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European Union



The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

Common Template for an EMN Study

Subject: EMN study “The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023”

1. BACKGROUND AND RATIONALE FOR THE STUDY

Since 24 February 2022, Russia’s military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine to the EU and other countries surrounding Ukraine. Following the call of the Home Affairs ministers,¹ on 2 March 2022, the European Commission proposed to activate the Temporary Protection Directive (TPD) (2001/55/EC).² On 4 March 2022, the Council adopted an Implementing Decision³ establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive was activated for the first time in 2022, over 20 years since its adoption in 2001. This was a key component of the EU’s unified response.

Temporary protection covers not only displaced Ukrainian nationals residing in Ukraine on or before 24 February 2022, and their family members but also stateless persons and nationals of third countries other than Ukraine who benefitted from international protection or equivalent national protection in Ukraine before 24 February 2022, and

¹ Justice and Home Affairs Council, 3-4 March 2022, available at: <https://www.consilium.europa.eu/en/meetings/jha/2022/03/03-04/>, last accessed 24 April 2023.

² 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: OJ L 212, pp. 12–23. Please note that in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community. Denmark is not bound by the TPD but provided a parallel national framework/form of temporary protection very similar to the one Member States implement under the TPD.

³ 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, 4 March 2022: OJ L 71, pp. 1–6.

their family members. As per Article 2(2) of the Council Decision, EU Member States should provide either temporary protection or adequate protection under national law to stateless persons and nationals of third countries other than Ukraine 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 were unable to return in safe and durable conditions to their country or region of origin. Article 2(3) gives Member States the option to apply temporary protection to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

EU Member States also widely extended the scope by providing temporary protection to Ukrainian nationals who were already legally in the EU Member State before 24 February 2022 and in some cases also to those who fled shortly before 24 February 2022.

Whilst EMN Observer Countries do not apply the Temporary Protection Directive, there are similar national provisions in place. Norway activated a national framework (temporary collective protection from 11 March 2022), while Moldova and Georgia each implemented national measures to support those fleeing the war.

The war caused large flows of people to leave Ukraine in search of safety, with border crossings of EU external borders reaching a peak of 800 000 weekly entries from Ukraine and Moldova into the EU during the early months of the war.⁴ The EU Member States bordering Ukraine and Moldova were the first to respond to the crisis.

As of July 2023, more than 22 million border crossings from Ukraine and Moldova to the EU were recorded, 19 million of whom by Ukrainian nationals, nearly 16 million exited.⁵ From April 2022 onwards, the number of border crossings subsided to around 240 000 per week, albeit increased border traffic registered before and after holiday periods.⁶ Overall, about four million registrations for temporary protection were recorded in the EU, more than three million of which were in the first half of 2022. From June 2022, the number of reported registrations for temporary protection declined steadily and remains now stable.⁷

In accordance with the Temporary Protection Directive, the duration of temporary protection is for an initial period of one year. Unless terminated under the terms of the Directive, the duration may be automatically extended by 6-month periods for a maximum of one year. To this end, the European Commission announced in October 2022 that temporary protection would be prolonged until March 2024.

In this context, this EMN Study will aim to take stock of the Directive's implementation to provide insights into how the EU managed to enable a coordinated response and how Member States implemented the Directive at national level. It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the

⁴ Data provided by FRONTEX and Member States.

⁵ The data on entries and exits indicate the number of cross-border movements not single individuals. Available data on entries and exits does not allow to distinguish between "normal" border traffic and persons fleeing the war.

⁶ Data provided by FRONTEX and Member States.

⁷ Eurostat, Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data, available at:

https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYTPSM/default/table?lang=en&category=migr_migr_asy.migr_asytp, last accessed on 5 April 2023.

EU or receive assistance when going back home. Reflections will be drawn on challenges and good practices in EMN Member and Observer Countries.

It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the EU or receive assistance when going home back to Ukraine. Reflections will be drawn on challenges and good practices in Member and Observer Countries.

The Study will build on information collected for the three EMN Informs published in 2022 on key issues pertaining to temporary protection as well as the Annual Report on Migration and Asylum 2022.⁸ Furthermore, an EMN Inform on labour market integration of beneficiaries of temporary protection is currently being developed which will complement this Study.

2. STUDY AIMS AND OBJECTIVES

The main objectives of this study are:

- To provide an overview of the situation in terms of number of beneficiaries of temporary protection in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries

**Please note that this data will be extracted by the Service Provider from Eurostat and other harmonised sources prior to publication and presented in the Study.*

- To provide insight of the situation of beneficiaries of temporary protection in the EMN Member Countries and similar statuses in EMN Observer Countries. This includes:
 - The pathways for transition from temporary protection to other types and forms of legal residence or protection
 - Traveling, including (i) to other EU Member States (i.e. intra-EU mobility) and (ii) outside the EU, including to Ukraine
 - The provision of assistance to people from Ukraine going home (back) to Ukraine
 - The procedures that were used to extend the validity of documentation for persons under temporary protection after the first year.
- To provide examples of challenges and good practices from EMN Member Countries in providing access to the following rights granted under the TPD as well as similar rights provided by EMN Observer Countries (where this is the case):
 - Accommodation
 - Labour market
 - Healthcare
 - Education
 - Social assistance/welfare
- To provide an overview of policies and measures in place in the EMN Member and Observer Countries to ensure support for Unaccompanied Minors (UAMs), children arriving accompanied by a guardian and other vulnerable groups.

⁸ Please see List of Sources in Section 7.

3. SCOPE OF THE STUDY

The study focuses on the implementation of the TPD in EU Member States or equivalent national legislation in EMN Observer Countries in 2023. This includes a number of aspects, as listed above, including pathways that are available for beneficiaries of temporary protection to transition to other types and forms of residence or protection. It further examines the challenges encountered by EMN Member Countries in providing access to rights granted under TPD to beneficiaries of temporary protection.

Important regarding EMN Observer Countries: Whilst this study refers to the Temporary Protection Directive and relevant EU legislation, EMN Observer Countries do not apply the Temporary Protection Directive. Where there are similar national provisions in place, EMN Observer Countries are invited to provide information on the situation in their countries. This has been clarified in the text but to avoid repetition, where EMN Observer Countries are concerned, it should be understood in terms of ***relevant legislation applicable to people fleeing the war in Ukraine***.

Where relevant, reference is made to data or challenges concerning persons from Ukraine enjoying or applying for other types of residence rights since 24 February 2022.

Temporal scope: In order to obtain information on more recent developments and avoid duplication with earlier publications from EMN and other sources, the Study focuses on developments, challenges and good practices that have arisen during the first half of 2023. Thus, the research period of this Study is from **1st January 2023 to 1st July 2023**.

In the absence of such developments, or if previous developments prior to January 2023 are essential to understand the situation in your Member or Observer Country, developments pre-dating 1st January 2023 may be included as well. Where applicable, EMN NCPs are furthermore invited to provide information on any upcoming changes and developments up until **1st October 2023** which is the submission deadline for National Reports. The Study is planned to be published in the first quarter of 2024.

4. EU LEGAL AND POLICY CONTEXT

On 4 March 2022, the Council adopted an Implementing Decision⁹ establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive was activated. Following the adoption of the Council Decision, the European Commission published Operational Guidelines on the implementation of Council Decision 2022/382 on 21 March 2022.¹⁰ The Guidelines aimed to assist the Member States in applying the Council Decision and the Temporary Protection Directive' and other applicable EU law.

⁹ 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, 4 March 2022: OJ L 71, pp. 1–6.

¹⁰ Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16

Article 4 (1) of the Directive stipulates that the duration of temporary protection shall be fixed for one year and may be extended automatically by six monthly periods for a maximum of one year. The European Commission's Operational Guidelines¹¹ recommended that EU Member States issue residence permits for the full possible duration of two years, i.e. until March 2024. On 6 October 2022, the European Commission announced that temporary protection would be extended until March 2024.

In addition to legal developments at EU level, some operational developments took place to support implementation. Notably, the Temporary Protection Registration Platform was developed with the aim to exchange information between Member States on beneficiaries of temporary protection and of adequate protection under national law.

Another important EU level development was the launch of the Solidarity Platform 'Ukraine'¹² to ensure coordination and cooperation among Member States, Schengen Associated Countries, EU agencies and European institutions, as well as the Ukrainian and Moldovan authorities, EU agencies and international organisations to facilitate the mobilisation of relevant EU instruments and to coordinate the matching of offers for solidarity with the needs identified. The Solidarity Platform also regularly engages with local and regional authorities and on certain occasions also with civil society organisations. It provides a framework for regular exchanges between stakeholders on a myriad of topics to collect information relevant for the coordination of support and helps to ensure coherence between existing fora at EU level. Additionally, when the need arises the Solidarity Platform can create dedicated sub-groups, for instance on the transfers of displaced persons from Moldova and on the Temporary Protection Registration Platform, that aim at strengthening cooperation even further and meeting arising challenges rapidly and efficiently.

Furthermore, the Solidarity Platform is used to coordinate contingency planning at EU level by identifying gaps and needs together with the platform's participants to continuously improve preparedness and resilience at EU level. The Solidarity Platform also offers a place to focus on security aspects and prevention of trafficking in human beings.

Child protection has been central to the EU's support to persons fleeing the war in Ukraine the Solidarity Platform supported the coordination of the transfer of unaccompanied children to family and community-based care as needed.¹³ Numerous children arrived in the EU accompanied by a guardian appointed in Ukraine, including children evacuated from Ukrainian institutions.¹⁴ In the Operational Guidance on the application of the Temporary Protection Directive, the Commission advised on how to register each category of children during transit and in the country where they take up temporary protection. The Commission also published a Frequently Asked Questions

¹¹ Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16.

¹² For more information please see: https://ec.europa.eu/migrant-integration/news/eu-launches-ukraine-solidarity-platform_en, last accessed 20 June 2023.

¹³ Commission Communication "Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on", available at: <https://home-affairs.ec.europa.eu/system/files/2023-03/Temporary%20protection%20for%20those%20fleeing%20Russia%E2%80%99s%20war%20of%20aggression%20against%20Ukraine%20one%20year%20on.pdf> , last accessed 13 March 2023.

¹⁴ Ibid.

(FAQ) document with recommendations on how to address specific challenges related to the reception and care of children fleeing from war in Ukraine.

In terms of facilitation of labour market access, the Commission set up an EMN Working Group on the EU Talent Pool Pilot for Ukraine in March 2022. The EU Talent Pool Pilot was launched in October 2022,¹⁵ as a job-searching online tool on the EURES portal, intended for beneficiaries of temporary protection who are looking for a job in the EU. The application that was developed allows job seekers to enter and publish their CVs, and to connect with employers across the EU. Seven EU Member States¹⁶ have joined the pilot initiative.

5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study asks the following primary research questions, with reference to the research period:

1. What pathways are available for beneficiaries of temporary protection to transition to other types and forms of legal residence or protection statuses?
2. Do and how Members State track the movement of the beneficiaries of temporary protection who are travelling to other Member States and outside the EU? What happens to temporary protection and the related benefits provided when the person travels to (i) other EU Member States and (ii) outside the EU, including to Ukraine?
3. What procedures are used to extend the validity of documentation for persons under temporary protection after the first year?
4. What challenges and good practices were encountered by EMN Member Countries, pertaining to ensuring access to the following rights granted under the TPD and similar rights granted by EMN Observer Countries:
 - Accommodation
 - Labour market
 - Healthcare
 - Education
 - Social assistance / welfare
5. What policies and measures are in place in the EMN Member and Observer Countries to ensure support for vulnerable persons who are beneficiaries of temporary protection?

6. TARGET GROUPS

- Policy makers and practitioners at EU and national level;
- General public;
- Academia;
- NGO/IGO.

¹⁵ EU Talent Pool Pilot, available at: https://eures.ec.europa.eu/eu-talent-pool-pilot_en, last accessed 17 March 2023. Please see also: https://ec.europa.eu/migrant-integration/news/european-commission-launches-eu-talent-pool-pilot-initiative_en, last accessed 24 April 2023.

¹⁶ CY, ES, FI, HR, LT, PL, SK.

7. RELEVANT SOURCES AND LITERATURE

EMN INFORMS

- EMN, “Access to services for beneficiaries of temporary protection” Inform, 2022, https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_services.pdf
- EMN, “Arrangements for accommodation and housing for beneficiaries of temporary protection” Inform, 2022, https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_housing.pdf
- EMN, “Application of the Temporary Protection Directive (Scope and Registration)” Inform, 2022, https://home-affairs.ec.europa.eu/system/files/2022-07/EMN_TPD_Inform.pdf
- EMN, Annual Policy Report on Migration and Asylum 2022, forthcoming.

EU LEGAL AND POLICY DOCUMENTS

- 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: OJ L 212, pp. 12–23. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32001L0055>
- 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, 4 March 2022: OJ L 71, pp. 1–6. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>
- European Commission, Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16 [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03))
- European Commission, EU Talent Pool Pilot, available at: https://eures.ec.europa.eu/eu-talent-pool-pilot_en
- Commission Communication “Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on”, available at: <https://home-affairs.ec.europa.eu/system/files/2023-03/Temporary%20protection%20for%20those%20fleeing%20Russia%E2%80%99s%20war%20of%20aggression%20against%20Ukraine%20one%20year%20on.pdf>
- European Commission, Frequently asked questions received on the interpretation of the Temporary Protection Directive and Council Implementing Decision 2022/382, available at: https://home-affairs.ec.europa.eu/system/files/2022-07/Frequently%20asked%20questions%20received%20on%20the%20interpretation%20of%20the%20Temporary%20Protection%20Directive%20and%20Council%20Implementing%20Decision%202022-382_en.pdf
- EUAA, “Providing Temporary Protection to Displaced Persons from Ukraine A Year in Review” (2023),

https://euaa.europa.eu/sites/default/files/publications/2023-03/2023_temporary_protection_year_in_review_EN.pdf

- European Commission, Safe Homes Guidance https://home-affairs.ec.europa.eu/safe-homes-guidance_en
- European Observatory on Health Systems and Policies, Access to health care one year on: Implementation of Temporary Protection Directive (2001/55/EC) in EU Member State, available at:
- Commission Recommendation on the recognition of qualifications for people fleeing Russia's invasion of Ukraine
- Commission Communication guidance for access to the labour market, vocational education, training, and adult learning of people fleeing Russia's war of aggression against Ukraine

8. AVAILABLE STATISTICS

The following statistics is being collected by Eurostat:

- Decisions granting temporary protection by citizenship, age and sex – annual data (migr_asytpfa)
- Decisions granting temporary protection by citizenship, age and sex – quarterly data (migr_asytpfq)
- Decisions granting temporary protection by citizenship, age and sex – monthly data (migr_asytpfm)
- Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data (migr_asytpsm)
- Decisions withdrawing temporary protection by citizenship and reason – quarterly data (migr_asytpwq)
- First instance decisions on applications by citizenship, age and sex - quarterly data (migr_asydcfstq)
- Authorizations for study and research by reason, type of decision, citizenship and length of validity (migr_ressrath)
- Refugees from Ukraine registered for Temporary Protection or similar national protection schemes & Refugees from Ukraine recorded in country (UNHCR data)

9. DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary, unless specified otherwise in footnotes:

- **Temporary protection:** A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons and other persons requesting protection.
- **Intra-EU mobility:** Action of persons (EU nationals or legally resident third-country nationals) undertaking their right to free movement by moving from one EU Member State to another.

- **Legal pathway:** In the EU-context, every legal mechanism and policies that enable lawful migration from a third country to an EU Member State, for both international and humanitarian protection needs and labour market needs well as through labour migration, student migration or family reunification
- **Vulnerable person:** Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.
- **Guardian:** an independent person appointed to act on behalf of a child, in the absence of (both) parents or the adult responsible for the child by law or by practice, who safeguards the best interests of the child and general well-being, and to this effect complements the limited legal capacity of the child, when necessary, in the same way that parents do.
- **Social protection:** Social protection is a measure of the extent to which countries assume responsibility for supporting the standard of living of disadvantaged or vulnerable groups. Benefits may be targeted at low-income households, the elderly, disabled, sick, unemployed, or young persons. Social spending comprises cash benefits, direct in-kind provision of goods and services, and tax breaks with social purposes. (OECD , https://www.oecd-ilibrary.org/social-issues-migration-health/social-protection/indicator-group/english_3ddf51bf-en)

10. ADVISORY GROUP

A core AG, consisting of NCPs, COM and the Service Provider has been established to follow the development of the common template very closely and provide dedicated input and support.

- DE NCP (lead)
- LT NCP (lead)
- NL NCP (lead)
- AT NCP
- BE NCP
- CZ NCP
- CY NCP
- EE NCP
- HU NCP
- IE NCP
- IT NCP
- LU NCP
- LV NCP
- PL NCP

- SK NCP
- MD NCP
- UA NCP
- COM NCP
- ICF/ EMN Service Provider
- OECD, EUAA, FRA

11. TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
Study specifications	
Week 1	Circulation of the first draft to the AG for written feedback (one-week deadline for review)
08/05/2023	First AG meeting and discussions on the written feedback
15/05/2023	Circulation of the second draft to the AG (one-week deadline for review)
22/05/2023	Second AG meeting and discussions on the written feedback
29/05/2023	Circulation of the third draft to the study lead (three days for review)
05/06/2023	Circulation of the final draft to NCPs (two weeks deadline for review)
30/06/2023	Launch of the study
National reports (12 weeks)	
06/10/2023	Submission of national reports by EMN NCPs
Drafting of study	
01/11/2023	Draft of the study to COM and AG members (one-week deadline for review)
08/11/2023	Deadline for comments
13/11/2023	Circulation of the first draft to all NCPs (two-weeks deadline for review)
27/11/2023	Deadline for comments
04/12/2023	Circulation of the second draft to COM and all NCPs (two-weeks deadline for review)
18/12/2023	Deadline for comments
05/01/2024	Circulation of the third (final) draft SR to COM and all NCPs (two-weeks deadline for review)
19/01/2024	Deadline for comments

Date	Action
05/02/2024	Publication

12. TEMPLATE FOR NATIONAL CONTRIBUTIONS

Common Template of EMN Study 2023

The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

NATIONAL CONTRIBUTION FROM EMN MEMBER OR OBSERVER COUNTRY*¹⁷

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study.

Top-line factsheet [max. 1 page]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 2-4:

SECTION 1. STATE OF PLAY

In the Synthesis Report, this section will provide an overview of the current situation in terms of number of beneficiaries of temporary in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries.

**Please note that this data will be extracted by the Service Provider from Eurostat and other available harmonised data sources prior to publication and presented in the Study.*

SECTION 2. LEGAL STATUS

Legal Pathways and Transition from Temporary Protection to Other Types and Forms of Residence or Protection

1. Is it possible for beneficiaries of temporary protection residing in your Member State to apply for other types of residence permits/visas/authorization of stay (e.g. a residence permit for work, family, study or other purposes)? If yes, please specify if this is in addition or as an alternative to temporary protection?

¹⁷ Replace highlighted text with your **Member or Observer Country** name here.

Within a period of 22 September 2022 until 31 March 2023 citizens of Ukraine staying legally in Poland had the opportunity to obtain a national visa for the purpose of work as a driver in international road transport or in non-commercial international road transport, or as a pilot of a civil aircraft or other crew member without a crew member certificate (CMC), issued in the territory of Poland.

Since 1 April 2023 all Ukrainian beneficiaries of temporary protection in Poland as well as their non-Ukrainian spouses covered by such protection in this territory, who have acquired PESEL number with UKR status are entitled to apply for temporary residence permits for the purpose of work (temporary residence and work permit, the EU Blue Card) as well as for temporary residence permits for the purpose of economic activity. This is an alternative solution to temporary protection in Poland for those who are able to quit the protection status and transit to regular type of legal residence in Poland. The possibility has been introduced by the Act of 13 January 2023 amending the Act on assistance to citizens of Ukraine in connection with an armed conflict on the territory of this state and certain other acts (OJ of 2023 item 185).

2. If yes to Q1, are there any special procedures, lowered requirements, dedicated programmes or similar practices in place to assist in obtaining those residence permits/visas/authorization of stay?

Special procedure concerning temporary residence permits has been provided without personal appearance requirement of the applicant in order to streamline the process and minimize the burden on public administration. The minister responsible for informatization provides the authority competent to issue residence permits, with access to fingerprints collected in the register of persons to whom a PESEL number with UKR status was assigned via an IT system and the possibility of including them in the register of residence permits run on the basis of the Act of 12 December 2013 on foreigners, in order to issue residence cards to applicants.

As regards temporary residence permits for the purpose of work the labour market test is not required to obtain the permit. The solution concerns also all Ukrainian citizens staying legally in Poland who are not covered by temporary protection. Work may be carried out on the basis of a notification of entrusting work to the foreigner made by the employer.

As regards temporary residence permits for the purpose of economic activity person who conducts business activity on the basis of an entry in the Central Registration and Information on Economic Activity (an individual business activity) is exempted from requirement to prove that the conducted business activity is (or will become) beneficial for the Polish economy or the labour market (by obtaining an adequate level of income or job creation). The exemption which applied earlier until 24 August 2023 has been prolonged currently until 4 March 2024. The solution concerns also all Ukrainian citizens who are not covered by temporary protection in Poland.

3. If yes to Q1, in the event of granting of such residence permits/visas/authorization, what happens with temporary protection and/or the access to rights/facilities/benefits provided under temporary protection?

Beneficiaries of temporary protection in Poland who obtained temporary residence permit lose their temporary protection status with the related entitlements. Holders of

temporary residence permits for the purpose of work obtain entitlements which concern third country workers.

4. What is the procedure followed by your Member State when a person to whom temporary protection is applied submits an application for international protection? (a) if they already have been registered as a beneficiary of temporary protection and (b) if they have not (yet) been registered as a beneficiary temporary protection.

Ukrainian beneficiaries of temporary protection in Poland as well as their specified family members covered by such protection in Poland (registered or not) who applied for international protection lose their temporary protection status with the related entitlements. The solution has been introduced from the beginning of the entry into force of the Act of 12 March 2022 on Act on assistance to citizens of Ukraine in connection with an armed conflict on the territory of this state (Journal of Laws, item 583, as amended), hereinafter referred to as the 'Special Law'.

Anyone can apply for international protection through the Border Guard authority at any time. Submitting an application for international protection means suspension of any other benefits if there are in place. The stay of an applicant for international protection is regulated by separate law regulations (in particular Act on granting protection to foreigners within the territory of Poland).

At the same time, it should be pointed out that in a case when a person has submitted application for international protection in the Republic of Poland or on behalf of whom such applications have been submitted or declared their intention to submit applications for international protection in the Republic of Poland pursuant to art. 28 sec. 1 or art. 61 sec. 1 of the Act of June 13, 2003 on granting protection to foreigners within the territory of the Republic of Poland or to whom such declarations of intention apply, and he/she has not been registered as a beneficiary of temporary protection cannot be recognised as beneficiary of temporary protection granted under provisions of the Act of 12 March 2022 on assistance to citizens of Ukraine due to armed conflict on the territory of this state. If the person has already been registered as a beneficiary of temporary protection, in such case provisions of the mentioned above Act will no longer apply to him/her.

Persons who do not fall under the scope of temporary protection established by the Council Implementing Decision, if have entered the territory of Poland under special mode of provisions of Act of December 12, 2013 on foreigners, are enable to stay on this territory for period no longer than 15 days. If the person did not take any steps to legalise his/her stay – apply for international protection or residence permit (according to the individual case), as a rule is the subject of return procedures.

5. Has your Member State encountered any challenges* with persons claiming to be fleeing the war in Ukraine who do not fall under the scope of temporary protection established by the Council Implementing Decision?

Not available.

**For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

6. If yes to Q5, please explain how such challenges were addressed and/or what are the legal remedies available for such persons.

Not applicable – see the answer to Q5.

Traveling to other Member States and outside the EU

7. What, if any, is the mechanism in your Member State to track the movement of the beneficiaries of temporary protection who are travelling to (i) other Member States and (ii) outside the EU?

The abolition of controls at the internal border means that border controls are not carried out on the Polish side of the border, and people entering and leaving Poland do not have to undergo border clearance to enter/arrive in the Republic of Poland. Therefore, it is not possible to track the movement of beneficiaries of TP who registered in Poland who are travelling to other Member State.

It is important to highlight that the Republic of Poland notified to the European Commission on the special documents issued by the Polish authorities to the beneficiaries of the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state and beneficiaries of temporary protection referred to in Art. 106 of the Act on granting protection to foreigners within the territory of the Republic of Poland. As a result of the notification, the validity of the residence permits referred to in the Regulation of the European Parliament and of the Council (EU) of 9 March 2016 on the Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) was granted the following documents:

- an electronic document *diia.pl*, confirming status of beneficiaries of the Act on assistance to Ukrainian citizens (...),
- a certificate on the use of temporary protection issued by the Head of the Office for Foreigners to citizens of third countries other than Ukraine.

The documents have been included in the catalog of documents issued by the Republic of Poland, listed in the updated Annex 22, and their templates are made available in the updated Annex 23 to the Schengen Handbook for Member States' border guards.

Bearing in mind the rank of the indicated documents, it should be emphasized that a current electronic document *diia.pl* or a valid certificate of temporary protection - together with a valid travel document - entitle their holders to cross the external and internal borders of the Republic of Poland and other countries of the Schengen area.

Granted documents having the status of residence permits also means that during their validity they entitle to long-term stay in the territory of the Republic of Poland and short-term stay referred to in Art. 21 sec. 1 of the Convention Implementing the Schengen Agreement, on the territory of other countries of the Schengen group (i.e. 90 days in each 180-day period back).

At the same time, it should be noted that citizens of Ukraine who, pursuant to Art. 4 of the Act on assistance (...) have registered their stay on the territory of the Republic of Poland, they do not acquire the right to cross the border solely from the fact of being registered in national database. In order to cross the border by this category of travelers, it is necessary to present a valid passport and an electronic document *diia.pl*.

In accordance with the Special Law the departure of a Ukrainian citizen from the territory of the Republic of Poland for a period exceeding 30 days deprives him/her of the temporary protection status in Poland. From the 28 January 2023 explicit provision of the Special Law was introduced providing that the use by Ukrainian citizen of temporary protection in the territory of another EU Member State granted due to hostilities carried out on the territory of Ukraine deprives him/her of the temporary protection status and related rights in Poland.

The UKR status of the PESEL number is since 1st July 2022 a subject to automatic change to NUE status in the PESEL register as a result of a transfer of the following information from the Border Guard register (of Ukrainian citizens who arrived on the territory of the Republic of Poland from the territory of Ukraine in connection with hostilities conducted on the territory of Ukraine and who have submitted an application for PESEL number with UKR status) to the PESEL register by the Commander-in-Chief of the Border Guard:

- 1) on departure from the territory of the Republic of Poland for period exceeding 30 days;
- 2) on possession by a citizen of Ukraine of the residence document, international protection or national protection status in Poland;
- 3) on submission or intention to submit the application for international protection;
- 4) on the use by a citizen of Ukraine of temporary protection in another EU Member State (introduced on 28th January 2023).

Further regulations concerning that issue introduced since 1 July 2022:

In the event of an automatic change of UKR status to NUE status, the UKR status may be restored in accordance with Art. 11 of the Act of 24 September 2010 on population registration if the person who was assigned a PESEL number confirms that his/her stay outside the Republic of Poland did not last longer than 30 days.

In the event of departure from the territory of the Republic of Poland for a period exceeding 30 days, within the internal borders of the Republic of Poland with Schengen countries, the UKR status may be changed on the basis of a declaration of departure from the territory of the Republic of Poland submitted by the person to whom this status was granted, or the person representing them.

The declaration of departure for a period exceeding 30 days may also be submitted in relation to departure from the territory of the Republic of Poland through the external borders of the Schengen area. In such a case, the Commander-in-Chief of the Border Guard ensures the possibility of verifying the date of departure from the territory of the Republic of Poland.

Persons whose UKR status has been changed may be re-granted this status as a result of arrival on the territory of the Republic of Poland from the territory of Ukraine in connection with hostilities conducted in the territory of this country. Leaving the territory of Ukraine must be documented or registered in the Border Guard register. If re-entry took place through the borders of the Republic of Poland which are the external borders of the Schengen area, the re-assignment of the UKR status takes place

automatically as a result of providing information from the Border Guard register together with the indication of the date of entry into the territory of the Republic of Poland. UKR status may also be re-assigned as a result of re-submitting the application for a PESEL number.

8. What happens to temporary protection and the related benefits provided when the person travels outside your Member State to (i) another Member State* and (ii) outside the EU, including to Ukraine?

See the information above - if the person has been registered as a beneficiary of temporary protection, and it will be recorded that he/she leaves the territory of Poland for a period longer than 30 days, the temporary protection and the related benefits provided no longer apply. This includes both travels to another Member State and outside the EU.

Above does not apply to foreigners directed to perform work or services outside the Republic of Poland by entities operating in Poland.

9. Do national authorities in your Member State have knowledge of any challenges* encountered by beneficiaries of temporary protection in re-entering the EU or your Member State specifically when coming back from Ukraine or other Member States? If so, why is it considered a challenge and according to which national authority? How has this been addressed by your Member/Observer State?

Challenge encountered by beneficiaries of temporary protection which can be distinguished in case of re-entering the EU specifically when coming back from Ukraine or other Member States is mainly lack of adapting of the procedure of regaining the status in question after losing the status of TP beneficiaries according to their absence on the territory of Poland above 30 days or after entering the territory of Poland through internal borders without registering their arrival to the proper authorities.

**For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

Temporary Protection Registration Platform (TPP)

10. How and to what extent has your country made use of the TPP during the research period?

Polish Border Guard uses TPP in the field of verification of conditions for residence of Ukrainian citizens at the Polish territory who are obliged to benefit and enjoy the temporary protection. In case of retrieving data from TPP providing confirmed information that somebody from the above mentioned group is actively registered in other Member State, temporary protection granted by the Polish authorities shall be revoked immediately.

11. Has your country encountered any (i) challenges and (ii) good practices in the use of the TPP? Please elaborate and specify why it is considered a challenge and according to whom this is a challenge/good practice.

i) Challenges:

Some Member States don't provide the most updated information to the TPP. The Border Guard has identified a technical problems when it comes to the retrieving HIT list in

case of a huge volume data provided to the TPP (in case of Poland it is around millions of registrations).

ii) Good practices:

TPP shall be connected with the national migratory systems using connection type system-system in order to ensure and provide on-line exchange of information and data regarding foreigners whom temporary protection shall be revoked or cancelled immediately having in mind UE and national legal frameworks.

12. Does your country upload in the Platform the identity of the adult persons accompanying "separated" children arriving from Ukraine, and respectively, of guardians appointed in Ukraine before departure?

Minors are registered to the TPP separately. The Border Guard does not upload data covering families as a whole group of persons staying together. If data concerning minor's guardians is available in the national system this data is uploaded to the TPP.

Assistance to people wishing to go home (back) to Ukraine

13. Does your Member State provide support for the beneficiaries of temporary protection who wish to go home (back) to Ukraine? If so, please elaborate.

Poland does not have any programs to support Ukrainian citizens wishing to go back to Ukraine on voluntary basis. Border traffic takes place normally, citizens of Ukraine can freely enter Ukraine.

14. Has your Member State observed any trends in terms of outflows of beneficiaries of temporary protection? If so, please elaborate.

Poland, being a border country, naturally became the first stop for refugee migration. Our country has been experiencing outflows and inflows of temporary protection beneficiaries since the beginning of the conflict in Ukraine. This applies to trips to other European countries or further afield, as well as going back to Ukraine. Going back concern primarily non-conflict areas, especially in the case of family members left there (men, elderly people) or the need to work on farms. Travel to other countries is usually made by people who have not found employment in Poland or who have already arranged more attractive conditions in a specific country.

At the beginning of 2023, Poland noted a greater outflow of temporary protection beneficiaries from the group of people who never intended to take up employment due to the introduction of the obligation to cover part of the costs of stay for people with a multi-month stay (apart from exceptions listed in the Special Act, which constitute the vast majority). Another outflow from the group of beneficiaries began in April 2023 and continues to this day. However, it is not related to leaving Poland. From 1 April 2023, Ukrainian citizens covered by temporary protection may apply for temporary residence permits in order to work or run a business. The solution is optional and addressed to people who feel confident in the Polish labour market and want to resign from benefitting from temporary protection.

It is also worth remembering that while at the beginning of the war Poland was the country of first choice for Ukrainian refugees, thousands of them have been leaving for Germany for many months. Among the main reasons for moving to Germany, most refugees point to social factors: having family and friends there. Additionally, the opening of the German labour market to Ukrainian refugees and universal language

courses, combined with wide access to medical care and education, meant that Poland's advantages as a labour market for Ukrainians were no longer unique in the European Union.

Registration

15. Have there been any major legal, policy or practical changes regarding registration of beneficiaries of temporary protection during the research period*? If there were any, please elaborate.

From 28 January 2023, an application for a PESEL number with UKR status should be submitted within 30 days from the date of arrival in the territory of the Republic of Poland. An application includes also declaration that the applicant does not possess a residence document, international protection or national protection status in Poland, has not submitted an international protection application or has no intention to submit such application or does not use of temporary protection in another EU Member State.

From 1 February 2023, an application for a PESEL number with the UKR status includes also the date and place of crossing the external border, which is not the border of the Republic of Poland, if entry into the territory of the Republic of Poland did not take place directly from the territory of Ukraine.

Since 5 June 2023, digital residence documents diia.pl are available also to minor children under 13 years of age of Ukrainian citizens who are beneficiaries of temporary protection in Poland. The digital document for the child may be presented in the mObywatel application of the parent whose PESEL number is linked to the child's record.

16. What procedure was used to extend the validity of documentation based on temporary protection after the first year? Please elaborate on the process.

On 27 June 2023 an amendment to the Special Law was introduced prolonging the legal stay and temporary protection status of citizens of Ukraine and their specified family members who arrived on the territory of Poland from the territory of Ukraine after 24 February 2022 in connection with the military operations conducted on the territory of that state until 4 March 2024. Initially the legal stay and temporary protection status were foreseen until 24 August 2023. The electronic documents Diia.pl which serve as residence documents include the expiry date of the documents.

The legal stay and temporary protection status mentioned above will be prolonged until 31 August 2024 for persons who on 4 March 2024 will benefit from pre-school education, will fulfil compulsory schooling or compulsory education or will study in a kindergarten or school operating in the Ukrainian education system using distance learning methods and techniques, as well as for persons who no later than in the 2022/2023 school year started studying at a second-cycle vocational school, post-secondary school or school for adults. Prolongation until 30 September 2024 will concern persons who will take the secondary school leaving resit examination. The prolongations will apply accordingly to parents or guardians of minors.

As regards paper certificates on the use of temporary protection issued under the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland for beneficiaries of international protection and other forms of national protection in Ukraine and their family members, as well as for the permanent residents in Ukraine who cannot come back to their countries of origin in safe and durable conditions, they include the expiry date reflecting the period of temporary protection

provided for under the EU law as of the date of issue of the certificate. Where period of temporary protection is extended by European Union law, the validity of the issued certificates is to be extended accordingly by operation of law (art. 110(6) of the above mentioned Act). The certificates include the information in this regard.

17. What challenges** did your Member State encounter in the registration process and how were these addressed/planned to be addressed during the research period? Were there any good practices?

Not available.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

SECTION 3. ACCESS TO RIGHTS PROVIDED BY THE TEMPORARY PROTECTION DIRECTIVE

Accommodation

18. Have there been any major legal, policy or practical changes regarding access to accommodation for beneficiaries of temporary protection during the research period*? If there were any, please elaborate. Are there any changes foreseen in the way access to suitable accommodation or the means to obtaining housing is arranged?

During the period under survey, the Act of 13 January 2023 amending the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and certain other Acts, in Article 12(17), sets out the following conditions for provision of accommodation and food assistance to a Ukrainian citizen by the voivode and other entities after 120 days from the date of first entry into the territory of the Republic of Poland after 24 February 2022:

- a. possession of a PESEL number by an Ukrainian citizen;
- b. his/her covering 50% of the costs of assistance in advance, but not more than PLN 40 per day in the period from 121 to 180 days from the day of his/her first entry into the territory of the Republic of Poland;
- c. his/her covering 75% of the assistance costs in advance, but not more than PLN 60 per day from the 181st day from his/her first entry to the territory of the Republic of Poland.

Taking into account the fact that there are groups of persons in need of special support who may not be able to contribute to the costs of assistance, the legislator has exempted from this obligation Ukrainian citizens who meet at least one of the following prerequisites:

- having a certificate of disability or degree of disability or a certificate referred to in Article 5 of the Act of 27 August 1997 on professional and social rehabilitation and employment of persons with disabilities;
- provision of care for a disabled person with a Polish certificate of disability or degree of disability or certificate referred to in Article 5 of the Act of 27 August 1997 on vocational and social rehabilitation and employment of disabled persons;
- being 60 years of age (in the case of women) or 65 years of age (in the case of men);

- being pregnant;
- being a person bringing up a child up to the age of 12 months;
- being a sole guardian of three or more children on the territory of the Republic of Poland;
- being a minor;
- being in a difficult life situation which makes it impossible to contribute to the costs of assistance;
- being a temporary guardian appointed for a minor referred to in Article 25a (1) of the Act on Assistance to Citizens of Ukraine.

The purpose of the amended provisions is to mobilise Ukrainian citizens fleeing war to become professionally active and, as far as possible, to function independently on the territory of the Republic of Poland. However, they are not intended to lead to homelessness of Ukrainian citizens fleeing from war who are unable to contribute to the costs of assistance.

Taking into account the extension by the European Commission of the validity until 4 March 2024 (with the possibility of extension until March 2025) of the Council Executive 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 resulting in the introduction of temporary protection, it became necessary to extend until 4 March 2024 in the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that state (Journal of Laws item 583, as amended) the deadlines concerning, inter alia., Assistance Fund and operation of collective accommodation facilities for citizens of Ukraine.

Extension of the period of legal stay of Ukrainian citizens on the territory of Poland until 4 March 2024 necessitated the commencement of legislative work on the amendment of Ordinance of the Minister of the Interior and Administration of 16 March 2022 on the template of application for monetary benefits for providing accommodation and meals to Ukrainian citizens arriving on the territory of the Republic of Poland in connection with military operations. The introduced correction to the card of a person accepted for accommodation is to allow applications for monetary benefits for the period from July 2022 to 4 March 2024.

19. What were the key challenges** in your Member State in providing access to suitable accommodation or the means to obtaining housing to beneficiaries during the research period? How were these challenges addressed/planned to be addressed and are there any good practices?

In Poland, there are two mechanisms for financing accommodation of refugees from Ukraine from the state budget:

1. accommodation in private homes - a monetary benefit of PLN 40 per day is paid to any entity, in particular a natural person running a household, which will provide at its own expense accommodation and food to a Ukrainian citizen for a period not exceeding 120 days from the date of arrival on the territory of the Republic of Poland. The benefit is paid from the Assistance Fund. The municipality may extend the period of benefit payment for a period longer than 120 days in the case of providing accommodation and meals to a citizen of Ukraine who, due to special personal conditions, e.g. disability, old age, raising at least 3 children alone, pregnancy, cannot become independent.

2. collective accommodation points - voivodes (local representatives of the central government administration) in each voivodship launch temporary collective accommodation establishments with food. Depending on the number of persons who request this form of assistance, the voivode establishes cooperation with various types of facilities, including those at the disposal of individual ministries, companies from the State Treasury or private individuals. Such points are also prepared by state legal entities, local government bodies, self-government legal entities and self-government organisational units without legal personality on the basis of orders issued by voivodes. At collective accommodation facilities, persons are provided with, inter alia, food, accommodation facilities, medical and psychological care and information on the legality of their stay.

Facilities that can serve as temporary collective accommodation points and where Ukrainian refugees are accommodated are mainly: hotels, hostels, motels, boarding houses, fire stations, school dormitories, university dormitories, vicarages, community centres, cultural centres, sports halls, excursion centres, youth hostels, holiday centres, etc.

Given that the period covered by the study (1 January - 1 July 2023) partly included the winter season, the challenge for the government administration was to provide refugees with accommodation in facilities fully prepared for the winter period. Voivods were required as early as September 2022 to verify whether the notified places of collective accommodation located in the voivodships would perform the mentioned function during the winter. Bearing in mind the needs in this area, the voivodes, in consultation with local authorities, conducted reconnaissance of further facilities of a standard guaranteeing good accommodation conditions. When it was not possible to provide adequate conditions (e.g. hot water, heating, insulation, etc.), refugees from Ukraine were directed to other facilities of an adequate standard. The number of accommodation places was maintained according to needs. Both the ministry and the voivodes took measures aimed at providing this form of assistance to anyone who requested it. In addition, voivodes were obliged to verify the number and type of equipment needed to accommodate refugees in Poland. A major challenge for the government administration was also posed by the insufficient funds needed to carry out tasks aimed at assisting refugees from Ukraine received from the European Commission.

The biggest challenge facing all of us at the moment is the care of the elderly, the disabled and children, as well as securing funding for integration and recovery programmes for those refugees who, for various reasons, have not been able or willing so far to take advantage of the rights granted to them by the system and do not seek to become independent or improve their living conditions. The aim of the amended provisions of the Assistance Act is to mobilise Ukrainian citizens fleeing the war to become professionally active and, as far as possible, to function independently on the territory of the Republic of Poland.

20. Have these challenges changed since the initial arrival of beneficiaries of temporary protection in 2022?

At that time, the priority of the Polish government was to allow refugees to cross the border smoothly, providing them with security, care, accommodation and food. At each border crossing, Polish services organised reception points where war refugees were received on the very first day of the war. After receiving basic assistance, they were able to travel by organised transport to places prepared for them throughout the

country. After quickly organising first aid for all those fleeing, the next action of the Polish government was to set up an entire system that would enable refugees to gradually become independent and to live a normal life in Poland. To this end, as early as March 2022, the Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state was adopted, which gave them rights analogous to those of Polish citizens. This legislation enabled refugees to reside legally in Poland, enjoy health and social benefits, as well as access to education and the labour market. The Polish government is keen for Ukrainian refugees in Poland to find a safe home, where they can overcome the trauma of war, raise their children and gain new experiences and skills.

Currently, the biggest challenge is to care for the elderly, the disabled and children, as well as to guarantee funding for integration and recovery programmes for those refugees who, for various reasons, have been unable or unwilling so far to take advantage of the rights granted to them by the system.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Labour Market

**Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of temporary protection which will explore this topic in further detail and complement the information collected*

21. Have there been any major legal, policy or practical changes regarding access to the labour market for beneficiaries of temporary protection during the research period* (e.g. concerning the conditions and procedures for (self-)employment such as labour market tests, work permits, access to regulated professions, etc.)? If there were any, please elaborate.

Regarding access to the labour market, the rules were the same in 2023 as in 2022.

22. What were the key challenges** that your Member State encountered in (i) providing access to (self-)employment during the research period (e.g. in connection with the issuance of work permits, access to regulated professions and/or other conditions) and (ii) providing measures facilitating employment and labour market activation, such as vocational training, language courses, training or integration assistance for adult beneficiaries of temporary protection?

The challenge remains to better use of potential, in particular work accordance with qualifications, of refugees from Ukraine.

Several factors may be responsible for these matching difficulties, including:

- structural conditions, as the Polish labour market may not be able to absorb and offer adequate jobs to all well-qualified people;
- plans of migrants, as many Ukrainians still perceive their stay in Poland as temporary;
- the structure of the migrant population, with a dominant share of women with specific skill profiles;

- restricted access to the labour market in the case of several (mainly regulated) professions;
- the majority of refugees do not speak Polish fluently.

23. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges? **The research period is from 1st January 2023 to 1st July 2023.*

One of the responses to challenges is the new Ministerial Programme "Together We Can Do More", aimed at professional activation and social integration of foreigners legally residing in Poland, especially beneficiaries of temporary protection. The most common activities offered to foreigners are: language training, social integration, psychological support, assistance in finding a job and job counselling and vocational training.

About 43,000 foreigners, mainly women and children, will receive comprehensive support tailored to their needs during the first edition of the Programme covered years 2022-2023.

Moreover, every citizen of Ukraine may register at the local labour office as unemployed or job seeker on the same terms as Polish citizens. They can also use the labour market services and instruments and the National Training Fund; they are entitled to unemployment benefits, as well as internships, training, obtain funds for opening a business. It is possible to participate in Polish language training, including the language training for medical staff.

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Healthcare

24. Have there been any major legal, policy or practical changes regarding access to healthcare (including mental health support) for beneficiaries of temporary protection during the research period*? If there were any, please elaborate.

During the research period no changes occurred in the legal framework governing access to healthcare for beneficiaries of temporary protection in Poland.

25. What were the key challenges** in your Member State in providing access to medical care to beneficiaries of temporary protection during the research period?

No special challenges in providing access to medical care to beneficiaries of temporary protection were identified.

More general information on the health care provided to the beneficiaries of temporary protection:

Support for Ukrainian citizens, including access to the public health care system, on the same terms as Polish citizens, is guaranteed by the Act of 12 March 2022 on Assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state,

which comprehensively regulates the scope, including the subjective scope, and the manner of providing this assistance.

In accordance with Article 37 of the aforementioned Act, a citizen of Ukraine whose residence in the territory of the Republic of Poland is considered legal, is entitled to medical care provided on the territory of the Republic of Poland covering health care services on the terms and to the extent to which persons covered by compulsory or voluntary health insurance are entitled to benefits under the Act of 27 August 2004 on Health Care Services financed from public funds (Journal of Laws of 2023, item 172), excluding spa treatment and spa rehabilitation, as well as the administration of medicinal products issued to recipients under the health policy programs of the minister responsible for health matters. Thus, these individuals are entitled to all benefits in the field of care psychiatric and addiction treatment - including benefits provided by psychologists.

In addition, in order to ensure an adequate number of specialists speaking the Ukrainian, in accordance with the Act of 8 April 2022, amending the Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state as of 24 February 2022, for a period of 18 months, a citizen of Ukraine residing in the territory of the Republic of Poland during the period of stay in accordance with the applicable regulations, in the cases referred to in Article 22 (1) of the aforementioned law, holding a diploma obtained in Ukraine:

- 1) a unified degree in psychology or
- 2) a diploma of first degree in psychology and second degree in the field of psychology - completed with the professional title of specialist in the field of psychology or Master's degree in the field of psychology, may provide psychological services to citizens of Ukraine residing in the territory of the Republic of Poland, including health care services in the field of psychiatric care and addiction treatment (Art. 64a).

In addition to the above, the Children's Helpline of Ombudsman for Children's Rights, have been launched providing support in Ukrainian and Russian by on-call-specialists. The Children's Ombudsman's Child Helpline has been running since the fall of 2021, in cooperation with the Ministry of Health. It enables support for children and adolescents and their parents and caregivers. The number operates 24 hours a day, and it is free to call. Young people, who prefer instant messaging to a regular phone call can use the chat room available on the Ombudsman for Children's Rights website <https://czat.brpd.gov.pl/>.

The Ministry of Health also participates in the WHO-led Working Group on Mental Health and Psychosocial Support (MHPSS - The Mental Health and Psychosocial Support Technical Working Group), which involves cooperation with international and national organisations working on behalf of refugees from Ukraine. As part of the cooperation, on the website of the Ministry of Health was published a guide developed by WHO experts for workers in the field "Psychological First Aid." The guide is available at: <https://www.gov.pl/web/zdrowie/psychologicznapi pierwsza-pomoc-przewodnik-dla-pracownikow-w-terenie>

Taking into account the special challenge in the area of mental health protection of refugees and other Ukrainians in connection with war in Ukraine, the Ministry of Health

launched a therapeutic pilot program for people with trauma (A regulation of the Minister of Health of 23 December, 2022 on a pilot program of therapeutic interventions therapeutic interventions aimed at people with experience of trauma, Journal of Laws item 2805). The pilot program envisages the creation of centers where, among other things. Ukrainian persons experiencing the negative effects of these experiences on their mental health will be able to receive help.

26. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

Not applicable.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Education

27. Have there been any major legal, policy or practical changes regarding access to education for beneficiaries of temporary protection during the research period*? If there were any, please elaborate.

Certain regulations have been introduced in order to adapt to the situation.

In the case of refugees from Ukraine, temporary protection confers special rights, i.e. no fee is charged for full-time studies in the Polish language (Article 324(2) (4) of the Act on Higher Education and Science). In October 2022, European Commission announced the decision to extend the Directive on temporary protection of Ukrainian refugees in the European Union until March 2024. In turn, on 26 June 2023, the provisions amending the Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state entered into force, extending respectively until 4 March 2024, the legality of residence and provision of temporary protection to citizens of Ukraine who legally arrived on the territory of the Republic of Poland between 24 February 2022 and the date specified in the regulations issued under the provisions of the Special Act and declare their intention to stay on the territory of the Republic of Poland.

In terms of vocational education, no new legal changes were undertaken in the period covered by the study, regarding access to education for beneficiaries of temporary protection. Students who were citizens of Ukraine were able to attend schools providing vocational education in specific professions on the same basis as Polish students.

A barrier to vocational training was the lack of knowledge of the Polish language, so this group of students was able to make up for their language deficiencies in preparatory divisions.

Pupils who were citizens of Ukraine, assigned to the branches of the technical school and the technical school of the first degree, carried out vocational education in accordance with the programme for Polish pupils, while pupils who were citizens of Ukraine and who did not know Polish language sufficiently to carry on vocational

education in a given profession, attended preparatory divisions with additional free Polish language learning. In the preparatory divisions, these students implemented, *inter alia*, selected teaching contents specified in the core curriculum of education in a given profession, which will facilitate their full vocational training in that profession in the following year.

Ordinance of the Minister of Education and Science (signed on 13 July 2023) amending Ordinance on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine (Journal of Laws, item 1367) was processed during the research period. The Ordinance introduced a change concerning the possibility for students who are citizens of Ukraine, who started their education at a lower-level vocational school or technical school after 15 September 2023 and intend to take the vocational exam, to submit a declaration to take the vocational exam in the school year 2023/2024 at a later date, i.e. by 15 March 2024, instead of by 7 February. This is an analogous solution already adopted in 2021/2022 and 2022/2023 (§4b (1) of the Ordinance in question).

For the remaining cases, provisions of the Act on the Education Law apply. The issue of access to education for beneficiaries of temporary protection is provided for in Article 165 of the Act referred to above.

28. What are the key challenges** and barriers in your Member State during the research period in providing access to primary and secondary education to persons under 18 years old (including measures facilitating the possibility to follow the online Ukrainian curricula)?

The challenge that the Polish school system had to face was undoubtedly that of accommodating the large number of new pupils who arrived in a very short period of time, during the ongoing school year. This resulted in an organisational challenge from the school's point of view - the need to create new classes, hire new teachers, new timetables, organise classrooms, etc. Many schools, especially in small towns, had no previous experience of working with a student with a migrant experience.

Among the incoming Ukrainian refugees, there was a desire to continue their education in the Ukrainian system or a fear of non-recognition of the education gained in Poland in Ukraine, which was another challenge for the Polish side, which forced implementation of legal regulations and adaptation of the legislation to the new situation. It should also be noted that a very large number of Ukrainians treat their stay in Poland as temporary, transitional, which resulted in a lack of willingness to integrate and adapt in the new environment.

However, the above-mentioned challenges did not stand in the way of access to public, free education in Polish educational system.

In the case of students, it would be reasonable to extend the Directive on temporary protection of Ukrainian refugees in the European Union until the end of the academic year, i.e. 30 September 2024. However, as long as the period of temporary protection is not extended by a decision of the Council of the European Union, no changes in national law will be possible (only an extension of the period of legal residence will be possible, but not temporary protection).

29. What steps have been taken to address these challenges, and are there any good practices in responding to the challenges?

Steps and good practices undertaken by the Ministry of Education and Science in 2023 which are aimed to respond to the challenges are the continuation of actions undertaken in 2022. More information on the abovementioned steps and good practices is provided below.

In order to meet the challenges that have arisen in connection with the armed conflict on the territory of that state, a mechanism was created to finance educational tasks related to students from Ukraine who have arrived since 24 February 2022. From April 2022, local government units receive additional funding for the implementation of additional educational tasks related to the education, upbringing and care of pupils from Ukraine.

Transfers for this task from the financial resources of the Assistance Fund, for the period from 24 February 2022 to the end of May 2023 - in monthly instalments - have already been transferred to local authorities. Subsequent ones - will be made analogously, i.e. also in monthly instalments.

The total amount of funds calculated on the basis of the data for the period from 24 February 2022 to the end of June 2023 for additional educational tasks performed by local self-governments is approximately PLN 3.2 billion.

The support includes tasks so far not financed from the educational subsidy - subsidising pre-school education of children at the age of 2.5-5 and subsidising school transport.

The funds transferred to local governments to support pupils from Ukraine are calculated in accordance with the algorithm, constituting an annex to the Ordinance on the manner of distribution of the educational part of the general subvention for local government units in a given budget year on the basis of data shown in the educational information system referred to in the Act of 15 April 2011 on the educational information system (Journal of Laws 2021, item 584 and 619).

Pupils from Ukraine will also be funded from the Assistance Fund in the 2023/2024 school year.

In parallel with the funding mechanism, systemic solutions were introduced for provision of care and education to students who are citizens of Ukraine and who arrived in the Republic of Poland after 24 February 2022. These solutions were introduced on the basis of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that state and Ordinance of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine. In order to meet the challenges, the provisions were made more flexible and a number of measures were taken to facilitate the admission of children and youth from Ukraine to Polish schools.

It has been made possible to create public or non-public other locations for teaching, upbringing and caring activities, including pre-school education activities, organisationally subordinated to schools or kindergartens (then procedures related to the transformation of schools are not applied, there is no need to change the network of public schools); for the creation of other locations for teaching in public buildings, the need to comply with the procedure for changing the manner of use of a building

object or its part has been temporarily waived. Thanks to the introduction of this regulation, any public building, e.g. an office or social building, can be used; this does not exempt from the obligation to ensure safe conditions of education, upbringing and care as specified in the provisions of the so-called special ordinance of the Minister of Education and Science.

In addition, it was made possible to transport children and pupils from Ukraine to places where education, upbringing and care is provided for them. The local government unit where education, upbringing and care are provided for children from Ukraine may organise their free transport to the place where education, upbringing and care are provided for these children.

Pupils who are citizens of Ukraine have also been given the opportunity to receive material aid of a social nature. The social assistance benefits also available to pupils of Ukrainian origin are a school scholarship and a school allowance.

A requirement has been introduced to adapt the curricula implemented at school - including the scope of teaching content - to the capabilities and needs of Ukrainian students admitted to preparatory divisions in primary and secondary schools. The provision makes it possible to adapt the curricula of individual subjects implemented at school - also by limiting/reducing the requirements in relation to the general education core curriculum.

The purpose of preparatory classes is to enable students who do not know Polish language to learn it. At least 6 hours per week in the preparatory division are allocated for this purpose. The remaining hours can be freely allocated by the headmaster for the implementation of activities supporting the adaptation of pupils and preparing them for further education.

Pupils with special educational needs, depending on their needs, can benefit from psychological and pedagogical assistance in Polish kindergartens and schools regardless of whether they have additional documents in this regard.

The possibility of creating inter-school preparatory divisions has also been created. In cases justified by demographic conditions, the executive body of the local self-government unit that is the authority in charge of the school in which the preparatory division is organised may direct pupils of other schools of the same type, run by the same local self-government unit, to this division. Local government units running schools may enter into agreements in order for the executive body of the local government unit to direct pupils of the school it runs to a preparatory division organised in a school of the same type run by another local government unit.

Moreover, the choice of the most appropriate educational solution for children and pupils who have arrived on the territory of the Republic of Poland from Ukraine in connection with the warfare conducted on the territory of that state remains within the competence of the parents or persons having custody of the child or pupil. The parent has two options to provide education to the child: to continue education in the Ukrainian system using distance learning methods and techniques or to enrol the child in a school operating in the Polish educational system.

In addition, children and pupils who are citizens of Ukraine who arrived after 24 February 2022 and study in a school or kindergarten operating in the system of the

Ukrainian state in the formula of distance education (remote learning) are not subject to compulsory annual preschool preparation, compulsory schooling or compulsory education under Polish law. Other students may, under the terms of Articles 165 and 166 of the Education Law, be educated in the Polish educational system. Thus, the choice of the most appropriate solution for the children of Ukrainian refugees remains within the competence of the parents/temporary guardians.

In response to the questions on the Temporary Protection Directive, it is worth noting that, as a rule, education in Poland is compulsory until the age of 18. According to Article 70(1) of Polish Constitution, everyone has the right to education. A child's compulsory education starts at the beginning of the school year in the calendar year in which the child turns 7 years old and lasts until the completion of primary school, but no longer than until the age of 18¹⁸. A six-year-old child is covered by one-year pre-school preparation¹⁹.

The Education Law distinguishes between a pupil under compulsory schooling (primary school pupil) and a pupil under compulsory education (secondary school pupil). Compulsory schooling is fulfilled by attending a public or non-public primary school²⁰. If a pupil does not complete primary school before the age of 18 (e.g. due to non-promotion), he or she is subject to compulsory education when attending primary school. After completing primary school, compulsory schooling is fulfilled by attending a public or non-public post-primary school or carrying out, in accordance with separate regulations, vocational training with an employer²¹.

The Polish educational system has for years had in place provisions that enable the systemic organisation of education of children of foreigners residing in the territory of Poland²². Ukrainian pupils aged 7-18, subject to compulsory schooling and compulsory education, are admitted to public schools and are provided with care and education under the conditions applicable to Polish citizens. Children aged 3-5 have the right to pre-school education, and six-year-olds are covered by one-year pre-school preparation²³.

Given the special situation of war refugees from Ukraine, the possibility of continuing on-line education in the Ukrainian education system was allowed, while not prohibiting the enrolment of a child in a Polish school, if this would be the will of the parents. In the case of enrolment in a school in the Polish educational system, the pupil is covered by the provisions on the fulfilment of compulsory schooling/education in Poland.

Pursuant to §15 of the aforementioned Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine²⁴, children and youth who are citizens of Ukraine who arrived on the territory of the Republic of Poland after 24 February 2022, studying in a school or kindergarten operating in the system of the Ukrainian state in the formula of distance learning (remote learning), are not, as a rule, subject to compulsory annual preschool preparation, compulsory schooling or compulsory

¹⁸ Article 35 of the Act of 14 December 2016. - Education Law (Journal of Laws of 2023, item 900).

¹⁹ Article 31(4) of the cited Act.

²⁰ Article 36(8) of the cited Act.

²¹ Article 36(9) of the cited Act.

²² Chapter 7. Education of persons arriving from abroad. Act of 14 December 2016. - Education Law.

²³ Article 31(1) and (4) of the cited Act.

²⁴ Journal of Laws of 2022, item 645, as amended.

education under Polish law. A parent who wants his/her child to continue education in the Ukrainian education system shall submit a declaration to the municipality on the implementation of compulsory schooling/distance learning in a Ukrainian school.

In a situation where a parent has made the statement referred to above and at the same time enrolls the child in a school in the Polish educational system, the child should be admitted under the rules set out in Article 165(1) and (2) of the Act - Education Law. Thus, the child or pupil fulfils his/her educational obligation in the Polish educational system, with all the consequences thereof (the statement made by the parent or guardian in the municipality competent for the place of residence of the child or pupil should be withdrawn, of which the headmaster should inform the parent or guardian).

If the parent or guardian does not make such a declaration or withdraws it, the child must be admitted to a school in Poland, thus fulfilling the relevant educational obligations under the Polish legal system.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Social Assistance/welfare

**Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of temporary protection which will explore the transition from social assistance/welfare into employment and financial independence in further detail and complement the information collected*

30. Have there been any major legal, policy or practical changes regarding access to social assistance for beneficiaries of temporary protection during the research period*? If there were any, please elaborate.

During the research period no changes occurred in the legal framework governing access to social assistance for beneficiaries of temporary protection in Poland.

Support for Ukrainian citizens in the field of temporary protection continues on the basis of the provisions of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of this state. Under the Act, all Ukrainian citizens and their spouses who left their country beginning of 24 February 2022 were granted temporary protection in Poland. As a result, they received among others the following entitlements to social support: the possibility to apply for a single payment of PLN 300 for living expenses, in particular for food, clothing, footwear, personal hygiene products and housing fees, access to free psychological assistance and access to social assistance benefits on general terms (i.e. the same as Polish citizens). These are monetary and non-monetary benefits, e.g.: temporary benefit, purpose-specific food benefit, meal, care services, sheltered housing, social work, specialist counselling, crisis intervention.

Beneficiaries of temporary protection who do not have access to the general social assistance scheme, receive special benefits from the Office for Foreigners.

31. What are the key challenges** and barriers in your Member State in providing access to social assistance/welfare for beneficiaries of temporary protection during the research period?

Not available.

32. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

Not applicable – see the answer to Q32.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

SECTION 4. VULNERABLE GROUPS

Support for vulnerable groups

33. What are the key challenges** in your Member State in (i) identifying vulnerable persons under the TPD and (ii) providing them the necessary assistance and support during the research period*?

Not available

34. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

Not applicable – see the answer to Q33

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Support for UAMs, separated children, and children accompanied by UA guardians

35. What are the key challenges** in your Member State in providing assistance to UAMs, separated children, and children accompanied by a guardian appointed in Ukraine? (e.g. recognition of guardianship, appointment of accompanying adult as a temporary guardian, accommodation and care conditions for individual children accompanied by guardians; monitoring the situation, etc)

At the moment, the Ministry of Family and Social Policy responsible for these matters does not see any major difficulties or challenges in the above area.

36. Does your Member State host groups of children evacuated from Ukrainian institutions? If so, how many children were hosted during the research period? Please describe the type of accommodation and care that are offered to this category of children.

In the research period the Register of Minors managed by Ministry of Family and Social Policy and poviats family assistance centres 213 minors were registered – 111 minors were placed in foster care in Ukraine before arriving in Poland, 102 minors crossed the border without a guardian.

Pursuant to the provisions of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with an armed conflict in the territory of this state, minors are guaranteed the support of a temporary guardian who represents the minor and takes care of his person and property (in more important matters relating to the person or

assets of a minor, the temporary guardian is obliged to obtain the consent of the guardianship court). Temporary guardians and their wards are entitled to free legal assistance and free civic counseling; the district (poviat) also provides both groups with psychological assistance. Temporary guardians are also entitled - from the district (poviat) - to support from volunteers, translators and assistance in dealing with official matters. With regard to accommodation, the provisions of the Act only provide that entities providing accommodation and meals to temporary guardians and minors who, before coming to Poland, were placed in foster care in the territory of Ukraine, may receive co-financing from the district (poviat) for the costs necessary to ensure appropriate conditions of care and upbringing.

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Prevention of trafficking in human beings

37. What particular steps were taken in your Member State to protect people fleeing Ukraine and, especially, UAMS, from trafficking in human beings during the research period*?

During the indicated period no new steps has been taken by Polish authorities on this matter. Nevertheless must be noticed that since Russian's invasion of Ukraine Poland carried out many activities and introduced special legal solutions which are still in force and being carried out. As an example should be given weekly monitoring of crimes in the field of THB in relation to refugees from Ukraine based on which once a week Police and Border Guard report to the Ministry of the Interior and Administration any cases of human trafficking.

The Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state introduced in March 2022 by Polish authorities is still valid. This act have toughened penalties for trafficking in human beings in such a way that the perpetrator who, during the armed conflict on the territory of Ukraine, committed the crime referred to in Article 189a of the Criminal Code shall be sentenced to imprisonment for 10 to 15 or 25 years. The same act put an obligation on the minister responsible for family matters as well as poviat family assistance centers to keep registers of unaccompanied minors. A minor citizen of Ukraine who arrived on the territory of the Republic of Poland without the care of a person exercising actual custody of him/her, and a minor citizen of Ukraine who arrived on the territory of the Republic of Poland and before his/her arrival was placed in foster care on the territory of Ukraine are subject to entry in the register.

Worth noticed is that in July 2023 the works on the update of The algorithm of conduct of law enforcement officers in the case of disclosing a human trafficking crime has been finished. Thus, during the border check of persons fleeing from Ukraine, special attention has been paid to whether minors traveling without a legal guardian do not show symptoms characteristic of sexual exploitation or trafficking in human beings.

38. What are the key challenges in your Member State in relation to trafficking in human beings?

Despite the end of the migration boom caused by Russia's invasion of Ukraine, the large number of migrants coming from Ukraine, mainly women and children, still remains the biggest challenge. Another challenge seems to be a growing number of citizens of Latin

America that are being identified as an alleged victims of THB. Until July 2023, more than 50 citizens of AL has been granted certificates confirming the presumption that the person is a victim of a human trafficking crime.

The challenges in Poland in relation to trafficking in human beings concern both prevention, combating and protection of victims. To this end, action is being taken in Poland at many levels: at governmental level, at the level of law enforcement agencies and non-governmental institutions. Due to the fact that trafficking in human beings is a phenomenon undergoing dynamic changes, currently the main challenge is to fight criminals who use the Internet in their criminal activities. They recruit victims via the Internet and then transfer funds online. A further appeal is the fact that this crime is cross-border and international in nature. Most of the victims identified by the Border Guard are citizens of countries outside the European Union. It is therefore of great importance to cooperate with international partners.

The main weapon in the fight against the crime of human trafficking is to raise awareness and knowledge on the subject.

39. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

The Polish government continue to carry out several activities set up in 2022 as an answer to influx of Ukrainian citizens to Poland (also those mentioned in the answer to Q37).

With regard to awareness-raising, the Border Guard participates in numerous trainings and projects aimed at improving knowledge on trafficking in human beings. Lectures are conducted in schools, universities, as well as for social workers, persons planned to become a consul of the Republic of Poland, etc. On the other hand, international cooperation for ongoing human trafficking cases is supported by EUROPOL and INTERPOL, in justified cases also by EUROJUST.

Additionally, a specialised team of officers has been appointed to analyse data on the Internet in the Border Guard. The information they collect and their analysis is also an important support in the course of ongoing human trafficking cases.

**The research period is from 1st January 2023 to 1st July 2023.*

SECTION 5: CONCLUSIONS

40. Please synthesize the main and most important findings of your national report by drawing conclusions from your responses, emphasizing on how challenges were addressed and main lessons learnt during the research period in terms of the key research for this Study, including:

- Legal pathways beyond TPD and transition from temporary protection to other types and forms of residence
- Traveling of beneficiaries of temporary protection
- Assistance to people wishing to go home (back) to Ukraine
- Registration

- Access to rights provided under the TPD, including accommodation, labour market, healthcare, education, social assistance and support for vulnerable groups

In Poland, from 1 January to 1 July 2023 several changes have been introduced in regard to the application of Temporary Protection Directive.

As far as the legal pathways beyond TPD and transition from temporary protection are concerned, following developments in Poland should be underlined:

Since 1st April 2023 all Ukrainian beneficiaries of temporary protection in Poland as well as their non-Ukrainian spouses covered by such protection in this territory, who have acquired PESEL number with UKR status are entitled to apply for temporary residence permits for the purpose of work or for the purpose of economic activity. The possibility serves as alternative to temporary protection in Poland for those who are able to quit the protection status and transit to regular type of legal residence in Poland. Special procedure has been provided in this regard without personal appearance requirement of the applicants to streamline the process and minimize the burden on public administration. Fingerprints to be included in the residence cards are transferred from the register of persons with a PESEL number with UKR status to the temporary residence permits register. The conditions for granting of the residence permits are more favourable in comparison to regular conditions for third country nationals.

The legislation concerning temporary protection status of citizens of Ukraine has become more specified. An application for a PESEL number with UKR status should be submitted within 30 days from the date of arrival in the territory of the Republic of Poland. The use of temporary protection in the territory of another EU Member State became explicit premise excluding from obtaining temporary protection and related rights in Poland or ground for loss of such protection in this territory.

Since 5 June 2023, digital residence documents diia.pl are available also to minor children under 13 years of age through digital application of their parents.

Moreover, the provisions extending the period of legal stay of Ukrainian citizens in Poland until 4 March 2024 and for children studying in Poland (and their parents and guardians) until the end of the school year entered into force on 27 June 2023. This change was followed by other, made in different areas (such as access to education for beneficiaries of temporary protection) in order to adapt to new provisions.

The Act of 13 January 2023 amending the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state and certain other Acts, further specified the conditions for provision of accommodation and food assistance to a Ukrainian citizen by the voivode and other entities after 120 days from the date of first entry into the territory of the Republic of Poland after 24 February 2022 (listing the exemption from the obligations that have to be met). Those provisions are intended to mobilise Ukrainian citizens fleeing war to become professionally active and, as far as possible, to function independently on the territory of the Republic of Poland. These actions are the answer to the biggest challenge identified in the area of providing accommodation - the care of the elderly, the disabled and children, as well as securing funding for integration and recovery programmes for those refugees who, for various reasons, have not been able or willing so far to take advantage of the rights granted to them by the system and do not seek to become independent or improve their living conditions.

The extension of the temporary protection until 4 March 2024 made it necessary to prolong deadlines regarding i.a. Assistance Fund and operation of collective accommodation facilities for citizens of Ukraine. In regard to providing accommodation, the challenge for the government administration was to provide refugees with accommodation in facilities fully prepared for the winter period. Steps were undertaken (such as early verification and reconnaissance in regard to accommodation facilities and equipment; directing citizens of Ukraine to facilities of an adequate standards) to mitigate this challenge.

In regard to the access of beneficiaries of temporary protection in Poland to the health care, social assistance, labour market no changes occurred in the reporting period.

The challenge which still remains in regard to the labour market is to better use of potential, in particular work accordance with qualifications, of refugees from Ukraine. One of the answers to this is new Ministerial Programme "Together We Can Do More", aimed at professional activation and social integration of foreigners legally residing in Poland especially beneficiaries of temporary protection. Citizens of Ukraine have also the possibility of registering at the local labour office as unemployed or job seeker on the same terms as Polish citizens and use the services and support available there.

As far as the access to education for the beneficiaries of temporary protection is concerned the organisational challenge to the school system in Poland remained the same as in 2022 - accommodating the large number of new pupils who arrived in a very short period of time, during the ongoing school year. Steps and good practices undertaken by the Ministry of Education and Science in 2023 which are aimed to respond to the challenges are the continuation of actions undertaken in 2022.

It is also worth mentioning that in regard to countering the trafficking of human beings Poland continues the efforts undertaken at multiple levels in 2022 in the areas of prevention, combating and protection of victims.