

Note for the File

Event	TCN Working Group Launch Meeting
Date and Place	01.04.2022 12:00, Teams
Attended by	IOM Poland, National and International NGO and IO actors (full list recorded)
NFF prepared by	Natalie Payne, IOM Poland

Observations:

- By the end of March TCNs and stateless persons represent around 5% of crossings from Ukraine into Poland, bringing particular vulnerabilities
- The aim of this working group is to bring together actors who can alleviate these challenges

Follow up action points:

- *After this meeting, IOM will see interest in providing simultaneous translation to Polish in the next meeting to ensure full participation of Polish colleagues*
- *UNHCR to provide information on TCNs granted refugee status in Ukraine at the next meeting*
- *IOM Poland will check if equivalent TCN working groups exist in different countries*
- *Send brief email to Natalie PAYNE (npayne@iom.int) and Emma PROUST (eproust@iom.int) indicating type of support provided by your entity, geographical coverage, relevant links, etc.*

Participants – see list of participants in source folder

Summary of Relevant information:

IOM's Activities in Poland

- HBM and rights-based approach was the aim of managing these cross-border movements, but administrative detention has been implemented. IOM advocates against this practice.
- Humanitarian assistance for return
- Protection work
- Need to work on referral mechanisms and networks in the field to offer direct support and services for TCNs
- Cross-border cooperation with IOM office in Ukraine
- NFIs, WASH and Shelter
- Trainings on CT and MHPSS
- Casework

Legal Status

- The European Union's Directive **2001/55/EC** has been activated in order to enable immediate and temporary refuge in the European Union to (mainly, but not restricted) those Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022. In the EU, this has allowed UA citizens including in some cases those without passports to travel to EU member states. In Poland, protection was initially only extended to UA citizens who crossed

the border directly from Ukraine to Poland under the act on assistance for Ukrainian citizens, but a legal change in the last week has allowed UA nationals who initially crossed into another EU member state, such as Slovakia or Romania, to stay in Poland with the same rights.

- The legal status of TCNs in this crisis is however different. The levels of protection for TCNs fleeing Ukraine differ across European Member states, often lacking the levels of protection granted to UA nationals.
- TCNs who crossed the Polish-Ukrainian border into Poland on or after 24th February are permitted to 15 days stay in Poland. If the person wants to stay in Poland beyond 15 days, the TCN should file with the proper authorities a motion within those 15 days, depending on their situation and circumstances. This can include applying for asylum or a temporary residence permit. If the TCN does not regularize their stay in this time, according to the Polish law they should leave Poland.
- TCNs who have a long-term residency permit from Ukraine and are not able to return to their home country are entitled to protection in Poland and all EU member states under EU regulations.
- For TCNs who are spouses of a UA national, they carry the same rights as UA nationals to stay in Poland. This is not extended to other family members, including TCN parents of Ukrainian children.

Discussion

- Secondary movement of TCNs to other EU countries or those who left through help of their governments - difficult to quantify
- Access to asylum procedures is essential
- Need to map services - need to promote inclusion of TCNs in services provided to refugees in Poland
- Undocumented TCNs in closed facilities
- Difficulties in applying for residency in Poland without sufficient documentation
- Those who were in Ukraine on TEMP protection but cannot return (many BY citizens) - if MSs can extend the scope of their protection to include those with temporary protection; issue of TCN parents of UA children
- Ukrainians who were temporarily abroad when law broke out or left before the 24th are not protected
- Possible restriction of onward movement to another EU member state when registered in Poland
- Is there information on those who were granted refugee status in Ukraine? - **UNHCR to provide at the next meeting**
- Are other coordination taking place in neighboring countries? - **subgroups do exist in other countries, for example on counter-trafficking, but IOM Poland will check if an equivalent TCN working group exists in different countries**

Useful contacts and links (if applicable):

Information on the status of UA nationals and TCNs fleeing Ukraine in Poland:

<https://ukraina.interwencjaprawna.pl/the-act-on-assistance-for-ukrainian-citizens/>

<https://ukraina.interwencjaprawna.pl/temporary-protection-who-will-benefit-from-it-and-what-will-the-beneficiaries-be-entitled-to%ef%bf%bc/>

Annexes (meeting agenda, maps, photos etc):