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## No Country for Poor People: The Case Study of the Romanian Roma Migrants in Poland

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### Abstract

Since the creation of the European Union, anti-immigration rhetoric has traditionally been directed at non-European citizens. However, in recent decades hostility towards migrants has been extended to the rejection of EU citizens, to whom the European treaties ostensibly guarantee freedom of movement. In particular, the migration of the largest European ethnic minority, the Roma, within the EU has been accompanied by inflamed media reports and populist discourse laden with explicitly racist sentiments. Whereas the dynamics of Romani migration in the original Member States has received substantial political and academic attention, the movement of Roma people across newer Member States continues to be overlooked. An intrinsic assumption that Romani migration is a solely westward phenomenon has led to a failure to examine the role of Central and Eastern European states in generating exclusionary policies. Despite urgent calls from human rights activists about the intensifying violation of the legal rights of Romani migrants the situation has yet to be acknowledged or scrutinized by international organizations and academics. To shed analytical light on this under-researched area, the article presents an analysis of the impact of Polish immigration regime on Romani migrants and long-time residents from Romania. Drawing on data from official documents, activist reports, and semi-structured interviews the article traces the neoliberalization of Polish migration regime: one that mobilizes aggressive attitudes and behaviors towards the poorest and most marginalized European citizens. In turn, it argues that the deterrent tactics employed against migrants by the Polish State has its roots in the increasingly restrictive EU immigration policies and economic determinism of the Freedom of Movement and Residency Directive.

*Keywords:* Poland, Roma, migration, Freedom of Movement, neoliberalism, criminalization.

## 1. Introduction

The anti-immigration rhetoric in the EU, traditionally directed at non-EU citizens has now shifted towards the rejection of citizens, to whom the European treaties ostensibly guarantee freedom of movement. Particularly, migration of the largest European ethnic minority, the Roma, has been accompanied by inflamed media reports and populist discourse laden with explicitly racist sentiments. While Roma people represent a fraction of the many millions of European Citizens who move across state borders in their search for work, safety and a better life, national and local decision-makers perceive Roma migration as a threat to sovereign stability. While not all Roma people who exercise their rights to free movement are poor, state-sponsored violence, subjugation and racialization disproportionately affect the most impoverished individuals and families.<sup>1</sup> A study commissioned by the Organization for Security and Co-operation in Europe (OSCE) describes in detail the illegal surveillance of Roma migrants, forced evictions and ethnic profiling by state police forces (Cahn and Guild, 2010). According to the European Union Agency for Fundamental Rights (FRA) the criminalization of Roma migration has repeatedly served as an excuse to destroy Romani settlements as ‘cauldrons of criminality’ and to deport Roma people on the grounds of ethnicity (FRA, 2009). Legally dubious practices of collective deportations of Roma living in ‘informal’ encampments have taken place across the European Community (Severance, 2010; Parker, 2012; O’Nions, 2011; Fekete, 2011; Kóczé, 2017). These measures are fueled by public and media discourses that explicitly invoke ‘cultural difference’ as a basis for exclusion and banishment. The repressive treatment of Roma migrants by EU Member States derives its legitimacy from a historical and deeply entrenched *Romanophobia* (McGarry, 2017; Kóczé, 2017; Yildiz and De Genova, 2017; van Baar, 2017). Nevertheless, the zealous targeting of the most impoverished migrants must be placed at the center of the broader trend of welfare state retrenchment, punitive revamping of public policies and rebranding of poverty as personal failure (Wacquant, 2012).

In recent years, scholarship on Roma migration shifted its analytical focus from examining the patterns and reasons for Roma migration (Vašečka and Vašečka, 2003; Guy, 2003) to addressing racialization, securitization and the criminalization of the abject socio-political conditions of Roma migrants (Kóché, 2017; Yildiz and De Genova, 2017; van Baar, 2017). The deportations of EU-national Roma migrants across the internal borders of the EU raise fundamental questions regarding the allegedly egalitarian and universalistic character of the freedom of movement regime (Humphris, 2017; Kóczé, 2017; Yildiz and De Genova, 2017; Aradau et al., 2013). Scholars argue that the European Union’s principle of ‘free movement’ has been perverted by national policies, mobilized to restrict the inflow of problematic and racialized EU nationals (Aradau et al., 2013; Yildiz and De Genova, 2017). While this novel line of research succeeds in placing the question of Roma migration at the

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<sup>1</sup> It is important to acknowledge that the Roma minority is an extremely diverse ethnic group and their experiences in the course of inner-European migration differ widely (Kropp and Striethorst, 2012). However, the cultural and economic diversity should not overshadow the unequivocal fact that the vast majority of Roma people ‘still belong to the poorest, most segregated, most discriminated against and least integrated populations in Europe, and their chances for socio-economic mobility continue to be extremely low’ (Sigona and Vermeersch, 2012: 1189).

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center of normative debates about European citizenship, its analysis of the subjugation of Roma migrants often neglects the encroaching European trend towards repressive and coercive approaches to *all* people living in visible poverty. Although scholars do address the neoliberalization of ‘free movement’ in the EU (see: Kóczé, 2017; Yildiz and De Genova, 2017) they often do so only in relation to Roma migrants, thus failing to emphasize the vilification of impoverished mobility in general, which thrives under the EU regulations.

Furthermore, scholarship on Roma mobility continues to focus primarily on developments unravelling in the original Member States under the intrinsic assumption that Roma migration is solely a westward phenomenon. The comparatively low mobility of Roma people within the Central and Eastern European (CEE) region has diminished interest to undertake critical analysis of immigration policies in countries such as the Czech Republic, Hungary, or Poland. While the recent ‘migration crisis’ brought international attention to xenophobic and hostile attitudes flourishing in the region, urgent calls of non-governmental organizations (NGO) and activists about appalling violations of human rights of Roma EU nationals continue to be ignored (Móricz, 2013; Nomada, 2013; 2014). Moreover, the focus on the deportations and evictions of Roma EU nationals rarely acknowledges that similar tactics are used to expel and penalize other impoverished groups and individuals. For example, in May 2016 the UK Home Office introduced new guidance stating that rough sleeping was an ‘abuse’ (later qualified as ‘misuse’) of EU citizens’ right of freedom of movement. The guidance means rough sleepers can now be ‘administratively removed’ (effectively, deported) from the UK just for sleeping rough. This applies even if they are otherwise exercising treaty rights. Rough sleepers from Central and Eastern Europe have been particularly affected, but Italian and Portuguese nationals have also been detained and removed (Webber, 2017).

Finally, the exclusion of the CEE region from a growing body of largely Western European research on migration hides the oppressive tactics mobilized by the CEE governments against impoverished migrants, including Roma people. It also fails to highlight the impact EU pressure has had on the deployment of restrictive immigration policies by the new Member States. Perhaps more importantly, scholarship on mobility rarely takes account of how neoliberal policies are now deeply entrenched and unchallenged in CEE region. In short, through the mobilization of racially charged disciplining measures to ‘protect’ social order and national unity, what escapes scrutiny, is the pernicious othering of *all* people living in poverty and justification of morally charged disciplining measures to ‘preserve’ social order and national unity.

This article analyses the Polish immigration regime and its impact on Romanian Roma migrants residing in Poland. Building on data generated from official documents, activist reports and 15 semi-structured interviews with frontline workers, activists and Roma migrants, the article exposes a neoliberal approach to Polish migration policy: one which mobilizes aggressive attitudes and behaviors towards the poorest European citizens. It argues that the deterrent tactics employed against migrants by the Polish State has its roots in the increasingly restrictive EU immigration policies and economic determinism of the Freedom of Movement and Residency Directive. At the same time, the exogenous policies have met with little resistance since their deterring character fits with on-going neoliberalization of Polish society: a

process that replaces compassion and social justice with repression and individualization of poverty.

## *2. Post-1989 developments in Polish immigration policy*

For more than a century, Poland has been one of the largest migrant-sending states in the CEE region and a vast reservoir of labor for many countries in Western Europe and North America. However, researchers began to predict that in the next decades Poland would gradually shift from being a major sending country to a country of transit migration and net immigration (Górny et al., 2009; Geddes and Scholten, 2016). Poland as a fully-fledged EU member with a relatively stable economy (OECD, 2016) provides vital opportunities for people from economically less developed countries in the region. Ukrainian migrants, in particular, choose Poland as a destination country, a pattern dictated as much by economic need and political instability as by strong historical ties between these two countries (Okólski, 2004). Nevertheless, despite the increase in overall immigration rates, in 2016, the foreign-born population living in Poland reached only 1.6 per cent, the lowest percentage in the EU (Eurostat, 2016). According to the Office for Foreigners of the Polish Ministry of Interior, in 2014 there were 121,219 foreigners living in Poland legally (including registered EU nationals). There are no official data on the number of incoming or settled Roma migrants, as the government has made no attempt to analyze the legal and socio-economic circumstances of this group. According to activist research conducted by the Western Center for Social and Economic Research (ZOBSE) (Marcinkowski, 2015) there are around 1500 people who identify as Romanian Roma and live in informal encampments located on the outskirts of major Polish cities (including Warsaw, Wrocław, Poznań, Cracow and Gdansk). Given these small numbers, immigration scholars continue to argue that Poland is mainly a transit country or a gateway to the West (Iglićka and Ziółek-Skrzypczak, 2010). Throughout the 1990s this widely held belief that most immigrants arriving in Poland are on their way somewhere else triggered little political or public concerns. Since WWII, the notion of ethnic homogeneity within Polish society – an idea crafted by the communist government – has such a grip on public understandings of ‘Polishness’ that it has resulted in an inability to see and discuss the changing dynamics of Polish demography.

In the 1990s, the Polish State began to develop what would soon become one of the most restrictive immigration regimes in the region. Vermeersch (2005) reasons that this phenomenon was driven by the EU accession requirements and coercive pressure to install new ‘hard’ borders on the Eastern and Southern frontier of the candidate States. Certainly, available research confirms that accession negotiations expedited a new tendency of Polish immigration policy towards the greater control and restriction of inflow (Stola, 2001; Vermeersch, 2005; Weinar, 2005; Łodziński and Szonert, 2016). In 1991, under the auspices of financial assistance from the EU (e.g. PHARE program), Poland concluded a readmission agreement with Germany, which bound Poland to re-admit third-country nationals who had illegally entered the Schengen area. The EU compensated Poland for each re-admitted ‘illegal’ immigrant and the acquired funds were quickly invested in border infrastructure and processing procedures (aimed at speeding up screenings and deportations). The Aliens Act of

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1997 (amended in 2003) attached even stronger importance to deportations, militarization of border controls and the development of measures for combating illegal migration. Finally, as a prerequisite of accession, Poland introduced a new Schengen visa regime for a number of Eastern European countries, a decision that fully sealed off its Eastern border. In the context of a legislative framework focused on deterrence, little emphasis was placed on protection, integration or assistance to foreigners. Indeed, throughout the 1990s and 2000s, Poland neither defined integration in its legal documents nor devised any safeguarding mechanisms to succor migrants (Iglicka and Ziolek-Skrzypczak, 2010). As a senior Polish social worker commented, ‘in the 1990s, it was all about forcing people out, not about helping them adjust to the new surroundings’ (Interview, Poznan 2014).

In 2004, as a fully-fledged member of the EU, Poland transposed the Freedom of Movement Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 into its domestic legislation. The directive confers on every citizen of the Union a primary and individual right to move and reside freely within the territory of the Member States. However, as argued by Kóćzé (2017) and van Baar (2017) free movement has been configured as a distinctly neoliberal project. While it opened the national economies to flows of capital and labor, it drastically curtailed the rights of ‘less desirable populations’ to move around and settle in a place of their choice. For example, Article 12 introduced strict eligibility criteria for those who wished to register in the host country; these include proof of employment, self-employment, or financial self-sufficiency, and possession of valid health insurance. While the directive talks about non-discrimination (Art. 20), social cohesion and integration (Art. 18, 19) it reserves free movement for active workers and wealthy elites who do not rely on social support. Article 16 articulates this bluntly by stating that it is possible to expel people who ‘become an unreasonable burden on the social assistance’. Prompted by EU pressure, the Polish authorities took Article 12 to the extreme, applying a *sufficient resources* test to all registering citizens of the Union, and demanding proof of permanent address (§2, Law Journal, No. 217, item 1616). A senior public servant explained that under center-right government led by Civic Platform (PO) the Office of Interior was determined to ‘play up to the EU demands by adopting the strictest stance possible on unregistered migration’ (Interview Warsaw 2014). Those unable to meet these criteria were pushed into ‘informal’ residency. In this way, as argued by Aradau et al., (2013) free movement becomes less about provision of opportunities and more about enabling exploitation (e.g. in the labor market) and precarious living conditions (e.g. no access to adequate housing or healthcare).

### *3. Creating the ‘other’*

While the creation of restrictive and economically deterministic immigration regime has been influenced by exogenous (EU) pressures (Vermeersch, 2005), its consolidation corresponded with the triumph of neoliberal forces, a broad rubric that includes a host of offensives against human dignity: poverty, exclusion and social inequalities ranging from racism to gender inequalities. The transition to a free market economy in 1989 had resulted in staggering polarization of Polish society. According to research, within a decade Polish disparity of income became one of the highest in CEE. When measured by Gini coefficient, between 1987 and 1997, inequality

increased from 0.26 to 0.334. Between 1988 and 2000, the percentage of people living in extreme poverty (defined as those who go to bed hungry) increased from 1.5 to 6.7 (Domański, 2002). By 2015, 7.4 per cent of the population lived in extreme poverty with an income of less than 545PLN (€131) per month. Another 16.2 per cent lived in relative poverty, with the income of a family of four less than 2056PLN (€496) per month (GUS, 2016). The on-going political and spatial separation of the poor brought about the relatively new phenomena of homelessness and a burgeoning post-communist underclass. Amid the striking changes in the nature and shape of poverty, radical exclusion became the new order of the day with Beskid (1998: 42) commenting that ‘set against all the other countries of CEE Poland is pursuing the most elitist model of income distribution.’

The painful effects of the market-economy transition on large sections of the population were made acceptable by presenting them as a matter of national pride and national security. This not only delegitimized the demands of *the losers of the transformation* but also pushed poverty into the realm of the private. The idea that social advancement is possibly through individual action – productivity and entrepreneurship – gain the status of a gospel effectively labelling the poor and unemployed people as lazy and feckless, not deserving to benefit from civic and human rights (Bobako, 2010). The engineer of shock therapy, Leszek Balcerowicz, went as far as equating non-productivity with plunder and war, a phenomenon he presented as a threat to national security (Gazeta Wyborcza, 2008). In a relatively short period of time, the Polish ruling elites, supported by mass media, constructed *profit* as the essence of democracy and *consumption* as the most valuable act of citizenship (Sowa, 2010). This not only justified aggressive privatization of public assets (including housing stock and healthcare services) but also individualized social inequalities.

According to Zygmunt Bauman, subordination of equity values to commercial interests creates the conditions for ‘the suspicion against others, the intolerance of difference, the resentment of strangers and the demands to separate and banish them’ (1998: 47). Development of restrictive immigration regime in Poland and deployment of punitive policies targeted at the poor (evictions of *problematic tenants*, benefit cuts for *delinquent* individuals, removal of children from *shiftless* parents, imposition of fines for panhandling and rough sleeping)<sup>2</sup> reflects this dynamic. The aim is to ostracize and push out of the public view those ‘unwilling’ to contribute to economic growth and those rejecting the sanctity of entrepreneurial logic. Specific if not unique to the Polish realization of the neoliberal project, was eradication of the discourse of ‘class exploitation’ and the discreditation of socialist postulates (Żuk, 2010). As none of the leading parties were able to eliminate growing dissatisfaction arising from economic developments, politicians began to direct these negative emotions against ‘the enemies’ of the Polish State – including the ‘foreigners’ (anybody who did not fit the model of a Polish-Catholic) (Ost, 2007). These tactics proved beneficial to the ruling elites as the victims of transition ceased to attack the economic system and turned their frustration towards culturally defined ‘others’. The rampant ‘othering’ of poor people not only legitimized on-going cuts to social services and policing those

<sup>2</sup> Under the Penal Code, bathing in forbidden areas, begging and the fouling and littering of public places are all subject to fines. In addition, trespass is a criminal offence subject to a fine or imprisonment of up to one year (Dz.U. 2010, No. 46, item 275).

deemed 'unproductive' but also gave rise to rampant xenophobic and explicitly racist attitudes, which reached the pinnacle during the latest 'migration crisis'. As argued by Charkiewicz (2009) the inflamed public opinion no longer limits itself to vilifying the poor but calls for their 'extermination'. The new central question of Polish politics is thus concerned with who has a right to live and who does not.

It is in this hostile context that the article will now discuss the situation and treatment of Romanian Roma migrants residing in Poland.

#### *4. Romanian Roma in Poland - invisible tyranny*

It is still common to consider the presence of Romanian Roma in Poland as a new phenomenon related to the accession of Romania into the EU in 2007. However, Roma migration to Poland (and across Europe) had already commenced in the 1990s, when Roma people from the Eastern European block began to flee abject poverty and increasing levels of ethnic violence in their home countries (Bhabha et al., 2017). Although Poland often served as a stop off point towards the West (for Roma people from Romania, Bulgaria, and ex-Yugoslavia), many families stayed behind and settled in various parts of Poland. This effectively means that Romanian Roma migrants have been living in Poland for over 20 years, often in absolute poverty, exclusion and under constant threat of violence (Nomada, 2014). There is no data on the number of Roma migrants arriving in Poland in the 1990s and little systematic knowledge on why some people decided to stay. Interviews conducted by the author point to many reasons, including not enough funds to travel further, personal and health issues preventing further migration, or 'being sent back by German authorities', (Interviews, Wroclaw and Poznan, 2013).

In the beginning the arrival of Romanian Roma people did not meet with severe hostility although it would be an overstatement to claim that migrants were well received. As remembered by a social worker from Poznan, 'people felt pity for them, we were not accustomed to such poverty, entire families sleeping on the pavement that was new, some people helped a bit but most just pretended not to see' (Interview, Poznan, 2014). In interviews, Roma themselves insist that in the beginning 'people were nice, not so angry' (Interview, Poznan, 2013). However, there are no studies documenting attitudes of Poles towards incoming Roma migrants in the early 1990s, hence these statements need to be treated with caution. Nonetheless, absence of inflammatory reports in the press during those times does show that the moral panic around Roma arrivals developed later on. The new arrivals could not however, count on any support from the State undergoing 'shock therapy' and the drastic curtailment of public provisions. In multiple ways, for more than a decade Romanian Roma lived 'stateless lives' fully excluded from basic citizenship rights and access to the most essential public services (including education, healthcare and housing). For example, activist research shows that Romani children born in the Polish territory are often not recognized as rightful citizens or residents, and do not have access to basic education. Between 2011 and 2013 in Wroclaw, none of the children age 6 to 16 were enrolled in school or any other form of education (Nomada, 2014). Without valid documents Roma are forced to squat in makeshift houses without basic amenities, living off panhandling and informal scrap-collection (Marcinkowski, 2015).

The development of a restrictive immigration regime, under the auspices of the EU, predictably brought new attention to the presence of Romanian Roma people. Under a growing international pressure to fight 'illegal immigration', the Polish State was determined to show that the money invested by the EU was well spent and that order was being maintained. Hence, the first official policy towards Roma migrants who overstayed their visa permits was that of eviction and 'on-the-spot' deportation. Yet, the legality of these actions was neither monitored nor documented and currently there are no reliable or accessible public records accounting for the exact number of deportations.<sup>3</sup> According to the Ministry of Interior all deportations were executed in line with the Polish law of that time, however, activist reports stress that they were rarely supported by court decisions and often entire communities were purposely misled about their rights (Nomada, 2013; Marcinkowski and Rusakiewicz, 2015). Perhaps the most violent and legally dubious deportation took place in Wrocław in 1998. According to the news report (Gazeta Wyborcza, 1998), on 15<sup>th</sup> October at 6 am the riot police and border guards converged on the Romanian Roma informal encampment in Tarnogaj (district of Wrocław). Around one hundred people, including small children, were rounded up and forced onto the buses, with no prior notice. In what was called 'Operation Alien' (Operacja Obcy), the county police, in full riot gear and rubber gloves, began to demolish the settlement using iron bars and sledgehammers. The residents were transported to the border guard unit in Kłodzko, where they were placed in the gymnasium and deported the same day. In an interview, colonel Lech Surówka, a spokesman for the Commander of the Sudeten Border Guard, stated that the demolition of the settlement took place according to 'protocol'. When asked why such drastic measures were employed, he explained: '[there is] no point of leaving them here, the winter is coming, begging will stop, and theft will begin' (Gazeta Wyborcza, 1998). Similar operations took place in Poznań (1993, 1999) Warsaw (1996 and 1998) and Cracow (1996) (Marcinkowski and Rusakiewicz, 2015). According to a witness, a well-known Polish anthropologist J. Fickowski, many of these operations resembled roundups common during WWII, 'it was disinfection, not a normal way to treat people' (Gazeta Wyborcza, 1996). And yet, the violent and discriminatory treatment of Roma migrants by the Polish State has never been exposed or reprimanded. Indeed, these mass deportations have entered a canon of 'forgotten history', fervently denied by the authorities.

Not surprisingly a coping strategy adopted by many Romanian Roma families has been that of invisibility - avoidance of all contact with the authorities and any form of institutionalized assistance. Roma families have found shelter in the most secluded places (often close to landfills or on post-industrial sites); ready to relocate at any moment, with interfamily networks serving as the immediate safety net and information channels. Papadopoulos et al., (2008) argued that *becoming imperceptible* is often the most effective tool that a marginal population can employ to oppose prevailing forms of state violence. Certainly, in the case of Romanian Roma invisibility proved an effective strategy of evasion, as the topic of Romani migrants

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<sup>3</sup> There are many media reports of evictions and deportations that took place in large Polish cities; however, the government has never released any official report or statement to the public. This also applies to deportations of immigrants from ex-Soviet republics who tried to settle in Poland throughout the 1990s. The Ministry of Interior refused to grant access to the archival documents to the author of this article.



disappeared from the State's agenda for more than a decade. As the resources were concentrated on securing Eastern borders, the authorities turned a blind eye to the growing destitution of 'transit migrants' in hopes that sooner or later the unwelcome guests would leave on their own.

### *5. New status, same treatment*

The accession of Romania to the EU in 2007 granted the Romanian Roma people EU citizenship, which under the Freedom of Movement Directive protects them from deportations and discrimination based on ethnicity and nationality. However, this newfound status has proved of little benefit and paradoxically only further excluded Roma migrants from socio-economic life and access to public services. Under a restrictive and economically driven legal framework, the impoverished Romanian Roma communities found it almost impossible to register as EU citizens often finding themselves in a limbo of bureaucratic protocol. According to the Commissioner for Human Rights (2014), the local authorities tend to ignore problematic cases (i.e. expired documents, lack of permanent address) hiding behind eligibility criteria and ignoring the dramatic socio-economic exclusion of long-term residents. Roma migrants cannot count on well-informed assistance and their cases are often reviewed in an ad-hoc manner – often dependent on the good will of individual agencies and/or bureaucrats. Moreover, while Poland has transposed all the articles of the Directive 2004/38/EC, it did not systematize procedural protocol and harmonize the EU requirements with the existing legal provisions and institutional modus operandi. The effect is one of confusion, procedural inconsistencies and limited knowledge about the proper course of action. This is particularly acute at the lower tiers of government (Duszczuk and Lesińska, 2009). These factors generate an evasive attitude among public administrators and front-line workers who are not always certain about their own decision-making discretion and are excessively constrained by byzantine protocol. In fact, it is still common for bureaucrats to label Romanian Roma as illegal immigrants excluding them from available programs (i.e. registration as unemployed).

In instances where Roma migrants do manage to register they cannot access quality social assistance. Rigid interpretation of the Freedom of Movement Directive is based on the premise that EU citizens are economically self-sufficient and in no need of state support. Hence, the Polish government does not prioritize integration of foreigners and has yet to pass proper legislation. The first timid step towards strategic thinking about integration took place in 2011, when the Working Group operating within the inter-ministry Team for Migration presented a document titled *The Polish Migration Policy: Its Current State and Further Actions*. The strategy outlined the main lines of action around integration, however its scope was extremely limited, as it did not discuss issues such as access to public healthcare, education and social housing. Paradoxically, the strategy was directed exclusively at foreigners who 'integrate easily into local communities' such as international students or recruited professionals (Duszczuk and Góra, 2012). The explicit disregard for the presence and needs of impoverished and irregular migrants is a striking example of the neoliberal drive to revoke the rights to residency (and citizenship) for migrants believed 'undeserving' or 'culturally incompatible'. In fact, the strategy bluntly states that

foreigners should not perceive integration programs through the prism of the provision of social benefits. Statistics on the use of social security instruments confirm that the share of foreigners is marginal (Duszczuk and Góra, 2012). Thus, it is ironic that the current discourse presents poor migrants as welfare tourists, who live of social support and exploit the charity of 'good Samaritans'.

The explicit rejection of integration policy as a means to provide foreigners with adequate public assistance is further manifested in the way the Polish integration regime is institutionalized. Discretion and responsibilities for integration are scattered across different ministries and departments that tend to work in silos and often neither have a clear mandate for action nor prioritize integration in their portfolios. While the Ministry of Labor and Social Policy handles assistance programs, it is the Ministry of the Interior and Administration that is accountable for issues pertaining to visa policy, granting of the right to remain and for actions targeted at refugees. The analyses show that no direct relationship between these two parts is stipulated by Polish legislation; hence immigration policy is purposefully disconnected (Duszczuk and Góra, 2012). This means that opening of the Polish labor market to foreign workers is not accompanied by decisions concerning their inclusion into Polish society. The migration policy doctrine assumes the primacy of labor market needs (i.e. replenishment of emerging labor force shortages) with disregard of issues related to equality, social justice and individual well-being. Moreover, the cultural turn in public discourse legitimates inaction on integration by fueling 'smear campaigns' against impoverished migrants. The analysis conducted by the Center for Social Opinion Survey (CBOS) in October 2015, shows that only six per cent of Polish internet users commenting on migration spoke out in favor of helping immigrants integrate into Polish society.

Consolidation of anti-poverty rhetoric and normalization of xenophobic attitudes brought Romanian Roma migrants into the spotlight. Their visible poverty added a new impetus to long-standing prejudices towards indigenous Roma communities and the so-called 'losers of the transition'. The prevailing attitudes portray Roma communities as a locus of uneducated, culturally backward and lazy people, predisposed to criminality and exploitation of social benefits and charity hand-outs. Under neoliberal governance a powerful consensus emerged that Roma people are socialized within a 'culture of worklessness' and actively disregard Polish norms and customs (thus threatening social order). This portrayal is evident in media headlines, such as those published by the largest daily paper of Lower Silesia 'Gypsies attack people in the old square', 'The Gypsies grope passing women. How to protect yourself', 'Roma are not poor they know how to lie and steal' (Kozioł, 2014). The image of an aggressive panhandler (amassing great fortunes by 'swindling the hard-working people') effectively hid structural dimensions of poverty and normalized institutionalized racism. A blunt statement from a manager of a social work team in Wrocław shows the dramatic lack of understanding of the real barriers to integration and functioning in the society: '*they come and go, they don't want to work, or send their children to school, it is not possible to work with them, they lie; but worst of all they force children to beg*' (Interview, Wrocław, 2013).

The pervasive trend of seeking the cause of poverty and justification for policy failures in the community itself and its specific culture further legitimized deployment of conservative, morally charged and penalizing interventions. While some localities

rely on less coercive schemes than others, the effect is always the same – a gruesome violation of human rights, inconsistent application of the law and systemic abjection of entire communities.

## 6. *Public policy of stigma*

The treatment of Romanian Roma fully exposes the penalizing nature of the Polish neoliberal regime and its insidious drive to stigmatize destitution. Inside institutionalized hostilities, social workers as well as community development practitioners and integration experts appear complicit in implementing social policies that are degrading and inhumane. Interventions are dispatched in an ad-hoc manner, usually as a reaction to a publicized ‘crisis’ i.e. inflammatory media reports, epidemic scares and complaints. They also have a *schizophrenic* character, on one hand espousing basic humanitarian principles and on the other authoritarian moralities (e.g. surveillance, eviction, removal of children). This is best illustrated in the city of Wrocław, where after agreeing to provide the informal Roma encampment on Kamieńskiego Street with portable toilets, garbage disposal units and water tanks the authorities unleashed an array of intimidation tactics, including unscheduled controls by the City Guard and police, random public health inspections and early-morning visits by social workers. According to the Roma residents, visitors to the camp always demanded detailed information about the families, conducted illegal searches of the houses, and insisted that a failure to comply with their instructions, could result in children being removed (Nomada, 2014). These kinds of actions and threats are extremely common and are used to exert pressure of the most painful kind as a social lever to secure acquiescence.

Direct harassment has been complemented with morally charged antipoverty campaigns aimed at changing the problematic behavior of unproductive individuals rather than promoting wider structural adjustments and reforms. One such oppressive strategy, mobilized under the auspices of eradicating anti-social behavior, is stigmatization and penalization of street begging. Anti-begging campaigns appeared in the late 2000s, as a means of tackling the allegedly increasing problem of ‘aggressive’ begging and to discourage members of the public from giving money to beggars (Fertsch and Roik, 2011). Publicly funded posters, brochures and fliers circulated in Polish cities with slogans such as, *Don't Give Money on the Street, Help for Real, Begging is a choice not a necessity*. While local councils maintained that this deliberately ‘hard-hitting’ campaign was not anti-Roma, they admitted that a lack of street donations will force the Roma people (as well as other homeless people) to relocate. As stated by the MP representing the city Bydgoszcz, ‘if we cut them off, they will have to leave’ (Phone Interview, Bydgoszcz, 2017). In a strict sense, mendicancy is not illegal in Poland (the regulation prohibits the aggressive and fraudulent extortion of money, and begging performed by minors),<sup>4</sup> however, it lends itself to public outcries driven by an omnipresent stereotype of a *begging Gypsy, too lazy to do anything else*, and flamboyant tabloid stories of tremendous wealth accumulated by scrounging Roma. In 2013, the popular internet portal *trojmiasto.pl* published a story about Romanian Roma beggars in the city of Gdansk under the title *Gdansk attracts*

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<sup>4</sup> Code of Administrative Offences, Article 58.

*beggars, they 'earn' thousands of zloty per day.* In an interview, a manager of the social work unit Monika Ostrowska insisted: 'They [Roma] are very clever and have developed methods of begging to perfection. Recently, children begged with a small dog. It arouses pity. Please do not be fooled by their poverty.'

The campaigns are often reinforced with control checks, issuing of fines and the confiscation of money. While under the Polish Petty Offenses Act (Penal Code), a person can only be fined if she or he is able to work or has enough resources to live independently, the law does not provide a definition of the level of resources deemed to be 'enough to live independently' nor of an 'importunate or fraudulent manner'. The police are therefore able to decide at their discretion whether to charge someone with an offense or ask the person to leave the area. Far from being effective the campaigns reinforce social stigma by implying that beggars are engaged in criminal activities and that they have other choices for generating income. It is not coincidental that instances of verbal abuse and harassment of Romanian Roma increased shortly after the campaigns took to the streets. As a mother of three children confessed, 'it was always bad, but now it is very very bad, people spit on you, and call you names, but I need to sit, I need to buy food for my children' (Interview, Poznan, 2014).

Stigmatization of begging has been complimented by measures that interdicted all forms of public 'loitering' and took a hard stance on squatting and rough sleeping (Browarczyk, 2013). Growing income inequalities and rampant privatization of social housing has left a growing number of people without a secured abode. In line with the neoliberal drive to secure the interests of corporate elites (in this case housing developers), the state's response to squatting was forceful evictions, issuing of fines for 'trespassing' and legal prosecutions. Since the majority of Romanian Roma live in informal encampments often located on vacant public land, they too became victims of these measures. To legitimize on-going expulsions, often undertaken without clear legal mandate and with no alternative housing provided, the local authorities labelled Roma communities as illegal ghettos, places of crime that breed a parasitical dysfunctional underclass. The policy of clearing the city of undesirable elements, forced many Romanian Roma to subsist in what Tyler (2013) calls 'degraded border zones within the state'. The evicted families not only lost all their belongings but also filial networks of friendship, care and protection. Their faith and trust in the State and state actors, already very fragile, was tarnished completely, and the new generation of EU nationals was pushed further into extreme exclusion.

The most well-known legal intervention took place in the city Wroclaw in 2012, when the Mayor's Office pronounced the encampment on Kamieńskiego Street as illegal, dangerous and a risk to public health (opinion issued by the Sanitary Inspectorate prior to any investigation). On March 19<sup>th</sup>, 2012, the City tried to demolish the camp and remove its residents with the help from municipal police. The authorities eventually abandoned the action due to an unclear legal mandate and conflict about who should bear responsibility for the eviction. Although the incident showed that municipalities are not in possession of legal policy tools to address 'informal housing', it did not prevent the City Hall from conceiving alternative ways of eradicating the encampment (Nomada, 2014). On the 26<sup>th</sup> of March 2013, the residents received an official notice to vacate the premises within two weeks. On the 18<sup>th</sup> of April 2013, the city filed a lawsuit for eviction of 47 adults and children in the District Court in Wroclaw.

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The Kamińskiego case, widely covered in the media, set in motion a series of evictions and dubious legal prosecutions across Poland. In 2013, a Roma family living in Poznan was evicted from an abandoned building, under the decision of the County Inspectorate of Construction, which deemed the dwelling unsafe.<sup>5</sup> Yet, the family (with children under five) was not provided with alternative housing (required by the Polish law) or any form of social assistance. The authorities insisted that the family was given an option to move into a homeless shelter but refused. Given that shelters in Poland are segregated by gender it should not be surprising that the family refused to live there, instead relocating to another informal camp located on an abandoned allotment. In 2014, local authorities in Gdansk allowed for the demolition of a three-year-old encampment in Jelitkowo, without providing legal notice (required by the Polish law) and without the knowledge of the Municipal Family Support Center. Under pressure from human rights activists, the Vice Mayor of Gdansk admitted that the demolition took place ‘a bit too early’, due to a breakdown in communication channels among the City Hall, City Guard and Social Services. Even though 30 people (including children) lost all their possessions and became homeless, the decision was not condemned by the Prosecutor’s Office and no alternative housing was provided. In 2015, a small camp on Paprotna Street in Wroclaw, the home of an extended Roma family, was ‘cleaned’ and ‘cleared’ by the workers of the City Guard and Urban Greenery Unit. When questioned by activists about the decision, the Mayor’s Office insisted that the warrant for clearing was issued by the District Inspectorate, an autonomous public agency, hence avoiding legal responsibility. In a meeting with an activist, the legal advisor of the Mayor’s Office insisted that the area was ‘unoccupied’. This is a blunt fabrication as the camp had been under continued police surveillance and its residents were regularly visited by the municipal social work unit. Less publicized evictions took place in Warsaw and Cracow, where entire families were evicted from vacant abodes once again without any assistance provided.

According to the Polish law local authorities are required to provide shelter and support to homeless people and people who are evicted (Journal of Laws of 15 April 2004, No. 64, Item 593). However, this assistance is often based on ‘behavioral control’, which gives officials and care workers complete power over the clients. For example, in 2014 Municipal Social Work Unit moved a Romanian Roma family from the encampment on Kamińskiego Street to a social center under its authority. The center subjected the family to daily controls (including room searches), 24-hour monitoring, evening curfew and limited visitation rights. The social workers also endorsed a no tolerance begging policy, which meant that any instance of noncompliance would result in immediate expulsion. Although the family was provided with food and basic personal items (i.e. sanitary products), it did not receive any financial assistance, as it was deemed that the Roma would spend the money on ‘cigarettes’ and ‘junk food’. In meetings with local NGOs, social workers insisted that such control measures were necessary to ‘prepare and teach Roma how to lead a proper life’. In effect, the ‘assistance’ stripped the family of the ability to act, prevented them from influencing their own life, and assuming responsibility for their behavior. Human rights advocates compared the center to a corrective institution that not only

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<sup>5</sup> The request for public disclosure of the assessment report, delivered to the authorities by the County Inspectorate of Construction, was denied (last request was made by the author on July 5, 2017).

hides poverty from the public view, but also humiliates and further disenfranchises people.

## *7. Concluding Remarks*

The discrimination against Roma migrants living in Poland is still a severely underreported reality. This article conveys that for two decades the Polish State has endorsed an array of oppressive and violent approaches, which has pushed Roma migrants into abject poverty and destitution. Throughout the 1990s the dismal circumstances of this ethnic minority and their persecution have gone fully unnoticed by international organizations, domestic human rights institutions and NGOs. Paradoxically, the transposition of the Freedom of Movement Directive contributed to further exclusion and stigmatization of Roma migrants who have been living in Poland for more than a decade. The continuing disenfranchisement of this group shows that European citizenship does not by any means make the EU a fully inclusive society of equal citizens. In fact, the very design of the Directive unjustifiably disadvantages the poorest migrants, as it allows Member States to discriminate against economically inactive European Union citizens labelled as an ‘unreasonable burden on the social assistance’. In its current form, free movement within the EU provides unprecedented opportunities for 500 million citizens to live in each other’s countries, but it is tied to a violent and oppressive system of exclusion. The ‘differential treatment’ has allowed the right-wing government of Poland to make the cynical, opportunistic argument for reconsideration of the benefits of the principle of free movement and rolled out punitive interventions aimed at deterring impoverished migrants from settling down and gaining access to civic and social rights.

The dismal response of the Polish State to integration challenges must be considered within a wider neoliberal attack on the social contract: one, which destroys existing systems of wealth redistribution and dismantles all forms of social provision. Central to this neoliberal ideology is the claim that the management and development of all aspects of society should be left to the wisdom of the market (Harvey, 2005). As the exchange of capital takes precedence over social justice, public policies aimed at elevating societal inequalities (particularly those based on race, gender and class) are dissolved in favor of what Giroux (2004) calls ‘chronic punishment’. He argues that the facets of public space are becoming militarized in order to secure the privileges and benefits of the corporate elites. In turn, Bauman reminds us that the elimination of common goods provides fertile grounds for politics of intolerance and the ‘hysterical, paranoiac concern with law and order’ (1998: 47). Laws, regulations and administrative measures thus concurrently discipline the poorest strata of society and racialize the ‘other’, to reduce the visibility of poverty and hide it as social issue. In this political landscape, violent expulsions and criminalization of migrants, particularly those living in ‘visible poverty’ (e.g. squatters, rough sleepers and panhandlers) serve to appease growing public insecurities while relieving the state of responsibilities for upholding the human rights of all its residents.

In this context, political decisions have a central role in determining what Polish society will look like over the next few decades, how inclusive it will be, and whose economic, social and political rights will be taken into account. The fact that Poland is still not receiving a high volume of immigrants should prompt the authorities to use

this time to devise integration policies and experiment with progressive approaches based on the principles of social justice. However, at the moment the picture looks grim, especially considering the on-going militarization of European borders and full endorsement of deterrent tactics by the EU. The criminalization of begging and squatting are the tip of an ugly iceberg of a wide base of antisocial behavior measures that are used to punish or fine people in the name of disrupting public order and measures that police the use of public space by people considered ‘undesirable’ by policymakers and business owners. As the European Commissioner for Human Rights, Nils Muižnieks (2015) has said, ‘the criminalization of poverty hides problems from the public view and undermines efforts to improve the living conditions of Roma [and others] who are stigmatized and discriminated against.’ While the resistance to migrants in some Polish cities is beginning to thaw, mostly because of grassroots advocacy, there is still no conception of how to alter and/or adjust existing procedures to promote a long-term, legitimate and accountable integration process. This will continue to prove a great challenge for many years to come unless we ensure that public spaces, public infrastructure and social assistance, is accessible to everyone – including impoverished migrants.

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