

The Immigration Policy of the European Union: Challenges and Prospects Conclusions for Poland

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Abstract

The paper aims to characterize and evaluate the immigration policy of the European Union in the context of the challenges posed by regular and irregular migration processes on a global and regional scale. The EU policy is in line with the United Nations (UN) initiatives aimed at international cooperation in solving migration problems. The provisions of the treaties share powers in EU immigration policy between its institutions and member states. The harmonization of activities in this area is carried out through the implementation of directives adopted at various times and related to limited areas of immigration policy, hence its fragmented nature. The 2015 migration crisis posed new challenges to the EU's immigration policy and revealed conflicts of interest between individual member states. Nevertheless, the EU is taking steps to build a comprehensive approach to migration, asylum, integration, and border management (*The New Pact on Migration and Asylum*). The diverse position in terms of the balance of migration flows of the EU as a whole (a net importer of labor) and individual member states (e.g., Poland – a net exporter of labor and recipient of circular migration) affects the approach to migration issues and the acceptance of the proposed solutions in the area of migration policy.

Keywords: migration, European Union, the EU immigration policy, Poland, circular migration

JEL: F02, F15, F22

Introduction

There are long-term tendencies towards strengthening migration processes in the global economy. The same is true in relations between the European Union (EU) and third countries. At the same time, the liberalization of labor markets within the EU stimulates labor flows among the member states. Although the reasons for migration flows and their economic, social, and political consequences for countries of origin and destination have been thoroughly discussed, attempts to establish global and regional migration policies have been analyzed to a lesser extent. Therefore, it justifies examining these issues further.

Although there are no binding global regulations that underlie international movements of people/labor force, the UN has attempted to formulate standards and norms related to migration. The EU is also attempting to establish a legal migration framework in relations with third countries, while a framework for inclusive social policy has been created to improve the situation of migrants.

This paper aims to characterize and assess the EU's immigration policy in the context of challenges arising from regular and irregular migration into the grouping. The more detailed research tasks in the paper are as follows:

- to present the results of international cooperation to manage migration flows in the world economy, with particular reference to UN initiatives (*Global Compact on Refugees* and *Global Compact for Safe, Orderly, and Regular Migration*),
- to examine changes in legal regulations on migration at the EU level and their impact on re-shaping EU immigration policy,
- to assess the activities undertaken by EU institutions to solve problems caused by regular and irregular migration,
- to discuss some conflicts of interests among the member states regarding irregular migration,
- to assess the consequences of migration flows from and to Poland for its economy, with particular reference to circular migration.

The UN documents and the official information on the EU immigration policy and independent analyses are used as references in the paper. The International Organization for Migration (IOM), EUROSTAT, and national statistics databases are used to analyze and evaluate the migration flows at the global level and between the EU and third countries.

The UN Global Compact for Migration

Global migration is intensifying, as evidenced by the increasing number of international migrants, estimated at 272 million in 2019. The number of refugees also increased. It was estimated at 25.9 million people worldwide in 2019, which meant an almost twofold increase compared to 2000. Moreover, 3.9 million people were stateless

(IOM 2019, p. 10). Although migrants represent a small fraction of the world's population, i.e., 3.5%, both absolute and relative values indicate that the scale of this phenomenon increased significantly in the last half-century. The total number of migrants in the world economy in 1970 was 84.5 million, which accounted for 2.3% of the global population (IOM 2019, p. 10). Compared with the scale of migration in 1970, the total number of international migrants in 2019 increased more than threefold.

The geographical structure of migration by region of residence indicates that in 2019, 61% of the total number of migrants resided in two regions of the world economy, i.e., Asia and Europe, with 84 and 82 million, respectively. North America was in third place, with 22% of the total number of migrants, i.e., 59 million (IOM 2019, p. 24).

The acceleration of migration in the global economy is closely related to violent events around the world (conflicts, severe disruptions to political and economic stability, economic crises), but also long-term trends that result from demographic changes, economic development, advanced communication technologies, and transport availability.

In the context of the migration that emerged with unprecedented intensity, the UN attempted to comprehensively regulate international movements of people. On September 19, 2016, the UN General Assembly adopted the *New York Declaration on Refugees and Migrants*, which launched international cooperation to manage migration (UN 2016; EP 2019; Kugiel 2018; IOM 2019a). Two separate negotiation processes were started in connection with the Declaration. As a result, two agreements – the *Global Compact for Refugees* and the *Global Compact for Safe, Orderly, and Regular Migration* – were adopted in 2018.

The *Global Compact on Migration* is the first-ever UN agreement on a common approach to international migration and its various dimensions. It is based on common values such as state sovereignty, responsibility-sharing, non-discrimination, and human rights. At the same time, Agreement signatories agree that a cooperative approach to migration is needed to optimize the overall benefits of migration while addressing the risks and challenges of migration for individuals and communities in countries of origin, transit, and destination. However, the *Global Compact on Migration* is not legally binding, does not restrict national policies, and does not replace national migration controls. Reaching this agreement is perceived as an important step in establishing a multilateral regime on migration and the first stage of the “internationalization” of migration policy. This process was supported institutionally by transforming the *International Organization for Migration* (IOM) into a UN agency (EP 2019, pp. 4, 11).

The agreement contains 23 goals that can be divided into three groups: (1) specific goals and goals directly related to migration, (2) goals concerning specific but contested issues, (3) broad and aspirational goals (IOM 2019, p. 298). The first group includes widely accepted goals, such as data collection and research, the ethical employment of migrants, facilitating the transfer of funds to the migrants' country of origin, and preventing trafficking in human beings. The second group objectives – contest-

ed – included a wider opening up of legal migration paths, coordinated and integrated border management, using detention as a last resort, ensuring migrants' access to essential services, investing in skills development, mutual recognition of qualifications, and facilitating returns and reintegration. The third group includes, i.a., reducing the negative forces that cause migration, eliminating all forms of discrimination, and taking measures for full social inclusion and cohesion (IOM 2019, p. 298).

Not all UN member states accepted the *Global Compact for Migration*. While still negotiating the agreement, i.e., in 2017, the US withdrew from its initial commitments, adopting a more protectionist approach regarding border management. President Trump's administration found the agreement to be incompatible with US sovereignty. Other countries also did not sign the agreement at the Marrakesh conference. This group includes 10 EU Member States, including Poland (EP 2019, p. 3).

The European Parliament, in its resolution of April 18, 2018, strongly endorsed the objectives of the *New York Declaration on Refugees and Migrants*. The draft refugee agreement and its approach to the problem were welcomed. Concerning the *Global Compact for Safe, Regulated and Legal Migration*, the European Parliament insisted on "...the need for the EU Member States to demonstrate unity and to speak with one voice in support of an international human rights-based regime for managing migration" (EP 2019a, par. 29), among other things.

The confrontation of the European Parliament's position with the approach of many EU member states to accession to the agreement shows that managing migration at the supranational level is a problematic issue.

The European Union as a grouping played an essential role in preparing the *Global Compact on Migration*, formulating six priorities that were broadly adopted in the final text of the agreement. They read as follows (EP 2019, pp. 7–8):

- upholding the human rights of all migrants and protecting migrants in vulnerable situations,
- addressing the drivers of migration, including climate change impacts, natural disasters, and man-made crises,
- connecting migration with development, including remittances and the portability of earned benefits,
- promoting international governance of migration, including through effective cooperation on return, readmission, integration, and reintegration,
- addressing irregular migration, including trafficking in human beings and smuggling of migrants, and promoting border management,
- promoting regular pathways.

The European Union strongly emphasized the link between these priorities and the *2030 Agenda for Sustainable Development – SDG* (EP 2019a; EC 2019). The immigration policy of the European Union also reflected these priorities.

The International Organization for Migration (IOM) makes recommendations on national policies for the social inclusion of migrants, stressing that specific issues cannot be resolved globally. However, the IOM recognizes that with increasing mi-

gration over the last 50 years, the diversification of the migrants' countries of origin, their socio-economic differentiation, and the differences in the causes of migration, the cohesion of the societies of countries that receive migrants has become a challenge for them (IOM 2019, pp. 185–206). In the *Global Compact for Safe, Regulated and Legal Migration*, the social inclusion of migrants and social cohesion is one of the central goals (Goal 16) confirmed by the acceding countries. This issue is raised similarly by the *Global Compact on Refugees* (IOM 2019, p. 186).

The IOM recommendations concerning the policy of the social inclusion of migrants by host countries are as follows (IOM, p. 206):

- Applying a holistic approach to the social inclusion policy should improve its effectiveness; usually, high importance is attached to policies aimed at including migrants in the labor market, but different policy areas are interdependent, and the effects in different areas may interact.
- Not applying restrictive policies in migration management (e.g., high language requirements on entry), as this may have opposite effects, e.g., in family reunification.
- Local actors (local authorities) play an important role in social inclusion; their role should be strengthened when shaping national social inclusion policies.

Immigration policy within the European Union

The specifics of the EU immigration policy result, on the one hand, from the legal conditions defined by the treaties, and on the other, from the changing approach to the real flows of people/labor in the global economy and relations with third countries. The declared goal of the EU in this area is to create a far-reaching and extensive policy based on solidarity, with a balanced approach to the issue of regular and irregular immigration (EP 2021, p. 1).

Treaty basis

The legal basis for the immigration policy is the provisions of the *Treaty on the Functioning of the European Union* (TFEU) – Art. 79 and Art. 80 (TFEU 2012). The EU has the power under the Treaties to develop a common immigration policy to manage migration flows effectively. This policy applies both to third-country nationals legally residing in the member states and to irregular migration. The EU is committed to ensuring that legal immigrants have the same rights and obligations as EU citizens. Its policy also aims to prevent irregular migration and human trafficking (Art. 79 TFEU). The European Parliament and the Council create the means of achieving these objectives through the ordinary legislative procedure.

The EU does not have exclusive competencies in immigration policy – it shares them with the member states (TFEU 2012; EP 2021, pp. 1–2). The EU's competencies

concern establishing the conditions of the entry and residence of legal immigrants, including family reunification procedures and the freedom of movement and to live in the other member states. However, member states have the right to determine the allowed number of third-country immigrants seeking employment or self-employment in their markets. The EU can offer incentives and support to member countries to promote the integration of legal immigrants from third countries. However, EU law does not contain any regulations concerning the harmonization of the laws and regulations of the member states in this respect.

Regarding irregular migration, the EU takes measures to prevent and reduce such flows and has the right to conclude agreements with third countries on the readmission of irregular migrants who do not fulfill the conditions for entry or stay in EU member states (EP 2021).

The TFEU also empowers the EU to develop a common policy in the fields of asylum, subsidiary protection, and temporary protection aimed at granting appropriate status to every third-country national in need of international protection (TFEU Art. 78). This policy must follow the Geneva Convention of July 28, 1951, and the Protocol of January 31, 1967, relating to the status of refugees, and other relevant treaties. If one or more member states find themselves in an emergency related to the sudden influx of third-country nationals, they may receive temporary measures, granted by the Council based at the request of the Commission, after consulting the European Parliament (TFEU Art. 78.3).

The Treaty of Lisbon creates the legal framework for the EU's policy on border control, asylum, and immigration. This policy applies the principle of solidarity and fair sharing of responsibility between the member states, also in the area of finance (Art. 80). Adopting the above provisions in the Treaty of Lisbon has institutional implications, i.e., the above-mentioned co-legislation of the Parliament and the Council and the full jurisdiction of the Court of Justice concerning the sphere of immigration and asylum (EP 2021, p. 2).

Implementation of the EU immigration policy

The implementation of the assumptions of the EU immigration policy required action at the EU level. As part of these activities, the *Global Approach to Migration and Mobility* (GAMM) was adopted in 2011, setting out a general framework for the EU's relations with third countries in migration and asylum policy (EC 2011). The EU has taken many initiatives that tackle the problem of migration in neighborly relations, for example, with African countries. GAMM addressed four issues: regular immigration and mobility, irregular migration and trafficking in human beings, international protection and asylum policy, and maximizing the development impact of migration and mobility (EC 2011, p. 6). Regarding the latter area, the EU formulated priorities that indicated that the grouping would strive to mitigate the brain drain from developing countries and reduce the cost of transferring wages to immigrants' home countries,

among others. At the same time, the EU saw immigration in the context of the new *Europe 2020* strategy as a means of enhancing the development of the EU economy by replenishing the workforce that is declining there (due to population aging) and using a new pool of skilled workers. The *Directive on the conditions of entry and residence of third-country nationals for highly qualified employment* had already been adopted (Council Directive 2009/50/EC).

Another action of the EU was that it adopted strategic guidelines for EU legislative and operational planning in the area of “freedom, security, and justice” for the period 2014–2020. The guidelines emphasized the need for a holistic approach to migration to make the best use of regular migration, offer protection to those who need it, combat irregular migration, and effectively manage borders (EP 2021, p. 2).

In response to the unprecedented migration crisis in 2015, the Commission published the *European Agenda on Migration*, proposing immediate countermeasures and measures to be taken in the coming years to manage all aspects of immigration more effectively (EC 2015). The *European Agenda for Migration* introduced the idea of relocating refugees/immigrants throughout the European Union and supporting this process financially (EC 2015, pp. 5–6), which was a reactive solution in the face of the failure of destination countries to cope with the flood of migrants.

The assessment of the immediate effects of implementing the *European Agenda for Migration* shows that it fulfilled its task concerning the crisis and stopping irregular immigration to the EU. After the stream of irregular migration reached over 1.8 million people in 2015, it dropped to 150,000 in 2018 and then decreased in 2019 by a further 5%, reaching 141,700 (EC 2019a; EC 2019b). The EU institutions used a range of instruments to tackle the current problems. They included an innovative approach to partnerships with third countries, an agreement with Turkey, providing protection and support to millions of refugees in third countries, creating a new *European Border and Coast Guard Agency*, and allocating significant funds (over EUR 10 billion) to migrants and border protection (EC 2019a).

At the same time, third countries, including Turkey, critically assess the actions taken by the EU to deal with the refugee crisis. There is a discrepancy between the normative principles of EU policy, such as solidarity and burden-sharing, and the actual practice in this area (Eylemer, Söylemez 2020, pp. 315–342).

In the medium and long term, in addition to reducing incentives for irregular immigration, border management, and the development of a more assertive common asylum policy, in the *European Agenda for Migration*, the Commission proposed establishing a new policy for regular immigration and a revision of the “Blue card”, which concerns the immigration of highly qualified people (EC 2021, p. 3). The *Agenda* emphasizes the needs of the EU in terms of the inflow of labor from third countries, indicating that Europe is competing with other economies for workers with the required skills. It is estimated that without migration, the EU working-age population will decline by 17.5 million in the coming decade (EC 2015, p. 17). Migration is an increasingly important way to improve the EU’s welfare system’s sustainability and ensure sustained economic growth.

Regarding regular migration, the EU developed legal solutions (directives) concerning the opening of legal channels for migration. In addition to the above-mentioned *Directive on the conditions of entry and residence of third-country nationals for highly qualified employment*, several directives have been adopted to organize and standardize the situation of immigrants living in the EU. These were directives *on the right to family reunification* (2003/86/EC), *long-term residents* (2003/109/EC), *single permit* (2011/98/EU), *intra-corporate transfers of workers* (2014/66/EU), *seasonal workers* (2014/36/EU), *the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing* (2016/801/EU). In 2016, the European Commission also adopted a new action plan to integrate migrants from third countries (EP 2019, pp. 9–10).

The directives mentioned above harmonize the member states' approaches to individual areas of immigration policy concerning legal migration. However, there are potential gaps in these regulations and their maladjustment to the current needs of the EU. It applies in particular to the problems that appear at various stages of the migration process (e.g., obtaining entry visas), a lack of regulation of the conditions of access to the EU labor market for certain categories of third-country nationals important for its economy (e.g., seasonal workers with low or medium qualifications, job seekers, service providers). As a result of sharing competencies in immigration policy with the member states, these gaps are covered by national regulations. However, this causes the fragmentation of the EU immigration policy, which is the price paid for the gradual Europeanization in this very sensitive sphere (EC 2019c, pp. 100–101).

According to official assessments, the EU immigration policy pursues the main goals formulated at the 1999 Tampere European Council summit and included in the Lisbon Treaty. In implementing this policy, an additional goal emerged, i.e., attracting third-country nationals to the EU economy, according to its needs, to strengthen the competitiveness and economic growth of the EU (EC 2019c, p. 100). However, scientists' assessments indicate that the EU policy reveals two specific phenomena concerning granting rights to legal migrants, i.e., granting "restrictive rights" to third-country nationals and "politics of categorization" (Mourão Permoser 2017). "Restrictive rights" mean that member rights are, in principle, guaranteed to third-country nationals but under restrictive conditions. On the other hand, "the politics of categorization" refers to the political construction of different categories of migrants who are subject to the influence of different regimes in terms of the rights granted. These phenomena make it possible to extend rights to non-EU citizens. However, they create new dividing lines and mechanisms of exclusion.

Following the actions taken so far, the European Commission published in September 2020 *The New Pact on Migration and Asylum*, aiming to construct a comprehensive approach to migration, asylum, integration, and border management (EC 2020, p. 3). It expresses the desire to regulate migration in a long-term perspective while respecting European values and international law. The pragmatic dimension is about reducing the problem of unsafe routes and irregular immigration routes and promoting

permanent and safe legal migration routes for people who need protection. The *New Pact on Migration and Asylum* proposes a holistic approach to migration and asylum, emphasizing the need to create more effective procedures and capture a new balance between responsibility and solidarity among member states. The importance of enhanced cooperation on migration with partners outside the EU is also stressed. The *New Pact* proposal is also subject to critical evaluation from various viewpoints (Carrera and Geddes 2021).

Characteristics of people/labor flows in relations between the European Union and third countries

In an integration grouping, such as the EU, flows of people/labor within the grouping result from having achieved an advanced stage of integration – the single European market, which implements the free movement of people/employees. On the other hand, migrations and labor flows in relations with third countries result from many factors, including political ones. The EU member states accept migrants from other member states and third countries. In the latter case, they are both regular and irregular migrants.

According to Eurostat, the total number of people living in EU countries without citizenship of any EU member state was 23 million on January 1, 2020, and accounted for 5.1% of the EU population. Also, 13.5 million people in the EU had citizenship of other member states (Eurostat 2021). In the geographical structure of the EU, residents born outside the EU by country of origin, Australia and Switzerland had the largest share (29.7% each), followed by Canada (21.3%), Norway (15.6%), Great Britain¹ (14%), the USA (13.6%) and Russia (8%). The reasons indicated for the migration of people with residence permits to the EU are family reasons (38%), work (17%), asylum (9%), education (4%), and other (32%) (Eurostat 2019, pp. 2–3). The EU member states with the largest number of immigrants, in absolute terms, as of 1.01.2020, were Germany (10.4 million), Spain (5.2 million), France (5.1 million), and Italy (5.0 million). Altogether, non-EU citizens living in these four countries represented 71% of the total number of immigrants in the EU (Eurostat 2021, p. 9).

The importance of immigrants for the EU labor market is confirmed by the number of non-EU citizens employed and their share in the population aged 20–64. In 2019, it was 8.8 million people, which accounted for 4.6% of this population. At the same time, the average employment rate in the working-age population is higher among EU citizens (73.8%) than non-EU citizens (60%) (Eurostat 2019, p. 3). On the other hand, the employment structure (job/occupation) does not reflect expectations regarding attracting higher-skilled immigrants to the EU labor market. There is an

¹ In the revised EU statistics on migration for 2018–2019, Great Britain is already treated as a third country.

over-representation of immigrants in jobs that require lower qualifications (cleaners and helpers, personal service workers, personal care workers, building workers, food preparation assistants). In the case of jobs/professions requiring high qualifications, there is an under-representation of non-EU citizens (teaching professionals, business and administration associate professionals, market-oriented skilled agricultural workers) (Eurostat 2019, pp. 4–5).

In response to the unprecedented influx of migrants and refugees experienced in 2015, the European Union is making numerous efforts to open up legal channels for migration and prevent illegal crossings of the EU borders. The scale of the problem is illustrated by the data on irregular migration in 2014–2019 (see Figure 1), which followed various routes from Africa, the Middle East, and Asia, mainly through the Mediterranean Sea and the Balkan route (EP 2019, p. 9).

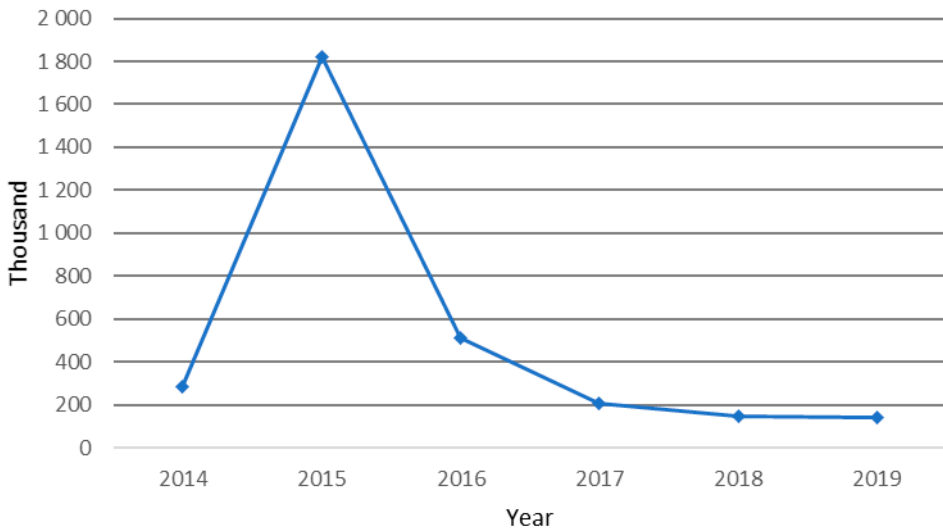


Figure 1. Irregular migration to the EU, 2014–2019, thousand people
Source: European Parliament, EPRS, J. Apap, *A Global Compact on Migration. Placing Rights at the Heart of Migration Management*, January 2019, p. 9; Communication from the Commission to the European Parliament, the European Council and the Council, Progress Report on the Implementation of the European Agenda on Migration, COM (2019) 481 final, Brussels, 16.10.2019, p. 1; *Statistics on migration to Europe*, European Commission, https://ec.europa.eu/info/strategy/priorities-20192024/promoting-our-european-way-life/statistics-migration-europe_en (accessed: 11.03.2021) and own elaboration.

The above data show that measures taken by the EU in cooperation with other countries resulted in a reduction in the number of illegal/irregular crossings of the EU borders. The experience of the past migration crisis made the EU strive to develop mechanisms that would help it better deal with possible crises. It is reflected in the above-mentioned *New Pact on Migration and Asylum*.

Migrations and flows of labor between Poland and the European Union member states and third countries

Evolution of legal conditions

Establishing the free movement of people/labor between Poland and the European Communities/European Union was a sensitive issue. At the stage of association, under the *Europe Agreement*, Polish citizens legally employed in the EU member states at that time were guaranteed non-discrimination in terms of working conditions, remuneration, or dismissal, similarly to their family members. However, the possibility of Polish citizens obtaining the right to work was decided by individual member states, making their decisions dependent on the situation in their labor markets. The flows of labor in mutual relations were limited by bilateral agreements (Kaweczka-Wyrzykowska 1997, pp. 409–415).

At the stage of negotiating Poland's membership agreement with the EU, the negotiating area on the free movement of people proved to be one of the most difficult. At the request of the European Union, a seven-year transitional period was established in the 2 + 3 + 2 formula, limiting the right of Polish citizens and the citizens of eight new member states (EU-8) to work in the EU (EC 2011a). The EU-15 Member States were allowed to open their labor markets at any stage of the transition period until all restrictions were lifted. Typically, the member states that restricted access to their labor markets applied work permit schemes.

Among the EU-15 member states, Ireland, Great Britain, and Sweden declared their will to liberalize the labor market from Poland's accession to the EU, i.e., from May 1, 2004. Poland was allowed to apply the reciprocity clause during the transitional period, which meant that it could take similar measures restricting access to its labor market as applied by the member states. It made use of this option during the first stage. During the transitional period, citizens of the newly admitted member states, including Poland, could enjoy priority access to the labor markets of the EU member states over citizens of third countries.

During the second stage, i.e., between 2006 and 2009, Polish workers gained increasing access to labor markets in another eight member states. At that time, Poland lifted the restrictions on the basis of the reciprocity clause. During the last two years of the transition period, only two EU-15 countries, i.e., Austria and Germany, continued to apply significant restrictions on access to their labor markets. On May 1, 2011, the last restrictions on access to the labor market for EU-8 citizens were lifted (EC 2011a).

During the transition period, the inflow of workers from the EU-8 countries to Ireland and the United Kingdom increased from 1 million in 2004 to 2.3 million in 2010. However, this number was low in the European Commission's opinion, compared to the 19 million non-EU citizens living in the EU-15 countries (EC 2011a, p. 2).

Flows of people/labor in relations with European Union member states

The gradual establishment of the freedom of movement of people/labor within the European Union determined migration directions from Poland. Estimates of migration from Poland for a temporary stay abroad indicate that over 83% of the total number of migrants stayed in the European Union countries at the end of 2019 (GUS 2020 and own calculations).

Figure 2 shows general trends in emigration from Poland between 2004 and 2019. Due to the changing research methodology and the availability of data on migration, it presents estimated data on the number of people staying abroad at the end of a given year.

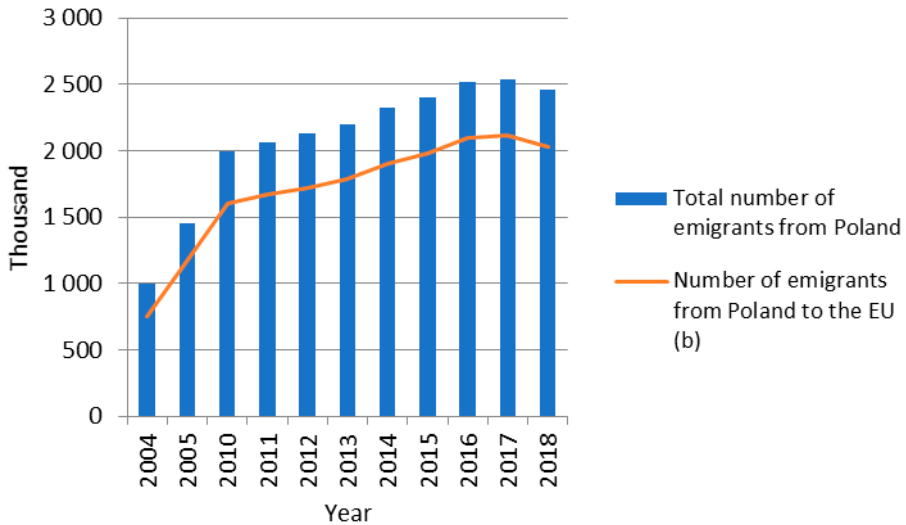


Figure 2. Estimated number of emigrants from Poland for temporary stay, 2004–2019^{a)}, thousand people

^{a)} The data concern the number of people staying abroad temporarily:
for 2004–2005 – longer than 2 months,
for 2010–2019 – longer than 3 months.

^{b)} For 2004–2005 – 24 countries, for 2010–2012 – 26 countries.

Source: *Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004–2019*, 19.11.2020, <https://stat.gov.pl/obszary-tematyczne/ludnosc/migracje-zagraniczne-ludnosci/informacja-o-rozmiarach-i-kierunkach-czasowej-emigracji-z-polski-w-latach-2004-2019,2,13.html> (accessed: 31.03.2021) and own elaboration.

According to Statistics Poland (GUS) data, the estimated number of Polish emigrants at the end of 2019 was 2,415,000, including 2,008,000 living in the EU. Compared to 2018, the total number of emigrants decreased by 40,000. (GUS 2020, p. 1). The main motive for emigration was the desire to work in the target countries, as indicated by household surveys.

The main target countries for emigration from Poland in 2019 were Germany (35% of all Polish emigrants in the EU), Great Britain (34%), the Netherlands (6%), and Ireland (6%). The majority of people who reported going abroad in population registration offices in 2019 were aged 30–39. Ten years earlier, these were people aged 20–29 (GUS 2020, p. 2). The data on the qualifications of emigrants from Poland refer to the years 2011–2013. Still, they indicate a general trend: people migrating from Poland were relatively well educated, i.e., secondary education. Compared to the entire Polish population, there was an overrepresentation of people with secondary and higher education among migrants (PARP 2019).

Immigration to Poland

Poland is also a destination country for immigrants from EU member states and third countries. The number of foreigners who had valid documents entitling them to stay in Poland in 2020 was 453,100 (UDSC 2021). Over 60% of foreigners had documents authorizing them to stay temporarily. The structure of immigrants by country of origin shows the dominance of one neighboring country, i.e., Ukraine, from which came 242,200 people, i.e., 53.5% of immigrants included in the statistics. Figure 3 shows the number of immigrants in the top ten on the list of immigrants' countries of origin in 2020.

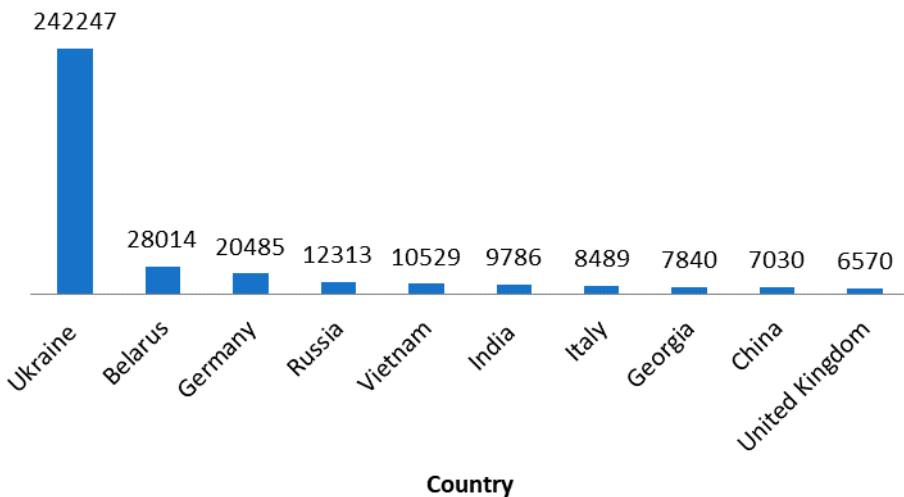


Figure 3. Immigration to Poland by country of origin, 2020

Source: Statistics-Poland-Valid documents-Tabular data-Year-2020, <https://migracje.gov.pl/en/statistics/scope/poland/type/statuses/view/tables/year/2020/> (accessed: 8.04.2021).

The influx of immigrants from other neighboring countries of Poland should be noted – from Belarus (28,000), Germany (20,500), and Russia (12,300). Slightly smaller numbers of immigrants also came from Asia, i.e., from Vietnam (10,500) and India (9,800).

However, the above data do not fully reflect the size of the foreign labor supply for the Polish economy. The Ministry of Family and Social Policy estimates that in 2018 Poland received 1.1 million people with declarations of Polish entities to offer them jobs.² If we include those who received work permits or seasonal work permits (almost 450,000), 1.4–1.5 million people were able to come to work in Poland throughout the year (Kowalski, Osiecki, and Cedro 2019). It is estimated that a maximum of 1.5 to 2 million foreign workers live in Poland each year. They go to their home countries for a few months and then return to Poland. The average annual number is about half lower than the estimations (Osiecki and Grajewski 2019). This type of migration is sometimes called circular migration (EMN 2011), and the Social Insurance Institution (ZUS) data on employee insurance shows fluctuations due to the seasonality of employment and the method of registering employees from abroad (Osiecki and Grajewski 2019).

The official data on emigration and immigration and additional estimates of people living in Poland seasonally/circularly allow us to conclude that Poland remains a net exporter of labor. Regarding the qualifications of the labor force flowing out of Poland and flowing into Poland, the balance for the Polish economy remains negative.

The reception of refugees by Poland is a separate issue. According to official statistics, 1,310 people had refugee status, 1,448 were granted subsidiary protection, 1,428 were granted a stay for humanitarian reasons, and 217 were given tolerated stay status in 2020 (UDSC 2021a). The number of refugees coming into Poland has dramatically changed as a result of the war in Ukraine. Over 2 million refugees from this country entered Poland within one month (UNHCR 2022). Between 2015 and 2017, Poland transferred PLN 67.7 million for humanitarian aid in the Middle East (to Syria, Lebanon, Jordan, and Iraq). In 2015, it transferred contributions of PLN 4 million to the budget of the Office of the United Nations High Commissioner for Refugees (UNHCR) in response to the deteriorating situation of Syrian refugees. It transferred the same amount to the United Nations World Food Program (MSWiA 2019, p. 64).

In the light of public opinion polls, the attitude of Polish society to the issue of immigration is similar to the attitudes of societies in other Eastern European EU member states, and does not cause concern (Bulut 2019, pp. 773–789). The approach of Western European societies, on the other hand, is shaped by concerns about the threats that immigration poses to their economic and cultural interests.

2 It refers to citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine.

Conclusion

The added value of this paper can be attributed to the characteristics of setting up the EU immigration policy in the context of the efforts undertaken at the global level to tackle the migration problems. In addition, the paper shows potential conflicts of interest between the EU institutions and the Member States in this field.

International flows of people/labor are not subject to unified, standardized regulations at the global level. Nevertheless, attempts are being made to introduce some norms and standards. They are binding for countries only to a limited extent. However, countries that have acceded to the UN agreements are expected to achieve the goals set.

Data on the movement of people/labor on a global scale indicate a long-term intensification of migration in the global economy. The acceleration of migration is related to violent events around the world but also to economic and demographic factors, changes in world transport, and climate change. Labor flows on a global scale are not liberalized, and on an international scale, they are liberalized only to a limited extent, under the conditions defined by host countries.

The 2015 migration crisis, which brought about an unprecedented influx of migrants and refugees to the EU, created new challenges for the EU's immigration policy. The EU stepped up efforts at the group level to build a common immigration policy to manage migration flows effectively. This policy applies both to third-country nationals who legally reside in the Member States and to irregular migration. In implementing this policy, an additional goal emerged, i.e., to attract third-country citizens to the EU economy according to its needs. It should strengthen the competitiveness and economic growth of the EU. The grouping is a net importer of labor in external relations.

Immigration policy competencies are shared between the EU institutions and the member states. Harmonizing activities in this area is carried out through the implementation of directives adopted at various times and related to limited areas of immigration policy. Hence, its fragmented character is still maintained. Nevertheless, the EU is taking steps to build a comprehensive approach to migration, asylum, integration, and border management (*The New Pact on Migration and Asylum*).

Immigration from third countries and how it is regulated remain a highly sensitive issue in relations between EU institutions and member states and among the member states. It is evidenced by the non-accession of some countries to the *Global Compact for Safe, Regulated and Legal Migration* (UN), despite the calls of the European Parliament, and the lack of consent of some member states to the forced reallocation of refugees/migrants during the migration crisis.

The case study of Poland shows that in the period of the integration with the European Union, Poland joined the international flow of production factors, including labor. The liberalization of capital flows in relations with the European Union took place earlier than the liberalization of labor flows. It was beneficial for Poland to gradually liberalize capital flows with more developed and competitive partners. However,

postponing the liberalization of labor flows meant the accumulation of negative phenomena in the labor market.

Thirty years after the start of the socio-political transformation and seventeen years of membership of the EU, Poland's position in international flows of production factors remains unbalanced. Poland is still a net exporter of the labor force. It will probably move towards a deepening of the imbalance due to the consequences of the SARS-CoV-2 pandemic (difficulties with the inflow of seasonal workers). The balance of qualifications of workers migrating from Poland and the qualifications of incoming immigrants, mostly seasonal workers, seems to be unfavorable. The migration of relatively young people from Poland also contributes to the deepening of negative trends in the demographic structure of society.

As Poland faced serious problems with irregular migration at the border with Belarus in 2021, there is a growing need to build a comprehensive immigration policy at the EU level.

References

- Bulut, A.T. (2019), *Harmonization of EU Policy and Public Opinion About Immigration in West and East European Countries*, "Journal of Economics & Administrative Sciences", Ataturk University, 33 (3).
- Carrera, S., Geddes, A. (eds.) (2021), *The EU Pact on Migration and Asylum in light of the United Nations Global Compact on Refugees. International Experiences on Containment and Mobility and their Impacts on Trust and Rights*, European University Institute, San Domenico di Fiesole.
- Council Directive (2009/50/EC), *Council Directive 2009/50/EC of May 25, 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment*, Official Journal of the European Union, L 155/17 (accessed: 18.06.2009).
- EC (2011), *Communicate from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions, The Global Approach to Migration and Mobility* {SEC (2011) 1353 final}, Brussels, 18.11.2011 COM (2011) 743 final.
- EC (2011a), *Free movement: workers from eight Member States that joined EU in 2004 finally enjoy full rights*, IP/11/506, Brussels, https://ec.europa.eu/commission/press-corner/detail/en/IP_11_506 (accessed: 29.05.2020).
- EC (2015), *Communicate from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration*, COM (2015) 240 final, Brussels (accessed: 13.05.2015).
- EC (2019), *Corporate Social Responsibility, Responsible Business Conduct, and Business and Human Rights, Overview of Progress*, European Commission.

- EC (2019a), *Communicate from the Commission to the European Parliament, The European and the Council, Council*, Progress Report on the Implementation of the European Agenda on Migration, COM (2019) 481 final, Brussels.
- EC (2019b), *Statistics on migration to Europe*, European Commission, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en (accessed: 11.03.2021).
- EC (2019c), *Commission Staff Working Document. Fitness Check on EU Legislation on Legal Migration*, SWD 1056 final, Brussels, Part 1/2.
- EC (2020), *Communicate from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum*, EC, Brussels, 23.9.2020 COM (2020) 609 final.
- EMN (2011), European Migration Network, *Temporary and circular migration in Poland: empirical evidence, current policy practice and future options*, Report Prepared by Polish National Contact Point to the European Migration Network, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/pl_study_on_temporary_and_circular_migration_en_version_en.pdf (accessed: 15.05.2021).
- EP (2019), European Parliamentary Research Service, Apap J., *A Global Compact on Migration. Placing Human Rights at the Heart of Migration Management*, Briefing.
- EP (2019a), *Progress on UN Global compacts for safe, orderly and regular migration and on refugees*, European Parliament resolution of April 18, 2018 on progress on the UN Global Compacts for Safe, Orderly and Regular Migration and on Refugees (2018/2642(RSP), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018IP0118&from=MT> (accessed: 13.04.2021).
- EP (2021), *Immigration policy, Fact Sheets on the European Union–2021*, <https://www.europarl.europa.eu/factsheets/en/sheet/152/immigration-policy>, p. 1 (accessed: 18.03.2021).
- Eurostat (2019), *Statistics on migration to Europe*, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en (accessed: 11.03.2021).
- Eurostat (2021), *Migration and migrant population statistics*, https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics (accessed: 30.03.2021).
- Eylemer, S., Söylemez, N. (2020), *Policy versus Praxis: Has the European Union Failed to Respond to the Refugee Crisis?*, “World Affairs”, Winter 2020, <https://doi.org/10.1177/0043820020966832>
- GUS (2020), *Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004–2019*, <https://stat.gov.pl/obszary-tematyczne/ludnosc/migracje-zagraniczne-ludnosc/informacja-o-rozmiarach-i-kierunkach-czasowej-emigracji-z-polski-w-latach-2004-2019,2,13.html> (accessed: 31.03.2021).
- IOM (2019), *World Migration Report 2020*, International Organization for Migration, Geneva, https://publications.iom.int/system/files/pdf/wmr_2020.pdf (accessed: 13.04.2021).

- IOM (2019a), *Global Compact for Migration*, International Organization for Migration, <https://www.iom.int/global-compact-migration> (accessed: 17.03.2021).
- Kawecka-Wyrzykowska, E. (1997), *Przepływ pracowników*, [in:] E. Kawecka-Wyrzykowska, E. Synowiec (eds.), *Unia Europejska. Integracja Polski z Unią Europejską*, IKCHZ, Warszawa.
- Kowalski, J.K., Osiecki, G., Cedro, M. (2019), *Zmiana imigracyjnego trendu? Spada liczba cudzoziemców ubezpieczonych w ZUS*, "Gazeta Prawna", 28.02.2019, <https://praca.gazetaprawna.pl/artykuly/1400295,spada-liczba-cudzoziemcow-ubezpieczonych-w-zus.html> (accessed: 30.05.2020).
- Kugiel, P. (2018), *Negocjacje globalnego porozumienia w sprawie migracji*, "Euractiv", 25.04.2018, <https://www.euractiv.pl/section/migracje/opinion/negocjacje-globalnego-porozumienia-w-sprawie-migracji> (accessed: 17.03.2021).
- Mourão Permoser, J. (2017), *Redefining membership: restrictive rights and categorization in European Union migration policy*, "Journal of Ethnic and Migration Studies", 43 (15) pp. 2536–2555, <https://doi.org/10.1080/1369183X.2017.1301202>
- MSWiA (2019), *Polityka migracyjna Polski*, Projekt z dnia 10 czerwca 2019 r., Zespół do Spraw Migracji, red. Departament Analiz i Polityki Migracyjnej, MSWiA, Warszawa.
- Osiecki, G., Grajewski, Ł. (2019), *Imigracja idzie na rekord. Liczba cudzoziemców pracujących w Polsce wciąż się powiększa*, "Gazeta Prawna" 1.08.2019, <https://serwis.gazetaprawna.pl/praca-i-kariera/artykuly/1424408,cudzoziemcy-pracujacy-w-polsce.html> (accessed: 30.05.2020).
- PARP (2019), *"Drenaż mózgow" czyli migracje potencjału intelektualnego*, PARP Grupa PRF, System Rad ds. Kompetencji, https://www.parp.gov.pl/storage/publications/pdf/Migracjawykwalifikowanychpracownikow_190813.pdf (accessed: 8.04.2021).
- TFEU (2012), *The Treaty on the Functioning of the European Union* (consolidated version), Official Journal of the European Union, 26.10.2012, C326/77/47.
- UDSC (2021), Urząd do Spraw Cudzoziemców, *Statistics-Poland-Valid documents-Map-Year 2020*, <https://migracje.gov.pl/en/statistics/scope/poland/type/statuses/view/map/year/2020/> (accessed: 8.04.2021).
- UDSC (2021a), Urząd do Spraw Cudzoziemców, *Statistics-Poland-Valid documents-Tabular data-Year 2020*, <https://migracje.gov.pl/en/statistics/scope/poland/type/statuses/view/tables/year/2020/> (accessed: 8.04.2021).
- UN (2016), Resolution adopted by the General Assembly on September 19, 2016 [without reference to a Main Committee (A/71/L.1)] 71/1. *New York Declaration for Refugees and Migrants*, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf (accessed: 17.03.2021).
- UN (2019), Resolution adopted by the General Assembly on December 19, 2018 [without reference to a Main Committee (A/73/L.66)] 73/195. *Global Compact for Safe, Orderly and Regular Migration*, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195 (accessed: 13.04.2021).
- UNCHR (2022), Polska przyjęła ponad dwa miliony uchodźców z Ukrainy - komunikat prasowy, 18 marca 2022, <https://www.unhcr.org/pl/13653-polska-przyjela-ponad-dwa-miliony-uchodzcow-z-ukrainy-komunikat-prasowy.html> (accessed: 29.03.2022).

Polityka imigracyjna Unii Europejskiej: wyzwania i perspektywy. Wnioski dla Polski

Celem artykułu jest charakterystyka i ocena polityki imigracyjnej Unii Europejskiej w kontekście wyzwań, jakie niosą ze sobą regularne i nieregularne procesy migracyjne w skali globalnej i regionalnej. Polityka UE wpisuje się w inicjatywy ONZ ukierunkowane na międzynarodową współpracę w rozwiązywaniu problemów migracyjnych. Kompetencje w zakresie polityki imigracyjnej UE, na mocy postanowień traktatowych są dzielone między jej instytucje i kraje członkowskie. Harmonizacja działań w tej sferze dokonuje się przez implementację dyrektyw, które przyjmowane były w różnych okresach i odnosiły się do ograniczonych obszarów polityki imigracyjnej, stąd jej fragmentaryczny charakter. Kryzys migracyjny z 2015 r. postawił przed polityką imigracyjną UE nowe wyzwania i ujawnił sprzeczności interesów między poszczególnymi krajami członkowskimi. Tym niemniej UE podejmuje działania w celu skonstruowania kompleksowego podejścia do migracji, azylu, integracji i zarządzania granicami (Nowy Pakt o migracji i azylu 2020). Zróżnicowana pozycja pod względem bilansu przepływów migracyjnych UE jako całości (importer netto siły roboczej) i jej poszczególnych krajów członkowskich (przykład Polski jako eksportera netto siły roboczej i odbiorcy migracji cyrkularnej) rzutuje na podejście do kwestii migracyjnych oraz na akceptację proponowanych rozwiązań w sferze polityki imigracyjnej.

Słowa kluczowe: migracje, Unia Europejska, polityka imigracyjna UE, Polska, migracja cyrkularna



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