

Aktuelle politische Diskussion zur Migration in den teilnehmenden Ländern:

- Frankreich :
 - Islamphobie
 - Einbürgerung um am Gesellschaft teilzuhaben
 - Ängste des Bürgertums
 - fehlenden Integrationsmaßnahmen
 - schwierige berufliche Integration
 - fehlende Präsenz des Einwanderer in Medien, Politik

- Deutschland :
 - Diskussion des Zuwanderungsgesetzes seit 2001
 - Soziale Integration aber keine politische Partizipation (nicht EU-Bürger)
 - Kürzung der Mittel zur Integration
 - Diskurs gegen Muslime
 - Marginalisierung der Migranten (Arbeitsmarkt)
 - Prekäre Situation der Aussiedler

- Polen :
 - Dringlichkeit wird nicht gesehen
 - Keine Diskussion zur Flüchtlingsfragen
 - Kampf gegen illegale Beschäftigung offiziell, in der Bevölkerung geduldet
 - Schutz des Arbeitsmarkts vorzuwandern
 - Keine klare Kompetenzverteilung für Integrationsmaßnahmen
 - Bürokratismus schafft Illegale

- Luxemburg
 - Studie zur Arbeitsmarkt (Bedarf an Ausländern)
 - Frage der Rentenfinanzierung bei hoher Anzahl von Grenzgängern
 - Aktives Wahlrecht für alle Ausländern auf kommunalen Ebene ab 2005
 - Teilnahme der EU-Ausländern an EU-Wahlen (13,9% Beteiligung)
 - Integrationskurs angedacht über 600 Stunden
 - Harte Rückführung von Flüchtlingen

- Spanien
 - Einwanderung Lateinamerika
 - Einwanderung aus Nord und Schwarzafrika
 - Keine Anerkennung von Diplomen der Zuwanderer aus Lateinamerika
 - Schwerpunkt auf polizeiliche Kontrolle durch Madrid
 - Hohe Anzahl Illegalles (Katalonien 9/10%)
 - Zuwanderer aus L.A. glauben historische Ansprüche auf span. Staatsbürgerschaft
 - Höhere Integrationsfähigkeit der Schwarzafrikaner
 - Wirtschaftliche Ausbeutung von Zuwanderern durch Unternehmen
 - Integration durch Arbeitsplatz
 - Sprachliche Vorbereitung (katalanisch und spanisch)
 - Zentralregierung kein Geld für Integration

- Scheinheiligkeit der Regierung -> inoffizielle Duldung der Beschäftigung von Illegalen
- Berufliche Quotierung

Polen

The political debate on the policy toward Foreigners

The debate on the policy toward aliens is largely uncontroversial and conducted in a limited manner on the political scene in Poland. There is a negligible interest by MPs and political parties in this issue. Lack of tradition and experience in the field of comprehensive migration policy in the Republic of Poland, leads to the lack of tradition and experience in conducting discourse in this matter. In fact, migration's problems have never achieved the status of a separate debate issue. They have not been discussed even in terms of social or economic policy. That is completely understandable in light of high unemployment among Poles, reduction of which formed the main objective of both policies. On the other hand, the presence of foreigners in Poland is a relatively new social phenomenon, and constituting just a fraction of the population, the foreigners are not perceived by our politicians as a burning social issue.

Only the discussion over migration policy, carried out in the Polish Parliament while amending the law on aliens, with a special emphasis on economic migration can be perceived as a little bit controversial. Until that point in time, foreigners' issues had not attracted the interest of political parties. Although in reality introduction of the law on aliens was a preparation for Polish membership in the EU rather than a result of politicians' interest.

In the same time migratory movements and their consequences raised concerns in Polish society about the state security in view of Poland's geopolitical location, the absence of legal foundations for the policy on aliens as well as of effective state structures and procedures and relative lack of experience in dealing with problems of this kind. Among the issues that were of greater concern I can mention problems of organized criminal activities, smuggling of drugs and dangerous substances, car thefts, prostitution, illegal trade, document forgeries and arms trade undoubtedly connected with a bigger migration from the East. The bazaar trade and the presence of foreigners on the Polish labor market also raised some controversy in the public opinion on migration. The issue of limits on the arrival of citizens of the former USSR was prominent as a concern.

Political debate under the law on foreigners concentrated on some particular conceptual categories:

- ***Necessity of adjusting the Polish legislation to the Union acquis***
- ***Protection of national interest*** – in the form of protecting borders, society and the country against the negative consequences of migration with a reservation that the proposals should not make entry into Poland more difficult.
- ***Human rights*** – a category which raised mainly in the context of refugees treated as a group of foreigners under particular protection, who enjoy the rights specified in the Geneva Convention and New York Protocol, ratified by Poland.
- ***Repatriates*** – considered not so much as foreigners (although they were such in formal terms), but as persons to whom the Polish state bears special

responsibility, evident in the drive towards facilitating their return to their homeland and adaptation upon return.

- **Unemployment – illegal migration** - the authorities proclaim to fight illegal employment, but the performance of certain activities (care for children and elderly, construction, agriculture) is basically tolerated by the public.
- **Economic, motivated immigration** – was seen as a desirable, particularly for artists, entrepreneurs, corporate managers, a generally broad white-collar segment and athletes. Two statements could be observed in this meter. One describes the presence of foreigners on the Polish labor market as a threat to the rate of unemployment suggesting that the protection of the national labor market should involve limiting the access of foreigners to the market. Such postulates were raised mainly in the case of unqualified workers (the influx of cheap labor). And another one telling that aliens employed in Poland do not have any fundamental impact on the Polish labor market, because they have found labor market niches in Poland, with various nationalities specializing in different job segments. What we need is a selective and a quota-based policy towards labor migrants and simultaneously a fight against illegal immigration.
- **Demographic studies and immigration** – Demographic studies suggest that we should consider importing immigrants into Poland. A planned migration could provide a solution to the demographic problems ahead in Poland.
- **Obstacles to the effective integration of aliens in the course of work with the provincial administration and local governments** – problems like insufficient budget, the unclear division of tasks and incoherent regional development plans make long-term foreigners integration much more difficult.

During the whole political debate, there were two particular issues that attracted the interest of our political scene:

1) Visa policy - the most controversy was the prospect of the visa regime for the citizens of the eastern neighbor countries. The main line of contention was the manner of introducing that regime and after-effects of such a measure.

2) Denying a long-term residence permit for those immigrants whose stay in Poland became illegal because of protracted bureaucratic procedures in Polish offices. Immigrants often cannot foresee that the procedures may drag on for such a long time as to make a validity of their documents expired and effectively prevent them from applying for new documents.

The most sensitive issues are related to the rights of families and children and decisions to deny long-term residence permits to aliens who have set up families and have been staying in Poland for many years. The refusal of such a permit means the order to exit the Polish territory, which directly injures the interest of the aliens nearest family. There have been a few dozens of such cases so far.

II.

BASIC INFORMATION RELATED TO INTRODUCING NEW LEGAL REGULATIONS REGARDING FOREIGNERS that should be perceived as a result of the whole political debate on migration policy.

On 1 September 2003 the following laws come into force: law of 13 June 2003 on foreigners and law of 13 June 2003 *on giving protection to foreigners in the territory of the Republic of Poland.*

Both these laws introduced a range of new solutions regarding foreigners' issues, and some of them are still quite controversial. Being such they attract the interest of Polish political scene.

The most important points of these regulations:

Regarding the stay based on the stay visas there are two basic changes:

1) The law introduced two types of stay visas: short terms and long-term visas – that's a completely new regulation.

In case of short-term visas - total period of stay in the territory of the Republic of Poland cannot exceed 3 months, during the period of 6 months, counted from the first day of arrival and 1 year in the period when the visa is valid (in case of a long-term visa).

Introducing long-term visas is especially relevant for those foreigners having a job or conducting an economical activity in Poland. Long-term visa is valid for the same time as the work permit is and it is much easier to obtain that type of visa than a permit to live for a limited period of time.

2) There is not as on principle a possibility to obtain stay visas, including subsequent visas, in the territory of the Republic of Poland.

Extending the stay visas in the country is possible only in situation when there occur events that are independent of will of a foreigner and were impossible to foresee at the moment when the visa was being issued. The period of stay based on an extended visa may not be longer than a period of stay proper to a given type of visa.

The effect of this point of new law had its meaningful consequences for foreigners staying in Poland on the day when the law came into force. Foreigners that had filed an application to a proper voivode for issuing a subsequent visa before 1 September 2003 obtained visas (if complying to relevant conditions of law), but the foreigners who hadn't and were staying in the territory of the Republic of Poland on 1 September 2003 based on visas had to leave before the expiry of the period of stay allowed in the visa and had a possibility to apply for issuing a visa to a consul abroad (if a period proper for a given type of a visa wasn't in this manner exceeded) or they had to apply to a proper organ for giving a permit to live for a limited period of time.

In regard to granting permits for living for a limited period of time and permits to settle:

1) there is generally a withdrawal from a principle of discretion when agreeing for the abovementioned permits.

2) regulations concerning foreigners that are in a relation of marriage with a Polish citizen were liberalised.

3) permit to live for a limited period of time is given in a situation, where reasons to apply for giving the permit justify a stay of a foreigner in Poland for a period longer than 3 months. This permit is given each time for the period necessary to achieve a purpose of a visit of the foreigner in the territory of the Republic of Poland, no longer than 2 years.

This regulation is extremely relevant for those foreigners who are going to have a job or run their own business in Poland, because a voivode is obligated to provide them with a permit for living for a limited period of time if they gained the pledge to grant a job permit. This regulation makes the employment of foreigners much easier.

4) not fulfilling a duty to leave the territory of the Republic of Poland in cases defined in law on foreigners (first of all before the expiry of a period of stay defined in the visa and the period of validity visa, the period of validity of a permit for living for a limited period of time and before the end of a non-visa period in a situation when a foreigner does not obtain an extension of visa, permit for living in a definite period of time – including a subsequent one, or a permit for settlement) is a reason to refuse to give a permit for living for a definite period of time.

This new regulation is especially important when we consider polish biurocratical procedures, which often become the reason of the expiry of the period of stay allowed in the visa – the same problem as mentioned before.

As you see polish legislation and especially political statements regarding aliens' issues are still not very clear. But the most important is the fact that our political scene has started to perceive all these problematic migration's issues as relevant for our social live.