

Annual General Conference 2022, 28 June, Brussels

Asylum in Europe: Strategies for Resistance and Resilience

Rue du Parnasse 19, 1050 Bruxelles

Workshop 1: Copenhagen room, 11h00 – 13h00

Title: Implementation of the Temporary Protection Directive and other temporary protection regimes across Europe

Lead organisation(s): ECRE

Objectives:

- To discuss the implementation of temporary protection regimes across Europe including challenges and good practices, with a focus on the TPD;
- To discuss access to rights under the TPD (and similar regimes) and identify key issues to address through litigation.

Moderator: Carla Camilleri, Aditus Foundation, Malta

Speakers:

- Julia Zelvenska, ECRE
- Eva Singer, Danish Refugee Council, Denmark
- Daniel Witko, The Helsinki Foundation for Human Rights, Poland

Structure/method:

(1) The first speaker will provide an overview of challenges and *status quo* relating to the temporary protection in Europe as identified by ECRE with a focus on the TPD (10 minutes).

(2) The other speakers will be invited to respond to the following questions (10 minutes each):

- The scope and beneficiaries of temporary protection regimes in their respective countries;
- Main challenges in accessing rights under the TPD and other temporary protection regimes in Europe and potential litigation;
- Good practices that are emerging under temporary protection regimes that could be used when litigating access to rights under other international protection regimes;

(3) Discussion with all participants inviting them to share their thoughts on the use of litigation to address challenges emerging in relation to the temporary protection regimes in their respective countries.

Description:

Following the full-scale military invasion into Ukraine in February 2022, millions of people were forced to flee seeking safety and protection. According to UNHCR, nearly 5 million refugees from Ukraine were recorded across Europe, with over 3,2 million refugees from Ukraine registered for temporary protection or similar national protection schemes in Europe.

On 3 March 2022, the European Commission invoked the Temporary Protection Directive (TPD) and on 4 March 2022 the Council implementing decision was adopted. All EU Member States apart from Denmark took part in the adoption of the Decision. The Directive is implemented across the Union in a non-harmonised way as it offers a significant latitude to MS and only provides for minimum standards of protection.

A number of European countries not bound by the Directive including Denmark, Iceland, Norway introduced temporary protection regimes with similar set of rights for those fleeing the invasion into Ukraine.

In practice, the scope of rights under temporary protection regimes are often unclear or interpreted differently. In addition, various impediments have been reported in accessing rights under TP.

The workshop will explore such challenges and offer a space to discuss whether these could be litigated with a view to states' obligations under domestic, EU and international law.