

UDC 314.151  
DOI: 10.46493/2663-2675.33(4).2023.22-32

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## European protection of Ukrainians during the martial law: The experience of Poland

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**Abstract.** The relevance of the study is due to the need to find ways to improve the temporary protection of Ukrainians in Europe during the hostilities in Ukraine. The purpose of the work is to analyze the norms of European legislation on the protection of Ukrainians and identify directions of improvement. The following methods make a basis of methodological approach: analysis of statistical data; comparison method; graphic method; generalization method. It was identified the countries of Europe to which more people applied for protection during the war in Ukraine. Shortcomings in the Polish legislation on the organization of temporary protection were revealed; in particular, in terms of confirming the registration of the place of Ukrainians' stay, which allows them to move within Europe. It was made an assessment of ensuring the rights to temporary protection for Ukrainians, in particular, the employment and residence, and the feasibility and benefits of changes in Polish legislation that provide for optimization of assistance for displaced persons. According to the Polish citizens' results of assessment of the support level for Ukrainians, it has been revealed a tendency of decline of support due to an increase in the violation of rules of conduct by Ukrainians. Directions for improving the organization of temporary protection of Ukrainians in Poland are outlined, which consist in stimulating immigrants to learn the Polish language and get a more qualified job. It is proposed to strengthen the Polish authorities' control over the receipt of social assistance by displaced persons, to prevent the misuse of such assistance and to direct it to the necessary needs for health, education and full life of people under temporary protection in Europe. The results and conclusions are of practical importance for the authorities in the EU countries when improving the policy of temporary protection of migrants and the heads of migration and social services – when assigning social benefits

**Keywords:** displaced persons; the right to employment; social assistance; confirmation of registered status; European legislation

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### Introduction

The start of a full-scale military invasion by the Russian Federation on February 24, 2022 forced a large number of Ukrainians to leave their homes due to dangers to their lives and health and go to other countries that can guarantee

protection for their families, especially children. The vast majority of people in search of a safe place migrated to the countries of the European Union (hereinafter referred to as the EU); due to this Europe has faced an important issue

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*Received: 30.03.2023, Revised: 24.06.2023, Accepted: 04.08.2023*

### Suggested Citation:

Stróż, S., Kieliszek, Z., & Yaroshenko, O. (2023). European protection of Ukrainians during the martial law: The experience of Poland. *Foreign Affairs*, 33(4), 22-32. doi: 10.46493/2663-2675.33(4).2023.22-32.

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regarding the acceptance of migrants and provision them with necessary protection that guarantees the observance of human rights and freedoms. Given the fact that migration of the population from Ukraine in 2022 turned out to be the largest one since the Second World War in terms of volume, the Governments of the EU countries faced the task of normative regulation of temporary protection for Ukrainians, providing them with all necessary for life and maintaining health (Vishnevskaya & Petrenko, 2022). This actualized the need for scientific study of the process of providing temporary protection for Ukrainians in European countries in order to develop a proposal for its improvement, considering the interests and capabilities of European countries and the real needs of temporary migrants.

Due to the fact that aggravation of the problem under study has occurred only at the beginning of 2022, the number of studies in this area is insignificant; however, Ukrainian and Polish scientists from other countries paid attention to the issue of protecting Ukrainians in Europe.

The Ukrainian scientist T. Drakohrust (2022) considered the problem of availability of documentary evidence of persons crossing the European border. The author emphasizes that documents are important for further provision of temporary protection to people and he recommends resolving this task by means of issuing such documents immediately at the border that such persons cross.

A. Sokar *et al.* (2022) carried out a study of adaptation of Ukrainians seeking protection in the EU countries. The authors described the package of social assistance for such persons; she conducted a comparative analysis of the Ukrainian and international legislation on the protection of refugees, and noted the importance of restoring the psychological state of persons displaced from Ukraine.

In addition, in the work by I. Gerlach & O. Ryndzak (2022), it is reflected a comparison of the standards for providing temporary protection to displaced persons in the EU countries. Author notes the possibility of negative consequences for the economy of Ukraine from the mass movement of citizens abroad. The author emphasizes that the following moments will be of great importance: the duration of hostilities, the state of economy and the effectiveness of reforms for its post-war recovery; she also offers incentives for the return of citizens to Ukraine.

S. Chorna (2022) noted the existence of danger of the migration phenomenon both in Ukraine and in the host countries. The author emphasized an increase in the financial burden on the economic security of the EU countries.

Noting the legal norms that regulate the provision of protection for Ukrainians in the European countries, it is necessary to separate two types of protection, which are considered in the work by A. Gachkevich (2022). The first one is the legal status of a refugee, which can be obtained by persons who have moved to the EU from any country because of danger to their life. The second one is temporary protection for displaced persons, which has been introduced for Ukrainians. The author describes this issue through the concept of “double standards”, which are manifested in the EU policy regarding asylum seekers and protection from different countries.

Regarding the legislation that regulates the provision of temporary protection for Ukrainians, the Italian scientist D. Vitiello (2022) conducted the study and pointed out the inconsistency of legislation of the long-term non-enforcement. Analyzing the significance of refugee status, the author explored the impact of current situation on the eastern borders of Europe on the ability of EU countries to provide shelter to refugees.

However, despite previous studies of this issue, the problem of providing protection for citizens of Ukraine in Europe, determination of necessary needs and normative regulation of such protection requires further study.

The main goal of this scientific work is to analyze the migration flow from Ukraine to the EU countries during the period of hostilities in Ukraine and the norms of European legislation on providing temporary protection in Europe for displaced persons from Ukraine. The aim of the study is to assess the provision of rights guaranteed by the procedure of temporary protection in the EU, in particular on the example of Poland; and the level of support by Polish citizens for the provision of temporary protection to Ukrainians, as well as the provision of proposals for improving the procedures for protecting Ukrainians.

## Materials and Methods

This is a basis of methodological approach in this work: combination of the method of statistical data analysis, the method of comparison, the graphical method and the method of generalization.

The scientific study provides for the analysis of application of the legislation on providing temporary protection, the identification of shortcomings for Ukrainians who receive temporary protection in Europe and the identification of directions for its improvement in order to ensure conditions necessary for the life and health of people who are fleeing the war.

The theoretical basis of this research work is based on the work of Ukrainian, Polish, American, Dutch, Finnish and German scientists, as well as scientists from other countries of Europe and world, who have considered the problem of providing temporary protection status to persons displaced from Ukraine to Europe due to the hostilities in Ukraine.

The use of the method of statistical data analysis made it possible to study the volume of displaced persons from Ukraine to Europe who took part in the national programs of temporary protection and support, and their distribution between the countries based on information received from the Office of the United Nations High Commissioner for Refugees (hereinafter – UNHCR UN) (Refugees from Ukraine..., 2023).

The study of content of the norms of legislation on providing temporary protection in European countries to displaced persons who left Ukraine due to hostilities was carried out based on the Directive on temporary protection No. 2001/55/EC of July 20, 2001 (hereinafter – Directive 2001/55/EC) (Council Implementing Decision..., 2022), and the EU Council Implementing Decision No. 2022/382 of 4 March, 2022 (hereinafter referred to as the Implementing Decision) (Council Directive..., 2001), which activated the provision of mentioned Directive 2001/55/EC.

Analysis of the Polish legislation (that regulates the establishment of duration of stay of temporarily displaced persons in Poland, providing them with rights to housing, employment, medical services, etc.) was carried out on the basis of norms of the Polish Law “On Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of the Country of Ukraine” adopted on March 12, 2022 (hereinafter referred to as the Law on Assistance) (Law of the Republic..., 2022). The use of method of comparison made it possible to compare the number of persons displaced from Ukraine to Poland during the period from April 2022 to February 2023 based on the UNHCR data. The study of the volume of expenditures from the state budget of Poland aimed at the education and medical care of Ukrainians who received temporary protection in Poland was carried out on the basis of data from the National Bank of Ukraine (Impact of Ukrainian..., 2022). Analysis of the number of employed Ukrainians in Poland with their distribution by occupation was carried out on the basis of data from the EWL migration platform (Employees from Ukraine..., 2022).

Using the graphical method, the following data are reflected in the form of graphs and diagrams: the number of displaced persons from Ukraine to European countries as of January 2023; dynamics of changes in the number of Ukrainians registered for temporary protection in Poland from April 2022 to February 2023; change in the level of support by Polish citizens for Ukrainians who have applied for temporary asylum during March–November 2022.

The use of method of generalization made it possible to summarize the results obtained in the course of the study of the volume of Ukrainian migration to Europe and the application of status of temporary protection for Ukrainians who arrived in Europe after the start of hostilities in Ukraine. In addition, using the above-mentioned method, it has been formulated the conclusions that are the final display of these results.

## Results

Starting from February 24, 2022, when the Russian Federation launched an armed aggression against Ukraine, many residents of the country (mostly women and children) fleeing from the rocket attacks and escaping the occupation of enemy decided to travel to European countries in order to receive protection. In this regard, the EU countries opened the borders for Ukrainians fleeing the military events.

As of the beginning of March 2022, according to the forecasts of the European Commission, it was expected that the number of Ukrainians who would seek protection in the EU countries would amount from 2.5 million people to 6.5 million people (Council Directive..., 2001). However, in fact, during February–November 2022, more than 17 million people left Ukraine, and about 9 million of them returned home (Refugees from Ukraine..., 2023).

In order to resolve the issue of international protection of foreign citizens in Europe, it was adopted the Directive 2001/55/EC (Council Implementing Decision ..., 2022) in 2001; however, its provision was put into effect

(i.e. activated) only by the Implementing Decision (Council Directive..., 2001). Temporary protection (within the meaning of the Directive 2001/55/EC) is a procedure for providing immediate protection in case of a mass influx of displaced persons from other countries who are unable to return to their country of origin.

According to the Implementing Decision, temporary protection for Ukrainians was provided for a period of 1 year with the condition of automatic prolongation for the next year, depending on the situation in Ukraine (Council Directive..., 2001).

In October 2022, the temporary protection for Ukrainians in the EU was prolonged until March 2024 by the decision of the Ministers of Internal Affairs of the EU Member States (The European Union extends..., 2022).

The temporary protection procedure does not mean the provision of refugee status to the persons displaced from another country. At the same time, persons who have received the temporary protection in the EU have the right to submit documents for refugee status at any time.

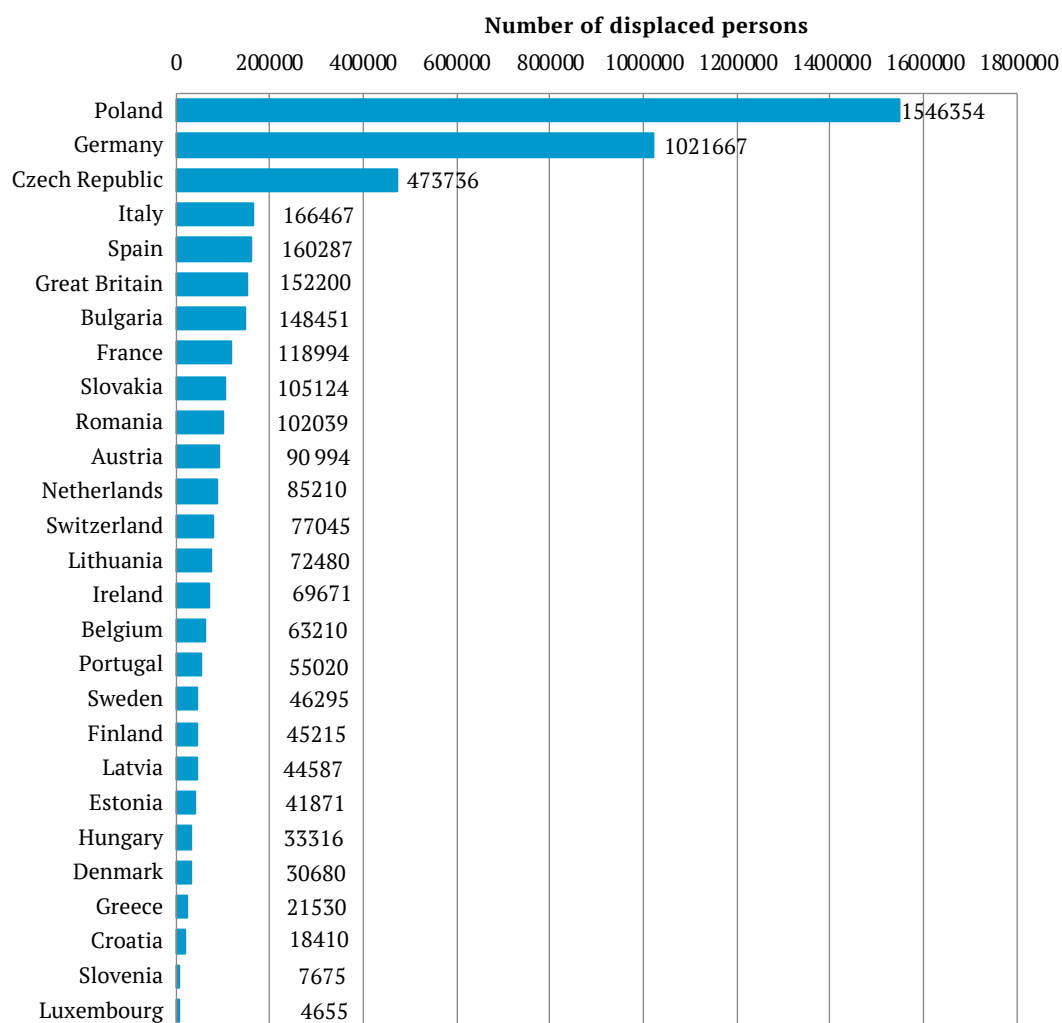
Among the list of basic rights provided to citizens of Ukraine in the EU in case of registration of temporary protection, there are residence permit for the period of temporary protection; official employment; education for children and teenagers; provision of housing; access to social security and health care; opportunity to obtain refugee status or return to the country of citizenship. As of 02/07/2023, according to the UNHCR in Europe, about 4.8 million internally displaced persons (which is about 1% of the population of the EU countries) are participating in the programs of national temporary protection and support in other countries (Refugees from Ukraine..., 2023).

The distribution of people displaced from Ukraine across the European countries (registered under the temporary protection program) allows analyzing which countries have received the most part of such people (Fig. 1) (Refugees from Ukraine..., 2023).

Data in the Figure 1 show that since the beginning of hostilities in Ukraine, Poland (32.2%), Germany (21.3%) and the Czech Republic (9.9%) received the most Ukrainians from the total number of persons registered for temporary protection (Refugees from Ukraine..., 2023).

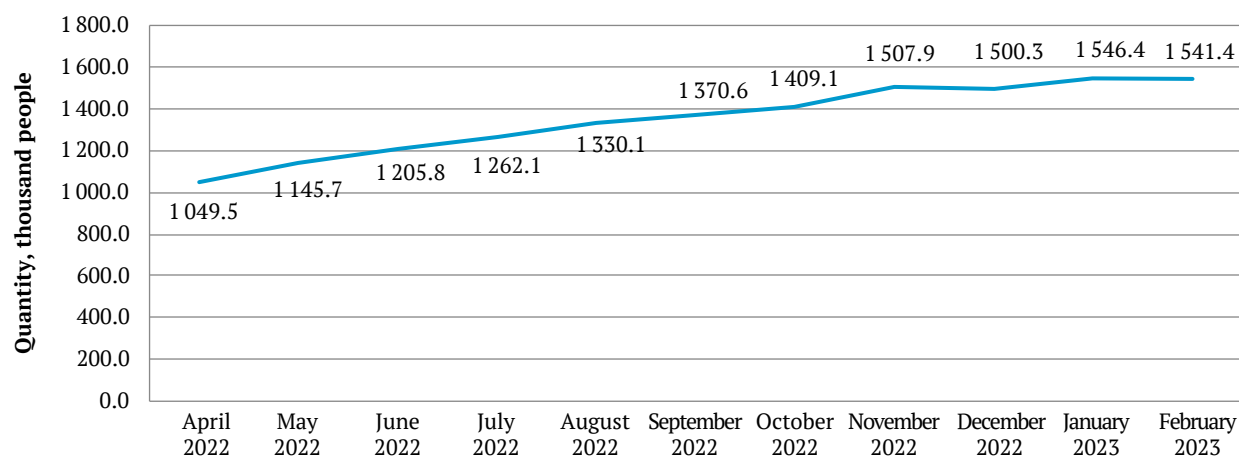
Analysis of the provision of temporary protection for Ukrainian citizens fleeing the war should be carried out on the example of Poland, which received the largest number of Ukrainians. During the period from April 2022 to February 2023, the number of registered Ukrainians for temporary protection in Poland gradually increased (Fig. 2) (Refugees from Ukraine..., 2023).

As it can be seen from the Figure 2, the number of Ukrainians (who expressed a desire to ask for temporary protection in Poland during the war) increased by 47% during the analyzed period (Refugees from Ukraine..., 2023). This indicates a high level of Ukrainians' trust in Poland as a country, which can guarantee their protection. In November 2022, the number of Ukrainians who received temporary protection in Poland began to grow due to the intensification of Russia's terrorist aggression against Ukraine's critical infrastructure.



**Figure 1.** Number of persons displaced from Ukraine to the European countries as of January 2023

**Source:** compiled on the basis of data (refugees from Ukraine..., 2023)



**Figure 2.** Dynamics of the number of Ukrainians registered for temporary protection in Poland from April 2022 to February 2023

**Source:** compiled on the basis of data (refugees from Ukraine..., 2023)

In Poland, the Law on Assistance is the main regulatory document regulating the provision of the right to citizens of Ukraine to temporary protection. As for the normative regulation of the issue of providing citizens of

Ukraine with the right to temporary protection and issuing a document confirming it, the chronology of events regulating this in the legislation can be considered in the Table 1 (Law of the Republic..., 2022; Jablonska-Bonsa, 2022).

**Table 1.** Regulatory support for determining the terms of temporary protection of Ukrainians in Poland and obtaining documents confirming such status

| Date       | Document (event)                                                                                                                                                                                                                                                                                                                         | Basic provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12.03.2022 | Law is adopted                                                                                                                                                                                                                                                                                                                           | 1. The stay of citizens of Ukraine in Poland for 18 months, starting from February 24, 2022, is considered legal if such citizens: a) legally entered the territory of Poland after February 24, 2022, and b) declare their intention to stay in Poland.<br>2. Registration of persons no later than 60 days from the date of entry into the territory of Poland and obtaining a PESEL number (in Polish Powszechny Elektroniczny System Ewidencji Ludności) with a UKR mark.<br>3. Obtaining PESEL numbers is necessary to exercise the right to health care, education, social security, etc. However, registration for PESEL is not mandatory.<br>At the same time, it was not supposed to issue a certificate confirming the status of a registered person. |
| 12.07.2022 | The Ministry of Internal Affairs and Administration has submitted an application to the European Commission for obtaining a temporary document Diia.pl, which will confirm the legality of stay of Ukrainians in Poland. A similar message was sent simultaneously to the EU member states and associated countries of the Schengen area | From July 23, 2022, the presence of the Diia.pl electronic document, together with a valid identity document in the mobile application of a citizen of Ukraine gives the right to cross the borders of Poland, the EU and move within the Schengen zone for 90 days during each 180-day period.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 25.01.2023 | Amendments to the Law on Assistance                                                                                                                                                                                                                                                                                                      | 1. Mandatory receipt of PESEL has been introduced and the registration period for PESEL has been reduced to 30 days. The termination of social payments to citizens of Ukraine temporarily leaving the territory of Poland has been introduced. If such an absence exceeds 30 days, a citizen of Ukraine loses the status and right to social assistance.<br>2. The changes introduced guarantee the legal stay in Poland for citizens of Ukraine from February 24, 2022 to August 24, 2023.                                                                                                                                                                                                                                                                    |

**Source:** compiled on the basis of data (Law of the Republic..., 2022; Jablonska-Bonsa, 2022)

As it can be seen from the Table 1, since the beginning of March 2022, the Law on Assistance (Law of the Republic..., 2022) did not provide for issuance of documents to registered citizens of Ukraine confirming the status of temporary protection and provision of the right to move throughout Europe. However, later, in July 2022, the electronic document "Diia.pl" has been introduced, which confirms the status of a person registered for temporary protection and gives the right to move within the Schengen area, including crossing the borders of Poland (Jablonska-Bonsa, 2022).

It should be noted the following: the absence of a norm in Polish legislation in the first half of 2022 regulating the EU countries to provide Ukrainians (who have received temporary protection) with documents confirming this status created certain difficulties for such Ukrainians. Thus, according to the Directive 2001/55/EC, the European countries are required to provide persons (using temporary protection) with an appropriate document that confirms their rights throughout Europe (except for states that did not participate in the adoption of the Directive 2001/55/EC) (Council Implementing Decision..., 2022).

In addition, among the rules established in the Directive 2001/55/EC and the Implementing Decision (Council Directive..., 2001; Council Implementing Decision...,

2022) on crossing the border by Ukrainians who have received temporary protection, there are:

- ◆ persons displaced from Ukraine should get the right to go to the EU country they have chosen to register for temporary protection. In this case, after entering the country, there is a 90-day period of free movement introduced for Ukrainian citizens in 2017;

- ◆ in case of receiving a document confirming the right to temporary protection in the country (to which the displaced person has applied), the rule of 90-day period of stay in the EU disappears; in turn, the right to a long stay and free movement within the EU appears. However, the only requirement is to spend more time in the state in which the person is registered, rather than in other countries;

- ◆ person who has received temporary protection in the EU is given the right to travel to Ukraine for a short time to resolve domestic or personal issues. After returning to the EU country, the right to temporary protection remains.

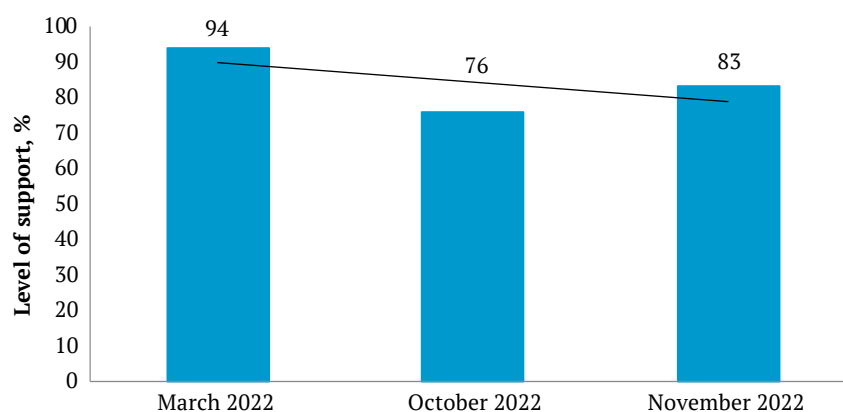
Thus, if a person displaced to Europe does not have a document confirming the right to temporary protection, after the expiration of 90 days, such persons lose their legal right to stay in the EU with all the subsequent consequences, including the fines and deportation to the country of citizenship. Some Ukrainians found themselves in this situation, who registered for temporary protection in

Poland, but received only a *PESEL* number without supporting documents; and after the expiration of 90 days in Poland, they lost their right to move freely within the borders of the EU. However, since July 2022, Poland has introduced an electronic document *Diia.pl*, which confirms the identity and gives the right to persons displaced from Ukraine to cross the EU borders.

It is worth noting that the goodwill, humanity, readiness and desire to provide assistance (which the Poles showed towards the Ukrainians who asked for temporary protection in Poland and those who remain in Ukraine) deserves great respect and gratitude. The Polish government provides great support to Ukrainians, providing them with housing, social benefits, medical and other services necessary for human existence. According to the National Bank of Ukraine, education costs for about 560.000 Ukrainian children registered in Poland in 2022 amounted to 2.2 billion euros, and the cost of their med-

ical care – 1.5 billion euros (Impact of Ukrainian..., 2022).

The study conducted in 2022 by the *EWL* migration platform shows that 70% of the citizens of Ukraine (who received temporary protection in Poland) were employed, and more specifically: 29% – in the gastronomy and hotel industries, 18% – in the service sector, 14% – in the industrial production and trade, 7% – in agriculture and logistics (Employees from Ukraine..., 2022). The Polish government makes efforts to accelerate the integration of Ukrainians in order to increase the employment of qualified personnel (teachers, doctors, programmers, and others), which will contribute to GDP growth from 0.2% to 3.5% (Poles about the..., 2022). The integration of Ukrainians in Poland is also facilitated by the organization of free courses for learning the Polish language. At the same time, there is a decrease in the level of support for Ukrainians among Polish citizens (Fig. 3) (Poles about the..., 2022).



**Figure 3.** The level of support by Polish citizens to Ukrainians who applied for temporary asylum during March-November 2022

**Source:** poles about the war in Ukraine (2022)

As it can be seen from the Figure 3, in October compared to March 2022, the level of support for Ukrainian migrants decreased by 18%, but in November it increased by 7%; but in general, there is a downward trend (Poles about the..., 2022). In general, the majority of Poles (about 61%) consider the assistance of Poland to Ukrainian migrants as sufficient. The part of Polish citizens who consider this assistance too large is constantly growing: in October, compared to September – by 3%, and compared to April – by 12% (Poles about the..., 2022).

Such an attitude of the Poles is due to an increase in crime among Ukrainians in Poland, a violation of the culture of behavior operating in Polish society, as well as the abuse of social assistance. Thus, for example, Poles assess the payment of material assistance for Ukrainian children by 5% worse, and by 16% – free accommodation for Ukrainians who received temporary protection. In this regard, the Government of Poland in January 2023 has adopted amendments to the Law on Assistance, which provide for increased control and, in some cases, a decrease in the level of material assistance to immigrants from Ukraine (Table 2) (Law of the Republic..., 2022).

Data in the Table 2 shows that the Polish Government tries to reduce the Ukrainians' abuse of receiving social benefits funded by Polish taxpayers through the amendments to the Law on Assistance (Law of the Republic..., 2022) in January 2023. In addition, Poland's social security institutions are faced with the task of verifying the actual presence in Poland of migrants from Ukraine receiving payments.

Based on the above-mentioned, the Government of Poland and its citizens are doing everything possible to support and provide the necessary assistance to persons who have left Ukraine as a result of Russia's armed aggression and who have asked for protection in Poland. However, it should be noted the need to strengthen control over the receipt of social payments by migrants from Ukraine and optimize the volume of assistance for residence, measures that have already begun to be implemented by amending the Law on Assistance (Law of the Republic..., 2022).

Therefore, it is necessary to determine the directions according to which it will be expedient to improve the provision of temporary protection to Ukrainians in Poland and in Europe as a whole. Among these directions, there

are the main ones: encouraging Ukrainians to learn the language of country in which they have received temporary protection, which will allow them to gain access to more qualified and paid jobs; stimulate to get a job; reduce the level of state assistance to persons who have not expressed a desire for a long period to find a job. The proposed solutions will reduce the burden on the state budget

of the country that provides assistance to persons who have requested temporary protection, strengthen control over the areas of assistance to displaced persons and simulate them to work and fill the budget of the country that has provided this person with everything necessary for living, maintaining a satisfactory state of health, children's education and other needs.

**Table 2.** Main amendments to the Law on Assistance that came into force on January 28, 2023

| The essence of changes                                                        | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Termination of social payments for the period of departure from Poland        | Social benefits are suspended for the duration of travel outside Poland. If such a departure exceeds 30 days, the person completely loses the right to social assistance and the status of temporary protection.<br>In case of departure from Poland for up to 30 days, it is necessary to inform the Polish border guard about the intention to enter using the PESEL UKR document, which is valid only in Poland.                                                                                                                                                                                                                                                 |
| Conditions for providing free accommodation for displaced persons are limited | 1. After 120 days from the date of the first entry into the territory of Poland, a citizen of Ukraine with a PESEL number should cover 50% of the cost of accommodation and meals, but not more than PLN 40 per person per day.<br>2. After 180 days from the date of entry, Ukrainians with a PESEL number will cover 75% of the cost of accommodation and meals, but not more than PLN 60 per person per day.<br>3. Mandatory payment for accommodation will not apply to: people with disabilities; young children; pregnant women or persons raising a child under the age of 12 months; pensioners; persons who independently care for three or more children. |
| The conditions for financing educational institutions have been changed       | A requirement has been added to apply a formula according to which the amount of funding for educational institutions is calculated in 2023. Among the indicators considered when determining the amount of funding, there are current expenses for the maintenance of schools attended by children of Ukrainian citizens (whose stay in Poland is legal).                                                                                                                                                                                                                                                                                                          |

**Source:** compiled on the basis of data (Law of the Republic..., 2022)

## Discussion

Providing temporary protection for the population of Ukraine in other countries is extremely important and necessary during a period of military threat to the health and life of Ukrainians in their native country. Analysis of the conditions and features of the organization of temporary protection in the EU made it possible to identify problematic issues that arose during a large influx of migrants from Ukraine in early 2022, to assess the sufficiency of protecting their rights in another country and material support. The results obtained during the study have shown the need to improve the provision of temporary protection in the EU, in particular, on the example of Poland, by introducing measures that will reduce the burden on the budget of the host country and encourage them to integrate into the environment in which they are temporarily located.

The results of the study indicate that the Polish legislation initially had certain shortcomings, because it did not contain requirements for the mandatory issuance of a document confirming the registration of the right to temporary residence of Ukrainians. The Polish scientist J. Jablonska-Bonsa (2022) made a similar conclusion in her work; she also analyzed the Law on Assistance, highlighted its main provisions from a practical point of view and the potential of application for Ukrainian citizens who came to Poland escaping from the military events in Ukraine.

The Polish scientists K. Sobczak-Szelc *et al.* (2022) made a valuable research based on the results of the interviews with Ukrainian migrants. With the help of multidimensional analysis, they highlighted in their work the processes of reception and integration of migrants in Poland.

The scientists have proved that the difficulty of finding appropriate housing is one of the important reasons why some Ukrainian migrants who have received protection in Poland decide to move further to Western Europe, because the international support may be better in those countries.

However, the studies by the Polish author A. Chłóń-Domińczak (2020) indicate both the problems with housing in Poland and getting a job. The scientist argues that a significant scale of migration has led to a labor market deficit in Poland. In addition, the scientist appropriately emphasizes that a large number of foreigners in Poland creates a complication for functioning of the social protection system.

Large flows of Ukrainian migrants were also unexpected for other countries and they showed the main strengths and weaknesses of temporary protection as a legal instrument in Europe. Thus, the scientists K. Bakhtina (2022) and R. Damen *et al.* (2022) considered the features and problems of temporary protection, using the example of the Netherlands. In particular, author notes the need to check persons fleeing the war in Ukraine and provide protection only to those persons who permanently resided in Ukraine; and the persons who lived on the basis of a temporary certificate, they may return to their country of origin. R. Damen *et al.* (2022) reviewed the study regarding the understanding of refugees who arrived in the Netherlands and the essence of integration into the local politics. The authors notes that such persons become independent through getting a job, knowing the language, social connections, etc. At the same time, the author emphasizes the importance of broad, practical and person-oriented support.

The Finnish scientist L. Näre *et al.* (2022) studied the research of migratory flow of Ukrainians in the Scandinavian countries. Author noted that the acceptance of immigrants from Ukraine did not cause moral panic among local residents, but she emphasized the imperfection of procedures for providing temporary protection. It is worth agreeing with the results of research by the Dutch scientist G. Bosse (2022). She emphasizes that military operations in Ukraine also pose a threat to European countries; they should be aware of this and take on greater responsibility for protecting Ukrainians. In the work, it has been noted the too long-term introduction of provisions of the Directive 2001/55/ EC regarding the implementation of temporary protection of persons arriving in the EU countries. The Turkish scientist H.D. Genç (2019) adheres to similar conclusion; he has argued that the real concern of the EU Member States must lie in balancing of their efforts to provide temporary protection.

Based on the results of the study, it was analyzed certain provisions of legislation in force in Europe on temporary protection. It was concluded that the Polish legislation did not contain requirements for the issuance of a document confirming the legal stay of Ukrainians in Poland (at the beginning of hostilities in Ukraine), which caused some inconvenience for migrants. The Turkish scientists D. Zenginkuzucu (2021) and E.E. Yılmaz (2019) made similar studies, which examined the Turkish regime of temporary protection in comparison with international protection standards and human rights law, as well as the conditions for terminating the regime of temporary protection in Turkey. It is worth agreeing with E.E. Yılmaz (2019), who notes that temporary migrants cannot return to their home country in a short period of time after a long armed conflict (as it happened, for example, in Syria (7 years)); therefore, the countries that provide temporary protection should unite and develop their own strategies to support migrants from affected countries.

The Finnish scientist J. Jauhiainen *et al.* (2022) has made efficient research on the example of Estonia that will help to develop further strategy of support for Ukrainians. The scientist examined the issue of physical mobility of Ukrainians who fled the consequences of war, analyzed the compliance of aspects of the Directive 2001/55/EC with the needs of Ukrainians in Estonia, and also studied the level of availability of housing, employment, education for children, medical and social services for them. Agreeing with the author, it should be noted that not all Ukrainians were aware of the services or had access to them; so in the future, more attention should be paid to ways to involve them in the development and implementation of provisions of the Directive 2001/55/EC (Council Directive..., 2001).

Considering the state and needs of Ukrainians for temporary protection in the European countries, the American scientist A. Javanbakhtet (2022) rightly notes the need to pay attention to the mental state of people arriving in another country. Thus, if such people have come from a zone of active hostilities, they are most likely to be in a state of anxiety, depression, etc. The importance of improving their mental health is explained by the fact that they will be able to quickly adapt and return to a full life

for temporarily living in another country. The Swiss author S. Mesa-Vieira *et al.* (2022) shares the same opinion; she argues that displaced persons (affected by the armed conflict) are very prone to mental health disorders and need psychiatric care, especially for young people. Comprehensive approaches to solving the living conditions of displaced persons contribute to the physical and mental recovery from the psychological trauma received by migrants, and it is worth agreeing with it.

In addition to the mental health of Ukrainian immigrants, many scientists have studied the likelihood of aggravation of the coronavirus pandemic in European countries due to an increase in the number of migrants. In particular, the Italian scientist A. Perciaccante *et al.* (2022) paid attention to this issue; he noted the relationship between the war and pandemic, as well as noted the need to strengthen measures to vaccinate the population. The Chinese scientist J. Su *et al.* (2022) also paid attention to the above-mentioned issue; he studied the problems with which the health professionals faced by meeting the health needs of refugees.

The Canadian scientist H. Greenaway *et al.* (2022) considered the issue of overloading the healthcare institutions in other countries with immigrants from Ukraine. She noted that coordinated actions are needed from politicians, hospital managers and doctors to strengthen their healthcare systems and increase their readiness to accept temporarily displaced people.

It is worth agreeing with the German scientist A. Aslund (2022) who considers that the predominant concentration of migrants from Ukraine in the European countries leads to additional costs that impose a financial burden on these countries. Therefore, it is important to find a solution for equitable distribution of refugees among the EU Member States, which will ensure the improvement of the EU migration policy.

Consequently, the analysis of results of the scientists' research on the implementation of temporary protection in the European countries for population of Ukraine (who leave their homes due to the war) indicates that this problem is being considered in different directions. They provide for consideration of the following questions: to what extent the legislation on temporary protection in the host country meets the requirements of the Directive 2001/55/EC; the adequacy of organization of health care for migrants, the provision of housing needs, etc. The measures proposed in the work to reduce the financial burden on the countries hosting the largest number of migrants meet the proposals of the above-mentioned scientists regarding the need to distribute responsibility for providing temporary protection between the European countries, which will improve the availability and quality of protection services.

## Conclusions

The study shows that providing protection in the European countries for people (who try to escape the war in Ukraine) is of great importance for saving their life and health.

The goal set in this work and the analysis of main problems (that arise in the process of providing temporary protection to Ukrainians in Europe) made it possible

to formulate the following conclusions. It was proven that since February 2022, due to the hostilities, a number of people left Ukraine in search of safety was much more than it was predicted by the authorities of European countries; most of migrants asked for temporary protection in Poland. It was substantiated that certain provisions of the Law on assistance in force in Poland (from the beginning of its implementation) did not meet the requirements of Directive 2001/55/EC in terms of providing Ukrainians with documents confirming their stay in Europe. It has been revealed that the majority of Ukrainians who received temporary protection in Poland are employed, learn the Polish language and receive social assistance, medical services and education for children; thus, the Polish state spends significant amounts of funding from its budget for above-mentioned services.

The Polish citizens' analysis of the assessment of the level of support for Ukrainians testified to its decline due to an increase in crime among Ukrainians. It is proposed to improve the provision of temporary protection of Ukrainians in Poland by stimulating migrants from Ukraine to learn the Polish language and get a qualified job, optimize

and strengthen control over the social payments to temporary migrants from Ukraine, which will reduce the burden on the budget of host country and direct funds only to the urgent needs of Ukrainians.

This proposition is of practical importance for the Governments of the EU countries in developing policies regarding the main directions of temporary protection of migrants from other countries, as well as heads of migration and social services – in exercising control over the movement of migrants and the payment of state assistance to them.

The following directions will become the main ones for further research: the study and evaluation of the effectiveness of application of the provisions of Directive 2001/55/EC in terms of determining the fullness of the use of rights and freedoms by persons who are provided with temporary protection in the European countries.

### Acknowledgements

None.

### Conflict of Interest

None.

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## **Європейський захист українців на період воєнного стану: досвід Польщі**

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**Анотація.** Актуальність дослідження зумовлена необхідністю пошуку шляхів удосконалення тимчасового захисту українців в Європі під час воєнних дій в Україні. Метою роботи є аналіз норм європейського законодавства щодо захисту українців та визначення напрямів удосконалення. Основу методологічного підходу складає: аналіз статистичних даних; метод порівняння; графічний метод; метод узагальнення. Визначено країни Європи, до яких звернулося найбільше осіб за отриманням захисту на період війни в Україні. Виявлено недоліки в польському законодавстві щодо організації тимчасового захисту, зокрема в частині підтвердження реєстрації місця перебування українців, що дозволяє їм пересуватися в межах Європи. Було проведено оцінку забезпечення прав на тимчасовий захист для українців, зокрема працевлаштування і проживання та доцільності й переваг від внесених до польського законодавства змін, які передбачають оптимізацію допомоги для переселенців. За результатами оцінки рівня підтримки українців громадянами Польщі виявлено тенденцію до її спаду з причини збільшення порушення українцями правил поведінки. Окреслено напрямки удосконалення організації тимчасового захисту українців в Польщі, які полягають у стимулюванні переселенців вивчати польську мову та влаштовуватись на більш кваліфіковану роботу. Запропоновано посилення контролю владою Польщі за отриманням соціальної допомоги переселенцями, запобігання зловживанням такою допомогою та спрямуванню її на найнеобхідніші потреби для здоров'я, освіти та повноцінного життя людей, які перебувають під тимчасовим захистом в Європі. Результати та висновки мають практичну значимість для представників влади в країнах ЄС при удосконаленні політики тимчасового захисту мігрантів, та керівників міграційних і соціальних служб – при призначенні соціальних виплат

**Ключові слова:** переселенці; право на працевлаштування; соціальна допомога; підтвердження статусу зареєстрованого; європейське законодавство