

# **An overview of the migration policies and trends - Poland**

**Karolina Grot**

## **Abstract:**

*While analyzing the migration policy of Poland three milestones should be outlined. The first one is the beginning of socio-economic transition when the increasing inflow of foreigners brought about the need to create and implement new legislation concerning foreigners. The second is related to the EU accession in 2004, which required various legislation and policy changes to meet relevant European standards as well as the third crucial moment, namely joining the Schengen zone (December 2007).*

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## **Current migration flows**

Current migration flows to and from Poland are determined by various factors. Although, Poland is rather a country of emigration, it is also a place chosen by thousands of foreigners. Nevertheless, according to Eurostat, citizens of other countries made only 0.1 percent of the Polish population in 2011.<sup>1</sup> That was the lowest percentage in the whole EU. In 2011 the percentage remained almost at the same level. According to the Office for Foreigners of the Polish Ministry of Interior, there are approximately 97 thousand foreigners staying in Poland legally, and there might be another 50-70 thousand staying illegally. Polish NGOs working for and with migrants directly estimate that the overall number of immigrants have almost reached half a million in 2011.<sup>2</sup>

As for registered flows in Poland, the 2011 was a year of negative migration balance: 15.2 thousand persons registered for a permanent stay, while 17.4 thousand persons deregistered from their permanent place of residence in Poland.

What is also worth to be mentioned, the number of forced migrants applying and acquiring the refugee status in Poland has been growing over a past few years. In 2010, 6.5 thousand of applications were submitted (82 persons acquired a refugee status), in 2011 the number of applications was smaller – 6887 (153 persons acquired a refugee status) and in 2012 it reached 10.7 thousand, however the number of persons, who acquired the status was smaller (87 persons).<sup>3</sup>

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<sup>1</sup> EUROSTAT: *Population and social conditions*, 31/12: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-12-031/EN/KS-SF-12-031-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-12-031/EN/KS-SF-12-031-EN.PDF)

<sup>2</sup> Statistics of the Office for Foreigners: <http://www.udsc.gov.pl/Zestawienia,roczne,233.html>

<sup>3</sup> Op.cit.

The number of work permits granted in Poland has been increasing since 2007 and exceeded 35 thousand in 2010. In 2010 the Ministry of Labour and Social Policy decided to extend indefinitely a pilot program, introduced in mid-2007, which simplified the rules for short-term employment of citizens of Belarus, Georgia, Moldova, the Russian Federation and Ukraine on the basis of declarations of Polish employers. The provisions give these foreigners the right to work for six months during a year without a work permit.<sup>4</sup> As in the previous years, in 2010 Ukrainians constituted the vast majority of foreigners for whom the declaration was made on the basis of this procedure (169 thousand, that is 94%). Further nationalities were the citizens of Moldova (5.9 thousand), Belarus (3.6 thousand), Russia (0.6 thousand) and Georgia (0.5 thousand).<sup>5</sup>

Migrants usually fill the gap by taking work in positions that are rarely chosen by Poles (low-paid jobs, not requiring high qualifications and skills, mostly in agriculture, construction sector, retail and wholesale trade).

Most non-EU immigrants (both legal and irregular) come from Ukraine, Belarus, Russia, Moldova and Armenia. Ukrainians consistently receive the greatest number of temporary residence permits, as well as settlement permits. They are also the biggest migrant group on the Polish labour market.<sup>6</sup> However, the number of Chinese and Vietnamese citizens receiving temporary residence permits in Poland is also increasing significantly, making them the fourth-largest group of migrants in Poland.

### **Recent changes in the field of migration and integration**

Migration policy of Poland – in general – can be described as relatively restrictive and it is rather addressed towards non-EU citizens, mostly from neighbouring Eastern European countries, even though the number of migrants coming from Asia is also expected to grow in coming years.

### **New migration policy of Poland:**

The most important turning point in the field of migration policy in Poland over a few past years was the adoption of the strategic document entitled ‘The Polish Migration Policy:

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<sup>4</sup> OECD Migration Outlook 2011: <http://www.oecd.org/migration/internationalmigrationoutlook2011.htm>.

<sup>5</sup> Centre of Migration Research, CMR Working Papers, *Recent Trends in International Migration in Poland. The 2011 SOPEMi Report*, December 2011.

<sup>6</sup> According to the Border Guard of Poland, in the period July-December 2009 Ukrainian citizens crossed the border with Poland 345 thousands times (see Figure 6) on the basis of the Agreement on the Local Border Traffic. In 2010 (January-December) this number increased to 3,596 thousand, whereas in the first quarter of 2011 it was already 1,218 thousand (as compared to 539 thousand in the first quarter of 2010). Further information: Centre of Migration Research, CMR Working Papers, *Recent Trends in International Migration in Poland. The 2011 SOPEMi Report*, December 2011.

current state of play and further actions’<sup>7</sup>, which took place in 2011. It was developed by the Working Group operating within the inter-ministry Team for Migration coordinated by the Ministry of Interior and Administration. The document indicates the main lines of action of the state in the area of migration, as well as the set of practical guidelines for public institutions, allowing for efficient decision-making procedures concerning, among others, legislation and administrative practice.

The strategy is the first comprehensive document on migration policy, which states that Poland should be more open for immigrants with needed skills and not causing integration problems. That is why the document also addresses the issue of immigrants integration (e.g. voluntary integration courses for all categories of immigrants, knowledge of the Polish language requirement for settlement and, optionally, for citizenship).

The strategy outlines the vision of a coherent immigration policy. It is targeted at (seasonal) labour migrants and their position on labour market as well as at those that aim to settle in Poland with their families permanently. What also follows from the new migration strategy is the fact that international students should constitute a very important group of Polish immigrants. Not only because Polish universities derive financial benefits from their reception. Students are perceived as a group of immigrants with high qualifications and high ‘potential for integration’ in case of their decision to settle in Poland after graduation.

Unfortunately the document does not refer to several important issues, like the access of migrants to the public health care system in Poland. In reference to migrants’ integration in Poland, the strategy does not include all sufficient measures which should be implemented with regard to the integration policy in Poland. In fact, until recently, integration focused only on those with refugee status and returning Polish emigrants.

### **Strategy of integration:**

The main unit responsible for immigrant integration at the national level is the Department of Social Assistance and Integration at the Ministry of Labor and Social Policy. This Department coordinates the work of a few different working groups consisting mainly of experts from Polish NGOs, academics and representatives of various public institutions working in this field.

The aim of these groups is a preparation of a strategic document on integration policy, which will address the following issues:

- pre-integration,
- housing for migrants (including forced migrants leaving centres for foreigners),
- employment of forced migrants,

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<sup>7</sup> *The Polish Migration Policy: current state of play and further actions:*

[http://emn.gov.pl/portal/ese/719/8765/Interministerial\\_Committee\\_on\\_Migration\\_agreed\\_on\\_the\\_039The\\_Polish\\_Migration\\_Po.html](http://emn.gov.pl/portal/ese/719/8765/Interministerial_Committee_on_Migration_agreed_on_the_039The_Polish_Migration_Po.html)

- language education, cultural orientation and education of children of migrants, including children of forced migrants,
- activities targeted at the host society and building intercultural dialogue,
- monitoring and evaluation of activities integration.

### **Abolition Act:**

In July 2011 the Polish Parliament passed the Act on legalization of stay of some foreigners. In Poland two abolition actions took place so far, in 2003 and 2007. During both of them 4,500 foreigners legalized their stay. The 3<sup>rd</sup> abolition action, which came into force in 2012, is expected to result in legalizing the stay of at least two times bigger number of migrants.<sup>8</sup>

Abolition will be available to foreigners whose continuous stay in Poland is illegal at least since 20 December 2007, or since 1 January 2010 in the case of foreigners who prior to that date were granted a final decision on refusal to award the refugee status along with the decision on expulsion.

The new act on abolition is very liberal – it does not envisage any economic requirements for amnesty applicants. Under the abolition act foreigners will be granted a stay permit for a fixed period allowing to work without a work permit on the basis of employment contract valid for two years.

Although 9521 applications were submitted<sup>9</sup>, according to the latest report of the Ministry of Interior just 4.5 thousands of foreigners legalized their stay thanks to the Abolition Act.<sup>10</sup>

### **New Polish Citizenship Bill:**

The new bill on Polish citizenship entered into force in August 2012. It brought Poland closer to the European average, however to some extent it is judged unfavorably mainly by representatives of nongovernmental organizations and think tanks working in the field of migration. As in most Central European countries, access to nationality remains an area of weakness in Poland. The previous bill came into force in 1962, so there was an urgent need to develop new procedures and adjust them to new reality, as well as EU and international liabilities that Poland has.

After a significant increase in 2005 and a drop in 2006, the number of acquisitions of Polish citizenship was 1,528 in 2007, 1,054 in 2008, 2,503 in 2009 and 2,926 in 2010. The main recipients were citizens of the former USSR: Ukrainians (992 persons in 2010), Belarusians

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<sup>8</sup> Further information on Abolition Act:

[http://emn.gov.pl/portal/ese/719/8956/New\\_regulations\\_concerning\\_regularisation\\_of\\_the\\_staying\\_of\\_foreigners\\_in\\_Poland.html](http://emn.gov.pl/portal/ese/719/8956/New_regulations_concerning_regularisation_of_the_staying_of_foreigners_in_Poland.html) ; <http://www.udsc.gov.pl/ABC,ABOLITION,1942.html>

<sup>9</sup> <http://abolicja.gov.pl/informacje/statystyki.html>

<sup>10</sup> <http://tvp.info/informacje/polska/45-tys-cudzoziemcow-skorzystalo-z-abolicji/9858909>

(418), Russians (215), Armenians (101). The Vietnamese and German citizens constituted further major groups (97 and 92, respectively).<sup>11</sup>

The bill provides a clearer path to citizenship for foreigners. Permanent residents, stateless persons, refugees and spouses of nationals can now apply for a Polish citizenship after fewer years of residence. One of the novelties in the new citizenship law is the possibility of restoration of Polish citizenship for persons, who lost it due to political reasons in the period of the Polish People's Republic.

According to the new law, the Polish citizenship could be acquired in two ways (after fulfilling the following requirements):

- by applying for granting citizenship by the President (condition of 5-year residence in Poland on the basis of a permanent residence permit);
- by applying for acknowledgement as a Polish citizen by the governor of the region conditions: 3-year residence in Poland on the basis of a permanent residence permit, accommodation maintenance means and a knowledge of the Polish language confirmed by a state certificate, which is a completely new requirement and stir up controversies.

Poland's lack of an integration strategy for its non-EU residents is reflected in its low MIPEX<sup>12</sup> scores in most areas. Since 2007, Poland's minor improvements (+1 on MIPEX scale) were not enough to keep up with other countries catching up on integration (-3 on MIPEX ranking).<sup>13</sup>

### **Information about the author:**

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<sup>11</sup> Centre of Migration Research, CMR Working Papers, *Recent Trends in International Migration in Poland. The 2011 SOPEMi Report*, December 2011

<sup>12</sup> MIPEX is a fully interactive tool and reference guide to assess, compare and improve integration policy. MIPEX measures integration policies in all European Union Member States plus Norway, Switzerland, Canada and the USA up to 31 May 2010. The data from Australia and Japan was collected up to September 2010, but as there have been no changes since May 2010 the data is directly comparable between the 33 countries. Using 148 policy indicators MIPEX creates a rich, multi-dimensional picture of migrants' opportunities to participate in society by assessing governments' commitment to integration. By measuring policies and their implementation: <http://www.mipex.eu/>.

<sup>13</sup> Further information: <http://www.mipex.eu/poland>.