

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



European
Network on
Statelessness

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

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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 the Ukrainian side of the border.

Undocumented people are allowed to enter, but face delays as they must undergo identity checks and may be detained for this purpose. Border guards have started to issue decisions refusing entry at the border, including for lack of documents or national security reasons. 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.

Since the outbreak of the war in Ukraine on 24 February 2022 until mid-2023, the Polish Border Guard processed the entry of 4,415 stateless people, refugees, and people with undetermined nationality from Ukraine. 42 decisions denying entry to stateless people and 18 to people with undetermined nationality from Ukraine were issued, mainly due to a lack of documents, while 49 people with undetermined nationality were allowed entry but were placed in detention by court order.

For more information on the location of border crossings and entry requirements, see: [Polish Government page for people fleeing Ukraine](#), [Help Ukraine Government website](#), [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>: Biometric passport, regular passport or any document proving identity, incl. expired ones; entry should be permitted to all those fleeing Ukraine even without documents• <u>Children</u>: Biometric passport, regular passport or any document proving identity, incl. expired ones, or birth certificates; entry should be permitted to all those fleeing Ukraine even without documents; proof of parental consent if travelling with another adult or alone; undocumented/unaccompanied children: allowed to enter even without identity 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 may issue 15-day entry permit, but according to some Polish NGOs this is not always the case, and some are refused entry; 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 may 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 asylum or temporary protection• <u>Children</u>: entry permitted

	<ul style="list-style-type: none"> • Unaccompanied children: entry permitted; general rules apply; will be referred to family court to establish a legal guardian and foster care or a ‘temporary guardian’ – in the first place, relative or acquaintance (new measure applicable only to Ukrainian nationals); information on the temporary guardian and/or foster status will also be registered. There is a special registry for unaccompanied minors from Ukraine but not all are registered due to gaps in law and practice, according to NGOs. • Generally, each person will be registered upon entry and, if not, should be registered when applying for PESEL UKR (see below)
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; if no stamp in passport that does not imply that the entry has not been registered; persons not registered at border are required to apply for PESEL UKR within 30 days (if eligible Ukrainian national)
Entry status	<ul style="list-style-type: none"> • Visitor under Schengen rules, temporary protection, asylum-seeker, or temporary stay permit

2. ROUTES TO INTERNATIONAL PROTECTION

There are various routes to protection in Poland. Poland implemented temporary protection under EU law through two mechanisms, which offer different statuses: a [Special Act on Ukraine](#) which only applies to Ukrainian nationals and their family members (irrespective of nationality), and through a different procedure in relation to third-country nationals and stateless people. Other routes to protection include 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.

Stateless people coming from Ukraine face challenges in accessing temporary protection in Poland, including difficulties linked to the inconsistent interpretation of the term ‘stateless person’, the lack of documentation, and the inappropriate identification of statelessness. In practice, the Office for Foreigners considers travel and identity documents issued by Ukrainian authorities to identify statelessness.

There are no official numbers indicating how many people fleeing Ukraine are undocumented, stateless, or at risk of statelessness.

Since the outbreak of the war in Ukraine on 24 February 2022 until 31 December 2022, 62 stateless people and 26 people with undetermined nationality from Ukraine were granted temporary protection in Poland. Most stateless people fleeing Ukraine to Poland were citizens of the former USSR.

	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
Can stateless and/or undocumented persons apply?	Yes	Yes	Yes, if eligible and have documents to prove eligibility (stateless persons married to Ukrainian nationals under the Special Act on Ukraine; beneficiaries of international protection or equivalent national protection in Ukraine; permanent residence in Ukraine)

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			and unable to return to country of origin prior to 24 Feb 2022). 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	Office for Foreigners; if the Special Act on Ukraine is applicable, an application for PESEL UKR (personal identification number) to be submitted to a municipality office
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 refused, must leave within 30 days; right to appeal.	Same as Refugee Status	Apply at the Office for Foreigners in person or by mail (Taborowa 33, 02-699 Warsaw), online via the ePUAP platform or by email (ochronaczasowa@udsc.gov.pl); 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.
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 2025); right to work on same basis as Polish nationals; medical care and financial allowance upon request; right to appeal to the Head of the Office for Foreigners for reconsideration or to the administrative courts. If the Special Act on Ukraine is applicable, digital app - Diia.pl serves as a digital residence card to confirm their status; immediate right to work, access

			to medical care and some social security benefits.
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For more information, see:

- Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention), [Ukraine FAQs](#)
- Halina Niec Legal Aid Center, [Ukraine Webpage in Ukrainian](#)
- Halina Niec Legal Aid Center, [Refugees from Ukraine: stateless persons and persons at risk of being stateless \(November 2022\)](#)
- Halina Niec Legal Aid Center, [Stateless persons from Ukraine seeking protection in Poland \(October 2023\)](#)
- 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
- European Commission, [Communication, Temporary protection for those fleeing Russia's war of aggression against Ukraine one year on](#) (March 2023)
- European Council of Refugees and Exiles, [The EU's Response to Displacement from Ukraine: ECRE's Recommendations](#) (October 2023)
- European Council of Refugees and Exiles, [Information Sheet – Measures in response to the arrival of displaced people fleeing the war in Ukraine](#) (March 2023)
- European Union Agency for Fundamental Rights, [Fleeing Ukraine: Implementing temporary protection at local levels](#) (December 2023)
- European Union Agency for Fundamental Rights, [Report on Fleeing Ukraine - Fleeing Ukraine: Displaced people's experiences in the EU](#)
- European Union Agency for Fundamental Rights, [Fundamental Rights Implications for the EU of the War in Ukraine](#)
- European Union Agency for Fundamental Rights, [The Russian aggression against Ukraine – Displaced children finding protection in the EU - Bulletin 3](#)
- European Union Agency for Asylum (EUAA) [Response to the Russian Invasion of Ukraine, in particular 'Who is who – temporary protection for displaced persons from Ukraine'](#)
- European Union Agency for Asylum (EUAA), [Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review](#) (March 2023)
- European Migration Network (EMN), [Annual Report on Migration and Asylum 2022](#) (July 2023) (Chapter 2, Response to the influx of persons fleeing the war in Ukraine)
- [UNHCR Regional Protection Analysis #2](#)
- [UNHCR Regional Refugee Response Plan \(January-December 2023\)](#)
- [Asylum Information Database \(AIDA\) country report on Poland, Annex on Temporary Protection](#)
- [Caritas Europa, Europe's welcome of refugees from Ukraine and lessons learnt](#)
- [Anti-Discrimination Centre Memorial, The situation of Ukrainian children in European countries after 24 February 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. Leaving Poland for more than 30 days of uninterrupted stay abroad will revoke the temporary protection status under the Special Act on Ukraine, including the entitlement to social and economic rights. If the criteria are met, the temporary protection status will be granted again in case of a subsequent return to Poland.

5. OTHER RELEVANT INFORMATION

Cases have been reported of people being assaulted and threatened, and discriminatory treatment during the evacuation process and while queueing at the border. The media has reported hate crimes against certain groups, including Russians and transgender people.

Roma, many of whom come to Poland undocumented and thus are unable to meet the evidence requirements to access protection, face obstacles in accessing temporary protection. Those who don't speak Ukrainian or Russian may face difficulties in accessing information about their status and protection routes in Poland. Roma from Ukraine have been particularly discriminated against when seeking accommodation and other assistance.

Internally displaced persons in Ukraine and people from non-government-controlled areas (NGCA) and temporarily occupied territories, including children born on these territories, face barriers in accessing protection due to lack of documentation. Some cases were also reported where people left those territories via Transnistria and upon arrival in Poland were told that their entry was not 'legal', although this requirement is not established in law. This could also be linked to the lack of proof of the date on which they left Ukraine.

Undocumented people face problems in accessing protection and, as the lack of documentation is considered 'irregular', they are exposed to a risk of prolonged detention.

Cases of wrongly attributed Ukrainian nationality to stateless people have been reported, as registration on the PESEL database is made upon written request in a simplified procedure where personal data, including nationality, can be established based on copies of documents or oral statements in the absence of documents.

There are increasing reports of stateless people holding temporary protection in Poland and those denied entry to Poland facing issues returning to Ukraine. Polish border guards may let them through, but they are barred from entering Ukraine by the Ukrainian authorities because they are undocumented.

Beneficiaries of temporary protection in Poland face difficulties re-entering the country after a temporary return to Ukraine.

There are reports that the Ukrainian consulate in Poland refuses to issue any documents or residence certificates.

[Polish law on civil registration](#) allows for the registration of civil acts abroad in the absence of proper registration, including birth registrations. HNLAC works with a lawyer on legal guardianship procedures for unaccompanied children and has a helpline. For updates, see: [HNLAC](#).

Some children may have entered Poland without a passport or other document confirming their identity. Given the difficulties in accessing Ukrainian databases and archives or their possible destruction, children may have issues confirming information on their birth and parents and proving nationality, placing them at risk of statelessness.

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

Halina Niec Legal Aid Center (HNLAC) http://www.pomocprawna.org/ +48 693 390 502 +48 725 449 374 Legal helpline in Ukrainian biuro@pomocprawna.org porady@pomocprawna.org	UNHCR https://help.unhcr.org/poland/ +48 22 628 6930 polwa@unhcr.org
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)	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)
Foreigners' Office (for Temporary Protection applications) https://www.gov.pl/web/udsc-en ul. Taborowa 33, Warsaw ul. Dokudowska 19, Biała Podlaska +48477217575	