

Legal Regulation of the Status of Ukrainian Refugees in the European Union: Prospective Directions Concerning Reform

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Abstract

The report is devoted to the important topic of modern migration policy and legal regulation of the status of refugees from Ukraine in the context of European integration. In connection with the complex events on the territory of Ukraine and the rapid increase in the number of Ukrainian refugees, new challenges and opportunities are opening up for their legal status and integration into the countries of the European Union.

The report analyzes the current state of legal regulation of the status of Ukrainian refugees in the European Union and identifies the problems faced by these refugees. Next, the article highlights promising directions and possible ways of reforming and improving this legal regulation with the aim of ensuring better protection of the rights and interests of Ukrainian refugees, as well as promoting their effective integration into European society.

One of the key directions is to improve procedures for assessing refugee status, reduce administrative barriers to obtaining this status, and establish fast and effective appeal mechanisms. It is also important to consider the possibility of expanding the list of bases on the basis of which refugee status can be granted, taking into account the specific situations faced by Ukrainian refugees.

The next important aspect is the support and integration of refugees once they have been granted status. This includes providing access to education, health services, the labor market and places to live. It is necessary to consider the possibilities of providing cultural adaptation and psychological support for refugees, which will contribute to their faster integration into society.

The report also discusses the importance of cooperation between the countries of the European Union and Ukraine in the field of migration and refugees, as well as the possibility of developing joint strategies and programs aimed at solving migration issues and supporting Ukrainian refugees.

It should be noted that the report notes the importance of reforming and improving the legal regulation of the status of Ukrainian refugees in the European Union in order to provide them with better protection and facilitate their successful integration into the new society. The measures discussed in the article can become the basis for the development of political decisions and legislative acts aimed at achieving this goal.

Keywords: refugees, Ukraine, European Union, legal regulation of refugee status, migration challenges in modern conditions.

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Starting from February 24, 2022, as a result of Russian aggression against Ukraine, the country began mass evacuation of its citizens. According to the UN, as of October 1, 2023, more than 8 million Ukrainians were forced to leave their homes, of which more than 4 million went abroad.

The majority of Ukrainian refugees found refuge in the countries of the European Union (EU). To ensure their protection and provide the necessary assistance, on March 2, 2022, the European Union activated Directive

2001/55/EC on the temporary protection of persons in the event of a mass influx of refugees. This Directive gives Ukrainian refugees the right to legal stay, work, education, medical assistance and social benefits in the territory of EU countries for three years.

The continuation of the war in Ukraine calls into question the possibility of returning Ukrainian refugees to their homeland in the coming years. This makes it necessary to review and improve the legal regulation of the status of Ukrainian refugees in the EU.

The main problems that need to be solved are:

1. Temporary nature of protection. Directive 2001/55/EC provides protection for only three years. This may lead to the insecurity of Ukrainian refugees in the event of a continuation of the war in Ukraine.

2. Inability to obtain permanent residence. The directive does not provide for the possibility for Ukrainian refugees to obtain permanent residence in the EU. This can complicate their integration into European society.

3. Ignoring the individual needs of Ukrainian refugees. The directive does not take into account the individual needs of Ukrainian refugees, in particular those with special needs, such as children, the elderly and people with disabilities.

The problem of refugees, as well as the issue of international migration and migration processes in EU countries, has been studied for many years in the works of leading domestic experts in the field of international law, such as: I.V. Yakovyuk, O.A. Honcharenko, K.V. Smirnova, Yu.Yu. Akimenko, K.M. Levandovsky, M.M. Sirant, S.V. Lozinska, O.M. Polivanova, I.V. and other.

Researchers believe that temporary protection is an effective mechanism to protect Ukrainian refugees, but also criticize temporary protection for being incomplete and not providing sufficient protection for Ukrainian refugees. The legal regulation of the status of Ukrainian refugees in the EU is the object of further research and discussion.

The purpose of the report is to analyze promising directions for reforming and improving the legal regulation of the status of Ukrainian refugees in the EU. We assume that the continuation of the war in Ukraine calls into question the possibility of returning Ukrainian refugees to their homeland in the coming years. This makes it necessary to review and improve the legal regulation of the status of Ukrainian refugees in the EU.

The European Union reacted to the full-scale invasion of Ukraine by activating the Temporary Protection Directive - an emergency

measure that provides immediate and collective protection of displaced persons in exceptional circumstances of mass influx (Council Directive, 2001), (Implementing Decision, 2022).

The EU Directive on the Temporary Protection of Ukrainians provides for the temporary protection of Ukrainian refugees in the EU and establishes a number of rights and benefits to which they are entitled, including access to housing, healthcare, education and employment (Implementing Decision, 2022).

The directive is an important piece of legislation as it is the first time the EU has activated its temporary protection mechanism. This mechanism was created in 2001, but has never been used before. The activation of the mechanism reflects the scale of the refugee crisis caused by the war in Ukraine and the EU's commitment to support those who have been displaced (Yakymchuk, et al. 2023).

The directive applies to all Ukrainian refugees who have entered the EU since February 24, 2022. It also applies to citizens of Ukraine who legally resided in the EU on this date and cannot safely return to Ukraine (Pokrasyon, 2022). According to the directive, Ukrainian refugees are entitled to a number of rights and benefits, including:

- Residence permit for a period of one year, which can be extended for another six months if necessary.
- Access to housing, healthcare, education and employment.
- Access to financial aid.
- Access to linguistic and cultural support services.
- The directive also imposes a number of obligations on EU member states, in particular:
 - Obligation to identify and register Ukrainian refugees.
 - Obligation to provide Ukrainian refugees with access to the rights and benefits outlined in the directive.
 - Obligation to coordinate their actions in response to the refugee crisis with other EU member states.

However, it is important to note that the

directive is only a temporary measure (Pokrasyon, 2022). The EU should continue to work with its member states to develop long-term solutions for Ukrainian refugees and support their integration into European society (Kurylyuk, et al., 2022)

However, there are a number of areas in which the legal regulation of the status of Ukrainian refugees in the EU could be improved. Let's explore some of the promising areas of reform, in particular:

Extending the duration of temporary protection: currently, the EU Temporary Protection Directive provides temporary protection to Ukrainian refugees for a period of one year, with the possibility of an extension for another six months. However, given the protracted nature of the conflict in Ukraine, it is likely that many Ukrainian refugees will have to remain in the EU for longer periods of time. The EU should consider extending the term of temporary protection for Ukrainian refugees or even granting them a permanent residence permit (Implementing Decision, 2022).

Improving access to education and employment: although the EU Temporary Protection Directive guarantees Ukrainian refugees access to education and employment, there are still some challenges that need to be addressed. For example, many Ukrainian refugees do not speak the language of their host country, which can make it difficult for them to find work or attend school. The EU should provide more support to Ukrainian refugees to help them learn the language of the host country and gain access to education and employment opportunities (Pokrasyon, 2022)

Ensuring access to health care: The EU Temporary Protection Directive guarantees Ukrainian refugees access to health care, but there are still some barriers that need to be removed. For example, some Ukrainian refugees may have difficulty finding a doctor who speaks their language or is familiar with their medical history. The EU should cooperate with member states to ensure that Ukrainian refugees have access to the necessary medical care, regardless of their language skills or medical history (Council Directive, 2001).

Protecting the rights of vulnerable categories of refugees: The EU Temporary Protection Directive provides additional protection for vulnerable categories of refugees, such as women, children and people with disabilities. However, more needs to be done to ensure that these refugees are protected from exploitation and abuse. The EU should work with member countries to develop and implement specific measures to protect the rights of vulnerable categories of Ukrainian refugees (Kurylyuk, et al., 2022).

Facilitating integration: The EU should support Ukrainian refugees in their integration into host communities. This includes giving them access to language courses, cultural orientation programs and other resources to help them adapt to their new lives. The EU should also cooperate with member countries to promote understanding and tolerance of Ukrainian refugees in host communities (Convention, 1951)

In addition to the above reforms, the EU should also consider developing a more comprehensive and long-term strategy for managing refugee flows. This strategy should be based on the principles of solidarity, responsibility and humanism. It should also be developed in consultation with member states, refugee groups and other stakeholders (Kurylyuk, et al., 2022).

In addition to the promising areas of reform and improvement outlined above, the EU may also consider the following:

Developing a more harmonized approach to the implementation of the EU Temporary Protection Directive: There are currently some differences in how the EU Temporary Protection Directive is implemented in different EU Member States. This can lead to confusion and uncertainty for Ukrainian refugees. The EU should work with member states to develop a more harmonized approach to the implementation of the EU Temporary Protection Directive, ensuring that Ukrainian refugees have access to the same rights and benefits regardless of which EU country they are in (Kurylyuk, et al., 2022).

Improving access to social security and other benefits: Ukrainian refugees should have

access to the same social benefits and other services as citizens of the host country. This applies to benefits such as unemployment benefit, housing benefit and social assistance. The EU should cooperate with its member states to ensure that Ukrainian refugees have access to these necessary benefits (Council Directive, 2001).

Facilitating family reunification: The EU should make it easier for Ukrainian refugees to reunite with their families. This includes streamlining the visa process and providing financial assistance to refugees who cannot afford to travel.

Supporting the return of refugees to Ukraine: The EU should support the return of Ukrainian refugees to their homeland when it is safe to do so. This includes providing financial

assistance and other practical support to refugees who wish to return.

Reforming and improving the legal regulation of the status of Ukrainian refugees in the European Union is an urgent and difficult task. By focusing on simplifying asylum procedures, improving reception conditions, promoting family reunification, implementing temporary protection mechanisms, promoting integration, protecting vulnerable groups and ensuring access to legal aid, the EU can uphold its commitments to respect human rights, justice and efficiency. The EU should work with member states, international organizations and civil society to create a comprehensive framework that respects the dignity and rights of Ukrainian refugees and recognizes the benefits of their integration into European society.

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