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# The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

## Common Template for an EMN Study

**Subject: EMN study “The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023”**

### 1. BACKGROUND AND RATIONALE FOR THE STUDY

Since 24 February 2022, Russia’s military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine to the EU and other countries surrounding Ukraine. Following the call of the Home Affairs ministers,<sup>1</sup> on 2 March 2022, the European Commission proposed to activate the Temporary Protection Directive (TPD) (2001/55/EC).<sup>2</sup> On 4 March 2022, the Council adopted an Implementing Decision<sup>3</sup> establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive was activated for the first time in 2022, over 20 years since its adoption in 2001. This was a key component of the EU’s unified response.

Temporary protection covers not only displaced Ukrainian nationals residing in Ukraine on or before 24 February 2022, and their family members but also stateless persons and nationals of third countries other than Ukraine who benefitted from international protection or equivalent national protection in Ukraine before 24 February 2022, and

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<sup>1</sup> Justice and Home Affairs Council, 3-4 March 2022, available at: <https://www.consilium.europa.eu/en/meetings/jha/2022/03/03-04/>, last accessed 24 April 2023.

<sup>2</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof: OJ L 212, pp. 12–23. Please note that in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community. Denmark is not bound by the TPD but provided a parallel national framework/form of temporary protection very similar to the one Member States implement under the TPD.

<sup>3</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.

their family members. As per Article 2(2) of the Council Decision, EU Member States should provide either temporary protection or adequate protection under national law to stateless persons and nationals of third countries other than Ukraine legally residing in Ukraine before 24 February 2022, on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who were unable to return in safe and durable conditions to their country or region of origin. Article 2(3) gives Member States the option to apply temporary protection to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

EU Member States also widely extended the scope by providing temporary protection to Ukrainian nationals who were already legally in the EU Member State before 24 February 2022 and in some cases also to those who fled shortly before 24 February 2022.

Whilst EMN Observer Countries do not apply the Temporary Protection Directive, there are similar national provisions in place. Norway activated a national framework (temporary collective protection from 11 March 2022), while Moldova and Georgia each implemented national measures to support those fleeing the war.

The war caused large flows of people to leave Ukraine in search of safety, with border crossings of EU external borders reaching a peak of 800 000 weekly entries from Ukraine and Moldova into the EU during the early months of the war.<sup>4</sup> The EU Member States bordering Ukraine and Moldova were the first to respond to the crisis.

As of July 2023, more than 22 million border crossings from Ukraine and Moldova to the EU were recorded, 19 million of whom by Ukrainian nationals, nearly 16 million exited.<sup>5</sup> From April 2022 onwards, the number of border crossings subsided to around 240 000 per week, albeit increased border traffic registered before and after holiday periods.<sup>6</sup> Overall, about four million registrations for temporary protection were recorded in the EU, more than three million of which were in the first half of 2022. From June 2022, the number of reported registrations for temporary protection declined steadily and remains now stable.<sup>7</sup>

In accordance with the Temporary Protection Directive, the duration of temporary protection is for an initial period of one year. Unless terminated under the terms of the Directive, the duration may be automatically extended by 6-month periods for a maximum of one year. To this end, the European Commission announced in October 2022 that temporary protection would be prolonged until March 2024.

In this context, this EMN Study will aim to take stock of the Directive's implementation to provide insights into how the EU managed to enable a coordinated response and how Member States implemented the Directive at national level. It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the

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<sup>4</sup> Data provided by FRONTEX and Member States.

<sup>5</sup> The data on entries and exits indicate the number of cross-border movements not single individuals. Available data on entries and exits does not allow to distinguish between "normal" border traffic and persons fleeing the war.

<sup>6</sup> Data provided by FRONTEX and Member States.

<sup>7</sup> Eurostat, Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data, available at:

[https://ec.europa.eu/eurostat/databrowser/view/MIGR\\_ASYTPSM/default/table?lang=en&category=migr.migr\\_asy.migr\\_asytp](https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYTPSM/default/table?lang=en&category=migr.migr_asy.migr_asytp), last accessed on 5 April 2023.

EU or receive assistance when going back home. Reflections will be drawn on challenges and good practices in EMN Member and Observer Countries.

It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the EU or receive assistance when going home back to Ukraine. Reflections will be drawn on challenges and good practices in Member and Observer Countries.

The Study will build on information collected for the three EMN Informs published in 2022 on key issues pertaining to temporary protection as well as the Annual Report on Migration and Asylum 2022.<sup>8</sup> Furthermore, an EMN Inform on labour market integration of beneficiaries of temporary protection is currently being developed which will complement this Study.

## 2. STUDY AIMS AND OBJECTIVES

The main objectives of this study are:

- To provide an overview of the situation in terms of number of beneficiaries of temporary protection in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries

*\*Please note that this data will be extracted by the Service Provider from Eurostat and other harmonised sources prior to publication and presented in the Study.*

- To provide insight of the situation of beneficiaries of temporary protection in the EMN Member Countries and similar statuses in EMN Observer Countries. This includes:
  - The pathways for transition from temporary protection to other types and forms of legal residence or protection
  - Traveling, including (i) to other EU Member States (i.e. intra-EU mobility) and (ii) outside the EU, including to Ukraine
  - The provision of assistance to people from Ukraine going home (back) to Ukraine
  - The procedures that were used to extend the validity of documentation for persons under temporary protection after the first year.
- To provide examples of challenges and good practices from EMN Member Countries in providing access to the following rights granted under the TPD as well as similar rights provided by EMN Observer Countries (where this is the case):
  - Accommodation
  - Labour market
  - Healthcare
  - Education
  - Social assistance/welfare
- To provide an overview of policies and measures in place in the EMN Member and Observer Countries to ensure support for Unaccompanied Minors (UAMs), children arriving accompanied by a guardian and other vulnerable groups.

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<sup>8</sup> Please see List of Sources in Section 7.

### 3. SCOPE OF THE STUDY

The study focuses on the implementation of the TPD in EU Member States or equivalent national legislation in EMN Observer Countries in 2023. This includes a number of aspects, as listed above, including pathways that are available for beneficiaries of temporary protection to transition to other types and forms of residence or protection. It further examines the challenges encountered by EMN Member Countries in providing access to rights granted under TPD to beneficiaries of temporary protection.

**Important regarding EMN Observer Countries:** Whilst this study refers to the Temporary Protection Directive and relevant EU legislation, EMN Observer Countries do not apply the Temporary Protection Directive. Where there are similar national provisions in place, EMN Observer Countries are invited to provide information on the situation in their countries. This has been clarified in the text but to avoid repetition, where EMN Observer Countries are concerned, it should be understood in terms of ***relevant legislation applicable to people fleeing the war in Ukraine***.

Where relevant, reference is made to data or challenges concerning persons from Ukraine enjoying or applying for other types of residence rights since 24 February 2022.

**Temporal scope:** In order to obtain information on more recent developments and avoid duplication with earlier publications from EMN and other sources, the Study focuses on developments, challenges and good practices that have arisen during the first half of 2023. Thus, the research period of this Study is from **1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023**.

In the absence of such developments, or if previous developments prior to January 2023 are essential to understand the situation in your Member or Observer Country, developments pre-dating 1<sup>st</sup> January 2023 may be included as well. Where applicable, EMN NCPs are furthermore invited to provide information on any upcoming changes and developments up until **1<sup>st</sup> October 2023** which is the submission deadline for National Reports. The Study is planned to be published in the first quarter of 2024.

### 4. EU LEGAL AND POLICY CONTEXT

On 4 March 2022, the Council adopted an Implementing Decision<sup>9</sup> establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive was activated. Following the adoption of the Council Decision, the European Commission published Operational Guidelines on the implementation of Council Decision 2022/382 on 21 March 2022.<sup>10</sup> The Guidelines aimed to assist the Member States in applying the Council Decision and the Temporary Protection Directive' and other applicable EU law.

Article 4 (1) of the Directive stipulates that the duration of temporary protection shall be fixed for one year and may be extended automatically by six monthly periods for a

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<sup>9</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.

<sup>10</sup> Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16

maximum of one year. The European Commission's Operational Guidelines<sup>11</sup> recommended that EU Member States issue residence permits for the full possible duration of two years, i.e. until March 2024. On 6 October 2022, the European Commission announced that temporary protection would be extended until March 2024.

In addition to legal developments at EU level, some operational developments took place to support implementation. Notably, the Temporary Protection Registration Platform was developed with the aim to exchange information between Member States on beneficiaries of temporary protection and of adequate protection under national law.

Another important EU level development was the launch of the Solidarity Platform 'Ukraine'<sup>12</sup> to ensure coordination and cooperation among Member States, Schengen Associated Countries, EU agencies and European institutions, as well as the Ukrainian and Moldovan authorities, EU agencies and international organisations to facilitate the mobilisation of relevant EU instruments and to coordinate the matching of offers for solidarity with the needs identified. The Solidarity Platform also regularly engages with local and regional authorities and on certain occasions also with civil society organisations. It provides a framework for regular exchanges between stakeholders on a myriad of topics to collect information relevant for the coordination of support and helps to ensure coherence between existing fora at EU level. Additionally, when the need arises the Solidarity Platform can create dedicated sub-groups, for instance on the transfers of displaced persons from Moldova and on the Temporary Protection Registration Platform, that aim at strengthening cooperation even further and meeting arising challenges rapidly and efficiently.

Furthermore, the Solidarity Platform is used to coordinate contingency planning at EU level by identifying gaps and needs together with the platform's participants to continuously improve preparedness and resilience at EU level. The Solidarity Platform also offers a place to focus on security aspects and prevention of trafficking in human beings.

Child protection has been central to the EU's support to persons fleeing the war in Ukraine the Solidarity Platform supported the coordination of the transfer of unaccompanied children to family and community-based care as needed.<sup>13</sup> Numerous children arrived in the EU accompanied by a guardian appointed in Ukraine, including children evacuated from Ukrainian institutions.<sup>14</sup> In the Operational Guidance on the application of the Temporary Protection Directive, the Commission advised on how to register each category of children during transit and in the country where they take up temporary protection. The Commission also published a Frequently Asked Questions (FAQ) document with recommendations on how to address specific challenges related to the reception and care of children fleeing from war in Ukraine.

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<sup>11</sup> Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16.

<sup>12</sup> For more information please see: [https://ec.europa.eu/migrant-integration/news/eu-launches-ukraine-solidarity-platform\\_en](https://ec.europa.eu/migrant-integration/news/eu-launches-ukraine-solidarity-platform_en), last accessed 20 June 2023.

<sup>13</sup> Commission Communication "Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on", available at: <https://home-affairs.ec.europa.eu/system/files/2023-03/Temporary%20protection%20for%20those%20fleeing%20Russia%E2%80%99s%20war%20of%20aggression%20against%20Ukraine%20one%20year%20on.pdf>, last accessed 13 March 2023.

<sup>14</sup> Ibid.

In terms of facilitation of labour market access, the Commission set up an EMN Working Group on the EU Talent Pool Pilot for Ukraine in March 2022. The EU Talent Pool Pilot was launched in October 2022,<sup>15</sup> as a job-searching online tool on the EURES portal, intended for beneficiaries of temporary protection who are looking for a job in the EU. The application that was developed allows job seekers to enter and publish their CVs, and to connect with employers across the EU. Seven EU Member States<sup>16</sup> have joined the pilot initiative.

## 5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study asks the following primary research questions, with reference to the research period:

1. What pathways are available for beneficiaries of temporary protection to transition to other types and forms of legal residence or protection statuses?
2. Do and how Members State track the movement of the beneficiaries of temporary protection who are travelling to other Member States and outside the EU? What happens to temporary protection and the related benefits provided when the person travels to (i) other EU Member States and (ii) outside the EU, including to Ukraine?
3. What procedures are used to extend the validity of documentation for persons under temporary protection after the first year?
4. What challenges and good practices were encountered by EMN Member Countries, pertaining to ensuring access to the following rights granted under the TPD and similar rights granted by EMN Observer Countries:
  - Accommodation
  - Labour market
  - Healthcare
  - Education
  - Social assistance / welfare
5. What policies and measures are in place in the EMN Member and Observer Countries to ensure support for vulnerable persons who are beneficiaries of temporary protection?

## 6. TARGET GROUPS

- Policy makers and practitioners at EU and national level;
- General public;
- Academia;
- NGO/IGO.

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<sup>15</sup> EU Talent Pool Pilot, available at: [https://eures.ec.europa.eu/eu-talent-pool-pilot\\_en](https://eures.ec.europa.eu/eu-talent-pool-pilot_en) , last accessed 17 March 2023. Please see also: [https://ec.europa.eu/migrant-integration/news/european-commission-launches-eu-talent-pool-pilot-initiative\\_en](https://ec.europa.eu/migrant-integration/news/european-commission-launches-eu-talent-pool-pilot-initiative_en), last accessed 24 April 2023.

<sup>16</sup> CY, ES, FI, HR, LT, PL, SK.

## 7. RELEVANT SOURCES AND LITERATURE

### EMN INFORMS

- EMN, "Access to services for beneficiaries of temporary protection" Inform, 2022, [https://home-affairs.ec.europa.eu/system/files/2022-11/EMN\\_INFORM\\_services.pdf](https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_services.pdf)
- EMN, "Arrangements for accommodation and housing for beneficiaries of temporary protection" Inform, 2022, [https://home-affairs.ec.europa.eu/system/files/2022-11/EMN\\_INFORM\\_housing.pdf](https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_housing.pdf)
- EMN, "Application of the Temporary Protection Directive (Scope and Registration)" Inform, 2022, [https://home-affairs.ec.europa.eu/system/files/2022-07/EMN\\_TPD\\_Inform.pdf](https://home-affairs.ec.europa.eu/system/files/2022-07/EMN_TPD_Inform.pdf)
- EMN, Annual Policy Report on Migration and Asylum 2022, forthcoming.

### EU LEGAL AND POLICY DOCUMENTS

- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof: OJ L 212, pp. 12–23. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32001L0055>
- 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. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>
- European Commission, Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 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: OJ C 126I, pp. 1–16 [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03))
- European Commission, EU Talent Pool Pilot, available at: [https://eures.ec.europa.eu/eu-talent-pool-pilot\\_en](https://eures.ec.europa.eu/eu-talent-pool-pilot_en)
- Commission Communication "Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on", available at: <https://home-affairs.ec.europa.eu/system/files/2023-03/Temporary%20protection%20for%20those%20fleeing%20Russia%E2%80%99s%20war%20of%20aggression%20against%20Ukraine%20one%20year%20on.pdf>
- European Commission, 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](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)
- EUAA, "Providing Temporary Protection to Displaced Persons from Ukraine A Year in Review" (2023), [https://euaa.europa.eu/sites/default/files/publications/2023-03/2023\\_temporary\\_protection\\_year\\_in\\_review\\_EN.pdf](https://euaa.europa.eu/sites/default/files/publications/2023-03/2023_temporary_protection_year_in_review_EN.pdf)

- European Commission, Safe Homes Guidance [https://home-affairs.ec.europa.eu/safe-homes-guidance\\_en](https://home-affairs.ec.europa.eu/safe-homes-guidance_en)
- European Observatory on Health Systems and Policies, Access to health care one year on: Implementation of Temporary Protection Directive (2001/55/EC) in EU Member State, available at:
- Commission Recommendation on the recognition of qualifications for people fleeing Russia's invasion of Ukraine
- Commission Communication guidance for access to the labour market, vocational education, training, and adult learning of people fleeing Russia's war of aggression against Ukraine

## 8. AVAILABLE STATISTICS

The following statistics is being collected by Eurostat:

- Decisions granting temporary protection by citizenship, age and sex – annual data (migr\_asytpfa)
- Decisions granting temporary protection by citizenship, age and sex – quarterly data (migr\_asytpfq)
- Decisions granting temporary protection by citizenship, age and sex – monthly data (migr\_asytpfm)
- Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data (migr\_asytpsm)
- Decisions withdrawing temporary protection by citizenship and reason – quarterly data (migr\_asytpwq)
- First instance decisions on applications by citizenship, age and sex - quarterly data (migr\_asydcfstq)
- Authorizations for study and research by reason, type of decision, citizenship and length of validity (migr\_ressrath)
- Refugees from Ukraine registered for Temporary Protection or similar national protection schemes & Refugees from Ukraine recorded in country (UNHCR data)

## 9. DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary, unless specified otherwise in footnotes:

- **Temporary protection:** A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons and other persons requesting protection.
- **Intra-EU mobility:** Action of persons (EU nationals or legally resident third-country nationals) undertaking their right to free movement by moving from one EU Member State to another.
- **Legal pathway:** In the EU-context, every legal mechanism and policies that enable lawful migration from a third country to an EU Member State, for both



international and humanitarian protection needs and labour market needs well as through labour migration, student migration or family reunification

- **Vulnerable person:** Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.
- **Guardian:** an independent person appointed to act on behalf of a child, in the absence of (both) parents or the adult responsible for the child by law or by practice, who safeguards the best interests of the child and general well-being, and to this effect complements the limited legal capacity of the child, when necessary, in the same way that parents do.
- **Social protection:** Social protection is a measure of the extent to which countries assume responsibility for supporting the standard of living of disadvantaged or vulnerable groups. Benefits may be targeted at low-income households, the elderly, disabled, sick, unemployed, or young persons. Social spending comprises cash benefits, direct in-kind provision of goods and services, and tax breaks with social purposes. (OECD , [https://www.oecd-ilibrary.org/social-issues-migration-health/social-protection/indicator-group/english\\_3ddf51bf-en](https://www.oecd-ilibrary.org/social-issues-migration-health/social-protection/indicator-group/english_3ddf51bf-en) )

## 10. ADVISORY GROUP

A core AG, consisting of NCPs, COM and the Service Provider has been established to follow the development of the common template very closely and provide dedicated input and support.

- DE NCP (lead)
- LT NCP (lead)
- NL NCP (lead)
- AT NCP
- BE NCP
- CZ NCP
- CY NCP
- EE NCP
- HU NCP
- IE NCP
- IT NCP
- LU NCP
- LV NCP
- PL NCP
- SK NCP
- MD NCP

- UA NCP
- COM NCP
- ICF/ EMN Service Provider
- OECD, EUAA, FRA

## 11. TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
<b>Study specifications</b>	
Week 1	Circulation of the <b>first draft</b> to the AG for written feedback (one-week deadline for review)
08/05/2023	First AG meeting and discussions on the written feedback
15/05/2023	Circulation of the <b>second draft</b> to the AG (one-week deadline for review)
22/05/2023	Second AG meeting and discussions on the written feedback
29/05/2023	Circulation of the <b>third draft</b> to the study lead (three days for review)
05/06/2023	Circulation of the <b>final draft</b> to NCPs (two weeks deadline for review)
30/06/2023	Launch of the study
07/09/2023	<b>Submission of national reports</b> by EMN NCPs

## **12. TEMPLATE FOR NATIONAL CONTRIBUTIONS**

# Common Template of EMN Study 2023

## The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

### NATIONAL CONTRIBUTION FROM EMN MEMBER OR OBSERVER COUNTRY\*<sup>17</sup>

*Disclaimer:* The following information has been provided primarily for the purpose of contributing to this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study.

Top-line factsheet [max. 1 page]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 2-4:

#### SECTION 1. STATE OF PLAY

*In the Synthesis Report, this section will provide an overview of the current situation in terms of number of beneficiaries of temporary in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries.*

*\*Please note that this data will be extracted by the Service Provider from Eurostat and other available harmonised data sources prior to publication and presented in the Study.*

#### SECTION 2. LEGAL STATUS

*Legal Pathways and Transition from Temporary Protection to Other Types and Forms of Residence or Protection*

1. Is it possible for beneficiaries of temporary protection residing in your Member State to apply for other types of residence permits/visas/authorization of stay (e.g. a residence permit for work, family, study or other purposes)? If yes, please specify if this is in addition or as an alternative to temporary protection?

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<sup>17</sup> Replace highlighted text with your **Member or Observer Country** name here.

2. If yes to Q1, are there any special procedures, lowered requirements, dedicated programmes or similar practices in place to assist in obtaining those residence permits/visas/authorization of stay?
3. If yes to Q1, in the event of granting of such residence permits/visas/authorization, what happens with temporary protection and/or the access to rights/facilities/benefits provided under temporary protection?
4. What is the procedure followed by your Member State when a person to whom temporary protection is applied submits an application for international protection? (a) if they already have been registered as a beneficiary of temporary protection and (b) if they have not (yet) been registered as a beneficiary temporary protection.

**The status of asylum seekers and beneficiary of temporary protection cannot be enjoyed concurrently. Therefore, if a beneficiary of temporary protection decides to apply for international protection, his/her temporary protection status would be withdrawn. This is without prejudice to the possibility for the person concerned to re-request temporary protection if his/her application for international protection is rejected, or if he/she decides to withdraw his/her application for international protection, and provided that he/she still meets the eligibility criteria for temporary protection.**

**As a side note, you may wish to note that to date we did not have cases where a beneficiary of temporary protection, or someone who was eligible for temporary protection, decided to apply for international protection instead.**

5. Has your Member State encountered any challenges\* with persons claiming to be fleeing the war in Ukraine who do not fall under the scope of temporary protection established by the Council Implementing Decision?

**No challenges were identified. Such persons are informed that they are not eligible for temporary protection and of the possibility of applying for international protection.**

*\*For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

6. If yes to Q5, please explain how such challenges were addressed and/or what are the legal remedies available for such persons.

#### *Traveling to other Member States and outside the EU*

7. What, if any, is the mechanism in your Member State to track the movement of the beneficiaries of temporary protection who are travelling to (i) other Member States and (ii) outside the EU?

8. What happens to temporary protection and the related benefits provided when the person travels outside your Member State to (i) another Member State\* and (ii) outside the EU, including to Ukraine?

**Travelling back to Ukraine, regardless of the reason or duration of the visit, will lead to the withdrawal of temporary protection in Malta.**

**Regarding travel to another Member State or to other countries outside the EU, there are no legal repercussions on one's status. However, temporary protection will be withdrawn if after being granted this protection status in Malta, a beneficiary travels to another Member State where he/she requests and is granted temporary protection. Such information would be available through the Temporary Protection Registration Platform.**

9. Do national authorities in your Member State have knowledge of any challenges\* encountered by beneficiaries of temporary protection in re-entering the EU or your Member State specifically when coming back from Ukraine or other Member States? If so, why is it considered a challenge and according to which national authority? How has this been addressed by your Member/Observer State?

*\*For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

#### *Temporary Protection Registration Platform (TPP)*

10. How and to what extent has your country made use of the TPP during the research period?

**Limited usage to check and/or confirm which applicants applied in another Member State.**

11. Has your country encountered any (i) challenges and (ii) good practices in the use of the TPP? Please elaborate and specify why it is considered a challenge and according to whom this is a challenge/good practice.

**NA**

12. Does your country upload in the Platform the identity of the adult persons accompanying "separated" children arriving from Ukraine, and respectively, of guardians appointed in Ukraine before departure?

If the adult persons/guardians accompanying "separated" children are granted Temporary Protection, their details would be uploaded in the TPP as per any other applicant who is granted this form of protection.

#### *Assistance to people wishing to go home (back) to Ukraine*

13. Does your Member State provide support for the beneficiaries of temporary protection who wish to go home (back) to Ukraine? If so, please elaborate.

14. Has your Member State observed any trends in terms of outflows of beneficiaries of temporary protection? If so, please elaborate.

#### *Registration*

15. Have there been any major legal, policy or practical changes regarding registration of beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.

**No.**

16. What procedure was used to extend the validity of documentation based on temporary protection after the first year? Please elaborate on the process.

**Beneficiaries of temporary protection needed to book an appointment with the International Protection Agency to renew their protection certificate till 04/03/2024. Once their protection certificate was extended, beneficiaries of temporary protection could proceed to book an appointment with Identity Malta for the renewal of their residence permit.**

17. What challenges\*\* did your Member State encounter in the registration process and how were these addressed/planned to be addressed during the research period? Were there any good practices?

**No challenges identified.**

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

### **SECTION 3. ACCESS TO RIGHTS PROVIDED BY THE TEMPORARY PROTECTION DIRECTIVE**

#### *Accommodation*

18. Have there been any major legal, policy or practical changes regarding access to accommodation for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate. Are there any changes foreseen in the way access to suitable accommodation or the means to obtaining housing is arranged?

19. What were the key challenges\*\* in your Member State in providing access to suitable accommodation or the means to obtaining housing to beneficiaries during the research period? How were these challenges addressed/planned to be addressed and are there any good practices?

20. Have these challenges changed since the initial arrival of beneficiaries of temporary protection in 2022?

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

## Labour Market

*\*Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of temporary protection which will explore this topic in further detail and complement the information collected*

21. Have there been any major legal, policy or practical changes regarding access to the labour market for beneficiaries of temporary protection during the research period\* (e.g. concerning the conditions and procedures for (self-)employment such as labour market tests, work permits, access to regulated professions, etc.)? If there were any, please elaborate.
22. What were the key challenges\*\* that your Member State encountered in (i) providing access to (self-)employment during the research period (e.g. in connection with the issuance of work permits, access to regulated professions and/or other conditions) and (ii) providing measures facilitating employment and labour market activation, such as vocational training, language courses, training or integration assistance for adult beneficiaries of temporary protection?
23. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges? *\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

## Healthcare

24. Have there been any major legal, policy or practical changes regarding access to healthcare (including mental health support) for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.

**No major legal, policy or practical changes regarding access to healthcare including mental health**

25. What were the key challenges\*\* in your Member State in providing access to medical care to beneficiaries of temporary protection during the research period?

**The key challenges were access to healthcare for Ukrainians on arrival and linguistic problems to both new comers and health professionals.**

26. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

**Through an information session on *Health Access for Newcomers* with a group of women coming from Ukraine a capacity building relationship was developed. A Ukraine interpreter was identified to work with the group to overcome language problems.**



**The Migrant Health Liaison Office is presently collaborating with the Migrant Learners' Unit where Ukrainian mothers who have children attending state schools, will participate in health education sessions. A successful session was held on the 19<sup>th</sup> July 2023 with twenty (20) Ukraine mothers who attended the Basic First Aid Course. An interpreter was identified to assist during the course.**

**Plans are underway to deliver the 5-day training programme *Cultural Mediators in Healthcare*, which was developed by the Migrant Health Liaison Office, to Ukrainian individuals who speak and understand written English. Successful candidates will be eligible to submit their application should a call for cultural mediators in healthcare (Ukraine Language) be issued by the Ministry for Health**

*\*The research period is from 1st January 2023 to 1st July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

### *Education*

27. Have there been any major legal, policy or practical changes regarding access to education for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.
28. What are the key challenges\*\* and barriers in your Member State during the research period in providing access to primary and secondary education to persons under 18 years old (including measures facilitating the possibility to follow the online Ukrainian curricula)?
29. What steps have been taken to address these challenges, and are there any good practices in responding to the challenges?

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

### *Social Assistance/welfare*

*\*Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of temporary protection which will explore the transition from social assistance/welfare into employment and financial independence in further detail and complement the information collected*

30. Have there been any major legal, policy or practical changes regarding access to social assistance for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.
31. What are the key challenges\*\* and barriers in your Member State in providing access to social assistance/welfare for beneficiaries of temporary protection during the research period?
32. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

## **SECTION 4. VULNERABLE GROUPS**

### *Support for vulnerable groups*

33. What are the key challenges\*\* in your Member State in (i) identifying vulnerable persons under the TPD and (ii) providing them the necessary assistance and support during the research period\*?

34. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

### *Support for UAMs, separated children, and children accompanied by UA guardians*

35. What are the key challenges\*\* in your Member State in providing assistance to UAMs, separated children, and children accompanied by a guardian appointed in Ukraine? (e.g. recognition of guardianship, appointment of accompanying adult as a temporary guardian, accommodation and care conditions for individual children accompanied by guardians; monitoring the situation, etc)

36. Does your Member State host groups of children evacuated from Ukrainian institutions? If so, how many children were hosted during the research period? Please describe the type of accommodation and care that are offered to this category of children.

*\*\*For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

### *Prevention of trafficking in human beings*

37. What particular steps were taken in your Member State to protect people fleeing Ukraine and, especially, UAMS, from trafficking in human beings during the research period\*?

38. What are the key challenges in your Member State in relation to trafficking in human beings?

39. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

*\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

## **SECTION 5: CONCLUSIONS**

40. Please synthesize the main and most important findings of your national report by drawing conclusions from your responses, emphasizing on how challenges were addressed and main lessons learnt during the research period in terms of the key research for this Study, including:

- Legal pathways beyond TPD and transition from temporary protection to other types and forms of residence
- Traveling of beneficiaries of temporary protection
- Assistance to people wishing to go home (back) to Ukraine
- Registration
- Access to rights provided under the TPD, including accommodation, labour market, healthcare, education, social assistance and support for vulnerable groups