



Poland

## “Feeding in” and “Feeding out”, and Integrating Immigrants and Ethnic Minorities

A Study of National Policies

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## 1. Recent trends and developments

In the period, which elapsed since the previous report no new, relevant statistical data have been published, which would reflect the socio-economic development trends. A high economic growth rate still continues. In the second quarter GDP increased by 5.6% as compared to the same period in the preceding year. October was another month in line of a drop in the registered unemployment, which amounted to 14.9% (17.3% on October 2005).

The Polish parliament is completing the work on two acts amending the social legislation. The first one relates to extension of the maternity leave by two weeks and the second one imposes the income tax exemptions equal for each child in the family and amounting to PLN 120 (ca 30 EUR) annually<sup>1</sup>. The changes are related to the family policy rather than to inclusion policy. In the case new regulations are imposed they will have no visible effect on the poverty reduction. While considering the possible effect of the proposed amendments on the situation of families living in poverty, two factors should be taken into account. First, the scale of changes is small. Second, the proposed financial income instruments do not concern the social groups exposed to the high poverty risk. Regulations relate to working people and those who pay the income tax. Whereas, the poverty determinants in Poland indicate that the poverty risk relates in the first place to the unemployed and economic inactive. The risk relates also to people who are not covered by the income tax system (people living on social allowances other than old age and farmers).

## PART I: REPORT ON IMPLEMENTATION OF NATIONAL REFORM PROGRAMME 2006. FEEDING IN AND FEEDING OUT ANALYSIS.

### 1. Summary

The National Reform Programme implementation report does not address directly the NAP Inclusion as a major strategic reference. Neither it creates a coherent and visible policy, which combines the employment growth with poverty reduction. The lack of a general and mainstreaming approach to the inclusion policy in the NRP implementation report is a big disadvantage of the document. Instead of the general approach to poverty reduction and social inclusion and its country priorities, in the NRP implementation report we can see rather important but fragmentary explicit and implicit references, as well as strong bonds to some of the measures planned in the NAP Inclusion. This relates to the policy measures in such policy areas as reconciliation of work and family responsibilities, a housing programme for the poorest ones, activation of excluded and disabled people and co-operation with partners. Both documents stress the need of strengthening local administration in the field of social and labour policy.

A good example of mutual reinforcing of the social and labour policy measures, described in both documents, is the area of reconciling of work and family responsibilities. Both documents are fully complementary in this respect, combining social policy measures with the measures of the labour market. On the other hand, there is a visible lack of a comprehensive approach to the activation of persons farthest from the labour market such as long-term unemployed and low skilled persons. The

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<sup>1</sup> This change was announced in NAP Inclusion.

NRP implementation report is missing the relevant labour market policy measures for the risk groups on the labour market, which should reinforce the activation policy of persons farthest from the labour market, designed in the NAP Inclusion.

The approach presented in the NRP implementation report demonstrates insufficient complexity to capacity building of local social policy institutions. While the NAP Inclusion bases its concept of activation policy on better co-ordination of social assistance and labour market institutions, it is lacking in this important aspect of inclusion policy.

Building up the macroeconomic stability is an important precondition for economic development and reduction of unemployment and poverty. The strength of the NRP implementation report is an overall macroeconomic approach to increase employment and reduce unemployment, which are an important measure for achieving better social cohesion in the short and long-run.. However, taking into account that approximately 80 percent of unemployment in Poland is of structural character, more specific measures are needed to utilise good economic performance for reducing the scale of social risks of the most vulnerable groups, such as low skilled persons or long-term unemployed. Giving up the reduction of tax wedge through reduction of social contributions in 2007 is a significant disadvantage of the macroeconomic policy approach from the social inclusion perspective.

The envisaged social security reforms do not take into account the social inclusion perspective to a sufficient extent. The planned disability pensions reform can have a negative effect on poverty growth among the disabled persons. Another problem is underestimated growth of the employment ratio for women aged 55-64, planned in the NRP implementation report. Taking into account that extending employment periods and raising the retirement age are the most important measures for ensuring adequacy of the future old-age pensions, especially for women, the planned progress in this area seems to be insufficient from the social inclusion perspective.

Although raising the age of withdrawal from the labour market is envisaged as an important measure to increase the employment rate, the document is lacking in the social policy instruments to ensure the real progress in this field. This refers especially to long-life learning and care services for dependent persons, which are not envisaged in the document.

The microeconomic policy and structural policy assume measures, which could be of advantage for poor people and could increase access to telecommunication, energy and postal services. They also plan better access to such professions as lawyer, legal advisor and public notary what in the longer-run should contribute to reducing the charges for these services. In the field of social housing, both documents are just overlapping.

A major advantage of the NRP implementation report is focusing attention on creation of alternative jobs in the rural areas. This can contribute to a growth of rural population incomes and a reduction of rural unemployment, including hidden unemployment, thus contributing to reduction of poverty. Also the positive aspect of the NRP implementation report is the planned imposition of the rules for financing the labour market services depending on effectiveness of these institutions. The social contract involving employees and employers representatives, currently under way, can help in introducing more flexible rules on the labour market, which may contribute to creation of new jobs for the unemployed, in addition to improved social security measures.

A serious gap is disregarding of the problem of access to lifelong learning and vocational training of people at the risk of exclusion or already excluded. From the perspective of the social inclusion policy a concern arises due to the lack of reference to problems of reducing the differentiation in the access to

quality education. In Poland large discrepancies still persist in the access to university education between inhabitants of the urban and rural areas. In addition, the education process does not eliminate the differences due to family status of children. Also there are no guidelines relating to improvement of access to quality education for the disabled children and young people.

## 2. Feeding in analysis

### 2.1. Stakeholders' involvement/consultation in the Lisbon National Reform Programme (NRP)

In 2005 the government of Poland held consultations about preliminary draft of the National Reform Programme 2005-2008 (NRP). The participants in consultations were experts, representatives of the ministries, the Parliament, scientific circles, governmental organisations and NGOs, employers and employees associations. The use was made of the Internet, organised conferences and mass media. The NRP was debated in the Parliament, which took notice of the document. The European Commission considered the scope of social consultations held at the stage of document preparation as unsatisfactory. In August the permanent Committee of the Council of Ministers adopted Implementation Document of the National Reform Programme<sup>2</sup>, which contains the NRP implementation tools. This document was also subject for social consultations, however, the scope of consultations was very limited. The 2006 Report on implementation of the National Reform Programme for the Lisbon Strategy implementation after the first year of realisation (NRP implementation report) was adopted by the permanent Committee of Council of Ministers. So far, apart from the governmental consultations, the only form of the public consultation has been its presentation on the Ministry of the Economy website.

An institution of vital importance for the public debate the Lisbon Strategy is the Polish Lisbon Strategy Forum (PFSL)<sup>3</sup>. It is a project based on public-private partnership, combining various NGOs, administration, business and scientific circles, in the frames of open public debate for better Poland's and the European Union's policy. The forum originated in 2003 at the initiative of the Gdansk Institute for Market Economic, in co-operation with the Office of the Committee of European Integration. In 2006 the Ministry of the Economy took over the role of the Forum's governmental major partner.

PFSL organises public, Lisbon Strategy related debates, on social and economic problems, issues publications and works out recommendations for the policy. It elaborated also recommendations for the National Reform Programme<sup>4</sup>, which were debated on the conference "National Lisbon Strategy for Growth and Employment; Recommendations for the National reform Programme 2005-2008", organised by PFSL in December 2005.

### 2.2. Social Inclusion /Social Protection challenges

The priority given to employment growth in the renewed Lisbon Strategy is based on the two assumptions: that social cohesion cannot be achieved if there is a shortage of jobs and that under comprehensive demographic transformations low employment rate eliminates a possibility of maintaining the majority of basic features of a social and economic model. This approach is mostly

<sup>2</sup> National Reform Programme Implementation Document 2005-2006 for implementation of the Lisbon Strategy. [www.mg.gov.pl](http://www.mg.gov.pl)

<sup>3</sup> See: [www.pfsl.pl](http://www.pfsl.pl)

<sup>4</sup> National Lisbon Strategy Forum for Growth and Employment, PFSL Recommendations for the National Reform Programme 2005-2008 in the area of public finances reform, microeconomic reforms (regulations, sectors and markets), as well as employment, social policy and education, PFSL, Warszawa-Gdansk, December 2005.

adequate for Polish conditions. In Poland's situation employment growth and unemployment curb are fundamental conditions for reduction of poverty and social exclusion in the short term, as well as for maintaining stability and adequacy of pension schemes in the long run.

The measures aimed at employment increase may substantially improve effectiveness in achieving the objectives of NAP Inclusion 2006-2008, which concentrates on two social priorities: support for families with children and integration through activation. The two remaining NAP Inclusion priorities, i.e. mobilisation and partnership, as well as and better governance, should create better institutional and organisational framework for effectiveness of the pursued policy. The success in realisation of NAP Inclusion priorities depends on progress in employment increase and a drop of unemployment. It is unemployment and poor vocational activity of parents bringing up children, which are basic socio-economic features of families with children, increasing the risk of poverty. However, the extent to which an effective policy for employment growth and unemployment reduction will translate into reduction of poverty and social exclusion, as well as to what extent it will directly support realisation of the NAP Inclusion priorities, depends on whether the envisaged measures take into account the specific problems of vulnerable groups.

The lack of a general and mainstreaming approach to the inclusion policy in NRP implementation report is a big disadvantage of the document. The NPR implementation report does not address directly the NAP Inclusion as a major strategic reference. Neither it creates a policy, which combines the employment growth with poverty reduction. There is also a lack of important aspects of policy, which could contribute to realisation of the NAP Inclusion priorities such as: strengthening the measures of active labour policy for long-term unemployed or low skilled persons or better access to high quality education and training for vulnerable groups. Instead of the general approach to poverty reduction and social inclusion we can see in the NRP implementation report rather important but fragmentary explicit and implicit references and strong bonds to the some of the planned measures. This relates to the following policy measures:

- Reconciliation of work and family responsibilities,
- A housing programme for the poorest ones,
- Vocational activation of excluded and disabled people,
- Co-operation with partners,
- Capacity building of the local social administration.

### *2.2.1. Reconciling of work and family responsibilities*

The NRP implementation report relates directly to the NAP Inclusion in this area of action. Both in the NAP Inclusion and in the NRP implementation report, a vital role takes the reconciliation of work and family responsibilities. In this area the documents are fully complementary, both in the context of policy priorities and implementation measures. The NAP Inclusion treats the measures for supporting families in their performance of professional and family functions as a social policy measures. The measures envisaged in the NAP Inclusion refer mainly to social policy related measures, including:

- Legislative measures for increasing the option of flexible reconciliation of child care with work (reform of maternity benefits and child care benefits),
- Development of care-taking services in the area of pre-school education,
- Promotion of flexible forms of employment for parents of tutors,
- Extension of the catalogue of prevention services in the area of support for families with problems in proper performance of care-taking and tutorial functions.

The NRP implementation report places this policy within the context of employment increase of women. It provides the measures oriented towards occupational integration and reintegration of women on the labour market and measures relating to dissemination of flexible forms of employment. The NRP implementation report makes references to the National Action Plan for Employment 2006 (relating to labour market measures) and to the Government Programme for support of the development and education of small children (including *inter alia* support for families and especially mothers in solving child upbringing problems), as well as to the Government Programme of education development in the rural areas (dissemination of pre-school education). In addition, strengthening of policy for reconciling work and child care can be connected with the planned in NRP implementation report measures for increasing flexibility and diversity of forms of employment and work organisation.

### *2.2.2. A housing programme for the poorest*

According to estimates of the Urban Development Institute the deficit of social dwellings for the poorest people amounts to about 125 thousand<sup>5</sup>. In 2004-2006 a pilot programme has been realised regarding social dwellings for the poorest, consisting in granting subsidies for the communes, which invest into building of social dwellings for the poorest citizens, as well as night shelters and accommodation for the homeless. NAP Inclusion, within the framework of measures relating to realisation of priority one (supporting families with children) envisages a continuation of the pilot programme from 2007, as a result of adoption of the act on social dwellings. According to NRP implementation report these activities are envisaged under the infrastructure development measures. In both documents reference is made to the planned development of a new legislation, which will be a basis for the programme continuation. The draft proposal of new act has been already submitted to the Parliament. The NRP implementation report envisages the sum of PLN 470 million for implementation of the project of support for building dwellings for the poorest as well as night shelters and accommodations for the homeless in years 2005-2008<sup>6</sup>. Both documents are in that point fully coherent.

### *2.2.3. Vocational activation of the disabled*

Both in the NAP Inclusion and NRP implementation report implicit references are made to vocational activation of the disabled persons. However, there is lack of a comprehensive approach to employment of the disabled persons, which will combine active labour market policy measures with social and educational policy.

The new act on employment promotion and labour market institutions, adopted in 2004, refers to the disabled who are placed within risk groups of the unemployed requiring special active labour market measures. However, the document neither refers to evaluation of the adopted measures nor to the need for any improvements in this respect.

Both documents make reference to proposal for the amendment of the act on the vocational and social rehabilitation and employment of the disabled, which the government submitted to the Parliament this summer. The draft legislation is mainly of orderly character, but it also introduces new solutions, which

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<sup>5</sup> Data of the Urban Development Institute: "Guidelines of development of national instruments for housing for the poorest support, based on experiences of a pilot programme and research" Warsaw, September 2006, <http://www.irm.krakow.pl/>

<sup>6</sup> NAP Inclusion envisages that the support programme of social dwelling for the poorest and building of night shelters and accommodation for the homeless will be financed from regional funds of the Structural Funds. NRP implementation report envisages programme financing by the state budget. As the Structural Funds financial means were included in the state budget, it can be assumed that both documents refer to the same source of financing.

strengthen the financial support to the employers who employ the disabled persons. Both documents envisage also commencing work on a new act on vocational and social rehabilitation and employment of the disabled, which is to impose uniform rules for supporting employment of the disabled, whether it refers to enterprise on the open market or sheltered workshops. In addition, the NAP Inclusion envisages that a new act will take into account *inter alia* the need to establish specialised counselling and labour exchange and a network of work trainers and assistants to the disabled persons. According to both documents the new legislation has to be implemented in 2008.

It is obvious that the existing solutions on occupational and social integration of the disabled are insufficient. However, the general planned measures seem to be still insufficient and incomprehensive, especially with regard to the measures which will improve access of the disabled persons to vocational training and other measures, which should be provided under the regime of the act on employment promotion and labour market institution, education and vocational training of the disabled, as well as the policy on disability assessment and disability pensions. It seems that positive economic trends and additional financing under the Structural Funds offer good prospects for effective solutions to the problem of the low employment of the disabled. From this perspective the targets as presented in the grid are definitely too low<sup>7</sup>.

#### *2.2.4. Support for people farthest from the labour market*

Regarding the issue of vocational activation of people farthest from the labour market, explicit reference to the NAP Inclusion is made in the NRP implementation report, however, there is a lack of a comprehensive approach to this issue in both documents. The NAP Inclusion envisages the social policy measures for activation of people excluded from the labour market, such as a reform of the social assistance system, development of social economy and support for public-private partnership, which should facilitate undertaking such measures. However, there is the lack of measures, which should strengthen social policy approach in NAP Inclusion and bring people to the labour market. Unfortunately, they are also absent in the Report on NPR.

Taking into account the policy presented in both documents we can have the impression that the policy for the groups farthest from the labour market is just shifted to social assistance institutions. However, the NAP Inclusion assumes that the social rehabilitation of the most vulnerable groups should partially lead to their reemployment. To achieve this, the specific labour market measures should be in place. Combining both kinds of measures: social and occupational activation rather than shifting responsibilities, could be a proper and the most effective way of achieving progress in combating unemployment and poverty.

The policy presented in the NAP Inclusion aims at people in particularly difficult situation, who need a special support. Because of the need for individualised approach and long-term therapeutic treatment, they are oriented mostly towards social rehabilitation, which does not necessarily lead to employment. Therefore, the measures envisaged in NAP Inclusion are based on social assistance institutions, as well as on local government initiatives and NGOs.

They are not suited to the needs of the group of long-term unemployed, who do not exhibit major dysfunction, and their long-term unemployment is caused rather by e.g. their age or living in regions of high structural unemployment or insufficient vocational qualifications.

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<sup>7</sup> It is envisaged that the disabled employment rate will increase by 2.7 percentage points (from 18.1% in 2004 to 20.6% in 2008) and the percentage of the disabled, employed in sheltered workshops, in the total disabled employment will drop from 85.9% in 2004 to 80.19% in 2008.

A substantial reduction of the number of the long-term unemployed, as envisaged in the NRP implementation report, is not feasible only with the social policy measures planned in the NAP Inclusion. This needs labour market measures, such as better access of long-term unemployed to active labour market programmes, realised by labour institutions. The lack of such measures oriented towards long-term unemployed can result in weakening of the effect of the inclusion policy. Although the NRP implementation report envisages a general improvement of the standards and accessibility of services rendered by the labour market institutions (mainly labour exchange), but these activities are oriented towards the unemployed in general and may be insufficient to ensure improvement in the access to active labour market programmes for the vulnerable groups at the labour market. After amendments to employment regulations in 2004 and implementation of the ESF financed programmes, the access of the long-term unemployed to active labour market programmes slightly improved, but still it is too narrow. In this context the assumed drop in the number of the long-term unemployed by 40% in 2004-2008 (cf. the grid) seem difficult to achieve.

#### *2.2.5. Strengthening local institutions*

The need for strengthening social assistance and labour market institutions, as well as improvement of the process of policy programming and co-ordination on the local level is discussed in both documents. Although both approaches do not contradict each other, they are not fully coherent. NAP Inclusion places emphasis on improvement of co-ordination of the social assistance policy and labour market institutions, whereas NRP implementation report completely disregards this problem. However, one should point out to the fact that the competencies and co-operation of the labour market and social assistance institutions, dealing with people at the risk of social exclusion, got special attention in the National Action Plan for Employment 2006<sup>8</sup>.

In both the NAP Inclusion and NRP implementation report emphasis is put on improvement of governance and administration. NAP Inclusion focuses on improvements of social policy programming on the local level, strengthening administrative capacities of social assistance and labour market institutions and improvement of the quality of their services. NRP implementation report draws attention to the need for strengthening institutional servicing of the labour market and improvement of the quality of services rendered by these institutions.

#### *2.2.6. Co-operation with partners*

Co-operation with partners can be discussed from a double perspective. First, it is essential whether and to what extent, development of strategic documents is at the same time a process of a widespread consultation and public debate, leading to mobilisation of the relevant partners and their involvement into the realisation process. Second, it is important if and to what extent, these documents envisage changes, which shall lead to strengthening the co-operation and role of partners in government programmes implementation.

In the case of both documents the consultation process was much more limited than in the case of development of NAP Inclusion 2004-2006 and the first issue of the National Reform Programme. In particular, no consultations were held with territorial self-governments on the regional and local level. Without their involvement one can hardly imagine realisation of the greater part of plans presented in

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<sup>8</sup> [www.mpips.gov.pl](http://www.mpips.gov.pl)

the NAP Inclusion and the measures envisaged in the microeconomics and employment parts of the NRP implementation report.

Regarding co-operation with social partners and NGOs, both documents refer to the planned broad social negotiations to elaborate a social contract: "Economy-Labour-Family-Dialogue"<sup>9</sup>. The objective and scope of negotiations with social partners have been established during the meeting of the Tripartite Social Dialogue Commission.

The priority areas for discussion include *inter alia* employment growth and unemployment curb, including the long-term unemployment in the first place, reduction of the poverty sphere and social exclusion through active social policy, strengthening of the family through social and economic development, as well as development of the civil society by supporting initiatives of the society.

Both the NAP Inclusion and in the NRP implementation report envisage extension of co-operation with NGOs.

### 3. Feeding out analysis

#### 3.1. The area of macroeconomic and budgetary policy

The macroeconomic part of the NRP implementation report focuses on measures for reducing public finances deficit. It is obvious that macroeconomic stabilisation is a necessary condition for achieving high economic growth, thereby creating conditions for reduction of poverty. But, as shown by the so far existing trends in economic growth, employment and poverty in Poland, the economic growth is not a sufficient condition for deep reduction of unemployment and poverty reduction. The economic growth noted as from 2003, only in 2005 translated into a drop in unemployment and employment growth. Despite positive trends in economic trends the 2004 and 2005 HBS have not shown any improvement as concerns the sphere of extreme poverty<sup>10</sup>.

The most important condition for improvement of the situation in poverty is reduction of the structural unemployment, which amounts to about 80% of the total unemployment. A special, and in the Polish situation probably the most crucial, measure to achieve it is the reduction of the non-wage labour costs as compared to the present level<sup>11</sup>. The tax wedge is at present too high to create new jobs for groups with the limited access to the labour market. It is also a major cause of large unregistered employment, which in consequence, due to the lack of social insurance of the employed in the grey zone, may lead to poverty. Taking into consideration the very serious differentiation of Poland's labour market, the postulate to reduce the tax- wedge burden should be treated seriously, especially in the case of low-paid people, i.e. young people entering the labour market, older people re-entering the labour market after a long break and low skilled people. Unfortunately, such solutions are not envisaged, at least in 2007. Although the NRP implementation report envisaged adoption of the provisions reducing social insurance contributions in total by 4.65 percentage points, the Council of Ministers has abandoned the project to reduce the social insurance contribution. The work on new tax regulations, which now have

<sup>9</sup> The work on draft social contract commenced in the first quarter of 2006.

<sup>10</sup> Cf. 1<sup>st</sup> Semester Report on Social Inclusion 2006.

<sup>11</sup> Sztanderska, U. Wóycicka, I. Matysiak, A. Białecki, I. : Reformy rynku pracy i polityki społecznej [Reforms of the Labour Market and Social Policy], National Lisbon Strategy Forum for Growth and Employment, PFSL Recommendations for the National Reform Programme 2005–2008 in the area of public finances reform, microeconomic reforms (regulations, sectors and markets), as well as employment, social policy and education, PFSL, Warszawa-Gdańsk, December 2005.

been completed at the stage of Parliamentary commissions<sup>12</sup> do not envisage such steps also in the future. One can assume that abandoning this important measure increasing employment prospects, especially for low-skilled people, is connected with the planned 2007 state budget excessive expenditures.

The envisaged social security reforms do not take into account the social inclusion perspective to a sufficient extent. It is envisaged that improvement in public finances will be a result of the reforms of disability pensions system and farmers social insurance system. These reforms, if properly designed, should improve financial stability of the social insurance system in the long-term. But it should be pointed out that achieving a long-term financial stability of social insurance systems should not be achieved by imposition of excessively low benefits, which would lead to increased poverty of the recipients. Whereas, the announced disability pension system reform, whose objective is “unification of the rules of operation of the disability pensions and the pension system as regards establishment of the level of benefits<sup>13</sup>” may lead to a dramatic deterioration of the situation of people living on disability pensions. Also it should be mentioned that already now there is a high exposure to the risk of poverty among families living on disability pensions.

A major problem relating to the pension system reform imposed in 1998 is the envisaged drop in the future pension level<sup>14</sup>. The replacement ratio for old age pensions payable under the new pension system in the future can be too low to protect pensioners against poverty. This risk concerns especially women. Increasing the retirement age and extending the period of work for women, is one of the most effective solutions to avoid such a risk. At the same time, the political steps made to avoid this risk seem too modest and slow. Reading of the document creates an impression that the government is not determined on this matter. Specifically, the document avoids references to increasing the retirement age. It is envisaged that “a debate will be held on a more flexible retirement age”<sup>15</sup>. Another problem is the much-underestimated growth of the employment ratio for women aged 55-64 planned in the NRP implementation report. Taking into account that raising the retirement age and extending employment periods of work are the most important measure for ensuring adequacy of the future old-age pensions, especially for women, the planned progress in this area seems to be insufficient from the social inclusion perspective. The NRP implementation report envisage the increase of the employment rate of older women only by 1 percentage point within 4 years, i.e. much below the growth of employment ratio for men of the same age<sup>16</sup>.

An important context of the social protection system reform, which should be regarded both as the objective of reforms and the buffer of changes, is growth of employment. The planned restriction of access to early retirement in NRP implementation report is both desirable and feasible, to the extent that there will be changes increasing employment of older people at the productive age. However, achieving this objective requires a cross sectoral, integrated policy, aligned in time, and taking into account *inter alia* such elements as adaptation of the organisation and time of work to the needs of older employees,

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<sup>12</sup> [www.sejm.gov.pl](http://www.sejm.gov.pl)

<sup>13</sup> See: grid, p.1

<sup>14</sup> The projections of the future pensions replacement ratio were made *inter alia* under AWG. The results confirm earlier projections of the Gdansk Institute for Market Economics.

<sup>15</sup> It should be remembered that the process of reducing access to early retirement has been largely weakened by adoption by the Parliament in September 2005 of amendments to legislation allowing miners to retain the privilege of early retirement, as well as postponing the date for imposition of restrictions to early retirement for other professional and social groups by one year. So far there has been no governmental proposal for an act to regulate the issue of restrictions to early retirement. By virtue of the binding regulations, as a result of the broad access to early retirement, the actual retirement age is by 4-5 years lower than the legal retirement age.

<sup>16</sup> The employment ratio for men aged 55-64 is to increase from 36.0% do 40% in 2004-2008 and for women at the same age from 21.0% do 22%.

development of institutions exercising care over dependent people, access to lifelong learning, etc. Elements of such co-ordination appear in the documents under discussion, but unfortunately, they do not include all policies, which are vital for progress. There is a lack of clear co-ordination of action between the policy to increase the employment of older people and the lifelong learning policy. Poland participation of older employees in lifelong learning is marginal<sup>17</sup>. The Implementation Document adopted by the permanent Committee of the Council of Ministers on 3 August 2006<sup>18</sup> envisages a very modest growth of participation of older people (aged 55-65) in lifelong education<sup>19</sup>, whereas the NRP implementation report disregards this indicator completely.

Poor accessibility to care services in Poland may create also a serious obstacle to employment of older people at the productive age who often are burdened with nursing of the dependent persons. Report on Social Protection and Social Inclusion 2006-2008 envisages a development of nursing services to be connected with imposition of the mandatory nursing insurance. However, there is no reference to this matter in the NRP implementation report, although imposition of the nursing insurance will have an effect on public finances.

### 3.2. The area of microeconomic and structural policy

In the area of microeconomic and structural policy a positive effect on implementation of the social inclusion priorities (providing access to the means, commodities and services) will have the planned de-monopolisation and liberalisation of such network sectors as telecommunication, energy and postal services. In addition, increasing accessibility of the profession of the lawyer, legal advisor and public notary in the longer run should contribute to reducing the charges for these services. At present the level of these charges creates a serious obstacle to access both for small entrepreneurs and individuals. However, the imposed amendments relating to access to these professions were questioned by the Constitutional Tribunal and will have to be changed. The NRP implementation report states that new legislative proposals are under way which are to follow a similar direction as the questioned regulations.

A vital condition for reduction of structural unemployment is creating possibilities for mobility of employees, i.e. development of dwelling construction, extension and accessibility of transport infrastructure. Shortage of dwellings is one of the serious causes of poor mobility on the labour market, which results in a high regional diversification of employment and unemployment rates and inaccessibility of jobs for people living far from developing economic centres. The NRP implementation report takes into account the need to eliminate barriers to the development of housing and transport. Till the end of 2006 amendments to the law on spatial planning and management will be developed, aimed at rationalisation of the spatial planning process and a further simplification of preparation of the planning documents. This should translate into a growth in the coverage of the communes with local plans and rendering for use of new areas for housing development. Also the work is under way on planning of the use of the EU funds, *inter alia* for the development of road, railway and air network.

<sup>17</sup> Por. Matysiak, A: Lifelong Learning, Institute for Market Economics and Polish Lisbon Strategy Forum, Warsaw 2004.

<sup>18</sup> Implementation Document of the National Reform Programme 2005-2008 for implementation of the Lisbon Strategy constitutes Annex to the National Reform Programme 2005-2008, adopted by the Council of Ministers on 9 December 2006 [www.mg.gov.pl](http://www.mg.gov.pl)

<sup>19</sup> By 0.2 percentage points (to the level of 2.4 for women and 3.8 for men), whereas the envisaged growth of this percentage for younger age groups is much higher.

### 3.3. The area of labour market policy

Unemployment in Poland is primarily of the structural nature. Thus the vital role in unemployment curb is that of structural reforms. The area of labour market policy is devoted to these reforms. The NRP implementation report outlines the major objectives of the labour market policy. These are employment growth and unemployment reduction. These objectives are fully compatible with and support the social inclusion process. Unemployment and weak economic activity of adult family members are the most crucial factors leading to poverty in Poland. However, the relation between the labour market policy and social inclusion is not accentuated in the document.

The NRP implementation report is lacking in a comprehensive approach towards disfavoured persons at the labour market. The act on employment promotion and labour market institutions, which is referred to in the NRP implementation report, enumerates the groups of the unemployed in particularly difficult situation on the labour market, designing special active labour market policy instruments for them. These groups include: unemployed up to 25 years of age, long-term unemployed, unemployed over 50 years of age, unemployed without professional skills, unemployed who alone bring up at least one child up to 7 years of age, and disabled unemployed. Although the act was implemented in 2004 there has been no evaluation of the so far implemented measures. The NRP implementation report itself refers in greater detail only to the measures on the labour market relating to certain groups disfavoured on the labour market. It concentrates on unemployed persons below 25, the disabled persons and unemployed persons over 50. A concern is raised by the fact that no reference is made to a policy towards long-term unemployed and unskilled employees, although the number of such unemployed people is very high. The document does not refer to any new measures for activation of these groups on the labour market.

A major advantage of the NRP implementation report is focusing attention on creation of alternative jobs in the rural areas. New jobs creation outside agriculture is one of the basic conditions for Poland's agriculture restructuring. It can also contribute to a growth of rural population incomes and a reduction of rural unemployment, including the hidden unemployment, thus contributing to reduction of poverty. The NRP implementation report refers to rural entrepreneurship support projects financed from the Structural Funds. But the document exhibits a lack of a more complex vision of the rural areas development process, which should take into account various instruments, such as access to education and training. A vital instrument supporting new jobs creation in the rural areas should be also a reform of farmers social insurance system. But in the part relating to this reform no reference is made to the process of job creation outside agriculture in the rural areas.

A positive aspect of the NRP implementation report is the planned imposition of the rules for financing the labour market services depending on effectiveness of these institutions. The NRP implementation report points out to a substantial increase in the funds designed for active labour market policies, due to utilisation of the European Social Fund. A vital issue is constant monitoring of the effects of the labour market policies. Although, despite the increase, the allocated funds are too small, still they are partly wasted due to a lack of adequate monitoring of their spending.

The NRP implementation report envisages increasing the labour market flexibility. A further liberalisation of dismissals, especially group dismissals from work and easier assuming the labour relation, including non-standard forms, may contribute to creating new jobs for the unemployed. A major advantage of the approach presented in the document is drawing attention to the need to take into account the many aspects of the subject, especially the role of adequate solutions in the scope of social security (flexicurity). Unfortunately, the document does not specify the area of the planned changes relating to

an increase of the labour market flexibility. The issue of greater labour market flexibility is to be covered by a social contract involving employees and employers representatives, currently under way.

A major weakness of Poland's labour market are structural inconsistencies relating to education and professional skills. They are among the essential causes of structural unemployment. Labour market deregulation alone cannot solve the problem of unemployment of people with inadequate qualifications and excessively low education level.

The NRP implementation report refers to the planned measures for adaptation of vocational education to the labour market and development of lifelong learning<sup>20</sup>. But a serious gap is disregarding of the problem of access to lifelong learning and vocational training of people at the risk of exclusion or already excluded. Attention is focused on the fact that access to ESF largely increased the funds for vocational training in enterprises and for the unemployed. But reflection is needed on the existing mechanism of disposal of the ESF funds for vocational education and improvement of professional skills in enterprises, from the effectiveness point of view.

From the perspective of the social inclusion policy a concern arises due to the lack of reference to problems of reducing the differentiation in the access to quality education. In Poland large discrepancies still persist in the access to university education between inhabitants of the urban and rural areas. In addition the education process does not eliminate the differences due to family status of children. Also there are no guidelines relating to improvement of access to quality education for the disabled children and young people.

The Report refers to the issue of reducing unemployment in the grey zone of the economy. Although the activities in this area are at their early stage, touching on this subject is vital also from the point of view of social inclusion. Working in the grey zone is connected with the lack of social insurance, which at the moment of appearance of a social risk may lead to poverty and social exclusion.

#### 4. Analysis questions per guideline of the NRP implementation report

*GL 5 To ensure that wage developments contribute to macroeconomic stability and growth.  
(...)In particular, Member States should: renew impetus in tax and benefit reforms to improve incentives and to make work pay*

This recommendation is very relevant for Poland due to a combination of high unemployment among low skilled people and relatively high tax wedge, which create a barrier to employment of these people. Reducing the tax wedge may be also considered as a measure for increasing the supply of labour of low skilled people and increasing their net wages. All these measures lead to reducing poverty among families with unemployed members, as well as among the working poor. The government planned to reduce social insurance contributions by 4.65 percentage points in 2007 without reducing the level of benefits and in the following year to reduce by 1 percentage point the tax base in the first taxation group

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<sup>20</sup> This includes promotion of modern education methods, diagnosis of labour market demands, establishment and dissemination of national vocational qualifications standards based on identified demands of employers, stimulating training institutions for improving the quality of educational offer, promotion and support for institutions ensuring high employability upon completion of training. The NRP implementation report includes into the measures crucial for improvement of the quality of training also the requirement to register publicly financed training institutions. However, it should be pointed out that the registration procedure is not connected with evaluation of the quality of training and thus cannot influence its improvement.

(people with low income). Unfortunately both plans were abandoned. The government plans at the first stage were to reduce excessive spending in the 2007 budget.

*GL14 To create a more competitive business environment and encourage private initiative through better regulation*

The measures related to corporate social responsibility focus on promotion of the behaviour protecting the environment. Measures are implemented to increase ecological awareness among the producers and consumers and promoting energy efficiency and for consideration of environmental criteria in publicly financed tenders – the so called “greening of public procurements”.

*GL18 Promoting a lifecycle approach to work*

⇒ *GL 2 To safeguard economic and fiscal sustainability as a basis for increased employment*

The NRP implementation report exhibits and overall approach to promotion of lifecycle approach to work. This relates both to adding flexibility to the forms and organisation of work, imposition of an option for flexible retirement, improvement of the conditions and safety at work and development of pre-school education and life-long learning.

In 1998 Poland introduced a modern pension system, which increases the incentives for longer vocational activity. But the pension reform was not completed and it is still postponed. In 2007 at the latest legal acts should enter into force (relating to bridging pensions and organisation of benefit payments under the second pillar of the pension system), which will ensure full implementation of the reform. NRP implementation report announces development of these acts and their submitting to the Parliament. The specific contents of the acts will be highly decisive for maintaining the proper relations between social protection system, inclusion process and the labour market:

- The shape of the act on bridging pensions will decide if and to what extent Poland will decide to impose restrictions on the right for early retirement thus creating conditions for increasing employment of older people at the productive age.
- The provisions of the act on payment of pensions under the second pillar of the pension system will decide if the pension system will be gender fair.
- The act on payment of pensions under the second pillar of the pension system will be decisive on the level of the future benefits and whether and to what extent they will be inflation protected, this issue is bound to the social inclusion process.

A major problem in the longer run is the amount of future pension benefits, especially if there will be no changes of the retirement age. At the same time, the steps announced in the NRP implementation report (and in the Report on Social Protection and Social Inclusion) towards this direction seem to show little determination and to be too slow. The first pensions under the new pension system are to be paid in 2009. Since that moment pensions will decrease in relation to wages every year. The problem is gender specific. Women, due to the gender wage gap and earlier retirement age are more than men exposed to the risk that their pensions will not be sufficient to protect them against poverty in the future.

*GL19 Ensuring inclusive labour markets*

A general approach to the access to jobs of vulnerable groups, included in the NRP implementation report, is definitely insufficient. The specific situation of such people as long-term unemployed and or

low skilled has not been sufficiently considered in the labour market instruments and development of programmes of lifelong learning and vocational education.

*GL21 Promote flexibility combined with employment security and reduce labour market segmentation, having due regard to the role of social partners*

The NRP implementation report envisages imposition of further measures aimed at greater flexibility of the labour market. It is also envisaged that specific actions in this area will be agreed upon during negotiations with the social partners under the planned social contract.

*GLs23-24 Expand and improve investment in human capital, Adapt education and training systems*

The measures and targets relating to vocational education and life-long learning are missing on instruments relating to better access to vocational education and lifelong learning for the excluded persons or those at the risk of exclusion. Disregarding this problem will have a detrimental effect on the social inclusion process. A similar effect may have the lack in the NRP implementation report of educational policy aimed at reducing the discrepancies in the access quality education and levelling educational chances, both in the regional and local environment context.

## 5. Annex

Table 1. Supporting families with children

Priority Objective: Supporting families with children										
Input or Output targets	Indicators to measure progress		Policy Measures							
			Employment	Economic	Income: tax, social protection	Education & Training (incl. ICT)	Housing, Environment & Basic Services	Health & Social/Family Services	Culture, Sport & Leisure	
30  9	Percentage of employed in non-standard forms of employment in the total number of employed for the fixed period  Percentage of employed in non-standard forms of employment in the total number of part-time employment.		Promotion of self employment among the unemployed  Agreement on distant work  More flexibility to employment forms under the social contract					Pilot programme of social dwellings and night shelters and accommodation for the homeless		
		<i>Main New measures</i>	Development of flexible forms of employment  Integration and re-integration of women on the labour market					The act on support to social housing	Increasing access to pre-school education	

POLAND

		<i>Additional resources</i>					PLN 450 mln		
		<i>How do these measures address gender inequalities?</i>					Measure for improvement of the gender equality		
		<i>Agencies responsible for delivery (national, regional, local)</i>							

Table 2. Active integration

Priority Objective: Active integration									
Input or Output targets	Indicators to measure progress		Policy Measures						
			Employment	Economic	Income: tax, social protection	Education & Training (incl. ICT)	Housing, Environment & Basic Services	Health & Social/Family Services	Culture, Sport & Leisure
3000	Number of employment agencies	<i>Key Existing measures</i>	1. Act on employment promotion and labour market institutions						
500 000	Number of people who gained employment through employment agency		2. Act on social co-operatives						
2830			3. Implementation of vocational activation programmes of people at particular unemployment risk						
950000	Number of employees of public employment services trained in the use of standards		4. Establishment of Social Integration Centres						
750000									

POLAND

46,1	Number of long-term unemployed	<i>Main New measures</i>	5. Amendment to the law on employment promotion and labour market institutions to implement new legal and organizational solutions ensuring increased access to labour market services						
12,9	Number of people included into labour market measures		6. Amendments to the act on social and vocational rehabilitation and employment of the handicapped						
15	Percentage of long-term-unemployed in the number of the unemployed		7. Adoption of a new act on support to employment and social and vocational rehabilitation of the handicapped						
19,5	Young people unemployment rate according to LFS		8. Promotion of self employment among the unemployed						
34,0	Older people unemployment rate according to LFS		9. Agreement on telework						
44	Percentage of the unemployed included in active forms related to the number of outflow		10. More flexibility to employment forms under the social contract						
20,6	Percentage of the unemployed included in active forms related to annual average number of the unemployed	<i>Additional resources</i>							
21	Rate of renewed employment of the labour market participants (3-6								

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25,0	months after use of the instrument)	<i>How do these measures address gender inequalities?</i>	Neutral						
38,45	Employment rate of disabled persons at the productive age (15/59-64 years)								
80,19	Unemployment rate of disabled persons at the productive age (15/59-64 years)	<i>Agencies responsible for delivery (national, regional, local)</i>	MOLSP, labour offices (regional and local)						
	Economic activity rate of disabled persons age 15/59-64 years								
	Percentage of handicapped employers and self employed in the total employment of the handicapped (15/59-64 years)								
	Percentage of the disabled employed in sheltered workshops in the number of the disabled registered in the sheltered workshops								

## PART II: INTEGRATION OF IMMIGRANTS

### 1. Data on immigration in Poland

Poland has no vast experience in integrating immigrants and national and ethnic minorities. According to the 2002 national census, the number of Polish citizens declaring their allegiance to national minorities was 253,303 (0.7% of the country's population), with the highest number of Germans (147,049), Byelorussia's (47,600), Ukrainians (27,172) and Roms (12,371). The number of alien residents in Poland, according to the 2002 national census was 49,200 (being 0.1% of Poland's population). Even though the numbers registered during the census are significantly lower than the real numbers of national and ethnic minorities and foreigners residing in the country, Poland remains a country of high nationality and ethnic homogeneity.<sup>21</sup>

Before 1990, the inflow of immigrants into Poland was very marginal and therefore, Poland does not have significant second and third generation immigrant groups. The situation has changed in 1990, after liberalisation of the entry and labour market regulations. According to the data obtained during the 2002 national census, 14,500 foreigners have settled in Poland (obtained permanent residence permits) between 1989 and 2002. The 2002 national census has recorded 34,100 people with permanent residence abroad, temporarily residing in Poland for periods of more than two months. More than 22,700 people are immigrants residing in Poland between 2 and 12 months. The majority of immigrants in Poland originate from Ukraine, Russia and Byelorussia, Armenia, Vietnam and Kazakhstan. Among the immigrants arriving from neighbouring countries, the vast majority were people aged 20 – 35.

The Office for Repatriation and Aliens is registering official statistics of residence permit applications submitted by foreigners in Poland, broken down by category of granted residence permits. The data recorded by this office indicate that the main countries of origin of the immigrants are the neighbours of Poland such as Ukraine, Byelorussia, Russia (mainly Chechnya), Armenia and Vietnam. The group of immigrants most exposed to the risk of poverty and social exclusion (refugees and people who have obtained tolerated residence permits) is dominated by Chechnyans.

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<sup>21</sup> GUS [Central Statistical Office] itself admits that for a variety of reasons, it probably did not succeed to record the majority of immigrants who reside in Poland illegally, those who have no regulated status of residence and also a part of immigrants having a temporary residence permit. See: [www.stat.gov.pl](http://www.stat.gov.pl)

Table 3. Number of issued permits and submitted applications in 2003-2005

Number of people who have obtained:	2003-2005	Main countries of origin	Immigrants from main countries of origin as percentage in total number
Visa with permission to work	939	Ukraine, Vietnam, Germany, Turkey, Russia	52.30%
Residence visas	25,806	Vietnam, Ukraine, Armenia	72.10%
Settlement permit	9,689	Vietnam, Ukraine, Armenia, Russia, Byelorussia,	71.10%
Residence permit for specified period of time	76,613	Ukraine, Byelorussia, Russia, Vietnam, Armenia	58.3%
Residence permit or temporary stay in Poland for EU citizens and member of their families	19,470		
Long term residence of European Community	37		
Applied for status of a refugee	21,845	Russia, Pakistan, India, Afghanistan, Ukraine	93.40%
Granted the refugee status	859	Russia, Afghanistan, Somalia, Georgia	95.50%
Tolerated status	2613	Russia, Afghanistan, Turkey, Iraq, Byelorussia	96.50%

Source: Office for Repatriation and Aliens, [www.uric.gov.pl](http://www.uric.gov.pl)

The social situation of immigrants varies significantly, depending on their status. Illegal immigrants are usually people originating from the neighbouring countries (Ukraine, Byelorussia), alternating residence between Poland and their countries of origin. Their migration is of economic nature. As illegal workers, they have no access to social security.

People applying for refugee status, refugees and people, who have obtained the tolerated residence status are the groups most exposed to the risk of poverty and social exclusion. The population of people applying for the status of refugee in Poland is very young. Almost half of them (46%) are not yet 18, and 20% are children below the age of 4. Among the refugee status applicants, there are lonely children – having no parents or legal care. In 2005, there were 113 of those children applying for protection. Eleven obtained the status of refugee (six were under the age of 4 – such children usually come to Poland without their parents, under the care of relatives). The majority of people who obtained a protected status in Poland last year came from Chechnya. Out of 335 legalised refugees, 305 are Russian citizens of Chechen nationality. Among people obtaining tolerated residence permits, Chechnyans are more than 98%<sup>22</sup>.

No grounds exist to expect that the immigration scale will change substantially in the oncoming years. Poland's accession to the EU has not caused any major changes in immigrants inflow. Although the number of people applying for the status of a refugee in Poland increased in 2005 by half, it is marginal still (8079 people in 2005). The number of people granted the refugee status remains on the same level (about 300 people annually) and the number of people who received permits for tolerated stay increased in 2005 twofold in comparison to the previous year (1856 people). Also it is not envisaged that opening up, as from 2007, of Poland's labour market for citizens of the new EU members would change significantly the scale of immigration to Poland<sup>23</sup>.

<sup>22</sup> Information based on UNHCR data, [www.unhcr.pl](http://www.unhcr.pl)

<sup>23</sup> cf. Fihel, A. Kaczmarczyk, P. k Okólski, M. , Enlargement of the European Union and international mobility of the citizens of Bulgaria and Romania, Centre for Migration Research, Economic Sciences

## 2. Employment and employment services

### 2.1. Right to work and its performance

The right to work in Poland is strongly restricted. For many of the migrants, obtaining the right to work is the key requirement to be able to apply for legalisation of their residence and qualification to other social benefits (such as the right to social insurance coverage). To have the right to work, foreigners in Poland must obtain a work permit, issued by the *voivode*, for the territory of the voivodship, where the employer is located. The work permit is being issued for a maximum period of two years, after verification whether there are no Polish citizens, registered as unemployed, who would be able to perform the specific job, proposed to the alien, by the employer. The complicated work permit granting procedure is one of the reasons why the number of issued permits is low. In the first half of 2006, there were 5,149 work permits issued to aliens, the majority accounting for managerial positions, specialists, qualified workers, non-qualified labour and teachers. Most of the work permits were issued to citizens of Ukraine, Vietnam and Byelorussia.<sup>24</sup>

Legal workers are a small percentage of all the aliens working in Poland. Most of the immigrants in Poland work without a legal permit. These are mainly citizens of neighbouring countries – Ukrainians and Byelorussians coming to Poland to carry out commercial/trade activity or work. These are mainly people travelling between Poland and their country of origin without the family. They work in the so-called grey zones of economy such as trade, construction, catering and service sectors. Figures related to illegal employment of aliens are difficult to estimate. Illegal employment results from the complicated work permit granting procedure and the high level of competition on the labour market (lower labour costs).

Some of the immigrant groups are exempt from obligation to apply for a work permit. These are:

- Bearers of a permanent residence permit,
- Refugees,
- Migrants with granted tolerated status,
- Migrants with granted temporary protection.

Additionally, people bearing a long-term residence permit valid in the European Community; EU and EFTA citizens also do have the right of work<sup>25</sup>.

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Department, University of Warsaw, Warsaw, October 2006, analysis commissioned by the Office of the Committee for European Integration, unpublished.

<sup>24</sup> Data of the Ministry of Labour and Social Policy

<sup>25</sup> See: Act dated April 20<sup>th</sup>, 2004 on promotion of employment and labour market institutions [Official Journal No. 99, item 1001 with later amendments]...

## 2.2. Discrimination on the labour market

There are no relevant data, illustrating the situation of aliens in the Polish labour market. In the case of foreigners, they only include people having a legal employment status.

According to the 2002 national census data, immigrants in Poland have higher level of education than the Polish citizens and lower employment rates. The employment rate of long-term immigrants (12 month and more) is higher than in short-term migrant population, but still much lower than in the case of Polish citizens<sup>26</sup>. It has to be taken into account that the available information only reflects a small fraction of the immigrant population in Poland.

Studies carried out under the *XENOPHOB*<sup>27</sup> project did not evidence discrimination of aliens on the Polish labour market. Besides formal status, other factors differentiating the situation of foreigners in this area are:

- Country of origin (people originating from Western Europe or other „wealthy” countries are treated better than aliens from the former Soviet Union, Asia or Africa),
- Education and professional skills: artists, scientists, doctors, lawyers, managers and journalists are the professional groups in which aliens can successfully compete with Poles, on the Polish labour market
- Length of stay in Poland: a longer stay usually means a legalised status of the alien and a good awareness of the official and administrative procedures and non-formal „ways” to „handle issues.”
- Knowledge of the Polish language;
- Having friends and people they know.

The problems related to employment of immigrants result from unclear procedures of application for a permit and the lengthy process of application handling in the offices. The majority of immigrants covered by the study shared a negative opinion about client service standards in the labour offices.

## 2.3. Monitoring of compliance with the employment discrimination ban

Enforcing compliance with the employment discrimination ban is the responsibility of the State Labour Inspection and the *voivodes*<sup>28</sup>.

The report of the Chief Labour Inspector from year 2005<sup>29</sup> states that „in a small but continuously increasing number of complaints against discrimination or mobbing (747 cases), a major number of cases were related to discrimination due to age, health condition and disability, working hours, membership in trade unions and, to a lesser extent to gender. The report mentions no case of discrimination due to nationality, ethnic origin or religion. It however needs to be underlined that

<sup>26</sup> Kostrzewa, Z. Stańczak, J. Kaczorowski, P. Migracje zagraniczne ludności 2002 [International migration of the population in 2002], Główny Urząd Statystyczny [Central Statistical Office], Warsaw, 2002.

<sup>27</sup> Xenophob...op.cit.,

<sup>28</sup> The State Labour Inspection is carrying out inspections based on regulations of articles 18<sup>3a</sup> - 18<sup>3e</sup> of the act dated June 26<sup>th</sup>, 1974 – the Labour Code [Journal of Legislation No. 21/1988, item 94 with later amendments]. Regulations covering the employment discrimination ban are also specified in articles 18a par. 4, 36 par. 5, 121 par. 3 and article 123 of the act dated April 20<sup>th</sup>, 2004 on promotion of employment and labour market institutions [Official Journal No. 99, item 1001 with later amendments].

<sup>29</sup> Report of the Chief Labour Inspector on the operations of the State Labour Inspectorate in 2005, [http://www.bip.pip.gov.pl/pl/bip/sprawozd\\_pip\\_2005](http://www.bip.pip.gov.pl/pl/bip/sprawozd_pip_2005)

awareness of workplace discrimination ban regulations is low.” The Chief Labour Inspector concludes in the report that there are cases of „lack of knowledge and failure to comply with the new responsibilities implemented as result of the last amendment of the Labour Code, adapting it to the EU legislation, including (...) the responsibility to provide employees with information on discrimination ban regulations”<sup>30</sup>.

Based on the regulations of the act on employment promotion and labour market institutions, the *voivode* is also ensuring control of legal employment, other remunerated activity and performance of work by aliens. The report of the Ministry of Labour and Social Policy entitled „Control of legal employment in 2005”<sup>31</sup> states 1,680 identified cases of illegal employment of foreigners. In most cases they were citizens of Ukraine, Byelorussia, Armenia and Bulgaria. Most of the cases were found in the eastern voivodships, bordering with Byelorussia and the Ukraine and in the Mazowieckie [Warsaw] voivodship. Controls performed by the *voivodes* identified one case (in 2004) and three cases (in 2005) of violations of the workplace discrimination ban regulations. Unfortunately there is no information whether those cases of discrimination were related to immigrants.

#### 2.4. Access to labour market benefits and services

Some migrants, depending on their formal status, are entitled to the labour market institutional services. People, who have obtained the status of refugee, tolerated residence permit, temporary protection, bearers of a settlement permit, citizens of the EU and EFTA member states and legalised long-term residents have the right to register as unemployed in the labour offices. In this way they obtain the same rights as the Polish citizens to unemployment benefits and active labour market measures. Discussing the access to active labour market measures, one shall take into account the very limited access to those services of the unemployed in Poland. Qualification to the unemployment benefit requires, just as in the case of Polish citizens, fulfilment of a 12 month employment period over the last 18 months, which in the case of recently arrived migrants is impossible to achieve. Refugees covered by an individual integration programme (see paragraph 6.1) are also subject to the social employment act, providing the access to the Social Integration Centres and clubs, payment of integration benefit amounting to 80% of the unemployment benefit and employment supported from the funds of the Labour Fund.<sup>32</sup>

Other groups of legal migrants may register in the labour offices as job seekers, only entitled to labour counselling services, vocational consulting, and information and to support in active search for jobs.

There is unfortunately no information about the number of immigrants taking advantage of the support of labour market institutions in Poland. Therefore it is not possible to assess whether, and to which extent such people are being discriminated by the officials employed in the labour market institutions. As it has been demonstrated in the research carried out by the Institute of Social Policy of the Warsaw University, immigrants complain about bad treatment in the labour offices.<sup>33</sup> However, it is difficult to determine whether the bad treatment is a result of the ethnic or national discrimination or just ‘normal’ behaviour of the persons working in the employment services, which experience also Polish citizens. In any case such situations, if they are widespread, could be specifically difficult to overcome by immigrants. Similarly, the existing in Poland difficulties in access to jobs and to the active labour market measures do enhance the difficulty to integrate, experienced by immigrants. „Migrants complain about

<sup>30</sup> Report ....op.cit. s. 62.

<sup>31</sup> [www.psz.praca.gov.pl](http://www.psz.praca.gov.pl)

<sup>32</sup> Act dated June 13, 2003 on social employment [Official Journal, 03.122.1143]

<sup>33</sup> Xenophob, Project implemented under the Fifth Framework Programme of the EU, [www.ips.uw.edu.pl](http://www.ips.uw.edu.pl)

difficulty in finding a job, resulting from difficulty to re-skill, about lack of knowledge of the Polish language, high unemployment and employer ignorance of the rights of refugees.”<sup>34</sup>

### 3. Education and training

#### 3.1. Access to school and university education and its performance

According to the Polish law, children of immigrants (both legal and illegal ones) are covered by the mandatory school obligation. Not all migrant children, however, have access to the non-mandatory levels of education. With exception of migrants having residence permits, tolerated residence permits and refugees<sup>35</sup> as well as EU citizens, education in public schools is free of charge only until graduation of the lower-secondary school level (nine classes), even though there is individual (case-dependent) possibility of reduction or complete exemption from the tuition fee in upper-secondary schools.<sup>36</sup> Access to tertiary education (on the same rights as Polish citizens) is also available to people having a refugee, temporary protection status and to permanent residents.<sup>37</sup> Students, children of foreigners are also entitled to financial support, with the same terms and conditions as students with Polish citizenship.

Exercising the school attendance obligation for some groups of immigrant children seems to be ineffective. Directors of primary and lower-secondary schools and the local self-government are responsible for proper performance of the mandatory school obligation. Verification of compliance with the mandatory school obligation is carried out based on the register of children and youth within the mandatory education age (6 – 18), resident in the given territory. Information on enforcement of the mandatory education obligation in the immigrant children group is random. The Association for Legal Intervention has been carrying out, since 2004, a permanent monitoring of school attendance of children residents in refugee centres. According to the surveys of this association, carried out in the second half of 2005, almost 50% of children in refugee centres are not going to school.<sup>38</sup> The situation is better than last year, but still seriously concerning. This assessment is also supported by the reports of immigrants:

*I am trying to do my best so my daughter learns the language and can go to Polish school. Right now she is attending a group of interest and learns Polish and English. I have asked the director of our centre to help me in convincing the leader of the group to accept my daughter. I am very grateful for his help. But it is only one child, I would like other children to have that opportunity too. I feel sorry for the children, who are just playing in the corridors of the centre, sitting on the garbage containers. Those kids have no contact with Poland and Poles, they stay in those centres like in a prison<sup>39</sup>.*

<sup>34</sup> Key problems in Poland, *Obcy Kraj* quarterly No 24 (2006), UNHCR, [www.unhcr.org.pl](http://www.unhcr.org.pl)

<sup>35</sup> The regulation covering the rights of children applying for refugee status to attend free-of-charge education in upper-secondary schools has recently been passed. Its formulations do however cause doubts. It assumes that the new regulation does not apply to minors with no legal parental care, who are applying for refugee status on their own (see 2005: Changes in the refugee legislation, *Obcy Kraj* quarterly No 24/2006), UNHCR, [www.unhcr.org.pl](http://www.unhcr.org.pl)

<sup>36</sup> See act on the educational system, article 94a, paragraph 1 and 2.

<sup>37</sup> Additionally, EU citizens and their children, if they work in Poland and pay tax, citizens of EU countries if they are studying in Poland, if they are able to support subsistence costs. Other foreigners can study in Poland, given they have obtained a scholarship or are able to afford the tuition fees.

<sup>38</sup> Out of 633 school-age children residing in the centres, less than half (338) attended schools.

The Association for Legal Intervention report from monitoring of the compliance with mandatory school obligation by refugees residing in refugee centres.

[http://www.interwencjaprawna.pl/index.php?option=com\\_content&task=view&id=65&Itemid=71](http://www.interwencjaprawna.pl/index.php?option=com_content&task=view&id=65&Itemid=71)

<sup>39</sup> Report of a refugee: [www.refugee.pl](http://www.refugee.pl)

Based on information about children residents in the refugee centres, one could suppose that supervision of their compliance with the mandatory education obligation is not efficient. Such a supposition does not only result from the quoted facts. Since the control of compliance with mandatory education is based on the register of legal residents in a given area, one could suppose that it does not include a large number of immigrant children, whose parents fail to comply with the residence registration requirements.

Unfortunately, no data on the early school leavers is available for immigrant children. There is no public monitoring system with respect to the early-school leavers among children of immigrants. Administration of education at national and regional level does not collect any data on it.

No data are available concerning the children of aliens resident in Poland, who are not attending upper-secondary schools. There is no information about the number of foreign students in upper-secondary schools studying on a tuition-fee and free-of-charge basis<sup>40</sup>. Although tuition fees charged to alien children, who do not qualify to free-of-charge upper secondary education may be a significant obstacle to the access of those children to education.<sup>41</sup>

Taking into account the fact that the number of free-of-charge places in tertiary education institutions is limited and that access to those places depends on the learning scores (and additional exams), one can suppose that overcoming those barriers is particularly difficult for new immigrant children. It is worth noticing, however that not only immigrant children have a limited access to free-of-charge higher education. This also applies to children of Polish citizens. Only about half of Polish students benefit from free-of-charge tuition in universities and other higher schools, the others pay tuition fees in public schools or attend commercial private universities<sup>42</sup>.

Surveys carried out under the *XENOPHOB* programme have demonstrated that immigrants benefiting from the Polish educational system experience no signs of discrimination from the part of teachers and the educational institutions or universities. Aliens coming from countries outside Europe have, however, noticed some xenophobic elements communicated in the educational process (racial stereotypes)<sup>43</sup>.

### 3.2. Teaching of the Polish language and mother tongue and culture

Although the number of immigrant children in classes, even in Warsaw, amounts to from 0 to maximum 5 students, the schools have often difficulties to cope with the immigrant children problems, especially when they result from cultural differences and post-traumatic stress. „Based on interviews with pedagogues and managers of schools attended by immigrant children, one can get the impression that those people are convinced they can effectively handle them with standard educational means. There are publications of the Centralny Ośrodek Doskonalenia Nauczycieli [Centre for professional improvement of teachers] covering inter-cultural education, but there is lack of specific knowledge of i.e. the „conflict-raising” aspects of cultural differences (these are more particularly significant in the case of Chechen children, especially sensitive to the issue of preserving honour and any, even accidental

<sup>40</sup> The Ministry of Education collects only data on the number of children who are not Polish citizens with respect to different types of schools and legal status of children. According to this data, in the school year 2005/2006 there were 3373 foreign students in the public schools including 604 from UE Member States.

<sup>41</sup> The fee amounts to EUR 1,200 per annum, in the case of upper secondary school and EUR 1,500 in the case of bachelor and higher education.

<sup>42</sup> 6,500 foreigners attended Polish universities and higher education institutions in the academic year of 2005/2006, out of which 3,700 declared Polish origins. See; *Mały Rocznik Statystyczny 2006* [2006 Small Journal of Statistics], Główny Urząd Statystyczny [Central Statistical Office], Warsaw 2006.

<sup>43</sup> See *Xenophob*, p. 32-33.

physical contact) or practical procedures of „handling” immigrant children. There is a common practice to separate the children by placing them individually in parallel classes and to replace difficult sounding foreign names with their local equivalents.”<sup>44</sup>

In order to integrate immigrant children into the educational process, local self-governments are responsible to provide students having no knowledge or very weak knowledge of Polish with additional language training.<sup>45</sup> Information about exercising of this responsibility is random. The educational administration does not collect any information on the number of additional Polish lessons provided by the schools for immigrant children. However, surveys of the Association for Legal Intervention demonstrates that any of the municipalities hosting immigrant and refugee centres is actually complying with the obligation to provide additional lessons of the Polish language.<sup>46</sup>

The educational system act provides children, who have no Polish citizenship with the opportunity to learn the language and culture of their country of origin, if the group counts at least 15 aliens qualifying to the mandatory education obligation. Due to the small number of alien students in Poland, this condition is very difficult to fulfil. The teaching of the culture and language of their country of origin is to be organised by the diplomatic institution or consulate of the particular country or a cultural and educational association of their nationality.

The adult immigrants, if they are refugees, can obtain financial support for learning the Polish language within the framework of individual integration programmes.<sup>47</sup>

### 3.3. Transfer of human capital, diploma recognition and access to some professions

The available statistical data indicate that foreigners residing in Poland have exhibit a relatively high level of education. However, as indicated by surveys, “refugees in Poland seem to suffer from the greatest ‘devaluation’ of human capital: educated refugees encounter considerable difficulties in having their professional qualifications acknowledged and few of them ever manage to find employment in their field. As a result, at least at the beginning of their occupational career in Poland, they tend to earn considerably less than Poles”<sup>48</sup>. At the refugees website we can find *inter alia* different reports regarding immigrants integration to the Polish labour market. Some of these reports point out to successful occupational carriers but we can also find reports, which support a statement on degradation of their human capital.

*I was allowed to start working in my profession after obtaining the refugee status and recognition of my diploma – I think this was 2002 or 2003. I first got an internship in a hospital, then started to work in the school. I was helped by the director of the school, she is helping refugees a lot, does a lot of social activities and she wanted to help me. I met a lot of people who helped me here. Now I am going to make an application for the specialisation.<sup>49</sup>  
I have a big problem finding a job. Coming to Poland I had no career plans, I thought about the threats only. I am an engineer. When war began in 1994, I did not live in Chechnya (...) Polish employers do not trust aliens. I am only allowed to help the Polish workers, event though I feel I*

<sup>44</sup> Koryś, I. Dzieci imigrantów w Polsce - nowe zjawisko, nowe wyzwania [Immigrant children in Poland – new phenomenon, new challenges], Biuletyn Migracyjny [Migration bulletin], No 7.

<sup>45</sup> See act dated September 7, 1991 on the educational system, article 94a, point 5 [Journal of Legislation 04.256.2572), The cost of such lessons is covered from state budget subventions.

<sup>46</sup> [http://www.interwencjaprawna.pl/index.php?option=com\\_content&task=view&id=65&Itemid=71](http://www.interwencjaprawna.pl/index.php?option=com_content&task=view&id=65&Itemid=71)

<sup>47</sup> Free-of-charge Polish language courses for refugees financed from the European Refugee Fund are also organized by the *Linguae Mundi* Foreign Languages Education Foundation.

<sup>48</sup> Koryś, I. Dimensions of integration...op.cit.p. 40

<sup>49</sup> Report of a refugee, [www.refugee.pl](http://www.refugee.pl)

*could be doing the job better than they do. I am registered in the labour office, but until now I have received no offer. I am trying to find something on my own, asking neighbours and offering to help.*<sup>50</sup>

The main obstacle to integration of immigrants is the language and cultural barrier. They also have to get through an administrative procedure of recognition of their diplomas. The access to training for some groups of immigrants is regulated by law, but the real access is very limited, due to generally poor access to vocational training for the unemployed Poles (see: paragraph 2.4.)

There are no specific programmes supporting immigrants in their professional carriers, and the extent to which they manage to keep their occupational status at the Polish labour market depends on individual circumstances and on their social contacts. However, the first programmes focusing on the development of the human capital of refugees are already launched under the Community Initiative EQUAL. The project *@lterCamp* is concentrated on supporting the process of integration of people awaiting qualification to refugee status. The project includes support in the areas of alien education, development of social and professional activation system and methods of preventing discrimination of foreigners both in social and employment opportunity contexts.<sup>51</sup>

There is no detailed information on the problems encountered by foreigners trying to have their qualifications recognised or to get access to some professions. School and maturity certificates, university and vocational diplomas are not automatically recognised, with exception of those issued in countries with which Poland has mutual agreements on educational document recognition. Access to some professions in Poland is restricted and regulated by professional corporation regulations. For example, following resolution of July 27, 2002, the Medical Professions Chamber is performing a mandatory examination of knowledge of the Polish language for foreigners wanting to practice medicine and dental care in Poland. The examination fee amounts to PLN 400 (EUR 105) and can be reduced, on request of the alien applicant.<sup>52</sup> Regulation of alien access to teacher professions is more liberal. The resolution of the Minister of Education dated October 30, 1992 allows employment of alien citizens as teachers in schools, without the obligation to comply with the qualification requirements set forth by the teacher qualification regulations (covering education and pedagogical preparation) – only if required by the educational process organisation in the school<sup>53</sup>.

<sup>50</sup> Report of a refugee, [www.refugee.pl](http://www.refugee.pl)

<sup>51</sup> The project managing institutions is the Polish Red Cross, partners include: Department Pomocy i Integracji Społecznej Ministerstwa Pracy i Polityki Społecznej [Department of Social Assistance and Social Integration of the Ministry of Labour and Social Policy], Urząd ds. Repatriacji i Cudzoziemców [Repatriation and Alien Office], Stowarzyszenie na rzecz integracji i ochrony cudzoziemców „Proxenia” [Association for integration and protection of aliens], Fundacja „Ocalenie” [“Rescue” Foundation], Instytut Polityki Społecznej Uniwersytetu Warszawskiego [Institute of social policy of the Warsaw University], and Związek Harcerstwa Polskiego [Polish scouting association]. Project completion is planned for July 2008.

<sup>52</sup> Official Journal, 02.205.1740

<sup>53</sup> Official Journal, 92.85.432

## 4. Housing

Most of the legal immigrants live in Warsaw or other urban centres. Due to the generally low number of immigrants in Poland, they do not tend to settle in selected areas of towns.

The accommodation situation of most refugees or people with granted tolerated status is very difficult. Costs of renting apartments are very high. Additionally, aliens – refugees and tolerated residents often encounter difficulty in renting apartments, even if they do have resources to afford it, because owners fear the risks related to their uncertain financial status.

*No one will rent you an apartment or room, once they learn you are a foreigner, as soon as they sense Russian accent, or even worse if they find out you are a Chechen.<sup>54</sup>*

Municipalities are obliged to provide social housing and shelters. This obligation is applicable for Polish citizens and, among others to immigrants having a refugee status, tolerated residence permit, as well as term residence permit (residence permit for a specified period of time). Those people may also qualify for housing benefits. However many of the poor families has no access to their own dwellings in Poland. The social housing (aimed at the poorest people) deficit in Poland amounts to some 125 thousand units<sup>55</sup>.

The individual refugee support programme, realised by local social assistance centres since 2003 is also assuming support in finding housing. In the process of finding housing for refugees, the social assistance institutions are collaborating with the local *voivode* and municipal authorities, taking into account, whenever possible, the choice of location indicated by the refugee. Unfortunately there is no information about the number of persons and refugee families who have been supported in finding accommodation. The reports of the Ministry of Labour and Social Policy from performance of the programme are not addressing this issue.

## 5. Access to health care

The right to free-of charge public health care for Polish citizens is related, with some exceptions, to the right to the health insurance. Some groups of immigrants are covered by health insurance if they fulfil additional requirements (for example they are students, employed or unemployed). These include *inter alia*: persons with granted status of tolerated residence and refugees or people benefiting from temporary protection on Polish territory.<sup>56</sup> Refugees, who are covered by the individual integration programme for refugees are entitled to the public health care without paying contributions. Applicants for a refugee status have the right to medical assistance. Members of families of the people covered by health insurance and foreigners, students of post-graduate programmes have the right to join voluntary health insurance schemes.

<sup>54</sup> Report of a refugee: [www.refugee.pl](http://www.refugee.pl)

<sup>55</sup> Data of the Urban Development Institute: „Kierunki rozwoju państwowych instrumentów wsparcia budownictwa dla najuboższych w oparciu o doświadczenia tzw. programu pilotażowego i badań” [Development directions for the state instruments of residential construction for the low-income community based on the experience of the so-called pilot programme and research] Warsaw, September 2006, <http://www.irm.krakow.pl/>. According to NAP Inclusion, availability of housing for the people at risk of exclusion is to be fulfilled through the continuation of the social housing pilot program undertaken in 2004-2006.

<sup>56</sup> The act dated August 27, 2004 on health care services financed from public funds, article 3, paragraph 1, point 2 [Official Journal, 04.210.2135]

**Good practise**

Due to the specific health care needs of the people applying for refugee status, in 2004-2005, the Polish Medical Mission has realised a project financed by the European Refugee Fund Phare, entitled "Medical assistance to aliens in refugee camps." The goal of the project was to improve quality of medical care of foreigners residing in refugee centres. It consisted of a series of specialised medical consultations, diagnostic tests and ambulatory examinations (ECG, blood pressure measurement, ophthalmoscopy, etc.). As a result of those consultations, many people were subjected to further treatment and some were emergency - send to hospitals and specialist medical centres. Refugee centres were also provided with the most needed drugs, bandage and disinfection products. The project has also allowed partial diagnosis of the health risks affecting refugee status applicants and development of recommendations, covering organisation of health care for those people.<sup>57</sup>

## 6. Targets groups

### 6.1. Individual integration programme for refugees

**Good practise**

Immigrants such as refugees and bearers of a tolerated residence status have the right to receive benefits and services of the social assistance institutions, given they comply with the general terms and conditions specified in the social assistance act. Additionally, in 2003, a special programme was launched, focusing on social integration of refugees, to be realised by social assistance institutions at local level. The assistance includes financial subsidies for subsistence and language learning, payment of health insurance contributions on behalf of the refugee and specialised advisory services. The individual integration programme is agreed between the social worker and refugee. It may not last longer than a year and covers additional issues such as supporting the refugee in interactions with the local community, assistance in finding housing, social works and activities related to the life-situation of the refugee. On the other hand, the refugee is obliged to register in his/her place of residence and the local labour office and to actively seek employment, as well as to participate in Polish language courses (if such need occurs), to collaborate and contact the programme partner at least twice a month and to carry out activities related to his/her life-situation, as agreed with the programme partner.

If the refugee fails to comply with those obligations, it is possible to cancel the support, especially in cases of the refugee's failure to actively participate in the integration process, persistent and deliberate failure to fulfil the obligations, usage of assistance against its primary purpose and provision of false information concerning the refugee's life-situation (until clarification of the circumstances of such information). Support will also be stopped if the refugee spends more than 30 days in a health care unit (until check-out) and in cases of criminal prosecution against the refugee (until legal finalisation of the procedure, unless the refugee gets condemned by a binding court sentence). Shall the refugee lose the refugee status, the subsistence and language learning subsidies will also be withdrawn.

In 2004, there were 167 active individual integration programmes for refugees. Out of them, 56 were completed in 2004 and 39 were stopped in process. In 2005, there were 196 individual programmes, part of which did begin back in 2004. Fifty-three programmes were completed throughout 2005, and 56 were interrupted. As of 31.12.2005 there were still 87 programmes pending, amounting to 44% of the overall number of projects. The majority of families covered by the programmes came from Chechnya (139 families in 2004 and 160 families in 2005). Due to the very difficult situation of people bearing the tolerated resident status, the 2006 budget provides for additional resources, dedicated to covering those people with the individual integration programme.

<sup>57</sup> <http://pmm.org.pl/?aid=29152>

## 6.2. Projects co-financed with European funds

In 2006, Caritas Polska has started implementation of a project, co-financed by the European Refugee Fund, entitled: "Provision of comprehensive psychological, social and legal support to the tolerated residents and refugee status applicants". The project includes delivery of comprehensive psychological, social and legal support and enhancement of social integration processes of asylum seekers and foreigners bearing a tolerated resident status.<sup>58</sup>

The EQUAL Community Initiative is financing the "IRIS" project, concentrating on integration of women, who have suffered from human trade and were isolated, for a long period of time, from the labour market, thus becoming particularly exposed to the risk of long-term unemployment and social exclusion. The project will develop a model of social and professional re-integration of women subjected to human trade and create employment opportunities. It aims at increasing the level of social awareness, especially in the so-called risk group, concerning the threats of human trade, forced labour and slavery practices<sup>59</sup>.

## 7. Information and communication

### 7.1. Attitudes of the host country

As demonstrated by public opinion pools<sup>60</sup> the majority of adult Poles (62%) do support the principle of borders open to immigrants. At the same time, Poles are ready to accept immigration from humanitarian reasons, but do not see the advantages immigrants may be contributing to the life of their country. The attitude to immigrants is therefore more "permissive" than "accepting. Poles' attitude to foreigners residing in Poland is different than the perception of immigrants. Their presence in Poland is seen mostly as an economic benefit. There is an increasing awareness of the benefits arising from cultural diversity brought in by the aliens. As demonstrated by surveys of CBOS (Central Office of Public Opinion Studies), acceptance of alien at the labour market in Poland is gradually increasing. Despite the general increase in tolerance, observed by CBOS research, not all nationalities do enjoy the same level of sympathy. Citizens of highly developed countries are the most readily accepted in Poland.

### 7.2. Information and communication

Information about the rights of immigrants in Poland is not generally available. They are new, frequently modified and often rather unclear. For many of the employees of local administration (social assistance centres or labour offices), it is often the first encounter with immigrants and their problems. It can result

<sup>58</sup> [www.caritas.org.pl](http://www.caritas.org.pl)

<sup>59</sup> The managing organization function is performed by the Fundacja Przeciwno Handlowi Kobietami La Strada [*La Strada* Foundation Against Women Trading]. The Partnership includes: Fundacja Centrum Promocji Kobiet [Women Promotion Center Foundation], Urząd Pracy m.st. Warszawy [Warsaw Labour Office], Ośrodek Pomocy Społecznej Dzielnicy Śródmieście m.st. Warszawy [Śródmieście District Social Assistance Centre in Warsaw], Departament Pomocy Społecznej i Integracji Społecznej Ministerstwa Pracy i Polityki Społecznej [Department of Social Assistance and Social Integration of the Ministry of Labour and Social Policy] and Departament Rynku Pracy Ministerstwa Pracy i Polityki Społecznej [Department of Labour Market of the Ministry of Labour and Social Policy].

Completion of activities related to social and professional re-integration of women and establishment of an innovative system of support to the OFIARA of human trading is planned for March 2008.

<sup>60</sup> Research: Aliens in Poland. Opinion of Central European countries citizens about immigrants and refugees, Centrum Badań Opinii Publicznej, CBOS [Public Opinion Analysis Centre], [http://www.cbos.pl/SPISKOM.POL/2004/K\\_141\\_04.PDF](http://www.cbos.pl/SPISKOM.POL/2004/K_141_04.PDF)

in difficulties in delivering the assistance on time and increases difficulties of immigrants integration process<sup>61</sup>.

Immigrants may also encounter problems acceding information. They complain about the ways they are being treated in offices<sup>62</sup>.

*On my own example, I have observed that Polish authorities do not always provide foreigners with full information, hoping that the people applying for asylum and the refugees will go to NGO organisations on their own, to get advice and ask for help. I think it is not a good solution, since not everyone knows that such NGO organisations do exist.<sup>63</sup>*

The official website of the Repatriation and Alien Office contains basic information in Polish, Russian and English<sup>64</sup>. Information presented in websites of social institutions is usually written in Polish only (sometimes also in English). In order to improve communication of information to foreigners, the Ministry of Labour and Social Policy did take part in the project entitled „Empowering migrants: Integration through Information and Training of Public Officials and NGOs” co-financed by the European Commission under the INTI programme, launched in May 2005 by the International Organisation for Migration (IOM). The goal of the project was to provide migrants themselves, as well as NGO’s, public administration and immigrant associations with information, supporting the process of their integration. Studies were performed, aiming at assessing the information needs of the immigrants, through surveys among migrants, immigrant organisations as well as NGO’s and public institutions working with immigrants. The project delivered a series of international training seminars for future trainers, focused on best practices supporting integration, with specific attention to issues such as employment, education and social integration. Between March and May 2006, there was a series of local training workshops, attended by representatives of various ministries and offices and representatives of the immigrant communities. One of the project outcomes is a website (translated into four languages), containing practical information for migrants<sup>65</sup>.

<sup>61</sup> It is worth quoting a communication, taking place on one of the social assistance portals:

- „- I am asking for help on how to process a housing support application from a refugee, renting an apartment in our area. The client has a one-year rent agreement in a private building. He is residing in our area as a refugee.
  - You do have a tough case on your lap. The subsidy law does not cover for this kind of situation. Maybe it would be worth to take a look at the refugee legislation. I think this is the only place, where their rights are specified. Looking at it from logical perspective and my opinion, a refugee is not entitled to a housing subsidy benefit.
  - One of the forms of protection granted to a foreigner is to qualify the person to a refugee status (act dated 13.06.2003 on alien protection in the territory of the Republic of Poland). In my opinion, he does have a legal title to the apartment, which means he is also entitled to the housing subsidy benefit, since his status in Poland is legalized.
  - Olga is right, the act does not say “ to a Polish citizen”
  - I have a question. Did the landlord have the right to conclude a legally binding contract with him?
  - Yes, because this person may legally reside in Poland (has a legalized status), he is a refugee
  - Call SKO and just ask them. I would have started by a phone. On the other hand, I think that if he has a legal rental agreement, he is also entitled to a housing subsidy benefit.”
- <http://www.ops.pl/forum.php?page=1&cmd=show&id=174982&category=10>

<sup>62</sup> see the XENOPHOB project

<sup>63</sup> Report of a refugee, [www.refugee.pl](http://www.refugee.pl)

<sup>64</sup> [www.uric.gov.pl](http://www.uric.gov.pl)

<sup>65</sup> [www.migrant.info.pl](http://www.migrant.info.pl)

## 8. Emigration

Poland is a traditionally emigrant country. For the whole period after World War II, with exception of the country boundaries closure and complete isolation periods, there was an economic, political and family merger emigration. The opening of labour markets in some EU member states to the citizens of the new EU members caused a significant increase in migration. Prior to Poland's accession to the EU about 400 thousand Poles annually assumed legal employment in the EU Member States. Opening up of labour markets in some of the EU Members, following Poland's accession, resulted in a growth of the number of Poles working in the EU old members and extension of their period of stay there. The estimates on the scale of the recent departures of Poles in search of work abroad differs substantially, however the phenomenon has been noticed and is a subject of broad public discussion in Poland. According do LFS the number of emigrants amounted in 2005 264 thousand<sup>66</sup>. According to estimates made by M. Duszczyk<sup>67</sup>, the annual number of Poles taking up various jobs in the EU after the accession (including seasonal and occasional work) increased by about 450 thousand, i.e. two-fold. It means that in 2005 about 800-900 thousand Poles assumed employment in the EU, of which the largest number in Germany, as a seasonal work. It is not known what portion of this growth in the number of people taking up jobs is a result of legalisation of former employment in the grey zone in the EU Member States, which opened up their labour markets for Poland and other new members.

So far no results of emigration for work have been seen. In certain specific professions shortages of workforce supply have occurred (e.g. welders or construction workers) but it is difficult to determine if and to what extent they are a result of emigration or a growth in the demand (as a result of rapid economic growth) and incompatibility of the education system with the labour market demands. No credible assessments exist as regards potential impact of emigration on unemployment reduction.

The debate tries to identify the reasons why Poles are ready to go work abroad, as well as the benefits and losses resulting from the emigration processes. Due to the noticeable deficit of work force in some professions, discussion is being undertaken to further open the borders to the people from Ukraine and Byelorussia, wanting to migrate to Poland for economic reasons. The Ministry of Labour and Social Policy decided to open Polish labour market to the citizens of neighbour countries willing to work on seasonal base in the Polish agriculture.

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<sup>66</sup> Polish citizens staying abroad for longer than two months who at the time of each Labour Force Survey (LFS) were the members of households in Poland. See: Ewa Kepinska, Recent Trends in International Migration. The 2005 SOPEMI Report for Poland, [http://www.migracje.uw.edu.pl/obm/pix/002\\_60.pdf](http://www.migracje.uw.edu.pl/obm/pix/002_60.pdf)

<sup>67</sup> Maciej Duszczyk, Media full of rubbish. Biuletyn Migracyjny No 9, <http://www.migration-news.uw.edu.pl/BiuletynMigracyjny9.pdf>