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**Political participation of third country nationals on national and
local level**

Poland: country report

1. State actors, national and European policies

1.1. Legislation

Normative framework

Polish Constitution ensures to all persons:

- “freedom to express opinions” (Art. 54)
- “freedom of peaceful assembly” (Art. 57)
- “freedom of association” (Art. 58)¹

Poland has not ratified and, according to the latest ECRI report, is not planning to sign the European Convention on the Participation of Foreigners in Public Life at Local Level. The 2010 ECRI report on Poland reiterates earlier Council of Europe’s recommendations for the country to ratify the Convention, which in Article 6 stipulates that each Party “grant every foreign resident the right to vote and to stand for election in local authority elections”.² The ECRI report states that the Polish government admit that “they have already granted all European Union citizens the right to vote and stand in local elections and are not prepared to go beyond that.”³

Voting rights

Active and passive voting rights in national elections are restricted to Polish citizens.⁴ Amendments to the law on local elections, entering into force on 1 May

¹ Constitution of the Republic of Poland of 2 April 1997, available at: <http://www.senat.gov.pl/k5eng/dok/konstytu/konstytu.htm>

² Convention on the Participation of Foreigners in Public Life at Local Level of 5 February 1992, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/144.htm>

³ ECRI Report on Poland (fourth monitoring cycle), adopted on 28 April 2010, p.

⁴ Articles 6 and 8 of the Law on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland of 12 April 2001 (Journal of Laws No. 190, item 1360 of 2007)

2004, have extended both active and passive rights for elections to local councils to citizens of EU Member States, residing permanently in the locality.⁵

Extending voting rights to foreigners was met with some political opposition. A group of nationalist MPs submitted a query to the Constitutional Court regarding the constitutionality of the extension of the right to take part in elections to the European Parliament to nationals of EU Member States, residing in Poland. The Court ruled the extension constitutional in its verdict of 31 May 2004, in which it upheld the right of nationals of EU Member States to take part in the EP elections as one their fundamental rights and rejected the interpretation that the mandates of members of the European Parliament as “representatives of Nations of Member States” implied that “active and passive voting rights in the elections to the European Parliament could only be exercised by EU citizens within the national community, to which they belong as citizens”.⁶

Right of association

Constitutional guarantee of freedom of association is realized by the Law on associations of 7 April 1989, which defines an association as a “voluntary, self-governed and permanent organization, set up for non-profit purposes” (Art. 2(1)). Under this Law, while all foreigners may join existing associations (as long as their statutes allow this), only permanent residents of Poland may form such associations.⁷ However, the term “associate” used in the Law is imprecise and could be understood narrowly to mean “participate in” rather than “establish”. This restriction was criticized as unduly limiting the application of the constitutional norm (Prof. Hubert Izdebski of Warsaw University) and in

⁵ Articles 6a and 7 of the Law on elections to councils of communes, powiats and regional parliaments of 16 July 1998 (Journal of Laws No. 176, item 1190 of 2010)

⁶ Constitutional Court, ruling of 31 May 2004 (K 15/04), *Udział cudzoziemców w wyborach do Parlamentu Europejskiego*, available at: http://www.trybunal.gov.pl/omowienia/documents/K_15_04_PL.pdf

⁷ Article 4 of the Law on associations of 7 April 1989 (Journal of Laws, No. 20, item 104 of 1989, No. 14, item 86 of 1990)

contravention of the European Convention of Human Rights (Maciej Bernatt of the Helsinki Foundation of Human Rights).⁸

In his opinion, published in January 2009, Prof. Izdebski noted that this restriction was untenable as it denied a universal human right, and distorted the local “market of non-governmental organizations” relegating Poland to the status of a location merely of branches of global associations, while posing a barrier to the establishment of genuinely international associations. Prof. Izdebski called for waiving Article 4 of the Law and replacing the term “Polish national” with “everyone” as founders of associations as well as granting international associations the right to operate in Poland without necessarily seeking separate establishment in Poland.⁹

A draft bill of the amended Law on Associations, submitted on 4 November 2010 by a group of senators, led by Civic Platform’s Łukasz Abgarowicz, removed this restriction. The draft makes no distinction between foreigners and nationals, extending the right to all physical and legal persons, in the scope envisioned by the Civil Code.¹⁰ However, following severe criticism from the civil society, the draft was withdrawn by the initiators on 3 March 2011.¹¹

Membership in trade unions and political parties

Article 59 of the Constitution guarantees freedom of membership in trade unions and employers’ associations, stipulating that the scope of this guarantee must not be limited by statutory law other than in cases dictated by international

⁸ Ewa Grączewska-Ivanova, „Rejestracja stowarzyszeń spreczna z prawem Unii”, *Gazeta Prawna*, 27 April 2009, available at: http://prawo.gazetaprawna.pl/artykuly/313767,rejestracja_stowarzyszen_spreczna_z_prawem_unii.html (accessed on 3 April 2011)

⁹ Hubert Izdebski, *Prawne warunki funkcjonowania stowarzyszeń w Polsce. Propozycje zmian legislacyjnych*, Opinie i Ekspertyzy (OE-101), Biuro Informacji i Dokumentacji, Kancelaria Senatu, January 2009, available at: <http://www.isp.org.pl/kompas/files/izdebski.doc>

¹⁰ Art. 2 of the draft Law on associations, Publication No. 1028 of the Senate of the Republic of Poland, 7th term.

¹¹ <http://www.senat.gov.pl/k7/dok/dr/1000/1028w.pdf>

commitments. Law on trade unions opens the right to form and join trade unions to all “employees regardless of the form of their employment”.¹²

Membership in political parties is restricted under the Polish Constitution to nationals (Art. 11). The restriction is reiterated in the Law on political parties of 27 June 1997 where Article 2 states that “Membership of political parties is open to citizens of the Republic of Poland...”¹³

Right of assembly

Constitutional freedom of assembly is reinforced in the statutory law. Article 1 of the Law on assemblies grants “everyone” the liberty of peaceful assembly, defined as a gathering of at least 15 persons, “called up to hold session or make a joint declaration”. Foreigners may also organize such gatherings as Article 3 of the Law grants the right of organization to all persons with full legal powers.¹⁴

1.2. National strategies

Strategic documents

Experts have long noted that the national policy towards foreigners has not been guided by a strategic approach. It is evident in the delay with which the National Migration Strategy has been developed. Although work on the Strategy continues since 2003, the document was only presented on 6 April 2011.¹⁵ According to preliminary public announcement by the Department of Migration Policy of the Ministry of Interior,¹⁶ the Strategy would place significant emphasis on issues of integration of foreigners, concluding, *inter alia*:

- definition of objective of integration—enabling a migrant to function independently in Poland

¹² Art. 2 of the Law on trade unions of 23 May 1991

¹³ Journal of Laws, No. 98, item 604 of 1997

¹⁴ Law on assemblies of 5 July 1990 (Journal of Laws, No. 51, item 297 of 1990)

¹⁵ Ministry of Internal Affairs and Administration, *Nowa polityka migracyjna Polski*, 6 April 2011, available at:

http://www.mswia.gov.pl/portals/pl/2/9071/Nowa_polityka_migracyjna_Polski.html

¹⁶ Monika Prus, *Strategia migracyjna dla Polski: stan prac, wyzwania*, Ministry of

- facilitated access to residence upon demonstrating a certain level of integration (e.g. language proficiency)
- complementarity of financing from state budget and the European Fund for Integration of Third Country Nationals
- support to activities familiarizing immigrants' issues and concerns to the Polish society.

The Strategy does not appear to promote a multicultural model of activity of migrants. Instead, it seems to favour some form of assimilation, which is clear from the following objectives of the draft Strategy:

- proficiency in Polish is understood as vital to effective integration
- preferences for foreigners of Polish origin in obtaining residence and work permits
- introducing preferential paths toward naturalization for spouses of Polish nationals and foreigners with command of Polish language.

The Strategy adopts a dichotomous view of immigration, seeing in it on the one hand possibility for harnessing migrants' demographic, economic and cultural potential. However, at the same time, the document foresees "potential social tensions and lack of tolerance on the part of the host country's citizens due to cultural distance as well as implicit and explicit competition on the labour market".¹⁷

The Strategy gives some indication of the forms of migrants' participation in public life, which are to be promoted. Among recommendations pertinent to this issue are the following:

- increasing the role of diasporas in foreigners' integration,
- support to migrant organizations in "active coexistence in civil society", defined, *inter alia*, as interest representation and promotion of own community

¹⁷ *Nowa polityka migracyjna Polski*, op. cit., p. 12.

- building “cooperation platforms”, enabling migrants’ associations and individual migrants to cooperate with Polish associations, foundations and communities on cultural and social issues,
- raising the role of the state in providing migrants with information on legal employment and residence in Poland.¹⁸

These recommendations flow from the diagnosis provided in the Strategy, which notes the virtual absence of strong migrant diasporas (with the exception of the Vietnamese and Armenians) and identifies as a problem dispersion of migrants, who lack “support or sense of community” that diasporas provide. However, the Strategy argues that small scale of permanent immigration so far and the absence of the issue in the political debate or social awareness did not warrant launching integration programs for migrants other than refugees.¹⁹

Migration Strategy in the announced shape does not represent departure from strategic directions outlined in other mid-term and long-term state planning documents. The current government adopted on 30 December 2008 a revision of the National Development Strategy for 2007-2015²⁰ in which it called for a “rational migration policy” as part of its employment-growth package. It is symptomatic that the all the declared measures concentrated on maintaining ties with and return of the Polish migrants residing abroad. The focus on return migration of Poles correlates with the diagnosis given in the original Strategy, adopted in 2006, in which emigration, especially of young Poles, would constitute “draining of the human capital”. The Strategy forecast “a growing migration to Poland” but viewed it negatively, expecting that it would result in “appearance of new legal, social and job market problems.”²¹ The Strategy of 2006, revised in 2008, underscored “complementary character” of labour immigration, which

¹⁸ *Ibid.*, p. 72.

¹⁹ *Ibid.*, p. 68.

²⁰ *Założenia aktualizacji “Strategii Rozwoju Kraju 2007-2015”*, available at: http://www.mrr.gov.pl/rozwoj_regionalny/poziom_krajowy/strategia_rozwoju_kraju_2007_2015/Documents/Zalozenia_aktualizacji_SRK_przyjete_przez_RM_30_grudnia_2008r.pdf

²¹ Ministry of Regional Development, *National Development Strategy 2007-2015*, Warsaw, November 2006, p. 20, available at: <http://bip.mrr.gov.pl/Strategia%20Rozwoju%20Kraju/Documents/41cc229de0f54a0fb792714f5a362120SRKwangielska0607.zip>

would only be admitted upon “analysis of the migration balance” to address skill shortages.²²

Limited space allotted to immigration in strategic documents, the delay in working out a comprehensive migration strategy and relatively closed manner in which the latter document has been elaborated were subject to criticism from experts. In an interview in January 2011, Magdalena Lesińska, Deputy Director of Warsaw University’s Centre for Migration Research remarked that the “official migration strategy for Poland is a document that has been prepared for eight years and has not been officially completed”. In her opinion, too much focus was put on issues of emigration with insufficient attention to immigration, and the overall debate suffered from the fact that migration policy is a matter of discussion involving a small circle of stakeholders.²³ In turn, Mikołaj Pawlak of Caritas Polska made in February 2011 a plea for dissemination of the Strategy among key non-governmental organizations assisting migrants so that they could offer comments prior to the launch of formal social consultations.²⁴

Integration of migrants

A different, more open to participation, approach was adopted by the Ministry of Labour and Social Policy, which is the central authority responsible for social integration of migrants. In the Social Policy Strategy for 2007-2013, adopted by the government on 13 September 2005, Priority 7 (“Social and professional integration of immigrants” tackled some issues related to civic and political participation of migrants. One priority is the “ongoing cooperation with a platform of organizations representing or working on behalf of immigrants”. Particular attention was paid to the need to build communities of refugees. It is worth mentioning that the document placed active support for organization of diasporas

²² *Ibid.*, p. 57.

²³ Polish Press Agency release, 17 January 2011, *Konferencja o kryteriach polityki migracyjnej UE*. See also a summary of the *European Fortress? The Future of European Union migration policy* at: http://www.demoseuropa.eu/index.php?option=com_content&view=article&id=614&Itemid=130

²⁴ Mikołaj Pawlak, *Stanowisko w sprawie opublikowanego w dniu 24 lutego 2011 roku projektu założeń do projektu ustawy o cudzoziemcach w ramach konsultacji społecznych*, 14 March 2011, available at: http://grafitstudio.pl/praktyki-integracji/images/stories/aktualnosci/11_03_14%20-%20pismo%20do%20mswia.pdf

in the context of unfavourable demographic trends in Poland, suggesting measures to attract younger compatriots to join the existing diasporas.²⁵

In February 2007, the Interdepartmental Team for Migration was established by the Prime Minister. One of the five Working Groups within the Team is concerned with integration of foreigners. Headed by the Minister of Labour and Social Policy, the Working Group's tasks include cooperation with non-governmental organizations and developing annual and multi-year programmes for the European Fund for Integration of Third Country Nationals.²⁶ The Group gathers representatives of state ministries, local governments, international and non-governmental organizations. Following a two-year period of inactivity, the Working Group has met twice this year already, and at its latest session, held on 3 March 2011, it was concluded that the Group's prime objective would be to "elaborate directions for the Polish integration policy" through close consultations with the entire NGO community concerned with integration issues in Poland.²⁷

Another sign of growing openness of the state administration to non-governmental voice in the course of planning Poland's integration policy was the survey that the Ministry of Interior circulated in 2009/2010 among 97 institutions and organizations, including 16 migrant and minority organizations. Unfortunately, only 7 NGOs and 1 immigrant association responded to the survey, making the results indicative primarily of the government position on the question of directions of state integration policy. Analysis of the results of the survey, published in January 2011,²⁸ provides insights relevant to the discussion of the role of migrants' participation in public life in their integration.

When asked whether foreigners ought to adapt, assimilate or integrate in the Polish society, most respondents pointed to some form of integration, and some of

²⁵ *Strategia polityki społecznej na lata 2007-2013*, Ministry of Social Policy, 2005, p. 40, available at: http://ec.europa.eu/ewsi/UDRW/images/items/doc/14681_149716116.pdf

²⁶ Paulina Babis, *Integration of immigrants in Poland*, Ministry of Labour and Social Policy, available at: http://www.slovo21.cz/prilohy/PaulinBabis_Integration_of_immigrants_in_Poland-ost.pdf

²⁷ As stated by the head of the Working Group, Paulina Babis, Ministry of Labour and Social Policy. See the summary of the session at: <http://grafitstudio.pl/praktyki-integracji/images/stories/aktualnosci/relacja%20ze%20spotkania%20grupy%20roboczej%20ds.pdf>

²⁸ Ministry of Internal Affairs and Administration, *Analiza ankiety na temat polityki integracyjnej*, January 2011, available at: http://www.forummigracyjne.org/files/171/Analiza_ankiety_integracyjnej.pdf

them underscored the importance of active participation in the process. For instance, the governor of Lublin named as one of the indicators of integration “full participation in social and political life” while governors of Warsaw and Łódź highlighted the importance of involvement of migrants in integration programmes. Ministry of Foreign Affairs rejected the option of assimilation while one of the governors suggested that migrants ought to decide which option of relations with the host society they would be interested in. Assimilation was generally found inappropriate for migrants who “originate from other cultural or religious traditions”, in particular pointing to the Chechens. Some respondents noted that integration might follow adaptation, and be only of interest to some migrants as many among newcomers to Poland are still not interested in staying in Poland, instead treating it as a stepping stone towards departure for the more developed destinations. The only immigrant association, that of Armenians, responded that the proposed options represented stages of a long process.

Consultation on local level

In the course of an interview, head of the Department of Foreigners of the Provincial Mazovian Office, which processes the bulk of residence legalization applications, covered the initiatives aiming at informing migrants of their rights and methods of consultations with migrants’ NGOs. As part of the “Centre of Information for Foreigners” project, financed by the European Fund for Integration of Third Country Nationals, the Office tackled some of the problems identified in the course of an independent evaluation, carried out by the Institute of Public Affairs in 2009. A helpdesk was established with boards containing information on procedures in most common languages (starting with Ukrainian and Vietnamese). A series of trainings was run during which the Office staff improved their client service skills and was made aware of multicultural issues.

In collaboration with NGOs specialized in assistance towards migrants, the Office launched further initiatives:

- information hotline and website (Polish Migration Forum),

■ Information Centre for Foreigners (Association for Legal Intervention)²⁹

The Department of Foreigners' unique initiative for reaching out to migrants and identifying their concerns is the Foreigners' Forum, set up on 12 March 2008 as one of the platforms for the cooperation of regional state administration with the civil society. In the words of the Head of the Department, the Foreigners' Forum represented a response to the criticisms from the non-governmental side and was initially a tool to improve the system of service for legalizing foreigners' residence and sharing opinions and undertaking joint actions to deal with their concerns. The cooperation within the Forum led to "breaking the ice" between the two sides, which culminated in the decision to subject the residence procedure and practices to evaluation by the non-governmental team.³⁰

1.3. Political parties

Electoral programmes of major political parties are silent on issues of immigration. The Civic Platform's programme for 2007 parliamentary elections proposes instead to offer incentives for return of Polish migrants who have left the country for other EU Member States in large numbers since 2004.³¹ In an interview with a representative of the junior member of the governing coalition, it was established that the Polish Peasant Party shares this view, focusing on opportunities for return of Polish emigrants rather than viewing immigrants as a solution to the country's economic needs.

Issues related to civic and political participation are in the portfolio of two ministries: Internal Affairs and Administration filled in from the nomination of the Civic Platform (responsible for legalization of residence and relations with NGOs) and the Labour and Social Policy, headed by a minister indicated by the Polish Peasant Party, the junior coalition partner (in charge of social integration of

²⁹ Mazovian Provincial Office, *Kierunki zmian w obsłudze migrantów na przykładzie działania Wydziału Spraw Cudzoziemców Mazowieckiego Urzędu Wojewódzkiego*, presentation, 29 March 2010

³⁰ Izabela Szewczyk, *Współpraca Wojewody Mazowieckiego z organizacjami pozarządowymi na przykładzie Forum Cudzoziemców*, presentation, 28 January 2010

³¹ Civic Platform, *Program PO. Polska zasługuje na cud gospodarczy*, available at: <http://www.platforma.org/pl/program/>

migrants). Political parties are also represented in parliamentary committees, which initiate and review pertinent legislation: the Sejm's Committee for Administration and Home Affairs and the Senate's Committee for Human Rights, Rule of Law and Petitions.

Interviews were conducted in April 2011 with three representatives of the governing coalition in these committees—two deputies (one from the Civic Platform and one from the Polish Peasant Party) and one senator representing the Civic Platform.

The interviewed politicians recognized that the issue of the presence of migrants in the Polish society was still marginal in the political debate in Poland. However, they did not agree on the question of openness of the Polish political elite towards participation of immigrants in political life—in general, they saw citizenship as the prerequisite for full participation (that was especially pronounced in the case of a representative of the Polish Peasant Party). They noted the perception of immigrants as “guests” especially among local-level politicians and officials, who in their view preferred to “solve local matters on their own”. Politicians of Civic Platform saw the national level as a more promising for inclusion of naturalized migrants in the political life. They referred to the fact of having a naturalized member of Parliament of African origin as a sign of their own openness to the political participation of immigrants.

In politicians' general opinion, the media do not provide adequate picture of migrants or opportunities for their greater participation in political life. They agreed that the coverage concentrated on sensational news or individual cases often highlighting instances of conflict. In their view, the media often took note of individual migrants' problems (especially in cases of procedures of legalization of residence or order to leave towards migrants of Polish origin or with established ties to Poland) and were sympathetic towards their plight, but did not look at the issue in a more general, systemic manner. One member of the Parliament found the coverage to be out of touch with the general social sentiment, claiming that the media outlets were often foreign-owned and tended to be more liberal on the issue than the general sentiment would indicate.

The politicians did not perceive provincial offices, responsible for legalization of migrants' residence, to be sufficiently active in providing guidance to foreigners interested in participation in civic and political activity. As one respondent stated the offices "perform their duties" but do not go beyond that. The low visibility of state structures was confirmed by the fact that none of the respondents could give any specifics about the operation of the European Fund for Integration of Third Country Nationals—one of them did not hear anything, while the two others only knew that it existed.

The politicians found their meetings with foreigners relevant and primary forms of involving immigrants in enforcing their rights. In fact, they pointed to awareness raising as a priority for activities of the EFI and other forms of assistance as they found individual initiative of migrants to establish themselves in the labour market and society as the crucial aspect for their activation. Only one representative of the Civic Platform saw its party supportive of granting voting rights to immigrants while two other politicians found this to be premature.

1.4. European Fund for the Integration of Third Country Nationals

A recent study on the effectiveness of measures facilitating labour market and social inclusion of migrants in European assistance programmes in Poland notes a key role that the European Fund for the Integration of Third Country Nationals has come to play in stimulating migrants' participation in public life and in building platforms for communication between the state and migrants.³² It is a relatively small fund (allocation for Poland was 1,209 thousand EUR in 2007, rising to 2,159 thousand in 2009, is scheduled to reach 2,460 thousand in 2011 and 3,311 thousand in 2013); however, it is designed to go beyond questions of labour market activation and individual skill upgrading, characteristic of most activities within the much-larger European Social Fund. As the study notes:

³² Piotr Kazmierkiewicz, *Country report on ESF measures enhancing the labour market and social inclusion of migrants and minorities*, European Commission 2011 (forthcoming)

“Prior to the launch of EFI and Human Capital OP, meetings were held between Ministry of Labour and Social Policy and Ministry of Regional Development to ensure that the two programmes were complementary yet did not overlap in terms of areas of support. EFI goes beyond questions of social and economic welfare of migrants, addressing needs of state policy in more comprehensive terms. (...) Many of the projects, approved in the first call of 2007, concentrated on the establishment of foundations of state admission and integration policy and on bringing down cultural barriers between newcomers and the host society. Some project activities were designed to serve as models for future state policies or to build competence of migrant associations for engaging in dialogue.”³³

Significant shifts could be observed in the allocation of resources to various EFI measures in annual programmes. Over 90 per cent of the allocated funds in 2007 went to activities targeting third-country nationals (60%), the host society (18%) and sustaining intercultural dialogue (13%). By 2009 the share of these allocations dropped to 69% and in 2010 it was planned to amount to 54%. In turn, a growing share of resources was diverted to the construction of an institutional system (11% in 2009 and planned 14% in 2010) and research into the situation of migrants and their integration needs (14% in 2009 and 18% in 2010). A new development was the allocation in 2010 of around 10% of resources on strengthening of international cooperation.³⁴

More detailed information on the types of activities financed by the Fund has been provided by the Managing Authority for years 2007 and 2008. The projects in this early period rarely addressed issues of public participation. In 2007 among measures aimed at building intercultural dialogue, two projects had as their objective establishment of platforms of cooperation through meetings between Polish authorities, NGOs and migrants' associations. It was recognized that the primary objective was to “persuade immigrants to take part in organized actions”. In 2008, a project establishing the National Platform for Cooperation for

³³ *Ibid.*, p. 50.

³⁴ Eliza Przetak, *Europejski Fundusz na rzecz Integracji Obywateli Państw Trzecich na lata 2007-2013 w ramach programu ogólnego “Solidarność i zarządzanie przepływami migracyjnymi”*, presentation, Ministry of Labour and Social Policy, available at: http://dialog2008.pl/UserFiles/File/E_Przetak.pps

integration was established, aiming to ease interaction between migrants and public institutions responsible for providing services to immigrants.³⁵

The shift towards support to institutionalization of relations between migrants and the state bodies has been acknowledged in an interview with the Fund officer. In her view, the Fund despite its small scale is visible as it has generated interest among both NGOs assisting migrants and immigrant associations. Although issues involving migrants are still not among key priorities in the overall activity of the Ministry of Labour due to the low numbers of migrants, the Fund has played an important role of serving as a “laboratory” of various methods of integration and in the official’s view was open to exploratory ideas from the applicants. When asked whether a broader debate on immigrant issues would be conducive to integration, the official concluded that it was unrealistic to expect such debate at a stage which in the general opinion of experts and officials was still very early.

2. Immigrants’ political participation: view from inside

The following section is a summary of four interviews. One was conducted with a representative of a Polish NGO acting for third country nationals and the remaining three were with representatives of immigrant organizations, out of which two offer their assistance to Ukrainian nationals and one to immigrants from Africa. Due to limited information gathered during these interviews, our research was extended to include expert opinions on political and civic participation of immigrants.

2.1. Activities of NGOs for and on behalf of migrants

The situation of the NGO sector in Poland is unique. Polish non-profit organizations dealing with migration issues have been more active than immigrant ones in representing immigrant interests during the debate on new migration policy and in promoting immigrant activism while - simultaneously - conducting research on

³⁵ *Final Reports on Implementation of the Annual Programme (EFI) 2007, 2008*, Implementing Authority for European Programmes, Warsaw.

migration and engaging in raising the host society's awareness of migration-related issues. Immigrant organizations focus mostly on providing direct legal and material assistance to their clients and also organize various cultural events intended for minorities and host society members.

Polish organizations do not have predefined target groups among third country nationals; many of them focus, however, on refugees, among other reasons due to the nature of their situation and needs. They cooperate with volunteer migrants, but mostly employ Poles.

The majority of immigrant organizations have been registered relatively recently; in the past they functioned informally. Among these organizations, a greater specialization may be observed, i.e., their actions are orientated towards their own ethnic group, e.g., Vietnamese or Ukrainian.

The small number of immigrant organizations is caused by various factors associated with the specificity of working in the NGO/third sector and the position of immigrants in Poland. Working for an organization was described as very hard, mostly due to lack of financial resources. It involves investing *“a lot of energy and determination (...) people cannot afford it.”* In the case of immigrants, a complicated legal situation regarding legalizing residence additionally impedes engagement in an NGO. The insecure labor market situation is also a factor. As a result, leaders remain informal and the actions undertaken by many organizations remain part-time (volunteer), realized in non-working hours. Consequently, it is difficult to break this vicious circle – due to not having stable funding, immigrants cannot devote their time to the organization, which results in a low success rate in raising funds, low effectiveness, and inability to professionalize their activities. This is why the migrant environment is not cohesive, *“everybody acts without regard for others,”* and building any cooperation platform is hindered.

Immigrant organizations have not developed a structure for consulting their target groups. As one of the interviewees said: *“It is an ongoing process;”* it happens through face-to-face contacts. Employees of one of the researched organizations *reach out* to their target group and try to form relationships with migrants, e.g., at

bazaars and markets. Attempts to introduce a formalized way of conducting consultations with African immigrants have been made; during meetings an analysis of needs and possible solutions to problems was conducted. The overall self-evaluation of this attempt was not satisfactory, however. As stated by the head of this organization: *“They lack trust and it is not a priority for them. Work is the most important for them. This comes down to individual conversations with those who are more engaged and proactive.”*

The general self-evaluation of the effectiveness of performed actions is positive. Interviewed persons recalled many events undertaken in order to sensitize the host society members to migration issues, petitions signed and demonstrations organized concerning the legalization of residence issues, and participation in public debates. These actions, as stressed by the organizational leaders, do not make use of financial resources and are civic in nature.

2.2. Experience with and effectiveness of EFI

One researched immigrant organization independently managed a project supported by funds from the European Fund for Integration of third-country nationals (EFI) and another one participated in a project as a social partner. Although none of the aforementioned projects were in fact focused on political and civic participation, in the case of the organization directing its actions at immigrants from Africa, carrying out the project by itself has significantly increased its organizational potential to represent the interests of the target group.

The most often recalled positive example of an action aimed at promoting immigrant activism was an EFI grant for the International Organization for Migrations (IOM) for a project titled *“Active and competent. Migrants in civic society”* aimed at developing civic society competences of members of immigrant organizations mostly through a cycle of seminars and workshops. Thanks to the support of the IOM, it was possible to establish several migrant organizations.

According to experts involved in EFI evaluation, the majority of projects conducted by immigrant organizations (Armenian, Chinese, and Vietnamese) list among their

objectives increasing civic participation. These objectives do not include forming coalitions or lobby groups - which would be premature according to expert opinions - but rather focus on supporting reaching out from their own minority group and participating in local community activities.

2.3. Barriers to and interest in political participation

According to the researched organizations, Polish authorities do not see a need to promote immigrant activism. The authorities are not interested in issues associated with integration, only in migration politics understood as labor market access and border control. The organizations' representatives stress, however, that the NGOs/third sector, including immigrant organizations, is being consulted more and more often. During interviews, meetings at the Ministry of Labor and Social Policy, Immigrants Forum, and consultations during the "Multicultural Warsaw" project were given as examples. According to the interviewees, much work is still required so that such a dialogue can have satisfactory outcomes. As stated by a respondent: *They expect us to go to them because they do not look for us. But when you go to them, when you find them... my experience with them is positive.*

Polish administration offices do not provide adequate information about residence and work permit procedures, according to interviewees. The same inadequacy exists regarding information on naturalization procedures - having that information would allow an immigrant to plan their stay in Poland appropriately. That is why, according to one respondent, *"immigrants often miss chances for a better status that guarantees more rights."* No consulting for long-term residence planning is offered.

According to the interviewees, greater civic participation of immigrants is desired and necessary. Intercultural dialogue and meetings are very effective forms of civic engagement as they allow for exchanging opinions and getting to know each other. Moreover, some immigrants should be granted voting rights (just active, or both active and passive) at least in local elections. Immigrant participation in local elections would draw the attention of political parties to immigrant issues. Voting

rights, according to our respondents, should be granted to those who have lived in Poland for an adequately long time and understand the Polish reality.

Alternatively, the NGO sector should be supported in such a way *“that effective actions orientated towards (one’s) own minority group become possible.”* Immigrant organizations, in respondents’ opinions, should have easier access to available funds, similarly to organizations representing ethnic and national minorities in Poland. The immigrant perspective would be better heard then: *“The goal is to be heard; to speak for ourselves in debates, like the one on whether the term “nigger” is ok, (...) These [our] voices are not heard (...) Until a person who is really involved speaks out, the discussion is pointless, i.e., abstract and theoretical.”*

2.4. Relations with political parties

Due to the total exclusion of immigrants (third-country nationals) from participation in elections, an assessment of the openness of political parties to political participation of immigrants is very limited. In general, according to the respondents, SLD is the most open to migration issues, followed by PO. *“(…) Surely, SLD is more open than PIS, they are the elite that is more tolerant than the others. But PO is also a liberal party that is open.”*“(…) We do say that PIS is a bit more closed, but I think that there just was no time to talk to them and present them with some sort of a program that we want to pursue.” Politicians with a Ukrainian background have met with immigrants from Ukraine. The President’s Cabinet has also been more interested in migration issues recently.

One meeting with immigrants organized by a political party was recalled. Its objective (as stated in the invitation) was to make contact with the immigrant minority and to present an SLD presidential candidate with the most pertinent difficulties they face in Poland. The mere fact of organizing such a meeting was viewed positively, even though – as noted by the participants – politicians were not sufficiently familiar with migration issues. As one respondent put it: *“It is not clear why such a meeting was called. Unless they simply wanted to look like a modern European party.”* This superficial interest in migration issues has also been noted by interviewed experts, according to whom these behaviors are ill-thought out copying of European clichés.

Another positive example of a dialogue with local authorities provided by immigrants referred to a Warsaw suburb with a high number of Ukrainian inhabitants.

2.5. Migrants in media discourse

Media coverage on migration is mostly limited to extreme crisis stories, for instance, issues related to legalizing stay. All interviewees stressed, however, that the coverage is becoming more objective over time. The results of research on the image of foreigners presented in the Polish media support this opinion. According to the results, 66% of all researched texts from the year 2009 were neutral. .

Issues related to political and civic participation are not present in the media, according to the respondents. As one immigrant summarized: “(...) *Has any politician, any party, or any presidential candidate ever presented any ideas on what to do with immigrants? None. (...) immigrants do not exist.*” Sports news is where foreigners were mentioned most often. Also, news on the state and host society’s attitudes towards newcomers was plentiful. In this news, immigrants were presented as victims of either unclear, overly complicated, and sometimes absurd bureaucratic procedures, or of criminal – mostly racially motivated – acts³⁶.

³⁶ I. Józwiak, J. Konieczna-Salamantin, M. Tudorowski, „*Bez cudzoziemców bylibyśmy ubożsi*”. *Wizerunek obcokrajowców na łamach polskiej prasy*, (Without foreigners we/society would be poorer. *The immigrant image in the Polish media*. Instytut Spraw Publicznych (The Institute of Public Affairs) 2010.

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