

Warsaw, 24 July 2006

**Mrs. Grażyna Gęsicka**  
**Minister of Regional Development**  
**2/4 Wspólna Street**  
**00-926 Warszawa**

Dear Mrs. Minister,

The Helsinki Foundation for Human Rights wishes to draw attention to the need for more widespread consideration of the particular situation of aliens, who were granted international protection in Poland, in the guidelines for the Operational Program "Human Resource Development" (PO KL) included under the National Cohesion Strategy 2007-2013.

The Act on granting protection to aliens within the territory of the Republic of Poland distinguishes the following forms of protection within the territory of the Republic of Poland: refugee status, permit for tolerated stay, asylum and temporary protection. In practice, only two forms of protection are actually granted: refugee status and permit for tolerated stay. In connection with the implementation of Council Directive 2004/83/EC on minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, their status and the content of the protection granted into the Polish legal system, another form of protection will be introduced and will probably be specified as auxiliary protection.

The Operational Program "Human Resource Development" specifies individuals, who were granted permission for tolerated stay exclusively in point 4.1. - in the context of national and above-regional professional elicitation and social integration projects, which is greatly insufficient.

The needs of individuals granted protection based on the permit for tolerated stay, as well as those who received auxiliary protection, are were similar to the needs of recognized refugees in the area of employment, education and social integration, specified in the operational program PO KL. Individuals belonging to all these groups are staying within the territory of the Republic of Poland, because of the imminent threat to them in their countries of origin. In most cases they are not familiar with the Polish language and culture, are unable to find their feet in the new social circumstances, and in particular, have great difficulty in entering the labor market. One must however assume that the majority of these people will settle permanently in Poland, the others will remain in Poland for many years.

We suggest including the individuals, who received permission for tolerated stay or other forms of international protection mentioned in Council Directive 2004/83/EC, under individual integration programs that until now were available exclusively to

refugees (point 1.3.4. of PO KL, Instruments of counteracting social exclusion). The experiences of the Foundation, as well as other nongovernmental organizations providing assistance to aliens, show that the inability for persons, who received permission for tolerated stay in Poland, to gain access to individual integration programs, implemented based on the regulations of the Law on Welfare Benefits, prevents their integration in Poland and exposes them to social marginalization. Moreover, we believe that it is also necessary to consider the individuals placed under other forms of protection mentioned in point 4.6. of PO KL – they should be listed among the groups exposed to social exclusion, which are the addressees of programs supporting innovative activities leading to the development of their employment skills.

The proposed amendments will facilitate a fuller implementation of the following priorities: “employment and social integration” and “labor market open to all and promotion of social integration”.

With kindest regard,

Marek Antoni Nowicki  
President of the Board  
of the Helsinki Foundation for Human Rights