Ukrainian Refugees in Poland: Between Reception and Integration¹

Aleksandra Mężykowska², Anna Młynarska-Sobaczewska³

Abstract

The outbreak of full-scale Russian aggression against Ukraine on 24 February 2022 initiated a long-term and unprecedented exodus of Ukrainian citizens. By the end of 2002, 3.8 million Ukrainians had crossed the border into Poland, and some 1.4 million Ukrainian refugees were staying in Poland. In our report, we briefly present the main legislative efforts made by the Polish authorities to regulate the legal status of incoming Ukrainians fleeing their country. We also identify the main obstacles and challenges faced by the Polish government and society in connection with the social integration of Ukrainians in Poland. From today's perspective, it is clear that there were several shortcomings in the humanitarian response and assistance, which weakened the social anchorage of Ukrainians and explain why only 30% of Ukrainian IDPs who found refuge in Poland chose to stay.

Key Words:

Ukrainian refugees, Polish migration policy, humanitarian response, social integration, refugee settlement

1 Introduction

The outbreak of full-scale Russian aggression against Ukraine on 24 February 2022 initiated a long-term and unprecedented exodus of Ukrainian citizens. By the end of 2002, 3.8 million Ukrainians had crossed the border into Poland, and some 1.4 million Ukrainian refugees were staying in Poland (Urząd ds. Cudzoziemców, 2023a; Urząd ds. Cudzoziemców, 2023b). It is estimated that prior to the outbreak of war, there were approximately 2 million Ukrainians residing in Poland on various terms: legal residence, international protection or short stay (including the visa-free regime) (Personnel Service, 2024; Łodziński, 2022).

However, there is a clear downward trend: according to data from the Ministry of the Interior and Administration, there are more than 1.5 million Ukrainian citizens in Poland, of whom 988,000 fled the war and are enjoying temporary protection in Poland (Sejm, 2024). It is still quite difficult to estimate the number of Ukrainians living temporarily or permanently in Poland, due to the enormous number of arrivals and departures across

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² Dr. Aleksandra Mężykowska is an associate professor of law at the Institute of Law Studies, Polish Academy of Sciences, Warsaw, Poland.

³ Dr. Anna Młynarska-Sobaczewska is a professor of law at the Institute of Law Studies, Polish Academy of Sciences, Warsaw, Poland.

the Ukrainian-Polish border: 18.8 million border crossings were recorded by the Border Guard towards Poland from 24 February 2022 to 1 February 2024. Initially, just after the beginning of the full-scale aggression, up to 140,000 people crossed the border each day. In February 2024, these numbers stood at around 18,000 people per day (Border Guard Statistics, 2024). This is a migration of unprecedented proportion for this part of the world. Its scale is eight times greater than the total number of migrants to Europe during the 2015 migration crisis.

According to Eurostat (2024), at the end of October 2024, about 4.2 million Ukrainians had temporary protection status in the EU. Germany had the highest number of beneficiaries of temporary protection from Ukraine (1,140,705 people; 27.2% of the EU total). Around 23% of them (983,880) had found refuge in Poland. In third place was Czechia, which was sheltering 379,370 Ukrainian citizens (9.0%) (Eurostat, 2024).

According to publicly available data, the number of Ukrainian nationals seeking refuge in different European countries is constantly changing, because of both flows between countries and returns to Ukraine. This phenomenon also applies to Poland. Despite the unprecedented arrival in the first months of 2022, a significant number of Ukrainian refugees have decided not to stay in Poland, even though (as is briefly presented in the next section) the Polish authorities have made enormous efforts to allow refugees to adapt smoothly to Polish society.

In our report, we briefly present the main legislative efforts made by the Polish authorities to regulate the legal status of incoming Ukrainians fleeing their country. We also identify the main obstacles and challenges faced by the Polish government and society in connection with the social integration of Ukrainians in Poland over the last two and a half years.

2 Domestic Legislative Response to the Massive Influx of Ukrainian Refugees into Poland

The legal framework in Poland for protecting persons displaced from Ukraine because of war consists of various but complementary elements (Górny et al., 2017). The full-scale Russian aggression against Ukraine, which began on 24 February 2022, led to the activation, for the first time in history, 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 ("the 2001 Temporary Protection Directive"), which sets the minimum standards for giving temporary protection in the event of a mass influx of displaced persons. The Directive was implemented in Polish law through the Act of 13 June 2003 on granting protection to foreigners") in the way of introducing an institution of "temporary protection". The Act on granting protection to foreigners regulates in general the legal status of foreigners in Poland and different forms of protection that can be granted to them (international and domestic).

The Directive was first activated in 2022 – in response to the influx of millions of people fleeing the war in Ukraine into the European Union. On 4 March 2022 the Council of the EU adopted Implementing Decision 2022/382 (the "Implementing Decision"), the object

of which was to introduce temporary protection for certain groups (mainly Ukrainian nationals residing in Ukraine) who were displaced on or after 24 February 2022 as a result of the military invasion by Russian armed forces that began on that date. The Implementing Decision specifies the categories of persons fleeing Ukraine who could benefit from the special provisions of the 2001 Temporary Protection Directive. The Directive grants certain rights to those it covers by imposing obligations on states to provide them with housing, social and medical assistance and the right to work and education (Articles 12–14 of the Directive).

Despite the Council adopting the Implementing Decision, which activated temporary protection, the Polish authorities decided to regulate the legal status of displaced persons from Ukraine. The Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of Ukraine (the "Special Act") established a national form of temporary protection ("UKR temporary protection"), under which eligible claimants may be granted "UKR foreigner status". The Special Act was adopted on 12 March 2022, but it entered into force retroactively on 24 February 2022. Notably, the Act was passed without any societal controversies or political opposition: 439 out of 460 deputies voted in favor of the Act.

The last element of the legal framework for protecting persons fleeing Ukraine is the provisions regulating refugee status as guaranteed in national regulations implementing the provisions of the 1951 Geneva Convention Relating to the Status of Refugees and the New York Protocol Relating to the Status of Refugees of 31 January 1967 (Fermus-Bobrowiec et al., 2016). As a result, three protection regimes are in force simultaneously in Poland (Klaus, 2022):

- procedure for granting temporary protection under the 2001 Temporary Protection Directive
- procedure for granting "UKR foreigner status"/ "UKR temporary protection" under the Special Act
- procedure for granting refugee status (international protection).

A separate procedure must be started in order to obtain any of these forms of protection. All three procedures are available for persons who left Ukraine, provided that they fulfil the requirements specified in the relevant domestic provisions. However, the three legal regimes differ in the personal and material scope of protection.

According to the Implementing Decision the following groups of people can benefit from protection under the 2001 Temporary Protection Directive:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022
- (b) 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
- (c) family members of the persons referred to in points (a) and (b).

The Implementing Decision also mandates that States shall apply either this Decision or adequate protection under their national law towards 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 lasting conditions to their country or region of origin.

Under the provisions of the Special Act the group of potential beneficiaries is narrower and includes only the following groups:

- a) Ukrainian citizens who came to Poland from Ukraine (not necessarily directly, but also passing through other countries) due to the warfare⁴
- b) spouses of Ukrainian citizens who are not of Ukrainian nationality (and do not have Polish or any other European Union Member State citizenship) and who came to Poland from Ukraine due to the warfare
- c) Ukrainian nationals with a "Pole's Card"⁵ who fled to Poland due to war (who did not necessarily come from Ukraine, but may have previously been residents of other countries, e.g. Russia or Belarus)
- d) 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)
- e) 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)
- f) children born in Poland to mothers referred to in point a).⁶

The requirements that must be fulfilled to be granted protection under refugee status are provided for in Article 13 of the Act on granting protection to foreigners; according to them a foreigner is granted refugee status if, as a result of a well-founded fear of persecution in their country of origin on account of race, religion, nationality, political opinion or membership of a particular social group, they are unable or unwilling to avail themselves of the protection of that country.

⁴ The originally envisaged requirement of the need for "direct" entry was removed from the wording of the Special Act by its first amendment, dated 23 March 2022, with retroactive effect from 24 February 2022 (Ustawa z dnia 23 marca 2022 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa [Act of 23 March 2022 amending the law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that country] [Journal of Laws of 2022, item 683]).

⁵The Pole's Card is a document confirming that a foreigner is a member of the Polish nation. It does not grant to the foreigner Polish citizenship, the right of temporary or permanent residence in Poland nor the right to cross Poland's borders without a visa. According to the 2007 Act on the Pole's Card, it may be granted to a person who demonstrates Polish nationality, connection with Poland through at least a basic knowledge of the Polish language and familiarity with and cultivation of Polish traditions and customs, and who submits a written declaration of affiliation with the Polish nation. Ukrainian citizens may apply for a Pole's Card on the territory of Poland, and not, as in the previous legislation, only at Polish consulates abroad (Ustawa z 7 września 2007 r. o Karcie Polaka [Act of 7 September 2007 on the Pole's Card] [consolidated text, Journal of Laws of 2023, item 192]).

⁶ Article 1(1) of Ustawa z 15 maja 2024 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 15 May 2024 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other laws] (Journal of Laws of 2023, item 854).

A simple comparison of the personal scope of these provisions demonstrates that under the Special Act *de facto* only Ukrainian citizens, their spouses and minor children who fled from the territory of Ukraine can enjoy the national form of temporary protection. Other groups mentioned in the Implementing Decision – e.g. refugees, stateless persons, other (than spouses and minor children) family members without Ukrainian citizenship – can benefit only from the temporary protection defined in the Act on granting protection to foreigners in conjunction with the Implementing Decision. Additionally, it can be generally concluded that persons fleeing from Ukraine – regardless of their nationality – will fulfil the prerequisites for being granted refugee status in Poland.

As a result of the above-mentioned provisions, persons fleeing Ukraine can be divided into at least two, if not three protected groups (considering that they can also apply for international protection), which enjoy different levels of protection. It will be interesting to look at the statistics for granting protection to these three groups.

With regard to granting international protection in Poland in connection with the war in Ukraine, it should be taken into account that persons who have left Ukraine and applied for refugee status may be of very different nationalities, especially considering the fact that Ukrainian citizens may apply for a different protection status (as the data below show, primarily UKR foreigner status). There are no publicly available data indicating exactly how many persons who have been granted refugee status in Poland arrived in Poland as a result of the hostilities in Ukraine. General data on the granting of refugee status is as follows:

In 2022, 9,900 foreigners applied for international protection in Poland (approximately 28% more than in 2021). These were mostly citizens of the following countries: Belarus (3,100), Russia (2,200), Ukraine (1,800), Iraq (600) and Afghanistan (400). Almost 5,000 foreigners met the conditions for international protection. They were mainly citizens of Belarus (3,600), Ukraine (1,000) and Russia (100). The proceedings concerning 4,100 individuals, on the other hand, were discontinued. These mainly concerned citizens of Iraq (1,200), Russia (900) and Ukraine (500). Cases are discontinued, for example, when the foreigner leaves Poland before a decision is issued or withdraws their application (most often in the case of Ukrainian citizens) (Urząd ds. Cudzoziemców, 2022).

In 2023, the number of applications for international protection filed in Poland was 4% lower than in 2022. The largest number of refugee applications came from citizens of the following countries: Belarus (3,700), Ukraine (1,800), Russia (1,800), Turkey (300) and Egypt (200). Among them, 4,600 foreigners met the conditions for international protection. They were mainly citizens of Belarus (2,900), Ukraine (1,100) and Russia (200) (Urząd ds. Cudzoziemców, 2023a).

In 2024, 17,000 foreigners had applied for international protection in Poland. The most numerous groups of applicants were citizens of Ukraine and Belarus. The number of applications for international protection was approximately 80% higher (+5,500 persons) than in 2023. The largest number of cases concerned citizens of Ukraine (7,000), Belarus (3,900), Russia (1,000), Somalia (600) and Eritrea (600). The conditions for international protection were met by 4,800 foreigners. They were mainly citizens of Ukraine (3,900), Belarus (2,600) and Russia (200) (Urząd ds. Cudzoziemców, 2025).

During the refugee procedure, foreigners may benefit from social assistance (e.g. accommodation, food and medical care) provided by the Office for Foreigners and

education (e.g. learning the Polish language). They have a choice of staying in a center for foreigners or living on their own outside the centers with financial assistance from the Office. As of 30 September 2024, 6,200 foreigners benefited from social assistance, of whom almost 900 were staying in centers for foreigners (Otwarte dane, 2024a).

The above data – presented in detail due to the impossibility of distinguishing refugees from Ukraine on the basis of their nationality – should be juxtaposed with the number of persons who opted for temporary protection, either domestic or under European law. According to publicly available data, as of 10 December 2024 987,781 persons enjoyed temporary protection UKR under the Special Act (Otwarte dane, 2024b). According to data obtained from the Office for Foreigners in the framework of the procedure of accessing to public information, as of 1 December 2024, 1,451 persons were granted temporary protection under Polish law in conjunction with the Implementing Decision (temporary protection under European law).⁷ These figures give a good indication of which legal regime was of most interest to refugees from Ukraine.

In light of this, it is important to look at what rights have been granted to those enjoying UKR foreigner status. The Special Act has a very broad material scope of regulation; there are provisions concerning:

- legalization of stay of Ukrainian citizens who arrived in the territory of Poland after 24 of February 2022
- extending the period of legal residence for citizens of Ukraine that were in Poland before the war
- the employment and business activities of Ukrainian citizens, including provisions on the status of academic teachers or researchers entering from Ukraine and special employment conditions for practitioners of certain professions (medicine, dentistry or psychology)
- social insurance
- social and family benefits
- access to the health care system
- access to education, in particular care of children and students, including access to higher education
- other fields.

The Act has been amended for various reasons 27 times between 12 March 2022 and the end of the third quarter of 2024 (13 in 2022, 7 in 2023 and 7 in 2024). The first goal of these amendments was to mitigate the shortcomings and react to the criticism identified by NGOs and other institutions actively involved in assisting the injured Ukrainian population, mainly concerning certain gaps in the scope of persons eligible for protection. As indicated above not all groups indicated in the Implementing Decision could benefit from the assistance specified in the Special Act. At the time of its original enactment, the law offered protection mainly to Ukrainian citizens and their spouses. Other family members, including children of Ukrainian citizens who were not Ukrainian citizens, were, in principle, excluded from the scope of this law. From 1 July 2024, the protection under the Special Act was extended to include:

⁷ Response of 18 December 2024 from the Office for Foreigners to the author's request of 13 December 2024.

- minor children of Ukrainian citizens (regardless of their citizenship)
- minor children of spouses of Ukrainian citizens.

The second aim of the amendments was to limit (over time) certain benefits provided at the beginning of the protection period. In 2023, the authorities introduced a requirement for Ukrainian citizens to contribute to the costs of food and accommodation provided directly by the state and set the maximum duration of assistance.⁸ Subsequently, the authorities abolished the benefit (the so-called "40 złoty+") paid to persons who decided to take in Ukrainian refugees and provide them with food and accommodation.⁹

The third objective was to improve the monitoring of granting benefits. One of the most important mechanisms introduced into the regulations was to link social benefits for children to compulsory education. Since 1 July 2024, benefits are only paid if parents can prove that their child is attending school.¹⁰

The fourth reason for adopting the amendments was the reality that there are no real prospects of an end to the conflict in the foreseeable future, that some of those who have benefited from temporary protection are interested in a permanent settlement of their status and that the State cannot finance the benefits indefinitely. As of 1 April 2023, Ukrainian citizens who have a PESEL number (personal ID number) with UKR status can apply for temporary residence permits for the purposes of work or business. The solution is optional and aimed at people who feel confident on the Polish labor market and decide to resign from temporary protection status.¹¹ On 1 July 2024, another amendment came into force, which introduced a new path for legal residence for Ukrainian citizens under temporary protection: the possibility of obtaining a residence card valid for 3 years if the following conditions are met:

- UKR status on 4 March 2024
- UKR status on the date of applying for the residence card

⁸ Article 1(8) of Ustawa z dnia 13 stycznia 2023 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 13 January 2023 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other acts] (Journal of Laws of 2023, item 185).

 ⁹ Ustawa z 15 maja 2024 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 15 May 2024 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other laws] (Journal of Laws of 2023, item 854).
 ¹⁰ Article 26(1)(2), as amended by Article 1(22)(a) of Ustawa z 15 maja 2024 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 15 May 2024 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other laws] (Journal of Laws of 2023, item 854).

¹¹ Article 1(21)(g) of Ustawa z dnia 13 stycznia 2023 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 13 January 2023 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other acts] (Journal of Laws of 2023, item 185).

uninterrupted UKR status for at least 365 days.¹²

The newly introduced procedure for granting residence cards is simplified, as the office examining the request will not have to examine the prerequisites customarily required for granting temporary residence permits, such as being employed, having a place of residence, etc. (Grześkowiak, 2024). The residence card can only be refused on the following enumerative stated grounds:

- failure to meet the conditions referred to in Article 42c (e.g. a Ukrainian citizen who did not have UKR status on 4 March 2024)
- a citizen of Ukraine currently named on the list of foreigners whose residence in the Republic of Poland is undesirable
- a citizen of Ukraine listed in the Schengen Information System for the purpose of refusing entry and stay
- reasons of defense, state security or public safety and an order requiring refusal to issue a residence card
- non-payment of the fee for issuing a residence card
- non-payment of the stamp duty for granting a temporary residence permit.¹³

Although the regulations formally entered into force on 1 July 2024, the authorities have not yet put in place an electronic system to process them, so no data is available. It should be noted that so far Ukrainians have been relatively eager to regularize their legal status in Poland with a temporary residence permit, permanent residence permit or long-term EU residency. In 2022, 213,298 persons received positive decisions for a temporary stay, 7,614 persons for permanent stay and 6,589 for long-term EU residence; in 2023 the respective figures were 199,848 persons, 9,326 persons and 8,054 persons and in 2024 (until 31 July 2024) there were 190,529 persons, 7,603 persons and 13,543 persons, respectively (Urząd ds. Cudzoziemców, 2024b). The acquisition of temporary residence status removes the possibility for a Ukrainian citizen to exercise their rights deriving from residence status under Article 2(1) of the Special Act.

3 Demographic Structure and Declining Number of Ukrainian Refugees in Poland

Prior to February 2022, there were significant numbers of Ukrainian migrant workers in Poland, especially in professions where it is difficult to find suitable workers. In 2021 almost 300,000 Ukrainians were legally staying in Poland (on the basis of a temporary residence permit, permanent residency or long-term EU residency) (Urząd ds. Cudzoziemców, 2024b), while according to Deloitte, an estimate of about 1.5 million

¹² Article 1(33) of Ustawa z 15 maja 2024 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 15 May 2024 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other laws] (Journal of Laws of 2023, item 854).
¹³ Article 1(33) of Ustawa z 15 maja 2024 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw [Act of 15 May 2024 amending the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country and certain other laws] (Journal of Laws of 2023, item 854). This article introduced into the Special Act a new article – Article 42(e) – which contains the grounds for refusing to issue a card as indicated above.

Ukrainians were staying in Poland for economic purposes (Deloitte, 2022). This group, which should be described as economic migrants, was quite well received in Poland, even though most of them did not have residence permits and made use of the free visa regime (Łaźniewska et al, 2024). The attitude of the Polish population towards them was mostly neutral or favorable. Ukrainians already living in Poland became an important source of support for the refugees in 2022.

A survey commissioned by the National Bank of Poland and published in 2023 shows that a majority of Ukrainian citizens in Poland are women: about 68% of the total number of respondents (Narodowy Bank Polski, 2023). The predominance of women is even more pronounced among adult refugees (78%) (Urząd ds. Cudzoziemców, 2023b). Among both pre-war migrants and refugees, half of the respondents were between 27 and 44 years of age, i.e. the prime age for family-starting and peak professional activity. Among refugees, on the other hand, the proportion of older people – those who would not normally decide to migrate – is significantly higher (9% are aged 60+).

The education of refugees was also investigated in this survey. The proportion of Ukrainian citizens with a higher education is 42% among pre-war migrants and 48% among refugees. A further 43% of refugees and 38% of pre-war migrants have a secondary education. In both sub-groups of interviewees, one person in five had a primary or vocational education (Narodowy Bank Polski, 2023).

These figures are important because Poland is one of the countries facing a severe demographic crisis and labor shortages in many sectors. Therefore, the mass migration and sheltering of refugees from a neighboring country was a great opportunity for Poland to improve its labor market and demographic structure but it only partially succeeded. However, current figures show that there are as many Ukrainians in Poland today as there were before the war, which means that most of them have left Poland, despite the enormous efforts of the authorities and Polish citizens (Polski Instytut Ekonomiczny, 2022)¹⁴ and the special legal conditions created for Ukrainian refugees.

It is important to remember that the two groups of Ukrainian citizens – pre-war migrants and people displaced by war – currently in Poland and other European countries are very different. The war refugees came to Poland because of the threat of war, the destruction of their homes and a fear of military action and terror. The migrants have sought (and continue to seek) better living conditions in Poland and other European countries. Over time, this distinction has become blurred due to the prolonged war, but it is important to remember that the motivations and therefore the attitudes towards a prolonged stay outside one's home country also differ. However, there is no doubt that economic factors influence migrants' plans for their future in Poland. Such factors include inadequate work and income, as well as lack of social rooting in education and housing.

4 Key Challenges for Refugee Assistance

Some of the most important factors in ensuring the integration of refugees into society are the opportunity to study, work and find housing. The following sections provide a brief

¹⁴ Citizens and the authorities acted spontaneously, providing ad hoc humanitarian aid and trying to take care of people who had no shelter, no livelihood and often no travel documents. According to data, 77 per cent of adult Poles have been involved in helping Ukrainian refugees since the Russian aggression.

description of the legislation and practice in these areas, which we believe are key to the integration of Ukrainians in their host countries.

4.1 Work – Requirements and Exemptions

According to Article 22 of the Special Act, all Ukrainian citizens (both those who arrived after 24 February 2022 and those who lived in Poland before that date) have the right to work in Poland if they are legal residents of Poland. They may also engage in economic activities on the same principles as Polish citizens, provided that they formally register and obtain an identification number, the so-called PESEL UKR (Art. 23). Ukrainian citizens legally residing on the territory of Poland may also register and be recognized as unemployed or as seeking employment (Art. 22(1)(1) of the Special Act). The employment rate of refugees in Poland is the highest among OECD countries at 65% (the lowest employment rates are in Germany (18%), Switzerland (19%) and Italy (19%) (Zyzik, et al., 2023).

The Special Act grants special exemptions to professionals working in professions that require specific national recognition of qualifications. This applies particularly to professionals working in medicine. According to Art. 61, a citizen of Ukraine who has qualified as a physician or dentist may be authorized to practice the profession of physician or dentist for a period of 32 months¹⁵ and may be granted the conditional right to practice these professions if they fulfil the conditions specified in the Act on the professions of physician and dentist.¹⁶

Similar exemptions were provided for psychologists: starting 24 February 2022, according to Art. 64a of the Special Act, psychologists from Ukraine have been able to provide psychological services 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). Ukrainian citizens may work as nurses and midwives in Poland under similar conditions and for the same period (Article 64). In practice, however, a significant obstacle to practicing these professions has been the lack of knowledge of the Polish language – the same reason is reported as an obstacle to Ukrainians obtaining healthcare (Biesiada et al., 2023).

Such exemptions from regular Polish requirements also applies to persons working in regulated professions in mining (Art. 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 to hold a competition (mandatory for Polish academic teacher at a higher education 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 they have the required professional title, academic degree and relevant qualifications (Art. 47). This applies to Polish citizens who have worked in Ukraine as well as to Ukrainian academics.

In practice, however, there were some problems with the implementation of these exemptions. Applications by doctors and medical staff to the Ministry of Health have been

¹⁵ This period has been extended several times due to subsequent amendments; the original period was 18 months.

¹⁶ Act of 5 December 1996 on the profession of physician and dentist (consolidated text, Journal of Laws of 2002, no. 76, item 1673, as amended).

subjected to lengthy procedures, and medical chambers have protested against doctors being entitled to practice, particularly on the grounds of their poor use 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 notification 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. If they do not pass the LEW during this period, they will not be able to continue working in Poland after the 32-month period.

However, the most important aspect of work for Ukrainians in Poland is of a different kind and has a much broader scope: 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 (NBP), 36% of pre-war migrants and 28% of post-war migrants say they spend 50% of their income on living expenses. But up to 19% of migrants and up to 34% of refugees spend up to 80%–100% of their income on current needs.

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 (Narodowy Bank Polski, 2023).

According to the NBP survey, people who run their own business and those who have a stable job are also likely to declare an intention to return to Ukraine soon (36% and 43% of pre- and post-war migrants, respectively). Almost as many people (around 40% of those surveyed) who do not have a job or are employed on a casual basis intend to return to Ukraine (Narodowy Bank Polski, 2023). In these sub-groups, however, the number of those determined to return is less than half. In turn, persons who are not economically active are more likely to want to return to Ukraine (62%), which reflects their more difficult living situation in Poland. The most numerous age group among these people is the over-60s.

The second issue is working in jobs that do not match 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 not 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 (Wrona, 2019).

4.2 Education – Opportunities and the Right to Choose

The right to education for foreign pupils is guaranteed by the Polish Constitution, which stipulates that education up to the age of 18 is compulsory (Art. 70(1)), and the public authorities ensure universal and equal access to education for everyone (Jarosz-

Żukowska & Żukowski, 2014).¹⁷ The right to education is also guaranteed by international documents, including Article 2 of the Additional Protocol of 20 March 1952 to the European Convention on Human Rights, which is part of the Polish legal order. The right to education, including free compulsory education and the freedom to found educational establishments, is also provided for in Article 14 of the 2000 Charter of Fundamental Rights of the European Union (Kierznowski, 2016). The Education Act of 14 December 2016 fulfils these state duties to ensure education and regulates conditions regarding access to education and the terms and conditions for people coming from abroad. Pursuant to Article 165 of the Act, children who are not Polish citizens are entitled to education and care in public and non-public kindergartens; compulsory education and care in functions applicable to Polish citizens (Article 165(1)); and education and care in public post-primary schools under the conditions applicable to Polish citizens until they reach the age of 18 or graduate from a post-primary school (Article 165(2)).

Ukrainian children and adolescents who fled the war in Ukraine were then granted full rights to education under Polish law from the beginning of their stay, and a system to facilitate their learning in Polish schools was created. The Special Act then introduced some specific regulations for the education, upbringing and care of children and pupils who are citizens of Ukraine, including support for local self-government in the implementation of education, in particular special preparatory and Polish language classes.

For children from Ukraine, however, one clear difference was introduced in the legislation to distinguish their status from other foreign children. Ukrainian children were exempted from compulsory education in the sense that they do not have to attend Polish educational institutions. The Special Act granted Ukrainian children the right – but did not impose an obligation – to attend school. Pursuant to §15 of the Regulation of the Minister of Education and Science of 21 March 2022 (the Act issued on the basis of the Special Act).¹⁸ Ukrainian children who received education in a kindergarten or school operating in the Ukrainian education system using distance learning methods and techniques were not subject to compulsory schooling. Parents or guardians needed to submit a declaration to the local authorities that the pupil was entitled to continue remote education in the Ukrainian schools. Such declarations and actual learning were very difficult to verify. According to data from the Educational Information System, as of February 2024 there were approximately 141,500 Ukrainian pupils in primary schools across Poland, of which 110,500 were children and adolescents who had arrived from Ukraine after the outbreak of the war. There were 16,000 Ukrainian pupils in secondary schools, of which 9,600 had

¹⁷ The obligation to ensure that everyone has access to education derives from many instruments of international law, such as Article 26 of the 1948 Universal Declaration of Human Rights, followed by Article 13 of the 1966 International Covenant on Economic, Social and Cultural Rights (ratified by Poland in 1977). These guarantee everyone the right to free, compulsory and accessible primary education and access to, as far as possible, free secondary and tertiary education. The right to free, compulsory and accessible education for every child is also guaranteed by Article 28 of the 1989 Convention on the Rights of the Child.

¹⁸ Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care for children and young people who are citizens of Ukraine (Journal of Laws of 2022, item 645).

arrived since February 2022 (Portal Samorządowy, 2024). However, as indicated above, 293,229 children of school age, i.e. up to the age of 18, had been registered under the UKR PESEL number by November 2023. Meanwhile, Ukrainian children between the ages of 10 and 18 enrolled as Polish pupils represented only 49% of the registered Ukrainians in this age (Save the Children et al., 2024). It was very difficult to reliably determine how many children were not attending Polish schools and how many had already left the country, returning to Ukraine or migrating to other countries. Thus, it was difficult to assess how many pupils had initially enrolled in the Polish education system, but either never attended or dropped out. There was no structured system for comprehensively monitoring Ukrainian teenagers out of school, and the movement of the population and the possibility of remote learning, the lack of information from teachers on the reasons for children's absence and the lack of effective measures to address their absence during the school year all contributed to this difficulty. Based on official data, it was estimated that the number of children and adolescents out of school was over 111,500 (Save the Children et al., 2024), while the data compiled by the Ministry of Science in consultation with the Ukrainian authorities showed that the number of children who remained in Poland and were not subject to compulsory education in Polish schools was estimated at only 60,000 pupils. Surveys among Ukrainian adolescents showed that the majority of Ukrainian adolescents (around 80%) chose Ukrainian schooling over Polish schooling because they were hoping to return to their country and continue their education in Ukraine. Undoubtedly, this attitude was also influenced by the language barrier, having missed part of the school year, cultural barriers among their peers, formalities when recruiting to Polish schools and transferring grades from Ukrainian ones (Sroka, 2024).

On 1 September 2024, according to the amendment of 26 August 2024 to the Regulation of the Minister of Education on the organization of education, upbringing and care for children and adolescents who are citizens of Ukraine, children from Ukraine residing in Poland became subject to compulsory education. Additionally, the families of those children who do not attend Polish schools will lose the "800+" benefit. The Ministry of Education estimated that 60,000 to 80,000 refugee children would join Polish schools in September 2024. In the end, however, only 20,000 additional pupils enrolled, and this corresponds to the number of children for whom the "800+" allowance is paid. It is still unknown why these estimates are so different and, in fact, where a large number of "lost" Ukrainian children are (according to the Ministry of Education it is about 60,000; according to the Educational Information System and Ukrainian data it is as many as 120,000). These discrepancies show that the system of registering children and pupils was very flawed. Secondly, the children's absence from Polish schools and the voluntary nature of their attendance for more than two years resulted in poor integration of the youngest generation of refugees.

4.3 Housing

For years, Polish housing policy has been very limited and unstable, providing insufficient numbers of both social and rent-regulated housing to meet the needs of those who cannot afford their own homes. Such systemic measures have also been lacking in the case of Ukrainian migrants and refugees; people in an extremely difficult situation, deprived of a place to live from one day to the next, forced to flee to a foreign country, often with young children and no source of income, at least initially.

The Special Act introduced a very specific solution to the sudden problem of finding immediate accommodation for hundreds of thousands of refugees. This solution was a response to the unprecedented behavior of Polish society in the first weeks and months of the war, welcoming Ukrainian refugees into their homes *en masse* (Szeptycki, 2024). There is no precise data on this so far, but according to surveys and estimates, half of the refugees who arrived found shelter in private homes (Bednarek, 2022). The Special Act regulated the situation by granting assistance to those hosting refugees: persons providing shelter and food to a Ukrainian citizen fleeing the war were to be paid a cash benefit of PLN 40 per day ("40+" benefit) or about PLN 1,200 per month (Art. 17(17)). The benefits were to be paid for a maximum of 60 days. Ukrainian refugees were also entitled to financial assistance – in the form of a one-off payment of PLN 300 per person ("300+" benefit).

However, no mechanisms or instruments have been set up to support refugees in finding or renting housing, nor has public housing been made available to Ukrainian families. There are no significant forms of support for private rentals¹⁹ and prices are very high, as are the costs of maintaining a flat.

The acquisition of real estate by foreigners is in turn regulated by the Act on the Acquisition of Real Estate by Foreigners of 24 March 1920, according to which a foreigner from outside the European Economic Area must obtain a permit to purchase real estate in Poland. The foreigner submits an application to the Minister of Internal Affairs and Administration, who issues the permit. However, there is an exception; foreigners from non-EU countries, including Ukrainians, do not need a permit to purchase a flat, garage or share in a flat if it is intended to meet the housing needs of the purchaser or owner. In other words, they can buy a flat without a permit from the Minister of Internal Affairs and Administration.

Despite the lack of housing stock and the relatively high prices of buying and renting flats in Poland, many Ukrainians do buy property, but mostly those who came to Poland before 2022. In 2024, 15% of respondents who came to Poland before the war said they had their own flat or house, while in the 2022 survey less than 9% of immigrants had their own property. For refugees the percentages were 0.6% in 2024, 1.4% in 2023 and 0% in 2022.

In the same survey, 67% of refugee respondents lived in a rented flat, 14.3% in a rented room, 4.5% in a dormitory, the same number in a guesthouse with a Polish family and 3.2% in a hotel or guesthouse (Polskie Radio, 2024). In the 2023 NBP survey, almost 60% of the respondents lived in rented accommodation (in 2022, it was 27.6%). Among prewar immigrants, i.e. people who came to Poland mainly for work, more than 56% lived in a rented flat or house.

In contrast, 55% of the Ukrainians surveyed in the first quarter of 2024 declared that they were using accommodation provided by their employer (Centrum Analityczne. Gremi Personal, 2024). In 2022 only 22% of Ukrainians did so. The number of Ukrainians who

¹⁹ Pursuant to Article 69 of the Special Act, when a contract for temporary lease of premises (*umowa najmu okazjonalna*) is concluded with a tenant who is a citizen of Ukraine and came directly from Ukraine in connection with the armed conflict there, there is no obligation to indicate the address of another premises in which the tenant will be able or permitted to reside should they be ordered to vacate the premises. This makes it much easier for such persons to conclude such contracts and thus to meet their housing needs.

have been provided with accommodation by their employer has thus increased almost 2.5-fold since 2022, at which time 58% of respondents were renting accommodation at their own expense and 10% had been given shelter in the homes of Poles who were compensated by the government for each refugee under the Special Act. In turn, 5% lived in collective centers at the state's expense and another 5% at NGOs' expense.

The Polish public authorities have not provided any public instruments or policies for refugees and migrants – there are no other offers of social rent (supported by municipalities) for new tenants. The lack of such systemic, public instruments means that the burden of accommodating refugees and migrants is relatively often borne by private employers. This is also a sign of the urgency of the need and of the lack of solutions at the local or national government levels, which makes it difficult for displaced people to afford the burden.

5 Conclusion – The Difference Between Reception and Integration

The above data and the analysis of Polish practice in response to the mass exodus of Ukrainians in the almost three years following the outbreak of the war lead to several conclusions. It should be remembered that the people who arrived in Poland in the first months after the outbreak of the full-scale invasion were fleeing from a threat to their lives and thus met the definition of refugees. According to the 1951 Convention Relating to the Status of Refugees, they had been forced to flee their country because of persecution, war or violence, forced to leave behind their lives and all their possessions, were unable to return home and had very limited financial resources. They came to Poland for a short period of time and without carefully considering their choices.

However, the prolonged war and the relatively better living conditions in Poland made the difference between refugees and migrants quite fluid. Subsequently, newcomers from Ukraine began to consciously choose their place of residence. The ability to stay in the EU and other countries under temporary protection made some of them to decide to move from Poland to Western European countries (mainly Germany). Some of them also decided to return to Ukraine. For those who remained in Poland, the huge, spontaneous humanitarian support from Poles in the first weeks, as well as the presence of a significant number of Ukrainian migrants already living in Poland, proved to be a great support. The response of the authorities was swift and widespread.

From today's perspective, however, it is clear that there were several shortcomings in the humanitarian response and assistance. Firstly, support for Ukrainian citizens in finding work was poorly organized – there was a lack of training and the qualifications in many professions were not recognized. A second, very serious deficiency was the lack of sufficient integration of children and adolescents. Although at first it seemed right on humanitarian grounds that children should voluntarily enroll in Polish schools, over time it proved to be an obstacle to the socialization and language learning of a significant part of the younger generation.

The lack of accurate data on the number of displaced people (except for those who have been granted UKR status, where the statistics are very accurate) is also surprising, as perfectly illustrated by the problem of estimating the number of out-of-school children, who are repeatedly overestimated in official statistics. Finally, the lack of systemic solutions to meet housing needs proved to be a serious problem for displaced people, and the solution turned out to be assistance from employers. However, this is not an appropriate solution for people who arrive in a developed country that claims to have a social market economy and to provide housing assistance.

These are what we consider to be the key reasons for the inadequate social anchoring of Ukrainian refugees in Poland. The extensive legal and social measures taken by the Polish authorities to accommodate Ukrainian refugees have proved insufficient to keep them in Poland, for which they need a good, stable job, a decent place to live and social integration for their children and other family members. The lack of support in finding work (e.g. refugees should be supported throughout the job search process), of support for training or retraining (Oduntan, Ruthven, 2017) of clear (unambiguous) educational regulations encouraging the integration of children and adolescents and of systemic solutions for adequate affordable housing explain why only 30% of Ukrainian displaced persons who found refuge in Poland have chosen to stay (Narodowy Bank Polski, 2023).

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