



EUROPEAN POLICY ANALYSIS

When Temporary Protection Ends: longer-term solutions for refugees from Ukraine

Meltem Ineli Cığır*

Summary

The Temporary Protection (TP) regime under which nearly six million refugees from the war in Ukraine are legally living in the European Union is set to expire in spring 2025. Without action by the EU and/or Member States, they risk being left in limbo.

This paper considers the options available to the EU and national governments beyond that point, and the advantages and drawbacks of each. These options are: the return of TP beneficiaries to Ukraine if it is safe; processing applications for asylum they might make and taking an individual or collective approach to this; granting Ukrainians long-term resident status, and other national-level solutions to allow them to remain in the EU, such as citizenship and different residency pathways.

The analysis shows that in case Russia's war of aggression does not end by 2025, the preferable solution is the granting of long-term resident status.

* Dr Meltem Ineli Cığır is an Associate Professor in the Faculty of Law, Suleyman Demirel University.

The opinions expressed in the publication are those of the author.

1. Introduction

Russia's full-scale invasion of Ukraine began on 24 February 2022 and led to a large-scale displacement of people. To protect Ukrainians fleeing the invasion, on 4 March 2022 the Council of the EU ('the Council') unanimously adopted the Council Implementing Decision (EU) 2022/382, activating the Temporary Protection Directive¹ and thereby giving those fleeing war in Ukraine temporary protection.² This was the first time the Directive had been activated since its adoption in 2001.³ Temporary protection is an exceptional status only to be implemented in mass influx situations that protects displaced persons who cannot return to their country of origin.⁴ The Directive ensures that refugees from Ukraine have immediate access to residence permits, employment, education, medical care, accommodation, social welfare, and freedom of movement across the EU.⁵

Today, nearly six million refugees from Ukraine enjoy temporary protection status in Europe. The top three host countries are Germany, Poland and the Czech Republic.⁶ Today, Germany and Poland each host more than 1 million refugees from Ukraine.⁷ The majority of these displaced persons are women and children: according to the statistical office of the European Union (Eurostat), 'adult women represented 46.7% of beneficiaries of temporary protection [...], children represented 35.3 %, while the proportion of adult men in the total number of beneficiaries of temporary protection was only equal to 18.0%'.⁸

The EU temporary protection regime will come to an end when either a) the maximum duration has been reached or b) the Council adopts a decision by a qualified majority on a proposal from the Commission before the time limit is reached.⁹

The duration of temporary protection is foreseen in the Directive as one year but can be further extended by the Council for a maximum of three years. Temporary Protection cannot continue for more than three years in any circumstance, and it should not be activated multiple times in the same displacement context because this would contradict the temporary nature of the protection status and could undermine the Convention relating to the Status of Refugees (Refugee Convention).¹⁰ Considering that the temporary protection regime will be terminated at the latest on 4 March 2025 (when the 3-year time limit is up), it is time to begin planning what happens next.

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This European Policy Analysis focuses on possible scenarios and solutions for these refugees from Ukraine following the end of the current temporary protection regime in the EU. Through a review of

This analysis builds on Meltem Ineli-Ciger, ['What happens next? Scenarios following the end of the temporary protection in the EU'](#), MPC Blog, March 2023.

¹ 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 thereof [2001] OJ L 212.

² 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 [2022] OJ L 71.

³ Bernd Parusel and Valeriia Varfolomeieva, 'The Ukrainian Refugee Situation: Lessons for EU Asylum Policy', SIEPS European Policy Analysis 2022:16.

⁴ For more data on temporary protection see Eurostat's [monthly statistics](#). Cf. Sergio Carrera and Meltem Ineli-Ciğer (eds.) *EU Responses to the Large-Scale Refugee Displacement* (Florence: EUI, 2023); Achilles Skordas 'Temporary Protection Directive 2001/55/EC' in Daniel Thym and Kay Hailbronner (eds.) *EU Immigration and Asylum Law Article-by-Article Commentary* (Baden-Baden: Nomos, 2022) 1177-229.

⁵ Chapter III of the Temporary Protection Directive.

⁶ Country figures are taken from the [UNHCR Operationa Data Portal](#), accessed 19 July 2023.

⁷ Country figures are taken from the [UNHCR Operationa Data Portal](#), accessed 19 July 2023.

⁸ These figures are as of the end of March 2023. Eurostat's [monthly statistics](#), accessed 1 June 2023

⁹ Article 6(1) of the Temporary Protection Directive.

¹⁰ Convention relating to the Status of Refugees, 189 UNTS 150, entered into force 22 April 1954.

relevant EU legislation and policies and scholarly literature, it discusses different possible solutions for refugees from Ukraine after the end of the current temporary protection regime and examines the benefits and disadvantages of each solution. The solutions discussed here include the return of temporarily protected persons to Ukraine, provided that the Russian invasion ends; access of the protected population to international protection through individual and group-based recognition procedures; long-term resident status; citizenship, and other national residency statuses, such as statuses based on humanitarian considerations or for family, education or work reasons.

2. Return to Ukraine

Once the temporary protection regime ends, Member States can return a former temporary protection status holder, but only if ‘the person is not eligible to be legally admitted to the country for some other reason and the situation in the country of origin permits the safe and durable return.’¹¹ This means that the forced return of temporarily protected persons would only be possible after temporary protection is terminated and if peace in Ukraine is restored. If the war indeed ends at any point before 4 March 2025 and Ukraine becomes safe to return to, the Council can adopt a decision with a qualified majority following a proposal from the Commission, to terminate the temporary protection regime given certain conditions are fulfilled.

For the Council to terminate the temporary protection regime (ahead of its expiration), the termination must 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.’¹² According to the European Commission, safe and durable return means that

[...] the displaced persons must be returned in safety and dignity in a stable context and in conditions where their life or freedom will not be threatened on account of their race, religion, nationality, membership of a particular social and political group, and where they would not be subjected to torture or to inhuman and degrading treatment or punishment.¹³

The Commission interpreted the safe and durable return concept in light of Article 33 of the Refugee Convention and Article 3 of the European Convention on Human Rights,¹⁴ which prohibits torture or inhuman and degrading treatment or punishment. Moreover, the Commission also interpreted the safe and durable return in light of the concept of ‘return in safety and dignity.’¹⁵

Return in safety and dignity, a concept usually invoked in the context of voluntary returns by the UN Refugee Agency (UNHCR), is defined by the Executive Committee of the High Commissioner’s Programme (ExCom) Conclusion No 65 as ‘return without harassment, arbitrary detention or physical threats.’¹⁶ The UNHCR notes that return in safety implies that return takes place under conditions of legal safety, physical security, and material security, which include access to land or means of livelihood.¹⁷ Moreover, according to the UNHCR, return in dignity means that displaced persons can return unconditionally; that they are not arbitrarily separated from family members, and are treated with respect and full acceptance by their national authorities, including full restoration of their rights.¹⁸

¹¹ Achilles Skordas, ‘Temporary Protection Directive 2001/55/EC’ in Daniel Thym and Kay Hailbronner (eds.) *EU Immigration and Asylum Law Article-by-Article Commentary* (Baden-Baden: Nomos, 2022) 1177–229.

¹² Article 6(2) of the Temporary Protection Directive.

¹³ Commission of the European Communities ‘Proposal for a Council Directive 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 thereof’ Brussels, 24 May 2000, COM(2000) 303 final 2000/0127 (CNS).

¹⁴ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5.

¹⁵ See Chapter 5 of Meltem Ineli-Ciğer, *Temporary protection in Law and Practice* (Leiden: Brill, 2017).

¹⁶ ExCom Conclusion No 65 (XLII) ‘General Conclusion on International Protection’ (1991).

¹⁷ UNHCR, ‘Handbook on Voluntary Repatriation: International Protection’ 1996, 11.

¹⁸ *ibid.*, 11.

Even if the Russian invasion ends before March 2025, it might still be early to terminate the temporary protection regime since it might still not be safe to return. Only if Ukrainians enjoying temporary protection in Europe are not at risk of persecution or torture, or inhuman and degrading treatment or punishment, upon return to Ukraine, and if returns can take place in safety and dignity, then the Council can terminate the temporary protection regime. In this case, previous temporary protection beneficiaries who are – despite the Council’s decision to end temporary protection – at risk of persecution or torture, or inhuman or degrading treatment and punishment, can apply for international protection just as other asylum seekers. The international protection applications of temporary protection beneficiaries, including those that were not considered during the temporary protection regime, must be then processed and decided by the Member States.¹⁹

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If a former beneficiary of temporary protection has no legal reason to stay in Member State territory, she can be returned to Ukraine, given that there is no risk of a violation of the non-*refoulement* principle.²⁰ Indeed, in such cases, the Temporary Protection Directive requires Member States to adopt measures to return the former temporarily protected persons; nevertheless, consideration should be given to humanitarian reasons for which

they might need to stay, and persons who cannot be expected to travel in view of their state of health should not be removed.²¹

Returning voluntarily to Ukraine is always an option for Ukrainians, before or after the temporary protection regime ends. This is because, according to international law, all individuals have the right to return to their country of origin. The Temporary Protection Directive requires Member States to take measures to ensure that the voluntary return of protected persons is possible and emphasizes that the decision of return should be taken with full knowledge of the facts relating to the country of origin.²² According to a UNHCR study,²³ return aspirations remain high among Ukrainians though, as noted in a recent ICMPD report, ‘a prolonged war might reduce these aspirations’.²⁴ Thus, if the war ends, assisted voluntary return programmes will play a key role in ensuring that temporarily protected groups can return to Ukraine in a durable manner.²⁵

3. Pathways for Ukrainians to Stay in the EU

3.1 Access to international protection

Irrespective of how the temporary protection regime implemented for Ukrainians ends, persons who previously enjoyed temporary protection status can apply for asylum in the EU. Moreover, asylum applications by temporary protection beneficiaries that were not considered until the end of the temporary protection regime must be processed and decided by the Member States once the temporary protection regime ends.

Article 3(1) of the Directive clearly provides that ‘[t]emporary protection shall not prejudice recognition of refugee status under

¹⁹ Article 17 of the Temporary Protection Directive.

²⁰ For the non-*refoulement* principle see E. Lauterpacht and D. Bethlehem, ‘The Scope and Content of the Principle of Non-*refoulement*’ in E. Feller (ed.) *Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003) 78–177.

²¹ *ibid.*, Article 23.

²² *ibid.*, Article 21(1).

²³ UNHCR, ‘[Lives on Hold: Intentions and Perspectives of Refugees from Ukraine](#)’ #3, February 2023.

²⁴ ‘Responding to Displacement from Ukraine: Past, Present, and Future Policies’, International Centre for Migration Policy Development discussion paper, 1 March 2023, 21.

²⁵ For good practices on assisted voluntary return programmes see M. Ineli-Ciğer, *Temporary Protection in Law and Practice* (Leiden: Brill, 2017), 239–43.

the Convention.²⁶ The asylum applications of previous temporary protection beneficiaries are to be assessed and decided based on the Recast Qualification Directive²⁷ and in line with the procedural safeguards foreseen by the Recast Asylum Procedures Directive.²⁸ For Ukrainian nationals enjoying temporary protection status, if they do decide to apply for asylum, whether they have a well-founded fear of persecution on one of the Convention grounds and their risk of being subjected to serious harm will be examined based on the situation in Ukraine.

Although the assessment of whether a Ukrainian national qualifies for international protection in the EU depends on the situation of Ukraine and the applicant's circumstances, as Hugo Storey notes, most Ukrainians – at least at the time of writing – would likely qualify as refugees under the Refugee Convention and the Recast Qualification Directive.²⁹ When it comes to third-country nationals (non-Ukrainian citizens) who enjoy temporary protection in the Union,³⁰ their international protection claims, following the end of the temporary protection regime, are likely to be decided based on the situation in their respective countries of origin.

3.1.1 Individual status determination procedures

Again, one needs to differentiate between two scenarios, namely, 1. the expiration of the

temporary protection regime because the time limit is reached or 2. the termination of the temporary protection regime because the war ends, and it becomes safe to return to Ukraine.

'Processing millions of asylum applications would cause or exacerbate backlogs in national asylum systems and could even lead to the collapse of asylum systems in countries that have received many Ukrainians [...].'

In the first scenario, since Ukrainians in Europe would still need protection, it is quite possible that the majority of nearly six million Ukrainians would be expected to apply for asylum in the Member State where they reside. Processing millions of asylum applications would cause or exacerbate backlogs in national asylum systems and could even lead to the collapse of asylum systems in countries that have received many Ukrainians under the temporary protection scheme, such as Poland and the Czech Republic. Thus, if Russia's war of aggression does not end by 4 March 2025, or it ends but leaves Ukraine in a state in which safe and durable returns are not possible, individually processing asylum applications of temporary protection beneficiaries would create immense

²⁶ Article 3(1) of the Temporary Protection Directive.

²⁷ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) OJ L 337, 20.12.2011.

²⁸ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) OJ L 180, 29.6.2013.

²⁹ Hugo Storey, 'Are Those Fleeing Ukraine Refugees?' in Sergio Carrera and Meltem Ineli-Ciğer (eds.) *EU Responses to the Large-Scale Refugee Displacement* (Florence: EUI, 2023), 101-20.

³⁰ The issue is explained well in the HIAS report: 'Among non-Ukrainian asylum seekers and refugees fleeing Ukraine, those holding a refugee or a national protection status in Ukraine (namely, complementary protection) and those who are family members of a Ukrainian who fled on or after 24 February 2022, are eligible for temporary protection. individuals who were formerly seeking asylum in Ukraine only benefit from temporary protection in Europe if: 1. They were holding a valid permanent residence permit in Ukraine and are unable to return in safe and durable conditions to their country or region of origin, 2. They are a family member of a person eligible for temporary protection in the EU (this could include cases of people who are family members of a Ukrainian citizen or third-country national or a stateless person who qualifies for temporary protection), 3. They apply for temporary protection in an EU Member State which has chosen to extend the scope of temporary protection to asylum seekers in Ukraine.' ['Protection Risks Facing Non-Ukrainian Asylum Seekers and Refugees Fleeing Ukraine to the EU'](#), HIAS, 2022.

administrative pressure on some Member States and reverse the benefits gained by the activation of the Temporary Protection Directive.

In the second scenario – meaning that Russia’s invasion of Ukraine ends before March 2025 and that the temporary protection regime is terminated by a Council decision because Ukraine is in a state in which safe and durable returns are possible – the majority of temporary protection beneficiaries would have no reason to apply for international protection in the EU. Thus, the number of asylum applications that need to be examined and decided would likely be quite low, and these applications can be decided without any difficulties.³¹

3.1.2 The *prima facie* approach: group recognition or simplified and accelerated individual recognition

A possible solution to the problem of national asylum systems being potentially overwhelmed by the volume of asylum applications following March 2025 would be to grant those who previously enjoyed temporary protection some form of international protection status (either refugee or subsidiary protection status) as a group on a *prima facie* basis.³² UNHCR defines the *prima facie* approach as ‘the recognition by a State or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin.’³³ *Prima facie* recognition implies that an individualized assessment of refugeehood, especially the element of fear of persecution, would be unnecessary, since it would be self-evident from the

event or situation that precipitated the flight that anyone fleeing would normally qualify for refugee status.³⁴ *Prima facie* recognition is usually associated with the large-scale movement of refugees, resulting in mass influx situations in a particular state or region.³⁵

Both the Recast Qualification Directive and the Procedures Directive require that the assessment of an asylum application be conducted on an individual basis with individual decisions rendered concerning each application.³⁶ Therefore Member States granting *prima facie* international protection to Ukrainians who were previously protected under temporary protection on a group basis, without any individual assessment, may be in breach of EU law.³⁷ However, there is nothing in EU law that hinders them from following a *prima facie* approach in individual status determination procedures as long as individual decisions are reasoned. It is also unlikely that the EU would object or punish such approaches taken by Member States. The asylum applications of previously temporarily protected Ukrainians could therefore be decided through simplified and fast-tracked procedures, if the national laws of Member States do allow such a *prima facie* approach. This could prevent, at least to some extent, further backlogs in national asylum systems and could enable Member States to maintain the benefits of group recognition as under the Temporary Protection Directive. This would also save time, money, and administrative resources for the Member States.

³¹ If certain parts of Ukraine are still not safe to return to then internal flight alternative can be considered when deciding on an international protection application. Cf. J. C. Hathaway & M. Foster, ‘Internal protection/relocation/flight alternative as an aspect of refugee status determination’ in E. Feller, V. Türk, & F. Nicholson (eds.), *Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection*, (Cambridge: Cambridge University Press, 2003), 357-417.

³² See also Ayse Dicle Ergin, ‘Next Step after the Termination of Temporary Protection Regime: Transition to Refugee Status Determination (RSD) Procedures?’ in Sergio Carrera and Meltem Ineli Ciğer (eds.) *EU Responses to the Large-Scale Refugee Displacement from Ukraine*, 354-356.

³³ UNHCR, ‘Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status’ (24 June 2015) HCR/GIP/15/11, para 1.

³⁴ *ibid.*, para 15.

³⁵ Matthew Albert, ‘Governance and Prima facie refugee status determination: clarifying the boundaries of temporary protection, group determination, and mass influx’ *Refugee Survey Quarterly* 29.1 (2010) 61-91, 63; Jean-François Durieux, ‘The many faces of «prima facie»: group-based evidence in refugee status determination’, *Refugee* 25.2 (2008) 151-63, 152.

³⁶ Article 4 of the Recast Qualification Directive and Article 10 of the Recast Procedures Directive.

³⁷ Nik Tan, Meltem Ineli-Ciğer, ‘Afghan Women And Girls Fleeing The Taliban: An Argument For Group-Based Protection under the Refugee Convention’, *International Comparative Law Quarterly* (2023 July Issue forthcoming).

3.2 Access to long-term resident status

One alternative to granting international protection status to Ukrainians would be to give them long-term resident status. This is provided for in EU law, and there would be both advantages and disadvantages to granting this status.

The EU's Long-term Residents (LTR) Directive³⁸ establishes that a person who has lived legally in an EU country for an uninterrupted period of five years can obtain the status of a long-term resident.³⁹ This status is dependent upon the person having a stable and regular source of income, health insurance, and, when required by the Member State in question, having complied with integration measures.⁴⁰ The person applying for the status must also not be 'a threat to public security or public policy'.

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Long-term resident status provides its holders with a permanent residence permit and affords them equal treatment to that of Member State-nationals in many regards. These include, but are not limited to: a) access to employment; b) education and vocational training; c) recognition of professional diplomas, certificates, and other qualifications; d) social security, social assistance, and social

protection; e) tax benefits; f) access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining housing; g) freedom of association, affiliation, and membership of an organization representing workers or employers; and h) free access to the entire territory of the Member State concerned, within the limits provided by national legislation for reasons of security.⁴¹ Therefore, giving temporarily protected groups long-term resident status might enable them to integrate into the host society and ensure that they can be protected from enforced return while gaining access to crucial rights and entitlements without a time limit.

At present, the LTR Directive does not apply to third-country nationals authorized to reside in a Member State on the basis of temporary protection: they cannot apply for LTR status and the time spent on temporary protection is not counted as part of the five years of required stay.⁴² However, the Commission's recent proposal to recast the LTR Directive⁴³ sought to make it easier to acquire long-term resident status, in particular by allowing third-country nationals to cumulate residence periods in different Member States in order to fulfil the residency requirement and by clarifying that all periods of legal residence should be fully counted, including residence periods as students, beneficiaries of temporary protection, or residence periods initially based on temporary grounds. This is a stark change compared to the current text of the LTR Directive; if the proposal is adopted, it will enable temporary protection beneficiaries who fulfil the requirements to obtain long-term residence in the EU. However, even if the proposal were accepted as is, there would still be several barriers for Ukrainians to be granted this status.

³⁸ Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance, OJ L 132, 19.5.2011.

³⁹ European Commission, [Long-term Residents](#), accessed 1 June 2023.

⁴⁰ Articles 4-6 of the LTR Directive; D. Thym, 'Long-Term Residents Directive 2003/109/EC' in: Daniel Thym and Kay Hailbronner (ed.) *EU Immigration and Asylum Law Article-by-Article Commentary* (3rd edn, Baden-Baden: Nomos, 2022) 540-642.

⁴¹ Chapter II of the LTR Directive.

⁴² Article 3 of the LTR Directive.

⁴³ Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast) COM/2022/650 final, 27.4.2022; Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast) {SEC(2022) 200 final} - {SWD(2022) 650 final} - {SWD(2022) 651 final} COM(2022) 650 final, 2022/0134(COD), 27.4.2022.

First, persons displaced to the Union after 24 February 2022 would only have stayed in the EU for at most three years, which is less than the required five years provided in the Directive. Second, many Ukrainians return to Ukraine to see their families and for other reasons, which means that not all temporary protection beneficiaries' stays would be continuous. Moreover, temporary protection beneficiaries, especially women, may not have a regular and stable income, as required by the Directive, due to their care duties, especially in the absence of services such as accessible childcare. Therefore, it is crucial to address these challenges before adopting the text of the Recast LTR Directive. These can be addressed with an additional Article to be added to the current Recast LTR Proposal, for instance requiring less stringent criteria to apply for temporary protection beneficiaries, including a requirement of a period of less than five years, and some criteria to ensure that women who cannot earn a regular and stable income due to caring duties are not discriminated against.

3.3 Access to citizenship and other legal pathways

Another way to promote the integration of Ukrainian refugees in the EU would be to regularize their stay by granting them other types of residency or citizenship. Ukrainians, as temporary protection beneficiaries, should be able to apply, at least after temporary protection ends, for resident permits related to their work, education, and family in the Union.⁴⁴ Once temporary protection ends, Ukrainians could also – similar to the *prima facie* refugee recognition option – be granted citizenship or be given permanent or time-limited residency as a group, although the criteria for acquiring these statuses would depend on Member States' national laws and policies. Since Member States might invoke different criteria for regularization of the stay of former temporary protection beneficiaries, a common EU approach and uniformity between Member States' practices in this regard seems unlikely.

4. Conclusions

If there is not peace in Ukraine by 4 March 2025 – the 3-year expiry point set out in the Temporary Protection Directive – or if the war ends but

leaves Ukraine in a state where returned persons would still be at risk of serious harm, this would necessitate a complex response from the EU and the Member States. In such a scenario return would not be an immediately feasible option for most temporary protection beneficiaries. Further, since resettlement to a third country will also not be an option for most Ukrainians, they are left with only one durable solution (since repatriation and resettlement would be out of the question): local integration in the Member States.

I have examined several ways of accomplishing this goal. The first option is to grant all beneficiaries of temporary protection *prima facie* international protection, permanent or time-limited residency, and citizenship. *Not* adopting a group approach and, instead, individually processing asylum applications of temporary protection beneficiaries without any simplified or fast-track procedures would create immense administrative pressure on Member States and reverse the benefits gained from the unbureaucratic group recognition aspect of the Temporary Protection Directive. However, streamlining national residency and citizenship procedures in the Union would be difficult at best and impossible at worst; hence, unless uniform regularization is adopted across the Union, there will be no common EU approach, inevitably leading to secondary movements to those countries that offer better conditions than others.

'An option that is favoured in this analysis is that of providing previously temporarily protected groups long-term resident status.'

An option that is favoured in this analysis is that of providing previously temporarily protected groups long-term resident status. This is a durable solution and prevents further backlogs in national asylum systems. However, at the time of writing, there were several barriers to temporary protection beneficiaries accessing this status. If these barriers were addressed in the Recast LTR Directive, this could ensure that the benefits of the temporary protection regime are retained, and commendable

⁴⁴ 'Responding to Displacement from Ukraine: Past, present, and future policies', 21.

EU efforts to protect Ukrainians displaced by war continue. Having said that, if this proposal is followed and all temporary protection beneficiaries are given long-term resident status once the regime is terminated, it will be crucial to support certain Member States, such as Poland, Germany, and the Czech Republic, which host considerably more temporary protection beneficiaries than others.

Whether or not the Union and the Member States favour any of the options I have outlined above, it is high time to start planning what follows the end of temporary protection and adopt necessary laws and policies so that Ukrainians who have fled the war can access durable solutions and do not fall into a legal limbo.