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Ukrainian immigration to Poland during the political crisis in Ukraine

The Ukrainian crisis has caused concern among all EU member states, including Poland. The former Polish Prime Minister, Donald Tusk, observed that the consequences of this conflict could influence the history of Poland, Ukraine and the whole of Europe (Tusk). The Polish authorities have been concerned about the events in Ukraine, due to their geographical proximity and the security of Poland, but also due to the increased number of Ukrainian political refugees in Poland.

The subject of consideration in this paper involves the issues of Poland's preparedness to accept Ukrainian refugees and the activities of the Polish authorities to aid Ukrainians. In addition, the paper analyses the number of Ukrainians seeking protection in Poland in the first quarter of 2014, compared to the first three months in the preceding years, and statistics on Ukrainian citizens who had legally been staying in Poland before 2013. Analysing these issues, it seems justified to pose several research questions. What preparatory steps have been taken by the Polish authorities in view of the potential inflow of refugees from Ukraine? How many Ukrainian citizens sought shelter in Poland in the first quarter of 2014? What is the size of the Ukrainian minority in Poland? An interdisciplinary approach to the matter in question imposed the application of different research methods, including the decision, statistical and comparative methods, typical of historical sciences.

The current political crisis in Ukraine stemmed from the suspension of preparations to sign the association agreement with the EU and to expand the free trade zone between the EU and Ukraine. The document was to be initialled at the summit of the Eastern Partnership to be held in Vilnius in November 2013. The decision of Ukrainian President, Viktor Yanukovich, to withdraw from this agreement was not approved of by Ukrainian society. On 21 November, 2013, Independence Square (*Maidan Nezalezhnosti*) witnessed the beginnings of protests which later spread to such towns as Lviv, Tarnopol and Ivano-Frankivsk. Legal provisions were

tightened and decisions were made to use force against the protesters.¹ There were casualties among them – both injuries and deaths. A total of over one hundred people were killed in Kiev from 18 to 20 February 2014, 1,500 were injured and two hundred were deemed missing (Hofman, p. 11).

On account of the destabilisation across its eastern border, the Polish authorities and non-governmental organisations have taken different steps. The commitment of the Office for Foreigners (*Urząd do Spraw Cudzoziemców* – UdSC) deserves to be mentioned. Its officers operated a special telephone line, providing useful details concerning the legalisation of residence in Poland, procedures for granting refugee status, social welfare benefits and healthcare in Poland. The Office also started co-operating with the Information Centre for Ukrainian Citizens (*Centrum Informacyjne dla Obywateli Ukrainy*), established on 21 February, 2014, in Warsaw on the initiative of President of Warsaw, Hanna Gronkiewicz-Waltz and Governor of the Mazowieckie Region Jacek Kozłowski. Numerous NGOs have taken part in the operation of the Centre.² According to the Governor, the Centre was established due to the need to provide Ukrainians with aid, given the difficult situation in their homeland and out of a sense of solidarity (Łań). However, the Centre operated for only a few days, closing down on 1 March, 2014. Three days later the decision was changed and the Centre was reopened. Its workers provided legal and psychological assistance, and gave information about social and medical care in Poland. There has also been an interpreter of Ukrainian on duty at the Centre (Japan). From 21 to 28 February 2014 the institution was approached by 482 persons, including 245 personal contacts and 237 phone calls (Różalski). These were mainly Ukrainians who were already living in Poland.

Lawyers from the District Chamber of Legal Advisors in Warsaw came up with an offer to help the citizens of Ukraine. Since 10 December 2013, they have offered legal assistance free of charge on matters related

¹ Journalists Tetiana Chornovol and Dmytro Bulatov were brutally beaten. Assault was the cause of death of Yuriy Verbytsky – an activist in anti-government protests.

² Among them: the “Open Dialogue” Foundation, the Association of Legal Intervention, the Democratic East Society, Education for Democracy FED Foundation, Foundation for Active Development Initiatives, “Salvation” Foundation, “Beyond Borders” Development Foundation, Association for the Integration of Foreigners, the Helsinki Foundation for Human Rights, “Our Choice” Foundation and International Organization for Migration.

to Ukrainians residing in Poland and their employment. The Chamber's Dean, Włodzimierz Chróścik, has invited the President of Poland, Bronisław Komorowski, to assume honorary patronage over this undertaking (*Pismo Zastępcy*). There have also been other ventures organised with Ukrainian citizens in mind, such as the project to fund fifty scholarships for Ukrainian students expelled from their parent universities for participation in social protest or opposition activities, initiated by the Minister of Science and Higher Education, Professor Lena Kolarska-Bobińska. In February 2014, at a meeting in Brussels, Minister Kolarska-Bobińska appealed to the Ministers of Science in different EU countries and the European Commissioner for Research and Innovation, Maire Geoghegan-Quinn, for their support for Ukrainians.

On 19 February, 2014, then Polish Prime Minister, Donald Tusk, declared in the Polish Parliament that he would provide aid to those wounded in conflicts with Berkut troops and to political refugees. In order to provide such aid, on 21 February a 'medical task module' with rescuers from the Polish Red Cross was set in operation at the Polish-Ukrainian border crossing in Medyka (to provide medical care and transport). In line with the agenda adopted by the Regional Crisis Management Team, such modules were to be established at every border crossing: in Budomierz, Korczowa and Krościenko (Oczos-Bładzińska). Wounded Ukrainian citizens who were crossing the border to obtain medical treatment were exempted from the requirement to possess appropriate documents, namely passports and visas (*Sytuacja*). This followed from Article 21a of the Law on foreigners, which allows a commander of the Border Guard, upon obtaining permission from the Chief Commander of the Border Guard, to allow foreigners who fail to meet the usual conditions for entry to enter Poland on humanitarian grounds, although the period of stay cannot exceed fifteen days.

This campaign was joined by members of the Regional Crisis Management Team in Rzeszów and the Minister of National Defence, who at the request of the governor of the Podkarpackie region issued a decision that Polish Military Forces would assist in the transport of wounded Ukrainians to Polish hospitals, should such a need arise (*Informacja*). Humanitarian aid was organised and coordinated by the Ministry of National Defence. Its officers were in charge of identifying candidates for medical treatment in Poland and organising air transport. Medical aid in Poland was coordinated by the Central Clinical Hospital of the Ministry of the Interior in Warsaw (*Pełny zapis*, p. 4).

Injured Ukrainians began coming to Poland on 21 February 2014 – a day after the bloodiest events in Kiev. According to the data of the Ministry of the Interior, 17 Ukrainians were hospitalised on 21 February. Their number grew day by day to reach 71 and 68 persons on 27 and 28 February respectively, and as many as 86 on 2 March. In the following days, Ukrainians began to leave Polish hospitals, leaving 47 persons on 19 March. The Minister of the Interior reported that Poland provided medical help to a total of 121 Ukrainians injured during the events on the Maidan (MSW).

The casualties were placed in hospitals in Warsaw, Wrocław, Przemyśl, Opole, Zamość, Kraków, Łęczna, Jarosław and Tomaszów Lubelski. Their treatment expenses were covered by the Ministry of the Interior from the general reserve of the state budget. In order to obtain the funds, then Minister of the Interior, Bartłomiej Sienkiewicz, applied to the head of the Chancellery of the Prime Minister for the amount of 780,000 zloty. Ukrainian Ambassador, Markiyan Malsky expressed his official thanks for the aid and solidarity in a letter to the then Speaker of Polish Parliament, Ewa Kopacz, dated 6 March 2014 (*Pismo*).

On account of the difficult situation in Ukraine, on 25 February 2014, in Budapest the Ministers of the Interior of Poland, Hungary, the Czech Republic and Slovakia signed a declaration to coordinate operations under the circumstances of increased inflow of refugees from Ukraine. The representatives of the Visegrad Group supported co-operation with Ukraine in terms of migration. In a joint statement adopted on 28 February, 2014, they expressed their hopes for a peaceful resolution of the political crisis in Ukraine and for the EU Association Agreement to be signed by Ukrainian authorities in the near future (*Wspólne oświadczenie*, p. 3). At the parliamentary summit in Budapest, a special statement concerning Ukraine was adopted. This document was initiated by the Polish delegation headed by Ewa Kopacz (then Speaker of the Polish Parliament) and Bogdan Borusewicz (Speaker of the Polish Senate – *Wspólne oświadczenie*).

In Poland, the actions to be undertaken in the instance of a mass inflow of foreigners due to invasion, war or ethnic conflicts are regulated by a standard procedure SPO-10 of the National Crisis Management Plan (*Krajowy Plan*, cz. III, p. 443). The scope of activities to be undertaken under such circumstances follows from international and national law (for instance from the Law on granting protection to foreigners on the territory of Poland). The activities are then coordinated by the Minister of the Interior, who collaborates with other ministers (e.g. Foreign Affairs, National Defence, Health, and Economy), the heads of Internal Security Agency

(ABW) and Foreign Intelligence Agency (AW), regional governors and the Director of the Government Centre for Security.

The preparations started in 2014 with adopting *The Concept to Provide for a Sudden Inflow of a Large Number of Foreigners to the Territory of Poland from Ukraine*. This was approved by the Minister of the Interior on 28 February, 2014 (*Ukraińcy*). Next, *The Operational Plan of the Ministry of the Interior Concerning the Organisation, Reception, Transport and Residence of Foreigners/Refugees from Ukraine in the Territory of Poland* was developed. On 12 March, 2014, Secretary of State of the Minister of the Interior, Piotr Stachańczyk, informed the Parliamentary Committee for the Interior about the following activities:

- contact maintained with EU structures and EU agencies (FRONTEX, EASO) to ensure constant communication;
- application drawn up for assets to be allocated from the European Refugee Fund and Council of Europe Development Bank (CEB) in case of a crisis situation;
- materials developed as concerns the application to the European Commission to launch the mass influx procedure;
- launch of a civil mechanism to protect people in the EU;
- permanent contact maintained with the Office of the United Nations High Commissioner for Refugees (UNHCR) (*Pelny zapis*, p. 13).

Apart from taking these steps, a deployment plan for potential refugees from Ukraine was also drawn up. Minister of the Interior, Bartłomiej Sienkiewicz, stated that the plan assumed three scenarios that differed in the number of applicants and the preparation of the team of doctors, psychologists, interpreters and officers of the Border Guard. The first scenario was to become operational if the influx of people amounted to twenty persons a day, the second – if there were one hundred a day. These plans provided for foreigners to be directed to one of two reception centres in Biała Podlaska or Dębak and for new facilities to be opened to receive applicants for the status of refugees. The third scenario was to be implemented if the number of arrivals exceeded one hundred persons daily. This would require the establishment of five additional Reception Centres located in the Podkarpackie and Lubelskie regions. The Centres' employees were to be in charge of the reception of Ukrainians and directing them to defined residential facilities (*Urząd ds. Cudzoziemców*).

Press Officer of the Office for Foreigners, Ewa Piechota, reported that Poland was ready to accommodate 750 foreigners and provide new facilities for an additional 600 people (*Urząd*). In the case of an emergency, the

number of places was to be increased by means of establishing temporary refugee centres. The list of potential places of residence for refugees was to be prepared by regional governors at the request of the Minister of the Interior (*Urząd ds. Cudzoziemców*). Holiday resorts, budget hotels and boarding houses were to be used for this purpose. One of the first regional governors to draw up such a list was from the Lubuskie region. On his initiative, a temporary residential centre, located in the municipality of Deszczno (Gorzowskie county), was prepared for 2,379 Ukrainians (*Premier apeluje*). Another temporary location was to be provided at a military training ground in Nowa Dęba which was to house 6,000 Ukrainians. Another temporary camp was planned to be set up at the airport in Biała Podlaska (*Wizyta Dyrektora*). Altogether, it was assumed that Poland would be able to receive 11,000 Ukrainian refugees (*Urząd ds. Cudzoziemców*).

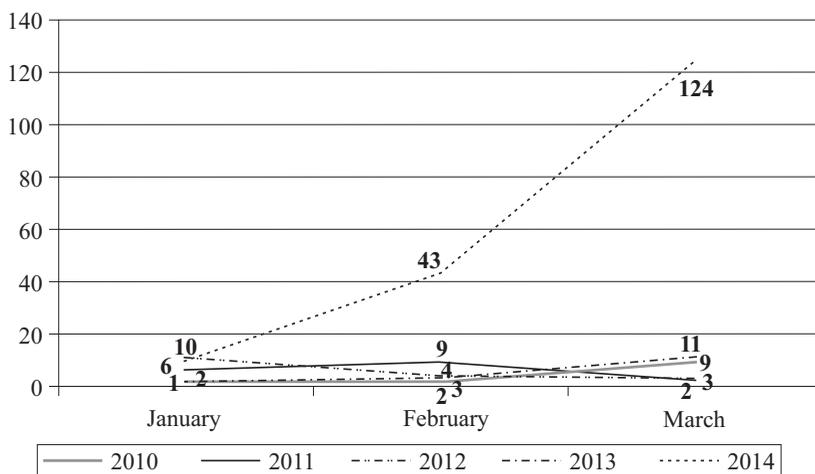
The employees of the Office for Foreigners monitored the influx of people from Ukraine on an ongoing basis, preparing reports twice a day (at 9.00 am and 3.00 pm), including among others, the number of people applying for refugee status, decisions on granting refugee status to the citizens of Ukraine and the numbers concerning the legalisation of their stay in Poland. They were also in contact with the regional services for crisis management and visited the regions that neighbour with Ukraine – Podkarpackie and Lubelskie – in order to meet local authorities and the officers of the Border Guard there (*Wizyta*).

The activities of the Polish authorities to prepare for the potential influx of Ukrainian refugees were related to Article 106 of the Law on granting protection to foreigners on the territory of Poland, which established the prerequisites for ensuring temporary protection. Article 106 stipulates that foreigners arriving *en masse* in Poland from their country because of war, civil war, invasion, ethnic conflicts or gross violations of human rights may be granted temporary protection. This can last for up to one year and be prolonged twice by a further six months (article 106, section 3). A foreigner residing in Poland under temporary protection receives a visa, fixed-term residence permit and residence card. While taking advantage of such protection, foreigners are ensured medical care and assistance in the form of accommodation and board by the head of the Office for Foreigners (Article 112, section 1). Foreigners are also allowed to work without a permit and conduct business activity (Article 116). However, the institution of temporary residence has not been implemented in Poland so far.

No mass influx of Ukrainians to Poland was recorded in the first quarter of 2014. Citizens of Ukraine applied for the status of refugees in Poland every day, though, ranging in numbers from one to seven. The day of 21 March was the only exception to this rule, as the greatest group of refugees from Ukraine arrived in Poland. It accounted for seven families with children – 32 people – from the Crimean town of Eupatoria (*Uciekinierzy*). They were placed in a centre in Łukowo, near Siedlce. A total of 177 persons of Ukrainian nationality sought shelter in Poland from the beginning of January to the end of March 2014, accounting for 21% of all applicants. They were second only to Russians. This can be compared with 16 applications submitted by Ukrainians in the first quarter of 2013.

Statistics of the Office for Foreigners indicate that from 1 January to 31 March, 2014, refugee status was not granted to any applicant from Ukraine. In the matters related to granting that status, ten decisions to discontinue proceedings were issued, one refusal and one to grant a permit for tolerated residence (*Garść faktów*).

Graph 1. Number of Ukrainians who submitted applications for refugee status in Poland in the first quarter of the year in 2010–2014

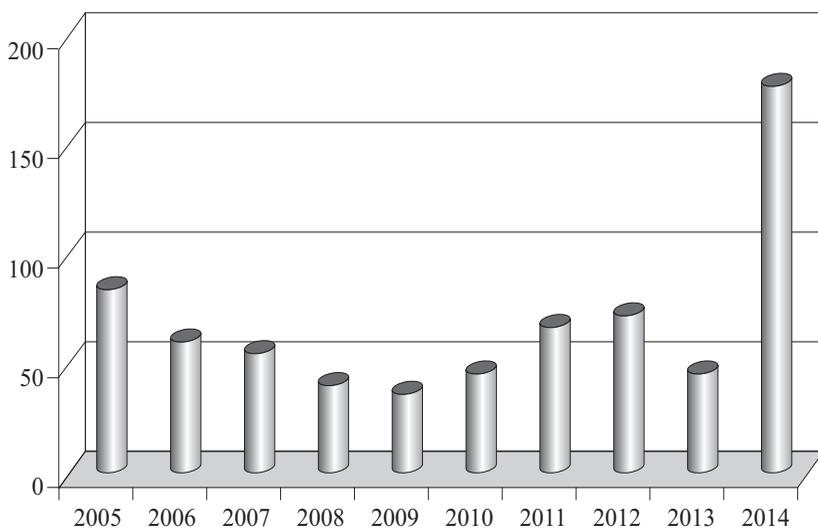


Source: On the basis of statistics by the Office for Foreigners, *Garść faktów Ukraina* (as of 31 March, 2014, 3 pm).

The political crisis in Ukraine has significantly increased the number of Ukrainian citizens who sought shelter in Poland. It can be noted that it

exceeded the levels of the Orange Revolution in Ukraine, when 22 Ukrainian citizens applied for international protection in Poland from November 2004 to the end of January 2005 (*Działania*). In the first quarter of 2005, applications for refugee status were submitted by 31 persons, that is over five times less than in 2014. At the same time, it can be noted that by 2013 the number of applicants from Ukraine was the largest in 2005, accounting for 84. This level was exceeded in the first quarter of 2014.

Graph 2. Number of Ukrainians who submitted applications for refugee status in Poland in the years 2005–2014*



* By 31 March 2014.

Source: On the basis of statistics by the Office for Foreigners for 2005–2013, *Garść faktów Ukraina* (as of 31 March, 2014, 3 pm).

Alongside the increasing number of applicants for refugee status in the first quarter of 2014, the increase in the number of visas issued to Ukrainians by Polish diplomatic and consular offices was recorded. From the beginning of January to 27 March, 2014, they were issued to 166,478 Ukrainian citizens. They were mostly Schengen visas (121,619), the number of national visas was slightly lower (44,859). Comparing the first three months of 2014 to the same period in 2013, an increase in the number of issued visas by 34,262 (26%) is noted (*Garść faktów*). Ukrainian citizens could apply for visas in the facilities located in 14 towns: Kiev, Lviv,

Odessa, Donetsk, Tarnopol, Ivano-Frankivsk, Rivne, Khmelnytsky, Zhytomyr, Dnepropetrovsk, Lutsk, Kharkov, Simferopol (the operations of the facility there was suspended in the early March 2014) and Vinnitsa. A majority of visas in 2014 were issued in Lviv and Lutsk.

Ukrainians were not political but economic immigrants. According to Ukrainian statistics from 2012, 1,200,000 (3.4%) of Ukrainian population aged 15–70 left their country seeking employment. 48.5% of them preferred short-term stays abroad. The most frequent destinations for this economic emigration were: Russia (43% in 2010–2012), Poland (14%), Italy and the Czech Republic (13% each – *МИГРАЦІЯ*).

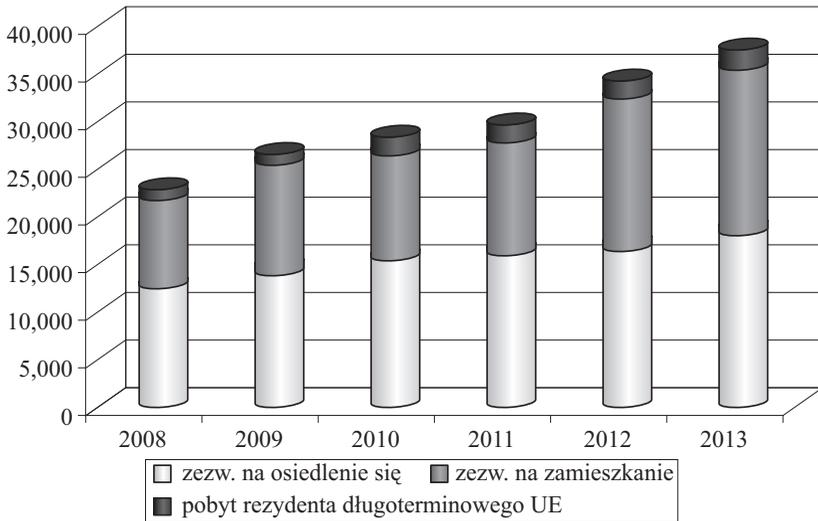
In Poland, Ukrainians constituted the largest groups of foreigners who were working legally. In 2004–2013 they were issued a total of 99,589 work permits, which accounted for 40% of all permits (*Obliczenia*). They were followed by the citizens of China, Vietnam and Belarus. Ukrainians ranked first as concerns declarations of short-term employment in Poland registered by employers in district labour offices. From 2007, when the procedure to legalise employment in Poland was simplified, to 2013, declarations concerning Ukrainians accounted for 93% of all those issued over this period. The remaining 7% were issued to Belarusians, Moldovans, Russians and Georgians. Apart from working legally, Ukrainians also took illegal jobs. From 2004 to 2012 there were 9,025 cases of illegal employment of foreigners, with Ukrainians accounting for 49% of them, as the largest national group (a total of 4,418 persons – Adamczyk, p. 295, 297; *Sprawozdania*).³

In 2012, Ukrainians were the fifth largest nationality from third countries living in the territory of the European Union (after the citizens of Turkey, Morocco, Albania and China – *МИГРАЦІЯ*). Apart from the EU, they also migrated to Russia, Israel, the US and Belarus. Poland was a significant destination on the map of Ukrainian emigration. Ukrainian citizens arrived in Poland for economic as well as matrimonial and educational purposes. Their number increased every year, allowing them to create a considerable minority. They received the largest number of invitations, visas, residence permits and fixed-term residence permits. The number of Ukrainians holding Polish residence cards increased by 14,878 from 2008 to 2013 (from 22,801 to 37,679). This number increased by over

³ The 2007 statistics are incomplete and cover only the second half of the year when the National Labour Inspectorate assumed control over the legality of employment and employment of foreigners.

1,000–4,500 persons each year (2008–2013). According to the statistics of the Office for Foreigners as of 9 December, 2013, there were 37,679 Ukrainian holders of valid residence cards in Poland. They accounted for 31% of all foreign holders of these cards (*Wstępne zestawienie*). They resided primarily in the Mazowieckie (37%), Dolnośląskie (10%), Małopolskie (9%) and Lubelskie (8%) regions.

Graph 3. Valid residence cards held by Ukrainians by kind of permission in 2008–2013



Source: On the basis of statistics by the Office for Foreigners for 2008–2013.

The majority in this group were the holders of cards issued on the basis of permission to settle and reside for a fixed period, who accounted for over 90%. There were 17,959 Ukrainians (47.6%) whose stay was legalised on the basis of permits to settle. Their cards were valid for ten years (Article 72, section 3, item 2 of the Law on Foreigners). A further 17,372 of Ukrainian citizens (46%) were the holders of residence cards issued on the basis of fixed-time permits (that were valid for the time of the validity of these permits, as stipulated in Article 72, section 3, item 2 of the Law on Foreigners). The remaining Ukrainians received residence cards on the basis of an EU long-term residence permit. They were required to reside in Poland legally for an unbroken period of at least five years. This group was 2,198 strong, accounting for 6% of all Ukrainian residence card holders. Their cards were valid for five years (Article 72, section 3, item 2 of

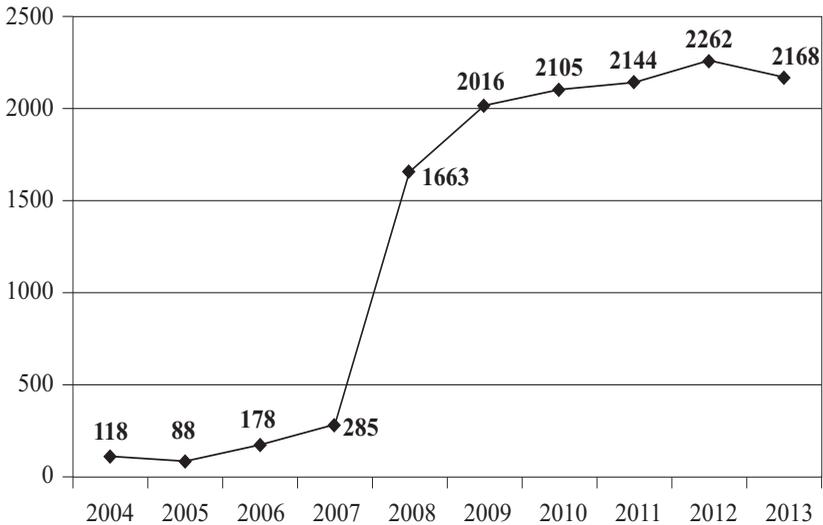
the Law on Foreigners). The smallest group of Ukrainians comprised those who received residence cards having formerly been granted international protection. Their proportion accounted for only 0.4% at the end of 2013. They included persons whose stay was legalised on the basis of permits for tolerated residence (142), receiving subsidiary protection (7) and being granted refugee status (1).

It should also be noted that some Ukrainians in Poland regulated their status, taking advantage of the abolition. A total of 1,652 Ukrainian citizens legalised their stay in the course of the first and second abolition campaign. The first abolition campaign concerning illegal foreigners in Poland took place in 2003. 3,508 applications were submitted then, 84% – by the citizens of Armenia and Vietnam. Ukrainians were the third largest group of applicants. They submitted 88 applications, 68 of which were approved (*Ocena skutków*, p. 42–43). The second abolition campaign, organised over the period between January 2012 and the end of June 2013, brought a definitely larger number of legalised stays of Ukrainian citizens in Poland. Out of 9,555 applications submitted, 21% (2,015) came from Ukrainians. Only Vietnamese submitted more applications (23%). The second abolition resulted in positive decisions having been granted to a total of 4,593 persons, accounting for 48% of applications submitted. Most of them went to Ukrainian citizens (1,584 i.e. 34.5%). The majority of Ukrainians legalised their residence (for 2 years) in the Mazowieckie region (71.5% – *Informacja o abolicji*). It is therefore noteworthy that, despite the geographical proximity, Ukrainians were the second most numerous national group to apply for fixed-time residence in Poland using the amnesty.

The increasing number of Ukrainians in Poland has become a support group for those arriving or intending to migrate to Poland. According to the theory of migration networks, they could provide newcomers with help finding jobs and accommodation. They could also share their experience, making the newcomers' stay in a foreign country less risky and costly. This could ultimately result in greater mobility of people and cause the phenomenon of a "migration chain" (Adamczyk, p. 37). From the perspective of the last few years we can say that we are experiencing it already. More and more often Ukrainians are arriving in Poland invited by foreigners who have legally been living in Poland for five years, or hold a permanent residence permit, or residence permit for a long-term EU resident. They have invited to Poland a total of 13,027 Ukrainians from 2004 to 2013. We do not know the nationality of foreigners issuing invitations,

as it is not indicated in official statistics (despite having been indicated on the invitation form). It can be safely assumed, though, that Ukrainians were mainly invited by their compatriots living in Poland.

Graph 4. The number of invitations for Ukrainians issued by foreigners from 2004 to 2013*



* Data by 9 December, 2013.

Source: On the basis of statistics by the Office for Foreigners for 2008–2013.

Ukrainians were also invited by Polish citizens, legal persons and organisational units without legal personality seated in Poland. The former issued over 169,000 invitations for Ukrainians, the latter – 5,440 (from 2004 to 2013). The statistics demonstrate that Ukrainians have received the majority of invitations out of all national groups.

The growing number of registered invitations was accompanied by a growth in the number of visas issued to Ukrainians by Polish consular and diplomatic offices. Their level rose from 450,000 in 2010 to 720,125 in 2013. Approximately 50% of all visas in this period were issued to Ukrainians.⁴

⁴ Author's own calculations on the basis of reports of Polish consular services in 2010, 2011, 2012 and 2013, Ministry of Foreign Affairs, Consular Department.

According to the 2011 national census, foreigners accounted for 0.2% of permanent residents of Poland. Ukrainians constituted the greatest group of people born outside Poland, accounting for 227,426 persons, that is 0.6% of the total population of Poland and 33.7% of all residents of Poland who were born abroad⁵ (*Ludność*, p. 75). As concerns citizenship, it can be said that 13,400 persons with Ukrainian citizenship were residing in Poland, accounting for 24% of all foreign nationals permanently residing in Poland (*ibidem*, p. 82). They were the largest group of foreigners. When compared to the previous national census from 2002, when their number was estimated at 5,400, it has more than doubled (*ibidem*).

Concluding, it can be stated that the Polish authorities have taken numerous steps to facilitate the reception of potential refugees from Ukraine. Despite the difficult situation in this country, however, no mass influx of its citizens has been observed in Poland. In the first quarter of 2014 it was not required to implement the plans and populate temporary refugee centres. However, the number of applicants for refugee status coming from Ukraine was the highest since 2004. There was also increased interest in Polish visas.

Poland was one of the more important destinations on the Ukrainian migration map. Poland had the advantage of being in geographical proximity, having a similar culture and language and offering an extensive migration network. The increasing migration to Poland also resulted from the liberalisation of the entry and employment policies.

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⁵ The majority (87.5%) was born in 1945 and before in contemporary Ukraine.

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Imigracja ukraińska do Polski w okresie kryzysu politycznego na Ukrainie

Streszczenie

Artykuł poświęcony został napływie ukraińskich imigrantów do Polski w okresie kryzysu politycznego na Ukrainie w pierwszych trzech miesiącach 2014 roku. Jego celem było pokazanie, jak konflikt wewnątrz państwa wpływa na wzrost liczby osób szukających pomocy w obcym kraju, i jak państwo sąsiadujące przygotowuje się na napływ uchodźców.

Całość otwiera analiza działań polskich władz, Urzędu ds. Cudzoziemców, organizacji pozarządowych na rzecz pomocy Ukraińcom. W artykule skoncentrowano się także na zbadaniu liczby obywateli Ukrainy składających w Polsce wnioski o status uchodźcy w I kwartale 2014 roku w porównaniu do lat poprzednich. Rozważaniu poddano także dane statystyczne dotyczące Ukraińców przebywających legalnie w Polsce do 2013 roku.