

Re-thinking approaches to labour migration

Potential and Gaps in EU Member States' Migration Infrastructures Case Study Summary — **Poland**



KEY MESSAGES

- While many legal labour migration pathways have been created in Poland, many sectors of Poland's economy are experiencing labour shortages. In the future, employment growth is expected particularly for high-skilled professions.
- Although migration pathways have been effectively used to fill labour gaps, greater simplification and digitisation could help to make permit application procedures more efficient. To become a more attractive place for migrant workers, Poland could also increase protections for workers and improve migrant integration services.
- The employers' declarations pathway and introduced in 2022 registrations procedure are the most commonly used pathway for labour migrants, particularly for workers in Poland's low-skilled sectors (such as construction, manufacturing, transport, agriculture, household employment).
- Poland could explore setting up migration and mobility schemes. Likely partner countries may be those with existing migration and cultural ties, such as other countries in the immediate EU Neighbourhood. From the EU Talent Partnership pilot countries, Egypt, Senegal and Pakistan offer economic opportunities. Asian countries that share religious similarities could be another option for cooperation in the context of mobility partnerships.



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BACKGROUND AND CONTEXT

Over the last two decades, Poland has experienced sustained economic growth and low unemployment. At the same time, Poland's domestic labour supply has shrunk due to the large-scale emigration of Polish people abroad, as well as a gradual ageing of the working age population. While Poland was for many years a country of emigration, since 2015, net immigration has been positive as result of the increasingly high numbers of migrant workers coming to Poland as well as the decline in the number of Polish citizens leaving the country (Sas 2022). Migrant workers have helped the Polish economy to sustain growth in a context of gaps in labour supply and overall low unemployment.

Migrant workers have been employed across many sectors of the economy, although a majority are active in low-income occupations. Currently, agriculture, construction and manufacturing as well as transport employ the largest proportion of migrant workers. Migrants also work in services, both in low-paid such as catering, cooking, retail sales and domestic services, as well as in high-income specialist positions in the IT sector. The majority of foreigners who come to Poland come on a temporary basis and for work purposes (EC n.d.-a). In 2023, most foreigners applying for different types of work permits came from Ukraine and Belarus.

Current and future labour shortages

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

Looking ahead, labour shortages are expected to continue. Estimates predict that Poland will need to

hire an additional 1,5 million people by 2025 to meet anticipated economic expansion, and that alternative labour market policies (excluding labour migration) would not be sufficient in filling these gaps (PwC 2019).

However, the sectors experiencing labour shortages and increased demand for workers will change in the future. In general, employment growth is expected in high-skilled professions while employment will shrink in sectors considered to be low-skilled. Sectors anticipated to experience employment decline that currently employ migrants are agriculture, construction and manufacturing (Cedefop 2020). Employment decline in some of these sectors will result from increased mechanisation, particularly in agriculture. IT services is one migrant-employing sector which is predicted to show employment growth (Cedefop 2020).

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

Labour migration policy in Poland

In spite of the essential role of migrant labour for the Polish economy, immigration has been a controversial and politicised topic in Poland. The hardline stance of the Law and Justice Party, which governed between 2015 and 2023, on welcoming refugees and migrants from non-European countries has proved popular with Polish voters. Its opposition to welcoming refugees was instrumental in its first election victory in 2015, and since its re-election in 2019, the government's securitisation of the border with Belarus in September 2021 to prevent asylum seekers who came mostly from the Middle East improved its position in the polls (Bartyzel 2021).

In 2016, the Law and Justice governing party suspended the only national migration document and failed to produce a replacement. Draft proposals since then have been met with criticism from all directions. In 2019, a draft government proposal for a national migration strategy included a suggestion that Poland will need to recruit workers from non-

European countries was met with hostility (Santora 2019).

Following the 2023 parliamentary elections, Donald Tusk, leader of Civic Platform, became Prime Minister, forming a new government after an unsuccessful attempt by the Law and Justice party. Maciej Duszczczyk, a migration specialist, assumed the role of Deputy Minister in charge of migration-related affairs in the Ministry of the Interior and Administration. In January 2024, the Inter-Ministerial Team on Migration was reactivated to coordinate migration management efforts. A timetable for developing a migration strategy for 2025–2030 was also published, with plans for legislative drafts and discussions.

Legal migration pathways

Work permits

A work permit entitles the holder to take up employment with a specific employer and may be issued for up to three years. Interest in obtaining work permits in Poland has steadily increased, particularly since 2014, with the number of permits issued growing more than tenfold between 2011 and 2021. However, the COVID-19 pandemic led to a decrease in permits issued in 2020, with a subsequent rebound in 2021. The issuance of permits dropped again in 2022 and 2023, attributed to the war in Ukraine. In 2023, the highest number of permits was granted to citizens of India, totalling nearly 46 thousand.

Lengthy bureaucratic proceedings and staff shortages have led to significant delays in issuing permits. The introduction of single permits in 2018 aimed to simplify the process, but challenges persisted. However, recent changes (2022) in legislation have addressed some inconveniences, such as abolishing certain requirements and introducing a priority path for strategic sectors. Despite fluctuations in the number of work permits issued, interest in working in Poland has remained high, with a diverse range of nationalities seeking employment across various sectors.

Employers' declarations

Since January 2018, Poland has implemented a simplified system for employing third-country nationals, consisting of two types of permits: employers' declarations and seasonal work permits (see below). Before 2018, only employers' declarations were available. These declarations, introduced in 2006, facilitated access to the labour market for economic immigrants. They are only available to citizens of Armenia, Belarus, Georgia,

Moldova and Ukraine (on 27 October 2022, Russian citizens were excluded from the this procedure) and are submitted by the entity entrusting work to the district (powiat) labour office for registration. The submission of declarations requires a fee and entails providing personal data of the foreign national, work details, and remuneration information.

Initially limited to six months within a year, the period for which these declarations are issued has been extended to 24 months since December 2021. This change resulted in a significant decrease in the number of declarations issued in 2023.

Until 2022, Ukrainian citizens were the dominant group utilizing employers' declarations for employment in Poland, a trend that persisted from before 2018. The vast majority of jobs performed by foreign workers under employers' declarations are physical work in sectors considered low-skilled, such as industrial, construction and services for men, and agricultural and household employment for women (Górny et al. 2018; Duszczczyk and Matuszczyk 2018).

Seasonal work permits

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

The issuance of seasonal work permits in Poland has remained relatively stable over the years, but experienced a significant decline in 2022 and an even greater drop in 2023. In 2023, only 16,000 seasonal work permits were issued, with the majority (13,000) being granted to Ukrainian nationals. Agriculture accounted for the vast majority (97%) of seasonal work permits issued in 2023, with farmers being the primary users of these permits.

Solutions for Ukrainian citizens - notifications procedure

Until the outbreak of the war in Ukraine in 2022, Ukrainian nationals were the most commonly employed group in Poland across the above-described procedures for legalizing employment.

However, following legislative changes opening the labour market to Ukrainians, there was a shift towards the notifications procedure, with 85% of applications from Ukrainians in 2023 falling under this category. In response to the war and influx of refugees, a special act was passed in March 2022, facilitating easier labour market access for Ukrainian citizens with legal residence in Poland. Employers now only need to notify the relevant authorities within 14 days of a Ukrainian national commencing employment, regardless of their entry date into Poland. From its inception in March 2022 until December 2023, over 1,8 million notifications were recorded, with significant increases between 2022 and 2023.

The Card of the Pole

The Card of the Pole (Karta Polaka) came into effect in 2007 and provides a pathway for people of Polish ethnic origin or cultural affinity to come to Poland. The Card of the Pole is issued for 10 years and can be renewed, and it provides full access to the labour market. Between March 2008 and June 2018, 253.455 Cards of the Pole were issued.

Schemes targeting high-skilled entrepreneurs

Poland has developed schemes targeting high-skilled entrepreneurs. The principal scheme to address high-skilled entrepreneurs was the Poland Business Harbour (PBH), which aimed at IT specialists and high-skilled workers, and which was launched in December 2020. The programme was first aimed at Belarusians only, but later citizens of Armenia, Azerbaijan, Georgia, Moldova, Russia and Ukraine could also participate.

The expansion of the programme was advocated by the IT industry, which has been suffering from a shortage of professionals. Initially, the results of the programme were rather limited: in the first few months of the programme, until the end of 2020, 2.500 visas were issued for Belarusian citizens (Supernak 2022). Yet between the visa's launch in September 2022 and February 2023, 24.121 Belarussians had come to Poland through this visa scheme.

Due to administrative challenges and irregularities, as of 26 January 2024, the PBH programme was suspended, with Polish consulates no longer accepting PBH visa applications.

The European Blue Card

Poland issues among the most EU Blue Cards for highly-skilled workers of all EU countries. Even so, the number of EU Blue Cards issued compared with other pathways has been very low, only 2.250 in 2020 (Eurostat 2009).

Suggestions for possible future adaptations to legal migration policy

Expand the list of eligible countries for employers' declarations

The employers' declarations only allow citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine to come to Poland. Analysts have called for a broadening of the geographical scope of the employers' declarations, pointing out that Poland's economy will need to recruit workers from beyond these countries in order to fill gaps in its labour supply.

Extend the period of validity of other permits

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

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

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

Improve dialogue between policymakers and social partners

Trade unions and NGOs should be better consulted on migrant-related issues. By increasing the role of and improving dialogue with NGOs and trade unions, policy makers would be able to formulate migration policy that was more respectful of migrant workers' rights and in so doing create a more attractive destination for prospective migrant workers. In recent years, NGOs in Poland have struggled to get a seat at the table in labour migration policy making circles. Trade unions in Poland are also not equally represented in labour migration policy making, compared to employers' associations. Polish trade unions do not typically work on migrant-related

issues. To improve the protection of migrant workers' rights, trade unions could be encouraged to work on migrant-related issues, through capacity-building measures by the government, as well as through increased collaboration with NGOs who specialise on this issue.

Facilitate migrant entrepreneurship

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

Improve integration services

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

Promote migrant workers' rights and address risks of exploitation

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

Improve recognition of foreign qualifications

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

Implement a regularisation mechanism for undocumented migrants

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

Suggestions for possible ways to explore mobility schemes under the EU Talent Partnership framework

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

When designing its engagement in Talent Partnerships Poland could try to match its labour needs with the skills available in a partner country. Of the proposed Talent Partnership countries, research could be done to identify countries corresponding with Poland. Key sectors in need of migrant labour are agriculture, construction and manufacturing.

Explore the possibilities of EU Talent Pool

The proposed EU Talent Pool scheme could offer Poland an opportunity to enhance its labour market and spur economic growth by leveraging a wide range of talents. However, to maximise its benefits, Poland needs to identify high-demand skill areas, implement

targeted recruitment strategies to support its SMEs, and ensure a supportive environment for international workers, including language and cultural training and relocation assistance.



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