Polish immigration policy – opportunities and challenges for the labour market
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Introduction

Immigration to Poland, as opposed to emigration of Poles abroad, is a subject rarely discussed in public debate. In fact, Poland is not among those countries particularly attractive to immigrants and, apart from rare instances, does not have problems with the integration of foreign nationals into society. However, the example of other countries, especially members of the European Union, demonstrates the fact that failure to prepare for increased immigration can cause numerous problems resulting in the rejection of immigrants by host country societies. It should be noted that controlled immigration is positive both for economic development and host country societies. At the same time, a model of immigration policy should be understood and approved by as wide a majority as possible in society. This booklet aims to help understand the role of immigration and the discussion surrounding the Polish model of immigration policy. It was prepared as part of a research project on immigration policy within the context of the current and future needs of the Polish labour market. The project was conducted by the Institute of Social Policy, at the University of Warsaw’s Journalism and Political Science Faculty, and was commissioned by the Human Resources Development Centre. The direct recipient of the research results is the Ministry of Labour and Social Policy’s Labour Market Department.
World migration

Migration is a global phenomenon. The latest United Nations estimates show that migrants represent about 3 per cent of the world’s population, which is about 200 million. The main causes of migration continue to be, on the one hand, a desire to improve quality of life or to seek better paid jobs, and on the other hand, wars, natural disasters or political persecution. In the case of Poland, both the departure of our compatriots abroad and the arrival of foreign nationals into Poland are conditioned by economic factors. Poles migrate to such countries as the United Kingdom, Germany and Norway seeking better earnings, while citizens of Ukraine, Belarus, Vietnam and Georgia come to Poland because the Polish labour market offers better conditions of employment.

What does the word migration means?
The term migration is derived from the Latin migratio meaning „displacement, wandering, and the movement of people with the aim of changing their place of residence.“ A lexicon of social policy defines migration as: “the migration of people (in other words: the spatial movement of people, wandering of people) – change of residence, permanent or temporary, within the territory of a given state or as part of a flow of people between different countries.”

The phenomenon of migration is now very widely discussed throughout the world. This debate is dominated by three topics:
• labour migration,
• family reunification and
• integration of foreign nationals into host country societies¹.

Prevalent academic analyses prove that labour migration benefits both the host country and the country of origin. The positive consequences for host countries are mainly: supplementing worker shortages on the labour market, increasing economic competitiveness and contributing to pension and tax systems thereby reducing budget deficits. As far as the countries of origin are concerned, the main benefits are: the reduction of unemployment and the transfer of funds to the families of migrants.

It should also be noted that migrants may serve to even out deficiencies resulting from demographic changes, such as the decreasing and ageing population in many European countries. Immigration does not permanently solve demographic problems, but inflow of foreign nationals may in some way contribute to reducing the negative effects of this process. Despite the fact that arguments for openness to immigration far outweigh arguments against, the challenges posed by increased immigration cannot be ignored. In particular, the following problems can be identified:

• a possible decline in wages
• foreign nationals working on the grey market
• difficulties in the integration of immigrants in host country societies.

In the case of countries of origin the problem is primarily the so-

¹ This has been confirmed by the analysis of academic papers and paper conducted within the research project of which the booklet is a part.
called “brain drain or waste” that is, the emigration of highly educated nationals, who work abroad (either in her/his own or another profession), often well below their qualifications or skills.

Immigration scholars agree on one point: migration cannot be left to itself. It is necessary to use various forms of regulating labour migration. Of course, individual scholars differ in their proposals. The opinion prevails, however, that host countries should not use restrictive rules against labour immigrants, but should treat their inflow as complementary to home labour market.

Another broadly discussed topic, both in academic study and public debate, is the issue of family reunification. In other words, the immigration of the family members of a foreign national who legally resides in the territory of a country and who is willing to receive them. This is a fundamental civil right granted to foreign nationals. It is difficult to imagine a situation in which a foreign national who decides to reside outside his/her country has no right to bring his/her family. Unfortunately, many studies show that the integration of family members into host country societies is much more difficult than in the case of the immigrants who came to work. That is why pre-integration activities are so important. They allow foreign nationals to prepare for arrival in another country, often of a different culture or different dominant religion and avoid the disappointment of nascent frustration after arrival.
The Goethe Institute as an example of an institution offering pre-integration activities

In accordance with German law, immigrants travelling to Germany for the purposes of family reunification are obliged to undertake a pre-integration course. The Goethe Institute (as well as other authorized entities) offers German language lessons and examinations which must be passed in order to obtain the right to stay. The state budget for the most part covers the cost of organizing courses and exams. The list of centres that offer such courses can be found at http://www.goethe.de/lrn/lrs/en3052837.htm

Recently, the dominating theme in public debate in many Member States of the European Union is the issue of finding a way to integrate foreign nationals who are already residing in particular countries. Statistical data show that foreign nationals are more vulnerable to social exclusion than native citizens, very often due to the fact that they remain outside the labour market. Currently, countries such as the Netherlands, Germany and France are looking for new solutions that allow for better integration of foreign nationals in their societies than before. Unfortunately, it is also the case that the debate on migration in these countries often takes a populist nature, which does not serve in finding the best solutions.

If we look at changes taking place in the immigration policies of most European countries and overseas, we can see that these countries try to adapt to the new challenges which stem from the following processes:

• globalization, evident in easy movement over long distances, thus stimulating immigration from the farthest corners of the world,
• the need for highly skilled workers, affecting the competitiveness of the economy,
• demographic changes that lead to aging and population decrease,
• the failure of previous integration policies, resulting in the lack of inclusion of immigrants in the societies of host countries and an explosion of anti-immigration attitudes.

At the same time, however, the analysis of immigration policies of different countries shows a very broad spectrum of measures that can be used to stimulate the inflow of foreign nationals and to reduce associated risks.
Examples of immigration policy measures

- **The points-based system** – selection of candidates *(Canada, Australia, and the UK)* – an immigrant must obtain a specified minimum number of points. The most commonly used selection criteria: desired qualifications, education, age, professional experience, language skill, adaptability, level of income, employment in a particular region, qualifications and experience gained in the country of immigration, as well as the skills of the immigrant’s spouse.

- **Labour market test** *(Austria, Australia, the UK, the US, Ireland)* - a work permit for a foreign national is granted only after confirming that a native worker can not be found among citizens of the country or among citizens of countries who can work without a permit. The test may not be used for some categories of workers (i.e. investors, academics, corporate staff transfers);

- **Quota systems, quotas** *(Austria, Spain)* – maximum immigration limits are set annually (according to certain categories of immigrants, regions, sectors, industries). For example, in Spain, the government sets the limit after consultation with local authorities, employers and trade unions.

- **Limits based on a national criterion** *(the US, New Zealand)* - The U.S. Green Card that gives the right of permanent residence, work, and education is granted in accordance with the national diversification program (when the national limit is exceeded, granting of permits is withheld for a certain period). In New Zealand the Working Holidays Schemes programme grants a work permit for 12 months for young people aged 18 to 30, within set limits, for example: 5,000 for American and French citizens, 2,500 for citizens of South Korea, 1,000 for citizens of the Czech Republic.

- **Time Limits** - a work permit granted for a specified, short period, with the possibility of extension. In Spain, an initial work permit is granted for one year, and later for two years. In Austria, key personnel are granted a work permit for 18 months after which they can apply for a permanent settlement permit.

- **A list of professions not open to foreign nationals** *(Ireland)* – a list of industries in which work permits for third country nationals are not issued.

- **Proportional limits among company employees** *(Ireland, Chile)* - in Ireland, third
country nationals may constitute up to 50 per cent of all company workers. In Chile, foreign nationals may constitute up to 15 per cent of all workers in the company (not applicable to small businesses).

- **Identification of sensitive industries with limited access for foreign nationals (Austria, South Korea)** and other countries with more liberal access procedures.

- **A list of occupations which are in shortage, sought, in high demand (the UK, Austria, Australia, Canada)** - the list includes industries where there is a long-term shortage of workers and an inability to quickly fill the deficiency within the national workforce. The list is revised on an ongoing basis. It relies on monitoring of the labour market.

- **Sponsored workers (the UK, Australia)** - easy and rapid employment of a worker with specific qualifications, provided that the employer meets certain requirements (i.e. has a HR department, uses a system monitoring conditions of employment, is capable of preventing illegal employment). In the UK, an employer must also be included on a special list. Sponsorship can also be run by the government or local governments.

- **Insurance against insolvency or worker deportation (South Korea)** - an employer that brings a foreign worker must purchase a special insurance policy.

- **Programmes to attract young people (Australia, New Zealand)** - Special systems providing the possibility to earn money to cover travel expenses through a given country or to pay tuition fees.

Migration policy is also in the field of interest of the European Union. Upon the Treaty of Lisbon coming into force the Community is playing an even greater role in shaping migration policy, though it is mainly concerned with visa and asylum policy. The activity of the European Union is also noticeable in preventing irregular immigration. But significantly, the Treaty of Lisbon did not infringe the rights of Member States to determine volumes of inflow to their territory of third country nationals who come to take up work.
European immigration policy

Poland, as a member of the European Union, affects the shape of European immigration policy. Following the adoption of appropriate measures at the Community level it is required to implement the agreed solutions. Two directives will be implemented in Poland in the near future. The first one has already been adopted and applies to the issue in the EU Member States, of so called “European Blue Cards” to highly skilled workers. In the case of the second directive introducing a single procedure for issuing work and residence permits, thus reducing bureaucracy, work is still in progress. Its adoption is expected early in 2011. By mid-2011, Poland is to implement the regulations included in the so-called “sanction directive”, which imposes minimum penalties that should be imposed on employers illegally employing foreign nationals. In addition, in 2010, the European Commission presented two legislative proposals for the directive on the rules of entry and residence of third country nationals as far as intra-corporate transfer is concerned and the directive on the rules of entry and residence of third country nationals arriving for seasonal work. Following their adoption by the Council and The European Parliament the directives will require implementation.
Poland’s immigration situation.

From a global perspective, Poland is counted among countries in transition from traditional emigration countries (dominated by emigration) to emigration-immigration states (which records high levels of emigration, but also attracts immigration, mostly labour-related). This is confirmed by statistics on the emigration of Poles and the inflow of foreign nationals to Poland. The reports of The Central Statistical Office (GUS) on the scale and direction of emigration of Poles show that after a dynamic growth of emigration which took place in 2004-2007, in 2008 and 2009 there was a decrease in emigration, and an increase in return migration. Despite these trends, the GUS data show that in late 2009, 1,870,000 Poles resided outside Polish borders, though this figure is about 340,000 persons less than in 2007.

At the same time, data on immigration from the Ministry of Internal Affairs and Administration show that Poland is becoming increasingly attractive as a country of immigration. At the end of 2009, 92,574 foreign nationals had valid residence permits - an increase of over 10 per cent compared with 2008. Foreign nationals interest in the Polish labour market is growing even faster. Data collected by the Ministry of Labour and Social Affairs show that in 2009, 29,340 work permits were granted to foreign nationals from outside the European Economic Area (comprising the European Union Member States, Norway, Iceland and Liechtenstein) and Switzerland - almost 62 per cent more than in 2008. The liberalization of rules in 2009 regarding employment of foreign nationals had a decisive influence on this growth. Nonetheless,
employment of foreign nationals in Poland is still marginal. They represent only 0.3 per cent of total workforce.

In 2006 a pilot project was introduced in which citizens of Ukraine, Belarus and Russia could work without a work permit up to three months of the year. It was amended in 2007. Currently, citizens of five countries (Ukraine, Belarus, Russia, Moldova and Georgia) can also work without a work permit when an employer registers in the local Labour Office a declaration of intention to provide a person with a job for no longer than 6 months per year). Foreign nationals work mainly in sectors specific to seasonal increases and decreases in employment, namely construction and agriculture. In 2009 employers submitted 188,414 declarations of intention to employ foreign nationals to local Labour Offices – 30,000 more than in 2008. Preliminary data for 2010 show, however, that the number of declarations at year-end will be lower than in 2009.
Basic principles of the Polish immigration policy in the labour market context

The main legal act regulating the issue of labour immigration to Poland is the Act on promotion of employment and labour market institutions of 1 May 2004. According to the regulation, any foreign national can be granted a work permit in Poland, if it is required, and if he/she follows the appropriate procedure. The procedure begins with the submission of a job offer by an employer to a given local Labour Office. If the local Labour Office records fail to show an unemployed person who satisfies the requirements of the employer or that it will be possible to find such a person among job seekers, then the starosta (head of the county) (through the local Labour Office) informs about the failure to meet the employer’s needs. On this basis, the province governor grants a work permit and a consul grants a work visa.

In Poland employment of foreign nationals without a work permit is also possible. In addition to citizens of EU member states, Norway, Switzerland, Iceland and Liechtenstein, as a result of Polish membership of the European Community, the following categories of foreign nationals may work in Poland without a work permit:
• teachers of foreign languages,
• artists, actors, directors, provided their period of employment does not exceed 30 days per year,
• researchers/academics,
• clergy,
• full-time students,
• graduates of Polish universities,
• citizens of Ukraine, Belarus, Moldova, Russia and Georgia on the basis of a declaration of intention to employ a foreign national for a period no longer than six months during a year, registered in a local Labour Office.
The growth in employment of foreign nationals in Poland will help improve the competitiveness of the Polish economy and deal with demographic challenges. Looking at the example of other countries, however, it will also involve challenges such as the need to develop appropriate solutions to stimulate and monitor immigration as well as create instruments for the effective integration of foreign nationals into Polish society.

**Forecasting the demand for foreign national workers in Poland**

Analyses and forecasts for the demand for workers on the Polish labour market show that, over the next ten years, shortage of workers on the Polish labour market and consequent need for foreign workers is unlikely to occur. In 2020, the level of immigration to Poland will be, depending on the scenario, 30 to 80 per cent higher than in 2008 (a mean average of about 50 per cent). However, the demand scale for foreign workers depends on the economic situation in Poland, and on whether structural reforms will be implemented in coming years. At the same time, the scale of employment of foreign nationals on the grey market still remains unknown. Furthermore, analyses indicate that between 2009-2020 the occupational structure of foreign workers in Poland will be subject to transformation. The relative proportion of low-skilled construction workers and those employed in agriculture will fall, while the percentage of foreign nationals employed in positions of low and medium level service sectors such as: drivers and machine operators, vendors and persons providing personal services, office workers and education professionals will increase.
Three proposals for the Polish immigration policy model.

Three proposals for a future immigration policy model in the context of the current and future needs of the Polish labour market have been developed on the basis of the research project results, empirical studies, expert opinion and analysis of literature. These are:

• An immigration policy of restricted inflow of foreign nationals.
• An immigration policy of labour market primacy.
• An active policy of immigration.

All three proposals relate only to the immigration policy that is applied to the needs of the Polish labour market both now and in the future.

In the case of “an immigration policy of restricted inflow of foreign nationals” the aim would be to supplement shortages on the Polish labour market only in cases where the shortage is long-term. It assumes, in principle, restricted access to the labour market and lack of an active policy to encourage inflow to Poland, except for instruments addressed to highly skilled workers.

In the scenario of “an immigration policy of labour market primacy”, the main aim would be to supplement shortages of workers on the Polish labour market in both the short and long term. This would mean a controlled opening of the Polish labour market to third country workers, thus pursuing an active policy of acquiring foreign workers. Active recruitment, however, would be restricted to those categories of foreign workers that can bring benefits to the Polish
labour market and competitiveness of the Polish economy. It would also mean opening the Polish labour market to temporary (seasonal) workers and to sectors that are threatened by relocation abroad due to the costs of employment in Poland.

In the case of “an active policy of immigration,” the main purpose of the immigration policy would be the active acquisition of foreign workers as a response to the long-term demand of the labour market. This follows from the analyses and forecasts showing that even in the medium term (5-7 years), as a result of immigration and demographic processes, the Polish labour market will face the need to fill gaps in the workforce. This
option would help foreign nationals to enter the labour market, while work permits would be maintained.

The three proposed models have undergone a public debate. It was attended by around 150 persons representing social partners, NGOs, local authorities, research centres and other entities interested in issues on immigration to Poland. As a result, the first option (an immigration policy of restricted inflow of foreign nationals) was rejected as being too rigorous. It was stressed that this would be a setback for the migration policy pursued today. It should be noted that the rejection of the first option was agreed by representatives of trade unions and employers’ organizations. Social partners also affirmed that the target model on the one hand has to take into account the security of Polish citizens’ employment (trade unions), on the other hand, however, it should be very flexible and transparent (employers’ organizations).

Acceptance of a complementarity principle was highlighted as positive in terms of the employment of foreign nationals and liberalization of regulations, whilst ensuring the effective monitoring of foreign nationals’ employment, in order to protect them against exploitation. Participants of the debate also agreed that the target model of immigration policy should provide specific solutions dedicated to temporary (seasonal) workers employed in seasonal work and for workers deemed highly skilled.
The proposed optimal model of Polish immigration policy in the context of current and future labour market needs.

The purpose of immigration policy in the optimal model would be flexible replenishment of shortages emerging on the Polish labour market, both from the perspective of seasonal as well as long term needs and the prevention of foreign nationals’ inflow being an alternative to the employment of Polish nationals or the EU/EEA and Switzerland nationals. On the one hand the implementation of the immigration policy should not affect Polish citizens’ job security. On the other hand, however, it should allow rapid employment of foreign nationals in those workplaces where there is a failure to procure domestic workers. It was therefore assumed that the immigration policy should be based on the complementarity of foreign nationals’ employment on the Polish labour market. The chosen optimal model included the solution of developing a general model addressed to all foreign nationals wishing to be employed in Poland, providing two special paths, with simplified procedures to benefit both temporary workers and workers deemed to be highly skilled. The model was based on empirical research results and analysis of solutions applied in different countries.

The general model addressed to foreign nationals interested in employment in Poland would involve obtaining a work permit and residence permit,
and in the future, probably a single permit, upon receiving a job offer from a Polish employer. A one-stage labour market test, as currently conducted by the local Labour Office would indicate the possibility of entrusting a third country national with a job. The labour market test would ensure complementarity of foreign nationals’ employment in relation to Polish workers and nationals of other EEA Member States and Switzerland. The detailed proposal adopted gives an Employment Office the option of checking whether the proposed remuneration offered to a foreign national does not diverge from the standards in a specified industry on a given local labour market. Each and every job offer would firstly be directed to the Central Job Database, which is a part of the “Green Line”, a comprehensive information project addressed to unemployed and job seekers. Employment of a third country national would be possible only after finding lack of interest in employment by a Polish national or citizen of another EEA Member State or Switzerland.

The topic of so-called “conditionality” of a worker on an employer was raised during the public debate. Currently, if a foreign national loses a job with the employer who offered him/her a job, it results, in practice, in the termination of work and residence permits, and thus the necessity to leave Poland. In the new model, termination of work and residence permits should only occur where termination of employment was through the employee’s fault, or at the end of the contract period. In other cases (such as dismissal attributable to an employer or exploitation of workers), the third country national would receive the right to stay in Poland for up to 90 days during which he/she could look for another job, but no longer than to the date when work and residence permits
expire. A foreign national could use a public job placement service and receive unemployment benefits for the period of seeking employment - 90 days, provided that he/she fulfils the criteria contained in the Act on promotion of employment and labour market institutions. At the same time, a foreign national would not have the right to other social welfare benefits. In contrast to Polish nationals and other EU Member States, EEA and Swiss nationals who, when registered at the local Labour Office, are entitled to free health care, a foreign national would also be required to buy health insurance.

A special path for temporary (seasonal) workers

Due to the immediate needs of employers, especially in sectors characterized by high seasonality, the optimal model of immigration policy should include an accelerated procedure for obtaining work and residence permits for temporary workers. In this procedure work and residence permits should be issued for a period not exceeding six months during a year. The special path for temporary workers should be based on the current solutions contained in the system of declarations on intention to entrust a foreign national with a job, addressed to citizens of Ukraine, Russia, Belarus, Georgia and Moldova. Citizens of other countries who wish be periodically employed should use the general system.

The system of declarations of intention to entrust a foreign national with a job is well evaluated by both employers and temporary workers. According to employers, it provides sufficient flexibility as far as employment of foreign nationals for seasonal work is concerned.
According to temporary workers, after the declaration system came into force, their safety and working conditions improved. Practice also shows that declarations to some extent limited the employment of foreign nationals on the grey market. However, the current system of declarations of intention to entrust a foreign national with a job contains loopholes that allow its use for other purposes not related to employment. Furthermore, it leads to the trading of declarations and not to concluding written contracts of employment with foreign nationals. The proposed optimal model suggests that the system of declarations be made watertight. The solution might involve imposing the following duties on employers:

- to express intent and ability to provide a foreign national with work,
- to confirm the absence of tax arrears and premiums for social insurance,
- to submit a declaration of inability to meet staff needs by drawing on the local labour market,
- to confirm that they have familiarized themselves with the explanatory notes regarding the provision of work to a foreign national,
- submit the necessary justification of employment of a given number of foreign nationals in specific posts.

In the future, an option may be considered whereby an employer is obliged to inform the local Labour Office where he/she submitted a declaration, about the arrival of a foreign national and the commencement of employment. A similar obligation could be imposed on an employer upon the departure of a foreign national.
With the introduction of additional obligations, care must be taken to prevent worsening the situation of foreign temporary workers so as not to return to previous scenarios when the vast majority of foreign national employment in seasonal work was illegal.

A special path for highly skilled workers

Analysis of the evolution of immigration policies in many countries shows that these countries introduce special, simplified solutions targeted at highly skilled workers. A worker does not have to be deemed as highly skilled because of his/her university education, but also due to his/her practical skills or qualifications, especially desirable on the labour market in both the short and medium term. Thus the optimal model of immigration policy should give a broader definition of a highly skilled worker than is provided by the directive introducing the so-called “Blue Card”\(^2\). This would mean the introduction of two procedures for highly skilled workers: the first being an implementation in Poland of solutions contained in the Directive on the “Blue Card” and “National” that is national solutions targeted to workers who are deemed as highly skilled.

In the case of the “National” path addressed to highly skilled workers, a pilot instrument proposal was prepared, known in many immigration countries as the points-based system. It could be used by foreign nationals, the world’s best university graduates, holders of “Blue Cards” issued in other Member States of the European Union and those who receive a job offer in industries where structural shortages of workers

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were detected. An important criterion for increasing the opportunity to take advantage of this simplified path would also be a demonstrated knowledge of Polish.

In order to provide additional preferences for highly skilled workers, a recommended measure would be to introduce a simplified procedure for family reunification. This category of worker should be entitled to apply for permission to “import” immediate family members after 12 months of continuous employment in Poland. However, highly skilled
workers would have to meet similar requirements to those specified in the EU directive on family reunification.

**Monitoring of foreign national inflow to Poland**

Analysis of all available databases and other records containing data about immigrants' arrival and residence in Poland showed that a comprehensive and efficient system of collecting statistical data relating to migration processes does not exist in Poland. The data are partial and fragmented, in practice making it impossible to make decisions about Polish immigration policy, particularly concerning inflow of foreign nationals to the labour market. Two solutions were proposed under the project. The first one would lie in the integration of all available information in a “Nationwide Register of Foreign Nationals.” This would require however, changing the whole system of links between different databases, which in practice would prove to be very expensive and time consuming. The second solution would be to make use of the data collected by the Social Insurance Institution (ZUS). In this case, after the necessary amendments to acts and preparation of implementing regulations, law enforcement bodies including, in particular, the Border Guard and the National Labour Inspectorate, would, in justified cases, gain access to data of the Social Insurance Institution (ZUS) database. This would help to facilitate the law enforcement bodies to identify cases in which foreign nationals legally entered Poland, but ultimately did not complete the necessary steps to legalise their employment status.
Integration policy

Despite the fact that integration policy was not the subject of research in the project, a general outline of integration policy was found in the report describing in detail the proposal for the optimal model of immigration policy. The main objective of integration policy should be to integrate a foreign national and his/her family into Polish society. This would avoid the mistakes made by other countries of the world, which in their recent history recorded an increased inflow of foreign nationals. The basic priority should be to allow foreign nationals to earn income to support themselves. Thus, integration activities should lead to their full economic independence. This means that the system of Polish language teaching should be expanded. It appears to be crucial for the integration of a foreign national, both into the labour market and into society. The second pillar should be the recognition of professional qualifications held by a foreign national in question, either on the basis of official documents or on the basis of actual skills. Building the system of social services targeted to immigrants, where they could gain qualifications and have access to job placement services and occupational counselling, would additionally increase their chances of finding employment. Currently, in order not to burden the system of local Labour Offices, such services might be contracted outside the public system.
The second element of integration policy that should be developed and regulated is family reunification. In accordance with the European Union regulations, third country foreign nationals legally residing in the territory of the Community have the right to apply for the ‘import’ of their families, granting them the right to stay. Only a spouse and children under 18 are treated as family. The maximum period restricting the right to family reunification has been set at two years. This means that after two years of legal residence in Poland every third country national has the right to bring their immediate family.
In the case of families, it is necessary to apply two types of activities: pre-integration activities carried out in the country of origin before a foreign nationals’ arrival in Poland and integration activities carried out after arrival.
Summary

Poland, despite a gradual increase in the percentage of foreign nationals on the labour market, is still not a state which may be counted as an immigration country. It can be assumed however, that over the next few, or few dozen years, this situation will change. The interim time should be used to test immigration policy solutions, partly to ensure an inflow of foreign nationals to supplement workforce shortages, and partly to ensure that their employment will be legal, that foreign nationals are not exploited, and that they have opportunities to actively integrate themselves into Polish society. Such actions should also help to avoid mistakes committed by governments of many countries that observed an increased inflow of immigrants, and whose effects they are feeling now. The research project carried out by the University of Warsaw Institute of Social Policy provides a detailed model of immigration policy as seen from the perspective of the current and future needs of the Polish labour market. It has been created not only on the basis of empirical research results and analysis of other countries experiences, but also as a result of the public debate, which provides hope that the proposed solutions may be an element of social consensus necessary for the implementation of the immigration policy. However, it should be remembered that during its history, Poland, apart from short periods, has always been a country of emigration. Therefore, we are obliged to ensure foreign nationals coming to Poland both safety and equal
treatment. At the same time we should prepare solutions that will allow foreign nationals to be employed and to earn income as well as integrate into Polish society. The key issue is to encourage foreign nationals to learn Polish and to prevent formation of enclaves in which the risk of social exclusion may accumulate.
Appendix: The scope of the project on the immigration policy model in the context of current and future labour market needs and the basic conclusions of the empirical research.

The main objective of the project was to prepare a proposal for the optimal model of the Polish immigration policy seen from the perspective of current and future labour market needs. For this purpose, the following research reports and expertise were prepared:

- Analysis of Polish and foreign literature on immigration policy.
- Expert information on immigration policies pursued by thirteen countries of the world (the UK, Norway, the Czech Republic, Ireland, Spain, Austria, Germany, Australia, Canada, New Zealand, the USA, South Korea and Chile).
- Analysis of the scale and direction of immigration to Poland in 2002-2008, with particular emphasis on labour immigration.
- Reports from study visits to the Czech Republic and the UK, which took place in 2009.
- Forecasts of the demand for foreign workers in the short and long term.
- A report containing the concept of building a database (along with the concept of managing such a database), taking into account the spatial mobility of immigrants in Poland’s territory.
- Expert analysis describing the scale of changes in immigrant inflow to Poland before and after the introduction of legislative changes on immigration policy (the introduction of the system of declarations of intention to provide employment to a foreign national and amendments to the Act on promotion
of employment and labour market institutions).

• The empirical research reports.

Quantitative and qualitative research was carried out in the framework of the research project among the following groups of foreign nationals staying in Poland:

• Students (respondents had to have been residing in Poland at least 12 months before the date of the research).
• Trainees and apprentices (apprentices residing in Poland up to 3 months, trainees up to 12 months).
• Temporary/seasonal workers (residing in Poland on the basis of an employer’s declaration of intention to provide employment to a foreign national).
• Posted workers (residing in Poland for at least 1 month).

The main conclusions of the study are as follows:

• The legal provisions regarding the admission of foreign nationals to the Polish labour market are considered liberal. In terms of acquisition and extension of residence permits a quite different opinion is expressed. The length and complexity of procedures discourage many foreign nationals from working in Poland. This also applies to foreign nationals who want to study in Poland.
• We are dealing in Poland with complementarity of various instruments of immigration policy. For example, the system of declarations of intention to provide a job to a foreign national, introduced in 2006 in a sense replaces solutions contained in the Act on promotion of employment and labour market institutions. It allows employers to easily acquire temporary workers and thus they need not undergo the procedure contained in the Act. It also reduces bureaucracy and the obligations of local Labour Office staff.
• As far as the long-term goals of labour market policy (supplementing shortages) are concerned, it is recommended that far-reaching changes be made to facilitate the acquisition of residence and employment rights for university graduates from the Member States of the European Union / European Economic Area / Switzerland. Furthermore, it is desirable to encourage foreign graduates of Polish universities to stay in Poland.

• It is advisable to maintain the existing system of declarations of intention to provide a job to a foreign national addressed to temporary workers, but at the same time to improve the system, so as to reduce the possibility of exploitation.

• The immigration policy should be adaptable to projected changes on the labour market. The points-based system applied in other countries may also be considered. On the basis of the system, work and residence permits would be issued in Poland, for example, for highly skilled workers who are necessary for the development of Polish economy.

• It is necessary to design a cyclical review of immigration policy in terms of its effectiveness as well as changes in its objectives. This concerns, in particular acquisition of those foreign nationals who, in a complementary way, will supplement emerging shortages on the Polish labour market.

• In the near future we can expect an increase in the inflow of posted workers who will carry out major infrastructure projects. This problem requires separate research and preparation of rules for issuing work permits for them in Poland. At the same time their stay should be regarded as an essential element of a project’s implementation, so the nature of their stay should be very temporary. It will be necessary to develop an overall concept on services involving the posting of workers, which should be based on in-depth
research. At the same time it must be assumed that posting of workers to Poland should not be used as a means of obtaining access to the labour market, and thus the possibility of a change of employer.

- The model of immigration policy should include three main paths to acquire work and residence permits by third country nationals. In addition to the general path it should provide special solutions addressed to temporary workers and workers deemed as highly skilled.