

HELP Course on Temporary protection in the European Union

EU-CoE seminar,
Brussels, 11 April 2023

PROJECT

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

for Ukraine including during wartime

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About the course

The online course has been developed by the Council of Europe's **Human Rights Education for Legal Professionals (HELP) Programme**, in cooperation with the Office of the UN High Commissioner for Refugees (UNHCR), the EU Agency for Asylum (EUAA), the Fundamental Rights Agency (FRA) and representatives of the European Commission DG Migration and Home Affairs.

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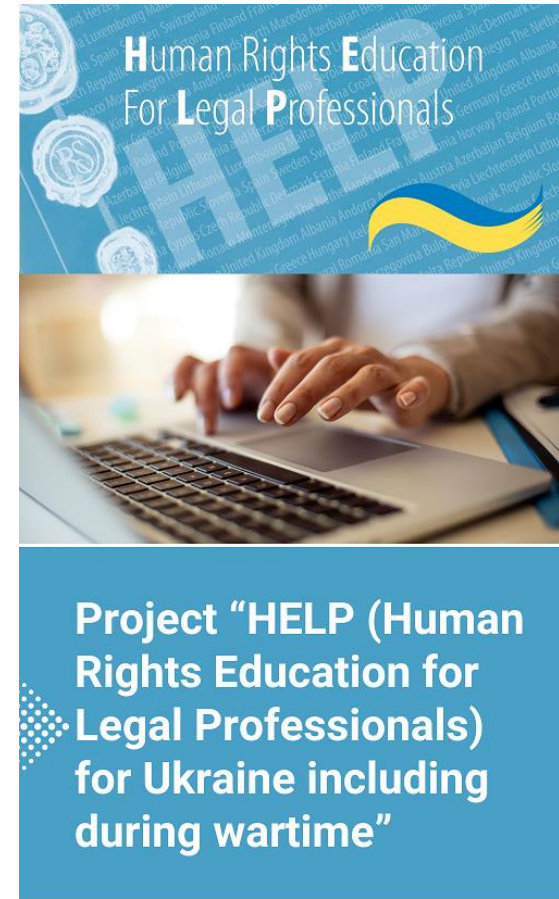
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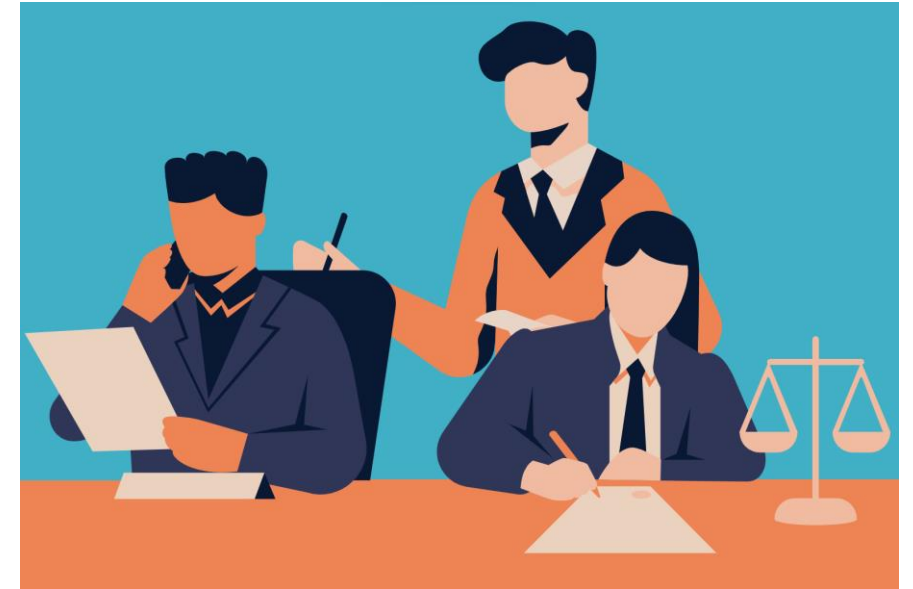
About the course

The development of the course has been made possible under the Council of Europe Project “HELP for Ukraine, including during wartime”, implemented as a part of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” (2023-2026), as well as the EU-CoE “Judicial Training on Rule of Law and Fundamental Rights”, funded by the EU Justice Programme (2021-2027).



About the course

The course is primarily addressed to **legal and justice professionals (judges, prosecutors, lawyers)** coming into contact with persons having fled Ukraine following the aggression by the Russian Federation and benefitting from Temporary Protection in the EU Member States. The course can also be used by **asylum/migration professionals** and by anyone interested in the topic.



About the course

The course was developed by:

Viacheslav Liubashenko, HELP e-Desk manager for Ukraine

Alessio Sangiorgi, HELP tutor, HELP e-Desk manager in Italy

What is in the course?

MODULE 1 – The temporary protection regime

MODULE 2 – Activation of temporary protection following Russia's aggression against Ukraine

MODULE 3 – The path ahead

Content – Module 1

The Module

- discovers the history behind the directive (2001/55/EC Directive), including the solution found to displacement caused by dissolution of Former Republic of Yugoslavia.



Albanian migrants arriving at the Italian port Bari in 1990s.
Source: Wikicommons

Content – Module 1

- clarifies the legal regime of temporary protection under EU legislation (2001/55/EC Directive), including
 - (a) the procedure to activate the temporary protection regime,
 - (b) rights and entitlements of beneficiaries of temporary protection,
 - (c) definition and characteristics of temporary protection regime, and
 - (d) how the temporary protection regime works according to the TPD.

Content – Module 1

- provides with the differences with other types of international protection, such as refugee status, subsidiary protection, and asylum seeker status, and protection available at national level only,
- analyses the interplay with those different types of protection regimes.



*Demonstrators gather in support of Ukraine in London's Trafalgar Square
© Vuk Valcic/Shutterstock*

Content – Module 2

The Module covers

the process leading to the **introduction of temporary protection** for persons displaced from Ukraine on or after 24 February 2022,

the **personal scope of the temporary protection** regime and the **criteria** used to determine qualification for temporary protection, including specific cases of children and family reunification,

practical challenges of day-to-day life for beneficiaries of temporary protection,

forms of **legal assistance** created for displaced people from Ukraine, including digital solutions.

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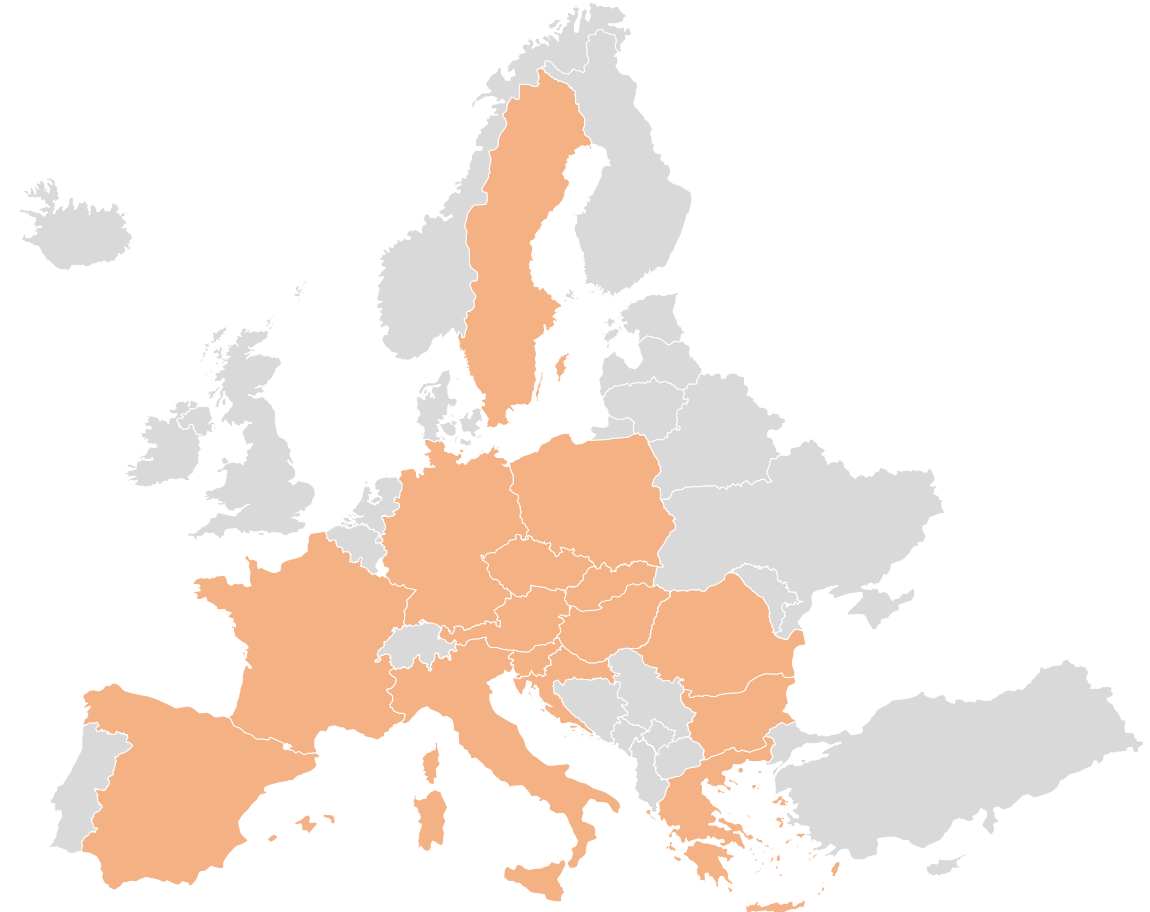
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Content – Module 2

National practice of **implementation** of TPD and its different issues, in:

Hungary	Italy	Slovenia
Poland	Croatia	Austria
Romania	France	Bulgaria
Slovakia	Spain	
Germany	Greece	
Czechia	Sweden	



Content – Module 2

Personal scope and issues of day-to-day life include:

- Documents to prove Ukrainian nationality,
- Registration of children,
- Guardianship for unaccompanied and separated children,
- Issuance and prolongation of residence permit,
- Access to education,
- Access to healthcare and provision of medical services,
- Assistance in accommodation and rules for movement,
- Tax issues, and
- Inclusion of vulnerabilities in temporary protection.

Content – Module 2

The module relies on a **variety of sources**, encompassing:

- EU legislation, European Commission releases, EUAA documents, FRA findings, Eurostat data, etc.,
- UNHCR, UNICEF, UNESCO reports and data,
- CJEU practice regarding accommodation,
- ECtHR practice to explore its approach to the right to accommodation,
- Ukrainian and EU MS national legislation.



Content – Module 2

Legal assistance to people displaced from Ukraine

Task force modality

Digital legal aid

Legal aid on the border

Informational materials

Cross-border modality



Content – Module 2

Implications

During a November 2022 public hearing in the European Parliament on the temporary protection implementation, promising practices highlighted, and they are reflected in the module.

Several papers discussed.



The Ukrainian Refugee Situation:
Lessons for EU Asylum Policy

Bernd Parusel and Valeria Varfolomeieva*

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Content – Module 3

‘Path ahead’ module answers the questions:

- What will happen when the temporary protection ends?
- How can it be managed?
- What will be the applicable legislation for former temporarily protected persons?
- What about the future of the Temporary Protection Directive?

Content – Module 3

The module considers the rules applicable when Temporary Protection comes to an end and **two ways (scenarios)** in which temporary protection can come to an end.

The aggression of the Russian Federation against Ukraine ends and “safe and durable return” to Ukraine is feasible before 4 March 2025.

The aggression of the Russian Federation against Ukraine does not end by 4 March 2025, or it ends but the war leaves Ukraine in a state that does not permit a safe and durable return.

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Content – Module 3

The **New Pact on Migration and Asylum**, proposed in September 2020 and designed to manage and normalise migration for the long term, providing certainty, clarity and decent conditions for people arriving in the EU.

A Proposal for an EU Regulation addressing situations of crisis and force majeure in the field of migration and asylum is included as a part of the Pact.



Source: European Commission

Temporary protection in the European Union

Enjoy the course!

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