

Act on the phasing out of the solution from the Act on Assistance to Citizens of Ukraine in the Context of the Armed Conflict on the territory of that state, and on the amendments of certain other acts (“the Phasing Out 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 Act on the phasing out of solution from the Act on Assistance to Citizens of Ukraine in the Context of the Armed Conflict in Ukraine, and on the amendments of certain other acts* (hereafter referred to as “the Phasing Out Act”).¹
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.² 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.”³ 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”)⁴ 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 would like to express its sincere gratitude for the exemplary solidarity that Poland has demonstrated towards refugees from Ukraine since the beginning of the full-scale war, as well as for its sustained commitment to their protection, well-being, and inclusion.
4. UNHCR notes the intention to align the legal situation and rights of Ukrainian nationals with those of other third-country nationals benefiting from temporary protection under the general institutional framework implementing *the Temporary Protection Directive* (2001/55/EC)⁵, as transposed into national law by *the Act on Granting Protection to Foreigners on the Territory of the Republic of Poland* (“the Act on Granting Protection”)⁶.
5. UNHCR welcomes the introduction of pathways for the continued regularisation of stay for non-Ukrainian temporary protection holders through the possibility to apply for selected types of temporary residence permits. UNHCR further welcomes the

¹ *Projekt ustawy o wygaszeniu rozwiązań wynikających z ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz o zmianie niektórych ustaw*, December 2025, available at: <https://legislacja.rcl.gov.pl/projekt/12405609>.

² 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”).

³ *Ibid.*, para. 8(a).

⁴ UNTS No. 2545, Vol. 189, p. 137.

⁵ *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*, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055>.

⁶ *Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej*, available at: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20031281176/U/D20031176Lj.pdf>.

confirmation that refugees from Ukraine benefiting from temporary protection retain access to social assistance, including the child-raising benefit (800+), as well as to the labour market and the ability to engage in business activities. UNHCR also notes positively the provision of access to healthcare on the same terms as Polish citizens and recognised refugees, thereby ensuring a non-discriminatory approach to essential services.

III. Specific Observations

6. In the following paragraphs UNHCR would like to point to specific legislative proposals included in the *Phasing Out Act*, related to access to temporary protection, accommodation support and family reunification. The absence of comment on other aspects should not be taken as an indication of agreement with, or endorsement of, those provisions.

a) Access to temporary protection and legal grounds for its expiry

7. While UNHCR recognises the need to confirm the identity of refugees benefiting from numerous forms of protection in Poland, UNHCR notes with concern the proposals that would exclude refugees from Ukraine from benefitting from temporary protection based on time-bound, administrative and geographic considerations. Of particular concern is the proposal to condition the legality of stay and continued access to temporary protection upon the confirmation of identity via a valid travel document by 31 August 2026. In UNHCR's view this provision is inconsistent with the scope of the *Council Implementing Decision (EU) 2022/382* and related Commission's Operational Guidelines,⁷ and latest *Council Decision (EU) 2025/1460*⁸, which extends temporary protection until 4 March 2027, and risks creating legal uncertainty.
8. UNHCR wishes to reiterate its previous observations regarding the need for flexibility in the application of the requirement to present a valid travel document as a condition for accessing temporary protection status. Particular consideration should be afforded to refugees originating from temporarily occupied territories of Ukraine (who constitute approximately 14 per cent of the Ukrainian refugee population in the region⁹) many of whom may face significant obstacles in renewing or replacing identity and travel documentation. Similar consideration should also be extended to persons at risk of statelessness and to individuals with undetermined nationality, for whom compliance with documentary requirements may be particularly challenging. Where individuals do not possess a valid travel document, alternative identification procedures and evidence such as other credible documentation and/or sworn statements, to confirm identity, establish nationality, and determine eligibility for temporary protection, could be applied.
9. In addition, UNHCR notes the introduction of a proposal to introduce the expiry of the possibility to benefit from temporary protection beyond 14 days of entry into Polish territory. UNHCR emphasises that such a measure is not aligned with the Temporary Protection Directive or the relevant Council Implementing Decision.¹⁰ Moreover, it may

⁷ *Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine*, OJ L 71; *Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 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*, C (2022) 126 I/01, Official Journal of the European Union, C 126 I, 21 March 2022: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2022:126I:TOC>.

⁸ *Council Implementing Decision (EU) 2025/1460 of 15 July 2025 extending temporary protection introduced by Implementing Decision (EU) 2022/382*: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202501460.

⁹ UNHCR, *Lives on hold: Intentions and Perspectives of Refugees, Refugee Returnees and IDPs from Ukraine*, available at: <https://data.unhcr.org/en/dataviz/409>.

¹⁰ 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 and *Council Implementing Decision (EU) 2025/1460 of 15 July 2025 extending temporary protection introduced by Implementing Decision (EU) 2022/382*: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202501460.

inadvertently encourage affected individuals to seek protection through the international protection system. Allowing for flexibility, both for persons unable to present valid travel documentation and for individuals from vulnerable groups who may require additional time to navigate procedures and complete registration, would help ensure effective access to temporary protection. Such flexibility would also mitigate the risk of placing undue strain on the national asylum system as a result of increased numbers of applicants excluded from temporary protection.

10. Furthermore, UNHCR wishes to recall its previous comments¹¹ related to the exclusion of Ukrainian nationals who entered Poland under local border traffic permits from registering for temporary protection, which is contemplated in the bill. While recognising the legitimate interest of the Polish authorities to reduce instances of perceived abuse of the system, especially with regard to cross border movements, the relevant Council of the European Union implementing decisions¹² 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.
11. Moreover, the overall assessment of the context in Ukraine continues to be characterised by ongoing armed conflict, uncertainty and insecurity. The situation remains highly volatile, marked by shifting front lines and use of long-range missiles and drone attacks against urban centres and critical infrastructure, including those far from areas of ongoing active conflict.¹³ It is therefore neither relevant nor appropriate to limit access to protection for those fleeing the international armed conflict in Ukraine based on originating from the border area and being in possession of a local border traffic permit.

UNHCR recommends:

- introducing a formalised flexibility mechanism allowing confirmation of identity in the absence of a valid travel document accounting for individual circumstances, including in situations where the applicant originates from temporarily occupied territories of Ukraine, is at risk of statelessness, or has undetermined nationality. This mechanism could include the acceptance of alternative forms of evidence of identity and nationality, such as expired documents, digital copies, civil status records or sworn statements, combined with an individual assessment (for example through a questionnaire) and the possibility of subsequent verification once documentation becomes obtainable.
- reconsidering the provisions imposing temporal limits for applying for temporary protection to ensure full alignment with *the Temporary Protection Directive* and *the Council Implementing Decision*. While time frames, such as the proposed 14-day period, could be used indicatively to encourage prompt registration, they should not operate as absolute deadlines. Ensuring access to protection to accommodate individual circumstances, practical barriers such as lack of awareness of procedures, and situations of vulnerability.
- lifting geographic or entry-based exclusions from temporary protection eligibility, including exclusions linked to local border traffic permits, to ensure compliance with EU law.

¹¹ UNHCR, *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*, available at: https://www.refworld.org/legal/natlegcomments/unhcr/2025/en/150230?prevDestination=search&prevPath=/search?sm_country_name%5B%5D=Poland&sort=score&order=desc&result=result-150230-en.

¹² For example, *Council Implementing Decision (EU) 2025/1460 of 15 July 2025 extending temporary protection introduced by Implementing Decision (EU) 2022/382*: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202501460.

¹³ UNHCR, *Deadly attacks in Western Ukraine show no part of country is safe*, Press Release 20 November 2025: <https://www.unhcr.org/news/press-releases/unhcr-news-comment-deadly-attacks-western-ukraine-show-no-part-country-safe>.

b) Access to accommodation support

12. UNHCR wishes to draw attention to the proposed provisions relating to the accommodation of beneficiaries of temporary protection, in the event of a future situation that would trigger a Council of the European Union decision recognising a mass influx. While UNHCR welcomes the overall scope of the proposed assistance, it is concerned that limiting access to accommodation and subsistence for beneficiaries of temporary protection to a maximum of 60 days from their first entry into the territory of Poland, and no more than 12 months from the onset of the event triggering the relevant Council Decision, may not adequately reflect the inherently unpredictable and protracted nature of armed conflicts. As demonstrated by the ongoing situation in Ukraine, conflicts frequently extend well beyond an initial one-year period, with lines of conflict and their geographic scope often shifting over time, and displaced persons in need of protection and assistance may continue to arrive after the expiry of the proposed time limits.
13. Pursuant to Article 13 of the *Temporary Protection Directive*, Member States are obliged to provide suitable accommodation to temporary protection holders, or alternatively, to ensure that they have the means to obtain housing. This is further elaborated in the Explanatory Memorandum¹⁴, which states that “*Member States’ obligations as to the conditions of reception and residence of persons enjoying temporary protection [...] should be fair and offer an adequate level of protection to those concerned.*” EU law does not establish any temporal limits in this regard, and UNHCR therefore emphasises the importance of ensuring that proposed provisions remain consistent with *the Temporary Protection Directive* and fully meet the protection needs of persons fleeing conflict, regardless of when they arrive. It should also be noted that the cost of providing accommodation is offset by the contributions made by refugees that are able to work, pay taxes, start businesses and contribute to Polish society, as is foreseen in *the Phasing Out Act*, and which has been demonstrated by Ukrainian refugees under *the Special Act*.¹⁵
14. While UNHCR welcomes the prioritisation of specific vulnerable groups for eligibility for accommodation support, UNHCR notes that excluding single-headed households with three and more children¹⁶ may inadvertently affect those most at risk, including larger refugee families from minority ethnic groups and may compound protection risks faced by single women lacking family or social support networks in Poland and who experience additional barriers to enter the labour market.
15. Moreover, recalling its previous comments,¹⁷ UNHCR wishes to highlight that newly arrived refugees entering Poland directly from Ukraine often require protection and accommodation support for an initial period in order to have the time and stability necessary to access the labour market, secure housing, enrol in education, and access social protection, thereby enabling them to begin rebuilding their lives and contribute to the Polish economy and society. Therefore, UNHCR recommends that in addition to providing for accommodation support for specific vulnerable groups, that the support is extended to include emergency accommodation support for all newly arrived refugees entering Poland directly from Ukraine for a temporary period, considering the fluid and unpredictable nature of the ongoing conflict.

¹⁴ Explanatory Memorandum to the Proposal for a Council Directive 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, OJ C 311E, 31.10.2000, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2000:0303:FIN>.

¹⁵ Deloitte and UNHCR, *Poland: Analysis of the impact of refugees from Ukraine on the economy of Poland — 2nd edition*, June 2025, available at: <https://data.unhcr.org/en/documents/details/116621>.

¹⁶ Provided that at least one of the children is under the age of seven, on the basis of submitted documentation, as currently stipulated under *the Special Act*.

¹⁷ See: UNHCR, *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*, available at: https://www.refworld.org/legal/natlegcomments/unhcr/2025/en/150230?prevDestination=search&prevPath=/search?sm_country_name%5B%5D=Poland&sort=score&order=desc&result=result-150230-en.

16. Furthermore, UNHCR welcomes the efforts to include provisions allowing the Polish authorities (including the voivode) to inspect collective sites enhancing monitoring and oversight. Concurrently, UNHCR recommends that *the Phasing Out Act* clearly define a comprehensive system of monitoring and oversight for collective sites hosting refugees from Ukraine by the Polish authorities, together with standards regulating the establishment and operation of such facilities. This could include the introduction of mechanisms to prevent and respond to abuse, conflicts, and other violations, as well as measures to ensure adequate preparation and training of staff working in collective sites.

UNHCR recommends:

- removing temporal restrictions on the availability of accommodation support to ensure that access to accommodation and subsistence assistance for temporary protection holders is not subject to rigid time limits and remains available for as long as protection needs persist, in line with Article 13 of *the Temporary Protection Directive*.
- reconsidering the exclusion of single-headed households from accommodation support and allow for individualised assessments to address concerns related to abuse.
- that *the Phasing Out Act* clearly define a comprehensive system of monitoring and oversight for collective sites hosting refugees from Ukraine by the Polish authorities, together with standards regulating the establishment and operation of such facilities.
- applying flexibility to allow for the possibility of extending emergency accommodation support for all newly arrived refugees entering Poland directly.

c) Repeal of provisions on family reunification

17. UNHCR also notes the proposal to repeal the provisions on family reunification from *the Act on Granting Protection* (Articles 117–117b). The current legal framework enables a foreign national, including a child, benefiting from temporary protection in the territory of Poland to be reunited with a family member.
18. UNHCR wishes to emphasise that the right to family life is recognised as an essential right under international human rights law. *The Universal Declaration of Human Rights* recognises that “*the family is the natural and fundamental group unit of society*”, which is “*entitled to protection by society and the State*”.¹⁸ This fundamental principle is reiterated in and given binding effect by other international human rights instrument which contain similar provisions.¹⁹ While *the 1951 Refugee Convention* does not specifically refer to family reunification, *the Final Act of the UN Conference of Plenipotentiaries* at which the Convention was adopted affirmed “*that the unity of the family [...] is an essential right of the refugee*” and issued a specific recommendation that Governments “*take the necessary measures for the protection of the refugee’s family, especially with a view to ensuring that the unity of the family is maintained*.”²⁰ Furthermore, UNHCR’s Executive

¹⁸ Article 16(3) of the 1948 *Universal Declaration of Human Rights*.

¹⁹ See Article 23(1) ICCPR; UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* (“UNHCR Handbook”), April 2019, HCR/1P/4/ENG/REV. 4: www.refworld.org/docid/5cb474b27.html, para. 181; See also, UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees in the case of M.A. v. Denmark* (Appl. no. 6697/18) before the European Court of Human Rights, 21 January 2019, www.refworld.org/docid/5c4591164.html, para. 3.1.1.

²⁰ *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, 25 July 1951, A/CONF.2/108/Rev.1: <http://www.refworld.org/docid/40a8a7394.html>.

Committee (ExCom) has adopted a series of Conclusions that reiterate the fundamental importance of family unity and reunification.²¹ Repealing the specific provisions related to temporary protection holders in Poland would, moreover, not be consistent with *the Temporary Protection Directive*, specifically its Article 15 providing for Member States' obligations to facilitate family reunification.

19. From a child protection perspective, family reunification directly serves the best interests of the child, reduces protection risks associated with separation, and helps mitigate situations of neglect, exploitation, or psychological harm. Therefore, UNHCR encourages the continued retention of the family reunification provisions within *the Act on Granting Protection*.

UNHCR recommends:

- not repealing the specific provisions related to family reunification in *the Act on Granting Protection* in light of the fundamental right to family life and the importance of family unity, and to ensure alignment with EU law.

20. UNHCR stands ready to continue engaging with the Polish government regarding the introduction of these recommendations into *the Phasing Out Act*, currently under discussion.

**UNHCR Representation in the Republic of Poland
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²¹ See in particular, *ExCom Conclusions No. 9 (XXVIII) on Family Reunion*, 1997; No. 24 (XXXII) on Family Reunification, 1981; No. 84 (XLVIII) on Refugee Children and Adolescents, 1997; No. 88 (L), 1999 on the Protection of the Refugee's Family; No. 104 (LVI), 2005 on Local Integration; and No. 107 (LVIII), 2007 on Children at Risk. See UNHCR, *A Thematic Compilation of Executive Committee Conclusions*, 7th edition, June 2014, <http://bit.ly/2YLY78e>, pp. 223-229. [ExCom Conclusions](#) are adopted by consensus by the States which are Members of ExCom and can therefore be considered as reflecting their understanding of legal standards regarding the protection of refugees.