



# UNDOCUMENTED MIGRATION IN POLAND CLANDESTINO



## *Counting the Uncountable: Data and Trends across Europe*

December 2008

Research Brief

### KEY POINTS

#### *Main facts and figures*

- Although performing well in terms of economic and political transition, Poland is not able to attract larger groups of irregular migrants to stay.
- It constitutes an area for shuttle and circular labour migration from former Soviet Union countries.
- Irregular migration is comprised of small settled immigrants groups formed by Asians (Vietnamese and Armenians).
- Poland maintains a strict migratory regime.
- Polish society is tolerant of illegal employment,
- Quotations of numbers of immigrants working illegally in Poland vary from 50,000 up to 500,000.

#### *Quality assessment of estimates found in literature*

- There are no studies whose primary aim is to estimate the size of the irregular migrant community. Information on the characteristics of undocumented migrants originates from rare and small-scale inquiries. Estimates are rather of poor quality.
- There is neither data nor estimates of the demographic characteristics of irregular migrants. In general figures on regular migrants' demography are also very low.

#### *Main paths of irregularity*

- Crossing the border illegally with fake or remade documents or crossing the green border in cases of human trafficking and smuggling.
- Visa overstaying - a person may enter Poland legally, however does not leave when the legal basis of his/her stay terminates.
- The undertaking of employment in the shadow economy by foreigners who enter Poland as tourists although their real intention is to work.

#### *Relevant policies*

- The Polish migration regime is fairly strict. This is largely due to the requirements for EU accession and for entering the Schengen zone.
- There have been Amnesty Programmes in 2003 and 2007.
- Workplace controls are of limited scope as they do not cover private households and farms despite the fact that many illegal workers are engaged in the domestic services and agricultural sectors.

#### *Conclusions - policy suggestions*

- A person that has illegally entered Poland and is interested in gaining legal status has to leave the country to apply for a visa in the country of origin – i.e. he/she must cross the border illegally once again to leave Poland.
- The scale of both the regularisation programmes and their strict requirements made it clear that they were not tools to legalise the mass of illegal immigrants. Nevertheless, programmes did demonstrate the need to improve the situation of illegal immigrants.
- Figures from workplace controls give a very limited insight into the composition of economic sectors and reveal the priorities of understaffed agencies.
- Labour policies (protection of local labour forces) and a liberal visa policy for eastern neighbours led to the circular mobility and temporariness of the migration process. The phenomenon of illegal work while holding legal stay documents/visas was unquestionably the most common situation for Ukrainian citizens in Poland, prior to December 2007 and the enlargement of Schengen.



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<http://www.eliamep.gr/en/category/migration/>

## **THE RESEARCH**

*Estimates and guesstimates of irregular migration in Europe 'travel' freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.*

*This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.*

## **Background of Migration Situation in Poland**

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

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

## **Size and Demographic Features of Irregular Migration**

Since the beginning of the 1990s, Poland was a country waiting for large-scale migration. The largest non-EU national groups of immigrants in Poland (both legal and illegal) are related to movement from the country's eastern neighbours and from Asia: namely, Ukraine, Belarus, Vietnam and Armenia. Citizens of countries such as Russia and Moldova are part of the stable core as well. Ukrainians represent the most significant nationality in terms of legal immigrants and irregular foreign workers in Poland. It is evident that the trend of illegal work on the basis of legal stay visas and documents was the most characteristic feature of the Ukrainian immigrant group until December 2007 and the enlargement of the Schengen space. Poland's labour policy, which protects local labour forces, and a liberal visa policy for eastern neighbours were the principal factors which led to the circular type of mobility and temporariness of the migration process in the case of the eastern neighbours.

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

As of now, the Vietnamese represent the only national group that has been the subject of in-depth analysis permitting the present credible estimations. The Migration Policy Unit at the Ministry of Interior and Administration was the first institution that counted immigrants of Vietnamese origin residing legally in Poland. The Ministry claims that considering the number of legal residents in relation to estimates (both Vietnamese and Polish sources indicate significantly divergent numbers related to the size of the diaspora in Poland – 25,000 and 60,000, respectively) it is possible that one in two Vietnamese living in Poland is an illegal immigrant. Thus we can assume that there is 12,000 – 22,000 of them.

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

### **Main Paths into and out of Irregularity**

It is evident that the trend of migrants working illegally whilst holding legal stay visas and documents was the most characteristic feature of the Ukrainian immigrant group until December 2007 and the enlargement of the Schengen space. Poland's labour policy, which protects local labour forces, and a liberal visa policy for eastern neighbours were the principal factors which led to the circular type of mobility and temporariness of the migration process in the case of the eastern neighbours.

The other fairly visible group of foreigners in the Polish case has been the Vietnamese, in which irregularity refers to both to their stay and work. This population is an example of irregular migrants whose stay may commence as a result of crossing the border illegally with fake or remade documents or crossing the green border in cases of human trafficking and smuggling.

Irregular stays can also be caused by overstaying. In other words, a person may enter Poland legally, however does not leave when the legal basis of his/her stay terminates. There are no estimates on the numbers of people who remain in Poland despite the expiration of their visa or legal status, however, it is easy to understand how this situation may occur.

As has been previously stated, Poland's weak economic situation, in comparison to other EU member states, and its strict migration policy are not conducive to immigration, either regular or irregular. In this context, the discourse on migration related to Poland is centred around two main issues, the strong demand for both skilled and unskilled foreign labour force, and the emigration of Poles to the EU-15 countries since May 2004.

### **Main Policy Recommendations**

- The limited scope of Polish **regularisation programmes** and their strict requirements made it clear that they were never going to be effective tools to legalise the mass of illegal immigrants. Nevertheless, the programmes **did demonstrate a recognition of the need to improve the situation of illegal immigrants**. Moreover, they provided the Ministry of Interior and Administration with further information about the phenomenon of illegal migration in Poland.
- Poland has been facing a very difficult task for some time: how to reconcile the need for workers which has developed since 2004 and the outflow of Poles to the EU-15 countries, with the strict security measures implemented by the Schengen treaty. Certainly, **the EU's external border should be both as open as possible for legal migrants and non-porous for illegal migration**. However, due to the dramatic outflow from Poland of approximately two million people since May 1, 2004, there is a strong demand for both skilled and unskilled foreign labour. It has proven a very difficult task to combine this demand with the security measures implemented in December 2007. **The special treatment of Eastern Europeans in gaining access to the EU labour market, particularly the Polish one, should be seriously considered.**
- A grave threat to the internal security of Poland and, in fact, to the EU as a whole in relation to East-West migration, is **destabilisation caused by the war or ter-**

rorism that could increase the volume of migration from third countries through the borders of Belarus-Russia and Ukraine-Russia. These borders should comply with higher security standards. Improved cooperation between Eastern European countries in the area of readmission is urgently needed, and a readmission agreement between the EU and Russia is strongly recommended.

- **The EU should assist its Eastern European neighbours in developing cooperation in the Justice and Home Affairs area.** A cooperation of border management with neighbouring countries should be established. This should include training on border protection standards and rules, and the appointment of permanent liaison officers at the respective border control units.

### **For more information**

The full report on Poland, by Krystyna Iglicka and Katarzyna Gmaj, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefings and full reports of the other 14 countries included in the CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

For more clarifications contact:  
Prof. Krystyna Iglicka, University of Warsaw, Center for International Relations, Ms Katarzyna Gmaj, Center for International Relations, Warsaw, Poland

emails: [iglicka@csm.org.pl](mailto:iglicka@csm.org.pl),  
[gmaj@csm.org.pl](mailto:gmaj@csm.org.pl)



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