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From:	Presidency
To:	Strategic Committee on Immigration, Frontiers and Asylum
Subject:	Way forward on the legal status of beneficiaries of temporary protection after 4 March 2025 - Discussion paper

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**INTRODUCTION**

A year and a half ago, on 24 February 2022, Russia unjustifiably launched an armed conflict against Ukraine. The European Union condemned this attack and, from the outset, launched an unprecedented and unified response in cooperation with the international community. On the EU side, the unanimous decision by Member States to activate the Temporary Protection Directive, which allowed for a rapid and effective response to the millions of people from Ukraine who moved to the EU, was noteworthy. According to the Directive, this temporary protection allows its beneficiaries not only to reside legally in the country granting it, but also to have access to the labour market, the education and health systems, social assistance, housing and accommodation, which entails a number of obligations for Member States as long as they continue to grant this protection to displaced persons.

Despite the unanimous activation of the Directive, its implementation has not been without challenges. The EU Institutions and the Member States have been monitoring these challenges and have made important efforts in identifying and implementing solutions.

Based on Eurostat data, as of 31 August 2023, almost 4.2 million (4,155,595) beneficiaries of temporary protection have acquired this status since the activation of this measure in March 2022.

The main EU countries hosting beneficiaries of temporary protection from Ukraine are Germany (28% of the total), Poland (23%) and the Czech Republic (9%). Compared with the population of each Member States, the highest numbers of total temporary protection beneficiaries per thousand people were observed in Czech Republic (33.7), Estonia (26.2), Poland (26.1), Bulgaria (25.6) and Lithuania (25.3).

As of 31 August 2023, Ukrainian nationals accounted for more than 98% of beneficiaries of temporary protection. Adult women accounted for almost half (46.5%) of temporary protection beneficiaries in the EU. Minors accounted for just over a third (33.9%), while adult men accounted for less than a fifth (19.5%) of the total.

## **DEVELOPMENTS IN THE IMPLEMENTATION OF THE DIRECTIVE**

Both Article 4(2) of the Directive and Recital 21 of the Council Implementing Decision (EU) 2022/382 of 4 March provide that: (1) temporary protection should have an initial duration of one year; (2) unless temporary protection is terminated for the reasons set out in the Directive itself, it should be automatically extended for six monthly periods, for a maximum of one year; and (3) if the reasons persist, the Commission may propose to the Council that temporary protection be extended for a maximum of one year.

In this sense, on 14 October 2022, at the meeting of the Justice and Home Affairs Council, the Commission announced that the temporary protection under the Directive would be automatically extended by two six-month periods for a period of one year until 4 March 2024.

At the informal SCIFA of 13-14 July 2023 in Madrid, a possible extension of the temporary protection until March 2025 was discussed and it was concluded that it was indispensable to adopt such an extension as soon as possible.

Therefore, at the JHA Council of 28 September 2023, the Commission presented its proposal for a decision to extend temporary protection until March 2025 and Member States reached political agreement on this. At the following JHA Council on 19 October, Ministers formally adopted the Implementing Decision unanimously. Consequently, the temporary protection has been extended until 4 March 2025.

While the Council has unanimously demonstrated its support for Ukraine through these successive extensions, some Member States have repeatedly pointed to the need to provide adequate and flexible financing to those Member States that are most burdened by the influx of refugees from Ukraine, in particular in view of the revision of the Multiannual Financial Framework.

In parallel, Member States are launching measures to encourage further the integration of displaced persons from Ukraine, their active contribution to the host society and transition towards self-reliance and financial independence. Special attention is given to vulnerable groups in this respect, given the difficulties vulnerable displaced people face in becoming self-reliant, e.g. securing employment.

## **WAY FORWARD ON THE SITUATION OF PERSONS DISPLACED FROM THE WAR ON UKRAINE AFTER 2025**

Following the adoption of this extension of temporary protection until 2025 and considering the evolution of the conflict in Ukraine, the Spanish Presidency considers it necessary to continue the debate on the future of Temporary Protection beneficiaries beyond 2025. In this context, at the informal SCIFA, the Chair in her conclusions referred to the following elements:

- The transition of beneficiaries of temporary protection to the system of international protection is not a viable solution considering the number of persons concerned. On the contrary, the purpose of activating temporary protection was precisely to avoid a further collapse of the international protection systems of the Member States.
- The need to coordinate at European level regarding the adoption of measures at national level, to ensure a unified response of solidarity to the extent possible.
- That there is a growing problem of access to housing.
- Some Member States considered the possibility of exploring the transition to different migration statuses. Temporary protection on the one hand and a national migration status on the other. Some Member States raised the possibility of considering a transition from temporary protection to other migration statuses, provided that the person meets the requirements to be granted a residence permit on another basis (e.g. employment).

- With regard to employment, a number of Member States highlighted the need to promote the integration of beneficiaries of temporary protection into the labour market. At the 35<sup>th</sup> Solidarity Platform meeting of 4 October 2023, Member States exchanged about challenges and good practices regarding the labour market integration of displaced people from Ukraine.
- The debate was opened on the possibility of extending temporary protection beyond 2025 through a broad interpretation of Article 4(2) of the Directive.

#### **QUESTIONS FOR DISCUSSION:**

- 1) If the evolution of the conflict in Ukraine remains uncertain, would your Member State support the extension of temporary protection beyond 2025? Would it be necessary in parallel to look for other alternatives for the end of the temporary protection?*
  - 2) What challenges would a decision to extend temporary protection beyond 2025 raise, e.g. financing, access to accommodation, impact on reception systems?*
  - 3) Regarding the integration and transition to self-reliance of beneficiaries of temporary protection, has the employment rate of beneficiaries of temporary protection increased in recent months? What are the challenges that vulnerable displaced people face and how are these challenges addressed?*
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