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Policy Brief - POLAND

CLANDESTINO PROJECT OVERVIEW

The project aims

The CLANDESTINO research project was designed to support policy makers in developing and implementing appropriate policies regarding undocumented migration. **The project aims** were to (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) analyse these data comparatively, (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU.

The countries studied

The project covered twelve EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is a **database** (<http://irregular-migration.hwwi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

Definitions

For this project, **irregular or undocumented residents** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their status. **Irregular entrants** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more information see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Trafficking & Asylum Seeking

The Clandestino project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. But in some countries it touches upon asylum seeking and asylum processing issues as they are related to irregular migration issues.



IRREGULAR MIGRATION IN POLAND

Background of migration situation in Poland

In comparison to other European Union countries, Poland is not considered an attractive destination country for either legal or irregular immigrants. Poland's poor economic situation, as compared to other EU member states, is not conducive to immigration. Furthermore, its migration policy is fairly strict, to a large extent as a result of the requirements for EU accession and for entering the Schengen zone.

The transformation of the economic and political structure of the Central and Eastern European region since the beginning of the 1990s has disturbed previously stable migration trends observed in all countries of the region, and in Poland in particular. During the last 17 years, Poland has become host to thousand of foreigners, including legal and illegal immigrants and refugees. Nevertheless, inflow estimates remain very low in comparison to other EU countries.

Size, social and demographic features of irregular migration

Since the beginning of the 1990s, Poland has been a country 'waiting for' large-scale immigration. The largest non-EU national groups of immigrants in Poland (both legal and irregular) are related to movement from the country's eastern neighbours and from Asia: namely, Ukraine, Belarus, Vietnam and Armenia. Citizens of countries such as Russia and Moldova are part of the stable core as well.

Ukrainians represent the most significant nationality in terms of legal immigrants and irregular foreign workers in Poland. It is evident that the trend of illegal work on the basis of legal stay visas and documents was the most characteristic feature of the Ukrainian immigration until December 2007 and the enlargement of the Schengen space. Poland's protective to local labour forces labour policy and a liberal visa policy for eastern neighbours were the principal factors which led to the circular type of mobility and temporariness of the migration process in the case of the eastern neighbours.

One can find various quotations of estimates of irregular migration. In a report on the Polish demand for a foreign workforce the authors estimated that in 2004 50,000–300,000 immigrants were working illegally in Poland. A media report quoting the estimates given by the Office for Repatriation and Aliens for the same year stated that 450,000 foreigners worked illegally (of which 250,000 were Ukrainian citizens, 150,000 Belarussian and Russian citizens, 40,000 Vietnamese and 8,000 Armenian citizens – but this quotation could not be verified).

As of now, the Vietnamese represent the only national group that has been the subject of in-depth analysis permitting a degree of credibility on the above estimations. The Migration Policy Unit at the Ministry of Interior and Administration was the first institution that counted immigrants of Vietnamese origin residing legally in Poland. The Ministry claims that considering the number of legal residents in relation to estimates (Vietnamese and Polish sources indicate significantly divergent numbers related to the size of this community in Poland – 25,000 and 60,000, respectively) it is likely that one in two Vietnamese living in Poland is an irregular immigrant. Therefore we could assume that there are 12,000–22,000 irregular Vietnamese migrants in Poland.

Estimated statistics in Poland do not include information concerning the demographic characteristics of irregular migrants. However, studies on domestic work indicate a high level of female migration to Poland. There are no estimates regarding the age composition of irregular immigrants. Nevertheless, considering the circular character of labour migration to Poland, it can be assumed that the irregular migrant population is almost exclusively in the economically active age.

To sum up, concerning national composition, Ukrainian citizens constitute the predominant group of unauthorized migrant workers. Two tables are provided here in order to gain a picture.

Table 1. Foreigners apprehended by BG for illegal border crossing 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Independently by BG while attempting to cross Polish borders illegally - in both directions	3,787	3,652	3,086	3,592	4,472	3,598	3,131	2,117	4,661
According to information provided by the police and BG services of neighbouring countries	235	167	138	212	210	107	43	26	25

Source: Border Guard data

Table 2. Foreigners apprehended by BG for illegal border crossing by the most numerous nationalities 2007 and 2008

	2007	2008
Ukrainian	1,044	2,866
Russian	320	445
Moldovan	144	265
Belorussian	58	242
Vietnamese	103	185
Chinese	54	74

Source: Border Guard data

Border Guard (BG) data on foreigners attempting to cross or crossing Polish borders illegally (in both directions) show a fairly stable trend between 2000 and 2006, with numbers fluctuating between 3,100 and 3,800. The only exception occurred in 2004 when the number reached almost 4,500. This peak can be explained by the increase in Chechen mobility during that period due to the impending EU enlargement. The following decrease in the period 2006 – 2007 may suggest increased enforcement stemming from the Polish preparations to enter the Schengen Zone. In the year 2008 we observed a rapid increase. However, the period is too short to analyze any trends.

Main Pathways into and out of Irregular Status

- The trend of illegal work on the basis of legal stay visas and documents was the most characteristic feature of the Ukrainian immigrant group until December 2007 and the enlargement of the Schengen space.
- The other fairly visible group of foreigners on Polish landscape has been the Vietnamese community, in which irregularity refers to both stay and work of some of its members. This population is an example of irregular migrants whose stay may commence as a result of crossing the border illegally with fake or remade documents or crossing the green border in cases of human trafficking and smuggling.
- Irregular stay can also be caused by overstaying. In other words, a person may enter Poland legally, but does not leave when the legal basis of his/her stay terminates. There are no estimates on the numbers of people who remain in Poland despite the expiration of their visa.

Key
Messages
for Policy
Makers

- The scale of both regularisation programmes and their strict requirements made it clear that they were not tools to legalize the mass of irregular immigrants (in 2003 2,747 out of 3,512 applicants got legal status; in 2007 1,244 out of 2,028 applicants got legal status). Nevertheless, programmes did demonstrate an acknowledgement of the need to improve the situation of irregular immigrants.
- **Poland's poor economic situation, as compared to other EU member states, is not conducive to immigration** of either legal or irregular immigrants.
- **Both regularisation programmes** had strict requirements – their aim was not to legalise a mass of irregular immigrants. Nevertheless, programmes **did demonstrate an acknowledgement of the need to improve the situation of illegal immigrants**. Moreover, they provided the Ministry of Interior and Administration with further information about the phenomenon of irregular migration in Poland.
- Poland has been facing a very difficult task for some time: how to reconcile the need for workers which has developed since 2004 and the outflow of Poles to the EU-15 countries, with the strict security measures implemented by the Schengen treaty. Certainly, **the EU's external border should be both as open as possible for legal migrants and non-porous for illegal migration**. However, due to the dramatic outflow from Poland of approximately two million people since May 1, 2004, there is a strong demand for both skilled and unskilled foreign labour. It has proven a very difficult task to combine this demand with the security measures implemented in December 2007. **The special treatment of Eastern Europeans in gaining access to the EU labour market, particularly the Polish one, should be seriously considered.**
- A grave threat to the internal security of Poland and, in fact, to the EU as a whole in relation to East-West migration, is **destabilisation caused by the war or terrorism that could increase the volume of migration from third countries through the borders of Belarus-Russia and Ukraine-Russia**. These borders should comply with higher security standards. **Improved cooperation between Eastern European countries in the area of readmission is urgently needed.**
- **The EU should assist its Eastern European neighbours in developing cooperation in the Justice and Home Affairs area**. A cooperation of border management with neighbouring countries should be established; one that would include training on border protection standards and rules and the appointment of permanent liaison officers at the respective border control units.

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All Project Reports and Policy Briefs as well as the Database are available through the project's web site <http://clandestino.eliamep.gr>. For more information on the case of Poland, please contact, the authors of this Brief, Prof. Krystyna Iglicka Senior Research Fellow, CIR, at iglicka@csm.org.pl and Ms Katarzyna Gmaj, Researcher, CIR, at gmaj@csm.org.pl. For general information on the Project please contact Prof. Anna Triandafyllidou, Project Coordinator, at anna@eliamep.gr



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You may also visit the Social Sciences and Humanities Research Programme of the European Commission: http://ec.europa.eu/research/social-sciences/index_en.html