

AT THE STARTING POINT

Monitoring of collective
accommodation for Ukrainian
refugees in 2023 in the light
of legal changes



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LIST OF ABBREVIATIONS AND TERMS

| | |
|--|--|
| BLUE DOTS | support sites that provide protection and access to necessary information for people fleeing war in Ukraine (UNHCR, UNICEF); some are coordinated by local civil society organisations |
| INTEGRATION AND RECEPTION | the two phases of accepting refugees to a society; the first one (reception) is primarily the provision of first aid; the second one (integration) is the overall inclusion of refugees (education, employment, social assistance) |
| INTERSECTIONALITY AND INTERSECTIONAL DISCRIMINATION | An overlap of different identities, usually socially marginalised; intersectional discrimination refers to a form of discrimination that is caused precisely by the discrimination of two or more identities (elderly Roma; refugees with disabilities, etc.). |
| TRANSIT AND DESTINATION CITIES | cities which are characterised by the fact that migrants stop there, either on their way further (transit), or on a permanent basis (destination) |
| MOPS, OPS; PUP | Municipal Social Welfare Centres; Municipal Social Assistance Centres; National Employment Offices |
| PARTICIPATION FEE | partial payment for accommodation, which was introduced by an amendment to the so-called „special purpose law” on 25 January 2023, and is borne by refugees living in collective accommodation centres |
| ROMA | minority group of Roma origin (correct); the term „Gypsies” is discriminatory and incorrect |
| RECEPTION POINTS | Places, where refugees are accepted, but rarely with an offer for a long-term accommodation; |
| COLLECTIVE ACCOMMODATION FACILITIES | accommodation facilities for refugees, divided into short-term and long-term; they can be managed by public administration, international organisations, civil society organisations and private individuals |
| SHELTER | humanitarian cluster (all activities and organisations) responsible for housing and shelter |
| SPECIAL PURPOSE LAW | Law of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine, which regulates the issues of residence, access to services, etc. It has been amended on 28 January 2023. |
| CRISIS STAFF | komórka odpowiedzialna za zarządzanie kryzysowe, zazwyczaj składająca się z przedstawicieli władzy różnego szczebla (np. miejskiej i wojewódzkiej) |

SUMMARY OF THE REPORT AND KEY RECOMMENDATIONS

In the beginning we were welcomed with open arms, now some of us are once again, at the starting point.
(refugee woman from Donetsk region, May 2023)

Through the amendment of 25 January 2023 to Law on assistance to Ukrainian citizens, Polish government decided that as of March 2023, some refugee women living in collective accommodation facilities (in former sports halls and schools, shops and hostels) would be forced to pay half of the cost of their accommodation, and as of May 2023, even 75% thereof (up to PLN 1,800 per person per month). Despite the introduction of the mandatory payment, as late as July 2023, there was no complete information on the number of people subject to it or exempt from it. According to the wording of the amendment, exemptions from the fee may include mothers of at least three children and pregnant women, persons with a declaration of third degree of disability or – enigmatically phrased - other persons if they are in a „difficult personal situation”.

The most recent findings of the Migration Consortium’s research in six Polish regions (voivodeships) show a lack of coherence and flow of information between authorities. They raise concerns regarding the intentions of these statutory changes, a realistic assessment of the personal situation of refugee women and their self-sufficiency as well as lack of alternatives on the Polish housing in the view of the observed social „hospitality fatigue”, that had emerged after months of solidarity. They also show attempts to address pressing issues regarding housing needs and that needs of vulnerable groups are being fulfilled by an overburdened non-governmental sector. Meanwhile, the UNHCR research from September 2022 notes that the need for safe and decent accommodation was reported as the most pressing need by refugees residing in Poland.¹

For some refugees, the mere vision of a legal change - with no clear instruction from the authorities - was enough to return to Ukraine, a country still under armed hostilities. They were often without a plan for the future or savings. They fled out of fear of homelessness in Poland. On the other hand, for the majority of local authorities or centre managers, on whom the responsibility for the implementation of the amended law fell, communication with the central authorities was insufficient. The adopted regulations are unclear and the government has not bothered to clarify them (interpretations presented by some provincial governors show differences between regions). In particular, it is unclear how exactly one is to deal with people who cannot pay for their stay in places for collective accommodation.

For NGOs involved in assisting refugees, in particular for those specialised in working with people with disabilities, single mothers or the Roma community, the amendment meant “patching up holes for the government”. This came after months of working beyond capacity, often with an uncertain financial future.

¹ UNHCR-Reach, Refugees from Ukraine in Poland: Profiling Update, September 2022.

Our monitoring of the situation in six voivodships and correspondence with the authorities are proving the lack of a coherent strategy and flow of information as well as gaps in knowledge regarding the number of people living in collective accommodation (both overall and in individual facilities) or the capacity of local authorities. Moreover, the standards of the collective accommodation vary dramatically. In some, people are discriminated against and neglected. Other ones are being closed down in an unexpected and unannounced way.

It is clear to us that refugees should be supported through better access to housing and services, using employment support programmes. In the meantime, they receive threats of eviction or must bear costs that are much higher than standard ones offered on the market. It is crucial to highlight that under EU legal framework on temporary protection, Member States are obliged to provide free accommodation to beneficiaries thereof.

It is also worth remembering that all people fleeing war in Ukraine are in a vulnerable situation. The risk of humanitarian exclusion or homelessness for victims of war cannot be the result of a self-interpretation of a dysfunctional legal amendment by local authorities, who lack detailed guidelines. As the military conflict in Ukraine continues, the provision of assistance to those fleeing it must continue as well.

KEY RECOMMENDATIONS

Based on the analysis carried out here, we recommend as follows:

THE PARLIAMENT. It is necessary to withdraw from the amendment of the Law assistance to Ukrainian citizens of 13 January 2023 in its current form, in particular from the obligation of the refugees to pay for the humanitarian assistance provided to them. These provisions are incompatible with EU law, have been poorly drafted, and lead to a high degree of discretion in their interpretation, which can be discriminatory. They also lead to a worsening of the situation of refugee women themselves.

CENTRAL AUTHORITIES AND PROVINCIAL GOVERNORS. Standardised and regular monitoring of collective accommodation points by province is necessary. It should take into account the conditions of this accommodation and the needs and living situation of the refugees living there.

CENTRAL AUTHORITIES AND INGOS. We recommend the introduction of minimum standards to be met by all places of collective accommodation with regard to living conditions and their services, as well as clear provisions regarding how the responsibility for the support of refugee women should be divided between different public sector bodies.

TO CENTRAL AND LOCAL AUTHORITIES It is necessary to expand the housing offer - subsidised and government - for refugees and combine it with employment support programmes. It is also necessary to continue the support of private individuals renting housing to refugees.

RESEARCH METHODOLOGY

The report is based on desk research, official correspondence with provincial authorities and qualitative research in six selected voivodships. It was conducted between April and June 2023. The data of the interviewees and interviewees has been anonymised and the collected material had been stored securely and encrypted.

On 27 March 2023 a request for access to public information was sent to all provincial authorities (by the Institute of Legal Studies, Polish Academy of Sciences). They were asked for the total number of places of collective accommodation, as well as the total number of people accommodated in them. It is worth noting that we received more than a half of the replies more than a month after the request had been made. The last answer was received on 7 July 2023 (it came from the Dolnośląskie Voivodeship). We did not hear back from two voivodeships: the Zachodniopomorskie and Małopolskie ones. The responses were not coherent in terms of their quality and some of them included fragmentary data. Some voivodeships reported that they had not had access to such data or that the data had been processed or had not been subject to access to public information. Some of them also requested that the „particular importance for the public interest” be proven. The information requested was only provided after a further letter proving the said interest.

The qualitative research was based on questionnaires or in-depth interviews. They were carried out separately with managers of the facilities and representatives of local authorities, and separately with persons accommodated in collective accommodation facilities. In most of the voivodeships included in this research (Masovian, Subcarpathian, Lublin, Lower Silesian), the interviews were based on ongoing or completed long-term monitoring and intervention proceedings. In total, approximately 92 interviews were conducted with representatives of local authorities, social welfare (social welfare centres, employment offices, etc.), employees of civil society and international organisations, employees of informal support groups working at the facilities, as well as with refugees who stayed there. Where necessary, interviews were conducted in Ukrainian, thanks to the support of interpreters. Some interviews were also conducted in Russian or English at the request of the interviewees. Unless otherwise indicated in the text or where the source is not given, it should be understood that the quotes are taken directly from the statements of the interviewees.



Fig. 1. Map of the voivedeship covered by the study. Piotr Rojewski 2023

INTRODUCTION

Since the start of a full-scale war and until March 2023, there have been a total number of approximately half a million people staying at the collective accommodation facilities. There were, and still is, numerous of these places. Their numbers and locations have varied over this time. Huge differences can also be seen in their size. The smallest that was reported by provincial governors had just four places, meanwhile the largest at the peak of their occupancy accommodate up to hundreds of people.

In the first phase of the crisis (the reception) the priority was to open collective accommodation facilities immediately with a bare minimum of sanitary standards and safety procedures. They were set up hectically in abandoned market halls and shopping malls, in local schools and playgrounds, and then in agriculture farms, sanatoriums and hotels. International humanitarian organisations were concerned about organised attacks and the risk of human trafficking, and thus called for the registration of entries and exits to these facilities. That included both the refugees themselves but also volunteers and other visitors. Furthermore, these reports drew attention to the provisory and temporary nature of these places. That resulted, among other things, in insufficient access to sanitary facilities. Another important concern was the segregation and refusal to accommodate certain groups, above all Roma people ([Amnesty International 2022](#); [Foundation Towards Dialogue 2023](#)).

Many people have treated collective accommodation facilities as an emergency and temporary option and moved out of there as soon as they had the opportunity. Collective accommodation facilities were presented as an alternative to private accommodation and according to the Ministry of the Interior and Administration, they accommodated [around 86,000 people](#). at the beginning of March 2023. According to the findings of the Migration Consortium, their standard has not increased at all (or even if, only slightly) over the course of more than a year of their operation. Furthermore, data provided by voivodeships indicate that - despite their declarations - only a few voivodeships [had](#) seen the number of people accommodated in the facilities [decrease by more than 30%](#). over the year. Moreover, a preliminary analysis of the data received indicated a decrease in the number of facilities. Furthermore, it showed that over time, they have been moved outside the metropolitan areas. In the same time the number of people accommodated was disproportionately smaller (Union of Polish Metropolises 2023). Instead, there has been an increase in number of facilities administered by actors other than public authorities, such as civil society or international organisations. In some cases, this has made it possible for some facilities to specialise in accommodating people with special needs, such as women who experienced sexual violence, LGBTI+ people or Ukrainian Roma. However, the main concern over these facilities, was that *the state does not see us*, as a coordinator of one of them working on behalf of a civil society organisation (for psychosexual minorities in Warsaw explained (February 2023).

„Polish hospitality” - including the aforementioned accommodation, food as well as the state-imposed and borne reimbursement of 40 PLN per refugee per day for each refugee admitted by private individuals - was [valued at PLN 5.5 billion](#) in October 2022 (according to an OECD report, approximately €6.2 billion per year for benefits and accommodation)². At the end of 2022, the government started to work on a proposal for amendment to the Law on assistance to Ukrainian citizens fleeing war, which was supposed to reduce public spending on accommodation for refugees. However, as the deputy head of the Ministry of Internal Affairs [explained in March 2023](#): *No one cares about depriving anyone of a place to live. These regulations are motivational in nature. The draft itself was questioned by the Ombudsman’s Office, which in December 2022 [expressed doubts](#) as to whether the proposal would allow for waivers in participation in exceptional cases and requested that the Ministry of Internal Affairs estimate the ratio of those exempted from the fee to those hypothetically obliged to bear it. In response, the Ministry acknowledged that it is not possible to determine the number of persons who would be charged with a partial fee in the discussed scope after the law enters into force, as well as to estimate how many war refugees from Ukraine will be exempted from this obligation.*³ In February 2023. The Migration Consortium [issued its own statement](#):

We strongly oppose changes that may negatively affect the personal situation of those people. We believe that there is a need for a systemic solutions that would strengthen the sense of security of Ukrainian men and women, rather than those that would put them at risk of eviction and homelessness, lack of money for basic needs or an unclear legal situation.

The amendment adopted in January 2023 introduced numerous changes, making it more or less clear that it is difficult for refugees to enjoy collective accommodation in Poland⁴. The Migration Consortium above all drew attention to the disproportion between the amount of fees for accommodation (up to 1.800 PLN per person per month) and the standard of the facilities themselves. It also noted that it was impossible for people fleeing Ukraine to bear such costs. In the meantime, private accommodation remained a viable alternative. However, as time went by it has been increasingly difficult to enjoy due to the so-called *aid fatigue* and the density of the housing market (OECD 2022; Amnesty International 2022). Leaving Poland - either to the West or back to Ukraine - was also a solution that has been used by some some. Unfortunately, there is no data on how many people decided to take this step.

The following report aims at verifying those initial concerns and findings, thus deepening the conclusions and themes presented in the previous report entitled *The Polish School of Assistance*. By collecting official statistical data and the statements from the refugees themselves, we have been able to define the risks and predictions regarding the deterioration of the situation of people staying in collective accommodation facilities. We have been also able to identify various additional burdens put on public authorities at different levels, in particular on local authorities.

² OECD, Migration Outlook 2022. These estimates differ due to the different range of categories included in the calculations.

³ Ibid.

⁴ The amendment introduced many more adverse changes to the situation of Ukrainian refugees. For more on this, see the comments of the Association for Legal Intervention on the draft amendments to the special purpose law, which were sent to the Senate: <https://interwencjaprawna.pl/wp-content/uploads/2023/01/SIP-Senat-RP-uwagi-specustawa-22.12.2022-.pdf>.

COLLECTIVE ACCOMMODATION: PROBLEMS WITH THE DEFINITION

The definition of a point (place, facility) of a collective accommodation can be found in Art. 3 pt. 3 of the Law of 2 December 1999 on the 2002 National Population and Housing Census (Journal of Laws of 2000, item 1 with amendments). It should be interpreted as „a facility where a larger number of people stay, such as a dorm or a student hall (...) a hotel, a motel, a bed and breakfast, or a hostel). This definition has also been adopted by the Statistics Poland, which further clarifies that this facility can be both temporary (meaning that someone stays there for a fixed period of time) and permanent in nature. Facilities can be managed by different entities, including both public and private ones as well as civil society organisations, such international humanitarian organisations. The special purpose law lacks a definition of such facilities. What is also worrying is that there are no standards for what such places should look like and what they should offer to the people staying there. Such standards should be adapted to the regional context and effectively disseminated among organisations outside the sector.

It is worth noting that such standards could also further clarify the definition of these facilities. It could be based (as proposed by the SHELTER model adopted by humanitarian housing organisations) on different purposes they fulfil, ie. whether they offer short-term (up to 72 hours) or long-term (beyond that duration) accommodation.

THE OBLIGATION OF PAYMENT. LEGAL ANALYSIS

Article 12 of the Law of 12 March 2022 assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine, in its para. 17 - 17g a regulation concerning the so-called participation. The article in question It has been amended by Article 1(8) of the Law of 13 January 2023 regarding the amendment of the on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine and other laws (Journal of Laws, item 185, hereinafter referred to as the „amendment”) and is in force under the current phrasing as of 1 March 2023. (Journal of Laws of 2023, item 103, as amended, hereinafter referred to as the „special purpose law”). The participation is a fee (a kind of „own contribution”) that is to be borne by citizens of Ukraine, who benefit from the forms of assistance specified in Article 12 para. 1 pt. 1 and 2 of the special purpose law, i.e., assistance intended for accommodation and for the provision of all-day collective meals.

As indicated by the Government, when presenting the justification of the amendment’s proposal (9th term Sejm’s print no. 2845, pp. 8 and 9 of the justification), the purpose of these amendments was to establish „regulations stipulating public participation of Ukrainian citizens in the costs of food and housing and specifying the maximum duration of the assistance”. Furthermore, it was aimed at „conditioning the use collective accommodation facilities [...] on having a PESEL number” (Polish ID number). It has not been disclosed what purpose the latter was intended to serve. At the same time the aim of the amendment was to legitimise the practices of subsidising the costs of food and accommodation by Ukrainian citizens”. Thus, the legislators contradicted themselves, as should „participation” was supposed to be „introduced”, it remains unclear how at the same time it would „sanction practices” that had already existed.

The legislator then revealed in the justification for the amendment that it was also aimed to “activate Ukrainian nationals residing in collective accommodation facilities”. However, it failed to (as usual) to refer to any concrete data showing that they remained „inactive” and that as a consequence, there had been a statistically proven need to “activate” them. It is worth noting that according to [data provided by the National Bank of Poland](#) 65% of the refugee women of working age (15-64) from Ukraine are economically active and further 24% are looking for a job. This means that refugee women are doing better and are more economically active than Polish women from the same age group.

Finally, the legislators also added that „it is proposed to exclude from these provisions persons who, due to disability, age, pregnancy or the need to take care for minors, are unable to work and thus contribute at least partially to the costs of accommodation or food. Persons who are vulnerable for humanitarian reasons will also not need to contribute to the costs of accommodation and food.” This argument has also not been elaborated on, leaving it up to speculation, as to who would be considered a „vulnerable person”. Thus, by now well-established custom, the government’s justification limited itself to a selective repetition of the content of proposal itself and it failed to indicate the reasons for its existence and to picture the social relations that led the legislators to believe that their undertaking was reasonable.

With regard to the content of the amendment in question, the following doubts, to say the least, emerge:

- 1) Who is to decide on the fees and how (more broadly) the charging mechanism is supposed to work? Who will be exempt from these fees and how is a „vulnerable person” to be understood?
- 2) Concerning the disability issues in relation to the fee - how is a confirmation supposed to be received (is Polish ID necessary)? Who can be recognised as a legal guardian of a person with a disability etc.?
- 3) How is the eviction/”relocation” mechanism from collective accommodation facilities supposed to work?

According to article 12 para. 27 of the special purpose law, the assistance referred to in para. 1 pt. 1 and 2 shall be available to the Ukrainian citizens referred to in Article 1 para. 1 of the special purpose law without the need to cover their „participation” only for 120 days from the date of their first entry into the Polish territory. Since the law refers to days from the date of first entry for which there is a legal basis to provide assistance („they may provide assistance [...] for no more than 120 days”), and not just any days at, it should be understood that the assistance in question shall be provided for 120 days from the date of first entry irrespective of how many entries (and exits) this period was interrupted by. This interpretation is supported by the literal wording of the provision. Had the legislators wanted the assistance to be granted „during the 120 days” and not „for 120 days”, they would have expressed this explicitly in the provision in question. Consequently, it refers to the sum of days counted from the date of first entry. Therefore, if after 10 days counted from the date of the first entry, the citizen of Ukraine left the Polish territory for the duration of 10 days, then starting from the 21st day after the date of first entry, we count next days from the total of 120. We do not include in the period of 120 days the time the person in question was outside Polish territory. This understanding is also supported by historical interpretation. The original wording of article 12 para. 17 used the following phrase „not less than for the period of 2 months from the date of first entry”. The use of the term „period” indicates that the assistance was supposed to be continuous, and was supposed to be enjoyed from the date of first entry. However, in the current wording of the provision, the legislators has deliberately omitted the word „period”. Instead, they determined that the duration of the entitlement to the assistance would be referred to to (120) „days”.

Articles 12 para. 17a and 17b of the special purpose law introduce the the so-called „participation”, thus stating that the Ukrainian citizen should bear the costs of the assistance. They also specify that, after 120 days from the date of first entry into the territory of the Republic of Poland, the assistance is conditional on the Ukrainian citizen having a PESEL number (it is irrelevant whether or not the number has been assigned under the special purpose law). As far as the participation is concerned, as a general rule between the 120th and 180th day of their stay the citizen of Ukraine is obliged to cover „in advance” 50% of the costs of the assistance, but no more than 40 PLN per day. After 180 days from the

date of first entry, they are obliged to cover 75% of said costs, but no more than 60 PLN per day. The amount that is equal to the participation shall be paid to the providers of collective accommodation and food.

The obligation to bear the participation fee arises directly from the Law, and thus no administrative decision is issued, nor are any material and technical actions performed to determine the existence of the obligation in question. Pursuant to article 12 para. 17e, the participation of Ukrainian citizens reduces the amount of assistance provided by the provincial governor and the entities specified in article 12 para. 3 and 4 of the special purpose law.

However, the legislators also decided by article 12 para. 17c and 17d to waive the temporal limitation of the assistance provided, the obligation to bear participation fees, as well as the requirements relating to the possession of a PESEL number, with regard to eight groups of beneficiaries of the special purpose law. They are:

- 1) firstly, citizens of Ukraine who have a disability certificate or disability degree certificate in the understanding of article 5 of the Law of 27 August 1997 on occupational and social rehabilitation and employment of people with disabilities (i.e. a certificate issued by the certified physician of the Social Insurance Institution's regarding total or partial inability to work or inability to lead an independent life),
- 2) secondly, Ukrainian nationals who are over 60 years of age (for women) and 65 years of age (for men),
- 3) thirdly, female Ukrainian nationals who are pregnant or who are raising a child up to 12 months of age,
- 4) fourthly, Ukrainian nationals who on their own look after three or more children on the territory of Poland,
- 5) fifthly, Ukrainian nationals, who are minors,
- 6) sixthly, Ukrainian women who are in a difficult personal situation that prevents them from bearing to the costs of assistance,
- 7) seventhly, persons who are looking after persons with disability certificate or disability degree certificate or a certificate referred to in art. 5 of the law of 27 August 1997 on occupational and social rehabilitation and employment of people with disabilities, and
- 8) eighthly, persons who are temporary custodians established for minor Ukrainian citizens who arrived in the territory of the Republic of Poland without the custody of a person exercising actual custody over them, and minor Ukrainian citizens who arrived in the territory of the Republic of Poland and before their arrival were placed in foster care in the territory of Ukraine.

As far as temporal issues are concerned, the above listed persons become exempted from the scope of application of article 12 para. 17 (with regard to the time period the assistance may be provided for), as well as paragraphs 17a and 17b of the special law (with regard to the obligation to possess the PESEL number and the obligation to participate in the costs of fees). The exemption starts on the date of the occurrence of one of the above-mentioned circumstances. Thus, for example, if a Ukrainian citizen, reaches the age of 65 on a date that falls during or after the periods indicated in paragraphs 17-17b, the application of these provisions ceases to apply to them as of that date. Starting from that moment they do not have to cover the participation fee. On the other hand, if a person no longer falls under one of the said categories, the exemptions stops when that happened. For example, if the exemption relates to a minor, then the Ukrainian citizen who reaches the age of 18, falls outside the exclusion provisions.

There are some interpretational problems that should also be noted. Firstly, for an unclear reason, the legislator failed to clearly indicate whether the disability or the disability degree certificates, required for exemption under Article 12 para. 17c, pt 1, of the special purpose law, must be a certificate issued under Polish regulations, as understood by the Law of 27 August 1997 on occupational and social rehabilitation and employment of people with disabilities. This raises the question whether a document issued in Ukraine can be the basis for acquiring the exemption, as Poland is not a party to the agreement with Ukraine on mutual recognition of documents confirming disability. In addition, article 26a of the special purpose law stipulates that the assessment of disability and disability degree should be carried out by powiat disability assessment boards. It would therefore seem that certificates issued by Ukrainian authorities would not be sufficient to receive exemption. On the other hand, such conclusion raises doubts if one takes into account article 5 para. 2 and 3 of the New York Convention on the Rights of Persons with Disabilities (Journal of Laws 2012, item 1169). It stipulates that „States Parties shall prohibit any discrimination on the basis of disability and guarantee persons with disabilities equal protection for all and effective protection against discrimination on all grounds” and „in order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided”. Taking into account the fact that Article 5 para. 2 of the Convention meets the criteria of direct effectiveness (i.e. it is clear, precise, unconditional and complete), and that in the event of a collision with a national law, it has the priority of application (as stipulated by article 91 para. 2 of the Constitution of the Republic of Poland), it is not unreasonable to assume that by failing to specify in the wording of article 12 para. 17c pt. 1 of the special purpose law that the disability certificates or the disability degree certificates necessary for exemption under art. 12 para. 17-17b of the special purpose law, must be issued by a Polish authority under the provisions of the Law of 27 August 1997 on occupational and social rehabilitation and employment of people with disabilities, the legislator allowed Ukrainian to use for this purpose a document issued by a Ukrainian authority.

As regards the subjective scope of exemptions under Article 12 para. 17c pt. 3 (persons looking after a child up to 12 months of age) and pt. 4 (persons looking on their own after three or more children), it should be emphasized that the legal nature of the relationship between the guardian and the child is of

no significance for their application. The circumstances are supposed to be *verba legis* factual and not legal in nature. In the case of Article 12 para. 17c pt. 3, it is also irrelevant whether the person in question is raising the child alone or jointly with another person.

Finally, as far as the exemption under Article 12 para. 17c pt. 6 is concerned (persons in a difficult personal situation that makes it impossible for them to cover the costs of assistance), it raises significant doubts. According to the answers of provincial governors to requests for access to public information (that were submitted in the spring of 2023 by Professor Witold Klaus, Head of the Department of Criminology at the Institute of Criminology of the Polish Academy of Sciences), the assessment of this condition is carried out „on an ongoing basis” (quoting for example, the Wielkopolska provincial governor), while the assessment of the fulfillment of this (and other) conditions is determined by teams appointed by the voivodes. When analysing the meaning of the condition in question, it seems that two factors should be taken into account. First of all, it is supposed to be a personal situation that is more difficult than the general situation of a Ukrainian national, who was forced to leave their country and seek refuge in Poland. Secondly, it is to be a personal situation of such a degree of hardship that it makes it „impossible to contribute to the costs of assistance” and not merely to limit it. However, as this share is defined by the legislator in a very „strict” manner (as a percentage of the costs of assistance), the ability of the Ukrainian national to pay only a part of this share cannot be interpreted in a way that would disqualify them from the exemption. Thus, if in concreto if a Ukrainian national could not bear for example 50% of the costs of the assistance (article 12 para. 17a of the special purpose), but only 40%, this means that they cannot „participate” in the costs (art. 12 para. 17c pt. 6 of the special purpose law).

Pursuant to Article 12, paragraph 17f of the law, „the provincial governor and the entities referred to in paragraphs 3 and 4 shall assess the possibility of participation in the costs of assistance of persons referred to in paragraph 17c, pt 6, taking into account humanitarian considerations”. Given the precision of the conditions stipulated in Article 12 para. 17c and 17d (with the exception of the condition specified in para. 17c pt. 6), it remains unclear what the legislator had in mind by introducing this additional condition. It seems, that this provision should be treated as a general directive for assessing ambiguous factual circumstances and resolving legal doubts accompanying the application of the provisions. This directive can be read as being „in favour of the the Ukrainian national”, or more broadly, taking into account the wording of article 12 para. 17d „in favour of the beneficiary”.

Pursuant to article 12, paragraph 17g, entities providing collective accommodation and full board services for Ukrainian nationals are obliged, for each calendar month, by the 5th day of the month following the month in question, to provide a provincial governor or a local self-government unit performing tasks of government administration on the basis of orders issued by the provincial governor under para. 1, pt 1 and 2, as well as to the entities specified in pt 3 and 4, written information including personal data of the citizens of Ukraine, check-in and check-out dates, data on the rights to exemptions

specified in points 17c and 17d as well as the amount of costs covered by Ukrainian citizens for any the given month.

The reports including the above-mentioned information are not subject to criminal liability for making false statements (as stipulated by article 233 of the Criminal Code), because the law does not provide for such liability. The information submitted is intended to be used for accounting purposes by entities providing collective accommodation and full board services to Ukrainian citizens. It should be emphasised that since the legislator has indicated in para. 17g pt. 6 that the information should include data on the actual payments, the entities settling accounts with providers of collective accommodation and full board services are the ones who are obliged to cover the full amount of the agreed costs. Thus, there is no legal basis for refusing to pay such an entity for a service provided to a Ukrainian citizen who, despite the legal obligation, has not covered their fees. As far as the recovery of costs is concerned, the law provides no provisions. Participation, as already indicated, reduces the amount of assistance provided by the provincial governor and the entities specified in para. 3 and 4, but not the amount owed by the entity providing the service.

The very last is the question as to how respond to the failure of the beneficiary to comply with their legal obligations. In responses to requests for access to public information, it is repeatedly stated that in such cases the person in question is being „relocated” to a facility of a lower standard. It should be highlighted that there is no legal basis for such action. The legislator consciously abandoned the application of both the Code of Administrative Proceedings and the provisions on enforcement in administration with regard beneficiaries to fail to fulfill their obligations. They also did not provide for any type of sanction for the failure to comply with the participation obligation. Therefore, taking into account the principle of legalism, such sanction cannot be derived from the interpretation of the provisions of the law. It thus seems that the State Treasury should, pursue its claim under the general rules, i.e., via civil proceedings.

AMENDMENT OF THE LAW AND THE EU LAW

The amendment does not comply with the provisions of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection (hereinafter: „Directive 2001/55/EC”). According to Article 13(1) of Directive 2001/55/EC, Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation and, where necessary, the necessary means to obtain housing. Consequently, it is the Member State’s responsibility to ensure that Ukrainian nationals falling within the scope of the special purpose law have access to appropriate accommodation or the necessary means to obtain it. The assistance cannot be made conditional on Ukrainian nationals paying in part the cost thereof. Having in mind provisions of Directive 2001/55/EC, it is also not permissible to limit the assistance to only 120 days ([Association for Legal Intervention](#)).

CENTRAL AND PROVINCIAL AUTHORITIES

We cannot indefinitely fund the refugees stay. We want those who have already been staying in these facilities for more than 120 days to bear 50 per cent of the costs as of January, and ultimately to bear all the costs of their stay in Poland

[\(Secretary of State Paweł Szefernaker, 15 October 2022\)](#)

Although central and provincial authorities are discussed jointly in this chapter, under the amendment their responsibilities differ. The central authorities, led by the Ministry of Interior and Administration, are responsible for the shape of the amendment. The provincial authorities on the other hand are mainly responsible for the communication thereof (and, to a limited extent, implementation) to local government units, powiats and municipalities. Moreover, representatives of the provincial office have been designated, above all, to support reception points and, directly, some of the collective accommodation facilities, with the support of specialised local government units, including mainly social welfare units.

The analysis of the data found as well as official correspondence with all provinces in Poland indicate as follows. Firstly, as of March 2023 (and in some cases even as of June 2023), the state of knowledge of provincial authorities concerning the accommodation of refugees from Ukraine varies significantly depending on the question asked. The provincial governors had no difficulty in indicating the number of collective accommodation facilities or how many persons were staying there monthly, starting from March 2022 (when the data was, however, not very precise). This is not surprising, as the governors pay the managers of these facilities amounts dependent on number of refugees they accommodate each day.

What was however difficult, was the indication of the number of persons exempted from the fee. Furthermore, the difficulties regarded the question about the mechanisms for dealing with non-payment by those not exempted from the fee or the individual actors responsibility for facilities. At the time we asked the questions, the voivodeships were at various stages of collecting data from local governments. As of March 2023, most of them already had some calculations. However, according to them, the percentage of persons exempted from the fee ranged from 17.1% in Podkarpackie and 22.2% in Lubuskie to around 95% in Warmińskomazurskie and Wielkopolskie (March 2023). There may be two main reasons for this large difference. Firstly, some voivodeships have not indicated in their responses that they are still working via their own questionnaires to estimate the total number of people. The second possibility is that the data reflect reality. In the first case, it is worth asking why the voivodeships, as of the date of the introduction of the fee, still do not know the number of those exempted from it. That should not come as a surprise, having in mind what the Minister Paweł Szefernaker himself claimed in January 2023. He said that it is not possible to determine the exact number of persons who will be obliged to partially cover the costs after the law comes into force, nor is it possible to estimate how many war refugees from Ukraine will be exempted from this obligation (Secretary of State in response to the Polish Ombudsman, 3 January 2023). As for the second case, one should ask, why on the territory of the same state, 80% of refugees have to pay for accommodation in one voivodeships and only 5% of them have to pay in others?

Moreover, it was not uncommon that different provincial authorities gave gravely different answers to the same questions. That indicates a completely different interpretation of the provisions of the law (which as we have already mentioned are extremely vague and general) in different regions. Some shifted the responsibility for verifying exemptions and dealing with non-exempted persons to the local authorities or the owners of the facilities (which were often, but not always, the local authorities). It proved to be particularly difficult to establish a mechanism for dealing with persons who were not exempted from the fee, but do not want to leave the facility on their own will. For example, in the Wielkopolskie, the decision was left to the owners on a generally applicable basis (whatever that means). The Voivode of Kujawsko-Pomorskie stated that there were no such mechanisms, while the Voivode of Łódzkie informed that in such situation it was justified to evict citizens from the facility or to relocate them to other one, that is of a lower standard and is located in the Łódzkie Voivodeship. They failed to specify the responsible and the exact procedure to be followed. In the case of relocation to facilities of a lower standard, there was no information about their location, purpose or explanation of what this lower standard of accommodation would consist of.⁵ Furthermore, the Voivode of Mazowieckie, referred to the recommendation of the Ministry of Interior and Administration and explained that there is no eviction procedure but a relocation to a lower standard facility. At the same time, the Voivode of Dolnośląskie recommended contacting the relevant NGOs in order to improve the activation and integration process of refugees. It is worth emphasising here that the law does not stipulate the possibility of such „relocations”. Furthermore, there are no official standards to be met by collective accommodation facilities. Thus, it is impossible to determine which one is of a higher and which one of a lower standard. Moreover, the law does not allow to differentiate accommodation based on how wealthy the refugees are. In addition, it would not be permissible to do so, because that would amount to discrimination based on the financial situation. The Temporary Protection Directive prohibits discriminatory provisions in terms of differential treatment of persons who enjoy this protection (recital 13).

The data received from the provincial governors (Table 1) indicate some interesting trends. There are large discrepancies in the number of collective accommodation facilities in different regions - from 50 to over 500. What should be highlighted, these numbers does not correspond to the size of the voivodeships or the number of refugees residing in a particular voivodeship. For example statistically in Podlaskie there is one facility for 67 refugees. In Dolnośląskie, Kujawsko-Pomorskie or Lubelskie there is one facility for approximately one hundred refugees. On the other hand in Lubuskie or Wielkopolskie there is one facility for over 600 refugees, and in Mazowieckie one facility for almost a thousand. Differences can also be seen in terms of the occupancy of these places (of course we are still talking about statistical differences). While on average there are 10 people in one facility in the Podkarpackie, there are approximately dozen in the Świętokrzyskie, Podlaskie and Dolnośląskie, and as many as 57 in the Lubuskie. Therefore, these figures illustrate a certain chaos, a lack of planning and a lack of idea for the coherent way of operation of those facilities.

⁵ Among others, the Voivodenships of Łódzkie and Warmińsko-Mazurskie.

Table 1. Number of collective accommodation facilities in Poland in February 2023, the number of people staying there (in July 2022 and February 2023) and the number of people exempted from the fee. Data received from provincial offices through request for access to public information.

| Voivodeship | Number of refugees residing in the voivodeship (according to data of active PESEL UKR numbers as of 06.03.2023) | Number of facilities (February 2023) | Number of persons accommodated (July 2022) | Number of persons accommodated (February 2023) | Number of persons exempt from the fee (February/March 2023) | Percentage of people exempt from the fee |
|---------------------|---|--------------------------------------|--|--|---|--|
| dolnośląskie | 110720 | 578 | 12231 | 10312 | 6172 | 59,9% |
| kujawsko-pomorskie | 33639 | 253 | 5044 | 4747 | 3598 | 75,8% |
| lubelskie | 37051 | 234 | 5167 | 4615 | 4070 | 88,2% |
| lubuskie | 33051 | 50 | 2844 | 2862 | 635 | 22,2% |
| łódzkie | 62782 | not stated | 5358 | 5156 | approx. 3800 | 73,7% |
| małopolskie** | 92116 | 944 | brak | approx. 16000 | brak | - |
| mazowieckie | 209360 | 216 | 8163 | 7666 | 223/in progress* | - |
| opolskie | 21972 | 53 | 1712 | 1393 | 834/in progress* | - |
| podkarpackie | 29945 | 79 | 3190 | 778 | 133 | 17,1% |
| podlaskie | 14801 | 222 | 4485 | 2795 | 2318 | 82,9% |
| pomorskie | 72017 | 263 | 7173 | 7003 | 4777 | 68,2% |
| śląskie | 98685 | 372 | 12433 | 9089 | approx. 6500 | 71,5% |
| świętokrzyskie | 15162 | 50 | 1523 | 915 | 748 | 81,7% |
| warmińsko-mazurskie | 19717 | 91 | 3714 | 3300 | 2464 | 95% |
| wielkopolskie | 93013 | 138 | 6205 | 4421 | 3631 | 94,2% |
| zachodniopomorskie | 48452 | no | no | no | no | - |
| TOTAL | 992483 | 2599 | 79242 | 65052 | 25698 | 39,5% |

** Data from Małopolskie is based on [information](#) from the website of the provincial office [accessed: 21.07.2023].

Own study. The colour indicates the provinces covered by the study.

A common element in all these regions is the attitude of the provincial governors, who were echoing the government's narrative regarding the justification for amendment and were emphasising the need for refugees to „become independent”. As Lech Sprawka, the voivoden of Lublin, explained at a press conference on 8 March 2023: The main objective of this amendment is to create an impulse for the refugees, an attempt to stimulate them and make them reflect about whether it would be worthwhile to become a person, who does not benefit from the permanent accommodation. Continuous stay under such conditions, may cause further problems and increase barriers, thus making it difficult to lead a normal life after returning to Ukraine⁶. That statement clearly shows that people contributing from an assistance should be ashamed of it, although this critique is covered up by a false concern about the refugee integration process. At the same time, it has been assured (e.g. by the Voivoden of Kujawsko-Pomorskie Łukasz Kmita) that there would be no such situation where a refugee was left without assistance. In addition, local authorities are given maximum support to implement the amendment to the special purpose law. Małopolskie was, is and will be supporting Ukraine. The aid continues in an uninterrupted manner.⁷ According to the Regional Governor Office, since February 2023 there have been organised videoconferences with local governments, as well as universities and NGOs. Not only are we organising further videoconferences, but directors and staff are in a constant contact with representatives of local authorities. Refugees in a difficult situation that prevents them from contributing to the cost of the assistance will continue to be supported and the scope of required confirmations regarding their specific situation is minimised so that the whole procedure runs smoothly and seamlessly, the governor explained.⁸

In the vast majority of voivodeships, the number of people accommodated at the facilities fell between July 2022 and February 2023, with the exception of the Lubuskie one (see Table 1). Based on the data submitted, the largest decrease was recorded in the Dolnośląskie, Podkarpackie I Śląskie voivodeships.

Data collected from the correspondence with provincial governors concerning provincial and local government funds indicated significant disproportions, above all, in the amount of funds allocated directly to persons accommodated in collective accommodation facilities. In February 2023, the amount varied from 1407.33 PLN per person in the Łódzkie to 4854.29 PLN in the Mazowieckie. As the data sent by the voivodeships were sometimes incomplete or incomparable, for some of them the exact number remain unknown (including Podlaskie, Podkarpackie etc.). Such discrepancy also indicates the different standard or strategy of the voivodeships in terms of collective accommodation. Moreover, in some voivodeships the amount increased significantly (from 2.2 million PLN in June 2022 to 37.2 million

⁶ gov.pl, Partycypacja kosztów w miejscach stałego zakwaterowania, 8.03.2023, gov.pl/web/uw-lubelski/partycypacja-kosztow-w-miejscach-stalego-zakwaterowania--konferencja-wojewody

⁷ Regional Governor Office in Małopolskie, O pomocy uchodźcom wojennym z Ukrainy, 1.03.2023, malopolska.uw.gov.pl/PressArticlePage.aspx?id=14694#:~:text=Uchod%C5%BAca%20zobowi%C4%85zany%20is%20covered%C4%87%2050.in%20the%20system%20system%20pompa%C5%84stwa.

⁸ Ibid. Some community organisations reported that they had not received information about the above-mentioned meetings.

PLN in February 2023 in the Mazowieckie). However in most of them it decreased or remained at a similar level (including the Podkarpackie or Dolnośląskie).

The data sent by the provincial governors show that - excluding the Kujawsko-Pomorskie, Małopolskie and Zachodniopomorskie voivodeships⁹ - a **total of more than one billion PLN (1 041 348 373.35 PLN to be exact) was allocated to collective accommodation facilities between July 2022 and February 2023**. It is worth noting that in most voivodeships the culmination of transfer of these funds fell precisely at the beginning of the period in question (July 2022). However this is not a consistent trend among all regions. In two voivodeships the largest amount had been transferred in January (39 million PLN in the Śląskie Voivodeship) and February 2023 (37.5 million PLN in the Mazowieckie).

ANALYSIS OF THE DATA COLLECTED

Dolnośląskie

A large number of people (almost 60%) have been exempted from the fees. This is most likely due to the approach of the local authorities. In the territory of Wrocław, only a few percent of those accommodated need pay the above-mentioned fee. Not much has changed, but this was also the intention of the law, explained Agata Dzikowska, a representative of Wrocław City Hall. Those who can move out and have an opportunity to become independent, should do so, but those who need our assistance should receive it¹⁰. At the same time, in the response, the provincial governor failed to provide any information on how to proceed in the event of non-payment of the fee due.

The research team conducted research in four collective accommodation facilities: two in Wrocław (160 to 200 people), Legnica (over 200 people) and Oława (up to 50 people). All four locations are the largest collective accommodation facilities in the cities concerned. According to our findings, there are plans to merge the largest places of collective accommodation in the larger cities in the voivodeship into one larger centre (up to 250 people) and to liquidate the smallest ones (up to 100 people).

Lubelskie

In the Lubelskie, as many as 88.2% of people accommodated in the facilities are exempted from the fee. The provincial governor was unable to tell us what the procedures is for people who are not leaving voluntarily the facility.

⁹ These provinces did not send reply to the research team, or the information was incomplete.

¹⁰ TVP3 Wrocław. Refugees from Ukraine must pay for staying in places of collective accommodation, 18.04.2023. [wroclaw.tvp.pl/69261461/uchodzcy-z-ukrainy-musza-placic-za-pobyt-w-punktach-zbiorowego-zakwaterowania](https://www.wroclaw.tvp.pl/69261461/uchodzcy-z-ukrainy-musza-placic-za-pobyt-w-punktach-zbiorowego-zakwaterowania)

During the research that took place in the last week of May 2023, the team visited a total of five collective accommodation facilities: two in Lublin, managed by the municipal family support centre and located in student halls (the student halls in Helios and Medical University) as well as one in Biała Podlaska (municipal family support centre, 40 persons), one in Okuninka (private manager, 140 persons) and one in Krężnica Jara (private manager). Lubelskie is a border voivodeship, with four road and two rail border crossings. However, unlike the Podkarpackie that also lies on a border and relies on transit, in Lubelskie the provincial and municipal authorities, with the support of civil society organisations, have developed a reception and integration infrastructure for refugee women. The research team, based on consultation with local civil society organisations, identified the housing situation of people from Ukraine as either average or bad. The collective accommodation visited varied considerably in standard and access to services.

Małopolskie

The Małopolskie Voivodeship has failed to respond to our request for access to public information dated March 2023. However, the Office claims to be in constant contact with representatives of local authorities. Refugees in a difficult situation that prevents them from contributing to the costs of assistance can still count on support. The scope of required information required to confirm a specific situation is minimised so that the whole process runs smoothly and efficiently ([Portal Małopolska](#)).

During the two visits of the research team in April and May 2023, a total of nine collective accommodation facilities were visited in Kraków (that includes two managed by private individuals ones) and in Nowy Targ powiat. As far as Kraków is concerned, five facilities were visited (and two were denied access to). They ranged in size from 15 to 80 persons. They included a facility aiding single mothers, a facility specialised in accommodation for persons with disabilities managed by the Mudita Association, and a facility managed by the Salam.Lab, offering accommodation not only for Ukrainian nationals. The other facility visited by the team were located in Nowy Targ (two), Czarny Dunajec (one) and Pyzówka (one; the smallest).

During the course of the research, a rapidly growing trend of closing up collective accommodation facilities in Kraków has been identified. The team learnt also that both the facilities themselves and the information points (e.g. Blue Dot at Kraków Główny railway station) may limit their operations in the future. These actions have financial reasons.

Mazowieckie

The Mazowieckie Voivodeship is one with the biggest infrastructures of NGOs supporting migrants, especially in Warsaw. Since February 2022, the Provincial Governor Konstanty Radziwiłł has regularly visited collective accommodation facilities. In February 2023, he repealed a resolution of the Bielsk Municipality Council on steps aimed at limiting the possibility of a significant migrant population staying

in the municipality¹¹. The involvement of the Ukrainian community in assistance is strongly present in the province, as in Lubelskie and Podkarpackie voivodeships.

Research in the voivodeship was conducted in three collective accommodation facilities: in Warsaw, Szydłowiec and Siedlce, respectively. The facility in Warsaw is located at Wołoska Street and is managed by the Family Assistance Centre (10 out of 289 persons are covered by the fee). The facility in Siedlce is managed by the Lena Grochowska Foundation (none of 416 persons pay for the accommodation directly.), The one in Szydłowiec is located at the Pod Dębem Hotel and is managed by the social cooperative „Pierrot i Róża” (none of the 34 persons paid for accommodation). The facilities surveyed differed significantly in their approach to the amendment of the Law and the introduction of payment. The facility in Warsaw has a structured system of prerequisites for exemption „due to difficult personal situation” and a list of documents to be provided to confirm this. In Siedlce, non-exempt persons are not reported to the city council and the centre does not charge them for housing. However, they do not receive food packages. The facility in Szydłowiec does not charge its residents for housing and food, but the non-exempt persons contribute to their living costs under the law by providing assistance at the hotel where they live.

Podkarpackie

The data from the Podkarpackie voivodeship clearly shows an anomaly of sorts. This is a direct reason of a communicated and enforced strategy of closing up collective accommodation facilities due to its transit nature of the voivodeship. It has seen the highest annual decline in the proportion of people accommodated (from 3190 in July 2022 to 778 people just six months later).

Przemyśl - as a border town - has become one of the cities most affected by the influx of migrants from Ukraine to Poland, including Ukrainian Roma people. In March and April 2022, around 50,000 people crossed the nearby border crossing every day¹² (Foundation Towards the Dialogue 2023). The municipal and provincial authorities have repeatedly emphasised the transit nature of the region, as evidenced by, for example, the unprecedented closure of most collective accommodation facilities or short-term forms of support for migrants and relocation mechanisms. Currently, only two facilities support accommodation for refugees for more than two weeks.

The research team’s long-term monitoring of the reception points (five in total) indicating particular the pressure to relocate and the exclude from accommodation people from the Roma community. This trend is higher than in other voivodeships. On the one hand, the restriction of access of Roma to local

¹¹ Portal Samorządowy, Gmina nie może ograniczać możliwości pobytu, 22.02.2023, portalsamorzadowy.pl/zmiany-w-praw/gmina-nie-moze-ograniczac-mozliwosci-pobytu-ludnosci-naplywowa-na-swoim-terenie.442352.html

¹² Interview in Dziennik Gazeta Prawna with the President of Przemyśl from 25 February 2023: gazetaprawna.pl/wiadomosci/kraj/artykuly/8666994_uchodzcy-z-ukrainy-wojwojciech-bakun-prezydent-przemysla-kukiz15-wywiad.html (18.06.2023)

government reception points and collective accommodation facilities has been documented. On the other hand, the emergence of separate facilities coordinated by private individuals and organisations - such as UNITATEM or Hope Shelter - creates the risk that specific refugee groups would become isolated from others and the responsibility of local authorities would be shifted upon them (Foundation Towards Dialogue 2023).

Wielkopolskie

In the Wielkopolskie Voivodeship, almost 94% of the accommodated were exempted from the fee, which is almost a record percentage. Moreover, the provincial governor was the only one to point to individual cases analysed by the delegated Assessment Team that regarded individuals falling under the category of vulnerable persons (such as Ukrainian soldiers or people who lost their close one).

In Poznań, even before the amendment one could observe a certain resistance to referrals to collective accommodation facilities located in the region. This was the case during the closure of temporary facilities in trade and market halls (e.g. MTP, Arena) in the spring of 2022 or. Another instance was the liquidation of the collective accommodation facility located in the Ikar Hotel in November 2022, when a group of approximately 250 residents protested against the closure thereof. In Poznań, several civil society organisations (such as Barka or the Association of Social Initiatives - the latter in the project phase) have launched „supported housing” programmes for Ukrainian refugee women. They provide a contribution to accommodation costs, and the organisations receive flats from the Management of Municipal Housing Resources in Poznań and subsidies from companies (e.g. IKEA) for their renovation and furnishing.

Surveys were conducted at three very different collective accommodation facilities. The facility at 39/41 Warszawska Street, in the vicinity of the centre of Poznań, is the largest collective accommodation facility in the Wielkopolskie Voivodeship. It has 500 beds and according to the declarations of its managers, 458 people were living there at the end of March. The second facility is a former nursing home located at 16a Rodawska Street on the outskirts of Poznań. It is a small facility for up to 25 people managed by a foundation. It has been fully inhabited at the time of the survey. The third is the Mickiewicz Culture and Recreation Centre in Żerków. It is a large complex located about 13 km from Jarocin and designed for 300 people (98 refugees were living there at the time of the survey). Poor conditions at the facility in Warszawska Street were a frequent subject of media reports. Furthermore, the provincial governor received letters from civil society organisations pointing to irregularities.

HOUSING FOR REFUGEES IN POLAND

After February 2022, it has been [documented](#) that the housing situation of Ukrainian refugee women in Poland has deteriorated. According to an estimate by Hanna Milewska-Wilka, a housing specialist at the Institute for Urban and Regional Development, as of May 2023, around 200 000 flats were being rented by Ukrainian refugees, mainly in large cities (Amnesty International 2023). *These are just estimates and the real number could be higher. It is unlikely to be lower. That does not cover collective accommodation facilities, accommodation of workers, accommodation loaned for use as well as non-residential premises (temporary, etc.),* she said. As of 15 May 2023, there were almost 990,000 refugees with an active UKR PESEL number in Poland. This means that not all those who fled Russian aggression managed to rent flats.

Amnesty reported that there have been repeated signals of reluctance to rent housing to refugees from Ukraine. This is often due to the belief that if, for example, tenants fail to pay rent, such people will not be able to be evicted. Although that is far from being true, as a lawyer and an activist Beata Siemieniako said: *both Ukrainians and landlords are not fully aware what their rights are*, which only increases the difficulties on the rental market.

As UNHCR data shows, landlords who voluntarily share their flats and houses with people from Ukraine continue to be an important support in accommodating refugees in Poland. According to the special purpose law, any landlord who provides accommodation and food to refugees is entitled to a cash benefit of 40 PLN per day per person for up to 120 days. However, it should be taken into account that hosting people for a long period of time reduces the comfort of life of both guests and hosts. It can also lead to conflicts and aid burnout.

The full version of Amnesty International's report is available [here](#).

FROM THE PERSPECTIVE OF LOCAL AUTHORITIES

The vast majority of regional authorities indicated that local governments have a responsibility to conduct procedures for dealing with persons who were not exempted from the fee but failed to cover it. At the same time, the majority of local government representatives indicated that they had not been provided with detailed guidelines in this regard. They also noted that these guidelines or best practices has been changing between February and May 2023. „At the very beginning they told us that we had to evict,” explained a local government representative in the Nowy Targ powiat. *We even received an information leaflet (...) Only recently has this stopped being an issue. But is the alternative? We know nothing here, but we are helping anyway*¹³. The research clearly shows large discrepancies in the local authorities approach depending on the region. It also indicates that there are communication difficulties at different levels of the decision-making process. Representatives of local authorities also highlighted their role in mediating between, above all, civil society organisations and Employment Offices or Social Welfare Centres, also with regard to the the guidelines indicated by the Act.

In the Małopolskie voivodeship, representatives of the City Hall in Kraków and managers of collective accommodation facilities reported on the creation of facilities of lower standard for insolvent persons. In May 2023 none of the interviewees was able to provide any more detail. In the Małopolskie and Mazowieckie voivodeships, the answers of the regional governors regarding the solutions proposed to local authorities were not consistent with the information provided by the representatives of local authorities themselves. That was the case especially in smaller towns. In the Podkarpackie, the Przemyśl City Hall repeatedly pointed to the transit nature of the voivodeship and the city. At the same time, practices carried out in the city indicated double standards with regard to access to the collective accommodation facilities, mainly in the context of discrimination against the Ukrainian Roma community ([Foundation Towards Dialogue 2023](#)).

These differences in approach and communication about the fee waiver guidelines between local and provincial governments led not only to differences in the pace and standard of collecting information on the financial capacity of refugees, but also in the involvement of local governments in supporting the refugees themselves. „In our country there aren't many civil society organisations, so we are the ones who need to provide assistance said an anonymous official from one of the villages in the Nowy Targ district. *Nobody here wants to evict anyone.*¹⁴

The majority of local governments also noted that it was not possible to conduct and process data from the questionnaires and meet the deadline at the end of February 2023 (the first deadline). In some voivodeships, the participation fee exemption data was made available as early as March 2023, but local authorities as well as the managers of owned facilities reported that the questionnaires were in the process of collection or had just started being collected at the beginning of collection and/or completion as late as May 2023.

¹³ Interview on 17 May 2023, City Hall of New Market. Photographic documentation of the mentioned leaflet in the possession of the research team.

¹⁴ Interview 17 May 2023, New Market City Hall.

THE POLICY OF RELOCATIONS

In July 2022, at a meeting of a special team for war refugees from Ukraine, Minister Agnieszka Ścigaj presented the framework for the a strategy for the social integration of refugees, that had been developed in cooperation with local governments. One of its foundations has been the relocation from larger cities to smaller ones due to increased burden on cities and increased social tensions. That is why we are working on a comprehensive strategy to relocate refugees from big cities, because they are overburdened and, for example, the education system may have a problem when the school year starts. We want to convince refugees that there are places for them in smaller towns, there are jobs for them and school for their children, she explained to Radio Kraków.

However, the Migration Consortium's research indicated that people relocated to smaller towns were often paradoxically isolated from access to services and even their community. People from vulnerable groups, people with disabilities, older people, transgender people having a gender reassignment etc. were particularly vulnerable ([Migration Consortium 2023](#)). We have nothing to do here. I had been sent here and I've been living here a year now. (...) Everyone here is in their 20s, I am much older than them. We can't do anything here except waiting for the war to end or us being kicked out. (...) I have heart problems. That's why I came here. My wife stayed in Ukraine, explained a 50-year-old man at a small facility in the district of Nowy Targ (May 2023).

The relocation programme is met with criticism from both the refugees themselves and the local government representatives delegated to support them. In Przemyśl there is nowhere to send them. It is a transit city after all. What good is it if I send young girls to a small town for a year, when they will not find a job there. They will not become independent, they will not even open speak to anyone. The kid's life will be wasted? They call and go back - says an employee in the border town of Przemyśl (May 2023).

Although, Minister Agnieszka Ścigaj announced in an interview last November, that the relocation programme was supposed to be implemented as of the beginning of 2023, there are still no publicly available information about it. During the research we also did not come across any information thereof.

FROM THE PERSPECTIVE OF COLLECTIVE ACCOMMODATION MANAGERS

As part of the research, the Consortium's team interviewed the managers of collective accommodation facilities (no matter if they were administered by public authorities, civil society organisations or international organisations). Their stories were dominated by the experience of loneliness in facilities coordination process, the lack of clear communication and guidelines from the provincial authorities (or local authorities in cases when the facilities were managed by organisations) and the need to share experiences and good practices with other facilities. A separate category was constituted by facilities managed by civil society organisations aimed at providing assistance to specific groups of refugees - people with disabilities, single mothers, non-white people, Roma, LGBTI+ community - and facilities managed by parishes or administered by religious organisations.

You need to understand our perspective. It was not meant to last this long. We are obviously not going to throw these people out. If we did where would they go," explained one of the coordinators of a facility near Nowy Targ, that used to be a hostel (May 2023). She also reported growing tensions not only between the people accommodated at the facilities, but also between the management staff and them. As she put it, they were caused by a long-term state of helping under duress (May 2023). Most of the coordinators point to the experience of long-term assistance fatigue ([Migration Consortium 2023](#)), but also to the need for more support - also in terms of content - in managing the facilities or profiling assistance to specific needs.

In terms of communication with local and provincial authorities, the vast majority of managers described it as unsatisfactory (only two out of over 20 people interviewed had a different opinion). For example, in the Wielkopolskie Voivodeship, in all surveyed facilities the managers did not have any regular contact with the provincial office. In the case of the facility at ul. Warszawska, there has been only one meeting with the Provincial Governor. It took place end of February/end of March in a form of a videoconference and concerned legal changes. The draft guidelines of the Law and criteria for exemptions were presented there. The Office however did not know the answers to most questions (e.g. what to do if a person was not willing or able to cover the costs of the fees). The collective accommodation facilities on Rodawska Street has only received an e-mail from the City of Poznań with guidelines and were not invited for any meeting. The Provincial Office itself does not know how to carry out accounting for this, said the owner of the facility (May 2023). Those administering the collective accommodation facility in Żerków were invited to a meeting on the amendment to the Starosta's Office, which was also attended by representatives of the Local Agency of Employment). During all of them, the questionnaires were collected, albeit with a long delay, as they had just arrived from the Provincial Office in March, when the first statutory period for covering costs of accommodation had already started. According to the information received, even at the facility on Warszawska Street, which is directly subordinate to the

Provincial Office (despite less than 4 km separating them), representatives failed to show up. This happened even after [news regarding irregularities in management](#). As a general rule, the facilities were not supervised and their operation was not monitored (the only inspections that did occur were construction inspections, which, however, were only initiated after the irregularities at Warszawska Street were revealed). Thus, those in charge relied on their own intuition, without receiving any support in the management process. According to the person administering the facility on Rodawska Street, representatives of the City Council failed to pay a visit until May 2023 (not counting the building inspection). After an inspection, in June 2023 the regional governor did not extend the funding agreement for the facility on Warszawska Street due to the poor condition of the building, following repeated complaints. By the governor's decision, refugees can stay there until the end of July 2023, despite a [letter](#) signed by around 250 people accommodated there.

Threat of evictions

The issue of evictions, and finding who can carry them out, under what conditions, and whether an eviction decision can be appealed against, was an unknown for all groups concerned in May and June 2023. From refugees to provincial authorities.

At facility on Warszawska Street in Poznań, people who failed to pay the amount of 1627.50 PLN for their stay (for May) by 1 June 2023 were called by the owners to move out immediately. An alternative was writing a statement explaining as to why the person in question had not paid the fee nor moved out. The owners of this property, when interviewed in May 2023, admitted that they had not been given information on how to enforce payments due and how to react if people failed to cover the payment. They have sent an enquiry to the Provincial Office and to the Police on this matter, and asked whether they were allowed to evict people who would not pay the fee. They have not received any clear answer: They themselves do not know what to say, explained the owner. An earlier unsuccessful attempt to evict one of the residents (due to the disturbance of order) made them aware of their legal hopelessness in this respect. The Provincial Office, in its response to the team's letter requesting clarification with regard to eviction procedures, stated that it was left up to the owners of the facilities to solve the problem of what to do when a person does not pay. Thus the conclusion is that even the Provincial Office itself does not know how this law is to be enforced. At the facility itself, the team identified cases of immediate evictions, including an attempted nighttime eviction of an elderly woman, that was carried out by a security company and the police. Police frequently intervened at the facility due to fights resulting from alcohol consumption. Residents indicated a sense of insecurity - the facility was unprotected at night and as a result anyone could enter the premises. People in homelessness crisis and mental health crisis sometimes stayed in the building overnight.

The documents collected clearly indicate a lack of clarity regarding the possibility of eviction and the procedures to follow when carrying out one. This creates a sense of misinformation and frustration, both for the facilities coordinators who do not know how to enforce their rights, and for the refugees

themselves, who often do not know their rights. Moreover, these ambiguities also create room for possible violations and financial extortion, which in the absence of regular monitoring by local authorities and a high turnover of accommodated people, are difficult to report or prove. It is not uncommon for civil society organisations to intervene in such situations, provided that they carry out monitoring in the facility or region and are not denied access to it.

FROM THE PERSPECTIVE OF NGOs

The role of civil society organisations in collective accommodation facilities primarily boils down to three main areas. First of all, some of the organisations have taken upon themselves to open the facilities up and manage them, especially those aimed at assisting vulnerable groups. Second of all, numerous civil society organisations support, monitor or intervene at specific facilities, complementing the activities of the public administration in this regard. The support can take the form of legal consultations, translation, educational activities for children, psychological support or providing assistance in offices or medical clinics. Thirdly, for many refugees, leaving collective accommodation facilities require, above all, finding an alternative accommodation as well as locating educational facilities for children, getting a job, etc. Civil society organisations therefore support getting independence through specific activities or by using them to support others (Migration Consortium 2023). For example, in the facility managed in Kraków by the organisation Salam.Lab, out of 231 people accommodated by the end of April 2023, 59 people did not qualify for the fee waiver (May 2023). The organisation thus searched for an alternative: People who do not qualify for the government's assistance have benefited from AirBnB and Ladybird projects as a part of our partnership. In both projects, people can benefit from accommodation for 30 days, explained the facility's coordinator (June 2023).

As far as the organisations' support given to the facilities administered by public actors is concerned, such activities require access to the facilities. However, some managers do not see the need to involve the third sector. This was, for example, the opinion of three out of four facilities visited in Lower Silesia. In one of them, managers did not distinguish between informing the residents about their legal situation and providing specialised services. Moreover they were critical of the third sector's offer in this respect. Sometimes we have to negotiate to make them let us come in and help. They won't admit that they have, for example, a patient who needs constant care, a doctor and a wheelchair, summarised one coordinator from the Mudita Association, an organisation specialised in working with people with disabilities in Kraków and Warsaw. Sometimes they do come to us for help, she adds.

It is worth pointing out that the willingness of civil society organisations to run a facility does not immediately guarantee that it would be of a high standard or that it would be self-sufficient. It also produces different results even within the same region. That is a result of lack of consistent standards and support from external actors. *It's not that we knew how to work with refugees. We had to learn it. This is*

completely new to us, pointed out the coordinator of the LGBTI+ refugee hostel managed by the Lambda Warsaw Association (November 2022). He also noted that many civil society organisations with no previous experience in this area were involved in supporting the accommodation of refugee women. Another good example is the facilities managed in the Podkarpackie which focused in providing accommodation to Roma refugee women from Ukraine. It was a result of the decision of the provincial governor to close down the facilities as well as a documented discrimination against this group by local authorities (Foundation Towards Dialogue 2023). The facility managed by the Open Heart Shelter Foundation is one of the few that offer long-term residence to refugees, including Ukrainian Roma. The facility houses up to 70 residents. One of the biggest challenges, as one of the people coordinating the facility noted, is the *open discrimination by non-Roma people from Ukraine against the Roma one. Residents rebelled and decided not to use the communal kitchen and fridge claiming that the Roma would steal their food. A seven-year-old girl was attacked by residents with a ball, fell off her bike and suffered injuries. Verbal aggression and hate speech are not uncommon.* The manager admitted that she feels powerless in the face of this situation, although she has given ultimatums to the residents and called for mutual respect. The UNITATEM facilities in Jarosław, Radymno and Kidalowice also face challenges. Over time they have become, to some extent, facilities responsible for the reception of Roma refugees. The first facility is located about 30 km. from Korczowa, in an isolated area. It provides long-term residence for refugees under the 40+ programme and donor support. The foundation started one day after the war and in March it gained legal personality: *We opened this facility 48h after we saw Roma on the street*, explained the manager (April 2023). It operates without the support of the local authorities, and the provincial governor refused to meet despite our requests (May 2023). In March 2023 it already housed approximately 130 Roma people, most from Transcarpathia. A visit by aid organisations showed a deterioration in accommodation standards. This includes problems sanitation (Towards Dialogue Foundation 2023). According to field research, mostly Roma people from the the region are referred to UNITATEM in Radymno. *The most marginalised group of Roma from Ukraine live here* - explains the coordinator (April 2023). *We tend not to go out of the facility. We have no contact with our neighbours* - explains one of the accommodated refugee women (May 2023). *We get along with the other female residents. We don't have any money. A family from Ukraine sends us some so that we have something to survive on.* She adds that a doctor visits them, but they have no medicines. *As soon as the war is over, we will go back to Ukraine*, she explains. One of the interviewees in Kidalowice explained: *I don't understand why they brought me here. And then the bus left, so I had no way to go back* (May 2023). Within the same voivodeship, there are two other facilities run by social organisations, including Open Heart.

Despite the long-term shifting to the civil society sector the responsibility for humanitarian aid, reception and integration of refugees in Poland largely, this responsibility is not accompanied by long-term support (from representatives of central local authorities, but also from many international organisations). Both the organisations themselves, as well as their employees and the volunteers repeatedly reported concerns about an uncertain future. A similar voice came from the teams managing the collective accommodation: *We don't know when our facilities will close. I paid the rent for two*

months in advance out from my own savings, but our shelter is not supported in the long term by the authorities, explained the coordinator of the Open Heart facility in Przemyśl in April 2023. Since the beginning we have been fixing the problems with the accommodation and help elderly Roma, people with disabilities, trauma and depression, added the UNITATEM coordinator, stressing that the lack of systemic and long-term support could lead to the closure of the facilities, leaving residents without alternative means of accommodation. Grants ran out at the end of December. We see the future pessimistically. What scares us the most is that the authorities are probably waiting until we fail and run out of funds. And the costs are rising. Where are these Roma people supposed to go? - she explained. An employee of the Ukrainian House in Przemyśl also explains that these are civil society organisations, with international support, that identify intersectionally excluded groups and provide them with comprehensive support what local and central authorities cannot see (Foundation Towards Dialogue 2023; Habitat for Humanity 2022).

CRISIS INTERVENTION IN COLLECTIVE ACCOMMODATION FACILITIES

In collective accommodation facilities many crisis interventions occur. These interventions are a response to cases of violence, usually against children. The most prominent is the physical violence inflicted by guardians in the form of smacks, pokes, slaps in the face or head and, in the worst case scenarios, even beatings resulting in haemorrhages or broken bones. In these cases, during interventions, we often learn of the use of psychological violence inflicted by the guardians. Extreme irresponsibility (such as leaving young children unattended), neglecting education or hygiene, indifference, shouting and rejection are not uncommon.

We often observe violence between adult residents. It is often a result of conflicts or quarrels (i.e. name-calling, threats, fights, choking, scratching, etc.). Peer group violence between children and teenagers is also visible. Multiple times a lack of affection ends in arguments, fights, pushing or name-calling. In groups of teenagers, there are cases of early intercourse and sometimes even sexual harassment.

It is the responsibility of the staff of collective accommodation facilities to respond to such incidents and report them to the relevant persons or services. First and foremost, it is important to point out that staff at the facilities should report all disturbing behaviour, including minor incidents and their observations so that preventive actions can be undertaken. The key here is to react quickly and early on so that violence does not escalate. In the case of a crisis situation, reporting it is the responsibility of the staff of the public institutions that have been sent there. In the case of volunteers or witnesses, it is a social responsibility.

In collective accommodation facilities, the cooperation between the Social Assistance Centres (OPS), the Crisis Intervention Centre (CIK), the Police, the Poviast Family Support Centre (PCPR) and the civil society organisations is very important. The creation of a team depends on a local reality, but also on how the municipality organises the collective accommodation facilities (who is on site). There is also an interdisciplinary team in each municipality to coordinate measures against domestic violence.

The correct response pattern should be based on prevention. In the event of suspected irregularities regarding raising children, the staff should report their observations and concerns to the relevant social worker at the social welfare centre. They should then carry out the procedure immediately, on the basis of which they can determine whether the concerns raised are valid. In the end, they should apply appropriate solutions to control the family. A frequent effect apart from background survey is the creation of Domestic Violence Police Intervention Protocol (the so-called Niebieska Karta, eng. Blue Card), as well as probation supervision. This

allows for an ongoing control, but also for the implementation of solutions improving the situation in the family.

In the event of violence, where an intervention is necessary, the first authorities to be informed are the police and the ambulance. The staff member of the collective accommodation facility should immediately notify the aforementioned authorities. Every case of violence must be reported. In addition, it is important to provide psychological support to the victims and it is recommended to call Crisis Intervention Centre. The police carries out actions to collect evidence and secure the victim, as well as to punish the perpetrator. An ambulance is necessary for health security, but in cases of violence sometimes also to confirm or establish a suspected impact. Social Welfare Centres staff must be informed about every intervention. Informing the above-mentioned services and institutions allows the case to be taken over and followed up according to the needs and the course of the case.

Unfortunately, practice shows that such reports are often underestimated. Firstly, often the notifiers are not government employees, but employees of civil society organisations supporting refugees. This is an aftermath of the rotation system of staff in public institutions that are in charge of the collective accommodation facilities. The frequent rotations cause information chaos within the institution and unfamiliarity with the residents of the facilities. This also have another side. The residents have more confidence in the employees of civil society organisations, as they regularly visit the facilities and can also communicate with them in a language they can understand. Thus, in the event of irregularities, the organisation's staff are often better informed.

In response to reports of irregularities, the argument of cultural differences and the resulting different upbringing of children in Ukrainian families (the so-called „strict upbringing”) is often presented. It is a frighteningly common phenomenon that the authorities are reluctant of to respond to such incidents due to temporariness of residence and sometimes even fear of being accused of discrimination. In such situations, it is extremely important to develop a system of local cooperation - a team.

It is crucial to organise a series of meetings with service representatives in order to develop a model or a response framework, starting with prevention and ending with intervention in drastic situations. It is important to have a good understanding of the local reality, which can result in recruiting other institutions that are useful in such cases, as well as civil society organisations, which often have very important resources that could facilitate an intervention (interrogation rooms for children, resources for the forensic examination of victims of violence). It is very important to know who is responsible for what and who should be reported in a given situation. It is crucial to identify the main contact points and to get means to communicate them. It is also

extremely important to develop trust within such a team, so that everyone is confident that they are working towards the same goal and are not competing individuals. Sometimes it is necessary to resort to unconventional but effective solutions. It is important that one knows the local reality.

We recommend the creation of a position or several positions for crisis interventionist. This is a person trained to respond and intervene in crisis situations. This person should be in possession of fast communication paths so that they are able to contact the mentioned authorities and institutions. Their role is to carry out the crisis intervention in cooperation with the relevant institutions, assisting them and monitoring the correctness of the carried out activities. This prevents the chaos and the need to meet new people each time. However, the intervener must be updated regularly about important issues at the collective accommodation facilities, so they know the family history. In an unclear situation, these are the key facts to be presented when speaking with a police patrol sent to investigate the case.

FROM THE REFUGEES' PERSPECTIVE

The majority of people surveyed were refugees. This group was dominated by those who had been exempted from the fee, but it also included some who had no clue whether or not they would be exempted or were still awaiting the decision in this regard. Those who has been informed that they had not received the waiver was in a distinct minority. In several interviews, it was also mentioned that in the absence of an exemption, the person would decide to return to Ukraine. The interviewees reported that after the information that the fee provisions came into force, some decided to leave Poland and go to Ukraine or another country, mainly a Western Europe one.

In interviews dated April and May 2023, the accounts of misinformation or lack of communication about legal changes were very common. People also expressed their frustration with the long wait but also showed gratitude towards the Polish hospitality. They also showed their desire to become self-sufficient. That has however been hindered by the poor housing situation (especially in large cities). One of the most touched-upon issues were the so-called vulnerable people and the lack of clarity on how the authorities interpret the law. The research teams also spoke to representatives of vulnerable groups. However only few of them has been explicitly identified by the amendment.

I am waiting for a decision. I don't have any savings, because it is impossible to save here said a Ukrainian citizen (a 36-year-old mother of two) in May 2023. *I explained that I have nothing to pay with and no way to make money having two small children. In the facility they said that I am one child short.* Other interviewees gave similar remarks. The majority of people did receive a waiver decision, however, according to the voivodeships' statements, less than the claimed „85 per cent”¹⁵. *I don't know where these estimates come from, since in our case one third is still waiting for a decision as we are filling in the documents,* explained in May the coordinator of the facility in Kraków.

In some of the facilities visited, the owners offered the possibility to work off part of or the whole participation fee (Wielkopolskie, Małopolskie, Podkarpackie). For example, the manager of one of the facilities in Wielkopolskie proposed to those who are not exempted from the fee that should they resign from food, their fee (which according to his calculations amounted to 1585 PLN per month) would be reduced by 1000 PLN and would amount to only 585 PLN. All persons concerned have agreed to such terms. We have no clue to what extent this solution complies with the law, but it is certainly to the advantageous of those obliged cover the fee. However, it is worth pointing out that there is possibility for potential abuse, forcing the state of dependency, gender-based violence, as well as (as the team

¹⁵ Polish Press Agency, MSWiA: 85 procent uchodźców z Ukrainy..., 29.04.2023, msn.com/en/wiadomosci/polska/mswia-85-proc-uchod%C5%BAC%C3%B3w-from-Ukraine-in-o%C5%9Brodki-no-must-dop%C5%82aca%C4%87-do-utilisation/ar-AA1avDeQ?ocid=Peregrine

documented in one facility in Poznań) collecting the fee under threat of eviction.¹⁶ Similar practice, although viewed positively by the majority of respondents, should be subjected to detailed monitoring in this respect.

At the facility run in Kraków by the Salam.Lab organisation, of the 231 people accommodated in April 2023, 59 did not qualify for the fee waiver (May 2023). It resulted in the organisations search for alternatives: *Those not eligible for government assistance have benefited from AirBnB and Ladybug projects as part of our partnership.* In both projects, people can benefit from accommodation for 30 days, explained the coordinator (June 2023).

A decision to impose a participation fee does not immediately mean that the persons accommodated are able to afford it or want to bear it, especially if the mechanisms for the enforcement are not clear even to the local authorities themselves. Of the six people questioned about the fee in the Małopolskie, two decided to stay at the facility despite not being able to afford to stay. The other two started negotiating the possibility of working off the fee (completely or partially) with the administration.

A noteworthy case occurred at the facility in Siedlce. It provides free accommodation. As a result, many people (including those already obliged to paying the fee) tried to get accommodation there after the announcement of the amendment. *We came [to Szydłowiec] with our son in February this year, when it was already clear that we would be paying for the stay anywhere,* explained a 48-year-old woman from Dnipro.

In official correspondence, four voivodeships indicated there was a possibility of an alternative to collective accommodation in the form of job activation points. However, after consulting local government representatives in May and June 2023 on this matter, it was not possible to establish where such points would be opened and for how long people relocated from collective accommodation facilities would be accommodated there (and starting from when).

Communication of the legal change

They knew much sooner about this legal change. Before we knew anything at the facility, already dozen people came back to Ukraine (May 2023, City Hall in Mazowieckie).

In many of the facilities surveyed, the Polish employees noted that the accommodated Ukrainians knew about the amendment even before them. Refugees pointed to social media apps and online communicators (especially Viber and TikTok) as a source of information. *The first information about the fees appeared on social media and in the smoking room, where residents gossiped. It happened even before the managers told us about the novelisation. Construction had just started near the facility and there were constant*

¹⁶ Read more about documented cases of abuse of labour rights of Ukrainian refugee women and gender-based violence: „Not a single safe place: Ukrainian refugees and the risk of violence, exploitation and trafficking”, University of Birmingham 2022, api.ngo.pl/media/get/202767

speculations about a closure. We thought it might be the end for our facility, a pensioner from Kramatorsk explained in a facility in Warsaw (June 2023).

For many of those interviewed, the information about the amendment came with a sense of uncertainty, stress. Some people decided to speed up their planned return to Ukraine. *Everyone was worried. We read on Viber that Ukrainians in Poland would pay 40 PLN a month, recalled a mother of three with from western Ukraine at a facility in Siedlce. This especially concerned smaller towns and facilities in small agrotourism farms. In our case it was we who informed the sołtys [village leader], and not the other way around. He checked this matter with the city hall, but they did not know either, explained one refugee woman in Pyzówka. The first thing to do was to prevent the spread of misinformation, but at that stage there was no information - said the sołtys of Pyzówka. Moreover, people also found out about the amendment from other residents and even from family in Ukraine. Everyone knew something and knew nothing in the same time - stated a refugee from Pyzówka.*

It was only from February 2023 onwards that the amendment and its consequences were communicated to managers and volunteers. In most facilities, this information was communicated clearly. However, details were problematic, as they were often not known by the managers. They even admitted that during the interviews. Meeting took place in most of the facilities (although not in all). In some of them the information appeared on information boards or online communicators such as Viber. Some of the information was bilingual. In the Masovian Voivodeship, at one of the facilities the meeting was translated into Ukrainian sign language by a delegated person. In the Dolnośląskie and Małopolskie voivodeships, with regard to some facilities the information was also provided (in Polish) on a Viber communicator by the administration. In contrast, at none of the surveyed facilities in the Wielkopolskie voivodeship in Poznań or Żerków did refugees remember to participate in any meeting concerning the Law. An additional problem was that in many facilities they failed to distinguish between volunteers and the managers. They also did not know to whom to apply for exemption or were unaware they could appeal against the decision and where to lodge an appeal. This was a significant problem especially in smaller locations. The discretion of the managers was also evident in some places. For example, in Poznań or Żerków, it was the administration that decided who to inform and support in writing an appeal against a decision. The decisions on non-exemptions were communicated in public in the form of a call for payment.

The language barrier was also an additional difficulty. At some facilities, the refugees mentioned that the administration tried to translate the content of the law *to Russian with little knowledge of Russian. Those who checked it for themselves afterwards were fine (Mazovia, May 2023).* In other facilities, the meeting was carried out in English or Polish. Non-Ukrainian-speaking Roma from Transcarpathia, deprived of Hungarian translators, were in the worst situation.

PROFESSIONAL ACTIVATION OF REFUGEES AND RISKS OF EXPLOITATION

Some of those obliged to cover participation fee had small savings. However usually the deposit and the first payment were beyond their financial means. Thus, they were unable to rent anything. Among the economically active, dominate women working in production or cleaning services. They tend to work at the lowest wages and some of them, due to looking after their children, only work part-time or have signed commission contracts. They are unsure how much they will earn in a given month. Some have odd jobs, including in the underground economy - without an employment contract.

Almost all the people we interviewed wishes to become self-sufficient. However, some point out that the participation fee, no alternatives for accomodation and low-salary jobs may delay this. The managers have similar opinions. According to data from February 2023, due to the introduction of a simplified procedure for employment for people fleeing Ukraine, the opportunity of employment has been used 900,000 times. Moreover, as the Association for Legal Intervention notes in its commentary to the amendment of 21 December 2022: It should also be emphasised that the legislator, on the one hand, wants to cover the professionally active Ukrainian citizens by special purpose law, indicating that they are to participate in the costs of the assistance, and on the other hand, deprives them of the possibility to legalise their stay on the basis of a temporary residence permit (Article 1, paragraph 17 of the Amendment). This clearly contradicts the concept of a rational legislator.

In the Małopolskie, out of the 19 refugees interviewed, only three had any savings and five were working in underground economy. We have no choice, explained one of them, a 37-year-old mother of two. My daughter asks me if we are poor. What am I am going to buy her? Everything we have we have received she explained.

Important sources of income are the so-called 500+ child benefits, small benefits from Ukraine, Ukrainian retirement pensions (often around 300 PLN per month), and transfers from relatives working in Poland and abroad. Few people work remotely from Ukraine.

It is worth pointing out that not everyone is able to get a job in Poland, even for a short-term basis. The facility at Warszawska Street in Poznań accomodates people who have been long-term beneficiaries of social assistance in Ukraine and their chances of professional activation and self-sufficiency is slim, according to social workers. In official correspondence, four voivodeships indicated the possibility of an alternative to collective accomodation in the form of profesional activation centres. However, the discussions with representatives of local authorities in May and June 2023, have shown that it was not possible to determine where such points would be established and for how long people relocated from collective accomodation facilities would be admitted there (and from starting from when).

THE AMENDMENT AND PLANS FOR THE FUTURE

I am leaving on Tuesday (...) A friend left because she was scared of the fee. I haven't received any decision, but I won't wait for it

(a woman of two, Pyzówka; left Poland in May 2023)

In most of the researched facilities, the administration tried to make it as easy as possible for residents to adapt to the situation initiated by legislators. However, for some, the novelisation was an impulse for a previously considered return to Ukraine or departure to the West (this was especially the case for those in Greater Poland who mentioned individual relocations to other EU countries).

Among the female interviewees, the decision to stay prevailed. That was particularly the case for those who had obtained a fee waiver. Nevertheless, during the research period (May/June 2023), some of them mentioned people who left the facility after the announcement about the amendment. In the facilities in the Lower Silesian, the administration confirmed that a number between a few and 30 people left each facility due to the amendment. On the other hand, in the Mazowieckie, by May 2023, as a result of the legal change approximately 600 people had left the facilities managed by the Warsaw Family Assistance Centre. The biggest change has been documented in Żerków, where only 98 out of 240 people who lived there in February remained in May 2023. The others left the facility mainly in the period between filling in the questionnaires concerning their financial situation and receiving the decision. In most cases, the administration of the facilities reported that they do not keep track of the fate of refugees after they leave. In the Podkarpackie and Małopolskie voivodships, the closure of the facilities additionally contributed to the refugee women leaving them permanently and the increased scale of departures from Poland. Hence, in some regions (e.g. Dolnośląskie and Małopolskie), refugees were more likely to report fear of the closure of their facility than a fear of eviction.

In the Dolnośląskie, one interviewee indicated that in order to leave the facility she would need to find a job. The others (15) indicated that the possibility of leaving the facility and a private accommodation was impossible for them due to their housing situation. In contrast, in the Mazowieckie, the team received information that by May 2023, approximately 600 people had left the Family Assistance Centre due to the amendment. The biggest change was recorded in Żerków, where only 98 out of 240 people (as of February 2023) remained until May 2023. The others left the facility mainly in the period between completing the questionnaires and receiving the decision. In most cases the managers reported (when asked) that they did not check on their fate after leaving. In the Podkarpackie and Małopolskie, the intensive process of closing up facilities contributed to female refugees leaving them permanently. It also increased scale of departures from Poland.

The vast majority of women interviewed stated that leaving the facilities was not possible for them due to lack of financial means (and sometimes opportunities) to support themselves and the poor situation on the housing market. Even when refugees are willing to sign a rent agreement, landlords withdraw from them. Having children or pets is also an obstacle: *I work full-time as a cultural assistant, but I am unable to rent a flat because people don't want any dogs*, explained a 22-year-old woman from Kiev living in a facility in Siedlce. What restricts the mobility of people staying at the collective accommodation facilities are the inability to rent a flat due to the lack of offers, the unwillingness to rent the flats to foreigners and the high prices.

It has also been pointed out that there was a reluctance to being relocated to a smaller town that lacks specialised staff and services (e.g. with regard to working with people with disabilities etc.). However, poor housing situation in a region was not a legal ground for being granted an exemption (Amnesty International 2022).

It is worth noting that, according to the Polish Border Guard, the proportion of returns and arrivals to and from Ukraine has been gradually decreasing over the last months (February - July 2023). Between February 2022 and February 2023, the difference was 1 972 000¹⁷, and for the whole period between February 2022 and July 2023 1 822 000¹⁸. For the moment, there is no full-scale research on the motivation of those who decide to go back to Ukraine. This indicates that the number of departures is increasing. That has been confirmed by the interviewees.

¹⁷ OKO.press, Gdzie jest milion uchodźców z Ukrainy, 28.02.2023, oko.press/ilu-jest-uchodzcow-z-ukrainy

¹⁸ Twitter of the Polish Border Guard of 16.07.2023, twitter.com/Straz_Graniczna/status/1680819979166285825?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1680819979166285825%7Ctwgr%5E68dfb0a44e902316bf695da2755c4da0dd8c6068%7Ctwcon%5Es1_%ref_url=https%3A%2F%2F300gospodarka.pl%2Fnews%2Fuchodzcy-z-ukrainy-w-polsce-liczba

REFUGEES WITH DISABILITIES

I will have to pay. I've been informed that it's not enough since it's only the disability of the second degree (a patient with an amputated leg, Małopolskie)

According to the amendment, people with a disability certificate are exempted from the costs of participation, but the law does not specify the degree of the certificate nor the country issuing it. However, practice and provincial guidelines indicate that mainly third-degree disability certificates issued in Poland are honoured. Certificates issued in Ukraine are accepted only if they have been translated by sworn translators.

However, this leads to a number of problems for the refugee women and the managers of the facilities. Firstly, many people's sudden escape from the hostile country has made it impossible (or difficult) to gather medical records. Many did not possess relevant documents or translations thereof. A resident of a facility in Warsaw reported in June 2023 *When we went to Poland everything was free and no one thought about collecting medical documentation*. Moreover, the amendment has suddenly increased the demand for sworn translations and appointments to medical specialists¹⁹. Their opinions are needed for exemption due to a difficult situation and in the disability assessment process. In the case of appointments with psychiatrists and assessments of intellectual disability, it was necessary to see a Ukrainian-speaking specialist. However, their number in Poland is limited, especially in smaller towns.

The key factor is time. *A referral [to a specialist] expires after a month. If you don't get an appointment, you start the process all over again*, explained an employee of the Mudita Association, which runs facilities for people with disabilities in Warsaw and Kraków. *„The one who created this law has never been disabled in Poland (...) Some of them are dependent on others. What about places where there are no organisations like ours? - she added. Until the documents are produced, or when it is not possible to produce them at all, some people (following the advice of the administration or social welfare centres), applied for exemption on the grounds of a difficult personal situation, similarly those with temporary health problems, such as broken bones. However, this required the will and knowledge of the administration or civil society organisations, as well as appropriate infrastructure adapted to the needs of people with disabilities. This however was often lacking.*

Goodwill of the social welfare centres was also a key factor. In three facilities visited (in Dolnośląskie and Mazowieckie), civil society organisations strongly emphasised the support of public authorities in completing the documentation allowing for the waiver. In Kraków, *had it not been for patience and long negotiations with the Office, half of our clients would have had to cover the fee [of accommodation]*. In most voivodeships, there were cases of the facilities administration advising people to mention their disability

¹⁹ Interestingly, not everywhere the waiver decisions were based on a medical documentation. For example, in Żerków, disability was declarative and was verified by a designated committee of the Provincial Office.

under the category „difficult personal living” and inform about lack in medical records or lack of translation thereof.

A separate category consists of chronically ill people, such as oncology patients. One of the specialised facilities (located in the student hall on Chodźki Street in Lublin near the hospital) hosts about 70 people. All of them have been exempted from the participation fee due to their state of health. As the facility's management explained, some people come for a week or two, get a dose of chemotherapy and then go back. *The physicians in Ukraine said that I should go back home and die*, explained one patient (May 2023). She referred to the dilemma between health care and the decision of going back to Ukraine.

In conclusion, the category of disability mentioned in the amendment is difficult to be proven in practice. Many people did not have a Polish disability certificate, or a sworn translation of medical records brought from Ukraine (provided that they had them in the first place). In addition, the inability to get an appointment with a medical specialist in Poland and the time pressure caused further difficulties. The law has also been interpreted differently with regard to the level of disability that would entitle for a waiver.

PEOPLE FROM THE VULNERABLE GROUPS

If I am 50 years old, have two children and a severe depression, am I in a difficult situation or not (...) Because in my opinion, everyone who flees Ukraine currently is (refugee, podkarpackie)

The majority of the interviewees think that the most enigmatic and unclear waiver category is the „vulnerable person” one. Those who had received a guidance regarding the interpretation of the condition in question are in a minority. A cooperation with a in theory pleasant decision making body is *case-by-case* and trial-and-error experience.

The data collected shows that there are three main interpretations of this category. First, it is treated as an umbrella term for all vulnerable groups that are not specified by the law. Secondly, it allows to identify cases of individual persons, who „almost” qualify for more than one waiver condition (e.g. a mother of with a second-degree disability certificate). Thirdly, it is also treated as a *storehouse*. *We report such person and wait for a response. In the meantime, we collect documentation*, explained an employee of one of the Kraków organisations. Alternatively, people who are actively looking for work can also be reported. It has been documented that such people then receive few extra months. For many coordinators, the arbitrariness when it comes to this category constitutes a ploy to exempt as many people as possible.

Issuing an interpretation in favour of the accommodated remains at the discretion of the authority. In Poznań at the facility on the Warszawska street, out of 160 people applying for the exemption on that category, as many as 110 were refused (20 in the first attempt and 90 in the second). Those who argued that they had a difficult situation due to having children were suggested to find a job and to enroll their children to school or kindergarten. However, it is not uncommon for the interpretation to differ significantly within the same voivodeship. For example, in the facility in Wrocław, the applications are closely consulted with social welfare centres, while in Legnica, they are examined by a committee consisting of city hall employees, social workers and representatives of the facility itself. The Warsaw Family Assistance Centre listed the documents needed for the exemption applications, has added further groups eligible for the waiver - students, the unemployed, the ill and people with low income. The administration of the Centre stated that the following documents qualify for *an exemption due to a difficult financial situation*: registration at the employment agency as an unemployed person, a medical certificate of inability to work, documents confirming study in Poland or Ukraine (remote), documents confirming low income or high expenses. In Oława, on the other hand, the facility’s administration already expressed no interest in the waiver procedure and, when asked about the difficult personal situation, indicated professional activation as a viable solution (May 2023).

The vagueness of the category and the arbitrariness of the exemption decision on said grounds encourages or discourages some refugees and managers to reach for this justification for exemption. In many instances, the decisive factor is the goodwill of both the evaluation committee and the facility’s managers.

UKRAINIAN REFUGEES FROM THE ROMA COMMUNITY

Our rules say that Roma are not allowed
(May 2023, staff of the Przemyśl Main Train Station)

Since the very beginning, the housing situation of Roma refugees both in Przemyśl and nationwide has been significantly worse than that of other people fleeing Ukraine (Amnesty International 2023, Foundation Towards Dialogue 2022). Roma are increasingly facing difficulties and resistance from private tenants. It is a result of many factors, from documented cases of anti-Roma attitudes to financial constraints. In the first weeks after the start of the Russian Invasion, Roma who fled to Poland found accommodation mainly in private housing thanks to social media groups. The state provided them with no visible support (Kołaczek, Mirga & Talewicz 2022). After a year, the housing situation for refugees from Ukraine has significantly deteriorated. That has particularly hard affected the Roma community, which has mainly relied on the support of civil society organisations. There have also been instances of closing up the facilities. According to data provided by the voivodeship, in Przemyśl at the peak in 2022 there were six reception points providing assistance to up to 120,000 refugees per day. Now there is only one (June 2023).

In 2023, a report by Amnesty International showed that Roma has been systematically restricted of access to reception centres, especially with regard to facilities in Nadarzyn, Hrubieszów and Kraków. The organisation described this as a „worrying pattern of actions taken against Roma refugees”. The regular monitoring of civil society organisations in Przemyśl and the documents collected there further back this up. A report by the Foundation Towards Dialogue from Przemyśl (2023) indicates that there are few facilities in the voivodeship that accommodate Roma people. They are facilities run by civil society organisations such as UNITATEM or Open Heart, rather not publicly funded centres. Roma people encountering exclusion often decide to return to Ukraine. This includes the war-ravaged Transcarpathia region. If they later decide to return to Poland, which is their first safe country, because of their decision to leave, there are fewer support offers for them.

I visited several reception points for refugees from Ukraine. I noticed that the places for Ukrainians are well-equipped and relatively comfortable, while those accommodating Roma have basically nothing and the conditions are much worse, explains Olena Vaidalovych, a human rights expert. The report of the Towards Dialogue Foundation documents numerous violations in terms of accommodation of Roma people in the Podkarpackie Voivodeship. It has been confirmed by research and interviews with representatives of the Przemyśl City Hall. In July 2022, the Foundation received information that due to disruptions in the schedule of departures and arrivals of trains in Przemyśl, a large group of refugees from Ukraine, including about 100 Roma, had gathered at the railway station. The mayor of the city, Wojciech Bakun, who was personally present at the station, demanded that the volunteers never take the Roma to the Tesco assistance centre. At the time that was the largest reception facility. Since then, both the rhetoric of the local authorities and the active discrimination against Roma refugees has had an effect on the conditions of the accommodation and access thereof. That includes, the creation of a „Roma corridor” at the Przemyśl railway station.

One of the employees of a civil society organisations from Kraków summarised the situation of the Roma refugees as follows: „First the Roma were not allowed in, now those who are already there have to find a place to leave completely by themselves (...) It’s difficult, because hardly anyone wants to accommodate Roma. In general hardly anyone wants to house a refugee now. The state is playing games with us again.

SUMMARY

The analysis of the research carried out on the initiative of the Migration Consortium proves both the inconsistency and the legal shortcomings of the law itself. Furthermore it demonstrates the inability of the regional authorities to carry out the refugee accommodation procedure stipulated in the law in accordance with human rights standards women and in a way that would be consistent, reliable and would offer a long-term perspectives of integration. According to [Minister Agnieszka Ścigaj's response to the Ombudsman](#), the need for housing is increasing among the refugees and this group is at risk of exclusion. The solution is to increase the pool of subsidized and government housing offered to refugee women and to support them comprehensively in becoming self-sufficient, rather than forcing payment for temporary accommodation, which is often of a low standard and what puts those fleeing war at risk of financial loses, extortions and consequently return to Ukraine.

WITH THIS IN MIND, THE MIGRATION CONSORTIUM HAS PREPARED THE FOLLOWING RECOMMENDATIONS FOR THE POLISH GOVERNMENT, AS WELL AS CENTRAL AND LOCAL AUTHORITIES:

IT IS CRUCIAL TO REPEAL THE 13 JANUARY 2023 AMENDMENT TO THE LAW ON ASSISTANCE TO CITIZENS OF UKRAINE, which forces some of them to contribute to the costs of accommodation (humanitarian aid). It is not only incompatible with the provisions of the European Union (Article 13 para. 1 of the Temporary Protection Directive 2001/55/EC), but also ineffective, as in practice outstanding fees are unenforceable against refugees (as evidenced by our legal analysis). Those who fail to pay cannot be evicted, what has been highlighted by the government representatives²⁰. We therefore consider this legislation to create a hostile environment that will cause refugees to leave the collective accommodation facilities out of fear of becoming homeless (what we have already observed).

²⁰ *Centra Zbiorowego Zakwaterowania. Poradnik dla osób przybyłych z Ukrainy*, Association for Legal Intervention, Warsaw 2023, p. 13; https://interwencjaprawna.pl/wp-content/uploads/2021/01/CentraZbiorowegoZakwaterowania_PoradnikPL.pdf [accessed 21.07.2023].

WE STRONGLY RECOMMEND TO COLLECT INFORMATION ON THE SITUATION IN COLLECTIVE ACCOMMODATION FACILITIES ON AN ONGOING BASIS, which will include keeping a coherent and regular overview of the number thereof in Poland divided by voivodeships. As part of this monitoring, it is necessary to keep a register of the facilities (with the number of available and occupied places), as well as the number of people staying in each of them. It should take into account their personal situation and special needs.

WE ALSO RECOMMEND THE INTRODUCTION OF MINIMUM STANDARDS THAT ALL COLLECTIVE ACCOMMODATION FACILITIES SHOULD MEET IN terms of their living conditions and the services they offer. A further but necessary step is the ongoing monitoring of the accommodation standards and identification of any violations as well as cases of neglect and discrimination,

IT IS NECESSARY TO INTRODUCE CLEAR RULES OF RESPONSIBILITY FOR SUPPORTING REFUGEE WOMEN AMONG DIFFERENT LEVELS OF THE PUBLIC SECTOR. It is worth including the civil society sector in this process, bearing in mind, that the responsibilities for providing support lie with public institutions. It is also necessary to introduce efficient and transparent means of communication between the government, local authorities and the civil society.

IT IS ALSO NECESSARY TO EXPAND THE HOUSING OFFER (SUBSIDIZED AND GOVERNMENT) FOR REFUGEES AND COMBINE IT TOGETHER WITH THE PROFESSIONAL ACTIVATION PROGRAMMES (bearing in mind, however, that not every person will be able to work). Social tenancy agencies and innovative social housing solutions should continue to be supported. It is also necessary to continue to support private individuals, who rent the flats to refugees.

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