

## Chapter 6.

### MIGRATIONS OF UKRAINIAN POPULATION TO POLAND AT THE TURN OF THE 20TH AND 21ST CENTURIES – SITUATION, REASONS, CHALLENGES

**Małgorzata Białas, Adrian Solek**

**Abstract** *The aim of this paper is to present the migration processes of the Ukrainian population to Poland at the turn of 20th and 21st centuries, including their directions, intensity and causes. The paper shows also legal acts regulating these issues and as well as their amendments introduced after Poland's access to the Schengen zone, that might have influence on the size of the migration streams and indirectly on the domestic labour market. The assessment of Poland's migration policy according to the needs of the economy and an attempt to outline desired trends in this area will also be made.*

**Keywords:** *labour market, migration policy, Schengen zone, Ukrainian-Polish relationship.*

#### Introduction

Migrations became an inherent element of the contemporary world. In particular a rapid increase of international migration, mainly for economic reasons, can be observed since the second half of the 20<sup>th</sup> century. It is estimated that at the end of the 1990's the number of migrants in world amounted to 125 million persons, that is about 2% of the entire population of the Earth.<sup>1</sup>

International migration is defined as relocation of a person beyond the borders of the country of their stay except for business or tourist trips.

According to the purpose the migration of population and economic migration are distinguished. In the former type people relocate between countries in order to change the place of permanent stay, whereas the objective of migration for economic reasons is finding a job abroad rather than changing the place of habitation. Other typologies include the following kinds of migration:

- permanent migration – connected with the change of the place of residence;
- seasonal migration – aiming at finding a temporary job on the territory of another country;
- pendular migration – which takes place when citizens of the given country cross the border every day in order to work on territory of another country;
- forced migration – resulting from reasons other than economic ones.

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<sup>1</sup> I. Yeleyko, *Specyfika migracji zarobkowej ludności na Ukrainie*, <http://www.univ.rzeszow.pl/ekonomia/Zeszyt11/30.pdf>.

## Characteristics of migration movements in Ukraine

The economic migration in the Ukraine is not a new phenomenon. At the end of the 19<sup>th</sup> century thousands of farmers deprived of their land left the country in quest for the better future and emigrated most of all to Canada and the United States. In the second wave of migration, after World War I, Ukrainians left western areas (belonging to Poland) in order to avoid persecution.

After World War II the third wave of the migration took place.<sup>2</sup> Under Soviet regime the number of persons going abroad was regulated centrally. According to data of Ukraine's Ministry of Internal Affairs of Ukraine the number of persons who left the country in 1986 amounted to 43 thousand at the most. With the arrival of independence the emigration intensified a lot: only in 1991 as many as 2 million 327 thousand persons went abroad, mainly for job-hunting.<sup>3</sup>

Migrations of ethnic character also increased after the collapse of the Soviet Union. Then many Ukrainians living previously on the territories of other Soviet republics, as well as many Russians and Crimean Tatars arrived to the new country. In the next period ethnic migrations lost their importance, whereas journeys for economic reasons increased, caused by a difficult situation in Ukraine – high unemployment rate, decrease of production, low financial stability. Another incentive was the higher level of wages in the destination countries.

The exact number of Ukrainians living abroad is not known, since emigrants usually work illegally. In years 1996–98 the main destination was Greece, where around 30% of all officially registered emigrants from Ukraine worked. Other directions of emigration were: the Czech Republic, Russia, Poland, Spain, Portugal and Italy.

Table 1. Ukraine's migration balance in years 1998–2005 (without 2002)

year	departed from Ukraine	arrived to Ukraine	migration balance
1998	149,286	71,810	-77,476
1999	110,589	65,794	-44,795
2000	100,325	53,712	-46,613
2001	88,804	45,765	-43,039
2003	63,699	39,849	-23,850
2004	46,182	38,567	-7,615
2005	34,997	39,580	+4,583
total	593,882	355,077	-238,805

Source: State Statistics Committee of Ukraine.

O. Leontenko distinguished three major phases in the emigration for economic reasons in Ukraine. The first one lasted till 1990 and concerned mainly scientists and artists. The number of emigrants in this period was relatively low. In the second phase, covering years 1990 to 1993, many specialists left the country. Skilled, well educated and speaking foreign languages, they had little or no problems to find a well-paid job in other different parts of the world. The emigrants were considerable more numerous than previously. Finally, since 1994 a new wave of mass exits has been taking place, with a large group of less qualified workers

<sup>2</sup> V. Senchenko, *The New Wave of Labor Migration*, <http://www.ukraine-observer.com/articles/233/1067>.

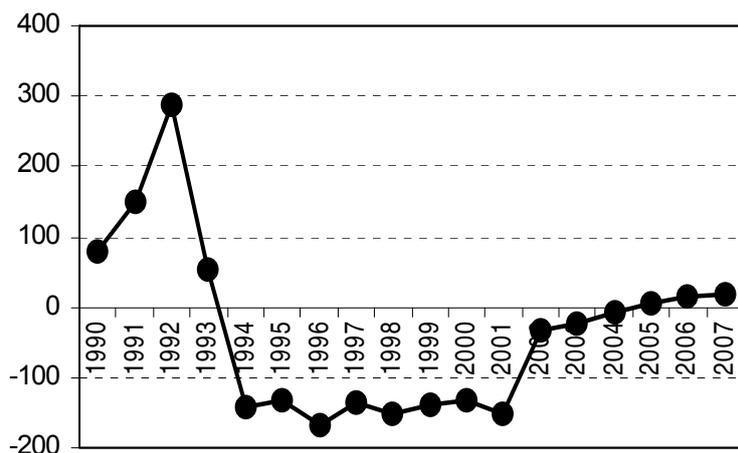
<sup>3</sup> I. Yeleyko, *op. cit.*

(e.g. construction workers, drivers and the like) beside skilled specialists.<sup>4</sup>

According to official data between 1991 and 2004 a total sum of 2.5 million persons left Ukraine, and 2.2 m arrived. As shown in table 1, the number of emigrants keeps decreasing while the flow of immigrants remained stable between 2003 and 2005. The negative balance of the migration is gradually reducing.

The year 2005 turned out to be crucial, when for the first time the number of persons arriving to Ukraine exceeded the number of those leaving. Since then the balance of migration was positive (see chart 1).

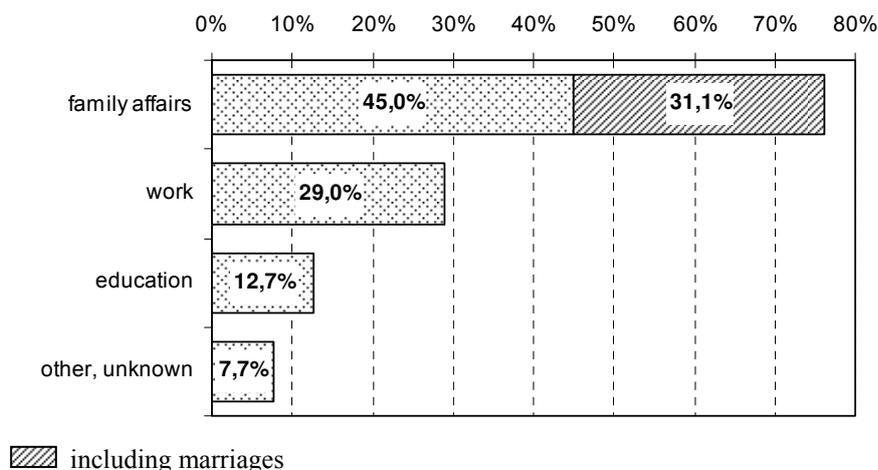
Chart 1. Migration balance in Ukraine in years 1990–2007 (in thousands).



Source: own compilation based on: *Rocznik Demograficzny 2007*, GUS, Warszawa 2008.

The major reason of Ukrainian migration to Poland is family affairs: three persons out of four indicated them as the main motive, and 31% left for Poland to enter into marriage. The second most important cause is work.

Chart 2. Reasons of migration of Ukrainians staying in Poland temporarily for a period over 12 months.

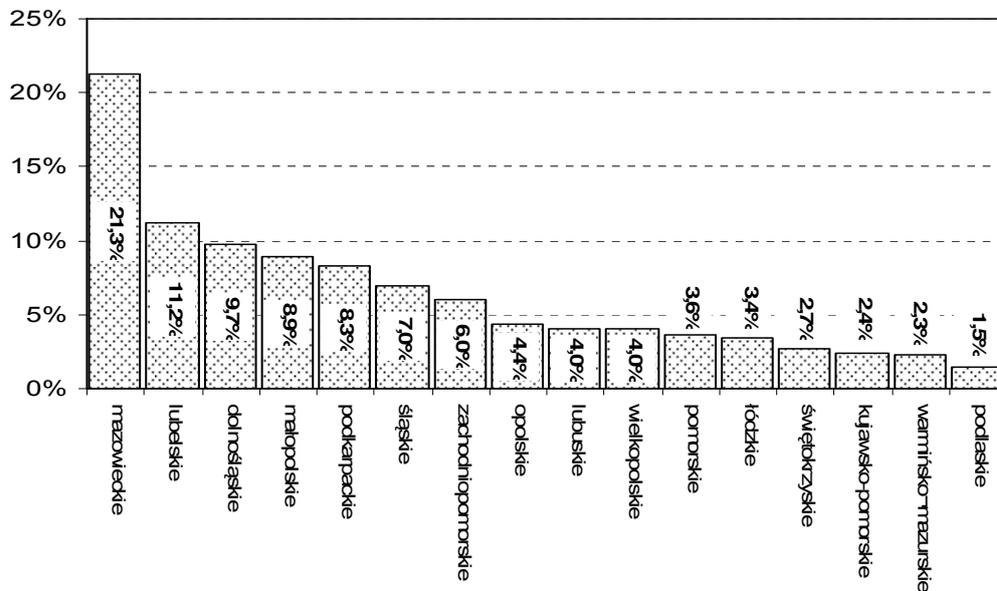


Source: own compilation based on: *Rocznik Demograficzny 2007*, op. cit.

<sup>4</sup> O. Leontenko, *Problemy stanovlennia y rozvytku trudovoji emihraciji z Ukrainy*, in: „Ukrajina: aspekty praci” 1999, No. 5.

In Poland Ukrainian immigrants settle most often in the Mazowieckie (Masovia), Lubelskie and Dolnośląskie (Lower Silesia) voivodships (see chart 3). The choice of the Lubelskie region is determined by proximity to the Ukrainian border, whereas the two other provinces are popular due to relatively huge opportunities to find a job.

Chart 3. Regions (voivodships) of settlements of Ukrainians who arrived to Poland for a temporary stay over 12 months (years 1998–2002)



Source: own compilation based on: *Rocznik Demograficzny 2007*, op. cit.

The majority of immigrants from Eastern Europe to Poland are women. In 2006, for example, 211 thousand men and as many as 471 thousand women arrived to the country.

In case of the other regions the demographic structure is reverse – most immigrants are men. An overwhelming majority of foreigners settle in cities (73%). Only German and Dutch citizens are willing slightly more than other to live in the country.

### Poland's policy concerning foreigners

The work of foreigners has been a permanent element of the Polish economy for a long time. Starting from 1990's the demand for the work of foreigners was supported by a high growth rate in the Polish economy together with structural changes consisting in an increasing role of services at the cost of mining and heavy industries. Moreover the privatization of state enterprises and coming into existence of the SME's also played a significant role on the labour market. Additionally companies' concern to cut costs caused employers to search cheap workers amongst foreigners more and more often. An interesting fact is that illegal employment didn't encounter negative social reactions in the country. According to J. Korczyńska and P. Kaźmierkiewicz this was a result of several factors: first of all, Poles' own experience – who frequently worked abroad with no permit – makes it hard for them to condemn other nations for the same action. What's more, the lasting phenomenon of unregistered and untaxed “black economy” is treated as a response to excess fiscal burdens.<sup>5</sup>

<sup>5</sup> J. Korczyńska, P. Kaźmierkiewicz, *Regulacja migracji zarobkowej – wyzwania dla Ukrainy w kontekście polskich doświadczeń*, Warszawa 2005, <http://www.isp.org.pl/files/15491544240820373001127207238.pdf>.

Table 2. Number of immigrants arriving to Poland for a permanent stay in 2006.

	<b>total</b>	<b>men</b>	<b>women</b>	<b>urban areas</b>	<b>rural areas</b>
<b>IMMIGRATION</b>	10,802	5,938	4,864	7,900	2,902
<b>Europe</b>	8,270	4,562	3,708	6,012	2,258
Austria	224	124	100	160	64
Belarus	248	83	165	203	45
France	356	183	173	259	97
Ireland	211	156	55	157	54
Netherlands	236	156	80	155	81
Germany	3,227	1,874	1,353	2,189	1,038
Russia	171	9	162	147	24
Sweden	146	75	71	131	15
Ukraine	682	211	471	518	164
United Kingdom	1,592	998	594	1,171	421
Italy	377	193	184	290	87
<b>Asia</b>	388	205	183	340	48
<b>Africa</b>	125	85	40	104	21
<b>North and Central America</b>	1,829	977	852	1,293	536
<b>South America</b>	38	25	13	32	6
<b>Oceania</b>	149	83	66	117	32

Source: *Rocznik Demograficzny 2007, op. cit.*

The conditions of legal employment of foreigners in Poland have been specified in Act of April 20, 1994 on promoting employment and institutions of the labour market (Dz. U. Nr 99, pos. 1001 with later changes). The position of immigrants is also normalized by Act of June 13, 2003 on foreigners (Dz. U. Nr 128, pos. 1175 with later changes) and regulations of the minister of labour and social policy.

According to the Act on the promotion of employment a foreigner is a person without the Polish citizenship. A general principle is that foreigners should obtain a permit from the voivod (provincial governor) in order to work. The permission is applied for by the employer – either Polish or foreign (in the case of delegating), rather than the worker in question.

The procedure of getting the permit has two stages – at first a pledge is issued, then the actual permit and only the latter allows to start working. The detailed course of procedures of getting a work permit in Poland is presented in table 3.

Table 3. The procedure of obtaining a permission to work in Poland

No.	Description of actions
1	The employer takes action for recruiting a Polish worker (reporting a vacant job at the local office, newspaper advertisements, the Internet) and from the European Union via EURES (European Employment Services) network
2	The employer applies for issuing a work permit for the foreigner to the voivod (provincial governor)
3	The provincial governor investigates the application taking into consideration i.e. the situation on the local labour market
4	The voivod gives the employer a promise
5	The employer sends the promise to the candidate for the work, who then applies in the consular office for a visa in order to execute
6	The foreigner arrives in Poland, takes action to obtain the appropriate decision for the long-stay (e.g. permission to settle for the fixed time)
7	After getting by the foreigner the right long-stay decision the employer informs the voivod about the date of charging the foreigner with the work; the voivod issues a permission not exceeding the period the specified in the long-stay decision
8	The employer receives the permission and signs the contract of employment with the foreigner for a period not longer than specified in the permission

Source: own compilation based on the Regulation of the minister of labour and social policy of July 21, 2006 on the mode and conditions of issuing the permission to work for a foreigner (Dz. U. Nr 141, pos. 1002 with later changes) and Act of April 20, 2004 on promoting employment and institutions of the labour market (Dz. U. Nr 99, pos. 1001 with later changes).

A number of categories of foreigners are exempted from the obligation to obtain the work permit, among others:

- citizens of EU countries and states with which EU entered into a contract about the freedom of the flow of persons, as well as members of their families,
- persons with the permission to settle in Poland,
- persons with the refugee status,
- foreign languages teachers in educational institutions, if they teach their mother tongue,
- persons giving occasional lectures, papers or presentations of a special scientific or artistic value, if keep their place of the permanent stay abroad,
- students of full-time studies in Poland,
- students working on apprenticeship to which they have been pointed organizations – members of international student unions,
- students and pupils doing professional practice specified in the school curriculum,
- persons working as researchers in R&D units.<sup>6</sup>

However one should remember that even foreigners from the above mentioned categories are not exempt from the duty to get a visa (if required).

In the 1990's and at the beginning of the present century Polish companies quite often complained about the lack of manpower. The research conducted by KPMG company among 300 big and medium enterprises shows that 60% of them came up against a shortage of candidates for work.<sup>7</sup> Skilled workers, graduates of vocational and technical secondary

<sup>6</sup> Regulation of the minister of labour and social policy of August 30, 2006 on performing work by foreigners without obligation to obtain permission to work (Dz. U. Nr 156, pos. 1116 with later changes).

<sup>7</sup> P. Jakubczak, *Jest praca dla Ukraińców, ale nie ma wiz*, „Gazeta Prawna”, 25 stycznia 2008.

schools were sought after most of all. Employing foreigners could be a certain solution for companies contending with the manpower shortage.

The present procedure of the legalization of the work of foreigners on the part of Polish entrepreneurs, who complain about a long time needed to settle all formalities, high cost of administrative procedures and a too large number of required documents.<sup>8</sup> They emphasize the necessity to speed up and simplify this process. In particular it seems essential to create a so-called fast path for prolonging valid permits. Needless to say, the problems in getting a work permit discourage Polish entrepreneurs and therefore illegal employment of foreigners is also still a common form of the employment.

In reply to employers' needs, on January 29, 2008 the minister of labour and social policy signed a regulation changing rules on the employment of foreigners without the obligation to get a work permit. The new legislation enables Ukrainians, Byelorussians and Russians to work for a short term without the duty of applying for the permit, in the period up to half a year within twelve consecutive months starting from their first entry to Poland. Regulations previously binding made the work possible only up to three months within half a year. Both in earlier and current acts the total period of work could not exceed 6 months. The only difference is that according to new principles the work may be done continuously, without an obligatory three-month break after every three-month period of employment, as before. The above regulation has a pilot character and its observance is predicted until the end of year 2009.<sup>9</sup> Unfortunately at the moment there are no estimates which would confirm or refute the effectiveness of the new legislation.

On December 21, 2007 Poland, together with another 8 new members of the European Union, joined the Schengen zone – an area without the control on internal borders, formed by 24 states that adopted standardized principles of entry and the short-term stay on their territory. In order to enter the Schengen territory, citizens of the other countries must have a valid travel document and the visa, if required, as well as meet the following conditions:

- present the aim of travel and conditions of the stay,
- have ample means for the maintenance, both for the period of the stay, as well as for the return to the country of residence or the transit to a third state, to which this person has a guaranteed entry, or be able to legally obtain the above mentioned means,
- cannot be on the list of persons to whom the entry was refused,
- cannot be regarded as persons who may disturb public order or security of any state belonging to the Schengen zone.

After Poland's access to the zone, the number of visas granted to Ukrainians fell by almost a half. In the first 4 months of membership only 92,131 visas were issued, while in the corresponding period of the previous year the number amounted to 209,335.<sup>10</sup> At the same time the number of Byelorussians and Russians arrived to Poland decreased due to a more rigorous procedure of giving visas: more documents are required, individual conversations are carried out more frequently and the entire process is more complicated. Of course, the increased requirements are accompanied by a longer waiting time for the positive decision. Nonetheless in recent years Ukrainians have been the most numerous group obtaining Polish work permits, with the share of one fourth to one third (see table 4).

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<sup>8</sup> J. Korczyńska, P. Kaźmierkiewicz, *op. cit.*

<sup>9</sup> *Nowelizacja przepisów dotyczących zatrudniania cudzoziemców*, Ministerstwo Pracy i Polityki Społecznej, [http://www.mps.gov.pl/index.php?gid=339&news\\_id=1002](http://www.mps.gov.pl/index.php?gid=339&news_id=1002).

<sup>10</sup> G. Gromadzki, O. Wasilewska, *Co można zmienić w sprawie wiz? Polityka wizowa po wejściu Polski do Schengen*, Fundacja Batorego, Warszawa, 2008, s. 3.

Table 4. Number of permissions to work for foreigners issued in Poland in 2006.

<b>Total number of issued permissions including citizens of:</b>	<b>10,754</b>
Ukraine	3,275
Vietnam	999
Belarus	704
Germany	281
Russia	405
USA	438
India	427
Turkey	503
France	294
Moldova	414
China	405
South Korea	322

Source: Department of Migrations in the Ministry of Labour and Social Policy in Warsaw.

When analyzing Poland's visa policy, one can notice new impediments replacing earlier facilitations. At first together with the access to EU the non-visa traffic had to be lifted. According the agreement between the European Community and Ukraine, Russia and Moldova on the facilitation of the issuance of visas to their citizens, Poland had to raise or introduce fees for the documents. Another handicap, described above, was a consequence of joining the Schengen zone, resulting in an increased number of refusals to issue the documents.<sup>11</sup>

### Challenges for Poland's migration policy

Changes in Poland's migration policy seem necessary so the economy could effectively recruit foreign workers for job vacancies. Actions focused only on the protection of the domestic labour market can bring negative effects it in the longer run.

As Poles emigrate to other countries of the European Union in quest for an attractive work, the country's labour market suffers from a manpower shortage, in particular with reference to certain professions.

### Conclusion

Therefore Poland should take aim to implement all solutions allowed in the Schengen agreement to streamline the process of issuing visas, e.g. by granting multiple entry or long-term visas. The regulations being in effect also enable to exempt particular groups of people from fees, although consulates don't make use of this option frequently. Apart from the visas, creating rules and procedures allowing for faster and more efficient issuance of work permits would be of great help. The examples of the United Kingdom and Ireland show that opening up the economy to foreign labour force may be beneficial to both parties: the national economy as well as foreign workers. Polish authorities should not be afraid to follow these standards.

<sup>11</sup> O. Wasilewska, *Schengen zatkało wschodnich sąsiadów*, „Gazeta Wyborcza”, 9 lipca 2008.

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