



ICMPD

International Centre for
Migration Policy Development

RESPONDING TO DISPLACEMENT FROM UKRAINE: Past, present, and future policies

Discussion paper

March 2023

With the financial support of the Swiss State Secretariat for Migration (SEM)



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Swiss Confederation

Federal Department of Justice and Police FDJP
State Secretariat for Migration SEM

Acknowledgements

This discussion paper is part of the ICMPD-IGC joint initiative on “Continuation of and exit strategies from temporary protection and similar arrangements.” Together with the Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC), the International Centre for Migration Policy Development (ICMPD) is exploring key considerations and possible exit strategies from temporary protection and similar schemes. This joint endeavour provides IGC’s and ICMPD’s Member States with a platform to reflect on achievements and challenges with their temporary protection schemes and discuss policy options for the medium term. The two organisations’ memberships cover EU+ countries and the most important host countries for displaced people from Ukraine.

This discussion paper is informed by desk research, a questionnaire that was distributed among ICMPD and IGC Member States, and exchanges within this initiative including an online meeting in December 2022 and a workshop in February 2023, both of which were attended by representatives of ICMPD and IGC Member State administrations.

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This discussion paper received funding from the Swiss State Secretariat for Migration (SEM).

This discussion paper was also produced as part of ICMPD’s Annual Policy Initiative.

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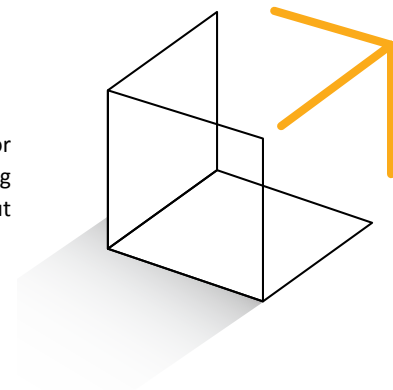


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1. Introduction

Much has been achieved by states hosting people who have fled, and are still fleeing, the war in Ukraine. Millions have received temporary protection and access to services; Ukrainian children have enrolled in local schools; and many adults have entered new labour markets. However, as of yet, there is no systematic answer on how to move on from temporary protection. The experience of displacement from Bosnia and Herzegovina in the 1990s and the uncoordinated exit from temporary protection highlights the need for early discussions on next steps. As pointed out in 1999, “If temporary protection is to be a meaningful status, there is surely a need to determine how the status is concluded.”¹ In the EU context, the Temporary Protection Directive (TPD) remains silent on this matter. Meanwhile, non-EU countries follow their national temporary protection schemes, but also stand to benefit from a common approach to avoid any unwanted or unintended side effects of differing standards in receiving countries.

A number of fora have been established to coordinate, exchange, and address present challenges resulting from the unprecedented pace and scale of displacement from Ukraine. However, none have started to consider what might follow temporary protection. It is precisely for this reason that ICMPD and IGC decided to jointly hold a series of consultations with their combined membership: to better understand considerations on the next steps after temporary protection eventually ends. An online meeting in December 2022 and a workshop in Vienna in February 2023

gathered a group of Member State representatives to indeed get this discussion started. ICMPD has been further commissioned by the Swiss State Secretariat for Migration to outline and explore open questions for possible exit strategies from temporary protection in a discussion paper.

This paper, therefore, aims to briefly review what has happened in the one year since Russia started its war against Ukraine on 24 February 2022. It summarises the displacement that was spurred by the invasion, presents the key policy reactions by ICMPD and IGC Member States, and summarises various published scenarios for the war. Ultimately, the paper turns to its main purpose, namely to discuss different policy options at states’ disposal once temporary protection and similar schemes end. The discussion is built around the two central options available for beneficiaries of temporary protection, to remain in the host state or to return to Ukraine, while also setting out further ideas.

As such, this paper aims to initiate discussion on the period after temporary protection ends. For some, this discussion may seem premature and still too vague in the face of manifold possible future developments. Yet Ukrainians who have fled their country deserve prospects for their future. Ukraine hopes to eventually regain Ukrainian nationals displaced by war, and host states may wish to retain people who have successfully integrated into their labour markets. All of this requires consideration and preparedness – particularly for potential solutions that require legislative initiatives and international coordination, which can take a long time. Simply put, there is no time like the present to engage in such conversations.

1 Koser, K. and Black, R. (1999), ‘Limits to Harmonisation: The “Temporary Protection” of Refugees in the European Union,’ IOM, *International Migration*, Vol. 37, No. 3, p. 536.

2. Migration Flows from Ukraine

Since the start of the war, 8.1 million persons who left Ukraine have been recorded across European countries.² This amounts to 20% of Ukraine's population, which was estimated to be 41 million on 1 January 2022.³ According to information gathered by the United Nations High Commissioner for Refugees (UNHCR), approximately 4.9 million persons have registered for EU temporary protection or similar national protection schemes in Europe.⁴

Ukrainians have also found refuge outside Europe. The top countries of destination are Canada and the United States: As of February 2023, the Canada Border Services Agency reported 172,000 Ukrainian arrivals since January 2022,⁵ and the US has permitted over 180,000 Ukrainians to enter/remain in the country for a certain amount of time via humanitarian parole, Temporary Protected Status, or other types of family sponsorship as of November 2022.⁶

In addition to those who left the country, the International Organization for Migration (IOM)

has tracked 5.4 million internally displaced persons (IDPs) within Ukraine as of January 2023.⁷

Border crossings

18.8 million border crossings from Ukraine have been recorded since the start of the war.⁸ The main exit route is through Poland (9.9 million border crossings), but the borders with Hungary (2.3 million border crossings), Romania (2 million border crossings), Slovakia (1.2 million border crossings), and Moldova (800,000 border crossings) have also been used frequently.⁹ It is important to note that these figures refer to numbers of individual border crossings only. Hence, individuals who commute between Ukraine and neighbouring countries, or have left Ukraine and returned – sometimes on multiple occasions – are counted more than once.

Main EU+ destination countries

Ukraine's western neighbouring countries are also among those hosting the largest numbers of displaced Ukrainians (see Figure 1). Poland hosts the largest number of Ukrainian refugees, with 1.6 million residing in the country as of 28 February 2023. Germany is not far behind, with 1.1 million Ukrainian refugees as of 31 January 2023.¹⁰ On a per capita basis, Czechia ranks at

2 UNHCR, 'Operational Data Portal: Ukraine Refugee Situation', updated 28 February 2023, <https://data.unhcr.org/en/situations/ukraine>.

3 Eurostat, 'Population on 1 January, 2022, by age and sex [DEMO_PJAN]', updated 22 February 2023, https://ec.europa.eu/eurostat/databrowser/view/DEMO_PJAN__custom_3325190/bookmark/table?lang=en&bookmarkId=adba28d8-5457-4c06-b268-b7fdcd3c4700.

4 UNHCR, Operational Data Portal: Ukraine Refugee Situation.

5 Government of Canada, 'Ukraine immigration measures: Key figures', updated 26 February 2023, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures/key-figures.html>.

6 Barros, A. (2023), 'US Immigration Paths Available for Afghans and Ukrainians', Voice of America, <https://www.voanews.com/a/us-immigration-paths-available-for-afghans-and-ukrainians/6869026.html>.

7 IOM, 'Displacement Tracking Matrix: Ukraine', updated January 2023, <https://dtm.iom.int/ukraine>.

8 UNHCR, 'Operational Data Portal: Ukraine Refugee Situation'.

9 Ibid.

10 Ibid.

the top, with 46 Ukrainian refugees per 1,000 inhabitants.¹¹

Figure 1. Ukrainian Refugees across Europe, February 2023



Source: ICMPD elaboration based on UNHCR Operational Data Portal.

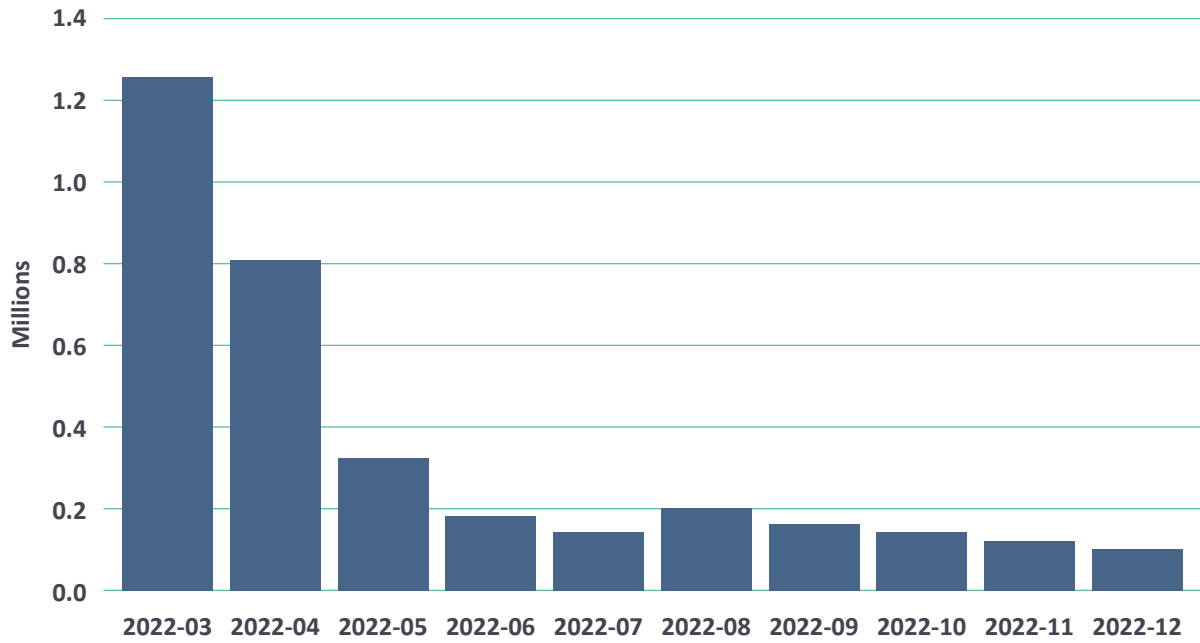
Temporary protection in EU+ countries

Displaced Ukrainians are able to register under the EU temporary protection scheme, which launched in March 2022. Registrations started taking place that same month, when close to 1.3 million registrations were reported by EU+ countries. While monthly registrations have subsequently decreased, there were still more than 111,000 Ukrainians who registered for temporary protection in December 2022 (see Figure 2).

According to Eurostat data from the end of December 2022, of the 3.9 million individuals registered for temporary protection in EU+ countries, 36% were children, 25% were between the ages of 18 and 34, 34% were between the ages of 35 and 64, and 6% were 65 years or older. Among adults registered for temporary protection, women outnumber men three to one (see Figure 3). The war and military mobilisation have resulted in restrictions on men of military age leaving the country, leading to a larger number of women seeking refuge in EU+ countries. However, among minors, the sex distribution is even.

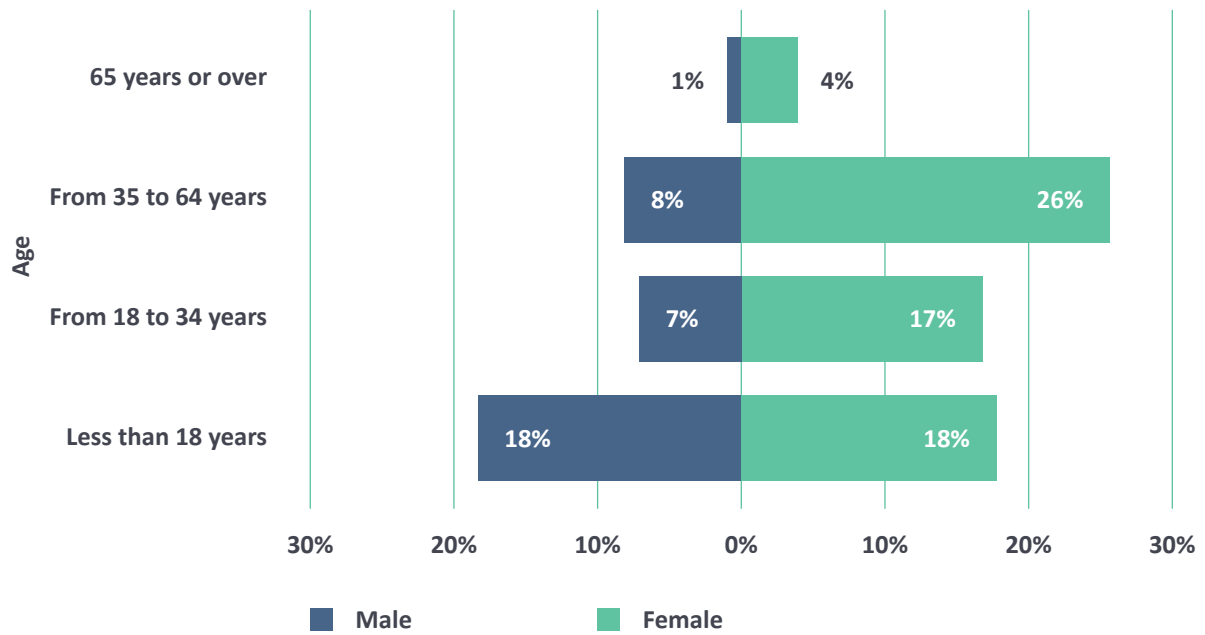
¹¹ Authors' calculations based on UNHCR data and 2022 population figures.

Figure 2. Ukraine temporary protection: Monthly registrations in EU+ countries



Source: ICMPD elaboration based on Eurostat data [MIGR_ASYTPFM].

Figure 3. Sex and age distribution of Ukrainians registered under TP in the EU+, December 2022



Source: ICMPD elaboration based on Eurostat data [MIGR_ASYTPSM].

3. Reactions from Receiving Countries – Temporary Protection Arrangements¹²

3.1 Temporary Protection in EU Member States

Following Russia's invasion of Ukraine on 24 February 2022, the EU swiftly and unanimously responded by activating, for the first time, the EU TPD.¹³ The European Commission formally proposed to the Council its activation during the Extraordinary Justice and Home Affairs Council on 27 February 2022. The Council adopted the Council Implementing Decision¹⁴ at the following Council meeting on 3 March 2022. The Directive consequently came into force on 4 March 2022 for a period of 1 year, ending 4 March 2023. On 6 October 2022, the EU Commission confirmed it would not propose an end to temporary protection and extended it by another year, until 4 March 2024. According to the TPD itself, the maximum duration of temporary protection is 3 years.

At a minimum, EU Member States must provide temporary protection to Ukrainians

residing in Ukraine before 24 February 2022 as well as stateless persons and beneficiaries of international protection who resided in Ukraine before this date. Regarding other third-country nationals who resided in Ukraine legally and who cannot return to their origin country, the Directive leaves it up to EU Member States to either apply the Directive or grant a national protection status.

Temporary protection comes with a wide range of rights: legal stay until the end date of temporary protection (now set at 4 March 2024); access to health care; access to education; and access to the labour market. Temporary protection also allows for the free choice of EU destination country. Ukrainian nationals were already entitled to visa-free travel within the EU for up to 90 days prior to the war and can therefore travel to several countries before registering for temporary protection in one of them. Member States agreed in the Implementing Decision (recital 15) not to apply Article 11 of the TPD, which means that once an EU country provides temporary protection, beneficiaries may still change their country of destination.¹⁵ Since the Council had previously adopted visa liberalisation with Ukraine, Ukrainian citizens with biometric passports can travel to and within the EU for up to 90 days in any 180-day period for tourism, to visit relatives or friends, or for business

¹² This section is mainly based on responses by ICMPD and IGC Member States to a questionnaire on "Continuation of and Exit Strategies from Temporary Protection Schemes."

¹³ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055&from=EN>.

¹⁴ Council Implementing Decision (EU) 2022/382 of March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D0382&from=EN>.

¹⁵ Application of Article 11 would have meant the return of temporary protection beneficiaries to the country that granted them this status.

purposes – but not to work. The visa exemption applied to all EU countries, except Ireland. As a consequence of the Russian invasion of Ukraine, Ireland lifted its visa requirements for Ukrainian citizens the day after Russia’s invasion.

Importantly, while the TPD details the conditions for temporary protection, it remains vague about what happens once TP ends.

Table 1. Overview of temporary protection (TP) in selected EU Member States (IGC and ICMPD Member States that provided answers to a questionnaire)

Country	Visa requirements	TP arrangement	Initial duration	Extension	Status	Residence	Number of people covered under the TP scheme
AT	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	93,579
BE	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	67,876
CZ	no	EU Directive	until 4/3/2023	31/3/24	TP	4/3/24	493,149
FI	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	50,692
DE	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	881,399
GR	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	20,955
HU	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	34,248
IE	abolished 25/02/22	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	74,839
NL	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	89,730
PL	no	EU Directive	until 24/8/2023	?	TP	4/3/24	1,563,386
PT	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	58,242
RO	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	117,028
SI	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	8,869
SE	no	EU Directive	until 4/3/2023	4/3/24	TP	4/3/24	52,325

Source: Member State questionnaire and the latest TP registration data available from UNHCR on 2 March 2023.

3.2 National temporary protection schemes in European non-EU countries

Along with EU Member States, Iceland, Liechtenstein, Norway, and Switzerland have adopted visa liberalisation with Ukraine. Ukrainians can therefore travel and visit those countries under the same conditions as EU countries. The United Kingdom – like Ireland – did not agree to visa liberalisation and – unlike Ireland – maintained visa requirements in the wake of the invasion.

Norway introduced a national scheme for temporary collective protection for persons who have fled Ukraine. It grants temporary protection on the basis of a group assessment resembling the EU TPD. The scheme was introduced on 11 March 2022 for an initial period of 1 year and was subsequently extended in January 2023 until 4 March 2024. As of December 2022, around 28,800 people registered in Norway under this temporary protection scheme.

Those who meet the conditions for temporary collective protection are granted residency for 1 year. Their permit may be renewed or extended for a maximum period of 3 years and does not provide the basis for a permanent residence permit. Those who are covered by the scheme have the right to settle in a municipality, work in Norway, and reunite with their family.

Switzerland activated the “protection status S” (“Schutzstatus S”), a temporary protection status based on national law that corresponds in principle to the status of the EU TPD. Persons who have protection status S can travel freely and engage in dependent and independent gainful employment. A work permit is required before taking up employment. Protection status holders are entitled to social assistance benefits and are covered by health insurance. Children can go to school immediately.

Protection status S is return oriented and will be maintained until the Federal Council decides to revoke it. On 9 November 2022 the Federal Council decided to not lift temporary protection status at least until March 2024, given that a sustainable stabilisation of the situation in Ukraine is not to be expected in the foreseeable future.

The **UK** devised three schemes specifically targeting Ukraine refugees: 1) the Ukraine Family Scheme (UFS); 2) the Homes for Ukraine scheme (HfU); and 3) the Ukraine Extension Scheme (UES). All three schemes are free to apply to and provide 36 months’ leave to remain in the UK with no restrictions on access to rights, benefits, or services. A health surcharge waiver is also in place for these schemes.

Ukrainians can apply for UFS¹⁶ from inside or outside the UK. Under this scheme, the definition of ‘family’ is broad so as to enable as many as possible to have access. The HfU¹⁷ scheme is open to Ukrainians with a named eligible sponsor in the UK who can provide at least 6 months’ accommodation for the applicant upon arrival. Sponsors can live anywhere in the UK and can be of any nationality, provided they have at least 6 months’ permission to stay in the UK, pass the necessary security and safeguarding checks, and have suitable accommodation. The UES¹⁸ is designed for Ukrainian nationals who are already in the UK with a legal status, for example on a student or work visa, and who wish to continue their stay in the UK but who may not have family members in the country.

16 Government of the UK, ‘Apply for a Ukraine Family Scheme visa’, updated 31 January 2023, <https://www.gov.uk/guidance/apply-for-a-ukraine-family-scheme-visa>.

17 Government of the UK, ‘Apply for a visa under the Ukraine Sponsorship Scheme (Homes for Ukraine)’, updated 31 January 2023, <https://www.gov.uk/guidance/apply-for-a-visa-under-the-ukraine-sponsorship-scheme>.

18 Government of the UK, ‘Apply to stay in the UK under the Ukraine Extension Scheme’, updated 22 February 2023, <https://www.gov.uk/guidance/apply-to-stay-in-the-uk-under-the-ukraine-extension-scheme>.

Table 2. Overview of temporary protection in selected non-EU European states (IGC and ICMPD Member States who provided answers to a questionnaire)

Country	Visa requirements	TP arrangement	Initial duration	Extension	Status	Residence	Number of people covered under the TP scheme
NO	no	National TP	1 year		Temporary Collective Protection		41,519
CH	no	National TP	March 2024	March 2024	Protection status S		81,436
UK	yes	Ukraine Family Scheme (UFS)			Leave to remain permit	36 months	163,500
		Homes for Ukraine (HfU)					
		Ukraine Extension Scheme (UES)					

Source: Member State questionnaire and the latest TP registration data available from UNHCR on 2 March 2023.

3.3 Temporary protection arrangements outside of Europe

Several countries outside of Europe quickly moved to make new or existing migration channels available to people fleeing Ukraine.

The **Australian** Government made available, until 31 July 2022, a temporary humanitarian concern visa (subclass 786) for Ukrainians forced to flee Ukraine. This visa is valid for 3 years and allows people to work and study as well as access healthcare and settlement support services. Nearly 5,000 Ukrainian nationals and their non-Ukrainian family members accepted the Australian Government's offer of a temporary humanitarian stay. Other visa options include the skilled, family, student, and visitor visa programs. Ukrainians who are ineligible for such

further visa options, or who cannot return to Ukraine, may apply for a Bridging E (subclass 050) visa or a Protection (subclass 866) visa.

All Ukrainian nationals on temporary humanitarian visas are eligible for Medicare (Australia's national insurance scheme, which provides free or subsidised health care), Special Benefit payments, free English language tuition under the Adult Migrant English Program, and full work rights. School-aged students may enrol in local schools and are able to attract Commonwealth school funding on the same basis as other Australian students. Temporary humanitarian visa holders are also eligible to access settlement support under the Humanitarian Settlement Program.

Canada launched the Canada-Ukraine Authorization for Emergency Travel (CUAET)

measures on 17 March 2022. These allow Ukrainian nationals and their family members of any nationality to obtain fee-exempt temporary resident visas to travel to Canada and stay as temporary residents for up to 3 years, with options to work via an open work permit and to study. CUAET benefits Ukrainian nationals and their family members coming to Canada from overseas, as well as those who acquire or already have temporary status in Canada. CUAET is not a refugee immigration stream; unlike refugee

resettlement applications and permanent residence streams, there is currently no cap on the number of visa, work, and study applications that can be accepted under CUAET.

Arrivals may access federally funded settlement services such as language classes, orientation, and employment assistance. With respect to housing, eligible Ukrainians and their family members in select cities have access to emergency temporary hotel accommodations for up to 14 days.

Table 3. Overview of temporary protection arrangements in selected non-European states (IGC Member States who provided answers to a questionnaire)

Country	Visa requirements	TP arrangement	Initial duration	Extension	Status	Residence	Number of people covered under the TP scheme
AU	yes	Temporary humanitarian concern visa	31/7/2022	?	humanitarian status	3-year visa	nearly 5,000 as of 31/7/2022
CA	abolished 30/3/22	Canada-Ukraine Authorization for Emergency Travel (CUAET)	31/3/2023	?	temporary resident visa (TRV)	3 years	172,000 as of 26/2/2023
US	yes	Temporary Protected Status (TPS) for Ukrainians already in the US (to remain)	19/10/2023	?	TPS		more than 180,000
		Uniting for Ukraine program (to enter)	2 years	?	humanitarian parole	2-year parole	

Sources: Member State questionnaire, Government of Canada,¹⁹ and Voice of America.²⁰

¹⁹ Government of Canada, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures/key-figures.html>

²⁰ Voice of America, US Immigration Paths Available for Afghans and Ukrainians (voanews.com)

On 19 April 2022, the **US** Secretary of Homeland Security designated Ukraine for Temporary Protected Status through 19 October 2023, meaning that Ukrainians already in the US on this date could apply for this status.²¹ On 21 April 2022, the US announced the Uniting for Ukraine program,²² which provides a pathway for Ukrainian citizens and their immediate family members who are outside of the US to come and stay temporarily in the country for a 2-year period of parole. Those participating in this programme must have a sponsor in the US who agrees to provide them with financial support for the duration of their stay.

Once beneficiaries are paroled into the US, they may apply for employment authorization. Until the end of their parole term, Ukrainians paroled between 24 February 2022 and 30 September 2023 are eligible to apply for some federal benefits, including resettlement assistance and certain other benefits available to refugees.

Beyond IGC Member States, other countries outside of Europe have put special pathways in place for Ukrainians, in addition to seeking asylum, including Argentina, Brazil, and Israel.²³

21 Federal Register of the United States Government, 'Designation of Ukraine for Temporary Protected Status', 19 April 2022, <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.

22 U.S. Citizenship and Immigration Services, Uniting for Ukraine, updated 22 February 2023, <https://www.uscis.gov/ukraine>.

23 Katsiaficas, C. (2022), 'Non-EU Pathways to Protection for Ukrainians: Complementary Pathways Gain Significant Momentum', *Migration Policy Centre*, <https://blogs.eui.eu/migrationpolicycentre/non-eu-pathways-to-protection-for-ukrainians-complementary-pathways-gain-significant-momentum/>.

4. Future Scenarios and Past Examples

4.1 Introduction

Preparing exit strategies from temporary schemes requires considering what the future might bring. Much is dependent upon the dynamics of the conflict spurring this displacement – its duration, intensity, outcome, and other elements of its evolution – as well as upon Ukraine’s post-war recovery. While these factors remain unknowable, possible future scenarios can be identified as helpful policy tools towards meaningful discussion. Concurrently, experiences and lessons drawn from other conflicts, past and present, can similarly provide starting points for post-temporary protection solutions in the Ukrainian context. This section explores future scenarios for the Russia-Ukraine war and predictions on migration and recovery and examines the case of large-scale displacement in the former Yugoslavia as tools to guide policy planning on exit strategies from temporary protection.

4.2 Future scenarios

In his June 2022 policy brief for the Prague Process, Franck Düvell outlines 6 scenarios and calculates for each the number of people who may remain within the EU. His calculations vary between 1.6 million and 21 million Ukrainians who would remain in their host countries permanently. His figures depend on the developments of the war and are based on a review of past and current conflicts like that in the former Yugoslavia or the ongoing conflict in Syria. He also notes the potential of increasingly

transnational patterns where people engage in circular migration between Ukraine and neighbouring countries.²⁴

In November 2022, Globsec published *Five Security Scenarios on Russian War in Ukraine for 2022–2023*. This paper describes scenarios in which the war spills over into a broader international conflict; a scenario with a protracted conflict; scenarios that lean towards either a victory for Russia or for Ukraine; and a scenario with a Ukraine restored to its 1991 borders. Laying out the implications and costs for each scenario, the paper concludes that efforts need to be made to avoid the war dragging on into a resource-exhausting protraction.²⁵

A Clingendael report from December 2022 discussed *Three scenarios for the future of Russia-West relations* circling around 1) a Ukrainian victory; 2) a Russian victory; and 3) a long, drawn-out stalemate. The report concludes that, as long as Moscow has the will and the capabilities to continue its aggression, the conflict will endure.²⁶

24 Düvell, F. (2022), ‘The war in Ukraine: Post-war scenarios and migration repercussions’, Prague Process policy brief, <https://www.pragueprocess.eu/en/resources/repository/34-briefs/332-the-war-in-ukraine-post-war-scenarios-and-migration-repercussions>.

25 Globsec (2022), ‘Five Security Scenarios on Russian War in Ukraine for 2022–2023: Implications and Policy Recommendations to Western Partners’, <https://www.globsec.org/sites/default/files/2022-12/ukraine%20scenarios%20report-v3.pdf>.

26 Clingendael Magazine (2022), ‘Three scenarios for the future of Russia-West relations’, <https://www.clingendael.org/publication/three-scenarios-future-russia-west-relations>.

Also in December 2022, Collin Meisel at the Hague Centre for Strategic Studies analysed Ukraine's long-term road to recovery.²⁷ He sees a protracted conflict as the most probable future, with a direct impact on Ukraine's recovery goals. The paper outlines the importance of achieving recovery goals because of its implications for net return migration. "Strong economic growth and improved security would encourage Ukrainian refugees to return home," the paper concludes, "something that would in turn be expected to boost Ukraine's economic growth."

Statistics Sweden publishes a projection of Sweden's population every year. In its latest edition from April 2022, it describes five scenarios, concluding that the invasion of Ukraine adds greater uncertainty to the population forecast. While issued early on in the war, the forecast saw fewer Ukrainians remaining in Sweden if the war ended before the expiration of temporary protection at its maximum duration (March 2025). In turn, two scenarios considered a higher population increase in Sweden if the war continues beyond that time, predicting that persons seeking protection under the Directive would be granted residence permits as refugees after the TPD expires.²⁸

In May/June 2022, Maciej Duszczuk and Paweł Kaczmarczyk of the University of Warsaw discussed in their paper, *The War in Ukraine and Migration to Poland: Outlook and Challenges*, different scenarios for the war and their impact on the situation in Poland. They emphasise that in all likelihood, the number of people from

Ukraine in Poland after the war will significantly outnumber the number of Ukrainians who had previously resided in the country. The authors note a spike in the spring of 2022 of movement from Poland to Ukraine, illustrating volatility regarding both inflows and outflows related to changing conflict dynamics, as well as being demonstrative of a mobile Ukrainian population interested in returning to their places of origin (when and where possible). Their scenarios estimate that around 3 million Ukrainians will remain in Poland in the case of a long, continuous war; around 1.75 million in the event of a quick and lasting peace; and around 3.4 million, including additional arrivals, if there is a peace agreement after a much fiercer war and a higher level of destruction, which would negatively influence return ambitions.²⁹

4.3 Past examples

4.3.1 Displacement from Bosnia and Herzegovina in the 1990s

There are a number of similarities between the displacement of Bosnians in the 1990s and the current displacement from Ukraine in 2022, as well as significant differences.

Both then and now, the conflict occurred within Europe itself and was accompanied by extensive media coverage. The intensity of the conflicts made/makes refoulement unlikely. However, significant differences appear with regard to scale. The more than half a million Bosnians, a sizeable share of a small country, are vastly outnumbered by the 8 million Ukrainians (and almost 5 million registered temporary protection beneficiaries) who fled across Europe in 2022. Bosnian displacement coincided with a recession

27 Meisel, C. (2022), 'War on the rocks: Ukraine's long-term road to recovery', The Hague Centre for Strategic Studies, <https://hcss.nl/news/collin-meisel-war-on-the-rocks-ukraine-road-to-recovery/>.

28 Statistics Sweden (2022), 'The invasion of Ukraine adds greater uncertainty to the population forecast', <https://www.scb.se/en/finding-statistics/statistics-by-subject-area/population/population-projections/population-projections/pong-statistical-news/the-future-population-of-sweden-20222070/>.

29 Duszczuk, M. and Kaczmarczyk, P. (2022), 'The War in Ukraine and Migration to Poland: Outlook and Challenges,' *Intereconomics*, Vol. 57, No. 3, pp. 164-170.

Table 4. Bosnian population the in EU and returns to Bosnia and Herzegovina, 1997

	Bosnian population, start 1997	Returns to Bosnia and Herzegovina, end 1997
Austria	88,609	1,601
Belgium	6,000	104
Denmark	21,458	886
Finland	1,350	9
France	15,000	180
Germany	342,500	70,000
Greece	4,000	3
Ireland	886	87
Italy	8,827	494
Luxembourg	1,816	0
The Netherlands	25,000	118
Portugal		7
Spain	1,900	16
Sweden	60,671	285
United Kingdom	6,000	460
Total	584,017	74,250

Source: Van Selm, J. (ed.) (2000), *Kosovo's Refugees in the European Union*, A&C Black, p. 329.³⁰

and high unemployment across Western Europe,³¹ while currently many European countries face labour shortages. Furthermore, contrary to the response during the crisis in Bosnia and Herzegovina, the response to Ukrainian displacement was unified – at least within EU+ countries – in applying the TPD and a common temporary protection status.

The war in Bosnia and Herzegovina ended at a clear point in time, namely with the 1995 Dayton Peace Agreement.³² Annex VII of the Agreement guaranteed all refugees and displaced persons the right to return to their places of origin. However, it took some months before then-High Commissioner for Refugees Sadako Ogata declared³³ an end to temporary protection in 1996, indicating that returns were to start in 1997.

30 Van Selm, J. (ed.) (2000), *Kosovo's Refugees in the European Union*, A&C Black, p. 329. For more data, see also OECD, 'International Migration Outlook 2016', https://www.oecd-ilibrary.org/sites/migr_outlook-2016-en/1/2/4/index.html?itemId=/content/publication/migr_outlook-2016-en&_csp_=951fa76a60c02837663b7d1d3da01e38&itemIGO=oecd&itemContentType=book#ID120b01b8-0060-43f5-854d-27fe749ac752.

31 Koser and Black (1999), p. 526.

32 Dayton Peace Agreement (1995), 'Annex 7: Agreement on Refugees and Displaced Persons', <https://www.refworld.org/docid/3de497992.html>.

33 Statement by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, to the Plenary Session of the Peace Implementation Council of the Dayton Agreement, London, 5 December 1996, <https://www.unhcr.org/admin/hcspeeches/3ae68fbb0/statement-mrs-sadako-ogata-united-nations-high-commissioner-refugees-plenary.html>.

Exits from temporary protection were just as diverse as the temporary protection measures that had been rolled out in the first place across Europe:

- **Germany**, in contrast to most other countries, focused all efforts on returning Bosnians.
- **Austria, Finland, and Luxembourg** introduced *en groupe* transfers of Bosnians from temporary to permanent status.
- Countries that did not introduce temporary protection per se but suspended asylum procedures resumed them, and asylum was granted to Bosnians in **Denmark and the Netherlands**.
- **Sweden** processed the majority of Bosnians through the national asylum system and consequently granted permanent residence.³⁴

In the long term, these different policies led to different outcomes: While Germany's emphasis on return led 246,000 Bosnians to return to Bosnia and Herzegovina, 52,000 left for another host country and just 22,000 remained. On the other side of the spectrum, the rather swift transition into long-term residence in Austria and Sweden led to 70,900 remaining in Austria and 56,000 in Sweden, while comparably few returned from these two countries (10,100 from Austria and 1,900 from Sweden – see Table 5).

Member States used various criteria to determine which Bosnians would benefit from a transfer to a more permanent status, such as whether individuals had found regular employment, had private accommodation, and had not been convicted of a crime in the host country.³⁵ Overall, post-temporary protection arrangements were characterised by a lack of centralised decision-making, and a lack of

Table 5. Migration outcomes of former Bosnian refugees as of 2005

Host Country (1992-95)	Repatriated to Bosnia and Herzegovina	Number of (former) Bosnian refugees who remained 2005	Moved to different country of reception
Austria	10,100	70,900	5,500
Denmark	1,600	15,400	
Germany	246,000	22,000	52,000
The Netherlands	4,000	16,000	2,000
Sweden	1,900	56,000	

Source: Table taken from Barslund, M et al (2016): "Integration of Refugees: Lessons from Bosnians in Five EU Countries", *Intereconomics; Volumes; 2017; Number 5*

34 Koser and Black (1999), p. 529. See also further numbers provided in Barslund, M. et al. (2017), 'Integration of Refugees: Lessons from Bosnians in Five EU Countries', *Intereconomics*, Vol. 52, p. 258.

35 Koser and Black (1999), p. 529.

coordination fora and coordination with the country of return (Bosnia and Herzegovina).³⁶ The different responses – particularly the German push for return – led to some secondary movements from Germany to other countries.³⁷

As with the 2022 invasion of Ukraine, countries outside of Europe also offered temporary and permanent pathways for displaced Bosnians:

- Those who were already in the **US** as of August 1992 could register for Temporary Protected Status, a designation which was renewed multiple times before it was terminated in February 2001.³⁸ The US also resettled 145,300 Bosnian refugees between 1993 and 2006.³⁹
- **Canada** created special entry measures for persons from the former Yugoslavia with close family ties, while those already in Canada could be processed for permanent residence.⁴⁰ In addition, Canada resettled 28,200 Bosnian refugees between 1992 and 2008.⁴¹
- **Australia's** Special Assistance Category (SAC) component of its Humanitarian Programme enabled displaced citizens of the former Yugoslavia who had close family ties to apply for permanent entry to Australia. Those who already had a valid entry permit or visa were able to extend their stay. In 1993, the government decided to provide access to permanent residence for people (including Subclass 443 temporary visas and onshore asylum seekers) meeting particular criteria (age, education level, and language proficiency), which encompassed people from the former Yugoslavia.⁴² Australia resettled 8,500 Bosnian refugees between 1994 and 2008.⁴³

36 Ibid, p. 531.

37 Ibid, p. 534.

38 Department of Justice of the United States (2000), 'Termination of Bosnia-Herzegovina under the temporary protected program', 30 August, <https://www.justice.gov/eoir/termination-bosnia-herzegovina-under-temporary-protected-program>.

39 UNHCR, 'Refugee Data Finder', <https://www.unhcr.org/refugee-statistics/download/?url=iYI7wY>.

40 Humanitarian Issues Working Group (1995), 'Survey on the Implementation of Temporary Protection', <https://www.refworld.org/docid/3ae6b3300.html>.

41 UNHCR, 'Refugee Data Finder'.

42 Humanitarian Issues Working Group (1995).

43 UNHCR, 'Refugee Data Finder'.

5. Exit Strategies From Temporary Protection Arrangements

5.1 Introduction

The greatest impact on any exit strategy from temporary protection is evidently determined by the situation in Ukraine at the time when temporary protection or similar arrangements end. For the EU, the TPD foresees a maximum temporary protection duration of three years – and is thus set to end by 4 March 2025.⁴⁴ Many other schemes are similarly temporary in nature, such as arrangements in Australia, Canada, Norway, the UK, and the US.

The scenarios described previously illustrate the wide variety of possible futures concerning the development of the war in Ukraine. All have a significant impact on the migratory aspirations of Ukrainian citizens displaced within and outside of Ukraine. A more favourable situation in Ukraine after an earlier peace agreement, coupled with promising post-war recovery and economic opportunities, will certainly trigger more Ukrainians to return in the short and medium term, similar to the large return movements of Kosovars after the end of the Kosovo war. A protracted or even more fiercely fought war will, however, make returns not only less likely but even impossible for a prolonged period of time – potentially comparable to long-lasting displacement in Syria, for example.

This discussion paper lays out the range of policy options that states have at their disposal

⁴⁴ Albeit temporary protection has currently been extended only until 4 March 2024. An extension beyond this date still requires a respective decision by the Council.

once temporary protection ends. The situation in Ukraine will clearly shift the options for exit strategies either more in the direction of returning to Ukraine or more in the direction of remaining in host countries. But that does not prevent a discussion of the options and legal implications for remain or return.

5.2 Remain

5.2.1 Introduction

The approaches to displacement from Bosnia and Herzegovina in the 1990s illustrate that host states have a variety of available options when considering the transition from temporary to longer term or permanent residence. Approaches in the Bosnian context ranged from granting long-term residence permits *en groupe* to granting residence permits and protection on an individual basis. The options for remaining depended heavily on the different national strategies used for the temporary admission of Bosnians in the first place. In that regard, the current response to displacement from Ukraine is far more harmonised, which may support a coordinated transition strategy for those who wish to remain where they are, particularly for those in EU+ countries.

To identify the appropriate transition from temporary protection to a solution enabling people to remain in the host country for a longer time, the following considerations are particularly relevant:

- Has the war in Ukraine ended and what are the conditions in the country?
- Should a new status be introduced or existing one(s) used? Should it be protection-based?
- Should the status be permanent or temporary?
- Should status holders have the same or fewer rights than currently offered under temporary protection?
- Should a status be granted automatically, or should an application be required?
- Is the best approach a national one? Where should international cooperation come in?

5.2.2 The situation in Ukraine

Should the war continue beyond the end of temporary protection arrangements, policy options, as well as the options of Ukrainians themselves, will certainly be limited. According to a recent UNHCR survey 65% hope to return to Ukraine one day, but the majority plan to continue to stay in their current host country for the time being.⁴⁵ In a recently published report, the Fundamental Rights Agency (FRA) shared the results of a survey in 10 EU countries showing that a roughly equal share of respondents (one-third each) want to return to Ukraine, remain in their host country, and remain undecided.⁴⁶ The longer the war continues without a viable option for return, the fewer people will want, or be able to, plan a return. In this case, remain will become more important as a viable solution.

45 UNHCR (2023), 'Lives on Hold: Intentions and Perspectives of Refugees from Ukraine#3', https://data.unhcr.org/en/documents/details/99072#_ga=2.69508112.1634431425.1677484770-1778000693.1600937152.

46 Fundamental Rights Agency (2023), 'Fleeing Ukraine — displaced people's experiences in the EU', https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-ukraine-survey_en.pdf.

5.2.3 A mainstream or special status

Mainstreaming into migratory channels. An evident policy option for the time after temporary protection or similar arrangements end is to channel beneficiaries of temporary protection who cannot return into existing residence statuses. They can therefore be mainstreamed into protection-based or standard migration regulations available to, for instance, labour migrants or students.

Notably, eligibility for EU temporary protection does not bar people from applying for regular migratory status such as education, work, or family reunification permits. This was emphasised by **Hungary**, which indicated that, instead of temporary protection, persons fleeing from Ukraine can currently also apply for a residence permit, for instance to work, study, or live with family.⁴⁷

Some countries (including **Australia**, **Canada**, and the **US**) have made it clear from the beginning that existing economic and family migration channels were open to Ukrainians. Canada has additionally opted to prioritise the processing of family reunification applications from Ukrainians. Indeed, whether to prioritise Ukrainians within existing channels is an important question for policymakers to consider, as well as whether or not this group will be entitled to temporary or long-term residency and under what conditions.

Mainstreaming into asylum channels. International protection status would allow for the protection of similar rights that Ukrainians already have under temporary protection and similar arrangements. Ukrainians would potentially — especially if the war continues

47 Response by Hungary to a questionnaire among ICMPD and IGC member states on "Continuation of and Exit Strategies from Temporary Protection Schemes."

– qualify for international protection, with arguments for refugee status but even more (in the EU context) for subsidiary protection in cases of indiscriminate violence in situations of international or internal armed conflict (Art 15c Qualification Directive). On the other hand, subsidiary protection varies across EU Member States and provides significantly fewer rights.

The possibility of backlogs and prolonged delays in the determination of asylum claims is another potential consequence of high numbers of applications, especially for countries that host large numbers of temporary protection beneficiaries. One of the ways to mitigate these issues is to simplify or otherwise accelerate procedures specifically for this group. Another option might be to grant *prima facie* refugee/subsidiary protection status to temporary protection beneficiaries⁴⁸ which has, however, less of a tradition in asylum systems in Western countries. Although temporary protection partly aimed to avoid heavy strains on national asylum systems, a transition into the asylum procedure still remains an option – and one with a pathway to citizenship.

Similar considerations as regards bureaucratic obstacles when processing a large number of people also apply to a potential mass transition to standard migration regulations. Again, the risk of a sizable backlog would likely require adaptations to the usual procedure. Doubtless with such concerns in mind, Slovenia, for instance, has expressed its willingness to allow both for the application of residence permits in line with the national Foreigners Act, as well as retaining the possibility of applying for international protection. Slovenia considers these two options to be sufficient forms of legal residence or protection after the ‘expiration’ of

temporary protection for those who would like to stay in the country.⁴⁹

Special status for Ukrainians. Besides the option of transitioning from temporary protection and similar arrangements to existing national immigration and protection systems, Ukrainians could also be granted a specifically designed permit – for the entire group or subgroups that meet certain criteria. There are different options thinkable like a special transitional permit, regularisation-type approaches, or even a transition status connected to Ukraine’s EU accession aspirations.

Swedish law, for example, already now has the possibility to grant 2 years of stay to finalise studies or educational programmes which are then, however, linked with return. Regularisation-like permits could be connected with specific groups for humanitarian reasons such as vulnerability connected with health conditions or age as well as educational reasons like offering the opportunity to finish school, university, or other vocational education. At the EU level, a special status for Ukrainians could act as a bridge to free movement for EU nationals if EU accession talks with Ukraine are successful. Among the options, a continuation of EU temporary protection beyond the current 3 years remains an option as well, but seems to have little interest and be legally challenging.

However, a clear disadvantage of any newly emerging status would be the legal and administrative burden of designing the status from scratch, including all of the associated rights like duration of status, access to employment or schooling, and access to social services. Any status changes – whether a mainstream or special status – will be associated with additional

48 Carrera, S. et al. (2022), ‘The EU grants temporary protection for people fleeing war in Ukraine. Time to rethink unequal solidarity in EU asylum policy,’ *CEPS Policy Insights*, p. 28.

49 Response by Slovenia to a questionnaire among ICMPD and IGC member states on “Continuation of and Exit Strategies from Temporary Protection Schemes.”

bureaucracy, an effort that was actually intended to be avoided by activating the TPD.

5.2.4 Permanent versus temporary approaches

Another important policy consideration is whether to continue with temporary residence solutions or shift to longer term residence.

Temporary protection has primarily been designed as an *ad hoc* emergency solution without the intention to provide a long-term right to stay. There are several examples where countries, for various reasons, have however opted to maintain a temporary status for very long periods of time. Türkiye, for example, has implemented a temporary protection policy for Syrians since October 2014.⁵⁰ Throughout the years, it has developed its own legal framework to address different aspects of temporary protection, including the gradual expansion of rights. In some cases, the US has granted/extended Temporary Protected Status for more than two decades, for instance for nationals of Honduras, Nicaragua, and El Salvador.⁵¹ In contrast to repeatedly renewing a temporary status, Colombia, which initially provided Venezuelans with 2-year permits, is now implementing a 10-year protection status.⁵² In the context of Ukraine, some countries outside

of Europe, including Australia, Canada, and the US, have made it clear that existing migration channels are also available, some of which provide longer term prospects for remaining.

Extended durations of temporary status have a negative impact on social and economic integration. Employers are less open to investing in employees with an uncertain future, and Ukrainians may be less motivated to take the necessary steps to learn the national language or find a job that makes full use of their skills. Extensions of temporary status are neither sustainable nor future-oriented. On the contrary, continued temporariness appears to defer a solution rather than address it. Indeed, temporary protection and similar schemes do not *per se* open the doors for long-term residence. In fact, at the EU level, beneficiaries of temporary protection are excluded from the EU Long-Term Residents Directive.⁵³ Similarly, Norway emphasised that Norwegian Temporary Collective Protection does not provide the basis for a permanent residence permit⁵⁴ and the Ukraine-specific schemes in the UK are designed to be temporary relocation schemes that do not lead to permanent settlement⁵⁵ either.

In summary, while certainly an available policy response, there seems to be neither great leeway nor appetite to extend a temporary protection status for a prolonged period of time. At the same time, temporary protection does not path

50 Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883) dated 13/10/2014.

51 Chishti, M., Bolter, J. and Pierce, S. (2017), 'Tens of Thousands in United States Face Uncertain Future, as Temporary Protected Status Deadlines Loom,' *Migration Information Source*, Migration Policy Institute, <https://www.migrationpolicy.org/article/tens-thousands-united-states-face-uncertain-future-temporary-protected-status-deadlines-loom>; U.S. Citizenship and Immigration Services (2022), 'Update on Ramos v. Nielsen', updated 14 November, <https://www.uscis.gov/humanitarian/update-on-ramos-v-nielsen>.

52 Bahar, D. (2022), 'What can policymakers in countries receiving Ukrainian refugees learn from other countries' experiences?', Brookings Institution, <https://www.brookings.edu/blog/up-front/2022/07/18/what-can-policymakers-in-countries-receiving-ukrainian-refugees-learn-from-other-countries-experiences/>.

53 See Art 3/2 lit b Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The proposal for a recast of the LTR-D however intends to change this (See COM (2022) 650 final 2022/0134 (COD) Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)).

54 Response by Norway to a questionnaire among ICMPD and IGC member states on "Continuation of and Exit Strategies from Temporary Protection Schemes."

55 Response by the UK to a questionnaire among ICMPD and IGC member states on "Continuation of and Exit Strategies from Temporary Protection Schemes."

a way to long-term or permanent settlement; beneficiaries therefore do not accumulate time with the temporary protection status that can be put towards eligibility for permanent residence.

5.2.5 Same rights versus less rights

Ukrainians largely enjoy a status that is characterised by a wide degree of flexibility and can be considered privileged compared to many other migratory statuses. Hence, a transition from temporary protection or similar schemes requires consideration of what rights and services will be affected. Is it better to maintain current rights or make changes? If the latter, what should be changed?

In essence, policymakers need to determine whether Ukrainians exiting temporary protection would lose some of their rights and, for instance, would only be allowed to remain if they study (or finish their studies), or remain in employment with a work permit. A possible transition into the asylum lane raises the question of whether Ukrainians would then fall back into the much more limited rights granted to asylum applicants during the asylum procedure. In the same vein, policymakers need to determine 1) whether targeted integration services for Ukrainians will continue at the same level as offered under temporary protection schemes or not; and 2) whether they will be mainstreamed into measures offered generally to migrants, asylum seekers, and/or refugees or whether there would be a tailored approach specifically for Ukrainians.

Some rights will require special attention in the event that the status of temporary protection beneficiaries changes, such as family reunification and the ability to move on to and work in another country. Family reunification is a fundamental right but may become particularly pressing in a post-war scenario where Ukrainian men are allowed to leave Ukraine again and want to join their spouses or families in host countries. Mobility rights, in turn, could end

automatically, meaning that Ukrainians have to make firmer choices about in which country to build their mid- or long-term future.

5.2.6 Automatic versus application-based transition

As previously mentioned, one of the main reasons for triggering the TPD was to avoid lengthy administrative (asylum) procedures that could collapse national asylum systems. Against this backdrop, temporary protection was chosen to provide a group-based residence right. A similar consideration may also apply in discussions on the next steps for those who wish to remain. Individual applications may be an option for countries with relatively low numbers of Ukrainians. States might also opt to launch renewed registrations or application processes to get an up-to-date count of the number of Ukrainians residing on their territory.

For major host countries like Poland, Germany, Czechia, and Baltic countries, the sheer number of Ukrainians present may place too much pressure on administrative processes, resulting in long processing times. An alternative would be to consider an automatic status-change procedure.

The question remains as to whether permits are issued on an individual basis or for the whole group, and if governments opt for an accelerated or simplified procedure. If the transition will be application-based, foreseeable time spans for status change will have to be taken into consideration. Slovenia, for instance, is considering giving the possibility to obtain a residence permit in line with the Foreigners Act within 8 days of temporary protection's cessation. If the person applies for a residence permit within 8 days, s/he will be able to retain the right to work.⁵⁶ Time frames for transition will certainly become important. The

⁵⁶ Response by Slovenia to a questionnaire among ICMPD and IGC member states on "Continuation of and Exit Strategies from Temporary Protection Schemes."

duration needs to be realistic enough to allow for beneficiaries to apply, but also for state administrations to process.

5.2.7 Criteria for remaining

Independently of whether a group-based or an individual assessment-based transition is envisaged, certain criteria will be necessary and used to decide who shall (and who shall not) be in a position to remain. Among the crucial criteria for determining the rights of Ukrainians to remain in the host country, the following may be relevant:

- length of residence;
- vulnerability;
- a valid employment contract or self-employment;
- skills and qualifications/diploma in demand or obtained in the country of temporary protection;
- ongoing education or training;
- private housing;
- specific family ties in the host country;
- financial means to remain without depending on public support;
- language proficiency; and
- age.

Preferences among host countries to retain certain groups may differ, as may the respective criteria that states will wish to apply. A non-harmonised list of criteria among host countries may lead to high insecurity among displaced Ukrainians and may also trigger onward movements to countries with more favourable conditions for individuals concerned.

The various criteria also require different degrees of verification, which in turn can involve considerable additional administrative work. The length of residence or validity of an employment contract are documented and can be easily verified. However, less straight forward

are assessments of vulnerability, family ties in the host country, or skills and qualifications. The expected large number of people who may wish to remain will therefore require criteria which can be determined reasonably quickly.

5.2.8 International coordination and cooperation

The EU, together with its Western allies, has responded swiftly and strongly to help displaced people from Ukraine. This concerted approach has enabled these countries to receive and register 5 million refugees from Ukraine within a very short time. A concerted approach will be also necessary when ending temporary protection and similar schemes.

Within the EU, the end date for temporary protection is determined by EU law. There is thus an important opportunity to jointly set the rules for the period after temporary protection, whether this entails another temporary, special status for Ukrainians or mainstreaming people into existing residence permits. Such coordination would be a continued expression of unity in support of Ukrainians and would also have the benefit of avoiding secondary movements in the event of uneven conditions.

The coordinating role of the EU is of course only possible within its competences. Legal residence in Member States, including family reunification, lies within EU competence, while issues related to integration are the competence of Member States. Nonetheless, Member States indicated in the circulated questionnaire that they see a strong coordination role for EU institutions.⁵⁷

At the same time, it is important to consider the role of cooperation outside of the EU, which has proved indispensable. Already-established

⁵⁷ For example, questionnaire responses from Slovenia and Sweden.

coordination structures such as the Solidarity Platform can also add value when the war, or temporary protection and similar arrangements, end. As seen in the case of Bosnia and Herzegovina, for instance, resettlement to North America and Australia complemented European approaches to remain for those who did not wish to return.

Importantly, coordination and cooperation must also include Ukraine. Ukrainian officials have repeatedly pressed the desire to regain their citizens in the face of a pre-war shrinking society, exacerbated by large scale displacement, deaths, and loss of land due to the ongoing war.

5.3 Return

5.3.1 Introduction

Apart from remaining in the host country, return is another option for Ukrainians if/when the security and humanitarian situation in Ukraine allows. While return aspirations remain high among Ukrainians (77% expressed planning or hoping to return according to a February 2023 UNHCR survey⁵⁸), a prolonged war might reduce these aspirations.

At the same time, Ukraine and host countries have intentions that can be consistent but also contradictory. Already before the war Ukraine faced a shrinking society, a problem which the war will inevitably exacerbate and therefore heavily favour return.⁵⁹ While host countries, in turn, favour returns in general, they may also be interested in retaining Ukrainians who,

for instance, have successfully entered their labour markets.

The sheer number of Ukrainians abroad requires a specific review of return options, as a fast-paced return could stretch Ukrainian capacities to reintegrate their citizens all at once (see 5.3.6).

5.3.2 Situation in Ukraine

Spontaneous returns are currently taking place, although most are assessed to be temporary and/or reflect multiple cross-border movements. UNHCR has recorded 10.6 million border crossings to Ukraine since February 2022, but emphasises that “this figure reflects cross-border movements (and not individuals)... [which] can be pendular and do not necessarily indicate sustainable returns as the situation across Ukraine remains highly volatile and unpredictable.”⁶⁰

By 23 January 2023, IOM’s Displacement Tracking Matrix estimated 1.1 million total returns from abroad. Among returnees who returned spontaneously from abroad, 90 per cent returned from EU countries.⁶¹ Most returns to Ukraine are indeed spontaneous; only a limited number are facilitated by states, with support provided regarding travel costs, logistics, or means of travel upon individual application. To date, minimum travel assistance is provided by EU Member States to Ukrainian nationals with temporary protection status who wish to return voluntarily. A limited number of Member States recently began to share information on return support for temporary protection beneficiaries willing to return to Ukraine on public websites, such as the Netherlands and Belgium.⁶² Belgium’s Fedasil, for instance, provides return support

58 UNHCR, ‘Lives on hold: Intentions and Perspectives of Refugees from Ukraine #3’.

59 See for example The Economist (2022), ‘The war has worsened Ukraine’s demographic woes’, <https://www.economist.com/europe/2022/12/12/the-war-has-worsened-ukraines-demographic-woes>; Kulu, H. et al. (2022), ‘The War and the Future of Ukraine’s Population’, MigrantLife Working Paper 9, <https://migrantlife.wp.st-andrews.ac.uk/files/2022/03/The-War-and-the-Future-of-Ukraines-Population.pdf>.

60 UNHCR, ‘Operational Data Portal’.

61 IOM (2023), ‘Ukraine Returns Report - (16 - 23 January 2023)’, <https://dtm.iom.int/reports/ukraine-returns-report-16-23-january-2023>.

62 Info Ukraine (n.d.), ‘Return to Ukraine’, <https://info-ukraine.be/en/assistance-belgium/return-ukraine>.

via busses to some regions of Ukraine.⁶³ While assistance was limited to travel expenses and a small amount of pocket money until recently, reintegration support is now also provided to returnees in situations of vulnerability. The Netherlands, in turn, organises travel support only as far as different cities in Poland.⁶⁴

An issue not addressed in this paper but certainly of relevance is the future for third-country nationals who previously resided in Ukraine and who are also covered by temporary protection arrangements within the EU. The Netherlands, for instance, launched a voluntary return scheme for third-country nationals from Ukraine with an offer to receive a one-off financial contribution of €5,000 per person if they registered between 15 November and 31 December 2022, and €2,000 per person if they registered between 1 January and 1 February 2023.⁶⁵

Return will come to the forefront of policy options once the war ends or – at the very least – is contained to a certain area, making return possible in general or only to certain regions. Successful return also depends on Ukraine's capacities for reintegration. At the end of 2022, the Ukrainian government asked its citizens not to return over the winter of 2022-2023 to help ease pressure on the energy system following a wave of Russian attacks on critical Ukrainian infrastructure.⁶⁶

63 Return assistance is provided to Kyiv, Ivano-Frankivsk, Lviv, Ternopil, Zhytomyr, Mukachevo, Novohrad-Volynskiy (recently renamed to Zviahel), Uman, Rivne, Stryi, Uzhhorod, and Vinnytsia. Info Ukraine (n.d.), Return to Ukraine.

64 Repatriation and Departure Service of The Netherlands (2022), 'Assistance for those returning to Ukraine', <https://english.dienstterugkeerenvertrek.nl/latest/news/2022/07/01/assistance-for-those-returning-to-ukraine>.

65 SchengenVisaInfo (2022), 'Netherlands Returns First Third-Country Nationals Without Ukrainian Nationality to Their Country of Origin', <https://www.schengenvisa.info.com/news/netherlands-returns-first-third-country-nationals-without-ukrainian-nationality-to-their-country-of-origin/>.

66 BBC (2022), 'Ukraine war refugees asked not to return this winter', <https://www.bbc.com/news/world-europe-63389270>.

The design of return and reintegration measures will also require more data on return intentions as well as on the availability of support services. Data on intended return locations will help to better anticipate return flows and understand the decision-making processes and conditions that trigger return decisions. This will help to provide more targeted return and reintegration assistance by, for example, designing community stabilisation interventions to mitigate tensions with host communities already absorbing large numbers of IDPs.

Mapping reintegration needs and opportunities will be crucial for anticipating and supporting the re-building of infrastructure and re-establishment of services impacted by the war. Synergies with post-crisis and development initiatives will need to be sought early on, as well.

5.3.3 Return movements: Spontaneous and assisted returns

Although the majority of current return movements to Ukraine may be short-term visits, an increasing number return with the wish to stay (41%).⁶⁷ Spontaneous and assisted voluntary returns thus already need to be supported in order to foster safe and dignified return, and sustainable reintegration.

In the long run, and particularly given that temporary protection is set to end, states should consider ways of supporting voluntary return where the security situation permits. Due to the large number of people concerned, a phased return approach would seem appropriate in order to mitigate pressures on public services and absorption capacities of the communities to which citizens will return and reintegrate. Policy considerations entail questions as to whether to prioritise return for certain groups first, such as those who are able

67 IOM (2023), 'Ukraine Returns Report'.

to sustain their livelihood or those who are able to re-join their family.

Certainly, and this was also highlighted by most Member States in their responses to the questionnaire, voluntary return options are preferable over forced returns. Return visits or 'go and see visits', as well as temporary returns, may facilitate informed decisions on voluntary return and reintegration plans. On such trips, potential returnees can assess for themselves the conditions they can expect upon return and prepare accordingly, with the support of relevant entities. Policy options should also consist of return-and-rebuild programmes to ensure that returnees have the means to rebuild or rehabilitate their homes. In Afghanistan, for instance, a 'Return and Rebuild' component was added to the general UK voluntary assisted return and reintegration programme (VARRP) in 2008, allowing Afghan migrants returning voluntarily from the UK to receive up to GBP 2,000 in in-kind support for building materials to support the reconstruction or repair of their family home.

Hosting states and Ukraine can anticipate the scaling up of their existing capacities in terms of registration, counselling, and case management capacities for both voluntary return and reintegration. Moreover, strong coordination and planning among host governments, the Ukrainian government, and other funding partners involved in reconstruction will be paramount to ensure that the respective efforts of return programmes are streamlined. Ukraine itself needs to have ownership of the parameters of return programmes.

5.3.4 Enforcing return

Return after temporary protection will raise some legal questions, particularly as it will concern such a large group of people. For one, the tension between the prohibition on collective expulsion (Art 19/1 Charter of Fundamental Rights of the European Union (CFR) and Art. 4 of Protocol n°

4 to the ECHR⁶⁸) vis-à-vis the – administratively cumbersome – need for individual return decisions may become prevalent for those who will not return after temporary protection ends and who do not then have a legitimate right to remain where they are. This will be particularly relevant once the war ends or becomes limited to a particular part of the territory, allowing returns to safe parts of Ukraine.

EU Member States will have to consider how they will approach the return of former temporary protection beneficiaries who have no right to remain; how they will make use of re-entry bans; and whether they will apply a more flexible approach, allowing, for instance, pendular movements (e.g. in a transition period), with people able to come back temporarily to the EU (see 5.4.1). The further development of Ukraine's EU integration process will also have an impact on decision-making. However, the associated freedom of movement for Ukrainians will most probably materialise only after temporary protection formally ends. Therefore, other solutions will be necessary.

Another fundamental consideration is the time span to be given to Ukrainians to return once temporary protection ends. Will the enforcement of return, for example, require school pupils, university students, or those in vocational training to end their education in host states prior to completion? And more generally, what status will Ukrainians have from the time temporary protection ends until they need to leave the host country?

68 Explanations relating to the Charter of Fundamental Rights (2007/C 303/02), [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32007X1214\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32007X1214(01)&from=EN). Art 19/1 CFR has the same meaning and scope as Article 4 of Protocol No 4 to the ECHR concerning collective expulsion. Its purpose is to guarantee that every decision is based on a specific examination and that no single measure can be taken to expel all persons having the nationality of a particular State (see also Article 13 of the Covenant on Civil and Political Rights).

5.3.5 Targeted or general reintegration assistance

Reintegration assistance will certainly be an important part of supporting Ukrainians in returning and reintegrating once the situation allows. Both the type of reintegration support and its harmonisation across host states will be decisive for a coherent approach, requiring timely discussions and coordination beforehand.

Certainly, individual reintegration assistance could be challenging to implement if offered for all returnees (particularly in the context of large return flows in a short period of time) and would require important case management capacities in both host countries and Ukraine. Reintegration assistance in this context may consist of general socioeconomic assistance as well as targeted assistance for specific groups, including migrants in situations of vulnerability. In addition, community-based assistance addressing the specific needs and capacities of communities to which migrants return and offering structural support to Ukrainian authorities and service providers to improve infrastructures and the availability and capacities of mainstream services may be provided.

In addition to the general reintegration support measures included in most assisted voluntary return and reintegration programmes,⁶⁹ the following examples of additional components or safeguards should be considered:

- mental health and psychosocial support (MHPSS) for all, as a paramount service that must be broadly available and accessible upon return;

⁶⁹ The following (non-exhaustive) support measures are typically provided in reintegration programmes: cash grants; financial allocations for income-generating activities/microbusinesses; job placement support; vocational training or apprenticeships; education and skills development; housing, food, and nutrition; medical support; documentation; psychosocial support and family counselling; etc.

- sufficient housing/accommodation support or grants to allow people to rebuild their houses, to support dignity and protection;
- child-sensitive and gender-sensitive protection and reintegration assistance;
- ensuring that (re)trafficking risks upon return are mitigated; and
- ensuring that reintegration support is balanced and does not hamper community dialogue stability, including parallel support initiatives targeting reintegration of IDPs and veterans.

5.3.6 Capacities of Ukrainian authorities to receive back their citizens

Reintegrating citizens also requires capacities on the side of Ukrainian authorities, such as consular services or embassies abroad issuing the necessary documents or providing guidance and information. Some of these services are already now being reinforced and supported by some EU hosting countries such as Germany, Czechia, and Poland.⁷⁰ Support, however, will be also required within Ukraine at the central, regional, and municipal levels in order to receive back citizens in a safe and dignified way, once it is considered safe to do so.

Among multiple needs, investments in the re-establishment of infrastructure and public services provide the basis for sustainable reintegration and require prioritisation. The reopening of schools and child care to ensure parents can work and eventually contribute to economic recovery, and their own reintegration,

⁷⁰ See ICMPD, RRR – MFA/SMS: Resilience, Reinforcement and Recovery of Ukrainian Migration and Consular Services, <https://www.icmpd.org/our-work/projects/resilience-reinforcement-and-recovery-of-ukrainian-migration-and-consular-services-rrr-mfa-sms>.

will be just as crucial as to ensure the availability and access to medical care and psychosocial support in fostering well-being, social/community stability, and resilience.

5.4 Transnational solutions

In addition to the more straightforward policy options of remain and return, transnational solutions may add options to the toolbox of temporary protection exit strategies. In the short term, they offer the potential to support the livelihoods of some who fled while in the long term, they could also support the reconstruction of Ukraine.

5.4.1 Circular mobility

Before the war began, a considerable share of Ukrainians had worked or studied in the EU. According to Eurostat data, there were over 1.3 million Ukrainian citizens holding valid permits in the EU at the end of 2020, with the largest numbers in Poland, Italy, Czechia, Spain, and Germany.⁷¹ In EU Member States closer to Ukraine, such as Poland and Czechia, Ukrainian labour migration has been characterised by a high degree of circularity (i.e., temporary or seasonal work). This strategy may see renewed popularity when the war ends. In this case, individual countries (or the EU collectively) might opt to use existing schemes or create new ones. Additionally, Ukraine's participation in the Erasmus+ programme will enable the mobility of students, particularly after the war, for educational purposes. In the meantime, it is already a particularity of temporary protection arrangements that beneficiaries are able to return to Ukraine for a certain period of time without losing their temporary protection status, enabling them to visit family, retrieve

⁷¹ Eurostat, All valid permits by reason, length of validity and citizenship on 31 December of each year [MIGR_RESVALID].

documents, check on property, and other elements of supporting livelihoods and well-being. Cross-border mobility for adult males is, however, limited.

5.4.2 Onward movement

Within the EU: Ukrainians under temporary protection are essentially free to choose the EU Member State in which they wish to register for temporary protection (see section 3.1.). While it can be assumed that Ukrainians will have settled in the country of their choice by the time that temporary protection ends, evolving conditions as well as newly arriving Ukrainians may spur onward movements. Following the end of temporary protection, such movements may be restricted as for other non-EU citizens, but they may also be considered as a way to better match professional profiles with labour needs or otherwise enhance integration possibilities.

Outside of the EU: Several countries have made new or existing migration channels available for people fleeing Ukraine, including Argentina, Australia, Brazil, Canada, Israel, New Zealand, the UK, and the US. Cooperation between EU and non-EU countries, including in the area of refugee resettlement or other migration channels, might help to reduce pressure on the top receiving countries as well as provide a longer term solution for some Ukrainians.

5.4.3 Remote work

Remote work has the potential to support or complement mobility – including movements out of Ukraine, integration in host countries, and potential return. For some fleeing Ukraine (19% of employed respondents in a recent Czech survey⁷²), the possibility to keep their job

⁷² European Commission (2022), 'The situation of refugees from Ukraine', https://ec.europa.eu/migrant-integration/library-document/situation-refugees-ukraine_en.

while teleworking from another country means a steady source of income and more stability in an otherwise difficult and uncertain situation.⁷³ This might support the self-sufficiency of those moving to EU Member States or farther afield, particularly given the range of schemes created to fast-track the arrival of people from Ukraine.⁷⁴ For those looking for a new job, remote work may provide helpful flexibility. Several job platforms, whether focusing exclusively on telework or publishing remote positions alongside in-person roles, have been created over the past year with the aim of supporting Ukrainians (e.g., EmployUkraine, UA Talents, and JobAidUkraine). In addition, Lithuania (until the end of the war) and Ireland (for the 2022 tax year) have enabled Ukrainian remote workers to pay taxes exclusively to the Ukrainian government, meaning that they could also provide support for the state amidst continued war and/or reconstruction (in addition to remittances and other diaspora support).⁷⁵ Meanwhile, for those wishing to return to Ukraine, the ability to retain a remote job could facilitate return even as local economies recover from the impact of war. Less than one year after the Russian invasion, much uncertainty remains, and remote work could provide much needed flexibility for some refugees.

73 Katsiaticas, C., Frelak, J.S. and Castelanelli, C. (2023), 'Displacement, integration, and return: What remote work possibilities for Ukrainians?', ICMPD Policy Insights, <https://www.icmpd.org/blog/2023/displacement-integration-and-return-what-remote-work-possibilities-for-ukrainians>.

74 Ibid.

75 Irish Tax and Customs (2022), 'Advice for Ukrainian nationals working in Ireland: Tax treatment of Ukrainian citizens who work remotely in the State for Ukrainian employers', <https://www.revenue.ie/en/life-events-and-personal-circumstances/moving-to-or-from-ireland/advice-ukrainian-nationals-working-ireland/remote-work-for-ukrainian-employer.aspx>.

6. Conclusion

Keeping the objective of temporary protection in mind. When considering ways to end temporary protection, the very reason for its instalment needs be kept in mind. The prime reason for temporary protection was to provide a swift and unbureaucratic solution for people fleeing the war, as a group. It was implemented to prevent the asylum system from collapsing in face of the large number of people in need of protection. This consideration is also crucial in the development of exit strategies: How to prevent the exit from temporary protection from overburdening administrative procedures in host states as well as the capacities of Ukraine?

Some solutions are more and less likely. Throughout discussions on possible exit strategies from temporary protection, it was repeatedly stated that, in principle, a transition is possible into all available forms of statuses – from asylum processes to residence statuses tied to a concrete purpose such as work, study, or family reunification. On the other hand, there was little appetite for an undefined extension of temporary protection. In contrast, a special status could at least bridge a transition period during which persons concerned can prepare for remain or return, the latter requiring cooperation with Ukraine, with a clear preference for voluntary as opposed to forced forms of return.

Additional themes require further attention. More essential questions beyond those presented in this discussion paper were also raised during exchanges among ICMPD and IGC Member State experts. Most attention has been paid to the Ukrainian beneficiaries of temporary protection and less to third-country nationals, although

the latter also require considerations on how to exit from temporary protection. In addition, the possibility of a further escalation of the war was raised as a possible scenario which certainly would prompt even larger displacement.

Transition periods are a helpful tool for individuals and governments alike. One way to avoid overburdening national administrations once temporary protection and similar schemes end is to plan ahead, including generous transition periods that help individuals concerned as well as national administrations, particularly countries hosting high numbers of displaced people from Ukraine. The remaining two years of EU temporary protection – i.e. until March 2025 – could in fact be used to start a transition from temporary protection. A transition period needs to provide the necessary leeway to finalise, for instance, educational aspirations and give national administrations the necessary time to process effectively the cases.

Timely and coordinated communication to displaced persons will be essential. Strongly connected with the overall exit strategy and a transition period is the way in which such policies are communicated. Early communication will be an essential element in guaranteeing an efficient and fair way out of temporary protection and similar arrangements. A lack of communication – and particularly a lack of coordinated communication – could lead to insecurity among people concerned and cause additional burdens for national administrative capacities that may be needed to explain policies that are not well communicated. A lack of appropriate communication can also lead to unjustified and uninformed migratory decisions.

Crucially, exit strategies will also require clear communication to the public to secure the same support that temporary protection schemes received in the first place.

Exit strategies cannot be decided in a vacuum.

Displacement from Ukraine concerns more than 8 million people who have left Ukraine and another 5 million displaced within Ukraine. It also concerns major host countries in Europe and farther afield, and of course Ukraine itself. Temporary protection and similar schemes were introduced in a concerted manner and this provided the basis for the overall success of this instrument thus far. Unilateral decisions or decisions only within the EU, then, can have negative ripple effects. A concerted approach

that balances the various interests of Ukraine, host countries, and displaced persons themselves seems the only way to go.

The right time to start considering exit strategies.

The majority of displaced Ukrainians are hosted in Europe under the Temporary Protection Directive. This instrument can – at its maximum – provide protection until March 2025. Although this seems like a long time, and because many uncertainties regarding the developments of the war remain, some will argue that it is too early to consider exit strategies. However, given the complexities to navigate, the number of countries hosting people from Ukraine, and the millions of people concerned, it is evident that now is the time to start putting strategies in place.



With the financial support of the Swiss State Secretariat for Migration (SEM)



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