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ukraine flag

After months of military build-up of Russian forces near Ukraine, in February 2022 Russia recognised the breakaway regions of Donetsk and Luhansk as independent and on 24 February, Russian forces invaded Ukraine.189 The European Council condemned Russia’s unprovoked and unjustified military aggression against Ukraine in the strongest possible terms. The Council underlined Russia's gross violation of international law and the principles of the UN Charter, called Russia to immediately cease its military actions and reiterated its unwavering support for the independence, sovereignty and territorial integrity of Ukraine within its internationally-recognised borders. The European Council also called for taking forward the work on preparedness at all levels and invited the European Commission to put forward contingency measures to respond effectively to the situation.190

Within weeks, millions of displaced persons arrived in the EU through Hungary, Poland, Romania and Slovakia, which showed a remarkably quick response, opening their borders and allowing people to enter.191 As of 1 May 2022, approximately 5.6 million people had fled the country, with the majority seeking refuge in neighbouring EU+ countries.192 To respond effectively to the high influx of persons fleeing Ukraine, EU+ countries, especially countries at the external border, took a number of measures at the immediate aftermath of the invasion: they activated emergency situation protocols and preparedness plans; simplified entry procedures; established task forces and coordination mechanisms to provide emergency accommodation and aid; introduced temporary protection arrangements; provided tailored information through information points, dedicated phone lines, leaflets and websites; provided specialised psychological counselling and support; extended the period of legal stay/visas for special reasons; paused the processing of applications for international protection by Ukrainian nationals and suspended returns; and, when applicable, removed Ukraine from the list of safe countries of origin.193, 194, 195, 196, 197

icon for borders

To facilitate access to safety for people feeling Ukraine through the EU-Ukrainian borders, on 2 March 2022, the Council of the European Union issued a set of operational guidelines. The guidelines provided a comprehensive overview of facilitation measures concerning border controls which are available under the Schengen rules and included:

- A simplification of border controls for certain categories of persons, including vulnerable persons, such as children, and other categories, such as transport workers who were in Ukraine while carrying out their services;
- The possibility to organise border controls outside of border crossing points;
- Special arrangements for crossing the borders by rescue services, police, fire brigades, border guards and seafarers regardless of their nationality;
- The establishment of emergency support lanes in order to ensure access;
- The return of organisations providing humanitarian aid to people in Ukraine; and
- Outside the scope of the Schengen rules, the waiving of customs duties and measures to facilitate the entry of pet animals travelling with their owners from Ukraine.198

As part of the orchestrated effort to provide a comprehensive and uniform response to the protection needs of persons fleeing Ukraine, the European Commission put forth a proposal for a Council Implementing Decision199 to activate the Temporary Protection Directive.200 The directive was put in place in 2001 to provide a concrete response to situations of mass influxes of displaced persons and address the need for having dedicated, special procedures to that end. Temporary protection is an exceptional measure to provide immediate protection to displaced persons from non-EU countries, without the need for an individual examination, and applies when there is a risk that the standard asylum system is struggling to cope with demand stemming from a mass influx risking a negative impact on the processing of claims. The directive, which has never been activated in the past, defines the decision-making procedure needed to trigger, extend or end temporary protection and foresees harmonised rights for the beneficiaries of temporary protection.201

Reflecting the EU's commitment to show full solidarity with Ukraine, on 4 March 2022, the Justice and Home Affairs (JHA) Council acted on the European Commission's proposal and adopted unanimously an implementing decision to introduce a temporary protection mechanism in response to the influx of displaced people.202 According to the decision, the temporary protection applies to persons displaced from Ukraine on or after 24 February 2022 as a result of the military invasion by Russian armed forces that began on that date. These persons include:

- Ukrainian nationals residing in Ukraine before 24 February 2022;
- Stateless persons and nationals of third countries other than Ukraine who have received international protection or an equivalent national protection in Ukraine before 24 February 2022; and
- Family members of persons included in the first two categories.

According to the decision, "Member States should apply either this decision or adequate protection under their national law, in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin".203

The decision further indicated that “Member States might also apply this decision to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin”.204

Under the Temporary Protection Directive, the duration of temporary protection is for an initial period of 1 year, with the possibility to be extended automatically by 6-month periods for a maximum of 1 year, if not terminated by a Council decision. It was also noted that Member States agreed that they would not apply Article 11 of the Temporary Protection Directive, which obliges Member States to take back persons having received protection on their territory, if these persons remain on or seek to enter without authorisation onto the territory of another Member State.

The implementing decision also provided for the development of a Solidarity Platform, under the coordination of the European Commission, whereby Member States exchange information on their reception capacities and the number of persons receiving temporary protection in their territories. Several EU+ countries made pledges to transfer displaced persons from Moldova in the context of the platform. The first states to conduct transfers of displaced persons from Moldova were Austria, Germany, Lithuania and Latvia. The EU Migration Preparedness and Crisis Management Network205 was identified as the most appropriate network for the administrative cooperation among Member States. In addition, the Union Civil Protection Mechanism206 was activated, through which Member States can request items to attend to the needs of the displaced persons from Ukraine and receive co-financing for delivering such assistance. According to the decision, EU agencies, including Frontex, the EUAA and Europol, should provide operational support to Member States that have requested assistance.

Following the implementing decision, the European Commission issued operational guidelines to support Member States in applying the Temporary Protection Directive.207 The European Commission also took quick action to mobilise financial support to Member States hosting displaced persons from Ukraine. As of 29 April 2022, the European Commission had paid more than EUR 3.5 billion in advance payments to Member States, under the EU's Cohesion's Action for Refugees in Europe (CARE), to help them manage the arrival of people from Ukraine on their territory.208 To further promote a coordinated European response to the situation, on 28 March 2022, the European Commission in coordination with the French Presidency of the Council presented a “10-point plan for stronger European coordination on welcoming people fleeing the war from Ukraine”.209 The EU has also helped Member States meet the needs of those fleeing the war in Ukraine by supporting special protection for children and access to education, health care, the labour market and housing.210

Based on data shared by EU+ countries with the EUAA and the European Commission, about 2.3 million persons fleeing Ukraine have been registered for temporary protection since the beginning of the war to 24 April 2022.211

UNHCR welcomed the Council’s implementing decision and the overall orchestrated effort by European countries and EU institutions and expressed its readiness to support governments and

other stakeholders in providing protection and humanitarian assistance to those in need.212 Due to the volatile situation in the country, UNHCR issued advice to countries to suspend the forcible return of nationals and former habitual residents of Ukraine, including those who have had their asylum claims rejected213

Following the invasion in Ukraine, the UN launched a Humanitarian Flash Appeal to call for immediate funding to help people inside Ukraine – including those internally displaced – as well as those seeking shelter beyond its borders.214 A Regional Refugee Response Plan was also launched to bring together the UN, NGOs and other relevant partners with the primary aim of supporting host country governments to ensure safe access to territory for refugees and third-country nationals fleeing from Ukraine.215

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