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SHELTER LAW-MAKING: LEGAL RESPONSE TO THE MASSIVE MIGRATION CAUSED BY RUSSIAN AGGRESSION AGAINST UKRAINE

GENERAL REPORT

ON VISEGRAD COUNTRIES:

CZECH REPUBLIC
HUNGARY
REPUBLIC OF POLAND
SLOVAK REPUBLIC

RÉKA FRIEDERY
VĚRA HONUSKOVÁ
ALEKSANDRA MEŻYKOWSKA
MIROSLAVA MITTELMANNOVÁ
ANNA MŁYNARSKA-SOBACZEWSKA
LUKÁŠ NOVÁK
PIOTR POLAK



PRÁVNICKÁ
FAKULTA
Univerzita Karlova

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Univerzita Karlova

HUN
REN  tkjt

Authors:

Dr Réka Friedery, Ph.D.,

HUN-REN Centre for Social Sciences, Institute for Legal Studies, Hungary, ORCID: 0000-0002-1902-5772

Dr Věra Honusková, Ph.D.,

Centre for Migration and Refugee Law, Charles University, Czechia, ORCID: 0000-0003-0180-0707

Prof. ILS PAS Aleksandra Mężykowska,

Institute of Law Studies Polish Academy of Science, Poland, ORCID: 0000-0001-9283-2952

JUDr. Miroslava Mittelmanová,

The Human Rights League, The Faculty of Law of Trnava University in Trnava, Slovakia

Prof. Anna Młynarska-Sobaczewska,

Institute of Law Studies Polish Academy of Science, Poland, ORCID: 0000-0003-3029-2836

Mgr. et Mgr. Lukáš Novák,

The Human Rights League

Mgr Piotr Polak,

Institute of Law Studies Polish Academy of Science, Poland, ORCID: 0000-0001-7900-524X

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Scientific Council of ILS PAS Publishing House:

Prof. Celina Nowak

Prof. Anna Młynarska-Sobaczewska

Prof. ILS PAS Mateusz Błachucki

Prof. ILS PAS Paweł Podrecki

Prof. ILS PAS Małgorzata Łączkowska-Porawska

Dr Wojciech Drobny

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Publishing House of ILS PAS

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00-330 Warsaw

e-mail: wydawnictwo@inp.pan.pl

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INTRODUCTION

The General Report presented below constitutes a summary of information and conclusions contained in the national reports on Czechia, Hungary, Poland and Slovakia, and is the final output of Grant no. 22320067, entitled *Shelter law-making. Legal response to massive migration caused by Russian aggression against Ukraine*, co-financed by the Visegrad Fund. The national reports constitute the basis for the General Report; therefore, references to all sources and data are to be found there. The national reports are available in electronic form at:

www.inp.pan.pl

The main goal of the project was to analyse the legal actions taken and instruments created by the four Visegrad countries (V4) in response to the large-scale and unprecedented influx of people after 24 February 2022, the outbreak of the full-scale invasion of the Russian Federation against Ukraine. Above all, we identified the need to compare the actions taken in individual countries in order to distinguish the recurring solutions, identify those that have failed and select those that proved to be the most effective (good practices). In our opinion, the findings of the project will provide a solid basis for more effective legal actions related to the current migration crisis and possible crises in future. The conclusions and recommendations are in the final parts (VI and VII) of the General Report.

PART I

COUNTRIES' CHARACTERISTICS: SIMILARITIES AND DIFFERENCES

1. Ukrainians as a national minority and the largest migration group before 24 February 2022

The V4 countries have been quite homogeneous as far as the make-up of various nationalities in society is concerned. In all V4 countries, Ukrainians are officially recognised as a national minority and constitute one of the largest national minorities.

Czechia has a population of around 10.5–10.6 million, with population gains or losses being largely due to the arrival or departure of foreigners. One way to examine the composition of society is by looking at how residents—both citizens and foreign nationals—self-identify in terms of nationality, as recorded in population censuses. However, a key limitation arises from the fact that declaring one's nationality in the census is not mandatory. In the 2021 census, 31.6% of respondents chose not to answer this question. Of those who did respond, 83.8% identified as Czech, 5.0% as Moravian and 0.2% as Silesian. The most frequently declared among other nationalities were Slovak (1.3%), Ukrainian (1.1%) and Vietnamese (0.4%). For a more comprehensive picture, we must also consider statistical data on the number of foreign nationals residing in Czechia, even though this approach conflates the concepts of nationality and citizenship. In 2021 there were almost 200,000 Ukrainians in Czechia (and they were part of the census). The share of foreigners in the Czech population is gradually increasing, and in 2024 foreigners comprised 10% of the population.

A population census conducted on 1 October 2022 recorded Hungary's population at 9,604,000. Of those surveyed, 89% answered the optional questions on nationality, with 492,000 people identifying as belonging to one of the 13 nationalities legally recognised by the Hungarian state. Of these, 84.8% declared Hungarian nationality. The second-largest ethnic group is the Roma community, comprising 2.5% of the population and numbering 210,000 people. Other ethnic or national groups include Germans (143,000), Slovaks (30,000), Romanians (28,000), Ukrainians (25,000), Croats (22,000) and Serbs (12,000). The size of the Slovenian, Armenian, Bulgarian, Greek, Rusyn and Polish communities was estimated to be between 4,000 and 7,000 individuals in 2022.

Slovakia is the V4 country with the smallest population. According to the last national census in 2021, there were 5,449,270 inhabitants in Slovakia, of which only 58,498 (1.07%) were foreigners. In terms of nationality, 83.82% of the population (4,567,547) declared Slovak nationality, 7.75% (422,065) declared Hungarian nationality, 1.23% (67,179) reported Roma nationality, 0.44% (23,746) Ruthenian nationality and 0.53% (28,996) Czech nationality. Ukrainian nationality was declared by 0.17% of respondents (9,451 inhabitants). Members of other nationalities made up less than one tenth of one per cent of the total population. The Ukrainian minority is one of the 15 officially recognised minorities in Slovakia.

Poland is the most populous of the V4 countries. It is nationally and ethnically homogeneous. Data from the 2021 National Census show that as many as 99% of Poland's population identify unequivocally as Poles (36,620,217 people). Identification other than Polish was unequivocally indicated by only 1% of the population (397,848 people), including Silesians (187,372 people), Ukrainians (45,777 people), Belarusians (35,370 people) and Germans (23,495). There is also a group of people who feel they belong to more than one nation or ethnic community. The broader Ukrainian identification was declared by a total of 82,440 people.

At the same time Ukrainians were the largest group of labour migrants in the V4 countries, residing mainly on long-term visas, long-term residence permits and permanent residence permits. A large group of Ukrainians used the 90-day visa-free stay to take up employment without an official work permit. There are no official statistics in the V4 countries on the number of Ukrainians who have stayed on the basis of the visa-free regime.

In Czechia Ukrainians formed the largest group of labour migrants, both before and after 2022. They were able to enter the country without a visa based on the visa-free regime, and many of them also obtained long-term visas, long-term resident permits or permanent residence permits. The numbers of people from Ukraine were high compared to other groups of foreigners: in 2016 there were 109,850 Ukrainians residing on the basis of long-term or permanent resident permits; in 2021 there were 196,637. In 2021, before the people in Ukraine were forced to flee because of the large-scale Russian invasion, Ukrainians were ranked first among foreign nationalities in Czechia, with 196,637 people (accounting for 29.8% of all 660,849 foreigners and 1.87% of the total population of Czechia). In second place were citizens of Slovakia, with 114,630 residence permits; in third place were people from Vietnam, with 64,808 permits. The total number of foreigners on the territory of the Czech Republic in 2021 was 660,849, which represented approximately 6.26% of the total population. In 2024 the number of foreigners was 1,063,225, which represented 9.75% of the total population. At the end of 2022, citizens of Ukraine formed almost 60% of the total number of foreigners registered in Czechia (source of all the above statistics: Czech Statistical Office).

The largest population increase in Hungary between the 2011 and 2021 censuses was among people of Ukrainian nationality. Their numbers grew from 7,396 to 24,615, primarily due to the war in Ukraine. Ukrainians were exempt from needing work permits for certain occupations affected by labour shortages, provided their employment was registered by their employers. In 2021 4,539 Ukrainian workers were registered (out of 14,870 foreign workers reported by employers). Additionally, 203 work permits were issued to Ukrainians (out of 23,278 work permits issued to foreign workers). By 2024 Ukrainian nationals had become the largest group of foreigners employed in Hungary, accounting for one fifth of the foreign workforce. A residence permit can be obtained for stays exceeding 90 days based on the reason for the stay. For permanent stays, a national residence card, an EU residence card or an interim residence card can be obtained.

At the end of 2021 the number of Ukrainian citizens with valid residence permits in Poland exceeded 300,000. Valid residence permits could be obtained in Poland in different ways: legal residence (temporary residence, permanent residence or long-term EU residence), international protection or a short stay on the basis of a Schengen visa issued by a Polish authority or another Schengen state. Thus, Ukrainians accounted for almost 57% of the total number of

foreigners residing in the country. The significant rise in Ukrainian immigration noticeable since 2014 is mainly related to the desire to take up employment. The main factors influencing this phenomenon were the economic and business situation in Ukraine, the introduction of visa-free travel and easier access to the Polish labour market. Almost 84% of Ukrainian citizens have temporary residence permits, which can be valid for up to 3 years. The vast majority of these are issued in connection with taking up employment (77% of cases). The next most common purposes for staying in Poland are family issues (12%) and education (2%). These figures do not take into account persons staying in Poland temporarily under the visa-free regime or on the basis of visas.

Ukrainian citizens made up the largest community of foreigners residing in Slovakia after the full-scale Russian invasion as well as before the outbreak of war. They have been eligible to arrive in Slovakia for short-term stays based on the visa-free regime between the EU and Ukraine. For stays exceeding 90 days, Ukrainians could apply for a national (type D) visa, temporary residence, permanent residence or a tolerated stay. In addition, as any foreigner, Ukrainians could apply for international protection; if they fulfilled the legal conditions, they were granted asylum or subsidiary protection. As of 31 December 2021, there were:

- 92 Ukrainians granted a national (type D) visa in 2021
- 49,131 Ukrainians with temporary residence
- 7,346 Ukrainians with permanent residence
- 3 Ukrainians with a tolerated stay
- 1 Ukrainian who applied for international protection in 2021
- 0 Ukrainians who were granted asylum or provided with subsidiary protection in 2021

Statistical data about the countries as of 31 December 2021/1 January 2022

Country	Number of inhabitants	Number of all foreigners with regularised residence	Number of Ukrainian citizens with regularised residence
Czechia	10,900,555	660,849	196,875
Slovakia	5,434,712	167,519	56,480
Hungary	9,610,403	202,525	30,707
Poland	37,766,000	460,000	approx. 300,000

PART II

MASS INFLUX OF UKRAINIAN CITIZENS – EMERGENCY OR REGULAR SITUATION?

All Visegrad countries have constitutional emergency procedures in place in the event of extraordinary circumstances that could pose a significant threat to the state or its citizens. However, the mass influx of refugees has triggered extremely different reactions from the authorities and has led to completely different solutions.

In Poland, Hungary and Slovakia, the mass influx of refugees from Ukraine overlapped with the ongoing *state of emergency* (Hungary), *state of pandemic threat* (Poland, abolished on 1 July 2023) and *extraordinary and crisis situation* (Slovakia) that were declared in connection with the COVID-19 pandemic. In Czechia there was no similar state of emergency in place at the beginning of 2022 (the last state of emergency due to COVID-19 was terminated on 25 December 2021).

The Czech response to the mass influx in 2022 primarily relied on the general framework of the state of emergency declared by the government. A resolution of the Government of the Czech Republic from 2 March 2022 was issued in response to the large-scale migration wave, declaring a state of emergency for 30 days starting from 4 March 2022. The resolution addressed the immediate needs of incoming individuals, including the regularisation of residence and the provision of food, accommodation and health care. This resolution was immediately followed by numerous crisis measures, also issued as resolutions of the Government of the Czech Republic, covering many matters such as a special type of visa for Ukrainians. The state of emergency was extended twice and lasted until 30 June 2022.

The state of emergency also served as a framework for the state administration's functioning. A crucial addition to this framework was the *Leges Ukrainae*, a set of three main laws aimed at handling the basic issues of the crisis (Lex Ukraine – Temporary Protection [including health care], Lex Ukraine – Employment and Lex Ukraine – Education). Initially, the primary focus was on providing basic assistance to incoming individuals (ensuring material provisions and available accommodation), registering them and establishing the legal framework for their stay in Czechia. All three laws came into force on 31 March 2022, with their validity being limited to one year, until 31 March 2023. The laws were prolonged and are still active, having also been changed many times.

As for Hungary, the government declared the necessity of a special legal order in response to the Russian–Ukrainian war. However, it was necessary to amend the Fundamental Law of Hungary in order to introduce a special legal order due to the war. On 24 May 2022, the parliament therefore adopted the tenth amendment to the Fundamental Law, allowing the government to declare a state of emergency in the event of an armed conflict, war or humanitarian disaster in a neighbouring country. This amendment to the Fundamental Law enables the government to declare a state of danger again and to continue to govern the country with

emergency powers. A state of danger due to the war in Ukraine was introduced by Government Decree 180/2022 on 24 May, and it came into force the following day.

No state of emergency was declared in Poland due to the Russian aggression in Ukraine. It should be noted that in 2021 a state of emergency was imposed for a period of 90 days in the areas of Poland that neighbour Belarus (within a 3-km strip along the border, which covered less than 200 villages). The reason for its introduction was the migration crises orchestrated by the Belarusian authorities and directed against the European Union. Thousands of migrants, especially from the Middle East, were being brought to the border in order to cross it illegally and consequently create an immigration crisis. The state of emergency was abolished on 1 July 2022. Two weeks after the start of the invasion, the Polish authorities passed one main law with retroactive effect from 24 February 2022: the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that country (“Special Act”). It regulates the status of persons fleeing Ukraine. The Special Act was not passed in an expedited legislative mode, although the procedure to adopt it lasted only 5 days (the bill was sent to the Sejm on 7 March, and the President signed the Act on 12 March). The Special Act was amended 27 times (13 times in 2022 and 7 times each in 2023 and 2024). The provisions of 23 other laws have been amended by this act.

In Slovakia one day after the beginning of the full-scale invasion of Ukraine, the government approved the bill on certain measures in connection with the situation in Ukraine (“Lex Ukraine I”), submitted by the Ministry of the Interior of the Slovak Republic. The bill was subsequently approved in an abbreviated legislative procedure in the National Council of the Slovak Republic (NCSR). Lex Ukraine I entered instantly into force, on 26 February 2022. Assuming that the security situation in Ukraine at that time could result in a mass migration to Slovakia, the legislators considered it necessary to implement economic mobilisation measures, in particular material measures concerning the need to provide foreigners with accommodation, transport and medical help, as well as the possible imposition of work obligations. Lex Ukraine I in fact amends four existing legal provisions, including the wording of Act No. 42/1994 Coll. on Civil Protection of the Population (hereinafter also referred to as the “Civil Protection Act”), which extends the definition of an emergency event to include a “mass influx of foreigners into the territory of the Slovak Republic”. This legislative change was necessary for the Slovak Government to be able to declare an extraordinary and crisis situation on the territory of the Slovak Republic in response to the large-scale arrival of refugees from Ukraine. This was a prerequisite for the effective implementation of the relevant economic mobilisation measures. Until the adoption of Lex Ukraine I, a natural disaster, accident, catastrophe, health hazard of the second degree or terrorist attack was considered to be an extraordinary event within the meaning of the Civil Protection Act. The state of extraordinary and crisis situation is still in force.

	Did the country declare a special legal state in relation to the influx of refugees from Ukraine?	When was the special legal state declared?	When was the special legal state revoked?	Were special legislative powers used by the executive?
Czechia	Yes - constitutional basis - “state of emergency”	4 March 2022	30 June 2022	Yes
Hungary	Yes - constitutional basis – “state of danger”	24 May 2022	Still in force	Yes
Poland	N/A	N/A	N/A	N/A
Slovakia	Yes - statutory basis - “extraordinary and crisis situation”	26 February 2022	Still in force	No

PART III

LEGAL AND PRACTICAL MEASURES TAKEN AFTER THE START OF THE WAR

1. Contingency plans and appointment of institutions devoted to coordinating help to refugees

None of the V4 countries had ever experienced such a large, sudden wave of migration as in the spring of 2022.

In Czechia, the numbers of people seeking protection in the 1990s were counted in the thousands, and in 2015 the number of arrivals was extremely low compared to other European countries, with almost no-one remaining on the territory. A large-scale migration wave was nevertheless perceived over the long term as a possible threat to national security. The contingency plan itself had been created by the Ministry of the Interior in 2010, and it was updated in 2014 and 2022. In addition to general emergency and crisis measures, Czechia thus possessed a contingency plan for a large-scale migration crisis, which was continuously updated. However, this plan was not explicitly referred to as the foundation for the state's response in spring 2022, even though certain steps (such as unified registration points) were presumably based on it. In immediate response to the mass influx of people, emergency measures affecting the general (whole) population were taken, and an extraordinary state of emergency was introduced.

Hungary was already in a unique position. Following an amendment to the Act on the Right of Asylum (Act LXXX of 2007) in 2015, a special legal order was introduced in 2016 in connection with the Syrian migration crisis: the “state of danger due to the mass migration crisis”, which is still in place. Under this order, the government could rule by decree. On 11 March 2020, Government Decree 40/2020 on the declaration of a state of emergency came into force, introducing yet another special regime: the “pandemic state of danger”. The two emergency states overlapped. The state of emergency declared to address the pandemic was lifted on 1 June 2022, being replaced on 25 May 2022 by a new state of emergency due to the war in Ukraine, the war state of danger. Therefore, between 25 and 31 May 2022, the two types of emergency coexisted: the epidemiological state of danger expired on 31 May 2022, while the state of danger due to war began on 25 May 2022. In addition, Act XLII of 2022 (relating to the elimination and management of consequences of an armed conflict or humanitarian disaster in a neighbouring country) entered into force on 23 November, establishing specific rules relating to the emergency situation pursuant to the government decree proclaiming an emergency situation and certain emergency measures in view of the armed conflict or humanitarian disaster in Ukraine, and to avert and manage the consequences thereof in Hungary.

Before the outbreak of war, Poland had a National Crisis Management Plan that was adopted by the Council of Ministers on the basis of regulations from 2007 (Act on cri-

sis management of 2007). The Plan was updated on 3 March 2022. The National Crisis Management Plan instituted the SOP-9 procedure: "Actions in the event of a mass influx of foreigners into the territory of the Republic of Poland". This procedure succinctly covers the key aspects related to such mass migration, i.e. the legal acts regulating the issue, the steps to be taken, the manner in which the various tasks should be performed, the entities responsible for their implementation and their executors. The number of people who entered Poland from Ukraine as a result of Russian aggression far exceeded the predictions. As a result, instead of sticking strictly to the provisions of the Plan, it was decided to adopt an act to autonomously regulate how to deal with refugees. The key change was to shift the burden of organising assistance from a central office, the Office for Foreigners, to territorially distributed representatives of the Council of Ministers in all 16 voivodeships. This does not change the fact that merely reckoning with the possibility of mass migration made it possible to select in advance the key areas where action had to be taken. It also allowed the relevant services to prepare accordingly (e.g. the Border Guard reported that after 24 February 2022, it proceeded in accordance with plans and service procedures related to border clearance, although they required certain modifications).

The Slovak government adopted its first contingency plan for managing a potential mass influx of Ukrainian refugees on 26 October 2022, over eight months after the Russian invasion began. Covering the period October 2022 to March 2023, the plan included detailed activation mechanisms and crisis response phases, anticipating up to 700,000 new arrivals. However, the plan was never activated, as the threshold for triggering its measures was not met. A revised version was adopted in June 2023 for the period July–December 2023, extending the planning timeframe but keeping the original structure. This updated plan also remained inactive, with all refugee-related responses handled on an ad hoc basis, limiting strategic predictability.

In order to enhance the coordination in providing help to refugees, some of the V4 states appointed special institutions or offices. The Czech government established the Strategic Group for Coordination of the Refugee Crisis, serving as an advisory body to the government, on 13 April 2022. The National Coordinator for Managing the Refugee Crisis, responsible for leading the Strategic Group, was appointed on that day. This body was reformed a year later into the Strategic Committee for Coordination of Adaptation and Integration of Refugees from Ukraine under the government, coordinated by the Government Commissioner for Human Rights. In March 2023, the Hungarian Government appointed a Government Commissioner for Persons Fleeing the Russian–Ukrainian War to Hungary. In Poland, on 1 April 2022 a Government's Plenipotentiary for War Refugees from Ukraine was appointed. The main aim of this appointment was to better coordinate the existing work of the provincial offices and the activities of the various ministries involved in providing assistance to those seeking refuge in Poland from the war in Ukraine. The office was abolished on 16 May 2024. In Slovakia, the government did not establish any special body, person or institution that would be charged with tasks in relation to the mass influx of refugees in Ukraine. The coordination was ensured by numerous working groups and intergovernmental steering committees having a general mandate to manage migration, not only in relation to Ukraine.

2. The practical opening of borders

2.1. War-related influx of Ukrainians into V4 countries

From the beginning of the war, all V4 countries allowed almost all refugees from Ukraine into their territories, including those who had not met the conditions for entry set by the Schengen Border Code, e.g. possessing a valid identity document and valid entry title. The legal basis for such action was Article 6(5)(c) of the Schengen Borders Code, according to which entry can be permitted despite the non-fulfilment of some conditions “on humanitarian grounds, on grounds of national interest or because of international obligations”.

Czechia does not have a land border with Ukraine; it borders only EU countries. This means that there are no border controls and thus no data available on border crossings. There were no problems created by Ukrainian citizens being refused entry into Czechia, as it is a state without external borders.

Regarding Hungary, immediately after the start of Russian aggression, the number of individuals arriving in Hungary from Ukraine reached approximately 200,000. In response to this significant influx, the authorities extended the operating hours of all border crossing points between the two nations. As for border crossings, 2,302,366 individuals entered Hungary from Ukraine, and 592,373 Ukrainian nationals entered Hungary from Romania in 2022.

In 2022 the Polish–Ukrainian border was crossed 17 million times. However, this figure includes multiple border crossings by one person, and cannot be equated with the number of people crossing the border. For comparison, in 2021 the border was crossed 8,730,051 times. According to Border Guard data, from 25 February 2022 to 25 May 2022, only 927 Ukrainian citizens were refused entry at land border crossings with Ukraine.

In 2022 2,132,480 persons legally crossed the Ukrainian–Slovak border, of which 1,189,512 entered Slovakia and 942,968 left Slovakia. In March 2022 alone, a total of 238,592 people entered the Slovak Republic through the Ukrainian–Slovak border, the highest number ever. For comparison, in 2021, the Border Guard at the Ukrainian–Slovak border recorded 851,718 crossings, representing 365,812 persons entered Slovakia and 485,906 left Slovakia. In 2022, the Bureau of Border and Foreign Police of the Presidium of the Police Force refused entry at the Slovak–Ukrainian border to 1,053 individuals. These were mainly Ukrainians (798), but also Turks (56) and Uzbeks (22).

2.2. COVID-19 pandemic

In 2022 COVID-19 restrictions were still being applied in some countries. However, they did not negatively influence the reception of refugees in any of the V4 countries.

There were no pandemic restrictions in Czechia in place in February 2022.

In Hungary the epidemiological (COVID-19) entry restrictions were lifted on 7 March 2022, and the government ended the state of danger due to the COVID-19 pandemic on 1 June 2022.

In Poland the COVID-19 pandemic-related restrictions were not formally repealed until 1 July 2023. However, they did not stand in the way of taking in refugees from Ukraine, because just before the armed conflict began in Ukraine – as of 19 February 2022 – the Minister of Internal Affairs and Administration restored unlimited (full) border traffic at border crossings with Ukraine (the traffic remained limited at border crossings with Russia and Belarus). In turn, starting 25 February 2022 the Council of Ministers exempted persons

crossing the Ukrainian–Polish border in connection with the armed conflict on Ukrainian territory from the obligations to undergo a seven-day quarantine and to present a negative diagnostic test result for SARS-CoV-2. The pandemic-related restrictions did apply to others entering the territory of Poland (until they were completely removed).

In Slovakia at the start of the war in Ukraine, several pandemic restrictions were put in place, including special quarantine obligations for people entering the territory of the Slovak Republic. On 15 February 2022 the Public Health Authority of the Slovak Republic adopted a new decree, No. 21/2022, according to which the quarantine obligations did not apply to people entering Slovakia from neighbouring countries in which they were in danger due to national or international armed conflict.

The above examples prove that Ukrainian citizens were able to leave their country smoothly and without hindrance in order to enter the V4 countries.

PART IV

LEGAL STATUS OF UKRAINIANS SEEKING PROTECTION

1. Necessity of adopting new legislation

In all V4 countries the mass influx of refugees from Ukraine required rapid legal amendments to the existing laws that would reflect to the new reality. These acts are listed in the table below.

Country	Name of legal act	Date of adoption	Procedure	Form	Amendments
Czechia	(1) Lex Ukraine – Temporary Protection (2) Lex Ukraine – Employment + social support (3) Lex Ukraine – Education	(1) 17 March 2022 (in force since 21 March) (2) the same as (1) (3) the same as (1)	(1) abbreviated legislative procedure (state of legislative emergency declared) (2) the same as (1)	(1) standalone act which did NOT amend existing laws (lex specialis to the Act on Temporary Protection) (2) the same as (1) (3) the same as (1)	(1) 7 times (2) 6 times (3) 6 times
Hungary	Government Decree No. 86/2022. (III. 7.) (TP Decree)	7 March 2022		government decree	14 times
	Government Decree 180/2022	24 May 2022	required the Fundamental Law to be amended: “state of danger” in the event of an “armed conflict, war or humanitarian disaster in a neighbouring country”	government decree	new government decrees have extended the state of danger related to the war in Ukraine ever since it expired (as declared by the decree)
Poland	“Special Act”	12 March 2022, with retrospective effect since 24 February 2022	no urgent procedure, but adopted very quickly	standalone act amending 23 existing laws	27 times
Slovakia	“Lex Ukraine I (II, III, IV)”	first adopted on 26 February 2022	accelerated legislative procedure	standalone act(s) amending 36 existing laws	no amendments to Lex Ukraine I, II and III Lex Ukraine IV was amended once

2. Regularisation of stay: temporary protection

In Poland, Hungary and Slovakia, there have been interesting dual systems providing temporary protection (TP) – European TP vs national TP:

- Poland: national TP provided under the Special Act vs TP provided in connection with the activation of the Temporary Protection Directive (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 - TPD) by the EU Council Implementing Decision (Council Implementing Decision 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection) as transposed by the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland
- Slovakia: national TP provided under Resolution of the Slovak Government No. 144/2022 vs TP provided after the TPD was activated by the EU Council Implementing Decision under Resolution of the Slovak Government No. 185/2022
- Hungary: national TP under Article 19(1)(b) of the Asylum Act vs European TP provided after the TPD was activated by the EU Council Implementing Decision under Article 19(1)(a) of the Asylum Act

This dual system indicates that, at least for Slovakia and Hungary, the EU's response to the mass influx of refugees from Ukraine was not fast enough, as they had to start providing (national) TP before the TPD was activated. The same issue concerned Czechia, but this resulted not in the introduction of a dual protection system, but in granting "toleration status" initially, and issuing temporary protection instead of toleration status. The reasons for introducing a dual system of protection in Poland were different. Adopting a separate legal act which granted protection status allowed the Polish authorities to control the groups of beneficiaries of TP: broader (national) protection was granted to Ukrainian citizens and their families (spouses and children), whereas narrower protection (restrained to the benefits indicated in the TPD) was granted to citizens of third countries and stateless persons.

Czechia issued toleration visas until temporary protection was activated, then issued temporary protection stays (toleration visas were considered temporary protection stays after the TPD was activated).

The Hungarian government was the first in Europe to grant temporary protection to all persons who had a legal basis to stay in Ukraine and had fled to Hungary, initially regardless of nationality. The enactment of Government Decree 56/2022 on 24 February 2022 resulted in Article 19(1)(b) of the Asylum Act being applied. In Hungary, regarding temporary protection, Act LXXX of 2007 on Asylum delineates two forms of temporary protection, distinguished by their respective geographical scopes of application. Article 19(1)(a) of the Act incorporates the provisions of the TPD into Hungarian law. However, Article 19(1)(b) of the Asylum Act is not contingent upon the TPD, and thus exists exclusively within the confines of Hungarian law, with its application being limited to the territory of Hungary. Under Article 19(1)(b) of the Asylum Act, non-Ukrainian third-country nationals who had fled from and were legally residing in Ukraine were allowed to apply for temporary protec-

tion. However, this is no longer possible under the TP Decree currently in force. Displaced persons arriving from Ukraine since 24 February 2022 were previously granted temporary protection, but under the prevailing regulations individuals who are not Hungarian and/or Ukrainian nationals are no longer eligible for temporary protection.

Unlike the minimum requirements for the personal scope of temporary protection set by the Council Implementing Decision, Slovakia provided TP to all Ukrainian citizens regardless of whether they were residing in Ukraine before 24 February 2022, or whether they had been provided temporary protection in other EU countries before applying in Slovakia.

Czechia has defined the *ratione personae* of the temporary protection in its legislation strictly in line with the mandatory group defined by the Implementing Decision. It decided not to grant temporary protection to foreigners with temporary residence in Ukraine, such as students from other countries or basically anyone who did not have a permanent residence permit.

In Poland the personal scope of national TP was narrower than that defined by the Implementing Decision. In practical terms, national TP is granted only to Ukrainian citizens, excluding stateless persons and the beneficiaries of international protection in Ukraine before the war – those people may benefit from TP as transposed from European law.

The process of extending TP is automatic in Hungary, Poland and Slovakia (Czechia requires re-registration), meaning that the respective national authorities will adopt a decision (act) in line with the decision of the Council of EU on TP prolongation, and no bureaucratic procedure is required by the TP holders. TP holders are allowed to use “old” residence documents with an expired date on it with no obligation to exchange it for new, valid one. In real life in some countries (Slovakia), this created a lot of issues for TP beneficiaries, namely in accessing health services and employment or opening a bank account. In Poland, TP is confirmed by “diia.pl”, an electronic document certifying the identity and legal status of its bearer. It is the only document confirming the right to stay in Poland under national TP and the fact that protection was granted. Czechia asked the beneficiaries of temporary protection to re-register; they had to register in the system by 31 March of each year and appear in person at the Ministry of the Interior office by 30 September. In this way, the state ascertains the actual number of persons on the territory with temporary protection, which is suitable for planning expenses or the capacity of schools. In Hungary, the National Directorate-General for Aliens Policing launched a free mobile app called Menedekes in 2022. The self-developed app helps those fleeing the Russian–Ukrainian war to fill in their application for protection and to record their data electronically. While the app can help speed up the administrative procedure, the electronic recording of data does not constitute submission of an application, which still requires appearing in person for photography and fingerprinting. As an alternative to this app, it is possible to submit an application for protection in advance and to record the applicant’s data via the “Enter Hungary” interface after pre-registration.

3. Temporary protection vs international protection

In accordance with Article 17(1) of the TPD, in all V4 countries persons enjoying temporary protection must be able to lodge an application for asylum at any time. The implementation of this provision has different consequences for the various V4 countries.

Czechia permits the submission of applications for international protection, but has decided to suspend the proceedings until the temporary protection scheme is officially concluded.

In Hungary, contrary to Article 17(1) of the TPD, it is not possible for either applicants for temporary protection or beneficiaries of temporary protection to apply for asylum in Hungary. On 26 May 2020, the government issued a government decree that introduced a new asylum system, the so-called “embassy procedure”. If a person who is eligible for temporary protection or who already benefits from temporary protection wants to seek asylum in Hungary, they must submit a request in Ukraine or Serbia. Despite ongoing obstacles in the Hungarian asylum system, in 2022, out of the 40 Ukrainians submitting applications for international protection, 10 were granted refugee status.

In Poland, according to the Ukrainian Special Act (Art. 4, point 17a), a foreigner who submits or declares the will to submit an application for international protection loses the status of a temporarily protected person. The request can be submitted in numerous places on the territory of Poland. Despite this, Poland has seen an increase in applications from Ukrainian citizens for international protection. The main reasons are the unstable status of temporary protection beneficiaries and their fear of being conscripted into the Ukrainian army or having to fulfil other civic obligations. A person applying for international protection is provided with social assistance and medical care. While waiting for the decision on international protection, the foreigner’s stay in Poland is considered legal.

In Slovakia, if a beneficiary of TP submits an application for international protection, they automatically lose TP status and obtain the status of an asylum applicant. The processing of asylum applications submitted by Ukrainian citizens was not suspended. In practice, most such applicants from Ukraine have been provided with subsidiary protection. On the other hand, since the start of the war in 2022, only one Ukrainian refugee has been granted asylum in Slovakia.

4. Temporary protection vs other forms of regularising one’s stay

In Hungary and Slovakia, TP holders can apply for regular types of residence; however, they have to meet the same conditions as other third-country nationals. Regarding Hungary, for Ukrainian nationals applying for protection to be recognised as a beneficiary of temporary protection, it is necessary to make a verbal declaration to the authority. This can be done either through customer service at the National Directorate-General for Aliens Policing or at the Government Customer Service (Kormányablak). Ukrainian nationals without a biometric travel document or a valid travel document wishing to enter the country may request a temporary residence certificate at the border. This document must be presented within 30 days to the National Directorate-General for Aliens Policing at the place of residence.

If a third-country national has been granted temporary protection in Slovakia, they may submit an application for a temporary residence permit in person at the respective department of foreign police.

Czechia introduced a special type of residence permit in 2025, aimed at only a small portion of TP beneficiaries. In Czechia, transitioning from temporary protection to another status was prohibited (even the international protection procedure was suspended), largely for political reasons—Ukraine wants to ensure that its citizens return and not become assimilated elsewhere. This reason is even explicitly mentioned in the explanatory memorandum to the draft law that changed the respective act.

The Polish authorities have adopted a different approach to that of the other V4 countries. By 2023 Poland had introduced special types of legal titles for residence that were created for

the beneficiaries of national TP, thus mainly Ukrainian nationals (and their families). New forms of residence permits include temporary residence for Ukrainian nationals, one-year temporary residence for Ukrainian nationals and a residence card for Ukrainian nationals (the provisions on this last type have not yet entered into force; their activation depends on the creation of appropriate digital systems). These new forms of regularised residence meet the need to stabilise the situation of refugees (e.g. temporary residence for Ukrainian nationals) and to regularise the stay of those who do not meet all the requirements to benefit from the “ordinary” regulations (e.g. one-year temporary residence for Ukrainian nationals). It should be noted that, given the “temporary” nature of temporary protection, an increasing number of Ukrainians are applying for international protection in Poland, as obtaining it is a more certain path for obtaining permanent residence at a later date.

5. Statistical data on Ukrainians in January 2025

In Czechia there are currently 433,540 Ukrainians staying on the basis of temporary protection, as well as 202,317 with a permanent or long-term residence permit or long-term visa (because there was almost no possibility of obtaining another type of residence permit other than temporary protection, the numbers of other stays did not increase).

In Hungary, between 24 February 2022 and 31 October 2023 32,712 Ukrainians applied for temporary protection in 2022, and 6,474 in 2023. Within this period, 35,668 Ukrainians were granted temporary protection. Interestingly, 2,639 applications were withdrawn by the applicants, which may be done for one of three reasons: because foreigners may only stay in Hungary on the basis of one status at a time, because temporary protection has already been granted by another Member State or because the exclusion clause applies. Also, within the same period, 2 traditional asylum applications were submitted by Ukrainians in 2022, and 1 in 2023. Applications for other grounds of residence (apart from asylum) were also submitted: 37,896 in 2022 and 17,615 in 2023.

In Poland, the general number of Ukrainian people in 2025 is approximately the same as it was in 2021, although the legal basis for their residence has changed. In January 2025, approximately 1,553,451 Ukrainians had a regularised residence status in Poland: 554,000 had temporary, permanent or long-term EU residence permits, 992,036 Ukrainians and members of their families benefited from national TP, 1,415 benefited from temporary protection under EU law and relevant Polish provisions and 6,000 had been granted international protection since 2022 (excluding persons who had previously been granted international protection). Ukrainians are by far the most numerous group of foreigners in Poland, accounting for 78% of all foreigners living in the country.

As of 19 January 2025, there were 132,220 foreigners with valid temporary protection status in Slovakia. The number of Ukrainians with some form of residence permit also increased. As of 31 December 2024 there were:

- 52,136 Ukrainians with temporary residence (compared to 49,131 in 2021)
- 13,901 Ukrainians with permanent residence (compared to 7,346 in 2021)
- 31 Ukrainians who had applied for international protection in 2024
- 0 Ukrainians who had been granted asylum
- 10 Ukrainians who had been provided with subsidiary protection in 2021.

PART V

SELECTED MATERIAL ISSUES

Despite the general framework created by the Temporary Protection Directive, which was transposed into law in all the countries it covered, in practice the rights and privileges granted to Ukrainian citizens depended to a large extent on the political will of the countries—ranging from the minimum framework outlined by the TPD to a much broader catalogue of rights and equal status with citizens of the host country. These rights therefore vary considerably in the countries covered by the study, although the framework is the same. A comparative analysis was made in a few selected areas.

1. Employment

The differences in approach are clearly visible in the regulation of access to employment and business activities in the host countries.

In Czechia, the first law regulating the employment of temporary protection holders was Lex Ukraine – Employment (Act No. 66/2022 Coll.), which was adopted to regulate the employment and social security of incoming individuals. A straightforward solution was implemented: a foreign national with temporary protection is considered equivalent to a foreign national with permanent residence. This means that their access to the labour market is unrestricted.

Hungary offers several solutions for Ukrainians. Those holding a biometric travel document can take up employment in certain shortage occupations immediately upon entry, even without submitting an application for recognition of temporary protection. In non-shortage occupations, Ukrainian citizens with a biometric travel document may work for up to 90 days following their entry, provided they obtain a work permit. Furthermore, on 7 March—shortly after the outbreak of war—Government Decree 86/2022 came into force; it states that individuals applying for recognition as beneficiaries of temporary protection have the right to work in Hungary, including through HR service providers. The employer is required to report their employment of a beneficiary of TP in accordance with Section 71 of Act II of 2007 on Asylum. Applicants for TP status may also be public workers. According to Government Decree No. 121/2022 on the rules relating to the state of danger concerning the employment of health workers from Ukraine, for starting work it is sufficient for the foreigner to present an employer with documentation proving their educational attainment and scientific degrees issued in Ukraine and recognised by the state, and to simultaneously begin homologation of their qualifications. This means:

- if they hold professional qualifications in health care, they also have the right to work in their field until the recognition or homologation procedure ends
- if they hold qualifications as a physician, dentist or pharmacist, they may participate in the tertiary-level health vocational training system without homologation

or recognition of their professional qualifications, also until the recognition or homologation procedure ends.

Poland has granted Ukrainians the unconditional right to be employed and conduct economic activity. According to the Special Act, all Ukrainian citizens (both those who arrived after 24 February 2022 and those who were living in Poland before that date) have the right to work in Poland if they are legal residents of Poland (their stay can be regularised in many ways, including for those covered by TP). The only duty is to notify the District Labour Office of their employment. Ukrainian citizens may also engage in economic activities under the same rules as Polish citizens, provided that they formally register and obtain an identification number. Those legally residing on the territory of Poland may also register and be recognised as unemployed or as seeking employment. The Polish Special Act grants special exemptions to professionals working in professions that require specific national recognition of qualifications. This applies in particular to professionals working in medicine. Ukrainian physicians or dentists may be authorised to practise their profession for a period of 32 months and may be granted the conditional right to practise if they fulfil the conditions specified in the Act for these occupations. Similar exemptions were provided for psychologists, nurses and midwives under similar conditions and for the same period. Ukrainian psychologists may provide psychological services, but only to Ukrainian citizens residing in the territory of the Republic of Poland. Citizens of Ukraine may also be employed as tutors or child care workers, psychologists and pedagogues in institutional forms of foster care in which Ukrainian children are placed. Due to the exemption provided by the Special Act, citizens of Ukraine may also be employed by the local government and in the public administration. The Special Act also provides some exemptions for university teachers and academics who wish to work in Poland. A significant problem is that most workers who came from Ukraine work below their qualifications and for uncompetitive rates. The regularisation of residence and employment, as well as the creation of a registration system for Ukrainian workers after the outbreak of the war, resulted in fewer workers employed in the “grey zone”, working illegally and without the right to social security.

In Slovakia, TP holders may enter labour relations right after being granted temporary protection. In cases when a TP holder applies for a temporary residence permit for employment purposes and wishes to continue working in the same job they have held for at least six months, the employer is not obliged to report the job vacancy to the Labour Office for the purpose of assessing the labour market, but they may request the Labour Office to issue a work permit immediately. The situation differed in cases where TP holders were interested in self-employment. Slovak legislation, namely the Act on the Residence of Foreigners, did not allow persons on a tolerated stay to be self-employed. The TPD was not correctly transposed into Slovak legislation, and it was only after comments from NGOs and international organisations that it was made possible for TP holders to do business under the amendment to the Act on the Residence of Foreigners that entered into force on 15 July 2024.

2. Social assistance

Refugees from Ukraine have generally been included in the social security system available to citizens of the Visegrad countries, and have also been provided with certain special benefits (usually small or one-off) granted specifically for them.

In Czechia, Ukrainians with temporary protection were not granted access to regular social benefits. The state introduced a new “humanitarian allowance” of CZK 5,000 (EUR 200). Initially, this benefit was granted universally, without a financial assessment, and was available to all, including those who arrived between the Russian invasion and the official declaration of temporary protection, meaning that they held only a toleration visa. The allowance, paid by labour offices, was automatically provided for the first month and could be extended for an additional five months upon request. The law also introduced a new “solidarity household allowance”, which provided financial support to those individuals who offered free accommodation to foreign nationals with temporary protection (later to persons with temporary protection).

Hungary granted numerous benefits under the domestic system of family allowance, particularly in the areas of infant and childcare. Specifically, Ukrainian citizens with a child born after 31 December 2023 who fulfil the eligibility criteria are entitled to receive the infant care allowance and childcare allowance, linked to their insurance. However, for Ukrainian citizens, only the insurance period acquired in Hungary (when residing in Hungary) can be taken into account when calculating these allowances. Ukrainian citizens may receive maternity support, the family allowance, the childcare allowance and the child-rearing benefit. In accordance with Government Decree 106/2022 of 23 March 2022, the allocation of the regular subsistence allowance is exclusively designated for only recognised beneficiaries of temporary protection and for Ukrainian-Hungarian dual citizens who departed Ukraine since 24 February 2022. According to the Asylum Decree, the allowance is set at HUF 22,800 (approximately EUR 55) per adult per month, and HUF 13,700 (approximately EUR 30) per child per month. However, recipients are required to accept a job offer within 45 days of receiving the first payment of the allowance.

In Poland, Ukrainian citizens have been integrated into the general social assistance system under the same conditions as Polish citizens. First and foremost, they have access to benefits from the social assistance system—designed for people in difficult living and material situations (Act of 12 March 2004 on social assistance)—and to the family benefits system, dedicated to people in difficult situations related to the birth of a child, illness, disability and old age (Act of 28 November 2003 on family benefits). In addition, Ukrainian children are entitled to the same benefits as Polish children. The most important of these is the child-related benefit, which used to be in the amount of PLN 500 (EUR 115) per month, and rose to PLN 800 (EUR 185) per month in January 2024 (Act of 11 February 2016 on state assistance in raising children). This benefit is due regardless of income and is intended to partially cover expenses related to raising a child, including caring for them and satisfying their needs. However, since 1 July 2024 the payment of the child-related benefit is conditional upon fulfilling the obligation for compulsory education in a school within the Polish educational system.

Persons covered by TP in Slovakia are entitled to a wide range of social benefits. These relate to employment and social security, insofar as the beneficiaries are employed or self-employed, as well as sickness insurance benefits. Those who are not employed or self-employed may be entitled to assistance from the Slovak Republic under the same conditions as Slovak citizens through assistance, subsidies and state social benefits, such as the benefit in material need, the protection allowance, the dependent child allowance and the housing allowance.

In addition to the fact that TP beneficiaries have been integrated into the general social assistance system, special measures have been provided for migrants from Ukraine. The Special Act also temporarily (between 24 February 2022 and 30 June 2024) introduced a special benefit for Ukrainian citizens: a one-time cash benefit in the amount of PLN 300 (EUR 70). It was available to anyone who came to the territory of Poland in connection with the war in Ukraine, and it was granted through a simplified procedure. In 2022, the one-time cash benefit was granted to 1,070,300 people, or 596,400 households of Ukrainian citizens. Although the benefit in question was not high, it was nonetheless inclusive and allowed for the satisfaction of current needs (e.g. food, travel expenses or accommodation).

3. Health care

In all the V4 countries, Ukrainian refugees have been included in the publicly funded health care systems in the same way as persons covered by compulsory health insurance or with a special status granted in the country. However, the scope of this care and its availability varies considerably.

Czechia granted health care to Ukrainian refugees under Lex Ukraine – Temporary Protection (Act No. 65/2022 Coll.) on 21 March 2022, ensuring coverage for all arrivals from 24 February 2022 onward, including children born during this period. However, in June 2022 the state began to slow down its previously open approach. In the area of health insurance, a 180-day limit was introduced, during which the state covered insurance costs for protected persons aged 18–65, i.e. the state continued to pay for people aged 18–65 for only 6 months. After that, with some exceptions, they must pay for it themselves. Currently, individuals granted TP are entitled to public health insurance funded by the state for the first 90 days without distinction. After this period, state coverage continues only for certain categories of beneficiaries, such as children under 18, students aged 18–26 and individuals over 65. Continuous participation in the public health insurance system for at least two years, with no outstanding debts, is currently a prerequisite for obtaining the new special residence permit introduced for Ukrainians with temporary protection.

In Hungary, according to Government Decree 86/2022, people enjoying or applying for temporary protection are entitled to the following medical care: basic medical care, including the services of a family doctor; examination, medical treatment, medication and bandages used in the course of urgent outpatient care; urgent inpatient medical care and treatment of a physician, including surgical interventions, as well as the medicinal products and prosthetic tools used in it, for medicinal care, medication and dining. Furthermore, they are eligible for outpatient specialist care or inpatient care and the necessary examination, treatment, any medicine that is not substituted for any other medication and medical aid necessary for administering medicine, until healed from the disease or in a stable condition. They are also eligible for other medical care ordered by a physician, for emergency dental care and tooth retention, pregnancy and obstetric care and for the protection of the life of the foetus, transportation if it cannot be organised otherwise due to health, mandatory vaccination, oncology specialist care and other chronic patient care, including examination and treatment. The designated location for treatment is the health care institution that is deemed competent for the applicant's place of residence.

Poland granted full health care for all Ukrainian refugees. According to the Special Act and the Act of 27 August 2004 on health care services financed from public funds, health care is

provided to the beneficiaries of temporary protection on the same terms and almost to the same extent as for people covered by health insurance (despite sanatorium treatment and some special medication treatment programmes). Guaranteed benefits include access to primary health care, outpatient specialised care, hospital treatment, psychiatric care and addiction treatment, medical rehabilitation, dental treatment, emergency medical services, palliative and hospice care, highly specialised services and certain medicines. The services provided under the National Health Fund are free of charge. According to the National Health Fund, in 2022 nearly 365,000 Ukrainian citizens received 1.15 million medical services. The increase in the number of entitled persons resulted in extended waiting times for medical services. The main problems relate to organisational issues (information and language barriers, a lack of prior medical documentation and waiting times for medical consultation), which are difficult to resolve quickly. The Polish authorities came up with an innovative solution to facilitate communication between patients and doctors. In 2022, the Polish Ministry of Health—on the initiative of the Polish Institute of Mother and Child—launched the application LikarPL, which is available in PC and mobile versions. It facilitates medical advice for Ukrainian citizens, enables communication between patient and doctor and helps to obtain a quick diagnosis of the patient's condition. The application consists of two modules, one for the patient and one for the doctor. In the part for the patient, there is a special form into which basic data about the patient's condition should be entered. The questionnaire can be completed on a computer or phone and is available in Ukrainian, Russian, Polish and English. The module for the doctor is used during the visit. With the app, during a medical consultation, the patient's language will be translated into the doctor's language and vice versa. Everyone speaks in their own language and the system displays a translated transcription. The module ensures smooth communication between doctors and patients.

In Slovakia, due to the armed conflict in Ukraine, persons who were only transiting through Slovakia or who had not yet applied for temporary protection or asylum were entitled to urgent health care during the first 30 days of entry into Slovakia. Those who have applied for temporary protection in Slovakia (Section 22(5) of the Asylum Act and Governmental Resolution 144/2022) were entitled to urgent health care as asylum seekers and, in cases worthy of special consideration, to medical care indicated by a doctor. Health care is paid for by the Ministry of Interior of the Slovak Republic (Migration Office). However, the details of this health care were crucial; the temporary protection holders had difficulty accessing it. Therefore, as of 11 April 2022, the Bratislava Self-Governing Region opened a special ambulance for TP holders in Bratislava, staffed by Ukrainian medical personnel. Currently, TP holders in Slovakia are entitled to reimbursement for health care (and medicine) to the same extent as Slovak insured persons (excepting spa care). Minors are entitled to the same health care coverage as Slovak insured children from 1 January 2023.

4. Education

One of the biggest challenges faced by legislators and administrators of the Visegrad countries in relation to the mass influx of Ukrainian refugees was to adapt the education system to accommodate the huge number of Ukrainian children, to regulate their legal situation and to establish rules for classification and examinations. An important, yet somewhat overlooked problem was adapting schools to the language skills of children from Ukraine. These problems were solved in a fairly similar way, i.e. the countries generally left to the parents and children

the right to choose between a school in the country of arrival or distance learning at the school they left in their homeland. However, this solution has proven to be a serious barrier to children and adolescents integrating with their new peer groups, and has also resulted in a complete lack of state control over the education of these children.

In Czechia, *Lex Ukraine – Education* (Act No. 67/2022 Coll.) addressed issues related to education, including preschool, primary, secondary and higher vocational education, as well as regulations for universities. Given that a substantial proportion of the arrivals were children subject to compulsory education, the law stipulated that they would be placed in regular catchment-area schools. It was apparent that the state initially anticipated significantly fewer incoming children, as an overall shortage of places later appeared in kindergartens and schools, affecting both Czech and Ukrainian children.

The law primarily aimed to provide necessary adaptation measures and language instruction, extend the application deadline for secondary schools and appoint assistants to facilitate adaptation. Notably, the law waived the requirement for these assistants to be proficient in the Czech language and allowed state funding for Ukrainian-speaking teaching assistants.

A large number of the children remained in Czechia. As of March 2023, the Ministry of Education, Youth and Sports reported that more than 50,000 children were enrolled at all levels of education, including 40,000 in primary schools. Although primary education is compulsory in Czechia, school attendance was not initially enforced for Ukrainian arrivals; enforcement began on 1 September 2022. Participation in Czech schooling has been hindered by three main factors: (1) a lack of available places in schools and kindergartens, (2) the language barrier and (3) the simultaneous continuation of online education from Ukraine.

In practice, simultaneous Czech and Ukrainian education meant that children spent their mornings and part of their afternoons in a Czech school, while the remainder of the afternoon was dedicated to fulfilling their obligations in an online school following the Ukrainian curriculum. This arrangement led to excessive workload, fatigue and a lack of opportunities to learn Czech through additional – more relaxed – activities. These issues became the subject of intensive negotiations between the ministries of education of the two countries, and in the autumn of 2022 an agreement in the field of education was reached, establishing at least the necessary coordination and communication. Children's participation in schools is gradually increasing, while a larger proportion of older children are not attending school at all.

A similar solution to include children in the education system has been applied in Hungary. Ukrainian children fleeing to Hungary become subject to compulsory and free education (obligatory in Hungary for children over the age of 3 years) when they (their parents) submit an application for recognition as a beneficiary of temporary protection. They are entitled to participate in public education under the same conditions as Hungarian citizens. The principle of free choice of school also applies to pupils who submit an application, while school districts are obliged to admit children who arrive at their schools. The law stipulates that Ukrainians who receive any form of financial assistance in Hungary are obligated to enrol their children in kindergarten from the age of three. Failure to comply with this requirement within the designated timeframe will result in the forfeiture of financial aid. While this stipulation is not always consistently enforced in practice, the law does allow for legal action to be taken against the parent, even a prison sentence. To facilitate children's learning of Hungarian, a textbook for Hungarian as a foreign language is made available to schools for years 3–8. The

government provides a subsidy to cover the cost of five hours per week of individual tutoring for refugee pupils, including Hungarian language learning and subject-related catching-up. Furthermore, children who hold dual citizenship between Ukraine and Hungary are granted equal access to the education as their Hungarian counterparts. However, it should be noted that not all refugee children are enrolled in formal education institutions. Informal education programmes and online learning are not recognised as substitutes for compulsory education in Hungary. As for higher education, persons residing in Hungary who have been granted temporary protection are entitled to pursue academic studies at higher education institutions, subject to the stipulations outlined in the relevant legislation.

In Poland the Special Act includes a broad range of provisions specifying the forms of organising schooling for Ukrainian pupils, who are entitled to attend Polish schools immediately and without any formal requirements. This includes the possibility of creating schools in new locations and free and accompanied transport for children.

The Special Act supplemented the rights of Ukrainian pupils to learn in preparatory divisions, i.e. classes in which pupils learn the Polish language and carry out part of their compulsory education in a way that is adapted to their language skills. Additional Polish language lessons may be provided for Ukrainian children in a preparatory division (at least six hours per week). Ukrainian pupils are excluded from the annual/mid-year classification, i.e. they are not obliged to pass the “regular” subjects in the core curriculum. A Ukrainian teacher may be employed as a teacher’s assistant to help pupils who do not know Polish language sufficiently.

In reality, it turned out that very few such preparatory divisions were created, as no more than 15% of Ukrainian pupils had an available place in a preparatory division. Education in Poland was available but not compulsory for Ukrainian children. Until September 2024 Ukrainian children and pupils still receiving education in a kindergarten or school functioning in the Ukrainian system through distance education methods and techniques were not subject to compulsory education if their guardians declared so. However, such declarations and actual schooling were extremely difficult to verify. In fact, less than half of them (49%) attended Polish schools. Ukrainian online classes were the preferred form of learning between 2022 and 2024: 83% of pupils from Ukraine declared that they attended online schools following the Ukrainian curriculum.

In the 2024–25 school year, compulsory schooling for Ukrainian children was introduced, except for students in the final year of the Ukrainian education system. Compulsory education has been linked to the receipt of the 800+ family benefit as of 1 September 2024; the benefit will be paid to persons from Ukraine under the condition that their child attends primary or secondary school. The Polish Special Act and implementing regulations also provide quite detailed systems concerning assessment, grading and examinations for adapting the educational process to the needs and abilities of children and adolescents who are citizens of Ukraine. The changes to the operating system of higher education institutions are much less significant, primarily due to the autonomy of schools and self-regulation. The Special Act merely allows for changes to the internal regulations from some time constraints to match the needs of newly arriving students during the academic year.

In Slovakia Ukrainian children were directly included in the educational process, which means they do not have to go through an admission procedure or an entrance exam; the headmaster includes a pupil based on a request from the child’s legal guardian. The school

should ascertain the child's previous education and proficiency in the national language, and the headmaster should enrol the child in the appropriate grade and class by issuing a written enrolment document. If the child does not have sufficient knowledge of Slovak, they are only conditionally enrolled in the appropriate grade according to their age. Additionally, compulsory education is tied to the child's permanent residence in Slovakia. According to the Ministry of Education, if children from Ukraine have been granted only temporary residence (in the case of TP holders), they are not obliged to fulfil compulsory pre-primary or school attendance in Slovakia, since their residence is only a type of permitted residence. This rule was changed in 2025: as of 1 January 2025, an amendment to the School Act provides that if temporary protection has been granted to a child from Ukraine or proceedings for granting temporary protection have been initiated between 1 January 2025 and 31 August 2025, the child's legal representative is obliged to apply within three months for enrolment of the child in the education system. The municipality where the child resides or has temporary protection and the competent local state education authority shall designate the school in which the child will be educated.

Many Ukrainian children with temporary protection in Slovakia have continued their online education in Ukraine after being granted temporary protection in Slovakia. Parents who did not ask their children's headmasters to enrol their children were not sanctioned. However, from 1 September 2025, if the legal representative of a child fails to ensure the child's proper participation in education, the headmaster shall notify the competent local education authority and the municipality governing the legal representative's place of residence for temporary protection of this fact.

Regarding the education at the universities, there is also a procedure to verify the level of education. The public authorities shall designate a recognised university or secondary school, according to the level of education indicated by the applicant with international protection, which shall verify the level at which the content and scope of the education indicated corresponds to the content and scope of comparable education in the Slovak Republic. Certification of educational attainment shall be by examination.

5. Accommodation

The mass influx of refugees from Ukraine to all the countries covered by the report created an obvious need to provide them with accommodation. In general, two regulatory paths were created: the first was to provide temporary, but immediate shelter with the help of the public authorities. When it comes to providing immediate and temporary shelter, the regulations of the Visegrad countries are based on creating accommodation in humanitarian centres or other asylum facilities. The second stage consisted of facilitating individuals in securing a place to live, which required the use of rental agreements with landlords; in this respect, certain mechanisms were also created to help in concluding contracts and financing tenancy.

One of the first measures introduced by Czechia under the declared state of emergency was the provision of accommodation in state-owned buildings: the state mandated the administration at both the national and regional levels to provide accommodation. The accommodation was ensured by premises at both central and regional authorities. The main practical role in ensuring temporary accommodation was played by Regional Assistance Centres for Ukraine (KACPU), which handled the initial registrations and were responsible for housing assistance, among other things. The issue of accommodation was further incorporated into the fun-

damental Lex Ukraine – Temporary Protection (Act. No. 65/2022 Coll.) to apply beyond the end of the state of emergency. The legislation defined the concept of accommodation, regulated the provision of accommodation in buildings of the regional authorities, ministries and other central administrative bodies, ensured the registration of accommodation and covered the reimbursement of flat-rate accommodation costs. As of 1 September 2024, the option of free accommodation was restricted to a maximum of 90 days from the granting of initial temporary protection. After this period, the right to free emergency accommodation ceases, even for vulnerable individuals.

According to Government Decree 86/2022, which came into effect on 7 March 2022, the reception centre and community shelter provided accommodation for Ukrainian applicants awaiting recognition, for up to 30 days after they receive it. Beyond that, if they chose to stay in private accommodation their stay was subsidised by the state until 20 August 2024. Since then, the rules on support for accommodation were tightened in two ways. Firstly, as of 21 August 2024, private accommodation providers are no longer able to enter into a direct contract with the government. To accommodate refugees, the government will enter into a contract exclusively with the Hungarian Charity Service of the Order of Malta (Malta), which may decide to contract with private accommodation providers. However, municipalities are still eligible to conclude a contract with the government for accommodating refugees. Secondly, as of 21 August 2024, the government will subsidise accommodation costs only for those who arrive from Ukraine’s “war-affected territories” – including Ukrainian–Hungarian dual nationals. Only those TP applicants who arrive from the war-affected territories of Ukraine are eligible for subsidised housing, given that they apply for TP within one month of arrival. And after the recognition of their temporary protection status, only those who arrive from the war-affected territories of Ukraine and fall under one of the following vulnerability criteria are eligible for subsidised accommodation: pregnant women, persons under the age of 18 and one of their parents/guardians (if the parent/guardian lives in the same household), persons with a disability and their carer and persons over the age of 65. Regarding employers, as of 1 August 2023, the government introduced a new housing allowance scheme, whereby the state reimburses employers of Ukrainian persons who are beneficiaries of temporary protection in the amount of HUF 80,000 or HUF 120,000 each month, depending on whether the accommodation is located in a city or rural area as defined in Annex 2 of Government Decree No. 17/2016 on family housing subsidies for the purchase or expansion of used housing, or in a different settlement. Furthermore, applications for the housing allowance are permitted only if the employed beneficiary of temporary protection has a child under the age of 16 years enrolled in Hungarian public education.

In Poland, accommodation assistance to TP beneficiaries has taken various forms, at different stages of their stay and according to their needs. The first form of assistance was accommodation in centres organised by the local governmental entities (voivodes). Starting 24 February 2022 the voivodes have provided assistance, including accommodation, to Ukrainian citizens to the extent that resources are available, for no less than 2 months from the date of their first entry into Poland. Since 1 March 2023, accommodation assistance may be provided for no longer than 120 days, after which it may still be provided, but covering only 50% of the cost (additionally, the beneficiaries have to apply for a personal identification number). After the next 60 days, the cost to the beneficiary increases to 75%. The restrictions

do not apply to vulnerable people, such as the elderly and people with disabilities. From 24 February 2022 until 30 April 2023, assistance involving the provision of accommodation and collective feeding benefited a total of nearly 506,000 citizens of Ukraine.

The response of Polish citizens to the arrival of Ukrainian refugees allowed a large number of them to be housed in accommodation provided by private entities. It is estimated that by May 2022, 149,400 people in 12 major Polish cities had hosted 525,400 refugees in private homes. For those who were helping in this way, the Special Act introduced co-financing for hosting refugees: any person or organisation that provides accommodation and food to Ukrainian refugees at their own expense was entitled to a cash benefit of PLN 40 per day/person for a period of 120 days from the date of arrival (this period could be extended in particularly justified cases). The long-term or permanent stay of Ukrainians made it necessary to adapt the existing regulations of the private rental market. The Special Act introduced several exceptions that facilitate the accommodation of Ukrainian citizens enjoying temporary protection. The benefit was payable until 30 June 2024.

Refugees may also benefit from other forms of housing assistance, even beyond the Special Act, provided that they meet the requirements set out in special regulations. For example, those who are bereaved can benefit from the housing allowance, according to the Act of 21 June 2001 on housing allowances.

As for Slovakia, the amendment to the Asylum Act enabled the Government of the Slovak Republic to provide an accommodation allowance for a temporary protection holder as of 26 February 2022. As the humanitarian centres and other asylum centres could not cover the demand for accommodation, the accommodation allowance became the most used instrument for housing among TP holders in Slovakia. The Act regulated the amount of the allowance, the payment procedure and other details. The allowance could also include compensation for the gratuitous provision of meals to TP holders; a statutory provision even allowed for reimbursement claims for up to seven nights' accommodation for a TP holder. The allowance was never paid directly to the TP holders, but to landlords who provided free short-term accommodation and do not carry out business activity in the field of accommodation services. An allowance could also be paid through a municipality or a self-governing region. These entities could also get allowances if they provide accommodation directly. The Ministry of the Interior provides the accommodation allowance through the municipality in whose territorial district the accommodation is provided. The accommodation allowance for a TP holder shall be granted only for 120 days from the first provision of temporary protection in the territory of the Slovak Republic, or longer than 120 days only for the accommodation of a TP holder who is a vulnerable person (e.g. a member of a household receiving assistance in material need, a person with a severe disability, a person over the age of 65, a parent who cares for a child under 5 years of age or a child under 5 years of age). The amount of the allowance, according to Government Regulation No. 141/2024 Coll., is set at EUR 5 per night per person in the case of private accommodation (apartments or family houses) and EUR 6 per night per person in the case of other facilities. On 1 March 2025, an amendment to the Asylum Act entered into force, which reduced the period of support for the accommodation of TP holders (both in asylum facilities and for the allowance for accommodating a TP holder) from 120 days from the first granting of temporary protection to 60 days from

the first granting of temporary protection. Until 28 February 2025, if a person applied for temporary protection in Slovakia, they were entitled to accommodation support for 120 days.

6. Transportation

As for the Czech approach, during the first weeks and months, a range of exemptions was introduced in Czechia for Ukrainian citizens, including free access to public transportation, railway travel and even parking. For instance, the Prague city administration decided that public transport would be entirely free for Ukrainian citizens holding a valid visa. This policy changed on 1 July 2022, when free transportation was limited to the first five days after a visa was issued. After this period, Ukrainian citizens were eligible for a discounted public transport pass, with fares matching those available to individuals in material need. Ukrainian refugees were also granted free railway transport on international trains bringing them from Ukraine to Czechia until 1 August 2022 by the Czech state railway operator (České dráhy). Other (domestic) trains operated by the national carrier within Czechia were available free of charge in the first few weeks; on 1 April 2022 this entitlement was limited to five days following the issuance of temporary protection documents.

In Hungary Ukrainian citizens and holders of Ukrainian residence permits are permitted to travel free of charge on the territory of Hungary with a “solidarity ticket” from Ukraine, Eastern Slovakia and Romania to Budapest, and from these countries and Budapest to Austria and Western Slovakia. The starting point of the solidarity ticket is Záhony, with coverage extending to all stations and stops between Záhony and Nyíregyháza, Hidasnémeti, Nyírábrány, Biharkeresztes, Lőkösháza and Budapest, with the destination points being Budapest, Hegyeshalom and Szob. The solidarity ticket is restricted to second class and domestic IC trains between Záhony and Budapest in designated carriages. All passengers are entitled to benefit from youth and family discounts on children’s and domestic services. Persons requesting TP recognition can ask for a travel allowance in case they need it when dealing with an administrative matter relating to the regularisation of their status, receiving health care from a health care provider with a territorial care obligation or participating in a programme run by or receiving assistance from a non-governmental organisation.

With the start of the war in Ukraine, decisions were taken in virtually all cities in Poland to provide refugees with free travel on public transport. Private individuals and entities were also very helpful in organising transportation. Free travel was also provided on trains throughout the country. From June 2022, entitlements to free transport were gradually reduced. For example, from 1 June 2022 for a certain period, Ukrainian citizens were entitled to free travel on PKP Intercity trains only on journeys to and from cities along Poland’s eastern border (i.e. the border with Ukraine). Currently, Ukrainians can travel in Poland under the same conditions as Polish citizens, so they do not benefit from free transport. However, the Special Law allows the authorities to arrange transportation for Ukrainians to and from their accommodation and medical care, and for Ukrainian children to and from kindergartens and schools.

On 25 February 2022, Slovak rail announced free travel in all trains for all citizens of Ukraine with valid passports or ID cards. Later on, this measure was modified several times. Currently, citizens of Ukraine are entitled to a free Ukraine ticket on school days when transporting kindergarteners and primary and secondary school pupils who have been granted TP status, including one accompanying person. They will receive a free Ukraine ticket upon confirming school attendance from the place of habitual residence to the place of school.

7. Other special regulations and changes

The Visegrad countries also adopted regulations in other areas that they believed required urgent adaptation to the mass influx. Below, we present only a few of the most interesting examples.

7.1. Public procurement system

It is worth mentioning the law amending the public procurement system during the war in Ukraine. This system is regularly obliged to comply with strict European and national rules that protect market competition, which are quite formal, demanding and strict. But during a mass influx and war crisis, a key factor for coping with the situation is the rapid provision of goods, works and services by the public authorities. Hence, the need to introduce certain solutions to mitigate public procurement requirements was recognised.

Special solutions in this area were applied in Slovakia. The Public Procurement Office, shortly after the outbreak of Russian aggression in Ukraine – on 25 February 2022 and then on 11 March 2022 – published guidelines on the possibility of using the *direct negotiation procedure* in the context of the military conflict in Ukraine, pursuant to the Act No. 343/2015 Coll. on Public Procurement. The direct negotiation procedure is a special procedure for awarding over-limit orders and should only be used in exceptional cases. Compared to the conventional procedure for awarding over-limit orders, the requirements for contracting authorities in direct negotiations are considerably lower and the process is shorter. In addition to these guidelines, the Public Procurement Office also published on its website documents on public procurement procedures in the context of the war in Ukraine.

7.2. Measures to protect the information space against disinformation were introduced in Czechia and Slovakia

Another challenge that was recognised in two of the Visegrad countries is the threat of disinformation in connection with the outbreak of war in Ukraine. Special measures to protect the information space against disinformation were introduced in Czechia and Slovakia.

In Czechia, as early as 25 February 2022 the government passed a resolution acknowledging the serious threat posed by hybrid warfare in the form of an information war. The resolution called on all relevant entities to take necessary measures to prevent the spread of false and misleading information in cyberspace, which was being used to manipulate the Czech population in favour of justifying and approving Russia's military aggression against Ukraine. In response, the domain registrar blocked access to several disinformation websites. The measures were unsuccessfully challenged, but did not continue anyway as there was no legal basis for the domain registrar or mobile operators to intervene. In order to better coordinate state authorities in combating disinformation, the government created the position of Government Commissioner for Media and Disinformation within the Office of the Government.

In Slovakia, Lex Ukraine I amended Act No. 69/2018 Coll. on Cybersecurity, which introduced a new legal instrument of “blocking”, with the aim of preventing the spread of harmful content on the internet by, for example, blocking certain domains, IP addresses, URLs and email addresses. The law defines new legal terms: “harmful content” and “malicious activity”. According to the explanatory memorandum, the main reasons for the adopted changes were (1) protecting the users of compromised services and unwitting users of fraudulent services, (2) preventing or mitigating harmful consequences and (3) stopping the spread of harmful

content. The power to decide on blocking, to choose the blocking method and to administer the blocking has been entrusted to the National Security Authority (NSA). The NSA could decide to block content on its own initiative or at the request of another entity. The NSA's blocking decisions were reviewable by a court. Even though blocking was considered a reactive and time-limited measure that respected the rules of effectiveness, efficiency and proportionality, the Cybersecurity Act's amendment caused controversy in the NCSR as well as in society at large.

However, the measures taken were met with considerable opposition and controversy and were seen as introducing "censorship, which is a serious interference with the rights and freedoms under the Constitution of the Slovak Republic as well as the Charter of Fundamental Rights and Freedoms." It was also pointed out that such serious interference with constitutionally protected rights and freedoms, approved under an abbreviated legislative procedure, is unacceptable. In the end, the NCSR adopted a compromise, according to which it was possible to issue blocking decisions on harmful content or malicious activity only until 30 June 2022. In the original draft of Lex Ukraine I, it was envisaged that the blocking measure could be used until 31 December 2022. In April 2022, a group of MPs from the then ruling coalition introduced a bill to extend the NSA's power to block harmful content for another three months, until 30 September 2022. MEPs justified their proposal by saying that the conflict in Ukraine also has the nature of an information war, which goes beyond the territory affected by the war and negatively affects the whole world. They also pointed out that the massive Russian propaganda and misinformation campaign are aimed at questioning who is the aggressor and who is the victim in the war, and at justifying the aggression against the civilian population and civilian infrastructure of Ukraine.

Between 26 February 2022 and 30 September 2022, the NSA issued a total of four blocking decisions, specifically concerning the entities *hlavnespravy*, *armadnymagazin*, *hlavnydennik* and *infovojna*. Referring to the legal obligations regarding confidentiality and protection of personal data, the NSA in its response to a request for information dated 12 September 2024 pursuant to Act No. 211/2000 on Free Access to Information and on Amendments of Certain Acts (the Freedom of Information Act) refused to specify the reasons for and methods of blocking these entities.

7.3. Tightening penalties for some crimes in Poland

In the Special Act the legislature increased the penalty for certain crimes (including unlawful deprivation of liberty, pimping, forced prostitution and human trafficking). The perpetrator is liable for these crimes under the Criminal Code, but "during the armed conflict on the territory of Ukraine" the court is obliged to impose a higher penalty, as provided for in the Special Act. This applies to any of the above-mentioned crimes committed in Poland, regardless of any link to the war in Ukraine. The increase in penalties is significant – for example, the crime of soliciting prostitution for financial gain is punishable by imprisonment of between 3 months and 5 years under the Criminal Code, while the Special Act introduced a penalty of 5 to 15 years' imprisonment. The legislators did not explain the motives behind the abrupt increase in penalties. It can be assumed that their intention was to protect people arriving from Ukraine, who have been more exposed to the activities of criminal groups in a foreign environment. However, the provisions did not cover only crimes committed in connection

with the war in Ukraine, but all enumerated crimes committed during the war (the changes apply to all individuals, regardless of whether their acts are related to the armed conflict on the territory of Ukraine). Another problem is determining the duration of this regulation. It is not specified what is meant by ending the armed conflict in Ukraine (must the conflict end with a peace treaty, or is a truce enough?). In addition, significant changes to the state's criminal policy being introduced in an act other than the Criminal Code should be also criticised.

PART VI

SUMMARY AND CONCLUSIONS – STRESS TEST PASSED (?)

The legislative response to the mass influx of Ukrainian migrants in all Visegrad countries was swift, and it addressed similar issues which are crucial to meeting the basic needs of the newcomers.

1. Introduction of states of emergency

Three countries introduced a state of emergency (Czechia, Hungary and Slovakia); no state of emergency was declared in Poland. Because the national laws of Slovakia and Hungary governing states of emergency did not recognise a migration crisis caused by war in a neighbouring country as grounds for declaring such an emergency, laws needed to be amended:

- In Slovakia the definition of an emergency event was extended to include a “mass influx of foreigners into the territory of the Slovak Republic”.
- In Hungary authorisation for the Government to declare a “state of danger” in the event of an “armed conflict, war or humanitarian disaster in a neighbouring country” was introduced.

No amendments of laws were required in Czechia, as the requirements for introducing a state of emergency are formulated in general terms.

Czechia declared a state of emergency at the beginning of March 2022, and it lasted for four months. In contrast, Slovakia declared an extraordinary and crisis situation on 26 February 2022, which is still in place today, and Hungary declared a state of emergency due to the armed conflict and humanitarian disaster in Ukraine on 25 May 2022, which is also still in force.

The legal consequences of introducing these states of emergency turned out to be different. In Hungary the state of emergency “due to the war” allowed the government to rule on the basis of decrees, with less involvement of the parliament. In Czechia, the original urgently adopted government resolutions under the state of emergency have been replaced by standard laws adopted under the fast-track procedure (*Leges Ukrainae*). They complemented the existing legislation. Slovakia introduced laws – *Leges Ukrainae* – containing further changes to the existing legislation and new solutions intended to regulate the situation of refugees from Ukraine. These laws were adopted by the parliament under an urgent procedure. Meanwhile, in Poland one law was adopted (but amended numerous times since it entered into force) under the regular procedure, though it came about very quickly and was retroactive from 24 February 2022.

2. Inadequacy of existing contingency plans

The lack (in Hungary and Slovakia) or inadequacy (in Czechia and Poland) of the existing contingency plans in place in February 2022 in terms of defining the roles and responsible actors to effectively manage the influx of large numbers of refugees led to the adoption of different kinds of regulations (i.e. *Leges Ukrainae* and the Special Act). Notwithstanding the

adoption of separate legislation regulating the situation of refugees, states have taken different decisions regarding the application of existing contingency plans or the adoption of new ones. One of the most important questions that arises in regard to the contingency plans is whether existing or newly adopted plans can be used in future.

In Czechia the reaction was based on a standard emergency plan; no special contingency plan was created in response to the crisis. There are also no public discussions on a new plan. Due to the fact that the actions of the Czech government were based on a standard emergency plan, the existing framework could be generalised and used in future. However, it is unlikely to be effective in its current form as the government's actions were based on it only to a limited extent. Given that the measures were introduced incrementally and adapted to the evolving situation, it would be more practical to develop a new framework based on the lessons learnt.

In Hungary, there has been no special contingency plan regarding the war in Ukraine; thus, the government declared a state of emergency and introduced emergency measures in the form of government decrees. The regulations that apply generally in emergency situations are further outlined in the Act on Disaster Management. Once the state of emergency ends, government regulations are repealed, meaning they cannot be used for other migration crises.

In Poland, when the full-scale invasion began, there was already a contingency plan in force. It was updated immediately after the outbreak of war (3 March 2022), but it was only used as a secondary way to manage the situation. Thus, although it can be concluded that Poland's contingency plan can be used in future, because of its general character, the different approach to managing the migration crisis in 2022 and the unexpected scale of this migration, its role has been very limited.

Slovakia adopted the first contingency plan for managing the mass influx of refugees 8 months after the outbreak of the full-scale invasion. The contingency plans were adopted only for a specific period of time (October 2022 to March 2023 and July 2023 to December 2023) and for a specific situation: the influx of refugees from Ukraine due to the Russian invasion that started on 24 February 2022. However, they were never activated because the threshold for triggering measures were not met. The plans did not have a universal character and cannot be used for "any" migration crisis.

In order to enhance its reaction, the authorities established special institutions or offices. The Hungarian Government appointed, although not until March 2023, a Commissioner for Persons Fleeing the Russian–Ukrainian War to Hungary. Also, Czechia and Poland established special institutions to coordinate the endeavours (the Strategic Group for Coordination of the Refugee Crisis and the Government's Plenipotentiary for War Refugees from Ukraine, respectively). Slovakia has chosen a distributed coordination model (working groups and intergovernmental steering committees with a general mandate to manage the migration).

3. Possible misuse of the special legal orders?

There are very rare cases where the countries have abused the legislation enacted in response to mass migration. Generally, the national legislatures did not misuse the situation or take advantage of this extraordinary situation to introduce changes that were unrelated to the war and its consequences. No "incidentally" and "quietly" introduced acts were adopted in other areas (under the pretext of the war in Ukraine).

These conclusions are generally valid for three of the V4 countries, namely Czechia, Poland and Slovakia. The situation was slightly different in Hungary. There, on multiple occasions,

the government used the special authorisation awarded to it in the context of the COVID-19 pandemic and the state of danger declared due to the war to adopt decrees aimed at regulating matters unrelated to the pandemic or the consequences of war. For instance, in 2023 a decree was issued that brought about a change in the regulations governing the process by which employees of public educational institutions may be dismissed by their employers.

4. The mass influx of refugees to V4 countries required the adoption of special legislation in all four countries

These regulations took the form of special laws or decrees, which introduced completely new solutions (such as special benefits and the way refugee status is regulated under national law) and amendments to existing legislation, relaxing certain requirements in order to facilitate the reception of refugees or introducing new solutions hitherto not provided for by law.

5. The enormous involvement of civil society in immediate response to the aggression enabled the national authorities to manage the situation

The important role of NGOs and individual volunteers was evident everywhere; in fact, the aid would not have been so effective and the acceptance of Ukrainians would have been much more difficult if not for the great commitment of these civil society groups. Although they are not integrated into the state system, NGOs played a crucial role in supporting refugees. In all V4 countries the large, unprecedented mobilisation of people made it possible to relocate migrants rapidly and give them shelter – and often care and work. The speed of the public's spontaneous response was significantly greater than that of the states.

6. Unhindered access of persons fleeing from war to the V4 countries

After the start of Russia's full-scale invasion, all V4 countries (excluding Czechia, which does not have a border with Ukraine) allowed entry into their territory to almost all people fleeing the war. Entry was also extended to foreigners who did not meet entry conditions based on humanitarian grounds within the meaning of Article 6(5)(c) of the Schengen Borders Code. The countries bordering Ukraine refused entry in a very limited number of cases.

The states' response to such action was second-to-none to the spontaneous action of citizens.

7. Change of V4 countries' population structure from the increased number of foreigners

The outbreak of war in Ukraine as a neighbouring country and the influx of foreigners as a consequence constituted an unprecedented situation for all V4 countries. Despite the fact that a large Ukrainian community was living across the V4 region before the war, mass arrivals of people fleeing the war significantly changed the structure of the V4 countries' populations. Whereas Poland hosts the highest number of temporary protection holders among the Visegrad countries, the number of persons under TP relative to the total national population is highest in Czechia, not only compared to the other V4 countries, but among all EU countries.

8. Temporary protection generally prevails over refugee status in all V4 countries

Only a very insignificant number of refugees from Ukraine have chosen to apply for refugee status/international protection. The overwhelming majority applied for and were granted temporary protection (domestic or under the TPD). In some countries access to asylum procedures is hindered.

9. States adopted different legal solutions in order to regulate the residence of citizens of Ukraine in the longer term

All V4 states may have an economic interest in retaining many new arrivals, but Ukraine strongly emphasises the return of its citizens. As a result, the V4 countries varied significantly as to the legal solutions introduced in order to regularise the stay of Ukrainians over the longer term. It should be stressed that almost all the solutions allowing Ukrainians to transform their temporary status into a permanent one were offered for those Ukrainians who were active on the labour market; vulnerable groups (the elderly, people with disabilities and children) have generally not been offered that possibility. In this context, states have not acted solely in accordance with their own national interests, but have navigated a complex balance between their own priorities and those of the arrivals' country of origin. The most innovative solutions were adopted in Poland.

10. Personal scope of temporary protection holders across the V4 countries

Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine defines in its Article 2 those persons to whom temporary protection applies. The Decision allows the EU Member States to provide temporary protection to other groups of foreigners as well. All states implemented the Decision, although sometimes not without controversy. Three countries (Hungary, Poland and Slovakia) decided at first to introduce national modes of temporary protection, which allowed them to take independent decisions regarding the beneficiaries who would be awarded this protection status. None of the V4 countries extended temporary protection to non-Ukrainian third-country nationals who had temporary residence in Ukraine.

11. Scope of assistance to temporary protection holders across the V4 countries

The scope of the assistance provided varied considerably among countries. In principle, it was no lower than the TP requirements, although it should be noted that the Hungarian solution of geographically verifying the place from which the refugees arrived was strongly questioned as lowering the standard of protection set by European law.

It can be concluded that the type of benefits granted to beneficiaries of TP largely corresponds to the state's social policy priorities. Thus, in Poland and Hungary, assistance was directed primarily at helping families and children. In Slovakia social assistance was targeted more generally and was linked to a large extent to the social security system (this was also true for Poland). In Czechia, a separate system of (only a few) benefits was created. Thus, people fleeing from Ukraine were integrated into the social assistance systems to different degrees. In addition, special allowances of limited duration and scope were provided for.

12. Education – allowing online learning proved to be a mistake as it failed to integrate children and adolescents

All the V4 countries opened their education systems to Ukrainian children. Pupils were given the opportunity to attend schools in the host countries or to continue education within the Ukrainian online learning system. This dual system meant that not all pupils were effectively continuing their education. Almost all countries' education systems have been criticised for failing to adequately integrate Ukrainian children. The language and social barriers which were the initial reasons for the lack of integration were perpetuated, rather than becoming minor over time (although the language barrier was not the same in all countries, it certainly

made integration most difficult in Hungary). Some states (Hungary and Poland) linked (although after a delay) the award of social benefits for children with formal enrolment into the national school system.

13. Employment – Ukrainians constitute the largest foreign worker group, although they are underemployed

In all V4 countries Ukrainians constitute the largest foreign worker group. Regarding employment, the government's policies have sought to streamline employment for Ukrainian refugees, often through simplified permitting procedures which enhance employment pathways for skilled refugees (extra important and necessary jobs, e.g. in medicine). The V4 economy has absorbed a substantial number of Ukrainian workers, particularly in the manufacturing, construction and service sectors. As for employment, while initial inflows surged post-2022, there has been a gradual decline as many Ukrainian workers have moved to Western European countries with higher wages and more stable residency pathways.

A significant problem in all V4 countries is that most workers who came from Ukraine work below their qualifications and for uncompetitive rates. In turn, the regularisation of residence and employment resulted in fewer of the “grey zone” workers who, before the war, were employed illegally and without the right to social security.

14. Limited fulfilment of the accommodation needs of temporary protection holders

All V4 countries have a rather complex housing situation, especially after the predominant forms of limited ownership and subsequent re-privatisation, which has caused acute problems in terms of the availability of social and municipal housing. The huge wave of migrants has therefore encountered a problem acquiring adequate, long-term housing. Forms of assistance tended to be ad hoc, for short periods and in group housing settings. What was lacking was a longer-term transition to individual or self-funded housing.

With regard to forms of permanent housing, the state's response has actually been limited to some minor instruments to loosen the requirements for selling or renting to foreigners and persons without permanent residence in the country. There are understandably no systemic solutions or resources in this area. In contrast, none of the countries has adopted a policy of relocating migrants, for example through rent support (institutional or financial) or dispersal systems, as has been the case in many OECD countries (*OECD Housing support for Ukrainian refugees in receiving countries*).

15. Visible trend to limit benefits over time

In all of the V4 countries there is a visible trend to limit the benefits awarded in the first months/year after the full-scale war started. It concerned accommodation support and ad hoc access to health care institutions which were not linked to social insurance systems. Some countries linked the payment of family social benefits with formally enrolling pupils in the domestic education system.

16. Language barriers hindered integration

The language barrier affects several areas. Besides education and employment, a lack of understanding of the native language can present an obstacle when accessing health care, for example when visiting a doctor.

17. Overstretched health care systems

In all countries, Ukrainian refugees have been included in the publicly funded health care systems in the same way as persons covered by compulsory health insurance or by a special status granted in the country. However, the scope of this care and its availability varies considerably. The health care systems in the V4 countries are overstretched, with long waiting times and waiting lists for examinations. This can present significant obstacles for refugees when they try to access health care.

PART VII

RECOMMENDATIONS

The recommendations presented below are based on the conclusions drawn from the national reports and the General Report, and are constrained by the scope of action available to the V4 countries within the current framework of international relations. The conclusions are also presented with the assumption that future action taken by the V4 countries will be at least partially determined by developments on temporary protection at the EU level. Temporary protection is inherently time-limited and therefore cannot be extended indefinitely. At the same time, there is no discussion of transforming temporary protection into another residence status within the EU or complementing existing ones, such as extending the scope of the Long-Term Residents Directive. It also cannot be ruled out that solutions of a general nature proposed within the EU to stabilise the long-term status of TP beneficiaries will not be applicable to Ukrainians, due to the powerful pressure from the Ukrainian government to return refugees to the country. Additionally, should Ukraine join the EU in future, it would mean the introduction of free movement for its citizens.

The recommendations have also been prepared with the assumption that the costs incurred by the V4 countries when providing for the basic needs of people who have fled the war in Ukraine are very high and generally difficult to estimate; the increasing reluctance of societies to increase spending was also kept in mind. Therefore, in terms of good practice, we focus on solutions that do not involve significant expenditures, but are innovative in nature.

1. Maintaining a functional, open society with a well-functioning non-profit sector

The openness of both the state and society proved to be a critical factor. None of the V4 states would have been able to manage the crisis without extensive assistance from individuals and private entities. Notably, the states succeeded in integrating this grassroots support into its formal response mechanisms (particularly visible in the provision of accommodation).

Recommendation: The capacity of states to incorporate societal support into official systems may be regarded as an example of good practice that can be repeated in future. Such action may also involve recruiting NGOs as operators in certain areas, such as renting flats or finding employment. Prompt, conducive regulations and assistance from the public authorities for spontaneous social action that requires close observation and recognition of actual needs can be a good example of a response to civil society action.

2. No need for introducing a state of emergency or adopting laws through urgent legislative procedures

The V4 countries' responses to the massive influx of refugees differed in their general approach. States of emergency were introduced in Czechia, Hungary and in Slovakia, although Czechia lifted the provisions after four months. No state of emergency was declared in Poland. Taking into account the fact that during a state of emergency, the fundamental rights of citizens may be limited under certain conditions, the question is whether it is still necessary to keep these states of emergency in Hungary and Slovakia. Additionally, experience showed that there is no need to initiate expedited or urgent legislative procedures, even if extremely complex legal acts – regulating a whole variety of areas necessary to be adapted in the face of a massive influx of refugees – have to be adopted.

Recommendation: The proven capacity of all V4 states to quickly implement appropriate legislation dealing with all aspects of the massive influx of refugees demonstrates that there is no need to introduce a state of emergency or additional urgent legislative procedures. It would be desirable if the V4 countries that are still maintaining a state of emergency due to the massive influx of refugees considered ending them.

3. Limited application of contingency plans

States used the existing contingency plans only to a very limited extent; the new ones were introduced incrementally and adapted to the evolving situation. The states' use of contingency plans to manage the mass influx of refugees demonstrates that they are not necessarily an indispensable tool to manage that kind of crises.

Recommendation: Contingency plans could be used as a basis for limited number of activities for managing a mass influx of refugees. In order to assure that this kind of regulation is useful for the future, states should:

- **define clear goals that they aim to achieve through the plans in the event of a similar situation in future**
- **evaluate the measures and procedures adopted on the basis on the contingency plans during the Ukrainian crisis**
- **design measures based on that evaluation and past experiences and insights**
- **simulate the effectiveness of these measures and assess their impact across different scales of arrivals (10,000, 100,000 or 1,000,000), developing various scenarios to ensure alignment with the state's intended objectives**

4. Proactive anticipation of the most controversial areas of assistance and enhancing communication with society

In the case of all V4 countries, one of the main failures has been the lack of appropriately informing society about the scale and scope of the support offered to Ukraine and Ukrainians. On the one hand, the image and perception of this aid has often been exaggerated. On the other hand, societies seem to overlook the positive impact on the economy of their countries from the integration of refugees: despite the traumas of war and the responsibilities of caring for others, within a span of mere months the Ukrainians went from consumers, spending humanitarian aid and their savings, to workers and entrepreneurs, feeding the public coffers with their taxes and social security contributions. Without refugees from Ukraine, some sec-

tors of the economy would be functioning much worse. Clear communication of the rules regulating the situation of Ukrainian refugees and the scope of public assistance, particularly in regard to accessing social benefits and the health care system, was definitely absent in this regard, resulting in growing rumours and suspicion of overuse.

However, when it comes to communication and organisation, the authorities have to anticipate and be prepared to introduce emergency solutions for potentially the most controversial areas of assistance, from the point of view of society. One of them is definitely access to public health care. The level of accessibility and the quality of services provided in the V4 countries even before the war was negatively assessed by the beneficiaries. The sudden, drastic increase in the number of recipients, and thus the further strain on health care services for the citizens of the V4 countries, could not help but influence the public perception of the influx of refugees. Thus, some urgent action, appropriately communicated to the society, would have been welcomed (e.g. immediately increasing the number of doctors, even at the cost of higher state spending).

Recommendation: Whereas the aid system for people fleeing the war in Ukraine is very broad, complex and subject to change, communication of the rules and procedures is absolutely key. Communication must reach not only migrants, but also citizens in order to create a positive attitude towards the newcomers, as well as to dispel any doubt and suspicion as to misuse of the system. The communication should be carried out through both official and unofficial government and municipal channels.

5. Special solutions to facilitate communication in foreign languages

The V4 countries have so far not been the target of mass migration like the Western European countries. Therefore, methods of assimilating newcomers by learning the language of the host country have not been developed there. Organising language learning proved to be quite a challenge, especially as the language barrier is significant (different alphabet) and the number of teachers is very small. In preparing for the future, states should take into account that the greatest effect can be achieved when language and vocational courses are offered to newcomers as soon as they arrive (before they start to work, which often prevents them continuing education) and that the courses have to be combined with childcare, bearing in mind that women – who constituted a large majority of persons fleeing Ukraine – had to take care of their children.

However, even with the best organisation, the language barrier does not disappear overnight. Thus, states have to introduce innovative solutions in order to facilitate communication with foreigners who cannot speak the language. A good example is the application LikarPL, which facilitates communication between patients who speak Ukrainian or Russian and doctors who do not speak those languages.

Recommendation: A new system of language and vocational courses should be created (to be provided immediately, combined with childcare) and innovative electronic tools (mobile applications) that facilitate communication with refugees who do not speak the host country's language should be introduced.

6. The need for easy solutions to apply and register for and extend temporary protection

The process of extending temporary protection is automatic in Hungary, Poland and Slovakia (Czechia requires re-registration), meaning that the respective national authorities adopt a decision (act) in line with the Council of the EU on prolonging TP, and no bureaucratic procedure is required of the TP holders. In one country (Poland) the beneficiaries can use an electronic document certifying their identity and legal status: Diia.pl (Дія пл). An electronic document is very convenient for those using it, can be easily kept up-to-date and can easily serve for statistical purposes. In turn, the Hungarian authorities launched a free mobile app called Menedekes, which electronically records the data of persons applying for temporary protection, which can speed up the administrative procedure.

Recommendation: Introduce innovative electronic tools that more easily register persons and keep their status updated.

7. Flexibility of regularising the stay of Ukrainian refugees in the longer term

The EU's temporary protection model affords states considerable leeway when deciding on possible national temporary protection models and when granting people with temporary protection status the right to apply for other residence permits. In Hungary and Slovakia, TP holders can apply for standard residence permits, whereas in Czechia and Poland they can apply for special types of residence permits. In Czechia, the application threshold is rather high, whereas Ukrainian citizens in Poland can benefit from simplified procedures. The flexibility to switch between residence permits is a very good solution and should be maintained.

Recommendation: Maintain flexibility at the European and national levels in regard to regularising the stay of Ukrainian refugees in the longer term.

8. Innovative solutions in the field of education

One of the major obstacles hindering the integration of Ukrainians with society was the language barrier. It was particularly visible in the area of education. An example of good practice in the education of refugee children was the opening of bilingual schools and schools that integrate domestic education with Ukrainian education. However, the idea of bilingual schools is intended for refugees who are staying in the host country long-term or permanently, and thus does not address the situation of short stays. Another well-received and efficient solution has been the introduction of Ukrainian assistants in schools.

Recommendation: Introduce measures in educational institutions that more adequately reflect the large number of refugee children from one country. While the system of universal education proved to be minimally inclusive – despite the facilities introduced – school assistance, bilingual schools and schools integrating domestic and Ukrainian education could have fulfilled the task of educating and including the quite homogeneous group of children much better, at least initially.

9. The need for compulsory education of children

All the V4 countries opened their education systems to Ukrainian children, and for a quite long time pupils were given the opportunity to attend schools in the host country or to continue education within the Ukrainian online learning system. This dual system resulted in

some pupils not continuing their education effectively. Over time, some states (Hungary and Poland) linked the payment of social benefits for children with their formal enrolment in the national school system; some (Poland and Slovakia) also eventually introduced compulsory education for Ukrainian pupils.

Recommendation: Immediately implement compulsory education in schools in the country of residence. This should be supported by a system of incentives for children and parents, such as making benefit payments conditional (as Poland did in 2024, two years after the mass influx), as well as creating conditions for social and cultural integration (interest groups, joint trips, etc.) and the self-help clubs for newcomers (clubs for newly arrived children). The presence of tutors from the country of origin in schools and kindergartens is also a very good and necessary form of support.

10. Establishing special institutions dealing with the problems of Ukrainian refugees

Some states decided to establish institutions dedicated only to the situation of Ukrainian refugees (Czechia, Hungary and Poland), while Slovakia opted for a distributed coordination of efforts. The Hungarian government appointed a Government Commissioner for Persons Fleeing the Russian–Ukrainian War to Hungary in March 2023. In Czechia, in April 2022 the Strategic Group for Coordination of the Refugee Crisis was created, serving as an advisory body to the government. This body was reformed a year later into the Strategic Committee for Coordination of Adaptation and Integration of Refugees from Ukraine under the Government, coordinated by the Government Commissioner for Human Rights. In Poland, the Government in April 2022 appointed a special Government’s Plenipotentiary for War Refugees from Ukraine, which was functioning until May 2024.

Recommendation: The appointment of special institutions or offices charged exclusively with addressing issues related to refugees from Ukraine demonstrates the states’ serious approach to the problem of receiving refugees. The passage of time, however, has forced a change in the nature of the tasks that were originally assigned to these institutions. It would now be desirable for these institutions to establish relations with each other, with a view to exchanging experiences and good practices at the intergovernmental level.

11. Recognising professional qualifications in order to fill gaps in shortage occupations

There have been many professionals among the refugees, though research indicates (at least in Poland) that significantly more highly qualified refugees intend to return to Ukraine than those with secondary or primary education. Facilitating the recognition of qualifications, emboldening migrants to take up jobs in their professions and facilitating and mediating employment should be important tasks for public authorities. A larger group of specialists could address the increased demand for certain services (e.g. doctors and nurses) resulting from the refugee influx, and could thus mediate the concerns of the public caused by limited access to certain services.

Facilitated recognition of diplomas has been partially implemented, albeit sometimes with resistance from professional circles and only to a limited extent (Poland). One solution

(although controversial) was to limit the provision of services by Ukrainian professionals to only Ukrainian citizens. Admitting new specialists providing services to all inhabitants of the receiving states (alternatively, only to refugees) could be presented by the public authorities as a positive consequence of the migration.

Recommendation: Enlarge the recognition of professional qualifications and facilitate adaptation to work in the new country. The influx of professionals could address the increased demand for certain services (e.g. doctors and nurses) resulting from the refugee influx, and could thus mediate the concerns of the public caused by limited access to certain services.

12. Multifunctionality of buildings

Mass migration has quickly led to the need to care for thousands of new people. This forced an immediate response from countries that were not prepared for it. Of course, not every crisis situation can always be prepared for; however, it is important to take as many measures as possible before it occurs to minimise the negative effects. For this reason, it is important that new buildings are designed and constructed in such a way that they can be quickly adapted to new tasks in addition to their basic functions. In such a situation, the state will be able to appoint new places to provide the necessary assistance (e.g. accommodation, canteens, field hospitals or logistics centres).

Recommendation: Design and construct buildings, particularly public facilities (e.g. schools), so that they can be quickly and easily transformed to perform other functions (e.g. shelters or accommodation).

13. Creating an open and friendly atmosphere that promotes integration and socialising

The legal measures taken by all Visegrad countries were aimed at facilitating the arrival and stay of refugees. However, they mainly concerned vertical relations between the state (municipality) and the refugees. Meanwhile, the vast majority of adaptation requires the development of horizontal relations: ties at school, at work and in the neighbourhood, including contractual and non-contractual relationships. Despite taking some steps (such as easing some rules for renting in Poland), countries could do more to help refugees integrate into their private lives and horizontal relationships. This could significantly reduce feelings of mutual distrust and apprehension.

Recommendation: Develop paths and methods for mutual integration and open up host societies to the establishment of private legal ties, as well as cultural and social bonds with newcomers, as well as joint initiatives in small communities through libraries, cinemas, schools, kindergartens, etc.

More than three years after the start of mass migration, the challenges are changing; it is time to determine whether refugees are staying permanently or intend to return to their country once the war is over. Further measures should be tailored to the prevailing attitudes of migrants and should depend on whether they intend to stay permanently or only temporarily. All measures taken should be implemented in accordance with these principles, respecting the right to preserve distinctiveness and ties with the Ukrainian state, but also in accordance with the public interest, which indicates the need to assimilate the Ukrainian migrant group.



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