

Poland: waiting for immigrants. But do we really want them?

Krystyna Iglicka (Center for International Relations, Warsaw)

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1. POLITICS AND POLICIES ON IMMIGRATION: STATE OF THE DEBATE

1.1. Introduction

Poland has a relatively short history of immigration compared to other EU countries. For years Polish migration policy focused rather on the outflows than managing the inflows. Migration policy of Poland in the period between 1945 - 1989 was typical for all Soviet Block countries and was driven by isolationist principles: restrictive passport and exit-visa policies, and restrictive entry-visa policies as well which blocked any immigration streams. Asylum was granted for a limited set of reasons mainly for communists escaping junta regimes (Iglicka, 2005).

At the period between 1989 – 2004 period Polish migration policy was reactive in its merits. The action, be it legislative or institutional was driven by the: observations of migratory inflows and legal obligations deriving from the preparations for the accession to the EU. Immigration was not discussed in terms of social or economic policy and migration debate focused on: protecting borders, human rights/refugee protections, repatriation of ethnic Poles.

After the EU enlargement in 2004 although the Polish migration policy has still been reactive however, some decisions concerning management of labour immigration were decided and undertaken much faster. The action, be it legislative or institutional has been driven by the: observations of both migratory outflows and inflows, legal obligations deriving from the preparations for the Schengen enlargement.

Immigration started to be discussed in terms of the social or economic policy and migration debate has focused on: emigration of Poles, stimulating/facilitating return migration/repatriation, shortages of labour forces – need for foreign workers, Schengen: no borders for Poles, and Schengen: controlling eastern border.

As it was already observed by researchers since the beginning of 1990s, the transformation of the economic and political structure of the Central and Eastern European (CEE) region altered established migration trends visible in all countries of the region and in Poland especially. During the last 17 years Poland has become host to thousands of immigrants – both legal and illegal – and refugees. However, the inflows are still very low in comparison to other EU countries (Weinar, 2006, Iglicka, 2007:263-5.).

Generally, Poland, as one of the poorest EU country, is not a country attractive for immigrants. The economic situation of Poland is not conducive to immigration and, furthermore migration regime is quite strict, largely as a result of the requirements for EU accession and for entering the Schengen space.

As Weinar (2006: 28) noticed:

...Polish immigration policy developed under the influence of quite different factors from those commonly recognised in the literature. Neither the economic need for immigrants' labour nor socially destabilising large inflows of asylum seekers, or political and public debates on immigration had real impact on this policy. The pillars of the Polish immigration policy were: the system's transformation and European integration.

A public discourse on immigrants in Poland has been developing since the late 1980s. Until today, however, this discourse has been more about foreigners than about immigrants, partly because only a few settlement migration groups are present in Poland.

The integration component of the Polish immigration policy has not been developed yet. Although, in theory, the Polish state pursues a policy of integration based on European standards, the implementation of this policy lags far behind mainly due to very low numbers of immigrants which

are considered not to be a 'real' problems for authorities. Foreigners who managed to integrate do so mainly due to their own determination (Gmaj, 2007).

1.2. Political system

In the accession phase, Poland had developed its approach to the major migration policy tools in two major documents i.e. Poland's negotiation position and the Schengen Action Plan. Both documents (Schengen Action Plan in greater detail) responded to the already existing acquis and presented the timetable for legal and institutional changes in the whole area of the Justice and Home Affairs, including elements of the migration policy (Iglicka, 2007, SOPEMI, 2004).

By implementing the Regulation of the Government of 1 January 2000 on the readjustment of the state visa policy to the standards of the European Union, Poland introduced visa requirements for non EU nationals of such countries as: Azerbaijan, Georgia, Tajikistan, Kyrgyzstan, Turkmenistan, Kazakhstan, Moldova (Autumn 2000), Belarus, Ukraine and Russia (Autumn 2003).

However, until Poland's full incorporation in the Schengen space, Polish visa regime has remained relatively liberal. The Polish visa was free of charge for Ukrainians, whereas Russians and Belarusians were presented with a catalogue of cases when they did not need to pay. Ukrainians were often given multiple entry visas.

Efficient external border protection remains one of the most important elements of the Schengen Convention and certainly, in the case of Poland, it was one of the most difficult to achieve. Apart from the legal changes, there was also a strong need for institution building and investments (Iglicka, 2008).

2004 was also marked by the changes in labour market regulations concerning foreigners. On June 2004, the Act on the Promotion of Employment and Institutions of the Labour Market entered into force. This piece of legislation enumerates categories of foreigners who are obliged to obtain a work permit, among which 'tolerated stay' or 'temporary protection' status holders, foreigners granted a temporary residence permit due to marriage with a recognised refugee, and other categories of foreigners recognised in the EU regulations (Iglicka, 2007:265, SOPEMI, 2004). In December 2007 Poland entered the Schengen space (land borders), and since March 2008 the Schengen space has encompassed air borders as well.

Temporary residence permit and settlement permits

Temporary residence permit and settlement permits are two stages of the regularization of stay of foreigners. Temporary residence permit is granted to foreigners who prove that they have a well-grounded reason to stay in Poland for longer than 6 months, e.g. migrant workers, family members, foreign spouses of Polish citizens or permanent residents, students and refugees.

The settlement permit is granted to those foreigners who wish to settle in Poland, i.e. stay on Polish territory for a longer period of time. Currently, applications for the permit for settlement can be lodged only after having resided in Poland on the basis for temporary residence permit for 5 years. The settlement permit is also the only category that allows for registering a foreigner as an immigrant.

Naturalisation

According to art.8.1 of the Act on Citizenship from 1962, a foreigner can be granted Polish citizenship if s/he has resided on the Polish territory at least 5 years on the basis of the permit to settle. However, art. 8.2 of the Act sets forth an exception from the 5-year-residence requirement by stating that in exceptionally justified cases, not included in the Act, a foreigner can be granted Polish citizenship even if the above requirements are not met. It pertains not only to a foreigner residing in Poland shorter than 5 years on the basis of the permit to settle, but also to a foreigner

who does not stay in Poland, but who is resident abroad. In this case all applications are considered individually by the President of the Republic of Poland. A supplementary opinion about the given case is provided by the President of the Office for Repatriation and Foreigners. If the Polish citizenship is granted, it is extended also to the children of the applicants; if the child is over 16, s/he must decide in favour or against of becoming Polish citizen. In 2004, the number of applications for citizenship reached almost 4000. Over the past 15 years the number of approved applications for Polish citizenship oscillated between 600 and 2000 yearly. It was granted primarily to the nationals of Ukraine, Russia, Israel, Belarus and Germany (Iglicka, 2007a).

Civic rights

As far as political rights grant to immigrants are concerned the situation in Poland reflects the way the issue of political participation of migrants is treated in most of the post-communist countries. There are no structures enabling migrants to influence political decisions at any level. There are no consultative bodies, nor immigrants' parties. The question of voting rights at local level for non-citizens is not on the political agenda of any party. There is not even any public debate on the subject (Iglicka, K., 2007:271).

Active civic participation of immigrants in Poland is limited so far to solidarity and self-help activities aimed at improving immigrant communities' social and economic situation, and at maintaining ethnic, religious and cultural identity. The question of possible forms of civic participation of immigrants in Poland has not been discussed either by policy makers at any level, or NGO's or immigrants themselves (Iglicka, K., 2007: 271).

1.3. Political debate

From the historical perspective in the all of Central European states, including Germany and Austria, the key criterion determining affiliation to the nation state was membership in a particular ethnic or cultural group (Castles, 1995). In Central European countries, that over the centuries were existing on the edge of various cultures and religions and were exposed to plunders, invasions and partitions, and were actively participating in the rises and falls of empires, losses and regains of sovereignty, unifications and divisions, one of the political goals, not expressed verbally, was and still is the maintenance of cultural homogeneity.

Therefore, probably due to these reasons, political debates on immigrants in Poland have been more about protection of the national interests against mythical strangers than about immigrants, and the mainstream of the debate has focused on the following issues (Iglicka, Mazur-Rafal, Kazmierkiewicz, 2003:187):

- the protection of the national interest — *protecting borders, society, and the country against the negative consequences of immigration;*
- *repatriation* — formulated by both government and members of Parliament as a long-awaited return of compatriots i.e. *ethnic Poles* to their mother country. However, both the debate and law have not treated immigrants of Polish origin as aliens.

Small part of the political debate was concentrated on the issues of the human rights. In Polish legislation, the concept of refugee is separate from the concept of asylum. The status of refugee is subject to international protection, whereas asylum is understood as exclusively the right of the state to protect the foreigner and — apart from humanitarian considerations — to serve the interest of the state, which offers asylum to foreigners. Therefore the notion - *refugee protection* — in the Polish political debate meant a group of foreigners deserving particular protection under the Geneva Convention and New York Protocol, both ratified by Poland.

1.4. Public opinion, elites and media

The main source of knowledge about attitudes of Poles towards foreigners was the opinion polls conducted by such centres as OBOP or CBOS. In the 1980s and in the first half of the 1990s Poles expressed the most friendly feelings towards the nations with highly developed economies or those who open their borders for Poles unrestrictedly (Italians, French, Americans, British, Swedish, Australians). The most negative attitudes at that time were for Romanians, Gypsy, Ukrainians, Germans and persons of Jewish origin.

Since the second half of the 1990s, attitudes towards foreign countries and foreigners have been changing. There is definitely a small decline of an American myth in Poland and a shift of Americans from third to sixth-seventh position has been observed. One of the leading countries became Ireland. The leading position by Ireland should be connected with the opening of labour markets for Poles by this country on the very first day on EU enlargement in May 2004.

The interesting fact is that the percentage of negative attitudes towards nations that were perceived by Poles negatively in the 1980s and in the first half of the 1990s i.e. Romanians, Gypsy, Ukrainians, Germans and Jewish declined visibly. Poles became more open and less xenophobic however, one of the leading ethnic group evoking negative feelings are nowadays Arabs.

The debate on immigration by the elites has focused on the following issues:

- refugee protection;
- immigrants' integration;
- liberalisation of migration policy towards eastern neighbours (visa free mobility and work without restrictions – socialists/liberals);
- Polishness *versus* Otherness related to the policy debate on repatriation - conservatives.

At the beginning of the 1990s foreigners as a completely new element on the Polish social landscape became the subject of negative reports in the mass media. The elements of fear or threat prevailed in the articles concerning their presence in Poland. Journalists concentrated on criminal activities undertaken by foreigners, or different aspects of culture and religion not welcomed by Poles (Mrozowski, 2003).

The fears of journalists were raised by the presence of immigrants groups as Russians, Bulgarians or Romanians. The anxiety and fear concentrated mainly on poverty and crime issues. Therefore the cover stories of that times focused on '*Russian or Ukrainian mafia and Romanian beggars*'.

The immigrants' portrayal in the mass-media has been changed significantly since the second half of the 1990s. When it turned out that the mass inflow of foreigners did not occur on the Polish soil, that on the contrary to expectations, majority of foreigners consists of decent, cheap workers, that some of them decided to choose Poland as their place to live in peace the media changed their style. Since the second half of the 1990s one can observe an idealistic elements describing foreigners' presence in Poland. Their presence is perceived not as a threat but as an element enriching Polish culture (Mrozowski, 2003).

Since the EU enlargement foreigners arriving into Poland from either eastern neighbourhood i.e. Ukraine, Belarus or Russia or foreigners coming from far Asia (Vietnam, China, and Korea) have also started to be perceived as ones who will save Polish economy from labour shortages and stagnation.

An issue of multiculturalism was also present in the Polish media discourse however as Weinar (2007:4) observed:

...it occurred in the public debate in Poland only by the way of tragic events in London and France. The newspapers included commentaries by Polish and foreign intellectuals. The history of immigration to Western Europe was presented as a historical process with a message that Western Europeans face crisis they caused themselves. There were also some

commentaries that pointed clearly to the link between the inexperienced Polish immigration policy and immigration policies that failed elsewhere .

2. SELECTING MIGRANTS: ACHIEVEMENTS, TRENDS, OPTIONS

2.1. Introduction

In case of Poland there was no wilful selection of migrants until 2004, and, in fact, there was no need for legal labour immigration. There was a bilateral agreement on seasonal workers signed between Poland and Ukraine at the beginning of 1990. but it worked only in theory. In practise there was no recruitment via this channel since conditions offered was not satisfactory for foreign labourers. Poland signed several other bilateral agreements (e.g. with Germany, France, Spain, etc) on seasonal workers and guest workers but all of them pertained to the conditions of Poles working in EU countries.

Therefore we can not discuss, in case of Poland, any real achievements and trends concerning legal foreign workers. At the beginning of this century unemployment rate oscillated at 20 per cent. The Act on Employment and Countering Unemployment of 1994 (changed in 2004 only) allowed employment without a work permit only of two categories of foreigners: recognised refugees and settlement permit holders. All procedures concerning issuing work permits for foreigners were very bureaucratic and costly. Majority of immigrants in Poland worked illegally in the grey economic sphere though. They were hired in agriculture and construction sectors or household services.

Those who arrived came spontaneously from the closest geographical and cultural neighbourhood, i.e. Ukraine, Belarus or Russia. Until Autumn 2003 they benefited from non-visa regime and until the end of 2007 visas for Ukrainians were free of charge. Facilitations in the movement from Ukraine should be explained in terms of the Polish foreign policy which strategy aimed to establish friendly international relations with Ukraine after 1989 (e.g. Poland's assistance in Ukrainian Orange Revolution, Poland's Eastern Neighbourhood Strategy) rather than a migration policy strategy.

New arrivals from the former Soviet Union countries were very often connected with the presence in Poland of old co-ethnic groups/diasporas. This relates to arrivals from Armenia and, to some extent, from Ukraine as well.

The only new, and quite established, ethnic group on Polish soil is the Vietnamese. Their mobility was also spontaneous and related to the good Polish-Vietnamese political and economic cooperation and exchange of students and personnel in the 1970s.

Migration balances have been negative i.e. there have been more emigration than immigration and, in fact Poland, since the beginning of 1990s has been a country waiting for an immigration to happen. The biggest national groups of non-EU immigrants in Poland (both legal and illegal) stem from the eastern neighbourhood and Asia: Ukraine, Belarus, Vietnam and Armenia. Russian and Moldovan nationals belong to the stable core as well.

Ukrainian nationals constitute the predominating group. This statement is supported by the official data, non-official estimates and, some research findings and media information as well.

The most recent estimate on immigrants' stock in Poland has been presented by the Central Statistical Office (meeting organised by the CSO for media on February 1st, 2008). It refers to the situation on 31 of December 2006. According to this source, the number of immigrants residing in Poland temporarily (three months and longer) is about 200,000. Around 60,000 out of the total have been residing in Poland for more than 12 months.

2.2. 'Tourists' from Eastern Neighbourhood – Irregular workers

Ukrainians

According to experts' estimation of a number of Ukrainians working illegally in Poland annually it might be even up to 500,000. However, this category of immigrants is characterised by a circular mobility so they are short-term/temporary immigrants. They reside in Poland legally; however they often work illegally in the underground economy. The majority of them entered Poland on the basis of tourist visa¹.

The Ukrainian Ministry of Foreign Affairs estimates that about 300,000 Ukrainian citizens work in Poland yearly (Jaroszewicz, Szerepka, 2007). When we compare that number with the number of Ukrainians officially working in Poland on the basis of work permits (2000 – 3,414; 2001 – 3,158; 2002 – 3,160; 2003 - 2,750; 2004 - 3,133; 2005 – 2,697; 2006-3275²; the first six months of 2007-1739³) it shows that the vast majority of Ukrainians undertake employment in a shadow economy.

As it was already mentioned, in the Polish case, seasonal workers and circular/shuttle migrants from Ukraine constitute the majority of irregular immigrants. Short geographical and cultural distances, easy access to tourist visa encourage undertaking this kind of migration. Majority of these immigrants does not perceive Poland as a place suitable for longer stay or settlement since their earning (quite low) do not allow to start a regular family household in Poland. However, they are still attractive in comparison with salaries and costs of living in Ukraine. Ukrainians are hired mainly in such sectors as: agriculture, construction and households' services.

Belarusians and Russians

As it has been already explained Ukrainian citizens constitute the main category of irregular migrants. They focused more researchers' attention than other national groups. It should be, however, noticed that other Slavs – irregular immigrants – are also present in Poland. Their numbers are lower and unfortunately they are not studied as Ukrainians. This is why it is very difficult to provide any reliable data or assessments concerning irregular migrants from Belarus or Russian Federation. Furthermore, irregular immigrants from Russian Federation and Belarus work in the same sectors as irregular immigrants originating from Ukraine and, in public perception, are often perceived as the one category, colloquially called *Ruscy (Russians)*.

2.3. Asians on Polish landscape

Vietnamese

They are a group of economic immigrants that is easily noticed in the Polish homogenous society. They form a new immigrant group, and the only one that creates some kind of ethnic enclave.

Their inflow to Poland in the 1990s is related to social networks existing between Poles and the Vietnamese developed yet in the 1970s and the 1980s. Vietnamese students and those who after graduating universities decided to run their small enterprises in Poland were joined by others. Gradually, the circle of the Vietnamese coming to Poland enlarged.

The Vietnamese in Poland can be described as a group with a high level of cooperation and self-organization. The majority of conflicts are resolved within the ethnic group. They tend to live in Vietnamese neighbourhood; they have ethnic clubs, sport competitions, Taxi Corporation, even a beauty contest. There is also Catholic Pastorate of the Vietnamese.

¹ Situation observed before December 2007 i.e. before entering the Schengen space.

² [http://www.polacy.gov.pl/?1,9,46,200710,.](http://www.polacy.gov.pl/?1,9,46,200710,)

³ <http://www.mpips.gov.pl/userfiles/File/Migracje/CUDZOZIEMY%20W%20POLSCE%20I%20polrocze%202006%20i%202007.pdf>.

Irregular immigrants of Vietnamese origin find employment inside ethnic community. Thus their presence is observed in these economic sectors in which Vietnamese enterprises operate officially: trade; hotels and gastronomy. Data on work permits granted to Vietnamese citizens as well as research conducted by the Central Statistical Office on economic units with foreign capital indicate these two sectors. Both the Vietnamese and the Polish sources indicate different numbers of diaspora in Poland – 25,000-60,000 and as one can see the interval is quite wide (*Spolecznosc Wietnamska*,...2007).

Armenians

The second ethnic/national group that started to create its enclave in Poland is Armenian citizens. There are no credible estimations considering this group. Some estimates by experts evaluated their size at 6,000 – 12,000. Researchers studying both the old Armenian diaspora and the contemporary immigrants to Poland, including those illegal, observed that newcomers from Armenia caused the revival of the old ethnic Armenian diaspora living in Poland for centuries. New Armenians settle nearby local trade centres or market places. They are engaged in trade and gastronomy. According to their public perception, shaped to some extent by the mass media information, they were also engaged in criminal activities, since they are selling fake or smuggled products.

2.4. Conclusions

Definitely, the phenomenon of the illegal work on the basis of legal stay documents/visas was the most characteristic feature on immigration landscape in Poland until December 2007 i.e. until enlargement of the Schengen space. The nodal points in this migratory track were: short geographical proximity between Poland and eastern neighbours, short cultural and linguistic distance, demand for cheap labour in Poland, wages' differences between Poland and Ukraine and most importantly Polish policies: labour policy protecting local labour forces and a liberal visa policy for eastern neighbours aimed at promoting circular patterns of mobility.

It is too early to assess the influence of the entering by Poland Schengen space. Such a fundamental migratory regime changes usually have many consequences for labour market structures and population composition that are delayed in time. Immediate consequences that have been observed so far pertain to the cross-border mobility both legal and illegal only. Namely, there have been a rapid decline of border-crossings by Poland's closest neighbours i.e. Ukrainians, Belarusians and Russians and a sharp increase of illegal crossings of Polish western border by immigrants from other regions i.e. Vietnam or Chechnia who already stayed in the country (Iglicka, 2008).

3. MANAGING MIGRATION: CURRENT APPROACHES AND OPEN QUESTIONS

3.1. Current approaches

Current i.e. after enlargement in 2004 solutions and current orientations of the migration policy debate pertain in case of Poland mainly to:

- Managing the outflow from Poland and stimulating the return migration;
- Facilitating the labour migration from Eastern neighbours;
- Attracting the inflow of co-*ethnics*;
- Discouraging immigration from countries with distant cultural background.

The unexpected outflow from Poland estimated at the level of two million people⁴ after 1 May 2004 to the countries that opened their labour markets for EU-8 (primarily UK) caused serious labour shortages in Poland. Definitely, there is a strong demand for labour forces both skilled and unskilled however, the priority for the Polish government is to attract Polish migrants back. Poland is one of a few countries within EU-27 that has its own surplus of manpower. It seems natural to want to have them back. Therefore there are some programs and schemes developed along with the changes in legislation in order to facilitate returns⁵.

As for immigration, after the year 2004, it started to be discussed in terms of the social or economic policy though. There was an idea developed by the former Minister of Labour and Social Policy to attract low skilled migrants from poor regions of India, Bangladesh or Pakistan. However, since it was highly probable that those who arrive into Poland would treat it only as an opportunity to go further west the Ministry of the Interior and Administration did not agree to realise this program. Indeed, it is a very difficult task to combine the demand for workers with the security measures implemented by the Schengen treaty in such country as Poland i.e. a country which low level of salaries is not a factor conducive to attract immigration. Furthermore, the reluctance to attract immigrants from distant cultural background stems, in my opinion, from the historical approach to the nation state in this part of Europe which was already described in this paper (see under Political Debate) and lessons on multiculturalism crisis in Western Europe learned by some Polish politicians.

Shortages of labour forced partial opening of Polish labour markets for foreigners from three neighbouring countries. On 31 August 2006 the right to employ workers from Ukraine, Belarus and Russia without work permits for three months in a given period of six months was granted. Such special regime initially concerned only the agricultural sector. In June 2007 the right to employ workers without work permits from the neighbouring countries was extended to other sectors including construction.

The labour market pressure for skilled and unskilled workers forced further developments. On 1 February 2008 the duration of work without a work permit has been extended from three to six months in a given period of 12 months.

The response from Polish employers for these legislation facilitations has been immediate.

During the first six months of 2007 – 23,115 individual declarations from employers were issued for (21,513 Ukrainians, 1,400 Belarusians and 202 Russians). In the second half of 2007 approximately 24,500 workers mainly from Ukraine were invited to work in Poland.

This change in the legislation works as a channel for recruiting from abroad not as an regularisation channel.

On 1 January 2007 Poland opened its labour markets for Bulgarians and Romanians but without any success. They simply did not arrive.

In September 2007, the 'Act of the Polish Chart' was passed. It will become operative on 1 April 2008. The idea of the Polish Chart is connected with the old repatriation programmes working in the 1990s. At that time, due to the financial difficulties of the Polish state and of local governments in the settlement areas, the programme was narrowed down to the 'return' migration of ethnic Poles from Kazakhstan (Iglicka, 1998). The programme was later interrupted, also due to high levels of unemployment (over 20%) which did not allow to secure jobs for returnees⁶.

⁴ Central Statistical Office estimates announced at the conference for media, December 2007.

⁵ The governmental programme POWROT (RETURN) will be initiated in September 2008. Its aim is to incline emigrants to invest their savings and skills in entrepreneurial activities in Poland rather than undertake jobs below skills abroad.

⁶ These were the pre-conditions of the programme.

Nowadays, on the basis of the new Polish Chart legislation – those who meet the requirements⁷ will be able to take up employment without work permits or conduct economic activities on the same basis as Poles do. They will be also given access to Polish state universities. There will not be any financial aid provided by the state at any stage of migration based on the Polish Chart to Poland⁸. Those who will fulfil the criteria will be given long-term Polish residence visa (free of charge) and after a given period of time (3 years) will be able to apply for residence permits and, after period of 3-5 years, Polish citizenship.

3.2. From illegality to legal status

Regularisation programmes

As it was already mentioned, the Polish immigration regime is quite strict. Regularisation programmes requirements can serve as a good example of a harsh regime.

The first attempt to change irregular status of immigrants into regular one within frames of regularisation programme has been undertaken in Poland in 2003. It was a response to the problem of the status of illegal immigrants who, mainly due to the humanitarian reasons, could not be expelled. Amnesty was in force from 1 September to 31 December 2003. Simultaneously, the institution of ‘tolerated stay’ was introduced to the Polish law, which aim was to legalise stay of foreigners whose expulsion is unfeasible (Iglicka, 2008).

This Amnesty Programme consisted of so called ‘small’ and ‘big’ amnesty. The first pertained to illegal immigrants who wanted to leave Poland. Immigrants who complied with the Amnesty rules were promised not to be put on the list of unwanted foreigners. The results were however, not impressive – only 282 foreigners took this opportunity: 139 citizens of Ukraine, 26 citizens of Armenia, 25 citizens of Bulgaria and 25 citizens of Vietnam.

The ‘big amnesty’ results did not achieve high numbers either. 2,747 illegal immigrants took advantage of the opportunity to change their status from irregular to regular: 1,245 Armenians, 1,078 Vietnamese, 68 Ukrainians and 51 Mongolians. The number of immigrants, who applied was bigger (3,512), however not all of them fulfilled requirements, which were quite strict. Namely, immigrants had to have resided on the territory of the Republic of Poland continuously at least since 1 January 1997. This requirement was however, too strict to follow in a majority of cases. Critics pointed out that information about legalization opportunities had not been advertised sufficiently and that four months announcement period did not allow arranging an employment promise and other documents. The most serious obstacles have been faced by these illegal immigrants who did not have identity documents. Without documents it was impossible to confirm not only immigrant’s identity but also date of his/has arrival to Poland (Iglicka, 2008).

Immigrants residing in Poland illegally had another possibility of legalising their status between July 2007 and January 2008. This regularisation applied only to those who had not submitted an application in the previous Amnesty Programme. Moreover, immigrants were obliged to fulfil jointly the following extremely severe conditions:

- a) they have to been residing on the territory of the Republic of Poland continuously at least since 1 January 1997 (with no absence longer than 6 months and the total length of all of them must not exceeded 10 months);
- b) their residence was illegal on 20 July 2007;

⁷ These are as follows: at least one of their parents, or grandparents or at least two great grandparents were Polish. There will be some tests of Polish language and a list of 100 questions verifying the knowledge of the Polish culture and history. It has not been decided yet whether this kind of migration should be the ‘economy’ or ‘human’ driven.

⁸ However, the beneficiaries of this programme will have an access to the free medical care in case of urgency, reduced fees for public transportation and free of charge entrance to the museums.

- c) they had to apply for the residence card for a fixed period by the end of Amnesty i.e. 20 January 2008;
- d) they had to indicate a place of stay and present a legal title to occupy it;
- e) they had to have a promise for being granted a work permit or a written declaration of employment, or receive an income or possess the property which is sufficient to cover costs of their and their dependants living, including costs of medical treatment, without the benefits from social assistance centres for the period of one year.

Till January 2008 1,541 foreigners had applied within the scheme of this programme. Vietnamese prevailed with 866 applications. Armenians formed the second largest element (431) followed by Ukrainians (72), Chinese (40), Mongolians (30) and Russians (29). The final data of the regularisation are still being processed (Iglicka, 2008).

4. NATIONAL AND EU LEVEL: WHICH RESPECTIVE ROLES?

Since 1989 the EU level has served a superior role of legislative and institutional frames of the Polish migration policy building with respects to both security and human rights aspects. The national Polish component of the migration policy has been focused on firstly the internal security and secondly stimulating flows based on ethnicity as well as facilitating mobility/migration from eastern neighbourhood, especially from Ukraine.

The Polish government has generally had a very positive attitude towards EU cooperation in Justice and Security area. Poland fully participates in all areas of cooperation on borders, immigration and asylum. The headquarter of FRONTEX is based in Warsaw. The Polish government has also supported harmonisation of asylum systems.

At the same time Polish government seems to be more sceptical about the area of economic immigration. It opted against the maintaining transitional periods for labour workers from EU-8. Some aspects of the area of EU economic immigration policy started to be perceived as a policy for an 'old club', designed for typical immigration countries which, on the one hand, want to control the influx of skilled migrants from non-EU countries and absorb the influx of unskilled migrants from new member states and, on the other, control the inflow of non-EU citizens from the eastern EU neighbourhood into EU-8 countries.

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