THE POLISH APPROACH TO INTEGRATION

ABSTRACT

Polish immigration policy has been evolving in response to international events and agreements, and service provision to immigrants and refugees reflect the fact that Poland actively supports neither multiculturalism nor interculturalism. Polish policy towards immigrants can rather be described as "assimilation via abandonment." This article briefly discusses the model of integration underlying immigration policy and its legislative/constitutional base, provides an overview of key immigrant services and their delivery, examines what role is played by naturalization/citizenship/denizenship policies, and concludes with an evaluation of the integration system as selective and small-scale.

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Poland's approach to integration

Many researchers (Okolski 1998, Kepinska and Stola 2004, Grzymala-Kazlowska and Okolski 2006, Weinar 2006), have been pointing out, since 1989, that Poland lacks an official position on immigration policy. This can be explained by various factors: the relative novelty of immigration in Poland and the reduced scale of the phenomenon, problems resulting from the political, economic and social transition, as well as the EU conditionality. In general, Polish immigration policy has been evolving in response to international events and agreements. In particular, these policies are influenced within the EU by the Vienna and Schengen groups of nations. Thus Polish immigration policy is limited to border control, fighting criminality, regulations pertaining to foreigner admission and residence, as well as repatriation and basic asylum policy.

Polish immigration policy addresses the issues of immigrant integration only to a small extent, and the governmental activities related to socio-cultural integration of immigrants with the Polish society are poor. Despite the number of non-governmental organizations assisting immigrants, and civil initiatives promoting multiculturalism and tolerance in Poland, immigrants do not receive systematic, long-term and effective support. This lack is explained by the character of immigration to Poland (short-term, transitory, and to a certain degree undocumented and originating from neighbouring, culturally similar, countries) and the newness of the phenomenon. In the face of various social, economic and political problems, integration is not perceived as a priority issue, despite awareness of its necessity and in spite of EU recommendations.

Poland actively supports neither multiculturalism nor interculturalism. Its policy can be described as "assimilation via abandonment." The limited institutional support from the public institutions and NGOs, the poorly-developed ethnic communities (with some exceptions), and a relatively low level of acceptance of ethnocultural diversity in the Polish society make adjustment of immigrants to life in Poland difficult, especially in the case of migrants of non-European origin.

With minimal institutional support and a low level of social acceptance of ethno-cultural pluralism, immigrants must often choose between assimilation or marginalization; the latter option will likely push them out of Poland. This lack of support is the reason that some immigrants treat Poland as a mere transit country; it has also brought about the de-facto assimilation of those who have decided to settle. Generally migrants of similar cultural backgrounds seem to be preferred in Poland, due to their integration abilities.

Legislative/constitutional base

At the beginning of the transformation period, Polish policy was characterized by fragmented and often provisory actions. In response to the changing reality, more or less *ad hoc* solutions were introduced to regulate the most critical matters pertaining to chosen aspects of immigration. In 1991, Poland signed the Geneva Convention and the New York Protocol. Some regulations related to refugees, while other categories of foreigners were included in the short Amendment to the *Alien Act* of 1963.

Towards the end of the 1990s, activities in the field of migration policy intensified, as exemplified by the new *Alien Act* passed in September 1997 and the amendment to the *Alien Act* passed in 2001, with the appointment of the Office for Repatriation and Foreigners, a central bureau of governmental administration dealing with immigration. The next development of immigration policy took place just before Polish accession to the EU in 2002-2003 when two separate acts on foreigners were adopted.

Among legislative acts introduced after 1989, of key importance were regulations included in the new Constitution of the Republic of Poland (1997). The regulations concerning ethnic minorities included in the Constitution fundamentally pertain to "recognized" or "historical" minorities – i.e. Polish citizens of ethnic origin whose ethnic group has been settled in Poland for over a century. The State assumes the obligation to ensure minority members' right to maintain and develop their own culture. It also acknowledges their right to develop education, cultural and religious organizations as well as to take part in decision making on issues associated with the protection of cultural and religious heritage. The Constitution also provides a number of anti-discrimination clauses in line with the Council of Europe's recommendations.

The *Aliens Act* of 2003, amended in 2005, the *Act on Granting Protection to the Aliens on Polish Territory* of 2003, and specific Acts related to social services, promotion of employment and welfare benefits are the principal legislative tools regarding the integration of immigrants. In almost all cases, permanent residents, refugees, and people granted tolerated stay or temporary protection are granted the same social and economic rights as Polish citizens. Permanent residents enjoy many rights that are usually reserved for Polish citizens, such as free employment, access to free schooling and medical care. As a member state, Poland was required to introduce EU provisions, including the EU long-term residence permit[1] introduced in 2005, and provisions for EU nationals, enacted in separate Acts in 2002.[2]

All categories of people granted protection in Poland are entitled to employment (without permit), education, free health care, and social security benefits such as family allowances and social assistance; these, however, are limited.

A temporary residence permit, issued for a maximum of two years, is granted to all foreigners who legally work, are self-employed or study in Poland. The permit is also granted to foreign spouses of Polish citizens, regardless of their legal status. Although they do not need a work permit to enter the labour market, they are not automatically granted access to social benefits and medical care. This access only provides for a work permit; access to this permit is, however, a lengthy, costly, employer-driven procedure. A foreigner may work for a Polish employer only when no Polish citizen can fill the job.

It is worth mentioning that in 2003, a regularization initiative was launched to facilitate the integration of undocumented migrants living in Poland since 1997.

In subsequent amendments of the *Act on Employment*, Poland has been regulating the access of foreigners to the labour market. It defines immigrant integration tools needed to enter the labour market, most notably the work permit. It also provides a catalogue of exemptions. However, Polish governments have been reluctant to open the path to legal economic migration. This has prevented them from ratifying several important international conventions on the topic, e.g. the key ILO Convention No. 97.

Delivery of services

There are only two special integration programs for immigrants designed for people granted refugee status and for repatriates.

After several attempts to introduce integration programs for refugees – that failed for lack of funds, detailed regulations and trained staff – a new integration program was launched in 2004. This Refugee Integration Program is spearheaded by the local authorities, and deli-vered by Local Family Assistance Centers (PCPS).

Services include: Polish language classes, social security, medical care and access to education. Refugees should also be provided with professional training, psychological, legal and practical support, accommodation and job-search assistance. The key issue is that refugees are entitled to a monthly net allowance between 285 euros and 130 euros per person in the family.[3] According to the Ministry of Social Policy, over 800 people participated in the integration programs in 2003 and 2004. In 2005, in the Warsaw area, the main destination for immigrants, 370 refugees entered the program, 175 of whom were children.

The program lasts only 12 months, refugees have to apply for it within 14 days after being granted refugee status and the program does not include people who are married to Polish citizens. Although the acknowledged refugees receive less support from the Polish government than asylum seekers who have the right to stay in special refugee centers where they are offered accommodation, full board, basic medical care, clothes, hygienic products and a small allowance, their situation is far better than that of numerous individuals granted tolerated status.

NGOs play an important role in delivering the following services to refugees: professional training; psychological, legal, practical and material support; accommodation and job-search assistance. This assistance to refugees is mainly financed by the

European Refugee Fund (ERF) and the European Social Fund (ESF) with the EQUAL initiative. ERF funds are used for integration and repatriation of refugees, whereas ESF and EQUAL finance employment policy and social integration of refugees and foreigners with humanitarian status respectively.

Polish Humanitarian Action (PAH) helps refugees with job searches and language acquisition. It also runs a refugee residential facility and public awareness programs. PAH also used to rent rotary flats to selected refugee families. In recent years, the Catholic organization Caritas-Poland has intensified its activities in this field. Caritas provides information and psychological counselling, as well as assistance, on a more limited scale, in finding jobs and providing accommodations, temporary financial support, free meals, medical services, integration benefits, language courses and aid in contacts with governmental intuitions.

The Polish Red Cross (PCK) played a most significant role at the onset of refugee inflows. Both PCK and the Helsinki Foundation for Human Rights (HFPC) promoted Poland's ratification of the Geneva Convention. HFPC and Amnesty International specialize in human rights watch and legal advice for immigrants, as do recently established legal centers at Warsaw and Jagiellonian Universities. HFPC provides expertise in the field of immigration policy and monitors its compliance with international conventions and agreements. Non-governmental organizations such as the Polish Committee of Social Aid (PKPS) help refugees and other vulnerable social groups such as the homeless.

UNHCR monitors legislative activity and the implementation of law regarding refugees. It also provides both foreigners and government with expert guidance. The organization assists refugees with integration, financially supports special programs run by other NGO institutions, and organizes training, information and education campaigns about refugees.

Repatriates who receive Polish citizenship upon their arrival in Poland form another group that benefits from a special integration program. It is worthwhile mentioning that in addition to presenting proof of Polish origin, potential repatriates must prove that they posses adequate "settlement conditions," that is accommodation and livelihood in Poland assured by the commitment of local authorities or through an official invitation from a private corporation, association, or family. Polish government assumes the expenses of travel to Poland. The government provides repatriates with one-time financial assistance to resettle, including a start-up allowance and a schooling allowance. Adaptation programs for repatriates include Polish language instruction, society and culture and vocational trainings. A repatriate can also enter a special professional activation program. The employer is subsidized to create a job for a repatriate; the position is subsidized for a certain period of time. In contrast to refugee programs funded by international NGOs and monitored by European Union institutions, repatriates are assisted by local NGOs and their support remains very limited.

In general, NGOs often expand the scope of their activities to include all foreigners, regardless of their status. Their programs focus on the assistance in Poland, but practically pay no attention to issues surrounding the country of origin. Their main activities focus on humanitarian assistance, training and counselling. They sometimes offer financial help in crisis situations. There is also a possibility of psychological assistance to refugees and immigrants in the area of child development, crisis situations, and culture shock. The training includes Polish language instruction and career counselling. Also practical adaptation courses have been prepared by other NGOs. The Intercultural Center for Professional Adaptation offers free courses and training to refugees, immigrants and repatriates alike. These are mainly Polish culture and language classes for children, as well as training in Polish law and other aspects of setting up a business activity in Poland.

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Acquisition of citizenship

Although in the preamble of the Constitution the idea of the nation becomes identified with the idea of citizens of the country, Polish citizenship is generally obtained by *jus sanguinis*.

Foreigners can acquire Polish citizenship through marriage with a Polish citizen or through the normal naturalization process. In the first case, a foreigner can apply for Polish citizenship after three years of marriage, provided that he or she has been granted a permanent residence permit. Normal naturalization (art. 8) can take place after five years of residence in Poland on the grounds of the permanent residence permit. It is a discretionary decision of the President of Poland. Citizenship can be granted to a person who does not meet the criteria, if there are other important circumstances.[4]

Repatriates form a special group of immigrants who come to Poland as Polish citizens. By entering the repatriation procedure in their home country, they begin the procedure of reacquiring Polish citizenship, on the basis of *jus sanguinis*. When they come to Poland they are automatically treated as Polish nationals. The foreigners

who enter Poland as spouses of repatriates receive a permanent residence permit.

Evaluation

The Polish integration system proposed by Polish authorities is far from ideal. It overlooks a large part of the population of legal immigrants, not to mention illegal migrants. In Poland as in other central European countries, the approach to integration can be best described as selective (certain groups of immigrants and limited aspects of integration are being targeted) and small-scale (also low-cost), as noted by Iglicka and Okolski (2005).

Even the most established integration programs concerning repatriates and the acknowledged refugees encounter serious problems.

Repatriation has been problematic and is currently being reconsidered. There have not been many local communities ready to host a repatriate; furthermore, repatriates returning from urban areas of Kazakhstan do not want to stay in their selected communities, which are mostly in the countryside. Thus the number of arrivals has been dropping. Despite expected cultural advantages linked to Polish origin and cultural similarity, many repatriates face serious problems in adapting to Polish society, including inadequate language proficiency, legal and financial problems, and difficulty finding accommodation and employment. They also face prejudice and discrimination (Hut 2002, Weinar 2003).

As far as refugees are concerned, very few of them are granted refugee status and take part in the integration program. Even in the case of acknowledged refugees, there is a shortage of long-term, systematic, comprehensive integration support. First, the program is short and the level of funding programs is insufficient. For example, the allowances received by refugees are too small to live in the Warsaw metropolitan area.

Second, it is very difficult to find suitable housing for refugees. There is a low supply of council apartments, especially in the Warsaw metropolitan area. Moreover, refugees face discrimination in their housing search. There is still little done to change the attitudes of Polish society towards them.

Third, finding a job in Poland has been difficult even for Poles. Refugees, stigmatized as coming from another culture and with insufficient language skills, encounter even greater problems.

Fourth, the civil servants working with refugees are overworked and overloaded with administrative tasks and cannot fully and efficiently support their clients. However the new international program for refugees can be evaluated as a big step forward and an example of best practices.

Although in the ideological sphere Poland recognizes the need to support the integration of immigrants, and although the State tries to pursue a policy of integration based on European standards, the government dispenses minimal resources on it. So far immigrants who have managed to integrate owe this success to their own determination and the support of their family or friends. Thus far neither the State nor the non-governmental organizations have provided immigrants – including acknowledged refugees – with comprehensive, systematic, stable and effective long-term assistance. There are, however, several promising new integration initiatives and discussions going on in this field.

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Notes

[1] 2003/109/EC, of 25 November 2003.

[2] Act of 27 July 2002 on the rules and conditions governing the entry and stay of EU citizens and their family members on the Polish territory (*Dziennik Ustaw* No.141, Item 1180, as amended in 2003, No. 128, Item 1175, as amended in 2004, Item 959, and No. 173, Item 1808).

[3] The average gross monthly payment in the first quarter of 2006 was approximately 820 euros (in the public sector) and 525 euros (in the private sector) (www.stat.gov.pl). In 2006 the minimal monthly wage amounted to 233 Euros (*Dziennik Ustaw* no. 177, item 1469).

[4] President Regulation of March 14, 2000 (*Dziennik Ustaw* No. 18, Item 231).