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# Some Domestic and International Factors Shaping Polish Response to Transmigration and 'Immigration', 1989-1997

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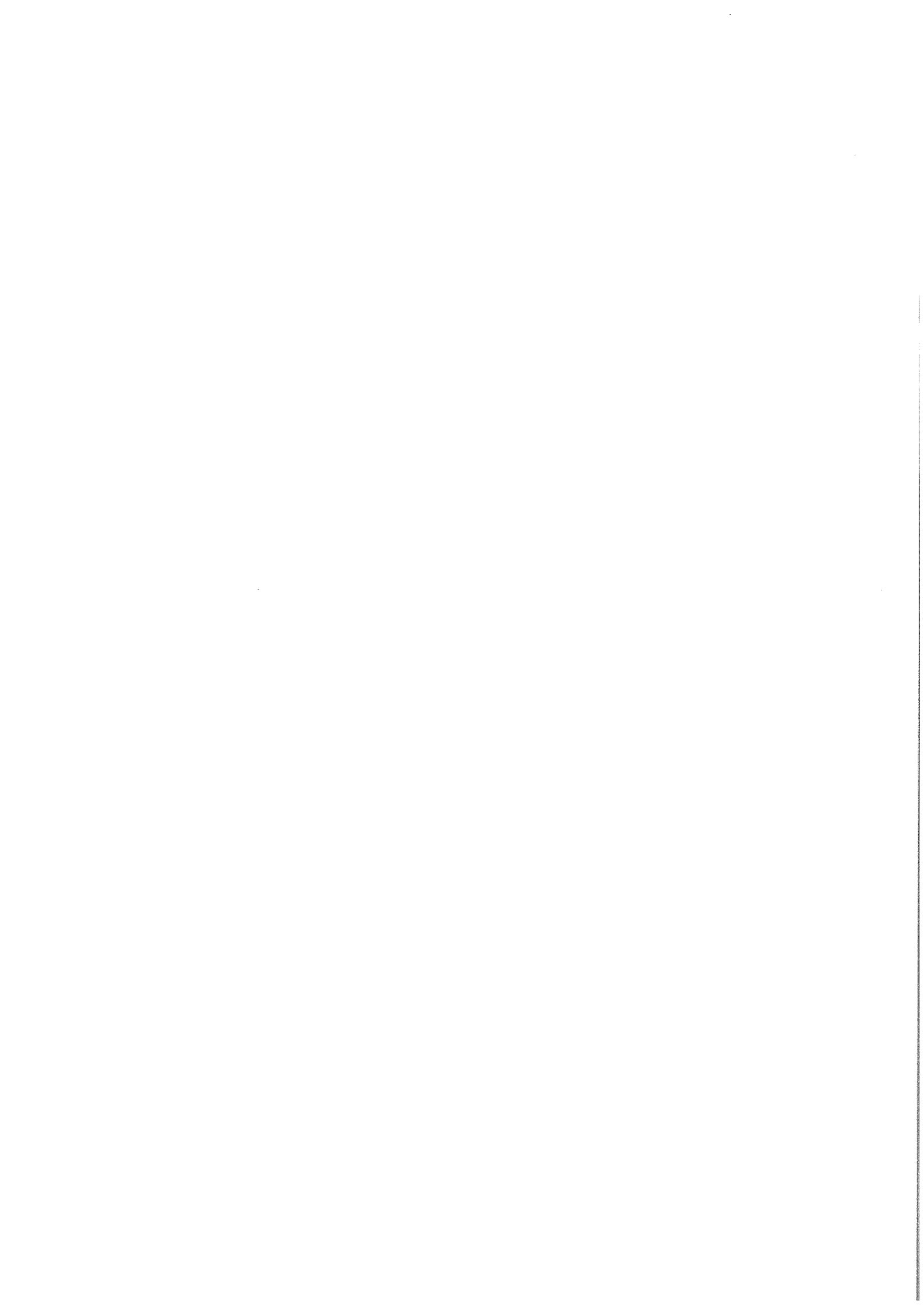
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## **Abstract**

Before 1989, regime-imposed limitations of movement throughout eastern Europe meant that Poland had no need for a sophisticated immigration policy. Subsequently millions of foreigners have been entering and passing through Polish territory, making Poland an integral part of world, and particularly European population movements. This paper explores the development of Polish post-communist policy towards immigration and transmigration.

Immigration and transmigration in post-communist Poland are issues that have played important roles in Polish foreign policy and are 'growth issues' in terms of complications for Polish society and government. Until recently these subjects have received very little attention in the media and academic literature. This paper narrates Polish developments in immigration policy and analyses the international and domestic pressures - including public and elite opinion - which influenced Polish responses to a new social phenomenon. The purpose of the paper is to explain international and domestic pressures that were considered by the Polish authorities in choosing their response to immigration. The paper also argues that only by analysing the subjectivities of Polish popular political culture and Polish elite culture, including their perception of the state of the international situation in an ever globalising Europe/world, can Polish responses to immigration be understood.

## **Zusammenfassung**

Aufgrund der durch das politische Regime gesetzten Grenzen bedurfte es in Polen vor 1989 keiner ausgefeilten Immigrationspolitik. Inzwischen haben Millionen von Ausländern polnisches Gebiet betreten und überschritten und dadurch Polen in die globalen und insbesondere europäischen Migrationsbewegungen integriert. Dieser Beitrag untersucht die Entwicklung der polnischen post-kommunistischen Immigrations- und Transmigrationspolitik. Er zielt auf die Erläuterung der internationalen und nationalen Zwänge, die die verantwortlichen polnischen Autoritäten bei ihrer Immigrationspolitik zu berücksichtigen hatten. Es wird auch argumentiert, daß die polnische Antwort auf die Immigration nur vor dem Hintergrund der Besonderheiten der polnischen populär-politischen Kultur sowie der Kultur der einheimischen Eliten verstanden werden kann.

### **Keywords**

Poland; Immigration/Transmigration/Refugees; Society; Foreign Policy

### **Schlagworte**

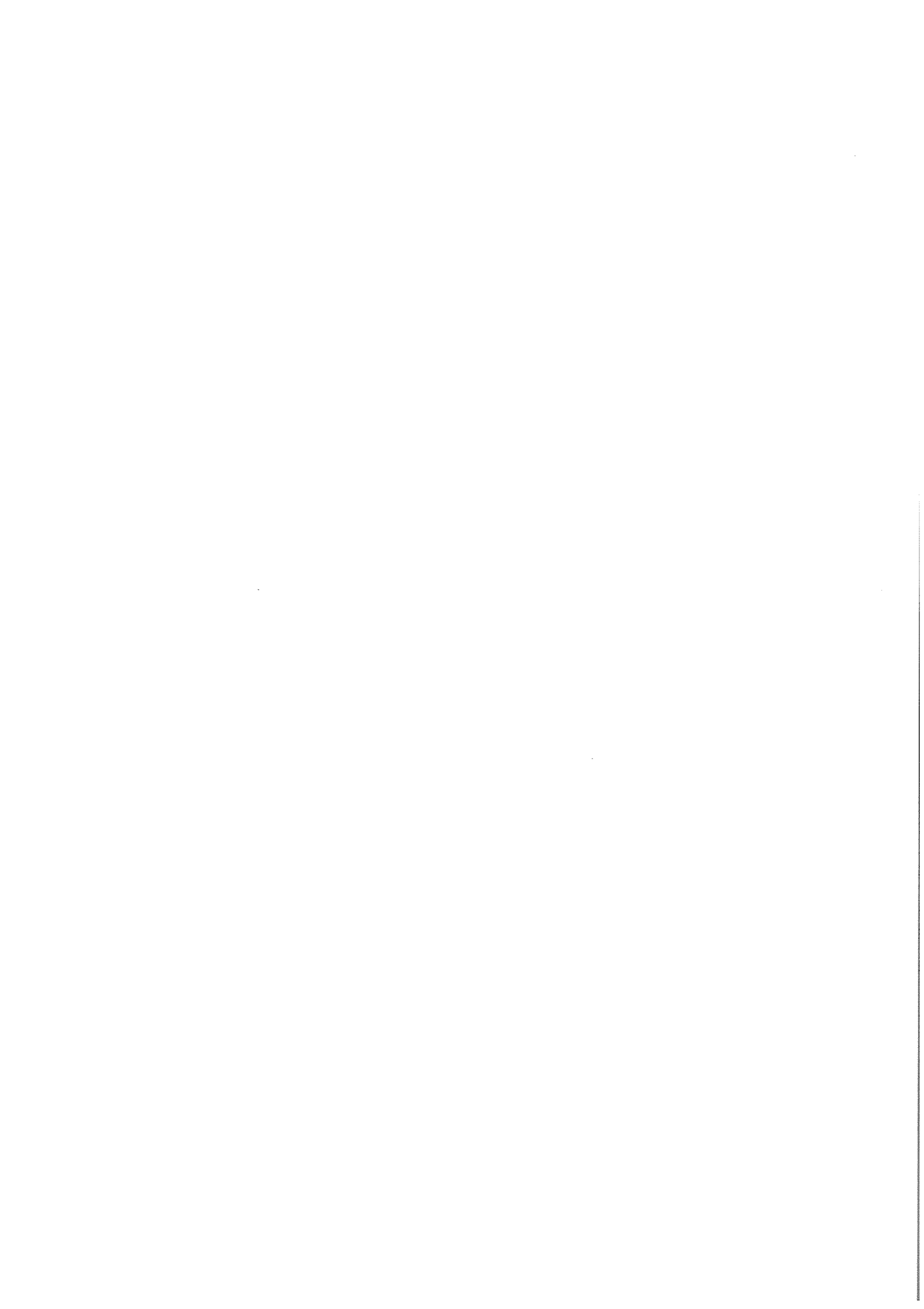
Polen, Immigration/Transmigration/Flüchtlinge, Gesellschaft, Außenpolitik

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# 1. Introduction

## 1.1. Polish Approaches to Immigration

Approaches to immigration in post-communist Poland can be divided into two periods, the first to 1993 and the second since. Two distinguishing factors are apparent between the two periods. The first lies in the changed international situation. The second distinction can be directly linked to the first, and lies in the passivity of the approach in the first period, as opposed to a pro-active approach in the second.

From 1989 to 1993, Polish immigration policy was dominated by a feeling of helplessness, and a 'wait and see approach'. Poles tended not to believe in their own ability to deal with a potential catastrophe. They also did not believe in the ability of either other states and societies, or the international system and institutions, to deal with the movement of peoples from east to west. The feeling of helplessness stemmed from what Polish authorities described as two "worst-case scenarios [or] variants of a nightmare" fears of what could happen to Poland given the volatile international situation of the period.<sup>1</sup> The first was the fear of the consequences of the collapse of the Soviet Bloc. The worst case scenario perceived was a chaos of the magnitude of the October Revolution, an expectation of refugees from the east "marching barefoot across the snow".<sup>2</sup> The second fear was that the west might choose an isolationist policy towards the countries in transition and leave Poland, and the countries of the region in general, without sufficient aid. This was a fear that the Odra-Nisa [Oder-Neisse] line [the Polish-German border] might become "the Rio Grande of Europe".<sup>3</sup>

By 1993 these fears ceased to play a dominant role in Polish thinking about immigration. The post-communist societies of east-central Europe, by and large demonstrated the ability to make the transition from communism in a relatively orderly manner, while the west demonstrated its intention not to follow an isolationist path. The issues became the ever increasing numbers of illegal immigrants coming to Poland and through Poland to western Europe, and how best to protect and develop Polish interests within the framework of a pan-European immigration regime. In 1993, Minister for Foreign Affairs Skubiszewski summarised Polish approaches to immigration as an outcome of three considerations: firstly, the "humanitarian", or the moral responsibility to fellow human beings; secondly, and more importantly, "the multifarious social and economic consequences that countries which take immigrants have to cope with"; and thirdly, the need to be in line with the approaches and

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<sup>1</sup> Radio Free Europe/Radio Liberty Research Reports, 12 October 1990

<sup>2</sup> *ibid.*, 26 August 1991

<sup>3</sup> *ibid.*, 30 August 1991; and Reuters News Service, 21 April 1993 and 16 March 1993

needs of the western European community, since "every failure, each appearance of inconsistency ... evokes negative repercussions abroad and weakens our [Polish] position".<sup>4</sup>

The failure of the coup in Moscow, the subsequent 'orderly' break up of the USSR and the lifting of visa requirements for Poles to travel to Germany (1991) were some of the major events that incrementally dispersed the fears of mass migration to Poland. However, it was the signing of the Polish-German repatriation agreement in 1993, and its immediate aftermath, that heralded a new era in Polish immigration policy. The change to a pro-active, integrative immigration policy was heralded during the negotiations of agreements between most countries of central-eastern Europe in relation to the return of illegal immigrants to the country of origin or the original country of transit between Poland and neighbouring countries throughout 1992 and 1993. However, the approaches became a clearly discernable mainstay of Polish policy towards immigration only from 1993. During 1993 and 1994, largely in reaction to the Polish-German agreement, Poland worked out repatriation agreements with most of its neighbouring countries. More importantly, it became apparent that most asylum seekers rejected by Germany had little intention of seeking asylum in a poor country like Poland. The combination of the two factors gave Poland the security that it was not going to bear the burden of having to look after large numbers of asylum seekers.

## 1.2. Immigration in Polish Context

There are four main types of migration into Poland. The first is where foreigners try to use Poland as a transit country in their attempts to cross illegally to the west. The second refers to foreigners from poorer post-communist countries, mainly the former USSR, who come to Poland to do some petty, often illegal trading. Thirdly, there is the case of foreigners illegally entering and/or staying in Poland. Increases in crime are often associated with the second and third categories.<sup>5</sup> Finally, there are refugees seeking asylum in Poland. The membership in the categories tends to be quite fluid.<sup>6</sup>

Vast majority of immigrants that have come to Poland are not immigrants in the way this term is commonly understood in English. That is "persons who come into a country of which they are not native for the purpose of permanent residence".<sup>7</sup> Of the two largest groups of immigrants to Poland, the first, people trying to cross to the west, would commonly be understood as transmigrants - that is "persons passing through a country on their way from their own country to a country in which they intend to settle".<sup>8</sup> The second group is commonly referred to as 'suitcase traders'. These are people who come to Poland on short term visas, often many times a year in order to trade, but without necessarily the intention to stay for a

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<sup>4</sup> Polskie Radio, Warszawa 0744gmt, 29 April 1993

<sup>5</sup> Guardian, 16 February 1993

<sup>6</sup> Similar observations were made in International Organisation for Migration: Transit Migration in Poland, Migration Information Programme, April 1994, pp.2-4

<sup>7</sup> The Macquarie Dictionary: The National Dictionary, The Macquarie Library, 2nd Edition, 1992

<sup>8</sup> *ibid.*

prolonged period. However, largely for the sake of convenience, throughout the article the term 'immigration' is used to encompass transmigration, seasonal migration, immigration (including illegal immigration), and immigration for the purpose of seeking asylum - unless otherwise specified.

### 1.3. Some Characteristics of Polish Society

Because most Poles consider their society ethnically homogeneous, many were surprised, even shocked by the numbers, but especially the vitality and demands of ethnic minorities living in post-communist Poland. For example, during the communist period the number of the German minority was consistently represented as "several thousand", with virtually no rights available to them. Subsequently, scholarly estimates have been revised and place the German population at 600,000-800,000, who have also won substantial legal rights to express their identity.<sup>9</sup> Poles were equally surprised at large numbers of foreigners who began arriving in Poland, including illegal immigrants and asylum seekers.<sup>10</sup> Furthermore, according to a Pawel Spiewak, a Warsaw sociologist, "Poles have an acute sense of pain, believing that they have experienced more evil than good at the hands of neighbours and minorities, and that they have suffered undeserved persecution, pain and misfortune despite their own good works. In one survey, respondents said that Poles have received 'more bad than good' from Germans [87%], Russians [71%], and Ukrainians [67%]. Twenty per cent of Poles interviewed also said that Jews are an 'ungrateful people' who have persecuted Poles."<sup>11</sup>

Polish society entered the era of post-communism with a very poor material base - although improving, especially since 1993 - including a chronic housing shortage<sup>12</sup>. At the same time Poles generally had high expectations of material development. However, by 1991 over half of Poles surveyed by the Polish Television and Radio Unit for the Study of Public Opinion (CBOS) said that economic restructuring had caused "significantly greater hardship than they had expected"<sup>13</sup>, while three-quarters of the respondents "thought that people were becoming poorer ... [and that] the income differential in Poland was too great".<sup>14</sup>

Overall, Polish society shares a mix of values and experiences which are at odds with the values of wanting to share relatively meager resources with outsiders.<sup>15</sup>

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<sup>9</sup> Kamusella, T. 'Asserting Minority Rights in Poland', in *Transitions*, Vol.3 No.2, 9 February 1996, p.15

<sup>10</sup> *Warsaw Voice*, 23 June 1996

<sup>11</sup> *Warsaw Voice*, 21 April 1996

<sup>12</sup> For example see generally, Dabrowski, P. Occasional Paper No. 10: Ethics and Creativity - Untold Stories about Transformation in Poland, Department of German and Slavic Studies, Monash University, Clayton, 1997; and *The Financial Times*, 24 February 1993

<sup>13</sup> *Radio Free Europe* ..., 6 December 1991

<sup>14</sup> *ibid.*, 7 August 1991

<sup>15</sup> *The Times*, 12 April 1993

## 2. 1989 - 1993 - The Period of Transition

### 2.1. Perceived Pressures from the 'East'

To the Polish authorities considering developments in immigration the events unfolding throughout eastern Europe, the Balkans and the (former) Soviet Union were indeed menacing. The violence of Soviet troops in Vilnius, ethnic strife in the Dnestr region, the attempted coup in Moscow and the violent break-up of Yugoslavia were all incidents that obviously gave credence to 'worst-case scenario' speculations. Meanwhile, as Solidarity assumed government in 1989 travel restrictions, which were a dominant trait of the communist period, were lifted in accordance with the long awaited and fought for values of personal freedom, while the shelves of Polish shops were filled 'almost overnight'.<sup>16</sup> As poor as Polish society was it was politically relatively stable and consumer goods were widely available, at least by the standards of pre-1989, as well as the standards of the poorer post-communist neighbours. Hence, from 1989 Poland was considered in many post-communist countries as a lucrative place to visit and trade, and ever increasing numbers of visitors from the east and south, particularly from Russia, the Ukraine, Bulgaria and Rumania, began arriving in Poland - mainly on short term visas - to trade. "In a single trip I can make five times what I could in a job in Belarus", says Marina Mengaleva [who sells] wooden toys and clothing at a Warsaw market. She is going back with some fruit for the family and dollars".<sup>17</sup> The phenomenon was identical to the travel of Poles to the west, as well as to other communist countries in the seventies and eighties to trade everything from gold, vodka and textile products for quality consumer goods unavailable in Poland and hard currency.<sup>18</sup>

The numbers of nationals of the Soviet Union [later its successor states] entering Poland increased dramatically. In 1989 there were 2.9 million<sup>19</sup> crossings, 4.3 million 1990, 7.5 million in 1991, 7.8 in 1992 and 8.1 million in 1993.<sup>20</sup>

During the early years of transition visitors from communist and post-communist countries tended to be discussed almost exclusively in the language of 'immigration', and therefore threat and unwelcome complication, as opposed to, for example, the language of 'tourism' and 'economics' used to describe western visitors.<sup>21</sup> In fact the literature and reports pertaining to immigration in Poland at the time consistently identified 'visitors from the east' as the dominant issue. The main reason as to why visitors to Poland on short tourist visas have taken such a predominant position in immigration literature appears to be the link with the

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<sup>16</sup> Presentations commonly made to the present author during his visit to Poland - November 1993 to February 1994.

<sup>17</sup> *The Guardian*, 16 February 1993.

<sup>18</sup> *Financial Times*, 17 June 1993

<sup>19</sup> *Radio Free Europe ...*, 26 August 1991

<sup>20</sup> *International Organisation for Migration ...*, p.12

<sup>21</sup> In 1993 of 61 million visitors to Poland, 42 million were from Germany - obviously immigration discourse was not applied the them. *The Times*, 17 November 1994

aforementioned fear of possible consequences of the volatility of the region for the Polish domestic situation. Notwithstanding studies that the Soviet transport system could not handle millions of refugees trying to escape the USSR to the west in the event of a 'worst-case scenario incident', the millions coming to Poland enhanced the view that a flood of refugees was a real possibility.<sup>22</sup> On the day of the coup in Moscow some 115,000 Soviet citizens were staying in Poland.<sup>23</sup>

Furthermore, 'worst-case scenario' calculations also included the possibility of the 1.2 to 4 million ethnic Poles living in the (former)Soviet Union requiring asylum.<sup>24</sup> This was of particular concern to Polish authorities. Although the closing of borders to refugees of other nationalities could lead to major reproach at home and abroad, it could be contemplated given authoritative arguments that in a 'worst-case scenario', that is millions of refugees from the east and no help from the west, "Poland would fall apart as a state, as an economic system, in two or three months".<sup>25</sup> However, the same could not be contemplated against fellow nationals and violate the morality of national identity. In other words, sufficient public opinion might be converted to, or be in favour of, the view that it might be necessary to close borders against refugees of other nationalities given the 'imminent collapse of the Polish state'. However, it would be unlikely for sufficient public opinion to accept not extending asylum to ethnic Poles, if they found themselves, for example, in the middle of a civil war.<sup>26</sup>

## 2.2. Perceived Pressures from the 'West'

The second fear upon which Polish immigration approaches were predicated was the fear that the west might leave Poland to its own devices in dealing with a potential deluge of refugees. Much of the Polish public was generally dissatisfied, "even bitter", with the aid provided to Poland in its early period of transition.<sup>27</sup> Many Poles saw themselves as having been the vanguard of opposition to communism and a major cause of the Soviet Blocs collapse. Poles expected the grateful and morally obliged west to provide such aid packages for the reconstruction of Poland, that Poland would have a painless transition to a capitalist economy. The west was also expected by many to welcome Poland with open arms into organisations like the European Community/Union and NATO.<sup>28</sup> When these expectations were not fulfilled, arguments about the intrinsic selfishness or *realpolitik* of the west began to

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<sup>22</sup> Radio Free Europe ..., 10 October 1990

<sup>23</sup> *ibid.*, 27 August 1991

<sup>24</sup> *ibid.*, 26 August 1991

<sup>25</sup> *ibid.*, 4 January 1991

<sup>26</sup> *ibid.*

<sup>27</sup> The Times, 16 April 1993. It is worth pointing out that Poland benefited from substantial assistance programs organised by the western countries. For example, a group of 17 developed countries - often referred to as the Paris Club - cut Poland's debt owed to those countries by 50%, on the 21st of April 1991. Radio Free Europe ..., 6 December 1991. In May 1991 the Czechoslovak Minister of Finance Vaclav Klaus even argued that American assistance to Poland was so substantial compared to that offered to Czechoslovakia that it was unfair - "US\$ 15 million in assistance to Czechoslovakia, compared to US\$ 1 billion and debt forgiveness for Poland". *Ibid.*, 14 May 1991

<sup>28</sup> *ibid.*

gain ground. Matters were not helped by such incidents as Chancellor Kohl's confusing messages as to the permanency of the post-1945 Polish-German border during the negotiations on German reunification. Classic, grand narrative reminders from Polish history such as the Allies having failed to come to the aid of Poland in 1939, or having sold Poland out to Stalin after the Second World War, were also used to emphasise the nature of *realpolitik* as practised by the western nation-states.

It was also apparent that immigration was one of the most important issues in western European politics and that Poland was perceived in the west as both a supplier of immigrants and as a path for immigrants from the increasingly mobile east. Emigration of Poles was at its highest level between 1981 and 1988 when 653,000 Poles emigrated to the west.<sup>29</sup> Subsequently, however, the numbers of Polish emigrants dropped to about 20,000 per annum.<sup>30</sup> Germany, Poland's wealthiest neighbour and the country with a highly advanced and generous social welfare system, was the goal for most post-communist migrants, and had to cope with hundreds of thousands of asylum seekers annually. Their numbers peaked at about 440,000 in 1992, of these about 25% had come either from or through Poland.<sup>31</sup>

The strength of racist and anti-immigrant feeling in western Europe had an affect on Polish policy makers. The nationalist parties in France and northern Italy, which went to the polls largely on the issue of limiting immigration, were increasingly successful in the early 1990's.<sup>32</sup> Violence against immigrants was on the rise throughout Europe. Although it was the rise of disturbances in Germany that was particularly worrying to Polish policy makers.<sup>33</sup> Anti-immigration attitudes increasingly played part not just in the politics of the far right, but also in the mainstream of western domestic politics. Many mainstream politicians emphasised the threat immigration was posing to their societies' social fabric, at times, their positions imitated the attitudes of the far right. For example, Chancellor Kohl's statements that immigration was the cause of violence against immigrants, that is that immigrants had only themselves to blame for the violence perpetrated against them, appeared to legitimise thugish behaviour.<sup>34</sup> There was also talk by German government officials that they were considering implementing new high-tech devices to control immigration from Poland, including the construction of an electronic wall along the Polish-German frontier<sup>35</sup> and "infra-red devices" to scan for illegal

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<sup>29</sup> Korcelli, P. 'International Migration in Europe: Polish Perspectives in the 1990's', in *International Migration Review*, Vol.XXVI No.2, Summer 1992, p.293

<sup>30</sup> Reuters ..., 12 March 1993

<sup>31</sup> *ibid.*, 9 March 1993

<sup>32</sup> Hockenos P. *Free to Hate: The Rise of the Right in Post-Communist Eastern Europe*, Routledge, 1993, pp.6,57

<sup>33</sup> *ibid.*, see generally chapters 1 and 2

<sup>34</sup> *ibid.*, pp. 33-4

<sup>35</sup> Reuters ..., 4 January 1993

entrants.<sup>36</sup> From 1991 the domestic debate in Germany made it plain that Germany was going to tighten up its liberal asylum laws.<sup>37</sup>

The liberalisation and democratisation of Poland also meant that western European countries were classifying Poland as a 'safe country', that is a country which was no longer a source of refugees, and one in which it was safe for refugees to seek asylum. Poland was being accused by western governments of not being committed to checking illegal immigration, and the press was full of reports of how easy it was for illegal immigrants to cross Poland's western border, and how easily Polish border guards succumbed to corruption.<sup>38</sup> Events that pointed to an 'openness' of the west also tended to be represented as potentially disastrous to Poland by Polish officials. The fact that Germany was taking in 100,000's of refugees from Yugoslavia was not represented in the light of the west being serious about aiding post-communist countries, but rather as Germany facing inevitable crises because of the over extension of its cultural resources.

### **2.3. Polish responses to the immigration problem**

Fundamentally, the Polish authorities believed that they had very little control over regional immigration developments, particularly potential mass migration from the [former] Soviet Union in transition. Poland, by and large, had to wait and see whether the situation in the east would deteriorate or stabilise. To stave off these potential threats, the Polish government adopted measures to offer maximum diplomatic support to fellow post-communist countries attempting to stabilise and democratise the region, and called upon western governments to do their utmost to help the region, diplomatically and materially.<sup>39</sup> In relation to the developments in the west, Polish approaches were also dominated by the waiting game. However, there were more opportunities to manoeuvre and to influence. The fear that western governments might leave Poland to its own devices in dealing with the refugee problem was predicated on the view that the west might define its interests in isolationist terms.<sup>40</sup> In order to counter this possibility the Polish government applied two strategies. Firstly, the government used moral arguments emphasising that the west had a moral responsibility to help Poland. Secondly, Polish politicians used a pragmatic argument underlining that it was in the west's best interest to help Poland.

In relation to the former, Poles reminded the west that Poland belonged to a common, western civilisation, and that following the Second World War the Poles were torn away from this heritage. Partially as a result of western compliance at the partition agreed at Yalta,

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<sup>36</sup> *ibid.*, 15 February 1993

<sup>37</sup> The German infrastructure was under severe stress since the fall of the Berlin Wall. Throughout the 90's Germany also led the way in accepting refugees from the former Yugoslavia

<sup>38</sup> *Guardian*, 30 June 1993; and *The Times*, 5 January 1993

<sup>39</sup> *ibid.*, 24 February 1993

<sup>40</sup> *The Times*, 5 March 1993

Poles suffered Soviet oppression. Furthermore, while the west was engaged in the Cold War with the USSR, the Poles had consistently been a thorn in the Soviet side - a partisan nation.

The second and more prominent Polish argument played on the west's fear of being flooded by refugees. It was argued that, it was in the west's best interest to get Poland to participate in the European immigration regime. Since Poland lacked the requisite resources and expertise to deal with immigration, it needed aid. In return for western assistance, Poland assured the west that it would do its utmost to deal with immigration, both in terms of ensuring the security of western Europe's eastern borders, and in treating immigrants in accordance with the institutionalised norms of the west and the international community.<sup>41</sup> To emphasise Poland's willingness to alleviate western fears in 1991 Poland agreed to accept the return of illegal immigrants who had been caught in Germany, but who did not to file for asylum, and who the German authorities could prove had come through Poland.<sup>42</sup> By 1993 Poland agreed to accept the return of any asylum seeker from Germany who came through Poland, if the German authorities were satisfied that their claims could be dealt with by the Polish authorities. This meant that virtually all asylum seekers who arrived through Poland could be sent back - that is about 100,000 annually.<sup>43</sup>

General assistance for the transformation of the Polish economy was also argued to be necessary, since if Poland were to become a materially affluent country, it would be able to care for immigrants out of its own resources, which would lighten the western load. Finally, aid for Poland's reconstruction would also ensure that Poles themselves would be less likely to want to migrate to the west.

Poland took seriously the 'worst-case scenario' possibility. That a 'state of emergency' type solution was at the top of the Polish agenda was reflected in the 1990 appointment of a senior military officer to head the Bureau for Refugees, under the Ministry of Internal Affairs. The appointee, Lieutenant-Colonel Skoczylas, was often very dramatic about the dangers of migration and the need to deploy the toughest measures possible in the face of this potential scourge. According to Polish calculations, the absolutely highest number of asylum seekers that Poland could manage was 50, 000 - at an estimated cost of US\$130 million.<sup>44</sup> The appointment of this tough talking military man to the top immigration post may also have been a message to the west that Poland viewed immigration as a very serious issue and as a pan-European problem and was prepared to play its part in the crackdown on immigration.

The 'wait and see' approach was reflected in the arguments put forward by the Polish authorities in their preparation for joining international society in dealing with immigration, as well as in the slow pace, or perhaps more accurately, the timing with which the Polish

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<sup>41</sup> Guardian, 16 February 1993

<sup>42</sup> Reuters ..., 15 December 1992

<sup>43</sup> *ibid.*, 5 May 1993

<sup>44</sup> Radio Free Europe ..., 26 August 1991

authorities developed and/or reformed domestic institutions to deal with immigration. Although the first governmental organ established to deal specifically with refugees was established in late 1990, few other major domestic infrastructural developments took place. No legal reform took place in relation to the treatment and status of foreigners in Poland. The operative laws dated from 1963, and were widely recognised as inadequate, both by the authorities and their critics.<sup>45</sup> Neither were there any major attempts to take on the rampant corruption within the ranks of the border guards.

The Polish government presented its position as impossible throughout the negotiations with western countries in relation to the taking back of asylum seekers and illegal immigrants who arrived from Poland. Poland had to have substantial financial support from the west to develop its border controls, as well as the institutions dealing with immigrants: money to employ and train more border guards, purchase sophisticated equipment, construct camps, pay for housing and pensions, and to train and employ administrative and legal personnel, etc.<sup>46</sup> It also needed time, and support from the west, to negotiate with countries from which and through which the immigrants were coming to Poland.<sup>47</sup> In late 1990, Polish officials argued that Poland was not able to become party to the Geneva Convention on refugees and related protocols on the grounds that Poland "could never afford to meet its requirements fully, especially in regard to provision of jobs, housing and educational opportunities".<sup>48</sup> Nevertheless, only a few months after this proclamation Poland signed the Geneva Convention.<sup>49</sup> This was in line with the humanitarian sentiments of many Poles, and perhaps more importantly, in line with the need to appear to the west that Poland was willing to embrace western-international humanitarian norms.

In the 1989 to 1993 period numerous policies limiting freedom of movement, particularly from countries of the former Soviet Union, were maintained. Former Soviet citizens needed a visa, as well as an official invitations from a Polish citizen in order to visit Poland. Quite rapidly, these invitations became an easily circumvented restriction, since they could be picked up very cheaply in most open air markets.<sup>50</sup> Another policy limiting freedom of movement was enacted in relation to Rumania in 1991. Prior to 1989, the Polish-Rumanian agreement simply stipulated that travel was possible with an appropriate visa. In 1991, requirements for an official invitation, as well as the need to demonstrate a return ticket and US\$20 of spending money per day of stay were put in place.<sup>51</sup> Unlike the policy towards formerly

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<sup>45</sup> British Broadcasting Cooperation Monitoring Service; Central Europe and Balkans, 9 December 1993

<sup>46</sup> Reuters ..., 24 February 1993

<sup>47</sup> British Broadcasting Corporation ..., 1 April 1993

<sup>48</sup> Radio Free Europe ..., 4 January 1991

<sup>49</sup> *ibid.*, 26 August 1991

<sup>50</sup> *ibid.*

<sup>51</sup> *ibid.*

Soviet countries, this was not kept on the books from the communist period as a 'just in case' measure, but represented an active attempt to limit Rumanian migration.<sup>52</sup>

The most vivid example of Polish idealism and humanitarianism was the reported spontaneous and emotional invitation to thousands of refugees fleeing the Yugoslav conflict in 1992. These were mainly women and children and were provided with accommodation in former workers' resorts and sanitariums in southern Poland. The people of the region also played their part in donating clothes and providing home cooked meals to the refugees.<sup>53</sup>

Polish reactions to foreigners were mixed. Many Poles empathised with the material and security needs of their poorer neighbours.<sup>54</sup> Feelings of empathy were aided by the fact that 'suitcase trade', although often looked down on, had been a part of life of many Poles. A great many Poles have undertaken this form of business since the 1970's. From a more pragmatic perspective, the petty trade provided Poles with an access to cheap goods, and an outlet for goods that Poland was producing. Most goods produced in Poland could not find western buyers, largely because they were considered inferior products.<sup>55</sup> On the other hand, Poles felt that their country was being stripped of its resources, that the demand created by foreigners added to price increases on still relatively scarce goods, and that the cheap products from other post-communist countries undermined domestic manufacture. Poles were also concerned that hard currency, crucially needed for investment at a time when Polish currency was barely convertible was being bought up by foreigners. Other Polish fears stemmed from the beliefs, that criminals from the east infiltrated into Poland. They also believed that the petty traders operated mainly without licenses and without border declarations, thus denying the state treasury its revenue. The petty trade in alcohol challenged the government's monopoly of the production and sale of this item, and in 1991 the State Treasury lamented that it was losing as much as US\$80 million a year.<sup>56</sup>

In 1993, the Christian National Union and the National Rebirth of Poland - arguably the most important proponents of Polish populism, who advocate the concept 'Poland for the Poles' [Polska dla Polakow], and that only a 'Catholic is a Pole' [Polak-Katolik]<sup>57</sup> - organised a rally against the proposed signing of the Polish-German agreement on the deportation of asylum seekers. The primary objection was that refugees should be the concern of the rich west and

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<sup>52</sup> Although the numbers of Rumanian entrants were never staggering the introduction of travel restriction appears to have succeeded in limiting Romanian entries. In 1991 some 260,000 Romanians entered Poland, in 1992 210,000, and in 1993, this dropped to 190,000. International Organisation for Migration ..., p.17

<sup>53</sup> Guardian, 15 October 1992; also see Reuters ..., 22 July 1992

<sup>54</sup> Guardian, 15 October 1992

<sup>55</sup> The Times, 16 April 1993

<sup>56</sup> Radio Free Europe ..., 26 August 1991

<sup>57</sup> Hockenos, Free to Hate ..., see generally chapter 7

not poor Poland. The rally was countered by a protest organised by Polish anarchists chanting anti-racist and anti-xenophobic slogans.<sup>58</sup>

Although tension between Poles and the traders existed and sometimes broke into violence, the main group towards whom hostility was expressed was the Romanian immigrants, particularly the Roma. Between 50,000 and 70,000 Rumanians, many of them Roma, have been staying in Poland since 1990.<sup>59</sup> The Roma have been singled out, by both the authorities and much of the public opinion, as the main ethnic group in Poland 'causing' ethnic tension. They were perceived to form the bulk of foreigners causing a nuisance, such as harassing for alms in the streets and train stations. Large number of beggars - often women and children - have been a common sight in all of Poland's major cities. So has been the sight of people sleeping in hallways and train stations. Roma are commonly considered as living off begging and petty crime rather than 'honest work'.<sup>60</sup>

The primary example of tension spilling over into violence between Poles and foreigners occurred at Mława. Ironically, these were not foreigners in the sense used thus far, but Roma 'indigenous' to Poland. A riot broke out in a well-to-do suburb of a town in central Poland with a substantial Roma population, whereby a mob torched cars, sacked shops and houses, and bashed a number of Roma men. After the incident hundreds of Polish Roma left for Sweden where they were granted asylum.<sup>61</sup>

### 3. 1993-1997: The Period of Normalisation

The political volatility of the region began to stabilise, or at least exhibit fewer volatile or explosive characteristics. The Soviet Bloc's ability to make the transition from communism to pluralism and democracy in a relatively orderly fashion, as well as the transition of the USSR from Soviet rule to that of independent successor nation-states, greatly eased the fear of potential 'worst-case scenarios', and such fears began to dissipate. In short there was a relative stability between and within the Polish post-communist closest neighbours. More specifically in the context of this piece, there were no *masses of refugees marching through the snow*.

Simultaneously, although the Yugoslav conflict continued to remind of 'worst-case scenario' consequences, it strengthened the idea that pan-European co-operation was the best policy that Polish immigration policy makers should pursue. The Yugoslav conflict emphasised that the west was, by and large, willing to look after refugees. The conflict also emphasised that refugees were not interested in immigrating to Poland. In fact Polish offers of asylum to

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<sup>58</sup> British Broadcasting Corporation ..., 25 May 1993

<sup>59</sup> Radio Free Europe ..., 26 August 1991

<sup>60</sup> *ibid.*

<sup>61</sup> *ibid.*

'Yugoslavs' were at times specifically rejected, refugees preferring to go to western Europe where "the conditions are better".<sup>62</sup>

The fear of western isolationism waned and policies of the west were increasingly interpreted in Poland in the context of a slow and difficult process of integration and progress, whereby all concerned looked after their interests first, but that the greatest gain would be achieved through co-operation of east and west. In other words, it became accepted that the west was unwilling to establish two Europes. That the western governments, by and large, judged it to be in their own interest to swap import concessions or aid for a solution to the immigration problem.<sup>63</sup> During the negotiations with the west, for example in the context of agreements with Germany in relation to the return of illegal immigrants and asylum seekers, Poland managed to negotiate substantial aid to lessen its burdens. The main package was the 1993 120 million marks from Germany to develop border controls and an infrastructure to detect and deal with refugees.<sup>64</sup> Given the great concern in the west regarding immigration, the west's non-isolationist approach, and the apparent fact that immigrants were interested in Poland more as a route than a destiny, the Poles found themselves in a stronger position than they had previously envisaged. Therefore, when it was believed that appeasement of the west was contrary to Polish interests, the Poles were willing to pursue policies contrary to the interests of the west.

Poland's foreign, economic and immigration policies reflect new-found confidence. Poland sees itself as a country of transit between west and east, and accordingly pursues policies emphasising free trade and freedom of movement. It is pursuing its integration into the European Union free market, and free trade with neighbouring countries, including with the potentially very large market of Russia.<sup>65</sup>

In its pursuit of freedom of movement in Europe, Poland has found itself at odds with western governments, particularly over visa-free travel with Russia. Poland has been incrementally reducing travel restriction with Russia, and a Polish-Russian agreement was signed late in 1996 allowing visa-free travel between the two countries - subject to the signing of a readmission agreement. The main western concern is that as travel restrictions with Poland are being reduced, and as Poland is heading for the elimination of national borders under the EU, Poland will become [or continue to be] a major route for illegal immigrants from eastern Europe.<sup>66</sup>

Poland's pursuit of freedom of movement policy reflects its current position on immigration. The 'suitcase traders' from the post-communist countries have since 1993 been increasingly

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<sup>62</sup> *ibid.*, 22 July 1992

<sup>63</sup> *ibid.*, 21 April 1993

<sup>64</sup> British Broadcasting Corporation ..., 18 May 1993

<sup>65</sup> *Zycie Warszawy*, 29 November 1996

<sup>66</sup> *Warsaw Voice*, 8 December 1996

described by policy makers in positive terms. That is, they are rarely couched in terms of immigration, but rather in terms of trade.<sup>67</sup> They provide inexpensive goods, purchase local goods and services, and provide contacts with other post-communist markets. Refugees and illegal immigrants are generally not perceived as an overriding concern to Poland, although Poles are increasingly surprised at the numbers of illegal immigrants, indicating a growing concern over the issue. The numbers of illegal immigrants staying in Poland appear to have increased substantially. In 1991 it was estimated that 20,000-30,000 people from the Soviet Union alone were staying illegally in Poland<sup>68</sup>, while in 1993 some sources place illegal residents at 500,000.<sup>69</sup>

The two main categories of illegal immigrants in Poland are either those waiting for an opportunity to go to the west, or those able to make a better living in one of the most affluent of post-communist countries. Most illegal immigrants tend to leave Poland within a few months, the latter after they have saved some money, and the former either because they have found their way west or failed to do so. Both categories are made up overwhelmingly of citizens of the poorest former communist European countries: Rumanians, Russians, Bulgarians, Ukrainians and Belorussians. However, amongst illegal immigrants trying to get across to the west there are also substantial numbers of citizens from African and Asian 'Less Developed Countries', particularly Sri Lankans, Indians, Bangladeshis and Pakistanis.<sup>70</sup>

In 1996 there have been about 2300 requests for asylum in Poland.<sup>71</sup> Despite this relatively small number, the issue has accrued political significance, largely because the refugees are monitored internationally and Polish authorities perceive it as crucial to appear to be upholding human rights standards at a level akin to that of the west. This latter point emphasises Poland's readiness to be integrated into western structures, as well as an expectation of receiving further aid from the west. The ethnic mix of registered asylum seekers comprises mainly citizens of the former Yugoslavia and people from African and Asian 'Less Developed Countries'.<sup>72</sup> Successful asylum seekers stay in Poland on renewable 12 month visas and, due to the housing shortage, can stay in 'rotating accommodations' for up to 15 months, afterwards they have to cope on their own.<sup>73</sup> They are shifted from dwelling to dwelling as housing becomes available. It is unclear precisely why their accommodation needs to be rotated. However, it seems that they are rotated within the general social security system in competition with other disadvantaged members of Polish society. Most asylum seekers appear not to want to settle down in Poland but hope to be relocated to a western

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<sup>67</sup> See for example, *Warsaw Voice*, 8 December 1996

<sup>68</sup> *Radio Free Europe ...*, 26 August 1991

<sup>69</sup> *British Broadcasting Corporation ...*, 9 December 1993

<sup>70</sup> *Rzeczpospolita*, 27 February 1997; *Gazeta Wyborcza*, 27 February 1997; *Nowa Europa*, 27 February 1997, and *International Organisation for Migration...*, pp.17-18

<sup>71</sup> *Warsaw Voice*, 24 November 1996

<sup>72</sup> *ibid.*, 23 June 1996

<sup>73</sup> *ibid.*

country. Nevertheless, the Polish approach of maintaining refugees on renewable 12 month visas emphasises the broader Polish approach that refugees are and ought really to be the problem of the west. There is no evidence of attempts to offer refugees citizenship, nor of any other meaningful programs which attempt to integrate refugees into Polish society.

The Polish authorities appear to be interested in maintaining only the minimal fulfilment of international moral and legal duties. Furthermore, asylum seekers are of concern because they are directly linked to the public purse, and therefore open to scrutiny. Since the issue is linked to the public purse it can be used for political point scoring, including right wing-populist criticisms that money could be spent better on Poles - types of arguments that are potentially alluring in a political culture in transition. The fact that some of the very people who are employed to look after refugees and their rights think that "we ... pamper them [refugees] ... [and] there is no country as open to abuse [by refugees]" reflects a lack of commitment by Polish authorities to refugee rights.<sup>74</sup>

Poland has increasingly used immigration as a bargaining chip in its relations with the west. It has been emphasising that immigration is one of the great problems facing Europe, although not necessarily one of the great problems facing Poland. Poland is one of the most ardent supporters of the policy of exchanging aid and 'imports for migrants'. This is in line with the resolutions of bodies like the Organisation for Security and Co-operation in Europe [OSCE].<sup>75</sup> The argument is that in order to ease the pressure of immigration on the west, the west must provide maximum support, particularly through economic concessions and aid to the developing post-communist countries. In spite of the particularly humanitarian resolutions emphasised by the west, it is quite clear that an equally vigorous policy aimed at physically stopping immigrants from entering the west is maintained on the books.

Poland hopes that it can be a major winner from both the 'humanitarian' and the 'realist' policies. Firstly, Poland hopes that the development of other post-communist countries will offer the region political stability and strengthen the development of eastern markets, to which Poland, as the country in the heart of Europe, will have excellent access.<sup>76</sup> Secondly, Poland hopes to continue to secure major concessions from the west as the vanguard of the European struggle against immigration. As Poland is being integrated into the western European economy and society it is difficult for the Odra-Nisa to be the primary line stopping illegal immigrants from entering the west. According to Chancellor Kohl "It cannot be that Germany's eastern border remains the border of the European Union".<sup>77</sup> As Poland is one of the first countries in line for EU membership, it appears that Poland's eastern border may well become the European Union's eastern border for some time to come, and so Polish authorities argue that it is Poland's eastern borders that need strengthening. Thus there is an

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<sup>74</sup> *ibid.*

<sup>75</sup> British Broadcasting Corporation ..., 19 July 1993

<sup>76</sup> Polskie Radio, Warszawa 0744gmt, 29 April 1993

<sup>77</sup> Reuters ..., 7 October 1994

optimism that Poland will continue to become a major recipient of aid from the EU in order to control illegal immigration.

In order to downplay the fears that Poland might become an easy route for illegal immigrants, Poland emphasises its domestic reforms and its co-operative attitude in the international arena in relation to refugees and illegal immigrants. It also emphasises that western aid provided for reconstructing its immigration system is used efficiently.

The main aid package that Poland received from the west to tighten its border controls, reform the legal system and establish practices and facilities for the upkeep and the processing of immigrants and refugees, came from Germany as part of a 1993 agreement on repatriation of asylum seekers. Since the money arrived, a repatriation camp was opened in Poland (1996). Until then immigrants awaiting repatriation were held in ordinary jails.<sup>78</sup> In early 1995, a new law allowing Polish authorities to hold illegal immigrants awaiting processing for up to 90 days was passed. The law took some five years of negotiations between the various factions in parliament and the judiciary. Previously, a 1963 law allowed only two days of detention of foreign nationals.<sup>79</sup> The Polish border guards were retrained and re-equipped with new sophisticated technology, including carbon dioxide detectors to scan container trucks for life signs. Polish authorities also reported a crackdown on corruption among the border guards. For example, six guards were made an example in early 1996.<sup>80</sup> A joint data base on criminal activity was established by the police and the border guards; until then, the two formations had had little contact and co-ordination.<sup>81</sup>

In the international sphere, since diplomatic flurry began in 1992 on deportation agreements with Germany and neighbouring countries, there has been no slowdown. In addition to having signed repatriation agreements with virtually all of the countries in the region, Poland has continued to negotiate and sign numerous agreements related to immigration with most of them. Reports have been prolific of agreements reached at both bilateral and multilateral levels regarding such matters as the control of the smuggling of drugs, people and stolen goods, the opening of new border crossings, and the establishment of data bases on known criminals. The continuous flurry of activity in the international arena has been indicative of Poland's wish to be, or appear to be, at the forefront of the construction of an integrated pan-European immigration regime.

The pursuit of a pan-European integration policy is also useful to the Polish authorities in their attempt to occupy the high moral ground, particularly as it is in line with the public resolutions of western governments and major European organisations. The policy strengthens Poland's case in its pursuit of free transit in the region, especially since Poland is also adopting

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<sup>78</sup> *Zycie Warszawy*, 18 July 1996

<sup>79</sup> Reuters ..., 24 March 1995

<sup>80</sup> *Rzeczpospolita*, 27 February 1996; *Gazeta Wyborcza* 27 February 1996; and *Nowa Europa*, 27 February 1996

<sup>81</sup> *ibid.*

policies to control immigration and placate western fears. It also strengthens Poland's relations with other post-communist countries. Not only is Poland offering diplomatic support to post-communist governments in their arguments for access to western markets and greater aid and co-operation, but it is also opening itself up and is doing so in spite of pressure from the west. Here Polish authorities attempt to emphasise the unity of interest that Poland shares with the post-communist countries in the region. There is, of course a price. For example, the lifting of restrictions on travel to Poland tends to be tied to agreements to accept the repatriation of illegal immigrants and asylum seekers who come through a third country to Poland. Thus, however, Poland is increasingly finding itself in a similar position vis-à-vis the poorer post-communist countries as the western countries are to it. It has the economic advantage and they have the refugees. The long negotiations with Russia have been stalled primarily because Russia does not want to accept repatriated refugees.

Although, in the pursuit of a free transit policy, the Polish government has ceased to couch 'suitcase traders' in terms of immigration and therefore threat, socially the same types of concerns and social tension remain as in the period to 1993.<sup>82</sup> Furthermore, Polish authorities following western approaches have worked out which are the 'desirable' and 'undesirable' migrants. It may be argued that the authorities under public pressure and 'a perceived green light' from the west, have increasingly used stricter and illegal means to deal with undesirable migrants.

Of all foreign nationals, Poles still perceive the Roma as the major cause of public nuisance. Since the establishment in 1995 of the OSCE Democratic Institutions Office in Warsaw it has received hundreds of complaints by Roma about mistreatment.<sup>83</sup> It appears that the authorities, in response to public opinion, have begun moving to solve the problem of the Roma in Poland. For example, on the 19th of June 1996, in a massive 2 a.m. police raid on a Roma encampment in a Warsaw suburb, 113 Roma were arrested. They were deported to the Ukraine the very next day. Polish authorities have argued that no civil rights of the deportees were violated. However, on this occasion, critics have been particularly concerned.<sup>84</sup> The Helsinki Human Rights Watch reports have argued that Polish police and bureaucrats routinely fail to observe the full letter of the law in their dealings with illegal immigrants and refugees. The Group points out that foreigners receive very little protection under Polish domestic law, and that international law is largely left to the interpretation of domestic law which needs to be developed. Lacking legal channels foreigners are largely left to "the good will and competence of civil servants".<sup>85</sup> On this particular occasion, it is difficult to accept that a system which is admitted to be less than totally efficient, and in need of further reforms and funds, could process 113 illegal immigrants in one day. The introduction of the 90 day detention law was largely based on the argument that illegal immigrants were

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<sup>82</sup> See for example, *Warsaw Voice*, 14 July 1996

<sup>83</sup> *British Broadcasting Corporation ...*, 5 December 1995

<sup>84</sup> *Warsaw Voice*, 30 June 1996

<sup>85</sup> *British Broadcasting Corporation ...*, 9 December 1993

notorious for making the processing very difficult and time consuming for the authorities, for example, by loosing documents.<sup>86</sup>

## 4. Conclusion

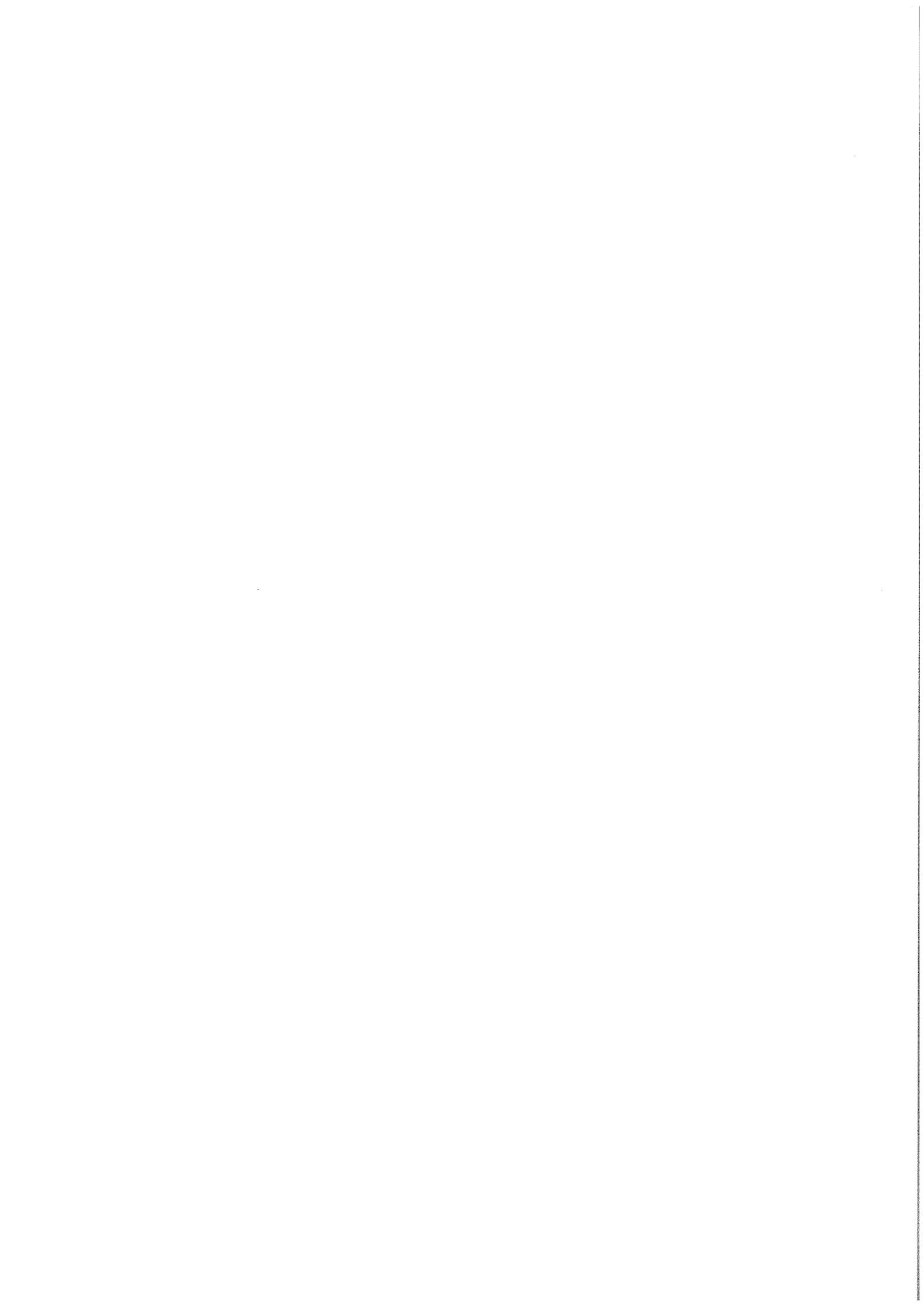
Polish responses to immigration have developed primarily in the context of the changing pressures of the international situation and values held dominating Polish political culture. In the period to 1993, the main pressures were the possibility of mass migration from the Soviet region if that region were to be afflicted with a civil war-type situation; an isolationist policy from the west if the first scenario were to eventuate, a population which on the one hand highly insecure and suspicious of foreigners and foreign powers, and on the other empathic to the plight of people from the poorest and most volatile post-communist countries. Apart from some preparation for the influx of refugees, such as the drawing up of plans to establish debriefing centres in isolated parts of the country, the primary response was to attempt to convince the west that it could not afford to take an isolationist approach.

Once the political situation in post-communist countries stabilised and the west showed that its policy was one of integrating Poland into its economic, political and defence system, the 'worst-case scenario' fears dissipated. The new set of international considerations became how to integrate Poland into a pan-European immigration regime. Poland was a major route for immigrants to the countries of the EU - and particularly its most powerful member Germany - which were extremely concerned with the effects of immigration on the stability of their social fabric. Although the fear of foreigners being a security threat has significantly decreased since the early 1990's<sup>87</sup>, the same cannot be necessarily said about the apparent general perception of immigrants as a negative and unwelcome phenomenon). The main pressures on Poland were, and continue to be, how to crack down on illegal immigration and cease to be a major route to the west, while doing this in accordance with western norms of how immigrants and refugees ought to be treated. A difficult task for a country in the process of developing its economy, democratic and civic traditions and institutions, as well as one getting used to the ethno-cultural diversity in a globalising world.

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<sup>86</sup> Warsaw Voice, 23 June 1996

<sup>87</sup> Christian Haerperfer and Claire Wallace 'Xenophobic Attitudes Towards Migrants and Ethnic Minorities in Central and Eastern Europe', Paper presented at the symposium "*Justiz und Fremdenfeindlichkeit*", Paul Lazarsfeld Society, 23-24 October 1997, p.12



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