



# Temporary Protection

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# Persons entitled to temporary protection

- Persons **displaced** from Ukraine **on or after 24 February 2022**, as a result of the military invasion by Russian armed forces that began on that date:
  - (a) **Ukrainian** nationals residing **in Ukraine** before 24 February 2022;
  - (b) **stateless persons, and nationals of third countries other than Ukraine**, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
  - (c) **family members** of the persons referred to in points (a) and (b).

# Persons entitled to temporary protection

- **Family members**

- a) the **spouse** of a person referred to in paragraph 1, point (a) or (b), or the **unmarried partner in a stable relationship**, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens;
- (b) the **minor unmarried children** of a person referred to in paragraph 1, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (c) **other close relatives** who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were **wholly or mainly dependent** on a person referred to in paragraph 1, point (a) or (b) at the time.

# Persons who may be entitled to temporary protection

- In accordance with Article 7 of Directive 2001/55/EC, Member States **may also apply this Decision 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 (e.g. short-term visa students).
- Article 7 allows Member States to extend temporary protection to other categories than those covered by the Council implementing Decision, as recommended by the Commission in its 21 March Guidelines Communication.

# Duration

- **Objective duration:** from 4 March 2022 until 4 March 2023.
- If Commission does nothing: automatic prolongation for two 6-months periods i.e., until 4 March 2024.
- If protection is needed beyond that date, Commission must adopt a proposal to the Council to extend it for another year, i.e., until 4 March 2025.
- After this date: either return if the situation allows or asylum.

# Rights and Member States' obligations

- Article 8: Residence rights

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

- Article 9: Document with information

*The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out*

# Rights and Member States' obligations

- Article 10: Registration obligation for Member States

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

- Article 12: Access to the labour market

*The Member States shall authorise (...) persons enjoying temporary protection to engage in employed or self-employed activities (...) as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. (...) Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.*

*The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply*

# Rights and Member States' obligations

- Article 13: Access to suitable accommodation
  - *The Member States shall ensure that persons enjoying temporary protection have access to **suitable accommodation** or, if necessary, receive the means to obtain housing.*
  - *The Member States shall make provision for persons enjoying temporary protection to receive **necessary assistance in terms of social welfare and means of subsistence**, if they do not have sufficient resources. Account shall be taken, when fixing the proposed level of aid, of *their ability to meet their own needs*.*
- Article 13: Access to medical care
  - *The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance (...), as well as for medical care. This shall include **at least emergency care and essential treatment of illness**. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence*



# Rights and MS obligations

- Article 14: Access to education
  - *The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system **under the same conditions as nationals of the host Member State** The Member States may stipulate that such access must be confined to the state education system.*
  - *The Member States may allow adults enjoying temporary protection access to the general education system.*
- Article 15: Family reunification

# Rights and MS obligations

- Article 16: Specific provisions for unaccompanied minors (UAMs)
  - The Member States shall as soon as possible take measures to ensure the necessary representation of unaccompanied minors enjoying temporary protection by legal guardianship, or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.
  - During the period of temporary protection Member States shall provide for unaccompanied minors to be placed: (a) with adult relatives; (b) with a foster-family; (c) in reception centres with special provisions for minors, or in other accommodation suitable for minors; (d) with the person who looked after the child when fleeing.
  - The Member States shall take the necessary steps to enable the placement. Agreement by the adult person or persons concerned shall be established by the Member States. The views of the child shall be taken into account in accordance with the age and maturity of the child.

# Other provisions

- Article 27(1): Administrative cooperation
  - For the purposes of the administrative cooperation required to implement temporary protection, the Member States shall each appoint a national contact point, whose address they shall communicate to each other and to the Commission. ***The Member States shall, in liaison with the Commission, take all the appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.***
- Article 28: Exclusion from temporary protection

# Sources of information for your assessment

**Directive:** [EUR-Lex - 32001L0055 - EN - EUR-Lex \(europa.eu\)](#)

**Council implementing Decision:** [EUR-Lex - 32022D0382 - EN - EUR-Lex \(europa.eu\)](#)

**Operational guidelines:** [EUR-Lex - 52022XC0321\(03\) - EN - EUR-Lex \(europa.eu\)](#)

**Other sources of information:**

- [DG HOME Migration Management – Ukraine](#)
- [DG HOME website - Temporary Protection webpage](#)

# Thank you - Dziękuję



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