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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
<b>National reports (12 weeks)</b>	
06/10/2023	<b>Submission of national reports</b> by EMN NCPs
<b>Drafting of study</b>	
01/11/2023	<b>Draft</b> of the study to COM and AG members (one-week deadline for review)
08/11/2023	Deadline for comments
13/11/2023	Circulation of the <b>first draft</b> to all NCPs (two-weeks deadline for review)
27/11/2023	Deadline for comments
04/12/2023	Circulation of the <b>second draft</b> to COM and all NCPs (two-weeks deadline for review)
18/12/2023	Deadline for comments
05/01/2024	Circulation of the <b>third (final) draft</b> SR to COM and all NCPs (two-weeks deadline for review)
19/01/2024	Deadline for comments
05/02/2024	<b>Publication</b>

## **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 THE CZECH REPUBLIC\*<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.

YES, but possibilities are still limited. Persons granted temporary protection can currently apply for another type of residence permit only for the purpose of:

1) Family reunification in the territory. This is only possible if the following conditions are met:

- A person with a temporary protection, must stay in the Czech Republic for the purpose of temporary protection in the Czech Republic for at least 6 months,

- A person granted temporary protection can only reunite with person who has defined types of residence in the Czech Republic

2) Permanent residence permit for the purpose of family reunification (child of a foreign national with permanent residence permit)

3) Temporary residence permit as an EU Citizen's family member

4) Permanent residence permit based of belonging to the compatriot community

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?

No, there are no special procedures. All process is managed by the classic procedures under the Act. 326/1999 Coll., on the residence of foreign nationals in the territory of the Czech Republic and the Administrative Code.

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?

In such a case, temporary protection is withdrawn as well as access to the benefits provided to temporary protection beneficiaries. The person will be eligible for the benefits associated with a new residence permit.

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.

There is no notification system to report that a foreigner has applied for international protection in another Member State. If the person had been

granted temporary protection in the Czech Republic and applies for International Protection in another EU country bound by the so-called Dublin Regulation (EP and Council Regulation No.604/2013), the temporary protection should be terminated.

If the person had been granted temporary protection in the Czech Republic and applies for international protection in the Czech Republic, his/her temporary protection will expire on the day when the decision on granting international protection comes to force (no matter asylum or subsidiary protection).

If the applicant does not have a temporary protection in the Czech Republic and applies for an international protection in the Czech Republic, the procedure is the same as for international protection applicants. Person applying for international protection is however informed about the benefits of temporary protection as it is granted immediately and it is an institute set up just for this situation. The beneficiaries immediately have free access to the labour market and public health insurance etc.

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?

*\*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.*

These persons can be divided into two groups:

*A) Persons who flee Ukraine but are not eligible for temporary protection*

Persons who are not entitled to temporary protection but are unable to return to Ukraine due to the ongoing war conflict are entitled to a visa for the purpose of leave to remain in the Czech Republic, granted in connection with the war conflict in Ukraine (which is not temporary protection).

Such persons can legally reside in the Czech Republic after being granted the visa. However, they have different rights than persons granted temporary protection. They do not have automatically free access to the labour market (they must apply for a work permit at the Labour Office). They are generally not covered by public health insurance and are not entitled to state benefits (150 days of paid health insurance, state humanitarian accommodation, etc.).

The most common case are persons who did not reside on 24. 2. 2022 in Ukraine. Therefore, they do not meet the basic condition of temporary protection.

In this case, friction may arise between these persons and temporary protection holders, usually due to rights to benefits, etc.

*B) Persons who are eligible for other residence permit in the EU, claim to be fleeing Ukraine and who apply for temporary protection, but are not eligible (e.g., persons with long-term residence in the EU before the war).*

Cases of people who have applied for a temporary protection even though they clearly do not meet the conditions:

- 1) Persons with dual citizenship from which one of them is EU citizenship
- 2) Family members of EU Citizens (who can apply for temporary residence permit)
- 3) Long-term residents of a country other than Ukraine or with a residence permit in another country
- 4) Persons with a long-term residence in the Czech Republic who by purpose terminated their residence believing that they can obtain temporary protection

The Department of Asylum and Migration Policy of the Ministry of the Interior (hereinafter referred to as DAMP) has observed application for temporary protection from the aforementioned persons due to benefits (especially financial) that temporary protection brings.

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

Persons who are not eligible for temporary protection may remain in the territory of the Czech Republic (if they do not have any residence permit in another EU country), but on the basis of other residence permits, for example on a visa for leave to remain. All persons can use the possibility of review, depending on the specific situation. There are currently no returns promoted to Ukraine.

The main challenge is the possible abuse of the system. Due to the widespread media coverage, the mood in major society has also been affected in both directions:

1. The emergence of negative attitudes towards the temporary protection applicants and
2. The emergence of negative attitudes towards the state which is not supportive enough.

The Ministry of the Interior (hereinafter referred to as MoI) has started a broad information campaign focused on the beneficiaries of temporary protection (hereinafter referred to as BTP) in connection with the registration for extension of temporary protection. The aim of the MoI was to prepare Ukrainian citizens to have all the documents they would need to extend temporary protection ready and in order. The MoI had informed about the changes on the webpages and Facebook page. There was also a dedicated phone line and virtual assistance (voicebot, chatbot). Moreover, the MoI had

prepared a webinar for NGOs and other actors who provide assistance to BTP as well as information videos (both in Czech and Ukrainian language), leaflets and other information materials. Thanks to this campaign, the registration and consequent extension of temporary protection went well and without any major problems.

### *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?

There is no such a special mechanism in the Czech Republic. Persons with valid temporary protection can travel according to the following conditions:

- Outside of the Schengen area, the beneficiaries of temporary protection must meet the conditions for travel to that specific country (visa, etc.),
- Inside of the Schengen area and to Ukraine the beneficiaries of temporary protection can travel without restrictions.

However, for example, if a BTP is using state humanitarian accommodation and leaves for more than 10 days without reporting the reason for leaving and giving the date of return to the accommodation provider, his or her right to this benefit will cease.

Information about the departure of temporary protection holders abroad can be obtained rather indirectly, e.g.:

- With insurance companies - suspension of insurance when going to Ukraine
- Departures/arrivals outside Schengen from the airports in the Czech Republic (the only external border)
- The accommodation provider's reports that the persons concerned no longer live with him/her and have left for Ukraine (the address is checked out)
- Voluntary declaration of departure to the Ministry of Interior

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?

The temporary protection does not terminate by the departure of the person itself.

If a person granted temporary protection, who is using state humanitarian accommodation, leaves for more than 10 days without reporting the reason



for departure and the date of return to the accommodation provider, his/her entitlement to this benefit will cease.

If the BTP does not attend the compulsory education (i.e., elementary school and pre-school education) within 15 consecutive days, and does not inform the school about the reasons, the school management decides to remove the BTP from the register (his/her place gets cancelled), so that the school's capacities are used for the education of those Ukrainian pupils who actually reside in the territory of the Czech Republic. This procedure also applies to children who do not start school education in September 2023 without an excuse.

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?

The Czech Republic does not deal with any specific challenges. If the temporary protection had been terminated, the applicant can register to obtain the temporary protection again.

*\*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?

Yes, the Czech Republic has used the Temporary Registration Platform since its launch. The Czech Republic keeps providing data on daily basis. Since the Czech Republic is the country that accepted the most persons fleeing Ukraine per capita, the TPP has great importance. The TPP is being used to solve HITs in order to eliminate miss usage of benefits of temporary protection.

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.

The Czech Republic has encountered some technical and methodological problems of the platform. Given extremely short period for preparation, it is understandable that its deployment was not an easy task. Nevertheless, the Czech Republic sees positively its further development. Methodological

problems were mainly connected to the definitions and its implementation across Member States.

The platform does not allow to connect another information systems. It would be very useful to connect the TPP to national databases so that it would not be necessary to use multiple systems during the registration. This would make the administrative work much more easy.

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?

No, the Czech Republic is not able to provide such data due to technical reasons. All information regarding the child are stored, but only in a way that does not allow to upload this information in the platform (in a form of a note in the national database or in a paper file).

#### *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.

During the research period, the Czech Republic has not provided support for beneficiaries of temporary protection for voluntary returns. Nevertheless, this has been a subject of serious discussions since the Czech Republic must also respond to a situation where some refugees want to return back despite the war in their country. Therefore, the Ministry of the Interior proposes to launch assisted voluntary returns to Ukraine and possible contributions to those who wish to go back to Ukraine.

The proposal of the law that covers (among others) also a possibility to launch such a programme is currently in the parliament and expected to come in force at the beginning of next year (2024). The programme will have to be discussed, approved and launched by the government.

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

During the research period, new amendment of law on extension of temporary protection has come to force (for details please see Q 15 and Q 16). Due to the fact, that the extension of TP required personal presence at the MoI Office, Czech authorities were able to re-count the number of Ukrainian refugees who really stay in the territory of the Czech Republic. The registration for extension of TP took place till 31 March, 2023.

As of 1 April, 2023, the Czech Republic has issued 504 107 temporary protections and 325 742 holders of temporary protection were registered for extension. This means decrease by about one third in a number of

temporary protection holders. The vast majority of them had returned back to Ukraine.

However, it is necessary to state that the Czech Republic still keeps granting temporary protection to new applicants. Every one week there is around 2 000 – 2 500 new temporary protections issued by the Czech authorities.

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.

Due to the Russian invasion of Ukraine and the subsequent refugee wave, the Czech Republic has adopted a special law on temporary protection (so called Lex Ukraine). However, the validity of this law was limited up to 23 March, 2023.

This law had to be amended to ensure smooth extension of temporary protection for its holders.

The law, so called Lex Ukraine IV., had been approved in November 2022 but came into force in January 2023. The core of this law is extension of the temporary protection for one more year.

Considering the number of people affected, two variants of this amendment were discussed. The first option discussed assumed that the process of extending temporary protection would be divided into several steps. The second option would simplify the process as much as possible, as it would only consist of registration via an electronic form.

Even though the very high number people affected, it was decided that the registration would consist of two steps and personal presence of the beneficiaries of temporary protection at the Ministry of the Interior DAMP Offices would be necessary.

The benefit of this option is that each BTP had to present prove of his/her address and family ties. The Czech authorities therefore had a confirmation on the exact address of each BTP.

Special focus was put on the situation of children. During the registration process, the authorities got exact information on with who do they stay and if they have any legal guardian as well as which school do they attend (this is necessary mostly for children under compulsory school attendance).

There were also ongoing discussions if the BTP should not rather move into the classic Czech system for foreigners. Nevertheless, until the Temporary Protection Directive and subsequent national legislation (Lex Ukraine) is still in force, there is in general no point to grant the persons fleeing the war in Ukraine with any other type of residence permits. Moreover, the Czech Republic always prefers joint European solutions in the first place.

There has been also a discussion whether to allow BTP to enter the Czech social system in the same way as for foreign nationals with permanent residence. Nevertheless, due to a very high number of the BTP, it was not possible as the system would get overloaded. That is the reason why the BTP may use a specific social benefits designed specifically for them that is easier to proceed by the state.

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

All temporary protection holders who received temporary protection until the end of 2022 and whose temporary protection expired on 31 March 2023 were eligible for an extension.

The extension of temporary protection had two steps.

1) The first step was online registration on the Information Portal for Foreigners, which ran until 31 March 2023. This extended the temporary protection until 30 September 2023. If the person has not registered online by 31. March 2023, his/her temporary protection expired on that date.

2) The second necessary step was to visit the workplace of DAMP in person and present the necessary documents, where the visa label got affixed. This extended the temporary protection until 31 March 2024.

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?

Considering the number of people involved in the extension of the temporary protection, there were no major problems, but several points were identified that could be improved in the future.

- Communication of the process, guidelines and dissemination of good practice information within the community, taking into account the needs of users.

- The first step of the temporary protection extension was exclusively online. This brings with it the problem of computer literacy of the elderly, those without access to PCs, etc. These persons were mainly assisted in the first step by the non-profit sector, volunteers or family members.

Therefore, during the first extension, the DAMP already organized training on the correct procedure for online registration for NGOs, created step-by-step instructions that were shared within the community through NGOs, social networks and other actors, the information line for foreigners with temporary protection was strengthened, etc.

Despite extensive communication efforts, the information call line for foreigners with temporary protection of the Ministry of the Interior faced a high number of inquiries.

Registration had been launched on the Information Portal for Foreigners, originally prepared and now used for making appointments for all foreigners.

Due to the heavy load on the portal, with more than 300 thousand people registering for the extension of the temporary protection, the system inevitably encountered technical difficulties, which however affected a small percentage of users compared to the number of users who managed to register for the extension of temporary protection without any problems.

It is necessary to say, that the electronic registration for the extension of temporary protection was successful. It allowed a large number of clients to be processed without queues in a relatively short period of time. It was preceded by a targeted communication campaign in cooperation with local authorities, Integration Centres, NGOs, employers and other entities (for more information on the information campaign please see Q 6).

*\*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?

There were no major changes from 1 January 2023 to 1 July 2023.

As a social benefit, a solidarity household allowance was provided to persons who provided accommodation to foreigners with temporary protection. The allowance belonged to a natural person who provided accommodation free of charge to temporary protection holder. The minimum period of accommodation provided had to be 16 days in one calendar month. The amount of the allowance was CZK 3,000 (approx. EUR 120) per person per calendar month in a shared household, with a maximum of 3 persons per calendar month in one shared household. The amount of support was as follows:

- CZK 5,000 (approx. EUR 200) per calendar month for 1 person,
- CZK 9,000 (approx. EUR 360) per calendar month for 2 guests,
- CZK 12 000 (approx. EUR 480) per calendar month for 3 persons,
- CZK 14 000 (approx. EUR 560) per calendar month for 4 persons staying, or
- CZK 15 000 (approx. EUR 600) per calendar month for 5 or more persons.

Free accommodation (so-called emergency accommodation) was also provided through the regions with a subsidy from the Ministry of the Interior.

There have been major changes since 1 July 2023. The Solidarity Household Allowance is no longer provided; housing costs are assessed in the Humanitarian Benefit, which holders of temporary protection can receive if they meet the statutory conditions.

Emergency accommodation is provided free of charge to all persons for 150 days after temporary protection is granted. Vulnerable persons (on the basis of age or health condition) may remain in emergency accommodation free of charge after 150 days.

As of 1 April 2023, a system of short-term accommodation was introduced for persons who arrive in the Czech Republic to obtain a temporary protection at the time when Regional Assistance Centre is not open and who do not have their own accommodation in the Czech Republic. Such persons can use short-term shelter in Prague, Brno and Ostrava until they are granted a temporary protection and eventually provided with emergency accommodation.

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?

The biggest challenge is, that capacities in bigger towns are insufficient. The capital city of Prague does not provide any accommodation to newly incoming BTP any more since the capacities are not available.

Another challenge represents a concentration of some BTP in the temporary accommodation originally served as workers accommodation near industrial zones that is more affordable for them. It is important to stress that one of the main aims of CZ integration policy is to support BTP to find more permanent decent accommodation.

Often, the accommodation capacities are available, but only in locations where there are no further services available (such as easy access to medical care or schools) or job opportunities.

Since July 1, 2023, based on law amendment to Lex Ukraine, TPD are eligible for free accommodation only for 150 days. Afterwards, free accommodation is available only for persons who are vulnerable. There were concerns that people who were staying in these facilities and who would not be eligible to stay there further, would not find suitable accommodation in time. However, thanks to the communication campaign and the work of all actors, including the NGO sector, the concerns did not fulfil.

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

The first major changes did not take place until 1 July 2023. Accommodation was in most cases supported or paid for by the state in 2022. However, in the long term this has proved to be particularly economically unsustainable and the rules have been adjusted from 1.7.2023 with income test and more attention to support mainly vulnerable groups.

*\*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.

Beneficiaries of temporary protection still have free access to the labour market. According to data from the Labour Office, one hundred thousand Ukrainian refugees are employed in the Czech Republic. Apart from a couple of fluctuations (the end of the year and the extension of temporary protection), this number is relatively stable. As of April 2023, the number of employed beneficiaries continues to rise.

The change occurred in the matter of short-term employment contracts. These are administratively less demanding for the employer, but at the same time the employees do not get as many benefits (mainly lower wages) as from a classic employment relationship. Starting from April 2023, the obligation to report all work activity agreements and work performance agreements for persons with temporary protection was introduced into the legislation, regardless of participation in insurance.

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?

The Czech Republic can observe following challenges:

*1) Knowledge of the Czech language*

Ukrainian refugees are relatively young and educated, yet the vast majority of them work in low-skilled occupations. The current professions of about 80% of refugees fall into ISCO categories 8 and 9, the least qualified professions. Inadequate knowledge of the Czech language is a fundamental barrier to starting a more qualified job. Improving the language skills of refugees is a major challenge for the Ministry of Labour and Social Affairs, the Labour Office, the Ministry of Education and non-governmental non-profit organizations.

*2) Recognition of the qualifications*

As already mentioned, refugees often work outside the field in which they were professionally engaged before the war. A big challenge for the Ministry of Labour and Social Affairs and the Labour Office is to identify their qualifications, recognize their needs, whether it is notification, requalification, etc. while taking into account the needs of the labour market.

*3) Irregular forms of employment*

Refugees' population still have significantly lower employment rate compared to the Czech population. This fact indicates the risk of illegal employment of a non-negligible group of refugees. The presence of illegal employment is a big challenge for the Ministry of Labour and Social Affairs, the Labour Office and the State Labour Inspection Office.

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.*

*1) Knowledge of the Czech language*

One of the priorities of the Action Plan of the Strategy for the Coordination of Adaptation and Integration of Refugees from Ukraine is to increase the knowledge of the Czech language in the form of available language courses in forms corresponding to the needs of the target group, with the aim of increasing the availability of employment, accreditation of courses for adults, information.

The Ministry of Labour and Social Affairs, in cooperation with the Labour Office, the Ministry of Education and non-profit organizations, wants to monitor the level of language training of adults and wants to map the availability of courses. Expand the range of Czech language courses available to employers and job applicants through the Labour Office. Ensure that refugees working outside their qualifications are provided with sufficient information about these courses and other language training opportunities.

*2) Recognition of the qualifications*



Ministry and Labour Office wants to support retraining and recognition of the qualifications of already qualified BTP so that their work potential can be used to the maximum. One of the policy tools that we want to use to fulfil this goal is individualized career counselling for foreigners and currently primarily for refugees.

### *3) Irregular forms of employment*

The Ministry of Labour and Social Affairs also wants to focus on the promotion and support of employment in decent conditions in cooperation with the State Labour Inspection Office, but also with non-governmental non-profit organizations. The main pillars in this area are the awareness of the employees themselves and the control activities of the State Labour Inspection Office

*\*\*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.

There were no major changes during the research period. The only change is related to the health insurance and obligation to pay health insurance contributions of Ukrainian citizens whose serious health condition does not allow him/her to perform work for a long period of time. These persons are newly seen as the so-called "state insured persons". This means that it is the Czech state that pays the health insurance contributions for these persons. Long lasting incapacity to work must be proved to the competent health insurance fund.

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 main challenge is the capacity of the healthcare providers. This is however a general problem in the Czech Republic. It is not specifically related to the beneficiaries of temporary protection.

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

As it mentioned above, the capacity issues are valid for the whole society. The solution that exists for the Czech citizens was made more easily accessible to the beneficiaries of the temporary protection. The Ministry of Health created and an online questionnaire that allows the insured persons (incl. temporary protection holders) to report inaccessible healthcare to their competent health insurance fund. This form had been translated and newly runs in Ukrainian and Russian languages.

When the form is filled in and sent the competent health insurance fund, is expected to find the requested healthcare specialist as it is the health insurance fund that is responsible for accessibility of healthcare (according to the Czech legislation). The Ministry is informed about each submitted form and can assist if the health insurance fund fails to find a solution. As a side product the Ministry receives statistical information about accessibility of healthcare.

The questionnaire is available here: <https://nedostupnapece.mzcr.cz/>

*\*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.

In the spring of 2022, the new Act No. 67/2022 Collection of Law was adopted, on measures in the field of education in connection with the armed conflict in the territory of Ukraine caused by the invasion of the troops of the Russian Federation, which was set some relieves for the beneficiaries of temporary protection. During the reported period the same rules as well as monitoring of the situation in whole school sector (from pre-primary to tertiary) continued. The reported period covered the second year of experience of the Czech schools with the enrolment of Ukrainian children, pupils and students, and the MEYS did not need to set any new major legal, policy, or practical changes.

Measures, which were still valid: easier enrolment conditions (e.g. knowledge of Czech language), easier admission process for secondary schools (more time for testing, mathematics test in Czech, English, or Ukrainian language, using dictionary), softer conditions for teachers' and assistants' qualification (such as exemption for knowledge of Czech language, no nostrification of pedagogical education obtained in Ukraine needed, that means possibility to employ Ukrainian teachers and assistants as fast as possible), adopting new hygiene rules which would allow to increase the capacity of schools in an easier way etc.

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)?

The lack of knowledge of the Czech language is still the main reason and barrier for Ukrainian children to be successful at schools and create new social relationships with Czech children.

Other challenge for reported period was an exceptional number of the Czech population at the age of 15 enrolling in secondary education (due to demographic reasons). Because of the unequal settlement of Ukrainian refugees primarily concentrated in the biggest cities jointly with number of Czech pupils, some secondary schools were overloaded, nevertheless thanks to the Lex Ukraine schools were able to increase their capacities in much easier administrative process.

Some of Ukrainian pupils were enrolled at the Czech elementary schools and in the same time they were educated through online teaching from their "home teachers" from Ukraine. This is the reason why these children were often overburdened. The MEYS (Ministry of Education, Youth and Sports) was in contact with the Ukrainian Ministry of Education and Science, which confirmed that they do not require online education.

Scholarship program for the Ukrainian men-university-students could not be fulfilled because of Ukrainian governments regulations related to "fighting alert" for men between 18 to 60 years old. Despite the nomination of those students and acceptance by the Czech universities, men-students were not allowed to arrive to the Czech Republic and study here.

29. What steps have been taken to address these challenges, and are there any good practices in responding to the challenges?

The MEYS continues with financial support of free language courses both during their school attendance as well as an extracurricular activity for children from 5 to 18 years old (including summer language courses realized during August 2023 focused on Ukrainian teenagers).

During the reported period the MEYS prepared a revision of curriculum for the elementary schools to set as an option for pupils-foreigners to choose the Czech language as a second foreign language.

During the reported period, as a second term of school year 2022/2023, continued the new job position at nurseries, primary and secondary schools called **Ukrainian pedagogical assistant** financially covered by state budget from MEYS. That position was usually occupied by a Ukrainian. They help not only the teachers but mostly the Ukrainian children and their parents to translate or explain the Czech reality and facts. This position also brings new job opportunity for Ukrainians, especially teaches.

Delegates from MEYS continue in methodical and monitoring meetings with local and regional representatives (e. g. Pardubice, Kolín, Mladá Boleslav, Plzeň, Karlovy Vary) to coordinate specific situation mostly related to limited school capacities.

The MEYS monitored the real number of Ukrainian pupils and students at Czech schools through surveys within school management, reported how many Ukrainian children with temporary protection were educated and what was their free capacity to enrol in another one. Survey results were shared with Regional Governments (14 regions) and municipalities (about 200 regional areas across the republic) which are responsible for establishing nurseries and primary schools. On the basis of this survey each director must deal with the situation.

As a part of the online registration process for extending temporary protection, the schools obtained also numbers on Ukrainian children and information on where do they get educated. Especially, MEYS needed information about the Ukrainian children under compulsory school attendance. Afterwards, MEYS compared both databases, and in cooperation with the Czech Government, the Ministry of the Interior and the Ministry of Labour and Social Affairs deals with regional authorities to find Ukrainian children who must fulfil compulsory school attendance at Czech schools. The process is still continuing.

MEYS together with some Czech universities organized entrance exams for Ukrainian universities for Ukrainian applicants located in the Czech Republic.

*\*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.

There were no major changes from 1 January 2023 to 1 July 2023. As a social benefit, a humanitarian benefit was provided to beneficiaries of temporary protection and a solidarity household allowance was provided to persons hosting them (for details please see Q 18). The humanitarian benefit is a completely new institution in the field of social support. It is an assistance provided in a very simplified way, without the use of administrative procedures and other formalities, adapted to the refugee

crisis. The method and amount of help responds to the situation and at the same time respects the Czech Republic's obligations under international treaties (e.g. the European Social Charter).

The first benefit of CZK 5,000 (approx. EUR 200) was granted automatically (upon request) in the month in which the temporary protection is granted. It was also possible to obtain the benefit repeatedly - if the situation of the person, especially in terms of income and assets and social conditions, was still unsatisfactory, it was possible to grant the benefit up to 5 times in the amount of CZK 5,000, always per month (upon request). After the 5th month of temporary protection, the humanitarian benefit was equal to the subsistence minimum.

Major changes have occurred since 1 July 2023. when new amendment of law came into force. By this amendment, the system of calculating humanitarian benefits has changed. Newly, there is an income test when assessing the amount of the humanitarian benefit.

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?

The main challenge is to bring the temporary protection beneficiaries into the national benefits system.

The main obstacles are: the large number of temporary protection beneficiaries, which would bring a huge administrative burden on the staff at the Labour Office who assess and pay benefits.

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

Larger digitisation of national benefits is being prepared to reduce the administrative work of the Labour Office staff as well as to make the process easier for the applicants.

*\*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\*?

Lex Ukraine V., which came to force on July 1, 2023, redefines the group of vulnerable persons as children under 18 years of age, students in the age of 18 - 26, persons taking care of children under 6 years of age, pregnant women, seniors 65+, persons with disabilities and persons taking care of the persons with disabilities.

People recognised as vulnerable can get free accommodation (so called emergency accommodation – please see above). They are also entitled to humanitarian benefits. Minors have the right to education at all levels of the Czech education system. The person accompanying a minor under compulsory school attendance is obliged to register the minor for education. All minors have free access to full health insurance (guaranteed by law).

All persons arriving from Ukraine to the Czech Republic, including unaccompanied minors or children who arrive accompanied by persons other than their parents or legal guardians, are registered at the DAMP offices, where they obtain the temporary protection. The status of temporary protection beneficiary then allows them to build on their insurance, social benefits and housing.

One of the biggest challenges is to monitor the movements of (all) temporary protection beneficiaries, since changing of a place of residence depends mainly on notification of the beneficiary of temporary protection.

If an unaccompanied foreign minor is identified during the registration, he or she is automatically notified to the social-legal child protection authority. If there is any possible threat to a child (accompanied by anyone) is identified by DAMP Office or anyone else, this fact is also notified to the social-legal child protection authority and social-legal protection is provided to all as necessary.

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

The Ministry of Labour and Social Affairs (hereinafter referred to as MOLSA), in cooperation with UNICEF, has focused on the prevention of child trafficking.

Considering the situation of war refugees from Ukraine, which was new to all of the persons concerned, it was necessary to provide training to raise awareness within specific work with children, who are a particularly vulnerable group in this regard.

In cooperation with the La Strada organization, a training course on the prevention of child trafficking specifically adapted for social-legal child protection authorities was held as part of a project of the Prague City Hall and UNICEF. Further trainings and their expansion to other regions are planned in cooperation with UNICEF.

*\*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)

Regarding the relation with Ukraine, the bilateral legal aid agreement is determining in civil matters as well as the Hague Convention. Therefore, the Czech court has jurisdiction in all matters towards minors from Ukraine residing in the territory of the Czech Republic.

Minors who came to the Czech Republic accompanied by an adult appointed by a legal representative on the basis of a power of attorney, remain in the care of these persons, as well as minors accompanied by an appointed guardian from Ukraine. These adults are therefore regarded as a 'guardian'.

All foreign children together with their guardians are included in the support system in the same way as parents with children and are provided with protection and assistance according to their current situation and needs.

This may include, for example, assistance with problems related to the care of the child (in particular, ensuring the registration of the child, applying for temporary protection in the Czech Republic, registering the child for schooling or pre-school education, registering the child with a general doctor, ensuring the child's obligation to undergo compulsory regular vaccinations, etc.), or assistance concerning the social benefits (applying for emergency aid, humanitarian benefits, etc.).

Assistance and protection provided to foreign minors who arrive in the territory of the Czech Republic unaccompanied by other persons is carried out under the regime of protection of unaccompanied foreign minors.

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.

During the year of 2022, several groups from social care facilities have come to the Czech Republic seeking safety. These groups were usually in the care of non-profit organisations or the Charity. These groups have already returned to Ukraine at their own request.

At the moment, the Ministry of Labour and Social Affairs has no information that children from the evacuated facilities from Ukraine are currently on the territory of the Czech Republic.

*\*\*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\*?

Concerning the unaccompanied minors, the Police Presidium of the Czech Republic has received a list of child facilities where there have been placed unaccompanied minors from Ukraine. Police officers regularly visit these facilities together with interpreters and cooperate closely with local staff. Police officers are in contact with the directors of these facilities, while the directors are being instructed about the suspected acts that might have signs of trafficking in human beings. Until now, there are no specific information that underage children from Ukraine would be involved in any form of trafficking.

Besides this activity, the police authority takes further steps to prevent and detect the trafficking in human beings. The Police closely cooperates with Social-Legal Protection of Children Office, NGOs and IOM. Further, the Police closely cooperates with the Customs Administration of the Czech Republic in detecting persons suspected of trafficking in human beings, cooperation was also carried out in carrying out controls in identified places where trafficking in human beings may take place, especially in the form of forced labour or other forms of exploitation. The police further cooperate with other organs of public administration, such as State Labour Inspection Office, regional governments, Labour Offices, Financial Offices or Registry Offices.

Concerning educational activities in the field of human trafficking (educational activities designed for police officers and educational activities in which police officers participated as trainers), police officers regularly participate in online meetings of representatives of EU Member States under at AP Phoenix (platform on trafficking in human beings) at EUROPOL. One of the main topics of the meeting was "Trafficking in human beings - risks for refugees from Ukraine", where national information was exchanged as well as specific prevention activities. Police Officers are also involved in the Strategy and Analysis Group and meets regularly online with representatives of the NGOs. So far they have trained approximately 50 new staff members of the NGO People in Need. Within the EMPACT project, police officers are involved in the activities of the working group "Commercial Surrogacy and Sale of Children" as a Co-leader. The aim of the project is to share information on specific cases, legislation, prosecution strategies, cooperation with third countries and proposing legislative changes.



Further, the police continuously and randomly on its own initiative monitors web portals with sexual themes and investigates suspicious advertisements, or investigates individual complaints from the public. The Police controls nightclubs to find out about on possible sexual exploitation of Ukrainian women. No victims of this crime have been identified so far.

The Police organs further closely cooperates and exchanges information with the Police organs in another EU members states, mainly neighbouring countries (Slovakia, Poland, Austria and Germany).

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

For the Police of the Czech Republic, prevention is the most crucial in relation to trafficking in human beings, as well as avoidance and effective combating of illegal acts and criminal activities.

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

The various departments of the Police of the Czech Republic, as a prevention, use materials prepared by the Ministry of the Interior of the Czech Republic, or the Police Presidium of the Czech Republic. A certain part of prevention is carried out in the form of cooperation with NGOs, including trainings. In 2023 employees of the State Labour Inspection Office and individual regional labour inspectorates were trained to recognize signs of potential trafficking in human being. Further trainings were prepared for field workers of the NGO People in Need and health service workers.

*\*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

The Czech Republic had never witnessed such massive influx of refugees since its existence. Since the beginning of the Russian invasion of Ukraine, the Czech Republic has been a destination country for the Ukrainian refugees, due to a large Ukrainian diaspora, already residing in the Czech Republic, as well as cultural and language closeness. Thanks to a visa-free regime set already before the war, newly incoming people were entering the country legally. The Czech Republic have accepted the war refugees on the legal basis of temporary protection introduced by the EU which allowed for establishment of a parallel system next to the asylum system, which would not be able cope with such a high number of newly incoming persons.

The Temporary Protection Directive had been implemented by a special law, so called Lex Ukraine, on the national level.

During the research period, new amendment of law on extension of temporary protection had come to force. The registration of extension of temporary protection consisted of two steps – online registration and subsequent visit at the MoI office and prove of certain facts, such as exact address. Special focus was put on the situation of children. During the registration process, the authorities checked the information on family relations and legal guardians as well as the information on the school attendance.

At the moment, there is approximately 340 000 beneficiaries of temporary protection residing in the Czech Republic. It needs to be stressed that still, every week there are between 2 000 – 2 500 new applicants for temporary protection registered. This makes the Czech Republic a country with the highest number of Ukrainian refugees per capita.

The BTP are free to travel inside of the Schengen area and Ukraine. For travelling outside of the Schengen area, the BTP have to meet condition set by the particular country. The Czech Republic does not provide any assistance for people wishing to go back to Ukraine. Even though the war still continuous, there is a number of people who wish to return and the Czech Republic has to address this issue. This is the reason why the Czech Ministry of the Interior proposed to launch assisted voluntary returns to Ukraine and possible contribution to those who wish to go back. This proposal is currently in the legislation process and expected to come into force at the beginning of the year 2024.

Regarding access to services, during the research period, a new amendment of law have come into force which regulates the system of accommodation and social benefits. Beneficiaries of temporary protection are now eligible for free accommodation for 150 days only. Afterwards, free accommodation is available only for persons who are considered as vulnerable. BTP have free access to the labour market. According to data from the Labour Office, more than one hundred thousand Ukrainian refugees are employed in the Czech Republic and this number continues to rise. BTP have full health care guaranteed in the Czech Republic for the first 150 days after being granted temporary protection, then the health insurance is being assessed case-by-

case. Vulnerable persons (such as children and students, elderly people, person taking care of a child etc.) have free unlimited access to health care. BTP have guaranteed access to compulsory education (pre-school and elementary schools) with some relieves (such as presence of Ukrainian school assistance or language courses).

Generally we can say that there was a significant move in the approach towards Ukrainian refugees. At the very beginning of the refugee crisis it was necessary to quickly accommodate and provide assistance to a large number of newly arriving persons. Now the system got stabilized and focuses more on adaptation process and integration of BTP. The Czech Republic faced many challenges during the research period, mainly related to the registration to extension of TP or the new system of providing accommodation and social benefits, but thanks to large information campaigns and cooperation between all actors involved, such as the state administrations, regional stakeholders or NGOs, everything was managed without any major problems.