



By: Tomorrow's Affairs Staff

Green light for restrictions on refugees from Ukraine who come from third countries



The top EU court in Luxembourg has allowed EU member states to suspend temporary protection for a number of refugees from Ukraine, who are third-country nationals.

The Netherlands' request for the court to explain the apparent loophole in the European regime that offers temporary protection to refugees from Ukraine led to the implementation of this restriction.

Last March, the Dutch government **revoked** the right to temporary protection for nearly 2,500 refugees from Ukraine, who are third-country nationals. However, the Dutch courts received an appeal from dozens of refugees, leaving the EU Court to make the final decision.

It turned out that the Dutch government was on the right track, even though its measure seemed like a cancellation of rights to a certain category of refugees.

Preferential treatment

All Ukrainian refugees, more than 4 million, who came to the EU at the beginning of the Russian aggression in February 2022, received a privileged status under temporary protection. In many ways, they came closer to the rights enjoyed by citizens of EU countries, including residence permits, access to employment, suitable accommodation or housing, and social welfare.

Of course, this status is temporary as long as the conditions that led to their exile persist.

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Along with several million Ukrainians, primarily families with children, the European Union also welcomed a certain number of third-country nationals who had a temporary residence permit in Ukraine at the time of the

Russian attack.

They received the same European protection as Ukrainian citizens until the top EU Court accepted the Netherlands' objections and permitted member states to suspend the preferential regime for non-Ukrainian citizens.

The precise number of such refugees who arrived in the EU alongside several million Ukrainians remains unknown, but the International Organization for Migration **estimated** that, out of the 10 million Ukrainians forced to flee their homes, move to another part of the country, or leave it due to the war, about 186,000 were nationals of a third country.

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Dutch precedent

The precedent initiated by the Netherlands certainly coincides with the general orientation of the right-wing government in The Hague to tighten the conditions for the reception and residence of migrants.

It planned to cancel temporary protection for refugees from Ukraine, who are citizens of third countries, at the beginning of September last year, but it still left the decision to the EU court.

Its stricter migration policy, in contrast to the previous centre-right government, was based on the belief that the influx of refugees from Ukraine was too high for all those who came to stay, resulting in restrictions that first affected non-Ukrainian citizens.



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This interpretation will serve as a sufficient legal framework for many governments to apply restrictions on refugees without risk of criticism. Furthermore, the rule will not apply to Ukrainian citizens, shielding them from potential objections that they violate the rights of those fleeing Russian aggression.

The options available to those without temporary protection in the EU, even if they had fled directly from their home country, are becoming increasingly limited in Europe.

If it is not safe to return to their country of citizenship, non-Ukrainian citizens can request refugee status through regular channels in Poland, which, after Germany, is home to the majority of Ukrainian refugees (about a million).

They can also **apply** for a temporary residence permit in Poland if returning to their country of origin is unsafe.

The right in the EU is tightening the course towards refugees

The EU countries that have received the

largest number of refugees from Ukraine, including those who do not have Ukrainian citizenship, have moved forward with tightening regulations for the reception and treatment of migrants and the granting of asylum.

Conservatives are likely to form the next government in Germany, where 1.2 million Ukrainians have fled since the start of Russian aggression, as they campaign for federal elections on 23 February.

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In addition to being inclined to tighten migrant regulations and to revise the former very liberal policy implemented in that aspect by their previous chancellor, Angela Merkel, the conservatives will be under additional pressure from the growing far-right to tighten the conditions for migrants and asylum seekers even more.

The Netherlands, home to about 120,000 refugees from Ukraine, is already taking steps toward non-Ukrainian refugees. After the decision of the EU court, Italy will probably follow, where there are about 160,000 refugees from Ukraine; Slovakia (about 130,000); and Austria, where there are close to 100,000 Ukrainian refugees, including non-Ukrainians.