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**STRATEGIES OF DEVELOPMENT
OF POLISH MIGRATION POLICY
CONCERNING LEGAL LABOUR MIGRATION
FOR 2007-2012**

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STRATEGIES OF DEVELOPMENT OF POLISH MIGRATION POLICY CONCERNING LEGAL LABOUR MIGRATION FOR 2007-2012

- **Within European migration policy on the legal labour migration governments of the Member States will enjoy a free hand in creation of their own migration policy for a quite long time.**
- **Within national migration policies many Member States of EU 15 silently assume that a demand for low and mid-qualified labour force will be satisfied in the next few years by workers from new Member States.**
- **Within common migration policy it is also assumed that all EU Members have the common migration “past”. Yet this assumption is not correct. Countries of EU 15 have a constant supply of foreign labour force resulting from migration pressure related to uniting of families. New Members States are still „awaiting migration”. Thus:**
 - **At European forum a different past and present experience of new Member States must be clearly indicated as well as possible implications resulting from it for future migration movements in Poland.**
 - **2006 was a first year in which we noted a shortage of labour force in many sectors despite high unemployment rate. These shortages in future will increase. It should not be expected that as a result of opening the labour market by Poland for citizens of new Member States they will come to us in near future**

In order not to fight a losing battle in the common European quest for legal labour force, both low and high qualified, following actions must be taken within internal policies:

- trying to collect as exact data as possible on present wave of labour migration to countries which opened labour markets for Polish citizens, to UK and Ireland in particular;

- creation of mechanisms which would protect us in future from abusing Polish social security system by Polish labour migrants;

- obtaining a precise information on incentives which are used by institutions in countries that opened labour markets for Poles aiming at supporting our migrants: child benefits, special courses of languages in schools – both local and mother tongue, help in taking out a mortgage etc. These „start up packages” should be compared to „start up packages” offered in Poland in order to learn whether there is a real possibility to “get back” part of labour migrants;

- Polish permanent representations in countries receiving migrants from Poland should with assistance of national research centers monitor the most recent emigration in order to keep abreast with trends, whether settlement or returning;

- drawing up a complete database concerning spatial mobility in Poland as well as forecast scenarios/models of supply-demand situation of labour markets in Poland in the next 5, 10 and 15 years with account being taken of as many demographic and macroeconomic variables as possible.

In order not to fight a losing battle in common European quest for labour force, both low and high qualified, following actions must be taken within external policies:

- skilful promotion of image of Poland and those factors which are also considered by immigrants at taking decision on settlement, namely friendly and open for aliens society;

- flexible and skilful application of those state instruments which might be decisive for secure and lawful residence of foreigners and their potential naturalization or economic and social marginalization and therefore causing creation of hermetic ethnic minorities. Those instruments are: conditions of obtaining resident status by citizens of third countries, guarantees for uniting of families and finally requirements concerning naturalization.

Additionally:

- For gaining low and mid-qualified labour force an amnesty should be seriously considered as a state's tool which enables illegal immigrants getting out of twilight zone.**
- For gaining high qualified labour force there should be considered profamily incentives for highly qualified specialist, e.g. employment possibility for a spouse or free language courses and professional trainings for members of family.**
- Since foreign students are potentially one of main sources of highly qualified immigrants the quality of Polish universities and professors should be promoted along with highlighting low costs of obtaining EU diploma.**

Communication from the Commission adopted recently by the European Committee of Council of Ministers regarding directions of development of the EU common migration policy¹ *i.a.* suggests necessity of including new areas to this policy which so far were not taken into account in conceptualization thereof. These new areas are the following:

¹ Communication from the Commission to the Council and the European Parliament: The Global Approach to Migration one Year on: Towards a comprehensive European Migration Policy, Brussels, 30.11.2006 COM(2006) 735 final

- legal migration, included in area of both internal and external EU policies, and integration of foreigners,
- taking into account regions sending immigrants located east and south-east of EU,
- taking into account Asia and Latin America as new regions being – in long term – source of immigrants in the EU.

Those points are of particular importance for Poland and other new Member States. They entail that the EU is preparing for increased influx of legal immigrants and they will be searched for mainly in countries located east of Poland. For some of them, especially for the Ukraine, Poland might for the reason of geographical and cultural nearness become a place of lawful occupation or even settlement.

Globalization of trade and labour markets as well as diminishing demographic potential of Europe require regulated opening of borders which are difficult to coexist with restrictions and control of entering which are in force at present. Demographic situation and shortages on labour markets are factors inducing support for the Community policy even by countries as UK which refuses to participate in the common policy in the field of migration, security and defence.

Therefore in old EU Member States it is silently assumed that demand for low and mid qualified labour force in those countries will be met by workers from new Members States coming as a result of EU inner migrations entailed by the next so-called opening of labour markets. Highly qualified personnel will be recruited from third countries.

There is a lot of logic in those assumptions, whether we like it or not. Immigrants doing second-rate jobs and coming from alien cultures in the receiving societies of the Western Europe were associated in the past mainly with pathology of different kind. On the other hand, immigrants doing second-rate jobs without a perspective of promotion felt alienated socially and culturally. Such a situation led to exclusion of a substantial, migrant part of the Western Europe societies, creation of ethnic ghettos and social tensions and hence the crisis of multicultural model. Educated immigrants working at positions compatible with their diplomas were never a problem to Europe. Problem came with poor immigrants. Adopted assumption will reduce, in my opinion, possible cultural tensions. Poles, Lithuanians, Czech or Slovaks integrate easily, religious or cultural conflicts among those new comers and receiving societies are also unlikely.

The drafted common European migration policy heads towards adoption of policy principles of traditional immigrant countries as US, Canada or Australia. Management of labour migration, *i.e.* establishment of recruitment principles and common criteria will move slowly to the level of the Community decision making. The key question should be the ability of not copying the model thinking on migration policy from the national level to the European one². Nonetheless there is no doubt that national governments of Member States will for a long time enjoy a freedom in implementation of their own migration policy.

Thus it is important to reflect on what fresh the new Member States might/should contribute to the debate on EU migration policy. Also, what possible conclusions concerning common migration policy can be drawn for the Polish economic and social policy. This is all the more

² Krystyna Iglicka, *Dylematy Europejskiej Polityki Migracyjnej*, Nowa Europa-Przegląd Natoliński, nr 4/2006, pp.148-164

important that according to the Communication further development of common European policy on labour migration is an essential element which is supposed to lead to an increase of economic benefits of the EU resulting from migration. The EU, thus also Poland.

Actions provided for in the Communication, both within internal and external EU policies, aim i.a. at improvement of the EU as a region receiving legal migrants along with a combat against illegal migration. Apart from making easier access to labour market for certain categories of immigrants, e.g. highly qualified and seasonal workers, it is planned to create the Immigrant Portal, the European Portal of Professional Mobility or the European Portal of Mobility of Scholars. It is also suggested to create in the Member States migration centers which would deal with widely understood promotion of legal employment as well as with assistance in finding it or diffusing information on other forms of professional mobility (e.g. exchange of students) in the UE countries.

There is no doubt that immigrants (both legal and illegal) built economies of countries as US, Canada or Australia. There is also no doubt that after 1945 immigrants contributed to the extremely dynamic growth of economies of the Western Europe. After 2004 opening labour markets by UK, Ireland, Sweden and attracting of hundreds of thousands immigrants (in case of UK and Ireland) from new Member States is an unquestionable success of those countries and their economies.

The Polish economy is growing dynamically too. Immigrants however are not a contributing element. There is a question whether they will ever become one and if so (since almost all experts believe that sooner or later we will become a country of immigration) will those come who will be needed? There is a need of a precise forecast of demand of Polish labour market in short and long term on a basis of existing demographic forecast, assuming a low correlation between needs of labour market for certain professions and a supply of secondary school and university graduates having desired qualifications. In these models and scenarios we must take into account the strong competition of other Member States in their efforts to attract a legal foreign labour force. Thus there is a problem of a proper articulation of our needs and interests as well as realistic evaluation of the situation in Europe.

Foundations of the future common European policy of 27 EU Member States which are being constructed now assume however the common migration “past” of all European countries. There is no such a thing. Immigration to the Western European countries started immediately after 1945. The initial stream of foreign workers was merged with migration of members of their families which created numerous ethnic minorities in the old Member States. Apart from refugees stream of migrations resulting from uniting of families (in a certain sense this is “a source never drying up”) still constitutes an important component of immigration statistics of EU 15. Hence the old EU countries have constant supply of foreign labour force in the form of migration channel related to uniting of families.

The new Member States are still however, as Agnieszka Weinar³ calles them, countries “awaiting immigration”. The Common Census of Poland in 2002 noted merely around 40.000 of legal immigrants in our country and estimates of illegal immigrants do not exceed a few dozen of thousands (they should not be confused with labour migrants working illegally in Poland since most of them stay in Poland on a basis of valid visas and do not extend a residence over the time period resulting from visas).

³ Agnieszka Weinar, *Europeizacja polskiej polityki wobec cudzoziemców 1990-2003*, CSM-Scholar, 2006

There is no doubt that the Central European countries which for demographic reasons are for the moment a reservoir of labour force doing jobs requiring low or mid qualifications in EU-15 in a near future will need people to work. 2006 was the first year in which we noted shortages of labour force in many sectors despite high unemployment rate.

These shortages in future will increase. Financial incentives in the form of „birth benefits” or lengthening maternal leaves will not make Polish women give birth to the amount of children eliminating need of immigrants. Profamily policy should be accompanied by an increase of public financial expenditure for child care system or for an increase of professional activity of women. It is however costly and governments of the old Member States discovered a long time ago that an easier and cheaper way is a proper supply of foreign labour force.

Now this legal influx is supposed to be managed within common external migration policy. One should not be under illusion that dynamic economic growth will bring a miracle and during next 5 years wages in Poland will increase and costs of labour decrease to the extent that we will become more attractive country than Germany, UK, France or Ireland, as far as legal employment is concerned, for Ukrainians, Russians, Vietnamese, Chinese or Armenians.

Opening labour markets for seasonal workers from the Ukraine took place, in my opinion, a few years too late. Research on immigrant preferences of Ukrainians⁴ indicate that Poland is now located 6th after Russia, Germany, Spain, Italy and Portugal. One should not be under another illusion that within common migration internal policy Bulgarians or Romanians will come to us as a result of opening labour market. Conclusions should be drawn now with a special attention to circumstances which decided that in such geographically and culturally remote countries as Spain and Portugal, migrants from the Ukraine show not only preference to this direction but actually significant number of them already is there, in some regions squeezing out migrants from Maghreb.

In the European forum there must be underlined a different past and present migration experience of the new Member States and its consequences for future. Passive stance during drafting guidelines concerning EU common migration policy may deprive us of chances to attract legal immigrants having qualifications which Polish economy might need. Immigrants who, according to the assumptions, were supposed to increase benefits of migration in all partner countries.

What makes me to draw such a radical conclusion? In 1999-2003, *i.e.* in years preceding accession of Poland to the EU, the Polish migration policy was a reactive one and which was based to significant extent on adoption of the whole European legal framework, as well as on fulfilling obligations resulting from enlargement and from being the border EU country. As Agnieszka Weiner asserts „...a role of political elites was important in this process, who relying on acquired knowledge – tried to make a policy of lack of policy and of discouraging long term immigrants in order to avoid complications related to phenomenon of settlement

⁴ Olena Malynowska, *Trans-border Migration of the Population of the Ukrainian Western Frontier Areas in the Context of EU Enlargement*, in: K. Gmaj, K. Iglicka (red), *Transnational Migration-Dilemmas*, CSM, Warszawa, 2006

migration”⁵. This reactive policy may be explained by a lack of experience, a lack of significant number of immigrants and finally a necessity of fulfillment of obligation resulting from *acqui communitare*. Now however, being the country enjoying full rights of the EU membership, it is worthwhile to think what advantages can result from the possibility of co-creation of the EU migration policy? It is also worth remembering that the migration policy is a sensitive instrument, also one of the most susceptible to the influence of national interests, not merely economic but also of security, of terrorist threat, of ethnic tensions and differing in each of Member States.

Actions which are supposed to precede activity of the state in migration area should provide us with knowledge on state of play and our needs as completely as possible. This knowledge should be based not on occasional and superficial analyses or results of soft quality research. The state should have at its disposal hard instruments in the form of specific knowledge.

First and foremost there should be drawn up a possibly complete database concerning spatial mobility in Poland. Such a database should be well managed and updated. For the moment statistical data on migration are in hands of many centers, various institutions differently define a notion of emigrant and immigrant, in various files existing categories of immigrants are not grouped according to even basic demographic and social characteristics, a part of data comes with a great delay, a part of it is unavailable – it renders a complex look at migration to Poland impossible.

Then within preparatory works there should be constructed the forecast scenarios/models of supply-demand situation of labour markets in Poland in the next 5, 10 and 15 years with account being taken of as many demographic and macroeconomic variables as possible.

Since the common migration policy is supposed to be based on *i.a.* solidarity of Member States in my opinion it is important for Poland to make pressure to improve registration of present streams of labour migration in receiving countries, especially in UK and Ireland, which would allow more precise estimates regarding the latest wave of emigration.

UK and Ireland opened their labour markets but without granting a full social security. Only those who worked over a year may receive social benefits. It is believed however that some of labour emigrants collect social benefits in Poland. There must then be created such a mechanism (based on statistical data as full as possible) which would prevent from incurring such additional costs in future.

It is also important to learn of incentives applied in UK and Ireland to support our immigrants: child benefits, special courses of languages in schools – both local and mother tongue, making obtaining a loan easier etc. These „start up packages” should be compared to „start up packages” offered in Poland in order to learn whether there is a real possibility to “get back” part of labour migrants.

Polish permanent representations in countries receiving migrants from Poland should with assistance of national research centers monitor the most recent emigration in order to keep abreast with trends, whether settlement or returning.

⁵ A. Weinar, *ibidem*, p. 222

Bearing in mind that Poland for a long time will not be a country where foreigners will push their way since they might obtain higher salaries and better social security elsewhere, Poland should skillfully promote its image and those factors which are also considered by immigrants at taking decision on settlement, namely friendly and open for aliens society.

Results of various international researches indicate that Poland – having a significant emigration experience and little contacts with immigrants - is more open for receiving foreigners, just as other new Member States⁶. The CBOS survey regarding acceptance for foreigners in Poland in various fields of social life indicate that the great majority of respondents (depending on year of research from 60 to 70 percent) would not mind to have a foreigner as a closest neighbour, doctor, child's teacher, daughter-in-law or son-in-law⁷. An attitude of media to immigrants in Poland has also changed. Maciej Mrozowski doing research on image of immigrants in the Polish press in 1996 and 2002 points out that „...*when it turned out that there is no threat of flood of foreigners, a time has come (in media – note of K.I.) for reflection, calming down and growing accustomed to this phenomenon. They started to notice 'a human face' of foreigners and 'being different' has become a reviving and enriching factor of our culture. As a result after public frightening by foreigners in texts from 1996 in 2002 one may notice elements of idealization*”⁸.

Certainly, an attitude to aliens depends to significant extent on their number in the receiving society but it is a good background if at initial stage of immigration there is an immigrant friendly atmosphere. So is in Poland. It is also important to learn a lesson from the recent European experience related to crisis of multicultural society. It looks Poland is learning such a lesson. In my opinion it seems natural and reasonable that for the reason of geographical and cultural nearness immigrants will come to Poland from our nearest neighbourhood. It also seems that Poland silently assumes that those migrants will do jobs requiring low and middle qualifications. There is another assumption of potential migration to Poland of ethnic Poles from the former USSR what would help to avoid ethnic tensions. There is an open-ended question what actions should be taken in order not to fight a losing battle in the common European quest for labour force from the East. How to make come to us and work engineers, doctors, IT people and nurses when we will need them? According to the logic of the common migration policy recruitment of the highly qualified labour force for the EU will be made not only in the Eastern Europe but in the long term also in Asia and Latin America.

We must reflect then what migration policy might be favourable to the long term immigration and integration of immigrants. There are many of such instruments. And those state instruments are decisive for secure and lawful residence of foreigners and their potential naturalization or, by contrast, an economic and social marginalization and therefore creating ethnic minorities. Those instruments might be also used when immigrants will come from totally alien cultures and religions.

For instance criteria and time period might be shortened after which employed citizens of the third countries legally staying in the EU may apply for residence status. Now such a period is 3-5 years depending on the country. In case of persons from the third countries being unemployed this period is 5-8 years depending on the country. Those criteria in different

⁶ Vienna Institute for Monitoring Racism and Xenophobia Report, 2004.

⁷ Aktualne problemy i wydarzenia. CBOS – różne lata (Present problems and events. CBOS – different years)

⁸ Maciej Mrozowski, *Obrazy cudzoziemców i imigrantów w Polsce*, in: K. Iglicka (ed), *Integracja czy Dyskryminacja. Polskie wyzwania i dylematy u progu wielokulturowości*, Warszawa, ISP, 2003

countries may be applied in a simple short procedure without any costs for applicants or in an arduous and costly bureaucratic procedure during which applicant must take so called integration tests and prove a sufficiently good material status⁹.

An instrument having a similar effect is a guarantee of uniting families in case the citizens of third countries stay legally in the EU. In this respect it is possible to apply various criteria and time periods which decide whether a country is considered favourable, less favourable or unfriendly to immigrants. Finally, there is a possibility of obtaining a citizenship of a country. Different options may apply: from automatic granting of citizenship to the second and third generation of immigrants upon the moment of birth to a legally required continuous time period of stay in this country from the moment of birth of immigrants of the second and third generation. In case of first generation of immigrants the time period after which one may apply for a citizenship is from 3 to more than 5 years¹⁰.

An active migration policy of the Polish state in the management of labour migration should also include creation of profamily incentives for highly qualified specialists (e.g. employment possibility for a spouse or free language courses and professional trainings for members of family).

An amnesty should be also seriously considered as a state's tool which enables illegal immigrants getting out of twilight zone. Southern European research indicates¹¹ that in case of Ukrainians after regulatory proceedings in those countries it was noted that many of them moved from illegal to legal sector of the labour market.

Statistics on foreign students in Poland are worth noting. It is a group that is increasing and which is attracted by lower tuition fees at universities, especially in case of the most expensive studies like med schools. In this group a percentage of students of Polish descent is systematically decreasing (53% in 2001/2002 and 37% in 2005/2006). The most of foreign students come from the Ukraine, Belarus, US and Norway. This group is potentially one of main sources of highly qualified immigrants in Poland. This group does not require costly integration programs since integration process is taking place automatically during studies. It is worthwhile then to promote Poland, the quality of Polish universities and professors along with highlighting low costs of obtaining university degree being the EU diploma.

Lack of bold but well-thought-out and based on knowledge actions in the migration policy may lead to the situation when Poland will be chosen by those legal workers who failed elsewhere, or we will be a country of mostly illegal migrants who had no opportunity or courage to go further west.

⁹ Jan Niessen, Maria Jose Peiro i Yongmi Schibel, *Civic citizenship and imigrant inclusion*, MPG, Brussels, 2005

¹⁰ Ibidem

¹¹ Nicholas P. Glytsos, *The Impact of Illegal Immigration on the Employment and Incomes of Natives, with Reference to Greece*, at www.csm.org.pl

THE CENTER FOR INTERNATIONAL RELATIONS (CIR)
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