

**CONFERENCE REPORT:  
“10 YEARS OF POLISH MIGRATION POLICY  
IN THE EUROPEAN UNION”**

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On 9<sup>th</sup> May 2014 The Rule of Law Institute in cooperation with the Department of European Union Law at the John Paul II Catholic University of Lublin organized the conference “10 years of Polish migration policy in the European Union”. The event was a good opportunity to discuss and analyze the impact of EU migration policies on Polish legal system.

After 10 years of membership in EU structures, Polish migration law has developed significantly. It must be emphasized that Poland as a new member of the Community was obliged to implement *acquis communautaire* also in the area of asylum and migration. The establishment of the Area of Freedom, Security and Justice took place in 1997 on the basis of the Amsterdam Treaty. According to Article 3 Paragraph 2 of the Treaty on European Union:

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.<sup>1</sup>

During the last decade a significant moment was the adoption of the **Stockholm Program (2010-2014)** in 2009 which established main direc-

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<sup>1</sup> Consolidated version of the Treaty on European Union (OJ C 83/13 of 30 March 2010).

tions of migration policy development within the European Union<sup>2</sup>. The European Council reaffirmed in the document the principles set out in the Global Approach to Migration and the European Pact on Immigration and Asylum which were :

- to organise legal migration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration,
- to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit,
- to make border controls more effective,
- to construct the Europe of asylum,
- to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.<sup>3</sup>

On 22<sup>nd</sup> May 2014 the European Commission published **5th Annual Report on Immigration and Asylum (2013)**<sup>4</sup>. According to the presented data “At the beginning of 2013, the EU population was 503 million, of which 20.4 million were third-country nationals, corresponding to 4% of the total population”<sup>5</sup>. Of course Poland still remains rather a transit country for third country nationals who prefer to travel through the Polish territory to Germany, France or Denmark. The significance of immigration into Poland derives from the external border of the EU that is a part of the Polish border with Ukraine, Belarus and the Russian Federation.

Before the plenary session began, guests were warmly welcomed by the Head of the Institute of European Studies, Professor Artur Kuś, and by the Director of The Rule of Law Institute, Paweł Wojtasik, who presented Institute’s activity in the area of migration. The Rule of Law Institute was

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<sup>2</sup> The Stockholm Program — An open and secure Europe serving and protecting citizens (OJ C 115 of 4 May 2010).

<sup>3</sup> The Stockholm Program, Point 6 - A Europe of responsibility, solidarity and partnership in migration and asylum matters.

<sup>4</sup> Brussels, 22.5.2014 COM(2014) 288 final, Source: [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/general/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/general/index_en.htm)

<sup>5</sup> Ibidem, p.3.

established in 2002 by Polish and American lawyers and its mission is to promote the development of the rule of law in Poland and in other transitional countries. One of the Programs of the Institute is the Migration Programme in which projects connected with legal aid and enhancing competences of migration institutions are implemented<sup>6</sup>

The session was chaired by dr Tomasz Sieniow, LL.M, who summarized the evolution of Polish migration law and stressed that the practical realization of national migration policy was, in fact, possible only after the adoption of Polish Migration Policy – the document prepared and accepted by the Council of Ministers in July 2012 that includes main aims of state's activity within the above mentioned area.

The first speaker was Professor Zofia Kawczyńska-Butrym (Maria Curie-Skłodowska University) who discussed the issue of social problems of migrants. She presented the situation of migrant workers in the European Union countries, especially Polish immigrants in the United Kingdom. The sociological studies presented by the speaker showed that immigrants usually lived in poor conditions, faced health (especially psychological) problems and were not enough informed by their employers about their rights and cultural differences in the hosting country.

Next, a sociological presentation was given by Monika Szulecka from the Centre of Migration Research (University of Warsaw). The speaker focused on the national policy that prevents irregular migration, which was analyzed from the immigrants' perspective. The main conclusions were based on the results of the research conducted in 2007 which included interviews with migrants, employers, NGOs and representatives of administrative structures. The most significant moments for migrants living in Poland during last ten years were: the establishment of visa regime and the Card of Poland, accession to the Schengen zone in 2007 and abolition in 2012.

The next speaker was dr Stanisław Dubaj representing High School of International Affairs and Social Economy (Chełm). The speaker discussed the changes in Border Guard's structure and its activity after Polish accession to the EU. In the presentation the structure of the institution was

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<sup>6</sup> [www.panstwoprawa.org](http://www.panstwoprawa.org)

precisely analyzed as well as the consequences of the liquidation of border crossing points on the Polish western border.

Different consequences of Polish membership in the EU in the legal area were presented by dr Piotr Witkowski from WSPA University College. The speaker characterized the legal background for customs exemption in the European Union in relation to natural persons in light of freedom of movement understood as a human right. Moreover, main legal acts concerning customs law were presented.

The next presentation, focused on the case law of administrative courts concerning the responsibility of carriers' activity in transportation by land on the territory of Poland, was given by Katarzyna Strąk (Polish Academy of Sciences). The speaker characterized main judgments concerning the issue and legal background for preventing illegal immigration on the basis of Directive 2001/51/EC.

The last speaker was dr Anna Kosińska from the Department of European Union Law (KUL) who discussed the phenomenon of voluntary return in light of fundamental rights protection. Voluntary return is thought to be a more humanitarian and economically preferred instrument of return policy. Third country nationals may avoid forced return and be granted some additional reintegration help. A new statute on foreigners regulates this issue in detail and it is hoped to be used more frequently in the future for the benefit of returning immigrants.

Finally, an additional presentation was given by European Studies students associated with EUROpens blog, a blog dedicated to European integration issues, including migration policy<sup>7</sup>.

The conference was organised within the framework of the project **“Support for Voluntary Returns in Lublin Region II”** thanks to the co-funding from the European Return Fund. The project has been implemented by the Rule of Law Institute since January 2013 and its main goals are to promote the idea of voluntary returns of third country nationals, to run a Platform for institutions involved in the implementation of voluntary returns and to enhance the competences of the Platform's members by organizing seminars, trainings, conferences and publishing quarterly

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<sup>7</sup> [www.europensblog.wordpress.com](http://www.europensblog.wordpress.com).

a newsletter. More about the project will be found on the official website of the Rule of Law Institute<sup>8</sup>.

In the conference participated the representatives of Border Guards, Lublin Voivodship Office, Ministry of Internal Affairs, Labor Office, Office for Foreigners and non-profit organizations.

Summarizing, the conference was an occasion to exchange ideas between academics and practitioners in the area of migration policy. In face of growing migration flows to the EU the need of cooperation between governmental administration, III sector representatives and third country nationals should be stressed and implemented in the future.

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<sup>8</sup> [www.panstwoprawa.org](http://www.panstwoprawa.org).

