REFUGEE PROTECTION IN THE UNITED STATES AND POLAND. COMPARATIVE PERSPECTIVE ON POLICY SHAPING AND DELIVERY

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Welfare states in Europe and across the Atlantic introduced various social policies aiming at integrating refugees or facilitating their self-sufficiency. Since the beginning of 2015 when the so called "refugee crisis" started in Europe and anti-refugee rhetoric appeared in public discourse, these policies became jeopardized. Surprisingly, only a handful of studies provide evidence on how these policies operate amidst the current political conditions. Even fewer deliver comparative evidence from different countries. This article aims to address this gap using qualitative comparative case study design and interpretative policy analysis. It answers how asylum and social policies have been shaped and delivered in countries as different as the United States and Poland, including the context of the 2015 and 2016 political shifts. This article argues that despite being shaped and delivered differently, some of the current framing and shaping of the policies are similar and can have parallel outcomes for refugee communities and organizations assisting them. Chances for upward mobility for refugees can decrease and income and social inequalities may deepen.

Keywords: Refugee protection, asylum policy, social policy, comparative analysis

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INTRODUCTION

Welfare states in Europe and across the Atlantic introduced various social policies aiming at integrating refugees and facilitating their self-sufficiency. These policies include full or limited access to labour and housing markets, employment support services, procedures facilitating recognition of skills and qualifications acquired abroad, access to the education system and lifelong learning, mainstream language classes, cultural orientation, direct cash assistance and targeted case management to navigate in this system. Since the beginning of 2015 when the so called "refugee crisis" started in Europe and anti-refugee rhetoric appeared in public discourse in Europe and across the Atlantic, these policies became jeopardized. Robust and politicized terminologies perpetuated in the public discourse dividing migrants into those deserving and undeserving entrance and protection (Newton, 2008). Already in 2013 Richardson and Colombo (2013) argued that there has been a right wing shift in mainstream political debate on migration expressed in using dehumanizing language. Throughout the next three years the shift exacerbated. The backlash in asylum and social policies for refugees was legitimized with threats of terrorism and arguments of refugees not integrating with the hosting societies. In the United States, President Trump's administration represents such an approach, while in the European Union (EU), Poland and Hungary stand out in their backlash against refugees.

Unsurprisingly, this anti-refugee rhetoric is not evidence based. Thus particularly in these countries where anti-refugee discourse has gained in popularity, evidence on how asylum and social policies operate, their outcomes and current policy changes are much needed. What is surprising is that only a handful of studies provide such evidence. Even fewer studies deliver comparative evidence from different states (for exceptions see: Korac, 2003; Valenta, Bunar, 2010; Newland et al, 2015). A comparative perspective offers a better understanding of these policies and provides facts missing in the public debates on refugees.

This paper aims to fill this gap by comparing how asylum and social policies have been framed, operated and changed in the context of the 2015 and 2016 political shifts in states as different as the United States and Poland. Asylum policy includes asylum procedures, conditions of reception of asylum seekers, criteria for eligibility for asylum, and rights granted to asylum seekers, recognised refugees and subsidiary protection beneficiaries (Bank, 2014). Social policy for refugees includes reception and settlement programs as well as welfare programs available for all citizens and refugees (Joly, 1996).

The U.S. is important to study due to having the highest number of resettled refugees worldwide. Its welfare programs are liberal, offering less support compared to EU states, and are usually provided through public-private partnerships. Poland

in many aspects constitutes an opposite example of asylum and social policies to the U.S. It is still a state of net emigration, it has one of the lowest number of foreign born individuals in the EU, as well as the smallest refugee population. Yet its spending on welfare programs are higher than in liberal welfare states such as the U.S. – welfare programs are provided by public institutions, and income inequality is lower than in the U.S. (Fenger, 2007). In these two opposing contexts, asylum and social policies are similarly affected by anti-refugee administrations.

COMPARATIVE STUDIES OF ASYLUM AND SOCIAL POLICIES FOR REFUGEES

Existing comparative literature on asylum and social policies for refugees suggests that where a state offers less support, individuals take more initiative in finding employment. However, the quality of the employment (income, job satisfaction and compatibility of the employment with skills and education level) can be low (Korac, 2003). Some authors suggest that successful social policies for refugees need to be proactive, include positive affirmation measures (Valenta, Bunar, 2010) and provide support in terms of labour market integration as soon as possible (Martin et al, 2016). However, a comparative study of Bosnian refugees in Austria and the U.S. suggests that the overall role of policies targeting refugees can be lower than politicians and scholars wish them to be (Franz, 2003). Capps et al (2015) suggest that so far the self-sufficiency focused U.S. policies for refugees still have better labour market outcomes than comprehensive programs offered in Sweden, Norway and Germany.

Korac's (2003) comparison of integration policies in Italy and the Netherlands experienced by Yugoslavian refugees shows that bridging social capital plays an important integrative role. Although the Dutch social policy is much more comprehensive than the Italian one, refugees don't feel integrated with the Dutch society due to a lack of bridging social capital. The latter "would in turn provide them with the sense of rootedness and wider social inclusion" (Korac, 2003). In Italy, the state's support is more limited than in the Netherlands and refugees strive to access financial security and quality jobs. Yet, they have more of a sense of agency and have developed bridging ties with Italians which compensate to some extent for their struggles. In that sense, the poorly organized and limited system of assistance for refugees in Rome "enhanced their personal agency in reconstructing their lives" (Korac, 2003). Korac concludes with recommendations to build policies providing more opportunities for refugees to direct their lives and decisions.

Valenta and Bunar's (2010) comparison of integration policies in Sweden and Norway shows that both countries offer more assistance to refugees than other European states and that this assistance is focused on housing and employment. Despite investing "tremendous energy" in facilitating integration, according to Valenta and Bunar, the efforts have failed to tackle inequalities existing between refugees and the rest of the Swedish and Norwegian population. The authors suggest using a more "proactive model of affirmative measures" like the ones in Canada or the United States to promote equal opportunities for refugees.

Franz (2003) on the other hand argues that different policies towards refugees can actually have similar outcomes. Through comparing a case of Bosnian refugees in Austria and the U.S. she suggests that the overall role of the social programs in the lives of refugees can be overestimated.

Based on a comparative study focused on the integration outcomes in the United States, Sweden, Norway and Germany, Capps et al (2015) suggest that although the U.S. offers minimal levels of assistance for refugees compared to European countries, it used to be enough for refugees to become self-sufficient and to acquire parity over time with the native born population in terms of income levels and participation in welfare benefits. It may, however, be insufficient for the current refugee population. Compared to the U.S., Sweden, Norway and Germany provide much more support for refugees to learn local languages because refugees have lower chances of learning Swedish and Norwegian in their home countries, as opposed to English. Unlike European programs, U.S. refugee assistance is focused on early employment, which is a major concern in Europe. Refugees resettled to the U.S., as opposed to Sweden or Norway, have high employment levels. According to Capps et al (2015), the overall large size of the refugee resettlement program in the U.S. creates opportunities to connect refugees to already established ethnic communities which can offer additional support for newcomers.

The current study will contribute to this discussion by comparing the cases of the U.S. and Poland in light of the current policy shifts.

METHODOLOGY

RESEARCH DESIGN

This article is based on qualitative case study methodology (Stake, 1994). More specifically, it uses qualitative comparative case study design in its horizontal variant (Bartlett, Vavrus, 2016). The horizontal approach means using categories developed in a processual way and avoiding using *a priori* categories from one

context imposed on the analysis of another. Also, a *homologues* approach is used, meaning "the entities being compared have a corresponding position or structure to one another" (Bartlett, Vavrus, 2016).

The article uses the case of asylum and social policies in the U.S. and in Poland. These two cases are selected using the maximum variation approach, meaning the cases are picked purposively due to "a wide range of variation on a dimension of interest" (Bartlett, Vavrus, 2016), in this case – asylum and social policies for refugees.

DATA COLLECTION

Data used in this article was collected by the author between June 2016 and July 2017 from triangulated sources. The sources include four categories: policy documents, statistical data, evaluation and other reports on the outcomes of social policies and official statements published on government websites regarding refugees. The policy documents included in the analysis were written laws on immigration and social assistance or ordinances on immigration and social assistance. Statistical data used include the number of refugees (e.g. administrative data on the number of individuals applying in different years to be granted international protection, the number of individuals granted international protection), and origins of the refugees.

DATA ANALYSIS

The data was analysed using the theoretical framework of interpretative policy analysis (Wagenaar, 2014). Interpretative policy analysis answers how policies are socially constructed and what meaning is attached to political actions and institutions. It also pays attention to the power relations which influence selecting and formulating problems on a policy agenda, policy instruments and the way they are prioritized (Wagenaar, 2014: 81). This approach includes three stages of the policy making cycle: (1) policy framing, (2) shaping and (3) delivery (Gubrium, Pellissery, & Lødemel, 2013). *Policy framing* refers to the public discourse around certain policies, e.g. media coverage, or beliefs articulated in public opinion polls. Stakeholders involved in the public discourse operate here from a majority position of power, or minority position (Scollon, 2008). *Policy shaping* refers to why and how policies came into existence (what assumptions underlie them) and what actions they include. In the case of asylum and social policies for refugees, policy shaping includes conditions to enter and rights granted as well as assumptions. Finally, *Policy delivery* refers to the policy implementation process. This article will mostly focus on policy shaping and delivery.

RESULTS

POLICY SHAPING AND DELIVERY

Asylum and social policies addressed to refugees have been shaped and delivered in a certain historical context. This section first aims to identify these shaping conditions (historical context and policy actions) and secondly, it investigates policy delivery. The discussion first focuses on legislation history, a historical overview of groups deserving assistance, as well as a history of social policies in the context of a broader welfare model. Next, policy actions are analysed, including the current refugee protection system, statistical data on groups being granted protection and the goals of the protection system.

THE CASE OF THE UNITED STATES

The first legislation related to forced migrants (The Displaced Persons Act) was introduced in the U.S. already in 1948 in order to provide admission to the first 250 individuals fleeing Europe after the war and later another 400,000 (Office of Refugee Resettlement, 2017). Following this first act, the U.S. refugee asylum policy developed predominantly as a function of U.S. foreign interests. Groups deserving admission reflected U.S. foreign involvement in opposing communist regimes in Eastern Europe (Hungary, Poland, Yugoslavia), Asia (Korea and China) and since the 1960s, in Cuba (Haines, 2010). In the beginning accepted refugees were receiving assistance from religious and ethnic organizations, which later developed into public-private partnerships still operating today. In the 1970s a Refugee Task Force and temporary funding was established to resettle Indochinese refugees fleeing the Vietnam war. These activities resulted in Congress passing The Refugee Act of 1980. The Act provided uniform procedures for refugee admissions and assistance in the country within the federal Refugee Resettlement Program (Bruno, 2016). Using the United Nations (UN) New York Protocol, this Act also established the legal definition of a refugee.

Unlike in the EU, the U.S. accepts most refugees through the resettlement process and fewer through the asylum procedure[2]. The latter is initiated while crossing the U.S. border or already in the country. The concept of resettling refugees is one of three solutions to forced migration, next to the settlement in the country of asylum and voluntary return to the country of origin (Alenikoff, 1992).

[2] While individuals granted a refugee status and resettled to the U.S. are named ‘refugees’, those granted asylum at the U.S. borders or inside the country are called ‘asylees’.

In refugee law, both resettlement and settlement in the country of asylum are seen as biased by the "exilic" approach in three ways (Aleinikoff, 1992: 125). First, through geopolitical relations. Sending World War II exiles back was not an option. Second, by the Cold War Doctrine, according to which Western countries were seen as better when welcoming exiles from Communist countries. Third, European humanitarianism, according to which refugees will be better off in more developed countries. In the U.S., accepting refugees fleeing from communist countries gave "good press for those voting with their feet for freedom" (Haines, 2012: 5). However, this approach began to change after the increased arrivals of asylum seekers from the Global South in the 1980s and developments in human rights perspectives. The latter argued for the right to safe return to the country of origin, which was not executed while resettlement was a dominating solution.

Whether for resettled refugees or individuals granted asylum, the U.S. developed social policies assisting protected immigrants. This assistance reflects a broader model of welfare system established in the U.S. Gosta Esping-Andersen (2013) describes it as a liberal one, meaning the assistance is thoroughly means tested, wherein transfers are modest and offered to low-income people. According to Esping-Andersen, the restricted progress of social reforms and stigmatization of the recipients of assistance in countries like the U.S. is due to liberal work-ethics norms. The latter defines the limits of welfare assistance as "the marginal propensity to opt for welfare instead of work" (Esping-Andersen, 2013). In such a model welfare assistance is often provided by the private companies and NGOs using market roles. Interestingly, the vocabulary describing services provided by the welfare system to clients usually uses the word "benefits". According to the Oxford English Dictionary "benefit" refers to "an advantage or profit gained from something" (Oxford English Dictionary, 2017). This word reflects the logic of the U.S. liberal welfare system very well, seeing assistance as an advantage granted to individuals instead of it being their right.

Schram, Soss, Houser, Fording (2010) accurately described the market logic defining the U.S. welfare system after the 1996 welfare reform (i.e. Personal Responsibility and Work Opportunity Reconciliation Act). The reform changed the focus from cash transfers to a transition to the workforce and introduced neoliberal paternalism as a role regulating the lives of the clients. As a result, welfare programs were restricted to operating according to market logic (Krinsky, 2007) and followed the New Public Management approach (Hood, 1991). The places and language of welfare institutions started resembling private companies and business aesthetics. Many forms of services became outsourced, which reduced the functions and necessity of high qualifications of case managers.

Clients experienced being pushed out to the workforce at any price, pedagogically shamed (Gray, 2005) and threatened with punishment (used as a therapeutic tool to transform the poor) (Mead, 1997).

It was in this context of welfare policy that the U.S. Resettlement Program (USRP) was developed. This program, in addition to providing procedures for refugee admissions, introduced various programs to assist resettled refugees and other protected immigrants (asylees, individuals granted Temporary Protected Status (TPS) and holders of Special Immigrant Visas (SIV) (Bruno, 2016).

The U.S. Resettlement Program is focused on the economic dimension of refugee integration. The aim is for refugees "to achieve economic self-sufficiency as quickly as possible after arrival in the United States" (The Refugee Act of 1980). Self-sufficiency is defined as "earning a total family income at a level that enables a family unit to support itself without receipt of a cash assistance grant." (DHHS, Code of Federal Regulations – Title 45: Public Welfare, December 2005). Economic self-sufficiency is measured by six outcomes: (1) Entered employment, full time and part time, (2) Federal cash assistance terminations (due to earnings), (3) Federal cash assistance reduction (due to earnings); (4) Entered full time employment with health benefits available; (5) Average hourly wage of full time entered employment and (6) Employment Retention 90 days after entering employment.

In order to reach self-sufficiency, USRP introduced various public-private partnerships managed by states and provided by non-profit organizations. These partnerships use tools such as case management, employment services, language trainings, cultural orientation classes and direct cash allowances to help refugees achieve self-sufficiency.

Three institutions manage the U.S. Resettlement Program: 1. The Department of Homeland Security (DHS), which is responsible for processing asylum claims (defined as "security issues"); 2. The Bureau of Population, Refugees and Migration (BPRM), under the State Department (responsible for refugee placement) and 3. The Office of Refugee Resettlement (ORR) under the Department of Health and Homeland Services. The ORR provides assistance in transition to life in the U.S. by offering interim cash and medical assistance, employment services, English language training, medical screenings, recertification and a variety of specialized programs such as Micro-Enterprise Development or programs for Survivors of Tortures. The DHS is responsible for the pre-screening of refugees, on site interviews and security clearance and fingerprinting. The BPRM provides placement and allocations of refugees through nine voluntary agencies, cultural orientation and departure processing as well as initial reception and placement (30–90 days from arrival to the U.S.).

Eight out of nine Voluntary Agencies are non-profit organizations providing reception for refugees. The assistance they provide is based on agreements they sign with the State Department. The Refugee Resettlement Program is delivered through different programs such as: Matching Grant Program, Refugee Social Services Program, Refugee Cash Assistance Program. These programs include activities such as case management, employment services, language training, cultural orientation classes and direct cash allowances.

Since the Refugee Act was established in 1980, over 3 million refugees have been resettled to the U.S. Most of them arrived from Asia and the former USSR. The number of refugees admitted yearly between 1980–2016 varied from over 200,000 in 1980 to only 27,000 in 2002 as a consequence of 9/11 and its aftermath. The number of individuals yearly granted asylum inside the U.S. varied between only 5,000 in 1991 and nearly 40,000 in 2001. Currently U.S. grants asylum to no more than 10,000 per Fiscal Year.

The Department of State states that between 1980 and 2015, most of the admitted refugees arrived from Asia (1,206,914), the former Soviet Union (539,582), the Near East and South Asia (402,800), Africa (326,669), and Europe (306,316), while 326,669 were admitted from Latin American and the Caribbean and 14,161 from Kosovo (Refugee Processing Center, 2017, Arrivals by State and Nationality as of April 30, 2017). In 2016, the top five nationalities among admitted refugees originated from: the Democratic Republic of Congo (16,370), Syria (12,587), Burma (12,347), Iraq (9,880), Somalia (9,020). The vast majority of refugees relocated between 1983 and 2004 were resettled to large metropolitan areas. 30 such areas received 72 percent of the total population of resettled refugees (Singer, Willson, 2006). These areas include California (Los Angeles, Orange County, San Jose, Sacramento), the Mid-Atlantic region (New York) and the Midwest (Chicago, Minneapolis- St. Paul). Since the 1990s, in addition to the traditional immigrant gateways, refugees have been increasingly resettled to Seattle, Atlanta, and Portland. Refugees of different nationalities have been resettled to different regions, e.g. one third of refugees from the former Soviet Union were resettled to New York, nearly half of Iranians to Los Angeles, and one in five Iraqis to Detroit. In some medium-sized and smaller metropolitan areas such as Utica, NY; Fargo, ND; Erie, PA; Sioux Falls, SD; and Binghamton, NY, refugees dominate among the foreign born population.

Surprisingly little is known about how social policy for refugees in the U.S. affects refugees and how it operates on the ground (Nightingale, 2008; Ott, Montgomery, 2015). What is known is that although the overall employment rate among refugees used to be higher than among the native population (Capps, Newland, 2015), the Federal Refugee Resettlement Program is criticized for being

insufficient due to limited funding, lack of planned and coordinated actions, and conflicting interests of different agencies (Brick, Cushing-Savvi, Elshafie, Krill, McGlynn Scanlon, Stone, 2010).

In the period 2009–2011, refugees in the U.S. were more likely to be employed than the U.S. born population (67% for men and 54% for women) (Capps, Newland, 2015). Refugees' income in that period raised substantially with the length of U.S. residence, but still remained below average for the native born (in contrast to 2000). At the same time, participation in welfare programs declined with the length of residence. However, changing conditions in the U.S. and characteristics of recently admitted refugees suggest that this is no longer the trend.

The population of refugees resettled to the U.S. is increasingly diverse in terms of nationalities, languages used and human capital compared to refugees resettled in the 1980s. Recent refugees have low language skills and education levels (e.g. refugees from Burma, Bhutan, Liberia, Somalia). Also, their income and shares of welfare assistance is higher than previous refugee populations. The U.S. economic situation, economic inequalities and opportunities for upward mobility are worse compared to the 1980s. Therefore, current refugees have overall smaller chances to progress as much as earlier refugee populations.

Some critics of the USRP blame the program itself and the self-sufficiency paradigm for possibly having negative long-term impact on the situation of refugees. The paradigm is seen as creating structural conditions in which refugees are forced to take jobs at the bottom of the labour market without offering them time to learn the English language and thus increase labour market opportunities (Brick, Cushing-Savvi, Elshafie, Krill, McGlynn Scanlon, Stone, 2010).

Case studies of some refugee groups such as Cambodians reveals striking mechanisms of how refugee resettlement into hyperghettos in large U.S. metropolises, followed by systemic inequalities and limited welfare, have produced poverty among refugees (Tang, 2015). The limited funding for social programs after the welfare reform of 1996 contributed to poverty among Cambodian refugees by neglecting the long-term consequences of short-term pushed self-sufficiency (Fix, Tumlin, 1997).

THE CASE OF POLAND

As opposed to the United States being a settlers' society, Poland is a homogenous country of net emigration. In 2011 Poland had the lowest number of foreign-born population among OECD countries (2% of the population is foreign-born) (Lukasiewicz, 2017).

After the collapse of communism in 1989, a restrictive exit policy was replaced with restrictive entry control (Lukasiewicz, 2014). Policies addressing forced migration were influenced by the EU, already during the period of pre-accession and then after the accession in 2004. In March of 1990, in the early post-communist period of Polish history, the first group of refugees arrived to the country: a group of a few hundred people originating from Africa and the Middle East and deported to Poland from Sweden (Ząbek, Łodziński, 2008). In 1990 Poland became a "safe third country", and therefore asylum seekers who crossed the borders on their way to other safe locations in Europe were expected to apply for asylum in Poland. The largest group of refugees who arrived to Poland in that period fled the former Yugoslavia in 1992 (Office for Foreigners, 2017). The second largest group fleeing to Poland in the 1990s were Somalis. Other smaller groups originated from over 30 countries where military conflicts were taking place, including refugees from Sri Lanka, Afghanistan, Iraq and Sudan. Since 2004 the largest group of people granted refugee status in Poland have been citizens of the Russian Federation of Chechen nationality – eighty percent of the applicants for refugee status in Poland between 2003 and 2010 were of Chechen nationality (Office for Foreigners, 2012). Other larger groups applying for asylum in Poland in the 2000s were Belarusians, Iraqis, Syrians, Afghans and Somalis.

In 1991 Poland ratified The Convention Relating to the Status of Refugees and New York Protocol and in 1993 it signed the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms. These legal acts introduced the definition of a refugee into Polish legislation and defined the rights thereof. As a result of ratifying these international laws, Poland developed legislation necessary to process asylum claims. The legislation was developed and adjusted to the Common European Asylum System (CEAS).

Throughout the years Poland developed five legal forms of international protection in addition to the refugee status: tolerated stay permit, subsidiary protection, tolerated stay permit for humanitarian reasons, asylum and temporary protection. These various forms followed legislation existing in other EU states. The tolerated stay permit was introduced in 2003 and granted both for humanitarian reasons and as international protection (Łodziński, Szonert, 2011). In 2008 Poland introduced subsidiary protection which in some cases replaced the tolerated stay permit. In 2013 another form of protection was introduced, namely the tolerated stay permit for humanitarian reasons granted indefinitely. Both the tolerated stay permit and tolerated stay permit for humanitarian reasons were granted to immigrants who, if deported, would be sent to countries where their lives could be threatened. Compared to the U.S., all of these forms of

international protection reflect one solution to forced migration, namely the settlement in the country of asylum.

Social policy for refugees in Poland have been delivered through Individual Integration Programs offered since 2002 to individuals granted refugee status and later to those granted subsidiary protection or temporary protection (Frelak, Klaus, Wiśniewski, 2007). They were originally overseen by the Ministry of the Interior and later by the Ministry of Labour and Social Policy (after introducing the Act of 14 June 1996 to amend the Act on social assistance and the Act on employment and measures counteracting unemployment). As opposed to the United States, the programs were and still are implemented through public welfare offices. Non-governmental organizations provide complementary activities, funded among others from the European Refugee Fund and other European funds.

Łodziński and Szonert (2011) identify three major factors affecting the development of Polish asylum and social policies for refugees. Firstly, the policies were built from scratch in the 1990s and thus had no legal and institutional traditions to refer to. Secondly, they were developed in tension between the processes of (1) internationalization or Europeanization and (2) responding to local administrative and geopolitical needs (Weinar, 2006; Łodziński, Szonert, 2011). Thirdly, the debate over Polish asylum and social policies for refugees is still ongoing, as Poland has recently accepted (and then rejected) two important legal documents: the Act of 12 December 2013 on foreigners, and the Polish government migration strategy, called The Migration Policy of Poland – Current State and Requested Actions' (Pol. 'Polityka Migracyjna Polski – stan obecny i postulowane dzialania', 2012). The latter was withdrawn in March 2017 by Mariusz Błaszczak, Minister of the Interior and Administration (Ministry of the Interior and Administration, 2017).

Assistance provided for refugees and other protected immigrants reflects a broader model of welfare policy in Poland. Following Esping-Andersen's typology, the Polish welfare system is in a transition phase of development into one of three welfare models (Liberal, Corporatist-Statist or Social Democratic) (Esping-Andersen, 1996). Fenger (2007) argues, however, that Poland is already a successful welfare regime with spending on social protection higher and social inequality lower than in liberal welfare regimes such as the United Kingdom and the United States. Unlike the U.S., in Poland many services (public healthcare, education system including higher education) are universal. Similarly to other EU states, they are seen as social rights instead of social benefits present in the U.S. model (Sainsbury, 2006).

Other scholars argue on the contrary how inefficient and malfunctioning the Polish welfare system – still socialist in nature – is (e.g. Szelenyi and Wilk,

2010). The expensive welfare system often fails to provide quality services, and social assistance for refugees is incorporated into this welfare model with all its disadvantages.

Asylum and social policies are implemented in Poland through complex and highly bureaucratized institutions or units within existing public institutions (Florczak, 2003; Weinar, 2006; Oleksiewicz, 2006; Łodziński and Ząbek, 2008). The major institution responsible for granting asylum is the Office for Foreigners (Pol. *Urząd ds Cudzoziemców*), under the Ministry of the Interior. It provides different forms of protection for asylum seekers and legalization of stay for foreigners in Poland. Social policy focused specifically on refugees, based on the Act on Social Assistance, is implemented through Individual Integration Programs. These are under the Ministry of Labor and Social Policy, and integrated into an already functioning welfare assistance system at the level of *poviats* (districts) by poviat centers for family support undertaken by social workers.

After their arrival in Poland, asylum seekers are housed in open reception centres, private locations of their choice or guarded centres or detention centres (Act of 12 December 2013 on Foreigners, 2014; The Office for Foreigners, 2016). In the case of private locations of their choice, asylum seekers receive minor monetary allowances. Although these allowances are criticized for being too low, and many objections are made related to how the reception centers operate, in the United States no such provisions are offered and no centers exist. Asylum seekers are either placed in prison-like detention centers, or take full responsibility for their accommodation if applying for asylum whilst already in the U.S.

In Poland, after being granted international protection, refugees are offered up to 12 months of participation in Individual Integration Programs, which includes benefits in cash for the maintenance and coverage of expenses connected with learning the Polish language, the payment of contributions to health insurance as well as access to legal, psychological and family counselling in employment offices and assistance of NGOs (Lukasiewicz, 2017). Cash benefits and health insurance are paid from the central state budget, while other elements of the program are a responsibility of local *poviat* centres for family support. Additionally, refugees have the right to access institutions providing welfare assistance under the same conditions as Poles (Law of 12 March 2004 on Social Assistance, uniform text Journal of Laws 2009.175.1362). One year of integration assistance is often considered too short given refugees' needs (Lukasiewicz, 2017), and as such many EU states offer two years of such assistance. In such a context, two to six months of assistance received by refugees in the United States seems to be far below the standard.

Polish asylum and social policies addressed to refugees aim at encouraging independent functioning of foreigners in Poland and being independent from

welfare assistance ('The Migration Policy of Poland – Current State and Requested Actions', 'Polish Policy of Integrating Foreigners – Assumptions and Directives'). Unlike broad definitions of integration applied in other EU states, the Polish approach resembles the U.S. concept of economic self-sufficiency. The latter frequently appears in the Polish Law on Social Assistance from 2016 (Dz.U. z 2016 poz. 930 – Ustawa o pomocy społecznej). Unlike in the U.S., economic self-sufficiency in Polish Law on Social Assistance is understood as independence after receiving monetary transfers.

The achievement of the goals is measured on an individual level using three indicators: (1) language education, meaning learning basic Polish vocabulary enabling communication, (2) professional functioning, in terms of progress made in job searches and other forms of professional activity providing economic self-sufficiency and (3) social functioning, particularly in establishing contacts with the local community and a level of participation in social, cultural and public life. Progress on the basis of these three indicators is evaluated by social workers responsible for implementing Individual Integration Programs, at least every three months (According to the Ordinance of The 9th of March of The Minister of Employment and Social Policy Regarding Providing Assistance to Foreigners Granted Refugee Status Or Subsidiary Protection in Poland, 'Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 9 marca 2009 r. w sprawie udzielania pomocy cudzoziemcom, którzy uzyskali w Rzeczypospolitej Polskiej status uchodźcy lub ochronę uzupełniającą'). The national migration strategy ('The Migration Policy of Poland – Current State and Requested Actions') recently rejected by the Ministry of the Interior and Administration, only recommended developing a system of indicators of immigrant integration.

Little is known on how asylum and social policies operate in Poland. Given the inexperience Poland has with accepting refugees, no monitoring system of their situation exists. Statistical data are available only on new arrivals and granting protection. Refugees are not included in the Census or other administrative data which would allow us to track their situation over time.

Based on the limited data, it is known that since the initiation of the refugee assistance program in 1992 and the development of asylum policy until 2016, over 150,000 individuals applied for refugee status in Poland and only a little over 20,000 were granted some form of international protection (either refugee status, tolerated stay permit or subsidiary protection) (The Office for Foreigners, 2017). The number of individuals applying for refugee status in Poland yearly increased from below 1,000 throughout the early 1990s to over 15,000 in 2013. The number of individuals granted international protection was the highest between 2004 and 2009, when the Second Chechen Wars broke out (nearly

14,000 individuals were granted international protection out of a total of 20,000). Compared to other EU states, Poland has a low refugee acceptance rate. In 2014 only 27% of first-instance asylum claims and 1% of final decisions were granted protection in Poland, whereas the percentages in the EU were around 40% and 18% respectively (Lukasiewicz, 2017; Eurostat, 2016). However, the number of persons granted international protection in Poland does not reflect the actual number of refugees staying and living in Poland. In many given year, over 50% of persons quit integration programs offered for accepted refugees, often because they leave the country. A number which better reflects the population of refugees living in Poland is the number of persons holding temporary residence cards (a document which can be granted upon receiving international protection). Between the years 2009 and 2013 the number varied yearly between 7,087 and 5,172. The overall low number of refugees in Poland is partly related to lower wages and more restrictive welfare provisions compared to western and northern neighbouring states. As a result, for many refugees Poland is only a transit country.

Only piecemeal evidence is available on the outcomes of Polish asylum and social policies since the situation of refugees is not monitored in a systematic way (Frelak, Klaus, Wiśniewski, 2007; Bürkin, Huddleston and Chindea, 2013; Chrzanowska and Czerniejewska, 2015; Lukasiewicz, 2012; Lukasiewicz, 2017). It is argued that by influencing the settlement of refugees in regions characterized by high unemployment and prejudice against foreigners, the Polish asylum policy contributes to and perpetuates poverty among refugees (Lukasiewicz, 2017). In such a context, the inefficient social policy of integrating refugees cannot reach its goals. Refugees in Poland often settle where their reception centres were located (Lukasiewicz, 2017). Some of them are in regions and zones with the lowest rental rates, such as former USSR or Polish military bases in eastern Poland (Chrzanowska, Klaus and Kosowicz, 2011). These regions also tend to have a high percentage of poverty and low level of openness towards minorities, including refugees (Lukasiewicz, 2017). The Lubeslski voivodship is one such region, where the poverty rate in 2011 reached 31%, the highest in the country (National Statistical Office, 2012). Some of the locations in eastern Poland where refugees are settled (Lublin, Białystok and Łomża) are at the same time known for their hostility to foreigners, like the burning down of refugee dwellings and other hate crimes against refugees.

By perpetuating and contributing to poverty, the Polish asylum policy operates similarly to the one in the U.K., where impoverishing asylum seekers and refugees is seen as a tool used to prevent potential asylum claims (e.g. Allsopp, Sigona and Phillimore, 2014; Bloch and Schuster, 2002; Spencer, 2011).

POLICY FRAMING, SHAPING AND DELIVERY IN TIMES OF ANTI-REFUGEE ADMINISTRATION

Surprisingly, despite the fundamental differences in the shaping and delivery of asylum and social policies for refugees in the United States and Poland, the administration of the U.S. under President Donald Trump and the Polish Law and Justice Party have introduced similar changes to these policies.

The public rhetoric of Donald Trump in the U.S. and representatives of the Law and Justice Party in Poland started shaping the transformations in asylum and social policies towards refugees already in 2015. In November 2015, after the terrorist attacks in France, then presidential candidate Donald Trump spoke out against allowing Syrian refugees into the U.S. and described them as one of the great Trojan horses. (CNBC, 2015). Similarly, Jaroslaw Kaczynski, leader of the Law and Justice ruling Party warned Polish citizens that Syrian refugees can spread infectious diseases (Reuters, 2015).

In line with anti-refugee public discourse, public support toward accepting refugees started dropping in Poland. In the United States, there has historically been little support for accepting refugees, (Gallup, 2015). According to a Gallup Poll in 2015, 60% of Americans opposed taking Syrian refugees. Similar attitudes were represented in the 1970s towards Indochinese refugees, Hungarians in 1958 and Europeans in 1947. In Poland, in contrast, the topic of refugees had been absent from public discourse until 2015 – in the polls Poles were usually positive towards accepting refugees. Reflecting earlier trends, still in May 2015, 72% of Poles were in favour of accepting refugees and only 21% opposed (CBOS, 2016). However, in December 2015, after the new government was elected, the support for refugees dropped by 42% and the percentage of individuals opposed to accepting refugees rose to 53%. In the first quarter of 2017 only 22% of Poles were in favour of accepting refugees and 74% were opposed (CBOS, 2017). The anti-refugee rhetoric of ruling politicians soon started shaping actual policies in a way that some refugees (Muslims or from Muslim dominated countries) were considered undeserving of assistance and refugee acceptance rates and funding for social policies for refugees were reduced.

In the United States on the 27th of January 2017, newly elected President Donald Trump signed Executive order 13759 entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (Cowger, Bolter, Pierce, 2017). The order, among others, suspended entry from seven Muslim countries, required "extreme vetting" for individuals applying for admission to the United States, paused USRAP for 120 days, reduced the refugee admissions ceiling from 110,000 to 50,000, and indefinitely stopped entrance of Syrian refugees.

In February this order was temporary restrained by a U.S. district judge in Washington State and this decision was affirmed by a three-judge panel of the 9th U.S. Circuit Court of Appeals. In response, Trump signed Executive Order 13780 on March 6th restricting nationals from six Muslim majority countries to enter the U.S., maintained the order to extreme vetting and continued suspending refugee resettlement for another 120 days and a reduction of the refugee ceiling to 50,000. This executive order was enjoined by a federal district court in Hawaii and Maryland before becoming effective and the Ninth U.S. Circuit Court of Appeals affirmed this decision. However on June 26th 2017 the Supreme Court decided in favour of some aspects of Trump's executive orders (Supreme Court, 2017). This decision has quickly been translated into the State Department's guidance regarding the admission of refugees (U.S. Department of State, 2017). The guidance conservatively interpreted the Court's order in a way that only those refugees who already has close relatives here can be allowed to enter the U.S.

Similarly, in Poland in March 2016, only a couple of months after being appointed Prime Minister of Poland, Beata Szydło declared that her government would not relocate any of the 7,000 refugees from other EU states to Poland, something that the previous government had agreed to do (Bachman, 2016). Following that statement, on April 1st 2016, the Polish parliament voted on a resolution regarding the immigration policy of Poland (Pol. 'Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 1 kwietnia 2016 r. w sprawie polityki imigracyjnej Polski'). In this resolution the Polish Sejm opposed establishing any EU refugee allocation mechanisms. It also called upon the Polish government to abide by the national refugee acceptance criteria such as the protection of: "single women, children, large families and religious minorities". The latter referred to religious groups such as Christians, who are minorities in Muslim dominated countries. In this way deserving refugees were officially defined as non-Muslim women, children and large families.

The reshaping of both asylum and social policies were reflected in budget cuts. The budget submitted to Congress by the Trump administration at the end of May 2017 included reduced funding for "overseas processing, transportation, and initial placement for refugees and certain other categories of special immigrants resettling in the United States" by 11%, as well as "time-limited cash benefits and numerous non-cash Federal benefits, including food assistance through SNAP, medical care, and education" by 30% (Department Of State And Other International Programs, 2017). Changes in the framing and shaping of policies asylum and social policies were followed by changes in policy implementation. Organizations protecting refugees' rights started filing complaints that border guards would illegally turn away asylum seekers.

In the United States in January 2017 eight NGOs sent a complain to the Department of Homeland Security regarding the illegal turning back of individuals at the border who were seeking asylum in the United States without accepting and screening their asylum requests (American Immigration Council, 2017). Not accepting asylum claims is against international laws ratified by the U.S. The organizations "jointly file this complaint on behalf of numerous adult men and women, families and unaccompanied children who, over the past several months, were denied entry to the United States at ports of entry along the U.S.-Mexico border despite having asserted a fear of returning to their home countries or an intention to seek asylum under U.S. law". Other than the illegal turning back of asylum seekers, refugees overseas scheduled for resettlement where also severely affected by the new administration. The travel ban operating even shortly postponed chances for resettlement for some refugees for years. The screening process of refugees lasts between 18 and 24 months on average (U.S. Department of State, 2017). During this time every family member undergoes multilayered screenings, each valid for a fixed period of time. Having all the screenings valid at the same time for all family members leaves little time for resettlement. For some families postponing the resettlement for 24 hours meant starting the screening process from the beginning.

Similarly in Poland, in 2016 various local and international organizations assisting immigrants reported asylum seekers who for months or even a year were not being allowed to submit their asylum claims at the Polish borders (Górczyńska, Szczepanik, 2016; Chrzanowska, Mickiewicz, Słubik, Subko, Trylińska, 2016, Human Rights Watch, 2017). One asylum seekers who had been rejected 31 times upon entering Poland between July 2016 and June 2017 filed a complaint against Poland in the European Court of Human Rights (Association for Legal Intervention, 2017).

Apart from asylum policies being compromised by preventing new asylum claims, the implementation of social policies also came under threat due to cuts in funding. In the U.S. agencies resettling refugees receive federal funding for every resettled person. Cuts in the number of persons being resettled, or a travel ban operating even for a short period of time translates into their decreased funding. As a result, the agencies are forced to cut their staff and close some of their offices in the U.S. and abroad (The Voice of America, 2017). In addition to cuts in funding, many agencies have suspended the enrolment of new clients for their social programs for a couple of months (e.g. Matching Grant). For many refugees and asylum seekers it means being excluded from participation in these programs indefinitely, because a person can be enrolled to some of the programs only up to 30 days after arrival to the United States.

In Poland, the financial situation of non-governmental organizations providing assistance to refugees has also became dire after the current administration blocked their funding. These organizations are largely financed by European Union funds managed by state agencies. After the election of 2015, new competitions for funding were never announced (Mazurczak, 2016).

As a result, local administrations and NGOs are searching for alternative solutions to refugee resettlement and funding the costs of assistance. In the U.S. some states included additional funds for refugee resettlement in their budgets to complement the reduction in the federal budget (HIAS, 2017). For example, New York State planned to spend an additional 2 million dollars for that purpose. Some NGOs assisting refugees are looking for innovative solutions to counter these reduced funds, e.g. through private sponsorship of refugee resettlement, crowdfunding, or getting more support from business.

CONCLUSIONS AND DISCUSSION

Historically, the shaping and delivery of U.S. and Polish asylum and social policies varies in most aspects. While the U.S. has a long tradition of accepting refugees dating back to the post World War II period, Poland has only 25 years of experience. U.S. asylum policy is mostly a function of U.S. foreign interests and therefore most refugees are accepted through the resettlement process. In Poland, however, asylum policy reflects the European Union model with the majority of refugees being accepted through asylum procedures. The U.S. social policy for refugees reflects the post-1996 liberal welfare model and market rules governing public programs. In Poland, social policy, although being criticized for its inefficiency, remains a generous European model with integration programs provided for a year instead of a couple of months. While the implementation of social policy in the U.S. case takes place through decentralized public-private partnerships, in Poland it is provided through a centralized and compared to the U.S. – a mire standardized system operated by local welfare offices and supported by non-governmental organizations.

U.S. social policies aim at providing self-sufficiency as soon as possible. Although this concept appears also in the Polish welfare system, the meaning and measurement is different. What is different is also the language used to describe welfare programs and their underlying assumptions. While in Poland (similarly to other EU states), assistance given to refugees is perceived and described as their social right, in the U.S. assistance to refugees is shaped as ‘benefits’ granted by the federal government.

Also the delivery of social policies for refugees varies significantly in Poland and the U.S.. NGO-provided programs in the U.S. are complex and often cases seen as difficult to navigate, not only for refugees but also for case managers operating the programs. The Polish more centralized system does not face this challenge, but as opposed to the U.S. model, it is often delivered by case managers having little expertise in dealing with immigrants.

Outcomes of refugee asylum and social policies are difficult to compare due to the limited data available in Poland. It is known that the scale of the two programs varies significantly. While the U.S. has resettled over 3 million refugees since 1980, Poland has accepted only 150,000 individuals who have applied for refugee status and some 20,000 have received some form of international protection. What the two states have in common, however, is an ethnically diverse refugee population. The diversity is increasing in the U.S. and according to some scholars it creates more challenges for social policy assisting refugees (Capps, Newland, 2015). Also, some settlement patterns for refugees in the U.S. are reminiscent of the Polish case. Tang (2015) warned against negative outcomes of settling refugees within low-income communities, which happens for some refugees in Poland (Łukasiewicz, 2017). In this case refugees are deprived of opportunities for upward mobility and struggle with poverty. The U.S. and Polish asylum and social policies are also similar in terms of providing insufficient transfers for refugees. More specifically, in both cases passing some level of financial responsibility to the local authorities is seen as part of the problem.

Overall, despite different historical shaping, actions and policy delivery, asylum and social policies are similarly impacted the current state administrations. As a result, refugee communities, who already struggle to get by, may experience severe challenges in the future. It has been suggested that for the integration of some refugees, asylum and social policies may not play as important role as we think (Franz, 2004). However, given the increasing ethnic and human capital diversity of refugees in the U.S. (Capps et al., 2015) and the already diverse refugee population in Poland, jeopardising existing social assistance instead of strengthening it can have severe outcomes. As aegued by Valenta, Bunar (2010), the successful integration of refugees depends on equalizing opportunities. Therefore reducing welfare support (whether from a more generous one in Poland or less generous in the U.S.) can deepen social and economic inequalities already experienced by refugees compared to the hosting society. For example, due to current cuts in budgets for refugee assistance less resources will be provided for already underfunded language trainings. Having less opportunities to learn the mainstream language will reduce future labour market opportunities.

It is possible, as observed by Korac (2003), that individuals affected by the cuts on public spending for refugees will be forced even more to search for any type of employment. In some cases, this may lead to being pushed out from a formal to an informal economy, which in a long term perspective will only increase material struggles of refugees.

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