

### THE LEGAL FRAMEWORK FOR SUPPORTING WAR REFUGEES FROM UKRAINE IN POLAND

<b>Abstract:</b>	<i>The outbreak of full-scale war in Ukraine resulted in the largest population migration after the Second World War. Poland, as a border country, had to respond to the challenges of the sudden influx of war refugees (around 3 million) within 2 months of the start of the war. It also must respond now, more than two and a half years after the outbreak of war, when there are more than 1 million Ukrainians on Polish territory.</i> <i>The article presents the legal solutions introduced in response to the war migration. They concern the following areas: simplification related to legalisation of stay, facilitation of taking up employment and access to social benefits. As there are many children among the migrants, the last area concerns access to school education for Ukrainian children.</i>
<b>Keywords:</b>	<b>Migration; law on migration; war on Ukraine; legislation</b>
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The Russian aggression against Ukraine has resulted in a humanitarian crisis in the country, with the fastest exodus of refugees in Europe since the Second World War. The scale and pace of the migration have posed and continue to pose a significant challenge to Poland, the country that has received the largest number of refugees. In the 63 days between 24 February and the end of April, a period of just over two months, more than three million people crossed the Polish-Ukrainian border<sup>1</sup>. A considerable proportion of war refugees utilized Poland as a transit country, with the majority continuing their journey to other countries, particularly within the European Union, and to a lesser extent, Canada, the USA and Israel. It is estimated that there are currently between 1.2 and 1.5 million Ukrainian refugees in Poland<sup>2</sup>.

During the initial stages of the influx, a significant aid campaign was initiated, with millions of Poles offering their assistance on a voluntary basis. The aid provided took a variety of forms, including financial and material assistance, participation in voluntary activities. Surprisingly, despite such a large wave of refugees, not a single refugee camp has been set up in Poland. All those arriving in Poland have found a place in the homes of Poles, or a place organised by various institutions, either NGOs, private individuals, hotels, hostels, etc. According to PIE, the estimated value of Polish private funds committed to assisting refugees in the initial post-war period is PLN 9-10 billion<sup>3</sup>. It was the responsibility of the state to establish suitable structures, including the formulation of an appropriate legal framework for action by public administration bodies, to

<sup>1</sup> Maciej Duszczyk, Paweł Kaczmarczyk, *Wojna i migracja: napływ uchodźców wojennych i możliwości scenariusze na przyszłość*, "CMR Spotlight", Vol. 4 No. 39, 2022, p. 2

<sup>2</sup> *Dwa lata od wybuchu wojny - w Polsce pozostaje ok. 1,5 mln Ukraińców*, <https://samorzad.pap.pl/kategoria/aktualnosci/dwa-lata-od-wybuchu-wojny-w-polsce-pozostaje-ok-15-mln-ukraincow> (25.10.2024)

<sup>3</sup> Radosław Zyzik, Łukasz Baszczak, Iga Rozbicka, Michał Wielechowski, *Uchodźcy z Ukrainy na polskim rynku pracy: możliwości i przeszkody*, Polski Instytut Ekonomiczny, December 2023, Warsaw, p. 4, <https://pie.net.pl/wp-content/uploads/2024/01/Uchodzcy-z-Ukrainy-.pdf> (10.10.2024)

facilitate the organization of financial support. The challenge was significant, as Poland had limited experience in accepting refugees and lacked the necessary legal framework to do so effectively. Additionally, Poland has not previously been confronted with such a considerable influx of foreigners who are not proficient in Polish. Furthermore, the last decade has been a period of accelerated transformation for Poland, shifting from a country with a history of emigration to one with a growing immigrant population.

While comparative legal research is attractive, in this article have been kept to a minimum. The purpose of this article was to present the uniqueness of the solutions adopted. They were a state response to an emergency concerning the hosting of war refugees because of a war conflict. It is difficult to assess such legal solutions to those created to shape a planned state policy on migration. While the aim of the latter is to create stable rules of law, in the case of the Ukrainian refugees it is about and quick and adequate response, but also limited in time. It is obvious that current solutions will have to change according to the dynamics of the war conflict. Poland's role as a country bordering the war zone, the scale of migration, the number of refugees remaining in our country, the feeling that state security is threatened, or other such as economic conditions, also limit the possibility to full evaluation and comparison Polish legal solutions with those adopted in other countries. Hence, the aim of this article is to present the extraordinary legal solutions that have been adopted first in Poland. However, the information presented in the article can be used for further research on the legal actions of neighbouring states in relation to waves of war refugees. The objective of this article is to present a select legal solutions taken with the aim of establishing a legal framework that defines the status of war refugees from Ukraine. A primarily dogmatic-legal method was used. Migration data are mainly taken from available online sources of public institutions. This allows the use of up-to-date and reliable data. Due to the vastness of the subject matter, attention has been focused on a few selected areas: legalization of residence, access to the labor market, social benefits and education. Due to the limited framework of the article, even these areas provide a general overview of the situation rather than a detailed analysis.

### **Migration characteristics**

Poland is the country that has received the largest number of refugees from Ukraine, in comparison to all other countries worldwide. Since 24 February 2022, the number of individuals who had crossed the Polish Ukrainian border reached 3.8 million. In February 2024, the number of Ukrainian refugees in Poland ranged from 1.2 to 1.5 million<sup>1</sup>. This figure is based on estimates, as there is no single database that collects comprehensive information. War refugees constitute a distinct migratory group, frequently bearing witness to traumatic events related to armed conflict, which compels them to flee their previous place of residence. This has a detrimental impact on their mental health, social relations and ability to adapt to a new environment, which therefore, has a direct impact on their capacity to function effectively in the professional sphere and distinguishes them from other migrants who may plan their migration in advance<sup>2</sup>.

It is notable that the specific demographic profile of refugees from Ukraine to Poland exhibits distinctive characteristics. Approximately 90% of the population are women and children<sup>3</sup>. A recent study conducted by the National Bank of Poland indicates that the largest age group is that of people aged 27-44 (48%), followed by those aged 45-59 (24%) and those under 26 (18%). A total of 9% of refugees are individuals aged 60 or above<sup>4</sup>.

From an economic and employment standpoint, it is worth noticing that 61% of refugees possess a university degree. One of the obstacles to accessing work in the learned profession was the challenging process of having a university degree recognized as valid in Poland.

### **The legal status of the displaced from Ukraine because of the armed conflict - the March 2022 Act**

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<sup>1</sup> Monitor Deloitte, *Uchodźcy z Ukrainy w Polsce. Wyzwania i potencjał integracji*, October 2022, <https://www2.deloitte.com/content/dam/Deloitte/pl/Documents/Re-ports/pl-Uchodzczy-z-Ukrainy-w-Polsce-Report.pdf> (9.10.2024)

<sup>2</sup> Radosław Zyzik, Łukasz Baszczak, Iga Rozbicka, Michał Wielechowski, *Op. cit.*, p. 8

<sup>3</sup> <https://unicef.pl/co-robimy/aktualnosci/news/okolo-90-uchodzcow-w-polsce-to-kobiety-i-dzieci>, (10.10.2024)

<sup>4</sup> National Bank of Poland, *Sytuacja życiowa i ekonomiczna migrantów z Ukrainy w Polsce – wpływ pandemii i wojny na charakter migracji w Polsce. Raport z badania ankietowego*, 2023 [https://nbp.pl/wp-content/uploads/2024/01/raport\\_migranci\\_z-Ukrainy\\_2023.pdf](https://nbp.pl/wp-content/uploads/2024/01/raport_migranci_z-Ukrainy_2023.pdf) (10.11.2024)

In Poland, as early as 7 March 2022, a special project of the act was submitted to the Sejm (the parliament) in response to the challenges that arose because of the armed conflict in Ukraine. The act was prepared to resolve vast of urgent problems amongst them the issue of ensuring the legality of the stay of persons coming from the Ukraine. On the same day, the next phase of the legislative process commenced<sup>1</sup>.

Subsequently, on 12 March 2022, the Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine (hereinafter referred to as the 'March 2022 Law') was enacted. This legislation represents a distinct departure from the existing legal framework governing migration and asylum, particularly in relation to the following existing laws: The Act of 12 December 2013 on foreigners<sup>2</sup> and the Act of 13 June 2003 on the granting of protection to foreigners on the territory of the Republic of Poland<sup>3</sup>. The regulations in question governed the general rules of migration in times of peace and proved inadequate for the emergency that arose from the war in Ukraine. Polish refugee legislation is the result of the implementation of EU directives on the reception of refugees<sup>4</sup> and is largely also based on the content of the Geneva Convention and other international law instruments in force in this matter<sup>4</sup>.

The material scope of the March 2022 Act is extremely wide and includes many different types of provisions: legalisation and registration of residence of persons fleeing from Ukraine, forms of support made available to them (in terms of social assistance, education, access to the labour market). In addition, the law regulates the organisation of assistance activities by various public agencies, both governmental and self-governmental, to technical provisions authorising individual institutions to undertake or finance specific activities<sup>5</sup>. Given the circumstances of the Act's adoption, the solutions enshrined within it pertain solely to Ukrainians (or other individuals lacking Ukrainian citizenship) who have arrived in Poland after 24 February 2022. The legislation does not extend to Ukrainian nationals who had previously taken up employment in Poland.

The legislation encompasses three categories of refugees<sup>6</sup>:

1. Citizens of Ukraine and their spouses without Ukrainian citizenship who arrived on Polish territory from Ukrainian territory between 24 February 2022 and the present in connection with military action conducted on its territory;

2. Children born on Polish territory to Ukrainian women who arrived on Polish territory from Ukrainian territory between 24 February 2022 and the present in connection with military action conducted on its territory;

3. Ukrainian citizens holding a Card of the Pole, who departed from Ukraine during the period from 24 February 2022 and then arrived on the territory of Poland with military action conducted on its territory, as well as their immediate family members<sup>7</sup>.

As pointed out in the literature, the subjective range of the March 2022 law is broader and goes beyond the narrowly defined 'citizens of Ukraine'<sup>8</sup>, which is in line with the specific situation triggered by a war conflict.

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<sup>1</sup> <https://www.sejm.gov.pl/sejm9.nsf/rzebiegProc.xsp?id=9B9CF6ACD09F2BA8C12587FE005B5C89> (10.10.2024)

<sup>2</sup> *Journal of Laws* 2021, Item 2354; hereinafter referred to as: u.c.

<sup>3</sup> *Journal of Laws* 2021, Item 1108 as amended; hereinafter referred to as: u.u.c.o.

<sup>4</sup> Tomasz Szczech, *Integracja uchodźców. Wybrane aspekty prawne*, "Radca Prawny Zeszyty Naukowe", Vol. 3, 2016, p. 99

<sup>5</sup> Witold Antoni Klaus (ed.), *as amended Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*, WKP/el, 2022

<sup>6</sup> From the scope of the regulation were excluded: -holders of a permanent residence permit (art.195 u.c.), a residence permit for a long-term resident of the European Union (art.211 u.c.), a temporary residence permit (art. 98 u.c.), refugee status (art. 13 u.c.c.o.), subsidiary protection (art.15 u.c.c.o.), a permit for tolerated stay (art.351 u.c.), a permit for humanitarian reasons (art. 348 u.c.); -who have submitted applications or declared the intention to submit applications for international protection on the territory of the Republic of Poland, or on behalf of whom such applications have been submitted or the intention to submit an application has been declared (art. 13, art. 15, art. 28 sec. 1, art. 61 sec. 1 u.c.c.o.), unless the application or declaration is withdrawn.

<sup>7</sup> *Law Of 12 March 2022 on Assistance to Citizens Of Ukraine In Connection With Armed Conflict On The Territory Of That Country* Art.2, <https://www.gov.pl/web/mswia-en/the-act-on-assistance-to-citizens-of-ukraine-in-connection-with-armed-conflict-on-the-territory-of-that-country-signed-by-the-president> (12.11.2024)

<sup>8</sup> Daniel Eryk Lach, *Prawo uchodźców wojennych z Ukrainy do świadczeń opieki zdrowotnej w Polsce*, "Praca i zabezpieczenie społeczne", No. 1, 2023, p. 55

## The legalization of residence

The legalization of residence was one of the first issues to be addressed by a special law. This is a prerequisite for subsequent entitlements and benefits, including the ability to seek employment. In adopting a solution to the issue of legal residence, the Polish legislator has chosen to recognize such status as legal by *de jure* if the following conditions are met together:

- Arrival in Poland from 24 February 2022 (or later) in connection with military action conducted on its territory<sup>1</sup>;
- Legal entry across the border: it is either in possession of the relevant documents<sup>2</sup> or without. In the latter case, it is required to obtain an entry permit issued by the commanding officer of the Border Guard post<sup>3</sup>;
- Declaration of intention to stay in Poland (e.g. commencement of work, submission of application for PESEL number).

To sum up, according to the adopted March 2022 Act, if a citizen of Ukraine has legally arrived on the territory of Poland in the period from 24 February 2022 or later and declares his/her intention to stay on the territory of the Republic of Poland, their status is deemed legal until 30 September 2025<sup>4</sup>. Such simplified conditions allowed for a relatively easy border crossing for those fleeing war territory. Which was additionally important, given that the first and most numerous waves of refugees crossed the border during the winter period. The regulations mentioned above mean that Ukrainians do not have to meet the conditions to enter Poland. The general regulations of migration law in this respect are complex. Firstly, different ones for EU citizens and different ones for citizens from so-called third countries. As Ukraine is not a member of the EU, it does not enjoy the freedom of movement applied to citizens of EU countries.

The general conditions of entry into Poland are very complex and depend on the length of the planned stay and its purpose (e.g. there are differences when the visitor is a student, managerial employee, specialist employee, trainee, researcher, family of a researcher, etc.). In accordance with the general conditions<sup>5</sup>, a foreigner crossing the border with the intention to enter the territory of Poland for a time exceeding 90 days is required to provide justification for the purpose and conditions of their planned stay and to possess the following documents: In order to enter Poland, a foreigner must possess the following documents: (1) a valid travel document; (2) a valid long-term visa either residence permit issued by the Polish authorities; (3) a document confirming possession of health insurance; and (4) sufficient financial means to cover the costs of the planned stay and the return journey. Failure to satisfy the conditions may result in the refusal of entry into

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<sup>1</sup> Therefore, the scope of the regulation does not cover persons who, although they arrived in Poland after 24.02.2022. - did not leave the territory of Ukraine because of the armed conflict, which in principle may concern a situation where a Ukrainian citizen, prior to 24.02.2022, resided in another country and entered the territory of Poland from that country

<sup>2</sup> E.g. valid travel document, valid visa or other valid document entitling to enter and stay in the territory of the Republic of Poland - Article 23 u.c. and fulfilment of the requirement to justify the reason and conditions of the intended stay, to have financial resources and health insurance cover - Article 25 u.c.

<sup>3</sup> Consent is granted based on the Article 6(5)(c) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9.03.2016 on the EU Code on the rules governing the movement of persons across borders (OJ EU L 77, p. 1, as amended; hereinafter: Schengen Borders Code). (the possibility to be granted entry on humanitarian grounds, for reasons of state interest or international obligations, despite not meeting entry conditions). Entrance to Poland in violation of the provisions on entry into the Schengen area (Article 5 of the Schengen Borders Code) and crossing the border in violation of the rules with the use of violence, threats, deception or in cooperation with other persons (Article 264 § 2 of the Penal Code) should be regarded as illegal in the context under discussion. Persons who do not meet the commented premise are left with the possibility of seeking international protection on the provisions of the Act on granting protection to foreigners within the territory of the Republic of Poland.

<sup>4</sup> In the March 2022 Act, the end date of the special protection was set at 30 June 2024, but due to the ongoing war, it was extended to 30 September 2025 by the Law of 15 May 2024 amending the Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine and Certain Other Laws (Journal of Laws 2024, item 854)

<sup>5</sup> General regulations are referred to here. It is worth emphasising that the group of refugees is not homogeneous in legal terms, meaning that they are subject to different legal regulations. Read more in the article: Mieczysława Zdanowicz, Zasady legalizacji pobytu cudzoziemców i struktura cudzoziemców w Polsce, "Archiwum Kryminologii", vol. XXXVIII/2016, pp. 441-458

the country. *The March 2022 Act* delineated two grounds for the revocation of the right to remain in Poland for Ukrainian citizens. The first of these grounds pertains to leaving Poland for a time exceeding 30 days, which is understood as an intention to abandon the original plan to remain in Poland. The second ground for depriving a Ukrainian citizen of the right to stay in Poland is the use by such a citizen of temporary protection on the territory of another European Union member state, granted due to military operations conducted on the territory of Ukraine<sup>1</sup>. Obtaining a PESEL number and registration as a refugee in the state systems entitles Ukrainians to freely utilize public services, including the receipt of certain benefits or the registration of their own business. It is possible to obtain a trusted profile, which enables the completion of official transactions via the Internet.

### **Access to the labor market**

*The March 2022 Act* introduced several measures designed to facilitate access to the labor market. In this respect, too, it is indicated that it has a significant impact on the shape of the national labor market<sup>2</sup>. In accordance with the legislation, Ukrainian nationals who are legally resident in Poland are entitled to utilize the labor market services available to Polish citizens. The most significant entitlement is the capacity to pursue legal employment with any employer in Poland, without the necessity of fulfill additional formalities. Furthermore, they are entitled to benefit from job placement, vocational guidance and training. A specific procedure has been established for registering with the labor office as either unemployed or a jobseeker. This is conducted in accordance with the same regulations as for Polish citizens, with the exception that no PESEL is required for registration at the labor office. Instead, a passport or identity card, or a certificate from the Border Guard or a municipal office is sufficient. Ukrainian citizens are entitled to set up sole proprietorship on an equal footing with Polish citizens. The only prerequisite is the acquisition of a PESEL number. A jobseeker may contact the district employment office, utilize the ePraca mobile application, or contact the relevant authority via a dedicated hotline. Furthermore, a new section of the portal has been created for Ukrainian citizens.

To sum up – the Polish legislature has eliminated the requirement for a work permit for Ukrainian nationals as a prerequisite for employment. The *onus* is on the employer to notify the labor office of the employment of the Ukrainian citizen within 14 days of the commencement of employment. This is the sole formal condition. This constitutes a significant simplification considering the general regulations set forth in the Law on Foreigners, which stipulate that a foreigner must possess a valid visa or temporary residence permit to work in Poland.

A review of public registers and relevant research findings suggests that refugees are highly active in the labor market. Although Ukrainian refugees are integrating into the labor markets of their host countries at a significantly faster pace than other refugee groups, compared to OECD countries, it is in our country that the employment rate of war refugees is the highest at 65%. This is particularly significant given that the primary motivation for refugees to come to our country was not financial, but rather the desire to distance themselves and their families from the threat to their lives<sup>3</sup>. The prior involvement of Ukrainian nationals in the Polish labor market has constituted a facilitating factor in the integration of refugees into the Polish labor market. The available data indicates that in 2021 alone, 325,000 documents authorizing long-term employment were issued for this nationality<sup>4</sup>. Conversely, the total number of Ukrainians employed in Poland at that time was estimated to be 1.5 million<sup>5</sup>.

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<sup>1</sup> *March 2022 Act, art. 11*

<sup>2</sup> Krzysztof Jurek, *Polski rynek pracy dla uchodźców z Ukrainy*, “Kultura Bezpieczeństwa”, Vol. 42, 2022, p.13

<sup>3</sup> Radosław Zyzik, Łukasz Baszczak, Iga Rozbicka, Michał Wielechowski, *Uchodźcy z Ukrainy na polskim rynku pracy: możliwości i przeszkody*, Polski Instytut Ekonomiczny, December 2023, Warsaw, p. 4-6. In Poland, the percentage of employed Ukrainians is significantly higher compared to other neighbours - in Lithuania it is 53 %, in the Czech Republic 51 %, in Slovakia 34 % and in Germany 18 %). This result can be considered a considerable achievement, given that Ukrainian refugees active on the Polish labour market represent a wide spectrum of qualifications and work experience, making their professional integration a complex and diverse process.

<sup>4</sup> Ministry of Labour and Social Policy, <https://www.bankier.pl/wiadomosc/2021-r-rekordowy-pod-wzglem-liczby-cudzoziemcow-na-polskim-rynku-pracy-8271907.html> (10.10.2024)

<sup>5</sup> Zyzik, Baszczak, Rozbicka, Wielechowski, *Op. cit.*, p. 8

The first quarter of 2022 saw the highest number of vacancies in the Polish economy, with 159,000 vacancies recorded. It appears that there was considerable scope for the integration of refugees into the Polish labor market, and the Polish economy should be well placed to accommodate a significant proportion of the working-age arrivals. It is, however, important to note that most vacancies were concentrated in sectors such as transport, construction and warehouse management, which do not align with the profile of migrants. Up until that date, the gap had been partially addressed by the influx of male migrants from Ukraine. The war caused them to return home, resulting in an exodus of workers previously employed, which consequently added to the already large number of vacancies in these sectors. In 2022, Poland witnessed a notable reduction in the inflow of temporary workers, with a 26% decline compared to the previous year<sup>1</sup>.

### **Access to social benefits**

*The March 2022 Act* introduced specific provisions regarding access to social benefits. The legislation grants the right to various types of benefits. The entitlement to benefits is contingent upon and extends throughout the period of legal residence in Poland, applying to both parents and children. Parents (or guardians) applying for benefits are exempt from the obligation to hold a residence card with the annotation 'access to the labor market. Ukrainian refugees were granted a one-off cash benefit of PLN 300 (70 Euro) per person for subsistence, with the objective of covering essentials such as food, clothing, footwear, personal hygiene products and accommodation costs.

Additionally, they were provided with access to family benefits. The family allowance is designed to offset a portion of the costs associated with raising a child. The entitlement to the allowance is contingent upon several factors, including the per capita family income not exceeding the specified threshold of PLN 674 (155 Euro) or PLN 764 (176 Euro) in cases where a disability child lives in the family. Other family allowances are linked to specific circumstances, including the birth of a child (as a one-off payment), the care of a child during parental leave (as a monthly payment), and single parenthood. *The March 2022 Act* introduced access to special care benefits, including a nursing allowance to cover the costs of providing care and assistance to another person due to their inability to live independently, and a nursing benefit for those who have resigned from employment. The benefit is granted when individuals refrain from pursuing or relinquishing gainful employment to provide care for another individual.

The upbringing benefit, commonly referred to as 800+, is designed to partially cover the costs associated with raising a child, including their care and meeting their basic living needs (500 PLN – 115 Euro until the end of 2023, now 800 PLN – 184 Euro). The allowance is paid monthly and is set at a fixed amount of PLN 800 (184 Euro) per child up to the age of 18. The benefit is granted irrespective of the family's income<sup>2</sup>. Independently of the support for Ukrainians, Poland has also offered financial support to Polish families who have welcomed Ukrainian refugees. This has included a financial allowance of 40 PLN (9 Euro) per day for the accommodation of a Ukrainian citizen.

### **Access to education for Ukrainian children**

Another area that required immediate attention was the participation of Ukrainian children in the education system. It should be noted that Ukrainian pupils were the largest group of foreign children in Poland even before the Russian full-scale aggression against Ukraine. However, the children of economic migrants predominated among them, whereas after 24<sup>th</sup> of February 2022 we are dealing with a massive influx of pupils with refugee experience, whose situation is markedly different from that of their classmates who arrived here earlier<sup>3</sup>. Inclusion of newly arrived pupils was an aspect of significant importance for several reasons. Firstly, the structure of migration meant that, in the initial phase of the migration wave, a considerable proportion of migrants were mothers with children. It is estimated that in the initial three-month period of the war, over three million individuals from Ukraine arrived in Poland, with 43% of this number comprising children and

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<sup>1</sup> OECD, p. 26

<sup>2</sup> *March 2022 Act*, art. 26

<sup>3</sup> Katarzyna Stankiewicz, Anna Żurek, *Edukacja dzieci uchodźczych w Polsce*, "Infos. Zagadnienia Społeczno-Gospodarcze", Biuro Analiz Sejmowych, Vol. 5, 2022, p. 1

adolescents up to the age of 17<sup>1</sup>. The right to education is one of the fundamental human rights, guaranteed and regulated by many international conventions and agreements. The education system plays a very important role in the process of counteracting the social exclusion and integration of Ukrainian refugees into Polish society<sup>2</sup>. Moreover, ensuring access to pre-school and school care was a prerequisite for adult migrants to commence employment.

In this regard, legal solutions can be divided into two periods. In the initial phase, the Polish state facilitated access to its educational institutions for Ukrainian children and young people. The decision of whether a Ukrainian parent would avail themselves of this option was at their discretion. It was possible for children to pursue their classes within the Ukrainian system, either remotely or in a mixed mode. This resulted in some children remaining outside the Polish educational system. This meant that the Polish state had no information as to whether such children were fulfilling any educational obligation. This presented a significant risk to the proper development of children. Non-governmental organizations, including Ukrainian ones, have advocated for amendments to the legislation that would require the thousands of Ukrainian children and young people residing in Poland to attend school. They have estimated that there could be between 100,000 and 200,000 Ukrainian children aged 3 to 18 who are currently outside the educational system<sup>3</sup>.

Remaining in education provides a secure environment for the child. The educational establishment represents a setting in which individuals can not only gain knowledge and prepare for future careers, but also develop social competencies through the formation of relationships and the acquisition of knowledge about the needs and problems of their peers. These arguments, among others, have led to the conclusion that, as of 1 September 2024, refugee children from Ukraine will be included in the Polish educational system. This will entail their participation in compulsory annual pre-school preparation, compulsory schooling and compulsory education (post-primary schools), on an equal footing with Polish pupils. In the 2024/2025 academic year, online learning has been permitted solely for pupils enrolled in the highest program class within a Ukrainian education system school. It is possible for them to complete their education via the online format. To encourage attendance at Polish schools, Ukrainian pupils are exempt from taking the Polish language exam at the eighth grade (Polish 8th grade) examination. Furthermore, the period of supplementary free Polish language tuition for refugee pupils has been extended from 24 to 36 months<sup>4</sup>, and an intercultural assistant has been introduced.

As of September 2024, the completion of compulsory education has been linked to the entitlement to receive a portion of social benefits. Refugees from Ukraine who receiving the Family Benefit 800+ and Good Start will be eligible for payment on the condition that their child is enrolled in pre-school, primary school or secondary school. While the decision to provide compulsory education for the children of Ukrainian refugees is a positive one, it is important to recognize that this is, and will continue to be, a challenging undertaking for schools from an organizational perspective. The available research indicates that Ukrainian students tend to perform well in Polish schools<sup>5</sup>. However, Polish schools were unprepared to accommodate such many foreign language students in their classrooms. As a result, Ukrainian students were placed in classes that were already at or near maximum capacity, with Polish pupils. From the outset, pupils were required to participate in lessons conducted in Polish, which presented a significant challenge for the pupils themselves, their parents and the teachers, who lacked the requisite language skills to communicate effectively with them. A deficiency

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<sup>1</sup> Gov.pl., *Uczniowie z Ukrainy w polskich szkołach. Ważne informacje dla rodziców / Учні з України в польських школах. Важлива інформація для батьків*, <https://www.gov.pl/web/edukacja/uczniowie-z-ukrainy-w-polskich-szkolach-wazne-informacje-dla-rodzicow>, (18.10.2024)

<sup>2</sup> Krzysztof Piotr Jurek, Iwona Niewiadomska, Alina Betlej, *Proces integracji społecznej dzieci ukraińskich w polskim systemie oświaty*, Wydawnictwo Adam Marszałek, Toruń 2022, p. 13

<sup>3</sup> Izabela Kacprzak, *Szkoły muszą zmieścić 80 tys. dzieci z Ukrainy*, <https://www.rp.pl/edukacja/art40868721-szkoły-musza-zmiescic-80-tys-dzieci-z-ukrainy> (18.10.2024)

<sup>4</sup> Jędrzej Witkowski and Elżbieta Świdrowska shows that 40% of Ukrainian pupils do not benefit from additional Polish language lesson, *Uczniowie z Ukrainy, Co mówią nowe dane? Komentarz*, Centrum Edukacji Obywatelskiej, <https://ceo.org.pl/co-wiemy-o-uczniach-z-ukrainy-z-doswiadczeniem-uchodzstwa-w-polskiej-szkole/>, (18.10.2024)

<sup>5</sup> Magdalena Tędziągolska, Bartłomiej Walczak, Kamil M. Wielecki, *Uczniowie uczenice z Ukrainy w polskich szkołach - rok szkolny 2023/2024 Raport z badań jakościowych*, p. 4, [https://ceo.org.pl/wp-content/uploads/2024/10/Ukrainscy-uczniowie-w-polskiej-szkole\\_raport-CEO\\_UNICEF\\_PL.pdf](https://ceo.org.pl/wp-content/uploads/2024/10/Ukrainscy-uczniowie-w-polskiej-szkole_raport-CEO_UNICEF_PL.pdf) (18.10.2024)

of psychological support for those suffering from war trauma persists<sup>1</sup>. This is merely a sampling of the challenges confronting Polish educational institutions. There are numerous additional issues.

## Conclusions

In conclusion, while the measures taken by the Polish state in response to the influx of Ukrainian refugees have not always been entirely effective, the prompt implementation of a dedicated legislative framework has yielded significant benefits. First and foremost, the expeditious enactment of the special law, which delineated the legal status of refugees and facilitated their swift integration into the Polish social system and labor market, proved instrumental in this regard. This prevented any adverse consequences for the Polish state. As a result, the adverse consequences that would have arisen from the delay in refugees' access to the labor market, which would have resulted in significant losses and lower employment rates, were averted<sup>2</sup>.

As a result of the swift and decisive action taken by Poland, the potential for a significant negative impact on the labor market was averted. This was particularly evident in the case of refugees arriving in Europe during the 2015-16 period<sup>3</sup>. The success of refugee integration in the long term is contingent upon the provision of requisite support in the initial weeks and months of their stay in Poland. This is essential for ensuring stabilization and professional development for adults and education and training for youth and children. The immediate measures taken have undoubtedly produced many positive results. The time for an emergency response is already long gone, and the organization of the stay of Ukrainian refugees needs systemic and sustainable solutions.

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<sup>1</sup> *Ibidem*, p. 8 et seq

<sup>2</sup> The early opening of the labour market in Poland avoided the serious consequences that resulted from the exclusion from the labour market of refugees arriving in Europe in 2015-16 - €4,000 loss per refugee per year; - 24 % lower probability of employment in the first 2-4 years after migration; - 9 % lower labour force participation 8 years after arrival.

<sup>3</sup> Monitor Delloite, *Op. cit.*, p. 15



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