

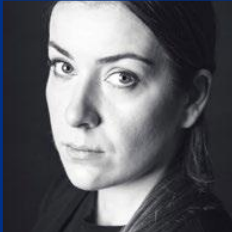
Poland's immigration strategy: Security policy and the demands of the labour market

Migration exerts an ever-increasing impact on the demographics and economies of contemporary societies, including Poland. The society is aging, and the percentage of the population in a professionally productive age is declining. According to projections, by 2060 the number of professionally active Poles may decline by as much as 40%. This makes immigration and integration of foreigners not just a social challenge, but a strategic issue for the future of the Polish labour market.



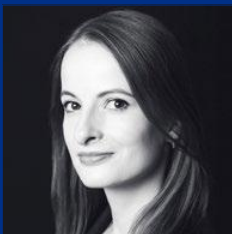
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changes in immigration regulations

Statistics: the reality vs the expectations of the labour market

According to estimates by Statistics Poland, as of the end of May 2024 there were over a million foreigners (1,024,200) working in Poland, or 6.7% of the total number of workers. The foreigners working in Poland in May 2024 came from over 150 countries, with the most from Ukraine (over 70%), Belarus and Georgia. Immigrant labour in Poland helps cover the labour shortage in numerous industries.

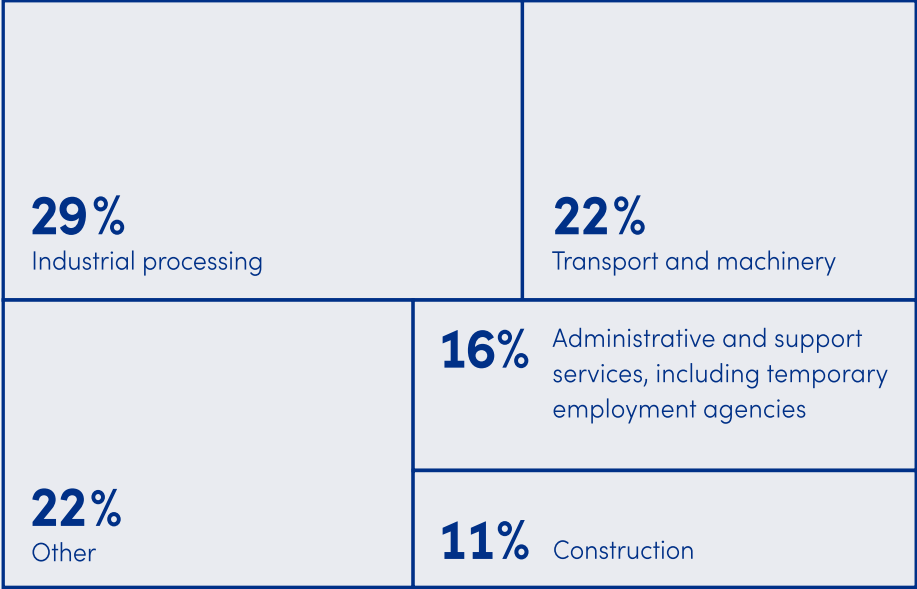
The number of foreigners working in Poland is thus significant, but still not enough to meet the needs of the market. At the end of June 2024 there were 110,800 unfilled jobs in Poland. Due to the demographics of the country, in the years to come this gap will only widen. According to the Polish Economic Institute, by 2035 the number of professionally active people in Poland will fall by 2.1 million. This situation demands urgent action.

Poland's immigration strategy for 2025–2030 and (disappointed) hopes

Answers to the problems of the labour market were sought in the immigration strategy, which had been anticipated for many months and in which many hopes were placed. But when the strategy was announced in October 2024, it set off a wave of debate. The document, tellingly titled “Taking Back Control, Ensuring Security,” focuses on heightened control over the influx of foreigners and creating more precise (restrictive) rules for admitting foreigners to the Polish labour market, so that immigrants coming to Poland would only secondarily, and in a tightly controlled manner, fill the gaps in hiring. Consequently, the immigration strategy does not

There are
over 1 million
foreigners working
in Poland

Source: Information on
employment of foreigners
in Poland (1st half of 2024),
Labour Market Department,
Ministry of Family, Labour and
Social Policy



**The needs of
the market**

SECTOR	PROBLEM
Industry and construction	Shortage of up to 400,000 workers
Transport	Shortage of about 150,000 drivers
IT	Shortage of about 150,000 specialists
Education and healthcare	Aging workforce and difficulty recruiting new (young) employees

meet the economic needs or the expectations of employers. Nor was the substance of the strategy consulted with the principal stakeholders, including employers’ organisations or industry experts.

Moreover, under the strategy, the Polish border is to be protected, and illegal immigration discouraged, by such measures as temporary and territorial suspension of the right to temporary protection, i.e. protection of migrants most often with the aim of saving their life or health. This emphasis sparked justified opposition.

The strategy also places great stress on the integration policy, but understood entirely differently than before. Under the principles set forth in the strategy, foreigners should comply with the

social norms and rules in force within Polish society, including speaking Polish, which seems like a step backward from the policy of openness, social diversity, and multiculturalism promoted in recent years.

Strategy and practice

The immigration strategy is naturally just a platform for laying out policy aims. More important is how it translates into concrete legal solutions. Work is underway in Polish ministries on several bills concerning foreigners, many of them launched before publication of the immigration strategy. The drafts show how certain aims of the strategy are to be implemented in practice, and they already point to a range of approaches, from easing of administrative burdens to more restrictive regulations generating concerns among employers.

Some of the planned changes provide hope for streamlining the procedures for legalising foreigners' employment and residence. An example is the plan to digitalise the filing of applications for residence permits, one of the main documents obtained by foreigners legalising their work and stay in Poland. Currently, applicants may have to wait many months, or even years, for issuance of these permits. The new regulations would allow for filing of digital applications with an electronic signature. This change should speed up the administrative procedures. Following verification of formal requirements, the applications would be automatically transmitted to the national system of registers and records, eliminating the need for state offices to manually re-enter this data and physically transfer the applications between authorities.

Parallel solutions include changes affecting a specific type of residence permit, the EU Blue Card, intended for highly qualified workers. The minimum period for the contract required to obtain this type of permit is to be cut from one year to six months. Blue Card holders could also operate a business under the same rules as Polish citizens. For foreigners, this would open up new opportunities for professional growth. With this, companies could hire their services under "business-to-business" contracts, which are popular on the Polish labour market.

Moreover, the simplified procedure would be maintained under which citizens of Ukraine, Belarus, Moldova, Georgia or Armenia can now be hired to work in Poland following registration of a statement at the labour office (which typically takes about seven days), without obtaining a work permit issued by the province governor (which in practice takes two to four months). By the end of 2025, this list of countries is to be reviewed. Although it is unclear what specifically this review would entail, there is a possibility that the set of countries whose citizens are eligible for the simplified procedure will be expanded or at least updated. This will make it easier for employers to legalise the work by people from these countries, and also unburden the province offices which handle applications for work and residence permits.

But at the same time, the bills being processed in Polish ministries also include more restrictive solutions and added barriers. The most controversial proposal is to limit the forms for hiring foreigners to employment contracts exclusively. Ruling out other forms, such as civil contracts, would greatly reduce the flexibility of hiring, particularly in sectors like IT, construction and transport, where alternative models of cooperation are often preferred over the employment model. The insistence on employment contracts is designed to protect employees' rights and eliminate abuses, but it may have the unintended effect of reducing the accessibility, attractiveness and competitiveness of the Polish labour market for foreigners, and also lead to discrimination against foreigners. It should be underlined in this respect that current law also provides extensive grounds and tools for bodies such as the State Labour Inspectorate to combat abuses in employers' use of service contracts (contract of mandate or contract to perform a specific work) when they are not legally justified. Therefore, limiting access to these contracts for all employers hiring foreigners on the basis of a work permit is undoubtedly a shortcut shifting to employers the consequences of the ineffectiveness of oversight authorities.

Equally controversial is the proposal to limit access to the Polish labour market by full-time foreign university students, by extending to them the requirement to obtain work permits (they are currently exempt).

There are also plans to introduce a point system which would limit foreigners' access to the labour market through a preference

for workers with the education and qualifications essential for jobs where there is a particular shortage of workers. While it may seem logical to target foreigners where their work is most needed, in practice this could reduce the flexibility of hiring in sectors where labour shortages may not be formally recognised. This would also require more dynamic monitoring of the labour market, which would be hard to achieve given the realities of public administration in Poland.

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By focusing on security and controlling the influx of foreigners, the new immigration strategy may not live up to the demographic challenges and the growing needs of the labour market.

Summary

The prospects emerging from the aims of the Polish immigration strategy are ambiguous. By focusing on security and controlling the influx of foreigners, the new immigration strategy may not live up to the demographic challenges and the growing needs of the labour market. The strategy needs to be revised to reflect the economic realities, particularly as the lack of cooperation with employers and experts in drawing up the strategy means that the strategy's aims are unsuited to the real needs of the economy, which can make it even harder to fill the gaps in staffing across key sectors.

Ignoring the long-range demographic analysis, and restricting legal economic immigration, poses a risk to the stability of the pension system and the competitiveness of the Polish economy. Creation of new regulations with the aim of eliminating irregularities and abuses, at the cost of depriving law-abiding employers of solutions that should be available to them, will make the law overly restrictive and even oppressive.

At the same time, some of the changes already proposed to the existing regulations, such as digitalisation of procedures for legalisation of work and residence, and the possible expansion of the list of countries whose citizens can be hired under a simplified procedure, may expedite the handling of applications and improve the efficiency of the system. But that on its own will not suffice to solve the most pressing problems of the Polish labour market.