

# Poland – past and current migration outflows with the special emphasis on Norway

(A BACKGROUND PAPER FOR TRANSFAM  
PREPARED WITHIN THE SCHEME OF WP1)

## Reports and Analyses

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CENTRE  
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## INTRODUCTION

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This paper describes in a detailed fashion the fundamental change introduced in Poland's migration reality by the collapse of communist regime in 1989, the ensuing transition to democracy and market economy, and finally, the accession to the EU. In particular, it aims at highlighting basic trends in migration outflows of Poles with the special emphasis on Norway. Furthermore, it tries to assess in which way and how Polish migration policies responded to the old/new emigration trends.

## HISTORICAL BACKGROUND

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### OUTFLOWS OF PEOPLE UNTIL A 2004

The population of Poland has for a very long time displayed a great propensity to emigrate. It is estimated that by the outbreak of the First World War more than 3.5 million Polish people had settled abroad. In the years 1919-1939, the number of emigrants was approx. 1.6 million. Between 1860-1940, approx. 1.7 million (or roughly one third) of the total 5.5-6.0 million emigrants went to the United States. In addition, a large number of people left temporarily for other countries, mostly to Germany (Frejka, Okólski & Sword 1998, Iglicka 1998).

Migratory movements related to the Second World War proved to be the most intensive in Poland's history. It is estimated that every sixth inhabitant of Poland's territory (as of 1938) crossed the state frontiers (Luczak 1984). A substantial part of all those migrants who survived the war did not return to Poland after the war ended.

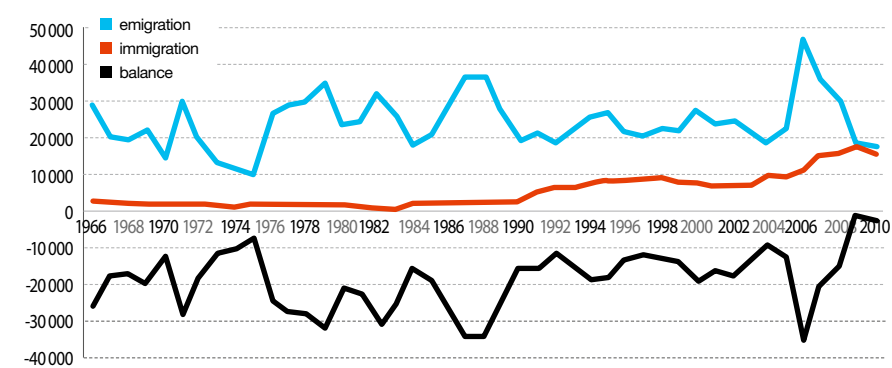
From 1945 until late 1980s, the population movements to and from Poland were rigidly controlled by the state, and the individual freedom of travelling abroad was severely restrained in the case of citizens/residents of Poland.

Between 1945 and 1947, some 3,885,000 people (mostly ethnic Germans but also ethnic Ukrainians and ethnic Jews) emigrated from Poland or were displaced (deported, repatriated), while approx. 3,693,000 people (mostly ethnic Poles but also Jews) immigrated or were repatriated to Poland (Kersten 1974).

In the period 1951-1955, the international movements were effectively stopped. In turn, the following years, right until 1959, saw an enormous increase in migration, though once again it was limited solely to the "exchange" of ethnic groups. Ethnic Poles and ethnic Jews of Polish origin were repatriated from the USSR to Poland, and ethnic Germans from Poland to Germany (also ethnic Jews from Poland to Israel and a few other countries). (Frejka, Okólski & Sword 1998, Iglicka 1998.)

Since the late 1950s until 1990, the documented flows, in which – in contrast to earlier periods – ethnic Poles took a major part, displayed an astonishingly stable pattern (Figure 1).

FIGURE 1. Annual flows for “permanent residence” of emigrants and immigrants and the balance of international migration (number of people).



Source: own elaboration based on the official data published by the Central Statistical Office.

Annual outflow figures usually ranged from around 20,000 to around 35,000, and inflow figures from around 1,500 to around 3,000. Family reasons (marriage, reunion with close relatives, return to Poland after retirement) constituted the main cause of those flows.

The 1970s marked the beginning of gradual liberalisation of passport regulations in Poland, which led to the rapid increase of number of Poles travelling to other countries. It was precisely in the 1970s when the phenomenon of mass overstaying in the West by Polish tourists started. The number of Poles that became emigrants by overstaying their visas is estimated at some 75,000 in the whole decade.

Although the scale of documented outflows did not change dramatically in the 1980s, hundreds of thousands Polish travellers effectively became immigrants in the West. A great proportion among those undocumented migrants constituted people who were recognised and accepted by the Federal Republic of Germany as ethnic Germans.

What is more, the 1980s were a decade of rapid increase in the migration of labour force from Poland. In the peak year of 1989, as many as 148,000 Polish workers were employed abroad (though predominantly in non-western countries) on the basis of various bilateral inter-government agreements or state-sponsored con-

tracts. Around two-thirds of them worked in other Soviet-block countries (GDR, Czechoslovakia and USSR), with many becoming employed within big infrastructural projects (e.g. pipelines). Last but not least, mass circular mobility of false tourists was observed, i.e., the tourists whose major activity in a foreign country was petty trade or odd jobs.

In the 1990s, after the fall of communism, nearly all travel restrictions were lifted and, consequently, entry into many Western countries became easier – albeit only for people travelling as tourists or for other recreational purposes. Paradoxically, however, emigration decreased and a large majority of migrants engaged in short-term circular movements.

A commonality shared by those two decades was that Polish migrants encountered significant difficulties in gaining access to the official labour market in destination countries. Since a large majority of them sought employment, they were pushed to the least attractive jobs, the secondary segment of the market, and to the shadow economy.

OUTFLOW OF PEOPLE AFTER THE ACCESSION I.E. AFTER 2004

After the accession to the EU, the outflow, especially of temporary migrants, accelerated. Between the end of 2004 and 2007, the stock of residents of Poland who lived in a foreign country on a temporary basis (i.e. longer than two months) increased from 1 million to 2.3 million, which represented 6 per cent of the total resident population of Poland. According to Poland’s Central Statistical Office (GUS 2012), the number of such migrants (since 2007 the minimal length of stay outside Poland has been set at three months) declined in 2008-2010 to 2 million, and started to grow again in 2011 (Table 1).

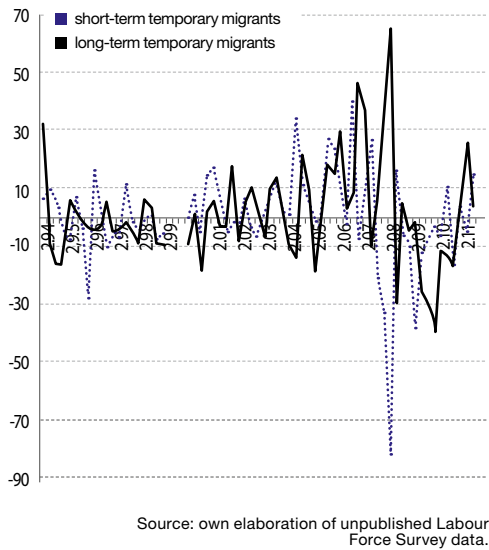
TABLE 1. The stock of de jure residents of Poland being ‘temporary migrants’ on 1 January by country of de facto residence in 2002-2013 (in thousands).

Country of actual residence (a)	Population Census (May 2002)	2005	2007	2009	2011	2012	2013
Total	786	1,000	1,950	2,210	2,000	2,060	2,130
of which: European Union (b)	451	750	1,550	1,820	1,607	1,670	1,720
of which: United Kingdom	24	150	580	650	580	625	637
Germany	294	385	450	490	440	470	500
Ireland	2	15	120	180	133	120	118
Italy	39	59	85	88	92	94	97
Netherlands	10	23	55	108	92	95	97
Spain	14	26	44	83	48	40	37
France	21	30	49	56	60	62	63
Austria	11	15	34	40	29	25	28
Belgium	14	13	28	33	45	47	48
Sweden	6	11	25	29	33	36	38
Denmark	.	.	.	19	19	21	23
Greece	10	13	20	20	16	15	14
major non-EU destination country of Europe:							
Norway	.	.	.	38	50	56	65

(a) i.e. staying abroad for at least three months (before 2007 – two months);  
(b) since 2007 including Bulgaria and Romania.  
Source: GUS 2013

Figure 2 shows how unstable was that out-migration (measured as quarter-to-quarter net outflows), especially short-term mobility (involving the period of stay abroad shorter than twelve months). Short-term net mobility displayed a relatively stable yearly level and a pattern of seasonal variation until 2000 (with the peak in the third quarter, and the trough in the first quarter), and then with the pattern of seasonality preserved, its level grew at remarkably high pace since the mid-2004. A breakdown of the rising trend took place from the beginning of 2008, when many more people returned to Poland than actually left the country. The long-term net mobility trend was similar to that of short-term mobility, although it seemed much more distinct, particularly after 1999. Since the fourth quarter of 2010, the long-term outflow returned to a consistent increase. The impact of the global financial crisis has been more than evident here.

FIGURE 2. Quarter-to-quarter changes in the stock of temporary migrants, 1994-2011 (in thousands).



In general, for decades, the migration of residents of Poland was predominantly circular. This pattern of mobility has radically changed after the accession to the EU. There are several symptoms that point to a growing tendency of Polish migrants to settle down in their destination countries rather than return

to Poland. They include increasing incidence of marriage concluded by young migrants with nationals of the host country or other non-Polish nationals and increasing number of children born by Polish women and sent to institutions (nurseries, kindergartens, schools) outside of Poland (Iglicka 2010)<sup>1</sup>.

<sup>1</sup> For more see: [http://csm.org.pl/fileadmin/files/Biblioteka\\_CSM/Raporty\\_i\\_analizy/2011/Csm\\_Raporty\\_i\\_Analizy\\_Migracje\\_dlugookresowe.pdf](http://csm.org.pl/fileadmin/files/Biblioteka_CSM/Raporty_i_analizy/2011/Csm_Raporty_i_Analizy_Migracje_dlugookresowe.pdf) (accessed 15 November 2012).

The United Kingdom became the main country of destination after 2004. Still in early 2002, it hosted only 3 per cent of the total stock of temporary migrants, by the end of 2004 – 15 per cent, and in 2007 – 30.4 per cent. The official British source estimated the size of the resident population of Polish nationality at around 69,000 in 2004 and its increase up to 687,000 in 2011. The share of Germany, traditionally primary destination for Polish migrants, decreased from 37.4 in 2002 (38.5 per cent in 2004) to 21.5 per cent in 2007. Apart from the United Kingdom, other countries attracting growing numbers of Polish migrants were Ireland, the Netherlands, Spain and Italy. Another leading target country in the past, the USA, lost its importance in a manner similar to Germany.

Most recent (2008-2011) outflow of people from Poland, though less sizeable and at much lower pace than before 2008, is a continuation of the trend initiated after the accession to the EU. Migration for work to more affluent EU countries continues for two major reasons. First and foremost, due to a surplus of workers on the Polish labour market and consequently relatively low wage rates (or insufficient scale and pace of reforms which would improve effectiveness of the labour market mechanisms). Second reason is related to territorial extension of mobil-

ity freedom of Polish workers, which finally took place on 1 May 2011, when the transitory restrictions were lifted in Germany and Austria. Official emigration figures (which grossly and systematically underestimate the actual outflow<sup>2</sup>) for recent years indicate a decline – from 30,100 to 17,400 people who between 2008 and 2010 deregistered from their district of permanent residence in Poland (Figure 1). Actually, however, the outflow assumes much larger scale. For instance, in 2008-2010 the inflow of people from Poland to Germany alone was, as follows from German statistics, between 110,000 and 120,000 a year, and it rose to more than 160,000 in 2011, the first year when the Poles enjoyed free access to German labour market. These official data have been confirmed by the study on the impact of return migration (Eurofound 2012), in which the authors stated in one of their key findings that ‘no mass return took place during the economic crisis’.

<sup>2</sup> The Eurostat figure for emigration from Poland in 2008 is 74,300. No data for 2010 and 2011 are yet available. See: <http://epp.eurostat.ec.europa.eu/tgm> (accessed 18 November 2012).

## MIGRATION TO NORWAY

### Historical Context and the Policy

Until the 1970, Norway was predominantly a country of emigration (primarily to the US), however, in the mid-1950, due to the economic boom, Norway opened up for labour force migration and decided on a free movement of labour, and a common labour market within the Nordic states. The majority of migrants originated from Northern European countries and the US; however, in the mid-1970 some low-skilled labourers came from Pakistan and Turkey in order to work in the industry and service sectors. Similarly to other European countries, in 1975 Norway applied a more restrictive policy towards immigrants. Restrictions were aimed at stopping the inflow of migrants from developing countries, but they did not refer to the recruitment of specialists with specific skills and expertise in the petroleum sector. Neither were they targeted at asylum seekers and family reunions. Unlike in the rest of Europe, these restrictions did not affect the number of new arrivals, but in majority of cases resulted in a change of their status to family reunions. During the 1980s and 1990s, political refugees from diverse parts of the world arrived to Norway (Baba and Dahl-Jørgensen 2010).

With regard to our project topic, one should also mention a quota programme for seasonal workers in the agricultural sector, a scheme which was

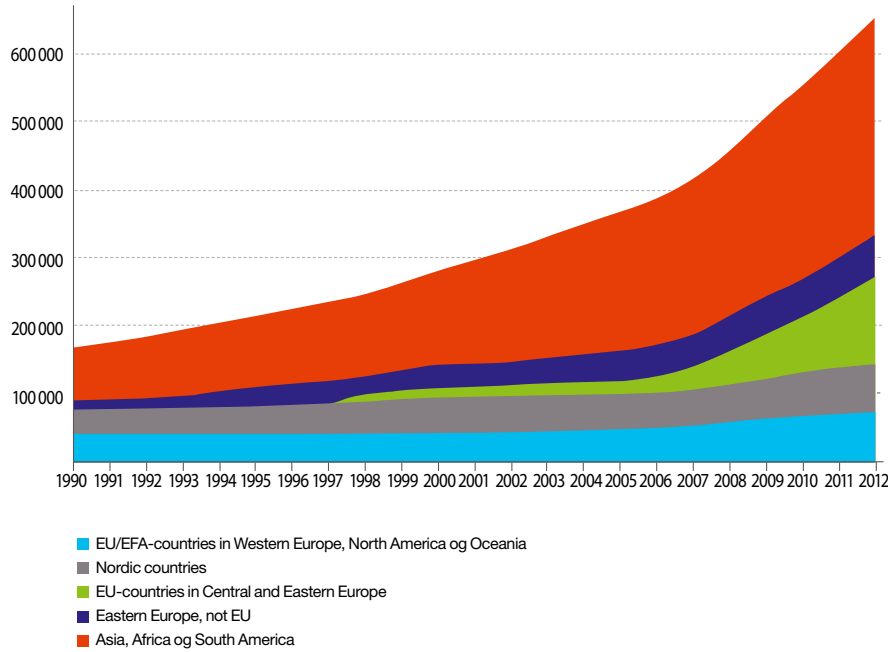
introduced in the 1990s and led to the inflow of workers from Eastern Europe, primarily from Poland. What is also important to stress is that till the year 2004 free movement of workforce and a common employment market, which yet in the mid 1990s covered the EEA, did not have much effect on the migration patterns to Norway. EU enlargement in the year 2004 was accompanied by 'transitional measures' for labour migrants originating from the new EU member states (EU-8). They were in force till May 2009. According to them, wage and working conditions of EU-8 citizens were required to be similar to ones provided for Norwegian workers. The access of the new member states to the labour market was limited by a requirement of a full-time position to be held for one year. Although these measures aimed at limiting social dumping, they applied only to individual labour migrants working in Norwegian based companies or to workers hired out from subcontracting companies based in Norway. They did not refer to 'service providers'. Therefore, employees working for subcontracting companies, temporary work agencies based in Poland and workers who worked as independent contractors or as service providers, were not covered by the collective agreement on wages generally applicable in Norway. Companies using the services of subcontractors could pay their workers less, and were not even required to meet regulations of the health, safety and working environment act (Baba and Dahl-Jørgensen 2010).



On the other hand, this situation can be treated as a kind of 'window of opportunity' for Polish migrant-workers, who otherwise would be excluded from the access to work in Norway. This op-

tion of free movement of services in the transitional period was also used by Poles working in Germany, traditional destination of Polish labour migrants.

**FIGURE 3. Immigrants and Norwegian-born with two immigrant parents. country background. 1990-2012**



Source: Statistics Norway, copied from International Migration 2011-2012 – IMO Report for Norway, p.36.

Currently, since Poles are EU citizens, their entry to Norway, as well as their stay and access to work are not regulated by immigration law, which refers to immigrants from third countries, namely to:

- labour migrants, i.e., persons who have received a concrete job offer;
- persons with close family ties to somebody residing in Norway;
- students, trainees, au pairs and participants in exchange programmes;
- refugees and persons who qualify for residence permit on humanitarian grounds (International Migration 2011-2012 – IMO Report for Norway).

The legal status of Polish migrants as EU citizens is one of the factors affecting their existence in Norway. It will be described later in this paper.

### The Context of the Polish Post-EU Accession Immigration to Norway

Before we start to describe the presence of post-accession Polish immigrants in Norway, it is worth to recall at least two definitions that the Norwegians refer to, both in terms of statistics, and more generally, in terms of studies on mi-

gration. The first definition is related to the term *immigrants*. Immigrants are persons born abroad with two foreign-born parents. The second term used in Norway is *Norwegian-born persons with immigrant parents*. They are persons born in Norway with two immigrant parents (Statistics Norway).

Immigrants and Norwegian-born persons with immigrant parents represent all together more than 13 per cent of the resident population of Norway (2013). Since the late 1960s, with the exception of 1989, Norway has experienced net immigration. (International Migration 2011-2012 – IMO Report for Norway, p.5 and p.9.) What can be said about the recent composition of resident immigrants? On the basis of Norwegian data, the largest country of their origin is Poland with 82,601 immigrants. The next country is Sweden (37,467 people), however the Swedish do not even reach half of the number of Poles (stock at the 1 January 2013, Statistics Norway). Although one can always question, whether statistics are comprehensive, particularly within the free movement context, there is no doubt that migration from Poland since the year 2004 “constitutes the largest single migratory flow to Norway in history” (Friberg 2013, p. 11).



TABLE 2. Immigrants and Norwegian-born persons with immigrant parents: the ten largest groups as of 1 January 2013.

Country	Number	Increase from 2012 to 2013	Percentage of all immigrants and Norwegian-born persons with immigrant parents
Poland	82 601	10 498	11.6
Sweden	37 467	889	5.3
Pakistan	33 634	897	4.7
Somalia	33 117	3 722	4.7
Lithuania	30 540	6 599	4.3
Iraq	29 614	679	4.2
Germany	26 398	715	3.7
Vietnam	21 351	480	3.0
Denmark	20 304	481	2.9
Iran	18 861	948	2.6

Source: Statistics Norway.

Therefore, it is not surprising that Polish people constitute the largest group of immigrants in many municipalities (211 out of 429), and in 16 out of 19 counties (Immigration and Immigrants in Norwegian Municipalities, Reports 2013/37, Statistics Norway). What is characteristic about the Polish citizens’ presence in Norway is the fact that they can be found all over the country. Although the most significant group is situated in Oslo and its surroundings, Poles reach more distant areas, even small towns or villages.

TABLE 3. Polish immigrants and Norwegian-born to Polish parents. Selected municipalities. 1 JANUARY 2012.

Municipality	Number of Poles	Position among immigrants in municipality
Oslo	12 180	4
Bergen	4 281	1
Stavanger	2 588	1
Bærum	2 876	1
Trondheim	1 536	1
Drammen	1 388	2
Kristiansand	845	2
Fredrikstad	1 066	2
Asker	1 465	1

Source: Statistics Norway<sup>3</sup>.

How is it possible that from a few thousand Polish political refugees in the 1980s and seasonal workers arriving to Norway in the 1990s on the basis of bilateral agreements on temporary work in agriculture, the stock of Polish immigrants has increased so dramatically? Why are Polish migrants in Norway usually older than the majority of the Polish post-EU-enlargement migrants? Why is Norway a destination for predominantly male and quite often married migrants, who, as Norwegian statistics and studies show, do not have higher education or any particular language skills (Friberg 2013)?

TABLE 4. Polish immigrants and Norwegian-born to Polish parents, by sex.

1 January, Year	Males	Females
2003	2 643	4 660
2004	2 718	4 872
2005	3 711	5 222
2006	5 995	5 869
2007	11 442	7 392
2008	21 583	10 486
2009	29 971	14 511
2010	33 949	18 176
2011	38 792	21 818
2012	46 790	25 313
2013	53 778	28 823

Source: Statistics Norway, years 2003-2013<sup>4</sup>.

<sup>3</sup> [http://www.ssb.no/a/english/kortnavn/innvbef\\_en/tab-2012-04-26-10-en.html](http://www.ssb.no/a/english/kortnavn/innvbef_en/tab-2012-04-26-10-en.html)  
<sup>4</sup> <https://www.ssb.no/statistikkbanken/selectvarval/Define.asp?subjectcode=&ProductId=&MainTable=InnvUNoBakgr2&nvi=&PLanguage=1&nyTmPVar=true&CMSSubjectArea=befolkning&KortNavnWeb=innvbef&StatVariant=&checked=true>





Factors that are responsible for driving Poles out of Poland have been already described on the previous pages of this background report. Now let us concentrate on factors attracting Polish immigrants to come to Norway. Obviously, the most visible incentive is the average gross hourly wage, which is several times higher than in Poland. Although wages and working conditions offered to migrants are below those of native residents, still the conditions remain attractive in terms of absolute earnings, especially when money is sent back to families remaining in Poland. Furthermore, unemployment level in Norway, even during the financial crises faced by Europe, has remained below 3 per cent. The final factor is related to social and structural changes observed within the Norwegian labour market, namely, increased demand and reduced supply for jobs that were expected to become redundant in the modern economy. These changes refer to five sectors that appeared to be the most important for Polish migrant workers, specifically: construction, temporary staffing, domestic services, shipyards and agriculture. In the Norwegian labour market one can observe a strict separation between standard and atypical forms of employment. The jobs offered to Poles belong to the category of tedious physical labour with low wages and under flexible conditions. In other words, Polish post-accession migration

to Norway has been related to restructuring of labour intensive sectors such as construction, and to increasing informalisation and casualisation of labour relations<sup>5</sup> that have traditionally been strongly regulated in Norway. These factors have situated Polish workers mainly in two niche sectors – construction and cleaning (Friberg 2013).

Although Oslo is only one of many destinations chosen by Polish people, until now it has been the most researched area. Without any doubt, the case of capital is a particular one in comparison to the rest of the country. Nevertheless, it seems reasonable to refer to the available results of two surveys that were conducted among Polish migrants in the Norwegian capital in 2006 and 2010<sup>6</sup> (Friberg 2012b). Basing on them one can witness certain trends towards formalisation of employment relations. Illegal employment (which was a case of jobs undertaken within services provided for private households) is becoming less significant. However, these trends differ in their intensity with regard to the type of sectors. The biggest changes have occurred within the cleaning sector and sectors outside the two Polish niches. Less significant changes have been observed in construction sector. The same is true in the case of mobility from atypical forms

<sup>5</sup> For theoretical framework see Piore M. (1979) and Sassen, S. (2005).

<sup>6</sup> Two surveys conducted with the use of respondent-driven sampling (RDS). In each, more than 500 migrants staying in Oslo were interviewed.

of employment to permanent legal jobs in Norwegian companies. In the year 2010, almost half of respondents who engaged in jobs outside construction and cleaning sectors had permanent employment. In the case of construction workers, only 19 per cent, and in the case of domestic services, 17 per cent. However, relative improvement was more significant in the case of cleaning workers (see Table 5 below). The above-mentioned differences among

workers engaged in particular sectors are explained in terms of their language skills and working environment – “(...) contrary to the most cleaners and workers in other sectors, most Polish construction workers reported that they only worked alongside other Poles and that at work they spoke only Polish, a testament to work organisations in the construction industry strictly separated along lines of language and nationality” (Friberg 2012b, p.320).

TABLE 5. Sectors and terms of employment in 2006 and 2010 compared (per cent).

Terms of employment	Construction work		Cleaning		Other	
	2006 (n=289)	2010 (n=292)	2006 (n=108)	2010 (n=81)	2006 (n=57)	2010 (n=81)
Permanent legal jobs in Norwegian companies	15	19	3	17	20	48
Temporary and atypical legal employment (posted subcontractors, agency work, etc.)	54	52	11	25	44	42
Illegal employment (have no written contract and do not pay tax)	32	28	86	58	37	10
Total	100	100	100	100	100	100

Source: Friberg 2012b.



The results of the surveys supported by the findings of qualitative study conducted among employers and migrant workers within the construction sector led Jon Horgen Friberg (2012b) to the conclusion that in the case of Polish workers, stereotype becomes a “self-fulfilling prophecy” – workers act in a way that meets employers’ expectations. Poles are perceived by employers as hard-working but unable to think independently. Due to this fact, they are not regarded as candidates for permanent employment that requires decision-making and other tasks that demand experience and knowledge. Potential employers are rarely able to carefully assess each applicant individually. As a result, temporary workers are largely selected on the basis of the Polish stereotype. On the other hand, interviewed migrants pointed out their disappointment that they were not allowed to question received instructions or suggest alternative ways of doing specific jobs. This situation reminds a vicious circle. In the case of Polish migrants, employment in labour intensive sectors does not seem to be just a stepping stone into the regular labour market (Friberg 2012b). Quite contrary, it seems more justified to state that Poles' options are confined to temporary, atypical forms of employment, that they are exposed to less favourable treatment (lower wages, harsh working conditions and exploitation), and to the higher risk related to fluctuation in labour demand than the native residents of Norway. The labour market seems “to be unwilling to accept

the Polish workers entry into the labour force other than as unskilled workers (...) Major actors in the labour market seem to share this attitude. A study, for example, shows that the Norwegian Confederation of Employers (NHO) is positive to labour migration, but under the conditions that they return back (sic!) to their home country once they are not needed” (Baba and Dahl-Jørgensen 2010).

As Friberg pointed out, nationwide survey conducted in 2009 among employers in labour intensive sectors (construction and industrial manufacturing) showed that lowering the number of workers hired through temporary staffing agencies and subcontractors was the most common solution to meet reduced labour demand. Not surprisingly, Poles were affected more by the 2008-2009 crises than natives. The registered unemployment rate for the whole population remained below 3 per cent, while it was much higher among Polish workers (see the table below). Remembering that work of many Poles was not registered since they were employed unofficially in private households, which were also affected by economic turn-down, the claim that the real unemployment among Poles was even higher seems to be justified. In short, many of those who lost their jobs were employed in the shadow economy or did not earn enough to be eligible to receive unemployment benefits, and that is why they did not register.

TABLE 5. Unemployment among Polish migrants in Norway, 2007-2012.

	2007K4		2008K4		2009K4		2010K4		2011K4		2012K4	
	UP	%LF	UP	%LF	UP	%LF	UP	%LF	UP	%LF	UP	%LF
Both sexes	296	1,5	1224	4,2	3114	9,3	4031	10,2	3101	6,6	3344	6,2
Males	144	1	986	4,4	2582	10,5	3238	11,2	2155	6,2	2214	5,6
Females	152	3	238	3,3	532	5,8	793	7,2	946	7,3	1130	7,5

UP – Unemployed person  
%LF – Registered unemployed in per cent of the Polish labour force (per cent)

Source: Statistics Norawy, SSB quoted after Ryndyk (2013).

It is worth noting that together with the increase of unemployment rate among Poles, one can observe a change in the approach to their presence in Norway. The view of protecting the Polish workers rights evolved into a debate about which rights and benefits they were entitled to, and whether they should stay in Norway or return to Poland. The Norwegian government even encouraged Poles to come back to their homeland with some financial compensation (Baba and Dahl-Jørgensen 2010). Nevertheless, during the crises Polish migrants did not massively return to Poland, which was not exclusively the case of migration to Norway as it has already been described in the background report. What is more, although Poles are engaged in circular and transnational migration, surveys conducted in Oslo (Friberg 2012b) and

data gathered by Statistics Norway (the latter will be presented in next paragraphs) indicate a trend towards more long-term settlement.

In 2006, Polish migrants in Oslo were predominantly male, working temporarily, commuting back and forth between Norway and Poland, where they left their families. In 2010, the proportion of Polish women in Oslo reached 36 per cent (26 per cent in 2006), and approximately half of them claimed that they had arrived in order to join their spouses. Just to compare, almost all men pointed economic reasons of their arrival to Norway. It is also interesting that in 2010 most of the non-single respondents reported that their spouses lived with them in Norway (52 per cent, while in 2006 it was only 20).





## Integration of Polish Migrants

Polish immigrants are not included in immigration policies, since their movement and access to Norwegian labour market is regulated by EU/EEA supranational principles. Thus, the existence of Polish migrants in Norway is regulated by labour laws. They are not included in any integration programmes, such as language learning programmes that are offered to non-Europeans. Their adaptation and migration decisions are therefore related heavily to their position on the labour market – their access to jobs and financial security. Since a demand for flexible workers in labour-demanding sectors, such as construction, industrial manufacturing and cleaning is quite permanent, migrants were offered new temporary assignments. Some of them prolonged their stays in Norway, since they still could not reach their financial expectations related to the earnings they had planned to bring home. Simultaneously, due to the growing informal network, more jobs are available to newly arriving Polish women. That particular situation of Poles in Norway led Jon Horgen Friberg (2012a) to analyse adaptation of Polish migrants in terms of “different stages in the migratory process” rather than in terms of different categories of migrants. He distinguished three stages in the migratory process. They are as follows:

*The Initial Stage* is characterised by plans to return home in near future. Home communities remain the primary point of reference. Migrants are motivated by quick accumulation of capital. Their accommodation is often arranged through the employer and is tied to the job.

*The “Transnational Commuter” Stage* is characterised by permanent temporariness, travelling between Norway and Poland. It seems that it is a strategy reducing costs of living in Norway and allowing for consumption in Poland. Family remaining in Poland depends on remittances, but on the other hand, separation can prove harmful. Therefore, migrants might consider returning to Poland or bringing family to Norway. The latter option depends on their position on the labour market, and on prospects related to maintaining family in Norway. The spouse’s eagerness to leave Poland is also an important factor.

*Settlement* – this stage is reached when the primary household is situated in Norway, which requires certain financial stability, i.e., secure employment and/or access to social benefits. In the case of a family reunion, it is a more challenging process. It means changes in housing, consumption, leisure-time activities, searching for educational opportunities for children, etc.

Although Poles, as EU citizens, are not included in any integration programmes within national policy, there are cases when municipal public agencies are seeking ways to integrate them. One of the examples is recalled by Baba and Dahl-Jørgensen (2010) – the municipal government established Norwegian language courses to help unemployed Polish construction workers to learn Norwegian and to find new jobs locally outside the construction sector. In the view of the authors, it illustrates that local public agency has acknowledged the presence of “permanent” Polish residents and has sought to integrate them although this practice contradicts national policy.

At this point, it is also worth recalling findings from a research conducted in Rogaland (Ryndyk 2013). They contradict the widely-spread assumption that the high cost of language training in Norway impedes Polish migrants from learning the Norwegian language. The issue of costs of learning should not obscure the complexity of the situation. The obstacles should rather be defined in terms of tough working conditions that leave no time for language learning. The above-mentioned study, although not representative in terms of statistics or national scope, put some light on socio-economic integration of Polish migrant workers and the living conditions of Polish families, which are related to the work in “Polish” niches. Since jobs available

for majority of post-accession Polish migrants do not provide earnings and conditions comparable with those available to natives, an average Polish migrant worker cannot afford to rent proper accommodation and many live in small flats located in basements or attics. Such conditions affect many aspects of private life among Polish migrant families. Together with the linguistic skills of parents, cultural differences in the approach to some every-day issues, they may affect the school performance of the migrants’ children. In short, current situation, if prolonged, can put into question values related to “equality” that are said to be the pillar of the Norwegian society.

The anxiety is also expressed by the Norwegian government. Namely, there is a growing concern about future dynamic of situation in which employers have access to a permanent flexible labour force consisting of workers who accept short-term employment conditions. At the same time, the costs of availability of such labour force, in times of declined demand, are to be met by the welfare state through the system of benefits (Friberg 2012b).

To sum up this part of the background report, it is worth noting that the conclusions of Norwegian studies brought to light here point out that former expectations related to free movement of people within EEA can be, at least partially, put



into question. Increasingly more Poles decide on a more permanent settlement instead of circulation between Norway and Poland. It is a challenge not only for them, but in particular for the Norwegian society and policy. Although the state, as one can see, has a limited power to control flows of people within EEA, it is exposed to the consequences of migrants' presence, especially, their maladaptation and growing inequalities in Norwegian society.

Closing this part, let us mention at least two institutions that gather Polish post-accession migrants and therefore can become mediators in the process of integration. Let us start with the Catholic Church, which is a minority church in this Protestant country. In Norway, in order to be recognised as a Catholic, or a member of any other religious union, or even an atheist, one has to be registered. Otherwise, automatically, a per-

son is regarded as a member of the State Church – Den Norske Statskirke. There are more than 30,000 Poles registered as Catholics (<http://www.katolsk.no/organisasjon/www/pol2nor-pl>). Let us also mention here a Polish portal – Moja Norwegia (<http://www.mojanorwegia.pl>), which is a forum serving Polish migrants, not only providing practical information and hints but also organising events supporting Polish-Norwegian integration, and promoting positive image of Poles in Norway.

Reasons for Entry to Norway  
– Signs of Settlement Tendency?

As one can see from data below, until the year 2006, family migration was a predominant pattern observed in Norway. Although replaced by labour migration, it constitutes the second main reason of entry.

FIGURE 3. Immigration by reason for migration. 1990–2012.

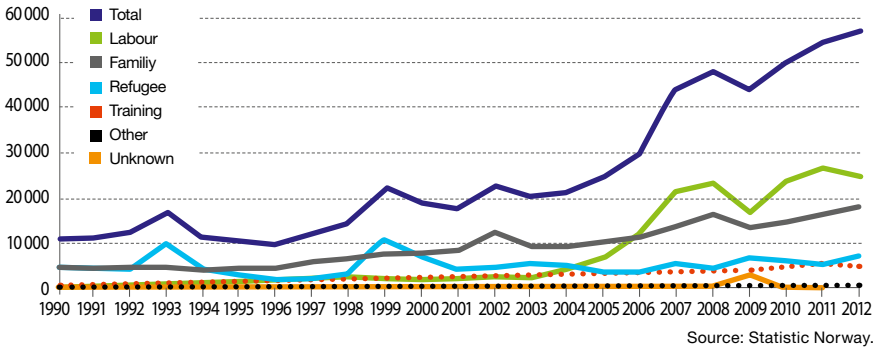


TABLE 7. Family immigration – major countries. New permits and EEA-registrations 2002–2011.

Countries of origin	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total, of which	14 607	10 469	12 750	13 035	13 981	17 913	20 766	18 112	21 526	24 577
Poland	289	247	390	748	1 702	3 292	4 423	2 773	4 612	4 376
Lithuania	136	106	162	238	382	643	749	655	2 132	2 356
Somalia	1 707	652	689	929	913	1 003	1 179	1 027	685	1 331
Thailand	918	780	1 099	1 014	943	1 073	1 214	1 248	989	1 176
Germany	426	401	563	558	768	1 456	1 630	835	1 140	1 166
Philippines	457	396	437	433	412	618	580	703	766	975
Eritrea	46	26	42	34	49	78	142	273	430	869
Russia	905	797	742	653	595	658	607	620	506	610
Iraq	1 737	940	909	933	626	436	654	762	554	554
India	161	132	162	176	246	496	478	431	361	533
USA	439	322	423	355	410	453	528	459	410	465
Pakistan	545	518	496	461	392	431	438	500	344	412
Afghanistan	510	387	318	507	471	362	445	391	358	382
Stateless	135	94	109	88	131	205	534	539	317	242

Source: International Migration 2011-2012 – IMO report for Norway, p.16.

What is interesting from the point of view of our background report, numbers of Poles pointing to family reasons for their first time stay in Norway are growing each year (with the exception of 2009), although economic reasons are still prevailing. In recent years, Polish people have overcome other nationals in the category of family immigration. It is also important that according to statistics on Norwegian-born to immigrant parents, Norwegian-born to Polish parents were the sixth largest group with almost 6000 (just to compare: those with Pakistani parents made up the biggest group of all Norwegian-born to immigrant par-

ents, with 15,200). These data indicate a trend towards more long-term settlement. Especially, when combined with data on duration of residence in Norway. At the beginning of 2011, only 5,000 Polish citizens were residing in Norway for more than 5 and less than 9 years. The number of Polish citizens belonging to the same category one year later reached 10,300. Those residing in Norway less than 4 years reached 46,797 at the beginning of 2011, and 51,585 at the beginning of 2012 (Statistics Norway). Furthermore, proportion of females among Polish migrants in Norway (as shown in the table 3) is getting higher each year.





### Attitudes Towards Immigrants and Immigration

In Norway immigration became a public and a political issue around the mid 1970's. Norwegians primarily accepted immigrants from what is known as "culturally similar and near" regions of the world. In Norwegian's perception, people from the Nordic countries were not even viewed as immigrants. This term was rather reserved for non-Europeans. Over the last decades the image of a homogeneous Norwegian society has changed. But the notion of equality, so important for the Norwegian society, in the Norwegian context means "sameness" based on the feeling that people "fit together", belong together, and that they make themselves accessible to each other (Baba and Dahl-Jørgensen 2010).

After the year 2000, public debates on migration issues, although with some significant fluctuations, focused mainly on a category which could be labelled "Islam/Religion". This category includes elements of culture and identity (International Migration 2011-2012 – IMO report for Norway).

Statistics Norway regularly conducts surveys on attitudes towards immigrants and immigration. The most recent one conducted in July and August 2013, shows that 72 per cent of respondents agree strongly or on the whole that "most immigrants make an important contribution to the

Norwegian working life" (which is a decrease by 8 percentage points from 2012), while 14 per cent disagree. 66 per cent of respondents agree strongly or on the whole that "labour immigration from non-Nordic countries makes a mainly positive contribution to the Norwegian economy" (which is 5 per cent reduction in comparison to the 2012). The share that disagrees with this view amounts to 16 per cent. Half of respondents still disagree with the assertion that "most immigrants abuse the social welfare system," while a third believe this is true. There is still a larger share – 49 per cent – supporting statement that "immigrants in Norway should endeavour to become as similar to Norwegians as possible," while 41 per cent disagree (Reports 2013/64, Attitudes Towards Immigrants and Immigration 2013).

We have already mentioned that during the crises of 2008-2009, together with the increase of unemployment rate among Polish workers, the

togethlyport

### Current Migration and the Polish Migration Policy

#### MIGRATION POLICIES

Between 1945 and 1989, the legal acts related to international movements of people strictly followed the cardinal principles of the isolationist migration policy of that time: they were simple and predominantly repressive (Iglicka & Ziolk 2010). Numerous government ordinances of highly limited circulation effectively discouraged residents of Poland from travelling abroad and those of other countries from visiting Poland. The relevant institutions, and the transport and service infrastructures were vastly underdeveloped when compared to Western countries. This clearly reflected the low priority which omnipotent communist rulers attached to international migration.

Following the adoption of a liberal migration policy by the first non-communist government in September 1989, all citizens were granted free passage through the state boundaries, while negotiations on reciprocal visa-free travelling were entered to with many governments. At the same time, new administrative and legal entities specifically in charge of migration affairs were established, and a number of international agreements for the exchange of trainees, students and scholars, and programmes in the area of inter-

claims. Quite recently (February, 2014), the spokesman of the Progress Party (Framstegspartiet, FrP – which is a part of the ruling coalition) has expressed his concern about families accompanying Polish and Lithuanian workers, encumbering Norwegian public system. In January 2014, anxiety about transfer of social benefits abroad received by immigrants was expressed by a minister of Norwegian Ministry of Labour (he is also a member of the Progress Party). Although the mass-media immediately recalled data proving that 90% of transfers refer to Norwegian pensioners living abroad, the statements unfavourable to immigrants had been said by officials and had reached the public opinion (Gazeta Prawna, 2014-02-14).

Why is it mentioned at the end of this section? Migrants' presence is a very sensitive issue, so we should be aware what potential trouble spots are. Integration is a two way process – it is a truism, but needs to be recalled repeatedly. The so-called "receiving society" is also a part of this process. It affects approaches and actions undertaken by migrants in all domains of their activity.

national economic co-operation and assistance were ratified. Various incentives to attract foreign business were gradually implemented. The Polish government also initiated an active policy aimed at securing wider access to foreign labour markets for Polish workers, which quickly resulted in a number of relevant bilateral agreements (e.g. with Germany, Belgium and France). All in all, within a period of one or two years, Poland turned into a relatively open country (Iglicka 2007).

In 1989, the only law dealing with migration was the Aliens Act of 1963<sup>7</sup>, which was enacted when few foreigners entered Poland. After Poland ratified the United Nation's 1951 Refugee Convention and the 1967 Protocol, in September 1991, the country amended the 1963 Aliens Act to formally establish a system for granting refugee status<sup>8</sup>. The act defined the conditions of entry into the country, internal movement, and departure. Although work on a new Aliens Act began in 1992, it took five years to complete an updated version. Ultimately, the Aliens Act of 1997<sup>9</sup> enabled the free movement of people and focused mostly on the conditions for entry, stay and transit through Poland. It was also mindful, however, of national security, potential EU accession and human rights issues.

In April 2001<sup>10</sup>, the Polish Parliament passed comprehensive amendments to the Aliens Act to help clear the path towards EU membership. One of the significant changes included establishing the Office for Repatriation and Foreigners. This became the first separate government agency dealing solely with migration issues.

A separate Repatriation Act, which came into force in January 2001<sup>11</sup>, was the first comprehensive document regulating resettlement of people of “Polish ethnicity or descent”, including people living in the Asian part of the former Soviet Union. This law made it easier for those who, “due to deportations, exile and other ethnically motivated forms of persecution could not settle in Poland”. The Repatriation Act also clarified the means for acquiring Polish citizenship and outlined types of resettlement assistance. It applies to those who have maintained cultural ties to Poland and have at least one parent, grandparent or two great-grandparents who are of Polish ancestry (Iglicka 2007).

What proved more difficult was Poland's obligation to implement Schengen requirements, which meant mandating visas from nationals of its eastern neighbours, Ukraine and Belarus, as well as Russia. Many worried that such visa re-

<sup>7</sup> | Aliens Act of 29 March 1963, with amendments, Dziennik Ustaw 7, 1992, section 30.

<sup>8</sup> | Dziennik Ustaw 119, 1991, position 513.

<sup>9</sup> | Aliens Act of 25 June 1997, with amendments, Dziennik Ustaw 127, 2001, section 1400.

<sup>10</sup> | Law of 11 April 2001 changing the Aliens Act and some other laws, Dziennik Ustaw 42, 2001, position 475.

<sup>11</sup> | Repatriation Act of 9 November 2000, with amendments, Dziennik Ustaw 53, 2004, position 532.

quirements could weaken cross-border trade, bring the collapse of the market for exports to the former Soviet Union and decrease the income of people dependent on trade-related services. Consequently, the Polish government waited until October 2003 to make these visas mandatory. Although cross-border mobility initially decreased, numbers returned to pre-visa levels by March 2005, thanks to efforts by Polish consulates and improvements in the visa regime's administration.

Also in 2003, Poland implemented two laws, the Act of Protection of Aliens and the 2003 Aliens Act, which further refined the 2001 changes<sup>12</sup>. The Act of Protection of Aliens clearly divides asylum from economic migration issues. It includes principles and conditions for extending various forms of protection to foreigners, including refugee status, asylum status<sup>13</sup>, temporary protection status and tolerated status. Tolerated status was created to cover mainly Chechens whose asylum claims have been rejected but who could not be sent home.

The 2003 Aliens Act included Poland's first regularisation programme for unauthorised immigrants. The Office of Repatriation and Foreigners estimated the total unauthorised popu-

lation at that time at around 45,000 to 50,000. However, the regularisation, which was in force from September 1 to December 31, 2003, largely failed. For instance, only those who had lived continuously in Poland for five years were eligible. In addition, no information about the programme was publicised, and it did not reach the majority of irregular immigrants. By the end of the programme, 2,747 out of only 3,512 applications (78 per cent) had been approved, with 1,245 Armenians and 1,078 Vietnamese receiving legal status.

When Poland officially became a member of the European Union on 1 May 2004, with rapid removal of the last remaining barriers to free movements of the Polish citizens within the EU (e.g. concerning the access to foreign labour markets and passport controls), migration policy became even more orientated towards inflows of people to Poland and integration of immigrants.

Since mid-2005 (until 2009), policy makers discussed immigration in terms of social or economic policy, focusing on the following:

- return migration of Poles who emigrated to Western Europe;

<sup>12</sup> | Aliens Act of 13 June 2003, with amendments and Act of Protection of Aliens of 13 June 2003, with amendments, Dziennik Ustaw 189, 2009, position 1472.

<sup>13</sup> | Asylum is a separate status of foreigner provided by the Polish law. It can be granted to someone if two conditions are met: first, it is essential to protect the applying foreigner, and second, it is justified by important interest of the Republic of Poland (Dziennik Ustaw 189, 2009, position 1472, art. 90, para. 1).



- the need for skilled and unskilled foreign workers in sectors such as agriculture and construction;
- control of the eastern border and free movement for Polish citizens within Schengen;
- irregular inflow of foreigners;
- integration of immigrants.

#### A PLAN TO RETURN

A priority for the Polish government was and still is to attract Polish migrants back to the country due to shortages of labour and Poland's ageing population. Additionally, it was hoped that returning migrants with new capital would make investments and boost the Polish economy. The current government's campaign platform included encouraging the return of young Polish emigrants.

In November 2008, Prime Minister Donald Tusk started a government campaign entitled “Have you got a PPlan to return?” that aimed to facilitate smooth returns and showcase employment opportunities. The campaign included a guide book and a website which included practical information about necessary paperwork, answers to problems returning migrants have to face, and opportunities in the local labour market, with lists of local employment agencies and job openings in areas where returning migrants might like to settle. The government spent about

4 million PLN (about 1 million EUR) on the campaign, which was allegedly based on consultations with Polish Diaspora organisations. Although very informative, interactive and constantly updated, the campaign has not been deemed a success.

Beyond the campaign, in 2008 the government passed the Tax Abolition Act, which allowed Poles who obtained income abroad between 2002 and 2007 to apply for a refund on taxes they already paid. The act also provides relief from double taxation. Still, Poland does not have other structural measures to make return more attractive (Iglicka & Slusarczyk 2010).

#### LABOUR SHORTAGES

Massive emigration to Western Europe created serious labour imbalances in Poland as those who left came from two basic strata. They were either young, highly skilled graduates of Polish universities who usually left after graduation (the so-called baby boom generation) or low-skilled workers. The latter gave rise to the popular image of the “Polish plumber” – an immigrant eager to take low-paying and low-skilled work that natives were not willing to do.

Because of emerging labour shortages, in August 2006, Poland gave workers from Ukraine, Belarus and Russia the right to work in Poland without work permits for three months in a giv-

en period of six months. Limited to the agricultural sector initially, the programme was expanded in June 2007 to all other sectors (Iglicka & Ziolek 2010).

When Bulgaria and Romania joined the European Union in January 2007, Poland, along with nine other member states, opened the labour market for Bulgarian and Romanian workers. However, they did not arrive, as the government had assumed.

In February 2008, the government extended the duration of legal employment of workers from countries neighbouring in the east without a work permit to six months in a 12-month period and in addition made citizens of Moldova (June 2008) and Georgia (November 2009) eligible for the programme. This gave rise to the so-called scheme of employer's declarations. The workers who benefit from the respective provisions can enter Poland on the basis of their employers' declarations (not contracts) of intent to employ a given worker for up to six months within one year. The majority of such declarations come from agriculture and construction, the sectors with the highest demand for seasonal workers. Polish employers responded immediately. The government has continued to make it easier for non-EU citizens to work in Poland. As of January 2009, the government has streamlined the process employers need to fol-

low to request a work permit, mainly by reducing the number of required documents.

#### THE EASTERN BORDER

Poland entered the Schengen zone in December 2007, making its eastern frontier – 746 miles or 1,200 kilometres from the Baltic Sea in the north to the Carpathian Mountains in the south – a significant portion of the European Union's eastern-most border (Iglicka & Sword 1998). To join the Schengen zone, Poland had to ensure a high security level on the border. Modern infrastructure and equipment for the border services had to be implemented. Since 2004, the European Union has supported Poland, as well as other new member states, with funds from the Schengen Financial Instrument; Poland received 313 million EUR according to the Ministry of Interior and Administration. As of December 2007, Poland had spent 90 per cent of the money.

One consequence of joining Schengen has been fewer legal border crossings by Ukrainians, Belarusians and Russians, who need to pay 35 EUR for a Schengen visa to enter Poland. The visa is prohibitively expensive for Ukrainians, for whom 35 EUR can amount to half a month's living expenses, according to the Ukrainian consul general in Warsaw. Recognising the importance of good relations with its







eastern neighbours, Poland has worked to improve cross-border flows with bilateral border agreements. Since July 1 2009, residents who live near the Poland-Ukraine border can pay 20 EUR and receive a special permit, valid for two years, that allows them to cross the border, travel within 30 kilometres (19 miles) of the border, and stay no more than three months in any half-year period. Poland signed a similar agreement with Belarus in February 2010, and ratified it in June 2010.

Dialogue with Ukraine and Belarus about future visa agreements also takes place within the Eastern Partnership, established in 2008 on the initiative of the Polish government with Swedish assistance. The Eastern Partnership seeks to improve the European Union's political and economic ties with Ukraine, Belarus, Moldova, Azerbaijan, Armenia and Georgia (Iglicka & Ziolk 2010).

### NEW REGULATIONS FOR CO-ETHNICS

In addition to seeking labour from countries to its east, in September 2007 a law (the Act of the Polish Chart) was passed<sup>14</sup> that makes it easier for those of Polish descent in former Soviet countries to settle in Poland. This act, which went into effect in April 2008, builds on the notion of “Polish ethnicity” central to the previously mentioned repatriation programme,

<sup>14</sup> Dziennik Ustaw 180, 2007, position 1280.

which went into effect in 2001, and was limited to ethnic Poles from Kazakhstan. The earlier programme did not succeed mainly because local authorities in Poland were reluctant to invite eligible people (necessary for a repatriation visa) at a time when Poland's economy was struggling.

Today, anyone whose parents, grandparents, or at least two great-grandparents were Polish, is eligible to live and work in Poland with a special document called a Polish Chart. Applicants must meet several conditions in addition to Polish ancestry. During an interview with the consul (the authority who conducts the test and grants the chart), they have to pass a Polish language test and correctly answer questions about Polish culture and history. Chart holders are eligible for a free, long-term Polish residence visa, and eventually Polish citizenship. Chart holders also get access to free emergency medical care, reduced fees for public transportation, and free entrance to museums. However, they are not eligible for welfare benefits (Iglicka & Ziolk 2010).

### IRREGULAR MIGRATION

Poland continues to fight against unauthorised entry, stay and employment of foreign nationals. Although it is difficult to assess the scale of irregular migration to Poland, those

who are in the country without authorisation generally cross the border with fake documents or are brought to Poland by human traffickers and smugglers. Others overstay their visa or enter Poland as tourists, but work in the shadow economy.

According to the most recent report on unauthorised immigrants in Poland (Iglicka & Gmaj 2010), no studies estimate the country's total number of unauthorised immigrants. However, Ukrainian citizens dominate the population of unauthorised migrant workers, according to the report. Vietnamese are the only group that researchers have studied in any depth. The Migration Policy Unit at the Ministry of Interior and Administration claims that probably one in two Vietnamese living in Poland is in irregular situation, which translates to between 12,000 to 22,000 people.

Poland's strict approach to migration policy is evident in its regularisation programmes, which included requirements that most of those irregularly residing in Poland could not meet. After the 2003 amnesty, which as mentioned earlier required continuous residence of five years, the government held another regularisation from July 2007 until January 2008, whose requirements were even stricter. For example, the applicants had to present a legal entitlement

<sup>15</sup> Dziennik Ustaw 53, 2004, position 532.

to occupy their place of accommodation, and proof of their financial stability.

In turn, the EU European Pact on Immigration and Asylum from 2008 has pushed Poland to combat illegal employment. Since January 2009, border guards, in addition to Poland's National Labour Inspection, are involved in controlling the legality of foreigners' employment. This resulted in a significant increase in the number of inspections of companies (Iglicka & Gmaj 2010).

### INTEGRATION POLICY

Poland still lags behind other EU countries in implementing comprehensive integration policies. In fact, Poland has not defined the contents of immigrants' integration in any legal document to date (Smoter 2006). Until recently, integration focused only on those with refugee status and returning Polish emigrants, known as repatriates.

Under the Act on Repatriation<sup>15</sup>, repatriates are entitled to reimbursement of the cost of transportation, education in Poland for minor children, a settlement and maintenance grant, and a free course in the Polish language; the government will also reimburse their Polish employer for bonuses, social insurance, equipment and vocational training.



Poland's first integration programmes regarding foreigners in the early 1990s targeted refugees from former Yugoslavia. Since then, it has been within the competence of local regional governors to coordinate the measures for integration of refugees in their regions. The main unit responsible for immigrant integration management at the national level is the Department of Social Assistance and Integration in the Ministry of Labour and Social Policy. The unit determines the whole area of social assistance. Therefore, immigrant integration is only a small part of its many activities.

Integration programmes are restricted to those who are granted international protection. The Individual Integration Programme run by the County Centres of Family Support does not exceed one calendar year. During that year, participants receive cash benefits for living expenses and Polish language classes. The money also covers contributions to health insurance and the costs of specialised guidance services, finding accommodation and social work activities. As of March 2008, these provisions have been extended to those with subsidiary-protection status<sup>16</sup>.

Because the County Centres of Family Support are understaffed, some question if the agency can serve immigrants in a proper way. How-

ever, County Centres have started collaborating and partnering with some integration-oriented non-profit organisations to expand their capacity. Also, the European Union's European Refugee Fund supports many of County Centres' integration measures.

The government has shown strong support for civil-society and non-governmental organisations that aim to help immigrants, such as Polish Humanitarian Action and the Polish Red Cross, which have been doing integration work for many years. In addition, since 2008, money from the European Union's European Fund for the Integration of Third-Country Nationals has made a recent boom in new programmes and integration measures possible.

Policy-makers have recently become slightly more interested in integrating groups beyond refugees. In 2007, the Ministry of the Interior and Administration established a Working Group on the Integration of Foreigners as part of the Inter-Ministry Committee for Migration, established in the same year. So far, the group activities consisted mainly in passing opinions on programmes implementing the European Fund for the Integration of Third Country Nationals and monitoring relevant programmes pursued in the EU.

<sup>16</sup> Law of 18 March 2008 changing the Act on the Protection of Foreign Citizens, Dziennik Ustaw 70, 2008, position 416.

## Current Political Debate and Migration Policy Developments

Four years (2009-2012) were the period of very intense legislative work addressing various urgent migration issues. It might be argued that current legislative work and accompanying public debates find no parallel in recent post-communist period of the Polish history. Each of initiatives that are presented below involved a long process of negotiations with interested parties and a public debate.

### BLUEPRINTS FOR MIGRATION POLICY

By far the most extensive and important debate was held on Poland's far-reaching migration-oriented strategy. It was initiated and fuelled by the government, which after its failed attempt to encourage returns of post-accession Polish migrants (the campaign "PLan to return") and facing more labour emigration, as Germany and Austria open their labour markets to Polish workers on 1 May 2011, shifted its attention towards (or focused on) potential immigration from non-EU countries.

Indeed, Poland lags behind its western neighbours in regulating and developing services for immigrants. The government's lack of interest in immigrants might well stem from Poland's isola-

tion during the communist era and the self-perception of Poland as ethnically and culturally homogeneous (Iglicka & Ziolk 2010). This is why the government has taken the decisive steps towards reforming Poland's migration policy.

The debate on the strategy was finalised in July 2012 when a document titled "Migration Policy of Poland – the Present State and Suggested Activities" (MSWiA 2012) was adopted by the Council of Ministers<sup>17</sup>. The document was drafted after lengthy consultations with social partners, including NGOs.

That document is to serve as a basis for setting specific migration policy targets, drafting specific laws and other regulations, and promoting relevant institutions in years ahead. It is the first migration policy document adopted by the government of Poland of such political importance, and substantive extent and reach.

In 2009, the debate was initiated by the Inter-Ministry Committee for Migration, which was set up by the prime minister in February 2007. A major objective with which that team was confronted included the co-ordination of various migration policies. In turn, the team created the Working Group for Developing Poland's Migration Strategy. The above-mentioned document was produced by that working group.

<sup>17</sup> [www.bip.msw.gov.pl/portal/bip/227/19529/Polityka\\_migracyjna\\_Polski.html](http://www.bip.msw.gov.pl/portal/bip/227/19529/Polityka_migracyjna_Polski.html) (accessed 5 November 2012).

The document is rather lengthy, but it almost entirely refers to the immigration-related (inflows-related) issues. Only five or so pages contain explicit passages on policy-related questions of the outflows of Poles to other countries. This clearly points to the priorities in migration policies of Poland. Major themes elaborated in the document include various areas of migration policy, such as: Poland's general stand on priorities and administrative procedures concerning legal immigration, prevention and combating illegal immigration, protection of foreign citizens, integration of immigrants, citizenship, returns of ethnic Poles from the former USSR, migration of Poles for work and returning migration of Polish citizens. In addition, the document dealt with the following: the ways of improvement of the respective laws and institutional framework, international determinants or limitations of the policy, the links of migration policy with other policies of the government and monitoring of migration. Even before the document was approved by the government, a number of new specific legislative or administrative initiatives had been undertaken that ensued its letter and spirit.

It would not be an exaggeration to claim that in fact the document is all about the immigration policy, in spite of the fact that Poland continues to be primarily the country of emigration (acknowledged and deplored in many public speeches by highest officials) and where not

only foreigners constitute a tiny minority, but also the inflow from other countries is low and most likely will remain low in near future.

The above prioritisation of migration policy goals and topics, despite the government's concern with continuing outflow of Polish people to other countries, reflects a tendency of "Europeanisation" of Poland's policy and increasingly more active participation in the discussion on common EU migration policy. One of conspicuous examples of this attitude is the Polish government's close cooperation on EU security issues. FRONTEX, the EU agency entrusted with coordinating border security, is based in Warsaw. The Polish government has also supported further harmonising of asylum systems (Iglicka & Ziolk 2010).

### NEW REGULARISATION

Before the government announced the third regularisation programme for undocumented foreigners in 2011 (the first two were carried out in 2003 and 2007), it was believed (and evidenced by reports and estimates commissioned by the government) that tens of thousands foreigners were in clandestine situation in Poland, especially Armenians, Vietnamese and Ukrainians. The members of the two former national groups, whose home countries were a long way from Poland, were believed to be in a particularly precarious situation. That

was the main reason for launching a new regularisation programme.

The regularisation (widely called "abolition" or "amnesty" for foreigners) was based on the "Act on Legalisation of Stay of Some Foreigners in the Territory of Poland"<sup>18</sup>, which on 28 July 2011 was passed by the Parliament. It stipulated that foreign citizens being in Poland in undocumented (illegal) situation could between 1 January and 2 July 2012 apply for legalisation of their stay. The applying foreigners were to meet one basic condition: uninterrupted illegal stay in Poland since at least 20 December 2007 (the date of Poland's entry into the Schengen zone)<sup>19</sup>. Regularisation procedures were to be carried out by governors of the regions of foreigners' actual residence. No economic requirements from illegal foreigners were specified in the act. Successful applicants were to be granted a permission for fixed-time residence (valid for two years), subject to extension. Simultaneously, the act authorised the successful foreign citizens to legal employment on the basis of work contract alone.

### PROCEDURES OF EMPLOYMENT IN CASE OF FOREIGN CITIZENS

In February 2009 a new amendment to the "Act on Promotion of Employment and the

Institutions of Labour Market"<sup>20</sup> became effective. The act substantially simplified the access of foreign citizens from non-EU countries to the Polish labour market.

First of all, five types of work permit were introduced depending on the nature (contract with an employer based in Poland or sub-contracting) and expected duration of employment. The procedures of application for work permit and processing of the applications were shortened and simplified (e.g. a requirement of application for a permit promise prior to entering Poland was given up).

Secondly, the related administrative fees were greatly reduced. Before the act amendment, one universal fee represented the equivalent of a minimum wage while afterwards – several times less (symbolic 50 PLN or around 12 EUR in the case of employment up to three months, 100 PLN in the case of longer employment and 200 PLN in the case of employment in a sub-contracting foreign company).

Thirdly, the act substantially extended the existing list of foreigners who were entitled to automatic granting of work permit, without labour market test. New categories on that list included foreigners in occupations declared (by regional governor in consultation with the representa-

<sup>18</sup> | Dziennik Ustaw 191, 2011, position 1133.

<sup>19</sup> | For rejected asylum seekers Dziennik Ustaw 191, 2011, position 1133.rs willing to apply for regular status under that act, the beginning of the period of the illegal stay was set at 1 January 2010.

<sup>20</sup> | Dziennik Ustaw 6, 2009, position 33.

tives of employees and employers) as deficit ones in a given region, legal foreign residents who lived in Poland for at least three years prior to the application for a permit, and foreign graduates of secondary schools in any country of the EEA (including Poland) or Switzerland who completed their education at least three years prior to the application for a permit.

Finally, the act introduced provisions whose objective was social dumping prevention. Among other things, it stipulated that a foreigner's salary must not be lower than offered to Polish citizens employed for the same job.

#### SIMPLIFIED EMPLOYMENT PROCEDURES CONCERNING WORKERS FROM BEHIND EASTERN BORDER

In addition to special regulations that facilitate the access to the Polish labour market for the citizens of Belarus, Russia and Ukraine (introduced in 2006), in 2009 new regulations further simplified employment procedures for those foreigners, and in addition, they were also addressed to the citizens of Moldova and Georgia.

Initially it was expected that, on the basis of those regulations, foreigners from neighbouring eastern countries will work seasonally in Polish

agriculture, for three months during any six-month period. No work permit was required; instead, the basis for legal work became a declaration by Polish employer of the intention to employ a foreigner (registered in the local labour office). In 2009, these principles were largely extended. Since then the respective regulations pertain to all sectors of the economy, and the maximum duration of employment is six months during any twelve-month period.

In addition, on 28 July 2011 the employers that recruit foreign workers according to those principles became obliged to provide the labour office with the following information (apart from basic identity personal details): occupation, address of the place of employment, expected date of the beginning and end of contract, type of contract and salary offered. The employers were also made responsible for informing the foreigners they intended to hire about the legal provisions concerning the employment of foreign nationals in Poland.

#### THE ACT ON POLISH CITIZENSHIP

After two-decades-long debates, on 2 April 2009, the "Act on Polish citizenship"<sup>21</sup> was finally passed by the Parliament and has been in force since 15 August 2012.

<sup>21</sup> Dziennik Ustaw 0, 2012, position 161 (published on 14 February 2012; enforced since 15 August 2012).

It is worth noting that the act was designed as quite liberal: it gave the governors of sixteen Polish regions a discretionary right of granting the Polish citizenship to foreigners in an almost automatic way, according to a few precise requirements. Those requirements included: three-year residence in Poland (based on the permanent residence permit) or shorter (in special cases, e.g., refugees or persons of Polish descent), a proof of economic stability (accommodation and steady income), a proof of compliance with Polish law and a proficiency in Polish language.

#### LOCAL TRANS-BORDER TRAFFIC WITH THREE POST-SOVIET NEIGHBOURING COUNTRIES

As already mentioned above, the entry of Poland into the Schengen zone in December 2007 drastically affected the cross-border movements of people living on both sides of the eastern boundary of Poland. There was a risk that a new legal situation would impair traditional social and economic ties on both sides of the border. This is why Poland sought special arrangements, in compliance with EU regulations, which would successfully cope with that situation. As a result, border zones for

free movement of people were proclaimed with three neighbouring countries: Belarus, Russia and Ukraine. In the case of Russia, the zone embraced the whole district of Kaliningrad, whereas in the case of Belarus and Ukraine, an area extending to no more than 30 kilometres from the frontier line.

Residents of the border zones were made eligible for multiple visa-free journeys to Poland. The eligibility was subject to a requirement of minimum three-year permanent residence in a border zone. Maximum duration of an uninterrupted stay in Poland was set at 60 days. In order to travel across the border in accordance with those principles, all interested inhabitants of border zones had to acquire a special document called "local border traffic permit". The validity of that permit is two years, with a possibility of extension for the period of further five years.

The respective agreement between Poland and Ukraine was signed already in 2008, and it came into force on 1 July 2009. The agreements with Belarus and Russia were signed in 2010: the one with Russia was enforced in the middle of 2012, whereas the agreement with Belarus still awaits final approval on the part of that country. M



## RESETTLEMENT OF RECOGNISED REFUGEES TO POLAND

In a solidarity gesture with countries receiving asylum seekers in crisis periods, on 28 July 2011, the Parliament approved an amendment to the “Act on Providing Foreigners with Protection on the Territory of Poland”<sup>22</sup>. This made it possible for relocation to Poland people from other countries of the EU or the third countries who were recognised in those countries as “Geneva convention refugees” by the UNHCR. The act empowered the Council of Ministers with a right to issue an ordinance specifying the number (quota) of refugees who could be resettled to Poland in a given year, the countries from which those refugees might be transferred, and the financial resources to cover the costs of resettlement and adaptation in Poland.

## ADMISSION OF RUSSIAN NATIONALS, REFUGEES FROM CHECHNYA

In 2010, the Office of Foreigners signalled a decline of the inflow of asylum seekers from Chechnya and a growing proportion of refusals to grant those migrants international protection. The office suggested that this stems from an

increase of economically-motivated migrants in the total of asylum seekers and improved safety of the population in Chechnya (due to completion/reduction of military action by both rebels and the regional government). This view was strongly challenged by some NGOs, who believed the main reason for the position taken by the Office for Foreigners was to warm Polish-Russian political relations.

## ACCESS TO EDUCATION FOR IMMIGRANT CHILDREN

For some time until recently, it had been widely known that public educational institutions “tolerated” pupils/students whose residential status was undocumented. This practice was legitimised on 1 April 2010, when the Ministry of Education introduced new legal provisions<sup>23</sup> which facilitated the access to formal education in Poland for foreign children, irrespective of their residential status. On the basis of this regulation, all children of foreign nationality, including those whose parents are undocumented residents, have a right to unpaid education in all public schools (from pre-school to secondary level). Moreover, a special assistance was envisaged to foreign children who do not know Polish language<sup>24</sup>.

<sup>22</sup> | Dziennik Ustaw 191, 2011, position 1133, Dziennik Ustaw 291, 2011, position 1707.

<sup>23</sup> | Dziennik Ustaw 57, 2010, position 361.

<sup>24</sup> | Ordinance of the Minister of Education, published in Dziennik Ustaw 61, 2011, position 306 (in force since 6 April 2011).

## CONCLUSION: FUTURE CHALLENGES

Migration analysts and policy-makers are increasingly ready to acknowledge that the transition of Poland’s migration status from net emigration to net immigration country is neither straightforward nor quick process, as it seemed twenty or even ten years ago. The outflow of people continues and the proportion of Polish migrants who tend to settle in a foreign country is growing, and on the other hand, neither the inflow of foreigners nor return migration is taking sizeable scale. Moreover, incoming foreign migrants perceive Poland rather as a transit country or a country for a short-term stay.

New, more active and immigrant-friendly approach to migration policy has already been visible for recent five years. It was manifested in many legislative initiatives directed at foreign citizens, which are – unlike in a not-too-distant past when they were primarily concerned with the control of foreigners entry and stay in Poland – aimed at facilitating their life and work. A framework which in the years to come will set favourable conditions for immigrants flows and integration in Poland is to be a novel aliens act.

As a matter of fact, on 16 August 2011 a draft of the act that emerged after inter-ministry con-

sultations was adopted by the Polish government. Many provisions of the act were made coherent with the spirit and letter of the document, then under preparation, titled “Migration Policy of Poland”<sup>25</sup>. Subsequently, the draft was sent for consultations with the social partners and it has been analysed by the Government Legislation Centre, and it is expected that soon a revised version of the act will be submitted for parliamentary debate. The act follows respective EU directive, and envisages a radical simplification of the administrative procedures related to labour inflow, such as introduction of a single permit combining residence and work, strong preferences for skilled labour (including regulations of EU blue card), and long-term residents (extension of the duration of permitted stay in Poland from two to three years for temporary migrants), and facilitation of foreign students stay and employment. In addition, the new aliens act – foreseeing effective integration measures – links the settlement in Poland to a basic knowledge of Polish language (A2 level). The act will be supplemented (and in a way supported) by another important new legislative effort – the act on sanctions against employers who breach legal provisions concerning foreign workers. It is worth noting that so far the provisions of the new aliens act have not evoked major political controversy.

<sup>25</sup> | See note 17.

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