

Learning to welcome: Selected aspects of integration of migrants in Poland

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Introduction

Integration of migrants is a novel policy issue in Poland, where migration debates have traditionally focused on the continuing large outflows of Poles to Western Europe and North America. Until quite recently, the legal and institutional framework reflected low priority given to the presence of migrants in Poland, and liberal visa regimes and regularization of illegal migrants were virtually the only tools of state policy for third country nationals other than refugees or persons under other forms of protection. However, accession to the EU and Schengen have underscored the need to formulate the national priorities for managing migratory flows into and through Poland as well.

This paper identifies gaps in the current legal and institutional set-up of migration and integration policies in Poland. It pays attention both to formal conditions of entry and residence (section 1), regulations on gaining employment and relations in the workplace (section 2) and to the actual opportunities for enjoyment of social and political rights (sections 4 and 5). In addition, overview and assessment of state integration programs (section 3) are given. Furthermore, the legal guarantees for protection from discrimination are reviewed (section 6). Presentation of the current situation is followed by the identification of issues requiring intervention and of policy recommendations.

The issues identified as part of this exercise allow to draw some general conclusions about the weaknesses of current Polish approach to the management of migratory flows and integration of resident migrants. The gaps in the legislation reflect the minimalistic approach of the period of EU accession when focus was made on the harmonization of the national laws with the *acquis*. In turn, the reluctance to offer incentives for gaining access to the labour market and generally restrictive practice of granting residence and citizenship, putting the burden of proof on the applicant, date back to the era of high unemployment when the presence of foreigners was not encouraged.

Recent initiatives of the Ministry of Labor and Social Policy, reducing the barriers to employing selected categories of migrants, and the generally positive social attitudes towards the influx of foreigners (especially from western CIS), give grounds to the expectation that foundations for comprehensive integration

policy may be laid soon. It is hoped that this overview of the gaps and presentation of opportunities in this policy area is going to contribute to this much-overdue development.

1. Settlement, temporary residence and family reunion

1.1. Residence permits

Temporary residence permits. Legalizing a foreigner's residence in Poland is usually a two-stage process. In the first step, an applicant needs to meet one of the qualifying criteria to receive a temporary residence permit that is valid for two years. The basic requirement is the foreigner's economic self-sufficiency, which is demonstrated usually by a valid indefinite-term employment contract and a title to housing (e.g., rental contract). Other prerequisites may be: asylum granted by the Polish government, studies, marriage to a Polish citizen or an EU long-term resident. The permit is renewable and grants the right for seeking employment and applying for a work permit without the need to leave Poland.

Since 2004, temporary residence permits have not been issued to EU nationals who enjoy a special facilitated regime for residence registration. In turn, the permits become an increasingly important form of legalization of residence for third-country nationals. Nationals of Ukraine represent around one-third of the recipients. Stricter implementation of the requirements of EU and Schengen accession has led to the increase in rejected applications – while in 2003 only one application from a Ukrainian out of thirty was refused, the rate rose to one in ten in 2004 and it stabilized at around one in twenty in 2007.

Settlement permits. A permanent residence status (referred to as a settlement permit in the Polish legislation) is typically granted as a follow-up to a temporary residence permit. The applicants must prove that they have held temporary residence permits for five years in Poland. The application procedure involves, as with temporary residence, the requirement of economic self-sufficiency and access to housing on the basis of a rental contract or mortgage documents. While it is accorded only to relatively few foreigners, the recipients enjoy a broad range of entitlements. The rights associated with the permit include employment or self-employment without the need to apply for additional permits. Holders of settlement permits may also apply later for Polish citizenship.

Issues

Long residence requirements. Current aliens legislation requires that holders of temporary residence permits may only apply for a settlement permit after five years of stay in Poland. This requirement applies to recognized refugees as well. Moreover, the persons with tolerated status are eligible for the settlement status only after ten years of continuous residence in the country.¹ It is worth noting,

¹ See: Act on Aliens (Ustawa o cudzoziemcach) of 13 June 2003 (Journal of Laws of 2003, No. 128, item 1175 with amendments).

however, that the settlement residence card is issued for refugees and tolerated-status recipients for the period of ten years.

Significance of permits – majority remaining merely tourists. Overall, residence permits are granted to small numbers of foreigners in Poland. Between 2001 and 2007, the total of 172,725 temporary residence permits, and a mere 10,970 settlement permits, were issued (Table). This is a continuation of the trend: according to the last national census, 85,525 people had immigrated to Poland between 1989 and 2002 (defined as people who settled in Poland and previously had been living abroad). Newcomers to Poland in fact represent a minority among officially-registered immigrants: only 14,303 of them had not held Polish citizenship before. The largest groups of immigrants granted temporary stay in Poland in 2007 were Ukrainians (7381), followed by Belarusians (1992), Vietnamese (1496) and citizens of the Russian Federation (1273; many of whom were Chechen refugees).²

Temporary and settlement permits issued in Poland, 2001–2007³

Year	2001	2002	2003	2004	2005	2006	2007
Temporary residence permits	20,787	29,636	28,590	25,461	22,626	22,385	23,240
Settlement residence permits	679	602	1,735	4,365	3,589	3,257	3,124

The numbers of residence permits seriously underestimate the extent of regular migration of citizens of western CIS states, however. Until December 2007 when Poland joined Schengen, a large group of migrants from countries neighboring Poland to the east for years did not apply for residence permits even though they in fact had developed strong economic ties to the country and resided in Poland for several months every year.⁴ For instance, many Ukrainian migrant workers entered and resided in Poland with a national tourist visa, granted for stays of up to 90 days. Although the visa did not entitle them to legal employment, relatively low chance of detection, prosecution and deportation for illegal labour and easy access to the visa (it was issued in large numbers free of charge to the Ukrainian nationals) made it a dominant type of document, which was *de facto* used for undertaking seasonal work. Compared to a tourist visa, temporary

² Calculations based on the Office for Foreigners (UDSC) statistics.

³ *Ibid.*

⁴ P. Kaźmierkiewicz. Integracja z Schengen jako wyzwanie dla polskiej polityki wizowej wobec wschodnich sąsiadów [Integration in Schengen as a Challenge for the Polish Visa Policy towards its Neighbours]. Analizy i Opinie Nr. 42, Institute of Public Affairs, Warsaw, 2005.

and long-term residence permits are far more difficult to obtain – due to the required proof of adequate economic resources and secured accommodation. As a result, the foreigners' regime was widely violated as tens, if not hundreds, of thousands of migrants from western CIS entered the country legally and then undertook illegal employment.⁵

1.2. Regularization of residence

Foreigners who reside on the territory of the Republic of Poland illegally had their most recent chance of legalizing their residence between 20 July 2007 and 20 January 2008. The regularization applied to those immigrants who had not submitted an application for the granting of the residence permit under the previous regularization (which took place in 2003). The terms of the previous regularization in 2003 practically did not differ from those applied in 2007.⁶

The interested immigrants were obliged to fulfill all the indicated conditions and if they did, the competent head of the region was obliged to grant them the residence permit for a fixed period of time (one year, unless it resulted in a threat to the state security or defense, the public security or policy, or in burden for the state budget, or unless it was against the interests of the Republic of Poland).

Issues

Limited application of the programme narrowed down to selected migrant communities. The first regularization conducted in 2003 regularized the residence status of less than 2 500 people. They were mainly representatives of Armenian and Vietnamese communities – groups that lobbied for this law and that were able to take advantage of it. Looking closer at these groups and at the final requirements immigrants had to fulfill, we may notice that both these regularizations were tailored to suit these communities. The decision-makers justified such an approach by saying that these Armenians and Vietnamese were well integrated and needed the regularization most, even though not all of them had applied for legalization during the first regularization.

⁵ M. Duszczyc, J. Korczyńska. Zapotrzebowanie na pracę obcokrajowców w Polsce: próba analizy i wniosków dla polityki migracyjnej [Demand for Foreign Labour in Poland: Analyses and Recommendations for Polish Migration Policy], pp. 21–22. Institute of Public Affairs/National Chamber of Economy, Warsaw, 2005.

⁶ The 2007 law gave the possibility for the legalization of residence to foreigners who: 1) had been residing in Poland constantly since at least 1 January 1997; 2) did not have a legal residence on 20 July 2007; 3) applied for the legal residence status before 20 January 2008; 4) indicated a place of accommodation where they could reside and presented a legal title authorizing them to occupy it; 5) had the promise of being granted the work permit on the territory of the Republic of Poland or a written declaration of the employer confirming the intention to employ them or entrust them with other gainful work, or possessed the resources sufficient to cover their costs of living and those of their dependents, including costs of medical treatment, without the need to claim financial help provided by social assistance centres for the period of one year; 6) had not submitted an application for the residence permit under the 2003 regularization law.

The conditions for the regularization, however, excluded a vast majority of immigrants residing in Poland illegally from the possibility of using the act. The exact number of immigrants who have applied for the regularization of their residence under the 2007 law is not known, but according to the head of the Polish immigration office, it was expected to reach only a few hundred.⁷ The regularization conducted in the proposed form did not extend to the largest groups of illegal residents – originating from Ukraine and other CIS states.⁸

1.3. Family reunion

Reunification of migrants' families was codified in the Polish legislation with an amendment of the Act on Aliens, effective 1 October 2005.⁹ Eligible are members of the nuclear family of foreigners who have been granted a settlement permit, a long-term EC resident permit, refugee status or those holding a temporary residence permit for at least two years.¹⁰ The categories of eligible persons to be reunified include the foreigner's spouse, minor child (including stepchild). The law extends the circle of eligible persons to include parents and grandparents in the case of refugees only.¹¹

To initiate the reunification procedure, the foreigner must submit an application to the regional governor. The applicant is obliged to demonstrate that he or she has the title to a place of living as well as (with the exception of refugees) financial means ensuring support for the family. The burden of proof is on the applicant to show that his or her marriage is genuine (providing necessary documentation and going through an interview), prove with documents that the persons named in the application are in fact his or her family members, and that he or she has stable and regular source of income, secured insurance.¹²

Issue

Restricted scope of application. With the exception of refugees, the law limits the coverage to spouses and children of the foreigner. This has been criticized by practitioners as it does not recognize the broader family model, which is common in many developing countries – including persons outside the nuclear family (parents, grandparents).¹³ Another barrier is the definition of marriage, which must be confirmed by a certificate and recognized by the Polish law, thus excluding registered partnerships. In addition, the law introduces regular verifi-

⁷ Transcripts from a discussion during the meeting of the Administration and Internal Affairs Commission of Polish Parliament from May 22, 2007 (Biuletyn nr: 1969/V Komisja: Komisja Administracji i Spraw Wewnętrznych /nr 103/).

⁸ Mirosław Bieniecki. Regularization of Immigrants in Poland: What was wrong with it and what should be done? www.migraceonline.cz

⁹ Act on Aliens, Journal of Laws of 2003, No. 128, item 1175 with amendments.

¹⁰ Art. 54 of the Act on Aliens.

¹¹ Art. 53 of the Act on Aliens.

¹² Art. 60 of the Act on Aliens.

¹³ W. Klaus, *op. cit.*, p. 130.

cation of whether the concluded legal marriage is genuine and has not been entered into solely for the sake of obtaining the status. Foreigners are required to collect all the documents certifying the marriage as well as the identity and relationship of family members. Such a requirement may be difficult to meet in some countries where proper registers are not maintained or in cases when the foreigner does not have access to the required documents.

2. Access to labour market

2.1. Entry conditions

Legal framework

Most of the current regulations on foreigners' access to employment reflect the principles worked out in the 1990s at the period of very high unemployment. The underlying assumption is that of protection of the domestic labour market and preference for the Polish workforce. This is reflected in the requirement of the so-called test of the labor market, according to which a foreigner may be hired for a specific position only after opening this post to Polish workers first, and verification that no such candidates could actually be found. Although access to the labour market has been recently made more open, special regulation still restricts employment of foreigners of any category (including refugees or protected persons) for certain public posts (such as the police, for instance). Only Polish nationals (including naturalized persons) are eligible.

Pathways to legal labour. Third country nationals may take up legal employment in Poland through a variety of routes. The majority obtain a work permit through an application placed on their behalf by the prospective employer on the basis of a valid written contract.¹⁴ The permit is the basis of legalizing residence for the period of employment (those who hold a temporary residence permit may receive the work permit while staying in Poland). In the case of work permits, it is employers who receive the permit to hire a foreigner, not the foreigner him/herself. Foreigners for whom an employer has received the permit can obtain working visa in Polish embassy in their countries of origin, unless they already possess a working visa. If a foreigner loses a job, he/she has to find a new employer who will repeat the procedure of obtaining work permit.

It should be noted, however, that only a minority of foreigners actually working in Poland obtain permits. They are issued mostly to highly qualified specialists in the vocations where Poland suffers shortages of labour force. Work permits are usually granted in selected sectors where only legal employment is possible

¹⁴ General conditions of third country nationals' access to the Polish labour market and categories of foreigners exempt from the requirement to apply for a work permit are covered in the Act on the Promotion of Employment and Instruments of Labour Market of 20 April 2004 (Journal of Laws 2004, no. 99, item 1001).

and where the Polish officials are willing to see foreign workforce as complementary to the Polish labour.¹⁵

Some foreigners from outside the EU do not need to apply for a work permit to take up legal employment in Poland. These are, firstly, the holders of long-term residence permits (in particular, so-called settlement permits). An important group of foreigners who are exempt from applying for work permits are spouses of Polish citizens and spouses of other EU states' citizens who reside in Poland, recognized refugees, recipients of tolerated status as well as members of their families with temporary residence permits. Thus, formally a potential employer needs not consider if a Polish national is available for a particular position but is free to make the first offer directly to a qualifying foreigner within these categories. These categories of foreigners are also free to render services through short-term or performance contracts. In addition, the law grants refugees, other protected persons and their family members the right to unemployment benefits and retraining equal to that of the Polish nationals. Foreigners who hold permanent or temporary residence permits or long term EU resident status may also register as unemployed and be eligible for unemployment benefits.

A list of sectors and categories of foreign workers who are exempt from the requirement to apply for a work permit has been developed and continually expanded. Since 2006, new opportunities for employment without a work permit have been opened for several categories of foreigners. Ministry of Labour and Social Policy launched the first initiative in September 2006, which waived a work permit requirement for citizens of Belarus, Russia and Ukraine in seasonal labour in agriculture. This was followed by the full liberalization of the labour market for the nationals of the EU and European Economic Area in January 2007. Over the next several months, the government put forward successive bills extending the period of employment for nationals of western CIS states for 3 months in the period of six months, and then for six months in a year. To take advantage of this scheme, potential workers need to apply for a visa for seasonal workers, issued by a consul.

The procedures proposed by the Ministry of Labour and Social Protection in June 2008 go yet much further making the access to the labour market much easier and faster. The proposed amendment introduces a facilitated procedure of issuing

¹⁵ Almost half of the permits are issued to experts, advisors and directors of companies (4666 out of 10754 in 2006). Among other vocational groups the largest is the group of "qualified workers" (2391 permits in 2006) and "simple workers" (824 in 2006). The rest of the permits in 2006 were issued to teachers (688), medical workers (229), including doctors (124) and nurses (22), artists (233), computer specialists (212) and lawyers (76). Also, 297 permits were issued to contract workers. According to chosen section of economy, the greatest number of migrant workers was issued work permits in trade (2699) and industrial processing (2491). 1033 permits were issued in the financial mediation and the service of the fixed property sector, 848 in hotels and restaurant business, 616 in education, 475 in construction industry and 222 in the health and social services.

work permits in selected sectors (enumerated by the regional governors on the basis of the situation on the local labour market),¹⁶ bans any discrimination on the grounds of race, nationality and ethnic origin in the administrative conditions for issuing work permits,¹⁷ reiterates the protection of foreign workers' rights under the Labour Code, and grants the foreigner the right to be informed of the progress of the application process. The proposed changes, however, are expected to come in force not earlier than on January 1, 2009.¹⁸

Current regulations effectively improve foreigners' access to the Polish labour market. Apart from waiving the work permit requirement, another sign of the greater openness to foreigners' presence on the Polish labour market is the facilitated procedure for obtaining permits for those foreigners that still need one. While it was necessary to conclude a contract as a condition for issuing a permit under the old regulations, currently, mere declaration of the intention to hire an employee and registration at a local employment center is sufficient. A six-month waiver period is also long enough to enable most foreigners and their employers to legalize longer-term employment the maximum term of which will be extended from 2 to three years.

Another path to legal economic activity is self-employment, which is an option common not only among foreigners but among Poles themselves. Foreigners often resort to this option to avoid undergoing lengthy and costly procedures of obtaining a work permit at a Polish company. Immigrants with permanent residence status, as well as long-term EC residents, holders of temporary permit on the grounds of family reunion, recognized refugees, recipients of tolerated status and their family members are authorized to undertake business activity on the same grounds as Polish nationals.¹⁹ Other foreigners may only establish certain types of companies (for instance, they are not allowed to form a one-person company). The self-employment can be undertaken only by those, who already have their residence permit (e.g., because of a marriage). Being legal residents, foreigners can establish a company on the same basis as Polish nationals (registration at a local government office (*urząd gminy*), as well as tax and social security office. The restrictions concern only those activities that are subjects of a special license.

Issues

Insufficient incentives for legal employment. The current legislation does not foresee any measures aiming at promoting employment of foreigners in Poland. Apart from targeted measures, aiming at seasonal workers from the CIS, no general incentive systems have been put in place to attract labour migrants. For

¹⁶ Art. 10 of the draft Act amending the Act on the Promotion of Employment and Institutions of the Labour Market and amending Selected Other Acts of 17 June 2008. Available at: http://www.mps.gov.pl/bip/download/promocja_zatrudnienia_170608.pdf

¹⁷ Ibid.

¹⁸ Article 88h of the draft Act.

¹⁹ Act on freedom of economic activity (Ustawa o swobodzie działalności gospodarczej). Journal of Laws of 2004, No. 173, item 1807 with amendments.

instance, no quotas have been set for various national or professional groups and no premiums such as point systems have been developed to facilitate the arrival of high-skilled migrants. Instead, it is still an obligation of both the employer and the migrant to prove that they are eligible for the right to conclude a contract – and the migrant’s work is assumed as a threat to the domestic labour force unless proved otherwise. Although there is a clear shift towards regulations taking into account the Polish employers’ evident needs for foreign labour, the current procedure still reflects the preoccupation with the protection of Polish labour market, characteristic of the 1990s.

Legal restrictions and bureaucratic procedures were named as the most important barriers to the third country nationals to the Polish labour market in the research conducted among Ukrainian migrant workers in 2007.²⁰ Work and residence permit requirements were generally considered as the fundamental obstacle, leading to the deterioration of the migrants’ position in the Polish economy. Polish employers found the work permit procedure to be sufficiently complex and costly so that many of them were unwilling to go through it again in the future. Migrants pointed in addition to unfavorable procedures on recognition of qualifications, trainings, courses, etc. obtained in Ukraine. Generally, these bureaucratic hurdles were viewed as limiting the migrants’ competitiveness against the native workforce.

Persistence of irregular employment. These obstacles meant that relatively few labour migrants were interested in taking up legal employment in Poland until Poland joined Schengen in late 2007. A large majority of Ukrainian migrant workers sought and undertook employment without a required permit, while residing on a tourist visa valid for up to 90 days. The visa regime was flexible enough to meet the needs of most migrants from western CIS (especially from Belarus, Russia and Ukraine). Visas were issued for free (to Ukrainians) or for a small fee, and were easy to obtain (requiring basically a clean record of visas issued and no overstays). Significantly, the period of visa’s validity enabled the holder to take up seasonal work through informal channels.²¹

The research among Ukrainian migrants and their employers as well as experts on Polish migration policy revealed the established pattern of irregular foreign employment and migrants’ reluctance to legalize their jobs.²² A consensus prevails among the respondents that the general requirements for acquiring legal status of employment are inadequate and do not match the realities of the current Polish labour market. Migrants prefer to keep their status irregular as they may meet the clients’ needs flexibly, either servicing several customers at the

²⁰ M. Bieniecki, J. Frelak, P. Kaźmierkiewicz, M. Pawlak. Ukrainian Migrants on the Polish Labour Market. IOM: Kyiv, 2008. (manuscript)

²¹ D. Bagińska, M. Bieniecki, H. Bojar, A. Gaśior-Niemiec, I. Koryś, P. Koryś, J. Kurczewska, M. Pawlak. The European Dilemma: Institutional Patterns and Politics of “Racial” Discrimination: WP4 Institutional Discrimination, ISP. Warszawa, 2004/2005.

²² M. Bieniecki, J. Frelak, P. Kaźmierkiewicz, M. Pawlak. Ukrainian Migrants on the Polish Labour Market. IOM: Kyiv, 2008. (manuscript)

same time (household work) or moving from a site to site (agriculture or construction). The measures aiming at attracting seasonal foreign workers and opening selected sectors are too recent to exert sufficiently strong impact to break the established networks and informal arrangements – for instance, many migrants are employed through *ad hoc* oral agreements, and social security contributions are not deducted off their wages.

2.2. Relative position on the labour market

Third country nationals are handicapped on the labour market by administrative barriers that are inherent in the procedures of acquiring legal employment and residence. Interviews among Ukrainians working in Poland and their employers confirm a general negative view of the procedures, with harshest criticism leveled at the complexity, length and cost of the bureaucratic process.²³

In fact, the procedure results on the one hand in the uneven opportunities for migrant workers compared to the Polish applicants for a particular position (which is in fact one of its implicit functions), and on the other hand discriminates against the unqualified workers, who cannot afford legal assistance available to top professionals. Common experience of insufficient information, unclear regulations as to the list of required documents, unreasonable requirements for translation has discouraged many potential employers from continuing to press for the employment of third country nationals. If an employer needs to wait as a minimum two months to hire a worker from outside the EU, he or she frequently chooses to employ an EU national instead or decides to hire a non-EU national illegally.

In turn, foreigners undertaking irregular employment are at a disadvantage to the Poles in similar conditions. As they arrive on the basis of a tourist visa, once detected as working illegally, they are found to have violated the residence regime as well. Thus, unlike the Poles working illegally, they are subject to expulsion from the country, their visa is cancelled and they are prohibited from re-entering for a specified period of time. Since Poland joined Schengen in December 2007, third country nationals whose visas were made void will also be temporarily unable to enter any other EU country as well.

Issues

Work permit validity places restrictions to foreigners' labour contracts. A work permit does not accord the foreigner flexibility comparable to that enjoyed by a Pole or an EU national. According to the Labour Code, once a certain period of employment elapses, the Polish worker, but not a non-EU national, is entitled to a contract of unlimited duration. In contrast, a work permit is by definition limited in duration. Another difference in rights is that while EU nationals are free

²³ M. Bieniecki, J. Frelak, P. Kaźmierkiewicz, M. Pawlak. Ukrainian Migrants on the Polish Labour Market. IOM: Kyiv, 2008. (unpublished)

to change posts and employers, a new work permit is required for a third country national to take up another job.

Limited protection of workers' rights for illegal workers. Irregular employment also exposes migrants to potential discrimination in the workplace. Unregistered labour restricts the opportunities for enforcing worker's rights as with no written contract, problems may arise in the area of the level of wages, delays in payment, unpaid overtime or necessary safety precautions. Long-term effects include the loss of social security benefits, insufficient access to quality health care and insecurity of contract (for instance, the worker is not able to challenge the employer's grounds for termination).²⁴

3. Integration programmes²⁵

3.1. Background

Poland is a country with a relatively short experience of immigration.²⁶ Considering that the migrations into Poland for the most part had seasonal or transit character, rarely resulting in settlement, the question of integrating migrants was not put on the agenda until the country needed to address the issue as part of its EU accession process. So far, the Polish state has opted for limiting integration activities to the groups under its direct care, i.e. refugees and persons under supplementary protection.

On the other hand, the vast majority of migrants in Poland – including categories of economic migrants, newcomers for reasons of family reunion, students – are not the target for state integration programmes. They arrive mainly from the neighbouring countries, primarily from Ukraine, and their actual integration with the Polish society comes about thanks to a combination of non-institutional factors. The research concerning the patterns of Ukrainian immigration to Poland²⁷ reveals that the factors that are crucial to the successful accommodation to the Polish cultural, social and economic environment include: understanding of the Polish cultural code (thanks to shared historical heritage), linguistic proximity and lack of racial difference. Even if the migrants from western CIS do not speak Polish, they are able to maintain adequate communication with the Poles. It is

²⁴ K. Iglicka, P. Kaźmierkiewicz, M. Mazur-Rafał, *op. cit.*

²⁵ For the more extensive discussion of the content and legal basis of the programmes, see also A. Jasiakiewicz "Pomoc integracyjna dla uchodźców" (Integration assistance to refugees). In: W. Klaus (ed.). *Prawne uwarunkowania integracji uchodźców w Polsce. Komentarz dla praktyków* [Legal Conditions for Refugees' Integration. Comments for Practitioners]. Association for Legal Intervention, Warsaw, 2006, p. 9; B. Samoraj. "W kierunku integracji uchodźców" (Towards integration of refugees). In: J. Frelak, W. Klaus, J. Wiśniewski. *Przystanek Polska: Analiza programów integracyjnych dla uchodźców* [Station Poland. Analysis of Integration Programmes for Refugees]. Institute of Public Affairs, Warsaw, 2007, pp. 42–51.

²⁶ Immigration as such practically did not exist before 1990s.

²⁷ M. Bieniecki, J. Frelak, P. Kaźmierkiewicz, M. Pawlak. *Ukrainian Migrants on the Polish Labour Market*. IOM: Kyiv, 2008. (manuscript)

also worth noting that the Ukrainians who settle in Poland usually spend several shorter periods as part of their commercial or labour contacts, which ensures that they develop the understanding of the realities of contemporary Poland and cultural competence.

The factors that facilitate the integration of the eastern Slavic newcomers are often absent in the cases of refugees or persons under temporary protection, who are either the Chechens or the nationals of some of the Third World countries. They are the primary target (apart from the returning ethnic Poles) of the only official integration programs existing in Poland – IPI or Individual Integration Programmes.

3.2. State integration programmes

Institutionalized integration of migrants has so far been limited to refugees or other foreigners under state protection. No dedicated programmes were available in the early 1990s, and their content was stipulated only in the regulations issued by 2000.²⁸ Programmes of assistance are managed and financed by the Ministry of Labour and Social Policy and implemented locally by the County Centres of Family Support (Powiatowe Centrum Pomocy Rodzinie). No other official integration programs for foreigners have been set up.

The scope of assistance is determined individually, and a personalized contract is signed, enumerating the obligations of both the refugee and the provider – the specific activities are made dependent on the circumstances in which the refugee finds himself or herself. Typically, programmes for refugees last for a year and include assistance in securing accommodation, health care, financial support and Polish language courses. Once the period of the Individual Programme elapses, only general social benefits (income-substitution) are available to qualifying families.

These Individual Integration Programmes place a number of required actions on refugees who are obliged to: (1) register their residence, (2) register as an unemployed person at the local employment center, (3) if necessary, attend state-sponsored Polish classes,²⁹ (4) schedule regular appointments with a social worker,

²⁸ This task of state administration was introduced in the 1996 amendment of the Act on Social Assistance, and in 1998 the Ministry of Labour and Social Policy became the supervisory body for all the official programmes. Regulation of the Minister of Labour and Social Policy of 1 December 2000 on specific terms of providing assistance to refugees, the amount of monetary benefits, forms and scope of the assistance, the mode of operation in such cases and conditions of terminating or denying assistance (Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie szczegółowych zasad udzielania pomocy uchodźcom, wysokości świadczeń pieniężnych, form i zakresu pomocy, trybu postępowania w tych sprawach oraz warunków wstrzymania pomocy lub jej odmowy). Journal of Laws of 2000, No. 190, item 1160.

²⁹ The Polish courses for foreigners are available at several locations. The courses are compulsory for immigrants with a refugee status and tolerated-resident status who participate in Individual Integration Programmes.

at least once every two weeks, (5) fulfil all other individually-agreed obligations. Failure to meet any of these conditions, and in particular to undertake one's individual obligations could be the basis for reducing or terminating the assistance.³⁰

Issue

Limited coverage of social assistance. Practitioners have often raised the problem of the restricted scope of assistance, which is limited to recognized refugees, leaving out persons with tolerated status. These two groups of migrants face the same types of challenges, as they predominantly consist of the Chechen victims of conflict. Their chances of successful integration at the local labour market or developing ties with the host community are compromised by their traumatic wartime experience. As Chechen families are usually large with only one breadwinner, unemployment of the head of the household puts the families at risk of poverty. Considering that few of either the refugees or persons with tolerated status are capable of achieving economic independence in the first years of the stay in Poland, assistance, either in the form of child support or language courses, is indispensable.

However, even recognized refugees, who are the beneficiaries of the Individual Integration Programmes, are not able to become fully independent by the time the assistance period elapses. The Programmes last 12 months, which is a too short period for developing proper cultural competence and finding a job. Another issue is the low value of assistance, which does not cover the housing and living costs of large Chechen families.

4. Access to services³¹

4.1. Housing

Polish legislation identifies recognized refugees and persons with tolerated status among the groups qualifying for subsidized housing, although this form of state's help is quite limited and the access to subsidized houses is difficult both for native Poles and immigrants.³² This form of support is managed by local governments, which convert and maintain communal buildings, renting them to the low-budget Polish and qualifying foreign families. Refugees and protected persons are also free to rent or buy real estate on the market on the same conditions as the Polish citizens.

³⁰ B. Samoraj, *op. cit.*, p. 49.

³¹ This section draws on the chapter by Bartosz Smoter, "Prawne uwarunkowania integracji cudzoziemców w Polsce na przykładzie uchodźców i osób z pobytem tolerowanym" (Legal conditions of foreigners' integration in Poland: the case of refugees and persons with tolerated status). In: M. Bieniecki, P. Kaźmierkiewicz, B. Smoter. *Integracja cudzoziemców w Polsce: wybrane aspekty* (Integration of foreigners in Poland: selected aspects). Institute of Public Affairs: Warsaw, 2007.

³² Act on the Protection of Tenants' Rights (Ustawa o ochronie praw lokatorów) of 21 June 2001 (7109871 Journal of Laws 2005, No. 16, item 93 with amendments).

There is no special housing policy concerning third country nationals. The shortage of low-cost municipal apartments and the strong needs for subsidized housing among Polish citizens have been the chief impediments to the development of housing policy targeting migrants. Paradoxically, however, the reliance on the market mechanism resulted in dispersion of migrants as they search for opportunities on the still-volatile market and end up renting apartments based on the rental price alone rather than other considerations (e.g., locality or presence of compatriots).

Issues

Housing inaccessible to migrants. Notwithstanding the legal guarantees, refugees or persons with tolerated status find it extremely difficult to secure proper housing.³³ The barriers include the social attitudes, low socio-economic status and administrative procedures. Firstly, as the majority of refugees or persons with tolerated status are the Chechens, they frequently encounter problems while trying to rent apartments from Polish landlords. Migrants report that upon hearing the Russian accent and learning of the Chechen nationality, most of apartment owners refuse to proceed with the rental and decline to make an appointment in person.³⁴

Secondly, refugees or persons with tolerated status are not in the position to exercise their rights to housing, either subsidized or at market conditions. As a rule, they do not have the ability to take mortgage loans as they rarely have permanent job contracts, and their wages are too low to qualify for credit. In turn, communal housing is in short supply, which results in lengthy waiting periods, extending up to seven years.

Finally, migrants are frequently caught in the vicious circle due to the legal requirement of registration at a place of living. Registration at an address in Poland is a prerequisite for banking, taking up employment, access to some state benefits, etc. To register at a rented place, a foreigner needs to conclude a written rental contract with the landlord. However, many landlords are unwilling to sign such contracts and register foreigners at their apartments either out of unfounded fear that the tenants might refuse to vacate the place or in an attempt to evade paying taxes on the rent.

4.2. Education

According to the Polish Constitution, all children, irrespective of their legal status in Poland, have the right to free public education. The law specifies that the right is also a duty with regard to the first nine classes of schooling (elementary and junior high schools). Admission of foreign children is administered by head-

³³ See also: M. Pawlak, N. Ryabinska. Dlaczego uchodźcy “nie chcą” integrować się w Polsce [Why Refugees do not want to Integrate in Poland]. In: J. Frelak, W. Klaus, J. Wiśniewski. Przystanek Polska: Analiza programów integracyjnych dla uchodźców [Station Poland. Analysis of Integration Programmes for Refugees]. Institute of Public Affairs: Warsaw, 2007, p. 106.

³⁴ Smoter, *op. cit.*

masters of local public schools, and funds are allocated from the national budget to local authorities reimbursing the cost of educating each child, whether a Polish national or a foreigner. Considering the very low numbers of settled migrants in Poland, issues of integration of foreign children in Polish schools have not come up in the media or expert debates. In the 2006/2007 school year there were 3618 foreign children in the Polish school system, representing 0.06% of all pupils in the country. In view of such low numbers, the Ministry of Education does not see a necessity of running any special programmes (especially that these children are dispersed among various schools).³⁵

University education is open to all qualified persons, regardless of their citizenship. However, the conditions of admission are different for various categories. Only recognized refugees are entitled to college education under the same terms as the Polish citizens, i.e. they may attend public universities with the waiver of tuition fee and are eligible for public financial assistance (e.g., accommodation or living stipends). Other foreigners (including those with tolerated status) may enroll at public universities after paying a tuition fee and covering their living costs out of their own pockets or through individual grants from the university or the state. In exceptional cases, schools may waive the foreigner's tuition fee.

Issues

Inflexible procedures for recognizing degrees and qualifications. Among the documents required for the applicant's entry into the university is a certificate of graduation from a high school, equivalent to the Polish counterpart. Poland's accession to the EU resulted in the termination of several bilateral agreements on the recognition of educational certificates and diplomas with other post-Communist states from which many migrants to Poland originate.³⁶ As a result, most non-EU nationals need to go through case-by-case review of their educational qualifications, which at times involves contacting the embassy of their country of origin. Problems arise when foreigners have failed to collect the required documents at home (as it is often the case with refugees who flee conflicts) and contact with the authorities of the country of origin is impossible or inadmissible (as with refugees).

4.3. Health care

Polish legislation ensures health care coverage to refugees and persons with tolerated status that is equal to that for the nationals. Access to health care is related to the employment status of a foreigner. Polish regulations provide for obligatory health insurance, providing comprehensive diagnostic and in-patient care, under the same terms for Polish citizens and all foreigners legally residing in

³⁵ Mirosław Bieniecki, Mikołaj Pawlak. *Wpływ imigrantów na lokalne społeczności* [Impact of immigrants' integration on local communities: the Polish case]. Institute of Public Affairs, Warszawa, 2008.

³⁶ See: W. Klaus (ed.). *Prawne uwarunkowania integracji cudzoziemców w Polsce. Komentarz dla praktyków* [Legal Conditions for Refugees' Integration. Comments for Practitioners]. Warszawa, 2006.

Poland. Consultations are free of charge as long as the foreigner presents his or her valid residence permit, personal identification number as well as certification of health insurance. The right to free medical assistance is conditional on full-time work contract, registered unemployment status or education.³⁷ Foreigners are free to use any public medical facility of their choice, irrespective of the region of the country.

Issues

Migrants using public health care services do not always receive adequate standard of health care. The problems are comparable to those encountered by all patients just as the Polish nationals, foreigners experience significant delays in contacts with specialized doctors. The difference is that on many occasions, because of broader contacts and knowledge of the health care institutions, Poles can bypass the cumbersome queues. The research conducted among the medical institutions indicated a scant knowledge of the regulations on foreigners' access to public health care among the medical staff members. Communication problems are another issue reported by migrants due to insufficient command of foreign languages among the staff of clinics or hospitals.³⁸ The language may be a barrier also in other instances of contacts with public institutions in general.

5. Political rights and participation

Third country nationals do not enjoy the right to active or passive participation in either national nor local elections in Poland. They cannot be members of political parties. Those non-EU nationals who have been granted a residence status can participate in non-governmental organizations and in trade unions. However, they may be members only of existing organizations or unions and they cannot establish new ones.

Immigration issues are rarely present in public debates and they practically do not exist in Polish political discourse. The exception is occasionally appearing issue of immigrants employment in Poland, but this is discussed in economic rather than in political terms.

The immigrants' communities in Poland are small and dispersed. The size and significance of immigrant groups in Poland is not comparable to immigrant communities in other EU countries and it is reflected in a scale of their political participation. Nearly none of the categories of immigrants coming to Poland express intention to settle in Poland. As a consequence, they do not form any serious political group and are seldom engaged in public life of the communities. The exceptions are some emerging diasporas (the Vietnamese and, to a lesser extent,

³⁷ Art 66 of the Act on publicly-financed health care benefits (Ustawa o świadczeniach opieki zdrowotnej finansowanych ze środków publicznych), Journal of Laws of 2004, No. 210, item 2135 with amendments.

³⁸ Klaus, *op. cit.*; Smoter, *op. cit.*

Armenians), the largest group of newcomers (Ukrainians) and some smaller groups, which seek to protect their cultural identity (Muslim immigrants).

Organizations of foreigners have not been engaged in political or lobbying activities aiming at the improvement of their constituency's lot.³⁹ Some *ad hoc* initiatives were staged in reaction to unfavourable legislation or practices. Immigrants' participation in public and cultural life of Poland is also scarce and is in most cases limited to informal organizations clustered around religious institutions (i.e., Ukrainian Uniate Church in Miodowa, mosques in Gdańsk or Poznań, Armenian priest in Opole, etc.) and groups of immigrants collaborating with so called "old national minorities" (Ukrainians collaborating with of Association of Ukrainians in Poland, Armenians collaborating with Armenian minority in Olsztyn region, etc). The exceptions associating just (or mainly) new immigrants could be Our Choice Ukraina (joined with Association of Ukraine's Friends) or Association of Refugees in Poland.

In addition, on many occasions the interests of immigrants are voiced by minority groups that are formed by Polish citizens of various ethnic origins. For example, the Armenian minority members acting in the Joint Commission of Government and National and Ethnic Minorities are to some degree representing also those Armenians who live in Poland, do not have Polish citizenship and cannot actively participate in political life themselves. This way of immigrants' participation in politics can be observed among all immigrant groups that have sizable corresponding national minorities in Poland (Belarusians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians and Jews) but also other minorities that – although officially not recognized – have formed groups that include both immigrants and people of certain national origin who are Polish citizens.

6. Anti-discrimination

6.1. Legal basis and implementation

Legal framework. Polish anti-discrimination framework consists of several fundamental legal acts.⁴⁰ The Constitution⁴¹ states equality of all before the law, the universal right to equal treatment by public authorities and prohibition of discrimination in the political, social or economic life for any reason whatsoever.

³⁹ Cases include an open letter to the ombudsman on behalf of Poles married to foreigners concerning amendment of legislation limiting a possibility of gaining a residence permit by a spouse of Polish citizen in case of insufficient income, or regional protests against the introduction of stricter conditions of border-crossing.

⁴⁰ See also: M. Bieniecki, J. Frelak. Non-Poles on the Polish Labour Market. Problems and Challenges. An overview of the issue of racial/ethnic discrimination in the private sector in Poland. Caritas Polska/Lublin, Gliwice, 2005.

⁴¹ Of 2 April 1997 (Journal of Laws, No. 78, item 483 with later amendments).

Article 113 of the Labour Code⁴² states that “*any discrimination in employment, direct or indirect, is inadmissible, in particular because of sex, age, disability, race, religion, political beliefs, trade union membership, ethnic origin, religious affiliation, sexual orientation, and due to the temporary or permanent, full-time and part-time form of employment.*” Such an approach to the issue of discrimination fulfils Poland’s obligations resulting from international agreements. Although, it must be stressed that there is a lack of reported court cases resulting from this regulation.

Polish Labour Code implements three EU directives regarding discrimination.⁴³ The equal access to services is guaranteed by the Polish Constitution, the Labour Code. The standard codes of conduct in private companies do not refer to the issue of discrimination against immigrants (based on race or ethnicity).

As discrimination is regulated by higher laws, each case of discrimination can be reported directly to the police, to the court or to the prosecutor's office. The prosecuting organ is obliged to initiate and conduct a preparatory procedure, and the public prosecutor is obliged to bring charges against and support the charge – prosecuted *ex officio*. In cases when constitutional rights are violated, a complaint to the Ombudsman's Office can be filed. These institutions cannot refuse to accept the report on the crime. As discrimination cases are persecuted *ex officio*, in case of a repeated issuance of a refusal to initiate proceedings or of discontinuance of the case, the victim can independently lay charges in court. The charge sheet lodged by the victim must be prepared and signed by a lawyer. In such situation it is recommended for a victim to ask for assistance and/or a legal advice from institutions that deal with anti-discrimination.

Issue

Limited support to victims. The government does not offer counseling services dedicated strictly to the victims of discrimination, although some NGOs fulfill their function providing legal assistance to victims of racial discrimination (e.g., Poradnia Prawna dla Cudzoziemców, the Helsinki Foundation, Legal Advice Association). Foreigners may avail of general counseling to victims of discrimination, available at ombudsman's office and customer rights offices although their access is limited by the inadequate knowledge of these opportunities. Counseling is also offered by legal assistants, psychologists and social workers provided by the NGO network.

⁴² Of 26 June 1974 (Journal of Laws No. 1998, No. 21, item 94 with later amendments).

⁴³ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

6.2. Societal attitudes towards migrants

Surveys of public opinion taken between 1992 and 2004 indicate a decrease in negative opinions concerning foreigners. However, the attitudes differ according to the country of origin of foreigners. Generally, North Americans, Western and Central Europeans are most liked (with the majority of respondents reacting positively to Americans, the British, the Italians or the Czechs), while the citizens of post-Soviet states, the Roma, Asians, Africans or Arabs are at the opposite pole, generating the least sympathetic emotions.

The general decrease of mistrust towards foreigners might be explained by greater mobility of the Poles themselves⁴⁴, exposure to new cultural trends as well as the improvement in living standards. The differences in the attitudes have been explained by one observer through the combination of cultural distance to a particular nationality, the heritage of conflict with a particular nation, as well as the image of a given ethnic group in mass media.⁴⁵

The polls indicate also the growing openness of Poles to the presence of foreigners on the Polish labour market. From 1992 to 2006 the share of those who accepted opening all sectors of the economy to foreigners increased, so that 34% agree to full liberalization of the market, while selective opening is favored by another 47%. Around 70% of those polled agree that a job should be offered to a foreign worker if no Pole was interested in it.⁴⁶ It is also significant that if in 1992 over 40% of respondents were against allowing any form of foreign employment in Poland, the share of those opposed to all types of foreign presence on the labour market dropped to 10% by 2006.

While some authors expressed concerns about the likelihood that direct economic competition would lower the support for opening the labour market,⁴⁷ the polls show the opposite – support is equally high among the people who work in the sectors with higher share of foreigners. This may be related to the positive personal experience of working with foreigners. In fact, the willingness to lift the restrictions to the labour of foreigners is higher among those who have met foreign workers. While less than one-third of the respondents from the general population favoured allowing foreign workers into all sectors of the Polish economy, half of those familiar with foreigners did so.

Poland is not a country where xenophobic behavior and statements are popular. There is neither visible anti-immigrant hostility nor anti-immigrant protests.

⁴⁴ Estimates of the size of emigration vary. According to the Main Statistical Office, in 2006, 1.95 million Poles were living abroad. (http://www.stat.gov.pl/gus/45_3583_PLK_HTML.htm)

⁴⁵ S. Łodziński. Acceptance, Distance and Threat: Some Issues in the Public Acceptance of Foreigners in Poland in the 1990s. In: Iglicka, K. (ed). *Migration and labour markets in Poland and Ukraine*. Institute of Public Affairs, Warsaw, 2003.

⁴⁶ Communiqué: *Obcokrajowcy pracujący w Polsce* (Foreigners Working in Poland). Public Opinion Research Centre, Warsaw, October 2006. www.cbos.pl

⁴⁷ A. Jasińska-Kania A., M. Morody (ed). *Polacy wśród Europejczyków* (Poles Among the Europeans). Scholar, Warsaw, 2002.

The actions of right extremists against foreigners are sporadic and are publicly condemned.⁴⁸ The incidents of intolerance are rather connected with ignorance and prevailing stereotypes. They are present in everyday life but not in the activities of mainstream parties. Such a situation is determined not only by the minor scale of immigration, but also by a specific character of these processes and additional weight of other important social problems. For instance, high unemployment social exclusion that concerns so many immigrants in Western Europe in Poland concerns first of all those people who live in rural areas that used to be dominated by collective farming or post-industrial regions. Considering the fact that this situation changes very slowly, it may be assumed that immigration is not going to become a significant social problem in Poland in a predictable future (except maybe some local areas of more intense concentration of immigrants, e.g. Wólka Kosowska, near Warsaw).

No reliable statistics are available on the incidents of racist and ethnic discrimination. Polish legislation forbids state institutions from collecting and processing data on anti-Semitic, racist and xenophobic occurrences.⁴⁹ Informal statistics run by the Migration Department at the Interior and Administration Ministry indicate several racially motivated offences and crimes every year.⁵⁰

General conclusions and recommendations

- While remaining primarily the place of migrants' origin, Poland is gaining in significance as a country of transit and destination. However, the official policy has only begun to catch up with the new realities: state integration programmes have been limited to refugees and persons with tolerated status, no targeted incentive systems have been put in place, and few policies exist that would improve foreigners' access to public services. As a result, the vast majority of foreigners must rely on individual integration strategies.
- Existing solutions still reflect the fact that the problem of migrants is quite new in Poland. The low awareness of the problem does not only concern the general public but also people dealing with migrants. State agencies should be made more aware of the issue connected with racism and discrimination in order to effectively combat their manifestations.

⁴⁸ Grzymała-Kazłowska A., Okólski M. *Influx and Integration...op. cit.*; Mirosław Bieniecki, Hanna Bojar, Justyna Frelak, Mikołaj Pawlak, Monika Trojanowska-Strzúboszewska, Joanna Kurczewska. *The European Dilemma: WP9 Policy Implications and Recommendations*. Institute of Public Affairs, Warszawa, 2006.

⁴⁹ Polish Constitution of 1997, Act on the protection of personal data (ustawa o ochronie danych osobowych) of 1997 and the Act on public statistics (ustawa o statystyce publicznej) of 1995.

⁵⁰ For further details see: the National Programme on Combating Racial Discrimination, Xenophobia and Related Intolerance 2004–2009 (Krajowy Program Przeciwdziałania Dyskryminacji Rasowej, Ksenofobii i Związanej z Nimi Nietolerancji 2004–2009). Ministry of Interior and Administration, Warsaw, 2004.

- There is urgent need for establishing a coherent state policy towards immigration in general, in particular regulating access to the labour market that would reflect the shortages in the domestic economy and skills deficit. This would represent a break from the official practice of the past several years when the state on the one hand protected the labour market, and a relatively liberal visa policy allowed many immigrants to enter the country and to work illegally. The recent steps towards opening the labour market for foreigners from Ukraine, Russia and Belarus and the recently proposed (June 2008) bill on the Labor Market Institutions indicate an important shift of this approach, at least when it comes to employment of the majority of third country nationals interested in migrating to Poland.
- The strategy of managing a foreign labour force should be selective and well-planned in order to limit the illegal employment of immigrants and increase the level of their legal employment. The employment of skilled workers should be made more flexible while the demand for unskilled immigrant workers should be acknowledged as the problem that is not considered to be crucial.
- A comprehensive immigration policy should also eliminate other mechanisms that can work against immigrants. These solutions must be proportional to the problem and be a part of a wider social policy directed towards improving the economic and social situation concerning all Poland. Moreover, integration, as a component of this policy should include integration measures for immigrants, not just for refugees as it is the case nowadays. The policy of the state should allow more immigrants who are already working in Poland to legalize their status, and create a clear and flexible system for their employment.
- Migrants in Poland do face some forms of discrimination although these are limited to incidents. While direct forms of unequal treatment (e.g., behaviour of the civic servants) occur only occasionally, indirect discrimination (e.g., limited access to the workplace as a result of complex or lengthy procedure) is a persistent problem, which results from the current protective regulation on access to the workplaces. It may be concluded that in most cases, the problem stems from the ineffective work of Polish institutions dealing with migrants that are still in a process of development rather than from institutional discrimination.⁵¹

⁵¹ Mirosław Bieniecki, Justyna Frelak. Non-Poles on the Polish Labour Market. Problems and Challenges. An overview of the issue of racial/ethnic discrimination in the private sector in Poland. Gliwice, 2005.

Selected Bibliography

- Antoniewski, Rusłan, Izabela Koryś. *Imigranci o nieuregulowanym statusie. Społeczne i ekonomiczne aspekty funkcjonowania w Polsce [Irregular immigrants. Social and economic aspects of their functioning in Poland]*. ISS Working Papers – Series: Prace Migracyjne, No. 47, 2002.
- Bagińska, Dominika, Mirosław Bieniecki, Hanna Bojar, Anna Gašior-Niemiec, Izabela Koryś, Piotr Koryś, Joanna Kurczewska, Mikołaj Pawlak. *The European Dilemma: Institutional Patterns and Politics of "Racial" Discrimination: WP4 Institutional Discrimination*, Institute of Public Affairs, Warsaw, 2004/2005.
- Bieniecki, Mirosław. *Regularization of Immigrants in Poland: What was wrong with it and what should be done?* www.migraceonline.cz
- Bieniecki, Mirosław, Justyna Frelak. *Praca cudzoziemców w Polsce rozwiązaniem problemów na rynku pracy? [Are foreign workers a solution to our market labour problems?]* the Institute of Public Affairs: *Analizy i Opinie*, nr 75/maj 2007, Warszawa, 2007.
- Bieniecki, Mirosław, Justyna Frelak. *Non-Poles on the Polish Labour Market. Problems and Challenges. An overview of the issue of racial/ethnic discrimination in the private sector in Poland*. Caritas Polska/Lublin, Gliwice, 2005.
- Bieniecki, Mirosław, Hanna Bojar, Justyna Frelak, Anna Gašior-Niemiec, Mikołaj Pawlak. *Migranci na rynku pracy w Polsce. Wyniki badań przeprowadzonych wśród migrantów ekonomicznych i pracowników polskich [Migrants on the Polish labour market. Results of the research carried out among economic migrants and Polish employees]*. Institute of Public Affairs, Warsaw, 2005.
- Bieniecki, Mirosław, Hanna Bojar, Justyna Frelak, Anna Gašior-Niemiec, Joanna Kurczewska, Mikołaj Pawlak. *Regulacja migracji zarobkowej – wyzwania dla Ukrainy w kontekście polskich doświadczeń. Raport z badań socjologicznych przeprowadzonych wśród migrantów ekonomicznych z Ukrainy w Warszawie i okolicach [Regulation of Labour Migration: Challenges for Ukraine In Light of the Polish Experience. Report from Sociological Research Conducted Among Economic Migrants from Ukraine In Warsaw and Surroundings]*. Institute of Public Affairs, Warsaw, 2005.
- Bieniecki, Mirosław, Piotr Kaźmierkiewicz, Bartosz Smoter. *Integracja cudzoziemców w Polsce: wybrane aspekty [Integration of foreigners in Poland: selected aspects]*. Institute of Public Affairs: Warsaw, 2007.
- Bieniecki, Mirosław, Justyna Frelak, Piotr Kaźmierkiewicz, Mikołaj Pawlak. *Ukrainian Migrants on the Polish Labour Market*. IOM: Kyiv, 2008. (unpublished)
- Frelak, Justyna, Witold Klaus, Jakub Wiśniewski (eds.). *Przystanek Polska: Analiza programów integracyjnych dla uchodźców [Station Poland. Analysis of Integration Programmes for Refugees]*. Institute of Public Affairs: Warsaw, 2007.
- Golinowska, Stanisława (ed.). *Popyt na pracę cudzoziemców. Polska i sąsiedzi [Demand for foreign labour. Poland and its neighbours]*. Institute of Labour and Social Affairs, Warsaw, 2004.
- Grzymała-Każłowska, Aleksandra, Marek Okólski. *Influx and Integration of Migrants in Poland in the Early XXI Century*. Institute of Social Affairs, Warsaw University, Working Papers, no. 50, 2003.
- Iglicka, Krystyna (ed.). *Migration and labour markets in Poland and Ukraine*. Institute of Public Affairs: Warsaw, 2003.

- Każmierkiewicz, Piotr, Joanna Korczyńska. *Experience of Poland after 1989 as a country of entry and exit*. Institute of Public Affairs, Warsaw, 2005.
- Każmierkiewicz, Piotr. *Integracja z Schengen jako wyzwanie dla polskiej polityki wizowej wobec wschodnich sąsiadów* [Integration with Schengen as a Challenge for the Polish Visa Policy towards its Neighbours]. *Analizy i Opinie* Nr. 42, Institute of Public Affairs, Warsaw, 2005.
- Kepińska, Ewa. *Recent Trends in International Migration. The 2006 SOPEMI Report for Poland*, CMR Working Papers, UW, Warsaw, 2006.
- Klaus, Wiktor (ed.). *Prawne uwarunkowania integracji cudzoziemców w Polsce. Komentarz dla praktyków* [Legal Conditions of Integration of Foreigners in Poland. Commentary for Practitioners]. Association for Legal Intervention: Warsaw, 2006.

Annex. Selected Relevant Legal Acts⁵²

- Act on aliens (Ustawa o cudzoziemcach) of 13 June 2003. Journal of Laws of 2003, No. 128, item 1175 with amendments.
- Act on granting protection to foreigners in the territory of the Republic of Poland (Ustawa o udzielaniu cudzoziemcom ochrony na terytorium RP). Journal of Laws 2003, No. 128, item 1176 with amendments.
- Labour code (Kodeks pracy). Journal of Laws 1998, No. 21, item 94 with amendments.
- Act on employment promotion and labour market institutions (Ustawa o promocji zatrudnienia i instytucjach rynku pracy) of April 20, 2004. Journal of Laws 2004, No. 99, item 1001 with amendments.
- Act on system of education (Ustawa o systemie oświaty) of 7 September 1991. Journal of Laws 2004, No. 256, item 2572 with amendments.
- Act on the entry into the territory of the Republic of Poland, stay and exit from such territory of the nationals of European Union Member States and their family members (Ustawa o wjeździe na terytorium Rzeczypospolitej Polskiej, pobycie oraz wyjeździe z jego terytorium obywateli państw członkowskich Unii Europejskiej i członków ich rodzin) of 1 July 2006. Journal of Laws, 2006, No. 144, item 1043.
- Act on the promotion of employment and instruments of labour market (Ustawa o promocji zatrudnienia i instrumentach rynku pracy) of 20 April 2004. Journal of Laws 2004, no. 99, item 1001.
- Act on publicly-financed health care benefits (Ustawa o świadczeniach opieki zdrowotnej finansowanych ze środków publicznych) of 27 August 2004. Journal of Laws of 2004, No. 210, item 2135 with amendments.
- Act on the protection of tenants' rights (Ustawa o ochronie praw lokatorów) of 21 June 2001. Journal of Laws 2005, No. 31, item 266 with amendments.
- Act on social assistance (Ustawa o pomocy społecznej) of 12 March 2004. Journal of Laws 2004, No. 64, item 593 with amendments.

⁵² Most of the references have been compiled based on: W. Klaus (ed.). *Prawne uwarunkowania integracji cudzoziemców w Polsce. Komentarz dla praktyków* [Legal Conditions of Integration of Foreigners in Poland. Commentary for Practitioners]. Association for Legal Intervention: Warsaw, 2006.

- Act on family benefits (Ustawa o świadczeniach rodzinnych) of 28 November 2003. Journal of Laws of 2003, No. 228, item 2255 with amendments.
- Act on freedom of economic activity (Ustawa o swobodzie działalności gospodarczej). Journal of Laws of 2004, No. 173, item 1807 with amendments.
- Act amending the act on foreigners purchasing real estate and the act on treasury fees (Ustawa o zmianie ustawy o nabywaniu nieruchomości przez cudzoziemców oraz ustawy o opłacie skarbowej) of 20 February 2004. Journal of Laws of 2004, No. 49, item 466.
- Act on registration of population and identity cards (Ustawa o ewidencji ludności i dowodach osobistych) of 10 April 1974. Journal of Laws of 2001, No. 87, item 960 with amendments.
- Regulation of the Council of Ministers of 24 July 2006 on revised income criteria and amounts of monetary benefits from social assistance (Rozporządzenie Rady Ministrów w sprawie zweryfikowanych kryteriów dochodowych oraz kwot świadczeń pieniężnych z pomocy społecznej). Journal of Laws 2006, No. 135, item 950.
- Regulation of the Minister of Labour and Social Policy of 27 June 2007, amending the regulation on employment of foreigners without the need to obtain a work permit.
- Regulation of the Minister of Labour and Social Policy of 29 January 2008, amending the regulation on employment of foreigners without the need to obtain a work permit.
- Regulation of the Minister of Labour and Social Policy of 1 December 2000 on specific terms of providing assistance to refugees, the amount of monetary benefits, forms and scope of the assistance, the mode of operation in such cases and conditions of terminating or denying assistance (Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie szczegółowych zasad udzielania pomocy uchodźcom, wysokości świadczeń pieniężnych, form i zakresu pomocy, trybu postępowania w tych sprawach oraz warunków wstrzymania pomocy lub jej odmowy). Journal of Laws of 2000, No. 190, item 1160.
- Regulation of the Minister of Labour and Social Policy of 29 September 2005 on providing assistance to refugees (Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie udzielania pomocy uchodźcom). Journal of Laws 2005, No. 201, item 1668.
- Regulation of the Minister of Education on admission of non-Polish citizens to Polish kindergartens, schools, teacher training institutes and facilities (Rozporządzenie Ministra Edukacji Narodowej w sprawie przyjmowania osób nie będących obywatelami polskimi do publicznych przedszkoli, szkół, zakładów kształcenia nauczycieli i placówek) of 4 October 2001. Journal of Laws 2001, No. 131, item 1458.
- Regulation of the Minister of Education and Science on the recognition of school certificates and high-school leaving certificates obtained abroad (Rozporządzenie Ministra Edukacji i Nauki w sprawie nostryfikacji świadectw szkolnych i świadectw maturalnych uzyskanych za granicą) of 6 April 2006. Journal of Laws of 2006, No. 63, items 442, 443.
- Regulation of the Minister of National Education and Sport on the recognition of the diplomas of graduation from schools of higher learning obtained abroad (Rozporządzenie Ministra Edukacji Narodowej i Sportu w sprawie nostryfikacji dyplomów ukończenia studiów wyższych uzyskanych za granicą) of 10 August 2004. Journal of Laws of 2004, No. 184, item 1897.