



Migration Profile

POLAND

A. Executive Summary

Located in Central Europe and bordering the Baltic Sea, Poland has a population of 38,000,000 and one of the largest diasporas in the world. Polish nationals and the descendants of former Polish migrants amount to around 20 million people worldwide, mostly located in Western countries. Poland is a monoethnic country in which nearly 97% of the population are ethnic Poles and 85% identify as Roman Catholic. Though currently displaying a sub-replacement fertility rate, the influx of Ukrainian and, more recently, Belarusian immigrants has turned Poland from a country of emigration to one of immigration. Poland nonetheless continues to be a point of origin of significant waves of migration as Polish nationals leave the country in search of better salaries abroad. This has led to debates as to whether these migratory movements cause a negative brain drain or benefit the country as Polish nationals learn new skills and make money abroad. Although there are almost no Internally Displaced Persons in Poland, there are a few thousand refugees and asylum seekers. The most vulnerable fall prey to human trafficking such as forced labour and forced sexual commercial exploitation. The UNHCR is present in the country with offices, staff, and activities to support the government's management of asylum claims and refugees. Many NGOs are active in poverty alleviation and human rights support for refugees and asylum seekers amongst other vulnerable populations. Caritas Poland is the biggest NGO, with 100,000 volunteers in 44 diocesan Caritas centers.

B. Country Profile

I. Basic Information

Poland is a mainland European country with a population of 38,185,913, according to 2021 estimates. The country is located in Central Europe and has a territory of 312,685 km². It is bordered by Belarus; the Czech Republic; Germany; Lithuania; Kaliningrad Oblast, Russia; Slovakia; Ukraine; and a 440 km shoreline on the Baltic Sea. Following the ending of the Communist era in 1989/1990, the parliamentary Republic of Poland integrated into the North Atlantic Treaty Organization (1999) and the European Union (2004), becoming Europe's sixth largest economy.

The Polish people's ethnic mix is quite homogeneous, being 96.9% Polish, 1.1% Silesian, 0.2% German, 0.1% Ukrainian, and 1.7% other or unspecified, according to 2011 estimates. The predominant and official language is Polish (98.2%), followed by Silesian (1.4%). The

Poles' religious affiliation is 85.9% Catholic (85.6% Roman Catholic and 0.3% Greek, Armenian, and Byzantine-Slavic Catholic), 1.3% Orthodox (almost exclusively Polish Autocephalous Orthodox), 0.4% Protestant, 0.4% other, and 12.1% unspecified, according to 2017 estimates.

Some growing concerns for Polish citizens are the potential implications of demographic decline, as the fertility rate is very low (1.5 in 2018), as well as the future of national industry and the welfare state.

II. International and Internal Migrants

According to an official report by Główny Urząd Statystyczny (Statistics Poland), the number of foreigners residing in Poland has been on the increase. Though, as the report explains, most foreigners residing in Poland are there for a short term, the number of those settling in Poland overall is rising. Data from the Office of Foreigners (UdSC) shows that the number of foreigners with valid documents entitling them to stay in Poland reached 422,800 in 2018. One year later, most from the Ukraine (214,700), followed by Belarus (25,600), Germany (21,300), Russia (12,500), Vietnam (12,100) and India (10,000). The reason for these figures, according to the report, is the attractiveness of the Polish labour market to people beyond their eastern border. Indeed, between 2008 and 2019 the total number of permits issued for legal immigrants increased from 18,000 to 445,000.

Polish emigration has been falling since 2012, and the arrival of hundreds of thousands of Ukrainians since 2014 has helped to ease labour shortages in certain sectors. Contrary to a belief stimulated by newspaper articles, the net migration for permanent residence has been positive since 2016, which means that the number of immigrants now exceeds the number of emigrants, making Poland a country to which more people come than leave.

III. Emigration and Skilled Migration

The Polish diaspora, or "Polonia," consists of people of Polish descent who migrated in the past, as well as present-day Polish citizens working or living abroad. It is believed that around 20 million people of Polish ancestry live outside Poland, making it one of the largest diasporas in the world. These communities result from historical dynamics such as border shifts, forced exiles, resettlement, and a quest for work which continues to this day. In the first two decades of the millennium, the number of emigrations for permanent residence ranged from 10,700 in 2019 to 49,900 in 2006. Numbers have been decreasing since 2015. However, migration for temporary stay and for permanent residence cannot be fully analysed as they don't have to be officially declared in municipalities. Estimates of citizens leaving Poland range from 190,000 to 276,000 annually, with the majority going to EU countries. The number of Polish nationals living outside Poland reached its peak after the country's accession to the European Union. At the end of 2019 the number was 2,415,000.

Data shows that the largest age group of Polish emigrants was 25-29 in 2011, whereas it was 35-39 in 2018, which could suggest that the people who left at an earlier stage are still abroad. The regions that sent the most Poles abroad are Śląskie, Dolnośląskie, Małopolskie, and Podkarpackie. The countries in which the largest number of Polish emigrants sought permanent residence in 2019 were Germany, Great Britain, the Netherlands, the United

States, and Austria. The reported reason why so many Poles seek work outside of their homeland is higher wages. A recent analysis shows that the trend of temporary work migration is on the decline while settlement migration, already observed in earlier years, seems to be increasing. This can be seen in the increase of Polish people living abroad with their families, especially in Germany and the Netherlands, where labour migration started later than in Great Britain and Ireland.

People who do not want to remain permanently in their country of emigration either want to return to Poland (48%) or have not yet made a decision regarding their destination (39%). Fewer people (13%) will search for a job elsewhere outside Poland after leaving their first country of emigration. Emigration rates have fallen in the past years, and the government has cut taxes for young people to encourage them to stay in Poland. According to the European Committee of the Regions, the highest number of highly educated people on the move within the European Union in 2017 came from Poland (576,300 individuals).

Some people prefer to use the term “brain circulation” rather than “brain drain.” It can be argued that Poles working abroad, developing new skills and earning money, can bring positive results to Poland. Furthermore, a pernicious effect of the use of the phrase “brain drain” is that it fails to take into consideration the number of low-skilled workers who find jobs abroad when they were unable to do so in Poland.

IV. Forced Migration (internally displaced, asylum seekers, refugees, and climate displaced persons)

The factsheet on Poland of the United Nations High Commissioner for Refugees (UNHCR) for 2020 estimates that there are 12,780 refugees, 3,307 asylum-seekers, and 1,328 stateless people in Poland. The top three countries of origin for refugees are Russia (9,855), Syria (547), and Ukraine (495), followed by Iraq, Belarus, Turkey, Afghanistan, and Tajikistan. The top three countries of origin for asylum-seekers are Russia (2,500), Ukraine (279), and Tajikistan (102), followed by Georgia, Kyrgyzstan, Turkey, and Kazakhstan. However, as the UNHCR notes, there has been an increase of asylum-seekers from Belarus since mid-2020 which has not yet been quantified. Polish authorities seem to facilitate access to the country by provide humanitarian visas, which give forced migrants the right to work and ensure access to asylum. Gaining access to Poland and initiating the asylum procedure at the border in Brest-Terespol have become a challenge in recent months. According to the Geneva-based International Displacement Monitoring Centre (IDMC), there were only 18 new internal displacements in 2019, due to flash floods in Lublin.

V. Victims of Human Trafficking

According to the US Department of State’s 2020 Report on the Trafficking of Persons, domestic and foreign victims are exploited by human traffickers in Poland, while Polish victims are also exploited abroad, especially through sex trafficking in France and Germany. Traffickers also exploit Polish people through forced labour in Europe, primarily in Germany, Norway, Sweden, and the UK. Women and children from South America and Eastern Europe (Bulgaria, Romania, and Ukraine) are also exploited through sex trafficking

in Poland. The report notes that labour trafficking is increasing in the country, with victims coming from Europe, Asia, and Africa.

Unsurprisingly, migrants are more vulnerable to being exploited by traffickers. Most are sourced within the Ukrainian, Belarusian, Filipino, and Vietnamese populations, particularly in the food and construction industries. Traffickers recruit children, particularly Roma children, who are reportedly forced to beg in Poland as is in many other European countries. This information is supported by the European Commission, which notes that the number of Poles forced into sexual exploitation reached its peak right after the accession of Poland to the European Union and now seems to be declining.

VI. National Legal Framework

The European Council on Refugees and Exiles (ECRE), a pan-European alliance of 107 NGOs in 40 countries, published its 2019 report on Poland in April 2020. According to the report, the main legislative acts relevant to asylum procedures, reception conditions, detention, and protection are the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, the Act of 12 December 2013 on foreigners, and the Act of 14 June 1960, the Code of Administrative Procedure.

The authority responsible for the examination of applications for international protection and competent to make first-instance decisions is the Office for Foreigners (OFF), with 413 mostly permanent staff. Asylum applications are to be filled out within the territory of Poland, at the border or from a detention centre, and transferred by a Border Guard officer to the head of OFF under the responsibility of the Ministry of Interior. A first-instance decision can be objected to before the Refugee Board through an administrative appeal that automatically suspends the adverse decision if lodged within 14 calendar days post decision. There is a possibility of further appeal to the Voivodeship Administrative Court in Warsaw, but only points of law can be litigated at this stage. (The earlier automatic suspension no longer applies at this stage.) A further, final appeal can be made to the Supreme Administrative Court by lodging a cassation complaint.

The general process is that the OFF examines applications, and grants, refuses, or withdraws protection within Poland while also considering the Dublin issue, namely whether another European state is responsible for examining a claim. That being said, Poland seems to be more of a receiving country than a transfer country, and such cases are, therefore, rare. The four outcomes of the procedure are: refugee status is granted, subsidiary protection is granted, application is rejected, or the proceedings are discontinued due to the applicant not being on Polish territory anymore. Another national protection status called Asylum can be granted in a separate procedure if this appears to be in the interest of the State. This occurs very rarely (one case in 2019, none in 2018).

According to the USDA's Trafficking report 2020, Article 189a of Poland's penal code criminalized sex trafficking and labour trafficking and prescribed punishments of 3 to 15 years' imprisonment, which the US administration views as sufficiently stringent and commensurate with those prescribed for other serious crimes. The report also highlights that the National Police maintained an anti-trafficking department with 11 officers and 17 regional offices, each with three to eight officers investigating trafficking, child pornography,

and child sexual abuse. The Central Bureau of Investigations maintained an anti-trafficking coordinator at its headquarters and in each of its 17 regional branches, and the Border Guard operated a specialized central team and 10 regional anti-trafficking coordinators.

Despite NGOs assisting approximately 576 victims of forced labour in the last five years, authorities reported there were very few prosecutions for forced labour for several reasons: law enforcement had difficulty identifying forced labour, many offenses occurred abroad, there was no clear definition of what constitutes forced labour in the criminal code, and prosecutors and judges often lacked expertise in labour-trafficking cases. Additionally, observers reported prosecutors and judges lacked familiarity with victim-centred approaches, and were ignorant of the impact of trauma on victims as well as the severity and complexity of the crime.

The Polish government started to work on a new migration policy in 2020 when the Ministry of the Interior and other government institutions wrote a diagnosis of the migration situation for the UNHCR. The latter explains that because Poland is not a party to any UN conventions on statelessness, the country lacks a proper determination procedure for the stateless within its national framework. This must be remedied. Following the Covid-19 crisis, the UNHCR also pressed for the inclusion of asylum-seekers and refugees in Poland's national vaccination program.

VII. Main Actors

The State, and International and National NGOs

The UNHCR has been present in Poland since 1992. It currently has five national and two international staff in Warsaw who focus on advocacy, offering solutions, and promoting inclusion. Important issues it addresses include access to territory, challenges in using alternatives to detention, the quality of individual integration programs, and promoting access to legal counselling. The UNHCR promotes a positive narrative about the contributions of refugees and claims that it is encouraged by the positive results of an opinion poll on public attitudes towards refugees in the country.

Currently the UNHCR is working with the Helsinki Foundation for Human Rights and the Halina Niec Legal Aid Centre on issues of asylum and migration, as well as with the Rule of Law Institute on improving state-funded legal aid. These two projects are funded by Norwegian and EEA grants. The UNHCR also works closely with the Ministry of the Interior and Ministry of Family and Social Policy. It collaborates with the Polish Border Guard at all stages of the asylum process and works with the Union of Polish Metropolises to increase integration at the local level. It further works with social workers and teachers and has a Memorandum of Understanding (MoU) with the Warsaw Bar of Attorneys-at-law to expand the network of lawyers providing legal support to foreigners. The UNHCR also engages legal clinics of universities to provide training on refugee law and offers regular workshops to journalists to improve their knowledge on refugees.

Over the past decades, Poland benefited from support by the international community. Now a member of the United Nations, European Union, and the OECD Development Assistance Committee, Poland has become a development aid donor. Many NGOs in Poland offer

assistance to asylum seekers and refugees. The most important ones are the Helsinki Foundation for Human Rights, the Legal Intervention Association, the Ocalenie Foundation, the Foundation for Somalia, the Haliny Nieć Legal Assistance Centre, the Rule of Law Institute, the Polish Migration Forum, Refugee.pl, Polish Humanitarian Action, and the Polish Red Cross, a member of the international Red Cross and Red Crescent movements.

The Catholic Church

Caritas, the largest charity organisation in Poland, with 100,000 volunteers, is composed of 44 diocesan Caritas organisations as well as Caritas Poland. It has acted on behalf of the Polish Bishops' conference since 1990, coordinating national campaigns and providing international aid, supporting victims of natural disasters and armed conflicts around the world. Caritas Poland has been supporting migrants and refugees through the implementation of several projects co-financed by the National Programme of the Asylum, Migration, and Integration Fund and the state budget. These projects include the "Support system for foreigners residing in the Warmińsko-Mazurskie Voivodeship in the scope of adaptation and social integration," "Wielkopolska Common Cause," "Integration support system for foreigners staying on the territory of the West Pomeranian Voivodeship," and "Integration Support for Foreigners in the Masovian Voivodeship." These projects aim at improving standards of integration services provided to citizens of third countries in the Warmia-Mazury, Wielkopolskie, West Pomeranian, and Masovian provinces through counselling, Polish language courses, daycare centres for children, and social support.

With the approval of Cardinal Kazimierz Nycz, Archbishop of Warsaw, a group of Catholic and secular NGOs has launched a campaign titled, "Communities of Shelter," aimed at encouraging local communities and representatives of the Catholic Church to act favourably towards refugees. This came after a call from the Polish bishops to create humanitarian corridors for vulnerable refugees between Polish parishes. Through the help of Catholic organisations such as the Polish Migration Forum Foundation, the Foundation for the Service of the Republic of Poland, the Association for Legal Intervention, the Refugee.pl Foundation, the Catholic Intelligentsia Club, the Jesuit Social Centre "In Action," and the Community of Sant 'Egidio, the campaign offers free-of-charge services to all parishes in Poland. The initiative is to complement Caritas's 'Family for Family' programme that supports families in the Middle East.

The Jesuit Social Centre "W Akcji" (In Action), with its office based in Warsaw, addresses the cultural integration and education of the most vulnerable. In order to help migrants and refugees join the local community, JRS Poland - with the support of JRS International - provides social and pastoral support, offering Polish language courses, computer skills workshops, and special activities both for children (art, sculpture and science workshops) and refugee women (Polish cooking classes).

The Order of Malta in Poland is also active in alleviating the plight of the most vulnerable. It recently celebrated its 100th anniversary.

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