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NOTE

From:	Presidency
To:	Strategic Committee on Immigration, Frontiers and Asylum
Subject:	Temporary protection - future steps

The Temporary Protection Directive (Directive 2001/55/EC, hereinafter the TPD) was first activated in March 2022 in response to Russia's full-scale invasion of Ukraine. The TPD allowed Member States to move swiftly and offer immediate protection and rights to people in urgent need of assistance. To date, 4.35 million displaced people from Ukraine benefit from temporary protection in the EU, of which 28.7% are in Germany, 22.3% in Poland and 9% in Czechia. At the end of December 2025, the ratio of temporary protection beneficiaries from Ukraine relative to the population was the highest in Czechia (36.0 per 1 000 people), ahead of Poland (26.6) and Cyprus and Slovakia (both 25.8)¹.

Initially granted in March 2022 for one year, temporary protection was then extended yearly until March 2027, given the absence of conditions for safe and durable return to Ukraine. All extensions retain the original scope of protection of the March 2022 decision (382/2022), while the latest includes a recital indicating that Member States should reject a residence permit request for temporary protection when it is apparent that the person concerned has already received a residence permit for temporary protection in another Member State².

¹ Eurostat : [Temporary protection for persons fleeing Ukraine - monthly statistics - Statistics Explained - Eurostat](#)

² Recital 4 of Council Implementing Decision (EU) 2025/1460.

At the same time, to address longer-term challenges and to provide longer-term perspective to displaced persons from Ukraine, following a proposal from the Commission and in the spirit of the Communication on a predictable way forward for Ukrainians in the EU, the Council adopted a Recommendation in September 2025 on a coordinated approach out of Temporary Protection³. It outlines possible pathways to ensure a sustainable reintegration into Ukraine, when conditions allow, as well as a gradual transition to other legal statuses for those eligible, where the conditions for said statuses are met. This may cover transition to other legal statuses both under national law (i.e. permits granted on the basis of work or study, family reasons or dedicated permits) and under EU law (namely, Students and Researchers Directive, Blue Card Directive and Single Permit Directive).

At the SCIFA meeting in November 2025, delegations reviewed progress on the Council Recommendation, sharing best practices and highlighting persistent challenges, focusing on the transition to other residence statuses. It was made clear that there is a significant divergence in labour market absorption rates and that, at this stage the number of transitions to other statuses remains very low, mainly due to the difficulties of meeting the eligibility criteria. Options for other legal statuses for beneficiaries remain uneven across the EU, with national frameworks for protection, employment, study, and residence differing in terms of accessibility and effectiveness. In particular, if temporary protection were to lapse in March 2027, vulnerable groups may not be able to transition to other available legal statuses in due time, prompting some Member States to implement measures to prevent protection gaps.

Although several Member States have started developing mechanisms for transitioning out of temporary protection, many others have yet to establish clear procedures or guidance for post-TPD residence. This uneven approach risks leading to inconsistent treatment of displaced persons and undermines an EU-wide coordinated approach. At the same time, the transition to other statuses should be balanced with the need to support the sustainable return and reintegration to Ukraine when conditions allow, while finding a sustainable solution for persons with specific needs. With one year remaining under the current temporary protection scheme, it is necessary to discuss future pathways, prevent protection gaps in order to better concentrate efforts on integration or return strategies.

³ Council Recommendation (C/2025/5129) of 16 September 2025.

In case temporary protection is prolonged, some Member States may want to limit it as ‘residual status’ or ‘safety net’ only for vulnerable groups or those not yet eligible for national statuses. The question then arises whether this should/could be addressed via the scope of such extension decision or whether it should be left to the national implementation of temporary protection to distinguish between those displaced persons that can enjoy another legal residence status and persons belonging to vulnerable groups who cannot.

Delegations are invited to provide input and share best practices and challenges in response to the following **questions**:

1. Should an extension of temporary protection for a sixth year be considered, and if so, under which conditions and to cover, for example, what precise personal or geographic scope? How could such adjustments be designed to minimise administrative burden on national migration systems?
2. With a view to better conceptualising viable alternative solutions to the extension of temporary protection:
 - a) Based on Member States’ experience, how can transition to other statuses be facilitated or accelerated and what administrative or legal adjustments do you consider necessary at national level, also for avoiding abrupt loss of status and irregular stay?
 - b) For those unable to meet standard criteria of other residence statuses (e.g. vulnerable persons), which status do you foresee as a viable alternative?
 - c) Does your Member State already grant any form of residence status for those unable to meet eligibility criteria of other residence statuses? If yes, please indicate whether legal amendments took place to allow this. Also provide a short description of eligibility criteria, the process followed, the number of persons that have transitioned into such status, the benefits deriving from such status and the duration of the residence status provided. Has your Member State considered modifying the criteria or lowering the requirements to access another residence status?