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The Porous Border Woven with Prejudices and Economic Interests. Polish Border Admission Practices in the Time of COVID-19

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Abstract: The COVID-19 pandemic has severely restricted global movement, thus affecting migration processes and immigrants themselves. The paper focuses on the evaluation of bordering procedures and practices introduced by the Polish government in the time of the pandemic. The aim is to highlight the duality in the admission processes at Polish borders between labour and forced migrants, which have been driven, as I argue, by economic interests and the xenophobic attitudes of the government. The paper is based on interviews with experts assisting migrants during the pandemic in Poland, whose direct contact with thousands of clients has allowed them to acquire broad knowledge of how the new legal provisions have affected different groups of immigrants. The data confirms that the Polish border is very porous. It has been almost completely closed to asylum seekers, especially those fleeing from Muslim countries, for whom the only option is to cross the border illegally. Only one exception was made for Belarusians, who were cordially welcomed at the border while escaping persecution in their home country in the wake of their protests against Lukashenko's regime. Economic migrants, on the other hand, exist on the other side of the spectrum. For immigrant workers, borders have remained open throughout the whole pandemic. Moreover, some further measures facilitating their arrival were introduced, such as de facto lifting of quarantine for seasonal farm workers.

Keywords: border practices; asylum seekers; economic migrants; Poland; pushbacks at the border; COVID-19 pandemic; governmental xenophobia



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1. Introduction

The COVID-19 pandemic has caused an unprecedented process of immobility for billions of people globally. Not only was traffic across borders stopped, but any mobility within countries as well. However, at the same time, many people were forced to leave their country of residence, while others were unable to return home, although they wanted to (Chamie 2020). As Thomas Nail aptly noted, 'The COVID world is just like it was before, only more so. (...) Things were awful before COVID, now they are worse' (Nail 2020, pp. 889, 891). This observation very accurately reflects the deepening segregation of immigrants on Polish borders after March 2020.

There is an extensive body of literature about the ambivalent attitude of Polish authorities towards immigration: the far-right government of 'Law and Justice' party, which has been ruling since the end of 2015, came to power using anti-immigrant and xenophobic slogans in the election campaign. They stoked fear of 'others' caused by the so-called refugee crisis of 2015–2016 (Koulisch and van der Woude 2020), resulting in a drastic deterioration of the public's attitude towards refugees in Poland (Pędziwiatr and Legut 2016; Jaskułowski 2019). This fear was artificially orchestrated by politicians, because no people from the Mediterranean region, Africa or Central Asia had come to Poland seeking international protection—whether in an illegal manner (the Balkan route bypassed Poland), nor legally, i.e., through resettlement or relocations in which Poland refused to participate

(CJEU 2020). Despite this, the government successively developed laws and policies based on xenophobia, the aim of which was to prevent refugees from entering Poland (Klaus 2017; 2020b). Quite quickly, however, the practices of the Polish authorities became steeped in ambivalence. A huge antipathy to refugees and the intention to drive them away from Polish borders was accompanied by relatively high receptiveness to economic migrants—although mainly those from neighbouring countries, i.e., primarily from Ukraine (Klaus 2020a). The trend could be attributed to the demands of employers who faced significant shortages of workers. As a result of this process (which the government neither supported nor opposed), from 2018 onwards, Poland began to gradually emerge as a country of immigration. In recent years, it has, in fact, been leading the list of EU countries with the highest number of newly admitted immigrants (Solga and Tereszkievicz 2020). In this respect, with the reluctance of the government and society's restraint towards migration and the simultaneous blending of many migrants into the local labour markets, Poland is not unlike, say, Italy from the first decade of the 21st century (Ambrosini 2013).

In this paper, I would like to present how the above processes were affected by the COVID-19 pandemic. I will focus on the possibilities of entering and staying in Poland for different groups of immigrants. I will demonstrate how many facilitating measures have been introduced for economic migrants, especially for Ukrainians (yet not necessarily so for people from more distant and other ethnically different countries) when it comes to their arrival and work. At the same time, the border for asylum seekers was tightly closed, but only in one direction—the government did not allow them to enter Poland. Meanwhile, return procedures were ongoing and people were held in detention awaiting them. An interesting breakthrough in this policy came in the autumn of 2020, when the government decided to introduce far-reaching facilitating measures exclusively for asylum seekers fleeing Belarus.

2. Two-Folding '3D'—Unwanted and 'Essentially' Wanted Immigrants Vis-à-Vis Governmental Xenophobia

The problem of segregating migrants into wanted and unwanted, better and worse, has long featured in the literature (Aas 2011; Kmak 2015). The extremely unwanted group is represented by asylum seekers. It is against them that governments try to apply deterrence processes (Hamlin 2012; Gilbert 2009) using practices referred to as '3D': desertion, detention, and deportation (Kalir 2020), i.e., implementing the policy of deportability and detainability (De Genova 2019). All these activities constitute what could be described as governmental xenophobia (Valluy 2011, pp. 116–17), because they are based on the prejudices and resentment of people in power towards 'Others' (an approach of this manner bears all the hallmarks of pure racism, even though Valluy himself does not use this term), and their goal is stigmatisation and labelling of migrants—both as a whole and those belonging to specific groups (such as asylum seekers)—as problematic and threatening. As a result, governments introduce public policies and regulations whose task is to not allow migrants in, to expel them or make their stay unpleasant by creating a hostile environment for them (Kalir 2019).

During the pandemic it transpired, however, that some migrants are indispensable to the countries of the Global North, hence the borders for them must remain open. Much was said then about essential workers—in the case of migrants, they were people who primarily looked after dependent people, especially the elderly (Nowicka et al. 2021), or agricultural workers—because someone had to plant and then harvest the crops. This is the second group of '3D' migrants, i.e., those who performed dirty, dangerous, and demanding work (Ambrosini 2013, p. 184). Not only were borders opened for these workers, but some countries even organised transports to bring them over (Bejan 2020; Parmet 2020). Most often, however, they were not provided with appropriate COVID-secure conditions and treated differently in relation to the citizens of the host country.

What is happening is the separation of two types of subjects: those who deserve protection and those who do not. The deserving are the German subjects, whose

lives and health are valued and should be protected from the foreign, potentially infected intruders; the undeserving are the Romanian seasonal workers, the disposable subjects, those whose work matters more than their health, and whose health becomes vital only in relation to the domestic population, that is, only in terms of not contaminating them. (Bejan 2020, p. 2)

In addition, the arrival of this group of migrants was treated as temporary in nature and for work purposes only, so their rights were additionally limited, e.g., by preventing the arrival of migrants' family members or by introducing restrictions on access to healthcare, including also assistance in the case of COVID-19 infection or vaccination against it (Parmet 2020, p. 242).

In the case of both types of migrants described above, one can speak of the xenophobia of the people governing the country. It is blatantly obvious with regards to asylum seekers: the xenophobia is expressed directly in the statements of the governing bodies and their actions. However, even when it comes to migrant workers, we see the process of their differentiation from citizens, resulting from the perception that whites are superior to non-whites, and proving that some postcolonial white supremacy still exists (Kalir 2019). In the case of people from different parts of Europe (the richer West and the poorer East) we can talk about different shades of whiteness, where two identities overlap—nationality and ethnicity, i.e., being an immigrant and a stranger (Fox et al. 2012), and class, i.e., being poor (Webster 2008). In the case of Germany, it will be a distinction between Germans and Romanians or Poles; in Poland—between Poles and Ukrainians.

Polish xenophobia has its roots in centuries-old antisemitism (Bilewicz et al. 2012) and the legacy of the communist regime. Not only did communism render Poland a nationally and ethnically homogeneous state, but it also combined it with a homogenic and nationalist ideology, which strengthened the society's suspicion of others, including foreigners, and even made some groups national enemies (Libman and Obydenkova 2020; Burjanek 2001; Zarycki 2008). All this is combined with the process of Poles abandoning European values, set in motion in 2015, known as de-Europeanisation, which includes departure from tolerance (Vermeersch 2019).

Moreover, it is important to consider the specific Polish attitude towards its eastern neighbours—Ukraine and Belarus, which can easily be called postcolonial. Centuries ago, these societies formed one state organism. In it, Poles played a dominant role—the role of 'civilisers', who looked down on the inhabitants of the areas in the east. To this day, many politicians believe them to be a Polish zone of political influence (Zarycki 2008), hence the great involvement of Polish politicians of all parties in the democratic transformations taking place in Ukraine (including Maidan in 2014) or in supporting Belarusians protesting against the regime of Lukashenko in 2020. Still, the air of superiority towards eastern neighbours and their inhabitants is never absent, driven by matters of culture and identity. This deeply rooted perception of neighbours located further to the East as more backward is common to many societies of central and eastern Europe, and its aim is to present oneself (also to oneself) as better and Europe-worthy. To belong to the 'West' is to belong to civilisation (Melegh 2006, pp. 115–16). At the same time, this 'superiority' has an economic and class background, resulting from the stereotypical perception of Ukrainians mainly through the prism of their economic migration, poverty, backwardness, or poor economic development of the country, etc. Belarusians are probably perceived in a similar way, but there is no detailed research here (and besides, Poles tend to treat all eastern neighbours as one, and do not distinguish Belarusians from Ukrainians and Russians) (Koval et al. 2021). On the other hand, migrants from these countries are generally accepted by the Polish society as similar and familiar. The authorities perceive them in a similar way—as people from a similar culture and therefore more wanted (if migrants must come to Poland at all) than those from more distant countries and a different ethnic or religious background (Klaus 2020a).

3. Methodology of the Research

The aim of the research was to examine how the pandemic itself, as well as the regulations introduced by the government in the field of border management, influenced the lives of immigrants in Poland. Because it was impossible to reach a large and diverse group of immigrants who could assess these processes, in-depth interviews with experts working with migrants were conducted instead. The main goal was to reach people who have been providing advice and support to a large number of migrants for years. We assumed that these people would have a comprehensive picture of not only the practical functioning of the new regulations, but also the problems arising from the stay of migrants in Poland during the pandemic.

Between December 2020 and January 2021, fifteen in-depth expert interviews were carried out with 16 persons (9 women and 7 men). The group comprised six individuals offering legal advice and six assistants (who provide information and support but are not lawyers themselves). A total of nine respondents represented civil society organisations (CSOs) (of which three were grass-root immigrant organisations), three people worked for private law firms, two in public administration and a further two were experts—a researcher and a representative of an employers' organisation. The group of experts consisted of prominent representatives of organisations and institutions (especially on the national level) working in the area of migration for years. All interviewees shared the experience of working with diverse migrant groups—both forced and economic, as well as with people from different parts of the world. The main criterion used to invite experts to the study was a premise that the organisations or institutions they worked for should provide direct legal assistance to immigrants (in the form of legal advice or information). The group was also geographically diverse and included cities of various sizes located in different regions of Poland. Due to the composition of the researched group, the study has its limitations, as it focuses mostly on a general overview of the situation of immigrants during the pandemic (on the national level and in just several regions in Poland) and thus it could have overlooked some more nuanced and personal problems, especially in vulnerable groups, that people did not decide to share with the legal consultants in the first place and then the experts could not refer to during interviews.

The interviews were semi-structured, conducted on the basis of a common protocol (which was modified depending on the individual expertise of the interviewee), and the average duration was between 40 min and 1.5 h. The interviews were transcribed and then coded using the inductive approach and the MaxQDA software, although the basic categories were taken from the main categories of the interview protocol (Petintseva et al. 2020).

4. Better and Worse Asylum Seekers—I.e., Who May Enter the Country

Since 2015, Polish authorities have been gradually closing borders to asylum seekers. Refugees have been approaching the Polish border applying for international protection, but the border guards 'fail' to hear these requests and do not accept their applications, sending most of the asylum seekers back to Belarus. Over the years, the number of people who have managed to enter has gradually decreased—from over 12.6 thousand in 2015 to just over 4 thousand in 2019. Entry was refused mainly to Chechens and Tajiks; in other words, Muslims (Klaus 2020a; Szczepanik 2018). These practices have been recognised by the European Court of Human Rights as a violation of the non-refoulement principle and as an example of prohibited collective expulsions (ECtHR 2020; 2021). Those illegal expulsions and refusals to accept asylum claims took place mainly at one border guard post on the Polish–Belarusian border, in the city of Terespol. For many years, this railway border crossing has received the greatest number of asylum applications in Poland, as it is located on the Moscow–Berlin railway route. Hence, it was the most convenient place to cross the Polish border for refugees from the former USSR countries, i.e., the vast majority of people who applied for asylum in Poland.

The outbreak of the pandemic, which reached Poland in March 2020, resulted in the government closing the borders on 15 March 2020, which remained relatively impenetrable to migrants without Polish citizenship until 13 June 2020 (Nowicka et al. 2021, p. 5). The list of individuals who were allowed entry into Poland, although short at first, expanded over time. From the very beginning it included people who had the right to work in Poland (Princ 2020) and never included migrants seeking international protection. When asked about the absence (it could hardly be interpreted as an oversight) of this group, the Border Guard explained that such migrants could enter the country based on a provision, which allows people to be admitted ‘in particularly justified cases’ and after obtaining permission from the Commander-in-Chief of the Border Guard in this specific case¹. In reality, however, the provision did not work in the case of refugees (except for Belarusians, as discussed below).

The railway crossing in Terespol was closed on 15 March and the train service to Belarus was suspended. This resulted in the discontinuation of asylum applications in Terespol; from 15 March until the end of 2020, only 32 applications in total were accepted in this facility (compared to 540 in 2019). Throughout 2020, only 1535 applications (which covered 2656 asylum seekers) were accepted in the whole country (KGSG 2021).

In 2021, the closure of the border continued, so the desperate refugees from other countries waiting in Belarus began to cross the Polish border illegally. According to the information published on the website of the Border Guard, 45 Chechens, 4 Tajiks and 93 Afghans who crossed the Polish–Belarusian border illegally have been apprehended since the beginning of 2021. All these people were placed in detention and most of them then submitted applications for international protection. Some of them had earlier tried to submit asylum applications on the Polish border, to no avail. The conduct of the Polish authorities not only forced them to pay the smugglers to arrange an illegal border crossing for them, but they were additionally punished for entering Poland—both by deprivation of liberty in detention centres, as well as by having proceedings initiated against them for illegal border crossing, along with a criminal conviction in a simplified procedure and without their presence in court—a standard practice in such cases (Kaciupska 2021). This practice is highly questionable, not least because it contravenes the provision of Article 31, paragraph 2 of the Geneva Convention that prohibits the punishment of refugees for illegal border crossing. What is also particularly relevant in this case is that those asylum seekers were not coming from a safe country. Belarus is no longer one, as declared by the ECtHR (ECtHR 2020, para. 177–78).

The situation at the border changed in August 2020 when, following Alexander Lukashenko’s regime’s brutal suppression of protests against the rigging of the presidential election, many protesters had to flee Belarus. It was at that time that Polish authorities began to introduce numerous measures to facilitate their entry, such as humanitarian visas (which had practically never been issued before), as well as other types of visas:

consulates were issuing [. . .] repatriate visas to hide those people [from Belarusian authorities]. It mostly concerned the families of members of the Coordination Council against whom criminal proceedings were initiated in Belarus. There was a big problem whether such people would be allowed to leave or banned from leaving Belarus. Polish consulates here were trying to save such people. *Activist for a Belarusian organisation in Poland* (W6)

Belarusians were admitted to Poland on the basis of any visa (even one not explicitly mentioned in the COVID-19 regulations as granting entitlement to entry), or even without any visa at all—in which case, border guards themselves tried to obtain permission to enter from the Commander-in-Chief of the Border Guard. On 22 September, after Sviatlana Tsikhanouskaya’s visit to Poland, the Polish government put Belarusians on the list of foreigners who, as the only nationality, could cross the Polish border regardless of the purpose of entry and the entry document. This is how this phenomenon was recounted by the participants of the research:

It really is a cosmic exception of some sort. I won't criticise Polish authorities for allowing Belarusians to enter but it is a textbook example of unfair treatment and you'd be hard pressed to find a better illustration of it. We've got better and worse refugees. It isn't bad to assume in advance that some groups [. . .] deserve protection so we're letting them in. However, you mustn't assume [. . .] the opposite with regard to any other group, which is exactly what is happening to Chechens, Tajiks [they are thought not to deserve protection]. *Activist from an organisation helping refugees (W3)*

Indeed, Belarusians get preferential treatment when it comes to entering the country at the moment. We've seen how the situation in Terespol looked before—other foreigners were never let in like that [. . .]. If anything, I reckon it's a political gesture of goodwill on the part of the Polish state, to allow Belarusians to enter Poland. *Activist for a Belarusian organisation (W6)*

The same respondent witnessed the extent of border guards' helpfulness:

a family of Belarusians wanted to cross the Polish border with their dog, which had no documents, and they went 'why won't you let us in with the dog—we're refugees and so is the dog'. Never before in my career had I seen border guards apologise and promise to do all they can to let the people in, including calling a vet and getting them to examine the dog and authorise its entry. I, for one, was very surprised.

Without doubt, the sense of cultural familiarity must have been playing a part in border guards' perception of Belarusians as people who are basically the same as us—a neighbour in need. The fundamental difference in the treatment of Belarusians can also be attributed to political will and a keen interest of Polish authorities in what is happening in a country considered to be a Polish political sphere of influence ([Zarycki 2008](#)). Furthermore, not without significance is the fact that officials are able to single out Belarusians amongst other refugees seeking protection in Poland, most of whom are Muslims. This element seems to have been of special importance when comparing the treatment of immigrants from the Middle East, Afghanistan and African countries who started to appear at the Polish border in the late spring of 2021. A ploy orchestrated by Lukashenko's regime in order to destabilise the situation on the eastern border saw the immigrants being brought by planes from the Middle East with Belarusian tourist visas with a view to crossing the border. Those illegal border crossings by thousands of people who were dispatched by the regime to Lithuanian, Latvian and Polish borders resulted in a fence being built along the stretch of the EU eastern borders, which provoked violent responses by both border guards of the targeted EU countries (with a significant number of push-backs to Belarus) as well as Belarusian authorities, and caused the deaths of several people in the Polish forests, mostly as a result of hypothermia ([ECRE 2021](#); [Parliamentary Assembly 2021](#)).

5. One-Side Open Border—Deportability and Detainability in the Time of the Pandemic

Although the admission of migrants to Poland was very limited during the pandemic, the reverse practice was very much business as usual. Various types of expulsions from the territory of Poland continued throughout the entire period, also during the full closure of the borders. Between 15 March and 15 June 2020, a total of 799 people were expelled from Poland—the vast majority by land to neighbouring countries, mainly to Ukraine ([KGSG 2021](#)). While some countries, such as the Netherlands, suspended deportations in the first phase of the pandemic, i.e., spring 2020 ([Kalir 2020](#)), Poland did not follow this path. This was probably due to the exact fact that many people could be expelled by land to one of the neighbouring countries.

One of the forms of bordering practices is placing migrants in detention centres. This measure is not only intended to deter illegal border crossings ([Bosworth et al. 2018](#)), but also to facilitate the expulsion process ([De Genova 2019](#)). Worldwide, the facilities introduced

a range of practices in response to the COVID-19 pandemic. Spain followed the path of full abolition, and all detained immigrants were released ([Brandariz and Fernández-Bessa 2021](#)). In the US, a lot depended on the courts, but overall, the number of migrants in the said facilities had decreased; the courts also ordered the release of all children who had been in detention for more than 20 days ([Parmet 2020](#), p. 242). By contrast, Poland recorded no spike in the number of people released from detention due to the pandemic.

When the first wave came in spring there were releases which were off the record, so to speak. What happened was they released a fair number of people, but it was all hush-hush, [. . .] and nobody would admit officially that it was because of the pandemic.

Lawyer for CSO (W12)

The authorities officially confirmed this fact, stating that, in their judgment, there was no need to release detained individuals due to the pandemic². The facilities introduced various COVID-secure precautions, effectively cutting the residents off from the rest of the world, as all visits were forbidden ([RPO 2021a](#), pp. 205–10). Contact with the world was possible only online, as were meetings with lawyers, which in practice significantly limited detainees' access to legal aid. A lawyer shared her opinion about these visits:

different rules apply [to online visits], depends on which centre we are talking about. [. . .] in one of the centres a 'virtual visit' can be scheduled with a specific person one wishes to talk to. [. . .] the lawyer must know in advance who they wish to speak with. Inevitably, if they don't know the name of the client, they will not be able to submit their name and the virtual visit will not be possible at all. (W12)

However, statistical data show that during the first wave of the virus, i.e., in the spring of 2020, the number of people in detention was reduced by informal means. In the period from March to May 2020, the number of people in the centres decreased from 241 in March to 150 in May, only to increase again as of June, reaching 387 people in December 2020. New people were also admitted to the centres all the time—it was only in the period between 13 March and 30 June 2020 that the number of new arrivals stood at 129. In total, 658 people were admitted from 15 March until the end of the year ([KGSG 2021](#)). The situation changed dramatically in 2021, due to a vast influx of people illegally crossing the eastern border. The number of places in detention increased (tripled) and new centres were opened. However, despite those changes, detention facilities remained overcrowded, and conditions were heavily criticised by the Polish ombudsman who visited them in October 2021 ([RPO 2021b](#)).

As for releases from detention, only a small number of those released received alternatives to detention. The pandemic had not changed much in this respect—from March to December 2020, these alternatives were only offered to 127 people ([KGSG 2021](#)). It is difficult to clearly determine how many people were released due to the impossibility of expulsion. In theory, the role of detention in return procedures is to facilitate the efficient expulsion of migrants. Hence, in a situation where there is no real possibility of carrying out deportation, detention should be considered illegal, as it does not fulfil the purpose for which it was used ([Kalir 2020](#)). However, experts remained divided on this point. Some confirmed that such releases did take place:

I'm sure there was a certain number of people who were released at the very beginning, but I don't know if it had anything to do with the pandemic or a simple realisation that they could be expelled so there was no point in keeping them. *Activist for a CSO (W3)*

Others (members of CSOs as well), on the other hand, did not corroborate this account:

I remember writing away all through March, April, and May—'hello, the borders are closed so there's no risk of an illegal crossing [of the border]'. [. . .] I had these guys you couldn't deport either, and they had partners in Poland. [. . .] [Regardless, they are all] still remained in detention. (W5)

they [border guards] only have one mode: that some expulsions will surely be possible any time soon. They schedule subsequent dates and go—well, next week for sure then. If it doesn't happen next week then they set another date for another week. They haven't got this mindset that allows them to take stock of the situation: ok, it's not going to be possible for the next two months. [...] They are stuck operating in the expulsion mode. (W12)

Perhaps such differences result from different practices followed in different detention centres (there are six in Poland) as well as informal actions undertaken by the authorities. It is noteworthy that, in fact, some expulsion did occur during the pandemic—only between 15 March and 30 April, in which as many as 88 people were deported directly from the centres (KSGS 2021). It would seem that the border was closed primarily to those who wanted to come to Poland, but it remained open when it was necessary to get rid of unwanted migrants.

6. 'It's the Economy, Stupid'

While the borders were closed to refugees, they remained very much open to people coming to work. However, in Poland's case, the caveat did not only concern essential workers, a term which basically covers people doing seasonal work in agriculture. The borders remained open to all migrants who could produce any document entitling them to work in Poland. In addition, further facilitating measures for migrant workers were introduced quite quickly: the validity of their visas, residence permits, and work permits were automatically extended (Princ 2020), so that they would not be required to apply for new ones issued during a pandemic or return to their country of origin to have them replaced.

These provisions, however, resulted not so much from the willingness to make things easier for migrant workers, but rather for those who employ them. They were prompted by the inefficiency of the Polish system of legalisation of work and stay, in which the procedures for obtaining documents can last for several months:

it takes around 6–7 months to have the work permit issued in normal circumstances, let alone during a pandemic. The same goes for changing the temporary residence and work permit when switching employers. The pandemic situation has made the wait even longer, causing more and more foreigners to take up work without a valid permit or to work illegally altogether. *Migration lawyer* (W8)

The government was well aware that the delays in completing formalities would only increase with offices working at reduced capacity due to the pandemic, which indeed happened (Cope et al. 2020, pp. 11–13). Hence, the introduction of the new regulations was intended to prevent the illegalisation of hundreds of thousands of migrant workers.

At face value these provisions appear to facilitate the functioning of migrants during the pandemic, and they really worked, at the start. However, these temporary regulations have now been in force for 1.5 years and it is not known when they will cease to apply (they are to be in force until the state of the epidemic emergency is cancelled by the government and for another 30 days after that date). Therefore, they create a sense of uncertainty and limbo with regards to what will happen later, when the new rules have been abandoned and new documents will not be issued by relevant offices on time.

The COVID-19 regulations also assumed the continuity of work with one employer, in a bid to eliminate the problem with extending employment. However, in the event of a change of employer (not least due to redundancies caused by the economic slowdown or the closure of certain sectors, such as gastronomy), the migrant is not able to quickly obtain new documents necessary to start work with another employer. However, they need a job to support themselves (because most often they are not eligible to receive social benefits). Hence, they often work illegally or in some sort of semi-legal arrangements (Kubal 2013), as indicated by the migration lawyer quoted above (W8).

Special regulations were introduced for seasonal workers in agriculture—their supposed quarantine at the contracted farm did not consist of complete self-isolation, as they

could normally carry out all field work on the farm, which basically released them from having to quarantine at all. Another problem was that migrant workers were not adequately protected—they stayed in common rooms in larger groups and did not receive appropriate personal protective equipment (the fact that they often disregarded the epidemic threat themselves did not help either).

In a nutshell the requirements stated that those who arrive during the pandemic must be accommodated in separate rooms. This never happened. I know, because I saw it with my own eyes: eight people would arrive to pick strawberries, each one on a different day. According to guidelines, they should each stay in their own room, and this never happened. They would be put together. [...] The face masks were just for show, in case of a spot check, but the workers themselves did not demand them—they felt that the fresh air made a difference. Mind you, when they were being transported [...] it did become problematic, because they were squeezed together in one delivery van. [...] they are squeezed together, there's no ventilation and all the facemasks are at the front, where the driver is, so that he can quickly throw them to people when he sees the police. You know, as in: put the masks on so that they can see everything's legit. A complete farce it was. *Seasonal work expert (W1)*

To summarize, the only ban enforced during this peculiar form of quarantine was the lack of contact with people outside the household, i.e., Poles. In fact, it was the safety of the latter that seemed to be a cause for concern for the authorities (as well as the state of the Polish economy, no doubt), rather than the well-being of migrant workers (cf. also [Bejan 2020](#)).

All the above regulations for migrant workers were 'tailored' primarily to Ukrainians and other workers from countries neighbouring Poland. Citizens from more distant (geographically but also ethnically) regions, i.e., people from Asian or African countries, were subject to obvious xenophobia, seeing as their arrival was obstructed in various ways—visas were not issued, those already issued were cancelled and consular posts were closed (cf. also [Parmet 2020](#), p. 241).

The above regulations result from the Polish authorities' perception of migrant workers only in the context of immediate benefits for the economy, whereby disposable labourers come to work for a while when needed, and then leave. Such a setup relies on temporary and rather short-term migration, which is wholly untenable, as figures show different trends in this area. Still, hard facts will clearly not stand in the way of those who are in power and resent the presence of migrants in Poland for longer, let alone permanently.

7. Discussion and Conclusions

Most public policies introduced during a pandemic time are characterised by their uncertainty ([Weible et al. 2020](#), p. 3), which stems from the unpredictability of what might happen and how the virus, as well as its mutations, will spread. The same uncertainty impacts on migration policies and then affects the lives of migrants. The second important effect of the pandemic is the deepening of existing inequalities ([Weible et al. 2020](#), p. 5). Yet again, migrants pay the highest price for this state of affairs, especially those who are most vulnerable and in need of the greatest support, i.e., refugees. Meanwhile, on the EU level, not much is being enacted, be it on the level of individual states or in the EU as a whole ([Dadusc and Mudu 2020](#)), and the only evolution is visible in the language used with reference to migrants and refugees alike, which on a declarative level at least can be described as 'human and humane' ([Panebianco 2021](#)). This criticism applies to Poland as well, a country where the constitution guarantees the highest level of protection to refugees and where this very group of migrants has been overlooked the most during the pandemic, and experienced the greatest inconvenience as a result of the restrictions on movement ([Princ 2020](#), p. 16).

On the whole, the pandemic has seen the return of governments shifting their attention to borders and societies closing in their national bubbles. Migration to many

countries has been limited and migrants have often been accused of bringing along diseases (Ambrosini 2021, p. 389). In Poland, these processes have taken place to some extent only, emphasising the double standards that the government applies to different categories of migrants. Therefore, on the one hand, the borders have remained open throughout to migrant workers in response to economic demands and pressure from business owners which overrode the government's xenophobia. On the other hand, the borders have been almost entirely closed to refugees, who are perceived as undesirable and likely to generate additional costs (Barker 2018).

The pandemic has also exacerbated the division of migrants according to their ethnicity or religion. For many years now, various administrations in Poland have spoken about opening up, mainly to arrivals from culturally close societies, most notably citizens of neighbouring countries. Not only was this sentiment reflected in subsequent documents on migration policy but also while drafting custom-made regulations to cater to Ukrainians. The same happened during the pandemic, except this time the borders opened to a different single group of refugees—Belarusians. In a move without precedent (even when compared with the admission of Ukrainians after Russia's aggression against Ukraine in 2014), the government prepared regulations and protocols that opened the borders wide, offered significant help in crossing them as well as upon arrival. Belarusians were perceived not solely as people fleeing persecution but as individuals with agency, which was reflected in the launching of the 'Poland. Business Harbour' programme for entrepreneurs from Belarus (mainly from the IT sector) who wish to relocate to Poland.

Meanwhile, people from geographically, ethnically, and religiously distant countries (mainly Muslims), found themselves in an altogether different situation. Their arrival in Poland—whether as refugees or migrant workers—is rarely welcome and they themselves face many obstacles when trying to enter. To all intents and purposes, this level of government xenophobia bears all the marks of a phenomenon known as 'departheid' (Kalir 2019), which in Poland, due to the near absence of people from different ethnical or religious backgrounds, focuses on measures preventing their entry. Nonetheless, the main purpose of these practices is essentially the same—

to protect the territory of White people, or what we can call 'White spaces,' from any 'invasion' by racialized Others. (. . .) [It's] an act of self-defense, protecting so-called Western civilization and Judeo-Christian values that are allegedly under attack from illegalized migrants. (Kalir 2019, pp. 28, 32)

Those 'values' are at the absolute forefront of the Polish government's policy at the moment. This fact became even more obvious in August 2021, when many immigrants found themselves stranded in the border zone, and the government contributed to the deaths of several people in the Polish forests by refusing to accept asylum claims from them while continuing to push them back to Belarus irrespective of their health condition.

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Notes

- ¹ Letter from the Border Guard Headquarters to the Commissioner for Human Rights, 21 May 2021, ref. KG-CU-ZSS.072.8.2020.
- ² Similar trends were also observed in Polish prisons. Again, the authorities (and the courts) decided against releasing imprisoned people due to the pandemic. A slight reduction in the prison population in 2020 resulted from a reduction in the number of new admissions to serve a sentence (Stańdo-Kawecka 2021).

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