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# The EU Temporary Protection Directive: EU immigration measures to aid Ukrainian nationals

In connection to the crisis situation currently occurring in Ukraine, on March 3, 2022, the European Council approved the activation of the so called "Temporary Protection Directive", a directive approved back in 2011 which has never been activated before and that provides for an exceptional scheme granting immediate and temporary protection to displaced people from non-EU countries who have been forced to leave their homes due to systematic violations of human rights, endemic violence and armed conflicts.

The Temporary Protection Directive provides for a protection of 1 year, which can be extended up to 3 years. The EU Council has the power to terminate the application of the Temporary Protection Directive should the repatriation of the refugees to their home country be considered safe.

According to the Temporary Protection Directive EU countries shall grant a temporary residence permit which is valid for the duration of the protection and the holders of such permits have the right to exercise work activities (both subordinate and autonomous), have access to education and training programs, have access to adequate accommodation, social assistance and health care.



The Temporary Protection Directive also provides for the right in case members of the same family have obtained temporary protection in a given EU Member State to allow the family reunification with those family members or other family members who have not yet arrived in an EU Member State.

Those foreigners who are holding a short-term residence permit for Ukraine – such as students and temporary workers - are not covered by the directive however the EU Member States will take care of their repatriation to their home countries in coordination with each foreign State to which the foreigner shall be repatriated.

On the other hand, the directive will apply to holders of long-term residence permits who were living in Ukraine and have been forced to flee the country because of the conflict, however in this case each EU Member State has the power to choose if applying the temporary protection provided for by the Temporary Protection Directive or apply the standard measures provided for by the national legislation.

In this regard, it is worth to mention that the ordinary measures available to Ukrainian nationals based on Italian immigration law are basically the following:

- **Asylum:** Ukrainian citizens can apply for asylum in Italy.  
There is no formal timeframe for processing an asylum application, however, asylum seekers should make their application as soon as possible presenting themselves to the authorities – border police offices, Immigration Offices or Police offices – to lodge their applications. The Police will then send the formal registration form and the documents concerning the asylum application to the competent authority located throughout the national territory and the asylum seeker will be notified of the interview date in front of the competent authority by the Police office;
- **Special temporary permit for “special protection”:** in cases in which the Territorial Commission does not recognize the refugee status or subsidiary protection to the foreign citizen seeking asylum, a permit can be issued to protect foreign citizens from the risk of persecution, inhuman and degrading treatment or systematic violations of human rights;
- **Subsidiary protection:** subsidiary protection is issued by the competent local authority, if the subject does not prove that he/she has suffered personal persecution pursuant to art. 1 of the Geneva Convention of 1951, but nevertheless demonstrates the risk of suffering serious harm if he/she returns to the country of origin.

On top of that, on last February 28, 2022, the Italian Government approved a declaration of a “state of emergency” until December 31, 2022, in relation to the need to ensure relief and assistance to the Ukrainian population on the national territory. As part of the measures adopted through such a decree, the Italian Government introduced measures for refugees arriving in Italy from Ukraine.

In particular, Ukrainian citizens can be hosted in the “CAS” (Reception and Service Centers) even regardless of whether they have applied for international protection and an increase of 13,000 places in the extraordinary centers that can be activated by the Local authorities (CAS) as well as further 3,000 places in the reception and integration system (SAI).

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