



ICMPD

**International Centre for
Migration Policy Development**

Options for phasing out temporary protection

Presentation at EMN Estonia conference: "Beyond Temporary: Building for the Future"

Tallinn, 28 May 2025

Introduction

Starting point

- Triggering TP was the right thing to do
- Visa freedom, TP and lifting Art 11 TPD allowed BTP to largely enter, move and stay freely within the EU
- BTP have access to wide range of rights

BUT ...

- TP is supposed to be “temporary”
- EU wide residence permits (SPD, Res.D, Blue Card-D, LTR-D) explicitly exclude BTP
- EU’s close ties with Ukraine (“support as long as it takes” / EU accession country)

(Some) Frictions

Future uncertainty

- War – no war
- Safe return possible or not

A large and diverse group

- Self sustaining UAs vs vulnerable groups
- Some fit into existing national permits, some not

Capacities and needs

- Needs of Ukraine versus needs of MS
- Capacities of MS and UA administrations to handle admission or return
- *(if war ends, additional pressure by public to end TP is likely)*

Policies so far

EU Level

- ☐ Pragmatic approach: prolongation of TP

MS Level

- ☐ Basically all **transposed extension of TP** into national laws
- ☐ A number of countries opened channels to transit from TP to national residence permits
 - ☐ needed a basis that allowed in-country application for BTP
 - ☐ Changes to allow transition to national residence status generally
 - ☐ Linked to employment and residency
- ☐ Cases of narrowing the eligibility of TP
 - ☐ Restricting initially more favorable eligibility criteria (see also CJEU C-244/24)
 - ☐ (*non-EU MS*) *restricted eligibility for newcomers from “safe” oblasts*

Stakeholder opinions

Asscher

- Reconstruction permit
- (possibly) 10 years

ECRE

- Ukrainian perspectives (both affected people and government);
- maintain a range of options reflecting diverse BTPs;
- respect human rights of those affected; and
- a collective approach

The Meijers Committee

- No extension of TP; no new instrument
- Instead, include BTP in QD (“collective asylum”); LTR-D; EU citizenship directive, SPD.
- TP continued for BTP who cannot switch

Academia

- Prima facie IP recognition ([Ineli Ciger](#))
- Open LTR-D for BTP for transitioning or accumulation ([Ineli Ciger](#), [FRA](#), EP, etc)
- Assimilation of BTP with free movement status ([Mantu](#), [Zwaan](#), [Strik](#))

Priorities of stakeholders

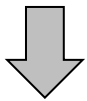
General priorities on exit strategies:

- Keep administrative burdens as low as possible (e.g. avoiding transition into asylum processes)
- Scepticism regarding a new instrument
- TP prolongation remains a possibility versus avoid permanent temporality
- Broad consensus for an EU coordination (to avoid fragmentation and “secondary movements”; but preserve MS flexibility)
- Take needs of UA as well as those of MS into account

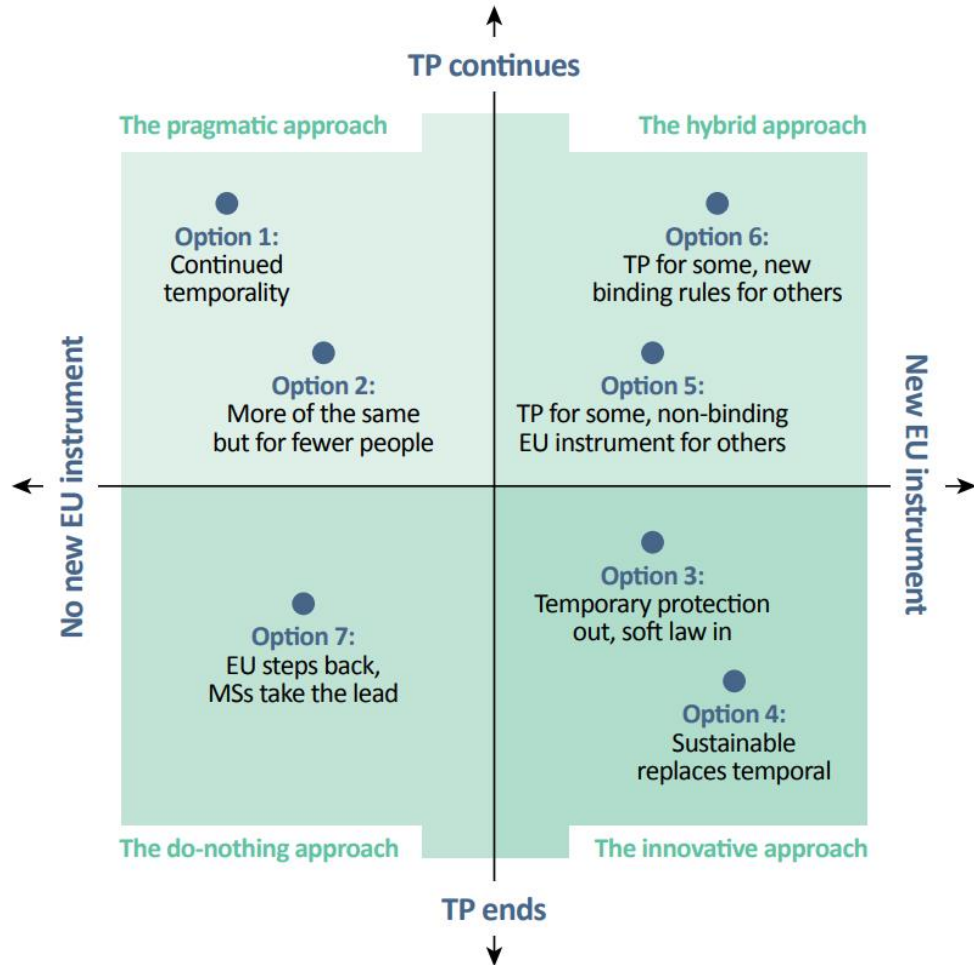
Strategic Approaches – Overview

Two key policy directions:

- Continue or End TP?
- Develop new EU instrument or not?



- 4 Strategic Approaches and
- 7 Policy Options emerge.



The Pragmatic Approach

Option 1: 'Continued temporality'

TP extended yearly

Advantages

- ✓ Continuity,
- ✓ Minimal disruption/ administrative burden
- ✓ All BTP eligible incl vulnerable

Disadvantages

- ❖ Reinforces temporariness,
- ❖ no long-term solution
- ❖ Defers not solve anything

Option 2: 'More of the same, for fewer'

TP continues but with narrower scope

Advantages

- ✓ Encourages transition
- ✓ Keeping an option for those who cannot transit

Disadvantages

- ❖ Inconsistency among people
- ❖ Vulnerable remain temporary despite long-term needs

The Innovative Approach

Option 3: Soft law replaces TP

Non-binding EU recommendation replaces TP

Advantages

- ✓ Provides guidance for shared framework
- ✓ Could prevent protection gaps

Disadvantages

- ❖ Potential fragmentation
- ❖ Admin burden on MS

Option 4: Sustainable replaces temporary

New binding EU law for long-term permits replaces TP

Advantages

- ✓ Long term solution & stability
- ✓ Avoid fragmentation

Disadvantages

- ❖ Demanding legislative process
- ❖ Might not include all BTP

The Hybrid Approach

Option 5: TP for some + non-binding EU rules for others

Advantages

- ✓ Enables gradual, joint but flexible and manageable transition
- ✓ Retains TP as safety net

Disadvantages

- ❖ Burden to administer different statuses
- ❖ Potential variation in MS
- ❖ Continued temporality for some

Option 6: TP for some + new binding EU instrument for others

Advantages

- ✓ Enables gradual, but flexible and manageable transition
- ✓ Retains TP as safety net
- ✓ Less fragmentation

Disadvantages

- ❖ Demanding lengthy legislative process
- ❖ Continued temporality for some

The Do-Nothing Approach

Option 7: TP expires, MSs take over independently

Advantages

- ✓ Preserves temporary nature of TP
- ✓ Avoids long EU legislative process

Disadvantages

- ❖ Admin burden for MS
- ❖ Fragmentation
- ❖ Risk of falling between the cracks
- ❖ Burden for UA to face 27 different approaches instead of 1

Food for thought on the way forward

- **Coordinated approach**
- A **sense of urgency** – one year left is already late and should war end, public support for TP will shift quickly
- The policy discussion on **long term solutions** should get more concrete irrespective of the policy measure beyond March 2026
- Importance of **timely communication** to BTP
- Reasonable **duration for (any) transition** option
- **Flexibility**

Thank you for your attention!

Selected ICMPD publications on Temporary Protection

- ICMPD Policy Paper May 2025: [Four million people, one crossroads: Charting the future of temporary protection](#)
- ICMPD Commentary March 2025: [Phasing out temporary protection? Shaping EU policies through national experiences](#)
- ICMPD Commentary March 2024: [Extending temporary protection: It seems most viable, but is it?](#)
- ICMPD Discussion Paper July 2023: [Responding to Displacement from Ukraine: Options to remain when EU temporary protection ends](#)
- ICMPD Discussion Paper March 2023: [Responding to Displacement from Ukraine: Past, present, and future policies](#)

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