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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject: COMMUNICATION FROM THE COMMISSION on Operational guidelines for the implementation of Council implementing Decision 2022/382 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

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Delegations will find attached document C(2022) 1806 final.

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Brussels, 21.3.2022  
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**COMMUNICATION FROM THE COMMISSION**

**on Operational guidelines for the implementation of Council implementing Decision 2022/382 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**

## COMMUNICATION FROM THE COMMISSION

### **on Operational guidelines for the implementation of Council implementing Decision 2022/382 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**

On 4 March 2022, the Council adopted Council Implementing Decision (EU) 2022/382 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 (the Council Decision)<sup>1</sup>. It entered into force on the same day.

Based on the recent questions from Member States on the implementation of the Council Decision and Directive 2001/55/EC (the ‘Temporary Protection Directive’), the Commission has identified a number of issues on which it finds it useful to provide guidance to Member States. These issues are covered by the annexed guidelines, such as the scope (persons covered/not covered by the Council Decision, family members), and how to handle children, including unaccompanied minors. The guidelines also cover the question of the right to move freely between Member States, registration and provision of information.

This is a situation which is highly challenging for Member States. The scale of the challenge is very large with close to 3 million persons having already arrived. This situation is evolving on a daily basis. This guidance needs to be able to keep pace with developments and will therefore require updates in the light of Member States’ experiences as they emerge.

The guidelines are therefore intended as a living document and will have to be updated regularly based on new questions received from Member States, to reflect the situation on the ground and take due account of Member States’ evolving needs. These guidelines may be followed by more specific recommendations on particular topics. The Commission also intends to regularly update the dedicated webpage on information for people fleeing the war in Ukraine with any additional guidance that might be required by the Member States. Similarly, the Commission intends to meet Member States on a monthly basis to discuss issues related to the interpretation of the Council Decision and Directive 2001/55/EC.

A ‘**Solidarity Platform**’ has been set up by the Commission with a view to coordinating the operational response among Member States as per Article 3(2) of the Council Decision. It will work alongside the EU Migration Preparedness and Crisis Management Network (the Blueprint) referred to in Article 3(1) of the Council Decision, taking account of situational information received in that Network. The Solidarity Platform will collect information and examine the needs identified in the Member States and coordinate the operational follow-up in response to these needs.

The Solidarity Platform will facilitate the mobilisation of relevant EU instruments, coordinate the matching of offers for solidarity with the needs identified and coordinate the transfer of persons on a general level between Member States and, where appropriate, to third countries, in cooperation with EU agencies and other relevant actors.

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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.

The Member States appointed two persons, one who will be the national contact point with decision making ability and another one at operational level. All information in relation to the Solidarity Platform as well as any additional questions in relation to the implementation of the Council Decision on these guidelines should be sent to the dedicated functional mailbox already communicated to Member States.

The Commission adopted in 2020, as an integral part of the Pact proposals, a recommendation for an **EU Migration Preparedness and Crisis Blueprint**. Its objective is to provide an operational framework for monitoring and anticipating migration flows and migration situations, building resilience, as well as organising a situational response to a migration crisis.

Starting early January 2022, the Commission has been working very closely with the European External Action Service, relevant EU agencies and Member States under the framework of the Migration Preparedness and Crisis Blueprint Network to establish an overview of the level of preparedness for a potential crisis. Since the beginning of the war in Ukraine, the Network has been meeting twice a week and communicating continuously on daily shared situational awareness reports, so as to ensure a coordinated contingency response to the migration challenges triggered by such events.

This work is fully coordinated with the Integrated Political Crisis Response (IPCR) and the Blueprint report is included in the weekly Integrated Situation Awareness Analysis (ISAA) report.

The Blueprint will continue to share situational information and consolidate all relevant information on migration management related to the Russian invasion on Ukraine, including on the implementation of Directive 2001/55/EC.

These **guidelines** intend to assist the Member States in applying the Council Decision and Directive 2001/55/EC<sup>2</sup> (the ‘Temporary Protection Directive’) and other applicable EU law. They complement the Commission Communication of 2 March 2022 which provides operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders<sup>3</sup>.

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<sup>2</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, 07.08.2001 p.12 – 23.

<sup>3</sup> Commission Communication providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, C(2022)1404, OJ C 1041, 4.3.2022, p. 1–6.

## 1. PERSONS COVERED BY TEMPORARY PROTECTION

### **Persons entitled to temporary protection or adequate protection under national law pursuant to Council Implementing Decision 2022/382 ('the Council Decision')**

The Council Decision sets out in Article 2(1) and 2(2) the specific groups of persons to whom the temporary protection or adequate protection under national law shall apply:

Pursuant to Article 2(1) of the Council Decision, temporary protection as provided for in Directive 2001/55/EC applies to

- (1) **Ukrainian nationals** residing in Ukraine who have been displaced **on or after 24 February 2022 and their family members**;
- (2) Stateless persons, and nationals of third countries other than Ukraine, who **benefitted from international protection or equivalent national protection** in Ukraine before 24 February 2022 and who have been displaced from Ukraine on or after 24 February 2022, **and their family members**.

Pursuant to Article 2(2) of the Council Decision, temporary protection as provided for in Directive 2011/55/EC or adequate protection under Member States' national law shall apply to stateless persons and nationals of third countries other than Ukraine who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a **valid permanent residence permit** issued in accordance with Ukrainian law, and who **are unable to return in safe and durable conditions to their country** [of origin] or region [within their country] of origin.

### **What is meant by 'adequate protection' under national law as provided for in Article 2(2) of the Council Decision?**

'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

### **What is meant by 'equivalent national protection' in Ukraine under Article 2(1)(b) of the Council Decision?**

The Commission considers that 'equivalent national protection' in Ukraine is an alternative to international protection and covers other forms of protection granted by Ukrainian authorities such as temporary protection or humanitarian protection. The Commission is currently gathering information from Ukrainian authorities regarding the forms of protection under Ukrainian law and the documents issued by Ukrainian authorities to beneficiaries of such forms of protection. From the preliminary information received, the documents issued by

Ukraine are: a ‘travel document for persons granted complementary protection’, a ‘stateless person’s travel document’, and a ‘certificate for persons granted complementary protection’.

### **Evidence of being entitled to temporary protection as provided for in Directive 2001/55/EC or adequate protection under national law**

The Council Decision has introduced an immediate temporary protection for the categories of persons listed in Article 2(1) and (2). There is no application process for temporary protection or adequate protection under national law. Therefore, the person concerned, when presenting him/herself to the authorities to avail the rights attached to temporary protection or adequate protection, would only have to demonstrate his/her nationality, his/her international protection or equivalent protection status, residence in Ukraine or family link as appropriate. The right to temporary protection is immediate. However, to ensure proper administration and registration of the individual concerned, the Member State may decide for the fulfilment of certain requirements such as a registration form and presenting evidence as provided for in the Council Decision.

One of the objectives of temporary protection is to ensure a rapid process by reducing formalities to a minimum. As mentioned in recital 12 of the Council Decision, those seeking to benefit from the protection should be able to prove that they are entitled to temporary protection or adequate protection under national law by presenting the relevant documents to the competent authorities in the Member State concerned.

This could include documentary evidence that can help in:

- establishing identity and residence;
- attesting family relationship or family unity and dependency with close relatives.

In the case the documents presented have expired, Member States are encouraged to consider them as evidence of the identity or residence status of the person concerned.

Should Member States have doubts about the authenticity of the documents, or if the person is not in possession of the documents mentioned above, Ukrainian authorities in Member States could be contacted for support or to certify if/where possible the Ukrainian nationality of the person or their residence status in Ukraine.

Where a person is unable to present the relevant documents and Member States are not in a position to determine rapidly otherwise whether the person concerned is entitled for temporary protection or adequate protection under national law, the Commission suggests to redirect the person to the asylum procedure. Similarly, persons who state that they cannot return safely to their country/region of origin but the process to determine entitlement for temporary protection or adequate protection under national law becomes too complex, should in any case be redirected to the asylum procedure.

### **Indicative list of documents proving Ukrainian nationality even if the period of validity has expired:**

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children’s passports);
- national identity cards (including temporary and provisional);
- military service books and military service cards;
- seaman’s registration books, skippers’ service cards and seaman’s passports;
- citizenship certificates; and
- other official documents that mention or indicate citizenship.

**What is meant by being ‘unable to return in safe and durable conditions to the country or region of origin’ in Articles 2(2) and 2(3) of the Council Decision?**

Article 2(2) of the Council Decision requires Member States to apply the Decision or adequate protection under their national law in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin. Article 2(3) sets out that Member States may also apply this Decision to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

Return to the country or region of origin in safe and durable conditions is not defined in Directive 2001/55/EC or in the Council Decision. The Commission considers that it is a concept *sui generis* to the Directive.

The reference to the inability to return in safe and durable conditions to one’s country or region of origin should be read in the light of Article 2(c) of Directive 2001/55/EC which refers specifically to situations of armed conflict or endemic violence and serious risk of systematic or generalised violations of human rights in the country of origin. In addition, Article 6(2) of Directive 2011/55/EC provides that for temporary protection to come to an end, the situation in the country of origin of beneficiaries of temporary protection must be as such to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and Member States’ obligation regarding *non-refoulement*<sup>4</sup>.

In this regard, the inability to ‘**return in safe conditions**’, can result, for instance, from an obvious risk for the safety of the person concerned, situations of armed conflict or endemic violence, documented risks of persecution or other inhuman or degrading treatment or punishment.

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<sup>4</sup> In accordance with the Geneva Convention, it is precluded to return a person to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. Moreover, pursuant to Article 19 of the Charter of fundamental rights of the European Union, when implementing EU law, no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

For the return to be ‘**durable**’, the person concerned should be able to enjoy in his/her country or region of origin active rights, enabling that person to have prospects for basic needs to be addressed in his/her country/region of origin, and the possibility to reintegrate into the society.

When determining whether the return is ‘in safe conditions and durable’, Member States should base themselves on the general situation in the country or region of origin. Nevertheless, the person concerned should be able to prove/provide *prima facie* evidence at individual level that he or she is unable to return in safe and durable conditions to his/her country or region of origin. In that context, Member States should take into account whether the person concerned still has a meaningful link with his/her country of origin, considering for instance the time spent residing in Ukraine or family in his/her country of origin. Due consideration should also be given to the particular needs of vulnerable persons and children, notably unaccompanied minors and orphans, based on the principle of the best interests of the child.

### **Family members entitled to temporary protection and other family reunification possibilities**

Family members of persons referred to in Article 2(1)(a) and (b) also fall under the scope of the Council Decision, where their families were already residing in Ukraine before 24 February 2022, in view of the importance of preserving family unity and to avoid diverging statuses among members of the same family.

The following categories of persons are considered family members for the purposes of the Council Decision:

- (a) the spouse of the person covered by temporary protection, or the unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens – which could be proven by relevant registry documents and certificates or by any other document issued by the Ukrainian authorities, even attestations provided by the country’s representation in that Member State;
- (b) the minor unmarried children of the abovementioned person covered by temporary protection, or of his or her spouse, without distinction as to whether they were born in or out of wedlock or adopted – which could be proven by birth certificates or similar;
- (c) other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass arrivals of displaced persons, and who were wholly or mainly dependent on the abovementioned person covered by temporary protection – which could be proven by residence documents, family register and proof of relevant payments of care. Member States should ‘use their margin of appreciation in the most humanitarian way’<sup>5</sup>.

Certain provisions of Directive 2001/55/EC are particularly relevant for family members: Article 15 of the Directive 2001/55/EC on reuniting family members enjoying temporary

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<sup>5</sup> Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification, 3 April 2014, COM/2014/0210 final.

protection in different Member States (paragraph 2), consideration for the best interests of a child (paragraph 4), solidarity as regards the transfers for the purpose of family reunification (paragraph 5), issuance and withdrawal of documents after reunification (paragraph 6), cooperation and information exchange (paragraph 6 and 7) apply.

The Commission underlines that, in the case of stateless persons and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a **valid permanent residence permit** issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin, their family members are not entitled to temporary protection or adequate national protection under the Council Decision. Although the Council Decision does not require that family members of persons referred to in Article 2(2) benefit from temporary protection as provided for in Directive 2001/55/EC or adequate protection under the national law of the Member States, the Commission encourages Member States to extend the application of temporary protection or adequate protection under national law to family members of those persons.

Moreover, both persons entitled for temporary protection and those who are not might also benefit from:

- family reunification under Directive 2003/86/EC, if they are family members of a third-country national legally residing in a Member State and comply with the conditions set out in that Directive;
- the rights set out in Directive 2004/38/EC if they are family members of an Union citizen having exercised his or her freedom of movement.

Acquisition of rights under Directive 2003/86/EC, Directive 2004/38/EC or national law of the Member States concerned cannot lead to the loss of the temporary protection for those who are entitled to it. Subject to the continued fulfilment of the relevant conditions, these residence rights would nonetheless allow these persons to continue residing legally in the concerned Member State after temporary protection comes to an end in accordance with Article 6 of the Directive 2001/55/EC.

**Persons who are not entitled to temporary protection or adequate national protection pursuant to the Council Decision and possibility to extend temporary protection to this category of persons (Article 7(1) Temporary Protection Directive)**

The following categories of displaced persons are in principle not entitled to temporary protection as provided for in Directive 2001/55/EC or adequate protection under national law:

- (1) Ukrainian nationals, residing in Ukraine who have been **displaced from Ukraine before 24 February 2022 or who found themselves outside Ukraine** before that date, for instance because of work, study, holidays, family or medical visits or other reasons;
- (2) stateless persons or nationals of third countries other than Ukraine, who were benefiting in Ukraine from international protection status or equivalent Ukrainian refugee protection before 24 February 2022 and who have been **displaced from Ukraine before 24 February 2022 or who found themselves**

**outside Ukraine**, for instance because of work, study, holidays, family or medical visits or other reason before that date;

- (3) stateless persons and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a **valid permanent residence permit** issued in accordance with Ukrainian law, and **who might be able to return in safe and durable conditions to their country or region of origin.**

Moreover, the following categories of displaced persons are also not entitled to temporary protection as provided for in Directive 2001/55/EC or adequate protection under national law:

- (4) stateless persons, and nationals of third countries other than Ukraine, residing legally in Ukraine **on a short term basis before 24 February 2022**, such as students and workers, and **who are unable to return** in safe and durable conditions to their country or region of origin;
- (5) stateless persons, and nationals of third countries other than Ukraine, residing legally in Ukraine **on a short term basis before 24 February 2022**, such as students and workers, and **who are able to return** in safe and durable conditions to their country or region of origin;

Nevertheless, in accordance with Article 7(1) of Directive 2001/55/EC, Member States may extend temporary protection as provided for in the Directive to additional categories of displaced persons over and above those to whom the Council Decision applies, where they are displaced for the same reasons and from the same country or region of origin, and notify the Council and the Commission immediately. Article 2(3) of the Council Decision specifically refers in that regard to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing in Ukraine and who are unable to return in safe and durable conditions to their country of origin.

In line with recital 14 of the Council Decision, the **Commission strongly encourages Member States to consider extending temporary protection in particular to those who fled Ukraine not long before 24 February 2022 (persons listed under points 1 and 2 above)** as tensions increased or who found themselves in the territory of the Union or of another third country (e.g. on holidays or for work or family reasons) just before that date and who, as a result of the armed conflict, cannot return to Ukraine.

This is because these persons will in any event not be able to return to Ukraine as their country of origin or refuge in the current context. The alternative is to provide them immediate access to asylum procedures and have their cases prioritised since these people require immediate protection in the same way in which Ukrainians fleeing on 24 February do.

Granting them temporary protection would also be to the advantage of the Member State in view of the simplicity of the procedure, thereby further reducing the risk of overburdening the asylum system.

In addition, with regard to stateless persons and nationals of third countries other than Ukraine, who can prove that they were **legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit (persons listed under point 3 above)** issued in accordance with Ukrainian law, as mentioned above (in the section referred

to ‘safe and durable’ condition) Member States could consider that these persons have *prima facie* more meaningful links with Ukraine than with the country or region of origin and thus Ukraine is their home. This is even more so for stateless person who by definition do not have a country of origin to return to.

In any event, as referred to in recital 13, persons who are not entitled to temporary protection or adequate protection under national law and are able to return in safe and durable conditions to their country of origin, should be admitted into the Union, even where they do not meet all the entry conditions set out by the Schengen Borders Code, in order to ensure safe passage with a view to returning to their country or region of origin. The Commission encourages the Member States to proactively cooperate with the concerned third countries in view of safe repatriation of the latter’s citizens. This is without prejudice to the right of persons not falling under the scope of the Council Decision to access the asylum procedure.

**Member States should immediately notify to the Council and the Commission** in accordance with Article 7 of Directive 2001/55/EC if they have extended the application of temporary protection beyond what is required by the Council Decision. The Commission considers that Member States should notify the Commission via THEMIS/Directives, which is the official channel for communicating transposing and implementing rules.

### **Persons that can be excluded from temporary protection (Article 28 Temporary Protection Directive)**

Member States are allowed to exclude a displaced person from temporary protection in case they have serious reasons for considering that the person committed a crime against peace, a war crime, or a crime against humanity, a serious non-political crime outside the Member State of reception prior to admission to that Member State as a person enjoying temporary protection, or if the person is found guilty of acts contrary to the purposes and principles of the United Nations.

Member States are also allowed to exclude a displaced person from temporary protection where there are reasonable grounds for regarding that person as a danger to the security of the host Member State or a danger to the community of the host Member State.

The Commission strongly recommends that Member States, before issuing a residence permit to beneficiaries of temporary protection or adequate protection under national law, consult the relevant international, EU and national databases, and in particular the alerts on persons, and documents in the Schengen Information System (SIS), allowing them to proceed with the necessary security check (see below section 4 for more details).

### **Children**

Estimates suggest children (persons below 18 years old) represent more than half of the population who has been leaving Ukraine since 24 February 2022 due to the war<sup>6</sup>. In line with the 2017 *Communication on the protection of children in migration*<sup>7</sup>, the protection of migrant children arriving from Ukraine is a top priority for the EU. The recommendations

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<sup>6</sup> <https://www.unicef.org/press-releases/one-week-conflict-ukraine-half-million-children-become-refugees>. (published on 3 March 2022). Updated info on arrivals to the EU can be accessed here: <https://data2.unhcr.org/en/situations/ukraine>.

<sup>7</sup> COM(2017) 211 final of 12.4.2017.

made by the Commission in that context in order to strengthen the protection of all migrant children, irrespective of their status, remain valid in the light of the Ukrainian crisis.

Full protection and swift access to the specific rights of children (education, healthcare, including preventive care and mental health care, and, psychosocial assistance) as well as any necessary support services to secure the child's best interest and wellbeing to all children fleeing from the Ukrainian conflict, must be ensured<sup>8</sup>. The opinion of the children must be heard and taken into account, in accordance with age and degree of maturity. An integrated child protection response should be ensured, with cooperation and coordination of relevant authorities.

Specific obstacles often faced by migrant children (e.g. language barriers) with access to decent housing, quality education and other social services should be duly taken into account and addressed.

Member States are encouraged to ensure that all children are provided, in a child-friendly and age- and context- appropriate manner, with relevant information on the situation, their rights and on procedures and services available for their protection. Member States are also encouraged to ensure that those working with children – from their arrival at EU borders – are appropriately trained and child protection professionals are involved where relevant.

All decisions or actions to be taken in relation to children must be based on the principle of the best interests of the child as the primary consideration.

The situation of unaccompanied and separated or orphan children is addressed in more detail in section 5.

### **Access to education for minors (Article 14(1) Temporary Protection Directive)**

Pursuant to Article 14(1) of Directive 2001/55/EC, Member States shall grant access to their education system to persons under 18 years old enjoying the temporary protection status under the same conditions as their own nationals and EU citizens. Member States may limit such access to the state education system. The Commission considers that the same applies to minors benefitting from adequate protection under national law, as referred to in Article 2(2) of the Council Decision. Where, necessary, documents showing the level of education achieved in Ukraine (e.g. graduation of secondary school, level A1 in English, etc.,) shall be taken into account.

The Commission recommends that support measures, such as preparatory classes, be provided to children to facilitate their access to and participation in the education system. Such support measures include supporting the acquisition of knowledge of the host country language (in mainstream education or through preparatory classes leading to a quick transition into regular education), assessing of pupils' competence levels, providing guidance to pupils and parents about the host country, psychological support, and supporting to the teachers and other education professional welcoming refugees.

Access to education for minors shall be ensured as soon as materially possible where it is clear that they meet the conditions for temporary protection or adequate protection under national law, even where the procedure for issuing residence permits is still pending. This can

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<sup>8</sup> In line with the UN Convention on the Rights of the child, the EU Strategy on the rights of the child and relevant EU *acquis*.

be evidenced on the basis of identity documents of the minors or any other official documentation that can be adduced to prove identity.

In the same vein, the Commission advises that access to education for unaccompanied minors should be facilitated as soon as possible, even where procedures for the appointment of a guardian/representative and for determining the type of care that the child is entitled to are ongoing.

Member States should also support access to early childhood education and care, as well as vocational training, under the same conditions as their own nationals and other Union citizens. In particular, in Member States where there is a legal entitlement to early childhood education and care or where participation in early childhood education and care is compulsory, access to early childhood education and care for children covered by the Council Decision should be provided under the same conditions as nationals of the host Member State.

## **2. RIGHT TO MOVE FREELY**

### **Right to move before the issuance of the residence permit**

With a view to ensuring preparedness in the Member States where the persons entitled to temporary protection or adequate protection under national law are intending to avail themselves of their rights, the Commission recommends that the authorities of the Member States of first entry ask the persons concerned who want to move to another Member State, to indicate to which Member State s/he will be going. The purpose of these questions should be to get an indication of the number of persons intending to move to specific Member States. The Member States of first entry should communicate the information gathered on an anonymous basis (number of persons expected to join Member State X, Y, Z) via the Blueprint Network.

Ukrainian nationals holding biometric passports or other third country nationals who are exempt from the requirement to be in possession of a short-stay visa for entering the Union, have the right to move freely within the Schengen area after being admitted into the territory for a 90-day period within a 180-day period. They are therefore able to travel to the Member State in which they want to enjoy the rights attached to temporary protection and to join their family and friends across the significant Ukrainian diaspora networks that currently exist across the Union.

For persons who are not visa exempted (e.g. because they do not hold a biometric passport) and do not hold a short-stay visa or a long stay visa or residence permit issued by a Member State, and who are entitled to temporary protection or adequate protection under national law, the Commission reminds that in accordance with Article 8(3) of Directive 2001/55/EC, Member States must provide to persons entitled to temporary protection or adequate protection under national law every facility for obtaining the necessary visas, including transit visas, for the purpose of being admitted to their territories. Formalities must be reduced to a minimum because of the urgency of the situation. If the person intends to avail of his/her rights in a Member State other than the Member State of first entry, the Commission recommends that the Member State of first entry issues a visa at the border crossing point (or at inland spot to avoid congestion) for 15 days (in accordance with Article 35(3) of the Visa

Code<sup>9</sup>). This way the person concerned would be able to move within the Schengen area<sup>10</sup>. Visas issued at the borders or near the border crossing point on the basis of Article 35 of the Visa Code valid for 15-day can be extended later in case of need (cf. Article 33 Visa Code). Data relating to the application and issuance of such a visa should be registered in the Visa Information System (VIS) in line with applicable rules<sup>11</sup>. The Commission recommends that visas should be free of charge or their cost reduced to a minimum.

If the person entitled to temporary protection or adequate protection under national law arrives at the border of an EU Member State not applying the Schengen *acquis* in full and therefore not issuing Schengen visas, and wants to move to another Member State to avail of his/her rights, different options could be envisaged. Member States applying the Schengen *acquis* in full can issue Schengen visas at their consulates in Member States not applying the Schengen *acquis* in full. They could also issue Schengen visas to the persons entitled to temporary protection or adequate protection under national law upon arrival in the Member State concerned.

In line with the operational guidelines on external borders management<sup>12</sup>, the Commission recommends that Member States do not impose financial penalties on carriers transporting persons entitled to temporary protection or adequate national protection arriving from a Member State, and who are not in possession of the required documentation to enter the Member State of destination. Member States should ensure that airlines are informed thereof.

More generally, where the person concerned is not in possession of a valid travel document, the Commission recommends extending the use of the model transfer form included in Annex I of Directive 2001/55/EC, in which the Member State of first entry can indicate the Member State where the person concerned is intending to travel to avail him/herself of the rights attached to temporary protection.

The Solidarity Platform can be used as a basis for Member States to coordinate assistance with regard to transfer of persons who do not have the means to travel to the Member State where they want to enjoy temporary protection or adequate national protection. However, personal data should only be exchanged via the secured channel DubliNet.

### **Right to move freely after the residence permit is issued**

Once a Member State has issued a residence permit in accordance with Article 8 of the Directive 2001/55/EC, the person enjoying temporary protection has the right to travel to other Member States than the one issuing the residence permit for 90 days within a 180-day period. If such a person subsequently moves to another Member State, where s/he receives another residence permit under temporary protection, the first residence permit issued and its ensuing rights must expire and be withdrawn, in accordance with the spirit of Articles 15(6) and 26(4) of Directive 2001/55/EC.

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<sup>9</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1–58.

<sup>10</sup> This only applies to nationalities not subject to prior consultation of the central authorities of other Member States before a visa is issued (Article 22 of the Visa Code).

<sup>11</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008, p. 60–81.

<sup>12</sup> Commission Communication providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, C(2022) 1404 final, p.6.

It has to be noted that, with a view to supporting Member States who are the main entry points of the mass arrival of displaced persons fleeing war from Ukraine covered by the Council Decision and to promote a balance of efforts between all Member States, Member States agreed not to apply Article 11 of Directive 2001/55/EC in relation to persons enjoying temporary protection in a given Member State in accordance with the Council Decision and who moved to another Member State without authorisation, unless on a bilateral basis Member States agree otherwise<sup>13</sup>.

### **3. REGISTRATION (ARTICLE 10 TEMPORARY PROTECTION DIRECTIVE)**

Under Article 10 of Directive 2001/55/EC, Member States are obliged to register the personal data (name, nationality, date and place of birth, marital status, and family relationship) of the persons enjoying temporary protection on their territory. When doing so, if not already done, the Member States should consult relevant international, EU and national databases during their checks and investigations, and in particular the alerts on persons and documents in the Schengen Information System (SIS).

Under the current legal basis, Eurodac or other EU large-scale IT systems and databases cannot be used for registration of beneficiaries of temporary protection. Therefore, the Commission advises Member States to register these persons in their national registers for foreigners or other national registers in full respect of the General Data Protection Regulation. Member States should not register any other personal data than that covered by Annex II of Directive 2001/55/EC.

The challenge of working only through national data bases limits the capacity to exchange information for instance to trace and detect if the same person is benefiting from the rights attached to temporary protection in more than one Member State. The Commission, with the support of the European Union Asylum Agency, is ready to work with Member States in addressing this challenge, by for instance providing a platform for exchange of information.

Where the information on specific persons registered in accordance with Annex II of Directive 2001/55/EC needs to be exchanged with other Member States, for the purposes of the Directive (such as in the case of family reunification or if additional enquiries are required about a specific case) this data can be exchanged via the secured channel DubliNet.

### **4. RESIDENCE PERMIT (ARTICLE 8 OF THE TEMPORARY PROTECTION DIRECTIVE)**

Member States must provide persons enjoying temporary protection with residence permits for the duration of the protection and issue documents or other equivalent evidence for that purpose, in accordance with Article 8(1) of Directive 2001/55/EC. Temporary protection as introduced by the Council Decision lasts one year from the entry into force of the Decision, i.e. from 4 March 2022 until 4 March 2023, in accordance with Article 4(1) of Directive 2001/55/EC.

The residence permit would then serve as a document to prove their status with other authorities, such as employment offices and services, schools, hospitals. The Commission wants to underline that the period of one year is an objective one, i.e. lasts until 4 March 2023 regardless of when the residence permit was issued. Hence, the end date for all residence

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<sup>13</sup> <https://data.consilium.europa.eu/doc/document/ST-6826-2022-ADD-1/en/pdf>.

permits issued under the Council Decision shall be 4 March 2023, in line with Article 4(1) of Directive 2001/55/EC.

If during this period the Council does not take a Decision, on a proposal from the Commission, to end the temporary protection, it will be extended automatically by six months, i.e. until 4 September 2023, and again by six months, i.e. until 4 March 2024. The obligation to issue/extend residence permits would continue for these periods. With a view to reducing the administrative burden of the renewal of the permits, Member States may grant the residence permit already for two years, knowing that at any time the temporary protection can end in accordance with Article 6(1)(b) of the Directive. If the Member States do not make use of this possibility, they will have to renew the residence permits for six-month periods twice.

On the other hand, if the Council takes a Decision, on a proposal from the Commission in accordance with Article 6(1)(b) of Directive 2001/55/EC, to end temporary protection before these dates, the residence permits issued, as being only declaratory (as it is the Decision itself which is constitutive of rights), would become invalid and should be withdrawn. Member States should publish via their national procedures and channels that all residence permits under temporary protection have become invalid on the specific date.

For the purpose of granting rights related to the temporary protection or adequate protection under national law, where applicable, the Commission recommends Member States facilitate the opening of a bank account and access to relevant services on the basis of an identification document or equivalent identification solution accepted by Member States and of proof of entry to the EU on or after 24 February 2022, even where the procedure for issuing a residence permit is still pending.

The Commission strongly recommends that Member States, before issuing a residence permit to beneficiaries of temporary protection or adequate protection under national law, consult relevant international, EU and national databases during their checks and investigations, and in particular the alerts on persons and documents in the Schengen Information System (SIS).

Member States should enter data on smugglers, traffickers in human beings and other perpetrators of serious crime or their accomplices in the SIS as early as possible. The results of checks depend on the quality of data input by Member States issuing the alerts. The Commission therefore reminds issuing Member States to include all available relevant data. The system allows issuing Member States to link operationally connected alerts. Hence, issuing Member States are also encouraged to make the best possible use of all SIS functionalities. A renewed SIS will enter in operation in the coming months (2022), and we expect Member States to swiftly implement and also make the best use possible of the new functionalities.

## **5. UNACCOMPANIED MINORS (ARTICLE 16 TEMPORARY PROTECTION DIRECTIVE)**

Since the beginning of the Russian invasion against Ukraine, Europe has witnessed an unprecedented wave of solidarity towards persons fleeing Ukraine, in particular children. European families, individuals or associations have travelled to the EU border with Ukraine to take charge of Ukrainian children whose parents remained in Ukraine.

The Commission wants to stress that, in the application of the legal safeguards specific to unaccompanied minors and separated children, the objective is to achieve the right balance between the degree of flexibility required to allow solidarity to function effectively and the need to ensure that the basic guarantees and safeguards for unaccompanied children are respected and therefore their protection is fully ensured.

This solidarity is without prejudice to the obligation for Member States authorities to comply with the specific requirements set out in Directive 2001/55/EC and to comply with Article 24 of the Charter when implementing that Directive and the Council decision. Pursuant to Article 16(1) of Directive 2001/55/EC, the Member States must appoint as soon as possible guardians/legal representatives for the unaccompanied minors benefitting from temporary protection on their territory, including where necessary by appointing a temporary guardian pending the appointment of the permanent guardian, or, by ensuring the representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.

Representation may be ensured by a legal guardian, by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation. The Commission considers that ‘appropriate representation’ necessarily requires that it be suited to the specific needs of minors and, in particular, to assess and act in the best interests of the child. Representation can only be ensured by individuals who hold no record of previous child-related crimes (‘vetting’).

Representation must be ensured as soon as possible in the **Member State of first entry**, by ensuring the presence, at all points of the procedures where the best interests of the child must be taken into consideration for taking a decision regarding the child, of a representative of the child protection services, or, where necessary, individuals or organisations appointed to act on behalf of the child protection services. This representative does not need to be appointed specifically in relation to each unaccompanied minor, it will be sufficient to be given a general mandate to assist where necessary to ensure that the best interests of the unaccompanied children are taken into account.

In the cases of:

- (1) unaccompanied minors who are continuing their journey towards another Member State in order to be reunited with a family member within the meaning of Article 15 of Directive 2001/55/EC, or
- (2) unaccompanied minors who are taken in charge by non-related known individuals (who were already with them during the previous part of the journey), or public or private organisations from other Member States with a view to being provided care in the latter,

the Member State of first entry should as a minimum ensure that:

- (1) The identity of the children and that of the adults with whom the children are continuing their journey, as well as the declared Member State of destination, are registered in the Member State of first entry by the competent authorities in accordance with national law before the child/children and the accompanying adults continue their journey;

- (2) Swift checks are put in place and enacted at the time of the above-mentioned registration, for preventing and detecting possible cases or risk of abuse or trafficking in human beings; in case of suspected cases of human trafficking Member States should issue a preventive alert in the Schengen Information System;
- (3) A representative of the child protection services – as described in the precedent paragraph, is present at the moment of the above-mentioned registration.

Member States should initiate as soon as possible procedures for identifying family members within the meaning of Article 15 of Directive 2001/55/EC that may be residing in other EU Member States, and, where those have been identified, initiate as soon as possible procedures for the reunification with the family members.

Unaccompanied minors who have family members in another Member State who are also beneficiaries of temporary protection, should be reunited with those family members in accordance with the rules set out in Articles 15 and 26 of Directive 2011/95/EC, taking into account the views of the children, in accordance with their age and maturity, and provided it is in their best interest. Unaccompanied minors who have family members residing in another Member States under a different legal regime may also be reunited with them in accordance with other instruments of Union law (e.g. Directive 2003/86/EC, Directive 2004/38/EC, Regulation (EU) 604/2013), where applicable, or on the basis of national law. Family reunification procedures should apply without prejudice to family members of the children concerned being able to come to the Member State of first entry to pick them up or to other arrangements agreed in the context of the Solidarity Platform.

For the **Member States of destination**, the Commission recommends setting up a swift procedure for registering the presence of unaccompanied children taking up residence on their territory, and to initiate as soon as possible the procedures for the appointment of the guardian/legal representative and for entrusting the care of the children, as foreseen by national law - subject to the verifications foreseen by the national law, including in terms of making an assessment of the best interests of the child and vetting the adults involved for record of previous child-related offences.

The procedures for entrusting the care of the children may be separate from the procedures for the appointment of guardians/legal representatives for the same children, as foreseen by national law. Where necessary, guardianship/legal representation may also be ensured by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation, as stipulated by Article 16 of the Directive. Foster families and communities/organisations entrusted under national law with the care of unaccompanied minors benefitting from temporary protection should also be provided with family and support allowances for the children taken in charge, as foreseen by the national law of the host Member State.

Pursuant to Article 16(2) of Directive 2001/55/EC, during the period of temporary protection, Member States shall provide for unaccompanied minors to be placed with adult relatives, or with a foster family, or in reception centres with special provisions for minors, or in other accommodation suitable for minors. This is valid both for the Member State of first entry and for Member States where unaccompanied minors would be transferred, where applicable.

Member States must take the necessary steps for enabling the placement. This implies taking into account the view of the children, in accordance with their age and maturity, but also ensuring that the form of placement chosen is suitable for children and in their best interests. Member States must also establish the agreement by the adult person or persons concerned, to the placement of the unaccompanied minor(s) where applicable.

For those unaccompanied children who do not continue their journey towards another Member State in one of the two types of circumstances described above, the Member State of first entry should ensure, in addition to the appointment of a guardian/legal representative, that these children have as soon as possible suitable accommodation<sup>14</sup> (where available, alternatives to institutionalised care – such as foster families or community care, semi-independent living arrangements for teenagers above 16 years old etc. - should be prioritised). access to education and/or vocational training, healthcare (including preventive care and mental health care) and psychosocial assistance.

As foreseen by Article 26 of Directive 2001/55/EC, unaccompanied children who are not continuing their journey after having been taken in charge in one of the circumstances referred to above may be transferred nevertheless to the Member State that is considered to be best placed to take the child in charge, following an assessment of the best interest of the child to be carried out in the Member State of first entry.

The Member States are encouraged to collaborate to facilitate exchange of information and data across the borders about the cases of unaccompanied children who move along different EU jurisdictions.

As mentioned above, we encourage Member States to carry out the necessary checks and make the best use of the Schengen Information System. As soon as the renewed SIS will enter in operation, it will offer the possibility to insert in SIS not only ‘reactive’ alerts about children who have gone missing, but also ‘preventive’ alerts on:

- children at risk of abduction;
- children at risk of being taken abroad unlawfully or who need to be prevented from travelling for their own protection;
- vulnerable adults at risk of being taken unlawfully abroad or who need to be prevented from travelling for their own protection;
- collection of information on persons or objects based on enquiries (inquiry checks); and
- unknown wanted persons for their identification with the use of prints collected from scenes of serious crime.

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<sup>14</sup> Reference is made to the *Guidance on reception conditions for unaccompanied minors* provided by the EUAA - <https://euaa.europa.eu/sites/default/files/Guidance-on%20reception-%20conditions-%20for-unaccompanied-children.pdf>.

## 6. TRAFFICKING IN HUMAN BEINGS

Directive 2011/36/EU (the ‘EU Anti-trafficking Directive’)<sup>15</sup>, and the legislation transposing it in the legal systems of Member States are applicable to the situation of persons fleeing Ukraine, when the conditions set forth in those legal instruments are met. The national legislation transposing the EU Anti-trafficking Directive includes measures to reduce the risks of, and demand for, all forms of exploitation related to trafficking in human beings.

The majority of people fleeing Ukraine are women and children. Traffickers, in particular organised crime groups, could take advantage of their vulnerability for all forms of exploitation related to trafficking in human beings, and in particular for the purpose of sexual or labour exploitation. Member States are strongly encouraged to put in place adequate prevention measures specifically targeting persons fleeing Ukraine. These may include providing information on the risks of trafficking, in a language that persons fleeing Ukraine are able to understand and, for the cases of unaccompanied children, in a child-friendly and age-appropriate manner, at border crossing points, within the accommodation as well as to the competent authorities and civil society organisations likely to enter in contact with them. Such information should be also available online and contain the number of an emergency hotline that could be contacted in multiple languages on 24/7.

Awareness raising among the key professionals who are likely to come into contact with potential victims of trafficking in human beings and with the receiving communities is key. Particular attention should be placed on unaccompanied minors, due to the enhanced vulnerability created by their situation. Childcare institutions (e.g. orphanages, schools, foster care) should be especially informed about the risks of trafficking and the procedures to follow in such cases.

Appropriate training and instructions to the relevant law enforcement and border authorities would equip them to pay attention to particularly vulnerable categories of persons fleeing Ukraine, with a view to preventing the trafficking in human beings and to identifying potential victims at an early stage. Identification efforts should include emergency hotlines that could be contacted in multiple languages on 24/7 for reporting cases to the competent authorities and for referring victims to the appropriate assistance, support and protection services.

Member States should ensure that their National Referral Mechanism is fully operational to improve early identification, assistance and support to victims of trafficking. Cooperation between the asylum, border, law enforcement and judicial authorities should be ensured both internally and with other Member States. Relevant information on cross-border cases should be shared through the EU police and judicial cooperation channels including Europol and Eurojust.

For the purpose of early identification, assistance and support to victims, national authorities are strongly encouraged to work with civil society organisations. If concrete trafficking cases are detected, the victims should be granted the assistance, support and protection measures set forth in the EU Anti-trafficking Directive as soon as the authorities have a reasonable-grounds indication for believing that the person may have been exploited and unconditionally of their willingness to cooperate in criminal investigations, prosecutions or trials. This should include

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<sup>15</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

In cases involving child victims, their best interests have to be a primary consideration and they should receive immediate access to assistance, support and protection. Member States shall also ensure durable solutions for unaccompanied minors based on their best interests.

## **7. ACCESS TO THE ASYLUM PROCEDURE**

In accordance with Article 17 Directive 2001/55/EC, the persons enjoying temporary protection have the right to make and lodge an application for international protection at any time. In this case, the provisions of the asylum *acquis*, including the registration of applicants into Eurodac, apply. The same holds true for beneficiaries of adequate protection under national law as referred to in Article 2(2) of the Council Decision.

Without prejudice to the right to make an application for international protection, beneficiaries of temporary protection should be reassured of the rights they would be granted by this status.

Member States may also provide that temporary protection may not be enjoyed concurrently with the status of applicant for international protection while their applications are under consideration (Article 19 of Directive 2001/55/EC).

It is therefore very important that the person is fully informed about which practices the Member State applies, thereby enabling the person to decide, whether he or she asks for international protection in addition to a residence permit evidencing the person's temporary protection status.

In line with Article 19(2) of Directive 2001/55/EC, where a person entitled to or enjoying temporary protection or adequate protection under national law decides to apply for international protection, and, following examination, refugee status or subsidiary protection is not granted, that person shall enjoy or continue to enjoy temporary protection or adequate protection under national law for the remainder of the period of protection.

Where the examination of an application for international protection has not been completed during the period of temporary protection or adequate protection under national law, it should be completed after temporary protection has ended, in line with Article 17(2) of Directive 2001/55/EC.

### **Application of the Dublin III Regulation**

Where a person entitled to or enjoying temporary protection or adequate protection under national law lodges an application for international protection, Regulation (EU) No 604/2013<sup>16</sup> ('the Dublin III Regulation') shall apply for determining the Member State

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<sup>16</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

responsible for examining that application. According to that Regulation, the responsible Member State shall be determined on the basis of objective criteria<sup>17</sup> applicable to different scenarios, including the issuance of residence permits for temporary protection<sup>18</sup>.

When applying the Dublin Regulation, the Commission strongly recommends Member States to take into account the spirit of the declaration made by the Council when adopting Council implementing Decision 2022/382 with a view to alleviating the pressure on the Member States experiencing mass arrivals. Given that a person who is entitled to temporary protection or adequate protection under national law can enjoy his/her rights in any Member State, should that person apply for international protection, the Member State where the application was lodged is strongly encouraged to take responsibility for examining the application pursuant to the discretionary clause set out in Article 17(1), when a Member State experiencing mass arrivals would be responsible pursuant to the responsibility criteria<sup>19</sup> set out in the Dublin III Regulation, with a view to alleviating pressure on that Member State.

The approach suggested by the Commission should also reduce the risk of multiple applications made in multiple Member States thereby relieving the burden on the asylum systems.

With regard to family reunification, the Commission calls on Member States to swiftly cooperate in order to ensure rapid reunification of the family members.

## **8. REPATRIATION ASSISTANCE**

In line with the operational guidelines for external border management<sup>20</sup>, all persons fleeing the war in Ukraine, including those who may not be entitled to temporary protection or, where applicable, adequate protection under national law, should be admitted into the Union.

Persons who are not benefitting from temporary protection or, where applicable, adequate protection under national law, and have no right to stay in the territory of Member States on the basis of Union or national law would need to be repatriated to their countries of origin.

The Commission recommends that Member States issue, in accordance with Article 6(4) of the Return Directive,<sup>21</sup> national permits or authorisations offering a right to stay of limited duration on humanitarian grounds. This would ensure that persons in this situation have easier access to basic assistance, including accommodation, social and medical care until their repatriation.

While it is primarily the responsibility of the third countries of origin to ensure the safe repatriation of their citizens stranded in the EU, Member States should coordinate with the authorities of those countries to facilitate and support the organisation of repatriation operations. Specific assistance to support the outreach towards the authorities of specific third

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<sup>17</sup> The objective criteria run, in hierarchical order, from presence of family members in a Member State, issuance of a visa or a residence permit, irregular entry into the EU, or visa waived entry. Where none of these criteria apply, the first Member State where the application was lodged shall be responsible.

<sup>18</sup> Articles 2(1) and Article 12 of Regulation (EU) No 604/2013.

<sup>19</sup> The criteria set out in Articles 12-15 or Article 3(2) first subparagraph of the Regulation.

<sup>20</sup> Commission Communication providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, C(2022) 1404 final.

<sup>21</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.

countries of repatriation should be provided, if needed, by other Member States and/or the Commission and the High Representative.

Member States should provide support and assistance to the persons concerned, facilitating the contacts with the competent consular authorities of the country of origin and, where needed, providing financial assistance for repatriation through commercial flights. Member States can jointly organise repatriation flights, including with the operational and logistical support of the European Border and Coast Guard Agency (Frontex). Frontex may provide operational support, if requested by the Member States concerned, for instance by booking seats on commercial flights or organising charters if the numbers require so.

#### **9. PROVISION OF INFORMATION IN A DOCUMENT/LEAFLET (ARTICLE 9 TEMPORARY PROTECTION DIRECTIVE)**

Under Article 9 of Directive 2001/55/EC, Member States must provide persons enjoying temporary protection with an information document/leaflet, in a language likely to be understood by them, in which the relevant provisions relating to temporary protection are clearly set out (established benefits, rights and obligations deriving from the temporary protection). The Commission issued a Questions & Answers for Directive 2001/55/EC under the following link: [https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine_en), which can be used by Member States to fulfil this obligation, bearing in mind the language requirement. The Commission is also developing a QR code that can be scanned to facilitate access to the information. The Commission encourages Member States to establish similar websites adapted to the specificities of the national context and which would then be linked to the Commission's website, thereby creating a single entry point for all persons concerned. In the case of children, information should also be understandable to them, according to their age and maturity.

As far as transfers to another State might be concerned, specific information should be developed and provided before the persons provide consent to the transfer, in coordination with the Commission and other Member States.

#### **10. INFORMATION TO BE REPORTED UNDER THE BLUEPRINT**

With a view to ensuring the proper implementation of the Council Decision and in accordance with Articles 7(2), 19, 25, 26(2), 27(1) and (2) of Directive 2001/55/EC, the Commission requests Member States to provide via the Blueprint the following information:

- extension of temporary protection to additional categories of displaced persons;
- general requests and reception capacity for transfers;
- data concerning the number of persons enjoying temporary protection;
- number of third-country nationals holding a permanent residence permit from Ukraine enjoying temporary protection or other protection and
- information on the national laws, regulations and administrative provisions relating to the implementation of temporary protection.

They may also provide information on elements of the situation in Ukraine directly relevant to movement of people and their situation; anticipation of further arrivals to the EU; situation at and before the border, obstacles to fluidity of exits and measures to facilitate the transit at the border; reception situation and needs; figures and procedures for unaccompanied minors; situation of non-Ukrainian third country nationals and related needs for assistance; provision of bilateral support to other Member States, information on number of persons intending to move to another Member State. The scope and nature of the information requested from Member States will be adapted to the evolving circumstances in the context of the Blueprint Network.

The information gathered will also be used in the Solidarity Platform and in the Integrated Political Crisis Response (IPCR) as relevant.