

# Linguistic Rights in Education in Poland (2012)

Katarzyna Górak-Sosnowska<sup>1</sup>

## **Background**

### ***The importance of language in nation-building in that country***

Historically Polish language, together by Catholic religion was one of the most dominant factors of nation-building. Already in 18<sup>th</sup> century Polish became the most widespread Slavic language, used not only in Poland, but also beyond. Polish language was then attractive thanks to the Polish nobility and civic freedoms it represented. By the time of Partition of Poland (1772–1795 – the partition, only in 1918 Poland was independent again), language was one of the key symbols of nostalgic longing for independence. Knowing Polish language and spreading Polish literature was one of the means to fight for free Poland, but also a way to protect Polishness – a new concept evolving during the partition period (Tazbir n.d.).

Nowadays Polish society is homogenous nationally, ethnically and linguistically. According to the National Census of 2011, 99,7% of people inhabiting Poland are Polish citizens, while 91,6% is ethnically Polish. Only 1,4% feels non-Polish, while 2,2% identifies themselves with Polish and other ethnicity. Out of these ethnicities the most frequent one is Silesian (809 thousand people), followed by Kashubian (228 thousand) and German (109 thousand) with other ethnicities scoring less than 50 thousand members (GUS 2012). Also foreign citizens constitute a tiny minority in Poland, even smaller than ethnic and national minorities. Therefore it is not surprising that three out of four Polish citizens don't know any foreigner in person (CBOS 2010: 4).

Polish language is perceived as the second most important factor of national identity. According to a nation-wide survey of 2011, self-perception is the most important factor (68% of indications), while knowledge of Polish language scored 52%. Other factors include: Polish nationality (49%), knowledge of Polish history and culture (43%), cultivation of Polish traditions and customs (39%) and Polish ancestors (38%; CBOS 2011: 4).

According to the National Census of 2002 there are around 511 thousand people who use at home Polish with other language, and 564 thousand – who use a foreign language only. That means that only 1,5% of the population doesn't speak Polish at home (what doesn't mean that they don't know the language). The biggest group constitute German speakers (204 thousand), then those who speak English (89 thousand), Silesian<sup>2</sup> and Kashubian (around 50 thousand), Belarusian (40 thousand), Ukrainian (22 thousand), Romani, Russian, French and Italian (around 15 thousand; GUS 2002: tab. 5).

### ***The formal recognition of the various languages and their status in that country***

The Polish *Constitution* defines Polish language as the national language of the whole country (Art. 27). In terms of education it is the language of curriculum, the language of examination in public and non-public schools of all kinds as the *Law on Polish language* stipulates (Art. 9). Apart from Polish there are also national, ethnic and regional languages, used by some of Polish minorities.

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<sup>1</sup> Warsaw School of Economics, Poland

<sup>2</sup> Silesian is considered an ethnolect of Polish language rather than a separate language, even though this issue is not unambiguous.

There are nine, officially recognized national minorities in Poland, that is: Armenian, Belarusian, Czech, German, Jewish, Lithuanian, Russian, Slovak, and Ukrainian (Art. 2, s. 2); four ethnic minorities: Karaim, Roma, Ruthenian, and Tatar (Art. 2, s. 3). Moreover, one regional language is recognized – Kashubian (Art. 19, s. 2). Not all minorities use their own language in education. Karaims and Tatars are too few, and anyway assimilated linguistically, Romas use Romani or Polish, but developed no schools on their own; there are also no Czech schools in Poland.

There are currently 51 bilingual districts in Poland, of which 31 have an auxiliary language, including five with Belarusian, three with Kashubian, one with Lithuanian and twenty-two with German. An auxiliary language can be used only in districts inhabited by at least in 20% by the minority (*Act on national and ethnic minorities and on regional language*, Art. 9).

### ***An overview of current debates***

Since over 98% of Polish population speaks Polish there are hardly any debates related to language or linguistic rights, which would refer to the situation inside Poland. National and ethnic minorities have their legal rights, including linguistic rights, while foreigners are simply too few to have a proper educational infrastructure. Some foreign communities have their own media and events, but in most cases it is their own initiative, or – in case of communities from third countries with vulnerable status – initiative of Polish NGOs.

If any debates take place, they rather refer to linguistic rights of Polish people abroad, especially in so called Eastern borderlands. While the situation of Polish in Ukraine is rather stable, there are some political tensions in Belarus and Lithuania. In Belarus they refer to the general political situation and Polish efforts to support local opposition, while in Lithuania – with some recent actions aimed at getting rid of Polish labels in some villages, changing Polish names into Lithuanian, and standardization of the school-leaving examination in Lithuanian language for Lithuanian and minority schools.

### **Language rights in compulsory education**

The fact that Polish society is homogenous makes it very hard to focus on any legal cases – since they are hardly existing – or present any of the mentioned groups in detail (e.g. displaced people, third country nationals without residence permit, etc.). What is more, national and ethnic minorities are well established in Polish tradition and enjoy their rights, strengthened by EU regulations. On the other hand, foreigners started to arrive to Poland in bigger numbers only recently. According to one of studies carried out in Warsaw in 2010, over 95% had less than 3 years' experience in working with foreign pupils (Błęszyńska 2010: 48).

Taking into account that around a half of foreign pupils learn in the capital city or nearby clearly indicates the scanty experience of Polish educational system when it comes to foreign pupils. The data only starts being collected and situation diagnosed. Therefore the section below will only describe in general terms situation of Polish citizens and foreigners.

### ***General legal principles***

According to the *Act on the System of Education* schools can help their pupils to support their ethnic, national, linguistic or religious identity, and especially education of language, their history and culture (Art. 13, s. 1). Such education is carried out – if parents put forward a motion – in dedicated schools, as extra classes on language, history and culture, or in interschool groups (s. 2).

The *Ordinance of the Minister of National Education on conditions and ways of carrying out by pre-schools, schools and public educational units tasks enabling support of national, ethnic and linguistic identity of pupils belonging to national and ethnic minorities, and using regional language* of 14<sup>th</sup> November 2007 provides the details of such education. Pupils from recognized minorities might learn the language, but also history, culture, and if needed, geography, arts, or other additional classes. Such education is facultative and only in case of a written request by pupils' parents or legal supervisors.

In preschool education minority or regional language might be taught as the sole language, or as one of two languages (with Polish), or as additional 4 hours weekly classes, or in an inter-preschool groups (Art. 3). In case of schools, education can be organized mostly in the same manner that is: in schools or units with curriculum in minority language except for Polish language class as well as history and geography of Poland; in schools or units of bilingual education; in schools or units with additional classes of minority or regional language taught in that language; or in interschool groups (Art. 4). The minimum number of pupils is set to seven – in case of preschool, primary and lower secondary school, and fourteen – in case of above lower secondary school (Art. 5). If the number of pupils is smaller, interclass or interschool groups are established (Art. 6). In case of an interschool group the required number of pupils is from three to twenty (Art. 8, s. 2) and they have the language class three hours per week (Art. 8, s. 3). Only one ethnic minority – the Romas – is entitled to educational assistants (Art. 11, s. 2).

Education of minority and regional languages is free of charge and financed by the state. Schools in which pupils of minority background enroll get a pupil subvention increased by 20% in case of large schools, and by 150% – in case of small schools (i.e. with the total number of pupils being lower than 84 in primary and 42 in lower and general secondary school; MoIA 2007: 78).

### ***Special categories***

#### Citizens

The *Act on national and ethnic minorities and on regional language* guarantees all recognized minorities the right to use their national and ethnic languages, including: writing their names (Art. 7, s. 1)<sup>3</sup>, using their languages in private and public live (Art. 8, s. 1), distributing and exchanging information (s. 2), as well as placing information (s. 3) and learning their language, or having education in their language (s. 4).

There are four possibilities of teaching language of minorities or the regional language as foreseen in the Ordinance of 14<sup>th</sup> November 2007:

- Teaching in minority language in schools, with the minority language being the language of the curriculum.
- Bilingual education in two equivalent languages – Polish and a minority language.
- Minority language as additional subject at school.
- Teaching minority language in interclass or interschool groups.

Currently following languages are taught in Polish educational system: national minority languages – Armenian, Belarusian, German, Lithuanian, Slovak and Ukrainian; ethnic minority language of Rutherians, and a regional language of Kashubians, as presented in the table below.

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<sup>3</sup> If a different than Latin alphabet is used, names shall be transliterated (Art. 2, s. 2).

**Table 1: Teaching national and ethnic minorities' language and regional language in schools and interschool groups in 2005/6**

	Language of curriculum		Bilingual		Additional classes		Inter-school groups
	primary	lower secondary	primary	lower secondary	primary	lower secondary	
Armenian	0	0	0	0	0	0	2
Belarusian	0	0	0	0	25	13	0
German	11	1	3	4	252	76	2
Jewish	0	0	0	0	1	1	0
Kashubian	0	0	0	0	82	20	0
Lithuanian	6	2	3	1	0	2	1
Rutherian	0	0	0	0	15	8	13
Slovak	0	0	1	0	7	3	0
Ukrainian	3	6	2	1	65	36	42

Source: MoIA (2007: 81)

Choosing additional classes is the most prevalent type among most of minorities, except for Lithuanians and Armenians. Lithuanians choose mostly schools with their mother tongue being the language of the curriculum, or opt for bilingual schools. Armenians have just two interschool groups, due to their marginal number. In the case of Roma minority most pupils attend public schools together with Polish pupils, while some of them – a decreasing number – is enrolled in so called “Roma classes” (there are around ten such classes in Poland: MoIA 2007: 79).

**Table 2: Pupils learning national and ethnic minorities' language and regional language in 2005/6**

	Language of curriculum		Bilingual		Additional classes		Inter-school groups
	primary	lower secondary	primary	lower secondary	primary	lower secondary	
Armenian	0	0	0	0	0	0	40
Belarusian	0	0	0	0	1722	962	0
German	1271	91	492	299	22620	10554	12
Jewish	0	0	0		65	1	0
Kashubian	0	0	0	0	3715	639	0
Lithuanian	346	163	32	3	0	11	6
Rutherian	0	0	0	0	135	86	63
Slovak	0	0	30	0	182	67	0
Ukrainian	112	216	98	63	878	363	612

Source: MoIA (2007: 82)

Distribution of pupils reflects the structure of available school forms, that is each school form has more or less proportional number of pupils. Three minorities – Lithuanians, Rutherians and Ukrainians – differ from this rule. Almost all (90%) Lithuanians choose a school with Lithuanian language curriculum, even though these schools constitute only around 50% of all schools offering Lithuanian language. In case of Rutherians the vast majority (around 80%) opt for additional language classes, while such schools constitute slightly over 60% of all schools offering Rutherian language. Bilingual and Ukrainian only schools constitute less than 10% of all schools with Ukrainian, but they are attended by over 20% of all pupils who wish to learn Ukrainian. The general rule is that pupils prefer more stable and focused forms of education, i.e. having the minority language as the language of curriculum, or a bilingual school (in the case of Rutherians it is the prevalence of additional classes comparing to interschool groups, since they have no other options).

The challenge of the population decline that Poland is facing also refers to schools offering minority or regional language. Not only there are less and less pupils, but also less and less they know their minority languages from home. Often they only start learning them at school (MoNE 2005: 58).

There was so far only a handful of legal cases regarding language rights, mostly individual (e.g. having the right to use one's name written according to his native language), or related to naming locations (e.g. whether a second, minority name shall be used). Even though some Lithuanian schools were recently closed, since too little pupils were enrolled and district authorities have to subsidy it chiefly, there was no opposition from the Lithuanian side, rather understanding (Wprost 2011).

### Non-citizens

Polish *Constitution* obliges every person up to 18 years of age to education. The amended *Act on the System of Education* gives both Polish and foreign pupils up to 18 years of age access to free education (before the amendment education free of charge was provided for foreign pupils to general secondary school level). Foreign pupils are therefore treated equally as their Polish counterparts. This regulation covers all foreigners, regardless if they are legally or illegally in Poland.

Educational rights of non-Polish citizens residing in the Republic of Poland are set in the *Ordinance of the Minister of National Education on enrollment of persons who are not Polish citizens to public preschools, schools, units for teacher training and units and organisations of additional Polish language education, additional compensatory classes and teaching of language and culture of the country of origin* from 1<sup>st</sup> April 2010. In case of foreigners who are obliged to participate in compulsory education and don't know Polish enough, or at all, additional classes in Polish language are foreseen, free of charge (Art. 5, s. 1), not less than 2 hours a week (s. 2; but also not more than 5 hours weekly, including other subjects).

A foreign diplomatic post or a cultural and educational association of a particular nationality are entitled to organize classes in language and culture for foreign pupils. There should be at least seven pupils in case of primary and lower secondary education, and at least fourteen pupils in case of arts school, and the total number of hours cannot exceed five hours weekly (Art. 8). It is up to the schools headmaster to set up the days of the week and hours when the language class can take place (Art. 8, s. 3). In other words the school itself is not obliged to organize language classes, but it has to provide rooms for such classes, if there is an institution willing to organize them.

Foreign pupils have the right to get support from a cultural assistant, that is a person who knows the language and the culture of the country of origin and helps them to integrate into a Polish class. This law was introduced in 2009 as by the amendment to the *Law on education system* of 1991.

Foreign pupils constitute barely 0,06% of all pupils in Poland and there are in total 775 foreign teachers (Szelewa 2010: 25). In school year 2006/7 there were just 3.618 foreign pupils out of 6,2 million enrolled, with around a half living in Mazowieckie voivodship (that is in practice, in Warsaw and surroundings). The distribution in major Polish cities is presented in the table below.

**Table 3: Foreigners in major cities of Poland (excl. Warsaw, 2009)**

City	Citizens of EU, EFTA or Switzerland	Other citizens	Total

Cracow	33	80	113
Katowice	4	38	42
Poznań	32	273	305
Wrocław	28	126	154

Source: Szelewa (2010: 31).

Most foreign children are Chechen (i.e. refugees), Ukrainians and Vietnamese (i.e. economic migrants). There are also minor communities of children from EU or US (diplomat or highly qualified labour migration), as well as Asia and Africa (labour migrants and refugees; Todorovska-Sokolovska 2009: 3). The legal structure of pupils enrolled in schools in the city of Warsaw is presented in the table below.

**Table 3: Foreign pupils enrolled in schools of Warsaw (2008)**

	Pupils from EU	Pupils from outside EU	
		total	refugees
pre-school	13	140	13
primary school	16	432	87
lower secondary school	13	190	49
above lower secondary school	4	80	7

Source: Adapted from Dąbrowa and Markowska-Manista (2010: 56).

Most of foreign pupils in Warsaw are Vietnamese (over 300), there is also a number of Ukrainians (around 250), Chechens (over 150) and British (around 100). Other groups include Armenians, Belarusian, French, German, Korean, Mongolian, and Russian (around 50; Szelewa 2010: 29).

The dominant system of introducing foreign pupils to the educational system is integration, that is foreign pupils are obliged to attend the same classes as their Polish counterparts regardless if they know Polish or not. Additional Polish classes and complementary classes – if needed – are (in most cases) provided after the regular class. Polish belongs to a Slavic family of languages, is spoken only in Poland and is believed to be one of the most difficult languages of Europe. Therefore the language barrier is one of the most prevalent issues in education of foreigners. Not knowing the language means lack of understanding what is happening in the classroom, limited possibilities of getting to know other pupils, and as a result boredom, frustration and falling behind. While children who are just starting education are able to learn Polish relatively easily, it is much harder for older children – especially combining the language and following the curriculum at the same time (Chrzwnowska 2009: 4).

Since the experience of teachers with foreign students is very fresh and shallow, there are no institutional solutions created yet, but rather few individual cases worked out by schools, often as initiatives of individual teachers or school headmasters, accompanied by an NGO or local educational office. An exception from this rule is a lower secondary schools (no. 20) in Warsaw, which has a long tradition of enrolling foreign pupils. It set a “muti-kulti” class for children who do not speak Polish in which they learn the language for one year or a half. They also participate in a social programme aimed at getting to know Warsaw (communication, museums, customs of Polish people etc.). Then they are enrolled into primary school (Markowska-Manista and Januszewska 2011: 8).

Another institutional exception is a handful of foreign, non-public schools located in major Polish cities, mostly in Warsaw, including American, British, French and German. They usually serve children of diplomats, and respective country nationals, with a small minority of Polish children, willing to have foreign education. These schools follow mostly curricula of their home countries. Some of them provide facultative Polish classes for foreign pupils.

Since the dominant groups of pupils come from Ukraine, Vietnam and Chechnya the focus will be on these groups. Ukrainians can attend schools and classes provided for the Ukrainian national minority, if they wish. There is also a Saturday school for Ukrainians in Warsaw.

Neither Vietnamese pupils nor their parents expressed a wish to have classes in Vietnamese language or culture at their schools. There is however demand for additional Polish classes. At least one lower secondary school in Warsaw offers extracurricular classes on Vietnamese language and culture on Saturdays (Mączyńska-Dilis).

The case of Chechen pupils is more complex, since the vast majority of them are refugees. There are around 3,5 thousand people willing to acquire a refugee status in Poland yearly. Even though the number seems to be small, comparing to many old EU countries, refugee seekers are a very diversified group coming from even over 100 different countries (as in 2005-2007: Rafalik 2012: 13). The vast majority (around 2/3) comprise people from Russia, that is mostly the Chechen.

There are cases in which refugee children cannot get enrolled to school or their rights to additional classes are limited. The report of the Association of Legal Intervention on discrimination of foreigners indicates several such cases. In one of them two pupils who didn't speak Polish were enrolled into a Polish school, but during the whole year they didn't get any assistance neither in language, nor in any other subject, so they were only sitting passively in the class and noting down from the blackboard. Another case was of a 8 years old refugee who was refused from school, without letting her parent know the reason. In the case of another child the decision was based on the fact that it had the child didn't have a residence permit in Poland. The Association informed the Chief Educational Office of Mazovia region, which intervened in all cases mentioned, which were solved eventually (Klaus and Wencel 2008: 7-8).

Poland is treated by most refugees as a transit country, what often impacts school participation of their children. Since their destination country is located beyond Poland's western border they try to be on the move, even if placed into a refugee center. That is why their children often come to school and after a couple of months suddenly drop out and disappear. Also the motivation to learn Polish language is limited, since there won't be any use in the destination country. According to UNHCR, 53% of refugee children in Poland don't go to school, while 49% don't take examination in Polish language (Bernacka 2010: 9).

There is only a handful of initiatives, mostly local, which support education of refugee children in their local language. For instance, the only bilingual Polish-Chechen pre-school is located in the city of Białystok. There is one class headed by two teachers – Polish speaking and Chechen speaker (communicating with each other in Russian). Only Chechen children attend the class. This way they can learn Polish and school environment, so that they can more smoothly enroll in the primary school (Gawina 2009). Another good practice is a cultural assistant, a Chechen woman, who is employed in a lower secondary school at Raszyńska, where a number of Chechen children learn (Markowska-Manista and Januszewska 2011: 9).

### **Language rights in non-compulsory education (especially higher education)**

Foreigners have a right to enroll in higher education, guaranteed by the *Law on Higher Education* of 27<sup>th</sup> July 2005 (Art. 43). In 2009/2010 there was 17 thousand foreign students in Poland. The countries of origin represents the table below.

**Table 5: Foreign students in Poland according to the countries of origin (2009)**

UE, EFTA	number	Third country citizens	number
Norway	1311	Ukraine	3499
Sweden	940	Belarus	2329
Lithuania	663	USA	972
Germany	585	Taiwan	657
Czech Rep.	326	Russia	464
Slovakia	170	Canada	456
Spain	152	China	392
France	114	Kazakhstan	375
UK	110	India	324
Bulgaria, Hungary, Austria	between 100–50	Nigeria	258
		Armenia, Malaysia, Mongolia, Saudi Arabia, Turkey, Vietnam	between 200–101
		Albania, Angola, Cameroon, Georgia, Iran, Kenya, Moldova, Uzbekistan	between 100–50

Source: GUS (2011: 450).

Availability of third level education to foreign students grew significantly in recent years and also Polish students have a lot opportunities to enroll for a semester or a year in a foreign university. This is mostly thank to various EU programmes (Erasmus, Tempus, etc.) and a number of bilateral agreements. Still, comparing to other European cities, Poland attracts only a handful of foreign students. One of the reasons is lack of exposure to Poland since it has relatively later joined the EU, but another is due to a scanty educational offer in languages other than Polish. BA or MA programmes in English are still rather rare and only recently introduced even in the best and biggest universities.

Foreign students who wish to study in Polish usually start with an intensive 9 month preparatory Polish language course (around 800–900 hours) offered at the School of Polish for Foreigners in the city of Łódź<sup>4</sup>. Then they start education at a university in Polish language.

### **Conclusion**

The Polish case differs significantly from the West European context, since there are still hardly any migrants and almost everyone speaks the country's official language. This has good and bad sides. The good one is that Poland can draw and build on best practices from other countries, which have been dealing with the language in education problem for many years. Introduction of the post of a cultural assistant is definitely one of such borrowed practices. The bad one is that the 'critical mass' of foreign pupils has still not been achieved, and so it is treated as a minor problem; minor – because hardly noticeable in quantitative terms. This leaves teachers and headmasters of schools attended by larger groups of foreign pupils (e.g. near refugee centers) on their own. So the foreign pupils.

On the other hand, autochthonous national and ethnic minorities have secured their place in the educational scene of Poland. Introduction of the school leaving exam in Kashubian language few years ago is one of the examples. The legal and institutional framework might

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<sup>4</sup> There are also other places, but this is definitely the biggest one and the oldest one. It started in 1952 and the first students came from socialist countries of Asia and Africa.



maybe work for other minorities in Poland, if they get numerous enough. But this won't happen in the nearest future.

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*podtrzymanie poczucia tożsamości narodowej, etnicznej i językowej uczniów należących do mniejszości narodowych i etnicznych oraz społeczności posługujących się językiem regionalnym* [‘Ordinance of the Minister of National Education on conditions and ways of carrying out by pre-schools, schools and public educational units tasks enabling support of feeling of national, ethnic and linguistic identity of pupils belonging to national and ethnic minorities, and communities using regional language’]. 14.11.2007.

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### **Bibliographical statement**

Katarzyna Górak-Sosnowska, PhD – assistant professor at the Department of Economic Sociology, Warsaw School of Economics and at the Department of Arabic and Islamic Studies, University of Warsaw. Email: [kgorak@sgh.waw.pl](mailto:kgorak@sgh.waw.pl).