

PROTECTION MONITORING BRIEF #2

Poland

Operational Context & Analysis

As a consequence of mass displacement from Ukraine, Poland has swiftly transformed from a country hosting a relatively small number of asylum seekers and refugees into one of the main refugee-hosting countries in Europe. By the end of 2022, more than 1.5 million refugees from Ukraine had registered for Temporary Protection and some 960.000 retained active status, as others were believed to have left the country for more than 30 days¹.

Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country (commonly referred to as Special Act) ensures that refugees could have swift access to status, documentation, access to employment, healthcare, education, and financial support to those most at risk. Towards the end of the year amendments to the Special Act were introduced notably on aspects relating to registration for temporary protection status (PESEL UKR), financial contributions to collective centres, access to longer term residence permits and safeguards for Ukrainian children evacuated from institutions among other aspects.

UNHCR and its partners continue monitoring the implementation of temporary protection with the view to engage constructively with all actors, facilitate and promote meaningful access to rights and services for all refugees from Ukraine.



Darya, a 36 years-old refugee from Zaporizhia, helps her children put together a jigsaw at their apartment in Krakow.

¹Registered applications for the UKR status due to the conflict in Ukraine - Otwarte Dane

Key Trends & Figures

**12,315**

protection monitoring interviews carried out in 12 voivodeships (Dolnośląskie, Łódzkie, Lubelskie, Lubuskie, Małopolskie, Mazowieckie, Opolskie, Podkarpackie, Pomorskie, Śląskie, Wielkopolskie, Zachodniopomorskie) in Poland between 23 August and 22 November 2022

**12%**

of respondents reported having one or more family members over 65 years of age who faced specific protection risks

**80%**

of respondents were separated from immediate family members

**13%**

of respondents reported having relatives in Poland. Those staying in collective accommodation were less likely to have relatives in Poland (8%)

**16%**

respondents had at least one family member with serious medical condition

**45%**

of respondents reported having at least one family member with a disability or medical condition, or elderly or single parent

**324**

unaccompanied and separated children identified

**2%**

of respondents travelled with a child not directly related to them

Protection issues

1. Status and documentation

According to Art. 11 (2) of the Special Act, any departure of a citizen of Ukraine from the territory of the Republic of Poland for a period of more than thirty days deprives them of the right to stay in Poland as a temporary protection holder, with some exceptions listed in Article 11 (3). Their temporary protection status can in principle be restored if they return to Poland and approach the relevant authorities.

UNHCR has observed that there is increasing confusion among refugees around the reasons for deactivation, its consequences and the procedures to reactivate status (PESEL UKR) based on the provisions of the law.

UNHCR has also noted that in some cases PESEL UKR has been deactivated even if persons only left the country for short period of time (less than 30 days), linked to the fact that their entry was registered as a new arrival, instead of temporary protection holders (with a valid residence permit which is available in [diia.pl](#)). Deactivation may have also occurred for persons travelling for short periods of time to other EU Member States, specifically non-Schengen countries or outside Europe.

In some instances, persons only learned about the deactivation of their registration when social assistance programme was discontinued. For others, they could remain unaware of their lack of status for an extended period of time unless in need of a public service. Moreover, the possibility to reactivate PESEL UKR widely varied depending on the municipality, and has resulted in multiple attempts with different municipality in order to re-register.

Lastly, as per the recent amendments, citizens of Ukraine who enjoy temporary protection on the territory of a Member State of the European Union other than the Republic of Poland will not be eligible for temporary protection in Poland.

2. Access to safety: entry to Poland

The majority of those surveyed did not report any difficulties when entering Polish territory, with less than 1% (104 out of 12,315) of respondents reporting facing some obstacles.

The reports of those who faced difficulties entering Poland suggest issues linked to either deactivation of PESEL UKR status and/or the assessment of Border Guards that persons do not meet the established criteria for entering Poland. In some instances, this reportedly has applied to third country nationals who were granted refugee status or complementary protection in Ukraine or were married to Ukrainian nationals and have reported difficulties when crossing the border.

3. Basic Needs

Accommodation

Accommodation was identified as the most urgent need by refugees surveyed, followed by employment. Concerns have been raised in several instances, as private accommodation costs have risen sharply in 2022, particularly in urban areas, and are not proportional to the average salary earned by single-headed households. Families and individuals reportedly faced challenges to find affordable housing and were asked for guarantees, they have also encountered difficulties formalizing lease agreements. When asked if they would be ready to move to sub-urban and/or rural areas, concerns about access to education, employment and services were noted.

Landlords are increasingly reluctant to rent an accommodation to families with children, as they cannot be evicted as per Polish tenancy rights. Furthermore, those engaged in informal jobs earn below minimum wage which is not sufficient to cover rent and other expenses in urban areas, where most refugees in Poland have settled. Accommodation concerns were also prevalent among the elderly who relied on government-provided assistance and were not able to pay for rented accommodation.

For those in collective centres, the upcoming implementation of the legislative changes has triggered increased confusion around the financial contributions they may be asked for and the consequences if they were unable to pay. The implementation of the categories which are exempt from payment will require monitoring in the coming months.

Employment

The majority of those surveyed have found employment in Poland and those who have not been able to find employment have cited lack of Polish language skills as a primary barrier. Employment in the protection monitoring questionnaire does include occasional part time jobs refugees rely on for survival. It is important to note that having found employment does not necessarily entail that the person continues to be employed.

Those who have been able to find employment opportunities have noted that jobs are not always in the same field as their previous roles in Ukraine; this is especially true for women who were entrepreneurs and may no longer have the same family support networks in Poland, thus rely on day care and school. Refugees who have been able to secure employment opportunities have cited inconsistency in wages they are paid which may vary and are may not be proportional to cost of day care.

Education

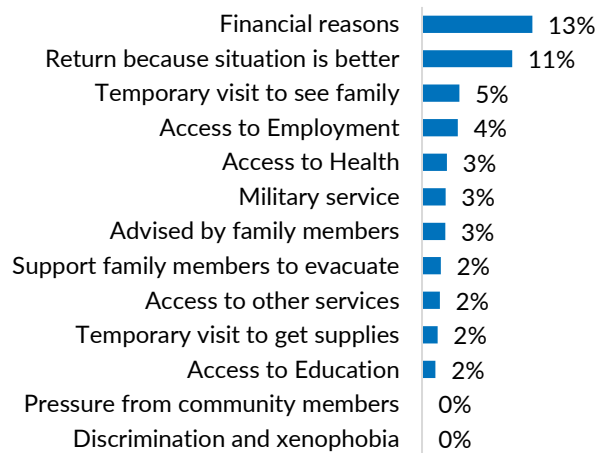
Reluctance to enroll children in the formal Polish education system was reported during interviews with refugees, as well as during visits to community centers. Some parents stated that they had opted for their children to continue the online Ukrainian schooling, to avoid repeating one school year due to difference in Polish-Ukrainian curricula, should they return to Ukraine. Others indicated that they had opted for online schooling due to lack of long-term accommodation, since they had to relocate multiple times leading to school changes.

For those having children enrolled in Polish schools, there are indications that there is a need to increase awareness of parents and children on the new school system, and to provide additional support with learning the language as well as to offer adaptation/preparatory classes to facilitate the transition to the new environment for children. Some incidents relating to bullying were reported, but were addressed through engagement with teachers and headmasters.

4. Intentions

63 % of those surveyed have reported that they plan to remain in Poland for next three months while 15 % of total respondents declared an intention to return to Ukraine. The primary reason for visits to Ukraine is to check on relatives, followed by the need to obtain documentation while the primary reason for permanent returns is linked to financial reasons.

Main reasons to return



Recommendations

- I. UNHCR encourages municipalities in charge of registration to ensure that refugees who had their PESEL UKR status deactivated can promptly restore their status. Border Guards shall also regularly enquire about the status in Poland for all persons crossing to Poland so that entries/exits of temporary protection holders are properly captured.
- II. Humanitarian actors, including national and international organizations are encouraged to promote increased awareness among the refugee community on the need to show their electronic residence permit (diia.pl) when moving across the Polish/Ukraine border, and draw their attention to the possibility that their status might have been withdrawn even if they had been absent from Poland for less than 30 days. This would require updating information available online, and provided through hotlines and in person to temporary protection holders.
- III. National and local governments together with humanitarian actors should join forces to increase the number of low income housing options available for refugees, including Ukrainian refugees. Support to establishing Social Rental Agencies at municipality level could be beneficial to promote longer term solutions to the existing challenges. At the same time, sustained social assistance is likely to be required for the most vulnerable.
- IV. Routine checks on private companies and organizations hiring refugees through labour offices is encouraged, particularly in areas where there is high concentration of refugees from Ukraine and given the reported risks of abuse and exploitation. Procedures for reporting labour related risks and potential abuses are often not known to the refugee community, and therefore increased communication with communities on remedies is required through municipal offices that can be done jointly by humanitarian organizations and government entities.
- V. Dedicated continuous support to facilitate inclusion of Ukrainian children into Polish schools is needed, including through engagement with teachers, parents and children, while understanding more in depth their day to day challenges.

For more information:

Nana Kharbedia, Protection Officer, Email: kharbedi@UNHCR.ORG

Andrii Mazurenko, Senior Information Management Officer, Email: mazurenk@UNHCR.ORG