



# IN SEARCH OF NEW OPPORTUNITIES

Circular migration between Belarus and Poland, Slovakia and the Czech Republic – state of play and prospects for cooperation

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Edited by

**Agnieszka Kulesa  
and Piotr Kaźmierkiewicz**

With contributions from

**Ivan Lichner, Šárka Prát, Marek Radvanský  
and Andrei Yeliseyeu**



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Partners



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## **CASE**

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# Introduction

We are pleased to present this report on circular migration flows between Belarus and Poland, Slovakia, and the Czech Republic. It is the product of a fruitful collaboration between four research institutions – Warsaw-based CASE – Center for Social and Economic Research, CASE Belarus, the Institute for Politics and Society (Czech Republic), and the Institute of Economic Research, SAS (Slovakia). The partners teamed up to implement the project “CIRCMIGR: Improving circular migration between Belarus and Poland, Slovakia, and Czechia”. Additionally, Youth Labour Rights, an NGO based in Belarus, was responsible for launching and maintaining a website addressed to Belarusians interested in working in Poland, Slovakia, or the Czech Republic. The implementation of this project was possible thanks to co-financing from the governments of Czechia, Hungary, Poland, and Slovakia through Visegrad Grants from the International Visegrad Fund.

The report examines the social and economic drivers and impact of circular migration between Belarus and Poland, Slovakia, and the Czech Republic. The core question the authors sought to address was how managing circular migration could, in the long term, help to optimise labour resources in both the country of origin and the destination countries. In the pages that follow, the authors of the report present the current and forecasted labour market and demographic situation in their respective countries as well as the dynamics and characteristics of short-term labour migration flows between Belarus and Poland,

Slovakia, and the Czech Republic, concentrating on the period since 2010. They also outline and discuss related policy responses and evaluate prospects for cooperation on circular migration.

Circular migration flows between the countries examined in the report were affected by two events that occurred in 2020. The first was the COVID-19 pandemic. The worldwide spread of the coronavirus caused three major shocks – to public health systems, to states’ economies, and to the global financial system. The pandemic also temporarily closed borders and essentially stopped international migration. These measures, together with the border restrictions and lockdown measures which followed the onset of the COVID-19 pandemic, have affected circular migration flows between Belarus and Poland, Slovakia, and the Czech Republic as well. Surprisingly, in the case of Poland, however, this influence was limited in time and related only to the first months of the pandemic (March-April 2020). In fact, 2020 was the sixth consecutive year since 2014 during which the number of documents issued to Belarusian nationals as part of the simplified system of employing foreign nationals in Poland increased. Longer-term effects of the COVID-19 pandemic on circular migration patterns and related policies are yet to be seen, but preliminary observations are presented in the respective chapters.

The second event that occurred in 2020 which affected circular migration flows between Belarus and Poland, Slovakia, and the Czech Republic

was the Belarusian presidential election held in August. The announcement of the official results, according to which Alexander Lukashenko could commence his sixth term in office as the president of Belarus, provoked political demonstrations and mass anti-government protests across the country. As a result, officially due to the COVID-19 pandemic, the Belarusian government closed land border crossings for people wishing to leave the country from 21 December 2020 until further notice. This issue, as it is rather recent and thus difficult to evaluate fully, is just signalled in the report.

The report is divided into five main parts. It starts with the executive summary, which discusses the concept of circular migration and synthesises

the main findings of the country chapters. The country-specific section includes a chapter concentrated on Belarus, followed by chapters dedicated to the Visegrad Group countries under study – Poland, the Czech Republic, and Slovakia. Each country chapter ends with a set of recommendations addressed to policy makers. Notes on the contributors can be found at the end of the report.

With this final word of the introduction, we want to acknowledge the efforts made by all our contributors and wish you a good read.

*Agnieszka Kulesa & Piotr Kaźmierkiewicz*  
*January 2021*

# Executive summary

**Agnieszka Kulesa**

## Scope of the report

Circular migration includes many different migration patterns. While there is no agreement on the definition of circular migration, it is generally accepted to be characterised by temporariness, renewability, legality, and directionality (with an individual following a circular migration pattern).

In this report, the authors concentrate on circular movements for the purpose of work and examine the social and economic effects of circular migration between Belarus and Poland, Slovakia, and the Czech Republic. The study's core question is how managing circular labour migration could, in the long term, help to optimise labour resources in both the country of origin and the destination countries, while safeguarding migrants' rights.

The report concentrates on the most recent circular migration flows from Belarus (2010-2019/2020). Where relevant, selected aspects of circular migration from Ukraine are also discussed.

They key questions the authors of the report intend to answer are:

- What are the main trends of the labour (short-term and circular) immigration of Belarusian nationals into Poland, Slovakia, and the Czech Republic, and of labour emigration from Belarus?
- What is the general economic outlook of the researched states and what are the

related labour market needs, both current and forecasted?

- What relevant migration policy responses have each of the researched Visegrad Four (V4) states adopted?
- Have the analysed states engaged in any form of cooperation on circular migration?

A core policy-related question is whether national policy makers recognise circular migration as a relevant tool to optimise labour resources in Poland, Slovakia, and the Czech Republic and to boost development in Belarus. This could manifest itself in many ways and may relate both to policy declarations and to policy practice. Moreover, countries may opt either for more managed forms of circular migration by using instruments such as Bilateral Labour Agreements or Circular Migration Schemes or may unilaterally facilitate or restrict such movements by introducing country-specific instruments.

Prospects for the increased circular migration of Belarusians to the researched V4 states are evaluated using the SWOT framework. To answer the above-mentioned key questions, the authors gathered and analysed relevant administrative and statistical data as well as policy and legal documents.

## Circular labour migration trends

Until recently, Russia was the primary destination country for Belarusian migrants. However, as Russia's attractiveness for Belarusian labour migrants has declined in recent years due to Russia's 2014-2016 economic recession and the depreciation of the Russian rouble, a significant number of Belarusian labour migrants have moved westwards.

V4 states, which have been experiencing labour shortages, are also increasingly popular as possible destinations for Belarusian migrants. According to Belarusian statistics, Poland's popularity began increasing in 2016. This trend is reflected in Polish statistics as well: not only was the rate of immigration to Poland, particularly from Ukraine, exceptionally robust in 2014-2017, but the numbers of Belarusian nationals taking up employment in Poland also started to grow. This is visible in the scale of the use of the simplified system of employing foreign nationals in Poland. In 2014, just 4,017 declarations on the intention to entrust work for Belarusian citizens were registered. This figure increased by more than 14 times by 2017, reaching 58,046 registered declarations. In 2018-2019, the number of Belarusians coming to Poland for short- and longer-term purposes, work-related and other, continued to grow as shown in the number of declarations on entrusting work (the reformed instrument facilitating temporary employment). Even during the COVID-19 pandemic the number of registered declarations increased again – to 78,905 in 2020, compared to 66,045 in 2019.

According to official Belarusian statistics, the number of specialists from Belarus employed in the Czech Republic started to grow in 2018.

The Czech data note the increased popularity of short-stay visas for employment since 2019 (with approximately 200 to 300 monthly applications for employment-related stays). However, the number of Belarusian nationals working in the Czech Republic is still rather modest when compared to Poland – according to the latest data, in 2018, the total number of employed Belarusians was 4,654. The figures are even more modest in Slovakia – although the number of Belarusians residing in the country increased significantly over the period 2013-2019 (from 205 in 2013 to 508 in 2019), the number of those coming for less than a year has been relatively stable (around 25 on average).

The strongest pull factors attracting Belarusian migrants to V4 countries are higher wages and generally high living standards. These are complemented by opportunities to facilitate career growth and obtain a good education, be covered by better welfare systems, and receive high-quality medical services. The presence of relatives or close friends or at least an established Belarusian diaspora in the destination country is also of importance.

## Labour market needs

Since the 1990s, each of the researched V4 countries have had to cope with the ageing and declining size of the population. Coupled with decreasing fertility rates and an increasing life expectancy, the countries' labour resources shrank substantially. The growing issue of the limited supply of workforce has emerged as the unemployment rates in Poland, Slovakia, and the Czech Republic continued to decrease. The Czech Republic, in fact, has one of the lowest

unemployment rates in the European Union (EU) – as of October 2020, it was only around 2.9%.

The V4 countries' close integration into the EU-wide economy and relatively low labour costs yielded sustained high rates of economic growth for Poland, Slovakia, and the Czech Republic during the 2010s. Considering the recent stagnation of the Belarusian economy, the gap in GDP per capita between Belarus and these countries has widened. As the gap is forecasted to continue to grow, the permanent and temporary migration of Belarusians in the medium term will likely continue to increase.

The labour markets of the researched V4 countries have suffered from shortages of workers in certain sectors of the economy. Labour immigration is a partial (and temporary) solution to this problem. Regarding Belarusian circular migrants, in Poland, they fill labour supply gaps especially in sectors such as transportation and storage, manufacturing, or construction. The vast majority of circular migrants in the Czech Republic take up low-skilled, often highly physically demanding jobs, including those in the manufacturing and construction sectors. Official Slovak statistics indicate that Belarusians are predominantly employed in certain occupations with high labour shortages such as truck drivers and professionals. The employment of Belarusians in the labour markets of Poland, Slovakia, and the Czech Republic seems to be complementary to the employment of those countries' nationals.

When properly managed, circular migration may help Belarus to cope with some challenges stemming from limited internal job opportunities for its youth, especially university and college graduates. In particular, it can relieve some of

the pressure on the Belarusian labour market and equip migrants with skills and experience which can be used upon return to their home country. Additionally, the budget of migrants' households can be fuelled by the transfer of remittances. At the same time, for circular migration to be sustainable and beneficial to both parties, reintegration opportunities must be created in Belarus in order to offset the strong pull factors toward permanent emigration.

## Policy responses

Unlike their counterparts in Slovakia and the Czech Republic, successive Polish governments have so far not been able to define their overall migration policy objectives and as a result have not put together a comprehensive framework for facilitating circular migration that would integrate the various measures currently in place. As of January 2021, the 2017 Strategy for Responsible Development remains the latest strategic document adopted by the Council of Ministers, indicating the country's priorities in migration policy. It states that immigration to Poland is mainly circular and that migrants are employed in sectors and positions which are less attractive for nationals of Poland.

At the same time, Poland has developed the broadest range of policy and administrative solutions regulating the mobility of Belarusian nationals and their access to the national labour market. The westward reorientation of Belarusian migrants was facilitated by the introduction of specific policy instruments, such as the simplified employment scheme in Poland and the Polish Card. The simplified scheme comprises two main instruments: declarations on entrusting work to

a foreigner and seasonal work permits. Notably, declarations include a strong element of temporality and thus support circular movements between Poland and the migrants' countries of origin. Originally introduced in 2006, declarations are now issued to foreigners from Armenia, Belarus, Georgia, Moldova, Russia, and Ukraine and authorise non-seasonal employment limited to six months within a 12-month period. No other work permits are needed in this case – the prospective employer registers the declaration with the local state employment centre and sends a copy to the eligible foreigner who applies for one of the forms of legal residence, authorising employment. Moreover, the Polish Card, introduced in 2007 as a document confirming Polish ethnicity and entitling its owner to acquire a permanent residence permit, offers free access to the Polish labour market (with only specific positions in the public sector restricted to Polish citizens). Belarus is among the top countries of origin of Polish Card holders.

Although the EU-Belarus visa facilitation talks are progressing slowly, the number of short-term Schengen visas issued by the consulates of V4 countries in Belarus in 2010-2019 was quite high – exceeding 300,000 in some years. Differences between the numbers of visas issued by Poland, Slovakia, and the Czech Republic were, however, quite significant. In 2019, Polish consulates in Brest, Hrodna, and Minsk issued around 88% of the Schengen visas (Polish national visas excluded) provided by the consulates of V4 countries (including Hungary) and around one-third of all Schengen visas issued in Belarus (216,759 out of 643,474).

The Czech migration strategy, adopted by the government in 2015, envisions migration policy as

a set of tools for the effective regulation of the migration of skilled workers from third countries to ensure a sufficient match between supply and demand on the Czech labour market. At the same time, the document underlines that such migration should not lead to permanent settlement. In 2019, the Czech government declared a priority of ensuring a flexible response to the changing needs of the national labour market by introducing some instruments to facilitate this type of movement. Extraordinary work visas and annual quotas for employment cards and long-term visas for business purposes were introduced. An annual quota of 1,000 applications for employment cards and 24 applications for long-term business visas has been set for the Embassy of the Czech Republic in Minsk.

Neither Poland nor the Czech Republic paid specific attention to circular migration in their respective strategic documents. Circular migration is also not an important element of Slovakia's migration strategy. Adopted in 2011 with a perspective to 2020, Slovakia's strategy urges using temporary and circular migration to combat irregular migration and contribute to the development of third countries. Legislation related to circular migration in Slovakia remains restrictive and does not feature instruments that would attract prospective immigrants.

Belarusian authorities have also not elaborated a comprehensive strategy or any specific legislation regulating circular migration. At the same time, work on its migration strategy is reported to have been underway since 2018, which is of significant importance given Belarus' pivotal role in ensuring the sustainability of circular migration. Cooperation with countries of destination could encompass such areas as the

recognition of diplomas and qualifications, the re-integration of migrants, and support for migrant entrepreneurship.

## Cooperation on circular migration

Institutional and legal cooperation between Belarus and Poland, Slovakia, and the Czech Republic in the area of migration is largely non-existent. Belarus has a well-developed legal regulation of labour issues with Russia, while Slovakia has signed bilateral labour agreements with Canada, New Zealand, and Japan, mainly focusing on supporting youth mobility.

Poland has some initial clear and lasting advantages over Slovakia and the Czech Republic as a destination for circular migrants from Belarus. The most fundamental is the ease of access to the territory, which is matched by a relatively liberal system of residence and work legalisation. The country also has the highest share of migrants from the post-Soviet area on its labour market, and it has developed a basic set of instruments for attracting and retaining migrant workers from that geographic region.

At the same time, a number of factors may help make the Czech Republic and Slovakia increasingly important destinations for nationals of Belarus. First of all, the economies of the V4 countries under study continue to be in need of foreign workers in order to meet demand for their products and services. Second, the presence of Ukrainian labour migrants in the other V4 countries may make entry and integration into the Czech and Slovak labour markets easier. Finally, the two countries have expressed an interest in attracting circular migrants from Belarus, and the

numbers of holders of various types of visas and permits continue to rise.

Taking into account significant differences between the policy agendas of the countries under study, working out a common position towards the circular migration flows of Belarusian nationals is likely to be challenging. There are, however, some common problems which could be best tackled in a harmonised manner by the respective governments. The research team of the CIRCMIGR project has identified the following areas of need for national policies of the countries under study:

- The process of issuing visas to Belarusian nationals should be made as simple and as transparent as possible.
- The level of bureaucracy related to migration from Belarus (obtaining work and residence permits) should be lowered for the sake of both migrants and entrepreneurs.
- National migration strategies based on accurate projections of the countries' economic outlooks and realistic assessments of migration flows and demographic developments should be adopted and implemented.
- Specific legislation regulating circular migration which would take into account the interests of the sending and receiving states and of the migrants should be elaborated.

# 1. BELARUS

Andrei Yeliseyeu

## 1.1. Circular migration of Belarusian nationals in 2010-2019

### 1.1.1. Scale of circular migration

Until recently, Russia was the primary destination country for Belarusian migrants. Circular migration to Russia was facilitated by a number of political, economic, and infrastructural factors, which included well-developed transportation links, the absence of language barriers, and higher wages in many sectors of the Russian economy. Numerous treaties between Russia and Belarus, which date back to the 1990s, granted Belarusian nationals equal or nearly equal labour rights on the Russian market as compared to Russian nationals. The advantageous position of Belarusian nationals on the Russian labour market was also established in the legal arrangements within the Eurasian Economic Union and its predecessors. However, Russia's attractiveness for Belarusian labour migrants has declined in recent years due to Russia's economic recession and the depreciation of the Russian rouble.

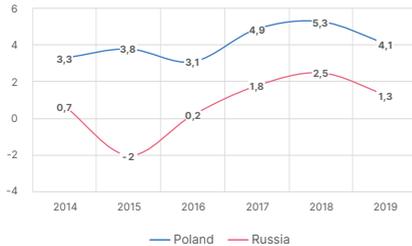
Whereas the Russian economy was in recession in 2014-2016 following a greater than 50% drop in oil prices and showed insignificant growth in 2017-2019, Polish annual GDP growth fluctuated between 3.1% and 5.3% during 2014-2019 (see Chart 1), which translated into sustainable wage growth in many sectors of the Polish economy. A simplified employment scheme and the introduction of Polish Cards facilitated the reorientation of Belarusian labour migrants westward.

**A simplified employment scheme in Poland and the introduction of Polish Cards facilitated the reorientation of Belarusian labour migrants westward.**

As shown in Chart 2, Poland's simplified employment scheme started to gain popularity among Belarusians in 2016.

Belarusian citizens of Polish descent can apply for a Polish Card. These cardholders are authorised to seek employment in Poland without a work permit and to carry out economic activity in Poland on the same basis as Polish citizens. Furthermore, as of May 2014, they are also eligible to apply for a residence permit with simplified procedures. By September 2019,

**Chart 1. GDP growth in Poland and Russia in 2014-2019, annual, in %**

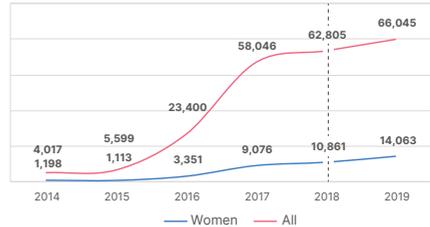


Source: World Bank

over 130,000 Polish Cards had been issued in Belarus. For many Belarusians, Polish Cards are an important mobility tool as cardholders are entitled to long-term national visas.

The rising interest among Belarusians in employment in Poland has been observed in internet search queries. As Yandex data shows, since 2016, the number of internet searches for jobs in Poland exceeded similar requests concerning employment in Russia (see Chart 3).<sup>2</sup> Over 20% of Belarusian internet users use Yandex as their internet search tool. Google Trends similarly show that Belarusian users' internet search queries about work in Poland exceeded online requests

**Chart 2. Number of employment declarations for Belarusian nationals**



Source: Polish Ministry of Economic Development, Labour and Technology<sup>3</sup>

Note: The chart shows the numbers of declarations on intention to entrust work to a foreigner (until 2018) and declarations on entrusting work to a foreigner (since 2018) for Belarusian nationals registered by Polish employers.

for work in Russia in early 2016 and have prevailed ever since.<sup>3</sup>

It is difficult to accurately assess the number of Belarusian circular migrants in the European Union (EU) due to its methodology of migration data collection. According to Eurostat data,<sup>4</sup> by the end of 2019, around 75,000 Belarusians had residence permits in the EU and European Free Trade Area (EFTA) countries, except Poland. The largest numbers were in Lithuania (18,700), Germany (17,700), Italy (9,000), and the Czech Republic (7,100). However, the outright majority of residence permits were issued with a term of

- Due to changes in Poland's accounting of foreign labour migrants in 2018, figures before and after 2018 are not directly comparable. Until 2018, Polish employers were only required to inform local authorities about their intention to employ foreigners. Actual numbers of employees arriving were significantly lower. From 2018, Polish employers are now required to inform local authorities whether a potential employee has arrived for work by a given date. Furthermore, from 2018, a new type of work permit was introduced – a seasonal work permit. Seasonal jobs are now thus excluded from the statement system. As seasonal jobs are not included and since 2018-2019 statistics more accurately reflect the actual number of employed foreigners, the actual increase of Belarusian labour migrants in Poland is even greater.
- The number of Yandex search queries about jobs in the Czech Republic normally ranges between 10,000 and 13,000 during a six-month period, and for Slovakia – below 1,000.
- For more information, please see: [shorturl.at/hjnwB](https://shorturl.at/hjnwB) (last accessed on 16.11.2020).
- Eurostat, all valid permits by reason, length of validity, and citizenship on 31 December of each year (migr\_res-valid).

validity over 12 months; hence, it is fair to assume that most Belarusian residents of EU countries other than Poland do not belong to the category of circular migrant.

According to Eurostat data, 147,900 residence permits were issued for Poland. This figure includes national long-term visas issued for Belarusians – mostly Polish Card holders. However, the share of Polish Card holders who undertake temporary work or other activities in Poland is unknown. It can therefore be estimated that there are between 30,000 and 70,000 Belarusian circular migrants in the EU and EFTA countries.

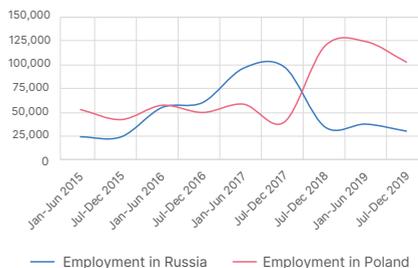
### 1.1.2. Estimating the volume of Belarusian out-migration

The specifics of the Belarusian system of data collection, which underlie the official statistics, result in the dramatic underestimation of the volume of permanent out-migration and temporary labour immigration. According to Belarusian legislation, individuals who intend to stay abroad for a period longer

**It can be estimated that there are between 30,000 and 70,000 Belarusian circular migrants in the EU and EFTA countries.**

than a year should report their intent to the local offices of the Ministry of Interior's Citizenship and Migration Department and subsequently register at Belarusian consulates abroad. However, many if not most Belarusian migrants do not follow this procedure, as failure to declare foreign residence does not carry any legal sanction.<sup>5</sup> As a result, migration statistics collected by the National

**Chart 3. Number of internet search queries about jobs in Poland and Russia by Belarusian users via Yandex**



Source: Author's compilation based on Yandex data

Statistics Committee do not account for many emigrants.

Due to the long-standing underestimation of out-migration, Belarusian authorities continue to claim positive net migration since 1991, which is refuted by alternative assessments based on census data analyses (Zagorets & Zagorets, 2011) and statistical data from the primary destination countries (Yeliseyev, 2013), including Russia and Poland. For instance, according to

the National Statistics Committee, in 2012-2018, 2,451 Belarusians moved to Poland for a period of over one year (National Statistical Committee of the Republic of Belarus, 2019, p. 418). Official Belarusian statistics also recorded 1,748 Belarusians who permanently moved to Poland between 1990 and 2006, and 494 departures for Poland in 2007-2011. Therefore, according

<sup>5</sup> The law "On the order of moving out from the Republic of Belarus and moving into the Republic of Belarus of Belarus' citizens." <https://pravo.by/document/?guid=3961&p0=H10900049> [in Russian] (last accessed on 7.12.2020).

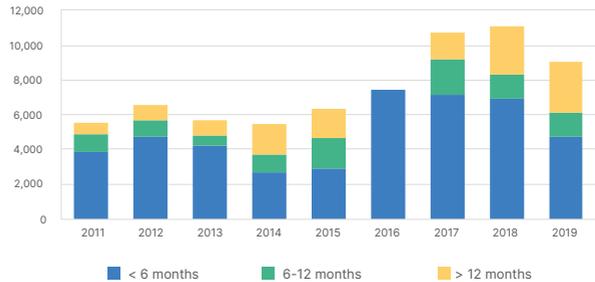
to Belarusian statistics, only 4,693 people moved to Poland in 1990-2018. At the same time, Polish statistics give much higher numbers of Belarusians with permanent resident status by 2019. In 2019 alone, 4,950 Belarusian citizens were granted permanent residency in Poland while the total number of Belarusians with permanent residency was 17,828.<sup>6</sup>

#### Official data on temporary

labour migration do not capture the total stock either. They account for only those migrants who sign agreements with foreign employers via official employment agencies.<sup>7</sup> As of mid-2020, 265 entrepreneurs and companies were licensed to carry out such activities, out of which 14 and 120, respectively, specified Czech Republic and Poland as the states for employment (6 of them indicated both states as destination countries).<sup>8</sup> The number of licensed legal entities doubled over the last decade from around 50 in 2012 to 100 in 2016.

The number of permanent residents of Belarus who were reported undertaking this procedure in 2019 was just 9,061, of these 8,940 were

**Chart 4. Official data on labour migration, 2011-2019**



Source: Belarusian Ministry of Interior

Note: 2016 data is not disaggregated by period of employment due to a data format error on the Ministry of Interior website.

Belarusian nationals.<sup>9</sup> Analysis of official statistics also suggests that highly qualified workers seek employment abroad through Belarusian employment agencies in exceptional cases. 2019 statistics showed only 27 such cases.

According to Ministry of Interior statistics,<sup>10</sup> men make up the majority of labour migrants (70% in 2019). Labour migrants employed through Belarusian employment agencies in 2019 were mostly blue collar workers<sup>11</sup> (7,311) or employed in the service industry and trade (1,284) and agriculture. Russia was the main receiving country (4,173), followed by Poland (1,606), Lithuania (1,260), and the Czech Republic (782). Only 38 people signed labour agreements with Slovak

6 Polish Office for Foreigners, <https://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/> (last accessed on 7.12.2020).

7 The agencies are licensed by the Ministry of Interior which collects respective migration statistics.

8 The list can be found on the Ministry of Interior website: <https://www.mvd.gov.by/ru/page/departament-po-grazhdanstvu-i-migraci/trudovaya-migraciya> (accessible from Belarus only).

9 Please see: <https://mvd.gov.by/ru/page/uchet-trudyshihsiya-emigrantov-i-trudyshihsiya-immigrantov> (accessible from Belarus only).

10 Ibid.

11 This follows the categorisation of the Ministry of Interior: blue collar workers (“рабочие специальности” in Russian) are employed in jobs that do not require higher education and do not fall under the following categories: service industry, trade, or agriculture.

companies via Belarusian employment agencies in 2019. Hungarian cases are not shown in the official statistics at all. While in 2011-2012 the share of qualified specialists among labour migrants was quite sizeable, it started dropping in 2013 and since 2015 this indicator has been insignificant.

According to official statistics, the main destination countries for blue collar workers in 2019 were Russia (3,612), Poland (1,541), Lithuania (1,241), and the Czech Republic (781). Agricultural workers left Belarus for employment in Germany (209), Finland (100), and Russia (82). Additionally, Russia (458), the United States (283), and Germany (180) were among the top three countries to receive Belarusian workers in the trade and services sectors. Russia was the most important receiving country in official statistics throughout the 2010s. According to Belarusian statistics, Poland's popularity began increasing in 2016, whereas the numbers of specialists employed in Czechia through licenced companies started to grow in 2018.

As the vast majority of Belarusians do not seek employment abroad through official employment agencies, they are not included in official statistics. A 2014 Delphi survey of migration experts (Yelisseyeu, 2014, p. 199) assessed the migration stock of Belarusians in Russia at 542,000, with a 167,000-strong standard deviation. The same survey also listed Poland, the United States, and Germany as the other most important receiving countries. Russia's Federal Migration Service reported 538,000 Belarusian nationals residing in Russia in 2019, 163,000 of these for work reasons.

### 1.1.3. Determinants of migration and Belarus's political crisis

Available statistics do not allow for making far-reaching conclusions about the propensity of residents of different regions in Belarus to emigrate to specific countries. One can only assume that residents of Belarus's eastern regions bordering with Russia (Viciebsk, Mahiliou, and Homiel) are more likely to emigrate to Russia, while the residents of the Brest and Hrodna regions in the west of the country are more likely to be temporarily employed in Poland and other EU countries. At the same time, many thousands of residents of the western regions of Belarus undertake temporary employment in Russia, whereas residents of

**According to Belarusian statistics, Poland's popularity began increasing in 2016, whereas the numbers of specialists employed in the Czech Republic through licenced companies started to grow in 2018.**

the eastern regions of Belarus increasingly began looking for employment in Poland and other EU countries from 2017-2018. Due to the COVID-19 outbreak since March 2020, sizeable parts of Belarusian

labour migration flows were interrupted. However, no accurate estimates of the scale of the decline have been produced by the time of this report's publication.

Past population and expert surveys point at higher wages and generally high living standards in receiving countries as the strongest pull factors for Belarusian migrants. Other important motivating factors for the emigration of Belarusians, revealed by earlier population surveys, include an opportunity to facilitate career growth and obtain a good education, better welfare systems, and

high-quality medical services in foreign countries. Delphi experts consider as an important pull factor also the presence of relatives or close friends or at least an established Belarusian diaspora in the destination country. At the same time, reluctance to part with family and friends was named as the main reason why Belarusians are not willing to migrate (Yeliseyeu, 2014, pp. 202-204).

The duration and intensity of the 2020 post-presidential election political crisis in Belarus<sup>12</sup> as well as its outcome will largely determine Belarusian migration trends for the near future. The

longer Alyaksandr Lukashenka preserves his grip on power despite his unprecedented delegitimization and the large-scale civil disobedience, the more likely a larger

out-migration of highly skilled Belarusians will take place. In addition to politically motivated emigration, macroeconomists project an increase in economically driven emigration rates as the economy is expected to shrink (e.g., Kruk & Lvovskiy, 2020).

Hundreds of Belarus-based IT companies are exploring relocation abroad due to repression and an unhealthy work environment in Belarus. An online survey of late August – early September 2020 showed that 108 Belarusian IT companies

were relocating all or part of their employees abroad and an additional 197 companies were exploring such possibilities. The survey results came out prior to state repression against the Belarus-based PandaDoc and may therefore not fully reflect the scale of relocation intentions (Devby, 2020). By mid-October 2020, Poland reportedly issued 790 visas to Belarusian IT specialists for relocation purposes (Telix.pl, 2020). When asked about the preferred country for relocation, 15.7% of Belarusian start-up community representatives specified Poland whereas 35.7% and 11.2% selected Ukraine and Lithuania, respectively (Bel.biz, 2020).

It was reported in early December 2020 that, by that time, around 40 Belarusian IT companies and over 2,000 IT freelancers had relocated to Ukraine (Litvinova, 2020).

**Past population and expert surveys point at higher wages and generally high living standards in receiving countries as the strongest pull factors for Belarusian migrants.**

This trend will also be relevant for highly qualified Belarusian specialists in other spheres. Furthermore, without public sector restructuring, professional reorientation programmes, and social security system reforms – all highly unlikely under Lukashenka's rule given the record so far – low return on education will remain an issue. Meanwhile, the wage gap between Belarus and the main destination countries for Belarusian migrants will continue growing thus contributing to

12 The largest anti-government protests in the history of Belarus erupted in the lead-up to, during the presidential election campaign, and following the 9 August 2020 presidential elections. Participants of the nationwide protest movement demand the resignation of Alyaksandr Lukashenka, new free and fair presidential elections, the release of political prisoners, and an end to police brutality. By December 2020, over 30,000 people have been arrested, at least 1,300 people have been injured, and at least seven people have been killed by Belarusian security forces. EU countries have not recognised these election results and have imposed sanctions on over 40 Belarusian officials responsible for election fraud and repression.

the larger permanent out-migration and labour migration of Belarusians.

In the long run, some fundamental factors will have to be considered. The degree of effectiveness of much needed political

and economic reforms after a possible democratic transition, relations with Russia, and the West's ability to assist the country's reforms will all strongly affect Belarus's macroeconomic outlook and migration trends for the years to come. If Belarus is coerced into deeper integration with Russia on Russia's terms and thereby loses a large degree of its sovereignty, Belarus's domestic political

**If Belarus is coerced into deeper integration with Russia on Russia's terms and thereby loses a large degree of its sovereignty, Belarus's domestic political developments will become even more unpredictable as national migration policies will have to be closely coordinated with Moscow.**

developments will become even more unpredictable as national migration policies will have to be closely coordinated with Moscow. If a new democratic government renegotiates the bilateral relationship with Russia including

withdrawal from the Eurasian Economic Union, this could result in restricted terms of access for Belarusian nationals onto the Russian labour market. Although the latter scenario is not very likely in the near future given Belarus's high political and economic dependence on Russia, it cannot be completely ruled out.

## 1.2 Labour market and demographic situation in 2010-2019 and beyond

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Belarus remains one of the most state-controlled economies in Europe. It is also known for its rather rigid labour market rules. Enterprises either fully or partially owned and controlled by the state account for about half of total employment and value-added in the economy, according to the 2019 IMF country report (IMF Country Report, p. 4). It concludes that Belarus's medium-term economic outlook is conditional on the outcome of negotiations on a new energy agreement with Russia. Belarus's tough negotiations with Russia over energy deals and deeper integration began

in late 2018 but did not bring conclusive results by the end of 2019.

However, after criticisms exchanged by Belarusian and Russian officials over the coronavirus response, negotiations were renewed in June 2020 (Yeliseyev, 2020, pp. 11-15). Despite massive election fraud, the 9 August 2020 presidential elections did not result in Alyaksandr Lukashenka's electoral victory and instead brought about a dramatic loss of political legitimacy, ushering in long-standing internal instability.

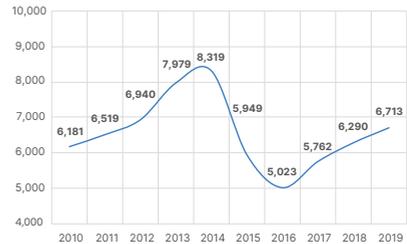
This compelled the Belarusian leader to shift towards strongly pro-Russian rhetoric and intensify bilateral negotiations over deeper integration in early September 2020.

Dominance of the state sector is considered by macroeconomists as one of the key structural issues which have made Belarusian economic growth anaemic (Kruk & Bornukova, 2016). After the currency crisis of 2011, Belarus's authorities switched to a "modernisation policy", which nevertheless did not result in higher economic growth.

Belarus's economy contracted by 3.9% in 2015 and 2.6% in 2016. Due to economic decline in 2015-2016 and slow economic growth in 2012-2014 and 2017-2019, Belarus's GDP in 2019 (USD 63.1 billion) was approximately the same as in 2011 (USD 61.8 billion). GDP per capita during the same period similarly fluctuated (see Chart 5). GDP decline and economic recession further fuelled labour migration to the EU, particularly to Poland.

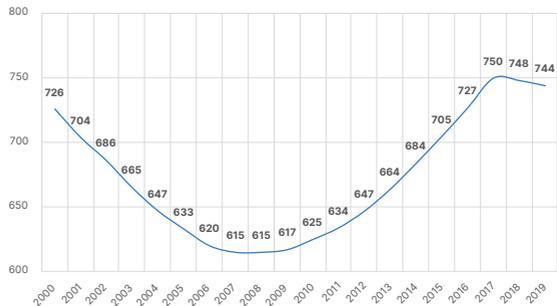
The slow process of industrial restructuring in Belarus had a significant impact on the country's labour market structure. In contrast to other post-Soviet countries, state companies were less prone to dismiss less productive employees. Soft budget constraints and the absence of bankruptcy risks generated sufficient incentives for maintaining high levels of employment, including for women. Consequently, the participation rates

**Chart 5.** Belarus's GDP per capita (current USD), 2010-2019



Source: World Bank DataBank

**Chart 6.** Number of persons of a non-working age per 1,000 of the working-age population



Source: Belarus's Statistics Committee

of women on Belarus's labour market remained remarkably stable, while the gender wage gap increased considerably (Pastore & Verashchagina, 2011, p. 13). Belarus's low-paid sectors of the economy such as the textile and food industry, trade, education, and culture are more likely to employ women than men. According to Belarus's National Statistics Committee, in 2019, the levels of female and male labour participation among

the working age population stood at 87.5% and 86.6%, correspondingly.<sup>13</sup>

Following the lowest dependency ratio (age-population ratio of those not in the labour force and those typically in the labour force), in 2007-2008, the trend reversed. Population ageing, the declining working age population, and negative net migration are poised to bring negative socio-economic implications for Belarus. As seen in Chart 6, the upward trend for the dependency ratio slightly reversed in the last few years, probably partly

thanks to the arrival and legalisation of Ukrainian migrants in Belarus. According to the Belarus's National Statistics Committee, in 2014-2018, 29,300 Ukrainians arrived in Belarus, whereas around 6,300 people left Belarus for Ukraine

during the same period (National Statistical Committee of the Republic of Belarus, 2019, pp. 417-418).

Taking into account the widening gap in GDP per capita between Belarus and V4 countries<sup>14</sup>, the permanent and temporary migration of Belarusians in the medium term will likely continue

**Taking into account the widening gap in GDP per capita between Belarus and V4 countries, the permanent and temporary migration of Belarusians in the medium term will likely continue to increase.**

to increase, irrespective of Belarus's political developments, at least in relative terms because generally migration potential is expected to continue declining

as a result of long-term demographic trends. A 2012 forecast applying an econometric formula with GDP per capita taken as an explanatory variable projected emigration of around 35,000 Belarusians to Poland during the next 10 years if the two countries' GDPs change at the same rate (Vashko, 2012, pp. 241-257).

**Chart 7. Personal remittances sent from Russia in 2010-2019, USD million**



Source: Central Bank of Russia

Official unemployment rates are very unreliable and cannot adequately reflect the level of fluctuations in labour demand abroad. The official unemployment rate in December 2019 stood at just 0.2%. Belarus's legislation accounts for those able-bodied citizens who are registered with state employment agencies. Most unemployed people, however, do not register, because unemployment benefits are meagre (around EUR 10-15 per

<sup>13</sup> Labour force participation rates, [https://www.belstat.gov.by/upload-belstat/upload-belstat-excel/Official\\_statistika/Godovve/ur\\_rab\\_sila.xls](https://www.belstat.gov.by/upload-belstat/upload-belstat-excel/Official_statistika/Godovve/ur_rab_sila.xls).

<sup>14</sup> In 2019, according to World Bank data, GDP per capita on a purchasing power parity in current international \$ for Belarus was \$19,900. For Czechia, Hungary, Poland, and Slovakia it stood, respectively, at \$42,600, \$34,000, \$34,200, and \$34,200. In 1999, this indicator in Belarus, Poland, Slovakia, Hungary, and Czechia was, respectively, \$5,300, \$10,000, \$10,700, \$10,900, and \$15,300.

month) and the unemployed have to undertake unpaid “public works” as directed by state employment agencies. A survey conducted according to ILO methodology in the fourth quarter of 2019 revealed an unemployment rate of 4%.<sup>15</sup> We suppose that the actual number of unemployed may be higher as it does not capture non-residents since many people purposefully seek jobs abroad without reporting their attempts to find a workplace in Belarus. Finally, unemployment rates are likely to have increased following the COVID-19 epidemic, although accurate assessments are not available as of September 2020.<sup>16</sup>

In addition to mass staff reductions at state-owned enterprises and growing unemployment in Belarus, an important exogenous factor influencing Belarusian migration flows to the EU is the state of Russia's economy. The Central Bank of Russia estimated remittances to Belarus in 2019 at USD 272 million, a decrease from USD 378 million in 2014 before depreciation of the Russian rouble took place. The volume of personal remittances sent from Russia in the first half of 2020 stood at just USD 112 million.

Belarusian authorities have maintained a large public sector despite its lower economic efficiency compared to the private sector for political reasons. It helped the authoritarian regime to control large parts of the population. The absence of a sufficient number of decent workplaces,

especially in small towns and rural areas, for a long time had a chilling effect on political dissent among employees of state-owned companies. The unprecedented violence of Belarus's security forces following the 9 August 2020 presidential elections triggered local protests and threats to go on strike in many state-owned enterprises, including the largest ones such as Belarukali, Belarus Steel Works, Minsk Automotive Plant, and others. The policy of ensuring the highest level of employment possible translated into the preservation of outdated and economically unjustified jobs. Due to economic difficulties though in recent years, staff cuts at state-owned companies significantly increased.

According to the above-mentioned IMF report, any escalation of geopolitical tensions affecting Russia, a tightening of global financial conditions, and the inability to secure oil revenue compensations from Russia are the main risks for Belarus's economic outlook (IMF Country Report, p. 7). Needless to say, the IMF prognosis was produced before the economic implications of the coronavirus outbreak, which worsened Belarus's economic prospects. It was also done when Lukashenka's political standing and his negotiating positions with Russia were not as weak and shaky as they have become in post-election Belarus. In March 2020, macroeconomists suggested that Belarus's GDP decline in 2020 would likely be within 2-10% and more (Kruk & Bornukova, 2020).

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15 National Statistics Committee of the Republic of Belarus, [https://www.belstat.gov.by/ofitsialnaya-statistika/socialnaya-sfera/trud/operativnaya-informatsiya\\_8/o-zanyatosti-naseleniya-po-dannym-vyborochnogo-obsledovaniya/](https://www.belstat.gov.by/ofitsialnaya-statistika/socialnaya-sfera/trud/operativnaya-informatsiya_8/o-zanyatosti-naseleniya-po-dannym-vyborochnogo-obsledovaniya/) (last accessed on 18.11.2020).

16 See results of online surveys on the topic at <http://covidconomy.by/people> (last accessed on 18.11.2020).

## 1.3 Policy responses

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Belarusian authorities have not elaborated a comprehensive strategy or any specific legislation regulating circular migration. Neither government decisions nor national migration programmes speak about the regulation of circular migration. It was announced in mid-2018 that Belarusian state bodies started working on the National migration strategy. Maryna Lazar from the Belarus's Professional Union Federation, member of the respective working group, then said the group "lacks understanding if [Belarus] needs external labour force and why it needs to send our citizens abroad" (Pravo.by, 2018). The strategy was not adopted as of late 2020 despite initial plans to be finalised by 2019.

In March 2016, the Belarusian government adopted a state programme titled, "People's health and demographic security of the Republic of Belarus" for 2016-2020. One of its seven subprogrammes concerns external migration and envisions the following: managing external migration taking into account regional demographic and socio-economic development as well as the return of compatriots; enhancement of the detection and prevention of illegal migration and the facilitation of migrant integration; improvement of the procedure for bringing foreign specialists to Belarus and counteractions to illegal integration (State programme "People's health and demographic security of the Republic of Belarus", 2016, p.5). The programme set positive net migration of 70,000 people as one of planned indicators.

The National Demographic Security Programme of the Republic of Belarus for 2011-2015 did not refer to circular migration either. It erroneously made claims about the alleged positive net migration and advocated for the more active return of Belarusian compatriots and attracting foreign specialists. In other words, Belarus's migration strategies for the last decade focused on immigration rather than defined a framework for the circular migration of Belarusians to foreign countries. Belarus also lacks bilateral legal arrangements on circular migration.

Yet, in October 2016, Belarus and the EU formally launched a Mobility Partnership to ensure the better management of migration flows (European Commission, 2016). The Joint Declaration was signed by Belarus, the EU, and seven EU Member States – Bulgaria, Latvia, Lithuania, Hungary, Poland, Romania, and Finland. It provides for the better management of the mobility of persons for short periods and legal labour migration, including circular and temporary migration.

Specific Belarusian legislation prevents the out-migration of certain segments of the Belarusian population. Thousands of Belarusian university graduates are discouraged from seeking work abroad upon graduation as they are subject to a mandatory work placement scheme as stipulated in the Education Code (Education Code, 2011). Graduates from state universities and specialised secondary education institutions where the tuition for their study was paid by the state have to work for an employer assigned by

the state for two years following graduation. A one-year mandatory work placement scheme was introduced for graduates of vocational education institutions as well. Otherwise, they have to repay the full cost of education, which is considered a state subsidy. Since compensation to the state is too high, instead of seeking a well-paid job in the private sector or abroad, Belarusian graduates often have to perform low-paid jobs in rural areas and small towns as assigned by the state.

In contrast to the well-developed legal regulation of labour issues with Russia, Belarus's institutional and legal cooperation with EU countries in the area of migration remains underdeveloped. For years, due to strained political relations between the EU and Belarus and slow progress in negotiations, Belarus has remained the only eastern European country without a functioning visa facilitation agreement with the EU. It finally came into force in July 2020 amid the coronavirus outbreak; meanwhile

border crossing was temporarily suspended for Belarusian travellers. Since 2010, Belarus continues delaying the launch of local border traffic regimes with Poland and Lithuania, which would allow border residents to visit adjacent border areas visa-free.

Although the authorities of Belarus are slow to make progress in visa facilitation negotiations with the EU and continue to restrict visa-free travel for their citizens to the adjacent border areas of Poland and Lithuania, they have gradually eased travel for EU citizens and other foreigners since 2014 through a number of initiatives

(Yeliseyeu, 2017). First, Belarus applies visa-free entry for foreigners who travel for important sports and culture events, based on the availability of tickets. This was the case during the Ice Hockey World Championship in May 2014 and the 2nd European Games in June 2019, which took place in Minsk. Second, visa-free entry to the Belarusian section of the Belovezhskaya Pushcha National Park for up to three days was introduced in June 2015 and extended to 10 days in January 2018. From October 2016, foreigners can also visit the city of Brest and a few adjacent districts, the city of Hrodna and its surroundings as well as the Augustow Canal Park, from the territory of Poland and Lithuania visa-free. A five-day visa-free period to parts of the Brest and Hrodna regions was extended to 15 days from November 2019. Finally,

**In contrast to the well-developed legal regulation of labour issues with Russia, Belarus's institutional and legal cooperation with EU countries in the area of migration remains underdeveloped.**

in February 2017, visa-free entry for nationals of 80 countries including EU citizens was introduced through the Minsk national airport. Initially limited to five days,

the visa-free term of stay was prolonged to 30 days in July 2018.

Despite the absence of an EU-Belarus visa facilitation agreement, the number of short-term Schengen visas issued by the consulates of V4 countries in Belarus in 2010-2019 was quite significant – exceeding 300,000 in some years. As seen in Chart 8, three Polish consulates in the Belarusian cities of Brest, Hrodna, and Minsk were particularly active in this respect. In 2019, Polish consulates issued around 88% of the Schengen visas (Polish national visas are not included) provided by the consulates of V4 countries and

around one-third of all Schengen visas issued in Belarus (216,759 out of 643,474). Whereas the share of multiple-entry visas (MEVs) among all Schengen visas issued by Polish consulates in 2019 was between 89% and 97%, other V4 countries' consulates were among the most restrictive consulates in this regard. The shares for Czech and Hungarian consulates were 63% and 65%, respectively, whereas the Slovak consulate in Minsk issued the lowest number of MEVs among all Schengen country consulates in Belarus (41%).

**Chart 8. Short-term Schengen visas issued in Belarus, 2010-2019**



Source: European Commission

Among countries whose citizens are entitled to a visa for short-term travel to the EU, Belarus follows only Russia, China, and Turkey in terms of absolute numbers of Schengen visas and is ranked first globally in Schengen visa numbers per capita. Belarus also enjoys one of the lowest Schengen visa refusal rates in the world (0.3% in 2019).

In September 2020, the Visegrad Four group announced that it wants to propose visa-free movement for Belarusian citizens (Reuters, 2020); however, this idea has failed to develop as of late 2020. In early October 2020, in response to the EU sanctions against 40 Belarusian officials and

security apparatus representatives, the Belarusian authorities demanded the Lithuanian embassy to cut its diplomatic mission from 25 to 14 diplomats, while Poland's diplomatic representation was reduced from 50 to 18. The reduction of Lithuania's and Poland's diplomatic corps is likely to significantly complicate the short-term mobility of Belarusians to the EU considering that their consulates normally issue over 70% of all Schengen visas in Belarus.

On 10 December 2020, the Belarusian government issued a regulation which severely restricted the rules of exit through land-border crossing points with Ukraine, Poland, Lithuania, and Latvia. Effective on 21 December 2020, exiting Belarus through land borders is only possible for specific categories of citizens, including international transport drivers, members of official delegations, employees travelling on a business trip, or for humanitarian and extraordinary reasons, among others. Individuals who leave Belarus to work abroad can cross land borders just once in six months and need to present documents confirming purpose of travel to border guards (Regulationy, 2020). The circular migration of Belarusian nationals to Ukraine and EU countries is likely to suffer dramatically if the regulation remains in force for an extended period of time. Although prevention of COVID-19 is named as the official reason behind it, experts tend to believe the actual reasons are political (Yaroshevich, 2020). It is unclear as of late December 2020 if it was adopted as part of the synchronisation of migration policies between Belarus and Russia.

Up to October 2019, Belarus had active social security agreements with only two EU countries, Latvia and Lithuania. In October 2019, a similar agreement with the Czech Republic came

into force, followed by an agreement between Belarus and Estonia in March 2020. A Belarus-Poland agreement on social security, concluded in February 2019, was ratified by Belarus in October 2019 (Law № 238-3, 2019), its ratification by Poland was pending as of October 2020.

Smart mobility programmes between Belarus and V4 countries could help address long-standing barriers, such as the shortage of jobs and limited state efforts in the professional

reorientation scheme development in Belarus and contribute to a win-win situation. It would allow Belarusian migrants to provide households with money transfers and enhance the qualification

**Smart mobility programmes between Belarus and V4 countries could help address long-standing barriers, such as the shortage of jobs and limited state efforts in the professional reorientation scheme development in Belarus and contribute to a win-win situation.**

of Belarusian workers. It is mostly a matter of the political will of other V4 countries to follow Poland and introduce practical arrangements allowing the employment of Belarusians through easily accessible and simplified procedures. It is question-

able though that remittances and benefits brought by return migrants could offset the losses that outflows of highly qualified specialists would bring to the Belarusian state and society. The restrictive migration policies of some V4 states will likely bring

even more negative consequences by making circular migration unregulated which would result in violations of migration rules, more cases of abuse, and the discrimination of migrants.

**Table 1.** SWOT analysis of increased circular migration of Belarusians to V4 countries

STRENGTHS	WEAKNESSES
<p>Legal channels of circular migration will facilitate lawful migration and contribute to the elimination of discrimination against labour migrants.</p> <p>Less pressure on the Belarusian labour market, labour shortages in specific economic sectors of V4 countries are fulfilled.</p>	<p>A deficit of highly skilled specialists across a number of Belarusian economic sectors.</p> <p>The dependency ratio in Belarus will increase therefore increasing the burden on the productive part of the population.</p> <p>Unfavourable social effects in Belarus such as separation of families.</p>
OPPORTUNITIES	THREATS
<p>Poverty in Belarus is reduced due to the transfer of remittances by labour migrants involved in lawful circular migration to their families.</p> <p>Migrants acquire additional skills and experience and use them upon their return to Belarus.</p>	<p>Depletion of Belarusian human capital can negatively affect country modernisation.</p> <p>If the rule of Alyaksandr Lukashenka continues and Belarus loses sovereignty in the migration sphere due to closer integration with Russia, Belarus's relationship with the EU will likely continue to worsen and cooperation in the migration sphere will be further complicated.</p>

Source: Author's own elaboration

# Recommendations

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Based on the policy review and SWOT analysis, the following recommendations are proposed:

1. **To the governments of the Czech Republic, Hungary, and Slovakia.** To use the facilitations provided by the EU Visa Code to the fullest extent and issue more multiple-entry visas with a period of validity of at least 12 months or longer. Although Schengen visa holders are not entitled to the right to work, a more liberal and friendlier approach towards visa applicants in the V4 consulates will contribute to more favourable sentiments of the Belarusians towards the V4 countries.
2. **To the V4 governments.** To launch additional programmes of cultural, professional, and scientific exchange and educational programmes for Belarusians.
3. **To the V4 governments.** Until a democratic and legitimate governance system is established in Belarus, to reorient recruiting policies in Belarus from cooperation with state bodies to the channels provided by civil society actors with significant social support.
4. **To the governments of the Czech Republic, Hungary, and Slovakia.** To liberalise labour market admission rules for Belarusians in particular economic sectors and to liberalise the issuance of national long-term visas.

### To the authorities of Belarus:

1. To adopt the national migration strategy based on adequate projections of Belarus's economic outlook and more accurate and realistic assessments of out-migration.
2. To elaborate specific legislation regulating circular migration which would take into account the interests of the sending and receiving states and of the migrants.
3. To transfer migration-related competences to civilian state bodies such as the Ministry of Labour from the Ministry of Interior.
4. To revoke legislation restricting political and civil liberties<sup>17</sup> and end discriminatory practices towards trade union organisations and involve them and employers in genuine social dialogue and discussions of circular migration management.
5. To sign the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers and the ILO Migrant Workers Convention, the European Social Charter and its Additional Protocol, the Revised European Social Charter, and the European Convention on the Legal Status of Labour Migrants and to continue work on enforcing social security agreements with other EU countries.
6. To develop trans-border cooperation inter alia by launching local border traffic regimes with Lithuania and Poland which would contribute to the mobility of borderland residents.
7. To revoke legislation and end practices which place excessive restrictions on the external mobility of Belarusians, including the December 2020 regulation which severely restricts exit through land borders with Ukraine and the EU, through the limitation of diplomatic corps of EU countries, and arbitrary bans on return for Belarusian nationals, and to undertake effective reforms of the social security system, education, and labour market.

17 Particularly, Presidential Decree No. 2 of 26 January 1999 on some measures aimed at regulating the activity of political parties, trade unions, and other public associations and Presidential Decree No. 5 of 31 August 2015 on Foreign Gratuitous Aid and the ensuing Regulations on the Procedures for the Receipt, Recording, Registration, and Use of Foreign Gratuitous Aid.

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# 2. POLAND

Piotr Kaźmierkiewicz, Agnieszka Kulesa

## 2.1. Short-term labour immigration 2010-2019

### 2.1.1. Background: immigration dynamics 2010-2017

This section concentrates on economic migrants from Belarus who have benefited from the simplified system of employing foreign nationals in Poland. The system – currently comprised of two main instruments: declarations on entrusting work to a foreigner and seasonal work permits<sup>1</sup> – includes a strong element of temporality and thus supports circular movements between Poland and the migrants' countries of origin. The discussion on the associated short-term migration flows from Belarus follows the presentation of the general migratory background of Poland and is supported by relevant information about students from Belarus and the long-term stays of Belarussians in Poland.

While Poland has traditionally been a country with strong emigration traditions, the beginning of the political transformation and the opening of borders in 1989 ushered in a period when foreigners

started to come to Poland. The scale of the influx, however, remained relatively low for many years. The most important category of legal immigrants were foreigners with temporary residence permits, coming mainly from three states on Poland's eastern frontier: Ukraine, Russia, and Belarus (Górny et al., 2013; Kaczmarczyk et al., 2008).

Since the accession of Poland to the European Union (EU) in 2004, foreigners have become more and more interested in taking up temporary and permanent employment in the country. The post-2004 gradual liberalisation of legal provisions on immigrants' access to the Polish labour market has facilitated a steady increase in the number of immigrants working legally in Poland (Kałuża-Kopias, 2016). This trend was correlated with the increased economic emigration of Poles to EU Member States – during 2007-2013, more than 2 million people emigrated mostly to the United Kingdom, Germany, Ireland, and the Netherlands (Duszczyc & Matuszczyc, 2018; Marek, 2008). As a result, the domestic labour market started to

1 These are described in the "Policy responses" section of this chapter.

experience a constant shortage of workers. The rapid rate at which the volume of immigration to Poland increased in the second decade of the 21<sup>st</sup> century turned Poland into one of the most attractive destinations, with some scholars arguing that Poland is becoming a “new immigrant destination” (Górny & Kaczmarczyk, 2018; Okólski, 2010).

The intensified influx of immigrants to Poland, particularly from Ukraine, was exceptionally dynamic in 2014-2017 but stabilised in recent years. This concerns both short- and longer-term stays and is reflected in the number of different types of work permits as well as the

**The intensified influx of immigrants to Poland, particularly from Ukraine, was exceptionally dynamic in 2014-2017 but stabilised in recent years.**

number of first residence permits issued to foreign nationals in Poland. In 2017, one out of five first residence permits in the whole EU was issued in Poland (683,000 permits, or 22% of total permits issued in the EU), and this trend continued in 2018 (635,000 permits, or 20%, respectively); the number increased in 2019 (724,000 permits or 24,5%, respectively). In 2017, 2018 and 2019, Poland was also the top country for employment-related permits in the EU (Eurostat, 2018, 2019, 2020a). The percentage of non-national residents of the total population in Poland (migration stock), however, remained at around 1%, with 0.7% in the case of non-EU

**Table 1.** Number of declarations on intention to entrust work to a foreigner registered by poviat labour offices in Poland in 2010-2017

Year	Total registered declarations	Declarations for Ukrainian citizens		Declarations for Belarusian citizens		Other nationalities	
		Number	% of total	Number	% of total	Number	% of total
2010	180,073	169,490	94.12	3,623	2.01	6,960	3.87
2011	259,777	239,646	92.25	4,370	1.68	15,761	6.07
2012	243,736	223,671	91.77	7,636	3.13	12,429	5.10
2013	235,616	217,571	92.34	5,194	2.20	12,851	5.45
2014	387,398	372,946	96.27	4,017	1.04	10,435	2.69
2015	782,222	762,700	97.50	5,599	0.72	13,923	1.78
2016	1,314,127	1,262,845	96.10	23,400	1.78	27,882	2.12
2017	1,824,464	1,714,891	93.99	58,046	3.18	51,527	2.82

Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

citizens, as recorded in January 2019 (Eurostat, 2020b).

The greatest increase in work permits issued in Poland was observed in the number of declarations on intention to entrust work to a foreigner, which during 2006-2017 was a national instrument allowing the citizens of the chosen countries to work in Poland on a simplified basis. Table 1 shows the number of such declarations registered by labour offices in Poland in 2010-2017.

It should be noted, however, that the statistics of issued declarations – before and after 2018 (please compare Tables 1 and 2) – cannot be used to calculate the number of Belarusians actually employed in Poland. Instead, they only indicate the number of potential employees. This is due to several reasons: one person may hold several declarations at the same time, while a certain number of recipients will not undertake the work indicated in the declaration, among others. Further difficulties in estimating the number of workers arise as data from border checks and consulates do not allow for establishing the actual numbers of those who entered Poland holding a valid visa for work purposes related to the declarations system. On the central level, there are no available statistics on foreign nationals actually employed on the basis of registered declarations.

Nevertheless, analysis of the number of registered declarations reveals a rapid growth in interest in this form of employment. As shown in Table 1, 10 times as many declarations were issued in 2017 as compared to 2010. The overwhelming majority of declarations between 2010 and 2017 were granted to citizens of Ukraine (ranging from

91.77% to 97.50% of the total registered declarations in a given year). Belarusian citizens were the second largest group of recipients in that period, trailing far behind nationals of Ukraine (from 0.72% to 3.18% of the total registered declarations). With the exception of 2014, the absolute number of declarations registered for Belarusian citizens was rising year to year, reaching in 2017 over 58,000 – a number 16 times higher than in 2010.

### 2.1.2. Analysis of recent immigration trends 2018-2019

The number of Belarusians coming to Poland in 2018-2019<sup>2</sup> for short- and longer-term purposes, work-related and others, continued to increase. According to administrative registers, there were 105,404 Belarusians residing in Poland at the end of 2019 (GUS, 2020). Regarding students, the latest available data suggest that in the 2018/2019 academic year, Belarusians, with 7,314 persons (including graduates), accounted for 9.3% of all foreign students in Poland (GUS, 2019). After Ukrainians (50.1%), Belarusians form the second largest group among foreign students in Poland. Furthermore, the number of work permits issued to Belarusians in 2019 increased almost three-fold as compared to 2017 (from over 10,500 to over 27,100), and the same dynamics were observed in regard to instruments related to the simplified system of employing foreign nationals in Poland. The dynamics related to declarations on entrusting work to a foreigner, seasonal work permits, and, eventually, work permits, will be presented in more detail further in this sub-chapter.

<sup>2</sup> Whenever possible, statistics for 2020 have also been included.

**Table 2.** Number of declarations on entrusting work to a foreigner registered by poviats labour offices in Poland in 2018-2020

Year	Total registered declarations	Declarations for Ukrainian citizens		Declarations for Belarusian citizens	
		Number	% of total	Number	% of total
2018	<b>1,582,225</b>	1,446,304	91.41	62,805	3.97
2019	<b>1,640,083</b>	1,475,923	89.99	66,045	4.03
2020	<b>1,519,599</b>	1,329,491	87.49	78,905	5.19

Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

**Table 3.** Number of seasonal work permits issued in 2018-2020

Year	Total number of seasonal work permits	Permits for Ukrainian citizens		Permits for Belarusian citizens	
		Number	% of total	Number	% of total
2018	<b>134,601</b>	133,029	98.83	649	0.48
2019	<b>131,446</b>	129,683	98.66	659	0.50
2020	<b>137,403</b>	135,482	98.60	625	0.45

Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

However, it should be underlined that not every category of foreign nationals has to obtain a work permit in order to legally work in Poland. Some – for example, beneficiaries of international protection – have equal access to the labour market as Polish citizens (excepting only certain positions in the public sector). One of these categories is Polish Card (Karta Polaka) holders. The Polish Card is a document confirming belonging to the

Polish nation, which may be given to individuals who do not have Polish citizenship. Belarusians and Ukrainians are the two most numerous nations who apply for this document in Polish consular posts. It is estimated that around 140,000 Belarusian citizens were issued a Polish Card since the introduction of this instrument in 2008. Moreover, since 2015, the Polish holders may apply for permanent residence in Poland. According

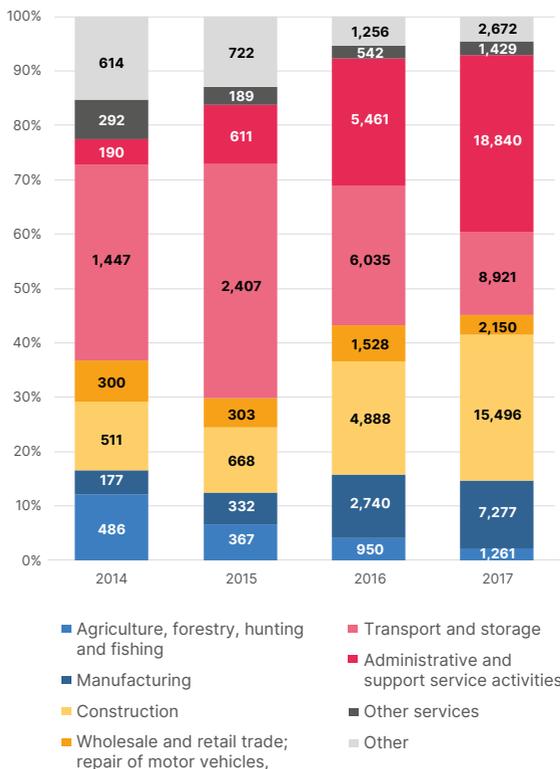
to official registers, since 2017, nearly 30,000 Belarusians are issued permanent residence on the basis of the Polish Card each year (with over 21,000 in the first half of 2020).

It should also be recalled that the data on Belarusians working in Poland presented in this section do not include workers employed irregularly. The statistics on the visas issued do not reflect reality either, as some of them are misused.

### 2.1.3. The simplified system

Since January 2018, some revisions to the simplified system of employing foreign nationals in Poland were put in place, as a new instrument (seasonal work permit) was introduced. Declarations on entrusting work to a foreigner continue to be issued to foreigners from Armenia, Belarus, Georgia, Moldova, Russia and Ukraine, authorising non-seasonal employment limited to six months within a 12-month period. On the other hand, seasonal work permits may be granted to all groups of foreigners, allowing them to work for nine months during a given calendar year but only in selected sectors (agriculture, horticulture, and tourism). From the point of view of Belarusian nationals interested in

**Chart 1. Declarations on intention to entrust work to a foreigner registered by poviats labour offices for Belarusian citizens in Poland in 2014-2017\* – according to most numerous sections of the economy (PKD, Polish Classification of Activities)**



Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

\*Due to changes in aggregating data by the Ministry, data from 2010-2013 is not comparable with data for the following years.

working seasonally in Poland, the change mainly concerned a new regime governing employment in a number of agriculture- and hospitality-related sectors.

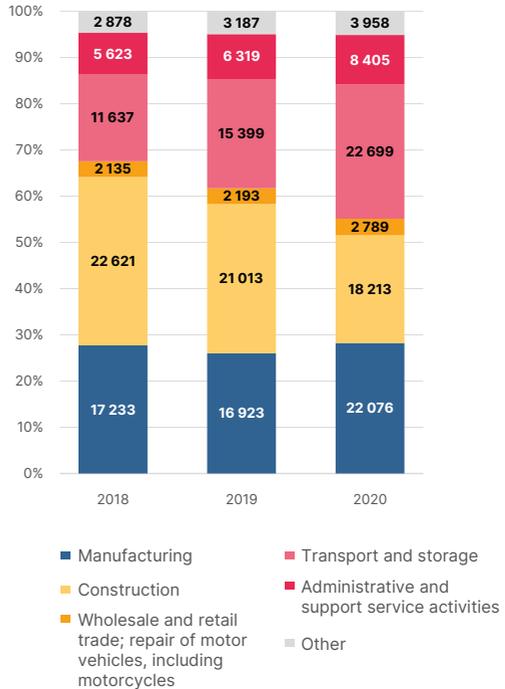
Tables 2 and 3 compare the dynamics of work authorisations issued under the two procedures.

The number of declarations on entrusting work to a foreigner registered by labour offices in 2018-2020 is presented in Table 2 and relevant information on seasonal work permits is presented in Table 3.

The number of declarations registered for Belarusian citizens in 2018, 2019 and 2020 has been rising even excluding agriculture, horticulture, and tourism, as shown in Table 2. As with the declarations, seasonal work permits were issued predominantly to Ukrainian citizens, with Belarussian citizens being the second most numerous group of foreign workers (Table 3).

As data shows (Chart 1), in 2014-2017, declarations on intention to entrust work to a foreigner registered for Belarusians concerned primarily such sections of the economy as manufacturing, construction, and transport and storage, as well as administrative and support service activities (mainly hiring by recruitment agencies). With agriculture, horticulture, and tourism excluded in 2018, 2019 and 2020 (Chart 2), even more declarations on entrusting work to a foreigner – both in terms of the share in the total number of declarations registered for Belarusians as well as in absolute numbers – concerned manufacturing and transport and storage. The demand to hire Belarusian workers on the basis of declarations in 2011-2017<sup>3</sup> was on average moderate during the first four to five months of the year

**Chart 2.** Declarations on entrusting work to a foreigner registered by poviatt labour offices for Belarusian citizens in Poland in 2018-2019 – according to most numerous sections of the economy (PKD)



Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

and was increasing around June with a peak in October. In 2018-2019, the situation was generally similar, but the number of registered declarations was a big higher by March and its decrease was visible by December. In 2020 the highest numbers of declarations for Belarusian nationals were registered in September (12,495) and October (10,615). Regarding seasonal work permits, the greatest number of permits issued for Belarusian

3 2010 is not included due to changes in aggregating data introduced by the administration since 2011.

**Table 4.** Number of work permits issued in 2010-2019

Year	Total registered declarations	Declarations for Ukrainian citizens		Declarations for Belarusian citizens		Other nationalities	
		Number	% of total	Number	% of total	Number	% of total
2010	36,622	12,894	35.21	1,937	5.29	21,791	59.50
2011	36,189	17,352	47.95	1,350	3.73	17,487	48.32
2012	35,416	19,375	54.71	1,723	4.87	14,318	40.43
2013	39,078	20,416	52.24	2,004	5.13	16,658	42.63
2014	43,663	26,315	60.27	1,834	4.20	15,514	35.53
2015	65,786	50,465	76.71	2,037	3.10	13,284	20.19
2016	127,394	106,223	83.38	4,870	3.82	16,301	12.80
2017	235,626	192,547	81.72	10,518	4.46	32,561	13.82
2018	328,768	238,334	72.49	19,233	5.85	71,201	21.66
2019	444,738	330,495	74.31	27,130	6.10	87,113	19.59

Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

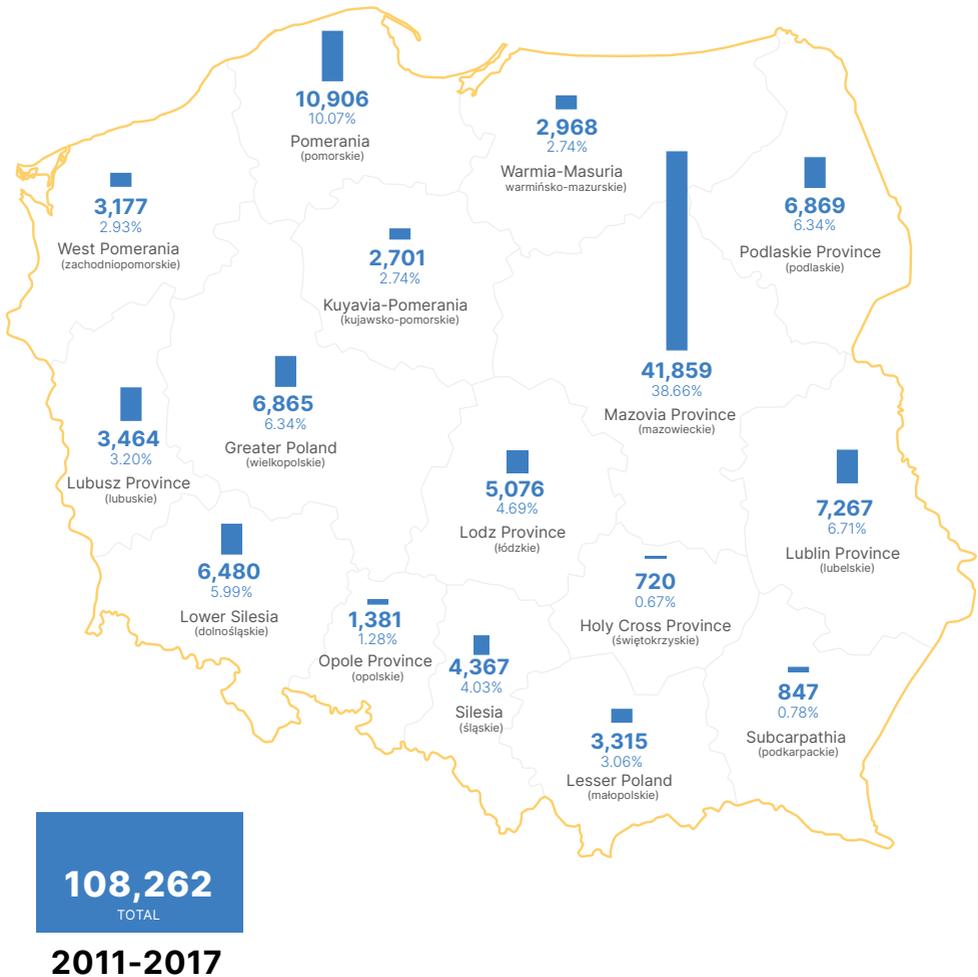
workers in 2018 and 2019 was recorded in June with 199 and 188 permits each year, respectively; in 2020 the highest number was recorded in July – 132. Generally, a higher number of seasonal work permits issued was recorded between April and October.

Unlike migrants from Ukraine, the population of which is rather evenly distributed throughout Poland, migrants from Belarus tend to concentrate in specific regions. Traditionally, larger populations of Belarusians have been residing in centrally located Mazovia and Podlaskie Province, which borders with Belarus. Regarding declarations for Belarusian citizens registered in 2011-2017 and 2018-2020, the highest numbers were indeed

registered by poviats labour offices in Mazovia while the second highest – in Pomerania (Figure 1 and Figure 2). The highest numbers of seasonal work permits in 2020 were issued in Mazovia and Lublin Province – 160 and 133, respectively.

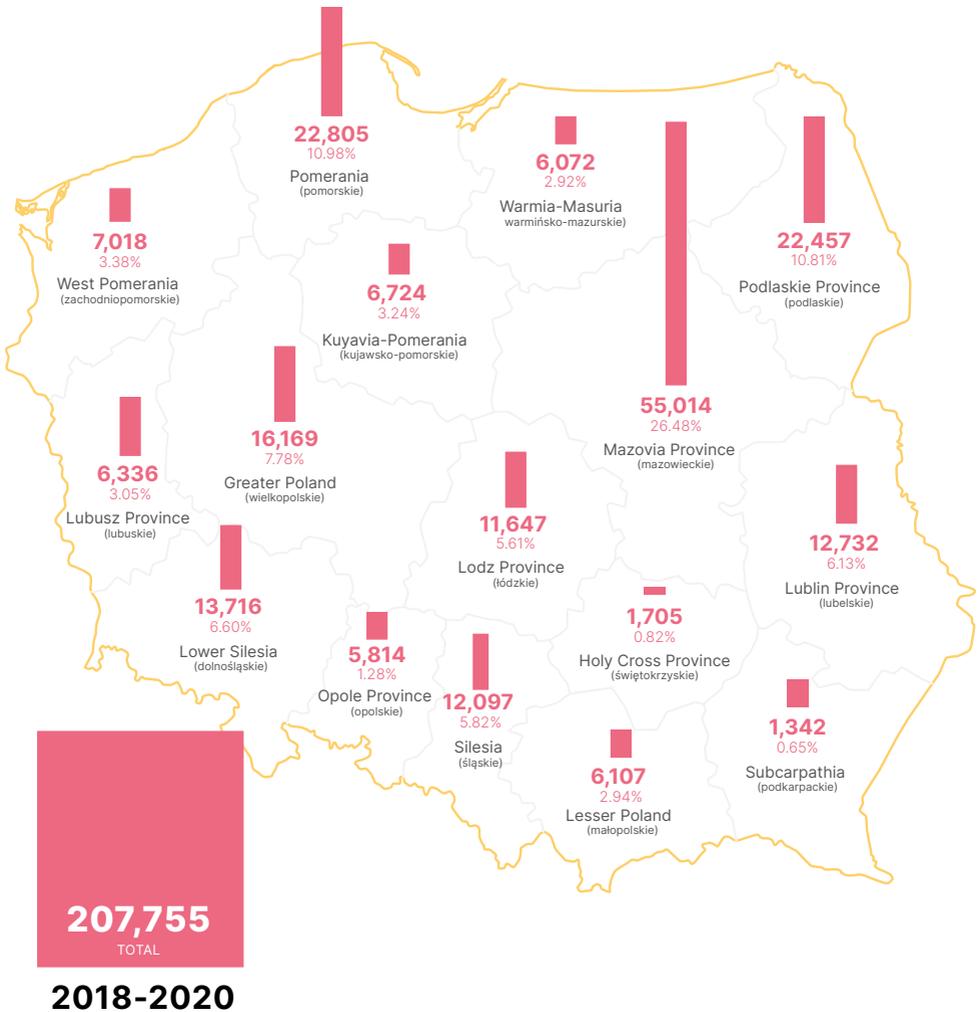
The majority of short-term labour migrants from Belarus to Poland are men. In 2010-2017, the average percentage of men among those for whom Polish entrepreneurs registered declarations was 73.69%; in 2018-2020, it was 78.29%. The most frequently reported age range of Belarusian migrants working on the basis of declarations in Poland was 26-40 years in 2010-2017, and 25-34 years in 2018-2020. Declarations for Belarusian migrants are usually for a duration of over 90 days

**Figure 1.** Geographic distribution of declarations on the intention to entrust work to a foreigner registered by poviats labour offices for Belarusian citizens in Poland in 2011-2017



Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

**Figure 2.** Geographic distribution of declarations on entrusting work to a foreigner registered by poviats labour offices for Belarusian citizens in Poland in 2018-2020



Source: own elaboration on the basis of data provided by the Ministry of Economic Development, Labour and Technology

(90.31% in 2018-2020) and, as of recently, they are typically offered one type of a civil contract (*umowa zlecenie*, almost 60%); although, until 2016, the most common form of employment was a contract based on the Labour Code.

#### 2.1.4. Work permits

The number of work permits, which are issued for a maximum period of three years, has also been rising (Table 4). Again, the most numerous population of foreign nationals who are issued such permits are Ukrainians.

During the first half of 2020, 12,225 work permits were issued for Belarusian nationals.

Belarusian workers are valued on the labour market in Poland because of their rather high level of commitment to work and adaptability. Ease of movement between Ukraine or Belarus and Poland is indicated as a factor favouring employers' preferences for the citizens of these countries (Górny et al., 2018).

## 2.2. Labour market needs in 2010-2019 and beyond

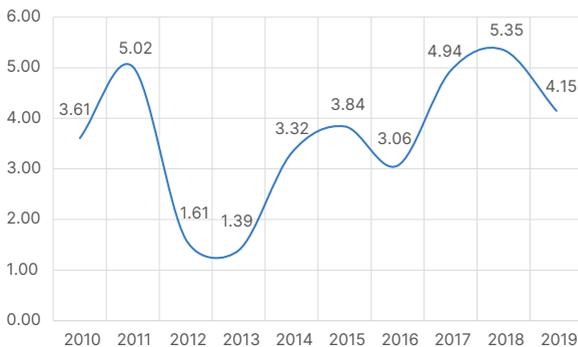
At the beginning of the 1990s, Poland adopted a model of development which ensured economic growth lasting for over 25 years. Annual rates of gross domestic product (GDP) growth were reaching 5-7% at times. This enabled significant progress to be made in the process of convergence between Poland and the countries of the former EU-15, which paved the way for the country's accession to the EU in 2004. During 2009-2019, Poland consistently recorded positive rates of GDP change, resisting the negative effects of the global financial and economic crisis (Eurostat, 2020b). Yet, the 2020 COVID-19 pandemic and the expected ensuing economic slowdown are likely to change this positive landscape. According to the European Commission, GDP growth for Poland in 2020 might equal

- 4.6% (year-over-year), but forecasts for the following year already suggest growth by about 4.3% (European Commission, 2020a). World Bank experts are expecting a recession – specifically, a fall in GDP of 3.9% in 2020 before the economy will gradually recover in 2021 (World Bank, 2020).

Over the last 30 years, Poland has also been building its position as a competitive economy. In this respect, the country's accession to the EU in 2004 gave a new impetus to further changes initiated as early as the early 1990s, and the first years of its membership created a fairly solid and stable basis for further development. In the post-accession period (2004-2015), however, the position of Poland in terms of competitiveness changed significantly. In 2004, the Polish economy was ranked 60th in terms

of general competitiveness in the Global Competitiveness Report of the World Economic Forum (Porter et al., 2004). In the following two years, Poland's competitiveness was assessed much more favourably – in 2006-2007, it was ranked 48th, though it was still the worst performer among EU economies (López-Carlos, 2006). By 2019, Poland had increased its ranking to 37th (Schwab, 2019).

**Chart 3.** GDP growth in Poland (annual %), 2010-2019

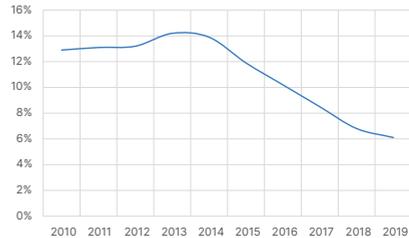


Source: World Bank

Despite these positive developments, some economists argue that the forces which have stimulated Poland's development to-date have weakened (Hausner et al., 2018). The term "developmental drift" is often used to name the state in which the Polish economy found itself as a consequence of the emergence of some structural problems preventing the country from using knowledge, innovation, and advanced technologies as a basis for economic growth and the international competitiveness of entrepreneurs. As a result, the Polish economy has not adjusted to the requirements of the strict competition in globalised markets where mechanisms of knowledge creation and innovation become increasingly important. This challenge was recognised in the Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030) adopted by the Council of Ministers on 14th February 2017, which is currently a key document in the field of medium- and long-term economic policy (Council of Ministers, 2017). The Strategy, among others, aims at sustainable economic growth which would be increasingly driven by knowledge, data, and organisational excellence.

Today, the main pillars of economic growth of Poland are export and domestic consumption. The size of the internal market and export opportunities attract foreign investments. An important factor in this context has also traditionally been relatively low labour costs, in comparison to other EU countries. However, as evidence suggests (Eurostat, 2020d), Poland is no longer at the bottom of the EU countries with the lowest median gross hourly earnings. Since 2004, the increase

**Chart 4.** Registered unemployment rate in Poland (values for January each year, %), 2010-2019



Source: Statistics Poland

in labour productivity in Poland was higher than the increase in unit labour costs (Wyrobek, 2016, p. 103). This means that current competitiveness is no longer based solely on cheap labour, but on a combination of low labour costs and relatively high labour productivity (Ibid., p. 99).

The rate of registered unemployment has been generally dropping over the last 10 years, but a slight increase was registered in 2013 (Chart 4) – 14.2% in January. In the same month in 2019, this value was at 6.1%.

The impact of the COVID-19 pandemic on registered unemployment has not been observed thus far. In October 2020, the registered unemployment rate was still 6.1%. It must be noted, however, that in the long term, the unemployment rate will most likely rise. For the time being, companies are being held back from dismissals by the conditions formulated by the state in relation to the COVID-19-related aid offered to businesses.<sup>4</sup>

<sup>4</sup> For more information, please visit the website of the Diagnoza.PLUS project, <https://diagnoza.plus/>. It is a joint project of the Faculty of Management of the University of Warsaw, GRAPE, and CASE, implemented with the technological support of PROFITEST and in partnership with CenEA and IBS.

Regarding the age structure of the population, Poland has experienced unfavourable changes since the 1990s. These are connected with the ageing and declining size of the population. With the decline in fertility rates and the increase in life expectancy, between 2009 and 2019, the share of the population aged 65 years or over increased in Poland by 4.2 percentage points and is one of the highest in the EU (Eurostat, 2020d). The median age rose from 37.5 in 2009 to 41 in 2019.

The age structure of the Polish population has also been affected by the significant wave of emigration of Poles to other Member States after Poland joined the EU in 2004 (Lesińska et al., 2014). Additionally, as a result of this out-migration, problems related to labour shortages in certain professions emerged on a regional scale and in certain sectors (Duszczyc & Wiśniewski, 2007). Yet, as some researchers argue, the outflow of the demographic surplus facilitated the further modernisation of Poland (Grabowska-Lusińska & Sokólski, 2009).

In this context, the most significant problem of the Polish labour market in the coming years will be the shrinking and ageing of labour resources and the level of professional activity of Poles.

In 2004, the employment rate among people of working age (16-64) in Poland was 57.3%. Throughout the whole period of Poland's membership in the EU, the rate has been increasing (with the exception of a decrease between 2009 and 2010). In 2019, according to official Eurostat data, it was as high as 73%, almost equal to the EU-27 average – 73.1% (Eurostat, 2020e). According to the forecasts of Statistics Poland, in 15 years alone – between 2025 and 2040 – the number of people aged 0-17 will decrease by more than 1.2 million (Statistics Poland, 2014). It is also projected that the working age population will shrink by 6 million, including 4.1 million in cities, in 2014-2050, with the fastest pace between 2020 and 2035.

The loss of real labour resources may possibly be reduced by influencing the level of economic activity. According to the European Commission (2020b), women, older people, persons with

**Table 5.** Population age structure by major age groups – EU average and Poland, 2009 and 2019 (% of the total population)

	0-14 years old		15-64 years old		65 years old or over	
	2009	2019	2009	2019	2009	2019
EU-27	15.4	15.2	67.0	64.6	17.4	20.3
Poland	15.3	15.4	71.1	67.0	13.5	17.7

disabilities, and those with lower qualifications participate in the labour market much less than in many other EU countries. The European Commission has also acknowledged that in the context of the negative demographic outlook, the integration of migrant workers has become an increasingly important challenge for Poland.

Despite the increasing number of job offers, the Polish labour market is negatively affected by shortages, both in relation to demand and supply. According to the Business and Consumer Surveys of the European Commission, almost half of the companies in the industry and construction sectors reported labour shortages as a factor limiting production in 2019 (European Commission, 2020b, p. 24). Services accounts for close to 60% of total employment in Poland – reported labour

shortages in this sector were relatively high at 28.5%. As noted by the European Commission, the shortages would be significantly higher without substantial inflows of migrant workers.

### The employment of foreigners in the Polish labour market is complementary to the employment of natives.

In this context, it might be argued that, in the short-term, the employment of foreigners in the Polish labour market is complementary to the employment of natives. This statement might be supported by the fact that the increase in the number of foreigners has not translated into an increasing number of economically inactive persons in Poland as well as an increasing registered unemployment rate. If economic trends change for the worse, the interrelations between labour market indicators and foreign employment might look different (Duszczuk & Matuszczuk, 2018, p. 65).

## 2.3. Policy responses

### 2.3.1. Strategic framework

In July 2012, the Council of Ministers adopted a strategic document outlining the main principles of national migration policy (Ministry of Internal Affairs and Administration, 2012). “Promoting circular migrations, including those for the purpose of seasonal employment” was featured as one of the priorities that the document put forward for the country’s migration policy (Ibid., p. 14). The strategy highlighted as beneficial the following

effects that “legal circular migration” is expected to bring: decrease of irregular foreign employment and of irregular immigration and ensuring a source of “tested settlement immigration”. At the same time, it was noted that this type of movement could be optimal for the countries of origin as it would not lead to the possible depletion of human resources and would help strengthen people-to-people and economic ties (Ibid., p. 34). The 2012 Strategy also clearly favoured the continued facilitation of employment in Poland for

nationals of Belarus and of other countries, covered by the simplified forms of work authorisation (declarations on entrusting work to a foreigner). Moreover, it recommended that the national policy on the employment of immigrants should be followed up by the conclusion of bilateral agreements with the countries of origin, regulating the position of migrant workers in Poland (Ibid.).

Following the 2015 parliamentary elections, the new government, formed by the United Right coalition, invalidated the 2012 Migration Strategy. The decision, taken on 18 October 2016, was officially justified by the government's position that the former document did not respond adequately to the challenges associated with migration (Ministry of Internal Affairs and Administration, 2017). The Ministry of Internal Affairs and Administration (MSWiA) announced that work would commence on another strategic document. The first attempt was made in June 2019 when the Migration Unit of the MSWiA developed the document Poland's migration policy (Ministry of Internal Affairs and Administration, 2019, p. 6).<sup>5</sup> The document recognised the circular character of labour immigration to Poland and acknowledged that the introduction of facilitated forms of employment helped make circular migration the dominant type of labour immigration to Poland. Furthermore, the draft Strategy affirmed circular migration as a "preferred type of immigration" for some time to

come, noting its role in "meeting Poland's economic needs". It was suggested that in the short run, Poland should continue to rely mainly on "circular and short-term immigration" that would meet the "current needs of the labour market, in particular competence gaps" (Ibid., p. 9). In fact, the document suggested that as Poland would become more and more attractive for immigrants, it might be recommended to consider circular migration as "potentially [leading to] settlement" and complement immigration policy with matching integration policy (Ibid., p. 57).

The document was strongly criticised by human rights NGOs and experts<sup>6</sup> and was not formally approved. Instead, the Inter-Ministerial Team on Migration Issues<sup>7</sup> elaborated an internal diagnostic review of the migration situation, which would be the basis of a revised strategic document. However, the process of strategy elaboration remained closed, and no public consultations were held in 2020 (Mikulska & Rumieńczyk, 2020). The MSWiA made the diagnostic review document public on 8 January 2021 (Ministry of Internal Affairs and Administration, 2020). The document revisits and updates some of the conclusions of the 2012 strategy, highlighting the mainly circular character of labour immigration to Poland while suggesting that "effective and transparent administrative procedures, high-level educational and health care services" might be needed to

5 The document was first shared on 25 June 2019 with representatives of the public administration, academia, and non-governmental organisations (NGOs) during a conference at the premises of the Parliament organised by the Government Population Council (Rządowa Rada Ludnościowa). The document was made public a few days after by one of the NGOs present at the conference but was not officially launched by the state administration.

6 For instance, the Helsinki Human Rights Foundation and the Association for Legal Intervention made their critical opinions public. The Helsinki Foundation statement recommended that the document be thoroughly edited to include measures that would "consider migrants' agency and respect fundamental human liberties and rights". See: <http://www.hfhr.pl/politykamigracyjnapolski/> (last accessed on 20.01.2021).

7 The Team was established in 2007 including, inter alia, representatives of the MSWiA, the Ministry of Family, Labour, and Social Policy, the Ministry of Foreign Affairs, and the Border Guard. See: <https://www.gov.pl/web/premier/zespol-do-spraw-migracji> (last accessed on 20.01.2021).

continue to attract skilled migrant workers (Ibid., p. 8). Among the key challenges and risks in the area of residence and employment of migrants in Poland, the document named, inter alia, “protracted, overly complicated and too frequently changed” procedures as well as insufficient staffing levels at offices, responsible for legalization of residence and work (Ibid., p. 13).

As of December 2020, the Strategy for Responsible Development remains the latest officially adopted strategic document, indicating Poland’s priorities in migration policy. The mid- and long-term Strategy for Responsible Development concludes that “immigration to Poland is mainly circular, and migrants are employed in sectors and positions, which are less attractive for nationals of Poland” (Council of Ministers, 2017, p. 152). The government “positively evaluated current labour immigration policy on account of the ease and flexibility of employment of foreigners (especially nationals of Ukraine)” (Ibid., p. 170). In particular, the document affirmed the positive impact of the inflow of “foreigners coming from countries that are culturally close to Poland”, which referred specifically to the country’s eastern neighbours, including Belarus. Among the recommendations for state policy, the Strategy indicated several measures which clearly would facilitate the further influx of migrant workers. It was recommended for instance that by 2020 a concept of “responsible migration policy” would be elaborated, meeting the needs of the national labour market and of Polish employers (favouring the supply of labour in sectors where shortages of workers occur). Moreover, it was proposed that additional funds would be allocated for processing applications for authorising the employment of migrant workers. At the same time, preferences were to be put in place for the entry of those workers who could

demonstrate a good record of compliance with migration rules (“positive migration history”) while dedicated integration programmes were considered necessary for attracting migrant workers with the qualifications and skills in greatest demand on the Polish labour market (Ibid.).

### **2.3.2. Legal ways of taking up employment in Poland by nationals of the Republic of Belarus**

Citizens of Belarus who intend to take up legal employment in Poland must obtain proper authorisation. Work without authorisation (e.g., on the basis of a tourist visa) is sanctioned with fines for workers of between 1,000 and 5,000 PLN and for employers for up to 30,000 PLN.

Authorisation can take the form of either a simplified procedure, in which the prospective employer declares an intent to employ a foreigner or requests a permit for seasonal employment, or by applying for a regular work permit. In all these cases, the foreigner is responsible for securing legal residence in Poland, corresponding to the selected form of work authorisation. Table 6 summarises the types of documents issued to authorise respectively employment and residence.

In the first form of simplified procedure, introduced originally in 2006, and successively extended, citizens of Belarus as well as of five other countries (Armenia, Georgia, Moldova, Russia, and Ukraine) do not need to apply for work permits (Ordinance of the Minister of Labour and Social Policy, 21.04.2015, JL 2015, 97). Instead, their prospective employer registers a declaration on entrusting work to a foreigner with the local

**Table 6.** Legal employment and residence forms, applicable to citizens of Belarus in Poland

Employment authorisation	Residence title
<i>Employer's application</i>	<i>Foreigner's application</i>
Declaration on entrusting work to a foreigner	National visa with authorisation for work "05a" (valid for a total stay of six months during a period of 12 consecutive months)
Seasonal work permit	National visa with authorisation for work "05b" ( <i>acquired prior to the permit</i> ) National visa for purpose of seasonal work "05b" ( <i>tied to the permit</i> )
Work permit	National visa with authorisation for work "06"
Single work and residence permit ( <i>foreigner's application</i> )	

Source: Authors' compilation, based on: State Labour Inspection/Social Insurance Institution, *Ogólne zasady podejmowania pracy na terytorium Polski przez cudzoziemców z państw nienależących do UE/EOG* [General rules on employment of foreigners who not nationals of EU/EEA in Poland], available at: [https://prawawpracy.pl/pdf/zatrudnianie\\_cudzoziemcow.pdf](https://prawawpracy.pl/pdf/zatrudnianie_cudzoziemcow.pdf) (last accessed on 20.01.2021)

state employment centre (*powiatowy urząd pracy*). A copy of the declaration is sent to the eligible foreigner who applies for one of the forms of legal residence, authorising employment (national visa with authorisation for work or a temporary residence permit for employment purposes). The simplified procedure enables the foreigner to work for a total period of six months out of 12 months and while it is possible to change employers, the new employer must issue another declaration. All declarations are maintained in the central national register.

It is important to point out that the employer filling out the declaration must stipulate not only the specific sector of employment, work location,

and position title but also indicate the period of employment, form of contract, working hours, and gross remuneration. Furthermore, the declaration must indicate the residence title (visa or residence permit) for which the foreigner is going to apply or the period of validity of the visa or residence permit which the foreigner already holds.<sup>8</sup>

Since January 2018, an additional form of simplified procedure has been in effect. Employers may also apply on behalf of migrant workers for a seasonal work permit (taking effect in January 2018) (Law amending Act on promoting employment, 20.07.2017, JL 2017, 1543) either for those already residing in Poland on visas authorising employment or for the purpose of issuing special

<sup>8</sup> The declaration form is available (in Polish) at: <https://www.gov.pl/attachment/67f-11be8-8b80-4c62-9750-8a916b95faa7> (last accessed on 5.09.2020).

national visas on the grounds of seasonal employment. In the latter case, the foreigner may apply for a dedicated visa upon demonstrating a copy of the registration of the application for the seasonal work permit by their prospective employer with the local government office. Permits for seasonal work are granted by the heads of county administrations (*starosta*): within 7-30 days for foreigners already resident in Poland, or upon arrival of the foreigners who acquired the dedicated visas.

Compared to the simplified procedure, presented above, seasonal work permits authorise foreigners to work for longer periods (nine months in a calendar year) but can only be issued for a limited number of sectors (agriculture, horticulture, seasonal tourism). Foreigners may be employed for another nine months during next calendar year either with the same or another employer if their employer is granted an extension of the seasonal work permit, issued in their name. Nationals of Belarus as well as Armenia, Georgia, Moldova, Russia, and Ukraine have been granted more favourable terms of employment – in their case, employers who have hired them at least once in the past five years may place successive multi-season applications, authorising seasonal employment for up to the next three calendar years (for periods of up to nine months in each calendar year) without the need to request an extension every single year.<sup>9</sup>

Similarly to the simplified procedure, seasonal work permits stipulate the foreigner's name, working hours, remuneration, type of contract, and validity period. While change of an employer requires acquiring a new permit, under the terms

of the permit the foreigner may take up forms of seasonal work with the original employer other than the one indicated in the document.

To work for periods longer than six months in sectors other than those covered by seasonal work permits, Belarusian nationals must be granted a regular work permit. This requirement applies both to contracts with Polish employers and to workers delegated by third-country employers as long as the employment is carried out in the territory of Poland (Art. 88, Act on promoting employment, 5.7.2019, JL 2019, 1482).

As is the case with simplified procedures, applications for regular work permits are placed by employers on behalf of their employees. Applicants need to inquire with the local government (*starosta*) whether there are no Polish or EU nationals in the registers of unemployed persons who could undertake the requested employment. In addition, they are required to announce the vacancy locally for 30 days and may request authorisation for hiring third-country nationals only if no suitable Polish or EU national has been found for the position (Art. 88c, c. 3, Act on promoting employment, 5.7.2019, JL 2019, 1482). It is not necessary to verify whether local labour resources could be found in the cases where the needed position is included in the register of job positions in high demand. Such registers are regularly updated by regional governors, reflecting sectoral and skill shortages on the local labour markets.

Work permits are also granted without the need to verify local labour market demand to those employers who wish to prolong work authorisations

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9 Ministry of Economic Development, Labour and Technology information, found at: <https://www.gov.pl/web/ro-zwoj-praca-technologie/zezwozenie-na-prace-sezonowa1> (last accessed on 11.02.2020).

for their migrant workers who were employed thus far on the basis of the declaration on entrusting work.<sup>10</sup> In these cases, employers must present the original declaration as well as the original employment contract and demonstrate non-arrears in social security contributions due under that contract. Authorisation is only issued if the contract guarantees the minimum wage (2,600 PLN gross per month for employment contracts or 17 PLN gross per hour for service agreements).

Work permits are issued for different periods – the most common category (A), authorising work under a contract between a foreigner and the employer resident in Poland, is granted for up to three years. The period may be shorter in certain regions, which are free to limit the period of validity, establishing separate criteria. An important restriction of the work permit is that it is limited to employment with the employer who originally applied for it. To change employers, the foreigner must request a new employer to apply for another permit.

Once the work permit is issued, the foreign employee is obliged to apply in the Polish consulate for a national visa with work authorisation (type “06”) (Ordinance of the Minister of Internal Affairs and Administration on visas for foreigners 6.2.2018, JL 2018, c. 343). The employer must verify that the employee has been granted authorisation for residence (visa or residence permit) prior to the commencement of employment.

One type of work authorisation, which is granted directly upon the foreign worker's request, is the

single work and residence permit, which grants in one administrative procedure the right to reside and work in Poland for periods exceeding three months (Art. 114 & 126, the Law on foreigners, 12.12 2013, JL 2013, 1650). The permit cannot be issued to persons employed seasonally, entrepreneurs, or delegated workers. The applicant must in principle meet the requirement of showing that there are no Polish or EU nationals who could be employed in the requested position (as in the regular work permit procedure).<sup>11</sup> In addition, the applicant must demonstrate a stable livelihood in Poland, including regular income (confirmed with past tax returns or social security contributions), sufficient to support all dependents resident in Poland, health care coverage, and secured accommodation (on the basis of a rental contract or landlord/landlady's statement). The permit is granted for the period of employment with a given employer – changing employers requires re-application for another permit. The permit expires 30 days following the termination of employment.

Polish regulations facilitate the prolongation of the legal employment of foreigners by offering transitional solutions in cases of further work with the same employer or applying for further legal residence. In the former case, as long as the employer duly re-applies for continued employment not later than 30 days prior to the expiry of the granted work permit, the employee may continue working legally in the same position until the final decision for prolongation of the original permit is issued. Similarly, the foreigner is free to continue working under an employment contract during

<sup>10</sup> An accelerated procedure has been introduced as well. The request may be placed as early as three months after an employer concludes with the foreign worker a permanent employment contract (*umowa o pracę*).

<sup>11</sup> Several exceptions apply – for instance, this criterion is waived when an applicant has been employed with the same employer or has resided legally in Poland for three years.

the period when he or she awaits the decision for granting a residence permit. In these cases, a foreigner may place an application for a new residence permit until the last day of the old permit's validity. Then, the regional governor's offices stamp the applicants' passports, confirming that the residence permit applications have been placed and the applicants are authorised to continue working and residing legally.

On 31 March 2020, an emergency bill was passed which regulated the stay of foreigners who held the above-mentioned national visas and residence permits, authorising employment during the period of the COVID-19 lockdown (Law amending the Law on particular regulations to prevent, countering and combating COVID-19, 31.3.2020, JL 2020, 568). This was necessary as government offices, including those accepting applications for residence permits, were temporarily closed or shifted to remote operations. All visas and permits which expired during the state of epidemic were prolonged by the new law until 30 days after the state of epidemic would come to an end. The regulations put on hold the procedures for reviewing the applications already placed as well as guaranteed legal residence and employment during the state of epidemic, while ensuring that the additional time would not be counted as part of ordinary requirements.

### 2.3.3. Polish Card

Given the presence of a considerable Polish minority as well as a long history of close social, cultural, and political ties, many nationals of the Republic of Belarus may take up legal residence and employment for up to one year by applying

for a dedicated instrument, the Polish Card (*Karta Polaka*).

The Polish Card is a document confirming Polish ethnicity which entitles its owner to acquire a permanent residence permit. It was introduced by the Law No. 180 of 7 September 2007, which targeted persons of Polish ethnicity living in the territories of countries of the former USSR who either personally or whose parents had lost Polish citizenship or who expressed a "sense of [Polish] national identity". Under Art. 2 of the Law, Polish consuls may issue the Card to an applicant who demonstrates "at least basic proficiency in the Polish language (...) and is familiar with as well as carries on Polish traditions and customs" while meeting one of the following criteria:

- one of the applicant's parents or grandparents or both great-grandparents had Polish ethnicity;
- local Polish minority/diaspora organisation will issue a written certificate that the applicant was "actively engaged in activities supporting Polish language, culture or ethnic minority".

The consul will issue a Card only upon the applicant's signature of the written Declaration of Membership in the Polish Nation. While the Polish Card does not confer Polish citizenship, Card holders are granted several rights on the territory of Poland which provide equal treatment with Polish citizens:

- employment without the need to apply for work permits;
- establishing and running a business;
- undertaking studies and research;
- emergency medical care;

- preferential rates for riding on public transport.

Card holders may enter Poland upon receipt of a D-type national visa (*wiza krajowa*). Visas are issued free of charge and authorise legal stays in Poland for a period of between 91 and 365 days (Art. 59.3 of Act on Foreigners of 13 December 2013). In 2015, an amendment to the Law on Foreigners granted the right for all Polish Card holders “who intend to settle in the territory of the Republic of Poland” to apply for permanent residence (Art. 195.1 of the Law).

The Table 7 shows the dynamics of the Polish Cards issued by three Polish consulates in Belarus.<sup>12</sup> Data for the period since 2016 are not available. The Ministry of Foreign Affairs in its annual Report of the Polish Consular Service for 2016 gave the total of all Cards issued worldwide – 27,634. The Reports for 2017 and 2018 give only the number of Card applications received at Polish consulates worldwide: 30,682 in 2017 and 37,514 in 2018. The Ministry noted in the 2016 report that it expected a rise in the numbers of applications due to the expiry of the 10-year period of the Card's validity.

### 2.3.4. Facilitation of short-term mobility

Another set of measures facilitating circular migration consists of consular services targeting in particular the residents of two regions neighbouring

**Table 7.** Numbers of Polish Cards issued by Polish consulates in the Republic of Belarus, 2013-2015

Consulate /Year	2013	2014	2015
Minsk	3,947	3,814	3,863
Hrodna	4,466	5,321	6,453
Brest	4,442	2,030	2,013

Source: Annual Reports of the Polish Consular Service

Poland (Hrodna and Brest). As it will be shown in the analysis below, approximately 60% of all visa applications were placed at the Polish consulates in these locations.

Belarus is serviced by three Polish consulates: in Minsk, Hrodna, Brest. The Hrodna and Brest<sup>13</sup> consulates serve applicants from their respective regions while the consulate in the capital city accepts applications from the rest of the country.

The country accounts for a large share of all visas issued by Polish consuls. For instance, in 2016, nearly 400,000 out of the total of 1,267,000 visas issued by Polish consulates were issued in Belarus. Data are only available for the largest Polish consulate – in Minsk – for 2017 and 2018.

Considering the rising interest in visas into the EU, and Poland in particular, among Belarusian nationals in the country's regions which are not covered by the Polish consular network, another

12 Applications may also be submitted in Poland to the Governor of the Podlaskie Region (Wojewoda Podlaski) in Białystok. See: <https://www.gov.pl/web/uw-podlaski/informacja-dot-karty-polaka-oraz-wzor-wniosku> (last accessed on 20.02.2021).

13 For more information please go to: <https://www.gov.pl/web/bielarus/embassy-consulates> (last accessed on 20.01.2021).

channel for lodging visa applications has opened. In addition to the regular procedure at the three Polish consulates, applications for Polish visas may be placed at 8 other locations throughout the country. Based on an agreement with a private agent, VFSGlobal, visa centres were opened in Minsk, Mohylau, Homel (within the Minsk consular district), Hrodna, and Lida (Hrodna consular district) as well as in Brest, Baranovichy, and Pinsk (Brest consular district).<sup>14</sup> The consulates outsourced the following services to the visa centres:

- general information provision;
- acceptance of applications, collecting biometric data and submission of applications to the consulates;
- collection of visa fees;
- scheduling visits for placing applications;
- handing over travel documents to and from the consulate.

Applicants in Belarus may therefore submit their applications by scheduling visits to either a visa centre or the Polish consulate.

**Table 8.** Number of visas issued by Polish consulates in the Republic of Belarus, 2013-2018

Consulate/Year	2013	2014	2015	2016	2017	2018
Minsk	131,235	161,692	160,249	169,139	188,251	184,403
Hrodna	107,269	116,179	111,483	115,598	n.a.	n.a.
Brest	108,222	124,152	126,588	113,385	n.a.	n.a.

Source: Annual Reports of the Polish Consular Service

<sup>14</sup> For more information please go to: <https://www.vfsglobal.com/poland/belarus/Polish/Jurisdictions.html> (last accessed on 20.01.2021).

## 2.4. Prospects for circular migration cooperation with Belarus

Poland has some clear and lasting advantages over the other countries under study as a destination for circular migrants from Belarus (Table 9). The most fundamental is the ease of access to the territory (on account of geographic proximity and developed bus and train connections), matched by a relatively liberal system of residence and work legalisation. Second, the country

has the highest share of migrants from the post-Soviet area on its labour market (predominantly from Ukraine), and it has developed a basic set of instruments for attracting and retaining migrant workers from that geographic region. Finally, the Polish economy is

largely made up of small and medium-sized enterprises in a variety of sectors, which continue to be in need of a relatively low-cost but increasingly qualified workforce in order to meet rising demand for their products and services, both internally and in the EU. All these factors have stimulated labour migration, predominantly of a circular nature, from several countries in Poland's eastern neighbourhood, including Belarus.

However, policy and administrative measures have often not caught up with these organic migratory processes. Successive Polish governments have

so far not been able to define their overall migration policy objectives, which would be generally upheld, and as a result have not put together a comprehensive framework for facilitating circular migration that would integrate the various measures currently in place (legalisation of stay, opportunities for employment, education, entrepreneurship). Most significantly, however, all

**Successive Polish governments have so far not been able to define their overall migration policy objectives, which would be generally upheld, and as a result have not put together a comprehensive framework for facilitating circular migration that would integrate the various measures currently in place.**

these measures have a unilateral character, expressing the Polish government's and business's needs and concerns, and have not been complemented by robust and sustained dialogue with Belarusian counterparts (national and local authorities, employers, or social

partners) on a system that would provide for "win-win" outcomes for both sides. This gap is becoming more and more apparent as the volume of migrant flows increases, fuelled by stagnation in the Belarusian economy and continued growth in Poland, stimulating further labour immigration.

The onset of the COVID-19 pandemic and the resulting mobility restrictions on the one hand and the socio-political instability and economic problems experienced by Belarus on the other hand may signal this is an appropriate time for taking stock of the current measures for facilitating

circular migration between the two countries. It appears that, overall, there are more opportunities than threats with regard to labour migration from Belarus to Poland, which would be mutually beneficial. First, given Belarus' limited ability for providing employment opportunities that would meet the growing aspirations of at least some segments of its youth, a larger and more diverse Polish labour market might offer opportunities for higher incomes and much-valued professional experience. Second, the growing interest among young Belarusian professionals (e.g., in the IT field) to relocate to the EU could be met by putting in place dedicated

**Given Belarus' limited ability for providing employment opportunities that would meet the growing aspirations of at least some segments of its youth, a larger and more diverse Polish labour market might offer opportunities for higher incomes and much-valued professional experience.**

incentives for entrepreneurship in Poland. Given Poland's geographic proximity, such schemes could in the future be made to stimulate circular migration (e.g., by promoting internships for Belarusian students or graduates) and the eventual development of business-to-business ties with Belarus. Other opportunities lie in the reduction of administrative barriers (shortening of actual legalisation periods) or in the regulation of vital issues (such as social security and pension transfer).

**Table 9.** SWOT analysis for facilitation of circular migration from Belarus to Poland

STRENGTHS	WEAKNESSES
<p>Geographic, language, and cultural proximity and presence of Belarusian diaspora.</p> <p>Continued demand in diverse segments of the national labour market.</p> <p>Long-standing measures, facilitating access to the labour market and offering legal opportunities for extending stay and work.</p>	<p>Absence of overall long-term migration strategy.</p> <p>Limited administrative capacities for legalisation of residence, resulting in long processing times.</p> <p>Simplified forms of employment continue to be misused by a minority of applicants, requiring stronger oversight.</p> <p>Frozen political dialogue between the governments, reducing potential for working out bilateral agreements.</p>
OPPORTUNITIES	THREATS
<p>Faster and more dynamic recovery of economic activity, especially if Belarus is strongly affected by post-COVID-19 recession.</p> <p>Relocation of Belarusian start-ups (in particular, in the IT field).</p> <p>Rising enrolment of Belarusian students at Polish universities and colleges and their interest in taking up jobs/opening businesses in Poland.</p> <p>Increased interest of women in migrant work (e.g., in domestic care).</p> <p>Need for introducing and implementing social security agreements.</p>	<p>Mobility restrictions (e.g., as COVID-19 prevention or exit barriers) for Belarusian nationals.</p> <p>Protracted slump in demand for labour in services and commerce due to extended COVID-19 restrictions.</p> <p>In the short term, a possible shift in Poland toward using local labour resources and as a result, a shift toward a more selective and restrictive labour migration policy.</p>

Source: Authors' own elaboration

# Recommendations

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To ensure better tracking of the flows of Belarusian migrants into Poland, the **Main Statistical Office** should run regular consultations with the main state institutions, maintaining registers of foreign residents and migrant workers in Poland, in particular the **Ministry of Internal Affairs and Administration, regional (provincial) offices (województwie) and the Ministry of Economic Development, Labour and Technology**. The consultations should help reveal gaps and inconsistencies in sets of administrative data, indicate needs for collecting additional sets of data and ensure the ever closer harmonisation of methods of collection and analysis.

The **Ministry of Internal Affairs and Administration** needs to carry out consultations with the main stakeholders in the process of recruitment, admission, placement, and protection of the rights of migrant workers from Belarus in order to make sure that the draft National Migration Strategy considers the key issues associated with the circular migration of that group and provides for the closer inter-institutional coordination of administrative procedures.

The **Ministry of Foreign Affairs** is advised to collaborate with the **Ministry of Economic Development, Labour and Technology** on assigning well-trained staff to Polish consulates in the Republic of Belarus. The staff should be well versed in the legal procedures of the employment of migrant workers and should avail themselves of

the most up to date information from regional employment offices concerning labour opportunities and required qualifications.

The **Ministry of Foreign Affairs** could organise a round table with the **Local Government (Samorząd) of the Podlaskie Province**, inviting representatives of the Belarusian diaspora, local entrepreneurs, and the local governments (*starostowie*) of the counties (*powiaty*) along the border with the Republic of Belarus. The round table could develop proposals for a roadmap toward negotiating bilateral local mobility schemes, acknowledging the experience gained from the implementation of “small border traffic agreements”.

The **Ministry of Economic Development, Labour, and Technology** should initiate talks with the **Ministry of Labour of the Republic of Belarus** on the scope and provisions of agreements on social security.

The **Ministry of Science and Higher Education** (Department of International Cooperation) in collaboration with the **Ministry of Economic Development, Labour and Technology** should conduct a review of the barriers to the recognition of the vocational skills and professional qualifications of nationals of the Republic of Belarus on the Polish labour market. The recommendations from the review could be the basis for proposals for initiating talks on bilateral agreements with Belarus.

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# 3. CZECH REPUBLIC

Šárka Prát

## 3.1. Short-term labour immigration 2010-2019

### 3.1.1. Statistical trends for Belarusian migration

Roughly half a million foreign nationals reside currently in the Czech Republic, mainly for economic purposes. The largest groups of foreigners by nationality among all foreign immigrants in the Czech Republic in 2019 were: Slovaks (21.2%), Ukrainians (16%), Vietnamese (10.4%), and Russians (10.4%) (Czech Statistical Office, 2020a).

An analysis of statistical data from the Ministry of Foreign Affairs, the Czech Statistical Office, and the Office for Personal Data Protection on Belarusian immigration to the Czech Republic between 2010 and 2019 reveals an interesting trend. Belarusians have increasingly become more interested in short-term stays and employment in the Czech Republic. This trend reflects an increased interest of Belarusian migrants in circular migration.

Data from the Ministry of Foreign Affairs show an overall increase in short-stay visa applications (for stays up to 90 days; see Table 1). In 2019, there were 21,266 requests for short-stay visas, 4,453 more than in 2010. The only decrease in the number of visa applications occurred in 2016 – 9,283 were submitted, as compared to the previous year which recorded almost 12,000 applications.

However, in 2017 there was again an increase, and in 2019, the number of applications almost doubled year-over-year.

**Since 2019, short-stay visas for employment have become more popular, with approximately 200 to 300 applications per month stating this as the purpose of stay.**

The most common declared purpose of stay for a short-term visa is tourism, which usually refers to recreational visits of over two weeks. More importantly, however, is that since 2019, short-stay visas for employment have become more popular, with approximately 200 to 300 applications per month stating this as the purpose of stay.

**Table 1.** Short-stay visas (up to 90 days) for Belarusians in 2010-2020 (as of 14<sup>th</sup> March)

	Applications	Granted	Not granted
2010	16,813	16,545	n/a
2011	14,338	14,326	n/a
2012	15,499	15,458	n/a
2013	16,247	16,260	n/a
2014	18,135	18,084	n/a
2015	11,944	11,925	n/a
2016	9,283	9,259	12
2017	10,088	9,818	7
2018	12,858	12,780	12
2019	21,266	21,014	50
2020 (until March <sup>1</sup> )	2,470	2,473	10

Source: Ministry of Foreign Affairs (2021a)

**Table 2.** Long-term visas (over 90 days) for Belarusians in 2010-2020 (as of 14<sup>th</sup> March 2020)

	Applications	Granted	Not granted
2010	n/a	n/a	n/a
2011	276	126	117
2012	221	129	108
2013	267	172	81
2014	197	161	49
2015	188	140	48
2016	207	176	29
2017	291	247	35
2018	318	268	35
2019	434	374	40
2020 (until March <sup>1</sup> )	97	53	13

Source: Ministry of Foreign Affairs (2021a)

Looking at long-term visa applications (for stays of over 90 days to one year) from citizens of Belarus during 2010-2020 (Table 2), it may be observed that the number of applications has remained fairly stable, with a recent increase. The highest number of applications (434) was received in 2019, of which 374 were granted. Belarus is again

among the top 10 countries whose citizens apply for a long-term visa to the Czech Republic. The most common declared purpose of stay for this type of visa is long-term educational activities in the Czech Republic (identified as study or other educational activities). This is followed second by family reasons.

1 With effect from 14 March 2020 until further notice, the Government of the Czech Republic decided, following the outbreak of Covid-19, to stop accepting applications for short-stay visas and long-term residence permits at all Czech embassies and to suspend all proceedings on applications for residence permits over 90 days. From 12 May 2020, a number of Czech diplomatic offices abroad resumed accepting visa applications (see: <https://www.schengenvisainfo.com/news/czech-diplomatic-offices-abroad-resume-accepting-visa-applications/>, last accessed on 20.01.2021). However, as of 3 December 2020, it has been decreed by the Ministry of Health "not to receive applications for visas and temporary and permanent residence permits at the embassies of the Czech Republic in third countries that are not on the list of countries with a low risk of transmission of COVID-19 under clause III.1," with several exceptions (see: <https://www.mvcr.cz/mvcren/article/conditions-for-entry-to-the-czech-republic-valid-from-november-9th-2020.aspx>, last accessed on 20.01.2021).

**Table 3.** Long-term residence permits issued by the Embassy of the Czech Republic in Minsk

	Applications	Granted	Denied
2012	89	92	6
2013	89	72	14
2014	149	138	19
2015	204	165	23
2016	373	259	29
2017	696	545	152
2018	1,369	1,179	179
2019	1,427	1,327	157
2020 (as of March)	168	78	34

Source: Ministry of Foreign Affairs

Data on long-term residence permits are presented in Table 3. Czech law defines the duration of a long-term residence permit minimally at one year; it does not specify the maximum time as it can vary depending on the reason for the permit (Act regulating the stay of foreigners in the Czech Republic, 30.11.1999, n. 326/1999). Belarusians can apply for a long-term residence permit at the Czech Embassy in Minsk. An “employment card” replaces a long-term visa if the purpose of stay is employment and its holder is entitled to both reside in the Czech Republic and to work in the job for which the card was issued. The number of applications for this type of stay for Belarusian citizens has been growing significantly. In recent years, Belarusian citizens

**In recent years, Belarusian citizens have been applying for an employment card almost exclusively.**

**Table 4.** Number of Belarusians who obtained Czech citizenship between 2010-2018

	Total	Including refugees
2010	31	16
2011	36	21
2012	49	25
2013	53	15
2014	137	4
2015	94	6
2016	136	4
2017	215	9
2018	139	6

Source: Czech Statistical Office

have been applying for an employment card almost exclusively.

To present a complete picture, Table 4 shows the number of Belarusians granted citizenship status between 2010-2018.

The dynamics of the economic activities of Belarusians as registered by the Czech Statistical Office, which includes employment, labour office registration, and trade licences issued (i.e., permits to own a business in the Czech Republic), is shown in Table 5. The number of employed Belarusians in 2018 was four times higher than that of 2010. It can also be observed

**Table 5.** Belarusians working in the Czech Republic between 2010–2018 (as of 31 December)

	Total employed	Including: registered at labour office	Including: holding a valid trade licence
2010	1,553	1,145	408
2011	1570	1,129	441
2012	n/a	n/a	446
2013	n/a	n/a	449
2014	n/a	n/a	468
2015	2,113	1,599	514
2016	2,499	1,934	565
2017	3,923	2,679	614
2018	4,654	4,012	642

Source: Czech Statistical Office

that more Belarusians work for someone rather than independently.

In summary, the number of Belarusians migrating to the Czech Republic has been steadily increasing. Most importantly, since 2018, there have been 200–300 Belarusians per month applying for short-stay visas with the purpose of employment (69% of short-term visas in 2018). The Czech Republic is becoming a more popular destination for Belarusians interested in taking up a short-term or long-term job abroad.

### 3.1.2. The profile of circular migrants

The vast majority of circular migrants in the Czech Republic take up low-skilled, often highly

physically demanding jobs. The most common professions among migrants are factory worker, digger, bricklayer, handyman, cleaner, driver, agricultural worker, and domestic help (Pešková, 2006, p. 70). In general, they are the professions that do not require any particular education or advanced knowledge of the Czech language.

The manufacturing and construction sectors are presumed to have the most potential for the future of Belarusian circular migration to the Czech Republic for two key reasons. First, work in these sectors requires limited training prior to the start of the job. This means that it is viable to keep workers only for a limited time or for particular work projects, so the labour of circular workers may be used effectively. Second, the nature

of the jobs in these sectors is very demanding and often dangerous; therefore, not many Czech citizens are willing to perform them. Circular migration is crucial for these sectors. Without it, employers in these sectors would have trouble finding enough workers to fill the necessary positions.

Migration from Ukraine can serve as a comparative example to migration from Belarus. Ukrainians account for a significant share of all circular migrants in the Czech Republic – over 158,000 Ukrainian nationals worked in the Czech Republic in August 2020 and, according to the Ministry of Interior, Ukrainians represented 41.4% of all non-European Union (EU) nationals living in the Czech Republic as of the end of August 2020 (Ministry of Interior, 2020). Data from the Czech Statistical Office (CZSO) from July 2020 show that 28% of Ukrainians were working in the

manufacturing sector and 18% in the construction sector (Czech Statistical Office, 2020a). Concerning Belarusians, the statistics are similar: 29% and 13% in the manufacturing and construction sectors, respectively (Ibid.).

Many Ukrainian and Belarusian migrants experience harsh working conditions and discrimination at work. It is common for them to work 10- or 12-hour shifts, and even during the weekends (Trbola & Rákoczyová, 2010, p. 54). According to the Czech Statistical Office, the average working week for Ukrainians is about 47 hours (9.5 hours per day) and the gross average salary is CZK 27,000 (roughly 1,020 EUR) per month (Vyhliđal et al., 2017, p. 35-40). Furthermore, some migrants are forced to work outside in unfavourable weather conditions (including in the rain and cold) on construction sites and must endure a health-threatening environment in factories. These rough conditions can often lead to injury or illness (Ibid.).

The issue with subpar working conditions arises mainly because work contracts are often informal (up to 50% of all contracts), and, therefore, migrant workers cannot rely on legal protection the way Czech workers can (Drbohlav, 1999). Rather than going through the lengthy and complicated process of visa acquisition, some employers opt for informal arrangements with migrant workers.

An additional factor that makes the position of circular migrants precarious is the lack of social

security due to the limited time they spend in the Czech Republic. Circular migrants lack social networks that would help them achieve stable living conditions, which is further reinforced by the language barrier. The newly arriving migrants are not able to find suitable accommodation, and many of them report that it is very hard to initially find job openings, that is why they often have to rely on “clients” (European Migration Network, 2010 p. 36). Clients are individuals or organisations that promise to help migrants to find accommodation, obtain residence permits, and find jobs in exchange for a portion of the migrants’ salary (usually around 20%) (Topinka et al., 2010). Although seemingly beneficial for both sides, the “client

**Circular migrants lack social networks that would help them achieve stable living conditions, which is further reinforced by the language barrier.**

system” can be highly exploitative for migrants and often is tied with organised crime (Nekorjak, 2009). This phenomenon can be observed particularly in the Ukrainian community, but it is very likely that it will emerge also in the case of Belarusian migrants. The “client system” should be regulated, as it can potentially put migrants into a disadvantageous position and foster illegal activity. As the language barrier and lack of social security are the two main root causes of the system, circular migration policy should focus on these two issues.

Still, despite relatively unfavourable working environments, circular migrants are experiencing considerable improvement in comparison to what they experience in their own country, and the majority of them aim to obtain long-term visas in the Czech Republic (Peřková, 2006).

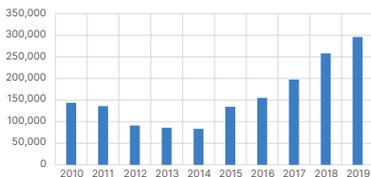
## 3.2. Labour market demands between 2010-2019 and beyond

The unemployment rate in the Czech Republic is exceptionally low compared to other EU Member States. It has been declining over the past 10 years (Chart 1), and as of October 2020, it was only around 2.9% (Czech Statistical Office, 2020b).

At this point it must be noted that foreigners, particularly third-country permanent residents, account for more than 12% of those employed and this relatively high share means that the productive capacity of the labour market can be maximised only with foreign workers. In this context, continued demand from Czech employers for foreign low-skilled labour might be expected as one of the ways to fill the current vacancies.

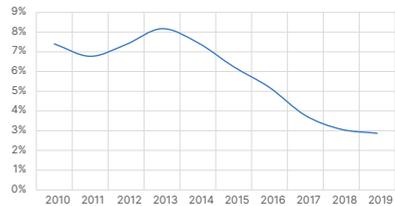
However, the 2020 COVID-19 pandemic has temporarily stopped the increasing circular migration from Belarus and other countries. Due to two consecutive quarters of economic slowdown, the Czech Republic officially entered into an economic

**Chart 2A.** Total number of employed third-country nationals (TCNs) in the Czech Republic between 2010-2019



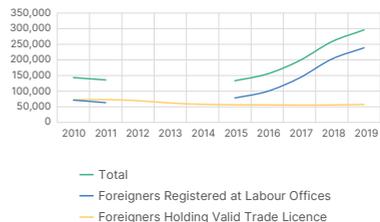
Source: Czech Statistical Office

**Chart 1.** Annual unemployment rate (%) in the Czech Republic between 2010-2019



Source: Czech Statistical Office

**Chart 2B.** Total number of employed third-country nationals (TCNs) in the Czech Republic between 2010-2019 (including foreigners registered at labour offices and foreigners holding valid trade licences)



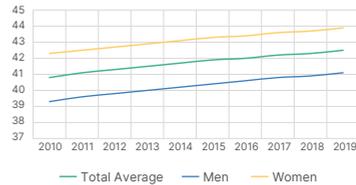
Source: Czech Statistical Office

Note: Due to data integration of the information systems of the Ministry of Labour and Social Affairs, data on foreigners registered at labour offices are unavailable for years 2012-2014 in the breakdown.

recession in June (Jáč, 2020). In the first half of 2020, Czech GDP dropped by more than 10% (Lidovky.cz, 2020) as compared to the same period in 2019. It was the highest drop recorded since 1989. Inflation figures for the Czech Republic have been among the highest in Europe, running over 3% since November 2019. Moreover, the Czech National Bank (CNB) loosened its monetary policy which is not conducive to bringing down inflation anytime soon (Czech National Bank, 2020).

The demographic position of the Czech Republic is dire. In the last 20 years the birth rate has been steadily declining, and the population has been gradually ageing (which is a common trend in more developed countries) (Drlík, 2007). The average age has increased from almost 41 years to

**Chart 3.** Average age of the Czech population between 2010-2019



Source: Czech Statistical Office

almost 42 years in the period of 2010-2019 (Chart 3) and this trend is expected to continue. A gradual decrease of the size of the productive-age population (persons aged 15-64) is also taking place and it is projected that it will decline by more than one million by 2050 (Horáková, 2004).

## 3.3. Policy responses

### 3.3.1. Migration policy

Since the 2015 migrant crisis, all Visegrad countries have taken a rather cautious approach to immigration. The Czech Prime Minister Andrej Babiš and President Miloš Zeman share the same view over EU policy regarding migration from Africa and the Middle East: no EU refugee quotas, low numbers of immigrants from these regions, and low numbers of immigrants with permanent residence. This being said, there is no indication whatsoever

of opposition toward circular migration, especially from Eastern Europe. In November 2019, Prime Minister Babiš and Ukrainian President Volodymyr Zelensky agreed that the influx of Ukrainian citizens to the Czech Republic has a temporary nature, and that the workers are expected to eventually return back to Ukraine. Minister of Industry and Commerce, Karel Havlíček, stressed the vital importance of Ukrainian workers for the Czech economy (Kopecký, 2019).

Czech migration policy, primarily formulated by the Ministry of Interior, was officially set by the government on 29 July 2015 by Resolution no. 621. Seven principles define the character of Czech policy towards the immigration of third-country nationals:

#### **“The Czech Republic**

1. will fulfil the obligation within its migration policy to secure peaceful coexistence of its citizens and foreign nationals, and through effective integration, it will prevent the emergence of negative social phenomena;
2. will secure the safety of its citizens and effective law enforcement in the field of illegal migration, return policy, and organised crime associated with people smuggling and human trafficking;
3. will meet its commitments in the area of asylum and provide flexible capacity of the asylum system;
4. will strengthen its activities in order to provide assistance to refugees abroad and to promote the related prevention of further migration flows, including support for the development of countries in managing migration crises;
5. will promote the maintenance of the benefits of the free movement of persons within the European Union and the Schengen Area;
6. will support legal migration which is beneficial to the state and its citizens so that the Czech Republic can respond flexibly to the needs of its labour market and reflect the long-term needs of the state;
7. will fulfil international and EU obligations in the field of migration, and will actively participate in the all-European debate and search

for common solutions (Ministry of the Interior, 2015, p. 2).”

These principles are primarily based on the commitment of the Czech government to fulfil its international obligations and duties related to the Czech Republic’s membership in the EU. Ensuring national security is a guiding idea of the document.

The sixth principle, the most important from the point of view of circular migration, shows the insistence of the government to use migration as a tool to respond to the needs of the Czech labour market. Migration policy should provide effective tools for regulating the migration of skilled workers from third countries to ensure a sufficient match between supply and demand on the Czech labour market. In practice, this means that migration policy should ensure a sufficient number of qualified employees for Czech companies and attract foreign investors to the Czech Republic.

The current policy claims to allow a flexible reaction to the current needs and resources of the state, including, among others, implementing inter-company corporate transfer programmes and seasonal employment, setting national quotas for controlled economic migration, and establishing a system of employment cards for foreign nationals (Ministry of the Interior, 2020).

### **3.3.2. Management of circular migration**

Although the concept of circular migration has been gradually introduced to Czech policy over the last decade, the government has not designed any dedicated plan to support it. However,

this does not mean that circular migration did not take place, as part of the migration inflow to the Czech Republic has a circular character (European Migration Network, 2010, p. 8).

However, although the concept of circular migration does not appear in either the legislation or strategic documents, the government has recognised the need to react flexibly to the changing needs of the national labour market by introducing some instruments that facilitate this type of movement. The new amendment to the Act on the

Residence of Foreigners in the Czech Republic, promulgated on 16 July 2019, contains significant changes to migration processes, such as the introduction of an extraordinary work visa. The amendment allows the Czech government to temporarily activate the issuance of extraordinary work visas limited to specific source countries of foreign workers, economic sectors facing labour shortages, or even setting a target volume of required migration.

The process itself is on a case-by-case basis where the government decides if the visas should be issued and what the exact terms of the visa application will be. The visas are issued for a maximum period of one year and cannot be renewed; it also is not possible to apply for another residence permit in the country while holding this

visa (Euraxess, 2019). It is set up to directly provide support to employers who need to bring qualified foreign workers to the Czech Republic. Officials; service and sales workers; skilled workers in agriculture, forestry, and fishing; craftsmen and repairers; machine and equipment operators; and fitters can apply for the visa (Ministry of Industry and Trade, 2019). Following the 2019 regulation,

**Migration policy should provide effective tools for regulating the migration of skilled workers from third countries to ensure a sufficient match between supply and demand on the Czech labour market.**

the Czech government approved a new extraordinary work visa for Ukrainian nationals working in the agriculture, forestry, and food industry on 1 December 2019 with a total capacity of 1,500 Ukrainians per

year (Czech Embassy in Kiev, 2019).

The idea of the extraordinary work visa is to support circular migration – the temporary stay of a foreigner from a third country with the subsequent return to their home country. Thus, this type of visa is not a residence permit leading to the permanent residence of a foreigner but rather responds to the current needs of the labour

market (Daněk, 2019).

There is a preference for seasonal movement and the ability to react quickly to the changing demands of the market rather than the long-term settlement of mi-

grants. By introducing this instrument, the Czech government is taking a step towards a circular migration scheme.

**The government has recognised the need to react flexibly to the changing needs of the national labour market by introducing some instruments that facilitate circular migration.**

Czech migration policy aims to fill the gaps in the local supply of labour, considering the lack of a less-qualified labour force that the Czech Republic is experiencing. This applies mainly to the sectors of construction, manufacturing, wholesale and retail trade, the repair and maintenance of motor vehicles, as well as the service sector, including hotels and restaurants. This is emphasised by the fact that the Czech Republic is a very popular destination for foreign direct investment (FDI), of which 30% goes to manufacturing, which inflates the need for this particular type of labour.

Yet, the Czech trade unions have not been that welcoming towards circular migrants. A situation arose during the financial crisis of 2008-2009 when the biggest trade union (ČMKOS) declined to “fight for the rights of foreigners” as foreign workers were not members of that particular union (Čižinský et al., 2014, p. 18-20). Generally, foreign workers have the right to join a trade union, but the temporary character of their stay usually prevents them from doing so (Kučera, 2015). During the economic crisis, trade union directors also expressed fear of lowering the standards of worker protection due to the increasing portion of foreign seasonal workers. Foreign seasonal workers were willing to take jobs with a lower salary and were not concerned about their own rights and safety.

**Czech migration policy aims to fill the gaps in the local supply of labour, considering the lack of a less-qualified labour force that the Czech Republic is experiencing.**

### 3.3.3. Relevant policy instruments

Citizens of third countries, including Belarus, can legally stay in the Czech Republic on the basis of several instruments (Czech Statistical Office, 2019b), including short-term visas (up to 90 days) and long-term visas (90 days to one year).<sup>2</sup> In addition to a visa allowing a legal stay, third-country nationals who intend to work in the Czech Republic should also have one of the following documents:

- work permit;
- work permit with regard to the conditions on the labour market;
- employment card (single stay and work permit);
- Blue Card ;
- trade licence.

Short- and long-term visas can be issued for various purposes, including for seasonal work, which is often performed by circular migrants. Belarusians can apply for a Schengen (short-term) visa at any embassy of the Czech Republic. For long-term visas, Belarusians must submit applications to the Czech Embassy in Minsk (or in the country of long-term or permanent residence of the migrant).

2 Short stay on the basis of a short-term visa, long stay on the basis of a long-term visa, stay on the basis of a long-term residence permit, stay on the basis of a permanent residence permit, stay on the basis of a granted asylum, stay on the basis of a granted subsidiary protection, stay on the basis of a temporary protection, stay on the basis of an application for international protection, stay on the basis of an application for temporary protection.

As of 1 September 2019, the Government of the Czech Republic introduced annual quotas for employment cards and long-term visas for business purposes to secure labour for the Czech labour market and to develop targeted economic migration (Regulation No. 220/2019 Coll. of 26 August 2019). The main goal of targeted economic migration is to facilitate the influx of skilled labour from selected countries to the Czech Republic, particularly of medium and low-skilled

professions in CZ-ISCO categories 4-8 (plumbers, electricians, bricklayers, cooks, barkeepers and waiters, drivers, fitters, dressmakers, gardeners, and machine operators) (Ministry of Industry and Trade, 2020).

Applications for long-term visas for business purposes are under the responsibility of the embassies and some other associations (including regional economic chambers, the Confederation of Industry of the Czech Republic, and the Confederation of Employers' and Entrepreneurs' Associations). Quotas for both employment cards and long-term visas for business purposes cannot be exceeded, meaning that the embassy may not accept more applications than stipulated in the government decree. Also, both quotas are to be distributed evenly over 12 months (Ministry of Foreign Affairs, 2021).

An annual quota of 1,000 applications for employment cards and 24 applications for long-term business visas has been set for the Embassy of the Czech Republic in Minsk. The importance of

**As of 1 September 2019, the Government of the Czech Republic introduced annual quotas for employment cards and long-term visas for business purposes to secure labour for the Czech labour market and to develop targeted economic migration.**

Belarus as a country of origin can be well illustrated when compared to other countries. For instance, Ukraine has been assigned substantially more – 42,320 – applications for employment cards, and 48 applications for long-term business visas. Mongolia has been assigned 1,200 applications for employment cards and 12 applications for long-term business visas. India was given 1,200 applications for employment cards and 24 applications for business visas.

Interestingly, Vietnam, which has a large immigrant community in the Czech Republic, has not been assigned any spots for long-term business visas, while being granted 200 applications for employment cards. Lastly, Russia, a country whose citizens also form a significant minority in the Czech Republic, has been granted 150 applications for long-term business visas, but no applications for employment cards (Government decree n. 220/2019, *Zákony pro lidi*).

Concerning circular migration, the most relevant work permit is a permit with regard to the conditions on the labour market. It is granted by a regional labour office to a foreigner who wants to be employed in the Czech Republic, given they meet certain conditions, including those who:

- plan to undertake seasonal work for the period of six months as a maximum in any period of 12 successive months, when it applies to activity depending on a season (the list of occupational branches which include activities

depending on a season is determined by the Ministry of Labour and Social Affairs);

- plan to undertake short-term employment of up to three months (Czech Statistical Office, 2020f).

### 3.3.4. Social security and health insurance

Another important element facilitating circular migration is access to social security. International social security treaties are a commonly used means of social security coordination. Their basic purpose is to ensure the rights of people migrating between two contracting states. Social security agreements can significantly affect the lives of foreigners in the Czech Republic, for example in regard to granting old-age pensions and social benefits. In 2018, an agreement was signed with Belarus, which entered into force on 1 October

2019. This agreement “is likely to raise the attractiveness” of the Czech market as social benefits will extend to the Czech Republic as well (Ibid.).

Access to public health insurance is granted to citizens of the Czech Republic and other EU Member States, holders of long-term and permanent residence permit, or persons who have a work agreement with a company registered in the Czech Republic. However, this is not the case for third-country circular migrants, which is potentially problematic, as getting injured while performing the usually physically demanding job might be detrimental for them (Hnilicová, 2016). Without insurance, circular migrants might not be able to fund the necessary treatment and consequently end up in debt. In the case of an illness or an injury, the circular migrant would thus be most likely forced to return to their native country for treatment.

## 3.4. Prospects for circular migration cooperation with Belarus

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Although it is too early to assess the impact of the recently adopted measures relating to circular migration – particularly bearing in mind the extension of extraordinary work visas for Belarusian migrants (CzechInvest, 2020) – it is clear that they constitute a step towards establishing a more effective circular migration scheme. As emphasised earlier, the main goal regarding circular migration is to ensure a sufficient match between

supply and demand on the Czech labour market with minimal tension between native citizens and migrant workers. Targeted instruments such as extraordinary visas are well-suited for this purpose, as they allow for a careful selection of foreign workers with skill sets that are currently necessary on the job market. The Czech government should look for an opportunity for the bilateral provision of such visas with the Republic of

Belarus. In this context, the Ministry of Industry and Commerce should also strengthen its cooperation with the Department of Asylum and Migration Policy,<sup>3</sup> under the general supervision of the Czech government.

The process of issuing visas should also be made more efficient. Visas should be issued first for work in the manufacturing and construction sectors. A particular focus should be put on seasonal jobs and project-based jobs, which can truly benefit from the short-term nature of circular migration.

It is necessary to make the process of issuing visas as simple and transparent as possible for the sake of both migrants and Czech employers. Otherwise, it might become a costly bureaucratic obstacle, which would not help to achieve the desired goal. The aim

is to open up legal pathways to employment for circular workers that would be as simple as the informal pathways, while preventing the irregular entry of workers from third countries. Apart from the clear legal consequences, this is also desirable from an economic standpoint as the employment of informal workers decreases potential tax returns.

There is a need to develop specifically targeted post-arrival programmes for circular workers that would provide them with basic services that are currently unavailable and make their transition into the Czech work force more efficient. Such

programmes would give advice to workers regarding orientation in the Czech Republic, such as accommodation, job security, and healthcare. Current initiatives that inform the newly arriving migrants about their legal obligations and rights, such as the three-tier information system for foreign nationals by the Ministry of Interior (Ministry of Interior, 2016), provide purely legal advice and aid.

Moreover, it is essential to monitor the conditions of job placement and actual employment. Aspects such as worktime, payment of wages, social protection, and healthcare should be ensured and monitored. Additionally, workers need to be accurately and timely informed about the existence and role of migrant associations, non-governmental organisations, trade unions, and recruitment agencies.

Based on a SWOT analysis for circular migration from Belarus to the Czech Republic (Table 6), it may be concluded that there are several strong points regarding possible cooperation between the Czech Republic and Belarus. The Czech labour market needs migrant workers in particular sectors to function optimally. This need is supported by both demographic reasons and the nature of the Czech workforce. It should be noted, however, that there are currently some risks beyond those internal to Belarus. If the mobility restrictions caused by the COVID-19 pandemic persist into 2021, the costs of transportation will rise, and the overall complexity of circular migration will intensify. Migration also have

**It is necessary to make the process of issuing visas as simple and transparent as possible for the sake of both migrants and Czech employers.**

<sup>3</sup> OAMP; a department of the Ministry of Interior responsible for executing directives on immigration.

been affected by lockdowns and subsequent business closures in some sectors, such as in the hospitality sector or for small and medium-sized enterprises.

It was underlined that circular migration can be the desired form of migration for multiple reasons, with the key reason being that the short-term nature of the stay prevents the long-term settlement of migrants. However, this is not an issue for the manufacturing and construction sectors – it is particularly suitable for seasonal and project-based jobs. As the jobs that are targeted by circular migrants are largely unwanted by Czech citizens, migrants would not “steal” jobs from the local population. Therefore, it might be concluded that circular migration is a necessary tool for the Czech government to promote market efficiency and steady economic growth.

Yet, it must be underlined that this prognosis is a long-term one, as circular migration has been considerably affected by the current situation related to the COVID-19 pandemic. During crises, as it was apparent during and after the 2008 financial crisis, lower skilled laborers are hit the hardest (Jungwirth & Harušťáková, 2019). For migrant workers, losing a job and not having savings might mean they are forced to return to their home country.

The Czech Republic has experience in cooperating on circular migration with Ukraine. Potential instruments of such cooperation with Belarus can be modelled on this experience. Extraordinary

work visas for Ukrainian nationals to work in the agriculture, forestry, and food industries could prove efficient for migrants from Belarus.

However, it must be pointed out that there are some particular challenges to cooperation with Belarus. First, Belarus is an authoritarian state, which fails to safeguard the fundamental civil and political rights of its nationals. Furthermore,

**The Czech Republic has experience in cooperating on circular migration with Ukraine. Potential instruments of such cooperation with Belarus can be modelled on this experience.**

its instability has been underlined by the widespread protests following the strongly contested presidential elections, where again Alyaksandr Lukashenka won the

presidential post, entering his 27th year in power. Given the turmoil the country is most likely going to experience in the upcoming months, it might be prudent to engage in bilateral talks only after the situation calms down. In consideration of this instability, it may be easier to continue strengthening the migration partnership with Ukraine, which already has a strong basis.

Although the number of Belarusian migrants in the Czech Republic is constantly rising, it is still relatively small. This might also prevent any more fundamental cooperation between the two countries and might limit potential cooperation to individual projects that will not be particularly influential for the Czech economy.

**Table 6.** SWOT analysis for circular migration from Belarus to the Czech Republic

STRENGTHS	WEAKNESSES
<p>As the Czech Republic faces one of the lowest rates of unemployment in the EU, many local companies are in need of circular migrants.</p> <p>Suitable worker profile of Belarusians.</p> <p>Positive experience with Ukrainian immigrants.</p>	<p>The economic impact of the COVID-19 pandemic might unpredictably influence the labour market.</p> <p>The relative number of Belarusian migrants is quite small.</p> <p>There are no systematically controlled post-arrival measures.</p> <p>Currently, legislation concerning circular migration is not fully developed.</p>
OPPORTUNITIES	THREATS
<p>Legislation could be modelled on what worked with Ukrainian migrants.</p> <p>Circular migration provides another source of labour to offset the demographic changes in the Czech Republic.</p> <p>Potential productivity boost to certain sectors.</p>	<p>The Belarusian political system does not guarantee civic and political rights (including freedom of association and expression, fair elections, independent judiciary).</p> <p>The political situation in Belarus is extremely unstable after the tumultuous 2020 presidential election.</p>

Source: Author's own elaboration

# Recommendations

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## Recommendations for the Czech authorities:

1. To formulate policy to accept higher numbers of Belarusian workers.
  2. To create a programme to assist circular migrants after their arrival to the country with settling down, and providing them with legal, psychological, and emergency assistance if needed.
- Commerce (economic aspect) in conjunction with the Ministry of Interior (security aspect). The Ministry of Foreign Affairs should assist with negotiations with the Belarusian side. General cooperation principles should be approved at the governmental meeting by the members of the government.

The objectives of cooperation with Belarus would be formulated by the Ministry of Industry and

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# 4. SLOVAKIA

Ivan Lichner, Marek Radvanský

## 4.1. Short-term labour immigration 2010-2019

### 4.1.1. Background: general overview

The share of foreign citizens residing in Slovakia is one of the lowest in the EU (Figure 1), even after a significant increase of more than 23% during 2015-2019. One of the reasons for this is that the migration policy of Slovakia has been and still remains fairly restrictive (Stojarová, 2019). This is discussed in more detail in Subchapter 3. However, other socio-economic conditions encouraging migration have been developing in a more favourable way during the last 10 years; these are described in more detail in the next subchapter. Additionally, it is difficult to distinguish between short-term migration (seasonal workers), short-term placement, and repetitive (circular) migration.

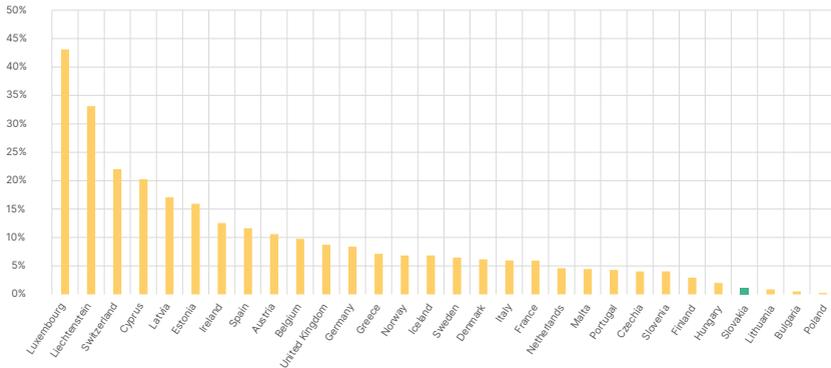
Although citizens of other European Union (EU) Member States are guaranteed similar rights as Slovak nationals regarding access to the Slovak

labour market, the number of EU work migrants remains relatively low. The main reasons for this are relatively low wage premiums and language barriers. Upon arrival to Slovakia, EU citizens are obliged to report their stay to the local police office within 10 days. If the stay is to be longer than three months, EU citizens must file a request for a residence permit and indicate the purpose of their stay, which may be for work (employment, business), study, or family reasons.

However, more significant differences in terms of access to the Slovak labour market can be observed for third-country nationals (TCNs). The purpose of their stay also needs to be justified and categorised similar to that of EU citizens. Some TCNs stay in the country regularly; this is defined as circular migration.<sup>1</sup>

In recent years, migration to Slovakia has been mainly for employment purposes, which is illustrated in Chart 2. Between the end of 2013 and

<sup>1</sup> There is no unified definition of circular migration. Usually it is defined as a repetition of migration by the same person between two or more countries (and for the purpose of work) (UNECE, 2016).

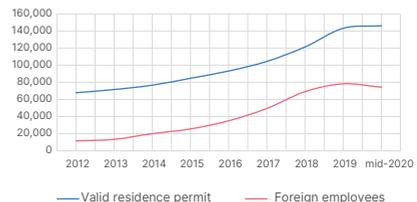
**Chart 1.** Share of foreign citizens among the total population (as of 1<sup>st</sup> January 2019)

Source: Eurostat [migr\_pop5ctz]

mid-2020, the total number of foreign employees (EU and TCNs) increased from about 13,000 to almost 75,000. This gradually increasing number of work migrants was mainly driven by the shortage of skilled workforce in the Slovak labour market during the period of significant economic growth between 2015 and 2019. During this period, Slovakia reached its historically lowest unemployment level (5.7%) and employers were forced to expand their search for new employees.

The data on foreign employees collected by the Central Office of Labour, Social Affairs, and Family (COLSAF), which partially covers the situation related to COVID-19, suggests that the observed trend was halted in the first half of 2020. The major countries of origin of foreign employees during the period of 2015–2019 were Ukraine and Serbia (Figure 3). In both of these countries, there

are substantial Slovak minorities<sup>2</sup> in a number of regions – a considerable portion of workers from these two countries originate from these communities.<sup>3</sup> Additionally, these sub-groups of TCNs enjoy low entry barriers to the Slovak labour market in two ways: language proximity and also

**Chart 2.** Number of foreign employees, monthly data

Source: COLSAF, Bureau of Border and Foreign Police

2 A special law covers this – 474/2005 Coll on Slovaks living abroad.

3 Almost 60% of employees from Ukraine and Serbia during 2015–2019 were employed without a work permit (i.e. they used an “Infocard” which is described in more detail in later in the chapter).

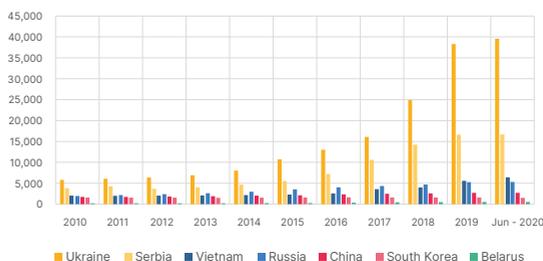
simplified legal immigration procedures (e.g. easier access to the labour market and shorter periods for processing residence permit applications – 30 days instead of 90).

The structure of TCNs employed in Slovakia by country of origin is largely historically based, with the main groups coming from Asian countries (Vietnam, China, and South Korea) or Russia. Migration from South Korea has been driven by several significant direct investments, mainly in the automotive and electro-technical sectors. Citizens from the other top countries (Ukraine, Serbia, Vietnam, Russia and China) joined the relatively high migrant stocks from the communist era, in which they arrived through educational exchange programmes but did not return to their countries of origin.

Despite considerable growth during 2015-2019, the number of Belarusians compared to those of the top six non-EU countries of origin is still relatively small.

The second main reason for immigration to Slovakia is for education purposes, and during 2010-2019, these movements increased. This involved two main trends: first, the total number of international students (EU and TCNs) almost tripled between 2010 and 2019 (3,595 regular

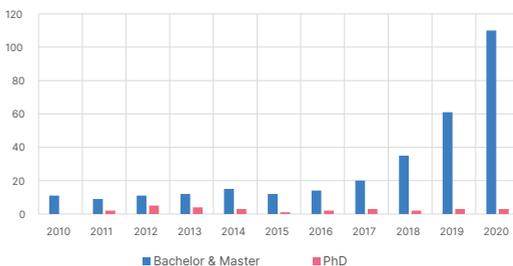
**Chart 3.** Stock of TCNs with a valid residence permit in Slovakia, as of 31<sup>st</sup> December



Source: COLSAF

Note: Data for 2020 as of end of June 2020.

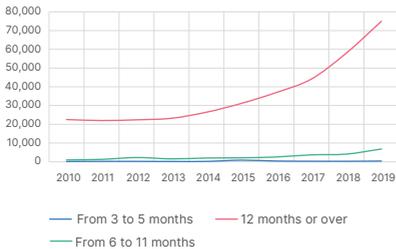
**Chart 4.** Number of Belarusian students at universities in Slovakia



Source: Center of Scientific and Technical Information of the Slovak Republic

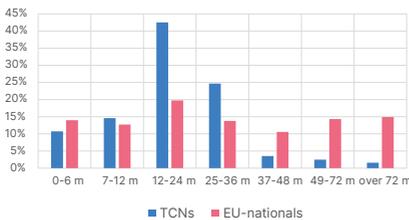
international students in 2010 as compared to 11,272 in 2019); and second, their share among all tertiary students skyrocketed from 2.6% in the 2010/2011 academic year to 12% in 2019/2020. According to Slovak legislation, foreign students may participate in the labour market if employed part-time up to 20 hours per week. When looking at Belarusian students (Chart 4), the trend over the past three years is in line with the overall development of the number of international students in Slovakia; however, the number

**Chart 5.** Valid residence permits by the length of validity on 31 December of each year, total



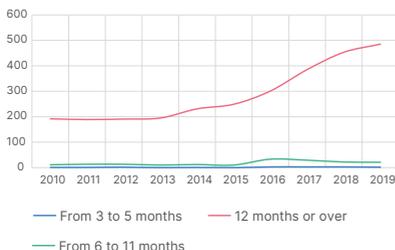
Source: Eurostat

**Chart 6.** Employed persons by duration of employment, as of 31<sup>st</sup> December 2019



Source: COLSAF

**Chart 7.** All valid residence permits by length of validity on 31 December of each year, Belarusians



Source: Eurostat

2010, there were 11 bachelor's and master's degree-level students (and no PhD-level students), and these figures increased to 112 bachelor's and master's degree-level students and 3 PhD-level students in 2020.

### 4.1.2. Migration stocks and flows

The overall structure of valid residence permits in Slovakia (Figure 5) suggests that migration flows to the country are predominantly for longer periods. This can also be supported by the fact that during the booming migration period after 2015, when the number of working migrants increased from 25,000 to more than 78,000 in 2019, the share of permits for more than 12 months in the total number of issued residence permits remained above 90%. This development can also be a consequence of bureaucracy related to the process of issuing residence permits in Slovakia. However, this should also be attributed to the shift in the behaviour of migrants towards longer-term (mainly work) migration. When permit renewals are filed, the maximum period allowed is usually requested (as result of longer second work contracts that represent one of the annexes to the application for residence permit renewal). The fact that TCNs should return to their country of origin via the border of a different EU Member State makes the identification of circular migrants even more problematic due to the fact that official data about their return travel to their country of origin, as well as information about repetitive entries, are not commonly available.

When we consider the duration of employment of foreign workers (Figure 6), there is a distinct difference between EU citizens and TCNs. In contrast to TCNs, the duration of employment for EU

of Belarusian students remains relatively low. In

citizens is more evenly spread across the sub-categories. The durations of the contracts of TCNs are concentrated between 12 and 36 months (67% of all TCNs); approximately one-quarter of their contracts expire within 12 months.

### 4.1.3. Belarusians in Slovakia

The structure of residence permits issued to Belarusians (Chart 7) in Slovakia suggests that Belarusian citizens are moving to the country for longer periods of time.

Only at the end of 2016 did the share of those with residence permits lasting less than one year increase to more than 10%; it remained below this threshold in

other years. Although the number of Belarusians residing in Slovakia increased significantly over the period 2013-2019 (205 in 2013 to 508 in 2019), the number of those coming for less than a year has been relatively stable (around 25 on average).

Roughly half of the approximate 500 Belarusians residing in Slovakia are officially employed. There are two types of legal frameworks under which foreign citizens can be officially employed: a work permit or an Infocard.

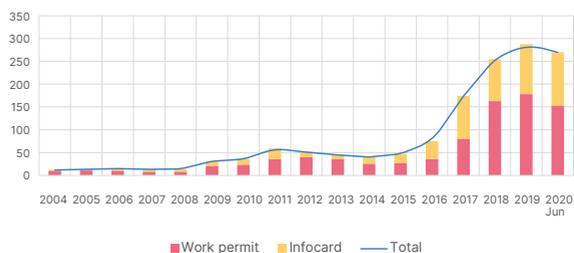
An Infocard is utilised predominantly in situations where a TCN already has legal status allowing him/her to stay in the country (e.g., residence permit, a family member of an EU national, studying in Slovakia, and asylum, among others).<sup>4</sup> A work permit is issued for foreign workers when he/she will be employed in a position that could not be filled by a Slovak job seeker registered with the labour office. The shares of Belarusians employed through Infocards and work permits was 40 and 35, respectively, in 2016 and 94 and 80, respectively, in 2017 (Chart 8). This changed, however,

during 2017-2019, when the overall number of employed Belarusians under work permits in Slovakia more than doubled from 80 to nearly 180. This

change was largely driven by the demand of Slovak companies for foreign workers in certain occupations such as car manufacturing, health services (GPs and nurses), construction workers,<sup>5</sup>

**Although the number of Belarusians residing in Slovakia increased significantly over the period 2013-2019, the number of those coming for less than a year has been relatively stable.**

**Chart 8.** Belarusians by type of employment framework, monthly average by year



Source: COLSAF

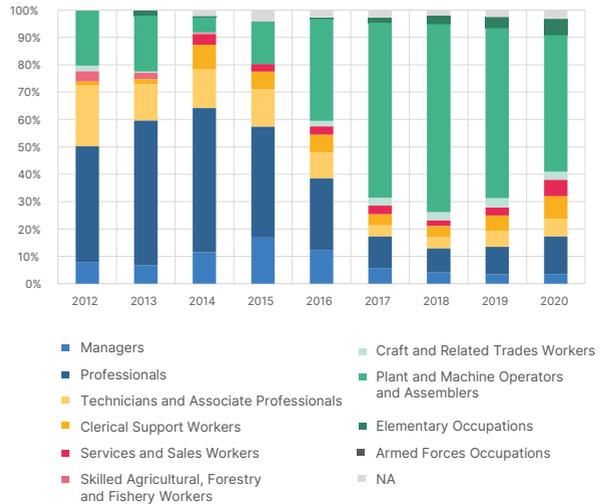
4 These conditions are defined by § 23a of the Law 5/2004 Coll. on employment services.

5 According to lists of occupations with labour shortages.

and truck and bus drivers.<sup>6</sup> An additional change that is evident for Belarusians working in Slovakia is that the average duration of their employment is increasing. While in 2012 the weighted average length of employment was just below 2 years, in first half of 2020, the average length increased to 2.66 years.

Official statistics indicate that Belarusians are predominantly employed in ISCO 8 (plant and machine operators and assemblers – mainly truck drivers) and ISCO 2 (professionals) occupations (Chart 9). These are the sectors and occupations with high labour shortages. However, overall, ISCO 9 (elementary occupations) and ISCO 7 (skilled agricultural, forestry, and fishery workers) occupations are more frequently reported for other foreign employees.

**Chart 9.** Belarusians by occupational level, as of 31st December 2020



Source: COLSAF

Note: data by occupation are only available since 2012.

<sup>6</sup> According to ČESMAD (Association of Road Transport Companies in Slovakia), the annual demand for truck drivers is 1,900 and for bus drivers – 500.

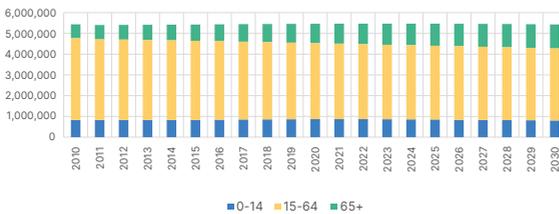
## 4.2. Labour market needs in 2010-2019 and beyond

The general macroeconomic outlook in Slovakia as reported by the Slovak Statistical Office in their publication *Our regions 2019* continued to be rather optimistic. Since the last global economic downturn in 2009, average annual GDP growth in

constant prices was around 3%. However, relatively unfavourable demographic developments were a limiting factor (Chart 10). This was reflected in the decrease of the population of an economically active age by almost 250,000 persons between

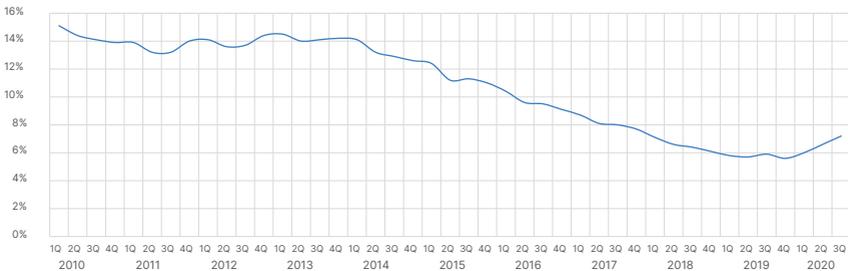
2010 and 2019. This development was partially off set by an increase in the participation rate and the massive inflow of foreign workers (Chart 2), which generated approximately 3% of Slovak GDP in 2019. Demographic projections up to 2030 point to a further decrease of the working-age population by about another 200,000 persons. Due to ageing, a

**Chart 10.** Demographic development by age



Source: Slovak Statistical Office, Eurostat

**Chart 11.** Unemployment rate



Source: COLSAF

significant increase of replacement demand (the need for the workers replacing those leaving the labour market mainly due to retirement) can be expected. In exceptional cases, for occupations with limited numbers of graduates or occupations with highly specific experience required these gaps could more easily be filled by migrants than by graduates entering the labour market.

The combination of these two trends (positive economic development and negative demographic development) is also reflected in the unemployment rate since 2014 (Chart 11). This indicator was directly correlated with labour market shortages in Slovakia, and in the past five years has decreased from around 13% to slightly less than 6% for 2019 and 2020, just before the onset of the COVID-19 pandemic. This recent development

increases short-term uncertainty as to the rate of economic growth, but effectively does not affect long-term demographic trends.

Lichner et al. (2018) showed that since 2017 the domestic labour supply<sup>7</sup> has not even met the replacement demand and this tendency is expected to remain unchanged over the next decade. They noted that “in the next five years, domestic sources will have significant difficulties in meeting the needs of labour market demands”. In secondary education,<sup>8</sup> the most significant shortage, according to the above-mentioned analysis, is expected to occur in the field of engineering, manufacturing, and construction (almost 7,000 less graduates entering than persons exiting the labour market in this field and level of education annually).

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7 Measured as number of graduates.

8 The majority of Belarussians are of this level of education.

## 4.3. Policy responses

This subchapter summarises the developments of policy frameworks regulating the migration and employment of foreigners in Slovakia since 2011. A significant part of the policy responses in the 2010s were quite closed to immigration; however, recently, the policy changes that have been adopted appear to be more pro-migration. An important message towards foreigners related to this overall change in mindset is the 2018 name change of the police department dealing with migration – it was renamed from the Bureau of Border and Alien Office to the Bureau of Border and Foreigner Office.

### 4.3.1. Migration strategy

The main strategic document “Migration policy of the Slovak Republic until the year 2020” was adopted by Resolution 574 by the government on 31 August 2011. General migration policy is under the competence of the Ministry of Interior, while labour migration is governed by the Ministry of Labour, Social Affairs, and Family. The strategy attempts to provide a response to the observed trend of migration in general, but it covers labour migration as well. The document is rather general and sets out the four objectives of the Slovak migration policy:

- to create adequate conditions for migrants;
- to strengthen the effectiveness of the border control;
- to contribute to the adoption of the unified European asylum system;

- to participate in the development of global partnerships with countries of origin and transit.

The strategy discusses five main areas of migration and sets specific policy tasks. These are:

1. legal migration, with an emphasis on controlled economic migration (from the perspective of both securitisation and management);
2. integration;
3. emigration of qualified labour force;
4. illegal migration; and
5. border protection.

Additionally, two areas related to the harmonisation and adoption of International and European policies and institutional frameworks are discussed.

Circular migration is mentioned within the strategy only in its part related to the policies in which further elaboration of the migration policy is needed:

“to make use of the potential of temporary and circular migration as well as the return policy within the elimination of illegal migration and outflow of the highly qualified and qualified labour force while contributing to the development of third countries. (Ministerstvo hospodárstva SR, 2018, p. 16)”

Migration strategy is regularly updated in order to adapt to current trends and needs. Due to the process of harmonisation and the implementation

of selected policy tasks as defined in strategy, the Alien Act (404/2011) as the main legal document related to immigration processes has been amended 17 times since 2011. The main aspects of this Act deal with TCNs; however, it does not include a special focus on or contain any active measures aimed at short-term or circular work migration. This can be partially attributed to the fact that no assessment of the current scale or future needs of circular migration has been carried out. Additionally, the extent of work migration by TCNs remains relatively small; therefore, policies related to labour migration have only recently entered the debates.

**Labour immigration and especially circular labour migration can have a significantly positive impact on the economy. Therefore, more attention should be paid to migration strategy when putting in place a legal framework for such measures, especially given the anticipated labour force shortage.**

As it was pointed out in the previous subchapter, labour immigration and especially circular labour migration can have a significantly positive impact on the economy. Therefore, more attention should be paid to migration strategy when putting in place a legal framework for such measures, especially given the anticipated labour force shortage.

Additionally, in Slovakia there are no separate policies aimed at the specific skills needed or at circular migration (even policies addressed to nationals); however, recent improvements can be observed, such as the introduction of the list of occupations with a shortage of labour. Nevertheless, in 2010, most migrants were employed within a few occupations (EMN, 2010), and this trend (for TCNs) continues to date.

Regarding bilateral labour agreements (BLAs) supporting the two-way mobility of citizens, Slovakia and partner countries are mainly focusing on supporting youth mobility. However, thus far only three BLAs are in place – with Canada, New Zealand, and Japan. The first two were established under the working holiday programme, which focuses on a simplified process for residence and employment permits for participants aged 18-35 years. Additionally under the working holiday programme, memoranda of understanding were signed with Taiwan and Australia, and negotiations with South Korea, Argentina, and Chile are in progress.

#### 4.3.2. Recent policy developments

Through a review of recent developments in Slovak legal migration policies it can be observed that some limited improvements in the conditions for TCN work migration have been made:

According to EMN (2019), following increased requests from employers to satisfy demand through labour migration, Slovakia in 2018 adopted its Strategy for Labour Mobility of Foreigners in the Slovak Republic and prepared a list of professions with a shortage of labour where simplified immigration procedures for TCNs will be performed.

According to EMN (2020), the Slovak Republic in 2019 adopted legislative changes related to

regular migration – by means of amendments to the Act on Residence of Foreigners and the Act on Employment Services. Through these amendments, temporary employment agencies resident in Slovakia were authorised to temporarily assign TCNs to work in professions with a shortage of labour. In the same year, Slovakia started to work on updates to its migration policy for 2020-2025 as well.

Additionally, the Government Office of the Slovak Republic (GOSR) adopted the first action plan for implementing the measures under the *Economic policy strategy of the Slovak Republic for 2030*. This action plan considers working migration as one of the crucial factors related to the expected future shortage of qualified labour force in Slovakia due to unfavourable demographic developments (e.g., Hanzlíková and Slama, 2018).

In the upcoming period (2020-2021), a new EU-funded project *Technical support for the preparation of the labour mobility scheme for the SR* is expected to be implemented. According to the EMN (2020), it will be carried out by the Ministry of Labour, Social Affairs, and Family (MOLSAF) with support from the International Organisation for Migration (IOM), which should contribute to a comprehensive, sustainable, and effective work migration policy.

In relation to the current COVID-19 pandemic, in June 2020, Slovakia adopted an amendment to the Act on Residence of Foreigners. The key updates were in relation to the resolution of the crisis situation<sup>9</sup> from the perspective of TCNs. If a TCN entered Slovakia legally (e.g., with a visa

or within a visa-free regime) and their documents are about to expire, they are authorised to stay in Slovakia until one month after the revocation of the crisis situation. For those who were granted the right of residence (e.g., for the purpose of employment), they are authorised to stay in Slovakia until two months after the revocation of the crisis situation. From this perspective, we can still observe a relatively stable stock of working migrants in Slovakia, while the flow is being limited with the current travel restrictions in place.

In October 2020, a new national integrated reform plan as a general strategic document entitled *Vision for modern and successful Slovakia* was introduced (Ministry of Finance, 2020). The document also proposes the introduction of a fast-track scheme for highly qualified staff (including researchers and university teachers) and students from third countries, which will reduce the cumulative number of days waiting for a work and residence permit (including its renewal) for them and their family members to a maximum of 15 days and will simplify the related procedures. It should additionally promote as simple integration into Slovakia as possible. In order to integrate them successfully, a support programme for family members will also be set up, including for socio-cultural orientation.

### 4.3.3. Legal labour migration framework

A TCN can be legally employed in Slovakia as long as he or she: a) holds an EU Blue Card (issued by the Border and Foreign Police [BaFP]); b) holds a

<sup>9</sup> A state of emergency in Slovakia officially started on 12 March 2020 and ended on 13 June 2020. However, the declared extraordinary situation remains in place until further notice.

temporary residence permit (issued by the BaFP) for the purpose of employment based on the confirmation of the possibility to fill a vacancy (issued by COLSAF) – single permit; c) holds a work permit and has temporary residence for the purpose of employment (issued by BaFP), temporary residence for the purpose of family reunion (issued by BaFP), or temporary residence determined by long-term residence in another EU Member State; or d) meets the conditions under which the confirmation of the possibility to fill a vacancy or a work permit is not required. A work permit can also be granted to seasonal workers for no more than 180 days within 12 months.<sup>10</sup>

The Blue Card grants temporary residence and legal employment in Slovakia for highly qualified professionals. The main requirements are to have a university education, an employment contract with validity of at least one year, and a proposed wage of at least 1.5 times the average wage in Slovakia. The Blue Card is issued for a period of four years or for the period of the work contract plus 90 days. It also allows multiple entries to the country.<sup>11</sup> The employer must inform the competent labour office in advance about their intention to fill the vacancy with a TCN.

The single permit for temporary stays and employment is a type of temporary residence based on the confirmation of the possibility to fill a vacancy. In this case, only a request for temporary residence for the purpose of employment is required;

a written contract is not needed. Nevertheless, the employer has to inform the competent labour office about the vacancy in advance. If it is not possible to fill this vacancy with a registered unemployed person for 20 days, then the employer can issue a written promise of employment. The 20-day period can be skipped if the vacant position is one that is listed in the regularly updated shortage occupations list.<sup>12</sup> The single permit can be issued for a period of up to two years.

The single permit is the most common work permit used by TCNs. However, there are other ways to obtain a work permit. Since 2018, TCNs are eligible for employment in Slovakia if they:

- hold temporary residence for the purpose of a family reunion and within 12 months from being granted temporary residence for the purpose of a family reunion;
- hold temporary residence of a third country national with acknowledged long-term residence in another EU Member State, in the period within 12 months from the beginning of the stay in the territory of Slovakia;
- will be employed for the purpose of seasonal employment for a period no longer than 180 days during 12 consecutive months;
- will be employed as a seafarer on a ship registered in Slovakia or on a ship that sails under the flag of the Slovak Republic; or
- if it is stipulated by an international treaty binding for the Slovak Republic (e.g.,

<sup>10</sup> Based on the information from the Ministry of Employment, Social Affairs, and Family; the Ministry of Interior; and the Migration Information Centre (MIC) of the International Organisation for Migration (IOM). The MIC IOM is also responsible for legal advising under the supervision of the Ministry of interior.

<sup>11</sup> For more information, see: <https://www.mic.iom.sk/en/residence/temporary-residence/236-modra-karta-eu-2.html> (last accessed on 20.01.2021).

<sup>12</sup> The rules are complex and additional conditions such as limits for the share of TCNs (30%) in select occupations or regional unemployment below 5% apply.

in-house transfer pursuant to the agreement on WTO).<sup>13</sup>

Foreigners may also be employed without a work permit when they meet certain criteria under which the confirmation of the possibility to fill the vacancy or a work permit are not required. These (more than 30) special cases have been defined by Law 495/2013 and apply to selected categories of migrants: those with permanent – or certain types of temporary – residence permits, those with a tolerated stay or with special status as asylum seekers, and Slovaks living abroad, among others. They are reported to the Local Labour Office by the employer as foreign workers in a simplified way via an “Infocard” defined by Law 5/2004 Coll on employment services. These opportunities increase employment flexibility for TCNs in that it is no longer necessary to report vacancies to COLSAF and then wait 20 days<sup>14</sup> to apply for a residence permit for the purpose of employment on the basis of which the BaFP requests confirmation of the possibility to fill the vacancy from COLSAF. This process is typically applied when foreigners are already residing in Slovakia.

Regarding seasonal employment shorter than 90 days, TCNs not requiring a visa can be employed for a period of no longer than 90 days on the basis of a work permit. The condition for seasonal work is that the employer fulfils the requirements for the seasonal employment of foreigners. The employer is also obliged 10 days<sup>15</sup> before submitting

the application for the work permit to notify the Labour Office in writing about seasonal work vacancies. Foreigners with visa requirements are additionally obliged to apply for the Schengen Visa for seasonal workers.

A visa regime is still in place, including for tourist and business visits, for citizens of Belarus. Visas can be obtained from the Slovak embassy in Minsk and should be issued within 30 days from the date of application. Three types of visas can be issued: an airport transfer visa (Type A); a Schengen visa (Type C); and a national visa (Type D). Type A visas are typically issued for passengers transiting through a Slovak airport. However, these visas are currently not issued for Belarusian citizens due to limited options for airport transfers at Slovakia’s international airports (Bratislava and Košice). Schengen visas (Type C) are the most common visas issued and allow stays in any Schengen country for not more than 90 days within a 180-day period. The maximum validity of a Schengen visa is five years. National visas (Type D) allow stays only in the Slovak Republic and are valid for more than 90 days for a specific purpose (typically language courses). The maximum validity of the national visa is one year. Visas for Belarusian citizens are currently the second-most issued after those for Russians.<sup>16</sup> In 2019, 4,403 visas were issued for Belarusians, of which 4,295 were Schengen visas.

13 Information on the conditions for a work permit is taken from the MIC IOM webpage: <https://www.mic.iom.sk/en/work/work-permit/252-work-permit.html> (last accessed on 20.01.2021).

14 The period is shortened to 15 days for residence permit renewals for seasonal employment.

15 Five days in case of work permit renewal for seasonal employment.

16 Five days in case of work permit renewal for seasonal employment.

## 4.4. Prospects for circular migration cooperation with Belarus

The current situation in the Slovak labour market and recent demographic changes, combined with tensions in Belarus after the presidential election, create significant potential for increased

migration flows from Belarus to Slovakia. Nonetheless, other countries in Central Europe also represent potential destination countries

for Belarussians (with an emphasis on Poland due its geographic proximity). In the following paragraphs, a SWOT analysis of Slovakia's position together with potential improvements are described.

Among the strengths supporting circular migration to Slovakia are the language and cultural similarities between Slovakia and Belarus.

Another strength is that Slovakia is the only Visegrád Four (V4) country which has adopted the euro. This ensures stability in the exchange rate, which has been demonstrated during

the COVID-19 pandemic. During the first half of 2020, the Czech crown weakened by as much as 10% and Polish zloty by approximately 6%. This is

also reflected in the wage dynamics: the average wage in Slovakia increased faster than in Poland and on a similar pace as in the Czech Republic.

**Legislation related to circular migration remains fairly rigid and more reactive than in other Central European countries.**

Despite several improvements and amendments to migration regulation in Slovakia in recent years, as discussed in the previous

subchapter, legislation related to circular migration remains fairly rigid and more reactive than in other Central European countries. Concerning the distance between the country of origin and destination, the geographic position of Slovakia can be viewed as a significant weakness as compared to Poland. Additionally to migration legislation, rigid labour market and employment legislation adds an additional burden to the flexible and effective

**The “red tape” related to migration from Belarus to Slovakia is relatively high, in particular in relation to the processes for issuing visas and residence permits.**

employment of foreign citizens, especially TCNs. The “red tape” related to migration from Belarus to Slovakia is relatively high, in particular in relation to the processes for issuing

visas and residence permits, which together with the liabilities of the potential employer and deadlines for decisions represent significant obstacles

**Table 1.** SWOT analysis for circular migration from Belarus to Slovakia

STRENGTHS	WEAKNESSES
Language and cultural similarities	Restrictive migration legislation
Positive wage dynamics	Distance
Adoption of euro	Rigid labour market legislation
	No systematic strategy
	Bureaucratic obstacles
	Limited administrative capacities
OPPORTUNITIES	THREATS
Demographic developments - population ageing	International competitiveness in terms of labour market and migration flexibility
Increased focus on the creation of labour-related migration policies	Economic slowdown and COVID-related decrease in migration
Positive wage difference	

Source: Authors' own elaboration

to effectively filling labour market shortages. According to a survey conducted by the Slovak Business Association (2019), both employers and employees are calling for strengthening the administrative capacities of the Border and Foreign Police.

One of the opportunities for circular migration is the negative demographic development that will continue over next two decades. This will lead to a substantial number of work opportunities that

cannot be filled by Slovak nationals. Amendments to legislation, proposed by the Ministry of Labour, Family, and Social Affairs during 2015-2020 based on cooperation with relevant stakeholders, represent an opportunity to create effective pro-migration policies in the coming years when forming future migration strategy.<sup>17</sup> Positive wage dynamics in the past, especially in consideration of the further depreciation of the currencies in surrounding countries, represent also an opportunity for the future positive wage difference to Belarus.

<sup>17</sup> On the other hand, this should also be listed among the threats due to the recent change of political representation.

Among the threats that could limit future migration flows to Slovakia, we can identify a mismanaged process of amending the migration strategy and a current set-up that is more reactive than proactive, which represent a disadvantage in international competitiveness for support of incoming migration. Recently applied migration policy tends to just react to the actual situation on the labour market and often with a significant lag, while an active migration policy should be based on a systematic basis and reflect desired migration flows in the long term. An additional threat is being generated by the uncertainty connected to the duration and severity of the COVID-19 pandemic and its impact on trends and shortages in the labour market over the next few months as well as the expected economic downturn, as identified in projections from the National Bank of Slovakia (2020).

To increase flexibility in terms of ease of access to Slovakia for TCNs, additional options should be added to the list of those allowed to employ foreign workers via the Infocard. One option could be those who have previously been granted a work permit. Their re-entry to Slovakia (e.g., within six months after their departure) could be simplified by automatically granting them a temporary residence permit. This automatic resumption of a temporary residence permit for a limited duration, e.g., for one month to find employment, could then be (automatically) extended for the period of employment. Slowing dynamics in the total number of employed foreigners via the Infocard

**Recently applied migration policy tends to just react to the actual situation on the labour market and often with a significant lag, while an active migration policy should be based on a systematic basis and reflect desired migration flows in the long term.**

suggests that the pool of foreigners complying with the current list of options for employment under this framework and willing to work in Slovakia is significantly exhausted.

The lack of flexibility concerning the employment of foreigners that represents the current core limitation for further economic growth could be mitigated by changing the conditions for listing the occupations with labour shortages on the list of professions with a shortage of labour by the Central Office of Labour, Social Affairs, and

Family (COLSAF). Currently, only occupations with an identified labour shortage in regions complying with the condition of an observed unemployment rate under 5% should be listed. Thus, the list is taking into consideration

more than just the severity of the labour shortage. For example, there can be regions with similar labour shortages, but with unemployment rates of 4.99% and 5.01%. This will cause these regions to be placed in different categories. Therefore, one region will be able to list the occupation as having a labour shortage and fill it via labour migration and the other will not. While the motivation of the law is understandable (to protect the domestic labour force from foreign competitors), the solution should be to remove the condition related to the unemployment rate. Still, it should be considered that the available domestic labour force (predominantly, the long-term unemployed in regions with an unemployment rate of 5% or higher) should undertake additional training. This option would take longer than necessary in cases where employers

are looking to fill the vacancy as soon as possible to take advantage of the current market situation related to the creation of a given job vacancy.

In the field of bilateral relationships between Slovakia and Belarus, activities aiming to support the mobility of young adults under the working-holidays programme should be initiated. This

scheme allows the simplified access of citizens of partner countries to their labour market as mentioned in Subchapter 3 and should support the exchange of new skills, skills transfer, and help prevent brain drain due to its limited duration of up to one year.

# Recommendations

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## **Foster a proactive approach to migration management**

A more proactive approach should be driven via the adjustment of Slovakia's migration policy in several different areas, including the prioritisation of certain occupations and attracting highly educated migrants from third countries (a good example is the newly proposed fast-track scheme). The process of immigration to Slovakia is lengthy, bureaucratic, and "unwelcoming" from the perspective of services provided by the state administration. Implementation should be driven by the Ministry of Interior.

## **Create a legal channel for the easier re-access of migrants to Slovakia**

Introduce a scheme related to promoting circular migration through increased flexibility to fill gaps in the labour market and speeding up the re-entry process. The most accessible channel is through the implementation of additional options to the list of those allowed to employ foreign workers via the Infocard, including the possibility of TCNs to re-enter Slovakia (e.g., within six months after their departure) through an automatically granted temporary residence permit. This process should be driven by the Ministry of Labour and Social Affairs.

## **Lift the condition of less than 5% unemployment for listing professions with a shortage of labour to the list created quarterly by the Central Office of Labour, Social Affairs, and Family (COLSAF)**

This existing scheme is managed by the Central Office of Labour and Social Affairs. COLSAF regularly provides the list of occupations with shortages. Its main task is to increase flexibility to fill gaps in the labour market. Despite this good idea, its practical implementation has many obstacles. The main issue is that the shortage is based on the list of unfilled vacancies managed by the Labour Offices. These lists mostly cover common low and medium-skilled occupations, while specialist and high-skilled occupations are not usually advertised through this channel. Second, the condition of a 5% unemployment rate ceiling makes this unavailable for most regions. Therefore, we propose to change the conditions for listing the occupations with labour shortages on the list of professions with a shortage of labour through an amendment of the Act on employment services including the introduction of additional schemes for high-skilled occupations.

### **Initiate the process to set up a working-holiday programme between Slovakia and Belarus**

Promoting this scheme should support the bilateral exchange of migrants and the transfer of new skills as well as simplify access to partner countries' labour markets. It is aimed towards young persons from 18 up to 35 years and is valid for up to one year.<sup>18</sup> This can be accomplished through bilateral negotiations and agreement with the respective Ministry in Belarus. This process should be driven by the Ministry of Labour and Social Affairs (scheme) and the Ministry of Foreign and European Affairs of the Slovak Republic (agreements).

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18 There are similarities with the work and travel scheme to the USA for students. Currently, this scheme is based on bilateral agreements available for the citizens of Canada, New Zealand, Taiwan, Australia, and Japan. Relevant information is currently provided in the Slovak language at the Ministry of Labour and Social Affairs: [https://www.upsvr.gov.sk/buxus/generate\\_page.php?page\\_id=467839](https://www.upsvr.gov.sk/buxus/generate_page.php?page_id=467839) (last accessed on 20.01.2021).

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Until recently, Russia was the primary destination country for Belarusian migrants. However, as Russia's attractiveness for Belarusian labour migrants has declined in recent years due to Russia's 2014-2016 economic recession and the depreciation of the Russian rouble, a significant number of Belarusian labour migrants have moved westwards.

V4 states, which have been experiencing labour shortages, are increasingly popular as destinations for Belarusian circular migrants.

This report examines the social and economic drivers and impact of circular migration between Belarus and Poland, Slovakia, and the Czech Republic. The core question the authors sought to address was how managing circular migration could, in the long term, help to optimise labour resources in both the country of origin and the destination countries.