

## **EU response to displacement from and within Ukraine**

### **ECRE Statement in advance of JHA Council 3/4 March 2022**

#### **Adopt the European Commission's proposal on temporary protection:**

- ECRE strongly endorses the proposed Council Decision on Temporary Protection: now is the time to trigger this mechanism to ensure that Member States are equipped to manage the response and that people receive protection and access to services swiftly;
- The triggering of the Temporary Protection Directive (TPD) is without prejudice to the prerogative of Member States to provide more favourable protection status. It should not be excluded that people leaving conflict and violence may be fleeing situations with characteristics and circumstances that qualify them as refugees under the 1951 Convention, or that other protection statuses may be appropriate; the TPD safeguards allowing access to asylum procedures should be respected;
- The TPD provides minimum criteria and Member States should consider more favourable protection conditions for persons covered under the measures, such as taking particular vulnerabilities and needs into consideration.

#### **Ensure responses for people fleeing Ukraine who are beyond the scope of temporary protection:**

- Options should be made available to third country nationals who fall outside the scope of the TPD; this may include access to asylum, leave to remain or temporary residence permits;
- For people who can return safely to their home countries, residence permits that allow time to make travel arrangements, as well as access to embassies and support for return travel, are needed.

#### **Provide access at borders:**

- All people fleeing Ukraine who are entitled to leave under national law must be able to leave the country and access the EU and other neighbouring countries;
- Member States should make use of the EC's [guidelines for external border management](#) to reduce congestion by relaxing border checks and authorising entry on humanitarian grounds including when third country nationals do not fulfill entry conditions. Detention on arrival should be limited and may only be used in compliance with EU law.

#### **Continue and expand preparations in reception and wider asylum systems:**

- All Member States should prioritise preparations for an increased number of people arriving by strengthening their asylum and reception capacities, including the provision of information and legal aid;
- Member States should remove Ukraine from Safe Country Lists;
- Flexibility has to be built into EU and national responses due to the unpredictability of events and the characteristics of the displacement from Ukraine.

#### **Provide emergency EU funding:**

- Emergency funding from the Asylum, Migration and Integration Fund (AMIF) should be mobilised to support the Member States most affected, including for reinforcing reception capacity, for staffing in asylum systems, and for civil society service provision of support;
- Where necessary, AMIF national programmes should be amended so resources for information provision, legal aid, and social, medical and psychological support can be guaranteed;
- Humanitarian support must be provided to Ukraine and Moldova, alongside an insistence on humanitarian access and respect for international humanitarian law.

#### **Rely on EU agencies to support access to territory and protection:**

- Member States most affected should call on the EU Asylum Agency (EUAA) for support – including operations – in order to reinforce asylum systems;
- Within the context of the European Commission's [guidelines](#) on external border management aimed at guaranteeing access at EU's border, the support from and deployment of Frontex should be considered, always to include the deployment of fundamental rights monitors.

#### **Offer solidarity contributions:**

- All Member States should offer support, including relocation when relevant, via the Solidarity Platform;
- As set out in the TPD, relocation should be available for all persons covered under temporary protection and take into consideration the preferences of the individuals concerned. Safe passage within Europe is essential.