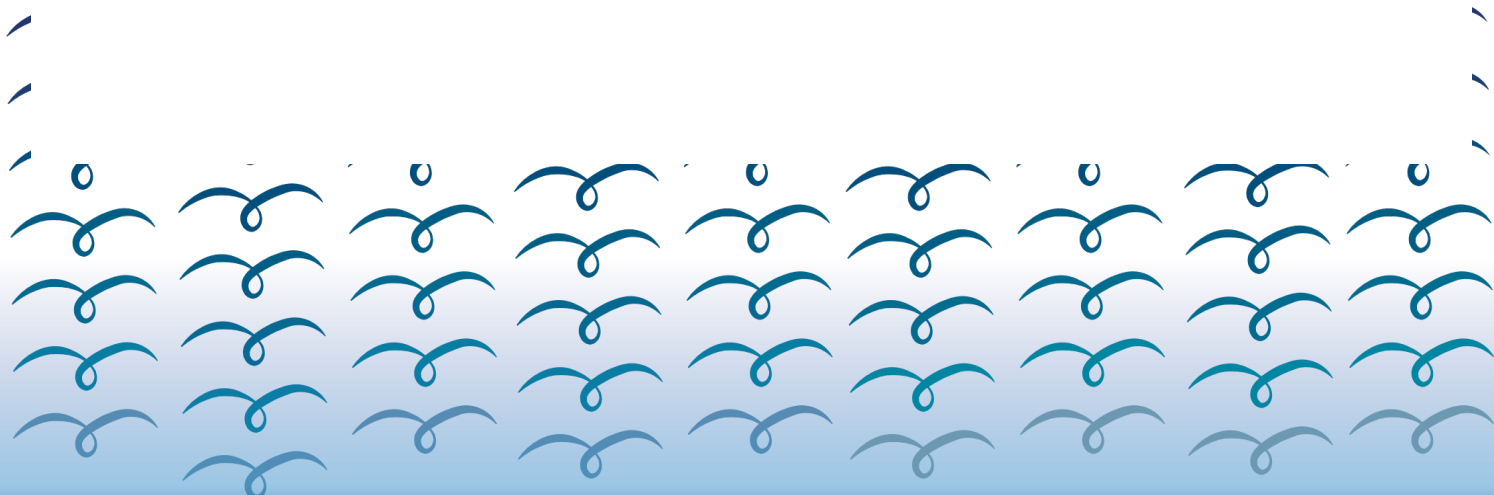




Advancing Alternative Migration Governance



Circular and temporary migration in Poland during COVID-19

Deliverable 3.2 Paper country cases: Poland

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1. Introduction

Poland for many years has been a country of emigration. This phenomenon started to change in the years of 2008 and 2009, when the inflow of migrants from the neighbouring countries increased dramatically. From that point on, Poland started its transformation from an emigration to an immigration country.

The aim of this report is three-fold, it initially aims to analyse the development of the migration regulations in Poland during the past last ten years and their impact on the inflow of seasonal and circular migrants. Secondly, it endeavours to scrutinize the unprecedented phenomenon of the coronavirus and how the border closures, the restrictions of movement and the fears of the spread of the virus, could impact the agricultural sector in the country. Poland has not developed yet a complex and long-term migration policy about seasonal workers. Labour market regulations have been implemented as a result of increasing demand for workers, primarily in agriculture, and in later years in other sectors as well. Agriculture was decided to be at the centre of this report due to the fact that across Europe, the sector was vastly hit with concerns voiced about possible food shortages inside the continent. Migrants play a pivotal role as a work force and without them agriculture in Europe can severely struggle. Finally, based on our fieldwork we aim to suggest several policy recommendations tailored to the current needs of the Polish market. Within these recommendations existing good practices in the system are particularly underlined and suggested to be maintained as they can feature as an example for safer and ordinary migration.

The first part of the report focuses on the system related to the access to the Polish labour market for migrants mainly from neighbouring countries, meaning the legal and institutional arrangements for migrants. As an introduction to the analysis of the developments in regulations in migration, the statistical data about the current migration situation in Poland are discussed. In the second part of the report, the migration arrangements in the COVID-19 pandemic are analysed. The initial data on the outflow/inflow of migrants during the pandemic, the weaknesses, which appeared related to the governance of labour migration and the latest legal regulations in this area, are all explored. In this report, we ask, how much will this sort of unexpected period impact the situation of migrants in Poland? Having in mind the second wave

of the Covid-19, we wonder, how will the ongoing lockdowns, affect the livelihood of the seasonal and circular migrants and their future decisions to migrate? We also pose the question of which are the challenges posed to the system, how flexible are the national authorities; and in the end, will they be able to take ad hoc decisions, in case that more emergencies will occur?

The report is based on the analysis of the existing body of literature and official documents on seasonal and circular migration in Poland. The empirical data are based on qualitative research. The fieldwork conducted for this research involves the analysis of in-depth semi-structured interviews with stakeholders (15) and Ukrainian migrants (10). The sampling of the migrants' interviewees and their nationality was decided according to the fact that they represent the vast majority of migrants in the agricultural sector. Due to the restrictions on movement nationwide, the interviews were all conducted online via Microsoft Teams. The interviewees encompass several actors involved in the process of temporary migration from public institutions, NGOs to activists working with labour migrants and migrants themselves.

The report is divided into two time periods, we aim to review the temporary migration schemes before the pandemic and afterwards. As aforementioned we aim to observe the flexibility of the Polish migration system and how new challenges were -and still- are met. Putting the topic of flexibility in the spotlight, will help us better understand, how the system responds to challenges and we aim to observe, if policy recommendations are available, would that motivate the Polish government to adjust its regulations in order to facilitate simultaneously the employers' and migrants' needs.

1.1 Context and historical developments of migration in Poland

For many years Poland has been considered a country of emigration, this tendency only intensified by Poles leaving after the accession to the European Union (EU). Taking advantage of the freedom of movement after 2004, Poles took up employment in the other Member States. The scale of the outflow from Poland exceeded the scale of the inflow substantially. However, this does not mean, that after 1989 in Poland, migrants, mainly from neighbouring countries, did not settle or start temporary employment. Estimated data show that after Poland acceded the EU, as many as 2 million Poles left the country. The greatest outflow was recorded between the years of 2004 – 2007, since 2011 a decrease in the outflow from Poland has been recorded.

As Duszczyk (2012, p. 149) claims that was related to ‘the exhaustion of the emigration potential of Poles and economic convergence within the community’. Such a dynamic outflow from Poland did not result into a dynamic influx of migrants during the first years after Poland accessed the EU. There was a systematic increase in the number of migrants applying for the right to stay in Poland, but the scale of the phenomenon was much smaller than it could have been expected. A change in the migration trend in Poland dates back to 2008 and 2009.

In terms of the geographical distribution, migrants were concentrated in the Warsaw agglomeration and the Mazowieckie voivodship (county). It is only after 2014 that a clear intensification of the influx of migrants to Poland and a simultaneous geographical diversification in the settlement of migrants, can be noted. Amongst the migrants settling in Poland, the citizens of Ukraine are the dominant group, other nationalities such as Indians, Pakistanis, Chinese, etc. are represented to a lesser extent. In the case of the influx of migrants in Poland, it is not only about the intensity of this process, but also about a significant differentiation of categories (e.g. seasonal workers, long-term workers, residents, students etc.). A particularly visible change can be seen in the categories of the temporary and circular migration.

Such a large influx of economic migrants to Poland is associated with demand and supply factors. On the one hand, an improvement in the situation on the labour market, record-low unemployment lead to this. On the other hand, this process was also fuelled by increasing demand for workers in sectors such as agriculture, services, construction, tourism and industry. In terms of the development of the Polish economy, it recorded steady, stable growth, the national GDP was 3.6% between the years 2004 – 2016. During the same years the growth in the EU was recorded at 1.6%. Poland also did not experience the economic recession in 2008 – 2009, which affected other EU countries (Gradzewicz et al, 2014). In 2018, the GDP in Poland was 5.1% and was the highest result recorded in the past 11 years (Janicka and Kaczmarczyk, 2018). Economic development contributed to a decline in unemployment from 6.1% in 2016 to 3.5% in 2019 (OECD, 2019). The outflow of workers as a result of post-accession migrations had clear repercussions on the Polish labour market. Estimated data on the outflow from Poland in 2005 – 2012 state that it was about 2.25 million people, who left the country (Kołodziejczyk, 2018). When it comes to supply factors, the unstable economy and the turbulent political arena in Ukraine resulted in increasing migration pressure in this country.

The report of the International Organization for Migration (IOM), published at the end of 2019, showed that in 2017, 660,000 residency permits, and registrations were recorded in Poland (85% of them for Ukrainian citizens), the highest number in the EU (IOM, 2020). According to the Central Statistical Office (GUS) in 2016, there were 740,000 foreigners in Poland (GUS, 2019). However, these are all estimates, as the Polish organs, which collect data on migrants tend to be very imprecise.

As a result of such an intensive influx of migrants to Poland, a geographical change in terms of their settlement can be seen. New attractive places for migrants to settle have emerged (Kraków, Wrocław, Gdańsk, Łódź), in addition to the traditional ones, such as Warsaw and the Mazowieckie voivodeship (Górny and Śleszyński, 2019).

In short, the situation on the Polish labour market (economic growth, an outflow of Poles to other EU member states, demographic changes and a reduction of the number of people in working age), forced the implementation of regulations enabling inflow of migrants as the earlier outflow of Poles created shortages in the labour market. Simultaneously, the steady economic growth in the country, made labour intensive jobs to become less famous among young nationals, which contributed even more to the lack of workers in the agricultural sector and the apparent need of foreigners to cover these gaps.

1.2. Overview

Before the discussion on the legal regulations that enable the influx of migrants in Poland, it is worth looking at the processes of monitoring and collecting data on this phenomenon. Unfortunately, the data collection system is dispersed and fragmented. Data on migrants, their entry and residency status on the territory of the Republic of Poland are all collected by various public institutions. The data about various residence permits are very often inconsistent with each other, they are offering only estimates. Therefore, it is very difficult to determine the exact numbers of migrants staying and working in Poland. Data on migrants is collected by Border Guard (data on entries and exits), the Office for Foreigners (Polish abbr. UdSC), the Ministry of the Interior, the Ministry of Labour, the National Health Fund (Polish abbr. NFZ) and the Social Insurance Institution (Polish abbr. ZUS). Data on migrants are also collected by the Ministry of Education and Science. The differences in the statistics on migrants in Poland are

presented in Table 1, which illustrates data from various registers. According to the latest analysis of the Statistical Office (GUS) in Poland:

The estimate uses the data on the size of the population of foreigners residing in Poland as of 31 December 2019, determined by the information on citizenship held by administrative registers. Nine registers were used to determine this size: PESEL, UdSC, ZUS, KEP, MRPiPS, MNiSW¹, MEN², KRUS and NFZ. The registers were chosen based on expert opinion about the information quality and qualitative parameters. The most reliable data sources were selected because they have consistent categories of units (persons), have variables that are key, both in terms of information included, as well as because of the integrity of their resources.’ (GUS, 2020, p. 4)

This study compared various data registers to forecast the most reliable numbers of migrants residing in Poland, based on various residence permits. The differences in numbers are presented in Table 1.

Table. 1. Number of migrants in Poland based on diverse registers.

Data Register	Number
PESEL ³	263.976
UdSC	426.266
NFZ	1.230.717
ZUS	696.434
MRPiPS ⁴	767.033
KRUS ⁵	60.198

Source: (GUS, 2020)

Another example of data on entering Poland is the data collected by the Border Guard. The data show the number of people who crossed the eastern border of Poland (the external border of the EU). These data cannot be used to show how long the persons crossing the border, stayed in Poland, i.e. it is not possible to distinguish between tourist visits and the nature of migrant residence status (Table 2) – a constant increase of border crossings in Poland can be seen.

¹ MNiSW – the Ministry of Science and Higher Education

² MEN – the Ministry of National Education

³ PESEL – national identification number

⁴ MRPiPS – the Ministry of Family, Labour and Social Policy

⁵ KRUS – the Agricultural Social Insurance Fund

Table 2. Entries to Poland.

	2015	2016	2017
Third-country nationals	14.675.742	15.362.243	16.426.324
All foreigners	15.890.352	16.942.100	18.202.450

Source: (Granicznej, 2017)

The lack of precise data on migrants residing in Poland means that data from various registers should be compared with great care in order to draw conclusions about the migration situation in Poland. According to experts:

There is a lack of reliable data. It shows that there is no explicitly formulated migration policy with the institutions responsible for governing this area and collecting data. The inconsistency in data collection shows how weak the migration governance in Poland is (INT-Economy1).

The migration policy is still underdeveloped, to a greater extent, the implemented instruments are products of Poland entering the EU and following the European guidelines related to migration. However, the system of collecting data about migration inflow in Poland is far from being reliable.

1.3. Statistical data on temporary migration

Undoubtedly, during the past five years, Poland has experienced a profound increase of migration waves, which particularly are characterised by seasonal and circular migrants. Taking into account the data on permits issued for newly-arrived migrants, Poland has the highest number of migrant arrivals in the EU. Importantly, in a short time period, Poland has started to transform from a country of emigration to a country of net immigration. Table 3, illustrates the migration balance in Poland in the past five years. It is evident that in 2016 and 2017, Poland had a positive migration balance for the first time, which means that more migrants came to Poland than emigrated from Poland.

Table 3. Migration balance

Year	2013	2014	2015	2016	2017
Migration balance	-19.904	-15.750	-15.750	1.500	1.400

Source: (GUS, 2017)

The sources of data on migrants, as previously mentioned, are incomplete, imprecise and fragmented in many places. Table 4, presents the number of people living in Poland on the basis of various residence documents. Clearly, the dominant group are the people with temporary residence status. However, this is not the total number of migrants residing in Poland. A large number of short-term migrants resides and works in Poland on the basis of the *declaration of intention to entrust work to a foreigner*. This procedure will be discussed in detail in the labour market accession section.

Table 4. Number of migrants in Poland based on diverse types of documents.

Document type	Year	Number
Temporary residence	2020	248.876
Permanent residence	2020	79.073
Registration of residence of EU national	2020	73.320
Residence permit for EU long-term resident	2020	14.482
Permanent residence for EU national	2020	8.267
Residence permit for humanitarian reasons	2020	1.591
Subsidiary protection	2020	1.399
Refugee status	2020	1.310
Residence for the family member of EU national	2020	1.145
Tolerated stay	2020	232
Permanent residence for the family member of EU national	2020	108

Source: (migracje.gov.pl, 2020)

When it comes to migrants' countries of origin who reside in Poland, Ukrainian citizens are the dominant group. Nationals of other neighbouring countries, including Belarus and Russia, are a much smaller group. In recent years, a slowly increasing number of migrants from India and Pakistan has been noted.

Table 5. Countries of origin of migrants in Poland.

Country	Year	Number
Ukraine	2020	224.755
Belarus	2020	27.106
Germany	2020	20.568
Russia	2020	11.931
Vietnam	2020	9.141

Source: (GUS, 2020)

According to the GUS estimates, on 31 December 2019, there were 2,106,101 foreigners living in Poland, the majority were Ukrainian citizens, which was 1,351,418. The top ten also included citizens of the following countries: Belarus 105 404, Germany 77 073, Moldova 37 338, Russia 37 030, India 33 107, Georgia 27 917, Vietnam 27 386, Turkey 25 049 and China 23 838 (GUS, 2019). Due to the political instability in Belarus in the last months of 2020, an inflow of Belarusian migrants in Poland, has been observed. Polish government has supported the expelled students from Belarusians universities, with the scholarships and the opportunity to continue study in Poland.

1.4. Migrant profiles

Migrants are an important element of the Polish labour market. In recent years, a clear change in the length of stay of migrants in Poland can be noted. It seems that short-term migration (seasonal and circular) are starting to transform into medium- and long-term migration. According to the data collected by the National Bank of Poland (NBP), men are the largest group of migrants and most of them come from Ukraine. When it comes to the age, the structure is very diverse. There are people who are over 45 years old as well as people who are under 25 and whose first-time employment is in Poland.

Migration in Poland is predominately economically motivated. The economic crisis in Ukraine led to a large outflow of labour migrants in Poland. Very low wages, high unemployment and no stability were the main push factors, which encouraged these migration waves. As one of the experts, who works with migrants from Ukraine on a daily basis, emphasized:

the economic situation is strongly related to the political situation. The conflict with Russia resulted in increased uncertainty and a deepening economic crisis. For many Ukrainians, migration to Poland is the only opportunity to find a job. Some people who have a family in Ukraine work in Poland for several months in a year. But an increasing number of migrants decide to settle in Poland. It is also associated with a large Ukrainian diaspora, Ukrainian organizations or companies helping with formalities. This is an element supporting the decision to migrate and then stay longer (INT-Policy 1).

Before 2014, most Ukrainians coming to Poland came from western Ukraine, after 2014 (the conflict with Russia) the number of people from the eastern part of the country, i.e. the regions directly affected by the crisis, has increased. Migrants from Ukraine usually find employment

through family or friends, who already have employment in Poland. The impact of migration networks, in this case, is evident. Ukrainians find employment mainly in the domestic services sector (women), agriculture, renovation and construction services, hotel and catering services, and trade. The number of people employed in the heavy industry, has also been growing systematically.

Ukrainian emigration tends to be medium- to low-skilled. The education level of the migrants is lower than the average in Ukraine: only 16% of migrants had higher education, compared to 48% for the country as a whole. Men represent 70% of Ukrainian labour migrants. Only migration to Italy has a different gender composition, with 71% of migrants to Italy being women. Half of Ukrainian migrants originate from rural areas, as regards the age composition, the cohorts of 30-40 years and 40-50 years are the most strongly represented, with each of them accounting for 26% of the total number of migrants, compared to just 14-15% of the total Ukrainian population (Pieńkowski, 2020, p. 34).

The number of Ukrainians studying in Poland has also notably increased. According to the IOM survey, Poland is for Ukrainians a top destination for education purposes, 31% of students studying abroad study in Poland. Students are an important group in the context of economic migration, as considerable part of them will seek employment in Poland after graduation.

2. Development of migration policy in Poland

Currently, Poland has not developed a migration policy that would define short- and long-term goals. However, it can be said that the Polish authorities opened the labour market for foreigners on a scale comparable, perhaps, to the influx of migrants to Western Europe in the post-war era. Developments in migration policies in Poland were the result of the European integration. Many instruments of migration governance were established as a result of top-down approach (EU-national) rather than a need for a real action. The implemented solutions and the opening of the Polish labour market was the result of Polish interests in Eastern neighbouring countries. Poland together with Sweden initiated the project of EU's Eastern Partnership, which was linked to simplified procedure of mobility of citizens of these countries.

The combination of economic growth, massive outflow of Poles to other member states after the EU accession impacted the demand for foreign workers and led the employer organizations to lobby for the opening of the labour market. The system of work permits, which is one of the main instruments of migrants' access to the labour market of host countries, has been greatly simplified in Poland. The *declaration of the intention to entrust work to a foreigner* system introduced in Poland allowed entrepreneurs to employ migrants without the need to apply for a work permit. This procedure was to enable seasonal and circular work in Poland, in sectors struggling with a high demand for employees. As Duszczyk (2012, p. 149) emphasized, 'before the introduction of the declaration system, in the years 2004 – 2006 the interest of employers in legally employing seasonal foreigners was marginal'. The procedure allows employers to recruit foreigners for a period not exceeding 6 months within 12-month period on the basis of declaration. Citizens of Armenia, Belarus, Moldova, Russia, Georgia and Ukraine are allowed to use the simplified procedure in order to access the Polish labour market.

The inflow of migrants started to change after the procedure was simplified and the number of migrants employed on the basis of the declaration started to grow rapidly. One of the experts assessed the migration in Poland in this way:

Poland has opened the labour market without any control, without an idea for a migration policy. That this system has worked out is underpinned by many factors. Firstly, a very good economic development after the 2008 crisis, the presence of the EU funds, reinstating the previous retirement age and the departure of a large group of people from the labour market and a large scale of emigration from Poland, resulted in huge demand for migrants. The crisis in Ukraine, the conflict with Russia, that is the factors pushing out of Ukraine, also contributed to this status quo. No other EU country has adopted such solutions, it cannot be compared to any other system in the EU countries (INT-Research 1)

Statistical data show that Poland is the country that issues the largest number of new residence permits for migrants in the EU. One of the experts drew attention to the fact that:

In the EU there are a lot of talks about migration inflows, but little is said about the fact that Poland is the most pro-immigration country in Europe because it has accepted almost 2 million workers from Ukraine in recent years (INT-Research 1).

In the debate on migration in the EU, Poland seemed to be a country that blocks the EU recommendations related to the migration crisis. In the 2015, parliamentary election campaign,

Law and Justice (Polish: PiS) used strong anti-immigrant rhetoric, threatening Poles, who would endeavour to assist the migration of refugees from Syria. Therefore, in the debate at the European level, Poland is perceived as a strongly opinionated anti-immigrant country; something that can be contradicted when looking at the migration data. It is clear that there is an extremely dynamic influx of migrants to Poland.

Of course, the lack of a migration policy, the lack of a long-term migration management strategy and the lack of preparedness of an institutional system to deal with such a large number of migrants, can be problematic, as the expert pointed out:

If we let in such a large number of people, one could say without control, then in the event of a profound deterioration of the situation, we are stuck with these people and we have no mechanisms to expel them. It is a risky instrument. Of course, it can be used by opening the labour market to specific sectors for six to ten months, and then introducing controls and refuse foreigners further permission to stay. There is no such control system in Poland (INT-Research 1).

The system of opening the labour market resulted in a sudden influx of migrants, who could easily find employment, as short-term migrations dominated and did not burden the social welfare system. The economic situation meant that migrants were profitable for the economy, without burdening state institutions. Due to the cultural and linguistic similarities, even the part of the Ukrainian migrants who decided to settle in Poland adapted relatively quickly without state aid (no integration activities). The COVID-19 pandemic functioned as the first test, which could possibly check, whether the system operates effectively.

2.1 Seasonal and Circular Migration Schemes

The concept of simplified procedure did not become a national policy scheme. The frame of circular migration was defined in the strategic document ‘Migration Policy of Poland: state of play and proposed actions’ adopted in 2012. This document recommended the circular migration as a solution to increasing demand of the labour market. The document from 2012 was rejected, and in 2019 the PiS government proposed the new concept ‘Migration Policy of Poland’. This document pointed out the importance of circular migration as a preferred type of migration. However, this document eventually was not adopted.

In Poland, the conditions of the arrival and residence of foreigners are regulated by the Foreigners Act (12 December 2013). According to this Act, every person who does not have Polish citizenship is a foreigner. Every foreigner in Poland needs a valid document enabling them to enter and reside in Poland. The employment of foreigners in Poland is regulated by the Promotion of Employment and Labour Market Institutions Act. Third-country nationals are able to work in Poland, if they reside legally on the territory, but they need to hold a work permit, if they are not able to work based on the *declaration of the intention to entrust work to a foreigner*. Poland has opened the labour market for foreigners by introducing solutions that resulted in a mass influx of migrants. It was a response to the growing demand for foreign workers, first in agriculture, then in all sectors of the economy. The most popular form of employing foreigners in Poland is the procedure for the *declaration of the intention to entrust work to a foreigner*⁶. This procedure is available to citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine, who can work up to nine months in Poland without holding the work permit. By 2006 due to the economic growth, an outflow of Poles from the labour market, demographic changes in the population structure, the demand for labour migrants increased. During the first stage of the influx, the agriculture sector had the highest number of *declarations of the intention to entrust work to a foreigner* registered.

The declaration system was positively assessed by all experts who emphasized that it is available to migrants and employers and makes it possible to easily respond to the demands of the labour market.

The declaration system was to enable short-term migrants to come to Poland, initially for seasonal work. It was also supposed to be a system supporting circular migrations. So, the migrants were supposed to work in Poland for six to nine months, return to their country of origin and after six months they could return to Poland to work. Such a system is beneficial for the host country because it gains employees who are important when the demand for labour is high. In this way, the resources of the system are not drained, and this ensures integration, for example (INT-Policy 4).

⁶ Regulation of the MRPiPS from 7 December 2017 on issuing of a work permit for a foreigner and entering of the declaration on the intention to entrust work to a foreigner in the register of declarations Dziennik Ustaw Rzeczypospolitej Polskiej. (2017). [online] Available at: <http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170002345/O/D20172345.pdf>. [Accessed 21. Nov.2020]

The procedure allowed labour migrants from neighbouring countries to work in Poland for a period of 6 months in 12-month period. The experts emphasized that this fragmented solution, which is not a comprehensive migration policy, but only its element, does not involve state budget funds in integration activities. Integration has never been discussed in the context of opening the labour market and the influx of migrants. Only the cultural and linguistic closeness of Ukrainians and their 'automatic' integration were emphasized, which does not require systemic and institutional support.

Table 6 shows the increase in the number of registered declarations. Agriculture production in Poland after the accession to the EU has been more professionalized and increased in volume. At the same time, Poland has faced an outflow of young people from the villages which led to the demand for workers in those areas. Employment in agriculture is characterized by seasonal work. Since 2006, selected groups of foreigners from the neighbouring countries have been able to work in Poland without work permits, based on the declaration of the employer. From 2007 the procedure has been extended to other sectors of the labour market.

The agriculture, which due to the availability of EU funds and economic development, has become more professional, and production has ceased to be seasonal. Increasingly, large farms are characterized by year-round production. As the experts emphasized, during the first stage of the opening of the Polish labour market, employers from the agricultural sector were eager to use the simplified procedure that allowed the employment of seasonal migrants, who very often became circular workers. Currently, an increasingly growing number of employers in this sector have been interested in employing migrants for a period longer than six to nine months.

I disagree with the statement that farms have seasonal work. Large farms need employees all the time, throughout the year, of course, the fruit and vegetables change. But production lasts all year round. So, these employers also want the migrants to come for longer time, because they invest in them, train them, these are heavily mechanized farms, there is a lot of equipment that the employees operate (INT-Economy 1).

The circularity is not a question of demand nature, it is related to the legal regulations. For the employers simplified procedure is the most effective way of accessing migrant workers, even if they prefer to employ them for a longer period of time.

Table 6. The number of declarations registered by local employment offices in 2009 – 2017 and the growth rate in subsequent years

Year	Number of declarations	change (%) in relation to the previous year
2009	188414	20,23%
2010	180073	-4,43%
2011	259777	44,26%
2012	243736	-6,17%
2013	235616	-3,33%
2014	387398	64,42%
2015	782222	101,92%
2016	1314127	68,00%
2017	1824464	38,83%

Source: (Ministerstwo Rodziny, Pracy i Polityki Społecznej, 2017)

One of the experts described the declaration system as migrant-friendly, at the same time emphasizing the contradiction in the perception of the actions of the Polish authorities, which on the one hand speak of protecting borders and the state against the influx of migrants. On the other hand, the Polish authorities open borders widely for migrants from Ukraine – in effect, Poland, out of all EU countries, accepts the largest number of migrants:

Poland is perceived as an anti-immigrant country. But the declaration system, from the employers' point of view, is a very flexible tool to attract employees for a certain period of time. It is also, in my opinion, an immigrant-friendly system. For me, the greatest weakness of this system is the inconsistency between the number of declarations issued and those used, i.e. those who took up employment. This shows that the statistical data gathering system for the number of migrants in Poland is weak (INT-Research 2).

The institution responsible for simplified procedure is the local employment office, which shall enter the declaration in the register of declaration within 7 working days from the date of receipt. If there is a need of verification or clarification this should be done in 30 days. The employer needs to submit basis information for the declarations such as: information about the type of

work, information about the potential worker, time for the employment of foreigner. The employer should also indicate the type of contract.

Table 7. Declaration on entrusting work to a foreigner

Items	Nationality						Total
	BY	RU	UA	MD	GE	AM	
1. Number of declarations	30 646	2 676	692466	18 983	11279	762	756 812
1.1. inc. The number of declarations for foreigners residing on the territory of Poland	96	7088	4560	9271	691	275191	296 897

Source: (Ministerstwo Rodziny, Pracy i Polityki Społecznej, 2018)

After obtaining the declaration, these foreigners may start to work in Poland, provided that the employment will not exceed six months in the next 12 months. This procedure does not apply to foreign seasonal workers. According to the MRPiPS, as of 15 December 2017, a list of seasonal jobs had been compiled and work permits must be obtained in order to hire a foreigner. The list includes the following sectors: agriculture, forestry, fishing, hunting and accommodation and catering activities. What is also important to note at this point, is that agricultural sector does not mean agriculture per se, it can encompass fishing and hunting in Poland; which allows a wider spectrum of analysis as it involves a lot different professions. In these areas, there is a significant demand for foreign workers. As the experts emphasized:

it is difficult to understand why the areas where the demand for foreigners is so high are not covered by the simplified procedure for entrusting work to a foreigner. As a result, I know from working with entrepreneurs, they invent other positions in the application form to hire foreigners on this pathway. And then they still work in agriculture. It seems to me that the restrictions in the declaration procedure are unnecessary at this stage and serve only to circumvent these provisions. Although, of course, most large farms do not work seasonally, this is all-year work. Types of the crops are changing, but the large agricultural entrepreneurs are hiring all year round. That is why, as they often emphasize that they are interested in employing foreigners for longer periods. These six to nine months [contracts] and the circulation of employees are not viewed in a positive light by entrepreneurs. Employees have to be trained, and if they go back to Ukraine, not all

of them come back, you have to hire new ones and invest time and money in training again (INT-Economy 1).

Considering the interviewee, it can be said that in Poland seasonal and circular migrants are not seen as low-skilled labours that can rotate easily and are disposable. Employees are receiving trainings and their re-selection for work in the form of circular migration is targeted as the employers, wish to employ again the same workers, who are familiar with certain crops and procedures. The application procedure for the *declaration of the intention to entrust work to a foreigner* is, in the opinion of experts, very simple and accessible. District employment offices appropriate for the entity applying for the employment of a foreigner issue these permits (for the *declaration of the intention to entrust work to a foreigner*). The application procedure is simplified because it is possible to submit documents electronically. The employer must obtain documents from the local employment office before the foreigner starts working. The local employment office enters the declaration in the register and from that moment the foreigner may start work. If the documents submitted by the employer are correct, the permit is issued within seven working days, if the documents require clarification or other documents are needed, or an appeal is lodged, the procedure may take up to two months. By the amendment to the Act from 1 January 2018, some changes were implemented, one the seasonal work permit which is valid in two sectors: agriculture and seasonal services of board and accommodation. Based on this regulation all migrants can work in Poland with a seasonal work permit up to nine months during the calendar year.

This procedure of declaration (up to six months) and seasonal work (up to nine months) have enabled foreigners to access the Polish labour market very easily. Such an intense influx of migrants was a great challenge for the institutional system. The declaration system was registered and processed by state employment offices, but some migrants who started working in Poland on the basis of declarations, made a decision to obtain a residence permit and a work permit in order to extend their residency. Voivodship offices that deal with legalization issues have been swamped with a very large number of legalization cases. This very liberal and pro-migrant system was assessed by one expert as follows:

Poland needs foreign workers. There was no way out. It was necessary to open the labour market, 2 million Poles have left, and this gap had to be filled. But looking at the system, it is easy to enter Poland. But then migrants are faced with a malfunctioning administration. Which is not efficient in handling residency cards and work permits. Institutionally, it has suffered years of underinvestment, the number of employees

needed has been underestimated, and even when new officials are hired, they are under-trained. Another problem is that the largest wave of inflow began in 2016, and in 2015, after the change of government in Poland, the replacement of staff in voivodeship offices began. Long-serving and trained workers were replaced with new ones, this lack of continuity also led the system collapsing in many places. Of course, the procedure for issuing a residence card and a work permit is complicated, but from the state's point of view, it requires checking that the migrant does not pose a threat to public order and state security. I think that this checking procedure in Poland does not differ much from other countries (INT-Policy 7).

From the point of view of collecting data on foreigners working in Poland, the data from local employment offices are imprecise. The problem is that employers register more declarations than they require. When interpreting the data on the registration of declarations on intent to entrust work to a foreigner, it is important to consider the fact that some people decide not to go back to their countries after they receive the declaration. This means on the basis of the data from the MRPiPS and local employment offices, it cannot be determined whether the foreigners, whose name is on the declarations actually came to Poland and started work or not. There is an increase in number of declarations since 2004. But to talk about the migration dynamics in Poland the data on declarations and data on work permits should be analysed. Among both declarations and work permits holders Ukrainians are the most numerous group. Recruitment agencies commonly assist the procedure of obtaining a permit on the basis of the *declaration of intent to entrust work to a foreigner*. The agencies serve as a strong intermediary structure in the system of employing foreigners in Poland. They recruit employees for employers and deal with legalization issues. The declaration system, which is *de facto* responsible for the short-term and circular migration work in Poland, hinges mainly on powiat employment offices, as one expert emphasized:

the entire system hinges on local employment offices. These are the only public institutions involved in this system. They are not institutions of the migration system. Although, of course, it is difficult to say that there is a migration policy in Poland. We have a mechanism of access to the labour market, in my opinion, the most liberal of all EU countries. This is clearly demonstrated by statistics. In recent years, Poland has been the Member State issuing the largest number of residence and work permits for foreigners. This, of course, saved the Polish labour market, but in the long term, the government has no plan for this huge group of migrants. The question is will they stay?

What if the economic situation worsens and unemployment rises? Since 2015, the PiS government has not prepared even a draft version of the Polish migration strategy (INT-Policy 4).

Statistical data clearly show that the numbers of work permits for foreigners in Poland have increased. This might indicate a change in the nature of migration from short- to long-term. In the work permit procedures, as in the declaration procedure, a foreigner is permitted to work in the position and for the employer indicated in the permit. That means that if a foreigner would like to change the employer, they must apply for a new permit. Voivodship offices are responsible for issuing work permits. Legalization procedures processed by voivodship offices⁷ are highly criticized. Under the legal provisions, a foreigner should obtain a residence and or work permit within 90 days of submitting the relevant documents. However, according to the report of the NIK (Supreme Audit Office), in some voivodships offices, the waiting time for the completion of the legalization procedure was over a year. Due to the lengthy procedures, most migrants use companies specializing in completing work legalization formalities. Experts point out that:

this system is definitely corruption prone. Lengthy procedures and a complicated process of obtaining permits mean that migrants use intermediary companies. They are ready to pay to speed up the procedure (INT-NGO 3).

Some problems with simplified procedure were mentioned by interviewees. Several migrants had experiences of obtaining declaration that enable migrants to enter Poland and look for other job than this included in the declaration.

Another expert noted that:

The biggest problem in managing such a large inflow to Poland are voivodeship offices. Institutionally, this system has not been prepared for such a large influx. One of the voivodeship offices where we conducted our research five years ago employed ten people, now there is three times the number of these officials, but the number of cases is still beyond their capacity (INT-Policy 5).

⁷Urząd Wojewódzki - this is a unit that works for the government administration in a voivodeship (country).

After the research was completed, the CBA (Central Anticorruption Bureau) detained officials working in voivodship offices on the charge of accepting financial benefits for arranging the legalization of stay and work.⁸

However, officials of the territorial administration point out that the protracted procedures are associated with a large number of cases related to the mass influx of migrants.

The number of cases handled by the office has increased from 3,000 annually, which was the case in 2015, to over 30,000 annually. We have managed to invest in the customer service space, but there is a shortage of jobs (INT-Policy 5).

The increase in the number of work permits is presented in the table below, which clearly shows that the year-on-year increase in 2016 and 2017 was almost 100%.

The institutional system of the migration policy in Poland is based, in terms of declarations, on local employment offices, as aforementioned, institutions not related to the area of migration management, and in terms of residence permits on voivodeship employment offices. With such a large and uncontrolled inflow, the institutional system seems to be completely ineffective, as experts said in the interviews:

In Poland, the labour market was opened without any controls put in place, anyone who wanted to come had access to the declarations. It gave a lot of flexibility, but also no one thought what would happen if the migrants who had arrived in such large numbers would settle down and the economic situation would change. In recent years, we have seen how poorly the procedure of legalization of residency works for people who want to stay and work longer in Poland. The institutional system is completely ineffective. Voivodship offices cannot cope with such a large number of applications for temporary residence and work permits. The system for issuing declarations is administratively simple, which is why district employment offices coped so well with issuing declarations, but the legalization of residency is a more complex procedure, requiring many documents, and here the legalization process takes many months, although according to the provisions of the Act it should be completed within 90 days (INT-Policy 3).

Analysis of the existing data shows that migrants using the simplified procedure (declaration) for the purposes of circular migration did not face many problems with entry and re-entry. If

⁸ Bureau, C.A.-C. (2020). *Central Anti-Corruption Bureau*. [online] Central Anti-Corruption Bureau. Available at: <https://cba.gov.pl/en> [Accessed 4 Dec. 2020].

the declaration of employer is filled properly, migrants have a very limited contact with the public institutions. The declaration is used by the migrants to come to Poland, look for a better job and start the procedure for obtaining work permit. It shows again that the simplified procedure has a liberal character, allowing migrants to enter the Polish labour market rather easily.

Table 8. The number of work permits issued in 2010-2017 and the growth rate in subsequent years.

Year	Number of permits issued	Change (%) in relation to the previous year
2010	36622	24,82%
2011	40808	11,43%
2012	39144	-4,08%
2013	39078	-0,17%
2014	43663	11,73%
2015	65786	50,67%
2016	127394	93,65%
2017	235626	84,96%

Source: (Ministerstwo Rodziny, Pracy i Polityki Społecznej, 2017)

In Poland, the employment of foreigners has been steadily increasing in recent years. The most frequently used procedure is the *declaration on the intent to entrust work to a foreigner*, which was discussed earlier. However, statistics show that the number of work permits is also growing. In 2017, 236,000 work permits for foreigners were issued. The following years confirmed this upward trend. The increase in both declarations and work permits is presented in the chart below. The number of declarations is indicated in blue, and the number of work permits in grey colour. The charts clearly shows that the simplified procedure (declaration) is the main way for foreigners to access Polish labour market.

Chart 1. Number of declarations and number of work permits registered/issued in 2008 – 2017

Source: (Ministerstwo Rodziny, Pracy i Polityki Społecznej, 2017)

This simplified procedure allows migrants to enter and work in Poland, however, the declaration links the migrants with a specific employer, specific job, region and period of time, which cannot be changed. If a migrant wishes to change employer, or place of work due to some changes on the labour market, it is not allow to do so, the person would have to start the whole procedure with the declaration once again from the very beginning. The declaration must be register by the local employment office to the register before commencing the work, and the work must be performed under the conditions described in the declaration.

2.2. The Importance of Employing Labour Migrants

The intensive influx of migrants in Poland took place after 2015, it is clearly visible that migrants, mainly from Ukraine, have become an important factor in the development potential of the Polish economy. According to the NBP, ‘the estimates based on the data published in 2018, [show that] Ukrainians accounted for about 5% of the labour supply in Poland and contributed to the GDP growth in the period 2014 – 2018 on average by approx. 0.5 percentage points’(NBP, 2020).

Initially, migrants from Ukraine found employment mainly in agriculture, and with time in other sectors of the economy. Currently, the vast majority of migrants work as unskilled labourers. Migrants often find employment below their qualifications as such jobs, especially in the service sector, are the easiest to get. Short-term migration has started to transform into

long-term migration, citizens of Ukraine increasingly often apply for a residence permit and work permits to stay in Poland for longer. When assessing the system, it is clear that the Polish authorities have opened the labour market, but after more than ten years, the lack of long-term policy, objectives of this policy and tools for responding to a crisis, are still evident. Migration, according to the Polish government, was supposed to be short-term. However, the myth of temporality is beginning to collapse. One of the experts assessed the system of declarations and its weaknesses, which were only noticed during the Covid-19 crisis:

If the borders are opened wide, then the ability to control the inflow is needed, to build tools that will allow migrants to stay in Poland for the duration of their work; as it is written in the declaration procedure through six to nine months. After this period, these migrants should return to their country of origin. I am not convinced that Poland can successfully integrate such a large group of migrants. The COVID-19 pandemic is the first test for this system. Earlier, the experiment of opening the borders to practically everyone willing to work in Poland did not cause any problems, the question is what would happen in the event of a sudden increase in unemployment. (INT-NGO 4).

Work undertaken by migrants is characterized by longer hours (often over 40 hours a week). Migrants are employed on the basis of short-term employment contracts. Employers cite the lack of Polish employees willing to work as the main reason for employing migrants.

Because the system of gaining access to the labour market is easy, most migrants work legally. Working conditions do not differ from those for local workers. Generally, migrants work in sectors that require manual and shift work, often with significant overtime. When it comes to accommodation, in large cities, migrants often live in shared rented apartments and this rental is commercial in nature. In Poland, access to social housing is very difficult, therefore migrants do not stand a chance to use such housing. The situation is different in small towns:

In large cities, migrants take advantage of commercial housing rental market. There are already special offers for migrants, houses are converted to be rented to many people, and of course, they also apartments to let. Here, of course, there are problems that we saw in other countries, e.g. when Poles went abroad. So, several people live in one apartment, which leads to problems with neighbours, because there is a lot of noise because parking spaces are blocked in housing estates, etc. Accommodation is different in small towns and villages, where farms and production companies are. There, the property rental market is often very limited and then the employer arranges the accommodation. Employers often buy old schools, boarding houses or health centres

building and adapt them to accommodate migrants. Of course, in such small towns when several dozen or more migrants live in one place, they are also watched by local residents, assessed, criticized, and there is some tension. The conditions in such accommodation for migrants are not always good either. Because in the case of circular migrants, it is considered temporary and there is no desire to maintain such a place.

The accommodation of migrants in smaller towns is better organized. Because employers have their own accommodation base, a hot meal is guaranteed, and work transport is organized (INT-NGO 3).

It is important to note that the patterns of Ukrainian migration in Poland was always based on legal entry and irregular work. The implementation of simplified procedure has change this giving foreigners from neighbouring countries, access to legal employment in Poland.

2.2 Employment and working conditions

According to the National support centre for Agriculture (2018) Poland started new agricultural campaigns, which placed its focus on the advocacy of Polish products and the development of the rural areas of the country. A new potential rose, with the possibility of the expansion of the Polish market internally but also internationally. The slogan “Poland tastes good” (KOWR, 2018) went nationwide and several exhibitions and advertising attempts tried to uplift the image of the Polish products and their high quality. Poland mainly exports products in the EU and particularly Germany (24%). Its exports are mainly poultry, honey, milk products, apples, onions, potatoes and grains. As it may be observed from the listed above products, the agricultural sector is not entirely based on a particular season, even though summer months and autumn are the most productive ones, throughout the year the country is actively producing goods. In addition, the report from the National support centre for Agriculture, mentions “The Polish dairy industry is equipped with a world-class technology park. Cheeses and curds are the most important export commodity” (KOWR, 2018). From this, it is apparent that the country brands a mechanised manner of agricultural production. The report actually pinpoints the merits of the technological advancements of the Polish agricultural sector and the opportunities for trainings given to the workers involved.

It can be stated then that the Polish agricultural industry when it comes to employment, searches for workers who will be able to use different machinery. Moreover, farmers and staff are trained to be prepared to be flexible and ready for changes. It seems that foreign corporations cooperate with Polish landowners and expect large quantities of products with rather low payments, this translates to the fact that the migrants, who work at these farms are paid relatively low in order to maintain Poland's competitiveness as a place for foreign investment in agriculture (Gorlach, 2018). In most cases the migrants' wages are by 20% lower than the Poles (Chmielewska, Dobroczek and Panuciak, 2018).

Sanitation in the farms is questionable in some cases, the sanitary conditions in some rural areas can be in a bad shape, putting especially during the COVID-19, migrants' lives under risk.

As it was already said the simplified procedure allow migrants to enter Poland and work legally. However due to existing data the simplified procedure was abused because migrants often worked irregularly due to different reasons. In case of some sectors such as agriculture, domestic services or constructions migrants, locals and migrants in some cases work irregularly. Due to the high cost of employment (taxation, social security obligation) employers tend to abuse the workers and their labour rights. Some Ukrainian migrants reported they were forced to work, their passports were taken from them, and the employers did not pay them monthly, but promised to pay them by the end of their period of stay, knowing that they have to leave the country. Many migrants are employed by the private employment agencies based on the civil law contract (Polish: *umowa zlecenie*), which prevents such migrants from the full access to social benefits. The employment contract includes certain notice periods, holiday leaves, sick pay, benefits, and allowances for overtime work, which can be claimed in court. The contractor is civil law contract is not entitled to any of the above-mentioned rights.

3. The situation of migrants in Poland during the COVID-19 Pandemic

The year 2020 brought unexpected difficulties for the citizens of the EU countries, as well as for the migrants living in them. The COVID-19 pandemic caused significant challenges in movement, and the restrictions introduced by the Member States were to prevent the spread of the pandemic. Poland was a country that introduced many restrictions very quickly, the effects of which were felt both by Polish citizens and foreigners. On 15 March, the Polish government

closed the borders for foreigners. This decision resulted in the closure of air, bus and rail traffic. As experts (REFS) emphasized, this situation caused great uncertainty amongst migrants residing in Poland at that time:

During the first days after the borders were closed, the Ukrainians felt completely lost. It was not known whether they would be able to cross the border, if they will be able to leave for Ukraine, or whether they would be able to return in Poland. It was not known how long the lockdown would last. Migrants who were in the process of legalizing their stay or obtaining work permits were not sure how the process would go and whether they would be able to meet the deadlines. It seems to me that at that period there was a big problem with access to information. The Polish government seemed to have forgotten that there are almost 2 million Ukrainians in the country. People asked many questions on internet forums and Facebook. This chaos made many people to decide to leave Poland (INT-NGO 1).

There is this problematic situation, where Poland has fully transitioned to an immigration country, however, the government's attitude illustrates an ignorance of this fact. Most of the information about new regulations related to the Covid-19, are published in Polish and then it takes several days until clarifications are given in other languages. Particularly, in periods of crises like this of a pandemic, this can be nerve-breaking for the temporary migrants, who might misunderstood some regulations and find themselves unconsciously going against the lockdown laws. Another restriction that influenced the situation of migrants in Poland was the closure of restaurants, cafes and hotels where migrants mainly work. Many companies and production companies have reduced or stopped their work. Even if migrants did not lose their jobs right away, they prepared themselves for this possible scenario, if the lockdown continued. It should be remembered that the majority of Ukrainians working in Poland are short-term migrants (working for six to nine months). Another reason why Ukrainians left Poland was the very inflexible procedure of changing the employer. It was particularly evident in the dynamically changing situation on the labour market (closing some sectors).

The experts also pointed to the chaos that took place on the Polish-Ukrainian border in the first stage of the Ukrainians' departure.

Those migrants who did not manage to leave before the borders were closed, i.e. before 17 March, had to use road crossings to get to Ukraine. The situation was somewhat alleviated because special flights and rail connections were organized to help Ukrainians return to the country. According to estimates, between 17 and 27 March, over 100,000 Ukrainians left Poland (INT-Policy 1)

In addition, the situation of Ukrainians was hampered by the changing quarantine rules. Ukrainians coming to Poland had to quarantine, which was an additional financial and logistical burden if employers did not organize this beforehand.

3.1. Legal solutions

It is estimated that in the first two months of the COVID-19 pandemic (March – April), over 200,000 people left Poland, which means a 10 % drop. The initial chaos related to the departures of Ukrainians to their country of origin could give the impression that this number would be greater.

Table 9. Arrivals and departure of migrants to Poland in the time of COVID 19.

Country of Origin	Arrivals	Departures	Difference
Ukraine	407.786	567.828	-160.042
Belarus	162.719	196.706	-33.987
Russia	41.791	51.308	-9.517

Source: (NBP, 2020)

As emphasized by the labour market expert:

Many Ukrainians tried to wait through the initial period uncertainty and get information on what to do next. On the one hand, there was a fear that the residence permits would be invalid. On the other hand, the Ukrainians were afraid that they would not be able to return to Poland after their departure. During this time, it was also unclear what the quarantine would look like after their return. Many migrants, especially employed in agriculture, but also manufacturing companies, have their housing provided by employers in employee hotels. The migrants were afraid that they would have to look for and pay for accommodation themselves during the quarantine. There was also no certainty that hostels or landlords would not be afraid to rent to people who have to quarantine (INT-NGO 2).

Due to the introduction of restrictions because of the epidemic, the consequences of which were difficult, especially for small and medium-sized enterprises, the Polish government prepared legislative changes which were to provide economic support. The introduced laws were called the ‘anti-crisis shield’. As a result of pressure from entrepreneurs employing migrants, e.g. agricultural unions or associations of the processing and meat industries, anti-crisis shields also

included solutions for migrants. Entrepreneurs were very afraid of the Ukrainians leaving, knowing that most of them cannot be replaced with Polish workers.

Solutions introduced by the Polish government to alleviate the effects of the lockdown included several provisions related to foreigners living and working in Poland. The most important provisions of the 2 March 2020 Act that stipulates the deadline for the submission of residence permits applications⁹. The introduced solution automatically extended the deadline for submitting applications for a permit for temporary residence¹⁰, permanent residence¹¹, long-term residence¹², visa extension¹³ and the visa-free regime extension¹⁴. The deadlines for submitting applications have been postponed to 30 days from the end of the national lockdown due to the pandemic. This provision eliminated the risk of foreigners staying in Poland falling under the category of illegal residence. Initially, the introduced restrictions, the voivodship offices responsible for the handling of legalization cases suspended in-person activities:

at first, the activities of the voivodship offices were limited, but it did not last long. The services for foreigners were quickly resumed, in compliance with the guidelines issued by the GIS [Chief Sanitary Inspectorate]. The services resumed because of a large number of legalization cases that had to be dealt with. Additional suspension of services is not possible (INT-NGO3).

The provisions of the 2 March 2020 Act also covered work permits, the validity of which was also extended. This included work permits for a foreigner and seasonal work permits, as well as extending the period of work performed on the basis of the *declaration of the intention to entrust work to a foreigner*. All experts agreed that the extension of procedures for the duration of the pandemic threat was very important and necessary:

In this first period after the introduction of the lockdown, migrants were most terrified that they would not manage to settle the legalization issues on time, or that their documents on the basis of which they work would expire. These are mainly certificates

⁹ 2 March 2020 Act on particular solutions focused on prevention and fighting COVID-19, other diseases as well as state of emergency resulting from them. Kancelaria Sejmu. (2020) o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych. <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000374/U/D20200374Lj.pdf> [Accessed 10 Nov 2020]

¹⁰ art. 105 paragraph. 1 of the Foreigners Act

¹¹ art. 202 paragraph 1 of the Foreigners Act

¹² the deadline specified in art. 202, paragraph 1

¹³ in art. 85 sec. 1 of the Foreigners Act

¹⁴ art. 300 sec. 2 of the Foreigners Act

and seasonal work permits. Migrants were afraid that after their documents expire, they would be staying in Poland illegally. Therefore, solutions from the anti-COVID-19 shield were very important. This shows that you have to react flexibly in a state of emergency (INT-Policy 6).

However, it must be noted that the aforementioned helped to bring some sort of order and less panic for the migrants but simultaneously, it signalled a confusing period afterwards of what will happen when the restrictions will be lifted. Temporary migration is characteristic for the concrete period of stays and the departure back to the country of origin. If that is delayed for an unknown time of period then that creates a complete new chaos of who needs to return and when. The dysfunctionality of the centres for processing migrants' papers was amplified after the end of the lockdown with a lot of migrants not knowing what to do and what is their status at a given time. The pandemic has shown even more clearly the weakness of the system of certificates and permits for seasonal work as these are issued to a specific employer. One expert compared the system to 'slavery', another described a situation during the pandemic:

it is incomprehensible to me that during the pandemic and the introduction of anti-COVID-19 solutions, nobody in the government thought about making the employer change procedure more flexible. After the closure of restaurants, hotels and other service facilities, migrants were the first to lose their jobs. It was springtime and there was a great demand for work in agriculture and processing. Unfortunately, migrants working in Poland legally could not change employers. It seems that with such a high demand for employees, especially in a state of emergency, it is important for legislators to respond flexibly and to adapt solutions to the needs of the labour market and employers (INT-NGO 4).

Not all experts agreed that the government should help migrants by ensuring their safety in the labour market. One of the experts, assessed the proposed legislative changes in the context of the labour market management mechanisms in Poland:

When it comes to legislative changes introduced during the crisis, I would not change anything, I would rather reduce the focus on the sense of security. We do not know how the economic situation will develop, the pressure on the labour market might be high as a result of the crisis. The state must have instruments to encourage people to come, but also to stimulate their departure when it is needed (INT-Research 1).

It is difficult to define the consequences of the pandemic on the migration situation in Poland, there is also no data showing the difficult situation of migrants, mass layoffs or the need to return to Ukraine due to the lack of financial resources. However, the experts noted that the migrants from Ukraine will do almost anything in order to stay in Poland because the situation in Ukraine is still unstable:

the interviews with organizations representing Ukrainian migrants show that in the face of the recession, they are ready to lower their financial requirements to keep their jobs, legal employment, not in the shadow economy, to have health insurance. We know that the Polish health care system is not perfect, but in the face of the pandemic, Ukrainians prefer to stay here rather than return to a country where the health service is even worse (INT-Research 2).

In a study by the NBP from July 2020, companies reported a decline in revenues in March and April. However, the surveyed companies declared that they were highly unlikely to lay off people, whether the employees are native Poles or migrant workers. The entrepreneurs declared that leaving their employees would lead to higher recruitment and training costs. The employers were rather inclined to change the organization of working time, suspend recruitment and new job offers. Workers also declared their willingness to employ migrants when the uncertainty related to the pandemic, comes to an end.

3.2. Pandemic-related Challenges

In 2017, another liberalization of the regulations on the movement of people from Ukraine to Poland was introduced. On 11 June 2017, the provisions on visa-free travel for short-term stays of up to 90 days in the Schengen area entered into force. Visa-free travel applies only to Ukrainian citizens who have biometric passports. Regulations authorize residence but do not authorize work. Employment regulations fall under national legislation. Very often, the liberalization of the visa-free regime is seen as a gateway to an uncontrolled influx of migrants. However, in the case of Poland, the system of the *declaration of the intention to entrust work to a foreigner* facilitates easy access to the labour market. Access to visas for Ukrainians coming to Poland was also good because the introduction of visa-free travel did not result in a sharp increase in the number of migrants. It can be assumed that visa-free travel may lead to an influx

of migrants and leading to illegal employment. However, there is no data available that can show the scale of this phenomenon.

Liberalization of the visa-free regime was also seen by Polish entrepreneurs and companies recruiting Ukrainians as a potential threat to the local labour market. An even greater threat was to be introduced in 2020 with a liberalized access to the German labour market for Ukrainians. Experts wondered how many Ukrainian workers would leave Poland to look for employment in Germany. However, the statistics did not support these concerns. There was no massive outflow of Ukrainian migrants to the German labour market. As one of the experts (REFS) dealing with the labour market noted:

Germany opened the job market a few years too late. The Ukrainians have already developed support structures that will allow them to easily integrate in the Polish labour market, some of them have brought families, and children have started Polish schools. The language barrier is also important. Without knowledge of the German language, it is much more difficult to feel at ease in the local labour market. In my opinion, cultural closeness can also play an additional role. Ukrainians quickly adapt to Polish conditions (INT-Policy 2).

As it has already been described, the procedures for accessing the Polish labour market are very liberal. The difficulties relate to the protracted procedures of applying for a settlement permit and a work permit. One of the experts thought that migration management in Poland:

is the result of a selective migration policy in which certain instruments are created. In Poland, access to the labour market started with a permit to employ migrants in agriculture and construction and ended with the full opening of the labour market to seasonal and medium-term workers. It is a system where points awarded for citizenship, age, education are replaced with a very risky instrument of migration policy aimed at citizens of one country. Why is this system risky? Because it causes an influx of a very large group of migrants that the government does not control. You could say the government has abdicated its duty because it doesn't control these flows of people. This can be very risky in a sudden downturn. Such effects may be brought, for example, by a pandemic (INT-Research 1).

According to the experts, very liberal access to the labour market in Poland and the lack of ideas of how to manage such a large inflow have worked so far. However, all experts asked themselves what the consequences of the pandemic will be and what the Polish government

will do in a situation when this huge number of migrants is no longer needed. There is no data yet to show the economic consequences of the pandemic and its impact on migrant employment. One of the experts emphasized that:

although we are in a pandemic, we do not see any special deterioration yet, but it is not known what the situation will be in a few months. In the case of Ukrainians, they are the most flexible in the labour market. They have very low transaction costs. Therefore, they may lower their financial expectations in a crisis. Obviously, problems on the labour market may reduce sending money to Ukraine, which can be checked in a few months. In my opinion, in the face of the crisis, the Ukrainians will rather lower their expectations than go to Ukraine, which is in a serious economic crisis (INT-NGO 1).

The initial departures of Ukrainians in March and April caused, as already mentioned, a decrease in the number of migrants in Poland by about 10%, but in autumn this decrease was reverted and an influx of migrants to Poland has been recorded again. The second lockdown introduced by the Polish government in the autumn (lock of restaurants, bars, hotels, sport and leisure centres etc.) might impact the economic situation in Poland and the demand for labour migrants.

4. Conclusion

Due to the economic growth, ageing population, an outflow of Poles to other member states, Poland has been facing an increasing demand for the foreign labour force. Although, Poland has faced this process, the Polish government has not developed nor implemented a comprehensive migration policy. The very fragmented solutions, as a simplified procedure for foreigners who want to access the Polish labour market, have taken as their starting point spontaneous patterns of migration from Ukraine to Poland and increasing demand of the labour market. On the one hand, the procedure is accessible and migrant-friendly, on the other hand, it does not provide temporary migration scheme. In some areas, this approach to migration in Poland is similar to the guest-worker model. The Polish government seems to believe that the inflow of migrants to Poland is temporary. Contrary to this stance, the statistics show that these temporary and circular migrations tends to change into more long-term ones.

The aim of the Polish regulation of the labour migration was to create an opportunity for the migrants from neighbouring countries (mainly Ukraine) and provide them with flexible opportunities in terms of legal entry and re-entry. The simplified procedure responded to the

demands of the Polish labour market, but the very rapid inflow of migrants impacted the institutional system, and projected its weaknesses. The circularity of migrants is an effect of legal arrangements and not the character of production in agriculture or other sectors. The Polish government enabled employers the recruitment of labour migrants, but there is a lack of any political will to steer the process of inflow and to attract migrant workers, who wish to follow this circular manner. The regulations are mainly driven by the demand on labour market and lobbying of employers, rather than by research-based analysis to create a long-term solutions for comprehensive migration policy.

The circular migration in Poland is shaped by the labour market dynamics and driven by mainly migratory networks and private recruitment agencies. Public institutions are in a very limited range involved in the process of implementation of labour market regulations towards migrants. The aim of the regulations implemented by the Polish authorities aimed at temporary and circular migration, however, from the increase in number of work permits in the last years, it seems that migrants do not always follow the model of migration promoted by the policymakers. They tend to change from short-term migration to long-term one. There are many factors impacting the decision to settle in country of origin. In the case of the Ukrainian migrants the political and economic situation in the country of origin contributes to the changes of the migratory patterns.

Circular migrants due to their limited time of stay in the country of destination might be in a vulnerable position. There were several cases of abuses of temporary migrants reported in Poland. For the further solutions in this area policymakers should consider rights-based circular migration policy, aiming at win-win-win situation, which might impact migrants' willingness for circularity.

Summing up, Polish solutions in the area of temporary and circular migration have been driven by the demand of labour market, and followed the historical patterns of Ukrainian migration to Poland. This is a very selective instrument of migration policy, aiming at covering the shortages on labour market with migrants from mainly one country. This has worked for the last 5-7 years, and caused a massive inflow of Ukrainian migrants. It is difficult to predict how will this system is going to work in the time of any other upcoming crises. The COVID-19 pandemic might be the first test for the management of migration in Poland.

There is no doubt that the management of temporary and circular migration requires more systematic collection of data at national and regional level, which together with more empirical research might provide policymakers with further knowledge on the topic and about the effects of the inflows of migrants. Reliable data might be a good starting point for the evaluation of implemented regulations.

5. Policy Recommendations

Short-term recommendations:

- Maintenance of the current wage rates for temporary workers
Currently, according to the Bank of Poland (2017), temporary workers are paid about 20% less than Poles. Some of the interviewees suggested that if things worsen with COVID-19, foreign workers will be willing to be paid even less rather than lose their jobs. This might sound reasonable for the employers, however, for the workers, it can be a problem for their survival, especially if they wish to send money back to their countries. Recently, Poland has experienced inflation due to the pandemic. Therefore, decreasing salaries of temporary migrants might lead to, either lower performance or people losing interest in coming to work in Poland, altogether.
- Increasing the number of labour inspectors
The voivodships around the country are portrayed negatively when the messages on the discussions on the migrants' internet forums are taken into consideration. People report being frustrated with the constant delays, and even intermediaries such as consultants cannot help as the system by itself requires immediate improvement. In most cases, offices for foreigners lack personnel. After the first outbreak of the pandemic, it has become clear that emergencies and unexpected situations like these can happen anytime and the system can collapse at any given moment.
- Cooperation between NGOs, employers, trade unions and migrants
Each of the actors involved in temporary migration operates differently. This is because in some cases NGOs receive their funds mainly from the EU, employers and trade unions work with decisions of the Polish government, and migrants have their own migrant networks. These create conflicting interests between them and in some cases becomes a burden for their cooperation and communication.
- Health support for temporary migrants

The statistical data in this research made it clear that the National Health Insurance (NFZ) has the largest number of registered migrants. This can be seen as a positive development because this promotes health care provision for the migrants and can help better their working conditions, especially in times of a pandemic. Fostering the health system, can also protect both the migrants and the host community from contracting and spreading viruses in the rural areas of the country.

Mid-term recommendations:

- Promote and make good practice known around the country

Training migrants in general and training them to work with certain machines/equipment can be seen as an investment given by employers to the migrants. Moreover, the fact that Ukrainian migrants easily adjust to the Polish realities and prefer to stay in the country rather than migrate to Germany as temporary migrants, shows some positive elements of the Polish agricultural sector. Every single good practice should not be neglected as it can work for the benefit of the country, the employers, and the migrants.

- Have foreigner managers as well to help during the workforce training

It appears that Polish employers prefer circular migrants as they have knowledge on agriculture and because it takes a long time to train people again from the beginning. In order to reward circular migrants who return to Poland, some of them could become managers. This will also create an environment of equality in the workplace and it will make migrants feel a lot more ambitious and target-oriented.

- Social inclusion of the migrants particularly in smaller towns

Smaller towns and villages in Poland can be very homogeneous without much input from the outside world. Migrants might not necessarily feel discriminated, however, attempts to include them have not been made. This could help the newcomers feel more welcome and safer during their temporary residence.

- Be more persistent with documents and irregular migration

Several interviewees noted that the national statistical data are rather ambiguous, fragmented and not fully representing the real numbers of migrants in the country. This can become very problematic and risky and can potentially lead to uncontrollable numbers of migrants. This phenomenon is amplified, when it comes to irregular migrants whose numbers are even more difficult to detect. The whole process should be better monitored and definitely be more transparent.

Long-term recommendations:

- Use one national body that will collect the total numbers on/of migrants

As previously mentioned, different organisations collect data on temporary migrants and then when these numbers are compared, they are not compatible. The quantification of data would mean a clear picture of the existing migrants in the country. Moreover, except for the larger groups of migrants (e.g. Ukrainians), other groups are analysed significantly less and in some cases grouped by using vast generalisations (e.g. Africans).

- Sector-specific – the agriculture

Agriculture in Poland involves various professions. This study showed that it might not be practical for sectors *per se* to be separated when they are being researched. However, in the case of seasonal and circular migrants, their separation will help the sectors' stakeholders and actors to better identify problems within the system and with more efficiency.

- More effective collaboration with recruitment agents in Ukraine

The phenomenon of the COVID-19 has shown that challenges and unprecedented events may come into place at any given time and that only robust systems and collaborations would be able to deal with potential threats. Since Ukrainians feature as the largest group of temporary migrants, constant collaboration with Ukrainian recruitment agents could ease the existing problems. During the initial months of the first lockdown in Poland, a lot of Ukrainians left Poland because of the lack of such collaboration.

- Promote circular migration over seasonal migration

Polish farmers train their agricultural labour force and because of this, they prefer that the workers come back so the employers can save time and resources. Seasonal migration schemes can appear attractive for countries that focus on the volume of workers rather their skills. In the Polish case, farmers should look for incentives to attract workers to come back as the workers usually use machinery, which requires specified knowledge.

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Rozporządzenie Ministra Rodziny (2017), Pracy i Polityki Społecznej z dnia 8 grudnia 2017 r. w sprawie podklas działalności według Polskiej Klasyfikacji Działalności (PKD), w których wydawane są zezwolenia na pracę sezonową cudzoziemca.

Rozporządzenie Ministra Rodziny (2017), Pracy i Polityki Społecznej z dnia 8 grudnia 2017 r. w sprawie wysokości wpłat dokonywanych w związku ze złożeniem wniosku o wydanie zezwolenia na pracę lub zezwolenia na pracę sezonową oraz złożeniem oświadczenia o powierzeniu wykonywania pracy cudzoziemców

Annex: table of interviewees

Code of interview	Organisation / Institution	Area
INT-Policy 1	Mayor of Wrocław's Plenipotentiary for Residents of Ukrainian Descent	Policy
INT-NGO 1	Foundation <i>Nasz Wybór</i> (Our Choice)	NGO
INT-Policy 2	City Council of Wrocław	Policy
INT-Economy 1	Visa and Work Agency	Economy
INT-Research 1	Centre for Migration Research University of Warsaw	Expert
INT-Policy 3	Social Welfare Centre Warsaw	Policy
INT-NGO 2	Caritas Poland	NGO
INT-NGO 3	Nomada Association for Multicultural Society Integration	NGO
INT-Policy 4	Ministry of Family and Social Policy	Policy
INT-Policy 5	Department of Civil Affairs and Citizens, Lower Silesian Governor's Office	Policy
INT-Research 2	Warsaw School of Economics	Expert
INT-Policy 6	Wrocław Centre for Social Development	Policy
INT-Policy 7	Regional Employment Office	Policy
INT-NGO 4	Multiculturalism and Integration Observatory	NGO
INT-NGO5	Foundation <i>Dom Pokoju</i>	NGO