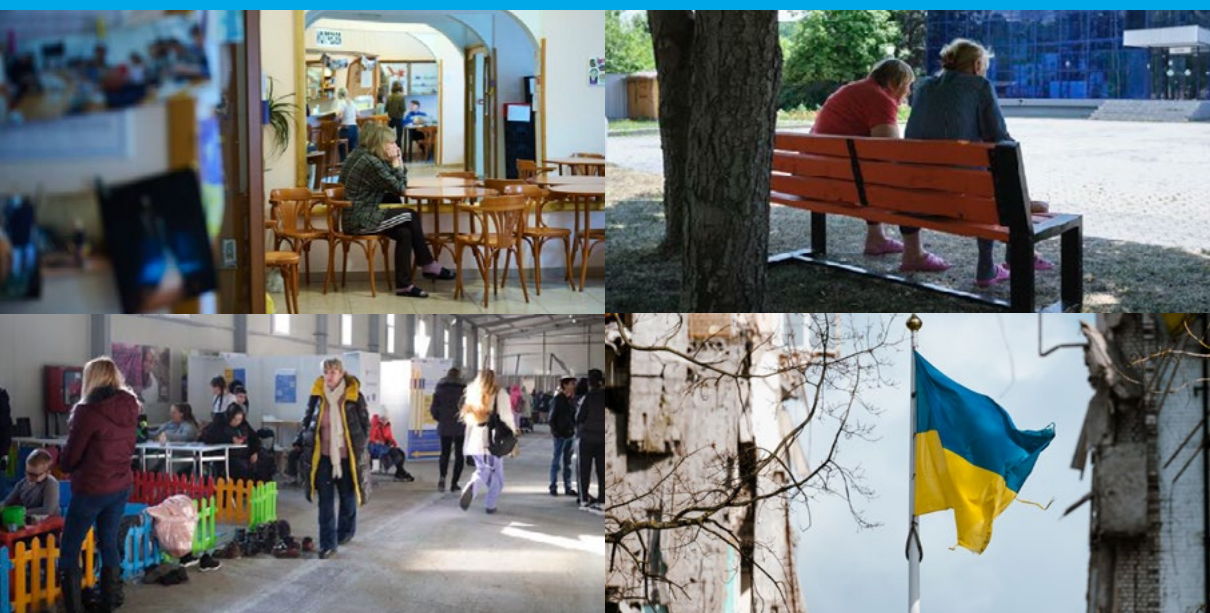


Temporary protection and beyond: a human rights assessment of current and future European policies for displaced persons from Ukraine



Thematic paper

Council of Europe Division
on Migration and Refugees

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Executive summary

The European Union's Temporary Protection Directive (TPD) – activated for the first time in response to Russia's war of aggression against Ukraine in 2022 and the subsequent forced displacement of civilians – marked a new chapter in European co-operation on international protection and provided a legal and policy template for the protection of war-displaced Ukrainians in Council of Europe member states outside the European Union. However, after more than four years and with the war still ongoing, the prolonged nature of "temporary protection" and the question of what will happen when it ends have given rise to significant challenges and tensions. These relate to a desire for longer-term security by temporary protection beneficiaries, social welfare and political pressures in host countries, and Ukraine's national interests and efforts to rebuild.

This paper critically assesses how temporary protection has upheld the human rights of persons displaced from Ukraine across European countries and over time, with a focus on core socio-economic rights, the right to seek and enjoy asylum, the right to family life and protection from discrimination in the enjoyment of rights. It also discusses the potential implications for human rights of emerging national proposals for transitioning individuals beyond the EU's temporary protection framework into alternative national immigration statuses based on work, study, family and humanitarian grounds, or towards return to Ukraine.

Chapter 1 clarifies the aims of the paper, introduces the political and legal background of temporary protection of war-displaced Ukrainians and outlines the approach taken to analyse the human rights implications of current and future policies for persons displaced from Ukraine. Chapter 2 looks back in time at the origins of the Temporary Protection Directive and charts its implementation across European Union countries and its influence on the policies of Council of Europe member states outside the European Union. It also identifies key points of cross-national policy convergence and divergence. Chapter 3 provides a critical Europe-wide analysis of the status quo of temporary protection for those displaced from Ukraine and discusses the detail and context of reduced social welfare provision, the shift towards labour market activation and ongoing obstacles to exercising the right to seek and enjoy asylum. Chapter 4 reviews a number of European countries' evolving future policies towards war-displaced Ukrainians, and considers how the human rights of these populations may be both challenged and promoted by transitioning to new national immigration statuses on humanitarian, work, study or family-based grounds and/or by return to Ukraine.

The conclusions and recommendations in Chapter 5 are premised on the overarching principle that “no one size fits all”; the diverse needs, circumstances and aspirations of the population of persons displaced from Ukraine require policies that facilitate the full range of transition options, including fair and reasonable opportunities for long-term residence for those temporary protection beneficiaries who have or may become strongly integrated in host countries. Key among the paper’s recommendations are measures to safeguard the right to seek and enjoy asylum and protection against non-refoulement. These include suggestions for how to address the ongoing suspension, in certain European countries, of the asylum rights of temporary protection beneficiaries.

For the temporary protection beneficiaries who fully availed themselves of the labour market opportunities presented by their status and contributed to the economies of host countries, the paper encourages generous future opportunities for transitioning to national work permit policies that maintain the social and labour standards and (where possible) the labour market freedoms to which temporary protection beneficiaries were accustomed. A focus on labour should not, however, overshadow the critical importance of safeguarding the rights of vulnerable groups who cannot work or face serious obstacles to work. All countries will require special measures to ensure the socio-economic well-being of children, the elderly, those with disabilities and serious illnesses, pregnant women, full-time carers and victims of abuse or violence. Such measures include safeguards against destitution and homelessness by continuing to provide adequate housing, healthcare and income supports, as well as education for children.

Comprehensive information about all future transition pathways is key. The better informed they are, the more capacity those displaced from Ukraine will have in making independent choices and planning for their futures. Such capacity to make informed and independent decisions is also fundamental to ensuring that all processes of returning to Ukraine are voluntary and human rights compliant. The thematic paper recommends the development of best practice guidelines that could be applied across Europe for ensuring comprehensive support for returnees.

1. Introduction

1.1. Background and aims of the thematic paper

In response to the mass displacement triggered by Russia's full-scale invasion of Ukraine on 24 February 2022, European countries acted quickly to introduce special protection schemes for persons displaced from Ukraine. In March 2022, EU member states unanimously activated the EU Temporary Protection Directive (Council Directive 2001/55/EC), an instrument that had existed since 2001 but had never previously been used. Several Council of Europe member States outside the European Union, including Iceland, the Republic of Moldova, Norway, Switzerland and the United Kingdom, introduced comparable national protection schemes. By early 2026, over 5 million individuals had benefited from these protection schemes across Europe, with the largest concentrations in the Czech Republic, Germany and Poland (UNHCR 2026a).

More than four years after its adoption, during which time the operation of temporary protection was extended three times, the European Council, on the recommendation of the European Commission, recently approved a fourth extension of the TPD until March 2028.¹ The extended protection will – for the first time – exclude new applicants with verified military duties in Ukraine in recognition of what the European Council described as “Ukraine’s need to defend itself against Russia’s illegal war of aggression” (European Council 2026). While this latest announced extension will postpone the anticipated full-scale transition from temporary protection to alternative national immigration statuses and voluntary return programmes, there are important ongoing concerns about what happens next and about the present and future rights of the estimated over 4 million current temporary protection (TP) beneficiaries. Transition policies are already in motion across some EU member states and the form that they take going forward will not only affect people displaced from the war but also have important consequences for European countries and societies including, critically, Ukraine itself.

1. Council Implementing Decision (EU) 2026/1912 of 30 July 2026 extending the temporary protection introduced by Implementing Decision (EU) 2022/382.

Prior to announcing the most recent extension of the TPD, the European Council Recommendation of September 2025 (Council Recommendation of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine (C/2025/5129)) indicated that while the EU intends to co-ordinate member states' approaches to transitioning TP beneficiaries to alternative immigration statuses and in readiness for potential return to Ukraine, the future of current TP beneficiaries will largely be determined by the national laws and policies of European countries. The shift from common EU to national policies towards people displaced from Ukraine raises significant concerns about policy fragmentation and protection deficits across European countries. Some EU member states have already begun to reduce the scope of protections offered to TP beneficiaries, which have become increasingly contested and politicised in some countries. A small number of countries – including the Czech Republic, Ireland, the Netherlands and Poland – have already declared their plans for people displaced from Ukraine after the end of EU temporary protection, but the majority has yet to do so. As a consequence, there is now considerable uncertainty among TP beneficiaries about whether and how they will continue to be protected in the future.

The aim of this thematic paper is to provide an overview of the state of play and guidance to Council of Europe member states, by assessing the likely compatibility of different future national laws and policies towards people displaced from Ukraine with European countries' commitments to human rights and equality standards. The present thematic paper distinguishes and focuses on three types of possible future national policy approaches and transition pathways: 1. asylum and national protection routes; 2. residence permits based on grounds of work, education or family relationships; and 3. return to Ukraine. Some transition pathways within the first and second routes allow for possibilities of acquiring permanent residence rights over the longer term. Critically, and notwithstanding that the design and implementation of each of these policy approaches will have varying implications for TP beneficiaries' future rights and protection, they need to be seen as complementary rather than alternative pathways. This is because the current population of TP beneficiaries is highly diverse with different aspirations and needs, not only across but also within most European countries. National statistics indicate that TP beneficiaries are already actively pursuing all three pathways, and survey data on beneficiaries' aspirations and future intentions show that the proportion of those planning to remain longer term in European host countries is increasing commensurate with the length of stay outside Ukraine and the duration of the conflict (see, for example, Ette et al. 2026; NIBR 2026; ONS 2024; UNHCR 2026b).

1.2. Approach and structure

This thematic paper assesses the potential impact of these different policy approaches against the benchmark of the European Convention on Human Rights (the Convention) with a core focus on the rights most relevant to the three pathways, namely: the right to seek and enjoy asylum and *non-refoulement*, the right to freedom from torture, inhuman or degrading treatment (Article 3), the right to respect for private and family life (Article 8), and the prohibition of discrimination (Article 14). It also considers

the impact on the right to education contained in Article 2 of Protocol No. 1 to the Convention, and the principle of the “best interests of the child” of the United Nations Convention on the Rights of the Child.

The analysis of the risks for future core rights protection of people displaced from Ukraine goes beyond a critical discussion of the plans already announced by a handful of European countries. The paper also reflects on how future national transition pathways are likely to be influenced by existing national immigration policies (which some TP beneficiaries might transition into), the settings of national labour markets and welfare states, and, critically, by the broader politics of asylum and refugee protection in Europe over the past decade. The analysis was also informed by a few informal and confidential background interviews conducted with national policy actors and experts across a small number of European countries.

To understand the future risks and challenges to core rights protection of people displaced from Ukraine, it is critical to understand the origins and policy contexts of the activation of the EU’s TPD, how it was implemented, and what rights challenges have already arisen over the past four years. This is why the analysis in this paper is divided into three chronological periods. It begins, in Chapter 2, with a discussion of the origins and political contexts of the activation of the EU’s TPD, and a brief overview of its initial implementation across European countries. This is followed, in Chapter 3, by an in-depth discussion of the gradual rights reductions that have already occurred, and the policy dilemmas that have arisen during “prolonged temporary protection” over the past four years. Chapter 4 then looks to the future by discussing the rights challenges and protection risks associated with the three national transition pathways (asylum and national humanitarian routes; temporary residence based on work, family or study; and return). The report concludes, in Chapter 5, with a series of recommendations addressed to Council of Europe member states.

While the analysis and recommendations in this thematic paper are concerned with risks and challenges to human rights protections for people displaced from Ukraine, it is important to emphasise at the outset that Ukraine naturally has a strong and legitimate national interest in future policies that are beneficial to reconstruction and development and this includes policies that facilitate or even encourage the return of current TP beneficiaries. While recognising the genuine conflicts of interest and policy dilemmas surrounding certain issues – for example the integration or return of highly skilled Ukrainian beneficiaries – this thematic paper’s core premise is that any efforts to incentivise the return of TP beneficiaries to Ukraine must not compromise the human rights discussed in this paper.

2. Temporary protection of displaced persons from Ukraine: refugee policy contexts and initial implementation across Europe

2.1. Origins and context of an “exceptional” policy response

To understand both the significance and limitations of European countries’ policy responses to those displaced from Ukraine, it is necessary to situate these within the broader arc of European refugee protection since 2015 and the structural tensions that have long characterised it. The EU Temporary Protection Directive itself was adopted in 2001 in the aftermath of the large-scale displacement caused by the conflicts in former Yugoslavia. Yet the instrument remained dormant for over two decades. The swift activation of the TPD in the context of Ukraine was in many ways an exception to the norm of protracted and divisive EU policy making on asylum and migration (Geddes 2024). The 2015-16 period, during which over one million persons sought asylum in Europe, exposed profound weaknesses in both the design and implementation of the EU’s Common European Asylum System (CEAS) and generated intense political conflict among member states (Heijer et al. 2016; Lavenex 2018). Inadequate reception conditions in several member states, the failure to agree on meaningful solidarity mechanisms, and the *de facto* collapse of the “Dublin system” laid bare the fragility of the EU’s common protection framework.² Rather than producing convergence, the crisis entrenched national differentiation and accelerated the rise of anti-immigrant political movements across Europe (Kriesi et al. 2024). The protracted negotiations that ultimately produced the 2024 EU Pact on Asylum and Migration³ further illustrated how deeply contested common EU standards had become.

2. The “Dublin system” refers to the EU rules allocating responsibility for examining an asylum application to a single member state, as governed by Regulation (EU) No. 604/2013 (Dublin III Regulation). In practice, responsibility falls predominantly on the member state of first irregular entry (that is, those at the EU’s external borders). By 2015-16 the system was largely ineffective, with only a small fraction of requests to transfer asylum applicants back to the responsible member state carried out. The Dublin III Regulation has since been replaced by the Regulation on Asylum and Migration Management (Regulation (EU) 2024/1351), applicable from July 2026, which retains the first-entry criterion while introducing a mandatory but flexible solidarity mechanism.
3. See https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en?prefLang=el.

The “exceptionalism” of the temporary protection response to displacement from Ukraine was not confined to EU member states. Non-EU European countries that introduced parallel national protection schemes similarly acted in ways that departed from their prevailing policy trajectories which, since 2015, had been characterised by restricting refugee protection (Ibrahim and Howarth 2018; Piguet 2021).⁴

Temporary protection schemes across Europe provide immediate group-based protection to persons displaced from Ukraine who cannot safely return to their country of origin. Unlike the refugee status determination process under the 1951 Refugee Convention, which requires individual assessment of persecution risk, temporary protection schemes confer protection automatically to defined categories of persons without case-by-case examination. This group-based approach is specifically designed to prevent national asylum systems from being overwhelmed in the event of sudden large-scale displacements.

A second important aspect of the exceptionality of the EU’s TPD relates to the relatively wide and comprehensive set of rights granted to protection beneficiaries. As activated in the Ukrainian context, the EU TPD granted displaced persons a significant suite of rights, including direct access to the labour market, social assistance, housing support, public healthcare, education for minors and family reunification. These rights are substantially greater than the rights typically extended to non-EU migrants with temporary legal residence status, including asylum seekers and also most migrants admitted for work, family or study reasons. Indeed, in respect of rights to family reunification and the freedom to make return visits to Ukraine, TP beneficiaries also enjoy more extensive rights than beneficiaries of subsidiary protection in many European countries. Furthermore, the TPD established a novel “free choice of destination country” model, under which displaced Ukrainians could select in which EU member state to register for TP status (Thym 2022). Aimed, in part, at easing the pressure on the frontline states neighbouring Ukraine, this represented a significant departure from the allocation rules of the “Dublin system” and its prohibition on secondary movements across EU member states.

The political “exceptionalism” of the 2022 response reflected a convergence of circumstances, including the perceived need to avoid overwhelming national asylum systems across European countries, widespread European public solidarity with Ukraine, the perceived cultural and geographic proximity of displaced Ukrainians, and geopolitical imperatives tied to the broader NATO and EU response to the Russian aggression (Dražanová 2022; Moise et al. 2024). Equally important was the expectation that temporary protection would indeed be temporary and that temporary protection beneficiaries would return to Ukraine following what, as many initially hoped, would be a relatively swift end of the war.

4. Certain commentators have objected to this nationality-specific exceptionalism of activating temporary protection only in the context of the Russian invasion of Ukraine and not in earlier instances of mass displacement reaching Europe, such as in 2015-16, as potentially discriminatory and raising questions about the principles on which European states determine who counts as deserving protection (Ciğer 2022; Kienast and Vedsted-Hansen 2024).

2.2. Implementation in the early years (2022-23)

Activating temporary protection was only the first step. What ultimately mattered for displaced persons from Ukraine was how EU member states implemented the TPD at the national level. Notwithstanding the unprecedented political unity that enabled the TPD's activation, the TPD was designed only to establish minimum standards. It explicitly allows member states to go beyond these standards and contains provisions that member states may, but are not required to, implement. This design feature reflects the recurring tension in EU asylum and migration law between the aspiration to harmonise protection and preserving national discretion (Tsourdi and De Bruycker 2022). The CEAS instruments that preceded the TPD's activation operate on a similar minimum-standards logic and have produced substantial divergence across EU member states in practice. A further structural constraint is that since European countries lack harmonised welfare and labour market systems, temporary protection beneficiaries' access to socio-economic rights depends significantly on how these are regulated in each national system. Research has already associated these cross-national institutional variations with very different outcomes for both citizens (for example Esping Andersen 1990; Hall and Soskice 2001) and migrants (for example Börang 2019; Fox-Ruhs et al. 2024; Sainsbury 2012).

Studies and reports on the implementation of the TPD and comparable non-EU schemes confirm that while convergence was achieved in certain core substantive rights, divergence between countries existed regarding other dimensions of protection, including clear implementation gaps regarding rights explicitly foreseen by the TPD (Baas et al. 2025; ECRE 2023a, ECRE 2023b, EUAA 2023). This divergence does not, of course, mean that the TPD failed. It still provided a meaningful substantive core of protection to over 4 million displaced persons. Without it, overall protection standards would likely have been weaker and considerably more fragmented. Nevertheless, it is important to highlight certain of these divergences because they may have important implications for future policy trajectories.

Personal scope (eligibility)

European countries differed substantially in who qualified for temporary protection. For example, the UK restricted eligibility strictly to Ukrainian nationals displaced after the invasion. Other countries, including Germany, Finland, Spain and Sweden extended the status to non-Ukrainian residents of Ukraine and members of pre-existing Ukrainian diaspora communities already residing in the host country (Baas et al. 2025; Ciğer 2023). A further procedural gap concerned appeal rights. Several countries, such as the Czech Republic, Malta and Poland, initially lacked a formal appeal procedure against temporary protection decisions, meaning that individuals excluded from protection had no accessible legal remedy. The Court of Justice of the European Union (CJEU) has since affirmed the right to judicial review of such decisions (*Krasiliva*, C-753/23).

Socio-economic rights

In terms of substantive socio-economic rights, the core of temporary protection status, there appeared to be relative convergence across European countries regarding access to the labour market, emergency housing, public healthcare and education.

Divergence was more pronounced regarding social assistance, child and housing benefits, the recognition of qualifications and access to specialised medical care for survivors of psychological, physical or sexual violence (Baas et al. 2025; ECRE 2023a). These gaps are particularly significant given the demographic composition of the displaced population. The large majority are women and children, vulnerable groups with specific needs in precisely these areas. Exclusions from these entitlements therefore carry direct risks of socio-economic marginalisation (Lashchuk 2023).

Free movement rights

Considerable divergence between European countries also existed regarding free movement rights (Baas et al. 2025; Ciğer 2023; ECRE 2023b). Not all EU member states explicitly allowed persons who had already registered for temporary protection in another member state to transfer their status. For non-Ukrainian nationals, mobility rights were even more restricted. Several countries, including the Czech Republic, Greece, Hungary and Sweden, either denied such rights entirely or provided no guidance on this right. As a consequence, it remained unclear to what extent the “free choice of destination country” model endorsed by EU member states was meaningfully implemented in practice. Based on a request for preliminary ruling by the Czech courts, the CJEU has since clarified that member states may not reject a temporary protection application solely on the grounds that an applicant previously applied for temporary protection in another member state (*Krasiliva*, C-753/23).

Access to asylum and other “national” migration statuses

A final dimension of implementation of the TPD, with profound consequences for future protection pathways, concerns the interrelationship between temporary protection and the asylum system and other migration statuses. The TPD stipulates that beneficiaries of temporary protection may lodge an asylum application at any time and that pending applications must be assessed once temporary protection ends (Article 17, TPD). In practice, however, not all EU member states guaranteed full access to the asylum process. Some suspended the processing of asylum claims lodged by temporary protection beneficiaries, while others restricted access to the asylum procedure altogether (Baas et al. 2025). As discussed in Chapter 3, the CJEU has subsequently clarified that some of these limitations are contrary to EU law. Several non-EU countries equally suspended access to the asylum system for temporary protection beneficiaries (*ibid.*).

As regards access to other, non-asylum migration statuses, the TPD does not explicitly prohibit transition to other statuses before temporary protection expires. Yet, in several European countries it was initially unclear whether such options were available (*ibid.*). In other cases, the exclusion of TP beneficiaries from work-based rights of residence for third-country nationals was explicit; for example, their exclusion from the EU’s Blue Card for Highly Skilled Workers as regulated by Directive 2021/1883/EU.

The restrictions on access to asylum and other national immigration statuses for TP beneficiaries speak perhaps to the inherent compromise of temporary protection itself. The strong, collective emergency protection response was undoubtedly motivated

by the speculation that such measures could channel individuals away from already struggling national asylum systems and minimise subsequent claims to permanent residence in host countries. However, as it will be discussed in Chapter 3, the ongoing conflict and associated extensions of the TPD have given new context to these initial political calculations and to their viability from a human rights perspective.

3. Four years in: rights and dilemmas associated with prolonged temporary protection

The Temporary Protection Directive has, since 2025, been extended beyond the three-year time frame within which it was originally conceived, and we are currently in a period of prolonged temporary protection both in European Union member states and across broader Council of Europe countries (for discussion see Cığır 2025 and Frasca and Carlier 2026). With the Russian war of aggression against Ukraine still ongoing, little has changed in the basic need for international protection of those displaced from Ukraine. Conversely, there have been important changes over time at the host country end – in terms both of the integration needs and aspirations of temporary protection beneficiaries, and of the perceived integration duties and capacities of the host states. These changes are reflected in adjustments to the settings of countries' temporary protection policies and in the behaviours of displaced Ukrainians who are increasingly exploring alternative legal bases for securing their stay in host countries in the longer term (OECD 2026).

Within this shifting context in host countries, the paper now considers the effects of prolonged temporary protection policies on the core rights of the beneficiary population. It discusses the ways in which more recent modifications and cuts to the rights associated with temporary protection have resulted in losses and diminished support for beneficiaries and particular subgroups thereof. It further shows that, in seeking to address the increasing instability and reduced rights of temporary protection by converting to a potentially more stable immigration status, beneficiaries experience significant obstacles. The latter have serious implications for beneficiaries' rights to asylum and their abilities to accrue rights despite, in many cases, substantial labour market participation in host economies. It is also important to acknowledge however the variation in and shortcomings of the rights of asylum seekers, of international protection beneficiaries and of work permit holders across European countries and thereby highlight the trade-offs that beneficiaries of temporary protection are likely to confront in considering status change. Understanding the challenges and dilemmas that have already arisen while temporary protection is still "active", is critical to the discussion of the feasibility and likely legal constraints of policies after the end of temporary protection (which will be discussed in Chapter 4).

3.1. Changes to the rights of temporary protection beneficiaries

Despite the largely generous starting points of European countries in providing for the socio-economic and family rights of temporary protection beneficiaries (see Chapter 2) and notwithstanding continued wide support among European publics for such protection policies (Eurofound 2025),⁵ host countries are increasingly winding down the scope and level of rights provided relative to the early years of temporary protection. Commonly cited public justifications for such retrenchment include the financial and capacity constraints on municipal and central governments, the need to progressively align support for those displaced from Ukraine with the prevailing European model of welfare conditionality, and the preservation of social cohesion.

There has been growing expectation among European governments that, with reasonable time to establish themselves in their host environment and with unrestricted work opportunities, temporary protection beneficiaries should conform to the same work-search and self-sufficiency norms that apply to citizens and permanent residents. Moreover, special arrangements for temporary protection beneficiaries in the areas of healthcare, housing and third-level education have been increasingly the subject of public and political scrutiny on grounds of fairness and the equitable treatment of displaced Ukrainians vis-à-vis citizens in respect of public services. In view also of the interests of the Ukrainian Government in seeing that European countries encourage return and discourage temporary protection for Ukrainian conscription-eligible males, there is undoubtedly a set of mounting pressures which may threaten the basic rights of those currently enjoying temporary protection.

Housing and social assistance

Cost of living challenges and chronic underinvestment in social housing in many European countries have produced widespread housing crises affecting principally younger and vulnerable citizens and permanent residents (Commissioner for Human Rights 2020). In this already fraught context, which is further linked to European countries' reception duties towards asylum seekers, some of the more generous and extraordinary housing measures to accommodate displaced Ukrainians have been withdrawn. Starting as early as 2023, housing supports have been scaled back in Belgium, the Czech Republic, France, Greece, Hungary, Ireland, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia and in the United Kingdom (FEANTSA 2025; Reliefweb 2024). In an effort to encourage the maintenance of income and housing supports for TP beneficiaries, the Parliamentary Assembly of the Council of Europe (2024b) passed Resolution 2562 emphasising the need for long-term socio-economic support programmes.

In 2024, much to the critique of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament and others, the then Hungarian Government approved the complete withdrawal of housing support for those displaced from certain parts of Ukraine designated as "safe" (European Parliament 2024). Housing

5. This is despite a downward trend in support for social assistance among those who perceive themselves to be at the lower end of the income distribution.

cuts across other countries involved: targeted housing supports for only vulnerable individuals and families such as in the Czech Republic and France (Pascual 2025; SPC 2025; UNHCR 2023); the exclusion of single Ukrainian men in Belgium (FEANTSA 2025); reducing the sums of financial assistance and/or the duration of benefits such as in Latvia and Ireland (Integration and Inclusion Agency of Latvia 2026, Department of Justice, Home Affairs and Migration 2026a); and limiting housing options, as Poland has done, to state institutional accommodation similar or equal to that provided to asylum seekers (Ministry of the Interior and Administration 2024). Given the different starting points of housing supports across European countries (from free housing in private accommodation to subsidised housing in institutional settings) as well as differences in the conditions of national economies, labour markets and private rental markets, these cuts have had variable effects on individuals and families. In all contexts, however, diminishing social supports have been the cause of concern at the level of civil society, within national politics and at the international human rights/humanitarian level, for the risks that they present for a still vulnerable displaced population. Risks of homelessness have been reported in the Czech Republic, Hungary, Poland and in parts of the UK because of the withdrawal of state housing supports (FEANTSA 2025).

Social assistance supports for temporary protection beneficiaries have also diminished across countries. For example, Germany, which initially provided the “citizen’s income” (*Bürgergeld*) to beneficiaries of temporary protection, has been one of the most recent European countries to cap income supports for new arrivals from Ukraine to the level provided to asylum seekers under the Asylum Seekers Benefits Act (InfoMigrant 2025). Such policy change, which results in an income differential of more than 20% between different categories of TP beneficiaries (depending on the date of arrival in Germany) was politically justified on grounds of fairness with respect to claimants of international protection (Deutsche Welle 2025). Mirroring concerns expressed in France that unconditional income supports to TP beneficiaries encourage labour market passivity and over-reliance on the state (Sénat 2025), German policy has reinforced the links between job-search activity and social assistance provision to those with a temporary protection status (for critical discussion see Nowicka et al. 2026).

Concern that shrinking social assistance and housing benefits may have been the cause of the sudden spike in asylum applications from displaced Ukrainians in 2024 prompted the introduction and approval by the French Senate of Bill No. 233, *Améliorer le dispositif de protection temporaire en France*. This was aimed at improving social assistance for disabled and elderly persons displaced from Ukraine (see Marie 2025; Pascual 2025). The bill has not yet made its way through the French Assemblée Nationale and it therefore remains to be seen what will come of these proposals. Sweden is perhaps exceptional among EU countries in having initially offered relatively weak socio-economic rights for temporary protection beneficiaries but subsequently (2024) approved the registration in the Swedish Population Register of those who have been living in Sweden for one year on temporary protection status (see Koikkalainen et al. 2026). Such registration has since enabled temporary protection beneficiaries to access social assistance and housing on the same basis as Swedish citizens and permanent residents.

Healthcare rights

A second rights field that is fundamental to the life, well-being and dignity of temporary protection beneficiaries is healthcare provision. Escalating healthcare costs at a time of budgetary constraints in a number of European countries have contributed to certain reductions in the scope and scale of temporary protection with consequences for rights. Given the different funding models of public healthcare across Europe, countries with embedded insurance-based, as opposed to universal healthcare systems, have experienced increased political pressure to reduce previously encompassing state subsidies for all those displaced from Ukraine by introducing a mix of means testing, co-payments and voluntary insurance options.

For example, effective from 1 June 2025, Austria ended the automatic fully state-funded healthcare insurance, including prescription costs for temporary protection beneficiaries (see OEGK 2025). In its place, it provided beneficiaries not otherwise insured through employment, including those households with children, to avail of voluntary insurance options at a cost of €526.79 per month. Significantly reduced monthly payment rates were offered to those on earnings of less than €551.10 per month and those in full-time study. The proposal sought to mitigate any negative effects on the most vulnerable by leaving open access to basic healthcare for individuals and families eligible for social assistance on a means-tested basis.

More recently, Latvia and Poland have been among European countries that have reduced healthcare supports for temporary protection beneficiaries. Latvian law was amended (with effect from the beginning of 2026) to remove those on temporary protection from co-payment exemptions and bring beneficiaries within the standard healthcare access rules applicable to Latvian citizens. In defending its reforms, the Latvian Integration and Inclusion Agency (2026) stated that “the scope of support is determined according to the principle that it must not exceed the services available to Latvian residents”. Poland has also progressively withdrawn medical care; first by removing free prescriptions and subsidised dental care (September 2025) and, since March 2026, by an amendment to the Special Law to limit state-funded healthcare to certain vulnerable groups of temporary protection beneficiaries only, including children, pregnant and post-partum women, victims of violence, and those housed collectively in state shelters (see Legal Portal for People Fleeing Ukraine 2026).

Right to education

An aspect of the temporary protection regime that has held up comparatively well in general terms has been host country efforts to guarantee Ukrainian children's rights to education in line with the principle of the best interests of the child, Article 2 of Protocol No. 1 to the European Convention on Human Rights and consistent with universal education rights in the constitutions or national laws of the majority of European countries. In most country contexts, and with the co-operation of the Ukrainian Ministry of Education, this right has been interpreted as not only facilitating the full inclusion of children displaced from Ukraine into the public preschool, primary and secondary education systems of host countries but also of promoting remote learning following the Ukrainian curriculum on the All-Ukrainian Online School platform. Indeed “double schooling” has been a distinct phenomenon for sizeable numbers of displaced children (Orobchuk et al. 2026).

The most significant change in Ukrainian children's right to education over time has concerned the compulsory nature of minors' public education. At the outset of the war of aggression, when there was hope that protection needs could be temporary, certain European countries left it to the discretion of families to determine whether to enrol their children in local schools or to educate remotely via the online platform. As temporary protection assumed a more enduring character, policy has strongly moved in the direction of advocating the benefits of in-person education in the host country (see, for example, Council of Europe 2024; Regional Refugee Response for the Ukraine Situation 2024; World Vision 2023). Lessons learned from the limitations and indeed harms of prolonged online schooling during the Covid-19 pandemic have been instructive in this respect.

Several European countries, including the Czech Republic, Poland, Romania and Slovakia, which initially facilitated parental choice in regard to the form of child schooling, shifted to a policy of mandatory schooling according to the host country curriculum (Council of Europe 2024). Poland, which has hosted by far the greatest number of children from Ukraine, reverted to a policy of mandatory schooling from September 2024 on the basis that the educational, social, mental health needs and future employment and educational prospects of children under protection in Poland were best served by a Polish education (for discussion see Czarnek 2024). In an attempt to enforce the policy, the government made access to certain child benefits conditional upon school attendance. At the same time, amendments to the Education Act allowed Polish school facilities to be used for the purposes of additional education following the Ukrainian curriculum.

Other European countries such as Germany, which also plays host to a large share of children from Ukraine, have operated systems of mandatory schooling from the outset of temporary protection. Survey research in Germany suggests, however, that despite integrative measures through education, children displaced from Ukraine do not have a strong sense of belonging at school and that both children and adolescents are among the groups most likely to favour return to Ukraine (Ette et al. 2026). Acquisition of the German language was identified as a highly significant factor for enhancing feelings of integration and social participation. Such findings are an important consideration when developing country policies on language waivers for certain exams. While such dispensations might, in the short-term, remove obstacles in the way of qualification attainment for individuals, they are considered by some educationalists and others as detrimental from a longer-term social integration and education perspective. There is also the view that such waivers have the negative by-product of feeding sentiments of unfair discrimination by privileging children displaced from Ukraine over other migrant children and citizens who receive no special treatment (Czarnek 2024).

Relative to children's education rights, opportunities for higher and third-level study are set to follow a similarly reductive pattern as shown with social supports and healthcare. Ireland's Temporary Tuition Fee Support Scheme which granted a full fee waiver to TP beneficiary undergraduates studying at Irish universities has only recently been wound up. Under political pressure to justify the continued extraordinary measures for those displaced from Ukraine, from the academic years 2026/2027 the Irish Government is shifting to a position where those from Ukraine

will be considered for fee reductions based on the same means-tested basis as applicable to Irish students (McQuinn 2025). Latvia similarly announced the abolition of research scholarships for those displaced from Ukraine in recent law changes (Integration and Inclusion Agency of Latvia 2026).

Return visits and family rights

From the perspective of displaced Ukrainians (see, for example, Keda and Kiselyova 2026), a coveted aspect of temporary protection has been the right to make temporary, “go and see” visits to Ukraine without loss of temporary protection status. For many beneficiaries this is critical to preserving family life and particularly to maintaining relationships with partners and adult sons who are prevented by Ukrainian martial laws from leaving Ukraine. It also mitigates against a potentially abrupt and painful identity loss that, for some, might otherwise be associated with asylum applications and consequent heavy restrictions on return to Ukraine.

As part of a range of measures to reduce the numbers of Ukrainians seeking temporary protection in Norway, the Norwegian Government took the unprecedented step of imposing tight restrictions on return visits to Ukraine by temporary protection holders (see Danielsen and Hernes 2026). As the war has progressed and temporary protection has been extended, a host of other European countries have announced that travel to occupied parts of Ukraine will result in a loss of temporary protection. While such travel is, in any case, likely to be very difficult, the new exclusion laws nonetheless create a differential in the enjoyment of family life rights by displaced Ukrainians depending on their home region.

New exclusions from temporary protection

Starting in 2024, temporary protection laws in a few European countries that are not bound by the EU TPD began to limit the scope of protection for Ukrainians based on regional and military service grounds. In September 2024, Norway excluded from temporary protection displaced persons from 14 oblasts of western and central Ukraine declared as “safe” (UDI 2025; for discussion see Danielson and Hernes 2026). Switzerland introduced a similar restriction in November 2025 (Ombudsman of Ukraine/Council of Europe 2025) and a proposal to much the same effect was laid before the Danish Parliament by the Danish Immigration Minister in April 2026.

In March 2026, Norway took the further measures of excluding from temporary protection conscription-age Ukrainian males (Government of Norway 2026). The same policy is currently under consideration in Denmark (Folketinget 2026) and the European Council’s recent announced extension of the TPD until March 2028 has come with a new provision which excludes from the scope of the TPD all new TP applicants with certified military duties in Ukraine. The chief human rights concern is to ensure that such exclusion is not applied in a blanket fashion that would violate non-discrimination principles (on grounds of gender and age) under Article 14 of the Convention and Article 21.1 of the EU Charter (see Commissioner for Human Rights 2026). This requires case-by-case consideration of non-eligibility for temporary protection by member states under effective appeal processes.

3.2. Obstacles to asylum rights for beneficiaries of temporary protection

The noted widespread weakening of the rights of temporary protection beneficiaries across Europe while the EU TPD is still operative and the associated shift to mainstreaming beneficiaries by removing “special measures” causes attention to focus on the comparative benefits and opportunities of more durable protection and immigration solutions for those who have been displaced. Asylum – Europe’s core framework for responding to the protection needs and rights of individuals fleeing persecution, war, violence and associated violations of human dignity – thus becomes of centre-stage relevance to those displaced by the ongoing Russian war of aggression against Ukraine.

The right of individuals to seek and enjoy asylum is protected explicitly in EU law, notably in Article 18 of the Charter of Fundamental Rights of the European Union (EU Charter) and through the Common European Asylum Framework which incorporates the substance of the 1951 Refugee Convention. Under the terms of the Qualification Regulation (2024/1347/EU), asylum claims can be recognised in the forms of both refugee and subsidiary protection which together make up the EU framework of “international protection”. The Refugee Convention and its asylum provisions apply universally across the broader European countries that make up the Council of Europe and although, on the face of it, not explicit in the European Convention on Human Rights, international protection seekers are protected under the European Court of Human Rights (the Court), especially under Article 2 (the right to life) and Article 3 (the prohibition against torture and inhuman or degrading treatment). The Convention – particularly through Article 8 (the right to private and family life) – has also been a factor in prompting states to recognise discretionary national law forms of international (including humanitarian) protection for individuals who fall outside the EU’s international protection framework but who nonetheless have fundamental rights grounds for permission to remain in host countries.

As discussed in Chapter 2, in creating an additional EU status of “temporary protection” to protect war-displaced Ukrainians, the ostensible aim of the TPD was not to substitute the guaranteed right to seek and enjoy asylum under EU law (which, through the CEAS and the EU Charter, incorporates the Convention). It was to avoid critical overload of national asylum systems while simultaneously providing a fast and effective emergency response by European Union member states in situations of a mass influx of displaced persons. Hence, in one of the few exceptional uses of the imperative “must”, Article 17.1 of the TPD obliges member states, in line with their commitments under the 1951 Refugee Convention and the 1967 Protocol relating to the status of refugees, to ensure that beneficiaries of temporary protection may apply “at any time” for asylum.

Despite the clear affirmation of the right to seek and enjoy asylum in the TPD, EU temporary protection has been implemented at certain national levels in ways that have effectively blocked, and continue to block those displaced from Ukraine from claiming asylum and having those claims expeditiously processed.⁶ These obstacles

6. Briddick C. et al. (2026), “Ensuring a human rights-compliant end to refugeehood through integration, naturalisation or voluntary repatriation”, Thematic paper, Council of Europe Division on Migration and Refugees, Strasbourg, pp. 16, 44 and 45.

have principally arisen due to: i. restrictive national-level interpretations of the nature of the right to seek and enjoy asylum protected under the TPD; ii. suspended processing of asylum claims by host countries; and iii. lack of clarity about the operation of Dublin III obligations (under the 2024 Regulation on Asylum and Migration Management) in relation to state responsibility for receiving asylum claims where temporary protection has been issued in multiple member states.

Restrictive interpretations of the right to seek and enjoy asylum protected under the Temporary Protection Directive

Over the period of the operation of temporary protection, it emerged that certain EU member states interpreted temporary protection as, in effect, a substitute status for asylum applicants whose circumstances did not satisfy the strict Refugee Convention definition of a refugee (namely, for those applicants who could not demonstrate individualised persecution) but which rather fell within the scope of subsidiary protection as defined by the Qualification Directive 2011/95/EU. Such a narrow or restrictive interpretation of the TPD, to which, for example, the Swedish Government adhered, was the subject of legal challenge and the case was subsequently referred under the preliminary reference procedure to the Court of Justice of the European Union for an interpretation on the scope of the TPD and its interaction with EU asylum laws.

In its January 2026 judgment (*Framholm*, C-195/25), the CJEU clarified that the right to seek and enjoy asylum in Directive 2001/55/EC required member states to consider applications for asylum on both the 1951 Refugee Convention refugee grounds as well as in cases of indiscriminate risk to life arising from conflict or in situations of a serious risk of harm to the asylum-claiming individual (that is on grounds of “subsidiary protection” as per the Qualification Regulation). It concluded that the Swedish Migration Agency had therefore erred in law in declaring inadmissible (and therefore failing to individually consider) an asylum application by a TP beneficiary whose application fell within the scope of subsidiary but not refugee grounds for protection.

At a time in the lifespan of the TPD when beneficiaries are considering options for transitioning to national asylum routes, the *Framholm* ruling is a welcome and resolute clarification of the comprehensive right of TP beneficiaries to seek and enjoy asylum. Although asylum applications from Ukrainian citizens have been low over the period 2022-25 (accounting for around 2% of all the estimated 4.3 million TP beneficiaries by the end of 2025), EU asylum data show that of the more than 80% share of first-time asylum applications in EEA+ countries⁷ that were successful at first instance, 97% of these positive cases were awarded on grounds of subsidiary protection (Eurostat 2026a).⁸ France stands out among EU member states for having issued just under half of the total number of first-instance subsidiary protection awards to Ukrainians across the EEA+. While the reasons for the overall low numbers of asylum applications are not fully clear, it will be interesting to see the effects, if

7. The term EEA+ is used here to indicate the countries of the European Economic Area (EEA) plus Montenegro, Switzerland and the United Kingdom.

8. EU asylum statistics are compiled on the basis of the citizenship of applicants which makes it difficult to analyse asylum applications from non-Ukrainian citizens who were displaced from Ukraine.

any, of the above CJEU ruling on future asylum application figures – particularly among the eight EU member states who have not (since 2022) made a single award of subsidiary protection at first instance to applicants with Ukrainian citizenship (namely Belgium, Croatia, Denmark, Finland, Hungary, Lithuania, the Netherlands and Sweden).

Suspension of asylum applications lodged by beneficiaries of temporary protection

The relatively low number of applications for asylum across the EU undoubtedly speaks in part to the success of the TPD in addressing the immediate needs of persons displaced from Ukraine. However, the variation in asylum claim-making across European countries is suggestive not only of differentiated rights of TP beneficiaries cross-nationally but also potentially of differences in national asylum procedures which may comparatively encourage and discourage applications. A notable national policy which arguably discourages asylum applications is that of suspending the process for adjudicating asylum applications until the expiry of temporary protection. Such policy is currently operative in a number of European countries including Austria, Belgium, the Netherlands, Norway and Switzerland and was previously in effect more widely (see, for example, Baas et al. 2025; Küçük 2023). With extensions to temporary protection occurring often automatically, this state practice impedes applicants from not only altering their immigration status in the present but blocks them from exercising their asylum rights for an unspecified, indefinite period.

The indefinite suspension of asylum applications by beneficiaries of temporary protection is currently the subject of review in the CJEU in the pending case of *Jilin* (C-249/25), following a preliminary reference from an appeal court in the Netherlands. The CJEU has been asked, among other things, to interpret the effects of Article 17.1 of the TPD which requires member states to accept the lodging of asylum claims “at any time” and Article 19.1, which leaves it to member states to “provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration”. Reliance by the Government of the Netherlands on Article 19 to justify indefinite suspension of the asylum determination process by a temporary protection applicant has already been considered a breach of EU asylum law in the Opinion of the Advocate General in *Jilin*. Whether the Opinion of the Advocate General will be confirmed depends on the outcome of the pending judgment from the CJEU. This will be an important ruling, particularly for those European countries who – like the Netherlands where all TP beneficiaries had to file an asylum claim – have yet to process or to make any positive decisions on asylum applications by TP beneficiaries.

Ambiguous state responsibility for asylum claims by temporary protection beneficiaries

A further and related ambiguity of the TPD that requires clarification is the matter of the designation of the EU state responsible for asylum claims (for discussion see ECRE 2024). In respect of temporary protection, the European Council Decision

activating the TPD effectively side-stepped the “Dublin system” (which assigns responsibility to member states for the processing of asylum claims) and, with the agreement of member states to disapply Article 11 “take back” procedures, enabled those displaced from Ukraine to seek temporary protection in their EU country of choice.⁹ What remains unclear, however, is whether the “Dublin rules” (under the 2024 Regulation on Asylum and Migration Management) will also not apply to subsequent asylum applications by TP beneficiaries, particularly in cases where the potential asylum applicant had requested temporary protection in more than one member state. Uncertainty surrounding procedures may be a relevant factor inhibiting asylum applications, since applicants may be unclear about the member state to whom their application should be directed and the member state that will ultimately process the claim.

In the vaguest of terms, Article 18 of the TPD simply states that: “The criteria and mechanisms for deciding which Member State is responsible for considering an asylum application shall apply.” It further assigns the responsible state for the purposes of asylum applications by TP beneficiaries as “the Member State which has accepted [a TP beneficiary’s] transfer onto its territory”. Given the suspension of “Dublin rules” for the purposes of the TPD, a straightforward reading of Article 18 would place asylum determination responsibility on the country which most recently granted the asylum applicant temporary protection status (as opposed to the first country of protection). Based on this simple interpretation, and the associated fear of being left responsible for rising asylum claims as the clock on temporary protection ticks down, some European states (for example the Czech Republic and Poland) have begun the process of refusing temporary protection status to individuals who have already been granted such status in another EU member state (Ombudsman of Ukraine/Council of Europe 2025). While the CJEU has declared the refusal of temporary protection to applicants with an ongoing temporary protection claim in another EU member state to be a violation of EU law (*Krasiliva* C753-23), it has not yet clarified the legality of refusing subsequent protection applications from existing holders of temporary protection. In sum, not only has ambiguity about state responsibility for asylum claims had the effect of potentially interfering with the right to seek and enjoy asylum of temporary protection beneficiaries, it has also had the further and more immediate effect of restricting the scope of temporary protection rights.

Limits of asylum rights and trade-offs for temporary protection beneficiaries

Notwithstanding the fundamental nature of the right to seek and enjoy asylum under European human rights norms, the operationalisation of asylum under both the EU’s CEAS and in the legal and policy frameworks across European countries more broadly is far from being a panacea to all of the challenges facing those displaced from Ukraine. While it is beyond the scope of this paper to critically compare the rights of asylum seekers, subsidiary protection holders, refugees and temporary

9. For discussion of the background to the suspension of “Dublin rules” and the waiving of Article 11 which requires member states to “take back” applicants for temporary protection, see Peers 2025 and Frasca and Carlier 2026.

protection beneficiaries, it is clear that there are costs and benefits of different statuses which are likely to be evaluated in different ways depending on the varying needs and wishes of the affected individuals.

Should temporary protection beneficiaries be required to convert to the status of an asylum seeker while their asylum application is under consideration they would, for example, lose certain socio-economic rights and free access to national labour markets which, on paper, are superior to those of asylum seekers in most European country contexts. Moreover, recent case law has highlighted frequent failures of EU member states to comply with minimum human rights standards in the reception of asylum-seeking adult males. Notable violations brought before the European Court of Human Rights include those in the cases of *M.S.S. v. Belgium and Greece* (2011), *Camara v. Belgium* (2022), *M.V. and Others v. Belgium* (2026), and *N.H. and Others v. France* (2020), which each concerned the inhuman and degrading treatment of asylum seekers whose basic socio-economic needs had not been met by host countries on grounds of alleged exhaustion of resources or limited state responsibility. In a recent case before the CJEU (C-97/24), the Irish Government unsuccessfully attempted to defend its failure to provide adequate housing support to single, adult male asylum seekers (as required by the Reception Conditions Directive 2013/33/EU) on the basis of *force majeure* associated with its duties to house and make social provision for an unanticipated high volume of persons, including large shares of women and children, displaced from Ukraine.

Despite these and many other limitations of European asylum systems (see European Court of Human Rights 2026 for an overview of relevant Court case law), the asylum route can be favourably distinguished from that of temporary protection because unlike the latter, it opens up a possible pathway to long-term residence under the terms of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents and therefore, as the CJEU recently commented in *Kaduna* (C-244/24 and C-290/24), to a greater set of rights than under temporary protection. These longer-term rights are not automatic or inevitable; with new political contexts of asylum and refugee protection across European countries, family reunification rights of subsidiary protection beneficiaries need to be justified (see, for example, *M.A. v. Denmark* (2021), *B.F. and Others v. Switzerland* (2023), and *M.T. and Others v. Sweden* (2022) and prolonged residence rights may be subject to onerous financial requirements and strict integration measures (see, for example, Thorburn Stern 2025). Ultimately, however, the asylum route may provide what Hannah Arendt (2017), in a post-Second World War refugee context, spoke of as “the right to have rights” – namely a pathway to permanent settlement and, ultimately, to the full range of citizenship rights. Such longer-term stability may, on the balance of interests, be favoured by some of those displaced from Ukraine who are currently excluded from acquiring long-term residence rights under the terms of Article 2 of Directive 2003/109/EC.

3.3. From temporary protection to work permits: restrictions and opportunities

As discussed in Chapter 2, a unique aspect of the EU’s temporary protection status, which distinguished the rights of its beneficiaries from those of both asylum seekers and of third-country migrant workers, was that it allowed individuals immediate

and unrestricted access to the labour markets of European Union member states, subject only to certain labour market tests. Consequently, a large proportion of those displaced from Ukraine – estimated at around 50% of the adult, working-age population of TP beneficiaries (see, for example, UNHCR 2026c) – are in employment or self-employment.

As temporary protection has been prolonged, there is increasing eagerness among temporary protection beneficiaries that their contributions to host country labour markets should be recognised as reckonable years in the accrual of residence rights (see, for example, Keda and Kiselyova 2026). Conversion to a work permit would allow temporary protection beneficiaries in the labour market to potentially come within the terms of the Long-Term Residence Directive (2003/109/EC), from which they would otherwise be excluded. While work permit conversion may not have been on the radar of many countries at the outset of the implementation of the TPD, nor was the regulation of such conversions part of the legal framework of the TPD, the matter has progressively become a focus of policy. A little less than half of EU member states explicitly prohibited the transfer of TP holders to national work permit systems in the early years of implementation (see, for example, ELA 2024) but over time national policies have become more open to conversions.

For example, with effect from January 2024, those with temporary protection in Italy have been able to convert to work permits and are exempt from the application of normal quota rules of the flows decree (ECRE 2024). Spain has more recently adopted a similar approach following new laws which came into effect in early 2026 (Ministry of Inclusion, Security and Migration 2026). While the EU Directive on highly skilled workers (2021/1883/EU) excludes beneficiaries of temporary protection from its scope, this is not a barrier to individual member states who wish to exceed the TPD and explore ways of providing those displaced from Ukraine with opportunities for accessing the EU Blue Card (for example by transitioning them from temporary protection to another legal residence and then to a Blue Card).¹⁰ Given the comparatively high levels of education among the Ukrainian displaced population (Ette et al. 2026; OECD 2026) and the efforts that European governments have taken to recognise foreign qualifications (see, for example, Committee of Ministers 2025; EESC 2025; Marie 2025), these labour routes seem promising. Indeed, and as discussed further in Chapter 4, it is likely that opportunities for transitioning from temporary protection to work permits may increase in line with the policy trend of encouraging those displaced from Ukraine towards self-sufficiency and labour market integration.

10. The EU Blue Card is a work and residence permit for highly skilled workers from outside the EU, as regulated by Directive 2021/1883/EU.

4. Transitions from temporary protection

The existing challenges associated with prolonged temporary protection (as discussed in Chapter 3) set the tone for what is likely to come next in terms of European countries' policies for transitioning beneficiaries into other types of national immigration statuses and towards processes of return to Ukraine. Specifically, the policy trends of diminished passive income support, increased welfare conditionality and labour market activation, and largely restrictive asylum policies, can be expected to continue to shape European countries' future responses to new or modified (in the case of those countries outside the EU regime) national temporary protection models, as well as to asylum and work-based routes for extended stay in host countries.

At the time of writing, only a small number of European countries (including the Czech Republic, Ireland, the Netherlands, Poland and the UK) have declared the details of their policies for managing temporary protection beneficiaries beyond the point when the TPD is expected to expire. Given the breathing space created by the latest EU Council announcement of the (fourth) extension of the TPD, plans from other countries may take time to materialise. Accordingly, this chapter is primarily concerned with discussing and evaluating, at a more general level, the risks and opportunities associated with what are likely to be the three main transition routes for persons displaced from Ukraine: namely, 1. the asylum and national protection route; 2. residence pathways based on work, study or family grounds; and 3. voluntary repatriation to Ukraine of those displaced. These pathways mirror those discussed at the levels of the European Union (C/2025/5129) and the Council of Europe (EESC 2025; Parliamentary Assembly Resolution 2562 (2024b)).

For each of these three transition pathways, the paper's primary objective is to evaluate the likely effects of policy options on European governments' commitments to relevant core human rights as protected under the European Convention on Human Rights (see Chapter 1 for details). The analysis also evaluates policy options through the lens of the principle of the best interests of the child, protected under Article 3 of the UN Convention on the Rights of the Child (UNCRC), which serves as an important interpretative norm for European human rights standards. The analysis includes not only a critical discussion of what is known of existing country plans but also broader reflections on anticipated path dependencies of future national transition policies. In particular, it can be expected that the latter will be shaped by prevailing national immigration and protection policies for other non-EU migrants (excluding those displaced from Ukraine), broader institutional contexts (especially national labour markets and welfare systems), and, critically, by policy developments and rights tensions that have emerged since the beginning of temporary protection as discussed in the previous two chapters.

4.1. Asylum and national protection pathways

The conflict-generated risks to life, security and bodily integrity that continue to threaten those in Ukraine underscore the ongoing need for international protection. With much uncertainty over when the EU TPD will end, those displaced from Ukraine have increasingly sought more traditional modes of international protection through national asylum processes. Cuts in socio-economic rights for vulnerable groups of TP beneficiaries over the last couple of years may, at least in some countries, have led to observed increases in asylum applications.

To preserve the original logic of the EU's temporary protection and insulate national asylum systems from what is predicted to be a large increase in demand among existing TP beneficiaries (UNHCR 2026b), some European countries have already shared details and, in some cases, begun to implement policies for transitioning individuals from temporary protection. These policies, while potentially beneficial to large numbers of existing TP holders, are more limited in coverage than the TPD. Accordingly, the future of vulnerable groups who may fall outside the scope of certain transition pathways and may be in need of national humanitarian protection is among the key rights concerns that will now be discussed.

Asylum

Notwithstanding the shortcomings of national asylum regimes in terms of the rights and freedoms that they confer both on applicants and on subsequent holders of international protection (see discussion in Chapter 3), asylum is nonetheless likely to emerge as a key transition pathway for many existing TP beneficiaries. For some, asylum may be the better choice given its potential to lead to permanent residence and associated comprehensive rights, compared to potentially scaled-down national versions of temporary protection. For others, asylum may (in the absence of a bespoke national temporary protection policy) be the only route for remaining in the host country. The latter is most likely to be the case for vulnerable populations – such as the elderly, those with serious illness and disabilities, pregnant women, single adult full-time carers and unaccompanied children – who have few or limited possibilities of acquiring a residence status on grounds of work, study or family ties (cf. UNHCR 2026b). Considering the particular needs of such vulnerable groups, it is of critical importance that national asylum processes are readily accessible, fair, transparent and efficient in the processing of claims.

On the part of the European Union, an important first step in achieving clarity in the asylum processes of member states would be to resolve any ambiguities in relation to the regulations designating state responsibility for asylum claims by temporary protection beneficiaries. The Dublin III Regulation has been replaced by the Regulation on Asylum and Migration Management, which became operative on 12 June 2026 and is a key part of the EU's Asylum and Migration Pact. As already discussed in Chapter 3, it remains to be clarified by the European Commission (or perhaps, in due course, by the Court of Justice of the EU) how the Regulation on Asylum and Migration Management will assign state responsibility for asylum applications made by individuals who claimed and/or received temporary protection in more

than one EU member state. Guidance from the European Commission would also be welcomed on the scope and nature of the 2024 Asylum Procedure Regulation's accelerated asylum determination processes for those with a prior and continuous temporary protection status.

With significant numbers of individuals expected to transit, over the coming months, from a temporary protection status to that of asylum applicant, efforts will need to be made to ensure that such individuals do not experience a deterioration in conditions attached to their new status in a way that could threaten their fundamental rights (see Commissioner for Human Rights 2026). Although (as shown in the previous chapter) income, housing and healthcare supports for temporary protection beneficiaries have generally weakened in European countries over time, such protections are still typically better than those afforded to asylum seekers. This is particularly the case where some EU countries have failed to comply with their own minimum standards of reception for certain categories of asylum seekers.

To safeguard individuals against the risks of status change on state socio-economic support, some European countries have, for the duration of the asylum determination process, maintained transitioning temporary protection beneficiaries at the same level of support to which they were accustomed. Estonia, for example, which has one of the highest shares of TP beneficiaries from Ukraine (per 1 000 inhabitants) and also one of the highest numbers of processed asylum claims from Ukrainian citizens since 2022 (Eurostat 2026b), has ensured broad continuity in rights by guaranteeing to TP beneficiaries who apply for asylum the same level of state accommodation and subsistence income supports (lasting four months) as granted under the temporary protection scheme (KRIIS 2025). Further, while waiting for an outcome on their asylum application, the Estonian Government permitted applicants who had previously been granted temporary protection to continue working according to the same freedoms as under the protected status. In addition, the asylum determination process was accelerated from the typical six-month wait to a one-month process for those who enjoyed temporary protection (KRIIS 2025).

Cross-country variations in asylum determination policies and practices at national levels will also critically shape the nature and scope of asylum rights for prospective applicants from among the displaced Ukrainian population. The UK, for example, includes Ukraine in the list of countries in which asylum claims can be classified by the Home Secretary as “clearly unfounded”;¹¹ this casts doubt on the likely success of future asylum applications by those displaced (see UK Government 2025). Moreover, while the CJEU (C-406/22) has made clear that it is contrary to EU asylum law to designate parts of a country as “safe” for the purposes of asylum applications and returns, European countries that are not constrained by EU law may continue to apply the “safe region” approach to war-affected countries. Such an approach would be consistent with the recent regional limitations on the scope of temporary protection (discussed in Chapter 3) as introduced in Norway and Switzerland, and currently under consideration in Denmark.

11. National Immigration and Asylum Act 2022, section 94.

Concerns of an increasingly restrictive approach to asylum applications by Ukrainian citizens are also reflected in recent trends in the annual statistics on decisions on asylum applications submitted by Ukrainian citizens in Europe. Across the EU as a whole, the proportion of first-instance asylum decisions on claims by Ukrainians that concluded with a negative decision increased significantly over time, from 9.8% in 2022 to 26.7% in 2025 (Eurostat 2026a).

There are, however, significant cross-country variations in both the numbers of asylum applications received from Ukrainian citizens since 2022, and in the numbers of negative asylum decisions. Table 1 below provides the annual and total number of first-time asylum *applications* received from Ukrainian citizens between 2022 and 2025, in the five EEA+ countries receiving most applications during this period. There is clearly wide disparity in these numbers across these five countries, and there is even greater variation across the EEA+ countries as a whole given that a third of these countries have received first-time asylum applications numbering fewer than 200 for the period 2022-25.

Table 1: EEA+ countries with the greatest numbers of first-time asylum applications received from Ukrainian citizens in 2022-25 (numbers of applications)

	France	Poland	Estonia	Italy	Iceland
2022	1 770	1 505	2 610	2 995	2 350
2023	3 390	1 625	3 775	1 180	1 625
2024	13 270	6 135	1 215	1 540	1 235
2025	11 675	6 245	900	1 075	1 085
Total 2022-25	30 105	15 510	8 500	6 790	6 295

Note: the EEA+ is used here to indicate the countries of the European Economic Area (EEA) plus Montenegro, Switzerland and the United Kingdom.

Source: Eurostat 2026b; “migr_asyappctza” [ESTAT]

Table 2 below shows the considerable cross-country differences in the share of negative first-instance asylum decisions, that is, the share of all first-instance asylum decisions (in a given country and year) that were negative. The table includes data for a selection of six European countries (the same countries included in Table 1 plus Germany added for illustrative purposes). For the period 2022-25 as a whole, the share of negative first-instance decisions is less than 10% in three of the six countries shown in Table 2 but it rises to 91.4% in Germany. Across the EEA+ countries as a whole, the difference in negative decision rates is greatest between Estonia where less than 1% of first-instance decisions on asylum claims submitted by Ukrainian citizens during 2022-25 were negative (notwithstanding Estonia's high share of applications relative to total recorded applications in EEA+ countries) and the Nordic countries of Sweden, Norway and Denmark as well as Croatia where all, or close to 100%, of first-instance decisions on asylum applications submitted by Ukrainian citizens were negative (Eurostat 2026a).

There has also been considerable cross-country variation in how these numbers have changed over time. For example, while the annual shares of negative asylum decisions in France and Italy remained relatively stable during 2022-25, they increased drastically in Poland. This increase in the negative decision rate in Poland – from an average of less than 5% for the years 2022-24 to a 65% rate in 2025 – came at a time when Poland introduced important cuts to the housing and income support rights of certain categories of vulnerable TP beneficiaries (Ministry of the Interior and Administration 2024).

Table 2: Shares* of negative first-instance decisions on applications for asylum by Ukrainian citizens in 2022-25, selected European countries

	France	Poland	Estonia	Italy	Iceland	Germany
2022	17.7%	3.5%	0.5%	6.5%	0.0%	93.5%
2023	14.2%	7.3%	0.4%	5.6%	0.0%	14.3%
2024	7.8%	2.3%	0.4%	11.9%	25.0%	89.5%
2025	10.4%	65.1%	1.4%	4.7%	not available	94.8%
Total 2022-25	10.2%	28.9%	0.5%	7.1%	9.1%	91.4%

Note: *calculated as the share of negative first-instance asylum decisions in all first-instance asylum decisions in a particular country in a given time period. For example, in France in 2022, 17.7% of all first-instance asylum decisions were negative.

Source: authors’ calculations based on data from Eurostat 2026a; ‘migr_asydcfsta’ [ESTAT]

Taken together, these data point to important cross-national differences and clear moves towards more restrictive approaches in some countries. This could have significant implications for the exercise of the right to asylum by displaced Ukrainians who are transitioning from EU temporary protection.

National humanitarian protection

National humanitarian protection sits outside the framework of asylum law as regulated by the Refugee Convention and by the EU’s Qualification Regulation. It is a framework through which European countries can, at their discretion, choose to grant residence rights on compassionate grounds to applicants for international protection who fail to meet the qualifying thresholds for refugee or subsidiary protection status. While this status has, since 2022, been successfully awarded to Ukrainian citizens in only exceptional cases in a handful of European countries (Germany, Iceland, Italy, Montenegro and Switzerland), it is likely to become increasingly relevant to TP beneficiaries whose potential asylum applications may be declared unfounded in the event that Ukraine or certain regions of Ukraine are declared “safe” for return but where an individual’s particular vulnerabilities – in, for example, physical or mental health – would nonetheless place them at risk of serious harm in the event of return. There are perceived political and administrative reasons associated with protecting national asylum processes, which suggest that certain European countries might

favour this route as a potential residence path for vulnerable categories of TP beneficiaries who may have claims to stay in the host country based on a combination of special needs and duration of stay.

The European Convention on Human Rights (notably by its Articles 2, 3 and 8) has had an important influence on the operation of national humanitarian protection in European countries and this sets some precedent for how the status may be relied on by those displaced from Ukraine. The existing war damage to public infrastructure and the estimated timescale for reconstruction will be important objective factors in determining how host European countries exercise their discretion to grant humanitarian protection and the period for which such protection might be granted. For example, where urgent or chronic health needs of particular individuals cannot, in the short-term, be met in Ukraine, European governments may be obliged by their Convention duties to consider applications for humanitarian protection or at the very least, to consider deferring return proceedings in line with Article 22.2 of the TPD. Maintaining family unity in the context of host duties under Article 8 of the Convention may be a further consideration in the exercise of state discretionary powers to authorise humanitarian protection.

National schemes aimed at transitioning out of temporary protection

Distinct from national humanitarian protection routes, and in an effort to maintain a degree of continuity for existing TP beneficiaries, some EU countries such as the Czech Republic, Ireland, the Netherlands and Poland have already proposed and have indeed begun to implement national schemes of temporary protection to transition beneficiaries from the expiring EU scheme. The details of these models raise different types of questions and rights considerations but in all cases they indicate that countries are attempting to steer existing TP beneficiaries away from future asylum claims and instead provide routes towards self-sufficiency and reduced dependence on state social assistance.

The proposed Dutch national temporary protection scheme (Government of the Netherlands 2026) is explicit in requiring individuals to choose between asylum and temporary protection. It promises a three-year immigration status which continues to allow individuals to work in the Netherlands and enjoy a set of (as yet unspecified) socio-economic rights. The government (*ibid.*) has however made clear that applications for the national temporary protection would require individuals to waive their right to seek and enjoy asylum – a condition that raises deep concerns from a fundamental rights perspective. Since the government has also been explicit that time spent in the Netherlands on a temporary protection status will not, unlike a refugee or subsidiary protection status, count towards reckonable years for long-term residence claims, individuals waive not only a right to seek and enjoy asylum but also to the potential long-term rights that flow from the latter.

The Czech Government was the first to legislate (in February 2025)¹² to allow holders of temporary protection to apply for a “special long-term residence”, subject to certain tightly defined eligibility criteria (Council of Europe 2026a; ECRE 2026). This

12. Lex Ukrajina VII, Act No. 24/2025 Coll., amending Act No. 65/2022 Coll. See also Council of Europe Division on Migration and Refugees (2026a), “[Report on the mission to Czechia](#)”, 15 June 2026.

is essentially a five-year residence permit as provided for under the terms of the Foreigners Residence Act and, by contrast to the Dutch proposal, provides a route to permanent residence for permit holders. The scope of the special residence permit is however limited to those who have held a temporary protection status in the Czech Republic for two consecutive years, have not relied on state social assistance since October 2025, and are insured and without insurance debts (Peyton legal 2026). Transition to the permit does not allow applicants to resume temporary protection but does not expressly preclude asylum applications.

A similar residence permit scheme – the CUKR – was introduced by the Polish Government in May 2026 and, like its Czech counterpart, will enable holders to accrue long-term residence rights (Office for Foreigners 2026).¹³ The CUKR allows unrestricted access to the Polish labour market without need for an additional work permit, proof of an employment contract or evidence of economic self-sufficiency. However, reflecting the fact that the scheme is explicitly designed for those who are economically self-sufficient, the CUKR provides reduced access to state healthcare, housing and subsistence income rights and thereby brings the socio-economic rights of displaced Ukrainians in line with those of temporary work permit holders (see UNHCR 2026b). The intention to exclude from the CUKR Ukrainian men of draft age (22-60) is a point of potential rights and equality concern, as are the rules governing loss of the permit for those who return to visit families in occupied territories of Ukraine. While a CUKR status does not strictly exclude individuals from applying for asylum in Poland, administrative processes may present obstacles to shifting between statuses. Questions around the rights of CUKR permit holders to family reunification remain to be clarified.

The Irish Government has most recently announced the introduction of a two-year renewable visa called the Temporary Protection Transition Scheme which will open to applicants in September 2026 (Department of Justice, Home Affairs and Migration 2026b). Similar to the Czech and Polish models, time spent on the new visa will count towards naturalisation and eligibility is exclusively limited to those TP beneficiaries who have been in employment for a minimum of six months and previously been resident in Ireland as a temporary protection beneficiary for at least one year. Scheme eligibility requires a minimum annual earnings threshold of €29 432 and is limited to those who are not dependent on state-assisted social housing. The Irish scheme is distinct in terms of its more generous work-related benefits including access to child benefits, healthcare and unemployment assistance on an equal basis to Irish citizens such as are typically provided to Stamp 4 visa holders. The scheme does not exclude male, conscription-age applicants.

A key limitation of the Czech, Irish and Polish schemes is that they reduce the population coverage for national transitional protection by excluding – either explicitly or implicitly – those existing TP beneficiaries who are socially dependent on the state. Consequently, the dependent children, spouses or other vulnerable family members will also be excluded from these transitional protection routes. That said, family

13. See also Council of Europe Division on Migration and Refugees (2026b), “[Report on the mission to Poland](#)”, 1 April 2026.

dependents of an employed or self-sufficient household member will be included in the new statuses which will provide security for a sizeable share of vulnerable persons among those displaced from Ukraine.

It remains to be seen whether more European countries will consider extending temporary protection at national levels and what the scope of those protections will entail. Should countries pursue the self-sufficiency and labour approaches of the Czech Republic, Ireland and Poland, it is likely that a significant portion of the remaining non-working individuals and low-income households may need to resort to asylum applications or, where applicable, apply for national humanitarian protection. Asylum may also emerge as the more attractive option in the event that countries offer a diminished version of temporary protection that restricts access to social benefits (such as is currently under discussion in the Czech Republic) and restricts return visits to Ukraine, as Norway has already done.

4.2. Work, study and family-based pathways

Work, study and family relationships may provide alternative grounds for transitioning TP beneficiaries who wish to prolong their residence in their current host countries (where they are registered as TP beneficiaries). Given the working rights of TP beneficiaries and the estimated 50% of working-age beneficiaries who entered employment in host countries across Europe (see, for example, UNHCR 2026c), work permits are the most likely alternative route for extending residence. Policies on transitioning individuals to work permits will largely be a matter of national competence, with EU Directives having only a limited regulating role, for example in areas related to long-term permit holders and highly skilled occupations. As will now be discussed, variations in national labour market models will have different consequences for both work permit possibilities particularly at the lower-skilled end of the market and for the labour rights of work permit holders.

Options for transitioning TP beneficiaries to student visas will similarly be determined principally at the national level although international human rights standards – notably Article 2 of Protocol No. 1 to the European Convention on Human Rights and the UNCRC (particularly the principle of the best interests of the child) can be expected to guide country decisions on continuity in education rights of children from Ukraine who have been schooled in host countries.

As regards residence permits based on family grounds, Articles 8 and 12 of the European Convention on Human Rights can be expected to play a role in standardising approaches to family-related residence permits under national laws. Such permits are however likely to serve a smaller share of the existing TP beneficiary population.

Work permits

Temporary protection beneficiaries enjoy unrestricted rights to work in the countries where they obtained TP status. In practice, estimates suggest that just over half of the working-age TP beneficiaries are in employment across Europe, which is about 20% lower than the average employment rate of host country citizens (UNHCR 2026c)

but higher than the employment rate of some other refugee groups (EMN/OECD 2024). There are, however, significant variations across European countries. As of early 2026, employment rates of TP beneficiaries are estimated to be quite high in Poland, Estonia and the UK (above 65%) but significantly lower – possibly below 40% – in a number of other European countries including Sweden, Germany and Switzerland (Ette et al. 2026; UNHCR 2026c; see Tokariuk 2025). The available research suggests that TP beneficiaries are relatively highly educated, on average, but many work in jobs that under-utilise their skills (OECD 2026). Recent survey data from UNHCR (2026c) indicate similar proportions of employed TP beneficiaries in low- and high-skilled jobs (around 30-40% in each) and the rest in medium-skilled jobs.

In principle, there is significant potential for current TP beneficiaries to transfer into existing national work permit schemes for non-EEA workers across Europe. Most European countries are experiencing labour and skills shortages across a range of both higher and lower-skilled jobs and most countries are already using significant numbers of migrant workers from outside the EEA to help fill these gaps in their labour markets. Research has shown that there is considerable public support for admitting migrant workers for jobs in certain (including “essential”) sectors suffering from shortages (Allen et al. 2026; Detlefsen and Ruhs 2025). Furthermore, maintaining individuals in passive income support from the state goes against the trend of active labour market policies and welfare conditionality that has characterised welfare reforms in Europe. Allowing TP beneficiaries to stay on the basis of work might, therefore, generate public and political support.

At the same time, however, labour immigration remains a highly contested policy area. There are many debates about the existence and magnitude of labour and skills shortages across different sectors, and about the role that migrant labour should play in addressing them (Ruhs and Anderson 2010). While employers often claim a need for more migrant workers because “local workers cannot or will not do the work”, trade unions are often concerned about “cheap” and exploitable migrant labour that may have adverse consequences for labour standards and the employment conditions of local workers. “More migrants” is typically not the only available response to labour and skills shortages. Alternative responses can include a greater use of technology (for example in agriculture or the social care sector) and efforts to increase the supply of local workers, for example through higher wages and improved employment conditions and/or more and better training and activation policies. Ultimately, whether it is sensible to meet particular labour and skills shortages through migration or other strategies is a highly normative and political question that critically depends on whose interests are prioritised in policy making (Martin and Ruhs 2011).

Given the broader political and policy context in the area of labour immigration, there are a number of important considerations, limits and challenges associated with transitioning TP beneficiaries into existing national work permit schemes. First, the vast majority of European countries’ labour immigration programmes are temporary migration programmes that issue time-limited work permits. Some of these policies allow a transfer to permanent residence, typically after four to five years but this transition is, in some countries, regulated and selective, and not automatic. For example, in the UK, only those skilled temporary work permit holders who earn at

least £41 700 per year – or less for certain selected jobs, for example in education and healthcare – are eligible for permanent leave to remain after five years of continuous residence. In EU countries that are bound by the EU Long-Term Residence Directive (namely all EU countries except Ireland and Denmark where the TPD does not apply), work permit holders would acquire permanent rights of residence after five years. However, even in those countries bound by the Long-Term Residence Directive, national work permits may not be of sufficient duration to reach the five-year threshold. The same limitation is likely to arise under the national long-term or permanent residence schemes that most EU member states operate in parallel to the EU status, as these generally impose comparable continuous residence requirements of a similar duration. In sum, acquiring a temporary work permit does not necessarily or even typically guarantee a long-term residence status.

Second, the work permit programmes of most European countries are highly selective; they are typically more open to admitting migrants for higher- than lower-skilled jobs. Admission is regulated by a range of measures such as annual quotas, minimum wage thresholds, self-sufficiency requirements, and labour market tests that require employers to show that they cannot fill the vacancy with local or other EU workers before becoming eligible to recruit a non-EU migrant on a work permit (Ruhs 2013). Advocating preferential labour market access for Ukrainians as a gesture of solidarity is likely to cause political and fairness concerns. All this means that given the highly selective and targeted nature of existing national labour immigration programmes across Europe, only some of the currently employed TP beneficiaries would be able to qualify for a work permit in the country where they obtained TP status.

The rights, especially social rights, of work permit holders are typically much more restricted than the rights of TP beneficiaries. For example, work permit holders typically do not have access to non-contributory welfare benefits such as social assistance (including social housing). While higher-skilled work permit holders are usually given more rights than lower-skilled holders, most TP beneficiaries transitioning into an existing national work permit programme would likely experience deterioration in some of their welfare rights. The risk of “rights downgrading” is somewhat smaller when it comes to labour rights – most of which are granted to work permit holders on an equal basis as citizens of the host country – with one important exception: most work permit programmes limit the legal employment of the migrant to the employer specified on the work permit only. A change of employers usually requires a new work permit application. It is well known and documented that this “tying” of migrant workers to particular employers reduces workers’ bargaining power and makes them more vulnerable to exploitation as they cannot easily leave employers who offer inferior wages and/or employment conditions.

There are some countries that allow certain work permit holders to change jobs freely within certain sectors or occupations but this is mostly only after some time and typically restricted to the most highly skilled jobs. In Austria, for example, migrants who have held a standard Red-White-Red-Card for skilled employment for two years can apply for a Red-White-Red-Card Plus which allows unrestricted access to the Austrian labour market, where migrants can change jobs freely without the need for new work permit applications for every job change (see Bundesministerium für Inneres 2022). Ireland is a rare example of a European country that allows most work

permit holders to change employers within a certain occupation after an initial period of nine months of “tied” employment in Ireland, regardless of whether the job is high or lower skilled (see Department of Enterprise, Tourism and Employment 2025).

Another consideration and potential obstacle in transitioning TP beneficiaries from TP status to national work permit systems is that the latter have typically been designed for admitting and employing workers who are still outside the country/EEA. “Track changes”, that is, legal status changes from, for example, “refugee” to “work permit holder”, are usually not allowed. Arguably, this policy feature of most existing national work permit programmes in Europe is not an insurmountable obstacle to making work permits a meaningful transition pathway for TP beneficiaries but, to make this feasible, a specific policy concession that allows within-country applications/transitions would clearly be required.

As policies on admission and labour market access for prospective workers from outside the EEA is the primary competence of member states, the EU has limited regulations in this policy area. Nevertheless, some current holders of TP status may be able to convert to an EU Blue Card for skilled workers and, under the terms of Directive 2021/1883/EU on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, enjoy privileged access to the labour market (under less stringent labour market tests) than otherwise afforded to (national) work permit applicants. While the TPD has relaxed some of the rules around the recognition of qualifications, this is a known barrier for TP beneficiaries and one which EU member states and the EU institutions have repeatedly been called on to address (see, for example, Council of Europe Division on Migration and Refugees 2026a, 2026b; EESC 2025; Parliamentary Assembly Resolution 2562 (2024b)). Some lower-skilled workers, depending on the sector, may benefit from recent EU law developments such as the Single Work Permit Directive (2024/1237/EU) which aims to enhance labour and associated social rights of third-country national workers in the EU. However, such standards only become relevant once third-country nationals have been admitted for work purposes.

Student visas and children’s rights to education

The common EU migration framework has sought to regulate aspects of entry and stay of non-EEA citizens in the EU for reasons of study and education. Specifically, the provisions of the Long-Term Residence Directive 2016/801/EC provide some minimum standards in terms of, for example, duration of studies, part-time working rights and post-education job-search residence rights for third-country nationals. Given that they harmonise conditions of residence, these limited EU rules may be of benefit to those TP beneficiaries who meet the criteria for prolonging their stay in host countries by transitioning from EU temporary protection status to a residence permit for study purposes issued by a European Union member state.

It is also foreseeable that EU standards and those of the European Convention on Human Rights (Article 14 and Article 2 of Protocol No. 1) may be relied on to challenge rather than to advance the rights of TP beneficiaries in scenarios where the latter may be perceived as receiving unwarranted preferential treatment in respect of admissions criteria for third-level study, fee waivers and access to related means-tested

financial assistance. As discussed in Chapter 3, the solidarity initiatives by third-level European educational institutions in support of students from Ukraine over the past few years were broadly welcomed at the onset of the Russian war of aggression but they have, with the passage of time and in light of financial pressures on public education systems, given rise to questions about the equity of preferential treatment vis-à-vis both, other third-country national students/applicants and with the citizens of host countries. National temporary protection proposals which include third-level education rights, such as that of the Netherlands which explicitly promises reduced fees for education, will need to take account of equality laws.

The high share of children among TP beneficiaries across EU member states renders the right to education, as guaranteed in Article 2 of Protocol No. 1 to the European Convention on Human Rights, by Article 14 of the EU Charter and Article 28 of the UNCRC, a significant consideration in determining transition planning. As signatories to the UNCRC, European countries are also required by Article 3 to take account of the child's "best interests" in all relevant policy decisions. Undoubtedly, children's right to education can be met in multiple modes and environments. In the case of children on a TP status, guaranteeing their right to education is not only the responsibility of the host country government but also a continuing responsibility of the Government of Ukraine. The Ukrainian Ministry of Education has thus taken steps to ensure that children temporarily residing in other European countries can maintain contact and a certain level of instruction (online) with the Ukrainian school curriculum (Ombudsman of Ukraine/Council of Europe 2025) and will be able to convert foreign-earned educational qualifications in the event of return to Ukraine.

At the same time, however, and as recognised by the Parliamentary Assembly of the Council of Europe (Resolution 2562 (2024b), Resolution 2529 and Recommendation 2265 (2024a), and in the 2025 European Council Recommendation C/2025/5129, the effects of conflict on public infrastructure and human resources may not be able to guarantee the return to education in Ukraine as normal in the immediate aftermath of a peace settlement. It may therefore be in the best interests of children to delay potential return to Ukraine until such time as education can be assured, and in order to minimise the disruption to children's education at critical junctures. Article 23.2 of the TPD encourages member states to consider, at a minimum, allowing children with TP status to complete their school year before being obliged to return to Ukraine following organised repatriation on expiry of the temporary status. Special consideration could also be given to prolonging the stay of children who are in the penultimate year of high school and on course for completing the final secondary education certificate. This would be in line with EU member states' commitments to the right to education protected under Article 24 of the Charter and broader international commitments to children's rights.

Family routes and rights under the Convention

The prolonged duration of temporary protection under the terms of the TPD has naturally resulted in the formation of new family relationships that might give TP beneficiaries grounds to apply for leave to remain in host countries beyond the temporary protection time frame. While decisions on the issuance of residence permits

based on family ties are at the discretion of national governments, rules and policies regulating access to such permits are strongly guided by considerations of the right to respect for family life as protected under Article 8 of the Convention and the right to marry under Article 12. As a consequence, TP beneficiaries who have married or are in a civil partnership with a citizen or permanent resident of the host country or who have parented a child of a host country citizen may have strong grounds to apply for a residence permit based on family ties. To preserve family unity, rights might also be extended to dependent family members such as those of advanced old age or adults with disabilities. The European Court of Human Rights has, however, clarified (see the cases of *B.A.C. v. Greece* (2016) and *Hoti v. Croatia* (2018)) that a right to family life does not oblige states to accept applications for particular types of residence permits but only to ensure that residence rights are conducive to family life.

4.3. Voluntary and human rights compliant return to Ukraine

Voluntary return to Ukraine is a key pillar of European countries' transition planning. Return is consistent with the wishes of a significant number of TP beneficiaries (see, for example, Ette et al. 2026; UNHCR 2026b) and heavily favoured by the Ukrainian authorities. Survey data consistently show, however, that intentions to return to Ukraine significantly decline the longer individuals have been displaced and integrated in host countries. Across numerous surveys with different methodologies, the most important factors determining individuals' decisions on return to Ukraine are security and family unity, followed only by housing, job opportunities and possibilities for reintegration (OECD 2026; NIBR 2026; Tokariuk 2025). Depending on the projected conflict–peace scenarios in Ukraine, UNHCR models (2026b) expect return rates between 1% should the status quo remain, to 44% in a fragile peace scenario, and to 68% in the event of a Ukrainian victory.

Of key relevance to the voluntary return of individuals will be Articles 2, 3 and 8 of the Convention which will require host country states to ensure that suitable arrangements, in terms of housing, healthcare and social assistance, are in place in Ukraine to meet the needs of individuals. Such arrangements will assume particular importance in the case of the return of vulnerable groups, including those with serious medical conditions (see the provisions of Article 23.1 of the TPD). The duty of care on states will be high and, as demonstrated by the recent Court judgments of *M.A. v. Belgium* (2020) and *H.T. v. Germany and Greece* (2024), cannot easily be discharged on grounds that individuals voluntarily consented to return.

The return to Ukraine of the estimated 4 800 children who were evacuated from institutional care settings at the onset of the invasion in 2022 and thereafter (see FRA 2023) is highly complex. Care and immigration arrangements for these child evacuees differed across European host countries. Some children were awarded a temporary protection status while others were processed through the asylum system as unaccompanied minors. Care arrangements involved institutional care (in countries such as the Czech Republic and Poland) and foster care arrangements with families, such as in Austria and Italy. Taken together, these different legal and administrative arrangements have created differing national safeguarding thresholds and regulations which will influence and differentiate procedures for potentially

returning these vulnerable children to Ukraine. From at least 2024, requests from Ukrainian authorities to repatriate child evacuees from care settings in Europe have, in some instances, met with challenges in the domestic courts of European countries. Guidance issued by UNICEF (UNICEF 2022 and 2026) has been clear that return should be voluntary (complying with the principle of the informed consent of the child), based on an assessment of individual needs and safety requirements, and compliant with international best practice and human rights standards. The media have reported on ongoing legal disputes between Ukrainian authorities and the Italian, Austrian and German courts over who has jurisdiction for determining arrangements that are in the best interests of each affected child (Kottasová 2026).

The return of TP beneficiaries from Ukraine is currently being discussed, almost exclusively, in the context of voluntary return (see, for example, EESC 2025; European Council 2025; Parliamentary Assembly Resolution 2562 (2024b)) on the part of TP beneficiaries who, pending repatriation, will be granted an interim national temporary protection status and thereby avoid an irregular immigration status. Voluntary return of persons with a legal immigration status would rule out any justification for immigration detention and thereby reduce the risk of breaching the right of individuals to liberty and security, as protected by Article 5 of the Convention. Given however that the EU law and policy framework on return¹⁴ concerns only “illegally staying third country nationals”, there is scope for good practice at either the national or the international level in order to develop rights-based return policies for transitioning temporary protection beneficiaries, which include financial assistance packages.

Over the medium to longer term, should European states choose to go down the path of forced return (such as occurred in relation to the return of those granted humanitarian protection during the Yugoslav crisis of the 1990s) such procedures will be subject to a range of human rights safeguards at both the EU law level and under the Convention in relation to the rights to liberty and security due process.¹⁵ Convention case law on these matters is considerable (see European Court of Human Rights 2026), as is the case law of the CJEU in adjudicating the Reception and Return Directives. The principle of the best interests of the child has also increasingly been a guiding norm for both European courts and a standard to which European states will be held. Article 22.1 of the Temporary Protection Directive provides that “enforced return” must be conducted in accordance with the principle of human dignity (protected in Article 1 of the EU Charter) and under Article 22.2 states are under a duty to consider “compelling humanitarian reasons” that may make enforced return “impossible or unreasonable in specific cases” in line with the Charter and Convention rights.

14. Currently via Directive 2008/115/EC but shortly due to become the new Return Regulation and the Strategy on Voluntary Return and Integration/the new Pact of Migration and Asylum. The EU Return Regulation was approved by the European Parliament on 17 June 2026 and will enter into force following its further formal approval by the European Council and subsequent publication.

15. See also Briddick 2026, especially pp. 69 and 70.

5. Conclusions and recommendations

Whether, and the extent to which, European temporary protection initiatives achieved their goals of meeting the needs and rights of those displaced from Ukraine without overwhelming host country asylum systems must be judged, in important part, on what happens next. This paper has highlighted both the initial achievements of temporary protection as well as subsequent concerns associated with obstacles to exercising international protection-related rights, diminished socio-economic rights of beneficiaries over time, and the destabilising limbo of an immigration status which, of itself, does not yield longer-term residence rights. The analysis has also indicated certain medium-term challenges for host countries in balancing the rights of temporary protection beneficiaries, the rights of host country citizens and permanent residents, and the interests of Ukraine in relation to the war effort and subsequent reconstruction.

To remain true to the goodwill, solidarity and generosity that overwhelmingly characterised the pan-European protection measures for displaced persons from Ukraine, it is now necessary for European states to provide a comprehensive range of transition policies that can meet the current and future needs of beneficiaries, of host communities, and of Ukraine. This entails a multifaceted response that: 1. recognises the heterogeneity of the temporary protection population; 2. guarantees and facilitates the human right of all individuals to apply for asylum; 3. optimises labour market opportunities for individuals and host countries; 4. safeguards the rights of the most vulnerable; 5. offers fair and reasonable opportunities for long-term residence and citizenship; and 6. assists in the voluntary, human rights compliant repatriation of displaced populations and the re-establishment of lives in Ukraine.

With these six objectives in mind, the following associated recommendations are directed to all European countries who have hosted displaced persons from Ukraine to service providers in host countries, to the European Union institutions and to Ukraine. The sooner that states clarify their transition policies, the better equipped temporary protection beneficiaries, host country service providers and the Ukrainian authorities will be to plan their futures. Poor or inadequate transition policies will inevitably create gaps that heighten the likelihood of irregular stays in host countries and generate risks to rights and interests that typically accompany such irregularity in immigration status. On the other hand, effective state policies should preserve the integrity of national immigration and asylum systems and yield wide-ranging benefits for affected individuals and countries.

5.1. All transition pathways needed

This paper has emphasised the demographic diversity of the population of temporary protection beneficiaries in terms of age, gender, family composition, employment status, education and skill levels, and special needs or vulnerabilities. Also heterogeneous are beneficiaries' interim preferences for transitioning from temporary protection and their aspirations for the future. Given this complexity, a one-size-fits-all approach cannot serve variegated needs and interests.

Recommendation 1

In order to protect human rights and to ensure that repatriation processes are human rights compliant and voluntarily assumed, host countries of temporary protection beneficiaries should simultaneously develop and implement a range of parallel transition pathways which cover asylum and national humanitarian protection as well as work, family and study routes, and which permit conversion between these pathways. There should be no pathway whose pursuit blocks the right of individuals to apply for asylum.

Recommendation 2

National governments, frontline service providers, Ukrainian consulate offices and voluntary sector organisations in host countries should be tasked with advising and providing clear information on all transition pathways to all persons displaced from Ukraine and should offer particular support and guidance to those considered at risk of irregular stay. Efforts should be made to develop age-appropriate guidance for children.

5.2. Asylum

Return to Ukraine is not an option for displaced persons while conflict and associated serious and real risks to life and well-being persist. The right to seek and enjoy asylum is a fundamental right of every individual and national asylum frameworks constitute the mainstay of international protection in Europe.

Recommendation 3

With immediate effect, European countries should process and prioritise applications for asylum by temporary protection beneficiaries that have been suspended and should, forthwith, end the policy of suspending asylum claims by temporary protection beneficiaries.

Recommendation 4

At the EU level, and in the context of the new Asylum and Migration Management Regulation and the terms of the Temporary Protection Directive (2001/55/EC), the European Commission could usefully publish guidelines which clarify the operation of the "Dublin system" to asylum applications by individuals who have had multiple claims of temporary protection in EU member states.

Recommendation 5

Bearing in mind the principle of the best interests of the child and national governments' commitments under Article 3 of the Convention, host countries should ensure that, in the transition from temporary protection beneficiary to asylum applicant, individuals receive (at a minimum) subsistence level supports and that continuity of prevailing standards is preserved as far as possible.

Recommendation 6

Echoing the recent guidance provided by UNHCR (2026b), national authorities should take steps to prepare national asylum systems and capacities for a foreseeable rise in the numbers of applications from persons displaced from Ukraine.

Recommendation 7

In respect of applications for asylum, and to comply with Articles 2, 3 and 14 of the Convention, national authorities should not unlawfully discriminate against conscription-age Ukrainian males in the processing and determination of asylum claims.

5.3. Work permits and work-conditioned immigration statuses

The review of temporary protection in this paper has shown that a significant share of those displaced from Ukraine are working in host countries and helping to fill important labour shortages in certain sectors. For many beneficiaries, work serves as a route for integration and can provide a sense of security in an otherwise destabilising context (for example Ette et al. 2026; Keda and Kiselyova 2026). Financial independence through work enables the progressive withdrawal of state social assistance and sets individuals on a pathway towards economic self-sufficiency – something which, increasingly, is a condition of longer-term residence in European countries.

Recommendation 8

All European countries should consider the labour market possibilities and constraints of converting temporary protection beneficiaries to existing work permit schemes or to new national forms of temporary protection that are conditional upon work. Work permit policies or similar for current TP beneficiaries should be made public as soon as possible to enable prospective applicants to plan and prepare.

Recommendation 9

Given the labour market freedom that temporary protection beneficiaries have enjoyed over a prolonged period and to mitigate against labour exploitation, national authorities should strive to ensure that any transitions to work permits maintain, as far as possible, freedom to move between employers, at least within occupations and sectors, at the level of national labour markets and, progressively, to facilitate access to unemployment insurance.

Recommendation 10

During the remaining period of application of the EUTPD, national authorities should encourage and support those still outside the labour market to take up employment by extending to temporary protection beneficiaries aspects of national active labour market policies, such as training schemes and, where possible, in-work supports such as childcare and tax credit schemes.

5.4. Vulnerable groups and national interim humanitarian protection

As emphasised in this paper, the population of displaced persons from Ukraine includes sizeable shares of vulnerable subgroups, including children, elderly persons, those with disabilities and serious health conditions, victims of violence and abuse, pregnant women and those with full-time caring responsibilities. For these groups, self-sufficiency via the labour market is either not possible or extremely difficult, hence certain observed cuts to the social supports attached to temporary protection have, in some cases, put their basic human rights at risk. While, going forward, many among these subgroups are likely to apply for asylum (whether or not temporary protection ends) and a certain number may have successful applications, host countries will additionally need to develop policies which enable them to discharge the special human rights duties that they owe to vulnerable groups.

Recommendation 11

In particular view of the recent further extension of the Temporary Protection Directive until March 2028, states that have withdrawn core socio-economic support to certain categories of vulnerable TP beneficiaries should consider reinstating these benefits to safeguard individuals from destitution and promote human dignity.

Recommendation 12

Should a temporary protection status expire but conditions in Ukraine are neither adequate nor appropriate to safeguard the needs and rights of returning vulnerable groups, host countries should clarify the mechanisms and associated policies that would apply for protecting the rights of such groups. States may explore possibilities for expanding or developing existing systems of national-level humanitarian protection which may be additionally awarded on a specified group basis without prejudice to individual, case-by-case assessments.

Recommendation 13

The principle of the best interests of the child, the right to respect for family life under Article 8 of the Convention and the absolute rights protection of Articles 2 and 3 of the Convention should be key considerations of host governments when developing extended or new schemes of national interim humanitarian protection for vulnerable groups of displaced persons from Ukraine, and in designing bespoke national-level transition pathways for TP beneficiaries.

Recommendation 14

Host countries and the Ukrainian authorities should find bilateral solutions to ensure that displaced persons from Ukraine of pensionable age are able to receive pensions owed to them by the Ukrainian State, and that those contributing to national insurance schemes of host countries may have their contributions recognised towards future pensions in Ukraine.

5.5. Access to long-term residence and citizenship

As discussed in this paper, the forms of temporary protection developed under the terms of the EU Directive and in other European countries, have been characterised by a trade-off between typically strong and generous rights for beneficiaries in the short to medium term and an absence of long-term residence rights. As temporary protection, due to its extensions, has become something approaching a more stable and less transitory element of the European immigration infrastructure, questions over whether any of these years of host country residence and contributions may count as “reckonable” years for the purposes of long-term residence or citizenship have left many beneficiaries in a state of limbo. While the trade-off between short/medium and long-term rights was arguably a fair and reasonable one when temporary protection was conceived according to the three-year time frame of Directive 2001/55/EC, today the possible blanket exclusion of temporary protection years for residence/citizenship claims has become questionable due to the enduring and less temporary nature of the status.

Recommendation 15

In cases of temporary protection beneficiaries whose applications for asylum were suspended, relevant European countries should consider counting the years of suspended claims as reckonable residence years in cases where international protection/refugee status was subsequently awarded.

Recommendation 16

In respect of those temporary protection beneficiaries who have been in work in a host country and remain in work due to conversion to a work permit or an alternative work-conditioned immigration status, national authorities should consider the years of host country labour market and fiscal contributions as a ground for recognising temporary protection years for the purposes of long-term residence.

Recommendation 17

Moving forward, time spent as a host country resident based on new interim immigration statuses to which temporary protection beneficiaries might transition (for example on work or humanitarian grounds) should count towards reckonable years for long-term residence and citizenship.

5.6. Voluntary return/repatriation

Although the share of those displaced from Ukraine who intend to return continues to shrink the longer displacement endures, return is still very much core to the wishes and ambitions of many temporary protection beneficiaries across Europe. Survey data has shown that security and safety in Ukraine is the most important factor in encouraging individuals to return, followed by the prospect of family reunification (UNHCR 2026b). In the interests both of individuals and families, and of Ukraine, it is important that international co-operation is provided to help create conditions in Ukraine that would facilitate the voluntary repatriation and reintegration wishes of all individuals.

Recommendation 18

Processes of repatriation to Ukraine on the part of European countries should comply with international best practices in the field and European countries should engage in collaborative arrangements (including through the EU's Assisted Voluntary Returns Programme) to contribute to the maintenance of security and to effective services and infrastructural support in Ukraine.

Recommendation 19

The timing of repatriation procedures should take account of the best interests of the child and, in particular, allow children in penultimate years of study towards a secondary level diploma to be given the opportunity to complete their studies.

Recommendation 20

The Ukrainian authorities should design and implement measures which attend to the differing reintegration needs of returnees from abroad and those who have been internally displaced in Ukraine.

To conclude with a broader reflection on future policies, it has been commented that the EU's Temporary Protection Directive is a "living dinosaur" (Thym 2022) and that the world of European asylum and immigration policy has changed substantially between the adoption of the TPD in 2001 and its first implementation, more than 20 years later, in the context of the Russian invasion of Ukraine. The experience of implementing a directive on which dust had gathered did indeed expose some of the gaps in the legal instrument itself as well as a mislaid optimism in assuming that conflicts can be quickly settled and that humanitarian needs will be short-lived. Part of the challenge moving forward will be to find ways to sustain and improve European states' co-operation and support in cases of large-scale humanitarian crises. Whether this calls for a recasting of the Temporary Protection Directive or a more radical rethink of how to provide effective and politically sustainable international protection in Europe is now an important matter for political and public discussion across Europe.

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The activation of the Temporary Protection Directive in European Union member states for the first time, in response to Russia's war of aggression against Ukraine and the subsequent forced displacement of civilians, marked a new chapter in European co-operation on international protection. At the same time, the directive itself provided a legal and policy template for the protection of war-displaced Ukrainians in Council of Europe member states outside the European Union.

This thematic paper critically assesses how temporary protection has upheld the human rights of war-displaced Ukrainians across European countries over time, with a focus on core socio-economic rights, the right to seek and enjoy asylum, the right to family life and protection from discrimination in the enjoyment of rights. It also discusses the potential implications for human rights of emerging national proposals for transitioning individuals beyond the temporary protection framework into alternative national immigration statuses based on work, study, family and humanitarian grounds, or towards return to Ukraine.

It also contains conclusions and recommendations, premised on the overarching principle that "no one size fits all", as the diverse needs, circumstances and aspirations of the population of persons displaced from Ukraine require policies that facilitate the full range of transition options, including long-term residence or repatriation based on informed and independent decisions ensuring that all processes of returning to Ukraine are voluntary and human rights compliant.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.