UNHCR
The UN Refugee Agency

THE IMPLEMENTATION OF THE TEMPORARY PROTECTION DIRECTIVE: SIX MONTHS ON

UNHCR Regional Bureau for Europe

OCTOBER 2022

Acknowledgements

Information used in this report was collected by UNHCR and complemented with information provided by International Council of Voluntary Agencies (ICVA) members including the Danish Refugee Council (DRC), World Vision International (WVI) and partners such as the European Network on Statelessness and Helsinki Foundation.

The report was drafted by the Protection Unit in UNHCR's Regional Bureau for Europe (RBE) with analysis of data coordinated by the Data, Identity Management and Analysis Unit (DIMA).

We are grateful for the extensive involvement and support of UNHCR's partners, local authorities, civil society, international organizations and donors. Most importantly, UNHCR would like to acknowledge the resilience and strength of refugees from Ukraine, who continue to share with us their challenges, fears and hopes.

CONTACT US

UNHCR Regional Bureau for Europe
Email: rbeext@unhcr.org

COVER PHOTOGRAPH:
Poland. Refugees from Ukraine at a Blue Dot Safe Space, Protection and Support Hub in UNHCR's cash enrolment centre in Krakow Tauron Arena, May 2022 © UNHCR/Maciej Moskwa

Contents

Executive summary 4
Key recommendations 6
Context 8
Methodology 8
Registration 10
Appeal 12
Documentation 13
Freedom of movement 15
Family reunification 17
Persons with specific needs 18
Education 21
Labour market 23
Social protection 25
Healthcare 27
Accommodation 29
Emerging practices: addressing barriers to rights 30

Executive summary

Based on research conducted in 26 countries implementing the Temporary Protection Direction (TPD), this report presents the main findings relating to the practical implementation of the Directive and refugees' ability to access and exercise rights protected under it.

Key findings

1 THE RIGHTS GUARANTEED UNDER THE DIRECTIVE ARE INTERDEPENDENT: REFUGEES' INABILITY TO EXERCISE ONE RIGHT IMPEDED THE REALIZATION OF OTHER RIGHTS

The inability of refugees to exercise one right often negatively impacted the enjoyment of other rights. For example, delayed issuance of documentation to Temporary Protection (TP) beneficiaries impacts their ability to access a wide range of rights; challenges relating to a lack of capacity in local schools significantly impedes adults' access to the labour market, whilst a lack of sustainable, longer-term housing has had a multifaceted impact on refugees' ability to exercise their other rights including education, employment, and social protection.

2 REFUGEES ENCOUNTER A RANGE OF PRACTICAL, ADMINISTRATIVE AND LEGAL BARRIERS TO ENJOYMENT OF RIGHTS

Lack of access to information and language barriers limit refugees' access to almost all rights provided under the Directive, including registration processes, education, employment, family reunification and social protection. Challenges relating to the lack of a permanent address, lack of childcare options and the inability to provide documents required to access certain services were also commonly raised as barriers to the enjoyment of rights.

3 PERSONS WITH SPECIFIC NEEDS FACE INCREASED OBSTACLES TO ACCESS RIGHTS GUARANTEED UNDER THE DIRECTIVE; THE LACK OF SYSTEMATIC IDENTIFICATION PROCEDURES IS ONE OF THE ROOT CAUSES

According to UNHCR protection monitoring, 24% of respondents reported at least one household member with a specific need, including persons with disabilities, serious medical needs, older persons and separated or unaccompanied children. [1] Yet, nine of the 26 countries monitored do not have standard procedures in place to identify persons with specific needs. In the 17 countries where there are procedures in place, the process lacks comprehensiveness, being largely confined to the identification of limited population groups such as unaccompanied and separated children or victims of human trafficking. The absence of systematic and comprehensive identification procedures impedes the ability of persons with specific needs to access specialized services and assistance, thereby increasing the risks they face in displacement.

1. UNHCR protection monitoring for the Ukraine refugee situation results, May to September 2022. Protection monitoring was conducted in Belarus, Bulgaria, Hungary, Republic of Moldova, Poland, Romania and Slovakia.

4 SEVERAL OF THE IDENTIFIED CHALLENGES ARE EQUALLY APPLICABLE TO REFUGEES WHO HAVE BEEN GRANTED STATUS THROUGH NATIONAL ASYLUM SYSTEMS

Several identified challenges are equally experienced by refugees from Ukraine who have been granted Temporary Protection and refugees from other parts of the world living in Europe, who have been granted status through regular asylum procedures. This is particularly the case with regard to challenges relating to language barriers, access to information and the identification of persons with specific needs

THE IMPLEMENTATION OF THE TEMPORARY PROTECTION DIRECTIVE: SIX MONTHS ON

Key recommendations

There is a need for increased coherence in the application of the Temporary Protection Directive.

Research shows that there is a lack of harmonization between Member States in their approach to some rights protected under the TPD. First-hand feedback from refugee communities on their experiences exercising their rights is key to understanding the barriers and challenges faced. Increased coherence will help facilitate access to rights and increase opportunities for inclusion and self-sufficiency amongst refugees.

Addressing administrative, practical and legal barriers to rights is key to supporting the inclusion of refugees in national systems.

Addressing the practical, administrative and legal barriers to the enjoyment of rights is an vital part of supporting refugees' sustainable stay in host countries. It is important to support their swift and effective inclusion into national systems to promote self-sufficiency and mitigate protection risks and negative coping mechanisms which can result if refugees are unable to meet their basic needs.

Refugees are an asset to host communities and can help solve challenges around access to rights.

States should leverage the potential of refugees and refugee-led organizations to help solve some of the challenges faced in accessing rights under the Directive. Refugee communities can help facilitate information exchange, increase the capacity of national systems and build trust between refugees and national authorities. Several good practices exist, including hiring Ukrainian healthcare professionals, teaching assistants and cultural communicators, which have the potential to be replicated more widely. Refuges who can continue practicing their professional skills in displacement will be a larger asset to recovery efforts in Ukraine once conditions for return exist.

The early and systematic identification of persons with specific needs is essential to promoting their effective protection and access to rights.

Procedures to identify persons at heightened risk should be systematically included as part of registration procedures for Temporary Protection and other forms of legal stay, as well as procedures to renew residency and other associated documentation in order to enhance opportunities for the identification of these groups. Identification of individuals at heightened risk must be further matched with upscaling specialized services with adequate capacity and resources, which are adapted to their needs and numbers.

Lessons learned from the application of the Temporary Protection Directive have an important application beyond the Ukraine refugee situation.

UNHCR has mapped several innovative approaches and promising practices in the application of the Directive,[3] such as systems for expedited confirmation of status and fast-tracked access to rights and obligations. These approaches have the potential to enhance self-reliance, reduce dependency on reception, relief and social protection systems and enhance inclusion. UNHCR recommends that European institutions and states build upon these experiences and, where applicable, extend them to asylum procedures. Experiences gained under the TPD have the potential to inspire positive and practical changes of the Common European Asylum System.

2. UNHCR, 'The EU Temporary Protection Directive in Practice 2022', May 2022, available at https://data.unhcr.org/en/documents/details/93633

UNHCR staff provide assistance for refugees from Ukraine arriving on buses at the Tarvisio border crossing between Austria and Italy, March 2022 © UNHCR/Dario Bosio

Context

The international armed conflict in Ukraine precipitated one of the largest displacement crises in the world. As of 12 October 2022, over 7.6 million refugees from Ukraine have fled to Europe, and almost seven million people have been internally displaced. In response, the European Union (EU), through the Council's Implementing Decision 2022/382 of 4 March 2022,[3] triggered the application of the Temporary Protection Directive (TPD) 2001/55/EC, the duration of which has recently been extended until March 2024.

UNHCR welcomed the decision to activate the TPD in European Union Member States as one way to provide immediate protection from refoulement and access to rights for refugees. UNHCR has a particular interest in the application and implementation of the TPD in view of the specific role afforded to UNHCR under the Directive,[4] and due to UNHCR's mandate to provide international protection to refugees. In this respect, UNHCR has previously compiled a number of promising practices relating to EU Member States' application of the TPD,[5] including enhanced registration, promoting access to information on procedures, expedited issuance of documentation and digitalization of systems.

Six months on from the activation of the TPD, UNHCR conducted research into the practical implementation of the Directive with a focus on refugees' access to rights. This report presents the findings from this research, including recommendations on enhancing access to rights and protection for refugees from Ukraine.

Methodology

This report is based on research conducted by UNHCR between July and August 2022 in 26 countries applying the TPD,[6] complemented with information provided by members of the International Council of Voluntary Agencies (ICVA) members including the Danish Refugee Council (DRC), World Vision International (WVI) and partners such as the European Network on Statelessness (ENS) and Helsinki Foundation for 4 of the 26 countries covered.[7] Research was conducted through consultations with national authorities, local municipalities, partner organizations and NGOs assisting refugees from Ukraine and through direct consultations with refugee communities themselves on their experiences accessing their rights under the Directive.

3. 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 EUR-Lex - 32022D0382 - EN - EUR-Lex (europa.eu)
4. Temporary Protection Directive (TPD) 2001/55/EC, Article 3(3)
5. UNHCR, 'The EU Temporary Protection Directive in Practice 2022', May 2022, available at https://data.unhcr.org/en/documents/details/93633
6. Research was conducted in Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.
7. Greece, Italy, Romania and Poland.

Analysis of the implementation of the Temporary Protection Directive

UNHCR teams help refugees from Ukraine at Italy's north-eastern border, March 2022 © UNHCR/Valerio-Muscella

Registration

Temporary Protection Directive: Article 10

To enable the effective application of the Council Decision referred to in Article 5, Member States shall register the personal data referred to in Annex II, point (a), with respect to the persons enjoying temporary protection on their territory.

Key findings and recommendations:

- **Enhanced registration practices, including increased capacities and digitization, continue to demonstrate efficiencies. All Member States should be actively encouraged to apply similar practices to enhance access to protection and rights under the TPD.**
- **TP beneficiaries highlight a need for accurate information on registration processes, rights attached to TP status and interpretation services at registration points. In some countries, local authorities require additional guidance on the rights of third country nationals and stateless persons to access TP registration.**

TOP 5 BARRIERS TO REGISTRATION

At the beginning of the crisis, refugees in several countries reported long queues and waiting times associated with Temporary Protection (TP) registration. This was partially attributed to the large number of people seeking TP and their uneven concentration in some areas. Multiple countries have since introduced measures to expedite the process, notably through digitizing the registration process. Apart from accelerating the process, digitization has significantly expanded geographical reach. Nevertheless, some refugees have encountered difficulties accessing online registration portals, including due to digital illiteracy and language barriers. As of August 2022, in 21 of the 26 countries monitored the registration process takes between 30 minutes to a few days. In the remaining five countries, however, the process could last a few weeks to four months. In some cases, registration capacities which were scaled up at the beginning of the crisis were reduced, prolonging the registration process for new arrivals. Delays in the registration process impacts individuals' abilities to access rights protected under the Directive.

Refugees reported experiencing several other challenges including a lack of accurate and clear information about the registration process and the rights attached to their status, challenges echoed in information collected by ICVA network member WVI. In some countries, support centres which provide information are located in large cities, which are challenging for TP beneficiaries located in rural areas to access. Refugees thus mostly relied on information provided by family members, community-based organizations or on information gathered through social media outlets which may not be accurate. ICVA network members also highlighted the challenges which older persons face in accessing information on registration processes which is primarily provided through online platforms.

A lack of interpretation services at registration points was also routinely reported. In some cases, volunteers were sporadically providing interpretation services, but multiple countries reported a general lack of predictable interpretation services for individuals seeking to apply for TP, which created a barrier to understanding and accessing registration services.

In addition, although non-Ukrainian nationals are included under the provisions of the TPD in certain cases,[8] a lack of clear guidance to registration staff in this regard has reportedly led to some non-Ukrainian nationals being denied permission to register or being required to provide additional documentary evidence relating to their inability to return to their countries of origin in safe and durable conditions. This has resulted in some third country nationals being redirected to the regular asylum procedure, despite their prima facie entitlement to protection under the TPD, risking adding an additional burden to national asylum procedures. ICVA members (Helsinki Foundation through DRC) additionally reported challenges in some cases for undocumented individuals and stateless persons to establish their identity and eligibility for TP, with resulting challenges in accessing TP registration procedures.

UNHCR additionally identified challenges facing some individuals who change their place of residence from one EU MS to another after having applied for TP in their first host country. Such individuals, at times, face challenges in accessing TP registration in their new host country and are asked for evidence that they have 'de-registered' themselves in the first MS they were registered in, despite guidance from the European Commission to the contrary.[9]

8. As set out in 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, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382.
9. European Commission's 'Frequently asked questions received on the interpretation of the Temporary Protection Directive and Council Implementing Decision 2022/382', available at: https://home-affairs.ec.europa.eu/system/files/2022-07/Frequently%20asked%20questions%20received%20on%20the%20interpretation%20of%20the%20Temporary%20Protection%20Directive%20and%20Council%20Implementing%20Decision%202022-382_en.pdf

Appeal

Temporary Protection Directive: Article 29

Persons who have been excluded from the benefit of temporary protection or family reunification by a Member State shall be entitled to mount a legal challenge in the Member State concerned.

Key findings and recommendations:

It is important that applicants for Temporary Protection have access to an effective remedy in the event of negative decisions and clarification should be issued on the extent of appeal rights contained in the TPD. States should institute effective appeal procedures for TP applicants and provide written reasons for negative decisions.

It is currently unclear whether the right of appeal contained at Article 29 of the TPD applies to negative decisions on applications for TP in general, or whether it is restricted to decisions taken under Article 28 of the Directive to exclude an individual from TP due to serious reasons for considering that they have committed a war crime or similarly serious acts. Nevertheless, it would be important for applicants for TP to have access to an effective remedy in the event that their applications are refused.

At least six of the 26 countries monitored have not set up appeal mechanisms enabling refugees to challenge decisions denying their access to TP. In some countries where appeal mechanisms are in place, refugees faced obstacles to exercising appeal rights, mainly due to the lack of written rejection letters and a short timeframe set to institute an appeal. In some countries, the appeal also lacked suspensive effect.

Documentation

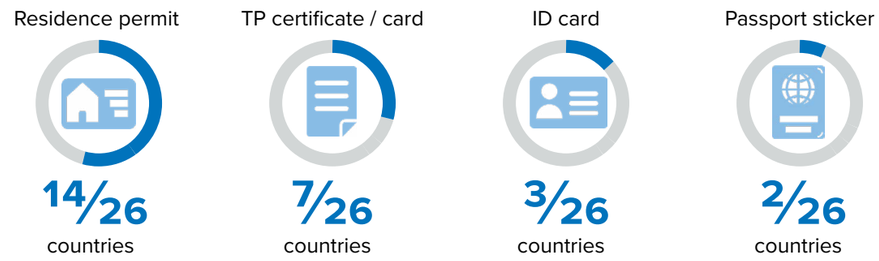
Temporary Protection Directive: Article 8 (1)

The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

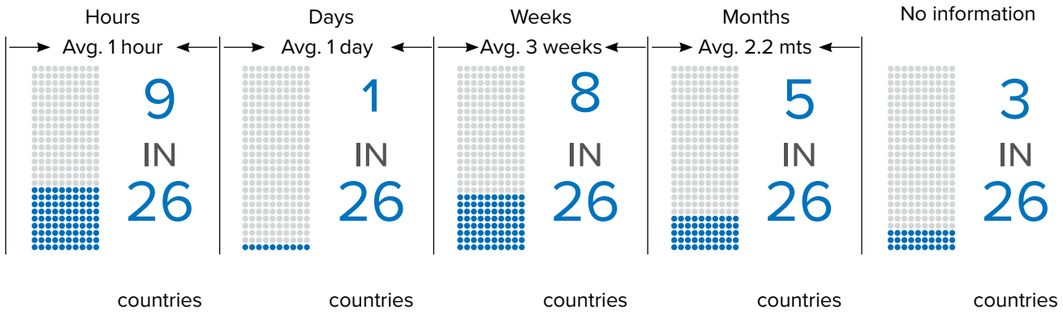
Key findings and recommendations:

- **In light of the recent extension of the TPD, Member States should be encouraged to immediately renew documentation issued to TP beneficiaries until at least March 2024 in order to reduce administrative burdens and enhance prospects for refugees' effective socio-economic inclusion in host states.**
- **Member States are encouraged to replicate positive practices from other countries to facilitate swift issuance of documentation and facilitate refugees' access to rights.**

TYPES OF DOCUMENTS ISSUED



TIME TAKEN TO ISSUE THE DOCUMENT



The Council's Implementing Decision 2022/382 triggered the application of the TPD for an initial period of one year, with the duration of the TPD recently extended until March 2024.

23 out of the 26 countries surveyed issued documentation to TP beneficiaries which is valid for 12 months or until March 2023. One country permits the legal stay of TP beneficiaries until 24 August 2023, regardless of the date of entry, whilst another issues foreigner cards valid for two years to TP beneficiaries. One country provides renewable residency permits valid for 6 months at a time. Issuing documents with a longer validity period creates advantages for TP beneficiaries and enhances their prospects for socio-economic inclusion in host countries. For example, refugees reported some private landlords are reluctant to rent properties to individuals whose residency expires in March 2023, whilst others highlighted that some employers prefer to hire individuals with a longer-term residency document. Access to financial services, particularly (micro-)credit and loans, as well possibilities for self-employment are also negatively affected (and associated rights to work).

Documents issued to TP beneficiaries varied between countries; some 14 countries issued residence permits while the remaining countries provided refugees with other types of documentation including TP certificates and passport stickers.

The type of documentation issued to refugees often has implications on the enjoyment of certain rights, including freedom of movement. ICVA members DRC and ENS highlighted instances of good practice, where residence permits issued to TP beneficiaries carried, for example, tax and social security numbers, thereby facilitating access to employment, health and social protection. However, in certain countries the document issued to TP beneficiaries does not confirm their residency status in the host state, which can affect a TP beneficiary's ability to exercise freedom of movement and to access certain rights enumerated under the Directive.

Delays in issuing documentation was a commonly reported challenge. In some 13 countries, refugees wait for periods between several weeks to three months to receive documentation. Given that access to services often hinges on the possession of documentation, such delays impede refugees' access to essential rights and services including education, employment and social protection.

Freedom of movement

Temporary Protection Directive: Article 21 (2)

For such time as the temporary protection has not ended, the Member States shall, on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return.

Key findings and recommendations:

- **UNHCR welcomes guidance from the European Commission to Member States that Ukrainians do not need to deregister from TP when they voluntarily return to Ukraine. Such an approach can help avoid administrative hurdles and facilitate access to rights under the TPD.**
- **UNHCR advises that a TP beneficiary's status and rights should not be affected by a visit to Ukraine lasting less than three months. Guidance and coherence amongst EU Member States on this point is important.**

A number of refugees are engaging in pendular movements between Ukraine and host countries, engaging in visits to see family members, retrieve documents, check on property and the overall situation.

In most of the countries monitored, TP beneficiaries can travel to Ukraine or to a third country without losing their status and the rights flowing from it. However, in some countries there is no clear guidance as to how long refugees are permitted to remain outside of the host state without losing their legal status and/or benefits attached to it, whilst others reported that varying periods spent outside of the country may lead to revocation of TP status and/or the cessation of certain benefits such as access to accommodation and financial assistance.

Even in countries where travel to Ukraine or a third country does not trigger the revocation of TP status and/or the cessation of certain benefits, refugees without biometric passports have faced difficulties entering other Member States (MS) and re-entering countries where they enjoy TP. Similar challenges were reported by ICVA member DRC who contributed to the research.

UNHCR welcomes the European Commission's recent announcement that Ukrainians who intend to voluntarily return do not need to deregister from TP when they travel to Ukraine. Persons wishing to return are requested to notify the national or local authorities in their hosting country that they are returning back to Ukraine, provided that such a notification system is in place, with the effect that their TP registration is treated as 'inactive' and

10 European Commission Press Release, 'Solidarity with Ukraine: EU takes new steps to provide certainty and access to employment to beneficiaries of Temporary Protection', 10 October 2022, available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5998. See additionally European Commission's 'Frequently asked questions on going home to Ukraine on a voluntary basis in the context of the Temporary Protection Directive', available at: https://home-affairs.ec.europa.eu/system/files/2022-10/Frequently%20Asked%20Questions%20on%20going%20home%20to%20Ukraine%20on%20a%20voluntary%20basis%20in%20the%20context%20of%20the%20Temporary%20Protection_en_0.pdf.

benefits flowing from it discontinued for as long as they are outside of the host country.[10] Such an approach can help avoid administrative hurdles and facilitate access to rights under the TPD shouldindividuals need to return to the EU at a later point. The same guidance reiterates that individuals who returned to Ukraine should have no problem to re-enter the EU on the basis of their passports, residency permits or on 'humanitarian grounds'.

This announcement does not provide guidance on the duration of a 'short visit' to Ukraine, which should have no impact on an individual's TP status or rights, as compared to a 'voluntary return' under which a person's TP registration is inactivated and benefits discontinued. Therefore, there continues to be scope for differing practices in this regard, with MS applying varying benchmarks to determine whether travel to Ukraine constitutes 'voluntary return' or not.[11]

11. European Commission's 'Frequently asked questions on going home to Ukraine on a voluntary basis in the context of the Temporary Protection Directive'

Romania. Learning centre for Ukrainian refugee children, May 2022 © Andrew McConnell

THE IMPLEMENTATION OF THE TEMPORARY PROTECTION DIRECTIVE: SIX MONTHS ON

Family reunification

Temporary Protection Directive: Article 15

In cases where the separate family members enjoy temporary protection in different Member States, Member States shall reunite family members where they are satisfied that the family members fall under the description of paragraph 1(a), taking into account the wish of the said family members. Member States may reunite family members where they are satisfied that the family members fall under the description of paragraph 1(b), taking into account on a case by case basis the extreme hardship they would face if the reunification did not take place.[11]

Key findings and recommendations:

- **Guidance is needed on how family reunification procedures foreseen by the TPD are expected to operate in practice, and the facilities and systems Member States are required to put into effect in this regard.**
- **Given the scale of family separation, swift, effective and flexible family reunification procedures are required, including avenues for reunification with for individuals who may not fall within the scope of the Temporary Protection Directive.**

Large scale family separation is one of the defining features of the Ukraine crisis. According to results from UNHCR's ongoing protection monitoring exercise conducted in seven countries,[12] 78 percent of respondents have been separated from their immediate family members. Family separation in a refugee context often exacerbates several protection risks including gender-based violence, human trafficking, exploitation, isolation and trauma, particularly for persons with specific needs, such as unaccompanied and separated children, older persons and persons with disabilities. Rights to family unity and family life are well established in international and regional law, whilst family unity provides an essential framework of protection in displacement.

Notwithstanding the large-scale family separation, at least 12 of the 26 countries monitored lack a system to reunite families. In some of these countries, TP beneficiaries are legally entitled to family reunification, however, there is a lack of an equivalent process giving effect to the right. Even in countries which have a process in place enabling family reunification, refugees report facing various obstacles such as lack of information about the procedures involved, inability to cover associated costs and difficulty establishing family relations due to lack of documentation.

Whilst TP beneficiaries have specific rights to family reunification under the Directive, it is currently unclear which procedures Member States are expected to put into place to give effect to these rights. In addition, there are outstanding questions relating to child TP beneficiaries who wish to reunite with their parents or other relatives, as this does not appear to be currently provided for under the relevant sections of the Directive.

Persons with specific needs

Temporary Protection Directive: Article 13 (4)

The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

Key findings and recommendations:

- **The systematic identification of persons with specific needs remains a key gap across many Member States.**
- **UNHCR recommends that procedures to identify persons at heightened risk are included as part of registration procedures for temporary protection and other forms of legal stay, as well as procedures to renew residency and other associated documentation to enhance opportunities for the identification of these groups.**
- **Identification of individuals at heightened risk must be further matched with upscaling specialized services with adequate capacity and resources, which are adapted to the needs and numbers of persons of concern.**

According to UNHCR protection monitoring, 24% of respondents reported at least one household member with a specific need, including persons with disabilities, serious medical needs, older persons and separated or unaccompanied children.[13] Persons with specific needs can face specific barriers that prevent them from fully enjoying their rights or accessing the services they need, and can be at heightened risk of discrimination, abuse, violence and neglect during displacement and in their country of asylum. It is therefore crucial that they are systematically identified at an early stage and referred to services and support in a timely manner to mitigate protection risks they may face.

Out of the 26 countries monitored, 17 have formal procedures in place to identify persons with specific needs, albeit with some gaps in implementation as outlined below. Nine countries were identified as lacking formal procedures to identify persons at heightened risk.

In countries without formal procedures to identify persons with specific needs, identification largely depends on how "visible" specific needs are or on where individuals are accommodated. For instance, TP beneficiaries with specific needs residing in smaller shelters managed by non-governmental organizations (NGOs) are more likely to be identified as compared to those who live in collective centers or with host families. The lack of procedures to identify persons with specific needs hinders their ability to access dedicated services. To illustrate, in some cases, people with physical disabilities have reported being referred to accommodation centers which are ill-equipped to meet their needs. Furthermore, the absence of identification procedures prevents data collection on the prevalence of persons with specific needs as well as their needs, thereby limiting the development of a tailored response.

13. UNHCR protection monitoring for the Ukraine refugee situation results, May to September 2022. Protection monitoring was conducted in Belarus, Bulgaria, Hungary, Republic of Moldova, Poland, Romania and Slovakia.

Bulgaria. Ukrainian refugees in the process of centrally organized relocation from hotels to government facilities May 2022 © UNHCR/Dobrin Kashavelov

In the 17 countries which have procedures in place to identify persons with specific needs, the process greatly varies. Some countries have assigned social workers to reception facilities; some have introduced medical screening at reception facilities. Some countries also rely on the assistance of NGOs and the Red Cross to identify individuals with specific needs. Even in these countries, however, the process generally lacks comprehensiveness. For example, some countries only implement identification procedures for unaccompanied minors while excluding other population groups including people with disabilities and older persons. Moreover, in certain countries, institutions tasked with identifying persons with specific needs operate on an ad hoc basis due to limited capacity or have drastically reduced their presence at reception facilities, limiting their effectiveness.

In several countries monitored, refugees with specific needs reported limited access to dedicated services including healthcare and suitable accommodation, which is partially attributed to the lack of or incomplete nature of identification procedures.

In Focus

Stateless people

As of the end of 2021, there were an estimated 35,900 stateless people in Ukraine.[141] The total number of stateless persons from Ukraine who have sought temporary protection remains undetermined as there is a general lack of identification procedures in many countries. This is further compounded by the absence of disaggregated data, including based on nationality, on refugees who have been granted temporary protection.

Stateless people are among the most vulnerable population groups. Their vulnerability is often amplified in times of crisis, including due to lack of documentation. In the context of the Ukraine crisis, based on the limited information available, stateless people in some countries have faced difficulty registering for Temporary Protection because of lack of documentation proving their date of entry and/or prior residence in Ukraine.

14. UNHCR 2022: Global Trends. Forced Displacement in 2021 https://www.unhcr.org/62a9d1494/global-trends-report-2021

Persons with disabilities

In several countries, persons with disabilities faced challenges accessing services, partly due to the lack of identification procedures enabling referral to dedicated services. Among the various services, people with disabilities notably struggled to access accommodation, healthcare, and social protection. In a number of countries, lack of suitable accommodation for people with disabilities was routinely reported; accommodation centres often lacked wheelchair ramps and latrines suited to the needs of people with disabilities.

People with disabilities also struggled to access healthcare services, including due to limited capacity of health facilities and non-recognition of previous diagnosis in Ukraine. Non-recognition of disability status has in turn limited their access to social protection measures including disability benefits. TP beneficiaries in several countries reported long and complex procedures to certify disability status, which is typically a pre-requisite to claim disability benefits.

Unaccompanied and separated children

Unaccompanied and separated children suffer from a lack of systematic identification procedures. In several countries, many unaccompanied and separated children also have limited access to legal guardians including due to a shortage of suitable candidates and lengthy appointment procedures. Even in cases where legal guardians are appointed, comprehensive vetting and follow up systems remain limited. UNHCR has observed a lack of systematic inclusion of unaccompanied and separated children into the services of national child protection systems, resulting in the absence of national equivalents of best interests procedures being conducted in relation to these children.

Education

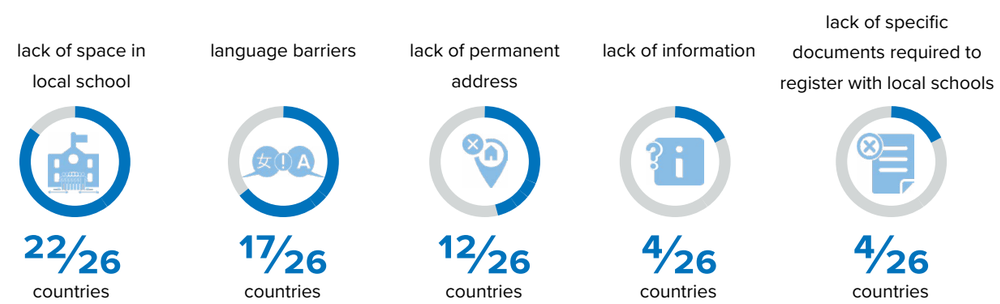
Temporary Protection Directive: Article 14 (1)

The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. The Member States may stipulate that such access must be confined to the state education system.
The Member States may allow adults enjoying temporary protection access to the general education system.

Key findings and recommendations:

- **Supporting schools in host states to increase capacity and provision of language courses will enhance effective access to education for refugee children from Ukraine as well as supporting their parents and caretakers to access the labour market.**
- **Engaging with displaced families and communities on options for education including through integrating refugee community members into national schools as teaching support assistants, is key to building trust and promoting effective access to education**

TOP 5 BARRIERS TO EDUCATION



The number of children arriving in EU Member States from Ukraine has been unprecedented and has created significant practical and logistical challenges to rapidly absorb them into national school systems. UNHCR's research has identified a range of barriers which impede children's access to education in host countries.

In 22 of the 26 countries monitored, refugees reported lack of space in schools as a major hindrance to access education at the pre-primary, primary, and secondary levels. The lack of space in schools is particularly pronounced in areas hosting large number of refugees and where most accommodation centers are located, such as major urban centres. This barrier was confirmed by research conducted by ICVA members including DRC. In several countries, a shortage of teachers is also pointed out as an additional barrier.

In 17 of the 26 countries monitored, language barriers were identified as an obstacle hindering access across all levels of education, with some refugees reporting struggling to understand paperwork associated with school registration. This was additionally confirmed by data collected by ICVA members including WVI. It is positive to note that, to facilitate access to education, many countries have started offering language classes; however, these classes are currently not at the required scale to meet the size of the identified needs. Hiring members of the refugee community as teaching assistants has been identified as an important way to both alleviate staffing capacity issues in schools as well as addressing language barriers.

A lack of stable accommodation also presented a challenge to access to education. TP beneficiaries across 12 countries reported limited access to education due to uncertainties surrounding their accommodation arrangements. In particular, refugees housed in emergency reception centers hesitated to register their children in school due to the high probability of relocation and subsequent need to enroll their children in an alternative school.

Other challenges reported included bureaucratic requirements relating to school registration; for example, schools in some countries request medical reports, proof of vaccination and authenticated translation of academic records obtained in Ukraine as a precondition to enroll children, which refugees often struggle to provide due to various reasons including inability to cover associated costs. It is positive to note that some states have addressed these challenges by implementing flexible approaches.

Temporary Protection holders have in some cases faced problems enrolling their children in national education systems in host countries if they were not provided with a residency permit or another document indicating an address linked to their place of residence. The lack of registration of an address, including for some who applied for TP, has also complicated planning of capacity in schools in some EU countries. This is because education authorities are unable to accurately assess how many children of compulsory school age are present in any given school district or education administration entity.

While the TP Directive guarantees access to education for Ukrainian refugees, it does not oblige EU Member States to ensure TP holders enroll children of compulsory school age in national school systems no more than "three months from the date on which the application for international protection was lodged by or on behalf of the minor". This three-month limit on enrolment only applies to asylum-seekers (see Article 14 of EU Directive 2013/33). Member States also do not have the obligation to provide preparatory classes, when needed, to TP beneficiaries entering the national school system. Those preparatory classes are only mandated for asylum-seekers (ibidem).

This has led some EU countries to postpone enrolment of Ukrainian children beyond the three-month period and to provide exemptions to the obligation to organize preparatory classes, creating a discrepancy in the legal time limit for the enrolment of TP holders and asylum-seekers as well as the preparatory learning support they receive.

Labour market

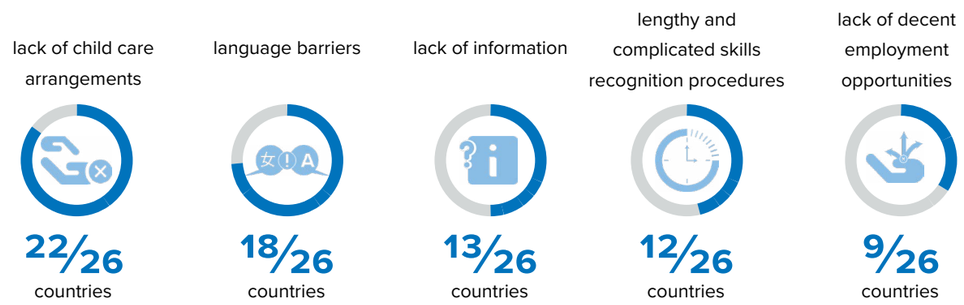
Temporary Protection Directive: Article 12

The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. For reasons of labour market policies, Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third country nationals who receive unemployment benefit. The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.

Key findings and recommendations:

- **Increased provision of childcare (including through increasing the capacity of local schools) and increased language learning for adults are key to expanding refugees' effective access to employment opportunities and supporting their inclusion in host states**
- **Focus needs to be placed on removing administrative, legal or practical barriers to accessing decent work, including through skills recognition and upskilling, job-matching and information provision.**

TOP 5 BARRIERS TO ACCESS LABOUR MARKET



Effective access to decent employment opportunities is key to promoting refugees' self-sufficiency and to avoid exacerbating protection risks if refugees are unable to meet their basic needs, including risks of exploitation and abuse. UNHCR's research has identified a range of barriers which are impacting upon refugees' right to employment under the Directive.

In 22 of the 26 countries monitored, TP beneficiaries reported lack of childcare services as a major hindrance to access the labour market. Similar observations were made by ICVA members, according to data collected by DRC and WVI. This is partly attributed to lack of spaces in day-care facilities and primary schools. In a context where 87 per cent of household members are women and children with a high proportion of single caretakers,[15] childcare provision is an urgent and pressing need to promote socio-economic inclusion. In 18 of the 26 countries assessed, language barriers are also identified as a challenge and are exacerbated by the limited availability of language classes targeting adults.

Across 13 countries, refugees have also reported a lack of information as a barrier to access the labour market. Refugees generally lacked information on their rights under applicable employment law and related working conditions, and available job opportunities. In particular, the lack of information on working conditions exposes refugees to exploitative labour and informal employment without access to social insurance. In some countries, TP beneficiaries have reported working long hours, earning low wages, and being denied certain employment benefits including health insurance which they were otherwise entitled to under the national law. This is worsened by employers' lack of awareness on the rights of TP holders to employment, an obstacle identified in several countries monitored.

In some 12 countries, refugees reported lengthy and complicated procedures associated with recognition of qualifications, resulting in underemployment and limited access to decent employment opportunities. Other challenges affecting refugees' access to labour markets include scarce employment opportunities, including due to skills mismatch, and lack of stable accommodation. Refugees reported limited housing facilities near areas with greater employment opportunities. Employers were also reported as less inclined to hire people without a permanent registered address, which poses a challenge for individuals living in temporary accommodation and other transitional forms of shelter.

In most of the countries monitored, refugees can access the labour market by simply registering for TP or once they obtain their TP certificates. In a limited number of countries, however, TP beneficiaries additionally require a residence permit and/or a work permit to access employment opportunities. In some cases, refugees have reported delays in obtaining these documents, which in turn limited their access to employment opportunities

15. UNHCR, 'Lives on Hold: Profiles and Intentions of Refugees from Ukraine', September 2022, available at: https://data.unhcr.org/en/documents/details/95767

Social protection

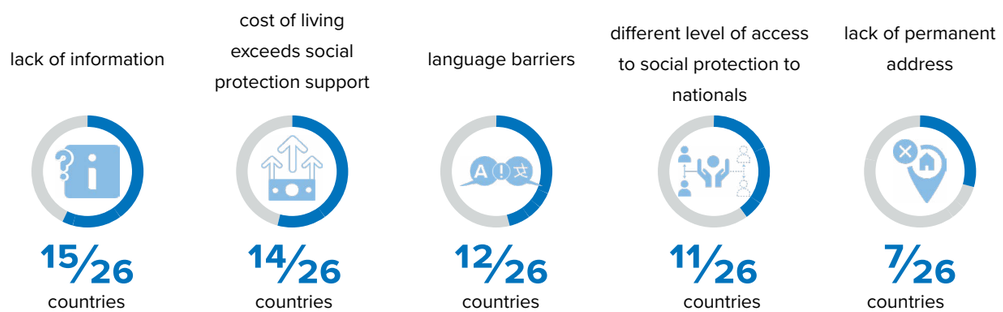
Temporary Protection Directive: Article 13 (2)

The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. Without prejudice to paragraph 4, the assistance necessary for medical care shall include at least emergency care and essential treatment of illness

Key findings and recommendations:

- **Ensure unhindered and effective access to documentation and identity documents, in particular residence registration at the municipal level.**
- **Review social protection laws and policies to ensure these are inclusive, non-discriminatory, consistent, clearly formulated and avoid ambiguity. Ensure the establishment of mechanisms to facilitate enjoyment of rights in practice.**
- **Strengthen evidence on effective inclusion and systematically identify access barriers through regular monitoring.**
- **Build capacity for inclusion through training of social service providers, expanding cultural mediation and multi-lingual services, combating xenophobia and discrimination and providing adequate resources.**

TOP 5 BARRIERS TO ACCESS SOCIAL PROTECTION



Lack of information is reported as a major obstacle to accessing social protection, with similar observations made by ICVA members who contributed to the research (WVI, DRC, Helsinki Foundation). TP beneficiaries in 15 countries reported lacking access to information on their entitlements to social protection schemes and how, where and when to access them. In some countries, relevant entities are also not aware of the rights of TP beneficiaries to social protection services, resulting in delays and denial of access. Refugees across 12 countries have also reported language barriers as impediments to access social protection services. Service providers generally lacked interpretation services, whilst in some cases the relevant forms are only available in local languages.

Refugees also reported that the cost of living substantially exceeds the social assistance provided. In some countries, refugees only receive a one-time cash grant, which is inadequate to cover living costs in major cities and towns where many are concentrated. Several refugees reported that some individuals have made premature decisions to return to Ukraine due to their inability to cover their basic needs in host countries.

Refugees reported a lack of stable housing as an obstacle hindering access to social protection services. Some were unable to register for social benefits due to lack of a permanent registered address, disproportionately impacting those residing in transitional shelters and other forms of temporary accommodation. Some also reported delays in receiving payments due to a change of address.

In 15 of the 26 countries monitored, TP beneficiaries have access to social protection on an equal standing with nationals. In the remaining 11 countries, refugees do not enjoy similar access as nationals, partly due to a lack of permanent residence which is a pre-condition to access certain forms of social protection schemes in some countries. The rights of TP beneficiaries to social protection also differs from those of recognized refugees in a number of MS, enabling access to a limited number of schemes only, which may particularly impact those with specific needs, such as older persons, persons with disabilities and those with chronic illnesses. In addition, some legal barriers remain for both recognized refugees and TP beneficiaries alike, including minimum length-of residence requirements to access certain schemes (e.g. social housing or basic income); inconsistencies between laws both at the national and the local level with differing conditions, with access in some contexts requiring naturalization.

The documentary requirements to access social protection schemes differ by country. In some countries, simply registering for TP or obtaining the relevant certificate is sufficient. In other countries, refugees are required to have a residence permit and/or documents proving that they are in need of social protection.

In light of these findings, recommendations made in UNHCR's Social Protection Policy brief[16] published in September 2021 still apply and may support a multi-stakeholder approach for facilitating effective access for both refugees from Ukraine and refugees from other areas of the world.

16. https://www.unhcr.org/partners/ngodirectory/61558a764/unhcr-social-protection-policy-brief.html

Healthcare

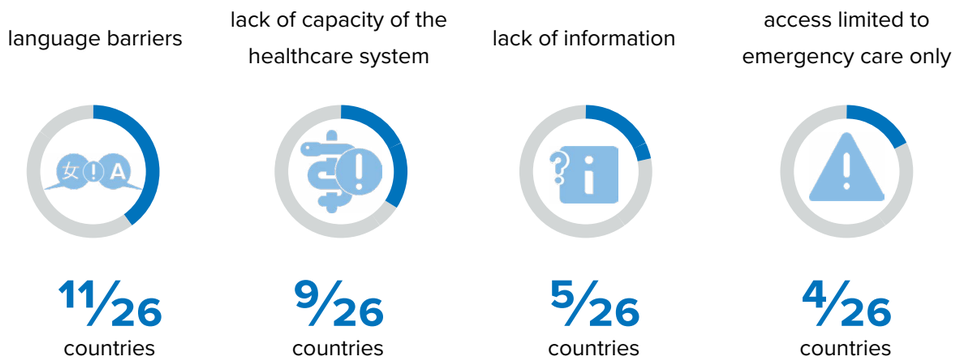
Temporary Protection Directive: Article 13 (2)

The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. Without prejudice to paragraph 4, the assistance necessary for medical care shall include at least emergency care and essential treatment of illness

Key findings and recommendations:

- **Integration of healthcare professionals from refugee communities into national healthcare systems benefits both host and refugee communities, through enhancing health system capacities, addressing language barriers, facilitating information exchange and building trust.**
- **Host states are encouraged to integrate health professionals from Ukraine into national health systems and work towards their accreditation.**

TOP 4 BARRIERS TO ACCESS HEALTHCARE



Language barrier is one of the most reported impediments for access to healthcare, with similar observations made by ICVA members including DRC. In many countries, TP beneficiaries reported a lack of interpretation services at health facilities, with patients often expected to bring their own interpreters. It is positive to note that initiatives to provide translation services for refugees seeking healthcare have been introduced in some countries, although such initiatives require upscale and expansion. Lack of information or knowledge on how to access health services is also mentioned as an obstacle hindering access to healthcare. In this regard, TP beneficiaries particularly reported lacking information on how to access medical services and where and how to submit reimbursement claims.

The limited capacity of health facilities is also frequently reported, a challenge that predates the Ukraine crisis in many of the countries monitored. Furthermore, in certain countries, TP beneficiaries are only entitled to emergency care, depriving them of access to preventive and tertiary healthcare services. The limitation of access to emergency care is particularly challenging for people with pre-existing medical conditions, with some reportedly forced to return to Ukraine to access affordable care for their conditions.

TP beneficiaries with pre-existing medical conditions faced increased challenges to access healthcare services. The limited capacity of healthcare systems in some countries often means that there are long waiting times to access medical care. Even in countries where there is greater access to general healthcare, there is limited access to specialized medical services. Refugees also reported the lack of documentation proving previous diagnosis as additional obstacle for individuals with pre-existing medical conditions.

UNHCR monitoring has identified that, amongst the 63% of survey respondents who were engaged in economic activity prior to leaving Ukraine, 7% were working in health or social services.[17] The presence of large numbers of qualified professionals amongst the refugee community is an asset to host states. Their engagement in the national health sector can bring several benefits to hosting communities, beyond facilitating access to healthcare for refugees, including enhancing health system capacity, easing language barriers and facilitating information exchange with the refugee community on access to health services as well as building trust between host and refugee communities. Healthcare workers who are able to continue practicing their professional skills in displacement will additionally be a larger asset to recovery efforts in Ukraine once conditions for return exist.

17. UNHCR, 'Lives on Hold: Profiles and Intentions of Refugees from Ukraine', July 2022, available at: https://data.unhcr.org/en/documents/details/94176

Accommodation

Temporary Protection Directive: Article 13 (1)

The Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.

Key findings and recommendations:

- **A lack of sustainable, longer-term housing has had a multifaceted impact on refugees' ability to exercise their other rights including education, employment, and social protection.**
- **Persons with specific needs, including older persons, people with disabilities and people with pre-existing medical conditions, require accessible and adapted accommodation located in areas with access to essential services including health care.**

All the 26 countries monitored have a scheme in place to provide TP beneficiaries with accommodation or subsidies to that end. The type of accommodation assistance provided significantly differs by country. Some countries provide state-run accommodation centres, whilst some also provide rental subsidies to refugees opting to live in private housing. Several countries also offer grants to individuals hosting TP beneficiaries.

It is worth noting, however, the accommodation assistance schemes which are in place are predominantly for the short-term. UNHCR's intentions surveys found that 27% of respondents would need to find another form of accommodation within the next 6 months.[8] Around a quarter of refugees were also unsure of how long they would be able to stay in their current accommodation. Respondents who could only stay for three months or less in their current accommodation most frequently indicated that the free accommodation programme they were benefiting from would end soon, that the rental / lease period is running out, or that they have been requested to leave.

Meanwhile, finding alternative accommodation remains a challenge, mostly due to a shortage of affordable accommodation, common in urban areas where many refugees reside. Refugees also face difficulty accessing housing markets, including due to lack of documentation and the temporary nature of their stay as landlords often prefer long-term tenants. A lack of sustainable, longer-term housing is having a multifaceted impact on refugees' ability to exercise their other rights including education, employment, and social protection. The need to transition towards longer-term and more durable accommodation remains a critical need. In addition, persons with specific needs reported several challenges in securing accessible and adapted accommodation located in areas with access to essential services including health care.

18. Ibid

THE IMPLEMENTATION OF THE TEMPORARY PROTECTION DIRECTIVE: SIX MONTHS ON

Emerging practices: addressing barriers to rights

This non-exhaustive compilation of emerging practices draws from examples of how practical, administrative and legal barriers to the enjoyment of rights contained under Temporary Protection Directive have been addressed in several countries.

In **Ireland**, the Government established a one-stop-shop where TP beneficiaries entering the country can immediately register for social welfare benefits and obtain their TP certificates, ensuring quick access to social protection services.

In **Luxembourg**, the National Employment Agency offers Luxembourgish, French, German and English classes free of charge.

In **Czech Republic**, the Ministry of Labour and Social Affairs developed information campaigns to inform TP beneficiaries on their work rights in the country.

In **Poland**, refugees above 13 years old can apply for a digital identity document that serves as a residence permit and which, along with a valid travel document, allows free movement in and out of the country.

In **Estonia**, the Unemployment Insurance Board established an online platform which connects TP beneficiaries with prospective employers. Job fairs were also organized in state run accommodation centers.

By relaxing its pedagogical requirements, the **Czech Republic** hired refugees from Ukrainian as teacher assistants. The initiative creates employment opportunities for refugees, as well as alleviating a shortage of teachers.

TP beneficiaries' legal stay in **Poland** is granted until 24 August 2023, with the possibility to apply for a temporary residence permit valid for 3 years

In **Austria**, several online job platforms have been created to share information on available opportunities with the refugee community.

In **Slovakia**, the Ministry of Health simplified the recognition process of medical qualifications obtained in Ukraine.

In **Hungary**, the Government issued a decree allowing certified healthcare professionals from Ukraine to begin working under the supervision of authorized medical professionals in Hungary, while the qualification recognition process is underway.

Spain issues a foreigner identity card to TP beneficiaries with a two-year validity period

In **Hungary**, the Government issued a decree allowing certified healthcare professionals from Ukraine to begin working under the supervision of authorized medical professionals in Hungary, while the qualification recognition process is underway.

In **Spain**, regional authorities started an online initiative to provide information including on available healthcare services in Ukrainian. Interpretation services are also provided.

In **Austria**, based on the announcement of the Austrian Health Insurance and the Austrian Medical Association, refugees from Ukraine can access free medical services simply by presenting their identity documents.

In **Romania**, prior to registration, the European Union Agency for Asylum (EUAA) held brief information sessions for refugees on the registration process as well as the rights attached to their TP status.

In **Portugal**, the Ministry of Education provided guidance to schools on how to ensure the inclusion of TP beneficiaries in the education system, and eased documentary requirements for school enrolment.

In **Spain**, the Ministry of Education is hiring 200 Conversation Assistants from Ukrainian refugee communities, who help support regional authorities to include Ukrainian children in schools.

In **Slovenia**, TP beneficiaries were assigned job counsellors who assist them with developing an employment plan. Information sessions were also held targeting refugees as well as prospective employers.

In **Croatia**, the national Employment Service held briefing sessions for TP beneficiaries on available employment opportunities. A dedicated hotline was also set up to this end.

Bulgaria has enacted a law which allows TP beneficiaries who do not have required documents, including academic records, to be enrolled in school.

Registrion · Documentation · Freedom of movement · Education · Labour market · Social Protection · Healthcare

Disclaimer: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
*Serbia and Kosovo (S/RES/1244 (1999))

THE IMPLEMENTATION OF THE TEMPORARY PROTECTION DIRECTIVE: SIX MONTHS ON

October 2022

UNHCR Regional Bureau for Europe
www.unhcr.org/europe