

THE SITUATION OF UKRAINIANS IN THE TIME OF RUSSIAN FULL-SCALE MILITARY AGGRESSION*

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Abstract. The objective of this article is to analyse the legal situation of Ukrainian nationals following 24 February 2022 from the perspective of migration processes. The analysis focuses on legal measures adopted at the level of the European Union, by Member States neighbouring Ukraine – exemplified by Poland – and by Ukraine itself. Ukrainians were given temporary protection, based on the provisions of Council Directive 2001/55/EC and Council Implementing Decisions (EU) 2022/382, both the acts having led to the adoption of uniform standards of their protection, which are to be observed across EU Member States. At the same time, each Member State has enacted separate legal instruments specifying the manner in which the refugees' rights granted under EU law are to be exercised within its territory, thereby establishing the legal framework for a safe stay, along with the possibility of full participation in the host country's economic and social life. With regard to the measures adopted by the Ukrainian authorities, it should be noted that they focus on reconciling the right to freedom of movement with the need to maintain the state's defensive potential. Particularly, this is sensitive area, as it concerns, on the one hand, the exercise of one of the constitutional freedoms of Ukrainian citizens and, on the other hand, the necessity of ensuring state security, including its defence capabilities. The measures discussed indicate a gradual tightening of legal provisions aimed at preserving military capacity and preventing abuses intended to evade mandatory service in defence of the country. Furthermore, the legal situation of internally displaced persons, who have been granted social assistance by the Ukrainian authorities, is also addressed. The considerations taken in this article support the thesis that only coherent measures – at the level of the European Union, its Member States, and the Ukrainian authorities – can serve to stabilise the situation of Ukrainian nationals in the context of the ongoing Russian aggression.

* 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).

Keywords: temporary protection; constitutional freedom of movement; Russian aggression; Internally Displaced Persons (IDPs).

INTRODUCTION

The ongoing war on the territory of Ukraine is a phenomenon that is difficult to comprehend and accept in the 21st century. Following the end of the Second World War, a range of instruments was established with the aim – and continuing purpose – of ensuring peace and international security. Paradoxically, the Russian Federation is among the states that constitute the foundation of this very system. It is therefore striking that Russia is the state responsible for the tragedy currently afflicting Ukraine.

It should be emphasised that Russian aggression unfolded in two distinct phases. The initial actions were undertaken as early as 2014 and involved the annexation of Crimea and the commencement of hostilities in two eastern regions of Ukraine—Donetsk and Luhansk. On 24 February 2022, Russia launched the second phase of its aggression, initiating active bombardment (by means of air strikes and missile attacks) across virtually the entire territory of Ukraine. Russian armed forces also entered other regions, including the Kharkiv, Kherson, Kyiv, Zaporizhzhia, Sumy, and Chernihiv oblasts.

As a result of these military actions, the Ukrainian population has suffered severe losses – moral, economic, existential, and health-related – including psychological trauma and financial hardship.

The outbreak of hostilities and the ensuing chaos during the initial hours of the Russian invasion led to the mass displacement of Ukrainian nationals, who sought protection primarily in neighbouring states that opened their borders to persons fleeing the armed conflict. This period exposed not only the tragic consequences of war and the atrocities committed by the Russian Federation, but also the altruism, solidarity, and humanitarian engagement of individuals and organisations providing assistance to those forcibly displaced.

It must be acknowledged, however, that not all Ukrainian citizens were in a position—or expressed the intention – to leave the country. The movement across Ukraine's borders with neighbouring states remains ongoing and is characterised by a bidirectional dynamic. While a substantial number of individuals continue to seek refuge abroad, there is also a significant return migration of persons resettling in their places of habitual residence.

In addition to cross-border migration, internal displacement has become a significant phenomenon, affecting two distinct categories of persons. The first includes individuals who, as a result of the Russian Federation's military operations, have lost their homes or have voluntarily relocated to other regions within the country. The second comprises Ukrainian nationals who

have fled areas under Russian occupation. Many of these individuals have lost all personal property and lack close relatives or other support networks with whom they could reside in the western regions of Ukraine.

The migration challenges outlined above concerning Ukrainian nationals represent a serious and multidimensional issue, posing significant difficulties not only for the authorities of host states and the European Union, but also for Ukraine itself. In the case of the former, there has arisen a need to develop legal frameworks governing the legal status of Ukrainian citizens residing within the territories of host countries. In the case of the latter, the challenge lies in ensuring adequate social protection for the population, while simultaneously introducing new legal instruments tailored to the exigencies of the current situation – particularly with regard to regulating the emigration of citizens in a manner that does not undermine the state's defensive capabilities.

The aim of this article is to examine the legal situation of Ukrainian nationals following 24 February 2022 from the perspective of migration processes. Accordingly, the analysis encompasses several key issues. First, the position of Ukrainian nationals who left Ukraine at the onset of the full-scale aggression and found refuge in neighbouring countries will be discussed. Second, the ability of Ukrainian citizens to leave the country after the imposition of martial law will be addressed.

1. MIGRATION OF UKRAINIAN NATIONALS FOLLOWING 24 FEBRUARY 2022

The full-scale Russian aggression against Ukraine commenced on 24 February 2022. In his address, President Vladimir Putin justified the actions undertaken as a purported necessity to protect the population of the Donbas region from “genocide” and to achieve the “demilitarisation and denazification of Ukraine.” According to the content of his speech, the immediate basis for initiating the military operation was the request for assistance from the so-called separatist “republics” and the alleged obligation to defend a population that, for “eight years, has been the victim of genocide perpetrated by the Kyiv regime.” At the same time, Putin declared the intention to bring to justice those responsible for “bloody crimes,” including those allegedly committed against Russian citizens [Wilk and Domańska 2024, 1]. As a result of this so-called “humanitarian mission,” mass departures of Ukrainian nationals across international borders were recorded. Consequently, by the end of 2024, the population of Ukraine within the territory recognised by the international community was estimated to have declined to approximately 34 million, according to the Institute for Demography and Life Quality Studies of the National Academy of Sciences of Ukraine (NASU). Of this number, an estimated 28 to 29 million individuals resided in areas under the effective

control of the Ukrainian government.¹ In the very first days of the aggression, Ukrainian nationals began crossing the borders of neighbouring countries *en masse*, particularly into Poland, Slovakia, and Romania. Focusing on the example of Poland, it should be emphasised that the sheer number of individuals fleeing the conflict, combined with the dramatic circumstances at the border, led to the adoption – as noted by Iryna Kozak-Balaniuk – of “extraordinary and unprecedented legal measures.” These measures allowed Ukrainian nationals arriving after 24 February 2022 to cross the border without holding a valid visa and, in many cases, without a valid travel document, upon presentation of a biometric Ukrainian identity card or even a non-biometric internal Ukrainian passport [Kozak-Balaniuk 2022, 242-43]. Similar measures were adopted in other neighbouring states; however, it should be noted that the degree of openness towards Ukrainian nationals varied across countries.² The situation at the external border of the European Union, combined with the growing number of war refugees arriving in the Member States, also influenced the EU’s legislative activity. On the basis of a proposal submitted by the European Commission on 4 March 2022, the Council acknowledged the existence of a mass influx of Ukrainian nationals and consequently triggered special measures pursuant to Article 5 of 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 thereof³ and adopted Council Implementing Decision (EU) 2022/382, establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.⁴ At present, the temporary protection granted to Ukrainian nationals has been extended until 4 March 2026. The adoption of the above-mentioned mechanism introduced uniform standards of protection for Ukrainian nationals, which are to be observed across all EU Member States. Moreover, the status granted to persons benefiting from temporary protection in host countries effectively aligns the legal position of war refugees from Ukraine with that of EU citizens in terms of the rights associated with the free movement of persons

¹ See: <https://ies.lublin.pl/komentarze/kryzys-demograficzny-na-ukrainie/> [accessed: 10.06.2025].

² To compare with Romanian law see Krzysztofik 2022, 189.

³ 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 L 212, 07/08/2001 P. 0012-0023.

⁴ 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 2001/55/EC, and having the effect of introducing temporary protection, Official Journal L 71, 4/3/2022 P 1.

[Duszyński and Kaczmarczyk 2022, 7]. Pursuant to the provisions of the Implementing Decision, the personal scope of temporary protection encompasses: Ukrainian nationals residing in Ukraine prior to 24 February 2022; stateless persons or third-country nationals other than Ukrainians who, before 24 February 2022, benefited from international protection or equivalent national protection in Ukraine; and family members of the aforementioned persons,⁵ namely: spouses, minor unmarried children, and other close relatives who lived together as part of the same household at the time of the circumstances leading to the mass influx of displaced persons and who were wholly or partially dependent on the persons concerned at that time.⁶

Individuals falling within these categories are thereby entitled to a range of rights, including the right to residence and accommodation, access to employment, education, social benefits, healthcare, and legal assistance.⁷ The adoption of the directive establishing the temporary protection mechanism gave rise to an obligation on the part of the Member States to adopt domestic legislation implementing its provisions into their national legal systems. In the case of Poland, the relevant implementing act is the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland.⁸ Following the adoption of Implementing Decision 2022/382, Poland enacted the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State.⁹ This act constitutes an ad hoc legal measure, specifically directed at a single category of beneficiaries of temporary protection – namely, Ukrainian nationals – and is not of a general or systemic nature.¹⁰

A direct consequence of extending the temporary protection mechanism to Ukrainian nationals is the establishment of a common set of rights applicable across the territories of all EU Member States. However, the modalities of exercising those rights may differ to some extent depending on the host country. An analysis of the legal and administrative measures adopted by individual Member States indicates that, for example, in the area of access to employment – immediately following the activation of the Implementing Decision – countries such as Poland, Belgium, Bulgaria, the Czech Republic, Spain, Portugal, and Romania introduced simplified employment procedures for Ukrainian nationals and reduced existing barriers to labour market entry.

⁵ Article 2(1) of Council Implementing Decision (EU) 2022/382.

⁶ Article 2(4) of Council Implementing Decision (EU) 2022/382.

⁷ Chapter III of Council Directive 2001/55/EC of 20 July 2001.

⁸ Act of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland, Journal of Laws No. 128, item 1176 as amended.

⁹ Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State, Journal of Laws of 2024, item 1222.

¹⁰ For a more detailed discussion of the Polish legal framework, see: Markiewicz-Stanny 2024, Maksymiuk 2024, 273-80].

With regard to access to education, a number of facilitating measures were implemented. These included, *inter alia*, the recruitment of teachers speaking Ukrainian fluently, the appointment of classroom assistants supporting Ukrainian children in the learning process, and the establishment of specialised language courses designed to ease the integration of children and adolescents into national education systems. In the area of housing, many Member States introduced special financial allowances either for individuals who provided accommodation to Ukrainian nationals in their private homes or directly for the beneficiaries of temporary protection. For instance, in Poland, a daily allowance of PLN 40 was granted to cover the costs of accommodation and food; in Romania, the amount was set at RON 50 for accommodation and RON 20 for meals; while in Germany, a system of regionally differentiated social benefits was introduced, with the amount of support varying depending on the federal state [Szymańska 2024, 117-18].

An additional element strengthening the protection of Ukrainian nationals in host countries was the mobilisation of financial instruments by the European Commission, aimed at facilitating Member States' implementation of obligations arising under the directive. In this context, two major funding packages should be noted: CARE (Cohesion's Action for Refugees in Europe) and FAST-CARE (Flexible Assistance for Territories), with a combined value of €13.6 billion. These instruments were designed to provide targeted support for Member States facing the most significant migratory pressures and to ensure effective and rapid access to cohesion policy resources in response to the crisis [ibid., 117].

The relative harmonisation of the legal status of Ukrainian nationals across EU Member States has contributed to their gradual secondary movements within the Union. At present, the highest numbers of individuals benefiting from temporary protection under Directive 2001/55/EC reside in Poland, the Czech Republic, and Germany.¹¹

2. THE IMPACT OF THE RUSSIAN AGGRESSION ON THE LEGAL STATUS OF CITIZENS WITHIN UKRAINE

It is evident that the onset of full-scale Russian aggression has fundamentally altered the situation within Ukraine itself. As noted by Volodymyr Pylypenko, "the aggressive war that Russia has been waging against Ukraine since 2014 has already claimed the lives of not only thousands of heroic defenders of our homeland but also civilians; it has forced several million people to leave their homes, caused damage to residential buildings

¹¹ See <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20250210-1> [accessed: 10.06.2025].

and infrastructure destroyed as a result of hostilities, and devastated the national economy – most severely affecting the most vulnerable segments of the population” [Pylypenko 2024, 322]. According to the report of the Office of the High Commissioner for Human Rights on the human rights situation in Ukraine for the period from 1 December 2023 to 29 February 2024, at least 10,675 civilians have been killed since the beginning of the full-scale Russian aggression (including 5,079 men, 3,124 women, 311 boys, 250 girls, as well as 28 children and 1,883 adults whose sex could not be determined). In addition, 20,880 civilians have been reported injured (including 6,634 men, 4,631 women, 595 boys, 425 girls, as well as 291 children and 7,504 adults of undetermined sex).

Furthermore, as a result of hostilities, 1,055 educational institutions and 444 healthcare facilities have been either damaged or completely destroyed.¹² According to a study conducted by the Kharkiv Institute for Social Research NGO in cooperation with the United States Agency for International Development (USAID) under the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union (UHHRU), 78% of Ukrainian citizens who participated in the survey stated that they or their families had been affected or likely affected by the Russian-Ukrainian war.

Respondents most frequently reported experiencing psychological trauma as a result of the war (39%), followed by a deterioration of chronic illnesses or the development of new health conditions (19%). In the area of employment, 18% indicated that they had lost their job or business. Additionally, 16% reported having been forced to leave their home, and 15% stated that they had to leave their residential district or region [Kobzin, Chernousov, and Shcherban 2024, 4].¹³ The sources cited above illustrate the dramatic situation currently unfolding in Ukraine.

The difficult – at times even dire – situation posed a significant challenge to the Ukrainian authorities. It is therefore not surprising that one of the very first measures adopted was the issuance, on 24 February 2022 at 5:30 a.m., of a Presidential Decree introducing martial law, in accordance with Article 106(20) of the Constitution of Ukraine.¹⁴ The detailed procedures for the introduction of martial law and its legal consequences are set

¹² *Report of Human Rights, Situation in Ukraine 1 December 2023 – 29 February 2024*, <https://ukraine.un.org/sites/default/files/2024-03/2024-03-26%20OHCHR%2038th%20Periodic%20Report.pdf> [accessed: 10.06.2025], p. 10.

¹³ A detailed analysis of the aforementioned report was presented by M. Tarasova in the paper entitled “Needs Assessment of War Victims in Ukraine: Requests, Expectations and Challenges,” delivered during the international conference ‘The Legal Status of Ukrainians in the Time of Russian Full-Scale Military Aggression’, held in Lublin on 23-24 May 2024.

¹⁴ The Constitution of Ukraine, <https://biblioteka.sejm.gov.pl/wp-content/uploads/2023/02/Ukraina2023.pdf> [accessed: 10.06.2025].

out in the Law of Ukraine “On the Legal Regime of Martial Law”. Article 4 of the Act provides that “Martial law is a special legal regime introduced on the territory of Ukraine or in specific localities thereof in the event of armed aggression or the threat of attack, a threat to the statehood of Ukraine or its territorial integrity. It entails the granting of powers to the competent state authorities, military command, military administrations, and local self-government bodies necessary to eliminate the threat, repel armed aggression, ensure national security, and eliminate danger to the state independence and territorial integrity of Ukraine. It also provides for the temporary restriction of constitutional rights and freedoms of individuals and citizens, as well as the rights and legitimate interests of legal entities, caused by the said threat, with an indication of the period during which such restrictions are to apply.”¹⁵ The initial Presidential Decree introduced martial law on the territory of Ukraine for a period of 30 days. Subsequently, the state of martial law was extended multiple times [Strutynska 2024, 107]. The introduction of martial law resulted in a series of restrictions that affected the exercise of constitutional rights and freedoms of Ukrainian citizens, including the right to migration. As noted by Ivan Pankevych, in the initial period “one can speak of a rather chaotic operation of a number of state bodies involved in mobilisation processes and the control of border crossings” [Pankevych 2024, 1]. As indicated above, the subject of this article concerns legal measures adopted in the area of freedom of movement and migration of Ukrainian nationals. Accordingly, the following analysis will focus on the implementation of Article 33 of the Constitution of Ukraine during the period of Russian aggression. Pursuant to that provision: “Everyone who is lawfully present in the territory of Ukraine shall have the right to freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, except for restrictions established by law.”

At the same time, Article 64 of the Constitution of Ukraine provides that, during a state of war or a state of emergency, further restrictions may be imposed on certain constitutional rights and freedoms, subject to the indication of the duration of such restrictions.

The measures adopted in Ukraine following the declaration of martial law in this area have resulted in a series of limitations, in particular with respect to men of conscription age, whose freedom of movement – especially the right to leave the country – has been significantly curtailed.¹⁶ However, a number of exemptions from the restrictions were introduced. Already

¹⁵ Law of Ukraine on the Legal Regime of Martial Law, “Bulletin of the Verkhovna Rada of Ukraine” 28 (2015), p. 250.

¹⁶ Decree of the President of Ukraine of 24 February 2022 on the Introduction of Martial Law in Ukraine, “Official Bulletin of Ukraine,” 14 June 2022, No. 46, p. 16, Article 2497, document ID: 111724/2022.

in the initial phase, these exemptions applied to: men aged 18 to 60 who resided permanently abroad and had an appropriate entry in their passport; persons exempt from military registration on health grounds; persons with disabilities classified in groups I, II or III, provided they held valid supporting documents; single parents raising minor children under the age of 18, as well as individuals acting as guardians of a disabled child under the age of 18; parents providing care of an adult child with a disability of group I or II; relatives accompanying a disabled child during travel abroad, provided they are not subject to military service during mobilisation; individuals who accompany a disabled spouse during travel abroad; individuals who accompany either their own parent or the parent of their spouse with a group I or II disability abroad; persons providing continuous care for a person with a group I or II disability and accompanying them abroad; individuals temporarily unfit for military service for up to six months based on an opinion issued by a Military Qualification Commission; military personnel on official leave or undergoing military training abroad; diplomatic service employees on official or long-term foreign assignments, accompanied by their families; individuals applying for admission to higher education or vocational programmes, as well as research assistants, postgraduate and doctoral students studying abroad in full-time or hybrid formats; members of ship crews, railway employees, aviation personnel, freight truck drivers, volunteers, and representatives of the cultural and sports sectors [ibid., 12-13].

The ongoing military operations conducted by the Russian Federation in Ukraine, combined with the growing needs of the Ukrainian armed forces, have led to a tightening of migration regulations, which particularly affected individuals of conscription age enrolled in academic programmes.

With respect to students pursuing studies abroad, they were permitted to leave the country provided that they submitted the following documentation: a valid student ID card or visa; translated and notarised documents confirming admission to a foreign university; official military deferral certificates issued by the competent military authorities; and a certificate issued by the Territorial Centre for Recruitment and Social Support confirming the departure of vocational students, research assistants, postgraduate and doctoral students enrolled in full-time or hybrid study programmes [ibid., 14].

The aforementioned restrictions were partially lifted in 2024, with the adoption of new guidelines concerning the right of students to cross the state border. However, authorisation to leave the country remains conditional upon the fulfilment of several cumulative criteria, including: age between 18 and 22 years; exemption from compulsory military service during mobilisation; completion of at least one academic semester; enrolment in a full-time programme at a public institution of higher education abroad; pursuit

of a degree in one of the following fields: bachelor's degree, medicine, pharmacy, or veterinary medicine.¹⁷

Similar restrictions have also been introduced with regard to men working abroad. As noted above, in the initial period they were allowed to move freely across the border, provided that they met the applicable conditions. However, according to the announcement of the State Border Guard Service of Ukraine dated 5 June 2024, men of conscription age who are permanently residing abroad and possess the relevant entry in their passport are no longer exempt from the general rules and no longer enjoy the freedom to cross the border [Pankevych 2024, 16].

The academic literature emphasises that a relative stabilisation in the regulation of the right to freedom of movement for Ukrainian citizens was introduced by the new Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning Specific Issues Related to Military Service, Mobilisation, and Military Registration”, adopted on 11 April 2024.

One of the most significant changes introduced by this law was the obligation for all men aged 18 to 60 to update their personal data within 60 days. This may be done either in person at military recruitment centres or electronically. Failure to comply with this obligation may result in judicial restrictions on the use of private vehicles, and in the case of citizens residing abroad, the denial of consular services, including the issuance of new passports.

The law also lowered the mobilisation age from 27 to 25 years. In addition, it abolished the system of compulsory military service and introduced a new institution of basic military training for men aged 18 to 25, which is scheduled to commence in September 2025 and, under wartime conditions, shall not exceed a period of three months [Ber 2024, 1]. Another important amendment introduced by the new legislation was the elimination of the category of persons with “limited fitness” for military service. Individuals previously classified in this category are now required to undergo a second medical examination within nine months from the date of entry into force of the law.

In addition, a revised list of medical conditions was adopted, establishing the grounds on which the Military Qualification Commission may issue a decision declaring a person unfit for military service or exempt from such service.

The legislation also clarified the provisions regarding deferral from military service for students enrolled in higher education. Accordingly, the right to deferral now applies only to individuals pursuing a level of education higher than the one they currently hold, with a view to obtaining a new degree from an accredited institution of higher learning [Pankevych 2024, 18]. It should be noted that, under the applicable Law of Ukraine “On Military

¹⁷ Resolution of the Cabinet of Ministers of Ukraine No. 366 of 2 April 2024 on Amendments to the Rules on Crossing the State Border by Citizens of Ukraine.

Duty and Military Service”, women may also be subject to mobilisation if they are deemed fit for military service based on health and age criteria. Furthermore, women who have graduated from vocational or technical institutions of higher education, or who hold medical or pharmaceutical specialisations, are subject to mandatory military registration.

Women possessing qualifications related to national defence may also be registered for military service on a voluntary basis upon submission of a personal request.

Importantly, however, it must be emphasised that even during the period of martial law, women subject to military service obligations are not restricted in their freedom of movement, and thus retain the right to cross the state border [ibid., 19].

To summarise the above considerations, it should be noted that the restriction of freedom of movement of Ukrainian citizens is driven primarily by national defence interests and the need to strengthen the personnel capacity of the Ukrainian armed forces.

3. INTERNALLY DISPLACED PERSONS (IDPS)

A separate issue concerns the situation of forcibly displaced persons. As previously noted, this phenomenon refers to internal migration involving individuals who have lost their homes as a result of Russian military actions or who previously resided in territories currently under Russian occupation and are now seeking refuge in other parts of Ukraine. As indicated above, this group represents approximately 16% of the population residing in Ukraine prior to the outbreak of the full-scale invasion. According to estimates by the International Organization for Migration (IOM), the number of internally displaced persons (IDPs) between 2022 and April 2024 stood at approximately 3.5 million, although during the initial phase of the aggression the figure reached as high as 8 million. The highest number of IDPs resided in the Dnipropetrovsk region (479,000 persons, or 14% of the total number of de facto displaced persons), followed by the Kharkiv region (414,000 persons, or 12%), both located in the eastern part of the country. The capital city, Kyiv, hosted approximately 343,000 IDPs (10%), and the adjacent Kyiv region was home to 268,000 displaced persons (8%).¹⁸ It should be emphasised, however, that this is a highly dynamic group, influenced by a range of factors such as frequent secondary movements, returns to places of habitual residence (where such return is still feasible), and the evolving

¹⁸ International Organization for Migration, *Ukraine Internal Displacement Report General Population Survery*, https://dtm.iom.int/sites/g/files/tmzbdll1461/files/reports/GPS_R16_IDP_April_2024.pdf [accessed: 10.06.2025], p. 2.

nature of the conflict – particularly the concentration of Russian military activity in the eastern regions of the country. In this context, the actions undertaken by the Ukrainian authorities have focused primarily on providing social support to persons who have been forcibly displaced.

The studied phenomenon had already emerged in Ukraine after 2014, when the Russian Federation occupied part of Ukraine's territory. At that time, approximately 1.8 million people were internally displaced as a result of the armed conflict in the Donbas region [Perelli-Harris, Head, Torrissi, et al. 2023, 3]. These individuals were entitled to social assistance provided by the state, which, however, was conditional upon official registration and recognition of the status of an internally displaced person (IDP). Due to the high number of displaced persons, the President of Ukraine issued a decision in November 2014, according to which individuals who had lived in the Donbas region prior to the conflict and had not registered as IDPs by 1 November 2014 would lose their pension entitlement and other forms of social benefits. The verification of applications significantly reduced the number of individuals officially recognised as IDPs to approximately 1.3 million. Social assistance consisted of monthly financial support disbursed by the Ministry of Social Policy, the amount of which was determined based on the financial situation of the household, including ownership of real estate, bank deposits, and employment status. The maximum monthly amount of assistance was 442 hryvnias, and up to 1,000 hryvnias for children and pensioners. Nevertheless, the total monthly allowance per family could not exceed 3,000 hryvnias, or 3,400 hryvnias in the case of a household including a person with a disability. Large families were eligible to receive up to 5,000 hryvnias [Szabaciuk 2023, 1].

As noted above, the scale of internal displacement increased significantly following the onset of the full-scale Russian aggression. This shift was accompanied by a change in state policy. Pursuant to the Law of 20 March 2022, a standardised housing allowance was introduced, amounting to 2,000 hryvnias per adult and 3,000 hryvnias per child, payable from 1 March 2022. The benefit was granted upon submission of a relevant application. Subsequently, under the Law of 20 May 2022, eligibility for this allowance was extended to persons whose homes had been destroyed or rendered uninhabitable as a result of Russian attacks, as well as to displaced persons from Crimea and other occupied territories. Moreover, eligibility for the benefit was conditional upon reporting the destruction of one's home via the Diia mobile application no later than 20 May 2022, or – where applicable – presenting a written document confirming the damage and specifying its nature. With regard to individuals whose property was not destroyed but who chose to leave areas affected by hostilities, the assessment of eligibility was based on a list of high-risk localities established by decision of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine [ibid., 2].

Further restrictions were introduced by the Law of 11 July 2023. Under its provisions, social assistance payments may be withdrawn from individuals who: purchased a vehicle less than five years old; acquired land, an apartment, or a house with a value exceeding 100,000 hryvnias; hold more than 100,000 hryvnias in a bank account; purchased foreign currency or precious metals with a total value exceeding 100,000 hryvnias (with the exception of funds received from charitable organisations or used for medical, social, or educational expenses); own real estate located in areas not affected by hostilities or not under occupation, where the living space exceeds 13.65 square metres per family member; left the territory of Ukraine for a period longer than 30 days without a justified reason (excluding business travel, internships, medical treatment or rehabilitation, or the need to care for a sick child); or are serving a prison sentence or have been convicted of collaboration [ibid., 3].

CONCLUSION

The foregoing considerations illustrate the magnitude of the phenomenon currently confronting much of Europe. It is essential to underline that the Russian aggression against Ukraine does not constitute an internal conflict that could be resolved solely through engagement by the parties directly involved. In this context, the role of the European Union has proven to be of particular importance. The EU has not only provided support to Member States hosting war refugees, but has also extended direct assistance to Ukraine through the activation of successive financial instruments aimed at strengthening the country's capacity to respond to the crisis.

It should be noted that the legal situation of Ukrainian nationals in host countries has been regulated on two levels. First, at the European Union level, the Council recognised the existence of a mass influx of Ukrainian nationals within the meaning of Article 5 of Council Directive 2001/55/EC of 20 July 2001 on minimum standards on 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. Consequently, the Council adopted Implementing Decision (EU) 2022/382, which introduced temporary protection for Ukrainian nationals, a status that has been progressively extended and is currently in force until 4 March 2026. The adoption of this mechanism established uniform standards of protection for Ukrainian nationals that are binding across all EU Member States. At the same time, each Member State adopted its own national legislation specifying the manner in which the rights arising from temporary protection are to be exercised within its territory. For example, Poland enacted the Act on Assistance to Citizens of Ukraine, which created the legal foundations for a secure stay

and enabled the full participation of Ukrainian nationals in the economic and social life of the host country.

With regard to the measures adopted by the Ukrainian authorities, it should be observed that these are focused on reconciling the right to freedom of movement with the imperative of maintaining the state's defensive capacity. This is an exceptionally sensitive area, as it involves, on the one hand, the exercise of one of the constitutional freedoms of Ukrainian citizens, and on the other, the necessity of safeguarding national security, including combat readiness. The measures discussed demonstrate a gradual tightening of regulations, aimed at preserving military capabilities and preventing abuses intended to circumvent the obligation of compulsory service in the defence of the country.

It must be emphasised that only coherent and coordinated solutions – at the level of the European Union, its Member States, and the Ukrainian authorities – can contribute to stabilising the legal and humanitarian situation of Ukrainian nationals in the context of the ongoing Russian aggression.

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