

Access to Quality Education by Asylum-Seeking and Refugee Children

POLAND COUNTRY REPORT

EXECUTIVE SUMMARY

The present report was initiated by the United Nations High Commissioner for Refugees (UNHCR) and forms part of a regional analysis of the education of asylum-seeking, refugee and internally displaced children in 42 countries of Europe. Besides Poland, in-depth studies have been carried out in Bosnia and Herzegovina, Finland, France, Germany, Hungary and Norway. The project is linked to the work of the Inter-Agency Network for Education in Emergencies (INEE) and hopes to promote the work of—and cooperation with—the Committee on the Rights of the Child, the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Special Rapporteur on the Right to Education and the Save the Children network. The project aims to raise awareness of the gaps that exist in the full enjoyment of the right to education and of the work necessary to ensure access to quality education for refugee minors. It is hoped that this study will help pave the way for higher, and more unified, standards of refugee education in a European context.

The research for this country study was conducted between December 2006 and January 2007 to have an overview of the access to quality education by children of asylum-seekers, separated children seeking asylum alone, and refugees and others with a status known as “tolerated stay” in Poland. It describes the situation in a country that has protected refugees for 15 years, but is still seen as a point of transit by a majority of asylum-seekers on their way to western Europe.

During these 15 years, Polish law has provided unimpeded access to education for refugees. Those with subsidiary protection, as well as children of asylum-seekers, continue to have the right to free schooling at all levels, from pre-primary to upper secondary. They also benefit from tertiary level education under the same conditions as other aliens, that is, on the payment of tuition. All children covered by this research have access, under Polish law, to language training organized in the reception facilities, within the integration programmes for recognized refugees, and in schools.

Legal gaps: Despite the rather generous laws, there are challenges that remain in this area. The 1991 Act on the System of Education (also known as the Act on Education) does not take into account the needs of separated minors seeking asylum. The act refers to them as “children of asylum-seekers”, which separated minors are not.¹ An amendment to the current legislation in this regard is, therefore, needed.

Another problem is the lack of regulations on specific issues governing the acceptance, enrolment, qualification and examination of alien children. The absence of guidelines regarding the practical aspects of dealing with foreign children in Polish schools has resulted in a wide range of attitudes towards these issues. While some schools overcome these difficulties, others—in practice—exclude foreign children from the possibility of advancing in their education. A nationwide policy

¹ The contributors to this report believe that this unfortunate expression in Polish law is not a deliberate effort to exclude separated and unaccompanied children from the right to education. It is, instead, a result of limited awareness among legislators of this group of children.

on the inclusion of asylum-seeking, refugee and tolerated children in Poland's educational system is necessary, not only to help these children, but also to assist schools and authorities in fulfilling their obligations satisfactorily towards this group.

Gaps in implementation: Over the years, some refugee and asylum-seeking children have benefited from education in Poland, although it was only in September 2006 that Polish schools began to receive a larger group of these children. Most schools that contributed to the present report have hosted asylum-seeking or refugee children for only a year or two. Poland deserves praise for increasing its school enrolment rates (which were less than 50 per cent) to 90 per cent in the last two years. Significant progress has been made during this period, even though important obstacles remain which prevent alien children from receiving quality education in the country. These obstacles include:

- ***Understaffed reception facilities:*** The authorities point out that there is, on average, one social worker for every 150-200 asylum-seekers. This proportion prevents staff from performing even their basic duties as social workers. Direct contact between them and the asylum-seekers is limited, and this prevents asylum-seeking parents and children from receiving individual counselling. In many centres, there are no social activities, either for the children or for adults. These activities are organized only in some centres, usually by non-governmental organizations (NGOs). With few possibilities of spending their time actively, many asylum-seekers slide into apathy and hopelessness, which directly affects the ability of some families to support their children at school.
- ***Unpreparedness of educational system to accept alien children:*** The educational system in Poland lacks the answers to some of the specific needs of foreign pupils. These relate to obligatory school examinations, the assignment of non-Polish speaking pupils to specific levels at school, teaching materials, school funding, training of teachers and the recognition of the psychological needs of children who have experienced war and exile. There are no teaching tools and methods, especially for this group of teenagers—among whom are those who have either missed a few years of schooling, or are illiterate.
- ***Limited awareness about asylum-seekers and refugees in Poland:*** Some schools and authorities are not aware of their obligations concerning asylum-seeking or refugee pupils. Refugee parents frequently need the assistance of NGOs or social workers to have their children admitted to the schools as the latter do not recognize their obligation to accept them. In addition, the schools often do not identify the specific needs of refugee or asylum-seeking children. Without adequate assistance, the children quickly drop out. Limited awareness of cultural differences is usually also cited as a problem in schools.

It is important to emphasize that there are many schools and individual teachers who express considerable good will and commitment towards helping alien pupils. But there are others, also, who do not. This is because, in many cases, the teachers simply do not know how to teach these children. Some schools refuse to accept refugee and asylum-seeking students because they feel overwhelmed by the challenge.

The most disadvantaged group in Poland—in an educational context—is youth. The lack of access to appropriate schooling in Poland for 12- to 15-year-olds at the lower secondary school age effectively prevents them from receiving quality education. Placed in classes with children who are two or three (or more) years younger, many teenagers feel alienated and quickly drop out. The situation is even more difficult for the 16- to 17-year olds. For most of this age group, the Polish educational system does not have any school to offer. There are only isolated cases of young

people of this age who are at school in Poland, and almost all of them benefit from a non-public education.

The present report appears at a time when a number of schools, local authorities and NGOs are starting to cooperate and look for solutions together. This paper's contributors believe that solutions that reach beyond the environment of an individual school are necessary. A systemic response is called for to cope with the growing number of alien pupils in Polish schools.

Refugee and asylum-seeking parents are crucial partners in improving their children's access to school. For most children, it is their family which constitutes the most effective support system. There are refugee and asylum-seeking parents who support their children to a considerable extent so that the children benefit greatly from the educational opportunities available in the country. At the same time, there are families which fail in this respect. There are many reasons for this: the parents are often affected psychologically by the traumatic experiences in their home countries; there is a lack of social support for them; and the parents are not able to galvanize themselves during the difficult period of waiting for a decision on asylum. Supporting the parents to be able to better address the needs of their children is one of the main challenges ahead. Parents need to be involved in a dialogue with schools and become active partners in the search for solutions to educational problems. The schools, too, should be encouraged to initiate an active discussion with the asylum-seeking and refugee parents of their pupils.

The involvement of children and youth themselves is vital in seeking to improve their access to quality education. They have a right to be heard, and to have their opinions taken into consideration, while planning solutions that will effect an improvement in their education. Currently, the practice of children's participation in educationally pertinent decisions concerning them is not widespread in Poland. The children are not involved in any discussion of their problems and are not seen as resourceful people ready to propose solutions.

Any attempt to improve the situation has to include other partners and initiatives as well. In this respect, there are five principal recommendations addressed to relevant stakeholders:

Education and migration authorities:

- Review the legal framework governing the situation of asylum-seeking, refugee and tolerated children in Poland's educational system and adopt regulations in areas that call for solutions. This would involve regulating the right to education of unaccompanied asylum-seeking children and dealing with questions concerning the examination and qualification for higher educational levels of children who are non-native speakers of Polish.
- Develop an improved system of data collection and monitoring to obtain information in a regular manner on the schooling of refugee and asylum-seeking children.

Network of education authorities and institutions: Develop a systemic method to encourage schools to address the needs of alien pupils. This should include a review of programmes regulating funding and staffing of schools; the development of methodological and logistical support of schools hosting alien pupils; and the introduction of multicultural education for schools as well as teachers. A broad support system for schools hosting alien children needs to be established.

Migration and social assistance authorities: Provide complex social assistance to asylum-seeking and refugee families during their stay in reception facilities, and on receiving protection in Poland. This assistance should, in particular, cover the employment of additional social staff.

All stakeholders: Begin to consider refugee and asylum-seeking parents as partners in a dialogue to look for solutions that are beneficial to them.

All those who contributed to this report realize that children and young people, when denied quality education and developmental support, grow up without the chance to integrate, obtain professional qualifications, find jobs, or make Poland (or any country they find themselves living in) a home for themselves. This is the reason why all are in agreement that the search for solutions needs to start now, for the benefit of children as well as the society hosting them.

The report was inspired and commissioned by the United Nations High Commissioner for Refugees. Similar reports were written on the situation in Germany, Finland, France and Hungary. The report on Poland was written by Agnieszka Kosowicz, President of the Polish Migration Forum (www.forummigracyjne.org)