

MirreM Data Collection – Country Context

POLAND

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Instructions:

Reflecting on your deskwork and fieldwork, please provide a brief snapshot (1 – 3 pages in total) of the overall picture of irregular migration data in your country. For each question, please address stocks, flows and indicators (or indicate N/A).

Questions:

1. What is your overall assessment of the quality of irregular migration data in your country?

The data are compiled by several institutions and are not accessible in one place (website, platform), so one has to know what and where to look for. In 2007-2009 most migration-related data were collected in the National Contact Point to the European Migration Network website (<https://www.gov.pl/web/european-migration-network>), together with an annual report, but due to institutional changes, the idea to coordinate and gather the information from various institutions was abandoned.

Despite this data dispersion, the access, documentation and quality of official data by state institutions is of rather good quality. The data are comparable from one year to another (very few breaks in time series), mostly defined and collected in the same way, the reports including documentation are based on the same templates. Estimates of stocks and flows are missing (see point 5), but there is a variety of other indicators referring to border crossings, inland apprehensions, irregular employment etc.

Having said that, I must admit that the developments on the border with Belarus remain a politically delicate issue, and no reliable data are available. On the one hand, Border Guard registers attempts at illegal border crossings and border apprehensions but does not report pushbacks, which means that only a part of attempts of border crossing is made public. On the other hand, NGOs try to document pushbacks, but they do not reach all migrants and do include double counts, so their data are not reliable as estimates (but can be used as an indicator of trends).

The main conclusion from our workshop with representatives of the main data ‘producers’ (the Border Guard, NGOs, State Labour Inspection, trade unions, local labour offices, the Ministry of Family and Social Policy, the Office for Foreigners, the Police) was that the data gathered is well adapted to current administrative procedures, but not necessarily to more global or long-term analyses, such as estimating the informal employment of migrants or evaluating the results of regularisation programmes several years after their introduction.

2. How is irregular migration data generally used in policy making?

International migration is a highly politicised issue in Poland, often used by populists to lead xenophobic discourse and achieve political particular objectives. Therefore, decisions undertaken at the highest national level not necessarily are based on the competencies of experts from state institutions and on statistical data.

However, during our workshop the public administration representatives and other participants acknowledged that the data is crucial for making decisions on a daily basis. Police and Border Guard representatives plan the allocation of manpower and resources and assess the risks for public security on the basis of daily reports from the national border. Similarly, humanitarian NGOs use their data and the data made available by the Border Guard to plan their help. Other institutions: the Ministry of Family and Social Policy, the Office for Foreigners and the State Labour Inspectorate use the data for systematic, but not daily monitoring of administrative procedures related to residence permits, work permits, migrant employment, occupational safety and violations of working conditions.

3. How did you go about the data collection process?

I used to be an OECD SOPEMI country correspondent so I knew where to look for specific data. Most data are available on the websites of state institutions. As for NGOs, I contacted them directly.

4. Were there any specific difficulties you experienced during this process? How did you address them?

Not necessarily. There were few cases when definitions, reported indicators or the type of disaggregation changed from one year to another. In these cases, I tried to compare the data with the Eurostat database which has comprehensive documentation and a methodology constant over the years.

5. What were the main gaps in the evidence base (i.e., unmet user needs) that emerged during your data collection process?

There are no estimates of stocks and flows made by national institutions (Border Guard, Ministry of Internal Affairs etc.). There is one single scientific paper attempting to estimate stocks in two moments of time, but the methodology raises my concerns because is not replicable and is based on population registers (as if irregular migrants registered officially in Poland). No single state institution estimates irregular flows and stocks because no single institution has a scope of competencies and objectives covering the total of irregular migration. Some institutions cover only border traffic, others deal with residence procedures, and others are concerned with labour market issues. However, as we found out during the workshop, the Central Statistical Office decided in December 2022 to create a database on foreigners, including irregular migrants, based on all existing registers and data sources. This is definitely an issue that we need to follow.

Population censuses do not include any information about irregular migrants. At the same time, homeless Polish nationals are registered even if they have no personal documents and no place of permanent residence.

As for the data that are gathered by the state institutions but are hardly available, the results of regularizations can be accessed only through direct contact with an expert in the Office for Foreigners. The final results of regularizations, taking into account that the procedure for examining applications has several court instances, are not published on the website, and the accessible statements of the Head of Office concern only preliminary data.

6. Were there any meetings with producers or users of irregular migration estimates and indicators that you were unable to secure, but sense that endeavouring to do so in future may be worthwhile? If so, please provide contact information for this person/entity and explain why you think such detail would be helpful.

Regarding the latest initiative to merge all databases to assess the migrants', including irregular migrants' stocks (see point 5 above), one participant in our workshop is worth contacting:

Mr Marcin Szymkowiak, PhD, marcin.szymkowiak@ue.poznan.pl

He is from regional statistical office in Poznan, Poland, and he participates in merging the databases.

7. Please point to an example of good practice estimating irregular migration and/or making use of estimates of irregular migration in policy-making that you came across. Why did you select this example?

I like the methodology by the State Labour Inspection that randomly selects a representative sample of employers/enterprises (app. 18 thous. each year) to control the labour conditions and employment practices, also towards foreign nationals. They distinguish between different aspects of employment regularity, provide detailed results broken by several dimensions, and identify the causes of irregular employment. I chose this example because I find irregular employment as quantitatively the most important phenomenon of irregularity in Poland.

ADDITIONAL INFORMATION

A. Irregular migration data usage

In terms of the current usage of data, participants of the workshop represented institutions that "produce" data on irregular migration (the Border Guard, NGOs, State Labour Inspection, trade unions), have the access to databases co-created by the aforementioned institutions or local administration (local labour offices, the Ministry of Family and Social Policy, the Office for Foreigners, the Police), or use the publicly available data (employers' associations, researchers). Several examples of data and their current usage were described:

- the Border Guard collects information on border crossings (attempts, apprehensions, rejections) from its local units, passes it on to the Police on a daily basis and makes aggregated data available to the public on a quarterly basis, or more frequently if necessary (e.g. since the crisis on the border with Belarus);
- The NGOs providing humanitarian and legal assistance to persons attempting to cross the Polish-Belarusian border and to persons who have crossed the border collect individual data on the persons they assist. This mainly concerns people who, after being apprehended, have been returned to Belarus, or hospitalised in Poland and placed in a guarded centre for foreigners. If a migrant has been detained in such a centre, information on the further situation is provided by lawyers or other organisations (i.e. Helsinki Foundation for Human Rights) that have access to these migrants; in case of a death, the NGO asks the prosecutor's office for details;
- Similarly, trade unions collect individual information on migrants who approach these organisations because they are subject to unfair practices or exploitation by employers. These data include personal information and the history of legal status and employment, as well as the history of unfair practices. This information is used in advocacy and legal proceedings;
- Local labour offices do not collect information on irregular migration per se, but as institutions that issue permits to employ foreigners, they collect and verify information on employers and enterprises. In cases where they suspect employers of unfair practices or fictive employment, they ask other institutions to carry out checks. They also use data from other institutions (the Border Guard, the State Labour Inspectorate) on employers' criminal records; this information is available on request with a one-day delay, and is taken into account when the labour offices issue the permits to employ foreigners;
- The Office for Foreigners creates the POBYT database, which collects all information from the local administration on procedures and decisions related to the stay and if applicable, employment of each migrant. The Ministry of Family and Social Policy, among others, has access to this database at the individual level. The aggregated data are published annually;
- Representatives of employers' associations mentioned the use of aggregate data from the POBYT database to estimate the extent of informal employment of migrants. During the workshop there was an intensive exchange between the representative of such an employers' association and the representative of the Ministry of Family and Social Policy on the shortcomings and limitations of such an approach;
- In addition to the aforementioned publicly available data, researchers mentioned the use of big data, such as social media or private mobile network enterprises. This data is paid.

In general, the public administration institutions exchange the information they need for the current operations and procedures. For instant, local labour offices do not have control competencies, so they request additional information or controls from the Border Guard, the State Labour Inspectorate or tax offices in order to issue administrative decisions. Similarly, the Ministry of Family and Social Policy suggests the State Labour Inspectorate which enterprises should be controlled. The data gathered is well adapted to current procedures,

but not necessarily to more global or long-term analyses, such as estimating the informal employment of migrants or evaluating the results of regularisation programmes several years after their introduction.

In terms of the impact of the data on their work, the public administration representatives and other participants acknowledged that the data is crucial for making decisions on a daily basis. Police and Border Guard representatives plan the allocation of manpower and resources and assess the risks for public security on the basis of daily reports from the national border. Similarly, humanitarian NGOs use their data and the data made available by the Border Guard to plan their help. Other institutions: the Ministry of Family and Social Policy, the Office for Foreigners and the State Labour Inspectorate use the data for systematic, but not daily monitoring of administrative procedures related to residence permits, work permits, migrant employment, occupational safety and violations of working conditions. Researchers and other experts use data to outline a broader context of immigration to Poland, estimate the scale of immigration and the extent of irregular employment.

Several examples of decisions supported by the data on irregular migration were provided:

- The most spectacular example concerns a new regulation: Act of July 20, 2017 amending the Act on employment promotion and labor market institutions and certain other acts (Ustawa z 20 lipca 2017 r. o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw, Dz.U. poz. 1543). On the basis of quantitative data from labour inspection, the Minister of Family and Social Policy proposed a new regulation, which introduced three grounds for refusal to issue a permit to employ a foreigner into the existing law: 1) if the application concerns a fictitious employment (i.e. an enterprise wants to employ many migrants on a part-time basis), 2) if the permit will be used by the foreigner for purposes other than performing work for a given employer, 3) if the employer does not fulfill the obligations related to running the business or entrusting work to other people;
- More generally, the data are used by all parties to the Social Dialogue and by NGOs to assess the results of regulations and laws and to comment on proposed legislation;
- An NGO monitoring the Polish-Belarusian border was planning to file a lawsuit against Poland regarding the push-backs and treatment of people crossing the border by the border guards. The data collected by the NGO was to be used to support the case. In the end, the case was not filed;
- On a daily basis, the Border Guard and police use the data to allocate manpower to vulnerable sections of the border;
- The experimental works previously conducted in collaboration with researchers, the Central Statistical Office decided in December 2022 to create a database on foreigners, including irregular migrants, based on all existing registers and data sources;
- Participants regularly use the data to respond to requests from international organisations, to carry out research, to undertake innovative analyses in response to external circumstances (COVID-19) and at conferences.

Participants provided a hypothetical example of a decision based on the data: if a particular group of migrants did not participate in a regularisation action as expected, planned regularisation programmes should target different groups.

Almost all policy areas use data on irregular migration. The participants mentioned:

- public security, state border security,
- counteracting human trafficking and violence against migrants, advocacy for victims of abusive practices,
- demographic policy, migration and integration policy,
- regional policy (including security issues, labour market etc.),
- occupational security and counteracting unfair practices of employers,
- healthcare policy, including planning the allocation of resources to hospitals in border regions.

Participants gave few examples of situations where data produced in one context was used in a different context. The Labour Office in Warsaw was once asked by a language school about the number of new labour migrants (people who had received work permits) from Ukraine, to assess the demand for Polish classes. A shopping centre in Warsaw asked the Labour Office in Warsaw about the number of Ukrainians residing in different districts of Warsaw to assess the number of new customers. Tax offices are interested in monitoring the information about employment in companies.