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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Future legal status of displaced persons from Ukraine

The Temporary Protection Directive (Directive 2001/55/EC, hereinafter the TPD) was first activated in March 2022 following Russia's full-scale invasion of Ukraine. The TPD allowed Member States to move swiftly and offer immediate protection to people in urgent need of assistance. Initially granted for one year, temporary protection has been extended yearly until March 2027, given the absence of conditions for safe and durable return to Ukraine. All extensions retained the original scope of protection of the March 2022 decision, 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 State.

To address longer-term challenges and provide a durable perspective to displaced persons from Ukraine, the Council adopted a Recommendation in September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine, following a proposal presented by the Commission in accordance with its communication on a predictable and common European way forward for Ukrainians in the EU. This Recommendation outlines possible pathways to ensure the sustainable reintegration of returnees in Ukraine, when conditions allow, as well as a

gradual transition to other legal statuses for those eligible, where the conditions for such statuses are met.

To date, 4.33 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 March 2026, the ratio of temporary protection beneficiaries from Ukraine relative to the population was the highest in Czechia (34.8 per 1 000 people), ahead of Poland (26.3), Slovakia (26.2) and Cyprus (25.3)[1].

The EU has demonstrated unprecedented unity and solidarity to Ukraine since the activation of the temporary protection. Nevertheless, several Member States hosting large numbers of beneficiaries increasingly report challenges, provoked by the prolongation of the conflict, the significant financial and societal burden at national level, as well as the changing profile of new arrivals. A number of Member States have raised concerns that an increasing proportion of recent arrivals consists of men of conscription age. This leads some Member States to consider that the current Temporary Protection Framework should be amended also in the interest of Ukraine to support its resistance to the invasion and its reconstruction, while continuing to provide protection to those in need.

Discussions at the March 2026 SCIFA meeting were not conclusive. A broad majority of Member States supported the extension of temporary protection, not only because the initial reasons for its activation remain valid, but also to preserve administrative facilitation, legal certainty and avoid a sharp increase in asylum applications. To address the above-mentioned challenges, some Member States argued for introducing geographical or personal scope limitations, such as excluding applicants from "safe" regions of Ukraine, or men of conscription age, in order to avoid depleting Ukrainian military force and to encourage return, as well as reconstruction efforts. A number of cross-cutting questions were also mentioned in this context, *inter alia* the legal implications, administrative feasibility, the potential impact on the asylum system, and the possibility of a short-term pull effect.

Member States pointed out that any future approach should preserve the core added value of the Temporary Protection framework, notably legal certainty and minimising the administrative burden on national authorities. Any solution that would require individualised assessments or that could

1 Eurostat. Beneficiaries of temporary protection at the end of the month by citizenship, age and sex. March 2026.

lead to differentiated national solutions runs the risk of impacting asylum systems and of creating incentives for secondary movements.

As the current status draws to an end in March 2027, it is crucial to provide clarity to displaced Ukrainians on their status, and to allow Member States to start the necessary administrative procedures in a timely manner. Therefore, the Presidency considers it necessary for Ministers to have a structured reflection on the future of the Temporary Protection Framework, and potentially its scope.

In the light of the above, Ministers are invited to consider the following policy options:

1. Extension of Temporary Protection under the current scope

   The extension under the current scope is preserving continuity for beneficiaries and national administrations, is preventing large-scale shift into national asylum procedures and preserves the current legal certainty. However, it does not address concerns regarding the prolonged and potentially open-ended nature of temporary protection, nor those related to the changing profile of new arrivals, in particular the increasing proportion of persons of conscription age and its implications for Ukraine.

2. Extension of Temporary Protection with limitations to the personal scope

   An extension of temporary protection with limitations in the personal scope could provide for the exclusion of men of conscription age or of persons who did not leave the territory of Ukraine legally. The added value of this approach is that it maintains the overall architecture of the Temporary Protection framework, it corresponds to concerns expressed by several Member States regarding the changing profile of arrivals and the need to support Ukraine's reconstruction and defence efforts and could contribute to maintaining support for the continuation of protection at EU level. Challenges may involve questions related to compliance with the principle of non-discrimination, potentially an increased pressure on national asylum systems and a risk of divergent national practices leading to secondary movements.

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To provide political guidance on the future of the Temporary Protection framework, Ministers are invited to consider the following questions:

1. Which approach would you favour with regard to the extension of temporary protection: an extension maintaining the current scope, or an extension with a reduced personal scope? Please explain the reasons underpinning your preference and any considerations informing your position.
2. Do you agree that the concerns by Member States regarding the challenges provoked by the prolonged nature of temporary protection, the changing profile of new arrivals and its implications for Ukraine should be addressed in the upcoming proposal for a Council decision on the extension of temporary protection while maintaining the advantages of the Temporary Protection framework?

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