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ANALYSIS OF LEGALIZATION OF RESIDENCE AND EMPLOYMENT OF FOREIGNERS AND THEIR ADAPTATION IN POLAND AS ILLUSTRATED BY THE MAŁOPOLSKA VOIEVODSHIP BASED ON AUTHOR’S SURVEY RESEARCH

Introduction

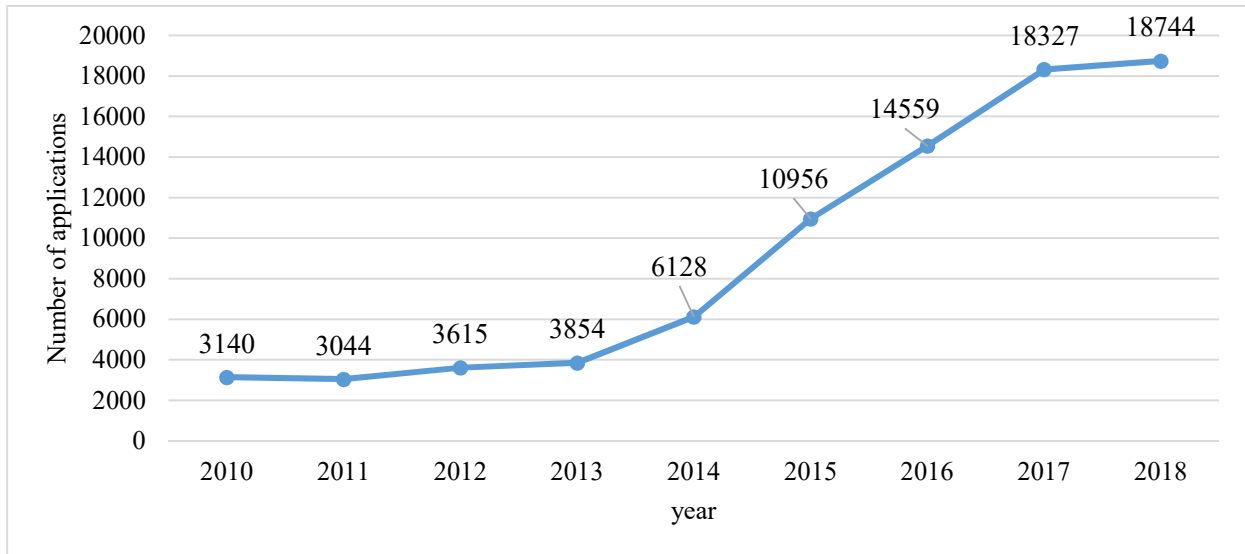
In the last 5 years Polish economy has been opening increasingly its market to foreigners. This is caused mainly by the unstable economic situation in the neighboring countries, which forces migration. The citizens of Ukraine emigrate more and more willingly in search for money, European education and other style of life. This situation has an impact on the condition and the development of the Polish economy. Poland is chosen by most Ukrainians and the citizens of other eastern neighbors because of its geographic proximity and the similarity of languages, which facilitates their adaptation. The legalization of their stay and employment is an important issue as its efficiency and pace may determine the quality of their stay in Poland and their adaptation to the country; it may also shape the image of Poland as of a country where they can earn money or stay much longer.

The aim of the article is to analyze the process of the legalization of residence and employment of foreigners in Poland, to find out what their experience is with regard to their stay in Poland that affects their adaptation as well as other factors having a direct or indirect impact on their decision of a long-term stay in Poland with a particular consideration of the citizens of third countries who are not the citizens of EU. Additionally, the article present suggestions as regards the improvements of the legalization of residence and employment of foreigners in Poland on the basis of the analysis of the past and present situation as well as of the suggestions of respondents.

1. Analysis of the number of applications for stay and work permit in Małopolska submitted by citizens of third countries

When analyzing the Małopolska voivodship in 2010-2018, a dramatic rise can be noted in the number of citizen of third countries – non-EU citizens – who applied for residence. See Graph 1.

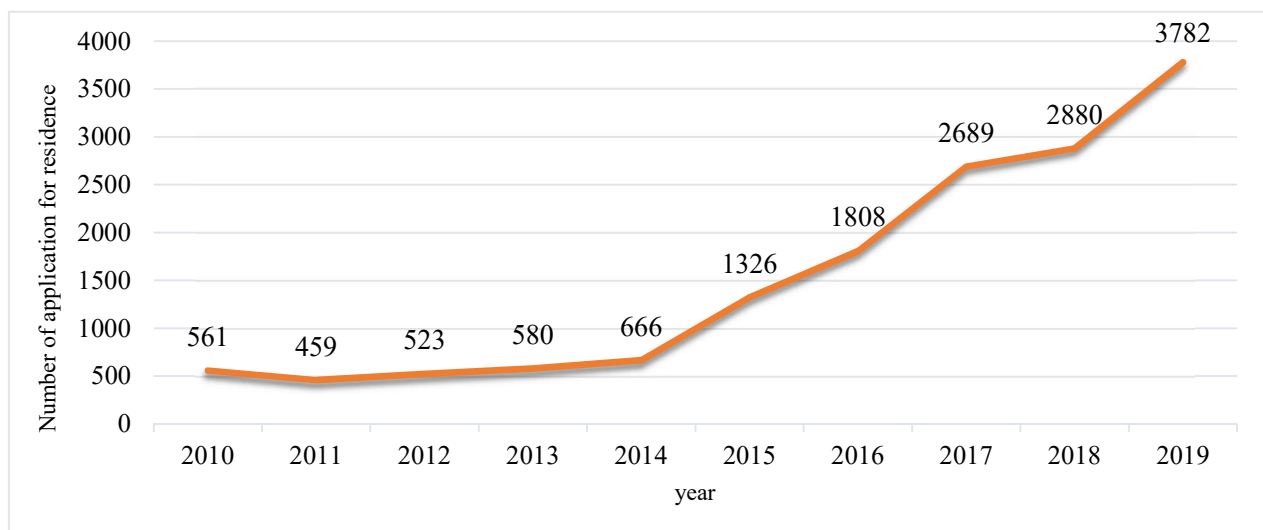
Graph 1. Dramatic increase in the number of applications for residence by third country citizens in Małopolska in 2010-2018



Source: Statistical data of the Małopolska Provincial Office.

The analysis of the period ranging from the beginning of 2014 and the beginning of 2019 presented in Graph 1, which was obtained from the statistical materials of the Małopolska Provincial Office, a 600% increase in the number of applications can be noted. The process started in 2013-2014. In 2018, it levelled off slightly but at the beginning of 2019 there was an increase in the number of applications for residence permit submitted by third country citizens (non-EU) – see Graph 2. A significant growth in the number of applications can be noted in the first two months of every year in the time period under investigation.

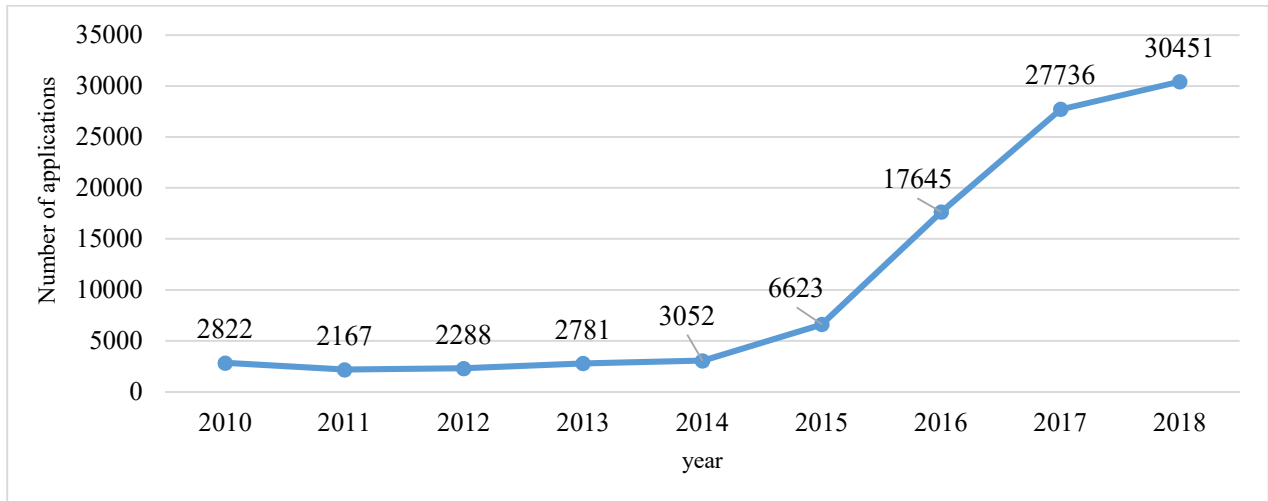
Graph 2. Number of applications for residence permit submitted by third country citizens in Małopolska in 2010-2019 in the first two months of particular years



Source: Statistical data of the Małopolska Provincial Office.

When analyzing the number of applications for work permit for third country citizens in Małopolska, one can see that the growth trend is similar to the trend regarding the applications for residence permit; see Graph 3.

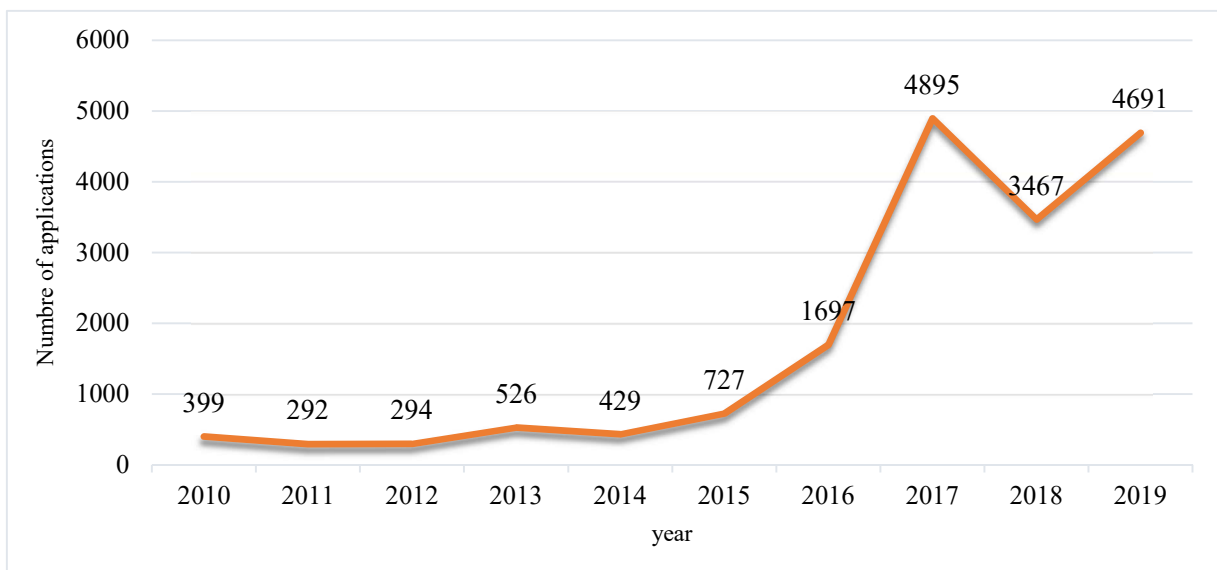
Graph 3. Dramatic increase in the number of applications for work permit in Małopolska in 2010-2018



Source: Statistical data of the Małopolska Provincial Office.

After the analysis of the number of applications for work permit in Małopolska that were submitted by third country citizens, it can be concluded that their number increased in the same significant way as the number of applications for residence permit between 2018 and the beginning of 2019 ; see Graph 4.

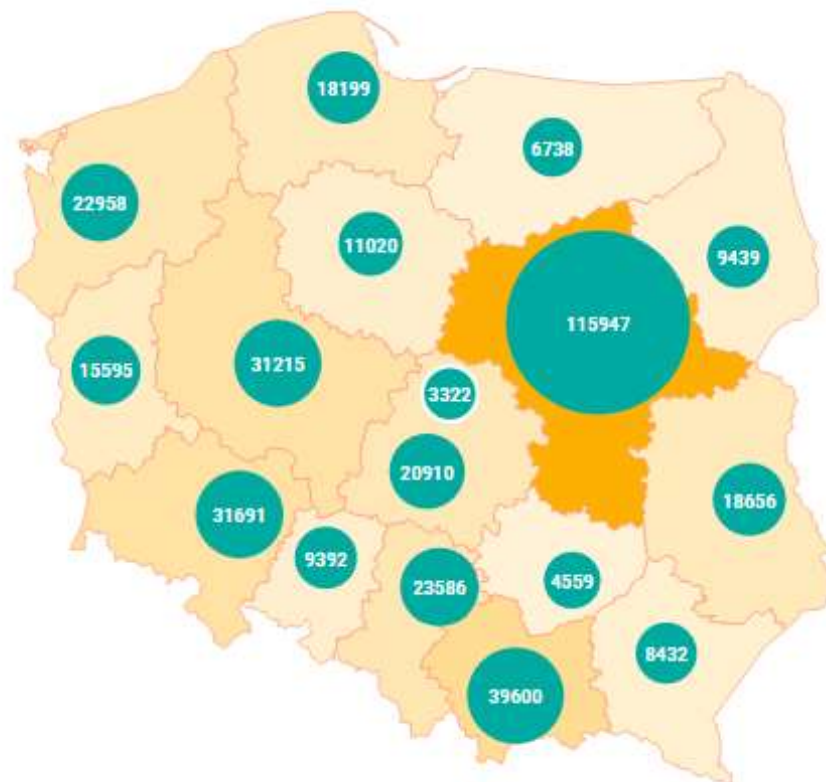
Graph 4. Number of applications for work permit submitted by third country citizens in Małopolska in 2010-2019 in the first two months of particular years.



Source: Statistical data of the Małopolska Provincial Office.

At present (as on 25.05.2019) 393 544 foreigners have residence permits issued by particular Provincial Offices and Offices for Foreigners. The majority of the permits were issued by the Mazowieckie Voivodship, while the Małopolskie Voivoship is second with 39 600 permits; see Figure 1.

Figure 1. Map of current permits issued by Provincial Offices and Offices for Foreigners by voivodships (as on 25.05.2019).



Source:

<https://migracje.gov.pl/statystyki/zakres/polska/typ/dokumenty/widok/mapa/rok/2019/?x=0.6487&y=1.2742&level=1> , (accessed: 25.05.2019)

According to the Gazeta Prawna portal, the presence of Ukrainians is a blessing for the Polish economy. The influx of immigrants helped maintain the speed of economic development. Not without reason did the NBP recognize a potential withdrawal of our eastern neighbors as a major risk factor to the labor market in Poland. It seems that the presence of the workforce from Ukraine on the Polish labor market is not a temporary trend. The main cause of the migration from Ukraine is the current conflict in the east of the country. However, it would be most beneficial for the Polish economy if the immigrants settled in Poland permanently together with their families. The main issue is the decrease in the money transfer abroad: more resources are sent out of Poland than transferred into the country from abroad.

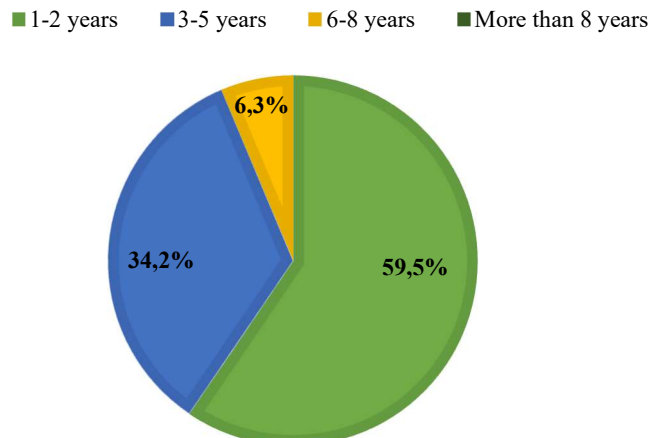
Thus, it is important that the workforce from other countries is kept to stay permanently as the transfer of resources abroad is decreasing while the consumption is growing and the housing industry developing.¹

2. Results of author's survey research

In order to analyze the processes of the legalization of residence, employment and adaptation of foreigners in Poland, a survey was conducted that concerned their experience related to migration to Poland. The survey questionnaire included 22 questions, four of them were open ones. It was posted on a social network site in Russian and directed to the group of Russian speaking foreigners in Małopolska. 79 respondents took part in the survey, which is relatively few as the number accounts for only 1/300 of the users of the group in this particular portal. 78 out of the group of 79 live currently in Poland and 75 in Małopolska.

The majority of the respondents (47 out of 79, i.e. 59.5%) have lived in Poland for 1-2 years; see Graph 6. 27 respondents marked 3-5 years and 5 individuals chose 6-8 years. None of the respondent has lived in Poland more than 8 years.

Graph 6. Respondents' residence time in Poland

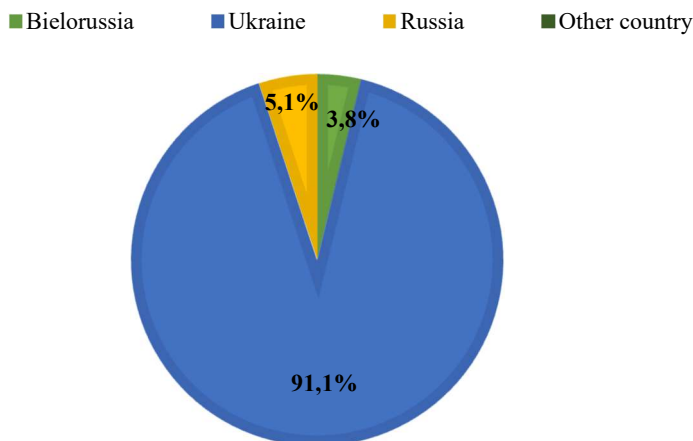


Source: based on the Author's survey research.

A vast majority of respondents (91.1% - 72 respondents) come from Ukraine; see Graph 7. The remaining 7 come either from Russia or Belorussia (4 and 3, respectively). None of them marked option *other country*.

¹ Gazeta Prawna portal, article of 12.04.2018, <https://biznes.gazetaprawna.pl/artykuly/1116944,naplyw-pracownikow-z-ukrainy-korzystny-dla-polskiej-gospodarki.html>, accessed:: 25.05.2019

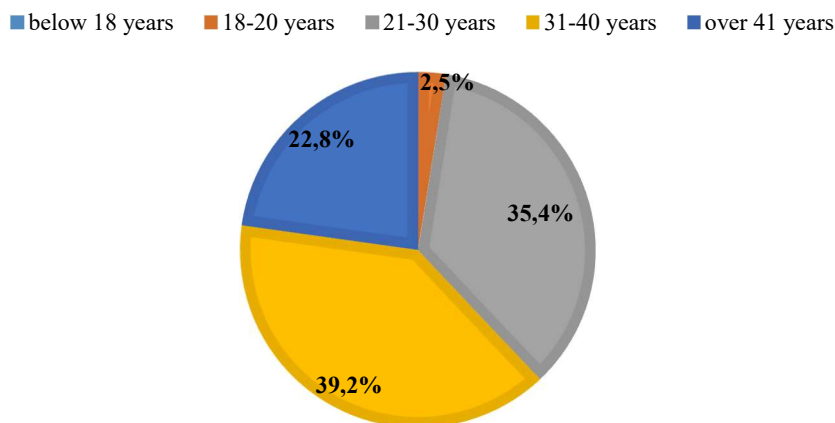
Graph 7. Nationality of respondents



Source: based on the Author’s survey research.

All respondents were over 18 years of age, see Graph 8. 39.2% (31 respondents) were in the age range 31-40. Not many more (31) marked 21-30, 18 respondents were over 41 and the remaining two marked 18-20 years of age.

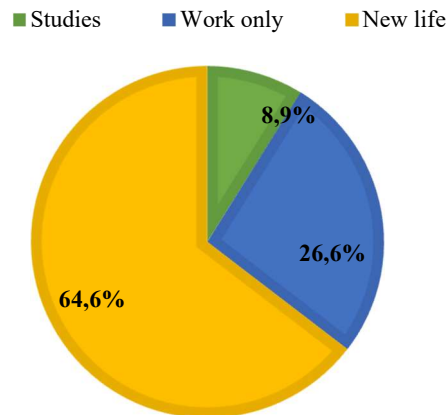
Graph 8. Respondents’ age



Source: based on the Author’s survey research.

When asked about the purpose of the visit to Poland, the respondents were given the following options: *studies*, *work only*, *new life*. A vast majority (52 out of 79, i.e. 64.6% marked *new life*; see Graph 9. 21 respondents (26.6%) came to Poland to find employment and 7 of them (8.9%) came to study.

Graph 9. The purpose of the visit to Poland



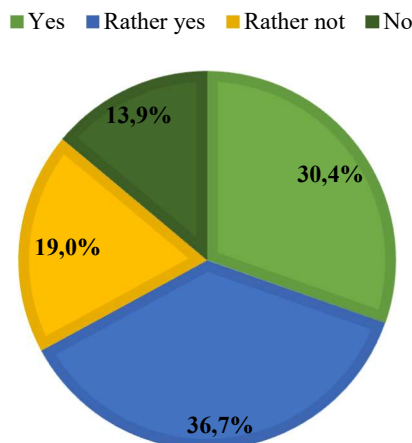
Source: based on the Author's survey research.

The respondents were also asked about their general opinion about life in Poland. 93.7% of them stated that they like it. Only 5 out of 79 respondents marked a negative reply.

73 out of 79 respondents replied that they were employed, while 6 marked that they did not work (92.4% and 7.6%, respectively)

The replies to the question on the satisfaction with the salary in Poland were as follows: satisfied – 24 respondents, rather satisfied – 29, rather unsatisfied – 15, unsatisfied – 11 (the lowest number).

Graph 10. Satisfaction with the salary in Poland

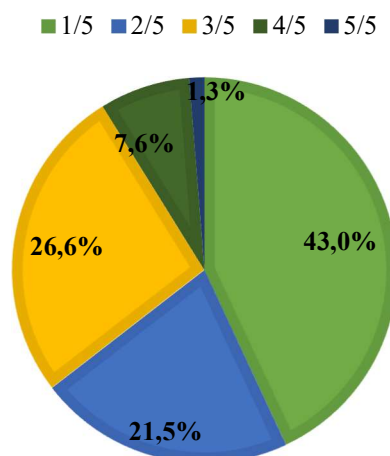


Source: based on the Author's survey research.

The survey also asked how easy it was to legalize residence in Poland. 55.7% respondents think that the process is easy, while 44.3% (35 respondents) think that it is not easy.

The question about the speed of the legalization offered a 5-grade scale of assessment, where one star indicated a slow legalization process and 5 stars a very fast process. The average result was 2.0. As many as 34 respondents chose 1 star, 21 respondents: 3 stars, 17 respondents: 2 stars. Only 6 respondents marked 4 stars and one of them 5 stars. See Graph 11.

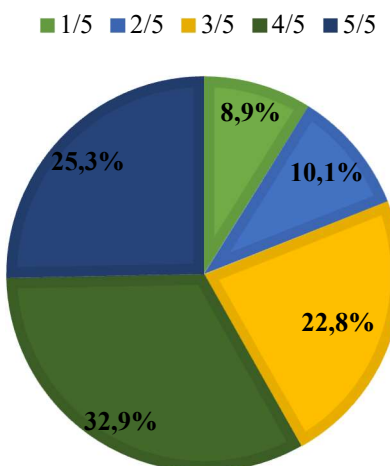
Graph 11. Pace of the legalization process of stay



Source: based on the Author's survey research.

The question regarding the willingness to assist and the readiness to help of the staff of institutions responsible for legalization also offered a 5-star scale, where 1 star indicated a very bad and 5 stars a very good rating. The average assessment was 3.6. The highest number of respondents marked 4 stars to assess the willingness and readiness of the employees, 20 respondents chose 5 stars and 18, 8 and 7 marked 3, 2 and one star, respectively. See Graph 12.

Graph 12. Assessment of staff in institutions responsible for the legalization of residence (1-5 scale)



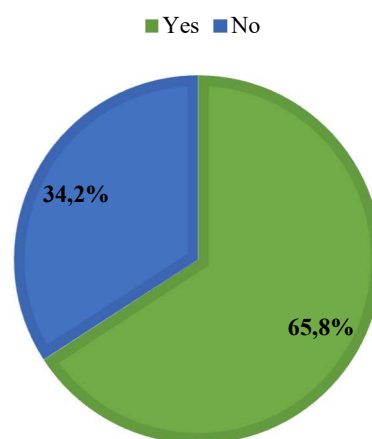
Source: based on the Author's survey research.

Another issue that has an impact on the quality of stay of foreigners in Poland is the attitude of Poles to them. 24 (30.4%) respondents faced discrimination on grounds of nationality. The question included an opportunity to describe the situations they experienced. Some respondents mentioned the issue of the salary which was lower than that of the Polish citizens, some wrote about the cases of open hatred or bullying their children on ground of their origin. Some respondents considered a prolonged process of the legalization of residence as discrimination as well as some legal procedures in banking institutions that are different for foreigners or the nostrification process of the diplomas obtained in their home country

63 respondents (79.7%) stated that they do not take advantage of the state financial support or government programs. 16 respondents admitted that they use the help; 10 respondents think that this is a good solution and it is very positive that such support exists; 4 respondents think that better programs should be introduced and 1 respondent admitted using the help of the state but not everything met his/her expectations. 9 respondents chose *other* as the answer and four of them explained: *“I personally do not need the help of state but I appreciate the fact that there are programs for families with children”*, *“In this way I save money for my daughter’s higher education”*, *“I do not meet the criteria for such programs”*, *“I can manage without them”*.

In the answer to the question whether they think that the Polish government’s policy aims at encouraging foreigners to stay and work in Poland, 52 respondents said *Yes*, while the remaining 27 chose *No*. See Graph 13.

Graph 13. The Polish government policy is directed at encouraging foreigners to stay and work in Poland



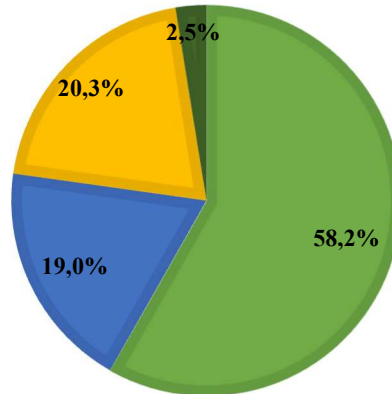
Source: based on the Author’s survey research.

In the open question on *What measures should the Polish government take to encourage foreigners to stay and work in Poland?* a vast majority of respondents mentioned the facilitation and acceleration of the legalization process; a few of them wrote about the improvement of the air-polluted atmosphere as, in their opinion, Krakow - among other places – is becoming less attractive for potential inhabitants because of smog. They also mentioned some legal regulations that do not allow for work when waiting for the completion of the legalization process (this is the case when at the moment of submitting the application the employee has not worked for 3 months under a contract of work with a particular employer). The respondents also mentioned limited possibilities of sole trading which requires the possession of the Pole's Card, the permanent residence card or the completion of full-time studies in Poland (graduation), etc. which are all rather difficult conditions to meet by the majority of foreigners living in Poland. Some mentioned the lack of the possibility to obtain credits or bank loans in some banks without the permanent residence card. Some replies included the issues of remuneration and working conditions. Some respondents expressed their will to learn more about Polish culture and the language – some of them were even willing to take part in courses and attend lectures on these issues. A few respondents wrote also that the Polish government is working on encouraging the foreigners to stay and work in Poland and they find it satisfactory.

Over half of the respondents stated that they would like to remain in Poland and they treat the country as the center of life interest (46 out of 79 respondents). See Graph 14. 15 respondents considers Poland a center of life interest but they do not plan to stay here for longer. The remaining 18 respondents do not treat Poland as a center of life interest and 16 of them think that Poland is only a temporary stage in their lives.

Graph 14. Poland as a center of life interest

- Yes, obviously I am planning to stay here
- Yes, but I am not planning to stay here for long
- No, it is rather a temporary stage in my life
- No, Poland is certainly not a center of my life interest

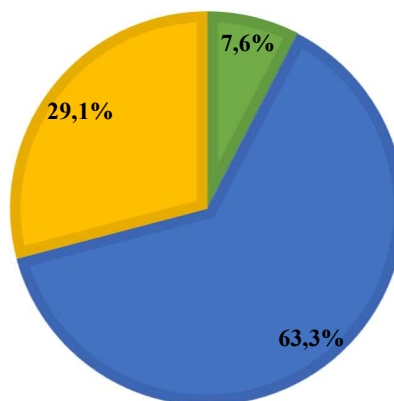


Source: based on the Author's survey research.

In the question „Where do you see yourself in a few years?” a vast majority (50 respondents) answered that they are planning to remain in Poland. 23 respondents chose the answer “I will leave Poland to live in other country”; 6 respondents declared the will to come back home. See Graph 15.

Graph 15. Respondents' plans for the future

- I will come back home
- I want to live here
- I will live in another country



Source: based on the Author's survey research.

The respondents who stated that they are going to leave for another country were asked about a possible destination. In 22 answers the countries that were mentioned most often were: Germany, Canada, US and Scandinavia.

In the open question about things that the respondents miss in Poland the prevailing answers included friends, relatives, family and some special home food and dishes. Single answers indicated particular problems that bother the foreigners: smog, shops closed on Sundays and the lack of entertainment typical for their country.

3. Conclusions from the survey research conducted by the author

The aim of the survey was to analyze the processes of legalization of residence and work of foreigners in Poland and to learn about their experience related to the stay here. The questions were formed in the way that helped discuss topics which may influence the decisions of foreigners on their stay and work in Poland.

The first question concerned the aim of their visit to Poland. The answers helped understand the nature of the foreigners' migration to Poland and to find out what their real objective was. In each of the suggested options (*studies, work only, new life*) a different strategy should be used to encourage these people to stay and work in Poland. It can be concluded from the respondents' replies that most of them came to Poland to change their lives. In these cases one should take into consideration the adaptation of foreigners to all areas of life in Poland; the legalization should be made easier so that the foreigners can be introduced more quickly to everyday issues that are important to Poles.

The fact that the majority of the respondents like life in Poland is important but one should also consider their opinions and replies regarding the problems of everyday life and plan several measures to solve these issues.

As regards salaries, most of the respondents are satisfied but there were also replies that mentioned the dishonesty of some employers. Thus, perhaps monitoring should be increased of working conditions in companies that employ foreigners and, first of all, in job placement agencies that offer their services to foreigners.

When analyzing the respondents' replies concerning the process of legalization of their stay in Poland, one must unfortunately admit that this is the most painful issue for the majority of foreigners. Due to the increasing influx of foreigners to Poland, it is more and more difficult to go through the process in a satisfying period of time. The statutory deadline should not

exceed 3 months but – because of the increasing number of applications – the offices reserved the right to extend the time. As a result, the foreigners do not have freedom to move freely between the countries. This was the most frequent problem mentioned by the respondents. Thus, their suggestions which are given below should be taken into consideration: *“Why not consider an automatic issue of visas when waiting for the stay permit so that the freedom of foreigners to move around Europe is not restricted, e.g. when travelling on business; such solution is used in the Czech Republic and other countries”, “Simplify the extension of work permit”, “The access to the labor market should be given to everybody who has the Temporary Residence Card”, “The legalization process of children whose parents have been legalized should be simplified and accelerated”, “Recruit more office workers in the Office for Foreigners and speed up the legalization process”.*

Numerous respondents had a very good or good opinion about the helpfulness of people responsible of the legalization of stay, which gives a positive image of this staff.

The question about the discrimination of foreigners in Poland aimed at obtaining the information about everyday life of foreigners. This is an important issue as regards keeping these people in Poland; when someone faces open discrimination which is expressed by hatred, he/she may be mentally affected and this will negatively influence their decision on staying in Poland. Despite the fact that only few respondents mentioned this phenomenon, one should not ignore the ones who suffer from discrimination. The following reply of one of the respondents should be borne in mind: *“I think that Polish authorities should explain somehow why they invite foreigners to Poland. The fact is that the government simplifies the procedures of entry and legalization of stay because it needs labor force while simple people treat foreigners in the way: >>what are you doing here, go home<<, >> why are you coming here, it is better without you because Ukrainian language can be heard everywhere<<. Poles do not understand the situation and are not aware how significant foreign workers are to the Polish economy. Local people do not frequently know that a substantial percentage of Polish citizens left Poland for Western Europe to earn money and consequently they are not aware of the fact that there is a lot of work here but nobody to work except for Ukrainians”.*

Perhaps Polish authorities should take measures to explain Polish citizens why foreigners are needed in Poland. This could be done by integrating Polish citizens with foreigners by organizing joint events, celebrations, etc. and presenting to both parties their cultures, mentality and traditions, which might result in the willingness to be open and understand each other.

As regards the issue of financial programs that are offered by Polish authorities, it is considered an asset that the foreigners can take advantage of them, e.g. the 500+ program. However, as it can be concluded from the survey, only an insignificant number of respondents profits from them.

The replies of the majority of respondents with regard to their plans to stay in Poland may testify to the fact that the policy of Polish authorities is on the right path and they take adequate measures to encourage foreigners to stay and work in Poland.

4. Reorganization of the Małopolska Provincial Office with regard to the improvement of the process of legalization of stay and work of foreigners

The efficiency of the process of legalization of stay and work of foreigners determines significantly their opinion about Poland. This issue was mentioned in the survey that was conducted by the author for the needs of this article. A prolonged waiting time for documents substantially restricts a free movement of foreigners between the countries in the cases of the expiration of the basis for their legal stay in Poland. Thanks to the seal in the passport that confirms their application for a residence permit the foreigners may legally stay in Poland till they have received the decision. In the meantime, they can leave only for their home country and if they want to come back to Poland they must again apply for a visa. This is one of the legislative issues whose change requires the state's intervention. As a result, it is important to understand the procedures of the legalization process that are followed directly in Provincial Offices. In order to find out about the organization of work there as well as the changes that were introduced during a dramatic increase of the number of applications for stay and work permits, an Office official in the Department of Nationals' and Foreigners' Affairs in the Małopolska Provincial Office was asked for opinion. According to the official, the changes in the organization of work in the Provincial Office were not introduced immediately. At the beginning of the massive increase in the number of applications for permits for foreigners in 2013-2014, every month the workers of the Office could see the increase in numbers; the forecasting signals were adequately received and small changes were introduced. However, the limitations in which the unit was operating at that time resulted in a delayed reaction. This was due to the fact that statutory deadlines and legal procedures did not allow for immediate changes. For example, a tender for renovation and construction works was announced in 2016 but only in 2018 the new infrastructure could be used. The process of change and adjustment

to the new situation was mainly focused on internal operations regarding the reorganization of departments. Before the significant increase in the number of foreigners, the Office had one department that dealt with foreigners which employed about 20 workers. Now the department consists of various units that are dedicated to particular tasks : Foreigners' Affairs Unit, IT Systems Unit, Work Permits, Registration of Invitations and EU Citizens, Legalization of Stay and some other independent positions. The reorganization simplified the procedures. Before the increase in the number of applications, the Office used the means from the External Borders Funds and bought computer equipment and office facilities. After the first influx of foreigners, some renovations were done, new solutions of customer service were introduced, helpline was launched and 10 consultants were hired for the contacts with employers and foreigners to provide individual consultations. At present, work is conducted on an information system that will allow remote completion and submission of applications and will consequently reduce queues in the Office. This solution will start operating by the end of 2019. There are also plans to translate the website of the Provincial Office into Ukrainian, to organize research study visits and inter-voivodship consultations.

In the interview, the official of the Małopolska Provincial Office says that legislative changes should be introduced in order to accelerate procedures. This includes such important issues as the reduction of queues and the number of required documents as well as the digitization of processes so that all IT tools can be used to make the procedures user-friendly.

The cooperation of foreigners with the Office is crucial and that is why, when in doubt, the users should have the opportunity to seek help with the Office consultants also through e-mail. Every minute saved in each case by the Office would turn into hours that could be devoted to issuing the long-awaited decisions on residence permits.

Conclusions

After the analysis of the survey research and the opinion of the official from the Department of Nationals' and Foreigners' Affairs in the Małopolska Provincial Office, the following conclusions can be drawn as regards the introduction of changes in the legalization processes of stay and work in Poland and the factors that may influence the quality of their stay:

- Legislative changes

Present legal regulations should be updated with the consideration of the current situation in order to encourage the foreigners who apply for the legalization of a long-

term stay and work in Poland, not to discourage them by the long waiting time necessary to complete the procedures and to provide them with the freedom of movement between Poland, the home country and third countries. The changes should cover both the organization issues of the of work of entities responsible for the process and the direct rights and obligations of foreigners, with the obvious consideration of the interests of the Polish state and the security of external borders.

- Integration activities

Both the Polish state and the foreigners should have influence on the integration processes between foreigners and Polish citizens. This refers mainly to social activities that would aim at defining the migration situation and presenting its assets as well as preparing Poles and foreigners to the fact that foreigners may find their home in Poland.

- Raising the level of the control of working conditions of foreigners in Poland

In order to avoid the discrimination of foreign employees and to find dishonest employers, a continuous monitoring of workplaces is significant.

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Abstract

Due to the increasing number of immigrants to Poland from third countries, the legalization of their stay and employment is an important issue as its efficiency and pace may determine the quality of their stay in Poland and their opinion about our country.

The article presents the analysis of applications for stay and work permit that were submitted in Małopolska by the citizens of third countries. It presents the results of the author's survey research that was given to 79 Russian-speaking foreigners who live in Małopolska and discusses the resulting conclusions. In order to learn more about the organization of work of Provincial Offices and the changes that were introduced due to a dramatic increase of applications for work and stay permits, an interview was conducted with an official in the Department of Civil Affairs and Immigration in the Małopolska Provincial Office. Moreover, a suggestion is presented for the introduction of changes in the processes of legalization of stay



and work of foreigners in Poland that would also have an influence on the quality of their life in this country.

Key words

legalization of residence, legalization of work, foreigners, Ukraine, migration, permanent residence in Poland