

FAQs about residence and work for Ukrainian citizens coming to Poland because of the war

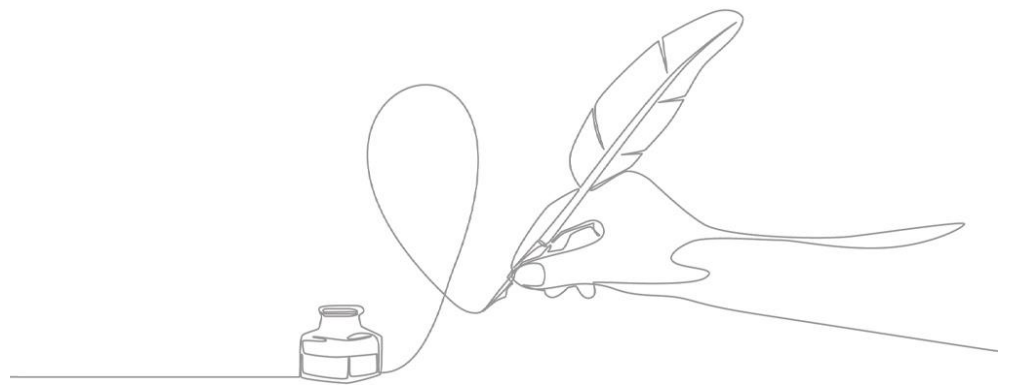
Dear All,

Since we launched our initiative of free legal assistance for people forced to flee Ukraine because of the war (more here), we have received hundreds of phone calls and e-mails from those in need. Kinga Polewka-Włoch and Aleksander Dżuryło have compiled and answered the most frequently asked questions. We have included them in our *newsletter*.

PCS | Littler offers free legal assistance to Ukrainians who have arrived in Poland. More: *here*.

Together with our strong PCS | Littler Global Mobility & Immigration Team, we stand ready to support you and answer any further questions in Polish, Ukrainian and English.

Sławek Paruch on behalf of PCS | Littler team



Q1: Who can leave Ukraine?

The Ukrainian authorities have banned male Ukrainians between 18 to 60 years of age from leaving the country. There are few exceptions to this rule, including men who are single parents, have at least 3 dependent children or a child with a disability. Men who are adoptive parents or guardians are also allowed to leave Ukraine.

Q2: What is required for children under 16 to leave Ukraine?

While crossing the border a child must be accompanied by one of the parents, grandparents, adult brother or sister, stepmother or stepfather, who will provide documents confirming family relation (birth or marriage certificate, etc.). Moreover, a child can leave Ukraine with another person authorised by at least one of the parents in writing, which is confirmed by a Ukrainian notary public or relevant local authorities.

Q3: What are the rules of entry from Ukraine to Poland at the moment?

There are no entry restrictions. Neither a negative Covid test result nor a vaccination certificate is required and the quarantine on arrival has been lifted.

Q4: What documents are necessary for entry? What is the legal basis for staying in Poland after crossing the border for people who do not have visas or residence cards?

Ukrainian citizens with biometric passports can enter and stay in Poland for up to 90 days. Those who do not have a biometric passport may enter Poland based on a special consent granted by the Border Guard for up to 15 days. The Border Guard require that any identification document be presented when entering Poland.

Q5: What are the rules for importing animals from Ukraine to Poland?

Dogs, cats and ferrets can be allowed in even if the usual requirements are not met. They would be examined for rabies and vaccinated in Poland for free. Other animals are allowed in without any additional requirements.

Q6: What Ukrainians should do upon their arrival in Poland to make sure their stay will be legal?

All non-nationals who are covered by the Act on support for Ukrainian citizens due to war (the “special legislation”) and did not register while crossing the Polish border should report for registration procedure to the commune authorities (Urząd gminy) within 60 days of entry into Poland. When registered, they will receive a PESEL number.

Q7: Can Ukrainian citizens legally stay in Poland if they entered based on special permission from the Border Guard and have already been here for more than 15 days?

Non-nationals covered by the special legislation can legally stay in Poland by 24 August 2023, without applying for additional visas or residence permits.

Q8: Can non-Ukrainian citizens legally stay in Poland if they crossed the border directly from Ukraine after 24 February 2022?

According to the special legislation, non-nationals who are neither Ukrainian citizens nor spouses of Ukrainian citizens, are not covered by the regulations. However, they can use temporary protection under the EU law or legalise their stay under general rules.

Q9: Can Ukrainian citizens legally stay in Poland if their residence permits have expired after 24 February 2022?

Those Ukrainians who have already lived in Poland based on national visas or temporary residence permits will have their documents extended to 31 December 2022 if they expired after 24 February 2022. Ukrainian citizens who stay in Poland based on the Schengen visa or under the visa-free program will have their right to reside in Poland extended by 18 months.

Q10: Is it possible to extend/obtain documents in Ukrainian consulates?

Right now, it is not possible to issue new passports. The validity of international passports for Ukrainian citizens can be extended for 5 years through an appropriate passport note. If a Ukrainian child under 16 does not have a passport, their parents can have the child's data entered into their international passports.

Q11: How to legalise further stay in Poland?

Ukrainian citizens and their entitled family members who have the residence right under the special legislation will be able to extend their stay through a temporary residence permit. The temporary residence permit for 3 years will be granted under simplified rules. Applications can be submitted no sooner than 9 months after the non-national arrived in Poland, which means the end of November 2022 at the earliest.

Q12: What is international protection (refugee status or subsidiary protection, not to be confused with temporary protection)? Is it worth applying for?

It is an alternative solution to those introduced by the special legislation. Those applying for international protection will have their ID retained by Polish authorities, who will issue a temporary document instead. The applicant will not be allowed to leave Poland until the entire procedure is completed (approx. 1.5-2 years). Moreover, it is questionable whether or not the applicant will be allowed to work in Poland by the time the application is considered or, alternatively, within the first six months after applying. We believe it will be possible in some cases.

However, we recommend this solution only to non-nationals who qualify for this kind of protection and cannot use any other option.

Q13: Will Ukrainian citizens be allowed to work when they arrive?

According to the special legislation, Ukrainian citizens legally residing in Poland, including those Ukrainian citizens whose stay is recognized as legal under its provisions, can perform work without additional permits. The only mandatory requirement is for the employer to notify the employment office that a non-national started work within 14 days from the date of the work commencement.

Q14: How to enrol a child in school?

Apply for admission to the chosen school. The admission decision is made by a school headmaster. If there are no places available in the chosen school, the applicant should contact local authorities (Urząd gminy) for information about available school spots.

Q15: Does the special legislation provide for any other support measures, such as access to medical care, social assistance, etc.?

After the special legislation became effective, non-nationals covered by its provisions have access to health care on the same terms and conditions as Polish citizens. It also provides for easier access to numerous social benefits, such as a one-off cash benefit of PLN 300 per person, access to the Family 500+ program and others.

Q16: How to get a PESEL number?

To obtain a PESEL number, a non-national has to apply in person to any commune office (Urząd gminy). At the office, it is necessary to provide a document with a photo allowing for identity verification (e.g. a travel document, a Pole's Card), a 45x35 mm colour photograph and a birth certificate for children under 18. The applicants must submit their fingerprints (applies to people over 12 years old), fill in and legibly sign personal data forms.

Q17: How to get medical help?

To confirm their right to health care, non-nationals will have to provide their PESEL number, show a printed confirmation of their trusted profile activation, an e-document that can be activated after registering with the local authorities (Urząd gminy). In short, to use medical assistance it is necessary to get a PESEL number and activate a trusted profile and then go to a selected public health provider to get the necessary assistance.

Q18: Are Ukrainian citizens eligible for income tax exemption on received assistance, in particular monetary and non-monetary donations?

To some extent, yes. Humanitarian aid in the form of food and accommodation provision, financing medical treatment or education and courses to change professional qualifications received between 24 February 2022 and 31 December 2022 by taxpayers who are Ukrainian citizens coming from Ukraine to Poland as a result of the war on Ukrainian territory within that timeframe are exempt from personal income tax. However, despite the original plans, a similar exemption was not applied to tax on donations.

Q19: What other forms of legal employment in Poland are available for Ukrainians, apart from that specified in the special legislation?

Employment of Ukraine citizens who legally stay in Poland is also possible based on:

- 1) statement on entrusting work;
- 2) work permits;
- 3) temporary residence and work permit;
- 4) temporary residence permit for highly qualified employment.

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