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## The Impact of the EU Enlargement on Migratory Movements in Poland

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**Krystyna Iglicka**

## **The Impact of the EU Enlargement on Migratory Movements in Poland**

### **INTRODUCTION**

For more than a century, Poland has been one of the largest sending areas in Central and Eastern Europe and a vast reservoir of labour for many countries in Western Europe and North America. Poland's geographical and political location predestined it to struggle between the West and the East, in both historical and cultural perspectives as well as economic and social contexts.

Since 1989, in addition to the social, political and economic transformation and the collapse of the Soviet empire, factors conducive not only to the decline in the human outflow but also to the increase of the inflow into Poland have operated. Economic globalization has contributed to the rapid increase in the circulation of not only capital and goods but people as well. Although migration balances in the CEECs remain in general negative, i.e. there are still more emigration than immigration for most of the CEECs, the gap between emigration and immigration flows is narrowing.

After the collapse of the communist regime in 1989, Poland, along with other Central European countries, unexpectedly encountered a number of previously unknown (or seldom experienced) population phenomena. Among these were the massive short-term mobility of citizens of the former Soviet Union, labour migration from both the East and the West, permanent immigration (mainly from the East), formation of new immigrant communities and return migration of former émigrés.

Today, Poland is probably the most striking example of a Central European country that is gradually shifting from a major sending country into a country of net-immigration and transit migration. Poland's accession to the EU in May 2004 is likely to foster the changes in the migratory processes that has been observed since the beginning of the 1990s.

### **MIGRATION POLICY**

After the collapse of communism, the Polish government realized it did not have any experience with immigration, nor the legal foundations or policies to deal with people coming. Up until that time, i.e. till 1989, the only law dealing with migration was the Aliens Act of 1963, implemented at a time when few foreigners entered Poland. The Act defined cursorily the conditions of entry into the country, internal movement, and departure (Iglicka, 2005).

At that time the country also lacked money to fund the government structures necessary for handling asylum and migration-related procedures and paperwork. Nevertheless, Poland's migration policy had to be formulated in reaction to changes in migration patterns to the country.

In the first half of the 1990s policies concentrated on the issues of entry, covering four basic areas: 1) establishing border control on all frontiers, 2) entry into the pan-European system of controlling transit migration (entering into readmission agreements with the Schengen and neighbouring states, 3) constructing a legal and institutional asylum framework, and 4) facilitating cross-border traffic with the neighbours (maintaining non visa regime with all European states including CIS) (SOPEMI, 2004).

In the second half of the 1990s, Poland has also been gradually able to develop an increasingly complex set of laws to regulate immigration matters. Work on a new Aliens Act began in 1992, but it took five years to complete an updated version. Although The Aliens Act of 1997 focused mostly on the conditions for entry, it also described conditions for stay, and transit through Poland. As soon as it was passed it turned out that the Act is already outdated due to Poland's obligations stemming from the predicted EU enlargement and further changes in migratory patterns.

The EU accession process has provided perhaps the most direct incentive for legislative change in the Polish migration policy. In April 2001, Polish Parliament passed comprehensive amendments to the 1997 Aliens Act which would help clear the path toward EU membership. One of

the significant changes was establishing the first separate government agency dealing with immigration issues, i.e. Office for Repatriation and Foreigners. Also in 2003, Poland implemented two laws, the Act of Protection of Aliens and the 2003 Aliens Act which further refined the 2001 changes. The Act of Protection of Aliens clearly divides asylum from economic migration issues. It includes principles and conditions for extending various forms of protection of foreigners, including refugee status, asylum status, temporary protection status and tolerated status. The 2003 Aliens Act marks Poland's first regularization program for unauthorized immigrants (Iglicka, 2005).

Within the negotiations in the area of Justice and Home Affairs (JHA), Poland resolved to implement the JHA in full, including the Schengen *acquis*, by the time of accession without asking for any transition periods or derogations. The Schengen *acquis* was formally incorporated into the Polish law prior to accession, but failed to finalise the full implementation, which is now not expected to be complete until 2007. This is largely because Poland is awaiting a positive assessment of the state of border infrastructure and operational capacity of all the institutions involved.

The most important area of disagreement in the negotiations related to the visa policy for CIS neighbours, where Poland opted for the gradual introduction of a visa requirement to be in force prior to the date of accession. Many worried that such visa requirements could weaken cross-border trade, cause the collapse of the exports to the former Soviet Union, and decrease the income of people depending on trade-related services. This last point was important because residents of Poland's eastern territories have depended almost completely on trade-related services for their income. Consequently, Poland waited until the very last moment – October 2003- with the introduction of visas for CIS neighbours (Iglicka, Kazmierkiewicz and Weinar, 2005).

The year 2004 was important with regard to firstly, Poland's accession to the European Union and resulting changes in relevant legislation concerning asylum law and the conditions of entry and stay of EU citizens and their family members in Poland and secondly to the changes in labour market regulations concerning foreigners. Since 1 May 2004, Poland is bound by the asylum law in force in the EU member states, which provides the rules for determining the country responsible for asylum procedure (so called Dublin II). On 1 May 2004, the *Act on conditions of entry and stay of EU citizens and their family members*, adopted in July 2002, entered into force. The new Act introduced two new documents: the EU residence permit and the EU temporary residence permit, which both allow the EU citizens, and their families, to stay on Polish territory longer than three months. On 1 June 2004, the *Act on Promotion of Employment and Institutions of the Labour Market* entered into force. This Act enumerates categories of foreigners who are not obliged to obtain a work permit. These are as follows: recognized refugees and settlement permit holders (included already in the old Act of 1994), family members of Polish citizens who are EU citizens, foreigners (spouses and children below 21 years and dependant children irrespective of the age) who are not EU citizens and who are temporary residence permit holders, foreigners granted temporary residence permit in Poland as a consequence of marriage to a recognised refugee, tolerated status or temporary protection status holders (SOPEMI, 2004).

## **MIGRATION TRENDS BEFORE AND AFTER THE EU ENLARGEMENT**

The situation concerning migration flows in Poland after May 1, 2004 is described here on the basis of the following data:

1. border crossings by Poles and by foreigners
2. emigration of Poles
3. immigration of foreigners
4. residence permits and settlement permits applications
5. refugee status applications
6. citizenship applications
7. mixed marriages

Although at the moment of writing this analysis (Autumn 2005) it is too preliminary to grasp the influence of the EU enlargement on migratory trends in Poland, the above mentioned categories may

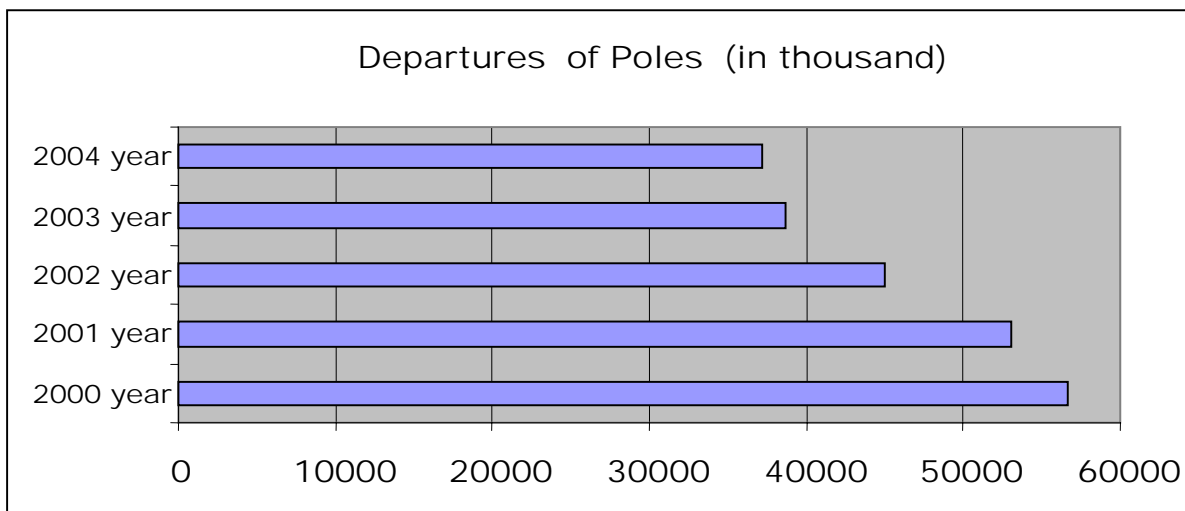
be studied as indicators of possible deeper changes in the future. Due to the underestimates in some Polish statistical sources one should however, analyse the below trends with caution.

## 1. Movement across Polish borders

### Departures of Poles

In the year 2004 the number of Poles' departures was lower by less than four per cent in comparison to 2003. The decreasing tendency in departures has been observed for the last five year however, the declining trend is fading (see fig. 1). EU enlargement did not cause a massive cross border mobility of Poles. In fact, only at the end of the second half of 2004 the numbers of departures started to exceed slightly the levels achieved in the same period of 2003 (see table 1).

Figure 1 Departures of Poles, 2000-2004



Source: Border Guard data, 2005

Table 1 Departures by Poles in 2003 and 2004 by months (in million).

Month	2003	2004
January	2,763	2,617
February	2,693	2,710
March	2,710	2,572
April	2,796	2,715
May	3,444	2,893
June	3,518	3,337
July	4,345	4,195
August	4,787	4,318
September	3,387	3,336
October	2,918	3,077
November	2,679	2,669
December	2,603	2,802
Total	38,643	37,241

Source: Border Guard data, 2005

As far as the mobility by borders is concerned the total decrease in departures was caused mainly by a decline on the southern border (by 12 per cent) and a sea border (by 45.5 per cent). On the other borders an increase in cross border mobility of Poles was observed. Worth noting is an intense increase in air mobility of Poles. One may connect this phenomenon with the appearance of cheap flights operators on Polish air. Inexpensive air lines initiated their activities in Poland right after the EU enlargement. Furthermore, the biggest numbers of cheap flights were directed to the countries which opened their labour markets for Poles, i.e. UK, Ireland and Sweden. This was particularly true in case of the UK. Therefore a big increase in the number of crossings by air may be an indicator of a growing short-term or long-term labour migration by Poles (see table 2)

Table 2 Departure of Poles according to the borders in 2004

January-December 2004	Departures	Changes in relation to 2003
Total	37225,7	-3.8%
EASTERN BORDER	3884,7	22.2%
Russian Federation	1106,4	16.6%
Lithuania	388,0	39.0%
Belarus	282,9	-1.56%
Ukraine	2107,4	26.6%
SOUTHERN BORDER	17947,4	-12.1%
Slovakia	4688,3	-3.9%
Czech Republic	13259,1	-14.7%
WESTERN BORDER	12916,5	2.0%
Sea border	595,5	-45.5%
Airports	1881,6	37.2%

Source: Border Guard data, 2005

### Arrivals of foreigners

Table 3 show that in 2004, the number of incoming foreigners amounted to almost 62 million what constitutes a visible increase (by 19 per cent) in comparison to the year 2003. On the other hand, this number is still well below the peak year of 1999, when incoming foreigners amounted to almost 90 millions. The year 2004 is the first year since 2001 when a visibly growing tendency in a number of arrivals of foreigners was observed. What is worth noting is that the number of incoming foreigners grew steadily from January 2004 and did not experience any drastic changes right before May 2004. However, the most important increase in the number of arrivals has been observed in the second half of 2004. The growing frequency of travelling into Poland has especially been observed in case of Germans (by 34 per cent, see table 2).

Table 3 Arrivals of foreigners 2000-2004 (months, in million)

	Incoming foreigners				
	2000	2001	2002	2003	2004
January	5,744	4,664	2,968	2,865	3,361
February	6,268	4,536	3,389	2,952	3,770
March	7,073	5,050	4,071	3,775	4,360
April	7,496	5,265	3,931	3,905	4,984
May	7,119	5,948	4,470	4,396	5,058
June	7,156	5,546	4,382	4,565	5,647
July	8,627	6,289	5,271	5,374	6,414
August	8,303	6,331	5,214	5,574	6,499
September	6,927	4,741	4,421	4,892	5,616
October	7,290	4,669	4,708	4,878	6,052
November	6,269	4,293	4,084	4,533	5,066
December	6,243	4,100	3,827	4,421	5,088
Total	84,515	61,432	50,736	52,130	61,918

Source: Border Guard data, 2005

The changes of the inflows according to the region of origin of foreigners indicated a general tendency of an increase in arrivals between 2003 and 2004. The only exception was made by the nationals of Russia, Ukraine and Belarus – in this case a decline in the number of arrivals by seven per cent has been noted.

Table 4 Arrivals of foreigners by nationality 2002-2004

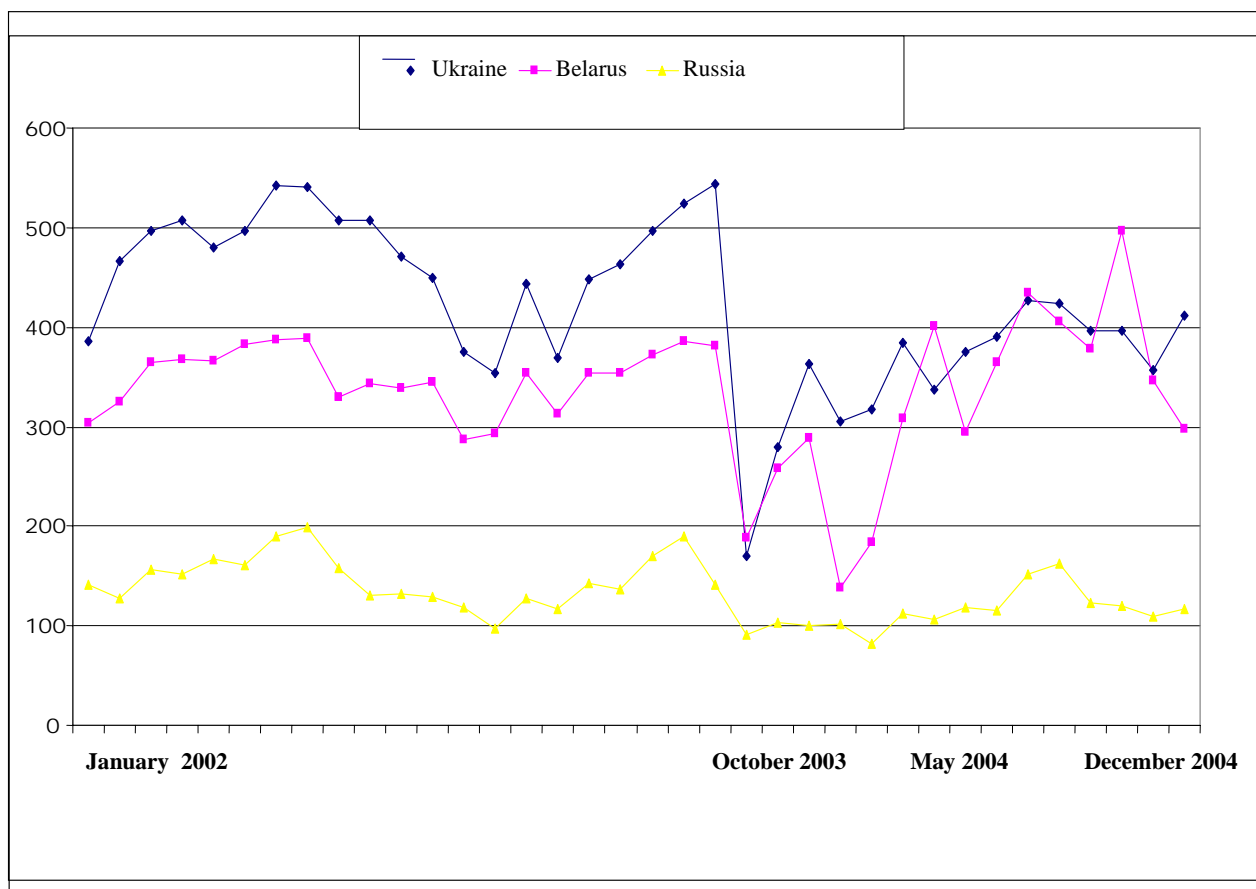
	2002	2003	2004	2004/2003
Germany	23654,7	25456,5	34122,1	34%
Russia, Belarus, Ukraine	11939,0	10193,9	9466,2	-7,1%
EU 15 (without Germany)	1700,3	1681,9	1834,4	9,1%
New EU members	12582,1	13898,6	15465,7	11,3%
Other European	261,7	276,9	297,9	7,6%
Main overseas countries*	311,1	333,8	405,1	21,4%
Other CIS	108,1	112,1	116,9	4,3%
Others	177,6	176,0	209,5	19,0%
Total	50743,6	52129,8	61917,8	18.8%

\* USA, Canada and Australia

Source: Border Guard data, 2005

As far as the arrivals from the eastern Polish neighbours are concerned, there have been some fluctuations observed in the period between the beginning of the year 2002 and the end of 2004. The most dramatic decrease in arrivals from Ukraine, Belarus and Russia was observed in October 2003 (respectively by 66 per cent, 53 per cent and around 25 per cent). The decline was directly connected with the introduction of the visa regime for neighbouring states by Poland on the 1 October 2003. In 2004 the number of arrivals from Belarus and Ukraine was still lower than in 2003 however, it seems that the declining tendency is slowly fading.

Figure 2 Arrivals from Ukraine, Belarus and Russia, January 2002- December 2004



Source: Border Guard data, 2005

Table 5 Arrivals of foreigners according to the border in 2004

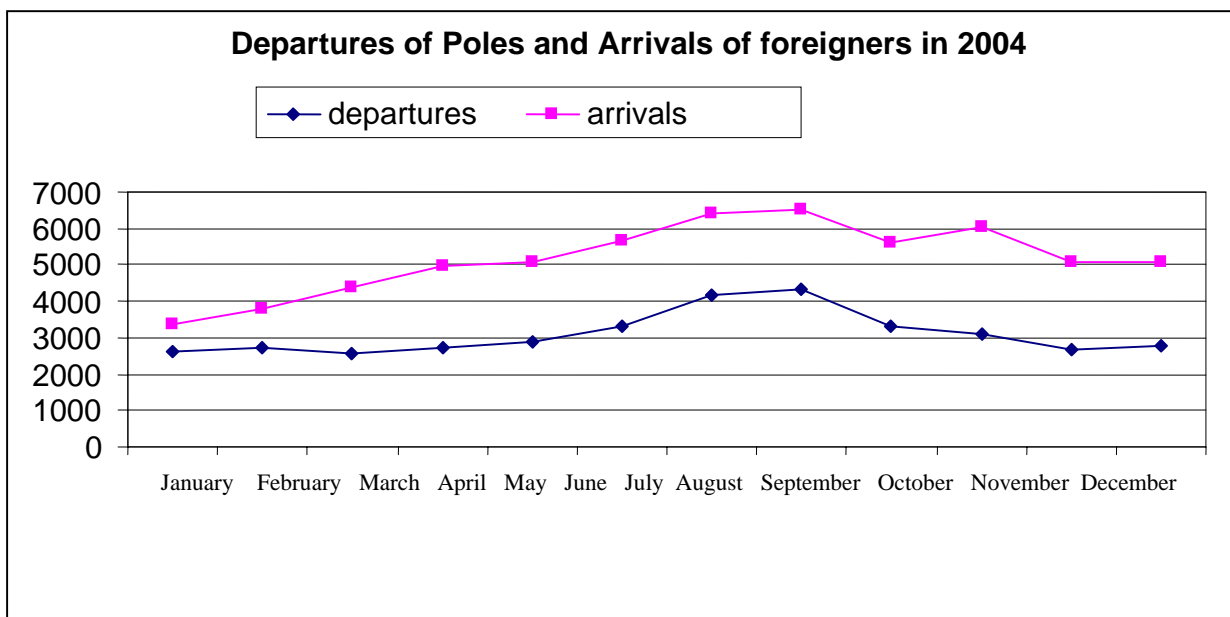
January-December 2004	Incoming Foreigners	Changes in relation to 2003
Total	61917,8	18.8%
EASTERN BORDER	10084,8	-3.8%
Russian Federation	672,0	8.4%
Lithuania	1504,3	13.3%
Belarus	3765,2	-9.1%
Ukraine	4143,3	-5.7%
SOUTHERN BORDER	16658,9	11.6%
Slovakia	3531,4	37.3%
Czech Republic	13127,4	6.3%
WESTERN BORDER	32874,6	35.9%
Sea border	760,4	-43.5%
Airports	1539,2	30.2%

Source: Border Guard data, 2005

The inflow on the Eastern border in 2004 in comparison to 2003 dropped by almost four per cent what stays in a clear opposition to the situation on all other borders where it increased (by 11.6 per cent on the South and as much as 36 per cent on the West). Apparently, the introduction of the visa regime and a general closure of the legal ways of entering Poland from the East (through the EU border) caused a drop in the inward mobility from this direction. Significant increase in the border crossing from Slovakia (similarly to the movement from Germany) was caused mainly by the one-day visits for shopping in the Polish borderland regions.

Figure 3 shows similar tendencies in both departures of Poles and arrivals of foreigners in 2004. However, although border crossings by the above mentioned categories started at similar levels at the beginning of 2004, the gap between the curves has been consistently growing within the year.

Figure 3 Departures of Poles and Arrivals of foreigners, 2004



Source: Border Guard data, 2005

### 3. Emigration of Poles and Immigration of foreigners

Knowledge about migration from Poland after World War 2 is incomplete. In official Polish statistics the concept 'declared change of a permanent residence' is still the basic concept used in defining both outflows and inflows. The deficiency of official data is shown when compared with data on immigration provided by receiving countries. Serious underestimation occurs in Polish sources. Due to scarcity of migration surveys or their being unrepresentative, official data are the only source to analyse changes in general trends in migration. However, one should consider this source with caution.

The detailed data concerning migratory flows into Poland were collected for the first time in Poland post-war history in the Population Census (PC) of 2002. According to some experts there have been serious underestimates already observed. Even analysts from the Central Statistical Office (the body responsible for the Census structure and data collection) say that the 'migration part' failed.

According to PC 2002, in the period between 1989 and 2002, 85,5 thousand people moved (or returned) to Poland from abroad. Women constituted 51 per cent of all movers. 'Actual foreigners' (people without Polish citizenship), who became permanent residents of Poland during the transition period comprised 17 per cent (14,5 thousand) of the total. The remaining population included either

Polish citizens who moved back to Poland (return migration) or the second generation of Polish emigrants, who decided to settle in their parents' homeland. In most cases, these so-called reemigrants hold multiple citizenships. The former countries of residence were: Germany (27 per cent), the USA (14 per cent), Ukraine (6 per cent), Italy, Canada, United Kingdom and France.

In 2004 migration balance in Poland was still negative, however, it was the lowest balance in the period between 2000 and 2004. According to the official records only 18 877 persons decided to emigrate from Poland. It means that in 2004 emigration reached one of its lowest level since the mid 1950s (lower numbers were observed only for 1970 – 14,1; 1973 – 13,0; 1974 – 11,8; 1975 – 9,6 and 1992 – 18,1).

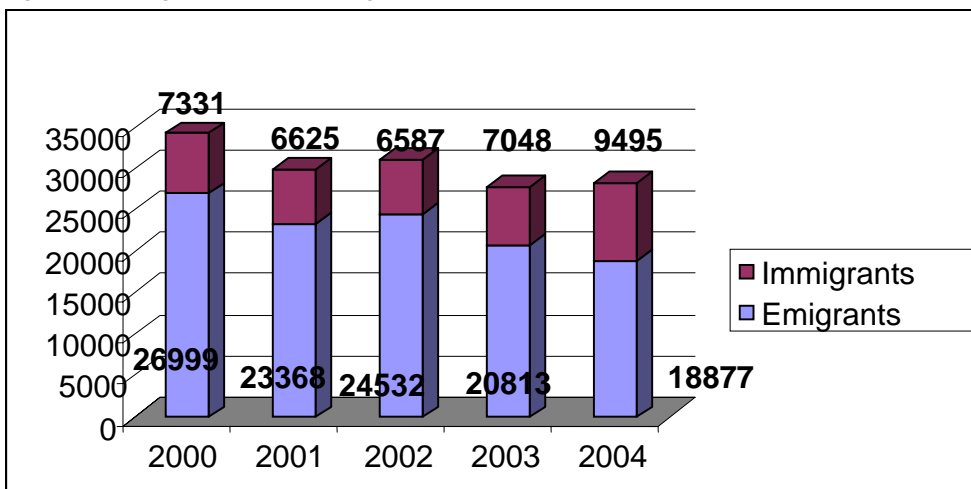
Table 6 Emigration and Immigration data, Poland 2000-2004

Year	Number of emigrants	Number of Immigrants	Migration balance
2000	26,999	7,331	- 19,668
2001	23,368	6,625	-16,743
2002	24,532	6,587	-17,945
2003	20,813	7,048	- 13,765
2004	18,877	9,495	- 9,382

Source: Central Statistical Office, CSO, Warsaw 2005

According to the official statistics in the year 2004 9 495 persons decided to immigrate into Poland what constitutes an increase by almost 35 per cent in comparison to the previous year. This number makes up also the highest immigration level observed in Poland since 1959. The structure of both emigrants and immigrants by sex was almost identical and equal. Men constituted in both categories 51 per cent (see tabs. 7 and 8).

Figure 4 Emigrants and Immigrants, Poland 2000-2004



Source: Central Statistical Office, CSO, Warsaw, 2005

As far as the country of destination for Polish emigrants is concerned the pattern visible in Poland for centuries had not been changed in the year of the enlargement. Germany was on the first place followed by the USA, Canada and the United Kingdom (see tab. 7).

Table 7 Emigration from Poland by country of destination and sex, 2004

Country of destination	Number of emigrants	Males	Females
Germany	12646	6501	6145
USA	2404	1255	1149
Canada	657	344	313
UK	543	346	197
Austria	404	189	215
Netherlands	363	184	179
France	300	145	155
Italy	300	108	192
Spain	201	113	88
Sweden	174	82	92

Source: Central Statistical Office data, CSO, Warsaw, 2005

In the year 2004 immigration to Poland was undertaken mainly by Germans, citizens of the United States and Ukraine (see tab. 8). Since, as it was already mentioned, CSO data includes in its definition of immigrants persons with Polish passports it seems pretty obvious that in case of Germany and the USA a pattern of return migration was maintained and, in case of Germany even increased ( a number of immigrants from Germany into Poland constituted 2 261 persons in 2003)<sup>1</sup>. Central Statistical Office estimates show that in case of immigrants from the 'West' half of the number is constituted by persons with Polish passports.

Table 8 Immigrants by country of origin and sex, Poland 2004.

Country of origin	Immigrants	Males	Females
Germany	2697	1550	1147
USA	1348	730	618
Ukraine	1196	310	886
Canada	323	175	148
UK	313	153	160
Russia	294	83	211
France	293	152	141
Belarus	262	71	191
Italy	253	128	125
Vietnam	232	152	80

Source: Central Statistical Office data, CSO, Warsaw, 2005

The phenomenon of return migration seemed to be ignored by both researchers studying migration problems and politicians in Poland. To some extent it is not surprising, since in post-war, communist Poland the extend of return migration was statistically insignificant. However, the social,

<sup>1</sup> The only statistical source in Poland that does not include in its classification persons with Polish passports as foreigners is Office for Repatriation and Foreigners (ORF). ORF's data will be described in a next part of this paper.

political and economic transformation has changed such an attitude towards returns. It is both young and dynamic people, educated in the West, and older, retired people who have started to come back to Poland. Both economic and political emigrants are returning.

As far as numbers of 'real' immigrants are concerned according to the CSO sources, the most visible growth in 2004 in comparison to 2003 was observed in case of immigrants from the former Soviet Union countries. In case of Ukraine an increase by 21 per cent was recorded, in case of Russia this increase constituted 108 per cent. The number of Armenian immigrants grew by 38 per cent and Kazaks by 30 per cent.

#### 4. Temporary residence permits and settlement permits applications

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

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

In May 2002, at the time of PC, 34,1 thousand people, being permanent residents of other countries, had been residing in Poland on a temporary basis for at least two months. They originated mainly from Ukraine (22 per cent), Germany (13 per cent), Russia (6 per cent), Belarus (6 per cent), the USA (5 per cent), Armenia (4 per cent), the United Kingdom (3 per cent), France (3 per cent) and Vietnam (3 per cent). Two out of three temporary immigrants have been already residing in Poland for over twelve months, i.e. they could be considered as long-term immigrants (not having a status of permanent residents). One out of four temporary immigrants held Polish citizenship (7,7 thousand). Of these 3,4 thousand were multiple citizenship holders. The remaining (24,1 thousand, i.e. 70 per cent) were 'actual foreigners' – without Polish citizenship.

According to the Office for Repatriation and Foreigners data, number of application for temporary residence permit constituted 28 324 in the year 2004. This number was lower by almost ten per cent in comparison to the number of applications in the year 2003. As in previous years the biggest number of applications were lodged by the citizens of the former USSR (2004 – 55 per cent; 2003 – 46 per cent; 2001 – 44 per cent). Positive decisions were issued in case of 90 per cent of applications what constituted 25 649 temporary permits (see tab. 9). As far as the nationality of foreigners granted temporary residence permit is concerned Ukrainians constituted 33 per cent, Belarussians 7.5 per cent, Vietnamese 7 per cent, Armenians 7 per cent and Russians 6 per cent.

Table 9 Temporary residence permits in 2004

Month	Applications lodged	Applications granted
January	2991	3156
February	2800	2312
March	2503	3291
April	2364	2331
May	1616	1338
June	1931	1722
July	1868	1915
August	1972	1746
September	2127	1601
October	2961	1583
November	2607	2110
December	2584	2644
<b>Total</b>	<b>28324</b>	<b>25649</b>

Source: Office for Repatriation and Foreigners data, 2005

In 2004 5 169 foreigners applied for a settlement permit (see tab. 10). This number was by 70 per cent bigger in comparison to the year 2003. The same nationalities as in the case of temporary residence holders prevailed. Ukrainians constituted 37.5 per cent. They were followed by Russians (per cent), Belarussians (10 per cent), Vietnamese (8.7 per cent) and Armenians (6 per cent) (see fig. 5)

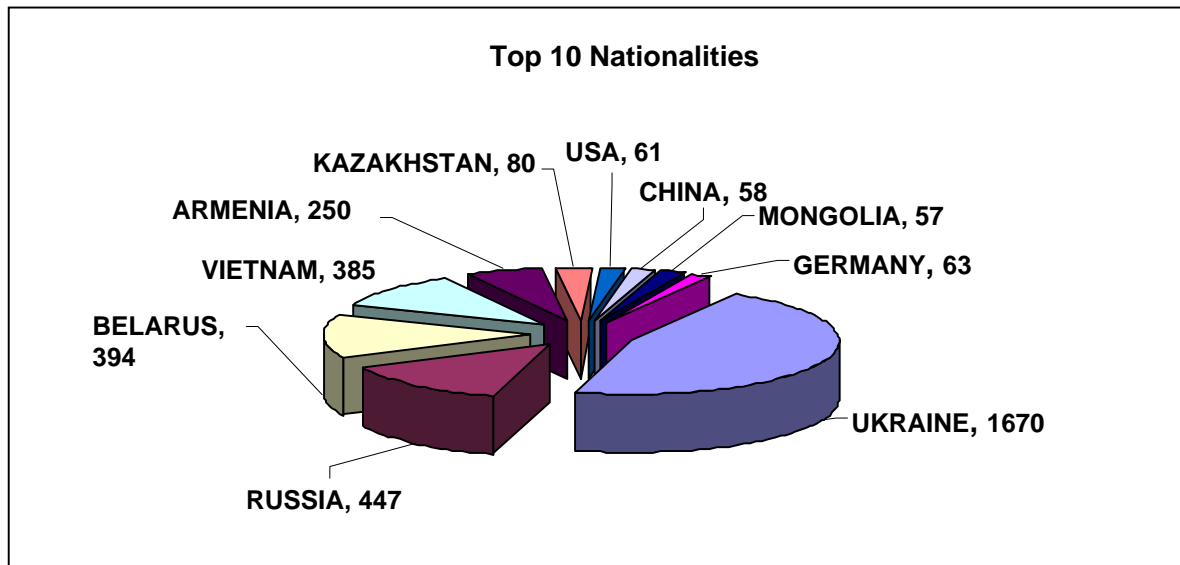
Table 10. Settlement permits

Month	Applications lodged	Applications granted
January	383	526
February	448	381
March	605	425
April	529	483
May	392	281
June	418	367
July	430	386
August	409	360
September	375	351
October	376	275
November	356	277
December	448	336
<b>Total</b>	<b>5169</b>	<b>4448</b>

Source: Office for Repatriation and Foreigners data, 2005

As for actual permits granted, temporary residence permits and permits to settle were granted proportionally to the number of applications in a region. And thus, the Governor of Mazovian Voivodeship issued 10507 (94.5%) positive decisions on temporary residence permits and 485 (75.5%) positive decisions on permits to settle. The second largest pool of permits was issued by the Governor of Lower Silesia – 2352 (95.2%) positive decisions on temporary residence permits and 152 (76%) positive decisions on permits to settle.

Figure 5 Settlement permits by nationalities, 2004



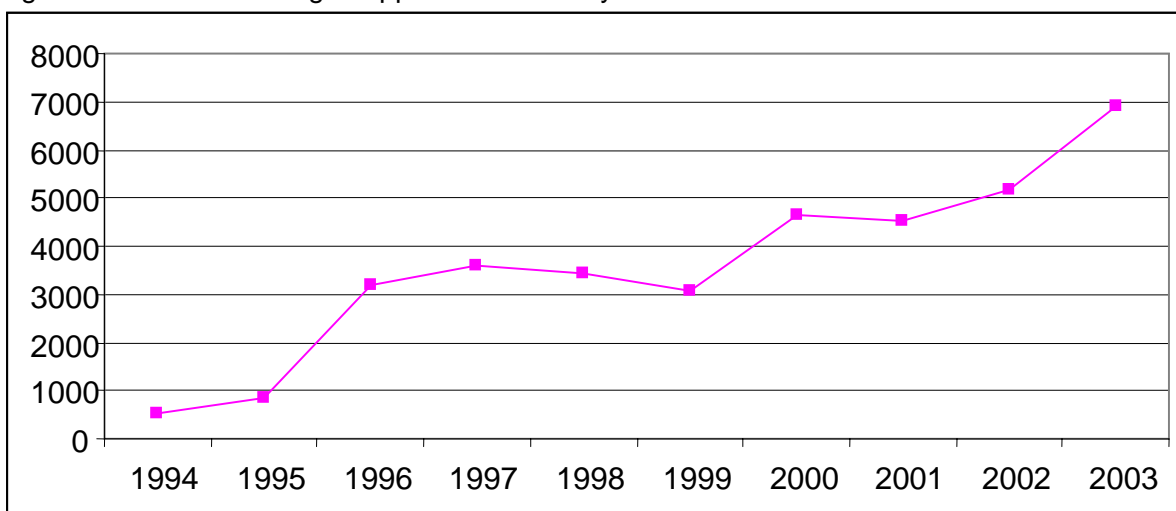
Source: Office for Repatriation and Foreigners data, 2005

## 5. Refugees

The refugee status is granted on the basis of the Act on Providing Protection to Foreigners on the territory of the Republic of Poland of June 13, 2003. The Act does not contain a definition of the refugee, however, it complies with 1951 Geneva Convention and New York Protocol. The refugee status can be granted in Poland if the applicant has not been granted yet a refugee status in any other safe country. The asylum seeker has to apply for the refugee status personally, at the Polish border.

The data presented in fig. 6 concerns applicants and their family members, included in the applications.

Figure 6 Number of refugee applications in the years 1994-2003



Source: Office for Repatriation and Foreigners data, 2005

The number of applications was growing steadily in the last ten years, with the exception of the drop in 1999 which however was immediately replaced by a significant increase in 2000 (right after the beginning of the war in Chechnya). The number of applications increased almost by half in 2003, what could have been caused by the expected Polish accession to the EU or entry in force of the regulation Dublin II. The growing tendency in refugees applications has been confirmed in the year 2004 as well. The number of applications lodged was bigger by 16 per cent in comparison to 2003. In 2004 one significant peak in a growing trend was observed. In April 2004 i.e. a month before the enlargement the number of applications reached almost 1,000 and then, in May, dropped suddenly to 355. However, in the second half of 2004 especially from September the numbers started to grow systematically and, in December 2004 the number of applications lodged exceeded 1,000 (see tab. 11).

The growth of application in Autumn 2004 is explained by Beslan tragedy. At that time thousands of civilians terrified with the threat of being persecuted left Chechnya. Actually, the tragedy in Beslan lies at the core of the first Polish refugee crisis. Since the Chechens apply for the refugee status mainly in Poland, and the law requires the asylum seekers to stay in refugee centers during the procedure, Polish administration reached its logistic capabilities in a few weeks.

As far as nationality of asylum seekers is concerned 2004 was not different then 2003. Again, the asylum seekers from Russia of Chechen origin dominated the flow, amounting to over 7,1 thousand applications, which was almost 89 per cent of all applications. The second and third position was occupied by asylum seekers from Pakistan (only 2.6 per cent), and India (1.85 per cent) - a tendency observed in 2003 and 2002, now more established. Pakistani and Indian nationals replaced Armenians and Afghans who placed top positions of the list at the end of the 1990s.. In 2004, asylum seekers from Ukraine (52) and Afghanistan (40) were on the fifth and sixth position.

Table 11 Number of refugee status applications in 2004

<b>MONTH</b>	<b>APPLICATIONS</b>
January	435
February	379
March	505
April	982
May	355
June	433
July	630
August	573
September	942
October	852
November	958
December	1035
<b>TOTAL</b>	<b>8079</b>

Source: Office for Repatriation and Foreigners, 2005

As in previous years, positive decisions on refugee status constituted around three per cent of the total number of applications in 2004. Positive decisions in 2004 amounted to 315 whereas in 2003 positive decisions were granted to 243 persons.

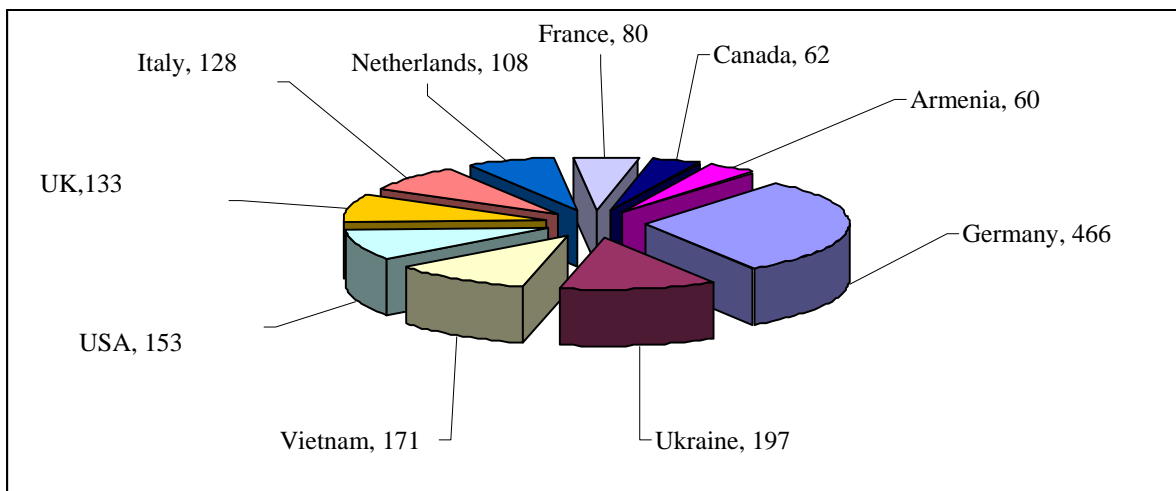
In compliance with the Act of June 15, 2003, concerning granting protection to aliens on Polish territory, an asylum seeker can be granted tolerated status, i.e. s/he is not considered a refugee in the understanding of Geneva Convention, but cannot be expelled to his/her country of origin (*non-refoulement principle*). The tolerated status gives a right to work (without work permit), entitles to social welfare, medical care and education in Poland. Since September 2003, tolerated status is granted and it is granted more eagerly than a refugee status. Between September and December 2003 72 positive decisions on tolerated status were issued, whereas in 2004 tolerated status was granted to 1097 persons (among them 870 persons were refused a refugee status before).

### 5. Mixed marriages

Another interesting trend as far as legal immigration to Poland is concerned is the phenomenon of mixed marriages. In 2004 Poles contracted 4080 mixed marriages what constituted a small growth (by less than three per cent) in comparison to 2003. Among this number marriages of Polish women to foreign men prevailed. They constituted almost 59 per cent of all mixed marriages (see fig. 7).

Although, as in 2003 Polish women married mainly citizens of EU-15 (47 per cent), the number of foreign husbands from 'old Europe' dropped by five points. More interestingly, drops in mixed marriages between Polish women and Ukrainian and Russian men were also recorded in 2004. In the first case, there were 250 marriages in 2003 and 197 in 2004, in case of the latter there were 53 cases in 2003 and 37 in 2004. Surprisingly however, the number of marriages between Polish women and Vietnamese men grew by 234 per cent, from 73 cases in 2003 to 171 in 2004

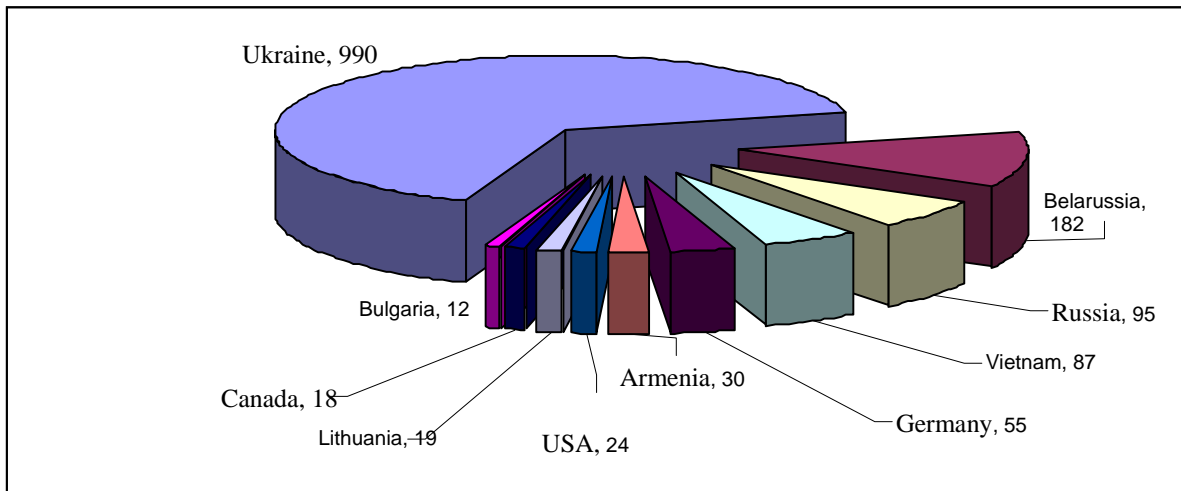
Figure 7 Mixed marriages: Polish wife-Foreign husband, 10 top countries, 2004



Source: Central Statistical Office, Warsaw, CSO, 2005

As far as mixed marriages between Polish men and foreign women are concerned, the total number of these marriages dropped by two per cent in 2004 (from 1709 in 2003 to 1687 in 2004) (see fig. 8). Although, as in previous years Polish men married mainly Ukrainian women (almost 50 per cent), the numbers were declining (from 1 327 in 2003 to 990 in 2004). The declining tendency in mixed marriages was also observed between Polish men and Belarussian and Russian women. As it was observed in case of marriages of Polish women, the number of marriages between Polish men and Vietnamese women grew in 2004 as well by almost 65 per cent. It is impossible to say what percentage of these marriages is false (if any), but such rapidly increasing trends may suggest that some fraction of these marriages may be fake.

Figure 8 Mixed marriages: Polish husband-Foreign wife, 10 top countries, 2004



Source: Central Statistical Office, Warsaw, CSO, 2005

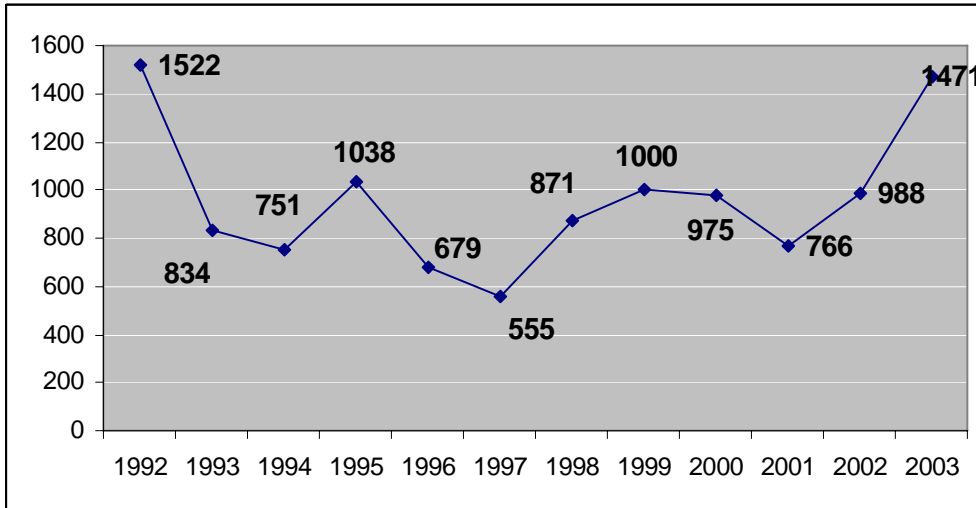
## 6. Citizenship Applications

According to art.8.1 of the Act on Citizenship from 1962, a foreigner can be granted Polish citizenship if s/he has resided on the Polish territory at least 5 years on the basis of the permit to settle. However, art. 8.2 of the Act sets forth an exception from the 5-year-residence requirement by stating that in exceptionally justified cases, not included in the Act, a foreigner can be granted Polish citizenship even if the above requirements are not met. It pertains not only to a foreigner residing in Poland shorter than 5 years on the basis of the permit to settle, but also to a foreigner who does not stay in Poland, but who is resident abroad. In this case all applications are considered individually by the President of the Republic of Poland. A supplementary opinion about the given case is provided by the President of the Office for Repatriation and Foreigners. If the Polish citizenship is granted, it is extended also to the children of the applicants; if the child is over 16, s/he must decide in favour or against of becoming Polish citizen. In 2004, the number of applications for citizenship reached almost 4000<sup>2</sup>.

Over the past 11 years, the number of the citizenships based on the Article 8 of the Act underwent quite a few fluctuations (see fig. 9).

<sup>2</sup> Till 18 November 2005

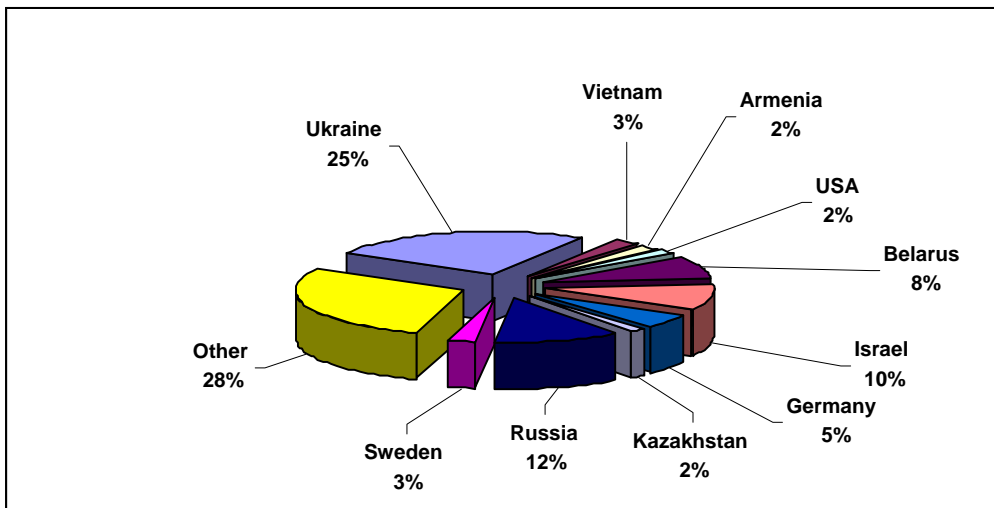
Figure 9 Number of approved application for Polish citizenship 1992-2003



Source: Office for Repatriation and Foreigners, 2005

What is important, it seems that the number of approved applications is growing again to the level of 1992. This might be combined with the growing number of foreigners, who finally can meet the 5-year residence requirement. As far as the top nationalities, in 2003 Polish citizenship was granted 1471, primarily to the nationals of Ukraine (426), Lithuania (128), Sweden (105), Belarus (102), Israel (101), Germany (60), Kazakhstan (56), and Russia (51). In 2004, the applications for citizenship came mainly from the nationals of Ukraine (1305), Russia (617), Israel (493), Belarus (419), and Germany (254) (see fig. 10).

Figure 10 Polish citizenship applications, 2004 – top nationalities.



Source: Office for Repatriation and Foreigners, 2005

## FUTURE CONCERNS

For the time being Poland is trying to find its own voice in the EU arena. The official Polish stance on the Interim Lisbon Strategy of 15 March 2005 states clearly that a cancellation of transition periods for workers from EU-10 is a priority for Poland. Temporary migration is treated to some extent as a factor diminishing problems associated with high unemployment (18 per cent) both structural and regional.

While advocating for free movement of workers policy makers should not forget about the possibility of so-called 'drain brain' migration, i.e. the outflow of Polish forefront specialists, that may occur as a side-effect of opening of labour markets for Poles. Therefore in the field of emigration, migration policy should take into account demographic forecasts for Poland in relation to the protection of Poland's human and intellectual potential by creating conditions unfavourable to emigration by young people and specialists important to the Polish economy and science.

In the field of immigration there seems to be in my opinion two issues of deeper concern for Polish policy makers. First one is connected with a difficulty being a EU border country, and a country absorbing flows of transit, temporary and permanent migrants from its Eastern neighborhoods mainly.

The closest neighborhood of Poland is composed by the countries going through a difficult phase of their economic development and with significant migration potential. These countries will not become EU members for the next 20-25 years. This concerns especially Ukraine, which with its 50 million inhabitants, deep economic crisis, and language and historical ties with Poland is the largest "exporter" of immigrants to Poland.

A serious threat to the internal security of Poland in the context of human migration is the non-existence of a readmission agreement with Russia. Destabilization caused by war, terrorism, ecological disasters etc. can enhance the volume of migration from third countries through Russia. Poland, as the border EU country can face thus a very difficult problem for internal security.

A second issue is connected with the growing presence of legal and irregular immigrants in Poland and a lack of integration policy in the country. As we know even traditionally immigrant countries are determined in their approach to immigration by history and tradition, which can cause ethnic and racial tensions. From this perspective, the challenges facing the totally inexperienced Polish migration policy are enormous; especially that under this policy certain types of migrants, especially refugees, have been already allowed to fall into the socio-economic margins, and that a significant shadow zone of immigration has already been formed. What model of integration will be elaborated by the Polish state? What model will be affordable? Will the growing number of migrants cause the increase of xenophobic attitudes in Polish society, which is not used to live side by side with foreign cultures, and which can feel threatened demographically, economically, or culturally?

Indeed, further analysis of population trends in this part of Europe is an alluring prospect for all those dealing with immigration issues.

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## Center for International Relations

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