

The situation of migrants from Belarus, Moldova and Ukraine on the Labour Markets of Latvia, Lithuania, Hungary, Poland and the Slovak Republic Regional Report

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This project is funded by
the European Union



This project is implemented
by the United Nations High
Commissioner for Refugees



Swedish Migration Board
is a project partner



The International
Organization for Migration
is a project partner

Final Report*

** This report has been translated into Russian but the English text prevails. Both are available on www.soderkoping.org.ua*

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This paper was prepared by independent experts.

This publication has been produced with the assistance of the European Commission. It presents the views of its authors and in no way constitutes any obligation or expresses the official position or views of the European Commission, IOM, UNHCR or the Swedish Migration Board.

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List of abbreviations

| | |
|------|--|
| CIS | Commonwealth of Independent States |
| EC | European Commission |
| EEA | European Economic Area |
| EU | European Union |
| IOM | International Organization for Migration |
| LTL | Lithuanian litas |
| LVL | Latvian lat |
| NIS | Newly Independent States |
| NMS | New Member State |
| PLN | Polish zloty |
| UK | United Kingdom |
| WNIS | Western Newly Independent States |

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Executive summary

Background of the study

Since the beginning of the 1990s, Hungary, Latvia, Lithuania, Poland and the Slovak Republic have attracted migrants from WNIS. Traditional incentives for migration, such as higher income, cultural and geographic proximity and relatively low administrative barriers were enhanced by additional factors at the time when these Baltic and Central European states joined the European Union. These included fast economic growth and a drop in unemployment (with the exception of Hungary) and, in some cases (those of Poland and Latvia) an increased demand for labour in sectors where shortages had occurred due to the large-scale emigration of domestic workers.

The migration of workers from WNIS countries to the new EU Member States may be divided into three types according to the country of destination. Latvia represents a country which, in the 1990s, restricted access to its labour market and only after accession to the EU and the ensuing outflow of its own workforce suffered a dynamic demand for workers from WNIS. Lithuania and Poland were traditional destinations for seasonal workers from Belarus and Ukraine who largely occupied the casual employment sector of the economy. The Slovak Republic and Hungary are the destinations for Ukrainian seasonal labourers and have recently become transit routes for increasing irregular migration especially in the case of migrant workers from Moldova.

All the recently acceded EU Members maintain restrictions to access to their labour markets for third-country nationals. In addition EU nationals are preferred throughout the EU over citizens from WNIS states. Employers interested in hiring migrant workers from Belarus, Moldova or Ukraine must go through lengthy and complex procedures, including proof of the actual need for foreign labour and an analysis of its impact on the domestic labour market (the EU-wide so-called Labour Market Test). This becomes further complicated by the need to obtain local work and residence permits.

The current restrictions to the employment of foreign workers disregard the needs of the labour market and discriminate migrants. Immigration policies in Hungary, Latvia, Lithuania, Poland and the Slovak Republic are still being developed. New complex solutions are needed to meet the requirements of the labour market and facilitate labour migration. These should target not only unskilled seasonal workers but also highly-skilled professionals.

Their growing labour shortages have encouraged governments of some recently acceded EU Members to seek new solutions. Some sectors of the economy have been opened to third-country nationals and moves have been taken to alleviate cumbersome administration procedures for granting work permits.¹ However interviews conducted in late 2007 showed that in general migrants from WNIS still faced obstacles to access to the labour markets of central and eastern European countries. These included difficult access to the labour market, worse conditions of employment compared to local workers and lengthy and unpredictable administrative procedures.

One factor contributing to the instability of the migrant worker's situation is the strict limitation of the period of the work contract. In comparison many locals have either open-ended or long-term contracts of employment, something which is either seldom, if not impossible, for third country nationals. Even though regular migrants formally enjoy the protection of the same laws as the local labour force in all five countries they also have only limited opportunities to demand equal treatment because they are obliged to leave country as soon as their permit expires. Irregular migrants are exposed to the risk of deportation which often results in their abuse by employers. Irregular migrants are often forced to work under worse conditions—including lower pay for overtime, longer working hours and limited rights to paid leave.

Regular migrant workers are aware of the possibility of availing themselves of institutional assistance but rarely do so, while irregular migrants usually avoid public institutions even when in serious need. In addition regular migrant workers are usually aware of their rights also in all other spheres of life compared to irregular migrant workers who have much less concrete knowledge of their rights and their enforcement. When problems arise irregular migrant workers tend to rely on informal support networks (consisting of acquaintances or family) as they are unable to enjoy dedicated integration programmes for economic migrants.

1 Eg. in 2007 Poland waived the work permit requirement for seasonal workers from Belarus, Russia and Ukraine, while the Slovak Republic abolished quotas for migrant workers from Ukraine.

Purpose of this analysis

This report presents the findings of a multinational research project “Challenges facing migrants from Belarus, Moldova and Ukraine on labour markets and in societies of recently acceded EU Member States”, conducted within the framework of the Söderköping Process. The project carried out in autumn 2007 and winter 2008 aimed to identify the main challenges to effective integration of labour migrants from the so-called Western Newly Independent States (Belarus, Moldova and Ukraine, further WNIS) in Hungary, Latvia, Lithuania, Poland and the Slovak Republic. The project was carried out in two parts: review of legislative, institutional and administrative frameworks, statistical data and policy debates concerning labour migration to the recently acceded EU Member States in all five countries under review which served as background information for an in-depth investigation of three case studies (Latvia, Hungary and Poland). This included the type of obstacles to entry onto the labour market, awareness of workers’ rights, the availability and use of support mechanisms and specific challenges facing workers from the WNIS.

The collected research material covers the following aspects of labour migration from WNIS states to the recently acceded EU Member States:

- a) analysis of the administrative conditions for entry onto the labour markets of the recently acceded EU Member States under review, the rights of regular and irregular workers from WNIS states, and the scope and implementation of bilateral labour migration agreements;
- b) a socio-economic analysis of the actual employment of both regular and irregular labour and the situation of WNIS workers on the labour markets of the recently acceded EU Member States under review, including the existence of informal barriers to entry and, discrimination against, this group of migrant workers;
- c) a sociological study of the level of awareness of their rights among the migrant employees, employers and labour market experts and the identification of various types of discrimination (wages, working conditions, access to public services), instances of xenophobia, the actual and available forms of protection (from state institutions), opportunities for organisation of migrant workers and incentives for the potential legalisation of their status.

Results of the field research

Sociological research conducted in Hungary, Latvia and Poland showed that the situation of migrant workers on the labour markets was mainly related to their skills and status. Foreigners from WNIS working in the countries under review could be divided into two categories: a) a minority who undertake mostly regular jobs requiring qualifications and b) those working in unskilled jobs and employed mainly in the shadow economy. The study confirmed the concentration of migrant workers either in the typical migrant niches of the labour markets – construction, agricultural work, baby-sitting and house-cleaning – or in the sectors with a demand for skilled labour. The interviews showed that the majority of migrant workers carried out irregular seasonal work and did not plan to settle in Hungary, Latvia or Poland.

Migrant workers obtained employment through three major channels: a) immigrant networks and family ties, b) a recruiting agency, or c) directly through the employer. The first channel played a dominant role in recruitment, while the others were relatively recent and used to a limited extent. While the use of these networks was common both among regular and irregular workers they were crucial in the shadow economy. Direct contacts with employers in the country of destination were also preferred because intermediaries charged excessive fees while offering inadequate levels of services.

Regularly employed skilled workers usually found jobs corresponding to their qualifications, while unskilled irregular workers usually took jobs below their qualification. Regular migrant workers generally received the same pay as local workers as they were employed according to their skills and not their migrant background. However the salaries of migrant workers were often lower than those of local employees because of the additional costs of employing foreigners.

Interviewed migrants and employers agreed that the procedures for regular employment made access to the labour markets very difficult for a number of reasons, including length of the process, complicated laws, costs of the procedure (e.g. fees for permit, costs of translation), attitude of civil servants, strict conditions for employment and high dropout rate (when potential employee finds another job while waiting for work permit). Another problem was the lack of adequate and easily accessible information on how to obtain a work permit.

Migrant workers from Belarus, Moldova and Ukraine – both regular and irregular – were usually satisfied with their living conditions. They compared them with conditions of life/work in their home country and were usually influenced by the temporary nature of their job and their strategy of minimizing their cost of living abroad and saving money.

The recently acceded EU Member States have no public institutions specializing in assisting migrants workers. Several established non-governmental organisations do not concern themselves with providing assistance to economic migrants, but concentrate on supporting their cultural traditions and language rather than providing financial or legal support for migrant workers in their countries.

Public opinion and media articles in the recently acceded EU Member States also showed that certain negative stereotypes of the migrants' WNIS countries of origin influenced the perception of East-West migration. Moreover in some regions with high unemployment there was concern regarding competition on the labour market. Of the countries under review Polish society appeared to be the most positive towards the migrants and media reports stressed the economic benefits of migration. According to opinion polls Poland is a country far more open to foreign workers compared to Latvia and Hungary. While immigration issues were present in public discussions both in Poland and Latvia, they were seldom the subject of Hungarian media. The latter country was also the only one where negative attitudes and xenophobia have been on the increase in recent years.

The interviewed migrants were aware of the wide range of social attitudes but said relations on the workplace tended to improve over time when the local employers and co-workers came to know the migrants in person and appreciated their strong work ethics and dedication. An important element in improving the integration opportunities of migrants was their proficiency in the language of the host country.

Recommendations for policy makers and other groups dealing with labour migrants were developed on the basis of practice and sociological research. Their overall objective was to ease the access of WNIS migrants to the labour markets of the recently acceded EU Member States through the selective opening of some sectors, abolishing administrative and procedural barriers and improving opportunities for integration on the market and society.

Particular attention needs to be paid to the situation of irregular workers.² Interviews with migrants and employers showed that this group was especially vulnerable as regarded working rights due to their dependence on their employers and lack of awareness of their rights or possibilities to legalise their labour status. Measures to enable greater access of third-country nationals to the labour markets should concentrate mainly on the significant group of those irregular workers already living in the country who could prove to be valuable resources in some sectors of the economy. International and non-governmental organizations have the necessary expertise and operational experience to launch awareness-raising campaigns targeting irregular migrants which include possibilities for regularization of status or incentives for return to the home country.

Other solutions should be sought to facilitate employment of workers in sectors where there is a shortage of manpower. There is an urgent need to improve methods of recruitment and the provision of information on work opportunities. This could be achieved through the stricter supervision of the work of employment agencies in order to eliminate practices such as double charging, failure to meet their obligations, or abusing their clients' unawareness of legal regulations.

Integration measures are needed to ensure migrants' equal status on the labour market. Prospective and current migrants need information on the immigration regulations and foreign workers' labour rights in a language they can understand. This can be achieved with information on websites and leaflets available at consulates and embassies or employment agencies. Proficiency in the language of the destination country is crucial for integration making the need for language courses and courses on the culture and legal and administrative system of the host country indispensable. Finally the NGOs assisting refugees and immigrant networks in the recently acceded EU Member States need to pay particular attention to the needs of labour migrants by providing legal aid as well as serving as information clearing-houses and offering advice on day-to-day issues.

2 Irregular workers are here understood as employees whose employment status does not comply with the legal and administrative requirements of the host country.

Introduction

Five of the recently acceded EU Member States which neighbour WNIS countries (Hungary, Latvia, Lithuania, Poland and the Slovak Republic) have increasingly become target countries of destination or transit for western-bound migrants from Belarus, Moldova and Ukraine.³ These countries—members of the Söderköping process—have found themselves becoming new destinations and are still building their capacity to attract, welcome and retain economic migrants. Labour migration from WNIS to Baltic and central European states has been steady since the early 1990s, originally spontaneous taking the form of shuttle movements, informal networks and mainly unregistered work. Since the five states acceded to the EU in 2004 they are gradually becoming established destinations for systematic economic migration and settlement while remaining significant destinations for irregular migration.

Faced with the rising scale of labour migration from WNIS the recently acceded EU Member States are only beginning to seek solutions to meet the needs of new migrants as regards employment, integration in the labour market and society and the protection of workers' rights. The rise in the number of third-country migrant workers has highlighted the inadequacy of the current strict regulations on the access to employment. Time-consuming and costly procedures for obtaining permits risk pushing the migrants into unregistered employment which lacks effective mechanisms for enforcement of labour rights. Foreign workers are at a disadvantage compared to local workers due to the temporary character of their contract and restrictions on their freedom to choose and change jobs.

A number of reports have been produced both on the regional and country level under the auspices of the EC, IOM and Söderköping Process. Despite their evident value (they indicate the scale and characteristics of East-West migration) these reports have several shortcomings. Firstly, the analyses usually rely on official data which does not always reflect the accurate scope and dynamics of labour migration. The main problems are the under-estimation of migration flows (as irregular employment is rarely taken into account) or the total lack of reliable data (which makes it hard to identify, analyse and forecast long-term trends). Even the regional reports do not present a comprehensive picture of the situation due to incomparable statistics and multiple methodologies. Finally much of the picture is distorted as the reports bring the views of the governments or control agencies while lacking a complex picture of the views of migrants.

This report addresses some of these gaps. The aim of this study is in particular an analysis of the challenges facing migrants (regular and irregular) from WNIS on the labour markets of Hungary, Latvia, Lithuania, Poland and the Slovak Republic. The focus is both on the legal and institutional framework of entry into the destination country and the socio-economic and cultural aspects of migrant presence on the labour market. These include the reasons and obstacles to entry onto the market, awareness of workers' rights and discrimination and institutional support.

This regional report combines the main findings of two elements of research, the desk analysis of official statistics, legal documents, opinion polls and other public information, and a field study consisting of interviews with experts, migrants and their employers. The desk analysis provided results on the conditions of employment of WNIS labour migrants in the five targeted countries and served as the background to the more in-depth study of the working conditions undertaken as part of sociological field research in three case studies (Hungary, Poland and Latvia). The country cases were selected to provide a representative picture of the main groups of WNIS migrants and display the diversity of host societies within the limitations of the research project. Latvia is a country with the largest expatriate group of WNIS nationals among the investigated countries, the majority of whom, however, are not recent labour migrants but long-standing minorities. Poland attracts all three national groups of WNIS migrants while Hungary displays a very distinctive pattern of WNIS migration, characterised by a high proportion of ethnic Hungarians among the migrant population.

The report provides an overview of the current conditions of access of immigrants to national labour markets and societies by national experts working in fields such as migration policy, social policy and foreign policy of the recently acceded EU Member States. The field research presents in-depth insights into the barriers to the effective integration of migrants on the labour markets based on the opinions of experts and testimonies of migrants and their employers. A total 120 interviews were conducted (38 in Hungary, 42 in Latvia and 40 in

3 The cases of Estonia and Romania, which are also members of the Söderköping Process, have been omitted from this study as they display significantly different migration patterns, lacking major inflows of citizens of both Belarus and Ukraine.

Poland) between November 2007 and January 2008 and sampling consisted of a mix of the nationalities among migrants as well as representation of both regular and irregular workers.⁴

The report is divided into three main sections. The first section focuses on the legal and administrative environment determining the conditions for entry and employment of WNIS economic migrants in the recently acceded EU Member States under review. It opens with a survey of the wider aspects of national migration policies—demand for non-EU labour, strategic documents for managing migration, obstacles to the equal status of migrants on the labour markets of the host countries and recent initiatives for improving coordination of migration affairs. This is followed by a more detailed presentation of the national administrative procedures for employment of third-country nationals concerning WNIS migrants regularly employed in the countries under review. The study further presents a review of special arrangements for WNIS nationals contained in the agreements between the EU or its Member States and Belarus, Moldova and Ukraine. The section concludes with an assessment of the impact of the administrative employment procedures on the situation of WNIS migrants on the local labour markets. The conclusions focus on those aspects which are particularly cumbersome for migrants and their employers. The interviewed respondents agreed that the advantages enjoyed by nationals from the European Economic Area (EEA) regarding employment and lack of restrictions regarding employer or job switching put WNIS migrants at a serious disadvantage on the labour market. Although work permit procedures have been simplified (through reduction of fees or waiver of some obligations), migrants said lasting problems included cursory treatment by some state officials and insufficient information.

The second section identifies the volume and composition of labour migration from WNIS into the five countries under review. Information from interviews with WNIS migrants and official statistics of the host countries is used for a background picture of the scale and dynamics of both regular and irregular forms of migration. The results of interviews with migrants point to the widespread use of family and acquaintance circles as well as ethnic networks as the dominant mode of entry into the labour markets, with increasing interest among employers in direct recruitment and limited reference to recruitment agencies. A general rise in the scale of regular labour migration has been noted in all five reviewed destination countries which is attributed to the post-accession economic boom and emerging labour shortages in some sectors. Although it is difficult to estimate the volume and composition of irregular employment of WNIS migrants in these countries certain incentives could be identified based on existing research and interviews with employees, employers and experts. Some sectors became niches for those WNIS nationals noted for their low cost and high mobility because protracted, costly and complicated procedures for legal employment discouraged quitting the “grey economy”.

The third section provides an in-depth picture of the working and living conditions of WNIS migrants in the recently acceded EU Member States. It begins with an outline of the guarantees contained in the labour legislation concerning the form and content of a contract, wages and working time and conditions. Regular and irregular WNIS migrants then describe how these norms are applied in practice. The same applies to guarantees of workers’ rights and working conditions which are mainly based on the skill level and legal status of migrants. A further element determining the position of WNIS migrants on the labour markets of recently acceded EU Member States is the framework for the protection of their rights on the worksite. Attention is paid not only to the legal guarantees of workers’ rights covering regular employees but also to the extent to which migrants are aware of the rights to which they are entitled. Interviews have shown that awareness varied among workers of different skill levels in individual countries. The willingness to defend their rights was particularly low among irregular workers who are specifically dependent on their employers and also fear detection and potential deportation.

The section also describes how WNIS migrants are welcomed by the host states and societies and their behaviour towards them. It refers to both public opinion polls concerning the willingness to accept migrants in general, the degree of goodwill towards certain nationalities and the general attitude towards foreigners. The media attitude towards WNIS migration is also discussed with particular emphasis on its impact on the labour market and public attitudes to the presence of migrants. References to policy statements, public opinion polls and media coverage are complemented with the results of interviews in which WNIS migrants commented on the attitudes of their Hungarian, Latvian or Polish employers and co-workers. One trend which emerged from the three case studies was that the social distance towards WNIS nationals is being bridged and that more positive attitudes are evident among employers and co-workers once they become properly acquainted with foreign workers. Migrants, however, are also aware of some negative stereotypes or general dismissive attitudes and say these make them less willing to seek social contacts with the local population outside the workplace.

4 More detailed information on the composition of the sample and the structure of the research may be found in the “Methodological notes” section.

The section concludes with the results of the interviews with WNIS migrants on their actual use of support from state institutions, their own diplomatic and other representations, NGOs, trade unions and diaspora networks.

The report formulates practical conclusions and recommendations for governments regarding policies, legislative solutions and actual practices which are crucial for improving the working and employment conditions of migrant workers from WNIS. These include primarily the gradual and selective opening of labour markets to WNIS migrants (in particular to seasonal workers and certain skilled workers) and measures aimed at simplifying and easing work permit procedures. The effective protection of migrant working rights calls for the dissemination of information among regular and irregular foreign workers on their rights on the worksite and control over the operation of employment agencies in bilateral agreements. Thirdly, sociological research highlighted the lack of dedicated state integration programmes for labour migrants and lack of sufficient organisations run by migrants as obstacles preventing closer integration with the host societies.

The research was carried out within the framework of the Söderköping Process. The author wishes to state our appreciation for the assistance to the staff of the Secretariat of the Söderköping Process, in particular Ilmars Mezs, Olga Ozeraya and Ruth Krčmář for their helpful advice and management of the process.

Methodological notes

This report draws on country reports covering five recently acceded EU Member States—Hungary, Latvia, Lithuania, Poland and the Slovak Republic combining the main findings from all countries and putting them into a regional perspective. While not serving as comparative material (due to the different perspectives of research) it highlights the most common challenges facing migrants from WNIS on the labour markets and in the host societies.

Desk research was conducted on the legislative and administrative framework regulating the access of migrants to the national labour markets and conditions of employment.⁵ In addition the socio-economic position of migrants from WNIS was analysed. Reference was made to a variety of secondary sources (legislation, statistics, media coverage). Particular attention was paid to the legal norms and administrative regimes for the entry of WNIS migrants, the conditions of employment and their impact on the situation of this group of workers on the domestic labour market. The five country reports were completed in January 2008 and revised between March and June 2008. Statistical information was obtained in many instances through direct queries to relevant government institutions, and attempts were made to ensure that the data covered the period including 2007.

In addition, between November 2007 and January 2008 field research was carried out with 120 interviews with employers, regular and irregular migrant workers and experts in three countries (Hungary, Latvia and Poland). These were selected to reflect geographical diversity and to take into account specific factors influencing migration from WNIS to these countries.⁶ The majority of WNIS migration to Hungary originates from the neighbouring region of Trans-Carpathian Ukraine and consists mainly of ethnic Hungarian nationals. Latvia is a country with the largest percentage of foreign-born population (from WNIS as well as Russia). Poland, the largest among the five countries under review, is the only one to host substantial communities from all three WNIS countries. Accordingly, the Polish sample is the most varied of the three, including also significant representation of migrants from Belarus and Moldova.⁷

The interview questionnaires in the three countries were standardised and had been earlier used in the case study of the migrants from Ukraine in Poland. In view of the comparative nature of this research special attention was paid to the distinctions in status between various categories of migrants (by nationality and the status of their employment). The questionnaires in the individual countries were also adapted slightly to reflect particular circumstances (e.g. the presence of a larger migrant community) by the inclusion of additional questions. The interviews also provided opportunities for respondents to cover other areas they deemed relevant so that in the end many were open-ended and follow-up questions were asked in addition to the standardised queries. The course of the interviews was supervised by a designated field research coordinator who herself took part in the compilation, execution and analysis of earlier research on migrants from Ukraine in Poland. The progress of interviewing and the quality of material were continually monitored through the interaction between the field research coordinator and the more senior sociological researchers in each of the three countries under review.

While desk research provided the background of laws and regulations of the employment and treatment of foreign workers, employer interviews provided the opportunity to investigate the situation on the ground in several sectors (e.g. ship building, construction, hotels and restaurants, paper industry, agriculture, education). The interviewed employers in Latvia and Poland were selected on the basis of references of local employment offices which provided lists of companies employing migrant workers. In Hungary and Poland attempts were made to interview employers hiring irregular workers who were located using informal contacts gained as part of earlier qualitative studies of irregular migration.

Employees were selected for interviews by the snowball method, while additional information was gathered from the analysis of secondary data and the media. The sample was selected so as to cover a broad spectrum of

5 "Legal-institutional and socio-economic aspects of labour migration from Belarus, Moldova and Ukraine to recently acceded EU Member States" – Hungary (Andras Kovats), Latvia (Dace Akule), Lithuania (Tadas Leončikas Karolis Žibas), Poland (Jakub Wiceniowski), Slovak Republic (Aleksander Duleba, Pavol Szalai)

6 "The challenges facing migrants from Belarus, Moldova and Ukraine on labour markets and in societies of recently acceded EU Member States"—Hungary (Andras Kovats, Luca Váradi), Latvia (Dace Akule, Aija Lulle), Poland (Miko³aj Pawlak, Beata Samoraj).

7 The over-representation of the migrants from Belarus and Moldova in the sample of employees is also justified by the fact that a study focusing on the situation of labour migrants from Ukraine in Poland was undertaken in spring-summer 2007 along very similar methodological lines. The report "The Position of Ukraine Migrants on the Polish Labour Market" is to be published by IOM Kyiv.

sectors where migrant workers from Belarus, Ukraine and Moldova are employed. However, only partial success was achieved in ensuring representation of all the nationalities and categories of respondents. Of the total 120 interviews, 54 were with migrant workers, 33 with employers and 33 with experts. The problems encountered included, on the one hand difficulties in locating migrants from Belarus and Moldova who are far less numerous (especially in Hungary and Latvia) than are the migrants from Ukraine, and on the other hand the unwillingness of employers admit to irregular employment.

Diversity of respondents was sought in all three countries in order to identify the differences between various categories of migrants (different nationalities, regular and irregular status, level of skills). This approach succeeded in Poland and to some extent Latvia, but could not be achieved in Hungary. In Latvia and Poland relative balance was achieved between the sizes of the groups of migrants, employers and experts. The small size of the sample of employers in Hungary (3 respondents compared to 27 migrants and 8 experts) arose from their fear of being detected and fined on charges of irregular employment. Given the fact that in Poland research conducted so far concentrated on migrants from Ukraine the main focus of this study was on workers from Belarus and Moldova (6 and 3 respondents, respectively, compared to 6 workers from Ukraine) which, in fact, was unrepresentative. Due to the lack of earlier research studies on workers from Belarus and Moldova in Hungary and the virtual absence of these groups in official statistics, the researchers had to concentrate on the dominant group of the migrants from Ukraine (25 out of 27 interviewed foreign workers). Researchers in Latvia were able to locate 7 migrants from Ukraine and 4 from Moldova, but only one interview was held with a migrant from Belarus. In all 38 workers from Ukraine were interviewed (25 in Hungary, 7 in Poland and 6 in Latvia), 9 from Moldova (4 in Latvia, 3 in Poland and 2 in Hungary) and 7 from Belarus (6 in Poland and 1 in Latvia).

Experts and practitioners were selected from among those involved in migration issues (e.g. representatives of agencies recruiting workers from WNIS, officials of labour offices dealing with work permits, trade union representatives) and also on the specifics of the WNIS in question. The list of interviews is presented in the annex to this report.

Special care was taken to ensure the anonymity of respondents as the interviews with both employers and employees covered sensitive issues. Interviews were analysed thematically according to the classified patterns. The next step was to build a valid argument based on related literature and previous research.

1. Legal-administrative framework for WNIS labour migration

This section provides the background to the main obstacles faced by WNIS labour migrants on the markets and in the societies of recently acceded EU Member States. It identifies the needs of national labour markets as the basis of the openness of the host countries under review towards non-EU labour migration. It continues with a brief summary of recent initiatives in favour of strategic documents concerning national migration policies and better co-ordination of the institutional systems for managing migration flows. It also introduces more details of the procedures governing the entry and terms of employment of third-country nationals and a review of recent EU and national measures governing the residence and employment in particular of WNIS nationals in the five investigated countries.

1.1. Demand for WNIS labour

In some regions of the countries under study WNIS migrants have been present on the local labour markets since the early 1990s and play a significant role in stimulating cross-border trade and economic ties. The issue of WNIS labour migration has now taken on national significance in all the five recently acceded EU Member States. This is primarily related to the need for workers after some countries (Latvia, Lithuania and Poland) suffered from significant emigration of their own skilled labour force, while all had to cope with the demographic challenge of aging, low employment rate and a shortage of those skills needed to match the competitive pressures of the common market.

1.1.1. Hungary

The traditionally low economic activity rate in Hungary has not significantly improved in the past three years. According to data from 2006⁸ of the 7.7 million people aged between 15–74 years only 4,247,000 were active on the labour market, a 55% activity rate. One year earlier the number of active persons was 41,500 lower, or an activity rate of 0.5 percentage points below that of 2006. By international comparisons the employment rate is very low. According to Eurostat data in 2005 – the last available figure – for the population aged between 15–64 year the rate was 56.9%, which was 7 percentage points below the EU average. Only Bulgaria (55.8%), Malta (53.9%) and Poland (52.8%) had lower employment rates among the EU member states.

The ultimate objective of Hungarian employment policy is to mobilise the high number of unemployed rather than encourage labour immigration which would be counter-productive. According to the Government there is no need for more flexible admission systems as the present structure provides a sufficient framework for national governments to protect the domestic labour market by applying an economic needs test and that the existing exceptions (key personnel, artist, scientists) are sufficient to meet special labour market needs.⁹ The Government is also against any measures that would further liberalise the mobility of third country nationals and, prefers the objective of protecting the domestic labour market. No incentives are planned to encourage foreign migration and according to some experts labour migration is considered to be undesirable.

1.1.2. Latvia

Since April 2008 the Government of Latvia liberalised its migration by substantially cutting administrative fees and duration of procedures and the setting up of a single agency for the recruitment of third country nationals. This should create more opportunities for employers to recruit workers from Belarus, Ukraine, Moldova and other third countries. More similar radical policy changes in the immediate future are unlikely because the Government is seeking to better exploit domestic resources, encourage the return of Latvians, implement socially responsible employment policies and ensure that the state policy vis-à-vis irregular immigration and labour become more effective.¹⁰

8 See for more details: Fazekas, Károly and Gábor, Kézdi (2007): *The Hungarian Labour Market 2007*. Institute of Economics of the Hungarian Academy of Science, Budapest. Available online at: <http://www.kti-ie.hu/kiadvany/mt.html>

9 Green Paper on an EU Approach to Managing Economic Migration. Brussels 11.01.2005. COM(2004) 811 final

10 See, for example, "Konceptcija par migrācijas politiku nodarbinātības kontekstā"(Concept of migration policy in the context of employment), draft from 2007, not approved by government.

After Latvia acceded to the EU a large number of its citizens, according to some estimates some 86,000 people since 2004,¹¹ left to work in other EU Member States. The political response to these developments focused on the need to elaborate the country's re-emigration programme, i.e., study ways how to bring Latvians back home. The main proposals are related to the need to increase wages to the average income level of the EU. The question of permitting dual citizenship in cases of those who have left Latvia to other EU countries such as Ireland and UK,¹² is also under discussion. The conservative approach to immigration from third countries remains unchanged.

Unemployment in Latvia has fallen significantly since 2004 which is attributed to the large scale emigration of Latvian citizens and rapid economic growth. Latvia has experienced the most dramatic drop in unemployment among the recently acceded EU Member States. Between 2002 to March 2008 unemployment fell from 12.2% to 4.9%¹³ and according to some estimates by 2013 there will be a labour shortage in 86-112 of the 120 professions.¹⁴ Employers and some experts have called for an opening of the labour market to skilled foreign workers including those from Ukraine, Belarus and Moldova,¹⁵ in order to increase the efficiency of employment in sectors where there is a shortage of skilled craftsmen.

Low demographic forecasts will also influence the Latvian labour market as the total population already declined from 2.7 million in 1991 to 2.2 million in 2007 and according to forecasts of the Bank of Latvia a further decrease in the labour supply is to be expected.¹⁶ In 2005 an opinion poll indicated that 139,000-207,000 people aged between 15-74 years could leave Latvia to work in another country.¹⁷ This may lead to a 12% drop in GDP growth that would negatively affect Latvia's attempt to achieve the average income level of the EU.¹⁸ Some of these trends could be counteracted by immigration.

1.1.3 Lithuania

Demographic shortfalls have had a large impact on the structure of the Lithuanian labour market. Mass emigration, an ageing population and one of the highest mortality rates in the EU have contributed to demographic problems and a significant drop in the workforce. Lithuania is a country with a large loss of population due to emigration. In 2005 the migration balance for 1000 inhabitants was - 2,6 (and in 2006, it was -1,4) compared to the average positive balance in the EU of 3.3 in 2006¹⁹.

The persisting labour shortage and resulting demand for immigrant labour has become a characteristic of the economy of Lithuania. According to the Statistical Yearbook 2007 the number of job vacancies increased over the last few years. By 2006 the average annual number of job vacancies for employees had reached 19,500, which was 2.5 times higher than in 2005. The job vacancy rate doubled—from 0.7% in 2005 to 1.5% in 2006.²⁰

11 Križjāne, Zaiga. *Darbspēķa ģeogrāfiskā mobilitāte* (Geographic mobility of labour force). University of Latvia, Ministry of Welfare 2007.

12 The Secretariat of the Special Assignments Minister for Social Integration in August 2007 issued a report recommending several measures to enhance the return of Latvians by, inter alia, issuing dual citizenship to children born to Latvians working abroad, increasing support to Latvian communities abroad, etc. Source: "Informatīvais ziņojums par nepieciešamo rīcību, lai veicinātu darba meklējumus izbraukušo Latvijas iedzīvotāju atgriešanos" (Informative report about necessary measures needed to enhance the return of Latvian citizens employed abroad), August 2007.

13 Data of Central Bureau of Statistics of the Republic of Latvia

14 Čriķa Ģumilo, *Nereģistrētās nodarbinātības novērtējums 2005-2007* (Evaluation of unregistered employment), University of Latvia, Ministry of Welfare, quoted in: Akule, Dace. Fears of immigration influencing the decision making in Latvia: A boost or an obstacle to development? In: Rajevska, Feliciana (editor): *Effect of Migration on European Political Thought and Decision-Making Process*. Vidzeme University College, 2007.

15 For example, see statements of Latvian Confederation of Employers and Employees www.iddk.lv

16 "Strādājot ārpus zaudējums vai ieguvums?" (Employees abroad – a loss or a gain?), Averss un Reverss, Bank of Latvia bulletin, January 2006

17 "Sabiedrības attieksme pret darbspēķa migrāciju" (Public attitudes towards labour migration), SKDS, December 2005

18 This calculation was made based on two assumptions: GDP growth drop per year under the assumption that emigration is gradual – for example, takes place in 5 years; and GDP growth drop per year under the assumption that emigration is rapid – takes place in one year. Under the second assumption (rapid emigration of 200,000 people in one year) this would lead to a 12% GDP growth drop in a year. For comparison since 2000 Latvia's economy has expanded at an average rate of over 9% a year. (fastest growth in the EU). Source: Kazāks, M., Kūle, L., Stražuna L., "Vai Latvijai nepieciešama darba spēķa imigrācija?" (Does Latvia need labour immigration?), Hansabanka, June 2006

19 Lietuvos statistikos departamentas prie Lietuvos Respublikos vyriausybės. 2006. *Lietuvos gyventojų tarptautinė migracija 2005 m.* Vilnius. P. 7. (Statistics Lithuania (2006) *International migration of Lithuanian population, 2005*. Vilnius. P. 7); Lietuvos statistikos departamentas prie Lietuvos Respublikos vyriausybės. 2007. *Lietuvos gyventojų tarptautinė migracija 2006 m.* Vilnius. P. 9. (Statistics Lithuania (2007) *International migration of Lithuanian population, 2006*. Vilnius. P. 9)

20 See: *Statistical Yearbook of Lithuania 2007*. Statistics Lithuania, 2007. Available at: http://www.stat.gov.lt/uploads/pdf/1_Lietuvos_statistikos_metraštis_2007.pdf

Job vacancies are unevenly distributed and are most noticeable in those economic sectors that recently experienced domestic growth such as construction, and a growth in exports, such as transport. Significant manpower shortages were registered in industrial enterprises – 5,500, in construction – 3,300, in public administration and defence; social services – 2,900 and trade – 2,600.²¹

Entrepreneurs have begun demanding more liberal laws allowing labour migrants from third countries to work in the Republic of Lithuania. The need for a strategic approach to managing labour migration has become evident in the course of recent public debates over the practice of administering the flows of labour. Policies are being planned for the regulation and easing of labour migration. In an attempt to arrive at a more comprehensive approach, the *Strategy of Regulation of Economic Migration* was approved by the Government in April 2007.²² This policy document set out plans for the period 2007-2012 but failed to introduce substantial changes to the general principles according to which labour immigrants should be selected (i.e. the flexibly defined needs of the labour market). The Strategy outlined the state's preference for immigration from those countries which are similar to Lithuania regarding social structure, cultural, and knowledge of spoken languages. Accordingly countries such as Belarus, Ukraine and Moldova should be viewed with certain preference by the policy makers.

An inter-ministerial working group was established to work out a strategy on labour migration from third countries. By the end of 2007 the Ministry of Foreign Affairs had drafted a policy document, which was subsequently circulated for debate.²³ and initiated a public meeting to discuss labour migration with social partners in the region of Klaipėda which has a high level of labour immigration.

1.1.4. Poland

While Poland continues to be a country of net emigration it has also gradually become a destination for migrants, especially from Belarus and Ukraine. Several reasons, which made Poland an established target country for economic immigration from WNIS,²⁴ were the difference in wages between Poland and economic migrant countries, demand for labour force, demand for subcontract services (e.g. in the construction sector), geographical proximity, cultural proximity (similar languages, the heritage of common history) migration networks and migrant worker expectations.

The country's accession to the European Union resulted in significant changes on the domestic labour market. Although Poland still has one of the highest unemployment rates in the European Union (11.4% in 2007 compared to the EU average of 7%), labour shortages are abundant. The shortage of workers has become a common problem of Polish enterprises, partly due to a very low employment rate of the population (52.8% compared to around 64% for the EU average). According to a poll taken in 2006, 30% employers wishing to hire an extra employee could not find one with the adequate skills or ready to accept the offered salary.²⁵ Another poll carried out by KPMG in 2006 showed that 50% Polish companies had trouble in finding workers.²⁶ A year later the share of enterprises reporting a labour deficit rose to 60%.²⁷

Since 2004 the exodus of at least 800,000 Polish citizens regularly employed in mostly Western European countries²⁸ (some sources estimate 1.6 million Polish citizens²⁹) combined with the strong economic growth

21 For more information on job vacancies and job vacancy rate by economic activity and occupational group, see tables 19 and 20.

22 The decree of the Government of the Republic of Lithuania No. 416, 25 04 2007. (Nutarimas dėl ekonominės migracijos regulavimo strategijos ir jos įgyvendinimo priemonių 2007-08 m. plano patvirtinimo). Available at: http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=296517

23 Lietuvos Respublikos Užsienio reikalų ministerija, "Dėl ekonominės migracijos politikos" (letter of the Ministry of Foreign Affairs to the Chancellery of the Government, 28.12.2007). Text is available at: [<http://www.urm.lt/index.php?809460246>]

24 B. Samoraj, *Instytucjonalne uwarunkowania sytuacji cudzoziemców na rynku pracy w Polsce* [Institutional conditions of foreigners on the Polish labour market] on the base of source: T. Kalinowski, *Swoboda przepływu pracowników w kontekście rozszerzenia*, nota informacyjna Komisji Europejskiej, materiały niepublikowane Ambasady RP w Berlinie [The freedom of transfer of workers in the context of European accession, the information materials of the European Commission 2000 (unpublished, courtesy of the Polish Embassy in Berlin)]

25 Communiqué: Obcokrajowcy pracujący w Polsce, Public Opinion Research Centre, Warsaw, October 2006, www.cbos.pl

26 *Migracje pracowników – szansa czy zagrożenie?* [Labour migration—opportunity or threat?], KPMG report, Warsaw 2007.

27 *Migracja pracowników – szansa czy zagrożenie? Badanie – edycja 2008 rok* [The migration of workers – chances or threat? Research – edition 2008], KPMG, Warsaw 2008.

28 J. Wiśniewski, *Migracje zarobkowe Polaków po 1 maja 2004 roku* [Polish Economic Migration after May 1, 2004] in: L. Kolarska-Bobińska, *Emigrować i wracać. Migracje zarobkowe Polaków a polityka państwa* [Polish Labour Emigration and State Policy], Institute of Public Affairs, Warsaw 2007, p. 15.

29 Główny Urząd Statystyczny, *Podstawowe informacje o rozwoju demograficznym Polski do 2007 roku* [Central Statistical Office, Basic Information on the Demographic Development of Poland until 2007], <http://www.stat.gov.pl/cps/rde/xbcr/gus/>

attributed to EU accession, has opened questions of re-emigration and labour immigration. Expert debates pointed to the limitations of utilizing domestic labour resources due to the increased dependence on welfare benefits.³⁰ Immigration from Belarus, Moldova and Ukraine has increased following the needs of employers seeking cheap and reliable labour and plays a complementary role on the Polish labour market.³¹

1.1.5. Slovak Republic

No expert studies are available on the manpower shortage in the Slovak Republic but a growing number of media articles on the lack of skilled labour force in various sectors of the Slovak economy complement the trend that is visible in other recently acceded EU Member States. The highest demand for skilled workers is in telecommunication and IT sectors.³² This is followed by industrial production which employs more than 540,000 workers where the situation is worst in the automobile and engineering industries (mainly turners, locksmiths, technicians and others), but varies according to regions. While a significant demand for labour is evident in western Slovak Republic it is lower in eastern Slovak Republic. The growth of the construction sector in the Slovak Republic and emigration of construction workers to other EU countries constantly increases demand for construction workers, mainly bricklayers, electricians, welders, plumbers and fitters.

Demand for skilled labour is most evident in the Slovak Republic in construction. According to surveys conducted among construction companies in October 2007 and October 2008 by the Statistical Office of the Slovak Republic³³, most of them named the lack of skilled labour and an ensuing fear for further construction growth as their top concern. In October 2007 a rise in employment by 29% was expected in construction sector with 67% retaining the same number of employees as they had in that month and only 4% expecting a drop in employment. In October 2008 25% construction companies expected a shortage of workers, two thirds expected no significant change in employment, and 8% expected a rise in employment. This suggests that demand for skilled labour could grow in the near future. The bright prospects for the Slovak construction sector prevail notwithstanding the general downturn as a result of the global financial crisis thanks to significant inflow of EU funding.³⁴ The Slovak Association of Tourism and Hotels and construction companies were putting pressure on the Slovak government in the fall of 2007³⁵ to increase the quota for workers from Ukraine allowed to work in the Slovak Republic. The issue was resolved in October 2007 when the Slovak Republic terminated its treaty with Ukraine and abolished all the quotas for workers from Ukraine from January 2008 onwards.

Health care is another area where demand for labour in the Slovak Republic is slowly growing. Low wages on the domestic market and already very high demand in the Czech Republic and Austria have been incentives for the emigration of nurses and doctors putting pressure on the Slovak labour market. Another sector with high demand for labour is that of services due to serious emigration³⁶ – for example, in tourism (hotels and restaurants) a growing number of facilities are seeking workers. Hopes that workers from Romania and Bulgaria could fill in the gap remained unfulfilled especially in professions such as cooks, waitresses, chambermaids or maintenance workers. This leaves a number of sectors potentially open for the influx of workers from WNIS.

1.2. Strategic documents in the field of migration policy

Recently acceded EU Member States are at an early stage of defining their priorities and instruments of national migration policy. The position towards WNIS labour migration is determined by harmonization

PUBL_Sytuacja_demograficzna_2007.pdf

30 J. Wiśniewski, Obywatel nie zawsze kryształowy [The citizen is Not Always Fault-free], Tygodnik Powszechny, 20/2005.

31 J. Korczyńska, M. Duszczyk, Zapotrzebowanie na pracę cudzoziemców w Polsce (Demand for Foreign Labour In Poland), Institute of Public Affairs, Warsaw 2005.

32 Source: Tomáš Velecký: *Platy v priemysle porastú* [Salaries in industry will grow], Hospodárske noviny, August 15, 2007. Available at: http://hn.hnonline.sk/2-23264115-k10000_detail-86. Analysis carried out by Hospodarske noviny, a business-focused newspaper, based on data from the Statistical Office of the Slovak Republic, the most popular Slovak job server Profesia.sk, a poll among the companies, and other sources.,

33 See at <http://portal.statistics.sk/showdoc.do?docid=1424> as well as *Nálada v stavebníctve sa zhoršuje* [The mood in construction worsens]. Stavebné noviny, October 28, 2008. Available at: <http://www.stavebne-noviny.sk/aktuality-zo-stavebnictva-na-lada-v-stavebnictve-sa-zhorsuje/>

34 Slovak Republic will receive the highest ever amount of EU funds within the period of 2007-2013.

35 Source: http://www.tvojepeniaz.sk/sk_pkariera.asp?r=sk_pkariera&c=A071031_141835_sk_pkariera_p01 and <http://ekonomika.sme.sk/c/3544281/Kvoty-pre-Ukrajinu-zrusia.html>.

36 There is no relevant expert study on the current labour shortage in the Slovak Republic, but a growing number of articles in the media on the lack of skilled labour in various sectors of the Slovak economy confirms the trend that is visible in other Visegrad countries.

of commitments undertaken during the EU accession process, the national policies on the protection of the domestic labour market and, in some cases, special bilateral relations with WNIS states. This chapter outlines the broader policy background of the measures regulating access of WNIS migrants to the labour markets of recently acceded EU Member States, with a survey of the arguments in national debates and, where available, national migration policies contained in strategic documents.

1.2.1. Hungary

The current attitude of the Government of Hungary towards labour migration is reflected in the debates concerning three recent documents: the position on the EU Commission's Green Paper on Managing Economic Migration³⁷, the national Migration Strategy of the Government and the Social Renewal Operational Programme³⁸ of the National Development Plan for 2007-2013 and its Action Plans for 2007-2008.

A policy statement on the European Commission's Green Paper on economic migration was drafted in 2005 by the Ministry of Employment and Labour and received many comments and proposals from within the Ministry and other government departments.³⁹ The policy opted for a single set of rules applying equally to all third country nationals regardless of their country of origin or sector of employment, and opposed the introduction of any further alleviating measures for third country nationals. This restrictive stance was justified by the imbalance on the domestic and EU labour markets which would only be worsened if more third-country nationals were recruited. According to the Government there is no need for more flexible admission systems as the present structure provides a sufficient framework for national governments to protect their domestic labour market by applying an economic needs test and, on the other hand, the existing exceptions (key personnel, artists, scientists) are sufficient to meet specific labour market needs.

The Government reiterated its position on the possible preferential admission policy toward certain – usually neighbouring – countries based on the historical, cultural and linguistic ties between potential immigrants and the host EU member states thus ensuring better integration prospects. A key aspect of the national migration policy remains preferential treatment for ethnic Hungarians from the neighbouring countries. The Government, however, will seek to avoid tensions in bilateral relations with the countries of origin and discourage an increase in the already significant emigration from them

The Government also opposes measures to further liberalise the mobility of third country nationals. Preference is given to the protection of the domestic labour market, i.e. retention of the existing procedure by which it is the employer who seeks a work permit for a particular job filled by a specific particular foreigner. Should the working conditions change then the employer must apply for a new work permit for the same employee. While this practice clearly hampers the mobility of third country nationals the argument is that it provides better opportunities to register and react to changes on the labour market. Effectively the idea of a combined work and residence permit contained in the Green Paper was rejected on the grounds that there is no such thing as an EU-wide work permit.

A draft of the National Migration Strategy of the Republic of Hungary was drawn up in 2004 but failed to be adopted in February 2007 after several years of re-drafting and inter-departmental discussions. The failure was due to the allegations of a major opposition party that the strategy masked the Government's intention of attracting a massive influx of Asian immigrants.⁴⁰ The proposals to introduce a simplified procedure for the issue of work permits and visas and the encouragement of the settlement of foreign qualified workers and researchers also came under considerable criticism. Despite these criticisms the proposal is still to be considered as restrictive as it emphasises the public and national security aspects of immigration. The document calls for more efficient measures to combat irregular employment of foreigners, proposes stricter sanctions against employers and concerted action by the competent authorities (the Labour Inspection, the Police and the Border Guard).

The ambivalent attitude towards labour immigration is noticeable in a recent strategic Government paper – the Social Renewal Operational Programme of the National Development Plan for 2007-2013 and its Action Plans for 2007-2008. This is one of the framework programmes for utilising the EU structural funds for 2007-

37 Green Paper on an EU Approach to Managing Economic Migration. Brussels 11.01.2005. COM(2004) 811 final

38 The full document can be downloaded from http://www.nfu.hu/new_hungary_development_plan

39 The full and final text of the Hungarian response can be downloaded from http://ec.europa.eu/justice_home/news/consulting_public/economic_migration/contributions/contribution_anhsh_en.pdf

40 See the original article in Hungarian: "Idézetek a kormány migrációs stratégiája című tanulmányból" (Quotes from the study called the Government's migration strategy) published on 21st February, 2007, available at <http://www.kdnp.hu/index.php?type=cikk&cikkid=1538>

2013. On the one hand, the paper acknowledges that the present rapid population decline could be balanced with the effective immigration of an estimated 220,000 persons over the next 15 years.⁴¹ On the other hand the growing migration pressure from the neighbouring countries due to wage inequalities (which have been decreasing, according to comparative data) is considered to be a threat.

1.2.2 Latvia

Latvia's migration policy is hampered by its ambiguous course which can alternate as a result of new policy goals, economic interests and economic growth scenarios.⁴² On the one hand the Latvian Government consistently speaks in favour of the need for strict immigration policies. On the other hand however, Latvia, in conformity with the EU directive on the status of third country nationals, has no strict regulations in the social sphere or the area of integration.

Latvia's labour migration policy was recently liberalised by cheaper and shorter procedures for foreigner access to the labour market. Effective from July 1, 2008 the fee for the issue of a residence permit and work permit was reduced from LVL 533 (€760) to LVL 148 (€215) per year. The fee for a migrant worker's work permit was cut from LVL 35 (€50) per month to LVL 35 (€50) per year. In addition the plan establishes a single agency to process work and residence permits and the length of the processing was shortened for those professions suffering from manpower from approximately 85 working days to 28 days.⁴³ This responded to some demands by employers for expanding the recruitment of workers from Belarus, Ukraine, Moldova and other third countries and met demographic estimates that within the next five to seven years Latvia's labour market would be seriously affected by the demographic crisis of the 1990s. More radical policy changes are unlikely in the immediate future as the Government wants to make fuller use of internal resources, facilitate the return of Latvians, implement socially responsible employment policies and ensure that the state policies towards irregular immigration and labour become more effective.⁴⁴

1.2.3 Lithuania

Lithuania's labour migration policy planning is still in the development stage. While strategic documents have been developed at government level the current practice of issuing work permits is based on arbitrary assessments of labour market needs and the lack of human resources in certain sectors of the economy. Recent public debates⁴⁵ and the current practice of administering the flows of labour have underlined the need for a strategic approach to managing labour migration.

As an attempt to arrive at a more comprehensive approach, the *Strategy of Regulation of Economic Migration* was approved by the Government in April 2007.⁴⁶ This document laid plans for the period of 2007-2012, but failed to introduce any substantial changes with regard to the general principles on which labour immigrants should be selected (i.e. the flexibly defined needs of the labour market). The Strategy outlined the state's preference to opt for immigration from those countries that are similar to Lithuania in respect of their social structure and with matching historical and cultural background. From this perspective countries such as Belarus, Ukraine, and Moldova may be expected to receive preferential treatment.

41 This rather ambitious claim is based on an EUROSTAT forecast.

42 The Ministry of Economy analysed the supply and demand for labour according to three scenarios – dynamic economic growth, moderate economic growth and rapid slow down of Latvia's economic growth. Source: "Informatīvs ziņojums par prognozēm darbaspēka pieprasījuma un piedāvājuma atbilstībai vidējā termiņā" (Informative report about prognoses on labour demand and supply in the medium term), Ministry of Economy, February 2008

43 According to the plan, Regulation No. 44 on Work Permits for Foreigners, Regulation No. 813 on Conditions for Residence Permits, and Regulation No.84 on state fees for visas, residence permits and related documents will be amended. Source: "Uzņēmējdarbības vides uzlabošanas pasākumu plāns 2008.gadam" (Action Plan to Improve the Business Environment in Latvia, 2008), approved by the government on 29 April, 2008.

44 See, for example, "Konceptija par migrācijas politiku nodarbinātības kontekstā" (Concept for migration policy in the context of employment), draft from 2007, not adopted in government.

45 For instance conferences and round table discussions were held on the topic of demand for labour immigration, such as a conference organised by the International Organization for Migration (Vilnius) "Labour immigration from third countries. Demand in Lithuania and practices of other countries" (Vilnius, 15.04.2008). Also, articles raising the issue of demand for labour immigration appeared in the Lithuanian press.

46 The decree of the Government of the Republic of Lithuania No. 416, 25 04 2007. (Nutarimas dėl ekonominės migracijos reguliavimo strategijos ir jos įgyvendinimo priemonių 2007-08 m. plano patvirtinimo). Available at: http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=296517

Policy planning documents for the regulation and simplification of labour migration are being further developed. In particular an inter-ministerial working group was established to draw up a specific strategy on labour migration from the third countries. In early 2008 the Ministry of Foreign Affairs circulated a policy paper for deliberation on labour migration (see section 1.1.3 above for details).

1.2.4. Poland

The influence of EU accession on the development of labour migration policies in the recently acceded Member States is clearly seen in the case of the largest recent EU member Poland. The changes involved legislative reforms as well as institutional and administrative changes. At the same time it should be noted that the directive concerning entry and stay of third country nationals on EU territory is still evolving. It can be expected that the enactment of some draft measures being discussed at EC level (e.g. a directive concerning penalties for employers who exploit irregular workers) will have further consequences for the situation of labour immigrants from Belarus, Moldova and Ukraine in Poland.

Since EU accession some amendments were made to the Polish laws on immigration and employment of foreigners to conform with EU standards. Two separate systems of admission of foreigners for employment were created: a liberal system for EEA citizens and a more restrictive one for third country nationals. In 2004 EU nationals and their family members were granted the right to take up employment without the need to obtain a work permit and, under certain conditions, the possibility of receiving unemployment benefits. In contrast the employment of non-EU nationals was subject to a labour market test stating that a work permit could be issued to third-country nationals only if a vacancy could not be filled by either a Polish or EEA national.

With regard to the mainly economic character of WNIS immigration the new laws have limited relevance for this group. In August 2006 a new law came into force governing entry, stay and departure of EU citizens and their family members. Under this law citizens of Belarus, Moldova or Ukraine who are family members of an EU national are entitled to move freely throughout EU territory on a valid identification document proving the identity and nationality of the holder. Other changes incorporated the EU directives concerning minimum standards for the recognition and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection, the type of the protection granted and standards of procedures for granting and withdrawing refugee status. In December 2007 Poland was admitted to the Schengen zone. The fact of joining the free-travel area has no legal consequence in itself as Poland had to adapt its legislation on accession to EU standards. Poland also implemented several European directives on the right of travel and residence of different groups – workers, employees, entrepreneurs, persons who have ceased their occupational activity and students in EU territory. This legislation applies to those citizens of Belarus, Moldova and Ukraine who acquired permanent resident status in any EU country (e.g. family members of EEA nationals).

Recent administrative changes are, to a limited extent, also applicable to WNIS nationals. Since workers from Belarus, Moldova or Ukraine rarely contact Polish labour market institutions they are not expected to have made much use for the improved access to official online information concerning residence and employment in Poland.⁴⁷ Other administrative changes included hardware and software investments in job centres as well as information campaigns for employers and job-seekers as well as access to the EU-wide job portal, EURES.

1.2.5. Slovak Republic

The need to reassess the priorities and instruments of national migration policy in the wake of EU accession has been recognised by the Slovak Government. A new strategic document was needed to respond to the emerging trends of migration in the Slovak Republic such as the increase in irregular migrants and asylum seekers, differentiation of residence-permit holders, increase in human trafficking and in irregular immigrant labour, the phenomenon of discrimination, changing conditions within the EU etc. The migration strategy that had been in force since 1993 was clearly outdated.⁴⁸ As a result in 2005 the Slovak Government drafted and approved a new migration directive.⁴⁹

47 Available on the governmental internet portal – www.poland.gov.pl

48 *Zasady migracnej politiky Slovenskej republiky* (The Principles of Migration Policy of the Slovak Republic). Bratislava: Ministry of Interior 1993

49 *Zasady migracnej politiky Slovenskej republiky* (The Principles of Migration Policy of the Slovak Republic). Bratislava: Ministry of Interior 2005. For analysis see Divinsky, *op.cit.* Pp. 172-4.

The new Principles of Migration of the Slovak Republic⁵⁰ responds to the challenges posed by migration in the Slovak Republic. The main points of the Principles are the protection of national interests, improvement of the conditions for human, material, and financial resources and the coordination of competent institutions, contribution to the creation of a European directive on migration and harmonisation of Slovak law with European legislation and the development of an adequate institutional framework.⁵¹ The Principles also aim to strengthen the financial, legal, and institutional capacities of the migration policy with the aim of establishing an Immigration and Naturalization Bureau by 2010 at the latest.⁵² In line with the Principles the Government must improve the prevention of, and the fight against, irregular migration (enhanced border protection).⁵³

The section on policy towards regular migration and social integration of migrants charges the Government to draw up a comprehensive plan on how to improve the conditions of education, employment, accommodation, healthcare, and social security of migrants. Of particular importance are the issues of teaching migrants the Slovak language and protection against discrimination. The document appreciates cooperation with relevant NGOs in collecting information about the needs and problems of migrants. A further relevant policy point is the protection of migrant human rights and the prevention of xenophobia.⁵⁴

In 2007 the Government issued a review of the policies set forth in the Principles and executed in 2005 and 2006. According to expert Boris Divinsky the policies were insufficient in the areas of legislation and reform, institutional transformation, and enhancement of cooperation of the relevant institutions. “The migration policy of the Slovak Republic is still in the process of formation and its more concrete shape will only be more apparent in the future”.⁵⁵ Divinsky concluded.

1.3. Employment of third-country nationals

Conditions of entry onto the labour markets of the recently acceded EU Member States were fundamentally aligned with the EU framework which clearly distinguishes the two groups of foreigners—citizens of EEA states and third-country nationals. The introductory section summarises this common approach, while the following country sections concentrate on three aspects of the administrative practice which, from the viewpoint of migrants and employers, are extremely cumbersome and present potential obstacles to the employment of WNIS nationals. They are the complexity of the procedure, its duration and cost.

The information presented below concentrates on the general administrative framework regulating access to employment of third-country nationals. The following section covers the regulations which specifically apply to WNIS nationals either as part of the agreements between the EU and respective WNIS states or through bilateral agreements and the domestic legislation of the reviewed recently acceded EU Member States.

1.3.1. Administrative procedures for employment of third-country nationals

The general conditions applied in all five recently acceded EU Member States under review are that WNIS nationals must obtain work permits before taking up employment. National legislations also specify jobs that are restricted to nationals (for example, civil servants in various state institutions) and determine in which cases (defined in detail) a labour market test is not compulsory for hiring a foreigner.

Permits are issued by the relevant offices in the locality of future employment on the basis of applications lodged by employers.⁵⁶ Foreigners need individual permits to be able to apply for a visa or residence permit, granting them entry into the EU member state. Permits have limited validity, e.g. they are issued for a year with the possibility of extension. Upon the expiry of a permit (or termination of the contract for which the permit was issued), the foreigner is obliged to leave the country. The permit does not allow change of employer or of the terms of employment.

50 *Zasady migracnej politiky Slovenskej republiky* (The Principles of Migration Policy of the Slovak Republic). Bratislava: Ministry of Interior 2005.

51 *Ibidem*. Pp. 5-6.

52 *Ibidem*. Pp. 13-15

53 *Ibidem*. Pp. 7-10.

54 *Ibidem*. Pp. 12-13.

55 Boris Divinsky: *Zahranicna migracia v Slovenskej republike: vyvojove trendy od roku 2000* [Foreign Migration in the Slovak Republic: Evolution Trends since 2000]. Bratislava: RC SFPA (supported by MFA SR), Nov. 2007, p. 49, available at: <http://www.sfpa.sk>.

56 These are respectively known as the National Labour Exchange (Lithuania), State Employment Agency (Latvia), Labour Centre (Hungary), Labour Office (Poland and Slovak Republic).

As a general rule employment is subject to a permit (this includes also family members of nationals, or family members of resident foreigners), but exceptions exist subject to the type of the activity and partly to the regular (residence) status of the person concerned. In line with EU directives the national laws of the recently acceded EU Member States provide for cases when employment of foreigners is possible without a permit. For instance in Hungary a work permit is not compulsory if the foreigner has refugee status or enjoys protection granted by the law on asylum⁵⁷, has an immigration or settlement permit, or the work is performed in Hungary by EEA citizens and their relatives who entitled to stay in Hungary under the right of free movement and sojourn.⁵⁸

Migrant workers who are in regular employment in recently acceded EU Member States are in general not entitled to change their job, employer of employment sector. If they want to change their job they are required to obtain a new work permit. Interviews with migrants from Ukraine in Hungary showed that many were unaware of this rule. Many migrants risk becoming irregular workers as they believe that with a work permit they are allowed to undertake employment *in general* and when they change workplaces they do not apply for a new permit.

Work permits may be issued to foreigners only if the proper procedure is followed. Local offices processing the applications for work permits as a rule require that the potential employer lodges an official request, which is registered at the office, declaring a genuine need for labour for a specific activity. In all the countries under review the officials then check whether the situation on the local labour market permits foreign employment. During this “labour market test” officials are bound to check whether there are no own nationals, citizens of EEA states or their family members who could undertake that employment. Checks may be made on whether no qualified domestic or EEA candidates are available for a specified period since the registration of the employer’s request (typically 30 days as in Hungary, Latvia or Poland). Only if the answer is negative does the procedure continue. The next stage involves the actual issue of a work permit which is the basis for granting an entry visa and/or residence permit and differs slightly from country to country.

EU accession has put renewed emphasis on the application of the “labour market test” in the recently acceded EU Member States. In August and September 2006 the Polish Ministry of Labour and Social Policy introduced new terms and conditions for issuing work permits to foreigners. Although the general procedure did not change the number of cases when the work permit application was considered in relation to the labour market situation was increased. The labour market test was thus re-emphasised as an compulsory element of the application procedure unless specific provisions stated otherwise.

1.3.2. Hungary

Procedure. Migrants from Moldova, Belarus and Ukraine who do not have a settlement permit⁵⁹ and wish to work permanently in a field where a work permit is necessary must go through a multi-step procedure of obtaining an employee’s residence permit⁶⁰:

The company that offers the job must submit a so-called manpower requirement form to the local Employment Centre, which is then obliged to seek a Hungarian or other EEA employee for the given job within 30 days (EU Labour Market Test). Usually if an employer decides to employ a certain foreigner he/she tries to fill out the manpower requirement form in a way to make the job seem unattractive. It is also common to set conditions which can probably be met only by the selected foreigner, e.g. knowledge of language or knowledge of the economic background of a certain country. The Labour Centres must check to see if there is a valid reason for the requirements. For example if the employer requires the knowledge of Ukrainian language the office will check if the given company has any business contacts with Ukraine that would make this a reasonable requirement. It is also common for employers to offer a very low salary in the form to make the job undesirable.

57 Law No. 80/2007. on Asylum.

58 Acts and government decrees may stipulate another rule with respect to citizens of states that joined the EU at the same time as Hungary such as the Government Decree number 93/2004. (IV. 27.) on the rules of labour market reciprocity and protective measures to be applied by the Republic of Hungary following the EU accession.

59 A settlement permit is an older equivalent to the current long-term resident status.

60 The following sequence describes the steps in the procedure for obtaining the most frequently issued type of permit – the individual permit., which is usually granted for a maximum one year and may be extended for the same period. An application for general group permit may be submitted if several foreigners need to be employed for the sake of performing the civil law contract concluded by the employer with a foreign enterprise, but the foreigners may not be employed exclusively on the basis of the general permit. Individual permits are then issued based on the general group permit.

However the centre has a right to reject this condition if it does not conform to the average income in a given profession.

Once the above steps have been completed the foreigner can then hand in an application for a work permit to this centre after which the permit can be issued within 30 days. The foreigner must also prove he/she has accommodation with “*a certificate of property ownership, or a rental contract and the certificate of property ownership, or a document confirming accommodation has been provided by the employer.*” According to the law “*the visa issuing authority may call upon you to confirm the title of residence concerning the flat assigned.*”⁶¹ It should be noted that this condition is contradictory. Foreigners cannot easily buy property in Hungary, and in most cases must rent accommodation, but the problem is that it is not common to rent an apartment legally in Hungary. This is problematic since accommodation must be proved with the rental contract and the bills. Furthermore the office must check whether the foreigner is paying a realistic rent for the apartment. The office only accepts staying with a relative if the relationship is proved by official papers (birth certificate, etc).

After completing the above steps the prospective employee has to return to his/her own country to get a working visa. The embassy sends the documentation to the Hungarian Ministry of the Interior which issues the permit within 4-5 weeks. This is the procedure for obtaining a one-year residence permit. During that year the employee still has to prove legal accommodation and an income that should be above the minimum wage. The law is not specific in this case and the Immigration Office defines a person eligible for a residence permit as the one who: “*...can certify that his or her residence and livelihood in Hungary is ensured...*”⁶².

Costs and duration. The procedure for obtaining a work permit the first time lasts at least three months but can last longer if any of the documents are not in order. The fee for the residence permit is €60. Additionally the potential employee must translate a number of documents (official translation of one page costs €20 – €50). The third-country nationals must also pay for the visa, in other words they have to pay twice – once when applying for a short-term visa to seek employment and the second time when applying for a labour visa related to the work permit. Both cost citizens of Belarus and Moldova €60, while citizens of Ukraine pay €35. In order to renew the work permit the entire procedure described above must be repeated. If the foreigner already has several of the required documents the procedure can become simpler and smoother. The extension of the residence permit costs €24.

1.3.3. Latvia

Procedure. In general a worker from a third country may be employed only if the employer undertakes a lengthy procedure.⁶³ First the prospective employer must submit a work invitation for approval by the local office of the State Employment Agency or, in cases where an invitation is not needed must submit the employment contract to ensure it fulfils the legal requirements. The Agency then performs the labour market test. Only if the vacancy has not been filled within that period, the Employment Agency can approve the employment pending receipt of certain documents from the prospective employer. These include a copy of the work contract, the employer's registration documents, documents certifying the qualifications of the third country national, a statement justifying the need to recruit a third country national, and a statement from the State Revenue Service that the employer has no tax debts.⁶⁴

Simultaneously the employer must submit an application for a residence permit to the Office of Citizenship and Migration Affairs. After the Office of Citizenship and Migration Affairs has approved this application⁶⁵ the employee may hand in the required documents at Latvian diplomatic representations abroad to request a work and residence permit. Upon approval of the documents a visa is issued to the employee, enabling him/her to enter Latvia and receive the work permit and residence permit at the Office of Citizenship and Migration Affairs.

Costs. The procedure of arranging legal employment of third-country nationals in Latvia involves considerable costs. Overall the costs for organizing a work permit and residence permit to employ a third country national for one year in Latvia are much higher than the comparable expenses in the other Baltic states. The costs in Latvia amount to €760, compared to €135 in Lithuania and €97 in Estonia.⁶⁶

61 Quoted after the homepage of the Office of Immigration and Nationality at www.bevandorlas.hu.

62 *Ibidem*.

63 Source: State Employment Agency, Office of Citizenship and Migration Affairs

64 Regulation No. 44.

65 Regulation No. 813.

66 “Informatīvais ziņojums par ekonomisko migrāciju Baltijas valstīs” (Informative report about economic migration in the Baltic States”, Ministry of Interior, 9 April 2008

The employer must cover the following expenses to get a work and residence permit for his employee: (a) approval of application for residence permit by the Office of Citizenship and Migration Affairs (LVL 10 or €14), (b) state fee for the examination of the documents necessary for the residence permit (LVL 70-170 or €100-240 according to the length of the procedure), (c) payment for certificate of education and professional qualifications for skilled profession (LVL 47.2 or €65).⁶⁷

In addition the employer must pay a monthly fee for the employment of a foreigner of LVL 35 (€50) per one worker. This means e.g. if one construction company employs 10 workers for one year, the employer must pay LVL 4200 or (€5830). But according to Latvian law,⁶⁸ the minimum wage for migrant worker must be at least the average salary of the last year, i.e. LVL 246 (€340) a month in 2006, LVL 302 (€420) in 2007, and LVL 398 (€570).⁶⁹ This condition was introduced to prohibit employers paying lower salaries to migrant workers which would make migrant workers more competitive than the local labour force.

1.3.4. Lithuania

Procedure and duration. A foreigner wishing to work under an employment contract must obtain a work permit before entering the country.⁷⁰ A work permit may only be issued to a foreigner under certain conditions.⁷¹ The employer must first to register a job opening and file a request to employ a foreigner with the local Labour Exchange. In all cases the applications for work permits, issue of work permits and registration of work contracts are administered by the National Labour Exchange offices. The Exchange decides on the foreigner's request after considering the needs of the domestic labour market⁷² and carrying a one-month labour market test. If no specialist is found among Lithuanian or EEA nationals the employee may submit an application for the issue of a work permit.

A foreigner's application for a work permit in the Republic of Lithuania must be processed within two months from the date of submission to the Lithuanian Labour Exchange. A foreigner's application for a temporary residence permit can be processed together with the application for a work permit. If the residence permit is bound to his/her work permit, the foreigner must leave Lithuania once the work permit expires.

Foreigners may also be employed for seasonal work on the basis of a temporary work permit, which is valid up to six months. Special opportunities also exist for legalizing activities of executives, business representatives, specialists and trainees⁷³ but these only rarely apply to WNIS nationals. A form that is used extensively is the so-called "posted work", which allows a company registered in a WNIS country to delegate its employee to work in Lithuania under the conditions of pay and social security of the country in which the company is registered.

Costs. Employers are charged the following fees in the course of the work-permit procedure: LTL 420 (€122) for the issue of a work permit valid for one year, LTL 520 (€150) for the issue of a two-year permit, and LTL 120 (€35) for a seasonal work permit. Renewal of a work permit costs LTL 180 (€52), and a duplicate may be obtained for LTL 30 (€8.7).

1.3.5. Poland

Procedure and duration. To obtain a residence and work permit in Poland is a multi step process. A foreigner seeking work in Poland must first find an employer in Poland who will agree to apply for a work permit to the provincial governor (voivod) in the district where the company is located. The prospective employer must apply for the promise of work permit at the regional administrative office of the governor. The employer must submit documents confirming the legal status of his/her company and a statement that it has no substantial financial

67 Source: State Employment Agency, Office of Citizenship and Migration Affairs

68 Cabinet of Ministers regulation No 515.

69 Data from the Central Bureau of Statistics.

70 As in other EU member states, Lithuanian law exempts certain categories of foreigners from the obligation to acquire a work permit. These include permanent residents, persons enjoying temporary or subsidiary protection, and temporary residents of Lithuanian descent. See: <http://www.ldb.lt/en/Information/Services/Pages/Placementofforeigners.aspx>

71 The procedures for the employment of aliens in Lithuania under an employment contract are specified by Order of the Minister of Social Security and Labour of the Republic of Lithuania on the Approval of Inventory Schedule of Order and Conditions how Work Permits for Foreigners are Issued of 16 July 2004 (No A1-179).

72 Information on the required documents for hiring foreigners in Lithuania is available on-line at the website of the Labour Exchange: please add the website! [<http://www.ldb.lt/en/Information/Services/Pages/Placementofforeigners.aspx>]

73 See the website of the Lithuanian Labour Exchange for details: <http://www.ldb.lt/en/Information/Services/Pages/Temporary-jobplacement.aspx>

liabilities. The employer must also prove that his/her income in the past year was higher than 12 times the average salary in Poland (amounting to around PLN 35,000 or €9,200).

The governor's office then must issue a promise of the work permit, which is in turn the basis for issuing a work visa and a work permit, authorizing a foreign national to enter and remain in Poland for the duration of his/her employment contract or assignment. Upon the receipt of the promise the prospective employee applies for a working visa at the Polish diplomatic mission and for a work permit at the governor's office. The work permit is issued for the duration of the validity of the visa or of the temporary residence permit in Poland and the procedure lasts about two months. A new work permit is needed if a migrant worker wants to change the job, employer or employment sector. Finally the migrant applies for a temporary residence permit (or the EU family member residence card in case of next of kin of EU nationals).

Costs. The work permit procedure involves considerable costs to employers which in fact poses administrative obstacles to the employment of non-EEA nationals. Before October 2007 every employer, before applying for a work permit for a non-EEA national, was obliged to contribute to the Work Fund (*Fundusz Pracy*) the sum equal to the minimum wage (which is defined annually). This fee is not returned if the application for a work permit is rejected. If the employer applies for the renewal of a work permit the fee is reduced to half of the minimum wage in Poland. Currently the registration fees range from PLN 50 (€13) for employment no longer than 3 months to PLN 200 (€52) if a worker in question is seconded to Poland for provision of services. The renewals, as above, cost half the fee for the issuance of a first-time work permit.

1.3.6. Slovak Republic

As non-EEA nationals citizens of Belarus, Moldova, and Ukraine need a work permit to be employed the Slovak Republic. The permit is the basis for the issue of a temporary residence permit and both are needed to enter the country with an entry visa. The application for a work permit requires a defined administrative procedure. The first step takes place before the employee's arrival in the Slovak Republic when the foreigner or potential employer submits personally or by mail an application to the local Office of Labour, Social Affairs, and Family of the Ministry of Labour, Social Affairs, and Family (further "Labour Office"). The Labour Office decides on the application on the basis of a labour market test. A work permit may be issued even during an unfavourable situation on the labour market if the employer proves the urgent need to employ the foreigner. The employer's local Labour Office must process the application within 30 days.

The application must contain the work contract (or at least the letter of acceptance), the Labour Office's declaration that the position applied for cannot be filled with a citizen of the Slovak Republic, the future employer's statement explaining reasons for the employment of the applicant, a notarised copy of a diploma certifying the qualifications for the position sought, a copy of the applicant's passport, a power of attorney certified by a public notary (if the future employer authorised a third party to communicate with the Labour Office) and certificate from the crime register of the Slovak Republic.⁷⁴ The Labour Office may also request a letter confirming that the future employer duly pays tax or other documents confirming his/her legal status.⁷⁵

A work permit may be issued for a maximum one year but can be extended by the Labour Office. The application for extending the work permit must be submitted at least 30 days before the permit expires and the Labour Office must decide on the extension within 30 days. The only condition to be met is that the employee remains with the same employer. An application for a new permit is needed if the employee wishes to work for a different employer. No fees are required in the application process.⁷⁶

Once the work permit is granted the employee must apply for a temporary residence permit to the Slovak diplomatic mission or consulate of the Slovak Republic. The work permit serves as evidence for the application for a temporary residence permit. The fee for this application is currently SKK 5,000 (€150.77). Next, the Office of the Border and Alien Police decides on the application for a temporary residence permit within 90 days. Finally the employee must apply for a visa at the Slovak embassy or consulate. The total time for the receipt of all the permits can last up to four months and costs the applicant at least €170.77.⁷⁷

74 *Access to the labour market of the SR for nationals of a non-Member State of the EU/EEA.* The Web site of the Ministry of Labor, Social Affairs, and Family of the Slovak Republic, (<http://www.employment.gov.sk/new/index.php?SMC=1&id=1823>). Accessed on November 30, 2007

75 *Ibidem*

76 *Ibidem*

77 *Ibidem*

1.4. Dedicated measures for employment of WNIS nationals

1.4.1. Overview

The overall conditions for the entry of all third-country nationals apply in all the recently acceded EU Member States under review, but citizens of WNIS countries do enjoy certain additional possibilities of entry and conditions of employment. These are either explicitly stated in the domestic laws of the recently acceded EU Member States, such as preferential visa and permit procedures, or are regulated by bilateral agreements. The favourable treatment accorded to WNIS nationals is either based on the existing cultural and economic ties between the host country and migrant groups or the regions of their origin. The recent strong economic growth and lack of manpower in certain sectors of their national economies have also become additional incentives for the partial opening of their labour markets to third-country nationals.

This section describes various types of solutions introduced by governments to enhance access of WNIS nationals to the labour markets of the countries under review. Interviewed experts from Hungary and Poland had varied assessments of these solutions. On the one hand the bilateral agreements of the 1990s between some WNIS countries and central and east European states can be seen as evidence of the intense diplomatic and economic cooperation between the respective parties. However, few bilateral agreements on migration with WNIS states have a direct impact on the situation of migrants on the labour markets of recently acceded EU Member States. Most interviewed experts agreed that, apart from local border-crossing arrangements and some measures easing entry, the agreements in the field of labour migration provided little incentive for employment as employers must still obtain work permits for their foreign workers. Many of these agreements lost their practical significance as the policy aims had changed with accession to the EU and the Schengen agreement and many issues of migration and foreign policy are now implemented through the EU-related procedures.

1.4.2. EU agreements with WNIS states

Of the three WNIS states Moldova and Ukraine have visa facilitation agreements with the European Union. These include lower fees for tourist visas, fixed time schedules for the issue of visas and the listing of the categories of citizens from the respective WNIS states exempt from visa requirements for short-term stays in the EU. With regard to these agreements the recently acceded EU Member States, before their full integration into the Schengen area, were given the possibility of issuing national visas free of charge to citizens of Moldova and Ukraine. The agreements were seen by the EU as important elements of the system of regulating migration flows from the countries neighbouring the EU together with readmission agreements.

Ukraine and the EU signed a visa facilitation agreement on June 18, 2007⁷⁸ (ratified by the Parliament of Ukraine on January 15, 2008).⁷⁹ The agreement reduced the fee for tourist visas from €60 to €35 (Art. 6) and waived the fee altogether for 14 categories of applicants, including minors, students, pensioners, and family members of Ukraine citizens legally residing in the EU. The processing time for visas was reduced in principle to 10 days with the maximum time limit set at 30 days (Art. 7).⁸⁰ The EU-Ukraine agreement was hailed as a success by the European Commission representative in Ukraine, Bernhard Bogensperger, who noted that by May 2008 the ratio of visa refusals for Ukraine citizens had dropped to 6% from 9% in 2007.⁸¹ The Ukraine Government welcomed the agreement as a step towards the eventual goal of a visa-free travel regime with the EU.⁸²

An agreement along the same lines was concluded between the European Union and the Republic of Moldova on October 10, 2007.⁸³ The significance of the agreement was underlined by the International Organization for Migration (IOM), which highlighted the particular problems faced by citizens of Moldova wanting to travel to

78 "EU-Ukraine visa facilitation and readmission agreements signed today", Soderkoping Country News Archive, <http://soderkoping.org.ua/page14834.html>, on 8 January 2009.

79 "Ukraine Ratifies EU-Ukraine Readmission and Visa-Facilitation Agreement", Soderkoping Country News Archive, <http://soderkoping.org.ua/page16843.html>, on 8 January 2009

80 The text of the Agreement Between the European Community and Ukraine on the Facilitation of the Issue of Visas is available on at the site of Mission of Ukraine to the European Communities at: <http://www.ukraine-eu.mfa.gov.ua/eu/en/publication/content/11576.htm>, accessed on 8 January 2009

81 Quoted from the Ukraine Government release in: "Ukraine-EU visa facilitation agreement giving positive results", forUm, <http://en.for-ua.com/news/2008/05/12/142813.html>, on 8 January 2009.

82 *Ibidem*. Statement of Mr. Serhiy Borodenkov, Deputy Director of the Consular service Department of the Ukraine Foreign Ministry.

83 "EU signs visa facilitation and readmission agreement with Moldova", Soderkoping EU Spotlight 2007 Archive, accessed at: <http://soderkoping.org.ua/page15941.html> on 8 January 2009.

the EU, i.e. the proliferation of a “black market” for Schengen visas, the need to travel to consulates in Bucharest, the potential obstacle to travel in the form of the regular €60 fee which was extremely high in view of the low average salaries in Moldova.⁸⁴ The Foreign Ministry of the Republic of Moldova reacted positively to the signing of the agreement calling it “an intermediary stage in the process of liberalisation of the visa regime between the Republic of Moldova and the EU, recognizing the introduction of the visa free regime for Moldova citizens as a future perspective”.⁸⁵

No visa facilitation agreement has been concluded between the EU and Belarus, which means that entry into EU Member States incurs higher costs for the citizens of Belarus and that none of the facilitating measures of the agreements with Moldova or Ukraine apply. The European Union is committed to eventual “easier travel of citizens of Belarus to EU countries”, subject to the ratification of the Partnership and Cooperation Agreement (dependent on the improvement of the democracy and human rights record in Belarus).⁸⁶

1.4.3. Hungary

General arrangements for employment of third-country nationals in Hungary apply to all three national groups of WNIS migrants. Hungarian law legislation accords preferential status only to a certain group of citizens of Ukraine as a country directly neighbouring Hungary through *Law No. 62/2001 on Hungarians Living in the Neighbouring States* (commonly referred as the “Status Law”). The enactment of the law is subject to the conclusion of international agreements. The Status Law covers citizens of all of Hungary’s neighbouring countries, except Austria, who declare themselves as Hungarians. The central objective of the law is to strengthen the cultural links of ethnic Hungarian communities across the borders with Hungary. More concrete measures are found in the cited law granting special entry and residence privileges for persons of Hungarian ethnic background or affiliation.⁸⁷ According to the law third-country nationals are entitled to a national visa and a national residence permit, valid for a maximum five years which can be extended for a further other five years in succession. Eligible citizens of Ukraine are may apply for national visas and residence permits on the basis of the bilateral agreement.⁸⁸

On 18 September 2007 Hungary and Ukraine signed an agreement on cross-border crossings, introducing special conditions for small border traffic.⁸⁹ The agreement (ratified by the Hungarian Parliament on December 3, 2007) applied to citizens of Ukraine residing in the regions on the border with Hungary. This particular provision applied to approximately 400,000-450,000 Ukraine citizens, of whom 180,000 were of ethnic Hungarian origin. The Agreement allowed those citizens of Ukraine who were able to prove residence of at least three years within a 50-kilometre belt along the border with Hungary to apply for a local border crossing permit. The permit is valid for 5 years, costs €20 and allows the holder to enter and stay within the same 50-kilometre belt in Hungary. The conclusion of the agreement realised one of the priorities of the Government of Hungary based on the long-standing policy of facilitated entry for Ukraine citizens: Until 2003 Hungary maintained visa-free travel for the nationals of Ukraine, and prior to joining the Schengen agreement issued national short-term visas free of charge.⁹⁰

Neither the national visa nor the national residence permit authorise their holders to work or engage in any paid activity in Hungary, limit their holder to enter and stay only in Hungary but no other Member State in the Schengen-zone. The holders may enter Hungary to pursue objectives of cultural or educational nature, either (a) to preserve and further the Hungarian language; (b) to preserve their cultural and national identity; (c) to enrol in education activities outside the statutory secondary and higher education system and (d) to strengthen family ties other than family (re)unification.

84 “ENP—Moldova: Visa facilitation is a key priority”, accessed at: http://www.belgium.iom.int/index.asp?Selected=1&News_ID=489&sm=28 on 8 January 2009.

85 “Moldova Foreign and European Integration Ministry commentaries upon the agreements on the facilitation of the visa regime and readmission”, accessed on the site of the Moldpres State Agency, http://www.moldpres.md/banner/comentvize/coment171007_en.html on 8 January 2009.

86 Non-paper “What the European Union could bring to Belarus” available at the site of the European Commission’s Delegation to Belarus. See http://ec.europa.eu/external_relations/belarus/intro/non_paper_1106.pdf, p. 1, accessed on 8 January 2009.

87 The measures are regulated by Art. 27 and 35-37 of the Law.

88 Bilateral Agreement between the Government of the Republic of Hungary and the Government of Ukraine on the travel conditions of their citizens, signed in 2003, announced by the Government Decree No. 199/2003 of 10 December 2003.

89 “Ukraine and Hungary signed an agreement on cross-border crossings”, September 18, 2007, Soderkoping Country News 2007 Archive, accessed at: <http://soderkoping.org.ua/page15837.html>, on 8 January 2009.

90 See the discussion of the Hungarian, Polish and Slovak visa policies prior to the Schengen accession in: P. Kazmierkiewicz (ed.), (2005) *The Visegrad States Between Schengen and Neighbourhood*, Institute of Public Affairs: Warsaw.

At present there is no legal basis for legalising the irregular stay or employment of third-country nationals in Hungary, nor is any planned. To date there has only been one attempt to regularise the stay of otherwise irregular immigrants in Hungary and that just following EU accession when there was a 90-day moratorium for third-country nationals staying irregularly in the country for more than a year enabling them to regularise their stay under certain conditions. Despite the extensive campaign by the Ministries of Justice and Interior as well as NGOs involved in legal and social counselling the number of those who actually applied for regularisation was far below expectation.

The campaign was initiated by the Ministry of the Interior and a provision was incorporated into the Law No. 29/2004 on particular legal measures related to the accession to the EU. As a result there 1,406 persons applied for the regularisation of their stay in Hungary, 80% of whom were granted a one-year temporary residence permit with the option of applying for a more permanent form of residence under the law on entry and residence of foreigners. Most of these persons were family members of Hungarian citizens or other third-country nationals residing in Hungary. 16.5% of the applications were rejected and 3.5% of the procedures suspended or closed.

1.4.4. Latvia

Latvia has no official labour quotas with the exception of information technology (IT) professionals who receive work permits free of charge and without proof of the employer's offer of employment based on conditions of a visa valid for a maximum 90 days and usable 6 months from the date of entry. Eligible are foreigners with the appropriate professional skills or degree in the field of IT and 3 year managerial experience who are to be employed in certain positions. Of the annual quota of 100 work permits none have so far been issued to nationals of Ukraine, Belarus or Moldova.

Special entry and residence regulations for seasonal workers are not defined, nor are there any proposals or discussions in the media on the specific need of such a policy. Some political parties have proposed the enrolment of a given number of guest workers from Ukraine or Moldova for specific construction or infrastructure building projects. Similar to other recently acceded EU Member States Latvia has agreed on the rules for a simplified border-crossing regime applicable to residents of the border region, but specific details have so far not been published⁹¹

Latvia also concluded a bilateral agreement on migration with Ukraine, but no similar agreements exist with Belarus or Moldova. The agreement on the employment and social protection of citizens of Ukraine working in Latvia and Latvian citizens working in Ukraine (effective since November 1995) stipulate that before entering employment the worker must have an employer in Latvia and that the work contract was written in Russian (the language understandable to the worker) so that the employee is aware of his/her rights. The agreement also provided compensation for accidents in the worksite.⁹² Since June 1999 an agreement has been in force between Latvia and Ukraine on cooperation in the field of social security to provide for benefits for persons moving from Latvia to Ukraine and vice versa, and also to prevent double payment of social security contributions.⁹³

1.4.5. Lithuania

Lithuanian law provides no special treatment to the nationals of the three countries under study (with certain exceptions under negotiation for citizens of Belarus in border areas, see below). Neither have any measures been taken for legalising the employment of foreigners. There are no known examples of deliberately legalising the status of irregular immigrant workers. No quota system is applied in Lithuania, but the state regulates labour migration through the issue of work permits valid for a maximum two-years. The possibilities of entry depend largely on visa policies can, to a certain extent, be affected by bilateral agreements.

Some measures simplifying the procedures were recently applied in practice on the initiative of the Lithuanian embassy in Ukraine which proposed that those citizens of Ukraine with fix job contracts in Lithuania be given privileged treatment. Since September 2007 those citizens of Ukraine with a work permit issued by

91 "Belarus, Latvia agree simplified rules of border crossing for residents of frontier regions", Belarus News and Analysis, September 12, 2008, <http://www.data.minsk.by/belarusnews/092008/135.html>, accessed on 9 January 2009.

92 Agreement between the Government of the Republic of Latvia and the Government of Ukraine on Employment and Social Protection of Permanent Residents of Latvia and Ukraine on the Territory of the Other Contracting Party, concluded on November 21, 1995 (Latvijas Vēstnesis Nr.186 30 Nov 1995), listed at the website of the Ministry of Foreign Affairs of Latvia (<http://www.am.gov.lv/en/policy/bilateral-relations/bilateral/?branch=26&mode=out&state=ALL&status=0&title=>), accessed on 19 January 2009..

93 Agreement between the Republic of Latvia and Ukraine in the Field of Social Security, concluded on February 26, 1998 (Latvijas Vēstnesis Nr.138 May 19, 1998), *ibidem*.

the Lithuanian Labour Exchange are eligible for a long-term multi-entry visa for the valid until they receive a temporary residence permit. In effect this means that a person wanting to work in Lithuania who has received a work permit can immediately travel to Lithuania after the seven day period needed for issuing a visa. Previously persons wanting to work in Lithuania had to wait for up to six months until the application for a temporary residence permit was processed.⁹⁴

Lithuania has three bilateral agreements covering the movement of workers with Germany (1993), Ukraine (1995), and the Russian Federation (2000).⁹⁵ Among the WNIS countries existing agreements with Belarus and Moldova are of lesser significance for migrant workers. A general agreement on friendship and cooperation with Moldova⁹⁶ in force since 1996 does not specifically cover issues of the movement of workers. The same applies to the 1995 general friendship and cooperation agreement with Belarus⁹⁷. Since 1995 other agreements were amended with Belarus covering issues such as visa fees, conditions of entry, and trans-border cooperation. As regards the policy on economic migration the Ministry of Foreign Affairs acknowledges that bilateral agreements were not sufficiently implemented and that it would strive to review the existing agreements and seek new ones in order to ease economic migration.⁹⁸

The Agreement on Mutual Employment of Nationals⁹⁹ between Lithuania and Ukraine established the guidelines for employment. E.g. Article 9 stipulates that the work contract must include pay and working conditions and that is to be written in the official language of the country of origin or in an other language understandable to the employees. This provision should in fact be more vigorously pursued in order to guarantee that the increasing number of workers from Ukraine in Lithuania be properly informed of their working conditions and their rights. The issue of social insurance is left to the discretion of the country of origin. Article 13 states that contracted foreign workers must be have social insurance which they can claim according to the laws of their country of origin. However several other Articles state that these provisions are not applicable if case international agreements contain different regulations other than those laid down in this bilateral treaty.

Since late 2007 negotiations have been pursued concerning a special regime for border crossing of the residents of border regions with Belarus. The dedicated regime would cover those persons who living within the 50-kilometre belt on both sides of the Lithuanian-Belarus border. The application of the special rules would have an impact on the migration flow as it would allow only the residents of the border region to easily reach the Lithuanian capital Vilnius. By the end of January 2008 the Lithuanian Ministry of Foreign Affairs had prepared a draft agreement on travel across the state border with Belarus and opened talks on the contents of this agreement with the European Commission (whose approval will be necessary) and sent it to the authorities of Belarus. In mid-November 2008 it was announced that a bilateral agreement on border cooperation introducing eased conditions of border crossing for the residents of the 50-kilometre zone on both sides of the frontier would be signed “within the next few weeks.”¹⁰⁰

1.4.6. Poland

Several special provisions apply for legal work in Poland of WNIS citizens. Apart from the general preference for all third-country nationals to hold specific professions, such as performing artists and entrepreneurs, opportunities for migrants from WNIS include seasonal jobs and for “Polish Card” holders (see below). In general all these provisions constitute either a fast-track procedure or a way to embark on legal employment in Poland in sectors or professions in which it would otherwise be impossible or extremely difficult to work in Poland.

94 Media release by BNS news agency September 24, 2007, *Ukrainiečių darbininkams – palengvinta vizų išdavimo tvarka* [“For Ukrainian workers – simplification of visa issue”], *Bernardinai.lt*.

95 The list of bilateral agreements with any country of interest is easily available at the website of the Ministry of Foreign Affairs of the Republic of Lithuania: <http://www.urm.lt/index.php?-995684072>

96 Agreement between the Republic of Lithuania and the Republic of Moldova on the Friendship and Cooperation (ratified by Parliament on April 2., 1996, No. I-1270), *Valstybės žinios*, 1996, No. 35

97 Agreement between the Republic of Lithuania and the Republic of Belarus on good neighbourly relations and cooperation (signed on February 6., 1995, in force since April 6, 1996), *Valstybės žinios*, 1996, No. 43.

98 See point 4.2 in: Lietuvos Respublikos Užsienio reikalų ministerija. “Dėl ekonominės migracijos politikos”, letter to the Chancellery of the Government, December 28, 2007. [<http://www.urm.lt/index.php?809460246>]

99 Agreement between the Government of the Republic of Lithuania and the Government of Ukraine on Mutual Employment of Nationals (in force since August 11, 1995). *Valstybės žinios*, 1996, No. 12. Also available in the Russian language at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=50873

100 “Residents of Belarus-Lithuania cross-border regions to travel visa free”, Soderkoping Process Country News 2008, November 14, 2008, <http://soderkoping.org.ua/page21780.html> accessed on January 9, 2009.

Special regulations were introduced for WNIS nationals who could prove Polish descent in March 2008 granting them preferred treatment in access to employment, education and social security in Poland. Citizens of WNIS countries who obtain a special “Polish Card” (*Karta Polaka*) will be able to apply for reimbursement of their multi-entry visa application fees as well as to work in Poland without restriction. According to this provision a person of Polish origin is a person who proves that at least one of his/her parents or grandparents (or two great-grandparents) were Polish citizens. This person also has to declare affinity to the Polish nation and have at least passive command of the Polish language and cultivate Polish traditions. The decision on granting such a status lies solely within the competence of the head of the Office for Aliens.

Some special arrangements also to citizens of Belarus and Ukraine seeking *seasonal employment* in Poland (up to six months). In June 2007 the Ministry of Labour and Social Policy introduced a new statute for seasonal employment in Poland of citizens of Belarus, Russia and Ukraine. The possibility of a waiver of the work permit was introduced for three-months of a 6-month stay. This new regulation was a follow-up to a similar regulation of August 2006 which opened the Polish labour market to seasonal workers from neighbouring states working agriculture. Between September 2006 and October 2007 the number of applications for special agricultural visas turned out to be disappointingly small. By December 2006 only 30 agricultural visas were issued in Lviv compared to the average daily number of tourist visas of some 1,500.¹⁰¹ Since the special seasonal work regime was introduced there have been calls to extend its provision to the construction and service sectors.

The legal regulations were changed in January 2008 and came into force in February. According to the new rules immigrants from these countries need not apply for a work permit if they work for no more than six consecutive months in the 12-month period. The issue of special visas for seasonal workers is eased if the prospective employer provides a migrant worker with a notarised certificate that the worker will be employed by him/her.

Given the considerable numbers of irregular workers from Belarus and Ukraine in Poland, migrants could benefit from bilateral agreements with guarantees of working conditions and access to the social security net in Poland. Poland did sign agreements on mutual employment with Belarus and Ukraine¹⁰² in 1994 but these never came into force for lack of the relevant executive protocols. The agreements laid down the rules for seasonal employment of nationals of Belarus and Ukraine nationals in Poland. There is no such agreement with Moldova. Both agreements were to be in force for the period of three years. In conclusion the Polish-Ukraine and Polish-Belarus agreements were never ratified. The reasons were both economic (surplus of labour was not big enough in Belarus and Ukraine to warrant concrete measures) and political (lack of will on the part of politicians as well as administrative chaos underlined by frequent changes of governments).

On March 28, 2008 Poland signed a small border traffic agreement with Ukraine easing the entry of the residents living in the 50-kilometre zone on the Polish-Ukraine border onto the territory of the other state.¹⁰³ It should be noted that the agreement covers the maximum territory under this type of agreements; but does not include the urban area of Lviv, which Ukraine had sought. The agreement is part of the consistent Polish policy of simplifying cross-border movement with its WNIS neighbours. In 1995, Poland and Ukraine signed an agreement allowing Ukraine citizens travel to Poland without a visa. This agreement was in force until October 2003 when visas were introduced for WNIS citizens entering Poland. Before joining the Schengen zone Poland had granted visas free of charge to citizens of Ukraine and Moldova but then gradually rescinded this policy to conform with the EU regime.

An agreement on the simplified cross-border movement of residents of frontier regions is also to be signed with Belarus. This was announced by in early November 2008 by a Belarus diplomat in Poland who said that apart from the standard regulations allowing visa-free entry into the Polish frontier region of Poland of Belarus residents living within the 30-kilometre border zone (including the towns of Brest and Hrodno). The agreement would include the issue of Polish visas for a reduced fee of €20 to several categories of travellers. The reduction in the Polish visa fee came into effect on November 1, 2008 in response to the Belarus decision to lower its visa fees for Polish nationals in December 2007.¹⁰⁴

101 Source: E. Kępińska, *Recent Trends in International Migration*, The 2006 SOPEMI Report for Poland, CMR Working Papers, No. 15/73, Warsaw 2006, p. 5.

102 Agreement between the Government of Ukraine and the Government of Poland on mutual Employment, signed on February 16, 1994, and the Agreement between the Government of Belarus and the Government of Poland on mutual Employment, signed on September 27, 1994.

103 Reported in: “Ukraine and Poland ease small border movement”, Soderkoping Country News 2008, March 29, 2009, <http://soderkoping.org.ua/page17424.html>, accessed on January 8, 2009.

104 “Belarus, Poland plan to sign agreement on cross-border movement rules”, Soderkoping Country News 2008, November 3, 2008, <http://soderkoping.org.ua/page21594.html> accessed on January 9, 2009.

Two initiatives leading to the legalisation of migrants were undertaken in Poland in 2003 and in 2007. The terms of the two procedures were similar and applied to those foreigners who could prove residence in Poland since 1997, lacked regular residence at the time of the law was passed and applied for legal residence within a given deadline. To qualify migrants had to prove they would receive regular employment or had the means to cover their cost of living for one year. The second legalisation move targeted those who had been unable to take advantage of the first stage as it had been valid for only four months. According to the Office for Foreigners, between July 20 and December 31, 2007 some 1,240 residence permit applications were lodged in accordance to the latter conditions, the overwhelming majority of whom were citizens of Armenia and Vietnam.¹⁰⁵ These two countries of origin accounted for 46% (1626 cases) and 38% (1341 cases) of all applications for the programme in 2003. In comparison, only 88 applications (2.5%) were placed by citizens of Ukraine, followed by the citizens of Mongolia (68 applications), Azerbaijan (47), the Russian Federation (41) and Georgia (25). The numbers for the citizens of Belarus and Moldova were not listed, indicating that fewer than 10 applications were placed by nationals of these two states.¹⁰⁶

1.4.7. Slovak Republic

On March 7, 1997 the governments of the Slovak Republic and Ukraine concluded a bilateral agreement covering the reciprocal employment of their citizens, which came into force on May 5, 1998¹⁰⁷ and set a quota for workers. In comparison the employment of workers from Belarus and Moldova in the Slovak Republic has not been regulated by any agreements or quotas since 2004. The agreement appointed the National Labour Office of the Slovak Republic and the State Employment Centre of the Ministry of Labour and Social Policy of Ukraine as the agencies responsible for its implementation.

According to Article 3, para. 1 of the Slovak Republic-Ukraine agreement, citizens of both countries can be employed on the territory of the other party in the three following categories: (a) long-term employment for up to a maximum one year with the option to extend it for a further six months, (b) short-term employment up to six months in a year, and (c) employment on the basis of trade and economic contracts for two years, extendable for a further year. The agreement also determined quotas of persons who could be employed on the territory of the other party. The maximum number of Ukraine citizens allowed to work legally on the territory of the Slovak Republic and vice versa within one and the same calendar year is 2,300 persons.

The agreement was terminated by mutual consent at the end of 2007.¹⁰⁸ Since January 2008 Ukraine citizens have been able to work in the Slovak Republic under the same conditions as citizens of Belarus, Moldova, and the remaining non-EU/EEA countries. According to the Ministry of Employment, Social Affairs, and Family the reasons for the termination of the agreement was that the situation on the Slovak labour market had been changing between 2004 and 2006 and had reached a new stage of development during 2007.¹⁰⁹ The Slovak Republic's accession to the EU resulted in an increase in the employment of citizens of EU/EEA countries and Switzerland in the Slovak Republic, an outflow of workers from the Slovak Republic to other EU/EEA countries with the resulting dramatic drop in unemployment in the Slovak Republic. This, according to the report, resulted in a shortage of workers which became evident in certain professions and a drop in the number of skilled workers.

On May 30, 2008 the Slovak Republic and Ukraine signed an agreement on easing the conditions of mutual border crossing for their citizens living in the border zone.¹¹⁰ The agreement addressed the issue of obstacles to

105 Cited in: E. Kępińska, *Recent Trends in International Migration: The 2007 SOPEMI Report for Poland*, p. II. Available at: http://www.migracje.uw.edu.pl/obm/pix/029_87.pdf, accessed on January 20, 2009.

106 Data for 2003 of the Office of Repatriation and Aliens, listed in: "Table 22. Regularisation program (abolicja); number of persons who submitted relevant applications between Sept 1, 2003 and Dec 31, 2003, and were granted residence permits until the end of November 2004 by citizenship", E. Kępińska, *Recent Trends in International Migration: The 2004 SOPEMI Report for Poland*, p. 63. Available at: <http://www.migracje.uw.edu.pl/obm/pix/056.pdf>, accessed on 20 January 2009.

107 *Dohoda medzi vládou Slovenskej republiky a vládou Ukrajiny o vzájomnom zamestnávaní občanov* (Agreement between the Government of the Slovak Republic and Cabinet of Ministers of Ukraine on reciprocal employment of citizens) (Legal Codex of the Slovak Republic No. 110/1998, p. 2074)

108 *Uznesenie vlády SR č. 929 z 24. októbra 2007* (Resolution of the Government of the SR No. 929 from October 24, 2007)

109 *Predkladacia správa* (Presentation Report.) In: Minister of Employment, Social Affairs, and Family: *Materiál z rokovania vlády SR: Návrh na vypovedanie Dohody medzi vládou Slovenskej republiky a vládou Ukrajiny o vzájomnom zamestnávaní občanov* (Material from the session of the Government of the SR: Proposal for a Termination of the Agreement between the Government of the Slovak Republic and Cabinet of Ministers of Ukraine on reciprocal employment of citizens). The session of October 24, 2007..

110 "Slovak Republic, Ukraine sign accord to ease border crossings", *EU Business*, Breaking News, 30 May 2008, accessed at: <http://www.eubusiness.com/news-eu/1212157022.29> on 8 January 2009.

the entry of Ukraine nationals into the Slovak Republic following the latter's accession to the Schengen zone in December 2007. Visa-free travel for the period up to 30 days was introduced for the residents of the 30-kilometre border zone. A special permit authorises border-zone residents to stay in the zone of the other country for a total 90 days in a given 180-day period for social, cultural, economic and family reasons. In the words of the Ukrainian Foreign Minister Volodymyr Ogryzko, the agreement benefits "400,000 residents of 295 towns and villages."

1.5. The institutional and administrative framework in practice

The following section compares written norms and actual experiences of migrants and employers. Interviews with migrants, employers and experts in three recently acceded EU Member States (Hungary, Latvia and Poland) underlined the practical problems faced by WNIS workers in the course their application for entry onto the national labour markets. Several administrative procedures have been identified as obstacles to the entry and employment of foreigners in these states. The respondents spoke of the following hurdles – the length of the application process, the complicated legal system, costs of the procedure, attitude of civil servants and difficult access to information. The accounts given below are, of course, not representative, but they do provide an interesting survey of realities faced by migrant workers entering the labour markets of the recently acceded EU Member States.

1.5.1. Duration

From point of view of both employers and employees the time consuming procedure appeared to be one of the most thorny issues. Although the laws in the countries under review set deadlines for the administrative processing of applications, demands for additional documents can prolong the entire process.

For example in Hungary the process of obtaining a work permit lasts at least three months. In Poland every step of the process usually takes more than the minimum time set by the law and in effect it can take half a year to absolve the work permit procedure. In the words of one Polish employer: "*They were preventing me from running my company. It cost me not only money I had to spend for the permit, but also the money I did not earn, because rather than taking care of my business I had to deal with officials and procedures*".¹¹¹

According to a Latvian employer¹¹² the long procedures also influence the decision of the employee to come to a particular country. In cases when employers had gone to the country of origin to interview candidates,¹¹³ the recruitment process – from the moment when the possible candidate was found to the moment when he/she started to work in Latvia – took around 6 months. If acquaintance networks were used the process was shorter, taking 2-3 months.¹¹⁴ Several Latvian employers¹¹⁵ stressed that recruiting a worker from Ukraine was a particularly long process because of the long queues at the Latvian embassy to hand in documents. One employer feared that Latvia's entry in the Schengen area would lead to stricter and more bureaucratic procedures.¹¹⁶

In all the countries under review procedures require contacting several different institutional bodies. Employers in Latvia referred to the lack of cooperation between various state institutions which forced them to play "postman" delivering documents between the two responsible state institutions, the State Employment Agency and the Office of Citizenship and Migration Affairs. In addition the complex procedures are often misunderstood by various civil servants, making the process last even longer. As the Polish example shows employers must undertake several attempts to submit documents and correct the completed forms before being able to legally employ a foreign worker.

1.5.2. Cost

The cost of obtaining a work permit is also a crucial obstacle to the process. According to Latvian studies the recruitment of a single worker costs approximately LVL 700 – 800 (€1000 – 1135) a year. The costs and the

111 PLWE05

112 LVER08

113 LVER12

114 The procedure lasts from 60-85 working days, depending on the state fees paid by the employer. By paying higher state fees, the procedure may be shortened by 20-25 working days. Source: "Informativais ziņojums par ekonomisko migrāciju Baltijas valstīs" (Informative report about economic migration in the Baltic States", Ministry of Interior of the Slovak Republic, 9 April 2008

115 LVER09, LVER12

116 LVER06

duration of these procedures, as well as the cumbersome bureaucracy make employment conditions in Latvia stricter, compared to neighbouring countries. One employer said that compared to Estonia and Lithuania, the procedures in Latvia were “three times more expensive and the process lasts three times longer.”¹¹⁷

In addition to administrative fees, employers also complained of the excessive notary fees that add to the costs of employing a third-country national. In Poland interviewed employers welcomed the lowering of the costs of the work permit in October 2007 from the level of an average minimal monthly salary (it was PLN 936 or around €252 in 2007) to PLN 100 (around €27). The interviewed employers said that the mere reduction of fees was insufficient, as the non-fiscal costs involved in the process prevented them from reacting flexibly to market needs (see the section on “Duration” above).

Some problems relating to the expense of the process were due to the insufficient activity of the employers. Cases were reported of employers in Latvia or in the country of the migrant’s origin who asked their employees to pay an additional fee for the drawing up of these documents, but even though the employee did pay the fee, the paperwork was not done. In most of these cases the employers had exploited the migrant workers’ ignorance of their rights because Latvian law specifies that the employer, not the employee, must pay all the mandatory state fees related to the employment of a third country national.

1.5.3. Service

A further problem was the attitude of the civil servants responsible for issuing work permits. This included insulting remarks or failure to use polite forms of address. Migrants complained that the administrative work was often disorganised and that much time was wasted in the process of applying for documents such as visas and residence and work permits. The respondents also pointed to the lengthy duration of the procedure due to the leeway in decision making given to individual officials. They also mentioned that officials often displayed lack of respect or were arrogant. The arbitrary character of decision-making was noted by some respondents and was confirmed by earlier research (as in the Polish or Slovak cases).¹¹⁸

Interviewed migrants in Poland pointed to the arrogant behaviour towards migrants from the WNIS of officials in institutions as the Police, Border Guards, consulates, and local administrations issuing residence and work permits. The behaviour of Polish officials was often described as offensive and was characterised by their use of disrespectful remarks, their failure to use polite forms of the Polish language and remarks concerning the alleged reasons for residence in Poland. It should be noted that Polish employers also complain of the standard of services provided by these institutions. One aspect noted in several countries as a symptom of unequal treatment was rude or unprofessional attitude of officials in the course of procedures. Some of the respondents in Poland said they had been treated worse than Poles in comparable situations (one of the foreign respondents needed information in the Business Department of the National Court Register and was treated worse than other applicants who were Poles). Differences in treatment were not observed with regard to the nationality of the migrants.

A similar problem was noted in another study conducted in the Slovak Republic concerning to the humiliating conditions under which immigrants were interviewed at the Alien Police.¹¹⁹ Migrants said they faced discriminatory treatment in contact with various institutions based on the country of origin. The applicants experienced strong discomfort at passing through doors with prison-like bars and the occasional behaviour of the police staff “as if they were doing the applicants a favour”. Also according to immigrants some government officials ruled arbitrarily in their cases, were unfamiliar with the relevant law and could speak no foreign language.¹²⁰

117 LVER11. The costs for organizing a work and residence permit to employ a third country national for one year in Latvia are LVL 533 (€760), compared to LVL 94 (€135) in Lithuania and LVL 68 (€97) in Estonia. Source: “Informatīvais ziņojums par ekonomisko migrāciju Baltijas valstīs” (Informative report about economic migration in the Baltic States”, Ministry of Interior of the Republic of Latvia, April 9, 2008

118 Sociological insights into the situation of WNIS migrants in Slovak Republic are based on: Miroslav Popper, Gabriel Bianchi, Ivan Lukšík, Petra Szeghy: *Potreby migrantov na Slovensku* (The Needs of Migrants in Slovak Republic). Bratislava: Veda – IOM 2006.

119 Miroslav Popper, Gabriel Bianchi, Ivan Lukšík, Petra Szeghy: *Potreby migrantov na Slovensku* (The Needs of Migrants in Slovak Republic). Bratislava: Veda – IOM 2006

120 *Ibidem*, pp. 39-40.

1.5.4. Information

A further problem is the lack of the necessary and easily accessible information on how to apply for a work permit for a migrant worker. Respondents complained about the lack of proper lists and specifications of the necessary documents. The Slovak study said information on relevant information was “incomplete or inaccurate” and called for the improvement in the ability of diplomatic missions of the Slovak Republic to provide potential foreign employees with the necessary information. Earlier research found that immigrants in general (excluding asylum seekers) experienced most problems in the collection of information before seeking a job in the Slovak Republic, on residence-permit applications, and during the administrative procedures. Immigrants said the accessibility of information on the legal proceedings was completely insufficient. Most application forms – whether in the Slovak Republic or in the Slovak embassies abroad – were exclusively in Slovak; the civil servants spoke only Slovak and information for “visitors” to the Slovak Republic was solely in Slovak. The situation was aggravated by the reluctance of civil servants to deliver the pertinent information.¹²¹

Hungarian researchers diagnosed a further problem with the system which hampered legal employment – geographical distance. Those employers who operate in smaller settlements where there is no Labour Centre find it extremely problematic to travel to the city to organise the papers for the foreign employee.

1.5.5. Assessment of the procedure by various groups

Employers

As a result of long procedures some businesses chose to employ migrant workers irregularly during the process of arranging a permit. Some companies in Poland and Latvia decided to hire specialised legal advisers to deal with the application for work permits. In the case of small companies, the cost of a legal advisor is however often prohibitive. Interviews conducted in Poland showed that some foreigners took irregular work themselves to cover the cost of their stay in the country while waiting for their work permit. Moreover due to lack of time and possible business losses some employers made foreign workers go through the procedure of obtaining the work permit themselves. But the procedures are so complicated that migrants are often unable to complete it on their own and resort to the help of intermediaries which results in additional costs.

Another problem during the application process was underlined by the Latvian research. The dropout rate became a problem in some cases when – while waiting for the processing of documents – a potential employee decided not to travel to Latvia after concluding an agreement with the employer. The lengthy procedures also influenced the decision of the employee to come to Latvia. If it is easier to get to work elsewhere in more prosperous EU countries then Latvia’s labour market is unattractive in view of the bureaucratic barriers in line with the restrictive migration policy. Several Latvian employers reported cases when, as a result, some companies organised work permits and residence permits for migrant workers in Estonia or Lithuania even though in reality they used these workers in Latvia.

Migrants

The barriers to the access of third-country nationals to the labour markets of the recently acceded EU Member States were described as discriminatory by interviewed migrants. However, most experts consider the regulations giving preference to EU nationals for employment more as labour market protection measures. Another element seen as discriminatory was the limited mobility of third-country migrants. The work permit is prescribed for a specific position in a specific worksite. Legal workers in Poland are only allowed to enter employment in the prescribed position and any change of employer or worksite requires repeating the procedure all over again. If done “by the rule” when an employer recognises that his migrant worker is talented and wants to promote him (for example advance from regular clerk to the head of the branch), he has to apply anew for the work permit and check if the local job agency cannot find a more suitable Polish candidate for the post. This regulation is seen as discriminatory not only by employers and employees, but also by one of the Polish trade unions:

There should be no discussion on the topic of entering the Polish labour market because of nationality. Everyone should have free access to the labour market.¹²²

¹²¹ *Ibidem*, pp. 42-43.

¹²² PLWExTU01

The regulations also differentiate the ease with which various categories of foreigners have access to the labour market. For instance it is typical in the countries under review that refugees and the spouses of nationals enjoy the best access as they need not apply for work permits. Some recent measures have established additional differences of status. The Polish initiative opened the possibility of taking up seasonal employment (up to 6 months) for citizens of Ukraine, Belarus and Russia, but it was not extended initially to citizens of Moldova.¹²³ This distinction was considered discriminatory by interviewed employees from Moldova who could not understand why they were treated as a lower category of migrant.

Simultaneously the current administrative mechanisms fail to sufficiently protect migrant rights and can be abused by dishonest employers. State institutions in Latvia have received information of cases when employers had promised to extend work and residence permits for their employees but failed to do so as a result of which the employee's stay and work in the country became irregular. The bureaucratic character of the procedure for recognising qualifications has occasionally been referred to by some respondents (especially in Latvia and Poland) as discriminatory. The research in Latvia showed that employers were able to invite migrant workers from third countries only to fill existing vacancies for certain positions, which require certain qualifications. In this sense only qualified workers are able to enter the labour market through legal labour migration schemes. Qualifications are not required of those receiving work permits upon entering Latvia for family reunification purposes. Recognition of qualifications also involves costs for the migrant. In Hungary, for example, before applying for a work permit the future employee must present his/her diploma or certificate of his/her highest education. This is a lengthy and complicated procedure requiring several expensive authenticated translations of various degrees, etc.

State institutions have received no complaints from workers concerning the recognition of migrant workers' qualifications, or forced employment in jobs that require lower qualifications than those possessed by the worker. On the contrary, some interviewed migrant workers said that they knew of cases where their compatriots had false qualification documents. In one case a migrant worker arrived in Latvia, started to work and demonstrated that he could not do the job because of lack of skills for the speciality. As a result the employer had to terminate the contract with this worker.

123 Ordinance of the Minister of Labour and Social Policy of June 27, 2007 on foreigners working without work permit

2. Regular and irregular labour migration from WNIS

This section presents a survey of labour migration from WNIS to the recently acceded EU Member States under review. It consists of both official labour statistics including data on residence, settlement and work permits and the distribution of workforce, together with an analysis of the volume and structure of regular WNIS labour migration. It also presents estimates of the volume of irregular migration based on alien police data, Ministries of Labour and Social Policies and other institutions involved in migration issues. References to academic studies complement the picture with qualitative data.

A comparison of individual national data of regular and irregular WNIS migration was hampered by the differences in methodology and variations in applied categories and styles of presentation. Common problems included the absence of published data on the volume of migration of smaller national groups (usually migrants from Belarus and Moldova) and discrepancies in systems of collating data for applications for various types of permits. The latter made cross-country comparisons impossible as foreign workers are listed according to various types of work permits.

Problems also arose in attempts to identify trends over a time period and to discern shifts between sectors. Changes in legislations and adoption of new statistical conventions often distorted the picture when certain categories of migrants were omitted or re-tabulated. The magnitude of unregistered employment also limited the usefulness of the available statistics on work permits and resulted in an incomplete picture of the structure of WNIS labour migration because certain sectors (agriculture, construction) appear to be dominated by irregular workers, both domestic and migrant.

2. 1. Scale and dynamics of regular labour migration

2.1.1. Overview

A study of statistical trends and interviews among migrants, employers and experts showed that the recently acceded EU Member States (such as Hungary, Latvia, Lithuania, Poland and the Slovak Republic) have become important target countries for economic migration from the WNIS. Migration into these recently acceded EU Member States is determined by a complex of old and new factors. Some of the most important traditional factors which continue attracting migrants are the differences in wages between the home and target countries, the increasing demand for foreign labour due to labour shortages, the demand for sub-contractual services (e.g. in the construction sector), geographical proximity as well as diaspora networks and family ties. In the cases of Hungary and Poland, linguistic and cultural affinity was often an additional reason to choose those states as destination countries. Migrants from Ukraine of Hungarian origin, a majority of whom live in the border regions, choose to move to Hungary. Poland, on the other hand, attracted migrants from western Ukraine and Belarus, which are areas with a long history of interaction with the Polish culture and language.

Other factors of more recent history also contributed to the increasing interest of WNIS migrants in seeking work (both regular and irregular) in the five recently acceded EU Member States under review. The first years of EU membership were accompanied by strong economic growth and declining unemployment most of these countries (with the notable exception of Hungary). Migrant workers from lower income countries were further attracted by the rapid increases in wages in the recently acceded EU Member States.

A greater demand for labour was also observed among employers particularly in those countries affected by large-scale emigration to the UK and Ireland and other parts of Western Europe which opened their labour markets to workers from central and eastern Europe following EU enlargement. Estimates of the effects of emigration from Latvia or Polish showed losses of 9-10% of the total labour force.¹²⁴

Before the integration of the recently acceded EU Member States into the Schengen zone liberal entry regimes played a significant attraction role for WNIS migrants. These included visas issued free of charge (citizens of Ukraine received Polish and Ukraine tourist visas free of charge and Polish visas were also for a time free to the nationals of Moldova), small-border traffic solutions (as in Lithuania, Hungary and the Slovak Republic), which applied to residents of border regions, and various exemptions from work permit requirements or other measures easing entry.

124 See, *inter alia*, Krišjāne, Zaiga (2007). *Darbspēka ģeogrāfiskā mobilitāte* (Geographic mobility of labour force). University of Latvia, Ministry of Welfare

The following survey of official statistics on residence and work permits, distribution by sectors of foreign workers in the five countries of destination indicates the increasing significance of WNIS labour migration in absolute numbers and in the share of the overall volume of third-country immigration. The increase in the scale of legal long-term migration and labour movements also indicate a gradual shift from the largely spontaneous movement of the 1990s to a comprehensive management of migration induced by EU membership and the resultant demand for labour.

2.1.2. Hungary

Out of the three national groups under study only Ukraine nationals are represented in significant numbers in official statistics, while the legal immigration of the other Belarus and Moldova nationals is negligible. Ukraine citizens are, however showing growing interest in legal residence (both temporary and permanent) in Hungary. The number of applications for residence permits nearly doubled between 2002 and 2007 and more than twice as many were submitted for settlement in 2007 compared to 2002 (Table 1).

Table 1. Applications of Ukraine nationals for residence and settlement permits in Hungary, 2002-2007

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------|------|------|------|------|------|------|
| Residence | 3745 | 4226 | 6156 | 5819 | 6161 | 7446 |
| Settlement | 502 | 1032 | 1093 | 1062 | 1249 | 1149 |

*Since June 30, 07, the category "residence visa" includes both visa and permit applications.

Source: Calculations of Andras Kovats, based on the statistics of the Hungarian Office of Immigration and Nationality

Ukraine nationals accounted for one-sixth of Hungarian work permits issued in 2006. With 9,194 permits they clearly outnumbered recipients from Moldova (128) or Belarus (16). A clear geographical concentration is seen as over 60% of the permits for citizens of Ukraine were issued in Budapest. The various national groups show some signs concentration in industrial sectors—56% Ukraine nationals received permits in the construction industry while three-quarters of Moldova nationals were employed in agriculture. The number of Belarus permit holders was too small to draw general conclusions but 13 out of 16 holders of work permits worked in the service sector.

The dominant position of Ukraine nationals among WNIS citizens migrating to Hungary may be explained by the peculiarity of general migration into Hungary. Citizens of Ukraine working in Hungary predominantly come from the Transcarpathian region and are ethnic Hungarians.

In 2007 a total 55,230 general and seasonal work permits were issued to foreign citizens in Hungary (Table 2). The majority (62.36%) were valid for employment in Budapest. Among citizens of the three WNIS countries only those from Ukraine represented a significant group, accounting for around one-seventh of all permit holders, while a mere 0.14% permits were issued to Moldova nationals and only 19 permits in all of Hungary were issued to nationals of Belarus.

Table 2. Work permits issued to WNIS nationals in Hungary in 2006-2007*

| Citizenship | Central Region (incl. Budapest) | | Counties | | Total Hungary | |
|----------------|---------------------------------|--------|----------|--------|---------------|--------|
| | N | % | N | % | N | % |
| Belarus | 18 | 0.05 | 1 | 0.005 | 19 | 0.03 |
| Moldova | 40 | 0.12 | 39 | 0.19 | 79 | 0.14 |
| Ukraine | 6,245 | 18.13 | 1,456 | 7.00 | 7,701 | 13.94 |
| Others | 28,140 | 81.70 | 19,291 | 92.80 | 47,431 | 85.88 |
| Total | 34,443 | 100.00 | 20,787 | 100.00 | 55,230 | 100.00 |

* Source: Calculations of Andras Kovats based on work permit statistics of the National Employment Service.

WNIS migration is concentrated in certain regions of Hungary. This group of migrants is strongly over-represented in the capital Budapest (Table 3). Employees from WNIS are also more likely to be found in the Northern Great Plain and the Western Transdanubian regions compared to other foreign workers. They are slightly over-represented in the Central Region, and significantly fewer in the Southern Great Plain, and Central and Southern Transdanubia. The differences can partially be explained by the neighbourhoods of the regions. The Northern Great Plain region borders Ukraine while the others, where the numbers are lower are further away bordering with Romania, Serbia and Croatia. There appears to be no explanation for the higher proportion among foreign employers in the Western Transdanubian region which borders only with the Slovak Republic,

Austria and Slovenia and is equidistantly far from the other neighbouring countries from where labour migrants to Hungary originate.

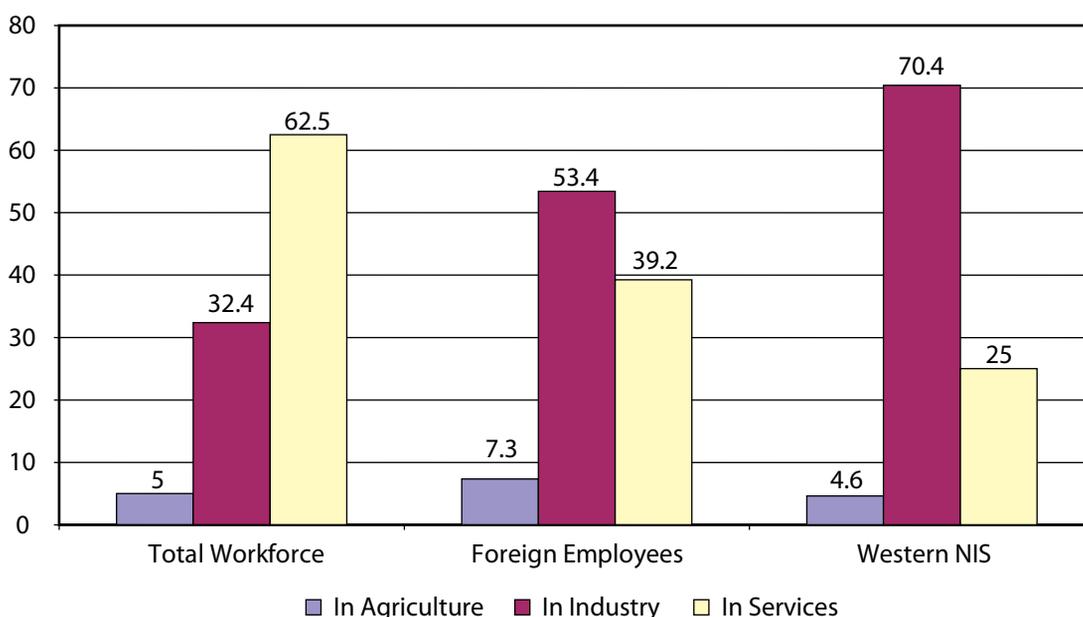
Table 3. Distribution of foreign workers in regions of Hungary

| Region | Total Workforce | | Foreign Employees (without WNIS) | | Belarusian | | Moldovan | | Ukrainian | | WNIS Together | |
|-------------------------|-----------------|--------------|----------------------------------|--------------|------------|--------------|------------|--------------|--------------|--------------|---------------|--------------|
| | N (1000) | % | N | % | N | % | N | % | N | % | N | % |
| Central (with Budapest) | 1,241 | 31.4 | 34,221 | 75.4 | 15 | 93.8 | 54 | 42.2 | 7,188 | 78.2 | 7,257 | 77.7 |
| Northern Hungary | 431 | 10.9 | 1,120 | 2.5 | 0 | 0.0 | 18 | 14.1 | 207 | 2.3 | 225 | 2.4 |
| Northern Great Plain | 532 | 13.5 | 736 | 1.6 | 0 | 0.0 | 1 | 0.8 | 473 | 5.1 | 474 | 5.1 |
| Southern Great Plain | 499 | 12.6 | 4,182 | 9.2 | 1 | 6.3 | 5 | 3.9 | 348 | 3.8 | 354 | 3.8 |
| Central Transdanubia | 469 | 11.9 | 2,688 | 5.9 | 0 | 0.0 | 0 | 0.0 | 287 | 3.1 | 287 | 3.1 |
| Western Transdanubia | 431 | 10.9 | 1,487 | 3.3 | 0 | 0.0 | 47 | 36.7 | 639 | 7.0 | 686 | 7.3 |
| Southern Transdanubia | 349 | 8.8 | 939 | 2.1 | 0 | 0.0 | 3 | 2.3 | 52 | 0.6 | 55 | 0.6 |
| Total Employees | 3,953 | 100.0 | 45,373 | 100.0 | 16 | 100.0 | 128 | 100.0 | 9,194 | 100.0 | 9,338 | 100.0 |

* Source: Calculations of Andras Kovats based on work permit statistics of the National Employment Service and the 2007 Labour Survey and Labour Report of the Central Statistical Office

Significant differences can be seen in the distribution by industrial sectors of Hungarian and foreign employees. The migrant workforce is over-represented in the agricultural sector, (7% migrants are employed compared to 5% Hungarians workers) and industry (56% of foreigners compared to 32% Hungarians). The following figures and table provide a survey of the distribution of domestic and foreign workers on the main sectors of the labour market.

Fig. 1. Distribution of workforce by labour market sectors in Hungary



Source: Calculations of Andras Kovats based on work permit statistics of the National Employment Service and the 2007 Labour Force Survey of the Central Statistical Office of Hungary.

Considerable differences are noted between various national groups (Table 4). Ukraine nationals are very highly present in the construction industry – 55.9 % Ukraine nationals work in one of the numerous construction sites in Hungary compared to 30.6% of the other foreign workers in the sector. In comparison Ukraine workers are strongly under-represented in manufacturing – with 15.2%, compared to 22.3% of other migrant workers.

Citizens of WNIS tend to be less active in agriculture than other migrant workers, their proportion is around the national average.¹²⁵ None of the 16 registered workers from Belarus was employed in agriculture, but more than half the workers from Moldova (there were 97 in total) worked in this sector. The majority of the WNIS workers were employed in the industrial sector; 70.4%, compared to 53.4% of other foreigners, which is explained by the high number of workers from Ukraine in construction. Three Belarus workers were employed in construction and the remaining 13 had jobs in the service sector. As for workers from Moldova only 16.5% worked in industry and 30% in the service sector, which was slightly above the 25% WNIS average. In the service sector the difference between the WNIS citizens and other migrants appeared to be due to two factors – that there were just over 10% workers from Ukraine employed in commerce (wholesale, trade, accommodation and catering) and that over 20% of the other migrant workers work in these sub-sectors.

Table 4. Distribution by sector of foreign workers in Hungary

| Sector of Employment | Total Workforce | | Foreign Employees (without W. NIS) | | Belarusian | | Moldovan | | Ukrainian | | WNIS Together | |
|--|-----------------|------|------------------------------------|------|------------|------|----------|------|-----------|------|---------------|------|
| | N (thousands) | % | N | % | N | % | N | % | N | % | N | % |
| Agriculture, forestry, hunting, fishing | 198.2 | 5.0 | 2,700 | 7.3 | 0.0 | 0.0 | 53.0 | 54.6 | 297.0 | 4.0 | 350.0 | 4.6 |
| Mining industry | 15.0 | 0.4 | 106 | 0.3 | 0.0 | 0.0 | 0.0 | 0.0 | 6.0 | 0.1 | 6.0 | 0.1 |
| Manufacturing industry | 867.2 | 22.0 | 8,188 | 22.3 | 3.0 | 18.8 | 7.0 | 7.2 | 1,136.0 | 15.2 | 1,146.0 | 15.1 |
| Electricity, gas and water supply | 69.2 | 1.8 | 79 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Construction industry | 329.6 | 8.3 | 11,265 | 30.6 | 0.0 | 0.0 | 9.0 | 9.3 | 4,172.0 | 55.9 | 4,181.0 | 55.2 |
| Wholesale and retail trade and maintenance | 580.9 | 14.7 | 4,766 | 13.0 | 2.0 | 12.5 | 6.0 | 6.2 | 608.0 | 8.1 | 616.0 | 8.1 |
| Accommodation, catering services | 155.7 | 3.9 | 2,695 | 7.3 | 0.0 | 0.0 | 5.0 | 5.2 | 171.0 | 2.3 | 176.0 | 2.3 |
| Transportation, storage and communication | 302.8 | 7.7 | 1,145 | 3.1 | 0.0 | 0.0 | 6.0 | 6.2 | 97.0 | 1.3 | 103.0 | 1.4 |
| Financial marketing | 80.3 | 2.0 | 151 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 7.0 | 0.1 | 7.0 | 0.1 |
| Real estate, renting and business activity | 282.4 | 7.2 | 3,325 | 9.0 | 5.0 | 31.3 | 7.0 | 7.2 | 677.0 | 9.1 | 689.0 | 9.1 |
| Public administration, defence, social security | 301.3 | 7.6 | 52 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 6.0 | 0.1 | 6.0 | 0.1 |
| Education | 318.4 | 8.1 | 386 | 1.0 | 3.0 | 18.8 | 0.0 | 0.0 | 45.0 | 0.6 | 48.0 | 0.6 |
| Health and social services | 271.6 | 6.9 | 739 | 2.0 | 1.0 | 6.3 | 0.0 | 0.0 | 123.0 | 1.6 | 124.0 | 1.6 |

125 It should be noted that only Ukraine workers are a group significant enough to allow some conclusions to be drawn on their labour market situation, while employees from Belarus and Moldova represent only an insignificant group and their distribution by sector can only be mentioned in terms of the three main categories.

| | | | | | | | | | | | | |
|--|----------------|--------------|---------------|--------------|-------------|--------------|-------------|--------------|----------------|--------------|----------------|--------------|
| Other community and personal services | 175.5 | 4.4 | 1,172 | 3.2 | 2.0 | 12.5 | 4.0 | 4.1 | 120.0 | 1.6 | 126.0 | 1.7 |
| Total employees | 3,948.1 | 100.0 | 36,769 | 100.0 | 16.0 | 100.0 | 97.0 | 100.0 | 7,465.0 | 100.0 | 7,578.0 | 100.0 |
| In Agriculture | 198.2 | 5.0 | 2,700 | 7.3 | 0.0 | 0.0 | 53.0 | 54.6 | 297.0 | 4.0 | 350.0 | 4.6 |
| In Industry | 1,281.0 | 32.4 | 19,638 | 53.4 | 3.0 | 18.8 | 16.0 | 16.5 | 5,314.0 | 71.2 | 5,333.0 | 70.4 |
| In Services | 2,468.9 | 62.5 | 14,431 | 39.2 | 13.0 | 81.3 | 28.0 | 28.9 | 1,854.0 | 24.8 | 1,895.0 | 25.0 |
| Missing data: | 0.0 | 0.0 | 1,318 | | 0.0 | | 1.0 | | 199.0 | | 200.0 | |

* Source: Calculations of Andras Kovats based on work permit statistics of the National Employment Service and the 2007 Labour Force Survey of the Central Statistical Office

Sociological research showed that the WNIS labour migrants in Hungary fall into two main categories depending on their level of skills.¹²⁶ *Unskilled workers* employed in various fields usually commuted from their homes and had no plans to settle in Hungary. In the majority of cases they worked illegally without a contract and as a result they had no social security insurance. Unskilled workers were often in the situation that they filled jobs below their qualifications. The situation of *skilled workers* was that they worked legally in Hungary, had settled there and neither their living conditions nor their salaries differed significantly from those of the Hungarian nationals. These migrants worked in line with their qualifications and tended to have completed their higher education in Hungary.

Skilled workers included in the research had all been working legally with a contract and had settled in Hungary after completing their higher education there. Those migrants holding jobs requiring higher education assessed their position on the labour market differently to those of all the other groups. While unskilled workers saw their stay in Hungary as temporary and exclusively as a means for a better salary and *all* rejected the idea of settling in Hungary, those with prestigious jobs had settled there already or had career plans in the current field of occupation. The skilled workers tended to be younger, having come to Hungary to study at the universities with the help of various state programmes.

2.1.3. Poland

According to the Ministry of Labour and Social Policy of Poland WNIS nationals account for a significant segment of legal foreign workers in Poland (Table 5). In 2006 the largest national group of work permit recipients came from Ukraine, obtaining around 30% of all issued permits. Another 10% work permits went to citizens of Belarus and Moldova. With the particularly dynamic growth of legal employment of nationals of Moldova, in the first half of 2007, their number exceeded that of those from Belarus for the first time. In effect unlike other countries of central and eastern Europe Poland hosts significant numbers of all three groups of WNIS migrants. It must also be remembered that since the early 1990s citizens of Ukraine (and to a lesser extent those from Belarus) had established themselves as dominant groups on the market of irregular labour, while citizens from Moldova have arrived in Poland only recently which is attributed to Poland's EU accession.

Table 5. Work permits issued to citizens of Belarus, Moldova and Ukraine in Poland, 2002 – 2007

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|----------------|------|------|------|------|------|------|
| Belarus | 880 | 828 | 664 | 610 | 704 | 855 |
| Moldova | 122 | 99 | 110 | 139 | 414 | 971 |
| Ukraine | 3081 | 2750 | 2588 | 2697 | 3275 | 3851 |

Source: 2002-2006: SOPEMI report for Poland 2007; 2007: Ministry of Labour and Social Policy of Poland

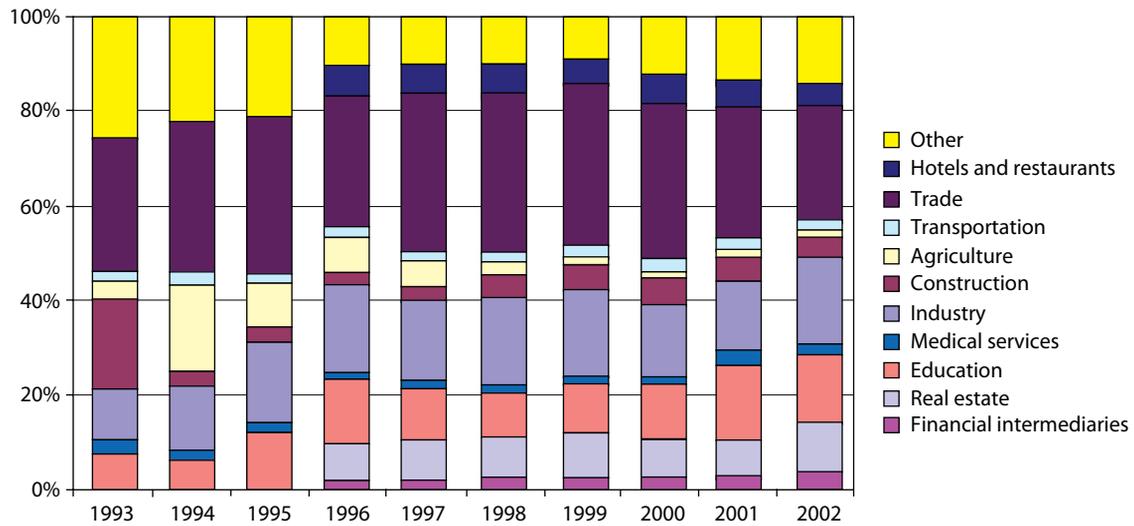
Ukraine and Belarus nationals have traditionally been among the top foreign holders of work permits in Poland. The numbers remain relatively stable – oscillating between 600-800 Belarus nationals and 3,000 Ukraine nationals. A new trend is the fast rise in the number of citizens of Moldova taking jobs in Poland. In 2006 their number increased threefold compared to the previous year and this number doubled in 2007.

In general foreigners from Belarus, Moldova and Ukraine working in Poland can be roughly divided into two categories. On the one hand there are immigrants who undertake jobs requiring high qualifications (financial services, insurance, real estate specialists, medical professions). On the other hand are those immigrants who seeking work which requires no specific qualifications (trade, agriculture, catering, various household services,

¹²⁶ Andras Kovats, Lea Koszeghy, "The Challenges facing Migrants from Belarus, Moldova and Ukraine on Labour Markets and in Societies of Recently Acceded EU Member States. Country Report: Hungary" (unpublished)

construction). The former group is relatively small compared to the number of migrant workers employed in the shadow economy. Official figures (see Fig. 2) based on work permits do not take into account employment in the shadow economy. In general the figures exaggerate employment of citizens from developed countries in Poland performing such duties as managerial and expert jobs.¹²⁷

Fig. 2 Foreigners employed in Poland on the basis of individual permits by sector of economy, 1993-2003



Source: Okólski 2006.

The employment of workers from Belarus, Moldova and Ukraine is more widespread in some sectors than others. The most recent data showed clearly that the new legal regime for employment of seasonal workers from Belarus, Ukraine and Russia turned out to be most beneficial to farmers (23% employed), construction companies (20%), manufacturing firms (10%) and transport companies (5%).¹²⁸ Ukraine citizens were most often employed in seasonal agricultural jobs whereas those of Belarus found work in construction and manufacturing. Compared to workers from Ukraine there were fewer Belarus and Moldova workers in unskilled labour sectors.

Employment of WNIS nationals in highly-skilled professions was noted in the Polish research which distinguished three categories of highly-skilled immigrant workers employed in Poland:

- persons employed in technological professions (supervisors of technological processes, responsible for innovation, quality control and research);
- persons employed in “soft” sectors of economy such as marketing;
- specific-service providers such as academic teachers or medical doctors¹²⁹.

The nationals of WNIS countries most often find employment in the third category in Poland. Probably the biggest demand for highly qualified immigrants in Poland is in the medical sector. In the years 2004-2007 the largest number of foreign medical professionals came from Ukraine (Table 6). However, increased administrative barriers brought about a decline of professionals from Ukraine or Belarus seeking work in the Polish health service. In June 2007 the Ministry of Health elaborated a draft regulation concerning employment of doctors from non-EEA countries. Doctors from non-EEA countries will be obliged to undergo a thorough four-part test of the Polish language whereas their counterparts from EEA states are obliged to give a statement of their linguistic skills.

127 While the number of high-skilled workers from Ukraine and Belarus in Poland is significant, there are hardly any white collar workers from Moldova in Poland – according to data of Ministry of Labour and Social Policy in first half of year 2007 only 13 work permits were issued to citizens of Moldova for work in positions where very high professional qualifications are required.

128 Migration Bulletin no. 14/2007 (in Polish), Migration Research Studies Centre of the Warsaw University, August/September 2007, p. 5.

129 M. Okólski, Costs and benefits of migration for Central European countries, CMR Working Papers, No. 7/65, Warsaw University, April 2006, p. 38.

Table 6. Number of work permits granted to medical professionals in Poland, 2004-2007 (by nationality)

| Country of citizenship | 2004 | 2005 | 2006 | 2007* |
|------------------------|------------|------------|------------|-----------|
| Ukraine | 121 | 88 | 87 | 29 |
| Mongolia | 46 | 24 | 42 | 16 |
| Syria | 10 | 9 | 12 | 7 |
| Belarus | 25 | 13 | 18 | 6 |
| Russia | 22 | 16 | 7 | 3 |
| Total | 299 | 215 | 229 | 95 |

Source: Ministry of Labour and Social Policy. *first half (no update available at the time of writing).

2.1.4 .Slovak Republic

Legal migration of WNIS nationals to the Slovak Republic is practically limited to those from Ukraine who use it as a transit country or are involved in local cross-border traffic. The introduction of visas in 2000 for CIS countries resulted in a dramatic drop in the number of short-term migration into the Slovak Republic. In 1999 over 1.43 million entries of Ukraine citizens to the Slovak Republic were recorded and the number fell to a mere 291,000 in 2001.¹³⁰ Thanks in part to the introduction of eased measures, such as small border traffic, the number rose to 400,000, but it is unlikely that the number will ever to return to the pre-2000 levels. On the other hand the interest of nationals of Ukraine in residence continues and a shift may be observed from temporary to permanent residence indicating the gradual emergence of a larger Ukrainian community. (Table 7).

Table 7. Ukraine nationals with temporary and permanent residence permits in the Slovak Republic 2004-2007

| | 2004 | 2005 | 2006 | 2007 |
|----------------------------|------|------|------|------|
| Temporary residence | 236 | 745 | 1019 | 1531 |
| Permanent residence | 365 | 2918 | 2863 | 2240 |
| Total | 601 | 3663 | 3882 | 3771 |

Source: *The Office of Border and Alien Police of the Presidium of the Police Corps of the Slovak Republic*

The Slovak Republic is home to very few regular workers from WNIS. Although some modest increases were noted—compared to around 220-260 workers from Ukraine in 2004-2006, in 2007 altogether 309 were hired – the total scale of employment is very small even in comparison to other recently acceded EU Member States. In 2007 only 335 workers from the region were legally employed in the Slovak Republic, of whom 92% came from Ukraine.¹³¹

Table 8 shows the total number (work permits + information cards) of nationals of each country legally employed in the Slovak Republic between 2004 – 2007. No more than 17 citizens of Belarus and 15 from Moldova were employed every year. Many more Ukraine nationals were, however, legally employed in the Slovak Republic. Between 2004 and 2007 their number ranged from 226 to 309. This data corresponds with the limits on legal employment of Ukraine nationals in the Slovak Republic imposed by the bilateral agreement between the Slovak Republic and Ukraine.

Table 8. Regular employment of nationals of Belarus, Moldova, and Ukraine in the Slovak Republic 2004-2007

| Country/Year* | 2004 | 2005 | 2006 | 2007 |
|----------------|------|------|------|------|
| Belarus | 6 | 8 | 17 | 11 |
| Moldova | 4 | 1 | 13 | 15 |
| Ukraine | 233 | 256 | 226 | 309 |

* *The table shows the number of citizens of Belarus, Moldova, and Ukraine legally employed in the Slovak Republic as of December 2004, December 2005, December 2006, and June 2007 (Belarus and Moldova)/July 2007 (Ukraine). For details of employment in specific sectors of the Slovak economy see annex no. 3 of this study. Source: The Central Bureau of Labour, Social Affairs, and Family*

¹³⁰ Data of the Office of the Border and Aliens Police, cited in: P. Kaźmierkiewicz (ed.), *The Visegrad States Between Schengen and Neighbourhood*, Institute of Public Affairs: Warsaw 2005.

¹³¹ Source: The Central Bureau of Labour, Social Affairs, and Family

According to the Central Bureau of Labour, Social Affairs, and Family, immigrants from the WNIS countries are employed in the Slovak Republic mostly in low-skilled professions in industry and agriculture with only a marginal percentage of WNIS immigrants employed in highly-skilled professions. The small number of citizens from Belarus and Moldova working legally in the Slovak Republic makes any generalisation of distribution by sector and shifts between sectors of the economy impossible (see Tables 9 and 10 for the breakdown of registered employment by sectors in 2004-2007). These nationals are evidently legally employed by only a very limited number of firms.

Table 9. Distribution by sector of regularly employed Belarus citizens in the Slovak Republic 2004-2007

| Sector/Year | 2004 | 2005 | 2006 | 2007 |
|---|----------|----------|-----------|-----------|
| Crop and animal production, hunting and related service activities | 1 | 1 | 1 | 1 |
| Air transport | 3 | 3 | 0 | 0 |
| Activities of head offices; management consultancy activities | 0 | 2 | 0 | 0 |
| Forestry and logging | 0 | 0 | 1 | 1 |
| Mining of coal and lignite | 0 | 0 | 1 | 1 |
| Manufacture of food products | 0 | 0 | 2 | 1 |
| Manufacture of beverages | 0 | 0 | 1 | 1 |
| Manufacture of tobacco products | 0 | 0 | 1 | 2 |
| Manufacture of textiles | 0 | 0 | 1 | 2 |
| Manufacture of wearing apparel | 0 | 0 | 1 | 1 |
| Manufacture of leather and related products | 0 | 0 | 4 | 1 |
| Manufacture of wood and wood and cork products, except furniture; manufacture of straw and pleated material articles | 0 | 0 | 2 | 0 |
| Manufacture of paper and paper products | 0 | 0 | 2 | 0 |
| Printing and reproduction of recorded media | 0 | 1 | 0 | 0 |
| Other professional, scientific and technical activities | 0 | 1 | 0 | 0 |
| Security and investigation activities | 1 | 0 | 0 | 0 |
| Gambling and betting activities | 1 | 0 | 0 | 0 |
| Total | 6 | 8 | 17 | 11 |

* Number of citizens of Belarus working legally in the Slovak Republic as of December 2004, December 2005, December 2006, and June 2007. Source: The Central Bureau of Office of Labor, Social Affairs, and Family

Table 10. Distribution by sector of regularly employed Moldova nationals in the Slovak Republic 2004-2007*

| Sector/Year | 2004 | 2005 | 2006 | 2007 |
|---|----------|----------|-----------|-----------|
| Air transport | 3 | 0 | 0 | 0 |
| Programming and broadcasting activities | 1 | 1 | 13 | 14 |
| Manufacture of computer, electronic and optical products | 0 | 0 | 0 | 1 |
| Total | 4 | 1 | 13 | 15 |

* Number of citizens of Moldova working legally in the Slovak Republic as of December 2004, December 2005, December 2006, and June 2007. Source: The Central Bureau of Office of Labour, Social Affairs, and Family

Agriculture is the sector where most Ukraine workers find jobs (Table 11). In any given month between 2004–2007, between 8 and 34 Ukraine nationals worked in crop and animal production, hunting and related service activities. In all other sectors the distribution of Ukraine workers in the period was uneven. However, in some years workers from Ukraine concentrated in certain sectors of the economy, specifically transportation, food and beverage services, entertainment, wholesale trade, manufacture and mining. Between 2004–2005 and the end of 2006-to mid-2007 a shift could be observed in the employment of Ukraine citizens from services to manufacturing and mining, reflecting the growth of the manufacturing industry in the Slovak economy in 2006 and 2007.

Table 11. Distribution by sector of regularly employed Ukraine citizens in the Slovak Republic 2004-2007

| Sector/Year | 2004 | 2005 | 2006 | 2007 |
|--|------|------|------|------|
| Crop and animal production, hunting and related service activities | 12 | 23 | 8 | 34 |
| Forestry and logging | 0 | 0 | 4 | 1 |
| Mining of coal and lignite | 0 | 0 | 6 | 19 |
| Manufacture of food products | 0 | 0 | 1 | 6 |
| Manufacture of beverages | 0 | 0 | 1 | 2 |
| Manufacture of tobacco products | 0 | 0 | 2 | 23 |
| Manufacture of textiles | 0 | 0 | 1 | 9 |
| Manufacture of wearing apparel | 0 | 0 | 4 | 1 |
| Manufacture of leather and related products | 2 | 1 | 2 | 49 |
| Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and pleated materials | 0 | 0 | 22 | 1 |
| Manufacture of paper and paper products | 0 | 7 | 1 | 59 |
| Printing and reproduction of recorded media | 3 | 2 | 92 | 42 |
| Manufacture of coke and refined petroleum products | 0 | 0 | 37 | 6 |
| Manufacture of chemicals and chemical products | 3 | 1 | 5 | 2 |
| Manufacture of raw pharmaceutical materials and finished pharmaceutical products | 0 | 0 | 3 | 14 |
| Manufacture of rubber and plastic products | 0 | 0 | 1 | 2 |
| Manufacture of other non-metallic mineral products | 0 | 0 | 1 | 1 |
| Manufacture of basic metals | 1 | 1 | 1 | 1 |
| Manufacture of fabricated metal products, except machinery and equipment | 0 | 0 | 4 | 1 |
| Manufacture of computer, electronic and optical products | 0 | 0 | 4 | 9 |
| Manufacture of electrical equipment | 0 | 0 | 5 | 3 |
| Manufacture of machinery and equipment | 2 | 2 | 4 | 10 |
| Manufacture of motor vehicles, trailers and semi-trailers | 1 | 0 | 2 | 2 |
| Manufacture of other transport equipment | 0 | 0 | 1 | 5 |
| Manufacture of furniture | 1 | 0 | 12 | 7 |
| Other manufacturing | 0 | 1 | 2 | 0 |
| Warehousing and support activities for transportation | 0 | 2 | 0 | 0 |
| Wholesale trade, except of motor vehicles and motorcycles | 0 | 47 | 0 | 0 |
| Accommodation | 0 | 2 | 0 | 0 |
| Land transport and transport via pipelines | 68 | 0 | 0 | 0 |
| Food and beverage service activities | 86 | 133 | 0 | 0 |
| Publishing activities | 4 | 0 | 0 | 0 |
| Telecommunications | 3 | 0 | 0 | 0 |
| Programming and broadcasting activities | 3 | 2 | 0 | 0 |
| Information service activities | 0 | 1 | 0 | 0 |
| Computer programming, consultancy and related activities | 2 | 0 | 0 | 0 |
| Financial service activities, except insurance and pension funding | 0 | 2 | 0 | 0 |
| Insurance, reinsurance and pension funding, except compulsory social security | 1 | | 0 | 0 |
| Activities of head offices; management consultancy activities | 1 | 0 | 0 | 0 |
| Scientific research and development | 2 | 1 | 0 | 0 |

| | | | | |
|---|------------|------------|------------|------------|
| Advertising and market research | 1 | 1 | 0 | 0 |
| Other professional, scientific and technical activities | 5 | 8 | 0 | 0 |
| Security and investigation activities | 1 | 2 | 0 | 0 |
| Education | 1 | 5 | 0 | 0 |
| Creative, arts and entertainment activities | 1 | 3 | 0 | 0 |
| Libraries, archives, museums and other cultural activities | 4 | 0 | 0 | 0 |
| Gambling and betting activities | 25 | 7 | 0 | 0 |
| Sports activities and amusement and recreation activities | 0 | 1 | 0 | 0 |
| Activities of extraterritorial organisations and bodies | 0 | 1 | 0 | 0 |
| Total | 233 | 256 | 226 | 309 |

* The number of Ukraine citizens working legally in the Slovak Republic as of December 2004, December 2005, December 2006, and July 2007. Source: The Office of Labour, Social Affairs, and Family

A certain concentration of workers from Ukraine could be noted in some sectors (apart from agriculture) in any given year (Table 11). In 2004, the dominant sectors were land transport (68 persons), food and beverage service activities (86), and gambling and betting activities (25). The largest sectors in 2005 included the wholesale trade (47) and food and beverage service activities (133). In 2006 Ukraine workers were concentrated in the manufacture of wood products (22), the sector of printing and reproduction of recorded media (92), and manufacture of coke and refined petroleum products (37). In 2007 they were employed mostly in the sector of mining of coal and lignite (19), the sector of manufacture of tobacco products (23), the sector of leather and related products (49), the sector of paper and paper products (59), and again the sector of printing and reproduction of recorded media (42). Overall it could be concluded that citizens of Ukraine working legally in the Slovak Republic were most often employed in transportation, catering, entertainment, wholesale trade, manufacture, and mining.

Available data did not permit an assessment of the exact ratio between Ukraine citizens who worked in low- and highly-skilled professions. A look at certain sectors of the economy requiring high qualifications, however, suggests that the percentage was marginal. Employment in the sectors of publishing, telecommunications, programming and broadcasting, computer programming, insurance, science research, and arts ranges in a given month ranged between one to eight persons, but the average was mostly that of one or two persons. In a given month during the years 2004 – 2007, only one Ukraine national worked in a head office or management consultancy.

2.1.5. Latvia

Of the countries under review Latvia accepted relatively few nationals of Belarus, Moldova or Ukraine. The total proportion of nationals from Ukraine, Belarus and Moldova with permanent residence permits in Latvia is very low (approximately 3%), reflecting the very restrictive immigration policies of the 1990s. However, a clear rise could be observed in the number of applications for entry visas and residence permits (Table 12). Particularly strong growth was recorded in the case of Moldova—twice as many applications for short-term visas were submitted in 2007 compared to the previous year and while there were only 52 applications for temporary residence in 2006, a total 273 were submitted in the following year.

Table 12. Regular migration from WNIS to Latvia, 2004-2007

| | Short-term visa applications | | | | Temporary residence permits | | | | Permanent resident permits | | | |
|----------------|------------------------------|-------|-------|-------|-----------------------------|------|------|------|----------------------------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2004 | 2005 | 2006 | 2007 | 2004 | 2005 | 2006 | 2007 |
| Belarus | 15494 | 22412 | 30389 | 37643 | 401 | 421 | 778 | 940 | 235 | 248 | 419 | 361 |
| Moldova | 490 | 939 | 1151 | 1107 | 40 | 41 | 185 | 757 | 12 | 24 | 31 | 29 |
| Ukraine | 8287 | 13308 | 16744 | 16251 | 758 | 728 | 1155 | 1730 | 318 | 383 | 486 | 429 |

Source: Office for Citizenship and Migration Affairs

The employment of third country nationals has recently also been on the rise. Ukraine nationals are currently the second largest group of foreign workers (second to Russians). Whereas some 200-300 work permits a year were issued to nationals of Ukraine between 2002 and 2005, this figure rose to 961 in 2007. Legal labour immigration from Belarus and Moldova also recorded impressive growth. If between 2002 and 2005 only

73 work invitations to citizens of Belarus were approved in 2006 alone the number rose to 91 and more than doubled to 226 in 2007. Even more dynamic was the growth in legal labour movement from Moldova: whereas no invitations were approved for the work of citizens of Moldova until 2004, and only one permit was issued in 2005 and 196 and 847 workers were authorised in 2006 and 2007, respectively.

2.1.6. Lithuania

The CIS is the region of origin of the overwhelming majority of foreigners entering Lithuania and subsequently staying in the country. Nationals of the WNIS states constitute the majority of Lithuanian work permit recipients—they were issued 2107 permits in 2006. Their significance of the overall legal labour immigration has gradually increased. Whereas in 2004, Belarus and Ukraine nationals constituted some 53% of all work permit holders, their share rose to 78% three years later. The number of work permit holders from Moldova in 2004 was insignificant, but rose to 5% in 2007. Between 2004 and 2007 other notable shifts also became evident –the share of Ukraine citizens rose slightly from 32% to 35% while Belarus became the top country of origin of labour migrants – their share rising from under 22% to 38 %.

The number of work permits issued annually to foreigners in Lithuania has gradually risen since 2002 with the strongest growth registered among WNIS nationals (Table 13). While only 877 permits were issued to WNIS nationals in 2004, the number rose nearly sevenfold to 5,686 in 2007.

Table 13. Lithuanian work permits issued to citizens of Belarus, Moldova and Ukraine, 2004-2007

| | | 2004 | 2005 | 2006 | 2007 | Total, 2004-2007 |
|----------------|--------------------------|------|------|------|------|------------------|
| Belarus | Number of issued permits | 189 | 456 | 1104 | 2161 | 3910 |
| | % of all permits issued | 22 | 29 | 37 | 38 | 35 |
| Moldova | Number of issued permits | 6 | 17 | 44 | 284 | 351 |
| | % of all permits issued | 0.7 | 1.1 | 1.5 | 5 | 3.2 |
| Ukraine | Number of issued permits | 279 | 486 | 959 | 1990 | 3714 |
| | % of all permits issued | 32 | 31 | 32 | 35 | 33 |

Source: *Lithuanian Labour Exchange*

Since Lithuania's accession to the EU the share of work permits for Ukraine citizens increased slightly – from 31.8% in 2004 to 32.2% in 2006 (when 959 permits were issued). In case of Belarus nationals the number grew substantially from 21.6% in 2004 to 37% in 2006 (when 1104 permits were issued), while an increase of citizens from Moldova was also noted with 6 permits issued in 2004, but with 44 permits issued in 2006 (i.e. 1.5% of the total number).

According to preliminary figures of the Lithuanian Labour Exchange for 2007 the share of the workers from these three countries remained substantial. Citizens of Ukraine received 35% of all the work permits issued in 2007, those from Belarus 38%, and from Moldova – 5%.¹³²

A trend to employ posted expatriate workers¹³³ was also evident in Lithuania. In 2005 a total 660 posted expatriate workers received work permits (42% of the total number of permits). In 2006 their number rose to 718 (around 25% of all issued permits), mostly for those working in shipbuilding (27%) and ship welding (17%), and largely concentrated in two shipyards in the port of Klaipėda (47%). Nearly a quarter (23%) of the posted workers in 2006 were employed in construction (15% worked for a single construction company in Kaunas).¹³⁴

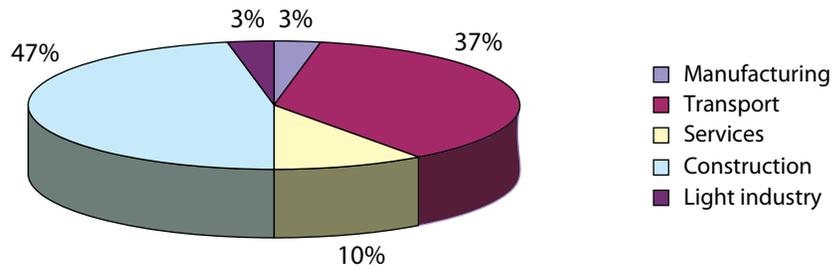
The immigrant labour force is concentrated in several sectors of the Lithuanian economy – in industrial production sites, transport, infrastructure and construction. In 2006 foreigners were mainly employed as international long-distance truck drivers (1011 permits), ship assembly workers (338) and welders (268) and bricklayers (229). According to preliminary data for 2007 the main sectors employing foreigners were construction (2693 work permits) and transport (2059) – with largest number of work permits issued for international long-distance truck drivers, followed by bricklayers, and ship assembly workers and welders of ship hulls. The share of the foreign workers in 2007 in construction was 47%, in transport – 37%, in services – 10%, in manufacturing – 3%, and in light industry – 3% (Fig. 3).

¹³² Information provided by the Lithuanian Labour Exchange at the Ministry of Social Security and Labour.

¹³³ Posted expatriate workers are foreign employees delegated by foreign companies to work in companies in Lithuania. They remain on the payroll of the original employer located abroad.

¹³⁴ The data cited in this paragraph is from the Lithuanian Labour Exchange (2006 m. ataskaita apie leidimų dirbti užsieniečiams išdavimą)

Fig. 3. Foreign workers in Lithuania by sectors in 2007



Although precise statistics on the distribution of workers according to nationality in sectors are not available the employment Ukraine and Belarus nationals in the sectors of transport, construction and industrial manufacturing is public knowledge. Foreign workers have been able to establish themselves in some sectors as, e.g. ship welders from Ukraine. Unlike earlier contingents of foreign employees in this sector from other countries (e.g. Bulgaria) who did not stay for long the employment of workers from Ukraine in the shipbuilding industry (i.e. in the port of Klaipėda) is already a common fact.

2. 2. Scale and dynamics of irregular migration

2.2.1. Definition and sanctions for irregular employment of migrants

This section refers to the treatment of irregular migrants in the legislative and administrative practice of the recently acceded EU Member States under review. Most of the material in the Hungarian and Polish research was obtained by the study of legal documents and interviews with migrants, employers and experts. Where possible this was supplemented by the results of the Latvian research.

Definition

Irregular labour migration is understood as defined by the national laws of the recently acceded EU Member States. The Hungarian definition serves here as an example, which has parallels in the other reviewed countries.¹³⁵ According to Hungarian law employment is irregular when performed without a permit, if a foreigner does not work for the employer named in the permit, or if the employer does not employ the foreigner on the site or for the activity stated in the permit.

Institutions controlling legality of residence and employment

Hungary. In Hungary the Office of Labour Inspectorate of the Ministry of Labour and Social Affairs is officially responsible for the control of foreign employees, but the actual controls can be carried out jointly by the following institutions: the Border Guards, the Police, the Office of Immigration and Nationality, the Customs and Finance Guard and the central or local bodies of the Labour Inspectorate. In case of violations the Inspectorate fines the employer and hands the foreign employee over to the alien police authority which decides on further steps on the basis of the illegal nature of his/her activity.

Poland. The control of the legal employment was reformed in Poland in 2007. Until then controls were conducted by several institutions, including regional administrations (Office of the Voivod), the Customs Service,¹³⁶ the trade unions, employers' organisations, National Labour Inspectorate, Social Insurance Company, Police, Border Guard and Office of Fiscal Control. The new system (in force since July 1, 2007) delegated the responsibility for control activities from the Voivod Offices to the National Labour Inspectorate which was henceforth authorised to control both conditions of work and legality of employment. In addition Border Guard and regular police carry out random investigations and controls in areas with a large concentration of foreigners. It is easiest for them to control market places where foreign traders peddle their goods and where transient migrants offer their services for daily wages.

¹³⁵ In Latvia irregularly employed workers are considered to be persons who have no written proof of their legal status (no written labour contract, non-payment of social insurance contributions and personal income tax) and foreigners who work in Latvia without work permits.

¹³⁶ Art. 116, item. 2 of the Act of 20 April 2004 on employment and labour market institutions [Ustawa o promocji zatrudnienia i instytucjach rynku pracy] (Dz. U. z 2004 r. Nr 99, poz. 1001 z późn. m.).

Sanctions for irregular migrants

Hungary. A further consequence for a foreigner working without a permit is the possibility of being arrested by the police or the border guards and expelled from the country. The latter decision rests with the Office of Immigration and Nationality of the Ministry of Justice and Law Enforcement. With effect from July 1, 2007 expulsion and the ban on entry and residence in the country could be enforced only in the case of third-country nationals.

Latvia. If the Latvian law on the status of foreign workers is breached the state institutions issue a warning to the company giving it a deadline within which the necessary documents must be procured. If the procedure is not completed on schedule the Office of Citizenship and Migration Affairs is authorised to extend the deadline, but if the documents have not been presented the migrant worker is detained and given 5-7 days to leave Latvia. Failure to leave within the deadline results in the detention of the migrant at the Olaine detention centre for irregular migrants for 10 days. During that time the Office of Citizenship and Migration Affairs sets the value of the fine and decides whether the migrant can leave Latvia voluntarily or is to be deported. Since December 21, 2007 the person can also receive a 5-year ban on the entry to Latvia – the Schengen zone. This ban can be lifted if, e.g. the person wishes to enter Latvia for family reunification.

Sanctions towards employers

Hungary. Irregular employment has two legal consequences. One is that the employer must pay the employment section of the Labour Market Fund a fine for each foreigner proved to have been illegally employed (without a permit). The fine is set according to whether this was a first offence or had been repeated within three years following a previous labour inspection. The fine is also set according to whether the law was violated by a natural person, a private entrepreneur or by a legal entity.

In Hungary, the fine for the employer can range from €120 (a single offence in case of one employee) to €40,000 (more offences concerning more employees). The illegal employment of a foreigner carried a maximum fee, in the case of one foreigner, of up to €400. In addition employers violating the law on employment are barred from participating in public procurement procedures for five years.

Latvia. The employment of any irregular workers is banned and fined. The fine for illegal residence in Latvia ranges from LVL 50 to LVL250, or €70-€360.

Poland. A recent trend is an increase in the severity of penalties in Poland where the fines were raised in July 2007 from PLN 1,000 (around €300) to PLN 30,000 (around €9,000). In 2007 a total 12,178 inspections were carried out resulting in fines for the employers totalling PLN 14,000,000 (€5,000,000). The employment of foreigners was, however, only a minor issue and only 246 foreigners were found to be irregularly employed.¹³⁷

Effectiveness of control measures

Hungary. It appears that in some cases employers were able to avoid labour inspections as the site of the employment was unknown or inaccessible to the authorities. A woman from Ukraine who processed snails for export reported that her worksite was in a place no one knew about and so there was never fear of inspections.¹³⁸ Another employee from the Ukraine who worked in a factory before becoming a construction worker recalled: “In the first one and a half years when I was in Hungary we never had to fear an inspection “cause I worked in a factory which was locked. No one could enter there.”¹³⁹

None of the respondents had ever been caught in an inspection when working irregularly which suggests that the controls were not very effective in terms of fighting irregular labour migration. The underlying assumption of the Hungarian regulations is that if heavy fines are imposed on employers this leads in their adopting the correct measures to avoid controls or to even benefit from the inspections. The employees are aware of this and rely on their employers in such situations. “When the inspectors came we escaped ...yeah, when there was an inspection we tried not to be out in the fields. But we were told in advance. [...] They came also in the vineyards on motorbikes and on horsebacks, the police, and they checked with helicopters, yes...”.¹⁴⁰ It was

137 State Labour Inspection, *Efekty kontroli legalnoœci zatrudnienia w 2007 r.* [The effects of the controls of the legality of employment], <http://www.pip.gov.pl>

138 EE13

139 EE21

140 EE8

mentioned in several other interviews that the employer knew about the time of the inspections and “sent us for a walk.”¹⁴¹

Poland. Effectiveness of the system of labour inspections was unsatisfactory in many instances. Interviews with foreign employees conducted as part of this study showed that they had almost had no contact with controlling institutions. None of the respondents in Poland turned to any agencies with complaints or problems, or even had heard about someone, who turned to any institution or Labour Inspector with complaints. Those who work irregularly cannot turn to such agencies as they would risk deportation. It was also pointed out by one of the respondents that there were cases of corruption in those institutions. Foreigners employed legally had no interest in turning to The National Labour Inspectorate as they said their working conditions were satisfactory.

2.2.2. Estimating the extent of irregular employment

No definite assessment was possible of the scale and evolution of irregular labour migration of WNIS nationals in the recently acceded EU Member States. This was firstly due to the nature of the phenomenon which is characterised by liquidity and rapid dynamics, and secondly to the limited number of sources for data on the irregular sojourn and work of foreign citizens in these host countries.

A common source of statistics is the number of foreigners apprehended by labour inspections when working irregularly. One limitation to the use of these statistics was that foreigners (and their nationalities) were either not specified as a category or, as in the cases of Belarus and Moldova nationals, represented very small numbers. On the other hand statistics on alien police measures and the petty offences committed by foreigners showed the number of detentions, but rarely mentioned the detection and prosecution of irregular employment.

For these reasons conclusions must be considered partial and tentative as no reliable data were available on the size and composition of irregular immigration. Expert assessments took into account the fact that in most states of the region the number of irregular migrants still greatly outnumbered the legal flow. Hungarian experts estimated that in the high season the number of irregular foreign workers could have been double that of those with permits.¹⁴² Expert estimates provided in the course of sociological research in this project also showed discrepancies with labour inspection data and expert estimates of the size of WNIS migration. The overview of estimates for the reviewed countries showed that the official figures usually reflected a much smaller presence of irregularly employed foreign workers than the figures given by experts dealing with the same phenomenon.

Informal evidence suggested that there were cases of migrants from the WNIS countries where people with expired visas continued working,¹⁴³ but such information was not collected systematically and was not available. This may be because mechanisms of labour market monitoring were insufficiently developed so that both precise knowledge and the methodologies to assess the extent of irregular labour will pose a future challenge for the state agencies. The underdeveloped mechanisms of labour market monitoring make it highly probable that workers (both foreign and national) must remain without a written contract and without the possibility of appealing their employer's decisions etc.

In some countries in the region (e.g. Hungary or Poland) sociological research showed the dominant patterns of WNIS irregular migration. One of the forms of migration was the shuttle cross-border movement involving short-term commuters (arriving every week or month) from the neighbouring countries (Belarus in the case of Latvia, Lithuania and Poland and Ukraine with regard to Poland, the Slovak Republic and Hungary). This type of migration has a predominantly economic character with migrants working in the seasonal sectors (agriculture, construction) of the shadow economy¹⁴⁴ or operating as cross-border traders working active on open-air markets.¹⁴⁵

141 EE16

142 J. Juhász (2003): *Hungary: Transit Country between East and West*. In: Migration Information Source, European Country Profiles. Migration Policy Institute. at <http://www.migrationinformation.org/Profiles/display.cfm?ID=181>

143 Interview with a social worker in Klaipeda by T.Leoncikas (13.12.2007).

144 See: E. Sik, *The Spatial Distribution of Informal Marketplaces and Informal Foreign Traders in Contemporary Hungary*. In: *Underground Economies in Transition*, eds.: Edgar L. Feige and Ott, Katarina, Ashgate, Aldershot 1999, pp. 275-306. and E. Sik and J. I. Tóth, *Hidden economy in Hungary* in: *The Social Impact of Informal Economies in Eastern Europe*. Eds. Neef, Rainer, and Manuela Stanculescu, Ashgate, Aldershot 2002, pp. 219-230..

145 See: Á. Czakó and E. Sik (1999), *Characteristics and Origins of the Comecon Open-air Market in Hungary* *International Journal of Urban and Regional Research*, December 1999, Vol. 23. No- 4., pp. 715-737.

2.2.3. Incentives for irregular employment

The reasons for widespread irregular employment in many countries in transition reflect the general structure of the labour market especially in sectors with both migrant and domestic workers, such as construction and agriculture. Taking up unregistered employment is widespread as employees prefer not to pay tax and social security as confirmed by data available in Latvia. A recent study found that in 2007 every fourth worker or 25% of all workers employed in Latvia worked on the “black market”, i.e. without an employment contract or paying taxes on full income.¹⁴⁶ This complements the fact that in 2007 cases of illegal employment were found in every fifth enterprise inspected by the State Labour Inspectorate.¹⁴⁷

Any assessment of aggregate employment trends must also take into account the possible extent of hidden employment and hidden unemployment (or “under-employment”).¹⁴⁸ Estimates by Latvia’s Central Statistics Bureau for 2007 put the size of the shadow economy at 16% of Latvia’s GDP, while Latvia’s Finance Ministry estimated the level of hidden employment to be approximately 20% in 2007. The irregular employment of foreigners is part of a broader phenomenon of the “grey economy”, noted in Poland and Hungary. Both foreign and domestic employees are registered for the minimum wage which results in tax savings for the employers and advantages for the employees who directly receive the overhead salary.¹⁴⁹

According to Latvian experts four additional factors enhance irregular work – administrative obstacles such as complicated rules for starting up a business and restricted access to financial resources; complicated and inflexible labour legislation which does not correspond to the needs of the labour market; high personnel costs and high social insurance payments; and lack of prestige for socially responsible businesses.¹⁵⁰

Polish researchers noticed that migrants from WNIS and their Polish colleagues had similar motives for taking on unregistered work, but unlike local workers they bore the additional risk of being expelled. A further incentive for irregular employment identified in the course of earlier research on migration of Ukraine workers to Poland was the temporary character of their stay and work which left no time to complete all necessary official employment paperwork.¹⁵¹ Also labour bureaucracy prevents migrant workers from WNIS from taking up more than one job on a single labour permit.

Research in all the countries under review showed that some of the migrants performed both regular and irregular work, or used to do so in the past. The two main reasons for this phenomenon were economic (unregistered pay without tax and social security burdens) and the complicated bureaucracy for legalising work (which was at last positively granted, but in the meantime they often worked irregularly, i.e. students or immigrants, whose residence status was irregular).

This paper confirms earlier studies of WNIS migration in central Europe and shows that the majority of irregular WNIS migrants are not interested in longer-term residence or settlement. The analysis of interviews in Hungary suggests economic self-interest as the primary motive for engaging in seasonal or temporary employment. Migrant statements indicated that they had taken the decision to migrate nor merely to work abroad, but were seeking opportunities of better(-paid) work than that available back home. At the same time migrant wages are still insufficient to allow them to settle in the host country. Other factors keeping migrants from settling in Hungary are the geographical proximity, low costs of commuting as well as native proficiency in Hungarian in the majority of cases and a well functioning migrant network.

2.2.4. Hungary

The extent of irregular migrant employment in Hungary was difficult to estimate. A common source of statistics was the number of foreigners caught at irregular work by labour inspections. One limitation to the use of these statistics was that foreigners (and their nationalities) were either not specified as a category or, as in the cases of Belarus and Moldova nationals, represented very small numbers. An estimate of the share of foreigners

146 Ē. Šumilo, *Neregistrētās nodarbinātības novērtējums 2005-2007* (Evaluation of unregistered employment), University of Latvia, Ministry of Welfare 2007..

147 Between January to November 2007, 2,717 irregularly employed workers (locals and foreigners) were caught in Latvia. Source: State Labour Inspectorate.

148 Hidden unemployment means that employees are forced to work shorter working weeks or must take unpaid leave in the case of production stoppages.

149 L. Váradi. *Immigration Business in Hungary*, Central European Political Science Review, vol. 6. No 20 (2006)..

150 Ē. Šumilo. *op.cit.*

151 Bieniecki M., J. Frelak, P. Kaźmierkiewicz, M. Pawlak (2009), *The Position of Ukrainian Migrants on the Polish Labour Market*, IOM Kyiv (unpublished).

working irregularly could only be deduced from the statistics given by the Hungarian Labour Inspectorate¹⁵² for 2006. Of over 12,300 punished employers/companies hiring 42,276 irregular workers, irregular employment of foreigners was noted in 576 cases (or 4.68% of all employers sanctioned).¹⁵³

Another official estimate of the extent of irregular employment of foreigners was contained in a report¹⁵⁴ of the Inspectorate for the first quarter of 2006. Controls were carried out of 6,950 employees, of which 1,000 (or less than 1.5%) were foreigners. Assuming the sampling was close to random it appeared that the proportion of foreigners controlled was not higher than that of the entire population. The director of the Inspectorate said in an interview that in the first nine months of 2006 of the 30,000 people found working irregularly 1,200 (or 4%) were foreigners.¹⁵⁵

According to the Hungarian Ministry of Labour and Social Affairs the regulations concerning the employment of foreign nationals were violated by the employers 491 times in 2006 and 1,535 foreign persons were found to be employed irregularly. Similarly to 2005 workers from Romania formed the largest group and Ukraine nationals the second largest, while the sectors where the most illegally employed foreigners were found had not changed. The building industry was the first and agriculture the second largest field of illegal employment of foreign nationals.¹⁵⁶

Alien police statistics of the Hungarian Office of Immigration and Nationality, suggested a decline in the number of expulsion orders handed down by the Office since 2002. Citizens of Ukraine and Moldova accounted for a significant share of third-country nationals who were expelled (Table 14).

Table 14. Expulsion orders from Hungary between 2002 and 2007 by citizenship*

| Citizenship | Year | | | | | | Total |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | |
| Romania | 3,301 | 2,881 | 2,573 | 2,735 | 2,024 | 168 | 13,682 |
| Ukraine | 824 | 833 | 634 | 955 | 312 | 207 | 3,765 |
| Ukraine % | 13.52 | 17.25 | 15.06 | 21.82 | 10.29 | 15.34 | 15.92 |
| Moldova | 340 | 166 | 143 | 67 | 64 | 59 | 839 |
| Moldova % | 5.58 | 3.44 | 3.40 | 1.53 | 2.11 | 18.90 | 3.55 |
| Serbia | 516 | 233 | 100 | 120 | 190 | 426 | 1585 |
| China | 240 | 89 | 98 | 48 | 54 | n.a. | 529 |
| Turkey | 132 | 82 | 74 | 50 | 21 | n.a. | 359 |
| Other | 742 | 545 | 589 | 401 | 367 | 235 | 2879 |
| Total expulsions | 6,095 | 4,829 | 4,211 | 4,376 | 3,032 | 1,095 | 23,638 |

* Source: Office of Immigration and Nationality statistics

The total number of measures concerning irregular immigration undertaken by the Border Guard in 2005 was 18,295 and 16,508 in 2006, showing an overall drop of 10%. Table 15 shows the citizenship of foreigners involved in illegal immigration and the prevalence of activities related to irregular immigration as well as the actual number of foreigners involved in these activities has been declining. A steady and apparently “across the board” decline can be also observed in the total number and proportion of WNIS citizens among those who are recorded as being involved in some illegal activity regarding their entry and stay in Hungary and this drop is more noticeable than that of the number of the overall foreign population in the Border Guard registers.

152 The Hungarian Labour Inspectorate is a central agency under the control of the Minister of Social Affairs and Labour. Its legal status, duties and competence are defined by Government Decree No 295/2006 (XII.23) on the Hungarian Labour Inspectorate.

153 Summary of the annual report of the Inspectorate available on its website at http://www.ommf.gov.hu/index.php?akt_menu=172&hir_reszlet=110

154 Available at http://www.ommf.gov.hu/index.php?akt_menu=172&hir_reszlet=75

155 The interview can be accessed at the website of the Inspectorate at http://www.ommf.gov.hu/index.php?akt_menu=172&hir_reszlet=97

156 Cited in A. Kovats, L. Koszeghy, “The Challenges facing Migrants from Belarus, Moldova and Ukraine on Labour Markets and in Societies of recently New EU Member States. Country Report: Hungary” (unpublished).

Table 15. Irregular immigration into Hungary by citizenship in 2005 and 2006*

| Citizenship | 2005 | | 2006** | | Change | |
|---------------|---------------|---------------|---------------|---------------|---------------|--------------|
| | N | % | N | % | N | % |
| Romania | 8,492 | 46.42 | 8,937 | 54.14 | 445 | 5.24 |
| Ukraine | 5,678 | 31.04 | 3,530 | 21.38 | -2,148 | -37.83 |
| Moldova | 834 | 4.56 | 663 | 4.02 | -171 | -20.50 |
| Serbia | 1015 | 5.55 | 977 | 5.92 | -38 | -3.74 |
| Turkey | 253 | 1.38 | 300 | 1.82 | 47 | 18.58 |
| China | 113 | 0.62 | 90 | 0.55 | -23 | -20.35 |
| Other | 1,910 | 10.44 | 2,011 | 12.18 | 101 | 5.29 |
| Total: | 18,295 | 100.00 | 16,508 | 100.00 | -1,787 | -9.77 |

* Source: Border Guard statistics

** No update was available for 2007 at the time of writing.

Further insights into the scale and composition of irregular migration flows were gained in more recent academic studies. One example was an estimate of the scale and characteristics of irregular employment of foreigners in Hungary.¹⁵⁷ This was based on an extensive desk analysis of existing literature together with expert and employee interviews and small-scale surveys in an attempt to create a complex and reliable picture of the role of foreigners in the shadow economy (especially the labour market) in Hungary.

According to expert estimates¹⁵⁸ the share of irregular work in the total economy is approximately 25-30%, of which 15-20% is performed by foreigners. In other words irregular foreign workers in Hungary contribute to between 3.8% and 6% to the economy.¹⁵⁹ The experts also assessed the actual number of irregularly employed foreigners to be somewhere between 50,000 and 200,000 which was a very broad range. The research report also mentioned that 30% of the respondents thought that this number was less than 20,000 whereas another 30% thought it to be over 100,000.

Asked about the ethnic/national composition of the foreign labour force the experts estimated that the majority, (60-70%) were ethnic Hungarians from the neighbouring countries. As for citizenship they believed Ukraine nationals to be the second largest group after those of Romania, totalling between 14% to 22% of all irregularly employed foreigners. This estimate is close to the proportion of Ukraine nationals registered in the Alien Police and Border Guard proceedings, while their share among foreigners with a settlement or residence permit was somewhat lower.

2.2.5. Poland

In Poland it is the citizens of Ukraine among those from migrant countries relevant to this report who are most frequently arrested by the Border Guard, which probably is due to the fact that this national group is the largest. According to data from 2007 there were fewer (115) cases of Belarus nationals arrested on charges of staying in Poland without the necessary documents than those from Ukraine (509).¹⁶⁰ After Poland joined the Schengen Zone (December 21, 2007) the controls of legal residence became more frequent.¹⁶¹ As there are no restrictions on travel between Poland and other Schengen states Poland must cover the costs of deportation of foreigners who illegally crossed the Polish part of the EU-border and who were caught in other Schengen countries.

Concerning household help in Poland by the nationals of Belarus and Ukraine some estimates made as early as in 2001 put the figures between 90,000-100,000 of Ukraine women employed in households.¹⁶² It is reasonable to conclude that this number has somewhat decreased since then due to changing patterns of the emigration of Ukraine nationals to other European countries. Another significant sector of the economy where

157 The study was commissioned by the OFA Public Foundation, and undertaken by the Institute of Geographical Sciences of the Hungarian Academy of Science and the Panta Rhei Social Research Company in late 2006.

158 There were more than 300 experts who responded, representing policy makers, local governments, labour administration, immigration authorities and labour inspection, trade unions, academics, and NGO activists.

159 The paper (an unpublished research report) gives no explanation on the operational framework in which this estimate was made and the relationship between the "total economy" and the "proportion of black labour" in it remains vague.

160 Data of Border Police for year 2007.

161 Unofficial information from the Border Police headquarters officer.

162 M. Okólski, *Costs and benefits of migration for Central European countries*, CMR Working Papers, No. 7/65, Warsaw University, April 2006m, p. 39.

irregular immigrants find employment is construction. It should be noted that the number of persons employed in these two sectors in Poland is in inverse proportion to the number of Polish citizens who have left Poland to perform the same work in Western Europe.

There was no available data for estimates of irregular workers from Moldova but it can be assumed that the number of migrants from Moldova in Poland matched those found in other European states. According to an IOM study the majority of labour migrants from Moldova in countries of the European Union perform work outside their professions. These are usually low-skilled jobs such as domestic help or in agriculture.¹⁶³

2.2.6. Slovak Republic

Table 16 shows that between 2004 to 2007 a total 50 irregularly employed Ukraine nationals were detected in the Slovak Republic, accounting for over 30% of the detected irregularly employed foreigners. Ukraine nationals comprise 1.2% of all the detected irregularly employed persons which permits an estimate of some 1,000-1,500 irregularly employed Ukraine nationals there. Although the number of detected irregular migrants from Ukraine remains small in absolute figures the rise in detection is striking—if in 2004-2006, only 6 cases were recorded, while in 2007 alone the number rose to 44.

Table 16. Results of government labour inspections in the Slovak Republic in 2004 – 2007

| Year | Employees inspected | Irregularly employed | | |
|--------------|---------------------|----------------------|--------------|-------------------|
| | | Total | Aliens Total | Ukraine nationals |
| 2004 | 26 969 | 110 | 0 | 0 |
| 2005 | 37 806 | 1693 | 6 | 4 |
| 2006 | 25 272 | 1215 | 84 | 2 |
| 2007 | 11 381 | 1240 | 72 | 44 |
| Total | 111 592 | 4 258 | 162 | 50 |

Source: National Labour Inspectorate

The Slovak Government inspections detected no irregularly employed nationals of Belarus or Moldova.¹⁶⁴ Since this estimate of the total number of irregular foreign workers in the Slovak Republic is based on empirical data collected by the inspections it was impossible to make similar estimates of nationals of Belarus and Moldova.

2.2.7. Latvia

The results of inspections in Latvia led to the conclusion that the scale of detected irregular employment was on the rise. In 2006 a check of 3,893 enterprises by the State Labour Inspectorate detected 1,802 cases of illegal employment (mostly in Riga and its vicinity), which was double the number detected in 2005. In 2007 the detected cases of illegal employment increased by 37% compared to 2006.¹⁶⁵ The highest level of irregular work was in regions with high unemployment as well as in Riga. The fine for employers for illegal employment is €3,000-€15,000 but workers are fined €150-€700.¹⁶⁶

The number of detained irregular migrant workers in Latvia is also on the rise though a slowdown was observed in 2007 (Table 17). Many regular migrants entered the country with false documents and found a job through local contacts. Other migrant workers entered Latvia legally but worked irregularly, e.g. had a tourist visa but worked in construction (help building private houses) or the service sector. The authorities have trouble tracking down these cases. In 2007 153 employers were charged with the illegal employment of foreigners,¹⁶⁷ and 101 foreign workers were detected working irregularly. Of this number 5 were from Belarus, 14 from Ukraine and 27 from Moldova. An increase was recorded in the number of detained illegal workers from these countries in the last years (see Table 16). Most illegal migrants were employed in construction (23%), wood processing (24%), trade (14%), forestry (13%) and services, especially in hotels and restaurants.

163 V. Moshneaga, Implication of International Labour Migration for the Population of the Republic of Moldova, in: *Migration Perspectives: Eastern Europe and Central Asia*, IOM 2006..

164 Source: National Labour Inspectorate of the Slovak Republic

165 National News Agency LETA, 24 January 2008.

166 Reida laikā par strādāšanu bez darba atļaujām aiztur 19 Bulgārijas pilsoņus [During a raid 19 Bulgarian citizens caught for working without work-permits] National News Agency LETA 7.12.2006.

167 Press release "Work of immigration authorities in 2006", released by the State Border Guard, 20.02.2007.

Table 17. Detained irregular migrant workers in Latvia, 2004-2007

| Nationality | 2004 | 2005 | 2006 | 2007 |
|--------------------------|-----------|-----------|------------|------------|
| United States of America | 2 | 5 | 4 | 7 |
| Belarus | 4 | - | 2 | 5 |
| Bulgaria | 1 | - | 79 | - |
| Israel | 2 | 4 | 4 | 3 |
| Russia | 12 | 10 | 13 | 17 |
| Moldova | 1 | 1 | 1 | 27 |
| Thailand | - | - | - | 12 |
| Ukraine | 6 | 4 | 3 | 14 |
| Total | 34 | 28 | 131 | 101 |

Source: State Border Guard

The number of irregular migrant workers is, however, estimated to be much higher. Firstly, many third country nationals, including nationals of Belarus, Moldova and Ukraine are engaged in shuttle migration, coming and going according to the validity of their visa (maximum of 90 days).¹⁶⁸ Another reason to believe that the actual number of irregular migrant workers is higher is, that according to a study by the University of Latvia, sectors where irregular employment in Latvia was particularly high were construction, shipbuilding, forestry and agriculture, retail, and services (especially in hotels and restaurants), and private security companies. These are also the sectors where many migrant workers are employed officially. Assuming that the same relationship between the number of officially employed and illegally employed is true for migrant workers this could mean that in 2007 approximately 1,000 migrant workers could have been employed illegally in Latvia.¹⁶⁹ Experts expect the numbers of irregular migrant workers to further increase.

In Latvia the State Border guard fined 247 foreigners in 2007. The three main reasons for the fines were illegal border crossing, forged ID documents, and unregistered residence. Overall in 2007 the Border Guard Immigration Service detained and expelled 155 persons from Latvia, while 226 foreigners violated the valid residence and visa rules.¹⁷⁰ Stricter controls were envisaged from December 2007 when Latvia entered the Schengen area.¹⁷¹

2.2.8. Lithuania

The overall number of immigrants and the number of foreigners working with work permits has been steadily increasing in Lithuania over the recent years. Apart from regular employment cases of irregular work by immigrants from Ukraine, Belarus, and Moldova have also been reported. According to the State Labour Inspectorate in the first eight months of 2007, 10 cases of irregularly working foreigners were registered in Lithuania (the total number of irregularly working persons estimated at 639). A breakdown of the cases by country was not available.

It was difficult to estimate the real scope of the irregular work of foreigners in Lithuania. The extent of irregular work of migrants portrayed in the media seems to be higher than that reported by the official institutions. The media have published cases of irregular work of immigrants imported from Belarus, Ukraine, and Moldova, the majority of whom worked in construction companies.¹⁷²

168 According to the State Labour Inspectorate of Latvia

169 This calculation is made on the assumption that the proportion of migrant workers employed irregularly is approximately the same as on Latvia's labour market, i.e. that 25% workers on Latvia's labour market are employed irregularly. If the number of legal migrant workers in 2007 was approximately 4,000 one could assume that a further 1,000 (25 % of the legal migrant workers) migrant workers are employed irregularly. However, no data could be provided to support this assumption.

170 Press release "Work of immigration authorities in 2006", prepared by State Border Guard, 20.02.2007.

171 National News Agency LETA, 7.01.2007.

172 See also Lukaitytė R. "Sostinėje dirba nelegalūs "turistai" iš Baltarusijos", in: DELFI, 15.09.2007 [<http://www.delfi.lt:80/archive/article.php?id=14395879>]

3. Working and living conditions of WNIS migrants

This part of the report confronts the legal guarantees of work and residence conditions for WNIS labour migrants with the experiences of the migrants, both regular and irregular, themselves obtained in the course of field interviews in Hungary, Latvia and Poland. It identifies the most common scenarios of entry onto the national labour markets, highlighting the primary role of personal and family networks. Based on the interviews with migrants the determining factor for establishing the relative position of migrant workers from WNIS countries on the labour markets of recently acceded EU Member States are their skill levels and legal status. The crucial condition for the establishment of migrants' rights accorded by the labour legislation of the host countries is for them to possess a written contract, written in the language they can understand. In turn the foreign workers' legal status determines their pay conditions and in addition irregular workers lack enforceable guarantees of their pay and their timely payment. Distinctions also emerge between the skilled regular workers and un-skilled irregular migrants as regards accommodation.

3.1. Modes of entry onto the labour market

3.1.1. Channels of entry

As no official government programmes exist with the purpose of attracting foreign labour in any of the countries under review, migrants mostly seek employment on their own. This situation is also connected with the temporary and mostly irregular character of immigration with few incentives for legalising the job status. Migrants resort to three ways of finding jobs in Latvia, Hungary and Poland: through diaspora networks and family ties, via a recruitment agency or directly through an employer. The first channel plays the dominant role in recruitment while the others are used to a lesser extent.

Interviewed migrants and employers in Hungary, Latvia and Poland did not find the current forms of recruitment as discriminatory towards workers from Ukraine, Belarus or Moldova. None of the respondents reported being rejected when applying for a job on account of their nationality. This could be related to the high demand for WNIS workers and the creation of trust between employers and employees through the development of informal networks. This could sometimes lead to cases where WNIS workers were favoured over domestic labour. In Poland instances were reported of employers seeking to hire a foreigner and placing advertisements with conditions which only a foreigner could fulfil, such as a language training vacancy requiring certificates only available in Ukraine. In reality it was not necessary for the school to hire such a teacher but these conditions target migrant workers and exclude the Polish workers from the procedure of obtaining the work permit (as the role of foreigners on Polish labour market is, according to the system, complementary and should be applied only if there is no Pole qualified for that job).

3.1.2. Family ties and migrant networks

Family ties and immigrant networks are probably the most common means of finding employment in the reviewed countries. Although these networks are used both for finding regular and irregular employment they are dominant especially in the grey zone of the labour market, a common factor in all the host countries. The job seekers or their acquaintances contact the employers directly or are recommended for a particular job by their compatriots.

This form of mutual support is most common in countries with developed diaspora networks. One case is Latvia where a significant part of its population is of Belarus and Ukraine origin – most of these people arrived in Latvia in Soviet times. Strong migration networks have developed among the Ukraine nationals working in the three countries that neighbour Ukraine to the west (Poland, Slovak Republic and Hungary). They may take the form of local cross-border ties with many families separated by the change of the interstate borders after World War II (linking Transcarpathian Ukraine with eastern Slovak Republic and Hungary or western Ukraine with south eastern Poland). In the case of Hungary the ethnic factor is important as the majority of economic migrants from Ukraine are of ethnic Hungarian origin. There are also so-called virtual communities representing certain villages and persons from the same village or town working together in Hungary. Hungarian research also detected the existence of so-called “semi-institutionalised” recruitment procedures created on the basis of

migration networks. Migrant employers play an intermediary function by actively employing their compatriots and receiving logistical and financial support for these additional duties.

The situation of nationals from Moldova is different from the two other groups in the countries under review. They have no established networks so far as they have been migrating to the recently acceded EU Member States in smaller numbers and the phenomenon of migration to these states is relatively new. For instance a significant group of workers from Moldova in Poland is recruited directly by companies owned or co-owned by nationals of Moldova.

Some signs have appeared of the formation of networks of WNIS migrants transcending national divisions. The Polish field research suggests that migrants from the WNIS display a strong “post-Soviet identity” which helps them establish migration networks with citizens from other NIS states.

3.1.3. Recruitment agencies

Recruitment agencies are used to a limited scale to recruit third country nationals to Poland and Latvia. This form of recruitment is virtually non-existent in Hungary and information on its use in Lithuania and the Slovak Republic is scarce. The development of this sector was until recently hampered by the high costs of the employment of migrants, small labour market demand and cumbersome bureaucratic procedures. But the situation has recently been changing due to the growing labour shortages in the host countries under review.

As a general rule a recruitment agency is responsible for the complex process of finding a worker with the appropriate qualifications for a certain job as well as arranging all necessary permits and documents in order to employ foreign workers.

However, both fees and quality of service of intermediaries seem to be a controversial topic in Poland and Latvia. In general fees are considered too excessive for the employers, and these agencies often charge both the employers and employees for their services. The services are often considered unreliable, as they often make unrealistic financial promises to potential employees or do not fulfil their commitments.

These shortcomings and problems may be due to a number of reasons: that there is insufficient competition between recruitment agencies, that this type of service is still in its development stage and, that there lack of information – for both employers and employees – about regulations for recruitment services.

3.1.4. Direct recruitment

Although the services of recruitment agencies are gradually becoming more professional, many employers prefer recruiting WNIS workers directly by advertising in local media or by using personal contacts or partner organisations in the third country. This method of finding foreign employees is typical for larger employers who import groups of workers as part of corporate agreements (as confirmed in the Lithuanian case). Another form of employment of WNIS labour involves employees of foreign companies commissioned to undertake specific activities in the country of destination (delegated or posted workers). This category of workers is subject to separate regulations in all five countries reviewed countries and is often determined by bilateral agreements with the countries of origin.

3.2. Position of skilled and unskilled migrants on the labour market

Sociological research has shown that the working conditions of workers from Belarus, Ukraine and Moldova are determined by their legal status and their professional position. As a rule WNIS migrants in regular employment are protected by the same norms as the domestic workforce. The majority of regular labour migrants work in sectors with a labour shortage and thus are offered acceptable terms of employment. The situation of irregular migrant workers is more ambiguous. They can be mistreated on their worksite by employers who often take advantage of their insecure status. Irregular migrants may be forced to work under worse conditions, i.e. do not receive overtime pay, must work long hours and have limited opportunities to take paid leave.

A distinction according to the legal status and level of skills was applied in the Polish research to show the relative vulnerability to abuse of various categories of workers (Table 18). Problems of unequal treatment in companies did apply to all migrant workers to the same extent and were rarely reported among the better-educated, highly skilled employees, while less educated foreigners sometimes encountered unequal treatment especially compared to their Polish colleagues.

Table 18. Treatment of foreigners in Poland based on legal status and skills

| | Legal status | Skills/education |
|---|--|--|
| No differences in treatment between Poles and foreigners | Mostly those foreigners who have open access to the Polish labour market (eg. refugees, European Union citizens) | Those, who are well educated and are needed on the Polish labour market (bring financial capital, knowhow and create jobs) |
| Differences in treatment | Irregular workers mostly from third countries | Uneducated foreigners, who undertake easy jobs (cleaning, restaurants etc.) |

It has been established that in all the countries under review that the country of origin or nationality had negligible effect on the position on the local labour market. The most important factors distinguishing WNIS migrants appeared to be education and skills, which divide them into two groups:

- Well educated and highly skilled professionals (not discriminated, working legally, paid at least the same as their local colleagues)
- Unskilled labour workers with lower education (more prone to be worse paid, exploited, working irregularly etc.)

The distribution of migrant workers from WNIS in specific sectors of the labour markets in the recently acceded EU member states under review showed that many of them were employed in unhealthy conditions, including monotonous and heavy work, cold and hot, or dusty environments, etc. While citizens of WNIS do not necessarily take the most hazardous jobs, they tend to concentrate in certain sectors where the risks of injury are the highest and the violations of safety regulations most frequent. As the Latvian report stresses, their presence in such sectors is a result of labour shortages and, according to employers, excessive salary expectations of local workers. According to one respondent *“It is difficult to find people to work in the services sector, e.g. wash dishes in restaurants or wash cars because locals have too high expectations about the salaries they should be paid in this low-skilled job, one employer said”*.¹⁷³ In 2007, according to the Latvian State Labour Inspectorate, two workers from Ukraine and one worker from Moldova died on the worksite and one worker from Moldova suffered serious injuries on the worksite.¹⁷⁴

Reports from Latvia and Poland indicate that construction, agriculture and transportation are the sectors where work safety rules are violated most often, but this problem concerns all employees, not just foreigners. However, legal status is a key factor for the exposure of migrant workers to hazardous and health threatening working conditions. While regular workers are not likely to take the most hazardous and unhealthy jobs, the situation is worse for certain groups of irregular workers as their employers try to cut costs and avoid controls of their enterprises. Irregular workers are also not insured so that in case of bodily accidents the most common strategy is either to send them to their home country or rely on support from the employer.

According to the Hungarian research while construction work is commonly reported to be among the most hazardous professions (with serious accidents reported on sites), there were no references to any ill-treatment concerning migrants. While describing the typical work of migrants on construction sites neither the experts, nor the employees experienced the allotment of the most unhealthy or most dangerous work to migrants. It appears, therefore, that there is no distinction between the tasks allotted to the workers from different ethnic groups, including Hungarians.

3. 3. Working conditions

3.3.1. Legal guarantees of working conditions

The Hungarian Labour Code regulates the working hours and time off with specific rules covering full-time employment, meaning an 8-hour working day and a 40-hour working week. Concerning overtime, night-work or holiday work the law stipulates that *“Employees shall be entitled to a fifty per cent wage increase for work performed over the daily working time cycle or over and above the weekly or monthly working time.”* All employees are entitled to 15 days sick leave per year when they must be paid 80% of their normal pay. The principal of equal

173 LVER13

174 Information from the Latvian State Labour Inspectorate for 2007.

pay is also laid down by law: “Regarding the payment of employees for the same work or for work to which equal value is attributed no discrimination shall be permitted on any grounds...”

The Polish Labour Code regulates main labour rights and responsibilities of employers and workers who are employed on the basis of a work relationship.¹⁷⁵ The work relationship is considered by the employees to be the best form of employment, as it provides many perquisites including protection of the work relationship, the right to set strict working hours during the working day, a 40-hour working week, the payment for work performed, the right for benefits while temporarily unable to work (80% of regular pay), the right to redundancy payment, pension rights and retirement payment, right to holidays with pay, maternity leave child-raising leave and – in case of forfeiting leave – the right to financial compensation for the equivalent for unused leave, women’s work protection.

The Labour Code regulates the working conditions for all workers in Poland. It guarantees payment for work performed which must be paid at least once per month on the same day of the month agreed in advance. The minimum pay is set by the state, as are the benefits for sick leave. Employers are obliged to ensure stable working conditions, including the protection of employees from any forms of discrimination. The Labour Code also strictly defines working conditions on Sundays and other holidays and the working conditions on the worksite. The employer is obliged to organise work so as to provide full exploitation of working hours; secure health and safe work conditions; regular payment and the possibility for employees to raise their qualifications.

The social security laws which are strictly related to the Labour Code regulations oblige the employer to partly participate in social security payments which ensure employee protection in case of inability to work, occupational disease, accident at work and other incidents which adversely affect the employee’s of social life.

3.3.2. Contract

One of the main conditions covering the situation of foreign workers is the need for a work contract. Under the legislation of recently acceded EU Member States labour contracts must cover several aspects of employment. E.g *Lithuanian* law stipulates that the following must be included in the contract: the conditions of the job (position) and the period of a foreigner’s employment as well as the foreigner’s obligation to perform only work indicated in the work contract and to leave the host country when the validity of the work contract expires.¹⁷⁶ A work contract with a foreigner cannot be concluded for longer than the duration of the foreigner’s work permit. The contract comes into force when it is registered with the appropriate authority.

The rights to proper contracts of regular employees regardless of their origin are also addressed in the *Latvian* Law on Labour,¹⁷⁷ which stipulates that a work contract must be concluded by the first day of employment. The contract must include all the necessary information identifying both employer and employee, the expected duration of employment (if the contract is for a specified period of time), the description of the worksite (the fact that the employee may have to work in various places unless the contract specifically stipulates that the work is to be performed on a single worksite), the occupation (trade, profession) of the employee and a general description of the character of the contracted work, the pay and pay schedule, the agreed daily or weekly working time, the length of annual paid leave, the terms for giving a notice of the termination of the work contract and provisions of the collective agreement and working procedure regulations to be applied in legal relation to the employment.

According to the State Labour Inspectorate of Latvia the absence of a valid legal contract leaves both local and migrant workers in a uncertain situation, but many migrant workers are at a disadvantage having paid big sums to recruitment agencies to be able to work in Latvia. Although the State Labour Inspectorate can punish employers and oblige them to provide employment contracts, irregular foreign employee rights cannot be fully protected and they face the risk of expulsion.

Interviewed experts from Latvia noted that the basic protection against possible violations was an individual written work contract complying with the Latvian Labour Code without which workers’ rights could not be guaranteed, especially if they were irregularly employed. This was corroborated by interviews with regular migrant workers who said they believed their rights were well protected because they had a work contract.

175 Labour Code of June 26, 1974 with further amendments, , (DZ.U. z 1998, nr 21, poz. 94), Art. 1

176 The legal acts that relate to the labour relations with the foreigners include The Labour Code and the Law on the Legal Status of Aliens.

177 Law on Labour, available in English at <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018399.pdf> (08.02.2008)

Contracts are also translated into Russian to ensure that migrant workers from WNIS are aware of their rights and enables the migrant workers to understand their duties and rights and all other stipulations contained in the contract. Written contracts enable migrants to enjoy the same level of protection of labour rights as Latvian workers with regard to working conditions, working hours, vacation and sick leave, social rights as well as guarantees in case of termination of employment.

However, experts mentioned cases when workers were asked to sign contracts in Latvian without understanding the language,¹⁷⁸ or when an employer failed to explain to an employee his/her full rights according to Latvian law. These practices violated workers' rights as according to the Labour Code the employer must make the texts of an employment contract and a collective work agreement understandable to every employee.

Experts and controlling officials pointed to cases when the contracts did not comply with verbal agreements as the contracts put the migrant worker in the status of a "self-employed person, or a part-time employee" even though in reality the worker had agreed to work full time. This puts the employer at an advantage as in the case of a self-employed worker the employer is not obliged to pay tax on this worker, while in the case of a part-time employee the employer pays only half of the prescribed tax.

The *Polish* research confirmed the crucial need for a work contract and noted that the form of the contract also reflected a foreigner's status. Well-educated foreign specialists, for instance, are of such value to Polish companies that they are able to negotiate better contract conditions than their Polish counterparts. The situation of irregularly working foreigners is essentially different as they have no contracts with their employers and must rely on a trust relationship with the employer. This means that they can agree with the employer as to their working hours, conditions, scope of responsibilities, the pay and that both sides try to fulfil the agreed terms. In the opinion of employers the position of foreign workers in most sectors of the Polish labour market has recently become very strong. Even if foreigners are irregular workers without formal contract they are said to be able to dictate the conditions of employment. Should these reports prove to be more generally true, they could be signals of natural changes for the better treatment of foreigners on the Polish labour market.

3.3.3. Working time

An issue resulting from the lack of contractual guarantees is the practice of overtime work which is reported to be common in construction (where both regular and irregular workers work at least 10 hours a day) and in services. One respondent working in a restaurant in Poland reported that she started working at 10 am and often finished at midnight or 1 or 2 am. These long shifts placed additional hardship as the respondent had to return home every night on a night bus which was a potentially hazardous experience.

Migrant workers from WNIS states who work irregularly in certain professions face working irregular hours. Housekeepers, e.g. may have to work six-day weeks and longer than 8 hours a day. Working hours of migrants employed in agriculture are also usually longer than 8 hours – during the season, work in the field simply starts at dawn and ends at sunset.

The analysis shows other situations which violate labour law regulations, i.e. working time is longer than specified in the official contracts. Most of the migrant respondents in Poland worked overtime without extra pay. They said, however, that working overtime was their own choice and that they chose to prolong their work-days because of their personal inability to organise their work, which mostly resulted from the type of activity. *Yes, I do overtime but only because I want to finish something, because if I've been working on something the whole day, it's better to finish this the same day, than start the next day all over again.*¹⁷⁹

Reports of violations of the rights of workers without a work contract came up in interviews with both migrants and officials in Latvia. A typical scenario involved working overtime and failure to receive the full pay earlier verbally agreed. According to the State Labour Inspectorate and the State Employment Agency the most common violations are failure to pay or delay in paying the salary as agreed verbally, and demands to work longer hours than agreed. The lack of a contract can also result in the violations of workers' rights to paid sick leave and vacation. An employee with irregular status can only rely on the hope that the employer will keep his/her promise about the work conditions agreed verbally. However, there are some indications that migrant workers no longer want to tolerate violations and turn to state institutions for help in disputes where an agreement with their employer cannot be found.

178 One specific case was reported on television in 2007, the State Labour Inspectorate also investigated the case and it confirmed that the complaints were justified (television programme "Bez Tabu" (No Taboos) aired on channel TV3 in September 2007.

179 PLWWB10

3.3.4. Wages

The most important differences in wage levels and forms of payment are evident between regular and irregular foreign workers, not between nationalities. It was also very hard to compare the conditions between regular and irregular workers because they worked in a different environment. The decisive factor in the structure of income of legal employees is that they are permitted to work only for a specific company and if they want to change their job or take up an additional one, the new employer would have to apply for a new work permit.

The *Hungarian* research found no differences in the positions or salaries of skilled workers with a migrant background compared to the domestic workforce. It may be concluded that in the case of the skilled workers the qualification, not the migrant origin, were of primary importance for employment and that acceptance of lower pay was decisive.

On the other hand there were differences in conditions based on the legal status of workers in the construction sector. The research showed that the migrant workers employed irregularly on construction sites earned less than their Hungarian colleagues even if the Hungarians were also employed irregularly. A construction worker from Ukraine recalled: *“I earned less than my Hungarian colleagues. Because I am from Ukraine...”*¹⁸⁰ Regularly-employed migrants reported earning more than they would have earned in irregular employment and about the same level as the Hungarians. Few generalisations are possible on the basis of the few cases covered by the research. Comparisons of wages were also difficult due to the fact that in some cases the respondents had no information about the wages of their Hungarian colleagues and, in other cases, because they worked in ethnically homogeneous groups with no Hungarian colleagues.

The difference in treatment was met with different reactions from the migrant respondents. Some employees seemed unconcerned that their wages were lower than those of their Hungarian colleagues. Interviewed irregular migrants in Hungary acknowledged the fact that working for lower wages was decisive in enabling them to compete on the labour market. For that reason, though feeling frustrated, many respondents failed to take any steps against their unfair treatment. Other respondents in the sector, however, reacted with indignation: *“Hungarians would never work for as little as we earn...I think this is really unfair: we do the same work, so why do they get more?!”*¹⁸¹

In general the interviewed legal migrant workers in *Latvia* admitted that they received salaries on the same level as locals. Although experts from state and non-governmental institutions referred to isolated cases of wage discrimination against migrant workers no officially investigated cases could confirm this. Individual reports were cited concerning wage discrimination among employers exploiting the situation of migrant workers, the temporary character of their stay, lack of proficiency of the local language and hidden legal conditions in contracts. The State Employment Agency reported cases when migrant workers were not paid full salaries as agreed with the employer—the law stipulates that migrant workers must receive at least the average national gross monthly wage (LVL 302 (€420) in 2007). While some employers paid the compulsory tax on this salary they failed to honour their agreements with the worker and did not pay more than average wages. Another problem was that employers delayed salary payments for one or several months in the knowledge that a migrant worker had to leave the country when the contract expired or face expulsion. This meant that the migrant worker may have had to leave the country without having received the full salary for his work over the last months.

Many of the migrant workers in Latvia and Poland followed the widespread local pattern of working legally for a minimum (or small) salary and receiving the rest of the pay unofficially. Unwritten employment agreements are practised in sectors where salaries are paid “under the table” (untaxed), e.g. in the construction sector, or in short-term jobs in different sectors varying from domestic services to construction, wood processing etc. The practice of not registering the whole income is widespread in various sectors, not only among the blue collar workers. For example teachers from Ukraine and Belarus who work legally in public schools earn additional unregistered income by giving private lessons.

The existence of partly unregistered remuneration has been noted in other studies of migrants on Polish labour market,¹⁸² and was reflected in several statements from regular workers. *“The salary (...) exceeds the amount, which is contained in the contract”*.¹⁸³ Both employers and employees recognise this phenomenon as

180 HUEE16

181 HUEE11

182 For example Z. Jacukowicz, *Koszt indywidualnych wynagrodzeń, a szara strefa płac* (The cost of personal wages and the unregistered sector of the economy), in: *Polityka Społeczna* nr 8/2006, IPISS, Warszawa 2006, B. Samoraj, *Institutionalne uwarunkowania... op.cit.*

183 PLWWB08

natural and see advantages in exploiting it. The strategy is chosen as it appears to be beneficial to both for employer – who does not pay social security costs – and for the employee – who does not pay tax. As one of the interviewed employers said: “My employees do not care about Polish social security, they do not see their future here, so they do not care about receiving a pension in Poland. The difference between the gross and net income is frustrating for them”.¹⁸⁴

Regular migrant workers in Poland generally receive the same pay as local workers as they are employed because of their skills rather than their migrant background. In Poland legally employed foreigners work on the same terms as Poles and receive the same pay. One expert estimated the average gross salary of a legally employed construction worker from WNIS to be around PLN 2700 (€710), considering the additional cost of monthly allowance of PLN 350 (€90) and accommodation of another PLN 350 (€90), making the gross cost of employing a worker from Ukraine about PLN 3,400 (€890) a month. The expert claimed that this was still some 10% cheaper than hiring a Polish worker, though there are also workers from Ukraine who work for the same pay as Poles.¹⁸⁵ Qualified migrant workers are paid the same as their Polish colleagues – often far above the national average. Legal workers often receive extra money in the form of daily allowances ranging from PLN 11 to 23 (around €3 – €6). Workers employed in the public sector (teachers, doctors) are paid according to the set scales for these sectors.

Earlier research conducted among irregular migrants in Poland suggested general parity in pay between migrants and Poles also working irregularly.¹⁸⁶ There were also reports that the pay of irregular workers was sometimes proportionally higher than that of regularly employed Polish workers in certain sectors. According to the interviews with agricultural workers they received between PLN 8 to 13 (around €3 – €4) an hour. The pay for domestic help (depending on the city) ranged between PLN 50 to PLN 100 (or €13 – €26) a day.

Some of the foreign respondents working irregularly in Poland claimed that they earned less than the Poles performing the same job. Interviewed construction workers claimed that Poles would definitely earn higher pay for the same work, or that their Polish colleagues worked less for the same money. While some workers felt discriminated many others did not consider this to be discrimination but as a way to compete with Poles by accepting smaller wages. They said they were pleased to have a job and to earn money (some respondent had not been paid for their work in their native countries) and accepted unregistered employment because they did not have to pay tax or social security contributions which they anyway did not consider as benefits because most of them had no plans to stay in Poland for a longer period.

It should also be noted that migrant workers earn less because their employers deduct their living costs (including accommodation or food), health insurance, and administrative fees. It was also reported that some employers failed to pay the workers the full sum agreed or delayed salary payments for one or several months with the knowledge that a migrant worker must leave the country when his contract expired.

3.3.5. Housing

The Hungarian research showed that some migrants lived under substandard conditions. Migrants employed in several sectors of the Hungarian economy (manufacture and construction, retail trade) reported that employers provided them with very bad conditions to solve their accommodation in the cheapest possible way. It is quite common that the employer himself provides board and lodging for the workers, the cost of which is then deducted from their salaries.

There were significant differences in the living conditions of migrants in Latvia and Poland. Most Latvian employers provide or finance accommodation for their employees or help finding it. In the best cases they live in apartments or houses with two persons sharing one room,¹⁸⁷ while in the worst cases the workers live in dormitory-type hostels with up to 10 persons sharing a single room. Some employers strived to ensure that all their workers, both local and foreign, were aware that they all had the same working conditions in order to

184 PLKE12

185 PLExJA01

186 Here are some other research studies concerning migrants on the Polish labour market: H. Bojar., A. Gašior-Niemiec, M. Bieniecki, M. Pawlak., *Migranci na rynku pracy w Polsce. Wyniki badań przeprowadzonych wśród migrantów ekonomicznych i pracowników polskich* (Migrants on the labour market in Poland), Instytut Spraw Publicznych, Warszawa 2005; Gmaj K., *Imigranci na polskim rynku pracy w świetle opinii pracodawców* [The immigrants on the Polish labour market in the opinions of employers], CSM, Raporty i Analizy 3/05, Warsaw 2005; B. Samora, *Przedsiębiorczość kobiet na rynku pracy w Polsce na przykładzie cudzoziemek zatrudnionych nielegalnie w ramach usług domowych* [Female entrepreneurs on the labour market in Poland on the example of foreigners illegally employed in domestic services], Warsaw PTPS, 2007

187 LVER12

avoid potential conflicts. As a result some employers did not supplement the costs of accommodation (rent and utilities) for their migrant workers to prevent the local staff from interpreting this as granting the former better working conditions.¹⁸⁸

The Latvian research also noted that the living conditions differed according to workers' qualification and family status. Those with highly-qualified jobs and dependants living with them enjoyed better housing conditions than those with lower-qualified jobs and unaccompanied by families. After some time these migrant workers could, in theory, invite their families to join them in Latvia if they were able to support them and had a stable job. Some workers who decided to stay in Latvia for longer joined up to rent a house or apartment together and improve their standard of living.

Housing conditions of migrants in Poland also varied to a great extent. Specialist workers from Ukraine and Belarus are paid enough to be able to rent apartments. Legal blue collar workers employed by small businesses usually rent flats in groups or are often lodged in their employers' premises or in agricultural buildings on the property where they work (stables, cottages, granaries). Irregular workers often live in suburban areas sharing a single room. There are also instances of irregular workers squatting in abandoned attics, garages or allotments under sub-standard conditions with no running water and other facilities. Other differences are due to the economic situation of the worker rather than on the legality of employment. Blue collar workers who come to Poland for a limited period (construction workers, shipyard workers, etc.) in many ways share similar experiences with irregular workers. They save on their living expenses in order to return home with as much money as possible. Their standards of living are similar – they do not take part in cultural events and do not integrate with the host society.

The interviewed employees in Hungary and Poland were in most cases satisfied with their housing conditions and stressed they had not come to permanently reside in the country and start a new life but to “... *earn much more than back home*.”¹⁸⁹ In Poland, regardless of their nationality or legal status, the respondents said they were satisfied because they compared their living conditions with those back home, which were often worse than in Poland. “Satisfactory” accommodation usually means hostels where small groups of workers live in a single room.

Interviews with employees from all three countries under review indicated that the current dominant patterns of migrant accommodation result in spatial isolation. Because of the temporary nature of their work, unskilled migrant workers (both regular and irregular) save on living expenses in order to return home with as much money as possible. Their lifestyles tend to be similar – they do not take part in cultural events and do not integrate with the host society. As many migrants live in dormitories especially provided for them or on premises in the workplace (e.g. at the construction sites) or live nearby and are transported to work by their employer they have little opportunity to develop social relationships with the local population.

3.4. Protection of workers' rights

This chapter examines the legal guarantees against discrimination which served as the background for the field investigation of the extent to which WNIS migrants were aware of their rights regarding their living and working conditions in the recently acceded EU Member States under review. This is followed by an analysis of interviews with migrants, employers and experts and attempts to trace the incidence and main categories of the violation of these rights. The results are not representative and seek to highlight those aspects of the life and work of migrants in the host country which they themselves feel as the hardest and most undignified. This also complements the description of the impact of administrative procedures for entry onto the labour market in chapter 1.5.5 above.

3.4.1. Legal framework

The protection against abuse of migrants' rights on the worksite is found at two levels of legislation, that which covers specific conditions of labour relations for regular employment in the labour code, and that which constitutionally covers all migrants, regardless of the status of their employment with reference to general anti-discrimination norms. The following presentation is not exhaustive as the particular national laws are phrased in parallel terms and it is possible to conclude the laws provide ample protection. This section serves as

188 LVER12

189 HUEE17

the background for the reports from Hungary, Latvia and Poland on the state of awareness of their rights among regular and irregular migrants from WNIS.

Constitutions

General anti-discrimination norms are of note as they provide specific guarantees and can be invoked regardless of the legal status of a migrant. The *Latvian Constitution*¹⁹⁰ guarantees the common right to the freedom and inviolability of the person, and that no person can be deprived of these rights other than on legal grounds. Abuses such as torture and other cruelties or deprivation of human dignity are prohibited. No person may be subjected to punishment which is cruel or debases their dignity of a person. Every person who legally resides on the territory of Latvia has the right to freely migrate and choose a place of residence.

The *Polish Constitution*¹⁹¹ states in art. 30 that the inherent and inalienable dignity of the person is the inviolable source of freedoms and rights of persons and citizens. It obliges public authorities to respect and protect human dignity. Art. 32 states that all persons are equal before the law and public authorities and that no person be discriminated against in political, social or economic life for any reason whatsoever. The state protects human dignity of persons (not only of citizens). According to art. 41, sub-para 1 personal integrity and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by law. Abuses such as torture and other cruelties including corporal punishment are prohibited¹⁹².

The *Hungarian Constitution* contains explicit anti-discrimination norms.¹⁹³ Article 70A grants “*all persons in its territory human and civil rights without discrimination on account of race, colour, sex, language, religion, political or other views, national or social origins, ownership of assets, birth or on any other grounds*”. Further clauses of the article declare any discrimination on the grounds set out above to be “*strictly punishable by law*”, and commits the state to introduce “*measures aiming to eliminate inequalities of opportunity*”. Article 70/K states that violations of fundamental rights and complaints about administrative decisions may be appealed in court. The constitutional norms are further clarified by the Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, which enumerates the following breaches of the principle of equal treatment: direct negative discrimination, indirect negative discrimination, harassment, unlawful segregation or retribution. Thus actions as well as words are equally specified in the law as violating the equal opportunities principle. If the Authorities have established that the provisions ensuring the principle of equal treatment have been violated, they may

- a) order that the situation constituting a violation of law be repaired,
- b) prohibit the further continuation of the conduct constituting a violation of law,
- c) publish its decision ruling the violation of law,
- d) impose a fine,
- e) decide on the fees of procedure that should be paid by the party violating the law.¹⁹⁴

Labour legislation

Under the *Hungarian labour code* registered, legally employed, migrants enjoy exactly the same rights as the Hungarian employees. The Act XXII of 1992 On the Labour Code applies to “*all employment relationships, on the basis of which work is performed on the territory of the Republic of Hungary*.” The first paragraph of Section 5 clearly prohibits discrimination: “*In connection with an employment relationship employees shall not be discriminated against on the grounds of sex, age, marital or family status or any handicap, nationality, race, ethnic origin, religion, political affiliation or membership in workers’ representation organisations or activities connected therewith, or on the basis of any other circumstances not related to employment*.”

The *Latvian Law on Labour* stipulates equal rights to work, to fair, safe and healthy working conditions, as well as to fair remuneration. The rights provided by law shall be guaranteed without any direct or indirect

190 Constitution of the Republic of Latvia. Available in English at <http://www.humanrights.lv/doc/latlik/satver~1.htm> (08.02.2008)

191 Especially in chapter II, titled: The freedoms, rights and obligations of persons and citizens; Constitution of the Republic of Poland. English version at <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

192 Art. 40 of Constitution of the Republic of Poland

193 The English translation of the Constitution of the Republic of Hungary, available at the legal database CompLex at: <http://net.jogtar.hu/jr/gen/getdoc.cgi?docid=94900020.tv&dbnum=62>

194 I. Zakariás, *City report on the Institutional and Political Opportunity Structure (Budapest)*, Unpublished report of the EC-funded LOCALMULTIDEM (Multicultural Democracy and Immigrants’ Social Capital in Europe), 2007.

discrimination – irrespective of a person's race, colour, gender, age, and disability, religious, political or other convictions, ethnic or social origin, property or marital status or other circumstances.

The *Polish* Labour Code forbids discrimination in any form on the Polish labour market. It enumerates the counts prohibiting discrimination on the labour market (including sex, age, race, religion, nationality, origin) and names three main types of discrimination: direct discrimination, indirect discrimination and harassment.

The Labour Code defines direct discrimination as a situation, when an employee, for one or more reason such as sex, race, age, religion, nationality and others, is/was or could be treated less favourably than other employees in a comparable context.¹⁹⁵ This usually occurs when a person in power (for example: employer) treats a subordinate in an unfair manner because of his conscious, or sub-conscious prejudices. *Institutional discrimination* is defined by the Labour Code as a situation, in which, as a result of a seemingly neutral decision, its application or undertaken activity results in unequal working conditions.¹⁹⁶ Art. 18a, §5 p. 2 considers discriminatory any behaviour involving disrespect of one's dignity or deliberate humiliation (harassment).

3.4.2. Migrants' awareness of their rights

A key element for the enforcement of migrants' rights on the worksite is the level of their awareness of these rights by foreign employees, their employers, state institutions and the host society at large. However the experience of Hungary, Latvia, Lithuania, Poland and the Slovak Republic concerning labour migration and integration of foreigners is relatively new. Until recently the presence of foreigners on the domestic market was "unnoticed" by the state watchdog institutions, trade unions and the media. As a result practices have not been yet established on the employment of migrant workers and it is often not clear which protection by which institutions is available to them. In the countries under review the protection on the labour market is guaranteed by the general labour legislation. Apart from the procedures for the access to the national labour market, there are no specific work regulations concerning foreign employees. While these issues have recently become the subject of public debate the amount and quality of information on the incidence of violations and the protection of workers' rights remain scant.

This chapter discusses the extent to which WNIS migrant workers in the three countries, where in-depth sociological research was carried out – Hungary, Latvia and Poland – are aware of their working rights and analyses the access of third country nationals to institutions protecting workers' rights. The crucial distinction between the perception of rights of migrants as workers in the recently acceded EU Member States is usually made on the basis of the legal status of the migrant.

The analysis of interviews with migrants in Hungary, Latvia and Poland underlines this distinction. Those WNIS nationals who arrived in the host countries several years ago, established their status and (especially in the cases of Hungary and Poland) have good proficiency of the official language and are well placed to assert their rights on the worksite. In contrast the recent arrivals usually have no long-term status and are not sufficiently proficient in the local language to be able to successfully assert their rights. In addition the host society and state institutions have only recently come to acknowledge the need of migrant workers for integration in the labour market and their working rights. Enforcement of the rights of WNIS migrant workers is also made difficult by the short duration of their contracts (usually between 6 to 12 months).

Regular workers

The awareness of rights among regular workers in the three reviewed countries varies between localities and categories of migrants. On the one hand, regular workers in *Latvia* claim to be aware of their rights at work and are aware of the rights guaranteed by the Labour Code and Social Security acts. The interviewed migrants in Latvia conceded that their employer had informed them of their rights, their entitlement to sick leave and vacations, the entitlement to extra pay for overtime, etc.¹⁹⁷

In contrast the *Hungarian* research showed that even legally employed migrants were not fully aware of their rights. When starting their employment they had all read their contracts but many were unable to recall its full content. Migrants were aware of the time schedule for monthly payments and the amount of salary; however in general they were not sure as to their entitlement to the number of days of paid leave, their pension contributions, their right to sick leave and overtime pay.

195 Polish Labour Code, Art. 183a § 3

196 Polish Labour Code, Art. 183a § 4

197 LVEEM09; LVEEM10

A mixed picture emerged in *Poland* where the level of awareness of rights was low even among regular workers. Some regularly employed foreigners had extensive knowledge of the procedures of employment, obtaining work permits, visas, etc., while others had no idea about the whole procedure. Those aware of the procedures absolved themselves regularly but had to keep abreast with the frequent changes of regulations and procedures in public offices. The second group – foreigners who are unaware of these procedures – are mostly as little involved as possible and have their employers go through the procedure for them (these are employers who want to hire them because the foreigners will enhance their output).

Irregular and newly-arrived workers

The results of the field research in Poland indicated that the awareness of labour rights among irregularly employed migrants was much smaller compared to that of regularly-employed foreigners. Most of irregular workers were unaware both of the specific labour rights (which had limited application in their case), but also of the costs of the procedures to legalise their stay and work. The interviews showed that most irregular workers were aware of the existence of some workers' rights but were unable to name them and were also not sure whether they applied to them.

Hungarian experts agreed that irregular migrant workers could expect nothing else except basic living conditions (a place to live) and pay.¹⁹⁸ One official of the Hungarian Ministry of Social Affairs and Labour said irregular workers were unwilling to argue with their employer for fear of losing their jobs: *"They are glad if they can even find a job, they are not going to fight for their rights"*.¹⁹⁹ They were also disinclined to contact state institutions to report on their irregular employment and improve their work conditions because they risked punishment and expulsion. This made irregular workers vulnerable to abuse by employers and prone to accept the employer's conditions.

A recurrent theme in the interviews with Hungarian experts and migrant workers in Hungary was the feeling that the regular status of employment was a form of "privilege" and that the situation of regular workers was far better than that of irregular workers. This was supported by the fact that almost all the respondents had experienced working illegally for a shorter or longer period. One expert said the mechanism was simple: *"[Migrants] have a completely different attitude towards their worksite [compared to Hungarians]. Even if there is something they don't like they accept it. If there is something they really don't like, they go to the next workplace. They don't have the time and money for a lawyer or the entire time-consuming legal process."*²⁰⁰ Another expert, an official of the Ministry of Social Affairs and Labour, summarised the situation as follows: *"They are happy to even find a job, they are not going to fight for their rights."*²⁰¹

Irregular migrants interviewed in Hungary did not think in terms of rights but rather referred to things such as fairness and unfairness or generosity and malice with regard to their employers. In conflict situations with the employer the employees felt themselves completely defenceless and preferred to seek another job rather than to sue their employers. The story of a middle-aged male construction worker from Ukraine reporting on his experience of working without any kind of written contract or permit is similar to many other interviews suggesting wide prevalence of such abusive practices:

*"Well there were some problems with my previous boss. It happened several times that he didn't want to pay me. Sometimes after some arguing I finally got my money... But it has also happened that he [the contractor] took us [together with his colleagues from the same village] by car to the border as we had agreed he would pay at the border. Then just after we got out of the car he rushed away. We stayed there without our three-month salaries. [...] Sometimes it came to my mind that one shouldn't let this happen, but I didn't know where to turn, "cause you know I was working black. I was afraid that they would expel me from the country if they found out that I worked illegally. [...] Now I know for sure that this is what these contractors take advantage of."*²⁰²

Some misconceived views on the legal situation found among interviewed irregular migrants demonstrated the extent to which they were unaware of their rights and other elements of institutional life. A common mistaken assumption was, e.g. that irregular migrants enjoyed the right to emergency medical care, which – from the formal point of view – is not true (only patients who pay health insurance amounting to 9% of their gross pay are entitled to health-care services). A further group of irregularly working migrants was not only completely unaware of the consequences of irregular work, but also convinced, that there was no institution controlling

198 HUEX6, HUEX4

199 HUEX4

200 HUEX6

201 HUEX4

202 HUEE16

these issues in Poland. Other interviewed irregular foreign workers were aware of the possible consequences of irregular work but did not know how they could legalise their status. This was shown by one respondent who was convinced that the costs of legalising employment were 20 times higher than in reality.²⁰³

Although the small number of observations does not allow generalisation, low awareness of rights evident among irregular workers can be considered a partial explanation of their unwillingness to act in case of abuse as the employee might not recognise the fact of the abuse or might not know what steps could be taken in response.

3.4.3. Awareness of violations

The legal status of migrants influences the level of awareness regarding violations of migrant workers' rights. Regular workers mainly rely on their employer and anticipate that workers' rights will be protected, while irregular workers are exposed to many risks and have only limited options for turning to state institutions for help if their employer does not solve the problems. In turn irregular labour migrants are not interested in reporting violations to state institutions for fear of being punished and deported for illegal employment and residence.

There is no significant evidence of migrants standing up for their rights established in the recently acceded EU Member States under review due to the novelty of migration from third countries and its relatively short-term character. Cases of workers turning to state institutions to inform them of violations could, however, serve as an inspiration and precedence for other migrant workers.

Reports from Latvia and Hungary indicate that when violations occur both regular and irregular workers tend to endure the situation for as long as possible²⁰⁴ and that for a number of reasons. Employees sometimes feel grateful to their employers for arranging their residence and work permit. In order to preserve this situation the employees are ready to tolerate unlawful treatment to a certain degree. In addition as their work permit is valid only as long as their work contract it leaves little time for litigation which could take years. A conflict with the employer could also lead to the termination of their contract affecting their grounds for a residence permit. Research among regularly employed migrants pointed to other reasons for the passive attitude: (1) lack of awareness of their rights; (2) concern over the loss of regular status; (3) competition on the labour market; (4) insufficient time for initiating and participating in a lengthy litigation procedure because of the conditions of a residence permit.

While the level of awareness of one's rights and enforcement mechanisms differed among migrants in different host countries it was relatively high among foreigners working regularly in Poland²⁰⁵ and lower among those in Hungary and Latvia, though none of the interviewed migrants expressed the willingness to fight for their rights. The interviewed migrants in Poland claimed they were able to turn to special services or advisers competent in solving labour-related and other procedural problems, but none of them said they had sought actual institutional assistance.²⁰⁶

While the interviewed migrants in Hungary could, in theory, consult a lawyer they never considered taking up legal action against their employers and were ignorant of institutions to which they could turn to for help in case of occurring abuses.²⁰⁷ This was particularly striking since these were relatively high-skilled migrants with a Hungarian background, so that language barriers would not have been an obstacle in their case. It should be further noted that there are several lawyers offering their services to migrants (especially in connection with the migration process) who speak foreign languages.²⁰⁸ Other institutions were not mentioned by the respondents spontaneously though when asked directly some assumed that their embassy would help in case of the occurrence of serious violations.

Interviews with employees showed that their contact person in the case of problems or questions about their rights was their employer. Several employers in Latvia stressed that they wanted their employees to feel well in the host country because they needed this particular worker and had invested in recruiting him/her. They underlined that it would be "illogical" not to explain the rights to their workers and try to help them when

203 PLWU05

204 Interviews with migrants in Hungary (e.g. HUEE16), Latvia (LVEEU03; LVEEU05; LVEEU07).

205 As seen, for instance in the case of several migrant workers who were reported to have acted vigorously to receive a final interpretation of their legal complaint (PLWExJ01).

206 The Polish researchers (M. Pawlak, B. Samoraj) report that the migrants claimed not to have faced any violations; however, they note that mistrust towards state institutions could be a factor, too.

207 Reported by A. Kovats, L. Koszeghy, *op.cit.*, p. 29.

208 L. Váradi, *The Visa in Practice at the Serbian and Ukrainian Borders*, Regio, 2006, vol. 9.

problems or questions arose after investing time, effort and money to get the workers to Latvia.²⁰⁹ At the same time the fact that the migrant workers' only point of contact to ensure their rights were protected was their employer could create problematic situations because, at least theoretically, employers need not be interested in providing full information about migrant's rights in order to exploit the worker.

The problem is compounded in cases of irregular employment where the migrant worker is not protected from the incorrect behaviour of the employer. Irregular migrant employees in general do not take legal action against their employers in order to avoid contacts with state institutions which could result in eviction. Migrant workers want to avoid any possible conflicts and responsibly fulfil their tasks to receive their salary. The Latvian research showed that migrants tried to prevent maltreatment from a future employer by collecting information on working conditions and pay before arriving in Latvia and using social networks of other migrants when already in Latvia. According to some migrant workers²¹⁰ and employers²¹¹ information was sought from other migrant workers already employed in Latvia.

3. 5. Attitudes towards migrants and their relations with the host population

The well-being of migrants on the job market and their chances for integration are related to the support they receive in the broader social environment. The attitudes towards migrants are largely shaped by the wider public sentiments towards the countries of origin and the level of openness towards foreigners. This section reviews the public attitudes towards WNIS migrants, identifies dominant images of labour migrants from WNIS in the media and presents the results of interviews among migrants and employers on the subject of relations between co-workers and foreign employers.

3.5.1. Public opinion on WNIS migrants

It was difficult to compare attitudes towards labour migration in the five reviewed countries due to the lack of comparative research and the different migration situations. However, some common sources of the social sentiments towards migrants from WNIS states may be mentioned and are primarily deep-rooted historical relations between nations. The relevant cases are those of the relations of Hungary, Poland and the Slovak Republic with Ukraine or the ties between Lithuania and Latvia on the one hand and Belarus on the other. These have been reinforced at times by stereotypical portrayals of various nationalities in the media and public discourse.

The results of public opinion polls in several of the countries of destination reviewed (e.g. Slovak Republic, Poland) indicated that negative stereotypes of the WNIS migrant countries of origin were still present although the host societies were increasingly open to the presence of migrants on the labour markets and societies. A mixed picture emerged with regard to the potential for discrimination—while all the recently acceded EU Member States have anti-discrimination laws and institutions in place and that very few ethnically-motivated assaults on migrants were recorded, interviewed migrants felt themselves to be at a disadvantage on account of administrative barriers (permit application procedure) and stereotypes in the broader society.

Hungary

Hungarians are among those with negative attitudes towards migrants. According to the most recent data of the European Social Survey²¹² Hungary has the highest average score among the reviewed countries on the index measuring hostility towards migrants.²¹³ The majority (58%) of the respondents considered the general impact of the presence of migrants in the country to be negative, subscribing to the opinion that "*Hungary has become a worse place to live because of people coming to live here from other countries*".²¹⁴ According to the poll, 39% of the respondents believed "*that Hungary's cultural life is generally undermined by people coming to live here from other countries*". In the case the economic impact of migrants the respondents were even more negative

209 Cited in: D. Akule, A. Lulle, "The Challenges facing Migrants from Belarus, Moldova and Ukraine on Labour Markets and in Societies of Recently Acceded EU Member States", p. 22 (unpublished).

210 LVEEM10; LVEEU02; LVEEU04

211 LVER06; LVER02

212 ESS round 3; data files and questionnaires are downloadable from www.europeansocialsurvey.org.

213 Calculations of Andras Kovats. Method: principle component analysis. Proportion of preserved heterogeneity: 63 %.

214 The results are based on calculations of Andras Kovats. In case of the 0-10 scales the 0-4 answers were counted as negative.

and according to 61% respondents “it is generally bad for Hungary’s economy that people come to live here from other countries.”²¹⁵

Attitudes towards nationals from the WNIS region could be identified by observing the polls measuring the level of openness of Hungarians towards migrants of different national origin, considering three groups: ethnic Hungarians, non-ethnic Hungarians (from Europe) and people from poorer countries outside Europe. Willingness to accept various kinds of migrants decreased with the growing social distance: whereas 16% of the respondents would not allow any ethnic Hungarians to migrate to Hungary, the proportion rose to 37% in case of other Europeans and to 43% with regard to migrants coming from poorer countries outside Europe.

Similar opinion polls have been carried out regularly in the last decade and it is possible to observe trends concerning the changes in the level of xenophobia. According to the data covering the period between 1992 and 2007 the proportion of those with xenophobic views more than doubled—from 32% in 1992 to around 70% in 2007.²¹⁶ At the same time the majority of Hungarians perceived migrants as potential competitors for employment. In a 2002 poll the respondents were asked to evaluate the statement that *migrants take away the workplaces of the Hungarians*. The majority (59%) of the respondents agreed with this statement.

Few studies were available on discrimination based on ethnic origin and legal status towards migrants from Moldova, Belarus and Ukraine in the recently acceded EU Member States under review. Some preliminary data could be gained from a recent study carried out among immigrants to Budapest, including 70 ethnic Hungarians from Ukraine.²¹⁷ The respondents were asked whether they felt discriminated on the grounds of either national origin or migrant or refugee status.

Nearly one quarter (24.4%) of the respondents reported experiencing discrimination on the basis of their nationality or origin. In case of respondents from Ukraine this proportion was somewhat higher, 27.8%. Respondents from Ukraine were nearly twice as likely to report feeling discriminated on the basis of their migrant status than all interviewed ethnic Hungarians (33.6% among persons from Ukraine vs. 18.9% among all Hungarian respondents). The higher incidence could be related to different procedures associated with the migrant background (work permit, residence permit, etc.).²¹⁸

Latvia

Similar to Hungary Latvia has one of the most hostile public attitudes in the EU against immigrants which, until recently, was used as an argument against wider employment of foreign workers.²¹⁹ A public opinion poll²²⁰ carried out in 2005 showed that attitudes towards possible immigrants were “very negative” or “rather negative” (69.8%), far outnumbering the share of respondents with the “very positive” (2.8%), and “rather positive” attitudes (13.5%).

Recently some signs of a more relaxed attitude towards immigration into Latvia have been noticed. A poll from 2007²²¹ indicated a small change in public opinion about immigrants, indicating a certain decrease in negative attitudes. The share of respondents with “very negative” or “rather negative” answers dropped by 7.7 points to 62.1%, while the proportion of respondents with “very positive” and “rather positive” attitudes towards immigrants grew by 6.9% to 23.2% in 2007. These changes towards a more liberal attitude took place for two reasons – pressure from employers on the Latvian Government to introduce more liberal regulations for the recruitment of third-country nationals, and the increased understanding of the general public about the local labour shortages that have been visible in the last years.

Both polls (from 2005 and 2007) confirmed public preference for migrant workers from Russia, Belarus, Ukraine and Moldova. In comparison to 2005 the latest opinion poll indicated a slight decline in the positive attitudes towards migrant workers from Belarus, Ukraine and Moldova, while support for recruiting migrant workers from Russia doubled.²²² The least preferred countries of origin for migrant workers in Latvia in both

215 E. Sik, B. Dencső: *Adalékok az ekóitéletesség okainak és mértékének megismeréséhez a mai Magyarországon*, Educatio, Spring 2007.

216 *Ibidem*.

217 European Commission funded LOCALMULTIDEM project (Multicultural Democracy and Immigrants Social Capital in Europe), special thanks to Zoltán Várhalmi. See further details at: <http://www.um.es/localmultidem/>

218 *Ibidem*, cited in: Andras Kovats, Lea Koszeghy, op.cit., pp. 35-36 (unpublished).

219 See, e.g. Niessen Jan, Huddleston Thomas, Citron Laura et al (2007). Migrant Integration Policy Index, British Council, Migration Policy Group.

220 *Sabiedrības attieksme pret darbaspēka migrāciju* [Public attitudes about the migration of labour force], SKDS 2005

221 *Sabiedrības integrācijas aktuālākie aspekti. Latvijas iedzīvotāju aptauja*. [Most topical aspects of social integration. Survey of Latvian inhabitants], SKDS 2007.

222 Respondents were asked the following question – If there were a need to recruit foreign workers in Latvia, please indicate

polls were China Vietnam, Turkey, African and Asian countries.²²³ A relatively milder attitude towards migrants from the former Soviet Union may be explained by the fact that majority of locals are able to speak Russian and know the culture of the countries of origin, etc. Thus the social distance is relatively smaller to those coming from Slav countries compared with potential or actual migrants from distant countries or regions with visible racial differences (Africans, Chinese).²²⁴

Lithuania

A measure of social distance towards migrants could also be observed in Lithuania. According to the 2003 Eurobarometer data, 30% Lithuanians were of the opinion that the country should not accept any more minorities. Over one-third (35%) respondents were opposed to granting civil rights for legal migrants, 18% were in favour of expulsion.²²⁵ The public opinion polls show a rise in the negative public attitudes towards Muslims, refugees, and Chechens—in 2007, nearly 60% of the respondents said that their opinion of the aforementioned groups had deteriorated. Only one out of eight respondents said the same about citizens of Ukraine.²²⁶ At the same time immigrants from Ukraine, Belarus and Moldova are not very visible in the public perception of migrants and the attitudes to migrants from WNIS states are far more favourable than towards migrants from more distant countries—if 60% of the respondents declared that their opinions on refugees had deteriorated in 2007, only one out of eight polled Lithuanians said so with reference to refugees from Ukraine.

Poland

Acceptance of migrants on the Polish labour market seems to be high compared to the other countries under review. Especially opinion polls present Poland as country far more open to foreign labour than Latvia, Hungary and the Slovak Republic.

The general public attitude towards labour migration to Poland is positive. A radical change in the public perception has taken place since the early 1990s when migrants from WNIS were associated with crime and danger. Nowadays the tone is different. The fact that Poland is a destination of economic migration is perceived as prestigious and evidence of the country's modernisation. A study by the Public Opinion Research Center (CBOS) from 2006 regarding the acceptance of migrants among Poles, showed that 34% of the respondents said migrant workers should be allowed to take any job they liked and 47% would allow them to work in selected branches. Only 13% were against the employment of foreigners. A significant majority (71%) said foreigners should have open access to those jobs which no Pole wanted, while 21% were against. A different poll showed that Poles in general were aware of the fact that the Polish economy needed foreign workers and that migrants did not have sufficient access to the labour market. They appeared in full agreement that hiring foreigners was profitable for employers (72%) and for the Polish economy (45%).²²⁷

Another poll showed that Poles in general were aware of the fact that the Polish economy was in need of foreign workers and that the access of migrants to the labour market was insufficient (Fig. 4). They seemed in agreement that hiring foreigners was profitable for employers (72%) and for the Polish economy (45%). At the same time, almost 60% of respondents claimed that the employment of foreigners' was unprofitable for "them personally", while the remaining 43% replied "it's hard to say". This shows that though Poles are aware of the positive impact foreigners have on the Polish economy they still feared for their jobs and the consequences of increased competition on the Polish labour market.

3 countries that you would prefer these workers to come from. The answers were: Russia (19.7 % in 2005, 42.4 % in 2007), Belarus (42.7% in 2005, 38.9 % in 2007), Ukraine (40.4% in 2005, 36.4% in 2007), and Moldova (15.7% in 2005, 12.6% in 2007). Source: SKDS (2007).

223 Respondents were asked the following question – If there were a need to recruit foreign workers in Latvia, please indicate 3 countries that you would not prefer these workers to come from. The answers were: China (40.7% in 2005, 41.9% in 2007), Vietnam (30.2% in 2005, 29.9% in 2007), Turkey (27.7% in 2005, 28.8% in 2007), African countries (32% in 2005, 28% in 2007) and Asian countries (27.9% in 2005, 27.3% in 2007). Source: SKDS (2007).

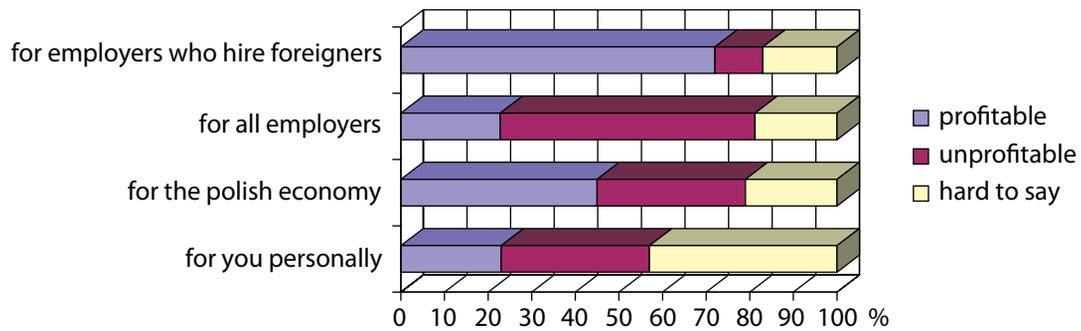
224 Baltic Research Institute of Social Sciences (2005). *Latvijas iedzīvotāju, valsts amatpersonu un NVO attieksme pret patvērumu meklētājiem*. [Attitudes of Latvia's inhabitants, state officials and NGOs towards asylum seekers], and Zepa, B., Šupule, I., Krastiņa, L., Penķe, I., Krišāne, J. (2004). *Etniskā tolerance un Latvijas sabiedrības integrācija* [Ethnic tolerance and integration of Latvian society]. Baltic Research Institute of Social Sciences

225 EUMC. 2005. *Majorities attitudes towards minorities: Key findings from the Eurobarometer and the European Social Survey*, p. 30, Vienna.

226 Centre of Ethnic Studies of the Institute for Social Research. 2007. *Socialiniu tyrimu instituto Etniniu tyrimu centro užsakymu UAB Spinter tyrimai atliktos visuomenės nuomonės apklausos rezultatai* Research summary available at: <http://www.ces.lt/downloads/structure/files/ETC%202007%2002%2005-19%20apklausa.pdf>

227 Public Opinion Research Center (2006). *Obcokrajowcy pracujący w Polsce* [Foreigners working in Poland], Komunikat z badań nr BS/150/2006.

Fig. 4. Poles' attitude towards employment of third-country nationals²²⁸



Source: *Obcokrajowcy pracuj'cy w Polsce [Foreigners working in Poland]*, CBOS, Komunikat z badań nr BS/150/2006, October 2006

Slovak Republic

Slovak respondents were more cautious towards foreigners but the polled respondents were more willing to communicate with immigrants than with members of other marginal groups. At the same time polls showed that the majority of respondents believed that employers took into account ethnic or racial origin when hiring employees.²²⁹ When asked which group of foreigners Slovak employers would be most likely to hire, the respondents put Ukraine nationals in third place after Poles and Bulgarians.²³⁰

3.5.2 .WNIS migrants in the media

The coverage of WNIS migration in the media of the reviewed countries was uneven. While immigration issues have become present in the Polish media and in Latvia and the Slovak Republic, they were sparsely covered by the Hungarian and Lithuanian media. Negative images of foreigners appeared in connection with the perceived negative aspects of migrant presence, such as crime, threat to national identity or competition on the labour market. Positive attitudes have appeared in selected states (Lithuania and Poland) with regard to the benefits that migrants might bring to the national economies.

Hungary

Relatively little space has been devoted to the issues of WNIS migrants in Hungary. The only recent research dealing with the question of minorities in the Hungarian media was completed in late 2006 and analysed various media (television, press, Internet) for one month and concluded that migrants were virtually absent from the Hungarian media. As the author concludes: *"If we did not meet migrants and refugees in our everyday lives or hear about them from the scientific discussions and the NGOs, then according to the Hungarian media we would never be able to guess that there are any people from China, Turkey, Afghanistan, Nigeria, etc. at all in our country."*²³¹

When the topic of foreigners in Hungary is raised the focus is mainly on a crime committed by or against migrants. It seems that the issue is not considered a "hot topic" and neither the public at large, nor those directly affected are able to glean any valuable information from the media. As Hungary does not currently suffer from labour shortages in general this issue is neither raised nor discussed in connection of the possibility of accepting migrants.

Latvia

The situation in Latvia is different. Ambivalent discussions are being held between politicians and media concerning Latvia as a country with a hostile attitude to minorities and immigrants. The main theme is that of the relations between the two main national groups – Latvians and Russians – but does not reflect everyday life where political disputes play no major role. Latvian media in both in the Latvian and Russian languages cover

228 Percentage of Polish respondents answering the question: In your opinion, is employment of foreigners from outside European Union profitable or unprofitable for Poland?. Source: *Obcokrajowcy pracuj'cy w Polsce*, CBOS, Komunikat z badań nr BS/150/2006 [The foreigners working in Poland], October 2006, p. 8.

229 *Problemy diskriminacie a slovenska verejnost (The Problems of Discrimination and the Slovak Public)*. Bratislava: Obcan a demokracia, <http://www.diskriminacia.sk/?q=node/214>.

230 *Reprezentativny prieskum na trhu prace [Representative poll on the labour market]*, press release. Bratislava: Trendwalker, 6 December 2007.

231 György Ligeti, *Bevándorlók és kisebbségek a médiában*, Médiakutató, autumn 2007, p. 257, p. 25

immigration policy debates including opinions of government officials on whether the country should ease access to its labour market for third country nationals and how potential newcomers from Slav countries could add to ethnic divisions and negative attitudes towards Russian-speaking people. The liberalisation of Latvia's immigration policy has been described as a possible "national threat" and as "endangering national identity" in the Government's draft policy document on migration which was not adopted.²³² Stressing the fact that workers from Ukraine, Belarus and Moldova would talk in Russian, increasing the proportion of the Russian-speaking population in Latvia and the use of Russian in everyday life has the potential for political differences which, under certain conditions, and could result in xenophobic moods in Latvia. Large numbers of low qualified workers are thus seen as a threat to domestic security and ethnic harmony. Russian language media quote Latvian politicians as claiming that, "an army of new *gastarbeiter* (*guest workers*) might become a new problem for Latvia."²³³

The working conditions of migrant workers in Latvia have also been a subject of media interest. The most news items focus on the fact that third-country nationals are already employed in Latvia and work in booming sectors of economy, mainly construction and food processing. Only a few reports in the press relate to migrant rights and most describe cases where migrants faced abuse or where their status was irregular. An indication of low awareness of migrant workers' rights was confirmed in an interview with a journalist writing about migrant workers in Latvia: "On a construction site I met a guard; he was from Ukraine without any legal documents or any understanding of what documents he needed to be able to work in Latvia."²³⁴

Lithuania

Certain highlights on the qualitative aspects of the situation of migrants on the labour market occasionally surface in the Lithuania media, especially cases when migrants sign employment contracts in which they accept extraordinary conditions laid down by the employer. One example was the case of construction workers from Belarus who agreed to an extra clause in their contract enabling their employer to fine them if the worker gave notice and accepted a job from another employer²³⁵. Similar problems, however, are only rarely mentioned in the Lithuanian media.

By the end of 2007 it had become evident that employers were seeking new forms of recruiting workers from Ukraine or Belarus and were looking for potential workers in other countries. The first groups of construction workers from China have been described as a positive example of a highly motivated work force. Under these circumstances it is uncertain whether there is still a chance for migrants from the WNIS countries to find work in Lithuania and their share and position on the labour market may be subject to change.

Poland

An analysis of Polish media confirmed the high social acceptance of the employment of foreigners in Poland. In the 1990s Poles tended to fear the presence of foreigners who were often the subject of negative stories in the media. Since 2000 this perspective has changed and one can now even find examples of "idealising" foreigners. This change in attitude may be a result of Poles becoming accustomed to cultural diversity and becoming more tolerant towards other cultures. The dominant issue in the media is now the subject of immigration in the context of the manpower shortages and the gradual liberalisation of access to the labour market for third country nationals. Shortly before Poland acceded to the Schengen Zone (21 December 2007) some media carried alarming stories on how the costs of Schengen visas and strict controls would result in shortages of irregular workers from Ukraine (especially domestic help, construction workers and seasonal workers in agriculture). One headline was especially dramatic: "Będziemy błagać Ukraińców, żeby u nas pracowali" – "We're going to beg Ukrainians to work for us"²³⁶

Slovak Republic

Negative attitudes towards immigration from the WNIS appeared in the Slovak media in the 1990s when two issues, fear of the influx of cheap labour and crime related to the so-called "Ukrainian mafia" dominated

232 Draft government action plan migration, drawn up and commented by ministries, business and non-governmental organizations in 2006. It was still not been adopted as of January 10, 2008.

233 Telegraf, 16.08.2007;

234 LVEXJO06

235 Lukaitytė R. "Lietuviškose statybose aikštelėse plušantys baltarusiai įsipareigoja nekeisti darbo", in: DELFI, 03.06.2007 [<http://www.delfi.lt:80/archive/article.php?id=13404445>]

236 E. Róžańska, *Będziemy błagać Ukraińców: Zostańcie u nas!*, [We're going to beg the Ukrainians: Stay with us!], "Gazeta Wyborcza" 15.12.2007.

public opinion. Concerns of competition of workers from Ukraine were particularly evident in eastern Slovak Republic and were enhanced by reports of restructuring measures in two large factories in which Slovak workers were replaced by workers from Ukraine. These cases were widely publicised and became important themes for the trade unions.

3.5.3. Relations on the worksite and with the host society

Relations with the local population (and with the host society in general) have, apart from familiarity of their rights and working conditions, a significant impact on the quality of migrant lives. Contacts on the worksite can also influence future professional plans and can also affect the way of spending free time and, what appears to be most significant, can be of great importance for the possible integration with the host society and performance on the labour market.

Interviews with migrants indicated that WNIS nationals had only sparse social contacts mostly limited to those on the worksite. Many migrant worker respondents felt no need to maintain contacts with the broader host population. This is illustrated by a quote from a shipyard worker from Ukraine in Latvia. He reported maintaining contacts with another worker from Ukraine who had come to Latvia at the same time, but felt there was no “need” to socialise outside work or the dormitory. *“I don’t feel the need for that”*, he said.²³⁷

Several factors may explain the lack of social contacts with locals. One is the spatial isolation – many migrants live in dormitories especially provided for them or on the worksite (e.g. on the construction sites). Other migrant workers live nearby and are shuttled to and from work by the employer. Migrants also lack time to develop social networks as they tend to work overtime to earn more money making it hard to build relationships with the locals.

Another factor are the personal attitudes of migrants stemming from the temporary character of their stay in the host country and their concentration on work and lack of interest in making new contacts and engaging in local community activities. Sociological research in the three countries confirmed migrant strategy to save on living costs and maximise the amount of money sent back home. This was reflected in a statement made by one interviewed immigrant – *“I just work in Hungary, but I do not live here”*.²³⁸ The tendency to limit contacts with the local population was most evident among irregular migrants, who were generally of the opinion that fewer people who noticed their presence the better, as there was less risk of exposure and possible deportation.

Another explanation could be that migrant workers avoid contacts with locals because they fear aggravating the negative attitudes caused by the political issues of the debates on migration. The result is that migrant workers may deliberately choose not to get involved with locals and other co-nationals to protect themselves from negative interpretations of the word “migrant”. The interviews suggested that the influence of the general social attitudes could be felt by some respondents, e.g. those in Latvia felt unwelcome in Latvian society even though they claimed that their employers welcomed them. Employers also expressed concerns and acknowledged that they experienced cool attitudes and sometimes even hostility towards immigrants. Employers said they believed Latvian society was not open to newcomers mainly due to the Soviet past when large groups of Russian-speaking people migrated to Latvia, as well as lack of information about the current migration flows. The negative attitudes were further fuelled by the economic competition and concerns over the role of immigrants on the labour market. These sentiments were echoed by the chairman of the Latvian Trade Union association who reported that local workers *“already feel angry with current and future immigrants, especially in construction, because salaries are high at the moment but migrants are ready to work for less.”*²³⁹ One employer also said that the stereotype sentiment that immigrants could rob locals of their jobs was strong in Latvian society. *“Sometimes locals look at them [Belarus truck drivers] with envy seeing them as not colleagues, but competitors. But in general attitudes are neutral or positive.”*²⁴⁰

Available material suggested that the prejudices against WNIS nationals detected by social surveys in the recently acceded EU Member States did not, in the majority of cases, result in explicit harassment. Occasional conflicts in the worksite were reported to be related to the more general prejudices, which surfaced in the verbal assaults or negative stereotypes and prejudices expressed by their domestic fellow-workers. A Ukraine worker in Hungary reported that two of his colleagues *“really looked down on me only because I come from Ukraine”* and that they continually complained to the boss *“that I just sit around and don’t work at all”*. This particular case

237 LVEEU05

238 HUEE4

239 LVEXTU05

240 LVER06

eventually turned into “*a bad fight*”.²⁴¹ Experts, however, believe that there were insufficient cases to warrant generalisation.

Reports on the actual formation of attitudes of co-workers and employers towards migrants appear to confirm that both their co-workers and employers developed positive images of the migrants which negated many of the established myths and stereotypes associated with WNIS workers. As the work relationship evolved some of the initial problems tended to go away. The Hungarian research showed that the hostility and conflicts which appeared in the early stages of employment usually disappeared over time as “...*the Hungarians learned how diligent we are and how much better we work than they*”.²⁴² These issues had no lasting effects and interviewed employers said they were unable to recall any conflicts among their foreign and Hungarian employees.

On the other hand interviewed Latvian employers did not blame the foreign workers for the rise in negative attitudes but attributed them to the inability and unwillingness of the locals to take available jobs. They praised migrant workers for their attitude and motivation to work leading to higher productivity in comparison to the native worker. In one company a migrant worker was nominated as the best worker in the storehouse by both management and his co-workers.²⁴³ Domestic employees may see migrant workers as a threat forcing the former to work harder and also understand that the employer can find replacement for an unproductive worker, or one who has problems with alcohol, etc. Employers and experts also noticed a change in the public perception of foreign workers in 2006-2007 as a result of increasing awareness of labour shortages in Latvia.

It may be concluded that the experience of personal contacts tended to abolish negative stereotypes and made the migrant more welcome for the host society. This was particularly evident in Latvia, where the earlier negative experience of unwelcome migrants was slowly giving way to a more welcoming attitude. In general neither employees nor employers complained of negative attitudes towards immigrants. None of the respondents said they had felt hostility on the part of their work colleagues or the locals; on the contrary, they expressed surprise at the open and hearty contacts with the locals, as well as at the widespread use of the Russian language in all spheres. Some employees had expected hostile attitudes from the local population based on reports in their local media, but said that the reality was quite different.²⁴⁴ Interviews with locals living in a suburb where migrant workers are located also gave no ground to believe that they bore animosity towards them. “*They [migrant workers] are human beings like us. They are hard working, poor, honest people; it would be immoral to envy or hate them*”, one respondent said.²⁴⁵

The interviews collected during field research indicated that the attitudes of employers and co-workers towards labour migrants from Belarus, Moldova and Ukraine could be described as positive. WNIS labour migrants were generally seen as hard-working and the work that they performed was of the same or even higher quality as that of the local labour force. It resulted in higher productivity in comparison to the native worker who – aware of the labour shortages in the sector – may “blackmail” the employer and work less hard because there is no replacement available. In this environment the migrant worker becomes a “threat”, to the local workers forcing them to work harder or dampen their salary expectations.

Employers and co-workers in the other reviewed countries showed overall positive attitudes towards the labour migrants from Belarus, Moldova and Ukraine. Polish employers shared their Latvian colleagues’ appreciation of the migrant work ethics and quality of service which was the same or higher than that of the Polish employees.

*Yes, they are very hard working and so intent upon their work!. Very good workers.. Really. Mostly we have Poles [at work] and there is only trouble with them. But Ukrainians? We work with one. He is really hard-working person. Gets up at 1 a.m. and starts working. That’s how you expect work!*²⁴⁶

Another employer (from the food processing industry) declared his preference for workers from Ukraine over Poles and said he planned to hire only Ukraine nationals in future.²⁴⁷

In the case of Moldova nationals working in Poland the initial positive assessment was revised because they quickly adopted local work ethics. The manager of a company hiring workers from Moldova said: “*When they came to Poland it was a big shock for them. (...) They worked very hard. But after some time, they became more*

241 HUEE16

242 HUEE8

243 LVER09

244 LVEEU03

245 LVSP01

246 PLWE03

247 PLWExJA01

relaxed and stopped paying as much attention to their work".²⁴⁸ That brought some employers to the conclusion that workers from the post-Soviet states tended to wheel and deal and live on their wits (Polish "kombinowaa"),²⁴⁹ which could be explained by the statement that "Poland spoiled its workers".

In general it must be stressed that foreigners from WNIS are perceived as hard-working and necessary for the economies of the recently acceded EU Member States. Legally working foreigners tend to maintain good relations with the host society. Irregularly working foreigners have hardly any contact with their Polish colleagues or the local Polish population. Foreigners from this group seem to be excluded from cultural and social life. In turn, certain categories (such as spouses of domestic country nationals or naturalised foreigners) establish closer relations with the Poles if they choose to lead a "family life" in the country of destination and make new acquaintances or friendships.

Language barrier

The knowledge of the local language plays a key role in ensuring access to the labour market and as a result the situation of workers from WNIS working in Hungary, Latvia, Lithuania, Poland and the Slovak Republic is specific. Migrant workers arriving in Poland or the Slovak Republic from Ukraine and Belarus are able to understand the local language. In Hungary the majority of immigrants are of Hungarian origin and know the language. In Latvia and Lithuania the knowledge and use of Russian is widespread.

Proficiency in the local language is not seen as an obstacle by many workers from Ukraine and Belarus in the recently acceded EU Member States under review. Knowledge of Polish is not seen as a problem by many workers from Ukraine and Belarus. As a Slavic language it is easy to learn for other Slavs. Interviews were conducted in Polish and many of the respondents had a good command of Polish. Workers from western Ukraine and western Belarus (which borders Poland) had no major problems understanding Polish because these regions are historically close to Poland and Polish culture and are in the range of Polish TV.

In some countries (e.g. Latvia), knowledge of the state language is obligatory for taking up certain jobs. The State Language Law²⁵⁰ and regulations related to the law determine professions, which require the highest level of knowledge of the state language. There are several hundred such professions in the public but also private sectors, mainly related to everyday communication with people, for example, doctors, nurses, lawyers, security guards, bar tenders, accountants, waitresses, shop assistants and sales clerks, bus drivers, etc. Migrants from WNIS who speak Russian can communicate in Russian with most inhabitants of Latvia (as approximately 45% of Latvia's population are Russian-speakers and Latvia's Soviet heritage of Russian teaching at schools before 1991). These applications of the State Language Law in practice can exclude WNIS migrants from taking on employment in many professions. Compliance with the law is controlled by the State Language Centre, but there are no government-sponsored Latvian language classes or other tools for language learning for immigrants as "current government policy seems to use punishment rather than the provision of opportunities to enhance the acquisition of the Latvian language among guest workers"²⁵¹. The burden of learning Latvian to comply with the laws and improve their job opportunities is thus left to the migrant him/her self or their employer.

The State Language Inspectorate can fine workers not able to communicate in Latvian in professions that require the highest proficiency of the language,²⁵² but in practice these regulations are waived in private business and workers with various qualifications work without knowing Latvian or the intention to learn it, if it is not directly needed for their business. This can be widely observed either in companies owned by Russian-speaking businessmen, companies where most of the employees are Russian-speakers, or in multinational companies in Latvia, where English is the working language. None of the respondents considered the language laws a problem because the majority of the newly arrived migrant workers had jobs that do not require knowledge of Latvian. This issue could become more sensitive if additional professions are added to the list of those where Latvian is compulsory.²⁵³

248 PLWE07

249 PLWE03

250 State language law available in Latvian <http://isec.gov.lv/normdok/vvallik.htm> (08.02.2008) and regulations of professions requiring the highest level of Latvian language. http://www.nva.lv/docs/Stand_valstsv_augst.doc (08.02.2008)

251 "Learning to welcome: the integration of immigrants in Latvia", Rita Kaša, Iveta Ķešāne, Centre for Public Policy PROVIDUS, 2008.

252 Similar regulations are in place in Lithuania.

253 In 2008 discussions have started urging a dramatic increase the number of private sector professions where Latvian knowledge was required, including, for example, hairdressing.

Migrants must also speak Latvian in public institutions as it is the only recognised state language in the country. In state institutions migrant workers must have a translator or ask someone to help them with official documents, hand in applications or complaints. However, no migrant worker complained of discrimination by state institutions or the general public because of speaking Russian in everyday communication and reported being able to contact bureaucrats in Russian practically in all state institutions.

Latvian research gave no evidence to the widespread assumption that Russian-speakers faced hostile reactions from locals for not knowing Latvian. *“I feel no discrimination, no special attitude. I still don’t speak Latvian, but it’s also not a problem here.”*²⁵⁴ As to contacts with the general public most people (with the exception of the younger generation) speak Russian well so that migrant workers can normally communicate with locals in Russian. Communication with employers is in Russian in almost all cases.

But problems still remain and in contrast to the migrants from Belarus or Ukraine those from Moldova may face greater obstacles. Not all workers from WNIS are fluent in Russian, e.g. some young workers from Moldova. As knowledge of Russian in Poland is widespread it is not easy for them to communicate with Poles, but as one restaurant manager said:

*(The Moldova workers) annoyed the Polish staff because when they switched to Romanian we couldn’t understand what they were are talking about or whether they were conspiring [laugh].*²⁵⁵

Subtle differences (such as accent or dialect) may play to the disadvantage of migrants, e.g. in Poland newcomers from WNIS speak Polish with a distinct accent (known as “eastern” or – pejoratively – “Russian accent”), which makes them easily recognisable in conversation and – potentially – victims of xenophobia and stereotypes.

3.6. Institutional and community support

3.6.1. Overview

An important factor in determining chances of migrants for integration with the host society and a key element of ensuring protection of migrants’ rights is the support that is potentially available from the institutions of the home and host countries, the civil society and the ethnic immigrant community. Interviewed WNIS migrants were asked to identify sources of institutional support and other available forms of assistance. The needs of migrants are considered in general, from administrative and consular matters through work relations to cultural representation, so that apart from consular and dedicated state agencies, diaspora networks and trade unions are included in this analysis. Further references to the institutional support regarding protection and enforcement of migrants’ rights as workers is found in section 3.4 “Protection of workers’ rights”.

Contacts with various institutions are analysed here in several key spheres: (1) official state institutions, (2) embassies and consulates, (3) diaspora organisations, (4) other non-governmental organisations and (5) trade unions. Migrants approach some of these organisations very seldom – mostly opting for diaspora organisations and state institutions, while other NGOs and embassies or consulates play a minor role.

This analysis is limited to regular migrants who have the need to contact state and non-governmental institutions as they go through the procedures of legalizing residence and employment. Generally speaking legally working migrants are aware of the possibility of applying for institutional help, while irregularly working migrants avoid public institutions, even in cases of serious need. The interviews with irregular migrants in Poland showed that they avoided any contact with formal institutions – both Polish and their own whenever possible.

Migrants working irregularly do not communicate with state institutions – even in case of serious danger to their health as a contact with the officials might result in expulsion. When in trouble migrant workers are generally more willing to contact the members of their informal network (friends and family) than any authorities or organisations. Migrant workers want to avoid any possible conflicts and responsibly fulfil their tasks to receive their salary. The Latvian research showed that migrants try to avoid abuse from a future employer by collecting information on working conditions and their salaries before coming to Latvia and using social networks when

254 LVEEM12

255 PLWE07

already in Latvia. According to some migrant workers²⁵⁶ and employers,²⁵⁷ information was sought from other migrant workers already employed in Latvia.

The Internet is also a means of exchanging help and information. The Russian speakers worldwide (including those who live and work in Poland) create forums for sharing information and mutual support. The sites also occasionally provoke public discussions on migration issues. Those initiatives are not targeted at a particular nationality but reach all the Russian speakers from WNIS countries, including those from Ukraine, Moldova and Belarus.

3.6.2. Diaspora organisations

When problems occur migrant workers are more willing to contact the members of their informal network (friends and family) than any authorities or organisations. Especially the Belarus and Ukraine migrants (those from Moldova to a lesser extent as their migrant and minority networks are less numerous) tend to rely first on the support from their own ethnic networks. Strong community ties and networks make it easier and more efficient for migrants to receive help from within their ethnic network than from official institutions.

Several minority organisations have been set up in the reviewed countries, some dating back to the 1990s while others were already in place during the Communist period. Their activities mostly concentrate on supporting the cultural traditions and language of the established minorities rather than on financial or legal support for migrant workers.

Contacts between newly arrived migrants and such organisations are not very frequent. In many cases migrant workers also see no need to turn to their ethnic organisations. So far none of these institutions have organised special events to support or welcome newly arrived migrant workers. Informal self-assistance networks have developed among migrants from WNIS, especially from Ukraine. The Greek Catholic Church in Warsaw where migrant workers meet, exchange information, seek job opportunities and legal advice is a good example of such an initiative.

The unwillingness of migrants to contact ethnic support networks has several reasons. Migrants from the three analysed countries do not seek the support of their national organisations nor have they expressed interest in getting involved in the activities of diaspora organisations. They are inactive on the local level and maintain few intensive contacts with the local population or their neighbours. Migrant workers from the WNIS countries seldom take part in community activities and the minority organisations find it hard to find persons willing to sacrifice their time for the common cause. As one activist from the Ukrainian minority in Latvia said: *“Some of them came and said, they would like to sing in our folk group too, but then they disappeared – changed jobs or went home.”*²⁵⁸ As a result, social contacts are not established and a barrier may emerge between the newly arrived migrant workers and their compatriots who have lived in the host country for several decades.

This can be explained on the one hand by the quality and capacity of diaspora organisations (lack of money, narrow range of activities). It may be concluded that the current low involvement of migrant workers in diaspora organisations could change in the future if these organisations themselves could develop the capacity to carry out interesting and important projects or activities attracting newly-arrived migrants. They could provide valuable information or social support–e.g. distribute information material (in Latvian-Russian-Moldavian) about work rights, contact information, where to call in case of sickness etc. Lack of financial resources is a barrier to such expansion.

On the other hand migrant workers see their stay in the host country as temporary and are primarily preoccupied with work-related issues and earning money for their families back home. This also applies to those groups of migrants who could easily make use of the dense network of minority organisations, such as the Ukraine migrants in Hungary. These organisations aim primarily to preserve traditions and language, and hold e.g. Ukraine-language school programmes and folkdance-groups. In theory the institutions (such as the local self government) of the Ukraine minority could be of help to the workers but none of the respondents mentioned cases when Ukraine migrants received assistance from the Ukraine minority self-governments regarding their employment.

256 LVEEM10; LVEEU02; LVEEU04

257 LVER06; LVER02

258 LVEXNO07

Migrant openness to new contacts also depends on their legal status of residence and work in the host country. Irregular workers do not seek contacts with the local population as they want to stay in the shadow and “emerging from the shadow” would incur risk.

However diaspora organisations can be an important point of contact for relatives back home as demonstrated by the case of migrants from Moldova in Latvia. Thanks to the dissemination of information about the Doina organisation of Moldova and Romanian migrants in their countries of origin, the association serves as a contact point for families from Moldova and Romania. According to a representative from the Moldova organisation many queries dealt with the working conditions in Latvia: “*We have helped some people to return home after failures here. We advised some to leave irresponsible employers and to look for better jobs elsewhere in Europe.*”²⁵⁹ The organisation also helps their co-nationals by providing basic information and translating work contracts, which is particularly important for the younger Moldova migrants who lack sufficient proficiency in Russian to conclude contracts in Latvia.

Only a few organisations have been established by migrants themselves. One example of an organisation established by Ukraine immigrants (not minority) living in Poland is “Our Choice – Ukraine”. The association organises cultural events and promotes a positive image of Ukraine in Poland. The activists visit informal labour exchanges located in marketplaces where they distribute information booklets among irregular migrant workers from Ukraine. According to the interviewed activist of the organisation the current level of activities is limited by lack of funds which prevents the organisation from lobbying for a change of Polish migration policy, or launching information campaigns on a larger scale. The association’s activities rely mostly on voluntary work of activists (who are mostly in an immigration situation in Poland) and --occasionally-- support of other organisations interested in helping migrant workers in Poland.²⁶⁰

3.6.3. State institutions

There are no specialised public institutions for assisting labour migrants in any of the countries under review. Migrants can turn to the same institutions as the citizens of those countries (e.g. Labour Courts, National Labour Inspectorate and trade unions). Other organisations (NGOs or church-based) focusing on the problems of immigration are active in the field of refugee affairs. Apart from creating informal migration networks migrants have started organising themselves in associations which, however, are still at an early stage of development. Migrants can also turn for support to their diplomatic missions.

In all five reviewed countries there are certain institutions responsible for both ensuring the protection of worker’s rights and controlling the regularity of their work. The analysis of available data and interviews suggest that protection of labour rights of migrant workers has so far not been the concern of these institutions as they deal with employment issues concerning all workers.

The research showed that as a rule legally working migrants were aware of the possibility of applying for institutional help but only seldom did they make use of this opportunity. The interviewed regular labour migrants in Poland reported turning to labour courts and the National Labour Inspectorate when their rights were infringed (e.g. as non-payment of salary), but expressed little confidence in Polish public institutions. On the other hand migrant respondents in Hungary and Latvia have had trouble finding possibilities for where to turn for help from official authorities and have reported almost no instances in which they actually contacted them. In Latvia only some respondents could name the State Employment Agency, the State Labour Inspectorate and Department of Foreigners’ Service at the Office of Citizenship and Migration Affairs. None of the interviewed migrants had turned to these institutions to complain about problems or violation of their rights. This was confirmed by the Hungarian research²⁶¹ suggesting that only one out of a hundred migrants with Hungarian, Chinese, or Muslim background living in Budapest had contacted any sort of organisation which shows how arbitrary such interaction is. Respondents never mentioned authorities or any other type of organisations or institutions and instead said they had turned to members of their family and informal relations.

The analysis of media reports and expert testimonies from Latvia and Poland indicated a positive trend in which some migrant workers were ready to stand up for their rights. There have been cases when migrants

259 LVEXNO07

260 PLWExLMO01

261 I. Zakariás, *City report on the Institutional and Political Opportunity Structure (Budapest)*, Unpublished report of the European Commission-funded LOCALMULTIDEM (Multicultural Democracy and Immigrants’ Social Capital in Europe), 2007.). See the project publications at: <http://www.um.es/localmultidem/>

have appealed to labour courts demanding compensation from employers violating the Labour Code, lodged official complaints to the State Labour Inspectorate. Irregular workers had no such opportunities in view of their status.²⁶²

As evidenced institutional support for migrant workers from WNIS is still limited in the reviewed countries. The relative lack of organisational/institutional links and activities can be explained by the insecurity of status as well as the economic strategies of the majority of the migrants. NGOs play a minor role mainly due to the novelty of the phenomenon of labour immigration and lack of funding. Migrants who are in an insecure position in the host country tend to rely on informal networks.

3.6.4. Embassies and consulates

In general migrants have little contact with their embassies in cases when they feel their rights have been violated. The majority of migrants from WNIS see embassies as a last resort in extreme situations, e.g. when accused of committing a crime or a serious accident. While representatives of all the three embassies emphasised that if needed and whenever possible they would help when any of their citizens contacted them, none of the respondents ever mentioned contacting their embassies when in trouble. This may lead to the conclusion that the migrants did not consider it the duty of the embassies (or consulates) to be active in the protection of their rights. On the other hand the activities of honorary consuls in assisting WNIS migrants were very much appreciated. Experts pointed to the active role that the honorary consuls of Ukraine have played in regions with no regular consulates.²⁶³

WNIS migrant workers in the reviewed countries were reluctant to turn directly to their consulates for several reasons. Firstly, as with other public institutions, migrants find procedures of consular assistance to be too complex and bureaucratic. Interviewed workers from Belarus, Moldova and Ukraine do not contact their embassies when they feel their rights have been violated and a respondent in Poland needing assistance complained of unsympathetic treatment on the part of the consular staff.²⁶⁴ Concerns were also raised about contacts with the Belarus embassy which experts did not consider to be a trustworthy institution for political reasons.

A further factor is that irregular migrants are unwilling to declare themselves to the authorities. They mistrust public institutions in general and consider them to be corrupt and more trouble than help. They also do not consider it the duty of the embassy or consulate to protect their rights. This is especially true for irregular migrants who are not only unaware of their rights but also hide from any state institution. Their irregular status is sometimes compounded by irregular residence, which makes them afraid even of turning to the police if they become victims of physical violence, not to mention seeking protection of their labour rights.

Migrants contact consulates to solve strictly consular issues or during elections. The support for migrant workers is not the duty of the diplomatic missions of Belarus, Ukraine and Moldova. In general they are not obliged to inform their citizens about the regulations and conditions on the labour market and restrict their services to assisting their citizens in special circumstances, such as loss of documents or when they have become victims of crime. Interviews confirmed that the diplomatic representation of WNIS countries provided support for their citizens within the framework of general consular assistance. Ukraine citizens also turn to their embassies when they need new passports which is a common strategy of those whose visas have expired and who want to cross the border without problems or loss of the possibility of returning to Poland.

Of the three nationalities citizens of Moldova are reported to be particularly unwilling to contact their embassies. As one diplomat from Moldova said “*our citizens contact the embassy very rarely when it comes to problems with work in Poland*”.²⁶⁵ Some Moldova nationals working in Latvia turned to their national association for help in filling necessary documents even before visiting their consulate. Some exceptions have also been registered. The consulate of Moldova in Latvia organised a reception for local employers to inform them about

262 In exceptional cases, complaints from irregular workers were received. At least one case was reported in Latvia to a NGO – Human rights centre – where an migrant from Belarus complained about unpaid salary and bad treatment from his employer. However, the centre was unable to offer effective assistance since the worker refused to give details about his identity or his employer and he also refused to write an official complaint.

263 PLWExLMO01

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opportunities of recruiting migrant workers from Moldova. Some workers from Moldova said in interviews they had visited the consulate to solve consular issues related to marriage and return to Moldova.

All three WNIS embassies in Warsaw are reported to have occasionally organised cultural events and celebrations of national holidays to which all migrants are welcome but these events are more relevant to the settled immigrant community than to labour migrants from the three countries. They do, however, occasionally become involved in various campaigns initiated by migrants. For example, the Ukraine consulate in Poland was recently involved in such actions by supporting NGOs such as “Our Choice – Ukraine”. Some Ukraine honorary consuls in Poland have been very active in helping Ukraine migrants in the country. On the other hand the embassy of Belarus was not seen as a trustworthy institution, for political reasons.

3.6.5. Trade unions and NGOs

Trade unions are potential champions of migrant worker rights, but with the exception of Poland there have been no reports of any purposeful activity in this respect, nor was any of the interviewed migrants a member of any trade union in the host country. This was partly due to the generally weak role of trade unions in many countries of the region as well as the attitude that the role of migrants on the labour market is of little significance.

Although the two most powerful labour unions in Poland have not been directly concerned with the situation of migrants they appear to have taken a favourable stand on the regulated employment of foreigners. An official of one of the large trade unions²⁶⁶ in Poland said Polish trade unions not only had no objections to the access of third country nationals to the Polish labour market but had taken action against discrimination on grounds of nationality, citizenship or other reasons and encouraged migrants to join the trade union. This stance could be attributed to the position that the unions take regarding the rights of Polish workers in other EU Member States. At the same time Polish trade unions support the implementation of EU directives providing for sanctions against employers of irregular third-country nationals,²⁶⁷ but this position could be also recognised as an attempt to protect work places for Polish citizens. On the basis of reciprocity they are therefore interested in implementing regulations in Poland, which in their opinion are also of benefit Polish workers in several Western European countries such as Ireland or Great Britain which have opened their labour markets to Polish workers.

This study found no NGOs engaged in the protection of labour migrant rights and their practical role in assisting these migrants has so far been minimal. While regular WNIS migrants are aware of the existence of institutional support, they seldom turn to NGOs assisting foreigners. Those that do help are usually preoccupied with the situation of refugees and asylum-seekers, and migrant workers have rarely been on their agenda as a particular target group. Latvian organisations of this type – “Dialogi.lv”, broadcasting in Latvian and Russian languages, and “Droḗ māja” (“Safe home”) only recently started working to tackle the broader context of the situation of migrants in Latvia.²⁶⁸ In Poland there are some charity organisations assisting refugees which occasionally also provide legal, or material support for migrant workers in need. The Polish Caritas was, e.g. reported to provide help in covering the cost of medical treatment and legalizing the residence of a small tradesmen from Ukraine who had been residing in Poland irregularly for several years.²⁶⁹

Reports from Latvia and Poland suggest that legal advice for migrants is in exceptional cases provided free of charge by specialised NGOs and that some migrant workers had turned to them for help in cases of legal conflicts with their employers. This is especially important in cases of migrants working irregularly, who do not turn to state institutions – even in case of serious danger to their health, as this could result in deportation. Only in exceptional cases were complaints from irregular workers received. At least one case was reported in Latvia to a human rights watchdog – the Latvian Centre for Human Rights – where a migrant from Belarus complained about unpaid salary and negative treatment from his employer. However, the centre was unable to offer effective

266 Interviews were conducted with the representatives of the NSZZ Solidarność (Solidarity) and Ogólnopolskie Porozumienie Związków Zawodowych (All-Polish Alliance of Trade Unions).

267 COM(2007) 249 http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0249en01.pdf

268 For more information, please visit website of the non governmentnal organisation Dialogi.lv (<http://www.dialogi.lv>). The website does not contain the information on some of the organisation’s activities in the field of protecting migrant rights. For instance, in 2008 it implemented a project funded by the Soros Foundation-Latvia on the integration of asylum-seekers and refugees. Source: Soros-Foundation-Latvia.

269 <http://www.gazetawyborcza.pl/1,76842,5101551.html>

assistance because the workers refused to give details of either his identity or that of his employer and also refused to write an official complaint.

Desk research showed that foreigners need assistance in the process of obtaining work and residence permits. A good case of targeted support provided by an international agency is a special advisory office, the Migration and Information Centre, established by the International Organization for Migration in Bratislava. The Centre's objective is to assist the integration of immigrants and victims of human trafficking of all nationalities onto the labour market and society in the Slovak Republic through counselling, assistance, and reintegration services.²⁷⁰ The Centre is in contact with legal as well as irregular migrants on a daily basis. Since its establishment in April 2006, approximately 300 clients used its services.²⁷¹

270 Objectives of the Project. The Web site of IOM MIC, http://www.domavsr.sk/mic/index.asp?static=target_mic . Accessed on November 30, 2007.

271 Interview with the employee of IOM MIC, November 30, 2007, Bratislava.

Key conclusions

Accession to the EU and integration into the Schengen zone have placed new demands on the migration policies of the recently acceded EU Member States and raised some fundamental issues regarding current legal and administrative frameworks. Work has begun on intensifying inter-agency co-operation, identifying long-term priorities and adopting a strategic approach in all the countries under review. In some states large-scale emigration of domestic labour and fast economic growth have stimulated debates on liberalisation of the access of third-country nationals to the labour market.

Although WNIS migration is recognised as a valuable complement to the labour markets of the recently acceded EU Member States this has so far not been sufficiently matched by their willingness to ease the inflow of WNIS workers. This is partly related to the requirements of EU accession which placed third-country nationals in a less favourable position. To take up employment in the recently acceded EU Member States most WNIS nationals need to obtain work permits. In principle they may be hired only if no EEA nationals are available for a given job and an issued work permit is restricted to a specific position. The procedure for obtaining a permit is usually lengthy, complex and may be costly. All these elements present significant obstacles to the mobility of WNIS workers, put them at a disadvantage compared to EU nationals and discourages employers from recruiting workers from WNIS.

Apart from complying with general conditions covering all third-country nationals citizens of WNIS states enjoy some additional possibilities of entry and conditions of employment. These are either explicitly provided in domestic legislation of recently acceded EU Member States, while preferential visa and permit procedures or are regulated by bilateral agreements. While few bilateral agreements of the old type were effective mechanisms for easing access to the labour markets or protecting migrant rights the recently acceded EU Member States have developed new solutions which, though limited in scope or duration, mark a new approach to the issue. Though at times criticised for contributing to new divisions among WNIS migrants programmes such as preferential conditions for entry and residence of members of ethnic minorities, small border traffic or seasonal employment schemes are the first targeted instruments that the recently acceded EU Member States apply towards this group of migrants.

Current procedures of admission of WNIS nationals to employment in recently acceded EU Member States have varied effects on the situation of migrants on the markets. On the one hand, the recently acceded EU Member States are justified in seeking to protect their labour markets from imbalances that could distort the structure of employment while the procedures of access to the market could help eliminate abuses against migrants. On the other hand the shortage of staff qualified to work with migrants, red tape and insufficient dissemination of information on the requirements for entry make the systems unpredictable, inefficient and unfriendly. The new opportunities for legal employment extended by some of the recently acceded EU Member States have not helped to significantly reduce irregular employment among WNIS nationals. Interviewed irregular migrants are not always aware of the conditions for their legalisation and both employers and employees still find the administrative procedures too inflexible and the financial burden excessive. Many irregular migrants believe that their competitive advantages of mobility and ability to react fast to market demand might be eroded if they were to comply with restrictive legal labour procedures.

Migration to the recently acceded EU Member States from WNIS is influenced by long-standing factors such as the difference in wages between home and host countries, increasing demand for foreign workers due to labour shortages, demand for subcontract services (e.g. in the construction sector), geographical, cultural and linguistic proximity (as in Hungary and Poland) as well as migration networks and family ties. These are complemented by new incentives such as shortages in some sectors due to emigration and economic growth, characterising the first years since EU accession.

Among the three groups of WNIS migrants citizens of Ukraine are by far the largest in number and importance for the economies of Hungary and the Slovak Republic while nationals of Belarus dominate in the markets of Latvia and Lithuania. Poland attracts all three groups of WNIS migrants with a clear majority of citizens from Ukraine, followed by those from Belarus and Moldova. The high mobility of migrants, their avoidance of contacts with state institutions and a variety of scenarios of migration make definitive assessments of the extent and composition of migration impossible and experts in some of the reviewed countries tend to believe that the number of irregularly working migrants exceeds that of the legal foreign workers.

The presence of migrants in certain sectors is closely related to their level of skills and legal status. The majority of irregular migrants from WNIS are employed in sectors requiring low skills such as agriculture, construction and services (domestic help and, to a lesser extent, catering).

Family ties and migrant networks are probably the most common method of finding employment and dominant in the sphere of irregular employment. Potential employees or their acquaintances contact the workers directly or they are recommended for a particular job by other foreign workers. This system offers advantages to both employees and workers as they ensure a reliable workforce and minimise the risk of abuse. Both the employers and employees have criticised the costs and quality of services provided by recruiting agencies.

Working conditions of workers from Belarus, Ukraine and Moldova are determined by their legal status and their professional position, rather than their national origin. As a rule legal workers are protected by the same labour regulations as local workers and their position in relation to the employer is high considering that the majority of legal labour migrants work in sectors where there is a labour shortage. The situation of irregular migrant workers is more ambiguous. The lack of a written contract, short-term character of employment and informal terms of agreement expose them to such abuses as delays in payment, longer working time, unpaid overtime. They are much more likely than regular migrants to live in substandard accommodation and work under hazardous conditions.

The degree of migrants' awareness of their rights as workers varies. Professionals tend to negotiate their contracts and are not shy in demanding their rights. Low-skilled irregular workers often have far lower expectations and tend to build trust-based relations with their employers and enforce their rights in direct contact with the employer. Irregular workers are also unwilling to contact host state institutions or their own embassies for fear of exposure of their unregulated status and expulsion. Migrants rarely approach NGOs and prefer contacts with their diaspora organisations, as NGOs are rarely geared to assist labour migrants.

Negative stereotypes of the WNIS migrant countries of origin are still present although the host societies are increasingly open to the presence of migrants on the labour markets and societies. A mixed picture emerges with regard to the potential for discrimination—while all the recently acceded EU Member States have anti-discrimination legislation and institutions in place and only few ethnically-motivated assaults on migrants are recorded, interviewed migrants felt themselves to be disadvantaged due to administrative obstacles (permit application procedure) and stereotypes in the broader society which are sometimes perpetuated by politicians and the media.

A lasting problem is the fact that the irregular workers rarely integrate into the host communities. At the same time interviews with migrant employers and co-workers indicate that personal contacts with migrants help dispel the myths and may be the first signs of increasing openness of the host societies to the presence of migrants in the economy and public life. The employers and co-workers of WNIS migrants had more positive attitudes towards labour immigration—and positive qualities of migrants as workers were often noted in interviews.

General recommendations

The current migration policies of the recently acceded EU Member States under review are still more a set of *ad hoc* solutions created in response to changes in the domestic and international sphere. The awareness of the problem is low not only among the general public but also among those dealing directly with migrants. Therefore will be necessary to change the traditional paradigm among the decision makers and the general public by initiating a broad debate on migration. The most important shift in the perception of migration is the awareness that recently acceded EU Member States have become destinations for a growing number of immigrants.

Between 2004 and 2007 most recently acceded EU Member States experienced strong economic growth, and a drop in unemployment (Poland and the Slovak Republic), while significant numbers of their citizens (especially Poles and Latvians) left home to work in other EU Member States. This created vacancies and the need to hire third country nationals. In contrast, the economic situation in Hungary has been declining over the last several years. Although the impact of the global financial crisis may put a temporary halt to the expansion of the economies of the reviewed countries the emigration of the native workforce has created shortages in certain sectors/occupations in all the reviewed countries creating the need for solutions to ease employment of deficit workers.

Assessing the need for WNIS migration

Experts from the recently acceded EU Member States have noted that the current official data on the situation on the labour market is incomplete and has generally not been used to stimulate public awareness for the need of controlled labour immigration. Little information is also available on labour shortages in individual sectors as a result of emigration or low interest on the part of the domestic workforce. Analyses of the extent and composition of the demand for foreign labour are needed to inform mid- and long-term government planners. While the testimonies of employers and experts suggest that the existing labour flows from WNIS generally match the needs of the recently acceded EU Member States, comprehensive studies on the distribution of the demand and forecasts of the labour supply in the crucial sectors are needed to confirm these hypotheses.

Facilitating orderly migration

As the next step those countries where the demand for workforce is acknowledged, should consider the complementary employment of WNIS migrants. From the perspective of the need to preserve competitiveness it is crucial to ease the access of highly qualified professionals to sectors with strongest demand. Targeted programmes such as quotas of third country nationals who could undertake jobs in certain sectors of the economy without work permits, which are introduced to a limited scale, should be applied more extensively. These could even become the basis of sustained systems of fast-track, simplified procedures of receiving a work permit combined with additional incentives (e.g. reduction of social security contributions) making Hungary, Latvia, Lithuania, Poland and the Slovak Republic more attractive countries of destination.

Bilateral agreements

Bilateral agreements with Belarus, Ukraine and Moldova remain a dead letter or do not exist. Such agreements which effectively stimulate the import of labour force should be signed and, apart from issues strictly related to employment, should also cover areas of protecting workers rights (social security, access to health-care, retirement funds, minimal wage guarantees and other). Of particular importance is the issue of regulating the operation of recruiting agencies, in particular mechanisms for enforcement of workers' complaints against unfair agencies.

Simplified procedures for the employment of labour migrants

The legal procedures for obtaining a work permit and residence permit are often complicated, time-consuming and very costly. This situation is an incentive for unregistered employment and in effect hampers the ability to respond to the market needs and economic growth in a speedy and flexible manner. This must be solved by simplifying bureaucratic procedures for recruiting migrant workers. Applicants must be given lists of required documents together with samples. As in many instances foreigners from the third countries do not

compete with domestic labour, the requirement of examining the situation on the local labour market should no longer apply in all cases.

The major obstacles to the entry of migrant workers are the various requirements that foreign workers are obliged to fulfil and the procedures for the acceptance of qualification certificates of migrant workers must be reviewed. Common standards concerning third country nationals are needed especially in cases of the most popular professions.

Incentives for regularisation of employment

Employers and employees have identified several factors dissuading migrants from taking up regular employment. Simplification of the procedure, lowering the administrative costs and information campaigns on the requirements to undertake regular employment should be introduced also with the view to attracting those migrants who have so far been employed irregularly. Considering the fact that irregular migrants are dependent on employers for their livelihood and lack enforcement mechanisms for their rights, awareness-raising programmes are needed to provide incentives for migrants to embark on the legal procedure for regular employment.

The role of international organisations (e.g. IOM) and their partners among non-governmental organizations is essential here given their legal expertise and operational experience. The practice of voluntary return of migrants is especially relevant for selected groups of migrants, such as those engaged in forced labour or subject to other forms of abuse.

Raising awareness of officials dealing with migrants

A problem is also insufficient knowledge of officials dealing with the employment of foreigners. When compounded by the low level of the services rendered by such public institutions and the negative attitude of officials this can result in discrimination and an unfavourable position on the labour market. In this respect it is urgent to improve the functioning of offices dealing with work permits by employing qualified officials and improving the qualifications of the current workforce by training courses and workshops.

Raising employer awareness of the regulations

Insufficient awareness of specific regulations for the employment of foreigners is also one of the obstacles to hiring WNIS nationals. Interviews indicate that many employers do not know that certain categories of third-country nationals are entitled to take jobs without the need for a work permit (e.g. holders of temporary residence permits, or refugees with a Geneva Convention identity card) and as a result forgo hiring a foreigner. An information campaign about these regulations aimed at businessmen could be launched. Additionally leaflets covering this issue should be available in consulates, employment agencies, labour offices, etc.

Migrants access to information

Many migrants are often discriminated on the labour market because they are unaware of their rights. The irregular migrants have very limited access to information on how to legalise their work. Excerpts from country labour regulations should be printed in the local language of the migrant and distributed among migrants. Regular migrant workers should also have easy access to information concerning, their labour rights and discrimination in the form of leaflets, web sites, etc. Workers must also be clearly informed about the need to sign written contracts and the information should be provided in the language they understand.

Effective intermediary mechanisms

Interviews with employers confirm growing problems of recruiting workers especially in Poland and Latvia. Private employment agencies seem to be the most effective institutions for aligning foreign workers with employers, but the quality of their work is still far from satisfactory. The activities of these agencies must be set down by regulations on the operation of labour recruitment agencies abroad. These should cover malpractices such as double charging, failure to fulfil their responsibilities or taking the advantage of the fact that many agencies are unfamiliar with immigration regulations.

Integration measures

The reviewed countries have no integration programmes for economic migrants who, because of their “invisible -irregular” and temporary presence – are not seen as a group in need of state assistance to the extent enjoyed by refugees or asylum-seekers in some countries. The economic migrants have only very limited and incidental access to NGO integration activities. In order to ensure them equal status on the market special courses dealing with the language, realities and culture of the host country should be provided in partnership between state and non-governmental organisations.

Existing state policies are not conducive to integration. Firstly, current administrative restrictions make workers dependent on employers for such vital aspects of their livelihood as housing and health care provisions (this particularly applies to irregular workers). Secondly, the facilitating measures (such as easier access to the labour market) that were recently adopted were not always properly targeted and assumed that by merely lifting administrative restrictions the migrants would be able to integrate properly. However, the sociological research indicates that WNIS migrants often lack basic information on their rights and rarely seek institutional support or reach out to the members of host population. Of particular concern is the situation of the migrants from Moldova migrants who lack the support of larger diaspora networks.

Support for organisations

Organisations created by immigrants are either inoperative or are still at an early stage of development in the reviewed host countries and are unable to provide lasting support for their compatriots. Activities of national minority organisations (e.g. ethnic Ukrainians or Belarusian) do not expand their activities to the provision of information or material support and mostly concentrate on the promotion of cultural traditions. At the same time NGOs focus primarily on persons seeking international humanitarian protection, not economic migrants. Support is needed in this field through special funds (comparable to the EU Integration of third country nationals programmes).

Stimulating awareness of immigration-related issues

An additional issue is stimulating awareness concerning workers’ rights among both the host societies and foreign workers. Awareness needs to be raised with regard to discrimination based on nationality/ethnics/race. The task belongs both to the government and non-governmental institutions. It could be achieved by disseminating booklets/guides/leaflets and by publishing articles in the press, analyses and organising conferences concerning migration issues.

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Annex 1. List of interviews conducted during sociological research

A. Hungary

Interviews with employees

| | Nationality | Code | Field | Gender | | Age | legal | illegal |
|-----|-------------|--------|--------------------|--------|---|-----|-------|---------|
| | | | | F | M | | | |
| 1. | Ukraine | HUEE1 | tradesman | + | | 51 | + | |
| 2. | Ukraine | HUEE2 | household help | + | | 56 | | + |
| 3. | Ukraine | HUEE3 | agriculture, trade | + | | 44 | | + |
| 4. | Ukraine | HUEE4 | agriculture | + | | 54 | | + |
| 5. | Ukraine | HUEE5 | agriculture | + | | 26 | | + |
| 6. | Ukraine | HUEE6 | building industry | | + | 61 | | + |
| 7. | Ukraine | HUEE7 | building industry | | + | 34 | + | |
| 8. | Ukraine | HUEE8 | agriculture | | + | 50 | | + |
| 9. | Ukraine | HUEE9 | Tradesman | | + | 37 | | + |
| 10. | Ukraine | HUEE10 | agriculture | | + | 63 | | + |
| 11. | Ukraine | HUEE11 | building industry | | + | 23 | + | |
| 12. | Ukraine | HUEE12 | health care | | + | 45 | + | |
| 13. | Ukraine | HUEE13 | food industry | + | | 56 | + | |
| 14. | Ukraine | HUEE14 | building industry | | + | 50 | + | |
| 15. | Ukraine | HUEE15 | services | + | | 27 | + | |
| 16. | Ukraine | HUEE16 | agriculture | + | | 20 | | + |
| 17. | Ukraine | HUEE17 | agriculture | | + | 33 | | + |
| 18. | Ukraine | HUEE18 | agriculture | | + | 25 | | + |
| 19. | Ukraine | HUEE19 | education | + | | 28 | + | |
| 20. | Ukraine | HUEE20 | building industry | | + | 39 | + | |
| 21. | Ukraine | HUEE21 | services | + | | 30 | + | |
| 22. | Ukraine | HUEE22 | building industry | | + | 38 | + | |
| 23. | Ukraine | HUEE23 | services | | + | 32 | + | |
| 24. | Ukraine | HUEE24 | services | + | | 37 | + | |
| 25. | Moldova | HUEE25 | services | | + | 46 | + | |
| 26. | Moldova | HUEE26 | building industry | | + | 30 | + | |
| 27. | Ukraine | HUEE27 | services | + | | 35 | + | |

Interviews with employers

| Foreign Employees' Nationality | Code | Sector |
|--------------------------------|-------|--|
| Varied, some from Moldova | HUER1 | Private company, construction industry |
| Varied, some from Ukraine | HUER2 | NGO, social services |
| Ukraine | HUER3 | Private company, catering services |

Interviews with experts

| Name | Code | Field |
|----------------|-------|--|
| Dr. Ágnes Hárs | HUEX1 | Economist, researcher in the field of the economic impacts and background of labour migration |
| Dr. Emese Ács | HUEX2 | Official of the Ministry of Justice and Law Enforcement, involved in the formation of the "Integration Act", former officer of the Office of Immigration and Nationality |
| Dr. Imre Csigy | HUEX3 | Official of the Hungarian Labour Inspectorate |

| | | |
|-----------------------|-------|---|
| Dr. Judit Tóth | HUEX4 | Lawyer, researcher in the field of legislation of immigration and immigration in general |
| Dr. Orsolya Kisgyörgy | HUEX5 | Planner in the Ministry of Social Affairs and Labour, dealing with labour migration |
| Dr. Tamás Jácsku | HUEX6 | Deputy director of the Northern Great Plain Regional Labour Centre |
| Klára Fóti | HUEX7 | Director of the ARC Relocation Inc. dealing with the Hungarian relocation of migrants |
| Sándor Borbély | HUEX8 | Cultural anthropologist, researcher in the field of migration from the Trans-Carpathian region of Ukraine |

B. Latvia

Interviews with employees

| | Nationality | Field | | | Age | legal | irregular | Code |
|-----|--|--------------------------------|---|---|-----|-------|-----------|----------|
| | | | F | M | | | | |
| 1. | Ukraine | Food logistics | | + | 51 | + | | LVVEEU01 |
| 2. | Ukraine | Food logistics | | + | 30 | + | | LVVEEU02 |
| 3. | Ukraine | Construction | | + | 28 | + | | LVVEEU03 |
| 4. | Ukraine | Construction | | + | 35 | + | | LVVEEU04 |
| 5. | Ukraine | Ship building | | + | 28 | + | | LVVEEU05 |
| 6. | Ukraine | Construction | | + | 40 | + | | LVVEEU06 |
| 7. | Ukraine | Construction | | + | 35 | | + | LVVEEU07 |
| 8. | Belarus (country specific, lives in Latvia since 1989) | Furniture production, guard | | + | 56 | + | | LVEEM08 |
| 9. | Moldova | Construction | | + | 35 | + | | LVEEM09 |
| 10. | Moldova | Construction | | + | 40 | + | | LVEEM10 |
| 11. | Moldova (country specific, lives in Latvia since 1989) | Construction | | + | 45 | + | | LVEEM11 |
| 12. | Moldova (country specific, lives in Latvia since 1990) | Cleaning services | + | | 43 | + | | LVEEM12 |

Interviews with employers

| | Position | Sector | Code |
|-----|---------------------------------|---|--------|
| 1. | Director | Ship building | LVER01 |
| 2. | Representative | Construction (Moldova) | LVER02 |
| 3. | Director general | NGO promoting big employers' rights | LVER03 |
| 4. | Head | Recruitment for building companies | LVER04 |
| 5. | Representative | Construction | LVER05 |
| 6. | Director | Logistics | LVER06 |
| 7. | Executive Director | Hotels and restaurants | LVER07 |
| 8. | Board Director | Recruitment agency and employer in construction sector | LVER08 |
| 9. | Chief of personnel department | Food processing industry | LVER09 |
| 10. | Recruitment department employee | Recruitment agency | LVER10 |
| 11. | Board Director | Engineering | LVER11 |
| 12. | Chief of personnel department | Mechanic engineering | LVER12 |
| 13. | | Car wash | LVER13 |
| 14. | Chief of personnel department | Paper industry | LVER14 |
| 15. | Chief of personnel department | Construction | LVER15 |

Interviews with experts

| | Position | Institution | Code |
|----|--|------------------------------------|----------|
| 1. | Head of planning department | Ministry of Economics, | LVEXML01 |
| 2. | Deputy director | State Labour Inspectorate | LVEXLI02 |
| 3. | Head of international cooperation department | State Employment Agency | LVEXLO03 |
| 4. | Researcher | Human rights centre | LVEXHR04 |
| 5. | Chairman | Latvian Trade association's union, | LVEXTU05 |
| 6. | Journalist | Newspaper Diena | LVEXJO06 |

| | | | |
|-----|------------------------------------|--|----------|
| 7. | Chairperson | Moldova-Romanian national association Doina, | LVEXNO07 |
| 8. | Chairman | Ukraine national association | LVEXNO08 |
| 9. | Deputy Head | Office of Citizenship and Migration Affairs | LVEXCM09 |
| 10. | Deputy Chief on immigration issues | Latvian border guards, Riga office | LVEXBD10 |
| 11. | Chief | IOM Riga office | LVEXIO11 |
| 12. | Journalist | Newspaper Dienas Bizness, | LVEXJO12 |
| 13. | Correspondent | TV3, program Bez Tabu, | LVEXJO13 |

Additional interviews (perception of migrant workers)

| Respondent | Specifics | Code |
|-------------------|---|-------------|
| Female | Administrator of migrant workers' dormitory house | LVSP01 |
| Female | Inhabitant of Vecmilgravis suburb, where several migrant workers live | LVSP02 |

C. Poland

Interviews with employees

| | Employee Country breakdown | Code |
|----|-----------------------------------|-------------|
| 1 | Male (M) Ukraine | PLWWU01 |
| 2 | Female (F) Ukraine | PLWWU02 |
| 3 | (M) Ukraine | PLWWU03 |
| 4 | (F) Ukraine | PLWWU04 |
| 5 | (F) Ukraine | PLWWU05 |
| 6 | (F) Ukraine | PLWWU06 |
| 7 | (F) Belarus | PLWWB07 |
| 8 | (M) Belarus | PLWWB08 |
| 9 | (F) Belarus | PLWWB09 |
| 10 | (F) Belarus | PLWWB10 |
| 11 | (M) Belarus | PLWWB11 |
| 12 | (F) Belarus | PLWWB12 |
| 12 | (F) Moldova | PLWWM13 |
| 14 | (F) Moldova | PLWWM14 |
| 15 | (F) Moldova | PLWWM15 |

Interviews with employers

| | Employers | Code |
|----|-----------------------------------|-------------|
| 1 | Advertising agency | PLWE01 |
| 2 | Trade company (manager) | PLWE02 |
| 3 | Trade company (owner) | PLWE03 |
| 4 | Cake shop (owner) | PLWE04 |
| 5 | Catering company (owner) | PLWE05 |
| 6 | Language school (manager) | PLWE06 |
| 7 | Restaurant (manager) | PLWE07 |
| 8 | Barber shop (owner) | PLWE08 |
| 9 | Circus (owner) | PLWE09 |
| 10 | Textile producer (HR manager) | PLWE10 |
| 11 | School (headmaster) | PLWE11 |
| 12 | Construction company (HR manager) | PLKE12 |
| 13 | Transport company (manager) | PLWE13 |
| 14 | Wine trade company (owner) | PLWE14 |
| 15 | Florist shop (owner) | PLWE15 |

Interviews with experts

| | Institution | Code |
|----|--|-------------|
| 1 | Trade Union representative | PLWExTU01 |
| 2 | Labour Office | PLWExLO02 |
| 3 | Commissioner for Civil Rights Protection | PLWExCCRP01 |
| 4 | Expert in the field of migration and minorities | PLWExMM01 |
| 5 | Manager in an Employment Agency | PLWExJA01 |
| 6 | Journalist | PLWExJ01 |
| 7 | Expert in the field of migration and employment | PLWExME01 |
| 8 | Diplomat | PLWExDC01 |
| 9 | Expert in the field of relations in post-Soviet zone | PLWExRPZ01 |
| 10 | Leader of migrant organisation | PLWExLMO01 |

Annex 2. Sociological research questionnaires

A. Employees

I Introductory questions

- ⇒ Let's start our talk with basic questions. Where do you come from? Where did you recently live in Belarus/Moldova/Ukraine? How did you get to Hungary/Latvia/Poland?
- ⇒ Did you come to Hungary/Latvia/Poland alone or with family? Or maybe with friends, neighbours or colleagues from previous work?
- ⇒ Could you say what your first days, months in Hungary/Latvia/Poland were like? How did you find the job/place to live? Did anyone help you? If yes – who?
- ⇒ Did you understand Hungarian/Latvian/Polish? (If yes – how did you become fluent in Hungarian/Latvian/Polish?)

II Push and pull factors for coming to Hungary/Latvia/Poland. Situation of the respondent in the country of origin

- ⇒ Did you travel abroad before coming to Hungary/Latvia/Poland??
- ⇒ What was your profession in your country? How would you describe your position there? (Find out: family/economic situation, situation on the labour market, professional position)
- ⇒ Why did you decide to leave your country (trade, tourism, family)? What were your plans concerning your stay in Hungary/Latvia/Poland?
- ⇒ What was the reason for deciding to come to [name of the town/city]?
- ⇒ What were your expectations before coming to Hungary/Latvia/Poland? Did they come true?
- ⇒ We talked about your first visit to Hungary/Latvia/Poland before. How many times have you been to Hungary/Latvia/Poland and where exactly?

III Legality of stay and work

- ⇒ What is the legal status of your stay in Hungary/Latvia/Poland?/How did you enter Hungary/Latvia/Poland? (tourist visa, work visa, temporary permit, other answers, e.g. illegally)

Irregular migrants

- ⇒ Have you always worked illegally? If yes – why?
- ⇒ Have you ever considered legalising your stay/work in Hungary/Latvia/Poland?
- ⇒ If so, were you successful in legalising? If not, what was the cause?
- ⇒ Do you know which documents are required to obtain a work permit, temporary stay permit?
- ⇒ Where did you get that information? Do you know any place, where you can obtain this information/help?
- ⇒ In your opinion, is it difficult or rather easy to obtain a work permit in Hungary/Latvia/Poland?
- ⇒ Did you know before coming to Poland what the procedure for obtaining a work permit is in Hungary/Latvia/Poland? If yes – how did you obtain that information?
- ⇒ Have you ever contacted state institutions? (hospitals, police, registration office)
- ⇒ Has the knowledge of the Hungarian/Latvian/Polish language ever been a problem during the contact with state institutions? How did you manage to deal with such situations?

Regular migrants

- ⇒ Please describe the procedure how you got your work permit/temporary stay permit?
- ⇒ Was it difficult? What was the biggest problem?

- ⇒ Did anyone help you?
- ⇒ What is your experience with the Hungarian/Latvian/Polish institutions, considering obtaining a work/temporary stay permit? Can you tell me how the Hungarian/Latvian/Polish officials treated you/people you know? Were they helpful, polite or rather suspicious and made difficulties?
- ⇒ Is it relatively easy or opposite difficult to receive a work permit in Hungary/Latvia/Poland?
- ⇒ What do the decisions of institution depend on: competences, country of origin? Others?
- ⇒ Has the knowledge of the Hungarian/Latvian/Polish language ever been a problem in contacts with state institutions? How did you manage to deal with such situations?

IV Position on the Hungarian/Latvian/Polish labour market

General questions

- ⇒ What is the most common type of work undertaken by you/ your nationals? If you/they work then where? What kind of job do you/ they have? (position/character of work)
- ⇒ What is your opinion, based on your own experience and on what you have heard – are people from Ukraine (Belarus, Moldova – according to the nationality of the respondent) seen as a good or bad workers? Why? Whose opinion is that? [employers, colleagues, others]
- ⇒ Do you think that the jobs which the migrants from Ukraine (Belarus, Moldova – same as above) undertake differ from the jobs undertaken by other foreigners? If yes – what is the difference?
- ⇒ Have you ever met the Hungarians/Latvians/Poles, who were afraid to lose their job because of foreigners?
- ⇒ Do you think that the newcomers should be helped in getting employment? Who should support them? How?
- ⇒ Do you think that many of your compatriots who come to Hungary/Latvia/Poland work illegally? How many of them? How long do they work and in what conditions? Which region in Hungary/Latvia/Poland is the most popular destination for working illegally? In which region in Hungary/Latvia/Poland is it the easiest to find an illegal job?

Respondent's personal experience

- ⇒ What do you do in Hungary/Latvia/Poland – what kind of job do you have? How did you find it?
- ⇒ Was it difficult to find the first job in Hungary/Latvia/Poland? What kind of job was it?
- ⇒ How did you find it? Did anyone help you?
- ⇒ Have you ever worked without the required documents? What was the reason for this situation?
- ⇒ How many times did you change work since you came to Hungary/Latvia/Poland? Why?
- ⇒ Do you like your present job? If not – what would you like to change in the organisation of work, work conditions?

V Conditions of work and wages

Wages, social insurance, taxes, right to vacation

- ⇒ What kind of rights do you enjoy as an employee? (right to vacation, sick leave, promotion, safety of work)
- ⇒ Do you have a written or oral contract with your employer? On what terms? Did the employer stick to the terms?
- ⇒ Do you receive your wages on time or are there delays? Do you always receive the entire sum specified in the contract?
- ⇒ Does your employer pay due contributions for social security and taxes? If so, does the employer pay the contributions on all your salary or on a part of the salary, and you receive the rest “under the table”, untaxed?
- ⇒ Do you have a health insurance? What kind? State or private policy? Did the employer purchase it, or did you have to buy it?

- ⇒ Do you have the right to sick leave and to vacation? How many days of vacation do you have a year? Have you ever asked for a time off for personal reasons? (e.g. need to visit family, home country)? Did you receive it? If not – how did the employer justify the refusal?
- ⇒ In case of sickness, could you take paid leave? Are there cases when the employer discourages employees from taking a sick leave?

Work hours and safety

- ⇒ Do you have fixed working hours? If not what does it depend on?
- ⇒ How many hours do you work a day? (OR What time do you normally start your working day? What time do you usually finish?) How many hours do you usually work a week? Do you have any days off? If yes – how many?
- ⇒ Do you have to work overtime without adequate payment?
- ⇒ Can you describe your work as safe? If not – why?
- ⇒ Were there any situations on the workplace that were dangerous to your health or life? Please describe them. What does your employer do to avoid them? Did you receive proper working clothes? Can you expect immediate medical assistance?

Mobbing and harassment

- ⇒ Have your colleagues or employer harassed you (teasing, humiliating)? In what ways? Was this related to the fact that you are from Ukraine/Belarus/Moldova?
- ⇒ Has the manager ever demanded work which was agreed upon?
- ⇒ Are you sometimes asked to complete a task that cannot be completed in the assigned time?
- ⇒ Have you ever been unfairly accused of wrongdoing? Who accused you (the employer, one of the colleagues)?
- ⇒ Have you observed in your workplace cases when the employer made sexual propositions (offers) to the (female) employees from Ukraine/Belarus/Moldova? Have such offers been made by the (native) co-workers?

Violence, forced labour

- ⇒ Has the employer ever forced you to do anything with threats? Please describe these cases. What threats did the employer use (firing, report to authorities, withholding the wages, violence)?
- ⇒ Has the employer ever hit you or threatened to hit you? And has a co-worker or a third person hit you or threatened to hit you, encouraged by the employer? Please describe these cases. Have you reported this incident to the police? If not, why not?
- ⇒ Has the employer humiliated you or other workers from Ukraine/Belarus/Moldova? Has he used words that were offensive or breached your or their personal dignity?
- ⇒ Has anyone ever demanded money from you without a legitimate reason? Who was it? Have you heard of such cases?
- ⇒ Have the citizens of Ukraine/Belarus/Moldova or other post-Soviet states demanded money from you which was not due to them? Have they threatened you? What kinds of threats were used? Were you hit? Have you reported this incident to the police? If not, why not?
- ⇒ Has anyone (e.g. citizens of Ukraine/Belarus/Moldova or of other post-Soviet states) demanded the repayment of a loan with threats or violence? Have you heard of such cases?

VI Discrimination of migrant workers

- ⇒ Does your company employ both Polish and migrant staff? Do you Polish colleagues exercise similar tasks to you?

IF YES, PLEASE ASK FOLLOWING QUESTIONS?

- ⇒ Please compare the situation of Hungarians/Latvians/Poles and Belarus/Moldova/Ukraine citizens performing the same work.
- ⇒ Do the local workers receive the same pay as those from Belarus/Moldova/Ukraine?

- ⇒ Are they treated the same by supervisors?
- ⇒ Do they receive comparable tools, equipment, safety clothes?
- ⇒ Are they obliged to do the same work?
- ⇒ Do they have the same chances for promotion?
- ⇒ What are the relations between you, other Ukraine workers and Polish colleagues? Friendly, neutral, unfriendly?

VII Opinions about societies, in which migrants live

- ⇒ What do you think about relations between workers from Ukraine, Belarus, Moldova who are working in Hungary/Latvia/Poland and the Hungarians/Latvians/Poles?
- ⇒ How do the Hungarians/Latvians/Poles treat foreigners?
- ⇒ Do the Hungarians/Latvians/Poles help newcomers? (e.g. information about work, hostel, etc.)
- ⇒ Are the Hungarians/Latvians/Poles good neighbours?
- ⇒ Do you have any friends/acquaintances among the Hungarians/Latvians/Poles? Do you maintain social contacts with the Hungarians/Latvians/Poles, and what are they?
- ⇒ What about people of other nationalities? With persons of which nationality do you find it easiest to start and maintain social relationships? Why?
- ⇒ Have you ever taken part in any cultural or other events organized by Poles in the place you live? If yes – what kind of events? If not – why?
- ⇒ How are the foreigners treated by: the Polish authorities, law and order institutions (police, courts), public institutions (schools, hospitals, religious organisations, trade unions), non-governmental organisations, churches?
- ⇒ Do you think that workers from Belarus/Moldova/Ukraine working in Hungary/Latvia/Poland are treated well? Or do you think their attitude towards them should be changed? In what way?
- ⇒ What do you think about the Hungarian/Latvian/Polish employers?
- ⇒ What do you think about Hungarian/Latvian/Polish co-workers?

VIII Institutional support (organisations, formal and informal associations/forms of self-organisation) on central and local level

- ⇒ Do newcomers receive assistance from their compatriots who had come to Hungary/Latvia/Poland earlier? If so, in what form (e.g. in finding housing, employment)?
- ⇒ Are there any organisations (formal and informal) of migrants from Belarus/Moldova/Ukraine? If yes, what is their field of activity?
- ⇒ Have you ever contacted any representative of Belarus/Moldova/Ukraine institutions in Hungary/Latvia/Poland (consulates/embassy)? What was the question/problem? What was a result?
- ⇒ Do you have any person/institution, whom you would ask for help in case of problems (e.g. at work)? Who would it be (Belarus/Moldova/Ukraine colleagues, Hungarian/Latvian/Polish colleagues, supervisor, trade unions, consulate, church)?
- ⇒ Have you ever turned to one of these institutions for help? What was the question/problem? What was the result?
- ⇒ Do you know which institutions you can ask for help in case of problems at work? Do you know whom you should inform if your employer abused your rights, wouldn't pay your salary, blackmail you?

IX Living conditions, access to public services. Self-assessment of life in Hungary/Latvia/Poland

- ⇒ What are your present housing conditions? Do you have your own place to stay (apartment, house)? Do you rent an apartment/a room? How many people live in your apartment? How big is your house/apartment? How many rooms does it have?
- ⇒ Whom do you share the house/apartment with? How much do you pay for your accommodation? Does your employer cover part/all of the costs of your accommodation?

- ⇒ Have you ever been unemployed? How did you deal with this situation? Did you manage to pay for accommodation, living, all required payments, etc.?
- ⇒ Do you have time for relaxation or entertainment? How often? How do you spend your free time?
- ⇒ Would you prefer to live in Western Europe or in the United States rather than in Hungary/Latvia/Poland? Do you regard Hungary/Latvia/Poland as a temporary destination before moving to one of the Western countries? If yes – which country would be your destination? Can you explain your choice?
- ⇒ How would you assess the impact of your travel to and stay in Hungary/Latvia/Poland on your family life:
 - Do you support your relatives with money? Regularly? Does your family enjoy better life conditions in your home country thanks to your work in Poland? How much of your income (in % or value) do you dedicate to help your family?
 - Can you observe any positive or negative influence of your stay/travels to Poland on your family life and relations with family?
 - If there was such a possibility, would you like to stay in Hungary/Latvia/Poland with your family? Why yes?/Why not? Would it make your life in Hungary/Latvia/Poland easier/harder? Why?

Respondent's data:

Age:

sex:

place of birth:

religion:

citizenship:

marital status:

education:

profession:

Place and type of work actually done:

In the home country

In Hungary/Latvia/Poland

Please state how much you earned over the last month? Please include all sources of income. If you do not remember, please give an estimate of the sum.

B. Employers

I. Introductory questions

- ⇒ What field does your company work in? Does it work in any other fields?
- ⇒ How many people are employed in the company? (Full-time, part-time, seasonally)
- ⇒ How many foreigners are among them? How many people from Ukraine/Belarus/ Moldova? (Full-time, part-time, seasonally)
- ⇒ Since when have you been employing foreigners?
- ⇒ Why do you employ migrants from Ukraine/Belarus/Moldova?
- ⇒ Is it always the same person/s or do they change? If so why? How often?
- ⇒ Are you generally satisfied or dissatisfied with their work?
- ⇒ What are the advantages and disadvantages of employing foreign labour force/people from Ukraine/Belarus/Moldova?

II. Recruiting employees

- ⇒ Have you ever contacted institutions responsible for employment of foreigners?
- ⇒ Is it easy to find foreign workers?
- ⇒ How do you find employees? Where do you find information, how do you contact them and what is the procedure? In Hungary/Moldova/Poland? In Belarus/Moldova/Ukraine?
- ⇒ How do you recruit the foreign workers? Do you use an employment agency? Here? In Belarus/Moldova/Ukraine?
- ⇒ Can you say that you are in a situation that you can find a migrant worker whenever you need him/her or not?
- ⇒ What terms of employment do you offer to workers from Belarus/Moldova/Ukraine? (In the contract, and through informal agreements)
- ⇒ What are the main difficulties?

III. Employment regulations

- ⇒ Do you know the procedures of obtaining work permit for foreigners?
- ⇒ Please describe them (this question will show us whether he/she knows the rules and whether we can ask about legality)
- ⇒ How would you improve the procedure of employment of foreign labour force?
- ⇒ Does anyone help you with the formalities related to hiring foreigners? Who?
- ⇒ How do you assess the qualifications of your potential workers?

IV. Polish/Latvian/Hungarian and migrant employees

- ⇒ Do you know where migrants from Belarus/Moldova/Ukraine are employed most often according to your experience? What fields are these companies working in?
- ⇒ What are their responsibilities at work?
- ⇒ How do you assess their work?
- ⇒ How would you compare workers from Belarus/Moldova/Ukraine with Polish workers?
- ⇒ Why with limited access to the labour market can they still find employment here? What are the reasons?
- ⇒ What makes workers from Belarus/Moldova/Ukraine attractive? (Price? Quality of work?)
- ⇒ What terms of employment do you offer to workers from Belarus/Moldova/Ukraine? (In the contract, and through informal agreements)
- ⇒ Do you offer the same terms to the Hungarians/Latvians/Poles?
- ⇒ If not, what are the main differences?
- ⇒ Are all your workers regularly (legally) employed?

V. Conditions of work

Remuneration, insurance, taxes

- ⇒ How do you pay your workers? (per hour? Piece rate? Overtime? Mixed system?)
- ⇒ What benefits besides pay do you offer your employees? (Room/board, meals)
- ⇒ Do you have problems with the company's finances (money flow)?
- ⇒ Do they result in occasional delays in paying out wages?
- ⇒ Do all your workers have social insurance/health insurance? What kind (state/private) ?
- ⇒ Do you pay all the obligatory/compulsory insurance/taxes? Or maybe the taxes are paid on a smaller amount than the actual remuneration?
- ⇒ Do you provide any extra insurance for your workers?
- ⇒ Do your employees often take vacations?
- ⇒ Have you ever had any uncomfortable situation at work (e.g. accident). Could you please describe this case and your activities?

Safety and worktime

- ⇒ Do you consider work in your company to be safe?
- ⇒ Did any dangerous situations occur in your company? Accidents? What did you do then? Can you provide an immediate medical care if needed?
- ⇒ How do you protect your workers from accidents? What happens in the case of accident?
- ⇒ How many hours does a typical workday in your company last?
- ⇒ And how many hours do your employees work weekly?
- ⇒ Do you organize night shifts?
- ⇒ How do you pay your employees for extra work, overtime? Do you expect them sometimes to stay overtime without additional pay?

Conflict Situations t

- ⇒ Are there any conflicts among your employees? Any conflicts based on the fact that someone is Hungarian/Latvian/Polish or from Belarus/Moldova/Ukraine?
- ⇒ (Have you come across cases of the consumption of alcohol at work? How did you deal with them?) How do you deal with the consumption of alcohol at work by employees?
- ⇒ (Have you encountered cases of theft in the workplace? How did you deal with them?) How do you deal with theft?
- ⇒ How do you punish your employees? (i.e. in case someone is neglecting his/her job)
- ⇒ How do you deal with workers neglecting their duties?
- ⇒ Did you ever have to notify the police about any misconduct among your employees?
- ⇒ Have you ever heard about employees accusing their employers of abusing labour rights or molestation?
- ⇒ Did you experience any situations when workers expected from you to provide something you were not able to? What was it? How did you deal with the situation?
- ⇒ Did any employees threaten you? Why? What did you do then?

VI. Controls

- ⇒ Was your company ever controlled by the labour inspectorate ?
- ⇒ What were the effects of such controls? Did they find any irregularities?
- ⇒ And maybe you know the experience some other companies had with such controls?
- ⇒ (Can such controls be avoided? How?) How can one avoid such controls?

Respondent's data:

Age:

Gender:

Place of Birth:

Citizenship

Marital Status:

Education (specialisation):

C. Experts

I. Introductory questions

- ⇒ What is your field of expertise?
- ⇒ Since when?
- ⇒ And since when have you been involved in the topic of labour market/migration?
- ⇒ Is the Polish labour market accessible (open) or inaccessible to migrants (non EU/from the former USSR, etc)?
- ⇒ Why do you think so?

II. Push and pull factors for coming to Hungary/Latvia/Poland. Situation in the home countries (ask about migration in general and about migrants from Belarus, Moldova and Ukraine)

- ⇒ According to your knowledge – What does their life in the country of origin look like? What is their socio-economic position there? (economic/family situation, situation on the labour market, professional position)
- ⇒ Why is Poland their country of destination?
- ⇒ What are the reasons of migration to Hungary/Latvia/Poland (possible answers: liberal regulations, migration links, geographical closeness, other?)

III. Searching and employment in Hungary/Latvia/Poland – access to labour market

Questions on migration in general and about migrants from Belarus, Moldova and Ukraine

- ⇒ How do migrant workers get to Poland/Latvia/Hungary?
- ⇒ In what ways do migrants enter the Hungarian/Latvian/Polish labour market? (regular and irregular employment)? (How do they find jobs? How do the employers look for new workers?)
- ⇒ How would you describe the administrative procedure for gaining access to the labour market for migrants? (Describe who is part of the procedure: employer or employee; which documents are needed; what does it cost; how long does it take; what offices are involved, on what level of the administration are these offices (local, state))
- ⇒ How would you evaluate the procedures of migrant employment (obtaining work permit, visa, type of announcement, etc)? (Is it difficult for WNIS citizens to obtain it, how many of them are refused? are the procedures burdensome for employers?)
- ⇒ In your opinion, are barriers to the access of third-country nationals to the national labour market discriminatory? Are these measures somehow justified? (High unemployment in your country; huge difference in salaries between your country and BUM)
- ⇒ What is your estimate of the number of foreigners working in Hungary/Latvia/Poland (how many of those working legally, illegally)? (on what are these estimations based?)
- ⇒ What is the structure of (legal/illegal) migrants' employment by profession/sector? (Is the number of WNIS nationals significant in each of these sectors; what positions do they take in each sector?)
- ⇒ “Immigrants take up the most hazardous and unhealthy jobs” Please comment this opinion. Do you think that it is also relevant for Hungary/Latvia/Poland
- ⇒ According to other opinions “Immigrants take up jobs that the Hungarians/Latvians/Poles are reluctant to undertake” Do you share this opinion? What are the reasons of that situation?
- ⇒ Do you think that the described situation proves that they have more disadvantageous position on the labour market or that there are abuses of their rights? Or maybe in the developed countries there are always jobs that native workers are not willing to take.
- ⇒ If yes what are the reasons of their less favourable situation on the labour market compared to Polish workers? (Fewer job opportunities, fewer opportunities for training, language barriers, limited access to the

certain sectors; ethnic prejudices, Educational qualifications, discrimination; bureaucratic barriers. What are the underlying causes?

- ⇒ Cases have been reported of abusive treatment of immigrants in Poland by employers. Can you confirm any such cases? (Please, describe such cases)
- ⇒ What mechanisms/procedures are there to protect the rights of migrant workers in Poland? Are they effective? (Are these legal procedures? Or monitoring of NGO's, trade unions etc.)
- ⇒ Do migrant workers require additional legal protection or are the regulations concerning Polish citizens sufficient in their case?

IV. Source of income and position on the Hungarian/Latvian/Polish labour market

Questions on migration in general and about migrants from Belarus, Moldova and Ukraine

- ⇒ What is the main source of income of migrants from Belarus, Ukraine and Moldova? What is the average, estimated income of migrant workers?(you may ask about particular sectors) (Compare it with the average income of the Hungarian/Latvian/Polish workforce)
- ⇒ What are the living conditions of migrant workers? (Do they live in areas labelled as "bad"? Compare the standards of their accommodation with the average in your country? Does it happen that they do not have facilities such as hot water, heating, gas, electricity etc.? Does it happen that more than two people live in one room?)
- ⇒ How can we describe working conditions in Poland in general?(contract, salary, safety of work, promotion, opportunities for training) How many hours do migrant workers work a week, do they enjoy right to vacation/sick leave?
- ⇒ Are there any differences between the rights of native and foreign workers in the country?
- ⇒ Is there any difference among the nationalities? (e.g. EU and non-EU citizens)? What is the situation of the workers from Belarus, Ukraine and Moldova?
- ⇒ What is your opinion about the statement that all employees (domestic and migrant) should be treated equally at work in terms of: contract terms, conditions of employment, promotion, access to training). Are there differences in practice?
- ⇒ What are the attitudes of the employers and co-workers towards the labour migrants from Belarus, Moldova and Ukraine (fear of competition?)
- ⇒ Are there employers who have a reputation for positive/negative recruitment of migrants? (Are there any discriminatory forms of advertisements? Are the language conditions required to all jobs even where in fact they are not needed?)
- ⇒ In general how is problem of employment of migrant workers perceived by public opinion? Is the attitude generally positive or negative? How has it changed recently? What factors have influenced the change? (Is it covered by the media? Is it a topic in political discourse? Is it an area of interest of radical right-wing parties?)

V. Description of migrant labour market – jobs undertaken

- ⇒ Could you please describe the typical working day of migrant from Belarus, Moldova and Ukraine in Hungary/Latvia/Poland? (give him/her examples: baby-sitter, construction worker)
- ⇒ Are the activities that are part of the migrant worker's duties different in any way from those that are required of a native worker? If so, what are the differences, and how would you account for them?

VI. Awareness and protection of rights – theory and practice (equality – discrimination)

General questions about migration and migrants from Belarus, Moldova and Ukraine

- ⇒ How are the migrant workers' labour rights protected in administrative practice? (Are there actions taken by administration by default or after official complaints? Are there any cases of employers fined for abusing migrant worker rights?)
- ⇒ How is the legality of residence and employment controlled with regard to migrant workers?

- ⇒ What is the role of labour inspectors, other state officials, the police in protecting migrant workers? What are some of the factors limiting the effectiveness of these services in protecting the migrant workers' labour rights?
- ⇒ What are the most common examples of abuses of labour rights in Hungary/Latvia/Poland?
- ⇒ What are the most common examples of abuse of labour rights in Hungary/Latvia/Poland regarding migrants? Have you ever heard about such cases (e.g.: camps, very hard working conditions, etc).
- ⇒ What is the position of workers in various sectors of the economy? What is the position of migrant workers in those sectors?
- ⇒ What are the differences between regular and irregular migrant work? Can we even discuss any labour rights in case of irregular migrant workers? (with no written contract, registration). Are the workers in the "gray zone" (informal, unregistered economy) entitled to any rights? What rights?
- ⇒ Are migrant workers aware of their rights? What kind of rights? Do they try to enforce their rights?
- ⇒ Have you heard of any cases of any action undertaken by migrants against their employers?
- ⇒ What are the institution/s they contact most often in case of abuse of their rights? Do migrants know where they can turn for help? (Are these public institutions, NGO's; trade-unions; WNIS embassies?)
- ⇒ Have you ever heard about migrants – members of trade unions? Are migrant interests represented by the trade unions?

VII. Institutional support (organisations, formal and informal associations/forms of self-organisation) on central and local level

- ⇒ Have you ever heard about migrants from eastern Europe receiving any support from formal or informal organisations?
- ⇒ Have they established any organisations? Do you know how they work? What is your assessment of their activities?
- ⇒ Do the migrants from Belarus, Moldova or Ukraine contact any Polish/Latvian/Hungarian state institutions?
- ⇒ If yes, why and what experience have they had in this regard?
- ⇒ Do they have any contacts with local community?
- ⇒ Are they active on the local level (local festivals, building associations)?
- ⇒ Can the migrants from Belarus, Moldova or Ukraine rely on their countries of origin in protecting their rights (consulates, embassies)?
- ⇒ Do you know whether there are any bilateral agreements protecting migrant workers?

VIII. Assessment of migration to Hungary/Latvia/Poland in the context of this research

General questions about migration and about migrants from Belarus, Moldova and Ukraine

- ⇒ Have you ever encountered opinions that migrants compete with Hungarians/Latvians/Poles for the same jobs/deprive Hungarians/Latvians/Poles of their jobs? Could you please comment?
- ⇒ And the statements that foreigners are scapegoats?
- ⇒ Do you have any recommendations for specific policy measures towards improving the situation of migrants on the labour market?

IX. Country- specific issues

Respondent's data

Age:

sex:

education (specialisation)

institution: