



# CHALLENGES AND GOOD PRACTICES IN THE APPLICATION OF THE TEMPORARY PROTECTION DIRECTIVE IN 2023

## EMN FLASH #2 - 2024

### Background



Since 24 February 2022, Russia's military aggression on Ukraine has created a situation of mass arrivals of displaced people from Ukraine to the EU and other countries surrounding Ukraine. The war caused large flows of people to leave Ukraine in search of safety. In response, on 4 March 2022, the Council adopted an Implementing Decision<sup>1</sup> establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive (TPD) was activated.

In order to complement information collected in earlier publications from the EMN and other sources, the main objectives of the study are to provide an overall context for the application of TPD in EMN Member Countries from January to July 2023, including insights into challenges faced, good practices implemented, as well as any changes introduced with regard to the application of the TPD between 2022 and 2023. The study looks at legal status and registration of beneficiaries, access to services, as well as support to vulnerable groups.

### Key trends and findings



- **Registration of new arrivals continued in a phased manner. Extensions of validity of temporary protection ran smoothly, using a variety of approaches,** including automatic renewals, online renewals, in-person renewals, or a combination of systems. Problems arose in reaching out to beneficiaries, including language and communication problems.
- **Determining the eligibility of temporary protection beneficiaries (BoTP) remained a key challenge,** including in determining whether a person claiming to be fleeing Ukraine had indeed been residing in Ukraine prior to 24 February 2022, as prescribed in the TPD.
- **BoTP were not restricted from travelling, but their social benefits could be affected by short-term or long-term travel.** Generally, EMN Member Countries track the travel of temporary protection beneficiaries very loosely. Travel, however, may affect some social benefits of beneficiaries in most countries. Benefits can be lost or suspended, depending on the number of days the person travels outside of their resident country.
- **The Temporary Protection Platform (TPP) was used systematically, but problems were encountered with consistency of use and data entry.** The quality of data entered, including spellings of names and lack of biometrics in the system, also make it difficult to verify the identity of a person.
- **Most EMN Member Countries did not implement any major changes in the provision of services to beneficiaries of temporary protection in 2023.** The most prevalent changes include adjustments to the financial assistance provided (housing or social benefits) or extension of existing services.
- **Linguistic differences were the most common barriers to the provision of services,** hindering the ability of beneficiaries to access healthcare, social services and the education system. EMN Member Countries have provided language classes or employed translators/Ukrainian staff to help beneficiaries to orient themselves (in healthcare, social/employment services or schools). However, the available (human) resources are not sufficient.

<sup>1</sup> 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, 4 March 2022: OJ L 71, pp. 1–6.

- **Addressing language barriers and qualification mismatches are central elements in facilitating effective labour market integration.** A high percentage of BoTP are still employed in low skilled labour.
- **Additional challenges were posed by the pre-existing limited capacities in housing, education and healthcare.** A number of EMN Member Countries faced pressures in their rental markets and social housing prior to 2022. Similarly, educational facilities or healthcare services suffered from lack of physical space and/or lack of sufficient staff. The arrival of BoTP adds extra pressures that countries struggle to resolve. EMN Member Countries are seeking alternative sources of housing, supporting a more balanced regional distribution of BoTP, and allocating finances towards enhancing educational resources and space (where possible).
- **EMN Member Countries reported difficulties in finding longer-term accommodation, employment and education solutions for BoTP.** Long-term accommodation solutions remain scarce and difficult to achieve as long as BoTP are not fully integrated into the labour market. Ukrainian children also continue to be split between two education systems – that of their host country and their previous system in Ukraine (with continued learning online), creating an additional burden for them and impeding their integration.
- **The majority of people fleeing Ukraine are women and children, with heightened vulnerability to exploitation, discrimination and trafficking in human beings.** Identifying vulnerable BoTP is challenging due to their limited contact with authorities on registration (e.g. online application process, written procedure). Obstacles to providing vulnerable BoTP with support largely relate to a lack of suitable accommodation and insufficient financial support.
- **EMN Member Countries provided tailored support and protection for unaccompanied minors, separated children, and children accompanied by guardians fleeing Ukraine.** Recognition of guardianship of adults travelling with a minor in the absence of official documents is a key challenge. Other challenges include guardians leaving the country without notifying the relevant authorities, lack of housing capacity for unaccompanied minors, and challenges related to child welfare and safety.
- **EMN Member Countries adopted a range of tailored measures to protect, identify and support potential victims of trafficking in human beings fleeing Ukraine.** Awareness-raising measures include the distribution of printed information (in English and/or Ukrainian, Russian), as well as advice, counselling and/or assistance for potential victims, capacity-building and interinstitutional cooperation, and identification measures (e.g. police checks).

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