

Note for the File

Event	TCN Working Group Meeting
Date and Place	15.04.2022 12:00, Teams
Attended by	See participant list below
NFF prepared by	Emma Proust, IOM

Overview:

- Focus on TCNs legal status in Poland – PPT support on Sharepoint

Participant List:

- Jennifer Weppner
- Michal Zawistowski
- Caterina (Safe Passage – UK based)
- Daniel Kight (PRM)
- Asia Wojtarowicz
- Marta Staniszewska (Salam Lab)
- Jessica Caplin (UNHCR)
- Aga (CLEAR Global/TWB)
- Natalia Warcholak
- Kaja Wislinska
- Mame Faye-Rexhepi (Foreigners in Ukraine In Need of Help Initiative)
- Urszula Humienik-Dworakowska (Egala)
- Elzbieta Kramarczyk
- Nina Mocior
- Julia Szymczakiewicz
- Elsa FLIPON (ICRC)
- Anna
- PAYNE Natalie (IOM Poland)
- PIECHOWSKA Emilia (IOM Poland)
- DOBRZYNSKA Hanna (IOM Poland)
- PROUST Emma (IOM Poland)

Follow up action points:

- Participants to provide information on reliable organizations across Poland that provide support to TCNs fleeing Ukraine to the mapping document (see SharePoint folder)
- IOM Poland to reach to Voivodeships to make information about residency permits to TCNs available in a systematic manner
- IOM Poland to reach out to Border Guards and enquire about TCNs in detention centers

Key reminders:

Under the current Act on Foreigners, Third-country nationals are only allowed to regularly reside in Poland for 15 days after entering Poland.

The extension of such stay is only possible if the person applies for a temporary residency permit (TPR) or for international protection within these 15 days. If the person manages to apply, the legal stay is automatically extended.

It is to be noted that a number of challenges arise within the 15 days, such as but not limited to access to information, access to stable address to use for RP application and follow-up communications, fear of providing fingerprints, etc. Applying for international protection might prevent the applicant from working for 6 months, which is often redhibitory for the applicants who would rather try to get a TRP.

There are 16 different TPR types in Poland, of which **only 5** would really be relevant for TCNs.

1) Residency permit based on work

This requires the applicant to have a job offer provided by an employer

2) Residency permit based on studies

This requires the applicant to already be enrolled in a curriculum as well as having paid the administrative and tuitions fees – which are a challenge in itself as the amount in Poland is higher than it was in Ukraine.

The applicant must also provide a housing contract, as well as a number of proofs to confirm s/he has the financial means to cover for medical assurance, to be financially independent for 15 months (duration of the permit), return to country of origin if needed.

3) Residency permit based on education

Same provisions and challenges as for the residency permit based on studies.

4) Residency permit based on family reunification

Only spouses and children under 18yo are eligible – this is not the most frequent scenario as it would require the applicant to be reunited with someone in Poland.

The applicant's family member must provide a proof of stable and regular source of income.

5) Residency permit based on „Other circumstances “

The terminology is quite vague and allows for a wide interpretation however in reality eligibility criteria are somehow much narrow.

The applicant has to be sponsored by a person in Poland, whom has to present a regular and stable source of income (i.e. monthly salary, not savings on a bank account).

Q&A

- What about TCN who had a refugee status in Ukraine?
 - Aga (CLEAR): a person having a refugee status in Ukraine is covered by the temporary protection in Poland (12 months), to do so, they would need to contact the Office of Foreigners to confirm their right to Protection
 - Mama Faye (Foreigners in Ukraine In Need of Help Initiative): report of an EG national holding refugee status in Ukraine, who was presented to his Embassy in Poland by authorities and then forcibly return to Egypt. Information to verify – IOM reaching out to EG Red Crescent to facilitate contact.
- What about TCN in detention centers?
 - Approximately 40 TCN arrived in Poland from Ukraine – those in detention centers are the ones who are red-flagged by Interpol, as per official sources, the ones without ID and of which Embassy couldn't confirm their identity.
 - Mama Faye (Foreigners in Ukraine In Need of Help Initiative): reports of one TCN in detention centers being transferred to prison, however other TCN in the same facility might still be detained, and if so, the reason is yet to clarify/assistance to be provided

Next week's focus: Pathways to protection for TCNs; accommodation and shelter for TCNs