

Poland: A Migration Crossroad

After EU accession, Poland became the Union's Eastern border, attracting a new wave of immigrants while at the same time providing better access to Western markets for Polish workers.

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Immigration to Poland

Contemporary Poland has one of the lowest percentages of foreigners as a proportion of the total population (Kaczmarczyk, 2006). The still very small, but rapidly growing, number of immigrants is creating a new situation in Polish society and for the economy. The main immigrant groups include migrants from the post-Soviet Bloc countries, migrants from East Asia and Westerners working for multinational companies, who are mainly concentrated in large metropolitan areas.

Illegal migration

There are no studies, statistics or data concerning illegal migrants residing in Poland. Polish authorities have not yet developed a common policy to tackle this phenomenon. However, illegal migration seems to be coming more and more visible and important for the society and economy. The total number of illegal migrants in Poland is unknown. According to various sources it varies from 50 to 500 thousand¹.

According to the law, a person who resides illegally in Poland does not commit a crime, but only a minor offence and is liable to a fine. Consequently, the person may be placed under arrest for the purpose of expulsion or in a guarded centre. The same applies to an alien who attempts or crosses the border illegally.

Poland has not yet transposed the so-called 'Return Directive'², which is main EU instrument dealing with illegal migrants, into law. The 18 month detention period introduced by this Directive will probably not be transposed by the Polish authorities³. Present law states that an alien could be detained

for up to a year and then must be released from the guarded centre or arrested for the purpose of expulsion.

Citizenship

A foreign citizen – regardless of whether or not he/she comes from the EU or a non-EU country – may be granted Polish citizenship provided that he/she has been residing in Poland for at least five years on the basis of leave to settle in Poland or a permit as a long-term resident of the European Community or as someone who has been granted a permanent residence permit to live in Poland.

A person who has no citizenship or whose citizenship is undetermined can be recognised as a Polish citizen if that person has been residing in Poland on the basis of leave to settle in Poland or a permit as a long-term resident of the European Community for at least five years.

Polish citizenship may also be granted to a foreigner who has been married to a Polish citizen for at least three years, who was granted leave to settle in Poland or a permit as a long-term resident of the European Community or who was granted a permanent residence permit to live in Poland.

Refugees and foreigners who were granted subsidiary protection or tolerated stay, in order to acquire Polish citizenship, must first obtain one of the above mentioned titles of legal stay in Poland, which are also granted under the condition of residing in Poland for several years. This means that a foreigner whose intention is to settle in Poland, work and have a family there, is obliged to wait for many years (10 years for foreigners who obtained refugee status or subsidiary protection, and 15 years for foreigners who are granted tolerated stay) in order to become a Polish citizen. There is a real need to shorten these periods.

In special cases citizenship may also be granted by the President of Poland, however, this is not very common.

Economic migration

Economic migration to Poland is a relatively new phenomenon. Democratic changes, EU accession, economic growth, and better social and living conditions are increasing the number of migrants who want to stay and work in Poland.

Around 10,000 work permits are issued every year, half to people from former Soviet Bloc Republics (Kaczmarczyk & Okólski, 2008, p.53). Citizens from the Ukraine, Belarus and the Russian Federation

are the main groups legally employed by Polish companies. They are mostly working as low-skilled workers in the industrial and rural sectors (i.e., in mining, energy production and agriculture). Poland is also an immigration destination for workers from the East Asian region. Since the 1980s, Poland has had a large Vietnamese community, controlling a sizeable part of the import and retail of inexpensive goods from East Asia, especially clothes.

Until recently, large numbers of immigrants were employed illegally during the summer season. However, the law has changed to allow foreigners to be employed for short periods in all sectors of the economy. The number of foreigners legally employed is rather low and depends on, among other things, Poland's economic situation. The global economic crisis has resulted in higher unemployment and lower demand for manpower. As a consequence, fewer employers are willing to offer jobs to non-Poles, even more so as the procedures for employing foreigners are complicated, time consuming and costly. Due to their relatively small number, legally employed migrants do not play an important role in the national economy.

The Polish legal system contains antidiscrimination regulations with detailed provisions in relation to employment, the EU antidiscrimination laws have not been fully implemented in Poland. Even though the majority of Poles have a positive attitude towards employing foreigners, stereotypes exist that cause discriminatory behaviour by employers, co-workers and officials. Legal regulations, long and complicated procedures for obtaining work permits, including for short periods, and the high cost of employing migrants are factors that may lead to discrimination in the labour market.

Refugee reception policy

The asylum procedure is managed by two administrative bodies, the Office for Foreigners and the Council for Refugees, and, according to regulations, should take no more than six months. However, in practice, it usually takes much longer: up to two years. Work is prohibited until refugee status or subsidiary protection is granted with only one exception: if the first instance body does not issue a decision within six months, the asylum seeker can apply for permission to work until the procedure has been completed.

During the asylum procedure, people are placed in centres for asylum seekers where they receive food, basic medical and psychological help, a clothing allowance and a monthly allowance of about 15

1 For more information see: Undocumented Migration In Poland, December 2008, <irregular-migration.hwwi.net/Poland.5800.0.html>.

2 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Official Journal of the European Union L 348/98, 24.12.2008.

3 Information provided to Amnesty International by the Ministry of Interior and Administration.

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lawyers; and a lack of motivation and skill on the part of the lawyers appointed to defend detainees. These obstacles are magnified by the expeditious nature of procedures in detention centres: e.g., in detention centres an appeal regarding asylum must be lodged within 15 days, instead of the normal 30 days. These accelerated procedures make it more stressful for the lawyer and client, compounding other obstacles.

These and other findings were made public in November 2008 in a report by NGOs visiting detention centres (CIRE, 2008).

To challenge their detention, foreigners may appeal to the *Chambre du Conseil*, the tribunal responsible for deciding about remanding people in custody. However, this judicial review is not automatic, as in criminal affairs, and control by the tribunal is limited. The judge may only assess the lawfulness of the detention, not whether or not the detention is proportionate and adequate according to the specific circumstances of the case. These limitations explain why only a small proportion of detention orders, 16 per cent, are challenged. ■

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in family structure and the stresses imposed by living 'between' two countries and cultures can also lead to children experiencing learning difficulties in school, and, in some cases, drug and alcohol abuse (Brzuskiwicz, 2004), although other factors may also play a part.

BOX 9: Siemiatycze chain migration to Brussels

Since the late 1980s, the small town of Siemiatycze of 16,000 inhabitants, located 140 km north-east of Warsaw has had a particular economic, social and cultural relationship with Brussels. It is difficult to remember who initiated the chain migration, but the town mayor estimates that between 2,000 and 3,000 thousand people from the town are working in Brussels. Interestingly, the local newspaper publishes daily weather reports for Brussels. Until 1 May 2009 and the opening of the Belgian labour market to new EU members, the vast majority of migrants worked illegally in construction and housekeeping or as nannies. The majority of migrants have been investing money in Siemiatycze. The successful ones, locally called 'Brusselites', own expensive villas on the lake shore, wear fashionable hairdos and clothes, and go to trendy pubs and restaurants, atypical of other towns in the region. Since this migration flow began, the number of divorces in Siemiatycze has risen significantly, and there has been an increase in drug and alcohol abuse among youth from non-traditional family structures. Nevertheless, a vast majority of school students surveyed consider Brussels as an obvious, although often temporary, option for their future (Brzuskiwicz, 2004).

The decision to migrate is often based on accounts given by family or friends. These personal links create rather curious patterns, resulting in chain migrations, like between the small town of Gostynin and Antwerp, Skarysko Kamienna and Rome, Gorzów Wielkopolski and Alsace, and the small village of Stare Juchy and Iceland (Gazeta Wyborcza, 4 August 2004).

The global financial crisis has affected Polish migration. With unemployment rising in West European countries, East-West migration flows are shrinking. An ILO report (2009) indicates that, in the United Kingdom, the number of work applications from nationals of new EU member states, and particularly Poland, are shrinking. The number of applications decreased from 53,000 for a three-month period in 2007 to 29,000 for the same period in 2008.

Some Polish trade unions recently called for restrictions towards foreign workers from the Ukraine and Belarus to make room for potential Polish returnees from Western European countries.

However, a massive return of Polish migrants has not been registered (ILO, 2009). According to a report by the Migration Department of the Ministry of Labour and Social Policy (2009, p.63), there has been no massive return, perhaps because migrants are trying to make use of every option available to them in their country of residency, such as accepting lower pay, taking on jobs below their qualification level, and unemployment and family subsidies. An additional alternative is migration to a country where the effects of the crisis are less severe. ■

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Euros. Many centres are ill-equipped to accommodate large families with small children. Heating, hot water and food storage conditions cause constant problems. Social assistance is poor due to the small number of staff employed in detention centres and their lack of language and cultural training. There are no special procedures or protection for particularly vulnerable people. Although the meals are supposed to suit religious and cultural habits, only the eating habits of Muslims are respected. Specialised health care is provided in a few selected hospitals, which are often distant from the asylum centres, and no interpreters are provided by the state to accompany patients⁴. Conditions in centres are not conducive to long and intensive psychotherapy. Finally, most of the centres are located in remote areas, hampering the integration of asylum seekers

In theory, it is possible for asylum seekers to apply for a monetary equivalent allowing them to live outside the centre – a solution that would greatly enhance the integration process. However, in practice, there is no cheap housing provided by the state to match the amount of money received. Moreover, renting an apartment is very expensive and difficult for immigrants, who are not considered desirable tenants by private owners.

Asylum seekers can also be placed in detention centres. According to a report prepared by Caritas Poland, these centres are prison-like places, with little respect and understanding for people from different cultures (Caritas Polska, 2007). Sanitary facilities do not comply with hygiene norms, dormitories are small, shabby and dimly lit. The meal portions are not sufficient, which often leads to hunger strikes. Only the eating habits of Muslims are respected. Moreover, detainees have no access to legal information or to information about their rights in their mother tongue (Caritas Polska, 2007).

Migrants' social and economic rights

Migrants, other than refugees, have limited access to social rights depending on the legal basis of their residence permit, whereas persons granted refugee status or subsidiary protection obtain the same access to social provisions (such as education, health care, housing, unemployment benefits) as Polish citizens. They are also entitled to a 12-month individual integration programme after the completion of their asylum procedure. Unfortunately, in practice, the integration programmes are too short and seldom take into account the individual needs of the beneficiaries. Professional courses are scarce and efforts to integrate immigrants into the labour market ineffective.

Social housing is hardly accessible, even to Polish citizens, let alone migrants. Migrants' applications are often rejected by officials, who are either unaware of relevant regulations or deliberately

unhelpful. There is an urgent need to provide refugees with access to cheap housing. Without solving this problem, integration cannot be achieved.

On the positive side, everyone in Poland has the right to education, regardless of their citizenship or legal status, and education is compulsory for minors aged 6 to 18 years. All migrants have free access to education up to lower secondary school. Schools are responsible for organising additional Polish lessons for migrant children. However, no additional support (such as teacher assistants⁵ or the services of an integration facilitator) is provided and there are no educational/vocational programmes to bridge educational gaps for teenagers and young adults.

Migrant single parents (mainly women) are in an extremely difficult situation. Most of them cannot access single parent's benefits as they are unable to produce documents to prove their single status. It is very difficult for them to work, as public day care centres and kindergartens are hardly accessible, while private ones are very expensive. Another barrier is that many migrant women, especially women from a Muslim background, have no professional training or experience. Nevertheless, a considerable number of single mothers and other women are determined to work, perhaps more than any other social group. Unfortunately, no special social assistance or programmes are available to help migrant women to enter the labour market.

Racism and discrimination against migrants

Poland has no tradition of a multiracial society and, since World War II, has basically been a mono-national country. Hence, the increased number of migrants has raised the issue of the cultural gap and resulted in low tolerance for people with a different skin shade. Although the problem of open racism and discrimination against migrants is not alarming, foreigners in Poland face racist and discriminatory behaviour, such as racist jokes, xenophobic publications, offensive slogans, and oral insults, and sometimes even physical attacks. There have been cases of discriminatory practices, misinterpretation of legal regulations, and impolite and discriminatory treatment by public officials. There have also been cases where football players and doctors from Africa and Asia have been abused and attacked by xenophobic groups. However, there is insufficient data in this respect and it is very difficult to estimate the scale of the problem. This is partly due to the fact that migrants do not always report instances of racism or discrimination and not many complaints are brought before the courts. Discriminatory incidents are very often not acted on by the police and in many cases possible racist motives for crime are overlooked.

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Polish emigration: Hopes and challenges

For more than 200 years, Poland has been a region of emigration, for both political, especially during the 19th Century, the World War II and Communist era, and economic reasons. Post-war emigration from communist Poland was relatively low (Stola, 2001). The Stalinist period witnessed virtually no migration at all. After 1956, for a short period of time, there was an increase in emigration, which quickly declined with the death of the political thaw. From the 1970s until the early 1990s, emigration rose continuously. The political and economic transformations of the early 1990s – the fall of communism and the rise of the free market – resulted in a decrease in emigration from Poland, despite the grim economic situation (Kaczmarczyk, 2006). A new wave of emigration followed Poland's accession to the European Union in 2004, when the British and Irish labour market opened to Poles. The large-scale emigration of mainly young and often educated people has had many effects on Polish society and the economy.

The remittances sent by migrants to their families in Poland are an important part of the migration process. Remittances are not only sent to support spouses and children; where the whole family lives abroad, many migrants invest back home, mainly in real estate, as 'insurance for their future' or in preparation for their return. Remittances are especially important for local economies, and their impact is most visible in small municipalities.

Emigration also leads to brain and workforce drain in the Polish labour market, especially in construction (engineers, welders) and health (doctors, nurses and technical staff) sectors. Both local and national governments have undertaken numerous, but seldom effective, activities, to attract educated migrants back to Poland. The metropolitan municipalities of Wrocław and Gdansk have been especially active, organising meetings and promotion campaigns in the United Kingdom and Ireland. The programme 'Work in Poland' was designed to reinforce the skills and effectiveness of non-governmental organisations providing services to the labour market and to prevent emigration by supporting four components: know-how, skill, practice and information (FISE, 2008).

Emigration has also resulted in the depopulation of small villages and towns, especially of young people. This is often followed by the closure of infrastructure for youth, like clubs, schools and other facilities, which becomes another push factor. Large-scale emigration also has significant social impacts on Polish society. It can lead to changes in traditional family structures, with grandchildren and grandparents living together while their parent(s) work and live abroad. Some scholars argue that changes

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4 NGOs like the Association for Legal Intervention or 'Ocalenie' Foundation provide volunteer interpreters, but they cannot cover all the needs.

5 The latest amendment to the System of Education Act provides teacher assistants for migrant children from January 2010, but for no more than 12 months.