# Addressing barriers to protection for beneficiaries of international protection and asylum seekers fleeing Ukraine to the EU

Legal note – July 2023

* This note outlines the barriers that our clients have faced while accessing temporary protection in **Germany**, the **Netherlands**, **France** and **Belgium**.
* Some of these people were formerly beneficiaries of international protection in Ukraine, so are **entitled to temporary protection**, but are **denied this status, or face a delay in receiving status, because of poor recognition of documents**.
* Others were a**sylum seekers who stayed legally on Ukrainian territory** for a long time while awaiting a decision. Despite being unable to return to their country of origin, they **cannot prove their long-term stay in Ukraine** because their asylum seeker certificate is not accepted as evidence of legal non-temporary residence.
* Many clients face a paradox whereby they **must return to Ukraine to retrieve documents**, but **cannot cross borders to do so without the very documents** they are lacking.

**Background:** Since 2001, [R2P](https://r2p.org.ua/) and [HIAS](https://www.hias.org/) have provided legal assistance to asylum seekers, refugees and stateless persons in Ukraine. Many of these people were forced to seek safety in Europe when war broke out in Ukraine in early 2022. Since July 2022, we have interviewed 300 former clients who fled to Europe to understand the protection risks they face. This legal note is based on issues identified by our legal support team in the first months of 2023, which were then triangulated with national NGOs including Vluchtelingenwerk Vlaanderen, Pro Asyl, AWO, INLIA Foundations, Netherlands Helsinki Committee and other ECRE members.

### **Background: List of Ukrainian documents held by refugees and beneficiaries of complementary protection**

1. **Refugee certificate** – a passport document issued by Ukraine that certifies the identity of its owner and confirms their recognition as a refugee in Ukraine. In Ukraine, unlike in Germany, refugees receive this document instead of a residence permit.
2. **Travel document for refugees** – a document issued by Ukraine as certification of refugee status, which refugee uses to travel abroad. Refugees can obtain this document on the basis of a refugee certificate at their own request.
3. **Complementary protection certificate** – a passport document issued by Ukraine that certifies the identity of its owner and confirms their recognition as a beneficiary of complementary protection. In Ukraine, persons in need of complementary protection receive this document instead of a residence permit.
4. **Travel document for beneficiaries of complementary protection** – a document issued by Ukraine that certifies a person’s status as benefiting from complementary protection and can be used to travel abroad. Beneficiaries of complementary protection can obtain this document on the basis of a complementary protection certificate at their own request;
5. **National ID** – the passport issued by the country of origin of a refugee or beneficiary of complementary protection. According to Ukrainian legislation, national ID is taken and held by the authorities of the State Migration Service of Ukraine from when the applicant submits an asylum application. After receiving the status of a refugee or complementary protection, national ID is held in the personal file in the authorities of the State Migration Service of Ukraine.

# Germany

59% of our former clients from Ukraine have found themselves in Germany. Many face difficulties accessing temporary protection.

1. **Non-recognition of documents, or lack of documents, prevents access to status and rights**

According to German legislation, the presentation of a Ukrainian travel document for refugees or a Ukrainian travel document for persons in need of complementary protection[[1]](#footnote-1) is necessary to apply for temporary protection[[2]](#footnote-2). People without these specific documents face a barrier to protection, especially when migration officers don’t accept their refugee or complementary protection certificates as sufficient proof of their status in Ukraine.

However, Ukrainian authorities first issue the “refugee certificate” or “complementary protection certificate”.[[3]](#footnote-3) Then, refugees and persons in need of complementary protection may obtain their travel documents. Further, travel documents for refugees or for persons in need of complementary protection as well as refugee and complementary protection certificates may be held by the Ukrainian migration authorities or may have been lost, stolen or left behind during their flight.[[4]](#footnote-4)For instance, one client (who was a recognised refugee in Ukraine, but did not pick up her document from the authorities of the State Migration Service of Ukraine because of the war) has not received temporary protection, as the German authorities insist she provides her refugee certificate.[[5]](#footnote-5) To obtain this, her only option is to return to Ukraine in person: in most cases, this is impossible.[[6]](#footnote-6) Additionally, some documents held by refugees may be prolonged in handwriting, but there are no legislative grounds for the recognition of these prolongations in Germany.[[7]](#footnote-7)

**Recommendations:**

* German authorities must accept refugee certificates and complementary protection certificates (as the documents granted to international protection beneficiaries under Ukrainian law [[8]](#footnote-8)), in addition to travel documents, as sufficient proof of protection status.
* If an international protection beneficiary arrives in Germany without these documents, the authorities should contact the Ukrainian authorities in Germany to confirm the residence status of this person in Ukraine.[[9]](#footnote-9) [[10]](#footnote-10)
* German authorities should recognise refugee documents prolonged in handwriting by the Ukrainian authorities, in the same manner as Ukrainian passports.

1. **Requirement to provide passports prevents access to protection**

The German authorities may require beneficiaries of international protection in Ukraine to provide their national ID.[[11]](#footnote-11) They cannot do so, because their national IDs are stored by the Ukrainian migration authorities since they submitted asylum application. When provided these certificates or travel documents issued by the Ukrainian government as evidence of their international protection status, they are told additionally to present their national ID to be granted temporary protection.[[12]](#footnote-12)

As above, this leaves them no option, because after receiving the status of a refugee or complementary protection, persons cannot provide their national ID, because it is stored in personal file in the authorities of the State Migration Service of Ukraine**.**[[13]](#footnote-13) German law suggests third-country nationals without valid national ID may be referred to the embassy of their country of origin[[14]](#footnote-14): however, in the case of people fleeing persecution, this may put them in danger.

**Recommendations:**

* German authorities should accept refugee and complementary protection certificates, as well as other travel documents held by beneficiaries of international protection, as passport substitutes for asylum seekers and refugees fleeing Ukraine. [[15]](#footnote-15)
* Asylum seekers and refugees should not be sent to the diplomatic authorities of the countries they are fleeing. German authorities may instead contact the Ukrainian authorities in Germany to check the residency status of the person in Ukraine.

1. **People who held only an asylum seeker’s certificate but who resided in Ukraine for a longer period cannot access temporary protection**

According to German legislation, non-Ukrainian third-country nationals, “who lawfully stayed in Ukraine before February 24, 2022, and not just for a short, temporary stay, and cannot safely and permanently return to their country or region of origin”, are eligible for temporary protection in Germany. [[16]](#footnote-16) UNHCR [[17]](#footnote-17) and various NGOs[[18]](#footnote-18) confirm that the asylum procedure in Ukraine can take a long time, even years, during which the only document confirming the legal stay of the person in Ukraine is the asylum seeker certificate (or “MSID”). In many cases their stay was not short term, and they are unable to return to their country of origin, meeting the eligibility criteria for temporary protection in Germany. However, the asylum seeker certificate issued in Ukraine is not recognized as sufficient grounds for temporary protection in Germany. [[19]](#footnote-19)

**Recommendation:**

* German authorities should recognize the asylum seeker certificate (MSID) as evidence of legal and non-temporary stay in Ukraine.

1. **Beneficiaries of international protection are unable to make necessary trips to Ukraine**

People who fled Ukraine who hold a biometric passport or a “travel document for foreigners” (issued by German authorities)[[20]](#footnote-20), and hold a residence permit in Germany[[21]](#footnote-21), may travel to Ukraine and return to Germany at any time.[[22]](#footnote-22) As described above, many people in need of international protection who found themselves in Ukraine at the outbreak of war did not have travel documents. They may seek to make return journeys to Ukraine to retrieve travel documents: however, they may not be able to re-enter Ukraine using only their refugee certificates.[[23]](#footnote-23)

**Recommendation:**

* German authorities must issue “travel documents for foreigners” to people who benefited from international protection in Ukraine, in the same manner that these documents are provided to Ukrainians to facilitate short-term trips to Ukraine.

# Netherlands

1. **Beneficiaries of protection and asylum seekers wait a long time for a temporary protection decision**

Refugees and beneficiaries of complementary protection who benefited from these statuses in Ukraine before 24 February 2022 should fall under temporary protection in the Netherlands[[24]](#footnote-24). Likewise, third-country nationals who have obtained international protection or equivalent national protection in Ukraine (including asylum permits) should be eligible for temporary protection [[25]](#footnote-25).

Some Dutch official sources [[26]](#footnote-26) [[27]](#footnote-27) note only refugees as persons eligible for temporary protection. No one provision or recommendation in Dutch legislation or other by-law exists concerning beneficiaries of complementary protection who benefited from these statuses in Ukraine before 24 February 2022 and who found themselves in the Netherlands after leaving Ukraine as a result of the full-scale invasion of Ukraine by Russia as persons eligible for temporary protection in the Netherlands.

According to government decree [[28]](#footnote-28), contact details of all third-country nationals must be noted down and the IDs must be copied and registered upon arrival at the municipality/hub. Yet, Dutch authorities have not clarified what type of ID is required or accepted. Furthermore, if the identity, nationality or lawful residence of a third-country national in Ukraine cannot be established, no registration can take place [[29]](#footnote-29). If a person is not Ukrainian and has no documents, this person should try to get as many documents as possible to the Netherlands because without documents this person is not covered by the Directive [[30]](#footnote-30).

Refugees and beneficiaries of complementary protection who benefited from these statuses in Ukraine before 24 February 2022 lack their identity documents: in some cases they were lost or stolen, but in many cases they could not pick documents up from the Ukrainian migration authorities before needing to flee. Refugees and persons with additional protection due to a lack of documents spend a very long time in the process of obtaining temporary protection. Sending such people to Ukrainian embassies or consulates to obtain such documents will not lead to the desired result, since the powers of such bodies are limited in relation to non-Ukrainian nationals.

For example: One of our clients received refugee status in Ukraine in 2015. [[31]](#footnote-31) On May 4, 2022, he fled to the Netherlands with only a refugee certificate, which was issued in Ukrainian language (he never received a travel document for refugee). He was unable to obtain a personal number in the Netherlands, which he needed later to obtain temporary protection, because he could not be identified by the refugee certificate. He tried several times to do it again in different municipalities in the Netherlands, until one of them accepted his document. On August 14, 2022, he was able to apply for temporary protection, and only on September 12, 2022, he received temporary protection (more than four months later).

**Recommendations:**

* Dutch authorities must consider not only refugees, but also beneficiaries of complementary protection, as nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022. The authorities should accept refugee certificates, refugee documents for traveling abroad, and certificates of beneficiaries of complementary protection, as sufficient proof of their status.
* Dutch authorities must not send people to the foreign representations of Ukraine in the Netherlands, but instead contact directly Ukrainian authorities in the Netherlands for support or to certify if/where possible the residence status of the person in Ukraine [[32]](#footnote-32). [[33]](#footnote-33)

1. **Beneficiaries of protection and asylum seekers who fled Ukraine before 24 February 2022 are not eligible for temporary protection**

The scope of the Temporary Protection Directive was expanded by the Netherlands to grant protection to Ukrainian nationals who left Ukraine before 27 November 2021[[34]](#footnote-34) (determined by the 90-day visa-free period) [[35]](#footnote-35). It is possible that our clients, having a Schengen visa, fled to the Netherlands before February 24, 2022 and were there legally.

**Recommendations:**

* Dutch authorities must grant temporary protection to nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and those who were in the Netherlands before 24 February 2022 (as is the case for Ukrainian nationals).

1. **Beneficiaries of international protection and asylum seekers cannot make necessary trips to Ukraine without valid travel documents**

Displaced persons from Ukraine can travel from the Netherlands to Ukraine (or other EU countries) with a valid travel document[[36]](#footnote-36). Not all refugees and beneficiaries of complementary protection have valid travel documents. As described above, these persons might be without these documents because they were lost or stolen, or because they could not pick documents up from the Ukrainian migration authorities before the start of the full-scale invasion. To renew or retrieve documents, they must travel to Ukraine, which they are not permitted to do. Moreover, traveling for non-Ukrainians within and outside the EU is at their own risk, because the immigration authorities of the Netherlands will not issue a return visa or entry visa for returning to the Netherlands, even if these persons have proof of residence [[37]](#footnote-37).

For example: one of our Syrian clients has complementary protection in Ukraine and a valid certificate with additional protection until 2026. He never received the travel document for a beneficiary of complementary protection in Ukraine. He received temporary protection in the Netherlands but cannot return to Ukraine to obtain a complementary protection travel document.

**Recommendations**

* Dutch authorities must allow refugees and beneficiaries of complementary protection to travel to Ukraine without a valid document (in order to access the documents they need).
* Dutch authorities must issue visas to allow these people to return to the Netherlands after retrieving documents from Ukraine.

# Belgium

1. **Asylum seekers in Ukraine who lived in Ukraine for a long period while awaiting a decision are not eligible for temporary protection**

In Belgium [[38]](#footnote-38) [[39]](#footnote-39), nationals of third countries legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin under safe and sustainable conditions are granted temporary protection. To determine if it is possible to return to the country or region of origin under safe and durable conditions, a brief interview will be carried out when the request for temporary protection is submitted. The concerned person must provide prima facie evidence at individual level that they are unable to return to the country of origin under safe and durable conditions. They must present all elements at his/her disposal which support identity, nationality, residence in Ukraine as well as reasons invoked regarding the impossibility to return to the country of origin under safe and durable conditions.

According to UNHCR[[40]](#footnote-40) [[41]](#footnote-41) and NGOs[[42]](#footnote-42) [[43]](#footnote-43), the asylum procedure in Ukraine can take a long time (even years). The only document confirming legal status during that time is MSID. Thus, the term of asylum seekers’ stay in Ukraine might not be short, it can even be said that it is long-lasting. One of the documents that nationals of third countries legally residing in Ukraine before 24 February 2022 can be an asylum seeker certificate issued in Ukraine (MSID), which certifies an ongoing asylum procedure in Ukraine.

**Recommendation:**

* Belgian authorities must recognize the asylum seeker certificate (MSID) as evidence of legal non-temporary residence in Ukraine before 24 February 2022 in Ukraine. [[44]](#footnote-44)

# France

1. **Refugees and beneficiaries of complementary protection face obstacles if they need to return temporarily to Ukraine**

Temporary protection does not include a ban on returning to the territory of Ukraine[[45]](#footnote-45). At the same time, each prefecture reacts differently to the possibility of returning to Ukraine, maintaining temporary protection and payments in France. Some prefectures state that a person will lose temporary protection even if he leaves for a week; other prefectures indicate that a person can leave for a month without consequences [[46]](#footnote-46).

For instance: one of our clients, a refugee granted status in Ukraine in 2018, left Ukraine with a valid refugee certificate and a refugee travel document (valid until 23 August 2023). He received temporary protection in France until 4 August 2023. To secure his temporary protection in France after this date, he will personally need to make a short-term trip to Ukraine to obtain a new travel document or extend its validity.

**Recommendation:**

* All French prefectures much allow all beneficiaries of temporary protection to travel temporarily to Ukraine without the risk of losing this status and all the rights associated with it.

1. A form of [international protection](https://help.unhcr.org/ukraine/asylum-in-ukraine/forms-of-asylum-and-refugee-protection/#:~:text=Ukrainian%20legislation%20defines%20a%20person,degrading%20treatment%2C%20punishment%2C%20or%20generalised) provided in Ukraine to persons who fear a threat to their life, safety, or freedom in their country of origin. [↑](#footnote-ref-1)
2. Letter of the Federal Ministry of the Interior and Community “Implementation of the Council Implementing Decision to determine the existence of a mass influx within the meaning of Article 5 of Directive 2001/55/EC and to introduce temporary protection” (with changes). <https://www.frsh.de/fileadmin/pdf/behoerden/Erlasse_ab_2012/20220905_BMI-voruebergehender-Schutz_3.BMI-Laenderschreiben_zu-EUDurchfuehrungsverordnung-v.4.3.2022.pdf>. [↑](#footnote-ref-2)
3. <https://r2p.org.ua/dokumenty-shho-pidtverdzhuyut-speczialni-statusy/>   [↑](#footnote-ref-3)
4. Including refugee certificates, certificates for people benefiting from complementary protection (an alternative protection status in Ukraine) and passports. Documents may also have been lost, left behind or stolen whilst fleeing.    [↑](#footnote-ref-4)
5. This client is a Congolese woman who was granted refugee status in Ukraine on 13 January 2022. R2P has asked the authorities to accept a copy of the refugee certificate, and awaits a response. [↑](#footnote-ref-5)
6. Yet, as it is impossible to obtain documents in any other way, many of our clients are seeking advice on how to make return journeys to Ukraine. As this carries many risks and complicating factors, we are calling on German and Ukrainian authorities to address documentation issues without requiring returns to Ukraine (in line with [UNHCR guidance](https://www.refworld.org/pdfid/621de9894.pdf)). [↑](#footnote-ref-6)
7. While Ukrainian passports with handwritten additions/extensions with a consular seal/stamp are recognized in German law, there is no law recognising refugee documents with these handwritten extensions. Umsetzung des Durchführungsbeschlusses des Rates zur Feststellung des Bestehens eines Massenzustroms im Sinne des Artikels 5 der Richtlinie 2001/55/EG und zur Einführung eines vorübergehenden Schutzes, Schreiben Bundesministerium des Innernund für Heimat: <https://www.frsh.de/fileadmin/pdf/behoerden/Erlasse_ab_2012/BMI_2.Laenderschreiben_Umsetzung-24-UKR_20220414.pdf#page=5>  [↑](#footnote-ref-7)
8. <https://zakon.rada.gov.ua/laws/show/3671-17#Text> [↑](#footnote-ref-8)
9. Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03)>. [↑](#footnote-ref-9)
10. NB. R2P in 2023 enquired to six German Lander about their application of the [operational guidelines](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03)), which advise contacting Ukrainian authorities in Member States if doubts about the authencity of documents arise, or if a person is lacking documents. One Lander responded that, though the operational guidelines were welcomed as a reference framework, they do not have the power of binding law. They referred instead to the German Residence Act, which puts the onus for evidence on the applicant and requires the applicant to go to the Ukrainian authorities in Germany herself.   [↑](#footnote-ref-10)
11. Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Aufenthaltsgesetz – AufenthG). URL: <https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0645> (para. 1, 3 art. 48). [↑](#footnote-ref-11)
12. One client, a Georgian woman, provided her complementary protection certificate (valid until 31 July 2024) to the German authorities. On 16 February 2023 she received a letter stating that until she provides her passport, she will not be granted temporary protection. [↑](#footnote-ref-12)
13. One client, a Congolese woman, was granted refugee status in Ukraine on 13 January 2022. After fleeing to Germany after the Russian invasion, she sought temporary protection. However, she has not received protection, as the authorities insist she provides the original refugee certificate, which the migration authorities of Ukraine only issue in person. R2P has asked the authorities to accept a copy of the refugee certificate, and awaits a response. [↑](#footnote-ref-13)
14. Umsetzung des Durchführungsbeschlusses des Rates zur Feststellung des Bestehens eines Massenzustroms im Sinne des Artikels 5 der Richtlinie 2001/55/EG und zur Einführung eines vorübergehenden Schutzes, Schreiben Bundesministerium des Innern und für Heimat: <https://www.frsh.de/fileadmin/pdf/behoerden/Erlasse_ab_2012/BMI_2.Laenderschreiben_Umsetzung-24-UKR_20220414.pdf#page=5> [↑](#footnote-ref-14)
15. In accordance with Ukrainian law: <https://zakon.rada.gov.ua/laws/show/5492-17#Text>; <https://zakon.rada.gov.ua/laws/show/3671-17#Text> [↑](#footnote-ref-15)
16. Supra 14 (<https://www.frsh.de/fileadmin/pdf/behoerden/Erlasse_ab_2012/BMI_2.Laenderschreiben_Umsetzung-24-UKR_20220414.pdf#page=5>) [↑](#footnote-ref-16)
17. <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2019/08/2019-08-19-PA_ENG.pdf> ; <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/03/2021-03-UNHCR-UKRAINE-Refugee-and-Asylum-Seekers-Update_FINAL-1.pdf> [↑](#footnote-ref-17)
18. <https://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports>; <https://r2p.org.ua/trudnoshhi-z-yakymy-stykayutsya-shukachi-zahystu-ta-bizhenczi-pid-chas-voyennogo-stanu-v-ukrayini/> [↑](#footnote-ref-18)
19. For instance: one client of R2P in Germany, a woman from Tajikistan, was forced to leave Ukraine due to the Russian invasion before there was a decision on her asylum application, made in April 2021. When she sought protection in Germany and supplied her asylum seeker certificate as evidence of her legal stay in Ukraine, she was issued a document obliging her to leave Germany. [↑](#footnote-ref-19)
20. https://www.asyl.net/themen/humanitaere-aufnahme/voruebergehender-schutz [↑](#footnote-ref-20)
21. And a corresponding certificate according §24 AufenthG granting residence for temporary protection. [↑](#footnote-ref-21)
22. https://www.germany4ukraine.de/hilfeportal-en/entry-residence-and-return/travelling-to-ukraine [↑](#footnote-ref-22)
23. For instance: one client from Syria who held a complementary protection certificate in Ukraine was unable to re-enter Ukraine with this document, as a travel document was required. [↑](#footnote-ref-23)
24. <https://wetten.overheid.nl/BWBR0011823/2022-10-01>

    <https://zoek.officielebekendmakingen.nl/stb-2005-25.html>

    <https://wetten.overheid.nl/BWBR0046503/2023-02-22>

    https://wetten.overheid.nl/BWBR0046732/2023-02-25 [↑](#footnote-ref-24)
25. Decree of Ministry of Justice and Security “Adjustment of instruction advice for third-country nationals from Ukraine”. https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraine/documenten/circulaires/2022/09/09/aanpassing-instructieadvies-voor-derdelanders-uit-oekraine [↑](#footnote-ref-25)
26. https://ind.nl/nl/oekraine/richtlijn-tijdelijke-bescherming-oekraine#voorwaarden-richtlijn-tijdelijke-bescherming [↑](#footnote-ref-26)
27. https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraine/aankomst-verblijf-en-registratie [↑](#footnote-ref-27)
28. Decree of Ministry of Justice and Security “Adjustment of instruction advice for third-country nationals from Ukraine”. https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraine/documenten/circulaires/2022/09/09/aanpassing-instructieadvies-voor-derdelanders-uit-oekraine [↑](#footnote-ref-28)
29. <https://raad.gemeente-steenbergen.nl/Vergaderingen/Oordeelvormende-vergadering/2022/09-mei/19:30/29A-Bijlage-1-Brief-aan-de-Tweede-Kamer-inzake-aanpak-opvang-ontheemden-uit-Oekraine-2212352.pdf>

    https://zoek.officielebekendmakingen.nl/kst-19637-2834.html#extrainformatie [↑](#footnote-ref-29)
30. https://ind.nl/nl/oekraine/richtlijn-tijdelijke-bescherming-oekraine#voorwaarden-richtlijn-tijdelijke-bescherming [↑](#footnote-ref-30)
31. A citizen of Kyrgyzstan. [↑](#footnote-ref-31)
32. Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03)>. [↑](#footnote-ref-32)
33. NB. R2P in 2023 contacted with Vluchtelingenwerk Vlaanderen and was informed that only 'recognized refugees' as such fall under the categories of persons that are eligible for temporary protection. At the same time, R2P would like to emphasize that the asylum seeker certificate (MSID) is evidence of legal non-temporary residing in Ukraine. [↑](#footnote-ref-33)
34. https://ind.nl/nl/oekraine/richtlijn-tijdelijke-bescherming-oekraine#voorwaarden-richtlijn-tijdelijke-bescherming [↑](#footnote-ref-34)
35. https://raad.gemeente-steenbergen.nl/Vergaderingen/Oordeelvormende-vergadering/2022/09-mei/19:30/29A-Bijlage-1-Brief-aan-de-Tweede-Kamer-inzake-aanpak-opvang-ontheemden-uit-Oekraine-2212352.pdf [↑](#footnote-ref-35)
36. https://open.overheid.nl/documenten/ronl-ebcb0dbb41b154db3a191be42a308041ebc71ab8/pdf [↑](#footnote-ref-36)
37. https://ind.nl/nl/oekraine/richtlijn-tijdelijke-bescherming-oekraine#reizen-in-europa [↑](#footnote-ref-37)
38. https://dofi.ibz.be/en/themes/ukraine/temporary-protection [↑](#footnote-ref-38)
39. https://www.agii.be/nieuws/oekraine-verblijfsmogelijkheden-en-rechtspositie-in-belgie#tijdelijkebescherming [↑](#footnote-ref-39)
40. https://www.unhcr.org/ua/wp-content/uploads/sites/38/2019/08/2019-08-19-PA\_ENG.pdf [↑](#footnote-ref-40)
41. https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/03/2021-03-UNHCR-UKRAINE-Refugee-and-Asylum-Seekers-Update\_FINAL-1.pdf [↑](#footnote-ref-41)
42. https://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports [↑](#footnote-ref-42)
43. https://r2p.org.ua/trudnoshhi-z-yakymy-stykayutsya-shukachi-zahystu-ta-bizhenczi-pid-chas-voyennogo-stanu-v-ukrayini/ [↑](#footnote-ref-43)
44. NB. R2P in 2023 contacted with INLIA Foundations and was informed that the cases R2P described in report are however (unfortunately) in line with the way other asylumseekers are being treated in the Netherlands. It is up to asylumseekers to proof their situation with evidence with little or no regard for the situation that sometimes it is impossible to obtain proof. Especially when it comes down to proof of identity or nationality, the responsibility for obtaining the burden of proof lies with the asylumseeker. [↑](#footnote-ref-44)
45. https://ua.aideukraine.fr/pages/4I6IkZSpg2WovrUFZBajmN/meni-potribna-dopomoga [↑](#footnote-ref-45)
46. https://www.ukrainefrance.org/25 [↑](#footnote-ref-46)