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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL RECOMMENDATION on a coordinated approach to the  
transition out of temporary protection for displaced persons from Ukraine

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**COUNCIL RECOMMENDATION**

**of ...**

**on a coordinated approach to the transition out of temporary protection  
for displaced persons from Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292  
in conjunction with Articles 78(1) and 79(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Temporary protection for displaced persons from Ukraine who are unable to return to their country or region of origin because of the Russia's war of aggression against Ukraine, as activated by Council Implementing Decision (EU) 2022/382<sup>1</sup> and as extended by Council Implementing Decisions (EU) 2023/2409<sup>2</sup>, (EU) 2024/1836<sup>3</sup> and (EU) 2025/1460<sup>4</sup>, is in place until 4 March 2027. While it remains a testament to the Union's solidarity with the people of Ukraine, temporary protection is, by nature, temporary. It is therefore necessary to prepare a gradual, sustainable and well-coordinated transition out of that status for when the conditions in Ukraine are conducive to allowing temporary protection to end, while taking into account the capacity and reconstruction needs of Ukraine.

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<sup>1</sup> 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 (OJ L 71, 4.3.2022, p. 1, ELI: [http://data.europa.eu/eli/dec\\_impl/2022/382/oj](http://data.europa.eu/eli/dec_impl/2022/382/oj)).

<sup>2</sup> Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2023/2409, 24.10.2023, ELI: [http://data.europa.eu/eli/dec\\_impl/2023/2409/oj](http://data.europa.eu/eli/dec_impl/2023/2409/oj)).

<sup>3</sup> Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2024/1836, 3.7.2024, ELI: [http://data.europa.eu/eli/dec\\_impl/2024/1836/oj](http://data.europa.eu/eli/dec_impl/2024/1836/oj)).

<sup>4</sup> Council Implementing Decision (EU) 2025/1460 of 15 July 2025 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2025/1460, 24.7.2025, ELI: [http://data.europa.eu/eli/dec\\_impl/2025/1460/oj](http://data.europa.eu/eli/dec_impl/2025/1460/oj)).

- (2) In the context of discussions on the future and the end of temporary protection, Member States have called for a coordinated approach at Union level. Building on the experience of the Member States following the activation of the temporary protection provided for by Council Directive 2001/55/EC<sup>5</sup>, it is crucial to guarantee shared responsibility among all Member States at Union level throughout this process.
- (3) One of the objectives of activating the temporary protection provided for by Directive 2001/55/EC in the context of Russia's war of aggression against Ukraine was to prevent Member States' asylum systems becoming overwhelmed and being unable to process a large number of applications for international protection without adverse effects on the efficiency of their operation, in the interest of the persons requesting protection. That objective remains of key importance when mapping the transition out of temporary protection for those persons. Furthermore, even in a situation of peace, Ukraine will need time to rebuild its capacity to be able to welcome back all those persons displaced by the war. In order to support Ukraine in its efforts to reintegrate displaced persons, it is therefore important that the transition process is managed flexibly, gradually and by taking into consideration the individual situations of the persons concerned. That transition process should therefore cater for the needs of those currently benefitting from temporary protection in the Union as well as the needs of Ukraine, while preserving the integrity of the Member States' asylum systems.

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<sup>5</sup> 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 (OJ L 212, 7.8.2001, p. 12, ELI: <http://data.europa.eu/eli/dir/2001/55/oj>).

- (4) Many persons displaced from Ukraine and enjoying temporary protection have now been in the Union for several years and they have integrated into their host societies by learning their languages, finding employment, and enrolling in education. Where already possible under national law or administrative practice, Member States should make use of every possibility to allow those persons to transition to national legal statuses that better reflect their current situation in the Union where the conditions for continuing legal residence on other grounds are met. Such national legal statuses could involve, for example, residence permits based on employment, self-employment, professional training or education and research, family or other grounds, or dedicated residence permits. Member States should therefore promote and facilitate the transition out of temporary protection by providing clear information to help the persons concerned understand the advantages and rights conferred by those other national legal statuses in comparison to temporary protection or other forms of international protection.

- (5) With a view to supporting the transition of persons enjoying temporary protection to other legal statuses and to presenting them with an alternative option in unprecedented circumstances, and in order to ensure continuity and to avoid situations of illegal stay, Member States should allow persons enjoying temporary protection, particularly where access to national statuses may not be possible, and who would otherwise qualify for another status based on Union law, to apply for authorisations under Directives (EU) 2016/801<sup>6</sup>, (EU) 2021/1883<sup>7</sup> and (EU) 2024/1233<sup>8</sup> of the European Parliament and of the Council. Authorisations under those directives are possible provided that the persons concerned do not concurrently enjoy temporary protection in the Union. Consequently, Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred by temporary protection status and the rights conferred under those Directives. Member States should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently enjoy temporary protection and be granted an authorisation under those Directives.

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<sup>6</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

<sup>7</sup> Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>).

<sup>8</sup> Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L, 2024/1233, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1233/oj>).

- (6) For Member States to be ready for the eventual phasing out of the temporary protection activated by Implementing Decision (EU) 2022/382, it is essential to ensure that going back home to Ukraine with a view to reintegrating takes place in an orderly and humane manner, and that the varying individual circumstances of displaced persons are taken into consideration by supporting those who are willing and able to return to Ukraine. While some persons may already intend to go back home in the short term, others may require more time, given their specific circumstances. It is also important to consider the capacity of Ukraine to reintegrate in a sustainable manner all those displaced by the war. Therefore, Member States should take measures that pave the way for a smooth and sustainable reintegration in Ukraine, taking all of those considerations into account, by making full use of, and expanding the tools already provided for in, Articles 21 and 23 of Directive 2001/55/EC.
- (7) The Union, notably through the Ukraine Facility established by Regulation (EU) 2024/792 of the European Parliament and of the Council<sup>9</sup>, provides comprehensive support to Ukraine to address the social, economic and environmental consequences of Russia's war of aggression, contributing to the recovery, reconstruction and modernisation of the country and to the post-war recovery of Ukrainian society, including by creating social and economic conditions that facilitate internally displaced persons and persons enjoying temporary protection in the Union to go back home, once the conditions allow or they choose so.

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<sup>9</sup> Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility (OJ L, 2024/792, 29.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/792/oj>).

- (8) Those considering going back home to Ukraine should be able to make informed decisions, which would also support the sustainability of their return. In the context of a smooth transition out of temporary protection for persons displaced from Ukraine, Member States should set up a more structured approach to promote exploratory visits on a self-funded basis, as provided for in Article 21(1) of Directive 2001/55/EC. Those visits could serve as confidence-building measure for persons enjoying temporary protection in the Union as it would allow them to check on family or property, or to assess the level of destruction in their communities and the overall conditions in Ukraine. To increase their effectiveness and to prevent their misuse, Member States should set up the parameters, conditions and requirements for such visits. Any such parameters, conditions or requirements should be coordinated with other Member States and established and communicated in a transparent manner. For that purpose, Member States should set up contact points.



- (9) Member States are required to take the measures necessary to make the voluntary return of persons whose temporary protection has ended possible as referred to in Article 21(1) of Directive 2001/55/EC. For that purpose, Member States should provide for dedicated voluntary return programmes, for which they may rely on the support provided by international organisations. To ensure their effectiveness and avoid risks of misuse, those programmes should be carefully designed, comprehensive and well communicated, taking into account the needs and capacity of Ukraine, as well as the needs of displaced persons from Ukraine enjoying temporary protection within the Union and the situation of those who remained in Ukraine, in order to uphold social cohesion. Therefore, any such programme should prioritise support for reintegration, for which Union funding will be available in Ukraine, instead of individual packages. The conditions for eligibility for such programmes should be clearly established, and the persons who intend to benefit from them be required to enrol. Member States could consider, as part of those programmes, assisting in the organisation of departures, for example to the same area in Ukraine. The European Border and Coast Guard Agency (Frontex), established by Regulation (EU) 2019/1896 of the European Parliament and of the Council<sup>10</sup>, could assist Member States with logistical support within the limits of its mandate.

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<sup>10</sup> Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1896/oj>).

- (10) While voluntary return programmes should be of limited and fixed duration, they should allow for sufficient time to ensure appropriate coordination with the Ukrainian authorities with a view to facilitating the gradual and adequate integration of returning persons in their communities, in areas including access to basic services and facilities, such as accommodation, housing or medical care. Therefore, including in order to ensure that the initial duration of the voluntary return programme is coordinated with all Member States and the Ukrainian authorities, voluntary return programmes should provide for a period of departure that allows those objectives to be attained, namely a period of, in principle, one year. Support for Member States is available under the Asylum, Migration and Integration Fund (AMIF), established by Regulation (EU) 2021/1147 of the European Parliament and of the Council<sup>11</sup>, to address financial needs relating to displaced persons from Ukraine enjoying temporary protection and may also contribute to the funding of the voluntary return programmes. During the duration of the voluntary return programmes, the persons concerned should be allowed to continue legally residing in the Member State in which they enjoy temporary protection. As the circumstances on the ground may evolve between the date of adoption of this Recommendation and the end of temporary protection, and the time initially provided for in voluntary return programmes might not be sufficient to ensure a gradual and sustainable reintegration in Ukraine, Member States should coordinate among themselves and with the Ukrainian authorities on the establishment of a different or extended period for voluntary departure under their voluntary return programmes. Measures concerning voluntary return programmes are without prejudice to Directive 2008/115/EC of the European Parliament and of the Council<sup>12</sup>.

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<sup>11</sup> Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/1147/oj>).

<sup>12</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: <http://data.europa.eu/eli/dir/2008/115/oj>).

- (11) To reduce the administrative burden related to the possible individual issuance of residence permits to those enrolled in voluntary return programmes, Member States should use the possibility provided for under Article 21(3) of Directive 2001/55/EC to extend all applicable rights attached to temporary protection laid down in Chapter III of Directive 2001/55/EC to persons who enjoyed temporary protection under Implementing Decision (EU) 2022/382 and benefit from a voluntary return programme beyond the date of expiry of Implementing Decision (EU) 2022/382 until the return date of a displaced person to Ukraine or until the end date of the period for voluntary departures under the relevant voluntary return programme. In addition, to ensure continuity and avoid situations of illegal stay immediately after the end of temporary protection, Member States should ensure that persons who have benefitted from temporary protection can legally reside in their territory in the period between the expiry of Implementing Decision (EU) 2022/382 and the expiry of the time in which persons can enrol in a voluntary return programme.

- (12) It is possible that at the precise date of the expiry of Implementing Decision (EU) 2022/382 Ukraine will not be in a position to cater for the needs of persons with special needs other than those related to their state of health. To ensure a sustainable return to Ukraine that takes account of the capacity of Ukraine to cater for the needs of such persons, Member States should also apply the provisions of national law transposing Article 23(1) of Directive 2001/55/EC to persons with special needs other than those related to their state of health and take the necessary measures concerning conditions for continuing their legal residence in the Union. Where relevant, Member States should ensure that conditions of residence take into account the special needs of the persons concerned. Such residence should end as soon as Ukraine is able to provide for the special needs of the persons concerned.
- (13) Member States should use the possibility provided for under Article 23(2) of Directive 2001/55/EC to allow persons displaced from Ukraine whose children are minors attending school in a Member State to reside on their territory beyond the duration of the temporary protection provided for under Implementing Decision (EU) 2022/382 in order to allow those children to complete the school period, usually a school year, current when that Implementing Decision expires.

- (14) To guarantee proper information provision and to help persons enjoying temporary protection to make informed choices in full knowledge of the facts, it is important to maximise the use of the existing tools and channels and to avoid a duplication of efforts. For this purpose, Member States could use possible Unity Hubs that were or are being set up in their territory to help maintain a connection with Ukrainians living abroad. Unity Hubs should be used to provide information on transition to other legal statuses, exploratory visits and the voluntary return programmes or to indicate where such information can be obtained. In order to support the Unity Hubs, Member States can use the funds under Asylum, Migration and Integration Fund, including the additional allocations stemming from the mid-term revision of the 2021-2027 Multiannual Financial Framework laid down by Council Regulation (EU, Euratom) 2020/2093<sup>13</sup> and the mid-term review of the Member States' programmes under the Asylum, Migration and Integration Fund. Support from international organisations and third countries could be also received for this purpose. In order to streamline efforts, Member States are encouraged to incorporate the knowledge, capacities and networks offered by international organisations into their individual plans to set up the Unity Hubs. In addition, information campaigns that align with Union communication could be set up.

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<sup>13</sup> Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433I, 22.12.2020, p.11, ELI: <http://data.europa.eu/eli/reg/2020/2093/oj>).

- (15) To ensure a coordinated approach among Member States and with the Ukrainian authorities regarding the implementation of this Recommendation, Member States should continue to coordinate, exchange information and monitor the situation on the ground in various relevant fora, including in the Solidarity Platform referred to in Implementing Decision (EU) 2022/382, to which the Ukrainian authorities may be invited along with the relevant Council preparatory bodies within the limits of their respective mandates and responsibilities.
- (16) As the transition out of temporary protection for displaced persons from Ukraine will lead to significant changes in their status, it is essential to have an accurate picture of the evolving situation. Taking into account, inter alia, the judgment of the Court of Justice of the European Union in Case C-753/23<sup>14</sup> and in particular paragraph 30 thereof, Member States should reinforce their efforts to regularly and promptly update their temporary protection data in the Temporary Protection Registration Platform, including figures regarding inactive registrations, and within the mechanism for preparedness and management of crises related to migration (Blueprint Network).
- (17) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified, by letter of 22 July 2025, its wish to take part in the adoption and application of this Recommendation.

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<sup>14</sup> Judgment of the Court of Justice of the European Union of 27 February 2025, *Krasiliva*, Case C-753/23, ECLI:EU:C:2025:133.

- (18) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application,

HAS ADOPTED THIS RECOMMENDATION:

- A. Measures to promote the transition into other legal statuses already before the end of temporary protection
1. Member States should promote and facilitate access to national legal statuses by persons enjoying temporary protection under Implementing Decision (EU) 2022/382. Residence permits issued for this purpose could be, for example, based on employment, self-employment, professional training or education and research, family or other grounds, or be dedicated residence permits, provided that those persons meet the conditions set out in national law.
  2. Member States should allow persons enjoying temporary protection under Implementing Decision (EU) 2022/382, particularly where access to national legal statuses is not possible, and who otherwise qualify for another status established in Union law, to apply for authorisations under Directives (EU) 2016/801, (EU) 2021/1883 and (EU) 2024/1233, provided that they would not concurrently hold temporary protection status with an authorisation granted under those Directives. Member States should inform persons enjoying temporary protection under Implementing Decision (EU) 2022/382, as soon as possible and at the latest at the time of an application for such an authorisation, of the difference between the rights conferred under the temporary protection status and the rights conferred under those Directives and that they cannot concurrently benefit from temporary protection and be granted an authorisation under those Directives.



- B. Measures to pave the way for a smooth and sustainable reintegration in Ukraine
3. Member States should allow persons enjoying temporary protection under Implementing Decision (EU) 2022/382 to undertake exploratory visits to Ukraine on a self-funded basis, duly considering Article 21(1) of Directive 2001/55/EC. In that context, Member States should:
- (a) set up and coordinate with the other Member States the parameters, conditions and requirements for exploratory visits and
  - (b) inform persons who may want to carry out such visits about those parameters, conditions or requirements and set up contact points for that purpose.
4. In order to ensure returns to Ukraine, Member States should provide for dedicated voluntary return programmes in accordance with Article 21(1) of Directive 2001/55/EC to be used once temporary protection under Implementing Decision (EU) 2022/382 has ended. In this context, Member States should:
- (a) ensure coordination with the Ukrainian authorities to facilitate reintegration in the communities in Ukraine, in areas such as identification of accommodation or housing, or access to basic services and infrastructures, including medical care;
  - (b) ensure that support under voluntary return programmes prioritises support for reintegration into communities in Ukraine, instead of individual packages;

- (c) set up the eligibility conditions for benefitting from voluntary return programmes in coordination with other Member States and the Commission;
- (d) require persons who want to benefit from a voluntary return programme to enrol in such a programme in order to benefit from it;
- (e) set up a concrete period of, in principle, one year after temporary protection has ended for voluntary departures under voluntary return programmes; Member States should coordinate with each other and with the Ukrainian authorities, in accordance with point 8 of this Recommendation, where, in view of developments on the ground, a different or extended period for voluntary departure would be needed because the time provided for does not appear sufficient to allow for the gradual and sustainable reintegration of displaced persons in Ukraine;
- (f) use the possibility under Article 21(3) of Directive 2001/55/EC to extend all applicable rights attached to temporary protection laid down in Chapter III of Directive 2001/55/EC to those persons who enjoyed temporary protection under Implementing Decision (EU) 2022/382 and benefit from a voluntary return programme until the date of their return to Ukraine or until the expiry of the period for voluntary departure under the voluntary return programme concerned; Member States should ensure the continuation of legal residence for displaced persons between the date of expiry of Implementing Decision (EU) 2022/382 and the expiry of the period during which such persons can enrol in that programme;

(g) consider providing assistance with the organisation of departures, particularly to the same area in Ukraine; Frontex could assist Member States with logistical support within the limits of its mandate.

5. With due respect for human dignity, Member States should take the necessary measures concerning the conditions of residence of persons not meeting the requirements to access other statuses who have special needs, other than those covered by Article 23(1) of Directive 2001/55/EC, which Ukraine cannot cater for on the expiry of temporary protection under Implementing Decision (EU) 2022/382. Where relevant, Member States should ensure that conditions of residence take into account the special needs of such persons. Such residence should end as soon as Ukraine is able to provide for the special needs of the persons concerned.
6. Member States should, in accordance with Article 23(2) of Directive 2001/55/EC, allow persons displaced from Ukraine whose children are minors attending school in a Member State to reside on their territory beyond the duration of the temporary protection provided for under Implementing Decision (EU) 2022/382 in order to allow those children to complete the school period current when that Implementing Decision expires. For the purposes of those measures the school period current will usually be the school year.

- C. Measures to ensure information provision to displaced persons
7. Member States should ensure that persons enjoy temporary protection under Implementing Decision (EU) 2022/382 are properly informed regarding the available possibilities to transition to other legal statuses, including the advantages and rights related to transitioning to those statuses, as well as about the situation in Ukraine, the requirements for exploratory visits and support for going back home available in the Union and in Ukraine, in particular in relation to voluntary return programmes. In this regard, Member States should:
- (a) set up swift national communication systems and procedures, such as contact points, or an information campaign that aligns with Union communication.
  - (b) for those Member States intending to set up a Unity Hub on their territory in collaboration with the Ukrainian authorities, make use of that Unity Hub to provide the relevant information to displaced persons; Member States are encouraged to incorporate the knowledge, capacities and networks offered by international organisations into the national plan to set up Unity Hubs.
  - (c) consider making use of the Asylum, Migration and Integration Fund programme, including the additional allocations stemming from the mid-term revision of relevant Multi-annual Financial Framework and the mid-term review of national programmes, to support the Unity Hubs.

- D. Measures to ensure coordination, monitoring and exchange of information among Member States and with the Ukrainian authorities
8. Member States should continue to coordinate and exchange information on relevant developments as well on the implementation of this Recommendation, notably in the context of Solidarity Platform and the relevant Council preparatory bodies within the limit of their respective mandates and responsibilities. The Commission liaises for this purpose with Member States and with the Ukrainian authorities, including at technical level within the Solidarity Platform to which the Ukrainian authorities may be invited, and at political level through the Special Envoy for Ukrainians in the EU.

9. Member States should reinforce their efforts to monitor the developments and regularly and promptly update the relevant information regarding the status of displaced persons from Ukraine in the relevant databases, including in the Temporary Protection Registration Platform, in particular regarding the number of beneficiaries of temporary protection or of adequate protection under national law in the Member State territory, number of persons who transitioned to other statuses and no longer benefit from temporary protection or adequate protection under national law, and number of persons, whose registrations are inactive. Moreover, Member States should ensure that they share timely, complete, and accurate data on all relevant aspects concerning beneficiaries of temporary protection within the mechanism for preparedness and management of crises related to migration (Blueprint Network).

Done at ..., ...

*For the Council*

*The President*

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