


E.N. Klyuyeva *

State University of Infrastructure and Technologies, Kiev, Ukraine
(E-mail: klyuyeva0711@ukr.net)

ORCID ID: <https://orcid.org/0000-0003-4306-9959>, Scopus Author ID: 57216920223
Web of Science Researcher ID ACG-6294-2022

Features of granting temporary protection status in European Union countries: a comparative legal analysis

This article is devoted to a comparative legal analysis of the granting of temporary protection status in European Union countries. In the context of modern migration crises caused by armed conflicts, the need for effective refugee protection mechanisms becomes a priority for states. The article examines the historical context of the adoption of Directive 2001/55/EC, its long-term inactivity, and its subsequent application to Ukrainian citizens. Particular attention is paid to the practice of implementing temporary protection in EU countries, including urgent legislative initiatives and political decisions aimed at ensuring stability for displaced people. The extension of temporary protection status for Ukrainian citizens until 2026 is analysed, along with its legal basis and impact on European migration policy. The article notes that the extension of temporary protection is based on the political will of EU countries, allowing them to avoid bureaucratic complexities and guarantee support for refugees in the face of continued military threats. This mechanism is considered an effective humanitarian response tool, ensuring the protection of Ukrainian citizens and contributing to legal harmonization within the European Union.

Keywords: European Union law, rights of displaced persons, temporary protection, human rights, refugees.

Introduction

The topic explored in this article, namely the features of granting temporary protection status in European Union countries: a comparative legal analysis is extremely relevant in modern conditions due to several key factors. One of the main factors is the large-scale forced migration processes. Over the past decades, the European Union has faced multiple migration crises, including: the Syrian crisis (2015-2016), during which over 1 million refugees arrived in the EU, and the second crisis related to the consequences of crisis in Ukraine (2022–present), when over 4 million Ukrainians received temporary protection in Europe. These events have highlighted the need for an effective protection mechanism for individuals forced to flee their countries.

Directive 2001/55/EC 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” was adopted in 2001 following mass population displacements in Europe due to armed conflicts in the Western Balkans, particularly from Bosnia and Herzegovina and Kosovo. Since its adoption in 2001, this Directive had never been activated. This system was implemented for Ukrainian citizens.

Methods and Materials

The methodological procedures for the study of this issue are general scientific and special methods of scientific knowledge. The dialectical method of scientific knowledge made it possible to identify and characterize the problems of protecting the rights of Ukrainian citizens to get temporary protection status in the EU countries. The application of the comparative law method made it possible to compare obtaining temporary protection in different EU countries. A comprehensive literature review allowed us to determine the state of research on the issue in Ukraine and other countries. The formal logic method resulted in ways to overcome the problem.

* Corresponding author's e-mail: klyuyeva0711@ukr.net

Results

The analysis of European and international legislation indicates that residents of Ukraine can stay in the EU under three main conditions: as a tourist, by applying for refugee status or international protection, or by obtaining temporary protection in the EU.

The “tourist” status allows for a stay of up to 90 calendar days within the Schengen Area from the date of entry.

The “refugee” status is defined according to the 1951 Refugee Convention. According to the Convention, a refugee is a person who, due to well-founded fears, has become a victim of persecution on the grounds of race, religion, nationality, citizenship, belonging to a particular social group, or political beliefs. The person is outside the country of their nationality and cannot seek the protection of that country or does not wish to do so due to such fears. Generally, to obtain refugee status, a person may apply in the first country of entry. The process for obtaining such status is governed by the Dublin Reglament [1].

Temporary protection is a special status that can be granted in the European Union (EU) to individuals fleeing the conflict in Ukraine. It provides certain rights and access to services for those who are eligible and allows them to stay in EU for a specific period. Temporary protection includes the possibility to receive shelter, social and medical assistance, access to education for children, as well as the ability to work without needing a work permit. This status differs from the status granted based on a temporary residence permit for 30 days, which you can be received at the border of Shengen Area [2].

Temporary protection is an extraordinary EU mechanism activated in exceptional circumstances involving a mass influx of refugees. The EU Temporary Protection Directive was first activated for Ukrainian citizens, providing immediate and collective protection to a large group of displaced persons arriving in the EU and unable to return home.

By adopting this measure, the Member States receive fewer asylum applications, because the rights that temporary protection entails for displaced persons mean that they do not have an immediate need to apply for international protection, overrunning Member States’ asylum systems. Temporary protection thus reduces to a minimum the formalities necessary for displaced persons to receive shelter and protection.

Discussion

The legal basis for temporary protection includes: the Directive on Minimum Standards for Providing Temporary Protection of July 20, 2001, No. 2001/55/EC; the Council of the EU Decision on its activation for Ukrainians of March 4, 2022, No. 2022/382; the Commission’s Communication on Operational Guidelines for the Implementation of Council Decision No. 2022/382, establishing the existence of a mass influx of displaced persons from Ukraine under Article 5 of Directive No. 2001/55/EC, which results in the implementation of temporary protection; and the legislation of each EU member state. One of the reasons for activating temporary protection as outlined by the Council in Implementing Decision 2022/382 is the risk of collapse of national asylum systems.

The concept of a “mass influx” of refugees, which is key to the implementation of Directive 2001/55/EC, cannot be fully tolerated and does not have a clear meaning. As for the situation in Ukraine, firstly, the EU member states recognized the Ukrainian displacement as a “mass influx”, which is the first step towards granting temporary protection. The definition of “mass influx” is considered relative due to several criteria. First, the situation is dynamic, meaning that refugee situations can change rapidly, which makes it difficult to establish static criteria. Second, due to different national contexts, each country has its own specifics: the size of the territory, population, economic development, and existing migration policies, all of which influence how “mass influx” is perceived. Third, political decisions by EU member states and public opinion can affect the interpretation of this concept. Different EU countries may interpret the term “mass influx” in different ways, which may lead to an uneven distribution of responsibility for accepting refugees.

Directive 2001/55/EC was developed for situations involving a mass influx of refugees into the EU. The idea behind this mechanism is to prevent the overloading of asylum systems that are unable to process hundreds of thousands or millions of applications quickly. The European Commission forecasts, depending on various scenarios, between 2.5 and 6.5 million displaced Ukrainians seeking protection in the EU. Representatives of the European Union emphasize that Ukrainians fleeing are considered refugees. However, the directive itself uses a different term — displaced persons. The reason for this is that temporary protection and refugee status are different legal procedures. Persons with temporary protection status may apply for asylum and any other international protection available in the host Member State, which will be responsible for examining such an

application for asylum or international protection (the EU rules on the State responsible for examining the asylum application are therefore not amended), and applicants may submit such an application at any time.

On March 4, the Council of the EU unanimously adopted an executive decision to introduce temporary protection due to the mass influx of people fleeing Ukraine. The decision activates temporary protection for an initial period of one year. This period can be automatically extended for six months, up to a maximum of one year. The European Commission may propose to the Council of the EU to extend temporary protection for another year. The European Commission may also propose to end temporary protection if the situation in Ukraine allows for a safe and sustainable return. The directive does not apply to non-EU European countries (Serbia, Montenegro, Albania, North Macedonia, Bosnia and Herzegovina, Norway, Iceland, Switzerland, and the United Kingdom) — however, many countries have established similar regimes. Individuals who have received temporary protection can move freely not only between EU countries but also within the Schengen Area.

Under Directive 2001/55/EC, displaced persons are third-country nationals or stateless individuals who have had to leave their country and cannot return due to dangerous conditions resulting from the situation in that country, including individuals who have fled areas of armed conflict or epidemic violence.

Temporary protection allows displaced people to enjoy harmonized rights throughout the EU. Displaced people have the right to employment (both the right to be an employee and the right to engage in entrepreneurial activities), opportunities for education and professional retraining, as well as access to the social protection system in the host country, on equal terms with the citizens of that country. Individuals benefiting from temporary protection enjoy the same rights across the EU. These rights include: residence; access to the labour market and housing; medical care; social assistance; access to education for children. The EU Directive on temporary protection sets minimum protection standards. The actual level of assistance may vary between different member states.

The Temporary Protection Directive defines the decision-making procedure needed to trigger, extend or end temporary protection. It also lists the rights for beneficiaries of temporary protection:

- a residence permit for the entire duration of the protection (which can last from one year to three years);
- appropriate information on temporary protection;
- guarantees for access to the asylum procedure;
- access to employment, subject to rules applicable to the profession and to national labour market policies and general conditions of employment;
- access to suitable accommodation or housing;
- access to social welfare or means of subsistence if necessary;
- access to medical care;
- access to education for persons under 18 years to the state education system;
- opportunities for families to reunite in certain circumstances;
- access to banking services, such as the ability to open a basic bank account;
- move to another EU country, before the issuance of a residence permit;
- move freely in EU countries (other than the Member State of residence) for 90 days within a 180-day period after a residence permit in the host EU country is issued [3].

In the article of Olena Malinovska notes that the duration of temporary protection is limited. Initially, it is granted for one year. If the circumstances that lead to forced migration persist, this period is automatically extended twice by six months, thus adding another year. At the same time, the European Commission, which is responsible for ongoing monitoring and analysis of the situation, may at any moment propose to the Council of the EU to end temporary protection if the situation in the country of origin allows for the safe and sustainable return of refugees. Conversely, under other circumstances, the European Commission is authorized to advocate for its extension, but no longer than for one more year. Thus, the total duration of temporary protection cannot exceed three years. Olena Malinovska correctly emphasizes that the institution of temporary protection, over the course of its existence, has first proven its necessity, as there is an objective need for it, and secondly, it has undergone significant development, which included both the clarification of its parameters and their evolutionary changes [4].

As for Spain, considering that the decision to apply Directive 2001/55/EC on temporary protection ensures its compatibility with national systems of temporary protection established after its adoption, the Spanish government has adopted particularly generous internal regulations, especially in the current situation. Thus, after the crisis, it immediately expanded and improved the rights provided in its national system for individuals affected by the conflict in Ukraine, despite already having a more favourable national system than the one outlined in the directive. In Spain, the legal basis for granting temporary protection is Royal Decree 1325/2003 of

October 24, which approves the Regulation on the Temporary Protection Regime in the case of a mass influx of displaced persons, and Law 12/2009 of October 30: this law regulates the right to asylum and subsidiary protection in Spain [5].

Article 23 of the Decree provides the possibility to extend legal stay in Spain, specifically: «If, after the expiration of the temporary protection regime, the circumstances that led to its declaration still persist, beneficiaries may opt for the protection provided under Article 17.2 of Law 5/1984 of March 26, which regulates the rights and status of refugees. Interested individuals must submit an application in person at any of the locations specified in points a), b), c), and d) of Article 4.1 of the Regulation on the Implementation of the aforementioned law, approved by Royal Decree 203/1995 of February 10 [6].

According to the legislation of the Kingdom of Spain, Ukrainian citizens and their family members who left Ukraine after February 24, 2022, or who were already in Spain before that date, may receive temporary protection in Spain. Temporary protection can be requested by contacting the National Police at CREADE (Reception, Care, and Referral Centres) or at police stations authorized for this purpose. The application for temporary protection is reviewed within 24 hours and is valid for no less than one year and no more than three years. Upon granting, the following rights are acquired: residence permit and work authorization for self-employment and employment; access to education and vocational training; social assistance and adequate housing; access to healthcare [7].

Germany has become one of the EU countries that accepted the largest number of Ukrainian refugees. To ensure the legal status and social guarantees for these individuals, the German government developed special regulatory acts. § 24 of the Residence Act (Aufenthaltsgesetz, AufenthaltsgG) is one of the most important provisions of German law regulating the provision of temporary protection. This regulation was particularly emphasized due to the large wave of refugees from Ukraine. Individuals who are eligible for protection from Ukraine have full access to the labour market and receive benefits in accordance with the Social Code II and Social Code XII. The employment rate of Ukrainian refugees in the summer of 2023 increased to 19 percent compared to 14.6 percent in 2022. Measures such as the «Turbo Plan for Labour Market Integration» are aimed at faster integration of refugees into the labour market [8].

The Federal Ministry of the Interior and Homeland Affairs of Germany adopted the Regulation on the Temporary Exemption of Displaced Persons from Ukraine. This regulation came into effect on March 9, 2022, and is retroactive to February 24, 2022. The regulation establishes a simplified procedure for the entry and residence of the relevant individuals and provides displaced persons with the necessary time to obtain the right to reside in the federal territory.

The validity of the regulation was limited to May 23, 2022. During this period, it was necessary to submit an application to the competent foreign national's registration department for the issuance of a residence permit in accordance with § 24 of the Residence Act (AufenthaltsgG). Ukrainians can apply for a residence permit at the foreign national's registration department in the place of residence or stay. To avoid unauthorized stay, individuals must first submit an informal written application for a residence permit to the relevant foreign national's registration department in the place of residence or stay, providing their personal data (preferably a copy of the passport page with passport details), the reason for stay, and the date of first entry into the EU [9].

In their study, Philipp Heiermann and Kaan Atanisev note that refugees from Ukraine have full access to the labour market once they are granted a residence permit in accordance with Article 24, Paragraph 1 of the Residence Act. Almost a year and a half after the directive was implemented, the employment rate of Ukrainian refugees slightly increased from 14.6 % in 2022 to 19 % in the fall of 2023. However, it can also be anticipated that the actual thresholds for obtaining a residence permit for employment or starting education will remain an obstacle for many affected individuals in March 2025. In this regard, measures must be taken to timely design and develop transition scenarios. Experts also concluded that, despite the growing integration, only a few people have transitioned to other types of residence permits [10].

Conclusions

As mentioned above, the temporary protection mechanism was first launched on March 4, 2022. It was supposed to be valid until March 4, 2025, but on June 25, the EU Council decided to extend temporary protection until March 4, 2026, for more than 4 million Ukrainians seeking safe places to live. In her speech, Nicole de Moor, Belgium's Secretary of State for Asylum and Migration, said: «The situation in Ukraine is very dangerous for many people. And all those who are fleeing can continue to count on our solidarity». In accordance with their national procedures, the EU Member States had to adopt additional implementing acts to formalize the extension [11].

The decision to extend temporary protection until 2026 is based on the political will of EU member states and their readiness to support displaced persons. Although the text of the Directive does not explicitly provide for an extension beyond three years, the EU may invoke Article 78(3) of the Treaty on the Functioning of the European Union (TFEU), which allows for «temporary measures» in the event of emergency humanitarian crises — “If one or more Member States experience an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt temporary measures in favour of the Member State(s) concerned”. This mechanism allows the EU to respond quickly to migration crises by adopting special measures to support the member states most affected by the influx of refugees or migrants [12].

As mentioned earlier, the maximum duration of temporary protection is three years (under Directive 2001/55/EC). In cases of prolonged conflicts, this may lead to legal uncertainty for beneficiaries who cannot return to their country of origin. The analysis of scientific articles and other sources allows us to conclude that examples such as the Ukrainian or the Syrian crisis indicate that prolonged conflicts require a more flexible approach to extending protection status. Therefore, experts believe that it is necessary to develop a legal mechanism for the automatic extension of protection status or the simplification of the transition to the asylum procedure.

The EU’s decision to extend temporary protection for Ukrainian citizens reflects an effort to avoid bureaucratic complications. Instead of creating a new legal framework or requiring individual asylum applications, temporary protection serves as an efficient and rapid mechanism. Extending it until 2026 ensures stability for displaced persons, given the uncertainty surrounding the duration of the conflict.

I agree with the conclusions published by T. Kortukova in the article, which states that member states should strengthen their cooperation and coordination in managing temporary protection schemes. This includes the exchange of information, best practices, and resources, as well as joint efforts to address common challenges. By implementing these recommendations, the EU can enhance the effectiveness of temporary protection and ensure that it remains a valuable tool for safeguarding the rights of displaced persons during a crisis [13].

The provision of temporary protection to Ukrainians has been an important test for the European refugee protection system. Despite challenges, this experience demonstrates the EU’s ability to respond quickly to humanitarian crises and provide protection to the most vulnerable populations. However, for long-term stability and refugee integration, efforts must continue at both the national and European levels.

References

- 1 Сайт холдингу «Група впливу». Прес-реліз: Загальний огляд особливостей перебування громадян України на території ЄС. — [Електронний ресурс]. — Режим доступу: <https://www.vplyv.org.ua/archives/6075>
- 2 Сайт «Бачинський та партнери». Блог «Міграційне право». Поняття тимчасового захисту для Українців та його специфіка. — [Електронний ресурс]. — Режим доступу: <https://legalaid.ua/ua/ponyattya-tymchasovogo-zahystu-ta-yogo-specyfika/>
- 3 Сайт Совета Европы. Пресс-релиз: Temporary protection. — [Електронний ресурс]. — Режим доступу: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en?prefLang=es
- 4 Малиновська О. Тимчасовий захист: виникнення, еволюція, сутність [Електронний ресурс] / О. Малиновська // Migration & Law. — Vol. 2. — Issues 5-6. — P. 5–30. — Режим доступу: <https://nam.kyiv.ua/files/publications/mandl-20225-6-all.pdf>
- 5 Ministerio de Inclusión, Seguridad Social y Migraciones de España. Comunicado de prensa: Qué es la Protección Temporal para desplazados de Ucrania? — [Електронний ресурс]. — Режим доступу: <https://ucraniaurgente.inclusion.gob.es/w/proteccion-temporal-desplazados-ucrania>
- 6 Real Decreto 1325/2003, de 24 de octubre, por el que se aprueba el Reglamento sobre régimen de protección temporal en caso de afluencia masiva de personas desplazadas. — [Електронний ресурс]. — Режим доступу: <https://www.boe.es/buscar/act.php?id=BOE-A-2003-19714#top>
- 7 Comisión española de Ayudo al Refugiado. Comunicado de prensa: Principales diferencias entre la protección temporal y la protección internacional. — [Електронний ресурс]. — Режим доступу: <https://www.cear.es/noticias/proteccion-temporal-e-internacional/>
- 8 Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Richtlinie über den vorübergehenden Schutz von Geflüchteten aus der Ukraine in Deutschland. — [Електронний ресурс]. — Режим доступу: <https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/EMNDeutschlandPaper/emn-dp-1-2024-tpd-richtlinie-ukr-gefluechtete.html?nn=282104>

9 Сайт омбудсмена Украины. Пресс-релиз: Роз'яснення щодо тимчасового захисту та отримання статусу біженця. — [Електронний ресурс]. — Режим доступу: https://ombudsman.gov.ua/news_details/rozyasnennya-shchodo-timchasovogo-zahistu-ta-otrimannya-statusu-bizhencya

10 Heiermann P. Die Anwendung der Richtlinie über den vorübergehenden Schutz auf Geflüchtete aus der Ukraine in Deutschland: Bewährte Praktiken und Herausforderungen. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). [Електронний ресурс] / P. Heiermann, K. Atanisev. — Режим доступу: https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/EMNDeutschlandPaper/emn-dp-1-2024-tpd-richtlinie-ukr-gefluechtete.pdf?__blob=publicationFile&v=10

11 Представництво Європейського Союзу в Україні. Прес-реліз Рада ЄС продовжила тимчасовий захист для українських біженців до березня 2026 року. — [Електронний ресурс]. — Режим доступу: <https://surl.li/zyzgie>

12 Tomášek M. Коментар до Договору про функціонування ЄС, Договору про ЄС та Хартії основоположних прав ЄС. [Електронний ресурс] / M. Tomášek та ін. — Прага: Wolters Kluwer ČR, 2024. — Режим доступу: https://hcj.gov.ua/sites/default/files/field/komentar_do_dogovoru_pro_funkcionuvannya_yes.pdf

13 Кортукова Т. Тимчасовий захист в Європейському Союзі: правовий аналіз [Електронний ресурс] / Т. Кортукова, Є. Ємець. // Legal Horizons. — 2024. — Вип. 21(2). — С. 36–45. — Режим доступу: <https://legalhorizons.com.ua/lh/citationstylelanguage/download/ris?submissionId=165&publicationId=165>
<https://doi.org/10.54477/LH.25192353.2024.2>.

Е.Н. Ключева

Еуропалық одақ елдерінде уақытша қорғау мәртебесін беру ерекшеліктері: салыстырмалы-құқықтық талдау

Мақала Еуропалық одақ (ЕО) елдерінде уақытша қорғау мәртебесін беруді салыстырмалы-құқықтық талдауға арналған. Қарулы қақтығыстардан туындаған қазіргі заманғы көші-қон дағдарыстары жағдайында босқындарды қорғаудың тиімді тетіктерінің қажеттілігі мемлекеттер үшін басым міндетке айналады. Автор 2001/55/ЕС Директивасын қабылдаудың тарихи ахуалы, оның ұзақ мерзімді белсенді болмауы және Украина азаматтары үшін кейінгі уақытта қолданылуын қарастырған. Көшуге мәжбүр болған адамдар үшін тұрақтылықты қамтамасыз ету мақсатында қабылданған шұғыл заңнамалық бастамалар мен саяси шешімдерді қоса алғанда, ЕО елдерінде уақытша қорғауды имплементациялау тәжірибесіне ерекше назар аударылған. Украина азаматтарының 2026 жылға дейінгі уақытша қорғау мәртебесін ұзарту, оның заңды негіздері және еуропалық көші-қон саясатына әсері талданған. Сонымен қатар уақытша қорғауды ұзарту бюрократиялық қиындықтарды болдырмауға және жалғасып жатқан әскери қауіп жағдайында босқындарға қолдау көрсетуге мүмкіндік беретін ЕО елдерінің саяси еркіне негізделгені атап өтілген. Бұл механизм Украина азаматтарын қорғауды қамтамасыз ететін және Еуропалық одақ шеңберінде құқықтық үйлестіруге ықпал ететін гуманитарлық әрекет етудің тиімді құралы ретінде қарастырылған.

Кілт сөздер: Еуропалық одақ құқығы, қоныс аударушылардың құқықтары, уақытша қорғау, адам құқықтары, босқындар.

Е.Н. Ключева

Особенности предоставления статуса временной защиты в странах Европейского союза: сравнительно-правовой анализ

Статья посвящена сравнительно-правовому анализу особенностей предоставления статуса временной защиты в странах Европейского союза. В условиях современных миграционных кризисов, вызванных вооруженными конфликтами, необходимость эффективных механизмов защиты беженцев становится приоритетной задачей для государств. В статье рассматривается исторический контекст принятия Директивы 2001/55/ЕС, её продолжительная неактивность и последующее применение в отношении граждан Украины. Особое внимание уделено практике имплементации временной защиты в странах ЕС, включая срочные законодательные инициативы и политические решения, принятые для обеспечения стабильности перемещённым лицам. Анализируется продление статуса временной защиты для украинцев до 2026 года, его правовые основания и влияние на европейскую миграционную политику. Отмечается, что продление временной защиты основано на политической воле стран ЕС, позволяя избежать бюрократических сложностей и гарантировать поддержку беженцам в условиях продолжающейся военной угрозы. Данный механизм рассматривается как эффективный инструмент гуманитарного реагирования, обеспечивающий защиту граждан Украины и способствующий правовой гармонизации в рамках Европейского союза.

Ключевые слова: Право Европейского союза, права переселенцев, временная защита, права человека, беженцы.

References

- 1 (2022). Sait kholdinga «Grupa vplyvu». Pres-reliz: Zagalnyi oghiad osoblivostei perebuvannia gromadian Ukrainy na teritorii ES [Website of the holding “Groupa vplyvu”. Press release: A behind-the-scenes look at the peculiarities of the transition of Ukrainian citizens on the territory of the EU]. *vplyv.org.ua*. Retrieved from <https://www.vplyv.org.ua/archives/6075> [in Ukrainian].
- 2 Sait «Bachinskii ta partneri». Blog «Migratsiine pravo». Poniattia tymchasovogo zakhistu dlia Ukraintsev ta yogo spetsyfika [The concept of temporary protection for Ukrainians and its specifics]. *legaid.ua*. Retrieved from <https://legaid.ua/ua/ponyattya-tymchasovogo-zahystu-ta-jogo-specyfika/> [in Ukrainian].
- 3 Sait Soveta Evropy. Pres-reliz: Temporary protection [An official website of the European Union. Temporary protection]. *home-affairs.ec.europa.eu*. Retrieved from https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en?prefLang=es [in Ukrainian].
- 4 Malinovska, O. (2022). Tymchasovyi zakhist: viniknennia, evoliutsiia, sutnist [Temporary protection: emergence, evolution, essence]. *Migration & Law*, 2, 5-6, 5–30. Retrieved from <https://nam.kyiv.ua/files/publications/mandl-20225-6-all.pdf> [in Ukrainian].
- 5 (2022). Ministerio de Inclusión, Seguridad Social y Migraciones de España. Comunicado de prensa: ¿Qué es la Protección Temporal para desplazados de Ucrania? [Ministry of Inclusion, Social Security and Migration of Spain. CPress release: What is Temporary Protection for displaced persons from Ukraine?]. *ucraniaurgente.inclusion.gob.es*. Retrieved from <https://ucraniaurgente.inclusion.gob.es/w/proteccion-temporal-desplazados-ucrania> [in Spanish].
- 6 Real Decreto 1325/2003, de 24 de octubre, por el que se aprueba el Reglamento sobre régimen de protección temporal en caso de afluencia masiva de personas desplazadas [Royal Decree 1325/2003, of October 24, 2003, approving the Regulations on the temporary protection regime in the event of a mass influx of displaced persons]. (2003, 24 October). *boe.es*. Retrieved from <https://www.boe.es/buscar/act.php?id=BOE-A-2003-19714#top> [in Spanish].
- 7 (2022). Comisión española de Ayudo al Refugiado. Comunicado de prensa: Principales diferencias entre la protección temporal y la protección internacional [Spanish Commission for Refugee Aid. Press release: Main differences between temporary protection and international protection]. *cear.es*. Retrieved from <https://www.cear.es/noticias/proteccion-temporal-e-internacional/> [in Spanish].
- 8 (2024). Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Richtlinie über den vorübergehenden Schutz von Geflüchteten aus der Ukraine in Deutschland [Study by the German National Contact Point for the European Migration Network (EMN). Directive on the temporary protection of refugees from Ukraine in Germany]. *bamf.de*. Retrieved from <https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/EMNDeutschlandPaper/emn-dp-1-2024-tpd-richtlinie-ukr-gefluechtete.html?nn=282104> [in German].
- 9 (2022). Sait ombudsmena Ukrainy. Press-reliz: Roziasnennia shchodo tymchasovogo zakhistu ta otrimannia statusu bizhentsia. [Press release: Clarification on temporary protection and obtaining refugee status]. *ombudsman.gov.ua*. Retrieved from https://ombudsman.gov.ua/news_details/rozyasnennya-shchodo-timchasovogo-zahystu-ta-otrimannya-statusu-bizhentsya [in Ukrainian].
- 10 Heiermann, P., & Atanisev, K. (2024). Die Anwendung der Richtlinie über den vorübergehenden Schutz auf Geflüchtete aus der Ukraine in Deutschland Bewährte Praktiken und Herausforderungen Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN) [The application of the Temporary Protection Directive to refugees from Ukraine in Germany Best practices and challenges Study by the German National Contact Point for the European Migration Network (EMN)]. *bamf.de*. Retrieved from <https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/EMNDeutschlandPaper/emn-dp-1-2024-tpd-richtlinie-ukr-gefluechtete.pdf?blob=publicationFile&v=10> [in German].
- 11 (2024). Predstavnitstvo Yevropeiskogo Soiuzu v Ukraini. Pres-reliz Rada ES prodovzhila tymchasovii zakhyst dlia ukrainkikh bizhentsiv do bereznia 2026 roku [Press release (EU Council extends temporary protection for Ukrainian refugees until March 2026)]. *surl.li*. Retrieved from <https://surl.li/zyzgie> [in Ukrainian].
- 12 Tomášek, M. et al. (2024). Komentar do Dogovoru pro funkcionuvannia ES, Dogovoru pro ES ta Khartii osnovopolozhnikh prav ES [Commentary on the Treaty on the Functioning of the EU, the Treaty on European Union and the Charter of Fundamental Rights of the EU]. *hcj.gov.ua*. Retrieved from https://hcj.gov.ua/sites/default/files/field/komentar_do_dogovoru_pro_funkcionuvannya_yes.pdf [in Ukrainian].
- 13 Kortukova, T., & Yemets, Y. (2024). Tymchasovii zakhist v Evropeiskomu Soiuzi: pravovii analiz. [Temporary protection in the European Union: a legal analysis]. *Legal Horizons*, 21(2), 36–45. Retrieved from <https://legalhorizons.com.ua/lh/citationstylelanguage/download/ris?submissionId=165&publicationId=165.https://doi.org/10.54477/LH.25192353.2024.2>. [in Ukrainian].

Information about the author

Klyuyeva Yevgeniya — Doctor of Law, Professor, State University of Infrastructure and Technologies, Kiev, Ukraine, e-mail: klyuyeva0711@ukr.net.