

„ACTIVATING THE TPD: RETROSPECT AND WAYS FORWARD“

A Conference of EMN Estonia¹: Overview and Conclusions

Introduction

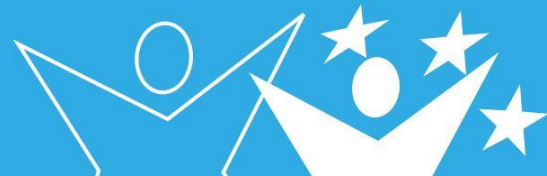
The full-scale aggression against Ukraine has led to the largest movement of refugees since the World War II. According to UNHCR Operational Data Portal, as of 7th March 2023, 4 890 639 refugees from Ukraine have registered for temporary protection or similar national protection schemes in Europe. As a landmark decision, on 4th of March 2022, the Council of the EU unanimously activated the Temporary Protection Directive (TPD), over 20 years since its adoption in 2001. Member States have since either activated the TPD or applied similar schemes to provide war refugees security and social guarantees such as the right to education, employment, medical care and emergency assistance.

EMN Estonia's National Conference in 2023 built upon the main challenges, lessons learnt and possible future scenarios for both the Member States as well as international actors and Ukraine. The conference had two sessions: first session offered an academic overview of forced migration from Ukraine and an introductory overview of the TPD one year on, followed by the first panel providing insights and experiences from Finland, Latvia, Lithuania, Poland and Estonia. Second session brought together representatives from Frontex and OECD, the Estonian Ambassador to Ukraine, representative from Ukrainian State Migration Service and from Mission of Canada to the EU. This briefing paper summarises the main messages and takeaways from both sessions.

Introductory speeches:

Dr. Franck Düvell (Senior Researcher at Osnabrück University, Institute for Migration Research and Intercultural Studies) presented an overview and insights to future scenarios on forced migration from Ukraine. He explained that in academic fields, Russia has been analysed as an imperial power and the war as a colonial war. Russia's aggressions have caused or contributed much of the global refugee problem - 1979 Afghanistan, Chechnya in 1990s, Syria in 2011 and Ukraine since 2014. Since 2015, Russia has played out the refugee card against the EU with its imperial ambitions and aggressive politics conceptualised as the "Global East".

¹ EMN Estonia Conference was a hybrid event taking place at the Estonian Academy of Security Sciences in Tallinn and online via interactive Worksup environment on 25 May 2023. Video recording of the conference is available at EMN Estonia's website.



Dr. Düvell noted that population in Ukraine has declined since 1991 (7-8 million) and the diaspora outside Ukraine is large: prior to the war, over 2 million Ukrainians have been registered in the EU, EFTA and Turkey. The invasion has directly affected 15 million people i.e., 40% of total population. Between 30% to 50% of all displaced persons have been seeking protection abroad and there is high resilience of host countries of Ukrainians. The reasons are probably that EU countries are experiencing population ageing and partly shrinking populations, enjoy economic growth, report significant job vacancies and relatively quick labour market integration of Ukrainians.

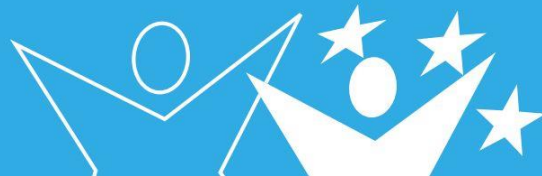
Future outlook may indicate higher levels of return migration in summer and increased pendular movements. End of TPD will probably lead to more returns and mobility within EU Member States. It is important to note that proximity and security situation facilitates quick and/or repeated return.

Dr. Düvell also pointed out macro-level and micro-level drivers of migration that influence the return of Ukrainians:

- duration of the war;
- scope of the destruction;
- proportion of occupied territory;
- Gross Regional Product (GRP), absorption capacity of IDPs in GCA;
- economic outlook of Ukraine, reconstruction efforts and speed thereof;
- family status, forced separation, loss/killing of close family members;
- property and/or business still in Ukraine;
- ethnicity;
- how often displaced;
- duration of stay in the EU;
- legal status in the EU and the related political situation;
- integration in the host community (employment, housing, education);
- need to generate remittances for family members still in Ukraine;
- perceptions of migration and perceptions of Ukraine before and after the war;
- perception of life in the EU.

Dr. Düvell presented 6 possible scenarios of war and displacement in and from Ukraine out of which two are more likely in short and medium term:

1. Russia's current invasion will be halted and reversed, at least partly. Significant western aid to rebuild Ukraine (status quo after 2014) (a possibility but less likely). Migration >1.65 mio.
2. Russia continues to occupy parts of Donetsk, Lugansk, Zaporizhia and Kherson oblasts resulting in yet another frozen conflict. Significant western aid to rebuild the sovereign parts of the country; economic recovery will be fast (realistic possibility in short-term). Migration: 3.48 mio.

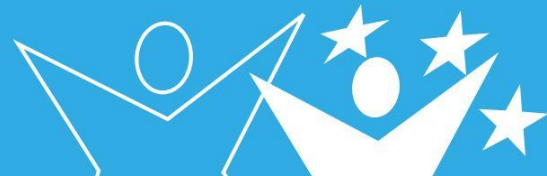


Recent surveys show that elderly and women with children have higher return aspirations. The employed have probably lower aspirations. Those who stay are likely to develop family reunifications aspirations. It is important to bear in mind that the situation is highly volatile, people are mobile and statistics are often misleading.

Cecilia Verkleij (Directorate General of Migration and Home Affairs) started with providing an overview of European Commission's communication, issued after 1-year of implementing the TPD in order to understand how it had worked in Member States, to draw lessons learnt and to look at the future. Implementation has not been without challenges and to address them, Commission had bilateral talks with each of the Member States.

- European Commission continues to see challenges regarding the sustainability of accommodation offered to Ukrainian refugees. Some Member States apply measures to facilitate refugees to move out from state facilities to private housing.
- As EU is currently hosting 1/5 of Ukrainian children, special care has to be given to the children, especially in terms of integrating them into national education systems. However, several Member States face challenges regarding language skills. Commission continues to offer support for organising language trainings in order to ensure better integration and continuation of education.
- Another challenge is to do with recognition of diplomas. This issue has never had to be addressed between the Commission and Ukraine, but now has become acute.
- In the area of child protection, Commission has noted that decisions taken by Ukrainian courts in terms of guardianship are not always recognised in the EU. This means that if a child enters EU with a guardian who is recognised under Ukraine law, it is not automatically recognised in most of the EU Member States.
- Another challenge occurred in the beginning of the conflict – human trafficking. Refugees gathering at the border had to be careful in terms of transport offered by private individuals.
- Commission also acknowledges issues regarding circular movement – people, both registered as TP holders as well as those not registered, are moving to Ukraine and back.

Several variables affect future decisions. It is not known yet what will be the state of damage in Ukraine, notably in terms of critical infrastructure. Wish to return is also dependant on schooling and access to the labour market. For the time being, TPD has been extended until 4 March 2024. There is a possibility to extend it for another year, however, that requires proposal from the Commission to the European Council and a decision from the Council. Another possibility is to amend and apply the long-term residence directive (2003/109/EC) by reducing the required stay for legal residence from 5 years to 3 years.



There are a lot of elements of uncertainty, making decision making more difficult. However, it is important to have that reflection since there are no experiences from the past. For that reason, extension of the TPD will also remain a possibility.

Session I: Reflecting on One Year of TPD Activation: Challenges, Lessons Learned and Best Practices

First session hosted representatives from Finland, Latvia, Lithuania, Poland and Estonia in order to share their experiences, challenges and best practices followed by a panel discussion.



Jutta Saastamoinen (EMN Finland, Finnish Migration Service) addressed four main challenges encountered after one year of the TPD: (1) the need to quickly scale up services such as accommodation, health care and social services, reception centres and information provision; (2) reaching the refugees to provide them with necessary information; (3) addressing new situations such as people arriving with pets, minors travelling with other relatives than their parents etc.; (4) labour market integration (language skills, some cases of labour exploitation). In March 2023, Finland had appr. 46 000 beneficiaries of TP. As there were elections in Finland and Government is currently being formed, there are no future plans in place yet.

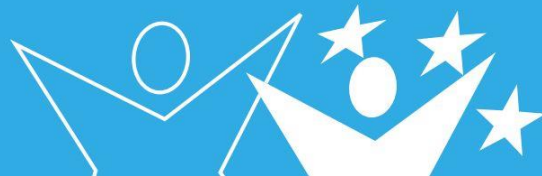


Ilze Briede (Office of Citizenship and Migration Affairs of Latvia) introduced the TPD schemes applied in Latvia: those who fled the war with valid travel documents were granted long-term visas for 1 year and those without valid travel documents were granted temporary residence permits also for 1 year. Since the beginning of 2023, only residence permits for 2 years are issued. Reaching TP holders has been easier since there is almost no language barrier due to the wide usage of Russian language. However, Latvia has encountered issues regarding those entering via the Russian Federation as it is not always clear whether they have resided in Russia or are truly refugees from Ukraine. Until May 2023, Latvia has registered appr. 40 700 beneficiaries of TP and annulled the legal status to stay in Latvia on appr. 3500 cases.

Currently, employers in Latvia are worried about the aftermath if the TPD will end as the labour market is relying on Ukrainian refugees. However, in Latvia's view, it would be appreciated if the Commission will decide on future solutions and possibly on extending the TPD.



Agneta Ladek (Ministry of Interior of Lithuania) listed several challenges such as legal status, family reunion, integration (community, language, society), entrance to the labour market (mostly women with children), education (differences between Lithuanian and Ukrainian education systems), cultural challenges, data management



(those not registered under TP and/or those moving to another country or back to Ukraine), also accommodation and concentration in larger cities. For the provision of information, Lithuania applied “all services under one roof” principle meaning that reception centre included police department (for coordination and risk assessment), other relevant state institutions and NGO-s (including humanitarian aid). Since the beginning of the war, the total number of beneficiaries of TP in Lithuania is 76 000 and appr. 6500 have left or who have not been in contact.

For future scenarios, Lithuania believes that a solution from the Commission is necessary. However, there has to be room for manoeuvring in terms of national systems as it has been in regard to applying the TPD. Lithuania has taken the war in Ukraine as a personal fight and continues to do so as Ukraine is also fighting for Lithuania.

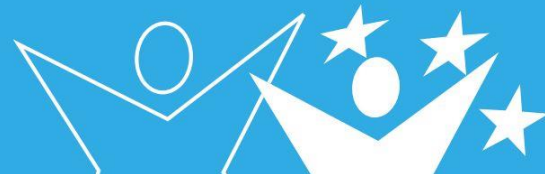


Ewa Polawska (Ministry of Interior and Administration of Poland) concluded that implementing the TPD has proven to be a reliable tool, acting as an umbrella for national solutions. Poland faced challenges in regard to providing accommodation for refugees – state together with NGO-s, IGO-s, regional level administrations and local communities had to increase the number of accommodation facilities from 9 to 6000 in order to host more than 500 000 persons. Since the beginning of the war, Poland has in total 1,5 million beneficiaries of TP. It has also been challenging to address the needs of vulnerable groups such as the disabled and the elderly.

Poland emphasized that due to prevailing uncertainty, future solutions are unclear. Thus, it is important to know where EU stands as a whole. Refugees’ future intentions are closely tied with the developments of the ongoing war – currently almost equal proportion would like to stay either for up to a year or few years and 1/3 wishes to return.



Liis Valk (Estonian Police and Border Guard Board) emphasized the changed scale of protection schemes: if under normal circumstances Estonia receives 100 applications for international protection per year, then in 2022 there were 2000 arrivals a day resulting in more people working in the field of migration than ever before. Most important take-away is not to waste a good crisis meaning that in the context of Estonia, (1) different scenarios have to be planned for, (2) one-stop-shop system has proven to be a good solution, (3) legislation needs to be more flexible to assure smooth and quick amendments if necessary, (4) identification problems and secondary movements may bring (and have brought) problems with data quality and (5) it is important to have plans for the following years. In May 2023, Estonia had appr. 46 000 beneficiaries of TP.



In terms of future scenarios, it is important to have national measures in place as regardless of the outcomes in the territory of Ukraine, many will probably wish to stay in host societies.

Session II: Planning for the Future

Second session brought together representatives from Frontex and OECD, the Estonian Ambassador to Ukraine, representative from Ukrainian State Migration Service and from Mission of Canada to the EU.

Dmytro Horban (State Migration Service of Ukraine) started the presentation by acknowledging that the only possible outcome of the war can be the victory of Ukraine. Since the beginning of the crisis, Ukraine has faced the highest migration level of its citizens, both within the country and abroad, in addition, Russia has also forcibly resettled Ukrainians on its territories.

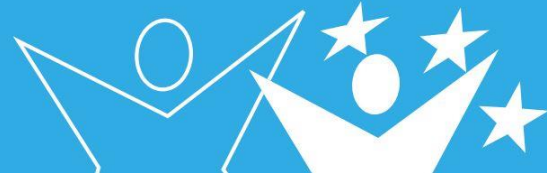
Current priorities of the State Migration Service of Ukraine are focusing on the protection of Ukrainian nationals residing in Ukraine and abroad, including satisfying their need for fast issuance of national ID-cards and passports, approximation of national legislation in the field of migration with the EU acquis and further cooperation with EU institutions and reviewing the Strategy of the State Migration Policy until 2025.

To meet the high demand of Ukrainian citizens for passport services, 2 pilot projects have been introduced:

- A pilot project called "Document" has been established across Europe to strengthen the capacities of Ukrainian consular services. Offices have been opened in Poland, Slovakia, Czech Republic, Spain, Germany and Turkey. So far, appr. 70 000 national ID-s and 230 000 passports have been issued.
- Another pilot project focuses on the assistance of forcibly deported Ukrainians to the Russian territory to issue temporary travel documents.

In terms of the future, it is important to maintain strong connections between Ukraine and its nationals, develop national demographic strategy for the next 10 years, create living and employment conditions and business start-up opportunities, attract foreign workers and specialist as well as taking further actions to integrate Ukraine to the EU.

Kaimo Kuusk (Estonian Ambassador Extraordinary and Plenipotentiary to Ukraine) presented some of the initiatives of the Embassy e.g., building a kindergarten with a shelter as it was important to cope with current circumstances and provide people with an option to leave their children in a safe environment for the working hours. This project also included training the teachers. Another project in progress is renovating buildings in an energy efficient way and bringing couple of million LED light bulbs to Ukraine to economize the consumption of electricity as Russian troops are targeting the power stations. Planning the future means that you are already building the future.



Ukrainians are not interested in “fixing things in the old manner” but building new facilities.

Uku Särekanno (FRONTEX) explained that in terms of the external borders, the year 2022 was extremely difficult as the war was and is taking place in Europe. However, EU has managed well specially via implementing the TPD as a fast-track solution for war refugees. On a larger scale, there has been significant increase in irregular migration from Central-Mediterranean related to the instability in Libya, Tunisia, but also in Sahel region and via Western Balkans. In the Baltic region and countries bordering Belarus, there has been an overall decrease in irregular border crossings. Europe still sees high number of Afghans and Syrians. One cannot also forget the earthquake in Turkey which can also cause additional flows towards Europe.

Russia is very actively operating in the Mediterranean area, Middle East and Africa. Wagner mercenaries have appeared in Mali and in some other African countries contributing to insecurity in these areas. Roughly 26 000 Russian citizens are entering EU weekly via land border, mostly concerns Estonia and Finland, but also Latvia, Lithuania and Poland. Figures have been relatively stable since last autumn thanks to coordinated measures and restrictions.

FRONTEX has deployed officers at external borders with Russia and Belarus, supported the Ukrainian Border Agency and in terms of the future will turn its operational focus on human and weapon trafficking.

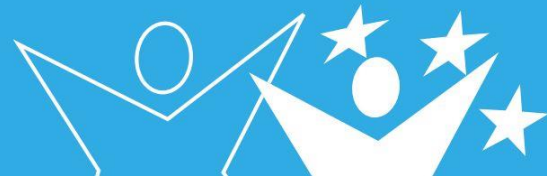
Veronica Coulter (Mission of Canada to EU) started with underlining how Canada sees Europe as like-minded and strategic partner - Canada is equally committed on supporting Ukraine. Before the full-scale war started, Canada had the second largest diaspora of Ukrainians in the world (1,3 mil).

In March 2022, Canada introduced several measures to support Ukraine:

- Authorisation for Emergency Travel (CUAET) from Ukraine to Canada.
- Settlement services (information and orientation, language training etc.).
- Transitional financial assistance.
- Accommodation for those eligible for CUAET.

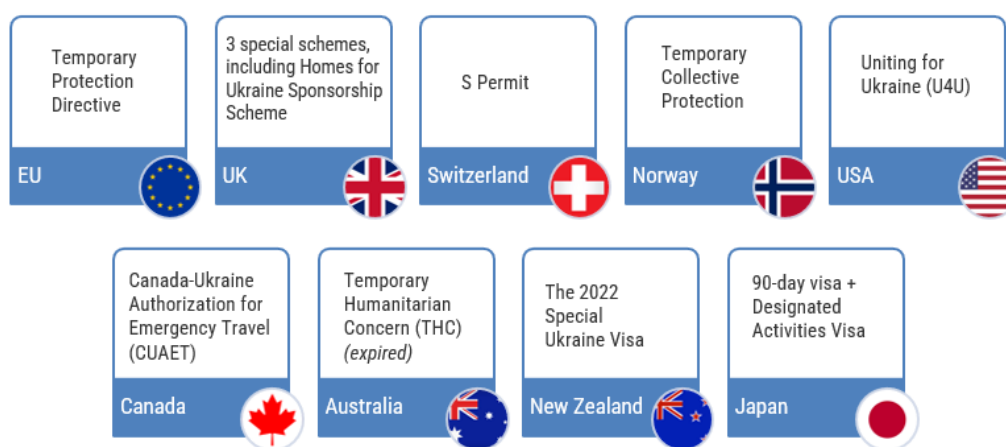
CUAET is open to Ukrainian nationals and their family members inside and outside of Canada. Outside Canada, Ukrainian nationals are offered the possibility for multiple entry visas valid for up to 10 years and ability to apply for open work permit or study permit. Inside Canada, Ukrainians can extend their stay, apply for open work permit and study permit. So far, Canada has received appr. 1 million applications and over 700 000 have been approved.

Ave Lauren (OECD) introduced the two main branches of OECD’s work: (1) reception of war refugees in OECD countries and (2) assisting Ukraine and other host countries on return and reintegration in the context of Ukraine’s recovery plan.



Many OECD countries have granted immigration concessions, preventing irregular migration flows and ensuring speedy and extensive access to assistance, public services and employment.

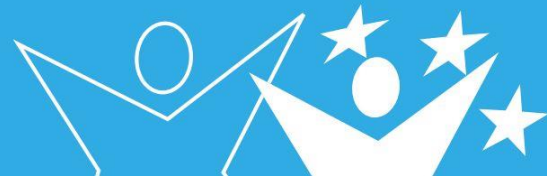
She also presented a table with different legislative schemes/concessions regarding those fleeing the war:



Continued fighting and infrastructure damage has dimmed prospects of an early return for many Ukrainian refugees. During a longer period of displacement, further targeted support is needed for skill-appropriate and inclusive integration. Increased efforts to understand return intentions are necessary to overcome the so-called uncertainty paralysis.

It is important to offer integration support for displaced Ukrainians as it has many benefits such as rebuilding livelihoods, better labour market outcomes, skills are not left to decay, ensuring educational continuity for children, reducing pressure on public purse and sustaining public opinion. Successful integration can also support the reconstruction of Ukraine with skills and know-how necessary for rebuilding.

OECD is proposing countries to pursue a concept of dual intent integration which prioritizes improving refugees' socio-economic opportunities regardless of their future location, while deliberately looking to minimize possible return barriers in both host and origin countries. The close cooperation with host countries and Ukraine is essential for developing dual intent solution. For this, it is important to (1) invest in human capital development of displaced Ukrainians, (2) streamline the mutual recognition of skills and qualifications, (3) offer Ukrainian language training in host countries, (4) ease financial flows between host countries and Ukraine, and (5) ensure remigration/mobility pathways.



Agenda of the Conference

09:00 – 09:30 Opening remarks

- **Egert Belitšev**, Director General of the Police and Border Guard Board
- **Magnus Ovilius**, European Commission

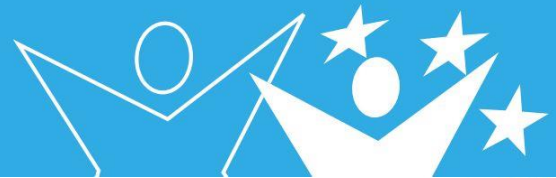
09:50 – 10:40 Keynote and introductory speeches

- **Forced Migration from Ukraine after 2/2022: Looking back and looking forward: Reappraisal and future scenarios**, **Dr. Franck Düvell**, Osnabrück University
- **Temporary protection – one year on**, **Cecilia Verkleij**, DG Home Asylum Unit, COM

11:00 – 13:00 Session I: Reflecting on One Year of TPD Activation: Challenges, Lessons Learned and Best Practices

- **Temporary protection in Finland – challenges after activation of TPD**, **Jutta Saastamoinen**, EMN Finland, Finnish Migration Service (Migri)
- **Latvia – Current State of Play**, **Ilze Briede**, Office of Citizenship and Migration Affairs of Latvia
- **Temporary protection directive in Lithuania: home away from home**, **Agneta Ladek**, Ministry of the Interior of the Republic of Lithuania
- **Lessons learned from the activation of Temporary Protection Directive – one year after. The case of Poland**, **Ewa Poławska**, Ministry of Interior and Administration of Poland
- **Insights from Estonia**, **Liis Valk**, Police and Border Guard Board of Estonia

14:00 – 15:50 Session II: Planning for the Future



- **Overview of the Migration Situation in Ukraine and Response to Challenges Caused by Russian Aggression, Dmytro Horban**, State Migration Service of Ukraine
- **Planning the Future, View from the Embassy in Kyiv and Development Cooperation, Kaimo Kuusk**, Ambassador Extraordinary and Plenipotentiary, Estonian Ministry of Foreign Affairs
- **The implications of Russian aggression to migratory flows and border management, Uku Särekanno**, Frontex
- **Canada's immigration measures and support for Ukrainians: An overview, Veronica Coulter**, Mission of Canada to the EU
- **Working towards dual intent integration, Ave Lauren**, OECD

15:50 – 16:00 Concluding remarks



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The European Migration Network (EMN), established by the Council of the European Union in 2008 and coordinated by the European Commission, is a network for information collection and exchange on migration and asylum issues, comprised of National Contact Points and national networks of relevant stakeholder organisations. The EMN plays a key role in providing up-to-date, objective, reliable and comparable information on migration and asylum topics to policy makers (at EU and Member State level) and the general public.

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