The Implementation of the Temporary Protection Directive: Six Months On

UNHCR Regional Bureau for Europe, October 2022

Context

- Over 7.6M refugees recorded across Europe *(11 Oct., UNHCR)*
- On 4 March 2022, the EU triggered the application of the TPD
- Over 4.2M refugees registered for TP/similar national protection schemes *(11 Oct., UNHCR)*

TPD: promising practices

- Scope: UNHCR encouraged expansive approach to groups included under TPD
- Enhanced registration capacity: network of registration centres, interactive maps
- Digitalisation: online systems facilitate process, reduce backlogs, enable two way communication
- Documenting identity: generous approaches, recognising difficulties refugees can have
- Issuance of documentation and access to rights: ‘under one roof approach’

UNHCR The UN Refugee Agency

Regional Bureau For Europe

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 2022[1]. 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 Directive[2] 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]

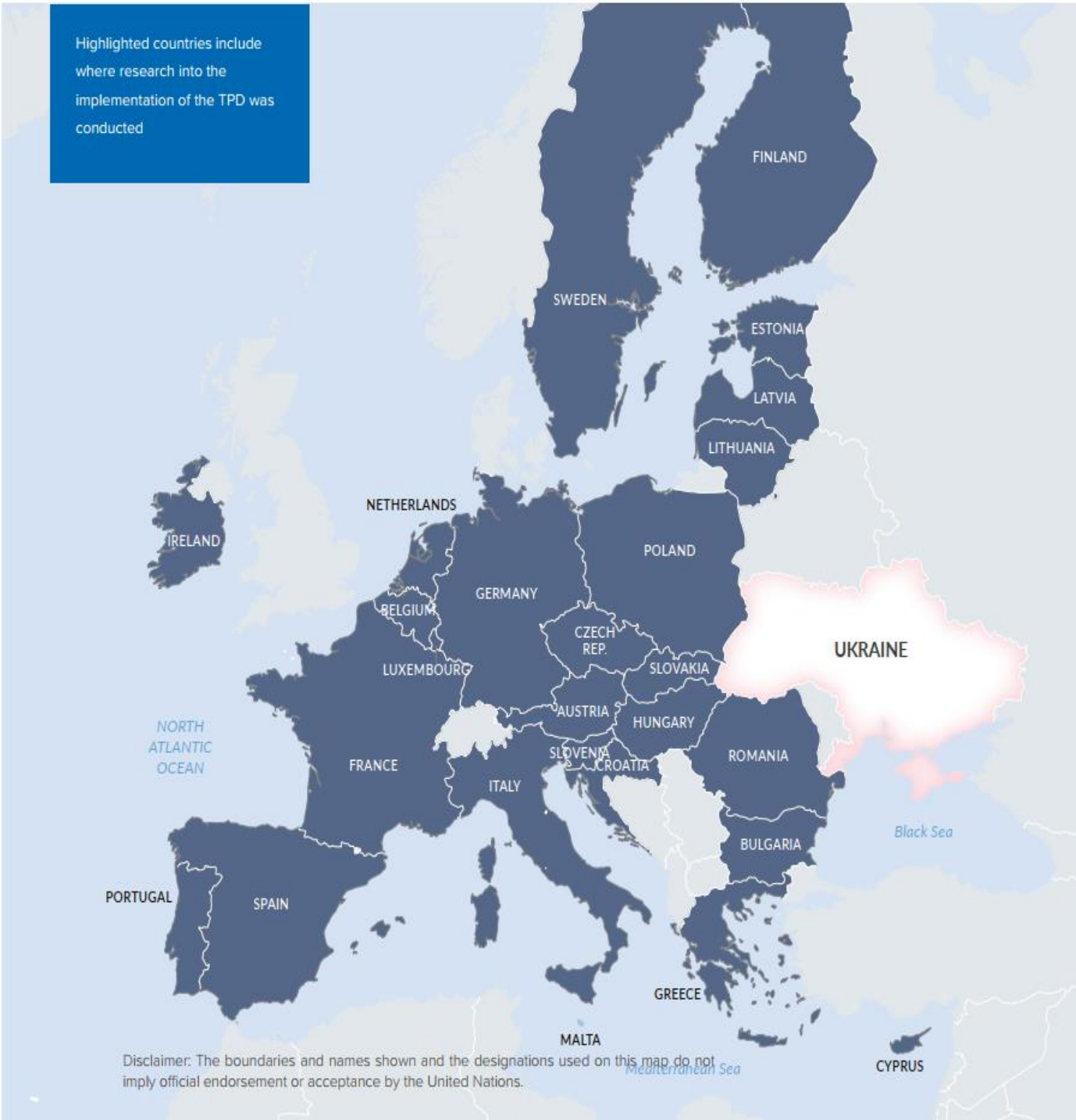
The application of temporary protection in Europe is unprecedented and its practical implementation demonstrates how to manage mass flows in a manner that provides recognition of international protection needs and guarantees swift access to safety, documentation and rights.

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.

https://data.unhcr.org/en/documents/details/93633

Methodology

- 26 countries covered
- Research conducted by UNHCR
- Contributions made by ICVA members incl. DRC & WVI & partners for four countries



Main findings

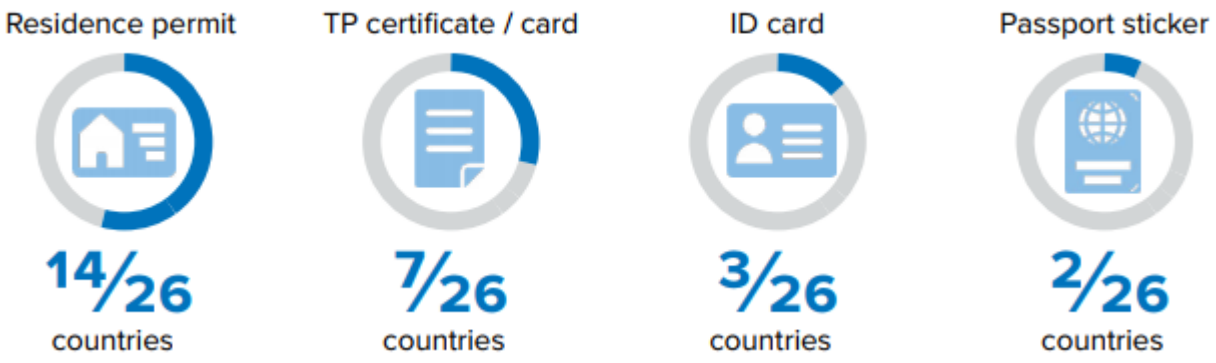
1. Rights are interdependent
2. Refugees face a range of practical, administrative & legal barriers
3. PWSNs faced increased challenges
4. Several identified barriers are equally faced by refugees from elsewhere

Registration

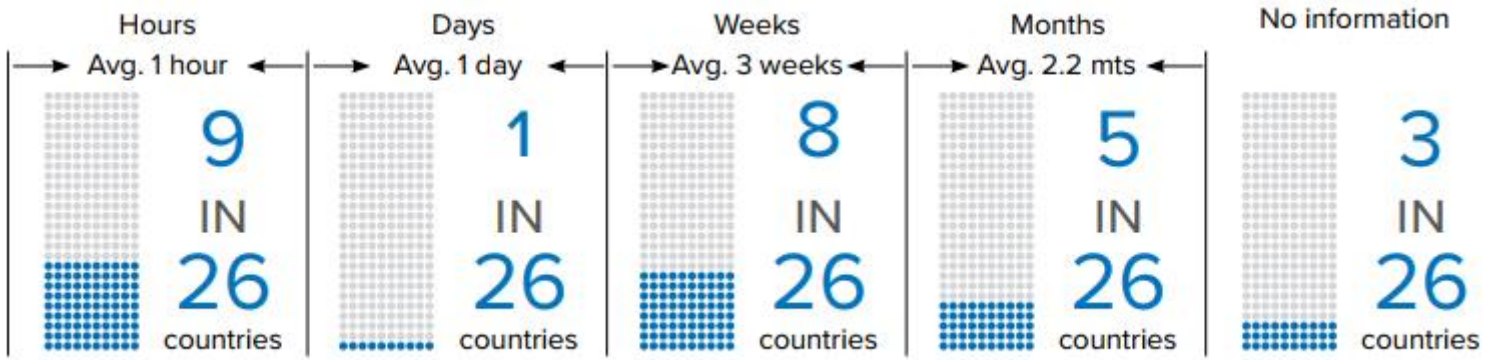
Top five barriers

Documentation

Types



Time taken



Education

Top five barriers

lack of space in local school

22/26 countries

language barriers

17/26 countries

lack of permanent address

12/26 countries

lack of information

4/26 countries

lack of specific documents required to register with local schools

4/26 countries

Labour market

Top five barriers

lack of child care arrangements

22/26
countries

language barriers

18/26
countries

lack of information

13/26
countries

lengthy and complicated skills recognition procedures

12/26
countries

lack of decent employment opportunities

9/26
countries

Social protection

Top five barriers

lack of information

15/26
countries

cost of living exceeds social protection support

14/26
countries

language barriers

12/26
countries

different level of access to social protection to nationals

11/26
countries

lack of permanent address

7/26
countries

Healthcare

Top four barriers

language barriers

11/26
countries

lack of capacity of the healthcare system

9/26
countries

lack of information

5/26
countries

access limited to emergency care only

4/26
countries

Accommodation

- All 26 countries have a scheme in place
- Assistance schemes vary by country
- Assistance schemes are predominantly for the ***short-term***
- Limited access to long-term housing has a ***multifaceted impact*** on refugees

Persons with specific needs

- 24% of HHs have at least one family member with a specific need *(UNHCR PM)*
- 17/26 countries have identification procedures, albeit with gaps
- Nine countries lack identification procedures

Freedom of movement

- In most countries, travel to Ukraine/third country has no impact on TP status
- In some countries, TP status could be revoked and/or social benefits could cease

Family reunification

- Family separation is defining feature of displacement from Ukraine
- 11/26 countries have no system to reunite families

Key recommendations

1. Need for increased coherence in TPD application
2. Addressing various barriers is critical to ensure inclusion
3. Refugees can be part of the solution
4. Early and systematic identification of PWSNs needed
5. Lessons learned from application of TPD have potential wider relevance