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Polish Migration Policy in the Context of the Migration Crisis

Abstract

The migration crisis of 2015 has left its mark on many EU countries. Some, such as Greece or Spain, were countries on the front line. Others, namely Germany, Great Britain, and Sweden became destination countries for many newcomers. Some, like the countries of the Visegrad Group, opposed the actions and decisions of the EU made in the face of the crisis. European solidarity has become a big question mark and we can observe a serious upsetting of the whole integration project which is, of course, up for discussion. This state of affairs consisted of the attitudes towards the crises of such countries as Poland or Hungary, where anti-immigration and populist parties came to power, creating a vision of flexible solidarity on the European political scene. The purpose of this article is to analyse the Polish migration policy, show the direction of the changes in its construction along with the change of government and the societal reaction to strangers, as a direct result of actions taken by the ruling parties. It is important to understand the political, economic and social context of the changes occurring in the social consciousness and to attempt to formulate a forecast for the future.

Keywords: Migration, Refugees, Migration Crisis, Migration Policy, Poland, Flexible Solidarity

Introduction

The migration crisis of 2015 has left its mark on many EU countries. Some, like Greece and Spain, were countries on the front line. Others, such as Germany, Great Britain and Sweden, were the destination countries

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for many newcomers. Some, like the Visegrád Group, were countries that contested the actions and decisions of the EU in the face of the crisis.

The purpose of this article is to analyse the Polish migration policy implemented over the last 10 years and to show the direction of the changes in its construction. The author takes the liberty of arguing that the activities of the current Polish government of the Law and Justice party (*Prawo i Sprawiedliwość*) aim to implement a populist migration policy based on inciting the fear of strangers, which has dominated many political scenes in recent years. The main questions formulated in the context of the presented problem were: how were the objectives of this policy formulated before the migration crisis, during the coalition of the Civic Platform (*Platforma Obywatelska*) and the Polish People's Party (*Polskie Stronnictwo Ludowe*) coalition? How did the migration crisis affect the Polish society? What is the proposed direction of the changes in migration policy suggested by the government of Law and Justice as a result of these events? What is the role of the ruling parties and media (largely controlled by these parties) in shaping social attitudes? The attempt to formulate answers to such questions necessitated the use of research methods such as the comparative method and decision analysis.

Formation of the Polish Migration Policy After 1989

In 1989, after the political change, Poland faced large migration flows for the first time since the Second World War. As a result of social and political changes and processes related to the liberalisation of the rules of entry and stay for foreigners on the territory of the Republic of Poland, Poland became a transit or destination country for certain national groups. The 1990s brought a significant influx of citizens of the former USSR and Vietnam, as well as Romanian Roma. Poland was not prepared for such events, with no procedures and legal regulations in place concerning the admission of foreigners, and moreover it had not participated in the creation of international standards and regulations in this respect. The external situation of Poland was also quite complicated. We had to take into account the influx of migrants and refugees on the eastern border, who could come as a result of the threats arising from the uncontrolled disintegration of the USSR, while the western border with Germany constituted a route of illegal migration, which Poland did not have institutional, logistic and legal systems to face.

In the above situation, Poland did not have the time and conditions to create its own migration policy in the way it could be done by European countries with long migration traditions. Even if other models of creating

such a policy were known, there were no financial resources, experts or infrastructure to quickly implement them on the Polish soil. Poland was “learning” migration and reacted spontaneously to phenomena rather than creatively created its own policy. The Polish society, unfamiliar with migration problems, was not interested in them, as were the NGOs that were only being established at the time and had not yet acknowledged this problem as one within their sphere of interest. Solutions and decisions initiated by authorized institutions and structures took place without social consultations and public discussion. Their aim was temporary: to stabilise the migration situation in the country, create legal bases for admitting foreigners, guarantee the basic human rights and find safe places for them to stay for the duration of refugee procedures.

In 1998 Poland started accession negotiations with the EU and entered the period of adaptation of the Polish law to the EU *acquis*, also with regard to dealing with various groups of foreigners. This process ended with the adoption of two key acts in 2003: the Act on Foreigners and the Act on granting protection to foreigners within the territory of the Republic of Poland.¹

This major effort to bring Polish law in line with EU standards and norms was made in a relatively short period of time, with full focus on the EU dimension. There was not enough time and “intuition” to build up those aspects of migration policy which are not in the sphere of community interest, but are extremely important from the point of view of the country: analytical and forecasting works which would allow for planning migration and its directions, and then pragmatic and effective management and integration activities.

Poland’s accession to the EU posed new challenges for the Polish authorities. Mass labour migration of Poles began as countries opened their labour markets to them one by one after the transition period. According to GUS (the Central Statistical Office of Poland) estimates, in 2008 there were over 2.3 million new migrants living outside Poland, of which about 1.8 million in the EU Member States.² The scale of the phenomenon made it necessary to undertake actions aimed at protecting the interests of Polish citizens remaining abroad. At the same time, since mainly young people with good professional qualifications left the country,

¹ The Act of 13th June 2003 on Foreigners, Journal of Laws of 2003, no. 128, item 1175; The Act of 13th June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Journal of Laws of 2003 no. 128, item 1176.

² Information on the size and directions of emigration from Poland in the years 2004–2008, GUS, https://stat.gov.pl/cps/rde/xbcr/gus/lud_infor_o_rozm_i_kierunk_emigra_z_polski_w_latach_2004_2008.pdf (access 5.06.2019).

it was considered appropriate to focus on supporting return migration. And because such mass migrations devastated the Polish labour market, there was a demand for work of foreigners.

This was the political, social and economic background of the Polish migration policy, which was started by the liberal government of the Civic Platform for Polish People's Republic (PO/PSL) to present a document entitled: „The migration policy of Poland – the current state of affairs and proposed actions”³ for public consultation in 2012.

The Principles of the Polish Migration Policy Before the Crisis of 2015

The emigration of Poles as a result of the opening of European labour markets and the inflow of foreigners to Poland as a result of political changes and accession make it possible to assess the state of migration in our country. In recent years, Poland has not become a net migration country. This might suggest that the creation of a coherent migration policy planned for years ahead is not as important in Poland as in the case of European countries with past and present migration. However, it is necessary to take into account the circumstances which may in the near future intensify the need to regulate this sphere of policy and create prospects for the future.

The demographic situation in Poland and the growing needs of the labour market make it necessary to open up to foreigners, mainly to newcomers from the eastern border, due to their cultural proximity. Polish employers are putting pressure on the teams in power to liberalise access to the Polish labour market. Past experience shows that foreign workers play a complementary role on this market by taking up jobs that are not attractive for domestic workers, or where their unique competences constitute significant added value. Therefore, the argument about depriving Polish citizens of jobs is devoid of any *raison d'être*. This confirms the dual labour market theory.⁴ Those who work legally in Poland pay social security contributions, thus strengthening the social system, and while living in Poland they spend money here, thus improving the national budget. Creating controlled channels of inflow of migrants and looking ahead in this context seems extremely desirable. In addition, the international situation and Poland's international obligations may

³ *Polityka migracyjna Polski – stan obecny i postulowane działania (The migration policy of Poland – the current state of affairs and proposed actions)*, Warszawa 2012.

⁴ P.B. Doeringer, M.J. Piore, *Internal Labor Markets and Manpower Analysis*, M. E. Sharp, New York 1971.

repeatedly make it necessary to confront the need to provide protection and assistance to refugees, and without thorough legal, institutional and social preparations, an efficient solution to the problems may prove impossible to find.

The discussion on the admission of foreigners to a given country revolves around two aspects: security and the needs of the labour market. Depending on the political option, the first or the second aspect becomes superior. In the case of Poland and the liberal government PO/PSL, which was in power in 2007–2015, the migration policy was subordinated to the labour market. The programme document „Migration Policy of Poland...” identified the positive and negative effects of migration. The analysed programme document puts emphasis on the preparation of medium- and long-term migration policy so as to supplement the shortages of labour force on the Polish labour market, resulting from the demographic situation and emigration. The experience of other countries in a similar situation much earlier makes it obvious that migration can only alleviate the lack, and not resolve it permanently. Moreover, social problems which may occur as a result of the change in the ethnic structure and, as a consequence, the undermining of social cohesion, also require attention.⁵ Such phenomena may occur in particular in countries such as Poland, where the national structure is extremely homogeneous: 97% of the population is Polish.⁶

Among the recommendations formulated by the previous political option, it is worth noting opening the access to the labour market for foreigners legally residing in Poland, the development of a simplified mechanism for taking up employment in Poland (a system of employer’s declarations on entrusting work to a foreigner instead of a work permit), the creation of an active system for attracting foreign workers (bilateral international agreements) and finally facilitating access to the labour market for graduates of Polish universities, highly qualified employees and foreigners with desirable professional qualifications. The trend of inclusion of foreigners studying here into the Polish labour market is particularly interesting and worth investing in. In the academic year

⁵ *Raport “Polska 2030 – strategie, oczekiwania, opracowania” (Poland 2030 – strategies, expectations, studies)*, p. 81, <http://polska2030.pl/dlugookresowa-strategia-rozwoju-kraju-polska-2030-trzecia-fala-nowoczesnosci/#comment-1263> (access 10.07.2019).

⁶ *National, ethnic, linguistic and religious structure of the Polish population. National Population and Housing Census of 2011*, GUS, Warszawa 2015, p. 74, <https://stat.gov.pl/spisy-powszechne/nsp-2011/nsp-2011-wyniki/struktura-narodowo-etniczna-jezykowa-i-wyznaniowa-ludnosci-polski-nsp-2011%2C22%2C1.html> (access 10.07.2019).

2016/17, 65 793 foreign students from 166 countries studied in Poland. Since 2005, the number of foreign students has consistently increased at Polish universities and now constitutes 4.88% of the total number of students (eight years ago there were only 0.61% of them). The dominant group of foreigners at Polish universities are students from Ukraine and Belarus. In the academic year 2016/17, 35,584 Ukrainians and 5,119 Belarusians studied in Poland. The constant increase in the number of students from these countries results, among others, from a similar culture, close neighbourhood and Poland's membership in the EU.⁷ These young people are very well acquainted with the Polish reality, know the language, already have friends here and the process of their integration is extremely promising.

In their recommendations, the authors of the Polish migration policy draft also indicated that this policy plan takes into account special provisions for foreigners of Polish origin who, as a result of various historical turmoil (changes of borders, politically motivated exile), found themselves outside the territory of Poland. Their potential has been particularly worth utilising and the obligations of the state towards this group of foreigners are unusual.

The attitudes of the liberal government of PO/PSL towards foreigners, including refugees, were positive and politically correct. One of the PSL politicians, Eugeniusz Kłopotek, MP, spoke in one of the interviews about the admission of 7,000 refugees, which Prime Minister Ewa Kopacz declared during the refugee crisis of 2015: „If these people are to muddle our values, what values are these?”⁸ The politician has thus raised an extremely important issue of European values, which we so often refer to, which we so often hide behind and which we disregard in so many politically convenient cases. The Prime Minister of the government of the coalition PO/PSL Ewa Kopacz, who was a guest of the 25th Economic Forum in Krynica-Zdrój, devoted her speech, among others, to the issue of refugees – „This is an issue for the whole of Europe and solidarity of the whole Europe. It is our duty to accept those who are fleeing in defence of their lives.”, she said. „We benefited, and very much so, from the solidarity with our friends, partners from Europe, when we ourselves

⁷ *Raport “Studenci zagraniczni w Polsce” (Foreign students in Poland)*, Study In Poland, http://www.studyinpoland.pl/konsorcjum/index.php?option=com_content&view=article&id=14515:raport-studenci-zagraniczy-w-polsce-2017&catid=258:145-newsletter-2017&Itemid=100284 (access 10.10.2019).

⁸ Interview with Eugeniusz Kłopotek, Salon polityczny Trójki, 25.09.2015, <https://www.polskieradio.pl/5/3/Artykul/1509846,Szczyt-UE-miliard-dla-uchodzcow-hot-spoty-i-ochrona-granic> (access 11.07.2019).

were refugees. Today, we must not forget this. We must not be insensitive to the misfortune which the media show every day”.⁹ The Prime Minister stressed then that it is necessary for this solidarity to be responsible, taking into account the financial and logistical possibilities as well as the „emotions” of Polish society.

The Migration Crisis and Responses of the Countries of the Region

According to Eurostat data, 1.2 million people applied for asylum in the European Union in 2015.¹⁰ The most in Germany, Hungary and Sweden.¹¹ The intense pace at which the refugees were arrival and the unpreparedness on the part of EU Member States caused chaos, political and social unrest, and finally hastily and not always correctly made decisions.

As part of the European Program on Migration adopted in 2015,¹² the first concrete measures were taken – relocation of 40,000 people from Greece and Italy was agreed upon (decision of May 2015) and 120,000 (decision of September 2015) and resettlement of 20 thousand people from outside the EU within 2 years. These decisions were strongly criticized by the Visegrad Group (V4), including Poland. Admittedly, the government of the Civic Platform, at the end of its term, agreed to accept the 7,000. people allocated to Poland to be relocated, but the Prime Minister of the new right-wing government formed by Law and Justice after the parliamentary election (25/10/2015), Beata Szydło, questioned the refugee allocation “imposed” on Poland.

When analysing the position of the Visegrad Group in the context of the refugee crisis we have to mention about September 2016, when an informal summit of EU countries took place, during which the V4 prime

⁹ M. Kareńska, *Premier Ewa Kopacz gościem XXV Forum Ekonomicznego (Prime Minister Ewa Kopacz as a guest of the 25th Economic Forum)*, Salon24, 14.09.2015, <https://www.salon24.pl/u/margaretkarenmtv24/668897,premier-ewa-kopacz-gosciem-xxv-forum-ekonomicznego> (access 13.07.2019).

¹⁰ *Asylum in the EU Member States. Record number of over 1.2 million first time asylum seekers registered in 2015*, eurostat newsrelease, no. 44/2016, 4 March 2016, <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6> (access 6.07.2015).

¹¹ *Ibidem*.

¹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *European Migration Program*, Brussels, 13.05.2015, <https://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:52015DC0240&from=EN> (access 6.07.2019).

ministers presented the concept of „flexible solidarity” in the context of solving the refugee crisis. It assumes that the Member States themselves – taking into account their potential and experience – would decide on the form in which they will participate in the EU migration policy and solve the refugee crisis, and that participation in refugee distribution programs should be voluntary and dependent on the given country’s ability.¹³ The V4 Group upholds this position to this day.

Foreigners in Poland and Poles Abroad as Recipients of the Country’s Migration Policy

The analysis of the situation of foreigners in Poland should start with defining the very concept in the Polish law and determining the number of people being analysed.

According to art. 3 of the Act on Foreigners of December 12, 2013, „a foreigner is any person who does not hold Polish citizenship”.¹⁴ According to art. 5 of this act, a foreigner who is a citizen of two or more countries is treated as a citizen of the country whose document he used when entering the territory of the Republic of Poland.

In connection with Poland’s accession to the EU and the adoption of community law, in the present article the author distinguishes between foreigners who are EU citizens and have freedom of movement within the EU and foreigners who are citizens of a third country, i.e. a non-EU Member State.

Attempts to estimate the number of foreigners staying in Poland are extremely difficult. This is due to the fact that institutions collecting such data, including The Central Statistical Office and the Office for Foreigners do it in different ways – the Central Statistical Office relies on censuses, and these rely on various types of permits to enter and stay. Still other data are given by the Ministry of Labour and Social Policy, focusing on the number of submitted declarations on entrusting work to a foreigner. Another factor hindering the provision of precise information is that a significant part of migration to Poland is circulating in nature. Added to this is irregular migration (otherwise illegal, taking place without proper

¹³ *Pomysł Grupy Wyszehradzkiej na kryzys migracyjny spodobał się reszcie Unii (The idea of the Visegrad Group for the migration crisis appealed to the rest of the Union)*, *dziennik.pl*, 26.09.2016, <https://wiadomosci.dziennik.pl/swiat/artykuly/531723,pomysl-grupy-wyszehradzkiej-na-kryzys-migracyjny-spodobal-sie-reszcie-unii-to-jedyna-droga-prowadzaca-nas-naprzod.html> (access 11.07.2019).

¹⁴ Act on Foreigners of 13th December 2013, *Journal of Laws of 2013*, no. 128, item 1650.

documents and permits), which leaves no traces in the registers of any institutions.

According to the last census of 2011, 94.83% of the population had Polish citizenship, and 2.26% had both Polish and foreign citizenship.

Data of the Office for Foreigners refer to people who stay in Poland long-term. These are mainly statistics showing the number of valid residence permits held by foreigners. In the case of third-country nationals, the documents confirming the right of residence on the territory of the Republic of Poland are, among others, residence cards issued in connection with a temporary stay, permanent residence, obtaining a long-term EU resident status, as well as refugee status or other forms of protection. According to data as of January 1st, 2019, 372 thousand foreigners had a valid residence permit,¹⁵ including citizens of:

- Ukraine 179 thousand
- Belarus 20 thousand
- Vietnam 12,6 thousand
- India 8,8 thousand
- Georgia 2,9 thousand

The numbers above do not include people staying in Poland on the basis of visas or declarations on entrusting work to a foreigner. This applies in the first place to Ukrainian citizens, whose number in Poland has been growing since 2014. It is difficult to assess with great accuracy the number of Ukrainian citizens currently staying on the territory of Poland. According to the data of the Ministry of Labour and Social Policy, the number of citizens of Ukraine who on December 31, 2017 had valid declarations of intent to employ a foreigner, was 517 thousand, and of people who have a work permit – 208 thousand. About 100 thousand should be added to account for those who stay in Poland permanently and do not need a work permit, as well as those who study or stay in Poland for other reasons. This gives an approximate number of 900,000 migrants from Ukraine staying in Poland at the end of 2017.¹⁶ On top of that, an unspecified number of people working in our country illegally and perishing in the gray zone every day should be added. The estimate from the labor market are reported by 1–1.2 million Ukrainians in Poland.

¹⁵ Office for Foreigners, Annual Report: legalisation of stay 2018, <https://udsc.gov.pl/statystyki/raporty-okresowe/raport-roczny-legalizacja-pobytu/2018-2/> (access 12.07.2019).

¹⁶ See M. Jaroszewicz, *Migracje z Ukrainy do Polski. Stabilizacja trendu (Ukraine to Poland migration. Stabilisation of a trend)*, Raport OSW, no. 10/2018.

Vietnamese immigration is an interesting phenomenon in Poland. Official figures talk about a dozen or so thousand people, but there are probably about 30,000 of them. The first wave of arrivals from Vietnam came to Poland in the 1960s and 1970s to study. Several hundred people remained permanently in Poland and later brought their compatriots.¹⁷

EU citizens registered in Poland come mainly from Germany, Italy, France, Great Britain, Bulgaria and Spain. Due to the freedom of movement of people in the EU, their number is difficult to determine. To illustrate the size of these internal migrations, the Office for Foreigners' data can be cited, according to which in 2017, 24 thousand German citizens registered permanent residence in our country.¹⁸

Refugees constitute a separate group of foreigners in Poland. According to the Office for Foreigners, in the years 2005–2015 the average number of applications for international protection submitted annually amounted to around 9,200, and these were caused by the situation in the international environment.¹⁹ The following years brought on the refugee crisis and its aftermath, which will be discussed in a further part of the article.

An integral element of the country's migration policy, apart from the policy addressed to immigrants, is the emigration policy addressed to Poles and people of Polish origin living outside the country. Their numbers abroad are assessed differently. It results from the use of varied criteria, such as birth in Poland, multi-ethnic origin, knowledge of the Polish language, or the declared sense of ties with the country. It is estimated that 18–20 million Poles and people of Polish origin live outside of Poland. About 30% of this group are Poles born and brought up in Poland, the rest are people of Polish descent with varying degrees of ties to their Polish heritage.²⁰ According to the Central Statistical Office, in 2017 there were 6942 Polonia organizations in the world, through which, along with its diplomatic and consular missions, the government, and specifically the Ministry of Foreign Affairs, which is responsible for the cooperation with the Polish diaspora, supports this group of Poles and people of Polish descent.

¹⁷ J. Operacz, *Ilu ich jest, po co przyjechali? Cudzoziemcy w Polsce (How many are there and why did they come? Foreigners in Poland)*, Aleteia 10.09.2018, <https://pl.aleteia.org/2018/09/10/ilu-ich-jest-po-co-przyjechali-cudzoziemcy-w-polsce> (access 12.07.2019).

¹⁸ *Ibidem*.

¹⁹ *Cudzoziemcy w Polsce. Podręcznik dla funkcjonariuszy publicznych (Foreigners in Poland. A Handbook for Public Officials)*, ed. E. Ostaszewska-Żuk, Helsinki Foundation of Human Rights, Warsaw 2016, p. 19.

²⁰ The government program of cooperation with the Polish diaspora and Poles abroad in the years 2015–2020. Ministry of Foreign Affairs 2015, pp. 3–4, <https://www.ms.gov.pl/resource/70a7021e-304c-4075-a812-18e5b3410966:JCR> (access 12.07.2019).

Changes in the Directions of Shaping the Polish Migration Policy in Response to the Refugee Crisis

The problem of migration has become an important element of the campaign before the parliamentary elections in Poland in 2015. Liberal parties, PO and PSL stressed the demographic situation in Poland and Europe and the labour market needs. The right party's narratives were aimed at presenting migration only in the context of a terrorist threat and lowering the levels of security in the society, and Law and Justice chairman Jaroslaw Kaczynski even went so far as to express publicly that refugees would bring diseases to Poland: „There are symptoms of very dangerous diseases that have not been seen in Europe for a long time: cholera on the Greek islands, dysentery in Vienna, various types of parasites and protozoa, which are not dangerous to the bodies of these people, but can be dangerous here”.²¹ Such anti-immigrant and anti-Muslim narratives were presented to the society.

After coming to power, the government of Law and Justice only further expanded the direction of its migration policy sketched in the election campaign.

As part of ensuring greater security for Polish citizens and avoiding terrorist threats, the Act on granting protection to foreigners on the territory of the Republic of Poland was amended. Information on party, religious and trade union affiliations, as well as information about sexual life was added to information that could be processed in proceedings conducted regarding foreigners (name, surname, country of origin, education, fingerprints). The Act has so far been stuck at the project stage.²² In 2016, the law on counter-terrorism activities was adopted,²³ in which many controversies arise from the provision of secret operations and reconnaissance regarding a foreigner who raises concerns of conducting terrorist activities: obtaining telephone conversations, checking the content of parcels they receive, or acquiring image and sound from public places.

The draft regulation of the Council of Ministers on the relocation of foreigners to Poland for the year of 2016 was prepared in January 2016

²¹ *A statement by J. Kaczyńskiego at the election rally in Maków Mazowiecki*, „Gazeta Wyborcza” 13.10.2015, <http://wyborcza.pl/1,75398,19014711,kaczynski-boi-sie-zarazy.html> (access 7.07.2019)

²² Draft act amending the act on granting protection to foreigners within the territory of the Republic of Poland, <https://bip.kprm.gov.pl/kpr/wykaz/r6014620366284,Projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium> (access 11.07.2019).

²³ Act of 10th June 2016 on anti-terrorist actions, Journal of Laws 2016, item 904.

and concerned the implementation of Council Decision (EU) 2015/1523 of 14th September 2015 establishing provisional measures in the area of international protection for Italy and Greece. It provided for the relocation of 400 people from Greece and Italy and defined the amount of funds to cover the costs of transferring immigrants.²⁴ The project was passed for public consultations, which were not completed, and because it concerned the year 2016 it became pointless.

The Ministry of Interior and Administration has become the body responsible for creating and implementing migration policy. The deputy minister responsible for migration issues, Jakub Skiba, stressed in his speeches that immigrants from the East should be the priority of Polish migration policy due to their cultural closeness, and that repatriation of Poles from the East should be of particular interest. This direction was followed by subsequent changes proposed in the Polish Charter.²⁵ First, the group of people who can use it was expanded. As a result of another amendment of the 2016 Act, holders of the Polish Card who come to Poland with the intention to settle permanently will get a permanent residence card free of charge, after one year they will be eligible to apply for Polish citizenship, and in the meantime will be able to count on assistance during the adaptation period – among others they will be able to apply for a cash benefit to cover the costs of management and current maintenance for a period of up to 9 months, co-financing for renting an apartment, intensive Polish language learning or vocational courses.²⁶ In May 2019, the Act on the Amendment to the Charter extending its operation to all countries of the world was adopted.²⁷ The direction of changes undertaken in this area shows the attitude of the Law and Justice government towards looking for hands to work that are missing from the Polish labour market, among people who can show Polish roots and relationships with Poland. This would avoid opening the door to other „strangers”. According to the new concept, Polish migration policy should be aimed at accepting repatriates and not refugees.

The actions of the Law and Justice government in Poland quickly found a resonance in social reactions. According to the survey conducted

²⁴ Draft of January 12, 2016, Regulation of the Council of Ministers on the relocation of foreigners in 2016, <https://studylibpl.com/doc/916544/projekt-z-dnia-12-stycznia-2016r.-r-o-z-p-o-r-z-a-d-z-e-n..> (access 7.07.2019).

²⁵ The Polish Charter is a document that confirms Polish nationality, but not Polish citizenship.

²⁶ Act of 13th May 2016 on the Amendment to the Act on the Polish Charter, Journal of Laws 2016, item 753.

²⁷ Act of 16th May 2019 on the Amendment to the Act on the Polish Charter, http://orka.sejm.gov.pl/proc8.nsf/ustawy/3362_u.htm (access 7.07.2019).

by the Public Opinion Research Centre (CBOS) published in December 2017, as many as 63% of respondents do not want people who escaped from countries subject to armed conflict to come to Poland. By contrast, 33% of respondents agree. And still, in mid-2015 the situation was reversed. In May of that year, only 21% of respondents were against accepting refugees. As many as 62% were in favour.²⁸ When the survey questions concern the admission of people from the Middle East or Africa, as many as 75% are opposed to it. Only 32% would not like to accept refugees from eastern Ukraine. Poles are therefore reluctant to accept refugees from non-European cultures. The respondents pointed to cultural and religious differences, as well as the possible occurrence of social problems resulting from this, e.g. radical Islam.

Poland's Migration Policy Created by the Law and Justice Government After 2015

Migration challenges and the needs of the labour market have led to the need to address the issue of long-term migration policy. Creating such a policy requires formulating a doctrine, defining goals and adapting instruments to their implementation. It also requires taking into account the geopolitical position and geographical location of Poland.

In December 2016, the Minister of Interior and Administration appointed an intra-ministerial team for the preparation of the new document „Migration policy of Poland”. During several team meetings, such extreme opinions were presented by its members that its operation was suspended in 2017. The reason was the discrepancy in the assessment of priorities: the labour market as opposed to security. Providing for all suggested elements of security in the document did not allow for the implementation and processing of proposals related to the needs of the labour market.

The year 2018 brought about the return to the discussion table. And some features have emerged that had been characteristic of this discussion ever since thinking of the Polish migration policy began. Among them is reactive thinking and action, building strategy as a response to what has already happened and requires a reaction. The experience of countries with long-lasting experience of migration allows us to carry out analyses, conduct targeted research and draw conclusions for our country, and based on that, to build a migration policy the implementation of which will

²⁸ M. Strzałkowski, *Forteca Europa czyli Polacy a uchodźcy i migranci (Fortress Europe, or Poles vs. refugees and migrants)*, Euractiv, 5.06.2018, <https://www.euractiv.pl/section/migracje/news/forteca-europa-czyli-polacy-a-kwestia-uchodzcow-i-migrantow/> (access 7.07.2019).

prevent adverse events instead of solving them temporarily. It is important here to look at migration policy in the long-term, in perspective of 20–30 years which would allow it to stabilize effectively, plan its permanent financing and build a well-thought-out and desired social capital in the country. Assessing the best directions of foreigners' inflow could be the first stage, then offering them competitive terms of residence and work, and finally investing in their integration in the host society. Because you cannot forget about what Max Frisch said many years ago: „(...) we asked for workers and we got people instead”.²⁹ Newcomers not integrated into the host society are a problem that threatens this society as if it was a ticking bomb.

A large group of foreigners undertaking work on the territory of Poland remains outside the registration systems of entry and stay. This situation has led to the start of works on the act on the national register of foreigners and the establishment of a system that would combine all data, taking into account the entire history of the foreigner, from his entry to Poland, through his subsequent stays, employment and benefits received. This would allow them to be monitored and with well prepared analytical activities could be an excellent source of information about the directions, causes and intensification of migration movements. The National Register of Foreigners would become an institution gathering information on all the affairs of foreigners in Poland. It would also be responsible for organizing adaptation courses for migrants, where they would learn about Polish culture, traditions and customs. From the provisions of the draft of the Polish migration policy submitted for discussion, it follows that the paradigm of immigration and integration based on the multicultural model requires a reorientation towards the concept of a leading culture and subordination of its culturally different elements.

A significant role in the process of employing foreigners is played by temporary work agencies and employment agencies, of which almost 9,000 operate in Poland.³⁰ The model of exploitation of employees by these agencies present in Poland was adopted from other countries, where it had formed earlier (Holland, Germany, Italy). An agency organizes work for the migrants, together with accommodation and formalities related to the legality of stay. This means that foreign workers, mainly from Ukraine, are fully dependent on the agency. If they lose their jobs, they also lose their homes and have no safety net measures. The organization

²⁹ See J.F. Hollifield, *The politics of international migration. How can we “bring the state back in”?*, in: C.B. Brettel, J.F. Hollifield, *Migration Theory*, New York 2000.

³⁰ Information included in the transcript of the Government Population Council seminar, Warsaw 14.01.2019.

and working conditions themselves are under the control of the National Labour Inspectorate, but the procedure of employing an employee and concluding civil law contracts (not employment contracts, which are regulated by the Labour Code) remains outside the state's control. The proposal to regulate this sphere has not been discussed during preparation of the new document. And the number of complaints in this area is growing, although it is often directed at the media, not the relevant state authorities.

The discourse on migration policy in a country like Poland, where 92% of the society declare membership in the Roman Catholic Church,³¹ can not take place without taking into account the position of that Church. The analysis of this problem is faced with some difficulties due to the fact that this position is inconsistent. One of those two "voices" is priest Janusz Balicki, a participant in the meetings of the Government Population Council and a member of the Council for Migration at the Polish Episcopate Conference, calling for solidarity in the issue of admitting refugees, if only because if there were a serious conflict in Ukraine and many thousands of refugees came to Poland, Poland – which is not in a state of a refugee crisis today – is going to be left alone in the future. Father Balicki also indicates the religious and ethical aspect of the attitudes of many Polish Catholics towards refugees, but also economic migrants, and „aliens” in general.³² There is the extremely valuable statement of the Social Council at the Metropolitan Poznań regarding refugees and migrants, dated January 11, 2017,³³ in which we read: „For Christians, the attitude of Christ described in the pages of the Gospel should serve as the example, even if it apparently does not correspond to the particular interests of individual people or nations. The Christian approach to refugees draws its inspiration from the Gospel call of Christ: ‘I was a stranger and you welcomed me’”. In its statement, the Council encourages Catholics and all people of good will who understand the tragedy of refugees and migrants, to courageously take up the challenge in the spirit of Christian openness and solidarity. Such an attitude is a response to the attitude towards refugees expressed

³¹ *Życie religijne w Polsce (Religious life in Poland)* 18.12.2018. *Wyniki Badania spójności społecznej (Results of the social cohesion research)*, p. 1, GUS 2018, <https://stat.gov.pl/obszary-tematyczne/inne-opracowania/wyznania-religijne/zycie-religijne-w-polsce-wyniki-badania-spojnosci-spoecznej-2018,8,1.html> (access 12.07.2019).

³² Statement by J. Balicki included in the transcript from the seminar of the Government Population Council, Warsaw 14.01.2019.

³³ „*Byłem przybyszem a przyjęliście mnie*”. *Kościół apeluje w sprawie uchodźców* („*I was a stranger and you welcomed me*”. *The Church appeals in the case of refugees*), oko.press, 13.01.2017, <https://oko.press/bylem-przybyszem-a-przyjeliscie-kosciol-apeluje-sprawie-uchodzcow/> (access 13.07.2019).

by Pope Francis, who during a meeting with Lutherans in the Vatican said: „naming yourself a Christian and refusing to accept a refugee or anyone who seeks help, who is hungry or thirsty, is hypocrisy”, (...), „If I say that I am a Christian and I am chasing these people away, I am a hypocrite”.³⁴ Unfortunately, there is a wave of hatred at the masses in many parishes, on the blogs of priests, towards refugees, those who defend them and want to take them under their roof. „We need mobilization to put a dam on the Muslim lagoon,” „The Pope is not infallible in this matter,” „Europe cannot see that it is giving itself up the worst kind of slavery: Islam”, „We will accept a stranger, give him shelter, tea, and he rapes our relatives, stabs us in the back”³⁵ – these are just some of the opinions expressed on the web. The Polish society exceptionally easily absorbs the „word of God” from the mouths of its parish priests, often the more populist, nationalistic or instigating fear of strangers, the more suggestively it works on its imagination.

As it was mentioned before, the Polish government created by the Law and Justice criticized and displayed ill-disposed attitudes towards refugees and migrants. There are numerous statements made by the Minister of Internal Affairs and Administration Mariusz Błaszczak expressing this disapproval: „There would be almost 12,000 refugees (...), then after a few years there are tens of thousands, then several hundred thousand, then several million. These communities form closed enclaves that constitute a natural terrorist base”.³⁶ Therefore, in our opinion, the actions taken by the European Union should be based on cooperation with third countries along migratory routes, building their capacity in terms of asylum, migration management and humanitarian aid for refugees near their countries of origin”.³⁷ Similarly, anti-immigrant position was repeatedly held by Prime Minister Mateusz Morawiecki. Before the

³⁴ T. O'Malley, *Statement by Pope Francis during a meeting with a group of Lutherans in Vatican*, deon.pl, 13.10.2016, <https://www.deon.pl/religia/serwis-papieski/aktualnosci-papieskie/art,4927,kto-broni-chrzescijanstwa-a-przegania-uchodzcow-jest-hipokryta.html> (access 13.07.2019).

³⁵ P. Żytnicki, T. Nyczka, *Księża hejtują uchodźców w sieci (Priests are hating on refugees online)*, wyborcza.pl, 14.09.2015, <http://wyborcza.pl/1,75398,18811057,ksieza-hejtują-uchodzcow-w-sieci.html> (access 13.07.2019).

³⁶ *Imigracyjny kryzys w Europie. Błaszczak o migrantach (Immigration crisis in Europe. Błaszczak on immigrants)*, tvn24.pl, 13.06.2017, <http://www.tvn24.pl> (access 13.07.2019).

³⁷ *Spór o relokację uchodźców. Polska chce umorzenia postępowania (A dispute over the relocation of refugees. Poland wants to discontinue the proceedings)*, tvn24bis, 13.07.2017, <https://tvn24bis.pl/z-kraju,74/minister-blaszczak-o-uchodzcach-polska-wnosi-o-umorzenie-postepowania,756649.html> (access 13.07.2019).

informal European Union summit in Salzburg (19–20 September 2018), to alleviate tensions on migration, he stressed that Poland's position on refugees had not changed: „We have decided not to accept refugees, this is our sovereign decision”.³⁸

The problem with assessing the policy of the Polish government led by Law and Justice is that when the conversation turns to the topic of migration which is problematic for the Polish authorities, Law and Justice politicians reverse the meaning of basic concepts and make a refugee out of every migrant arriving in Poland: “We have already accepted at least tens of thousands, if not even over a hundred thousands of refugees from Ukraine” – said Morawiecki in the New Year's interview for TVP. Earlier, Beata Szydło as the Prime Minister stated in the European Parliament that Poland accepted about a million refugees from Ukraine. These verbal acrobatics are intended to justify not accepting real refugees from the Middle East and North Africa.

The case is similar when it comes to involvement (or lack thereof) in international initiatives undertaken in Europe and around the world.

On December 17, 2018 in Marrakesh, the UN General Assembly adopted by a large majority of votes a non-binding Pact on Refugees (Global Compact for Migration, GCM),³⁹ providing for increased support for countries hosting the majority of over 25 million refugees in the world. Poland refused to support the document. It decided that the document, despite its non-binding nature, could be the basis for influencing individual countries, for example on the subject of resettlement. The head of the Polish Ministry of Interior Joachim Brudziński emphasized in his recommendation to the Minister of Foreign Affairs Jacek Czaputowicz that the Global Pact on Refugees „is a political declaration and contains political commitments to undertake specific actions”, which aim to „create a global division of responsibility for refugees and burdens related to their support and reception on their [host countries'] territory”.⁴⁰ In the opinion of the Polish government, the adoption of the declaration

³⁸ *Morawiecki o uchodźcach: decydujemy się nie przyjmować uchodźców (Morawiecki on refugees: we have decided not to accept refugees)*, „Dziennik Zachodni” 20.09.2018, <https://dziennikzachodni.pl/morawiecki-o-uchodzaczach-decydujemy-sie-nie-przyjmowac-uchodzcow-nieformalny-szczyt-ue-w-salzburgu-ma-zlagodzic-napiecia-ws/ar/13508123> (access 13.07.2019).

³⁹ Global Compact for Migration, IOM, <https://www.iom.int/global-compact-migration> (access 7.07.2019).

⁴⁰ O. Zakolska, *Polska nie wyraziła poparcia dla Globalnego Paktu w sprawie Uchodźców (Poland did not support for the Global Pact on Refugees)*, PAP, 18.12.2018, <https://www.msn.com/pl-pl/wiadomosci/other/polska-nie-wyrazi%C5%82a-poparcia-dla-globalnego-paktu-ws-uchod%C5%B4C%C3%B3w/ar-BBR7uUu> (access 2.07.2019).

could result in pressure on Poland from the entities associated with the UN and non-governmental organizations whose aim will be to make the government implement commitments that are broader than expected, such as resettlement. In addition, the justification reads that the Pact did not put enough emphasis on a permanent solution to the situation of refugees by supporting them in regions of origin, as well as the implementation of voluntary returns to their countries. Such argumentation is a permanent element of the migration policy of the right-wing government of Law and Justice. Some mitigation of criticism for the lack of support for the Global Migration Agreement may be influenced by the fact that Poland was among the 200 member countries of the UN that unanimously adopted the New York Declaration on Refugees and Migrants,⁴¹ which is the basis for the Marrakesh Agreement.

Works on the „Migration policy of Poland” document are underway and in the face of numerous critical remarks from expert groups dealing with migrations, politicians, economists and NGOs, we will have to wait for their completion. But their direction is already quite clear today: the security of Polish citizens is a superior goal, and solidarity in the refugee problem should be flexible in its character.

Conclusions

The migration policy of a country, which requires the formulation of doctrine, outlining of goals and creation of tools to achieve these goals should be created taking into account the long-term perspective. Only then can the actions taken bring the intended effect. Thinking in a long-term perspective, however, requires politicians to recognize continuity and consistency in pursuing goals as a prerequisite. Democracy itself, however, means that the majority vote may be tilted in one election towards one political option, and in the next one towards another. And thus, the priorities in various areas of life undergo sinusoidal changes.

This is the exact situation we have to face in the process of creating the Polish migration policy. As the author has already mentioned, Poland, which is characterized by relatively large national homogeneity, has no migration experience. The political change in 1989 and the accession to the EU changed its situation in this area – there were great migrations of Polish citizens to the countries which opened their labour markets to

⁴¹ Deklaracja polityczna Marrakeszu (Marrakesh Political Declaration), Rabat Process, Euro-African Dialogue on Migration and Development, <https://trybun.org.pl/wp-content/uploads/2018/10/deklaracja.marakeszPL.pdf> (access 17.07.2019).

them, and at the same time migrants and refugees arrived from abroad, mainly from behind the eastern border. This situation forced the country to search for solutions to emerging problems in an ad hoc mode, not long-term and based on reliable analysis.

The liberal government of PO/PSL formulated the priorities of the migration policy on the assessment of the demographic situation and the needs of the labour market emptied out as a result of depopulation and migration. A change of government in the autumn of 2015 to the right-wing government of Law and Justice, with the migration/refugee crisis in the background, re-evaluated these priorities towards ensuring security for Polish citizens. The element of openness to strangers disappeared from the program documents and the public debate. The Law and Justice party has radicalised its anti-immigrant position not so much as a result of strengthening its views in this area, but as a result of becoming the ruling party and the populist need to gain support for certain social groups and strengthen its election results. The public media implementing this policy in this area consistently changed the attitudes of Poles towards foreigners, especially those of other cultures. The threat of Islam has become the main scare of the ruling party in relation to the society that has had no experiences, especially bad ones, in coexisting on one territory with Muslims because there have only been trace numbers of them in Poland. The thesis about a change in the approach to the problem of foreigners in our country is confirmed by the representative of Law and Justice, Mariusz Kamiński in the Sejm in June 2002 during the debate on the war in Chechnya, when he said, „(...) Today, when we live in an independent country, we are facing a difficult exam of our decency. Can we show elementary human solidarity and compassion to the victims of regimes, dictatorships and dirty wars. (...) Poles, the nation of refugees, have special moral obligations to those who today escape their countries from war, prison and torture. We have no right to demonstrate indifference and cynicism, because we have received too much in the past to excuse ourselves today with modest budgetary possibilities”.⁴² However, Deputy Minister Konrad Szymański, present in the Government of Law and Justice, will say in June 2017 that „Member States should be free to choose instruments for showing European

⁴² 4th term, 24th sitting, 3rd day (21.06.2002), point 33 of the daily agenda, MP Mariusz Kamiński, <http://orka2.sejm.gov.pl/Debata4.nsf/5c30b337b5bc240ec125746d0030d0fc/449ddb946974a3bdc1257473002b9bbb?OpenDocument>, see A. Adamczyk, *Kryzys migracyjny w Europie a polska polityka migracyjna (Migration crisis in Europe and the Polish immigration policy)*, „Studia Migracyjne – Przegląd Polonijny”, no. 43/1(163)/2017, p. 330, <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-109eeb73-03b1-4d2c-9d87-05575fed3064> (access 7.07.2019).

solidarity.” I would like to emphasize that Poland invariably opposes „any projects of transnational management of the migration movement” (...) although „in the face of the migration crisis it offers its participation in almost all European activities”, offering assistance to refugees in their countries or neighbouring countries, away from Europe.⁴³

The migration policy currently being created by the right-wing government of Law and Justice is aimed at filling gaps on the Polish labour market primarily by encouraging Poles to return from emigration (which requires an attracting economic factor), activating actions to increase repatriation of Poles from the East (here, an element of securing finances for such an operation by the government also play an important role) and assimilation of foreigners planning to stay in Poland (by changing the thinking in terms of multiculturalism to the idea of a leading culture that eliminates otherness and diversity).

Given the current political option, European solidarity in the area of refugees assumes the form of strengthening border protection, sending guard troops to areas threatened by escalation of exile and contesting decisions taken at the EU level to share responsibility.

The direction of the migration policy pursued by the government raises concerns of many experts, politicians and part of the Polish society. Particularly in the context of climate change and demographic changes in the world, especially in Africa, which threatens to double its population by 2050, and the existence of conflict centres, also behind the eastern border of our country. A single European country will not defend itself against future migratory and refugee threats. Lack of solidarity in this respect may turn out to be serious for such a country. This problem needs to be taken into account in the migration policy of Poland, with an emphasis on creating it in the long-term perspective and in agreement with other countries. Both priorities – social security and labour market needs – should be treated equally, and integration processes of foreigners should not disappear from the government’s optics, regardless of its political option. Demographic and climate challenges are common challenges for all European countries, so they should be a binder rather than contribute to disintegration. Historically, populism has led to destruction and it seems that Europe has already learned the lesson.

⁴³ A. Zachová, E. Zgut, K. Zbytniewska, M. Strzałkowski, Z. Gabrizova, *Grupa Wyszehradzka zjednoczona przeciwko uchodźcom (The Visegrad Group united against refugees)*, Euractiv, 24.07.2017, <https://www.euractiv.pl/section/grupa-wyszehradzka/news/grupa-wyszehradzka-zjednoczona-przeciw-uchodzcom/> (access 10.09.2018).

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