

**Dear Readers,**

We are presenting our special edition of HR Perspectives Helping Ukraine about planned changes and solutions related to the arrival and stay in Poland of foreigners leaving Ukraine.

We are discussing in particular:

1. General Military Mobilization in Ukraine
2. Ban on leaving Ukraine for men and strategic professionals
3. Possibility of entry to Poland
4. Further stay in Poland
5. Right to work after entry
6. Planned changes – special legislation
7. Quarantine, Covid Testing and Vaccinations

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## General Military Mobilization in Ukraine

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As of Thursday, 24 February 2022 the Ukrainian authorities announced general military mobilization. Ukrainian citizens who receive the conscription order, will have to report to military duty or face criminal liability under Ukrainian law. As of yet it is not known if and how the conscription orders are going to be delivered to Ukrainian citizens residing in Poland. There is no agreement between Poland and Ukraine regulating any assistance of Polish authorities in the enforcement of the military mobilization.

The military mobilization does not give rise to any legal obligations on the part of Polish companies which employ Ukrainian citizens. The employers are free to agree termination of employment upon mutual agreement, paid leave or unpaid leave with employees departing to Ukraine. Employer can also recognize the employee's absence as justified absence with or without right to remuneration retained.

## Ban on leaving Ukraine for men and strategic professionals

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In connection with the general mobilization, Ukrainian authorities have forbidden men aged 18-60, from leaving the borders of Ukraine. The departure ban is also being enforced with regard to persons outside of the above group, qualified in strategic professions (e.g. medical professions).

## Possibility of entry to Poland

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On the Polish side there are no restrictions on entering Poland for Ukrainian citizens.

Ukrainian citizens who hold biometric passports can enter Poland in visa-free movement allowing stay of up to 90 days (with possible extension).

Persons without biometric passport can enter Poland on the basis of a special permission granted at the border by the Border Guard for up to 15 days (with possible extension). The Border Guard requires any document (e.g. Ukrainian ID or birth certificate for children) upon entry. **This means that entry is possible also for persons who do not carry a passport at all.**

## Further stay in Poland

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The initial periods of 90/15 days of stay can be extended in-country by e.g. applying for a temporary residence permit or international protection. Pending the application process, the applicant is allowed to remain in Poland.

Furthermore, current provisions related to Covid-19 pandemic remain in force, which automatically extend the right to stay in Poland, subject to submitting an appropriate application later on (even after the initial 90/15 days of stay).

Persons who do not have a secured place of accommodation in Poland are directed to reception points near the border where they can receive further assistance. It is not obligatory to stay at the reception point pending international protection application process in case of persons who have a place to stay.

### **Right to work after entry**

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Ukrainian citizens who arrived in Poland based on visa-free movement have the possibility to start work after securing a permit registered at the labour office (for up to 2 years). At the same time, they need to secure an extension of the right to stay in Poland (e.g. by applying for a temporary residence permit).

Currently, possibility of starting work on the basis of the labour office issued permit does not apply to persons who entered based on the 15-day special permission from Border Guard.

Persons who applied for international protection are not allowed to work during first 6 months of the application process. Afterwards they can obtain a certificate confirming pending process which authorizes them to perform work.

### **Planned changes – special legislation**

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The government is planning to adopt new legislation (possibly even in the first week of March) aimed at allowing Ukrainian citizens to work in Poland on terms more beneficial than those presented above.

### **Quarantine, Covid Testing and Vaccinations**

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Effective 25 February 2022 persons incoming from Ukraine (regardless of citizenship) are exempt from post-entry quarantine.

It is not necessary to present a negative Covid test or vaccination proof to be admitted to enter Poland.