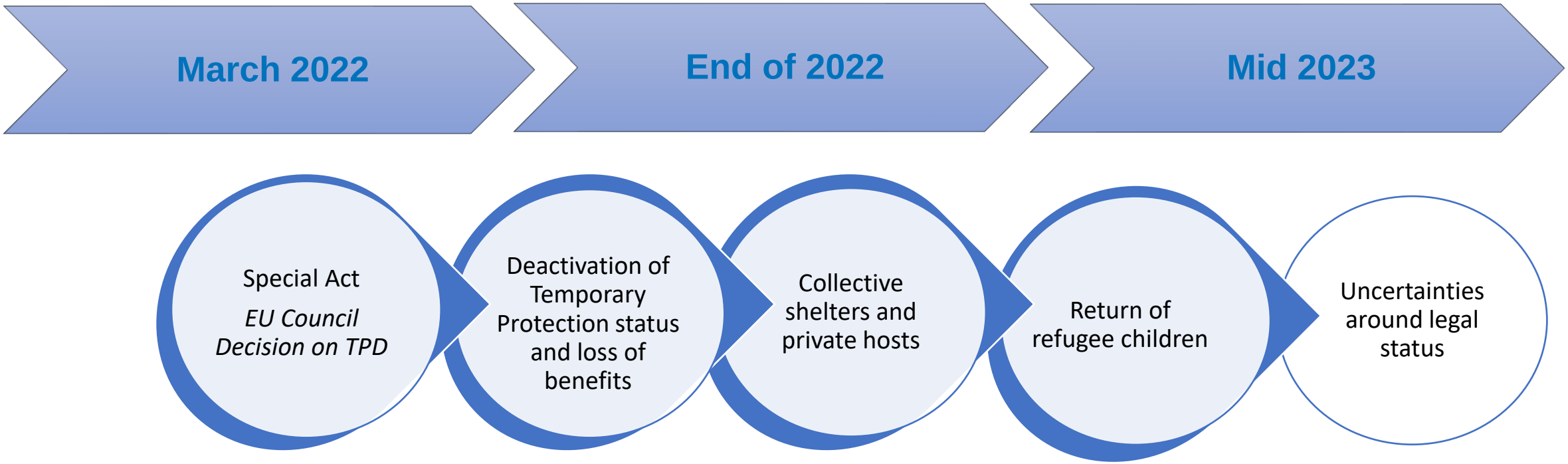
Advocacy on the amendments to the Special Act

ISCG & Protection Sector

18.04.2024

UNHCR
The UN Refugee Agency

1. Chronology



TPD extension

The TPD mechanism was initially granted for one year and has and has already been extended until 4 March 2024.

On the 28 September 2023 the Council agreed to extend the temporary protection **from 4 March 2024 to 4 March 2025.**

The decision was adopted on 19 October 2023.

1. TPD EU Commission deadline: **4 March 2025**
2. According to the Directive TPD has a **maximum duration of 3 years**
3. Further extension would require a legal **amendment** on the EU level

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TPD extension in PL

There are two Polish legal acts implementing TPD mechanism:

1. Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state
2. Act on granting protection to foreigners within the territory of the Republic of Poland

The act on assistance to Ukrainian citizens (Ukrainian special law) is prepared for amendments.

1. TPD for non-Ukrainian citizens has already been extended until **4 March 2025**
2. TPD for Ukrainian citizens has already been extended until **4 March 2025 but further extension is pending (30 Sept 2025).**
3. The **recent amendments** introduce a type of post-TPD mechanism extending beyond the EU Commission deadline.

Main changes

1. Extension of TPD till **30 Sept 2025**
2. Inclusion of non-Ukrainian children of Ukr citizens
3. Extension of legality of stay of Ukrainian citizens **who arrived pre-war**
4. Extension of special regulations allowing the practice of the profession of **doctor, dentist and nurse** in Poland
5. Restoring special regulations regarding work permits for **Ukrainian psychologists**
6. Additional safeguards for children in foster care.

6. Introduction of the obligation to submit an application for PESEL UKR **immediately after arrival** in the territory of the Republic of Poland (previously the deadline was **30 days**)
7. New rules regarding **exemption from fees** for certain categories of people using collective accommodation

Main changes

1. Introduction of the obligation to confirm identity with the commune authority when registering PESEL UKR, on the basis of **a valid travel document.**
2. Abolition of the one-off benefit of 300 PLN
3. Abolition of the accommodation 40 PLN benefit
4. Linking the payment of the 800+ benefit with compulsory schooling.

This requirement problematic for certain vulnerable categories:

- Statess or at risk of statelessness
- Persons from occupied Ukrainian territories
- Men of concription age (especially young-adults with expired documets)

Post-TPD solutions

Max deadline for TPD is 3 years

The planned Amendment introduces some legal solutions allowing for legalization of stay past the TPD final deadline.

1. PESEL-UKR valid until 30 Sept 2025

2. 1-year renewable temporary residence permit – based on work, business activity

3. 1-year renewable temporary residence permit – new basis added– family reunification

4. 3-year temporary residence card – issued in simplified procedure (CUKR status)

access to labour market

access to social benefits

free healthcare cond. upon work

- Valid PESEL UKR on 4 March 2025
- Valid PESEL UKR on the day of submitting application
- Full identification of identity based on valid documents
- Security clearance

Main advocacy points

Validity of documents

- problematic requirement for submitting valid passports
- excluding of those undocumented or unable/unwilling to return to Ukraine to receive documentation

Registration issues

- continued issues with deactivation of PESEL UKR
- no registration for those re-entering via Schengen border
- still no “paper” equivalent for diia.pl

Post-TPD for vulnerable

- problematic requirements to receive CUKR status (residence card) – 4 March 2024 as a threshhold
- vulnerable groups at a risk of exclusion from free health services

Decreasing financial assistance

- vulnerable groups at risk of homelessness
- additional targeted support programs needed
- better safeguards to prevent discrimination in labour market

Protection of children

Positive aspects

- Mandatory education for refugee children. Inclusion in the polish national system.
- System of support to polish schools and local governments.
- Extension of free polish language classes for refugee children.
- Flexibility for schools to hire intercultural assistants
- Increased oversight by child protection authorities on the situation of children evacuated from institutions

Recommendations

- Risks associated with linking social benefits to school enrolment:
  - Ensure sufficient absorption capacity in schools.
  - Potential impact on groups at risk of exclusion
- Full inclusion of children evacuated from institutions in the foster care system

Provision of accommodation and financial support for private hosts

Positive aspects

- Clarity on the authorities responsible for reception standards and assessing exceptions for financial contribution (voivodship offices).
- Increasing oversight by government authorities

Recommendations

- Amending Article 12a to ensure receptions safety, reception and protection standards are met.
- Prevent situations of homelessness and destitution which may arise because of the discontinuation of the current financial support program (40PLN)
  - Promote access to social protection schemes for vulnerable individuals.
  - Transition period allowing for relocations to government run accommodation in dignified conditions.
  - Provision of information on rights and identification of suitable accommodation for vulnerable categories.