

РОЗДІЛ 4

ЦИВІЛЬНЕ І ТРУДОВЕ ПРАВО, ЦИВІЛЬНИЙ ПРОЦЕС, ПРАВО ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ

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Maksymilian Samońlow,
Doctor of Philosophy in Law,
head of the HR department of the company “GeoComply”,
Warsaw, Republic of Poland

THE CURRENT CHANGES IN THE REGULATION OF THE LEGAL STATUS OF UKRAINIAN MIGRANTS IN THE REPUBLIC OF POLAND

On Saturday, 26 March this year The President of the Republic of Poland signed the act amending the act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country. The new solutions entered into force on 26 March this year and apply retroactively from 24 February 2022.

Foreigners who are not covered by the aforementioned Act and belong to the category of displaced persons listed in the Executive Decision of the EU Council establishing the existence of a mass influx of displaced persons from Ukraine, may benefit from temporary protection in accordance with the Act on granting protection to foreigners within the territory of the Republic of Poland.

1. Legislation

The Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state sets out, inter alia, specific rules for legalizing the stay of Ukrainian citizens (and their spouses who do not hold Ukrainian citizenship) who have come to Poland from the territory of Ukraine in connection with military operations conducted on the territory of that state, and of Ukrainian citizens holding a Card of the Pole who, together with their immediate family, have come to the territory of Poland because of those military operations.

The provisions of the Law shall not apply to citizens of Ukraine possessing:

- permanent residence permit;
- residence permit for long-term EU resident;
- temporary residence permit;
- refugee status;
- subsidiary protection;
- approval for tolerated stay,

and who:

- have applied for international protection in Poland (or on whose behalf such applications have been lodged);
- declared their intention to submit applications for international protection.

2. Legal residence on the territory of Poland

Ukrainian citizens who left their homeland as a result of Russian aggression will be able to legally stay in Poland for 18 months starting from 24 February 2022. This applies to persons who came to Poland from Ukraine and declared their intention to stay on the territory of our country.

The Council of Ministers shall determine, by means of a regulation, the date which is the last day of the period in which the legal entry of a Ukrainian citizen into the territory of Poland from Ukraine results in his/her stay in the country being considered legal.

There is also a pathway for further legalization of the residence of Ukrainian citizens who fled the war. Persons whose stay on the territory of Poland is or was considered legal will be granted a temporary residence permit. It will be granted for a one-off period of 3 years, starting from the date of the decision.

An application for a temporary residence permit, a citizen of Ukraine shall submit no earlier than after 9 months from the date of entry and no later than within 18 months from 24 February 2022. An application submitted before the expiry of 9 months from the date of entry will not be considered by the voivod.

The law provides for the assignment of a PESEL number to Ukrainian citizens who have come to Poland in connection with the war. This solution will allow a range of public services to be delivered to these persons. For this purpose, a special procedure is provided for obtaining a PESEL number, on application containing a catalogue of basic data. This will be a de-formalised procedure to obtain a PESEL number without having to demonstrate a legal basis for having one. In order to facilitate access to online public services, it is envisaged that along with the assignment of a PESEL number, Ukrainian citizens will be able to obtain a trusted profile.

3. Ukrainian citizens who stayed in Poland before 24 February this year.

If the last day of the period of stay of the citizen of Ukraine in the territory of Poland on the basis of a national visa falls within the period from 24 February 2022, the period of stay on the basis of this visa and the period of validity of this visa shall be extended by law until 31 December 2022. In this case, a new visa sticker shall not be affixed to the travel document of the citizen of Ukraine. A national visa during the period of extension and the period of validity does not entitle the holder to cross the border.

If the last day of the period of validity of a temporary residence permit granted to a citizen of Ukraine falls within the period from 24 February 2022, the period of validity of this permit shall be extended by operation of law until 31 December 2022. The extension of the temporary residence permit does not

entitle the holder to obtain a new residence card.

If the deadline for a Ukrainian citizen to leave the territory of Poland (referred to in Article 299 section 6 of the Act on Foreigners of 12 December 2013) falls in the period from 24 February 2022, it shall be extended by operation of law for a period of 18 months.

If the deadline for voluntary return (referred to in Article 315 section 1 of the Act of 12 December 2013 on foreigners) specified in the decision issued to the citizen of Ukraine falls within the period from 24 February 2022, it shall be extended by law for a period of 18 months.

4. Access to the labor market

Access to the Polish labor market for Ukrainian citizens is guaranteed. In order to use this solution, an employer will have to notify, via the praca.gov.pl portal, to the competent labor office within 14 days of employing a foreigner.

Ukrainian citizens will also be able to benefit from labor market services in the form of, inter alia, job placement, vocational counseling and training - on the same principles as Polish citizens

5. Economic activity

Ukrainian citizens will be able to undertake and carry out economic activity on the territory of Poland on the same principles as Polish citizens, provided that they obtain a PESEL number.

6. Social assistance and maintenance support

Provision has been made for assistance to Ukrainian citizens by provincial governors and local authorities. This may include accommodation or the provision of collective full board.

Any entity, in particular a natural person running a household, which provides accommodation and food to Ukrainian citizens fleeing the war may receive a benefit on the basis of a contract concluded with the municipality. This benefit will be paid for a maximum of 60 days and its amount is determined by a Council of Ministers regulation.

Citizens of Ukraine can apply for a one-off living allowance of PLN 300 per person. In particular, this involves covering expenses for food, clothing, footwear, personal hygiene products and housing costs.

Aid will also be provided in the form of food parcels or meals under the Food Aid Operational Program 2014-2020 co-financed by the European Fund for Aid to the Most Deprived.

7. Social benefits

Ukrainian citizens will have access to social assistance, parental benefit, family benefits, Good Start, family care capital or funding to reduce the fee paid by the parent for the stay of a child in a crèche, children's club or day-care centre.

8. Healthcare

Every citizen of Ukraine legally residing in Poland is guaranteed access to the public health care system on the same basis as Polish citizens.

The National Health Fund will pay for any medical service for a Ukrainian citizen in public health care. Funding for these benefits will be guaranteed from the state budget.

9. Third-country nationals and stateless persons

Foreigners who are not covered by the Act on assistance to citizens of Ukraine in connection with armed conflict on the territory of this country, but who belong to the category of displaced persons mentioned in Article 2(1) and (2) of the Executive Decision of the Council of the EU stating the existence of mass influx of displaced persons from Ukraine may benefit from temporary protection within the territory of the Republic of Poland.

In the case of third-country nationals and stateless persons, this applies to persons who can prove that prior to 24 February 2022 they enjoyed international protection or equivalent national protection in Ukraine, legally resided in Ukraine on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return to their country or region of origin in safe conditions.

References

1. Projekt ustawy o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa – Kancelaria Prezesa Rady Ministrów – Portal Gov.pl (www.gov.pl).

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Аврамова О.Є., к.ю.н., доцент,
провідний науковий співробітник
відділу приватного права та процесу,
Науково-дослідний інститут приватного права і підприємництва
імені академіка Ф.Г. Бурчака
НАПрН України

ПРАВОВИЙ СТАТУС ЖИТЛОВО-БУДІВЕЛЬНИХ КООПЕРАТИВІВ

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