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# Migration and Fertility. Polish Migrant Families in Ireland and Non-Migrant Families in Poland: A Comparison of Fertility Plans and Behaviour

Łukasz Klimek\*

*This study analyses and compares the fertility behaviour and childbearing plans of Polish migrant families in Ireland and those of their counterparts – families in Poland. The study has a comparative and explanatory character and applies both quantitative and qualitative methods. The analysis is based on the author's own data collected from an online survey of Polish family units in Ireland in 2014 and compared with secondary data on families in Poland retrieved from the 2011 Gender and Generation Survey (GGS). My research reveals fertility postponement and fewer families with children among migrant families; nonetheless, migrant parents have more children than their counterparts in Poland. The results highlight the significance of socio-economic and institutional contexts. The study also reveals a dichotomisation of fertility strategies within the migrant population, with distinct differences in the number of children, transition age to parenthood, and further fertility intentions between migrants who became parents in Poland and those who did so after the move. The results also provide insights into the childbearing motivations and fertility patterns of recent Polish migrants and contribute to the discussion of migrants' fertility in general.*

*Keywords: Polish migration; family migration; fertility; migrant fertility; childbearing plans*

## Introduction

A move from one society to another is usually accompanied by a rapid change of socio-economic and cultural context and may introduce many modifications in migrants' life, including changes in fertility behaviour and childbearing strategies (Glusker 2003). Migrants' fertility behaviour and plans usually differ from those of the main population in the receiving society and, at times, also from those in the sending society (Kulu 2005). In the majority of studies, the population in the destination country constitutes the main comparison group when

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analysing migrants' fertility patterns. Nonetheless, in this paper I apply a different perspective and compare the fertility patterns of migrants with those of non-migrants ('stayers') in the country of origin. Such an approach may provide a useful framework in which to understand the role of different socio-economic and institutional contexts on fertility behaviour and childbearing motivations. The main aim of this paper is therefore to compare the fertility patterns of Polish migrant families in Ireland and non-migrants in Poland and, consequently, to explore mechanisms of macro-structural settings which could possibly influence these patterns. The study contributes to the debate on family behavioural changes in post-modern societies and to research on Polish post-accession migration within the European Union, and may also be informative for family policy-makers.

The article starts with a presentation of Polish migration to Ireland and the socio-demographic characteristics of the participants. In addition, I include contextual information about fertility patterns in the main Polish and Irish populations. I then present a short review of selected theories of migrant fertility, followed by a description of the research methods I applied in my study. The central sections contain the quantitative results of an online survey enhanced by insights from my in-depth interviews. I conclude with a discussion of the relevant findings.

### **Polish population in Ireland**

For centuries, Ireland was a country of entrenched emigration. However, in the mid-1990s the state, for the very first time in its modern history, turned from being a traditional emigration country to being one of immigration (Loyal 2011). Since then, immigration has become one of the most important economic, social and cultural issue faced by the Irish state and society (Immigrant Council of Ireland 2005). Referring to the 2016 census, the Irish population stands at approximately 4.7 million people – the highest number since the pre-famine years of the mid-nineteenth century. It is estimated that two-thirds of the recent population growth was fuelled by immigration. Over a 25-year period, the population of foreign-born people living in Ireland rose from 6 per cent in 1991 to over 17.3 per cent in 2011 – with 810 406 residents born outside the country (CSO Ireland 2012).

Polish migrants make up the largest non-Irish group there, with a total number of 122 515 people (CSO Ireland 2012), the overwhelming majority of whom arrived in the country after May 2004, when Poland joined the European Union. The Polish population in Ireland can be characterised as largely young, well-educated and gender-balanced. These characteristics are found to be common descriptions in various studies on Polish post-accession migrants to other EU states (Jończy 2009; Kaczmarczyk 2014; Salt and Okólski 2014). The age distribution of Poles in Ireland represents a typical structure found in countries where labour migration is the dominant form of migrant influx, with an over-representation of people in the productive age range – nearly every second Pole there is aged between 25 and 34 years old. The second-largest age group is children aged 0 to 14, followed by adults aged 35 to 44 – making these groups total 18.1 and 14.6 per cent of the population respectively. The proportion of men and women in the population – is almost equal, with 51.7 and 48.3 per cent of males and females respectively. In terms of educational background, one in three Poles has some kind of tertiary-level education, followed by 37 per cent with an upper-secondary qualification (holding the *matura* – the equivalent of the Irish leaving certificate). In terms of employment status, nearly seven out of ten Polish migrants aged over 15 were employed (CSO Ireland 2011). Despite their relatively high level of education, Poles tend to occupy low-paid employment, often in the hospitality, retail or construction sectors (Krings *et al.* 2012).

Polish post-accession migration within the EU, including the flows to Ireland, is typically viewed as economically motivated (Kaczmarczyk 2014; Radiukiewicz, Bieliński and Larkowska 2006). Nonetheless, a closer analysis of migrants' history and migratory motivations suggests that many of these moves could also

be classified as family-related, a category which includes family reunification, intact family relocation and marriage migration. Furthermore, the family-formation phenomenon has recently emerged on a large scale among Poles in Ireland. The 2011 census in Ireland showed a 20 percentage point increase in families with children over the 2006–2011 period, significantly changing the age structure of the population – the proportion of those aged under 20 more than doubled from 9.9 per cent in 2006 to 21.2 per cent in 2011. This increase is due, firstly, to the large number (8 928) of Polish children born there in that period (CSO Ireland 2012) and, secondly, to the family reunification process in which migrant individuals, after an initial stay abroad, brought the rest of their family members over to join them in Ireland.

The family-formation phenomenon recently observed among Poles in Ireland and in other new EU destination countries, could be explained in terms of migrants' demographic characteristics and natural life-course transitions. The majority of Poles who emigrated from Poland after 2004, including those going to Ireland, were in their 20s and were often single and with no children (Jończy 2009). Ten years later, at the time of this study, many have either started a family or are expected to do so in the next few years. The family-formation process and the transition to parenthood provokes the question of whether or not their fertility behaviour will differ from that observed in those who remained in Poland. This interest has led to my study and has become its main research question.

### **Fertility in Ireland and Poland**

Ireland has often been associated with 'traditional', multigenerational and large families. Nonetheless, this assumption, which was partly relevant until the 1970s (Hannan and Katsiaouni 1977; Humphreys 1966), has been superseded and today's Irish family has standardised around a norm of two or three children per family. An analysis by Lunn, Fahey and Hannan (2009) of national statistics on family structures between 1986 and 2006 reveals a mixture of stability and change. While a 'standard' path of family formation – composed of sequential transitions from singlehood to marriage and then to parenthood – remained as the dominant pattern of life-course events, the number of very large families, three-generational households or households comprised of adult unmarried siblings drastically declined. The Irish family, similarly to other European societies (Sobotka and Toulemon 2008), is now moving promptly beyond the traditional model, with new forms of diversity in family life – such as single parenthood, births outside marriage, couple cohabitation or same-sex couples – becoming more common there (Lunn and Fahey 2011; Lunn *et al.* 2009). Most importantly, however, researchers report an increasing number of Irish nationals delaying union formation and childbearing, a fact which contributes to the large decline in marriages and birth rates observed since the 1980s.

Irish census data show that, in recent decades, the total fertility rate (TFR) decreased rapidly from 3.21 at the beginning of the 1980s to 2.11 at the start of the 1990s. Since then, it has oscillated around the replacement fertility rate of 2.1. Despite the drop, Ireland still remains one of the EU countries with the highest fertility rates (OECD 2016). Irish public health service figures for 2013 show that the average Irish woman gives birth to 2.06 children over her childbearing period. The birth rate in the country stood at 16 children per 1 000 population (Healthcare Pricing Office 2014). In Poland, in comparison, the fertility and birth rates are considerably lower.

Poland, like Ireland and other European countries, has been experiencing changes in family behaviour, including a delay in union formation, a decrease in the fertility rate and fertility postponement (Philipov 2002; Sobotka and Toulemon 2008). For instance, the total fertility rate (TFR) dropped from 2.07 in 1989 to 1.4 in 2005 and has remained at this level ever since. In 2012, it stood at 1.3 children born to the average woman, with a birth rate of 10 children per 1 000 population (CSO Poland 2014). Consequently, over the course of three decades, Poland moved from the group of high-fertility countries to that of countries with the lowest

fertility rates. This situation is, firstly, a consequence of the decrease in the number of births among the post-war baby-boom generation – who were no longer in the most fertile age range after 1983 – and, secondly, due to the very complex economic and socio-cultural changes which followed the 1989 political transformation in Poland (Kotowska, Jóźwiak, Matysiak and Baranowska 2008: 800).

The second most important change in family behaviour observed among many European countries, including Poland and Ireland (CSO Poland 2014; Healthcare Pricing Office 2014) is fertility postponement. In 2013, the average age of first-time mothers in Poland was 27. Nearly two decades earlier, in 1995, the mean age at first childbirth was 22.5 (Stańczak, Stelmach and Urbanowicz 2016). Nonetheless, despite the continuous pattern of increase in age for first-time mothers in Poland, these women are still among the youngest mothers in the EU (OECD 2016). In comparison, in Ireland in 2013, the average age of a first-time mother was 30.3, up from 27 years of age in 1995 (CSO Ireland 1999).

Acknowledging the two national settings and the different fertility behaviours there, I now raise the question of whether migrants' fertility behaviour and plans reflect the patterns of those in their home country, or whether the migration context establishes a specific fertility pattern among newcomers. Similar questions have been asked on many different occasions and in various national frameworks. As a result, there are several theoretical perspectives and models addressing this problem, some of which are presented in the following part of the paper.

### **Theories on migrant fertility: the effect of migration on childbearing**

There are various theories concerning migrants' fertility behaviour – all of which broadly refer either to pre- or post-migratory factors. I focus on four widely recognised perspectives: selection, socialisation, adaptation and disruptive.

The *selection perspective* assumes that migration is a selective process whereby only a specific subset of a population migrates. Migrants are usually self-selected and thus represent a non-random sample against the main population of the sending country. Migrants differ from non-migrants in respect of their demographic and socio-economic characteristics such as age, gender, level of education, life-course events, marital status, employment status and housing situation. Subsequently, the differences in migrants' characteristics may translate into their fertility behaviour and intentions (Kulu 2005). The selectivity hypothesis implies that migrants will usually have smaller families compared to non-migrant families in the country of origin (Majelantle and Navaneetham 2013).

The *socialisation perspective*, like the selection perspective, refers to the society of origin and the pre-migratory factors that may influence the fertility patterns of migrants. It suggests that migrants' childbearing and procreation plans reflect the fertility behaviour and attitudes towards it internalised during childhood socialisation (Kulu and Milewski 2008). The desired number of children, therefore, is influenced by family model in which individuals were brought up and, additionally, through the cultural norms and values associated with family structure and organisation in the home country. The socialisation model assumes that the norms and preferences with regards to fertility remain quite stable over the lifecycle. Following this line of reasoning, no significant differences should be observed between the fertility behaviour and childbearing intentions of migrants compared to those who remained in the country of origin.

The next perspective the *adaptation model* – in contrast to the selection and socialisation approaches – refers to post-migratory factors and emphasises migrants' adaptation processes in the destination country. The model assumes that migrants adapt to the dominant fertility behaviour of non-migrants in the receiving society and that, sooner or later, their fertility level will begin to resemble that of the host-society population

– an adjustment process which does not usually require an entire generation to pass (Kulu and Milewski 2008; Majelantle and Navaneetham 2013).

The *disruptive perspective*, like the adaptation model, refers to post-migratory factors and suggests that migration disrupts fertility and leads to its reduction or postponement (Kulu 2005). Fertility-disruptive factors are primarily associated with the initial adaptation process of migrants to new socio-economic and cultural contexts in the host country. Commonly, the low fertility level is observed among migrants immediately following their move. The disruptive hypothesis assumes that the low fertility of migrants is only temporary and that the initial interrupted childbearing is followed by a phase of increased fertility in which migrants try to ‘catch up’ with their original and postponed fertility plans (Milewski 2010).

Commonly, migrant fertility is seen as an indicator of assimilation, adaptation or integration processes. Acknowledging the fact that I compare migrants’ fertility patterns to those of their compatriots who remained in the home country, and not to those of the native population in the host society, I refer to a notion of ‘home dissimulation’. Baykara-Krumme and Milewski (2017) define it as the process of adopting behaviour that differs from that prevalent in the home context. I assume that the change of socio-economic and institutional context resulting from migration impacts on the fertility and childbearing plans of Polish migrants in Ireland. In my explorations, I investigate two mechanisms that may have some effect on migrant fertility patterns. The first one refers to the selectivity and disruption approaches and assumes that childbearing is postponed among migrant women, due to which there are fewer families with children among migrants or they are smaller than among stayers. The second mechanism refers to socialisation theory and assumes that the number of children born to and planned by migrants does not differ to that of families in Poland.

## Method

The main research question is whether or not there are differences between the fertility behaviour and childbearing intentions of Polish migrant families in Ireland and those of families in Poland. To address this problem, a comparative study was designed and carried out within two sample groups, the primary one of which was composed of representatives of Polish migrant families in Ireland, and the second – the comparative sample – made up of those of non-migrant families (‘stayers’) in Poland. It is important to note that the term ‘migrant families’ in this paper always refers to Polish migrant families in Ireland, whereas the term ‘non-migrant family’ or ‘stayers’ refers to the comparative sample in Poland. A sequential quantitative and qualitative mixed-methods strategy (Ivankova, Cresswell and Stick 2006) was applied to collect data in both countries, through an online survey as the first step, followed by semi-structured in-depth interviews.

The quantitative part of study was based on two data sources: the primary data on migrant families were collected through an online survey in the first quarter of 2014, while data on stayers were extracted from the first wave of the Gender and Generation Survey (GGS) carried out in Poland in 2011. The online survey carried out in Ireland was partly based on questions from the GGS, which facilitated a comparative analysis of answers from respondents in both countries.

Taking into account the selectiveness of the migration process (Chiswick 1999) it was important to identify the study samples in Poland and Ireland in order to ensure that they closely resemble the entire population of Polish migrants in Ireland. Thus, to minimise sampling bias, I applied a strata sampling procedure based on information on the Polish population derived from the 2011 Irish census.

Three independent variables were chosen to identify the various types of migrant family in Ireland and to build strata reference matrix, namely having children, marital status and family life-course stage. The combination of the first two variables allowed identification of five types of migrant family: (1) marriages with children; (2) childless marriages, (3) cohabitating couples with children; (4) childless cohabitating couples;



and (5) single parents. Additionally, referring to the third independent variable – family life-course stage – families with children were further categorised into five age groups, based on the age of the eldest child in the family unit: 0–4 years, 5–9 years, 10–14 years, 15–19 years and 20+ years.

Once the independent variables had been selected, a share/stratum of each specified family type in the entire Polish population in Ireland was established based on data from 2011 Irish census. The strata served as the reference points by which to choose the study sample in Ireland and the comparative sample of stayers in Poland (Table 1). Respondents in both countries were randomly selected within each stratum and only those in reproductive age range (18 to 49 years) were included in the final samples.

**Table 1. Types of family unit in the Polish population in Ireland and in the study samples**

Type of family unit	Age group of the eldest child in years	Polish population in Ireland		Sample in Ireland		Sample in Poland	
		n	%	n	%	n	%
Husband and wife without children		6 616	17.7	43	14.5	40	4.1
Cohabiting couple without children		7 128	19.1	67	22.6	185	19.1
Husband and wife with children	0–4	7 315	19.6	57	19.4	212	21.9
	5–9	3 834	10.3	30	10.1	113	11.7
	10–14	2 620	7.0	19	6.3	86	8.9
	15–19	1 769	4.7	14	4.7	63	6.5
	20+	844	2.3	9	3.0	45	4.6
	Total	16 382	43.9	129	43.6	520	53.6
Cohabiting couple with children	0–4	2 727	7.3	22	7.3	80	8.2
	5–9	649	1.7	5	1.7	24	2.5
	10–14	371	1.0	3	1.0	16	1.7
	15–19	238	0.6	2	0.7	10	1.0
	20+	77	0.2	1	0.3	6	0.6
	Total	4 062	10.9	33	11.1	136	14.0
Single parents	0–4	883	2.4	9	3.0	25	2.6
	5–9	618	1.7	3	1.0	18	1.9
	10–14	567	1.5	6	2.0	16	1.7
	15–19	546	1.5	1	0.3	15	1.5
	20+	503	1.3	6	2.0	15	1.5
	Total	3 117	8.4	24	8.1	89	9.2
Total family units		37 305	100.0	296	100.0	970	100.0

Source: Author's calculation based on 2011 census data received from CSO Ireland.

The final sample of migrant families was composed of 296 family units (selected from 560 completed questionnaires) and 970 non-migrant family units – chosen from a pool of more than 24 000 GGS respondents in Poland. The basic socio-demographic characteristics of my study participants are presented in Table 2.

**Table 2. Socio-demographic characteristics of study participants in two samples**

Variable	Ireland n=296		Poland n=970	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Age of female in a couple	31.70	5.42	34.31	8.09
Age of male in a couple	33.97	5.85	31.74	7.21
Full-time employment for males (1=yes)	.81	.40	0.83	.37
Full-time employment for females (1=yes)	.53	.50	0.49	.50
Any employment for women (1=yes)	.70	.46	0.57	.49
Dual-earner households (1=yes)	.65	.48	0.52	.50
Tertiary-level education for female (1=yes)	.46	.49	.39	.49
Tertiary-level education for male (1=yes)	.32	.46	.29	.46

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

The quantitative analysis of fertility behaviour and childbearing intentions was enriched by the qualitative input from 40 semi-structured, in-depth interviews with family members, carried out in the two countries between 2014 and 2015. The interviewees in Ireland were selected from the pool of survey respondents who had agreed to take part in the qualitative part of the study, whereas my informants in Poland were recruited mainly through social media websites and via the personal networks of the interviewers. Like the survey respondents, the interviewees in both countries were of reproductive age and represented the five types of family mentioned earlier. Interviewees varied in terms of their educational level – from lower-secondary to postgraduate – and of their principal economic status – ranging from postgraduate students to stay-at-home parents to full-time employees.

## Study results

This part of the paper presents my findings from the survey and focuses on two key themes: *fertility behaviour* and *fertility intentions*. In demography, *fertility behaviour* is defined as the observed fertility and the observed birth calendar in a population (Okólski and Fihel 2012). Observed fertility is commonly measured by two parameters: (1) the Total Fertility Rate (TFR), which is the average number of all children born to a woman over her procreation period (in Poland and Ireland, defined between 15 and 49 years of age) and (2) the Birth Rate or Crude Birth Rate (CRB) – the number of live births per 1 000 heads of population in a given year. The birth calendar is considered as the distribution of births over the lifetime of a woman and is usually measured by the average age of first-time mothers as well as the time between a woman's first and any subsequent births. *Fertility intentions* are defined as the preferred number of children and the preferred birth calendar – in other words, the number of children that a person or a couple plan to have during their lifetime, born within the ideal timeframe.

In this study, fertility behaviour was measured with the use of three parameters: (1) total fertility rate (TFR), (2) the number of children in a family unit and (3) the woman's mean age at first childbirth (MAC). Then, the childbearing plans were measured by the intended number of children. The plans were further explored by identifying several of the most important factors affecting these plans.

*Fertility behaviour*

It is important to note that the fertility behaviour of migrant women who transited to motherhood prior to migration was certainly affected by circumstances in Poland. Therefore, in order to answer the research question, the main focus is on the fertility behaviour of those who became parents *after* the move. Nonetheless, I also present the fertility parameters for those who had children *before* the move, as analysis of the data discloses significant differences in fertility behaviour between these sub-populations, suggesting a dichotomisation of fertility patterns. The fertility parameters for migrant and non-migrant mothers are presented in Table 3.

**Table 3. Fertility behaviour parameters for migrant and non-migrant women**

		<i>P value</i>	<i>n</i>	<i>M</i>	<i>SD</i>
<b>Total Fertility Rate</b>					
	Non-migrant families			1.19	.98
	Migrant families	$p < .05$		1.03	.94
<b>Mean number of children for mothers</b>					
	Non-migrant mothers		726	1.55	.77
	Migrant mothers	$p < .05$	185	1.62	.74
	Became mothers in Ireland		106	1.41	.58
	Became mothers in Poland	$p < .001$	79	1.90	.82
	Have more children after the move		25	2.48	.71
	Have no more children after the move	$p < .001$	54	1.65	.73
<b>Mean age at first childbirth</b>					
<i>Gr. A</i>	Non-migrant mothers	$p_{AB1} < .001$	726	25.1	4.7
<i>Gr. B</i>	Migrant mothers		179	25.3	4.5
<i>Gr. B1</i>	Became mothers in Ireland	$p_{B1B2} < .001$	105	27.3	3.9
<i>Gr. B2</i>	Became mothers in Poland	$p_{B2A} < .001$	74	22.5	3.8

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

*Families with children*

The data show that the proportion of families with children is greater among stayers than migrants and stood at 76.8 per cent ( $n=745$ ) and 62.8 per cent ( $n=186$ ) respectively at the time of the study. This corresponds with higher *total fertility rate* (TFR) for women in Poland than for those in Ireland – at 1.19 and 1.03 respectively. The lower fertility rate for migrants is understandable considering that 37.2 per cent ( $n=110$ ) of them had not yet transited to motherhood at the time of the study. However, when the focus is shifted to women with children, we see that mothers in Poland had fewer children than their counterparts in Ireland – with the mean number at 1.55 and 1.62 respectively.

Migrant mothers have transited to motherhood either prior to and after the move. Once the fertility parameters are analysed separately for these two sub-populations, further discrepancies in fertility patterns are revealed. Nearly six out of ten migrant mothers had their first child born in Ireland and had fewer children than those mothers who transited to first birth before the move, with the mean number of children at 1.4 and 1.9 respectively. I have also asked whether those who came to Ireland as mothers had more children born after the move. The data show that only one third of them transited to the next birth while in Ireland. However, that

group achieved the highest mean number of children, which increased from 1.28, measured at the time of the entry to Ireland to 2.48 at the time of the study.

Analysis of the mean age at first childbirth confirms the childbearing postponement among migrant women, supporting the disruptive theory of migrant fertility. First-time mothers in Ireland were, on average, two years older than their counterparts in Poland, with the average age of 27.3 years compared to 25.1.

Interestingly, the migrants who transited to first birth before the move were, on average, three years younger than non-migrant first-time mothers. Consequently, the age gap between migrant mothers who transited to first birth before and those who transited after the move is nearly five years. This, once again, suggests a dichotomisation of migrant families' fertility behaviour. On the one hand, we see a large group of migrant women (around 40 per cent), who transited to first birth in Poland at a relatively young age ( $M=22.5$ ) and migrated to Ireland with children ( $M=1.46$ ) or were reunited with them after the move. On the other hand, we see migrant women whose transition to first birth was postponed on average for two years and who had fewer children compared to first-time mothers who remained in Poland.

The analysis of the family size shows that, although the one-child family was the most common biological type in both samples, the proportion was higher in Poland and accounted for 57 per cent ( $n=425$ ) compared to 50.5 per cent ( $n=94$ ) in Ireland. Correspondingly, the share of families with two or more children was greater among respondents in Ireland. Table 4 presents the share of families by the number of children in migrant and non-migrant families.

**Table 4. Number of children in migrant and non-migrant families**

Number of children	Ireland						Poland	
	Childbearing started prior to migration		Childbearing started after migration		Total for migrant families			
	n	%	n	%	n	%	n	%
1	27	33.8	67	63.2	94	50.5	425	57.0
2	38	47.5	36	34.0	74	39.8	255	34.2
3	11	13.8	2	1.9	13	7.0	50	6.7
4+	4	5.0	1	0.9	5	2.7	15	2.0
Total	80	100.0	106	100.0	186	100.0	745	100.0

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

Understandably, those migrant families who transited to parenthood before the move were larger than those who did so in Ireland. While the one-child family predominated (63.2 per cent,  $n=67$ ) among the latter sub-population, those who went to Ireland already as parents had two or more children (65.3 per cent;  $n=53$ ). This result obviously corresponds with fertility postponement among first-time migrant mothers.

The study shows that, in both countries, the most common marital status for families with children was marriage (around 69.5 per cent;  $n_{Ireland}=129$ ,  $n_{Poland}=520$ ), followed by cohabitating couples (around 18 per cent;  $n_{Ireland}=33$ ,  $n_{Poland}=136$ ) and single parents (around 8.5 per cent;  $n_{Ireland}=24$ ,  $n_{Poland}=89$ ). Among childless couples, cohabitation was the most popular status, followed by marriage (see Table 5 for more information on the marital status of migrants and stayers).<sup>1</sup>

**Table 5. Marital status of families with and without children in two samples**

	Ireland			Poland		
	n	% within	% total	n	% within	% total
Families with children						
Marriage	129	69.4	43.6	520	69.8	53.6
Cohabitation	33	17.7	11.1	136	18.3	14.0
Single parent	24	12.9	8.1	89	11.9	9.2
Sub-total	186	100.0	62.8	745	100.0	76.8
Families with no children						
Marriage	43	39.1	14.5	40	17.8	4.1
Cohabitation	67	60.9	22.6	185	82.2	19.1
Sub-total	110	100.0	37.2	225	100.0	23.2
Total	296	100.0	100.0	970	100.0	100.0

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

#### *Families with no children*

In line with the results above, families without children were more common among migrant than non-migrant families – 37.2 per cent (n=110) and 23.2 per cent (n=225) respectively. These families may fall into three groups – those who have not yet had children (pre-child couples), those whose children have left the household (post-child couples) and couples who had chosen to remain childless. Taking into account that the samples consisted only of those of reproductive age, the majority of the couples analysed were in pre-child stage of the family life-course. Nearly nine out of ten migrant families with no children (89.4 per cent; n=84) declared that they had childbearing plans, of whom 75 per cent intended to have children in the next three years. Among those who remained in Poland, the proportion of those with such plans was lower at 80.6 per cent (n=166), three quarters of whom (n=123) also hoped to become parents within three years. The remaining proportion of respondents in couples without children – 11 per cent in Ireland and 19.4 per cent in Poland – either refused to answer this question, were undecided or did not intend to have children at all.

Referring to the evidence from the research literature, couples without children are becoming the more common form of family in developed and post-modern societies (Beck and Beck-Gernsheim 2002; Beck-Gernsheim 2002; Slany 2008). Nonetheless, among all family types in both samples, the proportion of those who consciously chose never to have children was relatively small and accounted for 5.1 per cent (n=15) among migrant and 3.2 per cent (n=32) among non-migrant families.

#### *Fertility plans*

This part of the article explores respondents' childbearing plans, firstly by identifying those who do or do not plan to have (more) children and secondly by measuring the intended number of children. The data indicate that there were more respondents with no further fertility plans in Poland (49.3 per cent, n=433) than in Ireland (39.8 per cent, n=99),  $p < .05$ . This difference is comprehensible in the light of previously presented findings showing the higher proportion of migrants than of stayers who have not yet transited to parenthood or who have done so but later than those in Poland. A closer look at migrant families then shows that the majority (77.1 per cent, n=70) of those who transited to parenthood prior to their migration declared their childbearing complete, compared to 40 per cent (n=83;  $p < .001$ ) of those whose first child was born after the move.

Respondents were also asked when (after how many children) they considered their childbearing to be complete. The commonsense assumption – confirmed in both samples – was that families with several children are more likely not to plan another child than those who do not yet have any or who only have one child. The correlation coefficient analysis showed strong negative relations between the number of children and further fertility plans, with  $r_s = -.61$ ,  $p < .001$  for migrants and  $r_s = -.54$ ,  $p < .001$  for stayers.

Interestingly, the most profound difference with regards to further childbearing intentions was observed between one-child families in both countries. One in four one-child migrant families (26.7 per cent;  $n=20$ ) did not plan to have more children compared to more than one third of those in Poland (36.9 per cent;  $n=136$ ;  $p < .05$ ). The majority of two-child or larger families in both samples did not want to have more children. The analysis of numbers of children and further fertility plans is presented in Table 6.

**Table 6. Number of children in families by further fertility plans**

Number of children		Ireland			Poland		
		Procreation finished	Procreation not finished	Total	Procreation finished	Procreation not finished	Total
0	% within	12.5	87.5	100.0	19.4	80.6	100.0
	% of total	4.8	33.7	38.6	4.6	18.9	23.4
	n	12	84	96	40	166	206
1	% within	26.7	73.3	100.0	36.9	63.1	100.0
	% of total	8.0	22.1	30.1	15.5	26.5	42.0
	n	20	55	75	136	233	369
2	% within	85.5	14.5	100.0	82.6	17.4	100.0
	% of total	21.3	3.6	24.9	22.6	4.8	27.4
	n	53	9	62	199	42	241
3	% within	84.6	15.4	100.0	89.6	10.4	100.0
	% of total	4.4	.8	5.2	4.9	.6	5.5
	n	11	2	13	43	5	48
4 or more	% within	100	0	100.0	100.0	0.0	100.0
	% of total	1.2	0	1.2	1.3	0.0	1.3
	n	3	0	3	15	0	11
Total	% of total	39.8	60.2	100.0	49.3	50.7	100.0
	N	99	150	249	433	446	879

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

The second aspect of my fertility plans analysis was to investigate the intended number of children. Only those families who still planned to have (more) children were asked this question. However, there was no significant difference between migrant and non-migrant families, nor between migrant families who transited to parenthood either prior or after migration. The majority of families in both countries intended to have two children, with a mean number of children oscillating around 2.15 (Table 7).

**Table 7. The number of children planned in migrant and non-migrant families**

	<i>n</i>	<i>M</i>	<i>SD</i>
Non-migrant families	874	1.98	.91
Couples with no children	225	1.88	.57
Migrant families	235	1.96	.83
Couples with no children	88	1.87	.68
Became parents in Ireland	80	2.11	.64
Became parents in Poland	67	2.22	.79

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

Interestingly, families in the pre-child life-course stage planned to have fewer children than those who were already parents, with the mean number of intended children hovering around 1.97 and 2.15 respectively. The pattern converged for migrant and non-migrant families. This may suggest that the change of national context does not interfere with the intended or ideal number of children in Polish families, which may suggest the relevance of socialisation theory on fertility patterns.

### Childbearing motivation and rationale

In this part of the article I investigate respondents' motivations and rationales for their childbearing plans. The descriptive analysis of the survey answers is accompanied with information gathered from in-depth interviews. Fertility decision-making is performed by couples or an individual at micro- and, simultaneously, at macro-level settings and is commonly analysed from these two perspectives (Philipov, Thévenon, Klobas, Bernardi and Liefbroer 2009). The micro-level approach usually refers to life-course events and the psychological or socio-economic characteristics of the individuals involved in this process (Miller 1994), whereas the research implementing the macro-level approach refers to socio-economic and cultural changes and trends influencing a person's childbearing strategies. In this paper, I focus on the macro-level factors and their role in the childbearing plans of Polish families, seeking whether or not they influence childbearing intentions in different ways in the two socio-cultural and national contexts.

Studies which have investigated the correlation between economic situation and childbearing have shown that changes in fertility rate may occur alongside or against the economic downturns (Becker 1960; Hotz, Klerman and Willis 1997; Sobotka, Skirbekk and Philipov 2011). Nonetheless, one factor – women's participation on the labour market – lies at the heart of most explanations of fertility patterns in developed and developing countries (Brewster and Rindfuss 2000), yet the clear relationship between women's employment and childbearing remains elusive.

Other economic factors, related to the financial status of households, were also found to be important in the fertility decision-making process. For instance, the type of housing (Kulu and Vikat 2008; Vignoli, Rinesi and Mussino 2013), home-ownership or the housing market (Mulder and Billari 2010) were found to be reliable fertility predictors. In this case, childcare accessibility and its costs plays an important role in families' childbearing strategies (Galloway and Hart 2015; Rindfuss, Guilkey, Morgan and Kravdal 2010).

Family behaviour patterns, including changes in the fertility rate, were extensively studied in the context of potential socio-demographic and cultural influence. This approach in fertility research in general focuses on individuals' attitudes and norms towards union formation, marriage, gender relations or parenthood roles (Philipov *et al.* 2009). As much as it is difficult to separate the effect of culture from the socio-economic and institutional environment, Fernandez and Fogli (2009) managed to do so and showed that the culture of the

country of origin plays an important role in explaining the large variation in migrant women's work patterns and fertility behaviour in the USA. The impact of cultural norms and social expectations on childbearing were also highlighted by researchers in Europe. Mynarska (2007) in Poland and Perelli-Harris (2005) in Ukraine, for instance, found that age norms concerning the transition to parenthood translate into social pressure put on women to get married and have children at a relatively young age. Nonetheless, Sobotka and Toulemon (2008) questioned the role of cultural changes and showed that the shift in family behaviour connected with cultural change is not always systematically associated with low fertility at the individual level.

Nor could the institutional and political contexts be overlooked by fertility researchers. This field of interest focuses on the complex mechanisms which link family policies and demographic outcomes. The results of the empirical literature indicate that state support for families, including the creation of workplaces for females and accessible and affordable childcare systems, may translate into a higher fertility rate, timing of fertility or family size (Billari and Kohler 2004; Brewster and Rindfuss 2000; Finch and Bradshaw 2003). Nonetheless, the impact of family policies on childbearing often remains unclear as the same or similar policies can result in dissimilar effects in the different national contexts (Neyer 2006; Ulrich Mayer 2004). Furthermore, as Gauthier (2007) observed, higher fertility levels could persist in some countries, despite the absence of or limited state support for families.

I believe that most of these factors, along with individuals' characteristics and their life-course stage may influence their fertility plans. In the case of migrant families, the fertility decision-making process is even more complex, as it is embedded in two socio-economic and cultural contexts. Thus, there could be a myriad of possible combinations of factors operating in the origin and destination societies that contribute to respondents' childbearing strategies. Furthermore, we need to bear in mind that the transition to parenthood is not always a deliberately planned or entirely controllable process (Brown and Eisenberg 1995).

In my study, respondents answered six questions about the role of selected factors in their fertility plans. The questions concerned: (1) the household's financial situation, (2 and 3) the female's and male's employment status in the household, (4) their housing conditions, (5) the availability of parental leave and (6) childcare. The answers to these questions did not differ much between migrants and stayers. In other words, they attributed the same or a very similar level of importance to the same factors in their childbearing plans (Table 8). The only one factor that differed significantly between the two samples was the employment status of men. More migrants than stayers assigned a high level of importance to this factor, at 56.6 per cent (n=107) and 45.6 per cent (n=357) respectively.

**Table 8. Factors influencing respondents' fertility decision**

	Ireland				Poland			
	Yes		No		Yes		No	
	n	%	n	%	n	%	n	%
Financial situation	125	57.3	93	42.7	496	58.1	357	41.9
Male's employment status	107	56.6	82	43.4	357	45.6	426	54.4
Female's employment status	98	52.4	89	47.6	421	55.1	343	44.9
Availability of childcare	91	49.5	93	50.5	371	43.5	482	56.5
Housing conditions	98	48.0	106	52.0	431	50.7	419	49.3
Availability of parental/care leave	76	40.9	110	59.1	317	39.7	482	60.3

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).



To allow me to probe further into the role of these factors, respondents were asked how having a child in the next three years would change the various aspects of their life. The questions concerned possible changes in respondents' economic situation, opportunities on the labour market and lifestyle. The descriptive analysis of these answers revealed several significant differences between migrant and non-migrant families and, together with the information gathered through interviews, shed more light on the mechanisms influencing respondents' fertility strategies and childbearing intentions.

### *Economic motivation and childbearing*

Not surprisingly, in both countries, the economic situation of the household was reported to be the most important factor in respondents' fertility strategies. More than half of the examined populations declared that their further childbearing decisions depended on their household's finances – 58.1 per cent (n=496) and 57.3 per cent (n=125) respectively (Table 8). Nonetheless, fewer migrant respondents (49.4 per cent; n=132) worried about the worsening effect of having a child on their finances than did stayers (76.1 per cent; n=654). Correspondingly, more migrant respondents than stayers assumed that their household's finances would not change much after having a child – 46.8 per cent (n=125) and 23.1 per cent (n=198) respectively;  $p < .001$ .

Interestingly, analysis of the answers by gender reveals that females worried more often than males about the strain on the household's finances if the couple had another child. However, the proportion of women in Poland who expressed such a concern was nearly 30 percentage points higher than for those in Ireland – 76.1 per cent (n=654) and 50.3 per cent (n=132) respectively;  $p < .001$  (Table 9).

**Table 9. Effect on household finances of having a child within three years, expressed by men and women**

Effect	Ireland				Poland			
		Men	Women	Total		Men	Women	Total
Much better	n	0	5	5		0	0	0
	%	0.0	2.4	1.9		0.0	0.0	0.0
Better	n	4	1	5		3	4	7
	%	6.8	0.5	1.9		0.8	0.8	0.8
Neither better nor worse	n	27	98	125		95	103	198
	%	45.8	47.1	46.8		26.9	20.4	23.1
Worse	n	21	84	105		211	285	496
	%	35.6	40.4	39.3		59.8	56.3	57.7
Much worse	n	7	20	27		44	114	158
	%	11.9	9.6	10.1		12.5	22.5	18.4
Total	n	59	208	267		353	506	859
	%	100	100	100		100	100	100

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

The data from my interviews also confirm the crucial impact of household finances on family childbearing intentions. Interviewees in both countries were frequently bringing the subject of finances to the table when talking about their fertility strategies. They usually referred to the various child-raising costs – the day-to-day expenses, the cost of education and the cost of childcare.

Informants who mentioned day-to-day expenses rarely referred to the cost of products for children – such as baby food, clothing, toys, toiletries and care products. Instead, they often referred, for instance, to the high cost of properties or of rented accommodation, their unstable employment situation or the state's family policies. Kasia, from Sieradz, in Poland, a 31-year-old mother of two children aged 4 years and 18 months, explained when asked why she does not want to have more children:

*Finances of course! And I don't mean that I would not be able to afford a banana for my children if they asked for it. People don't have more kids because they can't afford it. I mean you should be able to provide a prosperous life and a good future for them and I am not talking about all of these one-off social welfare benefits for young families. I mean... you should be guaranteed some kind of stability. I mean financial freedom for mothers, so they can afford to go on a longer maternity leave if they wish, and then to have some kind of assurance that she can go back to work after maternity leave.*

Clearly, migrant interviewees contextualised their household's financial situation in the settings of the sending and receiving country simultaneously, frequently engaging in cost comparisons between them. Several informants argued that the relative cost of living and of bringing up children in Ireland is lower than in Poland. Marcin, from Dublin, the 35-year-old father of two children aged 7 and 3, brought up this subject when asked about his family plans to return to Poland. This may suggest that the household's financial situation is centred not only around fertility plans but also around return plans or other spheres of their everyday life. Marcin said:

*You have to agree with me. It is cheaper to live here. This is what still holds us here from going back there. I can afford more here. It can be said that the wages are very similar in Poland and here, say the average is 1 500 euro or 1 500 zloty, as I say... Take the petrol cost, for example. It is 1.2 euros here now and it is still around 5 zloty there. So it is nearly three times more expensive there. Then, take the price of nappies, for example, or anything else. You can live a normal life here, not struggling to make ends meet at the end of every month. This is the main reason we are still here.*

Secondly, it was noteworthy that informants in both countries often referred to the cost of children's education as an influential factor in their childbearing decisions. Interestingly, informants in the two groups tended to focus on different aspects of the cost of education. For instance, interviewees in Poland – more often than those in Ireland – talked about the importance of extracurricular activities and their high cost. Commonly, parents in Poland perceived extracurricular training as crucial for their children's professional careers and economic success in the future. They often referred to the concept of 'a prosperous life', which was believed to be partly determined by children's educational capital, to a large extent based on extracurricular activities and practical skills. Foreign-language lessons, sports training or art classes were commonly sought after for often very young children in Poland.

This should not suggest that migrant parents did not recognise extracurricular activities as important for their children future and did not invest in them. For many migrant parents, however, living in a multicultural and transnational context was already perceived to be a particular educational and cultural investment in their children's future. Daria (26), the mother of an 18-month-old son, highlighted the importance of children's language acquisition while abroad. She wanted her son to go through both the Irish and the Polish educational systems in Ireland, so that he would have better 'life opportunities' compared with children brought up in Poland.

*The most important thing for me is that my son will learn English here and will be able to speak in two languages. (...) You know, children who learn the language (English) in Poland do not really speak it very well. It is completely different here. See, children here start school when they are only four or five years old... I want my son to have good English. I also want him to go to Polish school here. Everyone knows that if they go back (to Poland) it would be really difficult for them to catch up in Polish schools. That is why most parents send their children to Polish schools here at the weekend. I know it's more difficult for them as they have to learn two programmes simultaneously. But on the other hand, it is good, it is a great training for their future. I would like him to be an ambitious child. I think all of these could be a great advantage for him and would open many doors for him in the future.*

The above citation, as well as many other similar statements, suggests that the group of reference for many migrant parents is not Ireland and Irish families but Poland and families there. This may also be associated with interviewees' unspecified plans to settle down in Ireland, as the survey data showed that every third respondent (33.3 per cent, n=98) had no specific plans either about staying in Ireland or returning to Poland.

On the other hand, most of the interviewed migrant parents, rather than focusing on extracurricular training and its cost, were often concerned about the cost of third-level education in Ireland, which is not fully subsidised by the Irish state as it is in Poland. This was the case especially for those with long-term or permanent settlement plans. Marcin, cited earlier, explained that he has no further fertility plans, saying that *two [children] is enough, we could not afford to send three of them to a university here, it's too expensive.*

Other settled migrants indirectly referred to educational costs by considering moving to more affluent neighbourhoods, usually within a city or a county, in order to gain access to more desirable and prestigious schools. Adam, a 33-year-old father of two girls aged 2 and 5, moved from one of Dublin's disadvantaged neighbourhoods to the outskirts of the city once his eldest daughter was about to reach the school age. This is how he rationalised the move:

*Now, when you have kids, you need to find a better place to live. I know it is more expensive to find a new place and live in a decent location, but we had to move out from there. I didn't want my children to go to any of the local schools there. I didn't want them to come back home one day with that strong Dublin 8 accent. You know what I mean? All these kids from the flats [social housing] are not great material for your kids' friends.*

Such a strategy – like the investment in extra-curricular activities observed among stayer families – could be interpreted as a long-term plan in which migrant parents seek to invest in their children's educational capital. Furthermore, this could also be interpreted as their lifestyle or social-class mobility aspiration within the structure of Irish society.

#### *Employment status, labour-market opportunities and childbearing*

The second most important factor in my respondents' childbearing plans was the employment status of both them and their partners. Interestingly, the respondents in the two groups attributed different degrees of importance to the job status of men and of women in their reproductive strategies. The employment status of women was more often rated as an important factor by stayers than by migrants. In Poland, it was the second-highest-rated factor, after household's finances, whereas the male's employment held fourth place, achieving a lower rank than housing conditions (see Table 8). In Ireland, on the other hand, the man's employment was the second most important factor, closely followed by that of the women.

Like financial worries, more respondents in Poland (47.6 per cent;  $n=763$ ) were concerned about their job opportunities if they had a child in the next three years than were migrants (33.3 per cent;  $n=166$ ;  $p < .05$ ). Understandably, the position of women with young children on the labour market was seen as more vulnerable than men's in both samples. However, this was more often expressed by stayers – nearly three quarters of them (73.1 per cent;  $n=598$ ) were concerned or very concerned about it, compared to every second migrant (49.8 per cent;  $n=128$ ;  $p < .001$ ) (Table 10).

**Table 10. The hypothetical effect of having another child on partner's job opportunities**

Job opportunities	Ireland						Poland					
	For men		For women		Total		For men		For women		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Much better	4	1.7	6	2.3	10	2.0	3	.4	0	0	3	.2
Better	6	2.5	2	.8	8	1.6	7	.9	5	.6	12	.7
Neither	193	80.1	121	47.1	314	63.1	610	77.7	215	26.3	825	51.5
Worse	29	12.0	76	29.6	105	21.1	121	15.4	398	48.7	519	32.4
Much worse	9	3.7	52	20.2	61	12.2	44	5.6	200	24.4	244	15.2
Total	241	100.0	257	100.0	498	100.0	785	100.0	818	100.0	1 603	100.0

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

My analysis of respondents' employment status, presented in Table 11, may support some interpretations of why respondents in Poland were more often concerned about the woman's opportunities on the labour market after transiting to a first/next birth.

First, there were more dual-earner households among migrants than among stayers – 65.2 per cent ( $n=161$ ) and 51.7 per cent ( $n=434$ ) respectively. This could be partly explained by the fact that Polish migration to Ireland is labour migration (Grabowska 2005; Krings, Moriarty, Wickham, Bobek and Salamońska 2013). Consequently, referring to the selection model of migration (Borjas 1987), labour migrants have particular skillsets which differ from those of stayers. Therefore the employment rate for economic migrants is usually higher than for those in the sending country.

**Table 11. Employment status of study participants in two samples**

	Ireland $n=296$		Poland $n=970$	
	<i>n</i>	%	<i>n</i>	%
Dual-earner households	161	65.2	434	51.7
Man as the only breadwinner	59	23.9	311	37.1
Men in employment	229	88.4	758	88.7
Women in employment	195	70.1	543	57.5
Women in part-time employment	51	17.2	88	9.1
Women holding permanent job contract	157	83.1	359	65.0

Source: Author's analysis of own data and 2011 GGS data (Wave 1 Poland).

Second, migrant women were more often employed than their counterparts in Poland – 70.1 per cent ( $n=195$ ) and 57.5 per cent ( $n=543$ ) respectively. However, they worked on average 2.5 fewer hours ( $M = 36.4$ ;

$SD = 11$ ) than their counterparts in Poland ( $M = 38.8$ ;  $SD = 9.4$ );  $p < .001$ . Correspondingly, more migrant than non-migrant women had a part-time job – 17.2 per cent ( $n=51$ ) and 9.1 per cent ( $n=88$ ) respectively, with  $p < .05$ .

Although flexible working hours and part-time jobs are facilitated by institutions and employers in both countries, such arrangements were more popular among migrant families, which may partly explain why they were less often worried about worsening the female's job opportunities after transiting to the next birth. As learnt from interviewees and observations, part-time jobs were particularly common among migrant mothers with pre-school- and school-age children. Many of my informants considered it a useful strategy to find a balance between their professional career and their family life. For instance, Joanna, a 37-year-old mother of two boys aged 6 and 4 living in a small town outside Dublin, said:

*When I had my second boy, I asked my manager to change my contract to two or three days per week only. That was not a problem for her and since then I only work at weekends, every so often I do evenings. I stay with the boys from Monday to Friday and my husband takes care of them at the weekend. I know it's not a perfect solution but at least I can keep my job and earn some money.*

This arrangement enabled Joanna and other women in similar circumstances to stay active on the labour market, contribute financially to the household's income and simultaneously provide care for their young children. The need for part-time work arrangements was also highlighted by several female informants in Poland. Natalia, a 30-year-old mother of two children aged under 3, mentioned that she would like to be able to work part-time in order to care for her children but this was not feasible with her current employer.

*This is my aim – not to work as much as I was working before my maternity. I was doing anything between 40 and 60 hours per week – regular job and some extra work at weekends. It is my dream to have part-time work as a therapist in a school. But this is not possible now. I would love to spend more time with the kids and work from home.*

Another reason for migrants having more positive feelings towards having a child could be associated with their job contract and the assurance that they may return to work with no problems after their maternity leave. The data show that more migrant women than their counterparts held permanent employment contracts – 83.1 per cent ( $n=157$ ) and 65.0 per cent ( $n=359$ ) respectively, with  $p < .001$ . In this way, the sense of job security was higher among migrant than non-migrant women – with 77.4 per cent ( $n=168$ ) and 68.2 per cent ( $n=375$ ;  $p < .001$ ) being satisfied or very satisfied. The correlation between having a permanent job contract and the sense of job security was confirmed for both groups of women but, interestingly, with a stronger relationship among female stayers, with  $r_s = .35$ ;  $p < .001$  and  $r_s = .24$ ;  $p < .001$ , respectively. Furthermore, the data also show that female stayers more often than migrant women work in the profession for which they are qualified. Migrant women, effectively, usually work below their educational level and tend to occupy low- or middle-income labour employment, such as in hospitality or the retail sector in which it is relatively easy to find a new job or change to another one, which may also explain why women in Poland were more concerned about losing their job after having a child.

Thirdly, migrant women's more positive attitude towards having another child could relate to their partner's employment. As mentioned before, the male's employment status was the second most important factor in migrants' childbearing plans and only the fourth most important for those in Poland. In essence, as I learnt from my interviews and participant observation, migrant families more often said that they 'would easily manage financially only on one salary' while, in Poland, the conviction that families would be unable to survive

on one salary was more prominent. Magda, from Hajnówka, aged 43 and the mother of two teenage children, said: *When one partner in a couple becomes unemployed here, the family situation changes dramatically, from a middle-income one – a family living normally, to a low-income one living on the verge of poverty.*

### *Childcare and its costs*

The availability and cost of childcare was the next and fourth most important factor in fertility plans for migrants and the fifth most important one for stayer families. As the childcare systems in the two countries differ considerably, I outline them briefly below.

In Poland, after the political transformation of 1989, the management and funding of social services – including crèches, playschools, primary schools and high schools – were moved from state control to that of local authorities. Thus, in the 1990s, public early-childcare services suffered from budget cuts and a lack of other resources (Heinen and Wator 2006). Furthermore, most of the extracurricular activities such as foreign-language lessons, art classes or sports training, as well as meals, were no longer free of charge and the cost of these was moved from local governments to parents. The cutbacks resulted in a shortage of public childcare institutions in many parts of Poland. This situation attracted business investors and, since 2000, the number of private crèches and playschools has been gradually increasing, especially in large towns and cities. This, however, did not solve the problem as access to formal childcare remains limited – firstly, due to the insufficient number of places available in public institutions and, secondly, due to the high cost of private crèches and playschools. Consequently, many parents of children under school age, which is 6 or 7 in Poland, try to arrange informal childcare for their offspring.

Moving to the Irish care and education system, formal childcare for pre-school-age children is run by private bodies only. Free national childcare provision for infants and toddlers aged three and under is available only for the most financially disadvantaged families. For children aged between three and five, the government partly subsidises pre-school educational programmes in the form of three hours per day of free care. The cost of any additional time in childcare must be covered by the parents. After this, the Irish legislation on schools requires all children from the age of five to receive a formal education. Primarily and secondary schools are free of charge. Nonetheless, as classes for younger pupils have usually finished by noon to early afternoon, many children – particularly in dual-earner families – stay in after-school care, which is yet again run by private organisations and is not subsidised by the government. The fee for a child in full-time care, including crèches, playschools or after-school facilities, may consume up to half of an average monthly wage, especially in large cities like Dublin, Cork or Galway. Thus, as in Poland but mainly for financial reasons, access to formal childcare is limited not only for many migrant families but also for Irish families. The data from my interviews confirm that the cost of childcare is a crucial part of Polish migrant families' expenses and may directly or indirectly influence their further fertility plans. The cost and availability of childcare, in particular, were raised by interviewees who already have children. Tadeusz, the 32-year-old father of two daughters aged 4 and 2, referred to the high cost of childcare in Dublin, saying:

*Our older daughter went to a crèche when she was 12 months old; my wife returned to work then. But we did not send our second daughter to the crèche. There was no point. I mean moneywise it was the same whether we sent them both [to the crèche] and pay two fees or if she [the wife] resigned from work and stayed with them. We were losing a monthly wage anyway. So the choice was easy, she [his wife] decided to take an unpaid career break for a year to take care of them. Just to spend more time with them. If you have more than two kids, it is too expensive. You either stay home yourself or pay someone else to take care of them, say a nanny, grandmother or someone else.*

Migrant families' limited access to formal childcare was commonly compensated for by informal childcare arrangements, both short- and long-term in nature. The most common arrangements involved the help of grandparents, other close or distant relatives, neighbours, friends or nannies. Childcare provided by grandparents, however, was the most common form of help for Polish families in both countries.

### *Housing and motivations for childbearing*

The housing situation was the third most important factor for respondents in Poland and the fifth for those in Ireland. This result is puzzling when we analyse the data on the home-ownership status of respondents, data which show that the majority of migrant households lived in rental accommodation (85.5 per cent,  $n=230$ ), with only a marginal proportion of them owning a dwelling in Ireland (8.3 per cent,  $n=25$ ). The situation was different for respondents in Poland, where the majority either owned a property (58.3 per cent,  $n=567$ ) or lived with family (9.8 per cent,  $n=95$ ).

The importance of suitable housing conditions in respondents' childbearing plans was again revealed by interviewees in both countries. A lack of sufficient space and financial difficulties preventing them from buying or renting adequate accommodation were reported as reasons which may postpone, change or cancel the realisation of fertility plans. Interestingly, interviewees in Poland more often than migrants prioritised the purchase of a house or a flat before making the decision to have a child.

The migrants, on the other hand, rarely considered a property purchase in Ireland and, instead, were more likely to talk of changing their rented accommodation before deciding to have a child. This could be due to several reasons. First, Poles in Ireland, together with other migrant minorities, may be disadvantaged on the housing market due to their lower income (Barrett and Kelly 2010). Second, only a third of migrant respondents (33.3 per cent,  $n=101$ ) planned to stay in Ireland permanently, while the same proportion had unspecified settlement plans. Accordingly, many of them limited their housing choices to rented accommodation and talked about the need either to rent a more spacious dwelling or to move to a more convenient location. For instance, 32-year-old Karolina, the mother of two girls under 4, justified her family's recent move to a larger rented house outside Dublin, saying:

*We really had to move to a larger place. With the amount of stuff we already have and the third baby coming soon, there was no way we could live in a two-bedroom apartment any more. Also, after living for so many years in the city centre, we missed the green spaces and a garden.*

### *The availability of parental leave and childbearing motivations*

The least important factor in their childbearing plans for both groups, surprisingly, was the availability of maternity or parental leave. Below I present the main differences between the maternity-leave policies in the two countries, which may help to understand interviewees' rationalisation of their childbearing decisions and parental or maternity leave.

All employed women in Ireland, providing they had paid sufficient social insurance (PRSI) contributions, are entitled to 26 weeks' paid maternity leave. At the time of the study, women were eligible for around 230 euros of maternity benefit per week from the Department of Social Protection. Employers are not obliged to pay women on maternity leave. Nonetheless, they may wish to contribute to the maternity benefit paid by the state, so their female employees receive a full salary during the first 26 weeks of maternity leave (Citizens Information Board 2016). After this period, women may opt to stay for a further, this time unpaid, 10 weeks

of maternity leave, after which they either have to return to work, take unpaid parental leave where possible, or terminate their job contract.

In Poland, on the other hand, employed women are eligible for 12 months' maternity leave paid by the Social Insurance Office (*Zakład Ubezpieczeń Społecznych*). The monthly benefit payment covers 80 per cent of the full wage (or 100 per cent during the first six months and 60 per cent thereafter). After this period women (or men) may take unpaid parental leave for a certain amount of time, always specified in their job contract.

Fathers' right to paternity or parental leave also differ significantly in the two countries. Fathers in Poland are entitled to two weeks' paid paternity leave in the first 12 months after their child's birth. In addition, after the first 14 weeks of maternity leave, women in Poland may transfer their leave to their partners. In Ireland, in contrast, paternity leave was not recognised in employment law until September 2016; before this date, fathers were not eligible for it unless it was granted in their employment contracts. However, this was usually no longer than three days immediately after the birth.

It was interesting that respondents in both samples, despite the substantial differences in maternity and parental policies in the two countries, did not treat it as a priority factor in their childbearing plans. This was mentioned by several female migrant and stayer interviewees who, rather than planning their childbearing around maternity and parental leave policies, worked around them and tried to take full advantage of them.

Maternity allowance, for example was appreciated and considered as beneficial but not crucial to their household's overall income. For instance, Marta, from Dublin, while pregnant with her third child, decided to return to work from an unpaid career break earlier than she had originally planned in order to make a sufficient number of social insurance contributions to be eligible for maternity benefit when her third child was born. She explained her strategy as follows: *I had to go back to work so I didn't lose my maternity benefit. To have it or not makes a big difference*. But when asked whether she would decide to have another child knowing that she is not eligible for benefits, she answered: *Of course I would [have another child], we would manage financially only on my husband's wage. We did it last time for two months. We have always wanted to have three [children]*.

Similarly, Alicja, from Cracow, the mother of two children aged 6 months and 2 years, highlighted the importance of 12 months of maternity leave saying: *It is great now with a year-long paid maternity leave. Unfortunately, it was not there when I was pregnant with my first child, but I guess, I wouldn't wait, even if I knew it was coming [the policy change]*.

Remarkably, Alicja and several other usually well-educated females in Poland, apart from the positive aspects of a year-long maternity leave, highlighted the potentially negative aspects of such a long career break. Natalia (28), a psychologist and mother of two children aged under 3 from Lodz, spent the last three years on maternity and parental leave and was concerned about the impact of this on her professional skills, as she explained:

*I would completely drop out of the labour market and professional life if I had another child. I have already forgotten about work two or more years ago... It must be hard to go back to work after such a long break, especially after having two children nearly every year like we had. Honestly, you drop out from the labour market. First, you forget what it is like to work full-time, then you also forget much stuff you did before, you lose experience and knowledge.*

This may shed light on the fact that the recent Polish family policy introducing a 12-month maternity leave, although highly appreciated, may not serve as encouragement for couples to have more children but, instead, may create certain disadvantages in terms of a loss of human capital, especially for highly skilled and educated



women in dual-earner households. Instead, family policies should be reinforced by employment policies, focusing on more-secure and flexible working arrangements for mothers with young children, as well as on implementing an affordable and accessible formal childcare system.

## Conclusions

The main goal of this comparative study was to explore whether the migration context influences the fertility behaviour and childbearing plans of Polish families in Ireland. To do this, I measured a number of fertility indicators of migrant families who transited to parenthood while abroad (the main sample) and compared them to those of families in Poland (the comparative sample). My findings show, firstly, that migration may have a delaying effect on the transition to first birth and, secondly, that a household's economic and employment situation may influence their further childbearing intentions.

Analysis of my survey data supports assumptions of migration being a disruptive element in migrants' fertility, which predicts the postponement of fertility among migrants compared to couples in the country of origin. Indeed, Polish migrant first-time mothers were, on average, two years older than their counterparts in Poland. This result is understandable considering that a large proportion of migrant families had yet not transited to parenthood. Consequently, there were fewer family units with children in my migrant sample than in the comparative group. However, the migrant mothers had more children than mothers in Poland.

The study also identifies the dichotomisation of fertility patterns within migrant families – strictly speaking, among those who transited to a first birth before the move and those who become parents after coming to Ireland. The childbearing patterns observed in these two sub-populations are embedded in two distinct migration trajectories – the first shaped in the context of family-related migration, including family reunification and the relocation of the entire family unit and the second relating to migrant family formation (the formation of new family units in the migrant population).

The results show, firstly, that the families who came to Ireland with children are usually larger than those with children born abroad. Secondly, migrant women who transited to first birth before the move became mothers on average two years earlier than first-time non-migrant mothers and five years earlier than first-time mothers in Ireland. For families with children who relocated to Ireland, migration could be interpreted as a common livelihood strategy (White 2011) in which they decided to move abroad to improve the household's overall economic situation. Many of these families continued to have children after the move, as I learned from my several migrant interviewees, the improvement in their economic and employment situation after the move helping them to decide to have another child while there.

The second childbearing pattern was observed among those who became parents after the move. The family formation process and fertility patterns of those involved can be interpreted as a natural transition to the next life-course stage and closely relates to the age structure of the Polish population in Ireland, where the overwhelming majority is of reproductive age. The fertility parameters among this sub-population clearly show the older age of first-time mothers and the lower number of children born to these mothers, indicating the postponement of fertility. The most important finding, however, is that a substantial proportion of them declared that their childbearing plans were not yet complete and they still planned to have children. This, together with the fact that many migrant families have not yet transited to parenthood, suggests that the fertility patterns of this group are still evolving. This provokes a further research question concerning whether migrant families will try to 'make up for lost time' and have more children than their counterparts in Poland or complete their fertility intentions soon, with the average number of children below that of stayer families.

The second part of the study sought differences in the fertility motivations of migrants and stayers by investigating the factors influencing their childbearing plans. The data showed strong similarities between the

two groups in terms of the intended number of children and childbearing determinants. Not surprisingly, economic factors, in particular the employment status, were reported as the most important rationale for these plans in both countries. Nonetheless, analysis of respondents' answers about the consequences of having a/another child in the next three years disclosed prominent differences between migrant and non-migrant families – respondents in Poland were far more concerned about the negative effects of having a/another child on the household financial situation as well as on their labour-market opportunities. This was particularly relevant for female respondents there. Analysis of the women's employment in both samples strongly suggests that migrant women, although commonly working below their educational level, are in a more secure employment situation and have greater job opportunities after maternity leave than their counterparts in Poland. Furthermore, migrant women more often worked part-time, with flexible working hours and held permanent contracts. The employment status and conditions, as I learnt from many female interviewees in Ireland, in contrast to those in Poland, first enabled them to reconcile family and work life and, second, gave them a greater sense of job and financial security. Then, my findings on childcare confirm that an accessible and affordable formal childcare system has also been important in plans to have children; however, the lack of formal help, in both countries, is substituted by informal childcare arrangements usually based on extended family networks. In conclusion, more-secure and flexible employment arrangements for women and access to affordable childcare may reduce the fear of transition to first or next childbirth among families in Poland and could possibly have a positive impact on fertility rates and their further childbearing plans.

## Note

<sup>1</sup> Marital status and having children were two out of three independent variables chosen to build a strata reference matrix, thus there were no significant differences between the samples with respect to these variables.

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No potential conflict of interest was reported by the author.

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# The Role of Family Policy Regimes in Work–Family Adaptations: Polish Parents in Norway and Poland

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*The aim of this article is to examine how family policies contribute to changes in family practices and towards gender equality in families. Empirically we draw on interviews with two groups of Polish-born parents: Polish parents who have migrated to Norway and Polish parents living in Poland. Norway and Poland are relevant cases for our exploration because they represent different types of welfare states, which have followed different paths towards their current family policy package. In our analysis of actual work–family adaptations we found a convergence towards gender-equal dual-earner/dual-carer arrangements in both groups, although there were differences in the level of agency. Polish parents in Poland felt less entitled to use the measures available to them, and sometimes refrained from using them, compared to Polish parents in Norway who expressed a strong sense of agency in using family policy measures to create a good life in Norway and as part of a project of change towards more gender-equal sharing of work and care responsibilities. The analysis confirms the strong link between family practices and family policies, but also illustrates how the effect of policies on practices may be hampered or boosted by the wider historical-cultural context of the society in question. In conclusion, in analyses of the link between policy and practice it may be fruitful to distinguish between family policy packages – the concrete set of entitlements for working parents – and family policy regimes, meaning policies in their wider context, including migrancy as a mediating factor.*

*Keywords: dual-earner/dual-carer model; family practices; work–family adaptations; gender equality; family policy*

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## Introduction

This article grapples with the intertwinement of family policies, family practices and gender equality – a key issue in sociological family research and for modern welfare states. We explore this issue using qualitative interviews with two groups of Polish-born working parents with young children. At the time of the interview, one group lived in Poland, the other in Norway. Our informants thus share the same cultural background and socialisation in the broad sense, but are living their everyday lives in different cultural and family policy landscapes. Using a comparative lens we study how the two groups of parents make sense of and use the set of welfare state entitlements that are available to them – what we will refer to as *work–family adaptations*, a concept that is used by family researchers but is not explicitly defined (for example, Halrynjo and Lyng 2009; Bjørnholt 2010). In this article the concept of work–family adaptations refers to both the practical arrangements of paid work and care and the processual character of arriving at particular adaptations between paid work and caring obligations in the family, as well as the emotional work involved in legitimising and contesting particular adaptations. The latter is important in order to understand work–family adaptations as culturally informed processes and not merely reflections of the more or less successful implementation of state policies.

We see Norway and Poland as interesting and contrasting contexts for our exploration because of the different historical routes they have taken towards the present policy package offered to working parents and the different cultural climates in relation to gender equality they represent today. Comparing parents of Polish origin in these two different welfare state contexts may shed light on how families' everyday work–family adaptations relate not only to the concrete and present family policy package, which is the focus of most research on the link between family policies and family practices (e.g. Eydal and Rostgaard 2015), but also to historical paths in policy development and ideas of gender and gender relations in the respective contexts of study. This is what we aim to do in this article.

The article is written as part of a Polish–Norwegian research project<sup>1</sup> that has as its background the recent and large Polish migration to Norway following Poland's accession to the EU in 2004. Within a few years, almost 100 000 Poles migrated to Norway, and in 2017 the registered Polish immigrant population was 97 200 (Statistics Norway 2017b). Migration patterns have shifted during this period, from temporary work migration among men in the early years, to include family migration and settlement in later years (Friberg 2012). This has led to an increased research interest in how Polish families adapt to Norwegian society and its welfare system (Slany and Pustulka 2016; Ślusarczyk and Pustulka 2016; Wærdahl 2016; Bjørnholt, Stefansen, Gashi and Seeberg 2017) as well as studies of the transnational practices of Polish migrants to Norway (Bell and Erdal 2015; Bjørnholt and Stefansen 2017). Research on Polish migration to Norway mirrors and to some extent expands on the research on Polish migration to the UK and the ways in which Polish migrants change and bring about change in the process of coming to terms with their new situation, observing, acquiring and resisting the novelties they meet in the UK, among them new ideals of family life and gender equality in the family (Ryan 2011; Siara 2013; Grabowska, Garapich, Jaźwińska and Radziwinowiczówna 2017). This article contributes to this growing field of research. Its main aim, however, relates to the broader scholarly discussion on how policies affect family practices. It can be read as a call to take a broader view of how policies work than is generally employed in empirical research on parents' uptake of family policy measures and work engagement. It argues that one way forward is to distinguish analytically between the concepts of 'policy packages' and 'policy regimes'.

### Key concepts: Policy packages and policy regimes

The concept of ‘policy packages’, coined by Bradshaw, Ditch, Holmes and Whiteford (1993) is central to our analysis: family policy packages can be seen as ‘structures of opportunities’ for (Ellingsæter 2006: 122) and constraints on work–family adaptations. Policy researchers often understand such packages as representing family policy regimes, with specific claims about the roles of mothers and fathers in provision and care, and the proper division of labour between the family, the state and the market (Ellingsæter 2006; Ellingsæter and Leira 2006). Our aim here is to study how Polish parents engage with two different family policy packages. We make a point of differentiating between family policy packages and family policy regimes and suggest that policy regimes should be understood more broadly, as family policies in context, drawing on an understanding of policy regimes ‘as a lens for considering the interplay of ideas, interests, and institutional arrangements’ (May and Jochim 2013: 427). This opens up a more dynamic understanding of the meaning and effect of concrete policies as situated in their respective wider historical frames and policy development paths.

**Table 1. Core entitlements for working parents**

	Poland	Norway
Maternity leave	20 weeks, 100 per cent compensation (extra weeks for each child if twins, triplets, etc.) Can start until 6 weeks before expected delivery 6 weeks of additional maternity leave, 100 per cent compensation	None
Paid parental leave	26 weeks, 60 per cent compensation (extra weeks for each child if twins, triplets, etc.) Introduced in 2013 Can be used flexibly	49 weeks, 100 per cent compensation (or 59 weeks, 80 per cent) Can be used flexibly Mothers must start 3 weeks before and take the first 6 weeks after birth
Quotas	14 weeks of maternity leave reserved for the mother Paid paternity leave 2 weeks, must be taken within the first year	Mothers and fathers each have a non-transferable share of 10 weeks of parental leave
Additional unpaid leave	36 months, 1 month reserved for the other parent	Fathers: 2 weeks at birth unpaid but most get paid by employers 12 months unpaid leave per parent
Formal childcare	0 to 3-year-olds, low but increasing: 3.8 per cent in 2012; 4.8 per cent in 2013; 5.9 per cent in 2014 3 to 5-year-olds: 79 per cent in 2014	Legal right to childcare from 1 year. 80 per cent of 1 to 2-year-olds and 97 per cent of 3 to 5-year-olds (2014)
Working parents’ rights	2 days to look after children (fully paid) 60 days per year with 80 per cent compensation to look after sick child	Leave (fully paid) to attend a sick child: 10 days/year per parent for 1 child (20 per family); 15/30 if more than one child) (lone parents 20/30 days) Reduced working hours

Sources: Local Data Bank – Central Statistical Office in Poland, Statistics Norway, the Norwegian Labour and Welfare Administration.



Our theoretical point of departure is Messner's (2016) idea of the 'historical gender formation' as a conceptualisation of how gender relations are organised and institutionalised in society at a structural level, at a particular time and place. The concept assumes that having been formed and transformed by past events and struggles, the existing gender formation in a particular society represents new opportunities and constraints for agency and change at the individual as well as the institutional level. In the Nordic countries, as well as in the Western world in general, more than a century of feminist struggles have played an important part in the past transformations of ideas and institutions that have led to, and are now underpinning, the current gender formation.<sup>2</sup> In contrast, in Poland policies have shifted sharply over time, and via top-down, state-driven processes (Heinen and Wator 2006) and, over recent years, there has been a marked cultural backlash regarding women's rights and gender equality (Nowicka 2007). How these different historical paths and developments play into work–family adaptations today is what we explore and discuss in this article. As a background to the empirical analysis of work–family adaptations, the next section gives a brief description of the family policy packages offered to parents in our two contexts of study, Norway and Poland. Details of the different elements are provided in Table 1.

### **Family policy in Norway and Poland**

Using typologies that are based on arrangements for work and care, Norway today can be categorised as promoting a weak male-breadwinner regime (Lewis 1992) and even a universal carer model, meaning a model that facilitates carer roles for both women and men (Fraser 1994). In terms of family policy, working parents today have access to a series of entitlements that make a complete care chain possible: a fairly long and fully compensated parental leave, which includes a use-or-lose paternal quota, is followed by universally available and affordable childcare facilities for children aged 1–6, allowing mothers of young children and parents in general to retain their labour market participation after the birth of a child.

The current Norwegian family policy package has been characterised as ambivalent (Sainsbury 2001) and hybrid (Ellingsæter 2006) because of the seemingly contradictory support for both women's role in informal care (the long parental leave and a cash-for-care scheme available for parents *not* using formal childcare) and for women's work–life participation (the legal right to formal childcare from year 1 and the use-or-lose fathers' quota of parental leave). Our interpretation, however, is that the package increasingly supports a dual-earner/dual-carer model (Bjørnholt 2012; Bjørnholt and Stefansen, forthcoming). For example, the age until which a cash-for-care benefit for parents not using kindergarten is available has been reduced from three to two.

The family policy package in Poland is both similar to and different from the Norwegian policy package. Szelewa and Polakowski's (2008) typology of welfare state clusters based on gender arrangements and childcare is instructive. They identified four different clusters of welfare states characterised by explicit familialism, implicit familialism, female mobilising and comprehensive support. Szelewa (2012) found that Poland today shares traits with the implicit familialism cluster in that it has a fairly generous parental leave system for when the child is small, consisting of an assemblage of leave entitlements, but it makes no provision for paid childcare, disincentivising women from returning to work after childbirth. The policy package offered to Polish parents could thus be characterised as partial or residual when compared to the complete chain of entitlements offered to working parents in Norway. It could be regarded as ambivalent in that it grants women the right to return to work following parental leave, but does not fully support formal care and, hence, makes it difficult for women to use this right. The policy package has been developed over recent years with a substantial extension of leave for parents; a mother who takes a whole year's leave in one go (26 weeks of fully paid maternity leave followed by 26 weeks' parental leave at 60 per cent compensation) effectively receives 80 per cent of her salary for that year. Paternity leave was introduced in 2010, which may be seen as an incentive for

fathers to become more directly involved in the care of their children and a symbolic move towards shifting childcare obligations from women to men.

Poland still has the lowest level of formal childcare enrolment in the EU and only a small number of children below the age of three attend formal childcare (EIGE 2015). In comparison, the level of enrolment in formal childcare in Norway is high. In 2015, 82 per cent of 1 to 2-year-olds and 97 per cent of 3 to 5-year-olds were enrolled in formal childcare (Statistics Norway 2017a). However, in recent years the Polish government has taken steps towards improving support for working parents, and a funding programme has been implemented aimed at increasing the number of childcare places, capping the fee for formal childcare, and legalising and formalising the employment of nannies (EU 2016). However, the Polish policy package remains partial and does not fully support a dual-earner/dual-carer model.

### Method, empirical data and analysis

This paper is informed by data from a larger Polish–Norwegian research project on family policy, work–life regulations and work–life balance. As part of the project, qualitative interviews were conducted 2014–2015 with three groups of working parents with children below school age: Norwegian and Polish parents living in Norway and Polish parents living in Poland. In this paper, we draw on the interviews with Polish parents living in Norway and those living in Poland.

In both countries, parents were strategically recruited with the aim of accessing two-income families with different working conditions: parents in academic or other highly skilled work who enjoyed a high degree of independence and flexibility; and parents with lower-skilled jobs and/or less flexible working hours, such as healthcare work and other types of shift-based work. The original plan for the recruitment of Polish parents living in Norway was to use workplaces as sites of recruitment. This proved difficult, and we therefore used a number of access points (networks, workplaces, meeting places for Polish migrants) and snowballing. This sample is therefore more varied than originally planned for, as we detail below. In total, we interviewed 28 parents in Norway, representing 21 families. In Poland, recruitment from workplaces was successful, and the parents in the sample were recruited primarily from research and teaching institutes (academics, high flexibility), and hospitals (nurses, low flexibility). In total, 31 parents representing 30 families were accessed. Table 2 below provides an overview of the sample and type of interview in each country.

**Table 2. Type of interview, number of interviews and number of families**

	Individual interviews	Couple interviews	Group interviews	Number of interviews	Number of families
In Norway	7	8	3	18	21
In Poland	6	–	7	13	30
Total	13	8	10	31	51

The proportion of men and women was similar in both samples: 8 men and 20 women in Norway; 7 men and 24 women in Poland. Both samples were varied in terms of the interviewees' level of education and occupation. The majority of participants in the Norwegian sample of Polish parents had a medium or high level of education, and about a quarter were academics. With one exception all were employed, but their professional success varied. In the Polish sample most of the interviewees had a high level of education, only two had just secondary education. Most of the participants were permanently employed (usually in full-time work), one participant was contracted by a university, and one had a doctoral scholarship. Due to difficulties in accessing Polish

parents in Norway the two samples are not perfectly matched. However, both samples represent parents working in regulated sectors who have access to work-related benefits and the protection of laws and regulations on working time, salaries, sick leave and so on. It is for this group of parents that the study can draw conclusions. Hence, it has little to offer to the understanding of how policies and practices related to work, care and gender are linked for, for instance, the precariat.

The interviews in Norway and Poland were conducted using the same interview guide. The interviews were semi-structured and allowed for some flexibility in the wording and ordering of themes and questions. Key themes were: type of work and caring responsibilities; work–family adaptations at the time of the interview and before (including use of family policy entitlements); perceptions of work–life balance; and parenting ideals and practices. The Polish parents in Norway were also asked about their migration process.

In Norway, the interviews were conducted in Polish, English or Norwegian, or in a combination of languages depending on the informants' language skills and preferences. The interviews were conducted either by the two first authors, by one of two Polish-speaking research assistants,<sup>3</sup> or a combination. Conducting interviews in second languages raises issues related to interpretation: it may be more difficult to understand what the informants are trying to convey than with interviews in first languages. The reader should bear this in mind. In Poland, the third and the last author and one of the research assistants conducted the interviews.<sup>4</sup> All interviews in both countries were recorded and transcribed verbatim. The interviews in Norway were transcribed in Norwegian, and the Polish interviews conducted in Poland were transcribed in Polish and later translated into English.

The interviews, especially those in Norway, were varied in terms of length and depth, and not all aspects were covered in all interviews. Nevertheless, we believe that taken together, the subsamples from each country allow for analysis of variation in work–family adaptations and in parents' ideas about mothers' and fathers' responsibilities for the balancing of work and care, and the role of formal care in the families' overall 'care project' (Stefansen and Farstad 2010).

Cross-national and comparative research is challenging at many levels and the same question or the same topic may not have the same meaning in different national contexts. Thus, there are ample opportunities for 'getting lost in translation', an issue that has to be taken into account. In this project, the Norwegian and Polish research teams worked together in different phases with the aim of ensuring a joint understanding of key concepts and to ensure that interpretations of practices and links between policies and practices were grounded in the empirical realities of the informants.

### **Analytical approach**

The analysis developed here draws on the abductive approach suggested by Tavory and Timmermans (2009) and Timmermans and Tavory (2012), which was developed from a critique of grounded theory and grounded-theory method. Thus the analysis proceeded through a circular process of moving between the interview transcripts, suggestions for empirical categories and theoretical interpretation, resulting in what Creswell (2007: 150) calls 'custom-built' analysis, specifically designed for the aim of this article. The first phase of the analysis involved reading and re-reading the interview transcripts with a particular focus on how families adapted to the challenge of combining paid employment with caring for young children. The interviews were read systematically to identify different combinations of the father's and the mother's work-related adaptations. We first identified different work–family adaptations among our informants in Norway and Poland and then compared the two samples, looking for similarities and differences in their reports of their everyday adaptations.

The data analysis proceeded in two steps. The Norwegian and Polish team worked separately during the first step, constructing mini-portraits of approximately 300 words for each family. The portraits contained

information about the work and care situation of the family and the mother's and father's adaptations to combine work and care. These portraits were used to identify the range of work–family adaptations in each subsample and to construct different categories of work–family adaptations. In some cases the Norwegian and the Polish team arrived at diverging categorisations, which may be a reminder of the wider implications in terms of frames of reference and interpretation of the different national contexts (including the national gender formations, of which researchers are also a part). These discrepancies led to stimulating and mutually clarifying exchanges. As the second step of analysis we searched the interviews and the portraits for expressions of cultural meaning – implicit and underlying assumptions that could help place the observed practices in context and relate them to the cultural and institutional support systems in both countries.

### **Work–family adaptations: general patterns**

In the Polish Norwegian sample we identified a reversed-gender model, a gender-symmetrical model, a neo-traditional model (including some who received help from 'flying grandmothers'), a (more marginal) male-breadwinner model, and a single-mother model. These categories were constructed on the basis of how the informants shared the responsibilities of breadwinning and care and, in particular, how they shared the responsibilities of adapting paid work to caring responsibilities. In the Polish sample the same main work–family adaptations emerged, with some slight variations. The main difference from the Norwegian sample was a substantial everyday grandmother involvement.

### **Polish parents in Norway: rapid change within new and enabling structures**

In their work–family adaptations, the Polish parents living in Norway were, broadly speaking, similar to the majority population in Norway, embracing the dual-earner/dual-carer model, as well as using the entitlements for working parents in Norway, such as parental leave, including paternity leave, and kindergarten. Compared to the ethnic Norwegian sample in Norway (Bjørnholt and Stefansen, forthcoming), the Polish parents engaged with the structures available to them in Norway in a pragmatic and eclectic way, negotiating them with voice and agency. The way the Polish parents in Norway actively embraced the opportunities for working parents in Norway must be understood also in the context of migrancy. As other studies of Polish migration to Norway have found (see for instance Bygnes and Erdal 2016), many of our informants mentioned the short working hours, the positive attitudes of employers in Norway towards working parents, the opportunity to have time with the family, the public support systems for combining work and family, and the gender-equality policies and ideas in Norway that allowed them to lead better and more egalitarian lives than they would have had in Poland.

It is important to note that the patterns described were based on snapshot pictures of work–family adaptations. In some cases particular families' work–family adaptation was difficult to categorise. The interviews revealed that work–family adaptations changed over time and that they were shaped not only by constraints related to work and to family policy entitlements, but also by previous experiences, career moves and other changes in circumstances. They were also the subject of reflection and re-negotiation and were open to possible changes in the future. For the Polish parents in Norway, work/family arrangements were, on one hand, determined by limiting factors, such as lack of language skills and job opportunities, which some saw as discrimination in the labour market. On the other hand, the Polish parents in general saw the Norwegian opportunities to combine paid work and parenting as enabling structures.

To shed light on some of the differences that seem to operate below the surface level of the 'new norm' of work–family adaptations in Norway, below we detail the dynamics of the three most common models of work–

–family adaptation among the Polish families in that country. The cases discussed are particularly illustrative of each model.

### **The gender-symmetrical model**

Two different adaptations are included in the gender-symmetrical model. In the first adaptation both partners make changes. After the parental leave period both partners worked full time and used flexi-time options to rearrange their hours of work, organising schedules around the children's needs, day-care opening hours and their respective work obligations. In the other adaptation, both partners work full time and the interviews did not reveal any particular adjustments. This could, however, be a reflection of the lack of detail in some of the interviews.

Augustyn and Beata are an example of a dual-earner couple, both of whom worked full time without any particular changes to their working arrangements. Both had higher education and they had been in Norway for a decade. They had just had their third child and were about to return to Poland. Returning to Poland had been their plan from the outset but they had remained in Norway much longer than they had intended. When they arrived in Norway Beata found relevant work very quickly, whereas Augustyn worked as a cleaner for two years while he learnt the language before acquiring a new job that better corresponded to his education. They have both been in full-time work and have been professionally successful. Beata took most of the parental leave and Augustyn took the paternity leave allowance. Both children started kindergarten at 11 months and both parents commuted long distances to work and kindergarten. In retrospect, Beata felt her parental leave was too short, and she plans to stay home for longer, on unpaid leave, to look after all the children when they return to Poland. The family recently moved to the city to foster her career and earning potential, and Augustyn established a consultancy, mainly serving the Polish diaspora in Norway. He will continue to run this business from Poland. Although Beata had been professionally successful in Norway, she planned to make a career change, but it was not quite clear what she would do in the future. They thought that she might work less in the future than she did in Norway because living costs are lower in Poland and they would be relatively well off with his Norwegian earnings. They could also buy a nice flat without borrowing money due to a profitable investment in Norway. Their eldest child would be starting school and this was also a part of their thought process, as they were critical of Norwegian kindergartens and schools – they thought the Polish school system was better. Finally, they looked forward to living closer to friends and family and expected them to help out with the children, thus allowing them to occasionally go to the theatre and to have more time for themselves.

### *Interpretation*

Augustyn and Beata are an example of a successful dual-earner couple in Norway, returning to Poland and shifting from a gender-symmetrical arrangement (within which her career had taken priority at times) to a neo-traditional arrangement, where he works more than her, or even to a temporary male-breadwinner arrangement. They seemed to take the dual-earner/dual-carer model for granted in a matter-of-fact way as a lived reality but, nevertheless, after living as a full dual-earner/dual-carer couple in Norway for several years, they were now opting for a neo-traditional arrangement in Poland. Beata saw this solution as her decision, and as a conscious, pragmatic choice that was available to them because of their favourable financial situation. This couple illustrates the fluidity of work–family arrangements and their complex relation to policy packages and institutional contexts. They also illustrate how migration and return migration may open up new opportunities for post-migration transnational lives and work–family adaptations, combining elements from both, such as well-paid work in Norway with the perceived advantages of living in Poland, which included housing, education system, friends

and family. Finally, this case illustrates how gender equality in the family may not be understood simply as a once-and-for-all given equivalent to a particular work–family arrangement.

### **The neo-traditional model**

The neo-traditional category included couples in which the woman worked slightly reduced hours. However, this category also included dual-earner couples who were both fully employed and who shared household tasks, although the woman was mainly responsible for adapting her paid work to care, for example, by redistributing working time. It should be noted that for at least one of the couples the woman's reduction in working hours was not an adaptation to family responsibilities but, rather, the involuntary result of not finding relevant work.

Olek and Tomina are an example of the first variation of the neo-traditional model. At the time of the interview Olek worked full time and Tomina worked slightly reduced hours (80 per cent). They had three children (aged 7, 13 and 18). Olek had come to Norway first to work and Tomina had remained in Poland with the children, taking sole responsibility for them. They were living apart for several years, planning a future in Poland, and, as part of that, Olek had built them a house in Poland. However, they missed each other and wanted to be together as a family, so six years ago they eventually decided to move the whole family. Both are engaged in further education in addition to their paid work. Olek first took a job in a different vocation from the one he was originally trained for. He then underwent training for this job, gaining a Norwegian apprenticeship certificate. After losing his job Olek returned to his original vocation and was about to complete the Norwegian apprenticeship certificate in that vocation as well. Tomina worked as a cleaner while learning Norwegian, but she was now employed as a clerk and was also studying to become a business accountant. The couple came to Norway when their youngest child was almost a year old and they were not eligible for Norwegian parental leave. They received the cash-for-care benefit for 8 months for the youngest child until they found a place in kindergarten when the child was 18 months old. The other two children went to school. Their children were active in sports, and both parents and children have many Norwegian friends. They recently bought a house that they have fully refurbished. This couple has been able to pursue a dual-earner/dual-carer model that includes upwards and sideways mobility. Formal childcare and children's leisure activities were part of their life in Norway and they claimed to share childcare and household chores equally. They were optimistic and satisfied with their life in Norway, including the shorter working hours.

### *Interpretation*

The authors were struck by the agency with which many of the Polish informants in Norway grasped and made use of the new structures and ideologies that had become available to them as working parents in Norway, employing them to actively shape their lives, including renegotiating gender roles in the family. Compared to the Norwegian parents, the Polish parents seemed to be drawing on a wider repertoire of possible work–family adaptations over time (Bjørnholt and Stefansen, forthcoming).

Olek and Tomina illustrate this agency and fluidity well. Despite a highly gendered arrangement for several years when the children were small, with Olek the main breadwinner in Norway while Tomina combined paid work with looking after the children on her own in Poland, they now had a fairly egalitarian work–family arrangement. They were both employed, they were both engaged in further education, and they shared childcare and household work equally. This example also illustrates the dynamics and plasticity of work–family arrangements over time and space and in response to shifting circumstances.

### **The reversed-gender model**

The reversed-gender model potentially represents a more radical adaptation, a shift of gender arrangements that goes beyond merely fulfilling the norm of equal sharing. It is useful to look at one example of this model even though only a few of the Polish parents in Norway came into this category.

Miro and Anna both hold master's degrees and came to Norway together three years ago. At the time of interview they had a 4-month-old baby. When they came to Norway they decided that Miro would take paid work and provide for them both, whereas Anna would try to find a job that was relevant to her education and ambitions. Her explanation was that working and providing for the family and earning money was important for him as a Polish man. As a result she was able to take an unpaid internship, which eventually led to employment in her current position. She was now on a career track and he still held an unskilled service job. She noted that colleagues in her workplace who were returning from parental leave had lost focus and forgotten all they knew, and consequently she was afraid of falling behind in her career, so she continued to work during parental leave. They shared the parental leave between them, with Miro taking 60 per cent and Anna 40 per cent, splitting the week between them. He had little experience of running a home and at first he did not do any domestic work, he simply looked after the child. However, Anna became very tired and asked him to do more around the home. He was willing to learn and asked her to teach him how to cook and do other household chores. He was doing more now, but she still claimed to be doing the lion's share of the domestic work. Although she thought he was a good father she also said that the child missed her and would not sleep when she was away.

### *Interpretation*

Miro and Anna are a couple on the fast track towards changing gender relations, actively using the entitlements for working parents in Norway as well as drawing on the Norwegian gender-equality discourse. The Norwegian parental leave scheme, designed to actively support fathers' caring and the norm of involved fatherhood, as well as the way Anna interpreted her colleagues' experience of the dangers of a long parental leave, had led them to pursue a reversed-gender pattern of shifting parenting and part-time work, within which she worked more and he took a larger share of parental leave. In prioritising her academic career, while Miro took the main responsibility for breadwinning, one could also say that her professional success relied on his male-breadwinner masculinity. However, they are also drawing on Norwegian opportunity structures and gender-equality discourses to actively create a 'modern' egalitarian family. In taking literally and acting on 'office talk' of the dangers of parental leave, we also see that Anna reveals a lack of feeling of entitlement. Such an approach was uncommon among other Polish parents in Norway who fully enjoyed their entitlements without expressing any fear of negative consequences, just like the Norwegian parents (Bjørnholt and Stefansen, forthcoming). Finally, their current work-family adaptation had emotional costs for both her and the child. Some of the most ideologically convinced Norwegian equal sharers adjusted their ideals and practices when they had a second child (Bjørnholt and Stefansen, forthcoming), and we cannot know what kind of work-family arrangement Miro and Anna will choose if they have more children in the future. This particular adaptation illustrates the complex, multi-layered interactions of identities, structures of opportunity and the wider gender-formation interpretation that contribute to the shaping of agency.

### **Parents in Poland: coping, adapting and changing within partial structures**

The parents in Poland also clustered around the dual-earner/dual-carer model and, like the Polish parents in Norway, the majority were categorised as either gender symmetrical or neo-traditional, with fairly equal shares of each arrangement. Among the Polish parents, balancing paid work and care takes the form of everyday coping, relying on individual and private solutions. In the following section we present examples of the two most common models and, for the purposes of comparison, we also illustrate the gender-reversed model as it has emerged in the Polish context.

#### **The gender-symmetrical model + grandmother**

Alan, Agnieszka and their three-and-a-half-year-old daughter exemplify the ‘Polish version’ of the gender-symmetrical model. Alan had a permanent position as an IT specialist and manager, Alan working, more or less, from 7 a.m. to 3 p.m. each day (8 hours a day). He occasionally went on business trips but rarely worked overtime. Agnieszka had regular working hours from 8 a.m. to 4 p.m. each day. Every 2 to 3 months she went away for a two- or three-day-long course. Being a supervisor and a parent, Alan knew how important it was for managers to set an example to employees and he understood that it was sometimes necessary to leave work early, for example, to go to the doctor. Nevertheless, it was rare to do so officially, although it was accepted to some extent in his company. According to Alan, his company neither made parents’ lives more difficult, nor facilitated them to any extent. At the same time, he felt safe in the company where he worked (‘it is invaluable for a parent’) because he felt that the law was respected there. For example, he could take leave to look after a sick child and his employer would not refuse this. The feeling of safety was also related to being employed in a public institution on a permanent contract, which meant he could not be dismissed without a serious reason. Agnieszka, in contrast, found it difficult to take time off because of her manager’s attitude. Alan and Agnieszka shared their household duties quite strictly, such as cleaning and other work at home. In the case of childcare, they shared the chores equally, and normally spent the afternoon together with the child. They received help from their child’s grandmother who picked up their daughter from the kindergarten in the afternoon, and occasionally from the grandfather if the grandmother needed to go somewhere.

#### *Interpretation*

This case illustrates how this couple – like a large proportion of the other informants in the Polish sample – relied on help from grandmothers on an everyday basis to bridge care gaps. It also elucidates the importance of the wider context, such as job security. The case further illustrates a lack of shared feelings of legal entitlement to benefits for working parents and the importance of local company culture. Alan refers to the fact that using his legal entitlements would not cost him his job because he is in the public sector. Pointing this out indicates that there is no shared feeling of entitlement, despite the existence of legal rights, and the fact that he is grateful that his employer respects the law implies that this is not the norm and that using entitlements in other workplaces might be risky due to company practices and cultures that do not condone their use.

#### **The neo-traditional model**

Peter and Paula exemplify the neo-traditional model. Peter has been working in the science and education sector for 16 years. He worked in two institutions in two different cities about 200 km apart – one full-time and one part-time (50 per cent) position. He worked in more than one place because he was committed to



ensuring a good standard of living. He had quite flexible working hours and worked 30–60 hours each week depending on the needs of the jobs. Both jobs entailed similar tasks – research, publishing and giving lectures to students. He worked on various projects and often had business trips both in Poland and abroad (e.g. to conferences and project meetings). His job gave him a high degree of satisfaction. He also highlighted that in his jobs he had quite long periods of leave and he was able to adjust his working time to meet family obligations.

Peter was married with three children (5, 6 and 8 years). The grandparents lived some distance away and were not available to look after the grandchildren on a daily basis. Peter had employed a woman to occasionally collect the children from the nursery, kindergarten and school when he and his wife were both working. Paula is a university graduate. She worked part time, around 20 hours a week in a psycho-pedagogical facility. The facility was 50 km from their home and she commuted daily. Paula took maternity leave after each birth and unpaid parental leave totalling four years. They were able to access some discounts because of their entitlement to the Big Family Card.<sup>5</sup>

Peter was often away from home because of his two jobs, but tried to compensate for his absence, and considered himself to be a modern and egalitarian man, sharing household and childcare duties, unlike many other Polish men. He also declared that he tried to separate his work life from his family life. He earned much more than Paula, so he took the greater responsibility for the financial provision for the family, whereas his wife took more responsibility for taking care of the home. However, because he had more flexible working hours, if necessary, he was able to take the children to see the doctor during the working day or in the evening. Peter did not use any legal entitlements related to childcare (e.g., a childcare day). If necessary, he negotiated his workload and business trips with his teams at both jobs so that he could stay at home when there were problems. Nevertheless, if any of the children were ill it was Paula who took leave to look after them.

### *Interpretation*

This case neatly illustrates how the neo-traditional family model is a hybrid model and how a main male-breadwinner arrangement may go together with changes in the sharing of family responsibilities. Peter positions himself as an egalitarian-minded husband and an involved father. He shares domestic tasks and childcare within a dual-earner model, but with gendered arrangements of work and care, within which he has the main breadwinning responsibility and his wife works reduced hours and takes the main responsibility for the children. The provider perspective is pre-eminent in his reflections regarding parenting (i.e., the cost of leisure activities) and, despite claiming to share childcare tasks and obligations, he remains oblivious to the details and existing benefits available for working parents. His wife is the one who takes the main responsibility for the children and who makes the actual adaptations in respect of work and care, using entitlements for working parents. Nevertheless, compared with other men in Poland, Peter considers himself a modern man with respect to the performance of domestic tasks in the home. At the same time, paid work and his provider role take precedence, as illustrated by the fact that for financial reasons he is holding down two different jobs.

### **The reversed-gender model**

Diana and Jakub exemplify the gender-reversed model of work–family adaptation. They lived in a multi-family house with their son and his parents. Diana is a full-time researcher and PhD student, formally not employed but funded by a doctoral scholarship. She usually worked between 8 a.m. and 4 p.m. each day. She occasionally spent a few days away from home because of business trips (e.g., to conferences). Jakub was a translator and

editor, employed part time, also working freelance mainly from home and sometimes going away on business trips for a day or two.

Diana could count on informal support from her manager, who had a positive attitude to the needs of working parents. Diana was sometimes allowed to work from home. However, her job flexibility was generally not very high as she was not replaceable in some of her duties (e.g., delivering lectures). Hence, she could not take leave, for example, when her child was sick. When this happened she had to share the childcare obligations with her husband. However, being a graduate student, Diana was not entitled to parental leave, maternity allowance or maternity leave. She felt discriminated against when she tried to enrol her child in kindergarten. As a PhD student she was not treated equally with mothers who worked full time, even though her son was eventually allowed to attend kindergarten. Diana was responsible for most of the household duties, such as cleaning and cooking (she declared that her husband did about 30 per cent), whereas they shared childcare more equally. Jakub used the 'leave on request' system twice (one-day leaves); he took two days' leave to which he was entitled after the birth of their daughter, and he also took two weeks of paternity leave. He was also the person that would take sick leave when their daughter was ill. In emergencies grandparents helped out (but this only happened occasionally).

### *Interpretation*

This case has been categorised as an example of a gender-reversed model. Diana has a full-time position, whereas Jakub works part time and is self-employed. However, despite this difference in working times, she shoulders the main responsibility for household work and with regard to domestic responsibilities this is a rather traditional pattern. He probably earns more in his part-time position than she does as a PhD student, a position that is not very well paid in Poland. On the other hand, Jakub has taken some steps towards adapting his paid work to caring responsibilities, such as working part time and taking leave when the child is ill. Compared to the majority of the Polish fathers in this study who worked full time or more, never used any entitlements for working parents, and who also more or less excluded the possibility of using them (even claiming to be oblivious of such entitlements), this case might be taken to indicate a slight change towards more equal responsibilities for the reconciliation of paid work and care.

### **Discussion**

We set out to explore the dynamics of work–family adaptations and policies, taking into consideration the everyday practices within policies and populations that are shaped over time by historical events and generations (Bjørnholt 2014a). We found that on the surface, the work–family adaptations of the two groups of Polish parents were quite similar and were shaped by the family policy measures available to them. When we compare them, however, we can see that the Polish parents in Poland and the Polish parents in Norway shaped their work–family adaptations within different categories of reference.

Using the entitlements available in Norway as part of a project of change towards the Norwegian norm, Polish Norwegian parents compared themselves to Norwegian parents and what they perceived to be the norm in Norway. They also contrasted their own practices in the Norwegian setting to the more traditional practices that they observed among friends and family when visiting Poland, and to some extent to other Poles in Norway. Our informants thus to some extent correspond to the group of Polish immigrants to Norway that Pawlak (2015a, 2015b) has referred to as the 'cosmopolitans', although not all fit neatly within Pawlak's dichotomy between (mainly middle-class, highly educated) 'cosmopolitans' and (manual, working-class) 'Poles', *Po-lakkene* in Norwegian, a derogatory term for manual workers in the building industry or in seasonal work. In

Pawlak's study, the dichotomy arose from the positioning of 'cosmopolitans' as against the 'Poles' based on cultural, class-related distinctions. Although some of our informants positioned themselves against other Poles on some issues, such as other Poles' fear of the Norwegian child protection agency, in general, class-based positioning against other Poles was not very widespread. In our sample we also had working-class immigrants who embraced the Norwegian way of life, and in particular the opportunities it provides for changing gender relations in the family, very much in the same way as middle-class informants. In general we found the Polish Norwegian parents expressed a strong sense of agency in their use of the Norwegian policy package for working parents. They felt entitled to the different measures, and free to use them to accommodate the needs of their family.

The Polish parents talked about their practices in relation to Polish families in general, sometimes positioning themselves as more modern and different from the general and gendered norm of work–family adaptations. They also used available measures, but not in the same entitled way as the Polish Norwegian parents, and bridged the care gaps they experienced by drawing on informal help from relatives, in particular grandmothers. Importantly the group of Polish parents in Poland not only had access to fewer entitlements after parental leave compared to the Polish informants in Norway; they also, to a greater extent, referred to *not using* legal entitlements and if they did use them they were careful to point out that they did not *misuse* them and only used them if they really needed to. The weaker feeling of entitlement they expressed meant that even the benefits that were legally available were not necessarily fully available to them as a real option. Our interpretation is that the link between policies and practices is less direct or mechanical in the Polish context compared to the Norwegian context. In order to better substantiate and contextualise these patterns and interpretations, we will refer in brief to the different historical origins of the respective welfare state regimes of Norway and Poland.

Family policies in Norway have followed what can be understood as a path-dependent development, beginning with changes in the early 1900s introducing social rights for mothers and reforms of family law (Melby, Pylkkänen, Rosenbeck and Wetterberg 2006). The right to paid work for married women has been an important issue for the women's movement since the 1930s, and mothers' paid work and fathers' family role was put on the agenda in early family research in the 1950s and 1960s. The issue of gender equality gained a new momentum in research and policymaking in the 1970s (Bjørnholt 2014b). Throughout the 1970s and 1980s the idea of promoting gender equality through family policies was pre-eminent in the women's movement, as well as in family policy documents, including a White Paper on family policy in the 1970s and a commission on men's roles in 1988. By the end of the 1980s, Norway had long been considered a laggard in the Nordic context, due to its shorter parental leave and a persistent shortage of childcare facilities (Ellingsæter and Gulbrandsen 2007). In 1993, the extension of parental leave to 47 weeks, of which 4 weeks were reserved for the father, was thus long overdue, which may explain why the paternal quota became a success within a very short time. Within three years, the vast majority of fathers took parental leave, which was a rapid increase from a very low level before the introduction of the quota. Similarly, the rapid increase in child care facilities and the introduction in 2008 of a guaranteed place in kindergarten from the age of one was also long overdue and led to a rapid change in child care arrangements for the youngest children (Kitterød, Nymoen and Lyngstad 2012), including among those groups that had previously been opposed to institutional care for young children (Stefansen and Farstad 2010; Stefansen and Skogen 2010).

Our study suggests that Polish post-accession immigrants to Norway experienced these entitlements as part of a taken-for-granted and deeply rooted institutional and ideological order, which they embraced as a set of enabling structures that allowed them to actively reshape their lives, including combining paid work and care as well as renegotiating gender relations in the family. The Polish immigrants to Norway in this study embraced these entitlements and used them, with a feeling of entitlement and without fear (with the exception of one

case), like ethnic Norwegians (e.g. Bjørnholt and Stefansen, forthcoming). However, compared to Norwegian parents, the Polish parents expressed a stronger sense of agency, using and combining different family policy measures in a more pragmatic way. Bjørnholt and Stefansen (forthcoming) argue that the Polish parents' position as migrants to Norway allowed them to use and combine a wider repertoire of available entitlements to shape gender-equal lives than did the Norwegian parents in the study, for whom gender equality was taken for granted, and who had internalised the underlying moral imperative of being equal in a particular way and the script of using particular entitlements in particular ways.

What about the Polish group? How can we understand the weaker feeling of entitlement that they expressed towards available measures? Compared to Norway the development of the current policy family policy package in Poland can be described as 'disjointed', shaped by different and conflicting aims and actors. As described by Heinen (2002), during Communism a dual-earner model was taken for granted, but gender roles in the family did not change. Women carried a double burden, and the view of women's role in the economy was ambivalent. First, there was a mobilisation of women as workers in the immediate post-WWII years that emphasised the duty of all citizens to contribute to reconstruction, and the emancipatory role of paid work for women was supported by the expansion of child care facilities. Later, due to economic stagnation: 'Women were no longer regarded as 'worker-mothers' but as "mother-workers", or simply "mothers"', according to Heinen and Wator (2006: 192). In addition, rights such as formal gender equality and the right to abortion and institutional childcare that were fought for and won after long struggles by the women's movement in other countries were 'granted' by the Polish state. Family policies and women's emancipation were therefore not linked. On the same note, Velluti (2014) has argued that gender equality under Communism constituted an imposition by an authoritarian regime rather than the achievement of emancipatory social movements. Hence the historical legacy of gender-equalising policies is more ambivalent in Poland than in Norway.

Adding to this, after the fall of Communism in the 1990s the institutional support for working mothers deteriorated further as public nurseries and other public services were closed due to neo-liberal shock therapy imposed by the International Monetary Fund. Growing economic inequality in society also led to greater economic inequality between men and women (Heinen 2002; Heinen and Wator 2006). Under the growing influence of the Catholic church (Korkut and Eslen-Ziya 2011; Paternotte 2014), and as the state retreated from the social field, the participation of women in politics declined and family values were increasingly considered to be in conflict with women's paid work. The transition also led to dramatic setbacks for women's social and reproductive rights (Nowicka 2007).

At the same time, as part of the preparations for accession to the EU in 2004, Poland adopted a more egalitarian legal framework and became subject to EU processes, legislation and policies which included the promotion of gender equality and the harmonisation of work and family life (EIGE 2015). How this affects gender relations is unclear. On the level of gender attitudes, researchers point to change (Fuszara 2005, after White 2016b). More couples share cooking, everyday shopping and childcare (Hipsz 2013, after White 2016b). Such changes are reflected in our study as well. However, in a recent comparative study Poland still stands out as having strong support for the male-breadwinner model and corresponding negative attitudes towards working mothers (Edlund and Öun 2016), and the authors conclude that the dual-earner/dual-carer model has not entered the collective consciousness in Poland. Poland also still lacks a strong and autonomous women's movement, which was found in a cross-national study to be the single strongest predictor of policy measures to address gender inequality as well as of family policies that facilitated women's paid work and personal autonomy (Weldon 2011).<sup>6</sup> Finally, politically, Poland is currently moving in an increasingly traditional direction. Gender and gender equality are highly contested concepts, and further restrictions on women's already limited reproductive rights are being discussed. Gender equality and family policies are thus contested areas. Hence, in Poland, working parents will have to adapt within structures of opportunity that do not support a full

care chain and mothers' paid work, and within a contemporary gender formation that has only to a very limited extent been transformed by past struggles for gender equality. Our suggestion is that the patterns we have described here, particularly as regards parents' sense of entitlement to available measures, relate to this wider cultural and historical context.

### **Concluding remarks**

Many of the Polish parents in Norway invoked the Norwegian gender-equality model as a resource for changing gender relations in the private sphere. In so doing, their personal project of change resonates with the country's wider historical development towards changing gender relations and with current hegemonic ideas in Norwegian society.

At the level of generation and family, the parents in Poland, in contrast, positioned themselves in relation to a more traditional past. Some also referred to the international context and to the work–family frameworks in other countries of which they had knowledge through friends and colleagues, illustrating how migration has opened up a transnational space of opportunities and comparison, which is also present in the everyday reflections on what constitutes a liveable life among those who stay. The changes in Poland towards more egalitarian family practices may also partly be an effect of migrants' transnational practices, increasingly recognised as an important factor in changing normative structures and practices in the sending country. Several contemporary Polish studies find that migration from Poland has led to social change in Poland, and more egalitarian gender attitudes may be seen as one form of 'social remittance' in Poland (Grabowska and Engbersen 2016; White 2016a, 2016b; Grabowska *et al.* 2017). At the couple level among the Polish parents in this study, there were indications of (minor) changes in gender relations, mainly in the form of an individualised project of sharing more equally within the couple. However, in contrast to Norway, this change at couple level does not resonate with a wider project of gender equality at the societal level. The individualist framing of the work–family issue, and the emphasis on self-sufficiency and private, individual solutions, rather than making use of legal entitlements, may be due to a higher degree of job insecurity, as well as the weaker legitimacy of using legal entitlements. At a cultural level, it may also to some extent be part of the post-communist legacy, implicitly rejecting the cultural and collective frames of the common communist past.

In conclusion, the analysis illustrates that practices do not necessarily follow directly from policies and available policy packages, but that the influence of policies on practices needs to be understood in the wider historical-cultural context of the particular policy regime, as well as the particular situation of different groups of the population. Our study of Polish parents in Norway and Poland also illustrates how the migrancy context may also mediate the actual adaptation and the use of different elements of the policy package offered to working parents within the policy regime in the country of destination, as well as opening a space of comparison and reflection among parents in the country of origin, against which they can measure the policy package on offer.

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No potential conflict of interest was reported by the authors.

## Notes

<sup>1</sup> *Enhancing the Effectiveness of Work–Life Balance Initiatives Use (EFFECT)*.

<sup>2</sup> Generally, it should be noted, however, that other factors, including masculinist counter-movements, have influenced family law in recent decades (Fineman 1995; Bjørnholt 2007; Halperin-Kaddari and Freeman 2016).

<sup>3</sup> Monika Kochowicz acted as an interpreter during some of the interviews in Norway and she also transcribed and translated one interview. Anna Sitarz conducted four interviews in Polish in Norway, which she also transcribed and translated.

<sup>4</sup> Aleksandra Jacukowicz, Agnieszka Mościcka-Teske, Aleksander Stańczak and Agata Wężyk conducted, transcribed and translated the interviews in Poland.

<sup>5</sup> The Big Family Card is a government assistance programme for multi-children families, introduced in 2014. It gives access to discounts for entrance charges for institutions controlled by the ministries, e.g., some museums, exhibition institutions, national parks, nature reserves, as well as recreation and sports facilities as well as a number of private companies in Poland. Due to a collaborative agreement with another Norway Grants project, the TRANSFAM project, we were granted access to four anonymous interviews with Polish families that included information on our topic of study. These interviews are part of our sample of Polish families in Norway and add to the variation in work–family adaptation, but we have not used them directly in the analysis presented here.

<sup>6</sup> It remains to be seen whether the mass demonstrations in autumn 2016 against a proposed new law further restricting abortion represents a general strengthening of the women's movement.

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# Conviviality in the Workplace: The Case of Polish Migrant Women in Manchester and Barcelona

Alina Rzepnikowska\*

*Workplaces have become increasingly diverse as a result of migration and other socio-economic changes in Europe. In the light of post-2004 migration, many Polish migrants find themselves in workplaces where multiculturalism is an everyday lived experience. By drawing on narrative interviews conducted with Polish migrant women in Manchester and Barcelona, this paper focuses on the complexities of interaction with other ethnic groups at work, demonstrating various forms of conviviality. The study reveals more and less meaningful forms of contact at work including workplace friendships, light-hearted forms of conviviality characterised by the interplay of language and humour, relations based on care and respect for difference, as well as forced encounters marked by superficial and involuntary interaction. The findings show that while workplace can be a place of meaningful interaction, it can also involve conflict and tensions. The narratives illustrate that workplace relations can be influenced by the dynamics of gender, race, ethnicity, socio-economic circumstances and immigration discourses. The paper contributes analytically and empirically to the understanding of different forms of encounters in the workplace.*

*Keywords:* workplace; encounter; conviviality; Polish migrant women

## Introduction

The typical workplace has been described as ‘a variable hotbed of sociability and cooperation, of constructive and mostly friendly interactions among co-workers’ (Estlund 2003: 3) and ‘the most natural place for people to meet, make friends, and develop social networks’ (Fong and Isajiw 2000: 252). While a growing body of research has mainly focused on exploring neighbourhoods as sites of encounter with difference (Heil 2014; Jensen and Gidley 2012; Wessendorf 2013; Wise and Velayutham 2014; Władyka and Morén-Alegret 2013), workplace encounters remain largely under-explored.

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As a result of European Union expansion in 2004, many Polish migrants are in workplaces where multicultural is an everyday lived experience. Much attention in Britain has been paid to the lower end of the labour force and it has been argued that the mixing of Polish migrants and other Europeans with co-workers of different ethnic backgrounds is 'the exception rather than the norm' (Cook, Dwyer and Waite 2011b: 11). Furthermore, studies of workplace encounters between post-accession migrants and established communities tend to focus on the negative experiences of these individuals (Fox 2013; McDowell, Batnitsky and Dyer 2007; Parutis 2011), while the examples of positive mixing at work are described as superficial (Cook, Dwyer and Waite 2011a; Harris and Valentine 2016). There is some evidence that the workplace has the potential to be an important site of prejudice reduction and can promote meaningful encounters with people who are different in terms of ethnicity, religion, sexuality and disability; although it is argued that relationships established at work rarely extend into spaces beyond the workplace (Harris and Valentine 2016). In Spain, social relations between Polish migrants and the local population at work are particularly under-researched. The study conducted by Colectivo Ioé (1998), focusing on construction workers of Polish and Moroccan origin in Madrid and Barcelona, highlighted limited contact between these migrants and native workers as a result of a preference for their own national group, language barriers, stereotypes and suspicion based on assumed cultural differences and discrimination. More recent literature stresses that, while interaction between Polish migrants and the native population is often described in terms of cultural proximity, encounters with others are described in terms of distance and of prejudiced views influenced by negative rhetoric about non-white and non-European migrants in Spain (Nalewajko 2012).

The narrative interviews conducted with Polish migrant women in Manchester and Barcelona reveal much more complex realities of interaction at work demonstrating various forms of conviviality. This paper illustrates how the interplay of language and humour facilitates forms of conviviality characterised by playful interaction between co-workers. It also explores more meaningful forms of conviviality by concentrating on workplace friendships, largely overlooked in research, which provide migrants with support and a sense of inclusion and belonging. These meaningful relations are contrasted with the example of conviviality characterised by forced encounters. This paper also demonstrates how experiences of conviviality may be limited by prejudiced views, negative discourse about Polish migrants in the UK, and ethno-stratification of the Spanish labour market.

The paper draws attention to the importance of exploring conviviality at the workplace as a possible frame for interaction across difference in terms of race, ethnicity, gender, religion and other categories. Therefore, it firstly sets out the theoretical background underpinning this study, reflecting on the key concept of conviviality understood as a dynamic and a highly contextualised process of living together which needs to be studied with consideration of gender, race, ethnicity, socio-economic and personal circumstances, and other categories which often intersect. After discussing the methodology applied in the research, the paper explores examples of conviviality by focusing on the narratives of selected interviewees in Manchester and Barcelona, providing detailed accounts of interaction in the workplace. This paper illustrates how this study of conviviality contributes analytically and empirically to the understanding of different forms of encounter in the workplace.

### **Exploring workplace encounters through the lens of conviviality**

In recent years, a growing number of scholars and researchers have focused on conviviality to explore ways of living together in urban spaces (Gilroy 2004; Heil 2014; Morawska 2014; Nowicka and Vertovec 2014; Wessendorf 2014; Wise and Velayutham 2014). Gilroy (2004: xi) has defined conviviality as 'the processes of cohabitation and interaction that have made multicultural an ordinary feature of urban life'. The concept of

conviviality offers an angle from which to explore and describe complex everyday practices of living with difference in multicultural environments.

While the current literature makes an important contribution to the understanding of conviviality, there are several shortcomings. Firstly, it often focuses on encounters between native population and non-white and non-European minorities (Gilroy 2004; Heil 2014). However, convivial encounters should be explored in the context of diversity characterised by the presence of migrants with diverse ethnic origins, migration histories, religions, languages, ages, genders, legal statuses, educational and economic backgrounds (Vertovec 2007). Secondly, the impact of gender on conviviality remains underexplored, especially when it intersects with other axes of difference (Morawska 2014). Exploring encounters should take into account an intersectional approach that acknowledges the complex dynamics between gender, race, ethnicity, class and other social categories (Anthias 2009; Valentine 2007). Thirdly, while many scholars have focused on conviviality at the level of neighbourhoods (Heil 2014; Jensen and Gidley 2012; Wessendorf 2013; Wise and Velayutham 2014; Władyka and Morén-Alegret 2013), conviviality at work has been largely overlooked. Therefore, this paper aims to expand the understanding of conviviality by exploring workplace encounters influenced by gender, race and ethnicity dynamics, which often intersect. Finally, existing literature often interprets conviviality as limited to superficial, fleeting and casual encounters in public spaces unlikely to generate meaningful engagement with difference (Valentine 2008). This interpretation of conviviality overlooks the possibility of different forms and degrees of living together.

Conviviality can be better understood in conjunction with the Spanish word *convivir*, which describes the action of living and interacting together (Giménez Romero and Lorés Sánchez 2007). Therefore, I use the term 'convivial' as informed by the idea of *convivir* to describe relations of living together, which involve various forms and degrees of interaction. The Spanish understanding of *convivencia* is based on interaction between people characterised by mutual understanding and respect, with tensions resolved in a peaceful way (Giménez Romero and Lobera 2014). I expand my conceptual framework of conviviality by drawing on the contemporary uses of the term *convivencia* in Spanish society to refer to social relations between people, for instance between family members, neighbours and co-workers (Suárez-Navaz 2004).

Conviviality is explored in this paper as a process of interaction embedded in social practice which is not free from racism and tensions (Gilroy 2004; Wessendorf 2014; Wise and Velayutham 2014). Based on their research in Sydney and Singapore, Wise and Velayutham (2014) explain conflict as an integral part of social interaction between neighbours. This paper illustrates how the interviewees experience tensions and hostility and also often engage in convivial interaction, illustrating a complexity of social relations and a dynamic nature of both conviviality and racism which may overlap. While it acknowledges the hierarchies often present in encounters with difference, it also explores the ways in which differences are negotiated and connections are built.

When exploring the narratives of Polish migrant women coming from a predominantly white society to super-diverse cities, it is important to consider how whiteness is produced through encounters with non-whiteness. The constructions of whiteness should be situated within the socio-historical context of the home country, partly shaping perceptions of difference (Rzepnikowska 2016b). While whiteness has been explored widely in the West, it remains underexplored in the context of post-socialist societies. Since race has been associated with non-whites, Polish people's whiteness has been normalised and is invisible. Nevertheless, whiteness is asserted when non-white Others become visible in host countries.

Following the recent large-scale migration of Polish people to other European countries, many became conscious of being white as a result of contact with non-whites and at times, 'not-quite-white', through contact with the white hosts (Parutis 2011; van Riemsdijk 2010). In Britain, following the EU enlargement in 2004, Polish migrants were initially recognised as a 'desirable' migrant group and labelled 'invisible' due to their

whiteness. Some emphasise their whiteness/Europeanness and distinguish themselves from other migrants and ethnic minorities on the basis of skin colour and place themselves in the category of whiteness to assert their privileged position (Lopez Rodriguez 2010; Parutis 2011). It has been argued that these migrants, along with other Central and Eastern European arrivals, have been involved in the process of 'whitewashing', although whiteness might not be claimed explicitly (Fox 2013). They may use whiteness as a tool of racism in order to establish their racial superiority towards those seen as racially inferior (Fox 2013). Some Poles may occupy an ambiguous position in between the assumed higher racial status of white Europeans and a lower social status as a result of low-skilled employment (Fox, Moroşanu and Szilassy 2015). Nevertheless, the presumed whiteness of these migrants in the UK has not exempted them from racism, violent attacks and discrimination, partly fuelled by the negative discourse on migrants in some British media and politics, especially in the light of Brexit. In the Spanish context, the issue of whiteness and migration is relatively under-researched. The existing literature stresses the invisibility and the privileged treatment of Polish migrants who, due to their skin complexion, are considered *nórdicos* from the North, and are highly respected in Spain (Nalewajko 2012; Ramírez Goicoechea 2003). The 'invisibility' of Polish migrants is explained by the physical similarity of these migrants to Catalans and Spaniards (Władyka and Morén-Alegret 2013).

The Others are socially constructed in everyday encounters and shaped by national contexts based on fears instilled by assumed threats (Ahmed 2000; Harris, Jackson, Piekut and Valentine 2017). Harris *et al.* (2017) discuss how, in the British context, the construction of strangers is primarily shaped through the notion of race. Furthermore, in the light of Islamophobic discourse, Muslims are often perceived as the Other. Recently, Polish migrants in the UK have become imagined as the new Other (Rzepnikowska 2016b). Even if the newcomers are white, they are also imagined through the category of race because they are immigrants (Gilroy 2006: 56). In the Spanish context, while Polish migrants are seen as culturally close, Muslims are constructed as Others, possibly as a way of distancing Spain from its 'Moorish past'. This paper raises the importance of the discourses of whiteness and racialisation in discussions on conviviality.

### Researching Polish women in Manchester and Barcelona

Although this paper focuses on convivial experiences at work in two different cities, it does not aim to present a perfect set of comparisons between Manchester and Barcelona. I follow Wise and Velayutham (2014) who advocate a less strict approach to studying convivial multiculturalism in Sydney and Singapore because each context is shaped by multiple framings. Instead, this paper aims to advance a better understanding of conviviality by exploring the different ways in which it is experienced in two cities, with attention to some contextual similarities and differences.

Both Manchester and Barcelona are characterised by a super-diverse population, mixed neighbourhoods and workplaces, making them ideal settings for studying encounters with difference. Both are cities with a migration-friendly narrative characterised by wide support from the local governments. Whilst the two cities share a number of similarities, there are nevertheless important differences to be acknowledged. Manchester has been a city of migrants since the end of the eighteenth century. According to 2011 Census data, the total population of Manchester was 503 127. The largest ethnic minority groups are Pakistani, African and Other White (CoDE 2013: 1). The recent international migrants formed 16 per cent of the city's population (Manchester City Council 2015). Barcelona, with 1 619 839 inhabitants according to the 2012 Local Census (*Padrón Municipal*), is the capital of a Catalan nation without a state with its own language, customs, and national identity. Since the last decade of the twentieth and the beginning of the twenty-first century, Barcelona has witnessed the arrival of international migrants mainly from Latin America, Northern and Sub-Saharan Africa, Southeast Asia, China and Europe (Escandell and Ceobanu 2009). At the time of my fieldwork in 2012, the

proportion of migrants was just over 17 per cent with the highest number of migrants from Pakistan, Italy, China and Ecuador (Barcelona City Council 2012). Barcelona is characterised by a strong discourse of *convivencia*, as an integral part of a political strategy towards diversity and shaping social relations between the local residents and migrants – which makes it a particularly interesting context for studying conviviality.

The fieldwork for this research was carried out in Manchester and Barcelona between June 2012 and March 2013. The ethnography was initiated by participant observation with groups and organisations involving Polish migrant women (mainly Europia in Manchester, and the Catalan–Polish Cultural Association and Casa Eslava in Barcelona), which allowed the researcher to establish trust with and gain access to research participants. Narrative interviews were conducted with 20 Polish migrant women in Barcelona and 21 in Manchester, all of whom had entered Britain or Spain just before or after Poland joined the EU. The interviewees were mainly contacted initially through the groups with which I conducted the participant observation. The majority were young and educated to a university degree, especially those interviewed in Barcelona. Subsequently, snowball sampling was applied to diversify the sample. Through narrative interviews, the interviewees were able to unfold their stories and develop extended accounts over the course of the interview (Riessman 2002). The questions were formulated broadly but specifically with the interest of the research in mind. For instance, the questions ‘Tell me what happened when you arrived in Manchester/Barcelona’ or ‘Tell me about your experiences at work’ allowed the interviewees to tell their stories in their own way. The third method employed in this research was a focus group conducted in each city made up of five to six women previously interviewed. The participants were asked to bring photographs reflecting everyday situations in multicultural Manchester and Barcelona, which were then used to stimulate group discussions.

The narrative interviews were transcribed, summarised and coded manually to identify the main themes, and subsequently analysed as narratives (Riessman 2002). The data from the narrative interviews were cross-checked with the data from the focus groups and the participant observation. All participants were given pseudonyms. The empirical analysis in this paper is based on a person-centred approach through the use of cases. The cases were selected to illustrate a range of accounts about encounters in the workplace demonstrating various forms of conviviality.

During the research process I considered my positionality as a female Polish researcher studying Polish migrant women. Who the researcher is shapes how the interviewees behave and what they say. My positionality facilitated entering the field, establishing contacts and building rapport with the informants. However, the insider assumptions based on ethnicity and gender may obscure the diversity of experiences and viewpoints between and within various groups (see also Nowicka and Cieřlik 2014; Ryan 2015b; Valentine 2002). The encounters with my informants were highly dynamic, and multi-layered positionalities influenced the research process.

### **Workplace encounters in Manchester**

Previous research has established that many Polish migrants work in poor quality, low-skilled and manual jobs in Britain (Cook *et al.* 2011b). Since many Polish migrants are considered overqualified for the jobs they accept in the UK, some of these migrants believe they are ‘worse off’ than other ethnic minorities (Cook *et al.* 2011b). It is argued that such views arise because these ‘migrants see themselves as whites in a largely white country and expect to not suffer discrimination or even be in a privileged position in the job market’ (McDowell 2009: 30). In addition, Polish migrants have often been represented in some media and politics as an economic threat and have been blamed for job shortages, unemployment and strain on social services. This part of the paper aims to explore diverse and complex encounters experienced by the interviewees at their workplaces in Manchester, involving not only tensions and conflicts but also more meaningful forms of contact.

*Lucyna: the impact of anti-Polish discourse on relations at work*

Lucyna is a 34-year-old interpreter who came to Manchester in 2008. Her case illustrates how anti-immigrant rhetoric in the UK contributes to a general climate of resentment in the workplace. Her narrative about experiences at work mainly focused on how the negative discourse about Polish migrants in Britain influences her encounters with co-workers. She believes that these negative perceptions are adopted across social classes, as she has also been subjected to prejudiced comments by medical staff while working as an interpreter:

*I personally heard these types of comments from people from all classes and from different groups. For example, I had to deal with doctors when I worked for some time as an interpreter and they asked: 'How much do you earn?', 'Those Poles come over here and they don't learn English', 'I don't need you here, why did you come here? How much is the hospital spending on you?'. Especially when the economic crisis started, these situations became so notorious that I decided to quit that job.*

These attitudes are voiced despite the workplace being regulated by diversity and equality regulations under the Equality Act 2010, which aims to ensure that the workplace environment complies with the law (see also Valentine and Harris 2016). Ashe and Nazroo (2017) argue that racism remains a persistent feature of work life in Britain which disadvantages ethnic minority workers and they emphasise the inconsistency in the promotion of equality, diversity and fairness in workplaces (see also McGregor-Smith Review 2017).

The presumed whiteness has not exempted Polish migrants from discrimination in the workplace (see also Fox, Moroşanu and Szilassy 2012). The privilege of whiteness disappears once they start speaking. While whiteness allows a certain level of invisibility, Lucyna's foreign accent marked her as the Other:

*It sounds sad but if you don't speak, then everything is alright, because people are not entirely sure if you are Polish, or maybe English, because I am white. But it is obvious that as soon as I start speaking, you can tell that I have an accent and people straight away know and always ask this question: 'Where are you from?'.*

This illustrates an unstable racial positioning of Polish migrants and confirms Frankenberg's (1993: 21) argument that whiteness is always situated and temporary.

Lucyna's narrative illustrates how the negative discourse about Polish migration affects relations in a wider multicultural spectrum in the context of the workplace and leads to inter-ethnic tensions between some established groups and Polish migrants marked by dynamics of competition and conflict over jobs and resources. Lucyna told me she mostly experienced discrimination and prejudice by established ethnic minorities. She gave an example of how the negative rhetoric about recent Polish migrants affected her relations with female workers of South Asian origin who:

*questioned whether Polish people should be here. Before they were exploited (...) and now they were trying to show me that they have been here longer than Poles and this allows them to be treated better and now 'you have to go through what I have been through, and you will see how it is'.*

Lucyna believed that *these strained relations between the British and the Poles and other migrants result from the media manipulation of the image of the Poles (...) and this badly influences relations between people*. This narrative highlights how such rhetoric may lead to tensions between settled ethnic minorities and Polish migrants at work.

*Bogusia: in-between light-hearted and forced conviviality*

Bogusia is 37 years old and has completed vocational education. She arrived in Manchester in 2009 with her daughter while her husband had already lived and worked there. Bogusia got a job in the same hotel as her husband as a housekeeper. Upon her arrival in Manchester, she did not speak English and this prevented her from establishing contact with people in everyday situations. The workplace became the most significant place of interaction with people from different backgrounds. Bogusia's narrative about encounters at work begins with a description of positive relations with mainly white English co-workers. She is proud that they liked a Polish cake regularly prepared by her and her husband for parties and gatherings at work. This sociality promotes familiarity and gives co-workers an opportunity to interact, get to know each other better and to bond through interaction during work events.

Another important element of conviviality experienced by Bogusia is the use of Polish words and phrases by some of her work colleagues, demonstrating openness, negotiation and accommodation of difference:

*They learn silly Polish words so to speak, not only swearwords but useful Polish phrases too. For example, when I arrive at work I don't hear 'please' and 'thank you' in English but they say it in Polish. (...) It is nice that they want to learn and try to communicate with us. (...) The more time I spend with them, the more I feel at ease. I would like to have these kinds of relations with my neighbours, but there is no way because I think that they don't really want it, because they think 'They are Poles'. I can feel the difference in the way they treat us.*

Bogusia makes a clear distinction between encounters at work and in the neighbourhood, where conviviality is limited due to the negative discourse about Polish migrants. By contrast, positive relations at work characterised by some work colleagues adopting Polish phrases forms an integral part of everyday convivial culture, making her feel welcome and included. This narrative demonstrates how communication between Bogusia and her co-workers is facilitated by language-accommodating practices, acknowledging a minority language. Adopting phrases from a different language in everyday speech 'legitimises differences between people and their languages as part of everyday conviviality' (Heil 2014: 8). Thus, cultural differences may become important resources for conviviality at the workplace, facilitating positive relationships across difference. While Lucyna's case shows how Polish language can be seen as a burden and a foreign accent can become a marker of Otherness, Bogusia's example demonstrates that the minority language can also serve as a bridge between people.

The interplay between language and humour constitutes an integral component of everyday interaction among co-workers and helps them feel included, as observed in several narratives. Previous research has highlighted the importance of humour at work (Graham 1995; Holmes 2006; Holmes and Marra 2002; Wise 2016). However, jokes and banter, particularly in relation to foreign accents, have been reported as examples of racism at work (Ashe and Nazroo 2017). Several narratives in this research illustrated how humour and language differences became integral components of contact at work, facilitating more amusing but, most of all, inclusive and bonding interaction with co-workers beyond language and cultural barriers. The interplay between humour and language serves as 'the lighter touch, "cooler" qualities of conviviality that enables exchanges to happen through and across difference' (Neal, Bennett, Cochrane and Mohan 2013: 316).

Bogusia stressed that despite working as a housekeeper, she prefers to interact with the kitchen staff because they create a space with a 'family-like atmosphere' where she felt accepted. The family-like bonds point to a more meaningful form of sustained and deeper social relations: *They are not just friends, it is one big family.*



Apart from discussing relations with peer co-workers, a substantial part of the interview involved a narrative about Bogusia's relations with a black male supervisor which sharply contrasts with her experiences discussed above:

*There is one Murzyn [black man – ambivalent term] at work. (...) I work with him and I have a feeling, not as a result of his or my racism, but I am his slave. This time I am black and he is white. (...) He makes me work hard. (...) From him I only get orders and this is when my racism comes out. (...) I am telling you, I have nothing against him but I feel like I am his slave. (...) He is so lazy.*

Bogusia's narrative reflects previous research findings revealing that relations between Central and Eastern European interviewees and black supervisors often lead to tensions and demonstrations of power (McDowell, Batnitsky and Dyer 2007; Parutis 2011). This narrative illustrates how uncomfortable Bogusia was about finding herself in a subordinate position to and being given orders by a black supervisor. This positioning clashed with the idea of whiteness associated with a position of dominance and privilege. She reinforced preconceived notions of blackness associated with slavery and laziness. This demonstrates how deeply rooted racialised notions of blackness and whiteness can be in some migrants' consciousness. It is possible that conflicting relations have led to a sharpening of difference and racialisation (Fox 2013). The gender dimension is also important in shaping these encounters. Based on their research on migrant workers in the hotel industry, McDowell *et al.* (2007: 20) argue that 'racism mirrors the extreme segregation between jobs and makes solidarity at work harder to achieve', and they emphasise that the ethnic and gender divisions of labour are reinforced by limited contact between different groups in the hotel.

As a result of her conflictual relations, Bogusia felt reluctant about interacting with her supervisor, and this shows that humour does not always work:

*He sometimes tries to say something funny to keep the conversation going, but for me this is forcing a conversation, forcing a smile. (...) If there is nobody to talk to, he comes to me but I don't need to talk to him. I am nice and I say 'Hello, how are you?', but I don't start a conversation.*

This narrative shows an example of forced conviviality which I define as a form of coexistence marked by 'involuntariness of interaction' (Estlund 2003: 4) within the workplace. This means that people have little choice with whom they work and they can be 'forced to get along – not without friction' (*ibid.*). As seen in Bogusia's example, forced conviviality is characterised by superficial and limited involuntary interactions of a strategic nature. She has developed strategies in the form of everyday performances of forced encounters in order to get by (see also Datta 2009). Furthermore, legal frameworks of equality legislation in the workplace 'shape encounters through performances of civility' (Valentine and Harris 2016: 918). Despite exchanging civilities at work with her supervisor, Bogusia held prejudiced views and negative feelings. Forced conviviality is specific to particular workplaces where workers are 'forced to get along and get things done together not where we choose to do so' (Estlund 2003: 5) and where certain norms of behaviour are expected.

#### *Krysia: meaningful forms of conviviality in domestic work*

Krysia is the oldest research participant (51) with a lower level of education and very basic English language skills. For Krysia, the workplace also became one of the main sites of interaction with difference in terms of ethnicity, religion, class and age. When Krysia worked as a cleaner in the local cinema, her co-workers from various backgrounds were younger than her. She was surprised that her age and limited English language skills

did not prevent her from establishing convivial relations with them. As a self-employed cleaner, she mainly cleaned people's homes and offices. During the interview at her house, Kryisia pointed to a framed picture on the living room wall illustrating a Jewish family she worked for:

*Can you see this family? (...) I got this picture for my fiftieth birthday. (...) When I left the hospital, they called me and texted me. I don't remember how many 'get well' cards I received from them. It was very nice. I was in tears when receiving the cards, because it was hard to believe that they would treat a cleaner like this. (...) I wasn't well with my injured arm, I couldn't do anything, but when I heard the 'get well' wishes, that the children missed me and asked when I would return, I felt better. I also received greetings from others. They were also Jewish because this family told their friends about me and I got their trust. (...) Jewish people have Shabbat and their own customs as in any other religions and I have always respected it and I still respect it.*

Domestic work is often associated with the exploitation of migrant workers and the feminised and racialised character of its labour force. However, Kryisia's narrative shows that a strong bond grew between her and the household owners. Through domestic work, a private household becomes a space of contact with individuals from social groups with which Kryisia previously did not have any connection. Gutiérrez-Rodríguez (2010: 10) stresses that although migrant domestic workers and their employers come from different backgrounds and live in different neighbourhoods, 'in the privacy of the households, these two women meet and share moments of unprecedented intimacy. Moments of worries, anxieties, fears and joys are exposed, expressed and exchanged instating the affective encounters between these two women'. Kryisia's narrative confirms Gutiérrez-Rodríguez's portrayal of domestic work as affective labour involving the creation of emotional bonds and relational complexity within private households. Even though Kryisia and Bogusia had similar jobs (housekeeping), their experiences differed. Kryisia did not feel the need to assert her whiteness. Parutis (2011: 274) describes private households as facilitating 'personal interaction' and 'friendly relations' in comparison to other workplaces. She further stresses that during interaction in private households, house owners express interest in the lives of the domestic workers beyond the workplace and that this helps migrant women feel seen as individuals and even friends.

Kryisia's example of conviviality characterised by affection transcends a domestic work space through gestures of gift giving, phone calls, text messages and get well cards which demonstrate Kryisia's employers' sensitivity, compassion and affection in response to her illness. Her narrative illustrates the capacity to be mutually affective and establish meaningful convivial contact with the members of the household, as opposed to the perception of domestic workers as robots and subjects of exploitation (Gutiérrez-Rodríguez 2010).

### **Conviviality at work in Barcelona**

Spain did not open its labour market to the new accession countries until 2006 and Polish migration since then has been characterised by the arrival of young and educated migrants from bigger cities. Their employment often matches their qualifications or serves to improve them, in a sharp contrast to the disadvantaged labour market position and deskilling often experienced by Polish migrants in Britain. They are often referred to as a model of a well-integrated migrant group in Spanish society (Nalewajko 2012). Also, my research results confirm Nalewajko's (2012) argument that Polish migrants in the Spanish context are hardly associated with anti-immigrant rhetoric, again in sharp contrast to the negative discourse about Polish migrants in Britain.

Unlike Britain and other European countries, Spain, including Catalonia, has not seen a significant backlash against immigration, even though an economic crisis significantly affected the country and led to high levels

of unemployment (Arango 2013). The economic crisis does not seem to have had a significant impact on intercultural relations (Giménez Romero and Lobera 2014). It is also important to stress the significance of the Catalan context with a strong emphasis on *convivencia* as part of a political strategy towards diversity shaping social relations. However, while there is an emphasis on respect for difference in Catalonia, the issue of socio-economic inequalities experienced by non-European migrants and minorities was raised by several interviewees.

This part of the paper explores three different narratives of encounters at work in Barcelona illustrating workplace friendships, highlighting the importance of working together as equals and the limitations of contact with difference as a result of ethnic stratification of the labour market.

#### *Eliza: openness to difference and workplace friendships*

Eliza is 32 and arrived in Barcelona in 2005. Initially, Eliza experienced difficulties in finding a job as a result of restrictions imposed on the new EU members in 2004. When the restrictions were lifted in 2006, she realised that she had many more employment possibilities due to her English and Spanish language skills. She got a job at an international charity organisation and worked there for five years as an office worker. Eliza established positive relationships with people at work, although she stressed that these relations were not ‘typical’ as they differed from everyday relations with people in Spain:

*My position at work was not typical and it does not illustrate the situation in Spain because the organisation was very international, multicultural. (...) My Spanish friends were always telling me that I live on a rose-tinted planet, that what happens at my work does not take place at a normal workplace. (...) There were people from all over the world speaking different languages (...) and the relations between us were very good because there was a strong emphasis on team work and a positive work climate.*

Although little is known about the organisational factors that impact social relations at work, Eliza’s narrative demonstrates that the environment and the type of workplace are important characteristics shaping relations with co-workers. By joining the charitable organisation she worked for, employees were expected to commit to its values and principles and follow their professional code of ethics with respect for the cultural traditions and religious beliefs of others. By employing people from different ethnic and cultural backgrounds and emphasising the importance of teamwork and a positive working atmosphere, the supranational organisation facilitates an environment that fosters workplace relationships. The positive relations and work climate discussed by Eliza differ from the hostile working environment experienced by Lucyna.

Eliza’s narrative demonstrates the absence of stigmatisation of Polish workers in her workplace, contrary to Lucyna’s case:

*I often used to go to work with a smile on my face and I have never felt that I was an immigrant and that because of that I earned less or that a Spaniard was better treated than me. Sometimes it was quite the opposite. I thought that I received a preferential treatment.*

Favoured treatment of Polish migrants by Spanish employers compared to other migrant groups is also reported by Nalewajko (2012), who claims that it is a result of assumed cultural proximity between Polish migrants and Spaniards, which makes them feel more welcome than other groups. Nalewajko (2012) and Ramírez Goicoechea (2003) stress the invisibility of Polish migrants in Spain and suggest that in the Spanish imaginary they are not considered as a problem in contrast to Moroccans, *gitanos* (Gypsies) or, as Eliza noticed, South Americans.

Like some other interviewees in Barcelona, Eliza was aware of discrimination experienced by other ethnic minorities and their absence in public positions contrary to the super-diverse workforce in Britain:

*I realise that there is a lot of discrimination, even in Barcelona, because I have many South American friends who were discriminated in employment. (...) In Great Britain you can see an Indian doctor or a bus driver from Pakistan, but in Barcelona, Pakistani minorities (...) don't have access to this kind of public position. The Catalan language is an additional barrier.*

These structural factors limit possibilities of conviviality at the workplace. Eliza's narrative illustrates how certain groups of foreign origin labelled as 'outsiders' tend to be pigeonholed in marginal spaces of the labour market. These dynamics result in a segmentation of the labour force based on ethnic criteria and often intersecting with gender, regardless of non-EU migrants' education levels, skills and work experience (Colectivo Ioé 1998; Solé and Parella 2003). Despite the anti-discriminatory legislation in Spain, the discourse of 'preference based on nationality' is still present. In this case, the Others are certain groups characterised by certain nationalities and ethnicities, particularly non-whites and non-Europeans from the so called 'South' (Colectivo Ioé 2000). In contrast, the whiteness and Europeanness of Polish migrants in Spain become an advantage. This is contrasted with their experiences in Britain where they can be perceived as 'less white'. Although the interviewees in Barcelona were aware of this preferential treatment and privileged position, most of them did not explicitly discuss whiteness; possibly because it was considered as something natural and taken for granted (Ryan 2010).

One of the most significant aspects identified in Eliza's narrative about encounters at work are workplace friendships:

*Until now, some of my good friendships were made at work and I was always able to count on them. For example, a year ago I moved to another flat in Barcelona. (...) It was unfurnished and I only asked at work if anyone had some furniture, and they started bringing everything they had from their homes (...) so basically everybody offered some kind of help.*

This example highlights the importance of friendship as a possible outcome of conviviality at the workplace. Previous research discusses workplace friendships (Rawlins 1992; Sias and Cahill 1998) characterised by 'voluntariness' since they develop by choice (Ryan 2015a; Sias and Cahill 1998). This distinguishes workplace friendships from forced conviviality marked by obligatory ties as described in Bogusia's example.

Eliza's narrative about turning to her co-workers for support after she moved to an unfurnished flat demonstrates that life events influence workplace friendships. This finding is consistent with previous research suggesting that co-workers often become a valuable source of support when individuals deal with important events in their personal lives (Ryan 2015b; Sias and Cahill 1998; Sias and Gallagher 2009). The practical support offered by Eliza's friendly co-workers transcends the workplace setting and demonstrates how the line between the workplace and personal life may blur. This contrasts with the argument that relationships formed at work hardly translate into other spaces (Harris and Valentine 2016). Ryan (2015a) stresses the importance of temporal and spatial dynamism, indicating that the relations do not necessarily remain the same over a period of time. She further argues that ongoing mobility can impact on whether or not friendship ties are sustained. Eliza's narrative indicates that some of her workplace friendships continued even though her employment ended.

*Irena: workplace conviviality blurring ethno-religious boundaries*

Irena is a 28-year-old part-time PhD student and product engineer. Although Irena had some contact with people of different ethnicities in her home city in central Poland prior to arrival in Barcelona, she stressed that *it was strange to see a black person because in Poland immigration is not very high*. When she arrived in Barcelona in 2009, Irena was very surprised with the super-diverse population. She compared her fascination with difference to that of a child visiting a shop with sweets for the first time.

Irena's narrative mostly focused on acquaintances made at the workplace considered as the main place of everyday interaction in comparison to other places of encounter:

*I've had this job since May, this is not a very long time so I can't say yet that they are my best friends. Sometimes we go for dinner, but nothing other than that. When I worked at the university we used to go out together. It was a larger circle of friends. (...) You spend eight hours with a person from a different culture you have no idea about. At work you don't always work, you talk, go for a coffee or do other things. This gives you the opportunity to get to know the other person and if not at work then where?*

The length of time of working together becomes a significant factor shaping Irena's experiences of conviviality at work and beyond the workplace. She stressed the importance of time spent with co-workers and socialising over coffee or lunch as a way of getting to know them as individuals. This socialisation takes place at work, during breaks and outside of the workplace. The theme of work-based relations not being confined to work-based activities runs through all the cases discussed in this paper.

Habitual contact at work allowed Irena to look beyond the ethno-religious differences of Muslims, often stigmatised in Spain:

*If you can see that I work shoulder to shoulder with a Muslim man or woman, and she does exactly what I do, and she is treated exactly the way I am, I start treating her the same way too. (...) You see, she wears a burka, or however you call it, but she works with me. She is a scientist. She is a normal human being like you and me. (...) This is a chance to get to know her and her culture.*

The theme of veiled Muslim women was frequently mentioned during the interviews and in the focus group in Barcelona, while this issue was hardly discussed by the research participants in Manchester. Some interviewees were fascinated by veiled Muslim women, while others discussed the veil as a symbol of oppression by the Islamic religion and culture. The rhetoric of the headscarf in the informants' narratives in Barcelona may have been influenced by anti-Muslim discourse in both Spain and Poland, according to which gender is one of the categories through which Islamophobia operates (Narkowicz and Pędziwiatr 2017; Rzepnikowska 2016b). However, Irena's narrative illustrates how boundaries along ethno-religious lines become blurred through everyday interaction at work (Rzepnikowska 2016a). The construction of Otherness, based on assumptions that the Other is 'not quite human' (Harris *et al.* 2017), is deconstructed through everyday workplace interaction. Irena realised that she shares a common humanity with her co-worker who initially was perceived solely through an ethno-religious lens. Furthermore, the equal status, in this example shared between Irena and her colleague, is one of the key conditions under which contact between different groups and individuals can occur in order to foster positive relations (Hewstone 2003). It is the perceived similarity which can have a profound impact on relationship development at work (Sias and Cahill 1998). This example demonstrates an emergence of workplace relationships encompassing both similarity and difference (Andrew and Montague 1998).

Like Eliza, Irena stressed the specificity of her workplace in comparison to low-paid and low-skilled jobs often occupied by non-European migrants. Irena was aware of the limited possibilities of contact with people from different cultures at the workplace as a result of inequalities in employment based on ethnicity:

*Today, if you see that people from South America mostly work in bars (...) and in grocery shops you usually see Pakistani or Chinese people [pause] then they are not seen in the same way. Also, you can't see them in politics and in public offices. There is a lack of possibility to work with them and to get to know them. The first step is for the employer to treat everyone equally, and then you have a chance to get to know others. (...) These people are not treated fairly; they are not given equal chances to get a better job.*

While anti-discrimination law is considered the UK's greatest area of strength, it is one of Spain's weakest policy areas (Niessen, Huddleston and Citron 2007). The Council of Europe (2011: 5) suggests that a specific recruitment strategy should be implemented in Barcelona 'to ensure that the ethnic background of public employees reflects the composition of the city's population'.

#### *Dorota: women's friendships at work and beyond*

Dorota is 36 and completed secondary education in Poland. Before she got divorced, she was limited to the domestic domain as her husband wanted her to adopt traditional gender norms, to be a housewife and look after the family. After the divorce, Dorota had to find a job to support herself and her son financially. The workplace became a place of new acquaintances and friendships with co-workers: *It was like a waterfall where I could meet people from different cultures*. Dorota mainly talked about convivial relations with Spanish and Catalan female co-workers. Dorota was not only fascinated by their lifestyle but she also identified with them. This was reflected in her discussion of liberation from the oppressive husband, and of contemporary Spanish women freed from the past of the oppressive Franco regime:

*I started going with them to parties. (...) I saw how they think and, as they say, las españolas llevan los pantalones, that it is the Spanish woman who wears trousers in a relationship, that it is the Spanish woman who decides whether she wants to get married, have children or not, that she will do whatever she wants, and so on. Today the Spanish woman doesn't want to have anything to do with the past of her mother or grandmother who was kind of imprisoned by the Franco regime. (...) In the meantime, when I worked there when I was a divorcee, when my husband could not gag me at home [laugh], I went out to people with freedom, as I am, because he wanted a quiet kind of woman who wouldn't talk or laugh too much. (...) But after the divorce my situation changed. I got a job and started interacting with Spanish women. It was a new world for me.*

Dorota's identification with Spanish and Catalan women underpins the processes of workplace relations formation, a possibility of experimenting with a new lifestyle and a way of distancing herself from the previous experiences of a housewife. Furthermore, convivial workplace relations with Spanish and Catalan women were also shaped by the nature of her workplace with roles that are still gender-specific.

Several other research participants highlighted the importance of friendship with other women. Ryan (2015a) points out that in her research on network formations of highly qualified Irish migrants in Britain, most of the women had largely female friendship groups. For Dorota, socialising with female co-workers was possibly a way to challenge social control (O'Connor 1992). This contributes to the argument that women's friendships may serve to challenge patriarchal practices (Andrew and Montague 1998).

While in the British context, workplace relations with the native population were sometimes marked by tensions resulting from the negative discourse about Polish migrants, as seen in Lucyna's case, Dorota's narrative illustrates that her ethnicity was not an obstacle to forming workplace relations with Spanish and Catalan women. It is not only a perceived cultural proximity between Polish migrants and Spaniards/Catalans (Nalewajko 2012), but also the importance of gender shaping these relations.

Even though Dorota was made redundant and had to look for a job elsewhere, at the time of the interview she was still friends with some of the women from work. As discussed in Eliza's example, ongoing mobility does not necessarily lead to a breakdown of friendships made at work. To explore how these friendships are sustained would require longitudinal research over a longer period of time.

## Conclusions

This paper examined examples of conviviality by exploring narratives about under-researched workplace relations. As illustrated above, migrants spend a large proportion of their time at work and one cannot avoid interacting with others. The narratives revealed complex encounters with difference at work demonstrating various forms of conviviality.

Humour and language differences may become integral parts of convivial culture at work, facilitating not only playful but also inclusive and bonding interaction. Ethnic and cultural differences become less important in the context of more meaningful workplace relations and friendships based on deeper social bonds, care and respect for difference. Nevertheless, the workplace can also be a place of conflict and tensions between different groups and individuals, characterised by hostility, prejudice and racism. When conflicts at work arise, whiteness may be asserted and differences racialised. Some interviewees openly spoke about their whiteness and expressed prejudice, as observed in Bogusia's case in Manchester; yet in Barcelona, the interviewees hardly mentioned it in discussions about workplace relations. This could be due to a different profile of Polish migrants in the two cities. Nevertheless, as Ryan (2010) argues, whiteness might not be explicitly discussed because it is assumed as natural and therefore taken for granted. Leitner (2012: 837) stresses that 'more educated and well-off whites are better able to control forms of racial signification than are working-class whites'.

Despite conflict and tensions, migrants may use survival strategies to get by, as manifested in examples of 'forced conviviality' characterised by involuntary and superficial interaction. Workplaces usually have rules and regulations with regard to diversity and equality. Therefore, employees are expected to be convivial, although they may hide prejudiced views in fear of disciplinary action (Valentine and Harris 2016).

The paper has illustrated that the type of workplace and equal status may influence relationships with people at work. Equal status shared between co-workers in a non-competitive working environment seems to aid conviviality at work, while power hierarchies, especially between the established ethnic minorities and new arrivals, may result in tensions. The time-varying factor might influence the experiences of conviviality since the longer the time of employment, the more opportunity there is to get to know co-workers and establish friendships. The narratives of Eliza, Krysia and Irena stressed the spatio-temporal character of conviviality, with possibilities of establishing more meaningful relations over time and beyond the workplace, but this would require further research over a longer period of time. The role of gender was particularly important in the narratives of Bogusia and Dorota. While in Bogusia's case, gendered divisions of labour combined with racialised discourses negatively impacted on relations with a black male supervisor, in Dorota's example, convivial workplace relations with Spanish and Catalan women were partly shaped by the gender-specific nature of her workplace.

Experiences of conviviality at work are highly contextual. In the British context, the portrayal of Polish migrants as invaders stealing jobs, as discussed in Lucyna's case, may seriously harm their relations with the

local population likely to adopt opinions and stereotypes repeated over a long period of time. In the light of Brexit, this may lead to further divisions along ethnic lines and discourage minority groups from actively interacting with others who use a discriminating rhetoric. As highlighted in McGregor-Smith Review (2017: 6), ‘employers need to act fast and ensure that outdated and offensive views or behaviours are not tolerated’. In contrast, in the Spanish context, there is an absence of such negative discourse about Polish migrants. They are seen as skilled, well-educated and culturally close to Spaniards and Catalans mainly due to assumed whiteness, Europeaness and Christianity. Nevertheless, the narratives illustrated that ethnic stratification in the Spanish workplaces may lead to limited contact with non-whites and non-Europeans. However, occupational segregation affecting ethnic minorities is not unique to Spain. Hence, there is a need for a more representative workforce and more inclusive workplaces.

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# Detention of Minors in EU Return Procedures: Assessing the Extent to Which Polish Law Is Reflective of the EU Migration Regime and International Human Rights Standards

Agnieszka Maria Biel\*

*The Return Directive allows for the detention of minors during removal proceedings, but only as a ‘last resort’, for ‘the shortest appropriate period of time’ and with the primary consideration of the ‘best interests of the child’. While the Directive attempted to provide some safeguards to minors, these are undermined throughout, as the enforcement of such provisions depends significantly on their incorporation into domestic law. I provide an overview of the EU detention policy, map the existing domestic law framework in light of the benchmarks set out by the Directive and human rights instruments, and argue that there is a lack of consistency in the case study of Poland. In doing so, I analyse the limitations to detaining minors in light of the human rights treaties, of the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights, and of the role of the monitoring body – the Committee on the Rights of the Child. In discussing the different types of jurisprudence, I illustrate how different bodies speak with the same voice on the detention of minors. Based on these findings I attempt to contribute to the policy debate on how to reconcile and balance the implications of two policy objectives affecting irregular migrant children - the protection of minors and immigration enforcement. I identify detention policy aspects, for which the legislation should be further harmonised, and I develop models of good practices based on other Member States’ practices, thus providing a set of policy recommendations to the Polish legislator as to what fair and effective irregular migration governance might entail.*

*Keywords: forced migration; irregular migration; Return Directive; vulnerable minors; children’s rights*

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## Introduction

### *Subject matter*

Over the past ten years, irregular migration has become a priority issue for EU migration policy. A growing number of third-country nationals in irregular situations crossing EU borders was the main reason and a key objective of the EU and its individual Member States for adopting a suitable approach for returning migrants to their home countries.

In December 2008 an impressive body of EU law was produced by the European Parliament and the Council – the Directive 2008/115/EC (Return Directive). The Directive has received a great deal of criticism for its excessive focus on ensuring the effective removal of migrants and its lack of attention to the protection of fundamental human rights. One of the furthest-reaching interferences of these rights is the placing of an immigrant in the pre-departure detention. Cornelisse (2010: 4) describes the mechanism as “deprivation of liberty under administrative law for reasons that are directly linked to the administration of immigration policies”, specifically ‘the administrative detention of individuals on account of the lack of state authorisation for their presence on national territory’. Particular criticism has been addressed towards the possibility of detaining minors. While the Directive attempted to provide some safeguards to minors based on international instruments, these are undermined throughout, as the proper application of EU law depends primarily on the correct and effective transposition of common rules into national legislation (Council Resolution, Council of the European Union 1995).

The detention of irregular migrants has increased significantly in the face of the current crisis. It is important to understand that this increase is not only due to the growing number of arrivals in Europe, but more importantly due to the policy and political decisions that come as a result of an obstructive attitude by Member States towards migrants. Despite the detention being universally accepted under EU and international law as a measure of last resort, many States gradually use the mechanism as a deterrent for migrants. In this paper I aim to show that the legal framework governing the use of detention under EU law and international human rights standards is precise and accessible, and that the practice of immigration detention imposes the obligation to preserve the rights of migrants, which in turn may undermine the territorial basis of sovereignty.

Despite the appropriate legislations that are in place, many Member States consider the entry, stay and return of third-country nationals from their territory as falling under their sovereign power of control. It is therefore the national detention policies that are ambiguous and leave migrants open to abuse of their fundamental rights. Such a lack of transparency can be observed in the current Polish regime, where laws and regulations are insufficient, leaving too much discretion to immigration officials (Parliamentary Assembly of the Council of Europe 2010).

### *Justification for the study*

The facilitation of the return of irregular migrants entails important challenges for the protection of human rights in EU and its Member States. As rightly pointed out by Pétin (2016: 93), States do not have *carte blanche* in this field. Many factors should be considered when assessing the proportionality of detention and it should be done on a case-by-case basis. In (App. No. 28973/11) *Z. H. v. Hungary*, the European Court of Human Rights (ECtHR) recalled that ‘any interference with the rights of persons belonging to particularly vulnerable groups (...) is required to be subject to strict scrutiny, and only very weighty reasons could justify any restriction’ (para. 29). Vulnerability is, therefore, a major factor that must be considered before ordering detention and a key factor in the assessment of the arbitrariness of a detention measure.

The European Commission stated in its Communication (EC 2014: 21) that the Return Directive has positively influenced the laws of the Member States. The contradictory view was presented by the Parliamentary Assembly of the Council of Europe (2014: 3) which in its recently issued report expressed concerns that, despite improvements in legislation, thousands of minors are still being detained annually, which is a clear unequivocal child rights violation. The Commissioner for Human Rights (Council of Europe 2015) called on those States to address current shortcomings in the system with regards to vulnerable minors and emphasised that ‘children should not be subjected to immigration detention, whether with or without their families’.

The Polish legislator nevertheless fails to implement the European and International standards correctly. Of course, in the lack of a preliminary reference made by the Polish Tribunal, or when an individual complains that it would have been taken further by the European Commission, this observation still lacks the background required to be able to make a judgement on the situation. However, shortcomings in the system can be seen, even in the light of recent events. In November 2014, the Association for Legal Intervention (2014) issued a paper warning the Polish government that the Act on foreigners fails to provide remedies against detaining immigrant children in guarded facilities. Also, the coalition of non-governmental organisations (NGOs) has been campaigning for several months to seek alternative measures to supervise the stay of children and parents in Poland (Helsinki Foundation for Human Rights 2012b). While the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) have given considerable attention to detention in the return procedures, both still have not approached the Polish government and its law which clearly is in breach of the Return Directive and human rights standards. The actions taken by the NGOs come as a sign of the unease that detaining minors is causing among human rights activists and also now among international institutions. For these reasons, the detention of minors is perceived as a current and relevant issue and possibly the biggest human rights grey area in Europe.

### *Methods of analysis*

In this paper I will primarily analyse the limitations of detaining minors in light of the human rights treaties, namely the EU Charter of Fundamental Rights (Charter), the European Convention on Human Rights (ECHR) and the UN Convention on the Rights of the Child (UNCRC). In doing so, I will consider the relevant jurisprudence of the CJEU and the ECtHR, and the role of the monitoring body, the Committee on the Rights of the Child (CRC). I will then examine the legal situation of minors in Poland through the prism of children’s fundamental rights. What I have discovered is a huge gap between the Polish legislation and the standards dictated by the Return Directive and human rights instruments. I will explore the widespread failure in Poland to apply universally agreed principles to children who are in detention today. I will then identify detention policy aspects, for which the Polish legislation should be further harmonised. Finally, I will develop models of good practice based on other Member States’ practices, thus providing a set of policy recommendations to the Polish legislator as to what fair and effective irregular migration governance might entail.

The analysis consists of two elements: firstly, desk research was undertaken, concentrating on European, national and international legal documents, as well as case law. Reports and documents by international governmental and non-governmental organisations, as well as articles and books on the subject, have also been used. Secondly, the study visit I participated in at the Ministry of the Interior of the Republic of Poland at the Migration Policy Department (Warsaw, Poland) has contributed to a better understanding of the subject and has helped to provide some practical suggestions and shape my thinking on the problem. Finally, my experience gained through working for the Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) at the European Parliament (Brussels, Belgium) has allowed me to gain insight into the most recent

developments in the field, including the latest work of the European Commission, the Council and the Parliament, and provided me with extensive up-to-date documentation that has particularly been helpful in writing this paper.

## **Setting the context**

### *Definitions*

Defining who is a migrant in an irregular situation and who is a ‘child’ is not straightforward. If one takes the definition adopted by the International Organisation for Migration (IOM 2004: 34) as a starting point, an irregular migrant is ‘someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country’. A common framework for identifying irregular migrants has also been established by the Return Directive, as ‘the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State’ (Article 3(2)). Based on these two definitions, irregular migration may constitute an administrative offence; however, irregular migrants are not criminals per se, and therefore should not be treated as such. Irregularity is simply a condition of movement that depends on whether that movement is targeted for control by national, international and/or transnational agencies.

Combining the two above definitions, ‘minors’ in irregular migration will refer to children, individuals under the age of full legal responsibility, whose lives are affected by an irregular migration status. There is, however, at least one key difference between minors and adult migrants. Minors are more vulnerable, and the Return Directive has called on national authorities to create for them special exception to immigration law and procedures.

### *Counting the uncountable*

Measuring irregular migration in practice amounts to counting the uncountable as irregular migration is not only a complex legal term but also one of the most elusive migration populations. Children have always been part of migration flows, yet there is virtually no official data and no reliable EU-wide estimates of the percentage of the number of minors that are being detained in Europe annually. Cornelisse (2010: 7) has emphasised how difficult it is to obtain reliable figures when attempting to present an overview of the use of immigration detention by Member States: ‘if states do keep statistics, they are often rather reticent to make them available to the public’.

The analysis of reports from UN agencies and reputable NGOs indicates that minors continue to be routinely detained. Based on the recent report published by the Global Detention Project (2015: 24–25), the largest number of minors in detention in 2015 have been reported in the Netherlands (402), the United Kingdom (222), Switzerland (177) and Poland (177). The scale of the use of detention of minors in Poland is also shown by the statistical data made available by the Border Guards and published by the Rule of Law Institute (Sieniow 2016: 53). Within the report, minors are slightly understated, with 159 being detained in Polish detention centres in 2015.

## **Legal analysis of the detention mechanism under the Return Directive and the jurisprudence of the Court of Justice of the European Union**

According to Eurostat (2016), in 2015 between 400 000 and 500 000 immigrants were ordered to leave the territory of the EU because of their irregular status. Within these estimates, only in 36 per cent of cases was the return decision effective and migrants were sent back to their country of origin. The Directorate-General of Migration and Home Affairs of the European Commission (2016) argues that these numbers raise the necessity of an effective and humane return policy within a comprehensive migration regime, and that the laws of the Member States do not contradict a more open migration policy. In the view of this Directorate, ‘ensuring the return of irregular migrants is essential in order to enhance the credibility of policies in the field of international protection and legal migration’.

### *Detention under the Return Directive*

Standards and procedures applicable to individuals who are subject to return decision are now regulated by Directive 2008/115/EC. The key elements of harmonisation were to seek a more sustainable approach for returning migrants, particularly through offering them assistance to return voluntarily (Cherti and Szilard 2013: 3). The Directive provides for clear, transparent and fair common rules for the return of migrants, the use of coercive measures and detention, while fully respecting the human rights of irregularly staying individuals (Directorate-General of Migration and Home Affairs 2016). These rights can be derived from the Directive directly, and invoked in proceedings before national courts. The procedures applied in Member States must be, therefore, in accordance with fundamental rights as general principles of Community law as well as international law, including human rights obligations (Article 1).

The Directive establishes that detention should only be used as a measure of last resort. Member States may only detain an immigrant ‘who is a subject of return procedures in order to prepare the return and/or carry out the removal process’ (Article 15(1)). This applies particularly in cases where there is a risk of absconding (Article 15(1)(a)), and where the migrant avoids/hampers the preparation for return or the removal process (Article 15(1)(b)). While Article 15(1) provides that ‘detention shall be for as short a period as possible’, Article 15(5) and (6) allow for detention up to six months, with the possibility of extension for another 12 months if the migrant refuses to cooperate with the national authorities of the host state (Article 15(6)(a)), or where there are delays in obtaining the necessary documentation from third countries (Article 15(6)(b)). When it appears that a reasonable prospect of removal no longer exists, under Article 15(4) detention ceases to be justified and the person concerned should be released immediately. Detention ordered by administrative authorities should be subject to ‘a speedy judicial review’ (Article 15(2), (3)). The Directive also stipulates measures concerning the conditions of detention. These provide that detention should always take place as a rule in specialised detention facilities (Article 16(1)). The exceptions are situations where national authorities are faced with an ‘exceptionally large number of [third-country nationals]’, which places an unforeseen heavy burden on the capacity of the detention facilities of a particular Member State. In such circumstances, the Member State is allowed by Article 18(1) to extend periods for judicial review and derogate from the rules on the condition of detention, provided the Member State informs the Commission (Article 18(2)).

### *Selected jurisprudence of the Court of Justice of the European Union*

In an attempt to make the legal framework clearer, the CJEU has been called upon to interpret the Directive’s provisions. In C-357/09 *Kadzoev*, the Court emphasised that pre-removal detention may not exceed the time



after expiration of the maximum length (paras 37, 54, 61), and that it ceases to be justified when it appears that a reasonable prospect of removal no longer exists (para. 63). According to the Court, the Directive lists exhaustively the reasons which can justify extending the initial six-month limit on detention up to the absolute 18-month limit. Consequently, Member States cannot invoke grounds of public order or public safety for detaining a person under the Directive and for refusing to release that person immediately, once the 18-month period has expired (para. 70).

The judgment in C-61/11 *El Dridi* developed the theme *Kadzoev* only hinted upon, that Member States have to carry out the removal procedures in a way which does not frustrate the Directive's aim of returning irregular immigrants as smoothly as possible. In doing so, the Court clarifies the difference between criminal detention and pre-return detention: 'it is only where, in the light of an assessment of each specific situation, the enforcement of the return decision in the form of removal risks being compromised by the conduct of the person concerned that the [Member State] may deprive that person of his liberty and detain him' (para. 39). The Court emphasised that Member States' national law cannot be of a type that jeopardises the achievement of the aims pursued by EU directives (paras 55–59), and that detention is a measure of last resort which may be taken as a preparatory step to removal (paras 40–43). Thus, the Directive prevents national authorities from punishing migrants with imprisonment for failure to comply with a deportation order (Hatzis 2013: 9–10). Rather, they should 'pursue their efforts to enforce the return decision' (para. 58).

The judgment in C-329/11 *Achughbabian* complements this jurisprudence and specifies that national authorities are required to act with diligence and take a position without delay to verify whether a third-country national is an irregular migrant. Once it has been established that the presence is illegal, the authorities must adopt a return decision (para. 31). As explained by the Court, the objective of that procedure is 'the physical transportation of the person concerned outside the [Member State] concerned' (para. 35), and it should take place 'as soon as possible' (para. 45). According to the Court, detention must substantively comply with the fundamental rights contained in the ECHR and the Charter (para. 49).

Like the three acts of a play, these judgments form a trilogy that are played on the EU law stage and provide a much-needed clarification of the rules of detention of irregular migrants. Later judgments illustrate the Court's further attempts to clarify the imposition of detention under the Return Directive. In C-534/11 *Arslan*, the Court explained that the examination of extension of the initial period of detention by national authorities must rely on a case-by-case assessment of all the relevant circumstances (paras 62–63). In C-146/14 *Mahdi* the Court goes even further and explains that the decision about the extension should be made after precise analysis of the circumstances of the specific case, as it may be possible that the irregularly staying third-country national may instead be subject to a less coercive measure. National authorities should, therefore, rule on all relevant factual and legal matters, which entail an in-depth examination of the facts specific to each individual case. This is required so as not to render the obligation under Article 15(3) meaningless, and hence deprive it of its effectiveness (paras 61–64).

The Court also clarified the concept 'lack of cooperation by the third-country national', meaning that delays and difficulties the third-country demonstrates in issuing the documents necessary for the removal, cannot be blamed upon the individual (para. 58). Thus, the lack of identity documents, in itself, cannot be a ground for extending detention. Otherwise this would encourage automatic detention – practices which the Directive tries to eliminate. As Advocate General Sharpston opined regarding C-554/13 *Zh. and O.* (para. 93), 'seeking to minimise administrative inconvenience is not a valid reason for avoiding assessing cases in accordance with the more nuanced system required under the Directive'. The Court referred to Recital 6 to strengthen this point that any decision taken under the Directive must be based on objective criteria and adopted on a case-by-case basis (para. 70).

Consequently, national courts are obliged to scrutinise carefully the factual matters in line with the clear guidelines provided by the Court of Justice. In consonance with the opinion of Advocate General Maduro in C-281/06 *Jundt*, it is indeed a ‘trite law’ ‘that even where a [Member State] is regulating an area that falls within its exclusive competence it must do so in a way that is consistent with the Treaty and, especially, with the fundamental freedoms’ (para. 28). *Mahdi* was the first occasion when the Court explicitly referred to the dignity of the person when discussing the objective of the Directive with regards to removal and the need for the national courts to consider the case law according to the ECtHR in this regard (Article 52(3) Charter). This ruling is therefore protective of the rights applicable to those in detention. Furthermore, in line with the judgment in C-430/11 *Sagor*, the Directive was not designed to harmonise in their entirety the national rules, but ‘to establish an effective removal and repatriation policy’ (para. 31). Correspondingly, the national legislation can be adopted by a Member State in a way that will discourage irregular migrants from entering and remaining on its territory. It cannot be, however, of a type that jeopardises the achievement of the aims pursued by the Return Directive and fundamental human rights.

#### *Minors under the Return Directive*

Minors are defined by Article 3(9) as falling under the category of ‘vulnerable persons’. The Directive provides the possibility to detain unaccompanied minors and families with minors as a ‘measure of last resort’ and for ‘the shortest appropriate period of time’. Families detained pending removal should be provided with separate accommodation guaranteeing adequate privacy (Article 17). The text numerously clarifies that Member States are obliged to take the ‘best interests of the child’ as a primary consideration in the context of detention of minors (Articles 5, 10), and to provide for safeguards pending return (Article 14).

While we are still awaiting the full case on the issue of detention of minors to come before the Court of Justice, Advocate General Bot cursorily noted in his opinion regarding C-473/13 *Bero*, C-514/13 *Bouzalmate* and C-474/13 *Pham* that, with regard to minors, detention is, in principle, always an exceptional measure (para. 48). It is therefore ‘having regard to that information and to the requirements of the Directive and of [human rights] that it is necessary to examine whether the application of such regimes to migrants in detention pending their return observes the rights that are conferred on them in the [EU]’ (para. 49). The Advocate General notes that minors are particularly vulnerable and require particular attention on the part of the authorities because of their condition, age and state dependency, ‘concerning which neither the legislature of the Union, in Article 17(2) [Return Directive], nor the [ECtHR], in its case law, is prepared to compromise’ (para. 111). Advocate General Bot has additionally reasoned in the latter case C-562/13 *Abdida* that Member States must ensure that minors are granted access to the basic education system and that the special needs of vulnerable persons are taken into account (para. 128).

### **Detention mechanism in light of human rights instruments and the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights**

#### *The Charter of Fundamental Rights of the European Union*

The Charter is a legally binding instrument that brings together the fundamental rights protected in the EU (Ferraro and Carmona 2015: 10). The scope of application of the Charter, as defined in Article 51, is that its provisions are addressed to the EU institutions and bodies and, when they act to implement EU law, also to

the Member States. Thus, the Charter does not bind States unless they are acting to implement EU law (C-309/96 *Annibaldi*, paras 21–23).

The Charter guarantees the protection of minors' rights in Article 24. Within the context of EU law and policy, the principle of the best interests of the child underpins all EU activity (House of Lords – European Union Community 2016: 13). As such the provision has general application to any field of EU law where minors may be affected, including migrants' detention (Lamont 2014: 678). In accordance with Article 24 minors 'have the right to such protection and care as is necessary for their well-being'; their best interests must be a primary consideration in 'all actions relating to children, whether taken by public authorities or private institutions'; and every child has 'the right to maintain on a regular basis a personal relationship and direct contact with both his/her parents, unless that is contrary to his/her interests'.

Although the Charter does not allow for cases to be brought directly before the CJEU, research shows that between entry into force of the Charter and the end of April 2016 the CJEU has made reference to or drawn on provisions of the Charter in 395 judgments. Article 24 specifically has been quoted in 20 of these judgments. In fact it was the earliest of the Charter's rights that has been referred to directly by the Court. The initial inclusion of Article 24 suggests a shift to minors as independent rights holders within the EU, rather than objects of EU law. The approach that the Court has taken in its interpretation illustrates the Article's powerful nature and how it should now be considered as an EU law. A proper understanding of this provision therefore requires a proper understanding of the Court's jurisprudence.

*Right to family reunification of minor children of third-country nationals: Directive 2003/86/EC – Family Reunification Directive.* The first opportunity for the Court of Justice to rule on Article 24 was the judgment in C-540/03 *Parliament v. Council*. The case concerned the Family Reunification Directive and formed the basis upon which the later rulings and opinions in different spheres of EU law have relied on. The Court firstly observes that the principal aim of the Charter is to reaffirm 'rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States'. The CJEU held that it would ensure compliance of EU law with these principles (para. 38).

The Court then requires Member States to have due regard to the 'best interests of minors' when examining the application for family reunification under Article 5(5) Directive (paras 10, 63, 73). Also, Member States' authorisation of the entry and residence for the purpose of family reunification under the Article 4 Directive cannot be regarded as running counter to the obligation to have regard to the best interests of minors (paras 76, 87, 90). In doing so, the right to family life recognised by the Article 7 Charter must be read in conjunction with the obligation to have regard to the minor's best interests as recognised by Article 24(2), and taking account of the need, expressed in Article 24(3), for the minor to maintain on a regular basis a personal relationship with both of his or her parents (paras 58, 76).

This reasoning was soon followed in other cases (C-497/10 *Mercredi v. Chaffe*, joined cases C-356/11 and C-357/11 *O., S. v. Maahanmuuttovirasto and Maahanmuuttovirasto v. L.*, and C-40/11 *Iida*), illustrating an authoritative power the Article 24 has to empower the family reunification right. The position the Court took ultimately affirmed the ongoing relationship between the minor's substantive rights and the right to family life, namely Articles 7 and 24. Even though the Court pointed out in C-40/11 *Iida* that Article 24 cannot be used to extend the scope of EU law beyond the existing powers of the EU, we can observe how in each case the right of residence is claimed through the minor's best interests. The judgments portray Article 24 as the supreme provision 'against which even primary provisions of the EU law in the Treaties may be measured and assessed'. It is clear therefore that any understanding of the intent and effect of EU law, including in the sphere of minors' rights, has now to be done against a background of an understanding of the terms of the Charter as interpreted by the CJEU (O'Neill, n.d.: 11).

*Brussels II Revised (Council Regulation (EC) 2201/2 003 as amended) adopted in the context of public law rules relating to child protection.* The cases in which the role of the provision has been perhaps more prominent are cases concerning Brussels II Revised, expressly child custody, where the Regulation has been applied to the enforcement of a single decision ordering a child to be taken into care. In cases C-491/10 Zarraga and C-403/09 Delicek v. Sgueglia the Court dealt with the reference to Article 24(3) to justify an interpretation of Brussels II Revised, particularly the return of a minor to a State from which he or she was unlawfully removed or retained.

In *Delicek*, the CJEU observes that respect for private and family life recognised in the Article 7 Charter must be read in a way which respects the obligation to take into consideration the minor's best interests, while also taking into account the fundamental right of a minor to maintain on a regular basis personal relationships and direct contact with both of his or her parents (Article 24(3)) (paras 60–62). In *Aguirre*, the Court additionally acknowledged 'the urgency of ruling in cases of minor removal in particular where the separation of a minor from the parent to whom (...) custody had previously been awarded (...) would be likely to bring about a deterioration of their relationship, and to cause psychological damage'. Moreover, Member States must provide an opportunity to the minor to be heard during the proceedings. Such an opportunity must be interpreted in light of Article 24 (para. 60); otherwise it would be a violation of fundamental principles. Yet, 'hearing the child cannot constitute an absolute obligation, but must be assessed having regard to what is required in the best interests of the child in each individual case, in accordance with Article 24(2)'. Nevertheless, in C-400/10 *J. McB. v. L. E.* and C-211/10 *Povse v. Alpaço*, the CJEU ruled that an unlawful removal of the minor is likely to deprive him or her of the possibility of maintaining on a regular basis a personal relationship and direct contact with the parent (para. 64).

The judgments emphasise the sensitive nature of cases involving the return of minors, and how this vulnerable category is supposed to be treated with special carefulness. By their very nature, the practices affirmed in the judgments should be followed in cases involving the voluntary return, with the 'best interests of the minor' being taken into account in the following three particular scenarios.

Firstly, all matters concerning minors in an irregular situation should be determined with respect of preserving a direct contact with the minor's family. Minors cannot be deprived of close family relations only by having regard to their temporary illegal status. For that reason, minors' families need always to be taken into consideration when deciding upon detention, and minors should never be separated and placed in detention without the guardian. When dealing with unaccompanied minors, foster guardians should be considered, or where possible alternatives to detention in the form of an orphanage where minors would be placed under specialist care.

Secondly, all procedures regarding minors should be processed with urgency. National authorities need to do everything in their power to avoid prolonged procedures, including detention, which should be limited to the shortest period of time, to comply with the minors' best interests.

Thirdly, having regard to the particular facts of the case, the courts must give an opportunity to a minor to be heard during detention proceedings, if that would be required to preserve his or her best interest. Age should not determine the possibility for individuals to be heard during their own proceedings, though it can be a decisive determinant. This can be of particular importance where a minor has been falsely classified as 'unaccompanied', yet may have knowledge of his or her family residence.

*Dublin II Regulation (Council Regulation (EC) No 343/2003) and the best interests of the child.* The clearest impact of minors' interests on EU law has occurred in a more recent preliminary ruling C-648/11 *M. A. and Others v. the UK* concerning the permissibility of transfer of an unaccompanied minor asylum seeker to another Member State under the Dublin Regulation. The CJEU clarified that, in the absence of a family legally present

in a Member State, the state in which the minor is physically present is responsible for examining his or her claim. The CJEU referred here specifically to Article 24(2) and held that the minor's best interests must be a primary consideration in all decisions under the Dublin II Regulation. The reason given was the particular vulnerability of minors. Prompt access to an asylum procedure and the prevention of unnecessary delays in the Dublin procedure, in the view of the Court, are central to their best interests (para. 61).

The judgment sends a straightforward message that the national rules must be designed in a way that protects minors' well-being, and that the Dublin Regulation can only be applied in a manner which safeguards the rights of minors under primary EU law. In the normative sense, this ruling is a perfect model judgment for further cases that come before the CJEU on the detention of minors in return procedures. The main concern of the Return Directive was to ensure that the provisions are fully compatible with fundamental rights. As a result, the Directive pays special attention to minors and requires the 'best interests of the child' to be a primary consideration for Member States when implementing the provisions involving minors. It is crucial that every State implements it in a way which takes into account the needs of minors and safeguards their welfare on its territory, which is ultimately required by their vulnerable nature.

*Best interest of the child within the internal market.* The powerful nature of Article 24 may be used for the purpose of the interpretation and application of different EU legal instruments, though not necessarily those in the family context. C-244/06 *Dynamic Medien* concerned German laws prohibiting the sale of DVDs via mail order that were not labelled as suitable for young persons. It was on the Article 24 basis that the CJEU held that the restrictions imposed by the German Government were justified by the overarching aim to protect minors. This judgment is highly significant. By using Article 24 to challenge 'the fundamental single market ethos of the EU', the judgment illustrates how the protection of minors' rights could also act as a legitimate brake on the application of EU law. The Court exhibited therefore a rare derogation from the free movement of goods provisions, thus confidently deploying and safeguarding minors' rights (Invernizzi and Williams 2011: 212–213).

*Commentary.* The research shows that, while Article 24 is formally acknowledged at the legal stage, the room for interpretation that is left by the legislator allows Member States not to implement the principle into their domestic laws. One could argue that Article 24 is merely a 'mantra' that has little value in decision-making, and that there is too little standardisation of what the Article actually means in practice (House of Lords – European Union Community 2016: 32–33). Although in neither of the cases did the Court closely analyse the meaning or content of the rights that the provision contains, given that the Charter is now primary law (Article 6(1) Treaty on the European Union), it did establish a clear pattern for interpreting national law that falls within the scope of EU law in light of the Charter. In all cases involving minors, the Court established a rule of prioritising minors' rights by referring to Article 24. In this way, the Court indicates that decisions about the families' future, asylum application or the internal market will ultimately depend on the well-being of the minor. Just like an umbrella, the Court indicates that in all actions relating to minors, regardless of whether they are taken by public authorities, private institutions, courts, legislative or administrative authorities, 'the best interests of the child' must be given primary consideration.

The judgments illustrate how along these lines the CJEU tested the EU Directive's provisions that clashed with fundamental rights in the Charter and consequently how these rights were to prevail. This leads us to the assumption that the CJEU acknowledges that the minor's best interests should be taken into account in determining how the directives are interpreted. The omission of the Article during the interpretation of EU law at the national level amounts to a disproportionate interference with substantive rights. Moreover, the Article subordinates not only the EU secondary law, but also other provisions contained in the Charter, namely Article

7, which gives rights to all members of the family to be balanced against one another, according to the obligations in Article 24 (Lamont 2014: 686–687).

With such an extensive power, Article 24 has the potential to influence the development and interpretation of the Return Directive. It may be a difficult task, since the principle encourages the determination of best interests on a case-by-case basis. However, such a minor-centred approach, affirming among other things that childhood has a value in itself, is according to the EU Network of Independent Experts of Fundamental Rights (2006: 211–212) in line with recent developments of EU institutions. The importance of the prioritisation of the fundamental rights of minors was expressed by the European Commission in its Communication 2011 (EC 2011). This aimed to put in practice the rights of minors enshrined in the Charter through a comprehensive programme of actions during 2011–2014. Subsequently, the importance of compliance with Article 24 was highlighted in the expert group set up to monitor the transposition of the Return Directive. It has been argued that the Charter directs Member States to implement the Directive, taking into account the principle of ‘the best interests of the minor’, in particular the need to protect minors by adopting alternative measures. While the Commission is currently working on further developing more consistent return practices which will fully comply with fundamental rights, it stresses in its Communication (EC 2014: 18) that, whenever States impose detention, this must be done under conditions that comply with the Charter, and that minors’ needs must be observed in particular.

The detention of minors should therefore be limited only to exceptional situations where the deprivation of liberty would be in the best interest of that minor. Such a scenario can occur in cases where the state is not in a position to secure a place in alternative locations, and where consequently detention is the only solution that will prevent a minor from being left without a venue and appropriate care. This however does not prevent the Member State from future improvements of its legal and administrative system. Perhaps, in the view of O’Neill (n.d.: 2–3), given the CJEU’s continuing history of ‘discovering’ substantive rights as an unwritten general principle of EU law, the Court could soon discover Article 24’s ‘dynamic’ approach and begin to perceive it ‘as the starting point of any consideration of [the Return Directive], rather than an end-point of discussions as to the nature, extent and effect of EU law’.

### *The European Convention on Human Rights*

The ECHR is so far the most developed human rights treaty, not only through its case law but also because it is applied in the national laws of Member States and by their national courts. An instrument is of general application, meaning that the rights and freedoms included in the Convention apply to everyone within the contracting parties’ jurisdictions (Article 1). This is supported by Article 14, which says that all the rights in the Convention apply to all people without discrimination.

The Convention provides a framework of protection which is also applicable to irregular migrants, including minors. As explained by the Commissioner for Human Rights (2007), it articulates rights defined in other treaties, such as the UNCRC, taking into account the particular situation of a migrant, and provides a framework for national authorities to prevent and eliminate irregular movements. Among the set of rights, the special protection of migrant minors in detention derive from Articles 3 and 5.

Article 3, which prohibits torture and cruel, inhuman or degrading treatments, is relevant to minors in detention for two reasons. Firstly, it provides safeguards in detention conditions. Secondly, it protects basic social and economic rights such as food or medical treatment. Each Member State must have a particular regard to this Article, ‘which enshrines one of the most fundamental values of democratic societies and prohibits in absolute terms torture and inhuman or degrading treatment or punishment irrespective of the circumstances

and of the victim's conduct' (App. No. 30696/09 *M. S. S. v. Belgium & Greece*). Without the safeguards provided, detained migrants would be exposed to conditions of destitution which in turn could amount to inhuman and/or degrading treatment.

Article 5 further strengthens this right by listing exhaustively the legitimate grounds for detention and ensures that those established at the national level do not extend beyond it. For irregular minors, the exception must be justified on the grounds that 'the lawful arrest or detention of a person [is] to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition'. The Article, therefore, must be strictly delineated and permitted and no one may be detained arbitrarily for reasons not contained in domestic law and as set out in this provision. In any case, detention on the basis of this Article will only be justified for the period of expulsion proceedings (COE and ECtHR 2014: 19). If such proceedings are not conducted with due diligence, the detention will cease to be permissible under Article 5 (App. No. 3455/05 *A. and Others v. the UK*, para. 164).

The ECHR, which is charged with monitoring the application of the Convention, has been central in extending the scope of the Articles with the view to protecting the fundamental rights of detained minors. Unlike the Charter, the principle of 'the best interest of the minor' is not explicitly stated in the Convention, but it is regularly expressed in its case law, which is clear that illegality of status does not automatically preclude minors from the genuine enjoyment of the Convention's rights (Carrera and Merlino 2010: 5).

In App. No. 13178/03 *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, the Court found it was inappropriate to place a five-year-old for two months 'in a closed centre intended for illegal immigrants'. Such a prolonged detention jointly with adults caused the minor considerable distress and demonstrated 'a lack of humanity to such a degree that it amounted to inhuman treatment'. According to the Court, it was impossible for the national authorities not to have had knowledge of the considerable distress and serious psychological effects that the minor must have been exposed to during the detention (para. 58). Consequently, the Court held that the measures taken were disproportionate, and that detention of a minor was a deliberate violation of Article 3.

The Court additionally emphasised that the minor was detained 'in the same conditions as adults; these conditions were consequently not adapted to the position of extreme vulnerability in which she found herself as a result of her position as an unaccompanied minor' (para. 103). On that basis the Court found that the authorities did not sufficiently protect the minor's right to liberty, which in effect was a violation of Article 5(1) (para. 104). To strengthen this point, the Court pointed out that 'States' interests in foiling attempts to circumvent immigration rules must not deprive [minors] of the protection their status warrants' (para. 81). Instead, the authorities should have explored other measures, including placement in a specialised centre or with foster parents, that would have been more conducive to the best interests of the minor, as guaranteed by Article 3 UNCRC (para. 83).

What is particularly striking from this judgment is that, in order to highlight the vulnerability of minors, the Court referred to their very young age. The fact that they are in an extremely vulnerable situation takes precedence over consideration of their irregular status. An irregular status is considered by the Court merely as 'an additional element that adds up to a serious situation of compounded vulnerability in which factor related to age or health play the primary role' (Ippolito and Iglesias Sánchez 2015: 438). The detention of minors should therefore be perceived as inhuman and contrary not only to the Return Directive but also to a range of international standards, as discussed in this paper. Instead, the authorities should do everything in their power to enforce the alternatives, conditions closest to those required for minors, and to provide them with opportunities to find some normality in their uprooted lives.

In the latter case of App. No. 41442/07 *Muskhadzhiyeva and Others v. Belgium* the Court held that the detention of a mother with four minors aged between seven months and seven years constituted a violation of

both Articles 3 and 5(1). To reach this conclusion the Court emphasised the fact that the detention had lasted for over a month, that doctors had expressed concern about the impact of the detention on the minors' health, and that the detention centre was not designed for accommodating minors (Nykanen 2012: 57). Even though the minors were accompanied by their mother, the authorities were still under an obligation to protect the minors who they had deprived of their liberty. Consequently, there is no need for the authorities to distinguish between whether a minor is accompanied by an older guardian or whether he or she classifies as unaccompanied. Eventually they all deserve an equal protection in light of human rights. Their vulnerability does not depend on whether they are accompanied; in fact the circumstances in this case suggest that detaining a minor together with the family may not always be in the minor's best interest, especially when the detention centre in which they are placed is designed for adult detainees.

Interestingly, the Court noted how distressing it must have been also for a mother to see her children held in such conditions. Yet, her detention had been considered not to be in breach of Article 5, and her adult irregular status ultimately was taken to justify a rather considerable degree of suffering. Thus, the judgment presents a clear distinction between the adults' and the minors' rights. The Court made it clear that detention of minors, as opposed to adults, raises special challenges from the human rights perspective. Particular attention has to be paid to their vulnerability in this context, which again takes precedence over their status as irregular migrants.

In this regard, the ECtHR has further insisted in App. No. 39472/07 and App. No. 39474/07 *Popov v. France* on the importance of reducing to the minimum the situations where families with minors are detained. For national authorities to deal with such cases, provided there are no reasons to suspect that the family would try to abscond, the Court's guidance is to apply the alternative measures. Such a procedure is crucial in order to preserve the family unit (Article 6 ECHR) while avoiding depriving minors of their liberty (paras 147–148). The judgment insists on applying the alternative means to all unaccompanied and accompanied minors, though it still only suggests it as an option to be considered by national courts and not as an obligation under European and international law.

These judgments were later confirmed in the case App. No. 8687/08 *Rahimi v. Greece*, which concerned the two-day detention of a 15-year old. The conditions of detention that the minor was exposed to, particularly with regard to hygiene and infrastructure, undermined the definition of human dignity. Appropriately, even though it had lasted for two days, the conditions of detention amounted to degrading treatment, which is in breach of Article 3. The Court also considered that the detention of the minors had exposed them to a level of suffering that equated to ill-treatment, as set out by Article 3 (paras 67–69). Thus, the time spent by the minor in detention is not of such relevance as the conditions in which he or she is kept; and even the shortest time will at the most basic level constitute a gross violation of the right included in the Convention.

In this regard, according to Cornelisse (2010: 6), 'the line between the deprivation of liberty (...) and a restriction upon personal liberty (...) is not always that easy to draw'. A judgment in App. No. 7367/76 *Guzzardi v. Italy* indicates that 'in order to determine whether someone has been deprived of his liberty (...) the starting point must be his concrete situation and account must be taken of a whole range of criteria' (para. 93). Detention cannot satisfy the absence of arbitrariness criteria simply because it is comparatively brief. Even a brief detention is not per se fair or reasonable (App. No. 22414/93 *Chahal v. UK*: 5). In the words of Pétin (2016: 107), 'the assessment of whether a measure constitutes deprivation of liberty is (...) relative and the particular vulnerability of an individual must be included in this assessment'. Therefore, when a deprivation of liberty occurs, the rule of law and the standard of human rights demand that there be adequate justification (O'Nions 2008: 41).

The argument of vulnerability has also been based on the need to justify the detention of any minor in the light of the principle of best interests (Article 3 UNCRC), which hence requires analysis on a case-by-case



basis. The detention of a minor in this case appeared to have resulted from the automatic application of national law, with no consideration of best interests or his individual story. The authorities failed to take account of the individual's age, on account of which he was extremely vulnerable. The authorities have neither examined whether his detention was a measure of last resort or whether alternative less coercive measures would have sufficed. The Member State therefore failed to take adequate measures to provide care and protection as part of its positive obligations under Article 3 UNCRC. On that basis, the Court found that, in general, detention has severe negative short and long-term effects on minors' physical and mental health and is always contrary to their best interest. Minors are particularly vulnerable to the negative effects of detention. As reported by the Parliamentary Assembly of the Council of Europe (2014: 7), even short periods of detention negatively impact on minor's cognitive and emotional development. In consequence, detention can cause long-lasting severe trauma as well as developmental challenges. These factors have undermined the very basic rules dictated by the European Convention and the UN Convention, and accordingly, according to the Court, were in violation of Articles 3 UNCRC and 5(1) ECHR.

Perhaps what the Court could have also done was to refer to the CRC's *General Comment No. 6* (CRC 2005) on the treatment of unaccompanied children outside their country of origin, which came in the aftermath of App. No. 13178/03 *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*. In the Comment, the Committee provides highly significant substantive guidance as to the application of the principle of 'the best interests of the child': 'unaccompanied or separated children should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof' (Ouald Chaib and Brems 2011).

A particularly worrying trend in many Member States is not allowing minors in an irregular situation to defend themselves against detention. Such an issue was considered in App. No. 41533/08 *Bubullima v. Greece* where a minor successfully used Article 5 in the absence of domestic provision conferring on courts the power to examine the lawfulness of minors' detention. The minor in question relied on Article 5(4) alleging that he had no remedy by which to challenge the lawfulness of his detention. The Court held that the lack of such provisions undermined the minor's ability to defend himself against detention, and consequently was in breach of Article 5(4) (para. 33). The judgment expresses the view that a lack of provision allowing for such protection, or a denial of the right to make a claim before the national court for a decision on the legality of the detention, is discriminatory on the basis of age. Minors should not be automatically perceived by the authorities as applicants who are unequal to adults, but whose rights should in fact be prioritised. Consequently, they should be allowed the same rights in relation to detention, in light of the implemented EU law, as adult migrants.

*Commentary.* By looking at the above judgments it is right to conclude that they stand for the principle that the detention of minors will almost never be lawful. The Court emphasised the absolute nature of Articles 3 and 5 ECHR, and stressed the positive obligation that Member States have to protect and also provide care for minors, regardless of their immigration status. By interpreting the cases in light of the UN Convention, the ECtHR established additional safeguards to protect particularly vulnerable minors, ensuring them the specific attention they need. The compliance still requires Member States to take the necessary measures to adopt reasonable and suitable measures that will safeguard the rights of minors. The Court recalls here that 'the best interests of minors' implies that Member States ensure as far as they can the use of detention only as a measure of last resort.

The principle of effective protection can indeed constitute a significant limitation upon state discretion, including any of the rights entrenched in domestic legal frameworks. The words 'in accordance with a procedure prescribed by law' in Article 5(1) essentially refer back to national law and the obligation to conform to

the substantive and procedural rules of the Member State. The interpretation and application of national law is, in the first place, an obligation of the national authorities, notably the courts. However, in cases of non-compliance with the national law which results in a violation of the Convention's rights, the situation is different. In cases involving violation of Article 5(1), the Court must exercise a certain power to review whether a breach of national law has occurred (COE and ECtHR 2014: 7; App. No. 29226/03 *Creangă v. Romania*, para. 101; App. No. 28358/95 *Baranowski v. Poland*, para. 50). In such instances, the Court would have regard to the legal situation as it stood at the material time (App. No. 27785/95 *Wloch v. Poland*, para. 114).

Ultimately the ECtHR can be viewed as setting tight limits on the rights of states to impose legislative terms on such undertakings (e.g., C-200/02 *Zhu and Chen*). However, considering that the imperative aim and function of the Convention is the effective protection of human rights, the rights in the Convention cannot be interpreted restrictively in adherence to and preservation of national sovereignty (Greer 2000: 15). The obligation to implement the fundamental rights of the Convention into the national legal framework does not mean that the power of states in adopting diverse procedural and technical systems will be limited. They are free to adopt different judicial and administrative systems in relation to the detention of minors, provided the principle of proportionality is observed (Ost 1992: 283–317). In this regard, the concept of 'lawfulness' of detention under the Convention requires that any deprivation of liberty should be in keeping with the purpose of protecting the individual from arbitrariness. This notion of 'arbitrariness' will extend beyond the lack of conformity with national law. In other words, detention may be lawful in terms of domestic law but still arbitrary and thus contrary to the rights included in the Convention (App. No. 13229/03 *Saadi v. the UK*, para. 67). In the absence of an individual assessment of the appropriateness of detention, these requirements will not be satisfied (O'Nions 2008: 42).

What the ECtHR could, in my opinion, consider in future cases of the detention of minors is to refer back to the judgment in the case App. No. 3455/05 *A. and Others v. the UK*, where in para. 171 the Court clearly stated that it:

*does not accept the Government's argument that Article 5(1) permits a balance to be struck between the individual's right to liberty and the State's interest in protecting its population. (...) This argument is inconsistent not only with the Court's jurisprudence under sub-paragraph (f) but also with the principle that sub-paragraphs (a) to (f) amount to an exhaustive list of exceptions and that only a narrow interpretation of these exceptions is compatible with the aims of Article 5. If detention does not fit within the confines of the sub-paragraphs as interpreted by the Court, it cannot be made to fit by an appeal to the need to balance the interests of the State against those of the detainee.*

### *The United Nations Convention on the Rights of the Child*

The UNCRC is an instrument that ultimately confirms minors as human beings with a distinct set of rights rather than as passive objects of care. It is a legally binding international agreement, which acknowledges in its Preamble that every minor regardless of their immigration status has basic fundamental rights, and so any decision of national authorities concerning minors must be based on respect for those rights as set out in the Convention.

Article 17 of the Return Directive corresponds closely to the Convention on the Rights of the Child with one major difference. The Convention not only suggests but also demands that migrant minors be seen and protected first and foremost as children. CRC's *General Comment No. 6* (CRC 2005) stresses this point by stating that 'the enjoyment of rights stipulated in the Convention is not limited to children who are citizens of a State party and must therefore (...) also be available to all children (...) irrespective of their immigration

status'. The Special Rapporteur on the Human Rights of Migrants adds to this by noting that although 'the Convention neither focuses on child migration nor defines the migrant child, its provisions are of the highest relevance to ensure the adequate protection of all children in all circumstances, including therefore all stages of the migration process' (EC 2010: 2).

The provisions that are meant to guide the interpretation of the Convention with reference to minors in detention are: the principle of the best interests of the child (Article 3); the right to life (Article 6); the right to be heard (Article 12); protection from all forms of violence (Article 19); special protection and assistance (Article 20); the right to health care (Article 24); the right to education (Article 28); the right to leisure and play (Article 31); the right to personal liberty (Article 37); and the right to legal safeguards (Article 40). The principle of 'the best interests of the child' is of fundamental importance, and in the words of Alston and Gilmour-Walsh (1996: 1): 'there is no article in the Convention, and no right recognised therein, with respect to which this principle is not relevant'. Thus, the public authorities must make this a primary consideration when taking actions related to minors, and their every decision that will give primary consideration to the best interest of the minor will be one that will ensure that all of the other rights included in the Convention are respected.

The CJEU has expressly recognised the need to respect minors' rights and requires the taking into due account of the UN Convention in C-540/03 *European Parliament v. Council of the European Union*. It recognised the Convention as an international instrument that binds each of the Member States, and one of which it takes account by applying the general principles of Community Law (para. 37). Such a remark is significant in the sense that it is the first time that the Court has ruled that the UNCRC provides a source of the general principles of EU law. The same conclusion was later reached in C-244/06 *Dynamic Medien*. However, as pointed out by Van Bueren (2007: 30), the use which the CJEU made of the UN Convention in these cases still lacks explanation as to where the balance should lie between the state's security concerns and the best interests of the child. In her view, the best interests may require that 'the ambit of a state's margin of appreciation be limited in order to incorporate the child's best interests' – a rule to which not many States may readily agree (Garde 2012: 173).

Despite the Court's official acknowledgement of the use of the UN Convention rights, the power of UNCRC is not as far-reaching. This is particularly evidenced through the Court's jurisprudence where, by considering the fundamental rights held by minors in migrant families, their rights were derived from the EU Treaty, regulations and directives, and not from the UN Convention itself (UNICEF and OHCHR 2012: 18). For example, in C-200/02 *Zhu and Chen* and C-413/99 *Baumbast*, the non-EU primary care givers of the minors had derived a right to reside from the rights conferred by EU law directly on the minors. In doing so, the Court applied the rights arising from the EU Treaty and Regulation C-1612/68 in *Baumbast*, and Directive 90/364/EEC in *Chen*. It was not until the more recent case C-34/09 *Zambrano* that the Court made an indirect link to Article 3 and held that refusing to recognise that the non-EU national parents had acquired a derived right to reside in the EU would be a breach of not only the European Treaty, but also the principle of 'the best interests of the minor'. The Court has additionally reasoned that refusal to grant a parent a residence permit 'constitutes a breach of his or her children's (...) protection of rights as children, as recognised in the Convention' (UNICEF and OHCHR 2012: 18). This illustrates the point that the Court may be more willing to use human rights and apply Strasbourg case law to Member States directly. Thus, even Poland, where the status of precedent from the ECtHR is still unclear, can be forced to apply it, giving the UN Convention added strength through EU law (Vries, Bernitz and Weatherill 2013: 163–164).

The implementation of the UN Convention is monitored by the CRC. In relation to minors in detention, the Committee stresses the special responsibility of Member States to the Convention in the search for the most protective solutions, guided by 'the best interests of the child'. In the Report of General Discussion (CRC

2012), the Committee stresses that, to the greatest extent possible, and always using the least restrictive means necessary, States should adopt alternative measures that fulfil the best interests of minors, along with their rights to liberty and family life, through legislation, policy and practices that allow them to remain with family members (para. 79). Family unity therefore is never a justification for detaining minors and alternative measures should be found for the whole family (para. 39). The non-consideration of the alternatives prior to the detention order is a violation of minors' rights under Article 37 and is never in their best interests. In consonance with the statement given by the Working Group on Arbitrary Detention (2010) in its report of January 2010, 'given the availability of alternatives to detention, it is difficult to conceive of a situation in which the detention of a (...) minor would comply with the [international requirements], according to which detention can be used only as a measure of last resort' (para. 60). The list of possible alternatives can be found in the CRC's Background Paper (CRC 2012: 34), according to which alternatives must be designed and developed in keeping with the UN Guidelines for the Alternative Care of Children (UN 2010).

Recalling here the words of the Advocate General Bot in the case of *Abdida* discussed in the previous section, it should not be considered 'fair and equitable that a third-country national whose stay on national territory is de facto tolerated pending an examination of his appeal should be treated less favourably than a third-country national held in detention (...) in a specialised detention facility which, in principle, caters for all of his basic needs, including legal assistance and health and social care, for a period of up to 18 months' (para. 150). In other words, placing minors in alternative locations should not be to the detriment of their rights, and should not, at any stage, deprive them of the appropriate support that their position as a vulnerable individual requires (Pétin 2016:107–108).

Where detention is nevertheless exceptionally justified, the Committee urges in its Report of General Discussion (CRC 2012) case-by-case assessments (para. 34). Before the detention is ordered, minors should be granted the right to be heard (Article 12). All minors must be treated as individual right-holders, meaning that their child-specific needs are considered equally and individually, and that their views are appropriately heard. For that reason, they must have access to basic procedural guarantees (Article 40) (*General Comment No. 14*, para. 3, CRC 2014); that being the administrative and judicial remedies against decisions on their own situation', to guarantee that all decisions are taken in their best interests (para. 75).

Detention itself should be conducted in accordance with Article 37(b), which requires it to be used only as a measure of last resort and for the shortest appropriate period of time. The Committee stresses here the specific nature of unaccompanied minors and presents them as beneficiaries of the State's obligations (Article 20), who, as a rule, should never be detained (*General Comment No. 6*, para. 39, CRC 2005). These minors are particularly entitled to special protection and assistance provided by the State, including placement in suitable institutions for the care of minors. Detention cannot be justified solely on the basis of the minor being unaccompanied, or on their migratory or residential status, or lack thereof, which otherwise would be contrary to Article 37.

Highlighting *General Comment No. 10* (CRC 2007), when detained, Member States have the legal obligation to enforce at least the minimum standards on detention conditions, as listed in the Rules for the Protection of Juveniles Deprived of their Liberty (1990) which apply to all forms of detention, including that of irregular migrants, as well as being in line with the UN Guidelines for the Alternative Care of Children (UN 2010) and the Convention respectively (paras 79–80). Such safeguards include the prevention of any violence and child-mis-treatment (Article 19) (*General Comment No. 13*, CRC 2011), ensuring that detained minors have access to services for their well-being and development, including health care (Article 24), leisure (Article 31) and education (Article 28) (Report of General Discussion, CRC 2012, para. 41).

The biggest emphasis has been placed on the right to health (Article 24). The Committee recognises in its Report (CRC 2012) the need for the provision of adequate mental health support, including, as a part of determining the best interests of the child, any post-trauma and mental health needs. Thus, Member States must conduct interviews in a non-intimidating environment and ensure minors are accompanied by a person whom they trust (para. 44).

The right to leisure (Article 31) is stressed by the Committee in the *General Comment No. 17* (CRC 2013) according to which Member States should adopt measures to ensure that all detention centres guarantee both space and opportunity for minors to associate with their peers in the community, to play and to participate in physical exercise. Such measures should not be restricted to compulsory activities. Minors staying in detention for significant periods of time also require appropriate literature, periodicals and access to the Internet (para. 51). Finally, the *General Comment No. 6* (CRC 2005) stipulates that it is in the best interests of the child to have access to quality education (paras 41–42). Such an obligation derives from Article 28 and requires ensuring that minors' access to education is maintained during the detention period in the country that they have entered illegally.

### **Polish law in light of the Return Directive and human rights standards**

Transposition of the Return Directive into Polish law has been mainly done through the 2013 Act on foreigners. The deadline laid down in the Directive was Christmas Eve 2010. The Polish main transposing legislation was passed on 12 December 2013 but entered into force on 1 May 2014, jeopardising the efficiency and fairness of the common return procedure and undermining the EU's migration policy, technically speaking for four years. The Act repeals the existing law of 13 June 2003. Through the implementation of the Return Directive, the new Act adjusts Polish law to the Directive and determines the terms and conditions of entry, stay and departure of irregular migrants from Polish territory. By ratifying the UNCRC, the ECHR and the Charter, the documents have become an integral part of the domestic legal system (Articles 241, 89(1)(2), 91(1)(2) Constitution of Poland). As a result, the documents should be directly applied in the law created by the Polish legislator and in the case of any legal collision with other acts: human rights documents must be given primacy.

So far as domestic law is concerned, despite the extensive length of the regulation, a major drawback is the residual reference of the Polish legislator directly to the legal situation of minors. The provisions on detention contained in the Act are limited to the use of 'minors' only in the case of unaccompanied children (Article 397). Children of migrants are not distinguished separately and come under the category of 'foreigners' within the meaning of Article 3(2). This is a major defect since the problem of families with children irregularly migrating to the EU is statistically more visible (MI 2014: 27).

#### *The detention of minors under the 2013 Act on foreigners*

The Act on foreigners allows for the possibility of placing minors in guarded centres for foreigners. Article 397 discusses the possibility of detaining unaccompanied minors without legal status, although those who have not yet turned 15 years old are generally excluded from the rule (Article 397(3)). In such instances 'the Police shall immediately put a minor foreigner at the disposal of a [Border Guard] authority that is competent for the place of his/her detention' (Article 397(1)), followed by the Border Guard requesting a court with jurisdiction over the place of detention of a minor foreigner to place him or her in detention (Article 397(2)). In the case of minors residing in the territory of Poland, together with their care givers, under Article 398(1) a foreigner (also minors with care givers) should be placed in a guarded facility if there is a probability that a return decision will be issued or has already been issued without a specified period for voluntary return, or when

a foreigner has not voluntarily left the territory within the period specified in the decision and when immediate forced execution of the decision is not possible, or when a foreigner fails to meet the obligations set out in the ruling on the use of the alternative measures to detention.

By differentiating the legal situation of unaccompanied and accompanied minors, Poland is in breach of Article 2 UNCRC and Article 32 of the Constitution of Poland (the right to equal treatment before the law). Further, the Polish Act does not fulfil the Return Directive (Article 17(1)) and the UNCRC (Article 37(b)), which clearly provides that detention of minors should be used only ‘as a measure of last resort’. Detention may be implemented only as a preparatory step to removal. Instead, in accordance with current Polish legislation, families with minors are detained as soon as they are found to be in an irregular situation. This is against Article 2(2) UNCRC, under which Poland agreed not to impose any form of punishment on children for the actions of their parents/guardians.

Furthermore, the legislature failed to include the reference to Article 17(5) of the Directive, Article 3(1) UNCRC and Article 24(2) Charter that ‘the best interests of the child shall be a primary consideration’ for the purpose of deciding on the detention of minors. The Court is obliged to take into account numerous factors when deciding on applications to place an unaccompanied minor in detention, such as (Article 397(2)) the degree of physical and mental development of a minor, his or her personality traits, and his or her circumstances of detention. However, the stipulated conditions are applicable only in matters of unaccompanied minors. Minors remaining under guardianship are subjected to general rules when deciding on whether to place them in the detention stipulated in the Act and when ‘the best interests of the child’ are not taken into consideration.

This is a significant drawback, since minors with families remain in the majority. This leads us to the assumption that the legal status of third-country national migrants in Poland is not regulated according to their age, and that their immigration cases are not considered independently of their families. The rationale behind such a rule could be that it is in the best interest of minors not to separate them from their families. Nonetheless, this may not always be the case, such as when the family situation is abusive and/or the return of the minor to his or her country of origin would not be in the best interests of that child (IPECL and ILO 2010: 3).

#### *The length of detention of minors under the 2013 Act on foreigners*

A similar uncertainty with international provisions can be observed in Article 403 which covers the length of detention. No specific implication can be observed as to the allowed length of time for detaining minors. As a result, they are covered by the same conditions as adult migrants. The period of stay in the detention centre must not exceed 12 months (Article 403(3)), but may be extended to 18 months in the case where a migrant appeals against a return decision (Article 403(5)).

An analysis published by the Association for Legal Intervention (2014: 4) argues that in cases where the return proceeding was preceded by a refugee status determination proceeding, as a result of which the foreigner was refused international protection, and where the foreigner during the course of this proceeding remained detained for the maximum period of six months, then that foreigner, as a result of the course of the two proceedings, could remain in the detention facility for up to 24 months. In the absence of any time limit applied to minors, this NGO argues that this two-year term could also apply to children.

Although this reasoning appears legitimate in the absence of any time limit, the argument presents a fallacy in interpreting Article 403. In relation to this provision, the Judge of the Supreme Administrative Court in Poland, Jacek Chlebny (2015), distinguishes between three separate scenarios. In the first scenario, when a migrant has been detained and further extension of the length of detention has a basis in Article 403(2), the total period of stay may not exceed 12 months (para. 3). In the second scenario, when a migrant has applied

for refugee status, Article 89(5) (Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland) reads that the period of stay in detention cannot exceed six months. Reading this provision, together with Article 403(4) (2013 Act on foreigners), Judge Chlebny notes that the real period of detention cannot in any case exceed the maximum period of 18 months, being 12 months for the return decision (on the basis of the 2013 Act on foreigners) and six months for the asylum status consideration (on the basis of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland). In the third scenario, when a migrant has filed a complaint to the administrative court with a motion to suspend the enforceability of the obligation to return, the maximum period of detention will again not extend beyond the limit of 18 months.

Judge Chlebny's reasoning is in line with the European Commission (EC 2015: 86), which directs that 'when calculating the period of detention for the purpose of removal, periods of detention as asylum seeker need not be taken into account, since detention for removal purposes and detention of asylum seekers fall under different legal rules and regimes'. The exception applies, however, when 'due to administrative shortcomings or procedural mistakes no proper decision on imposing asylum related detention was taken and the person remained in detention based on the national rules on detention for the purpose of removal'. In such a scenario, this period must be taken into account, which is also confirmed by the previously discussed judgment of the Court of Justice in the case of *Kadzoev* (paras 45, 48). In any case, the Return Directive explicitly states that asylum seekers cannot be considered 'illegally staying' as long as their claim is pending (Recital 9). States cannot justify their detention in view of the enforcement of a return decision. If this was the case, States would be dependent on the European Convention to violate their EU law obligations (De Bruycker and Tsourdi 2016: 27–28).

The Association for Legal Intervention (2014) further argued that under the current Polish regime there is nothing specified in law that restricts the number of times a minor can be detained. This would be in breach of Articles 3 and 5 of the European Convention, because in cases where the families with minors reach the maximum permitted length of detention but still remain non-deportable after their release, they would remain susceptible to possible re-detention. Judge Chlebny proves that this reasoning is also incorrect. In the course of the return decision, when a migrant is detained more than once, his or her periods of detention are simply added up, as was held by the Supreme Court of Poland in its decision of 27 September 2007 on the duration of stay of a foreigner in a guarded centre or a pre-expulsion facility (I KZP 36/07) (retaining full relevance under the current legal regime). Assuming that the release of a migrant were to result in the interrupting of the period of maximum detention is unacceptable, because as noted by the Supreme Court such practices would tolerate obvious abuse, as they would allow a break in the detention period of the person subjected to return. When released, the person could be yet re-detained, and the detention clock would resume again. This would apply also in cases when the person has been released only for a few hours.

What Judge Chlebny has omitted to mention is the fact that, in the above scenarios, the 18-month period introduced by the Polish legislator may nevertheless apply to the detention of minors. Certainly, a provision that allows the detaining of minors for a period that may extend to 18 months is incompatible with Directive Article 17(1) and Article 37(b) UNCRC, which call for minors to be detained 'for the shortest appropriate period of time'. In effect, this would mean that minors could under the Directive be detained for an unlimited period of time. However, these seemingly open-ended powers of the immigration authorities to detain minors with a view to their removal are subject to restrictions. While Articles 17 or 37(b) have not yet been interpreted by the Court, in *El Dridi* the Court did make it clear that national law cannot be of a type that jeopardises the achievement of the aims pursued by EU directives (paras 55–59). In addition, the ECtHR held in case App. No. 13229/03 *Saadi v. the UK* that the length of the detention should not exceed that reasonably required for the purpose pursued (para. 74). The purpose of the Return Directive is to pursue Member States' efforts to

enforce the return decision, and Article 17(1) clearly allows the detention of minors only for the shortest appropriate period of time.

It is in this context that the Working Group on Arbitrary Detention (UNHRC 2009: 81) observes that ‘national laws appear to take insufficient account of the fact that in some cases it is clear from the outset that removal is not possible and that detention can therefore not be justified’ (Cornellise 2010: 18). In particularly problematic cases, where the enforcement of the obligation to return encounters significant difficulties, Judge Chlebny (2015) advises that, in order to extend the length of the detention, the authorities must demonstrate that there is still a real prospect of removal, and that they must do so on a case-by-case basis. The reasoning here is in line with (App. No. 46390/10) *Auad v. Bulgaria*, where the ECtHR ruled that the period of detention may not exceed the length of time that is reasonably necessary to achieve the objective (para. 128).

#### *The alternatives to detention available under the 2013 Act on foreigners*

Poland has introduced into its legal framework the possibility of using alternative procedures to detain adults with minors, such as regular reporting to the authorities (Article 398(3)(1)), residence requirements (Article 398(3)(4)), the obligation to surrender a travel document (Article 398(3)(3)) or release on bail (Article 398(3)(2)). In accordance with the current Polish regime alternative measures may be applied, though there is yet no requirement stipulated by the legislator that would oblige the national courts to order them (Association for Legal Intervention 2014: 4). Additionally, the courts are not obliged to determine before ordering detention whether alternatives would be feasible in a particular case in light of individual circumstances (Global Detention Project 2015). There are also no separate criteria to be considered by the authorities when choosing alternatives to detention, which means that consideration of vulnerability – the assessment as to whether the person has special needs or whether minors are present – is not taken into account.

Thus, the current Polish regulation does not fulfil the Directive, which in Recital 16 and Article 15 stipulates that detention is justified only if the application of less coercive measures would not be sufficient or cannot be applied effectively. This is also in line with Article 20(2) and Article 40(3)(b) UN Convention which insist that States ensure alternative care for such minors. Instead, the practices of Poland illustrate a worrying trend towards using detention as a measure of first resort, rather than last resort, as would be required by international provisions (EC 2014: 22–33).

#### *The accommodation of detained minors under the 2013 Act on foreigners*

Detention is allowed for unaccompanied minors only in a separate part of the guarded centre (Article 414(4)), and minors under custody should be provided with a common room for foreigners located in the closed guarded centre (Article 414(3)). Such provisions may suggest an empathetic appreciation on the part of the Polish authorities to the minor’s vulnerability and conformity to the Article 17 Directive, which in para. 2 calls for families to be detained in separate accommodation guaranteeing adequate privacy and for unaccompanied minors to ‘as far as possible be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age’. However, such provision would fail when dealing with harder questions that would require a constructive approach rather than a mere replication of the provisions of the Directive, such as the detention of minors with special needs.



*The rights available to detained minors under the 2013 Act on foreigners*

The laws designed by the Act on foreigners to safeguard children in detention are very far from being adequate. A major drawback of the Act is a significantly small reference to the legal position of detained minors. The rights of migrants in detention are listed in Articles 415 and 416. Nonetheless, the Act uses only the term ‘foreigner’, not treating the legal status of minors as a separate category. It could be argued that the failure to distinguish between the rights of minors and adults, as is the case of the previous Articles, means that minors are entitled to the same rights as adult foreigners. Yet, this is not the case here, because the Act on foreigners clearly states that the only right that ‘minors’ have access to is the right to participate in educational and recreational activities.

According to Article 416(2), minors ‘shall have the right to participate (...) in teaching and educational activities and in recreational and sports activities’. This is a correct implementation of Article 14(1)(c), the 17(3) Return Directive, and Article 28 and 31 UNCRC. Although education is an important addition to national legislation, there is yet a visible lack of reference to the ‘special needs’ that minors as a vulnerable group require (Directive Article 14(1)(d)). In this regard, Member States are obliged to indicate the nature of such needs. The needs (UNCRC) applicable to all minors would include appropriate health standards (Article 24), the right to be heard (Article 12) and the right to legal safeguards (Article 40). Moreover, the most vulnerable minors might be in need of specialist treatment. In this respect, national authorities have failed to have due regard for the individual history of minors, who tend to be victims of trafficking and who, by way of detention and deportation, are punished for offences committed as the inevitable consequence of the violations they themselves have suffered.

**Poland and the protection of national security**

An issue of incompatibility of Polish law with EU and international law was raised during Poland’s Universal Periodic Review (UPR) 2012. This was a year when the old 2003 Act was soon to be amended and replaced with a ‘better’ one which ‘fully respected EU and international law’, namely the 2013 Act on foreigners, discussed in this paper. Stakeholders and NGOs raised their concerns about the current situation and made recommendations to the Polish authorities as to what the new Act should include, with regard to detention of minors.

Poland has been criticised for:

1. The automatic procedures of detaining minors in closed detention facilities on the simple basis of being undocumented or classified as asylum seekers.
2. The facilities in detention centres have been accused of being very similar to prisons, with most of them not providing educational programmes.
3. Stakeholders reporting the problem of the availability of health care to detained minors, together with the Istituto Internazionale Maria Ausiliatrice Human Rights Office which pointed to the exclusion of minors from health care services, except for life threatening situations.
4. Insufficient legal guarantees, such as free legal assistance to minors (Child Rights International Network 2012).

Stakeholders as well as the Commissioner for Human Rights, and the European Commission Against Racism and Intolerance recommended Poland to introduce legislation which would ultimately prohibit the detention of minors who cannot be expelled, and not to detain minors seeking asylum (Child Rights International Network 2012). In response, Poland noted that an amendment to the 2003 Act on foreigners was being prepared

in order to introduce such a ban on detaining minors in closed facilities. However, it would be applied only to minors seeking refugee status: ‘a complete ban (...) could lead to negative trend of using children by adults for migratory purposes as a safeguard against being placed in closed facilities’ (Human Rights Council 2012: para. 90.118).

Although it appears that Poland has taken a proactive approach, the end result does not reflect these intentions. The regrettable lack of action has been followed even though Amnesty International and two Polish NGOs warned the Polish Government that the draft Act on foreigners failed to provide remedies against detaining immigrant minors in ‘prison-like guarded facilities’. In particular, they pointed to the provision in the Act which allows minors aged 13 or older to be detained as contrary to the UNCRC. According to them, the Act should introduce alternatives in order to supervise the minors’ and parents’ stay in Poland. In the view of Amnesty International, ‘detention never serves the best interests of a child. Guarded centres are not places for minors’ (Helsinki Foundation for Human Rights 2012a).

The transition from the old law of 2003 to the new law of 2013 governing irregular migration was an opportunity for the Polish authorities to make a positive change in their fracturing legal system. The legislator attempted to introduce some standards of the Directive before the Act of 2013 through the amendment of the 2003 Act. The amendment was a very close copy and did not differ from the premises of the Directive. However, some scholars argue that, by passing the amendment, the Polish legislator only ‘purchased’ extra time for concerning the future image of its law on foreigners (Dąbrowski and Stefańska 2014: 12). Unsurprisingly, despite the promises made in the aftermath of the UPR, the 2013 Act on foreigners did not introduce a ban on the detention of minors. Under the new law, minors involved in the return procedures can be legally detained in the same way as those seeking asylum.

The concerns and recommendations made during the UPR and by the NGOs have also highlighted for Poland the loopholes that must be addressed in the new law. Yet, the modification proposed in the 2013 Act of foreigners did not introduce any significant changes to improve the situation of minors in Poland, and consequently the Act is in breach of the country’s EU obligations in the area of voluntary return, as well as its international obligations in the area of the protection of minors’ fundamental rights, notably the protection of the widely interpreted ‘best interests of the child’.

Such an omission suggests a deliberate defiance of the obligations that European and international law imposes on Poland in favour of its national sovereignty and its own national interest. Concerning the term ‘national security’, the United Nations High Commissioner for Refugees Guidelines (UNHCR 2012, para. 30) note that ‘determining what constitutes a national security threat lies primarily within the domain of the government’. At the same time, it stresses that detention must be proportionate to the threat, for example a terrorism threat (De Bruycker and Tsourdi 2016: 22–24). One could argue that detention in Poland serves a political purpose, not necessarily terrorism, but one that goes far beyond that explicitly stated in law. The formal objective of facilitating expulsion may not be met. Instead, it could serve an informal function, namely deterring illegal residence or managing popular anxiety by symbolically asserting state control in light of the current crisis. Although the security argument can be seen as a valid argument for detention, it is not legally justifiable under Community and international law (Bloomfield 2016: 34). Having said that, Community law precludes the adoption of restrictive measures on general preventive grounds (*C-67/74 Carmelo Angelo Bonsignore v. Oberstadtdirektor der Stadt Köln*, paras 5–7). ‘Restrictive measures must be based on an actual threat and cannot be justified merely by a general risk. (...) Individuals can have their rights restricted only if their personal conduct represents a threat, i.e. indicates the likelihood of a serious prejudice to the requirements of public policy or public security. A threat that is only presumed is not genuine. The threat must be present’ (EC 2009, para. 3.2).

This might be about to change with the CRC's review, which Poland was subject to in September 2016. The CRC Committee considered the investigations carried out regarding torture and ill-treatment of minors in detention centres (CRC 2015), and concluded that minors are being detained as a first resort measure without the decision being reviewed on a regular basis with a view to withdrawing it. Minors placed in detention are also deprived of special protection measures. Perhaps the outcome of the review will elevate minors' interests to the level of a primary consideration in the final decisions. This may be strengthened by the investigation that has already been conducted by the Committee Against Torture (OHCHR 2013) which revealed that the detention of minors in Polish guarded centres, whether on their own or with their parents, is absolutely unacceptable.

The UN Convention therefore has a feasible opportunity to influence the way in which minors' rights are interpreted by Polish domestic courts, as was the case with the UK. Here, in *R. v. SSHD* [2002], a senior judge asserted that the Committee imposes enforceable obligations on national authorities to have regard to the principles included in the Convention (paras 67–68). Pursuant to the judgment, the Convention should be consulted by the domestic courts, 'in so far as it proclaims, reaffirms or elucidates the contents of human rights (...) in particular the nature and scope of [Convention] rights' under national regulations (para. 51). Compliance with international standards on detention conditions and legal safeguards, according to *General Comment No. 13* (CRC 2011), is a necessity to ensure the protection of minors' rights while detained. Thus, the underlying approach to such a programme should be 'care' and not 'detention' (para. 63), and the rights guaranteed in the Convention should be explicit in the national legislation of every Member State (para. 86).

## Conclusions and recommendations

The current crisis raises serious questions about the effectiveness of Europe's migration framework, its relative position towards its international obligations, and the gap between migration and security concerns of the States (Save the Children 2016). It also raises questions in terms of how different States are fulfilling their international obligations relating to child protection. It is clear from the above overview that, although the Directive provides for age-neutral Articles, these provisions are child-specific and that the importance of protecting the rights of children are further emphasised by the CJEU and the ECtHR in their jurisprudence. Human rights instruments play a critical normative role in establishing agreed benchmarks for the treatment of minors, providing for a child-centred approach.

The current crisis has brought to the spotlight the importance of a full and correct implementation of these standards at the national level. In the example of Poland, we can observe how the migration *acquis* and the States' attempts to retain their sovereignty bite each other in the tail. With the available legislative documents, the detention of migrants is not exclusively a populist political stance. However, the rise of extreme right-wing parties in Member States, including Poland, has certainly contributed to its expansion (Bloomfield 2016: 35). The correct implementation of the Return Directive and international obligations must be the crux of this argument. When it comes to minors, we expect the highest standards of care, the treating of their fundamental rights as a primary consideration in legislation and policy development, and delivery at all levels of governmental decisions (Home Office 2016: 67–69).

At present, Polish law is in my opinion accompanied by many legal doubts, which have been discussed above. It is difficult to challenge the detention mechanism set out by the Directive. However, European and international law provides a clear framework of fundamental rights that need to be taken into account when implementing the Directive. In particular, it is essential that national law defines clearly the conditions for detention and that the law is foreseeable in its application (App. No. 73947/01 *Zervudacki v. France*, para. 43). Therefore, the proper regulation of the detention of minors in Poland requires further improvement.

It is recommended that the legislator considers the amendment of the Act on foreigners to include the wording ‘minor’ in all detention provisions. This would ultimately define their status, in line with the UN Convention, as one which should be treated first and foremost as ‘children’. Such a correction is of particular importance in listing the grounds under which minors can be detained. Not differentiating their status makes the grounds so broad that they result in the arbitrary and widespread use of detention. In this regard, UNHCR (2012: 36) requires the use of appropriate age assessment methods that respect human rights standards, otherwise the result is the arbitrary detention of children. Further, the legislator should note that not differentiating the status between unaccompanied and accompanied minors is in breach of Article 2 UNCRC.

The legislator should introduce an obligation for the court which receives a request of placing a minor in detention to review it on a case-by-case basis. In that regard, the legislator should state the circumstances under which the minors could not be detained, to conform to Articles 20(2) and 40(3)(b) UNCRC. For example, in Austria, detention of all minors below 14 is prohibited and for minors aged 14–16 alternatives are provided (EC 2014: 20). In the UK, there is a specific mechanism ‘Rule 35’ which aims to ‘ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention’ (Home Office 2016: 30–33).

The legislator is in need of introducing an obligation to detain minors only in very exceptional cases, where alternatives are not considered appropriate. An obligation must be introduced that considers cases of all minors, taking into account whether such a solution would correspond properly to the welfare of the child. Examples include residence restrictions, open houses for families, case worker support, regular reporting, the surrender of ID / travel documents, bail and electronic monitoring (EC 2015: 79). This is not an exhaustive list and Member States remain free to select other types of schemes. The UN *Special Rapporteur on the Human Rights of Migrants* (Crépeau 2012, para. 53) called on States to improve their legislation on this point. Recent evidence suggests that the fundamental rights of persons placed in alternative arrangements are more efficiently protected. This can be seen through the example of Slovakia, where in 2013 the rate of absconding persons detained amounted to 1.5 per cent, while for persons in the alternative arrangements it was 0 per cent (EC 2014: 39). The UNHCR (2012: 23) advises that, in designing alternatives to detention, it is important to observe the principle of ‘minimum intervention’ and to pay close attention to the specific situation of minors (UNHCR 2012, Guideline 9).

According to the European Commission (EC 2015: 79) using alternative methods to detention often means higher return rates, generally improved cooperation with returnees in obtaining the necessary documentation, as well as financial benefits (less cost for the State) and reduced human cost (avoidance of hardship related to detention). Model practices can be observed in Bulgaria, where the issue of alternative methods is assessed by whether it allows for appropriate living conditions. Belgian legislation provides that families with minors are to be detained in alternative ‘family units’ (EC 2014: 20), and that families require special needs so as to reside in their own accommodation until they can return (EC 2014: 35). Cyprus goes a step further and advises families with minors to apply for Public Benefits Allowance so that the family is guaranteed to receive the minimum living standards while in alternative arrangements (EC 2014: 28).

At all times of detention consideration, the court must be guided by the legislation to pay attention to the vulnerability issue (UNHCR 2012, Guideline 4): whether a minor is present (Austria), health status (Denmark), and special needs (UK). The Commission recommended in its *Return Handbook* (Directorate-General of Migration and Home Affairs of the European Commission 2015: 13) that Member States should pay attention to the needs of vulnerable persons at all stages of the return procedure: ‘even if a Member State decides to detain a minor during the initial stage of the return procedure, the particular vulnerability of the person concerned may impede a continued detention at the time of the judicial review of the measure’. Consequently, vulnerability has to be duly considered at every stage of the decision-making process (Pétin 2016: 102). For instance,

in Finland social workers are present during the initial assessment, and in Greece vulnerability is assessed through interviewing a minor (EC 2014: 22–24). Lithuania, on the other hand, introduced an obligation for the judicial authority to approve the detention decision in each case. In all three countries listed as an example, vulnerability is a major factor that guides the judge in imposing an alternative (Pétin 2016: 102), as in the administrative case A-540-617/2013 where the Švenčionys district court (Lithuania) ruled on 18 April 2013 that the detention of the applicant with his four minor children and his pregnant wife was not reasonable.

To correspond fully to the Article 17(1) Directive and Article 37(b) UNCRC, the legislator should follow the Inter-American Court of Human Rights (ICHR). When the ICHR was consulted on the interpretation of the ‘last resort’ principle, it stated in its Advisory Opinion (ICHR 2014: 7) that states may not resort to the deprivation of the liberty of minors as a precautionary measure to protect the objectives of immigration proceedings. The Court indicated that states may not detain minors on the basis that they do not comply with entry and residence requirements, are unaccompanied, or to ensure family unity. Instead, the Court urged states to adopt less harmful alternatives which would more effectively protect the rights of the child integrally and as a priority (PICUM 2014: 3).

The legislator should stress the importance for procedures to be brought before the court without delay and on the following day at the latest. In Finland, all cases of detention that continue for more than four days are automatically brought up to the district court to be assessed with regard to the lawfulness of detention. Procedures in Norway allow individuals to challenge the lawfulness of their detention through judicial review. In Bulgaria, the competent authorities are obliged to conduct a monthly assessment for persons detained, with the purpose of ascertaining the existence of grounds for the placement in detention (EC 2014: 25–26).

The legislator should introduce a clause that all minors, irrespective of whether accompanied or unaccompanied, should be detained only for the shortest appropriate period of time (Article 17(1) Directive and Article 37(b) UNCRC) and prevent the courts from detaining them for an unlimited period. Simultaneously, the legislator must include that, in cases where it appears that a reasonable prospect of removal no longer exists, minors should be released immediately and not be subject to re-detention (which is prohibited in absolute terms in Portugal) (EC 2014: 28) (Article 15(4) Directive, Articles 3 and 5 ECHR). In Luxembourg, migrants found to be illegally present are never, according to the legislation, detained without a return decision (EC 2014: 19). A particular provision worth imitating is the law in the Czech Republic, where the police are obliged to request a binding opinion from the Ministry before any migrant is placed in detention. Such procedures are carried out to evaluate whether it is possible to issue or execute a return decision. If the Ministry decrees that it is not, detention will not proceed (EC 2014: 27).

The legislator should consider an amendment, to include a clause on child welfare, with particular reference to the legal position of ‘minors’. In that regard, the legislator needs to introduce a clause with legal guarantees and protection to preserve a degree of proper care offered to minors before and whilst detained (Article 14(1)(d) Directive, Article 23 UNCRC). In particular, the European Commission (EC 2015: 102–104) directs the Member States that, as soon as possible after the presence of a child becomes known to the authorities, a professionally qualified person be appointed to conduct an assessment of the child’s particular vulnerabilities, including from the standpoints of age, health, psychological factors and other protection needs, such as those deriving from violence, trafficking or trauma. Review mechanisms should also be introduced to monitor the ongoing quality of guardianship. Additionally, steps should be taken to ensure a regular presence of, and individual contact with, a social worker and a psychologist. The Committee for the Prevention of Torture also refers to the importance of regular visits for minors by an independent body, such as a visiting committee, a judge, the children’s ombudsman or the National Preventive Mechanism – established under the Optional Protocol to the UN Convention against Torture. Such bodies should have the authority to receive and/or take action on minors’ complaints and/or to inspect and assess whether the institutions are operating in accordance

with the requirements of national law and relevant international standards. The court should be obliged to take into account individual stories to safeguard the special needs of those most vulnerable. After suffering physical abuse, they are in need of health services and psychological consultations. In addition to sports activities, minors should also be provided with children's supplies such as toys and books (Estonia) (EC 2014: 33), which are essential to a child's mental development and alleviate stress and trauma (UNHCR 2012: 36, Guideline 8).

Finally, the legislator should emphasise that any decision about the minor's future should be made with regard to 'the best interests of the child' as prioritised in Articles 17(5) Directive, Article 3(1) UNCRC and Article 24(2) Charter. Judge Chlebny (2013: 2), in the speech delivered in Strasbourg on the standards of the provisional protection against expulsion, stressed that 'one must always remember that according to the principle of subsidiarity it is always the duty of a national judge to make sure that the level of protection in the national court is not lower than that set by international human rights instruments'. This obligation underlines the responsibility of Poland to add substance to its provisions in a manner that honours this principle. Even though the Directive aims at harmonising return procedures across the legal systems within Member States, it leaves unaffected the right of each State 'to adopt or maintain provisions that are more favourable to persons to whom it applies provided that such provisions are compatible with this Directive'. (Article 4(3) Return Directive). EU and international law measures represent a floor of entitlement which Member States have the discretion to build upon with more favourable entitlement for minors (Stalford 2012: 80–81). Notably, 'more favourable' must always be interpreted as 'more favourable for the returnee' and not more favourable for the expelling/removing State (EC 2014: 16–17).

Poland must bear in mind that its obligation to return an irregular migrant is subject to the principle of proportionality (Recital 24, Return Directive). The legitimate aim of fighting irregular migration may be balanced against other legitimate state interests, such as the interest of the state to fight crime, or respect for the best interests of the child. However, in any case, deprivation of liberty must be carried out in good faith and must be strictly related to the purpose of the return. The conditions of detention should be appropriate, bearing in mind that 'the measure is applicable not to those who have committed criminal offences but to foreigners who, often fearing for their lives, have fled from their own country' (App. No. 13229/03 *Saadi v. the UK*, para. 74), App. No. 19776/92 *Amuur v. France*, para. 43). Member States' practices which respect fundamental rights will not be considered by the European Commission (EC 2015: 22) as an infringement of the obligation to issue return decisions to any irregularly staying third-country national. Good examples have been discussed in this section and are in place to ensure and foster peer-to-peer learning.

Until the changes are introduced, firstly, at least in the case of the detention of minors, the domestic court should recognise a conflict between the EU and its national law, and consequently EU law should take effect, as would be required by the doctrine of supremacy (C-6/64 *Costa v. ENEL*). The Polish courts must not 'without strong reasons dilute or weaken the effect of the Strasbourg case law' (*R. v. Special Adjudicator* (2004), para. 20). Also, in line with the *Return Handbook* (Directorate-General of Migration and Home Affairs of the European Commission 2015: 17), if a Member State opts not to apply the Directive, it must nevertheless ensure, in accordance with Article 4(4) Return Directive, that the level of protection for individuals is not less favourable than that set out in the Articles of the Directive. This principle applies to: cases where there is a postponement of removal, the detention conditions in which individuals are held, cases where there are limitations on the use of coercive measures, and vulnerable persons' needs. Secondly, the provisory regulation should be added in accordance with the Return Directive and human rights standards. In this way, the Act on foreigners could at least partially fulfil the obligations on the detention of minors as a 'last resort' measure.

**Conflict of interest statement**

No potential conflict of interest was reported by the author.

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# From Drifting to Anchoring. Capturing the Experience of Ukrainian Migrants in Poland

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*The article applies the concept of anchoring, defined as the process of searching for footholds and points of reference which allows individuals to acquire socio-psychological stability and security and function effectively in a new environment, to explore complex, multidimensional and flexible adaptation and settlement processes among migrants from Ukraine in Poland. Based on 40 in-depth interviews and questionnaires with migrants resident in Warsaw and its vicinity, we argue that the traditional categories employed for analysing migrants' adaptation and settlement such as 'integration' or 'assimilation' are not always adequate to capture the way of functioning and experience of contemporary Ukrainian migrants. Rather than traditional categories, we propose to apply the concept of anchoring which enables us to capture Ukrainians' 'fluid' migration, drifting lives and complex identities as well as mechanisms of settling down in terms of searching for relative stability rather than putting down roots. The paper discusses the ambiguous position of Ukrainian migrants in Poland constructed as neither-strangers nor the same, gives insight into their drifting lives and illuminates ways of coping with temporariness and establishing anchors to provide a sense of stability and security. This approach, linking identity, security and incorporation, emphasises, on the one hand, the psychological and emotional aspects of establishing new footholds and, on the other hand, tangible anchors and structural constraints. Its added value lies in the fact that it allows for the complexity, simultaneity and changeability of anchoring and the reverse processes of un-anchoring to be included.*

**Keywords:** social anchoring, Ukrainian migrants, integration, adaptation, settlement

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## Introduction

Since 1989 the most numerous group of migrants coming to Poland has consisted of increasingly diverse citizens of Ukraine. Although due to their numbers and significance on the job market in Poland, Ukrainian migrants have attracted attention and become the subject of intensive studies, research to date has predominantly addressed the issues of migrants' economic activity, social networks and mixed marriages (Górny and Kępińska 2004; Fihel, Górny, Grzymała-Kazłowska, Kępińska and Piekut 2007; Grzymała-Kazłowska 2008; Górny, Grabowska-Lusińska, Lesińska and Okólski 2010; Kindler 2011). The previous studies have not focused on socio-psychological challenges experienced by migrants nor examined the complexity of adaptation and settlement within the context of 'fluid' migrations. Additionally, turbulence in Ukraine, starting with the Euro-maidan demonstrations in 2013, followed by the 2014 revolution, the Russian annexation of Crimea and the war in Donbass, has provided new motives for migration from Ukraine including the revival of patriotism and nationalism, fear of violence and forced migration, which were not taken into account in previous analyses.

The goal of this article is to capture complex, multidimensional and flexible adaptation and settlement processes among migrants from Ukraine in Poland through the lens of the concept of anchoring (Grzymała-Kazłowska 2016). We argue that the traditional categories employed for analysing the processes of adaptation and settlement of migrants in receiving societies, such as 'integration' or 'assimilation', are not always adequate to capture the way of functioning and experience of contemporary migrants. We present our argument using the example of Ukrainian migrants in Poland. Rather than traditional categories, we propose to apply the concept of anchoring which allows for understanding the simultaneity and flexibility of migrants' attachments as well as the complexity of adaptation (understood as adjustment to a new environment). It enables us to capture Ukrainians' 'fluid' migration, drifting lives and complex and dynamic identities as well as mechanisms of settling down, in terms of achieving a state of relative stability, rather than developing roots which firmly ground individuals in a new country.

Anchoring is defined as the process of searching for footholds and points of reference which allow individuals to acquire socio-psychological stability and security (defined as a feeling of being safe and not exposed to chaos and danger) and function effectively in a new life environment. This approach adds to the prevalent understanding of adaptation and settlement, offers a more comprehensive perspective than that of integration, links identity, integration and social networks as well as incorporating the issue of security, and integrates psychological and sociological approaches. It emphasises, on the one hand, the psychological and emotional aspects of establishing new footholds and points of references and, on the other hand, tangible anchors and structural constraints. Its added value lies in the fact that it allows for the complexity, variety, simultaneity and changeability of anchoring and the reverse processes of un-anchoring to be included.

This article outlines our key arguments and contributions in six sections. After presenting the theoretical framework and methodological approach and the context of the research, it discusses the complex and ambiguous position of Ukrainian migrants in Poland as those who are neither strangers nor the same. Then, the article gives an account of the drifting lives of the interviewees before moving to the last section, which focuses on migrants' ways of coping with temporariness and establishing anchors which provided them with a sense of stability and security.

## Conceptualising adaptation and settlement beyond integration and assimilation

The predominant – usually circular – form of migration of Ukrainian citizens to Poland in the period of systemic transition following the breakup of the Soviet Union was described with the aid of the concept 'incomplete migration' (Okólski 2001). Okólski (2001) defines 'incomplete migration' as a temporary international

movement between post-communist countries and Western European states by migrants who usually did not comply to administrative rules and sojourned in host countries in order to earn money in their 'shadow zones' for the benefit of households in the countries of origin. Incomplete migration was presented as the product of, on the one hand, 'unfinished' urbanisation of Central and Eastern European (CEE) societies with an insufficient movement of population from underdeveloped peripheries to urban areas and, on the other hand, economic disparities between CEE countries and Western states combined with demand for migrant labour in the secondary job sector of the latter.

However, in recent years we have been witnessing the diversification of migration, transforming patterns and blurring borders between different types of mobility, also visible in the case of migration from Ukraine to Poland. In the face of intensive migrations accompanied by the processes of globalisation and technological advancement, two classic models of traditional migration – settlement and temporary – have proved to be insufficient (Castles, Korac, Vasta and Vertovec 2002). The divided and multiple attachments of contemporary migrants as well as the diversity and flexibility of current migrations have become acknowledged. The transnational perspective has been used to capture migrants' simultaneous relations with their countries of origin and destination, as well as resulting ties (family, economic, social, organisational, religious, political) which span nation-state boundaries (Glick-Schiller 2003) and strategies for life in transnational social spaces crossing geographical, cultural and political borders (Faist 2000).

The notion of 'liquid migration' has been introduced to describe the new type of European migration where migrants choose individualised paths of migration, look for a place for themselves in different countries, often taking advantage of open borders and labour markets in the European Union (EU) (Engbersen 2011). It underlines that migrants may become detached from both their countries of origin and their current places of residence (Engbersen, Leerkes, Grabowska-Lusińska, Snel and Burgers 2013), living on the move and adopting a strategy of intentional unpredictability (Eade, Drinkwater and Garapich 2007). In a similar way we use the notion of 'fluid' migration to refer to migrants' changeable attachment. A different type of temporariness resulting from circular migration has been observed in relation to Ukrainian migrants in Poland as an effect of legal constraints and geographical closeness (Górny and Kindler 2016). In the light of the described phenomena, the well-established categories used in discussions about migrants' adaptation and settlement such as 'integration' or 'assimilation' seem insufficient to capture the complexity and fluidity of migrants' lives.

Although the concept of integration has been to date a central category in migration studies (Favell 2001), it has been also a problematic notion because of its politicisation, the domination of a practical and empirical approach over an analytical and theoretical one (Spencer and Cooper 2006). In addition, there is a problem of its adequacy in relation to increasingly unstable, complex and transnationally linked societies (Urry 2000). Growing mobility and diversity, taking in some places the form of super-diversity (Vertovec 2007), are accompanied by growing individualisation, the reduction of coherent cultural systems and traditional institutions such as the conventional family or institutionalised religion, which is interrelated with accelerating economic and institutional transformations and rapidly increasing inequalities (Giddens 2006). These developments have led to alternative, more dynamic conceptualisations of society in terms of networks (Castells 1996) or various types of mobilities and flows (Urry 2000) rather than fixed groups and socio-cultural systems as assumed in an integrationist perspective.

Moreover, integration has been mainly understood as the participation of migrants in the life of a receiving society, often stimulated by special policies. It has been confused (particularly in public debate) with assimilation, seen as being absorbed into a dominant society and not maintaining a separate ethnic identity, instead of being perceived rather as an adaptation strategy when migrants establish a relationship with a receiving society without rejecting their ethnic identity (Berry, Kim, Power, Young and Bujaki 1989). The notion of integration presupposes ethnicity seen in a rather essentialist, static and fixed way which can be criticised from



the perspective of 'groupism' (Brubaker 2006). This can be challenged from the perspective of Anthias' (2008) intersectional framing for the understanding of belonging, including interconnections between social divisions such as gender, ethnicity and class. Both concepts of assimilation and integration fail to highlight adequately a psychological need for stability and security, whereas the significance of these for migrants' adaptation seems to be clear in the light of Maslow's theory of needs confirmed in recent studies (Ager and Strang 2008).

In general, even though newer theories of integration and assimilation have become more complex and multidimensional (Portes and Zhou 1993; Bosswick and Heckmann 2006), they usually do not include identity in a sufficient way either. To date studies on integration and identity have been mainly developing in parallel, despite the argument that identity plays a crucial role in mediating all human actions and social relations (Blumer 1969) and has become a crucial category to understand contemporary society (Giddens 1991; Castells 1996; Jenkins 2004). In the face of an increasingly changeable and diverse world, identity has become a key area of search for a basic meaning and main points of reference when individuals try to find in themselves relatively stable footholds in an unpredictable world. In order to grasp identification processes occurring alongside the processes of adaptation and settlement, alternative concepts such as belonging (e.g. Fortier 2000), attachment (Grzymała-Moszczyńska and Trąbka 2014) or embedding (Ryan and Mulholland 2015) are also being developed.

To overcome the limitations of the concepts of integration and assimilation, and link the issues of security, adaptation and settlement, the concept of anchoring has been proposed. In contrast to integration, anchoring highlights various possible (not only social or cultural) types of footholds that may provide foundations for identity and adaptation. In this way anchoring also extends the notion of social capital, defined as a productive property of social relations which stimulates activity and facilitates achievement of goals (Coleman 1988) and moves beyond the social network approach by shifting the focus from relations between people to individuals and their resources, and changing perspective from structural to interactional and cognitive. Anchoring emphasises the psychological dimensions related to a need for safety and security, the simultaneity of anchors in different geographical spaces or even the possibility of not being anchored in any particular physical places or countries, as well as the processual character of the studied phenomena. In order to use the potency of its founding metaphor but overcome its limitations, the analytical concept has been proposed to stimulate imagination and provide theoretical inspiration which has been developed through empirical research (see further Grzymała-Kazłowska 2016).

## **Methodological approach**

The empirical material used in this paper was gathered in fieldwork research with 40 Ukrainian migrants<sup>1</sup> in Poland conducted in 2014–2015. The project included alternate, cyclical stages of theory building and fieldwork research based on grounded theory approach (Glaser and Strauss 1967). Its qualitative methodology aimed to explore the processes of anchoring and provide in-depth knowledge about the diverse footholds used by migrants.

Individual in-depth interviews (IDIs) and questionnaires with 40 Ukrainian migrants (20 women and 20 men) constituted the main part of the study. After the minimally structured interviews about migration and projective techniques including spontaneous drawings of migrants' anchors, the concept of anchoring was introduced to explore existing and missing anchors in structured interviews. The interviews were recorded, transcribed, encoded in NVivo and analysed by means of categorical, processual and hermeneutical analyses. The interviews were followed by tests (e.g. a sentence completion test) and a questionnaire gathering socio-demographic and migration data as well as measuring the self-assessed levels of adaptation, integration, life problems and satisfaction. In addition, some ethnographical research was carried out that was supplemented by the

analysis of texts from forum discussions and blogs published by Ukrainian migrants in the Internet which provided 'unguided' and naturally occurring materials (Silverman 2005).

The participants interviewed for the project could not have a Polish spouse/life partner (to eliminate those who had already been rooted in the Polish society through their spouses/partners), had to be in their 30s and 40s, have been living in Poland between one and ten years and be residents of Mazovia Province (Warsaw or surrounding towns, which represent the most diverse urban areas in Poland). Maximum variation sampling (MVS) was applied in relation to other characteristics: gender, life cycle, family situation, education, economic situation and occupation, so the interviewees were highly diverse in socio-economic terms (including professionals, manual workers, entrepreneurs) and family situation (representing singles, families with children, single parents and couples without children). MVS was employed as a type of purposeful sampling to capture common patterns that emerge from variation as representing core or central experiences (Patton 1990). In this way the internal heterogeneity of the researched population was acknowledged in accordance with the project's standpoint regarding contemporary diversity and the falsification method used (Popper 1959). This also allows for internal generalisation alongside the analytic external generalisation of the theory and the possible transferability of the theoretical developments to other cases (Maxwell and Chmiel 2014).

### **The context of the research**

Since 1989 migrants coming to Poland, traditionally a country of emigration, have begun to bring cultural and ethnic diversity to the relatively homogenous post-war Polish society, although immigration statistics show still quite limited numbers of registered migrants living in Poland. According to the register of the Office for Foreigners, on 1 January 2015 175 065 foreigners had documents giving them the right of residence in Poland, mainly from Ukraine (40 979), Germany (20 200), the Russian Federation (10 739), Belarus (9 924) and Vietnam (9 042). Of Ukrainian citizens residing in Poland, the vast majority were granted either a temporary residence permit (19 323) or permanent residence permit (18 637). In addition, 2 761 had a long-term EU resident's residence permit, 97 had a right of residence or right of permanent residence as family members of EU citizens and 161 were under protection.

After a relatively open admission policy dating from 1989, Poland's accession negotiations with the EU led to the introduction of stricter regulations in the Act on Foreigners of 1997 (Łodziński 1999). A subsequent Act on Foreigners in 2003 included an even more restricted law, also introducing a visa requirement for citizens of Ukraine who previously enjoyed visa-free movement. Although an even stricter admission policy was implemented once Poland became a part of the Schengen Area in 2007, certain categories of foreigners (including co-ethnics; citizens of Ukraine; the inhabitants of borderlands) were granted additional opportunities to enter Poland for work and study. Ukrainians, regarded as relatively unproblematic (as The Public Opinion Research Centre (CBOS) study shows [Kowalczyk 2015]) and more desirable migrants (particularly in the context of demand for workforce in the secondary sector and the predicted depopulation of Poland [Grzymała-Kazłowska 2007]) have been privileged in Polish migration policy. For example, citizens of Ukraine may take advantage of a simplified employment procedure and be granted special visas to undertake short-term employment in Poland. According to the statistics of the Ministry of Family, Labour and Social Policy, Ukrainian migrants received 48 010 work permits out of 65 786 issued in 2015. In the same year there were registered 782 222 employers' declarations of intent to hire a foreigner (762 700 of them regarding Ukrainians). Another special provision allowing Ukrainian citizens to come and reside in Poland is the *Karta Polaka* (officially called the Card of the Pole) introduced in 2007, which may be issued to those who either declare Polish national affiliation, demonstrate a connection with Polishness and have Polish ancestors or can demonstrate their active involvement in the promotion of Polish language and culture. The card gives such benefits as: the right to take

up employment and economic activity in Poland, and access to the free education. Amendments introduced in 2016 give further privileges to cardholders including: permanent residence permit, special financial benefit for maintenance (up to nine months) and opportunity for naturalisation after one year of residence in Poland. According to data from the Ministry of Foreign Affairs, up till the end of 2011 79 684 people had received the *Karta Polaka*, mainly inhabitants of Ukraine and Belarus (88 per cent). In 2013 over 23 000 such cards were issued in Belarus and Ukraine (89 per cent of the total issued that year).

Various legal statuses (i.e. visas, temporary or permanent permits) offer migrants different rights and time perspectives. Short-term visas (up to one year) issued for the purpose of study, employment or self-employment allow migrants to reside in Poland for the period of visa, take up employment (providing a proper type of visa and either employment work permit or right for employment without permission) or run certain types of business. Migrants with short-term visas may study (providing a proper type of visa) but must cover the costs of education, have health insurance in order to access public health care and cannot benefit from social care provisions. Temporary residence permits are issued for a longer period of one to three years when migrants prove their need to reside in Poland for employment, business or study as well as showing that they can make a living and possess health insurance and a place to live. Apart from the duration, the main difference from the visa is that they can be reunited with families after two years in Poland. The permit may be cancelled if the reason why it has been issued does not apply any more. A permanent residence permit is issued for an indefinite time (although may be withdrawn due to security reasons) to those who are of Polish descent or possess the *Karta Polaka* and want to settle permanently in Poland or have been married to Polish citizens for at least three years, as well as to those who have been legally living in Poland for five years. It gives migrants full access to the job market, public education, health, social care and gives opportunity for family reunion.

### **Neither the same nor strangers**

The position of Ukrainian migrants in Poland and how it is reflected in their identity may be described as ambiguous and contradictory. In spite of cultural similarities, similar history and geopolitical proximity, there is a social distance and power asymmetry which have an impact on Ukrainians' adaptation, functioning and position in Polish society.

As previous studies demonstrated (Hormel and Southworth 2006), Ukrainians choose Poland as one of their destinations because of not only geographical proximity and easy transport but also common cultural heritage (e.g. Slavic language and relative religious similarity). This may be illustrated by the account of the following interviewee:

*I have also chosen Poland from the perspective of comfortable life. This is not a country, where, if you come, you have to adapt to the society because this society is completely different than that one you were brought up in. So the choice of Poland was rather pragmatic that the country which is next to Ukraine that is a neighbouring country, there is a short journey (UA34\_w\_single\_8y).<sup>2</sup>*

Long-lasting contact between both nations, language and relative religious similarity, similar socio-cultural characteristics and shared experiences contribute to the construction of Ukrainian migrants in Poland as relatively close to Polish society. However, the relationship between these two nations is affected by historical conflicts, Polish political influences on Ukrainian society and negative stereotypes resulting from the past. Although CBOS research indicated an increase in positive attitudes towards Ukrainians since the Orange Revolution (Konieczna-Sałamatin 2015), asymmetry in mutual perception may still be observed – the prevalence of a critical view of the Ukrainian state and ambivalent attitudes towards Ukrainians in Poland with, at the

same time, an overall positive perception of Poles and the Polish state in Ukraine. The former is related to negative stereotypes of Ukrainians originating from the Second World War period and the general adverse perception of the countries of the former Soviet Union, while the latter may be explained by Poland's support for pro-democratic, pro-European changes in Ukraine and advocating its interests in the EU (Fomina, Konieczna-Salamatin, Kucharczyk and Wenerski 2013) and the favourable Polish policy towards the Russia–Ukraine conflict (Kucharczyk, Łada and Wenerski 2015). Moreover, Poland was associated by our participants with the West, a higher standard of living and values regarded as European (i.e. civil liberties, transparency, abiding by the law) as illustrated in the following examples: *Here, it seems to me, it is the West more civilised, there is such a more civilised attitude towards business* (UA34\_w\_divorced\_5y) or *I came [to Poland] and everything surprised me that all is so European, not as at ours* (UA31\_w\_married PL\_4y). Also the Polish press analysis and survey results showed the predominance of paternalistic and patronising attitudes towards Ukrainian migrants and their country of origin, together with a feeling of familiarity and similarity (Grzymała-Kazłowska 2007).

Additionally, the majority of the interviewees came from Western Ukraine (28 out of 40), which had particularly strong cultural and historical connections with the Polish state, where a Polish minority lives and where there are the most widespread cross-border relations and simplified procedures for crossing the border. However, for decades contacts between Poles and Ukrainians were limited. Even though contacts have intensified since the early 1990s, the vast majority of Poles and Ukrainians have no direct, personal relations (Fomina *et al.* 2013). Existing ties to people and institutions constitute social capital that facilitates finding jobs and housing in Poland.

The Ukrainian migrants studied also highlighted some mental and behavioural differences between the two nations. While they appreciated the courtesy and kindness as well as showing other people respect in daily contacts that contribute to greater public order in Poland, the interviewees noticed a greater social distance between people. Conversely, they described compatriots as more sociable and hospitable, which they linked to closer social relations in Ukraine:

*So to say, that I am a very open person, really, and among us, so to say, maybe people are not so nice at the beginning so they will not smile to you or say such things but if you really need something, everybody will help you, there is no other option. Here is the opposite. All smile, are nice to you but if you ask for anything, it will be simply 'no'. So I was surprised by this but now I have got used to it* (UA36\_w\_familyUA/PL\_3y).

Another key aspect of proximity perceived by Ukrainians refers to language comprehension. According to data from the representative research of the Institute of Public Affairs in 2013, 41 per cent of Ukrainians claimed that they speak or understand Polish (Fomina *et al.* 2013). However, their language proficiency was often on an elementary level (20 per cent). Another 9 per cent reported that they are able to take part in a regular conversation. It should be also noted that language proficiency varies significantly among different regions of the country and generations. Older residents of Western Ukraine most often claimed to be able to understand and speak Polish. Even if people did not have Polish roots or personal contacts with Poles, they learned Polish thanks to access to the Polish media, like the following respondent:

*My parents do not speak Polish. But around 1985 year it was fashionable that you could catch a Polish TV signal in Lvov. And at that time, some people just turned their aerials towards Poland and we watched Polish TV which was much better. (...) And I picked up this language. (...) And I learned Polish letters on*

*my own. I knew how a word sounds and I just made analogies: Ukrainian alphabet – Polish alphabet and I picked it up (UA36\_m\_married\_5y).*

Nevertheless, Polish was seen by the interviewees as the biggest challenge at the beginning of their stay in Poland, particularly informal speech and academic language in the case of students (see also Brzozowski and Pędziwiatr 2015). At the same time they perceived Polish as the most significant issue for their life in Poland (38 out of 40 respondents indicated it was ‘very important’ or ‘important’). However, after spending at least one year in Poland only four interviewees evaluated their level of speaking in Polish as ‘rather poor’, while 23 had ‘rather good’ and 13 ‘very good’.

As has already been mentioned, there are pronounced regional differences in knowledge of Polish which is related to the complex history of Ukraine, reflected in ethnic, linguistic and religious diversity as well as the relatively vague and complex nature of Ukrainian national identity. Some scholars argue the country, in fact, comprises two founding nations and three ethno-cultural groups: Ukrainophone Ukrainians, Russophone Ukrainians and Russophone Russian (Taras, Filippova and Pobeda 2004). Others, like Stephen Shulman (2004), propose a framework of two national identity complexes. The first, ‘Ethnic Ukrainian’, is based on the assumption that Ukraine is essentially a European nation. The second incorporates residual Soviet and Pan-Slavic Russian-speaking identities and represents ‘Eastern Slavic’ nationalism. Ethnic and linguistic identities of many citizens of Ukraine are mixed and fluid due to overlapping attachments and ethno-culturally mixed families as in the following example:

*When I was in this [Polish] association, I felt such a feeling, it was related to Polish patriotism because I could not replace this with anything. Once I wondered whether I am Russian or Ukrainian. I contemplated this for a long time and I could not decide who I am. And I decided that maybe I am Russian because I speak Russian. But then Polish origin was added. I started thinking of my Polish origin, going there [to Polish association] and there was Polishness and Ukrainianness and I could not decide who I am. I do not feel affiliation to anybody, I do not have the feeling of identification which is maybe a fact because I do not feel that I am a Russian, I am a Ukrainian or I am Polish, world citizen (UA34\_w\_divorced\_5y).*

The above quotation illustrates not only hybrid identities of members of mixed families but also ambiguous linguistic identification where people can understand both Ukrainian and Russian and the society is inherently bilingual (Kulyk 2006). This complexity was less reflected in the data from the questionnaire where people tended to indicate one dominant identification in spite of multiple options – as many as 33 defined themselves as Ukrainians, five declared Polish identity, one identified as both Ukrainian and Pole and another could not tell. Mixed affiliations remained more visible in the case of attachments to countries – the majority of the respondents (21) felt the most attached to Ukraine, 9 to Poland whereas 10 declared attachment to both countries. Similarly, 18 interviewees perceived only Ukraine as their home while 13 of them regarded Poland as such and 6 respondents thought about both countries as their home.

Relative cultural closeness could contribute to the fact that the interviewees self-evaluated their adaptation and integration in Poland relatively highly with respective means of 7.75 and 7.25.<sup>3</sup> Principal values for them, apart from the Polish language, were ties to Ukraine and contacts with Poles (respectively 38, 37, 36 respondents described them as ‘very important’ or ‘important’). At the same time, less important were the maintenance of contacts with compatriots living in Poland (30), speaking Ukrainian (29) and observing Ukrainian tradition (24). European Union (33) and Ukrainian citizenship (28) were relatively more important to the participants than Polish citizenship (24). This relatively high value of contacts with Ukraine and Ukrainian citizenship could be partly explained by the growth of Ukrainian patriotism and civic nationalism, understood as increased

affection towards the state perceived more as a political than ethnic community and civic participation in the state after the Euromaidan, Russia's annexation of the Crimea and military intervention in Ukraine (Kuzio 2015; Riabchuk 2015). One of the respondents described this in the following way:

*I never perceived myself as a patriot before Maidan. I lived in this country. There was always something not right in our Ukraine but I did not feel proud that I come from Ukraine. But now I just think that I have to do something good for this country (UA47\_m\_familyPL/UA\_2y).*

On the other hand, Ukrainian migrants' orientation towards Polish language and culture and establishing ties with Poles were noticeable.

### **Drifting lives of Ukrainian migrants**

One of the most important factors leading to the makeshift and temporary life of Ukrainian migrants in Poland was related to legal determinants. Participants' unstable legal status in the long term contributed to their feeling of uncertainty and lasting temporariness. Although all the interviewees could legally reside in Poland, only 3 out of 40 had a permanent residence permit, while 17 were granted a temporary residence permit and 20 had short-term visas (although the last number includes 6 participants with the *Karta Polaka* who could enjoy unrestricted access to the labour market).

Migrants' precarious situation on the job market in Poland manifested itself in the fact that nine of them were working illegally while other six had only partly regulated contracts with employers. In some cases instability and insecurity started just after migrants' arrival in Poland when the interviewees found out that they had not had work secured.

Legal instability, the need to deal with bureaucratic procedures, difficulties with securing legal status in Poland and proper employment were among the most apparent problems listed by the interviewees alongside language difficulties, problems with access to health care (e.g. high costs of private services), negative stereotypes of Ukrainians in Poland and migrants' low self-esteem. A permanent residence permit appeared to be the most desirable legal status for the interviewees, as for this female participant who confessed:

*I would try to get a permanent residence permit. So far I have been working for this family but I will change [job] later and I will have problems again with finding someone who will employ me to be legally here. I am employed in a normal way. I pay social security contributions. This is of paramount importance to me (UA34\_w\_divorced\_4y).*

In addition, 18 participants planned to apply for Polish citizenship, whereas 12 did not while 10 had not decided on this matter, with some from the two latter groups even highlighting the benefits of short term visas as being relatively the easiest to get.

Another dimension of uncertainty and temporariness was related to migrants' situation on the job market. The collapse of the Soviet Union in 1991 and its aftermath had a significant negative impact on Ukraine's economy and the welfare of its population. Ukraine has become a country suffering from political instability with high levels of corruption and economic volatility, resulting in stagnation and deterioration of the state (Lapshyna and Düvell 2015). The economic crisis of the mid-1990s led to substantial unemployment, delays in salaries, lower incomes and in consequence severe decline in the standard of living (Hormel and Southworth 2006). The changing structure of the Ukrainian labour market caused the devaluation of some professions, the growth of the grey economy and the worsening of working conditions (including delays in payments or reduced wages), which led to internal and international migration. Prior to migration 13 of our interviewees had casual

jobs (e.g. working illegally as petty traders or kitchen helpers) and 3 others were unemployed. 20 participants pointed to economic incentives as the main reason for their migration, while 11 came to Poland to study and the rest had other than economic or educational motivations (i.e. family reunion, desire to change life). The combination of instability and lack of opportunities for proper employment in Ukraine pushed some of the participants to migration, as in the following example:

*Usually it was illegal work or a partial employment for minimum wage declared by the state and the rest [of money] you got in an envelope. An employer could always cheat you in some way, do not pay you the remaining money. In general, I realised this after two months of work and then I had a possibility to go to Poland for a scholarship and finally I decided to go (UA\_30\_m\_partnerPL\_8y).*

The economic downturns in the 1990s and the collapse of social services particularly affected women as they were pushed out of state-based occupations and less likely to find work in the private sector while at the same time carrying an increased care burden (Solari 2010). One of our interviewees portrayed her difficult economic situation and lack of social security before migration in the following way:

*[It was] like the life in Ukraine if you do not have a job. There was no work. (...) In the 1990s from 1996 to 2000 I worked in Czech. I quitted a job on an open market [in Ukraine]. At a market stall there is no much work, low income, no registration and it all lasted until I decided to go to Poland in 2005 or 2006. The life was difficult [in Ukraine], there is not worth talking, that I earned little, you simply could not earn for living. You wondered how much or whether to buy a half of loaf of bread or a whole (UA42\_w\_divorced\_7y).*

Ukrainian women were frequently forced to combine traditional women's roles as caregivers and breadwinners regardless of the presence or absence of men in a family (Zhurzhenko 2001). In the hardest situation were single mothers responsible for survival of their families who could no longer rely on the state for childrearing support:

*So I am such a single mother who looks after a child alone and it happened that when my son went to university, I needed money so I came here in order that my son would have (...) education (UA44\_w\_divorced\_5y).*

However, women's migration decisions were not only determined by economic factors but also by more complex circumstances including conflicts and abuse within family. This type of motivation can be illustrated by the following quotation:

*To be honest, it was a bit personal. I could not reconcile with my husband at home because of money since I earned little and there was always shortage of money for something. And then I decided that I would go abroad. If all others can try to earn, I also can. (...) I applied for a passport and firstly went to pick strawberries. It was supposed to be just a one-off – to go and earn for something. I needed one thing. And that would have been it. (...) And then I went abroad with my acquaintances (UA37\_w\_familyUA\_8y).*

The above citation also shows the role of social networks in migration from Western Ukraine. Family, friend and neighbour networks provide information about crossing borders, seasonal work in agriculture and domestic care, and accommodation facilitating migration to Poland. Such networks are particularly important in the

domestic care sector where people are offered jobs thanks to references and the rotation system is required not only because of legal constraints (e.g. visa requirements) but also due to often physically and emotionally exhausting working conditions (Kindler 2011). One of the respondents described her circular migration related to work providing caring services to the elderly in the following way:

*I have such a person who replaces me that we change one with another because it also suits her since she does not want to be [here] all the time and this is so psychologically difficult to work without a break because with this Alzheimer's disease sometimes I think that I am going mad (UA37\_w\_divorced\_3y).*

Circular migration between Ukraine and Poland may result in lasting temporariness and consequently an unsettled and precarious situation in the destination country (Górny and Kindler 2016). This includes work in the informal sector as well as problems with accommodation in terms of the recurring need to move house. One of the participants described this instability in this way: *Now, I do not swap so much. The job is permanent and the accommodation is permanent too. It used to be continuous changes – every half a year for sure both accommodation and job (UA34\_w\_divorced\_4y).* However, working in the self-organised rotation system also affects men in the construction industry and petty trade, due to their seasonal character and legal constraints. On the other hand, discontinuous employment in the country of origin hinders opportunities to find a proper job there (Lapshyna and Düvell 2015). Those circumstances push individuals to further short-term migration that becomes their main source of income. An example of an unsettled situation related to the rotation system is seen in the story of this petty trader:

*There were about two months I replaced someone there, this Ukrainian woman hired me for work, so I covered for one girl. She came back after two months so I lost a job. (...) I found a job that we traded in bits and pieces. I also traded on the West Coach Station, and then I also replaced one lad there for about two weeks because he was supposed to finish his job at a building site. (...) Later, I went home for two or three [weeks] and then this woman I worked for the first time, she found me another job, she recommended me and I have been trading there for about three years (UA30\_m\_single\_3y).*

Lasting temporariness was also visible in the lack of far-reaching plans and the perception of migration as a temporary activity, which might be linked to the notion of 'fluid' migration and the aforementioned strategy of intentional unpredictability. Some migrants did not decide on the length of their work and stay in Poland, like this female interviewee:

*Honestly, I did not think that I would be so long here. I came for one year. But now there is my daughter. (...) And I have decided to let the daughter study here and then I calculated costs and think that after one month there [working in Ukraine] I would not have money for her accommodation. (...) So now I say [I will stay] five years more here. And then we will see. (...) I am simply not attached to anything. You do not plan in Warsaw, you know. Someone asked me how it is possible that you do not plan? So now in Warsaw it is like this, and after two days it can be a completely different situation. I do not know whether this applies to everyone or only to us, Ukrainians, because we do casual work. So I do not plan anything in Warsaw that could attach me. I have no idea why? Maybe where is better [for me], I am fine. Everybody does this, not only me (UA41\_w\_partnerUA\_2y).*



Referring to Morokvasic's work (2004), lasting temporariness may lead migrants to becoming 'settled within mobility' after choosing mobility as a strategy to maintain the quality of life and a tool for empowerment and agency.

This kind of drifting and unsettled situation of Ukrainian migrants in Poland did not facilitate civic engagement and involvement in voluntary associations, however; only five participants belonged to such. It should also be pointed out that prior to the Euromaidan, Ukrainian non-governmental organisations in Poland operated on a rather small scale and had rather an elitist character. They include *Our Choice Foundation* (Fundacja 'Nasz Wybór') established in 2004 by a group of Ukrainian PhD students in Warsaw, *Friends of Ukraine Association* (Towarzystwo Przyjaciół Ukrainy – TPU) also operating since 2004, *the Open Dialog Foundation* and *Ternopil'ska Foundation* both set up in 2009 and last but not least *Euromaidan Warsaw Foundation*. The Euromaidan consolidated the majority of Ukrainian non-governmental organisations around a common goal, which was providing assistance to the victims of violence in the Russian–Ukrainian conflict in Donetsk and Luhansk as well as fundraising for the Ukrainian Army (11 of our interviewees participated in this kind of initiative). However, some interviewees also engaged in other voluntary activities, i.e. youth meetings organised in the Greek Orthodox church, Experimental Ukrainian Theatre, the Centre for Ukrainian Culture, the choir Kalyna in Ukrainian House led by Our Choice Foundation, or sport initiatives related to Boyovoho Hopak, which is Ukrainian martial art with elements of folk dance.

### **Anchored not rooted?**

Ukrainian migration to Poland cannot be adequately grasped either by simply binary opposition such as temporary *versus* permanent migration (Górny and Kindler 2016) or by the traditional categories employed for analysing the processes of adaptation and settlement of migrants in receiving societies such as 'integration' or 'assimilation'. Thus, in order to capture the experience of Ukrainian migrants in Poland we propose to use the concept of anchoring which can be applied to more fluid and complex migration processes.

In the case of our participants the mechanisms of settling down were more about searching for stability than putting down roots. They often adopted a 'pro-future' orientation despite many obstacles and constraints in establishing themselves in Poland, as seen in these quotations when migrants were asked to list their main footholds in the host society: *Poland is simply a home, also friends, work, the realities and the future* (UA38\_w\_divorced\_8y) or *Work here, stability so everything will be fine tomorrow* (UA41\_w\_partnerUA\_2y).

The analysis of interviews allowed us to distinguish different types of anchors connecting migrants to Poland and their country of origin. They can be presented as different layers starting from external footholds, related to work and institutional settings, through to more complex anchors embedded in social relations as well as to deeper internal types linked to values and identification.

Our study confirmed the crucial role of work for migrants' anchoring in the host society. It was reflected in its centrality in their narratives usually built around work. It is noteworthy that 34 of our 40 interviewees were satisfied or rather satisfied with their employment in Poland even if they were working on the secondary job market. Our participants especially appreciated work opportunities in Poland in terms of finding or changing a job, which contributed to their overall feeling of security from the psychological and financial perspectives, as described by one of our participants:

*Opportunities, for example, when you lose a job here, you do not need to panic that it is the end of the world. No, there will be another [job]. (...) Work is the most important for a person both psychologically and financially. (...) But here, even if you wake up and know that you do not have a job but only today and*

*you should make the most of this day for yourself because you do not need to work today (UA34\_w\_divorced\_4y).*

In spite of the unpredictable and often irregular situation of Ukrainian migrants on the Polish labour market visible in the above quote, numerous interviewees emphasised chances for achieving relative stability and development in terms of establishing a stable work routine, higher salaries or in the case of migrants working in the domestic-care sector, changing from live-in to live-out arrangements. Others who had been working as specialists appreciated acquiring work experience, developing their business skills and ways for advancement in international corporations.

Another crucial aspect of anchoring was related to the institutional environment in Poland compared with the unstable situation in Ukraine caused by the high level of corruption and lack of transparent rules for running a business. The interviewees gave examples of bribery and corrupt officials, problems with the educational system and health service as in following quotation:

*I realised here that one can work and not pay bribes for this. I can work peacefully here and nobody comes and tells you that you must pay extortion because otherwise [you will have] problems with your family and so on. So I am, you can say, more secure, I feel safer than in Ukraine (UA32\_m\_partnerUA\_5y).*

In contrast, the migrants praised a more supportive role of the state and the rule of law in Poland, which in fact referred more to clearer procedures than assistance for foreigners as in this citation: *Exactly, there is a big support here. The state does not trick here like ours. And here it is much easier, you know. For running your business and I do not know... The same with credit and everything. (UA30\_m\_partnerPL\_6y).*

In general, 30 of our interviewees were satisfied or rather satisfied with support of Polish institutions, while 4 expressed their dissatisfaction. However, not all of the participants have had any contact with Polish institutions, either governmental (apart from the Department for Foreigners of the Mazowieckie Province Office) or non-governmental. Only three had experience with the Job Centre, one received social benefits, while only 16 used the public health service and 15 received NGOs assistance.

Stable legal status was another significant anchor in Poland, even though for years some had been working in the grey economy. Almost half of our participants (18) declared that they were planning to apply for Polish citizenship. The process of anchoring can be illustrated through the example of regularising legal status in Poland (obtaining a residence permit):

*So more or less this was about money. To earn some, build something, have something. Or set up something in Ukraine or here. And there was always a decision that I do not know what I want. Either here or there. But when the war started in our country, at once I began to sort out the paperwork, pay for insurance [ZUS] and extend a temporary residence permit in order to stay here. (...) I built a building in Ukraine together with my brother when I was here what I wanted through my whole life. (...) But now because of this war, because of this everything, this all has been finished and now I must start everything from scratch (UA30\_m\_partnerPL\_6y).*

The above quotation shows additionally how migrants spontaneously referred to the unstable situation in Ukraine, which also appeared in the sentence completion test. They contrasted the absence of safety and security in Ukraine with the acquired relative stability in Poland (35 of them were satisfied or rather satisfied with the sense of security in Poland). The essential role of security and safety in migrants' lives can be explained by the scarcity hypothesis that a particularly high subjective value is attributed to the goods and ideas that are

relatively difficult to achieve (Kacprowicz and Konieczna-Salamatin 2014). This may also be applied to the lack of predictability and stability in Ukraine:

*'Stability' that is when I arrange something and I know that it will be the same tomorrow but it was differently in Ukraine. There could be something agreed and then you came and it turned out that 'You know but there is missing something and this will be in six months but, you know, you can pay and it will be [now]'. And, in general, 'stability' means to me that if I do something this will give some fruits. In Ukraine, I had such experiences that what I did over years when we had our business, in sum, just disappeared (UA32\_m\_partnerUA\_5y).*

The interviewees who were not fully settled in Poland kept their houses in Ukraine, which constituted a solid and tangible anchor in their country of origin. Around two thirds of our participants (27) maintained their houses in Ukraine regardless of costs and difficulties like the woman cited below:

*The thing is that everything in this flat was destroyed. I was refurbishing it and sometimes simply... because refurbishment is simply expansive... So I earned here and invested there and that is a loss because now when I was refurbishing it for over two years if I simply had not done this, I would better have sold it (UA44\_w\_divorced\_5y).*

It should be pointed out that this kind of anchor plays an ambiguous role in the process of migrants' settling down in Poland. Investing in properties in Ukraine turned out unprofitable and hindered capital accumulation and migrants' establishment in Poland.

Other footholds connecting the participants with the country of origin were embedded in social relations. Among our interviewees social ties constituted the strongest and most vital anchors linking them with Ukraine or anchoring them in transnational social spaces. 38 interviewees indicated that they had close family members living in Ukraine, including 10 out of 25 married who had spouses there and 10 respondents with children living in Ukraine. Our participants also formed transnational families as defined by Bryceson and Vuorela (2002), with relatives living in the Czech Republic, Italy, Kazakhstan and Belarus, additionally having close friends in Ukraine as well as in the United States, Spain, Italy, Belarus, Russia, Great Britain, Canada and Germany. The physical separation from family members constituted the most important driver for transnational practices and maintaining footholds in the country of origin, exemplified by the following quote:

*Now, when my daughter is here, I don't know. In general, nothing attracts me [to Ukraine], nothing keeps me [there] so I could even decide [to stay] permanently here. For the time being it is as it is. Some time here, some time there because I have not built my life, so simply I do not have anybody so I can go to work there and here. There is no such a stability, to sum up. This is a bit wrong (UA37\_w\_divorced\_3y).*

The above quotation also underpins the crucial role of social ties and social support in the process of anchoring in Poland. Although our participants spent more free time with compatriots, they also had quite intensive contacts with Polish friends. 34 of the interviewees met up with other Ukrainian migrants at least once a month while 29 spent their free time with Poles with the same regularity. Among 143 best friends listed by our respondents (defined as people who are trusted and could be relied on) the vast majority (104) were born in Ukraine (mainly living in Poland) and only 29 in Poland. Social anchors outside the migrants' community were mainly established through study or in the workplace.

A particular situation is represented by domestic care where migrants and employers enter an asymmetrical patron–client relationship which exists between unequal individuals with access to different types of resources (Kindler 2011). However, some of our interviewees compared this relationship to family ties in terms of density of interactions and emotional load:

*These all are my new acquaintances, those I work for too, because you almost live in each family. You come and [you are] with them, it is not that you came there and went out, there are own problems in each family or worries about children. They tell you [about them] and you also share your [worries]. Everyday you have something and advise and play a role of psychologist. This is like a new family because you know almost everything about everyone (UA46\_w\_marriedUA\_7y).*

This patron–client relation allowed migrants to adapt to conditions of instability (even irregularity) and receive different forms of support, including practical ones, i.e. in regularising legal status or providing access to an employer’s social network as the source of potential new employers (Kindler 2011). On the other hand this kind of relationship was characterised by asymmetry of power, which could potentially lead to exploitation and dependency.

The interviewees also established their anchors while engaging in sport, artistic or religious activities (e.g. participating in meetings at Pentecostal Churches), with Poles or other migrants. Integration and maintaining contacts with Poles was the most visible at the local level as illustrated below:

*I cannot say that the whole Poland is my favourite country but just in Warsaw I feel OK for different reasons. First of all, because I have managed to secure around myself (...) such a system where I get around well and comfortably (UA31\_w\_divorced\_1y).*

37 interviewees were satisfied or rather satisfied with contacts with neighbours and 20 experienced their help, which is surprising considering the anonymity of neighbourhood relations in large Polish cities. This could stimulate an overall sense of belonging. Even though eight respondents declared that they spent free time with neighbours, it turned out that they mainly meant flatmates and other migrants. Only five interviewees had experienced antipathy in their neighbourhoods or were dissatisfied with relations with neighbours.

Lastly, subjective and internal types of anchors including values and beliefs should be discussed. Apart from religion and cultural aspects, our interviewees referred to a set of values such as democracy, freedom, civil liberties, transparency and law-abidingness which they associated with Poland and regarded as ‘European’ and important to them and contributing to their sense of stability. They also perceived these values as desired values for Ukraine as in the following quotation:

*The contemporary Poland is the future of Ukraine. Poland and Ukraine were similar socialist republics 30 years ago, but only Poland joined the European Union earlier and has followed this European path. This is something Ukraine fights for now and the only thing that I want to give my children – such a European spirit. And this is for me (...) a part of the free and united Europe. So yes, I wanted to change something there in my life, see something different, how it is to live in Europe. Not only hear about it, but experience how it is to live there, see for myself and try such a life (UA34\_m\_marriedUA\_1y).*

The values and beliefs mentioned not only played a vital role for individual anchoring but also contributed to the social and civic incorporation of migrants in society in Poland.

## Conclusions

The text uses the concept of anchoring, defined as the process of searching for footholds and points of reference which allow individuals to acquire socio-psychological stability and security and function effectively in a new environment, to capture the experience and ways of functioning of Ukrainian migrants in Poland. This study demonstrates the importance of stability and security in migrants' perception even while their lives can be characterised as ungrounded and drifting. The observed fluidity may be seen as an effect of migrants' usually unstable legal status in the long term (only three participants were granted a permanent residence permit), geographical and cultural closeness allowing for relatively easy circulation between different social spaces across the national borders and substantial social ties to Ukraine. The position of Ukrainian migrants in Poland as neither the same nor strangers, where migrants were constructed as culturally and socially similar but not always close and rather inferior, seemed to contribute to their mixed identities and multiple yet not firm attachments. Migrants' pro-European aspirations, fulfilled by acquiring Polish language and culture competencies, coexisted with the reinforcement of Ukrainian civic identity in the face of the political and military events in Ukraine. This research showed the development of the process of anchoring over time in Poland, while simultaneously the interviewees maintained links to Ukraine (mainly related to their family ties) and remained open to new opportunities such as returning to Ukraine or moving to another country. This study demonstrates different layers of anchoring in Poland, from external footholds related to the legal and institutional framework and work, through to more complex anchors embedded in social networks and deeper internal footholds, linked to familiarity and the constructed cultural closeness, as well as European, modern and civic aspirations. The migrants studied contrasted the institutional stability and work opportunities in Poland with the unstable situation in Ukraine in terms of lack of institutional transparency and predictability, low accountability of political elites, and the recent military conflict. This research showed migrants' agency in anchoring despite the noticeable constraints which hindered their processes of adaptation and settlement.

The main argument developed in this article presents a different approach to the processes of adaptation and settlement of migrants in receiving societies than through the traditional categories such as 'integration' or 'assimilation'. We argue that none of them adequately captures the way of functioning and experience of Ukrainian migrants in Poland. Apart from the fact that integration and assimilation are problematic concepts due to their political and ideological load as well as structural and functionalist assumptions, they are not sufficient to capture current dynamic and interrelated phenomena. These concepts do not embrace the complex and mixed identities of Ukrainians coming to Poland, their multiple cultural competencies, 'fluid' migrations and simultaneous transnational links. The concept of integration, which relates to distinct ethnic identities maintained alongside successful social incorporation, does not seem adequate. Nor does the notion of assimilation, which assumes that migrants do not maintain their ethnic identities whereas our research shows the importance of Ukrainian heritage to migrants and the increase in civic patriotism in the face of the recent political developments and the military conflict in Ukraine. Applying the concept of anchoring allows for better understanding Ukrainians' 'fluid' migration, drifting lives and complex identities as well as mechanisms of coping with temporariness and settling down in terms of searching for relative stability. It enables us to capture the simultaneous connections between Poland and Ukraine. The concept of anchoring embraces the complex, multiple and dynamic attachments of contemporary Ukrainian migrants as well as the flexibility of their adaptation and settlement. It highlights migrants' agency and possibilities for connection or disconnection.

This concept has proved to be particularly valuable for the study of the adaptation process of migrants that were citizens of Ukraine in their 30s and 40s, without a Polish spouse or partner, and predominantly living in Poland on short term visas or temporary residence permits. Due to the specificity of this group further research

is needed to examine the concept with different types of migrants from Ukraine and other countries. The model of anchoring linking different aspects needs to be further developed as well as differences in the process of anchoring related to gender, types of possessed capital (e.g. economic, cultural), family situation and migrants' legal status.

## Notes

<sup>1</sup> Migrants being Ukrainian citizens and legally residing in Poland.

<sup>2</sup> In the symbols for interviews, 'UA' stands for Ukrainian, 'w' for woman, 'm' for man, 'y' for years of residence in Poland. 'UA34\_w\_single\_8y' represents a 34-year-old single woman from Ukraine who has been living in Poland for eight years.

<sup>3</sup> Respectively defined as the level of adjustment to the change and life in Poland/participation in different domains of the Polish society and maintenance of social relations with Poles outside work; on the scale from 1 'not adapted/integrated at all' to 9 'adapted/integrated very well'.

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No potential conflict of interest was reported by the authors.

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# Chechen's Lesson. Challenges of Integrating Refugee Children in a Transit Country: A Polish Case Study

Krystyna Iglicka\*

*This paper examines migratory movements into Poland with a special emphasis on refugee mobility. In the past twenty years, almost 90 000 Chechen refugees have come to Poland, as it was the first safe country they reached. According to the Office for Foreigners data they constituted approximately 90 per cent of applicants for refugee status, 38 per cent of persons granted refugee status, 90 per cent of persons granted 'tolerated status' and 93 per cent of persons granted 'subsidiary protection status'. However, a peculiarity of the Polish situation, confirmed by official statistics and research, is that refugees treat Poland mainly as a transit country. The author focuses on the issue of integrating Chechen refugee children into the Polish education system, as well as Chechen children granted international protection or waiting to be granted such protection. The results of the study suggest that Polish immigration policy has no impact on the choice of destination of the refugees that were interviewed. None of the interviewees wanted to return to Chechnya, nor did they perceive Poland as a destination country. Children with refugee status, which enables them to stay legally in the Schengen area, 'disappear' not only from the Polish educational system but from Poland as a whole as well. This phenomenon hampers the possibility of achieving educational success when working with foreign children, and it challenges the immense efforts by Polish institutions to integrate refugee children into the school and the local community. Both official statistical data and research results were used in this paper.*

*Keywords: Chechens; refugees; Poland; integration; schools; intercultural education; refugee crisis*

## Introduction

The character of refugee inflow into Poland is of considerable significance, not only for politicians in the CEE region but also for those involved in the issues of immigrants' integration. There are important lessons to be

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learned from recent experiences; lessons that challenge longstanding perspectives, especially in the light of the current immigration/refugee crisis in Europe.

This paper addresses the challenges relating to refugee mobility into Poland from the beginning of the 1990s until the beginning of the second decade of the 21st century. The bulk of asylum seekers entering Poland are Russian citizens of Chechen origin. The paper provides both legal and policy information on the framework of refugee integration in Poland. Furthermore, the author focuses on the issue of integrating refugee children into the education system and, more specifically, the integration of children granted international legal protection or waiting to be granted such protection. Drawing on both official statistical data (derived from the Office for Foreigners and Ministry of National Education) and research findings, the paper reports empirical results from the pioneering, qualitative study on 'transit' refugee children in Polish schools.<sup>1</sup> Within the framework of the study, 45 in-depth semi-structured interviews were conducted in three main provinces (15 interviews in each region) where refugee centres have been established: Mazovian Province (central part of Poland), the Lublin Province, and Podlasie Province (south-eastern part). These provinces were selected as they have the biggest number of refugee centres on their territories. In each province, semi-structured interviews were conducted with representatives of the Ministry of National Education, school headmasters, teachers, multicultural assistants, parents of refugees (of Chechen origin), NGO representatives and social workers.

According to the definition of integration contained in the *Common Basic Principles for Immigrant Integration Policy in the EU* (2004), integration is a two-way process of mutual accommodation by immigrants and residents of Member States. This process has a dynamic, long-term and continuous character. Under this definition, integration implies the receiving society's respect for the immigrants' rights to preserve their own cultural identity and integrity. On the one hand it requires receiving countries to show goodwill, which includes developing mechanisms and procedures to facilitate immigrants' integration. On the other hand, immigrants, including forced ones, i.e. refugees, are expected to join and integrate with the social and political life of the receiving society.

The integration of refugees in a given society should not be analysed only from the perspective of labour markets but, especially in the case of minors, from schools as well. The significance of education policy for the integration of immigrants stems from a basic assumption adopted by a number of national education systems, which calls for ensuring equal opportunities for individual development and the acquisition of basic skills and knowledge and professional qualifications (Szelewa 2010). The integrative role of school education is invaluable, since it affects the individual at the moment when he/she is preparing to adopt the role of a member of society. One should note here that parents can integrate with the receiving society through their children's school as well. The children's school experience helps the parents to learn and understand the principles and values of the receiving society and – which is extremely important – the often unwritten rules of local community. In this way, refugee children become both a link to and mediators between their family members and the outside world.

However, refugee children, and more broadly children and youth under international legal protection, constitute a very special group. Very often they have had traumatic experiences that affect their daily functioning, also at school. Some have gaps in the educational process, and many, including teenagers, have no school experience at all.

The literature on the integration of refugees in education in both United States and Western European countries is vast (see e.g. Dryden-Peterson 2015; European Commission Library and e-Resources Centre 2015). As Black (2001: 57) notes, 'the last fifty years, and especially the last two decades have witnessed both a dramatic increase in academic work on refugees and significant institutional development in the field'.

Since immigrants and refugees started arriving in Poland in larger numbers only after the 1989 geopolitical restructuring of Europe, national research on emerging new migratory patterns necessarily have a relatively short history. Indeed, the changes in mobility posed significant challenges for Polish migratory research and its rather inexperienced researchers (Iglicka 2002, 2010). As for the integration of foreign students in schools,

studies have concentrated mainly on both social and legal challenges stemming, firstly, from the sudden cultural diversity and, secondly, from the implementation of EU directives in the national legal framework (Czer-niejewska 2013; Gmaj 2007; Konieczna and Świdrowska 2008). The literature on the functioning of foreigners in Polish schools focuses most extensively on the situation of students of Vietnamese origin (Głowacka-Graj-per 2006; Halik, Nowicka and Połec 2006) or the situation of students-immigrants from the former Soviet Union countries (Konieczna and Świdrowska 2008).

Nevertheless, the phenomenon of refugees in Poland and their functioning at school has also attracted some attention of both researchers and NGOs activists in Poland<sup>2</sup> (e.g. Chrzanowska and Gracz 2007; Ząbek and Łodziński 2008; Januszevska 2010; Łodziński and Ząbek 2010; Siarkiewicz 2001). Unfortunately, the most important work was done in Polish. This paper tries to fill the gap and present English language readers with the findings of the pioneering research into the challenges of refugee integration in Polish schools.<sup>3</sup>

### **Refugee and asylum seekers legal framework in Poland**

As far as the legal framework for refugees and asylum seekers is concerned, until 1991 Poland had only granted asylum to people for a limited set of reasons, and most of those who received asylum were communists from Greece and Chile escaping Greece's junta regime and Pinochet's regime in Chile. After Poland ratified the United Nations' 1951 Refugee Convention and the 1967 Protocol, in September 1991 the country amended the 1963 Aliens Act to formally establish a system for granting refugee status (Iglicka 2001). In accordance with the 1959 European agreement on the Abolition of Visas for Refugees, refugees in Poland are issued a travel document, a so-called Geneva passport. The document enables them to travel without a visa to other states that have signed the agreement.

Poland also started granting additional forms of humanitarian protection, e.g. 'tolerated status' and 'sub-sidiary-protection status' in accordance with the Qualification Directive.<sup>4</sup> Subsidiary-protection status (which came into force in 2007) is for those who do not fulfill the requirements for becoming a refugee but who would be at risk upon returning to their countries. Tolerated status (which came into force in 2003) is granted in some cases after the person has been rejected for refugee or subsidiary-protection status.

All those granted humanitarian protection have a right to work and to start their own business in Poland. They have access to health insurance and free education and can eventually apply for permanent residence. Both refugees and people with subsidiary-protection status have access to integration programmes and social assistance. Only a few of these benefits, such as shelter, meals and financial aid in critical situations, are also granted to those with tolerated status.

As far as integration policy is concerned, Poland's first integration programmes regarding the foreigners were launched in the early 1990s and targeted refugees from the former Yugoslavia. Since then, it has been within the competence of local regional governors to coordinate the measures for the integration of refugees in their regions. The main unit responsible for immigrant integration management at the national level is the Department of Social Assistance and Integration in the Ministry of Labour and Social Policy.<sup>5</sup> This unit determines the whole area of social assistance. Therefore, immigrant integration is only a small part of its many activities (Iglicka 2014: 107).

Integration programmes are restricted to those who are granted international protection. The Individual Integration Programme, which the local/municipal family support centre runs, does not exceed one calendar year. During that year, participants receive cash benefits for living expenses and Polish-language classes. The programme also covers contributions to health insurance and the costs of specialised guidance services, finding accommodation, and social work activities. As of March 2008, these provisions have been extended to those with subsidiary-protection status.<sup>6</sup>

Indeed, Poland lags behind its western neighbours in regulating and developing services for immigrants (Bieniecki, Kazmierkiewicz and Smoter 2006). The government's lack of interest in immigrants might well stem from Poland's isolation during the communist era and the self-perception of Poland as ethnically and culturally homogenous (Iglicka and Ziolek-Skrzypczak 2010), though perhaps foremost from the fact that both the stock and current flows of foreign residents have remained relatively low by EU standards. Wrongly assuming that the inflow of foreigners depends on policy and not on the economic prosperity of a given country, the government has taken decisive steps toward reforming Poland's migration policy.

The debate on the strategy was finalised in July 2012 when a document titled *Migration Policy of Poland – the Current State of Play and Further Actions* (MI 2012) was adopted by the Council of Ministers.<sup>7</sup> The document was drafted after lengthy consultations with social partners, including NGOs (Iglicka 2014: 107).

This document is meant to serve as a basis for setting specific migration policy targets, drafting specific laws and other regulations, and promoting relevant institutions in the years ahead. It is the first migration policy document adopted by the government of Poland of such political importance, and with such substantive extent (Iglicka 2014: 107).

It would not be an exaggeration to say that the document is in fact all about immigration policy, in spite of the fact that Poland continues to be primarily a country of emigration (acknowledged and deplored in many public speeches by the highest officials), where foreigners not only constitute a tiny minority but the inflow from other countries is low and most likely will remain low in the near future.

The above prioritisation of migration policy goals and topics, despite the government's concern with the continuing outflow of Polish people to other countries, reflects a tendency towards a 'Europeanisation' of government policy and a rather passive participation (from the national point of view) in the discussion on common EU asylum/relocation policy. On 14 September 2014, Prime Minister Kopacz spoke ahead of an EU summit on the refugee crisis, saying, 'We will accept as many refugees as we can afford, not one more, not one less. I promise the Polish people that we will not show ourselves to be the black sheep of Europe'.<sup>8</sup>

However, in the October 2015 parliamentary election, the right-wing Law and Justice Party won the majority of seats, and official rhetoric took on a harsher tone under the new government. After the March 2016 terrorist attacks in Brussels, Prime Minister Beata Szydło announced that Poland would not accept any refugees under the plan. 'I say very clearly that I see no possibility at this time of immigrants coming to Poland'.<sup>9</sup>

The strategy of Poland's migration policy (MI 2012) was cancelled. The emphasis of a new policy is squarely on security. One conspicuous example of this attitude is the Polish government's close cooperation in EU security issues. Frontex, the EU agency entrusted with coordinating border security, is based in Warsaw. One can also notice an increase in decision-makers' interest in immigrants' integration issues. They more actively started to offer commentaries and *suggestions* regarding the programmes implemented by the European Refugee Fund (EFR) and European Integration Fund (EIF) (Iglicka and Gmaj 2015).

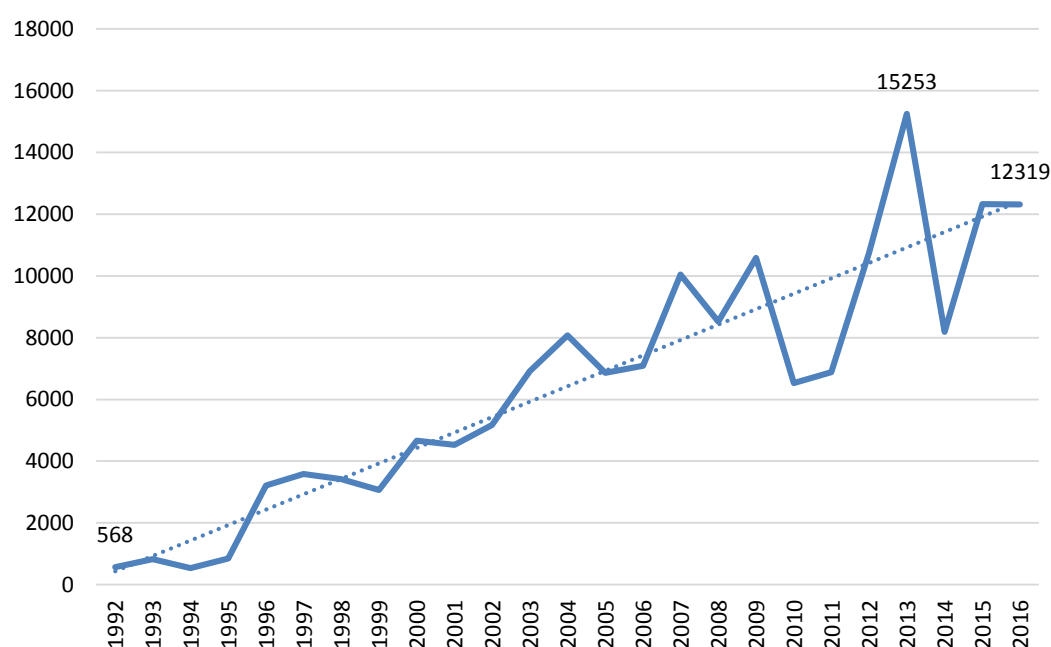
### **The refugee population: main demographic and social features**

Poland has experienced a steadily increasing number of refugee applications from various countries in Europe, Asia, and Africa since the late 1990s, from just over 3 400 in 1998 to over 15 000 in the peak year of 2013 (see Figure 1). Over the last decade, the majority of applications came from Russia, most of them from the war-torn region of Chechnya (see Table 1). Prior to the year 2000 (during and after the first Russian-Chechen war from 1994 till 1996), the majority of the applicants were young single men who wanted to work in Europe and to build the basis of a new life for themselves and their families (Stummer 2016). The situation changed after the outbreak of the second war in 2004. That is when a lot of children and single mothers started to arrive, the majority coming from the Chechen capital of Grozny.

As Stummer (2016) stresses: ‘Officially, the second Russian-Chechen war ended in the 2009. Although the number of refugees has been getting lower year by year, thousands are still crossing European borders, mostly because of the brutality of the Kadyrov regime and the poor living conditions of their home regions. The biggest increase in the number of applicants arriving from the Russian Federation took place in 2013, when the German government agreed to introduce social benefits for refugees equaling the amount paid to German citizens’.

In the year 2013, Poland had taken 12 849 asylum seekers from the Russian Federation whereas in the preceding year the number of arriving applicants was 6 084, and in the year before it amounted to 4 305 (see Table 1). In the period after 2013 the number of applications dropped and it currently fluctuates around 12 000. As for asylum applications since 2014, Ukrainians now occupy second place.

**Figure 1. Refugee applications in Poland, 1992–2016**



Source: Office for Foreigners, Warsaw, various years.

**Table 1. The number and nationality of persons who applied for asylum in the territory of Poland (top five countries) (2007–2015)**

Citizenship	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Russia	9 239	7 754	5 726	4 795	4 305	6 084	12 849	4 112	7 989	62 853
Georgia	31	71	4 214	1 082	1 735	3 234	1 245	726	394	12 732
Ukraine	55	40	36	45	67	74	46	2 318	2 305	4 986
Armenia	43	50	147	107	216	413	206	135	195	1 512
Syria	6	10	7	8	12	107	255	114	295	814
Other	674	586	457	497	552	841	652	790	1 147	6 194
Total	10 048	8 511	10 587	6 534	6 887	10 753	15 253	8 195	12 325	89 093

Source: Office for Foreigners, Warsaw, various years.

From 1992 through 2009, 3 113 applicants received refugee status (3.5 per cent of all applications). More than half of those approved came from Russia (mostly from Chechnya). Recognised refugees also came from Syria (since 2013), Belarus, Afghanistan and Iraq (see Table 2).

**Table 2. The number and nationality of persons granted refugee status in Poland (top five countries) (2007–2015)**

Citizenship	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Russia	104	129	100	42	82	48	26	13	21	565
Syria	0	0	0	0	0	0	70	115	203	388
Belarus	3	14	20	19	19	24	21	14	14	148
Iraq	5	28	1	5	16	1	2	8	24	90
Afghanistan	0	2	0	4	4	1	21	27	8	67
Other	4	13	8	12	32	13	68	85	78	313
Total	116	186	129	82	153	87	208	262	348	1 571

Source: Office for Foreigners, Warsaw, various years.

As for other forms of humanitarian protection, the ‘tolerated status’ was granted to 5 913 individuals and ‘subsidiary-protection status’ to 4 348 asylum seekers by the end of 2015 (see Tables 3 and 4). Regarding statistics on ‘tolerated status’ it is worth mentioning that 90 per cent of persons granted a positive decision came from Russia, while 5 per cent were made up of Georgians and Armenians. The same trend is visible in case of ‘subsidiary protection status’. This form of humanitarian protection was given to 93 per cent of applicants from Russia (see Tables 3 and 4).

**Table 3. The number and nationality of persons who were granted ‘tolerated status’ in the territory of Poland (top five countries) (2007–2015)**

Citizenship	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Russia	2 830	1 474	48	98	84	223	282	202	91	5 332
Georgia	1	0	0	14	4	23	65	39	6	152
Armenia	1	4	6	19	32	20	22	13	10	127
Ukraine	0	1	4	3	5	3	8	11	6	41
Mongolia	0	0	1	5	14	0	2	0	0	22
Other	39	16	8	57	31	23	26	30	9	239
Total	2 871	1 495	67	196	170	292	405	295	122	5 913

Source: Office for Foreigners, various years.

**Table 4. The number and nationality of persons who were granted subsidiary protection status in the territory of Poland (top five countries) (2008–2015)**

Citizenship	2008	2009	2010	2011	2012	2013	2014	2015	Total
Russia	1 059	2 259	173	128	119	85	107	104	4 034
Iraq	3	22	5	8	1	0	15	24	78
Syria	0	0	0	2	5	20	17	3	47
Somalia	0	6	0	0	0	19	3	2	30
Sri Lanka	8	16	1	1	0	0	0	0	26
Other	7	11	17	14	15	7	28	34	133
Total	1 077	2 314	196	153	140	131	170	167	4 348

Source: Office for Foreigners, Warsaw, various years.

### Legal basis regulating the attendance of refugee and foreign children in Polish schools

It is clear from EU asylum acquis that all asylum-seeking children and refugee children should be granted access to education as foreseen in the Receptions Conditions Directive and the Qualifications Directive.<sup>10</sup>

The Polish educational system at all levels below the level of higher education is based on the Act of 7 September 1991 on the Educational System (as amended), the Act of 8 January 1999 on the Implementation of the Education System Reform (as amended), and the Act of 26 January 1982 – Teachers' Charter (as amended). The situation of immigrants' children in a Polish school is regulated first of all under the Act on the Educational System, in particular in Articles 93.1, 94.1 and 94a.1. Individual issues are addressed in the regulations of the Minister of National Education.

Children who are not Polish citizens can benefit from education and care in public kindergartens and primary schools and junior high schools on the same basis as Polish citizens. The amendment of the Act on the Educational System (adopted by the Parliament on 19 March 2009) extended the access to senior high schools. This solution applies to individuals until they turn 18 years old or graduate from high school. It can therefore be concluded that as a result of this amendment, the universal right to education for individuals until they turn 18 years old, as stipulated in the Constitution (art. 70, item 1 and 2), pertains to foreigners as well.

The access to a specific school is regulated on a territorial basis; i.e. it depends on residence in a given territorial unit. The legal residence status of the child's parents and/or guardians, including tolerated or unregulated status, is irrelevant here. In the past few years, the rules for accepting foreign children into Polish kindergartens and schools have been simplified. The requirement to recognise school certificates was abolished. Admission to the school is based on the child's school certificates and/or the total number of schooling years. If this number cannot be proved by documents, a proper grade is established on the basis of statement by a parent, legal guardian or the foreign student himself/herself, provided s/he is an adult. Even when a pupil is unable to provide any documents, s/he can still be admitted to school following an interview. Students with a command of Polish below a level sufficient to benefit from education may be assigned a complementary language course (individual or group classes) of not less than two hours a week. They can also benefit from additional remedial classes in subjects where curricula gaps occur between Polish and foreign schools, as in the case of Polish language lessons, individually or in a group. However, the total number of these complementary lessons, including Polish language, cannot exceed five hours a week per pupil (regulation of the Minister of National Education of 1 April 2010).

An important condition to help the immigrant child's functioning at a Polish school, provided for in the Act on the Educational System, is the introduction of a cultural assistant to the school. Since 1 January 2010,



a child who does not speak Polish sufficiently can benefit from the help of a teaching assistant, employed by the school headmaster – however, up to twelve months only. The Act on the Educational System also regulates the issue of learning the language and culture of the country of origin of a pupil who is subject to compulsory schooling. In consultation with the school headmaster and following the consent of the executing authority, classes devoted to this subject can be organised in schools by diplomatic or consular missions and/or nation-specific cultural and educational associations. The school shall provide rooms and teaching aids for this purpose, free of charge. However, a necessary condition for such classes to take place in a given school is that this school is attended by at least seven immigrant pupils (and in art schools at least fourteen).

### **Refugee students in Polish schools: main demographic and social features**

At this point we should examine the overall scale of the phenomenon of immigrants and refugee students in Poland. In September 2015, according to the Education Information System, as many as 2 167 054 students began education in primary schools and 3 189 653 students in high schools. This group included 4 996 students that were not Polish citizens, including 392 refugees. This means that the foreign students accounted for 0.09 per cent of individuals registered in the Polish education system, and the refugee themselves accounted for less than 0.007 per cent of all students. The question remains, however, what share of refugee children the Ministry of National Education's (MNE) data refer to – statistics from the beginning of the school year do not include short-term stays during the school year. They can also be artificially inflated by students whose families were granted refugee status and then left Poland. The answer can be found in the statistics of the Office for Foreigners (OFF). Let us compare the number of students (including schools and kindergartens) from families applying for refugee status (based on MNE's statistics) with the number of submitted applications for refugee status for people aged 6–18 (OFF statistics). It turns out that, e.g. in 2009, the Office for Foreigners reported a 5 per cent increase in the number of individuals subject to compulsory education applying for refugee status, whereas MNE's data reported a decrease of 21 per cent. In 2011 OFF statistics again showed a 5 per cent increase whereas MNE's data reported a drop of 11 per cent. And again, in 2015 OFF statistics showed a 6 per cent increase whereas MNE's data reported a decrease of 7 per cent.

Children with refugee status enabling them to stay legally in the Schengen area often 'disappear' from the Polish educational system. This phenomenon affects the possibility of achieving educational success when working with a foreign child. This is also reported quite often by the teachers participating in the case-study research findings described in the following parts of this paper. A detailed summary in absolute numbers is offered in Table 5 below.

The territorial distribution of refugee students is consistent with the logic of establishing refugee centres. The largest group (228 persons in 2011) was registered in schools in the Mazovian Province (central part of Poland). In the same year, 142 students took up education in the Lublin Province and 126 in Podlasie (south-eastern part), while 46 students were registered in Kujawsko-Pomorskie Province (northern part). Other provinces hosted fewer students: there were seven of them in Łódź Province, two in Małopolska, Silesia and Warmia–Mazury, and one in Pomorskie and in Wielkopolskie.

As for refugee students' countries of origin, the data were provided by the Office for Foreigners and refer to individuals aged 6–18, whose families filed the application for refugee status in a given year (Table 6). Thus it is understandable that the trend observed in this table reflects the patterns in the previously analysed statistics (see Tables 1, 2, 3 and 4). The largest group of students is from Russia, the second group consists of Georgians and the third of Armenians. Citizens of other countries account for 2.7 per cent of registered applications.

**Table 5. Summary of MNE's and OFF's statistics on the number of refugee children (selected years)**

Year	Number of refugee children	
	according to MNE*	according to OFF**
2008	869	903
2009	692	949
2010	521	674
2011	465	710
2014	421	885
2015	392	945

\* number of students in September;

\*\* the number of asylum applications filed during the year.

Source: own calculations based on data from the Ministry of National Education and the Office for Foreigners, Warsaw, various years.

Individual refugee children have attended Polish schools since the early 1990s but the schools began to admit more groups of children from refugee centres in 2005. At first things were very difficult. Until the introduction of the Regulation by the Minister of Education of 4 October 2001, schoolmasters did not admit children awaiting the decision on refugee status if they could not provide a certificate of their attendance at and/or graduation from a school abroad. Therefore, in 1994–2001, it were mostly children living in the Central Reception Centre for Refugees in Dębak that attended schools since, at that time, it was the only Centre for certified refugees.

As mentioned, access to schools in Poland is regulated on a territorial basis, i.e. registration as a resident of the local community. As a consequence, some schools were 'overcrowded' by residents of nearby refugee centres. For teachers it meant an incredible pedagogical effort for which they were usually not prepared. For Chechen children it meant creating ethnic enclaves inside schools, and for Polish pupils it meant receiving far less of the teachers' attention. There were even cases where Polish parents decided to transfer their children to other schools out of concern for the deteriorating level of education provided to their children. In response to these worrying effects, refugee children started being sent to schools which were not assigned to the area of the refugee centre but were located not too far away from the centre (Gmaj 2007).

Another problem was the discontinuation of education due to a 'lack of interest on the part of the parents', as social workers reported. This comment has met with the disapproval of the authors of the report of the Association for Legal Intervention (Kosowicz 2007), who noticed that in relation to the Polish children, 'parental lack of interest' is not tantamount to the consent to evade compulsory schooling. In order to change this situation, cash equivalents were offered only to those parents whose children attended schools. As a result, in the 2005/2006 school year more than half of refugee children attended Polish schools, which was still low but, in comparison to the previous years, it was a higher rate. In September 2006 more than 80 per cent of school-aged asylum-seeking children were enrolled in schools (Gmaj 2007). In 2007, 90 per cent of children subject to compulsory schooling were part of the education process (Gmaj 2007; Gmaj and Iglicka 2010). This does not mean, of course, that all the obstacles to providing those students with quality education have been eliminated.

**Table 6. Refugee students' countries of origin. Poland 2007–2011**

Citizenship	Year of submitting the application for refugee status					Total
	2007	2008	2009	2010	2011	
Afghanistan	-	-	2	3	6	11
Armenia	3	4	12	11	17	47
Bangladesh	2	-	-	-	-	2
without citizenship	-	-	2	1	1	4
Belarus	6	-	2	1	3	12
Burundi	2	-	-	-	-	2
China	-	-	2	-	-	2
Ethiopia	1	-	-	-	-	1
Egypt	-	-	-	-	1	1
Eritrea	-	-	-	-	4	4
Georgia	1	1	253	61	154	470
Iraq	-	8	-	2	3	13
Kazakhstan	2	1	-	1	2	6
Kirghizstan	-	2	2	3	8	15
Lebanon	-	-	1	-	-	1
Lithuania	1	-	-	-	-	1
Morocco	-	1	-	-	-	1
Moldova	1	-	-	-	-	1
Mongolia	-	-	1	1	2	4
Palestine	1	-	-	-	-	1
Russia	1 124	875	667	588	501	3 755
Somalia	1	-	-	-	-	1
Sri Lanka	1	-	-	-	-	1
Sudan	-	3	-	-	-	3
Syria	-	1	-	-	2	3
Tanzania	-	-	-	-	1	1
Turkmenistan	-	-	-	-	2	2
Ukraine	7	-	2	1	1	11
Uzbekistan	-	4	2	1	2	9
Vietnam	-	3	1	-	-	4

Source: Own calculations based on data from the Office for Foreigners, Warsaw, various years.

One of the major problems has been and still is the fact that the Polish educational system is not prepared to include students with such specific needs. Schools are not ready in many respects, ranging from a lack of funding and therefore materials that can be used while working in the classroom, to teachers' expertise and skills in dealing with children that have experienced warfare and exile. And while a number of schools and many teachers demonstrate good will and commitment, there are opposite examples as well. It happens that the school refuses to admit students because it feels unable to cope with the challenge. The situation is gradually improving, *inter alia* thanks to the enormous commitment of non-governmental organisations that pursue cooperation with schools and local authorities. However, the situation of young people – teenagers who have

had a gap in education or have not attended school at all – is still unresolved. The tools and methods to work with such demanding students are lacking. In the case of sixteen- and seventeen year olds, only non-public schools have been able to cope with such individuals so far.

### Case study findings

The purpose of the pioneering study on ‘transit’ refugee children in Polish schools<sup>11</sup> was to analyse the issue of the inclusion of refugees in the Polish education system as well as children granted international legal protection or waiting to be granted such protection. However, we decided to stress the role of education in the integration process of both children and the whole family. Therefore, the policy-oriented aims of this study were firstly to raise awareness of the importance of education among refugee children, and secondly to argue for the improvement of the skills of teachers and tutors dealing with refugee pupils. This research was conducted in 2013/2014 and financially supported by the European Fund for Refugee and a Polish government grant. Within the scheme of the study, 45 in-depth semi-structured interviews (IDI) were conducted in the three main provinces (15 interviews in each region) where refugee centres have been established: Mazovian Province, the Lublin Province, and Podlasie Province.<sup>12</sup> These provinces were selected due to the largest number of refugee centres on their territories. In each province semi-structured interviews were conducted with representatives of the Ministry of National Education, school supervisors at national/local levels, school headmasters, teachers, multicultural assistants, refugee pupils’ parents of Chechen origin, NGO representatives and social workers. Seven interview scripts were created depending on the interlocutors. Interviews (recorded and transcribed) were conducted in Polish and/or Russian. Since the interviewers spoke Russian there was no need for interpreters. Apart from the research leader (the author of this paper) and two senior researchers, two local researchers/coordinators were appointed to the project. They were selected from regional universities on the basis of their previous research experience in the field of refugee studies. The research team consisted of demographers, sociologists and anthropologists.

Due to ethical concerns, no refugee children were interviewed. The most important information concerning family life was gathered from the parents.<sup>13</sup> In all provinces, 17 interviews with parents and 20 interviews with teachers, school masters and multicultural assistants<sup>14</sup> were conducted. Furthermore, three interviews were conducted with social workers<sup>15</sup> in each region and five interviews with experts.<sup>16</sup>

No regional differences were observed in this study as far as integration challenges are concerned, from either the school or local perspective. None of the Chechen respondents (parents) wanted to return to Chechnya, but nor did they perceive Poland as a destination country. Apart from problems with finding a job and making a living they mentioned the lack of an ethnic network to help pave the way for a successful settlement in Poland. This finding supports the observation by Beirens, Hughes, Hek and Spicer (2007) that underlined the important role of refugees’ and asylum seekers’ social networks in providing both the practical and emotional support necessary to mitigate social exclusion and to promote integration within receiving societies.

Social and ethnic divisions between racial and ethnic groups – along economic, cultural, and political lines – are a central feature of public life throughout the world. The problem spans geographical and political boundaries and reflects universal social dynamics. Inequality and conflicts between groups involve not just economic but also cultural and political factors.

The ethnic exclusion may be illustrated in our case with a *casus* of one of Chechen girls in our study who could not make friends either with the Chechens – as for them, she was a Pole since she spoke Polish without an accent – or with the Poles, as these in turn perceived her as a Chechen. The teacher advised her not to wear a long traditional skirt, but it did not help; once she moved to another school problems ceased to exist, but only until two other Chechen girls joined the class.

According to interviewees – specifically, Polish teachers and Chechens professionally involved in supporting the educational process – students from Chechnya show higher levels of aggression compared to Polish students. It was not possible to obtain any systematically collected data to confirm this finding. Perhaps it is a construct based on cultural diversity, perhaps due to the different motor reactions and facial expressions, explicitly manifested also outside of school? However, we cannot disregard completely the problem of violence in schools reported by school representatives. Here is how the situation is presented by a tutor (of Chechen origin) of a ‘Chechen reception class’:

*Depression, aggression, it's in this kid all the time – wants to fight in class – I must separate them, tell that they don't have to fight, that we don't beat each other in Poland, but we – the teachers – we can't beat them or even raise our voice, and this child who is used to being beaten, doesn't listen to us... doesn't want to talk. He is used to being beaten, but he doesn't want to talk – kids make trouble all the time. We teach them all year round not to fight, not to touch each other, 'you can't', 'you mustn't' – all the time we have to take care of discipline and order... (NAU2POD).*

As this same tutor notes, aggression occurs as a consequence of traumatic war experiences:

*They shouldn't be aggressive, and here, we have both anger and aggression – it came from their parents – either from the family or they have it inscribed in their genes – I don't know, I'm terrified; I worked at the school until the war broke out [in Chechnya], and never have I seen such an aggression. (...) The first year when I came to this class, I shook my head in disbelief – so, how can you behave like that? I haven't seen such children (...) they do want a fairy tale ... but do you know what they kind of a fairy tale they want? Not the usual one, they want to play only with weapons. And fairy tales – they want it to be a fairy tale with knives, fights, they want the protagonists to die – that's the only fairy tale they want. 'Why you don't have such fairy tales here?' – they asked me yesterday. Reception class, kids 5 and 6 years old, and they want fairy tales with murders... (NAU2POD).*

Such statements as ‘they have violence inscribed in their genes’ shows that the teacher is completely unprepared to deal with children who are possibly suffering from a post-traumatic syndrome, however. Since these words came from a tutor of Chechen origin, it is worth remembering that simple tutor selection ‘by ethnicity’ does not necessarily mean having the appropriate skills to deal with foreign children with special needs.

The ethnic exclusion is also related to economic exclusion (Łodziński 2009). As Algan, Dustmann, Glitz and Manning (2010: 40) observe: ‘there are a number of reasons why the integration of immigrants and their children matters. The more successful immigrants are in the labour market, the higher will be their net economic and fiscal contribution to the host economy. On the other hand, poor economic success may lead to the social and economic exclusion of immigrants and their descendants, which in turn may lead to social unrest, with riots and terrorism as extreme manifestations’.

As was indicated by one of the female workers of NGOs, coming from Chechnya: *in these families there is shortage, instability, uncertainty... experienced by the children* (NGO1POD). The respondents all emphasise the difficult financial and housing conditions of the Chechen families.

*Some of them live in hotels and not in the centre, or at least they say so, because these are the cellars nearby the hotels that someone let to them* (NGO1POD). Housing problems are primarily due to very high rents, exceeding several times the standard rates on the market. This issue has also been raised in other studies (Kasprzak and Walczak 2009). High prices and frequent cases of terminating the tenancy agreement after

a short period translate into repeated address changes for the child and, consequently, into troublesome commuting or a transfer to another school. Functioning under conditions of economic deprivation strongly affects a child's educational career (Warzywoda-Kruszyńska 2009). As one of the teachers notes:

*Shortage, poverty in the family, they don't bring sandwiches, don't eat at school (...) all are depressed (...) who rents the apartment, it's this depressed family, because they can't afford to buy clothes and their kid feels humiliated (PS3LUB).*

The social workers themselves do notice this issue.

*They definitely do not show us all the money they have, they surely receive these funds from abroad, since just with our money they wouldn't survive for sure. They benefit from EU funds, i.e. food from EU funds as well, so, we are trying to support them. (...) There are different organisations present and involved. Is it enough for them? Certainly not – let's face it, certainly not. Speaking of today, there were and there still are some difficulties in finding employment (PS4LUB).*

The difficulty of finding a job and making a living in Poland results in a situation where Poland tends to be perceived as a transit country. According to all respondents, who due to their professional obligations deal with persons seeking international legal protection in Poland, it translates into the outflow of refugee students from the Polish educational system:

*We used to have a girl named H., who won a competition, the dictation in Polish language, she defeated all Poles; and there was math – she was a math genius (...) there were no barriers for H., either linguistically or scientifically (...), a simply exceptional, unique girl... She was with us for two years and then went away, because here, they did not have the means to live (DYRPOD2).*

Another dimension of temporariness translates into an 'artificial' presence of some Chechen children at schools:

*They come to school but quite often do not attend classes, they just circulate in the corridors. They know that the real school will be in Germany, here it is for a few months only so it makes no sense to attend (DYRPOD2).*

A serious issue is the maladjustment of cultural gender roles in the receiving society.

*In the Chechen group, there are a lot of families without a father. In such a case, teenage sons take over the role of the head of the family, and then the influence of mothers definitely weakens. The oldest boy in the family quite often simply does not know how to deal with the tasks they face, and they often 'go off the rails', fleeing from responsibility (DYR4MAZ).*

The position of a husband and father in the family, conditioned and formulated culturally, may be an impediment to the educational career of a student. Children develop at school, and females tend to integrate more quickly than males, thereby undermining the place of the male in the family hierarchy. This may even lead to conflict within the family, especially when the male fails to support his family. It therefore happens that children do not lack motivation, but that they are literally held back by their parents. Consequently, there are cases

where Polish teachers cannot count on the support of some adults, even if the language barrier disappears. In addition to the situations referred to above, some shifts in the division of gender roles in the family were observed. A traditional patriarchal family is confronted with an egalitarian division of labour in the world around. Such a difficult situation can easily be stereotyped by local people.

*They were coming here, to Poland, and women, at some point, took over the role of men and started to work, the men sat in the house – they started to like it, practically. In the past they were shooting and fighting, now they simply sit holding a remote control. These are different situations, they don't want to go out so, I think, at some point they... well, they started to be quite well, so why not? A woman can putty, paint, bring home some things and earn money while a man can sit and relax (PS1POD).*

A different perspective is provided by Chechen parents. Families living in poverty have fallen into stagnation and frustration.

*The time is over, when, let's say, these documents are in place, right? You feel as if you have done everything you could (...) the state of a kind of passiveness, you don't know what to do, job's not right, and this lack of motivation to get up and go outside (RODZ3MAZ).*

A fairly evident problem is the inadequacy of financial aid, compared to families' needs. MOPR (local/municipal family support centre) offers as a kind of 'sure start' a benefit of PLN 500 per person, which is (as of mid-2016) equivalent to about EUR 120.

*And what can he do with these PLN 500? He won't go stealing, and you have to pay the apartment, electricity, shoes, shampoo, conditioner. (...) And what can he do with these PLN 500? (RODZ5POD).*

As mentioned, none of the Chechen respondents (parents) viewed Poland as a destination country. One of the important factors behind such perception is the lack of an ethnic network in Poland.

*We have a family in Germany, they have a car there and a small house. We want to be with them. Would be much easier there (RODZ3MAZ).*

*And they have grandfathers there... (RODZ2POD).*

As the contact between cultures continues to increase, its impact on cultural identity and belonging is unclear, especially in the context of ethnic groups' formation. As Barth (1998: 11) notices: 'The difference between cultures, and their historic boundaries and connections, have been given much attention; the constitution of ethnic groups, and the nature of the boundaries between them, have not been correspondingly investigated. Social anthropologists have largely avoided these problems by using a highly abstracted concept of "society" to represent the encompassing social system within which smaller, concrete groups and units may be analysed. But this leaves untouched the empirical characteristics and boundaries of ethnic groups'.

*For them [local people], it's maybe nothing special, but for us and for the child, it is – new neighbours in the staircase, new environment, it is all new. (...) And we wonder again, how will they welcome us, accept, maybe we won't even be able to pass through this staircase. (...) It may happen, too (RODZ1POD).*

Chechen parents' approach to their children's education is influenced by many factors, such as the transition to a utilitarian model of education, interim status, economic deprivation, and last but not least: the educational model of the patriarchal family, which is disadvantageous for women. Some elements of gender scripts remain unchanged, as evidenced by two statements made by a Chechen married couple. Woman: *I attend every single [meeting], I take care of children*, man: *I attend too – I was there once. You've got to* (RODZ1,2MAZ).

*She is already fourteen. She could have two children and a husband. Why must she be in school here?* (RODZ4POD).

Uncertainty, temporality – the result of lengthy procedures, ethnic and economic exclusion – will obviously have an impact on the development of the student's educational career. According to the case study findings it has also an impact on the teacher: it is harsh to invest in and be devoted to a student who spends just a few months in the classroom.

## Conclusions

This article describes a range of complex problems and phenomena that should be considered from at least three perspectives. Firstly, they should be considered from the Polish perspective; secondly, from the perspective of migratory movements in the EU; and finally, from the perspective of East–West mobility in the global context of the current refugee crisis and global and regional disparities.

In the past twenty years, almost 90 000 Chechen refugees have come to Poland, as it was the first safe country they reached. There were a few factors that played an important role in the 'welcoming attitude' by Poles. Firstly, the Poles' mostly negative attitude towards Russia and their objection to Putin's aggressive policies towards the newly established countries of the former USSR made them naturally sympathetic. Poland's own experiences with the USSR could easily ignite Polish solidarity not only with Chechnya, but also with Georgia and Ukraine. Secondly, Poland has been taking asylum seekers from Chechnya not only for reasons of solidarity but also with the intention of fully complying with European Union law, specifically the Dublin III Regulation<sup>17</sup> (Stummer 2016).

The results of the study suggest that Polish immigration policy had no impact on the choice of destination of the refugees interviewed. None of the interviewees wanted to return to Chechnya, but nor did they view Poland as a destination country. The existence of family links in Western Europe, or a general sense of Western Europe and its welfare system as a 'good place' to develop one's life, rather than specific policy measures appear to be the main reason for the majority of refugees to see Poland as a transit country. 'The majority of them are not planning to settle down there at all. Poland is for them a transit state on their way to Western European countries like Germany, France, or Belgium' (Stummer 2016).

This phenomenon is mirrored in educational statistics and in the phenomenon of *vanishing Chechen pupils* from the Polish schools. It should also be stressed here that Chechens' model of the patriarchal family is extremely unfriendly towards education, especially in the case of girls.

Although the size and selectivity of the participant group in the study described above limits generalisations, this exploration does provide some insight into nodal decision-making points in the Chechens' migration process: escaping hell (Russia), being in purgatory (Poland), in order to find paradise (Western Europe). The picture has less to do with immigration policies and their implementation and more with the lack of ethnic networks and economic opportunities in Poland. The attitudes and needs of Chechen refugees concerning the destination area should therefore be taken into consideration, especially by politicians trying to implement



a common immigration policy in the EU countries, irrespective of still huge regional economic and development disparities.

The above conclusions do not detract from or undermine the immense efforts by Polish institutions, and schools especially (as shown in the study), to integrate and help Chechen refugees.

## Notes

<sup>1</sup> The study was conducted in the school year 2013/2014.

<sup>2</sup> <http://cbu.psychologia.pl/uploads/aktualnosci/%C5%81OM%C5%BBA%20RAPORT%202012.pdf>, [http://ffrs.org.pl/wp-content/uploads/FRS\\_Badania\\_Rekomendacje\\_2014.pdf](http://ffrs.org.pl/wp-content/uploads/FRS_Badania_Rekomendacje_2014.pdf), <http://ffrs.org.pl/pl/?s=kubinn+pogorzala> (accessed: 9 June 2017).

<sup>3</sup> <http://www.csm.org.pl/en/completed-projects/94-i-kids> (accessed: 9 June 2017).

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML> (accessed: 9 June 2017).

<sup>5</sup> Since October 2015, the Ministry of Family, Labour and Social Policy.

<sup>6</sup> Law of 18 March 2008 changing the Act on the Protection of Foreign Citizens, Journal of Laws 2008, No. 70, item 416.

<sup>7</sup> [http://www.bip.msw.gov.pl/portal/bip/227/19529/Polityka\\_migracyjna\\_Polski.html](http://www.bip.msw.gov.pl/portal/bip/227/19529/Polityka_migracyjna_Polski.html) (accessed: 4 November 2016).

<sup>8</sup> <http://www.migrationpolicy.org/article/diminishing-solidarity-polish-attitudes-toward-european-migration-and-refugee-crisis> (accessed: June 2017).

<sup>9</sup> <http://www.migrationpolicy.org/article/diminishing-solidarity-polish-attitudes-toward-european-migration-and-refugee-crisis> (accessed: June 2017).

<sup>10</sup> <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0033>, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML> (accessed: 9 June 2017).

<sup>11</sup> <http://www.csm.org.pl/en/completed-projects/94-i-kids> (accessed: 9 June 2017).

<sup>12</sup> Designated as MAZ, LUB and POD, respectively.

<sup>13</sup> Designated as RODZ.

<sup>14</sup> Designated as NAU, DYR and NGO, respectively.

<sup>15</sup> Designated as SW.

<sup>16</sup> Designated as EXP.

<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF> (accessed: 9 June 2017). According to the regulation, every asylum seeker who crosses the border of the EU needs to register him or herself in the first EU country where he or she entered the European Union. For Chechens that usually means Poland.

## Conflict of interest statement

No potential conflict of interest was reported by the author.

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# Developing the Academic Careers of Foreign Scholars in Poland: The Case of Krakow

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*This article discusses the professional careers of foreign scholars in Krakow, one of the leading academic centres in Poland and a regional ‘silicon valley’ (toutes proportions gardées). Central and Eastern Europe is understudied as an immigration region for highly skilled migrants (HSMs). To bridge this gap, we concentrate on three interrelated topics: (a) the perception of Polish science and its infrastructure; (b) careers of international staff employed in Polish academia; and (c) their perception of their achievements in Poland. Foreign scholars come to Poland for various reasons. Two of the most important are the cultural proximity between Poland and their country of origin, and research interests focused directly in Poland. Our findings show that Poland attracts first and foremost scholars with average scientific achievements. We discuss major problems they encounter (e.g., shortage of funds, uncomfortable office space, restricted access to books and papers) and their expectations of life in a semi-periphery country. The paper is mainly based on in-depth interviews with 23 foreign scholars working full time at four universities in Krakow and, as a secondary source, on the analysis of websites of these universities.*

*Keywords: Polish academic centres; foreign researchers; mobile academics; cross-border higher education; self-initiated expatriates*

## Introduction: migration of scholars<sup>1</sup> and associated contexts

The special characteristics of academic migrants are such that they are often referred to as ‘highly skilled migrants’ (HSMs, see Yeoh and Yap 2008), ‘mobile academics’ (Dervin and Dirba 2008), ‘self-initiated expatriates’ (SIEs, see Loacker and Śliwa 2016), or a sub-section of the ‘creative class’ (Florida 2014). The process of migration is analysed most often within the sociology of science and technology (Monteiro and

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Keating 2009), the sociology of ethnicity (Tanyildiz 2013), interdisciplinary studies on cross-border education (Teichler 2015) or internationalisation (Luxon and Peelo 2009). Most studies focus on the flow of academics to developed Western countries (see Kim 2009; Kim 2010; Kreber and Hounsel 2014; Loacker and Śliwa 2016) or other countries with large-scale migration (Richardson and McKenna 2003; Richardson and Zikic 2007). We concentrate on Poland, traditionally a country of emigration rather than immigration. In 2012 the Polish Ministry of Science issued an unpublished report (SIoSW 2012), according to which 1 887 foreigners were employed full time in academic positions, constituting 1.9 per cent of all academics working in Poland.<sup>2</sup> Our paper is focused on this relatively small number of migrants who decide to work in a semi-periphery country (Warczok 2016; Zarycki 2016). Our findings can help build sociological interpretations of academic mobility to culturally and economically similar destinations by HSMs.

Because of the small scale of this phenomenon both in absolute numbers and in comparison with other European countries (see IDEA Consult 2013), there is hardly any empirical literature on academic mobility to Poland (see, however, Kaczmarczyk and Okólski 2005; Mucha 2013; Piekut 2013; Mucha and Łuczaj 2014a, 2014b; Konieczna-Salamatin 2015). Unlike the highly skilled immigration to Western (but also, for instance, to Tokyo, Hong Kong or Singapore) ‘global’ (see, e.g., Sassen 1991), ‘world’ (see, e.g., Hannerz 1996) or ‘creative’ (see, e.g., Landry and Bianchini 1991) cities, this kind of mobility is scarcely analysed by scholars with reference to Central and Eastern Europe.<sup>3</sup> However, emigration has been the subject of both scholarly studies and research reports. Twenty years ago Janusz Hryniewicz, Bogdan Jałowicki and Agnieszka Mync (1997) published on the ‘brain drain’ and emigration of Polish scholars (see also Jałowicki and Gorzelak 2004). Izabela Wagner (2010, 2011) has written on ‘homing’ or return policies and return realities in the case of Polish scholars working abroad, ‘careers and mobility of Polish scientific elites’; Marta Łazarowicz-Kowalik (2011) (in a research report) wrote on intensions of foreign scholars in their potential employment in Poland. Young Polish emigrating scholars (mostly after Poland’s accession to the EU in 2004) have also been studied by foreign scholars (see, e.g., Ackers and Gill 2008). Our article aims to contribute to the closing of the gap regarding academic mobility *to* Poland. This gap is particularly interesting in the context of the debate on relations between various kinds of migration on the one hand, and economic, political and cultural modernisation, both in sending and in receiving countries, on the other. This debate takes place in both international (see, e.g., Sinatti and Horst 2015; Duquette-Rury 2016) and Polish (see, e.g., Okólski 2012; Piekut 2014) migration studies.

In this paper we enquire into the achievements of immigrant scholars, their opinions on the Polish academic system, their motivations for coming to Poland and the extent to which scientists immigrating to Krakow, a regional ‘silicon valley’,<sup>4</sup> and one of the leading academic centres in Poland, are ‘transnational scholars’. We adopt a qualitative approach very popular in Western scholarship on academic mobility and academic careers (see Kreber and Hounsel 2014; Loacker and Śliwa 2016; Santos 2016). The paper is based mostly on in-depth interviews with 23 foreign scholars working full time at four universities in Krakow. It follows on from our exploration of the 2012 government database of foreigners in the Polish academic system, a 2016 analysis of university websites in this city and a 2016 analysis of the motivations of foreign scholars coming to Poland and how they adapt to life in Krakow.

### Academic migrations as a subject of social research

The accelerated globalisation of recent decades and its consequences for the spatial mobility of millions of people has led to the widely held opinion that for the past 20 years international migrations have been more intensive than ever before. On the other hand, Marek Okólski believed 12 years ago that ‘intensity of flows *en bloc*, measured by relation of net migration to the number of inhabitants of the target countries, decreased (...);

between 1975 and 1990, even the accumulated pool of migrants in Europe increased only slightly and in relation to the total number of immigrants registered on the globe it slightly decreased' (Okólski 2004: 90; see also Czaika and de Haas 2014). However, these opinions and the links between spatial mobility and the reproduction of social inequalities have given rise, according to Thomas Faist (2013), to the 'mobility turn' in social sciences. What is new, according to Faist, in this 'mobility turn', 'mobility perspective' or 'mobility paradigm' is the trend towards a reconsideration of spatial mobility, its patterns and manifestations (Faist 2013; see also, earlier, Urry 2000, 2007). Two approaches characterise the new research paradigm: the 'network society' frame and the transnationality frame.

International migration flows have an internal social structure and stratification: they occur in various ethnic (or racial) groups, they have a strong gender dimension, and there are visible class inequalities within them. Internationally mobile scholars (scientists, academics and researchers) belong to a much larger and ambiguous category of highly skilled migrants (HSMs). There is a vast literature on the 'emergence of new "global elites" or a "transnational capitalist class", with unprecedented mobile and cosmopolitan lifestyles' (see, e.g., Nowicka 2005; Favell, Feldblum and Smith 2006: 2). Managers, experts, physicians, engineers and university professors belong to this privileged upper end of the ladder. Some authors stress the distinction between HSMs and 'expats' – in terms of recruitment, institutional dependence, career course, lifestyle, etc. (see, e.g., van Riemsdijk, Basford and Burnham 2016). According to the quoted (and many other) authors, due to labour market conditions some migrants who are highly educated and skilled in their countries of origin have to take menial jobs in the destination countries. Moreover, the skilled and educated among the globally mobile include also students, nurses and medium-level employees, whom it would be difficult to describe as elites. They are better seen as 'middling' in class terms. Many young scholars, including the highly mobile ones, have no steady jobs and live 'from grant to grant', occupying precarious positions (see, e.g., Ackers and Gill 2008; Loacker and Śliwa 2016; Santos 2016). At the lower end of the ladder, there are unskilled or semi-skilled, underprivileged migrant labourers (see, e.g., Conradson and Latham 2005; Favell, Feldblum and Smith 2006; Faist 2013; Rutten and Verstappen 2014; Luthra and Platt 2016; van Riemsdijk *et al.* 2016).

Many scholars believe that cultural diversity, resulting to a large extent from immigration, particularly that of HSMs, contributes to the prosperity of the target countries or regions (including big cities) within them. In our previous work and in this article we use the metaphor of generalised 'silicon valleys' for regions with a concentration of high-tech industries and research universities. 'Silicon valleys' are based on creativity and innovation. According to Rafael Alarcon (1999: 1384–1385), one of the major important factors explaining the advantage of the (real and not metaphorical) California's Silicon Valley over the Massachusetts Route 128 area in innovation and creativity is 'the existence of a larger immigrant pool in Silicon Valley and the operation of an industrial system in this region that is more open to migrants'. Charles Landry and Franco Bianchini (1995: 23–25) present the opinion that the 'settled immigrants' ('outsiders and insiders at the same time') have, because of their cultural background, different ways of looking at problems and different priorities from the 'natives'. This fact can give a creative impulse to a country, region or city, as, for the latter case, Saskia Sassen (1991: 32) also states. Richard Florida (2003: 11) says that a 'large number of studies point to the role of immigrants in economic development' (see also Damelang and Haas 2012: 362–392). Some countries, regions, and cities have introduced special programmes to encourage scientists and other talented people to settle in them (see, e.g., Findlay, Li, Jowett and Skeldon 1996; Yeoh and Yap 2008; Florida 2014; Krishna and Sha 2015). This does not mean that the presence of foreigners does not contribute to various problems and challenges. It does (see, e.g., Damelang and Haas 2012; Yeoh and Lam 2016; see also Mucha and Łuczaj 2016).

Let us summarise what, according to the literature, seems to be particularly important in scholars' processes of spatial mobility. Migrating for them has been a permanent and significant aspect of the habitus of knowledge

production or academic habitus. Its main features are the relatively independent and individual ways that migration can be organised, stimulated mainly by the ambition to achieve higher prestige and recognition.<sup>5</sup> Economic motivations are important, but the intention is to get access to well-equipped laboratories and libraries, to the *tacit* aspect of knowledge production (Śliwa and Johansson 2015: 78; Luxon and Peelo 2009; Kreber and Hounsel 2014: 26), rather than to increase individual income. In many cases, mobility is not so much a matter of choice as a necessity. For professors moving to low-prestige universities in another country, the reasons to go may be the ‘limited available positions in their home countries or places of choice commensurate with their degrees’, ‘to seek career advancement through further research and international teaching experience, (...) to explore something new and different’ (Kim 2015: 607, 611; see also, e.g., Richmond 1994; Ivancheva and Gourova 2011; Mucha 2013; Mucha and Łuczaj 2014a; Bauder 2015; Morano-Foadi 2015). Sometimes both choice and necessity are equally important, as Bernadette Loacker and Martyna Śliwa (2016) propose to capture with the theoretical notion of the ‘mobile middle’ denoting those who are considered neither professional elites nor members of disadvantaged groups.

### **‘Polish science’<sup>6</sup> in the eyes of domestic and foreign scholars**

It is very difficult to scientifically assess the relative status of science and the academic system of a particular country. Using well-known rankings,<sup>7</sup> however, we come to the conclusion that Polish universities do not belong to the top research and higher education institutions globally (the best two are ranked between four and five hundred). However, neither do Polish banks, manufacturing and other enterprises.<sup>8</sup> Science and higher education in Poland do not compare negatively with economic institutions.

Currently there is a debate about the shape of Polish academia and necessary changes in the academic system. One of the main reasons is a perceived insufficient internationalisation of academia. This issue became public a couple of years ago and triggered numerous discussions in media, universities and other public places, as well as in academic publications (see, e.g., Nowak 2013). In 2017 it is also a matter of politics because the new (since autumn 2015) government has declared its willingness to change the model of mass education and create research universities similar to American ones. In this paper, we refer to ‘Polish science’ as opposed to other national science systems in respect of staff policies, funding, university programmes, academic degrees, openness to international cooperation, national traditions and many more characteristic features. This claim is grounded both in sociological theory (Burawoy 2016) and empirical research (Jepsen, Sun, Budhwar, Klehe, Krausert, Raghuram and Valcour 2014: 1319–1320; Teichler 2015: 56).

However, besides international university rankings (often based on simplistic performance metrics), there is ample evidence on the state of Polish science. The majority of research shows that Polish science is in a bad way. A report commissioned by the Foundation for Polish Science (FNP) (Łazarowicz-Kowalik 2011) reflects the subjective opinions of scholars (which can influence their willingness to work in Poland). The research targeted both Polish academics working abroad and foreign academics.<sup>9</sup> The majority of foreign scholars (65 per cent) said that they would consider working in Poland in future (Łazarowicz-Kowalik 2011: 36). This percentage was even higher among those who already had some contact with Polish science (80 per cent). Nevertheless, foreign scholars mentioned short- rather than long-term stays.<sup>10</sup> One Polish scholar currently working abroad suggested employing the ‘Korean’ model, where some labs act as a copy of American labs. The same research is being done simultaneously so scientists can split their time between Korea and the US (Łazarowicz-Kowalik 2011: 53). Foreign scholars were also asked to evaluate certain elements of the Polish academic system. Their task was to compare Polish institutions with foreign ones. They identified as worse or much worse than in other countries the visibility (65 per cent), funding (58 per cent) and prestige (52 per cent) of Polish scientific institutions (Łazarowicz-Kowalik 2011: 27). People who had never worked in Poland, nor

cooperated with Polish teams, evaluated the visibility and prestige of Polish institutions even lower (Łazarowicz-Kowalik 2011: 35). 'If the opinions of those who have not had any direct contacts with Poland are to be understood as manifestations of a stereotype, then these stereotypes are to our disadvantage', concludes the author (Łazarowicz-Kowalik 2011: 31).

When asked what conditions were necessary for their work in Poland, one in four foreign respondents indicated 'the environment and co-workers'. Material factors were less important and they constituted only 7 per cent of responses to that question (Łazarowicz-Kowalik 2011: 42). For some respondents, both foreign and Polish nationals, the location of universities mattered. One of them mentioned explicitly Krakow (beauty of the city, old and famous university).

The report on mobility in Polish science issued by the Ministry of Education in 2007<sup>11</sup> emphasised two additional factors that prevent scholars from working in Poland. First is a consequence of the widespread conviction that 'mobility is an individual issue of an academic' (MNiSW 2007: 92). For this reason, the number of administrative or legal staff and foreign exchange offices is not sufficient. Second, websites of Polish research institutions and universities are outdated and scarcely any offers are addressed to international partners (MNiSW 2007: 95).

In the following sections, we first present the methodology of our field research, then focus on those scholars who have decided to live and work full time in Poland, despite the obstacles and opinions discussed above. We have distinguished between short- and long-term migrants mainly because the motivation for each type of research stay is usually very different. Whereas long-term stays are inextricably linked to serious commitment (and probably preceded by getting information about the country), the decision to visit Poland for a short time can be influenced by various factors, including curiosity. The paper discusses several aspects of the academic careers of our respondents.

## Methodology<sup>12</sup>

The main method utilised in this study is the qualitative in-depth interview. We intended to interview a comparable number of (a) male and female scholars and (b) representatives of natural and technical sciences and of humanities and social sciences. We conducted a content analysis (see Krippendorff 2004) of Krakow universities' websites. This allowed us to identify particular scientists from different disciplines at different stages of their academic career. According to the subdivision of academics created by the European Commission, we were interested in PhD holders and other experienced academics ('established researchers', 'leading researchers'), but not 'first-stage researchers' without a doctorate (Teichler 2015: 18).

We used the 'onomastic method'. We looked first for non-Polish first names and surnames, and only later for other characteristics (for the detailed description of this method see Salentin 2014; Recchi 2015). On the basis of publicly accessible internet content, we identified 85 foreign scholars in Krakow (13 more than official statistics indicated, see SIO SW 2012). Eventually, we interviewed 23 scholars who worked full time in Krakow in 2015. All interviews except one were conducted in Polish but the interviewees had an option to choose English. This method is supported not only in the academic literature, but also by common sense and the results of the scrutiny justified it.<sup>13</sup> As we have noted elsewhere (Mucha and Łuczaj 2016), the ethnic background of the scholars in our internet sample corresponded with nationwide percentages of foreign nationals, the vast majority being Eastern Europeans.<sup>14</sup> Among our 23 informants, there were 15 male and 8 female scholars, 9 of whom came from Ukraine, with 3 from Italy, 2 each from Germany, France and Russia, and the remaining 5 from Armenia, Czech Republic, Hungary, Slovakia and Vietnam. Thus, 'Easterners' (see Jepsen *et al.* 2014 for a similar typology) constitute two-thirds of our sample: Ukrainians, Russians, Armenians, Czechs, Slovaks, Hungarians and Vietnamese. 'Westerners' were Italians, Germans and French. Our interviewees worked at



four Krakow universities: Jagiellonian University (14), AGH University (7), University of Agriculture (1) and Pedagogical University (1). Those proportions are similar to those found both in official statistics and in the report from our content analysis of Krakow's universities.

Of 23 respondents, 12 (only men) had a habilitation degree (6 in HS and 6 in ST).<sup>15</sup> This degree is important because it enables professorial rank<sup>16</sup> to be obtained with its various structural consequences. Their PhD degrees were, on average, granted 18 years before our study (between 3 and 38 years) and came mostly from the countries of origin (14 cases). Five of these scholars (only men) were older than 60, therefore at a later stage of their career, when academics' mobility tends to decline. The mean age was 47 years (range between 38 and 66 years). This is a much higher mean than that of foreign scholars in Western countries (see, e.g., Bauder 2015: 86). When the study was conducted, they had been living in Poland for an average of 13.5 years (between 3 and 38 years).

Due to the very small number of Westerners, we do not actually compare the two regional categories (countries of origin) but let the reader know who has stated the opinion in question, if we can see a connection between the subject's nationality and a particular quotation. Fifteen scholars represented humanities and social sciences (HS; they worked mostly at Jagiellonian University and Pedagogical University) and the remaining 8 represented the natural and technical sciences (ST; these worked mostly at AGH University and Agricultural University). Working in the fields of humanities as opposed to natural and technical sciences means different infrastructure requirements and a different social environment (individual work or team work).

Due to the small number of international scholars in Krakow, the most challenging issue was the anonymity and privacy of our informants. Quotations from the interviews therefore do not reveal nationality or gender.

### **Individual achievements: publications, conferences, projects**

The course of an academic career and its results can be examined both from 'bureaucratic' and substantive points of view. In the strongly hierarchical Polish university system, moving up the ladder is very important for prestige but also for the chance to lead formal research teams and to participate in decision-making academic bodies. We did not look at the careers of our informants from an 'objective' point of view (e.g., actual number of publications in the high-impact journals, being keynote speakers at prestigious international conferences, etc.; see, e.g., Allison and Long 1990; Kim, Wolf-Wendel and Twombly 2011) but were interested in their own perception of their academic achievements in Poland.<sup>17</sup> Krakow's foreign scholars in general give quite modest accounts of their own academic accomplishments. The formal career ladder seems to be very important to them, even more so than their substantive research findings. One in three researchers (both Easterners and Westerners, both representatives of HS and ST) strongly stressed the degrees, positions and professorial titles they had gained, often without mentioning the substantive scholarly results that had led to the promotion. Getting their PhD, habilitation and title was of primary importance for them:

**Moderator:** *What is your most significant scientific achievement?*

**INT 17:** *Completing my PhD thesis.*

**INT 1:** *Standard, my habilitation thesis.*

What seems interesting in the light of mobile academic scholarship is the lack of institutional barriers to career success (familial or party ties, inbreeding) that are often emphasised in other Western countries (Gersick,

Bartunek and Dutton 2000; Bozionelos 2014; Santos 2016). On the contrary, some Easterners pointed out that the rules for getting an academic promotion are clearer here than in their home countries.

Some interviewees, not always the youngest, mentioned that their most significant achievements would occur in the 'future' (INT 4). They already have a publication record in national journals, but their aim is to be published internationally. However, some were very proud of their teaching performance:

*I familiarised students [of foreign philology] with literature that is rarely known even by the native speakers (INT 13),*

of their organisational work

*And we are getting, in the vast majority of cases, very positive feedback from people who attend our conferences, so I think I feel satisfied that we managed to organise it in a such a way (INT 20),*

and of their academic results (interviewees cited different specific findings from their publications or number of patents).<sup>18</sup> Interestingly, and reflecting in our opinion the current mood in the academic field, 6 scholars stressed their publications in prestigious journals and edited collections. The fact of this kind of publication was more important than the research findings.

We were interested in which countries and languages our interviewees publish in. Despite the fact that many of them maintain contacts with the sending academic communities,<sup>19</sup> only one person (Easterner, HS) declared that he usually published in the home country. One third of interviewees (8 out of 23) published only in Poland. Some of them mentioned, however, that sometimes they also publish outside the country of current residence and that they preferred to publish in Poland where they live, but in English. Scholars from Krakow, though more often representatives of ST than HS, emphasised that influential publications are written in English:

*I don't remember when I published anything not in English (INT 2).*

*[I publish] usually in English-language and Polish nationwide journals but they are scored low, so hardly anyone publishes there (INT 18).*

The second opinion may be slightly exaggerated, but it shows the general attitude to publishing in Poland as opposed to publishing abroad. For most of our informants, it was important to publish in English in international journals.

Before publication comes the stage of presenting the findings to the academic community at conferences. Like most active Polish scholars now, active foreign researchers in Krakow participate in academic conferences throughout the world. Those working in humanities, more often than those in ST, went to conferences in Central and Eastern Europe (usually to their countries of origin). This is understandable as their research topics are usually focused on this region.

Presenting papers at conferences is also related to earlier participation in research projects. Almost all members of our sample held teaching and research positions, so doing research was a significant part of their job description. In our study, we were interested not only in the individual projects financed by their university department, but mostly in larger projects, financed by those Polish national agencies, government institutions and agencies from other countries (for instance, the countries of origin) or international agencies such as the European Science Foundation. The overwhelming majority of the Krakow foreign scholars, like their Polish

counterparts, did their research based only on very limited resources from their departments. They did not even apply for external sources. However, 5 people (most of them in ST) received Polish external grants (like that funded by the National Science Centre Poland or the National Centre for Research and Development); one of them was involved with two grants of this kind and led one of the projects. Four scholars participated in ministerial research projects from their countries of origin or countries where they were doing field work. Only one person, together with a team from his university (Westerner, HS), had applied for and received a research grant from a European agency. Based on what was clearly said in the interviews and what was suggested by our respondents, we conclude that they prefer to get involved in smaller projects and do not want to take the risk of applying for larger grants. This attitude is similar to the approach to the research projects characteristic of Polish scholars of the same generations. Equally interesting is the fact that many of our interviewees had never applied for an external research grant.<sup>20</sup>

The achievements of foreign scholars who work in Poland can be summarised in one simple word – they are, in their own opinion, ‘average’ by Polish standards, where ‘average’ applies not only to the results but also the expectations. One of the interviewees said genuinely:

*Simply put, I'm not an outstanding scientist, whose works are in constant demand, but rather a modest worker in the field of science (INT 8).*

Another interviewee explicitly noted that he did not expect that scientists in Poland would start aspiring to the Nobel Prizes. Nevertheless, he agreed with the statement that Poland was a good place to work, with interesting people. When asked about the position of Polish universities in the Shanghai Ranking, he replied that one should remember that there are tens of thousands of universities in the world, and the 350th place occupied by one of the Polish institutions ‘was not a disgrace’. Judging from everyday observation both of the Polish academic system and of political debate, one may conclude that this attitude, while not popular among Polish scholars and politicians, is not unusual in other Central European countries. For instance, the Comenius University in Bratislava (Slovakia) proudly announces on its main website that they are ‘once again among the top 700 universities in the world’.<sup>21</sup> Poland, on the contrary, is trying to create a flagship, the ‘PAN-University’ on the basis of the Polish Academy of Sciences (PAN), which is expected to be one of the 100 best universities in the world (PAP 2017).

To sum up, when asked about their individual scientific achievements our interviewees emphasised mainly academic degrees (which can be understood as tokens of recognition and professional prestige), their contribution to the development of their students (e.g., teaching outcomes) and community (e.g., organisational successes), creativity and innovation (e.g., patents, grants). Later we will discuss the separate issue of salaries. Due to the study’s method and focus, some objective and subjective dimensions of success were not investigated. Portuguese scientists interviewed by Gina Santos (2016: 68–9) mentioned knowledge acquisition and continuous learning, integrative lifestyle and autonomy (subjective dimensions) as well as job stability, collegiality and good interpersonal relations, political influence and power. The question of whether those factors can attract a scientist to Poland is still open. In the following we concentrate on the more measurable aspects of academic migration, such as working conditions: wages and funding, available infrastructure, administration and procedures, or interest in Polish culture, etc.

## Working in Polish academia

Is Polish academia an ‘Alma Mater’, meaning ‘nourishing mother’, for immigrant scholars? Is it an institution that provides the basic resources required by a scientist? When we asked foreign scholars for their assessment of working conditions they usually expressed mixed feelings. One of the Easterners stated that

*Poland is just like every other country with its pluses and minuses but, probably, there are more minuses than I initially expected (INT 20).*

A Westerner said that the situation is better than ‘many people think’. Behind both quotes lies the belief that the situation of Polish science is actually bad. Our research shows that in general the opinions were rather unfavourable, which resonates with the findings of the Łazarowicz-Kowalik (2011) report cited above.

Many comments by our respondents were strongly related to the underfunding of Polish science. In the first place, scholars unambiguously pointed out that wages were low. According to the large international research project MORE2, the salary of a Polish researcher is 25–30 per cent (depending on their experience) of that of an equivalent colleague in the best-paying country (IDEA Consult 2013: 110).<sup>22</sup> The corresponding percentages are 25–35 per cent for Hungary, 35–55 per cent for the Czech Republic, 55–70 per cent for Slovenia, and between 60 and 80 per cent for Germany (for other countries see IDEA Consult 2013). In our study, the Westerners and Easterners emphasised low wages accordingly. Krakow’s scholars were unambiguously saying that their wages are much lower than in Western Europe:

*Wages are lower than one may expect. I doubt that anyone has a different opinion (INT 19).*

When employees of a Polish university visited a Western country, their salary was sufficient to live for only a couple of days. One of our interviewees said that this should be compared in relative terms because life is cheaper here than in Western Europe. However, we believe, like our informants, that relative comparison of salaries (e.g. in terms of purchasing power parity) is not fully justified because a presence in the international community requires real interactions and foreign travel is often a part of their job description. Interviewees noted that first-hand information is the key here. Attending a conference or participating in a workshop is, apparently, vital to them. As one of our interviewees stated, *The best tool for a theoretical physicist is a Boeing 707 (INT 2)*. Foreign scholars complained about science funding. According to this informant, lack of funds is an obstacle to the development of science, especially among young people. *I [as a professor] still have some options (INT 2)*, he added. Another interviewee recalled a situation when he was visiting a major scientific centre and was shocked by the accommodation prices. He was grateful that he did not have to pay for a hotel because his American colleague had already paid for a double room and offered to share it with him. This situation is especially sad because our interviewee was not at entry level but was a recognised full professor.

Money itself – in the opinion of our interviewees and people surveyed by the FNP – is not the main factor that motivates scientists.<sup>23</sup> As one of our informants explained,

*it is clear that people at Jagiellonian University are not looking for wages but for the university itself. [Others] choose other schools such as University of Social Sciences and Humanities (SWPS University)<sup>24</sup> (INT 22).*

This indication of private organisation helps us understand the gap in prestige between public and private institutions in Poland. The biggest and oldest schools in particular, such as the Jagiellonian University or the

University of Warsaw, are highly respected here while private institutions are usually not. We can take the *Perspektywy* ranking as an example. In 2016, in the top 50 top universities (based on votes cast by academic staff) there were only 3 private institutions (ranked 33, 40 and 49 respectively).<sup>25</sup> Nowadays, private institutions suffer from low prestige but this is not always related to quality of studies, at least when we take into account the academic staff (as measured in the same *Perspektywy* ranking) and the variety of programmes of study as well as the practical orientation of non-public institutions (considered desirable by students).

According to our respondents, the poor financial situation of scholars is due to the state (which supervises public universities) making insufficient investment in science. One scholar said that the shortest answer to the question about financial problems in Polish academia was ‘0.3’ – the share of Polish GDP invested in science. He stated that Finland invests 10 times more – and the effects were visible. In general, there is a large financial gap between the West and the former Eastern bloc. Surprisingly, a recent *Nature* article shows that growth in gross domestic expenditure on research and development (GERD) is higher in Central European countries (Poland, the Czech Republic, Slovakia, Latvia) than in Western Europe (Katsnelson 2016: S2). This should not be considered an argument against the thesis expressed by Krakow’s scholars, but rather supports it. Growth in Central Europe is higher because the base expenditure was much lower. Economists like to call it the ‘low base effect’ (see, e.g., Piketty 2014). Although funding in academia is a complex issue (see, e.g., Altbach, Reisberg, Yudkevich, Androushchak and Pacheco 2012; Stephan 2015) that we are unable to discuss in detail here, we discuss below the subjective deprivation of economic resources – low wages and poor working conditions.

Some interviewees also complained about the grant system. The main objection was that it is like a lottery: you either get the prize or you don’t. You never know. There is a lot of risk and as much paperwork. This system, in the opinion of many of our interviewees, introduces new standards and kills the academic spirit. A representative of ST explains this briefly:

*I’ve noticed that now you should be very goal-oriented. The most important thing is to be marketable, to be a person who is able to sell themselves and get funds. It is very, very hard to combine it with doing what you are really interested in (INT 3).*

Another interviewee cited his own case when he applied for a grant and did not get it despite good reviews because the funds in the pool were simply insufficient. Others added that the grant system was short-time oriented and it did not take into account the willingness of people to make their professional position stable.

Another problem was infrastructure, a very poor aspect of the Polish academic system in the assessment of our interviewees. Naturally, an experimental physicist and a historian have different infrastructure needs. It is also important to distinguish between the individual office and the laboratories, libraries, etc. One of the most implacable critics of the system stated that it was really difficult to assess the level of scientific research in Poland because even ‘basic tools’ are unavailable here. Another Easterner explained that universities do not have to be so poorly equipped, even in other post-socialist countries. The interview with him took place in a relatively small office dedicated to the entire organisational unit. He said that in his country it was quite normal that two people occupied a bigger office and *that was a big difference regarding comfort at work* (INT 8).

The next recurring motive was libraries and their resources. Access to full-text databases is nowadays a must in academic work. Foreign scholars complained that they lacked good access to the latest articles and findings. Some secured access to contemporary publications as members of international or foreign scientific associations. Interestingly, some Easterners mentioned that in Russia many journals had been available online for a long time, even before the open access revolution occurred in the West. Most dissertations, books and

articles can be accessed for free, more or less legally. This semi-anarchic situation is consistent with the views on bureaucracy discussed below. Many respondents dealt with a shortage of scientific books by visiting libraries in their countries of origin. Nevertheless, a majority of foreign scholars said that access to the books in Polish libraries was acceptable. An informant explained that one of the Northern American universities had a book he authored in its library. While he was convinced that this was not an outstanding book, he pointed out that there were libraries that collected almost every book. This is a standard in top global institutions but not, at least for now, in Poland. However, major Polish universities are entitled to receive a free copy of any book published in Poland.

There was another problem with Polish libraries – the very unfriendly way the system is organised. The Jagiellonian Library, Krakow's largest, operates a complicated system of reservations instead of the open access that is standard in both Western and Eastern libraries. Unlike in Warsaw or Torun, open access has not been implemented in Krakow,<sup>26</sup> which is why our respondent named the Jagiellonian a very 'conservative' library.

This may be related to the strict hierarchy that is clearly visible in Polish academia. In our respondent's country of origin, relations were more informal. She finds the traditional Polish form of address, 'Mister Professor' (*Panie Profesorze*), awkward. During her dissertation viva – in her native language – she referred to professors in a Western style ('Professor'), adding '*Panie*' in Polish. In her study on scholars returning to Poland, Izabela Wagner (2011: 221) refers to very hierarchical and formal relations in Polish science as a significant barrier to creativity.

The most frequently recurring benchmark countries were Germany and the United States where, in the opinion of our interviewees, the administration is much more helpful, and procedures are more transparent. Other studies have shown that they are often pointed out as examples of good practice (Kreber and Hounsel 2014: 35). In contrast with Western universities, the administrative burden in Poland is left to the scientists because administrative staff do not support them sufficiently.<sup>27</sup> One interviewee recalled his classmate, a professor in medical science in Eastern Europe, who told him that now his role in grant applications (apart from the scientific input) was limited to signing the papers. He was not involved in any paperwork. The university employs specialists who do the administrative work. In Poland, the standard is still quite different. For instance, every time a university hosts a group of foreigners, one of the interviewees complained, an academic teacher has to find an international bank account number (for administrative purposes) and inform the secretary. Another chore was continuous reporting. Many interviewees stated that they needed to complete a number of reports each year. Very often the same information (e.g., list of publications) was requested several times, each time in a slightly different format. Another nonsensical activity was submitting the same information electronically as well as in hard copy. Such situations occur – according to one of the foreign scholars – because *the [real] head of the university is not the rector but the chief accountant or chancellor* (INT 23).

Bureaucracy, as Max Weber once noted, and one of our interviewees recalled, was inevitable in every organisation. Various studies confirm that it is present in every country (Tahir 2010; Santos 2016). What seemed interesting to us was that many accounts in our study were discussing the evolution of the system in this regard. Easterners and Westerners view this shift very differently, however. Easterners emphasised that there was a constant positive development in Poland and it was becoming more like a Western country. This is, generally, a good thing, especially compared to countries such as Ukraine, where no such development has been observed until now, according to our interviewees. One Easterner told us the story of his compatriot, an assistant professor, whose salary from the university was enough to provide for a family for just half a month.

*So for the second half of the month, to prevent his wife and children from dying of hunger, he was giving private lessons. He began on Saturday morning at eight o'clock, and ended on Sunday evening at eight (INT 8).*

With such points of reference in mind, the perception of amelioration after the move to Poland is easily understandable.

Nevertheless, scholars from the Eastern European countries noted that this modernisation was related to the growth of administrative duties. *We used to sign just two copies [of any document], now it is five (INT 2)*, said one. Another interviewee noted that even simple activities, such as applying for a foreign research visit, were becoming more complicated:

*It used to be just one application – start date, end date, country, code of the discipline but this year one needs to fill out 10 pages, in English (INT 23).*

These difficulties were mentioned more often by Easterners than by Westerners, who rather emphasised that the situation in Poland was in the middle of a positive process of improvement. For many Westerners, rigorous procedures seemed much more natural. They believed that it was one of the normal characteristics of modern society, even if they poked fun at some of their administrative duties.

### **Pull factors: Why come to Poland?**

As we have seen, there were numerous problems within Polish academia from a foreigner's viewpoint. In this context, an intriguing question arises: what can possibly motivate foreign scholars to come to Krakow to live and work? In the case of non-HSM populations, economic factors are perceived as the most important driver of migrant inflow, along with labour migration policy and societal acceptance of foreigners in the labour market (see, e.g., Sassen 2005; Górny, Grabowska-Lusińska, Lesińska and Okólski 2009; Parkins 2010).

In our research, the most common pull factor, described mainly by the Easterners, was not the economy, but 'cultural similarity' (or 'the possibility of integration', understood as various ties with the receiving society), another factor that recurs in migration studies (see, e.g., Wong-Rieger and Quintana 1987; Górny *et al.* 2009). Migrating scholars felt at home in Poland not only for personal reasons and language similarities (a possible barrier even in the case of migration between different English-speaking countries; see Kreber and Hounsel 2014: 22–29) but also because broadly understood cultural differences were not so great (see Mucha and Łuczaj 2017). For some of them, an additional pull factor is Poland itself. More than a third of our scholars (7 out of 23) were strongly interested in Polish culture and history and conducted research in this field. This is not an unusual motivation in Western studies (Kreber and Hounsel 2014: 25) but our data prove that the interest can also drive academics to Central European countries. None of those represented ST. If we take into account only the HS researchers interviewed, nearly half of them (7 out of 15) were interested in Polish culture, broadly understood. From their point of view, they have everything they need here – archives and source material. But they were also in the centre of the debate because

*everyone, even in the most remote scientific centre in the English-speaking world, must follow what is happening in Poland (Westerner, INT 1).*

Many of our respondents also emphasised that Krakow is a very nice place to live. Nevertheless, not everyone was so enthusiastic about Krakow as an academic centre. Some believed that its status as a global periphery

prevented them from having better contacts with mainstream science unless one is not interested in Poland as such or wants to write for the Polish audience, which some preferred to do. Poland is an average country in terms of geopolitics but also scientific significance. Even Easterners who complained about the material conditions of Polish science less often than their Western counterparts were aware that even the biggest Polish academic centres had less potential than Moscow or Kiev, where it was not unusual to listen to Nobel Prize laureates. Poland, however, is not completely peripheral because it has a vibrant academic life. Our interviewees emphasised that internationally recognised scholars give guest lectures. Another mentioned Polish translations of major scientific texts available to undergraduate students which, in her opinion, were extremely helpful, and this was not the case in her own, rather small country. Moreover, similarly to the case of non-HSM migrants, moving to Poland enables scholars to gain higher social status in contrast to ‘middling’ migrants who move to global cities and often experience downward mobility (see discussion in Jaskulowski 2017). Interviewees also recalled the great achievements of Polish science that remained unknown elsewhere because they were published only in Polish.

To sum up, we can state that Poland is a country ‘between East and West’. It has a long history and rich culture that can be a research subject in itself. For many people, it is a good place to live because it is not too big, yet not too small. Its semi-peripheral status can be either a deterrent (for people who are used to living in global centres, whether Western or Eastern) or an important incentive (for people coming from smaller or less politically stable countries).

### **Transnational migrants? International scholars? Rooted cosmopolitans?**

One of our research goals was to find out to what extent it is possible to analyse the self-identifications of the participants in our study in terms of ‘transnationalism’ or ‘transmigration’. In our analysis, we follow the classic literature (see, e.g., Hannerz 1996; Portes, Guarnizo and Landolt 1999; Nowicka 2005; Vertovec 2009), in understanding transnationality as a relatively stable network connecting the distant academic centres of different countries; systems of stable and dense interactions and relations between scholars; exchanges of ideas and constant physical mobility between these centres. In our opinion, ‘transnationalism’, ‘transmigrations’, ‘cosmopolitanism’ or even ‘internationalisation of social relations’<sup>28</sup> can be stronger or weaker. It is stronger when it is closer to the ‘ideal types’ (in the Weberian sense) as presented in the classic literature. Transnationality (or ‘internationality’, in the more traditional vocabulary of our respondents) could also be more or less real and more or less ‘metaphorical’.

We asked our participants whether they considered themselves members of the international academic community, members of their national academic diaspora living in Poland, European scholars or Polish scholars of foreign origin. Most of the people who answered this question from the paragraph above were not transnational migrants but rather immigrants in the ‘traditional sense’ of leaving one country and settling in another. They are ‘solid’ or ‘fizzy’ rather than ‘liquid’ strangers (Dervin and Dirba 2008). The majority had studied in a college, or sometimes worked, in the country of origin, and then moved to Poland where they had been ever since (study visits or scholarships abroad, even those lasting a year, are not regarded as migration for the purposes of this paper). Only two scholars (both Easterners, ST) worked for a number of years in other foreign countries. Just one scholar in our sample (Easterner, HS) could be characterised as ‘transnational’ in the sense that she splits her time between Poland and another country (other than her country of origin), because her partner, also an academic, lives there:



*My life in Krakow is related to work rather than family issues because my husband obviously lives in [Western European capital] and since it is not so far away, we can spend a lot of time together. These are usually work-related visits (INT 9).*

There were also cases of scholars who commute to work in Poland from neighbouring countries but they do not meet the definition of ‘transnational migrant’ (related to a particular country), who is expected to spend a comparable level of time in each location (Górny *et al.* 2009: 65).

However, the majority of respondents consider themselves ‘international’ or at least ‘European’ scholars. Interestingly, even UK researchers (working in a far more prestigious country) do not identify themselves as UK academics (Kreber and Hounsel 2014) but rather as international or European on one hand, and of their country of origin on the other.

In our study the reasons for European identification were the following: science is international; they publish mostly in English; they are editors of international journals; and they have broad international contacts. One interview with a relatively young Westerner seems to reflect these ideas particularly well:

*Where would I go having a choice? For me, the priority is neither Poland nor my country of origin, nor perhaps another country. The main factor for the choice would be: ‘a particular place’. If I get a job at a top university, say, Harvard, Cambridge, Oxford, then I would go. I want to see anybody who would not go if they are offered a job of a full professor there. It is for me irrelevant in which country (INT 11).*

Three of our foreign respondents identified themselves as ‘Polish scholars’ (all of them Easterners, HS).<sup>29</sup> Two major arguments were advanced – ‘they deal with Polish matters’ and ‘working conditions in Poland are better than at home’ – and they identified with the country of immigration. We wanted to learn whether the academic immigrants maintained scholarly contacts with their countries of origin after, in many cases, long years spent in Poland. Interestingly, nearly half of them (8 Easterners, ST) said that ‘definitely yes’ they maintained those contacts on a regular basis and 3 more (Easterners, two of them HS) had contacts but did not actually pursue them. Reasons for keeping up those contacts were: Erasmus faculty exchange initiated by them and other official inter-university agreements; supervising PhD students in the country of origin; colleagues doing the same kind of research; doing research on the country of origin; and common research project. Five respondents (with no clear pattern as regards age, gender, specialty or region of origin) said ‘definitely no’ to the question of such contacts, but no particular explanations were provided.

Trying to go deeper into the transmigration issue we asked where the respondents expected to be living 10 years from now. Nearly half of the sample declared that they would still be working in Poland. They were not planning any further spatial mobility. This observation differs from what Bauder (2015: 86) observed in young scholar mobility in Western countries, but, on the other hand, it supports his other idea that academic employment in public universities is relatively stable.

We regard the transmigration of our respondents as relatively weak and rather more metaphorical than real. Their social practices and ideologies are closer to what T. Deniz Erkman (2015) calls ‘rooted cosmopolitanism’: international ambitions based on the continuing role of national attachments. This is, perhaps, a consequence of the status of foreign scholars employed in Poland in international academia. From our internet study we know that, with a few notable exceptions, they are (see Mucha and Łuczaj 2016) rarely the most prominent scholars in their fields. If we measure number of citations and H-index, it turns out that they do not differ much from average Polish scientists.

## Conclusions

Our findings show that Poland attracts first and foremost scholars of average scientific attainment. They tend to measure success mostly in terms of academic degrees and formal promotion. They are willing to publish abroad but most often, just as in the case of native Polish scholars, their papers are published in Poland. There is no doubt that shortage of financial resources makes it much harder (although not impossible) to publish in top international journals.

These people came here for various reasons. One of the most obvious is the cultural proximity of Poland to their country of origin. A separate group comprises people whose academic interests are focused directly on Poland or on Polish culture. They are not very interested in an expatriate community in the host country and the small number of international scholars in the place where they have settled seems to be a minor problem for them. Those scholars are aware that Poland is not at the centre of the academic world and the question is whether or not they can get funding that would allow them to participate in the international scientific community. Those who succeed are generally more satisfied in Poland and expressed their concerns less definitely. Sometimes the migration decision was related to interpersonal bonds, especially their private life (spouse, relatives). We have not addressed these issues here but discuss them in another study (see Mucha and Łuczaj 2017). What seems common among our interviewees is the modest level of their expectations. Thus the term ‘middling migrations’ seems to capture their experience. With minor exceptions, they wanted to just get on with their work. Incoming scholars were not transnational, ‘liquid’ academics, but they had decided to settle here or, in a couple of cases, commute to work from neighbouring countries. As we have discussed elsewhere (Mucha and Łuczaj 2016), this academic centre attracts rather experienced scholars. This may explain many similarities between these foreign scholars and a ‘typical’ Polish scholar. Incoming academics knew the requirements of the local Polish academic culture and felt they belonged here. What is special about our interviewees, as opposed to expatriates in Western receiving countries (see, e.g., Kreber and Hounsel 2014; Loacker and Śliwa 2016), is that foreign academics in Poland accept the peripheral position of Poland in the academic community and have their own strategies to deal with the barriers (e.g., they perceive it as ethically acceptable to download unauthorised versions of books and articles, or they seek cheap accommodation on their own, whenever university travel grants are insufficient).

The most visible, though not the only, problems were financial ones (salaries, infrastructure), and right now, the public image of Polish academia is poor. Our interviewees showed us how some structural and cultural issues make their life harder (administration, procedures). All these are embraced in the ongoing debate on Polish academia. The voice of expatriates may be an interesting argument in the reforms to come.

## Notes

<sup>1</sup> In this article, we do not distinguish between scholars, scientists, academics and researchers. Also, we do not initially distinguish between ‘science’ (in the sense of natural sciences) and ‘humanities and social sciences’. In due course, however, we will take advantage of this distinction.

<sup>2</sup> We can compare this proportion to the proportion of foreign ‘teachers/lecturers’ in selected countries: 13 per cent in Switzerland, 8.9 per cent in the US, 5.9 per cent in the UK, and 4.3 per cent in Norway (but also in France, 2.8 per cent; Germany, 2.8 per cent; the Netherlands, 1.6 per cent; and Italy, 0.3 per cent) (Kaczmarczyk and Okólski 2005, Table 8), all in 2001.

<sup>3</sup> To our knowledge there are no English-language empirical materials on the immigration of academics to this region (with the exception of the issue of return migration which is beyond the scope of this research).

<sup>4</sup> According to the most prestigious 2015 ranking of institutions of higher education in Poland (the *Perspektywy* ranking), among the top 50 (out of 90 analysed) there are 10 institutions from Warsaw and 5 each from Krakow, Poznan and Wroclaw. Krakow's Jagiellonian University is ranked top in the country, the AGH University is 6th, University of Technology is 38th, the University of Agriculture is 39th, the University of Economics is 47th and the Pedagogical University is ranked between 51st and 60th. In Krakow, there were 28 institutions of higher education in 2015, as well as 10 research institutes of the Polish Academy of Sciences, and 10 other highly respected research institutes. Most of the high-tech companies operating in Poland have their headquarters in these cities. Krakow is the second Polish centre for start-ups after Warsaw, which is why we call these cities the Polish 'silicon valleys' (more details in Mucha and Łuczaj 2016; see also [http://krakow.pl/aktualnosci/204572,32,komunikat,startkrkup\\_siedem\\_dni\\_festiwalu\\_startupow.html](http://krakow.pl/aktualnosci/204572,32,komunikat,startkrkup_siedem_dni_festiwalu_startupow.html) [accessed: 13 April 2017]). We recognise that most university rankings, national and global, are simplistic and stereotyping but we have not found any more reliable measurement system.

<sup>5</sup> However, there is a new body of literature on the self-initiated expatriate which mostly refers to managers. See, e.g., Beermann and Andresen (2010); Al Ariss, Koall, Özbilgin and Suutari (2012); Cao, Hirschi and Deller (2012); Selmer and Luring (2012); Doherty, Richardson and Thorn (2013).

<sup>6</sup> By 'Polish science' we mean research activities undertaken in Poland within the framework of the Polish legal system. We do not analyse here the issue of national (local) versus universal scientific research.

<sup>7</sup> See, e.g., <http://www.timeshighereducation.co.uk/world-university-rankings/2013-14/world-ranking> (accessed: 7 October 2013). See also endnote 4.

<sup>8</sup> *Forbes* magazine publishes a list of the largest companies in the world. In 2015, the periodical listed only six Polish companies: PKO BP bank (743rd position), PGE energy company (778th), PZU insurance group (855th), PGNiG energy company (887), PKN Orlen oil company (1217) and KGHM copper company (1302); see <http://www.forbes.pl/najwieksze-firmy-swiata-2015,artykuly,194099,1,1.html> (accessed: 18 April 2017).

<sup>9</sup> The FNP invited 836 scientists to participate in the survey: Poles working abroad and foreign reviewers of the Foundation's programmes (650 people); scholars designated by laureates of the FNP TEAM Programme (27); and Polish researchers from the National Institute of Health (159). The report is based on 160 questionnaires returned to the FNP. This report itself is not scientific in nature, but we do not know any other reliable source.

<sup>10</sup> We employed the criterion utilised by many European grant agencies, for instance Polish National Science Centre and Deutscher Akademischer Austauschdienst, according to which research stays from one to six months are classified as 'short' and over six months as 'long'.

<sup>11</sup> [http://www.nauka.gov.pl/g2/oryginal/2013\\_05/39accfa94c30481522a0cd1d322b85e3.pdf](http://www.nauka.gov.pl/g2/oryginal/2013_05/39accfa94c30481522a0cd1d322b85e3.pdf) (accessed: 9 October 2016).

<sup>12</sup> See also Mucha and Łuczaj (2016, 2017).

<sup>13</sup> Even during our interviews one of the informants acknowledged that this type of identification is commonly used in everyday life.

<sup>14</sup> According to the Office for Foreigners (Urząd do Spraw Cudzoziemców), in 2014 Ukrainians possessed 31 per cent of all residence cards, Vietnamese 11 per cent, Russians 10 per cent, Belarusians 9 per cent, Armenians 4 per cent and Chinese 4 per cent. Poland is an attractive destination country for Ukrainians because of the spatial proximity and partly common history. Some of them are temporary workers in agriculture and construction, others in the cleaning sector. Vietnamese students (mostly at the AGH University) started to settle in Krakow in the 1960s. Armenia is a Caucasian country (about 2 700 km from Poland), but the tradition of Armenian settlement in Poland, including Krakow, has a very long history. The first settlers appeared here in the Middle Ages (Brzozowski and Pędziwiatr 2014; Gadowska, Spyra, Strzelichowski, Trzaska, Urban-Toczek, Witkowski and Ziębac 2014: 1–47, 49, 55, 69).

<sup>15</sup> HS – humanities and social sciences, ST – natural sciences and technology.

<sup>16</sup> Granted by the President of Poland.

<sup>17</sup> We did not interview their superiors, but we are planning to do that on the next stage of the research project.

<sup>18</sup> We shall not give examples because, due to the very small sample, they would easily identify particular respondents.

<sup>19</sup> This is not a common pattern, however. One of the Ukrainians explicitly told us that he did not cooperate with other Ukrainians or Russians because he could not see any benefits of such cooperation.

<sup>20</sup> Another point is that in many cases it does not pay to apply for a grant. The time and effort (and luck) necessary to prepare a successful application seem to be too high in relation to the effect, including the grant salaries which are very low. Although the Polish National Science Centre recommends that salaries (before tax) should not exceed 9 000 PLN for a professor, 7 000 for an associate professor and 5 000 for a PhD (respectively the equivalent of 2 000, 1 600 and 1 150 EUR, which is a relative high salary in Poland), in many cases real salaries are much lower. If the grant is not a primary source of income (i.e. someone is employed by the university), the additional grant salary ranges from 1 500 to 5 000 PLN, depending on the type of grant (researcher's experience). Source: ncn.gov.pl (accessed: 13 February 2017).

<sup>21</sup> <https://uniba.sk/en/> (accessed: 9 September 2016).

<sup>22</sup> Salaries in each country (in PPP) were compared with the maximum of the best-paying country in the covered sample. Amongst the best-paying countries, in different categories, are the US, Brazil, Switzerland, Cyprus, the Netherlands, Ireland and Belgium. Denmark pays the highest stipends for PhD candidates across countries (IDEA Consult 2013: 14).

<sup>23</sup> This is consistent with opinions presented in the first section of this paper.

<sup>24</sup> One of the leading private universities in Warsaw.

<sup>25</sup> <http://www.perspektywy.pl/RSW2016/ranking-uczelni-akademickich/ranking-wg-grup-kryteriow/presti-z-wsrod-kadry-akademickiej> (accessed: 17 February 2017).

<sup>26</sup> To a limited extent, it works, for instance, at the Main Library of the AGH University in Krakow.

<sup>27</sup> Bureaucratic regimes in the countries of origin may influence the perception of academic bureaucracy in Poland. However, we have no data to discuss this issue in a more precise way.

<sup>28</sup> Our respondents never referred to the concept of transmigration or transmigration but often used the term 'internationalisation'.

<sup>29</sup> Interestingly, two scholars in our sample who were born in Poland spent their childhood and education years abroad and came to Poland as foreigners do not belong to this category.

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— RESEARCH REPORTS —

# Participation of the Vietnamese Community in Poland in the Socio-Political Life at the Local Level: Present Situation and Prospects for the Future

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*Recently, the issue of intercultural relations between immigrants and the host society has been widely discussed. Taking into account the increasing spatial mobility of non-EU foreigners, it seems highly important to examine their relations with the host community on the local level. This article presents the results of the qualitative study conducted in the first quarter of 2014 in the Lesznowola municipality (Mazowieckie province, Piaseczno district) in Poland. It aims at analysing the situation of the Vietnamese community and its engagement in the local life of the municipality and examine attitudes of both Vietnamese and Poles towards prospects for granting local voting rights to migrants in Poland. Through several years of successful business and social cooperation, the Vietnamese immigrants have become a recognisable part of the social landscape of the municipality. The degree of social and political participation at the local level on the part of the Vietnamese community has also increased, which can be observed, for example, through such practical indicator as cooperation with local educational institutions. Therefore, we can argue that the Vietnamese community has been transforming itself from a marginalised and self-sufficient homogeneous group into more and more self-aware and active socio-political group of actors.*

**Keywords:** Vietnamese community; economic migration; public participation; political participation; voting rights

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## Introduction

In recent years many European cities have been facing the challenge of an increasing number of immigrants from distant countries settling down in major agglomerations. As Michael Alexander (2007) states, ‘This challenge is no longer limited to the traditional “gateway cities”. In Europe, alone, hundreds of towns and cities now host a significant proportion of foreign-born and second-generation immigrant populations’ (*ibidem*: 1). Therefore, the task faced by the authorities of the host country manifests itself not only in rudimentary spheres, such as providing proper housing, welfare and education for the newcomers, but also in the need to include them in the socio-political life of the local community.

This article aims at providing an illustration of the process of socio-political inclusion of the Vietnamese immigrants residing in the Lesznowola municipality (including the village of Wólka Kosowska) on the basis of the qualitative study conducted in 2014. The unusually high proportion of immigrants living in this community makes it an interesting and fruitful research case, presenting some multicultural challenges faced by the local authorities as well as by the host society and the immigrants themselves.

This article presents a characterisation of selected socio-political activities (e.g. municipal social life and education) of the Vietnamese immigrants in Wólka Kosowska, to demonstrate the basic spheres of their active participation, as well as analysing a socio-political context for the possibility of granting them voting rights at a local level. As Michael Alexander (2007) stated, ‘the interaction between the receiving society and individual migrants (and immigrant groups) takes place in the very concrete contexts of streets, neighbourhoods, schools, work places, public spaces, local organisations. In other words, integration takes place at the local level, even if some of its mechanisms are steered by institutional rules that have been established at higher (regional, national or international) levels’ (*ibidem*: 5). And that is the local context of the immigrants’ socio-political participation that is taken into consideration in this article.

The empirical part of the study, presented in this article, is divided into three sections, showing different spheres of immigrants’ activity in the Lesznowola municipality. The first one presents the very beginnings of settlement of the Vietnamese community in Wólka Kosowska, reconstructing the first reactions of the authorities and the host community to the presence of the newcomers. The second section outlines the deepening engagement of the immigrant community with the social life of the host community in Wólka Kosowska, including social relations with Poles and interactions of Vietnamese migrants with educational institutions. The third section addresses the political activity of the Vietnamese immigrants in Lesznowola and attitudes of both Poles and Vietnamese towards the possibility of granting foreigners voting rights at the local level.

## Vietnamese in Poland: review of empirical studies

The population of the Vietnamese diaspora in Poland is estimated at 25–30 000 (Wysieńska 2012; Szymańska-Matusiewicz 2014; Zieliński 2014), which makes it the second largest immigrant group in Poland. The majority of the Vietnamese residing in Poland live in Warsaw and its nearest surrounding area, of which the most popular municipality is Lesznowola, described in this article. According to the research conducted by Ewa Nowicka (2014) in 2001, the immigrants from Vietnam choose Poland ‘because of: (1) its relatively easy access, (2) relatively high standard of living, (3) safety and (4) high level of education’ (*ibidem*: 240). However, we must not forget about another – maybe even crucial – factor that encourages Vietnamese immigrants to come to Poland, namely social ties, which enable the newcomers to settle in already created networks, that have been built since at least the 1970s. Taking into consideration the benefits identified by Ewa Nowicka, as well as the historical and social context of the Vietnamese immigration to Poland, it should come as no surprise that the number of Vietnamese immigrants in Poland is consequently rising.<sup>1</sup>

Current studies of the Vietnamese community in Poland mainly concern three dimensions of their functioning in the host-society. These are: economic and labour activity (Bojar, Gąsior-Niemiec, Bieniecki and Pawlak 2005; Kłorek and Szulecka 2013; Hüwelmeier 2015); education and socialisation of the so-called second generation (Nowicka 2014); and – the most important in context of analysis presented in this article – social participation and integration (Fihel, Górny, Grzymała-Kazłowska, Kępińska and Piekut 2007; Grzymała-Kazłowska 2008; Łotocki 2009; Szymańska-Matusiewicz 2014, 2015).

Interestingly, next to numerous studies on community living in Warsaw (and nearby areas) there has also been research undertaken among Vietnamese dwelling in Poznań (Adamowicz, Bloch, Kochaniewicz and Rydzewski 2012; Buchowski and Schmidt 2012) and Cracow (Pędziwiatr and Brzozowski 2015). This research shows that the Vietnamese, compared with other immigrant groups residing in Poland (e.g. Ukrainians and Armenians), are noticeably more homogeneous and less interested in learning about, and exploring, Polish culture; however – after a long stay in Poland – their identity leans more towards Polish than Vietnamese (Pędziwiatr and Brzozowski 2015).

The Vietnamese minority and the extent of its willingness to integrate with host-country natives are often compared with other groups of immigrants settled in Poland. Perhaps due to the similar purpose of their presence in Poland (mainly economic migration), it is the Ukrainians who are most often contrasted with the Vietnamese residing in Poland (Fihel *et al.* 2007; Grzymała-Kazłowska 2008, 2015). Research carried out among the Vietnamese and the Ukrainians proved that there are some significant differences between these two communities, mostly as far as their openness and social activity is concerned. The noticeable cultural distance between Poles and Vietnamese means the latter are perceived as a rather closed group, maintaining strong interethnic ties, whereas the Ukrainians tend to integrate with the host-community much easier. Aleksandra Grzymała-Kazłowska (2015) emphasises also a higher density of Polish–Ukrainian relationships (including mixed-marriages), which can lead to greater autonomy of immigrants, and more individual migration as well as easier assimilation with the host-country.

The Vietnamese are also compared with their Asian neighbours from China, as an example of an immigrant group representing a similarly foreign and remote culture (Wysieńska 2011, 2012). The situation of the Chinese immigrants settled in Poland and generally in Europe is, however, significantly different. Firstly, the number of Chinese newcomers is significantly lower than the Vietnamese (approximately 4–5 000 immigrants from China compared with 35–40 000 from Vietnam) (Wysieńska 2011). Secondly, while the representatives of the Vietnamese community consider Poland as a destination country of residence their counterparts from China perceive Poland as a transit one on their way to Western Europe (Wysieńska 2011). Research conducted by the Institute of Public Affairs in Wólka Kosowska and Jaworzno showed also that Poland has never been and still is not considered an interesting and lucrative country for potential immigrants from China (Wysieńska 2012). Furthermore, the analysis of the rich migration history of the Chinese immigrants in Poland has proved that – in contrast to the Vietnamese, who have mostly come to Poland directly from their homeland – the majority of Chinese immigrants have already lived in many European countries before. It can be assumed, therefore, that their various experiences gained in other countries and societies make them less trusting to the welcoming community as well as to other immigrant groups residing in Poland (Wysieńska 2011).

There are also numerous works concerning comparative research on social and political participation of the Vietnamese and other immigrant groups in Europe. This research direction started with Patrick Ireland's (1994) study of four cities in Switzerland and France, followed by Rex and Samad's (1996) analysis of British cities (Birmingham and Bradford) and Bloomaert and Martiniello's (1996) research on Belgian Antwerp and Liege. Besides these, three big international projects have been implemented, whose results have contributed to the international debate on European immigration. These were the UNSECO MOST project *Modes of Citizenship and Multicultural Policies in European Cities* (1996–2004), project IDEA, entitled *Mediterranean*

and Eastern European Countries as New Immigration Destinations in the European Union (2007–2009), and the European Foundation's project *Cities for Local Integration Policies* (CLIP), started in 2006 by the policy makers. The UNESCO MOST project aimed at systematic description and comparison of 16 European cities (and Tel Aviv) in terms of the political participation of migrants and local governmental policies; the IDEA project also addressed new forms of migration and new countries included in the migration processes as a result of globalisation, whereas the last initiative indicated here created a network of 25 cities which are cooperating to compare and rethink particular, specific aspects of their local integration policies.

These works have focused mainly on the political sphere of integration, taking into consideration policies related to the political and civic participation of migrants. The study presented in this article aims at deepening the analysis of social-political participation of the Vietnamese community in Wólka Kosowska, in the context of the key aspect of this participation, which is the process of granting them voting rights at a local level. As Richard Zapata (2011) indicates, 'Participation and representation require the granting of formal political rights and opportunities for political participation, as well as conditions, that encourage active civic engagement' (*ibidem*: 169).

## Data

The empirical base for this article consists of an in-depth qualitative study, which was carried out in Wólka Kosowska in the first quarter of 2014. The study was focused on accessing opinion leaders representing the whole spectrum of people involved in the issues related to the functioning of the Vietnamese community in the Lesznowola municipality: representatives of Vietnamese organisations, members of the Polish local community of Lesznowola, Polish activists from NGOs supporting immigrants, and local government representatives from the Lesznowola municipality (both councillors and municipality council staff). An essential part of the study was to observe and analyse the level and forms of social activity and political participation among the Vietnamese residents in Wólka Kosowska as well as the attitude of current local political elites towards possible legal changes that would finally lead to granting foreigners (TCNs) the right to participate in local elections. The main method undertaken in the study was individual in-depth interviews (IDIs), 19 of which were carried out, mostly in the Lesznowola municipality, in the Polish language.<sup>2</sup>

Due to the nature of the project, the in-depth analysis embraced only those members of the Vietnamese community in Lesznowola municipality who have gained a permanent residence permit, and therefore could personally benefit from the possibility of voting rights which may be granted at the local level to the TCNs (this issue is described further in the report prepared within the project) (Łodziński, Pudzianowska and Szaranowicz-Kusz 2014).

A research group defined in this way encompasses only selected members of Vietnamese community in Poland which consists of Vietnamese migrants with various legal statuses in Poland. Polish legislation regulates the official status of Vietnamese immigrants (as well as other TCNs) very clearly, recognising five forms of legality of their stay or residence in Poland and two additional forms of protection (Grzymała-Kazłowska 2008). These legal statuses are: a Schengen visa or national visa (authorising a stay (or stays) not exceeding the total period of three or twelve months), a temporary residence permit (entitling a stay in the host country of no longer than three years), a permanent residence permit (after up to 10 years), a long-term EU resident's residence permit (granted after five years of legal and uninterrupted stay in Poland, also allowing residence with no time limits), and Polish citizenship. According to the data of the Office for Foreigners, as of the first half of 2015 there were 10 234 Vietnamese immigrants in Poland, whose legal status is regulated: 4 990 of them had a temporary residence permit; 3 093 a permanent residence permit; and 1 805 a long-term EU resident's residence permit. There is also a group of immigrants who have been granted protection on

Polish territory: a tolerated stay permit has been granted to 239 Vietnamese, refugee status and subsidiary protection was granted to 102 Vietnamese. However, we can also observe a large group of Vietnamese immigrants, whose legal status is unregulated, and are therefore not included in official statistics at all.

Somewhat different is the situation of so-called second generation – the descendants of Vietnamese immigrants, born in Poland, and who have gained Polish citizenship (by virtue of the fact that one of their parents is a native or a naturalised Pole). As a consequence of their legal status, they enjoy a different catalogue of rights and permissions, such as active and passive voting rights (which mean a possibility to vote as well as candidate in elections).

### **The very beginnings of the Vietnamese settlement in Lesznowola municipality**

Lesznowola is one of the fastest growing rural communities in Poland. It is located in the Mazowieckie province, in Piaseczno district (east-central Poland), in the immediate vicinity of the Warsaw southern district – Ursynów. It is bordered by municipalities of Nadarzyn and Raszyn (northwest), Piaseczno (southeast) and Tarczyn (south). Lesznowola covers an area of 69.17 square kilometres and is now – according to the official data – inhabited by 22 548 people (CSO 2013: 74), of which nearly 10 per cent are foreigners (including the largest group, which are the Asians, i.e. 1 199 officially registered Chinese and 708 Vietnamese). However, the Vietnamese immigrants openly admit, that approximately 30–40 per cent of their community are undocumented migrants (Wysieńska 2011), so actually there are many more of them. Iga Mroczek, Monika Szulecka and Elżbieta Tulińska (2008) had a similar suspicion when researching trade halls in Wólka Kosowska. They indicated that it seemed to be impossible to estimate the actual number of immigrants residing in Wólka Kosowska, because ‘there were a lot of hotels and guest rooms located close to the trade halls, and the Vietnamese often lived in them permanently, without being documented’ (*ibidem*: 168).

The most popular location among the Asian immigrants settling down in Mazowieckie province is a small village Wólka Kosowska, situated near the main communication artery E77 (Gdansk–Cracow). Wólka Kosowska was the winner of *Forbes* economic magazine’s ranking for business attractiveness (2009). Due to its favourable location and good communication with Warsaw city centre, Wólka Kosowska was selected by the Chinese immigrants arriving in Poland in the early 1990s as the optimum location for their newly established businesses.

The first Chinese trade hall in Wólka Kosowska (the GD company) was built in 1994 as logistics base and warehousing for the most important imported goods market, so-called *Jarmark Europa* taking place in the 10th Anniversary Stadium in Warsaw. Facing the decommissioning plans embracing closing of the market and restoring the original sporting character of the stadium (which were finally implemented in 2007), the Vietnamese also decided to move their trade centres to Wólka Kosowska (in 2002 and 2003). They openly admit that the choice of this location was based on the proximity of the existing Chinese centre and its effective advertising:

*Then we thought about where the new Vietnamese shopping centre [should be established]. One person came up with the idea, maybe next to the Chinese centre, since they have been established for five or six years and have already done their advertising? It was essential for us (IDI\_6\_NGO\_IMI).<sup>3</sup>*

Thus, through the co-location of the Chinese and Vietnamese trade halls in Wólka Kosowska, the country’s largest Asian wholesale and retail sale centre was established. Currently the shopping mall in Wólka Kosowska occupies an area of over 50 hectares and includes 17 halls, with more than 2 200 trade pavilions. The biggest workforce is the Vietnamese, who own, or rent from the Chinese and the Turks, the majority of the pavilions

and trade stands. In their hands are, e.g. the ASEANU Centre, ASEANPL, ASG, ASG-PL and EACC Investments as well as a significant part of the Chinese GD trade mall. Some of the Chinese and Vietnamese merchants, who previously rented apartments in Warsaw, have decided to settle permanently in the municipality of Lesznowola, buying flats and houses in the proximity of the trade halls. It seems to confirm the thesis of Ewa Nowicka (2014), who has stated that 'Poland is no longer only a transit country to other, more attractive countries; it has become an ultimate aim of migration' (*ibidem*: 240). As pointed out by a representative of the municipal authority:

*An important point is that for a long time, most Asians lived in Warsaw, and only came here to work. Now a large number of them are living here, have their estates, their homes, and one of the subsidiary companies is engaged in building apartments and they are settling and living here in the commune of Wólka Kosowska (IDI\_3\_JST).*

The research carried out in Wólka Kosowska allows one to draw two conclusions. The first is that immigrants whose living situation in the host country is not yet established still need ongoing support and assistance from other co-migrants. As a result, they decide (or are forced) to live in Wólka Kosowska, in close proximity to their workplace. Their network is still very strong, constituting some kind of a hermetic community, based on inherent rules and its own dynamic. No external contacts are needed, as all needs are met within the immigrant community.

The second concerns those Vietnamese who have decided to live outside Wólka Kosowska or even the municipality of Lesznowola. Their family situation is generally more stable and, due to the fact that they often have school-age children, they choose bigger agglomerations to settle down in, where a wider range of educational opportunities exists. One of the Vietnamese activists said:

*I think it is important, that one has a family, that there are children, because every Vietnamese family seeks a convenient location for their children and better schools. So, as I noticed, in Lesznowola live only those, who do not have a family in Poland (IDI\_8\_NGO\_IMI).*

The members of the Vietnamese diaspora who have already legalised their stay in Poland and are supporting a family do not need help from other migrants any more. Obviously, they keep in touch with friends and families in Vietnam, and their migration network still exists, but its density is lower than before. They also open themselves up to other relationships, including contact with the host society, and are more eager to get involved in public activity in various spheres. These Vietnamese are potential beneficiaries of the process of granting voting rights at the local level for non-EU citizens, because they have already met their rudimentary needs for security and decent living conditions, and – as the next step in Maslow's hierarchy – have started seeking for respect and self-fulfilment and self-realisation, which can only be provided through social activity.

The large group of Vietnamese workers in Wólka Kosowska arrived in Poland during the so-called intellectual wave in the early 1970s as part of the governmental cooperation between the Socialist Republic of Vietnam and the People's Republic of Poland (Wysieńska 2011). As one of the respondents said, *In the beginning there was such an idea that we will stay here for a while, just work a little, earn some money and go back home. But it turned out that here are better living conditions (IDI\_6\_NGO\_IMI)*. Therefore, most of the Vietnamese immigrants who had left Poland after their graduation decided to return to Poland in the mid-1990s.

The first reactions of the Polish residents to the appearance of foreigners in the Lesznowola municipality were rather ambivalent: *In the beginning... feelings were mixed. There were some concerns too. Residents feared these new nations. There was distrust, there was a distance and staring at each other (IDI\_16\_JST).*

Not without significance, however, remained a lucrative offer made by investors from Asia, who searched for suitable areas for their future investments. They wanted to buy some land from the Polish landowners, for which – according to opinions of the local inhabitants – it was difficult to find other buyers (due to waterlogged ground and little fertile soil). As mentioned by one of the councillors: *People sold the land, because, if the farmers, the people here had not sold it, nothing would have been created here* (IDI\_14\_JST). According to relations of the Polish respondents, through several years of successful business and social cooperation, the situation has been normalised and immigrants have become a natural part of the social landscape of the municipality. Their presence also ceased to arouse extreme emotions, in accordance with the principle, quoted by one of the Poles, that *If you cannot love something, then you should try to understand and like it* (IDI\_1\_NGO).

### **Social relations and contacts with educational institutions of Vietnamese migrants at the local level**

Considering the situation of the TCNs in Lesznowola it seems necessary to draw attention to their relations with the Polish host community. These relations extend across several levels, from the everyday contacts in the trade centre in Wólka Kosowska, to regular cooperation with educational institutions attended by foreign children. All these areas of immigrants' activity directly shape their image in the eyes of Poles, influencing the course of the relationship with the local community and its representatives in the organs of power.

First results of the study indicated that the presence of immigrants in the local community had become an everyday occurrence. Poles had become accustomed to people of different origins that they meet at work, in the place where they live, in shopping centres and during events and celebrations organised by local authorities. According to what the representatives of the municipal authorities said, immigrants were generally accepted by the majority of the host inhabitants, for the Vietnamese had put a lot of effort into being perceived as an open, and not troublesome, group of immigrants. They also declare, they appreciate a friendly attitude of the Poles from Lesznowola towards other cultures and openness to dialogue, resulting in a large freedom given by the Poles to the representatives of the Vietnamese community in cultivating their own traditions, religion and language.<sup>4</sup> At the same time the Vietnamese respondents declared a desire to integrate with the local community and get actively involved in its functioning: *We want to create a society here, of course, to preserve national identity, but also to integrate in different areas* (IDI\_6\_NGO\_IMI).

The visible effort that the representatives of the Vietnamese community put into adapting to Polish society slowly brought the desired results. Members of Vietnamese associations who participated in the study pointed to the fact that their children, whether born in Poland or in Vietnam, were attending Polish schools, and could make themselves understood perfectly (literally and figuratively) by their Polish peers:

*I think children handled integration much better than us. That's true, well, because there is no language barrier, it is firstly, and secondly – from the child, from early years they already live in such an atmosphere, in such habits, and they understand it* (IDI\_6\_NGO\_IMI).

The issue of the so-called second generation is indeed one of the key dimensions of analysis of the process of immigrants' integration with the host society. The Vietnamese have decided to settle permanently in Poland, taking into consideration the future of their children: *Children, a very important thing – the children. Where they will be fine, their prospects, profession, etc.* (IDI\_6\_NGO\_IMI). Furthermore, these children, who were born in Poland, but – what seems to be surprising – many of them don't even want to speak Vietnamese or visit their relatives in Vietnam, because – as they admit – they feel at home in Poland (IDI\_7\_JST).

In everyday life, however, it can be seen that – due to insufficient knowledge about each other – Polish–Vietnamese relations are still based to some degree of uncertainty and caution. Poles, having no clarity about the



expectations of the Vietnamese community, maintain restraint and distance in their official as well as private relationships:

*They are such a closed social group, that I was never really 100 per cent sure whether something was right or wrong, because they always nod with a smile. One does not know what they really think, that was the problem and I had a feeling that we are here, we are trying,, we want to make it right, but we do not know whether we are succeeding (IDI\_4\_JST).*

The Vietnamese behave similarly, who – according to interviews conducted with their Polish co-workers – are very careful to new contacts and as long as they were not sure where I am, who I am, they used to observe me very carefully, ensuring themselves, whether I should be here or not (IDI\_1\_NGO). Therefore, one of the most important challenges facing local authorities in the context of integration of the multicultural community is overcoming mutual stereotypes and prejudices discernible in the relations between the Poles and the Vietnamese. Certainly, it would facilitate multifaceted relations between the two communities on the economic, social and political level.

Furthermore, many non-UE immigrants who came to Lesznowola brought their families with them, often including children who are now attending Polish schools. These are the so-called second generation immigrants – raised and educated in Poland, and used to Polish culture, language and manners. They are considered to be the best chance for better integration of the foreign community, since they feel more comfortable in Polish life and also somehow mediate between the foreigners and the host community. These are probably well-grounded expectations because the second generation immigrants are eager to take up jobs, which will enable members of their community to adjust more easily to Polish life.

However, as the respondents say, the Polish system of education is not prepared for a big influx of foreign children, because such a challenge reveals

*a collision of our non-existing integration system and Polish multiculturalism in practice (...) what we can offer is an accelerated Polish course for children in the first year (five hours a week). This is too little for them. There are groups that send kids for private lessons after school, but it's mostly about Chinese not the Vietnamese people (IDI\_3\_JST).*

Furthermore, according to reflections of one of the respondents, Polish schools modify cultural habits of foreign students, in order to prepare them better to active participation in social life of municipality. The interlocutor pointed out, that at first Vietnamese students, who attend Polish schools thought that:

*You can't discuss with a teacher, you should treat him like a master, in front of whom you have to bow (...). A Polish student acting that way is considered as a less communicative, less intelligent. Here we promote students that are active, talkative, even if they argue with a teacher, that's great, because they know how to discuss (IDI\_3\_JST).*

Our interlocutors concluded, however, that this clear difference in behaviour started to fade gradually and now the attitude of the Vietnamese children is not much different to that of the Polish ones.

But school as an institution does not only socialise and teach, it also promotes and supports the 'cultivation of spiritual and personal worth' (Spence 2005: 112). As Jessica Mai Sims (2007) argues, 'Seen as the primary marker of social mobility, education provides individuals with the skills to communicate, relate and adapt to society, and qualify for employment' (*ibidem*: 4). Non-EU foreigners' relations with educational institutions

in Lesznowola municipality seem to take place in the atmosphere of cooperation and kindness. Particularly interesting here is the Public School Complex in Mroków, which is enjoying the greatest popularity among the Vietnamese. At the time of research (first quarter of 2014) in the above-mentioned school in Mroków, the proportion of foreign children counted for more than 10 per cent of all students (IDI\_5\_NGO). Meanwhile, *a few years ago... there were only a few foreign pupils in the classroom, now we have over 100 in three years* (IDI\_3\_JST). The increasing degree of cultural and ethnic diversity in municipal schools encouraged the authorities to initiate actions that would prepare teachers and other schools workers (in particular, these who are employed in the municipal school in Mroków) to work in the new multicultural reality.

Doubtlessly, bonds connecting immigrants with Lesznowola are getting tighter and leading to transformation of this marginalised minority group into a more and more active and self-aware social and political power. As some of the Vietnamese who participated in the study said, it is only a matter of time before the first Vietnamese representative joins a local authority.

### **Prospects for political participation at the local level of the Vietnamese migrants**

Interviews carried out in Lesznowola with members of the Vietnamese community revealed, that political integration is not an ongoing priority for them, although political life in Poland is eagerly discussed within the immigrant group. Similarly, our Polish interviewees shared the view that the main goal for the Vietnamese residing in Poland is the pursuit of an adequate life for them and their families. As one of the NGO-workers explained,

*The main purposes of the immigrants here, in Wólka Kosowska, are economic goals, it means multiplication of their property, sending money to their families and educating children, that is the second goal... So we must think about it, if their goal is most of all to earn – would they like to engage in the local politics?* (IDI\_4\_JST).

Today's legal acts regulate the status of the Vietnamese citizens in Lesznowola very clearly: only those representatives of the Vietnamese diaspora, who have already gained Polish citizenship are authorised to participate in all political activities on an equal footing with other Poles. They can, therefore, take part in direct and indirect democratic procedures, such as participating in elections (both voting as well as being elected), and taking part in referendums and legislative initiatives. The TCNs with a permanent residence permit cannot sign up to a political party but can set up and belong to an association or foundation. The possibility of granting local voting rights to the immigrants with permanent residence permits would change this situation significantly.

Observations conducted in Wólka Kosowska led to a presumption, that maybe the eagerness to participate in local politics lies in the immigrants' status: those who have already settled themselves and their families may be interested in local social life – but the others rather rarely. Rahsaan Maxwell (2010), who researched the political participation of minority migrant groups in France, pointed out to another factor influencing political participation of migrants. She claimed, that non-European-origin migrant groups had lower turnout rates than native French metropolitans, not due to their smaller interest in participating in local political life, but because of the poorer living conditions they faced (living in 'disadvantages urban areas'). There arises an obvious doubt, in such a pessimistic vision, whether there are any potential beneficiaries of granting voting rights at all. Would anyone benefit from it? One Vietnamese interviewee answered this question: *Honestly, I want the voting rights for me, for my family, for wife, for son – I do not have greater engagement in politics* (IDI\_9\_NGO\_IMI).

It is worth noting that there is also an active group of self-styled politicians, who are highly interested in local (and global) political order, and who keep track of the news and read the Polish press. As one of the immigrants said, *these, who have Polish citizenship, they exercise their right and vote, go for elections, because they feel, they have the right to vote, they feel the real right to vote, and they feel valuable* (IDI\_2\_NGO\_IMI). It means, that granting voting rights to the non-EU citizens with permanent residence permits could bring a visible change in local politics, including a wider group of inhabitants actively deciding on the social and political life of their community.

On the other hand, the respondents who took part in the study revealed that there is a big risk that immigrants would not be interested in using these new rights because of hermetic nature of their community and (especially in case of the Chinese and the Vietnamese) not being used to democracy. At the same time, they expect that foreigners' influence on local politics would slightly change the topics discussed during the council meetings rather than reshape the whole direction of decisions undertaken by the council. Therefore, expansion of voting rights wouldn't lead to a major change in the balance of power, but would make the immigrants' voice heard.

## Conclusions

This article aimed to present social and political activity of the Vietnamese community residing in Lesznowola municipality, and its development in the recent years as well as prospects for the future. Both groups of interviewees – the Polish and the Vietnamese – see that the participation of the immigrants in the social life of the host-community has increased noticeably. The shift also shows a clear evolution of the immigrants themselves, who – from a marginalised, homogeneous group – have become a much more self-aware and active socio-political force. According to the interviews, it is only a matter of time before the representatives of the Vietnamese community receive seats in the municipal council and in other (not only local) authorities.

The interviews with the key informants showed also that the possible future electoral power may be the younger generation (the 'second generation'), who – by winning seats in the municipality council – could work for the security of comfortable and dignified living conditions for the members of the Vietnamese community in Poland. The political, as well as social and economic, potential of the second generation is widely analysed and discussed in European literature. Susan Bagwell (2006), who researched Vietnamese immigrants in the United Kingdom, pays attention to the fact, that 'These groups (second-generation and third-generation ethnic minorities – J. P.), having been educated in the United Kingdom, do not face the same cultural and linguistic barriers as their parents or grandparents' (*ibidem*: 52), and, due to this privileged position, can become a link between their ethnic community and the British host society. Similar conclusions have been drawn by Aleksandra Grzymała-Kazłowska (2015), who had researched Vietnamese immigrants in Poland and stated, that: 'Vietnamese immigrants who were integrated with Polish society, such as pioneer immigrants, Vietnamese leaders, the spouses of Poles and representatives of the 1.5 and 2nd generations played the role of cultural brokers. They mediated between their compatriots and Polish society' (*ibidem*: 460).

Zygmunt Bauman (1995) wrote, 'All societies produce strangers; but each kind of society produces its own kind of strangers, and produces them in its own inimitable way' (*ibidem*: 11). In the case of the Vietnamese community in Wólka Kosowska, analysed in this article, we may argue, that 'the Polish stranger' is socially active and eager to participate in public life, although his political rights are still relatively limited. Therefore, one of the main purposes of researching immigrant communities' political participation at the local level, and hence one of the purposes of this article was 'to initiate a debate on granting voting rights on the local level to the immigrants with permanent residence permits'.

## Notes

<sup>1</sup> See: the demographic base of the Central Statistical Office, <http://demografia.stat.gov.pl/bazademografia/> (accessed: 2 September 2016).

<sup>2</sup> For the full list of respondents with their basic characteristics see Annex 1.

<sup>3</sup> The interviews conducted in Wólka Kosowska are marked as IDI and then with successive interview numbers.

<sup>4</sup> About attitude of the Vietnamese immigrants towards their traditions, read in: Szymańska-Matusiewicz (2013).

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## Conflict of interest statement

No potential conflict of interest was reported by the author.

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## Annex 1

**Table 1. The list of respondents**

Interview ID	Respondent's affiliation	Respondent's nationality	Respondent's sex
1.	Non-governmental organisation (NGO)	Polish	Male
2.	NGO	Vietnamese	Male
3.	The Municipal Office (JST)	Polish	Male
4.	JST	Polish	Female
5.	NGO	Polish	Female
6.	NGO	Vietnamese	Male
7.	Employee of the Municipal Cultural Centre (JST)	Polish	Female
8.	NGO	Vietnamese	Male
9.	NGO	Vietnamese	Male
10.	Employee of the Municipal Cultural Centre (JST)	Polish	Female
11.	JST	Polish	Female
12.	JST	Polish	Female
13.	JST, Entrepreneur	Polish	Male
14.	JST	Polish	Male
15.	JST	Polish	Male
16.	JST	Polish	Female
17.	Expert in the field of research on the Vietnamese community	Polish	Female
18.	JST	Polish	Male
19.	Expert in the field of research on the Vietnamese community	Polish	Female

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# The Tendency of Entrepreneurs to Employ Foreigners: Labour Immigrants in the Opinion of Employers

Sabina Kubiciel-Lodzińska\*, Jolanta Maj\*

*This article presents selected results from a survey conducted in 2014 and 2015 in the Province of Opole, among 263 entrepreneurs representing companies from different sectors which varied due to the number of employees and the labour market segment. Organisations with experience in employing a foreign workforce as well as those who had not previously employed foreigners were asked about their willingness to engage a foreign workforce. The analysis was made taking into account the labour market segment. Majority of respondents claimed that the country of origin of the foreign workforce is irrelevant. Such attitude was more frequent among entrepreneurs with experience in hiring foreigners than among those who have not yet taken on foreign labour. Entrepreneurs, especially those employing foreigners during the study, tended to view foreigners as more available and more willing to work overtime, hence 'better' than Polish employees. Interestingly, among respondents representing the secondary labour market, the opinion that foreigners are 'better' employees was more common than in the group representing the primary labour market.*

*Keywords: immigration; foreigners; labour market; Province of Opole; diversity management*

## Introduction

Although it does not yet have the character of a mass inflow, labour immigration to Poland is gaining in importance. This is evidenced, *inter alia*, by the increase in the number of the documents issued allowing foreigners to undertake legal work in Poland. For example, in 2004 slightly more than 12 000 work permits for foreigners were issued in the country. However, by 2016 their number exceeded 120 000. An even more dynamic growth was recorded in the number of registered statements about the intention to entrust work to a foreigner. Their number has increased from 21 000 in 2007<sup>1</sup> (Department of Labour Market 2014) to over 1 300 000 in 2016. The vast majority of documents were intended for Ukrainian citizens.

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The increase in labour immigration to Poland is socially accepted. Therefore, the question arises as to what the attitudes are of employers providing jobs for immigrants. Is the country of origin of the foreigner of relevance here? How do entrepreneurs evaluate the work of foreigners compared to Polish employees? What are the differences between employers with regard to the size of the company, the segment of an industry and their previous experience of hiring a foreign workforce. In relation to these research questions, hypotheses are put forward in this paper:

*H1 The country of origin matters to employers taking on foreign workers.*

*H2 Employers perceive foreigners as 'better' workers than Poles because they have lower pay expectations.*

*H3 Organisations employing a foreign workforce in the primary labour market will perceive foreigners in a different way than will employers from the secondary labour market.*

*H4 Differences will occur in employers' perceptions of a foreign workforce between those having experience of hiring foreigners and those having no such experience.*

This paper discusses the selected results of a survey conducted among 263 entrepreneurs from the Province of Opole.<sup>2</sup> The choice of research area is not accidental. The Opole Region is referred to as *migrational* (Heffner and Solga 2013: 43) – characterised by a long tradition of departures (usually foreign ones), with their accompanying social, demographic and economic consequences. The Province of Opole has become a kind of 'laboratory' for the study of migration processes, in particular emigration. For several years now, it has also been a region where research related to the process of foreign immigration has been conducted – mainly labour-market related (Jończy and Kubiciel 2010; Kubiciel-Lodzińska 2011a, 2011b, 2012, 2014, 2016; Kubiciel-Lodzińska and Ustrzycki 2013) but also educational (Kubiciel-Lodzińska and Ruszczak 2016).

The research presented in this paper supplements the current state of the art by examining attitudes of employers towards foreign workers. It was intended, *inter alia*, to determine whether the country of origin of foreigners is important to employers as well as to establish how representatives of companies evaluate foreign workers in comparison to Poles. The variables were analysed considering the labour-market segment represented by the entrepreneurs and the experience of the respondents in the field of employing a foreign workforce. The multidimensional analysis is an important addition to current knowledge pertaining to the perception of foreigners as employees.

## Literature review

There may be a number of reasons to explain the demand for a foreign workforce. Firstly, it may arise due to structural mismatches between the supply of and demand for labour (Dietz and Kaczmarczyk 2008; Constant 2014), secondly, because of labour-market segmentation, (Piore 1979; Massey, Arango, Hugo, Kouaouci, Pellegrino and Taylor 1998) and, thirdly, as a result of socio-demographic changes (Kotowska 1999; van de Kaa 1999; Okólski 2004) including, for example, the growing demand for care services for the elderly. Usually these factors occur in combination, therefore a significant area of migration research is the position of the foreign workforce on the domestic labour market and the analysis of the competition between native and foreign workers (Borjas 1987; Peri 2016). Various aspects of the demand for the work of foreigners have also been examined, i.e. from the point of view of foreign companies (Coniglio, Hoxhaj and Seric 2017) or the



influence of the managerial background on the management style (Åslund, Hensvik and Nordström Skans 2009).

Despite the growing importance of labour immigration to Poland, research conducted among employers concerning the demand for the work of foreigners is rather limited. Moreover, studies in the field of integration, including economic integration, were conducted mainly among foreigners (Górny 2007; Grzymała-Kazłowska 2008; Bloch and Goździak 2010; Brzozowski and Pędziwiatr 2014). One of the first studies conducted from the perspective of the employers dealing with the problem of the demand for the work of foreigners in Poland was carried out by the Public Opinion Research Centre (CBOS) in 2001 (Morecka and Domaradzka 2004). It concerned, *inter alia*, the issue of hiring domestic help in households. Katarzyna Gmaj (2005) conducted 15 in-depth interviews with employers aimed at identifying their reasons for choosing foreigners. Analysis of the results produced the conclusion that, in Poland, foreigners undertake employment in two different sectors: the primary sector (foreigners coming from so-called 'Western' countries') and the secondary sector ('Eastern' countries). Maciej Kalski and Paweł Łazarczyk (2005) examined the demand for employees from the countries of the European Economic Area – 472 business entities participated in the study. The authors established that almost 90 per cent of respondents had not previously initiated actions to employ foreigners and about 80 per cent of respondents did not plan to hire citizens from the EEA. Enterprises which did consider such a possibility were large firms having international ties through their ownership and shareholder structure. The respondents usually declared their willingness to employ, firstly, Germans, then British, French, Czech, Danish and Dutch citizens.

A study of the demand for the work of foreigners was also conducted by the Institute of Labour and Social Affairs (IPISS) (Golinowska 2004). According to interviews in 30 enterprises employing foreigners, it would seem that the main reason for hiring a foreign workforce was their specific qualifications – perceived as necessary to maintaining a business on the market (this included managers and skilled workers with special and limited skills). Another reason has been the desire to distinguish a company from its competition and win customers (Chinese or Vietnamese chefs, foreign-language teachers). The third most mentioned reason was the knowledge which foreigners would have of their home-country market, which would allow the organisation to smoothly enter new areas (trade professionals who know the language of the country and its customs and who already had established business contacts).

The demand for the work of foreigners was also one of the elements of another project conducted by the IPISS. Respondents were asked, among other things, about the issue of employing foreigners in order to fill vacancies. The survey covered 639 companies, of which only 9 employed a foreigner. Among the reasons which were crucial for hiring a foreigner were, for example, the latter's lower wage expectations and greater willingness to work, as well as Polish employees' lack of willingness to work. Despite the low number of foreigners in the organisations studied, their willingness to employ a foreign workforce was high. In a situation where no Polish workers could be found, 36.5 per cent of respondents would employ immigrants, 38.7 per cent would not have taken such a decision and 24.9 per cent were not able or did not want to unequivocally declare themselves (Kukulak-Dolata and Sobocka-Szczapa 2013).

The Centre of Migration Research in Warsaw also conducted analyses related to the demand for a foreign workforce on the basis of representative survey of Polish employers (Grabowska-Lusińska and Żylicz 2008). The results showed that the demand for the work of foreigners did not exceed 1 per cent in Poland at the time of the survey. At the same time, the potential demand amounted to 3.3 per cent and the probability of employing a foreigner was declared by just over 18 per cent of all firms interviewed.

In the Province of Opole, a study covering only organisations employing foreigners – both legally and illegally – was conducted. The aim of the research concerned the division of the labour market, i.e. the entities

employing foreign workers within the primary and secondary labour markets were identified. Overall, 91 organisations employing foreigners legally (15 representing the primary and 76 the secondary labour-market segments) and 10 employers benefiting from illegal employment participated in the study (Jończy and Kubiciel 2010). The study concluded that the main reason for hiring foreigners in organisations in the primary labour market was their qualifications whereas, on the secondary market, the lack of Polish workers willing to work for the remuneration offered was crucial. Over 75 per cent of respondents declared that using a foreign workforce allowed stability to be maintained (in the secondary labour market almost 90 per cent made this statement). The study also showed that employing immigrants in the secondary labour market resulted in additional expenditure (i.e., the cost of the work permit, free accommodation, meals etc.), which organisations not using a foreign workforce did not have to incur.

Also worth mentioning is the research, conducted by the East–West Link, among 150 employers, to determine their reasons for employing foreigners, the most common difficulties and relations between Polish and foreign employees. Among the arguments for hiring a foreign workforce, employers pointed to the lower labour costs and the higher motivation of the employees. However, the vast majority (90 per cent) mentioned the shortage of a Polish workforce as the main reason for hiring foreigners. Among the barriers for using foreigners, the respondents mentioned communication issues such as the language barrier as well as a lack of necessary qualifications (Wafflard 2011).

The research mentioned above generally refers to employers' motives for taking on immigrants, the difficulties involved with employing them and the perceived benefits. The attitude of employers towards their foreign workforce is rarely taken into account. Moreover, the attitude towards foreigners taking up employment in Poland has thus far mainly been studied from the perspective of society as a whole (Public Opinion Research Centre 2008, 2015).

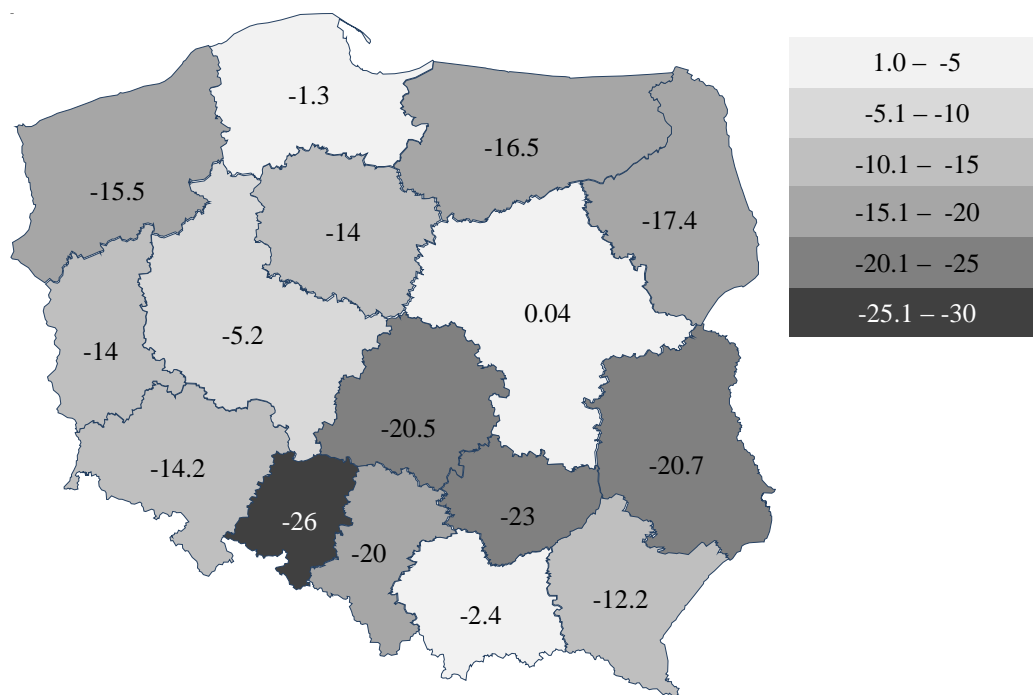
Apart from the analysis of motives for the employment of foreigners and difficulties resulting from the use of a foreign workforce, very few analyses of the employers' attitudes towards employing foreigners or the evaluation of their work have been carried out in Poland thus far. Among those which *have* been conducted, the following should be mentioned. Firstly, a study carried out by the Institute of Social Policy at the University of Warsaw, in which employers were asked about assigned employees and their professional relationships with Poles, should be mentioned (Institute of Social Policy of the University of Warsaw 2011). On the other hand, a comparison of the quality of the work performed by foreigners and by Poles was taken into account in research on foreigners' demands for work. The survey was conducted in the Lublin region (Kornefał 2008) and carried out in construction companies of Eastern Poland by a team from the University of Warmia and Mazury in Olsztyn (Organiściak-Krzykowska, Piotrowski, Nyklewicz, Skórska and Kucharski 2013). Entrepreneurs from the Lublin region highly appreciated the conscientiousness and honesty of foreigners. Employers with experience of using a foreign workforce admitted that they would prefer to employ a foreigner than an unemployed Pole. Nearly 70 per cent of the representatives of companies participating in the second study did not notice any difference in the work of foreigners and native workers. A similar comparison was carried out by Dariusz Klimek (2014). Entrepreneurs emphasised that there was a greater availability of migrants than of Poles.

### **Data and description of a research area**

This paper presents selected results of a survey carried out in 2014/2015 in enterprises in the Opole Province. The Opole region is the smallest province in Poland – as regards both its territory and the number of inhabitants. According to the data provided by the Central Statistical Office (CSO), the population only slightly exceeds 1 million, which places the region in last position in the country. Furthermore, according to prognoses,

the region's population will keep diminishing – the CSO's prognosis for the years 2014–2050 is that the Opole Province will face the biggest drop in population, since the number of its inhabitants will have decreased by 2050 by over 25 per cent in comparison with that in 2013 (CSO 2014) as presented in Figure 1.

**Figure 1. Population change from 2013 to 2050 by regions (in percentages)**



Source: Own elaboration based on data from the CSO (2014).

The actual population situation in Opole Province has proved true to the unfavourable demographic scenarios presented for the region by the CSO. The real numbers have already been assessed as lower than 1 million at approximately 930 000–940 000. This results from the fact that so-called suspended emigrants make up almost 9 per cent of the region's population, something which is not recorded in the official statistics. It concerns those who went abroad in the 1980s, yet whose registered residence still remains in the Opole region (Jończy 2010: 156–157). It follows from other studies that the actual population quota in the region is even lower and, in 2011, amounted to slightly over 870 000, the result having been corrected to take into account unregistered emigrants (Dybowska and Widera 2015: 113). The decline in the total population was accompanied by a change in its structure – a drop in the number of children and an increase in the number of people of post-working age – which would have a serious impact on the labour market.

The survey of enterprises was not expected to be representative of all companies in the region. Although it is possible to draw up representative samples both of those that employ foreigners and of those that do not, convincing employers to participate in a study is, in most cases, ineffective and the response rate in such surveys is usually very low (Golinowska 2004: 167). Therefore, the sample was defined broadly to include all enterprises which were, at the time of the research, employing and not employing a foreign workforce, regardless of the industry and the size – i.e. micro, small, medium and large enterprises.<sup>3</sup>

Respondents were contacted in several ways. First, a CAWI (Computer-Assisted Web Interview) survey was sent to over 900 companies – to all members of the Opole Chamber of Commerce (479 companies), Klub 150 (199 companies), participants of the international research project pursued by the Opole University of

Technology and the University of Opole (200 companies),<sup>4</sup> and those featured in the database of the Opole Province Office as entities that obtained work permits for foreigners in 2014 (30 companies). However, only 44 filled out and returned it – i.e. less than 5 per cent of the group. Therefore, contacting respondents by email was found to be ineffective. The second method used in the study was PAPI (Paper & Pen Personal Interview), conducted at meetings and in training organised for the enterprises.<sup>5</sup> It is worth noting that not all enterprises taking part in such meetings agreed to participate in the study. On average, about one third (in some cases a half) of all participants refused to talk to the interviewer in order to complete the questionnaire. This shows that studies in the business community constitute a challenge. Finally, 263 employers were included in the study – managers, firm owners, directors or supervisors responsible for the human resources management policy in the particular organisation.

The sample consisted mainly of micro-enterprises (43 per cent or 113 entities). Over a third (88 respondents) were small companies. Medium and large enterprises made up a much smaller part of the group and included, respectively, 17.1 per cent (45 companies) and 6.4 per cent (17 companies) of the sample. Among the surveyed companies, the largest group was the construction sector with over 25 per cent (70 companies). The detailed breakdown of the sample by sector is presented in Table 1. Employers in the service sector were the second largest group at 66 per cent. The third largest group, with 11.8 per cent (31 companies) of all analysed organisations was the metal industry and the fourth group was organisations from the food industry at 10.7 per cent (28 respondents).

**Table 1. Enterprises by sector of industry**

Sector	N	%
Construction	70	26.6
Metal industry	31	11.8
Fuel and energy industry	4	1.5
Wood and paper industry	12	4.7
Furniture industry	13	4.9
Medical services and rehabilitation	7	2.7
Transportation and logistics	13	4.9
Food industry	28	10.7
Chemical industry	5	1.9
Agriculture	10	3.8
Services	66	25.0
Tourism	4	1.5
Total	263	100.0

Source: author's own compilation.

The share of respondents from other industries was lower. The companies representing the furniture and transport and logistics industries each accounted for 4.9 per cent (13 companies) and the wood and paper industry 4.7 per cent (12 entities). In terms of the number of respondents, agricultural companies represented 3.8 per cent (10 entities), firms representing medical and rehabilitation services 2.7 per cent (7 companies), the chemical industry 1.9 per cent (5 companies) and organisations representing tourism and the fuel and energy industry 1.5 per cent each (4 respondents).

Furthermore, in accordance with dual labour-market theory (Piore 1979), the companies were divided according to the segment of the labour market represented by them. The primary labour market includes prestigious industries and occupations – the so-called ‘good’ jobs. On the other hand, the secondary labour market includes non-skilled jobs, which are generally perceived as unattractive – the so-called ‘bad’ jobs (Bibb and Form 1977: 977). Qualification for a particular segment depended on the profession in which the company employed or would be willing to employ a foreigner. Assignment to the primary market meant that the company was employing (or would employ) a foreigner qualified in a white-collar profession (such as foreign language teachers, doctors, IT specialists, sales representatives, sports trainers, chemists, technologists, mechanical engineers, marketing specialists, automation specialists or office workers). Assignment to the secondary labour market were companies employing or willing to employ a foreigner qualified in a blue-collar profession (including skilled and unskilled workers, i.e. construction workers, welders, chefs, drivers, carpenters, mechanics, locksmiths, electricians, barbers, hairdressers or cleaner). Regardless of the sector, organisations employing foreigners in ‘white-collar’ positions are included in the primary sector while those employing foreigners in ‘blue-collar’ jobs were included into the secondary labour market. For simplicity purposes, we will henceforth refer to organisations employing foreigners in ‘good’ jobs as being in the primary labour market and those employing foreigners in ‘bad’ jobs as being in the secondary labour market. The vast majority of respondents were companies employing a foreign workforce in jobs from the secondary labour market – 81 per cent of the respondents (213 in total), while those in the primary labour market accounted for 19 per cent of the sample (50 in total) – see Table 2.

**Table 2. Enterprises by number of employees and labour-market segment**

Labour-market segment	Micro enterprises (≤10 employees)		Small enterprises (≤50 employees)		Medium enterprises (≤250 employees)		Large enterprises (≥250 employees)		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Primary	20	17.7	14	15.9	11	24.4	5	29.4	50	19.0
Secondary	93	82.3	74	84.1	34	75.6	12	70.6	213	81.0
Total	113	100.0	88	100.0	45	100.0	17	100.0	263	100.0

Source: Author's own compilation.

In the case of micro enterprises, over 82 per cent (93 firms) were included in the secondary labour-market segment while 17.7 per cent (20 firms) were in the primary sector. Within the group of small enterprises, the share of the secondary labour-market sector was higher at 84.1 per cent (74 companies) with less than 16 per cent (14 firms) for the primary market. Among the medium and large organisations there was a slightly higher number in the primary labour market with, respectively, 24.4 per cent (11 organisations) and 29.4 per cent (5). Respectively, 75.6 per cent (34 firms) and 70.6 per cent (12 firms) represented the secondary labour market.

### Foreigners' country of origin and employers' willingness to hire immigrants

One of the objectives of this paper was to determine whether the country of origin was relevant for the employers in our survey when deciding whether or not to employ a foreigner. The answers are summarised in Table 3. More than 50 per cent of respondents (139 organisations) claimed that the origin of the foreign worker was irrelevant. Almost one fifth (65 firms) claimed that, if they did decide to employ a foreigner, they would prefer a person from Eastern Europe. A little over 8 per cent of respondents (17 replies) would only employ

a person from an EU member-state, while 14 per cent (38 firms) stated unequivocally that they did not intend to employ foreigners at all.

**Table 3. Responses to the question ‘Has country of origin been taken into account when deciding whether or not to employ a foreigner?’**

Response	Primary labour market		Secondary labour market		Total	
	No.	%	No.	%	No.	%
No, the country of origin of the foreign worker is not relevant	28	52.8	111	52.9	139	51.3
Yes, we would be ready to employ a person from Eastern Europe (Ukraine, Belarus, Moldavia)	13	24.5	52	24.7	65	24.7
Yes, we would be ready to employ only a person coming from an EU member-state	7	13.2	10	4.8	17	8.1
We do not want to employ foreigners	2	3.8	36	17.1	38	14.0
Other	3	5.7	1	0.5	4	1.8
Total	53	100.0	210	100.0	263	100.0

Source: Author’s own compilation.

Furthermore, when analysing the responses by labour-market segment, we can see that respondents from the primary segment were slightly more likely to employ only employees from EU member-states – 13.2 per cent versus 4.8 per cent. However, a greater share of employers from the secondary segment categorically declared that they did not intend to employ a foreign workforce (17.1 per cent against 3.8 per cent).

Concerning the origin of the foreign workforce, differences are apparent between entrepreneurs with experience in hiring foreigners and those who have not yet used foreign labour, as shown in Table 4.

**Table 4. Response to the question concerning employers’ willingness to hire a foreign workforce due to their country of origin, by respondents’ experience (or lack of) in employing foreigners**

Response	Entrepreneurs with experience in hiring foreigners		Entrepreneurs with no experience in hiring foreigners		Total	
	No.	%	No.	%	No.	%
No, the country of origin of the employee is not relevant	17	45.9	122	54.0	139	52.9
Yes, we would be ready to employ a person from Eastern Europe (Ukraine, Belarus, Moldavia)	18	48.6	47	20.8	65	24.7
Yes, we would be ready to employ only a person coming from an EU member-state	0	0.0	17	7.5	17	6.5
We do not want to employ foreigners	0	0.0	38	16.8	38	14.4
Other	3	7.9	1	0.4	4	1.5
Total	38	100.0	225	100.0	263	100.0

Source: Author’s own compilation.

Almost 46 per cent of entrepreneurs who had experience in employing foreigners claimed that the origin of the foreign employee was not relevant – less than the group of employers who had not hired yet foreign workers. In the latter case, as many as 54 per cent of respondents were open to hiring a foreign workforce regardless of country of origin. In turn, more than 48 per cent of respondents with experience in employing foreigners indicated that they are inclined to employ people from Eastern Europe. In this same group, no one was ready to employ only a person from an EU member-state, while 7.5 per cent of respondents from those with no experience of hiring foreigners would consider it. The responses in Table 4 indicate a fairly broad openness of the employers surveyed towards immigrants. However, during direct talks with the former, we found that what our respondents meant by the term ‘foreigner’ was people from Eastern Europe, mainly the Ukraine. They did not even think of people coming from Africa or Asia, for example, which could explain the high percentage of responses indicating a lack of preference as to the nationality of the foreign worker.

### **Foreigners versus Polish workers: employers’ assessments**

The employers were also asked to compare foreign and Polish workers. The answers given were analysed according to the labour-market segments in which the companies operated and their experience in hiring a foreign workforce. In general, positive assessments of foreigners’ work predominated. More than 22 per cent of respondents (79 employers) considered foreigners to be more available and more willing to work overtime, hence ‘better’ than Polish employees. Approximately 17 per cent (62 employers) said they were ‘better’ because of their lower wage expectations and 12 per cent (43 employers) claimed that they were ‘better’ than Poles because they cared more about their job and were less conflictual. In more than 10 per cent of respondents’ opinions (36 employers), foreigners are ‘worse’ employees than Poles because of the need to take care of them after working hours. Slightly more than 9 per cent of respondents (33 employers) indicated that immigrants are ‘worse’ employees because they arrive for a short period of time and therefore do not engage in the job and 5 per cent (18 respondents) thought they were ‘worse’ than Poles because they had to learn the job. Nearly 8 per cent (28 respondents) assessed foreigners as equal to Polish employees and nearly 15 per cent (53) had no opinion. The details are presented in Table 5.

Some interesting differences in the distribution of responses are visible between organisations due to their experience in the employment of a foreign workforce, as shown in Table 5. In those firms employing foreigners during the study period, foreigners were more often assessed as ‘better’ than Polish workers. More than a quarter of respondents in this group were of the opinion that foreign workers are ‘better’ workers than Poles because they are more available, while a fifth – who had no experience in employing foreigners were of the same opinion. Similarly, more respondents from the first group than the second pointed to the lower wage expectations of immigrants (18 compared to 17 per cent) and the fact that foreigners care more about their jobs than do Poles (15.1 versus 11.5 per cent). On the other hand, among employers who had no experience of hiring foreigners, it was often felt that foreigners are ‘worse’ because they arrive for a short period of time and therefore do not engage in the job (9.5 per cent) and that they have to be taken care of after working hours (over 10 per cent).

**Table 5. Foreign employees: employers' assessment compared to Polish workers**

Foreign workers are:	Entrepreneurs with experience in hiring foreigners		Entrepreneurs with no experience in hiring foreigners		Total	
	No.	%	No.	%	No.	%
'Better' employees because they are more available and willing to work overtime	14	26.4	65	21.4	79	22.1
'Better' employees because they have lower wage expectations	10	18.9	52	17.1	62	17.4
'Better' employees because they care more about their job and are less conflictual	8	15.1	35	11.5	43	12.0
'Worse' employees because they had to learn the job	3	5.7	15	4.9	18	5.0
'Worse' employees because they arrive for a short period of time and therefore do not engage in the job	4	7.5	29	9.5	33	9.2
'Worse' employees because of the need to take care of them after working hours	3	5.7	33	10.9	36	10.1
They are the same as Polish employees	7	13.2	21	7.0	28	7.8
I do not have an opinion	3	5.7	50	16.4	53	14.8
Other	1	1.9	4	1.3	5	1.4
Total	53	100.0	304	100.0	357	100.0

Source: Author's own compilation.

When analysing the results of this research, we can see that most employers were of the opinion that foreigners are 'better' employees than Poles because they are more likely to work overtime. It is worth emphasising that this is a judgment common not only among employers in the Province of Opole. The same opinion was expressed by entrepreneurs in the United Kingdom who stated that among the benefits of employing migrant workers was the fact that they were more 'employable' not because of lower wages but, rather, due to their higher productivity and greater willingness to work overtime (Sommerville and Sumpton 2009: 17). Such expectations are particularly noticeable in agriculture, hotel and catering, as well as in construction. The desire to employ foreigners due to their 'greater motivation and commitment' and greater willingness to work 'many hours, more flexibly' has also been revealed in other studies conducted among UK employers (Dench, Hurstfield, Hill and Akroyd 2006: 29).

Some differences in the distribution of responses are visible between organisations depending on their labour-market segment (Table 6).

The organisations representing the primary labour market emphasised that immigrants are 'better' because they are more willing to work overtime (18.2 per cent – 12 respondents). At the same time a group only slightly smaller with 17 per cent (11 replies) did not have an opinion about the issue in question. For more than 15 per cent of the respondents, foreigners are 'better' employees because they care more about their work and, for 13 per cent of respondents, foreigners – due to their lower wage expectations – are 'better' employees than Poles. According to 7.6 per cent of entrepreneurs (5 replies), foreigners are 'worse' employees because they do not engage in the work and, in the opinion of 4.5 per cent of respondents (3) it is because they have to learn the



job and to be taken care of after working hours. More than 13 per cent of respondents considered immigrants and Poles be equally employable.

**Table 6. Foreign employees: employers' assessment by labour-market segment**

Foreign workers are:	Primary labour market		Secondary labour market		Total	
	No.	%	No.	%	No.	%
'Better' employees because they are more available and willing to work overtime	12	18.2	67	23.0	79	22.1
'Better' employees because they have lower wage expectations	9	13.6	53	18.2	62	17.4
'Better' employees because they care more about their job and are less conflictual	10	15.2	33	11.3	43	12.0
'Worse' employees because they had to learn the job	3	4.5	15	5.2	18	5.0
'Worse' employees because they arrive for a short period of time and therefore do not engage in the job	5	7.6	28	9.6	33	9.2
'Worse' employees because of the need to take care of them after working hours	3	4.5	33	11.3	36	10.1
They are the same as Polish employees	9	13.6	19	6.5	28	7.8
I do not have an opinion	11	16.7	42	14.4	53	14.8
Other	4	6.1	1	0.3	5	1.6
Total	66	100.0	291	100.0	357	100.0

Source: Author's own compilation.

Among the respondents representing the secondary labour market, the opinion that foreigners are 'better' employees was more common than those in the primary labour market. Of the respondents, 23 per cent (67 companies) emphasised that foreigners are more willing to work overtime. More than 18 per cent of respondents said that, in their opinion, immigrants are 'better' because they have lower pay expectations and 11.3 per cent (33 respondents) claimed that it was because they were more engaged in their job. A little over a fifth of the responses were negative opinions about foreigners. The most frequently mentioned accusation concerned the need to take care of immigrants after working hours (11.3 per cent or 33 responses), immigrants' lack of engagement in work (9.6 per cent – 28 replies) and the need to train them (5.2 per cent – 15 responses). More than 14 per cent of the respondents did not have an opinion on foreign workers and 6.5 per cent (19 replies) considered foreigners to be equal to Polish employees.

## Summary

The growing number of foreigners employed by Polish companies makes immigration an increasingly important part of the labour market. The growing interest in reaching out to a foreign workforce can be observed, *inter alia*, by analysing the number of work permits issued and the registered statements of intention to entrust work to a foreigner. Between the year 2007 and 2016 the number of the former increased tenfold while, in the same period, the latter were registered 60 times more often. It was therefore considered important to determine

whether employers had preferences regarding the country of origin of the foreign workforce. At present most of the foreigners undertaking employment in Poland are Ukrainian citizens. However, the question arises as to whether employers would be willing to employ people from other, possibly distant, countries?

The research we conducted confirmed our hypothesis that employers pay attention to the country of origin of the foreign workforce. We have seen that, although more than half of our employer respondents officially declared that the origin of a foreign employee is of no importance to them, our results revealed that this does not fully correspond with the reality since, in the minds of employers, a foreigner equals a Ukrainian. In answering the question, they were not thinking, for example, of people from Africa, Asia or the Far East as potential employees.

However, differences can be seen between entrepreneurs with experience in hiring foreigners and those who have not yet engaged foreign labour. Almost 46 per cent of entrepreneurs from the former group claimed that the country of origin of the foreign employee was irrelevant. This is less than in the group of employers who have not hired foreign workers yet. More than 22 per cent of respondents (79 employers) considered foreigners as more available and more willing to work overtime, hence 'better' than Polish employees. Such an opinion was particularly common in firms employing foreigners during the study period: it was expressed by a quarter of respondents from this group. Among those representing the secondary labour market, the opinion that foreigners are 'better' employees was more common than in the group representing the primary labour market.

Differences in perceptions of foreign employees were noticed while analysing the data by the labour-market segment (primary or secondary) in which the foreigners were employed. Organisations employing foreigners in jobs on the primary labour market more often than those on the secondary labour market said that they would be willing to employ only an EU citizen. On the other hand, organisations employing or willing to employ a foreign workforce in secondary labour-market jobs more often pointed to the need for them to take care of the foreigners after work.

The hypothesis regarding the perception of foreigners as 'better' workers than native ones due to their lower wage expectations was verified negatively. Although for more than 50 per cent of the surveyed organisations foreigners were 'better' employees than Poles, it was found out that this was mainly due to the belief that the employer could benefit from the specific and difficult market position of the foreign workforce. Entrepreneurs focused primarily on the greater availability of a foreign workforce and their lower pay expectations.

It seems that the importance of labour immigration to Poland is on the increase. Almost 88 per cent of entrepreneurs who took part in the survey in the Province of Opole believed that the employment of immigrants in Poland would become a necessity. Only slightly more than 9 per cent of the respondents strongly believed that there would be no such need. Moreover, in the course of the study, a third admitted that they already felt that the difficulty of recruiting appropriately qualified staff hampered the development of their company. Therefore it is evident that employees will be forced to deal with immigrants in the future and adapt some strategies to deal with the challenges associated with it. The most obvious strategy is diversity management, which acknowledges differences between employees *inter alia* due to their nationality and ethnic origin and offers strategies for dealing with the challenges while gaining competitive advantage and additional profits (Maj 2012, 2015; Maj and Walkowiak 2015).

The opinions of employers show that Poland is facing the challenges of labour immigration and perhaps also permanent migration. It is therefore necessary to conduct more in-depth analyses relating to immigrants – both circulating and permanent – that would allow the government to determine the amount of taxes they should pay, their usage of the social security systems, how to redistribute the income or generally to determine their situation in Polish organisations and on the Polish labour market.

## Notes

- <sup>1</sup> Statements about the intention to entrust work to a foreigner were introduced in 2006.
- <sup>2</sup> More detailed research results were presented in Kubiciel-Lodzinska (2016).
- <sup>3</sup> In this paper the terms ‘firm’, ‘enterprise’, ‘organisation’ and ‘company’ are used interchangeably.
- <sup>4</sup> This refers to the EU-funded project *Effective Transfer of Knowledge from Science to Industry in the Opolskie Voivodeship*.
- <sup>5</sup> One of the authors of this study was a participant at business meetings organised in cooperation with Opolskie Centrum Rozwoju Gospodarki, Opolska Izba Gospodarcza, consulting company Zaga. The authors received assistance from the Cech Rzemiosł i Przedsiębiorczości in Opole.

## Conflict of interest statement

No potential conflict of interest was reported by the author.

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