

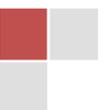
Temporary and circular migration in Poland: empirical evidence, current policy practice and future options

Reference Years: 2004-2009

Prepared by: Polish National Contact Point to the European Migration Network

The EMN was established via Council Decision 2008/381/EC and is financially supported by the European Union.

May 2011



The Ministry of the Interior and Administration,
acting as the coordinator of the Polish National Contact Point
to the European Migration Network (EMN)
acknowledges funding from the European Community
via the European Commission's
Directorate General for Home Affairs
—Solidarity and Management of Migration Flows
programme. The EMN was established by
Council Decision 2008/381/EC in order to provide
up-to-date objective, reliable and comparable information
on migration and asylum to Community institutions,
Member States authorities and to general public,
with a view to supporting policy-making in the EU.

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Executive summary

Poland is not the destination country for typical settlement migration. Its geopolitical situation (and the historical background to some extent) as well as economic conditions make Poland the destination of short-term migrations. Despite the influx of immigrants observed in the last few years, there are still relatively not significant stock of immigrants in Poland. Therefore, the issues related to migration have been neglected for a long time in the political sphere; they were the focus of researchers and practitioners, i.e. representatives of institutions responsible for particular aspects related to foreigners residence in Poland, and non-governmental organisation dealing with generally understood support for foreigners living in the Republic of Poland.

The importance of the issue of immigration in Poland increased after Poland's accession to the EU. On the one hand, it was necessary to adapt the national law on foreigners to European standards, and on the other hand, due to negative effects of post-accession emigration of Poles to some EU Member States, the demand for foreign workers appeared on the labour market, especially in agriculture and construction. In the period constituting the time framework for this study, i.e. 2004-2009, the dynamics of economics was high which influenced small and medium-sized companies as well as small businessmen. The issue of immigrants' presence in Poland started to be raised more often in public discussions. The gradual simplification of access to the Polish labour market for foreigners introduced by the authorities, including in particular the pilot "simplified" system for short-term employment of workers (from eastern neighbouring countries) without the need to obtain a work permit, was of great importance not only by stimulating supply of necessary workers, but also as a tool for fighting against *grey economy* in Poland. The simplified system ("declaration-based") will be described in detail in the second part of the Report. It needs to be emphasised that it is not one of the typical circular migration programmes based on international bilateral agreements and developed for the purpose of attracting "guest workers", which were applied in some Western European countries. Nevertheless, it includes some elements encouraging this form of mobility.

Immigration to Poland is generally driven by financial reasons – migrants are interested in taking up employment, which allows them and their family members to have a higher standard of living in their country of origin; the difference in the levels of remuneration offered definitely make Poland more attractive for foreign nationals. It is common, with a few exceptions, to treat Poland as a workplace and maintain "home" in the country of origin at the same time.

The second channel of temporary immigration to Poland is related to taking up and continuation of studies. In this group of immigrants, students of Polish origin clearly stand out; not only do they outnumber other students, but also, unlike their colleagues from Western European or African states, they treat Poland as a country where at least some of them may start their professional career.

Foreigners of Polish origin may expect some preferential treatment regarding migration to Poland. For years, there have been some actions taken towards this group as a kind of moral compensation for all the barriers and impediments limiting their contacts with their homeland in the years preceding political transformation.

As the Polish eastern border is at the same time the European Union external border, it seemed necessary in this study to address the issue of border region mobility, especially in terms of Local Border Traffic agreements.

On the basis of available statistic data gathered by various institutions for the purpose of administrative proceedings concerning foreigners, it is possible to outline the picture of migration in Poland. The picture is not complete though, since the available data offer quite a

narrow and incomplete range of information – for obvious reasons it is impossible for the official statistics to establish the exact number of foreigners remaining in the grey zone. In this context, the results of research conducted in 2008 by Ukrainian institutions on external migration of Ukrainian nationals as well as various research on migration to Poland carried out by the Centre of Migration Research [Ośrodek Badań nad Migracjami] are extremely interesting.

The years to come may appear to be very interesting, comparable in a way to the period before the accession of Poland to the EU. Poland, similarly to other EU Member States, will face the challenge of adaptation its national legislation to the requirements resulting from the drafted new package of directives promoting legal economic migration. The strategic documents, elaborated by various ministries, including the document created by Interministerial Team for Migration, the advisory body for the President of the Council of Ministers, will serve as an indicator for the works on the national level.

The scenario assuming radical changes in mobility pattern observed in the territory of Poland at present seems to be unrealistic. Temporary and circular migration will remain the most beneficial options both for Poland as a host country and for immigrants themselves.

1. Introduction: purpose and methodology followed

This Report has been developed under the European Migration Network, in accordance with its Action Plan for 2010. Similarly to national reports prepared by other countries involved in the EMN's activities, it covers the five-year period between 2004 and 2009. The Report is targeted at the National Contact Points of the European Migration Network, the European Commission, policy-makers both at the national and European level, national implementing institutions and the society – non-governmental organisations, research institutes and stakeholders.

This study was undertaken by the European Migration Network in an attempt to understand the characteristics of temporary and circular migration of third-country nationals in EU countries, to review and analyse the existing statistical data and practical evidence for the circular and temporary nature of migration, as well as to gather the visions, concepts and views of various institutions and entities on both types of migration.

Systematising this knowledge in a joint report presenting both temporary and circular migration at the European level is supposed to support taking decisions and promoting solutions which will combine the interests of countries accepting migrants and countries of their origin with the well-being of individuals who decide to obtain employment or knowledge and experiences abroad.

Methodology

This Report has been prepared by the Polish National Contact Point (NCP) of the European Migration Network (EMN). At present, the Polish NCP consists of the representatives of the Ministry of Interior and Administration (National Coordinator), the Ministry of Labour and Social Policy, the Office for Foreigners, the Border Guard Headquarters and the Central Statistical Office. The main contribution to report development was made by the Migration Policy Department within the Ministry of Interior and Administration, whose activities include spreading knowledge of issues related to the Polish migration policy.¹ The Report is based exclusively on the desk research method - sources of information are coming from public institutions responsible for creating the migration policy, including in particular labour market needs, as well as materials and publications developed by scientific centres which have been dealing with migration issues for many years and are strongly interested in producing recommendations on this issue.

The main sources of information were the existing databases of institutions responsible for particular aspects related to migration. Individual parts of the Report were developed based on the data prepared by the Ministry of Labour and Social Policy, the Central Statistical Office, the Main Headquarters of the Border Guard and the Office for Foreigners, as well as based on studies and research resulting from the work of scientific and research centres. The Report uses also information coming from extensive research conducted by Ukrainian entities in 2008, devoted to the issue of external migration of Ukrainian nationals – a country whose nationals are the most represented group in all statistics related to employment in Poland.

Due to restrictions on the volume of national EMN reports, this Report intentionally focuses on selected issues. Readers interested in the issues of foreigners' presence on the Polish labour market will find plenty of interesting information in another report developed by the Polish

¹ Ordinance No. 33 of 28 March 2008 of the Minister of the Interior and Administration on defining the organisational regulations for the Ministry of Interior and Administration, determines by § 19 of the Appendix to the aforementioned Ordinance that the Migration Policy Department is, among other tasks, in charge of co-ordinating activities related to the state's migration policy and international cooperation in this field.

EMN's NCP entitled "*Satisfying Labour Demand through Migration*", available on the European Migration Network website.²

Definitions

In Poland, the term "circular migration" is relatively new and it functions mainly in scientific debates and studies. It is not present *expressis verbis* in existing national legal acts. Until now, it has been much more common to distinguish between temporary migration (seasonal or periodic) and permanent migration (for an indefinite period of time), where the type of migration depended on the time factor and the intention to move permanently or temporarily. In the case of official statistics, the key factor was notifying the authorities about a change of place of permanent residence (in the case of Polish nationals) or registering in the new country of residence, in accordance with the applicable provisions.

Furthermore, research on migration concerned mainly Poles emigrating from Poland for the economic purposes, as the foreigners' interest in migrating to Poland used to be and still is marginal as compared to the population of Poland.

As it is frequently emphasised in the literature on the subject, until recently migration has been understood as these types of mobility that were related to changing the place of permanent residence.³ Any attempt at further defining "migration" with regard to the criterion of time, i.e. the minimum period of stay in a new place of residence, was disputable. While the attitude to permanent migration, which meant moving the centre of personal interests to a new country with an intention of settling there permanently, was relatively undisputable, the researchers differed in their views on short-term/temporary migration – the common denominator was the lack of motivation to stay permanently outside one's country of permanent residence, whereas there were differences regarding the duration of staying abroad. The most frequent period of staying outside the place of permanent residence was 12 months (according to some sources – starting from 3 months).

For the purposes of this Report, the definition of a "temporary migrant" used herein coincides with the definition provided for in the EMN's Asylum and Migration Glossary, i.e. refers to a person migrating for a specific motivation and/or purpose with the intention that afterwards there will be a return to country of origin or onward movement.⁴

In the case of migration considered as circular in the context of Poland, the definition from the EMN's Glossary⁵ will not be fully applicable. The common element is the lack of

² www.emn.europa.eu

³ Paweł Kaczmarczyk, *Migracje o charakterze cyrkulacyjnym a inne formy mobilności terytorialnej w świetle doświadczeń badawczych* [Circular migration and other form of territorial mobility in the light of research experience], Series: PRACE MIGRACYJNE, No. 45, Institute of Social Studies, University of Warsaw, 2002.

⁴ <http://emn.intrasoft-intl.com/Glossary/viewTerm.do?startingWith=M&id=181>

⁵ The two main forms of circular migration which could be most relevant in the EU context are:

(1) Circular migration of third-country nationals settled in the EU

This category of circular migration gives people the opportunity to engage in an activity (business, professional, voluntary or other) in their [country of origin](#) while retaining their main residence in one of the Member States. This covers various groups, for instance:

- Business persons working in the EU and wishing to start an activity in their country of origin (or in another [third country](#)); and
- Doctors, professors or other professionals willing to support their country of origin by conducting part of their professional activity there.

(2) Circular migration of persons residing in a third country

Circular migration could create an opportunity for persons residing in a third country to come to the EU temporarily for work, study, training or a combination of these, on the condition that, at the end of the period for which they were granted entry, they must re-establish their main residence and their main

intention to change the place of residence for a longer period of time or permanently, whereas in the context of foreigners arriving in Poland it is worth stressing the primarily cyclical and repetitive nature of this form of mobility, which is why this particular term is used. The driver of circular migrations is the economic factor, which means that mobility is related to taking up employment outside the country of permanent residence, while preserving the ties with household members.

The notion of “seasonal migration” is used in the Polish literature and scientific studies mainly in the context of economic migration of Polish nationals to Western European countries, in particular migration to Germany⁶ – Polish workers took up seasonal employment in Germany under the agreement on employing workers, signed in December 1990.

For the purposes of this Report, the following definition of seasonal migration from the publication of the Centre of Migration Research by Ewa Kępińska will be used: seasonal migration is territorial mobility of less than a year, is not associated with relocation of permanent residence, is linked to seasonal demand for labour force at destination country, and is usually repetitive. The main purpose of thus defined mobility is taking up employment in the destination country and spending most of the money earned in the country of residence on the needs of one’s household. An important feature of thus defined mobility is its potential for creating and developing a network of migration ties.⁷

Following the author of the above mentioned study, seasonal migration will be distinguished herein from other types of migration of a similar character. Therefore, “short-term” and multiple temporary migrations are divided into:

- migration to work in those economy sectors, where the demand for workers is seasonal (i.e. agriculture or construction, with the reservation that the latter stops being treated as a seasonal industry owing to the technological progress or climate changes), i.e. seasonal migration, and
- other types of migration not dependent on the seasonal character of production, called circular migration or mobility.

Under numerous other aspects seasonal migrations and circular migrations are very similar: jobs taken up by migrants in fact do not require any qualifications, both types of migration are short-term and repetitive, and the motivation to take up such jobs is to earn to support the

activity in their country of origin. Circularity can be enhanced by giving [migrants](#) the possibility, once they have returned, to retain some form of privileged mobility to and from the Member States where they were formerly residing, for example in the form of simplified admission/re-entry procedures.

This category covers a wide array of situations, spanning the whole spectrum of migrants, including:

- Third-country nationals wishing to work temporarily in the EU, for example in seasonal employment;
- Third-country nationals wishing to study or train in Europe before returning to their country;
- Third-country nationals who, after having completed their studies, wish to be employed in the EU (for example as trainees) to acquire professional experience which is difficult to obtain at home, before returning;
- Third-country [researchers](#) wishing to carry out a research project in the EU;
- Third-country nationals, who wish to take part in intercultural people-to-people exchanges and other activities in the field of [culture](#), active citizenship, education and youth (such as, for example, training courses, seminars, events, study visits);
- Third-country nationals who wish to carry out an unremunerated voluntary service pursuing objectives of general interest in the EU.

⁶ Antoni Rajkiewicz, Joanna Korczyńska, *Sezonowe wyjazdy zarobkowe Polaków do Niemiec* [Seasonal labour migration of Poles to Germany], Wydawnictwo Naukowe Scholar, Warszawa, 2003; Kaczmarczyk & Łukowski, *Polscy pracownicy na rynkach pracy Unii Europejskiej na przełomie wieków. Konsekwencje ekonomiczne i społeczno-kulturowe procesów integracji polskiego rynku pracy z rynkiem pracy Unii Europejskiej* [Polish employees on the European Union markets at the turn of centuries. Economic and socio-cultural consequences of the Polish labour market integration with the European Union labour market] 2004; Ewa Kępińska, *Migracje sezonowe z Polski do Niemiec* [Seasonal Migration from Poland to Germany], Wydawnictwa Uniwersytetu Warszawskiego 2008.

⁷ Ewa Kępińska, op.cit., p. 61.

needs of family members left in the country of permanent residence, which is the centre of the migrant's personal interests.⁸

In accordance with the European Commission's proposal for a definition of seasonal migration (in documents on limitations on admission of third-country nationals to the territory of the Member States for employment), this concept would cover people obtaining a permission to enter and work in the territory of a given country for 6 months during the whole calendar year. Thus, this definition might include foreign workers benefiting in Poland from the opportunities created by the so-called "simplified system" (presented in Chapter II) introduced in 2006, which facilitates taking up short-term legal employment. Foreigners intending to take up seasonal employment in the territory of Poland may apply for a relevant visa pursuant to Article 26(1)(5) of the Act on Foreigners.⁹ This provision stipulates that a national visa can be issued for the purpose of work in a period not exceeding 6 months during the consecutive 12 months based on a statement about the intention to offer a job, registered in a poviata labour office. Therefore, given the character of work (mainly in agriculture and construction), only those nationals of Russia, Ukraine, Belarus and Moldova, who enter the territory of Poland based on the so-called employer's statement of employment, will be included in statistics concerning seasonal economic migration presented in this report. Due to the spontaneous character of the above mentioned migration movements, migrants from neighbouring countries who enter Poland in order to work for 6 months during the consecutive 12 months are usually popularly understood as circular and not seasonal migrants.

In the context of geographical and political location of Poland, the report also pays attention to a specific form of mobility, i.e. local border traffic.¹⁰ Local border traffic (LBT) is a form facilitating border crossing for inhabitants of border area of both neighbouring countries. Under the Local Border Traffic regime, they can regularly cross the common border in order to stay in a border area of the other country. Such crossing might occur for social, cultural or family reasons as well as substantiated economic reasons (other than economic activity). As those persons are recognised the persons who have had a documented place of permanent residence in the border area for at least 3 years, as well as their spouses and children (major and minor) dependent on them for support. The basis for border crossing under Local Border Traffic is the possession of a document called a "permit" which authorises the holder to stay in the border area of the other country for up to 60 days each time since the day of border crossing, but for no longer than a total of 90 days during every period of 6 months since the day of the first border crossing. As of 1 July 2009, the above mentioned facilitation applies to the Polish-Ukrainian border. In the future, LBT is expected to be established on the Polish-Belarusian and Polish-Russian borders.

The report also addresses the issue of enrolling in higher education in Poland by foreign students, which is a specific form of temporary migration. Studies are treated by foreigners as an opportunity to get an education, which is later used in migrants' countries of origin or in the countries they will decide to move to after leaving Poland. In this context, educational migration falls within the scope of temporary migration, which is fully consistent with the definition from the EMN's Glossary quoted in footnote 4.

⁸ Ewa Kępińska, *op.cit.*, p. 64-66.

⁹ Act of 13 June 2003 on Foreigners (Dz. U. of 2006, No. 234, item 1694, as amended)

¹⁰ According to the EMN's Glossary, local border traffic is defined as: "The regular crossing of an external land border by border residents in order to stay in a border area, for example for social, cultural or substantiated economic reasons, or for family reasons, for a period not exceeding three months".

2 . Approach to temporary and circular migration in Poland

2.1 Vision, policy and programmes concerning temporary and circular migration

Poland does not have a formulated migration policy, covered in one consistent document so far.¹¹ Therefore, the attempt to define the Polish authorities' vision of temporary and circular migration required analysing numerous documents developed by individual departments, written justifications attached to draft legal acts regulating particular aspects related to migration etc.

It can be certainly stated that the Polish authorities support all solutions encouraging legal forms of migration, and fighting illegal migration, being the key source of potential threats for immigrants themselves, is one of the key tasks of respective bodies and institutions. However, the gradual facilitation of legal migration, especially for economic purposes, in the period concerned were *ad hoc* responses of the Polish authorities to the changing economic situation of Poland and the labour market developments rather than an implementation of particular stages of a strategy accepted beforehand.

The range of economic migration to Poland can be assessed as scarce, while its current significance for the Polish economy and impact on the labour market functioning as marginal. As a result of the above mentioned facts, immigration has not been treated as an important instrument for supporting the domestic labour market and economy yet, and the Polish authorities do not pursue a complex policy aimed at recruiting foreign workers.

In the relevant period, the attitude towards the foreigners' presence on the Polish labour market has changed significantly – from the “protection” of domestic market, caused by high unemployment of Polish nationals, to simplifying procedures and exempting consecutive groups of foreigners from the obligation to possess a work permit to work in Poland. The prevailing thesis of strategic and programme documents is that economic immigration is not going to replace the domestic supply, but it is and will be complementary to it.

Both the Polish authorities and the Polish employers, representatives of migration organisations as well as representatives of research centres agree on the fundamental principle of the Poland's future migration policy, namely that it should facilitate introducing solutions suited to the needs of individual groups of immigrants and promote flexible mechanisms of responding to the changing needs of labour market, depending on the developments in economic situation.

The State's duties concerning employment promotion, mitigating the results of unemployment and professional activation are fulfilled based on the National Employment Action Plan (NEAP)¹² adopted by the Council of Ministers, including the principles of implementing the European Employment Strategy, and the initiatives of gmina, powiat and voivodeship self-governments, and social partners. The National Employment Action Plan for years 2009-2011 was developed by the Interdepartmental Team appointed to this task by the Minister of Labour and Social Policy. This document is adopted by the Council of Ministers for the purpose of official approval of the dimensions of employment policy implemented by the Government in period covered by the Plan.

¹¹ Work on development of Polish Migration Strategy have been carried out in a framework of the interministerial Committee for Migration –a consultative and advisory organ to the Prime Minister. A document is currently subjected to the public consultations.

¹² National Employment Action Plan for the years 2009-2011 constitutes an Annex to Resolution No. 111/2010 of the Council of Ministers of 14 July 2010.

The Plan covers a three-year perspective under which a number of activities to be undertaken in the area of employment were planned. The identified challenges (increasing the professional activity of Poles) and threats (a slowdown in economic growth) provided the basis for determining priorities that will be realised by the activities specified in the NEAP. In general it is assumed that the migration policy should include as one of its components the labour market policy, which on the one hand is supposed to ensure that the labour force deficits in the labour market are addressed, but on the other to prevent potential negative impact of immigration on employing national workers, in particular those whose situation on the labour market is specific. Foreigners are named as one of the groups requiring support in order to integrate in the labour market and according to the authors of the document, a comprehensive system facilitating this integration should be developed and implemented. In detail, it is proposed under Priority 2 “Efficient Labour Market” to “create a migration policy for the labour market needs” (2.6), including the “development and implementation of a new system for admitting foreigners to the Polish labour market” (2.6.1) in order to make legal employment in Poland more attractive for foreigners and limit the range of illegal employment at the same time.¹³ The predicted effect of such actions might be the creation of mechanisms facilitating taking up employment by foreigners possessing high and specialist qualifications necessary for the Polish economy. This document also pays attention to the fact that one of the main features of the Polish labour market (which is important in the context of circular migration) is its seasonality, which clearly results from the data on the level of registered unemployment.

In another document entitled *Polityka migracyjna Polski – stan obecny i postulowane działania* [Poland’s migration policy – the current situation and the proposed measures]¹⁴ it is underlined that after two decades of [political and economic] transformation, international migration does not play a significant role in the Polish society due to its limited range. It has been noted, however, that its significance on the Polish labour market has largely increased in the last years. It can be thus assumed that this tendency will continue to reinforce. Given the predicted changes in Poland’s demographic structure and the social and economic structure, Poland may soon need a significant strengthening of labour supply. These two observations point to the conclusion that the Polish migration policy should be, at least in the short-term, subordinated to the labour market needs. It should also be proactive to a much larger extent than so far, i.e. searching for optimum solutions from the point of view of economic development of the country. The document states that one of the results of emigration and Poland’s developmental needs in the medium and long term perspective is the necessity to address labour force deficits and the decreasing number of inhabitants by increasing the inflow of immigrants. It is also noted in the document that with the presence of more numerous groups of foreigners, specific relations with their countries of origin evolve, which usually lead to strengthening bilateral relations, economic and cultural contacts, and increasing the movement of persons.

The document proposes, *inter alia*, to simplify procedures and strengthen the structures responsible for migration, define the categories of foreigners that are of specific importance from the point of view of Polish interests. It recommends redeveloping the system for integrating foreigners and monitoring their situation as well as increasing the role of non-governmental organisations as well as scientific and research entities dealing with the wide range issues of migration. In order to strengthen the presence of economic migrants in Poland, it would be therefore appropriate to introduce, among other things, mechanisms for systematic monitoring of the demand and supply on the labour market, so as to respond flexibly to the

¹³ The actions planned include: introducing legal changes concerning the employment of foreigners, introducing mechanisms monitoring economic immigration, working on the implementation of Community legal acts developed under the Policy Plan on Illegal Migration, etc. NEAP, p. 76.

¹⁴ Working title, document not yet published.

demand for workers. The principles of complementarity in accepting economic immigrants, rationing in employing foreigners and applying the system of subjective (*depending on the residence status of a foreigner*) and objective (*depending on type of work performed by the foreigner*) exemption should also be preserved. The document discusses the issue of promoting circular migration, promoting further development of simplified rules of taking up employment in Poland (the system of statements) and creating an active recruitment system (e.g. by concluding appropriate bilateral agreements). At the same time, it is necessary to remember to identify geographical preferences while introducing simplifications in terms of employees' recruitment. Furthermore, it seems desirable to give preferential treatment to foreigners legally staying in Poland in terms of access to the labour market, to apply facilitations for investors, foreign workers possessing qualifications necessary from the point of view of the Polish labour market, high-qualified workers, graduates from Polish and leading foreign educational institutions. From the perspective of foreigners interested in taking up employment in Poland, an equally important recommendation is to ensure greater transparency of the applicable provisions.

According to the authors of another document, a report entitled *Polska 2030* [Poland 2030]¹⁵, immigration is considered in the context of searching for a long-term solution for Poland's demographic problems. It is not perceived as a remedy for the difficult demographic situation in the country, which does not mean, however, that migration policy should not be pursued. On the contrary, one should do everything to prepare Poland for the situation of an immigration country, which can occur indeed in the long term. Immigration is perceived as a factor mitigating labour force deficits. In this context the priority actions are those aimed at:

- 1) Monitoring the needs of the Polish labour market and adjusting the migration policy instruments to it (including using active instruments, such as concluding bilateral agreements or partnerships concerning the inflow of migrants from third countries);
- 2) Facilitating economic and social integration for immigrants and protecting them against social exclusion.

In order to understand thus defined vision of the migration policy, it is necessary to present the Poland's migration situation in the five-year period covered by this report by referring also to the preceding period in which the phenomenon of temporary migration of foreigners to Poland began possible from the formal perspective.

The time framework specified for this report starts in 2004 which is of a fundamental importance for the migration situation of Poland. Following Poland's accession to the European Union on 1 May 2004, Polish nationals could exercise the right to free movement of persons within the EU and obtained an access to labour markets of some European countries. The range of post-accession migration turned out to be huge and dynamic. As estimated by the Central Statistical Office, in 2008 around 2.3 million of permanent residents of Poland temporarily stayed outside Poland's borders. Furthermore, emigration was frequently the choice of people with relatively high qualifications. The phenomenon did not remain indifferent to the situation of the Polish labour market and the emerging interest in accepting immigrants.

One year earlier, the legislation on foreigners was divided into some pillars: in June 2003 the Act on Foreigners¹⁶ was adopted (regulating such issues as the conditions of foreigners' entry into and residence in the territory of Poland) and the Act on granting protection to foreigners within the territory of the Republic of Poland¹⁷ (regulating the rules, conditions and

¹⁵ Report *Poland 2030* prepared by the Team of Strategic Advisers to the Prime Minister, edited by Michał Boni, the Chancellery of the Prime Minister, 2009.

¹⁶ Act of 13 June 2003 on Foreigners (Dz. U. of 2006, No. 234, item 1694, as amended).

¹⁷ Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Dz. U. of 2009, No. 189, item 1472).

manner of granting protection to foreigners and the appropriate authorities responsible for these issues). A separate act regulated the issues related to the rules and conditions of entry into and residence in the territory of the Republic of Poland of the nationals of European Union Member States and their family members.¹⁸

The year 2004 was also important from the point of view of regulating foreigners' access to the Polish labour market. It was when the Act of 20 April 2004 on employment promotion and labour market institutions¹⁹ entered into force and replaced the previously binding act regulating the issues of foreigners' access to the Polish labour market. The structure of this Act corresponded to the situation on the labour market, which was characterised by a very high level of unemployment registered²⁰ in the years preceding this Act's entry into force.²¹ Therefore, the regulations stemming from this Act reflected the belief that the labour market needs to be protected against the feared excessive inflow of foreigners. The rules of foreigners' access to the labour market were restrictive. The procedure for obtaining a work permit was two-stage. The issue of permit followed the issue of the so-called "*przrzeczenie*" [pledge/promise], which significantly extended its duration. The issue of permit entailed high costs – the cost of issuing a work permit was an equivalent of the minimum national salary. Furthermore, an employer applying for a permit to employ a foreigner had to fulfil numerous formalities, which very often discouraged them from engaging in this kind of activity. Therefore, illegal employment was easier for both the employer and the employee. The complex procedure for obtaining a work permit and the respective costs unfortunately favoured the maintenance of *grey economy*. The application for a work permit was cost-effective only in the case of foreigners who were supposed to be highly placed and stay in Poland for a longer period of time.²²

¹⁸ The Act of 27 July 2002 on rules and conditions of entry and residence of the citizens of the EU member states and their family members on the territory of the Republic of Poland (Dz. U. of 2002, No. 141, item 1180) entered into force on 1 May 2004. It was replaced by the Act of 14 July 2006 on entry on the territory of the Republic of Poland, residence on and exit from that territory of the citizens of the member states of the European Union and their family members (Dz. U. of 2006, No. 144, item 1043, as amended).

¹⁹ Act of 20 April 2004 on employment promotion and labour market institutions (Dz. U. of 2008, No. 69, item 415, as amended).

²⁰ According to the definition, registered unemployed are persons unemployed and not performing any other gainful work, able and willing to take full-time job (or in the case of disable persons – able and willing to take at least half-time job), are not studying, except for schools for adults or higher educational institutions offering evening or extramural education, registered in a poviat labour office responsible for the place of residence (permanent or temporary) and looking for employment or other gainful work, if they:

- are over 18,
- are below: women- 60 years, men – 65 years of age,
- have not acquired the right to retirement or disability pension, training pension, social pension, do not receive pre-retirement benefit or allowance, rehabilitation benefit, sickness or maternity benefit,
- do not own an agricultural property with arable land of over 2 conversion ha, are not covered by retirement and disability insurance on account of permanent employment as a spouse or household member in an agricultural holding with arable land exceeding 2 conversion ha,
- have not undertaken non-agricultural activities or are not required – pursuant to separate provisions – to be covered by social insurance, except for social insurance for farmers,
- do not receive monthly income exceeding half the minimum salary for work, excluding income from funds accumulated in bank accounts.

²¹ The unemployment rate in 2002-2003 amounted to approx. 20%. For comparison, in December 2004 the unemployment rate amounted to 19%, December 2005 – 17.6%, December 2006 – 14.8%, December 2007 – 11.2%, December 2008 – 9.5%. The rate of unemployment registered in Poland increased to 11.9% in December 2009.

²² In terms of foreigners' employment in Poland, a two-segment labour market has evolved, which is characterised by, *inter alia*, a small scale of legal employment of foreigners (around 20 thousand) and at the same time many times larger illegal employment (estimates range from 50 to even 300 thousand workers). A significant majority of foreigners found a job in the second labour market segment

This approach has gradually softened in the context of an increasing demand for higher labour supply in the light of a very good economic situation observed in Poland in 2006-2007. The necessity to take steps facilitating legal employment of foreigners in Poland resulted also from the situation on the Polish labour market, which was the consequence of low professional activity of the Polish society²³, as well as the negative effect of educational reform conducted in 2001, which caused a mass closedown of vocational schools and, as a result, a lack of people with specific technical qualifications and skills. In such conditions the outflow of Polish employees from the labour market following the post-accession migration to the EU countries, mainly Great Britain and Ireland, was particularly acute. Moreover, numerous economy sectors (agriculture, fruit farming, horticulture, construction) experienced a significant labour force deficit. Representatives of these industries demanded that the Polish authorities introduce mechanisms for recruiting workers in a fast and flexible manner.

For the above mentioned reasons, in 2006 the Ministry of Labour and Social Policy introduced a number of provisions facilitating foreigners' access to the labour market in Poland, including provisions which provided for the possibility of taking up seasonal (temporary) employment by foreigners without the necessity to obtain a work permit. Initially, these provisions covered the nationals of countries neighbouring with Poland, i.e. Belarus, Russia and Ukraine, and then the nationals of countries that Poland cooperates with within the Mobility Partnerships, i.e. Moldova and Georgia. The introduction of these provisions resulted in launching an important inflow channel of economic migrants within legal circular migration which will be discussed in the next subchapter. Directing attention at potential workers from the East was a clear consequence of political commitments, geographical vicinity and their actual presence on the Polish labour market.

It is worth noting that a significant factor for the occurrence of the phenomenon of immigration to Poland was the political and economic transformation in Central and Eastern European countries in the 1990s. Political changes enabled the nationals of Poland and post-Soviet states to go abroad, while the introduction of economic reforms made new Eastern European markets more attractive for foreign investors, on one hand, but brought a radical change of living conditions and a marked lowering of living standards, on the other. This period is also the onset of mass establishment of private companies, which due to the collapse or privatisation of many unprofitable state enterprises soon became the main entities creating new jobs for employees subject to mass dismissals.²⁴ As regards the immigration to Poland in that

(construction, agriculture, domestic help and palliative care, gastronomy). The nationals of the Former Soviet Union dominated in this segment. Employment in the first labour market segment was found mainly by the nationals of countries being the primary foreign investors in Poland (Germany, France, the USA and Italy). Its characteristics include high earnings, adjustment to the needs of modern economy and high professional mobility – source: Joanna Korczyńska, Maciej Duszczyk, *Zapotrzebowanie na pracę obcokrajowców w Polsce. Próba analizy i wniosków dla polityki migracyjnej* [Demand for foreign labour force in Poland. An attempted analysis and conclusions for the migration policy], the Institute of Public Affairs and the Polish Chamber of Commerce, 2005,

[http://www.kig.pl/assets/upload/Opracowania%20i%20analizy%20/zapotrzebowanie na prace obcokrajowcow w polsce.pdf](http://www.kig.pl/assets/upload/Opracowania%20i%20analizy%20/zapotrzebowanie%20na%20prace%20obcokrajowcow%20w%20polsce.pdf)

²³ For the purposes of developing the National Employment Action Plan for the years 2009-2011, referred to in this Chapter, a diagnosis of the Polish labour market has been prepared. Although it mainly refers to the current situation, some characteristic feature of the market, such as high unemployment among young persons, long-term nature of unemployment, differences in the unemployment level on a national level, a low level of interregional mobility and flexibility of Polish employees, early professional deactivation of the 50+ age group, the structural mismatch of a significant part of labour force in Poland resulting from inappropriate education structure and system applied in the past, used to be and still remain unchanged.

²⁴ As the beginning of a new generation of enterprises in Poland one should consider the date of 13 July 1990, when the Act on privatisation of state-owned enterprises (Dz. U. of 1990, No. 51, item 298) was adopted, based on which privatisation processes were launched and are continued up until today.

period, Polish researches dealing with the phenomenon of immigration distinguish several groups: highly qualified employees being the nationals of Western European countries and the USA, delegated to Poland in order to expand their companies into new markets, including the Polish market; the nationals of countries neighbouring Poland to the East, mainly Ukraine, Russia and Belarus who, given the cultural and geographical vicinity arrived in Poland, especially for economic purposes, taking up seasonal jobs and trying their hand at small trading; and foreigners from countries remote from Poland, for which Poland was supposed to be only a stop on their way to the west of Europe.

Mentioning the early days of immigration in this report seems justified, since the patterns of economic mobility of immigrants already began originating in that period.

It was quite common for migrants, especially from countries neighbouring Poland to the east, to arrive in Poland as tourists and then take up economic activity spontaneously – dealing mainly with small trading, casual work in agriculture, construction and construction sites. As Polish researchers dealing with migration in that period emphasise, small traders from Ukraine and other countries created after the fall of the Soviet Union undoubtedly constituted the most significant group among them, given its size, repetitiveness of arrivals in Poland and nature of visits, which was characterised by extending the duration of stay and, with an increase in their number, by more and more frequent cases of taking up employment or self-employment, as well as attempts at settling in Poland.²⁵ As a result of such migrations, a number of such migrants remained in Poland illegally. Shuttled migrations were particularly significant, especially for local economies in border areas.²⁶ The issue of migration in border areas will be further discussed below in the context of Local Border Traffic agreements concluded by Poland first with Ukraine, and then with Belarus.

It is worth stressing that the actions taken to adjust Poland to the Community requirements and then to the requirements binding in the Schengen area (especially tightening the Polish border, which is the external EU border) affected the reduction in the scale of illegal migration to Poland.

Poland is a country where, according to official data, the percentage of population born abroad in the total population of the country is only 2%.²⁷ Among OECD countries, Poland also

The primary purposed of privatisation processes seems to be adjusting the Polish economy to the modern world requirements, and in particular meeting the competitive pressure from international companies by:

- expanding modern industry branches (mainly advanced technology industry),
- restructuring outdated industry branches (mining, metallurgy, coking industry, power industry),
- developing technical infrastructure.

The effect of Polish economy restructuring is the dynamic development of (mainly private) companies.

Source: Stanisław Sala, *Polskie firmy na tle zagranicznych korporacji w dobie globalizacji* [Polish companies vs. foreign corporations in times of globalisation], Prace Komisji Geografii Przemysłu No. 9, Warszawa – Kraków 2006.

²⁵ Marek Okólski, *Polska jako kraj imigracji – wprowadzenie* [Poland as a country of immigration – Introduction], in: *Transformacja nieoczywista. Polska jako kraj imigracji* [Unobvious transformation. Poland as a country of immigration.] Studia Migracyjne series, 2010, p. 38.

²⁶ The problems of local economies caused by the economic transformation are stressed by, *inter alia*, the authors of the Report developed by KPMG Advisory sp. z o.o. in cooperation with the Polish Confederation of Private Employers Lewiatan – *Workforce Migration – Opportunity or Threat?* survey – 2008 edition, who write: „The liquidation of state-owned farms or loss-bearing plants fossilised the imbalances on local labour markets. This is also visible in regional economies. Local markets have not seen the arrival of alternative economic players with similar capacities, and the inflow of either direct foreign investments or domestic investments has not created job alternatives to match the scale of liquidated jobs. Local unemployment is petrified by low geographic mobility as many Poles would not even consider changing their place of residence within Poland or modify their plans - they are more likely to choose temporary relocation to another country.”

²⁷ The results of National Census of Population and Housing 2002 showed that around 96.4% (36,871.3 thousand) of population was born in Poland, slightly more than 2% (775.3 thousand) identified another country as the country of birth, while in the case of the remaining approx. 1.5% of population (583.5 thousand) the country of birth was not established. Apart from Poland, over 180 countries were named as

has the lowest percentage of foreigners in the labour market – 0.3% as compared to the average of 12% for OECD countries, but also in comparison with Central European countries, where this percentage ranges from 1.9% (the Czech Republic), through 1.8% (Hungary), to 0.6% (Slovakia).²⁸ Assuming that a number of foreigners remains outside any statistics from administrative sources and given the increase in the attractiveness of the Polish labour market after Poland's accession to the European Union, it can be expected that the actual number of foreigners residing in Poland is of course higher. However, it does not change the fact that the general interest of foreigners in staying in Poland usually applies to a given period of time and not permanently, and that their economic activity remains relatively indifferent to the labour market in Poland. The growing tendency in the number of foreign employees recorded in 2005-2009 did not have a significant impact on the above mentioned situation.

As already mentioned, the rapid economic growth in 2006-2007 caused an increased demand for labour force. The *employer market* existing in Poland since the beginning of transformation, gradually changed into the *employee market*.²⁹ Employers started having more and more difficulty in finding appropriate specialists, recruited from abroad as well (most often from Asia, but they searched for employees also much closer, e.g. in Ukraine). The survey conducted by the Polish Agency for Enterprise Development among small and medium businesses in that period shows that the lack of adequate staff was considered by entrepreneurs to be one of the main obstacles restricting the development of their businesses. Another survey carried out in 2007 brings similar results. Among supply obstacles, the lack of employees was identified by 66% of the interviewed construction companies, 42% of industry companies and 38% of service companies. Within one year, the significance of this obstacle increased by 15 percentage points and it was pointed by every third company experiencing supply problems.³⁰ Therefore, the demand for employees was constantly increasing. This situation persisted until the end of 2008, when Polish economy began feeling the impact of the world financial crisis.

Due to the decrease in economic activity visible in Poland in 2009, the situation on the labour market deteriorated. This effect was significantly lower than in the other EU countries. In 2009, owing to the strong impulse from the money and fiscal policy and the stabilisation of the financial system, at first the symptoms of stabilisation and then of economic recovery gradually appeared. The current data on the world economy situation suggest that the most acute effects of the crisis were already revealed, and in subsequent periods tendencies are going to be positive. Along with the growth in production, an improvement on the labour market is also expected.³¹

It is worth emphasising that in the relevant five-year period (2005-2009) Poland experienced a negative result of emigration of Poles – “brain drain”. Due to the differences in the remuneration offered as well as working conditions and opportunities for further professional development offered abroad, health professionals³² (nurses and physicians specialising in

the birth place of Poles. Among 775.3 thousand people born outside Poland's borders, almost 90% of them was born in one of six countries: Ukraine was indicated by 309.1 thousand people, i.e. 40% of all people born abroad, Belarus and Germany: 13.5% and 13.1% respectively, Lithuania – 10.3%, Russia – 7.0%, France – 4.5%, and 1.2% of people born abroad – the United States of America

http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_ludnosc_stan_i_struktura_demograficzno_spoleczna.pdf

²⁸ <http://orka2.sejm.gov.pl/IZ6.nsf/main/6E0FCD00>, after: International Migration Outlook, SOPEMI 2009, OECD.

²⁹ The developments on the labour market were reflected in improved working conditions and an increase in remuneration.

³⁰ Żołnierski A., Zadur-Lichota P., ed. *Raport o stanie sektora małych i średnich przedsiębiorstw w Polsce w latach 2006-2007* [Report on the condition of small and medium-sized enterprise sector in Poland in the years 2006-2007], Polish Agency for Enterprise Development, Warszawa 2008, p.26

³¹ National Employment Action Plan for the years 2009-2011, pp. 7-8.

³² The phenomenon of health professionals migration is monitored by the Ministry of Health by registering the number of certificates of professional qualifications issued for the purpose of taking up

anaesthesiology and intensive care, plastic surgery, thoracic surgery, emergency medicine, dentistry) and academics from Poland seized the opportunity given by the programmes developed by the authorities of EU Member States and Norway.

This loss could not be and was not offset by employing foreign doctors in Poland. Unattractive remuneration offered in the public health service, stringent requirements to obtain the right to practise as a medical doctor (or dentist) in Poland, and the fact that the Polish language is not well-known among foreigners are the reasons why a very small number of foreign doctors decides to practise this profession in Poland.³³

2.2 Facilitating temporary and circular migration based on the example of legal framework regulating foreigners' access to the labour market, the possibility of educational migration and mobility in border areas

Given the fact that Poland does not implement typical programmes aimed at attracting specific categories of migrants based on agreements concluded with third countries, applied by some European countries, this part of the report is adjusted to the specificity of Poland, only slightly diverging from the agreed specification for European Migration Studies on temporary and circular migration.³⁴ This subchapter focuses on presenting selected regulations at the level of national law which facilitate access to the labour market in Poland for foreigners, presenting the opportunities and conditions of educational migration to Poland as well as the conditions and importance of mobility in the Eastern border area of Poland, regulated by the provisions related to the Local Border Traffic.

employment in the EU countries. The number of certificates issued is not tantamount to the number of persons who actually left the country and took up employment in another EU country. The information obtained from the representatives of Naczelna Izba Lekarska [the Supreme Chamber of Physicians and Dentists] and the Anaesthesiologists Trade Union indicates that a vast majority of doctors obtaining certificates take up employment abroad for a specific period of time, e.g. 3 months. In practice, there are also such agreements with the foreign employer that 4 doctors sign an agreement for one year, each of them for three months. Then, when after working abroad for three months one doctor returns to the country, another doctor leaves the country to work abroad. Another form of employing doctors abroad is an agreement for working at weekends. In other examples quoted, after receipt of a certificate the doctor does not take up any form of employment abroad. On the other hand, in the case of nurses the phenomenon of migration to work abroad without receiving a certificate of qualifications is observed. Nurses often take up employment abroad in long-term care facilities or nursing homes during unpaid leave obtained from their employer.

Source: <http://www.mz.gov.pl/wwwmz/index?mr=&ms=&ml=pl&mi=565&mx=0&ma=7876>

³³ The EMN's National Contact Point tried to obtain data on the number of foreigners with the right to practise as a medical doctor (or dentist) in Poland in 2004-2009. However, the information submitted by Naczelna Izba Lekarska [Supreme Chamber of Physicians and Dentists] suggests that it is impossible to generate statistics due to technical reasons. According to the current data as of the beginning of 2011, however, among physicians being the third countries nationals (712 people in total) the most strongly represented group are the nationals of Ukraine (232 people, 32%), followed by nationals of Belarus (84 people), Russia (57 people), Syria (52 people) and Mongolia (35 people).

³⁴ According to the specification [Document MIGRAPOL EMN Doc 192], the subchapter should be titled: *National legislation, conditions, criteria and enforcement*.

2.2.1 Access to the labour market/simplified system³⁵

The basic legislation regulating the delivery of work by foreigners in the territory of Poland includes: international agreements, Community legal acts and national legal acts. The latter include in particular:

- ⊕ Act of 20 April 2004 on employment promotion and labour market institutions (Dz. U. of 2008, No. 69, item 415, as amended), in particular Articles 2 and 87-90 thereof;
- ⊕ Act of 13 June 2003 on Foreigners (Dz. U. of 2006, No. 234, item 1694, as amended), in particular Articles 25-32 thereof;
- ⊕ Act of 26 June 1974 – Labour Code (Dz. U. of 1998, No. 21, item 94), in particular Chapter II^a thereof;
- ⊕ Ordinances of the Minister of Labour and Social Policy:
 - Ordinance of 29 January 2009 *on issuing work permits for foreigners* (Dz. U. of 2009, No. 16, item 84);
 - Ordinance of 29 January 2009 *on determining cases when work permits for foreigners are issued irrespective of specific conditions for issuing work permits for foreigners* (Dz. U. of 2009, No. 16, item 85);
 - Ordinance of 17 October 2007 *on fees for submitting an application for work permits for foreigners* (Dz. U. of 2007, No. 195, item 1409);
 - Ordinance of 30 August 2006 *on taking up employment by foreigners without the need to obtain a work permit* (Dz. U. of 2006, No. 156, item 1116, as amended).

A foreigner wishing to take up employment in the territory of Poland is obliged – as a rule – to obtain a work permit³⁶, unless they belong to the category of foreigners entitled to work without a permit³⁷ or exempt from such an obligation.³⁸ Work permits are issued by the territorially

³⁵ A subchapter drafted on the basis of materials from the Department of Labour Markets in the Ministry of Labour and Social Policy.

³⁶ Work permits are issued for specific categories of employees (5 categories of work permits).

Type A – pertains to foreigners working on the basis of a contract with an entity established in the territory of the Republic of Poland;

Type B – pertains to foreigners working as board members of legal entities entered in the Registry of Entrepreneurs;

Type C – pertains to foreigners working for foreign employers, delegated to the Republic of Poland for a period not exceeding 30 days in a calendar year;

Type D – pertains to foreigners working for foreign employers, who have no branch, plant or other form of organised business activity in the territory of the Republic of Poland, delegated to the Republic of Poland in order to provide a temporary and occasional service (export service);

Type E – pertains to foreigners working for foreign employers, delegated to the Republic of Poland for a period exceeding 3 months in 6 consecutive months for purposes other than those indicated in points B-D.

³⁷ Pursuant to the provisions of the Act of 20 April 2004 on employment promotion and labour market institutions, the following categories of foreigners are entitled to work in Poland without the necessity to obtain work permits:

- Nationals of the EU Member States, the European Economic Area, Switzerland and members of their families;
- Foreigners in possession of a residence permit, along with their family members;
- Persons with the status of a long-term resident of the European Communities in Poland, along with their family members;
- Persons with the status of a long-term resident of the European Communities in another European Union Member State, who obtain a residence permit for a fixed period of time in connection with their intention to take up employment or business activities, along with their family members;

competent Voivod (province's governor) at the request of an entity providing employment. In case of an intention to take up employment with a Polish employer, pre-requisites of a decision to issue a permit include a confirmation that remuneration due to a foreigner shall not be lower than that of a local employee at a similar post and information that employer's needs may not be satisfied by the registered unemployed and job seekers. In case of workers delegated by foreign employers, the criterion of the remuneration to the average salary ration in the voivodeship (province) must be fulfilled.

For the purpose of this report it is very important that seasonal workers from neighbouring countries are gradually excluded from the procedure of obtaining work permits – the process started in 2006 with subsequent ordinances issued by the Ministry of Labour.

It is worth mentioning that the so-called “simplified system” (based on employer’s statement on intention to employ a foreigner) enabling the nationals of Russia, Ukraine, Belarus, Moldova and Georgia to take up employment for 6 months during consecutive 12 months is not a circular migration instrument *per se*. It does, however, contain features, which facilitate this form of migration (short-term duration, the possibility to re-enter and take up employment on the same conditions, the possibility to change employers which facilitates mobility while providing seasonal work). Moreover, foreigners employed under this procedure form the most numerous group of foreign legal workforce.

At first, the nationals of the Russian Federation, Ukraine and Belarus were given the opportunity to work without work permits in only one sector of economy, which suffered the most from the lack of workforce, i.e. in agriculture – they could work for a period of maximum 3 months in any consecutive 6 months.³⁹

An amendment⁴⁰ of the above mentioned ordinance of the Minister of Labour and Social Policy of 2006 approved a year later enabled Polish employers to legally employ citizens of

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- So-called “forced immigrants” (refugees, foreigners under subsidiary protection, temporary protection or holding a tolerated stay permit), along with their family members;
 - Persons holding a valid Card of the Pole;
 - Foreigners holding a residence permit issued for a fixed period of time for reasons defined in the Act.

³⁸ The following groups of foreigners are exempt from the obligation to obtain work permits due to nature of their work:

- Foreign language teachers in educational institutions;
- Persons delivering training, taking part in professional internships, performing advisory or supervisory functions or functions requiring specific qualifications and skills in programmes implemented under EU activities;
- Persons delivering – for up to 30 days a year – occasional lectures, speeches or presentations of particular scientific or artistic merit, if they retain their permanent residency abroad;
- Students completing their professional internships, delegated by membership organisations of international student associations, studying in the Republic of Poland (on condition they have a relevant residence status);
- Graduates of Polish higher secondary schools or full-time graduate or doctoral courses in Polish universities or institutions providing such courses;
- Persons delegated for the purpose of delivering services by an employer established in an EU country;
- Persons working as academics in research and development institutions, the Polish Academy of Sciences and academic teachers at universities.

³⁹ Ordinance of the Minister of Labour and Social Policy of 30 August 2006 on taking up employment by foreigners without the need to obtain a work permit (Dz. U. of 2006, No. 156, item 1116).

⁴⁰ Ordinance of the Minister of Labour and Social Policy of 27 June 2007 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 120, item 824).

neighbouring countries for 3 months within a six-month period in all sectors of economy, without the necessity for them to possess work permits.⁴¹

Another simplification consisted in enabling foreigners originating from the above mentioned countries to provide short-term work without an obligation to obtain work permits for the period of up to six months in any consecutive 12 months counting from the date of first entry to Poland. The difference in relation to the previously applicable provision was that the new regulation provided for the possibility to work for a period of six months continuously, without the necessity for a 3-month break in employment every 3 months. It was supposed to be a pilot provision, which was expected to be applied until 31 December 2009.⁴² The next step consisted in extending the simplified system to include nationals of countries that Poland cooperates with under the EU Mobility Partnerships with third countries: Moldova since February 2009 and Georgia since November 2009. A decision has also been made to extend the validity of the provision allowing for the simplified system – until 31 December 2010.⁴³

It is worth pointing out that currently the validity of the above mention provision has been extended for an unlimited period.⁴⁴

In summary, the functioning of the simplified system is based on paragraphs 27 and 27a of the Ordinance of the Minister of Labour and Social Policy of 2 February 2009 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit. (Dz. U. No. 21, item 114).

The system covers the following groups of foreigners:

- ⊕ Nationals of three countries neighbouring the Republic of Poland and two countries that Poland cooperates with in the field of economic migration under the Partnership for Mobility, who work for the period of 6 months in any consecutive 12 months on the basis of a statement (declaration) on the intention to employ a foreigner submitted by an employer and registered in a district [*powiat*] labour office competent for the place of residence or seat of the employer;
- ⊕ Nationals of three countries neighbouring the Republic of Poland and two countries that Poland cooperates with in the field of economic migration under the Mobility Partnership, who are already staying in the territory of Poland on the basis of a residence permit granted for a fixed period in relation to employment and who – within the validity period of this permit – want to take up additional employment on the basis of a statement (declaration) registered in a competent district [*powiat*] labour office on the intention to provide them with work other than work in relation to which the residence permit was granted. This solution enables a foreigner residing in Poland on the basis of a residence permit granted in relation to employment to take up additional employment with no time limitations – within the period of validity of the residence permit.

⁴¹ For this purpose two more legal acts have been approved: the Ordinance of the Minister of Labour and Social Policy of 27 June 2007 amending the ordinance on procedures and conditions for granting work permits to foreigners (Dz. U. No. 120, item 822) and the Ordinance of the Minister of Labour and Social Policy of 27 June 2007 amending the ordinance on procedures and conditions for granting work permits to foreigners employed for the purpose of providing export services supplied by foreign employers in the territory of the Republic of Poland (Dz. U. No. 120, item 823).

⁴² Ordinance of the Minister of Labour and Social Policy of 29 January 2008 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 17, item 106).

⁴³ Ordinance of the Minister of Labour and Social Policy of 2 February 2009 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 21, item 114).

⁴⁴ Ordinance of the Minister of Labour and Social Policy of 9 December 2010 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. of 2010, No. 236, item 1559).

The simplified system makes it possible for the Polish employers to legally employ foreigners with minimum formalities – an employer’s statement on intention to employ a foreigner is registered in a district labour office competent for the place of residence or seat of the declarant, free of charge and in most cases immediately. The registered statement is handed over to a foreigner and is the basis for applying for a visa. In addition to minimum formalities required, the advantages of the system include its flexibility and the fact that it is adequate to the demand. The majority of foreigners taking up work on the basis of statements find employment in agriculture and account for a significant part of mobile workers migrating for seasonal employment. This is facilitated by the possibility to take up employment on the basis of statements issued by different employers. The easier start of employment (on the basis of the simplified system) combined with the simplified procedure for extending employment (obtaining work permits without the necessity to initiate the so-called *market needs test* procedure) constitute a mechanism facilitating flexible recruiting of long-term employees from countries that are close to each other in terms of culture. The existence of the statement-based system also facilitates the development and establishment of forms of agricultural activities (e.g. extending fruit acreage related to the availability of seasonal workforce) or economic activities (e.g. directed at providing services to migrants – accommodation or transport). The functioning of the simplified system is an important part of the policy of openness towards the East, which is one of the primary objectives of the Polish foreign policy.

As it has been stated above, the simplified system was a pilot system introduced in response to the short-term demand on the Polish labour market, but in a relatively short period it proved important enough to encourage the removal of time limitations to its application and became a permanent component of the migration policy. However, prior to this, the Ministry of Labour and Social Policy had analysed its functioning up to that time.⁴⁵ This solution was also subject to an analysis carried out by the Institute of Public Affairs.⁴⁶

Based on the collected data, it was concluded that the design of the simplified system works very well in the case of seasonal labour, and the foreigners employed under this procedure form the most numerous group of foreign legal workforce. The statistical data show that employers from other sectors suffering from the shortage of workforce (industrial processing, construction, trade) also used to and still employ foreigners under the so-called statement-based system, but the scale of this phenomenon is small when compared to agriculture. The simplified system is sometimes used to complement the shortages of labour force in sectors other than agriculture. However, this formula is stated to be of limited use in other sectors (the employment period is too short).⁴⁷

Regardless of the benefits brought by introducing the system for short-term economic migrations, some disadvantages have also been noted. There have been cases of abuse of the procedure related to employment based on statements on the intention of employment, which in many cases was used illegally both by foreigners and employers.⁴⁸ The cases of abuse were

⁴⁵ Report of the Ministry of Labour and Social Policy on functioning of the simplified system and its evaluation on the basis of opinions from selected poviats labour offices, November 2009;

⁴⁶ The report of the Institute of Public Affairs *Strategie przetrwania. Adaptacja ukraińskich migrantów zarobkowych do polskiej rzeczywistości instytucjonalnej* [Survival strategies. Adaptation of Ukrainian economic migrants to the Polish institutional reality], 2009

⁴⁷ Excerpt from the system analysis carried out by the Ministry of Labour and Social Policy (unpublished).

⁴⁸ Legal regulations concerning taking up seasonal employment in Poland by foreigners (...) led to establishing the market in Ukraine for employers’ declarations on the intention to employ a Ukrainian citizen. This market is particularly well developed in west Ukraine, where there is a large number of persons willing to work in Poland. The cost of such a declaration “facilitated” by a Ukrainian go-between varies from several tens to even USD 300 – source: Mirosław Bieniecki, Mikołaj Pawlak, The report of the Institute of Public Affairs *Survival strategies. Adaptacja ukraińskich migrantów zarobkowych do polskiej*

facilitated by the limited possibility of verifying the authenticity of data included in statements (both in terms of actual intentions of employers and in terms of data of employers themselves). The system did not also provide for premises or mechanisms for district labour offices to refuse to register an employer's statement.

Random inspections carried out by the State Labour Inspection and the Border Guard have revealed cases of large numbers of fake statements being issued, possibly for further resale. There have also been cases identified, where foreigners did not report to work at their employers, who had provided them with statements, while at the same time the fact that they crossed the border was confirmed.

In 2010, the Ministry of Labour and Social Policy carried out a consultation process to identify phenomena related to functioning of the system of declarations. The consultation process involved district labour offices handling over a half of declarations on the national scale and at the same time representing a variety of profiles of poviats (metropolitan poviats, suburban areas, agricultural poviats, border poviats). In cooperation with other ministries, inspection authorities and poviat labour offices guidelines were drafted on the method of registering statements and comprehensive information acting as a legal guidance for entities wishing to employ foreigners. The work aiming at improving the solutions related to the access to the labour market on the basis of employer's statements on intention to employ a foreigner registered by poviat labour offices are going to be continued.⁴⁹ At the same time it is expected that in line with the practice in place so far, declarants will provide documentation confirming their business or agricultural activities or their identity. The refusal to produce relevant documents confirming the status of a declarant will not result in a refusal to register a declaration (statement), but a relevant note will be made in the statement registration field, which will be an important piece of information for a consul processing a visa application

In conclusion, it is worth to note that surveys conducted with seasonal workers have shown that according to the employees after the introduction of this solution their safety and working conditions improved, which is related to the possibility of taking up employment with another employer and imposes competition between employers. The surveys have also shown that the scale of foreigners' employment in the grey market was reduced.⁵⁰

Other simplifications in the access to the labour market

Regardless of the fact that the Polish labour market has been gradually opening since 2006 owing to, among others, legislative changes making it possible to employ subsequent categories of foreigners under the simplified procedure, the reasons for the increase in the number of work permits issued included modifications of work permits as such through amendments of relevant provisions. The most significant changes in this respect include:

- ⊕ Significant reduction of fees for issuing work permits for foreigners;
- ⊕ Abolition of the two-step procedure for applying for work permits, so that currently there is no obligation to obtain a *promise* for work permit;
- ⊕ Reform of the mechanism of the so-called market needs test (it is an analysis of possibilities of offering a given position to Polish unemployed citizens registered in territorially competent poviat labour office);

rzeczywistości instytucjonalnej [Adaptation of Ukrainian economic migrants to the Polish institutional reality], 2009

⁴⁹ Rationale to the draft ordinance of the Minister of Labour and Social Policy of 9 December 2010 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit - working document, circulated within a legislative procedure.

⁵⁰ Ibidem.

- ⊕ Reform of the mechanism for drafting voivodeship criteria for issuing work permits to foreigners, which facilitates better adaptation of implemented policies to local conditions, in particular by developing a regional list of deficit professions;
- ⊕ Simplified procedure for changing the place of employment or position by a foreigner;
- ⊕ Simplification of forms and reduction in the number of documents required;
- ⊕ Introduction of the possibility of issuing permits for longer periods (generally for a period of up to 3 years; in the case of a foreigner, who is a member of the management board in a company employing more than 25 persons - up to 5 years; while in the case of delegation under an export service contract - for the period of delegation);
- ⊕ Formulating clear principles for employer's responsibility.

2.2.2 Local Border Traffic (LBT)

After the Poland's accession to the European Union, the eastern Polish border has become an external EU border. The external border of the European Union in Poland amounts to 1,163 km, which constitutes 33% of the length of border of the Republic of Poland.

The longest part is the border with Ukraine – 535 km (i.e. 46.0%), a slightly shorter with Belarus – 418 km (i.e. 35.9%) and the shortest one with Russia (Kaliningrad Oblast) – 210 km (i.e. 18.1%). There are 214 *gminas* (*gmina* is the principal unit of the local government and administration in Poland), located in the border area by the external border of the European Union in Poland. They cover the area of over 35 thousand km² (over 11% of the area of Polish territory), populated by ca. 1.9 million people (5% of Polish population). In terms of area, the border area at the Polish-Belarusian border is the largest (39.1%), followed by Polish-Ukrainian (35.6%) and Polish-Russian (25.3%), while in terms of population, the border area at the Polish-Ukrainian border is most populated (42.2% in 2009), followed by Polish-Belarusian (29.3%) and Polish-Russian (25.8%).⁵¹

The entry of Poland to the Schengen area (2007) obliged Poland to tighten its eastern border and at the same time to regulate the local border traffic, i.e. crossing the border by border residents.

The basis for concluding agreements on local border traffic is Article 13 of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

Taking into account the time framework of this Report, i.e. 2004-2009, the object of interest will exclusively be the agreement between Poland and Ukraine. It needs to be mentioned, however, that efforts to conclude similar agreements with Belarus⁵² and the Russian Federation⁵³ have also been made.

⁵¹ Source: Central Statistical Office

⁵² On 12 February 2010 the *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on rules on local border traffic* was signed. Poland ratified it in June 2010, the Belarusian parliament ratified it in November 2010, however, it has not entered into force yet – it is awaiting the signature of the President of the Republic of Belarus.

⁵³ In July 2008 negotiations aimed at arranging and signing the Agreement on Local Border Traffic with the Russian Federation began. The problem of territorial scope of the Agreement still remains to be solved. The current European regulations allow LBT to be established within a 30 km, maximum 50 km, radius on both sides of the border, which means that the LBT regime may not be applied to the entire Kaliningrad Oblast (covering the area of up to 100 km of the border on the Russian side).

The steps taken by Russia in the European Commission to date to geographically extend the scope of the Agreement on local border traffic negotiated with Poland have been fruitless so far. Although it was mainly Russians who insisted on extending the future Polish-Russian agreement to the entire Kaliningrad

On 28 March 2008 the *Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on rules on local border traffic* was signed, amended by the *Protocol between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the Agreement on rules on local border traffic*.⁵⁴ The Agreement and Protocol entered into force on 1 July 2009.

Local border traffic is the regular crossing of the border by border residents⁵⁵ in order to stay in a border area for social, cultural or family reasons and for justified economic reasons, which are not recognized as economic activity, for the period of 60 days each time, but for no longer than 90 days in total within six months counted from the date of the first crossing of the border. The border area covers the area of administrative units within 30 km of the common border. If such an administrative unit is partially located within 30 to 50 km of the borderline, it is recognised as a part of the border area.⁵⁶

Local border traffic is of more significance to Ukrainian citizens than to Polish citizens, since the latter can travel to and stay in the territory of Ukraine for up to 90 days without a visa.

The basis for crossing the border under LBT is a document called a “permit”. Local border traffic permits may be issued to border residents who:

- ✦ are in possession of a valid travel document entitling them to cross the external borders
- ✦ produce documents proving their status as permanent border residents for at least three years and proving the existence of legitimate reasons frequently to cross the Polish-Ukrainian border under the local border traffic regime
- ✦ are not persons for whom an alert has been issued in the SIS for the purposes of refusing them entry
- ✦ are not considered to be a threat to public policy, internal security, public health or the international relations of Poland and Ukraine, as well as other Member States of the European Union.

A permit holder is not authorized to move outside the border area and any abuse of the local border traffic regime shall be subject to penalties provided for in internal regulations of both countries (including invalidation of the permit, fine, expulsion). A charge for accepting and examining an application for a permit is EUR 20.⁵⁷ The first permit is issued for the period of up to 2 years, but no longer than the validity period of a travel document.

Oblast, the zone extension based on the reciprocity principle would also be beneficial for the residents of Polish towns located near the border in Pomorskie and Warmińsko-Mazurskie Voivodeships. At the beginning of April 2010, the Ministers of Interior of Poland and Russia addressed the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, with a joint letter of appeal regarding the matter in question.

⁵⁴ The Act of 6 March 2009 on the ratification of the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules on local border traffic signed in Kiev on 28 March 2008 and the Protocol signed in Warsaw on 22 December 2008 between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the Agreement on rules on local border traffic signed in Kiev 28 March 2008 (Dz. U. of 2009, No. 66, item 555).

⁵⁵ Border residents are the persons who have had a documented place of permanent residence in the border area for at least 3 years, as well as their spouses and children (major and minor) dependent on them for support.

⁵⁶ The Polish border area comprises 1,575 towns located in 97 gminas and 19 poviats within the territory of two voivodeships: Podkarpackie and Lubelskie. Border gminas on the Polish side cover the area of 13.4 thousand km², populated by 822.4 thousand people. There are 1,107 towns in 23 regions in the Ukrainian border area. Border regions on the Ukrainian side cover the area of 24.0 thousand km², populated by 1,241.4 thousand people. Source: CSO.

⁵⁷ Disabled persons, disability pensioners, retirement pensioners and children up to 18 years of age are exempt from payment.

Individuals crossing the Polish-Ukrainian border under the local border traffic regime need to have a health insurance document covering the cost of urgent medical care and medical transport to the country of residence.

Border residents travelling under the local border traffic regime are entitled to cross the Polish-Ukrainian border at international border traffic crossings and local border traffic crossings. The authorities responsible for protecting Polish and Ukrainian borders check the persons crossing the border in accordance with their internal regulations, without stamping permits and travel documents at entry and departure.

Results of the analysis of border traffic trade in goods and services on the Polish-Ukrainian border⁵⁸ allow us to state that processes taking place in cross-border areas are of great significance to their socio-economic development. As a result of introducing LBT, the border area was activated by reviving border trade in shops and at marketplaces, which deteriorated after the entry of Poland to the Schengen area⁵⁹.

The value of border trade in goods on the Polish-Ukrainian border is significant for Poland's foreign trade.

According to the Border Guard data, in the first three months after the entry of the Agreement into force (July – September 2009), under the LBT regime 18.4 thousand foreigners entered and the same number of people left the Polish territory, which constituted 2.0% of border crossings by foreigners on the Polish-Ukrainian border. An increase in the number of persons crossing the border under the LBT regime can be observed. In September 2009, a total of 28.9 thousand persons crossed the border under the LBT regime, which amounted to 5.0% of all crossings by foreigners on the Polish-Ukrainian border that month. In that period no crossings under the LBT regime by Polish citizens were observed. In the next quarter (October – December 2009) 154.1 thousand foreigners entered the Polish territory under the LBT regime (i.e. eight times as much as in the previous quarter) and the same number left the Polish territory, which in total constituted 21.2% of crossings by foreigners on the Polish-Ukrainian border. Six crossings by Polish citizens under the LBT regime were recorded.

The most frequent purpose for foreigners coming to Poland under the LBT regime was to shop (over 85% in the third quarter of 2009 and nearly 89% in the fourth quarter of 2009) and to pay

⁵⁸ The analysis of border trade in goods and services was conducted by the Statistical Office in Rzeszów, in cooperation with Statistical Offices in Lublin and Białystok. It was carried out with the support of the Border Guard and the Customs Service, as well as regional authorities. The analysis was carried out on all road and railway border crossings with passenger traffic. It covered foreigners leaving Poland (permanently residing abroad) and Poles (permanently residing in Poland) returning to their country of residence by cars, coaches, motorcycles, train or on foot. Randomly selected persons crossing the border were surveyed. The total of 11.1 thousand questionnaires were collected in the third quarter of 2009, out of which 5.6 thousand from Poles and 5.5 thousand from foreigners. The total of 21 thousand questionnaires were collected in the fourth quarter of 2009, out of which 7.7 thousand from Poles and 13.3 thousand from foreigners. The total of 56.2 thousand questionnaires were collected in 2009, out of which 25.7 thousand from Poles and 30.5 thousand from foreigners.

The analysis provides information on the amount and structure of expenditure incurred by foreigners in Poland and by Poles abroad on, *inter alia*, food and non-food products, accommodation and other services. The following are also analysed: travel destination, distance from the border to place of residence and shopping place, frequency of crossing the Polish-Ukrainian border, in the case of Poles - country of residence abroad and in the case of foreigners – country of permanent residence and possession of a Card of the Pole. The assortment of goods enjoying the highest demand among Poles and foreigners is analysed. http://www.stat.gov.pl/cps/rde/xbcr/rzesz/ASSETS_badanie_obrotow_IIIkw_2009.pdf
http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_pm_bada_obrotow_i_uslug_w_ruchu_granicz_na_granicy_pl-ukr_4kw_2009.pdf

⁵⁹ The highest intensity of phenomena related to border traffic is found in areas located within 50 km of the border, which is proven by the number of persons crossing the border who incurred expenditure in this area (over 73% of foreigners and over 91% of Poles) and the fact that border residents were the vast majority of persons crossing the border (over 56% of foreigners and over 66% of Poles).

a visit (7% and 5% respectively). Foreigners holding an LBT permit usually crossed the border several times a week (over 61% in the third quarter of 2009 and over 69% in the fourth quarter of 2009) and several times a month (25% and 21% respectively). Approximately 8% of foreigners crossed the border every day.

2.2.3 Educational migration (students)

One of the forms of temporary migration, which is important to this Report, is educational migration. The Centre of Migration Research carried out research under the project Educational Migration to Poland – Social and Economic Consequences, implemented between 2008 and 2010. The aim of the project was to analyse the undertaking of studies by foreigners in Poland and, in particular, to demonstrate various factors stimulating the influx of foreign students.⁶⁰ While analysing the methods of attracting foreigners to study in Poland, a reference was made to the 2007 OECD report on tertiary education in Poland (O. Fulton, P.Santiago, C. Edquist, E. El-Khawas, E. Hackl, *OECD Reviews of Tertiary Education Poland*, OECD Paris 2007), whose authors stated that Poland lacks a clearly defined strategy and explicit policy for the internationalisation of higher education. There are also insufficient incentives for foreigners to start their academic career in Poland. As regards the low share of foreigners in the total number of students, the authors pointed at language problems, the lack of motivation to undertake academic career in Poland and the perception of the Polish labour market by foreigners as offering few opportunities.⁶¹

Currently, the Ministry of Science and Higher Education is implementing a system reform, which includes actions facilitating the internationalisation of studies in Poland.⁶² To justify the need to introduce reforms, the Ministry employed, *inter alia*, an indicator measuring the internationalisation of higher education in a given country, i.e. the proportion of foreigners to the entire population of students. It amounts to 0.5% in Poland, as compared to 3.3% in Hungary, 6.3% in the Czech Republic, 0.9% in Slovakia, whereas the average for OECD countries is 9.6%. Nevertheless, it needs to be emphasized that in terms of the number of foreigners, the Polish higher education sector is undergoing positive changes and, according to OECD indicators, this number is slowly but steadily increasing. Yet, it does not change the fact that the educational offer of Polish higher education institutions remains unattractive for foreign students. Another indicator of higher education internationalisation is the ratio of students coming to Poland and going abroad under the European Community Action Scheme for the Mobility of University Students ERASMUS. Statistics presented by the European Commission, quoted in the justification, indicate that 3,730 students came to Poland in the academic year 2006/2007, while at the same time 11,219 Polish students went to study abroad. In other words, there were as many as three Polish students going abroad to one foreign student coming to Poland under the ERASMUS programme.

The problem of Polish higher education is the lack of higher education institutions widely recognized for their excellent research and teaching quality. According to the Ministry of Education, the reform will enable the creation of a mechanism for appointing National Leading Scientific Centres (abbreviation KNOW comes from Polish title: *Krajowe Naukowe Ośrodki Wiodące*), which are the centres of top quality research or able to reach that level in a relatively short period of time, provided that financial support is granted. One of the expected effects of the operation of KNOWs is the employment of foreign scientists and enabling talented students from

⁶⁰ A summary of the analysis has been published: Cezary Żołędowski (ed), *Studenci zagraniczni w Polsce – motywy przyjazdu, ocena pobytu, plany na przyszłość* [Foreign Students in Poland – reasons for coming, assessment of stay, future plans], Wydawnictwa Uniwersytetu Warszawskiego 2010.

⁶¹ Cezary Żołędowski, *op.cit.*, pp. 34-35.

⁶² http://www.bip.nauka.gov.pl/_gAllery/73/10/7310/20091030_EEE_zalozenia_po_RM.pdf

all over the world to undertake studies, particularly doctoral, in Poland. The authorisation to take part in a joint PhD programme with foreign institutions and the possibility to submit and defend a doctoral thesis in English, and in the case of philological studies, also in languages that are the subject of research, will facilitate the development of international cooperation.

The rules for undertaking and carrying out studies, doctoral studies and other forms of education, as well as taking part in research and development work by foreigners are laid down in Article 43 of the Act of 27 July 2005 – Law on Higher Education.⁶³

Foreigners may be admitted to universities, specialist training, postgraduate medical internships, professional development courses, Polish classes as well as preparatory courses to studies in Polish and student vocational practices. They may as well participate in scientific research and experimental development.

In order to enable a foreigner from a third country to enter the territory of the Republic of Poland to undertake studies, a visa needs to be issued (a Schengen or national visa), provided the person is not a citizen of the country that is a party to an agreement on the exemption from the visa requirement (however, this person should have a residence permit related to the declared purpose of visit to Poland; the aim of visa-free movement is mostly to enable short tourist or family visits).⁶⁴ Studying in Poland is one of the circumstances based on which one can apply for a residence permit for a fixed period (the fact of being admitted to or continuing studies shall be confirmed by a certificate issued by the authorities of a relevant higher education institution). Students are also required to pay a tuition fee⁶⁵, to have insurance coverage for potential medical treatment expenses incurred in Poland and to be in possession of sufficient funds to cover the costs of living, studying and returning home.⁶⁶ It is also necessary for the Polish Education Office [*Kuratorium Oświaty*] to acknowledge the documents entitling a person to undertake studies (a secondary school-leaving certificate).

One of the incentives for foreign students introduced in 2009 is providing them with better opportunity to take up employment in Poland after graduation. As a result of the amendment of the Ordinance of the Minister of Labour and Social Policy on taking up employment by foreigners without the need to obtain a work permit, graduates of Polish higher secondary schools as well as full-time graduate and doctoral courses in Polish higher education institutions are exempt from the work permit requirement.⁶⁷ Prior to the above mentioned amendment, daytime students were entitled to work without a work permit only during their holidays, i.e. for three summer months. This solution made it practically impossible to establish durable contacts with a potential employer.

In justification of this amendment, the Polish Ministry of Labour pointed at the fact that foreign students in Poland usually know the Polish language already and have better chances to integrate with the Polish society, therefore they should be encouraged to take up work in Poland

⁶³ Act of 27 July 2005 – Law on Higher Education, Dz. U. of 2005, No. 164, item 1365, as amended. The act determines: the rules of taking up and continuation of studies, PhD studies and other forms of education as well as scientific research and experimental development for foreigners. Detailed rules related to taking up and continuation of studies by foreign nationals as well as their participation in scientific research and experimental development are stipulated in the Ordinance of the Minister of Science and Higher Education of 12 October 2006 (Dz. U. of 2006, No. 190, item 1406).

⁶⁴ A Schengen visa entitles its holder to one or more entries, provided that the duration of uninterrupted stay and the total duration of subsequent stays in the Schengen area does not exceed three months within each period of six months counted from the day of first entry into that area.

A national visa entitles its holder to enter and permanently stay in the territory of the Republic of Poland or to several subsequent stays lasting longer than three months and not exceeding a year during the visa validity period.

⁶⁵ Some student groups are exempt from tuition fees in Poland.

⁶⁶ The amount of fees is specified by the Ordinance of the Minister of Labour and Social Policy of 26 August 2008 on minimum amounts of money to be possessed by certain groups of foreigners to cover the costs of living in the territory of the Republic of Poland and the return costs – Dz. U. of 2008, No. 163, item 1019.

⁶⁷ Cezary Żołędowski, op.cit., p. 37.

and thus to make use of their knowledge and experience, which contributes to the development of Polish economy.

Unfortunately, due to the lack of statistical data concerning undertaking professional activity on the Polish labour market by students and graduates of Polish higher education institutions, we have a limited knowledge of this phenomenon.

The authors of CMR report have also pointed to a broader legal context, related to the legalisation of stay – the provisions in force do not make it easier for foreigners to extend their stay in Poland after graduation. In particular, they do not provide for a possibility of granting a residence permit in connection with seeking employment on the Polish labour market if there are no other circumstances justifying the stay. Moreover, only a half of the period of studying in Poland is counted towards the duration of stay necessary to be granted the status of a long-term EC resident and, in consequence, the permanent residence status, and this status may not be sought while staying in Poland for the purpose of studying.

The research carried out by CMR shows that the majority of foreign students surveyed does not consider staying in Poland after graduation.

Still, it is worth mentioning the growing interest in undertaking studies in Poland. In the early 1990s, the number of foreign students enrolling at universities in Poland amounted to ca. 1,000 persons, while the number of students amounted to 6,500 in the academic year 2000/2001 and 11,700 in 2006/2007.

In the period 1989-2008, there was almost a fourfold increase in the number of foreign students learning in Poland, but at the same time the overall number of students increased five times (according to the CSO data there were 371 thousand students in Poland in 1989, while in 2008 – nearly 2 million). Thus, despite the increase in the number of foreign students, their share in the total population of students dropped from 1.1% to 0.8%. At the beginning of 21st century, this share was even lower (ca. 0.5%). Its slight increase in 2005-2008 results both from an increase in the number of foreign students in Poland and a small decrease in the overall population of students since 2006. In the academic year 2008/2009, according to the CSO data, there were 15,319 foreigners studying in Poland and nearly one third of them were first-year students.

Europeans accounted for a decisive majority of foreign students – over two thirds, with Asians being also quite numerous (17%). The share of remaining continents was modest: North America – 8%, Africa - 5%, South America – 0.7%. Over 40% of all foreigners studying in Poland constituted persons coming from areas of the Former Soviet Union, primarily from Ukraine and Belarus. Both countries keep a decisive lead in the ranking of countries of foreign students' origin (Ukraine – 18%, Belarus – 12%). In 2008, the United States were ranked third, followed by Norway, the Czech Republic and Sweden (ca. 6% of students came from each of these countries). There were relatively many persons coming from Taiwan (4%), Lithuania (3.5%), Germany and Russia (ca. 3% each), as well as Kazakhstan (2.5%) and India (2%). The most numerous representatives of Africa were Nigerians (2%), whereas in the case of South America – Peruvians (0.3%). The share of students of Polish origin was relatively high (22%)⁶⁸. It was however much lower than in the late 1990s, when it constituted ca. 50%. Persons with Polish roots accounted for 85% of students from Lithuania, three quarters of students from Kazakhstan and nearly half of students from Belarus. There were also a lot of such students in the groups coming from Germany and Russia (28% each), as well as Ukraine (25%). The 10% share of students of Polish origin was observed in the case of foreigners from the Czech Republic and the USA.⁶⁹

⁶⁸ Students having Polish background enjoy some privileges, described in the paragraph 2.4.2.1 of this report.

⁶⁹ Emilia Jaroszewska, *Edukacja studentów zagranicznych w liczbach* [Education of foreign students in numbers] in: *Biuletyn Migracyjny*

<http://sites.google.com/site/biuletynmigracyjny/archiwum-html/biuletyn-migracyjny-26/bm26art4>

2.3 Cooperation with third countries

2.3.1 Mobility Partnerships with third countries

In June 2008, “The Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova” was signed, which constitutes the framework for actions taken by Member States in individual areas related to migrations. Poland is also a signatory to the Declaration and there are two ministries involved in the implementation of activities: the Ministry of Labour and Social Policy and the Ministry of Interior and Administration. Currently, the partnership with Moldova is in its executive stage. The actions proposed by the Polish side include: facilitating access to the Polish labour market for citizens of Moldova (since February 2009 Moldova has been included in the group of countries, whose citizens may work without any work permits for up to 6 months in consecutive 12 months under the simplified system described in paragraph 2.2.1) and information activities on the possibilities for legal stay and taking up employment in Poland, living conditions, legal consequences of illegal stay and work. Furthermore, work is underway to sign an agreement on social security (further information in paragraph 2.3.2).

On 30 November 2009, the Joint Declaration on a Mobility Partnership between the European Union and the Republic of Georgia was signed. The Declaration indicates the following areas for EU-Georgia cooperation: migration management, economic migrations, labour market, recognition of qualifications, immigration, readmission, reintegration, asylum, situation of diaspora, security of documents, statistics and exchange of information with the EU, combating illegal migration, human trafficking and organised crime, border management, and joint visa centre. Poland is a signatory to the Declaration and there are two ministries involved in the implementation of activities, as is the case in the partnership with Moldova: the Ministry of Labour and Social Policy and the Ministry of Interior and Administration. Poland’s proposal to GE includes the following actions related to economic migration:

- ⊕ Facilitating access to the labour market under the simplified system (in force since 30 November 2009),
- ⊕ Information activities on the possibilities for legal employment in Poland and living and working conditions in Poland, including training and information campaigns, also together with other involved EU partners, following the example of a consortium under the partnership with Moldova (MLSP).

Moreover, under the partnership, a consortium comprising the majority of Member States was established in order to implement the joint project “Support for reintegration of returning Georgian migrants and the implementation of EU- Georgia readmission agreement”, led by the Czech Republic. The Ministry of Labour and Social Policy has been involved in this project to the extent regarding activities aiming at familiarising Georgian partners with the functioning of public employment services in Poland.

2.3.2 Conclusion of social security agreements

In recent years, the Ministry of Labour and Social Policy, which is competent for, *inter alia*, the coordination of social security systems, received notices of the necessity to regulate the relations pertaining to social security with countries, which emerged after the dissolution of the Soviet Union, including Ukraine. It turned out to be a matter of urgency to solve the problems of persons, who earned their periods of insurance working in Ukraine, but living in Poland, by concluding a relevant agreement on social security. Among these people (Polish citizens), those living in Poland and enjoying the status of a repatriate were particularly interested in concluding the agreement on social security between Poland and Ukraine. When considering the start of

negotiations of the agreement between Poland and Ukraine, economic benefits resulting from entering into such an agreement by Poland were also taken into account, stemming primarily from the introduction of regulations preventing double payment of social security contributions, in consequence leading to the removal of one of the barriers to the development of economic relations between Poland and Ukraine.

Prior to opening negotiations in October 2008, bilateral consultation took place, which allowed the Polish side to familiarise itself with the Ukrainian social security system and establish the fundamental principles of the agreement in order to develop a draft agreement which would then become the basis for bilateral negotiations. The first round of negotiations took place in Warsaw in December 2010. The work on the text of the agreement is well under way.

For Poland to be tied by a social security agreement with the Republic of Moldova has been deemed expedient due to the need to provide the nationals of Poland and the Republic of Moldova with insurance protection in case they move the place of residence or employment to the territory of the other country, but also in view of implementing the Polish migration policy aimed at liberalising the access to the Polish labour market for foreigners, particularly those from the post-Soviet area. Moreover, among the priorities to be implemented under the Mobility Partnership the Moldovan authorities indicated such issues as securing social rights to their citizens working in the European Union by concluding bilateral agreements on social security. The conclusion of an agreement on social security between Poland and the Republic of Moldova is meant to complement activities in the field of economic migrations and provide the citizens of the Republic of Moldova employed in Poland with legal fundamentals for protection of their social security rights, which is of significance in the situation of growing interest of the nationals of the Republic of Moldova in taking up employment in Poland, while Polish employers also show interest in employing them, primarily due to the geographical and cultural proximity. The signature of the agreement on social security between Poland and the Republic of Moldova was also in line with the "*Eastern Partnership*" programme launched on 7 May 2009 in Prague. The Polish government assumes that in the long-term perspective this programme will prepare the countries covered, including the Republic of Moldova, for accession to the EU. Poland's experience so far indicates that early (pre-accession) coordination of social security systems under bilateral agreements is extremely beneficial to both parties to such an agreement. It provides an opportunity not only to choose optimum solutions for cooperation in the respective field, but also develops technical and organisational environment for the future collision-free application of EU regulations in bilateral relations. In this context, the conclusion of the agreement between Poland and Moldova will also allow the Polish and Moldovan social security institutions to prepare for mutual cooperation in the field of coordination of social security systems - in line with the principles in force within the European Union.

The activities preceding the start of negotiations began in April 2008. The first round of negotiations related to the conclusion of the agreement was held in Chişinău on 31 May – 4 June 2010.

The basic assumption is for both agreements to meet the international standards in the field of social security. Therefore, draft agreements are based on the fundamental principles of coordination of social security systems, i.e. the principle of equal treatment, the principle of retaining the acquired rights (export/transfer of services), the principle of aggregation of insurance periods. It is planned that agreements would apply to all persons who are or were subject to legislation of one or both Contracting Parties, as well as persons, whose rights result from the rights of persons who are or were subject to legislation of one or both Contracting Parties. It means that the entitlement to benefits obtained under the agreement shall not depend on being a citizen of one of the Parties to the agreement, but on being subject to its jurisdiction. The scope of agreements will cover the following types of benefits: sickness and maternity (monetary), old age (pensions), incapacity for work (disability pensions), work-related accidents

and occupational diseases (disability pensions and compensations), loss of employment (unemployment benefits), and death (family pensions, bereavement payments) benefits.

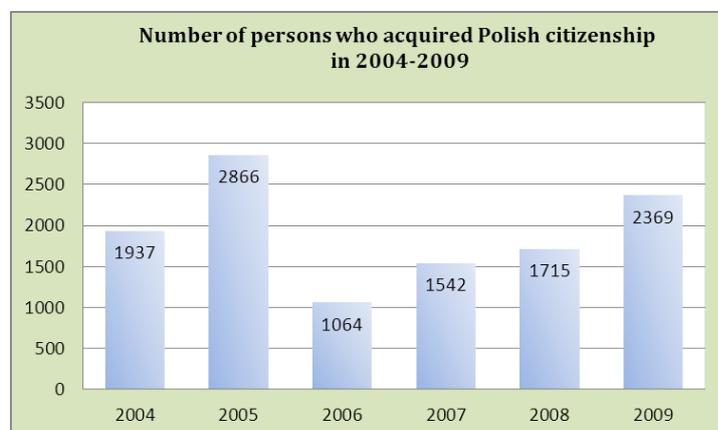
Given the procedures related to signing and ratification of the agreement, it seems unlikely for the agreement with Ukraine to come into force earlier than at the end of 2011. The work on the agreement with Moldova is less advanced, so it is expected that it would not come into force earlier than in the second half of 2012.

As regards the possibility of concluding social security agreements with other countries, it is planned to open negotiations with Turkey, Belarus and the Canadian Quebec province (*the agreement with Canada has been signed and has been in force since 1 October 2009, the need to conclude an agreement with the Quebec province stems from the fact a separate social security system, different from the rest of Canada, is applied there*).

2.4 Other aspects

2.4.1 Naturalisation

Given the already mentioned characteristics of immigration to Poland and the relatively low interest of foreigners in staying in Poland permanently, it is not surprising that the dynamics of naturalisation is very low.⁷⁰



Among the countries of former citizenship, the eastern neighbours of Poland such as Ukraine, Belarus and the Russian Federation prevail.

It is worth mentioning that in the discussed period 476 people who were considered as stateless persons while applying for naturalisation, acquired Polish citizenship.

The methods of acquiring Polish citizenship are stipulated in the Act of 15 February 1962 on Polish citizenship.

Polish citizenship is granted upon birth a child whose one parent is a Polish national, acquires the Polish citizenship regardless of the place of birth (rule of blood/ *Ius sanguinis*).

It is also possible to obtain Polish citizenship based on a decision of competent authority, i.e. by the decision to grant citizenship issued by the President of the Republic of Poland. (Article 8 of the Act on Polish citizenship) or by the Voivode. (Article 9).

According to Article 8, a foreigner may be granted Polish citizenship upon request if they live in Poland based on a settlement permit, a residence permit for a long-term EC resident or a permit for permanent residence in the territory of the Republic of Poland for at least 5 years.

⁷⁰ Act of 15 February 1962 on Polish Citizenship, with further amendments (Dz. U. of 2000, No. 28, item 353; of 2001, No. 42 item 475; of 2003, No. 128, item 1175; of 2005, No. 94, item 788; of 2006, No. 104, item 708 and No. 144, item 1043; and of 2007, No. 120, item 818.)

In practice, one can apply for Polish citizenship after a 10-year residence in Poland. In exceptional and justified cases, not stipulated in the Act, it is allowed to grant Polish citizenship to a foreigner who does not meet all the above requirements. It is the President of Republic of Poland who grants citizenship. He may also refuse to grant Polish citizenship to a foreigner who meets all the requirements, and he is not obliged to justify his decision. Each case is considered individually. If Polish citizenship is granted to both parents, their children also get it. If a child is more than 16 years old, their consent is required. Foreign nationals living in Poland should submit their applications for Polish citizenship to the competent voivode in their place of residence, those living abroad- through the competent consul. The detailed procedure concerning acquisition of Polish citizenship and certification and application forms are determined by the Ordinance of the President of the Republic of Poland of 14 March 2000 (Dz. U. No. 18, item 231).

Pursuant to Article 9 of the Act on Polish citizenship, a person lacking citizenship or a stateless person may be acknowledged as a Polish citizen if they have been living in Poland based on a settlement permit or a residence permit for a long-term EC resident for at least 5 years. In practice, a longer period (more than 10 years) of residence is required, though. The decision is made by the competent voivode. The Minister of the Interior and Administration constitutes the second instance authority.

A simplified procedure of Polish citizenship acquisition is applied to foreigners married to Polish citizens. Pursuant to Article 10 of the Act, a foreigner who has been married for at least 3 years to a Polish citizen and living in Poland based on one of the three above-mentioned residence permits may submit a statement of intention to acquire Polish citizenship to the competent voivode. The foreigner's statement is accepted by decision issued by a voivode (as of 1 July 2001) and results in granting Polish citizenship. The statement may be submitted by an entitled foreigner only within the period of 6 months after they obtain a settlement permit or after three and a half years after they get married to a Polish citizen. A voivode is the competent authority for such issues.

The President or voivode may require the foreigners who want to naturalise in Poland abandon their citizenship, but in practice this requirement is not used.

Exceptionally, a foreign national may acquire Polish citizenship if they cross the border of the Republic of Poland based on a (national) repatriation visa. Pursuant to Article 4 of the Act of 9 November 2000 on repatriation⁷¹, a foreign national arriving in Poland based on a repatriation visa obtains Polish citizenship by virtue of law on the day they cross the border of the Republic of Poland. A repatriation visa may be issued to a person of Polish origin intending to settle in Poland permanently, who before the implementation of the Act of 9 November 2000 on repatriation (i.e. before 1 January 2001) lived permanently in the territory of the present Democratic Republic of Armenia, Azerbaijan Democratic Republic, Democratic Republic of Georgia, Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Tajikistan, Republic of Turkmenistan, Republic of Uzbekistan or the Asian part of the Russia Federation.

2.4.2 Preferences for foreigners of Polish origin

Foreigners of Polish origin constitute a group subject to preferential treatment by Polish authorities, in comparison to other immigrant groups. First and foremost, the legal framework enabling them to settle in Poland was established. In addition to the above-mentioned act on repatriation of persons from a determined geographic area, who could settle in Poland due to

⁷¹ Dz. U. of 2000, No. 106, item 1118, consolidated text: Dz. U. of 2003, No. 53, item 532.

some historic issues⁷², it was Article 52(5) of the Constitution of the Republic of Poland of 2 April 1997, which was to ensure the general possibility of settling in Poland, as pursuant to this act a person, whose Polish origins were confirmed according to the act may immediately settle in the Republic of Poland.⁷³

With regard to the topic of this report, one should mention facilitation of the procedure of taking up studies for the students of Polish origins and introduction of the Card of the Pole.

2.4.2.1. Students of Polish origin

The law specifies which groups of foreigners may take up and continue studies based on the same conditions as Polish nationals⁷⁴; the other foreign nationals may take up and continue education as well as conduct scientific research and experimental development based on:

- 1) international agreements, according to the rules specified therein;
- 2) agreements concluded with foreign entities by universities, according to the rules determined therein;
- 3) decisions of the Minister of Science and Higher Education or any other competent Minister;
- 4) decision of the provost (university president).

The foreign nationals holding a Polish scholarship, taking up studies and training or conducting scientific research and taking part in experimental development, are exempted from the

⁷² Pursuant to the Preamble, “the obligation of the Republic of Poland is to allow repatriation to the Poles who remained in the East, especially on the Asian territories of the Former Soviet Union, and due to deportation, exile and other forms of national or political persecution could never settle in Poland.”

Nevertheless, regardless of the declarative obligation, the scope of actual settlements resulting from repatriation is rather low. There are problems with providing the potential repatriates with “conditions for settlement”, i.e. accommodation and maintenance. In 2004, repatriation visas were issued to 269 persons, in 2005- 252 persons, in 2006- 239 persons, in 2007- 247 persons, in 2008- 204 persons, whereas in 2009- 164 persons.

⁷³ For a very long time, there were some problems with lawful verification of Polish origins; the criteria listed in the Act on repatriation were in general use. In 2007, the problems with executing the constitutional provision were mentioned by the Ombudsman

(<http://www.rpo.gov.pl/pliki/1177941362.pdf>). Nevertheless, the number of foreigners who obtained a settlement permit based on Article 52(5) of the Constitution of the Republic of Poland increased to 260 in 2004 and to 1107 in 2008, i.e. more than four times in 5 years.

⁷⁴ The rules of taking up and continuation of studies as well as participation in scientific research and experimental development for Polish citizens operate also for:

- 1) Foreigners holding a settlement permit;
- 2) Foreigners holding a refugee status granted in the Republic of Poland;
- 3) Foreigners benefiting from temporary protection in the territory of the Republic of Poland;
- 4) Migrating employees, being citizens of the EU or EFTA Member States – the Parties to the Agreement on the European Economic Area, if they are or were employed in Poland, as well as their family members if they live in the Republic of Poland;
- 5) Foreigners who were granted a residence permit for a long-term resident of the EC in the territory of the Republic of Poland;
- 6) Foreigners who were granted a residence permit for a fixed period of time in the territory of Poland in relation to family reunion as well as holders of a residence permit for a long-term resident of the EC issued by another EU Member State, who are going to take up or continue studies in Poland.
- 7) Citizens of the EU or EFTA Member States – the Parties to the Agreement on the European Economic Area as well as their family members, possessing financial resources necessary to cover expenses related to studies, but they are not entitled to any social scholarship, special scholarship for the disabled, accommodation scholarship, living scholarship and allowances.
- 8) Holders of the Card of the Pole.

obligation to incur educational cost and are granted a scholarship in the amount depending on the form of education they applied for. The scholarship is granted for each year of studies for the period which does not exceed the period specified by the university senate as a proper duration of given studies or trainings. A scholarship may be also granted for a period shorter than an academic year. The studies holding a scholarship may obtain once during their studies in Poland a relocation allowance in their first year of studies and a hardship benefit. They may get an allowance with relation to the preparation of a MA or PhD thesis.

Each year, general consulates of the Republic of Poland obtain a list of more than 100 faculties conducting recruitment. The most popular faculties are pedagogy, Polish philology, as well as technical, agricultural and economic faculties.

During the academic year 2007/2008 in the Polish institutions of higher education, on bachelor studies (3 years) and master studies (2 years) as well as uniform master studies (5 years) there were about 4,000 students of Polish origin, including about 1,900 holding a scholarship of the Government of the Republic of Poland, i.e. they were granted scholarships by Minister of Science and Higher Education, Minister of Health as well as the Minister of Culture and National Heritage. Half of them was granted their scholarships after exams they took in Lithuania, Latvia, Belarus, Ukraine, Russia, Kazakhstan, Moldova and the Czech Republic. The exams were organised by Bureau for Academic Recognition and International Exchange in cooperation with consulates, where in Belarus, Ukraine and in Russia the qualification process is carried out in more than one place.

The other stipendiaries got their scholarships during their studies in Poland. In the general opinion, the present scholarship granting system in the current financial situation was successful, as it allows to select students who have proper qualifications to take up studies in Poland.

Due to the present legal conditions, the Ministry of Science and Higher Education as well as other administration authorities do not have grounds for permanent gathering and processing of data on lives of the foreign graduates from Polish universities. Only general consulates of the Republic of Poland, which maintain contact with the graduates on a given territory, may know who left Poland after graduation. The data may be imprecise due to the fact that information is often gathered from the so-called *second hand* (by indirect means). It is estimated that the percentage of graduates of Polish origin who stay in Poland after graduation ranges from around 20%, e.g. in the case of the Czech Republic and Lithuania, to more than 80% in the case of Kazakhstan and other post-soviet republics from Central Asia. Such a high percentage of graduates from the countries mentioned stems from the fact that in the majority of cases people of Polish origin from these territories decided on staying in the country of their ancestors on taking up the studies. It is due to the economic situation in their countries, resulting in worse opportunities of finding a satisfactory job in their country.⁷⁵

Persons who were not admitted to university on the scholarship of the Government of the Republic of Poland may apply for admission under other financial conditions, i.e. upon fee or free of charge and without any scholarship allowances (so-called allowance-free), provided they are in possession of funds necessary to cover the costs of living in Poland (accommodation and board, educational aids, etc.). or, additionally, the education costs in the case of persons who were not granted a scholarship. Moreover, it is possible to take up and continue studies on the scholarship funded by the sending party (free of charge) or on the scholarship offered by the university.

Pursuant to the statutory regulations, foreigners studying in Poland are entitled to voluntary health insurance. It is the institution of higher education that pays the health insurance

⁷⁵ The response of the Minister of Science and Higher Education, Barbara Kudrycka, of 2 February 2009 to parliamentary question No. 3137 concerning the status of students of Polish descent from Belarus, Ukraine and Lithuania studying in Poland <http://orka2.sejm.gov.pl/IZ6.nsf/main/0B74CDE1>.

contributions for persons of confirmed Polish descent (about EUR 10 per month per person) and it will be reimbursed for the insurance costs from the national budget later.

2.4.2.2 Card of the Pole

The Card of the Pole⁷⁶ is a document stating adherence to the Polish Nation. The fact of being granted the Card of the Pole does not entitle to automatic acquisition of Polish citizenship or being confirmed as a person of Polish descent. It also does not authorise to cross the border without a valid visa or to reside in the territory of the Republic of Poland.

However, the Card of the Pole gives its holder a number of rights that facilitate maintaining contact with Poland, such as the right to:

- 1) Apply for exemption from payment of a fee for accepting and processing an application for a national visa or for reimbursement of this cost;
- 2) Exemption from the obligation to demonstrate the possession of sufficient means of subsistence or documents confirming the possibility of acquiring such means on entry to Poland on the basis of a visa in order to benefit from the rights resulting from the possession of the Card;
- 3) Exemption from the obligation to possess a work permit based on the principles stipulated in the Act of 20 April 2004 on employment promotion and labour market institutions;
- 4) Commence and pursue economic activity on the same rules as Polish nationals, according to the Act of 2 July 2004 on freedom of economic activity (Dz. U. No. 155, item 1095, as amended);
- 5) Benefit from health care services in cases of emergency to the extent specified in the Act of 27 August 2004 on health care services financed from public funds unless an international agreement to which the Republic of Poland is a Party provides for more beneficial rules.

Card holders may benefit from education in public schools on the same conditions as Polish nationals. They may also take up and continue PhD studies, including studies on public universities and other forms of education, on the same rules as Polish nationals. They preserve the right to apply for scholarships and other forms of support provided for in separate regulations for foreigners.

From September 2007 up to 31 December 2010 59,288 applications for the Card of the Pole issuance were submitted in Polish consulates. In that period 46,044 Cards of the Pole were issued.

⁷⁶ Pursuant to the provisions of the Act of 7 September 2007 on Card of the Pole (Dz. U. No. 180, item 1280, as amended), the card of the Pole may be issued only to a person who at the moment of application is a national of: the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Estonia, Georgia, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Lithuania, the Republic of Latvia, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Turkmenistan, Ukraine, or the Republic of Uzbekistan or a stateless person in one of these countries. Card of the Pole is issued to a person who declares belonging to the Polish Nation and meets all of the following requirements:

- 1) Proves their affiliation to Poland through at least basic knowledge of Polish language, which they consider as a mother tongue, and knowledge and cultivation of Polish traditions and customs,
- 2) In the presence of the Consul of the Republic of Poland declares in writing belonging to Polish Nation,
- 3) Proves their Polish nationality or possessed Polish citizenship or at least one of their parents or grandparents or two grand-grandparents were of Polish citizenship, or submits certificate of a Polish or Polonia organisation running their activities on the territory of one of the above-mentioned countries confirming their active engagement in activities for Polish language or culture or Polish national minority for at least 3 years.

The Card is issued for 10 years, after which it is prolonged for additional 10 years (issuing of the Card to minors or people above 65 years old is regulated differently). The Card of the Pole expires at the moment of granting Polish citizenship or acquisition of settlement permit in the territory of the Republic of Poland.

2.4.3. Integration

Regardless of the above mentioned activities aimed at foreigners of Polish origin and given the characteristics of temporary migration, and especially circular migration, which is the focus of this Report, it is difficult to talk about Poland's integration policy towards immigrants.⁷⁷ While foreigners who decide to study in Poland may take part in Polish classes organised by entities subjected to the Ministry of Science and Higher Education, which is an example of activity supporting their adaptation to living in a Polish-speaking country, in the case of other persons, who do not plan to stay permanently in Poland, a question arises whether there is any point in their potential obligatory integration.

Temporary residence in Poland is chosen by persons who treat it as a stage in realisation of their life goals. These persons are resourceful enough to integrate easily – if not with the Polish society, then at least with their neighbourhood or colleagues. Taking into account the fact that the dominant group of immigrants consist of nationals of the neighbouring countries, especially Ukraine, which are similar to Poland in terms of culture, actions aimed at their integration seem to be redundant. The above remarks concern the present migration situation in Poland. Nevertheless, it cannot be excluded that in the next few years the number of immigrants will increase, which will force the authorities to take specific steps to extend integration activities to new group of foreigners.

As emphasised in the literature, despite the fact that Polish migration policy is still quite restrictive, it should be noticed that in the last few years the number of possible ways of residence legalisation for different categories of immigrants has begun to increase. A gradual widening of the scope of rights for different types of immigrants can also be observed.⁷⁸ The changes may have a positive influence on the integration of migrants, their eagerness to stay in Poland for longer, as well as stimulate a further influx of immigrants to Poland.

The researchers highlight that the European Fund for the Integration of Third-Country Nationals and other European funds constitute a driving force for the public administration as well as for the non-governmental sector when it comes to drafting and implementing of various initiatives aimed at immigrants. Therefore, it is possible to realise more integration initiatives in the nearest future. While evaluating the activity of Poland as regards the migration policy, it may be stated that it reinforces the circular, seasonal and short-term character of migration. What is more, the migration policy is addressed mainly to the eastern neighbours of Poland, which are non-EU Member States. The countries are thought to be “safe” sources of short-term immigrants, who may easily fill the gaps on the national labour market and return to their countries of origin if they are no longer needed.⁷⁹

⁷⁷ Activities for foreign nationals integration in Poland are realised only for repatriants and persons under international protection (refugees and foreigners under subsidiary protection). In case of the latter, they take a form of 1-year individual integration programmes - as they have to meet specific requirements of given persons.

⁷⁸ Renata Stefańska, Prawny wymiar integracji [Legal dimension of integration], in: Transformacja nieoczywista, op.cit, p. 196.

⁷⁹ M. Lesińska, R. Stefańska, M. Szulecka, Podsumowanie w perspektywie polityki migracyjnej [Recapitulation in view of migration policy], in: Transformacja nieoczywista, op.cit., p. 235-237.

3. Data on circular and temporary migration in Poland

As observed by migration researchers in Poland, official statistics concerning foreigners, collected by individual institutions, do not allow us, for various reasons, to see the full picture of the actual scale of immigration to Poland. The main reason is the fact that individual offices collect data necessary for their proceedings. In practice, it is impossible to “trace” the history of a given migrant – how long he stayed in Poland, how many times he visited Poland, how long he worked, etc. However, we can try to follow the trends on the basis of available data.

The implementation of *acquis communautaire* to the Polish legal system in the field of foreigners’ access to the labour market, the accession of Poland to the European Union in 2004 and the related opening of the labour market for citizens of EU Member States have resulted in reducing the number of foreigners covered by the work permit system. Paradoxically, this process obstructs, or even prevents, the reception of accurate data concerning the number of foreigners – migrant workers in Poland.

Despite many undoubtedly interesting results, a study based on interviews with interested parties, i.e. migrants, carried out by various Polish research centres is not sufficiently representative due to a limited study sample. Therefore, further in this chapter we will quote the results of a study carried out by Ukrainian institutions, which better convey the character of Ukrainian nationals’ migration to various destination countries, including Poland. It is worth emphasizing that although Ukraine is seen from the Polish perspective as the main country of origin of circular (often seasonal) migrants, Poland is not the most frequently chosen destination country for Ukrainians.

According to authors of this Report, the most valuable data presenting the scale of interest in **circular migration** to Poland are the ones coming from district (poviat) labour offices, collected and made available by the Ministry of Labour and Social Policy, concerning registered declarations of employers who wish to employ foreigners, which indirectly allow us to separate the most important features of migration, which is facilitated by the “simplified/statement-based system” in Poland, described in the paragraph 2.2.1.

Statistics referring to registered statements have been maintained since 20 July 2007, while data for 2007 and 2008 were collected by nationality of a foreigner, number of declarations issued to persons holding a visa or a residence permit, sex, age, selected sectors and professions (i.e. agriculture and related industries, construction and related industries, household services, trade, industry, transport, gastronomy, hotel trade/tourist services, temporary labour agencies). In 2009 the statistics included an additional category of the number of statements registered on the basis of Article 2(27a)⁸⁰ of the Ordinance of the Minister of Labour and Social Policy of 30 August 2006 on taking up employment by foreigners without the need to obtain a work permit, broken down into the duration of work of a foreigner.

⁸⁰ Article 2 (27a) stipulates that performing work by foreigners on the territory of the Republic of Poland without the need to possess a work permit is acceptable in the case of “foreigners being citizens of countries bordering the Republic of Poland and countries with which the Republic of Poland cooperates in the field of labour migration under the Partnership for Mobility established between these countries and the European Union, staying on the territory of the Republic of Poland on the basis of a residence permit for a fixed period of time, due to performing other work within the validity period than work to which the residence permit for a fixed period of time has been granted on the basis of employer’s declaration on entrusting them with other work than the one being the reason for granting the residence permit, registered in a poviat labour office competent for the place of residence or headquarters of the employer submitting the statement.

The data above confirm the growing interest in the above mentioned system among Polish employers. In the first five months from its entry into force (August - December 2007), 21,797 statements were registered (including 20,260 statements for Ukrainian citizens), whereas in 2008 there were 156,713 statements (including 142,960 statements for Ukrainian citizens).

This tendency persisted in 2009 - employers registered 188,414 statements. A prevailing group of persons whom these declarations concern were again Ukrainian citizens (180,133, i.e. 95.6 % statements), 4,860 employer's statements concerned Belarusian citizens, 2,747 Moldovan and 674 Russian citizens. The number of Georgian citizens using this solution is minute – in the first quarter of 2010 Polish consulates issued 9 visas to enable them to take up employment. The reasons for this include the fact that Georgia has only recently concluded an agreement with the EU on the Mobility Partnership.

Out of 188,414 employer's statements issued in 2009, nearly 13.5 thousand were issued to persons who already stayed in Poland on the basis of a visa or a residence permit for a fixed period of time, while 33 thousand to persons performing additional work in addition to other work already performed in Poland.

Table 1. Employer's statements on intention to employ a foreigner (*simplified system*) in 2009

Category	2009				TOTAL
	Citizenship				
	BY	RU	UA	MD	
Number of statements:	4,860	674	180,133	2,747	188,414
including - number of statements for persons holding a visa or a residence permit	276	77	12,862	195	13,410
including the number of statements registered pursuant to Article 2(27a) of the Ordinance	386	78	32,331	179	32,974
Number of women	2,106	313	88,895	968	92,282
Number of all migrants aged under 26	972	146	36,345	879	38,342
Aged 26-40	2,417	323	82,732	1213	86,685
Aged 41-65	1,438	192	62,220	645	64,495
Aged over 65	23	5	562	0	590
Agriculture and related	1,740	138	119,665	809	122,352
Construction and related	626	55	17,565	849	19,095
Household services	330	21	8,399	41	8,791
Trade	588	149	3,018	60	3,815
Industry	175	78	5,993	354	6,600
Transport	549	41	2,413	38	3,041
Gastronomy	121	23	1,720	31	1,895
Hotel trade/tourist services	177	9	1,379	14	1,579
Temporary labour agency	88	32	10,872	349	11,341
Other	449	127	10,638	171	11,385

Source: Ministry of Labour and Social Policy

Analysing these data, we need to bear in mind that the number of registered declarations does not reflect the number of persons coming to Poland due to the fact that more than one employer's statement can concern a single person; moreover, this number is not the same as the number of persons who actually decided to come to Poland.

Data on visas coming from the Ministry of Foreign Affairs directly confirm the above mentioned reservation, since they indicate a significantly lower scale of entries compared to registered declarations.

Table 2. Number of visas issued for seasonal work in Poland in 2009 and the first half of 2010 (10 most represented countries of origin)

	2009			
	visa issued to perform work depending on a season - C 07 (uniform/Schengen visa)	visa issued to perform work depending on a season - D 07 (national visa)	Schengen visa C	national visa D
Total	228	1025	284999	154630
including:				
BELARUS	22	610	60,386	9,963
MOLDOVA	3	284	3,246	1,474
RUSSIA	44	86	36,179	907
UKRAINE	47	23	165,207	138,203
CHINA	29	12	2,896	1,177
TUNISIA	1	2	115	57
TURKEY	6	2	4,560	894
BOLIVIA	0	1	0	2
INDIA	9	1	1,486	283
THAILAND	0	1	314	377

Source: Ministry of Foreign Affairs

Statistical data concerning the number of registered employer's statements on intention to employ a foreigner for up to 6 months (within 12 months) presented according to the criterion of validity period of a given statement (below one month, between one month and three months and between three and six months) show that employer's statements with the longest validity period amounted to 82% of all statements issued.

Table 3. Number of registered employer's statements on intention to employ a foreigner for up to 6 months (within 12 months) by validity period of a given statement in 2009

Category	2009				
	Citizenship				TOTAL
	BELARUS	RUSSIA	UKRAINE	MOLDOVA	
Number of statements:	4860	674	180,133	2,747	188,414
below 1 month	24	29	1,443	29	1,525
between 1 month and 3 months	565	93	15,030	214	15,902
between 3 and 6 months	3,833	487	148,598	2,458	155,376

Source: Ministry of Labour and Social Policy

Taking into account the character of work performed by persons whom the statements concern and the sector in which work is performed, based on the 2009 data, a visible domination of the agricultural sector (122,352, i.e. 65% of statements) can be indicated. It is followed by the construction sector (19,095, i.e. 10% of statements), employment in temporary labour agencies (11,341, i.e. 6% of statements) and providing household services (8,791, i.e. 4.7% of statements). These data indicate the prevalence of seasonal migrations over migrations not depending on seasons.

Table 4. Number of registered employer's statements on intention to employ a foreigner for up to 6 months (within 12 months) in the years 2007-2009 - i.e. the number of persons who could take up employment without the need to apply for a work permit

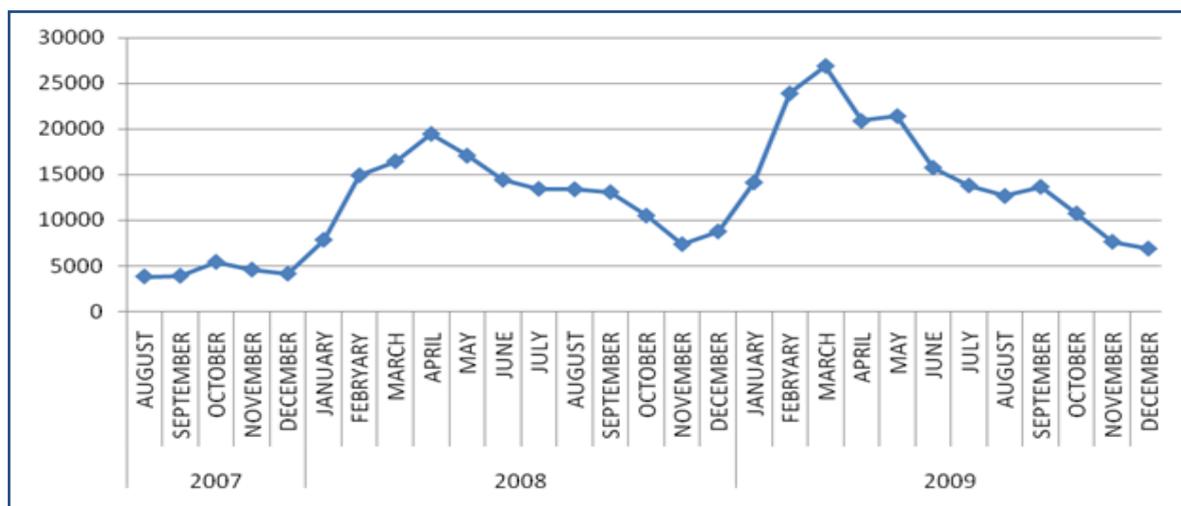
	VIII-XII 2007			2008			2009			
	BY	RU	UA	BY	RU	UA	BY	RU	UA	MD
TOTAL	1,347	190	20,260	12,,606	1,147	142,,960	4,860	674	180,133	2,747
<i>including:</i>										
Agriculture*	660	39	5,353	3,017	91	74,079	1,740	138	119,665	809
Construction*	629	26	4,974	3,307	182	20,460	626	55	17,565	849
Other**	58	125	9,933	6,282	874	48,421	2,494	481	42,903	1,089

* Agriculture and construction are the so-called seasonal migrations

**Other/non-seasonal (household services, trade, industry, transport, catering, hotel trade/tourist services, temporary labour agency) constitute circular migration.

Source: Ministry of Labour and Social Policy

On the basis of data concerning the registration of employer's statements in particular months, we can observe a significant increase in employers' interest in this form of employing foreigners in spring months. However, there is no clear connection between the number or increase in the number of registered employer's statements and the date of registration. Therefore, it is hard to prove a seasonal character of this form of migration, although we can suppose that the increase in the number of registered declarations proves that Polish employers are cautious, as they wish to secure an appropriate number of workers, e.g. to pick up fruits in summer months.



Source: Ministry of Labour and Social Policy

Due to the fact that Ukrainian citizens are the most represented group of foreign workers in Poland, a Ukrainian study on external labour migrations of Ukrainian citizens was extremely interesting.

In June 2008, the State Statistics Committee of Ukraine, the Ukrainian Center for Social Reforms, supported by Arseniy Yatsenyuk Foundation "Open Ukraine", IOM Mission in Ukraine and the national Office of the International Bank for Reconstruction and Development carried out the first large-scale study devoted to labour migration.⁸¹ The objective of the study was to evaluate

⁸¹ All information concerning the survey, statistical data and findings quoted after the material in English, entitled "External Labour Migration of the Ukrainian Population. Main Findings of a Sample Survey", placed on the Open Ukraine Foundation website:

the scope/scale, distribution, directions of external migration streams, their socio-demographic structure, types of professional activity of migrant workers, duration and frequency of travels, and other aspects. Research methodology was developed based on international standards. The study was carried out on a randomly selected sample of households, usually used in studies concerning the economic activity and living standards of population. The enormous range of the sample provides results which reflect the situation in the entire country and in 5 territorial zones (East, West, Centre, North and South).

For the purposes of the study, it was assumed that external migrant workers were Ukrainian citizens who undertook a permanent, seasonal or temporary paid economic activity on the territory of another country (including those working without an official status). Neither did this group cover circular migrant workers, nor persons who left Ukraine to reside permanently in another country.

The study concerned the period between 1 January 2005 and 1 June 2008. It covered over 48,000 persons (women aged 15-54 and men aged 15-59), representing 22,000 households in all country's regions.

Results have shown that almost 1.5 million citizens (5.1% of the population) in a three and a half year period travelled abroad to take up employment at least once, and that Poland was the fourth destination country. Almost half of this group (48.5%) travelled to the Russian Federation, while a similar group travelled to the EU Member States, mainly Italy (13.4%), the Czech Republic (12.8%), Poland (7.4%), Spain (3.9%) and Portugal (3%).

The study has indicated a periodical and seasonal nature of economic migrations. Migrants had travelled abroad 3.5 times on average in the period in question. Those migrants who travelled once only chose the Russian Federation and Italy most often.

Table 5. Travels of Ukrainian labour migrants by destination country

	Total	By number of travels			
		1 travel	2-5 travels	6-10 travels	Over 10
Number of migrant workers (in thousands)	1,476.1	492.6	708.9	253.7	20.9
Migrant workers by destination country: (% of the total)					
Russian Federation	48.5	36.5	47.8	70.9	81.3
Italy	13.4	25.2	10.4	0.2	0.0
Czech Republic	12.8	6.6	15.9	16.8	0.0
Poland	7.4	5.9	8.5	7.3	6.7
Spain	3.9	6.4	3.7	0.0	0.0
Portugal	3.0	5.2	2.3	0.6	0.0
Hungary	2.4	0.6	3.1	3.7	7.2
Other	8.6	13.6	8.3	0.5	4.8

Source: *External Labour Migration of the Ukrainian Population. Main Findings of a Sample Survey*

Migrant workers remained abroad for 7 months on average. Duration of stay was to a large extent determined by proximity of the destination country and the number of travels, as shown in the table below:

Table 6. Duration of economic migration of Ukrainian nationals by destination country

	Total in thousands	Percentage share by duration of stay (in months)				
		< 1	1-3	3-6	6-12	Over 12
Number of migrant workers (in thousands)	1,476.1	5.9	37.1	18.0	23.7	15.3
Migrant workers by destination country:						
Russian Federation	716.1	5.8	51.5	18.8	17.2	6.7
Italy	197.9	0.8	5.3	5.8	50.4	37.7
Czech Republic	188.3	7.3	27.1	42.6	15.6	7.4
Poland	108.9	16.7	52.1	16.4	13.3	1.5
Spain	57.5	0.0	7.0	3.7	50.3	39.0
Portugal	43.9	3.2	5.0	3.6	30.8	57.4
Hungary	35.8	16.8	51.7	7.8	14.8	8.9
Other countries	127.7	3.1	27.7	12.2	27.2	29.8

Source: *External Labour Migration of the Ukrainian Population. Main Findings of a Sample Survey*

As shown in this Ukrainian report, during the three and a half year period covered by this study, in the one and a half year period between 1 January 2007 and 1 June 2008 alone, 1.3 million persons worked abroad. 35.1% of this population held residence and work permits, 39.3% enjoyed temporary declarations/registration, while the remaining part had no official status.

The most common type of economic activity among migrant workers was working in the construction sector (51.6%), household services (16.3%), wholesale and retail trade (8.1%), agriculture (8.5%) and industry (5.4%).

The above mentioned structure of activity determined the split of migrants into professional groups: manual workers constituted the largest group – 37.9%, followed by persons performing the simplest tasks (including household activities) – 33.1% and persons working in trade sector and providing consumer services – 16.6%. Specialists, experts and technicians amounted to ca. 6% of migrant workers.

As emphasized in the report, taking account of the number of jobs offered to the above mentioned persons on the Ukrainian labour market, the main reason for undertaking economic migration was not unemployment, but the low compensation level, indicated as the main reason of looking for a job abroad by 60% interviewees. Out of interviewees who planned to go abroad within the following 6 months after the survey (i.e. until the end of 2008), 400,000 persons (20%) intended to find employment or return to their previous job. According to household members, three fourths of migrant workers staying abroad during the survey planned to return to Ukraine.

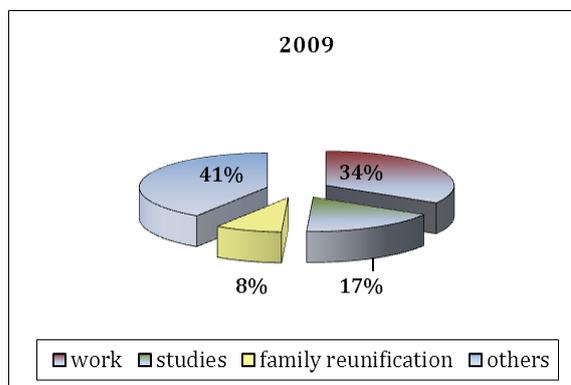
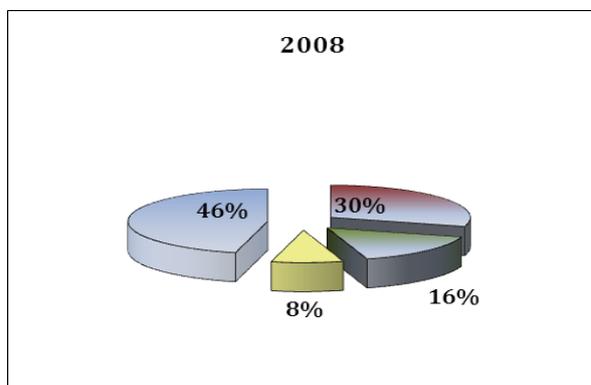
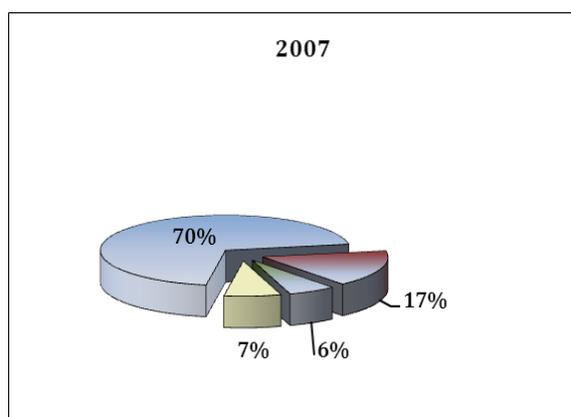
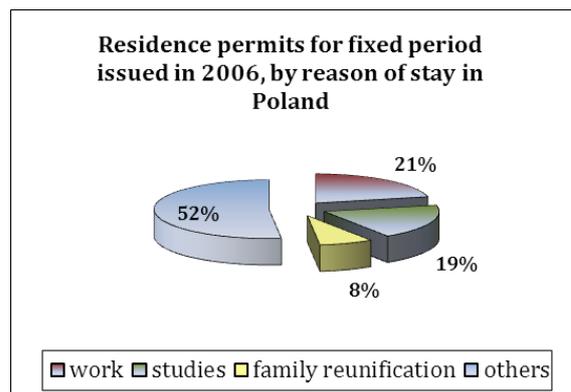
Referring to **data on temporary migration**, the basic information on this kind of migration provide the data concerning resident permits for a fixed period in the Republic of Poland (see data in Annex). Pursuant to Chapter 4 of the Act of 13 June 2003 on foreigners, the permit is issued if the circumstances constituting the grounds for application justify the foreigner's residence in the territory of the Republic of Poland for longer than 3 months.

In principle, the residence permit for a fixed period of time is issued each time for a period that is indispensable in order to achieve the objective of the foreigner's stay in the territory of the Republic of Poland, however, not longer than 2 years (it is, therefore, possible to issue a residence permit for a shorter period of time, but exceeding 3 months.) A foreigner, who

obtained the permit, gets a residence card, which combined with a travel document (passport), entitles them to multiple border crossings without a visa.

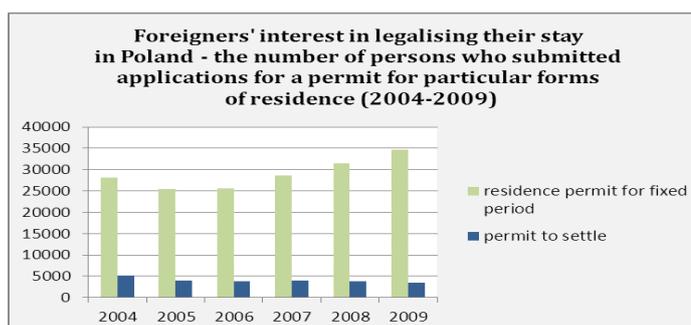
The list of circumstances justifying application for a permit is very long; for the purpose of this Report it will be limited to the three most typical reasons for which foreigners decide to stay temporarily in Poland: work, studies and family reasons. It appears that the most frequent one is work. While analysing this trend, one should bear in mind the issues mentioned in the previous chapter, i.e. the job market situation in 2006-2009, which was subject to many determining factors both economic (differences in the economic situation in individual years) as well as legal ones (introducing subsequent simplifications in access to the labour market in Poland for foreigners as well as exempting certain groups of foreigners from the work permit obligation).

It is worth emphasising that the percentage of residence permits for a fixed period of time issued in relation to starting or continuing studies in Poland was high. Taking into account



the relatively short duration of studies (5 years) and the lack of intention to stay in Poland after graduation declared by the foreigners, it can be stated that educational migration is a quite popular migration strategy. However, its positive, long-lasting effects do not affect Polish economy but rather that of their country of origin or other countries, which educated people choose as their final destination.

Comparing the data on the number of applications for the residence permit for a fixed period of time with the data on the number of application for a settlement permit in the Republic of Poland, it can be concluded that the clear dominance of the former proves that Poland is not perceived as a



destination country by the majority of foreigners who come to Poland⁸².

⁸² One should remember that granting a permit to settle to a foreigner is connected with necessity of meeting strict requirements, what is difficult to manage for many applicants.

4. Final provisions

It can be stated that the Polish immigration policy in the years to come will be influenced by regulations adopted at the Community level, on one hand, and by economic and demographic factors, on the other. Although in the above mentioned strategic documents immigration to Poland is not perceived as a phenomenon which will fully compensate for negative effects of the society aging or demand for workers in some professions, it can mitigate these effects to some extent. Therefore, the Polish authorities get involved in activities aimed at managing legal migration.

Following the adoption of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, pp. 24-32), Poland is working on an act transposing its provisions to the domestic legal system.⁸³ The drafted act will introduce *explicite* a ban on commissioning work to a third-party national residing in Poland illegally. It specifies sanctions for defying this ban. It regulates rules of seeking redress as regards remuneration and related benefits by third-country nationals residing in Poland illegally.

The act is expected to enter into force in July 2011. It is expected that the implementation of sanctions, not only punitive but also of measurable financial effects (such as exclusion from public procurement procedure or the necessity to return public funds,) as well as carrying out of information campaign will foster limiting illegal employment and, in consequence, increase the attractiveness of legal employment of foreigners. Nevertheless, given the relatively low share of foreigners on the Polish labour market, the actual impact of the above mentioned regulation on the number of job offers, professional activity of Polish nationals and the unemployment rate or the level of remuneration will be rather insignificant.

When it comes to the planned work on the Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals for the purpose of seasonal employment, the Polish government is rather sceptical about the intention to regulate it at the EU level, because the role of the workers in the EU Member States' economies differs significantly, as the character of local labour markets and their demand are varied.⁸⁴ It should be observed that Poland has elaborated, is implementing and improving the system of allowing third-country nationals to the short-term labour market (which includes also seasonal work but does not highlight it.) This system, presented in paragraph 2.2.1 is operating with minimum financial expenses and is really popular – in 2009 more than 190 thousand employers' declarations were submitted in this system. Owing to this system, it is possible to match job demand and supply in the short-term jobs segment (especially in agriculture). Adoption of the proposal for a directive, as an alternative to the simplified procedure for short-term workers binding in Poland, could mean limiting the possibilities of flexible employment of foreign

⁸³ The main objective of adoption of the Directive 2009/52 is limitation of the phenomenon of illegal immigration to the EU through decrease of attractiveness of employment third-country nationals staying illegally in Poland, and therefore limitation of the scope of so-called *grey economy*. Moreover, the directive is to guarantee that all EU member states introduce similar penalties for employers employing third-country nationals staying illegally and enforce them. The Directive introduces facilitations regarding compensations due to overdue remunerations by illegally employed third-country nationals.

⁸⁴ The draft position of the Government developed in relation to Article 6(1)(2) of the Act of 11 March 2004 on the cooperation of the Council of Ministers with Sejm and Senate on issues related to the membership of the Republic of Poland of the European Union (Dz. U. No. 52, item 515, as amended) on the proposal for a directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals for the purposes of seasonal employment.

workers from neighbouring countries (especially Ukraine) through, *inter alia*, additional charges for employers related to much more complicated procedures and further requirements.⁸⁵

Finally, it is worth mentioning that a new act on foreigners, which will replace the existing one, is being developed.

First reason for elaboration of draft provisions of the new act on foreigners is the necessity of transposing to the Polish legal order a number of provisions of community legal acts including:

- ⊕ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (the deadline for transposing the directive expired on 24 December 2010);
- ⊕ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. The deadline for transposing this directive expires on 19 June 2011.

The principles of the new act on foreigners account for the need for transposing to the Polish legal order in the nearest future the provisions of the other directives constituting a package of directives on accepting labour immigration by Member States, announced by the European Commission in the *Policy plan on legal migration*, COM (2005)669. The directives in question are as follows:

- ⊕ Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State – COM(2007)638 final;
- ⊕ Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer – COM(2010)378;
- ⊕ Directive on conditions of entry and residence of third-country nationals for the purposes of seasonal employment – COM(2010)379.

To a limited extent, the amended act will be aimed at transposing of the Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

As regards short-term migrations, it should be highlighted that the Act on foreigners will include clearer provisions concerning temporary residence permits. The draft includes distinct provisions that regulate the status of given groups of foreigners, according to the system worked out on a EU level.

The part of a new act on foreigners regarding temporary residence permit was divided into general part, which will regulate questions, which are common for all temporary residence permits and parts regulating procedure of granting of these permits. The division of the chapter regarding temporary residence permits is aimed at simplifying its possible future amendments, which might be necessary due to developing common law concerning third-country nationals entry.

It is planned to extend the maximum period of granting temporary residence. At present, according to the binding act on foreigners, the residence permits for a fixed period of time is granted for maximum 2 years, whereas new provisions will extend this period to 3 years.

It will be possible to issue one uniform permit for residence and work in the Republic of Poland, issued within one administration procedure.

The new kind of temporary residence permit for the purpose of highly qualified employment will be introduced. Due to the common character of this solution the permit will be marked as "EU Blue Card". A holder of temporary residence permit marked as "EU Blue Card" will be entitled to stay on the territory of Poland in case of temporary lack of employment.

⁸⁵ Ibidem

Annex I – Tables of statistical data

Table 7. Number of visas issued for the purpose of seasonal work in Poland in 2009 and in the first half of 2010 (Top 10 nationalities)

	2009			
	Schengen/uniform visa issued for the purpose of seasonal work (C 07)	National visa issued for the purpose of seasonal work (D 07)	Schengen visa (C)	National visa (D)
Total	228	1025	284999	154630
including:				
BELARUS	22	610	60386	9963
MOLDOVA	3	284	3246	1474
RUSSIAN FEDERATION	44	86	36179	907
UKRAINE	47	23	165207	138203
CHINA	29	12	2896	1177
TUNESIA	1	2	115	57
TURKEY	6	2	4560	894
BOLIVIA	0	1	0	2
INDIA	9	1	1486	283
THAILAND	0	1	314	377

	I-VI 2010			
	C 07	D 07	C	D
Total	118	63	153909	85535
including:				
BELARUS	32	36	36831	3451
RUSSIAN FEDERATION	11	15	20591	261
CHINA	10	6	3268	982
UKRAINE	18	2	81778	77734
ALBANIA	5	1	127	3
INDIA	5	1	1330	150
INDONESIA	1	1	35	3
TUNESIA	2	1	47	21
AFGHANISTAN	0	0	2	0
ALGERIA	0	0	34	1

Source: Ministry of Foreign Affairs

Table 8. Number of visas issued for seasonal work in Poland in 2009 and the first half of 2010 (by citizenship/nationality)

Citizenship	2009			
	Schengen/uniform visa issued for the purpose of seasonal work (C 07)	National visa issued for the purpose of seasonal work (D 07)	Schengen visa (C)	National visa (D)
AFGHANISTAN	0	0	5	0
ALBANIA	1	0	104	2
ALGERIA	0	0	29	2
ANGOLA	0	0	1	0
SAUDI ARABIA	0	0	36	0
ARGENTINA	0	0	1	0
ARMENIA	3	0	200	49
AUSTRALIA	0	0	0	3
AZERBAIJAN	0	0	393	10
BANGLADESH	0	0	94	126
BARBADOS	0	0	1	0
STATELESS	0	0	41	2
BHUTAN	3	0	7	0
BELARUS	22	610	60386	9963
BIRMA	0	0	2	6
BOLIWIA	0	1	0	2
BOSNIA AND HERCEGOVINA	42	0	674	20
BOTSWANA	0	0	3	0
BRASIL	0	0	0	13
BURKINA FASO	0	0	9	0
CHINA	29	12	2896	1177
CROATIA	0	0	17	0
MONTENEGRO	0	0	7	1
EGYPT	2	0	533	45
EQUADOR	0	0	0	1
ERITREA	0	0	2	0
ETHIOPIA	0	0	0	1
PHILIPINES	0	0	115	168
GAMBIA	0	0	5	0
GHANA	0	0	12	0
GEORGIA	4	0	1188	52
GUINEA	0	0	19	0
GUINEA - BISSAU	0	0	1	0
HONG KONG	0	0	0	1
INDIA	9	1	1486	283
INDONESIA	0	0	20	0
IRAQ	0	0	29	6
IRAN	0	0	50	1
IZRAEL	0	0	0	17
JAMAJKA	0	0	2	0
JAPAN	0	0	1	30
YEMEN	0	0	6	1
JORDANIA	0	0	71	0
KAMBODIA	0	0	1	0
CAMEROON	0	0	7	0
CANADA	0	0	2	7
KAZAKHSTAN	0	0	1117	12
KENIA	0	0	17	1
KYRGYZSTAN	0	0	181	19

COLUMBIA	0	0	15	1
CONGO	0	0	3	0
CONGO, REP. DEM.	0	0	22	0
SOUTH KOREA	0	0	0	3
NORTH KOREA	0	0	1	4
KOSOVO	0	0	59	19
CUBA	1	0	3	1
KUWAIT	0	0	2	0
LAOS	0	0	0	1
LESOTHO	0	0	1	0
LIBAN	0	0	101	5
LIBIA	0	0	120	3
MACEDONIA (FYROM)	2	0	171	7
MALAWI	0	0	1	0
MALI	0	0	3	0
MAROCCO	3	0	85	13
MAURETANIA	0	0	1	0
MAURITIUS	0	0	0	1
MEXICO	0	0	0	2
MOLDOVA	3	284	3246	1474
MONGOLIA	0	0	105	20
NAMIBIA	0	0	1	0
NEPAL	1	0	222	385
UNKNOWN	0	0	3	0
NIGER	0	0	1	0
NIGERIA	0	0	25	0
NEW ZELAND	0	0	0	1
OMAN	0	0	2	0
PAKISTAN	0	0	33	1
PALESTINA	0	0	44	7
PERU	0	0	7	5
SOUTH AFRICA	0	0	463	7
RUSSIAN FEDERATION	44	86	36179	907
SENEGAL	0	0	708	4
SERBIA	1	0	2416	64
SINGAPORE	0	0	0	2
SRI LANKA	0	0	93	15
USA	0	0	1	58
SUDAN	0	0	5	0
SURINAM	0	0	1	0
SYRIA	0	0	48	19
TAJIKISTAN	0	0	38	0
TAILAND	0	1	314	377
TAIWAN	2	1	648	17
TANZANIA	0	0	2	0
TOGO	0	0	2	0
TUNISIA	1	2	115	57
TURKEY	6	2	4560	894
TURKMENISTAN	0	0	10	0
UKRAINE	47	23	165207	138203
UZBEKISTAN	1	1	70	10
VENEZUELA	0	0	1	1
VIETNAM	1	1	54	21
IVORY COAST	0	0	4	0
ZAMBIA	0	0	2	0

ZIMBABWE	0	0	9	0
UNITED ARAB EMIRATES	0	0	1	0
TOTAL	228	1025	284999	154630

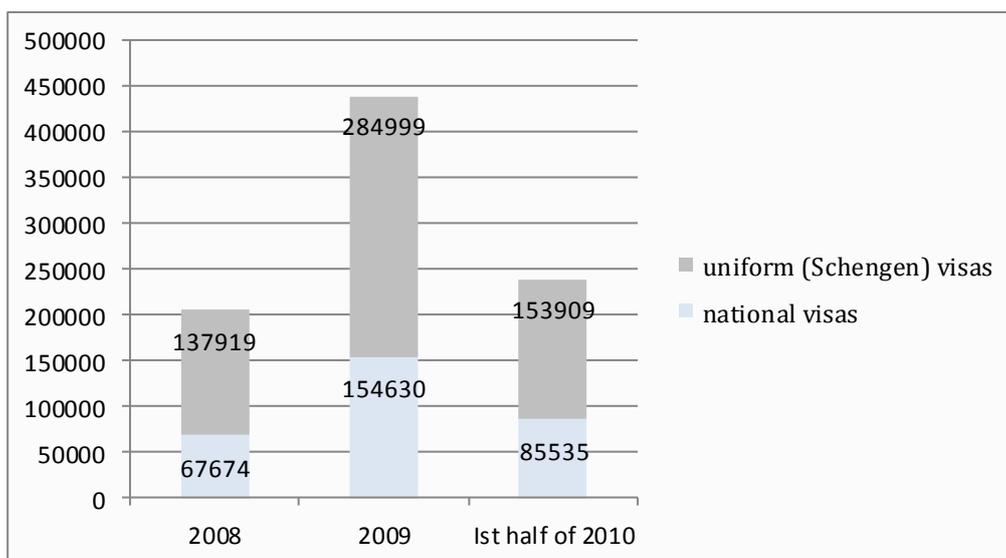
	2010			
	Schengen/uniform visa issued for the purpose of seasonal work (C 07)	National visa issued for the purpose of seasonal work (D 07)	Schengen visa (C)	National visa (D)
AFGHANISTAN	0	0	2	0
ALBANIA	5	1	127	3
ALGERIA	0	0	34	1
SAUDI ARABIA	0	0	34	0
ARMENIA	1	0	135	21
AUSTRALIA	0	0	0	1
AZERBAIJAN	0	0	206	11
BAHRAIN	0	0	6	0
BANGLADESH	0	0	23	101
BELIZE	0	0	1	0
STATELESS	0	0	37	1
BELARUS	32	36	36831	3451
BIRMA	0	0	3	6
BOLIVIA	0	0	1	0
BOSNIA AND HERCEGOVINA	12	0	552	26
BOTSWANA	0	0	1	0
BRASIL	0	0	0	3
BURKINA FASO	0	0	5	1
CHILE	0	0	1	1
CHINA	10	6	3268	982
DOMINICANA	0	0	2	0
EGYPT	1	0	416	37
EQUADOR	0	0	1	1
ETHIOPIA	0	0	4	0
FIJI	0	0	1	0
PHILIPINES	2	0	56	5
GAMBIA	0	0	2	0
GHANA	0	0	6	0
GEORGIA	0	0	385	39
GUINEA	0	0	6	0
INDIA	5	1	1330	150
INDONESIA	1	1	35	3
IRAQ	0	0	20	0
IRAN	0	0	244	6
IZRAEL	0	0	2	7
JAMAICA	0	0	1	0
JAPAN	0	0	0	4
JEMEN	0	0	2	0
JORDANIA	1	0	121	0
KAMBODIA	0	0	0	17
CAMEROON	0	0	0	1
CANADA	0	0	10	11
KAZAKHSTAN	0	0	541	1
KENIA	0	0	4	0
KYRGYSTAN	0	0	93	17
COLUMBIA	0	0	9	1
CONGO	0	0	4	0

	2010			
	Schengen/uniform visa issued for the purpose of seasonal work (C 07)	National visa issued for the purpose of seasonal work (D 07)	Schengen visa (C)	National visa (D)
CONGO REP.DEM., (F. ZAIR)	1	0	14	0
SOUTH KOREA	0	0	78	5
NORTH KOREA	0	0	0	2
KOSOVO	0	0	116	88
CUBA	0	0	2	0
KUWAIT	0	0	6	0
LIBAN	0	0	67	4
LIBIA	0	0	62	3
MACEDONIA (FYROM)	1	0	37	78
MALAVI	0	0	1	0
MALESIA	0	0	1	1
MALI	0	0	1	0
MAROCCO	2	0	96	4
MEXICO	0	0	0	2
MOLDOVA	0	0	1691	1398
MONGOLIA	0	0	191	16
NAMIBIA	0	0	1	0
NEPAL	2	0	42	320
UNKNOWN	0	0	1	0
NIGERIA	0	0	15	0
NEW ZELAND	0	0	0	1
OMAN	0	0	9	0
PAKISTAN	0	0	28	4
PALESTINA	0	0	12	0
PERU	0	0	4	0
SOUTH AFRICA	0	0	242	1
RUSSIAN FEDERATION	11	15	20591	261
RWANDA	0	0	3	0
SENEGAL	6	0	202	4
SERBIA	0	0	43	22
SRI LANKA	0	0	50	10
USA	0	0	4	58
SUDAN	0	0	3	0
SYRIA	1	0	74	11
TAJIKISTAN	0	0	53	7
TAILAND	0	0	111	92
TAIWAN	0	0	513	14
TANZANIA	0	0	1	0
TRINIDAD AND TOBAGO	0	0	2	0
TUNISIA	2	1	47	21
TURKEY	2	0	2642	357
TURKMENISTAN	0	0	14	2
REFUGEES (GENEVA CONVENTION 1954 .)	0	0	1	0
UGANDA	0	0	2	0
UKRAINE	18	2	81778	77734
UZBEKISTAN	0	0	389	87
UNITED KINGDOM	0	0	2	0
VIETNAM	0	0	69	14
ZAMBIA	0	0	13	0
ZIMBABWE	0	0	17	5

	2010			
	Schengen/uniform visa issued for the purpose of seasonal work (C 07)	National visa issued for the purpose of seasonal work (D 07)	Schengen visa (C)	National visa (D)
UNITED EMIRATES	2	0	6	0
TOTAL	118	63	153909	85535

Source: Ministry of Foreign Affairs

Table 9. Total number of uniform and national visas entitled to entering Poland, issued in 2008, 2009 and the first half of 2010.



Source: Ministry of Foreign Affairs

Table 10. Number and structure of employers' statements, registered by district labour offices in the years 2007 – 2009

Category		2007				2008			
		Citizenship			Total	Citizenship			Total
		BY	RU	UA		BY	RU	UA	
Number of statements:		1347	190	20260	21797	12606	1147	142960	156713
- for foreigners already having visas		146	30	1110	1286	696	89	8021	8806
- for women		260	61	7968	8289	3551	349	69310	73210
Issued for foreigners aged	Up to 26	407	50	3186	3643	3013	246	24404	27663
	26-40	594	81	9758	10433	5938	511	66054	72503
	41-65	343	55	6991	7389	3427	374	51903	55704
	Under 65	1	0	74	75	59	12	709	780
By sector	Agriculture and related	79	16	6336	6431	3017	91	74079	77187
	Construction and related	629	26	4974	5629	3307	182	20460	23949
	Household service	21	3	1218	1242	635	21	7614	8270
	Trade	55	20	671	746	1455	233	3343	5031
	Industry	202	33	2705	2940	912	233	8926	10071
	transport	142	18	594	754	1152	72	3395	4619
	gastronomy	26	5	420	451	263	16	2014	2293
	Hotel trade & tourist servives	24	4	186	214	213	15	1203	1431
	Temporary labour agencies	17	3	972	992	424	28	9860	10312
Others	153	60	2016	2229	1001	259	11878	13138	

	2009				
	CITIZENSHIP				TOTAL
	BY	RU	UA	MD	
Number of employers' statements:	4860	674	180133	2747	188414
- including number of statements for foreigners already having valid visa or residence permit for fixed period	276	77	12862	195	13410
- including number of statements registered on a basis of the paragraph 2 point 27a of Ordinance (mentioned in a subchapter 2.2.1)	386	78	32331	179	32974
Number of employers' statements issued for women	2106	313	88895	968	92282
Number of statements issued for foreigners aged below 26	972	146	36345	879	38342
Aged 26 - 40	2417	323	82732	1213	86685
Aged 40 - 65	1438	192	62220	645	64495
Aged under 65	23	5	562	0	590
Statements, by a sector of performed employment:					
Agriculture and related	1740	138	119665	809	122352
Construction and related	626	55	17565	849	19095
Household services	330	21	8399	41	8791
trade	588	149	3018	60	3815
Industry	175	78	5993	354	6600
Transport	549	41	2413	38	3041
Gastronomy	121	23	1720	31	1895
Hotel and tourists services	177	9	1379	14	1579
Temporary labour agencies	88	32	10872	349	11341
Others:	449	127	10638	171	11385

Source: Ministry of Labour and Social Policy

Table 11. Number of persons applying for residence permit for fixed period, in the years 2004 – 2009

COUNTRY	2004	2005	2006	2007	2008	2009
TOTAL:	28 142	25 486	25 660	28 557	31 467	34 671
Including:						
UKRAINE	9763	9123	8649	8558	9 054	9 609
BELARUS	2137	2004	1855	2418	2 591	2 663
VIETNAM	2056	1985	1864	2643	2 308	2 696
ARMENIA	2016	1706	1506	1773	1 694	1 554
RUSSIAN FEDERATION	1845	1635	1601	1463	1 579	1 572
CHINA	458	757	518	898	1 391	2 352

Source: Office for Foreigners

Table 12. Number of residence permits for fixed period, issued in the years 2004 – 2009

COUNTRY	2004	2005	2006	2007	2008	2009
TOTAL:	25425	22625	22376	23240	28 865	30 563
Including:						
UKRAINE	8518	8304	7733	7381	8 307	8 307
VIETNAM	1875	1704	1496	1673	2 580	2 580
BELARUS	2008	1829	1647	1992	2 380	2 380
RUSSIAN FEDERATION	1605	1495	1393	1273	1 468	1 468
ARMENIA	1793	1418	1199	1265	1 452	1 452
CHINA	415	606	383	672	1 205	1 205
SOUTH KOREA	329	358	488	876	1 053	1 053
INDIA	641	604	588	628	977	977
USA	898	765	875	854	922	922
TURKEY	491	504	590	640	834	834

Source: Office for Foreigners

Table 13. Number of residence permits for a fixed period, issued for a purpose of performing employment in 2006

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[18-34]	[35-64]	[65+]	Total[W]	[18-34]	[35-64]	[65+]	Total[M]	
ALL COUNTRIES:	727	768	7	1502	1484	1791	41	3316	4818
Including:									
UKRAINE	309	289	4	602	225	381	13	619	1221
VIETNAM	109	132		241	261	297		558	799
RUSSIAN FEDERATION	36	64	2	102	51	118	10	179	281
TURKEY	5	3		8	181	61		242	250
INDIA	7			7	147	89		236	243
BELARUS	48	40		88	44	89	5	138	226
ARMENIA	23	59	1	83	43	82	1	126	209
USA	22	16		38	60	90	5	155	193
JAPAN	4	7		11	44	134	1	179	190
SOUTH KOREA	13	9		22	49	119		168	190
CHINA	25	20		45	50	59	2	111	156
MOLDOVA	29	15		44	17	17		34	78

Source: Office for Foreigners

Table 14. Number of residence permits for a fixed period, issued for a purpose of performing employment in 2007

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[18-34]	[35-64]	[65+]	TOTAL [W]	[18-34]	[35-64]	[65+]	TOTAL[M]	
ALL COUNTRIES	904	987	14	1905	873	1113	17	2003	3908
Including									
UKRAINE	351	416	9	776	179	252	8	439	1215
VIETNAM	131	159		290	131	191	1	323	613
CHINA	86	45		131	74	61		135	266
ARMENIA	26	94	2	122	25	99		124	246
BELARUS	68	51		119	39	54	2	95	214
RUSSIAN FEDERATION	40	57	2	99	28	49	2	79	178
SOUTH KOREA	31	24		55	34	66	1	101	156
TURCJA	3	7		10	100	35		135	145
USA	20	19		39	29	48	2	79	118
MOLDOVA	34	19		53	26	28		54	107
JAPAN	12	10		22	13	60		73	95
INDIA	7	3		10	51	22		73	83

Source: Office for Foreigners

Table 15. Number of residence permits for a fixed period, issued for a purpose of performing employment in 2008

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[18-34]	[35-64]	[65+]	Total [W]	[18-34]	[35-64]	[65+]	Total [M]	
ALL NATIONALITIES	1368	1483	14	2865	2720	2923	33	5676	8541
Including:									
UKRAINE	471	616	10	1097	467	635	11	1113	2210
VIETNAM	186	269		455	297	392	1	690	1145
CHINA	162	114		276	268	247		515	791
BELARUS	114	56		170	167	205	5	377	547
SOUTH KOREA	30	29		59	139	248		387	446
TURKEY	10	9		19	286	90		376	395
MOLDOVA	57	30		87	138	125		263	350
ARMENIA	39	155	2	196	48	89	1	138	334
JAPAN	12	13		25	77	220	1	298	323
INDIA	17	3		20	201	100		301	321
RUSSIAN FEDERATION	84	58	2	144	69	99	4	172	316
USA	25	21		46	56	105	5	166	212

Source: Office for Foreigners

Table 16. Number of residence permits for a fixed period, issued for a purpose of performing employment in 2009

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[18-34]	[35-64]	[65+]	TOTAL [W]	[18-34]	[35-64]	[65+]	TOTAL [M]	
ALL NATIONALITIES	1681	1523	17	3221	3539	3461	33	7033	10254
INCLUDING:									
UKRAINE	543	646	12	1201	567	755	12	1334	2535
VIETNAM	278	296		574	430	467	1	898	1472

CHINA	257	120		377	490	386		876	1253
BELARUS	110	61		171	165	195	2	362	533
TURKEY	20	7		27	334	92		426	453
INDIA	21	1		22	305	118		423	445
SOUTH KOREA	39	24		63	117	235	1	353	416
ARMENIA	49	123	2	174	58	114	2	174	348
JAPAN	13	9		22	59	230	2	291	313
RUSSIAN FEDERATION	73	49		122	69	95	7	171	293
MOLDOVA	42	41		83	92	87		179	262

Source: Office for Foreigners

Table 17. Number of residence permits for a fixed period, issued for a purpose of studying in Poland in 2006

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[14-17]	[18-34]	[35-64]	TOTAL [W]	[14-17]	[18-34]	[35-64]	TOTAL [M]	
ALL NATIONALITIES	40	1983	105	2128	27	2021	117	2165	4293
including:									
UKRAINE	26	783	60	869	10	410	18	438	1307
BELARUS	4	302	3	309	3	171		174	483
TAIWAN		98	7	105	1	154	8	163	268
RUSSIAN FEDERATION	5	131	7	143	5	96		101	244
KAZAKHSTAN		140		140		68		68	208
VIETNAM		47	1	48		83	9	92	140
NIGERIA	1	25		26		70	4	74	100
CHINA	1	40	1	42	2	45	6	53	95
INDIA		11		11		78	1	79	90
MONGOLIA		49	5	54		35	1	36	90
TUNESIA		3		3		79		79	82
ARMENIA		38	6	44		25	6	31	75
MOLDOVA		35	1	36		23	1	24	60

Source: Office for Foreigners

Table 18. Number of residence permits for a fixed period, issued for a purpose of studying in Poland in 2007

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[14-17]	[18-34]	[35-64]	TOTAL [W]	[14-17]	[18-34]	[35-64]	TOTAL [M]	
ALL NATIONALITIES	29	640	12	681	27	686	26	739	1420
including:									
UKRAINE	22	199	3	224	19	113	3	135	359
BELARUS	4	132		136	1	72		73	209
TAIWAN		47	4	51	1	73	4	78	129
KAZAKHSTAN		73		73		28		28	101
RUSSIAN FEDERATION	2	42		44	2	28	1	31	75
INDIA		5		5	1	58		59	64
NIGERIA	1	14	1	16	1	38	2	41	57
VIETNAM		14		14	1	26		27	41
KENIA		10		10		17		17	27

USA		3	2	5		17	4	21	26
CANADA		8	1	9		16		16	25
MOLDOVA		13		13		8		8	21

Source: Office for Foreigners

Table 19. Number of residence permits for a fixed period, issued for a purpose of studying in Poland in 2008

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[14-17]	[18-34]	[35-64]	TOTAL [W]	[14-17]	[18-34]	[35-64]	TOTAL [M]	
ALL NATIONALITIES	74	2122	36	2232	46	2219	74	2339	4571
Including									
UKRAINE	62	602	13	677	37	360	8	405	1082
BELARUS	5	468	6	479		292	2	294	773
TAIWAN		159	5	164		197	10	207	371
KAZAKHSTAN		180	1	181	2	74		76	257
INDIA		21	1	22	1	183	1	185	207
RUSSIAN FEDERATION	3	130	2	135	3	65		68	203
CHINA		80	2	82		103	4	107	189
NIGERIA	1	55		56		130	3	133	189
VIETNAM		34		34		60	2	62	96
NEPAL		4		4		84	4	88	92
MONGOLIA	2	45	1	48	1	23		24	72
MOLDOVA		40		40		20		20	60

Source: Office for Foreigners

Table 20. Number of residence permits for a fixed period, issued for a purpose of studying in Poland in 2009

COUNTRY OF NATIONALITY	WOMEN				MEN				TOTAL [W+M]
	[14-17]	[18-34]	[35-64]	TOTAL [W]	[14-17]	[18-34]	[35-64]	TOTAL [M]	
ALL NATIONALITIES	83	2446	39	2568	66	2577	72	2715	5283
including:									
UKRAINE	71	663	10	744	51	405	11	467	1211
BELARUS	8	537	4	549	6	357	3	366	915
TAIWAN	1	226	4	231	1	329	7	337	568
CHINA		147	3	150		213		213	363
KAZAKHSTAN		169	1	170	2	82		84	254
RUSSIAN FEDERATION	2	132	2	136	3	74	1	78	214
NIGERIA		67		67	1	134	7	142	209
INDIA		27		27		103		103	130
VIETNAM		29		29		48	1	49	78
MONGOLIA		39	2	41		31	1	32	73
USA		24		24		40	6	46	70
CANADA		24		24		40		40	64

Source: Office for Foreigners

Table 21. Number of residence permits for a fixed period, issued for a purpose of family reunification, issued in 2006

COUNTRY OF NATIONALITY	WOMEN						MEN						TOTAL
	0-13	14-17	18-34	35-64	65+	TOTAL [W]	0-13	14-17	18-34	35-64	65+	TOTAL [M]	
All nationalities	437	142	324	268	9	1180	276	107	54	71	1	509	1689
Including:													
UKRAINE	144	63	74	59	2	342	94	42	17	35	1	189	531
RUSSIAN FEDERATION	32	15	27	30	5	109	26	13	8	7		54	163
VIETNAM	33	7	47	16		103	14	3	17	9		43	146
ARMENIA	22	13	20	30		85	22	14	4	6		46	131
INDIA	26	2	50	13		91	19	1				20	111
USA	40	10	1	22		73	15	5				20	93
BELARUS	20	11	17	11	2	61	7	6	5			18	79
SOUTH KOREA	19		11	14		44	17	2				19	63
TURKEY	14		23	4		41	11	1				12	53
MONGOLIA	7	3	4	9		23	8	5	1	6		20	43
CHINA	6	3	10	10		29	1	6		2		9	38
JAPAN	8		5	9		22	8					8	30

Source: Office for Foreigners

Table 22. Number of residence permits for a fixed period, issued for a purpose of family reunification, issued in 2007

COUNTRY OF NATIONALITY	WOMEN						MEN						TOTAL [W+M]
	0-13	14-17	18-34	35-64	65+	TOTAL [W]	0-13	14-17	18-34	35-64	65+	TOTAL [M]	
All nationalities	458	150	314	297	26	1245	262	90	37	64	5	458	1703
including:													
UKRAINE	211	69	78	82	9	449	93	43	13	22	2	173	622
VIETNAM	40	20	78	33	1	172	36	11	12	14		73	245
ARMENIA	40	20	21	27	2	110	21	11		5		37	147
RUSSIAN FEDERATION	18	11	17	30	8	84	7	4	3	4	1	19	103
BELARUS	22	5	13	24	2	66	20	6	3	3		32	98
INDIA	21	3	32	13		69	16					16	85
TURKEY	14	4	17	9		44	7	2	1			10	54
CHINA	7		19	15	1	42	3	2		1	1	7	49
SOUTH KOREA	17		4	15		36	6					6	42
USA	16	2	1	5	1	25	10					10	35
MONGOLIA	18	2	1		1	22	4	2		5		11	33
MALESIA	3	3	1	6		13	9	3				12	25

Source: Office for Foreigners

Table 23. Number of residence permits for a fixed period, issued for a purpose of family reunification, issued in 2008

COUNTRY OF NATIONALITY	WOMEN						MEN						TOTAL [W+M]
	0-13	14-17	18-34	35-64	65+	TOTAL [W]	0-13	14-17	18-34	35-64	65+	TOTAL [M]	
All nationalities	526	167	359	319	58	1429	517	207	95	130	11	960	2389
Including:													
UKRAINE	200	87	99	109	19	514	180	85	34	72	5	376	890

VIETNAM	68	20	60	19	1	168	73	26	16	17	1	133	301
ARMENIA	32	14	41	23	3	113	43	23	5	10		81	194
RUSSIAN FEDERATION	33	16	14	34	19	116	40	16	11	4	2	73	189
BELARUS	23	5	16	31	7	82	26	23	10			59	141
INDIA	18	2	29	14		63	26	1				27	90
TURKEY	14	2	30	6		52	18	1	2	3		24	76
SOUTH KOREA	26		8	13		47	22	2				24	71
JAPAN	18	2	11	18		49	12	3				15	64
MONGOLIA	15	2	5	2		24	11	5	4	7		27	51
USA	15	3		8	2	28	9	6	2	4	1	22	50
CHINA	7	4	7	10	1	29	10	4		2		16	45

Source: Office for Foreigners

Table 24. Number of residence permits for a fixed period, issued for a purpose of family reunification, issued in 2009

COUNTRY OF NATIONALITY	WOMEN						MEN						TOTAL [W+M]
	0-13	14-17	18-34	35-64	65+	TOTAL [W]	0-13	14-17	18-34	35-64	65+	TOTAL [M]	
All nationalities	618	176	357	359	72	1582	564	210	67	131	23	995	2577
including:													
UKRAINE	236	93	115	128	27	599	182	94	30	48	6	360	959
VIETNAM	91	19	66	28	3	207	100	26	7	15	1	149	356
ARMENIA	50	20	25	35	4	134	50	28	1	13	5	97	231
RUSSIAN FEDERATION	33	8	18	36	19	114	36	17	3	11	4	71	185
BELARUS	25	10	22	24	11	92	22	16	4	10	2	54	146
TURKEY	22	3	19	8		52	26	4	2	1		33	85
INDIA	16	1	29	10	1	57	19	2	2		1	24	81
USA	27	8	2	11	1	49	19	5	2	1	1	28	77
SOUTH KOREA	21	4	5	13		43	19	5		4		28	71
CHINA	16		10	17	1	44	11	2		1	1	15	59
MONGOLIA	21	2	4	2		29	13	3	2	8		26	55
JAPAN	7	1	2	13		23	8				1	9	32

Source: Office for Foreigners

Table 25. Number of persons applying for permit to settle in Poland, in the years 2004 – 2009

COUNTRY	2004	2005	2006	2007	2008	2009
TOTAL:	5 094	4 064	3792	3988	3 890	3 525
Including:						
UKRAINE	1 905	1 654	1 708	2 059	1 725	1 534
BELARUS	472	645	660	728	708	712
RUSSIAN FEDERATION	527	376	304	277	278	168
VIETNAM	486	216	167	142	177	125
ARMENIA	226	148	152	100	134	119

Source: Office for Foreigners

Table 26. Number of permits to settle, issued in the years 2004 – 2009

COUNTRY	2004	2005	2006	2007	2008	2009
TOTAL:	4 365	3 589	3255	3124	3 625	2 936
Including:						
UKRAINE	1657	1518	1438	1609	1685	1280
BELARUS	389	578	602	567	640	638
RUSSIAN FEDERATION	446	353	286	224	255	146
VIETNAM	368	172	138	125	162	121
ARMENIA	235	111	110	91	116	88

Source: Office for Foreigners

Table 27. Number of applications for a long-term resident's EC residence permit, submitted in the years 2005 – 2009

COUNTRY OF NATIONALITY	2004	2005	2006	2007	2008	2009
TOTAL:		342	1504	1106	1 080	1 607
Including:						
UKRAINE		118	613	436	404	428
VIETNAM		56	121	52	163	509
ARMENIA		15	54	65	78	268
RUSSIAN FEDERATION		34	148	126	88	67
BELARUS		18	103	85	78	72

Source: Office for Foreigners

Table 28. Number of long-term resident's EC residence permits issued in the years 2005-2009

COUNTRY OF NATIONALITY	2004	2005	2006	2007	2008	2009
TOTAL:		37	995	804	715	544
Including:						
UKRAINE		16	424	347	299	186
VIETNAM		4	73	30	45	160
ARMENIA		2	26	44	33	90
RUSSIAN FEDERATION		3	96	96	71	24
BELARUS		4	58	63	54	30

Source: Office for Foreigners

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Act of 14 July 2006 on entry on the territory of the Republic of Poland, residence on and exit from that territory of the citizens of the member states of the European Union and their family members (Dz. U. of 2006, No. 144, item 1043, as amended).

Act of 20 April 2004 on employment promotion and labour market institutions (Dz. U. of 2008, No. 69, item 415, as amended).

Act of 26 June 1974 – Labour Code (Dz. U. of 1998, No. 21, item 94), in particular Chapter II^a thereof;

Ordinances of the Minister of Labour and Social Policy:

- Ordinance of 29 January 2009 *on issuing work permits for foreigners* (Dz. U. of 2009, No. 16, item 84);
- Ordinance of 29 January 2009 *on determining cases when work permits for foreigners are issued irrespective of specific conditions for issuing work permits for foreigners* (Dz. U. of 2009, No. 16, item 85);
- Ordinance of 17 October 2007 *on fees for submitting an application for work permits for foreigners* (Dz. U. of 2007, No. 195, item 1409);
- Ordinance of 30 August 2006 *on taking up employment by foreigners without the need to obtain a work permit* (Dz. U. of 2006, No. 156, item 1116, as amended).
- Ordinance of 27 June 2007 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 120, item 824).
- Ordinance of 27 June 2007 amending the ordinance on procedures and conditions for granting work permits to foreigners (Dz. U. No. 120, item 822)
- Ordinance of 27 June 2007 amending the ordinance on procedures and conditions for granting work permits to foreigners employed for the purpose of providing export services supplied by foreign employers in the territory of the Republic of Poland (Dz. U. No. 120, item 823).
- Ordinance of 29 January 2008 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 17, item 106).
- Ordinance of 2 February 2009 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. No. 21, item 114).
- Ordinance of 9 December 2010 amending the Ordinance on taking up employment by foreigners without the need to obtain a work permit (Dz. U. of 2010, No. 236, item 1559).
- Ordinance of 26 August 2008 on minimum amounts of money to be possessed by certain groups of foreigners to cover the costs of living in the territory of the Republic of Poland and the return costs – Dz. U. of 2008, No. 163, item 1019.

Act of 27 July 2005 –Law on Higher Education, Dz. U. of 2005, No. 164, item 1365, as amended

Ordinance of the Minister of Science and Higher Education of 12 October 2006 on taking up and continuation of studies by foreign nationals as well as their participation in scientific research and experimental development (Dz. U. of 2006, No. 190, item 1406).

Act of 15 February 1962 on Polish Citizenship, with further amendments (Dz. U. of 2000, No. 28, item 353; of 2001, No. 42 item 475; of 2003, No. 128, item 1175; of 2005, No. 94, item 788; of 2006, No. 104, item 708 and No. 144, item 1043; and of 2007, No. 120, item 818.)

Act of 9 November 2000 on repatriation (Dz. U. of 2000, No. 106, item 1118, consolidated text: Dz. U. of 2003, No. 53, item 532)

Act of 7 September 2007 on the Card of the Pole (Dz. U. No. 180, item 1280, as amended),

Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules on local border traffic signed in Kiev on 28 March 2008 and the Protocol signed in Warsaw on 22 December 2008 between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the Agreement on rules on local border traffic signed in Kiev 28 March 2008 (Dz. U. of 2009, No. 66, item 555).