



Re-thinking approaches to labour migration

Potentials and gaps in four EU member states' migration infrastructures

Case Study Summary Poland

This summary briefing is part of a series of publications mapping legal pathways for labour migration and mobility to EU countries commissioned by ICMPD's Migration Partnership Facility (MPF) in the context of their efforts supporting the enabling environment for labour migration to the EU.

It summarises existing legal labour migration pathways and their use in Poland. It provides suggestions for adaptations in order to better serve the needs of the Polish labour market and to explore potentials for migration and mobility pilots in the context of the EU Talent Partnership Framework.

The full case studies, along with an overarching policy brief which analyses the findings from all of them, can be downloaded at www.migrationpartnershipfacility.eu.

KEY MESSAGES

- While many legal labour migration pathways have been created in Poland, many sectors of Poland's economy are experiencing major labour shortages. In the future, employment growth is expected particularly for high-skilled professions.
- Although migration pathways have been effectively used to fill labour gaps, greater simplification and digitisation could help to make permit application procedures more efficient. To become a more attractive place for migrant workers, Poland could also increase protections for workers and improve migrant integration services.
- The Employers' declarations pathway has been the most commonly used pathway for labour migrants, particularly for workers in Poland's low-skilled sectors (such as construction, agriculture, household employment). The previous simplifications made to this pathway have been successful, and further tweaks, such as expanding the list of countries from which foreigners can come to Poland could support its effectiveness.

- Poland could explore setting up migration and mobility schemes in the framework of the EU Talent Partnerships. Likely partner countries may be those with existing migration and cultural ties, such as other countries in the immediate EU Neighbourhood. From the EU pilot countries, Egypt, Senegal and Pakistan offer economic opportunities. Asian countries that share religious similarities could be another option for cooperation in the context of mobility partnerships.

BACKGROUND AND CONTEXT

Over the last two decades, Poland has experienced sustained economic growth and low unemployment. Alongside this, Poland's domestic labour supply has shrunk due to the large-scale emigration of Polish people abroad, as well as a gradual ageing of the working age population. While Poland was for many years a country of emigration, since 2015, net immigration has been positive owing to the increasingly high numbers of migrant workers coming to Poland as well as the decline in the number of Polish citizens leaving the country. Migrant workers have helped the Polish economy to sustain growth in a context of gaps in labour supply and overall low unemployment.

Migrant workers have been employed across many sectors of the economy, although a majority are active in low-income occupations. Currently, agriculture employs the largest proportion of migrant workers. Construction and manufacturing, particularly the manufacture of automobile parts, are also important employers of migrant workers. Migrants also work in services, both in low-paid ones such as catering, cooking, retail sales and domestic services, as well as in high-income specialist positions in the IT sector. The majority of foreigners who come to Poland come on a temporary basis, and for work purposes. In 2020, most foreigners applying for temporary work permits came from Ukraine, Georgia and Belarus.

CURRENT AND FUTURE LABOUR SHORTAGES

According to a survey commissioned by the Minister of Development, Labour and Technology, shortages existed in 2021 in construction; manufacturing; the medical and care industry; transport shipping and logistics; agriculture and the food industry; educational occupations; and other categories, including motor vehicle mechanics. The key shortage occupations within these sectors were: manufacturing labourers; elementary workers; hand packers; stock clerks; building caretakers; building construction labourers; warehouse workers; processing industry labourers; sales workers; and cleaning workers. Drivers, both for taxi services as well as long-distance heavy transportation of cargo, and IT specialists, such as graphic designers, are also key occupations the Government is looking to attract. Importantly, many of these sectors and occupations with labour shortages are also those in which migrant workers are employed in Poland.

Looking ahead, labour shortages are expected to continue. Estimates predict that Poland will need to hire an additional 1.5 million people by 2025 to meet anticipated economic expansion, and that alternative labour market policies (excluding labour migration) would not be sufficient in filling these gaps.

The sectors experiencing labour shortages and increased demand for workers will change in the future however. In general, employment growth is expected in high-skilled professions while employment will shrink in sectors considered to be low-skilled. Sectors anticipated to experience employment decline that currently employ migrants are agriculture,

construction and manufacturing. Employment decline in some of these sectors will result from increased mechanisation, particularly in agriculture. IT services is one migrant-employing sector which is predicted to show employment growth.

The influx of Ukrainian refugees coming to Poland since February 2022 - estimated to be 1,180,677 as of 21 June - will not solve Poland's labour shortages. In fact, the war is likely to exacerbate Poland's labour shortages in the short-term, due to the fact that the many unfilled jobs are those which are typically carried out by men but men have either not been allowed to leave Ukraine, or have returned from Poland to Ukraine to contribute to the war effort (the majority of Ukrainian refugees who have entered Poland are women and children).

LABOUR MIGRATION POLICY IN POLAND

In spite of the essential role of migrant labour for the Polish economy, immigration is a hugely controversial and heavily politicised topic in Poland. The hardline stance of the Law and Justice Party on welcoming refugees and migrants from non-European countries has proved popular with Polish voters - the PiS' opposition to welcoming refugees was instrumental in its first election victory in 2015, and since its re-election in 2019, the government's securitisation of the border with Belarus in September 2021 to prevent asylum seekers who came mostly from the Middle East improved its position in the polls.

There is currently no national migration policy strategy; in 2016, the PiS suspended the only national migration document and has failed to produce a replacement. Draft proposals since then have been met with fierce criticism from all directions. In 2019, a draft government proposal for a national migration strategy included a suggestion that Poland will need to recruit workers from non-European countries was met with strong hostility. Given the politicisation of migration, it

is unlikely that a new strategy will be proposed before the next elections in 2023.

LEGAL MIGRATION PATHWAYS

Work Permits

A Work Permit entitles the holder to take up employment with a specific employer and may be issued for up to three years. The number of work permits issued has increased significantly over the past ten years.

There are numerous bureaucratic hurdles involved in issuing a work permit. For example, it is necessary for the local authority (Powiat) to conduct a labour market test, which stalls the process. It is also necessary to separately legalise the stay of a foreign national. Furthermore, foreign workers are also required to apply for a new permit when changing employers. Alongside bureaucratic barriers, the number of staff in the Voivodeship offices responsible for issuing work permits has not been adjusted to match the recent increase in applications.

Employers' declarations

The most common way that foreigners work legally in Poland is by an employer declaring their intention to entrust work to a foreigner, often referred to as an 'employers' declaration'. In 2021, there were 1,979,886 employers' declarations registered. This pathway came into effect in 2006 and allows employers to hire foreigners for a short period without conducting a labour market test and without requiring workers to apply for a work permit, hence why it is also referred to as the 'simplified procedure'. In 2022, amendments made to the Act on Foreigners allowed people to come under the employers' declarations for a period of up to two years, longer than the period of six months which was previously permitted. Employers' declarations are only available to citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine and are submitted by

the entity entrusting work to the district (poviat) labour office for registration. The dominant group working under employers' declarations are Ukrainian citizens, and the vast majority of jobs performed by foreign workers under employers' declarations are physical work in sectors considered low-skilled, such as industrial, construction and services for men, and agricultural and household employment for women.

Seasonal work permits

Seasonal work permits were introduced in 2018 due to the need to implement the Seasonal Workers Directive into the Polish legislation. Seasonal work permits may be granted to all groups of foreign nationals, and allow people to work for nine months during a given calendar year, but only in selected sectors (agriculture, horticulture and tourism). An employer may apply for a seasonal work permit both for a foreign national already legally staying in Poland, who entered for a purpose other than seasonal work, and for a foreign national who will only apply for entry into Poland to perform seasonal work. The labour market test in case of seasonal work permits does not apply to citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine. The majority of seasonal work permits are issued to Ukrainians for work in the agricultural sector. In 2021, 113,435 seasonal work permits were issued in Poland.

The Card of the Pole

The Card of the Pole (Karta Polaka) came into effect in 2007 and provides a pathway for people of Polish ethnic origin or cultural affinity to come to Poland. The Card of the Pole is issued for 10 years and can be renewed, and it provides full access to the labour market. Between March 2008 and June 2018, 253,455 Cards of the Pole were issued.

Schemes targeting high skilled entrepreneurs

Poland has developed schemes targeting high-skilled entrepreneurs. The principal scheme to address high-skilled entrepreneurs is the Poland Business Harbour

(PBH), which is aimed at IT specialists and high-skilled workers, and which was launched in December 2020. The programme was first aimed at Belarusians only, but now citizens of Armenia, Azerbaijan, Georgia, Moldova, Russia and Ukraine can also participate. The expansion of the programme was advocated by the IT industry, which has been suffering from a shortage of professionals. Initially, the results of the programme were rather limited: in the first few months of the programme, until the end of 2020, 2,500 visas were issued for Belarusian citizens. Yet between the visa's launch in September 2022 and February 2022, 24,121 Belarussians had come to Poland through this visa scheme.

Solutions for Ukrainian citizens (2022)

On 12 March 2022, a special Act for Ukrainian citizens fleeing the armed conflict on its territory was adopted. The Act provides complete access to the labour market. According to the figures revealed in early April 2022, 66.8 thousand Ukrainians have found work, mostly in the voivodeships. Almost half of Ukrainians performed simple jobs, 8.5% were office workers, and 4% were professionals; about 14% were industrial workers and craftsmen, and more than 10% were service workers and salespeople.

The European Blue Card

Poland issues among the most Blue Cards for high-skilled workers of all EU countries. Even so, the number of Blue Cards issued compared with other pathways has been very low, only 2,250 in 2020.

SUGGESTIONS FOR POSSIBLE FUTURE ADAPTATIONS TO LEGAL MIGRATION POLICY

Expand the list of eligible countries for employers' declarations

The employers' declarations only allow citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine to come to Poland. Analysts have called

for a broadening of the geographical scope of the employers' declarations, pointing out that Poland's economy will need to recruit workers from beyond these countries in order to fill gaps in its labour supply. Policy makers could follow the example of the Poland Business Harbour Programme which has already broadened its geographical scope and is looking to further expand its remit in the future.

Extend the period of validity of other permits

In the same way as the period of time permitted to stay in Poland under the employers' declarations was extended in January 2022 for up to two years, other work permits could also have the period of validity extended. Recruitment agencies have pointed to the short validity periods of other work permits as a barrier for expanding recruitment of foreign workers.

Speed up and increase the flexibility of the procedure to issue work permits

Unlike employers' declarations, work permits and seasonal permits have not been made more streamlined by limiting bureaucratic hurdles, and as a result are underused by employers. Lengthy procedures limit employers' flexibility in responding to labour shortages and dissuade prospective foreign workers from coming to Poland. Procedures could be sped up by further reducing requirements to carry out labour market tests for work permits and seasonal permits, as this delays lengthens procedures. Another strategy could be to further digitise permit application procedures, for example at voivodeship offices where people are currently required to go in-person to submit forms.

Improve dialogue between policymakers and social partners

Trade unions and NGOs should be better consulted on migrant-related issues. By increasing the role of and improving dialogue with NGOs and trade unions, policy makers would be able to formulate migration policy that was more respectful of migrant workers' rights and in so doing create a more attractive destination for prospective migrant workers. In recent years, NGOs in Poland have struggled to get a seat at the table in labour migration policy making circles. Trade unions

in Poland are also not equally represented in labour migration policy making, compared to employers' associations. Polish trade unions do not typically work on migrant-related issues. To improve the protection of migrant workers' rights, trade unions could be encouraged to work on migrant-related issues, through capacity-building measures by the government, as well as through increased collaboration with NGOs who specialise on this issue.

Facilitate migrant entrepreneurship

For foreigners with temporary residence permits - which is the majority of foreign workers in Poland-, migrants are not permitted to open up their own business. This dissuades prospective migrant entrepreneurs from coming to Poland, encourages foreigners already in Poland to move on from Poland to set up their own business, and harms future innovation. Temporary residence permits could be amended to allow foreigners to set up their own business.

Improve integration services

Integration services could be improved in order to encourage those foreigners already working in Poland to stay, as well as to attract more migrant workers to Poland. State integration services in Poland are only available to migrants with refugee status. Migrants without refugee status rely on support from NGOs, however NGOs have found it increasingly difficult to access government funding. The government could facilitate easier access for NGOs to funds for integration for refugees. Specific priorities within integration should be the improvement of language skill training, which facilitate higher labour market participation of migrants as well as create opportunities to work in occupations requiring higher skill levels, as well as the improvement of childcare services, which allow for greater participation of migrant mothers in the labour market. Integration services could also be extended to Polish returnees.

Promote migrant workers' rights and address risks of exploitation

Labour exploitation of migrant workers is a widespread problem in Poland, largely because a large portion of

migrants in Poland work in temporary and seasonal work, in which exploitation is particularly problematic. Addressing labour exploitation would make Poland a more attractive destination for migrants to come to work. To address labour exploitation, policy makers should change the practice of the Polish immigration authorities' accompaniment of labour inspectorates when carrying out inspections, as this makes migrants reluctant to report cases of abuse due to fear of expulsion. Another action could be to allow migrants to change employers within their permit. Permits are tied to employers, which means that migrants have little room to manoeuvre in cases of exploitation and are thus at higher risk of abuse. Finally, migrants should be better informed of their rights as workers.

Improve recognition of foreign qualifications

Poland lacks effective ways of recognising foreign qualifications, which makes the process of hiring foreign workers more burdensome. Poor recognition of foreign qualifications also means that many foreign workers in Poland work below their skill level, referred to as 'brain waste'. One way to improve the recognition of qualifications would be to broaden the list of professions which are able to be recognised by the state's regulatory body, the National Agency for Academic Exchange.

Address anti-immigrant sentiment of the Polish public

Anti-immigrant sentiment, particularly towards people from non-European countries, has blocked the potential policy tool of labour migration from being an effective means to address labour shortages. In order to meet the needs of the labour market, as well as protect migrants' rights and improve the overall cohesion of Polish society, effective communication campaigns that demonstrate the positive influence of migrants in Poland are necessary. While the PiS is an anti-immigration party, and therefore would not fund large-scale communications campaigns in support of migrants, the 2021 Polish Migration Policy draft document did acknowledge the need for improved strategic communication to Polish society on the question of migration, showing that there is an

awareness within Polish policy circles on this issue. A less visible but equally effective government measure could be to increase integration funding.

Implement a regularisation mechanism for undocumented migrants

While the principal reason for regularising undocumented migrants *should be* to promote migrant welfare, regularisation can have advantages for labour supply due to greater labour market participation, as well as for the government's fiscal budget due to the increase in taxable income from declared work. Regularisation is particularly important given the war in Ukraine. Only Ukrainian citizens who fled Ukraine after and not before the Russian invasion fall under the scope of the Temporary Protection Directive. This means that there are many Ukrainians across Europe, and in Poland, whose permits may expire but are unable to return to Ukraine and are therefore unable to carry out legal work. While many Ukrainian men who were working in Poland before the war have returned to Ukraine to fight, some may remain in Poland and will therefore be in need of a legal right to stay and work in Poland.

SUGGESTIONS FOR POSSIBLE WAYS TO EXPLORE MOBILITY SCHEMES UNDER THE EU TALENT PARTNERSHIP FRAMEWORK

Choose a partner country according to diplomatic and cultural ties

Poland could establish Talent Partnerships with non-EU European countries which have been targeted as key countries for development cooperation, such as Belarus, Moldova, Ukraine and Georgia. It could also look to countries such as the Philippines with which it has cultural and diplomatic ties. Given political considerations on migration these countries seem likely entry points.

Build on existing economic ties with Talent Partnership countries

Poland could build on the existing ties it has with two of the EU pilot countries for Talent Partnerships, Egypt and Senegal. In 2022, the Polish Trade and Investment Agency strengthened economic cooperation with Egypt and Senegal. Egypt in particular would be a good choice from an economic standpoint, due to its high unemployment rate and the fact that migrants from Egypt are the largest group of migrants in Poland of all the Talent Partnership countries. However, lack of cultural ties and societal reservations is likely to be a disincentive for partnerships with North African countries.

Finding matches between Poland's labour needs and partner countries' labour supply

When designing Talent Partnerships Poland could try to match its labour needs with the skills available in a partner country. Of the proposed Talent Partnership countries, Pakistan's and Egypt's stock of workers seems to correspond most closely to Poland's economic needs. In Poland's key sectors in need of migrant labour - agriculture, construction and manufacturing - Pakistan and Egypt have the largest numbers of workers in these sectors, compared with other Talent Partnership countries. An important point for Poland's policymakers to bear in mind when designing Talent Partnerships is to ensure that the skills needs of the country of origin are also taken into account, in order to mitigate a possible brain drain effect.

