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Satisfying Labour Demand Through Migration in Poland

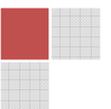
EMN Study for Poland

(years of reference 2004 – 2009)

Prepared by
Polish National Contact Point to the European
Migration Network

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with a view to supporting policy-making in the EU.

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Executive summary

This report is an attempt to systematise the current knowledge on the possibility of satisfying the Polish labour demands through migration.

This report is composed of four parts, first of them concerning the subject matter and the methodology applied, where the set of notions used in Poland to describe the issues related to the foreigners participation on the Polish labour market, including related definitions, are discussed. The second part of the report aims to systematize the current state of knowledge on economic policy of Poland and contemporary migration orientations and evolution of the Polish approaches to the foreigners on the Polish labour market. Third part concerns current legislation and political strategies in the area in question – discussing these issues can be quite a challenging task as until now there is no comprehensive model incorporating the issue of foreigners on the labour market. Further in this report we examine the demand from small and large businesses and from agricultures and natural persons running their own businesses for employing foreigners on the Polish labour market. Reference has also been made to the available statistical data showing the extent of this phenomenon and the official ways foreigners currently use to access the Polish labour market. The last part of the document presents a short analysis of cooperation of Poland with Third Countries in the field of labour migration. As a supplement to the third party relevant statistical data have been attached.

Practically all issues related to the presence of the work migrants in Poland are provided for in the Act of 20 April 2004 on promotion of employment and on labour market institutions (hereinafter Law of 2004) and by the Act of 13 June 2003 on foreigners. Some legal provisions facilitating access to the Polish labour market have been described in Regulations of the Minister of Labour and of Social Policy. The report also emphasises the fact that, although bilateral agreements to facilitate the access to the labour markets of the EU member states and third countries exist, they are not being implemented.

The report also contain statistical data on the number of work permits issued in Poland between 2004 and 2009, the number of the employers' declarations regarding their willingness to employ foreigners in the period from 2007 to 2009 and the estimate number of foreigners that have a permit to work in Poland. It is worth noticing that the process of implementation of *acquis communautaire* regarding the access of foreigners to the labour market, the access of Poland to the European Union in 2004 and related to this process gradual provision of the labour market in Poland accessibility to other EU Member States citizens induced a decrease in the number of foreigners embraced by the system of work permits. The process above is the main source of difficulties in collecting detailed and precise data.

Another obstacle in determining the actual number of working foreigners, including their profiles, is low quality of data and their inadequacy: although some positive exceptions exist, in general these are data of administrative nature which do not reflect specific conditions of working foreigners. As an example, there are foreigners with legal residence permit in Poland and employed illegally. The basic

survey on the labour force in Poland is the quarterly Labour Force Survey. However, the composition of the sample is such that no conclusions can be drawn on characteristics and evolution of the foreign labour force resources. Partially it is due to still small number of migrants in the total working population of Poland, partially the employers themselves are not willing to employ migrants. As the result, the representative surveys on working migrants are executed irregularly (every 2 years); the last comprehensive survey was performed during the Census of 2002. Also the periodical survey EU-SILC (EU Statistics on Income and Living Conditions), despite being considered as the main source of data on the European Union citizens and their incomes, is not sufficient to draw general conclusions on foreigners as their number in the test sample is negligible.

With regard to the estimate number of foreigners performing work in the labour market in Poland it is possible to assume that its percentage in the total number of labour force is very small (about 0.02 per cent, however OECD data suggests its 0.3 per cent)¹. The abovementioned is in turn caused by the systematic, since 2006, introduction into law on foreigner's employment provisions simplifying and liberalizing the access to labour market in Poland. That considerably change the number of foreigners obliged to be granted the work permit. Nevertheless the number of yearly issued work permits increased; the catalogue of countries of origin of labour migrants has widened too. Existing research studies (of different research centres) confirm the employer's interest in employing foreigners in Poland; the employers' declarations regarding their willingness to employ foreigners (only on the level of potential demand) shows their great interests in realising that intention, hiring workers coming from the most distant and even exotic countries. However, in practice, very small percentage of those employers rarely employs foreigners. In case of the seasonal workers from Ukraine or Belarus performing seasonal work in Poland, they are mostly employed in the professions usually performed by Polish citizens. Those persons, Polish labour migrants, emigrated after 2004 to different EU Member States, generally to Ireland and United Kingdom. Temporal stay of foreigners working in the labour market in Poland (in 2009 the number of about 251,9 thousands migrants could perform work in Poland, of which in the framework of the so called simplified system around 188,4 thousands persons)² causes problems in the attempt to revise the affectivity of satisfying labour demand through migration in Poland in the long-term perspective. Difficulties may also appear when the proposals of different changes in law on foreigner's employment are discussed in long-term perspective. However it is necessary to mention that Polish economy has only started to be affected by the structural shortage of labour force; till now is partly levelled by very small and spread between different sectors of economy and geographical regions of Poland. Short-term shortages in labour market in Poland are, as it seems, partly levelled by the level of seasonal

¹ Different data considering the level of foreigners participation in the labour market in Poland is the consecution of distinct methodology used: estimate 0.02 percentage of foreigners participation in the labour market in Poland comes from the ratio between the total number of foreigners that perform work in the territory of Poland on the basis of work permits issued and registered employers declarations regarding their willingness to employ foreigners, number of foreigners with social insurance (insured in the agricultural and non-agricultural system) as well as other group of foreigners (EU Member States citizens and third country citizens) that due to legal provisions and/or foreigners type of permits can perform work in Poland to the total number of persons active in the labour market in Poland; the other data comes from the SOPEMI report (OECD data).

² However, this is only the number of employers' declaration regarding their willingness to employ foreigners. Lack of data considering number of real number employed foreigners who with that basis of abovementioned declaration start to perform work in Poland is noticed. Also the total number of foreigners working in the territory of Poland is provisional, given with the basis of number of foreign workers authorized to perform work in Poland (by existing registers).

migration (mainly in agriculture and construction sector) from the countries geographically close to Poland. Reasons explaining the actual state may be found primarily in the lack of the tradition of labour immigration to Poland, in the problems to indicate the real – and not potential – interest in employing foreigners by the employers and, on the other hand, in the small attractiveness of Poland within possible workers mainly because of the level of financial contribution that may be offered for work done. The companies with experiences in this regard may, however, decide not to continue this approach in the future. At the same time, relatively large number of small companies declared their willingness to employ foreigners may be derived from not so much taking into account their real needs, but they just followed general, quite positive, atmosphere around the debate on the Polish market demands and related potential role of foreigners.

1. Introduction: Purpose and Methodology Applied

The main aim of this report is to present general organization of the migration system and legislation within access of foreign nationals to Polish labour market and to clarify the existing strategies promoting (or not) employment of foreign nationals in the territory of the Republic of Poland. Information in the report is a review of legal and organizational bases of implementing in Poland programmes for satisfying the evolving needs in the labour market in the context of an increase in demand as well as supply. There have also been analysed the goals which accompanied the implemented programmes; their appropriateness as to the current economic environment of the country in the period of transformation as well as the forms of their adaptation to the constantly changing situation in the national labour market. The report also includes these elements of the EU acquis within organization and control of labour migrations which have undoubtedly influenced the evolution of this issue in the Polish legislation, the actions taken within the country as well as the cooperation with other third countries.

The Polish report also contributes to the Report synthesising the knowledge of this issue in the States constituting the European Migration Network. Among the recipients of this report are the National Contact Points of the European Migration Network, the European Commission, national as well as European policy-makers, national executive institutions and the society – non-governmental organizations, research institutes and other interested parties. The report offers transparent, appropriately arranged, easy to find data to everyone who is interested in obtaining information connected with the issue of the presence of foreign nationals in the Polish labour market. At the same time, in the interests of transparency and as a result of the determined limits in the size of the present report there have been passed over certain legal and/or procedural nuances.

1.1. Methodology

This report has been drawn up by the Polish National Contact Point (NCP) of the European Migration Network (EMN), in relation to Poland's EMN membership. The Polish NCP currently consists of representatives of the Ministry of the Interior and Administration (National Coordinator), Ministry of Labour and Social Policy, Office for Foreigners, Border Guard and the Central Statistical Office. The main contribution comes from Migration Policy Department of the Ministry of the Interior and Administration, whose tasks include dissemination of knowledge of the Polish migration policy³.

The report has solely been based on the desk research method coming from public bodies in charge of making the policy within needs in the labour market as well as the materials provided by research centres for years dealing with the issue of labour migrations and actively interested in formulating

³ Ordinance No. 33 of 28 March 2008 of the Minister of the Interior and Administration on defining the organizational regulations for the Ministry of the 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 co-operation in this field.

recommendations in this case. The basic sources of information were the existing databases (i.e. reports of implemented actions and statistics) of institutions in charge of carrying out statistical research and monitoring the national labour market (the Central Statistical Office⁴ and the Ministry of Labour and Social Policy). Particular parts of the report have been drawn up based on data prepared by the Ministry of Labour and Social Policy, the Central Statistical Office and the Office for Foreigners as well as on collected opinions of representatives of research centres.

The information presented within the present research focuses on solutions related to citizens of the Member States of the European Union (also of the States of the European Economic Area) as well as to the so called citizens of third countries not being members of the EU⁵ who, with certain exceptions, cannot use the Community *acquis* within free movement of workers. In the report there are also references to employment situation of foreigners who have been provided with one of the forms of protection in the territory of Poland.

Due to the fact that a significant feature of the National Reports and the Synthesis Report is their validity, the report includes the latest available data concerning both the number of foreigners already employed in the territory of Poland and the planned number of foreigners to be employed as well as the projected organizational and legislative actions in this field. However, while analysing the presented statistical data there should be considered possible inaccuracies in the provided numbers of people who are actually employed in the Polish labour market and whose presence is not reflected in the data specified in the Report. This results from the fact that the currently available statistical data does not precisely reflect the actual situation. Lack of link between different surveys on people employed in Poland (the so called *survey of demand for work* and the Labour Force Survey, LFS⁶) and the register of foreigners residing in the territory of Poland on the basis of residence permits (the so called "Stay" System) is noticed. Another problem is the multiplicity of institutions involved in organizing the labour market with use of foreign labour force and a lack of harmonised policy within this scope. Thus, the statistics concerning the number of people who have been employed in the Polish labour market are a compilation of the available data and solely indicate a particular tendency.

It is also assumed that the obtained information should be updated as quickly as possible. Therefore, it is expected that the foregoing document shall be updated on a regular basis in order to ensure access for a wider group of recipients to precise data. Information provided for in the Polish National Report refers to existing Polish legal framework at 31 December 2010, in particular to the Act of 26 June 1974 Labour Code⁷, the Act of 20 April 2004 on employment promotion and labour market institutions⁸, the Act of 13 June 2003 on foreigners⁹ and the Act of 14 July 2006 on the entry into the

⁴ This data was developed based on the results of the so called *survey of demand for work*. More information in point 3.1.6. on pages 33 and 34 of the present report.

⁵ Pursuant to Article 2 of the Act of 13 June 2003 on foreigners, a foreigner is every person who is not a Polish citizen however, with reference to foreigners who use the Community right to free movement of people, there are applied other provisions concerning their residence in the territory of Poland.

⁶ More information in point 3.1.6. on pages 33 and 34 of the present report.

⁷ OJ of 2009, No. 115, item 958.

⁸ i.e. OJ of 2008, No. 69, item 415. There were also useful such documents as: the Act of 2 July 2004 on freedom of economic activity (OJ No. 173, item 1807, with subsequent amendments), the Act of 12 March 2004 on the social welfare (OJ No. 64, item 593, with subsequent amendments¹⁸).

⁹ i.e. OJ of 2006, No. 234, item 1694.

territory of the Republic of Poland, residence and departure from this territory of citizens of the Member States of the European Union and members of their families¹⁰.

1.2. Basic definitions of the concepts

For transparency and clarity of the present document for a wide group of recipients, in further part of the chapter there shall be provided basic definitions of the concepts used during the analysis. However, it should be emphasized that the core determinant of the discussed concepts shall be the ones applied by the Central Statistical Office, because this institution in its statistics uses the methodology based on definitions recommended by the International Labour Organization and Eurostat. Therefore, the results of the statistical research within labour migrations, mainly the Labour Force Survey, are comparable in the international scale. However, the definitions included in the foregoing research, approved during the 13th International Conference of Labour Statisticians in 1982 differ from the commonly used, for example, in national labour offices. Thus, there shall be used the definition of an employed person which means that this is a person employed on the basis of an employment relationship or service relationship for a specified period (including employment on a seasonal and casual basis) and for an indefinite period on a full and part time basis (in other words: salaried employees). While determining the number of natural persons employed on the particular day there are considered people employed on a full and part time basis who regard a particular unit as the main place of employment. Among the employed persons are classified all persons aged of 15 and more who during the reference week:

1. for at least 1 hour performed work providing earnings (remuneration for work done) or income i.e. were employed as the paid employees, worked in their own (or leased) agricultural holding or conducted their own economic activities outside agriculture, helped (without remuneration) to run a family agricultural holding or a family economic activity outside agriculture,
2. had work, but they did not perform it due to illness, maternity or annual leave or for other reasons, but the break in employment lasted:
 - ✓ up to 3 months,
 - ✓ over 3 months, but these persons were paid employees and at that time received at least 50 % of the hitherto remuneration (since the 1st quarter of 2006).

As the employed persons are classified: 1) employees hired on the basis of employment contracts (labour contract, postings, appointment or election), 2) employers and own-account workers, i.e.: a) owners, co-owners, and leaseholders of private farms in agriculture (including contributing family workers), i.e., working on private farms (with area up to 1 ha and more than 1 ha of agricultural land) as well as all individual owners of livestock who do not own agricultural land, b) owners and co-owners (including contributing family workers; excluding partners in companies who do not work in them) of entities conducting economic activity other than that related to private farms in agriculture, c) other self-employed persons, e.g., self-employed professionals; 3) agents self-employed on the

¹⁰ OJ of 2006, No. 144, item 1043.

basis of agency agreement and order-agreement (including contributing family workers and persons employed by agents), 4) outworkers, 5) members of agricultural producers' co-operatives 6) clergy fulfilling priestly obligations, 7) employees of budgetary entities conducting activity within the scope of national defence and public safety. As the employed persons – in accordance with international standards – are also classified students with whom employers or natural persons concluded a contract for apprenticeship or preparation for particular work if they received remuneration.

In accordance with the terminology used by the Central Statistical Office apart from the definition of the concept *employed person* there is another significant, from the point of the report, concept *employed foreigner*¹¹. This is a person who does not have Polish citizenship who in accordance with the provisions of the Act of 20 April 2004 on employment promotion and labour market institutions has been employed by establishments or natural person.

In the present document there shall also be used the definition of an employed person set out in the general provisions of the Law on labour (applied both towards a citizen of the Republic of Poland and a foreigner). Referring to an employed person we actually encounter the definition resulting from the Labour Code. Pursuant to Article 2 of the foregoing Act, an employed person is a person employed on the basis of an employment contract, appointment contract, postings, election or a cooperative employment contract. However, an employed person is defined differently for social insurance purposes. The definition of an employed person reported to social and health insurance is governed by the Act on social security system¹². Pursuant to Article 8 of the foregoing Act an employed person is a person who has employment relationship, with reservation that as an employed person is also regarded: a) co-working person (provided that they satisfy the criteria specified in the Act); b) person who performs work based on an agency contract, order contract or other contract for providing services governed in accordance with the provisions of the Civil Code by the provisions concerning the order contract or contract for specific work, and such a contract has been concluded with an employer with whom the particular person has employment relationship or within such a contract performs work for the employer with whom has employment relationship; c) juvenile employee (person between the age of 16 and 18).

The definitions of a highly-qualified employee, qualified employee, low-qualified employee, researcher and seasonal employee which are used in this report are, in turn, the same as the ones specified in the glossary of the European Migration Network¹³, the EU Directives¹⁴ and used in the context of the survey of European classifications of work migrants references to which we find in the

¹¹ The basis for such a distinction is the information which comes from the website of the Central Statistical Office http://www.stat.gov.pl/gus/definicje_ENG_HTML.htm?id=ANG-625.htm. More at Council Regulation (EEC) No 311/76 of 9 February 1976 on the compilation of statistics on foreign workers OJ L 039 14.02.1976.

¹² The Act of 13 October 1998 on social security (i.e. OJ of 2007, No. 11, item 74), <http://www.mpips.gov.pl/index.php?gid=351>.

¹³ <http://emn.sarenet.es/Glossary/index.do>.

¹⁴ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ L 289, 3.11.2005) and Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, OJ C 274, 19.09.1996 ([http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31996Y0919\(02\)&model=guichett&lg=en](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31996Y0919(02)&model=guichett&lg=en)).

*International Standard Classification of Occupations ISCO-88*¹⁵ and the applied in the territory of Poland *Classification of Occupations and Specialities*¹⁶ for needs in the labour market. The latter document i.e. the *Classification of Occupations and Specialities*, was introduced by the regulation of the Minister of Economy and Labour of 8 December 2004¹⁷ and by the regulation of the Minister of Labour and Social Policy of 1 June 2007¹⁸ amending the regulation concerning the classification of occupations and specialities for needs in the labour market and the scope of its use and was in force until 30 June 2010 (the so called KSIZ 2007). Since 1 July 2010 there has already been in force a new classification introduced by the regulation of the Minister of Labour and Social Policy of 27 April 2010 on classification of occupations and specialities for needs in the labour market and the scope of its use¹⁹. The new classification includes school occupations involved in the classification of vocational education occupations of 26 June 2007²⁰. The classification applied in this national document (the so called KSIZ 2010) is based on the *International Standard Classification of Occupations ISCO-08*, approved in December 2007 during the tripartite Meeting of Experts on Labour Statistics on updating the International Standard Classification of Occupations (ISCO) called by the Executive Body of the International Labour Organization (ILO) in accordance with the provisions of the Resolution of 2003 from the XVII International Conference of Labour Statisticians (ICSL). The process of updating the classification in order to adjust it to changes in the labour market (Polish and European) through an introduction to it of new occupations/specialities is held every 2-3 years in the course of amendments of the foregoing regulation.

Data concerning the five examined in this report categories of employees, i.e.:

- ✓ highly-qualified employee (ISCO 1,2,3),
- ✓ qualified employee (ISCO 4 -8),

¹⁵ (ang.) *International Standard Classification of Occupations ISCO-1988*. It was approved during the 14th International Conference of Labour Statisticians in Geneva in 1987 and amended in 1994 after its adjustment to needs of the European Union. The principal classification structure, classification criteria and code system were approved in accordance with these standards.

¹⁶ The classification is a five-level, hierarchically systematized compilation of occupations and specialities occurring in the labour market. It mainly classifies occupations (specialities) into more and more aggregated groups and determines their symbols and names.

¹⁷ OJ of 2004, No. 265, item 2644. Information on the kind of activities concerning the place of employment since the 1st quarter of 2008 has been in the register of the Polish Classification of Activities 2007 introduced by the regulation of the Cabinet of 24 December 2007 (OJ of 2007, No. 251, item 1885) on the Polish Classification of Activities. The PCA 2007 was developed on the basis of the statistical classification of economic activities in the EU (European Classification of Economic Activities NACE Rev 23. NACE is the acronym used to designate the various statistical classifications of economic activities developed since 1970 in the European Union. NACE provides the framework for collecting and presenting a large range of statistical data according to economic activity in the fields of economic statistics (e.g. production, employment, national accounts) and in other statistical domains).

¹⁸ OJ of 2007, No. 106, item 728.

¹⁹ OJ of 2010, No. 82, item 537.

http://158.66.1.108/adminnew/downloadstats/dosend.php?file=akty_prawne_2006%2Fakty_wykonawcze%2Fdziennik%2Fdz_u_10_82_537_.pdf. List of occupations is available at the website http://158.66.1.108/adminnew/downloadstats/dosend.php?file=klasifikacja_zwodow%2F100625_alfabetyczny_indeks_zawodow.pdf.

²⁰ OJ of 2007, No. 124, item 860 and OJ of 2008, No. 144, item 903.

http://158.66.1.108/adminnew/downloadstats/dosend.php?file=klasifikacja_zwodow%2F101109_klucz_powiazan_miedzy_grupami_zawodow_odpowiadajacych_zawodom_szkolnym_z_kzis_2007_a_zawodami_szkolnymi_z_kzis_2010.pdf.

- ✓ low-qualified employee (ISCO 9),
- ✓ researcher and
- ✓ seasonal worker,

was presented in detail on the basis of the binding by the middle of the year 2010 list of classifications of occupations and specialities of 2007 (the so called KSIZ 2007) and specified in the parts from 1 to 9 of the foregoing document ISCO-88.

Table 1. ISCO-88 major groups, number of sub-groups and classification level

No	Main group	Number of sub-groups within the main group			Number of occupations	Level of classifications
		Big	Medium	Basic		
1	Representatives of public authorities, senior officials and managers	3	6	33	43	-
2	Professionals	4	20	65	475	4
3	Technicians and associate professionals	4	17	69	314	3
4	Clerks	2	7	20	54	2 or 3
5	Service workers and shop and market sales workers	2	7	21	80	2 or 3
6	Skilled agricultural and fishery workers, forest rangers and gardeners	4	8	13	42	2
7	Craft and related workers	4	17	74	330	2
8	Plant and machine operators and assemblers	3	20	72	338	2
9	Elementary occupations	3	10	21	90	1
10	Armed Forces	1	4	4	4	-
TOTAL		30	116	392	1770	

Source: Unified text of the Annex to the Regulation of the Minister of Economy and Labour of 8 December 2004 (Official Journal No 265, item 2644), changed by the Resolution of the Minister of Labour and Social Policy of 1 June 2007 (Official Journal No 106, item 728)

Pursuant to this document the definition of a highly-qualified (highly-skilled) employee refers to the first three groups of occupations for whom the basic tasks are: planning, determining and implementing basic aims and directions of the State's policy, formulating legal provisions and managing activities of public administration units and also managing in enterprises or their internal organisational units (representatives of public authorities, senior clerks and managers). The highly-qualified employees are also people whose occupations require from them to have a high level of vocational knowledge, skills and experience within technical, natural, social, humanistic and related science, and their major tasks concern: putting into practice the research or artistic ideas and theories, improvement of hitherto knowledge through research and works and systematic teaching within this scope (specialists). As highly-qualified employees are also classified people whose occupations require from them knowledge, skills and experience necessary to perform mainly technical and related works, connected with research and use of scientific and artistic ideas and methods of actions (technicians). The definition of a highly-qualified employee is also directly

connected with the provisions of the Council Directive 2009/50/WE of 29 May 2009 concerning conditions of the entry and residence of citizens of third countries for the purpose of taking up employment in a profession requiring high qualifications.²¹

In turn, the category of a qualified (skilled) employed person refers to groups of occupations requiring knowledge, skills and experience necessary to record, arrange, store and search information, calculate quantitative, financial and statistical data as well as to do their duties towards clients, in particular connected with money transactions, organization of travels, information and meetings within business (office workers) which require knowledge, skills and experience necessary to provide protection services, personal services connected with e.g. travels, running an agricultural holding, provision of food, personal protection and to sell and demonstrate goods in wholesale or retail shops (personal service workers and salespeople). This category also covers farmers, gardeners, foresters and fishermen²², industrial workers and craftsmen²³ as well as machine operators and assemblers²⁴. The definition of a low-qualified (low-skilled) employed person is, in turn, the same as the definition of an employed person doing simple works which, in turn, includes occupations requiring low or basic skills and little theoretical knowledge necessary to do usually simple and routine works. The work is performed with the use of simple hand tools and with limited own initiative and assessment. In some cases it requires certain physical effort.

A significant problem of the national report of satisfying needs in the labour market through the migration in Poland is the failure to apply the presented definitions with reference to foreign workers in the existing, for the time being, statistics concerning the labour market. As it shall be provided for in the further part of the report, the categories used in the labour migrations statistics do not reflect the already implemented in the EU and national legislation concepts. It often happens that the quantitative data presented in the statistics referring to e.g. researchers or seasonal workers, shall overlap. The most reliable data shall refer to the exact use of the definitions ISCO-88, i.e. division into highly-qualified, qualified and low-qualified employed persons. With reference to the other categories of employed persons, i.e. researchers and seasonal workers in the present report there were used the definitions provided for in the EU Directives and the ones developed within works of the European Migration Network. For instance, in accordance with the definition included in the Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of conducting scientific research, the *researcher* means a third-country national who is a holder of an appropriate diploma of completion of higher education studies

²¹ OJ L 155/17 of 18 June 2009 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:PL:PDF>).

²² This group includes occupations which require knowledge, skills and experience necessary to grow and harvest agricultural goods, pick wild fruit and plants, forest culture work and forestry exploitation, husbandry and breeding of animals, fishing or breeding fish.

²³ This group includes occupations which require knowledge, skills and experience necessary to obtain and treat raw materials, produce and repair goods and build, maintain and repair roads, constructions and machines. The main tasks require to be familiarized with and understand the character of work, applied materials, machines and produced articles

²⁴ This group includes occupations which require knowledge, skills and experience necessary to operate vehicles and other mobile equipment, supervise, control and observe work of machines and industrial equipment on the spot or by means of remote control and to assemble products from components according to precisely specified norms and methods. Performance of the activities mainly requires to be familiarized with and understand working rules of the operated machines.

enabling them access to doctoral programmes, chosen by the research institution in order to implement a research project for the realization of which there is usually required the foregoing diploma. Whereas, a seasonal worker is understood as a person who participates in seasonal movement of people, third-country nationals (including nationals of the EEA and Switzerland) from one region or climatic zone to another, according to the annual cycle of weather and temperature changes in order to take up an employment dependent on the particular season of year²⁵.

²⁵ Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment. [http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31996Y0919\(02\)&model=guichett&lg=en](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31996Y0919(02)&model=guichett&lg=en).

2. Approach to the policy within labour migrations in Poland

2.1. Vision of the policy within labour migrations

The scale of labour migrations to Poland can be described as very small²⁶, and their hitherto importance for the Polish economy and influence on the functioning of the labour market as marginal. The foregoing facts cause that immigration is not treated yet as a significant instrument for filling up shortages in the labour market, and Polish administrative entities do not pursue a complex policy for the purpose of obtaining foreign workers. It is expected that although in the coming years the scale of inflows of foreigners shall continue to be very small, and the forecast demand for work of foreigners shall be very small, there are a number of indications based on which it can be stated that in the long term this situation shall gradually change.

Unfavourable changes in population age structure in Poland that have been observed since 90. resulting on the one hand from the population aging and low level of professional activity of Poles²⁷, on the other hand from the observed after the year 2004 mass emigration of Poles to the Member States of the EU, bring about a considerable decrease in the number of working-age people. For this reason in the short-term perspective there can be expected increased demand for labour force in many sectors of the economy. In the long-term perspective this trend may be reinforced by the decline in the birth rate. Moreover, analysts of the Polish labour market still emphasize the negative effects of the implemented in 1999 reform of the educational system which by making secondary and higher education standard resulted in e.g. the liquidation of a number of vocational schools as a result of which today we can observe a shortage of learners of specialized professions such as e.g. watchmakers, bricklayers etc. In the light of the foregoing, there is no doubt that future policy within labour migrations should provide for solutions favourable to the recruitment of legal work force with a different level of qualifications, adjusted to the sectorally diverse needs of the labour market. Due to the fact that the fundamental rule for the admission of foreigners to the Polish labour market is, and should remain, the complementarity of foreign work force with regards to national workers, it is very important to elaborate more flexible mechanisms (and apart from i.e. already existing lists of professions in oversupply or in deficiency defined in the Voivodship criteria) for responding to the evolving, dependent on changes in the economic situation and technological thinking progress, needs in the labour market. There is also a necessity for actions overtaking possible trends that are based on the social and economic analysis. For this purpose, it is proposed to create an effective system of monitoring the demand for work of foreigners in Poland thanks to which it shall be possible to determine the scope of complementarity-substitutability concerning the employment of foreigners with regard to the areas of professional activity of Polish citizens.

²⁶ Contribution of foreigners in the Polish labour market is the smallest number among the OECD countries.

²⁷ Serious changes in the Polish labour market caused that the current level of employment and occupational activity in Poland considerably differs from economies of the EU countries. In Poland just over half of the population at the age over 15 is occupationally active. High level of occupational inactivity of Poles results on the one hand from the fact that young people postpone the moment of entering into the labour market and on the other hand from the fact that more and more people retire on a pension or after reaching retirement age cease to work in order to receive retirement or pre-retirement benefits.

It is worth emphasizing that today under the leading role of the Ministry of Interior and Administration, in the context of one of the working groups of the inter-ministerial Committee for Migration, there are being finalized works on preparation of the document specifying Polish migration policy. The foregoing document includes propositions of system-based solutions concerning also labour migrations aimed at carrying out continuous and conscientious actions by the Polish authorities for the purpose of searching for particular staff groups outside the territory of the country. The migration policy shall take into consideration, as one of its elements, the policy of the labour market which on the one hand is to fill in the shortages of the labour force in the work market, but on the other hand to prevent any possible negative effects of immigration for employment of national workers, particularly workers being in a specific situation in the labour market. These actions should additionally be supplemented by instruments addressed to return migrants and contribute to the assurance of security for persons deciding to leave the country. However, due to the fact that the finalisation of the works and approval of the foregoing document at governmental level is scheduled for the first part of 2011, by the time of the final completion of the assessment of the foregoing document, any unequivocal comments on the future vision of the policy within labour migrations should be regarded as premature.

2.1.1. Action Plan for Employment

One of the mechanisms of the gradually implemented in Poland policy in the field of labour migration are e.g. the cyclically approved so called Action Plans for Employment. They are drawn up on the basis of Article 3 (2) of the Act of 20 April 2004 on employment promotion and labour market institutions by the Inter-ministerial Team appointed for this purpose by the Minister of Labour and Social Policy.²⁸ Pursuant to Article 3 (1) of the foregoing Act, the National Action Plan for Employment (NAPE) is enacted by the Council of Ministers and includes the rules for implementation of the European Employment Strategy. The last one of them, the National Action Plan for Employment for the years 2009-2011²⁹, was passed by the Decision of the Council of Ministers of 14 July 2010 and is a basis for implementation of the State's tasks within promotion of employment, cushioning the effects of unemployment and occupational activation. Priorities and directions of the State's actions in these areas have been specified in the following government documents:

- ✓ „Development Strategy of the Country 2007-2015”,
- ✓ “Governance Strategic Plan”,
- ✓ “National Reform Programme for the years 2008-2011 to implement the Lisbon Strategy”,
- ✓ “National Action Plan for Employment for 2008”,
- ✓ “Human Capital Operational Programme 2007-2013”,
- ✓ Report “Poland 2030. Development Challenges” and
- ✓ “National Action Plan for Employment 2008-2011”.

²⁸ The foregoing provision obligates the minister in charge of labour to prepare a project of the National Action Plan for Employment (*pol. KPDZ*) with cooperation in particular of: the minister in charge of economy, the minister in charge of education and behaviour, the minister in charge of higher education, the minister in charge of rural development and the minister in charge of regional development.

²⁹ The document is available at the website:

http://www.mpips.gov.pl/bip/download/Zalacznik%20do%20Uchwaly%20Nr111-2010%20R%20M%20z%20dnia%2014%20lipca%202010%20r.%20-%20KPDZ%202009-201_03-08-10.pdf.

The State's Policy defined in the mentioned documents within employment is the broad context of the actions submitted for implementation within the National Action Plan for Employment for the years 2009-2011. With regard to the creation of an appropriate migration policy of the country responding to needs in the labour market there can be defined a priority 2.6.1. of the above specified document entitled *Elaboration and implementation of a new system for admitting foreigners to the Polish labour market*. Its major aim is to be the enhancement of attractiveness concerning legal employment of foreigners in Poland and at the same time reduction of the scale of illegal employment. Among the planned actions aimed at resulting in the implementation of the established plan, it is worth to mention the following:

- ✓ implementation of legal changes concerning employment of foreigners,
- ✓ implementation of mechanisms monitoring labour immigration,
- ✓ works on implementation of the Community acts developed within the *Policy plan on legal migration* and
- ✓ realization of a cycle of trainings within new legal regulations for employees of employment services and cooperating institutions.

An extremely significant, from the point of quite fast and effective, responding to the evolving economic situation in the country, including the situation in the labour market, is an additional issue concerning the elaboration of the National Action Plans for Employment. In accordance with the provision of Article 3 (4) of the Act of 20 April 2004 on employment promotion and labour market institutions, prepared at the nation-wide level the National Action Plan for Employment is a basis for preparation by the voivodship self-government of annual, regional action plans for employment, specifying the priority groups of the unemployed and other people who need support. Moreover, the National Action Plan for Employment for the years 2009-2011 is a document aimed at implementing the National Reform Programme for the years 2008-2011 to implement the Lisbon Strategy in the field of the labour market policy. The National Action Plan for Employment for the years 2009-2011 includes actions for implementation in the following three years. This three-year period for realization results from the dynamics of changes in the labour markets which at the same time derive from economic and social processes both within the whole country and the world. Consequently, it is possible to update, on a yearly basis, the National Action Plan for Employment for the years 2009-2011 pursuant to new challenges and needs for complete implementation of the goals defined in the National Reform Programme for the years 2008-2011 to implement the Lisbon Strategy³⁰.

2.1.2. Policy within combating shortages in the labour market

The currently binding legal solutions in the field of the general rules for access of foreigners to the labour market have not been drawn up as instruments of filling in particular staff shortages, but have been created in the particular economic context of Poland. Works on the amendment of the provisions of the Labour Code and the Act on employment promotion and labour market institutions took place during a good economic situation which was accompanied by a general increase in

³⁰ The present document is available at the website: http://www.um.warszawa.pl/testy/files/File/strategia_lizbonska.pdf, and more information on this issue you can receive e.g. at the following websites: <http://www.strategializbonska.pl> and http://www.mrr.gov.pl/aktualnosci/rozwoj_regionalny/Strony/Strategia_Lizbonska_mozliwosci_realizacji_w_raz_mach_ps.aspx.

demand for work in Poland. Moreover, already in 2005, as a result inter alia of the conducted reform of the educational system, in the territory of the Republic of Poland there were recorded shortages of labour force in certain sectors (e.g. industrial and agricultural processing, building industry, agriculture). This situation was reflected in the atmosphere of the debate on the presence of foreign labour force in the Polish labour market – more and more often occurred opinions on the positive role which it could play in the context of the shortages reported by employers. This influenced the shape of new legal regulations – despite the preservation of the main elements of the previously binding system (permits, employer's role, test of the labour market), there were introduced a number of changes for liberalization of foreigners' access to employment thanks to which employment of foreigners could become more attractive, than before the change of the provisions, alternative for Polish employers. Thus, the new system of managing labour migrations in Poland is based mainly on introducing facilities for employers based on simplification of procedure necessary to follow while employing a foreigner. The current legal solutions in force within the general system of admitting foreign nationals to the labour market (in force since 1 February 2009) have been liberalized in relation to the previously binding provisions³¹ - one of the aims of the implemented changes was an enhancement of attractiveness of legal employment of foreigners by Polish employers by the dismantlement of some – considered as particularly burdensome and discouraging – administrative barriers (e.g. the necessity of obtaining the so called promise of issuing work permit).

However, here it should be noted that despite the recorded – with the still relatively high rate of unemployment – shortages of employment in a number of trades, according to the carried out survey of demand for work of foreigners³² Polish employers, in fact, very rarely employ foreign nationals; they also rarely consider employment of a foreigner as a real alternative in the context of staff shortages. This may be explained not only by a small supply of foreign labour force in the Polish labour market, but certainly also by a low level of knowledge concerning the possibility of employing foreign nationals as well as by a lack of experience in applying this kind of solutions among Polish employers. As an exception to this rule, there should be mentioned employers from the agricultural sector who for some time considered the use of foreign labour force (mainly during seasonal works) as an attractive, and at times the only possibility of obtaining workers due to a shortage of national staff. Signals of employers from the agricultural sector concerning shortages of seasonal workers (employed mainly during the harvest of soft fruit) have served as an impulse to develop the so called simplified system³³. This solution which functions within the Polish system of admitting foreigners to the labour market has been developed *stricto* as a response to the particular, reported by employers shortages of staff. As it results from the available quantitative and qualitative³⁴ data, the structure of

³¹ More information in the 2.1.3. of this report.

³² „Demand for work of foreigners in Poland” – module II of the project “Migration policy as an instrument for employment promotion and unemployment reduction”, CMR, Warszawa 2008. Krystyna Iglicka, *Directions of development of the Polish Migration Policy within the area of legal labour migration for the years 2007-2012*, Reports and Analyses, Centre for International Relations, No. 1/07 (http://csm.org.pl/fileadmin/files/Biblioteka_CSM/Raporty_i_analizy/2007/Krystyna_Iglicka_Kierunki_Rozwoju_Polskiej_Polityki_Migr.pdf).

³³ Detailed information on the pilot simplified/declaration system (this system has been prolonged) in the Report entitled: circulation migrations and temporal migrations.

³⁴ The report of the functioning of the simplified system and its assessment based on opinions of chosen District Labour Offices, Warszawa 2009; and the Report of the Institute of Public Affairs, *Survival strategies. Adaptation of Ukrainian work migrants to the Polish institutional reality*, Warszawa 2009.

the simplified system (short period of performing work, possibility of changing an employer favouring mobility while doing seasonal works) works very well with regard to a short-term work, often, but not necessarily, connected with a seasonal work³⁵. Foreign nationals who work within this procedure constitute the most significant number of foreign legal resource of labour force. As it results from statistics, employers belonging to other sectors in which there have also been recorded staff shortages (industrial processing, building industry, trade) have also employed and employ foreigners within the so called simplified system. However, here the scale of the problem is small in comparison to the agricultural sector. The simplified system is sometimes used for complementing staff shortages in other than agriculture sectors. However, it is considered that the foregoing formula is of limited use with regard to the other trades. The main reason for this seems to be first of all too short period of employment.

Demand for work of foreign nationals in certain specific sectors (especially agriculture and building industry) has become the reason for introducing some solutions which enable foreigners belonging to particular occupational categories to take up employment without the permit or under the simplified rules (based on the permit, but without the so called test of the labour market). Due to relatively low remunerations in education and a lack of teachers of foreign languages, especially in small towns and villages, on 1 February 2009 the requirement according to which language taught by foreigners had to be their native language was dropped. Through this regulation also the obligation to have the work permit was neglected from citizens of all third countries - the foreign language teachers³⁶. Moreover, solution that simplified access to the labour market in Poland was applied also with reference to housekeepers and people providing nursing services³⁷.

The currently existing general system of work permits for foreigners also includes a flexible mechanism which to some extent makes it possible to respond (with the basis on the art. 10 sec. 3 and 4 of the Law of 2004 on the employment promotion and labour market institutions the Voivod determine the criteria for issuing work permits, where the so called list of deficit occupations is mentioned) to shortages in employment – if a particular occupation is in the said list of deficit occupations, the permit is issued without the necessity to examine the possibility of taking up employment in the offered position by a Polish citizen who is registered as unemployed (the so called labour market test)³⁸.

2.1.3. Changes in the work migration policy since 2004

The Act on employment promotion and labour market institutions which is the basic legal act regulating the issues connected with employment of foreigners in the territory of Poland, was

³⁵ For this reason, a detailed analysis of the so called simplified system is in the national report of circulation migrations and temporal migrations. In the present report there is only statistical data referring to the work performed on the basis of work declarations in the agricultural and construction sector.

³⁶ Whenever those foreigners teach in a special educational institutions or within the framework of international agreements - §2 pkt 3-5 of the Regulation of the Minister of Labour and Social Policy of 30 August 2006 (OJ of 2006, No. 156, item. 1116).

³⁷ With regards to the foreigners providing nursing and housekeeping services Polish provisions states that a simplified system in issuing the work permits to foreigners (citizens of five directly specified countries) may be used. The abovementioned solution came into force through the Regulation of the Minister of Labour and Social Policy of 29 January 2009 (OJ of 2009, No. 16, item. 85, with later amendments).

³⁸ More information on this issue in point 2, in the part concerning voivodship criteria.

enacted in April 2004 and replaced the previously binding Act on employment and counteraction of unemployment of 14 December 1994³⁹. Due to the fact that for several years before the adoption of the foregoing Act in 2004 there had been recorded a very high rate of registered unemployment (at that time, in 2004, the share of registered unemployed people in the civil, professionally active population oscillated between 20.6 % and 19 %), the debate concerning access of foreigners to the Polish labour market had been dominated at that time by the need of protecting the national labour market⁴⁰. This was reflected in the form of legal regulations exactly in the field of work migrations. The existing at that time rules of access of foreigners to the labour market can be generally described as restrictive; employers who had experience in engaging foreign nationals on the basis of the provisions being in force then (before the last amendments in 2009) raised an issue of the binding procedures which were burdensome and very long and which often discouraged them from legal employment of foreigners. The procedure of obtaining the work permit had a two-stage form – issuance of the permit came after the issuance of the so called promise to issue the permit, which considerably lengthened the procedure. Issuance of the permit entailed high costs (fee for issuing the work permit was equal to the minimum national remuneration) and employers who applied for the permit to employ foreigners had to comply with a number of formalities. The foregoing barriers often made both employers and foreigners choose the form of illegal employment in order to avoid the obstacles.

With an improvement of the economic situation in Poland, there was recorded a decline in unemployment: in 2007 the rate of registered unemployment fell to the level of 11.4 %⁴¹ (for comparison, in 2002-2003 it came to about 20 %). The decline in the unemployment rate was accompanied by other issues – there was more and more often emphasized the occurrence of staff shortages in certain sectors (partially this was also caused by the effects of the changes in the educational system and by the significant post-accession labour emigration of Poles to EU other Member States). The economic situation and changes in the labour market resulted in the occurrence of the need to carry out thorough changes in the provisions of the Act on employment promotion and labour market institutions, including the provisions on access of foreigners to the labour market. The first changes for liberalization of the system of employing foreign nationals in Poland were introduced in 2006 in response to the reported by employers, mainly from the agricultural sector, demand for seasonal workers (beginnings of the simplified system)⁴². Another step towards the liberalization was the considerable (by about 80 %) reduction of fees for issuing the work permits for foreigners on the basis of the *Regulation of the Minister of Labour and Social Policy of 17 October 2007 on the level of the payment made in connection with submitting the motion for the purpose of issuing the work permit for foreigners*⁴³. At the present moment, the cost of issuing such a permit for the period of more than three months amounts to PLN 100 (PLN 50 for the period of less than three months) and PLN 200 when issued to the delegated workers.

³⁹ OJ of 2001, No. 6, item 56, unified text.

⁴⁰ Such a high level of unemployment mainly results from the transition from socialist economy to the capitalist system which quite quickly revealed a serious surplus of workforce in Poland.

⁴¹ Rate of unemployment in the middle of 2010 amounted to 11.4 %, which means that there are 1676.1 thousand unemployed people (registered in labour offices).

⁴² Regulation of the Ministry of Labour and Social Policy of 30 August 2006 *on performing work by foreigners without the obligation of obtaining the work permit* (OJ of 2006, No. 156, item 1116).

⁴³ OJ of 2007, No. 195, item 1409.

The introduction of new⁴⁴ and the amendment of the already existing implementing regulations resulted in a significant change in the provisions in force regulating access of foreign nationals to the labour market in Poland and their functioning in it. For the purpose of promoting legal employment of foreigners by employers who would like to engage a foreign national and for the purpose of preventing discrimination and unfair competition towards local staff on 1 February 2009 the system of employing foreigners being in force in Poland was considerably simplified. However, the new solutions did not change the principal elements of this system: the rule of regulating access based on work permits the issuance of which is dependent on the situation in the labour market remained, there also remained the solutions applied so far according to which the applicant and the party in the proceedings is the employer. However, with relation to the previous regulations which were in force by the end of January 2009, the system of the admission of foreigners to the Polish labour market was to a large extent simplified and liberalized. The most significant change was the abolition of the two-stage procedure of applying for the work permit thanks to which the obligation of obtaining by employers the promise of issuing the work permit concerning foreigners was liquidated. The reform also concerned the mechanism of the so called test of market needs. There were simplified the procedures connected with a change of the place of performing work or change of the position occupied by a foreigner. There was also reformed the mechanism of drawing up the voivodship criteria concerning the issuance of work permits for foreigners, which enables a better adjustment of the applied policy to local conditions, in particular by making regional lists of deficit occupations. These lists are prepared by poviats/voivodship labour offices and are, as it seems, the most effective method of examining the need for work in the country within a short period.

New provisions also lengthened the period for which work permits were issued in Poland (up to 3 years, and 5 years with regard to members of the management board of a company with share capital or a company of a legal entity entered into the register of entrepreneurs). Moreover, as the significant changes with regard to effectiveness of the labour market policy there should be considered the introduction of less complex forms and the reduction of the number of required documents – so that service of applicants in a given labour office in the event of delivering a complete motion can last shorter; there were also regulated the rules concerning employers' responsibility for actions against the rules on the employment of foreigners.

As a result of implementing into the national law the Council Directive on the prohibition of discrimination⁴⁵ with regard to the procedure of obtaining by foreigners the work permit there was also introduced the requirement to comply with the rule of adequacy⁴⁶ of the level of remuneration

⁴⁴ In the year 2009 two new Regulations of the Ministry of Labour and Social Policy came into force, i.e. the Regulation of 1 February 2009 *on issuing the work permit for foreigners* (OJ No. 16, item 84), and the Regulation of 29 January 2009 *on determining cases in which the work permit for foreigners is issued regardless of detailed conditions concerning issuance of the work permit for foreigners* (OJ of 2009, No. 16, item 85).

⁴⁵ Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ of the European Union L 180 of 19 July 2000) and the Council Directive 2000/78/EC of 27 November 2000 on establishing a general framework for equal treatment in employment and occupation (OJ of the European Union L 303 of 2 December 2000).

⁴⁶ Adequacy should be understood here as that the remuneration taken by a foreigner for the work done should not differ from (will not be lower than) the remuneration received by the workers whose job is of similar type or similar post (art. 88c sec. 1, point 1 OJ Law of 2004). The abovementioned solution apply to foreigners hired by employers whose headquarter is located in the territory of Poland (art. 88c sec. 1, point 1 OJ Law of 2004). In case of delegated workers (art. 88 sec. 1 pkt 3-5) – the work permit is issued on the basis of art. 88c sec. 6

received by foreigners to the remuneration received by other employees who perform work in a similar position or of similar character.

Here, of particular relevance, both due to its structure and the considerable number of foreigners who take up employment in Poland under these rules, is the so called and abovementioned *simplified system*⁴⁷ which was introduced for the first time in 2006⁴⁸ as a response to the reported by employers, mainly from the agricultural sector, demand for seasonal workers. Initially, the system covered citizens of Ukraine, Belarus, and Russia who could take up employment in Poland without the obligation of having the work permit, for 3 months, solely in the agricultural sector. Further stages of the liberalization of this system included: extending the possibility of taking up employment also in other sectors of the economy (year 2007)⁴⁹, lengthening the possibility of performing work from 3 to 6 months (year 2008)⁵⁰, extending the list of the countries of foreigners by the States cooperating with Poland within the Mobility Partnership (year 2009)⁵¹. The changes introduced at that time facilitated access to the Polish labour market for a number of specialized staff groups, including teachers and students. The new wording of the provisions of § 2 points 3-5 of the regulation, in force since 10 February 2009, was connected with the still difficult situation in the Polish labour market characterized by staff shortages in certain sectors, including a lack of teachers

pkt 2 of abovementioned Act of 2004. Then the remuneration received by the delegated foreign worker cannot be lower of more that 30 per cent from the average remuneration in the Voivodship where the foreigner perform work and published officially by the General Statistic Office.

⁴⁷The simplified system enables Polish entities to employ foreigners legally with a minimum number of formalities – registration of employers' declaration on the will to employ a foreigner is an activity which has just a material and technical character, is free of charge and in most cases is carried out immediately. The registered certificate is handed over to the foreigner and is a basis to apply for the visa in the Consulate. As one of the advantages of the system, apart from the minimum scope of formalities, its flexibility and adequacy to the demand is considered. A great majority of foreigners taking up employment on the basis of the declarations are employed in agriculture and constitute a significant part of mobile workers moving to works having a seasonal character. This results from the possibility of taking up employment on the basis of declarations issued by various employers. The functioning of the simplified system is an important element of the policy of openness to the East which is one of the major goals of the Polish foreign policy, and is also in accordance with the recommendations in the field of the migration policy developed by the inter-ministerial Committee for Migration. The system is assessed positively both by employers and foreigners.

⁴⁸ OJ of 2006, No. 156, item 1116 with later amendments.

⁴⁹ OJ of 2007, No. 120, item 824.

⁵⁰ OJ of 2008, No. 17, item 106. The lengthening in 2008 of the period during which it is allowed to perform work without the work permit to 6 months within the subsequent 12 months resulted from the adopted approach of liberalizing the rules on access to the Polish labour market for citizens from the specified States – which is particularly connected with the still present staff shortages in agriculture and construction. The previous experience in applying the provisions of the Regulation is positive and leads to the increase in the scale of legal employment of foreigners. Despite incidental signals concerning abuses, assessment of the functioning of the previous provisions by employers and employees is positive, with the reservation that the desired solution would be the extension of the period during which work in the simplified system could be performed (due to e.g. a long season in agriculture which lasts from March to October i.e. which exceeds 6 months). The said provisions were to have a pilot character and be applicable by the year 2012 considering e.g. the needs connected with preparation of the infrastructure for the EURO 2012.

⁵¹ OJ of 2009, No. 21, item 114. In points 27 and 27a of the Regulation there was proposed an extension of the categories of foreigners exempt from the obligation of possessing the work permit by citizens of the countries with which the Republic of Poland cooperated in the field of labour migrations within the Mobility Partnership established between these countries and the European Union. This abovementioned situation results also from the commitments of the Republic of Poland, included in the "Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova", signed on 5 June 2008 in Luxembourg, and also the choice of Georgia to the next round of the projects concerning the Mobility Partnership.

of foreign languages who would be interested in taking up employment in Polish schools, kindergartens and other educational units, in particular in the state ones. The changes proposed in § 2 point 12, (i.e. the opening of the Polish labour market for students who attend full-time studies in the Republic of Poland – in the months: July, August and September⁵²) and § 26a⁵³ of the Regulation aimed, in turn, at encouraging foreign nationals who were graduates of Polish post junior secondary schools, full-time higher education studies, full-time doctorate studies at Polish higher education schools, research institutes of the Polish Academy of Sciences or the science and research institutes and who thanks to their, at least, several years' residence in Poland usually knew the Polish language and had better integration opportunities in the Polish community, to take up employment in the Republic of Poland and thus to use gained knowledge and experience also contributing to development of the Polish economy.⁵⁴

Now, there are being carried out works on another amendment of the provisions on access of foreigners to the labour market through which into the Polish acquis there shall be implemented new Directives of the European Union concerning residence and employment of citizens of non-EU countries⁵⁵. Finally, 14th of December 2010 the provisions⁵⁶ that prolonged the rules of the access to

⁵² One should remember that the art. 87 sec. 2 pkt 1 in the Act of 2004 states that some groups of foreigners are authorized to perform work in Poland through the whole year without the necessity to have the work permit, so foreigners with residence permit issued for a fixed period issued with the purpose of study (start or continue studies) in full-time higher education or doctorate studies (also when a foreigner has already started studies in the territory of other EU Member States and now wishes to continue them).

⁵³ Point added under § 1 point 1f) of the Regulation of 2 February 2009 (OJ of 2009, No. 21, item 114) changing the present Regulation of 10 February 2009. The provision was later amended by § 1 point 2 of the Regulation of 1 June 2010 (OJ of 2010, No. 109, item 716) changing the present Regulation on 7 July 2010.

⁵⁴ Thus, there was strengthened the rule stipulated in Article 1 point 3 (2)g of the Act on employment promotion and labour market institutions of 2004 according to which students, i.e. people who have in the Republic of Poland the residence permit for a fixed period issued in connection with the circumstances defined in Article 53 (1) point 13 of the Act of 13 June 2003 on foreigners (OJ of 2006, No. 234, item 1694 and of 2007, No. 120, item 818 and No. 165, item 1170), so those who intend to start or continue studies or a professional training, are the target group for the actions of the country within employment promotion, cushioning the effects of unemployment and occupational activation. Additionally through art. 87 sec. 2 of the Act on promotion of employment and labour market institutions the provisions of the so called Student Directive were implemented. Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students (OJ L 317, 18.12.1993).

⁵⁵ As one of the most significant ones there should be considered: 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 so called Blue Card Directive): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:en:PDF>; Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals ("Employers' Sanctions Directive"); Proposal for a 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 and on a common set of rights for third-country workers legally residing in a Member State (http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/114574_en.htm); Proposal for a Directive establishing common entry and residence conditions for third-country seasonal workers which establishes a fast track procedure for the admission of third-country seasonal workers, based on a common definition and common criteria (<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/323&type=HTML>); Proposal for a Directive defining conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer which establishes a fast track entry procedure for the admission of ICT workers, based on procedural safeguards and attractive residence conditions (<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/324&format=HTML&aged=0&language=EN>).

labour market in Poland without any time-limitations, so called simplified system, to citizens of five third countries: Belarus, Georgia, Russia, Moldova and Ukraine came into force.

2.2. Legal bases of regulations within work migrations

The legal bases which regulate work performance by foreign nationals in the territory of Poland are international agreements, Community acts and national legislation acts, i.e.:

- ✓ the Act of 20 April 2004 on employment promotion and labour market institutions (OJ of 2008, No. 69, item 415 with subsequent amendments) in particular Articles 2 and 87-90;
- ✓ the Act of 13 June 2003 on foreigners (OJ of 2006, No. 234, item 1694 with subsequent amendments) – in particular Articles 25 – 32;
- ✓ the Act of 26 June 1974 Labour Code (OJ of 1998, No. 21, item 94) in particular Chapter II^a
- ✓ the implementing Regulations of the Minister of Labour and Social Policy:
 - the Regulation of 1 February 2009 *on issuing the work permit for foreigners* (OJ of 2009, No. 16, item 84);
 - the Regulation of 29 January 2009 *on determining cases in which the work permit for foreigners is issued regardless of detailed conditions concerning issuance of the work permit for foreigners* (OJ of 2009, No. 16, item 85);
 - the Regulation of 30 August 2006 *on performing work by foreigners without the obligation to obtain the work permit* (OJ of 2006, No. 156, item 1116 with subsequent amendments);
 - the Regulation of 17 October 2007 *on the level of the payment made in connection with submitting the motion for the purpose of issuing the work permit for foreigners* (OJ of 2007, No. 195, item 1409).

Additionally it is necessary to mention also the local legal acts, i.e. the voivodship criteria concerning the issuance of work permits for foreign nationals.

The foregoing legal acts constitute five fundamental rules based on which foreigners can function in the Polish labour market. Among them there should be emphasized the one which refers to the assurance of unlimited access to the Polish labour market for citizens of the Member States of the EU, the States of the European Economic Area and Switzerland as well as foreigners who have specific residency permits⁵⁷ - i.e. without the obligation of possessing the work permit (1), which limits access for citizens of the States being outside the European Economic Area – in such as case it

⁵⁶ Regulation of 9 December 2010 changing the regulation *on performing work by foreigners without the obligation to obtain the work permit* (OJ of 2010, No. 236, item 1559) and the Regulation of 9 December 2010 changing the regulation *on determining cases in which the work permit for foreigners is issued regardless of detailed conditions concerning issuance of the work permit for foreigners* (OJ of 2010, No. 236, item 1560).

⁵⁷ Current form of the Act on employment promotion and labour market institutions of 2004 enables a wide group of foreigners who legally reside in the territory of Poland to take up employment under rules similar to the ones applicable to citizens of the EU countries. A detailed list of the categories of foreigners exempt from the obligation to possess the work permit is presented in point 3.1. of this document.

is required to have the work permit, although in practice there can be made numerous exceptions to this rule (2), which provides for the prohibition of discrimination (3), which aims to provide workers with comparable remuneration – the permit is issued on condition that the requirement concerning the level of remuneration is generally met (4), and which includes the rule of simplified access to the Polish labour market with regard to citizens of the countries which are neighbours of Poland (Ukraine, Russia, Belarus) as well as Moldova and Georgia⁵⁸ (5).

The basic legal act determining various categories of foreigners who come from third countries and who are entitled to perform work in the territory of the Republic of Poland is the Act of 20 April 2004 on employment promotion and labour market institutions (OJ of 2008, No. 69, item 415 with subsequent amendments, Article 87 (1)). To these categories belong foreign nationals who obtain appropriate (type A-E) work permit (Article 88a), where: type A concerns a foreigner who performs work based on a labour contract with a company whose registered office is in the territory of the Republic of Poland; type B refers to foreigners who carry out work within which they perform functions in the management of a legal entity entered into the register of entrepreneurs; type C refers to a foreigner who performs work with a foreign employer, posted to the territory of the Republic of Poland for the period exceeding 30 days in a calendar year; type D refers to a foreigner who performs work with a foreign employer who does not have a branch, plant or another form of organized activity in the territory of the Republic of Poland, posted to the territory of the Republic of Poland in order to provide service of temporary and occasional character (export service); type E refers to a foreigner who performs work with a foreign employer, posted to the territory of the Republic of Poland for the period exceeding 3 months within the subsequent 6 months for purposes other than the ones specified in the types B-D.

However and so far the already developed mechanisms (labour market test, list of professions in deficiency included in the Voivodship criteria) do not let incorporation of a new and detailed legal solutions regulating and/or facilitating work migration of foreigners to Poland which would directly aim at filling in the shortages in the Polish labour market. One of the reasons for this situation is the imperfection of the conducted research concerning the demand for work of foreigners, inaccuracy of the possessed statistical instruments which are unable to provide a researcher of the Polish labour market with detailed and precise data. Thus, the existing regulations refer to the conditions of the entry and residence of work migrants and to the performance of work by foreigners in the territory of Poland. Detailed measures concerning the return of work migrants to their countries of origin were specified in the Act on foreigners of 2003.

Another factor which influences the complexity of the situation in the Polish labour market is the number of entities which are directly and/or indirectly involved in the process of shaping labour market policy and specially when granting access to it to the foreign workers. The quite short history of work migrations to Poland which practically start with the political transitions of the Republic of Poland at the beginning of the 90s of the previous century resulted in the failure to develop a separate system within this scope, including the proposed legal solutions connected with satisfying the needs of the labour market in the competence of the Ministry of Labour and Social Policy as well as Voivodes which are among other numerous tasks of these bodies. The Ministry of Labour and Social Policy deals with preparation of general guidelines of the pursued policy relying at the same

⁵⁸ These are the countries which cooperate with Poland within the Mobility Partnership.

time on the demands reported by particular Voivodes. Along with the development of the situation in the Polish labour market, the occurrence of many organizations of employers and employees, employment agencies and organizations of migrants, the number of participants in the debate was increasing. There can also be observed the significant dependence of the quality and frequency of introduced amendments of the Acts and Regulations concerning access to the Polish labour market on the more and more often carried out analyses of the labour market, social consultations and direct talks with particular organizations of employers (e.g. PKPP Lewiatan [Polish Confederation of Private Employers]).

2.3. Political debate and incorporation of regulations concerning labour market demand and supply

The employment policy concerning foreigners in Poland is developed in the course of a public debate whose participants are representatives of various environments: public administration at the central and regional level, organizations of employers, trade unions and scientific communities. Projects of Acts and Regulations are sent for consultations held inside the ministries as well as for interministerial consultations and for assessment to Marshals of Voivodships and Voivodes. They are also discussed with social partners of which there should be mentioned: the Trade Unions Forum, the National Commission of NSZZ "Solidarność", the All-Poland Alliance of Trade Unions [OPZZ], the Business Centre Club, the Confederation of Polish Employers, the Polish Chamber of Commerce, the Polish Confederation of Private Employers, the Polish Craft Association. The projects are available at the website of the Ministry of Labour and Social Policy and pursuant to Article 5 of the Act of 7 July 2005 on lobbying activities in the process of lawmaking⁵⁹ in the Public Information Bulletin of the Ministry of Labour and Social Policy.

In 2010, in the course of works on preparation of a strategic document concerning the migration policy of Poland the inter-ministerial Committee for Migration also acceded the debate on the vision of migration policy within labour migrations. On 8 October 2010 this body preliminarily approved the project developed by a group of experts concerning the country's policy on migration, including labour migrations, and sent it for the final consultation within the Committee, before transferring it to social consultations. Unfortunately, due to remarks of the Ministry of Finance, the project was not handed over to the social consultations. However, it can be expected that during the coming year the issue of recruiting foreign labour force in the territory of Poland will become one of the topics of the public debate.

With regard to the political aspect of the debate, the issues of employing foreigners have not occurred so far in the programmes of political parties and they are also rarely discussed by politicians. The debate on labour migration is in fact limited to a group of experts. Over the last years, these issues have, for some time, been within interest of the media in the context of the preparations for the EURO 2012 and related with this event large infrastructure investments⁶⁰. In

⁵⁹ OJ of 2005, No. 169, item 1414.

⁶⁰ Within the third countries firms we should mention at least those coming from Canada (as main investor) or China (in general as sub-contracted executors; moreover there are some firms as China Overseas Engineering

comments (also made by politicians) there have been pointed the advantages of employing foreign workers (within the so called export service) for the purpose of the realization of the foregoing undertakings. The comments have first of all indicated citizens from Asian countries (mainly China), and as the major stimulus to employ foreign nationals there has been considered the price competitiveness of such a solution.

Group Co. Ltd that altogether with polish partner is building two parts of A2 highway that link Warsaw and Lodz). More information may be found on the EURO 2012 firm web site (<http://masterplan.2012.org.pl/przetargi/index.php?page=rozstrzygniete>).

3. Approach to implementing migration policy in Poland

3.1. Implementation of migration policy In Poland

The Polish legislation in force regarding the employment of foreigners is two-fold: aimed at the nationals of the European Union, the European Economic Area and Switzerland and on the other hand at the nationals of the other countries, so-called *third countries*⁶¹. Each of these categories is approached in a different way in terms of the access to employment. Different procedures are also applied to specific employment categories, e.g. a press correspondent, a university teacher or a general manager of a branch of a foreign company in Poland, etc.

As regards the nationals of the EU/EEA/Switzerland, the base criterion used to define their freedom in performing work in Poland (which means that such persons do not need any work permit) is their citizenship, i.e. a status of a national of a specific country. As regards the nationals of third countries, a criterion based on the nature of work is used. It is so, because, in principle, a work permit is required. Approach is different depending on type of profession. Some professions do not require any work permit at all. In some other cases, simplified procedures are applied, i.e. some requirements are omitted yet during the procedure to apply for such work permit. However citizenship criteria were also used in the framework of the so called simplified system of the access to the Polish labour market (citizens of Belarus, Georgia, Moldova and Ukraine).

Amendments to the legislation on employment of foreigners, introduced most intensively within the last six years, are clearly aimed at opening the Polish labour market to foreigners. The most apparent effects of that are the still growing number of persons who can be employed without having a work permit and the introduction of a simplified procedure to obtain work-specific work permits, and as a consequence, more simplified work permit concept in general. Subsequent amendments to the above regulations have further opened-up the labour market, and that not only for the foreigners from the EU/EEA/Switzerland and nationals of third countries with regulated stay in Poland, but also for those who, due to their specific situation or employment form, may be attractive for the Polish employer. The first group of exceptions constitutes, in fact, a *quasi* natural reference group for any changes in the labour market policies introduced in Poland (partially due to those foreigners` long-term stay in Poland and thus their level of integration with the Polish society); on the other hand, actions aimed at the second group of exceptions are the example of an active approach of the Polish authorities, who want to reduce deficiencies of the workforce. In terms of the citizenship or a legal status, the following persons do not need a work permit:

- ✓ Citizens of the EU/EEC/Switzerland, as well as members of their families⁶²;

⁶¹ Polish provisions do not *expressis verbis* indicate the *third countries* category, however in order to provide clear division this phrase will be of frequent use in this report.

⁶² Citizens of the EU Member States that can be employed in Poland without work permit: Cyprus, Czech Republic, Estonia, Ireland, Lithuania, Latvia, Malta, Slovakia, Slovenia, Sweden, Hungary, Great Britain (since 1 May 2004); Finland, Greece, Spain, Portugal (since 1 May 2006); Italy (since 27 July 2006); Bulgaria, Romania (since 1 January 2007); Austria, Belgium, Denmark, France, Netherlands, Luxembourg, Germany (since 17 January 2007).

- ✓ Foreigners with a permit to settle;
- ✓ Persons with a status of a long-term resident of the European Communities;
- ✓ Persons with a status of a long-term resident of the European Communities in another EU Member State, who obtained their authorisation in connection with their intent to take up employment or start an economic activity;
- ✓ Forced migrants (refugees, foreigners with subsidiary and/or temporary protection or with permit for tolerated stay);
- ✓ Members of families of all of the above categories of foreigners;
- ✓ Foreigners with the residence permit for a fixed period issued with regards to different conditioned mentioned in the Act on foreigners.

In terms of a specific situation or a specific form of employment, the following persons do not need a work permit:

- ✓ Teachers of foreign languages in the educational institutions,
- ✓ Trainers, persons participating in professional trainings, persons with advisory or supervisory function or with a function that requires some specific qualifications or knowledge, in programmes carried out in the framework of the EU actions,
- ✓ Lecturers (giving occasional lectures, not longer than 30 days per year), persons delivering speeches or making presentations of high scientific or artistic value, provided that their place of residence is abroad,
- ✓ Students who take up employment as part of professional trainings organized by member organisations of international students associations;
- ✓ Persons studying in Poland (provided that they were granted a relevant residence status);
- ✓ Graduates from the Polish secondary schools or graduates from the full-time studies or doctoral studies at the Polish universities and other entities;
- ✓ Persons delegated to deliver services by an employer with its headquarters in other EU Member State;
- ✓ Scientists employed at the research and development institutions;
- ✓ Citizens of Belarus, Georgia, Moldova, Ukraine, and Russia provided that they are holders of the employer's declaration of willingness to employ a foreigner registered in the local employment office.

Other foreigners – third country nationals – may work in the territory of Poland on the basis of a work permit and document that confirms his/her legal stay in Poland: (1) on the visa basis, or (2) on the basis of a residence permit issued for a fixed period, or (3) on the basis of a uniform visa issued by another member state of the Schengen area, or (4) on the basis of a residence permit issued by another member state of the Schengen area.

The abovementioned work permit to take up employment in Poland is required if a foreigner:

- ✓ is employed within the territory of Poland on the basis of an agreement with an entity, whose headquarters or a place of residence or a branch, plant or another form of organised economic activity is located within the territory of Poland (1);

- ✓ as being a member of the management board of a legal entity entered in the register of businesses or of a company in organisation, stays within the territory of Poland for a period that, in total, exceeds 6 months within the period of 12 months (2);
- ✓ is an employee of a foreign company and has been delegated to Poland, for a period exceeding 30 days in a calendar year, to such foreign company's branch or plant or subsidiary or to a company with whom the business relationship is based on a long-term cooperation with a foreign company (3)⁶³;
- ✓ is an employee of a foreign employer who has no branch, plant or another form of organised business activity in Poland, such employee being delegated to Poland for the purposes of delivering a service of temporary and occasional nature (export service) (4);
- ✓ as being an employee of a foreign employer, has been delegated to Poland for a period exceeding 3 months within the period of 6 months, for the purposes other than referred to in points from 2 to 4 (5).

The work permit is issued only on a written request of an entity who expresses the will to employ the foreigner. In most cases, such permit is issued by a Voivod competent for a seat or a place of residence of the employing entity or competent for seat of the entity to which a foreigner is delegated. An employer willing to employ a person with specific qualifications requests the relevant District Employment Office (PUP) to provide the information on whether persons with such specific professional qualifications are available. Upon the reply from PUP⁶⁴, the employer applies to the Voivod (according to where the Company's seat is located) for granting the work permit. The Voivod decision on whether to grant a work permit depends on several factors, i.e. when civil-law contract or a work contract is signed, on the information obtained from the district employment office that no persons with required professional qualifications have been declared in the PUP registers or during the process of recruitment no one has been hired and that the salary offered by the employer is not lower than the salary granted to other employees working at similar positions or on a position of comparable character. As a body competent for issuing a work permit for foreigners who were delegated to work in the territory of Poland, a Voivod will issue such permit provided that: (1) the foreigner's employment will be in accordance with the provisions of Article 67.3 of the Labour Code (first and foremost, conditions of work offered for a foreigner must be not worse than those offered for the Polish nationals); (2) the foreigner's remuneration shall not be less than 30% of the monthly remuneration determined for a specific Voivodship, as published by the President of the Central Statistical Office; (3) a foreigner employer selected a person staying within the territory of Poland, who has relevant documents proving the compliance with conditions defined in points 1 and 2 and who is authorised to represent the employer before a Voivod or other authorities, if a foreigner has been delegated for a period exceeding 30 days in a specific calendar year. After the employer receives the positive decision, the foreigner applies to the Polish consul in the country of residence (for a visa) or to a consul/a Voivod (for a residence permit). Being granted a relevant permit of stay

⁶³ Starting from 1st February 2011 some changes to the abovementioned article were provided; now it states that *he / she is an employee of a foreign company and has been delegated to Poland, for a period exceeding 30 days in a calendar year, to such foreign company's branch, plant or other entity associated with foreign company understood as in the Act of 26th July 1991 on natural persons' income tax.*

⁶⁴ District Office of Employment replies, correspondingly, within 7 or 14 days (in case of a recruitment process) from the receipt of a request.

(visa or residence permit for a fixed period) and the work permit, foreigner may enter into an employment contract.

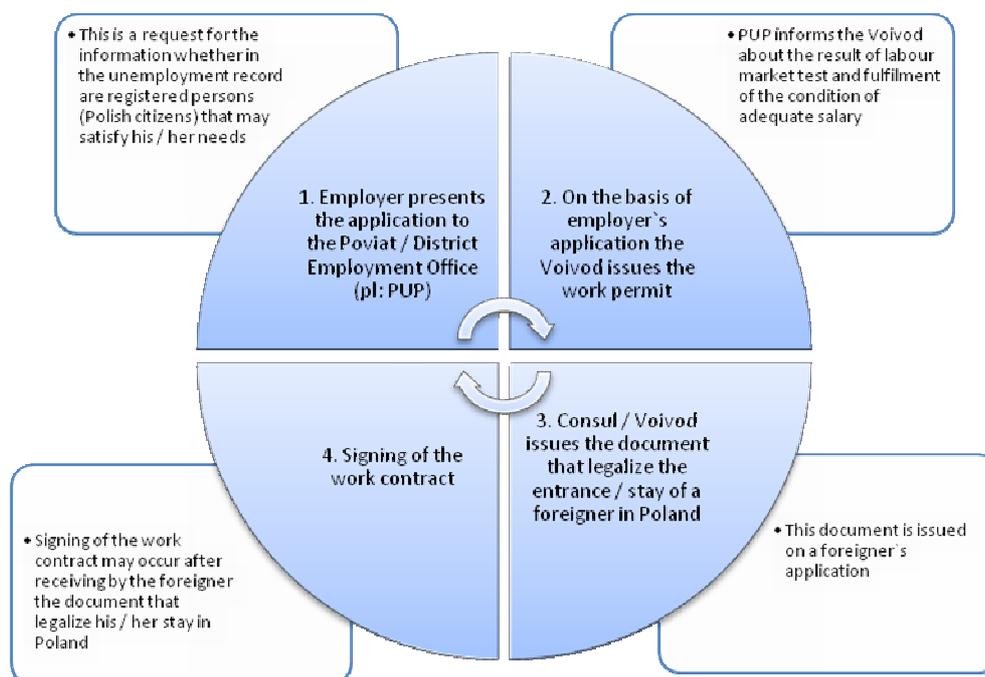


Figure 1. The procedure of issuing a work permit to a foreigner in the territory of Poland. Source: Migration Policy Department in the Ministry of the Interior and Administration

Work permit is granted to a foreigner in an administrative procedure using labour market control mechanisms described below. Unfortunately, no explicit provisions and tools exist allowing quick and flexible reaction to changing conditions of the labour market demand. All available provisions and tools are indicated below. It must be noted however they are not fully adequate while trying to promote the foreign workers participation in the labour market in Poland; in addition, they do not encourage the employers to avoid deficiencies in labour force supply through using foreign workforce. The main reason for the current state of affairs is that the existing provisions and tools were developed a long time ago and all changes introduced currently cannot effectively eliminate deficiencies, particularly in the light of an unstable economic situation.

3.1.1. Monitoring of professions in oversupply and in deficiency

In accordance with the provisions of the Act of 20 April 2004 on promotion of employment and the labour market institutions, labour market-related tasks of the Voivodship and Poviát local government (Voivod or Poviát) include preparation of labour market analyses and monitoring of professions in oversupply or in deficiency⁶⁵. A profession in oversupply is a profession with the market demand, lower than the number of persons with such profession. A profession in deficiency is a profession with the market demand, higher than the number of persons having such profession.

⁶⁵ This obligation results from art. 8.1.1 and art. 9.1.9 of the Act (Journal of Laws of 2008, no. 69, item 415).

Monitoring of professions in oversupply or in deficiency covers groups, professions and specializations as defined in the classification of professions and specializations regulated by the Regulation of the Minister of Economy and Labour of 8 December 2004 on classification of professions and specializations for the purposes of the labour market, including its scope of application⁶⁶. Monitoring is performed in accordance with unified rules based on methodological guidelines of the Labour Market Department of the Ministry of Labour and Social Policy. Methodological guidelines provide for the scope of the half-year and the annual Poviats and Voivodship reports and for the national report.

It must be noted however that the monitoring of professions in oversupply or in deficiency, which is based mainly on specifically processed statistical data on unemployed and job offers, does not properly reflect the real balance between the labour market supply and demand at regional level; it may be used as a basis to plan trainings for unemployed persons specifically adopted to the local employers' requirements. The methodology currently used to determine the professions in oversupply or in deficiency does not match the recipients' expectations; in addition, there are a number of doubts as to the interpretation of the proposed ratios and data sources. Apart from the profession itself, other factors still grow in importance, such as: education, qualifications and additional capabilities – they may play a key role for being selected for a specific job position. Therefore the above methodology required in-depth analysis and remodelling. Taking this into account, a decision was taken to prepare new methodological guidelines in the area of monitoring of professions in oversupply or in deficiency, this being carried out under the project co-financed from the European Social Fund.

Another key element for monitoring the condition of the Polish labour market can be the information from the National Labour Market Monitoring System (KSMRP) (being implemented since 2005) and the Central Job Offer Database (CBOP). The Central Job Offer Database is to enable collection, in a single place, of job offers from all offices and public entities⁶⁷ as well as its integration with the European system for professional consultancy and job agency EURES; the National Labour Market Monitoring System in turn should be used as a data warehouse to collect (in its initial phase) data from the labour market. The National Labour Market Monitoring System will enable monitoring of events taking place on the labour market as well as analyses of poverty and unemployment issues. These two elements make part of a larger project being implemented since 2004 consisting in development of the Public Employment Service Portal⁶⁸. The Portal's objective is to support the public administration units in development of an aware labour market policy, effective for jobseekers and using the existing tools and solutions.

3.1.2. Labour Market Test

Before granting a work permit to a foreigner who shall be authorised to take up employment in Poland on the basis of a contract with an entity whose seat or a place of residence or a branch, plant

⁶⁶ Journal of Laws of 2004, no. 265, item 2644 and Journal of Laws of 2007, no. 106, item 728.

⁶⁷ Based on art. 36.1.2a of the Act of 24 August 2007 amending the act on promotion of employment and on the labour market institutions and amending other acts (Journal of Laws of 2007, no. 176, item 1243) and based on relevant regulations conferred by statutory power, offices of employment are obliged to send job offers in the office registers to the central system.

⁶⁸ Official web site www.psz.praca.gov.pl.

or another form of organised economic activity is on the territory of Poland, a Voivod must primarily examine whether certain special requirements have been complied with, such as:

- ✓ remuneration to be defined in the employment contract with a foreigner can not be less than the remuneration offered to persons with a similar job or working at a similar position;
- ✓ information from a Starost competent for a seat or a place of residence of an entity willing to employ a foreigner, that the employer is unable to find relevant candidate in registers of unemployed persons and jobseekers or that the effect of a recruitment campaign organized for the employer was negative.

For example, in case of the foreigners who are members of management boards, a Voivod must additionally consider the legal person's income of the previous tax year – such income can not be less than 12-times average monthly remuneration determined for a specific Voivodship, for the third quarter of the year preceding the year of application⁶⁹.

There is no need to consult the Starost, if:

- ✓ the profession or the type of work to be exercised by a foreigner is on the list of professions and types of work which, taking into account the current situation on the local labour market, do not require consultation with the Starost;
- ✓ a Voivod is going to grant extended prolongation of a work permit for the same foreigner and for the same job position;
- ✓ it is not necessary according to certain specific provisions of law.

A precondition to grant a work permit by a Voivod (work permit type A, i.e. issued to a foreigner employed on the basis of a labour contract concluded with an entity with its registered office within the territory of Poland) is to obtain the information, from a Starosta (according to where the Company's seat or the place of residence of the entity offering job to a foreigner is located), that it is not possible for the employer to find relevant candidate based on the unemployed and jobseekers registers or that the recruitment campaign organized for the employer was not successful (art. 88c.1.2 of the act on promotion of employment and on the labour market institutions)⁷⁰. Such information must be provided by the Starosta within 14 days from placing the job offer at the District Office of Employment (if potential employees were recruited from among the unemployed and jobseekers registered at the District Office of Employment) and within 7 days (in cases where analyses of the unemployed and jobseekers registers do not give grounds for organising a

⁶⁹ However there are cases when a voivod shall grant a work permit without examining those conditions and additional consideration to special requirements for the foreigners who: (1) in a period of 3 years before filing the application for granting a work permit graduated from a school or a university whose seat is within the territory of Poland or of another member state of the European Economic Area or of the Swiss Confederation, or (2) have been legally present on the territory of Poland for 3 years before filing the application for granting an authorisation for residence .

⁷⁰ Work permit can be granted, without applying the so-called market demand test, to those foreigners who previously worked under a simplified work permit system (i.e. based on declarations). Such solution enables prolongation of the period of employment in case of foreigners with positive work record (a foreigner may work for the same employer where he / she was previously employed on the basis of a declaration). The above solution encourages flexible employment of long-term foreign employees from countries characterised by geographical or cultural proximity.

recruitment campaign). By the Amendment Act of February 2009 the duration of the above procedure shortened significantly – before the amendment, Starosta had 30 days to give its opinion. In cases of the offers submitted by the entity, which already took part in the recruitment procedure, a Starosta may give its opinion (described above) based on the results of the previous recruitment process, however provided that such recruitment process took place within the last 6 months⁷¹. According to a template, the Starosta's opinion on whether a candidate, suitable for the entity willing to employ a foreigner, can be found based on available unemployed and jobseeker registers should also contain the information on the adequacy of the proposed salary to the position to be held and of a type of work to local salary level and on whether the requirements in the job offer (regarding e.g. qualifications) correspond to the type of work. If the requirements are too low or too excessive as compared to the position to be held, the Starosta does not take them into account. This is the only one element in the whole system of work permits for foreigners that concerns the assessment of qualifications (except regulated professions).

3.1.3. Voivodship criteria

A Voivod is also entitled to grant a work permit to a foreigner without obtaining the information referred to above (art. 10.3 of the Act on promotion of employment and on labour market institutions), provided that the profession has been listed in the register of professions and types of work, for which the work permit is not required. A Voivod shall define specific Voivodship criteria taking into account the current situation on the local labour market and deficiencies of the workforce in specific branches (determined as the ratio of the number of the unemployed persons to job offers available in such branches). The source of relevant information are the labour market analyses, including the monitoring of professions in oversupply or in deficiency, being the statutory task of the Voivod and Poviats self-government (half-year and annual reports). Also the opinions of the Marshal of the Voivodship and of the Voivodship Employment Board must be taken into account. Members of the Voivodship Employment Board are the representatives of various social groups: employers, trade unions, non-governmental organizations, scientific centres. Provisions of the amendment act on promotion of employment and on the labour market institutions of 2004 strengthened the role of social partners in defining the regional labour market policies. Voivod may also define the time limit for which work permits is granted – depending on the nature and type of work, duration of stay and importance of the employer for the economy.

3.1.4. Tools to assess and approve the migrant qualifications

In principle it is the employer's duty to properly assess the qualifications of a potential employee (the employer may require the confirmation of the equivalence of migrant educational qualification with the relevant Polish award or the opinion on the level of education obtained abroad). For this purpose the employer may use specialized employment agencies⁷² whose task is to help the employer to find foreign employees with relevant qualifications. If the foreigner qualifications requirements contained in the employer's job offer submitted to the Poviats employment office are considered inadequate (to

⁷¹ Method of delivery and the scope of the Starosta's information referred to in art. 88c.1.2 have been provided for in a template annexed to the Regulation of 29 January 2009 on work permit for foreigners (Journal of Laws of 2009, no. 16, item 84).

⁷² Establishment of an employment agency requires its prior entry to the register of employment agencies. Such register is kept by a Marshal of a Voivodship according to the seat of the employment agency.

the position to be held, i.e. too low or too excessive) by the Starosta, they will not be taken into account when preparing the information on the labour market situation (so called labour market test)⁷³.

The situation changes only as regards the employees, whose profession is on the list of so called regulated professions⁷⁴. In case of regulated professions, relevant qualifications acquired in another Member State require official approval in Poland. Official approval is also required if a person acquired the qualifications in Poland and is willing to take up employment in another Member State, in a profession which is regulated by the Member State (approval is being granted by relevant authorities of the receiving Member State). If the qualifications enabling a migrant to exercise a specific profession in a country where they were acquired are not sufficient⁷⁵ to exercise the same profession in Poland, then the bodies representing such professions relevant for the seat of the employer may apply compensation measures, i.e. they may request a potential employee to pass a knowledge test or to start the so called adaptation training (duration: not longer than 3 years), at the employer's discretion. The above regulation shall not apply if a profession requires detailed knowledge of the national legislation and delivery of legal advisory services is the substantial and permanent characteristic of the foreigner's profession. This exception from the general rule and the notion of a compensation measure have been defined in Regulation of the Minister of Science and Education of 20 November 2008 *on regulated profession in case of which the right to choose between the adaptation training and the knowledge test is excluded*⁷⁶. Another tool to verify the employee qualification is the achievement of the degree and papers certifying foreign worker's education on the basis of bilateral agreements or – in case of absence of such agreements – diploma nostrification process.

⁷³ See: art. 88c.1.2 of the act on promotion of employment and on the labour market institutions of 2004.

⁷⁴ Regulated profession is a set of professional activities that can be performed only upon fulfilment of specific requirements, as defined in legislation of a Member State, on the access to that profession. It is an independent decision of each Member State to regulate or not a specific profession. So a profession, which has not been regulated in one Member State, can be a regulated profession in another Member State. More at: <http://www.nauka.gov.pl/szkolnictwo-wyzsze/mobilnosc-akademicka-i-zawodowa/uznawanie-kwalifikacji-zawodowych/#c12>. In accordance with legislation in force, in addition to the notion of regulated profession, a notion of regulated activity has been introduced to the qualification approval system. Regulated activity is any activity listed in the Annex IV to the European Parliament and Council Directive no. 2005/36/EC (EU Official Journal L 255/22 of 30 September 2005 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0022:0142:pl:PDF>). If, in some Member State the right to exercise some activity depends on having specific qualifications (knowledge and expertise of general, trade or professional nature), the migrant qualifications to exercise such activity can be automatically approved provided the it has relevant professional experience (or, a professional experience with additional education) in exercising the same type of activity in the Member State of origin.

⁷⁵ I.e. if a body representing a regulated profession in question finds out that there are significant differences in education or training or the duration of the education process in the applicant's Member State is shorter by at least 1 year as compared to the same period required in the receiving Member State. Similar situation concerns differences in scope of professional activities within a specific profession, between the Member State of origin and the receiving Member State. In this case, analysis of documents certifying the professional experience is aimed at determining if the knowledge and expertise acquired during the process of professional development balances, in full or partially, the above mentioned substantial differences or if such differences have already been balanced.

⁷⁶ Journal of Laws of 2008, no. 215, item 1363.

It should be noted that failure to comply with the qualification requirements or other conditions set for regulated profession may be considered by a Voivod as a ground for refusal of granting a work permit⁷⁷. However it is of high importance to state that regulations regarding recognition of professional qualifications apply only to the EU Member States citizens, citizens of Iceland, Norway, Liechtenstein and Switzerland, members of their families, and finally citizens of third countries holding long-term resident's EC residence permit according to Law on Aliens of 13 June 2003 (Journal of Laws of 2003, No 128, it. 1175). There are no regulations considering third country nationals in general.

3.1.5. Employment Agencies and Public Employment Services

There are numerous entities carrying out employment agencies in Poland – some of them even specialize in delivering services for employers seeking foreign workforce⁷⁸. Tasks of such agencies include seeking employees having specific qualifications required by the employer and verification of their qualifications/expertise.

Legal basis for operation of such employment agencies is art. 18.1 of the Act of 20 April 2004 on promotion of employment and of the labour market institutions. The Amendment Act of 2008 improved the access to the labour market services. It also significantly streamlined the operation of the agencies. Relevant changes were forced by liberalisation of operation of employment agencies, including the obligation of adaptation of the Polish regulations to the Directive on the services on internal market⁷⁹. Employment agencies deal with job placement services, including placements abroad in foreign companies, guidance and assistance on placement, personnel advisory services and temporary work services, all of that in response to the on-going needs of employers. The analysis of data from the employment agencies may be of use to identify deficiencies of specialist workforce in a given sector and at a given moment in time. The value of information obtained from the employment agencies depends on the current economic situation of a specific country and on development orientations of specific sectors.

Equally interesting source of microdata data on the situation of the Polish labour market is the already mentioned Public Employment Services system (<http://www.psz.praca.gov.pl>)⁸⁰. Components of the system are the employment authorities, including the Poviats and Voivodship offices of employment, the office providing services for the minister relevant for labour issues and the Voivodship offices responsible for statutory tasks of satisfying the needs of the national labour market. Activities include job placement services, guidance and assistance on placement, assistance

⁷⁷ See: art. 88j of the Act on promotion of employment and the labour market institutions of 2004.

⁷⁸ An example: Association of the Employment Agencies (<http://www.saz.org.pl>). Full list of entities dealing with employment agency is available at: <http://www.kraz.praca.gov.pl/StronaGlowna.aspx>.

⁷⁹ Directive 2006/123/EC of the European Parliament and Council on the services in the internal market – Official Journal of the European Union L 376/30 of 27 December 2006.

⁸⁰ Very important role in the system of the Polish Public Employment Services plays the European Employment Services (EURES). Despite their primary task to support job placement in all EU Member States, they also promote support for satisfying the needs of the Polish labour market, e.g. through circular migrations. This role has been conferred to cross-border initiatives and the EURES partnerships; Poland participates in two partnerships: T-BESKYDY and TRIREGOIO. More at: http://www.eures.praca.gov.pl/index.php?option=com_content&view=article&id=1&Itemid=32 and in the national report on circulation migrations.

in active seeking of employment, including under the European Public Employment Services (EURES), organizing trainings for employees. The above activities may be useful as a source of data for this report; however their dispersion between public entities and lack of use of the category of foreigners may cause some interpretational problems.

3.1.6. Scientific research on the Polish labour market demand

Another source of the information on the national labour market requirements are the scientific researches of the Central Statistical Office and of numerous scientific centres on the labour supply and demand in Poland and on the impact of the foreigners on the Polish labour market (e.g. the Migration Research Centre, the Central European Forum for Migration and Population Research, the Institute of Public Affairs).

One of the two basic statistical researches of the Central Statistical Office on the Polish labour market is the Labour Force Survey (LFS), the objective of which is to collect the information on size and structure of workforce. As the result of the survey the following has been determined: the number of persons in active professional life (i.e. the total of both employed and unemployed persons) and the number of persons not economically active (persons who do not work or who are not interested in taking up any employment). Basic criterion for dividing population into employed persons, unemployed persons or persons economically inactive is the work and, more precisely, the fact of whether they really work or they seek a job in a given week. Survey covers a sample of persons at least 15 years old. Representative method used in the survey enables generalisation of results on the whole population of persons of that age. The Central Statistical Office performs the Polish Labour Force Survey every quarter a year, since May 1992⁸¹.

Another important source of data the Polish labour market is the so-called *survey on labour demand*. Since 2007 it uses the representative method, is performed every quarter of the year and covers the entities of the national economy having 1 or more employees. Until 2007 the survey covered only the entities with 10 or more employees. Basic information from the survey is the realized and unrealized demand, i.e. the number of employed persons and the number of job vacancies, by profession, as well as the data on workplaces newly created or lost during the reporting period, by characteristics of a company, i.e. spatial location, ownership, type of activities, size of the company. The basic legal act, which introduced the requirement to perform the survey of labour demand, is the European Parliament and Council Regulation no. 453/2008 of 23 April 2008 on quarterly statistical data on vacancies in the European Community⁸².

Researches by scientific centres on the impact of foreigners on the Polish labour market include the research of 2006-2008 performed by the Migration Research Centre entitled "*Migration Policy and*

⁸¹ More information: <http://laborsta.ilo.org/applv8/data/SSM3/E/PL.html>.

⁸² Another important source of data is the survey "Employed Persons in the Polish Economy". This survey uses the elements such as the number of persons working in the National Economy, the employment status, certain categories of employed persons, foreigners, disabled persons, pensioners, elements of employment transfer, by sources of recruitment and reasons for redundancies. In this survey the foreigners included in the category of persons working in Poland are those, who, in accordance with the act on promotion of employment and the labour market institutions of 20 April 2004, have been employed by companies or natural persons.

*Labour Market Change*⁸³ (a scientific project co-financed from the European Social Fund, implemented by the Ministry of Labour and Social Policy under the sectorial operating programme – Human Capital Development. Other researches of significant importance are the “Immigration as a strategy of development for the “new” Europe – presence of immigrants on the Polish labour market after the EU enlargement”⁸⁴ carried out by the Centre for International Relations (2005) and the “Demand for foreign workforce in Poland” carried out by the Institute of Public Affairs (2005). The last project was an attempt of comprehensive approach to the issue of foreign workforce demand from the perspective of the Polish economy requirements. The expert report drawn up under the project included the following: analysis and assessment of legislation on employment of foreigners in Poland, on legislation and programmes implemented by the other European countries and the analysis of bilateral employment agreements⁸⁵. In November 2010 another report on the optimal model of granting access to the labour market in Poland to the foreigners was prepared, this time by the experts from the Social Policy Institute at Warsaw University. This paper conclusions states that a general rule of complementarity in employing foreigners in the local labour market should be supported; and apart from the mainstreamed means of promoting third country foreigners employment it also should, according to the authors of the report, be other simplified procedures related with the seasonal and highly skilled workers. Nowadays report is discussed on an expert level.

Another useful sources of information to illustrate the Polish labour market demand for foreign workforce are the reports of specialized auditing and advisory companies, such as Manpower⁸⁶ or KPMG⁸⁷. Also the Polish Confederation of Private Employers Lewiatan plays an active role in this field.

* * *

Numerous researches have been performed recently to show how foreigners integrate on the Polish labour market and to determine whether discriminatory events take place⁸⁸. This issue is of significance as currently there is no legislation in force to determine the integration activities for the foreigners other than those with a refugee or subsidiary protection status in Poland. The latter represent the only group of foreigners for which specific legislation on integration has been developed (including the integration on the labour market)⁸⁹. Chapter 5 (art. 91 to 95) of the Act of

⁸³ More information about the project is available at the Internet site of the Migration Research Centre: <http://www.migracje.uw.edu.pl/projekt/118/>.

⁸⁴ More information about the project is available at the internet site: http://csm.org.pl/fileadmin/files/Biblioteka_CSM/Raporty_i_analizy/2005/Katarzyna_Gmaj_Imigrancji_na_polskim_rynku_pracy_w_swiecie.pdf.

⁸⁵ Report available at: http://www.kig.pl/assets/upload/Opracowania%20i%20analizy%20zapotrzebowanie_na_prace_obcokrajowcow_w_polsce.pdf.

⁸⁶ Internet site: <http://www.manpower.pl>.

⁸⁷ Internet site: <http://www.kpmg.pl>.

⁸⁸ Pilot research on employment discrimination of foreigners of 2010 was performed by the Institute of Public Affairs in cooperation with the Legal Intervention Association. In 2009 the Institute of Public Affairs published its own report on integration and discrimination of foreigners in Poland. This report is available at: <http://www.isp.org.pl/files/19678905540220461001252409840.pdf>.

⁸⁹ Within the inter-ministerial Committee for Migration operates also the Working Group on integration of foreigners which on the basis of the “Migration Policy of Poland” document plans to prepare till 2012 a detailed document regarding directions of the future Polish integration policy as well as other proposals considering e.g.

12 March 2004 on social aid exclusively concerns the issues of social integration of refugees. All researchers tackling the issues of labour immigration agree however that the integration of migrants is currently of secondary importance for the Polish decision-makers. It is probably caused by relatively small number of resettlement migrants in Poland and their cultural proximity; majority are the short-term migrants from neighbouring countries.

Among the solutions to encourage integration of labour immigrants is the extension of the work permit validity period. In principle, that period extends to 3 years – with the exception that Voivod may decide on shorter periods of validity of work permits issued for foreigners, who have previously never been in Poland. 3-years work permit will enable more effective integration of foreigners within the Polish society and longer employment perspective for the employer. To be granted a status of a long-term EC resident, stay for employment purposes must be for at least 5 years – which means that, assuming 3-year work permit validity period, a migrant can be granted a long-term EC resident status only after twice being granted the status enabling official work.

3.2. Statistics and trends

Abovementioned difficulties in preparation of statistical data in accordance with the assumptions listed in the report specification result mainly from deficient statistical data on work migrations available in Poland. The main statistical body in Poland, i.e. the Central Statistical Office, publishes data on employed foreigners annually. On the other hand, every second year data are published, in the so-called labour yearbook, concerning the number of foreigners employed in Poland by gender, public/private sector, sections of the Polish Classification of Activities (PKD)⁹⁰ and by Voivodship. However these data are provided only by the entities that must submit the report to the Central Statistical Office using a specific form. Other entities, i.e. those with 9 employees or less, are not obliged to submit the report. Such legal persons have not been taken into account in official statistics; the same concerns the organizational units without legal personality and natural persons who conduct business activity and have less than 10 employees. The above statistics do not cover persons working on farms, clergymen and persons employed in budgetary units dealing with national and public security. Some of the collected data concern the number of foreigners employed in Poland. However, they refer only to the persons with permit of residence for unlimited period. For that reason the analyses of information about foreigners registered in the „Pobyt” System (containing the list of short-term and long-term permits) and available in the reports of the Central Statistical Office seem to more precisely identify the true condition of the Polish labour market in terms of foreigners legally residing (both long-term and short-term) and working in Poland.

actions that may be co-financed from the European Funds. In case of activities towards migrants that may be accomplish imposing means from the European Integration Fund.

⁹⁰ It is a subset of a set of economic activities that can be performed in Poland. In PKD names and symbols at five levels are defined: section, subsection, group, class and subclass. The last ones are entered into the Register of the Economic Activity as the company's business objectives. The Polish Classification of Activities enables the Central Statistical Office to determine the number of employed persons by branches and domains, sectors with the highest employment rate, and forms of economic activity that expanded and/or reduced in importance.

Data with relevance for the current analysis are also being collected by the Labour Market Department of the Ministry of Labour and Social Policy – that collects data on the number and structure of work permits issued by Voivods and of the employers' declarations regarding their willingness to employ foreigners from third countries (registered at the regional labour offices). Statistical data connected with declarations have been collected since 20 July 2007. Data of 2007 and 2008 were categorised by the foreigner's nationality, number of declarations for persons with visa or with permit of residence, gender, age, selected sectors and professions (e.g. agriculture and related sectors, construction and related sectors, household services, trade, industry, transport, catering services, hotels, temporary work agencies). The category "declarations registered on the basis of Article 2.27a⁹¹ of the Minister of Labour and Social policy regulation of 30 August 2006 on employment of foreigners without the need to apply for a work permit", including division by period of work of a foreigner, was added to the statistics of 2009. Statistics concerning work permits issued in Poland are categorised by Voivodship, foreigner's country of origin, working groups and profession groups, size of company, validity period, and certain sections of the Polish Classification of Activities. Also the data on foreigners delegated to Poland to provide export services have been presented. None of the statistics described above cover the citizens of the European Union, including their families, and foreigners with permit of residence in Poland and released from the duty to apply for a work permit (this category of foreigners also include those under international and national protection).

The above illustrates that a very large number of foreigners are not covered by any statistical surveys on labour migration – it may affect the quality of the analysis of trends in satisfying the Polish labour market demands by foreign workforce. Partly the requested data concerning the number of foreigners working at the Polish labour market may be derived from the general statistics of foreigners aged 18 or more whose residence permits enable them to perform work in the territory of Poland (so called potentially working foreigners).

On the basis of the information shown above one can state that the number of foreigners (citizens of the EU member states/EEA/Switzerland and so called third countries) working in Poland for at least 12 months is between 60 000 – 65 000 persons (in 2005-2007 it was within the limits of 45 000 – 50 000 persons). This number must be increased by a large number of seasonal migrants working in Poland on the basis of the employer's declaration of employment – i.e. approximately 100 000 persons (only those foreign seasonal workers working in agriculture and construction were taken into account out of the total number of foreigners). This number is still growing.

⁹¹ Article 2.27a indicates that performing work on the territory of Poland by foreigners without the obligation to have a work permit is permissive to those foreigners who are the nationals of countries bordering the Republic of Poland and countries with which the Republic of Poland cooperates in the scope of economic migration under mobility partnership established between such countries and the European Union, to those who are staying on the territory of Poland with the basis on the residence permit issued for the fixed period with regards to the work permit issued, those who during the indicated in the work permit period are performing other work than mentioned in the already issued residence permit for a fixed period on the basis of the employer declaration of their willingness to employ a foreigner registered in the District Employment Office (pl: PUP) proper due to the foreigner place of residence or the seat of the declaratory entity.

Table 2. General situation at the Polish labour market in years 2004-2009

	2004	2005	2006	2007	2008	2009
Aktywni zawodowo na polskim rynku pracy (średnio w ciągu roku)/ Economically active persons on Polish labour market (annual averages)	17 025,00	17 161,00	16 938,00	16 859,00	17 011,00	17 279,00
Szacunkowa liczba cudzoziemców pracujących na polskim rynku pracy/Total number of foreigners performing work in Poland (estimation) *	34 000	35 000	34 000	65 000	200 000	250 000
<i>w tym cudzoziemcy/of which foreigners:</i>						
Cudzoziemcy, których forma legalizacji pobytu upoważnia do podjęcia pracy bez uzyskiwania zezwolenia na pracę/Foreigners whose legal stay in Poland enabled them to work without issuing work permit	9,893	14,52	10,923	17,521	11,3	11,241
Liczba wydanych zezwoleń na pracę/ Number of permits to work issued	12,381	10,304	10,754	12,153	18,022	29,34
<i>w tym cudzoziemcy/of which foreigners:</i>						
Liczba pracowników oddelegowanych do pracy na terytorium Polski/Number of secondments employees	798	847	1,309	2,645	3,711	3,07
Cudzoziemcy, którzy wykonują pracę w związku z legalizacją pobytu na podstawie zezwolenia na zamieszkanie na czas oznaczony/Foreigners who work in Poland with regard to the permit to stay for a fixed period	12,183	11,059	13,087	14,337	20,976	22,937
Liczba zarejestrowanych oświadczeń pracodawców o zatrudnieniu/Number of registered employer's declarations	0	0	0	21,797	156,713	188,414

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on the data from the Central Statistical Office and the Ministry of Labour and Social Policy and the Office for Foreigners

* This is just the estimation number of foreigners granted right to perform work in the labour market in Poland based on different documents: stay permits and/or work permits. The number here indicated shall not be treated as a simple sum of abovementioned elements. One should remember that the number of foreigners performing work in the labour market in Poland due to the permit to stay for a fixed period issued are very linked with the number of permits to work issued.

The above data clearly show that the foreign workers account for just a fraction of the whole Polish labour market of more than 17 million employees. Detailed statistical data used in the above analysis have been discussed below.

3.2.1. Statistical data

According to the data of the Central Statistical Office, during the last six years the number of economically active persons was around 17 million persons, of which women accounted for 52-53 percent of the total number of persons over 15 years old (according to the representative Labour Force Survey (LFS), which covers persons of 15 years of age or more, being members of randomly selected households).

Table 3. Number of economically active persons on the Polish labour market in years 2004-2009

	2004	2005	2006	2007	2008	2009
LFS population	31123	31258	31365	31392	31373	31461
LFS women	16292	16356	16428	16483	16507	16552
LFS men	14831	14902	14938	14909	14866	14909

Economically active persons	17025	17161	16938	16859	17011	17279
women	7780	7799	7655	7626	7694	7824
men	9245	9362	9283	9234	9317	9455
Economically inactive persons	14098	14097	14427	14533	14362	14181
women	8512	8557	8773	8858	8813	8728
men	5586	5540	5655	5675	5549	5454

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on the data from the Central Statistical Office and the Ministry of Labour and Social Policy

Table 4. Number of employees and unemployed on the Polish labour market in years 2004-2009

	2004	2005	2006	2007	2008	2009
Economically active persons (annual averages)	17025	17161	16938	16859	17011	17279
employed persons	13795	14116	14594	15241	15800	15868
women	6230	6306	6513	6838	7082	7147
men	7565	7809	8081	8403	8718	8722
unemployed persons	3230	3045	2344	1619	1211	1411
women	1550	1493	1142	788	612	678
men	1680	1553	1202	831	599	734

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on the data from the Central Statistical Office and the Ministry of Labour and Social Policy

When analysing the data, attention must be paid to the fact that it only covers persons with an employment contract or those working on their own account, so a large number of persons working on the basis of civil-law contract is excluded from the statistics.

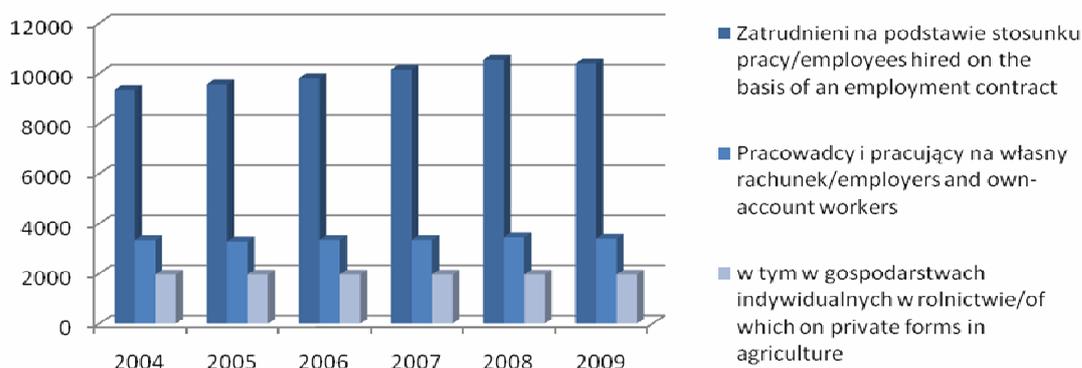


Figure 2. Structure of the employed persons on the Polish labour market in years 2004-2009. Source: data from the Central Statistical Office

Work permits

In accordance with the information already mentioned above the first and primary source of information on the foreigners on the Polish labour market is the number of work permits issued by Voivods (upon employer's applications). This group primarily also included citizens of the European Union member states who, since the accession of Poland to the EU in 2004, have been not covered

by such obligation any more. The abovementioned signifies that the real number of foreigners working on the labour market in Poland was higher then the figure no3 may impose.



Figure 3. Total number of work permits issued in years 2004-2009. Source: data from the Ministry of Labour and Social Policy

In addition to significant growth of the number of work permits that have been issued since 2007, also constant domination of men taking up employment in Poland on that basis is visible. After significant decrease in 2005 in the number of female labour migrants, their activity on the labour market has been gradually increasing since then.

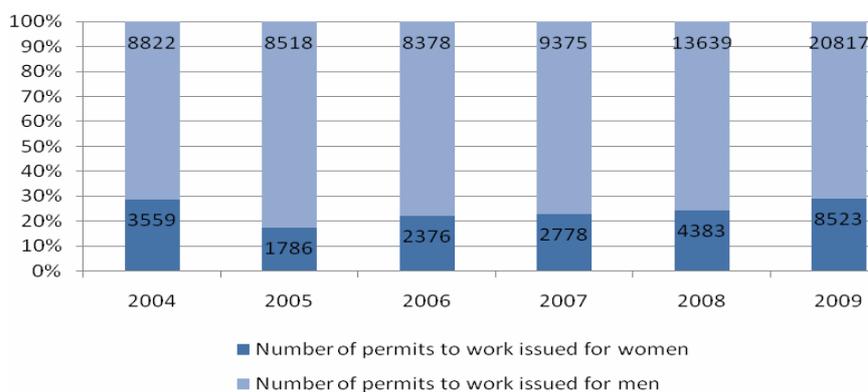


Figure 4. Number of work permits for women and men issued in years 2004-2009. Source: data from the Ministry of Labour and Social Policy

Taking into account the general statistical data on the number of work permits issued between 2004 and 2009 in case of professions that require skilled and low skilled workers a significant increase of number of foreigners performing work on this basis was noted. Pertaining to the highly skilled workers the difference between the numbers of work permits issued increased in the abovementioned period from 15 per cent (in 2004) to more than 30 per cent (in 2009). Similar correlation took place when low skilled workers are in question: even though in 2004 they constituted only no more than 3 per cent of the total number of foreigners performing work in Poland on the basis of the work permit, but in 2009 – 16 per cent. In turn, reverse dependency are noted when work permits for professions that require specific qualifications are issued, where the level of work permits issued among all foreigners performing work in Poland on the basis of the work permits decreased from about 67 per cent in 2004 to about 19 per cent in 2009. However, it should

be marked that so high number of work permits issued to management assistants (the most numerous group within the highly skilled workers group) did not mean that in 2004 almost 61 per cent of highly skilled foreign workers really performed such type of work (in 2009 they constituted only around 36 per cent of all foreign workers authorized to perform work in Poland on the basis of the work permit). The main group of highly skilled foreign workers within this period was citizens of Asian countries (in general from China and Vietnam).

Table 5. Number of work permits issued in years 2004-2009 by main professional groups

year	total number of work permits issued to foreigners:	workstream				professional group							
		high-skilled workers		skilled workers	low-skilled workers	IT	lawyers	artistics	medical services	including		teachers	lectors of foreigner languages
		Total	including experts and management assistants							doctors	nurses and labor support		
2004	12381	8236	5034	1863	376	101	2	236	299	129	18	1486	1304
2005	10304	5976	3329	1848	654	145	7	160	215	107	22	1027	882
2006	10754	4666	1699	2391	824	212	76	233	229	124	22	688	488
2007	12153	4438	1799	3738	827	205	44	217	157	92	11	491	302
2008	18022	4923	1960	6219	2426	355	53	221	154	82	3	398	180
2009	29340	5700	2068	9143	4829	365	30	377	177	72	3	322	80

Source: Ministry of Labour and Social Policy

Additionally to the aforementioned it is necessary to mention that all trends noted here do not fully map the structure of the work permits issued in Poland, mainly due to the fact that the accessible statistical data shows only few possible professional groups. One of interesting case is situation of teachers group (in particular teachers of foreign languages) where since the process of liberalization of the Polish legislation relevant decrease of the number of work permits issued is noted. This trend is undoubtedly related with existing in Polish law facilitations in taking up employment by foreign languages teachers – in accordance with the Regulation of 2009 No 21 item 114 the obligation to possess the work permit was eliminated.

Self-employment

One of the interesting solutions enabling foreigners to enter the labour market is the self-employment. It is also called as the work on own account or as the economic activity. Statistical data suggest however that, in long-term, only a very few foreigners decide to take up employment in that form. In 2008 were granted 2929 visas (and in 2009 – 4122) authorising to start business activity in the territory of Poland were granted. Foreigners who apply most frequently for this form of legal entry to Poland include nationals of Ukraine, Belarus and China.

Table 6. Number of visas authorising business activity in Poland in years 2008-2009

	Unified residency visa authorising the business activity		National residency visa authorising the business activity	
	2008	2009	2008	2009
TOTAL	89107	209035	2929	4122
Including:				

	Unified residency visa authorising the business activity		National residency visa authorising the business activity	
	2008	2009	2008	2009
TOTAL	89107	209035	2929	4122
Including:				
Ukraine	47636	122578	1622	2592
Russia	19699	29323	9	17
Belarus	13524	40755	1149	1459
China	1729	2316	111	2
Turkey	1552	3942	3	4
Moldova	1197	2397	2	1
India	304	1244	5	9
Kazakhstan	852	849	0	0
Serbia	687	1097	3	1
Senegal	457	680	1	0

Source: data from the Ministry of Foreign Affairs

However, the decreasing number of residence permits for a fixed period issued with regards to foreigners' business activity in the territory of Poland may indicate a slight interest of foreigners to prolong their legal stay on this basis. There is also a deficiency of data indicating whether foreigners whose legal stay was authorized by visa issued on the purpose of business activity in Poland leave the territory of Poland or prolong their stay using other possible provisions in that matter.

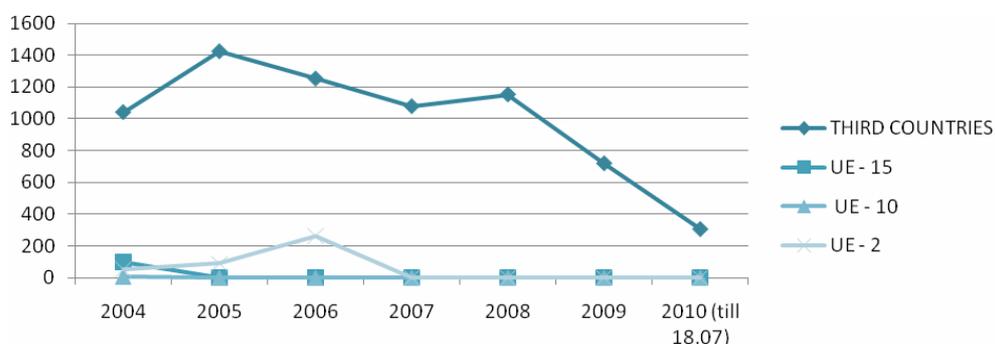


Figure 5. Number of residency permits issued for a limited period of time pursuant to business activity in Poland in years 2004-2009. Source: data from the Office for Foreigners

Since last few years the citizens of Armenia, China, Ukraine, Russia and Vietnam states the stable group of foreigners that generally legalize their stay with regards to their business activity in Poland. According to the available data it is clear that the foreigners decide to start their own business activity in sectors in which they are offered relatively most attractive conditions of work and pay, including received incomes in particular. In short-term, the foreigners may decide to seek new forms of activity on the Polish labour market, e.g. by creating ethnical niches (catering services and, for example, alternative medicine).

“Pobyt” System

In accordance with the information above regarding the Polish system for employment of foreigners, in addition to persons with work permit there is a large number of persons who does not need such document as they may take up employment in the same manner as citizens of Poland. These, as well as the lack of effective statistics tools, make it difficult to precisely determine the number of employed foreigners. According to the Polish legislation, work permit is not required from refugees, persons with subsidiary protection and persons with permit for tolerated stay; in addition to those groups, also persons (citizens of third countries) with permit to settle and with the long-term EC resident’s residence permit have been excluded from the obligation to apply for a work permit. Also members of their families and members of the families of citizens of the European Union with a right to stay or a right to permanent stay are released from such obligation.

Table 7. Number of foreigners with a permit of residence in Poland authorising entry to the Polish labour market

Citizenship	2004	2005	2006	2007	2008	2009
TOTAL	11292	16923	13535	20837	12257	14022
<i>including:</i>						
Third countries	5073	5739	6453	7012	6809	6737
EU - 15	5358	10223	6658	11421	4085	5858
EU - 10	781	869	362	847	713	857
EU - 2	80	92	62	1557	650	570

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on data from the Office for Foreigners

Detailed data regarding number of foreigners authorized to take up employment in Poland with accordance to the document that legalize their stay have been presented in the tables and in the figure below.

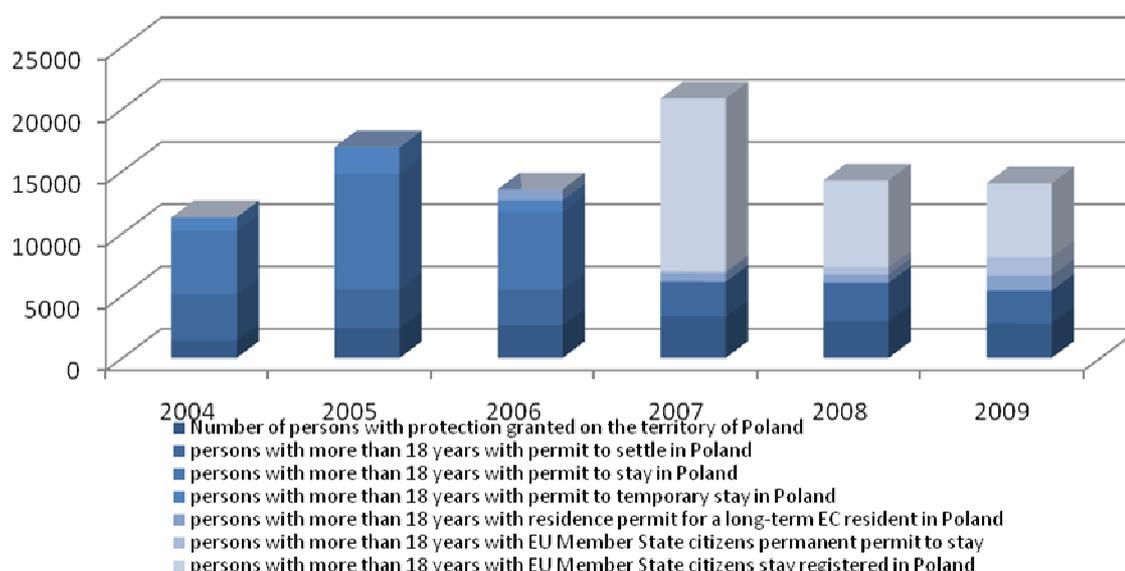


Figure 6. Number of foreigners released from the obligation to apply for a work permit, in accordance with the “Pobyt” System (en: “Residence” System), in years 2004-2009. Source: data from the Office for Foreigners

Table 8. Number of foreigners (with more than 18 years) with a protection status in Poland authorising entry to the Polish labour market 2004-2009

Year	Number of persons with protection granted on the territory of Poland (total)	Including:		
		Refugees	Complementary protection	Tolerated stay
2004	1399	315	0	1084
2005	2403	335	0	2068
2006	2616	485	0	2131
2007	3317	180	0	3137
2008	2957	193	1077	1687
2009	2781	133	2376	272
Total	15473	1641	3453	10379

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on data from the Office for Foreigners

Table 9. Number of residence cards issued to foreigners (with more than 18 years) whose legal stay in Poland enabled them to work without issuing work permit 2004-2009 (type of legalized stay in Poland)

Citizenship	2004			2005				2006				2007				2008				2009			
	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with permit to residence in Poland	persons with more than 18 years with permit to temporary stay in Poland	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with residence permit for a long-term EC resident in Poland	persons with more than 18 years with permit to residence in Poland	persons with more than 18 years with permit to temporary stay in Poland	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with a long-term EC resident's residence permit in Poland	persons with more than 18 years with permit to residence in Poland	persons with more than 18 years with permit to temporary stay in Poland	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with a long-term EC resident's residence permit in Poland	persons with more than 18 years with EU Member State citizens permanent permit to residence	persons with more than 18 years with EU Member State citizens stay registered in Poland	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with a long-term EC resident's residence permit in Poland	persons with more than 18 years with EU Member State citizens permanent permit to residence	persons with more than 18 years with EU Member State citizens stay registered in Poland	persons with more than 18 years with permit to settle in Poland	persons with more than 18 years with a long-term EC resident's residence permit in Poland	persons with more than 18 years with EU Member State citizens permanent permit to residence	persons with more than 18 years with EU Member State citizens stay registered in Poland
TOTAL	3704	5078	1111	3113	33	9270	2104	2840	905	6267	911	2798	692	179	13852	3082	654	593	6971	2622	1185	1504	5930
<i>including</i>																							
Third countries	3428	142	104	3014	32	188	102	891	119	39	2788	2796	692	3	204	654	3	135	3060	2617	1185	29	125
EU - 15	152	4356	850	9	0	8437	1777	0	0	5870	788	1	0	109	11311	15	0	391	3679	5	0	1216	4637
EU - 10	49	575	157	2	0	642	225	0	0	278	84	1	0	23	823	5	0	117	591	0	0	230	627
EU - 2	75	5	0	88	1	3	0	48	14	0	0	0	0	44	1513	2	0	82	566	0	0	29	541

Source: Study of the Migration Policy Department of the Ministry of Interior and Administration based on data from the Office for Foreigners

Social Security System

Data with relevance for determining the number of foreigners working in Poland are available in the social insurance system. Data on the number of insured foreigners employed on the basis of an labour contract or running non-agricultural businesses are available in the statistical system of the Social Insurance Institution (ZUS); data on the number of foreigners running agricultural businesses on the territory of Poland are available in the statistical system of Agricultural Social Insurance Fund (KRUS).

Table 10. Number of foreigners insured at the Social Insurance Institution

Citizenship Gender	Number of natural persons covered by social security system, including:	Employees						Persons running a non-agricultural businesses		
		As at:								
		31.12.2008	31.12.2009	30.06.2010	31.12.2008	31.12.2009	30.06.2010	31.12.2008	31.12.2009	30.06.2010
TOTAL	65 041	69 813	75 254	49 823	52 271	55 322	10 050	11 153	11 629	
<i>including:</i> Women	23 906	26 497	28 664	18 147	19 814	20 917	3 144	3 507	3 628	
Men	41 135	43 316	46 590	31 676	32 457	34 405	6 906	7 646	8 001	

Source: data from the Social Security Institution

In the table above we presented the data concerning the total number of persons reported for the old-age and disability insurance for natural persons, who, in their application, entered nationality other than Polish. Within such meaning, a natural person is any insured foreigner reported only once for insurance purposes, no matter for how many social insurance payers they worked for. Employees are those within the meaning of Article 8.1 of the Social Insurance Act, persons running non-agricultural business activity are those defined in Article 8.6 of the Social Insurance Act. The result of deducting the number of employees and persons running non-agricultural businesses from the total number of natural persons is the number of foreigners reported for old-age and disability insurance (for titles other than employment contract or non-agricultural activity – e.g. those employed on the basis of an agency contract, home based workers, or employed on the basis of other titles listed in the act on the social insurance system, such employment relationship giving rise to obligatory or voluntary insurance). This group may also include foreigners studying in Poland, covered by voluntary insurance. It is not possible however to determine the legal title of their stay in Poland and how long they have been active on the Polish labour market (or, whether they work on the basis of an employer's declaration of employment. In such case the foreigner's stay is not longer than 6 months within subsequent 12 months).

Similarly as in the case of the number of persons insured at the Social Insurance Institution, also the number of foreigners reported for the Agricultural Social Insurance Fund is still growing. Data on persons running agricultural businesses, including members of their families has been excluded since 2003 from the general statistics on work permits. Their number increases gradually, as shown on the tables and diagrams below. Also the number of states, whose citizens decide to take up employment of this kind in Poland is growing.

Table 11. Number of citizens of third countries insured at the Agricultural Social Insurance Fund in a given year

	2004	2005	2006	2007	2008	2009
TOTAL	150	281	374	428	644	667
Including:						

	2004	2005	2006	2007	2008	2009
Other third states	54	104	157	186	339	369
Including:						
Armenia	1	4	6	7	12	11
Belarus	3	8	11	14	27	21
Moldova	1	1	0	0	3	4
Russia	6	7	11	14	20	17
USA	1	1	2	2	2	4
Ukraine	40	78	113	134	246	278
Vietnam	2	1	1	1	2	2

Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Agricultural Social Insurance Fund

Regularly, the largest group of foreigners running agricultural businesses in Poland originates from the EU-15 member states and from third countries.

Table 12. Number of foreigners insured in the Agricultural Social Insurance Fund (KRUS)

NUMBER OF PERSONS INSURED in KRUS			
	TOTAL	AGRICULTURISTS	MEMBERS OF FAMILY
2004 TOTAL	150	144	6
OF WHICH			
EU-15	57	53	4
EU-10	34	33	1
EU-2	0	0	0
EFTA AND SWITZERLAND	5	5	0
THIRD COUNTRIES	54	53	1
2005 TOTAL	281	254	27
OF WHICH			
EU-15	110	97	13
EU-10	60	56	4
EU-2	0	0	0
EFTA AND SWITZERLAND	7	7	0
THIRD COUNTRIES	104	94	10
2006 TOTAL	374	343	31
OF WHICH			
EU-15	142	126	16
EU-10	67	64	3
EU-2	0	0	0
EFTA AND SWITZERLAND	8	8	0
THIRD COUNTRIES	157	145	12
2007 TOTAL	428	394	34
OF WHICH			
EU-15	154	139	15
EU-10	71	68	3
EU-2	9	7	2
EFTA AND SWITZERLAND	8	8	0
THIRD COUNTRIES	157	145	12
2008 TOTAL	644	587	57
OF WHICH			

NUMBER OF PERSONS INSURED in KRUS			
	TOTAL	AGRICULTURISTS	MEMBERS OF FAMILY
EU-15	188	171	17
EU-10	84	78	6
EU-2	21	17	4
EFTA AND SWITZERLAND	12	12	0
THIRD COUNTRIES	339	309	30
2009 TOTAL	667	610	57
OF WHICH			
EU-15	198	178	20
EU-10	96	89	7
EU-2	23	18	5
EFTA AND SWITZERLAND	14	14	0
THIRD COUNTRIES	336	311	25

Source: data from the Agricultural Social Insurance Funds

Visas authorising employment

When searching data on issued work permits, such data enabling to confirm the trends in the number of work migrants in Poland, reference can be made to the general number of visas authorising employment. Such visas are issued on the basis of Article 26 of the Act on Foreigners of 2003. The Minister of Interior and Administration Regulation of 28 July 2010 on visas for foreigners⁹² provides for detailed categories of national visas and of uniform visas (so called Schengen visas), which can be issued in situations where a foreigner applies for a work permit or has an employer's declaration of employment. Similarly as other data, these also can be useful for determining the total number of foreigners on the Polish labour market or/and interested in being employed in Poland.

Table 13. Number of visas on the basis of which foreigner is authorised to take up employment in Poland, in years 2008-2009)

	D 04 - visa due to economic activity		D 05 - due to cultural activity		D 08 - due to regular work permit		C 07- due to seasonal work	
	2008	2009	2008	2009	2008	2009	2008	2009
Ukraine	1622	2592	7254	14135	43699	121453	-	23
Belarus	1149	1459	4456	4068	4982	3826	-	610
Moldova	2	1	1	1	691	1188	-	284
China	111	2	11	0	1258	1163	-	12
Russia	9	17	215	337	547	467	-	86
TOTAL	2929	4122	11947	18554	52798	130929	-	1025

Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Ministry of Foreign Affairs

⁹² Journal of Laws of 18 August 2010, no. 151, item 1015.

Table 14. Number of visas authorising employment, in years 2008 – first half of 2010)

2008			2009			First half of 2010		
CITIZENSHIP	C – uniform residency visa, Total	D – national residency visa, Total	CITIZENSHIP	C – uniform residency visa, Total	D – national residency visa, Total	CITIZENSHIP	C – uniform residency visa, Total	D – national residency visa, Total
TOTAL	137919	67674	TOTAL	284999	154630	TOTAL	153909	85535
UKRAINE	78272	52575	UKRAINE	165207	138203	UKRAINE	81778	77734
BELARUS	20966	10587	BELARUS	60386	9963	BELARUS	36831	3451
CHINA	2029	1380	MOLDOVA	3246	1474	MOLDOVA	1691	1398
RUSSIA	27114	771	CHINA	2896	1177	CHINA	3268	982
MOLDOVA	1444	694	RUSSIA	36179	907	TURKEY	2642	357
TURKEY	1827	625	TURKEY	4560	894	NEPAL	42	320
UZBEKISTAN	232	142	NEPAL	222	385	RUSSIA	20591	261
BOSNIA AND HERZEGOWINA	264	133	THAILAND	314	377	INDIA	1330	150
INDIA	436	99	INDIA	1486	283	BANGLADESH	23	101
JAPAN	2	92	PHILIPPINES	115	168	TAILAND	111	92
SOUTH KOREA	6	63	BANGLADESH	94	126	KOSOVO	116	88
USA	0	62	SERBIA	2416	64	UZBEKISTAN	389	87
NORTH KOREA	5	48	USA	1	58	MACEDONIA (FYROM)	37	78
SERBIA	1629	36	TUNESIA	115	57	USA	4	58
MONGOLIA	38	29	GEORGIA	1188	52	GEORGIA	385	39
OTHER	3655	338	OTHER	6574	442	OTHER	4671	339

Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Ministry of Foreign Affairs

Seasonal migrations

According to the European Commission's proposal regarding the definition of the seasonal migration, a seasonal migrant is granted a permit of entry and work on the territory of a state for a period of 6 months of a calendar year. An attempt can be made to include in the above definition the foreign workers benefiting from the new provisions introduced originally by the Minister of Labour and Social Policy Regulation of 30 August 2006 (Article 27.2), being one of the elements of the simplified system referred to above. The foreigners planning to take up a seasonal work in Poland may apply for a relevant visa on the basis of Article 26.1.5 of the Act on Foreigners. This paragraph provides that a national visa can be issued for the purposes of employment for a period not exceeding 6 months within subsequent 12 months, on the basis of a declaration on the intent to take up employment registered in the regional labour office.

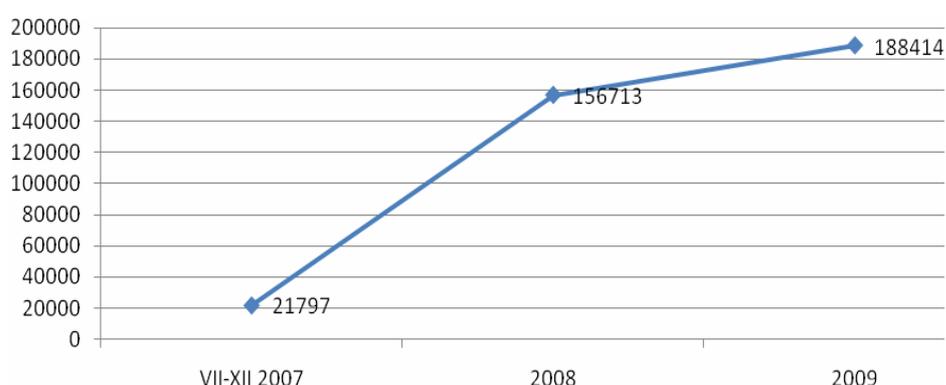


Figure 7. Total number of registered employers' declarations on employment of foreigners. Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Ministry of Labour and Social Policy

Due to the nature of work, mainly in agriculture and construction sector, statistical data on seasonal work migrations presented in this report will only take into account those citizens of Russia, Ukraine, Belarus and Moldova, who enter the territory of Poland on the basis of so called employers' declarations on employment. Due to spontaneous character of the above migrations, migrant from neighbouring countries, entering the territory of Poland for the purposes of taking up employment for the period of 6 months within subsequent 12 months are usually considered as circulation migrants (and not as seasonal migrants).

Table 15. Number of registered employers' declarations of employment of foreigners in agriculture and construction and related sectors of the economy

	VIII-XII 2007			2008			2009			
	BELARUS	RUSSIA	UKRAINE	BELARUS	RUSSIA	UKRAINE	BELARUS	RUSSIA	UKRAINE	MOLDOVA
TOTAL	1347	190	20260	12606	1147	142960	4860	674	180133	2747
INCLUDING:										
AGRICULTURE	660	39	5353	3017	91	74079	1740	138	119665	809
CONSTRUCTION	629	26	4974	3307	182	20460	626	55	17565	849

Source: data from the Ministry of Labour and Social Policy

However, the above presented data are not sufficient to precisely determine the number of foreigners who take up employment on that basis. The employers' declarations on employment of a foreigner are not always used. The prove of the above is for example the statistical data on the number of visas issued (national visas and Schengen visas) enabling the entry and work in Poland without work permit (statistics on the number of visas issued at the Polish consulates concern the year 2009) and the number of permits of residence for a limited period issued by Voivods (see: Article 53.1.1 of the Act of 2003 on Foreigners). It should be also indicated that foreigners are also allowed to apply for a visa authorizing employment.

Table 16. Number of visas and work permits issued in connection with registered declarations on employment of foreigners

	Number of residence permits issued for a limited period authorising seasonal employment			Number of Schengen visas authorising seasonal employment (C 07)	Number of national visas authorising seasonal employment (D 07)
	2007	2008	2009	2009	
Belarus	(in 2006 225) 319	532	541	22	610
Moldova	0	0	(in 2008 – 77) 262	3	284
Russia	(in 2006 280) 225	295	296	44	86
Ukraine	(in 2006 – 1200) 1393	2083	2564	47	23
TOTAL	1937	2910	3663	116	1003

Source: data from the Ministry of Labour and Social Policy

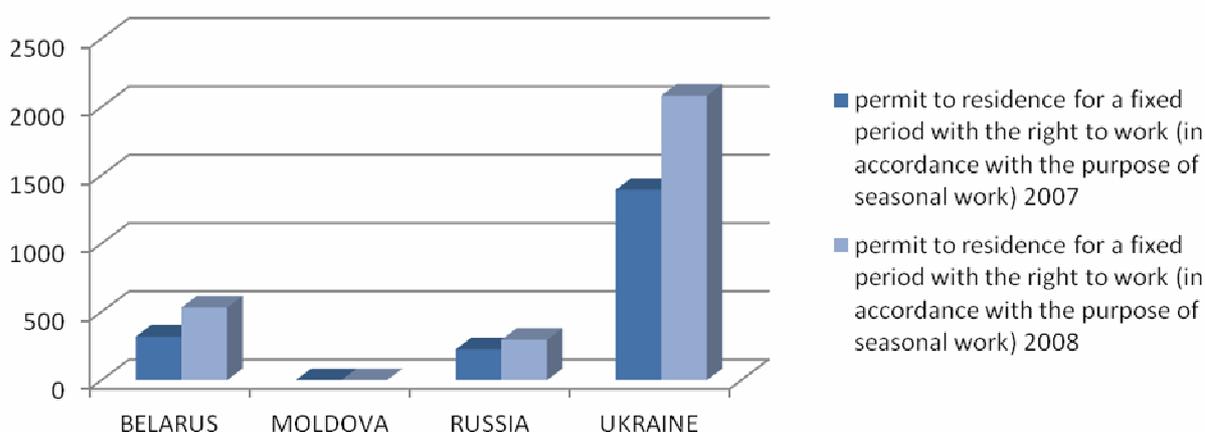


Figure 8. Number of foreigners who, in years 2007-2008, were granted the residence permits in Poland for a limited period. Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Office for Foreigners

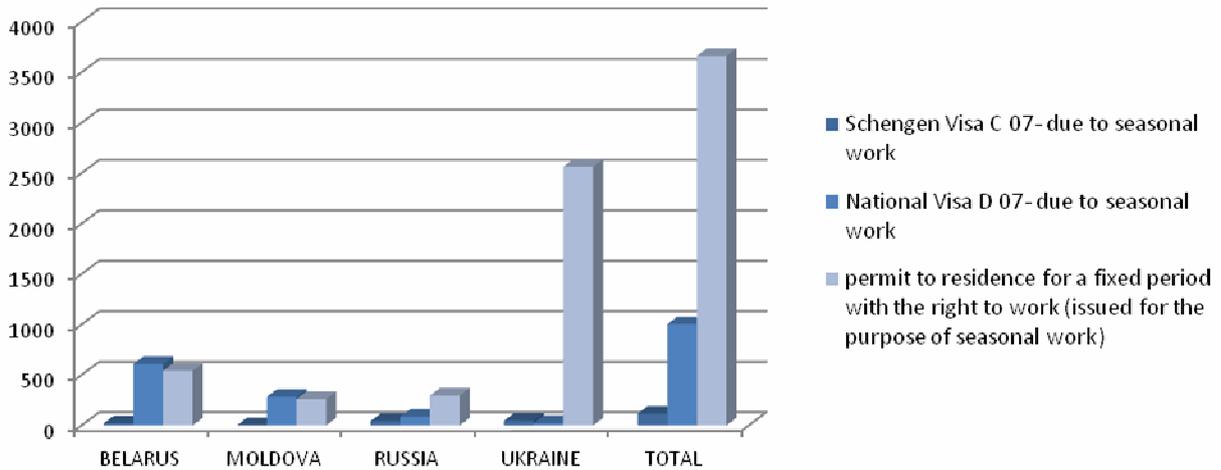


Figure 9. Number of national visas and Schengen visas authorising work and permits of residence for a limited period in connection with taking up employment, issued in 2009. Source: data from the Ministry of Foreign Affairs and the Office for Foreigners.

As there is no clear correlation of the number, or of the growth in number, of the registered employers' declarations on employment of a foreigner with the data abovementioned declarations were registered, it is now difficult to prove that such migrations are, in fact, of seasonal character. The above results, in turn, in difficulty to comprehensively present the statistical data on seasonal migrations in Poland.

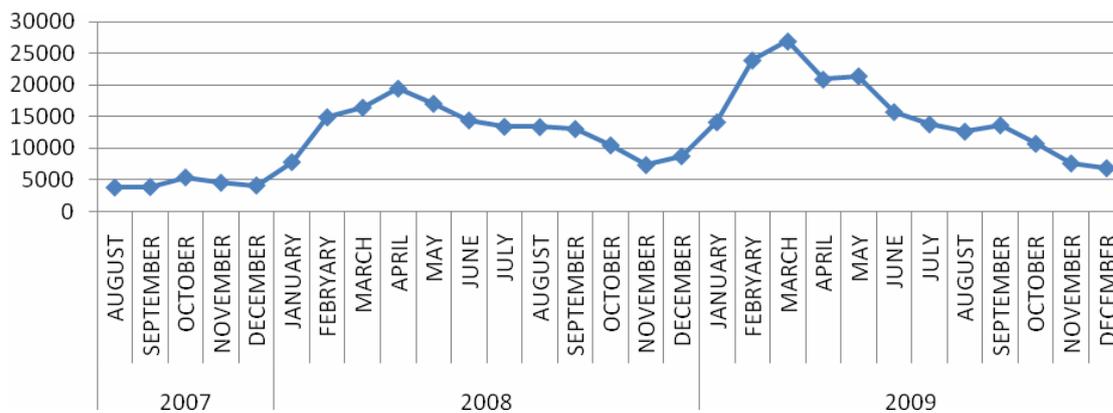


Figure 10. Total number of registered employers' declarations on employment of foreigners between 2007-2009 by month. Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Ministry of Labour and Social Policy.

3.2.2. Trend analysis

As regards the employment of foreigners, the Polish labour market has two segments. The Polish labour market is characterised by low scale of legal employment of foreigners (approx. 35 000 - 40 000, by 2004 the number of foreigners legally employed in Poland did not exceed 20 000 persons) and, at the same time, by illegal employment of foreigners (estimate data in this regard are based mainly on the scale of illegal migration to Poland, which, after Poland accession to the European

Union, and in particular after 21 December 2007 – when Poland joined the Schengen Zone, decreased significantly). By 2005, the majority of foreigners preferred jobs in the second labour market segment (usually construction, agriculture, home based work, palliative care, catering services). The second group was dominated by the citizens of the former Soviet Union. The first segment of the labour market was dominated by citizens from countries investing in Poland (citizens of Germany, France, USA and Italy). This segment is characterised by high salaries, adaptation to the needs of modern economy and high occupational mobility.

Since 2008 the employment of foreigners has been focused on two areas: they are employed at position requiring specific qualifications (high skilled and skilled workers perform work on the management positions and expert positions in sectors such as financial services, insurance, trading in real property, usually in large companies and corporations) and in sectors where skilled labour force is not required (agriculture, trade, home based work, catering services, construction). First group contains citizens from the European Union member states and from other developed countries⁹³. Another area of the economic activity of foreigners is characterized mainly by citizens from the former Soviet Union countries and by citizens of other third countries. The most active in this category are citizens of Ukraine (30 percent of the total number of work permits and more than 90 percent of registered employers' declarations), followed by citizens of Belarus, China, Turkey, Moldova, Vietnam and India.

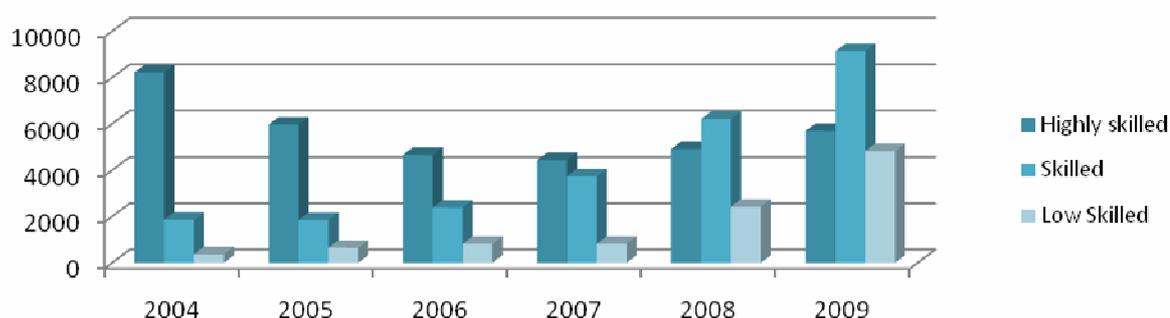


Figure 11. Total number of work permits issued to foreigners by categories: highly skilled, low skilled workers and skilled workers. Source: survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of data from the Ministry of Labour and Social Policy

The above data concern the structure only of work permits issued in years 2004-2009. According to these data, gradual opening of the Polish market for the foreign labour force was followed by changes in qualifications of the foreigners coming to Poland. However it is necessary to indicate that in 2009, in comparison with the year 2004, the best part of foreigners working in the labour market in Poland was not obliged to have the work permits (EU Member States/EFTA and Switzerland citizens). So the presented picture may be deformed. In 2004 the high skilled employees accounted for 79 percent of all foreign labour force; in 2009 this rate dropped to as low as 29 percent. Since 2008 a significant change in qualifications of foreigners granted with a work permit has been observed. Among the total number of 18 022 work permits, almost 5 000 were granted to experts

⁹³ Kaczmarczyk P., Okólski M. (red.), Polityka migracyjna jako instrument promocji zatrudnienia i ograniczania bezrobocia, OBM BUW, Warsaw 2008, p. 55.

(27 percent), 6 219 was granted to skilled workers (35 percent of the total of workers) and 2 426 was granted to unskilled workers (13 workers).

Table 17. Number of work permits issued by groups of states and countries (10 most represented third countries) in subsequent years 2004-2009

Groups of states/countries	Total number of work permits issued in 2004	Including: selected workers' groups			
		Management personnel, advisors, experts		Skilled workers	Unskilled workers
		total	Of which: members of management boards of legal persons		
UE 15	3362	2915	1846	198	8
UE 10	227	120	54	86	1
UE 2	173	118	68	31	0
Third countries, of which:	8619	5083	3066	1548	367
Ukraine	2588	970	428	455	275
Vietnam	1063	773	703	278	2
Belarus	664	326	116	175	17
Russia	532	366	179	68	3
USA	518	403	253	15	0
Turkey	442	332	246	90	2
India	425	368	238	31	3
Armenia	268	178	118	47	16
China	256	159	130	87	0
Japan	228	211	104	12	0
Total	12381	8236	5034	1863	376

Groups of states/countries	Total number of work permits issued in 2005	Including: selected workers' groups			
		Management personnel, advisors, experts		Skilled workers	Unskilled workers
		total	Of which: members of management boards of legal persons		
UE 15	1579	1293	716	130	24
UE 10					
UE 2	168	100	63	41	1
Third countries, of which:	8557	4583	2550	1677	629
Ukraine	2697	839	445	519	452
Vietnam	1067	750	274	287	18
Belarus	610	610	227	68	227
Russia	486	303	184	67	8
USA	452	332	186	6	1
India	445	378	260	28	13
Turkey	415	278	206	103	11
Japan	324	295	136	12	0
Armenia	293	188	156	34	42
China	240	240	146	107	79
Total	10304	5976	3329	1848	654

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Groups of states/countries	Total number of work permits issued in 2006	Including: selected workers' groups			
		Management personnel, advisors, experts		Skilled workers	Unskilled workers
		total	Of which: members of management boards of legal persons		
UE 15	870	539	17	109	5
UE 10					
UE 2	176	81	26	13	34
Third countries, of which:	9708	4046	1656	2269	785
Ukraine	3275	669	251	822	628
Vietnam	999	618	378	251	6
Bialorus	704	176	56	271	16
Turkey	503	231	94	185	27
India	427	297	73	27	11
Moldova	414	18	10	348	6
China	405	249	131	94	6
Russia	405	236	101	51	4
Japan	339	300	90	9	0
Korea	322	273	58	20	0
Total	10754	4666	1699	2391	824

Groups of states/countries	Total number of work permits issued in 2007	Including: selected workers' groups			
		Management personnel, advisors, experts		Skilled workers	Unskilled workers
		total	Of which: members of management boards of legal persons		
UE 15	20	13	0	2	0
UE 10					
UE 2					
Third countries, of which:	12133	4425	1799	3736	827
Ukraine	3851	584	189	1414	513
Vietnam	1064	666	390	218	25
Moldova	971	17	1	783	92
Bielorus	855	164	55	389	35
China (without Taiwan)	801	495	267	169	5
Turkey	570	231	116	218	4
Korea	534	425	109	61	1
Japab	456	383	115	35	0
India	434	268	56	59	7
Russia	419	215	79	68	3
Total	12153	4438	1799	3738	827

Groups of states/countries	Total number of work permits issued in 2008	Including: selected workers' groups			
		Management personnel, advisors, experts		Skilled workers	Unskilled workers
		total	Of which: members of management boards of legal persons		
UE 15					
UE 10					
UE 2					

Third countries, of which:	18022	4923	1960	6219	2426
Ukraine	5400	629	213	1984	1135
China (without Taiwan)	2040	771	373	823	111
Bielorus	1325	174	52	669	64
Moldova	1218	16	1	731	347
Vietnam	1200	810	462	209	14
Turkey	941	205	108	431	122
India	733	288	56	254	19
Korea	596	436	156	61	18
Japan	512	420	113	21	1
Armenia	441	146	92	65	75
Total	18022	4923	1960	6219	2426

Groups of states/countries	Total number of work permits issued in 2009	Including: selected workers' groups			
		Management personnel, advisors, experts total	Of which: members of management boards of legal persons	Skilled workers	Unskilled workers
UE 15					
UE 10					
UE 2					
Third countries, of which:	29340	5700	2068	9143	4829
Ukraine	9504	653	221	2995	2743
China (without Taiwan)	4536	1145	513	1558	570
Vietnam	2577	1108	426	759	58
Bielorus	1669	189	58	705	108
Turkey	1422	229	108	724	135
India	1164	352	77	353	54
Nepal	838	9	0	324	339
Korea	624	396	151	82	18
Armenia	619	176	97	99	61
Moldova	601	17	0	347	108
Total	29340	5700	2068	9143	4829

Source: data from the Ministry of Labour and Social Policy

Certain very important conclusions can be drawn from the data on the work permits presented in the tables above. First, there is a clear dichotomy in the structure of work permits granted. Work permits were granted either to persons with high skills (expert, management personnel), or to persons without any special qualifications (such as construction workers). Share of professions requiring medium level of professional qualifications was negligible. The issue of interest can be the professional profiles of citizens of certain countries: in case of citizens from countries such as South Korea, Japan, USA and Vietnam, significant number of work permits covered activities in sectors requiring high skilled employees (experts and management personnel). Experts were mainly from Vietnam (work permits covering this area accounted for two thirds of all permits issued to the citizens of Vietnam), then from China and Ukraine. As far as the skilled workers are concerned, one third of all work permits was granted to the citizens of Ukraine, then China, Moldova and Belarus. The group of unskilled workers is even more dominated by the citizens of Ukraine: recently they have

been granted with as much as almost a half of all work permits issued, almost four times more than for the next country on the list, i.e. Moldova.

Table 18. Number of work permits issued by selected workers' groups, third countries, subsequent years of 2004-2009

	Total number of work permits issued, third countries, including:	IT specialists	Lawyers	Artistic professions	Medical Professions	Of which:		Teachers	of which teachers of foreign languages
						physicians	Nurses and nursemaids		
2004	8619	74	1	226	285	121	18	1262	1112
2005	8557	119	6	154	207	100	22	964	833
2006	9708	181	62	219	227	122	22	650	469
2007	12133	204	44	217	157	92	11	491	302
2008	18022	355	53	221	154	82	3	397	180
2009	29340	365	30	377	177	72	3	322	80

Source: data from the Ministry of Labour and Social Policy

The analysis of professions of representatives of different nationalities in Poland allows for a general observation of progressive specialization. Citizens of the European Union member states have been largely working in sectors of finances and industry; they were less focused on trade (if so, the majority are French nationals). Citizens of Russia and other former Soviet Union republics (mainly Ukraine and Belarus) have been still focused on trade-related sectors and, what is quite interesting, on education. There is a still growing interest in employing, in Polish schools, Ukrainian teachers of the English language. The same concerns the citizens of the USA who work as teachers of the English language. However, as opposed to the Ukrainian teachers of the English language employed at Polish schools, the American teachers work for the foreign language schools. In addition, for Americans teaching is a way to acquire necessary experience and not only a way to earn money. Sectors attracting foreigners from Asia are trade and catering services. Majority of foreigners working in that sector are from Vietnam and China. IT related professions have been dominated by persons from China and India, while lawyers are mainly from Belarus and Ukraine. Majority of artists are from neighbouring countries and from Moldova. As far as medical professions are concerned, the majority of work permits (more than 1/3 of all permits) were granted to the citizens of Ukraine, the remaining part was divided between large numbers of other nationalities. It is to be noted that the percent of work permits granted to medical personnel has been falling. Persons originating from Ukraine have also dominated the teaching professions.

Table 19. Number of issued work permits by selected workers' groups, EU countries, in subsequent years of 2004-2009

Groups of states/countries	Total number of work permits issued in 2004	Including: selected workers' groups							
		IT specialists	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: teachers of foreign languages
						physicians	Nurses and nursemaids		
UE 15	3362	16	1	6	7	3	0	207	187
UE 10	227	2	0	1	3	2	0	9	2
UE 2	173	9	0	3	4	3	0	8	3
Third countries, of which:	8619	74	1	226	285	121	18	1262	1112
Ukraine	2588	38	0	110	121	41	11	745	662

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Vietnam	1063	0	0	0	0	0	0	0	0
Belarus	664	10	0	31	25	21	2	137	118
Russia	532	4	1	36	22	9	2	27	14
USA	518	3	0	2	1	1	0	171	169
India	442	0	0	1	0	0	0	4	3
Turkey	425	9	0	0	4	4	0	9	9
Japan	268	0	0	3	5	3	1	0	0
Armenia	256	0	0	0	1	0	0	2	0
China	228	0	0	1	0	0	0	4	2
Total	12381	101	2	236	299	129	18	1486	1304

Groups of states/countries	Total number of work permits issued in 2005	Including: selected workers' groups							
		IT specialists	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: teachers of foreign languages
						physicians	Nurses and nursemaids		
UE 15	1579	21	1	2	4	3	0	58	44
UE 10									
UE 2	168	5	0	4	4	4	0	5	5
Third countries, of which:	8557	119	6	154	207	100	22	964	833
Ukraine	2697	89	3	71	88	37	14	537	457
Vietnam	1067	1	0	0	0	0	0	0	0
Belarus	610	22	3	0	19	13	9	1	89
Russia	486	3	2	31	16	9	3	24	17
USA	452	5	1	2	2	2	0	142	139
India	445	7	0	0	0	0	0	7	7
Turkey	415	1	0	0	1	1	0	5	5
Japan	324	0	0	4	0	0	0	4	2
Armenia	293	0	0	1	5	1	0	5	4
China	240	3	0	0	0	0	0	0	1
Total	10304	145	7	160	215	107	22	1027	882

Groups of states/countries	Total number of work permits issued in 2006	Including: selected workers' groups							
		IT specialists	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: teachers of foreign languages
						physicians	Nurses and nursemaids		
UE 15	870	24	14	10	2	2	0	32	18
UE 10									
UE 2	176	7	0	4	0	0	0	6	1
Third countries, of which:	9708	181	62	219	227	122	22	650	469
Ukraine	3275	75	17	120	87	37	15	341	279
Vietnam	999	1	2	0	4	2	2	1	0
Bielorus	704	2	9	29	18	16	1	58	38
Turkey	503	4	0	0	0	0	0	4	2
India	427	13	3	1	2	1	1	4	2
Moldova	414	0	1	9	0	0	0	0	0
China	405	12	0	2	2	0	0	2	0
Russia	405	8	5	24	7	6	0	20	6
Japan	339	1	7	3	0	0	0	6	2
Corea South	322	9	0	1	0	0	0	6	0

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Total	10754	212	76	233	229	124	22	688	488
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Groups of states/countries	Total number of work permits issued in 2007	Including: selected workers' groups							
		IT specialists	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: of teachers of foreign
						physicians	Nurses and nursemaids		
UE 15	20	1	0	0	0	0	0	0	0
UE 10									
UE 2									
Third countries, of which:	12133	204	44	217	157	92	11	491	302
Ukraine	3851	60	14	102	54	34	8	250	204
Vietnam	1064	2	1	0	0	0	0	0	0
Moldova	971	2	0	13	0	0	0	1	0
Bielorus	855	6	10	30	11	10	1	40	19
China (without Taiwan)	801	32	2	4	3	2	0	6	3
Turkey	570	5	0	0	0	0	0	3	2
South Korea	534	6	1	1	0	0	0	5	1
Japan	456	1	8	4	0	0	0	4	1
India	434	23	0	1	1	1	0	7	1
Russia	419	8	3	29	5	2	1	20	5
Total	12153	205	44	217	157	92	11	491	302

Groups of states/countries	Total number of work permits issued in 2008	Including: selected workers' groups							
		IT specialists	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: of teachers of foreign languages
						physicians	Nurses and nursemaids		
UE 15									
UE 10									
UE 2									
Third countries, of which:	18022	355	53	221	154	82	3	398	180
Ukraine	5400	49	18	79	54	29	2	181	117
China (without Taiwan)	2040	99	0	3	1	0	0	3	0
Bieloru	1325	6	18	51	6	5	0	28	9
Moldova	1218	1	0	22	1	0	0	2	0
Vietnam	1200	1	0	0	0	0	0	0	0
Turkey	941	6	0	2	0	0	0	8	4
India	733	80	0	0	3	1	0	2	1
South Korea	596	10	1	7	0	0	0	8	0
Japan	512	2	8	3	0	0	0	7	2
Armenia	441	0	0	0	1	0	0	6	2
Total	18022	355	53	221	154	82	3	398	180

Groups of states/countries	Total number of work permits	Including: selected workers' groups							
		IT specialist	Lawyers	Artistic professions	Medical professions	Of which:		Teachers	Of which: teachers of
						physicians	Nurses and nursemaids		

	issued in 2009								
UE 15									
UE 10									
UE 2									
Third countries, of which:	29340	365	30	377	177	72	3	322	80
Ukraine	9504	52	9	138	64	32	3	69	22
China (without Tajwan)	4536	125	0	1	1	0	0	1	0
Vietnam	2577	2	2	0	0	0	0	0	0
Bielorus	1669	15	7	92	6	4	0	26	4
Turkey	1422	6	0	0	0	0	0	13	7
India	1164	74	0	17	3	2	0	17	1
Nepal	838	0	0	0	0	0	0	0	0
South Korea	624	9	1	5	0	0	0	4	1
Armenia	619	0	0	0	1	0	0	2	0
Moldova	601	2	0	23	0	0	0	0	0
Total	29340	365	30	377	177	72	3	322	80

Source: data from the Ministry of Labour and Social Policy

Similar trend indicating to a remarkable share of foreign labour force in high-skill professions was reflected in the statistical data regarding the number of work permits issued in Poland in years 2004-2006 for the citizens of the European Union member states.

Table 20. Number of issued work permits by selected workers' groups, EU countries, in subsequent years of 2004-2006

		Total number of work permits issued, EU member states, including:	IT specialists	Lawyers	Artistic professions	Medical professions	Including:		Teachers	Of which: teachers of foreign languages
							physicians	Nurses and nursemaids		
2004	UE 15	3362	16	1	6	7	3	0	207	187
	UE 10	227	2	0	1	3	2	0	9	2
	UE 2	173	9	0	3	4	3	0	8	3
2005	UE 15	1579	21	1	2	4	3	0	58	44
	UE 10									
	UE 2	168	5	0	4	4	4	0	5	5
2006	UE 15	870	24	14	10	2	2	0	32	18
	UE 10									
	UE 2	176	7	0	4	0	0	0	6	1

Source: data from the Ministry of Labour and Social Policy

In the subsequent years, among others in connection with progressive opening of the Polish labour market, citizens of the European Union member states (except citizens of the Netherlands and France – until 2007, and of Germany and Austria) did not need any work permit. In 2007 20 work permits were granted to the nationals of the European Union member states, including 2 work permits for citizens of Austria (high skilled experts), 3 work permits for citizens of France (high skilled experts), 4 work permits for citizens of Netherlands (high skilled experts), 20 work permits for citizens of Germany (high skilled experts and one IT specialist). In 2008 and 2009 there is no statistical data concerning work permits that were not granted to this group of foreigners (partially due to opening of the labour market).

Taking into account the validity period of work permits issued in years 2008-2009 the majority (more than 90 percent) of work permits were issued for a period exceeding 3 months. As far as the company's size is concerned, approx. 48 percent of companies had less than 9 employees. In case of companies with less than 9 employees, they mostly employed Ukrainians (33 percent), Russians (27 percent), Belarusians (20 percent) and Vietnamese. Taking into account the current knowledge on the business activities of the latter, it can be assumed that new Vietnamese are being employed by companies run by other Vietnamese. Small companies employed Ukrainians (42 percent), Belarusians (10 percent) and Russians (8 percent). The medium-size group of companies was also dominated by Ukrainians (42 percent), Russians (11 percent) and Belarusians (10 percent); large share of these three nationalities is also visible in the group of large companies, i.e. Ukrainians (23 percent), Russians (10 percent) and Belarusians (8 percent). As far the large companies are concerned, the general trend is that the larger the number of personnel the smaller the number of work permits. In case of citizens of certain countries, the number of work permits issued for work in large companies is relatively high – it may indicate to employment of foreign employees by large international companies.

It must be emphasised that these administrative data on work permits issued do not reflect the full extent of foreign labour force in Poland as significant number of foreigners in Poland is executed from the necessity to possess the work permit. As data regarding these issues are not available, it is not possible to describe the Polish labour market in full and complete manner. Another element, however with much smaller impact, are the foreigners working illegally in Poland. Tightening control at frontiers after Poland's accession to the European Union and a stricter control over the trans-border circulation as required by the Schengen Agreement have made the entry for persons willing to take employment in Poland and in other European Union member states much more difficult. As the result of a pressure exercised by employers (mainly from the construction, agriculture and horticulture sectors) that used the illegal labour force (usually seasonal migrations), a simplified procedure for allowing the entry of the nationals of these countries was introduced. The following four nationalities are currently covered by such simplified procedures: Belarus, Russia, Ukraine and Moldova; it may be applied to all sectors of the economy. Foreigners employed on the basis of such employer declaration regarding their willingness to employ a foreigner account for a significant part of the foreign labour force resources.

In this specific case an employer must register a relevant declaration and, on this basis, the foreigners may apply for the authorisation of entry to Poland (valid up to 6 months within the period of one year).

Table 21. Number of registered declarations in 2008

	BELARUS	RUSSIA	UKRAINE
Number of declarations	12606	1147	142960
number of women	3551	349	69310
age above 26	3013	246	24404
26-40 years	5938	511	66054
41-65 years	3427	374	51903
65 and more	59	12	709

Source: data from the Ministry of Labour and Social Policy

Table 22. Number of registered declarations in 2009

	BELARUS	RUSSIA	UKRAINE	MOLDOVA
Number of declarations	4860	674	180133	2747
number of women	2106	313	88895	968
age above 26	972	146	36345	879
26-40 years	2417	323	82732	1213
41-65 years	1438	192	62220	645
65 and more	23	5	562	0

Source: data from the Ministry of Labour and Social Policy

According to the statistical data, this procedure is much more popular as regards the employment of foreigners. One shall, however, indicate that foreigners performing work in the territory of Poland on the basis of the employer's declaration regarding their willingness to employ a foreigner are hired mainly in two sectors of economy: agriculture and construction. In total, in 2009 employers submitted more than 188 000 declarations, of which the majority concerned the Ukrainians. Significant part of declarations concerned working-age persons; distribution per gender was quite equal. The highest demand for short-term foreign employees is reported by the agricultural sector (approx. 70 percent of all declarations) and by the construction sector – i.e. in sectors where the demand for work is of typically seasonal nature.

Foreigners are also delegated to Poland by foreign employers. In certain cases they stay for a long-term and therefore they enter the Polish labour market. This phenomenon is not of a mass character (3 070 work permits were issued in 2009 for employees delegated for the purposes of providing services and 459 work permits were issued for other delegated personnel).

The flow of persons in connection with business activities also includes those running their own businesses in person. In the light of the Polish legislation, in general, foreigners from third countries are not permitted to start their businesses as natural persons and therefore their business activities are classified as performing work on the basis of civil-law contracts – as the result, general principles regarding work permits apply to them. Typically the persons using this form of employment are subcontractors for Polish companies. According to the result of the survey carried out among the Polish entrepreneurs in the framework of the MPLM project (*Migration Policy as an Instrument for Promotion of Employment and Limiting the Unemployment*) in 2007, the foreigners working on their own account accounted for 3.8 percent of all persons employed at small companies (10-49 employees) and 1 percent in medium companies.

Projections on satisfying the needs of the Polish labour market

It is difficult to clearly interpret the current trends of the Polish labour market, which, as it seems, are deeply influenced by structural factors. The Polish labour market strongly evolved during the system reform; yet in the 90-ties it had economically irrational employment structure and large surplus of labour force (in particular in certain selected sectors of economy). The primary factor of relevance for the current situation (i.e. drop of the unemployment rate from 20% in 2003 to 11.4% in the economic crisis) is the positive economic growth encouraging entrepreneurs to create new jobs. It is accompanied however by structural incompatibilities in terms of education, professional experience

and territory. Secondary factors also contributing to the above phenomena are demographic processes and migrations, which further deepen the structural problems of the Polish labour market.

Other processes, in particular more and more strongly emphasised insufficiencies in labour supply, accompany falling unemployment. According to the data from the Central Statistical Office (Labour Market Monitoring) more than 10% of entities surveyed in the last three years reported vacancies, in majority these were private companies with small number of employees. Companies of industry processing sector – approx. 30%, reported the largest number of vacancies. Other sectors reporting problems with insufficient labour supply: trade and repairs and construction sector (20 percent of all vacancies), services for real properties and companies (9 percent) and transport (6 percent). Although the biggest problems regarding insufficient level of labour supply were reported by the industry, other sectors are characterised by dynamic growth of vacancies.

Table 23. Number of vacancies in Poland between 2005-2009

	2005	2006	2007	2008	2009
Number of vacancies	44.2	72.0	201.8	152.4	65.8
<i>of which:</i>					
Professionals	8.8	12.5	22.6	20.5	14.4
Technicians and associate professionals	5.1	7.0	17.0	13.9	7.5
Clercks	3.3	5.2	14.5	11.1	6.2
Service workers and shop and market sales workers	3.3	5.0	19.3	16.5	6.9
Skilled agricultural and fishery workers	0.2	0.2	1.1	0.8	0.3
Craft and related trades workers	12.5	24.2	73.8	54.4	15.8
Plant and machine operators and assemblers	6.1	10.6	28.6	18.1	6.9
Elementary occupations	3.9	5.8	21.9	14.7	6.1

Source: data of the General Statistical

Clear regularity can be observed regarding the requirements towards the potential employees as regards their qualifications and expertise. On one hand, the biggest number of jobs is offered for persons with vocational education (52 percent plus: persons with secondary vocational education – 15 percent) and for persons with certificates authorising work in professions such as industry worker and a craftsman (34 percent; including an operator, machine and equipment assembly worker – 15 percent). On the other hand, there is a demand for employees with higher education (12 percent), with specialist qualifications (17 percent). Insufficiencies in supply of vocational labour force further deepened in year 2009. This trend is particularly visible in the construction sector, where the percent of companies identifying insufficient number of high-skilled workers as a development barrier increased from 10% in 2005 to 59% in January 2008. Other sectors characterised by the same tendencies (however, less intensified) are industrial processing and trade.

Table 24. Professions with the biggest demand in Poland

Position	2007	2008	2009	2010
1	Trade representatives	Skilled workers	Skilled workers	Skilled workers
2	Skilled workers	Trade representatives	Project managers	Project managers

Position	2007	2008	2009	2010
3	Technicians (mainly production, operation and engineering technicians, maintenance technicians)	Technicians (mainly production, operation and engineering technicians, maintenance technicians)	Trade representatives	Cooks/chefs
4	Engineers	Engineers	Engineers	Managers
5	Accountants	Top management	Drivers	Secretaries, management assistants, administration assistants
6	Unskilled workers	Unskilled workers	Unskilled workers	Hotel and restaurant workers
7	Production operators	Secretaries, management assistants, administration assistants	Secretaries, management assistants, administration assistants	Employees of finances and accounting departments
8	Drivers	Drivers	Cooks/chefs	Engineers
9	Top management	Employees of finances and accounting departments	Production workers	IT department employees
10	Machine operators	IT department employees (first of all, the programmers)	Customer service and customer support employees	Reception desk

Source survey of the Migration Policy Department of the Ministry of Interior and Administration on the basis of information in the Manpower agency reports.

Skilled workers referred to in the table are skilled workers of all specialisations, including electricians, joiners, carpenters, bricklayers, plumbers, welders.

The current number of employed foreigners in Poland is negligible as regards the impact on the Polish labour market. The number of foreigners employed in Poland (both legally and illegally) is not more than 1 percent of all economically active persons.

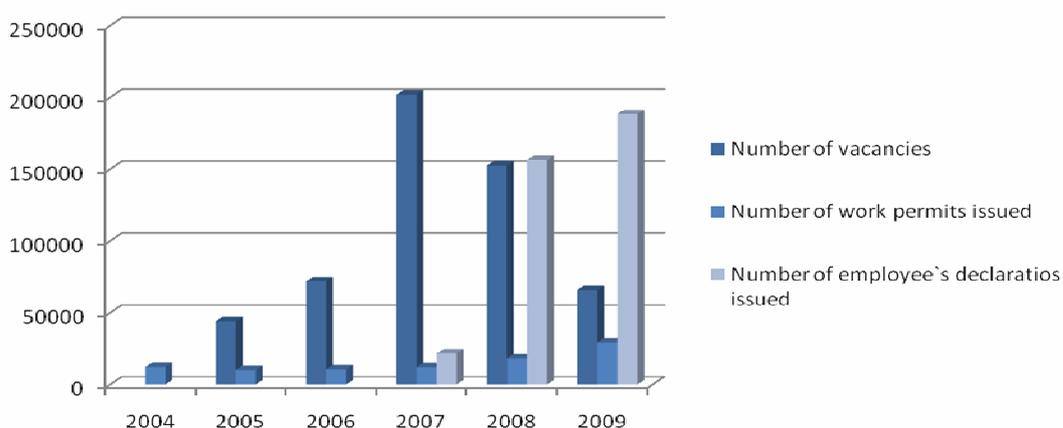


Figure 12. Total number of registered declarations on employment, the number of vacancies per year and the number of work permits issued. Source: data from the Ministry of Labour and Social Policy

This situation could change in case of an increased pressure of work migrants on the Polish labour market; however, probability of that is currently rather small. In the medium and long-term

perspective, the scale and structure of foreign labour force in Poland will also depend on the success of further economic and political reforms, and that not only in Poland but also in the countries of origin of the majority of foreign employees.

One should expect that the tendency will deepen in the coming years (also as the result of negative demographic effects). In the future, attracting the foreign labour force may be not an option but rather a necessity and the employers may be forced to show more active approach in this regard. This trend will become even stronger if sectors on the Polish labour market are created gathering only the foreign labour force – a survey carried out yet in 2007 by the Migration Research Centre has shown the first signs of that process. Warsaw University Social Policy Institute's estimations towards possible and effective model of open labour market in Poland for foreigners suggests that till 2020 labour demand for foreign labour workforce may rise from 30 to 80 per cent, depending the methodology of a survey.

Low scale of employment of migrants may also result from a limited supply of the foreign labour force on the Polish labour market. Whatever the reason, there is much to suggest that, in the future, the demand for foreign labour force will increase. Additionally, there are first signs of processes on the Polish labour market which have already been observed in developed countries, i.e. gradually deepening segmentation of the labour market, including creation of ethnic niches (e.g. citizens of Vietnam or Ukraine). The above have been reflected in issues connected with the investments carried out in the framework of preparations for the European Football Championship in 2012 (and that despite the fact that the expectations as to mass inflow of foreigners in connection with EURO 2012 investments, were much exaggerated) and other infrastructure, road and environment investments (financed mainly from the EU funds). On the other hand, there were also opinions that, as even today a number of employers are interested in employing foreign workers (even from distant locations, without tradition of migration to Poland, such as India, Taiwan and Philippines) and as there are more and more signs of the Polish companies' intentions to subcontract, in the nearest future, the export services to foreign companies, partially carried out by work migrants, it will accelerate the process of intense inflow of foreign labour force.

Current deficiencies as regards specific sector and branches will maintain in the coming years. Labour emigration of the Polish employees resulting in the need to employ foreign workers will, according to some experts, concern mainly the construction sector, in the long-term – also the medical sector and high-skilled workers of sectors where engineering and secondary technical education is required.

In accordance with the latest researches presented by the Manpower agency as well as the Centre for Migration Research the main area from which foreign workers will flow into Poland in the nearest ten years will be former Soviet Union states, in particular Ukraine and Belarus. It must be remembered however that, despite differences in the economic development (reflected mainly in the differences in incomes) and cultural proximity of the receiving country, i.e. Poland, the migration potential of those countries is being depleted; by discussing about the former Soviet Union states, we should rather focus our attention on countries of the Caspian basin (i.e. Armenia, Uzbekistan, Tajikistan). As another area of origin of migrants, the Asian countries were indicated by respondents of the abovementioned reports, including China (large migration potential, export contracts with the Polish companies) and Vietnam (developed migration networks). The list also includes such countries

as Bulgaria, Romania (less migration potential, however free access of workers within the European Union territory), Turkey (trade contacts, migration networks, associated member of the European Union), India, Pakistan and Bangladesh (taking into account the migration pressure in these countries) and the African countries in general. These projections have been prepared taking into account the assumption that the migration potential of these countries will grow the same as now and that the qualifications of the citizens of the above areas will match the needs of the Polish labour market.

It should be emphasised that, apart from factors which favour the inflow of foreign workers to Poland, a number of factors exist which hamper and will continue to hamper the inflow of migrants in the future. The inflow of the foreign labour force in the years to come will not be as intense as in other European Union countries with strong immigration traditions – such conclusion is supported by the fact that, within the next ten years, the Polish labour market will remain less attractive (mainly due to relatively low level of financial remuneration offered) for foreigners than labour markets of the other EU member states; in addition, the inflow may be limited by relatively low interest of employers in hiring foreigners (low labour supply).

4. Cooperation with third countries within satisfying demands of the national labour market

Matters related to cooperation with third countries aimed at creating and controlling the movement of work migrants have not fully been emphasised yet with regard to the hitherto external relations of the Republic of Poland. Nevertheless, over the last several dozen years Poland has signed several bilateral agreements within work migrations the great majority of which could in practice affect Poles working abroad. A number of them as a result of e.g. Polish membership of the structures of the European Union and the common acceptance of the *acquis communautaire* have become outdated and need to be annulled within the review of international contracts; some of the signed contracts are not applied due to the provisions of international treaties which are more favourable to citizens of both countries.

As it results from the foregoing information, the possibility of satisfying the needs of the national labour market with foreign labour force has been determined only in a few bilateral contracts of which, considering the geopolitical context of Poland, the most significant are the bilateral contracts with the Federal Republic of Germany (a significant percentage of periodical and circulation migrations) and with Belarus and Ukraine. The first of the bilateral agreements signed with the eastern neighbour is the Agreement of 27 September 1995 between the Government of the Republic of Poland and the Government of the Republic of Belarus on mutual employment of workers. So far, this Agreement has not been practically executed, and the provisions contained therein have soon become outdated; some of them are contrary to the provisions which are currently in force within employment of foreigners in the territory of the Republic of Poland. Also the agreement between the Government of the Republic of Poland and the Government of Ukraine on mutual employment of workers (signed on 16 February 1994) in practice has not been applied and also has already become outdated. At the present time there is being negotiated an agreement on coordination of social security with Ukraine (advanced stage of negotiations) and there have been started negotiations concerning an agreement on coordination of social security with the Republic of Moldova.

With regard to new agreements implemented within the so called Mobility Partnership, Poland acceded to the signed in June 2008 "Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova". It is a framework for actions taken by the Member States in particular fields connected with migrations. From Poland in the implementation of the actions are involved two ministries: the Ministry of Labour and Social Policy (MLSP) and the Ministry of Interior and Administration (MIA). At the present time, the partnership with Moldova is in the execution phase. Among the actions proposed by the Ministry of Labour and Social Policy, it is worth to emphasize e.g.: facilitation of access to the Polish labour market for citizens of Moldova (since February 2009 citizens of Moldova have been allowed to perform in the territory of Poland work up to 6 months during the subsequent 12 months without work permits) and informative actions concerning the possibility of legal residence and employment in Poland, living conditions and also legal repercussions resulting from illegal residence and employment.

Poland is also a signatory of the “Joint Declaration on a Mobility Partnership between the European Union and the Republic of Georgia” signed on 30 November 2009. The major fields of cooperation between the European Union and Georgia are: management of migrations, labour migrations, labour market, recognizing qualifications, immigration, readmission, reintegration, asylum, situation of diaspora, safety of documents, statistical data and exchange of information with the EU, fight against illegal migration, trafficking in human beings and organised crime, management of borders and the Common Visa Centre. Also in the implementation of the actions specified in the Declaration from Poland, similarly to the partnership with Moldova, there are involved two ministries: the Ministry of Labour and Social Policy (MLSP) and the Ministry of Interior and Administration (MIA). Within the offer of Poland for citizens of Georgia there are, inter alia, the following actions connected with labour migration:

- ✓ facilitation of access to the Polish labour market (in force since 30 November 2009),
- ✓ informative actions within the possibility of performing legal work in Poland and concerning working and living conditions in Poland, including trainings and informative campaigns, also carried out with other interested European Union partners.

Moreover, within the partnership between the European Union and Georgia, there has been formed a consortium comprising most Member States for the purpose of realization of the common project “Support within reintegration of returning Georgian migrants and within implementation of the agreement on readmission between the EU and Georgia”. The actions of the Member States of the European Union within this scope are led by the Czech Republic, and the Polish Ministry of Labour and Social Policy has expressed its willingness to join the foregoing project within actions aimed at familiarising Georgia with the functioning of the public employment services in Poland.

Such a small number of States with which Poland has concluded agreements on labour migration being in force and implemented to this day also results from a lack of additional legal solutions aimed at e.g. counteracting the problem of the so called *brain drain*. Moreover, with regard to the actions whose aim is to combat another process i.e. the failure to use qualifications possessed by foreigners, there cannot be indicated specific programmes or strategies which counteract this issue. Because, as experience of the Employment Agency⁹⁴ shows, employees are recruited outside the territory of the country with assistance of local recruitment agencies whereas any trainings take place already in the territory of Poland with Polish employers. Therefore, the unchanged little willingness of Polish employers to engage foreign nationals⁹⁵ causes that it is not currently envisaged to formalize the existing system of searching for workers outside the territory of Poland which is still based on good cooperation among various employment agencies. Whereas on the other hand, the fact that there are still active associations of people of Polish origin in the countries of the eastern Europe including the countries neighbouring with Poland (i.e. mainly Ukraine, Belarus, Russia) and Kazakhstan, as well as Polish associations in these countries causes that still a lot of citizens from these countries study in

⁹⁴ Information received during talks with representatives of the Association of Employment Agencies in Warszawa which represents a numerous group of Polish employers who search for workers also outside the territory of the country (www.saz.org.pl).

⁹⁵ Results of the survey published in 2008 by I. Grabowska-Lusińska and A. Żylicz show that only 0.99 % of researched employers were engaging foreigners, and 3.3 % of them were planning to employ foreign nationals. See: Paweł Kaczmarczyk, Marek Okólski (ed.), *Migration policy as an instrument for employment promotion and unemployment reduction*, the Centre of Migration Research, Warszawa 2008, p. 61 and next.

Poland⁹⁶, and after the completion of their studies remain in Poland entering into the labour market. Moreover, there should be mentioned the new forms of educating future potential employees applied by Polish higher education schools. For instance, in August 2010 seven Polish higher education schools created the Universities Consortium⁹⁷ in order to promote particular academic specialisations among Chinese students; thus it can be expected that about 20 % of future foreign students will compete for work in the Polish labour market.

⁹⁶ Citizens of these countries study in Poland privately or apply for governmental scholarships offered every year to a number of Polish organizations in the East.

⁹⁷ The Michal Boym Consortium currently comprises seven higher education schools, public and non-public: Tischner European University in Kraków, Leon Kozminski Academy in Warszawa, the University of Information Technology and Management in Rzeszów, the Grażyna and Kiejstut Bacewicz Academy of Music in Łódź, Józef Piłsudski University of Physical Education in Warszawa, the Technical University of Łódź and the University of Łódź.

Summary

1. Polish experiences regarding the inflow of labour migrants are relatively new and the scale of migration is much lower than in Western Europe. So far, the number of foreign workers is exceptionally low, only just a little higher than the potential demand. In this case, however, it is difficult to assess, how much declarations of the employers as to their willingness to employ foreign workers reflect their true intentions and plans and how much are only echoing positive moods at the Polish labour market.
2. As a basic principle, foreigners willing to be granted the access to the Polish labour market must obtain relevant work permit from a Voivod competent territorially. A number of exceptions to this principle exist, mainly resulting from the on-going implementation of the European Union law, reflecting openness of the labour market in Poland to the foreign labour force.
3. The number of foreigners employed in Poland within the last 2 years is approx. 50 000 – 60 000 persons. These are labour migrants active on the Polish labour market for a period exceeding 12 months, having a relevant work permit or residence permits authorising to take up employment in Poland. In addition, since 2008, approx. 100 000 seasonal labour migrants have been reported annually, those migrants being employed on the basis of registered employer's statement on employment. This path for legal employment in Poland is being used by neighbouring countries, such as Belarus, Ukraine, Russia and Moldova.
4. Estimates of the number of labour migrants in Poland vary; depending on the measurement methodology, labour migrants number is either 0.02-0.07 percent of the labour force, or 0.094 percent (number of work permits issued in 2007), or 0.17 according to the 2002 National Census, or even 0.55 – according to a employers survey of 2007 performed by the Migration Research Centre.
5. Proper assessment of the labour migration in Poland, and resulting impact on the Polish labour market, is extremely difficult regarding, among others, problems with availability and quality of statistical data. A clear dual structure of labour migration and migrant groups is being formed, i.e. specialists and management personnel from Western Europe on one hand, and, much more significant from quantitative point of view, inflow of migrants from the former Soviet Union countries and from countries with long-lasting tradition of labour migration (mainly from Vietnam and China), on the other hand.
6. Since 2005 the problem of shortages in work force in Poland has been growing, it affects different sectors of economy and different professions. Insufficient supply is clearly visible in sectors such as industry, trade, repairs and construction. As regards professional qualifications, the most available are jobs for persons with vocational education, however there is also a demand for persons with higher education and specialist qualifications.
7. Regarding the structure of companies, relatively more inclined towards employing foreign workers are large foreign companies (large companies have had the most extensive experiences in this regard) or companies with relatively large share of foreign capital, located in the central region of Poland. In the latter case the observed tendency is the result of two effects: stronger development incentives and availability of labour force. The biggest realized

demand was reported by companies of the processing and services sectors. The biggest potential demand has been reported by the construction sector.

8. As regards the sources of foreign work force supply, a clear duality in demand structure has been observed, with prevailing role of persons from neighbouring countries (mainly nationals of the former soviet block) and, on the other hand, of the nationals from the European Union member states.
9. Certain specific groups of foreigners taking up employment on local labour markets become more and more specialized and concentrated. As the result of unbalance between supply and demand a gap is created, such gap being filled in by labour migrants who take up employment in areas, which do not attract domestic work force (hard physical work, low prestige of work or low salary). Foreign workers also work in professions, where sufficient number of Polish workers is not available;
10. Foreigners are admitted to the Polish labour market as complementary to the Polish labour force (and not as to replace the Polish employees). There are some grounds for employing foreigners: lack of employees performing housework altogether with each year higher level of labour activity of women as well as general positive trend in the standard of living and difficulties in employing workers for proposed (low) salary, foreigners` readiness to perform work as housekeepers (generally illegally) and also expertise and qualifications of foreign workers (in this case it is easier to obtain a work permit).
11. There is a surprisingly low number of recruitment campaigns oriented towards the foreign labour force. Even if migrants are being employed in the Polish companies, it is usually at their own initiative and as the result of their personal contacts. Passive attitude of employers may prove either that arguments on strong structural insufficiencies in the labour force supply are much exaggerated or employers do not consider labour migrations as being able to solve current problems connected with labour force supply (lack of experiences in this regards and complicated procedures may also be of relevance).
12. Concluding new bilateral or multilateral agreements with third countries in the field of labour migrations may be understood as one of the answers to labour demands in Poland only if the labour migration policy will be knowingly oriented towards attracting foreigners to the Polish labour market. To summarize, international agreements can be an effective tool to encourage the employment of foreigners. However, to be so they must be properly organized and verified in terms of the current demands of the Polish labour market, taking into account potential mutual benefits. In order to make effective use of such agreements it is necessary to start informational campaigns promoting the benefits of such agreements for both the employees and the employers.

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Appendix 1

Table 1. Number of work permits issued to EU Member states citizens in the years 2004-2009

country	Years*					
	2004	2005	2006	2007	2008	2009
Austria	178	95	37	2		
Belgium	128	44	20			
Dania	164	94	48			
Finland	37	33	9			
France	655	358	294	3		
Greece	23	9	7			
Spain	87	68	22			
Netherlands	231	112	61	4		
Ireland	46					
Luxemburg	2	2				
Germany	970	518	281	11		
Portugal	55	25	15			
Sweden	110					
UK	293					
Italy	383	221	76			
Total UE 15	3362	1579	870	20	0	0
Cyprus	0					
Czech Republic	114					
Estonia	4					
Lithuania	31					
Latvia	6					
Malta	0					
Slovakia	33					
Slovenia	12					
Hungary	27					
Total UE 10	227	0	0	0	0	0
Bulgaria	110	102	107			
Romania	63	66	69			
Total UE 2	173	168	176	0	0	0
Total UE	3762	1747	1046	20	0	0

*Citizens of the EU Member States that can be employed in Poland without work permit:

- Cyprus, Czech Republic, Estonia, Ireland, Lithuania, Latvia, Malta, Slovakia, Slovenia, Sweden, Hungary, Great Britain (since 1 May 2004);
- Finland, Greece, Spain, Portugal (since 1 May 2006);
- Italy (since 27 July 2006);
- Bulgaria, Romania (since 1 January 2007);
- Austria, Belgium, Denmark, France, Netherlands, Luxembourg, Germany (since 17 January 2007)

Table 2. Number of work permit issued to the delegated workers in the years 2004-2009

grupy państw/kraje	lata					
	2004	2005	2006	2007	2008	2009
Austria	3	1	0	0		
Belgium	0	0	0	0		
Dania	3	0	0	0		
Finland	1	0	0			
France	3	1	0	0		
Greece	0	0	0			
Spain	0	0	0			
Netherlands	3	2	3	0		
Ireland	1	0	0	0		
Luxemburg	0	0	0	0		
Germany	12	93	117	0		
Portugal	0	0	0			
Sweden	14	0	0	0		
UK	26					
Italy	2	1	0			
Total UE 15	68	98	120	0	0	0
Cyprus	0					
Czech Republic	1					
Estonia	0					
Lithuania	82					
Latvia	0					
Malta	0					
Slovakia	0					
Slovenia	0					
Hungary	1					
Total UE 10	84	0	0	0	0	0
Bulgaria	0	6	68			
Romania	0	8	3			
Total UE 2	0	14	71	0	0	0
Total UE	152	112	191	0	0	0
Third countries	646	735	1118	2645	3711	3070
Ukraine	155	200	258	899	921	696
Bielorus	361	353	366	561	509	726
Moldova	0	0	216	140	361	171
Russia	52	108	138	128	9	3
Tailand	0	0	0	221	86	391
India	5	14	3	209	248	69
China	0	0	8	87	841	400
Total	798	847	1309	2645	3711	3070

Table 3. Number of foreigners with social insurance in Poland: old-age and dissability pensions ^{a/} between 2008- I half 2010

CITIZENSHIP	SEX	Assured natural foreigners ^{b/}			Foreign workers			Foreigners who run non-agricultural activity		
		of:								
		31.12.2008	31.12.2009	30.06.2010	31.12.2008	31.12.2009	30.06.2010	31.12.2008	31.12.2009	30.06.2010
TOTAL		65,041	69,813	75,254	49,823	52,271	55,322	10,050	11,153	11,629
incl.	woman	23,906	26,497	28,664	18,147	19,814	20,917	3,144	3,507	3,628
	man	41,135	43,316	46,590	31,676	32,457	34,405	6,906	7,646	8,001
THIRD COUNTRIES										
AFGANISTAN	woman	3,788	3,714	3,669	3,088	2,972	2,930	379	395	390
	man	3,832	3,717	3,701	2,978	2,857	2,830	626	632	633
ALBANIA	woman	20	22	18	15	16	15	1	1	1
	man	46	44	46	36	33	28	5	5	9
ALGERIA	woman	12	12	12	12	12	11	-	-	-
	man	192	216	221	136	141	143	56	63	66
USA	woman	204	201	201	134	129	128	27	29	31
	man	713	743	749	489	483	483	149	174	192
ANDORA	man	-	1	1	-	1	-	-	1	1
ANGOLA	woman	1	4	1	1	3	1	-	-	-
	man	30	29	24	26	23	19	3	2	3
ARGENTINA	woman	8	10	10	7	7	7	1	2	2
	man	20	22	21	16	17	16	2	2	1
ARMENIA	woman	548	622	633	332	394	395	203	213	216
	man	885	926	914	458	493	479	408	427	421
ARUBA	woman	-	1	-	-	1	-	-	-	-
	man	3	2	2	3	2	2	-	-	-
AUSTRALIA	woman	19	22	25	16	17	16	3	4	5
	man	70	78	81	51	54	57	13	17	15
AZERBAIJAN	woman	19	20	19	9	12	13	8	7	7
	man	62	78	77	34	41	39	25	31	35
BANGLADESH	woman	1	1	2	-	-	1	-	-	-
	man	65	103	113	51	73	72	10	11	11
BARBADOS	woman	1	1	1	-	-	-	1	1	1
	man	-	1	1	-	1	1	-	-	-
BENIN	man	5	6	6	4	4	5	-	1	1
BELARUS	woman	1,957	2,169	2,246	1,577	1,692	1,713	183	227	248
	man	2,227	2,151	2,353	1,925	1,801	1,960	134	177	198
BIRMA	woman	-	1	2	-	1	2	-	-	-
	man	5	6	12	4	6	11	-	-	1
BOLIVIA	woman	3	5	9	3	4	4	-	-	-
	man	12	14	15	9	10	10	1	1	2
BOSNIA AND HERZEGOVINA	woman	7	8	7	6	5	4	1	2	2

	<i>man</i>	151	128	128	136	114	115	13	15	14
BOTSWANA	<i>man</i>	3	2	3	2	2	3	1	1	1
BRAZIL	<i>woman</i>	26	33	36	20	25	29	4	4	3
	<i>man</i>	77	109	119	54	80	89	4	8	7
BRITISH INDIA OCEAN TERRITORY	<i>woman</i>	-	-	1	-	-	1	-	-	-
	<i>man</i>	9	7	6	6	4	4	2	1	1
BRITISH VIRGIN ISLANDS	<i>woman</i>	3	1	2	2	-	-	1	1	2
	<i>man</i>	23	22	20	17	13	11	5	6	6
BURKINA	<i>man</i>	11	7	9	5	5	6	1	1	1
BURUNDI	<i>man</i>	2	1	1	1	-	-	-	-	-
CHILE	<i>woman</i>	2	1	1	2	1	1	-	-	-
	<i>man</i>	16	18	20	11	12	14	3	5	4
CHINA	<i>woman</i>	409	510	620	365	474	588	26	30	33
	<i>man</i>	1,169	1,235	1,380	1,084	1,148	1,301	79	90	79
CROATIA	<i>woman</i>	37	29	34	29	23	27	2	3	2
	<i>man</i>	143	145	157	105	105	110	26	25	29
CZAD	<i>man</i>	1	2	2	1	1	1	-	-	-
MONTENEGRO	<i>woman</i>	3	2	2	2	2	1	-	-	1
	<i>man</i>	12	12	11	8	9	8	3	3	3
FORMER CZECHOSLOVAK	<i>woman</i>	1	-	-	1	-	-	-	-	-
	<i>man</i>	1	-	-	-	-	-	-	-	-
RUSSIAN - CZECHENS	<i>woman</i>	5	5	5	4	4	4	1	1	1
	<i>man</i>	8	7	7	6	6	7	1	1	-
DOMINICANA	<i>woman</i>	1	-	-	1	-	-	-	-	-
	<i>man</i>	4	3	4	4	3	3	-	-	1
DJIBOUTI	<i>man</i>	1	1	1	-	1	1	-	-	-
EGYPT	<i>woman</i>	2	3	3	2	3	3	-	-	-
	<i>man</i>	149	193	216	106	133	150	33	41	48
ECUADOR	<i>woman</i>	3	3	5	2	2	4	1	2	2
	<i>man</i>	20	22	22	13	14	15	6	7	6
UNITED ARAB EMIRATES	<i>man</i>	2	1	1	1	1	1	1	-	-
ETIOPIA	<i>woman</i>	6	6	7	5	4	4	-	-	-
	<i>man</i>	39	38	40	26	24	27	8	7	7
PHILIPPINAS	<i>woman</i>	53	97	80	44	60	65	1	2	2
	<i>man</i>	87	79	81	78	67	75	-	-	-
SOUTH FRENCH TERRITORIA	<i>woman</i>	4	1	1	3	1	1	-	-	-
	<i>man</i>	16	19	23	14	12	16	2	7	6
GABON	<i>man</i>	1	1	1	1	1	1	-	-	-
GAMBIA	<i>man</i>	4	1	2	4	1	2	-	-	-
GHANA	<i>woman</i>	1	2	2	1	2	2	-	-	-
	<i>man</i>	14	15	18	12	13	14	1	-	1
GRENADA	<i>man</i>	2	2	2	-	-	-	2	2	2

GEORGIA	woman	65	81	86	48	57	61	15	21	19
	man	124	123	128	94	95	93	26	25	25
GUYANA	man	7	7	7	5	5	5	2	2	2
GWATEMALA	woman	1	3	1	1	3	1	-	-	-
	man	4	3	3	2	3	3	1	-	-
GWINEA	woman	-	-	1	-	-	1	-	-	-
	man	26	28	30	21	22	22	2	-	-
HAITI	man	1	1	-	1	1	-	-	-	-
INDIA	woman	69	75	87	37	48	59	3	4	4
	man	809	894	899	690	766	765	75	96	101
HONDURAS	man	3	3	2	-	-	-	-	-	-
INDONESIA	woman	21	16	19	18	10	14	-	1	2
	man	36	47	46	26	38	37	2	1	1
IRAQ	woman	8	11	9	6	7	7	2	2	1
	man	113	111	123	69	71	80	32	41	44
IRAN	woman	11	11	16	7	6	9	3	3	3
	man	55	60	67	45	45	44	11	14	17
ISRAEL	woman	11	16	18	8	13	13	2	3	4
	man	105	107	112	82	87	90	21	20	21
JAMAICA	woman	1	2	2	1	2	2	1	1	1
	man	4	3	3	3	2	2	-	-	-
JAPON	woman	58	71	71	45	51	49	7	8	9
	man	286	268	264	246	230	226	16	15	16
YEMEN	man	70	68	69	48	45	47	20	22	23
JORDAN	woman	3	3	2	1	1	1	1	1	1
	man	129	132	129	78	77	77	47	54	49
JUGOSLAVIA	woman	26	27	28	22	23	23	2	2	2
	man	173	152	154	119	106	110	44	42	44
CAMBOJA	woman	1	2	4	-	1	2	-	-	-
	man	16	15	18	11	10	12	5	5	5
CAMERUN	woman	5	4	4	1	2	2	-	1	1
	man	34	40	48	17	20	25	8	7	9
CANADA	woman	53	47	52	34	27	33	3	4	4
	man	131	124	128	91	89	91	21	27	28
KAZAKHSTAN	woman	267	283	292	224	237	246	20	22	21
	man	252	273	278	213	215	220	25	36	35
KENIA	woman	17	16	17	7	8	7	2	2	2
	man	28	26	27	21	19	20	2	4	4
KYRGYZSTAN	woman	19	19	23	13	12	14	2	3	3
	man	14	19	20	9	16	16	2	2	3
COLUMBIA	woman	5	6	6	4	5	5	1	-	-
	man	51	53	50	32	34	29	10	10	11

KONGO	woman	2	2	2	2	2	2	-	-	-
	man	50	55	58	36	36	39	5	12	11
COREA	woman	63	77	72	57	65	62	2	5	4
	man	425	452	387	394	413	351	12	13	11
COSTARICA	man	10	11	12	4	5	6	5	5	5
CUBA	woman	10	16	17	7	13	15	1	1	1
	man	56	55	58	40	38	40	10	9	9
KUWAIT	man	3	4	4	3	2	3	-	2	2
SRI LANKA	woman	3	2	4	2	1	3	-	-	-
	man	28	33	37	24	25	30	2	3	4
LAOS	man	21	23	22	17	18	17	3	3	3
LIBAN	woman	4	5	8	4	5	7	-	-	-
	man	84	81	85	62	57	56	20	25	29
LIBERIA	man	9	9	7	4	4	3	4	4	4
LIBIA	woman	1	2	1	1	2	1	-	-	-
	man	39	42	42	26	28	27	12	14	15
MACEDONIA	woman	12	14	13	12	14	12	-	-	-
	man	88	96	102	59	63	71	20	23	23
MADAGASCAR	woman	3	3	4	1	2	3	-	-	-
	man	6	5	5	4	3	3	2	2	1
MALESIA	woman	7	6	9	3	2	6	2	2	2
	man	7	9	9	6	7	8	-	-	-
MALI	woman	6	6	4	6	5	2	1	1	1
	man	22	25	24	18	20	18	5	5	5
MOROCCO	woman	10	10	12	9	8	11	1	2	2
	man	110	122	131	91	96	94	16	16	21
MAURETANIA	man	2	1	2	2	1	2	-	-	-
MAIRITIUS	woman	4	3	3	3	2	2	1	1	1
	man	3	3	4	3	3	3	1	1	2
MEXICO	woman	21	31	35	15	21	22	4	6	5
	man	54	75	80	47	61	60	6	11	12
MOLDAVIA	woman	252	229	242	228	207	216	12	14	9
	man	537	414	488	496	364	421	17	13	14
MONACO	man	2	3	2	1	1	1	-	-	-
MONGOLIA	woman	196	215	220	131	150	146	65	72	75
	man	149	150	144	115	118	111	32	30	30
MOZAMBIC	man	5	3	3	4	3	3	-	-	-
NEPAL	woman	31	28	80	16	21	75	-	-	1
	man	141	301	374	129	239	271	2	1	3
NIGERYJSKIE	woman	-	1	1	-	-	-	-	-	1
	man	14	13	17	9	12	14	-	-	-
NIGERIA	woman	12	11	11	6	9	9	2	1	1

	<i>man</i>	161	186	205	110	120	125	35	38	37
NICARAGUA	<i>woman</i>	2	1	1	2	1	1	-	-	-
	<i>man</i>	10	8	8	8	5	5	1	2	2
NEW ZELAND	<i>woman</i>	8	10	11	7	9	10	-	-	-
	<i>man</i>	12	14	14	7	8	8	1	3	3
PAKISTAN	<i>woman</i>	21	22	27	19	19	23	-	1	2
	<i>man</i>	106	117	120	77	81	82	26	35	31
PALESTINA	<i>woman</i>	-	1	-	-	1	-	-	-	-
	<i>man</i>	51	55	59	40	40	36	9	11	19
PANAMA	<i>woman</i>	1	3	3	1	3	3	-	-	-
	<i>man</i>	7	7	8	4	4	5	2	2	3
PAPUA	<i>man</i>	1	1	1	-	-	-	-	-	-
PARAGWAY	<i>woman</i>	2	2	4	2	1	3	-	1	1
	<i>man</i>	1	2	3	1	1	1	-	-	-
PERU	<i>woman</i>	15	16	16	11	11	12	2	4	3
	<i>man</i>	54	56	57	35	38	37	18	19	20
SOUTH AFRICA	<i>woman</i>	6	4	7	4	4	6	1	-	-
	<i>man</i>	11	13	20	8	9	15	1	-	2
SOUTH AFRICA	<i>woman</i>	5	13	7	3	10	6	1	1	-
	<i>man</i>	21	29	24	16	19	16	3	4	2
CAP VERT	<i>man</i>	1	1	1	1	1	1	-	-	-
RUSSIA	<i>woman</i>	1,792	1,911	1,968	1,347	1,392	1,408	259	293	308
	<i>man</i>	1,226	1,290	1,298	975	986	974	187	228	240
RWANDA	<i>woman</i>	1	2	2	1	2	2	-	-	-
	<i>man</i>	2	4	6	2	4	6	-	-	-
SALVADOR	<i>woman</i>	2	1	2	-	-	-	-	-	-
	<i>man</i>	2	2	2	-	-	-	2	2	2
SAUDI ARABIA	<i>man</i>	1	2	2	-	1	1	1	-	-
SENEGAL	<i>woman</i>	1	1	2	1	1	1	-	-	-
	<i>man</i>	26	32	37	21	21	23	3	5	3
SERBIA-MONTENEGRO	<i>woman</i>	37	41	43	28	31	33	6	6	6
	<i>man</i>	157	158	164	104	108	118	33	29	29
SIERRA LEONE	<i>woman</i>	1	-	-	1	-	-	-	-	-
	<i>man</i>	13	12	12	11	9	10	-	1	1
SINGAPUR	<i>woman</i>	-	2	3	-	2	2	-	-	1
	<i>man</i>	2	4	4	1	2	2	1	2	2
SOMALIA	<i>woman</i>	1	1	1	1	1	1	-	-	-
	<i>man</i>	11	14	14	9	11	13	1	2	2
SUDAN	<i>woman</i>	-	2	2	-	2	2	-	-	-
	<i>man</i>	30	34	33	24	29	27	3	4	3
SYRIA	<i>woman</i>	11	11	11	9	8	9	3	4	3
	<i>man</i>	342	353	379	222	231	246	128	132	143

CENTRAL AFRICA	woman	1	1	2	1	1	2	-	1	1
	man	-	1	1	-	-	1	-	-	-
TAJIKISTAN	woman	4	3	3	4	3	3	-	-	-
	man	23	14	9	20	12	7	3	3	3
TAILAND	woman	52	98	88	51	78	84	1	2	1
	man	87	72	79	85	71	79	1	-	-
TAIWAN	woman	24	25	27	18	19	19	5	5	6
	man	34	36	32	31	33	29	3	3	3
TANZANIA	woman	3	3	3	2	1	1	-	1	1
	man	23	21	22	20	17	17	2	1	2
TOGO	woman	1	1	1	1	1	1	-	-	-
	man	7	10	9	-	1	1	1	1	1
TRYNIDAD-TOBAGO	man	1	1	1	1	1	1	-	-	-
TUNESIA	woman	6	9	11	6	9	11	-	-	-
	man	191	231	266	160	185	215	17	29	33
TURKEY	woman	33	39	46	32	37	42	-	1	2
	man	1,158	1,353	1,434	1,016	1,175	1,229	141	186	214
TURKMENISTAN	woman	5	3	8	4	2	6	-	-	-
	man	1	1	2	1	1	1	-	-	-
UGANDA	woman	1	1	1	-	-	-	-	-	-
	man	6	6	6	4	3	2	-	-	2
UKRAINE	woman	8,395	9,961	11,402	6,213	7,167	7,743	906	1,071	1,079
	man	7,842	8,641	10,228	6,328	6,424	7,256	674	775	802
URUGWAY	woman	1	1	1	-	1	-	-	-	-
	man	2	2	2	2	2	2	-	-	-
UZBEKISTAN	woman	45	55	55	30	39	40	10	11	11
	man	203	162	151	150	112	105	8	8	9
VATICAN	man	-	2	2	-	2	2	-	-	-
VENEZUELA	woman	6	7	7	4	5	5	1	1	1
	man	15	20	18	12	15	14	4	3	3
UK KINGDOMS	woman	60	47	37	41	32	21	15	10	11
	man	392	286	256	256	185	162	114	85	83
VIETNAM	woman	872	1,105	1,234	716	933	1,061	175	191	199
	man	2,132	2,376	2,527	1,642	1,879	2,022	514	538	557
ISLAND OF IVORY COAST	woman	5	5	6	5	5	6	-	-	-
	man	10	8	7	9	8	7	1	-	-
ST. THOMAS AND PRINCESS ISLAND	woman	-	1	-	-	-	-	-	-	-
	man	2	4	4	2	4	4	-	-	-
ZAIR	man	2	3	2	1	1	-	2	2	2
ZAMBIA	woman	2	5	6	1	1	1	-	1	-
	man	7	8	8	6	8	8	2	1	1
ZIMBABWE	woman	-	-	2	-	-	2	-	-	-

	<i>man</i>	11	15	18	7	10	10	2	2	2
UE - 15										
SPAIN	<i>woman</i>	106	105	103	74	69	69	21	24	24
	<i>man</i>	278	322	366	193	215	248	55	74	82
ITALY	<i>woman</i>	107	117	121	73	82	84	20	22	25
	<i>man</i>	1,066	1,183	1,245	676	769	815	310	351	366
IRELAND	<i>woman</i>	21	25	23	17	19	18	3	3	3
	<i>man</i>	181	193	198	113	114	122	56	66	67
SWEDEN	<i>woman</i>	98	92	102	65	64	72	23	21	27
	<i>man</i>	432	423	441	326	309	321	95	97	101
PORTUGAL	<i>woman</i>	28	26	37	24	22	32	2	2	4
	<i>man</i>	193	218	244	171	190	210	16	20	26
GERMANY	<i>woman</i>	543	563	577	422	424	433	100	112	120
	<i>man</i>	2,104	2,183	2,237	1,411	1,479	1,510	586	611	622
LUXEMBURG	<i>man</i>	4	4	3	2	2	2	2	2	1
NETHERLANDSS	<i>woman</i>	50	54	60	30	37	41	16	13	14
	<i>man</i>	580	579	619	407	407	438	157	165	172
AUSTRIA	<i>woman</i>	97	98	103	59	61	59	30	35	38
	<i>man</i>	346	333	345	242	229	237	82	84	92
BELGIUM	<i>woman</i>	40	40	45	30	32	36	10	9	10
	<i>man</i>	252	268	275	182	189	190	61	72	74
UK	<i>woman</i>	183	202	225	118	140	156	34	38	36
	<i>man</i>	1,045	1,164	1,241	668	737	765	297	375	406
FINLAND	<i>woman</i>	38	39	30	34	36	27	2	2	2
	<i>man</i>	118	106	111	101	89	92	11	11	12
FRANCE	<i>woman</i>	276	261	262	216	200	198	35	36	38
	<i>man</i>	1,406	1,398	1,423	1,185	1,160	1,170	174	197	212
DENMARK	<i>woman</i>	28	30	33	13	15	18	15	15	15
	<i>man</i>	304	303	302	206	201	200	90	99	97
GREECE	<i>woman</i>	46	47	49	27	29	30	12	12	13
	<i>man</i>	224	231	229	142	150	150	70	75	73
UE - 10										
ESTONIA	<i>woman</i>	19	25	28	16	22	25	-	1	1
	<i>man</i>	16	29	21	13	26	18	2	3	3
CZECH REPUBLIC	<i>woman</i>	359	366	386	267	284	297	33	30	31
	<i>man</i>	604	626	703	502	520	539	52	55	62
MALTA	<i>woman</i>	1	3	3	-	-	1	-	1	1
	<i>man</i>	5	7	5	2	5	3	1	2	2
LITHUANIA	<i>woman</i>	551	588	633	445	468	504	69	77	84
	<i>man</i>	374	407	528	292	309	428	47	58	64
SLOVAKIA	<i>woman</i>	289	298	314	223	234	240	12	16	15
	<i>man</i>	361	393	427	304	329	353	26	34	37

SLOVENIA	woman	15	14	15	8	10	11	4	3	2
	man	52	46	49	37	32	33	9	10	13
LATVIA	woman	111	132	139	82	91	97	13	16	17
	man	81	82	122	61	54	94	10	18	17
HUNGARY	woman	140	147	165	113	119	131	12	12	16
	man	287	351	365	224	286	291	49	51	56
CYPRUS	woman	3	3	3	2	2	2	1	1	1
	man	21	20	19	16	13	16	4	4	3
UE - 2										
BULGARIA	woman	629	664	722	319	374	401	274	273	302
	man	1,304	1,348	1,438	810	826	847	442	482	536
RUMUNIA	woman	267	268	288	229	228	240	18	19	21
	man	487	540	626	417	414	494	59	59	59
EFTA										
SWITZERLAND	woman	6	9	11	6	7	7	-	1	2
	man	55	61	58	45	47	43	8	11	13
NORWAY	woman	8	4	4	5	3	3	2	1	1
	man	91	83	82	68	59	58	21	24	24
ISLAND	man	2	2	3	-	-	-	1	1	1

a/ Central Register of Persons with Social Security

b/ Assured natural foreigners – insured foreigner counted only once regardless of number of designation codes of assurance

Table 4. Number of foreigners insured in the Agricultural Social Insurance Fund between 2004-2009

Year 2004

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS		
	TOTAL	INCL.	
		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	150	144	6
CITIZENS OF EU MEMBER STATES	91	86	5
EU-15	57	53	4
Austria	4	3	1
Belgium	1	1	0
Dania	2	2	0
Finland	1	1	0
France	4	4	0
Netherlands	3	3	0
Germany	24	24	0
Portugal	6	4	2
Sweden	2	2	0
UK	3	3	0
Italy	7	6	1
EU-10	34	33	1
Czech Republic	11	11	0
Lithuania	13	13	0
Slovakia	8	7	1
Hungary	2	2	0
EU-2	0	0	0
EFTA AND SWITZERLAND	5	5	0
NORWAY	1	1	0
SWITZERLAND	4	4	0
THIRD COUNTRIES	54	53	1
ARMENIA	1	1	0
BELARUS	3	3	0
MOLDAVIA	1	1	0
RUSSIA	6	5	1
USA	1	1	0
UKRAINE	40	40	0
VIETNAM	2	2	0

Year 2005

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS		
	TOTAL	INCL.	
		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	281	254	27
CITIZENS OF EU MEMBER STATES	170	153	17
Austria	5	4	1

Belgium	3	3	0
Cyprus	1	1	0
Czech Republic	19	18	1
Denmark	2	2	0
Finland	1	1	0
France	5	4	1
Grece	3	3	0
Spain	1	1	0
Netherlands	14	13	1
Lithuania	21	21	0
Germany	49	44	5
Portugal	6	2	4
Slovakia	16	14	2
Sweden	6	6	0
Hungary	3	2	1
UK	5	5	0
Italy	10	9	1
EFTA AND SWITZERLAND	7	7	0
NORWAY	1	1	0
SWITZERLAND	6	6	0
THIRD COUNTRIES	104	94	10
ARMENIA	4	4	0
BELARUS	8	8	0
BULGARIA	1	1	0
CROATIA	1	1	0
INDIA	1	1	0
MOLDAVIA	1	1	0
RUSSIA	7	6	1
SERBIA AND MONTENEGRO	1	1	0
USA	1	1	0
UKRAINE	78	69	9
VIETNAM	1	1	0

Year 2006

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS		
	TOTAL	INCL.	
		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	374	343	31
CITIZENS OF EU MEMBER STATES	209	190	19
Austria	6	5	1
Belgium	4	4	0
Cyprus	1	1	0

Czech Republic	16	16	0
Denmark	3	3	0
Finland	1	1	0
France	7	6	1
Grece	2	2	0
Spain	1	1	0
Netherlands	17	16	1
Lithuania	25	25	0
Germany	64	59	5
Portugal	12	6	6
Slovakia	23	20	3
Sweden	6	6	0
Hungary	2	2	0
UK	6	5	1
Italy	13	12	1
EFTA AND SWITZERLAND	8	8	0
NORWAY	1	1	0
SWITZERLAND	7	7	0
THIRD COUNTRIES	157	145	12
ALBANIA	1	1	0
ARMENIA	6	6	0
BELARUS	11	10	1
BOSNIA AND HERZEGOVINA	1	1	0
BULGARIA	1	1	0
CHILE	1	1	0
CROATIA	1	1	0
GEORGIA	1	1	0
INDIA	2	2	0
IRAQ	1	1	0
NIGERIA	1	1	0
PERU	1	1	0
RUSSIA	11	11	0
USA	2	2	0
ST VINCENT	1	1	0
TUNESIA	1	1	0
UKRAINE	113	102	11
VIETNAM	1	1	0

Year 2007

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS		
	TOTAL	INCL.	
		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	428	394	34

CITIZENS OF EU MEMBER STATES	234	214	20
Austria	7	7	0
Belgium	4	4	0
Bulgaria	7	5	2
Cyprus	1	1	0
Czech Republic	15	15	0
Denmark	4	4	0
Finland	1	1	0
France	8	7	1
Grece	3	3	0
Spain	2	1	1
Netherlands	19	17	2
Lithuania	27	27	0
Germany	69	66	3
Portugal	8	3	5
Romania	2	2	0
Slovakia	26	23	3
Sweden	5	5	0
Hungary	2	2	0
UK	10	8	2
Italy	14	13	1
EFTA AND SWITZERLAND	8	8	0
NORWAY	1	1	0
SWITZERLAND	7	7	0
THIRD COUNTRIES	186	172	14
ARMENIA	7	7	0
BANGLADESH	1	0	1
BELARUS	14	13	1
BOSNIA AND HERZEGOVINA	1	1	0
CHILE	1	1	0
DOMINICA	1	0	1
GEORGIA	1	1	0
GUYANA	1	1	0
INDIA	2	2	0
IRAQ	1	1	0
JAPON	1	1	0
NIGERIA	1	1	0
PAKISTAN	1	1	0
PERU	1	1	0
RUSSIA	14	13	1
USA	2	2	0
TUNESIA	1	1	0
UKRAINE	134	124	10
VIETNAM	1	1	0

Year 2008

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS	
	TOTAL	INCL.

		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	644	587	57
CITIZENS OF EU MEMBER STATES	293	266	27
Austria	9	8	1
Belgium	5	5	0
Bulgaria	13	11	2
Cyprus	1	1	0
Czech Republic	15	14	1
Denmark	4	4	0
Finland	1	1	0
France	11	9	2
Grece	3	3	0
Spain	1	0	1
Netherlands	28	26	2
Lithuania	34	33	1
Luxemburg	1	1	0
Germany	85	80	5
Portugal	9	5	4
Romania	8	6	2
Slovakia	29	25	4
Sweden	7	7	0
Hungary	5	5	0
UK	9	8	1
Italy	15	14	1
EFTA AND SWITZERLAND	12	12	0
NORWAY	3	3	0
SWITZERLAND	9	9	0
THIRD COUNTRIES	339	309	30
ARMENIA	12	10	2
AZERBAIJAN	1	1	0
BENGLADESH	1	0	1
BELARUS	27	24	3
BOSNIA AND HERZEGOVINA	1	1	0
CHILE	1	1	0
CROATIA	1	1	0
DOMINICA	1	0	1
ETIOPIA	1	1	0
INDIA	5	5	0
IRAQ	1	1	0
JORDANIA	1	1	0
CUBA	1	1	0
MOROCCO	2	1	1
MAURITIUS	1	0	1
MEXICO	1	1	0
MOLDOVA	3	3	0
MONGOLIA	2	2	0
NIGERIA	1	1	0
PAKISTAN	1	1	0
PERU	1	1	0
RUSSIA	20	20	0
USA	2	2	0
TANZANIA	1	1	0
TUNESIA	1	1	0
UKRAINE	246	225	21
UZBEKISTAN	1	1	0
VIETNAM	2	2	0

Year 2009

CITIZENS OF EU MEMBER STATES, EFTA, SWITZERLAND AND THIRD COUNTRIES	NUMBER OF ASSURED PERSONS		
	TOTAL	INCL.	
		AGRICULTURISTS	MEMBERS OF FAMILY
TOTAL	667	610	57
CITIZENS OF EU MEMBER STATES	317	285	32
Austria	8	7	1
Belgium	5	5	0
Bulgaria	13	11	2
Cyprus	1	1	0
Czech Republic	22	21	1
Denmark	4	4	0
Finland	1	1	0
France	8	7	1
Grece	3	3	0
Spain	3	1	2
Netherlands	31	29	2
Ireland	1	0	1
Lithuania	34	33	1
Luxemburg	1	1	0
Latvia	1	1	0
Germany	90	83	7
Portugal	4	3	1
Romania	10	7	3
Slovakia	31	27	4
Sweden	5	5	0
Hungary	7	6	1
UK	16	13	3
Italy	18	16	2
EFTA AND SWITZERLAND	14	14	0
NORWAY	6	6	0
SWITZERLAND	8	8	0
THIRD COUNTRIES	336	311	25
ALBANIA	1	1	0
ARMENIA	10	8	2
AZERBAIJAN	1	1	0
BANGLADESH	1	0	1
BELARUS	20	20	0
BOSNIA AND HERZEGOVINA	3	3	0
CHILE	1	1	0
CHINA	2	2	0
CROATIA	1	1	0
INDIA	3	3	0
JORDANIA	1	1	0
CUBA	1	1	0
MOROCCO	2	1	1
MAURITIUS	1	0	1
MEXICO	1	1	0
MOLDOVA	3	3	0
MNGOLIA	2	2	0
NIGERIA	2	2	0
PAKISTAN	2	2	0
PERU	1	1	0
RUSSIA	17	17	0
SERBIA AND MONTENEGRO	1	0	1

USA	4	4	0
TAILAND	1	1	0
TUNESIA	1	1	0
UKRAINE	250	231	19
UZBEKISTAN	1	1	0
VIETNAM	2	2	0

Table 5. Vacancies in the Polish Labour market in years 2005-2009

Specification	2005: Average annual	2006: Average annual	2007: Average annual	2008: Average annual	2009: Average annual
	<i>in thousand</i>				
TOTAL	44.2	72.0	201.8	152.4	65.8
Legislators, seniors officials and managers	1.0	1.5	3.0	2.4	1.7
Professionals	8.8	12.5	22.6	20.5	14.4
<i>of which :</i>					
<i>physical, mathematical and engineering science professionals</i>	1.9	2.9	5.3	4.6	2.5
<i>other professionals</i>	4.8	6.6	11.9	10.7	8.4
Technicians and associate professionals	5.1	7.0	17.0	13.9	7.5
<i>of which :</i>					
<i>other associate professionals</i>	2.8	3.8	8.6	6.8	3.9
Clercks	3.3	5.2	14.5	11.1	6.2
<i>of which :</i>					
<i>office clerks</i>	2.3	3.3	8.2	6.6	3.8
Service workers and shop and market sales workers	3.3	5.0	19.3	16.5	6.9
Skilled agricultural and fishery workers	0.2	0.2	1.1	0.8	0.3
Craft and related trades workers	12.5	24.2	73.8	54.4	15.8
Plant and machine operators and assemblers	6.1	10.6	28.6	18.1	6.9
<i>of which :</i>					
<i>drivers and mobile - plant operators</i>	2.9	4.9	14.1	9.9	4.1
Elementary occupations	3.9	5.8	21.9	14.7	6.1