

TEMPORARY PROTECTION FOR UKRAINIANS IN THE EU:

current mechanisms
and possible improvements



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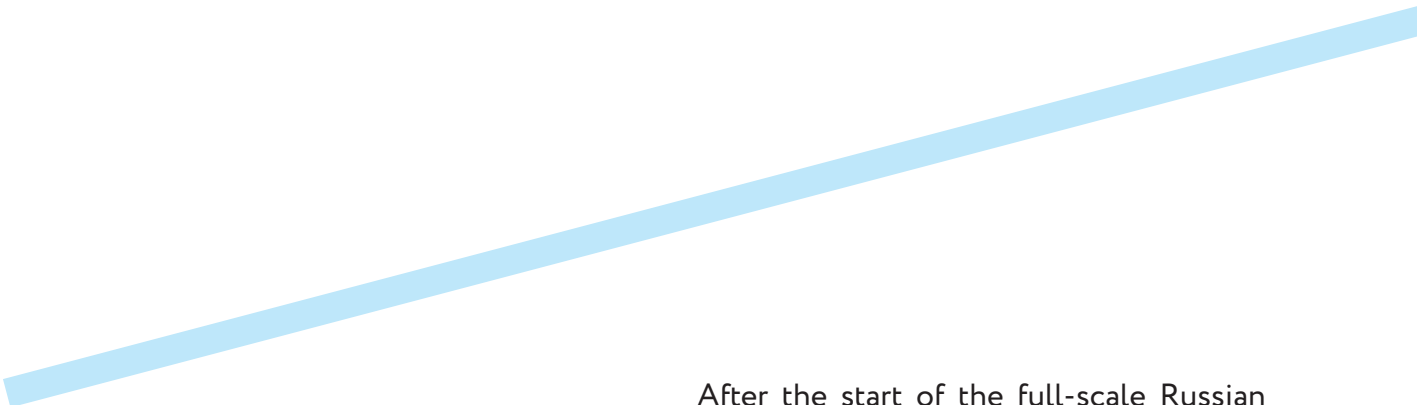
Author:

Kateryna Kulchytska

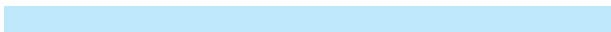
Editor:

Yevheniia Hryhorieva
Iryna Sushko

TEMPORARY PROTECTION FOR UKRAINIANS IN THE EU: current mechanisms and possible improvements



After the start of the full-scale Russian military invasion, the European Union simplified procedures for entry of Ukrainians in the shortest possible time, and also activated the mechanism of temporary protection. This allowed Ukrainians to live legally in the EU and quickly gain access to work and social security. However, due to differences in temporary protection documents issued by different EU countries in accordance to their local procedures, Ukrainians have problems traveling within the Schengen area and returning to EU countries after visiting Ukraine.



Key facts about temporary protection in the EU

On March 4, 2022, the [Council of the EU voted for enforcing the Council Directive 2001/55/EC of 20 July 2001](#) on temporary protection for citizens of Ukraine¹ (hereinafter referred to as the Directive). This Directive defines minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons from third countries who cannot return to their country of origin. The decision of the Council of the EU is compatible with national temporary protection strategies. If a member state has its own strategy that is more favorable than the mechanisms set out in Directive 2001/55/EC, it may continue to apply it. However, if this strategy is less favorable, the member state must ensure the additional rights provided for in the Directive.

Because of this, Ukrainians gained a simplified path to legal residence and social support in EU countries. Temporary protection allows citizens of Ukraine and a number of other categories of persons who legally resided in Ukraine and were forced to leave it after February 24, 2022, to obtain a residence permit (for one year at least) as well as access to work, education, housing, social security and medical care, and the possibility of obtaining refugee status in the future and the possibility of returning to Ukraine at any time. Temporary protection [applies](#) to:

- Ukrainian citizens of who were forced to leave Ukraine after February 24, 2022 as a result of the Russian military invasion,
- stateless persons and third country nationals, with exception of Ukraine, who were granted international protection or equivalent national protection in Ukraine until February 24, 2022,
- family members of people in the first two categories, including husbands/wives and

their unmarried children, who are minors, or children of their husbands/wives, as well as their close relatives who lived with them at the time of Russian invasion in Ukraine,

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third country nationals who legally resided in Ukraine until February 24, 2022 on the basis of a valid permanent residence permit and who cannot safely return to their country or region of origin.

THE EU COUNTRIES ON THEIR OWN CAN EXPAND THE CATEGORIES OF PERSONS SUBJECT TO THIS DIRECTIVE TO:

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Ukrainian citizens who left for the EU shortly before February 24 to escape from a possible war, or to have a vacation or a business trip to the EU,

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stateless persons or third country nationals who legally resided on the territory of Ukraine until February 24, 2022, but did not have a permanent residence permit in Ukraine, if they cannot safely return to their country or region of origin.

According to [UNHCR](#), during the 6 months of the war, **over 3.5 million Ukrainians** received temporary protection in European countries². The largest number of Ukrainians registered in Poland, Germany, the Czech Republic, Italy and Spain. In particular, as of August 9-10, 2022, 1.27 million Ukrainians received temporary protection in Poland, 600 thousand in Germany, 408 thousand in the Czech Republic.

Let's review the practice of registration for temporary protection and processing of permit documents in different EU countries.

¹ 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.

² Temporary protection or similar status under the national protection system in European countries as of August 10, 2022.

Table 1.

LIST OF THE DOCUMENTS CONFIRMING TEMPORARY PROTECTION

COUNTRY	Where to apply	Temporary document (while waiting for the permanent one), which does not give the bearer a right to cross the border	Duration of validity	Document that gives the right to long-term residence, work and crossing the border	Issuance period	Duration of validity	Number of days one can stay in Ukraine without losing their status
SPAIN	Applications for temporary protection are submitted to the Care and Referral Centers (Centros de Recepcion, Atencion y Derivacion) or to any of the designated police stations	–	–	Certificate of temporary protection (Certificado de Protección Temporal) – does not give the right to cross the border	24 hours after registration	1 year	–
	Electronic application to the state administration	Temporary identity card	Valid until the foreigner's identity card is issued	Foreigner's identity card (Tarjeta de Identificación de Extranjero TIE) – gives the right to cross the border	2-4 weeks	1 year	Trip to Ukraine is not limited to a specific timeframe
SLOVAKIA	Request can be submitted to large capacity centers and migration police departments	–	–	Document granting a residence permit on the territory of the Slovak Republic	If one has identification documents - on the day of registration. If there are no documents - within 30 days	1 year	Trip to Ukraine is not limited to a specific timeframe
POLAND	The application for obtaining a PESEL is submitted to the administration of any gmina (region)	PESEL	18 months from the date one receives it	Diia.pl digital document After 9 months of stay – Card of temporary stay (Karta czasowego pobytu)	The application is accepted immediately. The person receives a notification about the assignment of a PESEL number	3 years	Up to 30 days if one wants to preserve the rights provided by temporary protection

COUNTRY	Where to apply	Temporary document (while waiting for the permanent one), which does not give the bearer a right to cross the border	Duration of validity	Document that gives the right to long-term residence, work and crossing the border	Issuance period	Duration of validity	Number of days one can stay in Ukraine without losing their status
PORTUGAL	Request to be submitted on the SEFforUkraine.sef.pt portal for adult citizens or in person when in Portugal (for children under 18 years old) in Foreigners and Border Service (SEF)	Application for temporary protection	Until a residence permit is issued	Confirmation of the request for temporary protection and residence permit (Certificado de concessão de autorização de residência ao abrigo do regime de proteção temporária) – people encountered problems with crossing the border	–	12 months with the possibility of extension 2 times for 6 months	Trip to Ukraine is not limited to a specific timeframe
FRANCE	Applications for temporary protection are submitted to local prefectures or to the offices of "Accueil Ukraine"	–	–	Autorisation provisoire de séjour, APS	–	6 months with the possibility of extension in accordance with the Directive	Trip to Ukraine is not limited to a specific timeframe
GERMANY	Contact the department serving foreigners	Temporary certificate of legal stay in the country (Fiktionsbescheinigung)	Up to 6 month	Residence permit (Aufenthaltstitel)	Not less than 1,5 month	2 years	Up to 6 months. If a person is receiving unemployment benefits II (ALGII), they are only allowed to leave for three weeks or 21 days per year to continue receiving benefits.
THE NETHERLANDS	Request to be submitted to the Immigration and Naturalization Department (IND)	Netherlands National Identification Number (BSN)	–	Passport sticker, sticker on a separate form or O-document card	Passport sticker - immediately upon submitting the application. O-document card – 3 weeks	1 year	Trip to Ukraine is not limited to a specific timeframe
ITALY	Request to be submitted to the local Questura (Questura – Ufficio Immigrazione)	Receipt for submitting an application for temporary protection	Before issuing a residence permit	Residence permit in Italy for temporary protection (Permesso di soggiorno per protezione temporanea)	From 1 to 3 months	1 year with the possibility of extension twice for 6 months	Trip to Ukraine is not limited to a specific timeframe

Spain

The Spanish government has **extended the mandate of the Temporary Protection Directive**. In particular, Spain decided to widen the scope of temporary protection to not only include Ukrainian citizens, third country nationals or stateless persons who legally resided in Ukraine until February 24, but also to Ukrainian citizens who are already in Spain. [According to UNHCR](#), these are Ukrainians **who arrived in Spain before February 24** or were there with an irregular status, including those who were refused asylum and those who, as a result of the conflict, cannot return to Ukraine.

In [Spain](#), the application for temporary protection is **considered urgent, with the decision being made within 24 hours after registration**. Once the application for temporary protection is completed along with all necessary documentation, [individuals are provided](#) with a **Foreigner Identity Number (Numero Identificacion Extranjero)** and case number, which are required along with the date of birth to download the **Certificate of Temporary Protection (Certificado de Protección Temporal)**. This document is issued in Spanish, English and Ukrainian languages, and the recipient is notified electronically, by mail, in person and through a publication in the Official Journal (Boletín Oficial del Estado). A decision granting temporary protection will include a residence permit as well as a work permit for persons 16 years of age or older. The status of temporary protection for Ukrainians in Spain lasts for a year, after which the protection will be automatically extended for the next year (unless the immigration authorities decide to terminate its validity).

After obtaining a residence permit in Spain, Ukrainians must apply for a **Foreigner Identity Card (Tarjeta de Identificación de**

Extranjero TIE). It is possible to sign up for this procedure [online](#). After applying for a TIE card, individuals are issued a temporary identity card. Manufacturing a card can take 2-4 weeks.

The TIE card is a confirmation of a residence permit in authorities or private institutions and has the same validity period as a residence permit, i.e. 1 year. This card should be with its holder when traveling in the Schengen area, together with their foreign passport, as proof of legal residence in Spain.



photo by Joan Oge

Slovakia

In [Slovakia](#), Ukrainian citizens who want to receive temporary protection submit a so-called “declaration of a foreigner” to centers or police departments. It can be filled in advance electronically or directly on the spot. If the person has a passport for traveling, taxpayer identification number or any other document (for example, birth certificates of children, etc.), then they will immediately be granted temporary protection and the corresponding certificate of temporary asylum. At the same time, foreigners receive a paper document called “Certificate of granting a residence permit on the territory of the Slovak Republic” (Potvrdenie o udelení tolerovaného pobytu na trnía Slovenskej Republiky) marked “DOČASNÉ ÚTOČISKO”. The certificate can be accessed and printed out from <https://www.portal.minv.sk/>. These documents allow you to work in Slovakia, as well as receive free accommodation, food, medical care, hygiene products, access to social security, and school attendance for children. Temporary asylum is [granted](#) until March 4, 2023 and can be extended, according to the decision of the EU Council.

If the person does not have any identification documents, a decision for granting temporary asylum will be made within approximately 30 days. However, housing, food, medical and hygiene facilities are immediately available to these persons.

Every person who has been granted temporary asylum can move freely in Slovakia, travel to other EU countries, and can leave Ukraine and return to the territory of Slovakia. If a person plans to return to Ukraine and not come back to Slovakia as a refugee, they must **file a document refusing the temporary asylum**. After this document is processed, the temporary asylum will lose its validity.

Poland

Ukrainians who ended up in Poland have the right to obtain Polish identification number **PESEL** (with the special stamp “Osoba o statusie UKR”), which gives the right to stay in Poland for **18 months** and access to all rights provided for by the Directive. An application for a temporary residence permit (Karta czasowego pobytu) can be submitted no earlier than 9 months after the date of legal entry to Poland, but no later than 18 months after February 24, 2022. A temporary residence permit in Poland will be valid for three years.

If they leave Poland for **over a month**, Ukrainians [lose](#) the rights provided by the temporary protection: the right to legal stay in Poland for 18 months, the right to medical and social assistance and benefits. [Recent changes](#) to Polish legislation also allow for the **restoration of PESEL UKR status** if a person returns to Poland after leaving Ukraine for more than 30 days. The reason for the return must be justified, since there are active hostilities at the person’s place of residence.

Until July 2022, Poland was not immediately issuing residence permits to Ukrainians, which contradicted the Directive and created problems with exiting the Schengen zone and returning to Poland after a short trip to Ukraine.

On July 22, 2022, Poland [informed](#) the European Commission they will be issuing **Diia.pl electronic residence permits to Ukrainians that grant temporary protection**. This document can be requested by adult Ukrainians who have PESEL.UKR and the mObywatel mobile application. With Diia.pl and a foreign passport, you can cross the external border of the EU, in particular travel to Ukraine. Also, this document allows you to

move through the Schengen zone for 90 days within a period of 180 days.

However, Diia.pl e-passport is currently not available for children. The press service of the Polish border service [reported](#) that children “will have to obtain an entry permit following a special procedure at the border.” This procedure is currently not covered on official Polish resources. At the same time, there are testimonies from Ukrainians that Diia.pl can be installed for children over 13 years old through the Polish Social Insurance Office (ZUS), but there is no information about children under 13 years old.

In practice, Polish border guards allow families with children back to Poland after a short-term trip to Ukraine, provided that their parent has a Diia.pl and PESEL UKR card. It is important that Ukrainians should state the purpose of their entry as obtaining protection due to the hostilities in Ukraine.

AT THE SAME TIME, SEVERAL ISSUES REGARDING CROSSING THE BORDER FOR UKRAINIAN CHILDREN REMAIN UNEXPLORED:

- whether a short-term trip to Ukraine and return to Poland is possible for children accompanied by relatives or other persons authorized by one of the parents.
- whether it is legal for Ukrainian children who have temporary protection in Poland to travel through the Schengen zone, because they do not have digital/paper residence permits (the visa-free period of stay

for those who entered the EU in February-March has already expired).

It is worth noting that Ukraine and most EU countries apply different approaches when it comes to creating rules for travel of minors. In particular, in Ukraine, children over the age of 16 have the right to cross the border and travel independently. Whereas in Poland, for example, children aged 16-18 can travel only when accompanied by a legal representative. When entering on their own, unaccompanied children can be placed in temporary accommodation facilities until they are picked up by their legal representatives.



photo by Tomasz Mikolajczyk

Portugal

In [Portugal](#), Ukrainians who apply for temporary protection receive an **“application for temporary protection”**. This application opens access to the labor market, social support, medical care, and education. After collecting biometric data, the Foreigners and Border Service (Serviço de Estrangeiros e Fronteiras - SEF) reviews the relevant databases and subsequently transfers the applicant’s data to the organizations responsible for assigning tax identification number, social security and health care automatically. After registration, individuals are issued a **confirmation of the request for temporary protection and a residence permit** (Certificado de concessão de autorização de residência ao abrigo do regime de proteção temporária) which contains an authentication QR code, tax identification number, social security number and access to health insurance.

The residence permit is valid for one year and can be extended for two periods of 6 months. According to the [testimonies](#) of Ukrainians collected by media outlet European Pravda, the Portuguese residence permit does not contain a photo, and therefore may not be accepted by border guards of EU countries after a short-term trip to Ukraine.



photo by b1-foto

France

In France, Ukrainians are issued [residence permits due to obtaining temporary protection](#) (Autorisation provisoire de séjour, APS) and work permits for persons over the age of 18. The residence permit is valid for 6 months with the possibility of further extension, in accordance with the EU Council Decision of March 2022. It is [necessary](#) to renew a residence permit for a new period within three weeks to three days before the expiration of the previous document. The card provides access to medical care, social protection, and education. It should be noted that the Directive provides for the provision of temporary protection for at least one year.

At the same time, there is [evidence](#) that France did not issue residence permits to children, but only to adult family members (mothers), which created difficulties for traveling within the Schengen zone and for short-term return to Ukraine.



photo by Lashch Med Jamil

Germany

Germany has [expanded](#) the list of persons who can apply for temporary protection. In particular, Ukrainians who have already been in Germany and have a residence permit, the term of which will soon expire, as well as persons who fled Ukraine shortly before February 24, 2022 or who were in the EU shortly before that (on vacation or on a business trip) and cannot return to Ukraine due to the war, can also receive assistance.

Before the start of the full-scale war, Ukrainians and persons who did not have the citizenship of the European Union or the countries of the Schengen zone needed permission for a long stay in [Germany](#) – a **residence permit (Aufenthaltstitel)**. But after the application of the Directive on temporary protection, the Federal Ministry of the Interior made an exception – it temporarily exempted Ukrainians and other persons fleeing the war from the need to obtain a residence permit (Aufenthaltstitel).

Starting from September 1, the duration of stay for Ukrainian citizens in Germany will begin to count again, taking into account all days a person stayed in the country since February 24, 2022. Ukrainians who have been in Germany for over 90 days must register and obtain temporary protection status or leave the country for the next 90 days.

In order to receive temporary protection in Germany, as well as state support in terms of housing, food and social security, Ukrainian citizens must first register. **An arrival certificate (Ankunftsnachweis)** is issued as proof of registration, and it can be used to apply to the local social security authority responsible for providing assistance. In the future, it is necessary to apply for a **residence permit (Aufenthaltstitel)**. If the immigration authorities are unable to quickly issue the permit, individuals may first be issued with a **temporary certificate of legal**

residence (Fiktionsbescheinigung) or confirmation of an electronic (online) application for a residence permit (Aufenthaltstitel). This temporary permit gives the right to employment and will be valid until the residence permit (Aufenthaltstitel) is issued. Processing the application [may last](#) no less than 1,5 months.

A temporary permit (Fiktionsbescheinigung) [does not entitle](#) its bearer to visa-free travel in the Schengen area, as a residence permit (Aufenthaltstitel) has not yet been issued. This rule also applies to other official certificates of registration or application, which are issued instead of a temporary certificate of legal residence in the country (Fiktionsbescheinigung). According to the [testimonies of Ukrainians](#), the procedure for obtaining a permit can last several months. During this period, the applicants had problems crossing the external borders of the EU, because their visa-free days had run out, and the residence permit had not yet been issued.

A residence permit is a plastic card and, in some cases, a stamp in a foreign passport, which is valid for 2 years. Currently, temporary protection and the corresponding residence and work permits are [valid in Germany](#) until March 4, 2024, and this term can be extended by a decision of the EU Council.

Permit holders can leave Germany and return by presenting a residence permit and a foreign passport. However, the permit (Aufenthaltstitel) becomes invalid if the person leaves Germany for a “non-temporary reason” (e.g. study) and/or is absent from Germany for more than six months. Also, if a person is receiving unemployment benefit II (ALGII), it is only allowed to leave Germany for three weeks or 21 days per year in order to continue receiving this benefit.

The Netherlands

In the Netherlands, Ukrainians applying for temporary protection can receive [a sticker in their passport or an O-document card](#) which are a form of residence permit. The sticker is put into the passport immediately, but it takes 3 weeks to make the O-document card.

However, in the first months of the war, [Ukrainians were receiving](#) only a Dutch identification number (BSN), which caused problems when traveling in the Schengen zone and returning to Ukraine.



Italy

Upon arrival in [Italy](#), within 8 days, Ukrainian citizens [must](#) personally contact the police station and submit a statement of presence on the territory of Italy ([dichiarazione di presenza](#)). If the person will be living in a private house, the host party in Italy should submit a Declaration of Hospitality ([comunicazione di ospitalità](#)) within 48 hours of the arrival of citizens of Ukraine. After that, Ukrainian citizens have to submit documents to the local Questura (Questura - Ufficio Immigrazione) to receive a **residence permit in Italy for temporary protection** (Permesso di soggiorno per protezione temporanea). The permit comes in a card form. Temporary protection in Italy lasts until March 4, 2023, and it can be automatically extended for another year (in 2 six-month terms). It provides a work permit for those aged 16 and over, as well access to healthcare, education and training in Italian schools and universities.

The deadline for issuing this permit has not been determined by the Italian authorities, but [according to Ukrainians](#), this procedure can last from 1 to 3 months, depending on the place of temporary residence. Ukrainian citizens have access to social security and work in Italy if they have a **document** confirming the application for temporary protection. This document may not be recognized in other Schengen countries as one proving legal residence. And that is why Ukrainians may have problems with documents when returning to the EU after a short-term trip to Ukraine. With a residence permit for temporary protection and a foreign passport, Ukrainians can enter and leave Italy and return to Ukraine for a short period of time.

TO THE ATTENTION OF THE SOLIDARITY WORKING PLATFORM, WHICH UNITES SPECIALIZED AUTHORITIES FROM THE EU AND UKRAINE, IT IS PROPOSED TO DISCUSS WAYS OF IMPROVING TEMPORARY PROTECTION TOOLS THAT ENSURE THE MOBILITY OF UKRAINIANS:

- PROVIDING A PASSAGE FOR UKRAINIAN CITIZENS TO EU COUNTRIES AFTER A SHORT-TERM TRIP TO UKRAINE, IN A SITUATION WHERE THE PERIOD OF VISA-FREE TRAVEL (90 DAYS WITHIN A PERIOD OF 180 DAYS) HAS ENDED.

- ISSUING RESIDENCE PERMITS FOR UKRAINIAN MINORS, WHICH WILL ALLOW THEM TO TRAVEL THROUGH THE SCHENGEN ZONE AND MAKE SHORT-TERM TRIPS TO UKRAINE TOGETHER WITH THEIR LEGAL REPRESENTATIVES WITHOUT ANY PROBLEMS.

- IMPROVING THE FORMS FOR RESIDENCE PERMITS THAT ARE CONNECTED TO TEMPORARY PROTECTION IN CERTAIN EU COUNTRIES, IN PARTICULAR, INCLUDING THE APPLICANT'S PHOTO CARD, AND DUPLICATION OF INSCRIPTIONS IN ENGLISH.

- OPTIMIZING THE TERMS OF ISSUING RESIDENCE PERMITS CONNECTED TO THE TEMPORARY PROTECTION TO UKRAINIANS, IN PARTICULAR DETERMINING THE DEADLINES FOR PROCESSING DOCUMENTS.

- UKRAINIAN AUTHORITIES GATHERING ALL RULES FOR ACQUIRING TEMPORARY PROTECTION AND RESIDENCE PERMITS IN VARIOUS EU COUNTRIES ON A SINGLE INFORMATION RESOURCE

