

# Legal Alert

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## Subsidiary protection for Ukrainian citizens fleeing the war

**Contrary to the information spread in the media, Ukrainian citizens who are fleeing the war are not refugees.** Under law, refugee status is granted only to those who flee the country in fear of religious, racial, or political persecution.

Foreigners who do not fulfil the conditions to be granted refugee status may apply for subsidiary protection. This protection is granted in a situation where returning to a home country may expose a person to a real risk of suffering serious harm, e.g. as a result of armed conflict. **Thus, Ukrainian citizens who have crossed the border can apply for subsidiary protection.**

Applying for subsidiary protection is not compulsory. Foreigners who do not apply will be treated as economic migrants. They will be able to legally reside in Poland based on visa-free movement or the consent of the Border Guard Commander, and undertake employment.

### Applying for subsidiary protection and reception points

A foreigner can apply for subsidiary protection:

- while entering Poland at a border crossing (you should inform the Border Guard Officer of your wish to apply); or
- during your stay in Poland (you should report to any Border Guard division or post).

When applying, a foreigner must present all the required documents. The application is accepted and registered immediately and, in the case of a mass influx of foreigners, **within 10 working days.**

The application to grant international protection may also be submitted by a foreigner who is already staying in Poland and is afraid to return to their home country.

**Registration at a reception point is not obligatory.** At reception points, foreigners are directed to places of collective accommodation if they do not have a guaranteed place to stay (e.g. with family, friends, or other persons offering assistance). Thus, it is possible to stay outside of refugee centres.

**Foreigners who apply for international protection will have to deposit their passport (they will receive a temporary document instead) and will not be able to take up employment for the first 6 months of their stay. During the procedure, it will not be possible to return to Ukraine.**

### A foreigner's Temporary Certificate of Identity

After applying for protection, a foreigner receives a temporary identity certificate which entitles their minor children to stay in Poland.

- The first document is issued for a 30-day period, subsequent documents are issued upon the foreigner's request for a period of up to 6 months.
- Minors are entered onto their parents' documents.
- Under law, applying for subsidiary protection renders the national visa held by a foreigner invalid.
- Subsidiary protection is granted for an unlimited period of time (until a foreigner may again benefit from the protection of their own country).
- After 5 years from the date of being granted protection, a foreigner has the right to apply for a permanent residence permit in Poland.

## Benefits of protection

**After obtaining subsidiary protection (receiving a positive decision), a foreigner will have the right to take up employment without having to obtain a work permit. This will be possible only after obtaining a positive decision or after 6 months of the procedure.**

A person who applies will be able to benefit from various forms of social assistance, e.g. the right to accommodation in a centre for foreigners, to receive personal hygiene products, teaching aid for children, and medical care. These persons may also apply for monthly cash benefits to cover the costs of their stay in Poland.

During the proceedings, regardless of a foreigner's Polish language proficiency, schools are obliged to accept a foreigner's child as a pupil. Once protection is granted, access to education is the same as for Polish citizens. In addition, after granting subsidiary protection, the foreigner may benefit from the Individual Integration Programme which is intended to facilitate life in Poland.



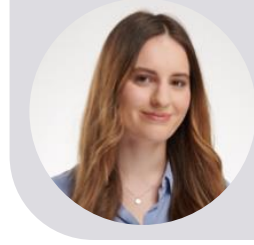
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