

## **No Third Way Between Assimilation and Exclusion.**

### **The Case of Ukrainians in Poland**

Andreea Udrea

With Poland's accession to the EU, the longest Eastern border of the EU became the Eastern border of Poland. Despite the ardent political and public debates initiated in the Member-States a couple of years ago and referring to the EU's Eastern border, the difficulty of setting a European institution to deal with immigration in general, and with the Eastern one in particular, gives Poland's legal provisions towards third-country nationals a considerable weight in the EU after the enlargement. Precisely, being the first major EU transit or destination country, Poland's legal provisions towards Eastern migration determine the major characteristics of the Eastern migration phenomena and also empower a general image upon EU's approach to migration either as an open-border or as a 'fortress' Europe. Consequently, analysing Poland's approach to migration from the East and to specific groups of migrants shows the shortcomings of its specific legal provisions and its lack of expertise for undertaking such a major task as designing the Eastern migration policy of the EU, an ambition that the Polish government aims at realizing.

The present inquiry deals with the case of the Ukrainian migrants<sup>i</sup>, a group of third-country nationals that raised particular political, social and economic challenges to the ways the postcommunist Polish Aliens Acts were formulated and implemented. Although the analysis does not investigate thoroughly the political debates behind the adoption of certain legal provisions, by focusing on the number, on the place the Ukrainians occupy in the Polish society, on the ways politics deal with them as a foreign group, and on the future prospects of the East-West migration, the nature of the tensions between migrants' reality and migration provisions will be revealed.

1. The Socio-Demographic, Cultural and Historical Characteristics of Ukrainians in Poland

In recent years, the debates on migration from the East targeted two countries explicitly, Ukraine and Russia. Primarily, due to the sizes and their populations, and secondarily, to the association between crime, poverty, mafia, and the nationals of these two countries, Ukraine and Russia slowly became the dangers against which Europe should protect itself, and their nationals a problem to any societal order.

Although hard to estimate the real volume of Ukrainian migrants to Poland, the statistics<sup>ii</sup> point out to the fact that among the legal migrants to Poland, Ukrainians represent the largest group, about 17% of the total number of immigrants (see Table below). However, to these statistics one should add the number of ‘old’ Ukrainians already assimilated into the Polish society, but still visible through their Orthodox and Greek-Catholic religions.

*Table* Various legal categories of foreigners registered in Poland in 2000. Source: Official registers of Poland, in: Grzymała-Kazłowska & Okólski, 2003: 9

Country	No. of immigrants <sup>1</sup>	Stock of permanent residents	Stock of foreigners registered and granted fixed-permanent residence <sup>2</sup>	Employment consents issued to temporary residents	Refugee applications
Ukraine	291	4399	27062	3158	70
Russia	129	2513	4138	816	1174
Belarus	77	1468	3718	2058	63
Germany	2494	1338	3556	1481	-
Vietnam	51	1492	2931 <sup>a</sup>	935	161
USA	1185	620	1342 <sup>b</sup>	656	-
France	269	346	2932	1265	-
UK	256	359	1958	1438	-
Armenia	69	473	2422	238	836
Bulgaria	41	968	1169	415	340
Kazakhstan	408	338	545 <sup>a</sup>	109	30
China	28	155	828	446	76
<b>Total</b>	<b>7331</b>	<b>25855</b>	<b>77899</b>	<b>19662</b>	<b>4644</b>

1. According to Iglicka & Rybicki, the categories from the official registers of Poland ‘immigrants’, ‘stock of permanent residents’ and ‘new permission for settlement’ overlap.

2. The following categories ‘stock of foreigners granted fixed-time residence’, ‘new permission for fixed-time residents’ and ‘newly arrived foreigners registered for temporary residence’ were summed up. Each category represents the stock of foreigners at three different steps of the same

procedure, which starts with the registration of foreigners and finishes with their granting a fixed-time residence permit.

(a) the figure indicates the whole stock of newly arrived foreigners from Asia;

(b) the figure indicates the whole stock of newly arrived foreigners from North, Central and Latin America.

To analyse the place Ukrainian migrants occupy in the Polish society, one has to distinguish between ‘old’ and ‘new’ Ukrainians, and between different types of migrants: petty traders, short-term residents, long-term residents and immigrants. After the Second World War, when Poland lost its territories forming now Western Ukraine, the only regions inhabited by Ukrainians and Lemkos were those from Southern-Eastern Poland. However, in 1947, through what is known as Vistula Action, most of the Ukrainians living in these areas were forced to move to the Western territories of Poland and to work in agriculture. Until 1956, they were not allowed to move outside the area they lived in, or to return to their home country<sup>iii</sup>. After 1989, the revival of Ukrainian culture proved that the socio-economic differences between the ‘old’ Ukrainians and Poles are minimal, the only major distinction which still generates conflicts are their distinct religious affiliation.

The border opening between Poland and Ukraine led to a high influx of Ukrainians especially from Western Ukraine after the fall of communism. In the 90s, many Ukrainians were to be found as petty traders and seasonal workers in agriculture and constructions mainly. A low percentage of Ukrainians settled down in Poland through marriage. All these categories of migrants formed the ‘new’ Ukrainians group.

Compared to the ‘old’ Ukrainians, the ‘new’ ones, who are more visible in the Polish public space due to the specific occupational status they occupy, the language they speak and their religious affiliations, are rejected by the Polish society judging from the stereotypes used in the public discourse. Their association with crime led to the emergence of negative perceptions towards them, which is often tempered by the historical accounts emphasizing the brotherhood between Poland and Ukraine. This double-discourse, from which positive and negative perceptions towards Ukrainians emerge, leads to a paradoxical situation: the Ukrainians are socially accepted and

rejected at the same time depending upon the type of rhetoric for which they are the subject.

## 2. The Legal Determinants of Migrants' Exclusion in Poland

The social marginalization of the Ukrainian migrants, and of migrants in general, is not only a consequence of the settled popular connection between them and crime, but also of the incomplete regulations of immigration of the postcommunist Poland. The complete absence of an immigration policy that would ensure migrants' integration into the main spheres of the Polish society, to which is added the strict migration policy passed as 1997 Aliens Act and its subsequent amendments which only aim at stopping population movements from the East, both lead to the 'criminalization' of migration from the East, no matter its purposes. Furthermore, the lengthy and costly procedures of legalizing one's stay in Poland and the split between the right to reside and the right to work, push migrants towards the informal and illegal markets<sup>iv</sup>, a vicious circle which determines their social and cultural marginalization and economic exclusion.

It is important to mention that as in all postcommunist societies the legal status determines one's chances of social inclusion into the legal socio-economic sphere. Lengthy and costly procedures only lead to more complex mechanisms of rejection. In a game with the legal system, migrants will always lose no matter their country of residence. I emphasize though, that due to the cultural similarity between Poland and Ukrainian cultures, Ukrainians may be less of losers than other nationals, such as Vietnamese, Armenians, etc., since they can dissimulate their identity and be accepted socio-culturally.

I conclude by pointing out to the fact that generally the legal provisions towards migration alone do not lead to integration of migrants as distinct socio-cultural groups unless they are doubled by a set of legal provisions that grant certain collective socio-cultural rights. Therefore, if 'old' Ukrainians had received any ethnic rights from the

Polish government, the entry of the 'new' Ukrainians as ethnics would have been much easier, however it is not the case. In Poland, only Germans enjoy special ethnic rights. Consequently, Ukrainians, as other groups of migrants, can fight exclusion only through assimilation.

### 3. Future Prospects

Poland's admission into the EU also meant that its national market became part of the European single market. As it is argued in the migration literature, solely this factor will encourage not only EU's internal migration, but also the migration from outside the EU to the EU, in order to ensure the flexibility and competitiveness of the EU market. Consequently, the emphasis placed by the new EU regulations on 'working resident' and the freedom of enterprise will represent the 'gates' through which many migrants from the East will enter the EU. However, despite Poland's strict regulations on migration, sooner or later the country will have to line up to the new EU's requirements and open itself to migrants.

In conclusion, I am of the opinion that as the case of the Ukrainians in Poland showed that, despite its strategic geographical position, Poland is not prepared to undertake the task of designing the EU's Eastern migration policy. Its own migration policy is incomplete and it lacks an immigration policy, which offers to the potential migrants only two options: exclusion or assimilation. It is the general problem of countries that adopted the French model of law according to which belonging to the host-nation is the main mechanism of social inclusion. For this reason, I am of the opinion, that the design of the EU's Eastern migration policy should be a multi-national enterprise that should follow the principle of German law, which is not so assimilative in its design.

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<sup>i</sup> The post-communist Polish Aliens Acts apply the term ‘immigrant’ solely to persons who register as Polish citizens. Thus, it strictly refers to Polish ethnics who return to live in Poland. The legal terminology refers to all cases of legal migrants as residents distinguishing only among the length of their residence.

<sup>ii</sup> The official data concerning migration fluxes to Poland are incomplete and even contradictory. The legal categories for classifying migrants overlap, and there is no coherence between the Polish legal categories and the UN terminology. Furthermore, the fact that the right to reside is granted by one institution – Regional Office of Aliens’ Affairs, while the right to work is granted by the Ministry of Work, makes difficult the analyses of the data produced by these two institutions together.

<sup>iii</sup> Source: Iglicka, Krystyna. February 2000. The Revival of Ethnic Consciousness: A Case of Poland. Series: Prace Migracyjne nr. 31. Warsaw: Ośrodek Badań nad Migracjami, ISS, UW.

<sup>iv</sup> It is estimated that between 500.000 and 1.000.000 Ukrainians are to be found annually working on the illegal and informal markets.