

**Draft law amending the Act on Assistance to Citizens of Ukraine  
in the Context of the Armed Conflict in Ukraine (“*the Special Act*”)**

**UNHCR Comments and Observations**

**I. Introduction**

1. The United Nations High Commissioner for Refugees (“UNHCR”) Representation in Poland is grateful to the Government of Poland for the invitation to provide observations on the legislative amendments proposed to *the Act on Assistance to Citizens of Ukraine in the Context of the Armed Conflict in Ukraine* (hereafter referred to as “*the Special Act*”).<sup>1</sup>
2. UNHCR offers these comments as the agency entrusted by the United Nations General Assembly with the responsibility for providing international protection to refugees and other persons within its mandate, and for assisting governments in seeking permanent solutions to the problem of refugees.<sup>2</sup> As set forth in its Statute, UNHCR fulfils its international protection mandate by, inter alia, “[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.”<sup>3</sup> UNHCR’s supervisory responsibility under its Statute is reiterated in Article 35 of the 1951 Convention relating to the Status of Refugees (“the 1951 Convention”)<sup>4</sup> according to which State parties undertake to “co-operate with the Office of the United Nations High Commissioner for Refugees [...] in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the Convention”. The same commitment is included in Article II of the 1967 Protocol relating to the Status of Refugees (“the 1967 Protocol”).

**II. General Observations**

3. At the outset, UNHCR wishes to convey its deep appreciation for the remarkable solidarity Poland has demonstrated towards refugees from Ukraine, along with its sustained commitment to their protection and well-being. Specifically, UNHCR commends the continued support the Government of Poland has committed to refugees from Ukraine by extending temporary protection and legal stay for refugees from Ukraine until 4 March 2026.
4. UNHCR’s overall assessment of the context in Ukraine is one of prevailing war, uncertainty and insecurity. As the latest events have yet again demonstrated, the situation in Ukraine remains volatile with continued hostilities and widespread humanitarian needs. The vast majority of persons displaced from Ukraine have international protection needs, and are therefore refugees under international refugee law.<sup>5</sup>
5. With regard to proposed amendments to *the Special Act*, UNHCR welcomes the extension of the recognition of work experience for refugee doctors and dentists, and

<sup>1</sup> Projekt ustawy o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw, June 2025, available at: <https://legislacja.rcl.gov.pl/projekt/12399250>.

<sup>2</sup> See *Statute of the Office of the United Nations High Commissioner for Refugees*, UN General Assembly Resolution 428(V), Annex, UN Doc. A/1775, para. 1, available at: <https://www.refworld.org/legal/constinstr/unga/1950/en/72586> (“the Statute”).

<sup>3</sup> *Ibid.*, para. 8(a).

<sup>4</sup> UNTS No. 2545, Vol. 189, p. 137.

<sup>5</sup> UNHCR, *UNHCR Position on Voluntary Return to Ukraine*, June 2023: <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124299>.

the streamlining of conditional license extensions for nurses and midwives. Additionally, UNHCR welcomes the extension of the temporary abolition of the requirement for non-Polish citizens to present formal Polish language certification when seeking employment as teaching assistants and intercultural assistants. These provisions will reduce bureaucratic barriers, helping refugees enter or remain in the workforce, including in schools where their presence is critically needed.

6. UNHCR also notes the proposal to increase the supervision of the guardians of unaccompanied Ukrainian children. This brings the protection of children, especially refugee children from Ukraine without parental care, increasingly under the Polish child protection system. Recalling UNHCR's comments to *the Special Act* amendments in 2024<sup>6</sup>, we welcome the direction these positive changes represent. We particularly welcome the provisions on foster care and encourage *powiats* to ensure that their enhanced oversight responsibilities comply with children's rights and safeguarding standards, and to consistently apply the principle of the best interests of the child as a primary consideration in all decisions affecting refugee children.

### III. Specific Observations

#### a) Access to temporary protection

7. UNHCR is concerned that the proposed amendment to Article 2 of *the Special Act* would render Ukrainian nationals who entered Poland under local border traffic permits ineligible to register for temporary protection and obtain a PESEL UKR identification number, thereby excluding them from the scope and protections of *the Special Act*. This provision would disproportionately affect border zone residents as defined under the 28 March 2008 Agreement between Poland and Ukraine — specifically, persons with documented residence within 30 km of the Polish-Ukrainian border, extendable to 50 km in specified cases.
8. While UNHCR acknowledges the practical challenges of managing local border traffic regimes, which facilitate cross-border movement for social, cultural, or familial purposes, UNHCR notes that the relevant Council of the European Union implementing decisions<sup>7</sup> relating to the application of the Temporary Protection Directive in the EU do not foresee exclusions from temporary protection for refugees from Ukraine based on geographic criteria and/or on the basis of permits that may have been issued prior to the outbreak of full-scale war in Ukraine.<sup>8</sup> Accordingly, while UNHCR recognizes that some individuals covered by the local border traffic regime may not be actively seeking protection at a particular moment in time, the right to seek protection under the temporary protection system should still be protected in line with the provisions of the relevant Council of the European Union implementing decisions.
9. We also note that access to protection should not be denied based on the area of origin of refugees from Ukraine, as the conflict continues to be violent, fluid and unpredictable. The security situation remains precarious, characterized by shifting frontlines and complex, coordinated airstrikes targeting urban centres – resulting in continued civilian casualties, destruction of homes and damage to critical infrastructure. Since the summer of 2024, intensified hostilities have triggered new internal displacement within Ukraine. Whilst recognizing that individuals falling within

---

<sup>6</sup> UNHCR Comments and Observations on the Draft Law amending the Act on Assistance to Citizens of Ukraine in the Context of Armed Conflict in Ukraine ("the Special Act"): <https://www.refworld.org/legal/natlegcomments/unhcr/2024/en/147928>.

<sup>7</sup> For example, Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision (EU) 2022/382: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202401836](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401836)

<sup>8</sup> Local border traffic permits may be issued for two up to five years.

the scope of this proposal would still be able to lodge applications for asylum, UNHCR encourages the Polish authorities to ensure that all individuals falling within the scope of the relevant Council implementing decisions are able to apply for temporary protection. This will also preserve the national asylum system from the strain of large numbers of asylum applications.

*b) Access to accommodation support*

10. UNHCR commends the Government of Poland's continued ability to manage new arrivals from Ukraine in a coordinated and efficient manner, and support the inclusion of refugees. This is a testament to Poland's strong humanitarian commitment and effective governance, addressing the needs and promoting the rights of persons forced to flee Ukraine. After three years of displacement, UNHCR also recognizes the significant pressure that this has placed on the Polish authorities, municipalities and social services, including in the realm of housing and accommodation.
11. Under Article 17c of the draft amendments, from 1 November 2025 only specific categories of vulnerable refugees from Ukraine will remain eligible for accommodation support in collective shelters. UNHCR would recommend, however, further contemplating eligibility for accommodation support for all newly arrived refugees entering Poland directly from Ukraine for a temporary period of time, taking into account the fluidity and unpredictability of the ongoing conflict. Temporary stays for all new arrivals — including those who do not meet the specific parameters of Article 17c — will give refugees time to access the labour market, housing, education, and social protection. Ultimately, this will help ensure that such persons are able to be self-reliant and establish themselves.
12. While UNHCR welcomes the focus of Article 17c on those most at risk, we would also advocate for a flexible approach in applying these exemptions. Such flexibility is crucial to prevent unintended protection risks, particularly for the vulnerable individuals whom these provisions are intended to safeguard. For example, within the vulnerable groups outlined in Article 17c, restricting access to accommodation support solely to refugees who have obtained a Polish disability certificate risks excluding particularly at-risk individuals who may, in practice, be entitled to such support but lack the means or opportunity to navigate administrative procedures to acquire such a certificate in a timely fashion.
13. Similarly, while UNHCR notes older refugees (women over the age of 60 and men over the age of 65) will remain eligible for accommodation in collective sites, the additional requirement of not receiving a pension benefit from Ukraine may unintentionally exclude vulnerable older individuals who, despite receiving minimal financial support<sup>9</sup>, lack the means to secure independent or semi-independent housing. UNHCR therefore stresses the importance of ensuring that vulnerable persons within the prescribed categories - particularly those who have recently fled Ukraine - are not placed at risk of homelessness or destitution due to the additional criteria introduced under Article 17c.
14. Furthermore, the potential impact of these proposed changes must be carefully assessed to ensure that they do not inadvertently incentivize beneficiaries of Temporary Protection to resort to the asylum procedure and related benefits, thereby placing additional strain on an already overburdened asylum system. Moreover, difficulties in accessing accommodation support could further exacerbate pressures on

---

<sup>9</sup> For more on pensions from Ukraine see: ACAPS, Social Protection Overview, November 2023, available at: <https://www.acaps.org/en/countries/archives/detail/ukraine-social-protection-overview>.

local authorities and social services, particularly in transit hubs such as Przemyśl train station, as they strive to manage complex and evolving situations on the ground.

15. The Government of Poland deserves recognition for its innovative initiatives to pioneer independent housing solutions for refugees from Ukraine since the onset of the full-scale war — for example, the establishment of social rental agency (SRA) schemes. UNHCR encourages the continued promotion and expansion of such programmes to benefit individuals — both refugees and Poles — facing housing insecurity or falling within the rental gap.
16. UNHCR wishes to emphasize that prolonged stays in collective accommodation are unlikely to offer optimal conditions for long-term well-being, inclusion, and social cohesion. UNHCR encourages the Government of Poland to seize this opportunity to strengthen and expand supported living arrangements—for both vulnerable Polish citizens and refugees—including care homes (e.g., DPS – *Domy Pomocy Społecznej*), rehabilitation and specialized care facilities, supported housing, including training apartments (*Mieszkania chronione i treningowe*) and family-type care homes (*Rodzinne domy Pomocy*).

**UNHCR Representation in the Republic of Poland**  
**27 June 2025**