

TRANSITIONING TO WHAT?

LEGAL STATUSES AFTER TEMPORARY PROTECTION FOR PEOPLE DISPLACED FROM UKRAINE
PAPER 2: BELGIUM, FRANCE AND SPAIN

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ECRE WORKING PAPER **23**

FEBRUARY 2026

IN COOPERATION WITH THE BRUSSELS
SCHOOL OF GOVERNANCE



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European Council
on Refugees and Exiles

Introduction to Working Paper Series: Transitioning out of the TPD

This Working Paper is one of a series of working papers published by ECRE in cooperation with Brussels School of Governance (BSoG) at the Vrije Universiteit Brussel (VUB) investigating what is likely to happen after the end of the Temporary Protection Directive (TPD) protection regime and national equivalents.

The Working Papers analyse the options available in law and whether they are actually accessible in practice for those currently benefiting from temporary protection (TP) status, considering a total of 12 countries as case studies.

The starting point for the research was previous studies on the options available after the end of the TPD, currently extended until March 2027, including ECRE's paper [Transitioning Out of the Temporary Protection Directive](#), and the pressing need to ensure that the millions of people displaced from Ukraine will have access to status and rights if return to Ukraine – most people's favoured option – is not possible.

The three papers were prepared by students at BSoG under the Capstone in International and European Law course. They cover the following case studies:

- TPD Working Paper 1: Germany, Austria, Czechia, Estonia, Latvia, Lithuania and Republic of Moldova.
- TPD Working Paper 2: Belgium, Spain and France.
- TPD Working Paper 3: Italy and Poland.

After describing the legal statuses available, the papers provide recommendations for each country in turn. Analysing all three papers, the following conclusions can be drawn:

- *The risk of large-scale irregularity is high – along with related political crises*

Given the complex national landscapes, the often stringent requirements and/or opacity when it comes to other statuses, the absence of planning and the limited introduction of bridging statuses, the Working Papers collectively show that the risk of irregularity – or at least precarity of status – is high. It should be noted that there are probably already considerable numbers of people from Ukraine in irregular situations (although again reliable numbers are not available).

- *Political crises cannot be excluded*

The response to displacement from Ukraine has been exceptional in many senses; one of these is the absence of a political crisis linked to the arrival of refugees. The political panic, paralysis and tension between states that usually occur in situations of mass arrivals has not arisen for a [variety of reasons](#). The Working Papers underline that complacency should be avoided, however. The lack of preparedness, combined with the high numbers of displaced people, could lead to factors that provoke social tension and then related political conflict. For instance, irregularity is accompanied by exploitation, destitution and criminality. Or the difficulty in accessing secure, long-term status may increase onward movement. Anti-EU forces will be ready to take advantage of social tensions to generate and ride political crises and conflicts between and among Member States.

- *National protection statuses are very useful tools – but rules are highly opaque*

In all the country studies, a safety net is provided by the existence in law of national protection statuses, primarily used for people who require protection, but do not qualify for refugee or subsidiary protection statuses under EU law. Nonetheless, the Working Papers confirm the findings of previous research, such as ECRE's paper, [Pathways to Protection](#), that these statuses appear to be used rarely (although only partial information is available), are highly discretionary, and the rules on their use are not transparent.

➤ *Bridging statuses should be introduced where not yet in place*

The value of bridging statuses that allow TP holders to transition to other statuses without a period of limbo appear to be highly valuable. Given the risks described above, ensuring that people currently benefit from TP can move to a bridging status while applying for, waiting for, organising or seeking to meet the eligibility criteria for other statuses is a useful management approach. All Member States should reflect on introducing this option.

The TPD as a residual status may be essential for the protection of vulnerable groups

All the Working Papers identify particular risks for vulnerable groups, and particularly those who are unable to access the labour market, for instance due to age, education level, language reasons or disability. The most obvious status to transition to is a work-based permit – host states are all struggling with labour shortages and have an interest in retaining refugees able to work. Nonetheless, first, requirements are often stringent, and, second, there is a significant divergence in labour market absorption rates for Ukrainian refugees. Given the even greater challenges of access to other statuses, the continued existence of the TPD appears wise, meaning further renewals after 2027. It is a safer safety net than national protection statuses.

➤ *A collective approach facilitated by the EU remains essential*

The generally excellent response to displacement from Ukraine has been undermined by the lack of long-term collective planning by the EU. One of the keys to the success of the response at the start was the assertive and protection-focussed leadership of the European Commission, which has since dissipated, with the post-TPD approach likely to be in the hands of the states, with a variety of national approaches leading to fragmentation. There are political factors that hinder EU leadership on long-term post-TPD planning, including the disinclination of Member States to work through the EU on migration issues beyond the CEAS, the presence of Russia-friendly governments in the Council, and the pressure from the government of Ukraine, for which return is the only acceptable outcome. Nonetheless, through guidance, funding and convening power, such as the EMN, the EU must support consistency across the EU for post-TPD scenarios. The Working Papers demonstrate the risk of fragmentation but also the potential for states adopting good practices from each other.

➤ *Societal support for a smooth transition remains key*

Given the complexity of the national legal environments and the challenges of proving eligibility for other statuses, support from independent and expert advisors and assistance bodies will be important. One of the reasons for the success of the TPD regime was the broader societal engagement. While the flood of international responders has already significantly reduced, the role for local civil society remains essential. Ensuring that local authorities, civil society, community organisations, and the Ukrainian Diaspora have the resources to support people through the transition to other statuses (or to voluntary return) is important.

ECRE Working Papers present research and analysis on asylum and migration. Their purpose is to stimulate debate by showcasing emerging ideas. Working Papers are commissioned by ECRE; the views they contain are those of their authors and do not necessarily represent ECRE's positions.

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LIST OF ABBREVIATIONS

AIDA	— Asylum Information Database
CEAR	— Comisión Española de Ayuda al Refugiado
CEAS	— Common European Asylum System
CESEDA	— Code de l'entrée et du séjour des étrangers et du droit d'asile (France)
CGRS	— Commissariat général aux réfugiés et aux apatrides (Belgium)
CPAS	— Public Centre for Social Welfare (Belgium)
ECRE	— European Council on Refugees and Exiles
EU	— European Union
ICMPD	— International Centre for Migration Policy Development
IPREM	— Indicador Público de Renta de Efectos Múltiples (Spain)
MIR	— Ministerio de Inclusión, Seguridad Social y Migraciones (Spain)
MS	— Member States
NGO	— Non-Governmental Organisation
OAR	— Oficina de Asilo y Refugio (Spain)
OFPRA	— Office français de protection des réfugiés et apatrides
PUMA	— Protection universelle maladie (France)
RSA	— Revenu de solidarité active (France)
SNS	— Sistema Nacional de Salud (Spain)
TP	— Temporary Protection
TPD	— Temporary Protection Directive (2001/55/EC)
TIE	— Tarjeta de Identidad de Extranjero (Spain)
UNHCR	— United Nations High Commissioner for Refugees

GLOSSARY

Aliens Act (Belgium): Belgium's main legislative instrument governing entry, residence, regularisation, asylum, and removal of foreign nationals.

Arraigo (Spain): a family of exceptional residence permits available in Spain for individuals with strong integration, family links, or employment ties.

CEAR (Comisión Española de Ayuda al Refugiado): Refugee organisation providing reports, statistics, and analysis of national asylum and reception systems.

CESEDA (France): French code governing entry, residence, and asylum rights.

Extranjería (Spain): regional immigration offices responsible for processing residence permits, family reunification, and *arraigo* applications.

Larga Duración (Spain): Spain's Equivalent of EU long-term residence, requiring five years of continuous legal stay.

SUMMARY

This report assesses the regulatory frameworks governing the transition of beneficiaries of Temporary Protection (TP) to longer-term residence in Belgium, France, and Spain. It also evaluates the efficacy of existing national pathways in supporting a stable rights-based post-TP future for Ukrainians as the 2027 expiry of the Temporary Protection Directive (TPD) approaches. The analysis draws on national legislation, AIDA country reports, ECRE and UNHCR guidance, and recent government practice to determine the feasibility, accessibility, and continuity in provision of rights of the three countries' systems.

Key findings

- *Legal pathways exist in all three states but are uneven, complex and often poorly aligned with the lived realities of TP beneficiaries.*

While each state offers a range of possibilities, including employment-based permits, family reunification, study pathways, humanitarian grounds, or long-term residence, the accessibility of these options varies significantly. High income thresholds, onerous documentation requirements and administrative bottlenecks act as significant barriers to access, particularly for individuals with fragmented labour trajectories or insecure housing.

- *Three Structural issues are common across Belgium, France and Spain:*
 - Uncertainty over the counting of TP years towards long-term residence.
 - Regression of socio-economic rights for those transitioning from TP to national permits.
 - Administrative overload, backlog and discretionary decision-making leading to several delays, inconsistent outcomes, and unequal treatment.
- *Divergent national approaches produce different post-TP prospects across the EU*

Of the three countries analysed, Spain offers the most coherent transition environment. The labour market structures, simplified procedures, and more flexible documentary standards of the country in question facilitate the attainment of work and study permits on a broad scale. France presents a multifaceted situation in this regard. On the one hand, the country offers accessible humanitarian pathways and protections; on the other hand, however, employment-based routes are constrained by salary thresholds and stringent employer requirements. The most significant obstacles are present in Belgium, characterised by stringent income requirements, substantial documentation demands and a legal framework that appears to lack adaptation to the huge scale of TP transition that needs to take place.

Comparative assessment

Spain's more proactive and integration-oriented policies position it as the most stable transition situation of the three states analysed. France's approach is characterised by its fragmentation, yet it remains applicable for applicants who meet specific economic or humanitarian criteria. It is argued that Belgium's system risks producing a significant cohort of people who may not qualify for any feasible pathway despite years of lawful residence under TP.

Across all three countries, the failure to provide adequate clarification regarding long-term residence eligibility, particularly with regard to the role of TP years, poses a significant EU-wide risk of irregularity, instability, and protection gaps.

Policy recommendations

- National policies should be developed and implemented on the applicability of years spent under TP to qualification for long-term residence.
- Continuity of rights should be ensured for beneficiaries transitioning from TP to prevent the loss of essential socio-economic protections.
- Procedures should be streamlined by reducing documentation burdens and clarifying employer obligations.
- The more flexible pathways should be expanded, particularly study, labour market insertion programmes and humanitarian grounds, to reflect actual integration patterns.
- An EU-coordinated transition framework should be developed. It should align with the 2025 principles established by the UNHCR, as well as the exit strategy devised by the Commission. This will serve to prevent fragmentation across Member States.

Overall message

The post-TP legal landscape remains unclear. In the absence of a coordinated, rights-based strategy, the EU risks supplanting a highly effective protection scheme with new barriers that have the potential to erode integration and engender long-term instability. Belgium, France and Spain exemplify the opportunities but also the urgent need for harmonised action as 2027 approaches.

1. INTRODUCTION

The present report undertakes an assessment of the legal pathways available to Ukrainians in Belgium, France and Spain as the European Union transitions out of the Temporary Protection Directive (TPD) in March 2027. Utilising a range of sources, including AIDA country reports,^{1,2,3} national legislation, ECRE's 2024 Policy Paper,⁴ UNHCR's 2025 Transition Principles,⁵ CEAR⁶ and Myria comparative evaluations,⁷ and the European Commission's 2025 Exit Strategy,⁸ the study explores the feasibility, challenges, risks, and rights associated with post-TP statuses in each Member State.

All three countries offer multiple legal avenues, including asylum, subsidiary protection, humanitarian residence, employment-based permits, study permits, and family reunification.⁹ Spain additionally offers *arraigo*, a flexible regularisation mechanism increasingly suitable for TP beneficiaries. However, significant practical barriers exist across the three jurisdictions, which limit real accessibility. These include administrative backlogs, inconsistencies in local implementation, documentary hurdles, and unclear rules on whether years spent under TP count towards EU long-term residence under Directive 2003/109/EC.

The absence of a coordinated transition plan is a salient feature of Belgium's governance, which is characterised by a fragmentation of authority between federal and regional bodies. The imposition of elevated salary thresholds for work permits, in conjunction with the absence of transparency in the context of humanitarian protection, serve to impede access. France has robust legal protection frameworks in place, yet prefectural disparities, the stringency OFPRA, and prefecture backlogs, in conjunction with documentation barriers, compromise their practical application. Spain has been identified as the most proactive nation in terms of transition, as evidenced by its implementation of *arraigo* and in-country status modifications. However, it is important to note that regional disparities, appointment shortages, and legal uncertainty continue to persist.

Across all three states, three structural risks emerge: The three factors that must be considered are as follows: firstly, the absence of guaranteed continuity of residence after TP;¹⁰ secondly, the downgrading of socio-economic rights¹¹ when shifting from TP to ordinary

¹ AIDA, *Country Report: Belgium* section 'Asylum procedure: access to the procedure' (Asylum Information Database, 2025). <https://asylumineurope.org/reports/country/belgium/>

² AIDA, *Country Report: France* sections 'Residence permits' and 'Humanitarian status' (Asylum Information Database, 2025). <https://asylumineurope.org/Reports/country/france/>

³ AIDA, *Country Report: Spain* 'Temporary Protection', 'Regularisation' and 'Administrative Practice' (Asylum Information Database, 2025). <https://asylumineurope.org/reports/country/spain/>

⁴ ECRE, *Policy Paper 13: Transitioning Out of the Temporary Protection Directive* (ECRE 2024).

⁵ UNHCR, *Recommendations on the Continued Use of Temporary Protection and Guiding Principles for Transition* (2025). <https://www.refworld.org>

⁶ CEAR, *Informe 2024 sobre la Situación de los Refugiado en España* (2024). <https://www.cear.es/informes/>

⁷ ICMPD, *Phasing Out of Temporary Protection? Shaping EU Policies through National Experiences* (ICMPD 2025). <https://www.icmpd.org>

⁸ European Commission, *Proposal for a Council Recommendation on a Coordinated Approach to the Transition out of the Temporary Protection for Displaced Persons from Ukraine* COM (2025) 651 final.

⁹ AIDA (nn 1-3).

¹⁰ Council Directive 2003/86/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [2004] OJ L16/44 (Long-Term Residence Directive).

¹¹ OFPRA, *Rapport d'activité 2024* (OFPRA 2025) <https://www.ofpra.gouv.fr>.

permits; and thirdly, the risk of large-scale irregularity if administrative systems become overwhelmed before 2027.

Adopting the analytical framework recommended by ECRE, this chapter provides an evidence-based assessment of access conditions, practical effectiveness and protection gaps in post-TPD contexts.¹² A comparative approach contextualises national practices within the broader EU policy debate on the phasing out of TP as set out in the Council Recommendation of 16 September 2025 on a coordinated transition out of the TPD.¹³ The recommendation urges MS to 'build bridges' between the TPD and standard residence permits to ensure the continuity of rights, minimise irregularity and prevent protection gaps. This paper operationalises these objectives by providing country-specific evidence of how existing legal frameworks align – or fail to align – with the proposed EU strategy.

2. EU FRAMEWORK

The EU's response to the displacement of people from Ukraine since 2022 is anchored in the TPD, activated for the first time in order to provide an immediate and harmonised protection regime.¹⁴ The TPD grants residence rights, access to employment, healthcare, education and limited family reunification, while allowing beneficiaries to move between Member States.¹⁵ Although the Directive has been extended until March 2027, it contains no automatic transition mechanism, leaving post-TP pathways to the discretion of Member States.

Concurrently, the EU asylum *acquis*, namely the Qualification Directive, the Asylum Procedures Directive and the Reception Conditions Directive remain applicable.¹⁶ Individuals granted TP retain the right to seek asylum; nevertheless, certain states, including Belgium, have temporarily suspended the processing of Ukrainian asylum claims during TP. This has the potential to contribute to legal uncertainty, particularly in light of the extensive delays and backlogs that have been documented in AIDA country reports.¹⁷

A salient dimension pertains to the Long-Term Residence Directive (2003/109/EC – LTRD), which confers a durable status following a five-year period of continuous legal stay.¹⁸ A pivotal aspect that remains unresolved is the question of whether years spent under temporary protection are to be considered in fulfilling this requirement. The European Commission's 2025 Exit Strategy highlights this ambiguity and recommends that Member States recognise TP years towards long-term residence, with a view to preventing irregularity and ensuring

¹² ECRE (n 4).

¹³ Council of the European Union, *Recommendation on a Coordinated Approach to the Transition Out of Temporary Protection for Displaced persons from Ukraine* (16 September 2025) <https://www.consilium.europa.eu> (Council Recommendation).

¹⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection [2001] OJ L212/12.

¹⁵ *ibid* arts 8-16.

¹⁶ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for person eligible for subsidiary protection, and for the content of the protection granted [2011] OJ L337/9 (Qualification Directive).

¹⁷ AIDA (nn 1-3).

¹⁸ Council Directive 2003/86/EC (n 11).

continuity of rights.¹⁹ Similarly, the 2025 Transition Principles of UNHCR emphasise non-regression, legal certainty and the safeguarding of vulnerable groups.²⁰

As posited by Directive 2003/86/EC on family reunification, a harmonised framework is provided, yet Member States are at liberty to impose income, housing and documentation requirements that significantly affect accessibility.²¹ The Students and Researchers Directive (2016/801/EU) offer study-based options, though financial and linguistic requirements frequently limit their feasibility.²²

Recent policy analyses by ECRE and ICMPD have highlighted increasing structural risks as the 2027 deadline approaches. These risks include fragmentation between national practices, uncertainty over residence continuity, and the potential for widespread irregularity.²³ To address these risks, the Commission's 2025 Proposal calls for coordinated national transition plans, simplified procedures, recognition of TP years, and proactive safeguards to ensure that beneficiaries do not experience a sudden loss of rights.²⁴

3. COUNTRY ANALYSIS

3.1. Case study: Belgium

3.1.1 Available statuses

The following statuses are available in law in Belgium:

- International Protection under 1951 Refugee Convention²⁵ and Directive 2011/95/EU²⁶ (transposed in the Aliens Act,²⁷ articles 48/3-48/4)
- Humanitarian Residence (“Autorisation de séjour pour raisons humanitaires”) on grounds under article 9bis Aliens Act²⁸
- Work Related Residence under 2019 Single-Permit system transposing Directive 2011/98/EU²⁹
- Study Residence³⁰

¹⁹ European Commission (n 9).

²⁰ UNHCR (n 5).

²¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification [2003] OJ L251/12.

²² Directive (EU) 2016/801 of the European Parliament and Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing [2016] OJ L132/21.

²³ ICMPD (n 8); ECRE (n 4).

²⁴ European Commission (n 9).

²⁵ *Convention Relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Refugee Convention).

²⁶ Directive 2011/95/EU (n 14).

²⁷ Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (Aliens Act), arts 48/3-48/4 (Belgium).

²⁸ *ibid* art 9bis.

²⁹ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory for a Member State and on a common set of rights for third-country workers legally residing in a Member State [2011] OJ L343/1 (Single Permit Directive).

³⁰ Aliens Act (n 14) arts 58-61.

- Family Reunification³¹

3.1.2 Achievability

The federal and provincial authorities of Belgium have not yet developed a particular "transition clause" for TPD recipients. Consequently, the transition from TPD to national statuses occurs through ordinary procedures rather than an immediate conversion.

◇ Asylum and Subsidiary Protection

Asylum for Ukrainians is hampered due policies in Belgium. The country has suspended asylum processing for Ukrainians under TP until 2027, so there are no records of prospects after the scheme ends.³² The system already faces 39,000 pending cases in late 2024³³ and an overall recognition rate of only 47%.³⁴ As most Ukrainians fled generalised conflict rather than individual persecution, eligibility for international protection after 2027 is uncertain. Additionally, the senior population, single parents and the medically vulnerable are particularly affected by the administrative and psychological challenges posed by lengthy procedures, burdensome documentation and crowded receptions areas.³⁵

◇ Humanitarian Residence

Regularisation on humanitarian grounds is highly discretionary. It is also procedurally demanding.³⁶ The grounds for humanitarian regularisation are set out in the Aliens Act, art 9bis. Alternatively, there is also regularisation for medical reasons which is set out in art 9ter. Applications require detailed evidence of exceptional hardship or lack of medical care in Ukraine. Success rates are consistently low, at around 30% according to Myria 2024 report, and decisions may take years. Thus, making this humanitarian residence inaccessible to most TP beneficiaries, who often lack the legal counsel and documentation needed.

◇ Employment-based Permits

Belgium's post-TP framework favours labour market-integration. Beneficiaries may apply for the regional single permits, however high salary thresholds (€51,000+ for skilled work; €66,000+ for EU Blue Cards) and the reliance on employer sponsorship exclude many beneficiaries.³⁷ Those in low wage or part time employment are unlikely to qualify. Administrative delays further disrupt the continuity of residence. The emphasis on employability risks marginalisation of persons outside the labour market.

◇ Study-based Permits

³¹ *ibid* arts 10-13.

³² AIDA, (n 1) section 'Asylum procedure: access to the procedure'; Eurostat, Temporary Protection for Persons Fleeing Ukraine – Monthly Statistics (2025) https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine

³³ CGRS, 'Asylum Statistics 2024' (2024). <https://www.cgrs.be>

³⁴ *ibid* 8-9.

³⁵ FEDASIL, *Reception of Applicants for International Protection in Belgium* (2025) <https://www.fedasil.be/en>

³⁶ Aliens Act (n 25) arts 9bis-9ter.

³⁷ Expat Management Group, 'New 2025 Immigration Salary Thresholds in Wallonia and Flanders' (2025). <https://expatmanagementgroup.com>

Transition through education remains marginal. Applicants must demonstrate university admission, financial stability, and frequently pay non-EU tuition fees.³⁸ The language requirements (Dutch/French) and limited scholarships make this option viable only for young resource-secure students.

◇ Family Reunification

Since March 2024, Belgium has restricted 'derived status' to pre-war familial relationships.³⁹ Other relatives must fulfil regular sponsorship rules, including a stable income, adequate housing, and insurance which may be difficult for some TP holders to meet.⁴⁰ Documentation from Ukraine remains difficult to procure despite partial acceptance of digital certificates.

3.1.3 Challenges

Systemic barriers in Belgium's post-TP framework restrict access to durable status. The absence of a coordinated national transition plan, coupled with the division of competences between federal bodies and regional labour authorities results in fragmented procedures and inconsistent access.⁴¹ A bias towards labour market integration further restricts pathways, favouring employment-based residence over humanitarian or family routes, with the risk of excluding individuals who cannot meet labour market or income criteria.⁴²

Administrative capacity is inadequate with chronic backlogs at the immigration office and regional permit offices delaying decisions, and discretionary and regularisation processes lacks transparency and predictability. Beneficiaries lack clarification on whether TP years count towards requirements for long-term residency, causing legal ambiguity. Finally, Belgium collects no data on status changes, leaving policymakers and NGOs with insufficient evidence to develop targeted support or forecast post-2027 needs.

3.1.4 Risks

An analysis of the data reveals the presence of both irregularity and protection gaps. The absence of a transition mechanism means that beneficiaries risk falling into irregularity once the TPD expires. NGOs such as Vluchtelingenwerk Vlaanderen have expressed concerns that a significant number of individuals could remain without residence if mass regularisation is not introduced.⁴³

Socio-economic factors are also key considerations as Belgium's heavy reliance on employment-based routes has the potential to exclude individuals unable to work due to disability, age, or care duties. The Myria 2024 report underscores that labour-market

³⁸ AIDA (n 1) section 'Residence and study permits.

³⁹ Ibid Annex 'Temporary Protection update 2025'.

⁴⁰ Ibid 31 (quoting Immigration Office communication, January 2025)

⁴¹ Carrera S, *The EU and the Ineffectiveness of Expulsion Policies* (Springer Briefs in Law, Springer 2016).

⁴² ICMPD (n 8); Van Meeteren M and Sur M, *Territorial Ironies: Deservingness as a Struggle for Migrant Legitimacy in Belgium* (2020) 33 *International Journal of Politics, Culture, and Society* 575.

⁴³ Vluchtelingenwerk Vlaanderen, 'Persbericht over Einde van Tijdelijke Bescherming' (2025). <https://vluchtelingenwerk.be> ; ICMPD (n 8)

conditionality establishes a dual-tiered protection framework that prioritises economically active population.⁴⁴

Temporary protection enables individuals to undertake short return trips to Ukraine; however, standard asylum and humanitarian statuses under Belgium law do not. It is important to note that exceeding three consecutive months abroad has the potential to disrupt continuous residence and consequently disqualify applicants from long-term residence as outlined in Directive 2003/109/EC.⁴⁵

The phenomenon of fragmentation of regional practice is evident. Employment and integration competences are regionally specific. This results in discrepancies in the criteria for single permits and integration across the regions of Flanders, Brussels and Wallonia, leading to inconsistent access to the same EU-derived rights.⁴⁶

3.1.5 Rights attached to statuses

The table below provides a comparative analysis of the rights attached to different statuses.

Status	Work rights	Social assistance	Healthcare	Family reunification	Long-term residence path ⁴⁷	Travel to Ukraine
TP (current)	Full	Yes (CPAS)	Full	Limited	Unclear if 5 years count	Allowed (short trips)
Refugee/Subsidiary Protection⁴⁸	Unlimited	Full	Full	Facilitated	Yes, after 5 years	Risky (cessation risk)
Humanitarian (9bis)⁴⁹	Limited/conditional	Limited	Conditional	Difficult	Not automatic	Allowed (but may weaken claim)
Medical (9ter)	Limited	Limited	Guaranteed	Difficult	No	Allowed if medically safe
Single Permit (work)⁵⁰	Employer-tied	Very limited	Full (via insurance)	Possible (strict)	Requires continuous income	Allowed
Student⁵¹	20hrs/Week	No	Full	Rare	No	Allowed
Family Reunification	Full	Linked to sponsor	Full	Yes	Yes, after 5 years	Allowed

Figure 1. *Comparison of statuses: Belgium (prepared by the author).*

This table illustrates a structural problem in Belgium where the majority of post-TP statuses are accompanied by a loss of rights, especially for economically inactive individuals.

⁴⁴ Myria (n 7) 112.

⁴⁵ Council Directive 2003/109/EC (n 16) arts 4-9.

⁴⁶ ICMPD (n 8) 31.

⁴⁷ Ibid.

⁴⁸ AIDA (n 1) section 'Content of international protection'.

⁴⁹ Myria (n 7) 52.

⁵⁰ AIDA (n 1) section 'Access to the labour market'.

⁵¹ Ibid section 'Residence and study Permits'.

3.1.6 Recommendations for Belgium

- Recognise TP years towards long-term residence under Directive 2003/109/EC to ensure continuity of rights and prevent irregularity.
- Adopt a national transition plan complete with clear guidance, timelines, and communication channels for beneficiaries before 2027.
- Introduced simplified or accelerated procedures for TP holders seeking humanitarian or work-based residence permits.
- Lower salary thresholds and reduce employer sponsorship rules in order to reflect the actual labour market participation of Ukrainians.
- Reduce administrative burdens as well as increased acceptance of digital Ukrainian civil status documents.
- Implement uniform regional practices across Flanders, Wallonia and Brussels regarding Single Permit criteria and integration requirements.
- Track status transitions to support evidence-based policy planning and NGO advocacy.

3.1.7 Conclusions on Belgium

In principle Belgium offers a diverse range of legal statuses, but practical accessibility is limited due to structural constraints, fragmented governance, and procedural opacity. The most viable options (international protection and employment-based) are either procedurally barred (asylum freeze) or cost prohibitive (single permits).

3.2. Case study: France

3.2.1 Available statuses

France has implemented the TPD via the CESEDA,⁵² leaning that Ukrainians can hold a carte de séjour “bénéficiaire de la protection temporaire”. Once this protection ends the following legal statuses are available:

- International Protection⁵³
- Humanitarian residence⁵⁴
- Employment-based residence⁵⁵ – ‘salarié’, ‘travailleur temporaire’ or ‘carte bleue européenne’
- Study based residence⁵⁶ – Carte de séjour “étudiant” for those admitted to higher education.
- Family reunification⁵⁷

⁵² *Code de l’entrée et du séjour des étrangers et du droit d’asile* (CESEDA) (consolidated version, as amended by Loi n° 2024-1299 du 22 Décembre 2024).

⁵³ Ibid arts L712-1 et seq.

⁵⁴ Ibid arts L435-1 et seq.

⁵⁵ Ibid arts L421-1 et seq.

⁵⁶ Ibid arts L422-1 et seq.

⁵⁷ Ibid arts L431-1 et seq. ; Council Directive 2003/86/EC (n 19) arts 5-10.

3.2.2 Achievability

◇ Asylum and Subsidiary Protection

While France recorded around 56,000 active Ukrainian TP cards in 2024, only a small number of people applied for asylum. That year, 6,923 Ukrainian nationals were granted protection.⁵⁸ Recognition depends on demonstrating individual risk, which can be challenging for those fleeing a generalised conflict. The OFPRA backlog, which often exceeds 120,000 pending cases, prolongs procedures beyond 12 months which discourages applications. The withdrawal of free reception benefits once TP ends, is further undermined by administrative constraints making the procedure less feasible.

◇ Humanitarian Residence

Although humanitarian permits are legally flexible, they are practically discretionary. Prefectures vary widely in their interpretation and there are no transparent criteria or national data. Applicants must prove strong personal ties or vulnerability, often through documentation that displaced Ukrainians cannot obtain. Decision can take more than a year, during which time applicants are not entitled to social benefits or work rights.⁵⁹

◇ Employment-based permits

France promotes labour market integration but sets high thresholds. The typical *salarisé* permit requires a documented contract, employer sponsorship, and compliance with labour market criteria. To be eligible for the EU Blue Cards an annual salary of €53,836 and a higher education diploma are required.⁶⁰ Many TP beneficiaries work in lower skilled or informal positions that do not qualify. Without eased conversion processes, employment will only provide residency for a minority of TP holders.

◇ Study-based Residence

Although the study option is open to young or well-resourced TP beneficiaries, most people are excluded due to financial requirements (approximately €820/month) and linguistic barriers.⁶¹ Tuition and living expenses even with university subsidies, means that this option is only feasible for a select few.

◇ Family Reunification

Family reunification is primarily available to recognised refugees or holders of subsidiary protection. Sponsoring family members must demonstrate a stable income and suitable accommodation. These conditions are rarely met by TP beneficiaries,⁶² and prefectures may require certified documents from Ukraine despite the ongoing conflict, which further reduces the feasibility of family reunification.

In principle, all legal channels are still open, but in practice they are hindered by poor procedural accessibility, inconsistent administration and limited guidance on transition from TP. France has not issued any policies clarifying whether years spend under TP count towards

⁵⁸ AIDA (n 2) section 'Temporary Protection'; La Cimade, Rapports annuels sur l'asile et la migration (La Cimade, 2024) <https://www.lacimade.org/ressources/>

⁵⁹ AIDA (n 2) section 'Humanitarian residence and prefectural practice'.

⁶⁰ Centuro Global, *France Immigration Policy 2025* (Centuro Global, 2025) <https://www.centuroglobal.com/article/france-immigration-policy/>

⁶¹ Campus France, *Étudier en France – Conditions 2025* <https://www.campusfrance.org>

⁶² OFPRA, *Family Reunification* <https://www.ofpra.gouv.fr/en/family-reunification>

5 year continuous residence requirement for long term EU residence permits which leaves the future prospects of TP holders uncertain.⁶³

3.2.3 Challenges

The absence of a structured national transition plan is the main obstacle. Responsibilities for implementation are dispersed among OFPRA, prefectures and regional employment services, resulting in inconsistent decision-making. Long waiting periods for appointments and document renewals are generated by administrative backlogs and limited capacity at prefectures. A rising policy tendency towards economic activation limits protection choices to those who can work, pushing the elderly, caregivers and people with health issues to the side.⁶⁴ Humanitarian regularisation remains unclear, and applicants often encounter different treatment in different areas. A lack of disaggregated data on TP status conversions prevents evidence-based planning, and unclear guidance on long-term residence eligibility fosters legal uncertainty.

3.2.4 Risks

Without clearer transition mechanisms, thousands of TP beneficiaries risk losing their lawful status once the protection period ends. Those unable to satisfy the income or employment criteria, especially single mothers, the elderly and those with medical vulnerabilities, may become irregular or dependent on emergency aid. The absence of recognition of TP years towards long-term residence exacerbates this insecurity. Individuals shifting to national protection lose the TP's acceptance of short visits to Ukraine, with any prolonged absence potentially disrupting residence continuity and resulting in status loss,⁶⁵ and these risks cumulatively undermine integration and humanitarian considerations.

3.2.5 Rights attached to statuses

The table below provides a comparative analysis of the rights attached to different statuses.

⁶³ Service-public.fr, *Carte de résident de longue durée - UE* (2025) <https://www.service-public.fr/particuliers/vosdroits/F1453>

⁶⁴ Myria (n 7) 45.

⁶⁵ AIDA (n 2) section 'Residence continuity and mobility'.

Status	Work Rights	Social Assistance	Healthcare	Family Reunification	Long-Term Residence ⁶⁶	Travel to Ukraine
TP	Full access to labour market under TP scheme	Allowances and reception support linked to TP	Access to healthcare via PUMA once affiliated ⁶⁷	Limited; mainly for nuclear family under TP rules	Unclear	Short visits
RSP⁶⁸	Full and unconditional access to employment; no work permit required	Access to RSA and housing support, subject to general eligibility ⁶⁹	Full PUMA coverage	Facilitated family reunification under CESEDA ⁷⁰ (income conditions waived for core family)	Eligible after 5 years	Allowed but may trigger cessation
Humanitarian residence	Work authorised if residence permit includes right to work	Limited; entitlement varies by type of permit and prefectural practice	PUMA coverage possible but often restricted until card issued	Difficult; requires income, housing and documentary proof of family links	No automatic path (must qualify for another status)	Allowed but repeated or long travel can prejudice renewal
Employment permit⁷¹	Work tied to a specific employer and contract; Blue Card subject to high salary threshold	Very limited; focus on income from work rather than welfare	Full PUMA through employment contributions	Possible; subject to strict income and housing requirements	Eligible after 5 years	Travel allowed but subject to general residence rules
Student residence	Work up to 60% of full-time hours allowed	N/A	Access to PUMA possible with contributions or student status	Limited; usually not a basis for family reunification	No direct pathway (must switch to other status such as work permit)	Travel allowed but subject to residence card validity
Family reunification	Full access to the market labour	Social rights linked to sponsors situation and general rules	Full PUMA coverage	Granted where sponsor meets income, housing and family link conditions	Eligible after 5 years	Travel allowed subject to residence rules

Figure 2. Comparison of statuses: France (prepared by the author).

⁶⁶ ICMPD (n 8) 31.

⁶⁷ Code la sécurité sociale (France), arts L160-1 et seq (Protection Universelle maladie – PUMA)

⁶⁸ Service-public.fr, *Statut de réfugié et protection subsidiaire* (30 June 2025) <https://www.service-public.fr/particuliers/vosdroits/F299>

⁶⁹ Law No 2008-1249 du 1er décembre 2008 généralisant le revenu du solidarité active (RSA).

⁷⁰ CESEDA (n 50) arts L713-1 et seq.

⁷¹ AIDA (n 2) section 'Employment and social assistance'.

3.2.5 Recommendations for France

- Clarify whether TP years count towards long-term residence. This will help beneficiaries to plan.⁷²
- Standardise how prefectures issue humanitarian residence and work permits.⁷³
- Reduce delays in prefectures and OFPRA. This must be done to allow asylum and regularisation to be processed on time.⁷⁴
- Create pathways that make it easier to change from TP to a residence or employment permit.⁷⁵
- Relax the rules on what documents people have to provide and accept digital Ukrainian civil-status documents.⁷⁶
- Make sure that people don't have any gaps in their rights during status changes.⁷⁷
- Publish data about the number of people changing status from TP to national.⁷⁸

3.2.7 Conclusions on France

France's legal pathways are limited by inconsistent prefectural practice, long delays and unclear rules on counting TP years, leaving many beneficiaries insecure once temporary protection ends in 2027.

3.3. Case study: Spain

3.3.1 Available statuses

The following statuses are available in Spain:

- International Protection⁷⁹
- Humanitarian Residence⁸⁰
- Employment Based Residence⁸¹
- Study Based Residence⁸²
- Family Reunification⁸³

⁷² ECRE (n 4).

⁷³ La Cimade (n 56).

⁷⁴ OFPRA, *Rapport d'activité 2024* (OFPRA 2025) <https://www.ofpra.gouv.fr>.

⁷⁵ ECRE (n 4).

⁷⁶ La Cimade (n 56).

⁷⁷ UNHCR (n 5).

⁷⁸ La Cimade (n 56).

⁷⁹ Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria (BOE N° 263, 31 October 2009).

⁸⁰ Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000 sobre derechos y libertades de los extranjeros en España y su integración social (BOE n° 103, 30 April 2011), arts 126-127 (*Autorización de residencia por razones humanitarias*).

⁸¹ Ibid, arts 62-105 (*Autorización de residencia y trabajo por cuenta ajena o propia*).

⁸² Ibid, art 37 (*Estancia por estudios*, reformed 20 May 2025 to permit work up to 30 hours per week).

⁸³ Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social (BOE n° 10, 12 January 2000), arts 53 et seq (*Reagrupación familiar*).

- *Arraigo* (regularisation) – exceptional residence for integration, family or work ties (*arraigo*, social, labour, familiar), now possible after two years of stay and including new *arraigo de segunda oportunidad*.⁸⁴

3.3.2 Achievability

Spain is a notable example of a country that is actively involved in the design of early transition mechanisms. Order INT/195/2025 automatically renews TIE cards until 2027 and instructs administrations to convert TP residence permits to ordinary residence permits where integration is proven.⁸⁵

◇ Asylum and Subsidiary protection

Although legally open, asylum remains a secondary option: under one per cent of Ukrainians present have applied for it, as the TPD provides immediate protection.⁸⁶ The average recognition rates for all nationalities was 43 per cent in 2024, but backlogs in OAR exceeded 150,000 cases which limited access to a status.

◇ Humanitarian Residence

This permit is regularly granted by Spain to rejected asylum seekers on non-refoulement grounds, and it could be extended to TP holders as well.⁸⁷ However, the procedures differ by region, resulting in long delays and few published criteria.

◇ Employment-based Permits

The May 2025 reform will simplify work authorisations and promote in-country modifications for those already employed. However, formal job offers and salary thresholds (€18,900–€23,000 per year) continue to restrict access for low-income or informal workers, particularly women employed in the care or domestic sectors.⁸⁸

◇ Study-based Permits

It is now more flexible, allowing students to work up to 30 hours per week while studying online. However, it still requires proof of €600 per month and private health insurance, which limits its reach to younger applicants with sufficient funds.⁸⁹

◇ Family Reunification

Reforms have broadened the range of eligible relatives and relaxed the proof of dependence requirements. However, sponsors must demonstrate an income of at least 150% of the IPREM (approximately €1,200 per month) and adequate housing.⁹⁰ Documentation from Ukraine remains a challenge.

⁸⁴ Real Decreto 557/2011 (n 81), (BOA A-2011-7703) *Arraigo social, laboral, familiar y arraigo de segunda oportunidad*, as reformed 20 May 2025.

⁸⁵ Orden INT/195/2025, sobre la prórroga automática de las tarjetas TIE (BOE, 15 March 2025).

⁸⁶ CEAR, *Informe 2025: Situación de las Personas Refugiadas en España* (CEAR 2025) 23.

<https://www.cear.es/informe2025>

⁸⁷ AIDA (n 3) 11-13.

⁸⁸ Ministerio de Inclusión, *Seguridad Social y Migraciones*, Guía sobre permisos de trabajo 2025 (MIR 2025) 6. <https://www.inclusion.gob.es>

⁸⁹ Campus España, *Estudios y Trabajo para Estudiantes Extranjeros 2025* (2025)

<https://www.campus.es>

⁹⁰ Ley Orgánica 4/2000 (n 81) arts 53-61.

◇ *Arraigo*

This route is the most promising for long-settled TP beneficiaries, as the requirements have now been reduced to two years residence and basic proof of integration (e.g. a job offer or family ties). Although regional practice varies, early cases show approvals for Ukrainians with stable employment.⁹¹

3.3.3 Challenges

Implementation is decentralised among the OAR, the Ministry of Inclusion, and the 17 autonomous communities, which produces unequal outcomes.⁹² Extranjería offices suffer from a chronic shortage of appointments, which slows down the conversion process. Many TP holders are unaware of the new *arraigo* options or the procedures for modifying them. Reliance on the labour market leaves those outside of formal employment, such as caregivers, the elderly and the disabled, without viable routes. Humanitarian residence remains underused due to a lack of administrative guidance. Finally, despite EU encouragement to do so, Spain has not confirmed whether years under TP will automatically count towards the five-year long-term residence threshold (*larga duración*), generating uncertainty.⁹³

3.3.4 Risks

If transition measures are delayed, Ukrainians who have integrated into society risk becoming irregular migrants once the TPD expires. Those in informal employment may lose their job and lawful residence status. Humanitarian authorisation remains discretionary, so refusals could suddenly leave people without protection. The absence of data tracking hampers oversight of vulnerable subgroups. Furthermore, ordinary residence categories do not permit travel to Ukraine; extended absences could result in residence continuity being reset and applicants being disqualified from long-term status.

3.3.5 Rights attached to statuses

The table below provides a comparative analysis of the rights attached to different statuses.

⁹¹ El País, 'Reforma del Reglamento de Extranjería 2025: Nuevas vías de arraigo' (19 May 2025) <https://elpais.com> ; Real Decreto 557/2011 (n 81).

⁹² AIDA (n 3) section 'Administrative practices'.

⁹³ Council Recommendation (n 11).

Status	Work Rights	Social Assistance	Healthcare	Family Reunification	Long-Term Residence Path	Travel to Ukraine
TP⁹⁴	Full access	Basic	Full access to SNS	Limited	Unclear	Allowed (short trips)
Refugee/Subsidiary protection⁹⁵	Full access + unconditional	Access to welfare and integration programmes	Full SNS coverage	Facilitated reunification	Yes, after 5 years	Risky (cessation possible)
Humanitarian residence	Work must be authorised	Limited; varies regionally	SNS access	Possible; strict dependency rules	Annual renewal, not automatic	Allowed (but may impact renewal)
Employment permit	Employer-tied; requires formal offer	Limited to contributory schemes	SNS via social contributions	Possible under strict income and housing requirements	Yes, after 5 years	Allowed
Student residence⁹⁶	Up to 30hrs/Week	No access to welfare	Private insurance required; limited SNS	Very limited	Must switch to other status	Allowed
Arraigo⁹⁷	Full work rights once granted	Some regional assistance possible	SNS	Strong in arraigo familiar	Regularisation route leading to long-term residence	Allowed
Family reunification⁹⁸	Full access	Access linked to sponsor	SNS	Granted if sponsor meets income and housing requirements	Yes, after 5 years	Allowed

Figure 3. *Comparison of statuses: Spain (prepared by the author).*

3.3.6 Recommendations

- Confirm if TP years count toward long-term residence (larga duración), to reduce legal uncertainty.⁹⁹
- Standardise Spain's arraigo-based transition pathways across autonomous communities.¹⁰⁰
- Increase appointment availability at Extranjería offices to avoid procedural delays.¹⁰¹

⁹⁴ Orden INT/195/2025 (n 83).

⁹⁵ Ley 12/2009 (n 77) arts 36-46.

⁹⁶ Ministerio de Inclusión, Seguridad Social y Migraciones (n 86).

⁹⁷ El País (n 89).

⁹⁸ Real Decreto 557/2011 (n 78) art 148 ; AIDA (n 3) 31; Ley 14/1986 General de Sanidad (Spain) (SNS).

⁹⁹ AIDA (n 3).

¹⁰⁰ CEAR (n 6).

¹⁰¹ AIDA (n 3).

- Simplify documentary requirements, including acceptance of Ukrainian digital civil documentation.¹⁰²
- Strengthen in-country modification options for TP holders already working or studying.¹⁰³
- Address structural vulnerability of women and informal workers, especially those in care sectors.¹⁰⁴
- Collect and publish transparent data on TP-to-status conversions.¹⁰⁵

3.3.7 Conclusions on Spain

Spain offers a relatively flexible range of transition options, particularly through arraigo and in-country status modifications. Nevertheless, regional disparities, shortfalls in appointments, and the ambiguity surrounding long-term residence continuity act as impediments. Ensuring uniform implementation and legal clarity will be crucial to securing stable post-TP pathways.

4. COMPARATIVE ASSESSMENT

4.1. Differences

This comparative assessment examines the post-TPD transition prospects for Ukrainians in Belgium, France and Spain, focusing on the availability, achievability and rights implications of alternative legal statuses. All three Member States offer an array of potential pathways including international protection, humanitarian permits, employment-based residence, study permits, and family reunification. Nonetheless, the practical accessibility of these pathways varies considerably, giving rise to disparate transition environments.

Belgium is characterised by the most restrictive overall environment. The absence of a national transition strategy, high salary thresholds for work permits, discretionary humanitarian procedures, and fragmented regional systems result in structural inaccessibility.¹⁰⁶ Belgium's asylum freeze for Ukrainians during TP further limits realistic alternatives and creates the risk of large-scale irregularity if no bridging mechanisms are introduced.

France has been found to offer a more rights-protective legal framework in principle, particularly for refugees and subsidiary protection beneficiaries. Nevertheless, the system is undermined by administrative inconsistency. In the context of humanitarian residence, prefectural discretion, delays exceeding 12 months, and documentary requirements can present significant challenges for displaced persons in meeting the necessary criteria.¹⁰⁷ The ambiguity surrounding the recognition of TP years, coupled with France's stringent criteria for income and accommodation in family reunification, further complicates the process.

¹⁰² Orden INT/195/2025 (n 83).

¹⁰³ Permisos de trabajo (n 86).

¹⁰⁴ CEAR (n 84).

¹⁰⁵ ICMPD (n 8)

¹⁰⁶ AIDA (n 1).

¹⁰⁷ OFPRA (n 72).

Spain is distinguished by its particularly advanced transition-oriented architecture, as evidenced by its adaptable *arraigo* mechanisms and government directives stipulated in Order INT/195/2025, which promote conversions prior to the year 2027.¹⁰⁸ However, the decentralised nature of Spain's administration gives rise to regional disparities, with accessibility being contingent on factors such as appointment availability and regional interpretation. CEAR reports indicate that, despite the welcoming nature of Spain's policies, vulnerable groups, particularly women engaged in informal employment, continue to encounter substantial challenges.¹⁰⁹

4.2. Patterns

Across the three jurisdictions, three convergent trends have been identified. Firstly, it is evident that all states are characterised by an absence of automatic transition mechanisms from TPD to long-term residence. As demonstrated by the AIDA national reports, there is no confirmation from any of the three countries that time spent under the TP is recognised as contributing to the accumulation of EU long-term residence, as outlined in the LTRD.¹¹⁰ This legal ambiguity is widely recognised as a structural risk, and as such has prompted the European Commission, UNHCR, and ECRE to call upon member states of the EU to ensure continuity of residence to prevent irregularity.

Secondly, all three states demonstrate administrative bottlenecks that impede access to available statuses. The federal–regional governance of Belgium is characterised by fragmentation, resulting in inconsistencies in Single Permit procedures. France is confronted with substantial prefectural and OFPRA backlogs, while Spain experiences chronic appointment shortages across Extranjería offices. These delays have a disproportionate impact on vulnerable groups, including single mothers, elderly beneficiaries, and individuals with limited financial resources.

Thirdly, all three countries demonstrate a form of rights regression when transitioning away from the TPD. Beneficiaries under the TPD are granted immediate labour market access, reception support, and the flexibility to return to Ukraine for short visits. Alternative statuses, notably humanitarian permits and employment-based residence permits, frequently entail a reduction of socio-economic entitlements, a contraction in travel autonomy, and an employment-dependent residence status.¹⁶⁷ This phenomenon gives rise to concerns under the principles of non-regression and equal treatment, as emphasised in the guidance provided by UNHCR and ECRE.

4.3. Human Rights Evaluation

From a human rights perspective, the comparative analysis emphasises the risk that, in the absence of coordinated planning, TP beneficiaries may encounter violations of continuity of status, legal certainty, and non-discrimination. The 2025 Exit Strategy of the Commission, in conjunction with UNHCR underscores the imperative of forward-looking, harmonised

¹⁰⁸ UNHCR (n 5); CEAR (n 84).

¹⁰⁹ CEAR (n 84).

¹¹⁰ AIDA (n 1-3); Council Directive 2003/109/EC (n 16).

measures to avert the sudden loss of rights.¹¹¹ ECRE further asserts that a fragmented implementation process across Member States has the potential to intensify existing inequalities and compromise the humanitarian essence of the TPD.¹¹²

Overall, Spain has emerged as a particularly promising exemplar in the context of transition. France has been recognised for its strong rights framework, though there have been concerns over the inconsistency of the procedural mechanisms in place. Belgium currently faces significant structural impediments. In the absence of a coordinated national reform strategy encompassing simplified procedures, recognition of TP years, and harmonised criteria, Belgium, France and Spain are at risk of leaving TP beneficiaries facing uncertainty, reduced protection, and potential irregularity as 2027 approaches.

5. POLICY RECOMMENDATIONS

Ensuring a rights-compliant and sustainable transition out of the TPD requires coordinated action at EU and national levels, as well as by civil society and advocacy groups. This section outlines actionable recommendations to safeguard continuity, prevent irregularity, and uphold fundamental rights as the TPD approaches expiry in March 2027.

5.1. EU-Level Recommendations

The EU should issue harmonised guidance to guarantee that Member States transition TP beneficiaries into permanent statuses without subjecting them to unexpected rights loss.

First, the EU should seek a definitive interpretation of the LTRD, recommending that years spent under the TPD be considered towards the five-year residence requirement.¹¹³ The Commission's 2025 Exit Strategy promotes continuity and legal clarity.¹¹⁴ Similarly, UNHCR emphasises the need to protect rights while preventing gaps that could lead to irregularities.¹¹⁵

Second, the EU should provide guidance on the basic procedural requirements for TPD-to-national-status conversions, including transparency on eligibility, timelines, safeguards for vulnerable groups, and the principle of non-discrimination.¹¹⁶ Common standards would reduce fragmentation, as noted by ECRE and ICMPD in their comparative analyses.¹¹⁷

Third, the EU authorities should provide targeted financial and administrative assistance to Member States with a large number of TP beneficiaries, especially in circumstances where asylum backlogs and administrative delays threaten to overwhelm national systems.

¹¹¹ European Commission (n 9), UNHCR (n 5).

¹¹² ECRE (n 4).

¹¹³ Council Directive 2003/109/EC (n 16).

¹¹⁴ European Commission (n 9).

¹¹⁵ UNHCR (n 5).

¹¹⁶ Directive 2011/95/EU (n 14).

¹¹⁷ ECRE (n 4); ICMPD (n 8).

Finally, the EU should incorporate TP transition planning into its overall asylum and migration reform agenda, guaranteeing compliance with CEAS commitments, non-refoulement, and the principle of non-regression of rights.

5.2. National Level Recommendations

National authorities continue to bear major responsibility for handling post-TP transitions. Belgium, France, and Spain should prioritise predictability, accessibility, and rights continuity.

Belgium should implement a national transition strategy, specify timetables for TP beneficiaries, and simplify humanitarian and work-permit procedures. AIDA Belgium emphasises the fragmented capabilities of federal and regional agencies; harmonised Single Permit standards are required to assure equal treatment. Belgium should also lower salary thresholds, make digital Ukrainian documentation more widely accepted, and gather statistics on status transitions in a systematic manner.

France should provide urgent advice on whether TP periods count as long-term residence. Prefectural practices for humanitarian residence and work permits must be harmonised, and OFPRA/prefecture backlogs must be eliminated. AIDA France and La CIMADE reveal regional inconsistencies that cause arbitrary hurdles; national guidelines and financial allocation would greatly improve access. France should also accelerate the process of converting TP to job or study permits and ensure socio-economic continuity during the transfer.

Spain, already the most transition-oriented country, should formalise and harmonise its *arraigo* systems among autonomous communities. Address *extranjería* appointment shortages and improve documentary flexibility. Spain should clarify whether TP years count toward *larga duración* and provide further support to women, caretakers, and informal workers identified as particularly vulnerable by CEAR and AIDA Spain.¹¹¹²

National authorities in all three states should guarantee that no individual falls into irregularity purely due to administrative delays, in accordance with the Commission's Exit Strategy and UNHCR instructions.

5.3. Overall Assessment

In order to facilitate a coordinated transition, it is essential that harmonised EU guidance is in place, that national reforms are implemented to ensure accessibility and continuity, and that there is strong civil-society engagement. It is imperative to count the years of TP towards long-term residence, whilst concomitantly reducing administrative barriers and standardising procedures across Member States. Such measures would prevent irregularity and uphold the humanitarian purpose of the TPD.

6. CONCLUSION

The transition out of the TPD in March 2027 is a significant moment for the EU's capacity to uphold legal certainty, human dignity, and protection continuity for the millions displaced by the war in Ukraine. This comparative assessment of Belgium, France and Spain demonstrates that although each country offers a range of legal pathways such as asylum, humanitarian

permits, employment-based residence, study routes, and family reunification, the accessibility, predictability, and rights attached to these pathways vary in practice.

For the three states, three common risks emerge. Firstly, the issue of whether years spent under TP will count towards EU long-term residence status remains unresolved. This results in widespread legal uncertainty. Secondly, each national system demonstrates a substantial regression of socio-economic rights during the transition from TP to ordinary permits, which frequently provide more circumscribed access to labour markets, housing support, or social welfare. Thirdly, all three states are confronted with administrative constraints, including prefectural and asylum backlogs in France, regional fragmentation in Belgium, and staff shortages in Spain. These constraints may intensify as the 2027 deadline approaches.

Despite the existence of these shared risks, the three countries diverge in terms of structural readiness. The challenges currently faced by Belgium are attributable to the fragmentation of competences and the restrictive nature of labour and humanitarian status channels. France has a stronger legal framework, but implementation is uneven, and administrative demands are complex. Spain offers the most transition-oriented framework, yet differing regional practices still pose challenges.

The comparative findings demonstrate that, in the absence of a coordinated reform process guided by the European Commission's 2025 Exit Strategy, the UNHCR's Transition Principles, and ECRE's policy recommendations, the EU risks substituting temporary protection with widespread irregularity, rights loss, and humanitarian instability. In order to avoid this potential outcome, Member States are urged to establish transition plans that are transparent, recognise TP years as contributing to long-term residence, harmonise administrative procedures, and ensure the protection of vulnerable groups.

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