

ANDRZEJ WAWRYNIUK

MIGRATION OF UKRAINIANS TO POLAND
IN THE YEARS 2007–2016
THE LEGAL BASIS, SYMPTOMS
AND CONSEQUENCES OF THIS PHENOMENON

INTRODUCTION

In the course of Polish-Ukrainian bilateral relations concerning the movement of persons many bilateral documents have been signed. The one of the greatest significance was the treaty signed on May 18, 1992, in which the following was stipulated: “The Parties consider the existing and delineated border between them as inviolable and affirm that they have no territorial claims against each other and shall not advance such claims in the future.”¹ The quoted normative act also provides that the territories of each state belong to the Polish and the Ukrainian nation. The reciprocal movements of the Polish and Ukrainian citizens used to be an open question; it was settled by art. 10 para. 3 of the Treaty in the following way: “The Parties shall increase the number of border crossings and shall rationalize the conduct of customs and border control.” The preamble mentions that “respect for human rights and fundamental freedoms, and principles of democracy and justice” are reaffirmed.

ANDRZEJ WAWRYNIUK, habilitated doctor, professor of the State School of Higher Education in Chełm, Department of International Relations of the Institute of Modern Languages; address: Wojsławska 8b, 22-100 Chełm, Poland; e-mail: anwaw@wp.pl

¹ Treaty between the Polish Republic and Ukraine on good neighbourliness, friendly relations, and cooperation, made on May 18, 1992, in Warsaw, Journal of Laws of 1993, No. 125, item 573, art. 2. It should be noted that art. 21 para. 2 provides: “The present Treaty shall remain valid for a period of fifteen years. After this period, its binding force is subject to automatic extension for five years at a time, if neither Party denounces it by way of notification one year before the expiration of the given period.” The Treaty was signed by Lech Wałęsa for the Republic of Poland, and by Leonid Kravchuk for Ukraine.

It should be highlighted that the said Treaty was signed for a duration of 15 years with the possibility of extending it for a period of another five years if neither party terminates it by way of notification before the given period expires (see art. 21).

NORMATIVE ACTS LEGALIZING THE STAY OF FOREIGNERS IN POLAND

The basic normative act governing the issues connected with the regularisation of foreign nationals in the territory of the Republic of Poland is the act of 12 December 2013 on foreigners,² which determines the terms and conditions of entry, transit and residence of foreign nationals, in the territory of the Republic of Poland (art. 1), including the Ukrainians. The said statute also defines the terms: “border”, “foreigner”, “travel document”, “refugee status”, “Schengen states”, or “Schengen visa” (art. 3 points 1–2, point 5, point 11, point 16, points 20–22). In Chapter 2, the Act provides for permissions to remain in Poland with the right to undertake employment (for example, art. 114–115).

Notably, an agreement on local border traffic was signed in 2008 and amended in 2014. It facilitated the procedure of obtaining a permit to cross the Polish-Ukrainian border in both directions.³ The agreement features a list of locations up to 30 km away from the border whose residents have a right to enter the signatory countries without visas. The list of administrative units located in the Polish border area comprises 1,822 units in the provinces (*województwo*) of Lublin and Rzeszów (*województwo lubelskie* and *województwo podkarpackie*, respectively – Translator’s note) in Poland and 1545 places in the regions of Volyn and Lviv (*Volyns’ka oblast’* and *L’vivs’ka oblast’*, respectively – Translator’s note) in Ukraine.⁴

² Act of 12 December 2013 on foreigners, Journal of Laws of 2017, item 2206 as amended.

³ Agreement between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine concerning local border traffic regime, signed in Kiev on 28 March 2008, and the Protocol signed in Warsaw on 22 December 2008, between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine amending the Agreement between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine concerning local border traffic regime, signed in Kiev on 28 March 2008, Journal of Laws of 2009, No. 103, item 858.

⁴ *Idem*, Appendix No. 1.

BORDER CROSSING POINTS AND THEIR DISTRIBUTION

In the years 1991–2016, Poland and Ukraine entered into or issued 177 agreements, declarations, resolutions or documents of a different rank concerning the common border with Ukraine and the possibility of crossing it.

The first agreement on border crossings was signed on May 18, 1992, and it specified the existing railway and road crossing points along the Polish-Ukrainian state border. In accordance with this agreement, the movement of persons across the border can take place at the following road crossings: Dorohusk–Yahodyn, Hrebenne–Rava Rus'ka, and Medyka–Shehyni, and the following railway crossings: Dorohusk–Yahodyn, Hrubieszów–Vladimir Volinskij, and Przemyśl–Mostyska.⁵ In the meantime, the following border crossing points were opened: Zosin–Ustyluh, in operation since October 10, 1995; Krościenko–Khyriv, in operation until November 10, 2010; and Korczowa–Krakovets, in operation since January 3, 1998.

Such a small number of border crossings had a considerable influence on the flow of persons, therefore the governments of both states decided to build and open new crossing points. It should be highlighted that only in the first decade of the 21st century the following points designed for border checks and customs procedures were opened: Krościenko–Smil'nytsya,⁶ Budomierz–Hrushiv,⁷ and Dołhobyczów–Uhryniv.⁸ Moreover, the construction of the Malhowice–Nyzhankovychi is scheduled to start in 2018. The facility is to be opened in 2020.⁹

⁵ Agreement between the Government of the Polish Republic and the Government of Ukraine concerning border crossing points, made in Warsaw on 18 May 1992, Official Gazette (Monitor Polski) of 2003, No. 37, item 530, art. 1.

⁶ Agreement of 20 November 2002 between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine concerning the opening of the Krościenko–Smyl'nytsya border crossing point, Official Gazette (Monitor Polski) of 2004, No. 43, item 751. The border crossing was commissioned for use on November 20, 2002.

⁷ Governmental declaration of 26 January 2015 on the Polish Republic entering into the agreement of 17 December 2014 between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine on the opening of the Budomierz–Hrushiv road border crossing point, Official Gazette (Monitor Polski) of 30 March 2017, item 290. The border crossing was opened on December 2, 2013.

⁸ Government declaration of 2 July 2015 on the Polish Republic entering into the agreement of 25 June 2015 between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine on the opening of the Dołhobyczów–Uhryniv border crossing and determination of its type of traffic, Official Gazette (Monitor Polski), item 769. The border crossing was commissioned for use on June 26, 2014.

⁹ Agreement of 19 September 2012 between the Government of the Polish Republic and the Cabinet of Ministers of Ukraine concerning the creation of the Malhowice–Nizankowice border crossing, Official Gazette (Monitor Polski) of 2013, item. 787.

Until the year 2017, a total of 12 road and rail border crossing points were opened, which can be used for clearance by travellers going to neighbouring countries. So far, all are open around the clock.¹⁰

MIGRATIONS ACCORDING TO CITIZENSHIP AND TYPES OF STAY

After 2014, an increased influx of Ukrainians into Poland has been observed. This has been affected by the political and economic situation of our neighbours, including the annexation of Crimea and the separatist, anti-Ukrainian operations taking place in the oblasts of Luhansk and Donetsk. Ukrainian emigration stems mainly from the movement of people whose lack of employment or an insufficient salary prompts them to seek job opportunities elsewhere, for example in Poland.

The possibility of work done by foreign nationals in the territory of Poland is governed by, amongst others: act of 26 June 1974 (Labour Code),¹¹ act of 20 April 2004 on employment promotion and labour market institutions,¹² regulation of 30 August 2006 on the performance of work by foreign nationals without the necessity of obtaining a work permit,¹³ regulation of 17 October 2007 on the amount of handling fee charged when submitting an application for a work permit for a foreigner,¹⁴ regulation of 29 January 2009 on the issuance of a work permit to foreigners,¹⁵ regulation of 29 January 2009 on special cases in which work permit is issued to foreigners regardless of detailed conditions of issuing work permits to foreigners.¹⁶

When the migration of Ukrainians to Poland was discussed, the period 2007–2016 was taken into consideration. The analysis of the basic data permits the gener-

¹⁰ Announcement of the Minister of Interior of 12 November 2012 on border crossing points, types of permissible traffic and their opening times, Official Gazette (Monitor Polski), item 898.

¹¹ Act of 26 June 1964, Labour Code, Journal of Laws of 2016, item 1666 as amended.

¹² Act of 20 April 2004 on employment promotion and labour market institutions, Journal of Laws of 2017, item 1065 as amended.

¹³ Regulation of the Minister of Labour and Social Policy of 30 August 2006 on the performance of work by foreign nationals without the necessity of obtaining a work permit, Journal of Laws No. 156, item 1116.

¹⁴ Regulation of the Minister of Labour and Social Policy of 17 October 2007 on the amount of handling fee charged when submitting an application for a work permit for a foreigner, Journal of Laws No. 195, item 1409.

¹⁵ Regulation of the Minister of Labour and Social Policy of 29 January 2009 on the issuance of a work permit to foreigners, Journal of Laws No. 16, item 84.

¹⁶ Regulation of the Minister of Labour and Social Policy of 29 January 2009 on special cases in which work permit is issued to foreigners regardless of detailed conditions of issuing work permits to foreigners, Journal of Laws No. 16, item 85.

alisation that the type of stay puts Ukraine definitely in the first place among states whose citizens were in the territory of the Republic of Poland as of January 1, 2016. The following table presents the five nationalities of those eligible to stay in Poland.

Table 1. The type of the most prevalent types of stay in Poland, illustrated by citizenships as of January 1, 2016

| Type of residence | Nationality | | | | |
|---|-------------|---------|---------|--------|---------|
| | Ukraine | Germany | Belarus | Russia | Vietnam |
| Permanent residence | 20,252 | 0,551 | 7,991 | 3,539 | 2,368 |
| Long-term residence | 2,796 | – | 0,523 | 0,476 | 1,894 |
| Temporary residence | 42,451 | – | 2,439 | 2,850 | 4,517 |
| The right of residence for EU nationals | – | 19,670 | – | – | – |
| The right of permanent residence for EU nationals | – | 1,789 | – | – | – |
| The right of residence for family members of EU nationals | 0,102 | – | 0,025 | 0,060 | 0,006 |
| The right of permanent residence for family members of EU nationals | 0,023 | – | 0,017 | 0,015 | – |
| Asylum | – | – | 0,001 | – | – |
| Refugee status | 0,002 | – | 0,135 | 0,509 | 0,004 |
| Subsidiary protection | 0,035 | – | – | 1,785 | 0,002 |
| Stay for humanitarian reasons | 0,003 | – | 0,039 | 0,735 | 0,097 |
| Tolerated stay | 0,202 | – | 0,002 | 0,003 | 0,242 |
| Total | 65,866 | 22,010 | 11,172 | 9,972 | 9,130 |

Source: Own research based on *Ważne dokumenty*, as of January 1, 2016 (Warsaw: Urząd do Spraw Cudzoziemców, 2016), 1.

Overall, during the period under our scrutiny, Poland hosted 211,869 foreign nationals, including citizens of such exotic states as: Bahrain, Qatar, Malawi, Papua New Guinea, Saint Christopher and Nevis, Saint Lucia or Democratic Republic

of São Tomé and Príncipe. Their number was symbolic (one person from each state), but this fact was accounted for in the statistics.¹⁷

THE POLITICAL AND MILITARY SITUATION IN UKRAINE AND ITS IMPACT ON MIGRATION

The number of Ukrainians applying for permission to stay for a fixed term or for temporary residence has been on the increase (except for the year 2011). The statistical data for 2007–2015 (as of December 31) provide the following figures: the year 2007 – 8,558 applications; 2008 – 9,054; 2009 – 9,609; 2010 – 9,844; 2011 – 9,114; 2012 – 11,743; 2013 – 11,111; 2014 – 23,390; and finally 58,740 applications were filed in 2015. The total figure for the period in question is 151,163 applications.¹⁸

Ukrainians who have been granted a permit to settle or the right of permanent residence in the said period constitute a separate category. Their numbers were the following: the years 2007 – 1,609 permits granted; 2008 – 1,685; 2009 – 1,280; 2010 – 1,566; 2011 – 1,690; 2012 – 1,640; 2013 – 1,694; 2014 – 3,484; and finally 6,380 permits in 2015. Overall, in the years 2007–2015, 21,030 settlement permits or permanent residence permits were granted to Ukrainian citizens.¹⁹

By the end of 2016, Ukrainian citizens who were staying in Poland took advantage of the following types of residence: permanent residence – 24,300; long-term residence – 3,200; residence for humanitarian reasons – 286; residence for family members of EU nationals – 137; subsidiary protection – 75; permanent residence for family members of EU nationals – 22; refugee status – 22; tolerated stay – 6; temporary residence permit – 75,400. It is also known that as of December 31, 2016, Ukrainians held over 103 thousand valid residence permits.²⁰

There are interesting data concerning Ukrainian citizens applying for international protection (as of January 5, 2017): 81% of the applicants were Ukrainian, 9% were Russian, 5% were Tartar, and 5% were Polish and Jewish. As regards the professed faith – 93% declared to be Christian (Orthodox, Protestants, Catholics), and 7% declared to profess Islam. The place of residence in Ukraine was relevant, too. About 34% of the applicants came from Donetsk Oblast, about 15% from Lugansk

¹⁷ *Ważne dokumenty*, 6.

¹⁸ *Legalizacja pobytu*, information provided by the Office for Foreigners, as of December 31, 2015 (Warsaw: Urząd do Spraw Cudzoziemców, 2016), 1.

¹⁹ *Idem*, 8.

²⁰ *Raport na temat obywateli Ukrainy* (Warsaw: Urząd do Spraw Cudzoziemców, 2017), 8.

Oblast, and 10% were from Crimea. Moreover, 43% of the applicants resided in the oblasts of: Dnipropetrovsk, Cherkasy, Kiev, Ivano-Frankivsk, Lviv, and Mykolaiv. The age range of those applying for this special status was 19–76. The proportions of men against women were equal (50%). As regards education, 68% held college diplomas, while 32% had secondary education. The group of applicants does not include such individuals as: members of political organisations or higher interior and defence structures, representatives of former central authorities.²¹

It should be stressed that this account does not take into consideration short-term stays of foreign nationals on the basis of visas issued by Polish consulates. In 2016, the following units were authorised to issue visas, among other things: the consular department of the Polish embassy in Kiev and the general consulates of Poland in Lviv, Lutsk, Vinnytsia, Odesa and Kharkiv, which in 2016 only granted 1,267.3 thousand visas to the citizens of Ukraine.

Table 2. The number of visas granted by Polish consular posts in Ukraine in the years 2010–2016

| Year | Total number of visas issued (thousands) | Including visas issued by Polish consuls general in Ukraine in: | | | | | | | |
|-------------|---|---|---------|-------|-----------|-------|---------|------------|---------|
| | | Consular Dept. of Polish Embassy in Kiev | Lviv | Lutsk | Vinnytsia | Odesa | Kharkiv | Sevastopol | Donetsk |
| 2010 | 452.9 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 2011 | 572.0 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 2012 | 642.4 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 2013 | 720.6 | 96.0 | 329.7 | 139.1 | 61.5 | 32.2 | 51.9 | 10.5 | |
| 2014 | 833.1 | 108.3 | 345.9 | 200.5 | 80.7 | 34.1 | 60.9 | 0.8 | 1.9 |
| 2015 | 924.6 | 111.6 | 380.0 | 228.9 | 91.5 | 37.4 | 75.2 | – | – |
| 2016 | 1,267.3 | 146.7 | 515.7 | 288.6 | 139.7 | 50.5 | 126.1 | – | – |
| Total | 5,412.9 In the years 2013–2016 3,745.0 | 462.6 | 1,571.3 | 857.1 | 373.4 | 154.2 | 314.1 | 11.3 | 1.9 |

Source: Data provided by the Consular Department of the Ministry of Foreign Affairs, February 23, 2017.

²¹ Idem, 4–5.

No breakdown of the total number is made into visas for Poland and those for Schengen countries because those Ukrainians who hold visas for Poland can travel to the other states of the Schengen area on condition that their stay is not connected with employment there and is no longer than 90 days in the period of 180 days of a valid visa. This amounts to saying that the holder of such a visa can go as a tourist to countries like Germany, France, Italy, etc. This can also be a trip made for educational purposes, for example an apprenticeship outside Poland, yet the two conditions must be met. For this reason we cannot rule out that an unspecified number of Ukrainians (no relevant studies are available yet) have used such an opportunity and – apart from coming to Poland – relocated to another state.

It is common knowledge that the most sizeable group entering Poland since the 1980s is the Ukrainians who have been involved mainly in circulatory economic migration, which can be also termed shuttle migration. Prior to our accession to the Schengen zone, when the Ukrainians found it easier to enter Poland, the visitors would use the strategy involving a legal entry and stay in Poland for a period up to three months based on a tourist visa and work without a permit otherwise issued by the host country, hence not statistical data in this regard. There is a conviction, yet importantly not supported by any academic research, that some proportion of these circulating migrants decided on an illegal presence in our country after the introduction of visa restrictions in 2007 in connection with our entry into the Schengen zone.²²

Having regard for humanitarian reasons among others, the Polish authorities introduced the possibility of using amnesty and regularisation of this group of foreigners for the third time. During the first amnesty, which occurred in 2003 – a year before Poland's accession to the European Union, respective applications were filed by 3,508 persons, while in 2007, the regularisation was sought by only 2,151 foreigners.²³

The Polish Office for Foreigners reported that the amnesty of 2012 was received with the greatest interest among the foreigners whose residence was illegal for various reasons. By August 31, 2012, as many as 9,521 regularisation applications had been filed.²⁴ The said groups of applicants included Ukrainians.

Going back to our main considerations, we should add that in the years 2013–2016 a large group of Ukrainians were granted visas with a right to undertake work on

²² A. GÓRNY et al., *Raport z badań imigrantów w Polsce* (Warsaw: Ośrodek Badań nad Emigracjami, 2013), 13.

²³ “Sześćdziesiąt dni abolicji 2012,” *Biuletyn Migracyjny* 34 (2012):1.

²⁴ G. SZYMAŃSKA-MATUSIEWICZ, “Abolicja jako element polskiej polityki migracyjnej,” *Infos* 19 (2012): 3.

the basis of work permits and declarations of intention to employ a foreigner. The figures for the relevant period are the following (in thousands): in the year 2013 – 141,1; 2014 – 222,1; 2015 – 403,1; 2016 – 652,5. In total, the citizens of Ukraine obtained 1,420.8 thousand visas in that period.²⁵

It is interesting to see the employment of Ukrainian citizens broken down into individual professions and positions held. For example, of the total of 696 Ukrainians with work permits issued in 2009, 193 persons did industrial processing work, 393 worked in the building sector, 3 individuals held managerial or supervisory positions, and 105 were employed in other trades. In 2010, the employment profile was similar and 669 work permits were granted. Moreover, 64 scientific workers and 9 working in retail and wholesale industries are reported. In 2011, employment grew substantially and the relevant figure was 939 – 46 persons worked in agriculture, forestry and the fishing industry, 126 in industrial processing, 139 in building construction, 69 in retail and wholesale industries, 60 in transport and warehousing, 46 in hotel and catering, 2 in IT and communication, 3 in finance and insurance, 2 in education, 60 in science, 44 in health service and social care, and 38 were employed as home help. In 2012, 939 Ukrainians worked in Poland. Apart from the said sectors, at least 3 artists and 2 medical workers found employment here in the respective period. The next year brought a dramatic increase in the employment rate of Ukrainian migrants. At that time, 20,416 Ukrainian workers found employment here, including 3,533 in building construction. In the year 2014, 26,315 Ukrainians worked in Poland, including 5,010 in building construction. In 2015, 50,465 Ukrainians applied for legal employment in Poland. Traditionally, 1 in 5 got a job in building construction.²⁶ With regard to individual Polish provinces, the numbers of Ukrainian workers were as follows: dolnośląskie – 2,269; kujawsko-pomorskie – 2,306; lubelskie – 1,049; lubuskie – 2,203; łódzkie – 853; małopolskie – 5,084; mazowieckie – 23,240; opolskie – 1,064; podkarpackie – 789; podlaskie – 286; pomorskie – 2,948; śląskie – 1,419; świętokrzyskie – 542; warmińsko-mazurskie – 350; wielkopolskie – 2,862; zachodniopomorskie – 746.²⁷

In the first half of 2016, 63,573 Ukrainians were working in Poland. Complete data for that year will be published later. The list presented above implies that in

²⁵ *Wizy wydane przez polskie placówki konsularne na Ukrainie w latach 2010-2016*, information provided by the consular department of the Ministry of Foreign Affairs of February 23, 2017 (in the Author's archive).

²⁶ *Cudzoziemcy pracujący w Polsce – statystyki. Zezwolenia na pracę cudzoziemców*, data provided by the Ministry of Family, Labour and Social Policy, Departament of Labour Market on February 22, 2017 (in the Authors archive).

²⁷ Idem.

2015 the largest number of Ukrainians worked in the Mazowieckie Province. Interestingly, the provinces located along the eastern border, i.e. the Lubelskie Province and Podkarpackie Province hosted a relatively small number of Ukrainian citizens.

Based on the information of provided by the Polish National Bank, we know that in 2015 they transferred 5 billion zloty to Ukraine. This amount comprises mainly the money conveyed (taken) to Ukraine by the migrants working in Poland on a short-term basis (4.8 billion zloty), and in a lesser degree by persons who had been living in Poland longer than one year (they constituted 15% of the surveyed sample) but still supporting their families back at home financially (0.2 billion). In 2014, for that matter, the conveyed amount was 3.6 billion zloty.²⁸

Not always a trip to Poland for work or for other reasons, for example to study, turns out to be successful. The Office for Foreigners reported that as of June 15, 2016, as many as 1,653 Ukrainians of their total number of 4,101²⁹ benefited from social assistance, constituting 40% of foreign nationals using the full-time assistance of private centres and nursing homes in centres for foreigners located in Bezwola, Biała Podlaska, Białystok, Czerwony Bór, Dębak, Grotniki, Grupa, Horbów, Linin, Łuków, and Warszawa-Targówek.³⁰

The data published by the Office for Foreigners suggest also that in the years 2003–2017 as many as 6,674 (124,243 applications) Ukrainians sought international protection in the Republic of Poland, and the numbers of applications in the last three years were: 2,318 in 2014, 2305 in 2015, 1,229 in 2016, and by February 2017 82 such applications had been filed³¹.

When looking at the figures illustrating the stay of Ukrainians in Poland, we see that in 2014 our eastern neighbours were granted 302 thousand new residence permits to stay in the states of the European Community (13% of all), outnumbering Americans (199 thousand), Chinese (169 thousand), and Indians (134 thousand). It was Poland where Ukrainians obtained the largest number of permits (247 thousand, which constitutes 80% of all permits issued to Ukrainians). According to Eurostat, in 2014 Ukrainians held 861 thousand residence permits in the EU states (of different types but allowing the holder to stay longer than 3 months). The largest number of permits was issued by Poland, Italy, and the Czech Republic. Simultaneously, it should be noted that in the light of official statistics, the number of Ukrainian

²⁸ I. CHMIELEWSKA, G. DOBROCZEK, and J. PUZYNKIEWICZ, *Obywatele Ukrainy pracujący w Polsce – raport z badań* (Warsaw: Narodowy Bank Polski, 2016), 27.

²⁹ Russians ranked second – 1,652 persons, followed by Tartars – 147 persons.

³⁰ The current statistics on foreign nationals using social assistance of the Office for Foreigners, information as of June 15, 2016 (in the Author's archive).

³¹ *Raport na temat obywateli Ukrainy*, 1.

citizens holding residence permits increased only slightly, and at the end of December 2013 Ukrainian citizens held 849 thousand residence permits in 28 countries. Ukrainian data on labour migration in the years 2005–2008 show that 1.5 million Ukrainians worked abroad, while in the years 2010–2012, 1.2 million Ukrainian nationals worked in the territory of the Western Community.³²

In the course of 2015, the number of foreigners entitled to stay in Poland grew by nearly 37 thousand (from 175,060 to 211,869). The greatest increase was noted among the citizens of Ukraine (plus 24,887), the difference due mainly to the number of temporary residence permits issued (plus 23,128).³³

According to official information, since the entry into force of the act on foreigners on May 1, 2014, the proportion of applications filed by Ukrainians grew from 33% before the entry to 52% of all requests lodged by foreigners after the law became more liberal.³⁴ The entry of the new law on foreigners had a considerable impact on the increased immigration rate in Poland – notably not only from Ukraine. In 2014, 42.5 thousand temporary residence permits were granted, a figure which in comparison with the previous year showed an increase of 10 thousand.³⁵

In 2016, the majority of temporary residence permits were issued in connection with work (as many as 71%). In comparison with 2015, the number of applications for temporary residence grew by 50%, and the amount of applications for permanent residence fell by 13%.

EMIGRANTS FROM UKRAINE AND THEIR INVOLVEMENT IN OFFENCES COMMITTED IN THE TERRITORY OF POLAND

The large number of foreigners in Poland implies their potential involvement in a large number of criminal offences. The Central Administration of the Prison Service reported that as of February 22, 2017, the total number of foreign nationals committed to penitentiary facilities was 680, including 308 in provisional custody, 332 convicted and 40 punished. The situation of the Ukrainian offenders is illustrated by the table below, which takes into account remand centres and penal institutions subordinate to 15 Provincial Inspectorates of Prison Service [Pol. abbrev.

³² M. JAROSZEWICZ, “Migracja z Ukrainy do Unii Europejskiej z perspektywy ryzyka,” *Politeja* 2 (2016): 21–22.

³³ *Ważne dokumenty*, 1.

³⁴ *Podsumowanie roku obowiązywania Ustawy o cudzoziemcach* (Warsaw: Urząd do Spraw Cudzoziemców, 2015), 4.

³⁵ *Główne trendy migracyjne '14* (Warsaw: Urząd do Spraw Cudzoziemców, 2015), 1.

OISW, but referred to hereafter by its English acronym PIPS]. Due to the fact that the penitentiary facilities subordinate to the provincial inspectorates in Lublin and Rzeszów are located near the eastern border, the statistical data for these regions are presented in a separate table.

Table 3. The number of Ukrainians remanded in custody, convicted, or punished as of February 22, 2017

| Provincial Inspectorate of Prison Service | Remanded in custody | Convicted | Punished |
|---|---------------------|-----------|----------|
| Białystok | 4 | – | 2 |
| Bydgoszcz | 2 | 5 | – |
| Gdańsk | 5 | 2 | – |
| Katowice | 5 | 4 | – |
| Koszalin | 1 | 1 | – |
| Kraków | 11 | 2 | 1 |
| Łódź | 5 | – | – |
| Olsztyn | 1 | 3 | – |
| Opole | – | 2 | – |
| Poznań | 8 | 7 | – |
| Szczecin | 5 | 3 | 1 |
| Warsaw | 18 | 11 | 1 |
| Wrocław | 3 | 3 | – |
| Total | 78 | 37 | 5 |

Source: Data provided by the Central Administration of the Prison Service, Information and Statistics Bureau, February 22, 2017 (in the Author's archive).

The data in the table above imply that the most Ukrainian prisoners who were either imprisoned or detained were held in facilities subordinate to the PIPS in Warsaw (30), in Poznań (15), and Kraków (14).

Table 4. The number of Ukrainians remanded in custody, convicted, or punished as of February 22, 2017 in penitentiary facilities subordinate to the PIPS in Lublin

| Penal institution or remand centre in: | Remanded in custody | Convicted | Punished |
|--|---------------------|-----------|----------|
| Krasnystaw | – | – | 1 |
| Lublin | 6 | 2 | 2 |
| Biała Podlaska | – | – | – |

| | | | |
|------------|---|----|----|
| Chełm | 3 | 1 | 3 |
| Hrubieszów | – | 4 | 17 |
| Opole | – | 2 | – |
| Włodawa | – | – | – |
| Zamość | – | 1 | 2 |
| Total | 9 | 10 | 25 |

Source: Data provided by the Central Administration of the Prison Service, Information and Statistics Bureau, February 22, 2017 (in the Author's archive).

Table 5. The number of Ukrainians who were remanded in custody, convicted, or punished as of February 22, 2017, in penitentiary facilities subordinate to the PIPS in Rzeszów

| Penal institution or remand centre in: | Remanded in custody | Convicted | Punished |
|--|---------------------|-----------|----------|
| Nisko | – | 4 | 2 |
| Sanok | – | 5 | – |
| Jasło | – | 1 | 1 |
| Medyka | – | 2 | – |
| Przemyśl | 3 | 2 | – |
| Rzeszów | 10 | 2 | – |
| Uherce | – | 9 | 1 |
| Total | 13 | 25 | 4 |

Source: Data provided by the Central Administration of the Prison Service, Information and Statistics Bureau, February 22, 2017 (in the Author's archive).

As of February 22, 2017, the total number of Ukrainian citizens remanded in custody or imprisoned was 206, including 100 in provisional custody, 72 convicted and 34 punished. In relation to all foreign nationals, Ukrainians formed 30.3% of all prisoners or those remanded in custody.

According to the data of the Border Guard Headquarters, the year 2016 saw 10,136,634 citizens holding Ukrainian citizenship enter Poland at various border crossing points, including those with Russia (5,851) and Belarus (27,423), through the marine border (3,335), by air transport (117,641), and by road and rail transport across the Polish-Ukrainian border (9,982,384). In comparison with 2015, the amount of entries increased by 643,909, i.e. 6.35%.³⁶

³⁶ *Biuletyn Statystyczny Straży Granicznej za 2016 r.* (Warsaw: Komenda Główna Straży Granicznej, 2017), 2–3.

In 2015, the Polish Border Guard refused entry at Polish-Ukrainian crossing points to 22,512 individuals, including 22,427 Ukrainians, while in 2016, there were 27,493 such cases, involving 22,864 citizens of Ukraine. The same source reports that 2,224 persons were detained (reported) in 2015 at Polish-Ukrainian border crossings for entering or attempting to enter Poland illegally; in 2016, the corresponding figure was 2,065. In 2016, 3,345 Ukrainians attempted to cross the Polish border against our state border regulations at border crossings with: Russia – 4, Belarus – 11, Ukraine – 1,523, by air (external flights) – 128, Lithuania – 51, Slovakia – 36, Czech Republic – 1,090, by sea – 5, and by air (internal flights) – 38. The violations of the applicable regulations involving Ukrainians were related to the falsification of: visas – 2,043 cases, stamps – 444, identity cards – 14, residence permits – 6, or the use of falsified passports in 37 cases. In that period, even 2 forged local border traffic cards were revealed. Also in 2016, 636 Ukrainians tried to leave Poland in breach of the regulations. Moreover, the officials of the Polish Border Guard revealed (detained) 14,305 Ukrainians who were illegally residing in Poland in the following Provinces: Lubelskie (6,093), Podkarpackie (5,337), and Mazowieckie (1,005). In other provinces, the number of detained individuals ranged from 55 (Warmińsko-Mazurskie Province) to 235 (Małopolskie Province). Also, the Border Guard detained 2,054 Ukrainians, who were working illegally in 2016. The most such cases were reported in the Provinces: Lubelskie – 280, Dolnośląskie – 255, and Pomorskie – 250.

In 2016, the Border Guard officers revealed goods from criminal activities at the Polish-Ukrainian border. These were: 351 cars (a total value of 12,157,240 zloty), alcohol (159,345 zloty), cigarettes (22,714,685 zloty), and tobacco (1,612,191 zloty). The other smuggled items had a total value of 1,696,450 zloty.³⁷

The statistical data presented above prove that admittedly the number of Ukrainians residing in Poland and their compatriots entering Poland is relatively high, yet they do not pose a considerable threat to public security at the moment. It seems that the relatively small proportion of those remanded in custody or serving their time in prisons supports this observation. However, there are issues which have to be properly addressed. We need to pay special attention to those individuals who decide to cross the border against the law or attempt to cross it in breach of Polish and EU regulations. Also, Ukrainians who undertake black labour or reside in Poland illegally should be the object of special interest.

Our state authorities and dedicated services should unconditionally employ the maximum legal measures in relation to these groups of offenders in order to counteract such phenomena and perhaps eradicate them over time.

³⁷ *Idem*, 6–7; 12; 14; 20; 24; 28–30; 37.

CONCLUSION

The issues connected with the migration from Ukraine call for a multifaceted approach. That the nature of this migration is not homogeneous is evidenced by the various reasons for crossing the border: the length of stay in Poland, applications for permanent residence, the right of settlement or for Polish citizenship.

The most numerous group crossing the Polish-Ukrainian border is comprised of Ukrainian citizens who treat their trips to our country as an opportunity to sell small items, mainly those subject to excise duty, and then to do essential shopping. Ukrainians also come here to purchase goods which are in short supply or those of much better quality. The large proportion of foreign visitors in Poland is constituted by economic migrants, who typically undertake legal employment. Also, university students and increasingly secondary-school students from Ukraine form a substantial part of the visitors.

Looking ahead, it should be assumed that migration from Ukraine to Poland or through Poland to other states will be on the increase. This can be largely due to the not so good political and economic situation beyond our eastern border. It seems that migration at the existing level does not pose a threat for the security of the State. Nevertheless, considering the historical aspect of the Polish-Ukrainian relations – chiefly the context for all problems associated with the nationalist ideology, traceable also today – the Polish State ought to monitor those circles which might wish to pursue an anti-Polish policy and firmly stave off any situations that might so arise.

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MIGRATION OF UKRAINIANS TO POLAND IN THE YEARS 2007–2016
THE LEGAL BASIS, SYMPTOMS AND CONSEQUENCES OF THIS PHENOMENON

S u m m a r y

The migration of Ukrainians to Poland was greatly when Ukraine gained independence. It was prompted by the internal policy of this state which made passports more accessible to the citizens. Also, applicable agreements were signed with Poland, which enabled Ukrainians to go to the Western countries in large numbers, chiefly to Poland. A dramatic increase in the migration rate was to be seen after social and political changes took place in the eastern neighbouring country, and the largest ever number of Ukrainian migrants is due to the annexation of Crimea by the Russian Federation, and the situation in Donbas.

The large number of Ukrainians coming to Poland for various reasons, such as work, study or trade-oriented tourism, has an impact on the increased number of offences. The data collected by the Central Administration of the Prison Service indicates that the proportion of Ukrainians serving sentences or remanded in custody in Poland is relatively low. It also should be noted that although our eastern border traffic has been made a great deal easier, our Border Guard refuses entry to a large number of Ukrainian citizens for various formal reasons (forged travel documents, visas, passports, stamps, etc.).

Key words: international treaty; international agreement; border; migration; foreigners; asylum; temporary residence.

Translated by Tomasz Pałkowski



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