



Extending the period of legal stay of Ukrainian citizens under temporary protection

14.06.2023

The legal stay of Ukrainian citizens (and certain members of their families) who came to Poland in the period from February 24, 2022 in connection with military operations conducted in Ukraine will be extended until March 4, 2024, and in some cases until August 31 or On September 30, 2024, the act amending the current regulations was published in the Journal of Laws and will enter into force on June 27 this year.

After the entry into force of the new regulations, Art. 2 sec. 1 and 2 of the Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of this state. The period of stay of Ukrainian citizens (and certain members of their families) considered legal will be extended until March 4, 2024. This date coincides with the end of the extended period during which European Union Member States provide temporary protection to Ukrainian citizens. Moreover, to Art. 2 of the aforementioned act, new paragraphs 10 and 11 will be added, which will further extend the period of legal residence:

- **until August 31, 2024 in the case of:**

1. persons who on March 4, 2024 will benefit from pre-school education, will fulfill the school duty or the duty of education, and if these persons are minors - also their parents or guardians;
2. persons who on March 4, 2024 will be educated in a kindergarten or school functioning in the Ukrainian education system using distance learning methods and techniques, and if these persons are minors - also their parents or guardians;
3. persons who, no later than in the school year 2022/2023, started their education in a second-level vocational school, post-secondary school or school for adults, and if these persons are minors - also their parents and guardians.

- **until September 30, 2024 in the case of:**

1. persons who take the matriculation exam on the make-up date, and if these persons are minors - also their parents and guardians.

Changes will also be introduced in the provisions preventing Ukrainian citizens from falling into illegal stay and supporting the legalization of their stay on the territory of Poland. The periods in which:

- periods of stay and periods of validity of national visas of Ukrainian citizens are extended by law;
- periods of validity of temporary residence permits of Ukrainian citizens are extended by law;
- deadlines for Ukrainian citizens to leave the territory of Poland are extended by law (pursuant to Article 299(6) of the Act of 12 December 2013 on foreigners);
- deadlines for voluntary return (currently dates for voluntary departure) specified in decisions on obliging foreigners to return issued to Ukrainian citizens (pursuant to Article 315(1) of the Act on foreigners) are extended by law;
- periods of validity of residence cards, Polish identity documents of a foreigner and documents "permit for tolerated stay" issued to citizens of Ukraine are extended by law;
- the stay of Ukrainian citizens on the territory of Poland is considered legal due to the end of the period of admissible short-term stay (on the basis of a Schengen visa issued by a Polish authority, on the basis of a visa issued by another Schengen state, on the basis of a residence permit issued by a competent authority of another Schengen state Schengen or as part of visa-free travel);
- does not apply to Ukrainian citizens in proceedings on granting a temporary residence permit for the purpose of conducting business activity as defined in art. 142 sec. 1 point 3 of the Act on foreigners, the requirement related to the size and quality of business activity, if they conduct business activity on the basis of an entry in the Central Register and Information on Business Activity;
- the provision of art. 42a sec. 1 of the Special Act establishing a subsidiary substantive legal basis for granting a temporary residence permit to citizens of Ukraine;
- it is possible not to initiate or to discontinue the initiated proceedings regarding the obligation of a foreigner to return against citizens of Ukraine.

The described changes are introduced by Art. 12 of the Act of 14 April 2023 on changing the names of state service higher education institutions supervised by the minister competent for internal affairs, amending the Act on the Police, the Act on the Border Guard, the Act on the State Fire Service and certain other acts (Journal of Laws, item 1088).

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