

The Act on assistance to Ukrainian refugees has been signed into law

I. Act on assistance to Ukrainian citizens published

On 12 March President Andrzej Duda signed into law the Act on assistance to Ukrainian citizens. That same day it was published in item 583 of the Journal of Laws. Most of the provisions of the special act went into effect as of the date of its publication with legal force as of 24 February, i.e. the start of the war in Ukraine. The act sets out the special rules for legalizing the stay of Ukrainian citizens who have fled to the territory of the Republic of Poland directly from the territory of Ukraine in connection with the war in that country, as well as those Ukrainian citizens who hold a Pole's Card and due to the war have arrived in Poland with their immediate family. It also regulates access to the job market, social and health benefits, education, care and temporary tax exemptions.

II. Simplified procedures for legalizing stay of Ukrainians in Poland

To start with, the act establishes a special legal basis for recognizing the legality of stay of Ukrainians in Poland. It sets out the legal basis for recognizing the stay of Ukrainian citizens as legal for 18 months counting from 24 February 2022, if they have legally entered the territory of Poland directly from the territory of Ukraine, up until the date specified in a special Council of Minister's decree. This does not, however, apply to those Ukrainians whose stay has already been legalized based on previously issued permits, or who hold work permits. This solution will only apply to those Ukrainian citizens who have declared their intention to remain in Poland. Importantly, where a Ukrainian citizen's entry into Poland was not registered by a Border Guard officer during border inspection, his stay in Poland will be registered after he submits a PESEL number application to the relevant municipal authority.

III. Ukrainian citizens will be assigned Polish PESEL numbers and trusted profiles

Under the act, Ukrainian citizens who have fled to Poland due to the war in Ukraine will be able to receive PESEL numbers, which will enable them to obtain many public benefits. To this end, the act provides for a special PESEL assignment procedure based on an application containing a catalog of basic data. The application will be accompanied by a photo of the PESEL applicant and his/her fingerprints. To facilitate access to online public services, the receipt of a PESEL will make it possible to obtain a trusted profile. The procedure provides that the PESEL application will contain the option to register contact details. Before a PESEL is assigned, the identity of the applicant will be verified to meet the requirements for the issue of electronic identification with a substantial level of assurance.

The Act on assistance to Ukrainian citizens in connection with the military conflict in that country is ready. Among other things, the act regulates matters associated with legalizing the Ukrainian refugees' stay in Poland, the aid they receive and access to the job market.



IV. After 9 months Ukrainians can apply for 3-year temporary residence

A Ukrainian citizen whose stay is or was recognized as legal will be, upon his/her request, granted a temporary residence permit. Temporary residence permits will be granted once for 3 years counting from the decision date. Applications should be filed no sooner than after 9 months from the date of arrival in Poland and no later than before 18 months from 24 February 2022. Applications filed before 9 months from the date of arrival will not be considered. Temporary residence permits will be granted by the voivode relevant to the Ukrainian citizen's place of stay as of the application date. Those who obtain a temporary residence permit will be able to work in Poland without having to obtain a work permit.

V. Ukrainians may be hired based on simple notification

A Ukrainian citizen is authorized to work in the territory of the Republic of Poland during a stay that is consistent with binding regulations, if: his/her stay in the territory of Poland is recognized as legal or he/she is a citizen of Ukraine legally residing in Poland, on the condition that the entity that hires him/her notifies (via praca.gov.pl) the county employment office relevant to the entity's registered office or residence of having hired that Ukrainian citizen, and does so within 14 days of the start of such employment. The notification is to contain information required by the act about the entity that hired the Ukrainian citizen (employer), as well as about the Ukrainian citizen (employee).

VI. Ukrainians can form companies and are eligible for unemployment and other benefits

A Ukrainian citizen whose stay in the territory of Poland is considered legal can register and be recognized as a person who is unemployed or looking for work along with all of the resulting consequences. He can also form a company and conduct non-agricultural business operations on the same terms as Polish citizens. Running a business will, however, be possible only if the citizen obtains a PESEL. In addition, a Ukrainian citizen whose stay in Poland is considered legal is eligible for: family benefits, child-rearing allowance, good start allowance, family care capital and subsidized childcare. Ukrainian citizens whose stay in Poland is considered legal and who have obtained a PESEL are also eligible to receive cash and non-cash benefits based on social welfare regulations.

VII. One time PLN 300 benefit and access to social welfare benefits

A Ukrainian citizen whose stay is considered legal and who has obtained a PESEL is eligible for assistance in the form of a one-off cash benefit of PLN 300 per person, to be used for living expenses, in particular food, clothing, shoes, personal hygiene products and rent. He/she can also receive cash and non-cash benefits based on social welfare regulations. The one-off benefit will be granted by the mayor or president of the municipality or city of the Ukrainian's stay. Applications for the payment of one-off benefits will be filed by the eligible recipient, his/her statutory representative, temporary or permanent guardian of a child. No decision is necessary for the mayor or president to grant the benefit. Whereas a refusal to grant the benefit requires the issue of a decision.

VIII. Benefits for those who house Ukrainian refugees

Any entity, and in particular natural person who runs a household (this also pertains to legal foreign residents of Poland), that provides room and board to Ukrainian citizens is eligible for a cash benefit based on an agreement concluded with the relevant municipality for a period of no more than 60 days. The benefit period may, however, be extended in justified cases. The maximum benefit amount, as well as the conditions for granting and extending payments, are to be provided in a relevant decree. The government has announced that it will be PLN 40 per refugee per day.

IX. Ukrainian refugees with access to healthcare

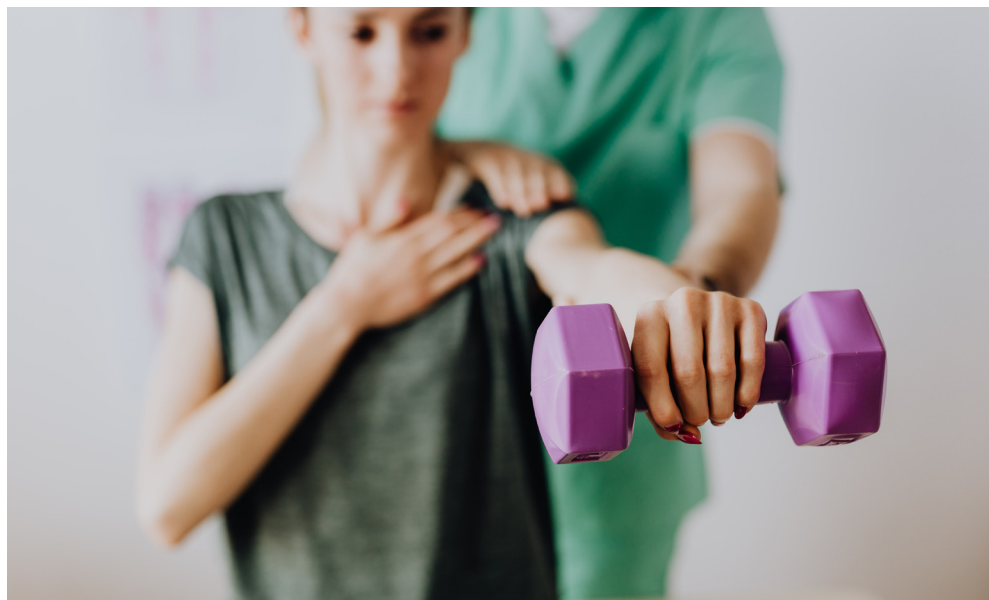
A Ukrainian citizen whose stay is considered legal is eligible to receive medical care in the territory of the Republic of Poland, which includes healthcare benefits provided on the same terms and to the same extent that benefits are provided to those covered by mandatory or voluntary health insurance, with the exception of spa and rehabilitation treatments, as well as to medicinal products administered to beneficiaries as part of health policy programs. Healthcare benefits are provided by medical service providers on the basis of healthcare service contracts and by pharmacies on the basis of prescription contracts concluded with the National Health Fund.

X. Ukrainians and those who support them exempt from some taxes

The act also contains tax solutions. And so, Ukrainian citizens fleeing to Poland from the war will be exempt from income tax (PIT) on benefits received from natural persons and companies. The exemption will cover all benefits irrespective of type, i.e. in cash, in kind, as well as free benefits. The exemption is not limited. Also exempt from taxation will be the benefits paid out to families that house refugees. The act also contains favorable solutions for companies that provide aid to Ukraine through a wide spectrum of organizations, including NGOs and local governments. The preference makes it possible to include such expenses in tax-deductible costs (for both PIT and CIT). This will include expenses incurred for the production or acquisition of property and rights transferred as part of such aid, as well as costs incurred to provide free benefits (such as free medical care). The preference will be in effect from 24 February to 31 December 2022.



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