

LABOUR AND SOCIAL JUSTICE

ENTRY TO A MARKET, NOT TO A STATE

Situation of migrant workers in Poland

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Our research analyzes the trends of labour migration in Poland and the situation of migrant workers coming through the entry points of employment agencies and international higher education programs.



Migrant workers from Ukraine participate in the labour market but generally are not included in other aspects of social life.



Students from third national countries do not perceive Poland as the main target of their migration. Poland is chosen because of the relatively low cost of studies and the qualifications recognised in the EU.

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EXECUTIVE SUMMARY

- Poland's increasing demand for migrant workers and the government's incoherent migration policy recently opened a window of opportunity for the development of specialised intermediaries that match employers with migrants. The entry points to the labour market facilitate migration to Poland, but this process is left mainly to private business and social networks. The upshot is that migrant workers participate in the labour market but generally are not included in other aspects of social life.
- Ukrainian immigration to Poland is facilitated by an institutionalised sector of employment and intermediary agencies that provide a wide range of services. These include employer–employee intermediation, assistance in administrative procedures, transportation and accommodation. Agencies have networks of offices in Ukraine and local coordinators in Poland. They use various legal frameworks flexibly to make migrant workers available to Polish employers, which thus do not have to bother with the administrative side of employment or legalisation of residence.
- The migrant workers brought to Poland by employment and intermediary agencies are dispersed throughout the country. Their status is generally precarious. Migrants usually do not work within the framework of regular employment contracts, but rather civil law task contracts. Migrants earn the minimum wage and wage increases are possible basically by working longer hours. The 10–12 hour workday and six-day working week are perceived as standard working conditions. Migrant workers do not have access to employment benefits such as sick leave or holidays.
- Migrants employed through agencies usually do not have future plans. They focus on the present and, as already mentioned, their situation is precarious. Their jobs usually do not require many qualifications and do not provide opportunities for career development. Most migrant workers support family members either in their home country or in Poland.
- Institutions of higher education play a role as entry point to the Polish labour market. The visas and residence permits issued to students allow them to work in Poland. Combining work with studies is perceived by universities and colleges as normal practice and even the foreign students who do not need to look for additional income take up jobs.
- Colleges and universities create direct and indirect opportunities for employment in Poland in a number of ways. These include links with companies, teachers' informal contacts, the support provided by career services offices, and simply providing students with legal status. Students take up jobs mainly in the secondary labour market, but tend to treat them as a stepping stone and believe that after graduation they will attain more stable employment.
- The students do not perceive Poland as the main target of their migration. Poland is chosen because of the relatively low cost of studies and the qualifications recognised in the EU. The opportunity to integrate students in Polish society is not fully utilised.

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INTRODUCTION

In this report, we present the results of a study of migrants' experiences of entering and participating in the Polish labour market. We use the perspective of individuals to understand how entry points to the labour market influence their situation in Poland. By entry point we understand a formal or informal organisational structure that facilitates migrants' access to the labour market. An entry point does not have to be a formalised structure: social networks used by informal entrepreneurs matching employers with employees or those embedded in academic and professional organisations mobilised by a university professor are also examples of entry points. An entry point does not have to be intentionally designed to facilitate labour market: for example, educational institutions that attract migrant students may often allow them to enter the labour market, too. We consider structures that serve to enable migrants to enter the labour market as entry points, regardless of their other purposes.

Understanding how entry points function is especially important in countries that do not run openly declared immigration policies. In such countries, entry points are often not intentionally designed as such and intermediaries have to use the existing institutional framework creatively to match local employers with migrant workers. But informal practices also develop around purposively designed entry points and are worth studying to understand how policies are implemented. Similarly, besides official entry points, other organisational structures often function as such.

This study presents two entry points in the context of recent changes in the migration situation in Poland. The selected cases – presented in Section 2 – are (i) an employment agency that also employs temporary workers and leases them to user enterprises based in Poland, and (ii) a private college that enrolls foreign students, who after their arrival in Poland often combine studies with work. The cases were selected to allow comparisons with other countries involved in the research project: Bulgaria, Hungary and Romania. To analyse the entry points in the context of the migration situation in Poland in Section 1 we present an overview of policies and migration trends.

Poland is a country of 38.5 million inhabitants, which makes it the biggest labour market in Central and East-

ern Europe. Similar to other countries in the region, it is a source of labour emigration. It is not easy to estimate emigration from Poland because since EU accession in 2004 many Poles have taken advantage of freedom of movement within the EU and their migration is not always registered. According to Statistics Poland, in 2016 more than 2.5 million Poles were residing temporarily abroad, 2.2 million of them in other EU member states.¹ Emigration has contributed both to domestic labour shortages and to the increase in expected wages.

But Poland has also been attracting immigration since the liberation of its border regime in the early 1990s. In recent years immigration to Poland has increased enormously. There are three main reasons for this: (i) uninterrupted growth of the economy, accompanied by the creation of new jobs; (ii) transformation of Poland's demographic structure, with a decline in the working age population; and (iii) labour emigration, which has caused labour shortages in certain sectors of the Polish economy.

Polish GDP has been increasing continuously since the 1990s. Even during the financial and economic crisis there was no recession in Poland, although in 2012 and 2013 GDP increased by only 1.6 per cent and 1.4 per cent, respectively. Since 2014 the Polish economy has been growing by more than 3 per cent each year, and in 2017 and 2018 even by 5 per cent. At the same time, the unemployment in Poland has been decreasing. For a long period after the fall of communism, unemployment was a key social problem in Poland, climbing above 10 per cent. Since 2013 unemployment has been gradually decreasing, falling from 13.4 per cent to 9.7 per cent in 2015, then to 8.2 per cent in 2016, 6.6 per cent in 2017, and 5.8 per cent in 2018.

The generation of people born in the 1950s was the most numerous in Polish history. In the 1950s on average 772,000 children were born each year. This generation is now retiring from the labour market. By contrast, the 1990s saw an unprecedented decrease in the num-

¹ For Statistics Poland's estimates of emigration see https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5471/2/10/1/informacja_o_rozmiarach_i_kierunkach_emigracji_z_polski_w_lat_ach_20042016.pdf

ber of new-borns. This reached its negative peak in 2003, when only 351,000 children were born (Statistics Poland 2018: 49). As a consequence, in each year in Poland twice as many people cease to be of working age than become working age. This situation is not going to change in the foreseeable future, even though since 2003 there has been a slight increase in the birth rate. The Polish labour market is thus under growing pressure from a lack of potential employees. Furthermore, Poland is not very efficient in increasing the rate of the working age population that is active in the labour market.

Despite this situation, the current Polish government under the 'Law and Justice' Party (Prawo i Sprawiedliwość, often abbreviated 'PiS') is not pursuing an open immigration policy. PiS won the election in 2015 by pursuing a strongly anti-immigrant rhetoric in the election campaign, which coincided with the so-called 'refugee crisis'. PiS focused its hate speech on asylum-seekers and duly became a prisoner of its claims and cannot now openly declare a more positive immigration policy. The PiS government in 2016 annulled the strategic document 'Polish Migration Policy' (Polityka Migracyjna Polski) and since that time has not been able to produce a new one. The issue of growing economic immigration to Poland is constantly hidden from public debate by PiS politicians.

Despite this paradoxical situation, policies regulating immigration to Poland launched before 2015 are being implemented and occasionally amended. There are various legal

ways of entering the Polish labour market, which we present in Section 1. The policies regulating entrance to and participation in the Polish labour market lack coherence, clearly declared goals and evaluation measures.

This report is organised as follows. In Section 1 we present the most important policies regulating migrants' situation in Poland. We also briefly discuss the results of opinion polls on attitudes towards immigration to Poland. Besides the general policy on work permits, we discuss the policy of short-term employment targeting selected post-Soviet countries, kinship policy and policies regulating immigration for educational purposes. We present recent migratory trends and outcomes of migration policies. We analyse data from various sources: the Office for Foreigners; the Ministry of Family, Labour and Social Policy; Statistics Poland; the Polish Social Insurance Institution and others. In Section 2 we present the results of field research on two entry points: an employment and temporary work agency and a private college. In each case, ten interviews were conducted, mainly with migrants, but also with stakeholders key to the organisation of the entry point. The results are presented with a view to analysing the following aspects of migrant experiences: motivations for migration; migrants' resources; circumstances of arrival; personal career; working conditions; administrative processes; social networks and family; living conditions; free time; and future plans. In Section 4 we present some recommendations on migration and integration policy.

1.

MIGRATION POLICY AND TRENDS

1.1 GENERAL CONDITIONS AND POLICY CONTEXT

Poland has long been a country of emigration. Immigration to Poland, too, has always existed, to some extent, even during the communist period (Greek refugees, students from Vietnam and other countries in the broad alliance of the USSR), but was relatively small in number and not recognised as an important policy issue. Since the fall of communism, Poland has become party to the Geneva Convention concerning the status of refugees and in the 1990s immigration to Poland started to increase. It was perceived mainly as a future problem, however. In the period of EU accession Poland adopted the *acquis communautaire* in the field of migration regulation (Weinar 2006). Two legal acts were announced by the Polish parliament (the Act on Foreigners of 13 June 2003 [Ustawa z dnia 13 czerwca 2003 r. o cudzoziemcach] and the Act on the Protection of Foreigners on the Territory of the Republic of Poland of 13 June 2003 [Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej]). The main responsibility for migration policy is in the hands of the Ministry of the Interior and Administration (Ministerstwo Spraw Wewnętrznych i Administracji). Responsibility for regulating access to the labour market lies with the Ministry of Family, Labour and Social Policy (Ministerstwo Rodziny, Pracy i Polityki Społecznej); the same ministry is also responsible for integration policy (although this is limited to the beneficiaries of international protection). The Office for Foreigners (Urząd do Spraw Cudzoziemców) is not a full-fledged immigration office because it focuses mainly on the issue of granting the international protection.

Polish policies regarding migration and immigrants are not framed in the form of an official strategy. Such a strategy was announced in 2012 but after the change of government and the migration crisis, which coincided in 2015, it was eventually set aside in 2016. This was justified by the government by the change in the global and Polish migration situation and especially by the supposed need to address security issues more broadly. The current Polish government is working on a strategic policy document regarding migration. Recently a draft became public and was strongly criticised by the research community: the draft is unprofessional (using references to dubious news-

papers rather than to research reports or administrative data) and expresses xenophobic views, mostly against Muslims.²

Migration policy was not a subject of public debate until 2015, when the Mediterranean migration crisis coincided with the general election. The issue of the relocation programme became one of the main topics of the election campaign. Potential immigration from Muslim countries became an object of fearmongering and demonisation by the PiS party, which won the elections (Mica, Horollets, Pawlak and Kubicki 2020). Since 2015, Polish migration policy has been conducted in a paradoxical manner: on the level of declarations, the government employs anti-immigrant rhetoric, but on the practical level the Polish labour market is quite open to newcomers. Besides migration regulations, however, there are no special programmes to encourage potential immigrants and the government does not operate as an intermediary. All these functions are left to the free market and the facilitation of immigration is organised either by private companies or public organisations, although as just mentioned, not within the framework of larger state employment programmes but as employers participating in the labour market.

1.2 PUBLIC OPINION ON IMMIGRATION

The climate of opinion in Poland is in fact relatively positive towards immigration, although it is worsening. This explains why the current PiS government, which won the 2015 elections with strong anti-immigration rhetoric, does not want to openly set out its migration policy.

Opinion polls in Poland touch on the issue of labour immigration relatively rarely. According to a survey conducted by the Public Opinion Research Center in October 2016, 56 per cent of respondents agreed that foreigners should be allowed to take up any kind of job in Poland, while only 30 per cent opined that foreigners should be allowed to take up only selected kind of jobs in Poland. Only 10 per

² See the opinion of the Committee on Migration Research of Polish Academy of Science, at http://www.kbnm.pan.pl/images/Stnow-isko_KBnM_Polska_polityka_migracyjna_03072019.pdf

cent of respondents declared that foreigners should not be allowed to work in Poland at all (Feliksiak 2016: 8).

The Public Opinion Research Center also asks questions regarding attitudes towards asylum-seekers. Answers to this question could be interpreted broadly as a general indicator of attitudes towards immigration. In May 2015 – just before the ‘refugee crisis’ was constructed by the media and politicians – only 21 per cent of respondents agreed that Poland should not accept any asylum-seekers. By August 2015, however, there this had leapt to 38 per cent, while the peak of negative attitudes was reached in April 2016 when 61 per cent of respondents declared themselves against accepting asylum-seekers. Before the summer of 2015 this topic had been a non-issue in public debate in Poland, therefore the data should be interpreted as a crystallisation of opinions (Kubicki, Pawlak, Mica and Horolets 2017).

According to the data collected within the framework of the European Social Survey, attitudes towards immigration in Poland are generally more positive than in other central and eastern European countries (Messing and Ságvári 2019). In recent years, however, these attitudes have become slightly more negative. In the recent round of European Social Survey (2016/2017) the Perception Index of Migration for Poland was 54, which placed it closer to France (PI=50) than to the Czechia (PI=38) or Hungary (PI=30). The higher the value of the Perception Index, the more positive the attitudes toward migration in a given country. Similarly, the Rejection Index of migration for Poland was 14, also closer to France (RI=13) than to Czechia (RI=31) or Hungary (RI=62). The higher the value of the Rejection Index the more negative the attitudes toward migration in a given country.

1.3 GENERAL LEGAL FRAMEWORK

The situation of immigrants in Poland is regulated by the Act on Foreigners of 12 December 2013 (Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach). It consists of 549 articles and is 349 pages long. Since 2013 the Act on Foreigners has been amended 21 times, although some of the changes were minor, required by changes in other acts. The Act sets out the terms and conditions for the entry, passage through and residence of foreigners in Poland. It is accompanied by 46 ordinances (mostly issued by the Minister of the Interior and Administration [Ministerstwo Spraw Wewnętrznych i Administracji]), which regulate issues in more detail. The issues of residency are under the prerogative of the Ministry of the Interior and Administration. The whole domain of foreign employment in Poland is regulated by the Act on the Employment Promotion and Labour Market Instruments of 30 April 2004 (Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy). This regulation covers other labour market issues and employment policies, not just labour immigration. This act has also undergone many amendments. The domain of foreign employment is under

the jurisdiction of the Ministry of Family, Labour and Social Policy (Ministerstwo Rodziny, Pracy i Polityki Społecznej), which before the 2015 was called Ministry of Labour and Social Policy.

1.4 ACTUAL NUMBER OF REGISTERED FOREIGNERS IN POLAND

1.4.1 Official numbers and registered residence

The best measure of the actual number of foreigners settled in Poland is the register of residence permits. The data are gathered by the Office for Foreigners. Table 1 presents the exact number of foreigners holding the various types of documents permitting their residence in Poland on the last day of the given year.

Table 1 presents the overall number of residents, including EU citizens and the eight most numerous non-EU nationalities. The change in the number of EU citizens between 2013 and 2014 is caused by the change in the regulations (the new Act on Foreigners) and the types of EU citizen registration reported by the Office for Foreigners. The number of residence permits has been increasing for the past ten years. Since 2014 there have been around 40–60,000 new residents each year. The 372,239 people with residence permits in 2018 made up approximately 1 per cent of the total population of Poland.

The proportion of Ukrainian residents has been increasing. Before 2014 Ukrainians made up less than one-third of foreign residents, but by 2018 this had risen to 48 per cent of registered foreign residents. We can also see a stable number of Vietnamese and Chinese. The number of Belarusian and Indian residents has also been growing. In the case of Bangladeshis and Nepalese the numbers are growing fast but they are still quite small. Still, quite a large number of foreign employees who receive work permits use visas to legalise their stay in Poland and do not apply for resident permits.

1.4.2 Alternative ways of estimating the size of the immigrant population

In January 2019 the market research company Selectivv attempted to estimate the number of Ukrainians using ‘big data’ tools.³ Unfortunately, the report was not fully published; only its main findings were disseminated to the press as the aim was rather self-advertisement. Using the data obtained from applications installed on smartphones the researchers established the number of devices with SIM cards sold in Poland with Russian or Ukrainian set as

³ The outline information on the results of Selectivv’s research is available at: <http://wyborcza.pl/7,156282,24522397,smartfony-policzily-ukraincow-ile-ukrainek-planuje-miec-dzieci.html?disableRedirects=true>

a default language. In January 2019 there were 1,270,400 such devices active in Poland. Such estimations have all the advantages and disadvantages of big data. We have raw data about behaviour, but lack knowledge of the context and meaning of that behaviour. Nevertheless, this calculation does permit us to conclude that at a given time there are more than 1 million migrants present in Poland using Ukrainian or Russian as their first language.

1.5 EMPLOYMENT CONDITIONS

1.5.1 Work permits

The issuing of work permits is regulated by the Ordinance of the Minister of Family, Labour and Social Policy adopted on 7 December 2017 (Rozporządzenia Ministra Rodziny, Pracy i Polityki Społecznej z dnia 7 grudnia 2017 r. w sprawie wydawania zezwolenia na pracę cudzoziemca oraz wpisu oświadczenia o powierzeniu wykonywania pracy cudzoziemcowi do ewidencji oświadczeń). There are six types of work permits, but here we shall focus on the most popular one, which is key to the employment of immigrants in Poland, namely work permit type A. The other five types of work permit are issued in special cases (for employees delegated from companies established abroad, or for the members of company boards).

The party to the procedure is an employer, who applies for the work permit for a future (or current in the case of prolongation) employee. The work permits are issued by a regional delegation of the national authority (urząd wojewódzki). As a general rule the applicant employer has to deliver a document from the district level authorities confirming that there was no possibility of finding a potential employee among the registered unemployed (the so-called 'local labour market test'). There are several exceptions to this rule. Work permits are issued for a period of no longer than three years. The work permit allows a foreigner to apply for temporary residence. The work permits are perceived by the Polish authorities as the main legal possibility to access the labour market.

The system of work permits in Poland has two important features: (i) it ties the immigrant worker to an employer; (ii) it generally concerns stable employment on the primary labour market, where the employer is large enough to invest in bringing in employees or is sure about its stability and future employment capability. There is a caveat in relation to the second feature, as there is a possibility of applying for work permits for immigrants already in Poland, which then reduces the costs of bringing workers in.

In the past ten years we have observed a gradual increase in the number of work permits issued to immigrant workers. The number of work permits grew rapidly in 2015. In 2009 29,340 work permits were issued, rising to 43,663 in 2014. By 2018, however, this had skyrocketed to 328,768 work permits, more than ten times the figure ten years earlier (see Table 2).

It should be pointed out that the number of work permits issued in a given year does not equal the number of people actually employed. Work permits in Poland are issued for a period of up to three years, but often it is for a period of two years or for shorter periods if it is required by the employer. The data in Table 2 refer not only to new arrivals, but also to immigrants who have already had a work permit. Nevertheless, the table does reflect the dynamics of immigration very well.

Regarding the main sending countries, Ukraine has always dominated. In the past ten years, however, its position in the composition of immigrant employees has varied significantly. In 2009, 32.4 per cent of work permits were issued to Ukrainians, while in 2012 more than half of all work permits were issued to Ukrainians. After the turning point of 2015 the number of work permits issued to Ukrainians increased even faster than the overall number of work permits and in 2016, 83.4 per cent of work permits were issued to Ukrainians. Then, however, the dynamic started to change and the share of work permits issued to Ukrainians started to decrease. In 2018, Ukrainians received 72.5 per cent of all work permits, so it seems that Polish employers and intermediary agents started to explore other sources of labour.

One more comment should be added about the Ukrainians emigrating to Poland. The composition of this group has also changed in recent years. Before 2014 immigration from western Ukraine dominated. Since the Russian aggression against Ukraine, however, there has been an increase in immigration from central and eastern Ukraine (Brunarska, Kindler, Szulecka and Toruńczyk-Ruiz 2016; Kindler and Wójcikowska-Baniak 2019).

Immigration from Belarus has been much smaller than from Ukraine, although recently it, too, has increased steeply. From 2009 to 2015 it oscillated around 2,000 work permits a year, but from 2015 it doubled each year, reaching 4,870 in 2016, 10,518 in 2017 and 19,233 in 2018. The relatively stable economic and political situation in Belarus and Russia's open labour market currently do not provide push factors for immigration to Poland. But this situation may change quickly and then Belarus would be potential reservoir of labour for Poland.

Immigration from China and Vietnam, which were perceived as possible sending countries for Poland, actually decreased. In the period 2009–2011 around 5,000 work permits were issued to Chinese workers, but recently it has declined to just over 1,000. In the case of the Vietnamese, in the past 10 years the number of work permits issued has decreased by half. Despite their presence in certain niches, such as textiles and also gastronomy (the Vietnamese), East Asia does not seem to be a significant future source of immigration for Poland.

Surprisingly, immigration from Bangladesh, India and Nepal is increasing rapidly. In 2018 the number of permits issued to Nepalese workers was just under 20,000, the

second highest national figure. This is a new phenomenon that has barely been studied to date (Jaskułowski 2017).

1.5.2 Short-term employment and the system of ‘employers’ declarations’

The picture of labour immigration to Poland based on work permit data is only partial. In fact, a larger number of foreigners working in Poland do so on the legal basis of short-term employment visas. A policy specific to Poland regarding labour market access concerns so-called ‘employers’ declarations’ (oświadczenia). It was first introduced in 2006, when shortages in the agricultural workforce were diagnosed. The shortages were caused by the introduction of visas for Ukrainians in 2003 (within the framework of Polish EU accession) and the subsequent tightening up of conditions for issuing tourist visas in 2004–2006. Initially, the declaration system was regulated by ordinances of the Minister of Labour and Social Policy. There were several corrections to the system and new ordinances cancelled previous ones (Bieniecki and Pawlak 2012; Vankova 2018). The system at first targeted citizens of Ukraine, Belarus and Russia and allowed three months of employment in any consecutive six-month period without needing to apply for a work permit. In due course, the system settled down to target citizens of six states (Armenia, Belarus, Georgia, Moldova, Russia and Ukraine), who may apply for a visa that permits them to work without any other procedures for six months out of a consecutive twelve. The key requirement for issuing such visas is the declaration of an employer that they are willing to employ a given foreigner, registered at the local job centre. Since 2018 the system has been included in the Act on Employment Promotion and Labour Market Instruments (Art. 90) and there is a central register of declarations. For more than ten years the system was regulated only by ordinances of the Minister of Family, Labour and Social Policy and mostly concerned employment in the secondary labour market. The system was recognised as causing a range of undesired activities: declaring employment for money, just in order to legalise entry into Poland; registering fake companies that issued a large number of declarations; using the visas issued within the framework of the system for work in other states in the Schengen area (Górny et al. 2018). For this reason, since 2018 the system has been more tightly regulated. Nevertheless, the majority of migrant workers in Poland are employed on the basis of employers’ declarations.

The system of employers’ declarations fosters circular migration, mainly between Poland and Ukraine. A series of informal institutions have emerged around it, such as six-month ‘shifts’ between two migrants circulating between Poland and Ukraine. The most interesting is the network of semi-formal employment intermediaries who also provide services such as transportation and legal assistance. They are usually called ‘drivers’ (kierowca), because the key resource for intermediation is a minibus used to transport the workers to their place of employment (Bieniecki and

Pawlak 2009). The system also includes the possibility of prolonging employment in Poland: after three months of employment on the basis of the declaration, the employer may apply for a work permit for the foreign worker without the need for a local labour market test. The system of employers’ declarations creates an institutional framework for various entry points to the Polish labour market, facilitated mainly by social networks and labour market intermediation, both formal and informal.

As always when counting documents one has to be careful in estimating the actual number of people who are legally present on that basis. Table 3 presents the number of ‘declarations’ by employers that they will employ a certain person. This is the data gathered by the Ministry of Family, Labour and Social Policy. We do not know exactly how many visas are issued on the basis of declarations and how many people actually come to Poland to work on that basis. This information is impossible to obtain from the Ministry of Foreign Affairs (Ministerstwo Spraw Zagranicznych) and the Border Police (Straż Graniczna). Some proportion of these visas is certainly used to travel to other states in the Schengen area (Szulecka 2016) (see Table 3).

We see that the number of declarations made has been increasing over the past ten years, although in the period 2011–2013 it stabilised and even decreased at around 250,000 declarations a year. In 2014 the number of declarations began to rise again, reaching just under 400,000. It doubled in 2015, at nearly 800,000, while in 2016 more than 1,300,000 declarations were registered. It mirrors the increase in the number of work permits issued. The peak was reached in 2017 when more than 1,800,000 declarations were issued. The decrease in 2018 is rather an effect of amendments in the regulations than a change in migration dynamics (see Table 4).

In 2018, then, after the change in the regulations the number of declarations, combined with work permits for seasonal jobs, was 1,720,559. This was down on 2017, when 1,824,464 were registered. It should also be mentioned in 2017 the European Union lifted the visa requirement for Ukrainian citizens to enter its territory.

When discussing the short-term employment of immigrants and the system of employers’ declarations, we have to keep in mind that the visa issued on the basis of a declaration allows a six-month stay in Poland in a period of 12 months, and employment without a permit. Therefore, as already mentioned, the number of documents does not simply reflect the number of people; on average, there are half as many people as documents. Given the importance of short-term immigrant labour for agriculture, there are more migrants during the summer: fruit picking is an important branch of agriculture in Poland and it is dependent on migrant labour.

The short-term visas issued on the basis of an employer’s declaration is open to six states, but used mainly by

Ukrainians. In the past 10 years more than 90 per cent of declarations have been registered for Ukrainians. Since 2015, however, we have seen a substantial increase in the number of declarations registered for Belarusians, Moldovans and Georgians. In the case of Armenia and Russia, however, the number of declarations registered is relatively small.

1.5.3 Kinship policy: The Card of Pole

The far right populist government of 2005–2007 (a coalition consisting of the Law and Justice party [Prawo i Sprawiedliwość], the League of Polish Families [Liga Polskich Rodzin] and the Self-Defense party [Samoobrona]) introduced a policy favouring Polish co-ethnics who are citizens of other states, modelled after the Hungarian policy of granting special privileges to co-ethnics. The Act on the Polish Card (literally ‘Pole’s card’) of 7 September 2007 (Ustawa z dnia 7 września 2007 r. o Karcie Polaka) granted holders access to the Polish labour market without the need to apply for a work permit. The cards are granted by Polish consulates to citizens of other countries if they are able to prove a basic knowledge of Polish and Polish traditions (as assessed by the relevant consul), declare in writing that they ‘belong’ to the Polish nation, are able to prove the Polish nationality of one of their grandparents or a Polish minority organisation confirms their active involvement in it. The Polish Card officially concerns the state’s relationship with co-ethnics, but its immigration policy function is obvious. It is relatively easy to obtain the Polish Card for inhabitants of western Belarus and western Ukraine, which in 1921–1939 were part of the Republic of Poland. In practice, Polish Card holders use similar intermediaries for entering Poland’s labour market as in the case of employers’ declarations, and obtaining the card by institutional intermediaries is treated as another option for legalizing labour market access for Ukrainian or Belarusian workers from these regions.

Data on Polish Card holders are gathered by the Ministry of Foreign Affairs. In Table 5 we present its aggregation by Statistics Poland (*Rocznik demograficzny* 2018: 454). Unfortunately, the data for 2018 are still not accessible.

Table 5 presents the number of Polish Cards issued in given years to Polish co-ethnics and the two main receiving groups: the Polish minorities in Ukraine and Belarus. The last column presents the number of cards issued overall. The nearly 250,000 Polish Card holders represent another group of potential labour immigrants. As we can see, the groups of Belarussian and Ukrainian citizens who have obtained the document are similar in size, at around 100,000 each. We do not have data on actual use of this method of entry to the Polish labour market. Some Cards are used for travel purposes and are used to provide symbolic evidence of a connection to the Polish state. For example, citizens of Lithuania are EU nationals and as such have free access to the Polish labour market, but there are still 7,143 Polish Card holders there.

1.5.4 Social embedding of immigrants

Recently, the Polish Social Insurance Institution (Zakład Ubezpieczeń Społecznych) published an interesting report on the number of foreigners who are paying pension insurance in Poland (Adamowicz 2019); such insurance is obligatory for employees, as well for the parties to civil law task contracts (a form of employment, but regulated by the Civil Code, not by the Labour Code). The data reflect the number and income of immigrants who take up registered work in Poland (see Table 6).

A civil law task contract (*umowa zlecenie*) is a form of contract not regulated by the Labour Code, but by the Civil Law Code. In the Polish context, it is often abused, being signed in an employment situation that should be contracted within the framework of the Labour Code. Under a civil law task contract, employees (although from a legal standpoint they are not employees strictly speaking) do not have the right to vacation or sick leave, and they pay lower social insurance (receiving lower benefits, accordingly). Other conditions of their work are also not regulated by the Labour Code, such as rest periods between shifts and extra hours. For these reasons, this legal form is much more convenient for employers. From a short-term perspective, civil law task contracts are also more convenient for the employees because the wage deductions for social insurance are lower. The Chief Labour Inspectorate (Państwowa Inspekcja Pracy) recurrently notes that using civil law task contracts instead of regular employment contracts in situations in which tasks are performed continuously and under supervision is an evasion of the law. This major pathology of the Polish labour market does not affect only migrant workers, but they are more often put in a situation in which such a contract is the only possibility for legal employment.

The Polish Social Insurance Institution also started to publish quarterly data on foreigners who pay pension insurance contributions. The data in Table 6 were taken from the abovementioned report. Until 2014, immigrant workers constituted less than 1 per cent of total insured workers in Poland; by 2016, the number of insured immigrants had reached almost 2 per cent of the total. On 30 September 2018 immigrant workers constituted 3.6 per cent of all workers in Poland and 2.6 per cent of total pension insurance contributions. The dynamics reflected in the data indicates not only the increase in working immigrants, but also other changes in the labour market. It is reasonable to assume that recently more migrant workers and their employers have been signing contracts.

Unfortunately, only the commonest nationalities are presented in data published by the Polish Social Insurance Institution, so we do not have full comparability regarding some categories of immigrants. As in the case of other data, however, Ukrainians are the dominant group. The proportion of insured Ukrainians among insured foreigners has been increasing: in 2009 they made up 26.7 per cent of insured foreigners, while in 2018 they peaked at 74.8 per cent.

The data on pension insurance also provide useful information on the sex of immigrants (32.7 per cent are women), region of residence, age, form of employment (a growing proportion of civil law contracts and contracts signed with temporary work agencies: only 56.3 per cent of insured migrants have signed employment contracts), and the sections of economy in which they are employed (services, 24.8 per cent; industrial processing, 15.3 per cent; construction, 12.4 per cent; transport and logistics, 11.7 per cent). The data also provide interesting comparisons between employed foreigners and Polish citizens: in 2018, the incomes of immigrants were on average 20 per cent lower than those of Polish citizens.

1.6 ENTRY OPTIONS

1.6.1 The role of universities and higher education

Students from abroad enrolled in Polish higher education (universities [uniwersytety] and colleges [szkoły wyższe], both private and public) have the right to temporary residence, which in their case allows them to work in Poland without a work permit (Art. 87 2. 1 of the Act on Employment Promotion and Labour Market Instruments). This policy was introduced in 2007.⁴ Previously, foreign students had a right to take employment without a permit only during the three months of summer vacation. Higher education in Poland has been strongly impacted by a decrease in potential applicants, however. Demographic pressure on higher education is similar to that in the labour market: the universities and colleges have a lower intake of new students. This puts pressure on them to search for students abroad. In the case of private entities – and some public ones – which are in a worse competitive position attracting foreign students is a matter of survival. On the other hand, formal evaluations of universities' prestige consider national heterogeneity of students to be an asset.

The state is supporting the immigration of students within a relatively limited scope. The most developed programmes offer stipends to students from Polish ethnic minorities in the former communist countries, financed by the Senate (Senat)⁵ or the National Bank of Poland (Narodowy Bank Polski).⁶ The recently established Polish National Agency for Academic Exchange (Narodowa Agencja Wymiany Akademickiej) runs stipend programmes targeting ethnic Poles or countries to which Polish development assistance is directed – mostly post-Soviet states and in the case of development assistance African and Asian countries, such

as Angola, Ethiopia, Myanmar and Vietnam.⁷ The Centre for East European Studies at the University of Warsaw also offers the government-funded Kalinowski Scholarship Programme targeting Belarusian students persecuted for their political views.⁸ These programmes are small in comparison with the overall number of foreign students in Poland; for example, the Foundation 'Pomoc Polakom na Wschodzie' (Help for Poles in the East) supported 239 students in 2017.⁹

The effort to attract foreign students to Poland is coordinated within the framework of the programme 'Study in Poland'. This is not a state policy, however, but an initiative of the Conference of Rectors of Academic Schools in Poland (a chamber of universities and colleges in Poland) and the 'Perspektywy' Education Foundation, an NGO promoting education in Poland (known mainly for its rankings of schools and study programmes). The 'Study in Poland' programme focuses mainly on promoting studying in Poland, not the actual recruitment of students.

Another noticeable practice employed by the medical universities in Poland is to offer courses in English. Whole programmes in medicine and stomatology address foreign students from various destinations (European states in which medical studies are more expensive or there are quotas for enrolment, as well as students from other continents). These programmes cannot be treated as entry points to the Polish labour market, however. Graduates of these English-language medical programmes return to practice as medical doctors in their home countries.

Polish higher education graduates are exempt (if they graduated within the past three years) from several conditions required for a regular work permit. Since 2009 graduates of Polish upper secondary schools and higher education do not have to apply for a work permit. After graduating from a Polish university or college, if they are looking for work in Poland or plan to establish economic activity, they are eligible to apply for a one-time temporary residence permit for the period of 9 months. Only half of the period of studies is calculated for the period of five years required to apply for the EU long-term residence permit in Poland (that is, after five years of studies in Poland a graduate needs to spend two and a half years in Poland in order to be eligible for the long-term EU residence permit). The situation of graduates and highly skilled migrants is described in detail in the research report by Joanna Konieczna-Sałamatin (2015). Higher education in general is an interesting entry point to the Polish labour market, both for professionals and less qualified workers who legalise their residence in Poland as students.

4 The amendments of the regulations on labour market access for various categories of foreigners were gradually introduced in the years following Polish EU accession (Konieczna-Sałamatin, 2015, p. 93). Foreign students were granted full access to the labour market by amendments passed in 2007.

5 For the information on stipend programmes financed by the Polish Senate see <https://pol.org.pl/zloz-wniosek-o-stypendium/>

6 For the information on stipend program financed by the National Bank of Poland see <https://www.stypendium.org/>

7 For information on stipend programs offered by the Polish National Agency of Academic Exchange see <https://nawa.gov.pl/en/students/foreign-students>

8 For information on Kalinowski scholarship program at the University of Warsaw see <https://english.studium.uw.edu.pl/k-kalinowski-scholarship-program/>

9 For the information on stipend program financed by the Foundation „Pomoc Polakom na Wschodzie” see <https://www.stypendium.org>

The number of higher education students from abroad is also relevant to the study of labour immigration in Poland. The number of foreign students has been increasing systematically in Poland. Unfortunately, the data published by Statistics Poland are only very general, although they do indicate certain trends (see Table 7).

Table 7 presents the number of foreign students enrolled by Polish universities and colleges. It does not include Erasmus exchange and similar short-term exchange programmes. The data show the number of students enrolled in October of the given year for the academic year, which in Poland runs from October to September (so the 2017 column covers the academic year 2017/2018). The data for academic year 2018/2019 are still not available.

We see similar dynamics to those analysed in relation to various categories of migrants. For the past ten years there has been a marked increase in the number of foreign students, which took on considerable momentum in 2014. In the academic year 2017/2018 there were 72,743 foreign students enrolled in universities and colleges in Poland, 52.0 per cent of them from Ukraine, 8.3 per cent from Belarus and 4.1 per cent from India.

1.6.2 The role of employment agencies and temporary work agencies

According to the Act on Employment Promotion and Labour Market Instruments of 20 April 2004, employment agencies are a labour market institution. Their functioning is strictly regulated. Employment agencies provide intermediation between employers and employees, and may participate in arranging short-term employment and out-sourcing. The registration and certification of employment agencies is a task for regional self-governments (Urząd Marszałkowski Województwa). There is also a national list of registered employment agencies.¹⁰ At this moment, 8,602 agencies are registered in Poland. Not all registered agencies are private companies. Some local governments have registered agencies. There are also NGOs running non-profit employment agencies.

In addition, there are agencies run by higher education institutions, which take form of career services offices (biuro karier). A career services office is usually an intermediary, providing basic training for students (how to

write a CV and so on), and also serves as an intermediary for internships. Career offices in universities and colleges that attract foreign students also offer specialised services (Konieczna-Salamatin 2015). Higher education bodies are not obliged to organise career services offices, but the majority of them do so. The legal basis for this is provided by the Act on Science and Higher Education of 20 July 2018 (Ustawa z dnia 20 lipca 2018 r. Prawo o szkolnictwie wyższym i nauce).

The employment of foreigners without documents legalising their stay in Poland is grounds for revoking the status of employment agency. Charging employees for intermediation is also not allowed. In the case of employment intermediation for workers from outside Poland the agencies are obliged to: sign a contract for the intermediation; provide a translation of the contract in the relevant language; provide information about the regulations on entry to Poland, residence in Poland and employment in Poland, both to employer and employee; register employers and employees. The Ministry of Family, Labour and Social Policy publishes an annual report on employment agencies. In recent reports, more and more attention has been paid to the short-term employment of foreigners and intermediation in the employment of foreigners (Ministerstwo Rodziny, Pracy i Polityki Społecznej 2018). In 2016 the International Labour Organization requested from Poland several improvements in the supervision of employment agencies.¹¹ One improvement concerned the protection of migrant workers.

Temporary work is regulated by the Act on the Employment of Temporary Workers of 9 July 2003 (Ustawa z dnia 9 lipca 2003 r. o zatrudnianiu pracowników tymczasowych). Temporary work agencies do not have to be registered as employment agencies, so there is weaker control of functioning. Temporary workers are formally employed by the agencies and then leased to user undertakings. Temporary workers cannot work for one user undertaking for a period longer than 18 months. The contract between an agency and a temporary worker is not as strongly protected as a regular contract of employment, although it is not a civil law task contract.

Although migration studies is a developed field in Poland, we did not come across any study focusing on the role of employment agencies or temporary work agencies as an entry point for migrant workers to Poland.

¹⁰ The list of registered employment agencies is available at <http://stor.praca.gov.pl/portals/#/kraz/wyszukiwarka>

¹¹ The text of the ILO's request is available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3292590

2.

ENTRY POINTS FOR MIGRANT WORKERS AND CASE STUDY SELECTION

In this section, we present two entry-point case studies. We selected one employment agency intermediating between companies based in Poland and migrant workers, and one college enrolling foreign students. First, we selected the organisations, then stakeholders working for them and finally migrants who had entered the Polish labour market through the organisation's intermediation. The advantage of this selection strategy is that we achieved a holistic picture of how an organisation serving as an entry point operates and how it facilitates labour market entry. An obvious limitation of this approach is that it is based on self-assessment and cannot expose more controversial practices (such as running a private college in the full knowledge that the enrolled students do not intend to pursue a higher education but just to legalise their residence in Poland).

2.1 CASE 1: INTERMEDIARY AND TEMPORARY WORK AGENCY

2.1.1 Description of the entry point: intermediary and temporary work agency in Warsaw

The Agency has existed for more than 10 years but it started to grow during the past five years. This was one of the first agencies to start bringing migrant workers to Poland. They offer a variety of jobs in production and industry, agriculture, construction, transport, IT and other fields. The Agency specialises in importing Ukrainian migrant workers, but they also have local agents in Belarus, Moldova and Georgia (the states that are included in the Polish system of simplified employment). In past years they also recruited employees from Nepal, but lately they have stopped because of the complications in obtaining a Polish work visa. The Agency has started to explore Central Asia instead. An agency representative claimed: 'Today we are looking for people from so-called '-stans' – post-USSR Asian countries such as Uzbekistan, Kazakhstan and Kirgizstan. There is a shortage of workers in Poland and Ukrainian workers can no longer fill the gap' (1_S_JI_SUM_PL). The Agency perceives itself as a mediator between employers and employees, both of which are its clients. The recruitment procedure is as follows: the Agency signs a contract with the user undertaking, which

specifies how many people it needs and what qualifications they should possess. The employer gives the Agency all necessary information about working conditions, terms and regulations.

They reach their target groups via a number of channels: online advertising (context advertising, social media), personal recommendations and the personal channels of local agents in different countries. There are around 20 offices in Ukraine. In the first two cases the worker can apply directly by sending an application form and uploading scans of documents online or using a mobile application; in the third case local agencies collect the documents personally. The Agency – according to the regulations – does not charge migrants for intermediation; this rule should also apply to local agents, which receive a percentage from every person they recruit, but the Agency does not check them. Some respondents reported that they paid to local agent: 'Of course I paid. They helped me with documents, made an appointment at the visa centre. Now I understand that I could do many of those things by myself. But it was my first time, I didn't know anything' (5_M_JI_SUM_PL). In fact, the local agencies offer packages of additional services: assistance in visa procedures, transportation, accommodation and so on. A migrant worker who now works as a local coordinator for the Agency shared his own experience: 'I know that local agencies ask money for their services. It is not good, because people go to work hard and they are not supposed to pay' (6_M_JI_SUM_PL). But the main Agency claims that they do not have additional resources to check exactly what such packages include and how much it really costs. The interviewees reporting that they paid local agents did not want to mention the amount (see Figure 1).

The Agency's headquarters is in Warsaw, but it has local coordinators in many cities of Poland. Migrants arriving in Warsaw go to the so-called arrivals department of the Agency. Migrant workers sign contracts as temporary workers. The Agency gives them the 'start package', a sim card and help with opening a bank account. The same day they are distributed to their user undertakings. At their place of work, migrants are assisted by the Agency's local coordinators. The practice of worker leasing is regarded as very convenient for the user undertakings. The Agency is responsible for recruitment, document preparation, pro-

fessional training and certification (if needed). 'It's easier for our clients (companies) when someone is taking care of all the paperwork, taxes, contracts, salaries. It's better for them to get a bill at the end and pay us for everything' (1_S_JI_SUM_PL). The Agency provides employers with an all-round service: not only workers, but all additional services, such as transportation, assistance with formal procedures, accommodation, tax and wage payment, as well as solving minor issues encountered by migrants in Poland. Migrants seemed to be very satisfied with the general services offered by the Agency. Some of them mentioned their local coordinator as the first person they would ask for help in case of an emergency or personal problem (see 2.1.9 Social networks and family – a life in isolation).

Migrant workers usually sign civil law task contracts with the Agency. According to the regulations on temporary work migrant workers may work for one user undertaking for a maximum of 18 months. Later they have to either change user undertaking or sign a direct contract.

2.1.2 Description of the sample

Ten interviews were conducted for the purpose of studying the intermediary agency entry point. Seven of the interviews were conducted with employees, who are either employed by the Agency and as temporary employees work for user undertakings, or were matched with their employers by the Agency. All of them work in manufacturing and industry. Two of the interviewees work for the Agency's headquarters in Warsaw (1_S_JI_SUM_PL and 2_S_JI_SUM_PL) and one (6_M_JI_SUM_PL) works as an Agency local coordinator for migrant workers in two towns. He initially came to Poland thanks to the Agency's intermediation and was employed as a temporary worker by other user undertakings. As he has experience as a migrant worker who went through this entry point we included this participant in the analysis also as a migrant.

All the migrant workers interviewed were Ukrainian citizens (the Agency also intermediates the employment of migrants from other countries, but it specialises in Ukrainians). Five of the migrant workers were male and three were female. Four were visa holders (issued under the simplified system of employers' declarations) and four were granted temporary residence permits. The youngest participant was born in 1987 and the oldest in 1968. The participants arrived in Poland between 2014 and 2019. Some of them have experience of circular migration (working for a period of time in Poland and then returning to their home country). The Agency has headquarters in Warsaw, but the interviewed migrants work in many places in Poland (Podlaskie, Zachodniopomorskie, Śląskie, Mazowieckie, Małopolskie and Lubelskie regions). Some of them had experience of changing jobs in Poland, also through the intermediation of the Agency (See Figure 1, Page 30)

2.1.3 Motivations for immigration

In all instances migrants' primary motivation was economic. Three participants (3_M_JI_SUM_PL, 4_M_JI_SUM_PL, 8_M_JI_SUM_PL) saw it as their only chance of exploring the world, which for them was also an important motivation. At home, their companies went bankrupt or they were fired. In some cases, migration was motivated by additional reasons, as in the case of a woman (5_M_JI_SUM_PL) whose wage in Ukraine was sufficient to cover living costs, but when her child became ill she could not meet the cost of medical treatment. One participant had experience of migrant work in other countries (including Russia and Israel). For others, migration to Poland was their first experience. Among the reasons for choosing Poland they mentioned the similarity of language (and culture), the short distance and the possibility of legal employment. Some participants stated that for them legal employment and residence was important, giving them a sense of security, and they did not consider migration to other countries, even if the pay might have been higher. One interviewee, who worked as a teacher in Ukraine, claimed: 'Poland was the easiest option in terms of the preparation of documents. For me the most important thing was to do everything according to the law and to be protected by the law' (3_M_JI_SUM_PL).

Poland, for various reasons, seems to be the 'easiest option' for Ukrainian migrants. These reasons include geographical distance, the perception of only small cultural differences and legality. The fact that the intermediary agencies have a portfolio of services for migrants helps significantly. These services make migrating to Poland easy because the agencies have the necessary knowledge for dealing with routine issues that migrants might face in Poland. For many migrants, such as the middle-aged male, the institutions and networks that have developed around migration from Ukraine to Poland make Poland seem the only possible choice: 'My only chance to go abroad was to go to work there. I always wanted to travel, but I didn't have enough money or time. And here... they offered me a job. A great chance to see another country' (7_M_JI_SUM_PL).

2.1.4 Trust, recommendations, security – criteria that determine the choice of agency

The participants mentioned mostly social resources, such as personal recommendations. The Agency or its representatives in the home country were often recommended through social networks. The Agency representative commented: 'First of all we should tell the truth, so people can be sure that they can trust us' (2_S_JI_SUM_PL). It seems that trust in intermediary agencies, supported by personal recommendation, plays a substantial role in planning migration. One female interviewee said that the security issue was crucial for her and she chose the Agency because she was told it was trustworthy: 'Security is important for both men and women, but especially for

women. We all know about human trafficking and you never know what will happen. That is why I used the services of the company that my friends recommended to me' (9_M_JI_SUM_PL). The local Agency offices seem to be embedded in the migrants' home country. One of the migrants mentioned that he chose the Agency because its office was close to his home.

Generally speaking, the participants did not have many resources that might facilitate migration. The Agency provided the necessary resources, however. It connected the migrants with employers (in some cases taking into account migrants' special needs – 4_M_JI_SUM_PL reported that she cannot work in certain jobs for health reasons), organised documents, transport from Poland to Ukraine, and basic orientation in Poland (also providing a Polish sim card), and in most cases accommodation close to the place of work.

Although the Agency states that it does not charge migrants for the service of linking them with employers, nearly all of the participants mentioned paying certain fees to the Agency's local agents, who are not employees of the Agency but its subcontractors. The fees covered various additional services such as transport, managing the visa application, in some cases on-the-job training. It seems that some migrants treat it as normal that the Agency must be paid.

2.1.5 Circumstances of arrival

According to the interviews with migrants the Agency tries to make the arrival of migrants as smooth as possible. They are either brought to Poland by the Agency or if they travel by public transport (train or bus) the Agency representatives meet them at the station in Poland. For some of them it was their first trip abroad. The situation is very stressful for many reasons – a long night trip, a new country, a similar, but unknown language, a new job they never did before and the risk of being fooled by the Agency. It is therefore crucial that the migrants feel sure where they are going. One female interviewee particularly underlined the importance of security: 'I was scared a bit when I arrived, because it was a new situation for me. But I was sure that the agency will not fool me and I would go to work exactly where they said I would' (9_M_JI_SUM_PL). The majority of them started their period of migration to Poland in Warsaw, where some initial formalities are dealt with and then they are dispersed to the user undertakings throughout the country. At least at the beginning of their employment in Poland the participants were accommodated by the Agency or in hostels provided by the user undertakings.

2.1.6 Personal careers – which jobs do worker prefer

The participants had various careers in their home country. Some have a higher education or other professional

qualifications. Some of the participants have experience of changing jobs and occupations in their home country. Two of them worked for some time running their own small businesses. In Poland they are employed in jobs requiring no qualifications or only relatively basic training. Their work in Poland is manual. So it can be said that many of the participants are overqualified. 'Of course, I feel that I'm doing something that is less than I am capable of with my skills. But I have a goal and I know why am I doing ', explained one female interviewee, who came to Poland with her husband (4_M_JI_SUM_PL). In the case of two participants we can talk about status attainment: one participant after experience of manual work became a local coordinator for the Agency (6_M_JI_SUM_PL) and another (8_M_JI_SUM_PL) was promoted and currently trains new employees at his user undertaking: 'I was very sceptical about career development until I was promoted for the first time. I was very surprised. This year I was promoted again and this time I already knew why' (8_M_JI_SUM_PL). In the majority of cases their jobs are simple, routine and there is no expectation of career development in Poland.

One of the participants (7_M_JI_SUM_PL) was employed by the user undertaking for 18 months, which is the maximum period for being a temporary worker at one user undertaking. After that he was employed directly. He describes his experience as follows: 'If you want to stay at this job and not move all the time, here and there, the most important things are: not to steal, to work hard and to learn the language. After 18 months I was employed directly by the factory and the Agency did not have anything against it. If you want something – you will get it' (8_M_JI_SUM_PL). His description of the working conditions allows us to assume that now he is employed on the basis of an employment contract.

2.1.7 Current workplace and working conditions

The Agency specialises in bringing in migrant workers to work in industry. The participants were employed in, for example, a furniture factory, a food processing factory and a sewing shop. All of the participants were employed not on the basis of an employment contract, but civil law task contract (*umowa zlecenie*). All the temporary workers employed by the Agency work under such conditions. As a consequence, they do not have the right to vacations or sick leave. Employment on the basis of civil law task contract also means that working conditions are not defined by the Labour Code. In the case of night shifts, extra hours or working at weekends the participants are paid the same hourly rate. According to Polish regulations the minimum hourly rate in 2019 was PLN 14.70 gross (approximately EUR 3.30), which translates into PLN 11.00 in hand (around EUR 2.50). The only possibility for increasing pay is working more hours.

The participants work 10 or 12 hours per day, six days a week. In some cases, they work shifts in factories, so they

are also obliged to work night shifts, although some do night shifts voluntarily. Payment for night shifts, as well as for Saturdays is the same as for rest hours. The participants report that, as standard, they have three breaks during the working day (twice 10 minutes and once 15 minutes). They do not have a right to vacation, although usually they have an informal arrangement with their supervisor that allows them to take days off. These free days are not paid. One of the participants (5_M_JI_SUM_PL) had a serious accident at work. She nearly lost a finger. Being employed on the basis of the civil task law contract she did not receive any remuneration or compensation during the month she was not able to work.

Some of the participants complain about the monotony of their work, which in the case of production line work requires repeating the same movements for the whole day: 'The work is not hard. But to sit and put micro detail into a small chip for 12 hours? It is boring. Only a robot can do it' (10_M_JI_SUM_PL). In other cases, the work requires physical strength (one of the participants is moving boxes weighing between 5 and 10 kilos) or performed under harsh conditions (between 4 and 6 degrees Celsius in the case of a participant employed in a dairy factory). Yet, it should be mentioned that participants reported cases of changing jobs because they did not like the working conditions. A male interviewee claims: 'Some people left, because it was too hard for them. There is a difference between me (I worked as a moulder under the heat and snow) and for example a bus driver or an office manager who never did this kind of work. Physical conditions play an important role' (7_M_JI_SUM_PL). One of the participants (8_M_JI_SUM_PL) resigned from working on the chicken farm, which he considered one of the worst experiences of his life.

In all cases of employment termination the Agency provided new workplaces quickly (a new offer took around half an hour, and participants reported being sent to a city in another part of the country the next day): 'I was fired after two weeks of work without any reason. We were kicked out together with 10 other Ukrainian workers. I called Olena [the name was changed] from the office in Kharkiv and she found a new job offer for me after 30 minutes. Next day I started working in Sucha Beskidzka, near Kraków. She helped me a lot. I did not go back to Ukraine, where I do not earn enough to eat, but went to work' (10_M_JI_SUM_PL). It seems that, thanks to the labour shortages in Poland, finding new employment is actually quite easy for migrant workers, although they seem not to be aware of their relatively good bargaining position. The participants seem to be dependent on the Agency and not trying to explore the labour market on their own. The only initiative some of them take is trying to work as hard as possible to be able to stay with the user undertaking after 18 months. The Agency supports their decision and there are no problems for them to stay. But this is the case for those who decide to stay in Poland. Those who are not planning to stay do not try to find a job directly. This does not mean that migrants are simply

dependent on the Agency. It is their strategic decision to remain tied to the Agency because it – other disadvantages notwithstanding – guarantees them quick and easy access to work.

The participants compared their working conditions and payment to their Polish colleagues (if they work with Poles – in some cases the migrant workers are the only staff at the user undertaking). The participants complained that their working conditions and pay are worse than those of their Polish colleagues. One male interviewee complained: 'Poles work only 8 hours and we work 12. I see when they are going home happy and I think: why should I stay? It is very hard psychologically.' It was clear from the interview that the respondent does not understand the reason for such differences. He thought that the reason was his nationality (10_M_JI_SUM_PL). But it is a consequence of the fact that the user undertakings employ Poles on the basis of employment contracts, so their standard working day lasts eight hours, and pay for extra hours, night work and working weekends is higher.

Some of the participants mentioned that the pay and working conditions are acceptable, because they do not intend to settle in Poland. For this reason, they can agree to a period of intensive work, saving on other expenses in order to earn money, which they plan to spend in their home country. As a female working at a floor covering factory highlighted: 'The pay is good here compared with Ukrainian prices, but if we were planning to stay here – for sure it's not enough' (5_M_JI_SUM_PL). Migrants accept working conditions and pay which they compare with the possible conditions and pay in Ukraine, not Poland. This finding is in line with the results of the recent study by Kamil Filipek and Dominika Polkowska (2019), who showed that migrant workers from Ukraine often compare their work with conditions in Ukraine and thus do not perceive themselves to be in a precarious situation in Poland.

2.1.8 Administrative processes – full dependency on the Agency

The participants have not had much experience with administrative processes because the key issues regarding their visas, legalisation of residence and work permits were dealt with by the Agency. They just had to fill in some documents or appear at a certain office. It seems that not all participants comprehended the administrative processes in which they were involved. This also includes the issue of the contracts on the basis of which they are employed. One of the male participants did not know what kind of contract he had: 'I do not know what kind of contract I have. I am very bad with all those papers. They gave us something to sign, but I did not pay much attention' (10_M_JI_SUM_PL). They also do not fully understand the differences between employment contracts and civil law task contracts, and the consequences for their situation. The Agency organises information meetings regarding

legalisation of residence and work – it is obliged to do so by law. The regulations are complicated, so it is not surprising that after the meetings migrants require assistance when going through the administrative procedures. The Agency helps to deal with the administrative processes in which the migrants are involved, so they do not have to go through the bureaucratic hurdles. However, the Agency expects the migrants to deposit money to guarantee that they will return to the same user undertaking. This practice, too, makes the migrants dependent on the Agency.

The participants who had experience with the Polish education system (two participants have children attending Polish schools) or the medical system were positively surprised how they were dealt with by civil servants; they were expecting problems.

Some interviewees were satisfied by the medical system, compared with the one in Ukraine, and some were not. One participant reported that she had had to wait for a long time at the hospital after she had cut her finger at work. She also felt that the nurse had not wanted to do much work to help her, but she attributed this rather to personal attitude than to discrimination: 'When I was waiting at the hospital with my cut finger, the nurse said that it did not make sense to sew it back on. But a doctor came and said: "What do you mean it does not make sense? We can at least try to save some part of it." These are two different attitudes. They sewed and saved my finger. It is a bit damaged, but still...' (5_M_JI_SUM_PL).

2.1.9 Social networks and family – a life in isolation

The participants are quite isolated in Poland. They live mainly with their co-workers (see 2.1.10 Living conditions – basic) and work long hours. They do not have time or opportunities to develop social networks. With one exception (8_M_JI_SUM_PL, the youngest participant, who declared to have many friends in Poland) they have only limited contacts with their co-workers and people with whom they share accommodation, who are usually the same persons. These ties do not seem to be significant as the participants declared that they do not consider these people friends, but rather acquaintances. One female participant said: 'I do not have any friends here, because we work a lot and I do not have much time, also my Polish is not good enough. And my colleagues from work... Our relationships are equal, but not friendly. I'm not sure they would lend me money if I needed it' (9_M_JI_SUM_PL). They also point out that there is quite a high turnover of employees at their workplaces, which hampers developing meaningful relations. One of the participants (7_M_JI_SUM_PL) declared that in case of problems he would turn to the Agency coordinator rather than to anyone from his social network.

Six of the eight participants declared that they support their family members financially. For five of them, this

means sending (or bringing during visits) money to their home country. Five of the participants have family members (children or spouses) in Poland, although they do not always live together. In one case a family member worked in another city. Additionally, one of the participants was waiting for a family member to arrive in Poland through the Agency. In two cases participants were accompanied by children, who attend Polish schools.

2.1.10 Living conditions – basic

Three participants lived in hostels provided by the Agency or user undertaking and five participants lived in rented apartments. In the case of hostels, shared rooms for six people is standard, although two participants reported that married couples usually have their own rooms. In the case of participants who rent apartments, they share them with other migrant workers and the living conditions are similar to the hostels. Some participants who are with their family in Poland rent their own apartments. The living conditions in shared apartments and hostels are basic: migrants share bathrooms, kitchens, and other facilities, such as washing machines or fridges. There are various arrangements for covering the costs of accommodation. In some cases the costs were fully covered by the Agency or user undertaking and accommodation was treated as a form of remuneration in kind or bonus. In other cases, hostels were arranged by the Agency, but this was treated as an additional service, for which migrants pay. There is also an in-between option in which the costs of accommodation are shared by the migrant and the employer.

The most important features of accommodation were considered to be low cost and short distance from the workplace. The participants did not complain about living conditions – they took it for granted that they are basic and that privacy would be limited in shared rooms.

The participants work very intensively (see 2.1.7 Current workplace and working conditions): 10–12 hours per day and six days a week are not exceptional. The majority of participants also try to limit their spending in Poland. Therefore, migrants' free time is usually devoted to recuperating after working hard. The participants reported that they sightsee where they live or spend time in green areas. They spend their free time in a way that does not cost money.

2.1.11 Future plans – a lack of foresight

The participants' future plans were not very concrete. It seems that they do not develop long-term migration strategies. The majority of the participants (six) declared that they intend to stay in Poland. Although the group of participants had been present in Poland for a relatively short time (the participant who had been in Poland the longest arrived in 2014), some of them had started to settle down. As mentioned in the section on social networks

and family some of them brought children who already attend Polish schools. Nevertheless, it seems that the participants do not have a developed vision of their future in Poland – the residence permit is perceived as something useful for their situation on the labour market. They also complained about the length of time it takes to obtain a residence permit, which affects not only them personally, but also their family members who come to Poland by way of family reunion: 'We do not need permanent residence permits or citizenship, we just need some simplification for those who stay here for a long time. For example: if I work here for three years and want to bring my wife and son, it would be logical if they give them the same permits immediately, so my wife can work and my son can go to school. While we are waiting for the residence permits for my son and wife, mine is going to expire. So, we would have to do everything again. It looks like we would take one step forward and three steps back' (7_M_JI_SUM_PL). Participants did not present plans for career development, acquiring more robust residence status and so on.

One of the participants declared that she plans to return to Ukraine and one is intending to migrate to another EU member state, yet she had not taken any steps to acquire a visa or work permit there.

2.2 CASE 2: HIGHER EDUCATION

2.2.1 Description of the entry point: a private college in Warsaw

The higher education entry point is a private college in Warsaw ('the College'). The College was established in 1993. During recent changes in the Polish private higher education market the College managed to stabilise its position and one of its business strategies is to attract students from other countries. The College consists of three departments. It teaches mainly law, economics and management, but it also has some other teaching programmes. The strategy of the College is described by a member of its administrative staff as follows: 'We monitor the needs of the labour market. Sometimes we launch programmes that seem absurd, but that turn out to work, because there is a need for those people. For example, we don't just teach economists the basics. We always give them some niche specialisation. So, when they apply for jobs, they are able to say, "aha, this is exactly the kind of thing I know something about"' (10_S_HE_SUM_PL). It is not a research institution but focuses mainly on education. It operates within the framework of Polish regulations on higher education and has the status of 'akademicka uczelnia niepubliczna' or 'academic non-public college'. At the College there are study programmes in both Polish and English. Both attract foreign students, but they are concentrated mainly in the English study programmes.

It requires fewer documents than the public universities and colleges as regards admission. The admission procedure is simplified – it is possible to apply to the study pro-

gramme online. The period of admissions is longer than in the case of public universities, which allows the College to enrol students who did not manage to get enrolled elsewhere. The students pay the following fees: EUR 1,000 per semester for the programme in Polish; EUR 1,500 per semester for the programme in English (by comparison: the median salary in Ukraine in 2020 is about UAH 11,000 or EUR 360). There are also enrolment fees of EUR 19. These fees are similar to those at other universities and colleges in Poland (including public ones).

The College provides its students with accommodation in dormitories, which belong to a private hospitality company. Rent for the dormitories is similar to rent for accommodation in other such establishments in Warsaw. The study programmes are organised in such a way that they combine work with studies. For example, Fridays are always free. It is perceived as standard that students work and the faculty does not expect from them to focus solely on their studies.

The College collaborates with local agents in Ukraine who serve as intermediaries. They help to prepare documents and have local representatives in Warsaw who meet students, find them accommodation and help them to resolve various issues. For example, the local representative is authorised to sign housing contracts in the name of underage students. The local agencies charge a fee for their services, which varies from EUR 500 for a basic package to EUR 1,600 for the VIP package. This includes full support in choosing the university, summer courses, language courses, preparing documents, transportation, accommodation and 24/7 support in Poland (see Figure 2, Page 31).

2.2.2 Description of the sample

Ten interviews were conducted for the study of the higher education entry point. Nine of the interviews were conducted with students of the College and one with a member of its administrative staff (10_S_HE_SUM_PL). The seven interviewed students were enrolled in BA programmes and two of them were enrolled in the MA programmes. Eight of them are female and one male. Eight are Ukrainians and one comes from Belarus. The oldest of the students was born in 1997 and the youngest in 2000. They all arrived in Poland between 2016 and 2018. Seven students are holders of student visas and two students hold temporal residence permits; additionally, one student visa holder at the time of the interview was in the process of obtaining a residence permit. The interviewed stakeholder is employed by the College as a marketing and recruitment manager – she is a migrant, too.

2.2.3 Motivations for immigration

The participants were motivated to migrate to Poland by a combination of factors. As a push factor they declared the perceived low quality of higher education in their home

countries. Participants pointed to obtaining a higher education as their primary objective. Many of them considered other EU member states, but Poland was chosen because it is considered cheaper. In the narratives on migration, Poland is also considered a good starting point for migration to other destinations. Some of the participants described fairly sophisticated migration strategies: graduating from the College in Poland, getting initial work experience and then migrating to other European states. Some also mentioned further destinations, such as New Zealand: ‘My boyfriend didn’t want to go to Poland. “Everybody goes to Poland. It’s full of Ukrainians!”, he used to say. But it was cheaper and it is easier to go somewhere else after already living in Poland’ (1_M_HE_SUM_PL).

The interviewed students are relatively young – some of them arrived in Poland when they were not yet 18. In their narratives parents play an important role. Often, parents are mentioned as advising their children to migrate to get a better education and to improve their chances for future careers: ‘My parents had been preparing me for study abroad since I was a child’ (6_M_HE_SUM_PL), one participant reported. All the participants perceive their future careers in white-collar jobs as professionals or managers. Some of the participants reported investing in skills useful for future migration, such as learning foreign languages.

2.2.4 Family support and foreign languages a good start

The majority of participants have been receiving some kind of support from their parents. They are either from middle-class backgrounds or from families with educational aspirations. For some of the interviewees, working in Poland was not a necessity – the College fee and living costs were covered by their parents. They were working to earn extra money and gather some experience. Others needed to work, however, as their parents were not able to fully support their stay in Poland. The participants are not only supported (to varying degrees) by their parents but – which also counts as a kind of resource – they are also not obliged to support anyone and they do not have to send remittances to the home country. None of them has children or a dependent close family member.

One important resource of the participants is knowledge of English. As they study in the English programme at the College they speak the language at a level that enables functional communication. ‘My level of Polish was quite good, but we decided that I would study in English because I am not sure where I want to go next and with Polish, I can stay only in Poland’ (6_M_HE_SUM_PL). Some of them use English at work – one of the participants works as an English teacher. Some others work in a Russian or a Ukrainian speaking environment. Not all of the participants speak Polish fluently enough to use it at work, but even those who knew the language needed time before they could start using it: ‘I already knew Polish when I arrived, but to open my mouth and actually speak

was ... hell for me’ (7_M_HE_SUM_PL). Two participants reported that at their current workplace they are able to use experience gathered earlier in the country of origin – one works as a gymnastic instructor and another as a dancing teacher. They have both trained in dancing and gymnastics from their childhood and now they are able to use it as a resource in obtaining a job.

The College provides resources that are useful for getting a job. Participants are rather sceptical about the job counselling provided by the College’s dedicated office, but they reported that their CVs had been checked. Within the framework of their College programme they are obliged to take unpaid internships to which they are matched by the College administration. For some of the participants these internships opened a possibility for employment. Some of the participants reported that teachers at the College also help with informal job ‘matchmaking’.

In Poland, and particularly in Warsaw, there is a developed Ukrainian community. The majority of participants have acquaintances from the home country in Poland. One of the participants lives with her mother and step-father, while others at least have friends from their hometowns or high schools who live in Warsaw.

2.2.5 Circumstances of arrival

Arrival in Poland was often facilitated by the College or by its contracted agencies in participants’ home countries. Admission to the College is managed through the internet platform. The College requires fewer formalities than public universities. At least two participants mentioned that the College was second on their list of preferences, but they were not able to produce the documents required by the public university (apostille of a high school diploma). The College also prolongs admissions: in Poland the academic year starts in October, so public universities stop enrolling new students in September at the latest. The College is flexible in this matter.

The participants did not report any major problems related to arrival to Poland. Some of them were surprised it was so easy, because they were expecting some complications: ‘We arrived by train and took an underground road crossing and ended up in front of the Marriott. We were studying in Kyiv, so the big city would not surprise us, but this was an unknown country, cars were going here and there, we didn’t know which way to go, didn’t have internet, finally managed to take a taxi and went to the student dormitory, but we were not sure if they would accommodate us right away or say: “Come back tomorrow”. But we were lucky’ (1_M_HE_SUM_PL). The paperwork was done by the College or its contracted agent. The College also provides paid accommodation at its dormitories. Some of the participants complained about the conditions at the dormitories or their parents preferred them to live in rented apartments. One participant said: ‘My parents brought me and my friend to our student dormitory by

car. Well, it was not what we expected. We did not want my parents to leave. The first night we could not sleep as there was some loud party in the dorm. Next morning my friend had a language exam. We said that we will not stay there any longer, but we lived there for one year. It was too expensive to rent a flat' (6_M_HE_SUM_PL).

In some cases participants arrived by car with their parents who helped them to settle down in Warsaw and transport their belongings. One of the participants stayed the first days in Warsaw at the apartment of the cousin, who had migrated there earlier. In some cases the service provided by the agency contracted by the College included picking them up from the airport or signing a contract for accommodation in the case of students under the age of 18.¹²

2.2.6 Ambitious careerists and good students

The majority of the participants came to Poland very young, so they did not have much opportunity to gain career experience at home. Although some of them had had part-time or summer jobs, for the majority of participants employment in Poland was their first experience of work. In most cases employment is in the secondary labour market: domestic work as a nanny, in services as waiters or waitresses, shop assistants, teaching English for various clients (also online for clients in the home country). The participants said that finding such jobs and switching between them is easy. They pointed out that there are many jobs in services in Warsaw and answering advertisements on online platforms such as olx.pl has a considerable chance of success: 'It's very easy to find a job here. At least easier than in Belarus. It's enough just to look on the internet, and it is possible to find a million job offers. Apply for at least 10 of them and you'll be invited to an interview' (9_M_HE_SUM_PL). Finding part-time jobs was described as a strategic decision to prepare for entrance to the labour market and gain some financial independence from parents.

Some of the participants reported that they spend some time volunteering. Some of them combine two jobs and some other activities with studying, which affects their health and personal life: 'This third year was horrible. I was slowly collecting jobs, studying, doing voluntary work and other projects and in the end, I ended up carrying millions of things on my shoulders. The situation was hard as I could not drop any of this: I cannot leave either of my two jobs as I make living out of them. I have been dancing since I was 6, so I do not want to stop dancing, and finally education was the reason why I came here, so there was no option to drop it. I actually could not, because I had a student residence permit' (2_M_HE_SUM_PL). This kind of balancing act, combining studies at the College

with various precarious jobs, is perceived as demanding and stressful.

The College does not play the role of employment intermediary. It has an Internship and Job Placement Department, which assists students in finding internship places and matching them with potential employers by organizing job markets and professional meetings. It has an active Facebook page, on which job or internship offers are published. It assists in producing CVs, places students in internships and provides some job advertisements, which are also available on the internet. The College creates an environment that enables employment and encourages students to find work. Both students and the College administration and faculty regard combining studies with employment as standard practice. The faculty is said to be very flexible with the dates of exams and also about class attendance. However, all the participants – both students and the stakeholder – underlined that the studies at the College are demanding and it is not possible to pass the exams without effort. The College staff said: 'Our university is not just a way to immigrate to Poland. It's impossible not to study here. And the students who manage to combine studying with a job work really hard. It's very, very hard' (10_S_HE_SUM_PL). The College obviously is not a phony organisation whose sole purpose is to help legalise students' stay in Poland. It is an educational institution which includes the possibility to combine work with studying. But students do not misuse this possibility and take care of studying: 'If I wanted, I could skip classes more and work more, but I like studying economics' (4_M_HE_SUM_PL).

2.2.7 Current workplace and working conditions

The participants who work can be divided into two categories: (i) those employed in the secondary labour market, mainly in services; (ii) those who have started their career in employment requiring qualifications, which is generally a white-collar job (the majority of them had earlier experience of in the first category). The main characteristic shared by all the participants is that none has an employment contract. If employed formally, they are employed on the basis of the civil law task contract. In Poland this is a popular way of avoiding the employer's obligations to employees, which are regulated by the Labour Code. In Poland people under 26 and studying are not required to pay social insurance contributions. This form of employment is considered to be on the bottom rung of the ladder in Poland because of its precarity, but it is popular among young people and in the secondary labour market. One of the participants knows that she has a contract, but she does not know what kind of a contract, employment or civil law task contract. One participant employed in domestic work as a nanny does not have a contract.

The participants declared that they are happy with their current employment, but they treat it as only a stepping

¹² In the post-soviet countries the age of graduating from secondary education is 17.

stone to their future career after graduation. The participants did not complain about their working conditions although some find their current workplace dull: 'I do not like to waste my time for nothing, and in that place, they are constantly doing this. Around 1.5 hours a day are drinking coffee and talking. I would like to work less time, without coffee' (3_M_HE_SUM_PL). They highlight that their employers are open to combining work with studies and that working hours are flexible. Still, the College is their priority. One of the participants shared her experience of being the only student in the company working part-time: 'We were looking at each other with the same thought: we want each other. But I could not work full-time and they needed someone to work full-time. They told me to drop university, but I did not want to. After five days my friend called and told me that all those five days they were thinking about how to connect my shitty schedule with my great abilities. Now I am the only person there working part-time' (3_M_HE_SUM_PL). Some of the participants combine more than one part-time job with studies, which they find demanding but feasible. The participants also find that they can change jobs easily. One of the participants reported that in her previous workplace there was a hostile environment and her colleagues were prejudiced against immigrants. She decided to change jobs and immediately found another workplace: 'Once, I ended up in the so-called "close-minded" working environment, where people weren't nice to me. "Poland for Poles" and all that stuff. I realised: sorry, but this is not the place for me' (7_M_HE_SUM_PL).

Two more participants reported problems at work. One working as a waitress reported conflicts with her managers. She described the restaurant as having only Ukrainian and Belarussian staff, but Polish managers, who often shouted and demanded that the staff perform tasks not laid down in their contracts. Another participant reported that she was not paid for extra hours. Generally, the participants were satisfied with their working conditions. It should be highlighted that they could count on the support of their families and were not desperate to work. They could change jobs when it suited them; one of the participants left her job when she realised that it consumed too much of her time and energy and she could not focus on her studies. As already mentioned, the participants do not support any family members in Poland or at home. The participants did not complain much about their working conditions because they regard them as temporary. They believe that in future, after obtaining their diplomas, working conditions will be better and their pay will increase. In future they expect to have standard stable working hours, which at present is impossible because of their classes. Similarly, in the future they expect to have proper employment contracts with all due benefits.

The lowest reported remuneration was PLN 13 cash in hand (about EUR 2.90) per hour, which is a bit higher than the minimum wage (currently PLN 14.70 gross [EUR 3.30] per hour, which works out at PLN 11 [EUR 2.50] cash in hand). Some of the participants are not satisfied with

their pay, but as already mentioned they treat their current employment as temporary and they believe that in the future they will earn more.

2.2.8 Administrative processes – complications with legalisation

The administrative process regarding entry to Poland was organised mainly by the College and its contracted agencies in the participants' home countries. The students were minimally involved. They did not report many problems with obtaining student visas. As already mentioned, the College has simpler admission requirements than public universities in Poland, so completing the papers required for enrolment at the College was not demanding. As students (no matter whether they are student visa holders or residence permit holders) the participants are not required to apply for work permits. The only administrative process they complained about was the process of obtaining the residence permit – one of the participants even declared that it takes too long and is too complicated, so she gave it up and preferred to have her residence legalised on the basis of her visa. One participant reported that the complicated legalisation process had affected her psychologically: 'Currently, I have difficulties with legalisation. Logically, I know that there are few options that I can use, but morally it is very hard to handle. You always have it in your mind, it is depressing' (2_M_HE_SUM_PL).

The participants have experienced or at least know other migrants who have experienced problems after graduating from the Polish university or college when their student visas expired and they had to apply for the residence permit based on the fact that they are graduates of a Polish institute of higher education. One participant reported: 'Almost every alumnus faces a problem with legalisation. It is possible to apply for a "karta absolwenta" (alumnus residence permit)¹³ for one year, but lately many of my friends have received a negative decision, so in fact, it does not work' (2_M_HE_SUM_PL). Obtaining the tax identification number (NIP) was not perceived by the participants as demanding. The College student help desk assists with most of the bureaucratic procedures in Poland and if needed provides some basic legal advice. Some issues related to the lack of language skills of civil servants were reported in case of medical examinations required for certain jobs. Another participant reported that the health insurance she obtained upon arrival to Poland turned out not to cover most medical procedures. Some students also complained that the staff that work with foreigners do not speak English: 'When I was trying to get a medical card for my work, I asked my friend to come with me and

¹³ 'Alumnus residence permit' (karta absolwenta) is not a Polish legal term. It is a popular name for the legal possibility of receiving a one-time temporary residence permit for nine months (the participant erroneously said it is for one year) after graduating a Polish university or college (see 1.6.1 The role of universities and higher education facilities).

translate. There were only old Polish ladies working there, who did not speak any English of course. If one does not speak Polish, they can be very rude' (6_M_HE_SUM_PL).

2.2.9 Social networks and family

The participants reported that in Poland their most important social ties are the ones made at the College. In some cases, they are in touch with acquaintances from their hometowns. The relationships that develop in the dormitory or shared apartments are often very important. The participants who share apartments with Poles reported that they helped them with many minor practicalities in Poland and thanks to their contacts with them they learned Polish. Many of the participants remain in the social bubble of foreign students at the College and do not have many social contacts with Poles or migrants speaking other languages. At least three participants reported not having any Polish acquaintances. The strongest ties in Poland are with colleagues with whom they share apartments or with whom they live in student dormitories. Three of the participants pointed to their partners as the most important tie.

Some of the participants point to their employers or work colleagues as members of their social network. The College is an institutional framework for connecting not only with students, but also with professors. Some of the participants reported that they had received some assistance – usually in getting a job – from their professors.

As already mentioned, parents are an important resource for the participants. The majority of them receive some kind of financial support from their parents. In the case of nearly all of them at least one of the parents works in a managerial or professional position. Education and career planning seems an obvious lifestyle choice for them. The participants do not have children and none of them is married, although some of them live together with their partners.

2.2.10 Living conditions

Three of the participants live in the College dormitory. The other five live in apartments (mostly shared with other co-renters), two of whom formerly lived in the dormitory. One of the participants lives with her parents, who migrated to Poland earlier. Every participant who has looked for an apartment or a room in a shared apartment has experienced some form of discrimination: 'We found a beautiful flat and were supposed to sign the con-

tract the next day when I received an e-mail: "Sorry, you are Ukrainians and we do not want to rent you our flat". The most horrible thing was that they did not say it into my face' (2_M_HE_SUM_PL). There were several cases in which landlords refused to rent an apartment to migrants. One of the participants claims: 'I would say, 40 per cent of landlords we called didn't want to rent me an apartment when they heard that I'm Ukrainian. I think it was a combination of two factors: I was Ukrainian and I didn't speak Polish, so maybe they were afraid that we will not be able to communicate' (5_M_HE_SUM_PL). The participants do not see anything unusual in students being accommodated in dormitories or shared apartments, so they did not complain about the living conditions.

The participants spend their free time sightseeing Warsaw and socialising with their friends. Usually they socialise with other students of the College. Some of the participants mention reading books and participating in cultural events. The majority of the participants highlighted that they do not have much free time, as combining work with studying is time-consuming. Three of the participants declared that they study foreign languages in their free time, which they consider to be an investment in their future career development.

2.2.11 Future plans

The future plans of the majority of the participants include further migration. After graduating at BA level or after completing the full MA level higher education in Poland they intend to migrate to other European countries. Some of them also mention the USA, Canada or New Zealand. In most cases these plans are so far relatively vague – the participants mention countries that are warm or interesting, but they have not already invested in connections with future employers there. One exception is the participant whose spouse lives in Moscow and she intends to join him after graduating in Poland. Only one participant declared that she would stay in Poland. The participants mention settling in Poland as their second option, next to the more preferred further migration. Some of them are not sure about their future plans and are considering possible life options. Only one participant wishes to go back to her hometown. None of the others regard returning home as a possible option. All the interviewees are very optimistic about their future employment and often invest their free time in their professional development. Although the majority do not have clear plans about where they will live, their professional ambitions and readiness to work in a chosen field are clearly visible

3.

SUMMARY

In this report, we have presented the Polish legal framework for labour immigration and recent migratory trends. We have also analysed two entry points to the Polish labour market: an intermediary and employment agency, and a private college. Polish regulations regarding immigration are complicated and incoherent. There is no openly declared migration policy and the issue has very much been demonised in the public debate. In recent years, however, actual migration has been increasing at an enormous rate. The matching employers and migrant employees is not organised by public institutions, but by for-profit actors looking to make money from intermediation. Social networks and informal arrangements also play important role in facilitating migrants' labour market entry, although the large scale of immigration has opened up a window of opportunity for specialised intermediaries to fill a niche.

The study takes into account the policy framework and the operations of entry points, but its main focus is the experiences of migrants who are currently employed in Poland. For each entry point, we conducted ten in-depth individual interviews, mostly with migrants and additionally with stakeholders involved in the operations of the entry points.

In the case of migrants formally employed by the employment agency from Warsaw, they perform work for various user undertakings throughout the country. We determined how their precarious situation in Poland is sustained. They

do not work within the framework of employment contracts but of civil law task contracts. They live in hostels or shared apartments. Their work is very intensive (10–12 hours per day, six days per week) and does not require many qualifications. They are paid minimum wages and are deprived of employment benefits such as sick leave and holidays. They are isolated from the host society and do not have plans for the future – they are focused on today. In their case entry points seems to lead towards this kind of employment and the state is not really interested in improving the conditions of such workers.

In the case of students who entered the Polish labour market thanks to the private college, which provides direct and indirect opportunities for employment in Poland, the situation is also precarious but it is perceived as nothing more than an initial step in career development. They live in dorms or shared apartments and also they do not have employment contracts but civil law task contracts. They are optimistic about their future, however, and believe that after graduating they will find stable employment in Poland or Western countries. For the majority of them working is not a necessity, but it provides additional income and experience. They find changing jobs simple and enjoy the prosperity of the Polish economy. Yet, it all happens without much strategic planning by the state. The students are potentially valuable future employees, but there are no policies encouraging them to bind their future to Poland.

4.

POLICY RECOMMENDATIONS

Our study shows that it is convenient for both temporary migrant workers and user undertakings to use the intermediation of agencies. Migrant workers have a higher chance of finding new firms and their involvement in administrative processes is minimal. But it is convenient for migrant workers only in the short run. In the fairly likely event that they prolong their stay in Poland, migrants employed as temporary workers have limited protections under the Labour Code (or no protections if performing work within the framework of civil law task contracts), they may be moved from town to town, and their position remains precarious and dependant on the temporary work agency. There should be 'smart limitation' of the scope of temporary employment in Poland. The Act on the Employment of Temporary Workers should limit the period during which temporary workers can be employed by the same user undertaking. If a user undertaking employs a temporary worker via an agency for a given period (the length of the period may be a subject of debate), it should be obliged to directly employ that worker in this position within the framework of a labour contract.

Nearly all the participants in our study are employed on civil law task contracts, although their work meets the requirements of the Labour Code. This is a broader problem with the Polish labour market. Migrant workers are not the only victims, but they are especially vulnerable to these employment conditions. The data of the Polish Social Insurance Institution show that only 56.3 per cent of migrant workers have employment contracts. Migrant workers gravitate towards less protected forms of employment in Poland. The competences of the Chief Labour Inspectorate should be broadened by amending the Act on the Labour Inspectorate to enforce employment conditions within the framework of the Labour Code.

Our study shows that temporary workers have only a vague knowledge of the legal conditions of their employment. In some cases, they do not know what kind of con-

tract they have signed and do not understand the advantages of employment contracts. The Act on Employment Promotion and Labour Market Instruments requires that employment agencies provide employees with information about regulations on entry, residence and employment in Poland. It seems that the information provided is not sufficient. The Ministry of Family, Labour and Social Policy, together with the Chief Labour Inspectorate should lay down standards regarding regulations on entry, residence and employment in Poland. Model materials, as well as supervision of workshops, should be provided. The standards and materials could be an outcome of the AMIF founded project involving civic organisations, trade unions, and business chambers.

According to the findings of our study the students are seriously considering further migration after graduation. Yet, they are valuable residents and labour market participants – qualified and already integrated with society. They should be encouraged to settle in Poland. However, only half of the period of studies is calculated into the period of five years required for applying for the long-term EU residence permit. We recommend amending the Act on Foreigners to fast track residency for graduates of Polish universities and colleges.

Universities and colleges do not perceive their role as entry points to the labour market. According to our study, the faculty and administrative staff know that their foreign students usually work in Poland, but they do not see the role of an educational institution as an entry point. Their responsibility for their students' the integration in various domains of social life should be stronger. Universities and colleges should be obliged to thoroughly inform their foreign students about the legal conditions of residence in Poland, as well as their rights and obligations as participants in the labour market, and organise general social orientation courses. This task could be performed by career services offices (biuro karier) which already exist at the majority of Polish universities and colleges.

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ANNEX: TABLES AND FIGURES

Table 1.
Foreign residents of Poland

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
TOTAL	92,574	97,080	100,298	111,971	121,219	175,066	211,869	266,218	325,217	372,239
EU citizens	15,904	30,006	20,605	23,027	26,595	62,299	70,558	78,125	79,490	80,666
Ukraine	26,571	28,450	29,746	34,303	37,679	40,979	65,866	103,457	145,252	179,154
Belarus	8,447	8,995	9,249	10,310	11,160	9,924	11,172	11,428	15,339	20,114
Vietnam	8,207	8,567	9,257	11,686	13,404	9,042	9,130	10,269	11,718	12,398
China	2,600	3,016	3,821	4,489	5,016	4,782	5,675	7,042	8,831	9,000
Bangladesh	131	139	168	204	254	241	305	490	913	1,221
India	1,970	2,094	2,170	2,389	2,639	2,596	3,063	4,546	6,930	8,850
Nepal	270	445	452	486	541	461	484	701	1,165	1,562

Source: <https://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/>

Table 2.
Work permits

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
TOTAL	29,340	36,622	40808	39144	39078	43663	65786	127394	235626	328768
Bangladesh	213	676	680	233	314	283	319	721	2,412	8,341
Belarus	1,669	1,937	1,725	1,949	2,004	1,834	2,037	4,870	10,518	19,233
China	4,536	6,209	5,854	3,247	3,089	2,133	1,288	1,205	1,179	1,473
India	1,164	1,189	1,055	1,090	1,300	1,242	1,425	1,772	3,938	8,362
Moldova	601	675	1,017	616	699	1,027	1,488	2,844	3,792	6,035
Nepal	838	2,110	1,202	486	525	402	596	1,211	7,075	19,912
Ukraine	9,504	12,894	18,669	20,295	20,416	26,315	50,465	106,223	192,547	238,334
Uzbekistan	295	434	619	958	948	1,060	1,433	836	1,409	2,634
Vietnam	2577	2,245	2,504	2,302	2,230	2,369	732	439	658	1,313

Source: Ministry of Family, Labour and Social Policy <http://psz.praca.gov.pl/web/urzed-pracy/-/8180075-zezwolenia-na-prace-cudzoziemcow>

Table 3.
Registered declarations by employers of their desire to employ foreigners short-term

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
TOTAL	188,414	180,073	259,777	243,736	235,616	387,398	782,222	1,314,127	1,824,464	1,582,225
Belarus	4,860	3,623	4,370	7,636	5,194	4,017	5,599	23,400	58,046	62,805
Russia	674	595	963	1,624	1,260	1,227	1,939	3,937	6,150	6,718
Ukraine	180,133	169,490	239,646	223,671	217,571	372,946	762,700	1,262,845	1,714,891	1,446,304
Moldova	2,747	5,912	13,024	9,421	9,248	6,331	9,575	20,650	31,465	36,742
Georgia		453	1,774	1,384	2,343	2,103	1,366	1,698	11,126	28,008
Armenia						774	1,043	1,597	2,786	1,648

Source: <http://psz.praca.gov.pl/web/urzed-pracy/-/8180205-rejestracja-oswiadczen-pracodawcow-o-zamiarze-powierzenia-pracy-cudzoziemcowi> <http://psz.praca.gov.pl/web/urzed-pracy/-/8180211-oswiadczenia-o-powierzeniu-wykonywania-pracy-cudzoziemcowi-wpisane-do-ewidencji-oswiadczen-obowiazujace-od-2018-r->

Table 4.
Work permits for seasonal jobs

	2018
TOTAL	138,334
Belarus	1,045
Russia	97
Ukraine	133,372
Moldova	430
Georgia	195
Armenia	13
Bangladesh	624
India	432
Nepal	1,860
Other countries	266

Source: <http://psz.praca.gov.pl/web/urzed-pracy/-/8180228-zezwolenia-na-prace-sezonowa-cudzoziemca>

Table 5.
Polish Card by main nationalities

	2010	2015	2016	2017	OGÓŁEM
TOTAL	19,365	24,105	27,464	32,160	234,350
Ukraine	8,270	9,533	13,007	130,095	101,934
Belarus	9,021	13,079	12,707	17,228	111,932

Source: https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5515/3/12/1/rocznik_demograficzny_2018.pdf#page=456

Table 6.
Foreigners registered for pension insurance

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
TOTAL	69,813	78,608	88,423	93,012	101,083	124,349	184,188	293,188	440,255	569,116
UE citizens	17,138	19,048	20,591	22,242	24,656	27,349	29,421	31,694	34,116	35,581
Ukraine	18,602	21,777	27,659	29,713	32,989	49,150	101,150	194,418	316,474	425,670
Belarus	4,320	4,927	5,512	6,035	6,387	7,094	8,903	14,351	24,013	32,632
Vietnam	3,481	3,951	4,451	4,655	5,267	6,041	6,146	6,528	7,592	8,101
Moldova	643	817	967	994	1,217	1,767	2,628	5,024	6,510	7,337

Note: The number of registered at the last day of each year. In case of 2018 it is September 30.

Source: Table 1, <https://www.zus.pl/documents/10182/2322024/Cudzoziemcy+w+polskim+systemie+ubezpiecze%C5%84+spo%C5%82ecznych.pdf/4498fca6-981d-a37c-3742-8e4e74e20a32#page=8>

Table 7.
Foreign students in Polish higher education

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
15,862	17,000	21,474	24,253	29,172	46,101	57,119	65,793	72,743	

Source: Statistics Poland, <https://stat.gov.pl/obszary-tematyczne/edukacja/edukacja/szkoly-wyzsze-i-ich-finanse-w-2017-roku,2,14.html> and chart from Study in Poland report 2018

Figure 1.
Labour migrants interviewed – job intermediary entry point

Nationality	Year of birth	gender	Year of arrival	Type of work	Type of residence permit/visa
Ukrainian	1975	M	2019 (J13)	Factory worker	Working visa
Ukrainian	1976	F	2019 (J14)	Factory worker	Working visa
Ukrainian	1984	F	2016 (J15)	Factory worker	Temporal residence permit (work)
Ukrainian	1970	M	2015 (J16)	Jl's local coordinator	Temporal residence permit (work)
Ukrainian	1976	M	2015 (J17)	Factory worker	Temporal residence permit (work)
Ukrainian	1987	M	2015 (J18)	Factory worker	Temporal residence permit (work)
Ukrainian	1968	F	2017 (J19)	Factory worker	Working visa
Ukrainian	1986	M	2019 (J110)	Factory worker	Working visa
Moldova	643	817	967	994	1,217
Moldova	643	817	967	994	1,217
Moldova	643	817	967	994	1,217

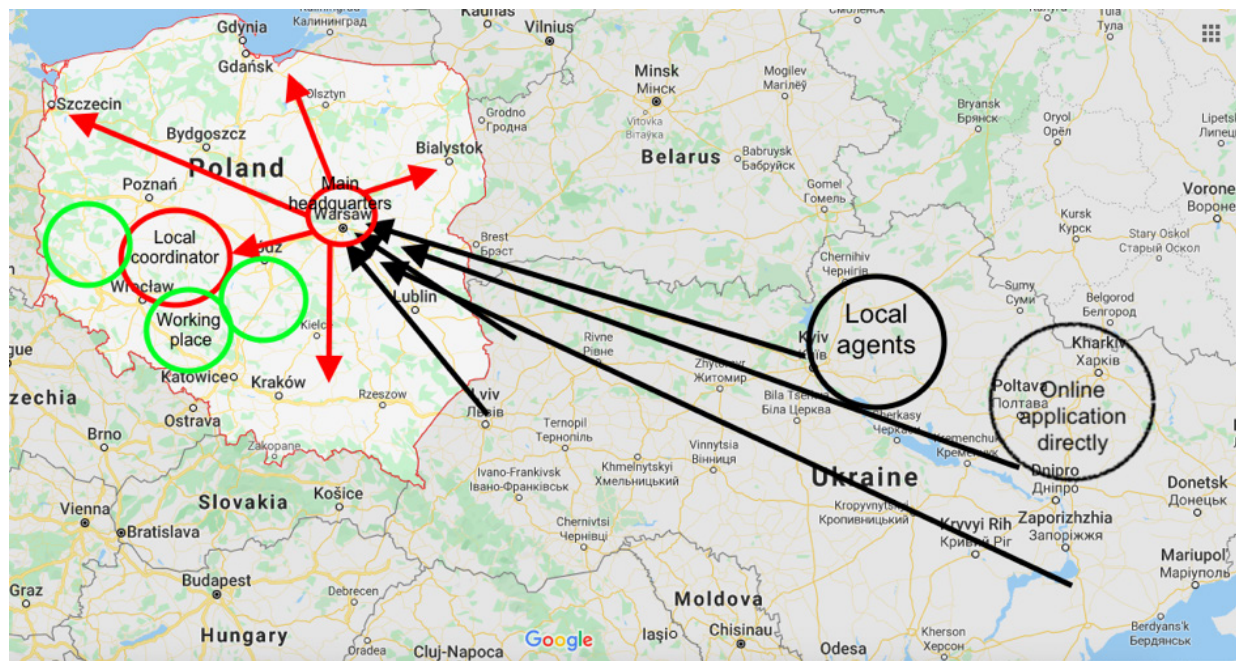
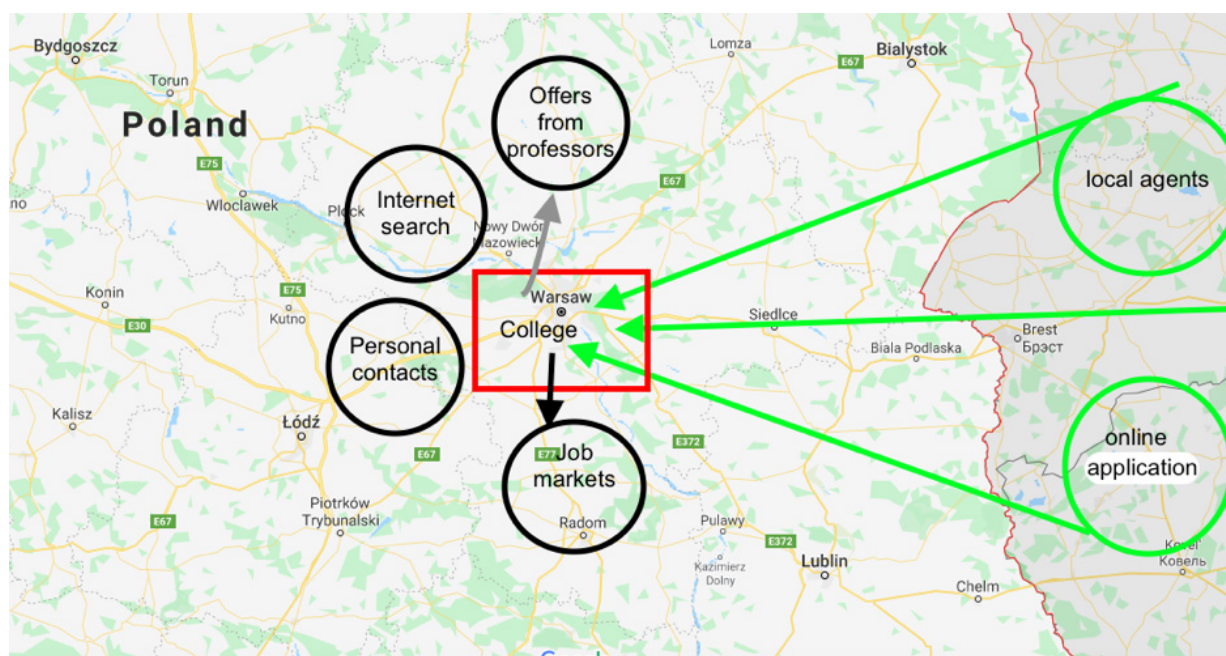


Figure 2.
International students interviewed in the higher education entry point

Nationality	Year of birth	gender	Year of arrival	Type of work	Type of residence permit/visa
Ukrainian	1997	F	2018 (HE1)	Nanny	Student visa
Ukrainian	1999	F	2017 (HE2)	Dancer	Temporal residence permit (student)
Ukrainian	1998	F	2016 (HE3)	Marketing specialist	Student visa
Ukrainian	1997	M	2018 (HE4)	English teacher	Student visa
Ukrainian	1999	F	2017 (HE5)	Shop assistant, waitress	Student visa
Ukrainian	2000	F	2017 (HE6)	waitress	Student visa
Ukrainian	2000	F	2017 (HE7)	waitress	Student visa (waiting for the residence permit)
Ukrainian	1999	F	2016 (HE8)	Sales manager	Residence permit (student)
Belarusian	2000	F	2018 (HE9)	Gymnastics trainer	Student visa



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ENTRY TO A MARKET, NOT TO A STATE

Situation of migrant workers in Poland



Ukrainian immigration to Poland is facilitated by an institutionalised sector of employment and intermediary agencies. They have networks of offices in Ukraine and local coordinators in Poland.

The status of migrant workers is generally precarious. Migrants usually do not work within the framework of regular employment contracts, but rather civil law task contracts. Migrants earn the minimum wage. The 10–12 hour workday and six-day working week are perceived as standard working conditions. Migrant workers through agencies do not have access to employment benefits such as sick leave or holidays. Their jobs usually do not require many qualifications and do not provide opportunities for career development. Most migrant workers support family members either in their home country or in Poland.



The Act on the Employment of Temporary Workers should limit the period during which temporary workers can be employed by the same user undertaking. If a user undertaking employs a temporary worker via an agency for a given period (the length of the period may be a subject of debate), it should be obliged to directly employ that worker in this position within the framework of a labour contract.

Temporary workers have only a vague knowledge of the legal conditions of their employment. In some cases, they do not know what kind of contract they have signed and do not understand the advantages of employment contracts. The Ministry of Family, Labour and Social Policy, together with the Chief Labour Inspectorate should lay down standards regarding regulations on entry, residence and employment in Poland. Model materials, as well as supervision of workshops, should be provided.



Colleges and universities create direct and indirect opportunities for employment in Poland in a number of ways. Students take up jobs mainly in the secondary labour market, but tend to treat them as a stepping stone and believe that after graduation they will attain more stable employment.

We recommend amending the Act on Foreigners to fast track residency for graduates of Polish universities and colleges. Universities and colleges should be obliged to thoroughly inform their foreign students about the legal conditions of residence in Poland, as well as their rights and obligations as participants in the labour market, and organise general social orientation courses.

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