Visegrad Fund

SHELTER LAW-MAKING:
LEGAL RESPONSE TO THE MASSIVE MIGRATION CAUSED BY RUSSIAN AGGRESSION AGAINST UKRAINE

NATIONAL REPORT – POLAND

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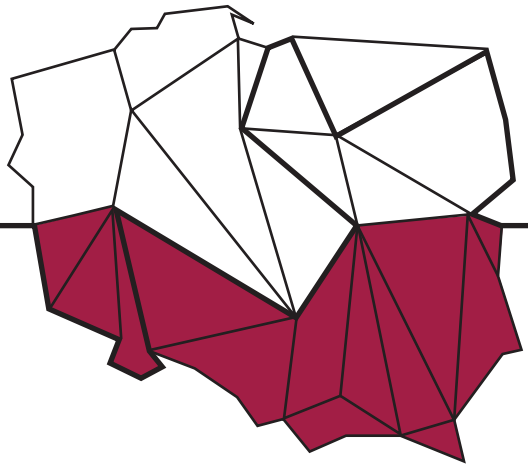

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Urząd do Spraw Cudzoziemców	Office for Foreigners
Zakład Ubezpieczeń Społecznych	Social Insurance Institution

PART I

GENERAL INFORMATION ABOUT THE COUNTRY

1. General information

Total number of inhabitants	37,766,000 (2022) natural increase: –143,300 (Statistics Poland, 2023a)
Gross domestic product	USD 809.2 billion / USD 22,056.7 per capita (2023) (World Bank, 2023)
Average income per capita	USD 638 (PLN 2,678) per month (2023) (Statistics Poland, 2023b)

Table: General statistics about Poland

2. Structure of Polish society in terms of nationality

Poland is an ethnically homogeneous country. Data from the 2021 National Census show that as many as 99% of Poland's population identify unequivocally as Poles (36,620,217 people). Identification other than Polish was unequivocally indicated by only 1% of the population (397,848 people), including Silesians (187,372), Ukrainians (45,777), Belarusians (35,370) and Germans (23,495). There was also a group of people who feel they belong to more than one ethnic community. The broader Ukrainian identification was declared by a total of 82,440 people (Statistic Poland, 2021).

3. Ukrainians as a group within Polish society before 2022, including the legal basis for their residence

Ukrainians were recognised as a national minority in Poland according to Article 2(2)(8) of the Act of 6 January 2005 on national and ethnic minorities and regional language[1]. Apart from Ukrainians living in Poland permanently as Polish citizens of Ukrainian origin, it is estimated that prior to the outbreak of war there were approximately 1.5–2 million Ukrainians residing in Poland on various terms: legalised residence (temporary residence, permanent residence, long-term EU residence), international protection, short-term residence and stays under the visa-free regime (Personnelservice, 2024; Selectivv, 2023). The residence of Ukrainian citizens prior to 2022 could be legalised on various legal grounds, mainly through the granting of temporary residence permits, permanent residence permits or long-term EU residency status under the same conditions as for third-country nationals.

1 Ustawa z dnia 6 stycznia 2005 r. o mniejszościach narodowych i etnicznych oraz o języku regionalnym, Dz. U. z 2017 r. poz. 823 [Act of 6 January 2005 on national and ethnic minorities and regional language, Journal of Laws 2017, item 823].

	Temporary residence	Permanent residence	Long-term EU residence
2015	37,833	6,729	629
2016	57,253	5,920	609
2017	70,268	7,866	781
2018	80,231	7,712	718
2019	99,936	7,167	1,187
2020	103,347	5,275	2,207
2021	143,823	6,581	4,214
2022	213,298	7,614	6,589
2023	199,848	9,326	8,054
2024	111,491	5,762	7,375

Table: Type of legal residence of citizens of Ukraine – decisions granting residence issued between 2015 and 2024 (as of 31 July 2024) (Office for Foreigners, 2024a)

A very small number of Ukrainians also applied before 2022 for international protection in Poland. In 2018, 85 Ukrainians were granted international protection: 11 with refugee status and 74 with supplementary protection; in 2019, there were 15 persons: 4 with refugee status and 11 with supplementary protection; in 2020, 21 Ukrainian citizens were granted international protection: 3 with refugee status and 18 persons with supplementary protection; and in 2021, there were 6: 1 with refugee status and 5 with supplementary protection (Office for Foreigners, 2024a)[2].

The remaining individuals with Ukrainian citizenship visited Poland for short stays on the basis of a Schengen visa issued by a Polish authority or another Schengen state, or under the visa-free regime. In just the first half of 2021, Polish authorities issued a total of 409,927 visas to Ukrainian citizens (national visas and Schengen visas [Otwarte Dane, 2021]). Since 11 June 2017, the visa requirement for Ukrainian citizens travelling to the EU has been abolished for those traveling on biometric passports[3].

2 The Geneva Convention Relating to the Status of Refugees of 28 July 1951, Journal of Laws 1991, item 515 and the New York Protocol Relating to the Status of Refugees of 31 January 1967, Journal of Laws 1991, item 517 define the material and legal bases for granting refugee status as well as the most important rights and freedoms of refugees. They do not, however, specify the principles and procedures in cases of granting international protection. In Poland, these issues are regulated by the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Journal of Laws 2023, item 1504 with amendments [ustawa z 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej, Dz. U. 2023 poz. 1504, z późn. zm.]. The act also regulates the principles of issuing documents to refugees and the rules for cooperation with the United Nations High Commissioner for Refugees.

3 The abolition of the visa requirement does not imply exemption from the other entry conditions set out in the Schengen Borders Code. In order to cross the border under visa-free travel, Ukrainian citizens must not only have a valid biometric passport, but must also justify the purpose and conditions of their intended stay, have the required financial means and not have an alert issued to refuse them entry for posing a threat to public order and internal security.

A slight majority of the Ukrainian citizens residing in Poland before February 2022 were women (54%). In terms of age, half of the pre-war migrants were young, at the age of starting a family and being the most professionally active.

Breakdown by age:

Age: 18–25 - 16%

Age: 26–35 - 31%

Age: 36–45 - 30%

over 45: 23%

They came to Poland from all parts of Ukraine (NBP Report, 2023; EWL, UW, 2022).

Precise data on the sectors in which Ukrainians were employed before 2022 is unavailable, because many of the Ukrainians were employed illegally. However, it is estimated that the most represented sectors were industry (about 28% of employees), trade (11%), office work (10%), transportation (10%) and construction (9%). Refugees (as of November 2022) in these sectors accounted for 19%, 10%, 6%, 3% and 4%, respectively. It is noteworthy that relatively more refugees than pre-war immigrants found employment in cleaning services (9% compared to the earlier 3%), education and culture (7% vs 2%), personal services (5% vs 3%) and hotels and catering (6% vs 5%) (NBP Report, 2023).

In 2017, the following numbers of work permits in Poland were issued to Ukrainian citizens (breakdown by basic occupations):

1) craft and related trades workers: 61,218;
2) elementary occupations: 58,777;
3) factory workers, machine operators and assemblers: 40,294;
4) clerical support workers: 8,268;
5) technicians and other associate professionals: 8,263;
6) service and sales workers: 7,668;
7) professionals: 5,020;
8) others: 5,281.

It has been pointed out that migrants primarily specialised in certain areas, such as the passenger transport sector. Generally, however, they performed simple jobs that do not require special qualifications (Wrona, 2019).

4. Other important characteristics and possible problems

According to a survey conducted among Ukrainian migrants in 2021, they mostly came to Poland without their children (only 11% of respondents stated that children had come with them). The percentage of Ukrainian citizens with a higher education was 60% among pre-war migrants (9% had incomplete higher education), while 25% of pre-war migrants had a vocational education and 6% had secondary education. The respondents in 2021 declared that their knowledge of Polish language was fluent or very good (27%), good (19%), average (32%) or poor (18%). A further 6% of respondents declared that they did not speak Polish (EWL, UW, 2022).

According to the Trade Union of Ukrainian Workers in Poland, about 40% of Ukrainians worked illegally, usually in agriculture or the construction industry. There have been cases of taking advantage of the poor financial situation of Ukrainian migrants, forcing them to work more than the permitted hours and completely without social security benefits. This

was often accompanied by previous false claims that the employment conditions would be decent (Dąbrowska-Świder, 2023).

By 2022, there were attempts at illegal border crossings as well as illegal work, but the trend indicated a decrease. For example, in H1 2020 the Silesian Border Guard Unit detained 6,145 third-country nationals (versus 12,077 in H1 2019, a decrease of 49%), including 4,364 Ukrainian nationals (vs 8,861), to investigate potentially illegal status. The same authority in the same period, in connection with determining whether work and economic activity were being performed illegally, apprehended 74 foreign nationals (vs 184 in H1 2019, a decrease of 40%), of whom 63 were citizens of Ukraine (vs 144 in 2019) (Border Guard, 2020).

5. War-related population influx of Ukrainians into Poland

The Polish–Ukrainian border is 535 km long and has nine road and six rail border crossings (Border Guard, 2025). The last border crossing, Malhowice-Nijankowice, was opened on 21 December 2024, during the war in Ukraine (Border Guard, 2024).

In 2022 the Polish–Ukrainian border was crossed 17 million times (Border Guard, 2022). This figure includes multiple border crossings by one person, and cannot be equated with the number of people crossing the border.

	Crossings of Ukraine–Poland border	Crossings into Poland	Crossings into Ukraine	Foreigners	Poles
2019	21,737,666	10,894,450	10,843,216	19,913,315	1,824,351
2020	7,819,324	3,891,480	3,927,844	7,336,577	482,747
2021	8,730,051	4,386,910	4,343,141	8,245,506	484,545
2022	17,288,970	9,677,248	7,611,722	16,812,924	476,046

Table: Number of crossings of the Polish–Ukrainian border

As stated above, before 24 February 2022 there were approximately 1.5–2 million Ukrainians residing in Poland on various legal grounds, mainly benefiting from visa-free short stays of up to 90 days. The general number of Ukrainian people in 2025 is approximately the same, although the legal basis for their residence has changed. In January 2025, approximately 1,553,451 Ukrainians had a legalised residence status in Poland: 554,000 had temporary, permanent or long-term EU residence permits, 992,036 Ukrainians and members of their families benefited from what is known as 'temporary protection UKR' (Otwarte Dane, 2025); 1415 persons benefited from temporary protection granted on the basis of the EU regulations implemented into Polish law and 6,000 had been granted refugee status since 2022 (excluding persons who had been granted international protection previously). Persons benefiting from the visa-free regime or other visa regimes must be added to these figures. In the first half of 2021, Polish authorities issued a total of 409,927 visas to Ukrainian citizens (national visas and Schengen visas), the validity of which has been extended since 24 February 2022 (currently until 30 September 2025) (Otwarte Dane, 2021). It should be noted that many persons who previously enjoyed visa-free status have since legalised their status under temporary protection (after 24 February 2022).

Ukrainians are by far the most numerous group of foreigners in Poland, accounting for 78% of all foreigners living in the country. The territorial distribution of Ukrainians living

in Poland is concentrated in voivodships with large urban agglomerations. The most popular regions are Mazowieckie (22% of persons), Dolnośląskie (12%), Wielkopolskie (11%), Małopolskie (9%) and Śląskie (9%) (Office for Foreigners, 2025).

According to surveys 30% of respondents wanted to stay in Poland, while 58% declared an intention to return to Ukraine and 12% expressed an intention to leave Poland for another country. When asked which country they intended to travel to, the answers were Germany (26%), the USA (16%), the UK (11%), Sweden (10%), Slovakia (8%), Canada (7%) and Spain (6%) (EWL, UW, 2022).

PART II

LEGAL MEASURES TAKEN AFTER THE START OF THE WAR

1. State emergency preparedness – existence of contingency plans

The possibility of mass migration began to be taken into account by the Polish authorities following the Arab Spring (2011) and the situation in Ukraine in 2014. At that time, the Ministry of the Interior and its subordinate entities (including the Office for Foreigners and the Border Guard) began working on a plan for organising the reception, transport and stay on the territory of the Republic of Poland of refugees, which was developed in subsequent years. Although the internal instructions of the services are not publicly available, plans based on the Act on crisis management (2007)[4] are. The Act provides for the creation of a central plan for the entire state, called the National Crisis Management Plan, as well as territorial (voivodship, county and commune) plans, to be systematically updated. The National Crisis Management Plan, adopted by the Council of Ministers, instituted the SOP-9 procedure: 'Actions in the event of a mass influx of foreigners into the territory of the Republic of Poland'. This procedure succinctly covers the key aspects related to such mass migration, i.e. the legal acts regulating the issue, the steps to be taken, the manner of performing the various tasks, the entities responsible for their implementation and their executors. The SOP-9 procedure is basically divided into two stages: (1) admitting foreigners (short-term perspective) and (2) organising their further stay (long-term perspective).

The events of 2022 proved the wisdom of including the possibility of mass migration in the National Crisis Management Plan. However, the number of people who entered Poland from Ukraine as a result of Russian aggression far exceeded the predictions. As a result, instead of sticking strictly to the provisions of the Plan, it was decided to adopt an act to autonomously regulate how to deal with refugees. The key change was to shift the burden of organising assistance from a central office, the Office for Foreigners, to territorially distributed representatives of the Council of Ministers in all 16 voivodships. This does not change the fact that the mere reckoning with the possibility of mass migration made it possible to select in advance the key areas where action had to be taken. It also allowed the relevant services to make appropriate preparations (e.g. the Border Guard reported that its activities after 24 February 2022 proceeded in accordance with plans and service procedures related to border clearance, although they required certain modifications).

4 Ustawa z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym, Dz. U. z 2023 r. poz. 122, z późn. zm. [Act of 26 April 2007 on crisis management, Journal of Laws 2023, item 122 with amendments].

2. *Ad hoc* actions taken in the first days of the war in response to the massive influx of refugees

In the very first days after the Russian aggression, the government eliminated the existing pandemic restrictions on crossing the Ukrainian–Polish border (see section 3 below). However, foreigners crossing the border after 24 February 2022 had to meet other conditions, e.g. possessing a valid identity document and valid entry title. If they did not meet them, such as not having a valid passport or visa, they were usually allowed into Poland nonetheless. The legal basis for such action was Article 6(5)(c) of the Schengen Borders Code[5], according to which entry can be permitted despite the non-fulfilment of some conditions 'on humanitarian grounds, on grounds of national interest or because of international obligations'. As a result, Ukrainian citizens were able to leave their country smoothly and without hindrance. According to Border Guard data, from 25 February 2022 to 25 May 2022, only 927 Ukrainian citizens were refused entry at land border crossings with Ukraine. Lifting of pandemic restrictions and the application of regulations allowing entry into Poland (European Union) without the need to comply with all formal requirements, allowed Ukrainian citizens to leave their country smoothly and without obstacles.

The Council of Ministers quickly undertook work on a new law that comprehensively regulated the legal situation of refugees. Government and parliamentary work proceeded very quickly and on 12 March 2022 (16 days after the start of the aggression) the Sejm adopted the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that country ('Special Act')[6]. In addition, it entered into force retroactively, i.e. as of 24 February 2022. This measure made it possible to legalise earlier spending of public funds to help Ukrainian refugees. Nevertheless, the temporary regulatory deficit negatively impacted the ability of central and local authorities to take various actions at the beginning of the armed conflict in Ukraine. This is not to say that the state bodies took no action at all, but there was a lack of adequate legal tools adapted to the scale and nature of the mass migration. Significantly, a certain degree of legal and factual 'chaos' did not affect the possibility of refugees entering Poland (internal procedures were modified by the Border Guard, which is responsible for border traffic). Basic assistance was organised at the local level by grassroots initiatives, mainly in border areas. Over time, it took on a more organised form and covered the entire country, which was only fully possible under the Special Act.

3. A state of emergency as a response to the massive influx of refugees

The Polish Constitution provides for three extraordinary measures: martial law, a state of emergency and a state of natural disaster (Article 228(1) of the Constitution of the Republic of Poland[7]). None of them were introduced in connection with the armed conflict in Ukraine or the related mass influx of Ukrainian refugees.

5 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, pp. 1–52.

6 Ustawa z dnia 12 marca 2022 r. o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa, Dz. U. 2024 poz. 167, z późn. zm. [Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country, Journal of Laws 2024, item 167 with amendments].

7 Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz. U. poz. 483, z późn. zm. [Constitution of the Republic of Poland of 2 April 1997, Journal of Laws 1997, item 483 with amendments].

Likewise, the Polish authorities did not impose any constitutional extraordinary measures during the pandemic. In connection with the SARS-CoV-2 virus, only the state of epidemic threat or the state of epidemic specified in the Act on the prevention and control of infections (2008)[8] were in force. However, the pandemic-related restrictions, which were formally repealed on 1 July 2023, did not stand in the way of taking in refugees from Ukraine. Before the armed conflict began in Ukraine – as of 19 February 2022 – the Minister of Internal Affairs and Administration restored unlimited (full) border traffic at border crossings with Ukraine (the traffic remained limited at border crossings with Russia and Belarus)[9]. In turn, as of 25 February 2022 the Council of Ministers exempted persons crossing the Ukrainian–Polish border in connection with the armed conflict on Ukrainian territory from the obligations to undergo a seven-day quarantine and to present a negative diagnostic test result for SARS-CoV-2[10]. The pandemic-related restrictions did apply to others entering the territory of Poland.

It should be noted that in 2021 a state of emergency was imposed for a period of 90 days in the areas of Poland neighbouring Belarus (within a 3-km border strip, which covered less than 200 villages)[11]. The reason for its introduction was the migration crises orchestrated by the Belarusian authorities, as an element of a broader hybrid activity to maintain a permanent state of threat at the EU's external border (Śliwa, Olech, 2022). Thousands of migrants, including some from Iraq, were being brought to the border in order to cross it illegally and consequently create an immigration crisis. The state of emergency made it possible to restrict certain rights and freedoms (including the right of assembly and the right to move freely in this area)[12].

8 Ustawa z dnia 5 grudnia 2008 r. o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi, Dz. U. z 2024 r. poz. 924, z późn. zm. [Act of 5 December 2008 on the prevention and control of infections and infectious diseases in humans, Journal of Laws 2008, item 924 with amendments].

9 The restrictions were introduced in 2020 in connection with the SARS-CoV-2 virus. In relation to Ukraine they were abolished on the basis of the Regulation of the Minister of Internal Affairs and Administration of 18 February 2022 amending the regulation on temporary suspension or restriction of border traffic at certain border crossings (Journal of Laws 2022, item 423) [rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 18 lutego 2022 r. zmieniające rozporządzenie w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych, Dz. U. poz. 423].

10 Rozporządzenie Rady Ministrów z dnia 24 lutego 2022 r. zmieniające rozporządzenie w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, Dz. U. poz. 462 [Regulation of the Council of Ministers of 24 February 2022 amending the Regulation on the establishment of certain restrictions, orders and prohibitions in connection with an epidemic condition, Journal of Laws 2022, item 462].

11 Rozporządzenie Prezydenta Rzeczypospolitej Polskiej z dnia 2 września 2021 r. w sprawie wprowadzenia stanu wyjątkowego na obszarze części województwa podlaskiego oraz części województwa lubelskiego, Dz. U. poz. 1612 [Regulation of the President of the Republic of Poland of 2 September 2021 on the imposition of a state of emergency in part of Podlaskie voivodship and part of Lubelskie voivodship, Journal of Laws 2021, item 1612]; rozporządzenie Prezydenta Rzeczypospolitej Polskiej z dnia 1 października 2021 r. w sprawie przedłużenia stanu wyjątkowego wprowadzonego na obszarze części województwa podlaskiego oraz części województwa lubelskiego, Dz. U. poz. 1788 [Regulation of the President of the Republic of Poland of 1 October 2021 on the extension of the state of emergency introduced in part of Podlaskie voivodship and part of Lubelskie voivodship, Journal of Laws 2021, item 1788].

12 Rozporządzenie Rady Ministrów z dnia 2 września 2021 r. w sprawie ograniczeń wolności i praw w związku z obowiązywaniem stanu wyjątkowego, Dz. U. z 2023 r. poz. 263 [Regulation of the Council of Ministers of 2 September 2021 on restrictions on freedoms and rights in connection with the state of emergency, Journal of Laws 2023, item 263].

A direct result of the illegal migration pressure was the construction in 2022 of a wall along the Polish–Belarusian border[13].

4. Legislative procedures and challenges caused by the massive influx of refugees

4.1. General information about the implementation of the 2001/55/EC Directive

The institution of temporary protection referred to in Article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof[14] was first triggered in relation to the mass influx of displaced persons from Ukraine following the Russian aggression against that country starting on 24 February 2022 by Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection[15]. It was implemented into the Polish legal system in two ways.

The first was within the framework of general institutions implementing Directive 2001/55/EC, regulated in Chapter 3 of Section III of the Act on granting protection. Pursuant to Article 107(1) of the Act, temporary protection is granted on the basis and within the limits set out in a decision of the Council of the European Union, for a period specified in each decision. At present, those decisions are Decision 2022/382 - regulating of the personal scope, and Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision (EU) 2022/382[16]. Decision 2024/1836 prolonged the temporary protection until 4 March 2026. The document confirming the use of temporary protection is a certificate issued by the Head of the Office for Foreigners confirming such, which serves as a form of the residence permit referred to in Article 8(1) of Directive 2001/55/EC. As of 31 January 2025, 1,415 people enjoy the temporary protection granted under the Directive and relevant provisions of Polish law[17].

Secondly, the Polish authorities decided to adopt the Special Act, which introduced a special type of temporary protection (temporary protection UKR; formally, however, the law does not implement the directive). In Poland, the vast majority of the people who have arrived from Ukraine benefit from temporary protection UKR under the Special Act. As of 31 January 2025, 992,036 Ukrainians and members of their families benefited from it.

13 Ustawa z dnia 29 października 2021 r. o budowie zabezpieczenia granicy państwowej, Dz. U. z 2023 r. poz. 1390 [Act of 29 October 2021 on the construction of state border security installations, Journal of Laws 2023, item 1390].

14 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, pp. 12–23.

15 Council Implementing Decision 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, pp. 1–6, with amendments.

16 Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision 2022/382, OJ L, 3 July 2024.

17 This data was obtained by the authors through the procedure for accessing public information.

4.2. Other amendments to laws

The need to accommodate the massive influx of displaced persons did not lead to amendment of the Polish Constitution. The Polish authorities decided to adopt the Special Act, which is the main legal act that regulates the status of persons fleeing from Ukraine. The Special Act in its original form provided for the possibility of enacting six implementing acts to it (four regulations have been issued on different legal bases). The provisions of 23 other laws have been amended by this act[18].

In Poland only the Parliament has the right to pass laws; there is no executive right to create statutory instruments (except a special case of martial law when there is no opportunity for parliamentary proceedings), and executive acts are strictly regulated in terms of both the way they are issued and their content. According to the constitutional system of law, statutes – i.e. acts of parliament – are the basic source of law, and acts of the other bodies, primarily the executive authority, are subordinate and must be issued on the basis of statutory authorisation and for the execution of statutes.

According to Article 118 of the Constitution, the right of legislative initiative is vested in the deputies (and therein in the Sejm committees or at least 15 deputies signing the bill, because a deputy may not submit a bill individually), the Senate, the President, the Council of Ministers and a group of at least 100,000 citizens.

The practice of recent years has seen the tendency for legislative initiative to be wielded to a large extent by deputies. The reason for this is that deputies have fewer formal requirements for submitting draft bills: in this way, bills do not have to undergo public consultation nor do they require a number of inter-ministerial arrangements or a regulatory impact assessment under the government process; the Government is also obliged to attach complete draft executive acts to its bills.

The Sejm holds three readings of draft bills; after an act is passed by the Sejm, it is considered by the Senate (the second, upper chamber of the Parliament), and then signed by the President.

The Constitution also provides for an urgent mode, which is initiated by the Council of Ministers and concerns only those bills adopted by it (Article 123 of the Constitution). The deadlines for the Senate (14 days) and for the President (seven days) are shortened under this mode. However, this procedure is not used frequently mainly because of the fact that the Sejm is also separately empowered under its Rules of Procedure to shorten the time limits for the legislative procedure, a power which is often used in practice. An interesting tendency has been observed in Polish parliamentary practice, especially since 2015, to pass bills very quickly, without initiating the urgent mode (which requires justification), but in accordance with the Sejm's decision to speed up the procedure. The Special Act was not passed in urgent mode, although the procedure to adopt it lasted only five days (the bill was sent to the Sejm on 7 March and the President signed the Act on 12 March). The Special Act was amended 27 times (13 times in 2022 and seven times each in 2023 and 2024). Laws related to the Special Act were amended with the same frequency.

Despite the overall increase in the number and volume of legal acts adopted in Poland in 2022 compared to 2021 (the increase was between 16% and 52%, depending on the methodology), it seems that the war did not significantly contribute to this increase in legislation. Of

18 Publiczny Portal Informacji o Prawie [Public Law Information Portal], https://ppiop.rcl.gov.pl/index.php?r=skorowidz/aktprawnydetail&id_akt_prawny=290922.

the 31,700 pages of legislation adopted in 2022, only 457 were related to the war in Ukraine and its consequences. These deal directly or indirectly with issues related to the war, such as the army, civil defence, border protection, reception of refugees, humanitarian aid, labour law or the social security system for foreigners. This represents only 1.4% of the volume of all legislation passed. By comparison, the 'Covid' legislation passed in 2020 was 1,569 pages long and accounted for 11% of all legislation at that time. It is also worth noting that if we consider the number of laws instead of the number of pages, war-related regulations accounted for 8% of enacted laws. It can be seen from the above data that the high variability of legislative output in Poland was only to a small extent due to the war (Grant Thornton - Barometr Prawa, 2023).

4.3. Actions to familiarise refugees with the changing laws and varying scope of their rights and obligations

The Office for Foreigners maintains a website with key information relevant to Ukrainian refugees on the procedures for applying for temporary protection and on their entitlements. It is provided in several languages, including Ukrainian (https://www.gov.pl/web/udsc)[19]. A special hotline has also been set up for Ukrainian citizens, as well as they can obtain the necessary information at reception and information points throughout the country.

19 See also the government website providing general information for Ukrainian citizens in need of assistance and for those who want to help Ukrainians (in four languages) (https://www.pomagamukrainie.gov.pl/) and the free government website with job offers, dedicated to citizens of Ukraine (in three languages) (https://pracawpolsce.gov.pl/).

PART III

SELECTED MATERIAL ISSUES

1. Legal status of Ukrainians on the territory of Poland

The massive influx of displaced persons who left Ukrainian territory in the wake of Russia's full-scale aggression against Ukraine which began on 24 February 2022 has triggered existing but 'dormant' regulations and introduced entirely new options for legalising the stay of Ukrainian citizens.

1.1. Temporary protection under Directive 2001/55/EC

According to the data received by the authors through the procedure of accessing public information, 1,415 persons currently enjoy the temporary protection granted under Council Directive 2001/55/EC and the relevant provisions of Polish law.

Name of the entitlement: temporary protection under Directive 2001/55/EC
Legal basis: Article 2 of Council Implementing Decision 2022/382
Eligible persons:

1) Ukrainian nationals residing in Ukraine before 24 February 2022;
2) stateless persons and nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022;
3) family members of the persons referred to in points (a) and (b);
4) stateless persons and nationals of third countries other than Ukraine who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.

1.2. Temporary protection under the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that country

The Polish authorities decided to adopt the Special Act, which introduced a special type of temporary protection (temporary protection UKR). In Poland, the vast majority of people who have arrived from Ukraine benefit from temporary protection UKR. The numbers are changing due to the fact that over time Ukrainians change their legal status using other legal options.

Date	Number of Ukrainians and members of their families benefiting from temporary protection UKR
12 May 2022	1,094,565
14 March 2023	993,554
12 March 2024	957,044
14 January 2025	992,036

Table: Number of Ukrainians and their family members enjoying temporary protection UKR (Otwarte Dane, 2025)

Name of the entitlement: temporary protection UKR
Legal basis: Article 1(1) and (2) of the Special Act
Eligible persons:

1) Ukrainian nationals who came to Poland from Ukraine (not necessarily directly, but e.g. by passing through other countries) because of the hostilities there[20];
2) spouses of Ukrainian nationals who are not themselves Ukrainian nationals and who have come to Poland from Ukraine because of the war (and are not citizens of Poland or any other European Union Member State);
3) Ukrainian nationals with a so-called Pole's Card[21], as well as their immediate family, who fled to Poland due to the war (these persons do not have to come from Ukraine, but may have previously been residents of other countries, e.g. Russia or Belarus);
4) minor children of Ukrainian nationals who are not Ukrainian nationals and who have come to Poland from Ukraine because of the war (and are not citizens of Poland or any other European Union Member State);
5) minor children of spouses of Ukrainian nationals who are not Ukrainian nationals and who have come to Poland from Ukraine because of the war (and are not citizens of Poland or any other European Union Member State);
6) children born in Poland to mothers referred to in point 1.

Conditions for the loss of UKR status
Legal basis: Article 4(17a) of the Special Act

The UKR status changes automatically pursuant to Article 4(17a) of the Special Act if:

- the foreigner obtains:
  a) a permanent residence permit,
  b) a long-term EU residence permit,
  c) a temporary residence permit,
  d) subsidiary protection,

20 The requirement of 'direct' entry was removed from the wording of the Act by its first amendment, dated 23 March 2022, with retroactive effect from 24 February 2022.

21 The Pole's Card is a document confirming that a person is a member of the Polish Nation. According to the Act on the Pole's Card, it may be granted to a person who demonstrates Polish nationality and connection with Poland through at least a basic knowledge of the Polish language and familiarity with and cultivation of Polish traditions and customs, submits a written declaration of affiliation with the Polish Nation. Ukrainian citizens may apply for the Pole's Card on the territory of Poland, and not, as in the previous legislation, only at Polish consulates abroad; Act of 7 September 2007 on the Pole's Card, Journal of Laws of 2023, item 192 [ustawa z 7 września 2007 r. o Karcie Polaka, Dz. U. z 2023 r. poz. 192].

e) a permit for tolerated stay,
f) a permit to stay for humanitarian reasons;

- the foreigner has submitted an application or declared the will to submit an application for international protection.

In addition, the UKR status is revoked if the foreigner:

1) leaves Poland for a period of more than 30 days;
2) is an active beneficiary of temporary protection granted by another EU Member State on the grounds of warfare in Ukraine (i.e. a citizen of Ukraine cannot simultaneously enjoy privileges in countries other than Poland).

1.3. International protection

In 2022 around 1,000 persons from Ukraine were granted international protection (Office for Foreigners, 2022); in 2023 this applied to 1,100 persons (Office for Foreigners, 2023); and in 2024 there were 3,900 persons (Office for Foreigners, 2024b).

1.4. New forms of residence permits: temporary residence for Ukrainian nationals, one-year temporary residence for Ukrainian nationals and residence card for Ukrainian nationals

In 2023 and 2024 new developments were introduced over time.

1.4.1. Temporary residence for Ukrainian nationals

Name of entitlement: temporary residence for Ukrainian nationals
Legal basis: Article 42(13) of the Special Act
Eligible persons: As of 1 April 2023, Ukrainian citizens benefiting from temporary protection UKR may apply, following a simplified procedure versus other foreigners, for temporary residence permits for:

- undertaking work,
- undertaking work in a highly qualified occupation,
- undertaking business activity,
- a family member of a citizen of the Republic of Poland,
- family reunification.

The granting of a temporary residence permit implies the loss of entitlements under the Special Act; therefore, the solution is optional and aimed at people who feel confident on the Polish labour market and want to give up the use of temporary protection.

The permit is granted for a period of no less than 3 months and no more than 3 years.

1.4.2. Residence card for Ukrainian nationals

Name of entitlement: residence card for Ukrainian nationals
Legal basis: Article 42c–42w of the Special Act
Eligible persons: As of 1 July 2024, a new path for further legalisation of residence for Ukrainian citizens under temporary protection was introduced. This comprises the possibility to obtain a residence card valid for 3 years for those who meet all of the following conditions (Article 42c):

1) on 4 March 2024 had temporary protection UKR status;
2) had temporary protection UKR status on the date of applying for a residence card;
3) had uninterrupted temporary protection UKR status for at least 365 days.

A residence card shall also be issued to a child born on the territory of Poland to a mother

enjoying temporary protection UKR, provided that all of the following conditions are met:

1) the stay of this child on the territory of Poland is considered legal in accordance with the Act;
2) on the date of submitting the application for a residence card, that child has UKR status;
3) the mother of that child has been issued a residence card.

The subject of the simplified proceedings conducted before the voivode shall be the immediate issuance of a residence card and not – as in typical cases of granting residence permits to third-country nationals – the granting of a temporary residence permit, which only results in a separate issue of a residence card. The procedure is simplified, and the residence card shall only be refused on the following grounds:

1) failure to meet one or more of the conditions referred to in Article 42c (e.g. the Ukrainian citizen did not have UKR status on 4 March 2024);
2) the Ukrainian citizen is listed as a foreigner whose residence on the territory of the Republic of Poland is undesirable;
3) the Ukrainian citizen is listed in the Schengen Information System for the purpose of refusing entry and stay;
4) reasons of defence, state security or the protection of public safety and order requiring refusal to issue a residence card;
5) non-payment of a fee for issuing a residence card;
6) non-payment of a stamp duty for granting the card.

When considering an application for a residence card, the office will not have to confirm the prerequisites customarily required for granting temporary residence permits, such as taking up employment, having a place of residence etc. The application for a residence card shall be submitted exclusively in electronic form using an online service made available by the Office for Foreigners (to be specified by a relevant regulation). The regulations will take effect with the implementation of the electronic system.

From the date of receipt of the card, the eligible individual will enjoy a temporary residence permit as long as the card is valid (up to 3 years). Receipt of the residence card results in automatic loss of UKR status.

The provisions on residence card for Ukrainian nationals have not entered yet into force; their "activation" is dependent upon the creation of appropriate digital systems.

1.4.3. One-year temporary residence for Ukrainian nationals

Name of entitlement: one-year temporary residence for Ukrainian nationals

Legal basis: Article 42a of the Special Act

Eligible persons: A Ukrainian citizen shall be granted a temporary residence permit for a period of 1 year from the date of the decision if they do not meet the requirements for a temporary residence permit (up to 3 years) because:

1) of the declared purpose of their stay;
2) the circumstances on which the application for this permit is based do not justify their stay on the territory of the Republic of Poland for longer than 3 months;

3) the circumstances justifying the refusal of a temporary residence permit exist, but are different than the following:
   a) the person appears on the list of undesirable persons on the territory of Poland,
   b) the person appears in the Schengen Information System for the purpose of refusing entry,
   c) reasons of state defence or security or protection of public safety and order or obligations arising from ratified international agreements binding on the Republic of Poland,
   d) the person, in the course of the proceedings for granting a temporary residence permit, has submitted an application containing false personal data or false information or has enclosed documents containing such data or information, or has given false testimony or concealed the truth or has forged or counterfeited a document for the purpose of using it as authentic one or has presented such a document as authentic,
   e) concluded a marriage in order to circumvent the rules and conditions for foreigners entering Poland.

1.5. Extension of periods of legal residence and of deadlines for departure – expiring on or after 24 February 2022

1.5.1. Extension of periods of legal residence

After the outbreak of full-scale war, in order to prevent Ukrainian citizens from becoming illegal residents and to promote their legal stay in Poland, the existing residence permits of Ukrainian citizens were extended by law. The latest amendment to the relevant statutory provisions extended until 30 September 2025 the validity of residence permits which would have expired on or after 24 February 2022.

The statutory extension concerns:

1) the length of stay and the validity of national visas of Ukrainian citizens;
2) the validity of temporary residence permits for Ukrainian citizens;
3) the validity of residence cards, Polish identity documents for foreigners and permits for tolerated stay issued to Ukrainian citizens.

1.5.2. Extension of deadlines for departure from Poland

By law, the deadlines for leaving Poland which would have been effective from 24 February 2022 have been extended:

- the time limits for Ukrainian citizens to leave the territory of Poland (pursuant to Article 299(6) of the Act on foreigners[22]),
- deadlines for voluntary return (current deadlines for voluntary departure) set out in decisions requiring a foreigner to return that were issued to Ukrainian citizens (pursuant to Article 315(1) of the Act on foreigners).

22 Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach, Dz. U. z 2024 r. poz. 769, z późn. zm. [Act of 12 December 2013 on foreigners, Journal of Laws 2024, item 769 with amendments].

2. BENEFITS AND ENTITLEMENTS FOR UKRAINIAN NATIONALS AND MEMBERS OF THEIR FAMILIES CONNECTED WITH THEIR SPECIAL LEGAL STATUS

As of 14 January 2025, 992,036 Ukrainian citizens and members of their families benefited from temporary protection UKR. Bearing in mind that only around 1,500 people benefit from temporary protection under the general provisions, the entitlements, privileges and accommodations put in place in Poland, which are described below, are related to the right of residence given by temporary protection UKR under the Special Act.

2.1. SOCIAL ASSISTANCE AND BENEFITS

2.1.1. Direct accommodations/benefits for refugees

2.1.1.1. Special social benefits intended only for citizens of Ukraine:

one-time cash benefit in the amount of PLN 300 ('300+' benefit):

- **legal basis**: Article 31 of the Special Act
- **personal and temporal scope**: persons enjoying temporary protection UKR who have been issued a national identification number (PESEL) between 24 February 2022 and 30 June 2024[23]
- **material scope:** a monthly benefit in the amount of about EUR 70, intended for subsistence, in particular to cover the expenses for food, clothing, footwear, personal hygiene products and housing fees
- **additional information on the practice of providing benefits**: In 2022, the one-time cash benefit was granted to 1,070,300 people, or 596,400 households of Ukrainian citizens. The amount allocated for the payment of this benefit was PLN 321.1 million (EUR 71.356 million) (Statistics Poland, 2023c). Although the benefit in question was not high, it was nonetheless inclusive and allowed for the satisfaction of current needs (e.g. food, travel expenses, accommodation).

2.1.1.2. Access to social assistance benefits:

- **legal basis**: Article 29 of the Special Act and the Act on social assistance[24]
- **personal and temporal scope**: persons enjoying temporary protection UKR who have been issued a PESEL number since 24 February 2022
- **material scope:** monetary benefits and non-monetary benefits on the terms and in accordance with the Act on social assistance, among others:
  - a permanent benefit (*zasiłek stały*) (Article 37 of the Act on social assistance) is granted to persons unable to work or having a low income; the allowance may not be lower than EUR 22 and no higher than EUR 273 for one person per month
  - a special-purpose benefit (*zasiłek celowy*) (Article 39 of the Act on social assistance) may be granted in order to meet necessary living expenses, for example, the purchase of food and medicines
- **additional information on the practice of providing benefits**: In 2022 the most commonly provided social assistance benefit was the provision of a meal

23 According to Article 31[1] of the Special Act, the one-time cash benefit may be reinstated in the case of another large influx of Ukrainian citizens.

24 Ustawa z dnia 12 marca 2004 r. o pomocy społecznej, Dz. U. z 2024 r. poz. 1283, z późn. zm. [Act of 12 March 2004 on social assistance, Journal of Laws 2024, item 1283 with amendments].

(97,700 people benefited from it, and more than 2.7 million benefits were granted, with a total value of PLN 26.5 million/EUR 5.9 million). In turn, 33,300 people were recipients of other benefits and were granted 67,900 benefits with a total value of PLN 17.2 million/EUR 3.8 million. The most common were the periodic benefit (more than 70% of people) and the permanent benefit (almost 15% of people) (Statistics Poland, 2023c). The inclusion of refugees in the general welfare system (on the same terms as Polish citizens) was an extremely beneficial solution for them. The amounts of benefits are not high, but they provide invaluable assistance to those in a difficult life situation.

2.1.1.3. Access to family benefits:

- **legal basis**: Article 26(1)(1) of the Special Act and the Act on family benefits[25]
- **personal and temporal scope**: persons enjoying temporary protection UKR (after 24 February 2022)
- **material scope:** the purpose of family benefits is to support low-income families; family benefits include the family allowance (which aims to partially cover children's living expenses), the one-time allowance for the birth of a child, the attendance allowance (intended to partially cover expenses arising from the need to provide care and assistance to another person who cannot live independently), the care benefit (given to a person caring for a disabled child), the parental benefit (granted to persons with childcare responsibilities who cannot take advantage of maternity benefits, such as the unemployed or students)
- **additional information on the practice of providing benefits**: In 2022 family benefits in the amount of PLN 130.5 million/EUR 29 million were paid to Ukrainians (103,000 applications were submitted). At the end of 2022, 20,600 Ukrainian families were receiving family benefits (Statistics Poland, 2023c). Family benefits are an important support for families in difficult situations, whether related to the birth of a child, disability or old age. The legislator has also opened the way for refugees to apply for assistance under the same conditions as Polish citizens.

2.1.1.4. Access to child-related benefit[26] in the amount of PLN 500, and from 1 January 2024 in the amount of PLN 800 ('500+' or '800+' benefit)

- **legal basis**: Article 26(1)(2) of the Special Act and the Act on state assistance in raising children[27]

25 Ustawa z dnia 28 listopada 2003 r. o świadczeniach rodzinnych, Dz. U. z 2024 r. poz. 323, z późn. zm. [Act of 28 November 2003 on family benefits, Journal of Laws 2024, item 323 with amendments].

26 Other benefits are:
- the 'good start' benefit (a one-time grant for all students starting the school year, in the amount of PLN 300 / EUR 67),
- the family care capital (for the second and each subsequent child between the ages of 12 and 35 months, in the amount of PLN 12,000 / EUR 2,670) and subsidies for nursery fees (PLN 400 / EUR 89 per month), until 1 October 2024,
- benefits 'actively in the nursery' (to support parents in their professional activity and in raising their child – Ukrainian citizens may take advantage of these benefits if they have been in Poland legally for at least a year), since 1 October 2024.

27 Ustawa z dnia 11 lutego 2016 r. o pomocy państwa w wychowywaniu dzieci, Dz. U. z 2024 r. poz. 1576 [Act of 11 February 2016 on state assistance in raising children, Journal of Laws 2024, item 1576].

- **personal and temporal scope**:
  - persons enjoying temporary protection UKR, if they live with children on the territory of the Republic of Poland (after 24 February 2022)
  - since 1 July 2024 the child must, if required by law, fulfil the obligation of compulsory education in a school within the Polish educational system
- **material scope:** the purpose of the child care benefit is to partially cover expenses related to raising a child, including caring for them and satisfying their needs (Article 4(1) of the Act on state assistance in raising children)
  - from 24 February 2022 to 31 December 2023 the benefit amounted to EUR 116
  - since 1 January 2024 it amounts to EUR 186
- **additional information on the practice of providing benefits**: In 2022 PLN 1.737 billion / EUR 386 million was spent on child care benefits, intended for 29,800 Ukrainian children (Statistics Poland, 2023c). The child-related benefit is an important element of the State's social policy to support people with children. It is not dependent on the material situation of the family. It therefore represents a certain source of financial stability for the household budget.

2.1.2. Introduction of extraordinary legal solutions due to the special situation of Ukrainian citizens

Ukrainian citizens have been integrated into the Polish social welfare system. Apart from the so-called '300+' benefit, no extraordinary benefits are provided. Depending on the needs, the legislature established slightly different terms for access to benefits.

2.1.3. Benefits/accommodations for those helping refugees

The Special Act introduced solutions under which people helping Ukrainian citizens can benefit from tax preferences (the recipients also do not pay taxes):

- **legal basis:** Articles 74 and 76 of the Special Act (for the year 2022)
- **personal and temporal scope:** legal persons and natural persons (2022–2025)
- **material scope:** tax deductibility of costs incurred in assisting refugees
- **additional information:** Tax preferences have been introduced for natural persons and legal entities that make donations to counteract the effects of hostilities on Ukrainian territory.

2.2. HEALTH

2.2.1. Direct facilities/benefits for refugees

Access to medical care services:

- **legal basis**: Article 37 of the Special Act and the Act on healthcare services financed from public funds[28]
- **personal and temporal scope**:
  - persons enjoying temporary protection (after 24 February 2022)
  - persons who have been injured as a result of the hostilities on the territory of Ukraine and have been transported to the territory of the Republic of Poland for the purpose of providing health care services (after 18 July 2022)

28 Ustawa z dnia 27 sierpnia 2004 r. o świadczeniach opieki zdrowotnej finansowanych ze środków publicznych, Dz. U. z 2024 r. poz. 146, z późn. zm. [Act of 27 August 2004 on health care services financed from public funds, Journal of Laws 2024, item 146 with amendments].

– **material scope:** Health care services are provided on the same terms and to almost the same extent as people covered by health insurance. Their aims are:
  - preservation of health,
  - prevention of disease and injury,
  - early detection of disease,
  - treatment,
  - care,
  - prevention and reduction of disability.

Guaranteed benefits include access to:
- primary health care,
- specialised outpatient care,
- hospital treatment,
- psychiatric care and addiction treatment,
- medical rehabilitation,
- dental treatment,
- emergency medical services,
- palliative and hospice care,
- highly specialised services,
- certain medicines.

Health care services are provided free of charge.

– additional information:
  - Refugees have been covered by the same range of health care services as insured Polish citizens. They can receive medical services at practically every level: visits to family doctors, visits to specialists, emergency medical assistance, hospital treatment etc. The services provided under the National Health Fund are free of charge.
  - According to information of the National Health Fund in 2022, nearly 365,000 Ukrainian citizens received medical services (1.15 million services) worth EUR 130 million. The largest group of patients was under the age of 18 (192,000 people). The largest number of patients received services in primary health care (125,900); for specialised outpatient services it was 54,400, for dental treatment 23,100 and for hospital treatment 20,100 (National Health Fund, 2023).
  - Most frequently, Ukrainian citizens pointed to the following as barriers to accessing health care: information barriers (lack of information and language and cultural barriers), difficulty in accessing the care they needed, the cost of services, logistical difficulties and long waiting times. Despite some obstacles, refugees are generally positive about the health care system in Poland (Statistics Poland, World Health Organization, 2023).
  - From the doctors' perspective, the main problems are the language barrier and the lack of patients' previous medical records (Biesiada, Mastalerz-Migas, Babicki, 2023).
  - The Polish health care system took in an additional several hundred thousand people in a very short period of time. Despite this, it did not collapse, and it provided medical services to all those who needed them. However, the increase in

the number of entitled persons resulted in an extension of the waiting times for medical visits. Refugees within the public system pay no fees. Only commercial services are paid for. The main problems relate to organisational issues (information and language barriers, lack of prior medical documentation and waiting times for medical consultation), which are difficult to solve overnight. Medical services provided in Poland are comprehensive and stand at a high level. From a legal perspective, it was not possible to provide refugees with further health care assistance.

- In order to facilitate communication between Ukrainian patients and doctors, the Ministry of Health has launched the LikarPL application. It consists of two modules, one for the patient and one for the doctor. It operates in four language versions (Polish, Ukrainian, English and Russian). The main purpose of the application is to help the patient prepare for their visit (the patient fills out a special form about their condition) and to make the visit go smoothly (the medical consultation is translated in real time)[29].

2.2.2. Introduction of extraordinary legal solutions due to the special situation of Ukrainian citizens

Extraordinary legal solutions have not been introduced. Refugees have been integrated into the general health care system. However, in practice, a special solution was to launch the LikarPL application.

2.2.3. Benefits/incentives/accommodations for those helping refugees

The Special Act does not provide benefits or preferences for entities which voluntarily provide health care services.

2.2.4. State-organised assistance

2.2.4.1. Organisation of emergency medical assistance facilities:

- **legal basis**: Article 12(1)(6) of the Special Act
- **personal and temporal scope**: persons enjoying temporary protection (from 24 February 2022 to 30 June 2024)
- **material scope:** organisation of emergency medical assistance facilities
- **additional information:** The provision allows voivodes and other public entities to organise emergency medical assistance facilities. The implementation depends on the needs and capabilities at particular facilities.

2.2.4.2. Free psychological assistance:

- **legal basis**: Article 32 of the Special Act
- **personal and temporal scope**: persons enjoying temporary protection (since 24 February 2022)
- **material scope:** psychological assistance
- **additional information:** Free psychological assistance can be arranged at the commune level. However, it is up to local authorities to decide whether to organise it. Assistance can be provided in various forms and scopes. In practice, psychologists are on duty and therapy is provided. According to data, as of 8 August 2022,

29 https://likar.mz.gov.pl/.

21,951 people have benefited from this kind of assistance (Minister for the Family and Social Policy, 2022).

2.3. EDUCATION

2.3.1. Direct facilities/benefits for refugees

2.3.1.1. General provisions (before 24 February 2022)

Article 70 of the Constitution of the Republic of Poland guarantees the right to education to everyone, thus irrespective of the rights of Polish citizenship. According to the constitutional regulation, education up to the age of 18 is compulsory (sec. 1), and public authorities shall provide citizens with widespread and equal access to education, creating and supporting systems of individual financial and organisational assistance to pupils and students for this purpose (Article 70(4)). Polish law regulates the education system in the Education Act[30]. According to its Article 165(1), children who are not Polish citizens are subject to compulsory education and benefit from education and care in public primary schools, secondary schools, public art schools and public institutions, including art institutions, under the conditions applicable to Polish citizens. In such a legal state, the rights of children (persons under 18 years of age) who are in Poland as a result of the hostilities in Ukraine were already regulated, at least as regards the public authorities' obligation under the Education Act to create conditions for free and generally accessible education (Sroka, 2024). These rights also apply to persons who arrived from Ukraine before 24 February 2022 and have obtained a residence permit to live in Poland.

Pursuant to Article 165(7) of the Education Act, pupils subject to compulsory schooling who do not know the Polish language sufficiently well have the right to additional, free-of-charge Polish language lessons, which shall be organised by the authority which runs the school. This language study may last for a maximum of 24 months.

In addition, the Education Act guarantees all students who are not Polish citizens the right to be assisted by a person who speaks their language. Such assistance is granted for a maximum of 12 months (Article 165(8)). The school may also organise for such pupils preparatory divisions, it is classes in which pupils learn the Polish language while carrying out part of their compulsory education in a form adapted to their language skills. The preparatory departments could also be organised in cooperation with other schools. Education in such a unit may last until the end of the school year, but this period may be shortened or extended, depending on the student's progress and educational needs, by no longer than one additional school year.

2.3.1.2. Facilities for Ukrainian pupils

These existing legal regulations were obviously not prepared for the unpredictable scale of migration; therefore, it was necessary to adapt them to new challenges and respond to the need to arrange learning for a rapidly increasing number of pupils. In this respect, the Special Act provided for specific forms of organising lessons for Ukrainian pupils, including the possibility of creating schools in new locations (Article 51). Such new establishments can be created temporarily, by resolution of the municipal council or other persons managing the school, after obtaining approval from the school superintendent and (in the case of schools other than municipal schools) the district fire brigade and the district sanitary inspector. Municipalities

30 Ustawa z dnia 14 grudnia 2016 r. – Prawo oświatowe, Dz. U. z 2024 r. poz. 737, z późn. zm. [Act on of 14 December 2016 on education, Journal of Laws 2024, item 737 with amendments].

are also authorised to organise free and accompanied transport for children and pupils from Ukraine to the place where their education, upbringing and care is provided (Article 52).

The Special Act supplemented the rights of Ukrainian pupils, in particular with regard to education in preparatory divisions, i.e. classes in which pupils learn the Polish language while carrying out part of their compulsory education in a form adapted to their language skills. Usually this was to occur within a single school, but according to the Special Act (Article 55), education in preparatory divisions can also be conducted in inter-school groups, and pupils can be referred by the municipality; municipalities can also agree between themselves on referring pupils to such classes.

2.3.1.3. Language learning and preparatory classes

The second group of provisions concerned language learning. Pursuant to Article 55b of the Special Act, in the school years 2022/2023 and 2023/2024, the additional teaching of the Polish language could be conducted in an inter-school group on similar principles as the establishment of preparatory divisions. Additionally, a person without Polish citizenship can be employed in the position of a teacher's aide (contrary to the previous requirements of Article 165 of the Education Act) if he or she has a command of spoken and written Polish to a degree that makes it possible to assist a pupil who does not know Polish sufficiently.

According to the Regulation of the Minister of Education of 21 March 2022, learning the Polish language in a preparatory department entails at least six hours per week (§ 11a(1)), and pupils of the unit are excluded from the annual/mid-year classification, i.e. they are not obliged to pass the 'regular' subjects provided for in the core curriculum (§ 6b(1) and (2))[31].

The choice of the language of instruction in preparatory divisions has proved to be a considerable challenge. Many schools in Poland teach the Polish language in Russian to Ukrainian pupils, simply because the teachers know this language and not Ukrainian and most of the Ukrainian pupils know Russian. Given the ongoing war and the natural reluctance to speak Russian, this solution seems unfortunate, but the only possible one. In reality, very few such preparatory divisions have been created, as the proportion of Ukrainian pupils for whom a place in a preparatory division was available did not exceed 15% (Sroka, 2024).

2.3.2. Extraordinary legal solutions for the special situation of Ukrainian citizens

One of the first legal responses of the Polish authorities regarding the arrival of a huge number of children was to release, change or cancel some limits in organising schools.

2.3.2.1. Exceptions to the limits and requirements

The Special Act allowed for changes to the limits of group sizes in pre-schools and primary school start-up classes (years 1–3) and the limits of groups in the teaching of the Polish language (these groups may consist of up to 15 pupils). The Special Act (Article 50) contains a very extensive, detailed regulation for financing the larger groups of pupils and their special needs with public money through education funding pathways (education subsidy). It also

31 Rozporządzenie Ministra Edukacji i Nauki z dnia 21 marca 2022 r. w sprawie organizacji kształcenia, wychowania i opieki dzieci i młodzieży będących obywatelami Ukrainy, Dz. U. z 2023 r. poz. 2094, z późn. zm. [Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care for children and young persons who are citizens of Ukraine, Journals of Laws 2023, item 2094 with amendments].

provides for an exemption from certain requirements imposed by the provisions on buildings intended for education (Article 51(2)).

The legislation also made it possible to employ non-teaching staff in kindergartens and schools if, in the opinion of the head of the institution, they are prepared to fulfil educational or caring tasks.

2.3.2.2. (Non-)compulsory education

Until September 2024 Ukrainian children were exempted from compulsory education in the sense that they did not have to attend Polish educational institutions. Pursuant to § 15 of the Regulation of the Minister of Education and Science of 21 March 2022, children and pupils who were citizens of Ukraine and were still being educated in a kindergarten or school within the Ukrainian system thanks to distance education methods and techniques were not subject to compulsory education if their guardians so chose. However, such declarations and actual schooling are extremely difficult to verify.

By November 2023, 293,229 children under the age of 18 were registered in Poland with a PESEL number (national identification number). At the same time, only 108,884 Ukrainians between the ages of 10 and 18 were registered as pupils in Polish schools, which represents 49% of the registered population (Out of School Report, 2024). It is difficult to estimate how many of those initially enrolled in the Polish education system but either never joined it or dropped out, as there was no system in place to comprehensively monitor Ukrainian out-of-school children. According to Ukrainian teenagers and their guardians, Ukrainian online classes were the preferred form of learning for two years: 83% of them declared that they attended online schools following the Ukrainian curriculum.

Compulsory schooling for Ukrainian children was introduced for the 2024/2025 school year. Starting 1 September 2024, refugee children from Ukraine are subject to compulsory annual pre-school preparation and compulsory education (in primary and post-primary schools), with two exceptions. Online education can only be provided to pupils who, in the 2024/2025 school year, are in their final year of high school in the Ukrainian education system. The second exception is that pupils in Polish year 8 do not have to sit the Polish language portion of the post-primary-school exam. Compulsory education has been linked to the receipt of the '800+' family benefit; as of 1 September 2024, this benefit is paid to parents from Ukraine under the condition that their child attends primary or secondary school.

According to data from the Educational Information System (as of 1 October 2024), the number of Ukrainian pupils in the Polish education system is currently 248,000. This data coincides with data from the payment of social benefits (the '800+' benefit); according to the Social Insurance Institution, from January to July 2024 this benefit was paid for almost 247,000 refugee children from Ukraine. Among these pupils, 179,700 arrived after 24 February 2022, and 68,300 were in Poland before the outbreak of war in Ukraine. Among the refugee children from Ukraine in the Polish education system, 19,300 were registered in the Educational Information System for the first time on 1 September 2024 (Rynek Zdrowia, 2024).

2.3.2.3. Exams and grading

The different system of examinations and organisation of learning in Ukrainian and Polish schools was another challenge. The Special Act (Article 59) empowered the Minister of Sci-

ence to regulate education, including procedures for assessment, grading, examination, and enrolment, concerning the adaptation of the educational process to the needs and abilities of children and adolescents who are citizens of Ukraine. According to the Regulation of 21 March 2022, a student from a preparatory unit may not receive any marks unless he or she has adequately learnt the language. In addition, certificates may be issued to such pupils without marks in certain subjects that were not previously taught in Ukrainian schools; this practice occurred in the 2021/2022, 2022/2023 and 2023/2024 school years.

The regulation also sets out the conditions for holding examinations that conclude certain levels of education in Poland: the post-primary school exam (after year 8), the school-leaving exam (at the end of secondary school; *matura*) and the vocational exam for students coming from Ukraine. The need to define different conditions arose from the fact that in Ukrainian education such exams are either not conducted (post-primary exam) or are conducted in a different form (*matura* exam). The legal basis for adapting these examinations is, firstly, Article 44zzr(7) of the Act of 7 September 1991 on the education system[32], which applies to all foreign students, and secondly, § 5 of the Ministry Regulation, which refers only to pupils/citizens of Ukraine who arrived in Poland after 24 February 2022. The Polish Central Examination Commission has therefore issued two separate lists of recommendations (forms and conditions of exams) which can be used by pupils who are Ukrainian citizens. The first is of a general nature and is intended for all students with adaptation problems. The second is a special list for Ukrainian students arriving after 24 February 2022. The lists issued annually provide a number of privileges for Ukrainian students, including the right to extend the time for solving tasks, the possibility to take the exam in a separate room and a special form containing the instructions. Despite these accommodations for examinees, the *matura* exam is in fact largely descriptive, which is a considerable barrier for Ukrainian students. However, in reality, these adjustments have little relevance due to the negligible number of students who take them. According to data from the Central Examination Commission, in 2022 only 41 Ukrainian students who had arrived in Poland after 24 February sat the Polish *matura* exam. In 2023, there were 153 students, and in 2024 still only 274. This represents a very small percentage of the minors who arrived in Poland. The number of pupils sitting the post-primary school exam was higher, but also small: in 2023 it was only 6,150 children from Ukraine who had joined Polish schools after 24 February, and 11,600 in 2024.

2.3.2.4. Other exemptions

There are also some minor derogations from the general rules on education:

- special rules allowing for Ukrainian pupils who are absent for a long time to be removed from the school rolls (Article 55c),
- an allowance for additional overtime of teachers, if needed due to the increased number of classes (Article 56),
- employment of persons who are not Polish citizens as assistant teachers in kindergartens and schools (exemption from Educational Act requirements – Articles 57 and 57a of the Special Act).

The changes to the operations of higher education institutions are much less significant, primarily due to the autonomy of schools and self-regulation. The Special Act allowed for

32 Ustawa z dnia 7 września 1991 r. o systemie oświaty, Dz. U. z 2024 r. poz. 750, z późn. zm. [Act of 7 September 1991 on the education system, Journals of Laws 2024, item 750 with amendments].

higher education institutions to introduce changes to their internal regulations outside the statutory time limits provided for in the current regulations. The main aim of this amendment was to accommodate students from Ukraine during the academic year (Article 96).

2.3.3. State-organised assistance

The arrival of refugee children has also presented the Polish authorities with the problem of securing their basic needs. Most of the families arrived in Poland without financial means, basic necessities such as clothing or even basic hygiene products. Therefore, the Special Act (Article 12) provided for emergency assistance, coordinated by the voivodes. Refugees from Ukraine also received a one-off allowance of PLN 300 ('300+') per person. However, the most important support for children became the so-called '500+' benefit. This is an allowance that has been part of the Polish legal system since 2016, established by the Act of 11 February 2016 on state assistance in raising children. It pays PLN 500 for each child under the age of 18. As of 1 January 2024, the allowance was changed to PLN 800, with a corresponding change in name – '800+'. Under Article 26(1) and (2) of the Special Act, persons enjoying temporary protection UKR, if they live with children on the territory of the Republic of Poland, have been entitled to receive this child benefit since 24 February 2022. As mentioned above, from 1 July 2024 the child in question must fulfil the obligation of compulsory education, if required by law, in a school belonging to the Polish education system. The purpose of this child care benefit is to partially cover expenses related to raising a child, including caring for them and satisfying their basic needs.

In 2023 and 2024, under the Special Act, funds from the Assistance Fund were also allocated for the purchase of textbooks and educational materials for schoolchildren who are citizens of Ukraine and who arrived in Poland from Ukraine after 24 February 2022.

The Special Act also allows Ukrainian citizens arriving after 24 February 2022 to apply for material assistance benefits of a social nature based on the same rules specified for Polish pupils under the Education Act (Article 53 of the Special Act): a scholarship that covers the costs of participating in educational activities in school or outside of school.

Citizens of Ukraine who are students at Polish universities can apply for social scholarships, allowances and student loans (Article 41(10)–(12)).

2.4. ACCOMMODATION

2.4.1. Direct accommodations/benefits for refugees

Accommodation assistance to refugees has taken various forms, including the following:

a) accommodation in centers organised by the voivode (or other public entities),
b) accommodation in places provided by private entities,
c) adaptation of existing housing law institutions to the situation and needs of refugees,
d) social assistance and other benefits (section on social assistance and benefits).

Refugees may also benefit from other forms of housing assistance, even if it is not provided for by the Special Act, if they meet the requirements set out in special regulations. As an example, they can benefit from:

a) the housing allowance referred to in the Act on housing allowances[33], which provides assistance in the maintenance of housing for people in a difficult life situation,

33 Ustawa z dnia 21 czerwca 2001 r. o dodatkach mieszkaniowych, Dz. U. z 2023 r. poz. 1335 [Act of 21 June 2001 on housing allowances, Journal of Laws 2023, item 1335].

b) various kinds of assistance for the purchase of a home, including those provided for in the Act on family housing loans and 2% safe loans[34].

2.4.2. Introduction of extraordinary legal solutions due to the special situation of Ukrainian citizens

The Special Act has introduced several exceptions to the existing solutions for the accommodation of Ukrainian citizens enjoying temporary protection:

a) facilities that do not meet all the requirements of the building regulations may be temporarily used for the collective accommodation of refugees (Article 12a); this provision is intended to increase the number of facilities that can provide accommodation for Ukrainian citizens,
b) in the case of using a building for temporary housing needs, Ukrainian citizens are not entitled to a number of rights that protect tenants; as of 1 July 2024, a property owner lending the use of their property may, at any time, instruct the refugee in writing to vacate the premises, setting a time limit of no less than 14 days to do so (Article 68) – this provision is intended as a safeguard for those lending their premises free of charge for housing for Ukrainian citizens, so that eviction can be carried out in a simplified manner,
c) when concluding a special short-term lease agreement (*umowa najmu okazjonalnego*), refugees do not have to indicate another premises where they will be able to live in the event of eviction, nor do they need a statement from the owner of the premises permitting the tenant to live at the given premises (Article 69); this provision mitigates the formal conditions – which are difficult for refugees to meet – necessary for this type of lease agreement, which is increasingly popular among landlords because it facilitates the eviction procedure.

The second and third solutions are noteworthy, concerning ordinary people and not public administration.

2.4.3. Benefits/incentives/accommodations for those helping refugees

Co-financing the hosting of refugees in private homes:

- **legal basis:** Article 13 of the Special Act (and regulations)
- **subjective and temporal scope:** any legal person that provides accommodation and food to Ukrainian refugees at their own expense (from 24 February 2022 to 30 June 2024)
- **material scope:** a cash benefit of PLN 40 per day per person, but for no longer than 120 days from the date of arrival of a citizen of Ukraine in the territory of the Republic of Poland (this period may be extended in particularly justified cases, and the amount of the cash benefit may be raised in cases of legal persons and businesses)
- **additional information:** It is estimated that by May 2022, 149,400 people in 12 major Polish cities had hosted 525,400 refugees in private flats/houses (Union of Polish Metropolises, 2022). The help of thousands of ordinary people who often selflessly welcomed refugees into their homes was invaluable and greatly relieved the state's burden of organising aid. Those providing assistance had to provide not only

34 Ustawa z dnia 1 października 2021 r. o rodzinnym kredycie mieszkaniowym i bezpiecznym kredycie 2%, Dz. U. z 2024 r. poz. 1724 [Act of 1 October 2021 on family housing credit and 2% safe credit Journal of Laws 2024, item 1724].

accommodation, but also food. The amount of the cash benefit, however, was not sufficient to cover all the costs, so the remainder was covered by the hosts. Some of those who sheltered refugees did not apply for this benefit. Over time, the legislature has recognised that, given the stabilisation of the migration situation, there is no longer a need to continue co-financing the hosting of refugees in private homes.

2.4.4. State-organised assistance

Provision of accommodation

- **legal basis:** Article 12(1)(1), (3) and (4) of the Special Act
- **subjective and temporal scope:** persons enjoying temporary protection (since 24 February 2022)
- **material scope:** organization of accommodation by voivodes (other public entities)

According to Article 12(17), the voivode (or other public entities) provide assistance, including accommodation, to Ukrainian citizens as available resources allow, for no less than 2 months from the date of their first entry into Poland. However, since 1 March 2023, accommodation assistance may be provided for no longer than 120 days. After 120 days, this assistance may still be provided, but refugees must be assigned a PESEL number and pay 50% of the cost of the assistance (no more than PLN 40/EUR 9 per person per day). After next 60 days, the cost increases to 75% (no more than PLN 60/EUR 13 per person per day). The restrictions do not apply to vulnerable people, such as the elderly and people with disabilities.

- **additional information:** Assistance to refugees is coordinated by voivodes, which are equipped by the legislature with numerous legal tools to provide comprehensive assistance to refugees, including accommodation. In practice, accommodation centres for Ukrainian citizens have been established in each voivodship. Their number depends on the number of people in need of support. From 24 February 2022 until 30 April 2023, assistance involving accommodation and collective feeding benefited a total of nearly 506,000 citizens of Ukraine (Supreme Audit Office, 2024).

2.5. WORK

2.5.1. Direct facilities/benefits for refugees

2.5.1.1. Work and economic activity

According to Article 22 of the Special Act, all Ukrainian citizens (both those who arrived after 24 February 2022 and those who were living in Poland before that date) have the right to work in Poland if they are legal residents of Poland. The entitlement to work is granted under the condition that the employer notifies the District Labour Office (Article 22(1)(2)). Every change in employment has to be reported (Article 22(2)). Every notification is made electronically on www.praca.gov.pl. This system collects all important data about employment, including that of the employer and the employee, the type of contract between them, the position or type of work being performed, the place of work, the monthly or hourly rate of remuneration and the working hours per week or per month (Article 22(9)).

Ukrainian citizens may also engage in economic activity on the same principles as Polish citizens, provided that they formally register and obtain an identification number, the PESEL (Article 23). Those legally residing on the territory of Poland may also register and be recognised as unemployed or as seeking employment (Article 22(1) of the Special Act). However, such entitlements are used by a negligible number of refugees. At the end of 2023,

only 3,800 people had unemployed status, representing 0.33% of immigrants residing in Poland (Social Insurance Institution, 2024).

2.5.1.2. Practice

The employment rate of refugees in Poland is the highest among OECD countries, at 65%. A figure of over 40% employment is found in several other European countries: the United Kingdom (61%), Sweden (56%), Lithuania (53%) and Czechia (51%). In contrast, the smallest proportions of those working are found in Germany (18%), Switzerland (19%) and Italy (19%) (Zyzik, Baszczak, Rozbicka, Wielechowski, 2023; OECD, 2023).

However, the most important aspect of work for Ukrainians in Poland is different and much broader: the relatively low wages in Poland create uncompetitive working conditions compared to the markets in Germany and other Western European countries. According to research by the National Bank of Poland, 36% of pre-war migrants and 28% of post-war migrants say they spend 50% of their income on living expenses; up to 19% of migrants and up to 34% of refugees spend up to 80%–100% of their income on current needs (NBP Report, 2023).

The attitudes of Ukrainians reflect their relatively weak attachment to Poland due to the difficult economic and social situation and unsatisfactory income. As many as 29% of respondents declared that they would leave Poland in the near future. These were predominantly younger men, under 45 years of age, who are well educated and speak English (Grupa Progres, 2024).

A survey conducted in 2024 showed that 60% of Ukrainians who arrived after the start of Russia's aggression declared that they will return to Ukraine soon, provided the war ends. About one third of Ukrainians who arrived earlier also reported such a desire. Another 25% of pre-war migrants and 17% of refugees are not considering returning to Ukraine at all, regardless of developments in their country. The main factor determining their further stay in Poland is the possibility of finding a satisfactory job and supporting themselves and their family; all other factors (family situation or housing) were of much lesser importance (NBP Report, 2024).

The another issue is working in jobs that do not match their education and qualifications. In 2023, the percentage of foreigners working below their qualifications in Poland was as high as 48%. This is higher than the average in the European Union, which was 39.4%, according to Eurostat data (European Commission, 2024). The problem of finding a job in a foreign country that matches one's qualifications is quite common in Europe, but in Poland it mainly affects Ukrainian citizens. The results of a survey conducted by the EWL Migration Platform, the EWL Foundation and the Centre for Eastern European Studies at the University of Warsaw show that the percentage of Ukrainian citizens working in Poland in a job that matches their qualifications has declined significantly, from 68% in 2021 to 35% in 2024. This means that a majority of them are working below their qualifications (EWL, UW, 2023). More than half of the war refugees working in Poland declare that the job they have taken does not match the qualifications they have acquired.

2.5.2. Introduction of extraordinary legal solutions due to the special situation of Ukrainian citizens

The Special Act grants special exemptions to those working in professions that require specific national recognition of qualifications.

2.5.2.1. Exemptions from legal requirements for health professions

This applies in particular to professionals working in medicine. According to Article 61 of the Special Act, a citizen of Ukraine who has qualified as a physician or dentist may be authorised to practise their profession for a period of 32 months[35] and may be granted the conditional right to practise these professions if they fulfil the conditions specified in the Act on the professions of physician and dentist[36]. Such a professional is obliged to report to the Minister of Health where and for how long they have been employed; if they fail to do so, consent may be withdrawn (Article 61). Doctors may also work as part of their postgraduate internship (Article 62). Ukrainian doctors practising their profession in Poland on the basis of the Minister's consent must obtain a number certifying their right to practise their profession (Article 63).

Ukrainian citizens may work as nurses and midwives in Poland under similar conditions and for the same period (Article 64).

Similar exemptions were provided for psychologists: according to Article 64a of the Special Act, from 24 February 2022, psychologists from Ukraine are able to provide psychological services but only to Ukrainian citizens residing in Poland for a period of 18 months, including health care services in the field of psychiatric care and addiction treatment. This period has been extended until 30 September 2025 (Article 64b).

Citizens of Ukraine may be also employed as tutors or child care workers, psychologists and pedagogues in institutional forms of foster care in which Ukrainian children are placed (Article 27(9)).

2.5.2.2. Practical issues

In practice, however, there have been some problems with the implementation of these exemptions. Applications by doctors and medical staff to the Ministry of Health have been subjected to lengthy procedures, and medical organisations have protested against doctors being entitled to practise, particularly on the grounds of their poor command of the Polish language. Language tests were introduced as a prerequisite for such registration. In addition, a doctor who was qualified outside the European Union (e.g. from Ukraine) can only work in Poland on a temporary basis – for 5 years – without nostrification of their diploma, during which time they must pass the Medical Verification Examination (LEW). Passing the LEW confirms that they have met the minimum training requirements set out in EU law. In consequence, if the Ukrainian doctors do not pass the LEW during this period, they will not be able to continue working in Poland after the 32-month period.

2.5.2.3. Exemptions from legal requirements for civil servants and others professions

Due to the exemption provided by Article 23a of the Special Act, citizens of Ukraine residing in the territory of the Republic of Poland may be employed as local government employees and in the civil service, in positions where their work does not involve direct or indirect participation in the exercise of public authority or functions aimed at protecting the general

35 This period has been extended several times due to subsequent amendments; the original period was 18 months.

36 Ustawa z dnia 5 grudnia 1996 r. o zawodach lekarza i lekarza dentysty, Dz. U. z 2024 r. poz. 1287, z późn. zm. [Act of 5 December 1996 on the profession of physician and dentist, Journal of Laws 2024, item 1287 with amendments].

interests of the state. These are professions in which only Poles can normally work. The requirement to confirm their knowledge of the Polish language with the required documents does not apply to them.

Such exemption from the regular requirements also applies to persons working in regulated professions in mining (Article 23b).

The Special Act also provides some exemptions for university teachers and academics who wish to work in Poland. Such a person may be employed as an academic teacher at a higher education institution without the usual requirement for a competitive hiring process (mandatory for Polish academic institutions), if they declare that on 24 February 2022 they were working as an academic teacher at a higher education institution on the territory of Ukraine and if they have the required professional title, academic degree and relevant qualifications (Article 47). This applies to Polish citizens who have worked in Ukraine as well as to Ukrainian academics.

2.5.2.4. Data on employment

Specific instruments have been implemented to collect information and assist in the search for work for Ukrainian citizens. Pursuant to Article 22 of the Special Act, detailed information on employment is added to the ICT system on praca.gov.pl by the employer. This includes data on the employee, the employer, the type of employment contract, the position or type of work being performed, the hourly or monthly rate and the working time or the number of working hours per week or month. The data in the system is processed by the Minister of Labour and the district labour offices, but it is also made available to other entities, including the social security office, the labour inspectorate, the Head of the National Fiscal Administration, the Border Guard and the central statistical office.

According to Article 22a, the Minister of Digital Affairs ensures the functioning of the ICT system used to facilitate contact between employers and job-seeking citizens of Ukraine. This system collects job offers and information on competences and work experience, and analyses it in order to prepare recommendations on available job offers.

Ukrainian citizens with a national identification number (PESEL) can use this ICT system and are authenticated in this system if they create their own employee profile.

2.5.3. Benefits/incentives/accommodations for those helping refugees

The Special Act provides subsidies from the governmental Labour Fund for the costs of Polish language training for citizens of Ukraine with qualifications as a doctor, dentist, nurse or midwife at the request of the district chamber of physicians or district chamber of nurses and midwives, up to the amount of PLN 3,000 per person per training course. One person can take part in three training courses (Article 22i).

2.5.4. State-organised assistance

Certain measures are targeted at specific categories of citizens. The Minister of Culture may for example provide assistance to Ukrainian nationals with the aim of supporting the pursuit of artistic, scientific, teaching or research activities in the arts or professional or artistic development. A creative stipend is also available, consisting of in-kind support or financial support that enables or supports the pursuit of artistic, scientific, teaching or research activities in the arts or professional or artistic development. Finally, a creative residency is possible,

consisting of providing residence conditions, in-kind support or financial support that enables or supports the pursuit of such activities (Article 12(18)).

Ukrainian citizens with disabilities can receive funds from the State Fund for the Rehabilitation of Persons with Disabilities (Article 34).

Polish institutions such as the Voluntary Labour Corps and Social Integration Centres may also be involved in employment-seeking tasks (Article 24).

2.6. OTHERS ISSUES

Introduction of extraordinary legal solutions due to the special situation of Ukrainian citizens

2.6.1. Other forms of assistance:

- **legal basis:** Article 12 of the Special Act
- **personal and temporal scope:** Ukrainian nationals who came to Poland from Ukraine because of the hostilities there; starting from 24 February 2022
- **material scope:** provision of accommodation, full board, transportation to the place of accommodation or medical care facilities, financing of travel by public transport, products for cleaning and personal hygiene
- **additional information:** This provision allows the governor and other public entities to organise various forms of assistance to refugees. Its implementation depended on the needs and possibilities of a particular place. It was formulated in very general terms, allowing for the selection of appropriate actions in given circumstances and different regions of Poland. Article 12 of the Special Act does not grant any subjective rights to Ukrainian citizens, but only creates grounds for public authorities to provide them with assistance.

2.6.2. Possibility of voivodes issuing legally binding instructions to other entities in order to provide assistance to refugees:

- **legal basis:** Articles 12 and 107 of the Special Act
- **personal and temporal scope:** government administration bodies operating in the voivodship, state legal persons, local government bodies, local government legal persons and local government organisational units without legal personality (since 24 February 2022)
- **material scope:** Instructions may be issued in connection with providing assistance to citizens of Ukraine; instructions are issued by administrative decision and are immediately enforceable upon delivery or announcement and do not require justification.

2.6.3. Increased penalties for certain crimes under the Criminal Code:

- **legal basis:** Article 72 of the Special Act
- **temporal scope:** during the armed conflict on the territory of Ukraine
- **material scope:** The legislature increased the penalties for the crimes of depriving a person of liberty, unlawful coercion, pimping, forced prostitution and human trafficking.
- **additional information:** The provision has been criticised because the motives for its introduction are unclear (the Special Act was fast-tracked), it introduces exceptions for an indefinite period and the matter is not part of the Criminal Code but

another act (Kluza, 2024) (criminal law changes apply to all individuals, regardless of whether their acts are related to the armed conflict on the territory of Ukraine).

2.6.4. Specific rules on financing of assistance to citizens of Ukraine

- **legal basis:** Article 14 of the Special Act
- **temporal scope:** from 24 February 2022
- **material scope:** Aid Fund (established at the Bank Gospodarstwa Krajowego)[37]
- **additional information:** The legislature has created a separate legal instrument (the Aid Fund) to finance or co-finance the implementation of tasks to help Ukraine, in particular Ukrainian citizens affected by the armed conflict in Ukraine, whether carried out on the territory of the Republic of Poland or outside it, as well as tasks related to food security of the country in connection with the armed conflict on the territory of Ukraine (Article 14 of the Special Act).

37 https://www.en.bgk.pl/funds/aid-fund/.

PART IV

CONCLUSIONS

1. PART I: General information about the country

In the last 20 years, many Ukrainians came to Poland for work purposes, although relatively few obtained the right of permanent residence. Nevertheless, there was a fairly large diaspora of the Ukrainian population in Poland when the war began.

The huge and sudden influx of refugees from Ukrainian territory in the first weeks and months after 22 February 2022 was difficult to measure: the refugees arrived in a mass exodus, facilitated by the policy of opening the borders and a very good, spontaneous reception by Polish citizens. Almost three years after the beginning of the war, the number of Ukrainians in Poland is similar to what it was before the war, about 1.5 million people. Their status, however, is completely different from before 22 February 2022.

It is worth noting the significant change in those arriving after 24 February 2024, as the vast majority of people are now women and children.

Paradoxically, the legal solutions adopted after the outbreak of the war led to the practice of illegal residence and illegal employment of Ukrainian citizens being practically eliminated.

2. PART II: Legal measures taken after the start of the war

Poland was legally unprepared to welcome a massive influx of refugees. While the Polish authorities had factored in the possibility of an emergency in the form of mass migration, its scale in 2022 exceeded earlier predictions.

For the first 2 weeks, many actions were taken without a proper legal basis or the state bodies did not react adequately to the situation at all. This was changed only by the Special Act, which subsequently legalised some of the actions and imposed a legal obligation on state entities to provide assistance.

Grassroots initiatives, including the selfless involvement of Polish citizens, were crucial in the first stage, as it was only thanks to them that assistance could be provided to virtually all those in need. Nevertheless, the legislature fairly quickly (in 2 weeks) undertook a great effort to develop special solutions that to this day comprehensively regulate the situation of Ukrainian citizens in Poland.

The Special Act introduced a number of specific solutions which still provide a legal basis for Ukrainian citizens residing in the Republic of Poland, but they are unsustainable in the long term; temporary solutions should be abandoned in favour of permanent ones. The legislature should work out the rules for obtaining permanent residence in the Republic of Poland, rather than extending the term of temporary protection from time to time.

Covid-19 pandemic restrictions did not stand in the way of accepting refugees, as they were lifted with the beginning of the war. After 22 February, there were also no specific legal regulations concerning a state of emergency, at either the national level or in the border regions.

The first days after the outbreak of war marked a time of entirely spontaneous actions and decisions by the authorities, legalised after two weeks by the Special Act. This law is to this day the basic instrument regulating the status and rights of refugees and the ways in which their stay is organised and the related increased expenses are financed.

3. PART III: Selected material issues

3.1. Legal status of the Ukrainian nationals and members of their families on the territory of Poland

It is estimated that prior to the outbreak of war, there were approximately 1,5-2 million Ukrainians residing in Poland on various terms: legalised residence, international protection, short-term residence and stays under the visa-free regime. As of 14 January 2025, 992,036 Ukrainian citizens and members of their families benefited from temporary protection UKR. Subsequent amendments to the Special Act demonstrate that the intention of the Polish legislature has been to replace the 'temporary protection UKR' with other solutions.

Main challenges are:

- inability to simultaneously register under temporary protection on the territory of Poland and one or more EU Member States (assuming that a given person exercises their rights only in one Member State at a given time), which is not compliant with the European Commission guidelines,
- loss of rights as a consequence of failing to merge data on border crossings using different travel documents in the Border Guard data systems, in a situation where e.g. a Ukrainian leaves Poland using one travel document, produces a new travel document in Ukraine and re-enters Poland using the new one (failing to merge the data results in the person exceeding the 30-day period allowed for a stay outside Poland) (Commissioner for Human Rights, 2024).

3.2. Benefits and entitlements for Ukrainian nationals and members of their families

The Polish state has provided far-reaching assistance to Ukrainians: extraordinary aid institutions have been introduced into the legal order, and they have been integrated into the general social assistance system. It was very important to include all refugees in the universal health care system, under the same conditions as for insured Polish citizens.

Ukrainians do not have any formal obstacles to taking up employment and doing business (this rule applies not only to refugees, but to all Ukrainian citizens). They have also obtained exemptions from the requirements to perform regulated (medical) professions for a certain period of time.

Children of refugees of school age (up to the age of 18) have full rights to school education at all levels, with a system of accommodations that includes learning the Polish language, learning in special classes and different conditions for examinations and classification. However, until September 2024, education for Ukrainian children was not compulsory, which excluded most children from the education system. It is only since 1 September 2024 that the '800+' benefit has been conditional on enrolment in a Polish school.

4. General conclusions

1) Poland was legally unprepared for a mass influx of refugees.
2) The mass influx of refugees did not lead to the introduction of any constitutional state

of emergency, both at the national level and in the border regions. The pandemic restrictions in force in February 2022 were lifted for Ukrainian citizens with the beginning of the war, which made it easier for refugees to cross the border. Restrictions introduced because of the COVID-19 pandemic have not stood in the way of accepting refugees.

3) For the first 2 weeks many actions did not have a proper legal basis, or the state authorities did not react adequately to the situation at all. This was changed only by the Special Act, which subsequently legalised some of the activities and imposed a legal obligation for state entities to provide assistance.
4) Grassroots initiatives, including the spontaneous involvement of Polish citizens, were crucial in the first stage, as only thanks to them was it possible to provide assistance to virtually all those in need.
5) Despite the difficult situation, the legislature fairly quickly (in 2 weeks) undertook a great effort to work out special solutions, which to this day comprehensively regulate the situation of Ukrainian citizens in Poland.
6) The Ukrainian special act introduced a number of special solutions concerning the legal basis for the residence of Ukrainian citizens in the Republic of Poland, primarily national solutions concerning temporary protection. As of January 14, 2025, 992,036 Ukrainian citizens and their family members benefited from the temporary protection of the UKR. However, the current solutions, of a temporary nature, are unsustainable in the long term. It is desirable to introduce permanent (systemic) solutions, under which interested Ukrainians will be able to obtain the right of permanent residence in Poland. One of the actions in this direction are the regulations concerning the residence card for Ukrainian citizens, which have not yet entered into force.
7) Far-reaching assistance has been provided to Ukrainians: emergency aid institutions have been introduced into the legal order, and they have been integrated into the general social assistance system.
8) Ukrainians have no formal obstacles to taking up employment and running a business (this rule applies not only to refugees but to all Ukrainian citizens). However, most workers who came from Ukraine work below their qualifications and for uncompetitive rates. The legalisation of residence and employment, as well as the creation of a registration system for Ukrainian workers after the outbreak of the war, resulted in a reduction of the grey zone of workers employed illegally and without the right to social security.
9) Refugees have full access to health care on a virtually equal footing with insured Polish citizens.
10) The enormous regulatory, financial and organizational effort to equalize the rights of Ukrainian and Polish citizens in the sphere of social assistance, education, health care, employment and social security has fulfilled its task in the context of creating favorable conditions for accepting refugees. However, it seems that it has not created sufficient guarantees of quality of life to retain those migrants who, thanks to their qualifications, could count on taking up better paid work and achieving better living conditions.
11) In the last year the legislature has gradually eliminated extraordinary solutions and aimed at a deeper integration of the Ukrainian population into Polish society

(this is especially visible in the field of education with the linking of compulsory education to the right to receive benefits for minors).

12) The Ukrainian special act is addressed primarily to Ukrainian citizens and their family members (spouse/child). However, the situation of people who came from the territory of Ukraine but do not have Ukrainian citizenship is problematic. This applies especially to the Roma population and children born in the territories occupied by the Russian Federation since 2014 (Commissioner for Human Rights, 2023).
13) The education model allowing for the choice of a Polish school or further education in a Ukrainian school in 2022/23 and 2023/24 caused a significant part of Ukrainian children to integrate worse into Polish society, without a peer school environment, choosing online education in Ukrainian schools. This process was beyond the control of Polish education authorities.
14) The inclusion of Ukrainian citizens in a far-reaching system of assistance benefits financed from the state budget, along with the prolonged war in Ukraine, leads to an increase in anti-Ukrainian sentiments. They are not mass-scale, but they appear in public discourse. The authorities should therefore undertake a sensible migration policy in advance, aimed at integrating the Ukrainian population into Polish society.

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