

International migration policies in two post-communist countries: comparative evidence from Romania and Poland

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Abstract

In the nineties, Romania and Poland were perceived as the largest countries of emigration and sources of irregular migration to Western Europe states. Later, the dynamics and effects of migration influenced migration policies in the two countries, notably after the start of the accession negotiations with the European Union. This study provides a comparative analysis of labour migration policies in Romania and Poland, investigating the effect of the Europeanization process. Based on a qualitative approach, we discovered a variety of policy responses to the international labour migration dynamics. The results showed that although the constraints of standard European migration policies similarly influenced the labour migration policies of the two states, they were differently affected by the adopted national approaches. In the context of the new, emergent migration patterns, the study provides an analytical framework useful for policy makers and practitioners in the field of labour migration policies.

Keywords: emigration and immigration policies, labour migration policies, Europeanization, Romania, Poland

Introduction

The last decades in Europe witnessed the highest mobility flows in two-post-communist countries, Romania and Poland, which had undergone a similar European

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trajectory after the fall of the Iron Curtain. After the collapse of communism, these two Eastern European states shared a similar history of migration, along with highly restrictive and inefficient management practices in the early '90s, and radical societal and systemic changes. The socio-economic and political changes of the late '80s made Romania and Poland adopt new migration strategies and called for a review of restrictive migration policies. These policies in both countries, whether regarding economic emigration or return migration, were highly politicised, being the main topic of political discussions (White *et al.*, 2018). Under the influence of the European Union (EU) and aspiring at a proper EU integration in all fields, the migration policies in these countries have evolved significantly in the last thirty years.

Concerning migration, and particularly labour migration, Romania and Poland are both interesting subjects of investigation and comparison for several reasons. First, the two countries eliminated severe restrictions on emigration imposed by communist regimes and became new emigration countries starting with the '90s. The accession of these countries to the EU (2004 in Poland and 2007 in Romania) resulted in the implementation of such fundamental right as freedom of movement for the EU citizens. Despite the differences in terms of emigration rates, Poland and Romania are among the largest emigration countries in the former Eastern bloc of communist countries, with 4.4 million Poles and 3.4 million Romanians living outside their borders as of 2019. According to Eurostat (Eurostat, 2020a), the rate of Romanian and Polish citizens working in other EU member states increased significantly between 2007 and 2017, so that, in 2017, almost 20% of people born in Romania and 17% in Poland, were residing in another EU country. The effects of intra-European mobility raised several problems not only in destination countries but also in the countries of origin, as considering the European legislation, the state's ability to manage emigration is limited (Waterbury, 2018, p. 12).

Second, the process of accession to the EU and, later on, the status of EU member state brought into attention the external border control measures, the economic impact of skill deficit and concerns related to the demographic effects on the labour market. To adapt to these realities, both countries adopted new immigration laws in the mid-'90s. However, in both states, the percentage of foreigners remains low, representing less than 2 percent of the population (Eurostat, 2020a).

These similarities in migration patterns open room for a comparative approach of migration policies in the two countries. The aim of this study is to provide an overview of labour migration policies in Romania and Poland over the last three decades. To this end, we intend to analyse how the migration policy has been adapted to such significant changes as the end of communism and the EU accession process, and what are the similarities and differences between the adopted policies. The analysis comprises the period of the last three decades marked by dynamic evolutions in the history of the two states, with direct effects on migration flows.

The authors hypothesize that a comparative analysis of migration policies between Romania and Poland provides evidence on the evolution of migration policies towards more liberal systems, similar to other comparative studies conducted by the OECD or the EU countries (de Haas *et al.*, 2019). This study explains the decisions of governments regarding labour migration policies: whether to favour and support emigration, or to differentiate migrant workers among various groups. It also critically describes and analyses the labour migration policies of Romania and Poland, and reviews the factors shaping the labour migration policy of the two countries.

To conduct the study, we have formulated two hypotheses:

- Hypothesis 1: The similarities among labour migration policies are explained by an interaction between the same set of socio-economic and European integration factors. Additionally, socio-economic considerations and European policies tend to facilitate the liberalization of labour migration policies in the two countries.
- Hypothesis 2: The factors determining the differences in labour migration policies are structural, specific to each country (i.e. political orientation of the government, attitudes with regard to the rights of foreigners, economic structure).

The originality of this study is two-fold: it is the first study comparing the migration policy in the two main sending countries in Europe, Romania and Poland, filling the gap in the literature of comparative policy analysis in the case of Eastern Europe; it also streamlines the impact of “Europeanization” on migration policies, seen as the extent to which these policies comply with the EU regulations. This two-fold contribution to the literature in the field could benefit policymakers in developing effective and efficient migration policies.

The article is divided into 6 sections. After the Introduction, the first section reviews the most important studies, then Section 2 describes data and the methodology. The results are presented in Section 3, while Section 4 comprises a comparative analysis and a detailed discussion of our results. Finally, the main study conclusions and policy implications are discussed in the conclusions section.

1. Literature review

The field of comparative policy analysis is rather new. However, it had been rapidly growing, mainly after the publishing of the seminal paper of Peter Hall (Hall, 1993), which inspired several researchers to discuss methods that could be used for policy changes, and policy change has been found to be essential for developing theories of political processes. Hall addresses three types of policy change: first-order changes in policy, which are changes in the instrument used to assess experience and new knowledge; the second-order changes to the variation of instruments with general objectives of the policy remaining the same; the third-order changes refer to the radical reform of policy.

Most migration studies examine whether policies restrict or extend the rights of immigrants (see Castles *et al.*, 2013; Messina, 2007). Along the same line, some studies assess the effectiveness of migration policies. The results of these studies report that migration policies meet the objectives set out by law (Czaika and de Haas, 2013, p. 491) or, on the contrary, have a broader purpose (Reitz, 2014, p. 13).

The comparative analysis of migration policies comprises both studies concentrated on a small or large number of countries (Brubaker, 1998), but much of the comparative political analysis is done using a high number of states and policies, using a set of policy indices. Also, the migration policies of the EU Member States have been the subject of numerous studies (Finotelli and Echeverría, 2017; Stojarová, 2019; Thielemann, 2003).

To reach the aim of this study, it is essential that the three dimensions were investigated: the effect of collapse of communism on migration policy, the factors determining the domestic policy options, and the European influence on migration management in the case of new member states. These will be mainly addressed in this section.

Several authors looked into the effects of the end of communist regimes that triggered unprecedented mobility from these states and introduced a new phase in the European migration flows (de Haas *et al.*, 2015; Helbling and Kalkum, 2018; Jazwinska and Okólski, 1996), while others emphasized that “state policies affecting immigration are the outcome of a political process in which competing interests interact within bureaucratic, legislative, judicial, and public arenas...” (Massey, 2012, p. 10). These studies emphasise that spatial mobility of the people from former communist states was a mechanism for adapting to a post-communist transition. So, migration was perceived as a leverage improving the livelihoods and quality of life in the state of origin. Consequently, mobility was both a response to the economic precariousness in the state of origin, as well as a practical solution to job shortages on the local labour market.

In what regards internal factors that could influence migration policies, there is a rich literature in Europe researching how economic factors have shaped the migration policy. Some studies have analysed the impact of national production system on the definition of these policies (Menz and Caviedes, 2010), while other studies analysed how the actions of states have been determined by such factors as structural limitations on immigration control, liberal norms and the design of the welfare state, or the distribution of earnings (Ruhs, 2013), the welfare regime (Borjas, 1995), and the opportunities in destination countries (Akay *et al.*, 2014, Czaika and de Haas, 2012).

The internal factors influencing the migration policy are complemented by such external factors as international or European law. One study (Opeskin, 2009, p. 27) concluded that international law is a crucial factor in constraining and channelling state authority on migration management. Along this line, the effects of

European integration have been the subject of a rich body of political and legal literature (Knill and Lehmkuhl, 1999; Radaelli, 1997).

In line with these results, our research aims to fill the gap in the literature in the field by providing an initial comparison of migration policies in the two former communist and, also main sending countries.

2. Methodology

It is quite challenging to conduct a comparative study of public policies when policy elements are not systematised. Some authors analyse how these elements should be systematised, emphasising that comparative migration research involves a systematic examination of a relatively small number of cases (Bloemraad, 2013), while others address the issues of comparative research in the field of migration and explain that the comparison of policies related to domestic and international migration brings a useful strategy for identifying specific international migration changes (FitzGerald, 2012), and focuses on the key issues and significant challenges of qualitative analysis in the study of migration (Zapata-Barrero and Yalaz, 2018).

Our study focuses on labour migration policies and distinguishes between immigration and immigrant policies, emigration policies and intra-European mobility. We make only a marginal reference to integration policies, bearing in mind that the overlap of these policies is inevitable considering their content; the legislation on family reunification, refugees, or asylum policy issues have not been included.

The selection of Romania and Poland as subjects of our analysis was based on the premise that the management of economic emigration in these two states had a similar starting point (former communist states, with rigorous control of the exit regime of their citizens), and it could be assumed that specific factors could have produced similar results (liberalisation of emigration, accession to the EU, European economic crisis, increasing labour shortages on local labour market). Although the national context cannot be entirely eliminated as public policies depend on cultural and social dimensions, these differences reinforce the conclusions on policy effectiveness. The selection of the two states was based on the following criteria displaying similar features: a) former communist states; b) members of the European Union, c) similar migration profile (they are both countries of destination and countries of origin) and d) significant flows of economic emigrants in the European Union.

In this study, the migration policy is understood in a broad sense as a set of “rules (i.e., laws, regulations and measures) that national states define [enact] with the objective of affecting the volume, origin, direction, and internal composition of [...] migration” (de Haas *et al.*, 2015, pp. 3-4). The legislative changes are identified based on annual progress reports conducted by the European Commission in the pre-accession period, the SOPEMI Annual Reports on Migration. These reports are complemented by reports published both at national level (Ministry of Interior or Ministry of Labour), as well as European level (European Migration Network). In

order to identify the legislative measures adopted when transposing the European legislation into national legislation, we have extracted the information available at the web address, <https://eur-lex.europa.eu/>. Our analysis concerns change in labour migration policy in Romania and Poland covering almost 200 laws, regulations, measures and changes to these acts adopted at the state level, excluding references to the administrative implementation. The monitoring of changes in laws, regulations and measures was made for each country, taking into account both the new regulations and the amendments made to previously adopted normative acts. We have analysed 103 regulations in the case of Romania, and 83 for Poland, mostly available in national languages and also in English. The legislative amendments were included starting with the '90s, after the fall of the Iron Curtain, and up until 2019, with a focus on the changes after the EU enlargement.

In this novel approach, we aimed to describe the effect of the EU accession on the two countries. Poland entered the EU in the first round of Eastern EU enlargement of May, 2004, while Romania joined the Union in the second round of January, 2007. The timeline of our analysis is therefore divided into two periods, both marked by the EU accession. For each of these time moments, the pre-accession and the post-accession periods, the policy changes in each state were described in order to identify more accurately the political similarities that could be explained by common political targets.

The research process was divided into two phases. In the first phase, we built a database of laws, regulations and measures in the area of migration in the two countries and at the level of the European Union legislation. In the second phase, the data collected for the two countries were analysed and compared against European provisions. Each policy measure was analysed using the criteria shown in Table 1.

Table 1. Criteria for the assessment of migration policies

Criteria	Assessment
Policy area	border control labour migration other labour policy areas
Policy tool	assessment of social benefits and socio-economic rights emigration policy tools exit permit facilitation of legal immigration identification documents labour market assessment - recruitment labour migration agreements quota system regularisation work visa/permit
Policy level	EU policy

	national policy
Personal scope	all migrants citizens irregular migrants members of diaspora specific categories of migrants
New act / amendment	new act amendments to an existing act
Type of change	restrictive change liberalisation change

Source: authors' representation

We have used the above mentioned criteria as a tool for standardising the assessment of policies in the two analysed countries. To assess the level of restrictions, we sought to understand to what extent the policy changes imposed new restrictions or, on the contrary, established a more liberal regime compared to the previous state. Following Hall's classification (Hall, 1993, p. 280), we see as moderate the first and second-order changes, and the third-order ones as a major political change.

3. Results

3.1. The pre-accession period

Before the '90s, national policies in the two countries focused on putting into practice a rigorous control of emigration of their citizens and enforced severe repressive measures for those who violated the restrictions. Such policies were aimed to avoid mass emigration of citizens, which would have discredited the communist regime internationally, and would have affected the national perception of the communist party, seeking at the same time to ensure a strict control of those entering the country. Although freedom of movement was strictly limited, economic shortages and oppressive political regimes in Eastern European countries led to the development of illegal emigration networks. Unlike Western European states, Romania and Poland had insignificant inflows of foreigners before 1990, covered mainly by ethnic migrants (Anghel *et al.*, 2016).

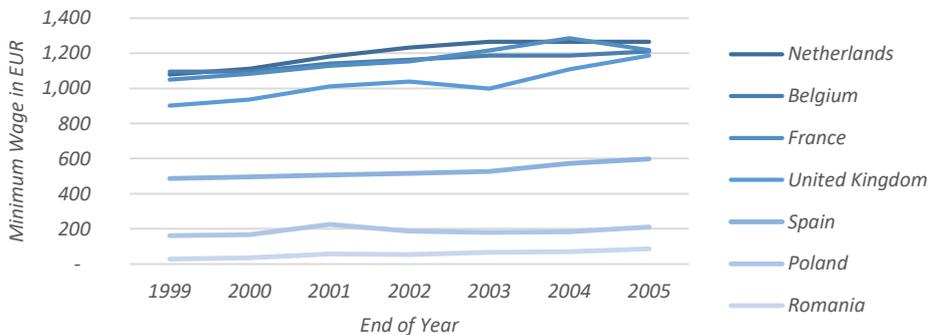
A new migration phase began with the European Agreements, establishing an association between the European Communities and their Member States. Their main objective was to provide a framework for gradual integration into the European Community of the two acceding countries. Europeanization is defined as the "processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms, which are first defined and consolidated in the EU policy

process, and then incorporated into the logic of domestic (national and subnational) discourse, political structures, and public policies” (Radaelli, 2003, p. 17).

The EU immigration policy influenced the national migration policy. The Schengen Agreement signed in 1985 and the discussions on the European single market led to new developments in European migration policy. In this context, European migration legislation was improved, although EU Member states had been reluctant to give up national competencies.

Member States took measures to regulate access for third-country nationals, asylum seekers and refugees, focusing more on irregular migration and refugees than on labour migration. Also, in the absence of internal borders, they ensured the implementation of the principle of free movement of persons within the EU. Free movement was a sensitive point during the accession negotiations, in the context of the increased interest for mobility, not only in the acceding countries but also in some EU Member States, especially in Germany and the United Kingdom. The access to the EU15 labour market was limited by political arguments of some analysts suggesting that opening the EU15 labour markets for mobile workers could lead to uncontrollable labour flows and competition from Eastern workers in terms of wages. Indeed, the level of wages, on average, especially for unskilled labour, was significantly lower in Eastern Europe than in the EU15, Romania and Poland included, as could be noted in Figure 1.

Figure 1. Monthly minimum wage by country, 1999-2005



Source: authors' representation based on data from Eurostat

Besides, the two states had high unemployment rates during the '90s that triggered high emigration rates. The unemployment rate was about 12% when Poland launched accession negotiations, reaching 18% by the end of negotiations in 2000 (Eurostat, 2020b). In Romania, the unemployment rate was 10.5% in 2000 when negotiations were launched, reaching 5.9% in 2005 when the Accession Treaty was signed (Eurostat, 2020b).

A solution adopted for the limitation of the expected labour flows was a seven-year transition period for the free movement of workers. Although debatable, these restrictions were seen by the EU15 as needed for completion of negotiations (Fogel, 2015; Kahanec and Zimmermann, 2010). Due to pressure on labour markets and welfare systems, many EU-15 member states applied transitional arrangements for restricting access to their labour markets of Polish workers, only three countries opening their labour markets (Ireland, Sweden, and United Kingdom). When Romania joined the EU in 2007, more restrictive decisions of the majority of the EU-15 Member States were imposed, only two countries opening their labour markets (Finland and Sweden). In Poland and Romania, this limitation of access to labour markets of the EU 15 was considered as an infringement of the principle of equality (Fihel and Nestorowicz, 2015).

Migration policies in Romania during the pre-accession period

Significant legislative changes in the area of migration marked the period before the EU accession. The regime of movement for foreigners in Romania remained regulated by Foreigners' Law of 1969 that no longer reflected the rapidly changing reality, undergoing a reform in 2001. The regime applicable to foreigners was very restrictive and subject to rigorous control. The state maintained a tight control over the entry, stay and exit of foreigners. Despite this restrictive legislative framework, *de facto*, several deficiencies of border control and inadequate visa policies still existed, and were subject to the EU Commission's analysis, further improvement being recommended (European Commission, 1997).

The EU Commission underlined that there was a need to make more efforts in the area of immigration policy, calling for amendments being taken on the exit and residence rights of foreigners in Romania. Unlike Poland, Romania's attractiveness remained low, and the main issue for authorities was the prevention of illegal immigration, as many foreigners were mainly interested in transiting the country in their way to the West. According to the 2002 census, there were 27,910 foreign citizens in Romania, more than half (52.2%) coming from other EU countries. Compared to the 1992 census, the number of foreign citizens increased by approximately 25,000 persons.

The legislation regarding the access of foreigners to the Romanian labour market became more permissive as a new law was adopted in 1999. Foreigners could work if they were granted a work permit by the Ministry of Labour. Subsequently, the legislation regarding the access of foreigners to the labour market in Romania underwent a series of successive modifications aiming to transpose the EU's legal provisions.

The most crucial change, in the sense of liberalising the travel regime of Romanian citizens, was the change made to the passport regime legislation. The free movement of persons is considered a fundamental right and was included into the

Constitution. The intervention of the Romanian state into the emigration policies was marginal, and until the beginning of the EU accession negotiations, it could be viewed as a *laissez-faire* policy (Șerban, 2009, p. 84). However, the transition to a market economy and the delay in the implementation of structural reforms put some pressure on the decision of Romanians to emigrate. As in the case of Poland, a significant influence was the exemption from visa requirements for Schengen area starting with 2002. In this context, the measures taken by the Romanian executive seemed to have responded mainly to the needs of EU and less to the needs of its citizens. The response of Romanian authorities was a tighter exit control that “seemed to be rather a criterion for entering a country” (Lazaroiu and Alexandru, 2005, p. 5). Despite these limitations, the emigration of Romanians increased significantly during that period. Romania, as Poland, took measures to promote the circulatory migration, but in the absence of a real concern of the authorities to sign bilateral agreements, their impact was quite limited.

Foreign citizens, who were considered ethnic Romanians, were the subject of legislative changes. The law on Romanian citizenship (1991) included provisions regarding naturalisation, several measures having been implemented by the Romanian authorities for the benefit of Romanian communities abroad (especially in the Republic of Moldova), or to facilitate the return migration of the Romanians living abroad.

Before 2007, the crucial factor influencing Romanian migration legislation was the EU accession process and the necessities resulting from membership requirements, which facilitated the Europeanization of Romanian migration policy. The priorities focused on legislative and institutional harmonisation, needed to accelerate the transposition of *Acquis Communautaire*. So, legislative action mainly aimed to control the external borders, introduce restrictions for the immigration of third-country nationals and fight illegal immigration.

Migration policies in Poland during the pre-accession period

Poland took rather early several legislative steps to strengthen the immigration policy. The Law on Aliens adopted in 1963 was reformed earlier than in Romania, in 1997. The emphasis of the law was on restrictive control measures and entry limits into the country, but at the same time, it brought significant changes regarding the introduction of a flexible visa regime for several Eastern European countries.

Poland’s management of the EU’s external borders required compliance with all rules on external border crossing points in the context of the elimination of EU’s internal border controls (Piórko and Ho, 2005). The process of transposing the *acquis* on immigration policy led to successive changes in legislation, focusing on external borders control, restriction on the immigration of third-country nationals, and combating irregular immigration, the conditions imposed for entry and stay in Poland.

The employment of foreigners in Poland was conditioned by a work permit issued to the employer for a specific period of time and job. However, unlike the Romanian legislation, the Polish law established a series of exceptions. Over time, for new categories of workers or areas of work, the conditions for the employment of foreigners were simplified (especially for citizens from the Eastern neighbourhood, or for seasonal jobs). The changes on the labour market attracted a high number of economic immigrants to Poland, especially from Ukraine, Belarus and Russia. The high presence of irregular foreigners imposed the adoption of several regularisation programs in 2003, 2007 and 2012. A key provision of the 2012 program established that irregular immigrants could lodge the application if they had been permanently residing in Poland starting with 2007 (Desmond, 2012; Iglicka, 2008).

In terms of emigration, the free movement of Polish citizens became a central point in political actions. The 1991 Association Agreement gave the Polish citizens the right to travel without visas to the Schengen states. As in the case of Romania, the volume of Polish emigration increased, and destinations countries became more diversified. The rules governing the employment of Polish abroad were enacted through bilateral agreements. Since 1990, Poland has concluded numerous labour agreements on the access to the labour market both with the states of destination (Germany, France, Belgium, Spain, etc.), as well as with the states of origin (Belarus, Russia, and Ukraine).

Unlike the negotiating position adopted by Romania, the EU accession negotiations focused on the state's efforts to open up new opportunities for Polish citizens to work abroad (Kicinger, 2009, p. 90). Freedom of movement for Poles was one of the strategic objectives set by this country. The 1997 National Strategy for Integration provided that "the fastest possible implementation of the free movement of labour, and employees, in particular, is in Poland's interest. This means eliminating, or keeping short, transition periods in achieving full access to the labour markets of the Union". Transitional measures to access the EU15 labour market were accepted only as a conciliatory position, a marginal collateral loss to the overall gains of EU membership.

The repatriation of ethnic Poles and integration measures were also a public policy objective of the Polish authorities, in 2000 a law being adopted in this regard.

In this period, the decisive factor influencing Polish migration legislation was the process of EU accession, and the main aim of the adopted policies adopted was to increase the border control and fight irregular immigration. Unlike Romania's approach, the intra-community mobility of Polish citizens was a key subject for the political actions adopted in Poland.

3.2. Post- accession period

In 2004 and 2007, respectively, Poland and Romania became EU Member States undertaking new obligations, which derived from the membership status. The

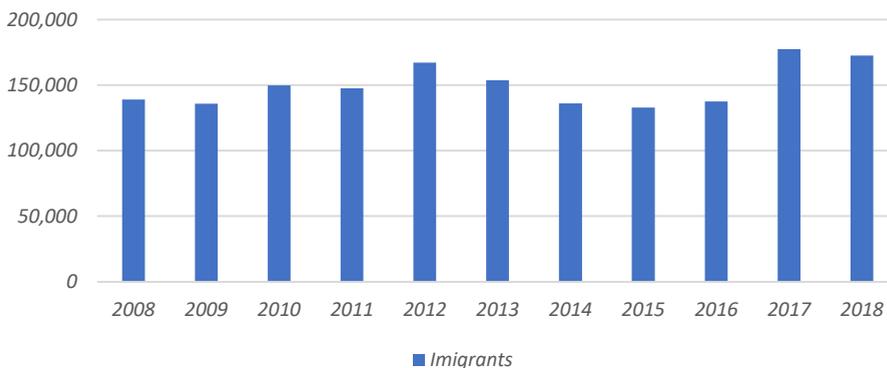
migration policy focused further on fighting irregular immigration, better external border management, a standard European asylum policy, and the development of channels for regular migration. In this context, the national governments continued to adjust internal legislation under the effect of the EU legislation. The increasing flow of intra-community mobility brought to the attention of policymakers the need to protect the exercise of the free movement of workers right by their citizens.

Migration policies and Romanian context during the post-accession period

Following the EU enlargement in 2007, Romania was required to comply with EU rules and regulations on the entry and residence of persons outside the EU. The political orientation remained the same, and the legislative amendments envisaged primarily to finalise the transposition into national legislation of the EU directives and enforcement of EU regulations. As Romania transposed the EU directives, this process was not accompanied by an impact analysis. The justification provided in the preamble of the transposition acts was often brief and referred only to the need of transposing the provisions into the national law (Șandru *et al.*, 2016).

The immigration profile of Romania remained unchanged in the post-accession period, being characterised mainly by low-skilled foreign workers, whose number was slowly increasing year by year. Data of the Romanian National Institute of Statistics shows that the trend of temporary immigration in Romania has been steadily growing in recent years (see Figure 2 below). The records showed 137,619 people (+14.3% compared to 2018) arriving in 2019 to Romania, of which, 84,228 foreigners from third countries and 53,331 citizens from the EU/EEA/CH.

Figure 2. Number of immigrants in Romania, 2008-2018



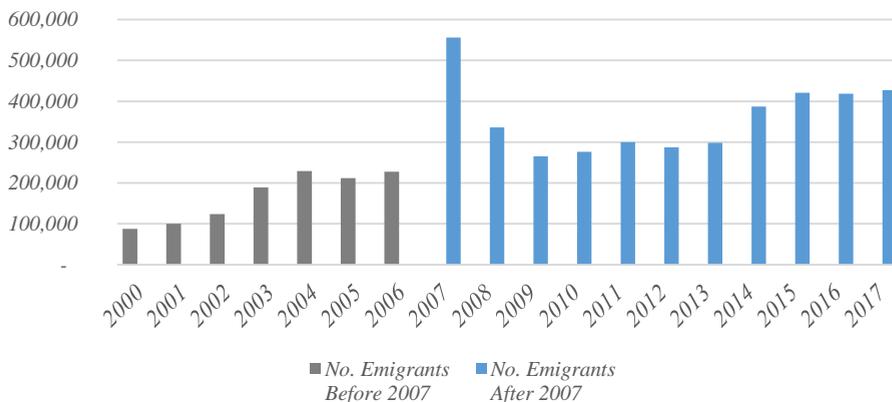
Source: authors' representation based on data from NIS, 2020.

The Romanian Government adopted several National Strategies for Immigration in 2011, 2015 and 2019. The main objective of the Romanian

authorities was to maximise the positive effects and limit the adverse effects of immigration. Romania's efforts in the field of immigration were concentrated on four policy pillars: control of immigration policy, policy on preventing and fighting irregular immigration, the asylum policy and the policy on social integration of foreigners. The Romanian legislative measures included no derogation from the general regime by country of origin or category of migrants.

The measures in the field of emigration can be classified into two categories: actions supporting and assisting Romanian workers in the process of EU mobility, and measures stimulating the return to Romania. Unlike immigration, the emigration has been increasing, mostly during the post-accession period (see Figure 3 below), destination countries undergoing a diversification.

Figure 3. Romanian emigrants, 2000-2017



Source: authors' representation based on data from OECD, 2020

Labour emigration intensified and generated multiple effects, such as the increase of remittances sent by Romanians working abroad or other measurable effects on the labour market, such as labour force shortages (Anghel and Horváth, 2009, pp. 395-399). The 2008 financial crisis influenced the emigration phenomena, switching from traditional destination countries, such as Italy and Spain, towards new alternatives, such as Germany, Great Britain and the Scandinavian countries (Anghel *et al.*, 2016).

In Romania, as in Poland, the support provided for emigrants by the consular representatives was intensified, labour attachés having been appointed in the primary destination countries. An extensive information campaign was conducted in Italy and Spain. In 2008, in an attempt to stimulate return migration, the authorities organised four information fairs in Italy and Spain.

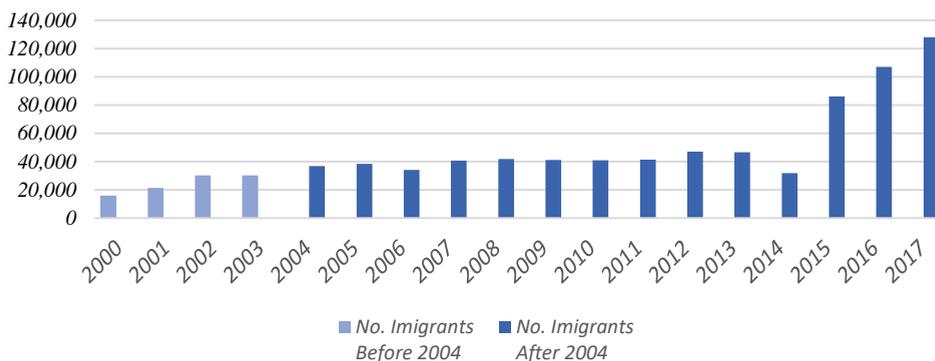
Romanian authorities had addressed the return migration in a manner that later was poorly sustained. Once the economic crisis hit Romania, the return migration became a marginal issue for decision-makers. However, more recently, the Romanian Government has launched, under various EU funding schemes, several programmes supporting investment opportunities for returning Romanians. One of these programmes is the Diaspora Start-Up, launched in 2016 that targets Romanian communities across the world and encourages return by providing training, coaching, and access to such financing opportunities as grants (up to 40.000 EUR) for starting a business. With a financial allocation of almost 30 million Euro, under this program, 1026 start-ups were established by returned Romanians, with 2463 newly created jobs (MFE, 2019).

Migration policies and context in Poland during the post-accession period

EU legislation in the field of immigration exerted a constant influence on Polish legislation, the transposition of EU directives being the engine of the law-making process. Starting with 2004, Poland had to comply with EU regulations on the entry and residence of non-EU citizens.

The increased shortages on the labour market and the pressure of employers' organisations forced the Polish Government to facilitate access of foreigners to the Polish labour market (see Figure 4). As a result, in 2006, the Ministry of Labour and Social Policy issued a regulation which allowed foreigners to perform seasonal work without having to obtain a work permit (i.e. in agriculture and horticulture). This liberalisation was subsequently extended by the elimination of necessary work permits for specific categories of migrants, or a simplified regime for citizens coming from such countries of origin as Ukraine, Belarus (see Figure 5), and Russia.

Figure 4. Number of immigrants in Poland, 2000-2017

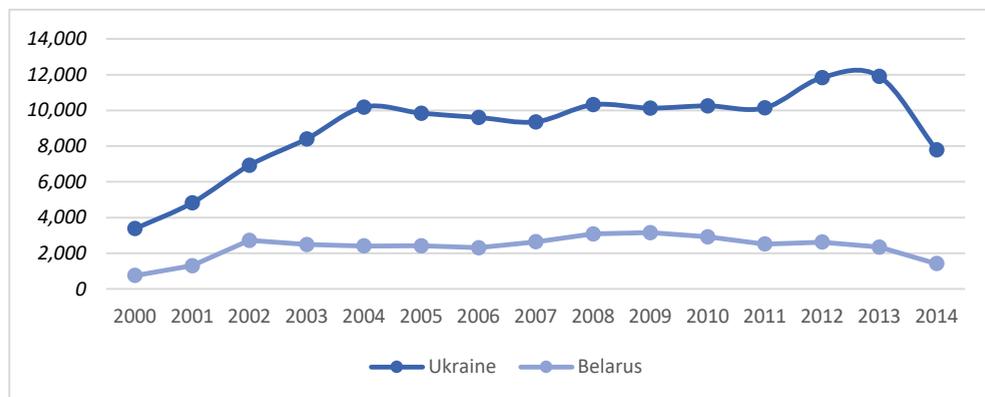


Source: authors' representation based on data from OECD 2020

The ‘Polish Migration Policy: Current Status and Further Action’, adopted in 2011, is the first comprehensive document on migration policy stating that Poland supports the idea of permissive immigration policy, and will also address the issue of immigrant integration.

Similarly to Romania, Poland adopted a set of measures aiming to facilitate EU mobility and to stimulate the return to Poland. EU accession and partial opening of labour markets for Polish workers created a significant increase in the flow of emigration from Poland. The 2006 program “*Bliżej pracy, bliżej Polski*”, or the 2007 program ‘*Powrót*’, reflects the interest of the Polish Government in supporting return migration.

Figure 5. Inflows of foreigners from Ukraine and Belarus



Source: authors' representation based on data from OECD, 2020

Various programmatic documents adopted by the Polish Government, such as the Polish Migration Policy, approved by the Polish Government in 2012, underline the need to “minimise the negative effects of emigration” by focusing on monitoring the impact of emigration on Poland. The Polish Government also set incentives for Poles returning to the country, including incentives for entrepreneurship and employment in Poland (Government of Poland, 2018).

5. Discussion

This section describes the comparative results of policies adopted by Romania and Poland in the EU pre-accession and post-accession periods, marked by policy consolidation.

The labour migration policy is a key element of the migration policy for Poland and Romania, the two states being both host and sending states. From this double perspective, our analysis investigated how labour migration had been managed, in line with national development needs. It also examined how decision-

makers in the two states took into account the extent to which immigrants could respond to labour market needs (identification of skills needs in the labour market, different visas for different types of migrants), and bilateral agreements as a tool for modelling migration.

In terms of content and time of adoption, the labour migration policies of Romania and Poland have been similar, comparable policies being adopted in the early stages: before 1990, there had been adopted restricted migration and limited temporary labour migration measures, while after the '90s, the two countries focused on controlling the irregular migration by introducing controls at the borders, imposing penalties on employers for illegal immigrants, and applying flexible rules for the migration of labour force. We argue that the reason for similarities is the interdependence between the socio-economic and European policy factors (Hypothesis 1). The change of the political regime, the basic requirements for a successful transition to a market economy, the European policy considerations have shaped migration policies of Romania and Poland. The differences between labour migration policies of Romania and Poland can be explained by variations of such socio-economic and political factors as the state of labour market, foreign policy, bilateral relations (Hypothesis 2).

In the early '90s, both states faced the need of implementing measures addressing both regular and irregular migration. The political changes adopted in the early '90s led to the opening of borders, previous restrictions regarding the entry and exit of national territories being eliminated, both for Romanian and Polish citizens, as well as for foreign citizens. Except for the liberalisation of the passport regime, the migration policy was not a priority for the first post-communist governments of Romania and Poland.

In both countries, the restrictive emigration policies were liberalised in the early '90s. In Poland, the Passport Law, adopted in 1990, gave Polish citizens the freedom to travel abroad. Similarly, in Romania, one of the first measures, taken in 1990, was the liberalisation of passports. The right to hold passports, and consequently, to leave the country depended solely on financial means. Emigration flows from Romania and Poland confirm the push-pull theory, according to which, a significant role in directing migration is played by economic and quality of life differences among the European countries.

The political changes in the former Soviet Union had a significant impact on the migration policy, influencing the migration of Romanians and Poles living in the Soviet space, who were then able to return to Romania or Poland. In this regard, naturalisation or integration support policies were adopted in both states, the newcomers received the right to work and enter the labour market without any barriers.

The increase in the flow of migrants required the introduction of legislative measures together with institutional changes. Gradually, both states needed to institutionalise migration policies as a response to illegal migration and high unemployment rate. Both Romania and Poland implemented policies aimed to

regulate immigration, protect foreigners and increase the mobility of their citizens. The regime of foreigners was initially developed around the issues related to border control, mainly regulating the regime of admission, stay, expulsion or naturalisation of foreigners. Provisions regarding the regime of foreigners on the labour market were further included in the general labour market legislation.

Once the EU accession negotiation process started, the evolution was marked by the convergence of national and EU policies. The obligations imposed by the accession to the EU and Schengen area have shaped the migration policies of both countries. Thus, national migration policies took into account and were in line with European migration processes. Policies on the regime of foreigners, influenced by the EU directives, were adopted and could be seen as significant policy changes. In both states, the legislative provisions enhanced the implementation of efficient procedures for managing and controlling the entry and stay of migrants, emphasising the fight against irregular migration. The adoption of formal and informal migration *acquis* was a condition for accession, and the amendments were not only recommended but also mandatory (Grabbe, 2002, p. 264).

In the post-accession period, the regulatory framework was adopted either to harmonise with the new European provisions, or to revise issues considered as non-compliant by the European Commission. Following Article 79 TFEU, the two states regulated a comprehensive system on migration policy, covering both their citizens and third-country nationals. Moreover, there were created new structures facilitating the intra-European migration. The changes have been the result of the interaction between the European and national bodies. The differences between the characteristics of national labour markets in the two states shape the attitudes and policies towards the free movement of people.

EU regulations on labour migration focus on sectoral directives that manage specific categories of workers (highly skilled labour, seasonal workers, intra-corporate, cross-border workers, students, researchers) and are transposed into the national law. The recruitment of foreign workers has been regulated according to the EU provisions which requests a labour market test before the employment of foreign workers. In addition to this test, Romania introduced a quotas system. In a different approach, Poland has implemented a simplified procedure for workers in such sectors as agriculture, construction, industrial processing and transport. No such program has been implemented in Romania. The more liberal migration policy and the increased labour market shortages led to an increased number of foreigners in Poland, while Romania's attractiveness remained relatively low. The Polish attractiveness has been influenced by preferential bilateral relations with the eastern neighbouring states (Ukraine, Belarus, and Russia). In the case of Romania, which could have developed similar relationships with such Eastern neighbouring countries as Moldova and Ukraine, no preferential treatment, based on the country of origin, was adopted regarding the labour immigration. Our assessment confirms the results

of previous studies that reported a direct link between migration policy and immigration rates (de Haas *et al.*, 2019).

Concerning return migration, both Romania and Poland have developed a series of language and culture support programs for their citizens living abroad. Since 2008, both Romania and Poland have implemented information campaigns: Romania focused on the communities in Italy and Spain, while Poland concentrated on its community in the United Kingdom.

The importance of bilateral labour agreements as tools for facilitating labour force mobility has increased steadily since accession. These agreements favoured selective mobility, made available only to particular categories of migrant workers. The implementation of the principle of free movement in the EU has significantly reduced the interest in signing and implementing agreements. In recent years, Poland has intensified its efforts to negotiate and sign the Working Holiday Schemes. Unlike Poland, Romania has not signed any agreement in this area.

Our analysis proves that the constraints of the EU policies, in the context of the EU integration, similarly influenced the migration policies of the two states, confirming our first research hypothesis. Also, different economic trends, and changes in the international standing and foreign policy of each country differently affected the national migration policies, and therefore the second hypothesis has also been confirmed. The issues of interest were the same in both states: free movement of their citizens, naturalisation of ethnic Romanians or Poles, policies regarding the management of access of foreigners and control of irregular immigration.

Conclusions

A rich body of literature on migration policies of various countries has been published in the last years, comprising studies on a wide range of subjects related to Romanian and Polish migration. Still, no Romanian or Polish comparative study on labour migration was found in the comparative migration literature.

This study stresses the similarity of the labour migration policies of Romania and Poland in the last 30 years. We argued that the two post-communist countries had a similar European trajectory and shared a similar history of migration, characterised by highly restrictive and inefficient management until the early 19'90s. Migration policies needed to be reviewed and strengthened as each country faced irregular immigration and labour market challenges. Both states went through a clear process of Europeanization of their migration policies and migration management, while in the area of labour immigration, Poland had a more liberal approach, compared to Romania. The liberalisation of the passport regime in the '90s influenced directly the volume of emigration, followed by a consistent regulation of immigration. Later, the impact of the EU accession and the status of an EU Member State have significantly contributed to the adjustments made to the legislation in this field.

Our results show that the adoption of the EU policies similarly influenced the migration policies of the two states, while national context affected them differently. Specifically, the study proves that the main difference between the two countries in the field of migration policies consists in the degree of flexibility regarding the access of foreigners to the labour market; being much more liberal in Poland compared to Romania, flexibility that has been translated into a more consistent flow of foreigners.

Several limitations of this study need to be acknowledged. The separation of labour migration policy from other fields of domestic policies has limited our ability to understand the complexity of the migration phenomenon. An important constraint lies in the fact that we have used the comparative case study method that gives an in-depth understanding of the matter, without *establishing* a *causal* effect of the migration policies.

These comparative results may further help public authorities and decision-makers in the two countries to identify better strategies for coping with labour migration and be more responsive to the needs and context of the national labour market. However, further research, especially on the less-covered post-communist countries, is still needed, the topic remaining open for future explorations; several migration policy areas have not been addressed by this study, such as the policy measures on family reunification, refugees and asylum; a deeper understanding on how such policies work and interact in the former communist countries of Eastern Europe may help practitioners and decision makers adjust migration policies to a constantly evolving reality.

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