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Abstract

Diese Arbeit untersucht die Steuerung der Migrations- und Asylpolitik durch die Europäische Union durch die Linse der ukrainischen Vertreibungskrise von 2014 bis 2026. Sie konzentriert sich insbesondere auf die beispiellose Aktivierung der Temporary Protection Directive (TPD) nach der umfassenden russischen Invasion im Februar 2022, die eine sofortige, kollektive Hilfe für Millionen von Vertriebenen ermöglichte. Mit Hilfe eines Multi-Level-Governance (MLG) Rahmens analysiert die Forschung die Verteilung von Kompetenzen auf supranationalen, nationalen und lokalen Ebenen und hebt hervor, wie verschiedene Akteure innerhalb nicht-hierarchischer Netzwerke interagieren. Ein zentrales Ziel ist es, die Diskrepanz zwischen der "schutzfreundlichen" Reaktion auf Ukrainer und den hochgradig restriktiven, auf Eindämmung basierenden Politiken zu bewerten, die in den vergangenen Jahren, etwa während der Krise 2015, gegenüber nicht-europäischen Asylsuchenden angewandt wurden. Durch vergleichende Fallstudien von Deutschland, Polen, der Tschechischen Republik und andere europäischen Staaten identifiziert die Masterarbeit erhebliche Inkonsistenzen bei der Umsetzung von Integrationsmaßnahmen, sozialen Leistungen und dem Zugang zum Arbeitsmarkt in den Mitgliedstaaten der EU. Abschließend untersucht die Studie langfristige rechtliche Perspektiven, da die TPD im März 2027 ausläuft, und untersucht Wege wie die zukünftige EU-Mitgliedschaft der Ukraine, die Überarbeitung der Richtlinie für Langzeitaufenthalte und die Umsetzung des für Juni 2026 geplanten "Neuen Pakts über Migration und Asyl". Letztlich stellt die Forschung die Frage, ob sich diese temporären Maßnahmen zu dauerhaften Lösungen entwickeln können, die Grundrechte und Menschenwürde wahren.

Abbreviations

AA = Association Agreement

AMMR = Asylum and Migration Management Regulation

ASP = Annual Solidarity Pool

BIP = Beneficiaries of international protection

CU = Customs Union

CEAS = Common European Asylum System

ChFR = EU Charter of Fundamental Rights

CJEU = Court of Justice of the European Union

EAEU = Eurasian Economic Union

EAM = European Agenda on Migration

EaP = Eastern Partnership

EASO = European Asylum Support Office

ECHR = European Convention on Human Rights

ECRE = European Council on Refugees and Exiles

EEA = European Economic Area

EFTA = European Free Trade Association

ENP = European Neighborhood Policy

EPP = End Pushbacks Partnership

EPRS = European Parliamentary Research Service

EU = European Union

EUAA = European Union Agency for Asylum

ExCom = Executive Committee of the High Commissioner's Programme

DCFTA = Deep and Comprehensive Free Trade Union

FRA = EU Fundamental Rights Agency

FTA = Free Trade Agreement

GCM = UN Global Compact on Migration

GCR = UN Global Compact on Refugees

ICERD = International Convention on the Elimination of All Forms of Racial Discrimination

IDP = Internally Displaced People

IFA = Internal Flight Alternative

IRL = International Refugee Law

LTR = Long-Term Residence

MLG = Multi-Level Governance

MoU = Memorandum of Understanding

OECD = Organization for Economic Cooperation and Development

OLP = Ordinary legislative procedure

OMC = Open Method of Coordination

QMV = Qualified Majority Voting

RRE = Refugee Rights Europe

RSD = Refugee Status Determination

SBC = Schengen Border Code

TFEU = Treaty on the Functioning of the European Union

TEU = Treaty on the European Union

TP = Temporary Protection

TPD = Temporary Protection Directive

UNHCR = United Nations High Commissioner for Refugees

UAEU = Urban Agenda for the European Union

UN = United Nations

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1. Introduction: European Integration and Migration and Asylum Policies

After the Second World War especially migrants of the southern Mediterranean in Europe migrated towards the north to rebuild the war-torn European landscape, to find work and to live their lives, as did the generations coming after them in the 60s and 70s of the 20th century under the guest worker program (Gastarbeiterprogramm). Migration has a profound impact on the cultural, socio-economic structures of many European countries such as Germany, Switzerland, Austria, France, Netherlands, etc. and have developed with and because of the migrants and refugees one of the most democratic and also prosperous nations and economies after the Second World War. Subsequently, with the end of the Cold War, and with the promise of a peaceful and more secure life, Europe received thousands of people from Eastern and Central European countries, leading to a more unified and larger European Union. The emergence of EU policies can be traced back to earlier interstate cooperation on economic matters and refugee protection. These initiatives prepared the ground for the free movement of workers within the European Communities” which did not “imply (...) that the integration process aimed at universal free movement.” (Thym 2023, 14, 24)

After the Cold War, most former satellite states of the Soviet Union and the Balkan states formed gradually but steadily legally independent nations and reoriented their policies towards an integration into the European Union and NATO in the 1990s.¹ “The distinct features of today’s Treaty regime developed in a period of twenty-five years, spanning from the original agreements to the Treaty of Lisbon.” (Ibid., 14) The Schengen Border Regulation has been introduced to abolish border controls and was adopted and put into practice from 26 March 1995. The Schengen rulebook was integrated into the Treaty of Amsterdam in 1992. On the Schengen regulations followed security concerns amongst the interior ministries fearing that the “freedom-enhancing rationale of the single market” as ‘an area without internal frontiers’, and it “was considered to require ‘flanking measures’ compensating national authorities for the loss of control options at the internal borders through inter-state cooperation on policing, criminal matters and migration.” (Ibid., 25-26)

¹ “The essence of the account is that the first phase was one of reflux: an ethnic European retreat from colonisation (typified by Germans from Slavic lands, French from North Africa, Dutch from Indonesia, and British from their colonies). The second was influx: worker immigration caused by expanding economies and aging populations (typified by Turks to Germany, Algerians to France, West Indians and Indians to Britain). The third is overflow and refuge: the flight of refugees and asylum seekers into Europe (typified first by Iranians and North Africans fleeing the Islamic revolutions and second by eastern Europeans fleeing the breakup of the former socialist bloc).”: Ceri Peach, Postwar Migration to Europe: Reflux, Influx, Refuge. *Social Science Quarterly* 78, Nr. 2 (1997) (1997) 269–283.; the article further states that a sum of over 30 million people migrated to Western Europe between 1945 and 1993.

The central and eastern European enlargement policies in 2004 gave more people the opportunity to travel and work in countries with larger and more stable economic possibilities. Unfortunately, in recent history the European Union has been having trouble creating a common narrative of migration flows and has, as of the year 2026, struggled withstanding and fighting the extreme right and populist ideas regarding all the Member States of the EU. (The AfD promotes the unconstitutional concept of “Remigration”², to name one of the unconstitutional and antidemocratic program points of the second strongest³ political party in the German Bundestag)

In the wake of the Russian Invasion of Ukraine on the 24 February 2022 the European Union adopted and invoked for the first time in history the Temporary Protection Directive (TPD) from 2001 (2001/55/EC⁴) in order to activate the Council Implementing Decision on 4th March 2022 (2022/382⁵). The mass-influx of asylum seekers entering the EU had last been seen in 2015⁶ and afterwards, and there was a high concern that this new crisis would overburden the management of the influx. In 2024, the European Union completed the ‘Common European Asylum System’ shortly before the European Parliament elections. The reform was proposed in 2016 as a response to the ‘migration crisis’ of 2015 and 2016, but the EU Member States still have polarized opinions and negotiations over the relocation of refugees and the externalization of responsibilities. “The self-designation as a transit country served as justification for a modified application or non-application of the 1951 Refugee Convention and 1967 Protocol⁷⁸.”

² <[2024-01-31_AfD-PM_Anhang_Positionspapier_Remigration_-_Alternative_für_Deutschland](#)> accessed 09/01/2026

³ <<https://www.bundeswahlleiterin.de/en/bundestagswahlen/2025/ergebnisse/bund-99.html>> accessed 06/11/2025

⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof OJ L 212, 7.8.2001.

⁵ 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, ST/6846/2022/INIT OJ L 71, 4.3.2022. (hereinafter Council Implementing Decision (EU) 2022/382 of 4 March 2022).

⁶ Over 1.2 million people were seeking asylum in 2015: more than double than the previous year. <<https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>> accessed 20/11/2025

⁷ <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees?_gl=1%2A10tjve2%2A_up%2AMQ.%2A_gs%2AMQ..&gclid=CjwKCAjwobnGBhBNEiwAu2mpFI8-4RqoCAJnsVCCNYE2qN5us77pFVww1bs_x7OYJv78_1WEOD_QhoC71QQAvD_BwE> The 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees, accessed 20/11/2025

⁸ “After a large (but not unprecedented) movement of refugees from Syria, Iraq, and Afghanistan (among others) from the summer of 2015 through the winter of 2016, there was a proliferation of discourses on ‘migration crisis’ and ‘refugee crisis’ in the (forced) migration academic literature. However, the 2015/16 refugee movement in Europe was neither a globally nor temporally isolated case. Parallel to these refugee movements, a far greater number of refugees from Syria (both in absolute terms as well as proportionally) fled and were hosted by Turkey and Lebanon (Al-Khatib & Lenner, 2015; Baban et al., 2017; Fiddian-Qasbiyeh, 2017). Even larger refugee movements were taking place in the Global South, including that of Rohingya refugees who had to flee because of persecution and genocide in Myanmar (Ibrahim, 2018).” (Sardelić 2025, 2-3)

(Sardelić 2025, 2) Refugees fleeing mostly from Syria, Iraq, and Afghanistan were taking the so-called Western Balkan route through the ‘formalised migration corridor’ (Hamersšak et al., 2020; Stojić Mitrović et al., 2023) and after its closure the “predominant response in the countries of the Western Balkan route became violent pushbacks for the refugees from the Global South (Augustova et al., 2023; Bužinkić & Avon, 2020; Davies et al., 2023; Karamanidou & Kasperek, 2022) as a part of the regular practice of the European Union’s (hereinafter EU) liberal border regime (Isakjee et al., 2020).” (Ibid., 2)

Regarding the swift reaction of the European Commission adopting the TPD for people fleeing the war in Ukraine the European Union has shown that it can respond quickly to a crisis of such an incredible and utmost unexpected magnitude. The European countries have developed responses for the refugee movements from Ukraine, but new national laws and policies needed to be adopted fast orienting themselves towards the Council Implementing Decision of the TPD (2022/382). The latest number of the Asylum report of the year 2024 in November shows that there are more than 4.2 million people from Ukraine living in European countries under the TPD.⁹ On the other hand, the welcoming of Ukrainian refugees in the European countries has been a distinct experience compared to the ‘refugee crisis’ of the years that followed (and preceded) the year 2015. Researchers have pointed out the different treatments of refugees which were based on their nationality rather than a universalist principle of immediately offering protection to people who flee persecution and war, atrocities, famine etc. In an analysis on the TPD edited from Prof. Carrera and Prof. Ineli-Ciger, the “protection friendly response to the Ukrainian displacement” has been put at contrast with the “highly restrictive containment-driven asylum policies towards non-European asylum seekers” especially highlighting the developments regarding the EU and Türkiye “that seeks to contain refugees (coming not from Ukraine but from countries like Syria and Afghanistan) in countries of transit and ‘externalise’¹⁰ asylum and migration management to third countries.” Despite the many challenges and problems posed by the TPD, there has been “collective empathy, relatedness and guilt for not being able to defend Ukraine or implement a ‘no fly zone’ has led European countries to resist with economic sanctions and embrace humanitarianism towards Ukraine.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 6)

This statement summarizes my effort of this Master thesis to analyze first the migration and asylum laws and policies and look for the answer to the question whether they offer a long-

⁹ <<https://euaa.europa.eu/publications/asylum-report-2025>> accessed the 20/11/2025

¹⁰ “We shall see that primary law is silent on the geographic location of asylum procedures, thus authorising external processing.” (Thym 2023, 350)

term solution for people fleeing Ukraine. I will place those efforts in the context of some of the events before and after the full-scale invasion, starting with the Maidan Revolution (Revolution of Dignity) in 2013/14 till the year 2026. My subsequent goal is to put into a historical and political context the common governance efforts (and non-efforts) of multi-levelness of the European Union and its Member States. How did those efforts respond to these particular migratory developments? I will highlight the positive and negative consequences, responses, and experiences of the ‘Ukrainian case’ of expedient European accession and integration before and after the Russian full-scale invasion. A secondary goal is to analyze the legal efforts of the European Institutions (first and foremost the European Commission and to a small extent the European Council and Parliament) and the common work that has been done with different Member States. Which elements of governance ensure a protected stay, and which issue has given reason to ‘frictional resistance’ in the negotiations regarding Migration and Asylum Policies on an EU and national legislative level? It is of utmost importance to understand where the responsibilities lie in the legal sense of the European Law on Migration and Asylum and for whom these legal binding frameworks exist or do not exist.

The statistics used are from the organization United Nations High Commissioner for Refugees (UNHCR) which provides detailed statistics on people living in certain EU countries and on border crossings collected by the Ukrainian Border Guard Service¹¹. Other statistics are taken from Eurostat, the official statistics gathering organization of the European Union, administrated by the European Commission.

¹¹<<https://dpsu.gov.ua/en>> accessed 06/01/2025

2. Methods, Focus, and Sources

This thesis draws on interdisciplinary scientific literature, legal documents of the European Union and its migration and asylum policies towards Ukraine and its third country nationals. Putting them into a political and historical context of the European Union and its Member States managing the common efforts and non-efforts on migration and asylum from the past 12 years will show certain discrepancies. (Chapter 4)

While describing the context and the process of migration and asylum policies in the EU, the subsequent goal is to analyze, based on current academic literature, the legal content of the documents established for admitting and integrating people from Ukraine and admitting and integrating third-country nationals residing or people having asked for asylum and protection in Ukraine with secondary literature written by scholars of EU law and international law. This thesis will be focusing on the legal admission and possibility of integration of people fleeing from Ukraine to EU Member States and highlighting them with specific cases of integration in different EU Member States regarding different national policies adopted and changed over time. (Chapter 5)

My research on the Governance of Migration and Asylum Policies in Europe will show that the European Union has confronted the crisis that followed the Russian aggression and war against Ukraine with unprecedented measures in history and politics and that researchers and legal experts of European Law are trying to argue for a more durable solution regarding people fleeing Ukraine. My research also shows that legal scholars have argued about the possibility to adopt the TPD in the past, for example the asylum policy crisis in 2015/2016 and pointing out the discrepancies and difficulties of these situations.

The Temporary Protection Directive (TPD) 2001/55/EC from the Council *on minimum standards giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance between Member States in receiving such persons and bearing the consequences thereof*, was adopted the 4th of March 2022 following an exodus (*'mass influx'*) of people fleeing Ukraine. Given that the war has been ongoing for 4 years and its end is uncertain, the TPD has been yearly extended till the 4th of March of the year 2027.

The war in Ukraine represents a turning point in the history of the European Union, therefore I concentrate on the exodus of people of Ukraine. At the same time, it is important to mention in a comparative context the specific policies of the EU and the Member States in the governance of migration and asylum of other asylum (and international protection) seekers of

third countries that entered the EU from Ukrainian territory at the time of the developments after the full-scale invasion into Ukrainian sovereign territory.

Furthermore, with the concept of Multi-level Governance (MLG) of the European Union I want to describe the dispersal of authority across international, regional, national and sub-national levels of governance conferred upon by the EU law and its regulations and directives to share the competences of migration and asylum with the Member States, the European Union Asylum Agency (EUAA) and the European Border and Coast Guard Agency (Frontex), and other relevant bodies, offices, agencies or organizations:

“A common feature of these governance approaches is their emphasis on non-hierarchical networks as a key aspect of EU policymaking and of the EU as a whole. The presence of such policy networks, bringing together EU officials, national administrators and regulators, business interests, non-governmental organizations (NGO) representatives, and other stakeholders, is analytically relevant, because networks ‘cut across’ the formal boundaries that exist between institutions, territorial levels, and the public and private spheres.” (Christiansen & Cini 2025, 96)

The thesis will try to answer the following research questions:

What are the crucial legal instruments and Asylum and Migration policies with which the European Union responded to the ‘*mass influx*’ of people fleeing from Ukraine before and after the beginning of the war and are they in accordance with the legal principles of the European Union?

Are there distinct ways to establish long-term policies, as the end of the war is still uncertain?

The thesis is structured in four parts:

The first part provides an introduction and overview about the (multi-level) Governance of the European Union and the legal competences conferred upon by the 27 Member States to the European Union, and the efforts which have been made to implement those policies to create a Common European Asylum System (CEAS) specifically referencing the legislative context of the TPD.

The second part will outline the legislative instruments and give an overview of the historical and political context of Migration and Asylum Policies of the EU of the past 12 years and a critical outlook on why the EU has not adopted the TPD before the Russian Ukrainian War.

The third part is about people having fled from Ukraine to the European Union and which policies have been implemented, how Member States responded to the massive influx, and what kind of legal solutions could be adopted in the future when the TPD expires the 4th of March 2027.

The fourth and final part is about the Common efforts of the European Union regarding Migration and Asylum, specifically mentioning the forthcoming ‘New Pact on Migration and Asylum’ which will be adopted in June 2026 and how it will affect the people fleeing Ukraine and what will it mean for the TPD.

2.1 Current Academic Discourse on EU Migration and Asylum Policy

The recent academic literature in this area of study focuses on multi-level governance of asylum and migration and discusses the liberal and restrictive legal approaches to migration and asylum.

Sonia Lucarelli, Professor of International Relations and European Security at the University of Bologna and James Sperling, Professor of Political Science at the University of Akron published the Handbook of European Union Governance in 2025 that will help me set the theoretical parameters in which the European Union and Member States are operating. They argue that the “ambiguous and shifting governance roles that the EU performs raise a series of questions” such as: What are the material, technological, cognitive and normative origins of governance? What institutional and treaty-based factors account for the multilevel systems of EU governance?” (Lucarelli & Sterling 2025, 3)

Andrew Geddes, Professor of Migration Studies, states that the term ‘liberal’ means for the EU countries to facilitate the arriving migrants and to consent to the rights that they legally are entitled to, whereas the EU has tended to focus on restricting the right to mobility rather than facilitating it because of the limited power that the EU has over the Member States and the national admission and integration policies. (Geddes 2025, 383) Many other scholars such as Prof. Carrera, senior researcher at the Centre for European Policy Studies and Head of Justice and Home Affairs Unit, and Prof. Ineli-Ciger, Associate Professor of International Law at the Suleyman Demirel

University, focus on the different treatments refugees and asylum seekers had to experience in the European Union based on their nationality rather than a universalist principle of protection granted to people fleeing from persecution and war. In the analysis on the TPD made by the Migration Policy Centre, the Robert Schuman Centre and the European University Institute of Florence, Italy in 2023, the “protection friendly response to the Ukrainian displacement” has been put in contrast with the “highly restrictive containment-driven asylum policies towards non-Ukrainian asylum seekers from Ukraine”. Furthermore, this analysis asks the question whether the TPD “hides in fact a logic of ‘hidden containment’ or protracted temporariness instead of giving preference to medium and longer-term responses favouring automatic/immediate refugee protection and/or regularisation.” (Carrera & Ineli-Ciger, 2023, i). Especially Dr. Ineli-Ciger has a profound legal understanding of the Temporary Protection by publishing a Doctoral Thesis in 2017 titled ‘Temporary Protection in Law and Practice’ and therefore the implementation of the EU TPD of 2001 on the case of the ‘*mass influx*’ of displaced persons from Ukraine in 2022.

Daniel Thym, Professor of European Law has published a Legal Manual on European Migration Law in 2023 with a holistic and interdisciplinary view and puts into a political and historical context the different directives, regulations, court judgements, international treaties and reform proposals and will help with contextualizing legally the ‘Common European Asylum System’ and the TPD. He argues that Migration law is “politically contested, practically relevant and full of legal conundrums” and that the topic cannot be understood without a legal basis and only by combining interdisciplinary approaches of European Studies. (Thym 2023, 1)

Seth Meyer, Postdoctoral Research at Utrecht University Law School, Giacomo Solano, Assistant Professor in Migrant Inclusion at Radboud University and Salvatore Fabio Nicolosi, Senior Assistant Professor in European International Law address the academic gap between the legislation admission and integration which has been researched separately in order to emphasize the differences among national policies. “(...) The recognition of someone as Beneficiaries of International Protection (BIP), can be seen as a prerequisite for successful integration”, and “a certain degree of prior integration into the Member State is even required before a more durable legal status (e.g. long-term residence) can be granted.” (Meyer, Solano & Nicolosi 2025, 3) They argue that policy studies have been focusing on economic migrants for integration, and for beneficiaries of the TPD only on admission. While studies in social sciences (e.g., geography, sociology, and anthropology) focus on exclusionary

policies, practices, and discourses of integration. Therefore, these studies could benefit from a normative approach. (Ibid., 4)

Meyer has also published a compendium of the legal efforts of the Member States for the common purpose of Migration Management on how the powers are being exercised on behalf of the Union or not exercised regarding the TPD. He focuses on the EU asylum and migration law and how constraining and empowering it is for the Member States to represent the Union and act upon it in common.

I have found very scarce literature on the matter how the EU and the Member States managed the situation of people fleeing Ukraine between 2014 and 2022. Mostly the internal displacement of Ukrainians is being discussed which, unfortunately, is irrelevant for my analysis. (For this research see: Sasse & Lackner 2020; Kuznetsova & Mikheieva 2020; Lazarenko 2020; Beyar 2020; Oleksi, 2022; Tarkhanova 2023; Schäfer 2024)

2.2 Political Concepts, Terms, and Approaches in European Studies

This thesis uses the *multilevel governance approach*, which emphasizes the nature of EU policymaking as involving a multiplicity of actors on a variety of territorial levels beyond the nation state. The new governance or regulatory state approach, and the study of new modes of governance are the main expressions of the ‘governance turn’ in EU studies.

It has three key features (Caponio 2022, 6): “(1) different levels of government are simultaneously involved; (2) non-governmental actors at different territorial scales are also involved and (3) relationships defy existing hierarchies and take the form of collaborative, non-hierarchical networks”.

Multi-level governance thus encompasses a plethora of power-sharing arrangements and power-shifts, including those that easily miss the lawyer’s attention because of their non-legal form. The concept has twofold meanings. On one hand, it is rooted in federalism and refers to only a limited number of jurisdictions with a clear-cut division of competences. On the other hand, it denotes task-specific, territorially overlapping areas whose governance arrangements tend to be adaptable to changing circumstances. (Panizzon & Van Riemsdijk 2019, 1231)

Given the legal and policy complexities of EU Migration and Asylum law on admission and integration involving different (temporal) stages of status determination and integration, as well as multiple public authorities and societal actors, it is important to consider the supranational (EU), national and local levels of governance. Apart from dealing with the actions of public authorities, MLG research includes private actors (like NGO’s) as well.

Legal or constitutional pluralism: When it comes to EU Migration and Asylum law on admission and integration there is an overlap of EU, international and national jurisdiction. There have been conceptualisations of interacting, non-hierarchical legal orders, such as legal compound or ‘*European Legal Space*’, “(...) when increasing politicisation and opposition from Member States rendered the traditional doctrinal stance of EU law primacy less plausible.” (Avbelj and Komárek 2012). “That makes it possible to better understand the relationship between admission and integration across legal orders, compared to a strict separation between EU competence on admission and retained national competence on integration.” (Meyer, Solano & Nicolosi 2025, 8)

Legislative harmonization: Henry Layable¹² described an analytical framework of five criteria of ‘common’ Migration and Asylum policies that can be found within the Treaties.

- a) The quality of the legislative output.
- b) The clarity of objectives as developed in the Treaties and in policy documents.
- c) The intensity of the exercise of the Union’s competence.
- d) The institutional arrangements underpinning the policy.
- e) The operational dimensions of practical cooperation efforts.

Recently, this framework has been combined with interdisciplinary theories on administrative governance by authors such as Professor and Jean Monnet Chair Lillian Tsourdi of European Migration Law and Governance at the Maastricht University.

¹² See Henri Labayle, ‘Vers une Politique Commune de l’Asile et de l’Immigration dans l’Union Européenne’, in François Julien-Laferrrière, Henri Labayle and Örjan Edström, *La Politique Européenne d’Immigration et d’Asile: Bilan Critique Cinq Ans Apres le Traite d’Amsterdam* (Bruylant 2005) 11.

3. Multi-Level Governance¹³ (MLG) in the European Union

The theory of MLG became the dominant field of studies of the EU system in the 1990s to understand the different elements of exclusive, shared and parallel competences and the partial authority over supranational, national, regional, and local institutions. The increasing amount of literature leaves us with multiple definitions of MLG which can be confusing at times¹⁴. I will first list a few definitions derived from recent literature and then transfer those to the topic of Migration and Asylum policies. In more recent literature, MLG is defined as ‘dispersion of power’ or as a “specific mode of policymaking based on networking between public authorities at different levels and non-public actors” for contemporary political systems. (Caponio 2026, 28; Scholten 2018) To put it in the European perspective, this concept was introduced to explain the simultaneous existence of supranational integration and subnational decentralization:

„The EU system of governance and the theoretical edifice surrounding it de-centre the state and bind states to a non-hierarchical system of governance internally and externally.” (Lucarelli & Sperling, 2025, 9)

Sonia Lucarelli and James Sperling emphasize the core value of the European System of Governance that has been the strengthening of “policy cooperation, coordination, or integration across policy sectors” among national and international actors and agencies, based on the *principle of subsidiarity*¹⁵. Borrowing from the definition of Liesbet Hooghe, Marks, Lavenex and Schimmelfennig¹⁶ European MLG can be characterized with these specific elements:

¹³ The term ‘governance’ has been defined as one which can be defined with state-centric approaches as with those who de-center the state. Meaning that one focuses on decision-making by institutions and governments and the latter on the practices and activities within a society. Oran Young gives us a diplomatic definition calling it “combined efforts of international and transnational regimes.” (Young, Oran R. (1999), Governance in World Affairs (Ithaca: Cornell University Press)

¹⁴ “Multilevel governance has achieved axiomatic status in the study of the EU, notwithstanding the dwindling minority of those who understand the EU as a cipher for national interests or that EU policymaking and implementation prerogatives merely represent a durable form of (revocable) auto-limitation.” (Lucarelli & Sperling 2025, 7)

¹⁵ The principle of subsidiarity aims at determining the level of intervention in the area of competences shared between the EU and the Member States according to the “criterion of efficiency of action”. (Lucarelli & Sperling 2025, 6-7) <<https://eur-lex.europa.eu/EN/legal-content/summary/the-principle-of-subsidiarity.html>>accessed 10/02/2026

¹⁶ Professor of Political Science at the University of the European University Institute, Florence, Italy.

“The European Union is a sectorally differentiated MLG system characterized by concurrently coexisting multiple authority structures that strike different balances of member-state and EU and policy prerogatives and responsibilities.”

Furthermore, this means that the EU operates “as an agent of external governance and principal of transnational governance within the EU”, which shows a “fractured pattern”. It is divided between “issue areas that fall along an authority continuum bounded at one end by exclusive member-state competences and at the other by exclusive EU jurisdiction.” (Ibid., 3) This assumption informs our collective understanding of how the EU is governed:

“(…) the EU represents a category of non-sovereign government that performs the exact roles ascribed to national governments sans the monopoly over legitimate violence and exclusive representation in international organizations and external relations, (...) with the constitutional order embedded in the European treaties and the operation of the EU across a large number of policy domains (...). (Ibid., 10) Researchers have argued that the theory of MLG of the EU can be only made visible with the multitude of systems of governance distributed within the EU and their specific policy areas.

Another element of multi-levelness are the types of hard and soft law that the EU institutions can create for specific policy areas. Hard laws are legally binding and precisely formulated obligations such as regulations, that all Member States must apply in their entirety. Directives, for which the goals are defined by the European institutions are left to the Member States on how to implement it in the national legislation. Decisions are also legally binding but only addressed to limited number of Member States. Soft laws, on the other hand, are non-binding and imprecisely formulated documents and the EU maintains a restricted authority to implement these acts.

In the past years MLG concerning Migration and Asylum policies have overcome the classical distinction between migration control and integration by centering the focus more on “cross cutting challenges of asylum and refugee reception.” Studies about Eastern European countries and migration MLG investigate the dispersion of state authority while research in other European countries are orienting themselves on specific multilevel areas of policymaking. (Caponio 2026, 28-29) In order to understand factors and mechanisms of the migration policies in the literature, there are three different approaches to MLG for highly politicized and contested policy fields:

- 1) *Dispersion of state power* and 2) *System of state authority allocation* which follows the formal structures of division of competences across distinct types of jurisdictions in federalist systems that don't overlap territorially and/or policy-specific areas with overlapping memberships like in the case of the EU. The assumptions based on these approaches are that "decisional power on migration issues has been increasingly rescaled from the state upwards to international and supra-national institutions, outwards to non-public actors, and downwards to local-level authorities." (Ibid., 30)
- 3) *Instance or mode of policymaking* that holds three key features of MLG which are:
 - a) distinct levels of government are simultaneously involved; b) non-governmental actors at various levels; c) relationships between various levels of government and with non-governmental actors take the form of non-hierarchical networks based on cooperation and consensus building. (Ibid., 30)

For example, recent research in regards of MLG on the arrival of people fleeing Ukraine has focused on activism of border cities (Podgórska 2023¹⁷), local authorities in general (Jaroszewicz 2022¹⁸) and international organizations, the EU and civil society. Migration MLG have focused their research questions on how different actors interact with each other and how these relations reconstitute the role of national states and the impacts on migrants' rights and refugee protection.

3.1 Common Migration and Asylum Policies of the EU

The project of European Integration is characterized and distinguishes itself from other regional integrations by lawmaking processes with the goal of constructing systems of regional economic integration, based on treaties. The institutions of the EU are supranational law makers, with competences or powers conferred upon them by the 27 Member States. This system stands in contrast with the typical intergovernmental mode in other regional integration organizations with one dominant deciding organ, person, or entity. "Europeanisation (in the legal field of Asylum and Migration Policy) served as a platform promoting 'non-arrival', 'protection elsewhere', and 'non admission' policies." Thym gives as classic examples the "provisions on safe third countries and accelerated procedures for manifestly unfounded

¹⁷ Karolina Podgórska, Andrzej Jekaterynczuk, Oksana Yarosh, Olga Kuzmuk, Valentyna Liubchuk, Support for Ukrainian Refugees after Russia's Invasion of Ukraine: Aid Structure and Resilience Factors. Case Studies of Lublin and Luts'k. *European Societies* 26, no. 2 (03/14/2024) (03/14/2024) 386–410, doi:[10.1080/14616696.2023.2206892](https://doi.org/10.1080/14616696.2023.2206892).

¹⁸ Jaroszewicz, M., Krępa, M., Nowosielski, M., Pachocka, M., & Wach, D. (2022). Russian aggression on Ukraine and forced migrations: The role of Poland in the first days of the crisis. *CMR Spotlight*, 3:37. <https://www.migracje.uw.edu.pl/wp-content/uploads/2022/03/Spotlight-Wydanie-Specjalne-2022-ENG.pdf>

applications, (...) spearheaded by countries like Denmark, Germany, Belgium, Netherlands (...).” (Thym 2023, 340) To reach an agreement on specific topics, unanimous decision is required before practical measures can unfold. “Member States cannot conclude bilateral trade agreements with a non-EU country, for example, even if there is no agreement in place between the EU and that country.” (Best 2025, 220)

Andrew Geddes¹⁹ argues that there has been no linear development of a common Migration and Asylum policy: it is “(...) more contingent and also politically contested.” For example, in the 1990s and subsequent migration flows helped to create a legal framework that kept out large numbers of migrants. (Luedtke 2026, 15) Migration and Asylum policies cannot be understood only on the merits of technical, meaning legislative matters, because “these issues raise transnational and transboundary concerns” and therefore they can be “intensely political.” (Ibid., 383) Thym states that „observers of contemporary asylum policy are often frustrated with what they perceive as a lack of commitment to uphold the rights of refugees.” (Thym 2023, 338) “In the field of legal migration, national governments reined in the Commission’s proposals to adopt broad and comparatively generous directives on economic migration, family reunification, and long-term residents (...).” (Ibid., 45)

The next paragraph shows the gradual development of centralization and top-down decision-making of MLG which plays an important role in two competing theses: the *mobilization thesis*, focusing on the autonomous capacity of European institutions to promote forums of policy coordination and the *shadow of hierarchy thesis*, which emphasizes the role of national authorities in establishing effective collaborations. The first research thesis is based on policymaking on migration in the EU and “how this is the product of the interactions among various policy actors beyond the national governments-European Commission dichotomy.” (Caponio 2026, 35; Geddes & Scholten 2016) These conventions of MLG policymaking “can be the result of a mobilization from above, i.e., the European Commission, seeking to forge new alliances on highly politicised migration policy issues. (...)” (Caponio 2026, 35) This approach seeks the collaboration of various involved actors in a functionalist manner to solve problems of specific migration challenges. The *shadow of hierarchy thesis* contrasts with the *mobility thesis* in the sense that even if the decision-making process lies in the hands of the supranational institution such as the European Commission, the willingness and interests of national governments silently play a dominant role.

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In 1990 the Dublin Convention²⁰ (formally ratified in 1997) “established the core principle that an asylum application must be made in the first EU state of arrival with the decision valid for all member states.” The Maastricht Treaty in 1992 stands for an intergovernmental legislature that deals with Justice and Home Affairs externalized from the EU’s formal Treaty framework that included supranational²¹ provisions on immigration and asylum. (Geddes 2025, 387) According to Tsourdi and Bruycker (Tsourdi & Bruycker, 2022) these adopted provisions proved insufficient when confronted with the influx of hundreds of thousands of refugees after the fall of the Berlin Wall and the war in Yugoslavia. The ‘London Resolutions’²², which defined the criteria for rejecting unfounded applications for asylum, “were adopted among Member States in a purely intergovernmental setting in November 1992.” The proliferation of ‘best practices’, designed by asylum destination countries, mostly occurred without legal obligations to do so. Horizontal policy transfer from north to south and east by means of ‘copying and pasting’ continued in the run-up to enlargement and under the first generation of the CEAS.” As already mentioned above Germany, Denmark and the Netherlands dominated the policy debate “on the basis of their practical expertise. (...) Europeanisation was and end in itself to set up functioning asylum systems across the continent, but it also pursued the – not so hidden agenda to create a ring of safe neighbours.” (Thym 2023, 340) Above mentioned Schengen Agreement of 1995 “set the tone by establishing rules on asylum jurisdiction”, which was replicated “by the Dublin Convention among all twelve Member States (...) and was put into effect in March 1995 (for Schengen) and in September 1997 (for Dublin). (...)” (Ibid., 341) The Treaty of Amsterdam in 1997 was important in the conferral of competences regarding visas, border controls, asylum and immigration which also meant that the asylum jurisdiction became subject to the “harmonisation of the national legislation on procedures, reception conditions, or recognition criteria besides an abstract reference to the Refugee Convention. (...) Heads of state or governments also introduced the notion of a ‘Common European Asylum System’ (...)” (Ibid., 341) It allowed the EU institutions to adopt directives and regulations. The Family Reunification Directive 2003/86/EC and the Long-Term Residents Directive 2003/109/EC²³ remain in force until today, but the ‘communitarisation’ of

²⁰ “Initially an agreement in international law outside the formal Treaty framework, the Dublin Convention was subsequently translated into two EU regulations agreed in 2003 and 2013.” (Geddes 2025, 386)

²¹ With the initiative and involvement of the Commission: “The Commission continued to work on its own proposals for full competence over non EU immigration, despite member state unwillingness to give up on intergovernmentalism. Part of this new attempt at cooperation was the Commission’s decision to limit calls for integration to areas of control and restrictions, a familiar strategy for appeasing member state objections.” (Luedtke 2026, 20)

²² <[Criteria for rejecting unfounded applications for asylum | EUR-Lex](#)> accessed 10/01/2026

²³ <[EUR-Lex - 32003L0109 - EN](#)> accessed 10/01/2026

decision-making by the Treaty didn't prove to be sufficient, since governments did not want supranational provisions taking care of migration policies. The meeting of the European Council in Tampere²⁴ in October 1999 was a new baseline for supranational law-making for integrating additional competences for the project of an '*area of freedom, security and justice*'. The conclusions stated that the "Community rules should lead to 'a common asylum procedure' and a uniform status for those who are granted asylum valid throughout the Union'," which "strengthened the level of coherence between the instruments." (Tsourdi & Bruycker 2022, 7) Later five-year programmes were adopted at the meetings of the European Council in The Hague in 2004²⁵, in Stockholm 2009²⁶ and Ypres in 2014²⁷. "These programmes proved a policy framework and helped overcome resistance when the European Council 'urged' hesitant interior ministers to 'speed up' legislation." (Thym 2023, 30) The Treaty of Nice in 2003 "extended today's procedures to certain segments of migration law." (...) and "the Treaty of Lisbon in 2007 confirmed the autonomy of migration law as a policy field in its own right, meaning that it becomes "subject to the EU's ordinary legislative procedure (OLP²⁸)" that stands for "co-decision between member states and the European Parliament on legislation and jurisdiction for the Court of Justice." (Geddes 2025, 387) (...) Art. 3(2) TEU lists the '*area of freedom, security and justice*' among the EU's top priorities. Migration law towards third country nationals became a self-sufficient policy field. (Thym 2023, 27-29) Other political actors presented an intergovernmental policy agenda called 'Pact on Immigration and Asylum' of 2008²⁹ and the Commission proposed a Global Approach to Migration and Mobility in 2011³⁰ that involved cooperation with non-member states on migration and asylum. The European Commission published an 'European Agenda on Migration (EAM) of 2015'³¹ to address the 'refugee crisis' 2015/2016 and in 2020 the 'New Pact on Migration and Asylum'³² "proposed by the European Commission with a focus on asylum, border controls, irregular migration, and cooperation with non-EU member states" (Geddes 2025, 387), which the EU Council has

²⁴ Tampere 1999: <https://www.europarl.europa.eu/summits/tam_en.htm> accessed 15/11/2025

²⁵ Den Hague 2004: <[The Hague Programme: 10 priorities for the next five years | EUR-Lex](#)> accessed 20/11/2025

²⁶ Stockholm 2009: <[EUR-Lex - 52010XG0504\(01\) - EN - EUR-Lex](#)> accessed 20/11/2025

²⁷ Ypres 2014: <[European Council - Consilium](#)> accessed 21/11/2025

²⁸ OLP: <[Ordinary legislative procedure \(Codecision\) - EUR-Lex](#)> accessed 01/12/2025

²⁹ Pact on Immigration and Asylum 2008: <[European Pact on Immigration and Asylum | EUR-Lex](#)> (summary); accessed 21/11/2025

³⁰ Global Approach to Migration and Mobility 2011: <[EUR-Lex - 52011DC0743 - EN - EUR-Lex](#)> accessed 22/11/2025

³¹ European Agenda on Migration 2015 : <[EUR-Lex - 52015DC0490 - EN - EUR-Lex](#)> accessed 22/11/2025

³² New Pact on Migration and Asylum 2020: <[EUR-Lex - 52020DC0609 - EN - EUR-Lex](#)> (Communication from the Commission to the European Parliament); accessed 23/11/2025

agreed upon in 2024³³ integrating ten associated legislative measures, which will be applicable as of June 2026.

3.2 The Treaty on the Function of the European Union (TFEU³⁴) and the ‘Common European Asylum System’ (CEAS)

EU migration law is a notoriously complex endeavor; therefore, I will only focus on the supranational legislative level of EU law, specifically on the creation and (non-)adoption of the TPD. In this chapter, I will point out the conferral of competences³⁵ and some of the levels of subsidiarity and proportionality of the Member States.

The abundance of law texts concerning EU Migration and Asylum Law is shown by the “twenty pieces of core legislation, several dozen smaller instruments, and more than 200 judgments of the court of Luxembourg.³⁶” (Thym 2023, 253) Article 291 of the TFEU establishes an obligation for the Member States to ‘adopt all measures of national law necessary to implement legally binding Union acts’. “In the EU context, the term ‘common’ (French: *commun*) is usually – though not uniformly employed to designate an intermediate degree of harmonization, in contrast to a ‘single’ (French: *unique*) policy. (...) A common asylum ‘system’ may be rationalised linguistically to transcend the focus of other policies on legislative harmonisation by embracing the administrative dimension.” It should animate other Member States to help with the administration and implementation of newly introduced legal instruments. “The hybridity of EU governance systems is a signal characteristic of the Treaty of the Functioning of the European Union (TFEU).” (Lucarelli & Sperling 2025, 11)

“(...) An analysis of EU governance from a policy domain perspective reveals the heterogeneity of the EU systems of Governance.” (Ibid., 11) The applications of the

³³Communication from the Commission to the European Parliament: <[EUR-Lex - 52024DC0251 - EN - EUR-Lex](#)> accessed 23/11/2025

³⁴ If one looks at specific policy areas, the heterogeneity of the EU systems of governance can be detected: “The hybridity of EU governance systems is a signal characteristic of the Treaty on the Functioning of the European Union (TFEU).” (Lucarelli & Sperlin 2025, 11)

³⁵ “The distribution of competencies between the EU and member states, subnational levels of government, and transnational governmental agencies is underpinned by three principles that undergird the division of labour within the EU and bolster the legitimacy of multi-level governance: subsidiarity, which limits the reach of the EU in areas of shared competence; proportionality, which limits the legislative reach of the EU beyond what is necessary to achieve the objectives of the Treaties; and conferral, which limits EU prerogatives to those found in the Treaties.” (Ibid., 11)

³⁶ “The size of the Dublin Regulation more than doubled from ten to twenty-three single-spaced pages in the Official Journal between 2003 and 2013. Veritable legislative ‘monsters’ are the Students and Researchers Directive (EU) 2016/ 801, with thirty-two pages and the Frontex Regulation (EU) 2019/1896, with 100 pages, excluding annexes-contrasting with the lean and comparatively easy to read seven and ten pages of the Family Reunification Directive 2003/86/EC and the original Long-Term Residents Directive 2003/109/EC. Even those with years of experience will occasionally get lost in a legislative jungle of highly complex provisions, which can be exacerbated by the lack of coordination between the instruments.” (Thym 2023, 253)

competences conferred to the EU are governed by the *principles of subsidiarity and proportionality*. In the legal context, the MLG is described by Article 5(3) of the TEU and Protocol No 2 on the application of the principles of subsidiarity and proportionality. “Guided by the subsidiarity principle the MLG approach emphasizes the role of local and regional authorities, private sector, and inhabitants more directly in the governance process.” (Lazarenko & Rabinovych 2025, 96)

The principle of subsidiarity³⁷ is the controlling instrument by which the EU can verify and justify the actions on the national, regional, and local level that require supranational law. It is also the principle that legitimizes EU action only under exclusive authority if the national, regional and local measures are not considered to be sufficiently efficient to ensure specific objectives.

The principle of proportionality states that the actions taken by the EU don’t go beyond what is necessary to achieve those specific goals.

The division of competences³⁸ is laid out in Article 2 of the Treaty on the Functioning of the European Union (TFEU) and further specified in Article 3-6. The Treaty of Lisbon further clarifies these divisions. There are three types of competences (powers) denominated as:

- a) ***Exclusive (Art. 3 TFEU)***, which means that only the EU can act in these areas (for example, the customs union and trade policy).
- b) ***Shared between the EU and Member States (Art. 4 TFEU)***: Member States can act only if the EU has chosen not to, for example, in the transport, cohesion policy, energy, and environmental areas. Member States may ask the European Commission to repeal (revoke) an adopted legislative act in one of the shared areas, to ensure better compliance³⁹ with the principles of subsidiarity and proportionality (Declaration No 18 annexed to the Treaty of Lisbon).
- c) ***The EU can support, coordinate or supplement Member States’ actions (Art. 6 TFEU)***, for example, in the culture and tourism areas. In these domains, the EU may adopt legally binding acts that require the Member States to harmonize their laws and regulations. The EU can provide financial or incentive measures to support what Member States are doing, but they keep full legislative competence. For example, there

³⁷ <[Principle of subsidiarity - EUR-Lex](#)> accessed the 15/11/2025

³⁸ <[Division of competences within the European Union | EUR-Lex](#)> accessed 21/11/2025

³⁹ <<https://interoperable-europe.ec.europa.eu/collection/common-assessment-method-standards-and-specifications-camss/solution/elap/eu-legislation-compliance>> accessed 31/03/2026

was an application of different national policies on the matter of transport, and they went on until the common measures were taken at EU level. Member States have to reclude themselves from any activity, if the EU is acting with supranational legislative competence, but if the EU ceases the activity, they would be able to act again and set up national policies.

“The Treaty states that this principle, known as ‘pre-emption’, does not apply in the areas of research, technological development, cooperation, and humanitarian assistance.” (Best 2025, 221) Member States may act simultaneously with the EU (also informally called ‘parallel competences’). It is crucial not to underestimate the powerful role the EU member states play in Migration and Asylum policies, “because it is at their borders (territorial, organizational, and conceptual) that decisions are made about who can enter, for what purpose and for what duration.” (Geddes 2025, 385) Certain categories and classification in which migrants are placed are of essential importance in the migration governance. The different systems of EU Member States change the perspectives on whether a migrant is coming into a position of “high-skilled and high paid employment, compared to a person seeking asylum.” (Ibid., 385)

As of March 2026, the legal competences are set out in the Articles 77– 90 of the TFEU⁴⁰, which provide the political institutions with the power to establish a CEAS for “subsidiary protection⁴¹ and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the *principle of non-refoulement*.” (Art. 78, Paragraph 1 of the TFEU) The *principle of non-refoulement* is a main principle of international and EU law to ensure that an applicant is not returned to a country where they will face prosecution.⁴² Art. 67 and 79 of the TFEU states that “the efficient management of migration flows, should be accompanied by fair(ness) towards third-country nationals.” The policy must be in accordance with the Geneva Convention of 28 July 1951 and the protocol of 31 January 1967 that relates to the status of refugees, and other

⁴⁰ <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016ME%2FTXT>> accessed 11/11/2025

⁴¹ The Regulation 2024/1347, which is part of the legislation of the ‘New Pact on Migration and Asylum’ amends (changes) the Council Directive 2003/109/EC and repeals (revokes) the Directive 2011/95/EU and defines subsidiary protection in Article 3 section (6) as: a ‘person eligible for subsidiary protection’ is a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that that person, if returned to his or her country of origin or, in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country; which falls under the term ‘beneficiary of international protection’ (BIP).

⁴² “It constitutes an essential and crucial safeguard throughout the asylum procedure (including access to the procedure, assessment of the application on first instance, appeal and return). Accordingly, Member States must respect the principle of *non-refoulement* in accordance with their international obligations (recast QD, Article 21).” <<https://euaa.europa.eu/asylum-report-2024/box-4-principle-non-refoulement>> accessed 11/11/2025

relevant treaties. Thym argues that “the vague notion of an ‘*area of freedom security and justice*’”, does not specify on how to “operationalize this conglomerate of objectives” (...) and that political actors can subscribe to them in the abstract, although they may disagree quite fundamentally about the design of specific instruments.” Nevertheless, the articles mentioned here are legally binding on the EU institutions. (Thym 2023, 34)

This next section is dedicated to Articles 78, 79 and 80 of the TFEU, where the principles of conferral, subsidiarity and proportionality unfold. The European Parliament and the Council acting in accordance with the ordinary legislative procedure (OLP) shall adopt measures for the CEAS. (Art. 78, Paragraph 2 TFEU) Article 78 Paragraph 3 of the (Treaty on the Functioning of the European Union) TFEU states that “in the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.” Section 2 (a) of the Article 78 “indicate that a ‘status of asylum’ (...) matches the criteria of refugee status”; the formulation does not hint at a protection status independent of international law (and) section 2 (b) “goes beyond the Refugee Convention by enshrining the notion of subsidiary protection in primarily law”⁴³ going “beyond the Refugee Convention”, which has been modelled on the Qualification Directive 2011/95/EU in 2011. This Directive is an instrument that ‘qualifies’ third-country nationals or stateless persons as “beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection”⁴⁴, but as Thym explains “the contours of subsidiary protection could be altered or amended in response to practical demands or political priorities.” (Ibid., 349-350)

Section 2 (c) of the Article 78 further states that “a common system of temporary protection for displaced persons in the event of a massive inflow” shall be established by the European Parliament and the Council, “acting in accordance with the ordinary legislative procedure (...)” which “provides additional leeway beyond the contents of the Temporary Protection Directive 2001/ 55/ EC.” (Ibid., 350). Section 2 (e) mentions the “criteria and mechanisms for determining which Member State is responsible for considering an application

⁴³ “The Court of Justice of the European Union (CJEU) insists that asylum legislation must be interpreted in light of the Refugee Convention, even though the absence of authoritative interpretation of the Convention by an international court or UNHCR means that EU institutions have factual leeway when illuminating its meaning.” (Ibid., 349)

⁴⁴ <[Directive - 2011/95 - EN - qualification directive - EUR-Lex](#)> accessed 30/12/2025

for asylum or subsidiary protection.”⁴⁵ This article “was revised substantially by the Treaty of Lisbon, which established a broad range of competences for ‘uniform status of asylum’, subsidiary protection, procedures, asylum jurisdiction, reception conditions, and cooperation with third states” and serves as the legal basis of the Dublin System (...).”⁴⁶ In scenarios of massive inflow of refugees, section 3 of article 78⁴⁷ “authorizes the Council to adopt ‘provisional measures’ by a qualified majority⁴⁸” which will be established by the norms of article 16 of the TEU. Section (e) of article 78 “serves as legal basis of the Dublin system” and “the careful wording of ‘common’ (not ‘uniform’ or ‘single’) asylum procedures indicates that the level of harmonisation⁴⁹ will usually be lower than for qualification criteria. “(...) Primary law is silent on the geographic location of asylum procedures, *thus authorising external processing*” and section (d) of the article 78 “covers resettlement or humanitarian visas” and “none of these options has resulted in binding legislation so far.” (Ibid., 349-350)

Article 79 Paragraph 1 focuses on developing “a coming immigration policy at ensuring at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal and trafficking in human beings”. In section 2 (a) the European Parliament and the Council, acting in accordance with the OLP shall adopt “the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including for the purposes of family reunification.”

Paragraph 3 states that “The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.” Furthermore, Article 4 states that “The European Parliament and the Council, acting in accordance with the OLP, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States”. Paragraph 5 points out exceptionally that article 79

⁴⁵ “(...) The abstract reference to substantive ‘criteria’ and procedural ‘mechanisms’ indicates that the legislature can modify existing rules or introduce a quota system. Primary law also permits parallel mechanisms for distinct scenarios.” (Ibid., 350)

⁴⁶ “These provisions allow, as we have seen, for the introduction of powerful databases and for a substantial upgrade of the Asylum Agency short of fully federalised administrative decision- making.” (Ibid., 349)

⁴⁷ “Whereas Article 78(3) TFEU concerns actions by the supranational institutions, Member States may possibly rely on Article 72 TFEU to justify non- compliance (...)” (Ibid., 350)

⁴⁸ <[Qualified majority - Consilium](#)> accessed 10/01/2026

⁴⁹ Authors: Martin Gebauer & Felix Berner <[Oxford Public International Law: Unification and Harmonization of Laws](#)> accessed 10/01/2026

“shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.”

Article 80 highlights that “the policies set out in this Chapter and their implementations shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.”

In a briefing⁵⁰ in September 2024 the European Parliament states that “Member states are still reluctant to show solidarity and do more to share responsibility for asylum-seekers” and that the article 80 “does not define the notions of ‘solidarity’ or ‘fair sharing of responsibilities’ for refugees or asylum-seekers.” The New Pact of Migration and Asylum adopted in May 2024 shall “render solidarity more operational” that “include sharing relevant tasks and pooling resources at EU level and providing financial and other forms of compensation for frontline Member States.”

As already mentioned above, the legal bases in EU law of the new Asylum and Migration Management Regulation (AMMR) takes its roots on the Consolidated Version of 2012 of the TFEU and replaces the current and still active Dublin III Regulation from June 2013. One of the fundamental political goals of the Union is to establish and maintain an area without internal borders (Art. 3 (2) TEU). Nationals from third countries and refugees are excluded from this principle, but the EU and Member States cannot violate their fundamental rights given by international law. (Meyer 2025, 28)

According to the European Union, specifically the European Parliament and the Council, this Regulation “improves the system for determining the Member State responsible for asylum applications by making it more efficient and stable, and preventing secondary movements.” Furthermore, it shall establish “a mandatory but flexible system of solidarity for Member States facing migratory pressure.”⁵¹

Meyer argues that the principle of mutual trust is of ‘constitutional significance’ since it establishes the presumption that all Member States respect the fundamental rights of refugees.

⁵⁰ Authors: Micaela Del Monte and Anita Orav (Members' Research Service) <[Solidarity in EU asylum policy | Think Tank | European Parliament](#)> accessed 13/11/2025

⁵¹ <[Legislative files in a nutshell - Migration and Home Affairs](#)> accessed 17/11/2025

That is the constitutional baseline upon which a CEAS can be established to allocate, among the Member States, responsibilities for examining asylum applications. This principle of trust that would set up “an ordered system of responsibilities” that supports an area of internal free movement and would make sure that Member States are less inclined to secure the borders with controlling mechanisms. The effective application of this principle to protect the free movement rights of EU citizens and simultaneously the fundamental rights of refugees, must be monitored by the Court of Justice of the European Union (CJEU) (Ibid., 28)

4. European Migration and Asylum Policies since 2011 (Historical and Political Context)

4.1 Consolidation (Harmonization) of EU Asylum and Migration Law

Lilian Tsourdi⁵² and Phillippe De Bruycker⁵³ have emphasized the supranational elements of the shaping of Asylum and Migration Law that gave the European Parliament the rights to fully participate in the legislative procedure that was a contrary approach to the “consultative role under the intergovernmental method.” At the same time, they argue that the Council of Ministers that represents the Member States is still in a “strong negotiating position” on the basis of Article 68 TFEU in order to define strategic guidelines for legislative and operational planning in ‘*the area of freedom, security and justice*’. The European Parliament is under the obligation to find a compromise with the Council under the “co-decision procedure” which means that it can unanimously block the legislative process. (Tsourdi & De Bruycker 2022, 2)

Harmonization of EU law has been at the core of Migration and Asylum Policies and most of the scholars have paid attention to how Member States have disagreed upon the EU legislators to reduce the rights of migrants and refugees. The asylum *acquis*⁵⁴ currently consists of four European Directives with the main of them being 1) the Qualification Directive, which defines the standards of treatment for refugees and subsidiary protection, 2) the Asylum Procedures Directive, 3) the Directive on reception conditions for asylum seekers and finally the 4) *Temporary Protection Directive* - the main focus of this paper. As mentioned in the third chapter, the Treaty of Lisbon (2007) enabled the introduction of the co-decision procedure between the European Council and the Parliament in the field of legal migration policy and in 2009 it was finally ratified. It was a ‘low level’ harmonization, because the Member States “want to keep as much control as possible over legal migration as it influences directly the composition of their population.” They decided to adopt the Long-Term Residence (LTR) Directive in 2003, that regulates the passage from temporary to permanent migration. Therefore, the Member States agreed to limit temporary migration to 5 years of stay after which legal migrants get permanent residence rights. According to Tsourdi and De Bruycker, this reflects the philosophy underlying the European Migration Policy, where there exists an institutional will not to handle migration and asylum merely as a temporary phenomenon. (Ibid.,

⁵² Professor and Jean Monnet Chair in European Migration Law and Governance at the Law Faculty of Maastricht University, Netherlands.

⁵³ Professor of Law at the Université Libre de Bruxelles, Belgium. Specializes in European Immigration and Asylum Law.

⁵⁴ The French term ‘acquis’ refers to the entire set of legal rules in one area.

8) The institutional framework for EU Migration and Asylum law adopted with this intergovernmental method which subsequently resulted in the adoption of laws under the supranational method under the "presumption that it would produce better results in terms of the level of harmonisation." (Ibid., 2)

4.2 European Migration Policy: Context

International migration takes various forms, and the distinctions between these categories can overlap and become unrecognizable from a legal standpoint. Public and private media give a "misleading impression that most people migrating to Europe do so in small boats across the Mediterranean", whereas "in fact, most people coming to Europe enter via regular channels, to work, study, or unite with family members", but as of now "EU's policy has been mainly focused on asylum seekers." (Geddes 2025, 384) The reasons why permits were issued vary from employment reasons, family reunification to international protection. For example, in 2024⁵⁵ there have been issued 3,5 million residence permits to non-EU citizens by EU Member States: 1.1 million (31.9%) were issued for employment reasons, 27,1 % for family reasons, 15.7 % for education, and 25.3 % for international protection. "Each of these categories can be broken down into sub-categories (migration into higher and lower-skilled employment, for example), (...) but these forms of migration are potentially the subjects of EU migration and asylum policies", whereas "labour and family migration remain largely in the domain of the member states." (Ibid., 384). What is missing in this statistic are the displaced people from Ukraine and 'irregular' or 'illegal' migrants, which means that "someone either overstays their original permission to reside in an EU member state or when they cross a border without permission to enter." (Ibid., 384) The former situation is more common.

The European Migration and Asylum policies can be described by the difficulty of the European organs to find legal and political common ground for liability and responsibility in accordance with the nations of the European Union and the Union bodies such as Frontex. Thym describes the difficulties between theoretical legislation and the reality of application:

"Legal experts occasionally take the binding force of EU legislation for granted and expect – rightly so from a legal perspective – that political actors and administrative authorities should respect it. The precarious state of asylum policy reminds us that legal obligations are not always applied effectively, and that difficulty can arise in reforming dysfunctional rules. (...) EU

⁵⁵ Residence permits 2024: <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_first_permits_issued_during_the_year> accessed 20/03/2026

institutions appear unable to broker a compromise between juxtaposing interests, which are hardened as a result of public scrutiny.” (Thym 2023, 43, 48)

The issues of Migration and Asylum policies lie not only on the territoriality of geographical and physical borders – of equal importance are also the “organizational borders, meaning rules governing access to welfare states and labour markets”. These ‘borders’ play a significant role in the relationship between migrants and societies when it comes to matters of ‘integration’. Geddes also mentions additionally “conceptual borders of belonging and identity.” (Geddes 2025, 384)

Reform proposals (on the CEAS) for 2016 and 2020 have been blocked despite desperate efforts to find a compromise. In the past decade, the European countries struggled to discuss how to manage the migration flows and the border regimes of the countries in which the refugees arrived, with fatal and catastrophic consequences.⁵⁶ The Mediterranean Sea has been the deadliest route for migrants to try and escape famine, war-torn countries, and other conflicts. A turning point was the ‘asylum policy crisis’ in 2015/2016 which started a general public response that “triggered a reconfiguration of the conceptual foundations in sort of ‘constitutional moment.’” Thym argues that “public debates not usually follow a quasi-academic style of reasoning” and that “symbolic issues often develop a life of their own and short slogans with an emotional appeal embody the position of the speaker. (...) Neither of these catchphrases necessarily comprises a clear-cut vision of migration policy, (...) considering that the object and purpose of protection and sovereignty will often be defined in an open manner, including values.” He emphasizes that the “language of protection and sovereignty expresses the desire to improve state control over migratory movements” and that it “is often combined with semantic framing stressing border controls, ‘illegal’ migration, and security risks” and that “recent years have witnessed a radical alternative” showing “desire for ‘management’ increasingly being confronted with calls for ‘zero immigration’ by populist politicians and governments, in particular in respect to asylum.” (Thym 2023, 31-32) These narratives “challenge and feed into a fear or concern that Europe faces large-scale *uncontrollable* flows that require ever more stringent border controls”. According to Geddes this position can be contested in four ways:

- 1) ‘Irregular migration’ is a consequence of the narrowing channels for regular or legal migration to the EU, which creates demand for irregular entry. Thym points out that

⁵⁶ The totality of the arrivals in 2025 was 155.100. Most of them arrived by the sea. 1953 have been declared dead and missing. < <https://data.unhcr.org/en/situations/europe-sea-arrivals> > accessed 16/03/2026

“visa requirements and carrier sanctions forced migrants to reach Europe irregularly, in the absence of legal options” using the smugglers that adapt to the policies and deviate the border controls. (Ibid., 339)

- 2) There are opportunities for people in an irregular situation to find work in the EU in sectors such as agriculture and food production or social care (“unscrupulous employers may prefer migrant workers in an irregular situation who can be exploited because of their precarity”)⁵⁷.
- 3) Irregular migration and asylum are part of a broader debate about unequal development, peace, and security. “Migration may be tied to the member states actions that can destabilize countries as a result of military intervention, causing migration and refugee flows.” (Geddes 2025, 385)
- 4) The perception that the EU must manage the largest migration flows is distorted, as the majority of the displaced people worldwide reside in lower-income countries. Of the 36 million refugees and asylum seekers in 2023, 75 per cent were hosted by low- and middle-income countries and 70 percent were in neighboring states. Including the people fleeing Ukraine the EU hosted 20 per cent of the world’s refugees which amounts to 1.5 per cent of the EU’s population. (Ibid., 385) Hence, the EU is not the epicenter of a global migration or refugee crisis.

As of 2026, migration policy remains one of the most controversial issues on which European countries struggle to reach an agreement, and it is often used to fuel political mobilization by extremist and populist actors. Andrea Spehar⁵⁸, argues that the issue of the political practice is “deeply marked by a difficult-to manage imperative shaping official responses to it, that of striking the balance between (...) the decision-making power of the European Union itself as political body and, (...) the autonomy of its member states in matters of migration and asylum policy.” (Spehar 2025, 197-198) Geddes states that the role of the EU is limited because it does not have its own ‘national’ borders, and they are controlled almost entirely by the Member States. The EU additionally does not have the competence to decide how many migrants are admitted to the Union and “increased power have been granted to the EU institutions over time, including to Frontex, the European Border and Coast Guard, which

⁵⁷ The far-right Italian government led by Prime Minister Georgia Meloni (since October 2022) focusses strongly on border controls, but paradoxically her government announced plans to recruit 450.000 migrant workers between 2023 and 2025 because of labor market shortages. (Geddes 2025, 385)

⁵⁸ Associate Professor of Political Science of the University of Gothenburg, Sweden.

coordinates border controls.”⁵⁹ There have been several concerns about illegal pushbacks⁶⁰, in which Frontex was involved⁶¹, “where migrants moving to Europe with a potentially viable claim seeking asylum were returned to countries such as Libya, where their safety and even their lives would be at risk”⁶². This is in grave “contravention” with the *principle of non-refoulement*.

In the past years, Member States of the EU have shown “increased interest in ‘external measures’” to control their borders⁶³. As an example “in February 2024, the Italian and Albanian governments reached a deal whereby people seeking asylum in Italy would be sent to two processing camps in Albania from where they would be deported if their claims failed or

⁵⁹ Frontex is planning to expand the Standing Corps up to 10.000 officers, according to the official website. <<https://www.frontex.europa.eu/careers/standing-corps/about/>> accessed 24/11/2025; additionally, their budget grew larger between 2015 and 2024. From 142 million € to 922 million. And 2025 to 1.124 million. <<https://de.statista.com/statistik/daten/studie/1172183/umfrage/budget-der-europaeischen-agentur-fuer-die-grenz-und-kuestenwache-frontex/>> accessed 16/03/2026

⁶⁰ Refugee rights Europe (RRE) and the End Pushbacks Partnership (EPP) published a report in 2020 outlining in detail the practice of pushbacks and associated border violence at the external borders of Bulgaria, Croatia, Greece, Hungary, Romania, Poland, Slovakia and Spain and its impact on people’s lives. It also underlines the harmful impact of pushbacks at EU level and on European social cohesion in terms of the polarization of societies and normalization of violence against newcomers. Editors and writers: Barbara Joannon, Salma Mešić, Stephanie Pope, Marta Wealander. <<https://refugee-rights.eu/wp-content/uploads/2020/11/pushbacks-and-rights-violations-at-europes-borders.pdf>> accessed 14/02/2026

⁶¹ Nine human rights organizations recorded over 120.000 pushbacks incidents at the EU’s external and internal borders in 2023. The report refers to pushbacks in Bulgaria, Hungary, Greece, Poland, Croatia, Latvia, Lithuania, Spain and Cyprus. The Protecting Rights at Borders (PRAB) initiative argues that these pushbacks are used as a ‘systematic border management tool’ and there are concerns that the ‘New Pact on Migration and Asylum’ won’t end these practices. Author: Kenny Van Minsel. (17/02/2025) <<https://pers.11.be/over-120000-illegal-pushbacks-recorded-at-eu-borders-in-2024-report-finds>> accessed 14/02/2026

PRAB-report:<<https://drc.ngo/media/bjqfay25/prab-report-ix-january-to-october-2024.pdf>> accessed 17/02/2026

⁶² Reports and Briefings addressing the illegal activities of pushbacks:

Bellingcat investigative collective of researchers: Authors: Nick Waters (Ex-British Army officer and open-source analyst), Emmanuel Freudenthal (Investigative journalist), Logan Williams (Technology officer, senior data scientist and researcher on Bellingcat’s Investigative Tech Team). <<https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/>> accessed 16/02/2026

Lighthouse Reports: Emmanuel Freudenthal, Bashar Deeb, Gabriele Gatti, Francesca Pierigh, Htet Aung, Eva Constantaras, Klaas van Dijken, Jack Sapoch, Giorgos Christides, Steffen Lüdke, Julia Pascual, Tomas Statius, Lukas Häuptli, Michael Zollinger, Carlos Hanimann, Keto Schumacher <<https://www.lighthousereports.com/investigation/frontex-the-eu-pushback-agency/>> accessed 16/02/2026

European Parliament official report about the scrutiny of Frontex. Authors: Micaela Del Monte and Katrien Luyten. Members' Research Service. <[https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)698816](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)698816)> accessed 17/02/2026

Strength in Numbers Reports; 2024: <[Pushbacks Report 2024.pdf](#)> accessed 17/02/2026

2025: Research: Virginia Maciucchi<[Pushbacks Report 2025.pdf](#)> accessed 25/02/2026

⁶³ Repeated condemnations and calls for compliance with fundamental rights in the Member States activities to protect EU’s external borders have been made by the European Parliament, the Parliamentary Assembly of the Council of Europe, NGO’s, the UNHCR and the IOM. European Parliamentary Research Service (EPRS); Briefing on pushbacks. Author: Katrien Luyten. Members' Research Service. <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/772882/EPRS_BRI\(2025\)772882_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/772882/EPRS_BRI(2025)772882_EN.pdf)> accessed 15/02/2026

moved to Italy if they were successful.” (Geddes 2025, 384) This deal was rejected by the European Court of Justice as of August 1st 2025⁶⁴.

Catharina Zibritzki⁶⁵ has summarized the EU asylum policies regarding the responsibility for fundamental rights in the EU integrated EU hotspot administration as follows:

“The EU’s asylum policy has, in substantial parts, become unlawful. Practices are commonly implemented by national authorities and EU bodies and are partially even normatively sanctioned by EU secondary law, violating fundamental rights standards as enshrined in the ChFR (European Charter of Fundamental Rights). Examples range from regular pushbacks to inhuman reception conditions, the denial of children’s and women’s rights, or the deprivation of basic procedural rights. In sum, the European asylum system in its current form is normatively misguided and empirically dysfunctional to an extent that structurally calls into question human rights and the rule of law.” In sum, “the EU’s asylum policy as of 2024 constitutes a threat to the EU’s own foundational values enshrined in Art. 2 of the Treaty of the European Union (TEU).”⁶⁶ (Zibritzki 2025, 22)

In the following paragraphs, I will give an overview of the historical and political developments in European migration and asylum policies since 2015 onwards.

4.3 Asylum Policies since 2015

Since the outbreak of the Arab Spring in Egypt, Tunisia, Libya and Yemen (2011/2012), and the civil war in Syria in 2011 the EU has been facing increased influx of migrants in which the year 2015 brought 3692 recorded victims drowned crossing the Mediterranean Sea. In that year 810,000 migrants and refugees tried to cross by sea into Greece. Because of the massive numbers of refugees, the EU Member States had to face, they disregarded the CEAS Dublin principle of first country of entry. The countries of transit let migrants travel to their preferable destinations like Germany and Sweden with Greece and Italy serving as entry points. After reintroducing border controls within the Schengen area that year the movements decreased. “The perception spread that the Union’s migration system had become inadequate, and there

⁶⁴ <<https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=303022&pageIndex=0&doclang=IT&mode=lst&dir=&occ=first&part=1&cid=2973604>> accessed 20/01/2026

⁶⁵ Research Fellow at the Max Planck Institute for Comparative Public Law and International Law. Her work focuses on the EU hotspot administration and its systemic deficits, discussing the central issue of the allocation and its liabilities.

⁶⁶ Art. 2 TEU: “*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*”.

was a discernible shift towards a more negative attitude towards migration and migrants in its member states.” (Spehar 2025, 198; Augustin & Jorgensen, 2019)

In the context of MLG the European Commission “started to engage in a dialogue with local authorities and other non-public actors, with the goal of establishing cooperation on matters of immigrant integration⁶⁷.” (Caponio 2022, 17) As response to this exponentially growing problem the EU adopted a series of measures. According to Thym, during the second phase of harmonisation⁶⁸ “procedural safeguards, amongst vulnerable persons, were enhanced (...), which established today’s Qualification Directive 2011/95/EU, Asylum Procedures Directive 2013/32/EU, Reception Conditions Directive 2013/33/EU and Dublin III Regulation (EU) No 604/2013”, also called Reception Directive, and the former Asylum Office was established “to improve administrative practices on the ground.” (Thym 2023, 342) In other words, this meant a high degree of Europeanisation of asylum policies and a consequential pressure from EU Member States. The second phase included the creation of an EU agency called the European Asylum Support Office (EASO), which helped Member States in the application of the law⁶⁹.

The year 2015/16 constitutes a ‘turning point’ (Geddes 2025; Thym 2023) for EU asylum policy “in terms of administrative challenges, conceptual repercussions and political fallout.” (Thym 2023, 343). More than one million people made crossings by boat across the Aegean Sea from Türkiye to Greece in 2015/2016. Since then, there have been regular arrivals by sea surpassing more than 100.000 – 200.000⁷⁰ people with the only exception being the year 2020, the beginning of the COVID-19 crisis. The civil war in Syria intensified in 2015 and more people were seeking protection in Europe. Most of the people that were displaced sought refuge in the neighborhood states of Jordan, Lebanon, and Türkiye. In 2021 it was reported that 5.6 million people have fled from Syria, from which 3.5 million were staying in Türkiye, almost one million in Lebanon and 650.000 in Jordan. “The high numbers of people continuing to make these dangerous journeys reflected the economic difficulties faced by many people in

⁶⁷ An example of this cooperation is The Partnership for the Inclusion of Migrants and Refugees of May 30, 2016, under the initiative of the Dutch Presidency of the European Council also known as ‘Urban Agenda for the European Union’ (UAEU) <<https://www.inclusionpartnership.com/about>> accessed 14/02/2026

⁶⁸ The first harmonization of a ‘Common European Asylum System’ was introduced by the Treaty of Amsterdam in 1997 and the Tampere Programme in 1999: “A first generation of asylum legislation was adopted unanimously by the Council, after consultation with the Parliament. It comprised the former Asylum Reception Conditions Directive 2003/9/EC, the former Asylum Qualification Directive 2004/83/EC, the former Asylum Procedure Directive 2005/85/EC, and the former Dublin Regulation (EC) No 343/2003, together with the Eurodac database.” (Thym 2023, 341-342)

⁶⁹ Reg 439/2010 ([2010] OJ L132/11)

⁷⁰ <<https://data.unhcr.org/en/situations/europe-sea-arrivals>> accessed 15/12/2025

lower-income countries, the effects of conflict and oppression, as well as the impact of climate change.” Because of the closing of regular routes and stronger border controls by EU member states to Europe people are forced to use irregular routes which are more dangerous and in a lot of cases can result in death. (Geddes 2025, 387)

EU member states have characterized the time before and after 2015 as ‘security and border control crisis’ which according to Geddes also became a political crisis that highlighted “the perceived failings of policy responses of both member states and EU level”. The term ‘crisis’ has been contested by several scholars “because the numbers of arrivals were small compared to other countries and the rich and powerful EU member states should have been able to cope” and it helped populists and (extreme) right wing parties to stigmatize migrants and refugees. (Ibid., 387) Under Angela Merkel the German government opened the borders to Syrian refugees for seeking asylum in August 2015, which went against the basic principle of the Dublin System where the country of first arrival for an asylum applicant would be the member state in which they made their claim for refugee status and that any decision take there would be valid for the whole EU. Member states were not prepared to share responsibility for asylum seekers and refugees and adopt the same legislation as the German government. In September 2015 the EU leaders agreed upon two EU Council decisions, “which would involve the relocation of up to 160.000 asylum applicants between the member states”, from which only 28.000 were actually relocated because of the responses against these policies from the Visegrád governments of Czech Republic, Hungary, Poland and Slovakia.

The original EU hotspot approach was put forward by the European Commission in May 2015.⁷¹ In 2016 the EU made a deal with Türkiye⁷² offering financial support as an incentive to keep Syrian refugees in their country and the return of Syrian nationals through the ‘Eastern Mediterranean route’ from the Greek Islands to Türkiye as ‘safe third country’. Questions arose about the burden sharing and the human rights standards and the Visegrad group countries (the Czech Republic, Hungary, Poland and Slovakia) opposed the relocation scheme. The European Commission initiated “infringement procedures against the Czech Republic, Hungary and Poland for non-compliance with their obligations under the 2015 Council Decision on relocation.” (Ponzo 2022, 40) After striking this deal there have been multiplied worries about sea-deaths and controversies about more deals with third countries like Tunisia and Albania, as

⁷¹ <<https://www.statewatch.org/media/documents/news/2015/jul/eu-com-hotspots.pdf>> accessed 14/12/2025

⁷² EU-Türkiye Statement April 2016 <<https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>> accessed 20/02/2026; As a result the numbers of asylum applicants fell from 176.000 in 2016 to 35.000 in 2017.

mentioned already above in this chapter, “placing asylum-seekers in long term legal and physical limbo far from Europe’s shores.” (Ludtke 2026, 24) In 2017 Italy announced it would no longer serve as the first point of entry for rescued migrants if the other Member States are not willing to share the allocations and responsibilities of refugees. Since then, the trend has been to restrict access to Europe even more with the ‘New Pact on Migration and Asylum’ aimed to supranationally unify and coordinate migration flows introducing “standardised asylum procedures, mandatory solidarity mechanisms among member states, and streamlined processes for applicants from countries with historically low acceptance rates.” (Ibid., 24) Germany, under Olaf Scholz extended its border controls till August 2025 and other countries followed for the year 2025/2026. Temporary Border Controls have been reintroduced⁷³ and are now (March 2026) effective in Austria, Slovenia, Italy, The Netherlands, Denmark, Norway, Sweden, France and Poland. Reasons for extensive border controls are serious threats to public security and order posed by high levels of irregular migration and migration smuggling, the strain on the asylum reception system, the global security situation (Russia’s full-scale invasion and the situation in the Middle East/Central Asia (Israeli-Hamas conflict), Africa), terrorist threats and infiltrations and organized crime, antisemitic attacks, smuggling and trafficking networks, infrastructure security (Norway).

In 2020 the world was confronted with a Pandemic of unknown scale and EU Member States imposed travel restrictions, entry bans, and quarantine measures, which “meant further misery as many were housed in camps or in detention centres in often terrible conditions with the risk of increased exposure to the virus. (Geddes 2025, 389)

⁷³<https://home-affairs.ec.europa.eu/policies/schengen/schengen-area/temporary-reintroduction-border-control_en> accessed 20/02/2026

5. Euromaidan (Maidan Uprising) and the War in Donbas (Refugees and Internally Displaced Persons)

In 2008 the European Council spoke out to strengthen ties with the Southern Mediterranean countries creating the Union for the Mediterranean⁷⁴ and at the same time there were proposals for developing ‘the Eastern dimension of the European Neighbourhood Policy’ (ENP) (Council of the EU 2008⁷⁵) and the Commission drafted a proposal for an Eastern Partnership (EaP). This partnership “should bring a lasting political message of EU solidarity, alongside additional, tangible support for their democratic and market-oriented reforms and the consolidation of statehood and territorial integrity” (Commission of the European Communities 2008⁷⁶, 2-3), with the inclusions of Association Agreements⁷⁷ (AA) (Bilateral Agreements) that gave access to the Deep and Comprehensive Free Trade Area (DCFTA). Between 2011 and 2015 the ENP was revised two times, once regarding the EU foreign policymaking included in the Lisbon Treaty and second the Arab Spring in countries of the southern Mediterranean. These revisions were also made based on new security challenges in the neighbourhood countries near the European border. (Burmester 2024, 12)

After the Negotiations of the AA with the EU in April 2013 “Ukraine adopted a series of democratic and institutional reforms (...)” (Ibid., 1) Seven months later, in November 2013, president Janukovič announced that Ukraine would not sign the agreement with the EU. Protests against this decision erupted across the country. “The movement’s demands – rule of law and democracy in their country – were not directly related to the signing of the AA but associated with European Integration and the EU model. They were also defined in opposition to Russia. This influence stood in stark contrast to Russia’s threats and financial incentives to get Ukraine to abandon its European ambitions.” (ibid., 2) Three other countries were experiencing similar pressure from Russia⁷⁸ at that time, because they also had negotiated an AA: Moldova, Armenia, and Georgia. “The AA included a DCFTA that was incompatible with joining Eurasian

⁷⁴ <<https://ufmsecretariat.org/>> accessed 14/02/2026

⁷⁵ Council of the EU. Brussels European Council 19/20 June 2008 Presidency Conclusions, 2008.

⁷⁶ Commission of the European Communities. Eastern Partnership COM (2008) 823 final, 2008.

⁷⁷ <https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements_en> accessed 31/01/2026

⁷⁸ “If a country is member of a Customs Union, it agrees to abolish customs duties with the other members of the Union and to apply a common external tariff in its trade with third countries. This common external tariff means that the country cannot individually decide to reduce tariffs or form a Free Trade Agreement (FTA) with countries or trade blocs that are not a member of the CU. That is why membership in the EAEU was incompatible with the EU AA/DCFTA. In an effort to get its Eastern and Southern neighbours to abandon the AA/DCFTA and to join the EAEU instead, the Russian government issued threats and incentives to these governments.” (Burmester 2024, 2); 2012); The EU Member States and Moldova signed the AA ratification in 2016.

Economic Union (EAEU)⁷⁹. Russia was advancing their policies on Eurasian integration and created an economic partnership conglomerate called Customs Union (CU) in 2010 and signed a Treaty on the EAEU with Belarus and Kazakhstan. Armenia and Kyrgyzstan joined the in 2015. Ukrainians showed that they wanted to be rather part of the European Union than have economic and cultural ties to Russia. In the events on Kyiv's main square, which later got the name of Euromaidan or 'Revolution of Dignity', you could see EU flags displayed, which showed protests "in the name of European integration and the rule of law, and in opposition to authoritarian politicians and corruption." (Sereda 2020, 405). Ukraine still tried to manoeuvre the cooperations with the EU and Russia during the surging of the conflict.

The EU-Ukraine Association Agreement, which was signed as a consequence of the Euromaidan Revolution, came into full effect in 2017⁸⁰. Different region-building policies and integration initiatives, which came with constraints and opportunities between EU and Russia showed a "competition for influence" in the "shared neighbourhood". (Burmester 2024, 4) The Russian annexation of Crimea and the start of the Russian War in Donbas in 2014 let Ukraine end deeper integration with Russia and it caused the displacement of over two million people⁸¹. Pro-Russian separatists declared their independence in the Donetsk and Luhansk regions which President Putin recognized as part of the Russian Federation on the 21st of February 2022 and annexing them on the 30 of September 2022 together with the Zaporozhye and Kherson regions⁸². Subsequent peace Agreements were negotiated between Ukraine, Russia, Germany, and France in 2014 and 2015 called the Minsk Agreements I and II, but they did not bring a lasting ceasefire. By the summer of 2016, the Ukrainian Ministry for Social Policy registered almost 1.8 million internally displaced people (IDPs), which represented one of the largest displaced people in the world. Estimations speak of almost one million people fleeing to Russia and the others to the neighbouring European countries. (Sasse & Lackner 2020, 356) At the end of 2021 1.57 million Ukrainian citizens had a residence permit from one of the EU Member states. 1.2 million had a residence permit with a duration of at least 12 months. So, at that time, Ukrainians were the most non-EU citizens with a residence permit with a duration of at least

⁷⁹ "The contradiction between the powerful appeal of the global script of regionalism in the post-Soviet world and Russia's authoritarian revisionism should lead to a particularly strong role conflict the EAEU is likely to experience. The EAEU appears to try to be both: 'yet another' economic regional organization focusing on liberalizing trade, investments and labour flows; and part of Russia's global power ambitions challenging the liberal script." (Libmann 2024, 72)

⁸⁰ <https://www.kmu.gov.ua/en/yevropejska-integraciya/ugoda-pro-asociacyu>> accessed 14/02/2026

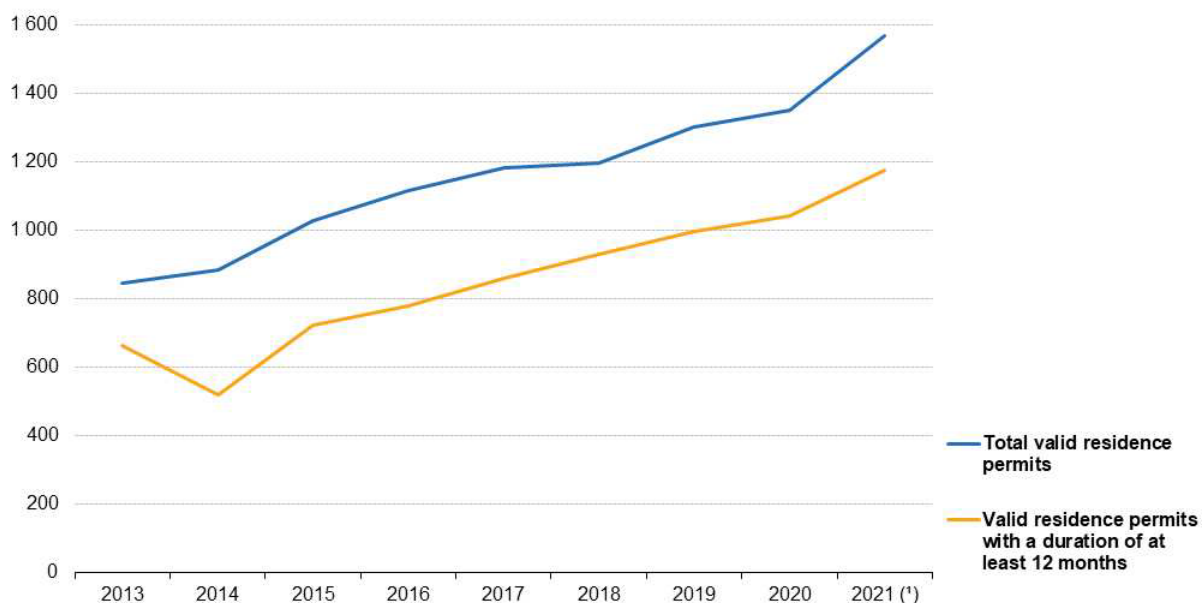
⁸¹ GRID (2016) Global Report on Internal Displacement (Geneva, Internal Displacement Monitoring Center) <<http://www.internal-displacement.org/publications/ukraine-translating-idps-protection-into-legislative-action>> accessed 14/02/2026.

⁸² <<http://en.kremlin.ru/events/president/news/69465>> accessed 15/02/2026

12 months. At the end of 2013 they had the sixth in numbers with residence permits for at least 12 months. The statistic below shows an overall growth rate between 2013 and 2021 was 85,7 % for all residence permits.

Data showing the steady increase of residence permits issued to Ukrainian citizens between 2013 and 2021⁸³. The total number of permits also includes Ukrainians authorized to stay on a more temporary basis (less than 12 months), for seasonal or short-term work or education reasons.

Ukrainians holding a valid residence permit in the EU at the end of the year, 2013–2021
(1 000)



Note: data on valid residence permits at the end of the year in Denmark are not available and have been replaced for both types of permits by the number of Ukrainian nationals usually residing in Denmark. Includes data for some Member States that are provisional, estimates or of low reliability.

(*) Including 2020 data for Denmark and Finland.

Source: Eurostat (online data codes: migr_resvalid and migr_pop1ctz)

eurostat 

In absolute values, this development meant an increase of 724.000 residence permits obtained by Ukrainian citizens in the EU. They were the third highest increase in permits issued among any non-EU citizenship. Only Syrian and British citizens had higher numbers of permits

⁸³ <[Ukrainian citizens in the EU - Statistics Explained - Eurostat](#)> accessed 18/02/2026

(816.000 for Syrians and 805.000 for British citizens). In five EU Member States the total number of Ukrainians holding residence permits increased between 2013 and 2021 by more than 25.000. Among them Poland with 476.000, the Czech Republic with 86.000, Hungary up to 50.000. In other EU countries the numbers decreased like in Germany with 27.000 less Ukrainian citizens, Portugal (14.000), and Italy (3000), due to people leaving after the 12 months permit was expired. More than two thirds (68.5%) of Ukrainian citizens in the EU had a residence permit in Poland (41,5 %), Italy (14.7 %) and the Czech Republic (12.3 %).

Ukrainians holding a valid residence permit at the end of the year, 2013–2021

	All valid residence permits			Valid residence permits with a duration of at least 12 months		
	Number, 2021	Change in number, 2013–2021	Number per 1 000 inhabitants, 2021	Number, 2021	Change in number, 2013–2021	Number per 1 000 inhabitants, 2021
EU (*)	1 569 388	724 248	3.5	1 176 029	511 774	2.6
Belgium	5 673	1 823	0.5	5 388	1 631	0.5
Bulgaria	9 149	8 077	1.3	7 980	7 497	1.2
Czechia	193 547	86 293	18.1	190 044	88 581	17.8
Denmark (†)(*)	12 821	5 776	2.2	12 821	5 776	2.2
Germany	83 043	-26 738	1.0	81 904	-23 778	1.0
Estonia	14 282	8 288	10.7	14 210	8 250	10.7
Ireland (*)	2 144	185	0.4	1 615	-113	0.3
Greece	20 690	1 903	1.9	20 690	1 903	1.9
Spain	97 442	16 576	2.1	96 965	16 489	2.0
France (†)	18 610	10 086	0.3	15 135	6 795	0.2
Croatia	2 405	2 158	0.6	1 208	1 022	0.3
Italy	230 366	-3 238	3.9	229 007	11 021	3.9
Cyprus	4 573	1 798	5.1	3 692	1 629	4.1
Latvia	9 087	5 156	4.8	7 865	4 785	4.2
Lithuania	32 884	29 170	11.8	32 591	29 292	11.7
Luxembourg	997	484	1.6	992	501	1.6
Hungary	63 175	50 026	6.5	60 983	48 208	6.3
Malta	1 192	799	2.3	1 026	759	2.0
Netherlands	8 238	4 760	0.5	8 062	4 703	0.5
Austria	9 973	3 520	1.1	9 432	5 419	1.1
Poland	651 221	475 565	17.2	284 839	256 376	7.5
Portugal	27 195	-13 895	2.6	27 049	-13 636	2.6
Romania	2 260	859	0.1	2 131	766	0.1
Slovenia	2 655	1 090	1.3	2 507	1 166	1.2
Slovakia	54 138	47 777	9.9	48 450	42 514	8.9
Finland (†)(*)	5 860	3 713	1.1	4 034	2 085	0.7
Sweden	5 768	2 237	0.6	5 409	2 133	0.5
Iceland (†)	204	41	0.6	175	51	0.5
Liechtenstein	76	28	1.9	50	18	1.3
Norway	3 135	1 290	0.6	2 687	1 037	0.5
Switzerland	7 146	999	0.8	6 859	1 284	0.8

(*) Including data on the number of Ukrainian nationals usually residing in Denmark (rather than the number of permits). 2021: including 2020 data for Denmark and Finland.

(†) Number of Ukrainian nationals usually residing in Denmark.

(*) 2020 instead of 2021. Change 2013–2020 instead of 2013–2021.

(*) Low reliability.

(*) Provisional.

(*) Change 2013–2020: provisional.

(†) 2019 instead of 2021. Change 2013–2019 instead of 2013–2021.

Source: Eurostat (online data codes: migr_resvalid, migr_pop1ctz and demo_pjan)

Ukrainian citizens that acquired the EU citizenship were 184.000, which counts for 11,8 % of the people holding a residence permit. Ukrainians stayed in the EU mostly for employment which made 57,3 % of all permits and other reasons 19.6 %, family reasons 20 % and education reasons 2.5%. Only 0.6 % had the status of refugee and subsidiary protection at the end of 2021.

Over the period 2013-2021, 5.1 million first residence permits⁸⁴ were issued to Ukrainians, of which 968.000 (18.8 %) had a duration of at least 12 months. After the Annexation of Crimea and the beginning of the war in the Donbas region the number of asylum applicants increased. Between 2013 and 2021, 16.100 positive decisions were issued to Ukrainian asylum seekers across the EU Member States.

The next chapter will focus in detail on the developments after February 2022. As of March 2026⁸⁵, Russia has still occupied almost 20 percent of the territory which are comprised by the “Luhansk Oblast and Donetsk Oblast in the east, (...) the entire Autonomous Republic of Crimea and the city of Sevastopol in the south (...) and large parts of Zaporizhzhia Oblast, Kherson Oblast and a small part of the Kharkiv Oblast. (Jauhiainen 2025, 30)

5.1 Temporary Protection as a European Legal Framework

The concept of ‘Temporary Protection’ was introduced in 1992 by the United Nations High Commissioner for Refugees in 1992 “as an element of the ‘Comprehensive Response to the Humanitarian Crisis in Former Yugoslavia’ to encourage states to keep their borders open and to provide protection to Bosnian refugees.” (Ineli-Ciger 2017, 3) Ineli-Ciger defines TP “as emergency responses to mass influx situations and are mostly introduced by states that cannot cope with the large scale arrivals of asylum seekers”. Meaning that the individual determination of refugee status is not possible. Subsequently, the instrument of ‘Temporary Protection’ was offered by the EU Member States under a Humanitarian Evacuation Programme proposed by the UNHCR that followed the crisis in Kosovo. (Council of the EU Doc. 11808/99) It was the “first supranational instrument on asylum to be adopted under the Treaty of Amsterdam.” (Thym 2023, 405) During this time there had to be made a distinction between the rights granted between regular refugees, and the “percentage of the displaced persons could not qualify as Convention’s refugees, despite the religious and ethnic nature of the armed conflict (European Council on Refugees and Exiles [ECRE] 1998⁸⁶ (...))” (Nicolosi & Béres 2025, 66) It was a

⁸⁴ First residence permit corresponds to one of the following cases:

- 1) If no residence permit has previously been issued by the EU Member State to the person concerned, a first permit is every permit issued by the Member State authority to the non-EU citizen with at least three months’ validity.
- 2) If a residence permit has previously been issued by the EU Member State to the person concerned, a first permit is a permit (with at least three months’ validity) issued by the Member State authority six months or more after the previous permit expired, regardless of the year in which it was issued.

⁸⁵ Authors and editors: Dominic Bailey, Mike Hills, Paul Sargeant, Chris Clayton, Kady Wardell, Camilla Costa, Mark Bryson, Sana Dionysiou, Gerry Fletcher, Kate Gaynor and Erwan Rivault. <<https://www.bbc.com/news/articles/c010k4389g2o>> accessed 20/02/2026

⁸⁶ <[Position on the Enlargement of the European Union in Relation to Asylum | Refworld](#)> accessed 15/01/2026

solution and an instrument that prescribed a short time under the assumption that people benefitting from the ‘Temporary Protection’ could return once the crisis was over. Therefore, rights for integration, “as the right to work and education, were “heavily restricted”. (Ibid., 66)

The final *Temporary Protection Directive* was based on the Treaty of Amsterdam of 1997 and the Tampere Programme in 1999⁸⁷ and set the goal for a ‘Common European Asylum System’ (CEAS), which then “resulted in the adoption in 2001 of the TPD that entered into force in August of the same year.” (Ibid., 67) As the title of the Council Directive suggests the two main goals are: “to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons” and “to promote a balance between the Member States in receiving and bearing the consequences of receiving such persons.”⁸⁸ (Preamble para 23)

Nicolosi and Béres concluded that the TPD “emerged as pragmatic solution in all national legal systems on the assumption that the beneficiaries could return safely to their country of origin in a relatively short time” and “measures enhancing integration were almost completely absent.” They emphasize that the nature of the TPD is “centred around repatriation as a durable solution for the problem of displacement.” (Ibid., 66)

5.2 Policy Responses of the European Union on Refugees from Ukraine after Russia’s Full-Scale Invasion

The EU adopted several policies that have taken different forms of solidarity towards Ukraine since the outbreak of the war and “has shown unparalleled support for Ukraine” and “according to the European Council in repeated statements since 2022 will continue for as long as it takes.” (European Council, 2022, 2023, 2024, 2025).” These different forms include “strategic military support through macroeconomic aid and promises of funding for Ukraine’s reconstruction, and humanitarian aid through the activation of the Temporary Protection Directive for Ukrainians to facilitate the reception of people fleeing the war.” (Ekman, Lundqvist, Michalski & Oxelheim 2025, 2) Politically the EU has condemned Russia’s actions through the adoption of packages of sanctions.⁸⁹ ⁹⁰ In June 2022 the Commission granted

⁸⁷ <[Tampere European Council 15-16.10.1999: Conclusions of the Presidency - European Council Tampere 15-16.10.1999: Conclusions of the Presidency](#)> accessed 15/01/2026

⁸⁸ TPD <[eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055](#)> accessed 16/01/2026

⁸⁹ <[Timeline - EU sanctions against Russia - Consilium](#)> accessed 4/1/2026

⁹⁰ “Self-interested calculations and positions within the EU were successfully overcome, even in countries like Cyprus, Germany, Hungary and Italy who initially blocked the Russian lock-out from SWIFT among other harsher economic penalties.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 6)

Ukraine, Moldova, and Georgia candidate status for joining the EU and as of September 2025, Ukraine completed the screening process.⁹¹

As mentioned above, the activation of the TPD on the 4th of March 2022 for Ukrainians and non-Ukrainians fleeing Ukraine has been one of the most effective responses on migration inflow in the history of the European Union after the Second World War facilitating “safe access to the EU’s territory without needing lengthy individual asylum determination status procedures. The activation (...) sends a clear message of a common EU commitment to implement a coordinated response, avoiding *ad hoc/unilateral* Member States measures, easing pressures on national asylum systems, and ensuring a common level playing field of rights for potential beneficiaries fleeing the war.” (Carrera, Ineli-Ciger. Vosyliute & Brumat 2023, 3) President of the Commission Ursula von der Leyen said in a press statement that Ukrainians will be met ‘with open arms’. The common European response has been recognised and praised by the President of the European Parliament Robert Metsola.” Civil society and ordinary citizens have been actively volunteering and responding to the needs of fleeing people, from providing blankets, hot meals at the borders, to offering their homes as a temporary shelter. Humanitarian aid, humanitarian evacuations, the protection of civilians and the creation of ‘safe corridors’ have been implemented without hesitation by the European governments, highlighting the ones that have borders with Ukraine (Ibid., 7) There have been significant major protests in Europe⁹² and in Russia since stating solidarity with Ukraine demanding to stop the war but declined abruptly over the first year of 2022 and 2023.⁹³

Ukraine is geographically the largest country fully located in Europe with the surface approximately of 603,500 square kilometers and the population of 41.6 million in 2021 according to the Statistics Service of Ukraine⁹⁴. According to Professor Jauhiainen of the University of Turku the population (...) “has declined dramatically in recent decades and continues to shrink.” (Jauhiainen 2025, 2) After Ukraine gained independence in 1991 the population was 52 million which by the 2001 census became 48,5 million. As the war is still ongoing, it is difficult to estimate the exact numbers of the people currently residing in Ukraine.

⁹¹ <[Ukraine - Enlargement and Eastern Neighbourhood - European Commission](#)> accessed 4/1/2026

⁹² Wikipedia contributors. (2026, February 24). Protests against the Russo-Ukrainian war (2022–present). In *Wikipedia, The Free Encyclopedia*. from <[https://en.wikipedia.org/w/index.php?title=Protests_against_the_Russo-Ukrainian_war_\(2022%E2%80%93present\)&oldid=1340176507](https://en.wikipedia.org/w/index.php?title=Protests_against_the_Russo-Ukrainian_war_(2022%E2%80%93present)&oldid=1340176507)> accessed 22/02/2026

⁹³ Author: Katerina Tertychnaya, Associate Professor of Comparative Politics in the Department of Political Science at the University College of London, UK. <[Russian Protests Following the Invasion of Ukraine - PONARS Eurasia](#)> accessed 22/02/2026

⁹⁴ <[Population of Ukraine, 2021 | State Statistics Service of Ukraine](#)> accessed 06/01/2026

Estimations of the UNHCR of 2025 speak of 32 to 35 million people residing permanently in the country.“ From 2015 onwards, the data on the population provided by the Ukrainian statistical authorities excluded the illegally annexed and temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol and the self-proclaimed separatist entities of Donetsk and Luhansk. 2.5 million people in 2015 than the year before. Almost one out of three Ukrainians has had to leave their homes during the war, at least temporarily and up to 7 million Ukrainians lived abroad in 2025 after three years of the war’s escalation with as of 31st of January 2026 4.38 million people living under temporary protection of the EU⁹⁵. Most Ukrainians left immediately facing immediate danger to their lives and destruction of their homes. Others left later with people fleeing until late 2025. “Many Ukrainians chose their destinations abroad based on personal connections, cultural ties, or available opportunities, while others ended up wherever immediate transport options could take them.” (Ibid., 17) The majority of people fleeing Ukraine at the beginning were women and children and older individuals. Most men had to stay at home because of the martial law restriction that prohibited to leave the country for men aged from the year 18 to 60⁹⁶. In August 2025 the prime Minister Yulia Svyrydenko announced⁹⁷ men aged 18 to 22 will be allowed to leave and return to their country. In July 2025 a bill was already signed by President Volodymyr Zelensky⁹⁸ allowing Ukrainian citizens over the age of 60 to enlist in the military during martial law. As of February 19, 2026, 5.374.780 people from Ukraine have been recorded in Europe⁹⁹. The largest numbers have been registered in Germany, Poland and in the Czech Republic. Before the large-scale invasion of Russia, the EU had lifted the visa requirement for Ukrainian nationals in June 2017¹⁰⁰, which was still a requirement for non-Ukrainians who were residents in that country. (Guild, Groenendijk & Lypalo 2025, 139)

⁹⁵ <[Temporary protection for persons fleeing Ukraine - monthly statistics - Statistics Explained - Eurostat](#)> accessed 31/03/2026

⁹⁶<<https://www.president.gov.ua/en/news/prezident-pidpisav-ukaz-pro-zaprovadzhennya-voyennogo-stanu-73109>> accessed 06/01/2026

⁹⁷ Author: Thomas d’Istria (Kyiv, correspondent) (Published on August 28, 2025, by LeMonde) <https://www.lemonde.fr/en/international/article/2025/08/28/war-in-ukraine-government-allows-18-to-22-year-olds-to-leave-country-once-again_6744802_4.html> accessed 28/04/2026

⁹⁸ Author: Tim Zadorzhnyy (Published July 25, 2025, by The Kyiv Independent) <<https://kyivindependent.com/zelensky-signs-law-allowing-over-60s-to-join-military-during-wartime/>>

⁹⁹ <[Situation Ukraine Refugee Situation](#)> accessed 25/02/2026

¹⁰⁰ <[Regulation - 2017/850 - EN - EUR-Lex](#)> accessed 15/12/2025

“(…) The nature of war-related situations has evolved significantly since 2014, with particularly dramatic shifts following February 2022.” Jauhiainen has done a classification of war zones into major, partial, and occasional limited war conflict areas, and she argues that “rarely has an entire region (oblast¹⁰¹) been entirely safe or unsafe at all times, nor has any oblast experienced uniform military attacks consistently over time.” The dynamics of the war has varied over time and the “intensity and distribution of hostilities have fluctuated, making

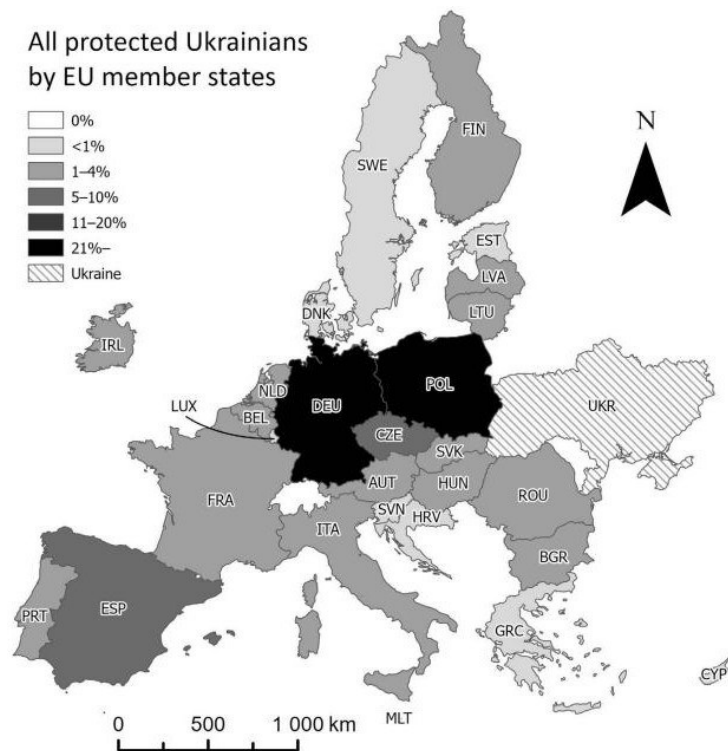


Figure 1.2 War-fleeing Ukrainians registered in the EU member states in December 2024.
Source: Modified and estimated from UNHCR (2025a).

the security situation highly dynamic and context dependent.” (Ibid., 2-3) Highlighting the fluidity of Ukrainians’ migration “between 24 February 2022 and 15 January 2025, there were 43.8 million border exits from Ukraine and 40.3 million entries during the escalated war.” (Ibid., 6) By early 2025 “between 1,5 and 2.0 million Ukrainians have returned from abroad to Ukraine”, mostly women and children. “At least 1.3 million returned to their home region (oblast),” from which 1.1 million came from countries of the EU. There is an estimation that 300,000 – 500.000 have returned to Ukraine “without canceling the temporary protection there.” (Ibid., 7; UNCHR Report 2025) There are tens and hundreds of thousands of Ukrainians that visit Ukraine every month and then return to the chosen country of protection. “After three years of war, one out of seven Ukrainians living in Ukraine had become return migrants but still one out of five Ukrainians have not yet returned but were fleeing the war abroad.” (Ibid, 8)

¹⁰¹ Region, province (English translation).

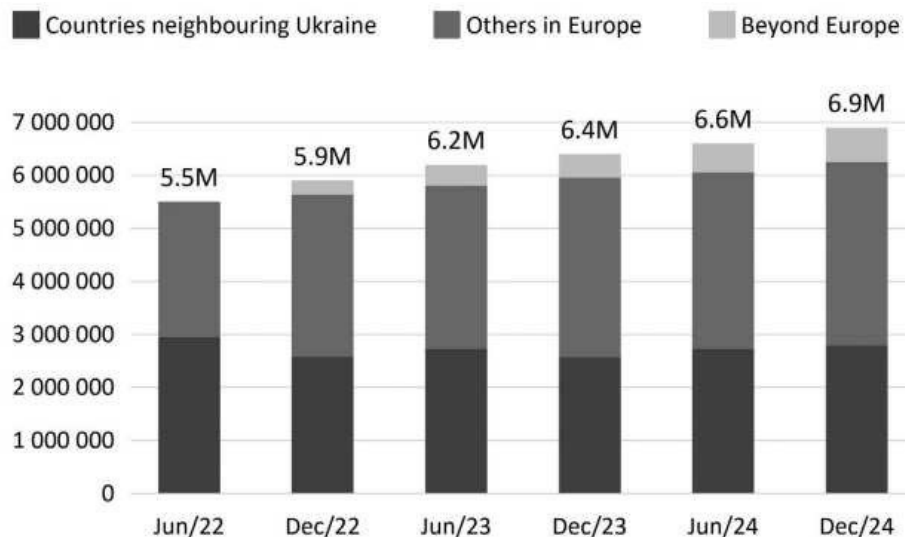


Figure 1.4 War-fleeing population from Ukraine recorded globally, 2022–2024.
Source: Modified from UNHCR (2025b).

As mentioned in chapter 4 Article 78 paragraph 3 authorizes the Council “to adopt ‘provisional measures’ by a qualified majority (Article 16(3), TFEU) when it comes to a ‘sudden inflow’¹⁰² like in the case of the full-scale invasion perpetrated by Russia.

5.3 Temporary Protection Directive (Legal and Political Context)

The Council Directive 2001/55/EC of July 2001 on minimum standards gives temporary protection in the event of a mass influx of displaced persons and measures promoting a balance between Member States in receiving such persons and bearing the consequences thereof. “International European law provides for two main forms of protection for persons who are forced to leave their homes for their personal safety and the safety of their children: obtaining a request for asylum and acquiring the status of a refugee and the legal status of forcibly displaced person in need of temporary protection.” (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 225) According to Lana Golyan, a lawyer in Kiev (2022), the term ‘displaced person’ of the 2001 Directive corresponds to the term “refugee”, which is defined by the Convention of 1951.

To be more specific in the legal terms of a ‘displaced person’ and ‘refugee’ I will borrow the legal definitions from the TPD Article 2 (c) and the one presented by the paper *Legal aspects of temporary protection for Ukrainians in the member states of the European Union* of Ukrainian scholars Kuzmenko, Ryndiuk, Kozhura, Chorna and Tytykalo:

¹⁰² Or the Relocation Decisions in September 2015: <[Decision - 2015/1601 - EN - EUR-Lex](#)> accessed 05/01/2026

(1)

“Displaced persons are third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular response to an appeal by international organizations, and are unable to return in safe and durable conditions because of the situation prevailing in that country, in particular: persons who have fled areas of armed conflict or endemic violence; persons at serious risk of, or who have been victims of, systematic or generalised violations of their human rights.”

(2)

“A ‘refugee’ is a person who owing to well-founded fear of being persecuted for reasons of race religion, nationality, membership of a particular social group or political opinion, is outside of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.” (Ibid., 226-227)

Whereas the „grounds for obtaining refugee status are individual (personal) (...) temporary protection has a collective nature and is granted immediately after crossing the border on general grounds to all person who are en masse forced to seek temporary protection in the EU countries, and who applied for such protection. To obtain this status the grounds must be of external nature: “external aggression, foreign occupation, civil war, ethnic conflicts, natural or man-made disasters.” (Ibid., 232)

As already mentioned at the beginning of this chapter, the directive was originally designed in response to the Kosovo War 1998-99 and the forced displacement that followed. “It was specifically conceived to promote a balance of efforts to jointly manage intra-European displacements, by giving immediate protection to persons fleeing war, thereby avoiding Member States’ asylum systems to becoming overwhelmed.” (Ibid., 229) During the 1990s the European Council did not specify the sharing of responsibilities between the Member States when discussing solidarity. The debate was focused more on the “differences between ‘temporary protection’ and ‘refugee status’.” (Thym 2023, 405; Ineli-Ciger, 2018, 198-205) Jean Francois Durieux (2014), that has worked over 30 years with the UNHCR, writes that that

temporary protection (TP) “emerged as a term of art in the 1990s” in Western Europe¹⁰³ (Durieux 2014, 221) (...) “and in 2001 it was the subject of an EU directive, which partly clarified the relationship of TP to mainstream international refugee law (IRL).” (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 227) Finally Durieux concluded that a continuing doctrine of temporary protection outside established IRL is both legally unsound and politically unconvincing (Durieux 2014, 221). Ineli-Ciger defends a different opinion by putting the TP in line with international law: “Temporary protection has long been a state response to mass influx situations offering persons seeking refuge immediate protection from refoulment and basic minimum treatment.” (Ineli-Ciger 2016, 278)

Compared to the situation in Ukraine, over 3 million Syrians in Türkiye have been protected under the temporary protection regime. (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 227) There is still no structured legal framework regulating temporary protection at an international level. Ineli-Ciger concludes that “the conformity of temporary protection regimes with the Refugee Convention, international law and human rights is largely undefined and unsettled.” (Ineli-Ciger 2016, 280) The EU saw the TPD as a “double win” according to lecturer John Koo of the London South Bank University: “addressing protection needs of asylum seekers, while enabling states to maintain control based on the understanding that asylum seekers would return home after a short period of stay.” (Koo 2018, 157) On the other hand Thym points out that temporary protection had originally been seen as a “double-edged sword”: Proponents called the TPD a ‘magic gift’, by emphasizing “the added value for people fleeing civil wars and the benefit for procedural simplicity, which helps saving scarce administrative resources during a ‘mass influx’; the option of burden sharing was another advantage.” From critics came the lamentation of the “element of state discretion (EU Member States national policies) most domestic temporary protection schemes” which included less socioeconomic rights when put in comparison with the Refugee Convention 1951. (Thym 2023, 405)

Despite the ‘*mass influx*’ of people during the Arab Spring of the early 2010s or conflicts and civil war in Afghanistan, Libya or Syria the TPD has never been activated by the EU, because “it was deemed as too ‘politically unrealistic’ and “arguably did not qualify as ‘mass influx’.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 4; Thym 2023, 406)

¹⁰³ The term ‘temporary protection’ also replaced the by the time used term ‘temporary refuge’ in the 1990s. “It meant that, temporary protection at the time began to denote a comprehensive framework that encompasses, not just admission to the host states, but also minimum standards of treatment.” (Goodwin-Gill and J. McAdam 2007; In: Ineli-Ciger 2017, 3)

Danielle Kasparick¹⁰⁴ (former Gluns) and Janna Wessels¹⁰⁵ have made an analysis of the TPD with respect to the applicability and the reasons for its non-application to the ‘refugee crisis’ in 2015. They concluded that “the benefits resulting from an application of the Directive are minimal while transaction costs to reach agreement in the Council are high, and those countries affected by ‘mass influx’ lack the incentives for triggering mechanisms, and Directive can be considered a failed instrument.” (Gluns & Wessels 2017, 57) Ineli-Ciger argued in 2016 that because of the more than one million refugees and migrants arrived in Europe and more than 3700 lost their lives in the Mediterranean “the Temporary Protection Directive should be part of the EU response to the migration crisis as it would provide crucial benefits to both Member States as well as persons seeking refuge in the EU.” (Ineli-Ciger 2016, 1) Thym argues that in this instance “toxic political debates about solidarity and preference for protection in the region of origin explain why the Directive was not activated.” (Thym 2023, 406)

The TPD is designed to provide to a large number of displaced people from third countries who cannot return to their countries of origin due to armed conflict or violations of human rights. The group that is affected by these alterations is granted immediate relief through granting protection status and residence permits and it has a time limit of one year period which can be extended in six-month periods up to two years. In cases where aggression or violations persist it can be prolonged up to three years. One important feature of the TPD to point out is that the Member States of the EU “cannot offer a lower set of rights in comparison to those foreseen by the directive to the temporary protection beneficiaries”, which include, “immediate access to employment and self-employment activities, housing and suitable accommodation, social welfare and subsistence means, equal access to education by minors and family reunification rights (Arts. 12-15).” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 15) Article 15 (2) refers to members of the family which enjoy temporary protection in another Member State and they “shall be reunited according to the wish of the family members.” (Nicolosi & Béres 2025, 70)

Due to the “immediate” and “collective” nature of the TPD “the administrative formalities of the process of obtaining it are minimized due to the urgency of the situation” so the first step once entering the EU is to give notice “to the national authorities of the EU Member State for a residence permit for temporary protection and follow their instructions as part of the national process, which includes registration of data and confirmation that the person

¹⁰⁴ Heads of the Research and Transfer Unit for Migration Policy at the University of Hildesheim, Germany.

¹⁰⁵ Associate Professor at the Amsterdam Center for Migration and Refugee Law, Vrije Universiteit Amsterdam, Netherlands.

is covered by temporary protection.” (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 232) Furthermore, the Directive includes “an inter-state solidarity regime under Chapter VI (Art. 24-26), envisaging a quasi-relocation scheme including the transferal of persons enjoying temporary protection residence status from one Member State to another ‘subject to the consent of the persons concerned’, and in cooperation with the UNHCR.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 15) The qualification of ‘*mass influx*’ is decided by a qualified majority on a proposal by the Commission, without the involvement of the Parliament:

Article 2 of the TPD defines Temporary Protection as:

- (a) A procedure of exceptional character to provide, in the event of a *mass influx* or imminent *mass influx* of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.

Temporary protection regimes in international law (EU law) have common characteristics (Ineli-Ciger 2017, 42):

1. It continues for a limited time period.
2. Temporary protection policies grant protection not only to refugees as defined under Article 1 and 2 of the 1951 Convention but a broader category of forced migrants and granted on group bases.
3. It offers forced migrants a basic minimum treatment, which are not always secured in the 1951 Convention.

According to Ineli-Ciger it is possible with the TPD (Arts. 24-27, on Solidarity and Administrative cooperation) “to develop a comprehensive intergovernmental policy, which incorporates both temporary protection and an equitable burden sharing mechanism and provide better responses to the large scale forced migration movements. Such a policy would contribute to the willingness of states to admit persons seeking refuge to their territories and enable effective and equitable distribution of the asylum burden in mass influx situations.” (Ibid., 45)

5.4 The Concept of ‘*Mass Influx*’

Ineli-Ciger points out that there is “no clear definition of mass influx in international law”. (Ineli-Ciger 2017, 36) Arenas-Hidalgo¹⁰⁶ argues that “a definition of “mass” that was too flexible could lead to the application of an instrument that implied temporary suspension of the right to asylum.” (Arenas-Hidalgo 2023, 87) Analyzing the existent literature on that concept shows the criteria and indicators of mass influx situations:

- a) A large scale of arrival of people seeking refuge,
- b) A rapid rate of arrival,
- c) An overwhelmed reception capacity of the host states
- d) Inability of the national asylum systems to absorb the arrival of people seeking refuge
- e) The situation is considered to present a threat to the national security of the host state

These criteria indicate what could be defined as ‘*mass influx situation*’. Ineli-Ciger gives examples from history around the world where this certain situation was identified: 100.000 people fleeing from Hungary seeking refuge in Austria in 1956; over ten million persons fleeing East Pakistan seeking refuge in India in 1971; and one million Indo-Chinese asylum seekers sought refuge in different states between 1975 and 1980. Other examples of people fleeing to Europe en masse are the Yugoslavian Wars in 1991 till 2001 with 2-3 million and the Syrian Civil War from 2011 till 2023 with over 6 million fleeing the country. Continuous flight situations can be identified as ‘*mass influx*’ situations according to Ineli-Ciger, like for example the continues 5 million Syrians fleeing to Türkiye, Lebanon. Jordan and Egypt. The cause of the exodus of people in these situations was armed conflicts and widespread violence, and the states closest to the origin which didn’t implement non-entrée policies, face and bear a heavier burden. In these situations, the states are overwhelmed, and the asylum and reception capacities are limited, if not catastrophic. Questions of financial burden sharing and security arise, and unprepared conditions could mean that there are no clear solutions on how to “distribute the costs and burdens.” Ineli-Ciger argues that for these serious financial, social and security related challenges, “a legal framework tailored to support those states facing a large scale influx is needed.” (Ibid., 37) In some situations like Bosnia Herzegovina, the UN Security Council has qualified the situation as a threat to international peace and security. They can create tensions between distinct groups and communities, with different ethnic or religious backgrounds.

¹⁰⁶ Professor of International Law and International Relations, University of Huelva, Spain.

Solutions for these challenges should include:

- a) Measures to lighten asylum related burden.
- b) Making sure that the borders can stay open to admit those seeking refuge.
- c) Prescription on how states should manage people fleeing in masses and provide effective protection.

It is curious that the 1951 Convention does not provide guidance on how to cope with these challenges, even though the Executive Committee of the High Commissioner's Programme (ExCom) highlighted the importance of responsibility sharing in 2016¹⁰⁷. Ineliger points out that the 1951 Convention is not clear whether it permits the (Member) States (EU) to "suspend some of their legal obligations towards refugees" and it also "does not oblige states to participate in burden sharing arrangements." (Ibid., 38-39)

Article 2 (d) of the TPD gives us a definition of 'mass influx':

(d) 'mass influx' means arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme.

Arenas-Hidalgo points out the words "large number" and argues that the "lack of definition of the concept is no anomaly but a conscious decision on the part of the Directive", which could also mean an advantage, because it could be adapted to different circumstances, but that would also depend on the political will to "stretch this instrument as far as possible." (Arenas-Hidalgo 2023, 89-90)

Article 5 of the TPD stipulates the existence of a '*mass influx*' but does not specify the number of people it refers to:

"(1) The existence of a *mass influx* of displaced persons shall be established by Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

It is therefore the responsibility of the Commission in paragraph 2 to establish:

- (a) a description of the specific groups of persons to whom the temporary protection will apply;
- (b) the date on which the temporary protection will take effect;

¹⁰⁷ <<https://www.refworld.org/policy/exconc/excom/2016/en/11534>> accessed 06/03/2026

(c) an estimation of the scale of the movements of displaced persons;

And the Council Decision (Paragraph 3) must introduce the temporary protection for the displaced persons it refers to:

(a) a description of the specific groups of persons to whom the temporary protection applies;

(b) the date on which the temporary protection will take effect;

(c) information received from Member States on their reception capacity;

which is based on Paragraph 4 (c) information received from the Member States, the Commission, UNHCR and other relevant international organisations and paragraph 5 stipulates that the European Parliament must be informed of the Council Decision.”

Ineli-Ciger argues that the formulation for an activation of the TPD of ‘arrival of a large number of displaced persons’ “is vague” and “it is not clear how many states’ national asylum systems must be overburdened for a mass influx situation to exist.” (Ineli-Ciger 2017, 152)

Achilles Skordas¹⁰⁸ and a study on the TPD published in 2016 by the European Commission¹⁰⁹ try to determine indicators that can demonstrate a mass influx (Ibid., 153):

- 1) The change in absolute numbers of arrivals over a certain time period; per day/week/month.
- 2) The number of EU Member States affected by the arrivals as well as the ratio between the number of arrivals.
- 3) The population and resources of the EU Member States.
- 4) The number of applications to be processed vs the number of case workers in function
- 5) The occupancy rate of reception facilities in EU Member States as well as population, GDP, and unemployment rate of the Member States receiving the arrivals.

By defining and creating a situation that demands the attention of the EU (Member States), this legal instrument “does not override national regimens of temporary protection but rather creates one that is different and complementary, specifically designed to make action on a supranational level essential.” France, Germany, Austria, Italy and the United Kingdom were

¹⁰⁸ Professor of International Law at the University of Bristol, UK; Kay *Hailbronner*, *EU Immigration and Asylum Law: A Commentary*. 2nd ed. Kooperationswerke Beck - Hart – Nomos (Baden-Baden 2016).

¹⁰⁹ European Commission Directorate-General for Migration and Home Affairs, ‘Study on the Temporary Protection Directive Final Report’ January 2016.

against an EU legal instrument that would, once activated, “adverse effects on national asylum procedures.” (Arenas-Hidalgo 2023, 90-91)

The Council Implementing Decision 2022/382 adopted 4th of March 2022 does not provide specific decisive elements that concur with the above-mentioned characteristics, but looking at para, 1-10 certain elements can be pointed out:

- 1) Arrival of more than 650 000 displaced persons in the Union from Ukraine through Poland, Slovakia, Hungary, and Romania by 1 March 2022.
- 2) Possibility of high migratory pressure on EU’s Eastern borders (“the Union is likely to be faced with a very large number of displaced persons, potentially between 2,5 million and 6,5 million as a consequence of the armed conflict, of whom it is anticipated that between 1,2 and 3,2 million would be persons seeking international protection”).
- 3) An estimation that half of the Ukrainians coming to the Union benefitting from visa-free travel for short-stays would join family members or seek employment in the Union, whilst the other half could request international protection.
- 4) A clear risk that the Member States’ asylum systems will be unable to process the arrivals without adverse effects on their efficient operation and on the interests of the people concerned and on those of other people requesting protection.

5.5 Temporary Protection Directive for People Fleeing Ukraine

For Jauhiainen the TPD falls under the ‘mediating type’ of the four migration drivers created by Professor Nicholas Van Hear and other migration scholars¹¹⁰, which entails “infrastructure such as transportation and communication systems, migration policies and migrant networks” which “also supported secondary movements within the EU, pendular movements between EU and Ukraine, and return migration.” (Jauhiainen 2025, 16-17)

On the 4th march of 2022 the Council unanimously decided that “temporary protection is the most appropriate instrument in the current situation” (Council Implementing Decision 2022/382), recognizing and acknowledging “the existence of a mass influx of third country

¹¹⁰ The other three migration drivers also applicable to the Ukrainian case in part are: (1) **Predisposing drivers:** Disparities between the origin and destination regions in the country of origin and that of hosting in terms of economic, political and environmental conditions; (2) **Proximate drivers:** Disparities as economic downturns security issues, or environmental crises; (3) **Precipitating drivers:** Specific events or conditions that directly trigger migration like large-scale natural disasters, economic crisis, or political conflicts, including war. (Jauhiainen 2025, 16)

nationals applying for international protection” (Nicolosi & Béres 2025, 65) within the meaning of Article 5 of Directive 2001/55/EC. The numbers made the definition of ‘*mass influx*’ “incontestable (...)”, because “in just 10 days following the 24 February invasion, 1.8 million had fled the war in Ukraine, (...) 650.000 displaced persons had arrived from Ukraine through Poland, Slovakia, Hungary and Romania, 100.000 counted daily just at the Polish border crossings.”¹¹¹

On the 28th of September 2023, the European Council agreed to extend the temporary protection for people fleeing Ukraine from 4 March 2024 to 4 March 2025 (Council Implementing Decision 2023/2409¹¹²) and adding a further extension in 2024 until the 4th of March 2026 (Council Implementing Decision 2024/1836¹¹³), and finally in June the Council extended the temporary protection until March 2027¹¹⁴. The Directive is valid in all EU Member States except Denmark, and it does not apply in the countries of the Schengen Zone that are not members of the EU like Switzerland, Norway, Liechtenstein, and Iceland. These countries can independently decide on the order and number of refugees from Ukraine they are capable and willing to accept. (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 231) “All nationals residing there (Ukraine) were covered; it was irrelevant whether someone came from war-torn Mariupol near the Russian border or from comparatively safe Lviv in the far West of the country.” (Thym 2023, 407)

However, the activation of the TPD also came with open questions. According to Carrera, Ineli-Ciger, Vosyliute and Brumat the Commission’s Proposal (2022) 91 concentrated the given rights to a limited scope of beneficiaries” which would have given the EU Member States “the option” not to apply the TPD regime to stateless persons, asylum seekers and third country nationals – including permanent residents – and asylum seekers residing in Ukraine, but instead apply “another form of adequate protection under national law.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 3) However the final text of the Council Implementing

¹¹¹ ‘Communication from the Commission to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions Europe and solidarity with refugees and those fleeing war in Ukraine’ COM/2022/107 final, p. 2.

<[IMMC.COM%282022%29131%20final.ENG.xhtml.1_EN_ACT_part1_v8.docx](#)> accessed 24/02/2026

¹¹² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=oj%3AL_202302409> accessed 25/02/2026

¹¹³ <https://eur-lex.europa.eu/eli/dec_impl/2024/1836/oj?eliuri=eli%3Adec_impl%3A2024%3A1836%3Aoj&locale=en> accessed 25/02/2026

¹¹⁴ <[EU member states agree to extend temporary protection for refugees from Ukraine - Consilium](#)> accessed 05/01/2026

Decision 2022/382 offers protection to four categories of people (Council Implementing Decision 2022/283, Art. 2 (1-2)):

1. Ukrainian nationals residing in Ukraine.
2. Third-country nationals and
3. Stateless persons benefitting from protection in Ukraine *before* 24 February 2022, and the family member of these two categories of people.
4. Stateless persons, and nationals of third country other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 based on a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country of origin.

Based on Article 7 (1) of the TPD (2001) the Decision (2022) “encourages extending the protection to those who fled Ukraine shortly before 24 February 2022” (Nicolosi & Béres 2025, 72) applying this “Decision or adequate protection under their national law.” (Art. 2 (2)) It was left to the ‘discretion’¹¹⁵ of the Member States to grant protection to other persons, including to stateless persons and to nationals of third countries other than Ukraine. (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 23)

The rights that a person fleeing Ukraine is entitled to are the following:

Residency rights in the EU country the person applied for temporary protection for the first time, which still allows the person to travel the EU for 90 days within a 180-day period. It is part of the visa-free regime for Ukrainian citizens adopted in 2017. If the person decides to change residence in a different EU country the protection and the residence permit expires and the new host EU country must grant temporary protection and issue a new residence permit. More rights are access to housing, social welfare assistance, medical care, including mental health care, psychological support for children, legal guardianship and safe placement for unaccompanied children and teenagers, access to education and/or vocational training for children and teenagers, access to the labor market, which is subject to the national EU countries’ labour market policies.¹¹⁶ “The EU Council Directive does not have direct effect until it is

¹¹⁵ This optional provision was only used for a limited period of time: Two joined cases (C-244/24 *Kaduna*; C-290/24 *Abkez*) brought before the CJEU showed that the ‘optional group’ of displaced persons was no longer entitled to TP. Member States can end the TP before the end that is set for the *official* temporary regime. <<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX:62024CA0244>> accessed 05/03/2026 “Despite falling within the Implementing Decision’s remit, many third country nationals residing in Ukraine have been subject to racial discrimination preventing them from evacuating from Ukraine (...).” (Nicolosi & Béres 2025, 72)

¹¹⁶ <https://commission.europa.eu/topics/eu-solidarity-ukraine/eu-assistance-ukraine/information-people-fleeing-war-ukraine/fleeing-ukraine-your-rights-eu_en> accessed 08/01/2026

implemented into the national legislation of each individual EU country.” (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 233)

To take the pressure off the EU Member States Ukrainians were allowed to move freely in the Schengen area. The border control agencies were advised to take the need for a biometric passport in the EU less seriously and Ukrainians have had a free choice to go where family and friends were already residing under the TPD, “reducing the pressure on reception facilities.” (Thym 2023, 406) Carrera, Brumat, Ineli-Ciger and Vosyliute point out that the definition of ‘family members’ in the TPD is more restrictive than the Qualification Directive 2011 in which Art. 15 “includes ‘core family members’ consisting of spouses or unmarried partners in stable relationships (subject to the national legislation of the Member State concerned), minor unmarried children (with no distinction as to whether they were born in or out of wedlock or adopted), and ‘other close relatives’ living together with the family and dependent on the sponsor (Art. 1.2).” (Carrera, Brumat, Ineli-Ciger & Vosyliute 2023, 23)

According to Article 6 TP shall come to an end: (a) when the maximum duration of three years has been reached; or (b) at any time, by Council Decision adopted by a qualified majority on a proposal from the Commission. The Council Decision shall be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and Member States' obligations regarding non-refoulement. Furthermore, regarding the ending of TP Article 21 states that the Member States shall take measures necessary to make possible the voluntary return of people enjoying temporary protection or whose temporary protection has ended, and they should facilitate their return with respect to human dignity. Article 22 is responsible when the end is enforced and people are not eligible for admission, so return is conducted with due respect to human dignity. Article 23 is for people under TPD and cannot travel in view of the state of health or could suffer serious negative effects if their treatment was interrupted. They shall not be expelled as long as the situation of conflict and war continues. Finally, the Member States may allow families whose children are minors and attend schools to benefit from residence conditions, allowing children to complete the current school period.

Numbers of decisions on temporary protection in EU and EFTA (European Free Trade Association) countries from February 2022 till November 2025¹¹⁷:

	Yearly number of people granted temporary protection			Quarterly number of people granted temporary protection				Monthly number of people granted temporary protection		
	2022	2023	2024	2024Q4	2025Q1	2025Q2	2025Q3	2025M09	2025M10	2025M11
EU	4 330 980	1 056 010	794 845	175 215	138 045	149 785	207 710	79 550	74 435	53 735
Belgium	63 355	15 625	13 275	2 995	2 445	1 900	2 540	755	780	495
Bulgaria	147 330	23 585	24 570	4 615	3 835	5 910	5 770	2 090	2 055	1 425
Czechia	458 915	98 655	91 930	19 420	14 600	19 995	31 225	13 520	12 030	7 005
Denmark	32 895	8 380	9 620	2 525	2 635	1 930	3 265	1 540	2 440	1 685
Germany	795 205	335 785	229 385	50 515	37 295	37 030	47 955	12 590	14 825	12 680
Estonia	41 870	8 780	6 095	1 630	1 275	1 335	1 525	585	570	470
Ireland	69 220	33 035	10 470	2 580	2 055	1 840	3 795	1 830	1 635	1 115
Greece	21 530	5 325	5 725	790	675	3 040	1 160	345	280	240
Spain	160 990	33 915	36 735	9 065	8 025	6 395	7 500	2 900	3 310	2 900
France	84 910	17 175	12 035	2 910	2 380	2 095	2 535	955	1 090	875
Croatia	19 275	4 925	3 420	735	625	735	960	380	315	260
Italy	150 110	21 395	16 885	1 055	2 150	4 165	3 625	1 260	1 635	1 300
Cyprus	12 620	6 670	2 895	485	1 100	960	510	185	295	10
Latvia	38 135	12 125	6 175	1 720	1 610	1 580	2 240	810	685	515
Lithuania	65 450	12 210	10 960	2 635	3 175	2 985	2 940	1 030	1 425	1 020
Luxembourg	5 090	885	755	195	230	185	275	115	105	105
Hungary	29 920	6 875	6 280	1 480	1 185	975	1 360	555	515	490
Malta	1 630	570	370	80	80	80	100	30	35	35
Netherlands	110 000	34 775	28 755	6 980	6 300	6 310	7 800	2 740	3 135	2 130
Austria	90 620	18 320	17 785	4 845	3 465	4 075	4 345	1 805	1 895	1 695
Poland	1 567 905	237 475	165 765	37 220	28 640	30 110	55 165	26 340	17 985	11 160
Portugal	57 230	8 550	7 135	1 730	955	1 900	1 015	430	425	340
Romania	101 925	49 320	37 025	8 325	5 885	5 910	8 070	2 745	2 765	2 290
Slovenia	7 480	1 580	1 620	370	285	240	400	180	245	200
Slovakia	104 775	30 235	26 140	6 010	3 470	3 080	5 060	1 720	1 970	2 020
Finland	45 210	18 925	12 200	2 560	1 810	2 655	3 830	1 125	1 020	600
Sweden	47 390	10 915	10 840	1 755	1 860	2 375	2 750	985	975	685
Iceland	2 305	1 555	1 130	235	145	160	:	:	:	:
Liechtenstein	420	270	235	60	40	35	65	20	30	20
Norway	33 540	33 420	19 865	4 515	2 980	1 740	2 820	1 330	2 490	1 660
Switzerland	72 030	18 355	9 230	2 610	1 855	1 575	2 675	1 105	800	630

": " means data not available

The yearly data in 2022 cover the period starting after the Council decision of 4 March 2022 having effect of introducing temporary protection

France: data does not generally include minors.

Source: Eurostat (online data codes: (migr_asytpfa, migr_asytpfq, migr_asytpfm))

eurostat 

On one hand “the Council Decision has positively extended the personal scope of the TP Directive to non-Ukrainian third country nationals who benefit from international protection or ‘equivalent national protection’ in Ukraine”, but on the other hand “individuals having presented and asylum application in the country or under asylum procedures remain excluded from its scope.” Another critical point of the final decision has been the potential exclusion of all non-Ukrainian displaced persons from EU temporary protection leaving the decision to the Member States, this includes long-term residents in Ukraine, “giving the possibility to instead apply another ‘adequate protection under their national law’, which can mean that they could qualify as ‘international protection applicant’ or a refugee under national humanitarian status but it doesn’t make specific reference to the Qualification Directive 2011¹¹⁸. (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 21)

¹¹⁷ Eurostat: <[File: Number of decisions on temporary protection 2025M11.png - Statistics Explained - Eurostat](#)> accessed 24/01/2026

¹¹⁸ 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

The “TP Directive pursues ‘minimum standards’ at a time when certain rights were not recognised as relevant for the protection of displaced persons in ‘mass influx situations’ “. The TPD being the first EU directive adopted in asylum matters means that there are significant gaps which need to be filled in by the EU and the Member States”, which does not imply that the Directives importance and value to deal with ‘*mass influx situations*’ is not a key instrument in this specific situation of forced displacement. (Ibid., 21)

Even though the preamble para 12 of the final decision recommends the Member States “to provide for the protection of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine *before* 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin”, the Member States do not have a legal obligation or a mandatory duty to extend the TPD to people that fall under this category and therefore they can be excluded from these rights. (Ibid., 21) Even though there might be a possibility to exclude third-country nationals fleeing Ukraine, the Member States are still bound by the Article 15 of the Qualification Directive 2011¹¹⁹ which stipulates that if there is a “serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal conflict”, and therefore they have to “grant subsidiary protection status” and the Commission emphasized in the Communication of March 8 2022, that “it is of paramount importance that those fleeing from Russia’s aggression in Ukraine without exception, are treated with full respect and care.” (Ibid., 22) Another weak point of the TPD is the allowance for the Member States to grant priority to EU citizens, EEA (European Economic Area) citizens and legally residing third-country nationals “who receive unemployment benefits over temporary protection beneficiaries in terms of access to the labour market.” (Ibid., 24) For example, Spain extended the TP to people of other nationalities or stateless persons who were legally residing in Ukraine before 24 February 2022. In Portugal, TP was extended to persons fleeing Ukraine who had a temporary stay or long-stay visa in Ukraine and were unable to return to their country of origin and Finland even to people with short-term visa from Ukraine. (Ineli-Ciger 2023, 71)

When it comes to border controls there are Guidelines to assist Member States that have a direct border with Ukrainian territory. But these Guidelines “do not provide any substantive

uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

¹¹⁹ <[Directive - 2011/95 - EN - qualification directive - EUR-Lex](#)> accessed 30/12/2025

justification concerning the actual necessity of proportionality of ‘external border controls’ when dealing with the situation in Ukraine” and they “don’t refer to Member States’ fundamental rights obligations under EU border and asylum law to ensure access to protection and to not expel anyone coming from Ukraine.” (Ibid., 26) The Guidelines promote the use of EU agencies such as Frontex, EUAA and Europol checking travel documents and the identification of individuals and also the use of EU databases (Eurodac and SIS II) for registration and fingerprinting. Unfortunately, the Commission Guidelines do not mention that the Schengen Border Code (SBC) where “border controls must be exercised without prejudice to refugees and people requesting for international protection”, and that EU Member States are under the obligation to respect the laws of international protection and the *principle of non-refoulement*.

Nevertheless, Arenas-Hidalgo points out that “the system now has risk analysis mechanisms in place that have been activated in the case of the displacement from Ukraine” and has since then provided critical data on the potential magnitude of displacements. The ‘New Pact on Migration and Asylum’ contains a “Commission Recommendation (EU) 2020/1366 on a Migration Preparedness and Crisis Blueprint that establishes” (...) “an operational framework for monitoring and anticipation of migration flows and migration situations, building resilience as well as organising a coordinated response to a migration crisis. These objectives reflect the two key stages outlined in the Migration Preparedness and Crisis Blueprint, monitoring and preparedness on the one hand and crisis management on the other.” (Commission Recommendation (EU) 2020/1366, Paragraph 11)¹²⁰ According to the reports made by the EUAA and the ECRE, there have been differences in the implementation of these mechanisms between the Member States in terms of providing information, registration, consultation on access to rights, counselling, referrals to accommodation, basic care, documentation of biometric data and security screening. (Ineli-Ciger 2023, 65)

The Commission and the Council have insisted on the reasons why mass displacement is taking place and the TPD should be activated. For the Commission it is the proximity of the war to the EU external borders and for the Council¹²¹ it is the extraordinary and exceptional situation produced by the military invasion of Ukraine by the Russian Federation.

¹²⁰ <eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020H1366> accessed 07/03/2026

¹²¹ Council Implementing Decision 2022/382 (Preamble para 3 and 4): “Following the invasion, which seeks to undermine European and global security and stability, the European Council, condemned Russia’s unprovoked and unjustified military aggression against Ukraine in the strongest possible terms, underlining the gross violation of international law and the principles of the United Nations Charter. The Union has shown, and will continue to show, its resolute support for Ukraine and its citizens, faced with an unprecedented act of aggression by the Russian

5.6 The EU's (Member States) Role Regarding Integration

The proposal of the Commission was approved by the EU Member States on 3rd March 2022 as a matter of expediency and it was formally adopted the next day on the 4th of March 2022. Instead of the instrument of Qualified Majority Voting, which is foreseen in this case, the decision was made by unanimity voting to exclude critical voices such as Poland and Hungary in adopting the TPD. Before the publication of the Council Decision in the Official Journal of the EU Agence Europe reported that some of the Member States spoke out for the non-application of Art.11 of the TPD, “to allow people to move freely within the EU” (...), which the Polish and Hungarian authorities didn't want to apply and are also in opposition to the inter-state solidarity regime under Chapter VI (Art. 24-26). (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 25)

There have been discussions about the non-use of the directive in the past as mentioned before and “the lack of clear and sound qualitative criteria regarding what qualifies as a ‘mass influx’ (...) within the ‘contained mobility’ rationale by both the EU and Member States policy responses to similar refugee, humanitarian and armed conflict situations in non-European Countries.” (Ibid., 16) The Directive is designed to be activated by the European Council with the decision-making rule of QMV on the initiative of the Commission. The pact of the Commission on EU Migration and Asylum in 2020 came with a proposal to revoke the TPD on the grounds that it “no longer responds to Member States current reality and needs” and it wants to introduce an instrument of ‘immediate protection’ instead of ‘temporary protection’.

As a result of the armed conflict, the war of Russia against Ukraine the Commissions' proposal acknowledges the existence of a ‘mass influx’. The data of the UNHCR in the first days of the war has shown that more than 660.000 have fled Ukraine to neighbouring EU countries such as Poland, Hungary, Romania, Slovakia and as of June 2022 EU Member candidate Moldova, “though access was limited due to Transnistria's' long-standing occupation. (Jauhiainen 2025, 22) In the beginnings the UNHCR estimated that the refugee population will be about 4 million. Other estimates concluded that there will be around 2.5 million to 6.5 million of possibly displaced persons. This data was based on the EU Migration Preparedness and Crisis Management Network/Blueprint¹²². The exchange of information between the Member States regarding the reception capacities through the ‘Solidarity Platform’ is given by Paragraph 20 of

Federation. This Decision forms part of the Union's response to the migratory pressure resulting from the Russian military invasion of Ukraine.”

¹²² EU mechanism for preparedness and management of crises related to migration <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020H1366>> accessed 25/01/2026

the Preamble which also includes a role of operational support provided by the Union bodies and agencies Frontex, the EUAA and Europol, which can be requested by the Member States.

For the EU the status determination of people fleeing Ukraine is of importance when it comes to the right to freedom of movement of workers, which is also an essential aspect for the prospect of the EU membership status for Ukraine. The Ukrainian government is interested of making people return to contribute to the post-war reconstruction and recovery. Lazarenko and Rabinovych speak out for “win-win or dual intent solutions for Ukrainian refugees, offering them both opportunities to integrate abroad and tangible incentives to return to Ukraine.” (Lazarenko & Rabinovich 2025, 95)

Under the TPD regime some Member States support the visit of refugees from Ukraine to their country, which represents a different approach where the EU countries usually restrict the protection holder visiting their home country, which could also put them in danger and jeopardize their legal status. Some of the EU countries have adopted variations on these exceptions in which the time limit of the visit to their home country was not specified. In Sweden residence permits were not revoked for short visits to Ukraine, but “this might affect their housing and financial support eligibility”, which could then be reassessed by the authorities upon return to the EU. In Germany, the time limit of these visits to Ukraine, which require a notification to the ‘local benefits provider’, is specified with 21 working days per year if they don’t want to lose their social benefits. If the visit is longer than 21 working days the social benefits are reduced, “but not more than 30%.” Some countries like Estonia and Germany have shifted the discourse from temporary protection to solutions of integration for a longer period of time. (Ibid., 100).

There are several differences and discrepancies in the governance models when it comes to the funding mechanisms (financing model and the level of governance and cost reimbursements between the local, municipal, and national governments) regarding temporary protection and integration of people fleeing Ukraine. The MLG approach emphasizes the different actors involved like regional and international organizations, private companies and private individuals. Examples can be seen “across various crucial domains of policy implementation” like the access to accommodation or housing, and access to employment. A central difference was whether people granted temporary protection “can settle freely after obtaining a residence permit, and whether self-settlement entails restrictions on assistance or integration measures.” (Ibid., 101) As already mentioned above in chapter 5.3 Durieux, Nicolosi and Béres argued that temporary protection might be used from (EU Member) States to neglect

the integration efforts given the ‘temporary nature’, repatriation and return of the legal instruments surrounding the concept of protection.

As mentioned already above in this chapter, Article 5 (1) of the TPD stipulates a specific supranational legal procedure for an admission to determine the existence of a ‘*mass influx*’. Article 8 furthermore emphasizes the obligation for the Member States to “adopt necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection.” There is an exclusionary clause for displaced persons called ‘Special provisions’ that is regulated by Article 28. Paragraph 1 (a) (ii) states that this exclusion may be adopted if “he or she has committed a serious non-political crime outside the Member State of reception *prior* to his or her admission to that Member State as a person enjoying temporary protection (...)” or (b) “there are reasonable grounds for regarding him or her as a danger to security of the host Member State or, having been convicted by a final judgment of a particularly serious crime, he or she is a danger to the community of the host Member State” and these (2) decisions should be based on the principle of proportionality.

According to Nicolosi and Béres “temporary protection is not seen as a status” by European law but rather “an administrative measure designed to address situations of mass influx for a limited duration”, because Article 2 (a) defines it as a “procedure of exceptional character”. Against this definition they argue that in the case of displaced people from Ukraine the implementation comes with “recognition of specific rights and residence permit” (...) and, “even if the enjoyment of such rights lacks stability, (...) the personal circumstances of the beneficiaries can lead to the recognition of stronger statuses of protection such as refugee status or subsidiary protection¹²³”. This should not mean that it cannot be regarded as a determined legal status. (Nicolosi & Béres 2025, 68-69) According to Article 13 the Member States have to make sure that people have access to “suitable accommodation”, and if necessary, “receive the means to obtain housing.” Furthermore, it must ensure “necessary assistance in terms of social welfare and means of subsistence (...)”, medical care and other assistance to persons that have special needs “such as unaccompanied minors or persons who have undergone torture, rape or other serious form of psychological, physical or sexual violence.” Article 12 mentions access to labor, employed and self-employed activities that are subject to national labor market policies and general conditions of employment. This labor access can help people under the status of the TPD to “help diminish dependency on social assistance and also facilitate not only (economic and social) integration in the host society but also reintegration upon return to the

¹²³ As described by the Qualification Directive (Directive 2011/95/EU).

country of origin (...)”, with newly retained social and professional skills, which can improve the quality of life and help future reintegration and reconstruction of the home country. (Ibid., 69, 73) In regard to education there is Article 14 giving persons under the age of 18 years “access to the education system under the same conditions as nationals of the host Member State” and the Commission’s Operational Guidelines from 2022¹²⁴ have given integration of young people more importance supporting measures like preparatory classes (e.g. language courses) to facilitate the access and participation in school.

Article 11 allows the Member States that serve as primary entry points to suspend the adoption of the TPD on individuals to facilitate and “foster a fair distribution of responsibilities among all Member States, upon State’s mutual agreement.”

Ultimately, for Nicolosi and Béres, the activation of the TPD in the case of Ukraine represents “a political (and pragmatic) opportunity than well-thought legal considerations” and that it “has been contributing to frustrating the integration potential of beneficiaries of temporary protection in many countries.” By fulfilling the initial idea of the ‘return after the crisis’ of the concept of temporary protection “the Member States could justify limited efforts on integration in the host society by speedy repatriation to the country of origin” and therefore avoid “the commitment to long-term solutions and integration (...)” (Ibid., 71) There have been various inconsistencies across Member States when it comes to the bureaucratic efforts of recognizing documents. Major discrepancies have been seen in the access to social benefits and rights. Other problems are language barriers in connection with employment and education. Regarding employment, the recognition of qualifications is making economic and social integration difficult. In most Member States housing was provided temporarily in shared facilities, which is deemed to be “not suitable for long-term accommodation as facilities are shared among larger groups and they are not ideal for privacy. (Ibid., 74)

To have a better understanding of the admission and integration processes in EU Member States I will give two examples that hosted most of the people fleeing Ukraine: Poland is for example currently hosting almost a million refugees from Ukraine and Germany has registered over 1.3 million people. Smaller EU countries¹²⁵ such as the Czech Republic are currently hosting almost 400.000 people under the TPD.

¹²⁴ <[EUR-Lex - 52022XC0321\(03\) - EN - EUR-Lex](#)> accessed 04/03/2026

¹²⁵ Moldova, 140.000, Slovakia 150.000, Austria 93.000 and Hungary 65.000.
<<https://data.unhcr.org/en/situations/ukraine>> accessed 06/03/2026

Germany has adopted a distinctive migration regime than the other EU countries “viewing this group of migrants as highly skilled workers with good prospects for integration rather than potential recipients of social benefits in the medium term.” (Lazarenko & Rabinovych 2025, 102) In the sense of the MLG approach the responsibilities of governing admission and integration were divided among multiple ministries and the Ministry of the Interior, and the Federal Office for Migration and Refugees played a central role. Regional and local government bodies also played a significant role in specific administrative tasks and practices. Since Germany has a strong federal division of powers, the Bundesländer¹²⁶ hold several competences in immigration and migration policy. They also act as co-legislators at the federal level and “have autonomy in adopting their integration and refugee admission programmes”, which still requires final federal approval. (Ibid., 102) They can issue residence permits and accommodation possibilities for people seeking protection. The financial support came from various levels of local governments that were responsible for “payment and subsequent reimbursement procedures from the state level”. This means that the right to settle in a certain area of Germany¹²⁷ is partially restricted because the federal states are under the protection of strictly “defined distribution criteria”, from the federal level to the regional level and finally to the municipalities. Exceptions are made when relatives already live in the designated area with registered housing and employment. Access to labor has been granted waving the three-month waiting period and the regular rules requiring additional employment authorization for the Federal Employment Agency (Bundesagentur für Arbeit) have been loosened, but under the conditions of “integrational efforts¹²⁸: attending language (offered by public and private institutions) and integration courses combined with an integrational module was compulsory for receiving social benefits on unemployment basis”, financed by the federal government. Social Benefits and social assistance in Germany are dependent on the working conditions and capabilities. Unemployment benefits were accompanied by social assistance to cover living expenses, “money/vouchers for rent, food and personal care items, as well as child and parental benefits and one-off financial support for housing.” These benefits also include statutory health insurance, medical treatment, pregnancy and maternity services. This system

¹²⁶ The Federal Republic of Germany consists of sixteen partly sovereign states.

¹²⁷ In comparison to Austria social housing policies are relatively scarce in Germany and it had to rely on the private housing market “with further reimbursements of the cost from the state rather than settling Ukrainian refugees in the municipal housing”. (Ibid., 103) For a comparison of social housing in Vienna and Berlin see: Susanne Marquardt, Daniel Glaser, How Much State and How Much Market? Comparing Social Housing in Berlin and Vienna. *German Politics* 32, no. 2 (04/03/2023) (04/03/2023) 361–380, doi:[10.1080/09644008.2020.1771696](https://doi.org/10.1080/09644008.2020.1771696), accessed 06/03/2026

¹²⁸ <<https://www.bmas.de/DE/Europa-und-die-Welt/Europa/Ukraine/FAQ-DE/faq-art-de.html>>accessed 06/03/2026

funded by local authorities is in contrast with more restricted social support in other EU Member States, which will mean that Germany will remain one of the main destinations of displaced persons from Ukraine. (Ibid., 103-104)

Whereas Germany has had extended experience in receiving ‘*mass influx*’ of migrants by adopting certain policies of assistance like in the case already mentioned above of over a million of Syrian refugees in 2015/2016, Poland and the Czech Republic have not developed regional or local policies on a state or regional level. NGOs played a key role in fulfilling the integration functions and furthermore they opt to “reinforce the Ukrainian community as a cohesive entity” and “facilitate the maintenance of ties with Ukraine”, also taking into consideration a possible return to their home country. On the governmental level, Poland distributed the competences between the Ministry of Interior and the Ministry of Foreign Affairs. There are similarities to Germany, having “established positions or specialised members of government to oversee migration- and integration-related matters (...)” In Poland, these regional authorities are called Voievods, and they oversee the Foreigners Affairs Departments and provide funding to local Poviats Family Support Centres that implement integration programs¹²⁹. (Ibid., 110)

The Czech Republic, on the other hand, didn’t distribute the competences to the regional level. According to a study by Marie Jelinkova¹³⁰ migrant integration in general is not receiving enough attention on the state level, so that the civil society has to take the initiative to help with the integration of migrants. There are regional and local initiatives with resources that are gradually improving, but they lack precise defined goals of practice. Systematic policy integration exists in Prague and the South Moravian Region with Brno at its center. When it comes to housing in Poland and in the Czech Republic there is not a central governance model for settlement so the beneficiaries of protection can choose where to reside and additionally, they were still supported financially from the authorities. In Poland, accommodations were provided by voivodes (regional) authorities funded by the national government and private accommodations could be used and container settlements were built. The Czech Republic first provided short-term and mid-term housing for humanitarian purposes but as the situation was becoming more permanent the government stimulated people to look for housing in the private market, for which the state would give financial aid. (Ibid., 111) Social benefits were regulated

¹²⁹ <<https://www.gov.pl/web/ochrona-en>> accessed 06/03/2026

¹³⁰ Assistant Professor of Sociological Science at the Charles University, Prague, Czech Republic. <Marie Jelinková ed., Local Migrant Integration Policies and Their Structural Mechanisms (2023), doi:[10.14712/9788024641959](https://doi.org/10.14712/9788024641959).>

and restricted by the Czech and Polish government. For example, in Poland, “new restrictions were imposed from May 2023 for those residing in mass accommodation centres” (...), and people that stay longer than 120 and 180 days are required to pay from 50 to 75 percent of the costs. The role of NGOs, volunteers and grassroots initiatives was important in providing the necessary integrational aid like language training and employment counselling (funded from international sources and local government initiatives) with their extensive networks and therefore “providing an alternative model of crisis response.” (Ibid., 112) These initiatives often exceeded the resources of civil society organizations and volunteers and a more “cooperatiave framework between all actors involved could have been beneficial to tailor services to the specific needs.” (Nicolosi & Béres 2025, 74)

Looking at these different implementations of policies on distinct levels in Germany, Poland and the Czech Republic we can observe variations in the distribution of competences and the allocation of funds to support the integration of people fleeing from Ukraine. These issues need to be revisited on a supranational and national legislative level and should be improved in categories such as “job market participation, secondary migration, and return to Ukraine and reintegration”, especially if the war continues. Lazarenko and Rabinovych therefore emphasize the need for cooperation between the EU, its Member States and subnational actors (regional and local) “to offer unified and clear conditions for Ukrainians’ ‘dual intent’ integration.” (Ibid., 115) The ‘dual intent’ approach has been defined by the Organization for Economic Cooperation and Development (OECD), for which the host countries should (1) prepare for the indefinite stay of displaced people from Ukraine and (2) simultaneously for a possible return of refugees. This idea is opting for additional integration support and it “would differ from existing integration policies that focus on long-term residents (...), seeking to promote settlement.” This long-term solution aims at “promoting socio-economic inclusion of Ukrainian refugees, allowing them to achieve self-sufficiency, rebuild their livelihoods and enhance their human capital for improved future prospects regardless of their location, while deliberately looking to minimise potential return barriers in both host countries and Ukraine.” (OECD 2023, 1-2)¹³¹ This could decrease the pressure on national asylum and migration systems and reduce the uncertainty of beneficiaries of the TPD. (Lazarenko & Rabinovych 2025, 116) The skills and habits that people fleeing Ukraine have gained during their ‘temporary stay’ “have the potential to reshape returnees’ local

¹³¹ Authors: Jean-Christophe Dumont & Ave Lauren. <[Working towards dual intent integration of Ukrainian refugees | OECD](#)> accessed 06/03/2026

environments and even national policies (...) enhancing resilience, and adaptive capacity of returnee communities” but “also pose challenges for direct adaptation.” ((Jauhiainen 2025, 19)

According to Jauhiainen the implementation of the TPD and the different ways that people from Ukraine have been using it “challenges traditional classifications of migrants, (...), as refugees, asylum seekers, economic migrants, or temporary visitors. (...) The concept of temporariness is intrinsic to their migration process, yet for some, what begins as a temporary stay evolves into a permanent residence. Others engage in pendular movements, oscillating between their locations in the EU and Ukraine, adjusting their living arrangements as situations change.” (Jauhiainen 2025, 18)

Vilde Hernes¹³² and Karolina Łukasiewicz¹³³ have developed a new analytical framework for the Ukrainian case called ReLiSU. This framework includes Restrictive versus Liberal and Selective versus Universal migration and integration framework. With this analytical lens they researched to what extent and which areas eight EU countries have implemented liberal, restrictive, selective or universal policies towards displaced people from Ukraine to other protection seekers and compared the different patterns across European Countries. They included single-case studies and comparative studies of Austria, Denmark, Finland, Germany, Norway, Poland, Sweden and the UK to respond to the question on how unified the responses have been and how the policies have changed after the initial response and the possibility of a longer war in Ukraine. The EU countries show differences in the context of migration and asylum “such as welfare regimes, immigration histories prior to 2022, and their EU, Schengen and Common European Asylum System (CEAS) membership.” (Hernes & Łukasiewicz 2026, 344-345) The articles included in their studies are written by Danielsen and Hernes¹³⁴ (2026), that studied permits, settlement and integration policies in a Scandinavian comparative analysis; Koikkalainen¹³⁵ et al. (2026), which discusses the liberal versus restrictive tendencies of immigration policies in Finland and Sweden through the concept of

¹³² Research Professor at the Norwegian Institute for Urban and Regional Research, Oslo, Norway.

¹³³ Assistant Professor at the Silver School of Social Work, New York, US.

¹³⁴ Åsne Danielsen, Vilde Hernes, Turning Scandinavian Integration Policies Upside down? *A Comparative Analysis of the Scandinavian Governments' Responses to the Influx of Displaced Persons from Ukraine*. Journal of Ethnic and Migration Studies 52, no. 2 (01/20/2026) (01/20/2026) 367–387, doi:[10.1080/1369183X.2025.2565908](https://doi.org/10.1080/1369183X.2025.2565908).

¹³⁵ Saara Koikkalainen, Oksana Shmulyar Gréen, Joni Virkkunen, Md Azmeary Ferdoush, Svitlana Odynets, Unpacking the Temporary Protection of Displaced People from Ukraine within the Tightening Migration Governance in Sweden and Finland. Journal of Ethnic and Migration Studies 52, no. 2 (01/20/2026) 427–446, doi:[10.1080/1369183X.2025.2565913](https://doi.org/10.1080/1369183X.2025.2565913).

temporariness. Casu, Berg, and Zschmoler¹³⁶ (2026) compare the particularity of the UK's approach towards protection seekers from Ukraine with the country's asylum system and refugee resettlement laws for other groups. Nowicka, Engler and Ratzmann¹³⁷ (2026) analyze the gendered implications for TPD holders in Germany. Boczy, Franz and Kazepov¹³⁸ (2026) look at Austria and the importance of going beyond national and cross-national differences exploring local level variation in asylum and integration policies. Łukasiewicz, Yeliseyeu, and Pachocka¹³⁹ (2026) analyze the Polish situation to the arrival of over 1.6 million people fleeing from Ukraine. The policy responses look at the developments between February 2022 and January 2025 and were selected based on the three differences: (1) being a unitary or federal state; (2) EU Member State or not, part of the CEAS or not; (3) type of welfare state regime; and (4) population size. The steps of the ReLiSu analytical framework are (a) Selecting a policy, e.g. asylum, integration, settlement, permits, citizenship (b) Selecting the level or groups for comparison, e.g. (1) immigrants versus citizens, (2) work migrants versus family migrants, or (3) different types of protection seekers (c) Analyzing the policy as it applies to the different groups on the restrictive-liberal scale (d) Determining where the policy falls on the universal-selective axis.

The results show that unified responses “have been employed in terms of introducing some form of collective temporary protection” whether it was through the implementation of the TPD or national legislations, but a common restriction in all eight countries is “that the period of temporary protection does not count towards the residence period required to obtain permanent residency”, unlike in the case for holders of *refugee status* or *subsidiary protection*. (Hernes & Łukasiewicz 2026, 354-355) The only exception was the UK that introduce three special visa regulations for Ukrainians: (1) Ukraine Family Scheme, (2) Homes for Ukraine and (3) the Ukraine Extension Scheme “with different rights to financial assistance and integration measures. (Ibid. 355)

¹³⁶ Laura Casu, Mette Louise Berg, Silke Zschmoler, Privatised Asylum: The UK's Response to Protection Seekers Fleeing Ukraine. *Journal of Ethnic and Migration Studies* 52, no. 2 (01/20/2026) 388–407, doi:[10.1080/1369183X.2025.2565909](https://doi.org/10.1080/1369183X.2025.2565909).

¹³⁷ Magdalena Nowicka, Marcus Engler, Nora Ratzmann, Implementing the Temporary Protection Directive in Germany: *De Jure* Liberal, *de Facto* Selective? *Journal of Ethnic and Migration Studies* 52, no. 2 (01/20/2026) 408–426, doi:[10.1080/1369183X.2025.2565912](https://doi.org/10.1080/1369183X.2025.2565912).

¹³⁸ Tatjana Boczy, Yvonne Franz, Yuri Kazepov, From Crisis to Contradiction: Explaining Selective Solidarity and Asylum Governance in Austria after 2015. *Journal of Ethnic and Migration Studies* 52, no. 2 (01/20/2026) 447–468, doi:[10.1080/1369183X.2025.2565914](https://doi.org/10.1080/1369183X.2025.2565914).

¹³⁹ Karolina Łukasiewicz, Andrei Yeliseyeu, Marta Pachocka, Selective Restrictions and Liberalisations: Unpacking Poland's Response to Forced Migration in the Post-2022 Context. *Journal of Ethnic and Migration Studies* 52, no. 2 (01/20/2026) 469–488, doi:[10.1080/1369183X.2025.2565918](https://doi.org/10.1080/1369183X.2025.2565918).

Overall, the cross-country analysis shows quite different rights and obligations to settlement, integration, financial support etc., “variation in national debates about Ukrainian forced migrants and evolving policy and public discourse about forced migrants from Ukraine in the years following February 2022. (Ibid., 354) People fleeing Ukraine were offered liberal and fast access (days or weeks) to protection and national labor markets and countries like Denmark, Germany, Poland and Norway implemented liberal housing and settlement policies. Some countries provide the beneficiaries with lower financial support and less integration measures like Austria, Poland, Sweden and Germany while countries like Denmark, Norway and Finland offer the same similar integration rights and higher financial support. The analysis shows also differences of intra-national and intra-group reception practices in regional and local contexts like in Austria and Poland. Austrian immigration and integration have been gradually put in the hands of the regions (Länder) and therefore, TP holders have been “granted different rights depending on where they reside in the country.” As an example, Vienna and Warsaw have offered more liberal policies for Ukrainians than smaller towns and cities, because they “lacked immigrant infrastructure and non-profit organisations.” In Austria, the ‘Red-White-Red-Card plus policy introduced a way to permanent residency, and at some point, to Austrian citizenship but some parties still ask for more restrictive policies. In Poland, TP holders who refused benefits could turn their status to first temporary residency and slowly to permanent residency for an eventual application for Polish citizenship. In Germany, as mentioned above, the state was mostly engaged in the reception and accommodation practices. (Ibid., 355) Policy changes could be seen in Sweden from the summer 2024 afterwards. People from Ukraine were divided in three different groups: (a) people with one year of residing in Sweden had the same rights as asylum seekers; (b) people arriving shortly after February 2022 registering in the Swedish Population Register (between July and November 2024) had similar rights as refugees and; (c) people registering after November 2024 had the same rights as refugees for integration programs and integration benefits, but suffered more restrictions to social benefits. Norway’s government “targeted forced migrants from Ukraine with a restrictive rhetoric.” Danielsen and Hernes found out that the “reasoning was that the country should not be too attractive for Ukrainians.” Poland changed their policies “from a generous approach to an increasingly conditional approach towards TP holders.” (Ibid., 356) They were granted labor and welfare access with full access to health insurance and child benefits and free collective housing, but since 2023 the government had them pay for accommodation and to have a job or business was tied to a three-year residence permit. Also, child-benefit eligibility was restricted even when TP holders showed “growing economic contribution to Polish GDP. In Germany, the extreme-right

opposition called for reducing social benefits and for Ukrainian men to return home and fight. (Ibid., 357) Denmark and Finland have prolonged their policies under existing national or European laws till March 2027 and Sweden granted more rights to people from Ukraine after one year of residence instead of the three-year residence rule, but they also introduced restrictions regarding financial benefits compared to refugees and citizens.

In conclusion, the ReLiSu framework shows that since 2022 the policies towards people fleeing Ukraine have changed to less favorable and more restrictive in different policy areas over time across European countries, but it doesn't give an overall quantitative assessment across policy areas.

5.7 Legal Perspectives for People Fleeing Ukraine and Ukraine's Future EU Membership

The TPD might end for individual case in five different ways (Guild, Groenendijk and Lypalo 2025, 152) Chapter V of the Directive provides the rules for voluntary return (Article 21), forced return (Article 22) and prolonged residence and reception conditions in exceptional cases related to health conditions of formerly protected persons or in order to allow their children to complete the current school period (Article 23). These rules are foreseen in the case that beneficiaries leave the EU Member State:

- 1) The protected person has exercised his or her right to voluntary return to Ukraine before the end of the effect of the TPD which foresees a long-term visit or repatriation. Article 21(2) prescribes that the "Member States, shall on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercise their right to a voluntary return."
- 2) As mentioned before, Member States may exclude a person for having committed a serious crime listed in Article 28.
- 3) A decision of exclusive jurisdiction¹⁴⁰ from a Member State could be based on the grounds that the person is not (or no longer) covered by Article 2(2) or (3) of the Council Implementing Decision, because the person is able to return in safe and durable conditions to his or her country or region of origin (relevant for non-Ukrainian TPD holders).

¹⁴⁰ Only the EU country who has issued the TPD has the right to the enforcement of judgements.

- 4) A Member State can exclude a person on the basis of false information stated at the registration, because EU law “does not protect rights obtained by fraudulent behaviour.” (Ibid., 152)
- 5) Important for individual Ukrainian citizens and their family members is the Article 15(6), where a person can lose the TPD status (and the residence permits issued) because of the transfer of family members onto the territory of another Member State for the purpose of reunification under paragraph 2.

Other laws foresee the stay of the protected people in the host EU country: Article 17(1) gives every beneficiary the right to apply for asylum and the host Member State should examine the application (Article 18) and Article 19 prescribes that TP “may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration” and if “the application is not processed before the end of the period of temporary protection” it “shall be completed after the end of that period.” (Article 17(2))

Vitiello¹⁴¹ analyzes the current asylum and migration system on alternative models of access to protection and mobility rights concerning EU law and the TPD implemented in the case of Ukraine. She argues that the TPD was activated in “unique political landscape (...) with distinctive features of its implementing framework”, which makes it an “unrepeatable experiment” and the reform of the CEAS with the New Pact on Migration and Asylum doesn’t seem to offer a strong alternative.¹⁴² (Vitiello 2023, 93) She reflects on two different options for the restoration of asylum in Europe with regards to the reform of the CEAS (Ibid., 194-196):

- 1) Reconnecting asylum to mobility rights through the interaction of different legal regimes (directly or indirectly) affecting the right to flee and seek protection in cases of mass displacement (Comparing the TPD to the New Pact on Migration and Asylum).
- 2) Recurring to regime interaction to firm up extraterritorial access to asylum in individual cases (Looking at national policies from Italy and decisions of the CJEU).

The TPD recognizes the mobility rights of people fleeing Ukraine in two aspects:

¹⁴¹ Assistant Professor of EU Law, University of Tuscia, Italy.

¹⁴² As an example, Vitiello mentions the Eurodac category, which allows to fingerprint people living under the TPD and calls it a “traditional security-driven approach to migration and asylum matters.” (Ibid., 193-194); (Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of ‘Eurodac’ for the comparison of biometric data for the effective application of Regulation (EU) No 604/2013 and Directive 2001/55/EC, for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240, (EU) 2019/818 and (EU) 2017/2226 – Mandate for negotiations with the European Parliament (Council doc. 10583/22, 22 June 2022)).

- 1) At the level of inter-state cooperation and sharing of responsibilities of the ‘*mass influx*’ it helps the “spontaneous relocation of refugees within Europe.” Articles 25 and 26 of the TPD refer to the burden sharing and the principle of double voluntarism¹⁴³. In a statement attached to the Implementing Decision 2022/382 Member States renounce take-back procedures of people under the TPD when it comes to unauthorized secondary movements. Article 25(1) states that the “Member States shall receive persons who are eligible for temporary protection in a spirit of Community solidarity.”
- 2) At an individual level, the recognition of mobility rights “*as a means* to flee Ukraine and enjoy protection in Europe creates an alternative pathway for admission, which supersedes the containment model” effective at the external borders of the EU. With the right for EU Member States in the Implementing Decision to ignore the rule of first entry under the Dublin Regulation there might be “a more effective balance between solidarity and responsibility.”

As mentioned above, under the visa liberalization in 2017 Ukrainian citizens had the right to enjoy free entry in the European Union and stay for 90 days in any 180-day period, therefore “their access to protection (...) cannot technically qualify as irregular” strengthens their rights to mobility. With regards to two dimensions of law doctrine the (1) *ratione personarum*¹⁴⁴ “applies to non-visa free travelers who qualify as recognized refugees or permanent residents in Ukraine” and (2) *ratione temporis*¹⁴⁵, which is “not reserved for holders of a residence permit for temporary protection only, but extends to all persons entitled to temporary protection, even before the formal recognition of this status.” (Ibid., 197-198) Consequently, the Member State which provided a residence permit for the first entry has to provide also a transit visa for the circulation of the Schengen area under the Visa Code Art.35(3), if the holder of the TPD decides to move or enter another Member State, which is not covered fully by the Schengen acquis. Article 26(1) of the TPD states that “for the duration of the temporary protection, the Member States shall cooperate with each other with regard to

¹⁴³ The directive provides harmonized rights for the beneficiaries of temporary protection as well as a solidarity mechanism to achieve a 'balance of efforts'. The solidarity mechanism consists of both financial solidarity and solidarity in the reception of displaced persons.
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762373/EPRS_BRI\(2024\)762373_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762373/EPRS_BRI(2024)762373_EN.pdf)
 accessed 14/03/2026 (Published July 2024, Katrin Luyten)

¹⁴⁴ Related to individuals subject to jurisdiction.

¹⁴⁵ The time frame for which the TPD applies.

transferal of the residence of persons enjoying temporary protection from one Member State to another, subject to the *consent of the persons* concerned to such transferal.”

People fleeing Ukraine who fall outside the scope of the TPD are protected under the SBC that ensures safe passage to third country nationals¹⁴⁶. Of course, they must be also protected by the *principle of non-refoulement* and additionally, Article 7(1) of the TPD states that “Member States may extend temporary protection (...) to additional categories of displaced persons, (...) where they are displaced for the same reasons and from the same country or region of origin.” The combined legal provisions of the TPD and SBC for safe entry and passage should make sure that EU Member States respect the principles of solidarity and sharing of responsibilities.

Ayşe-Dicle Ergin¹⁴⁷ discusses the possibility of individual or group refugee status determinations (RSD) procedures after the end of the TPD called specifically *prima facie* RSD. Guidelines for these procedures were offered by UNHCR¹⁴⁸. These would be applicable to those who come from specific areas of Ukraine within a specific time frame. (Ergin 2023, 359) This procedure has benefits for cost-effectiveness through effective digitalized screening in the country of origin and entry and availability for the EU Member States of the information. Also internal flight alternative¹⁴⁹ (IFA) together with the RSD process could be an option in areas in which the conflict has ceased, or the EU could decide on the return of Ukrainians to certain parts of Ukraine, as long as *the principle of non-refoulement* and human rights obligations would not be violated applicable to those who would not have well-founded fear of persecution. This would have to entail the cease of the conflict in Ukraine and an individual risk analysis of the individuals involved. Ultimately, Ergin concludes it is “crucial for any state hosting a massive number of TP beneficiaries to regular procedures or application of other options (...), which require timely strategic and detailed planning and development of a roadmap and procedure.” (Ibid., 360)

¹⁴⁶ Under the Regulation (EU) 2016/399, Arts 9 and 5(2)(b) the Commission has emphasized the entry conditions into the Schengen area should be guided by humanitarian purposes to “prevent abusive repatriation of people who are at real risk of suffering harm if returned to the country of origin.” (Vitiello 2023, 199); (Commission Communication Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, para. 2.)

¹⁴⁷ Assistant Professor of Law at the Bilkent University, Ankara, Turkey.

¹⁴⁸ ‘Guidelines on international Protection No. 11: Prima Facie Recognition of Refugee Status’ (HCR/GIP/15/11, 24 June 2015) < <https://www.unhcr.org/558a62299.html> > accessed 14/03/2026

¹⁴⁹ <[Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees | Refworld](#)> accessed 14/03/2026

Other solutions discussed in the European Union are the extension of the TPD for 10 years, which is the estimated period for the reconstruction of the Ukraine. But a long temporary legal status could discourage people fleeing from Ukraine “integrating into local society, learning the language of the host country, joining serious and long-term training or retraining programs, and effectively using their labor and intellectual potential.” (Shestakova, Dryshliuk, Zhuravel, Kulinich & Zhuravlova 2025, 8)

The legal scholars of this article from Ukraine emphasize as one of the most realistic and durable solutions for solving the future legal status of people fleeing Ukraine, the Membership of the European Union, already mentioned above. Negotiations are already in the second stage since the 25th of June 2025 where the first EU-Ukraine Intergovernmental Conference took place and the implementation and adaptation of EU law into Ukrainian national law has been discussed and other administrative, economic efforts and reforms to match the accession criteria of the EU. Furthermore, the authors claim that people fleeing Ukraine shouldn’t be granted the rights to access and integration (freedom of residence and movement) solely on humanitarian grounds but extending to them the access to the European labor market. This could help Member States that emphasize the enriching human capital people fleeing Ukraine represent to promote integration and “help preserve the model of circular migration, which is much more profitable for the country compared to emigration for long-term residence, (...) inherent in the pre-war behavior of Ukrainians.” (Ibid., 9)

Another option for people fleeing Ukraine could be the revision of the Long-Term Residents Directive 2003/109/EU which prescribes the conditions under which third-country nationals can acquire EU long-term resident status: Third-country nationals have to reside in the EU legally and continuously for at least five years, which can also be accumulated from stays in different EU countries, which for most of the people fleeing Ukraine will be a reality in February or March 2027. But they also must provide evidence for stable and regular resources and might have to comply with the integration conditions of the Member State. Arcarazo¹⁵⁰ argues that the Directive could have the potential to be a subsidiary form of EU citizenship which is not under the direct control of the EU Member States, meaning that it is conferred and implemented by EU supranational law. In April 2023, the exclusion of the TPD beneficiaries

¹⁵⁰ Professor of European and Migration Law, University of Bristol Law School, UK.
Diego Acosta Arcarazo, The Long-Term Residence Status as a Subsidiary Form of EU Citizenship: An Analysis of Directive 2003/109 (2011), doi:[10.1163/ej.9789004204126.i-265](https://doi.org/10.1163/ej.9789004204126.i-265).

from the Long-term Residence Directive was deleted by a proposal from the Commission¹⁵¹ and execution of the Parliament¹⁵².

6. The CEAS and the ‘New Pact on Migration and Asylum’

One year after the ‘Communication on a New Pact on Migration and Asylum’ made by the European Commission Daniel Thym published a compendium on this announced legislation. Thym argues that the core aspects of migration and asylum policies are dysfunctional and incomplete when looking at the “situation of external borders, regular disputes about secondary movements, and the miserable conditions of asylum seekers in some hotspots” (Thym 2022, 11) but he also acknowledges the fact that “not all Member States are equally affected by asymmetric migratory patterns.” (Ibid., 18) The ‘New Pact on Migration and Asylum’ promises a new era of the CEAS. Thym points out that half of the political communication consists of the same legislative content as before and the other half focuses on “cooperation with third states; databases and more powers for Frontex; measures against smuggling; legal pathways for refugees and economic migrants; and Schengen evaluation.” (Ibid., 12) The reason why the Member States agreed to negotiate on new policies is because the Commission promised to “respect the red lines of national governments”, but as Article 80 of the TFEU states the implementation “shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications between the Member States” and “human rights and refugee law have to be respected.” (Ibid., 15)

De Bruycker¹⁵³, which is the founder of the Odysseus Network¹⁵⁴, argues that the new legislation shows a continuity with the past and the Dublin III 604/2014 Regulation, which was ultimately copied into the Asylum and Migration Management Regulation (AMMR) and could be called Dublin IV, because even though there are “a lot of small changes to the variety of criteria determining responsibility and the functioning of transfers” the “basic principle that is applicable in practice in most cases does not change: the Member States of first entry remains

¹⁵¹ Draft Report of 21 November 2022, PE738.503v02-00, 32. https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/PR/2023/03-28/1267462EN.pdf accessed 14/03/2026

¹⁵² A9-0145/2023 of 13 April 2023, the new text of Art 3(2)(b) proposed in amendment 45.

¹⁵³ https://www.europarl.europa.eu/doceo/document/A-9-2023-0145_NL.html accessed 14/03/2026

¹⁵⁴ <Genealogy of and futurology on the pact on migration and asylum – EU Immigration and Asylum Law and Policy> accessed 12/03/2026

¹⁵⁴ The Odysseus Academic Network is a network of legal experts in immigration and asylum in Europe founded in 1999. It is a platform for the exchange of knowledge and expertise between academics, policymakers, practitioners and NGO’s based in Brussels with experts from EU Member States (except Estonia), Norway, Switzerland and Iceland. <About the network - Odysseus Network> accessed 18/03/2026

responsible for the asylum applications introduced in their territory by third country nationals entering the EU for the first time.” There are four novelties mentioned in the Pact which are:

1. The system of governance of migration and asylum: The EU doesn’t want to be dependent on the willingness of migrants and the actions of smugglers suffering passively from the migration flows. Member States must prepare national strategies based on a European strategy integrating the internal and external dimensions of migration and asylum policies. This should lead to coordination between EU and its Member States and wants to deal with the implementation pragmatically on the ground.
2. The creation of a solidarity mechanism: De Bruycker calls this a novelty because the Schengen and Dublin 1990 conventions placed the burden of border controls and asylum applications upon the Member States at the external borders of the EU, because it “incorporated only the views of Northern Western Member States.” The AMMR’s objective is to include mandatory solidarity because the EU has tried repeatedly to implement relocations on a voluntary basis without success in the past. This framework includes the concern of the Eastern Member States, especially the Visegrad Group that this mandatory mechanism is built upon flexibility. There are three types of solidarity that the Member States are allowed to choose from:
 - a) Relocation of asylum seekers
 - b) Financial contributions for projects
 - c) Alternative measures

The solidarity question is the mechanism at the center of the political debate, and success depends how it will produce solidarity among the border Member States to live up to their legal responsibilities of the identification of migrants and how they will act upon the people that fall under this procedure. The annual minimum is 30.000 relocations and € 600 million by the AMMR. One of the many controversial elements in the solidarity mechanism and its funding is the strengthening of external borders and how the Commission wants to justify helping the border Member States in building fences and walls. NGOs critically point out that because the solidarity measures aim at fighting irregular migration rather than reinforcing Member States’ asylum systems it could lead to the externalization of ‘solidarity’ measures to third countries.

3. The imposition of border procedures: The implementation of asylum return procedures at the borders of the EU is an instrument to avoid that migrants can avoid the screening procedures. This is optional for Member States, but it can become mandatory for asylum

seekers that have a recognition rate¹⁵⁵ of 20 %. A distribution key in the Regulations foresee 30.000 places for border processing divided through the Member States and Asylum Procedures that include appeals shall be completed in 12 weeks' time, which is unrealistic given the lengthy time periods they normally have. Article 16 of the AMMR grants free legal counselling (not assistance or representation) at first instance level, which is processing before administration. People following this procedure shall be detained, which makes it the most controversial issue. The reason why people will be detained (Article 54 uses the word 'reside') at or in proximity to the external border, is because they don't want people to avoid the process, which will give an argument to litigate this condition because the amended reception conditions directive prohibits automatic detention and imposes alternative measures.

4. The regulation on crisis and force majeure including instrumentalization¹⁵⁶: This legal instrument allows Member States to use derogations¹⁵⁷ to some common rules due to exceptional circumstances. Civil society organizations are concerned that this instrument might be abused by some Member States to define a sudden inflow as crisis. The exceptional circumstances could be considered humanitarian rather than a migratory crisis, "so that measures should be taken to ensure the basic needs of migrants instead of derogations to basic rules such as the prolongation of the period foreseen for the registration of asylum applications and for the length of border procedures."

¹⁵⁵ Over the past three years, the recognition rate—which reflects the percentage of asylum applicants granted *refugee status* or *subsidiary protection*—has fluctuated around 40% at first instance, with *refugee status* usually being granted more frequently than *subsidiary protection*.

In 2025, the EU+ recognition rate fell sharply, reaching 29% for the year, the lowest yearly level on record. This decline was driven primarily by a sharp reduction in decisions issued to Syrian applicants, who historically accounted for a large share of positive decisions at EU+ level. <<https://www.euaa.europa.eu/latest-asylum-trends-annual-analysis/recognition-rates>> accessed 12/03/2026

¹⁵⁶ Regulation (EU) 2024/1359 covers situations of crisis, including instrumentalisation, and *force majeure*, describing these, respectively, as:

- a) an exceptional situation of mass arrivals of non-EU nationals or stateless persons in a Member State, of such a scale and nature that it renders the Member State's well-prepared systems non-functional, such that there could be serious consequences for the functioning of the Common European Asylum System;
- b) a situation where a non-EU country (third country) or a hostile non-state actor encourages or facilitates the movement of non-EU nationals or stateless persons to the external borders of the EU or to a Member State with the aim of destabilising the EU or the Member States, and where such actions are liable to put at risk essential functions of a Member State (instrumentalisation);
- c) abnormal and unforeseeable circumstances outside a Member State's control, the consequences of which could not have been avoided in spite of the exercise of all due care (*force majeure*). <<https://eur-lex.europa.eu/EN/legal-content/summary/eu-migration-and-asylum-policy-situations-of-crisis-and-force-majeure.html>> accessed 12/03/2026

¹⁵⁷ The partial repeal or abolishing of a law, as by a subsequent act which limits its scope or impairs its utility and force. Distinguished from *abrogation*, which means the entire repeal and annulment of a law.

The implementation of EU law is still an issue that belongs to the Member States, “but the EU institutions will now play a rather bigger role than before; (...) the EU Asylum Agency will assist Member States with implementation on specific issues” and “the legislation has conferred power on the Council to implement: the Resettlement Regulation (...), the Dublin Regulations, to establish a Solidarity Pool and derogations from it; and the Exceptions Regulation, to determine what derogations Member States can apply on the event of crisis or force majeure.” The Council retains the power to declare, extend, or terminate temporary protection, because the TPD has not been amended with the new legislation. (Arts. 4-6) The Commission confers the power to implement the Screening Regulation, the Dublin Regulation, Eurodac, the procedures Regulation and the Exceptions Regulation. (Peers¹⁵⁸ 2024, 118) This means that the harmonization of the law in this area has been extended and there are now less options for Member States and more common (supranational) mandatory rules. Not only have the Directives on qualifications and procedures been replaced by the Regulations, but the option for the Member States to implement higher standards for these Directives have been abolished. That does not mean that the Member States cannot give people a humanitarian status based on national laws. (Ibid., 119)

6.1 The Crisis Regulation and the TPD

Ineli-Ciger has published a blog post after the implementation of the Pact May 2024¹⁵⁹ addressing the Regulation (EU) 2024/1359 and the situations of crisis and force majeure in the field of migration and asylum that amends the Regulation (EU) 2021/1147 also called ‘Crisis Regulation’. It establishes a legal framework for Member States to respond to exceptional circumstances related to migration like the ‘*mass influx*’ of refugees as migrants in the case of Ukraine. There are several references to other EU Regulations and amendments which make this instrument complex. She argues that the Crisis Regulation is a “mixed bag”, which means that “while derogations regarding border procedures raise concerns and may violate fundamental rights enshrined in the EU Charter of Fundamental Rights and relevant international instruments such as the Refugee convention” the positive elements include “a new solidarity mechanism, the possibility of implementing *prima facie*¹⁶⁰ recognition of international protection applications and the possibility of suspending Dublin transfers to the Member States facing exceptional asylum pressures, which can contribute to protecting asylum

¹⁵⁸ Professor of Law, Royal Holloway University of London, UK.

¹⁵⁹ <[Navigating the Labyrinth of Derogations: A Critical Look at the Crisis Regulation – EU Immigration and Asylum Law and Policy](#)> accessed 12/03/2026

¹⁶⁰ *Prima facie* is used in court to indicate that there is sufficient or adequate evidence to support a claim.

seekers during mass influx and force majeure situations.” The Crisis Regulation defines ‘crisis’ and ‘force majeure’ through Article 1(4)(a) with three key characteristics:

1. The situation must involve large-scale arrivals of third country nationals or stateless individuals entering a Member State by land, air, or sea, which includes people who disembarked after search and rescue operations.
2. These arrivals must render the Member States well-prepared asylum, reception, including child protection services, or return system non-functional (the population, GDP and geographical specificities of the Member States, including the size of the territory, are to be taken into account in this determination) The disruption may (not must) be severe enough to potentially cause serious consequences for the overall functioning of the CEAS.
3. Force majeure is defined as “abnormal and unforeseeable circumstances outside a Member State’s control, the consequences of which could not have been avoided notwithstanding the exercise of all due care, which prevent that Member States from complying with obligations under Asylum and Migration Management Regulation (EU) 2024/1351¹⁶¹ (AMMR) and Asylum Procedures Regulation (EU) 2024/1348¹⁶².

Comparing this definition of ‘*mass influx*’ with the TPD the Crisis Regulation provides more precise and specific requirements to determine when a crisis takes place but “the large-scale arrival of refugees and migrants rendering a Member State’s return system non-functional should not be accepted as a criterion to determine the existence of a situation of crisis or a ‘*mass influx*’ situation since return capacity of the host state alone has nothing to do with the existence of a ‘*mass influx*’ and cannot justify derogating from state responsibilities under international or EU law.” Member States such as Italy and Greece will probably enforce the Crisis Regulation since they represent the primary entry points and therefore have been and very likely will be more susceptible to receiving large numbers of asylum seekers. But Member States could face subsequent secondary movements which could require them to claim to experience a ‘*mass influx*’ of exceptional circumstances or a ‘force majeure’ situation that could trigger the Crisis Regulation.

¹⁶¹ <[Regulation \(EU\) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations \(EU\) 2021/1147 and \(EU\) 2021/1060 and repealing Regulation \(EU\) No 604/2013](#)> accessed 12/03/2026

¹⁶² <[Regulation \(EU\) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU](#)> accessed 12/03/2026

Articles 2-4 define this process in three steps:

1. The responsibility of ‘*mass influx*’ falls on an overwhelmed Member State which claims to be subject to a crisis or unforeseen events constituting ‘force majeure’, significantly disrupting its asylum response under national legislation (Article 2). In this case the Member State must formally request the European’s Commission intervention for which the Commission cannot act unilaterally (Article 3(1))¹⁶³.
2. Within two weeks (Article 3(8)) the Commission assesses the situation based on objective criteria (Article 3(8)). As a crisis is considered:
 - a) If the Member State’s well-prepared asylum and reception systems, including child protection, are overwhelmed by the influx that could potentially impact the entire CEAS.
 - b) ‘Force majeure’ depends on two key factors: (1) unforeseen and uncontrollable events beyond the control of the Member States, and (2) whether these events prevent them from fulfilling their obligations and EU asylum acquis.
 - c) Subsequently, the Commission qualifies derogations from specific asylum procedures as mentioned in Articles 10-13: Solidarity measures, or the application of an expedited asylum process for particular categories of applicants (Article 3(1)). The Commission consults with the requesting Member State, the relevant Union agencies such as EUAA and international organizations such as UNHCR and IOM (Article 3(1)).
3. The Council has the ultimate decision-making power: it has two weeks to approve or reject the Commission’s proposal (Article 4(3)). It decides on the specific derogations that have to be applied and has to come up with a Solidarity Response Plan on how the Member State can be assisted by an implementation Decision (Article 8): These include
 - a) relocation of applications for international protection or a subset of international protection beneficiaries;
 - b) financial contributions aiming at actions that are relevant to address the situation of crisis on the Member State concerned or in relevant third countries or
 - c) alternative solidarity measures specifically needed to address the situation, also aimed at third countries to facilitate the crisis situation (Article 8(1)).The Commission can also recommend an expedited asylum process for specific nationalities

¹⁶³ They are adopted autonomously by the EU institutions in accordance with the founding treaties. <<https://eur-lex.europa.eu/EN/legal-content/summary/unilateral-acts.html>> accessed 12/03/2026

or asylum seeker groups (Article 4(4)) and Member States are free to choose which type of solidarity and support measure they want to implement.

Ineli-Ciger concludes that the Crisis Regulation will “complement the Temporary Protection Directive (TPD)” in five different ways once activated in June 2026 and it will depend on how it is implemented and which solidarity measures will be adopted by the Council to support the Member States facing exceptional circumstances:

1. Activate the TPD and not make use of the Crisis Regulation.
2. Not activate the TPD but determine that there is a situation of crisis and decide which derogations and solidarity measures will apply and whether to recommend expedited procedures for certain asylum seeker groups.
3. Activate the TPD and determine whether there is a situation of crisis and decide additional measures established in the Crisis Regulation that will apply.
4. Not to activate the TPD or the Crisis Regulation but make use of Annual Solidarity Pool as provided under Articles 58 and 59 of the AMMR.
5. The Crisis Regulation is only used to keep asylum seekers in the border procedure and reject asylum applications through expedited border procedures, which, in this case, will violate fundamental rights, EU law norms and subvert the Refugee Convention 1951.

6.2 The CEAS, the Solidarity Mechanism and the Sharing of Responsibilities

According to Maiani¹⁶⁴ the new pact introduces a new solidarity mechanism¹⁶⁵. Article 80 of the TFEU stipulates a CEAS with fair sharing of responsibility, but “geography, historical legacies and varying levels of attractiveness result in Member States facing highly asymmetrical burdens in implementing EU migration law” and “large indeterminable liabilities may outright defect as evidenced of “waving through” or, more tragically illegal push-backs at the external borders”, as mentioned in chapter 4. The Asylum and Migration Management Regulation (EU) 2024/1351 (AMMR) should “strengthen its burden-concentrating effects through a mix of anti-secondary movement rules, shortened deadlines for take charge requests, facilitated take backs, and the introduction of longer-lasting, “stable” responsibility.”

¹⁶⁴ Professor of Law at the Université de Lausanne, Suisse.

¹⁶⁵ <[The new Solidarity Mechanism: the right “insurance scheme” for the CEAS? – EU Immigration and Asylum Law and Policy](#)> accessed 17/03/2026

The new solidarity mechanism comprises two parts, building a ‘Common framework for asylum and migration management’. The first part (Chapter I) prompts the Member States to adopt national strategies. The Commission, based on these suggestions, will build a five-year “long-term European migration management strategy.” Maiani is of the opinion that these wishes and hopes made in the preamble (recitals 2-11) will not matter in practice, because “during and after the 2015 crisis the EU was swimming in reports, strategies and wish-lists of the kind intended here, none of which appeared to contribute much to alleviating the deep-seated problems of the CEAS. The second part called ‘annual migration management cycle’ (Chapter II) opts for a “yearly adoption of an Annual Solidarity Pool (ASP)” already mentioned above related to the activation of the Crisis Regulation and the TPD.

Each year on the 15th of October the Commission has to adopt three acts:

- 1) An annual report assessing the situation over the past 12 months and forecasting trends (Article 9 and 10).
- 2) A decision (Article 11) identifying the Member States “under migratory pressure”, “at risk” of migratory pressure or “facing a significant migratory situation”. Art. 1 (24 and 25) defines “migratory pressure” a situation where the arrivals or applications of third-country nationals are “of such a scale that they create disproportionate obligations” on an overwhelmed Member State, which reaches its limits of capacity because of the current and previous annual arrivals, even if it has a “well-prepared asylum, reception and migration system.”
- 3) A proposal for the Council decision establishing the ASP (art. 12) Based on the annual report it has to identify annual relocations and financial contributions needed in the Member States. The numbers are at least 30.000 annual relocations and 600 million euros in financial contributions. The commission can also propose “alternative” measures such as operational support depending on the needs (Article 56(2)(c) AMMR).

In Article 13 and 57(3) the identified Member States must make a pledging exercise within this “High level solidarity forum” considering the documents of the Commission and establish an overall reference number for each solidarity measure and pledge their contributions that must respect the “mandatory fair share”. By the end of each year the Council adopts a decision formally establishing the ASP. Even though the proposal is made by the Commission, the Council may deviate from it by qualified majority, even though the OLP would require unanimity (Article 293 TFEU).

Maiani points out that the number of relocations and financial contributions are legally binding for the Commission and not specifically for the Member States in the Forum, unless they decide to adopt formally the proposal of the Commission. Consequently, “the guarantee of “minimum thresholds” ensuring “predictable planning by contributing Member States and (...) minimum guarantees for the benefitting Member States” (recital 15) is not fully reflected in the law” and will only come to effect if the Forum *de facto* chooses to adopt fully the proposal of the Commission. The level of solidarity is set by the pledges of the Member States in the Forum and with insufficient pledges the Council and the Commission can only “reconvene the Forum in an iterative process.” Secondly, the Regulation established an extraordinarily complex process which “relies on a multitude of incentives and, crucially, on peer pressure” but it could motivate the Member States “to contribute and pool together their resources. Thirdly, Maiani argues that “in the context of relocations, and the hyper bureaucracy of a procedure capable of including pre-screening, matching, transfer, Dublin procedure and re-transfer are unavoidable mistakes for the current EU leadership (...) and risk costing this part of the mechanism all of its efficacy.”

The system is still based on objective criteria independent from the subjective wishes of applicants (see recital 36 AMMR). All applications made in the territory of the Member States will activate the application of the system, “including those made at the border or in the transit zones”, and the rule that applicants have no right to choose their Member States of destination is repeatedly expressed in the legislative package (see for example recital 26, Article 19(1)(c) and Article. 67(3) AMMR; recital 14 of the Reception Conditions Directive (EU) 2024/1346). If a person’s application has been withdrawn or rejected, they are subject to Dublin transfers, but beneficiaries of international protection are not under the current regulations. Under the AMMR beneficiaries of protection will be subjected to take back procedures if they move without authorization to another Member State. Article 36(1)(b) refers to beneficiaries of protection and states that “an applicant or third-country national or a stateless person in relation to whom (a) Member State has been indicated as responsible.” Recital 43 AMMR mentions that “responsibility” must be “determined only once, unless one of the cessation grounds (...) applies” to avoid secondary movements to another Member State. Once a Member State is designated the responsibility of an applicant, the responsibility continues to exist until one of the cessation causes listed in Article 37 AMMR is activated (e.g., in the case of beneficiaries of protection that another Member State grants a residence permit).

Maiani concludes that the new Regulation is fundamentally unchanged but stricter with secondary movements and people being transferred compared to the Dublin Regulation of 2013, which will “multiply the risks of human rights violations.” De Bruycker adds that “rather than a fresh start” promoted by the Commission, “the pact is one more episode of a long series.” Progress can be seen in the Europeanisation of the CEAS:

- 1) The adoption of regulations that do not need to be transposed like the previous directives, even if some of their provisions are not detailed enough and will require the adoption of complementary national legislation by the Member States.
- 2) The procedural autonomy of Member States is reduced with the asylum procedure regulation, but this instrument requires an in-depth analysis to evaluate to which extent these procedure(s) is/are now common to all Member States.
- 3) Asylum becomes progressively a more common policy with the introduction of the coordination method by the AMMR that will allow the EU to enter the area of policy implementation, going far beyond classical legislative harmonization.
- 4) The fact that an important part of the funding necessary for the implementation of the pact will come from the EU is a step in the same direction, in particular regarding the provision of legal counselling that could be entirely EU funded as it has been announced.

The Member States at the borders “will need to make important investments to build more suitable infrastructures of reception and administration, train personnel and buy technical equipment for functional border procedures. This will be an administrative challenge, because the examination of asylum applications and return border procedures will have to be finalized after 3 months, which also has to include the appeals. The Member States are legally bound to discretionary solidarity and the Commission and the Council as the political and administrative institutions, “will be assisted by two new bodies composed of the Member States representatives: (1) a High level Solidarity Forum and (2) a Technical Level Solidarity Forum”, which will be chaired by the Solidarity Coordinator of the Commission. The next years will show how the EU and the Member States have adjusted to this new legislation.

7. Conclusions

As we have seen in this thesis European Migration and Asylum policies are indeed a complex legislative and political endeavor in the multi-faceted context of the history of the European Integration. The Regulations, Directives and Decisions for a Common European Asylum System (CEAS) are the result of a long legislative and political process of harmonization with divergent phases and stages, which is still unfinished. The Member States of the EU, the institutions of the European Union with their respective main organs, the Commission, the Council and the Parliament and other union bodies, will continue to adopt solutions to migratory movements in the future. The legal instruments of the European Union, like the Dublin Convention (principle of application of asylum in the EU country of first entry), the Maastricht Treaty in 1992, that included supranational provisions on immigration and asylum, the Schengen Agreement in 1995 with the abolition of border controls, the Treaty of Amsterdam in 1997, with the conferral of competences regarding visas and border controls, the Treaty of Nice 2003, with broad and generous directives on economic migration, family reunification and long-term residents, and the Treaty of Lisbon established migration law as policy field in its own right, implemented and initiated interstate cooperation on economic matters and refugee protection, which additionally also established the basis for the free movement of workers.

One of the common difficulties in asylum and migration policies are the different objectives and interests the supranational institutions are trying to achieve by reforming the CEAS with the diverging and juxtaposing perspectives of 27 EU Member States. The Mediterranean Sea as the deadliest route of migration flows has given us examples on how the protection of human beings fails when policies are hardened to keep asylum seekers out of Europe. The situations at the Borders with hundreds of thousands of illegal pushbacks, and precarious situations at refugee camps with millions of displaced people emphasize this characteristic which shows gross violations of fundamental rights (European Charter of Fundamental Rights), human rights (*principle of non-refoulement*) enshrined in the Geneva Convention 1951, and basic procedural rights when rejection applications or keep asylum seekers in deplorable conditions at the borders. Countries such as Germany, Austria, Italy etc. are showing in public policy debates, fueled by false knowledge of migration that promote right-extremist, populist and anti-constitutional concepts and solutions on how to deal with migration and asylum. Their solutions include reintroducing stricter border controls between the EU countries resulting in giving more power to Union bodies like Frontex and the European

Border and Coast Guard, even though the Schengen Agreement abolished the internal border policies a long time ago. Other alarming common suggestions in asylum and migration policy are the externalization of responsibilities towards third countries at the EU borders (Hotspot approach like in the case of the EU-Türkiye Deal).

In this thesis I have shown the various levels and layers of EU Asylum and Migration Law and the complex legislative procedures that accompany the processes in a highly politicized context. with reference to academic literature and statistics. As a result of the ‘migration crisis’ of 2015/2016 a reform of the CEAS was proposed and in May 2024 the ‘New Pact on Migration and Asylum’ was implemented to complete the CEAS to introduce standardized asylum procedures and mandatory solidarity mechanisms, legally effective in June 2026. Scholars have critically analyzed the new pact on solidarity and responsibility and come to the conclusions that, on one hand, it has introduced more restricted instruments regarding people seeking international protection, which don’t really differ from the previous legislation, but the legislation shows signs of a Europeanisation process being guided by supranational legislation and institutions with extended power to implement them and make the Member States to comply to EU Law. One of the many controversial elements in the new solidarity mechanism is the funding and strengthening of the external borders, as well as the justification of the walls and fences constructions in the Member States. The Crisis Regulation doesn’t amend the TPD and according to Ineli-Ciger the Regulation is more precise in defining requirements to determine a ‘*mass influx*’ and it will complement the TPD and not weaken it.

The concept of temporary protection was introduced in 1992 as a supranational legal instrument for Refugees as a response to the crisis in former Yugoslavia. Later, the Temporary Protection became the “first supranational legal instrument on asylum to be adopted under the Treaty of Amsterdam.” (Thym 2023, 405) Its definitive version represents the Temporary Protection Directive in 1999 by the Tampere Programme as a response to the Kosovo War and the forced displacement that followed. The goal was a ‘Common European Asylum System’ and the TPD was formally ratified and adopted in 2001. The legal scholars in this thesis agree that the TPD was a tool that encouraged Member States to adopt national legislation for short-term stay, without giving almost any room for integrational measures.

Before the full-scale invasion, by the end of 2021, 1.57 million of Ukrainian citizens already resided in Europe and had a valid residence permit issued by one of the EU Member

States making them the third highest among non-EU citizenships. This process was partly due to the EU lifting the visa requirement for Ukrainian nationals in 2017. The scholars mentioned in this thesis share the opinion that the Russian invasion has triggered an unprecedented response of responsibility and solidarity towards millions of people fleeing from Ukraine and especially for Ukrainians and their nation under siege from the Russian aggression. The European Union responded through financial support for strategic military efforts, humanitarian support, and macroeconomic aid and promises of funding for the recovery and reconstruction of Ukraine, which could take decades once the war ends. The EU has politically condemned the actions of the Russian Federation with sanctions of unprecedented dimension. Ukraine has been granted the candidate status for joining the EU in June 2022 and as of September 2025 the screening process was completed. As Professor Jauhiainen points out the population of Ukraine has been shrinking for decades after the dissolution of the Soviet Union in 1991 (52 million by that time), and estimations made by the UNHCR speak of 32 to 35 million people currently (March 2026) residing in Ukraine. These estimates are the result of the War in Donbas started in 2014 and the illegal annexation of Crimea and the self-proclaimed separatist entities of Donetsk and Luhansk, which resulted in 2.5 million people not being count in the census of the population of Ukraine. And since the start of the full-scale invasion up to 7 million have left Ukraine. As of October 31st, 2025, 4.3 million people are living under the TPD in the EU member states. As of 2025 one out of seven Ukrainians living in Ukraine represent return migrants and 1 out of five have not yet returned from abroad. (Jauhiainen 2025, 8)

The Council Directive (2001/55/EC) on minimum standards gives temporary protection in the event of a '*mass influx*' to displaced persons promoting measures between Member States in receiving such persons and bearing the consequences thereof. European law provides protection for people who are forced to leave their homes for their personal safety and the safety of their children. This means that it can be applied to large groups of people defined by the EU provoked by an "external aggression, foreign occupation, civil war, ethnic conflicts, natural or man-made disasters" (Kuzmenko, Ryndiuk, Kozhura, Chorna & Tytykalo 2023, 232), to avoid that the asylum and migration systems of Member States will be overwhelmed. The TPD has been a legal instrument that allowed the Member States to respond quickly and effectively to the needs of millions of displaced people and showed unparalleled commitment to refugees in European history because of the collective nature of the legal instrument which can be applied to a group of people defined by the EU. The scientific literature in this thesis has shown a distinct outcome when compared to other 'refugee crisis' following the year 2015 with different

treatments of asylum seekers and refugees from third countries with a different nationality like Syrians or people from Afghanistan. With the concept of multi-level governance there can be seen the dispersal of asylum of migration competences over different European and national governance bodies, offices, agencies or organizations (e.g., EUAA and Frontex) based on the principles of subsidiarity, proportionality and conferral. Sometimes the Commission tries to autonomously promote forums of policies (mobilization thesis) and sometimes national authorities show a dominant role establishing effective collaborations. (shadow of hierarchy thesis) The dispersal of competences and the management of the ‘mass influx’ on an increasingly supranational level can be seen by the hard laws implemented by the EU with the Council Implementing Decision 2022/382 activated for the first time the TPD, Additionally, with the Member States implementing and adapting the national legislation to the Ukrainian case we can see how distinct levels of governments are simultaneously involved (Caponio 2026, 30), such as non-governmental actors, and how the relationship between various levels of government take the form of non-hierarchical networks based on cooperation and consensus building. Durieux concluded that the temporary protection is legally unsound and politically unconvincing, whereas Ineli-Ciger has argued that it represents an appropriate instrument offering people refuge and immediate protection. Koo called it a ‘double win’ that addresses the protection needs of asylum seekers, while it also enables them to maintain control over the return requirements with the preestablished time frame of the TPD. The group that is affected by these alterations is granted immediate relief through granting protection status and residence permits and it has a time limit of one year period which can be extended for six-month periods up to two years. In cases where aggression or violations persist it can be prolonged up to three years. Thym adds that temporary protection has been called a ‘double edged sword’ being called ‘magic gift’ by proponents which gives “the added value for people fleeing civil wars and the benefit of procedural simplicity, which helps saving scarce administrative resource during a ‘*mass influx*’ (and); the option of burden sharing was another advantage. Ineli-Ciger points out that “such a policy would contribute to the willingness of states to admit persons seeking refuge to their territories and enable effective and equitable distribution of the asylum burden in mass influx situations.” (Ineli-Ciger 2017, 45) The importance for an immediate and collective response is the decision of the Council by qualified majority that characterizes for a ‘mass influx’ in large-scale movements of asylum seekers and refugees. Article 5 of the TPD gives precise instructions on how a case of ‘*mass influx*’ can be identified and established. These situations trigger serious financial and security related challenges that the European Institutions want to address with the ‘New Pact of Migration and Asylum’ effective in June 2026 and a new

‘solidarity mechanism’. Arenas-Hidalgo conclusive remarks on the TPD are that the legal instrument “does not override national regimens of temporary protection but rather creates one that is different and complementary, specifically designed to make action on a supranational level essential. (Arenas-Hidalgo 2023, 90-91) As of now (March 2026) the TPD has been extended until March 2027 and is valid in all the EU Member States except Denmark or countries of the Schengen Zone like Switzerland, Norway, Liechtenstein and Iceland. These countries have met the situation with several national policies. The TPD shows deficiencies of application when it comes to third-country nationals (non-Ukrainians) or stateless persons that have fled Ukraine (even long-term residents of Ukraine), giving the Member States the ‘discretionary’ option to apply the TPD differently to individual cases. The Member States are still bound by Article 15 of the Qualification Directive 2011 to grant subsidiary protection status under certain circumstances that threatens the life of a person. Another weak legal point is that the Member States can grant priority to EU citizens and EEA citizens and legally residing nationals. People fleeing from Ukraine which qualify for the TPD and defined by it are listed on page 55 of this thesis. They enjoy residency rights, access to housing, social welfare assistance, medical care, including mental health care, psychological support for children, legal guardianship and safe placement for unaccompanied children and teenagers with access to education and/or vocational training, access to labor market (subject to EU countries’ labor market policies).

Regarding the integration of people fleeing Ukraine, I could detect different treatments according to EU Member States that adopted national policies to the TPD on different administrative levels (local, municipal and national). Inconsistencies have been pointed out by a variety of scholars in this thesis, for example the access to social benefits and rights, the recognizing of documents for access to labor and higher education, and in some countries, housing was provided temporarily in shared facilities. Most of the countries offered free language and integration courses offered by private and public institutions that were obligatory to receive social benefits on an unemployment basis. Countries such as Sweden and Germany have adopted various time limits and restrictions on when protection holders can visit their countries and, in some cases, it hasn’t been specified. These time limits and restrictions can influence the housing and financial support of the protection holders and can sometimes lead to the loss of those benefits. Regarding the concept of multi-level governance and the involvement of regional and international organizations, private companies and private individuals in this process, countries such as Poland and the Czech Republic relied heavily on these networks to

integrate people from Ukraine in terms of accommodation or housing, and access to employment. Nicolosi and Béres that have analyzed the TPD regarding how it entails measures of integration observed that “temporary protection is not seen as a status by European law” but as an “administrative measure to address situations of mass influx for a limited duration.” (Nicolosi & Béres, 68-69) Countering this theory, they conclude that the TPD represents a determined status that frustrates the integration possibilities of beneficiaries of protection for which a liberating policy could lead to a stronger and more durable status. Extending labor access can help people under protection end the dependency on social assistance and facilitate economic and social integration in the host society and reintegration after the return to the country of origin, referencing to the ‘dual intent integration’ mentioned by Lazarenko and Rabinovych. Looking at the multi-levelness and the administration of the responsibilities of admission and integration in countries like Germany with strong federal division of powers the regions hold several competences in immigration and asylum policy and enjoy a certain autonomy like issuing residence permits and accommodation possibilities and the financial support was dispersed on several levels of local governments and municipalities. In the future, regarding the continuance of the war, these issues and inconsistencies in the areas of job market participation, secondary migration, and return to Ukraine and reintegration should be revisited on a supranational and national level to facilitate integration in the host country on a long-term basis.

The ReLiSU analytical tool introduced by Hernes and Łukasiewicz observed over a period of three years liberal, restrictive, selective and universal policies implemented by the EU in eight countries and how unified the responses have been and how they changed over time. A common restriction in the countries shows that there are no ideas of policies discussing that people under protection can obtain permanent residency but overall, they show vastly different rights with inherent obligations to settlement, integration, financial support etc. Countries such as Denmark, Germany, Poland and Norway implemented liberal housing and settlement policies. Some countries provide the beneficiaries with lower financial support and less integration measures such as Austria, Poland, Sweden and Germany while countries like Denmark, Norway and Finland offer the same similar integration rights and higher financial support. The analysis shows also differences of intra-national and intra-group reception practices in regional and local contexts such as in Austria and Poland. In conclusion, the ReLiSu framework shows that since 2022 the policies towards people fleeing Ukraine have changed to

less favorable and more restrictive in different policy areas over time across European countries, but it doesn't give an overall quantitative assessment across policy areas.

8. Prospects

In the future context of the TPD Vitiello mentions the ‘New Pact on Migration and Asylum’ and advocates for the reconnection of asylum to the mobility rights through the interaction of different legal regimes and inter-state cooperation and sharing of responsibilities of the ‘*mass influx*’. Articles 25(2) and 26 of the TPD refer to the burden sharing and the principle of double voluntarism where the take-back procedures are renounced when it comes to secondary movements. Additionally, the combined legal provisions of the TPD and the SBC should make sure that EU Member States respect the principles of solidarity and sharing of responsibilities. There have been discussions extending the TPD for 10 years but that could leave the people under a constant temporary status, while they have been fully integrated into host society.

The future prospect for Ukraine to be granted EU Membership opts for a more realistic durable solution, but that might still take years. To grant people from Ukraine full access to the labor market could help Member States recognize the enriching human capital they represent. Another realistic option is to revise the Long-Term Directive 2003/109/EU, for which an applicant must have resided in the EU legally and continuously for 5 years, which will be a reality for most the people that have fled Ukraine in March 2027, when the TPD is supposed to expire. Arcarazo argues that it has the potential to serve as subsidiary form of EU citizenship and it could be implemented by supranational law.

In chapter 5 of this thesis, I answered my main research question and already mentioned some of the solutions that could be adopted in the case the TPD will end and what it will mean for the people fleeing Ukraine. According to Guild¹⁶⁶, Groenendijk¹⁶⁷ and Lypalo¹⁶⁸ there are four different options for a common solution on the basis of EU law (Guild, Groenendijk & Lypalo 2025, 158)

- 1) The prolongation of the TPD.
- 2) Using the rules from the 2017 EU-Ukraine Association Agreement (AA) to enhance security of residence of Ukrainians exercising economic activities in EU States.
- 3) Amend current secondary EU law to include former TP beneficiaries.

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¹⁶⁸ Lawyer and Researcher in International Relations, College of Europe, Brugge, Belgium.

- 4) Extend the free movement to Ukrainian nationals through a *sui generis* agreement in pursuit of Ukraine's future accession to the EU.

The three scholars argue that the main obstacle and determining factor will be the EU's political will. The first option would basically maintain the status quo for those under the TPD regime and extend it since there is no maximum time frame mentioned in the document. But the "perpetuation of uncertainty of residence" will bring psychological and social disadvantages for the beneficiaries and will not allow them to "invest fully in their new host states" and will continue their precarious legal status and impede them to make decisions for their near and longer future. (Ibid., 159)

The second option involves the AA between the EU and Ukraine and use it to achieve more integration in the socio-economic sphere of the EU. Articles 24-40 of the original agreement "provide for equal treatment of Ukrainian workers in the EU with nationals of the host state, liberalization on self-employment and the establishment of Ukrainian businesses in the EU." It is still ambiguous if Article 18 of the Agreement "extends to the adoption of binding rules on admission and rights of family members, student, researchers and other categories of Ukrainian nationals" and "a decision of the Association Council requires unanimity among Member States and the consent of Ukraine."

A third option would be the amendment of secondary law so that after the end of the TPD there will be a secure resident status. This would require amending the Qualification Directive in the sense that it would grant international protection to recognize it as refugee status or subsidiary protection. Another amendment would require the change of the Long-Term Resident Directive already mentioned in chapter 5.7 of this thesis. And a third amendment would entail the abolition of the exclusion of TP beneficiaries from the Family Reunification Directive and Long-Term Residence Directive which would allow them also to move freely in the Schengen area.

A final option could be that Ukraine would enjoy the free movement of persons like the EFTA states (Iceland, Liechtenstein, Norway and Switzerland) without being exposed, as of now, to a long and uncertain EU membership process. This would demonstrate a solid political stance indication by the EU for the support for Ukraine.

A negative option for people fleeing Ukraine would be that after the end of the TPD they are transferred into asylum determination procedure of the Member State (Articles 17-19 TPD) or they will be exposed to expulsion procedures (Articles 20-23), which makes it important that

the future determination of the status of people under TP is in the domain of EU supranational law. (Ibid., 162)

Jauhiainen (2025) found out in her research on return migration, that “the primary motivation for return migrants moving back to Ukraine was driven more by the desire to return home than by the dissatisfaction with conditions in EU host countries.” Most returnees had the feeling that the immediate danger was over, and a small part saw their return as a failure because it didn’t meet their expectations and they couldn’t fulfill their plans. Some returned because of better job opportunities and others came back to support or reunite with their family. This didn’t always mean returning to the home that was once there. A lot of people remain displaced in the Ukrainian territory, but the “vast majority wants to remain in Ukraine for the rest of their lives (...), even if the war continues. Many keep ties with the EU countries and relationships they have forged there. Some came back with innovative ideas and practices in personal and professional fields, which gave also more possibilities abroad or another part of the EU, but some rejected the new habits and skills and fortified their identity and belonging to their Ukrainian heritage. In her conclusive remarks Jauhiainen emphasizes the difficulty and complexity migration and identity in a war context represent and points out the “remarkable resilience Ukrainians have shown” facing these abrupt and new realities.” (Jauhiainen 2025, 150)

Carrera, Ineli-Ciger, Vosyliute and Brumat point out that the EU should “fundamentally rethink the unequal solidarity paradigm characterising its asylum and border policies” and they propose two crucial standards for a coordinated response that should be based on “equal solidarity”: (1) A protection-driven and regularization standard and, (2) a non-discrimination standard. These standards draw “from international refugee law and human rights law, as well as political commitments in the UN Global Compact on Refugees (GCR) and UN Global Compact on Migration (GCM), and the EU Treaty.” (Carrera, Ineli-Ciger, Vosyliute & Brumat 2023, 39)

The first standard includes the solutions mentioned in chapter 5.7 of this thesis and in this chapter in the previous paragraph. They add that the “EU agencies should be mainly focused on a prevailing asylum-driven approach, and not one related to border management and policing” and “a more robust independent fundamental rights monitoring, and complaint mechanism of their activities should be ensured and closely monitored during all the implementation phases. EU agencies should be exclusively deployed as long as relevant EU

Member States duly comply with their obligations under EU law and towards the fundamental rights of each person.” (Ibid., 41)

The second standard is based on “Art. 2(2) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD¹⁶⁹) provides that the States parties should ‘undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’. It is of central importance for EU migration and asylum policies to consider institutionalized forms of discrimination or racism towards some asylum seekers not originating from European countries and to counter them will all the legal instruments protecting human rights as enshrined in Article 2 of the TEU, as they have no place in Europe or anywhere else.

There is and will be still extensive room and time for debate on EU Migration and Asylum Law in the next years, if not decades, especially when it comes to the new legislation that will be applied in June 2026. What is certain, in my opinion, is that current politicians and legislators are taking a shortcut solution to a very complex and multi-layered issue, as we have seen in this thesis. If we don’t start to think about Migration and Asylum differently, people in need for protection and a home will not have the opportunities and rights the people with a European citizenship enjoy every day. Europeans are bound by fundamental rights and duties and should therefore insist on allowing people from everywhere to be granted the same possibilities.

¹⁶⁹ <[International Convention on the Elimination of All Forms of Racial Discrimination | OHCHR](#)> accessed 20/03/2026

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10. Graphics and Statistics

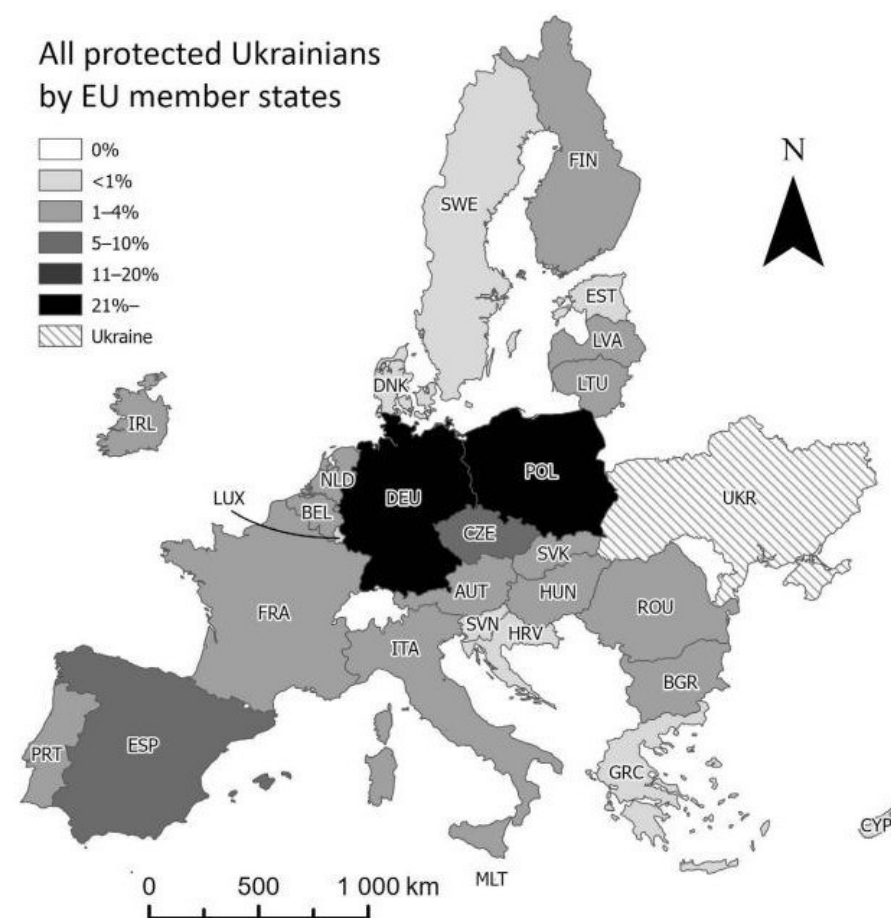


Figure 1.2 War-fleeing Ukrainians registered in the EU member states in December 2024.
Source: Modified and estimated from [UNHCR \(2025a\)](#).

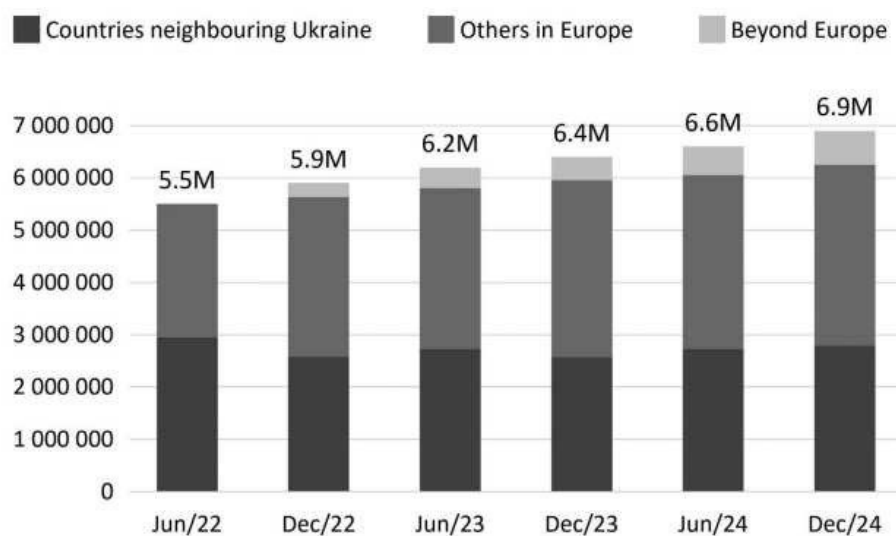


Figure 1.4 War-fleeing population from Ukraine recorded globally, 2022–2024.
Source: Modified from [UNHCR \(2025b\)](#).

	Yearly number of people granted temporary protection			Quarterly number of people granted temporary protection				Monthly number of people granted temporary protection		
	2022	2023	2024	2024Q4	2025Q1	2025Q2	2025Q3	2025M09	2025M10	2025M11
EU	4 330 980	1 056 010	794 845	175 215	138 045	149 785	207 710	79 550	74 435	53 735
Belgium	63 355	15 625	13 275	2 995	2 445	1 900	2 540	755	780	495
Bulgaria	147 330	23 585	24 570	4 615	3 835	5 910	5 770	2 090	2 055	1 425
Czechia	458 915	98 655	91 930	19 420	14 600	19 995	31 225	13 520	12 030	7 005
Denmark	32 895	8 380	9 620	2 525	2 635	1 930	3 265	1 540	2 440	1 685
Germany	795 205	335 785	229 385	50 515	37 295	37 030	47 955	12 590	14 825	12 680
Estonia	41 870	8 780	6 095	1 630	1 275	1 335	1 525	585	570	470
Ireland	69 220	33 035	10 470	2 580	2 055	1 840	3 795	1 830	1 635	1 115
Greece	21 530	5 325	5 725	790	675	3 040	1 160	345	280	240
Spain	160 990	33 915	36 735	9 065	8 025	6 395	7 500	2 900	3 310	2 900
France	84 910	17 175	12 035	2 910	2 380	2 095	2 535	955	1 090	875
Croatia	19 275	4 925	3 420	735	625	735	960	380	315	260
Italy	150 110	21 395	16 885	1 055	2 150	4 165	3 625	1 260	1 635	1 300
Cyprus	12 620	6 670	2 895	485	1 100	960	510	185	295	10
Latvia	38 135	12 125	6 175	1 720	1 610	1 580	2 240	810	685	515
Lithuania	65 450	12 210	10 960	2 635	3 175	2 985	2 940	1 030	1 425	1 020
Luxembourg	5 090	885	755	195	230	185	275	115	105	105
Hungary	29 920	6 875	6 280	1 480	1 185	975	1 360	555	515	490
Malta	1 630	570	370	80	80	80	100	30	35	35
Netherlands	110 000	34 775	28 755	6 980	6 300	6 310	7 800	2 740	3 135	2 130
Austria	90 620	18 320	17 785	4 845	3 465	4 075	4 345	1 805	1 895	1 695
Poland	1 567 905	237 475	165 765	37 220	28 640	30 110	55 165	26 340	17 985	11 160
Portugal	57 230	8 550	7 135	1 730	955	1 900	1 015	430	425	340
Romania	101 925	49 320	37 025	8 325	5 885	5 910	8 070	2 745	2 765	2 290
Slovenia	7 480	1 580	1 620	370	285	240	400	180	245	200
Slovakia	104 775	30 235	26 140	6 010	3 470	3 080	5 060	1 720	1 970	2 020
Finland	45 210	18 925	12 200	2 560	1 810	2 655	3 830	1 125	1 020	600
Sweden	47 390	10 915	10 840	1 755	1 860	2 375	2 750	985	975	685
Iceland	2 305	1 555	1 130	235	145	160	:	:	:	:
Liechtenstein	420	270	235	60	40	35	65	20	30	20
Norway	33 540	33 420	19 865	4 515	2 980	1 740	2 820	1 330	2 490	1 660
Switzerland	72 030	18 355	9 230	2 610	1 855	1 575	2 675	1 105	800	630

": means data not available

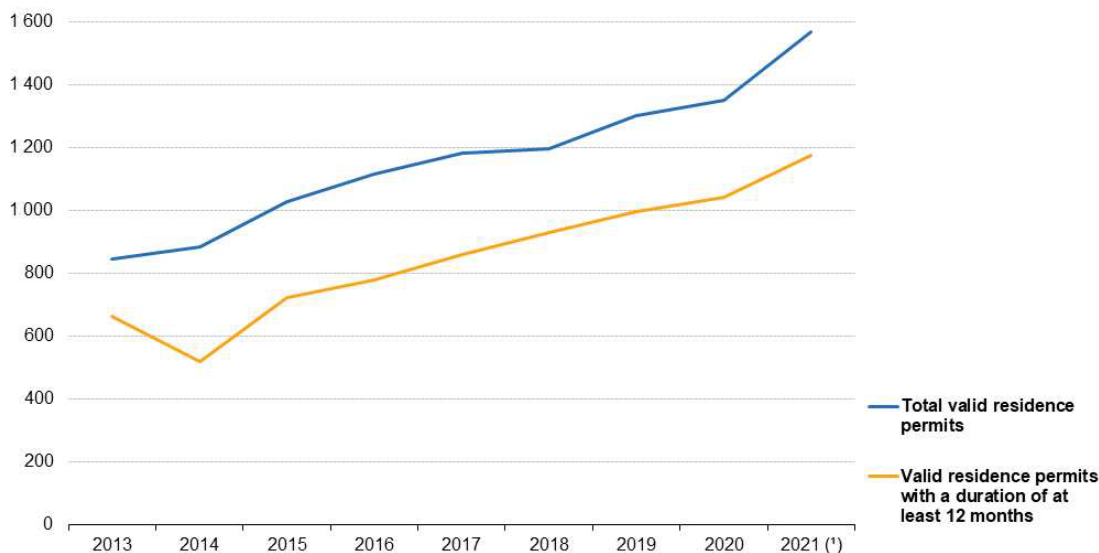
The yearly data in 2022 cover the period starting after the Council decision of 4 March 2022 having effect of introducing temporary protection
France: data does not generally include minors.

Source: Eurostat (online data codes: (migr_asytpfa, migr_asytpfq, migr_asytpfm))

eurostat

Ukrainians holding a valid residence permit in the EU at the end of the year, 2013–2021

(1 000)



Note: data on valid residence permits at the end of the year in Denmark are not available and have been replaced for both types of permits by the number of Ukrainian nationals usually residing in Denmark. Includes data for some Member States that are provisional, estimates or of low reliability.

(¹) Including 2020 data for Denmark and Finland.

Source: Eurostat (online data codes: migr_resvalid and migr_pop1ctz)

eurostat

Ukrainians holding a valid residence permit at the end of the year, 2013–2021

	All valid residence permits			Valid residence permits with a duration of at least 12 months		
	Number, 2021	Change in number, 2013–2021	Number per 1 000 inhabitants, 2021	Number, 2021	Change in number, 2013–2021	Number per 1 000 inhabitants, 2021
EU (*)	1 569 388	724 248	3.5	1 176 029	511 774	2.6
Belgium	5 673	1 823	0.5	5 388	1 631	0.5
Bulgaria	9 149	8 077	1.3	7 980	7 497	1.2
Czechia	193 547	86 293	18.1	190 044	88 581	17.8
Denmark (*)	12 821	5 776	2.2	12 821	5 776	2.2
Germany	83 043	-26 738	1.0	81 904	-23 778	1.0
Estonia	14 282	8 288	10.7	14 210	8 250	10.7
Ireland (*)	2 144	185	0.4	1 615	-113	0.3
Greece	20 690	1 903	1.9	20 690	1 903	1.9
Spain	97 442	16 576	2.1	96 965	16 489	2.0
France (*)	18 610	10 086	0.3	15 135	6 795	0.2
Croatia	2 405	2 158	0.6	1 208	1 022	0.3
Italy	230 366	-3 238	3.9	229 007	11 021	3.9
Cyprus	4 573	1 798	5.1	3 692	1 629	4.1
Latvia	9 087	5 156	4.8	7 865	4 785	4.2
Lithuania	32 884	29 170	11.8	32 591	29 292	11.7
Luxembourg	997	484	1.6	992	501	1.6
Hungary	63 175	50 026	6.5	60 983	48 208	6.3
Malta	1 192	799	2.3	1 026	759	2.0
Netherlands	8 238	4 760	0.5	8 062	4 703	0.5
Austria	9 973	3 520	1.1	9 432	5 419	1.1
Poland	651 221	475 565	17.2	284 839	256 376	7.5
Portugal	27 195	-13 895	2.6	27 049	-13 636	2.6
Romania	2 260	859	0.1	2 131	766	0.1
Slovenia	2 655	1 090	1.3	2 507	1 166	1.2
Slovakia	54 138	47 777	9.9	48 450	42 514	8.9
Finland (*)	5 860	3 713	1.1	4 034	2 085	0.7
Sweden	5 768	2 237	0.6	5 409	2 133	0.5
Iceland (*)	204	41	0.6	175	51	0.5
Liechtenstein	76	28	1.9	50	18	1.3
Norway	3 135	1 290	0.6	2 687	1 037	0.5
Switzerland	7 146	999	0.8	6 859	1 284	0.8

(*) Including data on the number of Ukrainian nationals usually residing in Denmark (rather than the number of permits). 2021: including 2020 data for Denmark and Finland.

(*) Number of Ukrainian nationals usually residing in Denmark.

(*) 2020 instead of 2021. Change 2013–2020 instead of 2013–2021.

(*) Low reliability.

(*) Provisional.

(*) Change 2013–2020: provisional.

(*) 2019 instead of 2021. Change 2013–2019 instead of 2013–2021.

Source: Eurostat (online data codes: migr_resvalid, migr_pop1ctz and demo_pjan)