

THE SECOND HOME: UKRAINIAN REFUGEES IN POLAND

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Russia's full-scale invasion of Ukraine has unleashed one of the gravest humanitarian catastrophes and refugee crises in Europe since World War II. As stated in March 2022 by UN Resident and Humanitarian Coordinator in Ukraine O. Lubrani: "one month since the invasion of Ukraine, the war has caused the fastest and largest displacement of people in Europe since WWII" [1]. Unprecedented violations of international humanitarian law committed, among others, in the form of brutal attacks on civilians and civil objects, forced Ukrainians and foreigners staying in Ukraine to flee from Russian war crimes and to seek shelter and aid abroad. Millions of Ukrainian refugees of war crossed the borders of Ukraine, and the highest number of them went to Poland.

The aim of this study was to shed light on the quantity, arrival dynamics, border crossing conditions, rules of staying and legalization of the Ukrainian refugees in Poland.

A strong wave of Ukrainian refugees has made a noticeable contribution to the global migration process, and increased the number of refugees to the peak value. According to the UN Refugee Agency report, the total number of refugees increased to 103 million in the first half of 2022. It is the highest (24 %) 6-months increase [2]. As seen from the data analysis, the highest number of refugees left Ukraine during a year: according to the UNHCR data, there are 7 915 287 Ukrainian refugees registered in Europe between February

24, 2022 and January 3, 2023 [3]. This number is greater than the previous peak value of 6 848 865 Syrian refugees registered in Europe in 2021 [4].

As of January 31, 2023, the UNHCR office registered 8 046 560 Ukrainian refugees in Europe. 4 823 326 registered for temporary protection or similar national protection schemes in Europe. The highest number of Ukrainian refugees (1 563 386 or 32 % of all Ukrainian refugees in Europe) registered in Poland [5]. Having accepted so many Ukrainian refugees, Poland is the leading country providing temporal shelter for Ukrainians fleeing from Russian aggression (Fig. 1), and now it is a member of the world's top 10 refugee-hosting countries (Fig. 2).

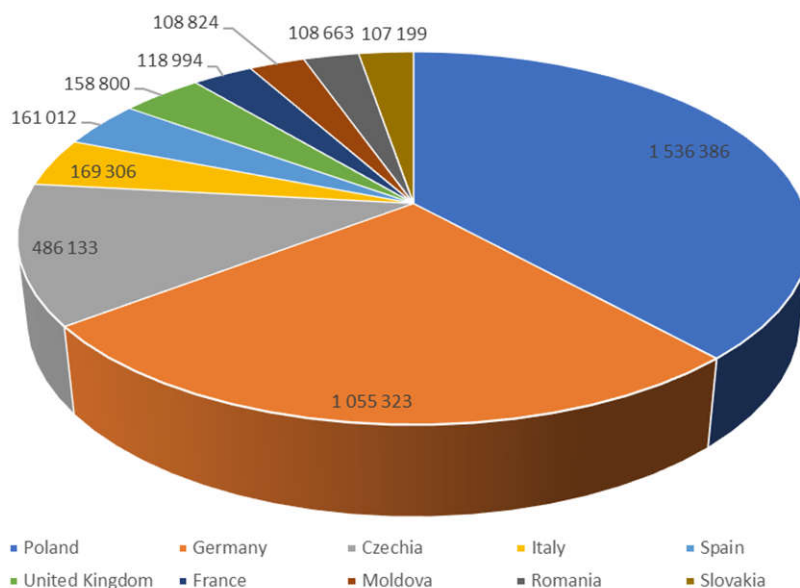


Fig. 1. Estimated number of refugees from Ukraine recorded in Europe since February 2022 as of January 31, 2023 (top 10 countries) [5, 6].

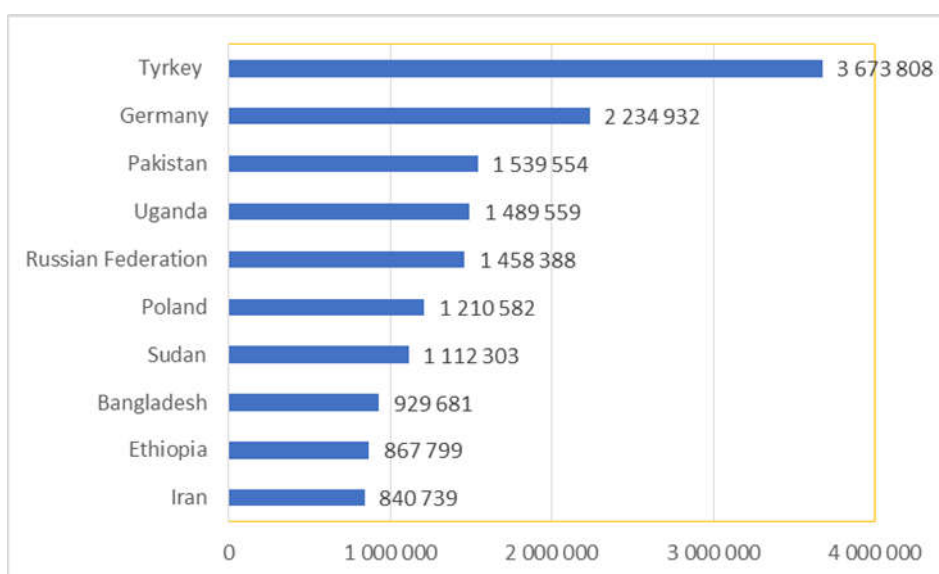


Fig. 2. Ranking of the largest refugee-hosting countries as of mid-2022 [7].

Progress in the number of Ukrainian refugees coming to Poland since February 24, 2022 can be retrieved from statistical information of the Polish Border Control Service (Straż Graniczna) (Fig. 3). It is seen that about 26 % of Ukrainian refugees came to Poland during the first stage of the war (between February 24 and April 1, 2022).

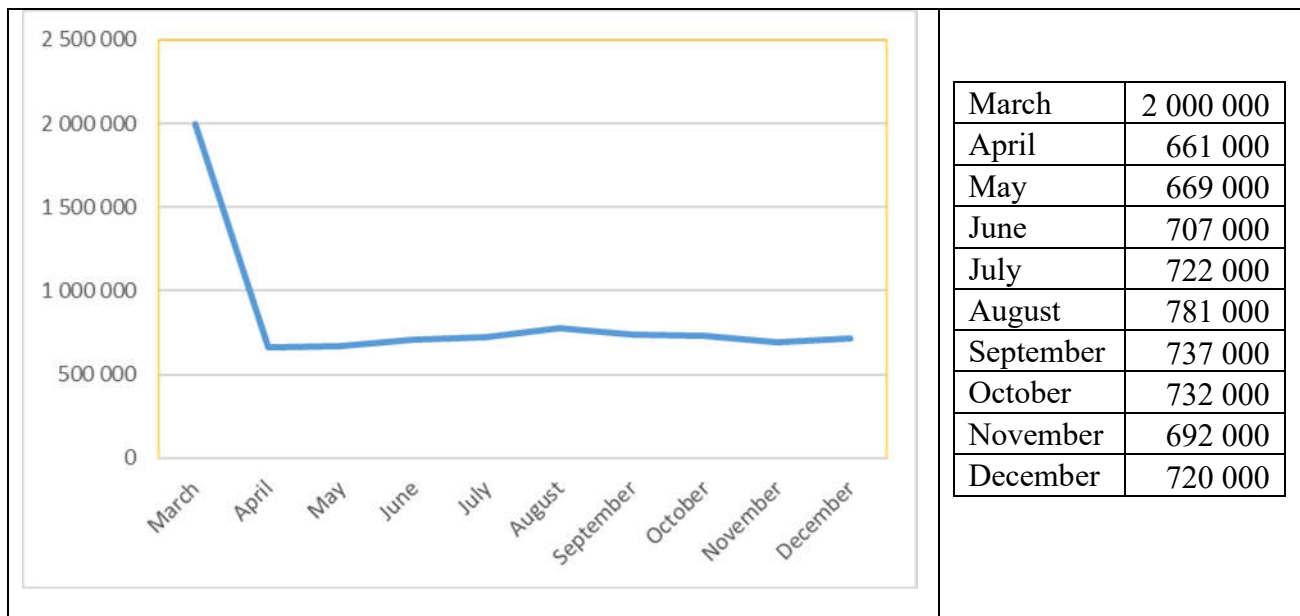


Fig. 3 The number of Ukrainian citizens arrived to Poland between February 24 and January 1, 2023 [8].

90 % of the total number of Ukrainian refugees in Poland are children and women, an estimation by Deputy Chairman of the Polish Development Fund (PFR) Bartosz Marczuk shows [9]. It should also be noted that some number of the refugees to Poland continued their way to other EU or non-EU countries. However, the majority of Ukrainian refugees stayed in Poland.

Why did they choose Poland as a country to stay in? As seen from the report by EWL Migration Platform [10], Ukrainians decided to stay in Poland due to cultural closeness and geographical proximity and friends or relatives who had settled in Poland before. Even before the war, Poland was the most popular direction for labor migration from Ukraine. Border crossing conditions and comparatively simple requirements for staying, legalization and getting employment in Poland could also play an important role in choosing this direction for refugees from Ukraine.

From the beginning of the war, Polish authorities have significantly simplified the border crossing between Ukraine and Poland. Ukrainians could enter Poland without a visa, an employer's invitation, and even without a travel passport (any local ID was enough to enter). Children under 16 accompanied by one parent could enter Poland even without the official permission of the other parent. A birth certificate was enough to cross the border. Children could even

be accompanied by a side adult if one of the parents granted a permission attested by the notary. If both parents were outside Ukraine, a copy of that permission could be emailed to the accompanying person [11].

The citizens of Ukraine who left the country because of security reasons can legally stay in Poland according to the special law of Poland “About assistance for Ukrainian citizens affected by the military conflict on its territory,” effective from March 12, 2022 (Ustawa z dnia 12 marca 2022 r. o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa) [12]. This law establishes a mechanism of temporal protection for the citizens of Ukraine who came to Poland because of the Russian aggression, including those who hold the Card of Pole. According to Article 2 they can legally stay in Poland for 18 months from February 24, 2022 [12, p. 1]. During this term, they can leave Poland for not longer than 1 month (otherwise, their staying will be annulated) and return having declared that they require protection due to hostilities in Ukraine [12, p. 7].

If a citizen of Ukraine hasn't registered his entrance in the due course at the Polish Border Control, he must apply for a PESEL registration number (Numer identyfikacyjny Powszechnego Elektronicznego Systemu Ewidencji Ludności) to the local authority within sixty days [12, p.2]. Since March 16, 2022, this requirement is mandatory for Ukrainian refugees seeking state aid and services for Ukrainian citizens in Poland. Then this term was extended to ninety days by the Polish Parliament's April 8, 2022 decree [13]. This special law also establishes the employment rules for the citizens of Ukraine, declares the formation of the Fund of Aid and Assistance for Ukrainians, describes the staying conditions for Ukrainian students and teachers, and outlines general rules of study, education, and custody for Ukrainian children and pupils. For instance, Article 22 grants a right to work for any Ukrainian citizen and puts an obligation on the employer to inform the local Employment Office about hiring a Ukrainian worker within fourteen days [12, p. 14]. Besides, a Ukrainian citizen can register in the local Employment Office as an unemployed person seeking a job. Ukrainian citizens have the right to run a private business and the right to financial assistance for the family and upbringing of children. According to Article 31 of the law, 300 złotych can be paid to a citizen of Ukraine to cover the most basic living needs [12, p.20]. This law also guarantees free psychotherapeutic assistance for Ukrainians (Article 32), state medical aid (Article 37), grants the right to education for Ukrainian students (Article 39), and regulates other aspects of comfortable staying of Ukrainians in Poland [12, p. 20-23].

As stated in Article 38, a citizen of Ukraine may apply for a temporal residence permit to stay in Poland for up to three years. An application for this permit can be filed not sooner than after nine months after entrance to Poland but before eighteen months since February 24, 2022 [12, p.22]. Those

who obtained the permit are eligible to work in Poland without any other official permission to work.

An additional amendment to the law was signed by Andrzej Duda, the President of Poland, and ratified by the Sejm and Senate of Poland on Dec. 14, 2022, and Jan. 13, 2023, correspondingly. This amendment concerns and details the way in which local authorities and state organizations should provide help and assistance to Ukrainian refugees. According to it, starting from March 1, 2023, 50 % of the state aid must be paid back by the Ukrainians who have stayed in Poland for more than 120 days, and from May 1, 2023 – 75 % by those who have stayed for more than 180 days. However, this payment shouldn't exceed 40 and 60 zlotych per day respectively. On the other hand, some vulnerable categories of the refugees are free of this requirement: disabled persons and those who take care of them, retired people, pregnant women, those who take care of children under twenty months, those who take care of three or more children, and those who are in tough humanitarian conditions. This amendment also requires the refugees to get registered and file an application for PSEL for thirty days, not ninety like it was before [15, 16].

This amendment also authorizes an electronic document that is available from Diia.pl (the Ukrainian analog of mObywatel) as a legal background for the Ukrainians staying in Poland. Using this document, a person may cross the border without additional visas. Besides, a simplified option for obtaining a permit for temporal residence in Poland (valid for up to three years) has been cancelled. So far, an 18 months long staying in Poland (February 24, 2022 – August 24, 2023) is guaranteed for all Ukrainian refugees. Then they can apply for another temporal staying in Poland, conditioned that they work officially or run their own business. According to this amendment, extra financial aid is granted for the local authorities to support education programs for Ukrainian pupils. More than 2 billion zlotych were reserved in the Fund for this purpose in 2023 [14].

Obviously, such sudden and huge flux of the refugees from Ukraine created serious pressure on the social system, state budget and labor market. More than 18 billion zlotych (3.83 billion euro) were spent from the state budget funds to provide needful support and assistance to Ukrainian refugees, and promote their smooth social adaptation. Besides, a significant amount of money has also been spent from various private and charity funds for these and other similar purposes [17]. According to analytical estimations, the cost of renting apartments, social and medical needs of Ukrainian refugees is more than 11 billion euros. \$ 8000 – 10000 per year are required to cover renting apartments and basic living needs of one refugee from Ukraine, according to the estimation by D. Peri, an expert in global migration processes. The positive part of his estimation is that in the long run, Ukrainian refugees would be able to get incorporated into the rigid European labor market, and, therefore,

the profit they make would exceed the initial expenses spent for their landing in Poland [18].

It is obvious that from the very beginning of the Russian aggression against Ukraine, Poland has been supporting Ukraine in many ways using all possible political and diplomatic tools. Even before the war, many Ukrainian migrants were attracted by good geographical location, comfortable conditions of staying and employment in Poland. Current insidious aggression of Russia pushed Ukrainians and Poles to a closer integration and mutual support as they have long been striving to create their free and independent countries in the very heart of Europe.

Nowadays, almost every Ukrainian family has felt that we have a neighbor near our border that can consider someone else's grief as its own and is ready to share its resource and provide any help and assistance to smooth our troubles. Poland not just opened its borders and hosted Ukrainian women and children seeking a shelter and protection from the war but also accepted dozens of thousands of Ukrainian refugees. No doubt, it is still not possible to give any exact evaluation of the number of Ukrainian refugees. No matter how significant the statistical error of the calculation could be, the main conclusion that can be drawn is that Poland has accepted the greatest number of Ukrainian refugees and granted very comfortable border crossing, employment and staying conditions. Special legal and social guarantees are granted to Ukrainian citizens in Poland by the "Special Law" that entered into force on March 12, 2022. Ukrainians can work, get education, and receive social and medical assistance in the same way as the citizens of Poland.

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