

SUMMARY

PoMOCna KAWA #31



LEGAL ISSUES - HOUSING AND STATUS OF UKRAINIAN STUDENTS

22 REPRESENTATIVES OF ORGANISATIONS PARTICIPATED IN OUR MEETING
The Students' Parliament of the Republic of Poland, Q Foundation, Avalon Foundation, Feminoteka Foundation, Mudita Association, Women's Rights Centre, Studio M6 Foundation, Cultural Centre of Political Criticism in Cieszyn and others

Exceptionally, **on Wednesday 14 June 2023, we met for another PoMOCna Kawa.** The guests of the meeting were Alina Palamarchuk, Plenipotentiary of the Parliament of Students of the Republic of Poland for Cooperation with Ukraine, and Kornelia Trubilowicz, a lawyer from the Legal Intervention Association.

Student Parliament about the legal situation of Ukrainian students

As Alina Palamarchuk pointed out, consideration of the legal situation of Ukrainian students who wish to continue their higher education in Poland should begin **by distinguishing between two categories within this group** - students who started their education in Poland before 24 February 2022 and those who joined their studies after that date. This classification is crucial for understanding their situation, **especially with regard to the legal basis for legalisation of residence** (due to the fact that Ukraine is not in the European Union). Students arriving before the war could apply for a student visa, thanks to which they could stay in Poland (under the so-called Covidium Act, there was an extension of the period of stay on the basis of the visa, which was also used by students from across the eastern border). On the other hand, the legalisation of the stay of students who came to Poland in connection with Russia's invasion of Ukraine is based on the Act on Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of Ukraine. As Kornelia Trubilowicz later added, according to the interpretation of the Association for Legal Intervention, **in a situation where a student who was staying in Poland loses this title to stay, then he or she can continue to stay legally in our country - this time on the basis of the special law.** This is a rational solution, as it is not possible to return to Ukraine.

A representative of the Student Parliament **pointed out that students arriving before 24 February 2022 do not have an insurance title, unlike students with a UKR PESEL.** Students of both categories can apply for financial aid at the university and social grants.

A **bridging study programme has also been launched at some universities** - their aim is to integrate newcomers into the local community. The first year in such a mode is conducted in Ukrainian, and the following years in English or Polish - the choice is up to the student.

SIP on collective accommodation for refugees from Ukraine

Kornelia Trubiłowicz **noted that the provisions of the housing special law remain so vague that they may be interpreted differently depending on the region of Poland, resulting in different practices in the implementation of the law.**

It should first be noted that there is **no obligation on the part of the provincial governor to provide assistance to Ukrainian citizens in the form of accommodation, provision of all-day board, transport, etc.** This obligation stems from the EU Council Directive on minimum standards for granting temporary protection, to which Poland is a party. It is worth mentioning here that the voivode may outsource the operation of collective accommodation centres (hereinafter CZZs) to other entities, e.g. entrepreneurs, NGOs or local government units.

Residents of CZZs **do not have the status of tenants/occupiers.** The provisions of civil law do not apply to them (assuming, inter alia, equality of the parties to the rental relationship), and within the framework of administrative-legal relations, an individual has a subordinate role when dealing with a public administration body. This state of affairs is due to the fact that the organiser and coordinator of collective accommodation centres is the provincial governor. In addition, it is the governor who supervises and issues all administrative decisions in relation to the provision of housing assistance.

Another problem **is the lack of regulated rules for eviction from CZZs** - the rules for carrying it out and the legal basis for it (on the other hand, it seems that cases of eviction of refugees do not occur, as they are mostly exempted from fees).

There are also regulations that **exempt from the obligation to pay the fee by law** - this applies, among others, to persons with disabilities, single parents raising a child under 12 months, elderly persons (over 60 years of age for women and 65 years of age for men), as well as minors. **The most general condition, the occurrence of which entitles one to a fee waiver, is the so-called difficult life situation that makes it impossible to contribute to the costs of assistance.** As this is a statutory premise (so no application is necessary), it is difficult to determine independently what the legislator considers such a situation. Ms Kornelia Trubiłowicz pointed out that the best solution is to send an enquiry to the governor on this issue. An important source of this information could be the questionnaires that are completed every three months in such centres. **The consequences of not paying the fee at all are also not regulated.**

Due to the complexity of the matter, the Association for Legal Intervention has prepared a special information brochure which contains the most important information for refugees on this issue. The brochure can be downloaded [here](#).

CONTACT

If you need a contact for a specific organisation, please email us at julia.bochenek@culturelab.pl. We also encourage you to join our closed Facebook group for members of organisations, NGOs and volunteers, where we share knowledge and oversized resources, seek inspiration, and let you know about grants.