

Annual General Conference 2023, 15 June, Torino
Europe and Displacement: What works?
Polo del '900, via del Carmine 14
Workshop 3: Sala conferenze – San Celso building, 12h00 – 13h30

Title: Implementation of the TPD: preparing for the long term – comparative analysis of EUMS

Lead organisation(s): ECRE

Objectives:

- To discuss the latest developments related to the implementation of the TPD;
- To assess the existing longer-term options available to current TP holders, both at the EU and Member States' level;
- To discuss common recommendations for a coordinated transitioning out of the TPD.

Moderator: Ms. Adriana Romer – Legal Expert, Swiss Refugee Council

Speakers:

- Ms. Catherine Woolard – Director, ECRE
- Ms. Zuzanna Kaciupska – Lawyer, Association for Legal Intervention (TBC)
- Mr. Eero Janson – Director, Estonian Refugee Council

Structure/method:

Following input from the speakers, there will be a moderated discussion to which all participants are welcome to contribute.

Description:

The implementation of the Temporary Protection Directive has been successful in providing immediate protection to the people of Ukraine and reducing the administrative burden in the Member States. In just over a year, around 4 million people were able to benefit from the temporary protection and gained access to the set of rights included in the Directive.

Nevertheless, the implementation of the TPD has faced various challenges. Some of the key issues include the non-issuance or delayed issuance of residence permits, lack of administrative decisions, narrow family definitions, different interpretations of freedom of movement, overlooked vulnerabilities,

and insufficient access to suitable and long-term accommodation. Additionally, family reunification and identification and registration of unaccompanied and separated children are weak areas that require improvement. Furthermore, diverging policies in the Member States regarding pendular movements of TP beneficiaries between EUMS and Ukraine pose a high risk of premature withdrawal of the TP status, and thus, the suspension of related rights and benefits. These issues pose significant challenges to the successful implementation of the TPD and need to be addressed to ensure the protection of temporary protection beneficiaries.

The issue of continuous access to rights is the one requiring longer-term planning, strategy, and preparedness, particularly in the event of continuous violence impeding safe return of Ukrainians. Given the current validity of the TP regime until spring 2024, and its potential extension for the final third year until March 2025, it is important to develop strategies for transitioning out of the TP status in a timely and coordinated manner. Without prejudice to any of the possible options within the return-stay binary, and departing from the rights' perspective as well as the importance of migrants' agency, a range of parallel options should be considered. Those may vary, inter alia, from the option of voluntary return once that becomes possible, to the availability of national or EU-derived legal statuses (e.g. employment-based or EU long-term resident status).

Thus, this Workshop will provide a platform for discussing the latest developments related to the implementation of the TPD, assessing the potential strategies for longer-term inclusion and availability of alternative legal status for current TP holders upon the expiry of the current protection regime, as well as outlining the principles that should be followed while developing the respective strategies.