

**March 2022**

**Statement from the Greens/EFA Civil Liberties Working Group**

## **Ukraine: refugee displacement and activation of the 2001 Temporary Protection Directive**

We are gravely concerned about the fast-deteriorating situation and ongoing military action in Ukraine. The humanitarian consequences on civilian populations are devastating. Almost two million people have fled their homes to seek safety in the EU.

Security and access for humanitarian efforts must be guaranteed, as well as access to neighbouring countries for all those fleeing the humanitarian crisis, irrespective of residence status, nationality or origin. The triggering of the [Temporary Protection Directive \(TPD\)](#), for the first time in its more than 20 years of existence, is a welcome first step. It is of outmost importance that EU neighbouring countries maintain open access to the EU territory, to ensure access to protection for those fleeing the conflict in a non-discriminatory manner.

### **Temporary Protection Directive: the right step forward**

On 2 March the Commission put forward a proposal to activate the Temporary Protection Directive, 2001/55/EC. The TPD offers the needed tool to establish a "group protection status" that would be applied in situations of crisis deriving from increased arrivals, or imminent arrivals of people escaping a situation of great danger.

The initial status is conferred for one year, extendable up to a total of three years. Status holders are entitled to rights that correspond to Subsidiary Protection status. For example, they receive a residence permit and have the right to access the labour market, to education for minors, and to basic healthcare. Member States are also free to provide more generous rights. TPD status holders can still apply for asylum, if they wish.

On 3 March, the Council decided to adopt the Commission's proposal. The Council Implementing Decision of 4 March entered into force upon its publication in the Official Journal on Monday 7 March 2022.

Greens/EFA have long called for this, also in other crises. It is particularly positive that the Council Decision applies not only to Ukrainian nationals, but also to people with a refugee or equivalent status in Ukraine and their family members.

**We therefore warmly welcome this initiative, and call for a well-coordinated, generous, inclusive and flexible EU response to ensure swift and proper protection to all people fleeing Ukraine.**

However, we remain concerned regarding some less favourable aspects of the Decision. For instance, it does not oblige Member States to grant temporary protection status to third country nationals unless they have a permanent residence in Ukraine and cannot return safely to their country or region of origin. Furthermore, the proposal, while including immediate and dependent family members of Ukrainians and refugees, makes no explicit reference to maintaining family unity or to ensuring family reunification for those who arrive separately.

**Our calls:**

- To ensure adequate protection for everyone fleeing Ukraine, we urge the Member States to make use of their ability to apply more favourable provisions than the ones included in the Decision, for example by including all asylum seekers, refugees and third country nationals fleeing Ukraine and ensuring their treatment in compliance with the EU asylum acquis.
- The Decision leaves a large scope of discretion for MS, we therefore call for strong EU coordination and for the Commission to immediately issue detailed guidelines on its implementation. In particular, we call for a generous interpretation of family reunification rights and for all people fleeing Ukraine to be eligible, regardless of their origin or status.