



I. LAW OF 12 MARCH 2022 ON ASSISTANCE TO CITIZENS OF UKRAINE IN CONNECTION WITH ARMED CONFLICT ON THE TERRITORY OF THAT COUNTRY

1. SPECIAL LAW AND ITS SCOPE

Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country (Journal of Laws No 583) (also referred to as the "Special Law") defines specific rules on the legalisation of stay of:

- citizens of Ukraine who came to the territory of the Republic of Poland directly from the territory of Ukraine in connection with military operations conducted on the territory of this country, and
- citizens of Ukraine holding Card of the Pole, who, together with their immediate family members, arrived on the territory of the Republic of Poland as a result of the above-mentioned military operations.

As citizen of Ukraine is also considered a spouse of a citizen of Ukraine who is not a Ukrainian citizen, if they came to the territory of the Republic of Poland directly from the territory of Ukraine in connection with military operations conducted on the territory of this country.

The Act also defines:

- 1) special rules for **employing** the citizens of Ukraine, legally residing in the territory of the Republic of Poland;
- 2) assistance provided to the Ukrainian citizens by voivodes, local government units and other entities;
- 3) establishment of an Assistance Fund to finance or co-finance the implementation of tasks undertaken to help the Ukrainian citizens;
- 4) certain rights of citizens of Ukraine whose stay in the territory of the Republic of Poland is considered legal;
- 5) specific rules on **extending the periods of legal stay** of the citizens of Ukraine as well as documents issued to them by the Polish authorities concerning their entry and stay in the territory of the Republic of Poland;
- 6) certain rights of Polish and Ukrainian citizens who are students, academic teachers or research workers entering the territory of the Republic of Poland from the territory of Ukraine;
- 7) specific regulations on education, upbringing and care of children and students who are citizens of Ukraine, including support to the local government units in the implementation of additional educational tasks in this area;
- 8) specific rules for the organisation and operation of higher education institutions in connection with the provision of such education to citizens of Ukraine;
- 9) specific rules for citizens of Ukraine, legally residing in the territory of the Republic of Poland, who take up and perform **economic activity**.



2. LEGAL STAY in the Republic of Poland – stay recognised as legal on the basis of Article 2(1) and (2) of the Special Law for Ukrainian Citizens intending to stay in the Republic of Poland

1. If a citizen of Ukraine, who arrived on the territory of the Republic of Poland **directly** from the territory of Ukraine in connection with military operations conducted on the territory of that country, **entered the territory of the Republic of Poland legally** in the **period from 24 February 2022** until the date specified in the provisions issued pursuant to Article 2(4) of the Special Act **and declare their intention to stay on the territory of the Republic of Poland, their stay on that territory is considered legal for the period of 18 months as from 24 February 2022.**

The **stay of a child born** in the territory of the Republic of Poland by a mother who is a citizen of Ukraine as defined above, is **also considered legal** for the period relevant to the mother.

2. If a **citizen of Ukraine holding a Card of the Pole**, who arrived on the territory of the Republic of Poland due to military operations conducted on the territory of Ukraine, **left Ukraine in the period starting on 24 February 2022** and then **arrived legally on the territory of the Republic of Poland before the date specified in the provisions** issued on the basis of Article 2(4), and declare their intention to stay in the territory of the Republic of Poland, their stay in the territory of the Republic of Poland is considered **legal for the period of 18 months as from 24 February 2022**. The provisions of the Special Law shall apply accordingly to the **members of the immediate family** of such a Ukrainian citizen holding a Card of the Pole.

NOTE:

The above specific provisions on legal stay in Poland under Article 2(1) and (2) of the Special Act **shall not apply** to

1) citizens of Ukraine holding:

- a) permanent residence permit in Poland,
- b) long-term EU residence permit in Poland,
- c) temporary residency permit in Poland,
- d) refugee status in Poland,
- e) subsidiary protection in Poland,
- f) a tolerated stay permit in Poland;

2) citizens of Ukraine who:

- a) have applied for international protection in the Republic of Poland or on whose behalf such applications have been submitted,



b) have declared their intention to submit applications for international protection in the Republic of Poland pursuant to Article 28(1) or Article 61(1) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2021, item 1108, as amended) or to whom such declarations of intent relate.

As soon as a Ukrainian citizen withdraws their application for international protection or declaration of intention to submit such an application, the special provisions on legal stay in Poland resulting from the Special Act will apply to them.

3. PERMISSION TO ENTER THE TERRITORY OF THE REPUBLIC OF POLAND – prolongation of legal stay of citizens of Ukraine residing in Poland on this basis (Article 44 of the Special Law)

Notwithstanding the basis for legal stay under Article 2(1) and (2) of the Special Act, under Article 44 of the Special Act, the stay of a Ukrainian citizen who has been allowed to enter the territory of the Republic of Poland by the commanding officer of the Border Guard post at the section of the border between the Republic of Poland and Ukraine under Article 32(1) of the Act of 12 December 2013 on foreigners (permission to enter for a period not exceeding 15 days) **shall be considered legal for a period of 18 months.**

4. END OF THE PERIOD OF LEGAL STAY

The last day of the period in which the legal entry into the territory of the Republic of Poland directly from the territory of Ukraine of a citizen of Ukraine declaring their intention to stay in the territory of the Republic of Poland resulting in their stay in this territory is considered legal, will be determined by the Council of Ministers by means of an ordinance.

5. LOSS OF LEGAL STAY IN POLAND AS A RESULT OF DEPARTURE

Departure of a Ukrainian citizen from the territory of the Republic of Poland **for a period exceeding 1 month deprives them of the right** of legal stay in the Republic of Poland on the basis of Article 2(1) of the Special Act.

6. RIGHTS TO ENTRY AND STAY UNDER GENERAL RULES

The right of legal stay, based on Article 2(1) of the Special Act, is independent of other rights to enter and stay in the territory of the Republic of Poland arising from legal provisions.

7. APPLICATION FOR PESEL NUMBER from 16 March 2022 onwards.



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1. Special Law has introduced a special procedure for obtaining the PESEL number (i.e. the identification number of the Universal Electronic Population Register System), referred to in Article 15 of the Law of 24 September 2010 on Population Register, for citizens of Ukraine whose stay on the territory of the Republic of Poland is considered legal on the basis of the Special Law, on the basis of **an application submitted to any executive body of a municipality (i.e. the office of the city or municipality of a given locality)** on the territory of the Republic of Poland.

Obtaining a PESEL number is **necessary in order to benefit from various public benefits and services in Poland.**

Application for a PESEL number under this procedure can be submitted **from 16 March 2022** onwards.

2. Application for a PESEL number shall be submitted **in person to any municipal authority.**

Application for a PESEL number is **available at** <https://www.gov.pl/web/gov/uzyskaj-numer-pesel-oraz-profil-zaufany-usluga-dla-obywateli-ukrainy>.

In case of applying for a PESEL number on behalf of a person without legal capacity or with limited legal capacity, the application is submitted by one of the parents, legal guardian, temporary guardian referred to in Article 25 of the Special Act, or a person having actual custody of the child.

The application for a PESEL number shall be accompanied by a **photograph** meeting the requirements specified in Article 29 of the Act of 6 August 2010 on identity cards. The municipal authority may provide the opportunity to make such a photograph free of charge.

When submitting an application for a PESEL number, **fingerprints** shall be taken from the requested person.

Fingerprints shall not be taken from a person:

- 1) who is under 12 years of age;
- 2) from whom it is temporarily physically impossible to take fingerprints of any of the fingers;
- 3) from whom it is physically impossible to take fingerprints.

3. Submitting an application for a PESEL number no later than 60 days after entering the territory of the Republic of Poland **is necessary** in the case of Ukrainian citizens who entered the territory of the Republic of Poland **directly** from the territory of Ukraine in connection with military operations conducted on the territory of Ukraine, but whose **entry** into the territory of the Republic of Poland **was not registered by the commanding officer of the Border Guard post during border control.**

In such a case, **the Commander-in-Chief of the Border Guard will register the stay of** the Ukrainian citizen on the territory of the Republic of Poland, **on the basis of their application for a PESEL number.**

8. OTHER INFORMATION



Citizens of Ukraine whose stay is considered legal pursuant to Article 2(1) or (2) of the Special Act are considered to be **beneficiaries of temporary protection in the Republic of Poland** within the meaning of Article 106(1) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. These citizens, as persons covered with temporary protection in the Republic of Poland, **are entitled to the rights set out in the Special Act.**

The **provisions of** Chapter 3, Section III of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland concerning temporary protection of foreigners are **not applicable** to temporary protection enjoyed by a Ukrainian citizen whose stay is considered legal under Article 2(1) or (2) of the Special Act.

Benefiting from temporary protection in the Republic of Poland does not exclude the possibility of obtaining temporary protection in the territory of another EU Member State by persons covered by Article 2(1) and (2) of 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 (Official Journal of the European Union L 71 of 4 March 2022, pp. 1-6), depending on the capacity of States to accommodate transferees. The new receiving EU Member State shall assume the obligations arising from the temporary protection of the person concerned.

9. TEMPORARY GUARDIAN

A minor Ukrainian citizen who is staying in the territory of the Republic of Poland unaccompanied by an adult responsible for them in accordance with the law in force in the Republic of Poland shall be represented by a temporary guardian, who is also responsible for their person and property.

A temporary guardian, unless otherwise specified in the appointment, shall have the **authority to represent the minor and take care of their person and property.** The temporary guardian should obtain the authorisation of the guardianship court in all important matters concerning the minor's person or property.

Supervision over the realization of rights and obligations of a temporary guardian shall be exercised by a social welfare centre, a social services centre or another organizational unit indicated by a head of commune or mayor competent for the place of stay of the minor.

A temporary guardian shall be **appointed by the guardianship court** competent for the place of stay of the minor, in particular from among relatives, relatives by affinity or other persons providing guarantee for the due performance of the guardianship duties. The court may appoint a single temporary guardian for several minors if there is no conflict between their interests. If possible, the court will appoint siblings the same person as temporary guardian.

Proceedings for the appointment of a temporary guardian shall be initiated **upon request or ex officio.**



The application can be submitted by:

- 1) Border Guard;
- 2) head of the commune, mayor, starost, marshal of the voivodeship;
- 3) prosecutor;
- 4) Police;
- 5) heads of social welfare organisational units referred to in Article 6(5) of the Act of 12 March 2004 on social welfare;
- 6) representatives of international organisations or non-governmental organisations providing assistance to foreigners;
- 7) person having the actual custody of the minor;
- 8) person who took actual custody of the minor after the minor entered the territory of the Republic of Poland and who exercises this custody on the day the application is submitted;
- 9) other persons or bodies, within the framework of their tasks.

The court shall hear the case without delay, but no later than **three days after the application is received by the court or the court becomes** aware of the need to appoint a temporary guardian. A copy of the order shall be provided by the court to the participants in the proceedings, the competent social welfare unit and the Commander-in-Chief of the Border Guard. An order appointing a temporary guardian shall be effective and enforceable upon its publication or, if there has been no publication, upon its delivery.

No fees shall be charged in the proceedings for the appointment of a temporary guardian and the expenses shall be borne by the State Treasury. The proceedings for the appointment of a temporary guardian in the scope not regulated by the Act shall be regulated accordingly by the provisions of the Act of 16 November 1964 – Code of Civil Procedure, except for Article 130.

The Special Act also provides for special arrangements for **foster care**.

10. MOST IMPORTANT RIGHTS PROVIDED BY THE SPECIAL LAW:

– WORK

A citizen of Ukraine is entitled to work in the territory of the Republic of Poland during the period of stay in accordance with the applicable legislation if:

- 1) their stay in the territory of the Republic of Poland is considered legal pursuant to Article 2(1) or (2)
or
- 2) they are a citizen of Ukraine legally residing in the territory of the Republic of Poland



– if **the entity commissioning work notifies, within 14 days from the date of starting the work** by the Ukrainian citizen, the district labour office competent for the seat or place of residence of the entity, about commissioning work to that citizen. **The notification is made via the IT system: praca.gov.pl.**

The minister competent for labour may determine, by means of an ordinance, the number of Ukrainian nationals referred to above to whom the entity entrusting work may entrust work, determined in relation to the number of all persons to whom this entity entrusts work, guided by considerations of state security and public order, protection of local labour markets and the principle of complementarity of the employment of foreigners in relation to Polish nationals.

– **REGISTRATION AND RECOGNITION AS AN UNEMPLOYED PERSON OR A JOBSEEKER**

A citizen of Ukraine, referred to above, may register and be recognised as an unemployed person or a jobseeker, referred to in Article 2(1)(2) or (22) of the Act of 20 April 2004 on the promotion of employment and labour market institutions

BUSINESS ACTIVITY

Citizens of Ukraine, whose stay on the territory of the Republic of Poland is considered legal on the basis of the Special Act or the Act of 12 December 2013 on foreigners, may undertake and perform **economic activity on the territory of the Republic of Poland on the same principles as Polish citizens**, provided that this Ukrainian citizen obtains a **PESEL number**.

When the stay of the entrepreneur – citizen of Ukraine on the territory of the Republic of Poland ceases to be legal, the entrepreneur is subject to deletion from the Central Register and Information on Economic Activity.

– **RIGHTS TO BENEFITS:**

A citizen of Ukraine residing in the territory of the Republic of Poland, whose stay in the territory of the Republic of Poland is considered legal pursuant to Article 2(1) or (2) of the Special Act, is entitled to:

- 1) **family benefits** referred to in the Act of 28 November 2003 on family benefits,
- 2) **child benefit** referred to in the Act of 11 February 2016 on State aid in the upbringing of children, if they reside with children in the territory of the Republic of Poland,
- 3) **“Good Start” benefit** referred to in the regulations issued on the basis of Article 187a of the Act of 9 June 2011 on Family Support and Foster Care, if they reside with children on the territory of the Republic of Poland,
- 4) **family care capital** referred to in the Act of 17 November 2021 on family care capital, if they reside with children on the territory of the Republic of Poland,
- 5) **subsidies to reduce the parent’s fee for the stay of the child in a day nursery, children’s club or with a day carer**, referred to in Article 64c(1) of the Act of 4 February 2011 on the care of children aged up to 3 years, if they reside with children on the territory of the Republic of Poland



– respectively in accordance with the conditions and procedures laid down in those provisions, with the exception of the condition of having a residence card with the remark “access to the labour market”.

When determining the right to family benefits depending on the income criterion, a family member who, according to the declaration of the person applying for these benefits, does not reside in the territory of the Republic of Poland, shall not be taken into account.

The temporary guardian of the child is also entitled to benefits or subsidies for the child.

6) cash and non-cash benefits from social assistance

A citizen of Ukraine residing on the territory of the Republic of Poland, whose stay on this territory is considered legal pursuant to Article 2(1) or (2) of the Special Act, and who has been entered into the PESEL register, may be granted cash and non-cash benefits, on the principles and in the mode defined by the Act of 12 March 2004 on social assistance.

A citizen of Ukraine legally residing on the territory of the Republic of Poland, whose family member has returned to the territory of Ukraine, may be granted cash and non-cash benefits, on the principles and in the mode defined by the Act of 12 March 2004 on social assistance.

7) single cash benefit of PLN 300

A citizen of Ukraine whose stay on the territory of the Republic of Poland is recognised as legal pursuant to Article 2(1) or (2) of the Special Act and who has been entered in the PESEL register is entitled to assistance in the form of a single cash benefit of PLN 300 per person, intended for subsistence, in particular to cover expenditure on food, clothing, footwear, personal hygiene products and housing fees. The competent authority for the single cash benefit is head of the commune or mayor of the town or city with relevant to the place of stay.

– RIGHT TO MEDICAL CARE

A citizen of Ukraine, whose stay in the territory of the Republic of Poland is considered legal pursuant to Article 2(1) or (2) of the Special Law, is entitled to medical care provided on the territory of the Republic of Poland covering health care services under the rules and within the scope in which persons covered by obligatory or voluntary health insurance are entitled on the basis of the Act of 27 August 2004 on health care services financed from public funds, excluding health resort treatment and rehabilitation, as well as administration of medicinal products issued to beneficiaries under health policy programmes of the minister competent for health care.

– OTHER TYPES OF ASSISTANCE:

psychological aid, food aid, support for the disabled

A citizen of Ukraine residing on the territory of the Republic of Poland, whose stay on this territory is considered legal pursuant to Article 2(1) or (2) of the Special Act:



- may be provided with free psychological assistance, provided by the head of the municipality, mayor of the town or city, competent for the place of residence of the Ukrainian citizen,
- may be granted food aid under the European Aid Fund for the Most Deprived.

There is also a possibility to allocate the resources of the State Fund for Rehabilitation of Persons with Disabilities, referred to in Article 47 of the Act of 27 August 1997 on professional and social rehabilitation and employment of persons with disabilities, for activities addressed to the above-mentioned Ukrainian citizens, on the basis of programmes approved by the Supervisory Board of the State Fund for Rehabilitation of Persons with Disabilities.

– OTHER PROVISIONS OF THE SPECIAL LAW

The special law also provides for a number of solutions concerning education, upbringing and care of children and pupils who are citizens of Ukraine, access to higher education, access to certain professions, and many solutions of an organisational nature.

11. TEMPORARY RESIDENCE PERMIT pursuant to Article 38 of the Special Law

A citizen of Ukraine, whose stay on the territory of the Republic of Poland is or was considered legal on the basis of Article 2(1) or (2) of the Special Act, **shall, upon their application, be granted a one-off temporary residence permit, for a period of 3 years**, counting from the date of issuance of the decision.

In the scope not regulated by the Special Act, the provisions of the Act of 12 December 2013 on foreigners shall apply to the above-mentioned temporary residence permit.

A citizen of Ukraine **shall be refused** this temporary residence permit if:

- 1) this is required for reasons of defence or national security or the protection of public safety and order;
- 2) personal data of a citizen of Ukraine are on the list of foreigners whose stay in the territory of the Republic of Poland is undesirable;
- 3) the Ukrainian citizen has applied for this permit after failing to observe the maximum period of time referred to below.

No circumstances other than those listed above shall be considered in the procedure for granting a temporary residence permit.

The citizen of Ukrainian shall submit **application** for this special temporary residence permit **no earlier than after the expiry of 9 months from the date of entry referred to in Article 2(1) or (2) of the Special Law and no later than within 18 months from 24 February 2022**. An application submitted before the expiry of 9 months from the date of entry shall be left by the voivode without consideration.

A temporary residence permit is granted by the voivode competent for the place of stay of the Ukrainian citizen on the day the application is submitted. A change in the place of residence of a citizen of Ukraine does not affect the local jurisdiction of a voivode in this case.



The above-mentioned temporary residence permit **shall be withdrawn from** a citizen of Ukraine if this is required by reasons of state defence or security, protection of public security and order, or the entry of the citizen of Ukraine's personal data to the list of foreigners whose stay in the territory of the Republic of Poland is undesirable.

The decision of the voivode on granting or revoking the above-mentioned temporary residence permit is final.

A citizen of Ukraine who has been granted the above-mentioned temporary residence permit is **entitled to work** in the territory of the Republic of Poland without the need to have a work permit.

12. SPECIAL RULES EXTENSION OF THE LEGAL STAY of the citizens of Ukraine staying in Poland (Articles 42 and 44 of the Special Act) and additional RIGHTS

NATIONAL VISAS

If the last day of the period of stay of a citizen of Ukraine in the territory of the Republic of Poland on the basis of a **national visa** falls within the period from 24 February 2022, **the period of stay on the basis of this visa and the period of validity of this visa shall be extended by law until 31 December 2022.**

No new visa sticker will be placed to the travel document of a Ukrainian citizen. Such a national visa, during the period of extension and the period of validity, **does not entitle its holder to cross the border.** However, these solutions will not apply to drivers who are citizens of Ukraine and perform international road transport within the meaning of Article 4 point 2 of the Act of 6 September 2001 on road transport or non-commercial international road transport within the meaning of Article 4 point 6 of this act.

TEMPORARY RESIDENCE PERMIT

If the last day of the period of validity of a **temporary residence permit** granted to a citizen of Ukraine falls within the period from 24 February 2022, the period of validity of this permit shall be **extended by law until 31 December 2022.**

ENTRY PERMIT INTO THE REPUBLIC OF POLAND

The stay of a Ukrainian citizen who has been allowed to enter the territory of the Republic of Poland by the commanding officer of the Border Guard post at the section of the border between the Republic of Poland and Ukraine under Article 32(1) of the Act of 12 December 2013 on foreigners (permission to enter for a period not exceeding 15 days) shall be considered legal for a period of 18 months.

RESIDENCE CARDS AND OTHER DOCUMENTS

If the last day of the validity period of:

- 1) a residence card,
- 2) Polish identity card of a Ukrainian citizen,



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(3) permit for tolerated stay

– issued to a citizen of Ukraine falls within the period from 24 February 2022, it shall be **extended by law for a period of 18 months**.

The renewal of these documents **shall not give rise to the issuance of a new document or its replacement**. The residence card **does not entitle the holder to cross the border** during the period of its renewal.

SHORT-TERM STAYS

If the last day of the permitted period of stay of the citizen of Ukraine in the territory of the Republic of Poland:

1) based on Schengen visa issued by the Polish authority,

2) based on visa issued by another Schengen State,

3) based on a residence permit referred to in Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of 13 June 2002 establishing a uniform format for residence permits issued to third-country nationals (Official Journal of the European Union L 157 of 15 June 2002, p. 1, as amended) issued by a competent authority of another Schengen State or another residence permit issued by an authority of that State entitling to travel within the territory of other States of the Schengen area,

4) under the visa-free travel regime

– falls within the period from 24 February 2022 and **their stay began before that date, their stay in the given territory shall be considered legal for a period of 18 months**.

TIME LIMIT FOR THE CITIZEN OF UKRAINE TO LEAVE THE TERRITORY OF THE REPUBLIC POLAND AND TIME LIMIT FOR VOLUNTARY RETURN

If the time limit for a citizen of Ukraine to leave the territory of the Republic of Poland referred to in Article 299(6) of the Act on foreigners of 12 December 2013 falls in the period from 24 February 2022, it shall be extended by law for a period of 18 months. During the period for which the time limit has been extended, the provisions of Article 99(1)(9), Article 196(1)(5) and Article 213(1)(6) of the Act on Foreigners of 12 December 2013 concerning refusal to initiate proceedings on granting a residence permit shall not apply.

If the time limit for voluntary return referred to in Article 315(1) of the Act of 12 December 2013 on foreigners, specified in the decision on the foreigner's obligation to return issued to a citizen of Ukraine, falls within the period from 24 February 2022, it shall be extended by law for a period of 18 months. During the period for which the time limit has been extended, the provisions of Article 99(1)(8), Article 196(1)(4) and Article 213(1)(5) of the Act on Foreigners of 12 December 2013 concerning refusal to initiate proceedings on granting a residence permit shall not apply.

WORK



A citizen of Ukraine **legally residing** in the territory of the Republic of Poland is entitled to work in the territory of the Republic of Poland during the period of stay in accordance with the applicable regulations – if the **entity entrusting** work to such a Ukrainian citizen **notifies, within 14 days from the date of** starting the work by the Ukrainian citizen, the district labour office competent for the seat or place of residence of the entity about entrusting work to that citizen. **The notification is made via the IT system: praca.gov.pl.**

The minister competent for labour may determine, by means of an ordinance, the number of Ukrainian nationals referred to above to whom the entity entrusting work may entrust work, determined in relation to the number of all persons to whom this entity entrusts work, guided by considerations of state security and public order, protection of local labour markets and the principle of complementarity of the employment of foreigners in relation to Polish nationals.

REGISTRATION AND RECOGNITION AS AN UNEMPLOYED PERSON OR A JOBSEEKER

A citizen of Ukraine, legally residing in the territory of the Republic of Poland, may register and be recognised as an unemployed person or a jobseeker, referred to in Article 2(1)(2) or (22) of the Act of 20 April 2004 on the promotion of employment and labour market institutions.

BUSINESS ACTIVITY

A citizen of Ukraine whose stay on the territory of the Republic of Poland is considered legal on the basis of the Act of 12 December 2013 on foreigners (Journal of Laws of 2021, item 2354, as amended), may undertake and perform **economic activity in the territory of the Republic of Poland on the same principles as Polish citizens, provided that this Ukrainian citizen obtains a PESEL number**. When the stay of the entrepreneur – citizen of Ukraine on the territory of the Republic of Poland ceases to be legal, the entrepreneur is subject to deletion from the Central Register and Information on Economic Activity.

II. GRANTING TEMPORARY PROTECTION IN POLAND to foreigners not covered by the Law of 12 March 2022 on assistance to citizens of Ukraine in connection with armed conflict on the territory of the country

Foreigners who do not fall within the scope of the Law on assistance to citizens of Ukraine in connection with armed conflict on the territory of Ukraine, but who are covered by Article 2(1) and (2) of 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 (Official Journal of the European Union L 71, of 4 March 2022, pp. 1–6) may apply for **temporary protection on the territory of the Republic of Poland**, pursuant to the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.



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This applies to the following categories of **Ukrainian citizens, third-country nationals or stateless persons not covered by the Law on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country, who had to leave Ukraine as of 24 February 2022 following the military invasion launched on that date by the Russian armed forces:**

- a) Ukrainian citizens who did not come to the territory of the Republic of Poland directly from the territory of Ukraine and, at the same time, not holding a Card of the Pole,
- b) family members of Ukrainian citizens residing in Ukraine before 24 February 2022, who are not Ukrainian citizens themselves, including:
 - spouse of a Ukrainian citizen who does not have a Card of the Pole, who did not come to the territory of the Republic of Poland directly from the territory of Ukraine,
 - family member of a Ukrainian citizen other than the spouse, who does not have a Card of the Pole,
- c) stateless persons or nationals of third countries other than Ukraine who, before 24 February 2022, enjoyed international protection or equivalent national protection in Ukraine;
- d) family members of persons referred to in point (c),
- e) stateless persons or nationals of third countries other than Ukraine who can prove that before 24 February 2022 they were legally present in Ukraine on the basis of a valid permanent residence permit issued in accordance with the Ukrainian law and who are unable to return to their country or region of origin in safe and sustainable conditions.

The following persons shall be considered as **family members**, provided that the family was already located and residing in Ukraine before 24 February 2022:

- (a) spouse;
- (b) minor and unmarried children or the children of a spouse, regardless of whether they were born in or out of wedlock or are adopted;
- (c) other close relatives who lived together as a single family at the time when the circumstances leading to the mass influx of displaced persons occurred and who were wholly or partly dependent on the above-mentioned person at that time.

DURATION OF TEMPORARY PROTECTION

Temporary protection shall be granted on the basis and within the limits laid down in the decision of the Council of the European Union, for a period specified in each decision.

The duration of the temporary protection is **one year**. If protection is not terminated earlier, this period will be automatically extended for further periods of six months for a maximum of one year if, after one year, the obstacles to the safe return of foreign nationals to their previous place of residence have not disappeared.



CERTIFICATE ATTESTING TO THE USE OF TEMPORARY PROTECTION

The Head of the Office for Foreigners shall issue, upon request and free of charge, a **certificate confirming the use of temporary protection** valid until the date on which the period for which the temporary protection granted according to the decision of the Council of the European Union expires. In the event of an extension of that period under the European Union law, the period of validity of the certificate shall be extended accordingly by law. Such a certificate is an exclusive proof of temporary protection in the Republic of Poland for the above-mentioned persons and during its validity it confirms the right of its holder to stay on the territory of the Republic of Poland.

A foreigner enjoying temporary protection shall be issued a visa free of charge if it is necessary for their entry into the territory of the Republic of Poland.

REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING A TEMPORARY RESIDENCE PERMIT

A foreigner is refused the procedure for granting a temporary residence permit, if on the day of submitting the application they are staying on the territory of the Republic of Poland on the basis of temporary protection.

UNACCOMPANIED MINORS

The Head of the Office for Foreigners shall submit an application for the guardianship of an unaccompanied minor to the court competent for the place of residence of the above-mentioned minor.

Pending the establishment of guardianship by the court, the unaccompanied minor shall be placed in foster care.

ALLOWANCES

A person enjoying temporary protection, to whom a certificate confirming the right to temporary protection has been issued, is provided, upon their request, with medical care and granted assistance by way of accommodation and meals or assistance in the form of a cash allowance. Where it is not possible for the Head of the Office to provide assistance through accommodation and meals, they shall grant a cash allowance. The provision of assistance in the form of a cash allowance takes place in the manner and according to the principles set out in Chapter 5, Section II of the Act on granting protection to foreigners within the territory of the Republic of Poland, concerning assistance to foreigners applying for international protection.

Medical care and assistance shall be provided within the limits of available resources for a period of not less than 2 months, but for no longer than the period of validity of the certificate.

Medical care and assistance shall not be provided in the case of use of social assistance and medical care pursuant to the provisions of Chapter 5, Section II of the Act on granting protection to foreigners within the territory of the Republic of Poland concerning assistance to foreigners applying for international protection.



The Head of the Office for Foreigners shall provide medical care and assistance to a foreigner enjoying temporary protection who performs work or performs economic activity, taking into account the amount of the foreigner's income.

WORK, BUSINESS ACTIVITY, EDUCATION

A foreigner enjoying temporary protection may perform work without a work permit or carry out economic activity in accordance with the principles set out in the Act of 6 March 2018 on the principles of participation of foreign entrepreneurs and other foreign persons in business transactions in the territory of the Republic of Poland.

These foreigners are also entitled to unemployment benefits and other unemployment allowances, as well as access to education and higher education in Poland.

RETURN TO THE COUNTRY OF ORIGIN

The Head of the Office for Foreigners, after the end of the temporary protection period, undertakes actions aimed at allowing the foreigners to return to their country of origin or to the area from which they arrived.

TEMPORARY EU-WIDE PROTECTION

Benefiting from temporary protection in the Republic of Poland does not exclude the possibility of obtaining temporary protection in the territory of another EU Member State by persons covered by) of 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 (Official Journal of the European Union L 71 of 4 March 2022, pp. 1–6), depending on the capacity of States to accommodate transferees. The new receiving EU Member State shall assume the obligations arising from the temporary protection of the person concerned.