



Bulgaria. Refugees receive services at the crisis centre for refugees from Ukraine in BlackSea city of Burgas. 4 May 2022 © UNHCR/Dobrin Kashavelov

THE EU TEMPORARY PROTECTION DIRECTIVE IN PRACTICE 2022

The Russian Federation military offensive in Ukraine has triggered unprecedented displacement across Europe, with approximately 4.9 million refugees from Ukraine as of 13 June 2022¹. While the majority of these refugees are hosted in countries neighbouring Ukraine, substantial numbers have progressively moved onwards within the European Union and elsewhere.

UNHCR has welcomed the decision to activate the Temporary Protection Directive² in European Union Member States as one way to provide immediate protection from refoulement and basic standards of treatment for refugees, including access to accommodation, labour market, and social and health services. Temporary protection systems are considered complementary to the international refugee protection regime, being effectively used as an emergency response to the large-scale movement

of asylum-seekers.³ As of 13 June 2022, approximately 3.2 million individuals have registered for Temporary Protection or similar national protection schemes in Europe.⁴

The application of temporary protection in Europe is unprecedented and its practical implementation demonstrates how to manage mass flows in a manner that provides recognition of international protection needs and guarantees swift access to safety, documentation and rights.

This initial non-exhaustive compilation of practices, drawing from examples of how Temporary Protection applications have been assessed, aims to provide guidance and inspiration to governmental and non-governmental actors on how protection and assistance needs may be assessed in a timely, fair and efficient manner.

The practices outlined in this paper are likely to generate efficiencies if they are extended beyond processing applications for Temporary Protection and are equally applied to asylum procedures. UNHCR has previously noted how the effective processing of asylum applications can be achieved through better system design, innovative tools and measures and practical responses to systemic challenges.⁵ As this paper demonstrates, several of these approaches have been effectively deployed in the context of Temporary Protection, including enhanced registration, access to information on procedures, expedited issuance of documentation, systemic approaches with multiple service providers operating in a sequential manner (“under one roof”), increased use of technology and digitalization of systems including to lodge applications; as well as ensuring stronger linkages between status and rights.

The Council Implementing Decision

The Council Implementing Decision (EU) 2022/382 of 4 March 2022 (hereafter Council Decision) specifies how EU Member States are to apply the Temporary Protection Directive, while leaving to Member States’ discretion to include additional categories if they deem it appropriate.

The mandatory scope laid out in the Council Decision includes:

1. Ukrainian nationals residing in Ukraine and their family members who have been displaced on or after 24 February; and,
2. stateless persons, and nationals of third countries who benefitted from international protection or equivalent national protection in Ukraine as well as their family members who had been residing in Ukraine before 24 February.

In addition, Member States must apply temporary protection or adequate protection under their national law to permanent residents of Ukraine who were in Ukraine prior to 24 February and are unable to return to their countries of origin.⁶

Scope of Temporary Protection

Some of the practices below show a generous implementation of the Council Decision, expanding the scope to other persons in need of international protection due to the ongoing conflict. In welcoming the application of the Temporary Protection Directive, UNHCR encouraged states to take an inclusive approach to its application⁷ in light of the urgent need to ensure admission to safety, protection from refoulement and assistance to those patently in need of it in a situation of mass influx.⁸

In addition to the scope outlined in the Council Decision, **Germany**⁹ has extended the application of temporary protection to Ukrainian nationals who resided in Germany prior to the outbreak of the crisis and who are unable to renew their residency permits because they no longer meet the relevant issuance criteria

Slovenia¹⁰, **Luxembourg**¹¹, and **Portugal**¹² have expanded the scope of application to third-country nationals with short-term residence permits in Ukraine who are unable to return to their countries of origin.

Ireland¹³ has decided to include Ukrainian nationals who were in Ireland before 24 February on short-stay visas, as well as those residing on the basis of other types of migratory permits, who can opt to either extend them or to avail of temporary protection when/if expired.



Natalya and her mother Yulia, who fled the Ukrainian city of Kharkiv, sought refuge in a reception centre set up in the sports hall of a school in the Polish border town of Medyka. 6 March 2022 © UNHCR/Valerio Muscella



Poland. Refugees from Ukraine wait to register for cash assistance in Warsaw. 21 March 2022 © UNHCR/Maciej-Moskwa

Finland¹⁴ has extended the application of temporary protection to Ukrainian citizens unable to return to Ukraine due to the ongoing conflict as well as their family members. This includes not only Ukrainians displaced after 24 February, but also those previously residing in Finland. Third-country nationals and stateless persons who have resided in Ukraine legally, including on a short-term basis, and whose safe and permanent return to the relevant country of origin is not possible, are also included.

Spain¹⁵ has expanded the scope of temporary protection to Ukrainian citizens who were residing in Spain and their family members, as well as to those irregularly in the country before 24 February. In addition, third-country nationals who were legally residing in Ukraine, including on short-term residence permits or student visas and cannot return to their home countries, are also included.¹⁶

Enhanced registration capacity

UNHCR has recommended the establishment of appropriate registration processes for frontloading data collection and data management, as well as the allocation of sufficient human and technical resources

in the initial stages of procedures for greatest efficiency.¹⁷ This crisis has shown that this can be practically done in record time, as the practices below illustrate.

In the **Czech Republic**, over 350,000 persons had been registered and issued documentation by the end of April 2022. The National Centre for Help and Assistance to Ukraine (NACPU) was established to oversee the activities and coordinate the work of all relevant authorities. A network of regional assistance centres (KACPU) was set up across the country to facilitate the registration and assistance process for those arriving from Ukraine. Refugees approaching a KACPU are registered, issued documentation, provided with health insurance and a work permit, and offered accommodation. Additional personnel have been hired by the Ministry of Interior to increase capacity for managing refugee flows from Ukraine as well as other individuals seeking international protection in the Czech Republic.

In Bulgaria, registration and issuance of documentation has been made accessible through over 100 Initial Reception Points (IRPs) set up at



Romania. UNHCR helps people fleeing Ukraine move on from Moldova to safety in Romania. 10 March 2022 © UNHCR/Mihai von Eremia

various locations throughout the country. The IRPs' locations include border crossing points, police stations, migration offices, bus stations and accommodation locations in some cases, including hotels. The interactive map of the registration points is published on the [national portal for the people affected by the war in Ukraine](#).

Digitalization

Several countries have rapidly developed online systems to facilitate the process of registration, preventing backlogs and enhancing two-way communication with temporary protection beneficiaries on the status of their application.

Applicants for temporary protection can register through an online site in **Slovakia**, which significantly speeds up administrative processes at Slovakia's foreign police unit. The form is available in Slovak, Ukrainian and English.

Requests for temporary protection are filed digitally, from within or outside of the territory of **Portugal**.

Children, however, are required to register their request in one of the 24 points established exclusively for this purpose throughout the country.

On 28 March 2022, the Ministry of Migration and Asylum in **Greece** launched an [online site](#) where beneficiaries can submit their application and pre-register for acquisition of the temporary protection permit. The site is available in Greek, Ukrainian and English. Mobile units are also used for registration in collective centres hosting refugees from Ukraine.

In **Croatia**, applications for temporary protection can be made online, in Croatian, Ukrainian and English. Refugees residing in collective accommodation are also being registered by mobile teams from the Ministry of Interior.

Documenting identity

Due to the circumstances in which they are sometimes forced to leave their home country, refugees often find themselves without identity documents.¹⁸ A flexible approach to assessing identity

and required documentation that takes this situation into account is therefore encouraged, as it prevents unnecessary referrals to full asylum procedures and a delay in individuals receiving access to services. Several countries have already shown a great degree of flexibility in this regard.

Ireland advises that persons fleeing Ukraine may present “any identification documentation available”.¹⁹ The **Portuguese** legislation on temporary protection equally accepts any means of proof of identity.²⁰ Expired or unofficial documents do not lead to an automatic rejection of the request and are subject to a case-by-case analysis.

Bulgarian authorities accept passports, ID cards, driving licenses, and birth certificates for children up to 14 years old. When not available, any other official documents that indicate identity are considered, including other types of documents containing a photo. If no document can be presented at all, the Border Police officers conduct an assessment to verify identity.

In **Slovakia**, applicants can prove their identity by presenting a driving licence together with a birth certificate, expired travel documents, an identity document, or any other photographic document together with a birth certificate.

Issuance of documentation and access to rights

Ukrainian citizens and their family members in **Poland** have the right to apply for a PESEL number, which is equivalent to the Polish ID number and facilitates access to social benefits, such as social assistance and medical services, as well as the right to open a business in Poland. As of the end of April 2022, over 1 million arrivals from Ukraine had received PESEL numbers²¹.

The Police and Border Guard Board in **Estonia** are the responsible authorities for issuing decisions to grant temporary protection immediately upon application. This enables fast access to the labor market and all other rights and services. Temporary protection beneficiaries are issued with a written decision with their personal identification number, whereas the residence permit card that allows travel in the Schengen area is to be collected within 30 days.²²

In **Spain**, applicants are provided with an attestation that indicates they are authorized to work 24 hours after its issuance. Applicants can then download their decision granting temporary protection status electronically through the Ministry of Interior’s web page.

In **Croatia**, the Government published amendments to the Social Welfare Act providing access to social welfare to beneficiaries of temporary protection on par with nationals and beneficiaries of international protection. In **Greece**, the temporary protection residence permit grants direct access to social security and tax registration numbers.

Under one roof approach

Setting up integrated systems with multiple service providers operating in a sequential manner (the so-called “one stop shop” or “under one roof” approach) at the moment of reception/ registration is another method to maximize efficiency in information exchange and collaboration between different entities. An “under one roof” approach can include services such as (i) individual registration, (ii) capturing identity information, biometrics and photographs, (iii) identification of specific needs and referral to appropriate services, (iv) issuance of documentation, (v) eligibility processing for first instance and appeal, (vi) provision of legal aid/assistance and legal representation, and (vii) counselling provided by various stakeholders²³

In **Latvia**, a support center for Ukrainian civilians run by Riga municipality has been established in the premises previously used by Riga Technical University. All necessary services are provided “*under one roof*” including registration, issuance of documentation, provision of information, access to education, accommodation, and social support schemes. Medical first aid and legal and psychosocial counselling are also provided, and the center has set up child friendly spaces. The State Employment Agency, State Social Insurance Agency and National Health Service are working collaboratively at the center, which provides daily services for around 1,000 persons.

Information provision

Access to information is a due process safeguard that contributes to enhanced efficiency, as individuals are made aware of their rights and obligations and can better contribute to the procedure.

The Ministry of Interior in the **Czech Republic** has launched a dedicated helpline and email address to provide the necessary information on how to access temporary protection in practice. A special website “[Our Ukrainians](#)” has also been launched by the Ministry as a central point of information for refugees, which includes advice on where to register, requirements, timelines and entitlements for temporary protection holders.

The Ministry of Interior in **Romania**, in coordination with civil society and UN agencies, has launched a dedicated multi-lingual web platform [Dopomoha.ro](#) to support Ukrainians as well as other nationalities fleeing from Ukraine with necessary information on available services, including a dedicated section on legal status that outlines the possibility of applying for temporary protection and asylum, as well as short stays, and the rights associated with each of them. The web platform also provides information about the helplines and websites of other government entities, UN agencies and NGOs.



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Recommendations

The application of the Temporary Protection Directive in Europe is unprecedented and has not only demonstrated EU Members States’ solidarity and commitment towards the Ukraine refugee crisis, but also the ability to put in place fair and efficient systems that allow for expedited confirmation of status, and effective access to rights. Protracted processing times for asylum claims, leading to asylum-seekers waiting multiple years for a final determination of their claim without any certainty, can irreparably damage already fragile asylum systems. Delays in the processing of asylum applications can also erode public confidence in these systems and make it more difficult to repatriate or find other solutions for those found not to be in need of international protection.²⁴ The approaches outlined in this paper, alternatively, can serve to show that when political will is there, systems based on harmonized approaches, mutual support for expedited confirmation status and fast tracked access to rights and obligations will enhance self-reliance, reduce dependency on reception, relief and social protection systems and enhance integration.

Moreover, allowing refugees to move beyond the first country of asylum has helped to reduce increasing pressures on countries neighboring Ukraine and enhance solidarity across EU Member States and beyond. It notably allows refugees to be an active contributor to the assistance provided by allowing them the option of benefitting from the additional support of family members and existing community networks in other countries, avoiding overreliance on State systems in the first countries of asylum.

In light of the above, UNHCR recommends that States build upon these experiences and apply them within asylum procedures in order to equally profit from the benefits of such practices more broadly within refugee and migration management in Europe.

The European Commission’s proposed Pact on Migration and Asylum presented in September 2020 offers an opportunity to move towards a system that is more comprehensive, mutually supportive, well-managed and predictable, both within and beyond the Union. UNHCR will continue providing technical support to engage in asylum reforms that both address the practical challenges faced by Members States when it comes to management of refugee and migrants flows, while ensuring safeguards and access to rights for refugees.

Endnotes

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