

***Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State. Commentary*, ed. Witold Klaus, Wolters Kluwer, Warsaw 2022, pp. 492**

Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa. Komentarz, red. Witold Klaus, Wolters Kluwer, Warszawa 2022, ss. 492

Закон «О помощи гражданам Украины в связи с вооружённым конфликтом на территории этого государства». Комментарий, ред. Витольд Клаус, Wolters Kluwer, Варшава 2022, 492 с.

Закон Про допомогу громадянам України у зв'язку зі збройним конфліктом на території цієї держави. Коментар, ред. Вітольд Клаус, Wolters Kluwer, Варшава 2022, сс. 492

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On 24 February 2022, a momentous event occurred that left an indelible mark on Europe and the global community. After eight years of persistent conflict, Russia launched a full-scale aggression against Ukraine. The ramifications of this shocking episode were profound, prompting the displacement of over 6 million refugees from Ukraine, with a staggering 5 million seeking refuge in Europe.¹ Notably, this crisis engendered an unprecedented response from the Polish populace, who exhibited exceptional altruism by assisting their newly arrived neighbours. The extent of Polish engagement spanned various facets, encompassing transportation from border areas to major urban centers, provision of lodgings in private residences, aid in securing employment, and a myriad of other supportive activities.

In addition to the grassroots efforts of Polish citizens, international initiatives were also conspicuous. Foremost among these was the activation of Directive 2001/55/EC² on 4 March 2022, by the Council of the EU at the behest of the European Commission. Enacted on 20 July 2001, this directive outlines minimum standards for granting

¹ Data as of 11 July 2023, provided by the Office of the UN High Commissioner for Refugees, UNHCR, <https://data.unhcr.org/en/situations/ukraine> [access: 12.11.2023].

² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212/12, 7.07.2001, pp. 12–23.

temporary protection during mass influxes of displaced persons, with an emphasis on fostering an equitable distribution of efforts among Member States. Significantly, this marked the inaugural implementation of the directive, which seeks to streamline the provision of temporary protection for those fleeing affected regions through a less formalized and more expedited administrative process. Additionally, member states are obligated to furnish social assistance, accommodation, medical care, and educational support to the displaced individuals.

Independently of these commendable international endeavors, the Polish legislature proactively addressed the issue by enacting a bespoke law on 12 March 2022. Entitled the “Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State,”³ this legislation reflects a responsive and expeditious approach to addressing the emergent, critical, and challenging situation. The urgency of the legislative process is underscored by the date of enactment, 12 March 2022, indicating a swift and decisive response to the unfolding crisis.

In response to the emergence of legislation which, albeit new, was immediately used in practice, as early as in 2022 a publication appeared entitled *Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa. Komentarz (Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State. Commentary)* edited by Dr. habil. Witold Klaus, Professor of the Polish Academy of Sciences. The book is co-authored by Rafał Cieślak, Marcin Górski, Małgorzata Jaźwińska, Ewa Kacprzak-Szymańska, Agnieszka Kwaśniewska-Sadkowska, Patrycja Mickiewicz, Marcin Princ, and Katarzyna Słubik. As the authors point out in the introduction, the commentary was prepared by a team of specialists who have experience in migration law, administrative law, criminal law, foster care, and public finance. A great advantage of this team of authors is that each of them has many years of experience in work involving support for refugees and migrants.

The book was published by Wolters Kluwer Publishing House and has 492 pages including a table of contents, a list of legal acts, literature, an introduction, 116 articles commented consecutively, a list of primary sources, and a detailed description of the authors. The standard commentary’s intuitive layout is to be commended, along with “bold text,” which allows the reader to quickly find the needed issue. In addition, the commented articles have small tables of contents below the text, which makes navigating through the commentary even easier.

³ Act of 12 March 2023, Law on Assistance to Citizens of Ukraine in Connection with Armed Conflict on the Territory of Ukraine, Journal of Laws [Dziennik Ustaw] of 2022 item 583 as amended.

Although the book has no chapters, one can undertake to specify the topics it discusses based on the law it comments on. Thus, the commentary discusses the following issues: the principles of legalization and registration of residence, access to the labor market, social benefits, health care, education, legal assistance, organization of aid activities by public agencies, and provisions authorizing institutions to undertake or finance specific activities resulting from the presence of refugees from Ukraine in Poland.

The systematized structure of the commentary also deserves praise. What is more, the authors discuss each issue with remarkable thoroughness. Each commented article begins with an introduction and normative context. In the following stages, very often, if necessary, the exact scope of the subject of the provision is discussed. This is followed by a discussion of the issues relevant to the provision being commented on. With each such analysis, the authors focus on obscurities by providing a range of information that becomes useful for interpretation. Thus, one can see the realization of the authors' assumption indicated in the introduction. The authors of the commentary explain the provisions of the law in detail and offer their interpretation. In the reviewer's opinion, however, the number of references and the accuracy of the analyses carried out do not exclude the reader's independent conclusion.

Due to the comprehensiveness of the work, this review is limited to discussing only its most relevant elements.

In the beginning, the authors focus on a thorough discussion of the scope of the law's subject matter. A very thorough description is offered with the indication of interpretative and practical problems, as well as the amendments made in this area. A further part of the publication discusses the provisions on the legalization of residence of Ukrainian refugees, with detailed guidelines for registration, assigning a PESEL number, taking appropriate photographs, creating a trusted profile, and activating the mObywatel application. In addition, the authors thoroughly discuss the possibilities that offices and institutions can use to implement the indicated tasks.

In the area of employment, of utmost importance is the commentary on Article 22 – the right to work and to register as an unemployed person or job seeker and Article 23 – the right to undertake and carry out economic activity by Ukrainian citizens. From a practical perspective, Ukrainian citizens ask many questions in this area. The authors synthesize the rights and obligations, also accurately presenting the construction of application forms, formalities necessary to meet, or possible penalties. In the content of the commentary, one can also find numerous references to other laws, including those on migrants and refugees. As a result, explanations of

the application of the law to migrants with a different basis for legal residence are also frequently offered.

In the field of child custody, one of the themes thoroughly discussed by the authors is the temporary custody of children. This issue was a completely new solution raising many doubts. However, temporary guardianship is necessary because it enables minor Ukrainian citizens who have been separated from their parents or legal guardians to receive the necessary care in Poland. Thanks to the comprehensive study in the commentary, the reader learns exactly who can be a guardian, and what conditions must be met. Given the novelty of this solution, as well as the extremely rapid dynamics of action towards unaccompanied minors, the commentary becomes an accessible instruction that can be used by everyone.

Given the new difficult situation, allowing Ukrainian citizens to use benefits helps to start a new stage in life. The commentary provides a detailed description of benefits such as family benefits, care benefits, the “500+” child-rearing benefit, Family care capital, and subsidized nursery care. Each benefit is discussed in detail with an indication of who can apply for it and how. This is a great advantage of this work since refugees are unfamiliar with these benefits. It is therefore necessary to indicate exactly what benefits are provided by the Polish legislator, how they can be applied for, as well as to whom they are due and to what extent.

Regarding health care for Ukrainian citizens residing in Poland, the editors discuss in detail key aspects of access to medical benefits. The authors provide a detailed analysis of the various types of healthcare benefits available to Ukrainian citizens covered by the special law. They also explain the principles of providing such benefits and the required documents. This is a comprehensive source of information on health care for Ukrainian citizens in Poland, and the meticulousness of the analysis and the practical tips presented by the authors make this commentary a valuable guide for anyone not only for lawyers but also for civil servants, entrepreneurs or healthcare workers.

According to the law, refugees from Ukraine are guaranteed educational rights on the same basis as Polish citizens. The commentary discusses the scope of these rights, which include preschool education, education in various types of schools, and higher education. The condition for Ukrainian citizens to receive education in Poland is the possession of a document proving identity and Ukrainian citizenship, but the lack of such a document does not exclude the possibility of education, as this can be accessed based on a statement on arrival from the territory of Ukraine due to armed conflict. The authors discuss in detail the types of education and the rules and the necessary documents for being admitted to them. This is a comprehensive guide to educational issues, highlighting key information such as the right

to study at the expense of the state, the possibility of admission on various grounds, and the readiness of Polish schools to integrate with migrants.

To benefit from legal assistance, Ukrainian citizens must submit an application, which may be in written or oral form. The authors discuss in detail the different types of legal aid, explaining the principles of its provision and the required documents. It is a comprehensive source of information on free legal assistance for Ukrainian citizens in Poland upon arrival after 24 February 2022. Reviewers emphasize that this assistance is crucial for migrants, enabling them to resolve issues related to their situation in Poland in a manner consistent with applicable law.

The collective work edited by Dr. habil. Witold Klaus, prof. PAN, entitled *Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa. Komentarz*, stands as a commendable and timely contribution to the legal discourse surrounding the humanitarian crisis triggered by Russia's full-scale aggression against Ukraine on 24 February 2022. The commentary is extremely practical. It provides a detailed explanation of each of the concepts. In doing so, the authors use clear and transparent language that can be understood by everyone. The authors themselves point out that the addressees of the commentary are not only lawyers but also government and local government officials, and entrepreneurs. In the author's opinion, the commentary is a perfect instruction for everyone on how to navigate the new situation. The thorough analysis, presented in an exceptionally clear manner, greatly facilitates the understanding of the procedures. It is impossible not to agree with the words of the book's reviewer quoted on the cover of the book by Prof. Dr. habil. Irena Rzeplińska, *Every official implementing the speculative law should have this manual on their desk*.

The commentary merits a positive reception. It is a valuable study and the only one in this area. It does not provide an extensive bibliography or case law, as this is impossible due to the novelty of the legislation. Nevertheless, the authors show their expertise and practical experience by discussing the problems in great detail, along with referring to relevant legislation. As a result, each issue seems to be discussed comprehensively which deserves special praise. As a reviewer who knows the previous achievements of the authors, I can say that the structure chosen for the book is ideal for coping with such a difficult task of preparing a commentary on completely new developments in such a remarkably short time.

