

S U M M A R Y

PoMOCna KAWA #47



LET'S GET TO KNOW EACH OTHER! LEGALISATION OF THE STAY OF UKRAINIAN REFUGEES IN POLAND

30 ORGANISATIONS TOOK PART IN THE MEETING: Foundation of Social and Economic Initiatives, Żywiec Development Foundation, HumanDoc Foundation, Association Activity Cooperation Development AWR, Women's Rights Centre, Immigrant's Hope Foundation, Avalon Foundation, Polish Association of EMDR Therapy, Mudita Association, Right to Protection Foundation and others

On 10 October, a meeting of the PoMOCna Kawa series was held, the topic of which was the **further prospects for the legalisation of the stay of refugees from Ukraine in Poland**. As of today, temporary protection for Ukrainian refugees in Poland is foreseen until 4 March 2024. Mapuj Pomoc, having learnt from its experience with the issue of diploma nostrification and, above all, the insufficient awareness of the issue before August 2023, said that it would start to examine the issue of legalisation of the stay of refugees from Ukraine - current problems, alternative solutions - much earlier. This is what the past meeting served to do.

Stress factor

The duration of temporary protection depends on the stage of the armed conflict in Ukraine, and it is natural that temporary protection cannot be designated for a predetermined period of time, and decisions on the further inclusion of Ukrainian refugees in the rights associated with this institution depend on the current state of the war. This fact, however, does not exclude the need to build a strategy for further legalisation of the stay of refugees from Ukraine and to look to the future. Some Ukrainians and Ukrainian women will be looking for a new place to live outside their homeland due to the war traumas and the loss of their life achievements - home, friends, etc. Nor can the end of the war be treated as the "end of the problem" - Ukraine will need to rebuild its state infrastructure before refugees can return (here it is worth noting that refugees' decision to return should be motivated by their own intentions and not by the lack of legal alternatives that make their stay automatically illegal after the end of the war) **In conclusion, the lack of a broader view of Ukrainian refugees' stay in Poland may---**

---result in difficulties for them to plan their future beyond the date of termination of temporary protection.

Temporary residence on the basis of employment or business activity

One of the current elements of the strategy to legalise the stay of refugees is temporary residence on the basis of employment or economic activity. From 1 April 2023, citizens of Ukraine enjoying temporary protection in Poland may apply for temporary residence in Poland only if the purpose of their stay in Poland will be:

- work,
- work in a highly qualified profession (Blue Card),
- running a business

The meeting addressed the problems that exist with the institution of temporary residence. Firstly, it automatically excludes people who are unable to work, such as people with disabilities, the elderly and chronically ill, pregnant women and some raising children. Another is that full-time employment is required to obtain a stay of three years, and this time is reduced to one year for lesser employment. The lack of full-time employment may be due to factors other than the employee's decision (e.g. childcare, etc.).

Residence of students and children with UKR status

Students are a group excluded from further legalisation of their stay after the cessation of temporary protection, despite the fact that other groups who undertake studies - i.e. students and children in kindergartens have this stay extended as follows:

- until 31 August 2024. - if these persons, on 4 March 2024, are receiving pre-school education, are performing compulsory education or are performing compulsory education; are receiving education in a pre-school or school operating in the Ukrainian educational system with the use of distance learning methods and techniques, or, no later than in the school year 2022/2023, have started education in a vocational upper secondary school, post-secondary school or school for adults;
- by 30 September 2024 - if these persons are taking the upper secondary school leaving examination at a resit examination date

The legalisation strategy is also challenged by the fact that, at present, the specustawa does not provide for the possibility for children under temporary protection in Poland to apply for a temporary residence permit, even if they are children of persons entitled as of 1 April 2023 to apply for temporary residence. This legal state of affairs results in the residence title of individual family---

Advocacy work of the Right to Protection Foundation

The Ukrainian Right to Protection Foundation is a charitable organisation that focuses its activities on providing assistance to Ukrainian refugees and internally displaced persons, persons under temporary protection, persons in need of international protection, stateless persons, as well as persons at risk of statelessness and undocumented persons. Since the beginning of the conflict in eastern Ukraine, the Foundation has been monitoring the situation regarding the protection of the rights of internally displaced persons, providing legal assistance and implementing a growing number of humanitarian activities in Ukraine.

In August 2023, **Right to Protection**, working with the **Migration Consortium**, sent a **letter to the Minister of National Education and the Ombudsman describing the legal situation of refugees after 4 March 2024** and calling for a full-scale strategy to legalise the stay of refugees from Ukraine in Poland, asking, among other questions, the following:

1. What is the government's position on the extension of temporary protection for Ukrainian persons in Poland after 4 March 2024 and what is the timetable for the government's work in this area?
2. What legal solutions does the legislator envisage for persons from Ukraine who will pass the Polish baccalaureate in 2024 and plan to start studies in Poland?
3. Does the government envisage amending the law to also grant a temporary residence permit for children under temporary protection in Poland if they are children of persons eligible as of 1 April 2023 to apply for temporary residence, so as to provide protection against family separation?
4. Does the government envisage amending the provisions of the Aliens Act so that persons from Ukraine and other foreigners in Poland can also be gainfully employed during the first 6 months of the 'refugee procedure'?



If you need a contact for a specific organisation, please email us at mapujpomoc@culturelab.pl.