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Ambiguity of Polish migration law after 2015. Between closing borders to refugees and welcoming Ukrainian workers

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Background

Two different and contradictory forces drive Polish migration policy:

- Political ideology of 'Polishness' under threat
- Economy and shortage of employers

- Clash between Ministry of Interior and ministries responsible for economy and labour



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Principles

- Cornerstones of current migration policy:
- Security – treated as a super right that allow to introduce any actions and legislation to protect ‘the Nation’ (crimmigration, ‘enemy criminal law’)
- Xenophobia – threat and reluctance towards any Others – religiously, ethnically. Poles have rather xenophobic than anti-immigrant attitudes (Wysieńska-Di Carlo 2018). It could explain ‘openness’ for Ukrainians (ethnically similar) and closure towards refugees (presented as Muslims = religiously and ethnically different)



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Legal answers: Refugees and asylum seekers

- Act on Antiterrorist Activities of 2016
- Denial of participation in the EU resettlement and relocation schemes
- Expanding possibilities of immigrant detention: detention in shipping containers/barracks;
- Plans of introducing new accelerated asylum procedure (so called border procedure) – obligatory detention, deprivation of legal safeguard
- Closure of eastern border – illegal practice, but supportive by the government



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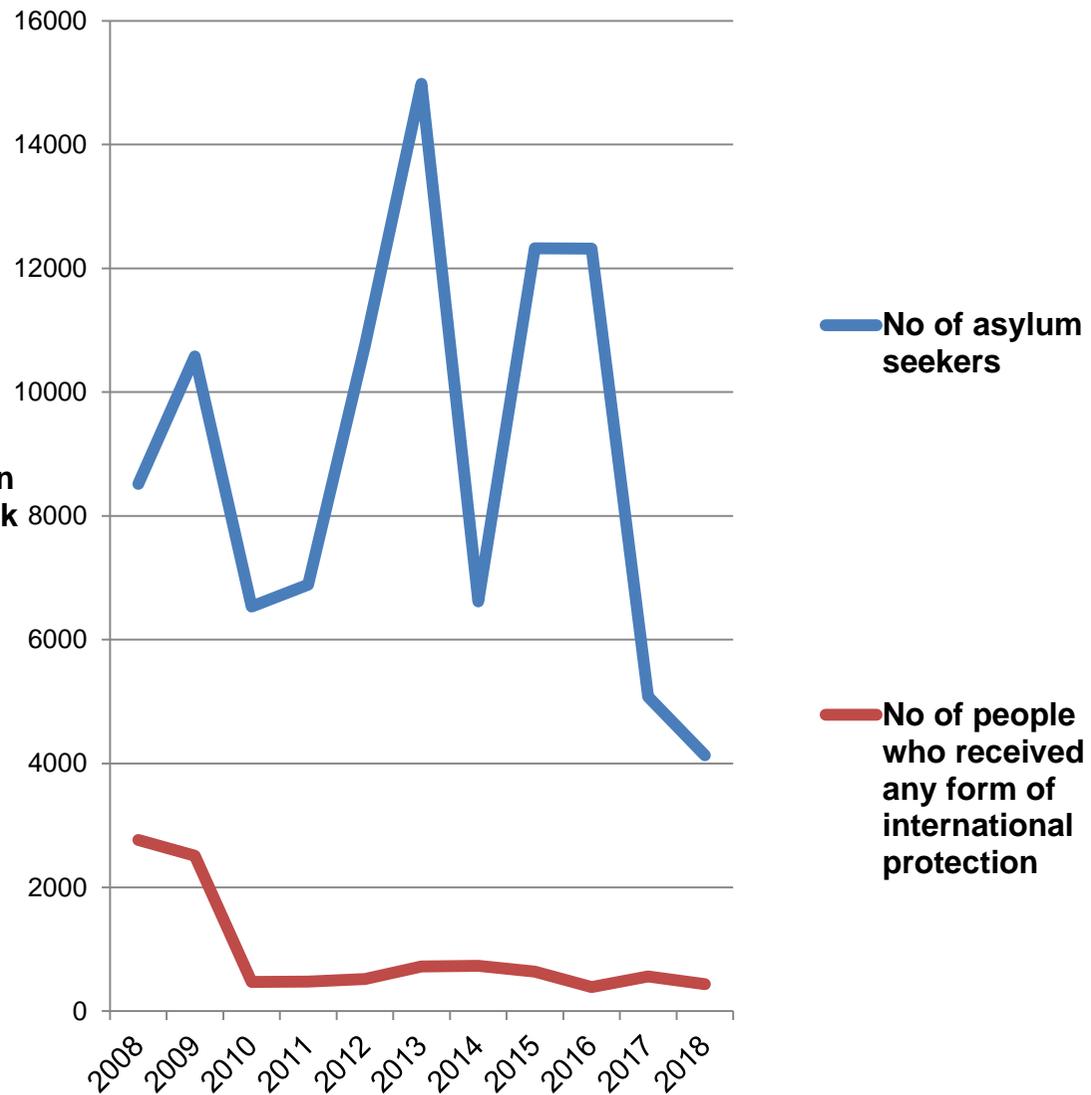
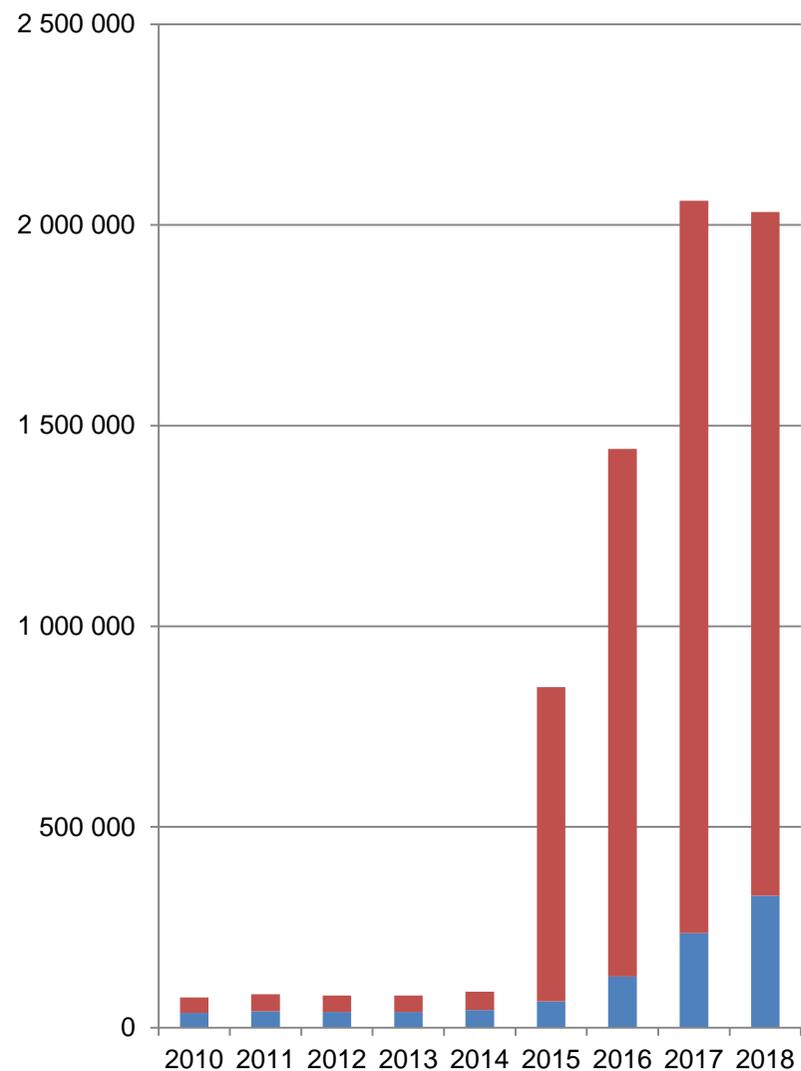
Legal answers: Ukrainians

- Keeping special employment procedure for Ukrainians – called ‘declarations on entrusting work to a foreigner’
- Introducing new instrument – seasonal work permit
- Introducing in a few regions some mitigation instruments to soften formal requirements while acquiring work permits
- New, tougher policy towards foreigner students – introduced in 2019



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Economy v Protection in numbers





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Conclusions

- Process of Othering took place (starting point – summer 2015)
- Creation of ‘good enemy’ (Young 2007): dehumanised, depicted as terrorists against whom the government is obliged (and is granted permission) to introduce any measure to defend ‘the Nation’

the safety factor is extremely important, which is particularly clear in view of the recent terrorist attacks (...) the source of migration in the case of Poland should not be the Middle East area. The natural area is east of our borders – Jacek Skiba, 2016, deputy minister of internal affairs responsible for migration

Thank you

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