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Ukraine: EU Temporary Protection has given millions safety while safeguarding asylum systems



A new European Union Agency for Asylum (EUAA) report outlines how the activation of the Temporary Protection Directive enabled EU+ countries to effectively manage a crisis, as over 4 million people displaced from Ukraine received immediate protection. Elements of this unprecedented EU response, including legislative and operational changes at the national level, can serve as a guide to strengthen Europe's multinational asylum system.

In its new report, Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review, the EUAA summarises the practical steps taken by Member States to implement the Temporary Protection Directive; the latter unanimously adopted by the Council for the first time. The report covers operational and legislative developments during the first year, from 24 February 2022 to February 2023.Temporary protection, which is seen as complementary to Europe's already-established international protection procedure, relieved further pressure on strained national asylum systems. The report comes as the Agency recently presented the Latest Asylum Trends for 2022, noting that EU+ countries recorded almost 1 million asylum applications last year.

The report covers the response of countries from crisis management to coordinated action. Its main findings include:

- **Reception and registration as a "one-stop shop"**: EU Member States bordering Ukraine progressively transformed emergency structures into **one-stop service points** where, with time, registration for temporary protection was carried out. Several countries **coordinated closely with regional and local authorities** to manage second-line reception capacity. At the same time, NGOs working with national governments **were able to access EUAA training services** on information provision and vulnerability assessment.
- **Openness to digitalisation**: While most Member States issued physical residence documents with security features outlined in EU law, some introduced digital certificates; **thereby facilitating extensions to validity and reducing production costs**.
- **Consistent legislative approach**: Two-thirds of Member States **took a consistent approach with third-country nationals and stateless persons** residing in Ukraine. The country was removed from safe country of origin lists and the processing of asylum applications by Ukrainians was suspended. Finally, when the prolongation of the Directive was proposed last October, Member States took immediate steps to extend the validity of protection until March 2024. **A consistent approach to handling protection needs has long been missing** from Europe's international protection systems, and the implementation of temporary protection provides some important lessons learned.
- **Solidarity**: As Ukrainian nationals have visa-free access to the Schengen area for up to 90 days in any 180-day period, Member States agreed **not to implement the "take back" process** foreseen under Article 11 of the Temporary Protection Directive. At the same time, and in the face of **almost 28 000 asylum applications lodged by Ukrainian nationals in 2022**, there were also limited examples of Dublin transfers being suspended in solidarity with countries on the frontline.

The Temporary Protection Directive was initially conceived as a mechanism to handle the potential humanitarian consequences of the Balkan conflict in the 1990s. In the first land war the EU has seen in three decades, its unanimous activation was the political recognition that temporary protection was the properly calibrated response to the invasion of a sovereign country neighbouring the European Union.

Nevertheless, policy- and lawmakers can and should draw lessons from its practical implementation as they seek to agree on the proposed Pact on Migration and Asylum, and as they work to define the sustainable solutions required to manage Europe's asylum and reception challenges.

Background

On 4 March 2022, EU Home Affairs Ministers unanimously agreed to activate the Temporary Protection Directive (Council Directive 2001/55/EC) to ensure the protection needs of millions of people fleeing the Russian invasion of Ukraine. It alleviated pressure on national asylum systems and ensured that people received harmonised rights across the EU, including accommodation, access to the labour market and housing, medical assistance and, in the case of children, access to state education. On the same day, the European Commission adopted Operational Guidelines with the aim of reducing congestion at border crossing points, and setting out a clear process for people arriving from Ukraine to enjoy their rights under the Directive.

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