



CENTRE OF MIGRATION RESEARCH

*“The entire center collects apples and strawberries, depending on the season”.*

**The situation of asylum seekers and refugees on the labour market in Poland – does the legal status matter for the situation of forced migrants?**

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**RESPOND**



Co-funded by the Horizon 2020 programme  
of the European Union



## Introduction

- **Aim:**
  - to explore the situation of forced migrants – understood as asylum seekers and the beneficiaries of international protection (granted refugee status or subsidiary protection) under EU law – on the Polish labour market after 2011
- **Research question:**
  - how does the change of legal status from applicant for international protection to refugee (or a person with subsidiary protection) affect a person's situation on the labour market, both according to the law and practice?



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HORIZON 2020 - RESPOND  
(770564)



## Introduction

- **There is limited access** to reliable and comprehensive data on forced migrants on the Polish labour market
- Public administration institutions (e.g., the Central Statistical Office, Labour Offices, the Office for Foreigners, and competent Ministries) **do not regularly collect data on this subject**
- **Partial datasets** are provided as a result of various research projects (e.g., ones co-funded by the EU)
- **The qualitative approach** (incl. IDIs) turns out to be crucial to filling in this data hole



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## Methodology: qualitative material

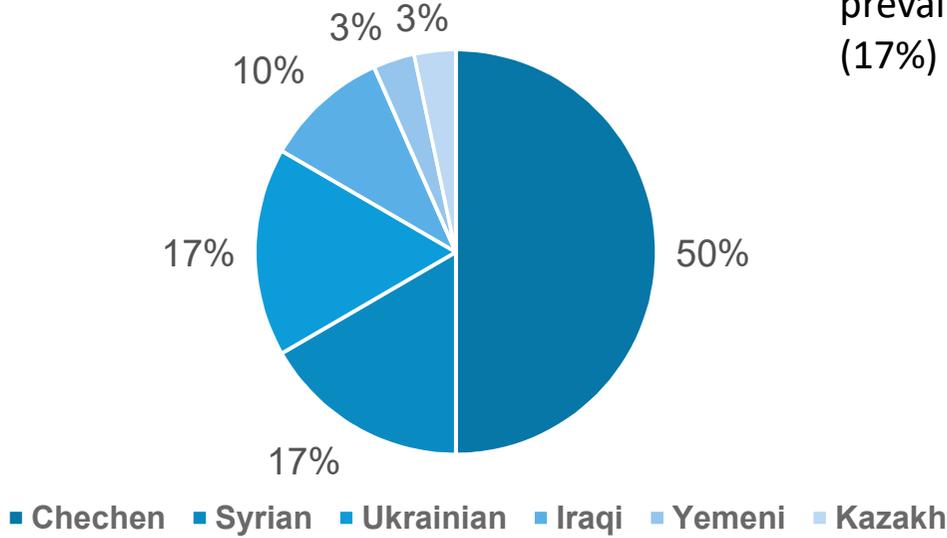
- **30 micro-level interviews** (IDIs with forced migrants with different statuses) carried out between July 2018 and August 2019 in Poland
- **16 meso-level interviews** (IDIs with representatives of central public institutions, local governments and NGOs, practitioners) carried out between July 2018 and March 2019 in Poland
- Analysis supported by **Nvivo software**
- Supplemented by **RESPOND Migration Governance Network** in Poland





# Micro in-depth interviews (30)

Interviews by nationality (%)



Among the micro-level respondents, Chechens prevailed (50% of the total) followed by Ukrainians (17%) and Syrians (17%).

Nationality	Number of interviews
Chechen	15
Syrian	5
Ukrainian	5
Iraqi	3
Yemeni	1
Kazakh	1



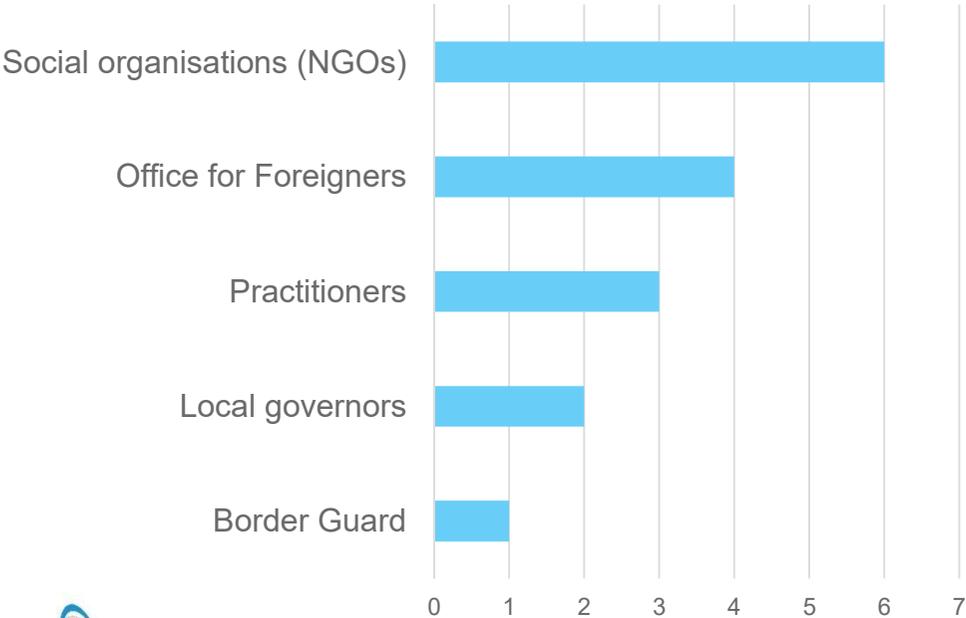
## Micro in-depth interviews (30)

- **Legal status** and corresponding number of respondents:
  - asylum seeker – 12
  - refugee status – 4
  - under subsidiary protection – 12
  - other or not regularised – 2
- Out of 30 respondents, **12 were under the asylum procedure** and **16 had already received a positive decision** – those granted **subsidiary protection prevailed (12)** – followed by **4 persons with refugee status** in Poland.
- Two respondents did not declare their legal status or had **no legal status** in Poland.



# Meso-level in-depth interviews (16)

Number of Interviews



Institutions	Number of Interviews
Social organisations (NGOs)	6
Office for Foreigners	4
Practitioners	3
Local governors	2
Border Guard	1



## Round-table discussion

- **1st Migration Governance Network (MGN) meeting** – 10 Dec 2018, Warsaw
- **Participants (about 20):**
  - International organisations,
  - Public administration (national and local level),
  - NGOs,
  - Researchers,
  - Independent experts,
  - Refugees.



# RESULTS

## DURING THE ASYLUM PROCEDURE

*'The entire centre in Linin near Góra Kalwaria collects apples and strawberries depending on the season'.*



## During the asylum procedure – legal context

- The proceedings for granting international protection are conducted based on rules specified in **the Act on granting protection to foreigners within the territory of the Republic of Poland (2003)**.
- **Issuance of a decision** to a foreigner should be completed within **6 months** following the day when the application was lodged.
- This time limit may be **extended to 15 months** when:
  - the case is particularly **complicated**;
  - applications for international protection are made in **short intervals by a large number of foreigners** and this makes it impossible to examine the application for international protection within 6 months;
  - the applicant does **not fulfil the obligations** arising from the Act and asylum procedure.





## During the asylum procedure – legal context

- If a **decision has not been issued within the time limit of 6 months** from the date of submission of an application, **and the proceedings extended for a reason beyond the applicant's control**, the Head of the Office for Foreigners, upon an applicant's request, shall **issue a certificate (statement)**, which, **accompanied by the temporary certificate of identity of a foreigner, entitles this person to work** within the territory of the Republic of Poland according to the Act on the promotion of employment and labour market institutions (2004).
- **This certificate (statement) is valid** until the date by which **the decision** on granting international protection **becomes final**.
- Foreigners who apply for international protection **are exempt from the obligation to have a work permit**, provided they have the abovementioned certificate.





## During asylum procedure – legal context

### Micro-level respondents: 30 interviewees (applicants for international protection)

- From group of **applicants for international protection**
  - 6 worked during the asylum procedure
  - 7 did not work during the asylum procedure
- From group of those **already under protection**
  - 12 did not work during the asylum procedure
  - 3 did not deliver information regarding work experience
- Other
  - 2 did not work during the asylum procedure

### Asylum seekers perform both legal and undeclared jobs/work

*'And then, after half a year, there was information that we could write for a **work permit**. And we started looking for a job. I don't remember what my mother found, I found [a job] in a bistro towards downtown. I started working there. And then I found a job in a hotel and started working there.'* (PLMIUK18)

*'As for legal work - we do not keep such statistics [about] how many people applied for this permit and how many people work legally somewhere. On the other hand, there were situations in which people in centres - one of the parents - take an illegal, seasonal job somewhere.' (PLMZOF3/4)*





## Types of jobs performed and the determinants

### Jobs performed by asylum seekers:

- agriculture work (undocumented),
- security
- construction,
- small gastronomy,
- jobs within the reception centre (undocumented)
- 'handyman' work,
- car repair.

*' (...) for this moment, I'm officially working in Biedronka (shop) as a security. It's a professional Chechen job (jokes). Many people will employ us for this job.' (PLMIC13)*

*'They often work. I think that most often in the case of men it is construction, sometimes something related to car repair, some kind of 'handyman' works. (...) the most common is re, often those who do not have a „work permit“.' (PLMZSO1)*





## Types of jobs performed and the determinants

**The job sector is determined by demand for work in agriculture and horticulture with location of centers in the regions where these fruits are produced**

*‘Generally, foreigners are eager to take up seasonal work. For example, such as [in] the season for strawberries, apples, i.e., collecting fruits, vegetables.’ (PLMZOF3/4)*

*‘This is conditioned by the location of reception centres. The entire centre in Linin near Góra Kalwaria collects apples and strawberries depending on the season.’ (PLMZSO1)*





## Types of jobs performed and the determinants

### Location of a reception centre as a determinant of employment of asylum seekers

*R: 'I also work illegally here. I collect apples [and others]. People come here and say, they need workers. (...).'*

*I: 'Do all the men who live here work this way?'*

*R: 'Yes, everybody works here.'* (→ Centre for Foreigners)  
(PLMICH12)





## Obstacles to employment

### Obstacles:

- Lack of daycare for children,

*'I can't work. At the moment, I can't leave my children by themselves, but if they go to kindergarten, I will be able to work for at least four hours.'* (PLMIKa30)





## Obstacles to employment

### Obstacles:

- Lack of awareness of asylum seekers of the legal conditions regarding working possibilities
  - „residence permit”
  - „work permit”
- Lack of sense of stability

*‘(...) I could work in a beauty salon. I found a place where they would give me a job, but I need to have a job permit and a residence permit. I don’t have it at the moment.’ (PLMIKa30)*

*‘I just want to have an official paper, to feel myself confident, that I won't have any problems with the authorities about this deportations. I'm sick and tired think about it all the time.’ (PLMICh13)*





## Obstacles to employment

### Obstacles:

- language
- qualifications recognition

*'(...) we used to work in Syria, and here - there is no work. First, our certificates require qualifications recognition, and we cannot [get] our qualifications [recognised] because this requires language and we do not have a good language level. And even though (...) we asked about qualifications recognition and work, they [said they] require a perfect language level [before they] would recognise the qualifications and then you [will have] to work for a period (...) without a salary. And then you would be able to work. So we abandoned the idea of qualifications recognition and now we're living off charity, as they say.'* (PLMISy24)



## AFTER A POSITIVE DECISION

*R: 'I will have to take up a job.'*

*I: 'What job?'*

*R: 'Cleaning. They won't employ me as a minister, will they?'*

(PLMICH08)



## Legal regulations after a positive decision

- If a foreigner has been **granted refugee status or subsidiary protection**, this means that they have been **granted the right of residence in Poland**.
- As a rule, **residence rights do not have a time limit**.
- The time limit relates to **the validity period of the documents issued**.
  - **A recognised refugee** receives a residence card, which is valid for 3 years, and a Geneva Travel Document valid for 2 years.
  - **A person under subsidiary protection** receives a residence card, which is valid for 2 years, and a Polish Travel Document for 1 year.





## Legal regulations after a positive decision

- The persons covered by protection in the form of refugee status or subsidiary protection have **rights similar to those enjoyed by Polish citizens, including, e.g.,:**
  - access to the **educational system**,
  - access to the **labour market**, right to protection **against unemployment**, right to **conduct business activity**,
  - right to **social assistance services** and family benefits, right to a social pension,
  - right to **healthcare services** financed with public funds
- A foreigner with refugee status or enjoying subsidiary protection can be granted **integration assistance for no longer than 12 months** in order to support their integration into the society, in accordance with and on terms specified in **the Act on social assistance (2004) → Individual Integration Programmes (IIPs)**.





## Micro-level respondents

- **17 respondents** with protection status:
  - 10 men
  - 7 women
- all of them **had work experience** – mostly from their **country of origin**
- **7 (mostly from Chechnya)** reported **no change in their situation** on the labour market (unskilled or skilled worker or craftsman)
- **7** reported a **worse situation on the labour market** (5 unemployed, 2 unskilled workers)
- **2 from Syria** reported **employment as specialist**, while they were either unemployed or service employee or salesperson in country of origin





## Types of jobs performed and the determinants

### Most popular jobs performed by beneficiaries of IP:

- construction,
- cleaning,
- security,
- agriculture,
- gastronomy,
- transport,
- IT or other specialists if manage to receive education in Poland or recognition of qualifications.

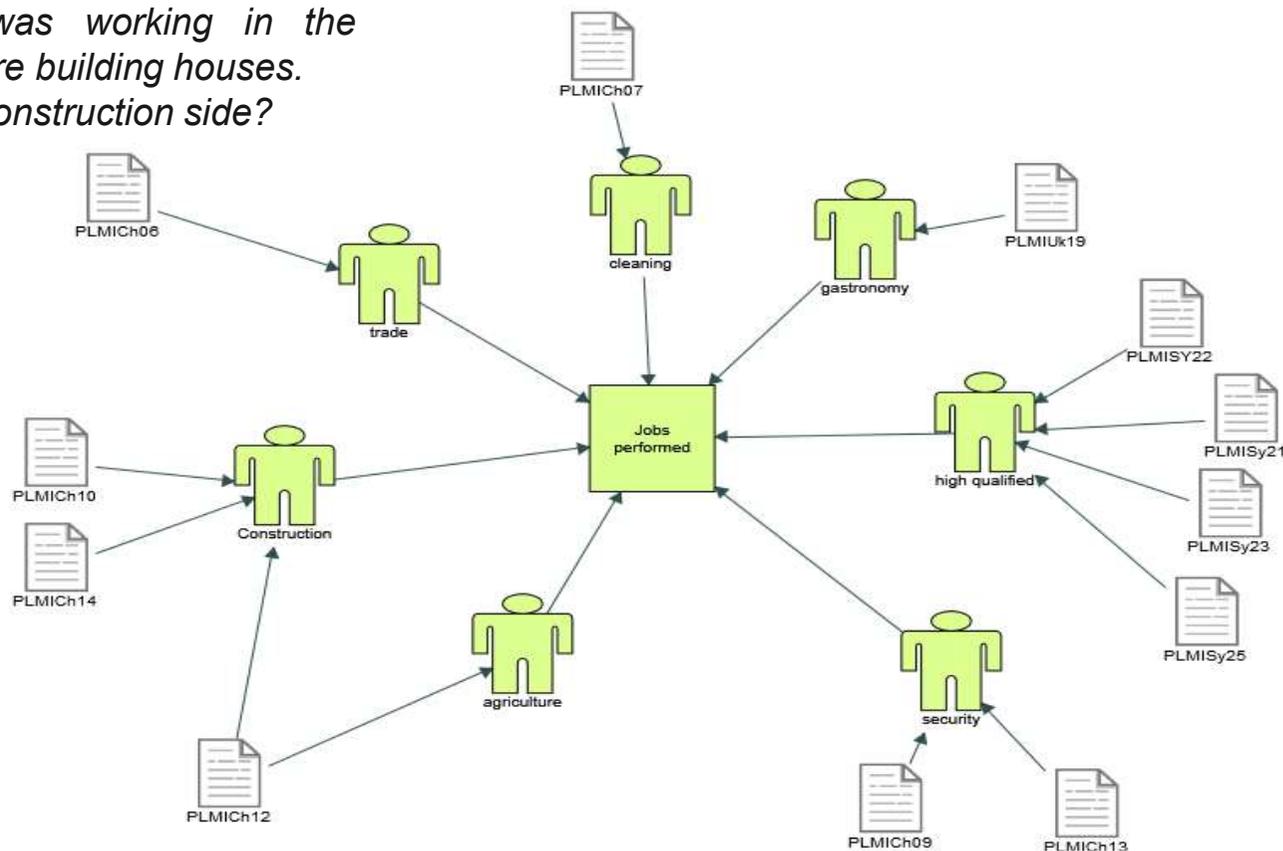
**I:** *'It was said that they are working in the agriculture. Did it change after the decision? Did they quit their daily job [pre-decision]?'*

**R:** *'Yes, they work as sellers, help in shops. As drivers.'* (PLMZP3)



## On the Polish labour market, we can observe labour market segmentation by region of origin

*'Responder: Of course I was working in the construction company. We were building houses.  
Me: Did you always work on construction side?  
Responder: Yes.'* (PLMICH11)





## Obstacles

### Language and recognition of qualifications

*'You know, the language is hard. If I could speak Polish, I could explain to them and find job. This is a problem.'* (PLMIC14)

### The host society approach towards foreigners ↔

#### Perception of the host society approach towards foreigners

*'I would be afraid to work with Polish children. There are people who don't like foreigners, that's why. I would like to work somewhere, where there aren't any people and you just have to do your job and [leave].'* (PLMIC02).





## Access to labour market during the procedure versus after positive a decision

- Access to the labour market is strongly influenced by the duration and situation during the process of the application procedure.
- Inclusion in the labour market during the procedure gives a greater chance of integration into the labour market after receiving a positive decision.
- Syrian or Iraqi refugees received a decision within 6 months, while Chechens and Ukrainians received a decision even after 1-2 years.

# CONCLUSIONS



## Conclusions

- Large number of asylum seekers work illegally.
- The employment sector asylum seekers choose is determined by their formal authorisation of work, their gender, family issues (children take care) and the regional location of the reception centre.
- Effective inclusion in the labour market during the procedure gives a greater chance of integration into the labour market after receiving a positive decision.



Thank you for your attention!

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