

PROSPECTS FOR THE LEGAL STATUS OF UKRAINIAN MIGRANTS AFTER THE END OF TEMPORARY PROTECTION

 **Makarov Mykhailo**

DOI: <https://doi.org/10.61345/1339-7915.2025.4.12>

Annotation. The article explores the future legal status of Ukrainian migrants in the European Union after the expiration of temporary protection, focusing on the challenges, risks, and potential transition mechanisms that may shape their position within European legal systems. Temporary protection has ensured broad access to residence, employment, education, healthcare, and social services, functioning as an effective emergency instrument during the mass displacement caused by Russia's full-scale invasion of Ukraine. However, this regime is inherently temporary and does not provide an automatic pathway to long-term or permanent residence, which creates substantial uncertainty as the end of temporary protection approaches.

The study analyses the current guarantees provided under EU law, identifies the main limitations that may complicate future transitions, and highlights structural disparities among Member States in the implementation of temporary protection. Particular attention is given to the risks of losing legal residence, reduced access to welfare systems, and increased vulnerability to irregular status for individuals unable to meet documentation or administrative requirements. The article also examines the principal legal pathways available after 2026, including national residence permits, international protection mechanisms, labour-market-based schemes, and options for long-term residency.

Drawing on recent European research, institutional reports, and policy analyses, the article outlines three realistic scenarios: extension or reactivation of temporary protection, transition to national legal regimes, and the emergence of mixed or hybrid solutions at the EU level. The conclusion emphasises the need for harmonised planning, coordinated documentation policies, and predictable transition models to ensure legal continuity and protect the rights of displaced Ukrainians in the long term.

Key words: temporary protection, Ukrainian migrants, EU law, legal status, residence permits, international protection, migration policy, post-2026 scenarios.

1. Introduction.

The full-scale Russian invasion of Ukraine in 2022 produced one of the largest and most rapid waves of forced displacement in contemporary Europe. In response to the unprecedented scale of this humanitarian crisis, the European Union activated the Temporary Protection Directive, establishing a unified legal framework under which millions of Ukrainian citizens have been granted immediate access to residence, employment, education, and social services across Member States. While this mechanism has proven effective as an emergency instrument, it was never designed to serve as a long-term legal solution for protracted displacement. With the temporary protection regime scheduled to expire in 2026, the question of the future legal status of Ukrainian migrants is gaining strategic importance for the EU, Member States, and the displaced population itself.

The end of temporary protection will not automatically resolve the legal, social, and administrative challenges associated with the presence of a large migrant population whose return to Ukraine may remain unsafe or unrealistic due to ongoing hostilities, infrastructural destruction, and long-term instability. Consequently, understanding the potential legal pathways available to Ukrainians after the cessation of temporary protection is essential for anticipating risks, ensuring continuity



of rights, and shaping evidence-based migration policy. At the same time, the transitional period exposes significant gaps between EU law, national migration regimes, and the practical capacity of institutions responsible for processing residence permits, labour integration, and documentation.

2. Analysis of Source Materials.

Recent European scholarship extensively examines the evolution and limitations of temporary protection for Ukrainians. M. I. Ciğer emphasises that the Temporary Protection Directive was never intended for long-term displacement and warns that the absence of an EU-wide transition framework may generate legal uncertainty once the regime ends [5, p. 14]. C. Querton and I. Hnasevych similarly note that durable protection requires coordinated reforms, especially in documentation and access to national residence procedures [6, p. 4]. Policy analyses conducted for the European Parliament highlight that Member States pursue divergent models of transition, which may result in unequal opportunities for Ukrainian beneficiaries after 2026 [7, p. 2]. Complementing this, ICMPD outlines several realistic end-scenarios for temporary protection and stresses the risk of irregularity if termination occurs without transitional mechanisms [8, p. 3]. A broader critical perspective is offered by L. Näre and O. Tkach, who argue that the preferential and exceptional nature of temporary protection raises questions about its long-term sustainability within EU migration governance [9]. Additionally, technical assessments by EUAA reveal significant national discrepancies in implementing temporary protection, suggesting that these differences will heavily shape post-2026 legal outcomes [10, p. 18]. Overall, current research converges on the conclusion that while temporary protection has effectively addressed immediate humanitarian needs, its eventual termination poses complex legal and administrative challenges that demand coordinated and predictable solutions.

3. The aim of the work.

The aim of the work is to examine the future legal status of Ukrainian migrants in the European Union after the expiration of temporary protection, identifying the main risks, potential residence pathways, and realistic scenarios for transition to long-term legal stability.

4. Review and discussion.

The current legal status of Ukrainian nationals residing in the European Union under the temporary protection regime is shaped by a combination of harmonised guarantees established at the EU level and diverse national practices that determine the scope and practical accessibility of these rights. At the core of this framework lies Directive 2001/55/EC, which sets the minimum standards for lawful residence, access to essential services, and procedural protections for persons displaced by situations of mass influx [1, p. 2]. While the Directive obliges all Member States to provide a unified baseline of guarantees, it simultaneously grants them considerable discretion in how these standards are implemented. This has produced a fragmented legal and administrative landscape that varies significantly across the EU.

The principal guarantee common to all Member States is the right to lawful residence for the entire duration of temporary protection, enabling displaced Ukrainians to remain in the host country without undergoing the conventional asylum procedure [1, p. 4]. This residence status constitutes the foundation for a wide range of supplementary entitlements, including access to primary and secondary education for minors, essential healthcare, and protection against forced removal. The Council Implementing Decision 2022/382 further reaffirmed that all persons covered by temporary protection must be granted immediate access to EU territory and should not be subjected to restrictive border procedures, ensuring a high level of uniformity in initial reception conditions across Member States [2, p. 3].

Access to the labour market is among the most significant guarantees uniformly applied throughout the EU. Under temporary protection, Ukrainian nationals may work without the need for additional labour permits, a provision that stands in stark contrast to the more restrictive employment requirements generally applicable to third-country nationals. This measure has been crucial in

preventing economic exclusion and enabling rapid integration into local labour markets [3, p. 14]. Nonetheless, Member States display substantial variation in the practical implementation of this right. Germany and the Netherlands, for example, provide robust employment counselling, language training, and institutional support, whereas several Southern and Eastern Member States offer only basic access without comprehensive integration programmes.

Access to schooling for children is equally guaranteed across the EU, both under the Directive and under international human rights instruments, including the Convention on the Rights of the Child [4, p. 7]. Yet, the modalities of school enrolment vary considerably. Poland and Czechia have developed accelerated enrolment procedures and allow children to combine local education with Ukrainian online schooling. In contrast, Italy and Spain require full integration into national schooling systems, with instruction exclusively in the local language, which may create additional adaptation challenges.

Healthcare access, though guaranteed in principle, exhibits the greatest diversity in practice. The Directive requires Member States to provide at least essential and emergency healthcare [1, p. 7], but the scope of services differs widely. Germany, Belgium, and the Nordic countries offer broad public health insurance coverage that includes chronic disease treatment and preventive care. Meanwhile, Romania, Bulgaria, and some Mediterranean states restrict free access primarily to emergency services, requiring Ukrainians to purchase supplementary insurance for wider coverage.

Housing support demonstrates similarly divergent national approaches. Although Member States must provide access to accommodation, the Directive does not prescribe specific standards or forms of support. As a result, Poland initially introduced co-financed private hosting schemes and later shifted to time-limited subsidies, whereas Ireland and Portugal rely predominantly on state-run collective accommodation centres. Germany and Austria combine temporary shelters with structured municipal allocation systems. In contrast, Baltic States and Italy—with more limited housing resources - often face shortages, leading to overcrowding, waiting lists, or heavy reliance on private rental markets.

Social assistance likewise varies greatly. While the Directive mandates access to basic welfare “as necessary,” the nature and amount of financial support remain fully dependent on national legislation. Germany integrates Ukrainians into its general Basic Security system, whereas Spain offers modest emergency allowances and Portugal focuses on service-based, rather than cash-based, assistance. Such differences have a direct impact on economic self-sufficiency and the long-term stability of displaced households.

Despite the disparities among Member States, the temporary protection regime has created a unique legal environment that ensures displaced Ukrainians a high degree of stability, mobility, and protection compared to other third-country nationals. Nevertheless, the flexibility granted to national administrations means that the practical experience of temporary protection is far from uniform. These differences will significantly shape the challenges and opportunities associated with transitioning to a new legal status once temporary protection comes to an end.

Although temporary protection has provided a broad and flexible legal framework for displaced Ukrainians, several inherent limitations embedded within the mechanism will critically shape their future legal transitions. The first and most fundamental limitation is the strictly temporary character of the regime. Directive 2001/55/EC clearly defines temporary protection as an emergency and exceptional measure, one that does not create expectations of permanence, does not establish a pathway toward long-term residence, and does not automatically accumulate residence periods for future legal statuses unless specifically recognised by individual Member States [1, p. 5]. This structural design means that, once the mechanism expires, beneficiaries must seek an entirely new legal basis under national migration laws.

A second limitation arises from the substantial divergences in national implementation. While the Directive sets minimum standards, it allows Member States wide discretion in determining the scope of housing support, social assistance, and healthcare. As a result, the level of rights varies significantly across the EU, which will directly affect migrants’ ability to satisfy future residence conditions—particularly in states with limited welfare support or restrictive administrative procedures [2, p. 11]. These differences will inevitably lead to unequal opportunities for transition after temporary protection ends.

A third constraint concerns documentation and administrative capacity. According to the European Commission’s operational reports, a notable share of Ukrainians still face challenges in renewing



passports or obtaining civil-status documents due to administrative pressure, mobility constraints, and disrupted Ukrainian consular services [3, p. 22]. Because most post-TP residence permits require valid documents, continuous identity verification, and proof of legal stay, these obstacles may significantly hinder migrants' eligibility for new legal statuses after 2026.

The termination of temporary protection is expected to create several significant legal and socio-economic risks for Ukrainian migrants across the European Union. The most immediate challenge concerns the potential loss of lawful residence. Temporary protection, by design, does not generate an entitlement to long-term or permanent residence, and Directive 2001/55/EC explicitly characterises it as an exceptional, time-limited measure without automatic transition mechanisms [1, p. 5]. Legal scholars also emphasise that the absence of an EU-wide post-TP framework increases the likelihood of status gaps and legal fragmentation across Member States [5, p. 3].

A second essential risk relates to the loss of social benefits and guaranteed public services currently available under temporary protection. Welfare support, healthcare access, and housing assistance are tied directly to the duration of the protection regime. Comparative studies demonstrate that any abrupt withdrawal or reduction of such support can create immediate vulnerability, particularly among individuals with heightened dependency on state assistance, such as elderly persons, single parents, and people with disabilities [6, p. 12]. Once temporary protection ends, Member States will no longer be obliged to maintain existing support schemes, which may result in stricter eligibility requirements or discontinuation of benefits [2, p. 9].

A third risk concerns the possibility of irregular or unstable status. Reports from the European Commission highlight persistent difficulties faced by displaced Ukrainians in obtaining or renewing essential documentation – including passports and civil-status certificates – due to administrative pressure and disrupted consular services [3, p. 22]. Academic research likewise notes that documentation barriers are a key predictor of irregularity during post-crisis transitions, particularly when national residence permits require valid identity documents and proof of uninterrupted legal stay [7, p. 8]. Individuals unable to meet such requirements may lose access to employment, healthcare, and education, and could face restrictive migration procedures.

Following the expiration of temporary protection, Ukrainian migrants will need to transition to alternative legal frameworks established by national and European Union law. The first and most accessible category of options consists of national residence permits based on employment, education, family reunification, or humanitarian grounds. Many Member States offer employment-based residence permits that require proof of stable income, an employment contract, and compliance with national labour laws. Studies show that employment pathways tend to favour migrants with higher levels of qualification and established labour market integration, while those in precarious or informal employment may encounter significant barriers [8, p. 6]. Humanitarian or "exceptional circumstances" permits, available for example in Germany, Italy, or Portugal, may provide a more flexible legal basis but often involve strict documentation requirements and discretionary decision-making by authorities.

A second legal pathway involves applying for refugee status or subsidiary protection. While most Ukrainians initially did not undergo asylum procedures due to the activation of temporary protection, EU and US scholarship notes that certain groups – such as activists, journalists, or individuals from heavily affected regions – may meet the criteria for international protection under the 1951 Refugee Convention or the Qualification Directive [9, p. 14]. However, the asylum system presents substantial procedural challenges, including lengthy processing times, varying recognition rates across Member States, and strict evidentiary standards. Moreover, the shift from temporary protection to the asylum regime may be particularly difficult for migrants who lack updated documentation or whose circumstances do not fit the traditional categories of individualised persecution.

The third possible pathway concerns long-term residence options. Under Directive 2003/109/EC, third-country nationals may qualify for EU long-term resident status after five years of legal and continuous residence, provided they demonstrate stable income, health insurance, and, in many states, language proficiency. The key question is whether time spent under temporary protection counts toward this five-year requirement. Some Member States – such as Italy, Belgium, and Lithuania – have formally recognized temporary protection periods as contributing to long-term residence accumulation, while others treat this period as legally separate. Research by EU migration scholars indicates that the recognition of temporary protection periods for long-term residence has become a central policy debate within the Union, with potential implications for labour market

stability and demographic planning [10, p. 4]. Where Member States do not credit temporary protection time, migrants may face delayed access to secure residence even after years of lawful stay.

Looking ahead to the conclusion of temporary protection, several realistic future scenarios emerge, each shaped by political developments, administrative capacity, and the evolution of the war in Ukraine. The first scenario involves a further *extension or reactivation* of temporary protection. Although the current legal framework formally limits the mechanism to a maximum duration, recent scholarship highlights that the European Union retains the political capacity to reactivate temporary protection in cases of continued instability or renewed mass influx, particularly if large-scale return remains unsafe or if host states depend on migrant labour to mitigate demographic decline [11, p. 9]. Policymakers in several Member States have already signalled that, should the situation in Ukraine not significantly improve, an extension would be both legally feasible and operationally necessary.

A second scenario envisions a *transition to national residence regimes*, whereby Member States progressively shift Ukrainian migrants into employment-based, humanitarian, family-reunification, or long-term residence frameworks. This scenario is consistent with broader EU migration governance trends, which increasingly encourage integration through labour markets and national legal systems rather than temporary collective mechanisms. Research by European migration experts suggests that Member States are likely to differentiate their approaches depending on labour shortages, administrative capacity, and national integration models, leading to uneven outcomes across the Union [12, p. 18]. Under such conditions, Ukrainians in countries with strong welfare systems and comprehensive integration programmes may transition smoothly, while those in more restrictive systems may face prolonged uncertainty.

The third scenario involves a *mixed or hybrid approach*, in which temporary protection expires formally but elements of it are retained or transformed into new, more flexible residence options. Scholars have proposed the possibility of an EU-wide “special status” for Ukrainians, comparable to regional protection schemes previously used in the Western Balkans or the United States’ temporary protected status system. Such a model would preserve simplified procedures and mobility rights while gradually moving beneficiaries toward more stable residence arrangements [13, p. 5]. This hybrid scenario is considered increasingly realistic given the demographic needs of the EU, the long-term nature of the conflict, and the political preference in many Member States to avoid overburdening the asylum system with millions of individual applications.

5. Conclusions.

The analysis of the temporary protection regime and its implications for Ukrainian migrants demonstrates that the post-2026 legal landscape in the European Union will be shaped by structural constraints, uneven national practices, and the absence of a unified EU-level transition mechanism. Temporary protection has provided an unprecedented level of legal stability, mobility, and access to essential services; however, its inherently temporary nature and the lack of automatic pathways toward permanent residence create substantial risks once the mechanism expires. These risks include potential loss of lawful residence, reduced access to social welfare and healthcare, and increased vulnerability to irregular status for individuals unable to meet documentation or administrative requirements.

At the same time, the availability of national residence permits, international protection mechanisms, and long-term residence options indicates that multiple legal pathways remain open, though their accessibility will vary widely across Member States. Future developments will depend on political decisions at both national and EU levels, including whether temporary protection will be extended, replaced by national regimes, or transformed into a hybrid model offering greater legal certainty. The scenarios explored in the article highlight that no single solution will be uniformly adopted, and the prospects of Ukrainian migrants will be determined by a combination of administrative capacity, labour market dynamics, and evolving geopolitical conditions.

Overall, ensuring legal predictability and safeguarding the rights of displaced Ukrainians will require coordinated planning, harmonised transition measures, and a commitment to long-term integration strategies across the European Union. The choices made in the coming years will shape not only the future of millions of displaced persons but also the EU’s broader approach to managing large-scale humanitarian crises.

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Mykhailo Makarov,

*PhD, Researcher at the Research Institute of Legal Support for Innovative Development
of the National Academy of Legal Sciences of Ukraine
ORCID: 0000-0001-9524-9092*