

**UKRAINE CRISIS: The EU and Member States Must Now Work Together to Put Commitments into Practice**

We welcome the EU institutions and Member States' commitment to receiving and protecting refugees fleeing the crisis in Ukraine. The speed and unanimity with which the Temporary Protection Directive (TPD) was adopted shows that when there is political will, the European Union can come together to uphold its values of respect for human rights and protecting those fleeing persecution, war and violence. **Now it is time for the EU institutions and Member States to coordinate and facilitate putting these commitments into practice.**

More than 3.7 million people have fled Ukraine, the overwhelming majority first arriving and seeking support in neighbouring states.<sup>1</sup> One month into the crisis, states such as Poland and Moldova are reaching the limits of their reception capacity.<sup>2</sup> Many of those fleeing found shelter informally in the homes of relatives and friends, but as the number of displaced people continues to increase, the capacity for these informal arrangements and people's access to them will decrease.<sup>3</sup> **All persons fleeing Ukraine, including third country nationals, stateless persons and those who cannot enter the EU visa-free, who wish to seek protection in the EU must be granted access to EU territory and to temporary protection or asylum procedures.**<sup>4</sup> Further, Member States must now rapidly increase their capacity to provide sufficient and dignified reception including access to accommodation that is gender sensitive and child appropriate, as well as basic services.

**In order for individuals fleeing Ukraine to access their rights under the TPD, it is essential that they are able to quickly and safely reach the territories of Member States offering protection.** Currently individuals fleeing the crisis are largely travelling by their own means,<sup>5</sup> through informal assistance by private individuals and volunteers, or by ad hoc travel arrangements provided nationally and locally in neighbouring and (other) EU Member States. While this immense civil solidarity is commendable, private resources and volunteerism will not suffice to ensure equal access to travel and to transfer millions of refugees across Europe in a safe and orderly manner. Moreover, the lack of transparency and oversight characterising private travel arrangements bear urgent protection risks, including trafficking and other forms of exploitation and abuse. In particular for people with vulnerabilities.<sup>6</sup>

Where requested by the fleeing individual and/ or the state experiencing large numbers of arrivals,<sup>7</sup> swift transfers will **ensure that those fleeing do not spend prolonged periods in substandard reception conditions in camps, informal settlements or sleeping rough in border areas or European cities.** Safe transfers also limit the risks of human trafficking, exploitation and abuse, as well as of re-traumatisation. Learning from the response to increased arrivals in 2015/16, EU institutions and Member States must therefore ensure that transfers happen in a speedy, safe and orderly manner. The undersigned organisations therefore call on EU Member States and the EU institutions to work together, to coordinate, facilitate and fund safe and orderly transfers of individuals fleeing the crisis. This includes:

**1. Coordination & facilitation of safe and orderly transfers to EU Member States**

- Transfers should give primary consideration to individuals' preferences, and meaningful links to Member States such as family links or language skills, including for Ukrainian nationals, third country nationals, stateless persons and individuals who do not have access to visa-free travel.<sup>8</sup>
- The EU Commission, together with national governments and airline, bus and railway companies, should arrange direct travel routes free of cost (where necessary by providing funding for air carriers, bus and train providers)<sup>9</sup> to quickly and safely transfer individuals from neighbouring states and between Member States.<sup>10</sup> Particular arrangements should be developed with non-Schengen states such as Romania and non-EU states such as Moldova.

<sup>1</sup> As of 25<sup>th</sup> March 2022 [Situation Ukraine Refugee Situation \(unhcr.org\)](#).

<sup>2</sup> [Moldova approaches 'breaking point' over Ukraine war next door – EURACTIV.com](#); [UNHCR - Polish border town welcomes refugees from Ukraine, but will itself need help](#).

<sup>3</sup> [Commissioner urges more coordinated efforts by all member states to meet the humanitarian needs and protect the human rights of people fleeing the war in Ukraine - View \(coe.int\)](#).

<sup>4</sup> Eligibility for temporary protection should be as broad as possible while those who are not eligible, must receive access to the asylum procedure.

<sup>5</sup> In an attempt to reach their friends, families and networks or countries where they can apply language and other skills, including in the labour market.

<sup>6</sup> [UNHCR - UNHCR warns of rising needs in Ukraine and neighbouring countries, calls for cessation of hostilities](#).

<sup>7</sup> The wishes of the individuals fleeing Ukraine must be prioritised in requests for transfers by Member States.

<sup>8</sup> Where people who have received temporary protection in one Member State travel to another, they should receive temporary protection there instead.

<sup>9</sup> In addition to the transport operators currently offering support through humanitarian trains and free tickets for public transport.

<sup>10</sup> Third country nationals fleeing Ukraine wishing to apply for asylum should enjoy freedom of movement as recommended by the EU Commission [C12022126EN.01000101.xml \(europa.eu\)](#).

- Member States should request the assistance of the EU Asylum Agency (EUAA) to support in registering individuals swiftly and correctly and providing information<sup>11</sup> in languages they understand, on the temporary protection scheme and the asylum procedure, as well as referral to psychosocial support as needed.
- The EUAA should provide support and training on best interest assessments for children and identifying vulnerabilities before transfers, including disabilities, victims of trafficking and sexual and gender-based violence (SGBV), LGBTQI+ individuals, as well as unaccompanied children.

## 2. Coordination between national authorities and service providers

- The EU Commission and EU agencies should build on lessons learned from previous relocation exercises to facilitate effective liaisons between national authorities in sending and receiving states.<sup>12</sup> This includes transparent communication about reception capacity and support needs to enable others to fill gaps. The Solidarity Platform could be a useful tool in this process.<sup>13</sup>
- The EUAA can build on its experience in previous relocation schemes to link people fleeing Ukraine with Member States they want to reach, including equal and broad access to transfers. Safe reception and referrals to accommodation, service providers and guardians must be ensured.
- In order to carry out the above activities effectively, to receive reports from monitoring actors and to link the various stakeholders involved, there is a need for a central **EU Relocation Coordinator office**. The experience and expertise gathered in previous responsibility-sharing mechanisms and during the current crisis can be built on to strengthen future responses and solidarity mechanisms in the EU. The Solidarity Platform could become part of this office.
- All Member States should appoint national relocation coordinators or focal points who have adequate resources and decision-making authority to coordinate and operationalise relocations.<sup>14</sup>

## 3. Monitoring & liaison with civil society

- To ensure that protection risks are minimised and that all people fleeing Ukraine, regardless of their nationality or ethnicity, have equal access to transfers, the EU Commission, together with EU Fundamental Rights Agency (EUFRA) and the EUAA should monitor transfers and whether people have effective access to the territory, to the rights granted under the TPD and to asylum procedures.
- People on the move as well as service providers and agencies assisting transfers must be able to report security and protection incidents effectively to the EU Commission.<sup>15</sup>
- NGOs, civil society groups on the ground and diaspora communities in countries of destination are often directly involved with individuals on the move and thus most aware of protection risks and service gaps. The EU Relocation Coordinator should develop regular formalised exchanges with all actors involved in transfers, as well as those providing services during transfers. This ensures that shortcomings<sup>16</sup> or the lack of services or safeguards can be addressed transparently.

## 4. EU Guidance and Standard Operation Procedures (SOPs)

- We welcome the Commission's provision of Guidelines on the implementation of the TPD and development of SOPs for transfers of unaccompanied children. Further measures to strengthen safeguards for unaccompanied children, including information provision, support and guardianship should be developed.<sup>17</sup> Guidance should also be developed together with EUFRA, EUAA, UNHCR/ IOM and civil society experts for the transfer of other vulnerable groups e.g. those with disabilities, traumatised individuals, LGBTQI+ individuals, victims of trafficking or other forms of exploitation. The production of such material is a valuable resource for future EU solidarity and responsibility-sharing exercises.

<sup>11</sup> The [Information for people fleeing the war in Ukraine | European Commission \(europa.eu\)](#) webpage is a welcome first step, though not all individuals will have effective access to it when they need it, in particular children and individuals without phones.

<sup>12</sup> Where Member States receiving a high number of persons fleeing Ukraine request the halting of transfers under the Dublin procedure, this should be respected.

<sup>13</sup> [UNHCR - IOM, UNHCR welcome the first flights of refugees out of Moldova to EU Member States.](#)

<sup>14</sup> See also [Relocation from Greece lessons learned and looking ahead.pdf \(rescue.org\).](#)

<sup>15</sup> See pt.2 on an EU relocation coordinator's office.

<sup>16</sup> Including for example, the application of eligibility criteria that did not correspond to the profiles or needs of refugees in need of relocation, or gaps in service provision, as occurred in previous relocation mechanisms.

<sup>17</sup> See also [Note on Unaccompanied Children Fleeing from Ukraine \(supportkind.org\).](#)

## Signatories

ActionAid International

Amnesty International

CARE International

Child Circle

Danish Refugee Council

Dutch Council for Refugees

EuroMed Rights

European Disability Forum (EDF)

European Evangelical Alliance

EMERGENCY ONG Onlus

FOCSIV Italian Federation Christian Organisations for International Voluntary Service

HIAS Europe

Human Rights Watch

ICMC Europe/ SHARE Network

ILGA-Europe

Immigrant Council of Ireland

International Rescue Committee

Kids in Need of Defense

Missing Children Europe

Oxfam International

PAX

Refugees International

Save the Children