

# Legal Prospects of Temporary Protection for Citizens of Ukraine in the Member States of the European Union\*

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## Abstract

The article examines the legal prospects of the international mechanism of temporary protection for citizens of Ukraine in the member states of the EU. The issue of temporary protection is regulated by Directive 2001/55/EC dated July 20, 2001, which was activated for the first time in history by EU Council Decision 2022/382 dated March 4, 2022, which provides immediate protection and access to rights in the EU, including the right to residence, access to housing, access to the labour market, access to education for children, the right to medical and social assistance. The Directive 2001/55/EC was activated for the first time in history for Ukrainians who were fleeing war masse after the full-scale invasion of the Russian army in Ukraine, and the 3-year period is the maximum for its effect. However, the war in Ukraine continues, and the EU Council decided to extend temporary protection for Ukrainian citizens in the member states of the European Union until March 4, 2026. Experts' predictions regarding when the war in Ukraine will end vary greatly (from this year to decades). Therefore, the issue of the legal status of Ukrainian citizens in the member states of the European Union becomes relevant, and options for a solution need to be found. However, temporary legal status for an indefinite period is not the best solution; citizens of Ukraine found themselves in EU member states in waiting mode without a time frame. This does not contribute to the full integration of Ukrainians into European society or to their decision to return to Ukraine. The article aims to analyse possible legal options for solving this issue based on the complex use of such methods of scientific knowledge as historical, formal-legal, comparative-legal and prognostic. It was concluded that in modern political conditions, it is necessary to look for a permanent legal mechanism for the stay of citizens of Ukraine in the EU member states rather than a temporary one.

**Keywords:** International Protection; Long-Term EU Resident Status; Refugees; Rights of EU Citizens; Temporary Protection

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## A. INTRODUCTION

According to UNHCR (the UN Refugee Agency) statistics, as of July 2024, there were about 6 million forcibly displaced persons (refugees) from Ukraine in European countries ([The Operational Data Portal, 2024](#)). The vast majority of them have the status of temporary protection under the Directive 2001/55/EC of 07/20/2001, which provides for the automatic granting of asylum on the territory of the European Union in the event of a massive and sudden influx of displaced persons from third countries ([Council Directive 2001/55/EC, 2001](#)). The EU directive was adopted in 2001, in the aftermath of the large-scale displacement experienced in Europe due to the armed conflicts in the Western Balkans, in particular from Bosnia and Herzegovina and Kosovo ([EU response to Russia's war of aggression against Ukraine, 2024](#)). However, for the first time in history, this Directive was activated for one year by the EU Council Decision 2022/382 of 03/04/2022 to protect persons fleeing Ukraine due to a large-scale attack by the Russian army on February 24, 2022. ([Council Implementing Decision \(EU\) 2022/382, 2022](#))

Then, the Directive was automatically extended for another year until March 4, 2024. The next decision on the extension of the Directive was made in the European Union in the autumn of 2023. On 27 September 2023, ministers reached a political agreement on the extension of the temporary protection until 4 March 2025. The decision was adopted on 19 October 2023. Therefore, in the member states of the European Union, temporary protection will be provided to Ukrainians until March 4, 2025, that is, within three years from the moment of activation of the Directive 2001/55/EC of 07/20/2001, which is the maximum possible period of its validity. According to Article 4 of the Directive, the duration of temporary protection shall be one year. It may be extended automatically by six monthly periods for a maximum of one year. Where reasons for temporary protection persist, the Council may decide, by a qualified majority, on a proposal from the Commission to extend that temporary protection by up to one year. ([Council Directive 2001/55/EC, 2001](#))

At the same time, the war in Ukraine continues. On 25 June 2024, the Council of the EU adopted a decision to extend the temporary protection until 4 March 2026 for the more than 4 million Ukrainians fleeing from Russia's war of aggression ([Ukrainian refugees: Council extends temporary protection until March 2026, 2024](#)). The maximum possible validity period of the Directive 2001/55/EC dated July 20, 2001, was 3 years, i.e. until March 4, 2025. It should be noted that the termination of temporary protection is regulated by Article 6 of the Directive. Temporary protection shall end: (a) when the maximum duration

has been reached or (b) at any time by Council Decision adopted by a qualified majority on a proposal from the Commission. The Council Decision shall be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and Member States' obligations regarding non-refoulement ([Council Directive 2001/55/EC, 2001](#)). However, today, no one has an answer to the following questions. How long will the war continue in Ukraine? How many more times will the EU Council have to decide on extending temporary protection for Ukrainian refugees? According to the article's authors, it is worth looking for a fundamentally different approach regarding the further legal status of Ukrainian citizens in the EU member states in modern political realities. The article aims to analyse possible legal options for solving this issue.

## **B. METHODS**

This research is based on formal-legal, comparative-legal, historical and prognostic methods. With the help of the formal-legal method, the texts of international legal acts and other sources of legal information were studied and analysed using formal-logical methods, legal techniques and legal systematics. The comparative legal method made it possible to compare relevant legal norms regarding the legal status of forcibly displaced Ukrainians who need temporary protection and, for example, refugees' legal status and reveal their essential differences and perspectives. Using the historical method, the previous experience of solving the problem of a massive and sudden influx of refugees from third countries in the member states of the European Union was considered. The use of the prognostic method made it possible to make assumptions (forecasts) about the legal options for solving the issue of Ukrainian refugees in the European Union after March 4, 2026.

The information and analytical base of the study consists of international legal documents, in particular, legal acts of the European Union, as well as scientific works and analytical publications on the issue of temporary protection of Ukrainians in the member states of the European Union. The leading international acts analyzed in the article are: 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 there of Council Directive 2001/55/EC 2001; Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the

existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection ([Council Implementing Decision \(EU\) 2022/382, 2022](#)); UN Convention Relating to the Status of Refugees of 1951 - Geneva Convention of 1951 ([UN Convention Relating to the Status of Refugees, 1951](#)); Dublin Convention of 1990 ([Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, 1990](#)); Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ([Council Directive 2003/109/EC, 2003](#)); Charter of Fundamental Rights of the European Union. ([EU Charter 2012/C 326/02 of Fundamental Rights of the European Union, 2012](#))

## C. RESULTS AND DISCUSSION

### 1. The concept of temporary protection and its characteristics

Therefore, until March 4, 2026, Ukrainian refugees in the European Union member states will use temporary protection. The concept of temporary protection is defined in Article 2 (a) of the Directive 2001/55/EC of 07/20/2001: “temporary protection” means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons ([Council Directive 2001/55/EC, 2001](#)). Therefore, temporary protection is collective and is granted immediately after crossing the border on general grounds to all persons forced to seek temporary protection in the EU countries and who applied for such protection. The grounds for obtaining the status of a person in need of temporary protection are external: external aggression, foreign occupation, civil war, ethnic conflicts, natural or man-made disasters ([Clarification regarding temporary protection and obtaining refugee status, 2022](#)). The purpose of the temporary protection mechanism is to provide immediate and collective (that is, without the need to consider individual applications) protection for displaced persons who cannot return to their country of origin. The central rights of Ukrainians receiving temporary protection are residency rights and access to housing, the labour market, social welfare and medical assistance, and education for children and teenagers. ([Leheza et al., 2023](#))

Xhardez and Soennecken ([2023](#)) write that the Russian invasion of Ukraine in February 2022 triggered a significant displacement crisis. In an

unprecedented move, the European Union activated the 2001 Temporary Protection Directive to give those fleeing the conflict temporary protection, marking the first use of the directive in 20 years. Meanwhile, Canada announced its readiness to accept an unlimited number of Ukrainians and launched the Canada-Ukraine Authorization of Emergency Travel to fast-track their arrival. ([Leheza et al., 2024](#))

The authors compare the policy responses of the EU and Canada to the crisis in Ukraine, focusing on the two temporary protection schemes and differentiating between their overarching goals, policy instruments, and settings ([Xhardez, 2023](#)). Bauloz and Ruiz (2016) note that international protection in the European Union has doubled since the 2004 Qualification Directive (Council Directive 2004/83/ EC of 29 April 2004). It relies on the refugee status and entails granting another form of protection: subsidiary protection. ([Leheza et al., 2024](#))

The latter builds on Member States' non-refoulement obligations under international human rights law - particularly the 1950 European Convention on Human Rights. However, these two types of international protection have not been conceived equally. Subsidiary protection has been instituted as complementary to the refugee status, and it is subsidiarily granted when the latter cannot be conferred ([Bauloz, 2016](#)). Peers (2012) points out that the Commission planned to propose an EU immigration code in 2013. This is an opportunity to revise the existing EU legislation in order to enhance standards and procedural rights for migrants, as well as to improve its clarity and coherence. ([Peers, 2012](#))

If we turn to historical experience, temporary protection was first applied by the states of the European Union in the 1990s concerning war refugees from the former Yugoslavia. At that time, there was no Directive 2001/55/EC, and the standard approaches developed by the EU countries had the character of recommendations. After the special temporary protection regime ended, each EU member state decided on the issue of refugees from Yugoslavia separately. Some asylum countries, primarily Germany, where the number of refugees from Yugoslavia was the largest, offered them to return home, in particular, announcing that they could resort to forced eviction if necessary ([Perspectives of the legal status of Ukrainian refugees in Europe after the expiration of temporary protection, 2023](#)). Of the approximately 320,000 refugees from the former Yugoslavia who were in Germany, most either returned to their homeland or left for other countries. Only 22,000 users of temporary protection received permits to stay on other grounds ([Valenta, 2013](#)). At the same time,

other states, notably Austria and the Scandinavian countries, allowed most refugees to transform their temporary status into a permanent one. In some countries, this happened through the procedure of granting them refugee status by the UN Convention of 1951; in others, the government was guided by the level of integration of the new arrivals and granted long-term residence permits to those who were employed, paid for housing independently, and had no serious offences ([Perspectives of the legal status of Ukrainian refugees in Europe after the expiration of temporary protection, 2023](#)). Also, several scientific studies have analysed changes in Europe's immigration policy in comparison with the Syrian refugee crisis in 2015-2016, for example, Näre, Abdelhady and Irastorza (2022) ([Näre et al., 2022](#); [Pepinsky, Reiff and Szabó, 2024](#); [Pepinsky, 2024](#)). The general conclusion of these studies is that a significant increase in tolerance towards refugees in EU member states accompanies the Ukrainian refugee crisis. ([Kobrusieva et al., 2021](#))

It should be noted that not only the European Union member states have the experience of activating the legal regime of temporary protection. Temporary protection has long been a state response to mass influx situations, offering persons seeking refuge immediate protection from refoulement and essential minimum treatment. Since 2011, Syrians in Turkey have been protected under a temporary protection regime ([Ineli-Ciger Meltem, 2016](#)). The Syrian civil war prompted a large number of people to flee their country and seek asylum in other countries, making Turkey a leading host country with around 3.6 million asylum seekers. Syrian asylum seekers in Turkey are under a temporary protection regime under the Turkish Temporary Protection Regulation ([Zenginkuzucu, 2021](#)). Also, for example, Freier and García ([2022](#)) note that the Colombian government announced the Temporary Protection Status (TPS) for Venezuelan citizens in February 2021. The Colombian TPS grants Venezuelan citizens regular status and documentation for 10 years, the opportunity to integrate into the formal job market, and full access to public services (Directive Presidential 05 de 2022). ([Freier Luisa Feline and García Lucas Sebastián Gómez, 2022](#))

At the same time, regarding the issue of ending temporary protection, the Directive contains the following important points. Article 21 states that the Member States shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended. The Member States shall ensure that the provisions governing the voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity ([Zadyraka et al., 2023](#)). Article 22 states that the Member States shall take the measures necessary to

ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission is conducted with due respect for human dignity. In cases of enforced return, Member States shall consider any compelling humanitarian reasons which may make a return impossible or unreasonable in specific cases. Finally, according to Article 23, the Member States shall take the necessary measures concerning the conditions of residence of persons who have enjoyed temporary protection and who cannot, given their state of health, reasonably be expected to travel where, for example, they would suffer serious adverse effects if their treatment was interrupted. They shall not be expelled so long as that situation continues. The Member States may allow families whose children are minors and attend school in a Member State to benefit from residence conditions, allowing the children concerned to complete the current school period.

## **2. Refugee status and its difference from temporary protection**

Another mechanism for the protection of persons who are forced to leave their homes for the sake of personal safety and the safety of their children, which is currently regulated by international law, is the submission of a request for asylum and the acquisition of refugee status under the UN Convention of 1951. Article 1 of the UN Convention of 1951 defines the concept of "refugee": the term "refugee" shall apply to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country ([UN Convention Relating to the Status of Refugees, 1951](#)). Of course, temporary protection in the EU member states does not exclude the possibility of the person who received it at any time to apply for refugee status. However, in contrast to immediate and collective interim protection, a refugee is an individual legal status granted after a long and complex administrative procedure (about six months), which determines whether a person is in reasonable danger of being persecuted and ends with the acquisition of citizenship. In addition, according to the Dublin Convention of 1990, refugee status is granted in the first safe country after crossing the border.

One of the authors of this article, Kozhura ([2023](#)), took part in a study that compared two different international protection mechanisms for people forced to leave their homes for their safety and the safety of their children: refugee status and temporary protection. In particular, it was concluded that temporary protection and refugee status provide almost the same range of

rights during the stay in the EU. These are the right to residence and housing, access to education for children, the right to medical and social assistance, and access to the labour market. The main difference is that with temporary protection, these rights become available immediately after data registration and confirmation that the person is covered by temporary protection. When a person applies for refugee status, certain rights are unavailable or limited for approximately 6 months while the application is being considered and a decision is made (notably, the right to work). ([Kuzmenko et al., 2023](#))

In particular, the Head of the State Migration Service of Ukraine, Naumenko ([2023](#)), emphasises that the circumstances that force a person to receive refugee status in another country are purely individual. The status of "refugee" is protection from the country from which one has fled. A person who receives refugee status is "afraid of his country" and "afraid of persecution by his country" and cannot return to his country in any way, even for a short period. In order to obtain international protection - the status of a refugee - long-term checks of the circumstances that forced a person to flee his country are carried out ([Naumenko, 2023](#)). Considering the above, it is unlikely that such a legal mechanism of international protection can be realistic for about 6 million Ukrainians currently in the European Union's member states. All the more so, as the European Commission clearly states, the determination of international protection status (refugee status) does not depend on temporary protection; it is subject to a different procedure in the competent public authorities in the EU country and the outcome is determined based on the specific personal situation ([Temporary protection of Ukrainians is not eternal - what you need to know about asylum in Europe: conditions, terms and alternatives, 2023](#)).

### **3. The status of a long-term resident: legal prospects for citizens of Ukraine**

Another option for solving the issue of the further stay of Ukrainian citizens in the EU member states after the expiration of the temporary protection period is the idea of revising Directive 2003/109/EU of November 25, 2003. This Directive sets the conditions for third-country nationals to acquire EU long-term resident status. Arcarazo ([2011](#)) studies the implications for third-country nationals adopting the Long-term Residence Directive. In his opinion, this Directive has the potential to become a subsidiary form of EU citizenship, which escapes direct control by Member States ([Arcarazo, 2011](#)). In particular, Weingerl and Tratnik ([2022](#)) discuss legal migration in the EU. In their opinion, there are convincing reasons for aligning the treatment of long-term resident



migrant workers from non-EU countries (third-country nationals (TCNs)) with migrant workers from EU member states. Of the five categories of arguments, only the human and the economic unequivocally push toward treating TCN migrant workers and EU national workers equally for the free movement of workers. ([Leheza et al., 2024](#))

The political, social and cultural considerations are, to a large extent, permeated with the national sovereignty (security) narrative. However, this could soon change due to the negative demographic trend in the EU. However, if looked at through the lens of consistency and rationality (required by the principle of equality), the human rights and economic perspectives carry more persuasive legal and normative force ([Weingerl Petra, 2022](#)). Danaj, Vah Jevšnik, Kiebasza and Szaraniec ([2023](#)) argue that the posting of TCNs might grow into an important intra-EU mobility channel, with the caveat that while certain EU countries will insist on restricting direct access to their national labour market for TCNs, other EU countries, especially those that so far have acted as labour or services suppliers, will lend themselves as gate-openers for the intra-EU mobility of TCNs ([Danaj et al., 2023](#)). For example, the aim of the study by Yaroshenko, Prokopiev, Inshyn, Maliuha, and Hnidenko ([2022](#)) is a comprehensive analysis of the legislation on the fight against illegal employment both at the supranational level of the European Union and at the EU Member States level, inter alia, in Poland, France, and Germany ([Leheza et al., 2024](#)). The authors argue that illegal employment destroys legal jobs, increases unemployment, and deprives the state of revenues such as tax and social contributions. That is why international declarations and conventions should guarantee the citizens of non-European states the right to work in the European Union. ([Yaroshenko et al., 2022](#))

In order to acquire EU long-term resident status, third-country nationals have to legally and continuously reside in a member state for at least five years. This EU status exists alongside national long-term resident schemes. By the Council position, third-country nationals can cumulate residence periods of up to two years in other member states to meet the five-year residence period requirements. Certain conditions will apply in order for applicants to be able to acquire long-term resident status. For instance, third-country applicants must provide evidence of stable and regular resources sufficient to maintain themselves and their family members and sickness insurance. Member states may also require third-country nationals to comply with integration conditions. Long-term resident status is permanent. However, it can be withdrawn in certain cases, for instance, when a person has not had their principal residence in the EU for a particular time. ([Third-country nationals: EU updates rules for](#)

[long-term resident status, 2023](#)). Long-term residents enjoy equal treatment with the country's nationals in areas such as employment, education, social security, taxation and freedom of association. ([Non-EU nationals – rules for long-term residence, 2024](#))

The objectives of the Directive on the status of non-EU nationals who are long-term residents are as follows: ensure that non-EU nationals who have lived in an EU country for at least five years have a permanent and secure residence status; grant these non-EU nationals a set of rights that are similar to those enjoyed by EU citizens, in terms of work, education, social security, access to goods and services; make it easier for these non-EU nationals to move to other EU countries to work and study ([Long-term residents, 2024](#)). However, Ukrainians under temporary protection do not meet these requirements. It is important that, according to Article 3 of the EU Directive 2003/109/EC, it does not apply to persons who reside in order to pursue studies or vocational training, are authorised to reside in a Member State based on temporary protection; are authorised to reside in a Member State based on a subsidiary form of protection under international obligations, national legislation or the practice of the Member States; are refugees. ([Council Directive 2003/109/EC, 2003](#))

#### **4. Legal perspectives of the legal status of Ukrainian citizens in EU member states in the context of Ukraine's future membership in the EU**

Despite the maximum possible period of validity of Directive 2001/55/EC of 20.07.2001 – 3 years, i.e. until March 4, 2025, The Council of the EU decided to extend temporary protection for citizens of Ukraine in the member states of the European Union until March 4, 2026. However, if the reasons for temporary protection remain in the future, what are the possible options for the legal status of citizens of Ukraine in the EU member states? In particular, the research of Buzarov ([2023](#)) aims to identify new qualitative aspects and specific features of the integration processes of Ukrainian migrants, which are characteristic of the social situation in the European Union that has developed after the aggression of the Russian Federation. Particular attention is paid to the new components of social relations and the accumulation of knowledge, which will make it possible to respond to new conflict factors to develop inclusiveness and tolerance under the qualitative specificities of refugees arriving in the EU countries as a result of the war ([Leheza et al., 2023](#)). As a result of the study, the author writes that the integration of those groups of migrants from Ukraine who plan to stay permanently in European countries should consider their

language, age, education, labour and social characteristics. ([Buzarov, 2023](#)) Kratz ([2024](#)) writes that in line with the modernisation hypothesis, research shows that worldviews on immigration have become more liberal across generations in Western societies over the last century. ([Kratz, 2024](#))

Different ideas are being discussed in the European Union. In particular, there is a proposal to extend the temporary protection of Ukrainian refugees for the period necessary for the country's reconstruction, for example, ten years. However, staying in such a long waiting period will hurt both Ukrainian refugees and the member states of the European Union. ([Leheza et al., 2024](#))

A long temporary legal status and an uncertain future will discourage Ukrainian refugees from integrating into local society, learning the host country's language, joining serious and long-term training or retraining programs, and effectively using their labour and intellectual potential. In turn, employers will not be in a hurry to hire and invest in workers who are in the country indefinitely and only temporarily. Dobiášová ([2024](#)) expresses a similar opinion. While the first months of the war were in the spirit of providing the necessary assistance to Ukrainian refugees, now it is necessary to focus on their integration into mainstream society. Only then can the migration process be completed successfully, and everyone can benefit from it. ([Dobiášová, 2024](#))

According to the authors of this article, the most realistic option for solving the issue of the future legal status of Ukrainian refugees in the EU after the end of temporary protection is a legal mechanism related to the prospects of Ukraine's membership in the European Union. The official process of Ukraine becoming a member of the EU has already begun. On June 23, 2022, the leaders of 27 EU member states decided to grant Ukraine the status of a candidate for EU membership ([Ukraine received the status of a candidate for EU membership, 2022](#)). On December 14, 2023, the leaders of the European Union at the summit in Brussels approved the European Commission's recommendation to start negotiations on Ukraine's accession to the European Union ([The leaders of the EU supported the opening of negotiations with Ukraine and Moldova, 2023](#)). On 25 June, the first EU-Ukraine Intergovernmental Conference took place, marking the official start of negotiations on Ukraine's accession to the European Union.

Our partners recognise that Ukraine has demonstrated unprecedented momentum in implementing key reforms. Formally, the process of starting negotiations is the second stage of the accession process of the candidate country to the EU, which includes adaptation and readiness to implement EU law, as well as readiness to implement administrative, economic and other

reforms that are necessary to fulfil the criteria defined for the country, the so-called accession criteria. Conducting negotiations is a very long and complex process which precedes the stage of signing the Treaty on accession to the EU. ([Bukvych, 2023](#))

Based on the above, it is worth focusing not on finding options for granting Ukrainians the right to stay in the EU for humanitarian reasons but expanding their access to the European labour market, ensuring freedom of residence and movement in Europe. On the one hand, this will meet the interests of those European countries that consider Ukrainian refugees as an additional human resource for their development and are ready to promote their integration. However, such a decision will also be helpful for Ukraine. It will help preserve the model of circular migration, which is much more profitable for the country than emigration for long-term residence, which was inherent in the pre-war migration behaviour of Ukrainians. It should also be considered that forced migration from Ukraine is characterised by its distinctive demographic character: women, children, and the elderly. This distinctiveness is due to the sex-selective military recruiting law forcing Ukrainian men to stay in the country ([Mickelsson, 2023](#)). The research shows that most Ukrainians who have left their Motherland due to war have family members who remain in Ukraine ([Gerlach, 2022](#)). That is, it is worth going along the path of providing citizens of Ukraine (as citizens of a country that will become a member of the EU in the future) part of the rights that citizens of the European Union have permanently (in particular, these are social and economic rights). These are the rights Ukrainians have today within the framework of temporary protection in the European Union. The document establishing the fundamental civil, political, economic and social rights of citizens of the European Union is the Charter of Fundamental Rights of the EU. These rights are guaranteed in the EU countries and wherever EU law is applicable. ([The European Union: what it is and what it does, 2022](#))

First, it is about the right to move freely, live, work and study in any EU country. This right is enshrined in Article 45 of the Charter of Fundamental Rights. Every citizen of the Union has the right to move and reside freely within the territory of the Member States. Under the Treaties, freedom of movement and residence may be granted to nationals of third countries legally resident in the territory of a Member State ([EU Charter 2012/C 326/02, 2012](#)). In particular, Zernova ([2023](#)), communicating with representatives of institutions dealing with refugees and migrants in the Republic of Austria, shares her conclusions. Ukrainians' education level was higher than other countries ([Kulinich et al., 2023](#)). The presence of high soft skills among Ukrainians was a big surprise for

Europeans. It took almost a year for the leadership of the EU countries to recognise that Ukrainians are not a burden for the EU countries. They became their opportunity to fill economies. In the countries of the European Union, Ukrainians currently have access to the labour market. In most cases, Ukrainians are offered work specialities that do not correspond to the high qualifications and work experience of Ukrainians. Integration into the labour market is complicated by the language characteristics of each country and the requirements for confirming qualifications. ([Zernova, 2023](#))

The permanent, not temporary, character of Ukrainian citizens' right to freely move, live, work, and study in any EU country will ensure the effectiveness of their integration into European society. It will provide an opportunity for Ukrainians to fully live, study, and work in the European Union or Ukraine and secure a future for themselves and their children in the conditions of the ongoing war in Ukraine.

#### **D. CONCLUSIONS**

Summing up this study, it should be noted that from March 4, 2022, to March 4, 2026, Directive 2001/55/EC on temporary protection applies for Ukrainian refugees in the member states of the European Union, which provides immediate protection and access to rights in the EU, including the right to residence, access to housing, access to the labour market, access to education for children, the right to medical and social assistance. The Directive 2001/55/EC was activated for the first time in history for Ukrainians who were fleeing war masse after the full-scale invasion of the Russian army in Ukraine, and the 3-year period is the maximum for its effect. However, the war in Ukraine continues, and the EU Council decided to extend temporary protection for Ukrainian citizens in the member states of the European Union until March 4, 2026. Experts' predictions regarding when the war in Ukraine will end vary greatly (from this year to decades). Therefore, the issue of the legal status of Ukrainian citizens in the member states of the European Union becomes relevant, and options for a solution need to be found.

Another existing mechanism of international protection in the form of refugee status is unlikely to be applied to Ukrainian citizens in EU member states. First, in contrast to immediate and collective temporary protection, a refugee is an individual legal status granted after a relatively long and complex administrative procedure determining whether a person is at a reasonable risk of being persecuted. Secondly, refugee status is obtained by a person afraid of persecution by the country of which he is a citizen and cannot return to his

country even for a short period. Ukrainians who found themselves outside of Ukraine due to Russian armed aggression are not fleeing from their state, but on the contrary, are under its protection.

Another option for solving the issue of the future legal status of Ukrainian citizens in EU member states is the revision of Directive 2003/109/EC, which defines the conditions for obtaining the right to long-term residence within the EU. However, so far, Ukrainians under temporary protection do not meet the requirements for obtaining the status of long-term EU residents. In particular, it is to legally and continuously reside in a particular EU country for 5 years and have a stable and regular income sufficient to support yourself and your family (without receiving social assistance).

However, the most promising option for solving the issue of the future legal status of Ukrainian refugees in the EU after the end of temporary protection is a legal mechanism related to the future membership of Ukraine in the European Union. In the conditions of the ongoing war in Ukraine, legal mechanisms should be sought not for granting Ukrainians the right to stay in the EU on humanitarian grounds but the legal mechanisms for granting citizens of Ukraine (as citizens of a candidate state for EU membership) part of the rights that citizens of the European Union have permanently (in particular, these are social and economic rights). These are precisely the rights Ukrainians have today within the framework of temporary protection in the European Union.

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