

Poland: Information for stateless people and those at risk of statelessness fleeing Ukraine



ENS Focal Point: [Halina Niec Legal Aid Center \(HNLAC\)](#)

Last updated: 6 April 2022

This briefing provides country-specific information for stateless people and those at risk of statelessness fleeing Ukraine. It is intended as a source of information for refugee response actors and affected individuals. The focus is on stateless people and people at risk of statelessness, including those who are undocumented. Links to more general information for refugees from Ukraine are provided throughout. We will endeavour to keep this information updated. Please contact Ukraine.crisis@statelessness.eu if you have relevant updates. Unless otherwise shown, the source of information provided is the ENS Focal Point.

1. SITUATION AT THE BORDER & ENTRY REQUIREMENTS

The Polish authorities state that all those fleeing the conflict from Ukraine may enter Poland. However, there have been reports of discrimination on both the Ukrainian and Polish sides of the border. People without valid documents or at risk of exclusion are advised to avoid the Szehyni/Medyka border crossing. The [safest crossings currently](#) are Budomierz-Hruszew (Budomezh-Hrusiv) and Dołhobyczów-Uhrynów (Dołhobyczów-Uhryniv).

Undocumented people are allowed to enter, but face delays as they must undergo identity checks and may be detained for this purpose. Border guards are the first points of contact. Reception points at the border are organised by the Ministry of Interior and UNHCR is present at the borders.

For more information on the location of border crossings and entry requirements, see: [Polish Government page for people fleeing Ukraine](#), [UNHCR Operational Data Portal on Poland](#), [UNHCR page on Poland for people fleeing Ukraine](#), [Stowarzyszenie Interwencji Prawnej page on Ukraine](#), and [Granica Group page on Ukraine](#).

Documents required	<ul style="list-style-type: none"> • <u>Stateless persons</u>: any document; entry should be permitted to all those fleeing Ukraine even without documents • <u>Adults</u>: Regular passport, ID documents; expired passports also accepted • <u>Children</u>: Regular passport, ID documents, or birth certificates; proof of parental consent if travelling with another adult; undocumented/unaccompanied children: allowed to enter even without documents
Entry and registration	<ul style="list-style-type: none"> • <u>Stateless persons</u>: entry permitted; if without documents, identity check required and may be detained (see below); Border Guard will issue 15-day entry permit; apply for asylum or temporary protection (if eligible) within 15-days • <u>Undocumented persons</u>: must present to Border Guard at the border; permitted entry but may be detained for identity checks; Border Guard will issue 15-day entry permit; apply for asylum within 15-days • <u>Beneficiaries of international protection</u>: entry permitted; register with Border Guard to receive 15-day entry permit; may apply for temporary protection • <u>Children</u>: entry permitted • <u>Unaccompanied children</u>: entry permitted; general rules apply; will be referred to family court to establish a legal guardian and foster care or a 'temporary guardian' (new measure applicable only to Ukrainian nationals); registration at the border is not systematic and there are protection gaps; special procedure and taskforce of lawyers established by Human Rights League for unaccompanied minors in Krakow
Documents issued	<ul style="list-style-type: none"> • Stamp in passport or separate certificate as proof of entry but reportedly no systematic pattern of registration at the border; persons not registered at border are required to apply for PESEL within 60 days

Entry status	<ul style="list-style-type: none"> Visitor under Schengen rules, temporary protection, asylum-seeker, or temporary stay permit
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2. ROUTES TO INTERNATIONAL PROTECTION

There are various routes to protection in Poland, including a [special law for \(eligible\) Ukrainian nationals](#) and their family members, temporary protection under EU law, asylum/refugee protection, and subsidiary protection. Routes to protection that may be accessible to stateless people and those at risk of statelessness depending on their circumstances are summarised in the table below.

	Refugee Status (Asylum)	Subsidiary Protection	Temporary Protection
What is it?	Protection under 1951 Convention Relating to the Status of Refugees	Temporary protection for persons who do not meet 1951 Convention definition but would be subject to serious harm upon return	Temporary protection for eligible persons fleeing the war in Ukraine (family members of Ukrainian nationals, beneficiaries of international protection (or permanent residence and unable to return to country of origin) in Ukraine prior to 24 Feb 2022)
Can stateless and/or undocumented persons apply?	Yes	Yes	Yes, if eligible and have documents to prove eligibility. Stateless and undocumented persons are advised to seek legal advice (e.g., from HNLAC)
Where to apply?	Border Guard Service either at the border or in-country	Same as Refugee Status	Foreigners' Office Headquarters (Warsaw) or delegation in Biała Podlaska; online application process should be available soon
Procedure & rights	Written application in Polish; surrender all documents; interpreter provided; interview; temporary identity certificate valid for 90 days, extendable to 6-months; may be detained for specific reasons up to 48hrs or 60 days (extendable up to 6 months) upon court decision; decision within 6 months, though sometimes takes 15 months; access to medical assistance, UNHCR/NGOs, free legal assistance; right to accommodation and social assistance; if application	Same as Refugee Status	Apply at the Foreigners' Office in person; provide documents proving eligibility; submit an application form; if healthcare, accommodation and meals/monetary assistance required, separate application form to be submitted; certificate confirming entitlement provided

	refused, must leave within 30 days; right to appeal		
Rights upon recognition	Unlimited right of residence; renewable residence permit for 3 years; travel document valid for 2 years; rights in line with Polish nationals, including work, education, social security, healthcare; integration assistance for 12 months after recognition	Residence permit for 2 years; rights in line with Polish nationals, including work, education, social security, healthcare; integration assistance for 12 months after recognition	Certificate of temporary protection confirming right to stay until 4 March 2023; right to work on same basis as Polish nationals; medical care and financial allowance upon request

For more information, see:

- Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention), [Ukraine FAQs](#)
- Halina Niec Legal Aid Center, [Ukraine Webpage in Ukrainian](#)
- Polish Government, [Asylum procedure](#), [Temporary Protection](#), [Services for Ukrainians](#)
- Border Guard Service, [Information on the Polish-Ukrainian border](#)
- Halina Niec Legal Aid Center, [A brief update on the situation of stateless persons in Poland](#), September 2022
- KIND & Child Circle, [Note on unaccompanied children fleeing Ukraine](#)
- Right to Protection, [Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022](#)

3. STATELESSNESS DETERMINATION AND PROTECTION STATUS

For stateless people, it is important to determine both a claim for international protection and their statelessness. Each application should be assessed and both types of status should be explicitly recognised so that even if international protection ceases, the person remains entitled to protection as a stateless person. Statelessness determination should be conducted either in parallel with or following the refugee status determination, with due regard to the primacy of the asylum claim and the principle of confidentiality for refugees in statelessness determination procedures. For more information, see: [ENS briefing on statelessness determination & protection in Europe](#).

Poland does not have a dedicated Statelessness Determination Procedure and statelessness protection status, but statelessness may be identified through other administrative procedures. There is no legal definition of a stateless person in Polish law and no procedure is tailored to identifying statelessness, but it can be raised as legally relevant during the asylum procedure, for example. There is no statelessness status but there is a possibility to receive a permit for tolerated stay or humanitarian stay with a right to work, healthcare and social assistance. Stateless persons are advised to seek legal advice on their options in Poland (e.g. from [HNLAC](#) or [Association for Legal Intervention](#)). For more information, see [ENS Statelessness Index Poland](#).

4. REQUIREMENTS FOR ONWARD TRAVEL TO THIRD COUNTRIES

People who entered Poland on the basis of a temporary stay permit for 15 days may only stay in Poland for this period and should apply for protection (see above) if they wish to remain. Applicants for asylum/refugee status or subsidiary protection may not leave Poland until a decision is made on their application. Beneficiaries of temporary protection may travel to other EU Member States for 90 days within a 180-day period.

5. OTHER RELEVANT INFORMATION

Cases have been reported of people being assaulted and threatened, and discriminatory treatment during the evacuation process and while queuing at the border. The media has reported hate crimes against certain groups, including Russians and transgender people. The safest border crossings are those which are connected, see: [Association for Legal Intervention](#).

[Polish law on civil registration](#) allows for the registration of civil acts abroad in the absence of proper registration, including birth registrations. HNLAC is working on setting up a system of referral for unaccompanied children to be able to initiate legal guardianship procedures pro bono. For updates, see: [HNLAC](#).

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

<p>Halina Niec Legal Aid Center (HNLAC) http://www.pomocprawna.org/ +48 693 390 502 +48 12 633 72 23 +48 693 390 502 (urgent matters, phone or WhatsApp) biuro@pomocprawna.org porady@pomocprawna.org</p>	<p>UNHCR https://help.unhcr.org/poland/ +48 22 628 6930 polwa@unhcr.org</p>
<p>Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention) www.interwencjaprawna.pl (+ 48) 792 568 561 (+48) 22 621 51 65 +48 880 145 372 (Mon-Fri 4-6pm to make an appointment) biuro@interwencjaprawna.pl porada@interwencjaprawna.pl (for individual advice)</p>	<p>Helsinki Foundation for Human Rights https://www.hfhr.pl/en/ (+48) 22 556 44 40 (Mon-Fri 10am-2pm) +48 22 290 55 90 (for legal aid, Mon-Fri 11am-2pm) hfhr@hfhr.pl refugees@hfhr.pl (for legal aid)</p>
<p>Foreigners' Office (for Temporary Protection applications) https://www.gov.pl/web/udsc-en ul. Taborowa 33, Warsaw ul. Dokudowska 19, Biała Podlaska +48477217575</p>	