



## Temporary protection of Ukrainian citizens in the light of the war crisis in the example of the Czech Republic and the Republic of Poland - selected issues

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**Abstract:** This article deals with the current refugee crisis related to an ongoing armed conflict in Ukraine, its solutions, and its consequences from the perspective of the Czech Republic and Poland. As such, presented article focuses on Ukrainian citizens reception and integration rights development in the Czech Republic and Poland, with a special focus on the legal framework, public support of the Ukrainian refugees in the Czech Republic and Poland, as well as on selected integration rights. The main aim of this article is to evaluate basic Ukrainian integration rights during the first year of ongoing Russian war aggression.

**Keywords:** Temporary Protection, Integration Rights, Ukraine, the Czech Republic, Poland

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## INTRODUCTION

The topic of this article is the current refugee crisis related to an ongoing armed conflict in Ukraine, its solutions, and its consequences from the perspective of the Czech Republic and Poland with a special focus on official statistics officially published by national authorities and the legal framework, as well as the most significant integration rights related to the reception of Ukrainian refugees.

### Significant change of approach

While speaking about the recent refugee reception and integration rights in the Czech Republic and Poland, we find it necessary to mention a significant change in approach and mindset that has taken place within the last 10 years.

The migration crisis in 2015 and 2016 caused an influx of millions of refugees to EU countries. Refugees were coming from Syria, Afghanistan and some African countries. Although the standard European asylum policy is based on solidarity between member states and a fair distribution of refugees (Article 67 TFEU), the Central European member states refused to accept refugees, mainly the so-called refugee quotas and relocations. Politicians and the public were mostly against solidarity and acceptance of more refugees. As a result of the increased number of asylum seekers registered in Greece and Italy in 2015, as well as for the general high migratory influx, the Council adopted two Decisions introducing a mechanism to relocate asylum seekers to other Member States.<sup>1</sup> Despite the fact that Decisions were binding upon Member States, the Czech, Hungarian and Polish governments decided not to participate in the relocation mechanism. Together with Slovakia, Hungary unsuccessfully challenged the Council Decision at the CJEU. The relocation scheme was also heavily used and “abused” in the CEE government’s domestic discourse on migration<sup>2</sup> (see PAP, 2017; MSWiA, 2017). The European Commission referred Czechia, Hungary and Poland to the CJEU for non-compliance with the Council Decision on 7 December 2017. The CJEU delivered its judgment in April 2020. Therein, it established that Czechia, Hungary and Poland had breached the Council Decision by failing to relocate asylum seekers from Italy or Greece.<sup>3</sup>

Since the relocation obligation expired at the end of 2017, the judgment has had no enforceability in practice. It is, however, important to note that both countries continue to defend their opposing position vis-à-vis relocation despite the judgment. In the domestic discourse in Czechia, the relocations continued to be labelled as a “Brussels diktat” and the fight against relocation quotas was presented as part of the Government’s tough stance on migration, with little to no opposition voices resisting such narratives. This background has made it in practice impossible for any later Government to agree with relocations, even if this would be in the best interest of Czechia. Poland (KPRM, 2020) portrayed the infringement procedure as discriminatory. Although most EU states did not fully implement the relocation decisions, the EC decided to bring action only against Poland, Hungary and the Czech Republic. The Polish government reiterated that refusal to implement relocation decisions was based on the need to protect Poland’s internal security and to defend against uncontrolled migration.

Indeed, this judgment can no longer be executed. However, by analysing the behaviour of the Czech and Polish Governments in the beginning, we managed to present a fairly comprehensive picture of the changes that have taken place in the field of migration policy in both countries in recent years. While some years ago, the Czech Republic and Poland refused to accept basically any persons seeking international protection, nowadays, our governments are hosting the highest number of persons arriving to Poland and the Czech Republic from the territory of Ukraine.

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<sup>1</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239, 15.9.2015, p. 146–156 and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248, 24.9.2015, p. 80–94.

<sup>2</sup> The Hungarian Government even set up a website campaigning against the Council Decision: <https://kvota.kormany.hu/#kvota>.

<sup>3</sup> Joined cases C-715/17, C-718/17 and C-719/17, 2 April 2020. ECLI:EU:C:2020:257.

## **Basic facts**

As a result of the Russian invasion of Ukraine, a massive wave of migration arose, and since 24 February, approximately 8 million people have left Ukraine and that is why we are witnessing the biggest wave of migration in Europe since the end of the WW2.

The Czech Republic and Poland have received an enormous number of people in a short time. Most Ukrainians fled to the neighbouring countries, especially Poland, where almost 1.5 million of them received temporary protection. In Germany, more than 1 million Ukrainians received temporary protection. The most significant influx of persons arriving to Poland and the Czech Republic from the territory of Ukraine took place at the beginning of March 2022, when hundreds of thousands of people were coming to EU countries every day.<sup>4</sup>

## **1. POLAND**

Based on the official position of the Polish authorities on the relocation of migrants arriving in the European Union after 2015, Poland was perceived as a country reluctant to accept migrants. However, after the Russian invasion of Ukraine on 24 February 2022, the situation has become quite different. Above all, these extraordinary circumstances changed public attitudes. There was a widespread willingness to help and a huge number of grassroots initiatives. Volunteers have provided assistance to those in need fleeing from the territory of Ukraine since the first days of the war, even before there were public solutions based on the adopted legislation.

## **Legal framework**

As this article focuses on the legal framework of assistance to persons arriving to Poland from the territory of Ukraine, some basic issues should be noted here. In Poland, there are currently two alternative modes that may be used by Ukrainian citizens seeking support on the territory of the Republic of Poland. The first mode is related to the implementation of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.<sup>5</sup> Poland implemented this directive by the Act of 22 April 2005 amending the act regulating foreigners and the act regulating granting protection to foreigners within the territory of the Republic of Poland and some other acts<sup>6</sup>. On 4 March 2022, the Council adopted the Implementing Decision to Directive 2001/55/EC – Council Implementing Decision (EU) 2022/382.<sup>7</sup> According to the provisions of Article 2 this Decision applies to the Ukrainian nationals residing in Ukraine before 24 February 2022, stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022, as well as their family members.

Member states shall apply this Decision or adequate protection under their national law, in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.

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<sup>4</sup> Due to the rapidly changing security situation in Ukraine, the data and numbers of Ukrainians are changing rapidly. See the following link for verified and regularly updated information: <https://data.unhcr.org/en/situations/ukraine>.

<sup>5</sup> OJ L 212, 7.8.2001, p. 12-23.

<sup>6</sup> Act of 22 April 2005 amending the Act on foreigners and the Act on granting protection to foreigners within the territory of the Republic of Poland and certain other acts, Dz.U. 2005 No. 94 item 788. Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Dz.U. 2003, No. 128, item 1,176 (as amended).

<sup>7</sup> Decision (EU) 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4.3.2022, p. 1-6.

These are solutions of general application - the procedure is related to the competences of the Head of the Office for Foreigners. In practice, due to the fact that the Special Bill of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict in the territory of that state gives greater powers, this procedure is used only in cases of foreigners which are not covered by the Special Bill, but belong to the category of displaced persons listed in Article 2(1) and (2) of the EU Council Executive Decision 2022/382 stating the existence of a mass influx of displaced persons from Ukraine. They may benefit from temporary protection in accordance with the act regulating granting protection to foreigners within the territory of the Republic of Poland. This applies primarily to (1) stateless persons or nationals of third countries other than Ukraine who can prove that prior to 24 February 2022 they were legally residing in Ukraine on the basis of a valid permanent residence permit issued in accordance with Ukrainian law and are unable to return to their country or region of origin in safe conditions, and (2) stateless persons or nationals of third countries other than Ukraine (and their family members) who, prior to 24 February 2022, enjoyed international protection or equivalent national protection in Ukraine.

The second mode for obtaining temporary protection has been additionally regulated in Polish Special Bill - law concerning specific legal solutions provided in the Act of 12 March 2022 regulating assistance to Ukrainian citizens in connection with the armed conflict in the territory of that state.<sup>8</sup> The Polish Special Bill entered into force on the date of publication - 12 March 2022, while its provisions are retroactive to 24 February 2022. This act gives a much greater scope of protection and assistance, which is the reason why it is the leading mode among persons seeking protection in Poland - provided they meet the criteria indicated in the Act. This solution will be the main focus of this study.

### **Scope of eligibility under the Polish Special Bill**

The Polish Special Bill of 12 March 2022 applies to Ukrainian citizens and their spouses (including those without Ukrainian citizenship) who have entered Poland legally directly from the Ukrainian territory as a result of the war since 24 February 2022 and declare their intention to stay in Poland. The law provides for the possibility to approve (legalise) their stay in Poland and a number of entitlements in terms of employment, health care, education and social assistance. The second group to be supported are citizens of Ukraine who have a Pole's Card<sup>9</sup> (see Wrońska & Kraśnicka, 2014) - the protection provided to them is broader. Firstly, they may benefit from the solutions of the Special Bill also when they arrived on the territory of Poland not directly from Ukraine. Secondly, the assistance is extended to the closest family members, not only spouses.

As a rule, the Special Bill does not apply to persons who have filed applications for international protection in Poland or have declared their intention to file such applications. However, in order to benefit from the assistance provided for in the Special Bill, it is sufficient that such a previously submitted application is withdrawn.

As already indicated, the rules of special assistance set out in the Polish Special Bill cover designated persons who entered Poland after 24 February 2022. For those who entered Poland earlier and stayed here legally, Polish visas and temporary residence permits have been extended by law until 31 December 2022.

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<sup>8</sup> Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country (Polish Special Bill), Dz.U. 2022 item 583.

<sup>9</sup> "Pole'sCard" has been translated as Pole's Card, Pole's Charter, or Polish Card. For more information on Pole's Card see e.g. <https://migrant.info.pl/en/dual-citizenship-in-poland>.

### Border traffic dynamics on the Ukrainian-Polish border

Based on data collected by the Border Guard (KGSG, 2023), 8,303,859 Ukrainian citizens entered Poland between 24 February 2022 and 31 December 2022, while 6,568,926 Ukrainian citizens left Poland (returned) during the same period. Since the beginning of the war on 24 February 2022, the dynamics have been as follows:

Table 1. Border traffic dynamics on the Ukrainian-Polish border (February-December, 2022)

	Arrivals	Departures
<b>February</b> (24-28.02.2022)	319,564	45,539
<b>March</b>	1,944,111	294,584
<b>April</b>	610,568	514,372
<b>May</b>	626,929	725,077
<b>June</b>	666,333	716,916
<b>July</b>	681,705	728,487
<b>August</b>	737,734	829,629
<b>September</b>	688,647	694,182
<b>October</b>	699,843	687,812
<b>November</b>	631,186	611,463
<b>December</b>	697,239	720,865
In total	8,303,859	6,568,926

Note. Own elaboration.

### Legal residence in Poland

Persons fulfilling the prerequisites indicated in the Polish Special Bill may stay legally in Poland for 18 months, starting from 24 February 2022. The only necessary condition is to be registered by the Polish Border Guard during border control. If a citizen of Ukraine has already arrived in Poland, but has not been registered by the Commander of the Border Guard during border control, his/her stay is registered by the Commander-in-Chief of the Border Guard on the basis of the Ukrainian citizen's application for a PESEL number. Such an application should be submitted within 60 days from the date of entry into the territory of the Republic of Poland.

Based on data submitted to Eurostat, it may be concluded that Poland has granted temporary protection to the largest number of people fleeing the territory of Ukraine. As early as the first month, it was 677,110 persons, and the apogee took place in September 2022. - At that time, it was 1,370,625 persons residing in Poland who had been issued decisions on granting temporary protection. At the end of December 2022, in Poland there were 961,340 persons who had fled Ukraine and were granted temporary protection in Poland (Eurostat, n.d.)<sup>10</sup>.

### Obtaining a PESEL registration number

Obtaining a PESEL registration number is necessary in order to be able to benefit from the entitlements provided for in the Special Bill and to access benefits. This will enable the granting of a special status of a foreigner with the status "UKR", thanks to which such a person will be taken into consideration by institutions that provide benefits under the Special Bill. Ukrainian citizens who have previously been assigned a PESEL number and fall

<sup>10</sup> Data at the end of December 2022 is not yet available for all EU countries, but according to data at the end of November 2022, the number of persons residing in Poland who fled Ukraine and benefited from temporary protection was 944,360, which accounted for nearly 30% of the total number.

under the definition of the speculative law also need to reapply for a PESEL under the Special Bill. According to data as of 31 December 2022, a total of 1,508,154 PESEL applications (registered UKR applications) were submitted by Ukrainian citizens in Poland (as of 24 February 2022), of which 69.8 % were submitted by women (Dane.gov.pl, 2023c).

Applications for a PESEL number under the special bill are submitted to the competent authorities of municipal offices in a simplified procedure. In addition, the provisions of the Polish Special Bill provide for the possibility for persons with this special status "UKR" to obtain a "trusted profile", which allows access to public services online.

### **Access to the labour market**

Pursuant to the Polish Special Bill, Ukrainian citizens who obtained legal residence in Poland were provided with a number of facilitations in access to the labour market and obtaining the status of an unemployed person or a person seeking work. Among such regulations, one should point out, for example, the resignation from the requirement of separate work permits - it is sufficient for the employer to notify the competent labour office within 14 days of taking up employment by a citizen of Ukraine. Pursuant to the Special Bill, Ukrainian citizens whose stay in Poland has been recognised as legal may also undertake and perform economic activity on the territory of the Republic of Poland upon the same principles as Polish citizens. The only condition is to obtain a PESEL number.

### **Scope of public and material support**

The Polish Special Bill provides for a very wide range of material support for persons who meet the prerequisites of this Act, including access to family and child-rearing benefits, cash and non-cash social assistance benefits, and medical care under the same conditions as persons covered by health insurance in Poland.

The law also provides for the possibility of financial support for entities that provided accommodation and meals to Ukrainian citizens (PLN 40 per person per day). Originally, as a rule, for a maximum period of 60 days, but due to the amendment of the Special Bill, which entered into force on 30 April 2022, this benefit may be granted for no more than a period of 120 days, from the date of arrival of the Ukrainian citizen to Poland.

### **Education**

The Polish Special Bill provides, among other things, the right to free education for pupils and students from Ukraine. According to official data released by the Central Statistical Office (GUS) for the school year 2021/2022 (GUS, 2022; see Data.gov.pl, 2023b) out of 5 million pupils were in Polish schools (all types of schools) and the number of students from Ukraine in Polish universities accounted for 182.5 thousand (but it should be remembered that in this group of students only a part of them came to Poland as a result of the war in Ukraine, a significant part of them had already started their studies in Poland earlier). The largest number of pupils from Ukraine were in primary schools - 64.1 % of the total number of pupils who fled Ukraine and pre-primary centres - 27.4 %, students in post-primary schools - according to GUS data - accounted for 8.3 % of all pupils from Ukraine, and in post-secondary schools - 0.3 %. Due to lack of knowledge of the Polish language or due to adaptation problems, one in five Ukrainian students attended a preparatory branch. The largest number of Ukrainian students, i.e. 78.6 % attended universities located in cities.

It is also worth noting that 401 teachers who fled Ukraine as a result of the war took up employment in Polish schools in the 2021/2022 school year, while 45.1 % of them were employed in primary schools, 19.2 % in centres of schools and educational institutions, and 14 % in secondary schools. A total of 81.8 % of teachers from Ukraine took up employment in cities.

Under the Polish Special Bill, citizens of Ukraine have been granted the right to study in Poland free of charge for a period of 18 months from 24 February 2022 (the date of the start of the war in Ukraine), i.e. until August 2023, with the right to benefit from benefits such as social scholarships. The prerequisite is legal entry into Poland after 24 February 2022, possession of a UKR PESEL number and meeting the requirements for the course of study (e.g. adequate knowledge of the Polish language, usually at a minimum B1 level). According to the available data on 2 January 2023 - as of 24 February 2022, there were 22,548 registered students from Ukraine with the status of "UKR" granted by the Polish Special Bill (of which the largest number - 21,935 students attended universities supervised by the Minister of Education and Science) (Dane.gov.pl, 2023a).

## 2. THE CZECH REPUBLIC<sup>11</sup>

As of January 2023, the Czech Republic hosts approximately half a million persons arriving to the Czech Republic from the territory of Ukraine. As such, the Czech Republic is the 3<sup>rd</sup> most frequent destination of Ukrainians among EU countries. There has always been a strong influence on Ukrainian communities living in the Czech Republic before the war and if we recalculate the number of Ukrainians to the size of the population of the destination countries, the Czech Republic is the country with the most significant number of persons arriving to the Czech Republic from the territory of Ukraine per 100,000 inhabitants, which is an unprecedented situation that we have not experienced before. Based on published data, the largest group is formed by women and children, there are approximately 44 % women and 35 % children (Klimešová et al., 2022) Ukrainians who came to the Czech Republic after 24 February 2022 are generally young. In addition to the high number of children, almost 33 % of adults are 30 years and younger, and another 46 % are under 45 years of age. Only 4 % of arrivals are over 65 years of age. The most frequently represented household types are: (1) adult with one child (21 %), (2) adult living alone (15 %), (3) adult with two children (13 %), (4) two adults with one child (11 %), (5) two adults (without children) (10 %) and two adults with two children (8 %) (Klimešová et al., 2022).

### Housing

Most often, Ukrainians live in solidarity housing households (44 %). Another 24 % Ukrainians live in a rental or sublet homes. Rather alarming is the fact that 15 % of Ukrainians still live in hostels, which corresponds to roughly 58,000 people.

Over 70 % of solidarity households are provided by Czechs and approximately 28 % of applicants for solidarity household allowance are Ukrainians who had lived in the Czech Republic before the war started. In solidarity households,  $\frac{3}{4}$  of Ukrainians live with Czechs, with the vast majority of them living in the apartment or part of the house that they have reserved for themselves only (Klimešová et al., 2022). Almost half of the refugee households have provided accommodation for free, therefore they do not need it and do not contribute. Only a third of housing is paid in full, and another 7 % is donated to the family with which they live jointly. At the same time, the existing accommodation is relatively stable because 39 % of Ukrainians have secured accommodation for six months or more, and another 17% of them are still living without restrictions, assuming they will find permanent rental housing.

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<sup>11</sup> *Disclaimer:* all data and information relating to the Czech Republic presented in the following text are based on a unique analysis prepared by the Czech Ministry of Labour and Social Affairs, which concerns persons arriving to the Czech Republic from the territory of Ukraine. The analysis was presented to the public in July 2022. For the purposes of the analysis, the Ministry used its administrative data and it conducted its own research, which covered over 50,000 people. Currently, this is the latest and most comprehensive analysis available in the Czech Republic – see Klimešová et al. (2022).

In general, the area of housing may be considered well-managed at the moment, to a considerable extent thanks to the solidarity of Czechs and local Ukrainians, who accommodated a large part of the arrivals and maybe that is why over 75 % of Ukrainians are satisfied with their accommodation and do not plan to move elsewhere.

### Needs

Ukrainians most often state (in almost half of the cases) that they need support in teaching the Czech language. It is about the dominant need and, at the same time, the main barrier when looking for a job in the Czech Republic and the main barrier to studying at Czech universities and schools. Speaking about their level of language competences, 69 % of Ukrainians cannot speak Czech. However, 29 % of them speak it partially, and only 2 % of speak it well. The situation is similar to the level of English, their language competencies in Czech and English are therefore low. The second most common area that Ukrainians need help with is processing a humanitarian application for being able to receive financial support that the Czech government provides, which may be related to low language competencies as well. The third most common area that respondents need help with is finding a kindergarten or primary school for children, a doctor (GP), specialized health facilities and psychological support (Klimešová et al., 2022).

### Economic activities and (un)employment

Among the incoming persons from Ukraine, 61 % of them are at an economically active age. More than half of the people at an economically active age are employed or self-employed, and the percentage of unemployed or individual groups of economically inactive persons amount to 10 % or less of Ukrainians at an economically active age. Employed Ukrainians work both for employers in the Czech Republic (81 %) and remotely for employers in Ukraine (19 %).

The vast majority of employees in the Czech Republic (85 %) work for employers in six sectors: administrative and support activities, construction and building industry, processing industry, hospitality, and catering.

There are several factors which can cause such a concentration of Ukrainians in the least qualified professions:

- 1) qualified work requires knowledge of the Czech language, which the refugee does not yet have,
- 2) the job is perceived as temporary,
- 3) the stay in the Czech Republic is perceived as temporary,
- 4) for personal reasons, there is no interest in a more psychologically demanding job,
- 5) there are problems with the recognition of qualifications,

Regardless the potential of Ukrainians, it is not evaluated adequately. Most of them work in low-skilled professions (80 %), regardless of their high education and previous practice, 84 % of working Ukrainians work in a field other than their original qualification or previous job and just 6 % of them found a job within their field.

The main reasons for unemployment of Ukrainians include insufficient knowledge of the Czech language (71 %), while lack of provided childcare significantly influences the unemployment rate (35 %) as well. There are no administrative obstacles according to refugee's responses, and therefore there is no administrative barrier to entry into the Czech labour market, which is a positive finding.

Willingness to retrain among respondents who are not currently working in the Czech Republic is high, it exceeds 70%. This, together with a partial willingness to move, indicates an effort to adapt to the situation in the Czech labour market. However, the willingness to move is lower, probably related to the satisfaction of Ukrainians with housing. A more significant part of Ukrainians do not want to move (57 %) (Klimešová et al., 2022).



### Financial situation

The financial situation is serious because approximately 75 % of Ukrainians have a very unsatisfactory financial situation. At the same time, an absolute minimum of Ukrainians (less than 0.5 %) are financially stable. The financial situation of Ukrainians who live in hostels is the worst. At the same time, if the Ukrainians living in solidary housing had to pay rent, it would be very oppressive for them in the current financial situation. Even nowadays, half of those with free accommodation cannot handle it and need additional financial support (Klimešová et al., 2022).

### Future expectations and public support

As it may be supposed the war in Ukraine will not be over any time soon, and a new phenomenon called *shuttled migration* appears on the territory of the host states. Due to the geographical proximity of Ukraine to the countries of the European Union, it is assumed that persons arriving to Poland and the Czech Republic from the territory of Ukraine may return to the EU again after returning home, either because of the deterioration of the security situation in Ukraine, because of higher earnings in EU countries, or because the family (or at least one family member) will be living/staying permanently in the Czech Republic, etc. (Plesník, 2022).

At this point, it is also appropriate to point out here that public support and assistance to Ukrainians in the Czech Republic continues to decrease, for example, in March 2022, it was 70 %, and in June 2022, it was 50 % (see Kabrhelová, 2022; ČTK, 2022; Mlatečková, 2022).

Some Ukrainians who fled from Russian aggression have been returning back to their home country (WHO, 2022). However, as the conflict continues to develop and Russia attacks the new territories, cities, and towns, it is difficult to predict future development. As of July 2022, 31 % of Ukrainians based in the Czech Republic have left parts of Ukraine fundamentally affected by the conflict or under Russian domination, which would correspond to approximately 120 thousand persons, including children (Klimešová et al., 2022).

### Legal framework

On 2 March 2022, a package of three Acts concerning the armed conflict in Ukraine was approved. This package of three Acts is called "Lex Ukraine"<sup>12</sup> and it has been amended several times up to now<sup>13</sup>.

"Lex Ukraine" establishes the conditions for granting temporary protection to foreigners (in particular, citizens of Ukraine). It also confirms the right of these persons to freely enter the Czech labour market and ensures certain rights in social security, education, and health services. According to the current legislation, the Czech Republic will provide temporary protection until March 2024.

"Lex Ukraine" applies to foreigners who:

- 1) were granted temporary protection in the Czech Republic (following Council Decision (EU) 2022/382<sup>14</sup>), and
- 2) were granted a special long-term tolerance visa, which was issued on 24 February 2022.

Permission to stay in the territory of the Czech Republic is granted by the Ministry of the Interior or Czech Police to Ukrainian nationals residing in Ukraine before 24 February and their family members, as well as to stateless persons and nationals of third countries other than Ukraine who were granted international protection or equivalent

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<sup>12</sup> Act no. 65/2022 Sb. and Act no. 66/2022 Sb. regulating some measures in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation.

<sup>13</sup> Last amended by the Act of 11 January 2023 amending Act No. 65/2022 Sb., regulating certain measures in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation, as amended, and other related laws.

<sup>14</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4.3.2022, p. 1–6.

national protection in Ukraine before 24 February and their family members, or to persons who prove they were holders of a valid permanent residence permit in Ukraine as of February 24.

### **Health insurance**

During the summer of 2022, "Lex Ukraine" was amended, and nowadays there are new rules related to health insurance. For Ukrainians who came to the Czech Republic after 24 February in connection with the conflict.

They were granted temporary protection in the Czech Republic 150 days from the above-mentioned date, while Ukrainians aged 18-65 will no longer be automatically classified as state-insured persons (which means that the state will no longer pay insurance for them).

They must therefore contact the health insurance company within eight days (i.e., 150 + 8 days from the granting of protection) and resolve the question of another method of paying for health insurance or give the reasons that they may still be required as a state insured person, e.g.:

- they are registered at the Labour Office of the Czech Republic and they are trying to find a job,
- they are full-time students (at the age of 18-26),
- they are on maternity leave, etc.

If they do not do so, they will be required to pay for health insurance themselves (in 2022, the minimal amount is 2,187 CZK (about 90 EUR) per month) (MPSV, 2022).

### **Employment**

According to the Employment Act, a foreigner who has been granted temporary protection in the Czech Republic (or obtained a visa for tolerance) is considered a foreigner with permanent residence.

As a result, these foreigners will not be required to obtain a work permit, a blue card, or an employment card, which foreigners would otherwise need to enter the labour market. A job where foreigners with temporary protection will be accepted will not need to be reported to the Labour Office of the Czech Republic as a job vacancy.

However, employers will remain obliged to inform the relevant regional branch of the Labour Office of the Czech Republic about the employment. The employer needs to keep their records to the extent prescribed by the Employment Act. Employers may provide a fixed-term employment contract for the period of "temporary protection."

These foreigners will also be able to register with the Labour Office of the Czech Republic as job seekers or applicants, and participate in retraining or self-employment, as follows from the Act on the Temporary Protection of Foreigners (Josef, .2022).

### **Financial help**

In general, there are two types of financial help provided by the Czech government. Firstly, foreigners with temporary protection may get a financial allowance to pay for basic life needs. The first allowance of 5,000 CZK will be provided automatically in the first month to all Ukrainians who are holders of temporary protection. This allowance may be obtained even repeatedly depending on income and social conditions. The amount of 5,000 CZK may be paid often up to six times – in 6 months. From the 7<sup>th</sup> allowance, the amount changes. Income, property, and social security are rechecked.

For holders of temporary protection above the age of 18, it is 4,620 CZK (the above corresponds to the minimal living allowance), for a child under 18, it is 3,320 CZK (the above corresponds to the minimal living allowance for a dependent child from 15 to 26 years of age).

An account maintained in a Czech bank needs to be open. Physical residence in the Czech Republic is a prerequisite. Entitlement to benefit does not apply to foreigners with free accommodation, including all-day food/meals and essential hygiene products.

Second type of the financial help is the allowance intended for households providing accommodation for foreigners with temporary protection that is free of charge. A case where the foreigner participates in paying the costs for electricity and gas is also considered a free accommodation.

Solidary households are entitled to the allowance if they provide accommodation free of charge for at least 16 consecutive days in one month, supposed accommodation is provided with adequate space and access to a place for cooking, bathroom, and toilet. Access to drinking water is required as well.

If the accommodated person shares accommodation with the refugee, it is 3,000 CZK/month/ person (maximum 9,000 CZK for three or more people). If Ukrainians are living independently/alone, there is:

- 5,000 CZK/month/1 accommodated person,
- 9,000 CZK /month/2 accommodated persons,
- 12,000 CZK/month/3 accommodated persons,
- 14,000 CZK/month/4 accommodated persons,
- 15,000 CZK /month/5 or more accommodated persons (MPSV, n.d.).

We find it necessary to mention that Czech ministers have been discussing the adjustment of support for Ukrainians since December 2022. The amended provisions of Lex Ukraine should apply from April 2023. Solidarity contributions for housing and other humanitarian benefits will be adjusted. The tightening proposal also includes the introduction of refugee registration. After approval in the Chamber of Deputies and the Senate, the signature of the President of the Republic will be required. The amendment is based on the demand for greater participation of Ukrainians with temporary protection to cover their living expenses and integration in the Czech Republic (ČTK, 2023).

### **3. CONCLUSIONS**

In conclusion, it may be said that both Poland and the Czech Republic are handling the Ukrainian migration crisis relatively successfully. An unimaginable number of Ukrainians who have fled their country as a result of the war seeking international protection and adequate conditions for a normal life, have been granted temporary protection in both countries. As a sign of far-reaching solidarity, national special laws have been adopted in both countries, specifying the conditions and scope of temporary protection granted to Ukrainians. In many areas, the conditions for social and professional functioning and the scope of support are analogous to those for citizens of the host country.

In the future, it may be feared that the social support provided to Ukrainians will decrease, due to the long term duration of the war, high inflation, the energy crisis, but also continued Russian disinformation attacks. In the Czech Republic, for example, pressure to reduce (or cut off) the financial support provided to Ukrainians who have taken refuge from the war in the country has already become evident.

Similar problems may be seen in Poland. The period of the validity of the Special Bill so far has brought experience indicating the need for another amendment, consisting in clarifying some provisions, changing some of the adopted solutions, as well as supplementing it with new regulations. In the legislative procedure, there currently exists a draft amendment to the Special Bill on assistance to citizens of Ukraine who have fled their country in the face of war. Among other things, the draft provides for the imposition of an obligation on Ukrainian citizens to obtain a PESEL number (so far not all Ukrainian citizens have chosen to obtain this number). After the amendment, it will be easier for public authorities or courts to access data from the national collection of registers, records and lists in cases of foreigners. This is expected to tighten the system of benefits paid to foreigners. Under the proposal, payments will be withheld if a person under temporary protection leaves Poland. The provision that if such departure

exceeds 30 days will also remain in force, the Ukrainian citizen will lose his/her status under the Act and thus will no longer be entitled to benefits. Such status may be granted again if a Ukrainian flees to Poland again as a result of war activities in his/her country. According to the draft amendment of March 2023 such assistance will be available to migrants with temporary protection for up to 120 days after their first arrival in Poland. After that date, a refugee who does not belong to a vulnerable group will have to cover part of the costs of such assistance in order to benefit from it.

In the light of the above, we consider that a unified position within the European Union (whether it relates to sanctions programmes against the Russian Federation or financial assistance to those fleeing as a result of the war) is necessary for the long-term management of this migration crisis, especially with regard to the long-term sustainability of the situation in the Czech Republic and Poland.

## REFERENCES

- Act no. 65/2022 Sb. and Act no. 66/2022 Sb. regulating some measures in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation.
- Act of 12 March 2022 regulating assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country (Polish Special Bill), Dz.U. 2022 item 583.
- Act of 13 June regulating granting protection to foreigners within the territory of the Republic of Poland, Dz.U. 2003, No. 128, item 1176 (as amended).
- Act of 22 April 2005 amending the Act on foreigners and the Act regulating granting protection to foreigners within the territory of the Republic of Poland and certain other acts, Dz.U. 2005 No. 94 item 788.
- Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data:
- Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239, 15.9.2015, p. 146–156.
- Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248, 24.9.2015, p. 80–94.
- Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4.3.2022, p. 1–6.
- ČTK (2022, June 30). STEM: Ochota Čechů pomáhat Ukrajinčům klesá, čtvrtina je proti pomoci. *ČeskéNoviny.cz*. Retrieved 26 January 2023 from <https://www.ceskenoviny.cz/zpravy/stem-ochota-cechu-pomahat-ukrajincum-klesa-ctvrtina-je-proti-pomoci/2226421>.
- ČTK (2023, January 27). Vláda schválila úpravy podpory ukrajinských uprchlíků, platit mají od dubna. Seznam Zprávy. Retrieved 26 January 2023 from <https://www.seznamzpravy.cz/clanek/domaci-vlada-schvalila-upravy-podpory-ukrajinskych-uprchliku-platit-maji-od-dubna-224509>.
- Dane.gov.pl (2023a, January 2). *Liczba studentów z obywatelstwem ukraińskim - stan na 02.01.2023*. Retrieved from 19 January 2023 from [https://dane.gov.pl/pl/dataset/2704,studenciobywateleukrainy/resource/44384/table?page=1&per\\_page=20&q=&sort=](https://dane.gov.pl/pl/dataset/2704,studenciobywateleukrainy/resource/44384/table?page=1&per_page=20&q=&sort=)
- Dane.gov.pl (2023b, January 2). *Uczniowie uchodźcy z Ukrainy w podziale na typy szkół, klasy i powiaty - stan na 02.01.2023*. Retrieved 19 January 2023 from [https://dane.gov.pl/pl/dataset/2711,uczniowie-uchodzukrainy/resource/44044/table?page=1&per\\_page=20&q=&sort=](https://dane.gov.pl/pl/dataset/2711,uczniowie-uchodzukrainy/resource/44044/table?page=1&per_page=20&q=&sort=)
- Dane.gov.pl (2023c, January 17). *Zarejestrowane wnioski o nadanie statusu UKR w związku z konfliktem na Ukrainie. Stan na 17.01.2023 r.* Retrieved 19 January 2023 from [https://dane.gov.pl/pl/dataset/2715,zarejestrowane-wnioski-o-nadanie-statusu-ukr/resource/44330/table?page=1&per\\_page=20&q=&sort=](https://dane.gov.pl/pl/dataset/2715,zarejestrowane-wnioski-o-nadanie-statusu-ukr/resource/44330/table?page=1&per_page=20&q=&sort=)
- Eurostat (n.d.). *Beneficiaries of temporary protection at the end of the month by citizenship, age and sex - monthly data*. [https://doi.org/10.2908/MIGR\\_ASYTPSM](https://doi.org/10.2908/MIGR_ASYTPSM).
- GUS (2022). Education in the 2021/2022 school year. Retrieved 19 January 2023 from [https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5488/1/17/1/oswiata\\_i\\_wychowanie\\_2021\\_2022.pdf](https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5488/1/17/1/oswiata_i_wychowanie_2021_2022.pdf).
- Joined cases C-715/17, C-718/17 and C-719/17, 2 April 2020. ECLI:EU:C:2020:257.
- Josef, J. (2022, May 9). Zaměstnávání Ukrajinců na území České republiky. Právní prostor. Retrieved 26 January 2023 from <https://www.pravniprostor.cz/clanky/pracovni-pravo/zamestnavani-ukrajincu-na-uzemi-ceske-republiky>.

- Kabrhelová, L. (2022, November 24). Válka na Ukrajině není naše, myslí si Češi. Odráží se to i v ochotě pomáhat. Seznam Zprávy. Retrieved 26 January 2023 from <https://www.seznamzpravy.cz/clanek/audio-podcast-5-59-jak-cesi-vnimaji-valku-na-ukrajine-nepovazuji-ji-za-svou-rika-expertka-219880>.
- KGSG (2023). *Border traffic of persons - statistical data of persons evacuated to Poland from the territory of Ukraine (without out-of-area clearance) and persons cleared - to/from Poland (base of border traffic of persons) / 24.02-31.12.2022 (for December 2022)*. Retrieved 14 January 2023 from [https://dane.gov.pl/pl/dataset/2705,dane-statystyczne-dotyczace-sytuacji-na-granicy-z-Ukraina/resource/44234/table?page=1&per\\_page=20&q=&sort=](https://dane.gov.pl/pl/dataset/2705,dane-statystyczne-dotyczace-sytuacji-na-granicy-z-Ukraina/resource/44234/table?page=1&per_page=20&q=&sort=).
- Klimešová, M., Šatlava, J., & Ondruška, M. (2022). *Situace uprchlíků z Ukrajiny, MPSV*. Retrieved from <https://www.mpsv.cz/-/mpsv-ma-unikatni-data-o-uprchlicich-z-ukrajiny-polovina-domacnosti-ma-dite-mladsi-5-let>.
- KPRM (2017, April 2). Komunikat Centrum Informacyjnego Rządu w związku z wyrokiem TSUE w sprawie relokacji uchodźców. Retrieved 26 January 2023 from <https://www.gov.pl/web/premier/komunikat-centrum-informacyjnego-rzadu-w-zwiazku-z-wyrokiem-tsue-w-sprawie-relokacji-uchodzcow>.
- Mlatečková, G. (2022, November 21). *Polsko je vzorem solidarity. Maďari myslí hlavně na sebe, Češi někde uprostřed*. STEM/MARK. Retrieved 26 January 2023 from <https://www.stemmark.cz/polsko-je-vzorem-solidarity-madari-mysli-hlavne-na-sebe-cesi-nekde-uprostred/>.
- MPSV (2022, July 22). *Nové podmínky úhrad zdravotního pojištění uprchlíků: stát jej už nebude platit všem*. Retrieved from <https://www.mpsv.cz/web/cz/-/nove-podminky-uhrad-zdravotniho-pojisteni-uprchliku-stat-jej-uz-nejde-platit-vsem>.
- MPSV (n.d.). *Informace k žádosti o solidarní příspěvek*. Retrieved from [https://www.mpsv.cz/documents/20142/2786931/manual\\_solidarni\\_prispevek\\_A4\\_CERVEN\\_2022.pdf](https://www.mpsv.cz/documents/20142/2786931/manual_solidarni_prispevek_A4_CERVEN_2022.pdf)
- MSWiA (2017, August 28). Reply to the European Commission: Poland is against the relocation mechanism. Retrieved from <https://archiwum.mswia.gov.pl/en/news/932,Reply-to-the-European-Commission-Poland-is-against-the-relocation-mechanism.html>.
- PAP (2017, May 17). No forced refugee relocation – Polish MP. Retrieved from <https://www.pap.pl/en/news/news%2C288943%2Cno-forced-refugee-relocation-polish-pm.html>.
- Plesník, V. (2022, June 18). *Nový trend v Evropě: Kyvadlová migrace*. Novinky.cz. Retrieved from <https://www.novinky.cz/clanek/zahranicni-evropa-novy-trend-v-evrope-kyvadlova-migrace-40400505>.
- WHO (2022, August 16). *Despite ongoing war and lack of access to care, many refugees return to Ukraine*. Retrieved from <https://www.who.int/europe/news/item/16-08-2022-despite-ongoing-war-and-lack-of-access-to-care-many-refugees-return-to-ukraine>.
- Wrońska, I., & Kraśnicka, I. (2014). *Karta Polaka - wybrane problemy*. In M. Perkowski, J. Szymański, & M. Zdanowicz (Eds.), *Członiek i prawo międzynarodowe: księga dedykowana Profesorowi Bogdanowi Wierzbickiemu* (pp. 567-577). Temida 2.