



# Phasing out temporary protection? Shaping EU policies through national experiences

The extension of temporary protection until March 2026 has given the EU and its Member States additional time to monitor the development of the war in Ukraine and to identify possible exit strategies from temporary protection. However, recent diplomatic tensions between the United States and Ukraine have made predicting the war's trajectory even more difficult. To ensure that Ukrainians under temporary protection do not remain in indefinite uncertainty, efforts to develop EU wide structured exit strategies from temporary protection must continue. An examination of the corresponding policies of individual European states can provide valuable insight in this regard.

Last week marked the third anniversary of Russia's full-scale invasion of Ukraine, underscoring the sobering reality that peace is nowhere near in sight. At the same time, today marks three years since the [activation](#) of the Temporary Protection Directive (TPD), which enabled a unified European response, offering those fleeing the war an opportunity to temporarily find safety and protection in the EU. This status has granted beneficiaries of temporary protection (BTPs) the legal right to reside, work, and access education and social services, as well as allow them to move to and reside in other EU countries and travel to and from Ukraine without losing their status.

However, with the passing of time, uncertainty has grown about the future of temporary protection. Although there has been some recent diplomatic [movement](#) in relation to the war's development, the future of BTPs remains unclear. Surveys indicate an [increasing intention](#) among BTPs to stay, particularly among those who have resided in the EU longer and integrated successfully. At the same time, many remain hope-

ful of [returning in the long-term](#), while many others are more uncertain, with their attitudes dependent on how the situation evolves. Despite these findings and the temporary nature of the protection, the EU has yet to develop a common exit strategy for either path (returning or staying).

## Pragmatism at the EU level; an evolving policy patchwork at the national level

The question of what comes after temporary protection has been raised repeatedly since 2022 (see [here](#), [here](#), and [here](#)), yet a clear answer remains as elusive — albeit as urgent — as ever. The European Commission demonstrated foresight in triggering temporary protection in March 2022, but has since adopted a pragmatic “wait-and-see” approach. Initially, TPD was interpreted as allowing for only two extensions, limiting protection to a maximum of three years until March 2025. However, the Commission later adopted a broader interpretation, enabling an additional extension until March 2026. This has bought EU Member States more time to develop long-term post-temporary protection strategies, particularly amidst a record year of elections and recent changes in EU leadership. Beyond the annual extensions, no significant proposals have been put forward, with the exception of the [reconstruction](#) permit proposed by Lodewijk Asscher, Special Advisor for Ukraine for the European Commission, which has not yet gained traction in policy discussions. However, with the current Polish Council presidency signalling a commitment to prioritising discussions on an exit strategy on temporary protection, momentum at the EU level may yet build.

In the absence of an EU-wide response, individual Member States have begun taking matters into their own hands. Several countries now offer alternative legal status options to specific categories of Ukrainian BTPs, aiming to transition

them out of temporary protection under certain conditions. In Czechia, for example, a new [special long-term residence permit](#) will be available for five years for BTPs who are employed and have resided in the country for over two years, with school attendance required for children. Similarly, Poland is introducing an amendment allowing BTPs to transition to a specific [national temporary residence status](#) valid for three years starting in 2025, provided they have held uninterrupted temporary protection status for at least a year. Austria, meanwhile, implemented a policy change in October 2024 that allows Ukrainians who have lived there for at least two years, worked for at least twelve months within the last two years, and are financially self-sufficient to obtain the [Red-White-Red Card plus](#), a pre-existing three-year permit that can be extended beyond the end of temporary protection. Similarly in Italy, temporary protection holders can now apply for [any work permit](#) for which they would otherwise be eligible. Estonia and Latvia have already for a while had [legal amendments in place](#) that allow for BTPs to apply for a different national status for which they are eligible from within the country. Moreover, Lithuania had [adapted their national laws](#) so that BTPs eligible to transition to other types of residence permits are exempt from obtaining a decision from the Employment Service on the alignment of their work with labour market needs. These pathways all offer prospects for long-term or permanent residency in the EU.

In parallel, some countries are narrowing certain groups' continued eligibility for temporary protection while providing alternative pathways. Norway, which as a non-EU state applies a national temporary protection scheme similar to but outside the EU framework, has recently [introduced a policy](#) that gradually restricts eligibility for individuals arriving from 14 Ukrainian regions (or oblasts) designated as safe, meaning that new arrivals will now undergo regular asylum procedures. In Germany, [some categories of BTPs](#)—such as stateless persons and non-Ukrainian third-country nationals who fled Ukraine without a permanent residence permit—will not be eligible for an extension beyond March 2025 (in this respect, see also the recent [CJEU judgement C-244/24](#)). Instead, they will have the option to apply for alternative residence permits based on employment or study, seek asylum through the regular procedure, or voluntarily return to their country of origin.

The fact that several European countries are proactively developing exit strategies highlights concerns over the administrative burdens associated with status transitions. For Member States hosting large numbers of BTPs, processing thousands of applications simultaneously—whether for asylum or alternative legal status—[risks](#) overwhelming national systems. By making certain categories of BTPs already eligible for new residence statuses—or ineligible for temporary protection—

ahead of time, these countries aim to anticipate and manage the strain more effectively. Moreover, providing BTPs, mainly those in employment, with longer-term prospects enhances their own stability regardless of the war's progression while also benefiting employers, landlords, and local communities. It also incentivises further language acquisition, education, and labour integration, while promoting sustainable housing and active social engagement for migrants and their families.

Despite the increasing emergence of different national approaches, Member States and stakeholders continue to favour an EU-wide exit strategy from temporary protection. Strong [European leadership](#) in guiding Member States would help prevent fragmentation and ensure equal treatment across countries, reducing the risk of secondary movements and disparities in protection standards.

## Promising national practices for an EU-wide approach

Given the uncertainty surrounding the war and, consequently, the future plans of BTPs, host countries need to prepare for two scenarios: return or remain. Even if conditions in Ukraine improve, factors such as a slow post-war recovery, the separation of families during the war, and stronger economic opportunities elsewhere could result in circular migration rather than large-scale permanent return being the more likely or preferred scenario. Moreover, while Ukraine will be eager to see its citizens return, a rushed process could strain Ukraine's absorption capacities, particularly in light of its war-ravaged infrastructure.

A phased exit strategy at the EU level, similar to the national approaches already emerging, would allow for a gradual transition while addressing the diverse needs of different groups. This could help prevent individuals from falling through the cracks or experiencing legal limbo, while making the administrative burden more manageable. Moreover, it could ensure that people have viable options to either return or stay.

Based on the national approaches outlined above, a coordinated EU-wide approach to phasing out temporary protection could be organised in stages, each progressively limiting its scope based on specific criteria. These could include *temporal criteria*, such as excluding newcomers from temporary protection, or *geographic criteria*, which would exclude arrivals from designated safe regions (oblasts). *Profile criteria* could encompass a low threshold for transitioning into new or existing national labour permits for individuals in employment, potentially managed through annual admission quotas to avoid overstressing national administrative capacities. If conditions in Ukraine become conducive to return, a

flexible and appropriately timed reconstruction permit could allow individuals to complete their education or temporary employment in the host Member State or provide necessary time for a dignified return. These criteria could be applied simultaneously or sequentially but, most importantly, should incorporate necessary safeguards for vulnerable groups, including elderly individuals, people with disabilities or serious medical conditions, and stateless people.

## Conclusion

As the war in Ukraine enters its fourth year, recent diplomatic developments make predicting its outcome persistently difficult. If diplomatic efforts fail, leading to a new wave of displacement to Europe, the possibility of extending temporary protection once again still cannot be ruled out. Conversely, a potential peace agreement—regardless of its form—would likely have an immediate impact on the future of temporary protection. An end to the war could also diminish public support for temporary protection, increasing pressure on host states to develop swift and effective long-term solutions.

While temporary protection has proven to be an effective EU instrument—facilitating Member States in successfully hosting more than four million people fleeing Russian aggression—it remains a temporary measure rather than a sustainable long-term solution, ultimately prolonging uncertainty. For this reason, it is crucial to explore all policy options, learn from the experiences of various Member States, and devise a coordinated approach for phasing out temporary protection. This approach must balance the multiple interests of all stakeholders, including those of Ukraine, EU Member States, as well as individuals displaced by war.

Martin Wagner is Senior Policy Advisor, Asylum in ICMPD's Policy Unit. His work focuses on the Common European Asylum System, international protection, complementary pathways, and displacement from Ukraine.

Marina Grama is a Junior Policy Officer in ICMPD's Policy Unit. Her work focuses on international protection, labour migration, and EU migration policy.

The views expressed in this publication are those of the author(s) alone and do not necessarily represent the views of ICMPD as an organisation, ICMPD Member States, or ICMPD partners.

ICMPD 2025. All rights reserved. Short sections, not to exceed two paragraphs, may be quoted in the original language without explicit permission provided that the source is acknowledged.

### Contact Information

For more information please contact:

#### Policy Unit

International Centre for Migration Policy Development (ICMPD)

Rothschildplatz 4, 4<sup>th</sup> floor

1020 Vienna, Austria

Email: [Policy\\_Unit@icmpd.org](mailto:Policy_Unit@icmpd.org)