



CONSORTIUM

of social organisations for supporting migrants and refugees

THE MIGRATION-RELATED POLICY OF POLAND - MAIN DIRECTIONS AND PRINCIPLES

A proposed consortium of social organisations

Introduction

We believe that human rights and liberties derived from an individual's dignity form the base on which the policy of every state should be built. We firmly believe that whenever any regulations, procedures, and strategies are developed and whenever public and non-public organisations take action, the main objective should be to protect and preserve the dignity of every human being.

We see what the situation around the globe is like: progressing climate change catastrophe, deterioration of the natural environment, rapid increase of human population, dwindling natural resources, and ever-deepening social inequality. As a society, we also contribute to the exacerbation of those issues by our consumption-oriented lifestyle, the economic choices we make, and the way in which we handle our international policy. We believe that the only way to face those challenges is to act with solidarity and a sense of shared global responsibility and to develop a community going beyond national borders.

Migration-related policy must not be perceived exclusively in economic terms (which include meeting the needs of the Polish job market) or in terms of protecting one's borders and giving European societies a sense of perceived security. Such an understanding of migration policy is short-sighted and it narrows it down too much; in that form, it serves first and foremost as a tool for improving one's political standing and provides makeshift solutions which contribute nothing to either the stability of the state or the protection of people. If the issue is approached like that, it leads to turning a blind eye to the very real threats to the lives and health of migrants in their countries of origin. It also puts their lives and health at risk during their trip to Poland and may contribute to them being discriminated against and exploited in Poland, in violation of the spirit of Polish solidarity.

Let us not deceive ourselves into believing that migration and demographic processes taking place all over the world are going to bypass our country. In the future, Poland will either have a much smaller population or be much more culturally diverse. We believe that now is the time for us to think about the long-term

development of our country and make sure that a diversified society could act as one community, that people behave as friendly neighbours to one another should, that they feel safe, and that they have equal access to rights and equal awareness of obligations.

We are convinced that developing a community comprising diverse individuals requires taking a self-aware look at our current society which has changed over the course of several decades and will keep changing. Not every Pole is white and not every Pole is a devout Christian and an avid church-goer any more. There are Polish people whose skin tone is different, who pray to a different god, or who have a different view of the world. We need to initiate a social debate on how to turn all the diverse people living in our country into one society based on mutual respect and support.

We are convinced that Poland may lead others as far as this is concerned: we could become a trend-setting country aspiring to become a model democratic state operating according to the rule of law principle and effectively managing the inflow and adaptation of its new citizens, always ensuring that their dignity is respected in the process. We would like Poland to contribute to changing the migration policy of the European Union which, in our opinion, is faulty. The ongoing transformation of Poland from a country from which people migrate to a destination country for migrants is a perfect opportunity to develop a migration policy model.

We want a discussion of migration based on knowledge, facts, and understanding of the current situation. We want that discussion to focus on the long-term interests of the country and we want the future to be taken into account in a systematic and broad way so as to ensure the welfare of Poles in a changing world. We also want that discussion to be inclusive and to take place using a register which is not offensive to anyone and which emphasises the agency of all parties to the process - including migrants who also need to join such a discussion.

We are aware of the current migration-related situation in Poland. That is, we take the following circumstances into account:

- Poland has been the leader among EU states as far as accepting new migrants is concerned for several years now;
- not only does our country not have an official legal document defining our migration- and integration-related policy but there is also no vision of and concept for such a policy. This statement is true for all major political parties;
- the European Union (following the principle of securitization and closing its borders to new migrants) has had considerable impact on the way migration policies in Poland are shaped by means of imposing certain restrictions on how member states can develop various solutions;
- the system for legalising the stay and work of migrants in Poland is inefficient due to its excessive formalisation and lack of observance of the rights of people involved in the process;
- the Polish system for granting refuge faces many challenges, including: the closing of Polish borders for refugees (in violation of international law), little to no international protection, and little support for migrants aimed at helping them start a new life in Poland;
- Poland contributes little to supporting the developmental and humanitarian needs of the Global South countries;
- Polish companies are becoming more and more interested in hiring migrants;

- the scope and intensity of undesirable phenomena affecting migrants in Poland are increasing due to there being no system for protecting them. Migrants are being professionally exploited and subjected to violence by some Poles;
- local governments play a special part and bear special responsibility as far as integration of migrants on a local level is concerned. They are willing to do so, as is clearly visible in steps taken by more and more cities;
- the level of awareness among Poles of migration-related subjects, including the level of awareness among politicians, is low and tainted with a narration of fear and prejudice.

The migration policy we describe below is based on **two fundamental principles**:

- A. Putting emphasis on and re-iterating the significance of **human dignity** which forms the foundation of all rights and which should be taken into account as part of all actions by all public institutions created to **protect and support** all people in Poland, regardless of their nationality.
- B. **Bolstering the sense of solidarity** of Poles with other people and **establishing a community** of all people living in Poland, regardless of their legal status, nationality, and other personal traits. The way we understand it, community is a cohesive group of people which does not exclude any of its members and whose members respect and support one another. Such a community should be based on values derived from the principles of a secular, liberal, and democratic rule-of-law state where there is social justice, where the rights of minorities are respected, and where all citizens are protected.

I. Access to Poland and stay in Poland

1. Polish authorities should promote and develop various ways of lawfully entering Poland, staying in Poland, and working in Poland.
2. The right to apply for international protection is a fundamental right of every human being. That right should be unconditional and the ability to exercise it guaranteed by means of being able to file an application for international protection while in Poland or while at the border. It is unacceptable to close borders for people seeking international protection and to repel them from the border.
3. Migrants should be treated as individual subjects of the law and their rights should be respected and protected in the course of administrative proceedings (including refugee-related proceedings) without exception. Decisions taken with regard to them must not be arbitrary - each one of them should be reviewed by a court and steps taken by public institutions must be transparent and uniform throughout the entire country.
4. Procedures for legalising the stay of migrants in Poland should be simplified and updated so as to ensure fast and smooth proceedings. They should be based on trusting the applicant and not on mistrusting them.
5. Being new members of the community, migrants have the right to expect that their needs, potential, and interests be taken into account at every stage of the legalisation procedure. The lawfulness of

their stay in Poland and being open to them settling down in Poland should not be viewed only in the context of what the job market needs.

6. We should strive towards establishing a relatively easy and clear official way of integrating migrants into the Polish society. All people who have stayed in Poland for a longer period of time (e.g. 5 years) and would like to stay in the country for good should be eligible for a right of open-ended stay. At a later date, a fast track to obtaining the Polish citizenship and thus fully integrating with the Polish society should be created.
7. The fact that the stay of migrants in Poland is linked to a specific entity employing them limits their economic freedom and makes it more difficult to hire them. Such a solution should be discontinued in favour of open access to the job market which would grant migrant employees a greater mobility on the job market and make it impossible for dishonest employers to exploit them.
8. Migrants who have experienced domestic violence at the hands of their relatives should receive comprehensive support. This also applies to migrant children because their situation is even worse - they are dependent on the perpetrators of domestic violence. Such support should make it possible for victims of domestic violence to safely live away from it, which may include leaving their partner (if they so decide), and it should be possible for such victims to apply for lawful stay in Poland.
9. It is also necessary to improve the management of organisations responsible for legalisation proceedings to shape them into friendly and modern institutions befitting the 21st century by means of, for example, making use of digital solutions and improving the inter-cultural and linguistic competence of their employees.
10. Difficulties related to accessing information remain the main challenge migrants face as far as exercising their rights and fulfilling their obligations are concerned. Easy access to reliable information needs to be ensured in order to make all parties to the relevant proceedings aware of their rights and responsibilities and to enable them to effectively counteract any possible infringements.
11. The law should strive to eliminate situations where the stay of migrants in Poland becomes undocumented. A migrant whose stay in Poland becomes illegal / undocumented finds themselves deprived of a number of rights, subjected to social exclusion on many levels, and at risk of being exploited by others. It is therefore necessary to prevent "pushing migrants into undocumented stay" and introduce simple, stable, and easily available mechanisms for re-legalising their stay in Poland without them having to leave the country first.
12. Decisions obliging migrants to return to their country of origin should be issued as a last resort and enforced only under special circumstances justifying this. When taking such a decision, it should be considered whether or not a given person's centre of vital interests is in Poland and whether or not they would be at risk of losing their life, being subjected to torture or other inhumane practices, or facing other infringements of human rights if they were to return to their country of origin.
13. It is unacceptable to expel a migrant solely on the basis of a suspicion based on secret operational information, claiming that they pose a threat to the public safety. Such proceedings should be subjected to a thorough court review.
14. Administrative detention related to the need to monitor migration tendencies should be employed only as a last resort (in situations where ensuring public safety so requires). Current alternatives to

detention (for example: requesting that a given person report to a Border Guard post on a regular basis) should be discontinued as they are ineffective and harmful. If we are to ensure that migrants observe their administrative duties, help them understand their situation, and guarantee that their human dignity is respected, we need to ensure comprehensive cooperation with them as part of the local community within which they live.

II. The safety and welfare of individuals

15. A sense of security is a fundamental human need and, at the same time, a requirement which needs to be met if a given individual is to function within a society. This applies to both Poles and new arrivals in Poland. A sense of security comprises many elements, including the ability to predict what the state would do under given circumstances and confidence in observance of the law on the part of the state.
16. In the case of migrants, a sense of security related to the legality of their stay in Poland, protection against discrimination, exploitation and violence (including violence based on prejudice) are particularly important.
17. A sense of security is also derived from social relations. In a diverse society, there are tensions and conflicts related to nationality, race, religion, culture, and other matters. It is up to state authorities to prevent situations leading to conflict escalation or to violence by means of organising the relevant educational measures and undertaking mediation. If there is a conflict within a local community, neighbourly mediation should be the first measure aimed at resolving it.
18. The state should relentlessly prosecute and punish prejudice-based crime. Law enforcement bodies should not only find the perpetrators of such crimes but also classify such crimes correctly, paying due attention to the perpetrator's motivation grounded in prejudice and stereotypes. Hate crimes have a particularly strong negative impact on human dignity and the victim's sense of security so it is necessary to ensure that the victims of such crimes receive support as part of the legal system.
19. If, on the other hand, it is suspected that a migrant might have committed a crime, they should be judged according to Polish law with all relevant procedural guarantees and with access to legal assistance; if they are found guilty and convicted, their punishment should be adequate and identical with the punishment to which a Polish citizen would have been sentenced to under the same circumstances.
20. It is the duty of state authorities to prevent discrimination in all aspects of social life.
21. State institutions should extend special protection to the work of migrants. It is necessary to ensure that migrants staying in Poland can work safely: the legal system must not tolerate or allow exploitation and companies should be held responsible for implementing the relevant precautionary and preventative measures to a greater extent by means of, for example, promoting corporate social responsibility and developing CSR structures.
22. There is a need for more intensive supervision over entities acting as intermediaries in employing migrants in Poland (such as job centres), as well as over entities specialising in services related to legalising the stay and work of migrants in Poland because there is considerable room for abuse of power as part of their activities.

23. It is necessary to improve the State Labour Inspectorate so as to make it an efficient and professional institution safeguarding the observance of labour law, preventing discrimination as regards employment, and protecting the rights and interests of employees. It should provide information about employee rights and effectively support employees in seeking to enforce employee rights if those are infringed by their employers.
24. Migrants should not bear any consequences of having been employed illegally. Such consequences should be borne exclusively by the employer as the stronger party to their employment relationship.
25. State authorities are obliged to guarantee the right to basic healthcare, social security, and support in difficult situations regardless of the legal basis on which a given migrant is in Poland.

III. Integration and forming a community

26. Integration is a voluntary two-way process involving both immigrants and people forming the community receiving them. The process is aimed at forming a community whose every member shares a sense of belonging and feels good about being a part of it.
27. The forming of a community takes place by means of bonds being established among its members. This has to be based on respect for all people involved, i.e. all members of a given community. As part of the community-forming process, members of such a community should get to know one another, exchange opinions, and learn from one another. It also assumes that every member participates in the creation of their community.
28. The end result of integration is not the creation of a uniform group but, instead, a diverse community inhabiting one region, supporting its members, assisting its members (particularly those in great need) without excluding anyone, and accepting its internal diversity. A minimum requirement which needs to be met if such a community is to function correctly is that every single one of its members refrain from using violent language based on prejudice in the community's shared space.
29. Integration processes need to be initiated first and foremost by the community accepting immigrants, public institutions and organisations, and social networks. Poles have a special part as far as integration is concerned. They must not limit themselves to passively waiting and observing or supporting efforts made by migrants; instead, they should take an active part in the formation of the new community and co-create it with other people living in their area. Integration assumes exerting influence on one another and driving changes in oneself and others, including changes to the society accepting migrants which should be made ready for such changes.
30. Integration does not involve forcing anyone - neither new members of the community or its existing members - to abandon their language or culture. On the contrary, actually - it should provide assistance in practising one's culture, identity, and language (also for migrants). At the same time, integration should be characterised by openness towards all people wishing to participate in it, regardless of their background or nationality.
31. A community is based on agreed-upon core values which are to be observed by all of its members. In principle, it should be open to new members who share the same values and to their inclusion. Those values stem from the principles of a democratic rule of law state, revolve around protecting and

respecting the rights of individuals, including their right to choose their own path in life, and prohibit resorting to any form of violence.

32. Local governments, being communities of people living in a given area, play a special part in integration. It is those structural units that should plan integration-related activities targeted at all members of a given community and help to finance those. To this end, local governments should receive support from state authorities - both strategic, and financial. All people living in a given area should be allowed and encouraged to participate in planning and implementing all integration-related activities.
33. As far as developing integration programmes, setting goals and accomplishing them are concerned, participation of migrants is crucial. To this end, the formation of immigrant organisations should be encouraged and cooperation with those should take place at every stage of development and implementation of such programmes.
34. State authorities should, at all of their levels, prepare public institutions to serve migrants. That process assumes equipping those institutions with the right tools to ensure that every migrant can receive service at any public institution in a way corresponding to their needs, also in a language other than Polish.
35. Public authorities should also be responsible for informing new members of a given community about how Poland functions (including the functioning of its institutions) and about Polish law; they should also inform the community accepting migrants about the characteristic features of various migrant groups. A key aspect of raising awareness and establishing a community is knowledge, which works in two ways: it helps migrants understand how our country functions and it helps Poles understand such new members of their community.
36. Creating an educational system inclusive for migrants from the moment their education starts and from their arrival in Poland is another important element of integration. Polish educational system should also be extended so as to include matters related to cultural diversity and tools for facilitating life in a multi-cultural society.
37. Education for adults is necessary, offering them the option to complement their knowledge, adjust their skills to the requirements of the Polish job market, and have their skills and other competence they acquired abroad quickly and efficiently recognised.
38. Another important part of integration and community-building is political integration. Migrants should have the right to vote at a local level: active voting rights after two years in Poland and passive voting rights (i.e. the right to be elected for public functions) after 5 years in Poland. Those rights should not be tied to the formal grounds of their stay in Poland.

IV. Global solidarity

39. Poland, forming a part of a larger international community, is legally obliged to accept refugees from those places where their life or safety were threatened. In addition to that, Poland, being a Member State of the European Union, needs to act in solidarity with other states and share responsibility for people seeking international protection regardless of where they applied for it.
40. We should draw conclusions from the current policy regarding migrants and refrain from supporting solutions essentially consisting in working together with other states to stop refugees at European

borders. European migration policy has come to be symbolised by camps outside of walls and fences where hundreds of men, women, and children struggle to live without having their fundamental human rights respected. What we have experienced over the course of several years clearly shows that our “hotspot attitude” should be replaced with an approach based on solidarity with other countries.

41. We should not limit ourselves to providing *ad hoc* aid. Humanitarian aid and assistance in development are important as far as expressing solidarity with other nations is concerned but they are not enough. Poland should create other safe options of receiving refugees and other people seeking international protection. Relocation should become a part of EU and, consequently, Polish migration policy.
42. We see progressing climate change leading to more and more migration on a daily basis. In the near future, the number of people moving to other places because of the climate catastrophe will only increase. Poland has to take the impending changes into account in its migration-related plans and strategies. The rights of migrants need to be protected and every migrant should be treated in a way ensuring that their dignity is preserved.
43. Public authorities are responsible for ensuring that business entities and companies cooperating with other countries (predominantly state-controlled enterprises) observe human rights, do not exploit local communities, and do not damage the natural environment for increased profit. Business activities indicating that a given business entity feels responsible for local, national, and international communities include: ensuring that the rights of employees are observed and protected, caring for the natural environment, accepting responsibility for the activities of business partners.
44. International solidarity is also expressed by not forcing highly trained or qualified people to emigrate from a particular country (a phenomenon which is referred to as “brain drain”). Assuming that most people wishing to come to Poland to live and work are highly skilled and experienced workers would lead to them not having equal access to legalising their stay in Poland if they are not, to putting communities deprived of such workers at risk, and to discrimination against those people who see moving to another country as an opportunity to learn and find a better job.
45. During crises and conflicts we should always rely on attitudes focusing on human rights and also take action whenever crimes against humanity, war crimes, and genocide are committed. We need to take global relations and the consequences of decisions taken by our government into account as those affect communities in a state of crisis.

The Consortium of social organisations for supporting migrants and refugees is formed by: Amnesty International Polska, Fundacja Nasz Wybór, Fundacja Polska Gościnność and an informal group called Chlebem i Solą, Fundacja Polskie Forum Migracyjne, Helsińska Fundacja Praw Człowieka, Migrant Info Point (Fundacja Centrum Badań Migracyjnych), Stowarzyszenie Homo Faber, Stowarzyszenie Interwencji Prawnej, and Stowarzyszenie NOMADA.

This document was developed by a team consisting of: Aleksandra Chrzanowska, Izabela Czerniejewska, Anna Dąbrowska, Aleksandra Demko, Aleksandra Fertlińska, Myroslava Keryk, Witold Klaus, Agnieszka Kosowicz, Maciej Mandelt, Agnieszka Mikulska-Jolles, Anna Olchowska, Ewa Ostaszewska-Żuk, Magdalena Nazimek-Rakoczy, Maria Złonkiewicz.