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Challenges Facing Nigerian Migrants in Poland

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TABLE OF CONTENTS

Introduction 3

The Receiving Country-Poland: 5

The Sending Country-Nigeria 7

The Core Issues: 9

Conclusions: 16

References: 18

Introduction

The challenges facing Nigerians migrants in the Republic of Poland are multifaceted and very peculiar in nature indeed. Broadly, they are not totally divorced from the ones facing migrants¹ generally in the so called western world². This peculiarity is like climbing the mountain Kilimanjaro³: too cumbersome, too arduous, and too frightening for non-professional mountaineer, though actually not impossible. Deeply looking at the challenges from hindsight, they are like the chameleon faeces in which we as migrants here have all stepped in while trying to leave it is impossible, and trying to clean, is refusing to go; this is the picture.

However, I can compartmentalise these challenges into major three categories: Firstly, illegality⁴ to legality, undocumented to documented, irregular to regular, guilty of being smuggled in versus coming through the normal routes, traffickers⁵/drug pushers, asylum seekers⁶/economic migrants⁷, and the one in vogue these days, suspicious of being a terrorist; Secondly, welfare/well-beings, officials/non-official discrimination, sexual harassment/ abuse and unemployment; Thirdly, cultural-shock, language barrier, xenophobia⁸ and psychological problems of being alienated from native home is the last but by no means, the least

Migration⁹ itself is as old as human early history wandering around in the thick of the jungle in search of food, but international migration¹⁰ is relatively a recent phenomenon such is the case of Nigerians in Poland. Nevertheless, international migration is usually and normally a major individual or family decision that is systematically and carefully pondered upon before

¹ Migrant: Someone who goes to live in another area or country especially in order to find work: emigrant.

Immigrant: Migrant worker/labourer.

² Western World: Refers Europe and North America as against primitive and Africa and Asia

³ Mountain Kilimanjaro: The tallest mountain in Africa actually, in Tanzania

⁴ Illegality: As opposed to legal.

⁵ Trafficker: Someone who buys and sells illegal goods especially drugs. It includes women in crossing borders illegal to work as prostitutes or sex slaves.

⁶ Asylum Seeker: Someone who fled from his country of origin to another applying for a refuge from an alleged persecution and awaiting the decision.

⁷ Economic Migrant: Someone who goes to live in another country because they are likely to find a better job there

⁸ Xenophobia: Strong fear or dislike of people from other countries. Xenophobic is the adjective.

⁹ Migration: Is viewed as a natural and predictive response to differences in the countries of origin and destination, for examples: Resources, jobs, security and human rights. In the past was about, demographic, and socio-political reasons.

¹⁰ International Migration: People moving across national borders. This is becoming a global challenge for the 21st century.

crossing national borders to settle, to work and, or to study in an alien land. This is not a light and easy decision.

All nations , all peoples and all race at all the times have had or been involved, affected and influenced at a particular point in time in the epoch of history in migration or emigration. They are either in a sending, transitory or receiving point. Whatever, we are all involved and sort of guilty because we all profit from it as a nation, state, people or individual. So let it be with Nigerians in Poland.

If you leave your country for another or you migrate to another for whatsoever reason(s) and you stay there for three, six months, or a year, you are an alien¹¹, a foreigner¹², and a migrant.

¹¹ Alien: A person who comes from another country: A word used for a creature that comes from another planet.

¹² Foreigner: A person who belongs to a country that is not his/her own.

The Receiving Country-Poland:



Fig1. Picture taken from www.bbcworldservice.com

Poland is surely without doubt a nation with a very proud cultural heritage. Actually, her origin can be traced back, as far back as, 1000 years. It is situated and located at the heart and centre of Europe which make her to experience and witness so many turbulent and upheavals in her history.

Strangely to believe though, that in her history she has had time and moments of independence as well as moments of domination by other countries which are her very close neighbours particularly Russians and the Germans. It is on record that several millions of people, half of which were Jews died during the Second World War.

Helicopter View of Poland:

A new beginning and a new dawn began for Polish people when they became an EU member in May 2004, just five years after joining the NATO¹³ and by my simple arithmetic fifteen years after the communist rule.

It is recorded also and from the hindsight of history that Poland is the origin and the birthplace of the former Soviet Union¹⁴ blocs first officially endorsed the independence of mass political movement when the strikes at the Gdansk shipyard in August 1980 led to the mutual agreement with the authorities for the establishment of the Solidarity Trade Union.

Interestingly, the foundation and the fabric of political freedom were almost lost, missed and eroded sixteen months later when the then communist leader Wojciech Jaruzelski declared

¹³ NATO: North Atlantic Treaty Organisation established by treaty in April 1949, comprising 12 (later 16) countries from Western Europe and North America. The most important aspect of NATO alliance is the American commitment to the defense of Western Europe.

¹⁴ Soviet Union: Relating to the formal USSR or its peoples.

martial law .Glaringly, and obviously, you can not keep human beings in a cage like monkeys for ever. So, the momentum and the atmosphere /tempo for a change became irreversible. Election was held in 1989 summer that brought about the Eastern European first post – communist government .Although, must Poles resent the idea of me calling them Eastern Europeans, but my friends prefer me to refer to them as Central Europeans.

The Sending Country-Nigeria



Fig 2. Map taken from www.map.of.africa.co.uk

It is recorded that Nigeria is the most populous nation in the whole of Africa. Is often, and always being referred to, as the giant of Africa. Giant indeed, Nigeria is. Not because of her sheer large population of over 154 million people according to the (UN 2009 Report) only. But, also, she is a giant, in terms of her economy and cultures that are vibrant and buoyant. Her economic might is only being rivaled by that of South Africa in the Sub -Sahara Africa¹⁵.

Nigeria is one of the major oil producers and exporting country in the world; in fact, the quality of her oil is so unique and second to none, that at times I wonder why she has to be a member of OPEC¹⁶. Apparently, she is the Africa's leading oil producer save for the present Niger Delta militants and agitators that at times disturb and hinder oil production activities in the region. Sadly though, as rich as Nigeria is in oil revenues almost half of her population lives in abject poverty even below one USA dollar a day, with a GNI¹⁷ of 1600 USA dollars

At the moment in time in her history, the Federal Republic of Nigeria now has an elected leadership after series interference by the military with their coups. People Democratic Party otherwise known as PDP has been leading and dominating the politics since the new civilian

¹⁵ Sub-Saharan Africa: Considered by the linguistic researchers as the region where language originates.

¹⁶OPEC: Simply means : Organisation of Petroleum Exporting Countries, which the Headquarter is in Vienna in Austria

¹⁷GNI: Gross National Income which simply means the total value of goods and services produced in a country e. g (GDP) in a year together with its incomes from abroad.

rule in 1999. And, president Yar'Adua's prolong absence from the seat of power in Abuja to Saudi-Arabia on medical ground for almost three months actually (since late 2009) has triggered a constitutional crises that make Dr. Jonathan Goodluck the acting president as at the moment.

Political liberalization brought in, in the turn of the 1999 has brought about a new found freedom of expression by militants and agitators from regions and ethnic groups to express feelings and frustrations openly with an increase tempo of vicious violence that more often than can be imagined consequently, threatening the civil rule, peace and the tranquility of its citizenry.

Frankly speaking, the government is working dexterously and striving to boost the economy and diversify its reliance solely on petroleum oil which has brought in oil boom and subsequently population explosion in the 1970s and, as at moment, enjoying and benefiting from the high prices of oil on the global world market. Painfully, endemic official corruptions and mismanagements are the clogs in the weal of progress.

Importantly, it must be noted that Nigeria plays a leading and prominent role in Africa's affairs. Successive governments both military and civilian alike always lord it on themselves that Africa always remains the centre piece of their foreign affairs. Nigeria is a leading and founding member of the Economic Commission of West Africa States¹⁸ which the acronym is ECOWAS similar in principles and nature to the European Union¹⁹ in this part of the world. In the actual fact, Nigeria is to ECOWAS as what Germany is to the European Union.

The capital city is Abuja in the heart of the country and the largest and commercial nerve of the country is Lagos in the South West that used to be the capital about 35years ago. The major languages are Yoruba, Ibo and Hausa with the official language still in English.

¹⁸ Economic Commission of West African States: The acronym is: ECOWAS. Is a regional economic union that will soon be metamorphosised into a political soon.

¹⁹ European Union: The acronym is EU. Is a political and economic organization that encourages trade and friendship between the countries that are members.

The Core Issues:

Plethora of writers and academicians have strongly criticised the term ‘illegal migrants’²⁰ (Koser 2005). Migrants will never, and can never ever, be illegal themselves. But their acts can be so far regarded as being illegal. There is an association of illegality with crime. So many academic writers have proffered a replacement of the word ‘illegal’ with ‘undocumented’, ‘unauthorised’²¹, or ‘irregular’. Nonetheless, these alternative words are as crude, and not proper, and true as ‘illegal’.

‘Undocumented’ is obscured because it is used to sometimes paint migrants with no documents. This situation does not apply to all illegal migrants. Also, ‘undocumented migrants’ those that apply for asylum are not illegal. More so, not all illegal migrants are necessarily ‘unauthorised’, which implies that these terms, and words too, are most often than none, inappropriate. The term ‘irregular’ is quite a big pain in the neck since it is not very obvious to what rules or regulations they refer. Similarly, the word ‘irregular’ leads to confusion since it is often used to describe migration that occurs in a place at an irregular time intervals as against regular (seasonal) migration. It can also sometimes relate to disorderliness which again has a criminal connotation and undertone. Replacing the word ‘illegal’ because it has negative connotation. It does not help since any new word will generate and, or bring about similar connotation in the light of how the topic is usually being discussed. The term ‘illegal’ is preferred regardless of its disadvantage (Ngail 2004). It has the advantage that it refers to the way in which migrants relate to the constructions of what is legal (Samers 2001 p.142).

Illegal exit, entry and residence of migrants are often associated with other illegal activities (Jandl 2007) The prevailing assumption is that one illegal act will bring in another. It is generally agreed that what is legal and illegal in migration should be restricted only to exit, entry and residence. Work could be included when permission to leave, enter, or stay are interconnected.

Succinctly, the western world defines illegal migrants as:

²⁰ Illegal Migrant: Can be a non- legal alien .Someone who comes to live in another country without official permission or document.

²¹ Unauthorised: Without official approval or permission e.g.: The unauthorized use of a passport or travel documents.

A) Border²² crossings leaving or entering a country without the express permission of authority;

B) Border crossings in an obvious way using false documents or using illegal documents in a manner that is false and by making use of bogus marriages or impostors relatives;

C) Staying in a country after the expiration of legal status (Heckmann2004; p 1106). Nonetheless, the meaning of illegality is gradually shifting across time and space. It is dynamic in construction and is the consequence of increased states control over movement of people.

Illegality is, therefore, related to the perception that control over territorial jurisdiction is a duty of the State²³, a clear distinction and demarcation can be made between what a state consider to be right, correct/legitimate and what its citizens consider to be right, correct/legitimate. Most trans-border movements are illegal since they defy authority sometimes but, generally quite acceptable in the mind of the doers of the acts. The states seem to control or able to control whosoever uses, occupies or crosses its territory or jurisdiction. People who systematically bypassed state control are not violating or flouting the letter of the law but they are also bringing other dimension into the discussion which is the point of legitimacy of the state by questioning, its ability to control its territory. Apparently though, not all states have the ability, and the capability to monitor effectively its people and territory.

In the similar vein, illegality has been brought into an open discussion and addressed from the gender point of view, most particularly from a specific view stand. Some academic writers focused and pinpointed on trafficking²⁴ of women .From this angle, illegal women migrants gain high attention and ranking in the academic, open public debates, and political discourse in the western world but it is now by far gaining ground in the developing world too. In this view, trafficking is expressed as being synonym to prostitution. Men folks are being likened and view as being smuggled²⁵ .The obvious definition of trafficking clearly says that women are being transfer against their will; and, the definition of smuggling highlights the idea of illegal entry which is the migrant's consent, and which he usually pays. Distinction between trafficking and smuggling is that men folks are being regarded and referred to as having

²² Border: A line that divides two countries; sometimes is an imaginary line.

²³ State: Government or political organisation of a country.

²⁴ Trafficking: The buying and selling of illegal goods especially drugs and women being use against their wills.

²⁵ Smuggle: The crime of taking something illegally from one country to another e.g.: A person arrested in connection with drugs but in this context human beings particularly men folks

control of their wits and situations whilst it pictures women as innocent, ignorant, deceived, lured and brainwashed victims.

This assumptions on women resulted in stronger monitoring of migrant women as opposed to men .And its consequently leads to generalising that a great percentage of migrant women are being regarded as being at the risk of a rape, sexual harassment²⁶, sexual exploitation²⁷ or the so called: Quid pro quo sexual harassment²⁸. This stand point of view subsequently leads to the assumption of victimhood and that women are forced to migrate and work in brothels and hotels as sex slaves and prostitutes, brought about protective measures that sometimes are of helps to women but in actual facts, it curtails their rights and choices.

A great many academic writers also have tried to explain away why there are so many emphases on trafficking and prostitution when it comes to women and illegal migration. There is a particular emphasis to the fact of the truth of female powerlessness and childlike sexual vulnerability. There is a clear distinction between ‘violated innocents²⁹’ and illegal immigrants that is focussed on sex and gender. Women trafficked victims are described as: vulnerable and, children forced from the comfort and safety of their family and environment as gross sexual exploitation. Here again a clear different is made between ‘economic migrants’ which is male folks who wilfully violated national borders for individual gains. The western world offer protections to the women and children on one hand and punishment to the male folks on the other.

The point in making or trying to highlight in all these is that, the western world relies on moral panic about ‘Sexual Slavery’³⁰ based on a slippery statistics and definition that suit their purpose, aims and, in fact, economics..

At this juncture, I must hastily include here that in his on contribution (Berman 2003) said that European trafficking discourse is connected with globalization³¹, the end of the cold

²⁶ Sexual Harassment: Looks or touching done to someone who does not want it, especially in this case foreign person.

²⁷ Sexual Exploitation: Looks or touching done without consent, love, or interests and to debase the woman.

²⁸ Quid pro quo Harassment: When an official harass a woman in return for favour .[Anderson,R.A., Fox,Ivan, &Twomey,D.P, (1989)Business Law p.916}

²⁹ Violated Innocent: To do something that makes someone feel that they have been attacked in this case, taking children underage from the comforts of their parent’s home.

³⁰ Sexual Slavery: The system of using or abusing someone sexually as slave because he or she is owned by that person.

³¹ Globalisation: Process of making something such as a business operate in a lot of different countries all around the world or the result of this.

war³², and the explanation to the expansion of the European Union. Apparently, nations³³ and States feel losing the grip on the control/monitoring of borders, and migration. This is why today Europe is all at sea as to what to do with immigration policies. Examples in mind are: Greece, Italy, Spain, even Germany and the Netherlands; are just beginning to grapple with large upsurge numbers of migrants (even though presently, Poland too) so far they are failing.

A brief synopsis of the historic perspectives to the feelings behind the use of the word 'illegality' has taken a considerable change in the history of man but particularly, in the nineteenth and twentieth centuries it has become very glaring. However, the genesis of the use of the term 'illegally' can be traced back to earlier centuries. The term 'illegally' dates back from the 1930's, and the concept of being illegal is much older. Believe it, is linked to the process of states/nation creation and formation. In other words, there are key developments between state formation, mobility control, and exclusion of foreigners or non- state indigenes since the early modern period.

Illegality is not new as some academic writers will make us believe. Years and centuries back state authorities made rules on exit, entry and residence of subjects and aliens. Group mobility was of great interest to nations when they were in concert of movement between economical and political, even geographical territorial units (Abraham & Van Schendal 2005). In early nineteenth century, local authority autonomy broke down in Europe, particularly in France and Germany and the decision on the rights to stay of immigrants were transferred to the central governments. More so, in the middle of the century, the redefinition of aliens in national terms which coincided with the global relaxation of migrations controls resulted in the first phase of globalisation's execution whereby, passports were abolished and exit restrictions lifted which culminated into a dramatic increase in the numbers of international migration.

In a nutshell, illegality from a global perspectives are not homogeneous, Differences between illegal and legal migrants are not the same in all the countries. In liberal western democracies, illegality is considered differently whilst in South East Asia with the absence of liberal democratic settings and traditions leads to different kinds of illegality for men and women. The possibility of becoming legal are not the same in all countries, a glaring examples are: Italy, France Spain and Greece have recently granted large scale amnesties, whilst other

³² Cold War: Extended worldwide conflict between communism and capitalism that is normally taking to have begun in 1947 and concluded in 1999 with the collapse of the Soviet Union power in Europe.

³³ Nations: A country considered especially in relation to its people and its social or economic structure.

European states has gone in the opposite direction of large scale regulations like Germany and the Netherlands.

It must not be forgotten that in not so long ago, in the very recent past decades, people became illegal when the country they were born and grew up in suddenly ceased to exist, and when citizenship in their countries of origin was denied (Myanmar government and the Soviet Union a case in mind). People became illegal migrants when they fled their countries without papers to countries that had not signed the 1951 Geneva Convention³⁴, as regards the Refugee's Status³⁵ (like, Malaysia) consequently could not make asylum claims. Whereas, in countries that signed the said Geneva Convention, 'Undocumented' simply means reduced deportability but not illegality.

Migrants then may become legal or illegal in various ways that I can briefly enumerate below as:

- A) Through marriages which will lead to gaining nationality. In the past women were highly favoured in that they could easily gain and acquire a new nationality by this means and thus legalised their residencies than men. As at now, is not usually the case but the possibility exists;
- B) Asylum procedures can result into migrants legalising their residency status. According to the 1951 Convention, the ground for asylum is defined as a well founded fear of persecution on account of race, religion, nationality, member of a particular social group or political opinion;
- C) Work option which is formal. Meaning that informal works like: domestics, au pairs, prostitutes, cleaners and restaurants are problematic these days. With work option immigrant men are likely to succeed in gaining legality/nationality in this respect than women;
- D) Other way to legalise or gain nationality is through birth to a so called: 'Anchor Baby'³⁶. This is an obvious way that women succeed more than men. Briefly, in the

³⁴ Geneva Convention: 1951, relating to the statute of Refugees is the key legal document in defining who is a refugee, their rights and, legal obligation.

³⁵ Refugee Status: A person who has been forced to flee or leave his/her country especially during war, political or religious reasons, and have been accorded such by the host or receiving country.

³⁶ Anchor Baby: An off ring of an illegal immigrant that grants him/her citizenship and entitled to birthright; is always had been abused in Ireland and USA.

USA it works perfectly according to the jus soli principle³⁷. Since babies born in the USA are citizens from birth. Countries that follow jus Sanguis nis principle³⁸ like Netherlands and Germany this is not an option;

- E) Additionally, legalisation through a programme that some countries have for women who comes forward to testify against traffickers can obtain legalisation of their stays or, residence on humanitarian ground.

With all the arrays of facts given so far in the early paragraphs and the diagnosis of the areas of challenges it is easy to sieve and get the gist that Nigerian migrants in Poland also have to face the problem of one finding himself /herself in a very strange culture and a strange land that one is bound to adapt. How do you cope with the difficult and a strange Slavish culture, accents, dictions and mentality? These are questions that are begging to be answered; and barriers/obstacles to achieving whatever might be our intended aim to study, work or live permanently here. If you are students, learning the language to continue your study and funding it too are big obstacles and challenges themselves not to mention some official and non-official discrimination that are issues that are as hot as hot potatoes that no one wants to touch or talk about.

In discussing and highlighting these issues one must never forget to pinpoint and include too, some social attitudes/prejudices that are presently prevalent and inimical to our achieving proper integration³⁹ in the new society that we find ourselves. Importantly, there is another issue that must not be forgotten and that is the issue of xenophobia that is so rampant in Eastern and Central Europe is a great obstacle and frightening one too, working against our good desire for proper integration; how to cope with it, deal with it, and overcome it can be real pain in the neck. For example: How can you live in peace, work in peace, and, or study with a peace of mind in a society that you are in a perpetual fear that someone can just walk up to you spit on you; slap you from behind; or worst still, knife you from your back or front?!

³⁷ Jus soli Principle: Is a Latin word and a legal terminology which means that a person 's nationality at birth is determined by the territory within which he is born. United State operates both Sanguis nis principles for children born to US citizens outside its territory and follows the principle of jus- soli for those inside its territory.

³⁸ Sanguis nis Principle: Until 2000, German nationality law was based on the principle of jus sanguis nis which attributed citizenship based on decent, (blood).

³⁹Integration: To become part of a society, community, or group and to be accepted by them. Also, to help someone to do this.

Security harassments /embarrassments are rearing their heads up in Cracow particularly in the conurbation areas whereby, one can be abruptly stopped or jumped upon and threateningly ask to identify himself, failure to comply or to do so, will instantly lead to public opprobrium⁴⁰, embarrassment, detention, or penalty. This attitudes and behaviours are confirming the fact that you are: guilty as charged, suspicious of being an illegal immigrant, unwanted; a suspected drug baron, or peddler; human trafficker, or very much in vogue today a suspected Taliban⁴¹.

⁴⁰ Public Opprobrium: Legal terms or word which simply means, a strong criticism, disapproval or disgrace especially express publicly with violent sometimes.

⁴¹ Taliban: A fundamentalist Islamic militia. In 1955.the Taliban militia took over Afghanistan; in 1996, took over Kabul and set up an Islamic government. Globally, they are regarded as terrorists.

Conclusions:

In conclusion, therefore, it must be born in mind that a great efforts is made to strongly stress on the fringe of legal aspect of the topic because is the nerve, the heart and the basis; plus, of course, the starting point of all the challenges. To have a cognisant and proper understanding of this legal part is to be able to work with them in an effective and efficient manner which will give us the key that will unlock the doors to overcome the challenges, however, difficult and frightening they be in this foreign land.

Migrant rights and rules plus all that you be hearing in this conference today, tomorrow and thereafter is all about law, a matter of law and nothing but law: Polish national Law; European Union Law and International law as they relates to immigration and migrant's rights all work together in *pari passu*⁴² that is to say they compliments one another.

How can we deal with a situation whereby the politics and the policies of our host nation on immigration is focussed largely on outflows rather than inflows except of recent when the searchlights are being beamed on the inflows and the searchlights are not that friendly and positive.

Frankly speaking, Poland is known as one of the poorest countries in the fortress of Europe. Is not that a country that is very captive and attractive for us Nigerians? This is a serious matter like one of my sister friends bluntly phrased it. How to make our livings and staying here worthwhile in order to breakeven? The economic system and situation is not conducive and permissive for migrants to settle down. The regime is quite strict nowadays largely because of their zeal and the requirements of their EU accession and for entering the Schengen⁴³. In addition, we must not close our eyes to the unemployment here that often oscillate between 15% and 20%. What is the chance of one getting employed even if you fall in love with idea of not wanting to leave here because is now your second home and like some of us here now because we fall in love with Agata, Kasia, Ania, Monika or Lukasz!

Agree with me or not; over the time and space everywhere in the world, migrants in general have been perceived as too poor. The likelihood that migrants will become a public charge, smugglers, drug peddlers, prostitutes, trouble shutters or 'degenereruchy', as Poles will say has always been an important argument in the call for restriction and control. Now that Poland

⁴² *Pari passu*: Latin word that literally means: 'equal footsteps', 'equal footing', or plain English 'part and parcel'.

⁴³ Schengen: The basic idea is to guarantee the rights free crossing of internal borders by road, rail, sea, and air.

is in EU and Schengen, the effects will be harsher and direct on migrants; is big and a serious matter/challenge.

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