

# Destination Europe

## Temporary Protection Directive and the ongoing conflict in Ukraine

### Additional information for educators and trainers



Educators and trainers might be confronted with further questions regarding the Temporary Protection Directive and the ongoing conflict in Ukraine. This document provides additional information to some of the most asked questions that might be raised in this context.

What is the difference between beneficiaries of temporary protection and asylum seekers, as well as the distinction between temporary protection and asylum/international protection?

Beneficiaries of temporary protection are not referred to as asylum seekers as these are two different statuses (see [Destination Europe glossary entry for definitions of refugees and asylum seekers](#)). The distinction mainly comes from the risk/impossibility that the asylum system of the EU Member States would be unable to process applications in the case of a very high influx of people in need of protection. In other words, in the case of the Ukrainian conflict, the asylum procedure would not have been efficient and possible, considering the need for a fast and efficient answer to deal with millions of displaced people from Ukraine within a very short time in the beginning of the conflict.

Temporary protection, different from asylum/international protection, is limited in time and can last up to three years (until March 2025) depending on circumstances and decisions taken at EU-level. People under temporary protection are entitled to a residence permit or a right to remain in the territory for the entire duration of the protection/residence rights, with formalities reduced to a minimum (different from the more complicated and lengthy bureaucracy normally associated with applications for international protection).

At the same time, beneficiaries of temporary protection have the right to lodge an application for international protection at any time. In this case, their request would be treated as an ordinary application for international protection and Member States may provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while their applications are under consideration.

## Why do beneficiaries of temporary protection receive immediate protection / why is the process to receive temporary protection so fast compared to the asylum process?

The Council Implementing Decision<sup>1</sup> establishes the scope of temporary protection. The person concerned only must demonstrate his/her nationality, his/her international protection or equivalent protection status, residence in Ukraine or family links, as appropriate. Temporary protection is immediate, but Member States may decide for the fulfilment of certain requirements such as a registration form and presenting evidence. Since 2017, Ukrainian nationals with a biometric passport are visa-free travellers and once they arrive in the EU, they can move freely for up to 90 days within a 180-day period and travel to their chosen Member State (to join family and/or friends, for example).

This immediate and quick procedure was made possible via the Temporary Protection Directive, which was adopted in 2001 in the aftermath of the large-scale displacement in the context of the armed conflicts in the Western Balkans. Thus, this emergency mechanism aims to provide immediate and temporary protection in response to a high influx of displaced persons from third countries who are unable to return to their country of origin.

On the other hand, the application for international protection – leading to the refugee or subsidiary protection status if protection is granted – can take many months. It is based on individual assessments of each applicant. Currently people from outside the EU must apply for protection in the first EU country they enter, and it depends on their country of origin whether or not they can enter the EU without requesting a visa first.

## Why was the Temporary Protection Directive not triggered in 2015 when the EU was also faced with a challenging migratory crisis?

When the EU was faced with the challenging migratory crisis in 2015, the number of asylum seekers, mainly from Syria, Afghanistan and Iraq, mounted to over 1.2 million within a year across all EU Member States.<sup>2</sup> In other words, the persons seeking protection in the EU arrived more progressively throughout the year, compared to the very high influx of persons fleeing Ukraine within a very short time period at the beginning of the conflict. In the current context of the Ukrainian crisis, there was a high risk that the Member States' asylum systems would be overwhelmed and unable to process the arrival of so many people seeking protection in late February/early March 2022. As a consequence, it was decided to activate the Temporary

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<sup>1</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. URL : [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2022.071.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A071%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.071.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A071%3ATOC)

<sup>2</sup> Source: <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/>

Protection Directive in response. This risk was not deemed as high in 2015 due to the more progressive arrival of asylum seekers, and temporary protection was therefore not deemed the most suitable solution to the situation.

In addition, Ukrainian nationals are visa-free travellers to the EU since 2017, which means that they can move freely for up to 90 days within a 180-day period and travel to their chosen Member State (to join family and/or friends, for example). Persons from Syria, Afghanistan and Iraq applying for international protection in 2015, on the contrary, were not exempted from the visa regime, which means that they had to be given protection in the EU Member State of first entry.

**Information on the migration management in the context of the Ukrainian conflict:**

[https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine_en)

**School education gateway with articles and resources to support the integration of displaced children from Ukraine into the education systems of the EU Member States and Erasmus+ countries:**

<https://www.schooleducationgateway.eu/en/pub/latest/news/education-support-ua-refugees.htm>

**Information on the difference between Temporary Protection and Asylum within the context of the Ukrainian conflict:**

[https://eu-solidarity-ukraine.ec.europa.eu/system/files/2022-05/information\\_for\\_people\\_fleeing\\_russias\\_invasion\\_of\\_ukraine\\_en.pdf](https://eu-solidarity-ukraine.ec.europa.eu/system/files/2022-05/information_for_people_fleeing_russias_invasion_of_ukraine_en.pdf)

**Overview of data on migration and asylum from Eurostat:**

<https://ec.europa.eu/eurostat/web/migration-asylum>