

THE RECOGNITION OF DIPLOMAS, ACADEMIC DEGREES AND TITLES OF UKRAINIAN CITIZENS IN POLAND IN THE TIME OF FULL-SCALE RUSSIAN MILITARY AGGRESSION AGAINST UKRAINE*

Dr. Sergiy Balaniuk

Vincent Pol University in Lublin, Poland
e-mail: s.balaniuk@pol.edu.pl; <https://orcid.org/0009-0009-1771-6826>

Abstract: The recognition of diplomas, academic degrees and titles of Ukrainian citizens in Poland in the time of full-scale Russian military aggression against Ukraine has become quite an important issue after 24 February 2022. Diplomas and degrees obtained after 20 June 2006 are not recognized on the basis of international agreements, since nostrification of the relevant diploma or degree is required, on the basis of which a certificate of recognition of the relevant diploma or degree as equivalent to the Polish one is issued. Unfortunately, there is no publication in the Polish literature that discusses the process of nostrification of foreign diplomas and academic degrees along with practical aspects in this regard. Therefore, the article aims to present the criteria for the recognition of diplomas and academic degrees obtained in Ukraine and to analyse the most significant challenges that Ukrainian citizens may face in the procedure on recognition of their diplomas and academic degrees.

Keywords: recognition (nostrification) procedure; foreign diplomas; foreign academic degrees and titles; full-scale Russian military aggression.

INTRODUCTION

Full-scale Russian military aggression on Ukraine provoked one of the biggest waves of mass migration to neighboring countries. Millions of Ukrainian citizens were supposed to start a new life under completely unknown conditions. EU member states were obliged by the EU law, especially Council Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine,¹ to introduce provisions that were

* The article was prepared as a part of the project “Legal Analysis of Russia’s Actions in Ukraine Since 2014 in Terms of Crimes of Aggression, War Crimes and Genocide, as well as Legal Solutions of Ukraine’s Neighbouring Countries Regarding the Status of Ukrainian Citizens” (the agreement number MEIN/2023/DPI/2965).

¹ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive

supposed to provide for particular rights to Ukrainian citizens that register for temporary protection. One of the most important right is the right to work without any previously obtained permit. However, there are professions, which despite having a right to work, will require to fulfil additional criteria in order to be employed. The most obvious example of such professions are the professions that require to obtain particular diploma or academic degree. Ukrainian citizens, who arrived after the start of full-scale Russian military invasion on 24 of February 2022, it means that diplomas or academic degrees were obtained in Ukraine and if one wants to have them recognized in Poland there is a particular procedure on their recognition by the institution of higher education in Poland.

The aim of this article is, first of all, to present the criteria for recognition of diplomas and academic degrees obtained in Ukraine, and second of all analyze what are the greatest challenges faced by Ukrainian citizens in terms of recognition of their diplomas and academic degrees. After analyzing the criteria for recognition of particular academic degrees it becomes clear that the higher academic degree is, the harder it is to recognize it as equivalent with Polish one, since the criteria become more “subjective” and more dependable on national requirements introduced by the Ministry of Higher Education as to the criteria for obtaining PhD degree or Habilitation. Additionally, this article aim to summarize the criteria for recognition of particular academic degrees and main aspects of the procedure on recognition, since there is no publication in Polish literature, which would summarize the most significant aspects of procedure on recognition of foreign academic degrees, together with main criteria and conditions for recognition.

1. TYPES OF DIPLOMAS, ACADEMIC DEGREES AND TITLES IN UKRAINE

In order to present types of diplomas that are to be recognized on the territory of Poland there is a need to briefly discuss Ukrainian law regarding particular levels of its system of education. In Ukraine the following levels of education can be identified: preschool education, primary education, basic secondary education, specialized secondary education, first (initial) level of vocational (vocational-technical) education, second (basic) level of professional (vocational) education, third (higher) level of professional (vocational)

2001/55/EC, and having the effect of introducing temporary protection, Official Journal of the European Union L 71/1, 4.3.2022; 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, Official Journal of European Union L 212, 7.8.2001, p. 12.

education, professional higher education, initial level (short cycle) of higher education, first (bachelor's) level of higher education, second (master's) level of higher education, third (educational-scientific/educational-creative) level of higher education.² In terms of higher education the following levels should be identified: initial level (short cycle) of higher education, first (bachelor's) level, second (master's) level, third (educational-scientific/educational-creative) level.³ Diplomas and degrees that undergo particular process of recognition are those that were obtained as a document confirming termination of particular cycle of higher education. As a result there are the following types of higher education degrees are established: degrees junior bachelor's degree, bachelor's degree, Master's degree, Doctor of Philosophy/ Doctor of Arts degree⁴. The titles of docent and professor are awarded not by the university or other higher education institution, but by the Ministry of Education and Science of Ukraine,⁵ since they are not awarded as a result of any studies as the Master's or PhD degree.

In accordance with Article 326(2) of the Law on Higher Education and Science,⁶ a degree obtained in Ukraine, which gives the right to continue education in this country at the second-degree studies, entitles to continue education in second-degree studies in Poland as well. Article 160 of the aforementioned law provides that postgraduate studies may be accessed only by those, whose diplomas confirm the possession of higher education in Poland pursuant to Article 326(1) of the Law on Higher Education or whose diplomas have been recognized based on the provisions on recognition procedure in Poland.

However, a significant distinction should be made at this point based on the date of issuing the diploma of bachelor's degree and Master's degree. Diplomas issued in Ukraine prior to 20 June 2006, are recognized as equivalent with Polish ones on the basis of international agreements, without the need to undergo the procedure of recognition [Łętowska 2022, 30]. The following international agreements are regulating the issue of recognition of diplomas between Poland and Ukraine: Protocol between the Government of the Republic of Poland and the Government of Ukraine on temporary regulating the issue of mutual recognition of equivalence of documents of graduation from secondary schools, secondary vocational schools and higher schools, as well as documents on the awarding of degrees and academic

² Zakon Ukrainy pro osvitu, "Vidomosti Verkhovnoi Rady", 2017, no. 38-39, p. 380, Article 10.

³ Zakon Ukrainy pro vyshchu osvitu, "Vidomosti Verkhovnoi Rady", 2014, no. 37-38, p. 2004, Article 5.

⁴ Ibid., Article 7.

⁵ Postanova Kabinetu Ministriv Ukrainy (31.12.2004), no. 1791: *Poriadok prysvoiennia vchenykh zvan profesora i dotsenta*, Article I.1.

⁶ Act of 20 July 2018, the Law on Higher Education and Science, Journal of Laws of 2023, item 742.

titles; Agreement of 10 May 1974 between the Government of the Republic of Poland and the Government of the Union of Soviet Socialist Republics Soviet Republics on the equivalence of documents on education, academic degrees and titles issued in the Republic of Poland and the USSR;⁷ Convention of 7 June 1972 on the mutual recognition of the equivalence of graduation documents of secondary schools, secondary vocational schools and higher education institutions, as well as documents on the conferral of academic degrees and academic titles.⁸ Nevertheless, there is an exception from the above mentioned principle concerning the date of issuance, which regards to particular professions, such as doctor, dentist, pharmacist, nurse, midwife, veterinarian and architect. In such cases regardless of the date of issuance of the diploma, they can be recognized in Poland only throughout the procedure of recognition (called “nostrification”) [Karpiuk 2010, 127].

What concerns the diplomas issued after 20 June 2006 they are recognized as equivalents to the Polish ones on the basis of the procedure on recognition (nostrification). Recognition procedure is not subject to international agreements, but to national law – Ordinance of the Minister of Science and Higher Education of 28 September 2018 on the nostrification of diplomas of study abroad and confirmation of completion of studies at a certain level.⁹

After receiving the Master’s diploma there exists a possibility to continue the academic career during additional 3 years of third-degree studies and receive a degree of Scientific Candidate (Ukr. *Kandydat nauk*), which is the equivalent of PhD degree. According to the changes introduced in Ukrainian law that came into force on 1 March 2018 the degree of Scientific Candidate was replaced by the degree of Doctor of Philosophy (Ukr. *Doktop filosofii*). Similar as in case of previously mentioned diplomas, degree of Doctor of Philosophy, issued in Ukraine prior to 20 June 2006, are recognized as equivalent with Polish ones on the basis of international agreements, without the need to undergo the procedure of recognition. The following international agreements are regulating the issue of recognition of degrees of Scientific Candidate or Doctor of Philosophy: Protocol between the Government of the Republic of Poland and the Government of Ukraine on the temporary regulating the issue of mutual recognition of equivalence of documents of graduation from secondary schools, secondary vocational schools and higher schools, as well as documents on the awarding of degrees and academic titles; Agreement between the Government of the Republic of Poland and the Government of the Union of Soviet Socialist Republics Soviet Republics on the equivalence of documents on education, academic degrees and titles issued in the Republic of Poland and the USSR; Convention on the

⁷ Journal of Laws No. 4, item 14 and 15.

⁸ Journal of Laws of 1975, No. 5, item 28 and 29.

⁹ Journal of Laws item 1881.

mutual recognition of the equivalence of graduation documents of secondary schools, secondary vocational schools and higher education institutions, as well as documents on the conferral of academic degrees and academic titles. However, the degree of Scientific Candidate (Ukr. *Kandydat nauk*), or the degree of Doctor of Philosophy (Ukr. *Doktop filosofii*) that were conferred after 20 June 2006 are recognized as equivalents to the Polish ones on the basis of the procedure on recognition (nostrification).

The final academic and scientific title that can be conferred according to the Ukrainian national law is the title of Professor (Ukr. *Profesor*). The title of Professor conferred prior to 20 June 2006 is recognized as equivalent with Polish ones on the basis of international agreements, without the need to undergo the procedure of recognition: Protocol between the Government of the Republic of Poland and the Government of Ukraine on the temporary regulating the issue of mutual recognition of equivalence of documents of graduation from secondary schools, secondary vocational schools and higher schools, as well as documents on the awarding of degrees and academic titles; Agreement between the Government of the Republic of Poland and the Government of the Union of Soviet Socialist Republics Soviet Republics on the equivalence of documents on education, academic degrees and titles issued in the Republic of Poland and the USSR; Convention on the mutual recognition of the equivalence of graduation documents of secondary schools, secondary vocational schools and higher education institutions, as well as documents on the conferral of academic degrees and academic titles. However, the academic title of Professor conferred in Ukraine after 20 June 2006 cannot be considered as equivalent to a Polish academic title according to the Polish Law on Higher Education and Science. This particular law does not provide for the recognition of the Ukrainian academic title of Professor with its Polish equivalent via the procedure on nostrification.

Recognition of the title of Professor is different as a result of the character of the title concerned. First of all, academic title of Professor, not only in Ukraine, but also in other countries, does not require any defense of thesis or other type of work – e.g. monography. That is why there is no evidence and in the same time publication that resulted in conferral of the title of Professor and that could be analyzed via nostrification procedure in any other country. Second of all, criteria for conferring the title of Professor are not unified and differ in different countries. Therefore, unlike the PhD degree there are no exams to pass or thesis to defend within so-called post-graduate or doctoral studies. For these particular reasons it is hard to establish if the title of the Professor conferred in Ukraine can be recognized as equivalent with the Polish ones.

Additionally, academics in Ukraine, who received a PhD degree and work at the university or any other institution of higher education

conducting scientific and pedagogical activity, receive a title of “Docent”¹⁰ (Ukr. *Dotsent*).¹¹ The academic title of Docent is assigned by the academic council of the higher education institution where the person is employed. Therefore, it is not assigned by the Ministry. This title is not a subject to formal recognition in Poland neither on the basis of international agreements, nor through nostrification procedure, due to the lack of its equivalent in the Polish higher education system [Kierznowski 2021, 78-79]. This fact may be challenged, since there is an associate professor position (Polish: *stanowisko adiunkta*) at the higher education institutions in Poland, however it is not a degree or title, but an academic position, strictly related to the fact of being employed at that higher education institution. Therefore, it is not equivalent to the Ukrainian “Docent” and can not undergo recognition either on the basis of international agreements, nor through nostrification procedure.

2. RECOGNITION (NOSTRIFICATION) PROCEDURE

Citizens of Ukraine, who came to Poland after Russia has started full-scale military aggression, have the right to register for temporary protection in Poland, and therefore have a right to work without a need to apply for any additional permit. However, if someone’s intention is to continue academic work or work at institutions of higher education in Poland, this person needs to verify what are the additional criteria for the recognition of his diplomas and academic degrees [Słomińska 2010, 23]. Citizens of Ukraine who arrived to Poland after 24 February 2022 may benefit from the following rights: a certificate confirming full education issued in Ukraine entitles them to apply for admission to studies in university or any other institution of higher education in Poland; a university or any other higher education institution in Poland may recognize appropriate periods of study, passed exams, credits and internships in accordance with Polish law; bachelor or master’s qualifications obtained in Ukraine entitle Ukrainian citizen to apply for a doctoral studies and degree in accordance with applicable Polish law. The reasoning behind such exceptions, especially these concerning recognition of periods of studies, exams that were passed during the studies in Ukraine, credits and internships, relates to the sudden start of full-scale Russian military aggression, which made Ukrainians leaving their jobs, studies and escaping to the country that is not under the risk of direct military attacks. As a result, those who had interrupted their studies should have the chance to continue them, with recognition of some achievements that make

¹⁰ The equivalent term in English should be “Associate Professor”.

¹¹ Zakon Ukrainy pro vyshchu osvitu, “Vidomosti Verkhovnoi Rady”, 2014, no. 37-38, p. 2004, Article 54.

it possible to continue the studies at the same year that they left their studies in Ukraine.

Procedure on recognition (nostrification) of Ukrainian diplomas, academic degrees and titles is not automatically initiated. This is upon particular person to submit the motion to the proper institution of higher education in Poland. The nostrification procedure is conducted by an institution of higher education with category A+ or A in the discipline related to the applicant's scientific degree [Antonowicz 2020, 157]. It may happen that a university having a category A or A+, may receive in the next evaluation period lower category, e.g. B, which means that it loses the right of recognize foreign academic degrees.¹² It has to be mentioned that it is not the whole university or other institution of higher education that receives particular category, but each faculty of that university or institution of higher education. Therefore, commission that is supposed to analyze the motion for nostrification is established by the dean of particular faculty that has a competence to confer academic degree in the discipline of the applicant. As a result, if the applicant wants to recognize the PhD degree in Economics, then he should search for the university or other institution of higher education, whose faculty of economics has the category of A or A+.

The motion itself is short, and does not have any elaborated structure. The most important information that should be provided this are the following: personal data of the applicant; name and address of the university or any other institution of higher education; the request of recognition of particular degree; identification of the document based on which one had received this degree and the list of attachments – therefore documents that support the motion for the recognition. The list of the attachments is probably the most important part of the motion, since lack of any document that is required may result in request to remedy a formal deficiency, which will definitely slow the procedure on recognition down.

The list of the attachments to the motion will differ depending on the type of the degree that is to be recognized. In case of recognition of the PhD degree the following documents are required to be attached to the motion: a diploma confirming the conferral of this degree; documents constituting the basis for awarding this degree (master's diploma, supplement to the diploma with the list of exams passed before the conferral of the degree); doctoral studies diploma, which confirms the completion of the studies that lead to the defense of the PhD degree; additional declarations of the applicant (declaration concerning the data and place of the birth, and declaration on

¹² The list of evaluations of the scientific activities of universities and faculties and their categories can be found on the following website: <https://radon.nauka.gov.pl/dane/ewaluacja-dzialalnosci-naukowej?&pageNumber=1> [accessed: 20.05.2024].

previous attempt to recognize the degree in case there had been such an attempt before); PhD thesis self-report (with translation); doctoral dissertation in the original language version (this is not a required document, however some institutions may ask the applicant to provide doctoral dissertation).

In case of recognition of the degree of Habilitated Doctor the following documents are required to be attached to the motion: diploma confirming the conferral of this degree; documents confirming scientific or academic achievements constituting the basis for conferral of this degree; a diploma confirming the conferral of a doctoral degree; additional declarations of the applicant (declaration concerning the data and place of the birth, and declaration on previous attempt to recognize the degree in case there had been such an attempt before); PhD thesis self-report (with translation); monograph, which was the basis for conferring the degree in the original language version (this is not a required document, however some institutions may ask the applicant to provide doctoral dissertation).

Comparing those two lists of attachments there are particular differences that influence the character of the recognition procedure. First of all, it can be noticed that in case of recognition of PhD degree it is more about proving the completion of the doctoral studies, with the list of exams passed during the doctoral studies. The Commission is analyzing whether the applicant had passed the same exams as required during the doctoral studies in the same discipline in Poland. What is more, during the procedure of recognition of the degree of PhD there is no requirement of providing documents confirming scientific or academic achievements constituting the basis for conferral of this degree. The reason is that in comparison to the degree of Habilitated Doctor, PhD degree does not require to present significant scientific or academic achievements. As a result, Commission that analyzes the motion to recognize the degree of the Habilitated Doctor has to analyze not only the work that was published (monograph) itself, but also the scientific achievements, especially publications, conferences. However, the main part of the procedure is the study of the monograph that was the basis for conferring degree of the Habilitated Doctor.

The date of initiation of the procedure on recognition is the date of delivery of the motion to the university or other institution of higher education. If the motion is incomplete, then the applicant is required to remedy formal deficiencies and only after the motion can be proceeded. University or other institution of higher education shall either recognize or refuse to recognize a degree as equivalent to a corresponding Polish degree within 90 days from the date of submission of a motion that met the formal requirements. In particular case it may take longer and in this case the applicant can not influence the date of issuing the decision on recognition or refusal to recognize the degree as equivalent to a corresponding Polish one. Usually,

if the procedure overcomes the period of 90 days it means that there may be particular technical issues related to the work of the members of nostrification commission or the institution itself. The final decision on refusal to recognize the degree can be appealed, however the success of the appeal will always depend on the reasons for which according to the nostrification commission it was impossible to recognize the degree. Procedure on nostrification is not free of charge. The maximum fee is 50% of a professor's salary. Although, there is a possibility of setting a lower fee. The fee should be paid on the day the motion is submitted. However, in case of refusing to recognize a degree, the fee is not refunded.

3. CHALLENGES FACED IN PROCEDURES ON RECOGNITION

As the practice has shown there can be identified particular challenges in procedures on recognition. First of all, it has to be taken into account that while escaping from military activities one does not always have a chance to collect all the necessary documents, especially those that are not directly related to the travel requirements. In order to submit the motion for recognition of particular academic degree one has to present the original diploma with its certified translation. Unfortunately, in case one did not take the original of the diploma with him, then the application for recognition cannot be proceeded. In this case recognition of the diploma is not possible.

Furthermore, it is important to mention that during the procedure on recognition of Ukrainian PhD degree the motion on recognition should include the supplement to the PhD diploma, where there will be provided a list of subjects and exams passed during the PhD studies, that ended with the PhD defense and obtaining the degree. In such case the issue of recognizing such degree as equivalent with Polish one will also depend on the exams that the person concerned had passed during the PhD studies in Ukraine, and whether these exams are the same (or similar to great extent) as those that PhD candidate has to pass during PhD studies in Poland. In case there is not much convergence then the institution that considers the motion for recognition may ask the applicant to pass those exams that he could not pass in Ukraine, since there was no such a subject during his PhD studies. The exams are to be conducted before the commission that considers the application. Passing additional exams may create an important difficulty for the applicant, as the exam should be held in Polish and obviously the applicant may not be as fluent in Polish as necessary for passing a professional university exam.

Another challenge that appeared while proceeding motions on recognition is the difference in requirements for obtaining particular degree in Poland and Ukraine. This issue is mostly visible in procedures on recognition

of the academic degree of habilitated doctor. The reason is that in order to obtain the degree of habilitated doctor the competent authority is not only evaluating the work (monograph), but also the scientific work, achievements and other academic accomplishments of the person concerned. At this stage the requirements may differ and as a consequence degree of habilitated doctor obtained in Ukraine may be not recognized as equivalent with Polish one. Usually, the reasons for not recognizing a degree as equivalent with Polish one relate to the insufficient number of scientific achievements, shortcomings in the monograph. The latter one is quite significant, since usually each country has different requirement as to the PhD or habilitations and submitting them for recognition in another country may result in a negative decision due to different requirements.

FINAL REMARKS

Recognition of diplomas and academic degrees is a significant procedure which should enable to work in someone's profession in a country, which did not confer the diploma or academic degree. The aim of recognition procedure is to ensure that the diploma or academic degree fulfil the criteria of diplomas and academic degrees conferred in that country and can be considered as equivalent. In case of EU member states such as Poland there should be made a distinction between diplomas and academic degrees obtained in EU and in third countries. Those that were obtained in EU should be mutually recognized in other EU member states, at least regarding some professions and in case of fulfilling particular conditions. However, in regard of third countries, such as Ukraine, diplomas and academic degrees can not be recognized automatically and those issued after 20 June 2006 should undergo the procedure on recognition (nostrification).

In case of Ukrainian citizens, who arrived to Poland after to 24 February 2022 escaping the military activities due to Russian military aggression, recognition procedure may cause some difficulties, such as lack of original documents, lack of knowledge of Polish language in case there appears the need to pass additional exams. The massive influx of Ukrainian citizens to Poland after 24 February 2022 proved to be quite challenging, since among them there was an important number of highly qualified specialists or academic teachers holding academic degrees. On the one hand, that category of people was looking for any job, since temporary protection provides them the right to work. On the other hand however, being highly qualified or holding particular diplomas or academic degrees gives them a possibility of submitting the motion for nostrification (recognition) of their diploma or degree. The final result of nostrification rely on the aspects discussed in this article and not all of them are dependent on the applicant. The practice also shows

that final result of nostrification procedure may also depend on the evaluation of the work (PhD thesis or habilitation) itself, where the criteria for PhD thesis or habilitation itself differ in different countries and in case of significant shortcomings the institution in Poland may refuse to recognize the diploma or academic degree.

REFERENCES

- Antonowicz, Dominik. 2020. "Organy uczelni uprawnione do nadawania stopni naukowych." In *Innowacje i konserwatyzm 2.0, polskie uczelnie w procesie zmian*, edited by Dominik Antonowicz, Anna Machnikowska, and Adam Szot, 153-68. Toruń: Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika.
- Karpiuk, Mirosław. 2010. "Nostryfikacja jako forma uznawania uzyskanego za granicą wykształcenia." *Zeszyty Naukowe* 15, no. 2:125-35.
- Kierznowski, Łukasz. 2021. *Stopnie naukowe i stopnie w zakresie sztuki. Komentarz*. Warszawa: Difin.
- Łętowska, Ewa. 2012. "Perwersyjne efekty automatycznego uznawania stopni naukowych." *Nauka* 3:29-32.
- Słomińska, Janina. 2010. "Na wstecznym biegu." *Forum Akademickie* 17:22-25.