elaborated. There should be taken care of a website functionality and availability of information in foreign languages.

One of the aims is to find resources for initiatives helping foreigners to be better oriented, such as timetables, files and communication maps in foreign languages.

10.11. Railway.

PKP website should be linguistically corrected. Using Google translator provides it with a basic functionality but often leads to mistakes in case of longer information.

PKP Intercity website should launch language versions.

PKP Przewozy Regionalne should create language versions of their websites.

On the railway station there should be more information in foreign languages showing the ways to ticket offices, platforms and information points. There should be at least one timetable in English in a concourse close to international ticket offices.

Employees in ticket offices attending foreigners should make foreigners buying tickets to indirect stations aware of what final destination are, which would make them be better oriented on the platforms.

In the concourse there should be an information board with announcements and information in a foreign languages.

An employee in an information point should speak English.

Railway companies should invest only in specialist language courses for their cashiers and provide them with brochures including basic phrases facilitating communication with foreigners.

Special emphasis should be placed on informing foreigners about the right trains belonging to different companies. On the information board there should be an instruction for

foreigners that before getting on a train they should go to a conductor with a ticket. A conductor should inform them if they have approached the right train.

The implementation of an electronic board informing about changes in timetables, delays and numbers of platforms should be taken into consideration.

Appendix I.

Additional data; the number of citizens from particular countries in Malopolska:

1.	UKRAINE	2422
2.	RUSSIA	586
3.	VIETNAM	431
4.	BELARUS	392
5.	UNITED STATES	342
6.	ARMENIA	254
7.	INDIA	214
8.	CHINA	165
9.	KAZAKHSTAN	152
10.	TURKEY	101
11.	MONGOLIA	94
12.	JAPAN	86
13.	WITHOUT NATIONALITY	68
14.	BRAZIL	60
15.	CZECH REPUBLIC	54
16.	MOLDOVA	54
17.	TUNISIA	54
18.	GERMANY	53
19.	NIGERIA	52
20.	UZBEKISTAN	52
21.	ALGERIA	51
22.	AUSTRIA	50
23.	EGYPT	47
24.	SOUTH KOREA	47
25.	HUNGARY	47
26.	CANADA	45
27.	MEXICO	43
28.	SLOVAKIA	43
29.	CROATIA	41
30.	FRANCE	41
31.	BULGARIA	40

32.	ITALY	37
33.	SERBIA	34
34.	IRAQ	30
35.	ALBANIA	29
36.	GEORGIA	29
37.	ROMANIA	29
38.	SYRIA	28
39.	ISRAEL	27
40.	KAMERUN	24
41.	LITHUANIA	24
42.	GREECE	23
43.	LIBYA	23
44.	ANGOLA	22
45.	MOROCCO	22
46.	NETHERLANDS	22
47.	SWEDEN	22
48.	UNITED KINGDOM	22
49.	AUSTRALIA	21
50.	MACEDONIA	21
51.	THE PHILIPPINES	21
52.	NORTH KOREA	21
53.	CONGO	20
54.	SERBIA & MONTENEGRO	20
55.	SENEGAL	14
56.	INDONESIA	13
57.	PERU	13
58.	TAILAND	13
59.	WEST BAND AND GAZA STRIP	12
60.	COLUMBIA	12
61.	MALAYSIA	12
62.	IRAN	11
63.	TURKMENISTAN	10
64.	LEBANON	9
65.	NEPAL	9
66.	SOUTH AFRICA	9
67.	JORDAN	8
68.	TANZANIA	8
69.	BOSNIA & HERZEGOVINA	7
70.	SRI LANKA	7
71.	AFGHANISTAN	6
72.	CHILE	6
73.	KENYA	6

74.	PAKISTAN	6
75.	VENEZUELA	6
76.	ARGENTINA	5
77.	AZERBAIJAN	5
78.	BANGLADESH	5
79.	DENMARK	5
80.	ETHIOPIA	5
81.	KOSOVO	5
82.	CUBA	5
83.	BELGIUM	4
84.	GHANA	4
85.	YUGOSLAVIA	4
86.	CAMBODIA	4
87.	COSTA RICA	4
88.	NEW ZEALAND	4
89.	ECUADOR	3
90.	GUINEA-BISSAU	3
91.	YEMEN	3
92.	LATVIA	3
93.	PORTUGAL	3
94.	SLOVENIA	3
95.	SWITZERLAND	3
96.	SAUDI ARABIA	2
97.	FINLAND	2
98.	GUATEMALA	2
99.	KYRGYZSTAN	2
100	NORWAY	2
.		
101	PALESTINIAN STATE	2
.		
102	SIERRA LEONE	2
103	UGANDA	2
.		
104	URUGUAY	2
.		
105	ZAMBIA	2
.		
106	ZIMBABWE	2
.		
107	BENIN	1
.		
108	BOLIVIA	1
.		
109	BOTSWANA	1
.		
110	BURUNDI	1
.		

111	MONTENEGRO	1
.		
112	GUINEA ECUATORIAL	1
.		
113	DOMENICAN REPUBLIC	1
.		
114	HAITI	1
.		
115	IRELAND	1
.		
116	MADAGASCAR	1
.		
117	MALAWI	1
.		
118	MALI	1
.		
119	MAURITIUS	1
.		
120	MOZAMBIQUE	1
.		
121	NOT SPECIFIED	1
.		
122	RWANDA	1
.		
123	SALVADOR	1
.		
124	TAIWAN	1
.		
125	TOGO	1
.		
126	IVORY COAST	1
.		

Appendix II.

ASSESSMENT OF KRAKOW INSTITUTIONS' ADJUSTMENT FOR FOREIGNERS SERVICE

INTERKULTURALNI PL is conducting a study which main goal is to assess whether Krakow 's institutions are prepared to meet foreigners' needs. The project is being financed by The Stefan Batory Foundation.

We would like to ask you to participate in our study. The Following survey is designed to identify the problems that foreigners face while legalizing their stay in Poland. Your help is essential in further improvement of the institutions in question. Thank you in advance for your participation!

The survey is anonymous. You can select more than one answer!

Legalization of Stay

<p>1. What is your source of information regarding the procedure for legalization of stay?</p>	<p>a) Office for Foreigners (Warszawa) b) Małopolska Province Office in Krakow, Foreigners' Affairs Unit c) Consulate or Embassy d) friends / family members e) attorney (person authorized to represent you at the office) f) from NGOs g) Internet (which website?) h) Other. Please specify..... </p>
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<p>2. What caused you most problems while undergoing the legalization procedure?</p> <p>2. What was the biggest difficulty in the process of legalization of stay?</p>	<p>..... </p>
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**Malopolska Province Office in Krakow – Foreigners' Affairs Unit
(ul. Przy Rondzie 6)**

<p>1. What type of legalization of stay are you applying for? Please choose one only answer.</p>	<p>a) residence card- residence permit for a specified period of time</p> <p>b) residence card - settlement permit</p> <p>c) residence permit for a long-term EC resident</p> <p>d) registration of residence for the EU or EEA citizen</p>
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<p>2. Where did you obtain the information about what documents should be submitted with the application?</p>	<p>a) from Foreigners' Affairs Unit's website</p> <p>b) from a leaflet / bulletin board at the Foreigners' Affairs Unit</p> <p>c) calling Foreigners' Affairs Unit</p> <p>d) from member of staff at the Foreigners' Affairs Unit</p> <p>e) from friends / family members</p> <p>f) from an attorney (person authorized to represent you at the office)</p> <p>g) from NGOs</p> <p>h) other . Please specify</p> <p>.....</p>
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<p>3. Do you know what documents are legally required for the procedure of the legalization of stay?</p>	<p>a) YES b) NO</p>
<p>3A. If so, were you at any point asked to submit any other documents than those specified by the law?</p>	<p>a) YES b) NO</p>

4. Have you used the following sources of information ? If so, would you describe them as...	I used it, it was satisfactory	I used it, it was unsatisfactory	I have not used it
4A. Phone call	A	B	C
4B. E-mail	A	B	C
4C. Foreigners' Affairs Unit's website	A	B	C
4D. leaflet / bulletin board at the Foreigners' Affairs Unit Office	A	B	C
4E. Public Information Bulletin (BIP)	A	B	C
4F. Information from members of the staff at the Foreigners' Affairs Unit	A	B	C

<p>5. How do you fill in the application forms? (Please choose one answer)</p>	<p>a) by myself b) with the assistance of member of the staff at the Foreigners' Affairs Unit c) with the assistance of the NGO worker d) with the assistance of a Polish friend/colleague e) with the assistance of other foreigner f) other . Please specify..... </p>
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6. Does the application form ...	Definitely yes	Rather yes	Rather no	Definitely no
6A. consist of easily understandable questions ?	A	B	C	D
6B. Has a clear layout?	A	B	C	D
6C. has clear instructions on how to be filled in?	A	B	C	D

<p>7. Have you ever used the services of an attorney (the person authorized to represent you at the office)?</p>	a) YES	b) NO
<p>7A. If so, have you ever paid for that services?</p>	a) YES	b) NO
<p>8. How often do you visit the Office? Please select one answer.</p>	<p>a) a few times a month b) once a month c) a few times a year d) once a year e) less f) I was there once</p>	
<p>9. What is your average waiting time at the Foreigners' Affairs Unit?</p>	<p>a) 0 – 30 min b) 30 min – 1 hr c) 1 – 2 hours d) 2 – 3 hours e) more than 3 hours</p>	

10. Would you describe people working at the Foreigners' Affairs Unit as...	Definitely yes	Rather yes	Rather no	Definitely no
10A. polite	A	B	C	D
10B. helpful, willing to answer every question	A	B	C	D
10C. competent, having adequate knowledge	A	B	C	D

11. Were you given full information on the activities that have been carried out in your case?	a) YES	b) NO
12. Were you given information on approximate length of time the procedure takes?	a) YES	b) NO

13. Were you asked any troublesome/ embarrassing questions by members of the staff at Foreigners' Affairs Unit?	a) YES	b) NO
13A. If so, what kind of question were you asked?	..... ..... ..... .....

14. Did the way in which your case was handled by Foreigners' Affairs Unit meet your expectations ?	a) YES	b) NO
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15. What do you find to be the biggest problem in dealing with Foreigners' Affairs Unit? Please select one response.	a) nothing, I have no problems b) long awaiting time in the queue c) the language barrier d) lack of information on procedure for legalization of stay and required documents e) unpleasant staff f) other . Please specify
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16. What would you change in the Foreigners' Affairs Unit functioning? Please specify the thing that seems to be the most important.
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City Hall (Urząd Miasta)
National Health Fund (Narodowy Fundusz Zdrowia – NFZ)
Social Insurance Office (Zakład Ubezpieczeń Społecznych – ZUS)

1. In what department of the City Hall did you register your stay?	1. Os. Zgody 2 (Nowa Huta) 2. Wielicka 28a (Podgórze) 3. Al. Powstania Warszawskiego 10 (Grzegórzki)
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	City Hall (address registration)	National Health Fund (health insurance)	Social Insurance Office (confirmation of having health insurance)
2. Were you able to get to the appropriate office without any problems ?	a) YES b) NO	a) YES b) NO	a) YES b) NO
3. Did you need any assistance in getting things done at the Office (e.g. translator, friend)?	a) YES b) NO	a) YES b) NO	a) YES b) NO
4. After entering the building were you able to find clear information on what should you do (e.g. at the information point, from a bulletin board, a staff member)?	a) YES b) NO	a) YES b) NO	a) YES b) NO
5. Did anyone from the staff speak a language other than Polish?	a) YES b) NO	a) YES b) NO	a) YES b) NO
6. Would you describe members of the staff as polite ?	a) YES b) NO	a) YES b) NO	a) YES b) NO
7. Would you describe members of the staff as helpful and willing to answer your questions?	a) YES b) NO	a) YES b) NO	a) YES b) NO
8. Would you describe members of the staff as competent ?	a) YES b) NO	a) YES b) NO	a) YES b) NO

9. If you used the following sources of information , how would you rate them?	City Hall (address registration)	National Health Fund (health insurance)	Social Insurance Office (confirmation of having health insurance)
9A. Phone call	A) Satisfactory B) Unsatisfactory C) Have not used	A) Satisfactory B) Unsatisfactory C) Have not used	A) Satisfactory B) Unsatisfactory C) Have not used

cont	City Hall (address registration)	National Health Fund (health insurance)	Social Insurance Office (confirmation of having health insurance)
9B. E-mail	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used
9C. Office website	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used
9D. Leaflets or bulletin boards at the Office	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used
9D. Leaflets or bulletin boards at the Office	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used
9E. Information from the members of the staff	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used	A) Satisfactory B) Unsatisfactory C)Have not used

10. What **would you change** in the functioning of the offices in question (City Hall, National Health Fund, Social Insurance Office)?

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PLEASE FILL IN YOUR PERSONAL INFORMATION! *It will be used for statistical purposes only!*

M1. Sex	1. Female	2. Male
M2. Date of birth (year only)	.....
M3. Country of origin	.....
M4. Education level	1. primary 2. secondary 3. higher	
M5. What is your reason for staying in Poland?	1. work 2. study 3. marriage 4. other. Please specify.....	
M6. What year did you start the procedure for legalization of stay?	.....

Appendix III

ASSESSMENT OF KRAKOW INSTITUTIONS' ADJUSTMENT FOR FOREIGNERS SERVICE
INTERKULTURALNI PL is conducting a study which main goal is to assess whether Krakow 's intitutions are prepared to meet foreigners' needs. The project is being financed by The Stefan Batory Foundation.

We would like to ask you to participate in our study. Following survey is designed to identify the problems that foreigners face while dealing with the Border Guard and police in Poland. Your help is essential in further improvement of these deparments' work. Thank you in advance for your participation!

The survey is anonymous. You can select more than one answer!

Border Guard	
1. What were the circumstances of the contact with the Border Guard?	a) Never had any contact with the Border Guards b) Verification of legality of the stay c) Verification of work permit d) Community interview e) Border passport control/customs control f) Other (please specify)
2. What kind of documents were requested during inspection?	..... ..... ..... ..... .....
2A. Was presenting of the requested documents sufficient?	a) YES b) NO
2B. How long did the verification procedure last?	a) half an hour or less b) 0,5 - 1 h c) 1 - 3 h d) more than 3 h
2C. At what time the procedure took place?	a) during night hours b) 6 – 9 c) 9 – 12 d) 12 – 17 e) 17 – 20 f) 20 - 22
2D. Where did the procedure take place?	a) on the street b) in the apartment c) in the car d) Other (please specify)

3. In what language did the officers try to communicate with you?	a) Polish b) Other (please specify)..... c) With a help of an interpreter.....
4. Did the officers show their identity cards so that you could note down their names and the identity card numbers?	<p style="text-align: center;">a) YES b) NO</p>
5. Were you informed about the purpose of the procedure?	<p style="text-align: center;">a) YES b) NO</p>
6. Did the whole procedure take place at the spot? If not, could you specify where?	..... .....
7. Was there any documentation prepared based on the procedure?	<p style="text-align: center;">a) YES b) NO</p>
7A. Did you receive a copy of this file?	<p style="text-align: center;">a) YES b) NO</p>
7B. What language was used for the documentation?	..... .....
7C. Was the content of the file understandable ?	<p style="text-align: center;">a) YES b) NO</p>
8. How would you describe the officers's behavior ?	a) Kind b) Professional c) Formal d) Vulgar e) Disregarding f) Other (please specify).....
9. Were you asked any troublesome/ embarrassing questions ?	<p style="text-align: center;">a) YES b) NO</p>
10. Were your fingerprints taken?	<p style="text-align: center;">a) YES b) NO</p>
11. Officers have searched... Please, select the right answer	a) Clothes b) Apartment c) Car
11A. Was the legal basis of the search presented to you?	<p style="text-align: center;">a) YES b) NO</p>
11B. Did the Border Guard officers have dogs with them?	<p style="text-align: center;">a) YES b) NO</p>

12. Please, rate on a scale (1 – 5) the quality of your contact with the Border Guard, where 1 – very negative, 5 – very positive :	Very negative				Very positive
12A. giving information about the procedure	1	2	3	4	5
12B. helpfulness / understanding	1	2	3	4	5
12C. politeness of the officers	1	2	3	4	5

13. Have you ever been detained by the Border Guard?	a) YES	b) NO
13A. How long did the detention last?	a) up to 3h b) 3 - 6 h c) 6-12 h d) 24 h e) 48 h	
13B. Were you offered a meal/ hot drinks ?	a) YES	b) NO
13C. Were you allowed to contact a close person ?	a) YES	b) NO
13CC. If so, how long after the detention took place?	.....
13D. Were you informed about your rights in a language that you understood ?	a) YES	b) NO
13E. Did you get a verbal explanation to your doubts?	a) YES	b) NO c) doesn't concern

14. Were you placed in a guarded facility ?	a) YES	b) NO
14A. If so, for how long?	.....
14B. Was there an interpreter present at the court sitting ?	a) YES	b) NO
14C. Were you allowed a freedom of expression?	a) YES	b) NO
14D. Did you receive a court order in a language that you understood?	a) YES	b) NO

Police	
1. What were the circumstances of the contact with the police?	a) Verification of legality of the stay b) Verification of work permit c) Community interview d) Committing a crime/ offense e) Roadside inspection f) Notification of a crime/ offense g) Other (please specify).....

1A. What kind of documents were requested during inspection?	..... ..... ..... .....
1B. How long did the procedure last?	a) half an hour or less b) 0,5 - 1 h c) 1 - 3 h d) more than 3 h
2. Where did the contact take place?	a) Police station b) On the street c) Pub/restaurant/club d) Hotel/hostel e) On a public road f) Hospital/ emergency/doctor g) Other (please specify)
3. In what language did the officers try to communicate with you?	a) Polish b) Other..... c) With a help of an interpreter.....
4. Did the officers show their identity cards so that you could note down their names and the identity card numbers?	a) YES b) NO
5. Were you informed about the purpose of the procedure?	a) YES b) NO
6. Did the whole procedure take place at the spot or were you taken somewhere else?	a) On the spot b) Police station c) Apartment/ place of stay d) Other (please specify)
7. Was there any documentation prepared based on the procedure?	a) YES b) NO
7A. Did you receive a copy of this file?	a) YES b) NO
7B. What language was used for the documentation?	..... .....
7C. Was the content of the file understandable ?	a) YES b) NO

8. How would you describe officers' behavior ?	1.Kind 2.Professional 3.Formal 4.Vulgar/ disregarding 5.Other(please specify.).....
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9. Officers have searched ... Please, select the right answer	a) Clothes b) Apartment c) bag/luggage d) car
9A. Was the legal basis of the search presented to you?	a) YES b) NO

10. Please, rate on a scale (1 – 5) the quality of your contact with the police, where 1 – very negative, 5 – very positive :	Very negative				Very positive
10A. giving information about the procedure	1	2	3	4	5
10B. helpfulness / understanding	1	2	3	4	5
10C. politeness of the officers	1	2	3	4	5

11. Have you ever used the emergency phone numbers (997 / 112) ?	a) YES b) NO
11A. Was it possible to communicate (language wise) on the phone?	a) YES b) NO
11B. How long did you wait for the acceptance of your notification?	..... .....
11C. How long did you wait for the police?	
11D. Did the action taken by the police led to a satisfactory result ?	a) YES b) NO
11E. If not , could you write why ?	.....

12. Do you feel safe in Krakow?	a) YES b) NO
12A. Do you feel safe in your place of living ?	a) YES b) NO

13. Have you ever been detained by the police?	a) YES b) NO
13A. How long did the detention last?	a) Up to 3h b) 3 - 6 h c) 6-12 h d) 24 h e) 48 h
13B. Were you offered a meal/ hot drinks ?	a) YES b) NO

13C. What was the reason for the detention?	..... ..... .....	
13D. Were you allowed to contact a close person ?	a) YES	b) NO	.....
13DD. If so, how long after the detention took place?			
13D. Were you informed about your rights in a language that you understood ?	a) YES	b) NO	
13E. Did you get a verbal explanation to your doubts?	a) YES	b) NO	c) doesn't concern

PLEASE FILL IN YOUR PERSONAL INFORMATION! It will be used for statistical purposes only!

M1. Sex	a) Female	b) Male
M2. Date of birth (year only)	.....
M3. Country of origin	.....
M4. Education level	a) primary	b) secondary c) higher
M5. What is your reason for staying in Poland?	a) work	b) study c) marriage d) other (please specify).....

Appendix IV.

Questionnaire number 2

EVALUATION OF ADJUSTING THE OFFICE FOR SERVICE OF FOREIGNERS

INTERKULTURALNI PL Association for Multicultural Poland is monitoring institutions in Krakow and examining how they are adjusted to meet the needs of foreigners. The project is financed by Stefan Batory Foundation. Our aim is to **support integration** of foreigners living in Krakow and to **help institutions** dealing with foreigners.

Within this project we conduct questionnaire and interviews with foreigners who are the office customers. We would also like to find out what you think about functioning of the office and foreigner service. It will allow us to get the full picture of this situation and work on solutions beneficial for both sides.

This questionnaire is anonymous. You can choose more than one answer!

PLEASE FILL IN A PERSONAL SPECIFICATION PART. *The data will only be used for statistic purposes.*

M1. Gender	a) Female	b) Male
M2. Seniority in the office	

M3. Education	a) primary b)secondary c) high
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Working in the office

1. What do you do in the office?	a) customer service b) conducting and considering cases c) other?
2. Are you able to fulfil your duties within your working hours?	a)YES b) NO
3. How do you evaluate technical equipment of your work place (access to printer, fax, telephone, internet, office appliances)?	a)satisfactory b)unsatisfactory remarks:.....
4. How do you evaluate welfare facilities in the office (possibility to make tea, coffee, access to fridge, air-conditioning)?	a)satisfactory b)unsatisfactory remarks:.....
5. Have you taken part in trainings to which you were delegated from work?	a)YES b) NO If yes, name them:
5A. If yes, have they been helpful in your work?	a)YES b) NO
6. Do you think that conducted trainings prepare for further work sufficiently?	a)YES b) NO remarks:.....
7. What trainings would you like to have? <i>(Please remember that you can choose more than one answer)</i>	a) language skills (what language?) b) acts and directives about foreigners c) cross-culture communication d) knowledge about the cultures of office customers e) coping with stress f) other (what?).....

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Service of foreigners

8. How many people a day does a person working in customer service attend?	a) b) I don't know										
9. How many people a day should a person working in customer service attend in order to be effective ?	a) b) I don't know										
10. How many cases a month does one clerk handle?	a) b) I don't know										
11. How many cases a month should one clerk handle in order to be effective ?	a) b) I don't know										
12. What language do you use to communicate with foreigners?	a) Polish b) Russian c) English d) other (**what?.....)										
13. How often do you help a foreigner in filling an application (comprehension of instructions, translating terms etc.)?	a) very often b) often c) rarely d) hardly ever e) never										
14. Do you provide foreigners with information about solutions adjusted to their individual situation concerning residence permit?	a) very often b) often c) rarely d) hardly ever e) never										
15. Do you provide foreigners with information about the source of certain requirements ? Do you tell them verification of what facts certain documents serve?	a) very often b) often c) rarely d) hardly ever e) never										
16. In case of taking over a case from a different district do you repeat actions that have already been conducted?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">a) YES</td> <td style="width: 50%; text-align: center;">b) NO</td> </tr> <tr> <td colspan="2">remarks:.....</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">.....</td> </tr> </table>	a) YES	b) NO	remarks:.....		
a) YES	b) NO										
remarks:.....											
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17. The office customers come from various cultural backgrounds. They know Polish on different levels and they										

