

Legal information for Ukrainian citizens seeking admission to and stay in Poland

HR HELSĨSKA FUNDACJA
PRAW CZŁOWIEKA

GRUPAGRANICA



KRAJOWA IZBA
RADCÓW PRAWNYCH



Regulations as valid on 27 February 2022. (updated on 7 March 2022)

Given that regulations may change quickly, this brochure will be kept updated as necessary.

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Who may leave Ukraine?

Due to Russia's aggression against Ukraine, many Ukrainian citizens are looking for refuge outside of their country. However, not everyone has the right to leave. According to the communication of the Ministry of Interior of Ukraine:

“During the statutory martial law period, travel outside Ukraine is restricted for men – male Ukrainian citizens aged between 18 and 60. Please note that exceptions may apply only to persons defined in legislation. First of all, these are persons who hold: a certificate of postponement of conscription and notice of qualification for special military records, or a certificate of incapacity for military service issued by the military medical committee. In addition, these restrictions do not apply to persons who support three or more children up to the age of 18, or single parents who raise a child up to 18 years of age, or those who support a child with disability. As well as: those who are adoptive parents, carers or whose relatives have died or went missing during counter-terrorism operations.”

The matters of exemption from conscription and postponement of conscription are governed by the Military Service Act (Про військовий обов'язок і військову службу - <https://zakon.rada.gov.ua/laws/show/2232-12?fbclid=IwAR3x9qFc0OymIzPBU2LHBIRYZWbQys4-liUC3Hy-LyOz9QPJY0nSwKAWwg#Text>). The categories of persons whose conscription may be postponed are governed by Article 17 of that Act and these include, among others, university students. Despite this, conscription is postponed only when a Decision is issued by District (Municipal) Conscription Committee – it is not automatic. In other words, the person concerned should report to that committee and request a postponement of conscription. The exemption from conscription is governed by Article 18 of that Act.

On what terms can I now enter Poland?

According to the information provided by the Office for Foreigners (www.ua.gov.pl), admission of Ukrainian citizens to Poland is currently possible based on:

- visa-free travel (based on a biometric passport);
- a national visa (D) or a Schengen visa (C);
- visa designated D or C, or a residence document issued by other Schengen country;
- holding a temporary residence permit, permanent residence, or Long Term European Residence Permit and a valid residence card;
- a request for international protection given to a Border Guard officer at a Polish border crossing point;
- decision of the Head of the Border Guard Station, issued when crossing the border.

Although a condition for visa-free entry into Poland is the possession of a biometric passport, the Polish authorities assure **that anyone who escapes from Ukraine in connection with the war is admitted**, whether or not they have appropriate entry documents. If you do not have a biometric passport, you will be admitted to Poland based on a decision of the Border Guard issued under Article 32 of the Act on Foreigners. Such admission is currently given for 15 days. Everyone also has the right to apply for international protection at the border crossing point, but due to a large number of people currently crossing the border, this is rather not practiced. However, you may submit such an application later during your stay in Poland.

Important! If possible, take your identity documents with you, such as a foreign passport, a driving licence, or even a birth certificate, to the border. They will be also useful during your stay in Poland.



Figure. Mark of the biometric passport

What conditions do I have to meet to benefit from visa-free travel?

To use this option, you must hold a biometric passport. Moreover, based on visa-free travel, you can stay in Poland for a maximum of 90 days in every 180 days. So, if you have been in Poland for a longer time recently, then you returned to Ukraine and now you are trying to enter Poland again – it may turn out that you no longer have the right of entry based on visa-free travel. In such case, however, you may enter Poland based on the consent of the Border Guard Commander granted when crossing the border. **The Polish authorities have assured that anyone fleeing Ukraine will be admitted to Poland.**

Will I be able to enter Poland if I don't have a travel document (foreign passport)?

As a general rule, a valid travel document is required for entry into Poland. However, exempted are persons who apply for international protection at the border. Such a request should be accepted from any person; even if such person does not hold any travel document or any other entry document. Moreover, according to the assurances of the Polish authorities, Ukrainian citizens travelling without passports will be granted special permission to enter Poland based on the consent of the Border Guard Commander.

Will I be able to enter Poland if I am banned from entering the territory of the Republic of Poland?

Yes, those who are banned from entry will also be admitted to Poland. However, in such a case, you have to consider that the Border Guard can request the court to place you in a guarded centre where you will be in detention conditions.

Am I bound by the regulations issued in connection with the SARS-CoV-2 pandemic?

Restrictions on entry into Poland from Ukraine, introduced in March 2020 in connection with the COVID pandemic, were lifted on 19 February 2022. As a result, the general rules for crossing the Polish-Ukrainian border based on the Schengen Borders Code and the Polish rules have been restored. As of 24 February 2022, the obligation to have vaccination against COVID-19, valid test results and quarantine for persons entering Poland from Ukraine has also been lifted.

Can a child enter Poland without their legal guardians (alone or with another family member, e.g. with a grandmother)?

To cross the border in such a situation, two documents are needed: **a document confirming the identity of the child and the consent of the parent.**

The document confirming identity does not necessarily need to be a passport, and it may also be a certificate of birth. Parent's consent is a separate document in which he or she authorises the designated person accompanying the child in travel to care for the child, and to obtain all travel documents and to take any decision concerning the life and health of the child during the period of travel. Such consent must be certified by a notary. Currently, many Polish notaries have declared their willingness to certify the consents of parents of children fleeing Ukraine, free of charge.

However, there are exemptions from the requirement to have the consent of the second parent. In practice, Ukrainian border authorities let go children without the consent of the second parent, provided that the documents show clearly that the child crosses the border with at least one parent.

May I enter Poland with my pet animal? Do I need relevant documents for it?

From 24 February 2022, the Chief Veterinary Inspectorate has introduced temporary derogations to facilitate the crossing of the Ukrainian/Polish border with pet animals: **dogs, cats and ferrets.** Animal carers don't need to present a complete set of veterinary documents at the border. However, as far as possible, it is worth taking with you all documents related to the animal's health.

After crossing the border, the animals will be examined for rabies and vaccinated at public expense. The owner of the animal will then receive a document confirming compliance with veterinary requirements. If the animals do not have a chip, they will be chipped at public expense.

Can citizens of countries other than Ukraine enter Poland (e.g. foreign students from Ukraine)? What documents must they hold?

The rules for entry into Poland of nationals of countries other than Ukraine depend on entry requirements for the specific country of which the person is a national. This is most often a visa requirement. However, those requirements do not apply to persons who apply for international protection at the border. Such application should be accepted at the border crossing point from anyone fleeing the danger, whether or not the person concerned has appropriate entry documents. In addition, any person may be authorised by the Border Guard Commander to enter Poland without complying with the legal entry requirements. **The Polish authorities have assured that anyone fleeing Ukraine, including citizens of other countries, is currently admitted to Poland.** The practice shows that they receive an entry stamp with the right of residence in Poland for up to 15 days.

Is it that men of a conscriptive age would not be admitted to Poland?

There are no legal grounds for the Polish border authorities to refuse entry to Poland for persons of conscriptive age. However, in order to enter Poland, it is necessary to move through Ukrainian border controls to the exit direction, and Ukrainian border authorities do not let go men between 18 and 60 years of age from the country. Even if a man of this age holds a decision on incapacity for military service, he may be taken back from the border to the conscriptive point for a review of the decision.

The following persons are not subject to national mobilisation:

- persons serving at the time of mobilisation or war at public authorities other than the military;
- persons recognised by the Military Medical Commission as temporarily incapable of military service – up to 6 months after the decision;
- men and women who support at least three children under 18 years of age;
- single parent of a child/children;
- parents or carers of a disabled child – group A if the child is under 18;
- parents or carers of a disabled child who has any defects in the functioning of the body in Levels III or IV and a reduction in the life activity of any category in Level II to III;
- parents or carers of a disabled child in Level I or II, until the child reaches the age of 23;
- carers or foster parents of children up to the age of 18;
- permanent guardians of persons who, in accordance with the Act, require care in the absence of other persons able to provide such care;
- parliamentarians;
- personnel of military management authorities;
- university students and doctoral students, assistants – trainees, aspirants and doctoral students;
- research and research/teaching staff of university-level education and scientific organisations with a scientific degree;
- men or women whose closest relatives have died or went missing during counter-terrorism operations.

What documents do I need to enter Poland with my own car?

There are no requirements limiting the right of entry into Poland by your own car. However, a number of requirements under Article 71 (4) to (6) of the Road Traffic Act need to be met to drive a vehicle registered abroad on Polish roads. Above all, the driver must hold a driving licence. In addition, a certificate of vehicle registration abroad issued by the relevant authority should be provided, which should confirm that the driver has the right to drive the vehicle (for instance, it states that the vehicle is owned or co-owned by the driver). If the registration certificate does not certify the right to use the vehicle, the driver should hold a document confirming the right to use it (rental agreement or owner's consent). Finally, the vehicle must be technically fit – it must have a proof of valid technical examination and registration plates composed of letters of the Latin alphabet, numerical digits, and letter code showing the country of origin. The vehicle should also have a valid third-party liability policy. The car will have to be registered in Poland 6 months after entry.

How can I apply for international protection in Poland?

Everyone has the right to apply for international protection at the border or in the territory of Poland. To this end, it is sufficient to inform the border authorities of such intention and state the reasons why you cannot safely return to your country of origin. At present, however, due to a large number of people crossing Polish border crossing points from Ukraine, submitting such applications at the border is rather not practised. The Border Guard let in persons fleeing from Ukraine to Poland based on visa-free travel regulations or a special consent of the Border Guard Commander.

What will happen to me after entering Poland?

If you enter Poland based on visa-free travel regulations, you can stay in Poland for up to 90 days. During that time, you have the right to stay legally in Poland and in other Schengen countries. If you are unable to return to the country before that deadline, it will be necessary to request the legalisation of your stay in Poland.

If you enter Poland based on your existing residence card, you may stay in Poland during its period of validity.

If you apply for international protection in Poland, you will be sent to one of the reception centres for persons seeking protection and you will be subject to a refugee procedure. You will then be obliged to give your passport to deposit and stay in Poland until your application is resolved.

If you enter Poland based on the consent of the Border Guard Commander, your legal stay in Poland lasts up to 15 days. Before this deadline, you should apply for legalisation of your stay in Poland based on general regulations. You can also apply for international protection in Poland.

Where will I receive support in Poland?

All Ukrainian citizens entering Poland may come to one of the reception centres offering temporary accommodation, food and medical assistance. Below you will find addresses of several of these places. It's useful to follow government websites (for example: ww.ua.gov.pl), because new helpdesks are being gradually opened.

- Pałac Suchodolskich Gminny Ośrodek Kultury i Turystyki [*Suchodolski Palace. Municipal Culture and Tourism Centre*], ul. Parkowa 5, 22-175 **Dorohusk – osiedle**
- Przygraniczne Centrum Kultury i Rekreacji [*Border Centre for Culture and Recreation*], ul. Spółdzielcza 8, 22 - 540 **Dołhobyczów**
- Zespół Szkół w Horodle [*School Complex in Horodło*], ul. Piłsudskiego 58, 22 - 523 **Horodło**
- Szkoła Podstawowa w Lubyczy Królewskiej (zaplecze hali sportowej) [*Primary School in Lubycza Królewska (facilities of the sports hall)*], ul. Jana III Sobieskiego 5, 22 - 680 **Lubycza Królewska**
- Świetlica [*Community Centre*], Korczowa 155 37-552 **Korczowa**
- Hala sportowa [*Sports Hall*] - Medyka 285, 37-732 **Medyka**
- Szkoła Podstawowa w m. Krowica Sama [*Primary School in Krowica Sama*] 183, 37-625 **Krowica Sama**
- Była Szkoła Podstawowa w Łodynie [*Former Primary School in Łodyna*], Łodyna 41, 38-700 **Ustrzyki Dolne**

Will I be covered by medical assistance in Poland?

Medical assistance financed from public funds is provided to insured persons in Poland. So everything depends on the basis of your entry into Poland and whether you have the right to insurance. For example, persons who have applied for international protection are covered by medical assistance financed by the State budget. If you want to make a doctor appointment, contact Petra Medica, a healthcare provider: +48 22 112 02 06.

In addition, LUX MED, a healthcare provider, has offered medical assistance to Ukrainian citizens fleeing the country. For that purpose, a special Polish-Ukrainian hotline was established at +48 22 45 87 007 (open every day from 9:00 to 17:00) and e-mail address ua.kontakt@luxmed.pl.

Will I be able to leave Poland freely to other EU countries?

If you have a valid visa or residence card or have entered Poland based on visa-free travel regulations, you can enter other Schengen countries for up to 90 days.

However, if you do not have a foreign travel document (or your children do not have one), then you will not be able to cross the borders freely from Poland to other countries. You will be also unable to do so if you have applied for international protection in Poland. You then have an obligation to stay in Poland until your procedure is completed, and your passport will be deposited with the authority until the procedure is completed.

What is temporary protection and can I use it?

Temporary protection has been adopted by the EU on 4 March 2022 for one year (but may be extended by another year).

Temporary protection applies to:

- a) nationals of Ukraine residing in Ukraine before 24 February 2022;
- b) stateless persons or nationals of third countries other than Ukraine who before 24 February 2022 enjoying international protection or equivalent national protection in Ukraine;
- c) members of families of the persons mentioned in (a) and (b) above.
- d) stateless persons and nationals of third countries other than Ukraine who are able to prove that before 24 February 2022 they stayed legally in Ukraine based on valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return to their country or region of origin safely and permanently.

In addition, temporary protection applies to members of family:

- a) spouses or unmarried partners, provided that the laws on aliens of the Member State consider them equivalent to married spouses,
- b) minor and unmarried children, including adopted children,
- c) other close relatives (grandparents, nephews, etc.) who had lived together as a single family during the invasion and and who at the time had been completely or partially supported by the person.

Member States may apply the Council Decision also to other people, including stateless persons and nationals of third countries other than Ukraine who had stayed legally in Ukraine and who are unable to return to their country or region of origin safely and permanently. There is no information that would indicate that Poland wanted to apply the Decision in such facultative scope.

Member States agreed not to push back nationals of third countries who use temporary protection during the validity of the Council Decision, to other Member States even if these persons had no residence permit. This applies both to people already being in the target EU country and those trying to get there – but it doesn't mean that the person enjoying temporary protection may completely freely move around the EU and enjoy the rights resulting from temporary protection in any EU country they choose.

What rights does temporary protection give to me?

There is NO right to move freely around the EU – if you change the country, your rights may change. Please remember that an Ukrainian national in visa-free movement (holding the biometric passport) may travel in Schengen zone for 90 days and potentially use temporary protection in another country from the zone.

The Head of the Office gives a permit for temporary residence for one year and issues a residence card. If the period of temporary protection is extended, the Head of the Office must issue another permit for temporary residence for the period for which the temporary protection has been extended, and must issue a residence card.

Medical care (National Health Fund), accommodation and food: minors without a legal representative in the territory of Poland – the Court, at the request of the Head of the Office for Foreigners (but also obligatorily, based on Article 570 of the Code of Civil Procedure), shall establish a guardianship which expires automatically once the minor leaves Poland or the legal representative of the minor is found. Until the guardianship is established, the minor will stay in a Care Facility (if there is any guardian, the child is unlikely to be sent to the Facility)

For those who don't have a travel document, the Head of the Office may issue a Polish travel document for a foreign national (it is not a Polish passport).

The foreign national enjoying temporary protection may work without a Permit for Work or conduct business activity.

The Head of the Office shall take actions to reunite the person enjoying temporary protection with their family (spouse, minor children, other close relatives who had lived with them directly before coming to Poland) – including issue visas to those people and permits for their temporary residence. The Head of the Office may also request another EU Member State to accept transfer a foreign national to that country, if that foreign national has family members in that country.

After the period of temporary protection ends, the Head of the Office shall take actions to enable the foreign national to return to the country of origin or to the area from which they came.

Foreign nationals enjoying temporary protection may attend, free of charge, full-time university studies in Polish on a public university

Foreign nationals enjoying temporary protection may learn in public schools for adults, public vocational schools of the 2nd level, public post-secondary schools, public artistic schools, public facilities and public colleges of social workers and use continuing education in the form of qualification vocational courses on the same terms as for Polish nationals.

Enjoying temporary protection does not preclude the possibility of applying for international protection.

Does temporary protection also create obligations?

Obligations resulting from temporary protection:

- a) fingerprints must be given, and face photograph taken,
- b) necessity to undergo necessary medical and sanitary treatments.

After the period of temporary protection ends, the Head of the Office shall take actions to enable the foreign national to return to the country of origin or to the area from which they came. Please note that a foreign national that stays on the terms of temporary protection may not further legalise their stay by applying for temporary residence.

What organisations can I turn to for help?

Official sources:

24-hour hotline for Ukrainian citizens operated by the Office for Foreigners [*Urząd do Spraw Cudzoziemców*]: +48 47 721 75

Info website: www.ua.gov.pl (information in PL, UA, ENG and RUS)

Non-governmental organisations:

Dom Ukraiński/Nasz Wybór (Warsaw)

ul. Zamenhofa 1
00-153 Warszawa
Phone number: +48 727 805 764

Centrum Pomocy Prawnej im. Haliny Nieć (Kraków) [*Halina Nieć Centre of Legal Aid (Krakow)*]

ul. Krowoderska 11/7
31-141 Kraków
Phone and WhatsApp: +48 693 390 502

Ocalenie Foundation (Warsaw)

ul. Krucza 6/14a
00-549 Warszawa
cpc@cpc.org.pl

Centrum Wielokulturowe [*Multi-Cultural Centre*] (Warsaw)

ul. Jagiellońska 54
03-469 Warszawa
Phone number: +48 22 648 11 11 / +48 604 932 969

Stowarzyszenie Interwencji Prawnej [*Association for Legal Interventions*] (Warsaw)

ul. Siedmiogrodzka 5/51

01-204 Warszawa

Phone number: +48 880 145 372

Helsinki Foundation for Human Rights (Warsaw)

ul. Wiejska 16

00-490 Warszawa

refugees@hfhr.pl

NOMADA. Stowarzyszenie na Rzecz Integracji Społeczeństwa Wielokulturowego [*Association for the Integration of Multicultural Society*] (Wrocław)

ul. Paulińska 4/8

Wrocław 50-247

help@nomada.info.pl

+48 791 576 459

Instytut Praw Migrantów [*Institute of Migrant Rights*] (Wrocław)

ul. Rуска 46A/201,

50-079 Wrocław

biuro@instytutpm.eu

tel. +48 510 011 846

Website of Grupa Granica with information on current initiatives for those fleeing Ukraine:

<https://www.grupagranica.pl>