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NOTE

From: Presidency
To: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
Subject: Follow-up on Council recommendation on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine: transition to other legal residence statuses
- Discussion paper

Whilst the Council continues to stand by Ukraine and strongly condemns Russia's war of aggression, Member States need to prepare for the day when temporary protection comes to an end. In this context, the Council Recommendation on a coordinated approach to the transition out of temporary protection was adopted on 16 September 2025¹. The Recommendation is a framework that ensures: 1) a gradual transition to other legal residence statuses – both under national or EU law – for those who are eligible, as well as 2) a sustainable return and reintegration to Ukraine, when conditions allow. To ensure coordination amongst Member States, it is pertinent to conduct high-level strategic discussions on the topic.

¹ Council Recommendation (C/2025/5129) of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine.

The previous SCIFA meeting on 27 October 2025 allowed Member States to share their reflections on return and reintegration, which included the development of flexible, yet coordinated voluntary return programmes. The Commission presented a concept for Voluntary Return and Recovery Programmes and the role that the Special Envoy could play in this regard.

At the 45th meeting of the Solidarity Platform Ukraine on 5 November 2025, the Commission addressed the operationalisation of the Council Recommendation. The Special Envoy for Ukrainians in the EU elaborated on the Commission's view on how to design a Voluntary Return and Recovery Programme and on the transition into other legal statuses, focussing on the national legal statuses available. Furthermore, support for reintegration and the recovery of Ukraine, as well as communication and information provision efforts helping beneficiaries of temporary protection with making decisions on an informed basis were also on the agenda.

To move forward from the previous SCIFA meeting and build on insights from the Solidarity Platform, the Danish Presidency proposes focusing on the *first* part of the Recommendation, namely the transition to other residence statuses including the potential dilemmas that might lie therein.

The first Pillar: Transition to other legal residence statuses

As set out in the Recommendation, Member States should promote and facilitate access to national legal statuses by persons enjoying temporary protection. 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 (so-called omnibus permits). In addition, persons enjoying temporary protection should be allowed to apply for authorisations under the EU legal migration acquis, notably for authorisations under the Blue Card Directive, under the Single Permit Directive, and under the Students and Researchers Directive. The transition to other legal statuses should provide for solutions to people displaced by the war in Ukraine by offering them the possibility to transition into statuses that best reflect their situation in the host Member States.

Although some beneficiaries of temporary protection have notably been integrated into and contribute actively to European societies faster and with more ease than some other displaced groups, owing in part to the immediate access to the labour market provided by temporary protection, as well as their social, cultural, and human capital, there have also been some challenges. Considerable differences between Member States have also been noted, for example in the rates of labour market participation. Moreover, there is an underuse of displaced persons' human capital, as beneficiaries often seem to take up positions below their level of qualifications which can be linked to different barriers, e.g. language, recognition of academic qualifications, and skills. A better matching of skills and occupations would benefit both beneficiaries and host communities. Furthermore, to better contribute to current needs of the European economy, upskilling could take place as well. The Ukrainian diaspora could play an important role in (labour market) integration as well as in supporting eventual returns to Ukraine.

Regardless of different labour market participation rates, the number of beneficiaries who have transitioned to other residence statuses under national and Union law remains limited, which may in part be explained by, among other reasons, perceived benefits offered under temporary protection or lack of information about such possibilities to transition. Moreover, irrespective of their intentions, a substantial number of beneficiaries might not be able to transition to currently available legal statuses, as they may not meet the eligibility conditions. In this context, the Special Envoy has noted that a “legal bridge” could be considered.

In addition, as set out in the Recommendation, Member States should – with due respect for human dignity – take the necessary measures concerning the conditions of residence of persons not meeting the requirements to access other statuses, whom have special needs other than those covered by Article 23(1) of Directive 2001/55/EC, and which Ukraine can potentially not cater to on the expiry of temporary protection in March 2027. Where relevant, Member States should ensure that conditions of residence take into account the special needs of such persons. Such residence schemes should, however, end as soon as Ukraine is able to provide for the special needs of the persons concerned. Furthermore, beneficiaries with specific needs may not be able to transition into other

legal statuses if the conditions are such that they are relatively less likely to qualify for alternative residence statuses under the current rules. At the same time, they are the same persons that Ukraine would have the most difficulties in absorbing once the situation allows for ending temporary protection. For this reason, the Recommendation provides that those persons with special needs are offered a possibility to remain in their territories until Ukraine is able to provide for the special needs of the persons concerned. At the same time efforts should be made to support Ukraine to set up and develop proper facilities and human capital to cater to persons with specific needs so that they may eventually return home.

Finally, beneficiaries who would transition to other legal statuses may become less inclined to return to Ukraine. At the same time, successful integration, labour market participation, and – in the case of children and young adults – access to education and training can prepare them better for return. In any event, beneficiaries who have maintained or even improved their skills level, may be better equipped to return (concept of dual-intent integration).

The above-mentioned issues need to be discussed to ensure coordination between Member States. The coordinated approach must strike the right balance between transitioning to other statuses as envisioned in the Council Recommendation, and the need to support Ukraine's call to have people going back home to help rebuilding the country, while simultaneously finding a sustainable solution for persons with specific needs. While there is broad support for the two pillars of the Recommendation, potential tensions between these objectives may arise in certain situations. SCIFA delegates are encouraged to consider how Member States can implement the Recommendation in a way that benefits both Member States economies now and Ukraine's recovery in the future.

Some Member States have designed national residence statuses specifically for displaced persons from Ukraine. It might be useful to look at these statuses to identify possible programmes that could constitute an instructive example to other Member States. For this reason, the Presidency has kindly asked Czechia and Poland to share their experiences.

Based on the above, SCIFA delegates are invited to reflect on the following questions:

- 1) How has the labour market participation rate of beneficiaries in your Member State evolved over time? How many beneficiaries have transitioned to other legal statuses in your Member State? What do you consider as the main barriers and challenges hindering the transition to other legal statuses?
- 2) How can (labour market) integration be made complementary with return to Ukraine or the future reconstruction and recovery of Ukraine?
- 3) How can we ensure legal clarity for those with special needs that cannot transition to other legal statuses and cannot return to Ukraine right away, whilst at the same time supporting Ukraine in building up capacity to be able to cater for their needs? Under what legal status do you envisage that transition period for vulnerable persons?