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Proposal for a

COUNCIL RECOMMENDATION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On 4 March 2022, the Council adopted implementing Decision 2022/382 and activated Council Directive 2001/55/EC of 20 July 2001 (the 'Temporary Protection Directive') for certain categories of people displaced on or after 24 February 2022, as a result of the military invasion of Ukraine by Russian armed forces that began on that date. Pursuant to Article 4(1) of the Temporary Protection Directive, temporary protection was first applied for an initial period of 1 year, until 4 March 2023, and was then automatically extended for one additional year until 4 March 2024.

Since that date, the duration of temporary protection has been further extended twice. On 19 October 2023, the Council adopted Implementing Decision (EU) 2023/2409 extending temporary protection until 4 March 2025. On 25 June 2024, the Council adopted Implementing Decision (EU) 2024/1836 extending temporary protection for a further period of one year, until 4 March 2026.

The Temporary Protection Directive continues to provide a sound legal framework for ensuring the same, harmonised standards of protection for millions of people fleeing the war in Ukraine to the EU. As the reasons for temporary protection persist, due to the ongoing volatile situation in Ukraine that does not yet allow to conclude that there are safe and durable conditions for return as well as the ongoing uncertainty on how the situation in the country will evolve, the Commission is presenting this proposal for a Council Recommendation alongside the proposal to extend temporary protection for a further year, until 4 March 2027.

Temporary protection is by its nature temporary. At some future point in time, when the circumstances change to allow for sufficient certainty about the situation in Ukraine, and in particular the conclusion that safe and durable conditions for return would exist, temporary protection will need to come to an end. It is necessary to be ready for this change when that time comes. Therefore, it is important to pave the way for a smooth and well-coordinated transition out of temporary protection that will cater for the needs of those residing in the EU, while taking into account the capacity and reconstruction needs of Ukraine.

Inherent to the definition of temporary protection is also the need to avoid risks to the Member States' national asylum systems which would otherwise be unable to process large number of applications for international protection without undermining their efficient operation. This consideration is of key importance when mapping the transition out of temporary protection to ensure that a future ending of temporary protection avoids adverse impacts on national asylum systems.

The EU needs a common approach for the future. Our approach must balance the interests of Member States, of the people who sought refuge in the EU, and of Ukraine, while offering predictability, stability and a more balanced impact across Member States. A common European approach also allows us to fully consider the views of the Ukrainian government and the country's reconstruction needs.

In this context, the Commission proposes a set of coordinated measures to transition from temporary protection to other legal statuses, as well as to support people who wish to go home when the situation allows. Knowing what will happen when temporary protection ends,

providing possibilities for continuing legal residence in the EU as well as possibilities to go back home would allow persons enjoying temporary protection to make informed choices about their future, while ensuring legal certainty on their status.

Based on these considerations, the Commission proposes that the Council Recommendation focuses on four sets of measures to:

(1) promote and facilitate the transition to other legal statuses already before the end of temporary protection;

(2) pave the way for a smooth and sustainable reintegration in Ukraine;

(3) ensure information provision to displaced persons; and

(4) ensure coordination, monitoring and exchange of information among Member States and with the Ukrainian authorities.

Measures to promote and facilitate the transition to other legal statuses already before the end of temporary protection

Temporary protection was initially activated to provide immediate relief to individuals fleeing Russia's war of aggression against Ukraine, ensuring that the Member States' asylum systems would not be overwhelmed by a large number of applications for international protection, and preventing the risk that Member States would be unable to process applications without adverse effects on their efficient operation, in the interest of the persons requesting protection. Many displaced persons who have benefitted from temporary protection have now been in the EU for several years, and have integrated into their host societies by learning the language, finding employment, and enrolling in education.

It would therefore be appropriate that these persons are offered the possibility, and are encouraged, to transition into national legal statuses that better represent their actual situation in the Union. These could be, for example, residence permits based on employment, education, research, family reasons, or a national long-term resident status where applicable. At the same time, there might be others who do not fall under any of the existing national permits. There are some Member States that are creating so-called 'omnibus' permits that intend to provide the same permit to cover all those benefiting from temporary protection, irrespective of their individual circumstances, and having been resident in the host Member State at least for a certain period of time. These national statuses could offer more stability than the annually prolonged temporary protection.

Information provision to encourage this transition to other statuses should also be developed or enhanced, as it is important for the persons enjoying temporary protection to understand the advantages of such statuses and their rights when transitioning to such residence permits as well as to be offered reassurances that there will be alternatives to applying for international protection.

To support the transition of persons enjoying temporary protection to other legal statuses, and offering them alternative options in these exceptional circumstances, Member States should allow persons enjoying temporary protection, particularly where transitioning to national legal

statuses is not possible, and who would otherwise qualify for another status based on EU law[1], to apply for authorisations regulated under the Blue Card Directive[2], the Single Permit Directive[3] and the Students and Researchers Directive[4]. This is possible provided that they would not concurrently hold this status with an authorisation granted under those Directives.

Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred under temporary protection and under these Directives. They should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently benefit from temporary protection and be granted an authorisation under these Directives.

Measures to pave the way for a smooth and sustainable reintegration in Ukraine

Member States being ready for the eventual phasing out of temporary protection makes it essential to ensure that going back home and reintegrating in Ukraine takes place in an orderly and humane manner, supporting those who are willing and able to return to Ukraine, while taking into account their varying individual circumstances. Indeed, some may already intend to go back home in the short term whereas others may require more time, given their specific circumstances.

Furthermore, even in a situation of peace, Ukraine will need time to rebuild its capacity to welcome back all those persons displaced by the war. Ukraine needs its human capital and is working towards ensuring the conditions to facilitate the return of Ukrainians hosted in the EU. It is therefore important to consider the capacity of Ukraine to reintegrate in a sustainable manner all those displaced by the war. To help Ukraine in its efforts, the process should be managed gradually, and it should take into account Ukraine's challenges particularly to cater for the special needs of vulnerable persons. The Temporary Protection Directive provides several provisions that offer possibilities to address those types of situations.

Article 21(1) of the Directive requires Member States to take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended, to facilitate their return, in full respect of human dignity. In this context, Member States should allow for self-funded **exploratory visits to Ukraine**. These exploratory visits may work as confidence-building measures for persons enjoying temporary protection considering going home, helping them make informed decisions that support the

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1 The EU legal migration Directives do not apply to third-country nationals solely on the basis that they are persons enjoying temporary protection in accordance with Council Directive 2001/55/EC in a Member State.

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

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

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

sustainability of their return to Ukraine. Exploratory visits can help them to check on family or property, to assess the level of destruction in their communities, and in general, the overall conditions in their home country.

In the context of a smooth transition out of temporary protection, Member States should set up a more structured approach to promote exploratory visits. It is essential though that where Member States allow for exploratory visits, the parameters, conditions and requirements for such visits are established, coordinated with other Member States and communicated in a transparent manner. Member State should set up contact points for the latter purpose. It is also important to consider that there may be persons enjoying temporary protection who will not be able to organise and finance the exploratory visits by themselves, in which case, the Member State may consider to organise and support such exploratory visits.

As part of the measures to make the voluntary return of persons who enjoyed temporary protection possible, Member States should set up **voluntary return programmes**. These are not to be considered programmes under the Return Directive, as the persons concerned legally reside in the host Member State until the end of temporary protection and as no return decision is therefore required. Instead, these are programmes that could allow for the sustainable, gradual and orderly returning home of those who had previously been covered by temporary protection in the Member State, taking into account the needs and capacity of Ukraine as well as of those displaced.

Given the complexity of the situation and having regard to those who remained, including internally displaced persons, voluntary return programmes should be designed with a view to upholding social cohesion in Ukraine and therefore bringing benefits to the local community rather than taking the form of individualised benefit packages. For this reason, close coordination with the Ukrainian authorities would be fundamental when designing and implementing such voluntary return programmes.

The Ukraine Investment Framework[5] will play a crucial role in preserving human capital and creating conditions for return. Education, housing, healthcare, care economy and social protection are priority sectors. Ongoing projects support the restoration of municipal infrastructure and help finance businesses affected by the war. New investment programmes accepted in March 2025 will support housing needs and future calls will include access to finance and jobs for vulnerable groups, including returnees. These voluntary return programmes should be comprehensive and well-communicated. Member States should establish the eligibility conditions for benefitting from such programmes. To limit risks of possible misuse, persons deciding for this possibility should be required to enrol in a voluntary return programme.

Voluntary return programmes set up by Member States should have a limited and fixed duration after temporary protection has ended. It would be important to coordinate among EU Member States and with the Ukrainian authorities the initial duration of the voluntary return programmes. A duration of possibly up to one year would help the coordination with the Ukrainian authorities to cater for the needs of the persons concerned when they reintegrate in

[5] The Ukraine Investment Framework (UIF) is part of the EUR 50 billion Ukraine Facility, designed to attract public and private investments for the recovery and reconstruction of Ukraine. It is endowed with financial instruments totalling EUR 9.3 billion, with EUR 7.8 billion in loan guarantees and EUR 1.5 billion in blended finance. Its aim is to mobilise EUR 40 billion of investments for recovery, reconstruction, and modernisation.

the communities in Ukraine, such as the identification of accommodation or housing, employment, or access to basic services and infrastructures, including medical care.

As the circumstances on the ground may evolve between now and the end of temporary protection, Member States should also coordinate among themselves and with the Ukrainian authorities the duration of the voluntary return programmes, and the setting out of a different or extended period for voluntary departure under the voluntary return programmes if the time foreseen is not sufficient to ensure a gradual and sustainable reintegration in Ukraine.

Furthermore, Article 21(3) of the Directive allows for *individual extensions* of the Member States' obligations for those who have been covered by temporary protection and are benefitting from a voluntary return programme. To ease the administrative burden of individual case-by-case extensions, Member States should extend by default all the rights attached to temporary protection to those enrolled in the voluntary return programme, in line with Article 21(3), until the date of return to Ukraine or until the end of the period for voluntary departure under the programme. In addition, to ensure continuity and to avoid situations in which the persons who benefited from temporary protection would be illegally staying immediately after the end of temporary protection, Member States should ensure that persons who benefited from temporary protection can legally reside in the territory of the Member State in the period between the end of temporary protection and the timeframe in which those persons can enrol in the voluntary return programme.

The Directive also contains provisions for situations where persons might not be able to return due to specific circumstances, namely their health. Pursuant to Article 23(1) of the Directive, Member States shall take the necessary measures concerning the conditions of residence of persons who have enjoyed temporary protection and who cannot, in view of their state of health, reasonably be expected to travel, when, for example, they would suffer serious negative effects if their treatment was interrupted. This measure would provide for their continued legal residence and a safety net for individuals whose health or other personal conditions prevent them from travelling.

Due to the effects of the war, it is possible that right at the end of temporary protection, Ukraine would not be in a position to cater for the needs of persons with some specific vulnerabilities also beyond health. Taking inspiration from Article 23(1) of the Directive, Member States should be encouraged to provide options for continuing the legal residence also for other vulnerable persons not covered by the transition to other statuses or by the possibility already offered by the Directive under Articles 21 and 23, whose individual situation might not allow for return (for example, because they have other types of vulnerabilities that Ukraine is unable to cater for immediately after temporary protection has ended). This would also contribute to a sustainable, gradual and orderly transition both for the persons in need and for Ukraine.

Furthermore, under Article 23(2) of Temporary Protection Directive, Member States may allow families whose children are minors and attend school in a Member State to benefit from residence conditions allowing the children concerned to complete the ongoing school period. The use of this provision should be encouraged.

Measures to ensure information provision to displaced persons

Many of the measures outlined above require displaced persons to be properly informed to help them make informed choices in full knowledge of the facts. In this context, it is

important that Member States set up the necessary structures and procedures, including through information campaigns, while maximising the use of existing tools and channels to avoid a duplication of efforts.

In addition, following the initiative[6] of the Ukrainian Minister of National Unity to set up hubs in Member States to maintain a connection with Ukrainians living abroad, some Member States have shown interest and are currently in the process of establishing on their territory Unity Hubs.

These Unity Hubs will serve as multipurpose information centres for both integration of displaced people in the host societies and for going back home to Ukraine. In this context, and in order to streamline ongoing efforts, such Unity Hubs could also be used to provide information on transitioning to national statuses, exploratory visits to Ukraine and voluntary return programmes, to help guarantee that any decisions of displaced persons are made in full knowledge of the facts, in accordance with Article 21(1) of the Council Directive 2001/55/EC.

In order to support the setting-up of Unity Hubs, Member States may use their Asylum, Migration and Integration Fund (AMIF) programmes, including the additional allocations stemming from the Multi-annual Financial Framework revision and the mid-term review of national programmes. They may also receive support from international organisations and third countries for this purpose and are encouraged to incorporate the knowledge, capacities and networks offered by these organisations into their individual plans for giving life to the Unity Hub concept.

Measures to ensure coordination, monitoring and exchange of information among Member States and with the Ukrainian authorities

It is crucial to ensure a coordinated approach among Member States and with the Ukrainian authorities regarding the implementation of the measures proposed. In this context, Member States should use existing structures to coordinate, exchange information and monitor the situation on the ground, including in the Solidarity Platform, which the Ukrainian authorities will be invited to attend, as needed.

While Eurostat prepares the official European statistics on temporary protection, ensuring a timely situational picture for operational purposes requires Member States to regularly update their data in the Temporary Protection Registration Platform, including figures regarding inactive registrations. As the transition out of temporary protection will lead to significant changes in the status of displaced persons, it is essential to have an accurate and up-to-date picture of the evolving situation. Thus, Member States should regularly upload accurate and timely data in the Temporary Protection Registration Platform, including figures regarding inactive registrations.

- **Consistency with existing policy provisions in the policy area**

This proposal seeks to pave the way for a transition out of temporary protection in a coordinated manner and allowing Member States to prepare the next steps in advance, while providing clarity on their legal status to the persons who fled the war in Ukraine.

[6] Regulation 2113 of Cabinet of Ministers of Ukraine of January 2025.

- **Consistency with other Union policies**

This proposal supports Member States in meeting the needs of those who fled the war in Ukraine and in assisting Ukraine in its efforts to reintegrate the persons returning home.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The Treaty on the Functioning of the European Union (TFEU), and in particular Article 78(1), Article 79(1), as well as Article 292, first and second sentence, thereof, which enables the Council to adopt recommendations. According to this provision, the Council shall act on a proposal from the Commission in all cases where the Treaties provide that it shall adopt acts on a proposal from the Commission.

- **Subsidiarity (for non-exclusive competence)**

Title V of the TFEU on the Area of Freedom, Security and Justice confers certain powers on these matters on the European Union. These powers must be exercised in accordance with Article 5 of the Treaty on the European Union, i.e. if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States alone and can, therefore, by reason of the scale or effects of the proposed action, be better achieved by the European Union.

The situation in Ukraine as a result of the Russian war of aggression continues to impact the EU as a whole. It has been met with an unprecedented and unified response by the European Union. This shows that it still requires EU solutions and EU support, as well as strong coordination at EU level, as there is a continuous need for all Member States to effectively respond to the situation together and to ensure the same standards and a harmonised set of rights are applied across the Union for the 4.3 million people currently hosted in the Union.

It is clear that actions taken by individual Member States cannot satisfactorily address the need for a common EU approach on the transition out of temporary protection, which clearly constitutes a challenge common to the whole of the EU, given that individual actions taken by one Member State will have an impact, including in terms of potential secondary movements, in other Member States. A common approach is needed, which cannot be sufficiently achieved by the Member States individually and requires the collective ownership of Member States and can, by reason of the scale and effects of this proposed Council Recommendation, be better achieved and coordinated at Union level, as also indicated by Member States themselves. The Union must therefore act and may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5(3) of the Treaty on European Union.

- **Proportionality**

In accordance with the principle of proportionality, as set out in Article 5(4) of the Treaty on the European Union, the proposed Council Recommendation provides for a coordinated transition out of temporary protection, in the interest of the displaced persons concerned and to avoid possible negative effects of divergent or inconsistent approaches taken by individual Member States. The proposal does not go beyond what is necessary and proportionate for achieving the intended objectives.

- **Choice of the instrument**

The choice of the instrument is a Commission proposal for a Council Recommendation, which would allow to provide for a coordinated approach at EU level that ensure the collective ownership of the measures of the Member States and the necessary support of the EU institutions.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

[n.a]

- **Stakeholder consultations**

To gather evidence-based information, the Commission regularly consulted Member State authorities, relevant EU Agencies, Ukrainian authorities and international organisations, while maintaining exchanges with non-governmental and civil society organisations.

The Commission, in cooperation with the rotating presidencies of the Council of the European Union, consulted Member States on the future of temporary protection in different fora and in several occasions, including in the Council's Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), Asylum Working Party and Working Party on Integration, Migration and Expulsion, in April 2024. There, Member States underlined the need to provide a coordinated approach at EU level on the transition out of temporary protection that would accompany the further prolongation of the status until March 2027 to guarantee the necessary time for a gradual approach, while providing clarity to displaced persons in the EU.

In the SCIFA meeting of 10 April 2025, Member States also expressed support for the transition out of temporary protection to take the form of a Council Recommendation, covering at least the transition to other legal statuses and measures to ensure a gradual return to Ukraine, to guarantee collective ownership by the Member States. In parallel, the Commission has consulted regularly the Member States most impacted by the hosting of a large number of displaced persons from Ukraine on their territory.

Complementary discussions were held in the Solidarity Platform, where Member States reiterated the need for a coordinated approach on the transition out of temporary protection that is flexible and common at European level. In parallel, the Commission held regular contacts with the Ukrainian authorities to better understand their needs. In addition, in accordance with Article 3 of the Temporary Protection Directive, the Commission specifically consulted the UNHCR, which has been assessing the situation and provided relevant input, underlying the need for a common response at EU level that would ensure providing clarity and proper rights and solutions to displaced persons.

In March 2025, 109 humanitarian and civil society organisations have published a joint statement[7] on the situation of displaced persons from Ukraine respectively calling on the Commission to propose the further extension of temporary protection until March 2027, while offering clarity on the future of temporary protection and residence status of people displaced from Ukraine.

[7] Three years since the activation of the Temporary Protection Directive: from emergency to longer-term solutions.

- **Collection and use of expertise**

[n.a]

- **Impact assessment**

[n.a]

- **Regulatory fitness and simplification**

[n.a]

- **Fundamental rights**

This proposal respects fundamental rights and observes the principles in Articles 1, 7, 18, 19, 24, 25 and 26 of the Charter of Fundamental Rights of the European Union, as well as the obligations stemming from international law, including the Geneva Convention of 28 July 1951 on the status of refugees, as amended by the New York Protocol of 31 January 1967.

4. BUDGETARY IMPLICATIONS

Since the start of the Russian war of aggression against Ukraine, funding needs linked to the application of the Temporary Protection Directive have been accommodated within the budget of the existing EU funding instruments under the period 2014-2020 and 2021-2027, in particular under the relevant Home Affairs Funds and Cohesion Policy[8].

In addition, EUR 400 million were made available under the AMIF Thematic Facility and the Integrated Border Management Fund (BMVI) Thematic Facility for emergency assistance to support the Member States most affected by the mass influx of displaced persons from Ukraine[9].

In Spring 2025, the Commission announced that EUR 3 billion will be made available to financially support Member States until the end of 2027 for the implementation of the Pact and for hosting beneficiaries of temporary protection from Ukraine. Member States may also use allocations for which they qualified in the mid-term review of the AMIF to cover needs relating to temporary protection.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

[n.a]

- **Explanatory documents (for directives)**

[n.a]

[8] Cohesion's Action for Refugees in Europe, the so called 'CARE' package (CARE, CARE-plus and Fast-CARE)

[9] Emergency assistance was allocated to ten Member States (PL, CZ, RO, HU, LT, LV, EE, BG, SK and CY).

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) Temporary protection for displaced persons from Ukraine who are unable to return to their country or region of origin because of the Russian military aggression as introduced by Council Implementing Decision (EU) 2022/382 and prolonged by Council Implementing Decision (EU) 2023/2409[10], (EU) 2024/1836[11] and (EU) 2025/...[12] is in place until 4 March 2027. While it remains a testament to the Union's unity and solidarity with the people of Ukraine, temporary protection is by nature temporary. It is therefore necessary to prepare the way towards a gradual, sustainable and well-coordinated transition out of that status for the time when the conditions in Ukraine are conducive to allow temporary protection to end, while taking into account the capacity and reconstruction needs of Ukraine.

(2) In the context of discussions on the future of temporary protection, Member States have called for such a coordinated approach at Union level. Building on the experience of the Member States following the activation of Council Directive 2001/55/EC, it is crucial to guarantee collective ownership and shared responsibility among all Member States at Union level throughout this process.

(3) One of the objectives of activating Directive 2001/55/EC was to prevent Member States' asylum systems becoming overwhelmed and being unable to process a large number of applications for international protection without adverse effects on their efficient operation, in the interest of the persons requesting protection. The key importance of this matter remains when mapping the transition out of temporary protection. Furthermore, even in a situation of peace, Ukraine will need time to rebuild its capacity to be able to welcome back all those persons displaced by the war. In order to support Ukraine in its efforts to reintegrate the displaced persons, it is therefore

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

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

[12] Council Implementing Decision (EU) 2025/… of … extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, .., ELI: …).

important that the process is managed flexibly, gradually and considering the individual situations of the persons concerned. This transition should therefore cater for the needs of those currently benefitting from temporary protection and the needs of Ukraine, while preserving the integrity of the Member States' asylum systems.

(4) Many displaced persons who have benefitted from temporary protection have now been in the Union for several years, and they have integrated into their host societies by learning the language, finding employment, and enrolling in education. It is therefore appropriate that they are offered the possibility to transition into national legal statuses that better represent their actual situation in the Union already now, where the conditions for continuing legal residence on other grounds are met. These could be, for example, residence permits based on employment, education, research or family reasons. Member States should therefore promote and facilitate this transition including by providing clear information to help persons concerned understand the advantages and rights conferred by these residence permits, in comparison to temporary protection and international protection.

(5) In view of supporting the transition of persons enjoying temporary protection to other legal statuses and of offering them alternative options in these exceptional circumstances, Member States should allow persons enjoying temporary protection, particularly where access to national statuses may not be possible, and who would otherwise qualify for another status based on EU law, to apply for authorisations regulated under the Directives (EU) 2016/801[13], (EU) 2021/1883[14] and (EU) 2024/1233[15] of the European Parliament and of the Council. This is possible provided that they would not concurrently hold their temporary protection status and an authorisation granted under those Directives. Consequently, Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred under the temporary protection status and under those Directives. They should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently benefit from temporary protection and be granted an authorisation under these Directives.

(6) For Member States to be ready for the eventual phasing out of temporary protection, it is essential to ensure that going back home and reintegrating in Ukraine takes place in an orderly and humane manner, and considers the varying individual circumstances of displaced persons, supporting those who are willing and able to return to Ukraine. While some persons may already intend to go back home in the short term, others may require more time, given their specific circumstances. It is also important to consider the capacity of Ukraine to reintegrate in a sustainable manner all those displaced by

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

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

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

the war. Therefore, Member States should adopt measures that pave the way for a smooth and sustainable reintegration in Ukraine, taking all these considerations into account, by making full use and expanding the tools already provided for in Articles 21 and 23 of Council Directive 2001/55/EC.

(7) Those considering going back home to Ukraine should be able to make informed decisions, which would also support the sustainability of their return. In the context of a smooth transition out of temporary protection, Member States should set up a more structured approach to promote self-funded exploratory visits, as provided for in Article 21(1) of Directive 2001/55/EC. These visits could serve as confidence-building measure for persons enjoying temporary protection as it would allow them to check on family or property, or assess the level of destruction in their communities, and in general the overall conditions in Ukraine. To increase the effectiveness of these visits and to prevent abuses, Member State should set up the parameters, conditions and requirements for such visits. Any such requirements should be coordinated with other Member States and established and communicated in a transparent manner. For the latter purpose, Member States should set up contact points. It is important to consider that there might be persons who will not able to carry out exploratory visits by themselves. Member States may consider in such cases organising and supporting such exploratory visits.

(8) Member States are required to take the measures necessary to make the voluntary return of persons whose temporary protection has ended possible. For this purpose, Member States should set up voluntary return programmes. To ensure their effectiveness and avoid risks of misuse, these programmes should be carefully designed, comprehensive and well communicated, taking into account the needs and capacity of Ukraine, as well as the need of displaced persons within the Union and the situation of those who remained in Ukraine in order to uphold social cohesion. For this reason, any such programme should prioritise support for reintegration in the communities, for which Union funding will be available in Ukraine, instead of individual packages. The conditions for eligibility for such programmes should be clearly established, and the persons who intend to benefit from them be required to enrol. Member States could consider, as part of those programmes, to assist in the organisation of departures, for example where large numbers of displaced persons are returning to the same area in Ukraine.

(9) While such voluntary return programmes should be of limited and fixed duration, they should allow for sufficient time to ensure appropriate coordination with the Ukrainian authorities with a view to facilitating the gradual and adequate integration of returning persons in their communities, including access to basic services and facilities, such as accommodation, housing or medical care. For this reason, and to ensure the initial duration of the voluntary return programme is coordinated with all Member States and the Ukrainian authorities, voluntary return programmes should provide for a period of departure that allows these objectives to be attained, namely a period of possibly up to one year. During this period, persons should be allowed to continue legally residing in the Member State. As the circumstances on the ground may evolve between now and the end of temporary protection, if the time foreseen is not sufficient to ensure a gradual and sustainable reintegration in Ukraine, Member State should coordinate among themselves and with the Ukrainian authorities to set out a different or extended period for voluntary departure under the voluntary return programmes.

(10) To reduce administrative burdens related to possible individual case-by-case issuance of residence permits to those enrolled in voluntary return programmes, Member States

should use the possibility provided for under Article 21(3) of Directive 2001/55/EC to allow persons who enjoyed temporary protection and benefit from a voluntary return programme to extend the rights attached to temporary protection laid down in Chapter III of Directive 2001/55/EC to those persons who have enjoyed temporary protection beyond the duration of temporary protection until the return date to Ukraine or the end of the period for voluntary departures under the voluntary return programme. In addition, to ensure continuity and avoid situations in which the persons will be illegally staying immediately after the end of temporary protection, Member States should ensure that persons who benefitted from temporary protection can legally reside in the territory of the Member State in the period between the end of temporary protection and the timeframe in which persons can enrol in the voluntary return programme.

(11) It is possible that right at the end of temporary protection, Ukraine would not be in a position to cater for the needs of persons with some specific vulnerabilities also beyond health. To ensure a sustainable return home that takes account of the capacity of Ukraine to cater for the needs of specific groups, Member States should also apply Article 23(1) of Directive 2001/55/EC to persons subject to vulnerabilities other than those related to health conditions and take the necessary measures concerning conditions for continuing their legal residence. Where relevant, Member States should ensure that the conditions of residence take into account the special needs of the persons concerned.

(12) Member States should use the possibilities provided for under Article 23(2) of Directive 2001/55/EC to allow persons to reside on their territory beyond the duration of temporary protection, namely for families whose children are minors and attend school in a Member State.

(13) To guarantee proper information provision and help persons enjoying temporary protection to make informed choices in full knowledge of the facts, it is important to maximise the use of the existing tools and channels and to avoid a duplication of efforts. For this purpose, where Unity Hubs are set up in Member States, they should be used to provide information on transition to other legal statuses, exploratory visits and voluntary return programmes. In order to support the Unity Hubs, Member States may use the funds under Asylum, Migration and Integration Fund established under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16], including the additional allocations stemming from the Multi-annual Financial Framework mid-term revision and the mid-term review of the Member States' programmes under the Asylum, Migration and Integration Fund. Support from internal organisations and third countries could be also received for this purpose. In order to streamline the efforts, Member States should incorporate the knowledge, capacities and networks offered by international organisations into their individual plans to set up the Unity Hubs.

(14) To ensure a coordinated approach among Member States and with the Ukrainian authorities regarding the implementation of this Recommendation, Member States should coordinate, exchange information and monitor the situation on the ground in

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

various relevant fora, including in the Solidarity Platform to which the Ukrainian authorities will be invited, as needed.

(15) As the transition out of temporary protection will lead to significant changes in the status of displaced persons, it is essential to have an accurate picture of the evolving situation. Member States should therefore regularly and timely update their temporary protection data in the Temporary Protection Registration Platform, including figures regarding inactive registrations.

(16) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Recommendation.]

OR

[In accordance with Articles 1, 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this [act] and is not bound by it or subject to its application.]

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

HEREBY RECOMMENDS:

Measures to promote the transition into other legal statuses already before the end of temporary protection

1. Member States should promote and facilitate the access to national legal statuses for persons enjoying temporary protection who are engaged in employment, self-employment, professional training or education and research in a Member State or who would qualify for national legal statuses due to family or other reasons, and who would meet the conditions set out in national law.

2. Member States should allow persons enjoying temporary protection, particularly where access to national legal statuses is not possible, and who would otherwise qualify for another status based on EU law, to apply for authorisations regulated under the Directives (EU) 2016/801, (EU) 2021/1883 and (EU) 2024/1233, provided that they would not concurrently hold this status with an authorisation granted under those Directives. Member States should inform persons enjoying temporary protection, as soon as possible and at the latest at the time of the application for an authorisation, of the difference between the rights conferred under the temporary protection status and under those Directives. They should also inform them, as soon as possible and at the latest at the time of the application, that they cannot concurrently benefit from temporary protection and be granted an authorisation under these Directives.

Measures to pave the way for a smooth and sustainable reintegration in Ukraine

3. Member States should allow for exploratory visits on a self-funded basis to Ukraine in accordance with Article 21(1) of Directive 2001/55/EC. In this context, Member States should:

(a) set up and coordinate with the other Member States the parameters or conditions for exploratory visits.

(b) inform persons who may want to carry out such visits about the parameters or conditions. Contact points should be set up for that purpose.

(c) consider, in cases where the persons concerned will not be able to organise and fund the exploratory visit by themselves, organising and supporting such exploratory visits.

4. Establish a voluntary return programmes in accordance with Article 21(1) of Council Directive 2001/55/EC to be used once temporary protection has ended. In this context, Member States should:

(a) ensure coordination with the Ukrainian authorities to facilitate reintegration in the communities in Ukraine, such as the identification of accommodation or housing, or access to basic services and infrastructures, including medical care.

(b) ensure that support under voluntary return programmes prioritises support for reintegration into communities in Ukraine, instead of individual packages.

(c) set up the eligibility conditions for benefitting from the voluntary return programme.

(d) require those persons who want to benefit from the voluntary return programme to enrol in such a programme to be able to benefit from it.

(e) set up a concrete period of possibly up to one year after temporary protection has ended for voluntary departure under the programme. Coordinate with the other Member States and Ukrainian authorities, and in accordance with point 8, where, in view of the developments on the ground, a different or extended period for voluntary departure would be needed under the programme, if the time foreseen is not sufficient to ensure the gradual and sustainable reintegration of persons in Ukraine;

(f) use the possibility under Article 21(3) of Directive 2001/55/EC to extend the rights attached to temporary protection laid down in Chapter III of Directive 2001/555 to those persons who have enjoyed temporary protection and are benefitting from a voluntary return programme until the date of return to Ukraine or until the end of the period for voluntary departure under the programme. Ensure the continuation of legal residence between the date when temporary protection ends and the period in which the person can enrol in that programme;

(g) consider the possibility of assisting with the organisation of departures, particularly where large groups of displaced persons return to the same area in Ukraine.

5. With due respect for human dignity, Member States should take the necessary measures concerning the conditions of residence of persons not meeting the requirements to access other statuses and having vulnerabilities other than those covered under Article 23(1) of Directive 2001/55/EC until it is possible for Ukraine to provide for the special needs of such persons. Where relevant, Member States should ensure that the conditions of residence take into account their special needs.

6. Member States should, in accordance with Article 23(2) of Directive 2001/55/EC, allow families whose children are minors and attend school in a Member State to

benefit from residence conditions allowing the children concerned to complete the current school period where the date of the end of temporary protection established by the Council Decision taken in accordance with Article 6 of Council Directive 2001/55/EC is not aligned with the end of the school year.

Measures to ensure information provision to displaced persons

7. Member States should ensure that displaced persons are properly informed regarding the possibilities to transition to other legal statuses, including the advantages and rights when transitioning to these statuses, as well as about the situation in Ukraine, the requirements for exploratory visits and the support for going back home available in the Union and in Ukraine. In this regard, Member States should:

   (a) set up swift national communication systems and procedures, such as contact points, or an information campaign;

   (b) for those Member States intending to set up a Unity Hub on their territory in collaboration with the Ukrainian authorities, make use of these Unity Hubs to provide the relevant information to displaced persons. Incorporate the knowledge, capacities and networks offered by international organisations into the national plan to set up Unity Hubs.

   (c) consider making use of the Asylum, Migration and Integration Fund programme, including the additional allocations stemming from the Multi-annual Financial Framework revision and the mid-term review of national programmes, to support the Unity Hubs.

Measures to ensure coordination, monitoring and exchange of information among Member States and with the Ukrainian authorities

8. Member States should coordinate and exchange information on relevant developments as well on the implementation of this Recommendation among Member States and with the Ukrainian authorities, including within the framework of the Solidarity Platform to which the Ukrainian authorities will be invited, as needed.

9. Member States should monitor the developments and update timely and regularly the relevant information regarding the status of displaced persons in the relevant databases, including in the Temporary Protection Registration Platform, in particular regarding the number of beneficiaries of temporary protection or of adequate protection under national law in the Member State territory, number of persons who transitioned to other statuses and no longer benefit from temporary protection or adequate protection under national law, and number of persons, whose registrations are inactive.

Done at Brussels,

For the Council
The President