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# **CAUGHT BY SURPRISE? HOW UNDERDEVELOPED REFUGEE INTEGRATION POLICIES WILL IMPEDE THE INTEGRATION OF THOSE DISPLACED BY THE WAR IN UKRAINE**





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## 1. Introduction: NIEM and temporary protection

As a monitoring instrument, the National Integration Evaluation Mechanism (NIEM) has been measuring government efforts at creating comprehensive frameworks for the integration of beneficiaries of international protection (BIPs) in 14 EU member states since 2016. The tool helps governments, civil society and other stakeholders to identify gaps in refugee integration policies of their country, take inspiration from other EU member states and improve the current frameworks. Focusing on legal, policy as well as collaboration and implementation indicators, the initiative has produced a series of comparative cross-country assessments, most recently based on 2021 data.<sup>1</sup> NIEM therefore provides a comprehensive instrument to measure the state of development in all relevant dimensions of refugee integration: overall mainstreaming, residency, family reunification, access to citizenship, housing, employment, vocational training and employment-related education, health, social security, education, language learning and social orientation, as well as building bridges between newcomers and the receiving society.

With the arrival in the EU of 3.5 million refugees fleeing war in Ukraine (as estimated as of June 2022) and the triggering of the EU temporary protection directive, some of the NIEM results are highly relevant in the current situation. After four months of war, and in spite of the overwhelming wish of most who have fled to return as soon as possible, there is an increasing realisation that the conflict is likely to last for longer and that member states have to find longer-term solutions for the integration of arrivals from Ukraine. In particular, NIEM indicators which measure the collaborative implementation of overall integration frameworks reveal whether countries are structurally prepared to deal with the long-term inclusion of beneficiaries of international protection (by, for example, looking at whether integration is a topic for cross-sectoral mainstreaming, whether governments support for the involvement of local and regional authorities as well as civil society, etc.).

In addition, policy indicators highlight the existence of policies which actively support the integration of recognised refugees as well as beneficiaries of subsidiary protection in each country. To the extent that such policies exist, the key questions in the current arrival situation are if these policies are made available to beneficiaries of temporary protection; and whether these policies are being scaled up so that they can accommodate the numbers of newly arriving persons receiving temporary protection.

## 2. Temporary protection: The EU response to the refugee movement from Ukraine

### 2.1. Activating the EU temporary protection directive

In an unprecedented move, on 4 March 2022 EU member states, acting on a proposal of the European Commission, activated for the first time the EU temporary protection directive.<sup>2</sup> Agreed in 2001 as part of the Tampere process setting up the Common European Asylum System, this directive allows the EU to collectively implement a time-limited protection regime in the case of a mass influx of refugees.<sup>3</sup> Crucially, temporary protection is granted to a defined group of forcibly displaced

<sup>1</sup> Wolffhardt A., Conte C. and Yilmaz S. (2022). The European benchmark for refugee integration: A comparative analysis of the National Integration Evaluation Mechanism in 14 EU countries. Evaluation 2: Comprehensive Report. Brussels/Warsaw: MPG and IPA, <http://www.forintegration.eu/pl/pub/the-european-benchmark-for-refugee-integration-evaluation-2-comprehensive-report/dnl/109>

<sup>2</sup> Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

<sup>3</sup> Hanne Beirens H., Maas S., Petronella S., van der Velden M. (2016). Study on the Temporary Protection Directive, Final report. ICF for the European Commission

persons who do not have to undergo an individual asylum procedure. With the decision of March 2022, temporary protection has become available in the EU and in countries associated with the EU migration acquis<sup>4</sup> to all Ukrainian nationals and their family members residing in Ukraine before the invasion, displaced from 24 February 2022 on. The status is also extended to nationals of other third countries (and stateless persons) as well as their family members who benefited from international protection in Ukraine; as well as to non-Ukrainian nationals of third countries (and stateless persons) who were legally residing in Ukraine before the war and who cannot return to their country of origin. Temporary protection will last until 4 March 2023, with an automatic extension for a period of six months twice if the reasons for granting temporary protection persist. If the reasons for temporary protection persist beyond March 2024, the Commission may propose to the Council to extend the temporary protection by up to another year.

Thus, Russia's aggression against Ukraine and the ensuing refugee movement effectively created a new category of beneficiaries under international protection covered by common EU law, next to recognised refugees and beneficiaries of subsidiary protection. What concerns the integration of persons under temporary protection, articles 12 to 16 of the directive set out key rights as minimum standards to which member states must comply:

- Beneficiaries of temporary protection have the right to engage in employed or self-employed activities as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. However, for reasons of labour market policies, member states may give priority to EU/EEA citizens and to legally resident third country nationals who receive unemployment benefit.
- The general law in force in the member states applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment applies.
- Persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.
- Beneficiaries of temporary protection receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. The assistance necessary for medical care shall include at least emergency care and essential treatment of illness. Where persons enjoying temporary protection are engaged in employed or self-employed activities, account shall be taken of their ability to meet their own needs when fixing the proposed level of aid.
- Member states shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

<sup>4</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 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.

cf. Carrera S., Ineli-Ciger M., Vosyliute L., Brumat L. (2022). The EU grants temporary protection for people fleeing war in Ukraine. Time to rethink unequal solidarity in EU asylum policy, CEPS Policy Insights No 2022-09/ March 2022, [https://www.ceps.eu/download/publication/?id=35838&pdf=CEPS-PI2022-09\\_ASILE\\_EU-grants-temporary-protection-for-people-fleeing-war-in-Ukraine-1.pdf](https://www.ceps.eu/download/publication/?id=35838&pdf=CEPS-PI2022-09_ASILE_EU-grants-temporary-protection-for-people-fleeing-war-in-Ukraine-1.pdf); Savino M., Gatta F.: On the Brink of a New Refugee Crisis: Temporary protection as a paradigm shift?, VerfBlog, 2022/3/10, <https://verfassungsblog.de/on-the-brink-of-a-new-refugee-crisis>; Luyten K. (2022). Temporary Protection Directive, EPRS European Parliamentary Research Service Briefing, [www.europarl.europa.eu/RegData/etudes/BRIE/2022/729331/EPRS\\_BRI\(2022\)729331\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729331/EPRS_BRI(2022)729331_EN.pdf)

- Persons under 18 years of age enjoying temporary protection are granted access to the education system under the same conditions as nationals of the host member state. Such access may be confined to the state education system.
- Member states may allow adults enjoying temporary protection access to the general education system.
- In cases where families already existed in the country of origin and were separated due to circumstances surrounding the mass influx, families can reunify where family members either enjoy temporary protection in different member states or where family members of a sponsor under temporary protection are not yet in a member state.
- Family members eligible for reunification are the spouse of the sponsor or his/her unmarried partner in a stable relationship (as long as the law of the member state concerned treats unmarried couples in a way comparable to married couples), as well as the minor unmarried children of the sponsor or of his/her spouse.
- Other close relatives who lived together as part of the family unit at the time of the events leading to the mass influx, and who were wholly or mainly dependent on the sponsor at the time, may be eligible for reunification on a case-by-case basis, taking into account the extreme hardship they would face if the reunification did not take place.
- Member states shall, as soon as possible, ensure the representation of unaccompanied minors by legal guardianship or an organisation which is responsible for the care and well-being of minors. Unaccompanied minors under temporary protection shall be placed with adult relatives, with a foster-family, in reception centres or in other accommodation with special provisions for minors, or with the person who looked after the child when fleeing. The views of the child shall be taken into account in accordance with the age and maturity of the child.

Soon after the activation of the temporary protection directive, the Commission followed up with two communications, providing operational guidelines for the implementation of the temporary protection framework, as well as outlining key reception and integration challenges and the actions taken by the EU.

Given the extraordinary share of children among those who fled Ukraine, the Commission's operational guidelines<sup>5</sup> emphasise their rights and protection needs when elaborating on those parts of the temporary protection directive which are particularly relevant to integration. As a priority, the communication stresses the "swift access to the specific rights of children (education, healthcare, including preventive care and mental health care, and psychosocial assistance) as well as any necessary support services to secure the child's best interest and wellbeing (...). Specific obstacles often faced by migrant children (e.g. language barriers) with access to decent housing, quality education and other social services should be duly taken into account and addressed."<sup>6</sup> Further specifying the directive's provisions on access to the education system, the guidelines point out that "Member States should also support access to early childhood education and care, as well as vocational training, under the same conditions as their own nationals and other Union citizens."<sup>7</sup> As recommendations, the guidelines also include support measures to facilitate access and participation

<sup>5</sup> 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 (2022/C 126 I/01)

<sup>6</sup> *ibid.* p.7

<sup>7</sup> *ibid.* p.8

in the education system, such as for the acquisition of the host country language or assessment of pupil's competence levels.

Going beyond education and the concern for protecting children, the Commission's second communication "Welcoming those fleeing war in Ukraine" additionally elaborates on access to healthcare, employment, and accommodation and housing. While mostly pointing to the action taken at EU level (i.e., the use of existing and newly created EU funding and policy instruments, such as an EU Solidarity Platform), the communication also contains further recommendations to member states. These include, for example, broad access to sickness benefits including mental health care; early access to employment, self-employment and vocational training as a matter of urgency and in the broadest possible way; and provisions for more permanent housing solutions factored into broader housing policies.<sup>8</sup>

## 2.2 From activation to implementation

Whether the newly activated common legal framework for temporary protection and the guidelines provided by the Commission will lead to similar integration standards in member states, however, remains to be seen. As the experience with the harmonised statuses of recognised refugees and persons under subsidiary protection has shown, the transposition and implementation of EU directives does not lead to uniform levels of protection and access to basic rights relevant for integration.<sup>9</sup> This will also hold true for the temporary protection directive. After its activation, member states followed suit with legal acts to activate the temporary protection regime in national law, either as law, order and decrees or as government or ministerial decisions.<sup>10</sup>

Notably, this basic legislation just marks the starting point for further legal amendments and policy decisions in a range of affected areas. For most member states, the scramble to figure out just what exactly temporary protection entails in their education, housing, labour market or social security systems is far from over. Next to the immediate tasks of setting up registration and information systems<sup>11</sup>, governments and legislators need to amend e.g. laws and bylaws on social assistance and family benefits, eligibility rules for active labour market measures such as vocational training schemes, or regulations on the availability for schools of resources for the educational support of immigrant pupils. All such decisions go along with financing questions and making available budgets matching the needs. In particular, member states have to make choices on the opening of existing integration legislation to persons under temporary protection. Such laws typically include provisions on host language courses and social orientation, but also on targeted measures like support in the recognition of formal qualifications and the validation of skills.<sup>12</sup>

<sup>8</sup> European Commission (2022). Welcoming those fleeing war in Ukraine: Ready Europe to meet the needs. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2022) 131 final, pp.8-12

<sup>9</sup> Wolffhardt A., Conte C. and Yilmaz S. (2022). op.cit.

<sup>10</sup> EUAA (2022). Analysis of Measures to Provide Protection to Displaced Persons from Ukraine, [https://euaa.europa.eu/sites/default/files/publications/2022-07/2022\\_temporary\\_protection\\_Ukraine.pdf](https://euaa.europa.eu/sites/default/files/publications/2022-07/2022_temporary_protection_Ukraine.pdf); EUAA (2022). Rapid response by EU+ countries to address the needs of displaced people from Ukraine, Situational Updates, <https://euaa.europa.eu/ukraine-crisis-data-and-analysis>

<sup>11</sup> EMN (2022). Application of the Temporary Protection Directive (Scope and Registration). EMN Inform [https://home-affairs.ec.europa.eu/document/download/5adec516-3474-4c3f-8449-e3c4d4d93e75\\_en?filename=EMN\\_TPD\\_Inform.pdf](https://home-affairs.ec.europa.eu/document/download/5adec516-3474-4c3f-8449-e3c4d4d93e75_en?filename=EMN_TPD_Inform.pdf); EUAA, Who is Who in International Protection platform, <https://whoiswho.euaa.europa.eu/temporary-protection>

<sup>12</sup> OECD (2022). Rights and Support for Ukrainian Refugees in Receiving Countries, OECD Publishing, Paris, <https://doi.org/10.1787/09beb886-en>

As integration is defined as a prerogative of member states under Art. 79 (4) TFEU<sup>13</sup>, the Commission can only come up with recommendations in these areas, as done with its two communications mentioned above, and refer to the EU's existing soft law such as the unanimously agreed EU Common Basic Principles for Immigrants Integration Policy<sup>14</sup> or the 2021 to 2027 Action Plan on Integration and Inclusion.<sup>15</sup>

The emergency response of international organisations further increases the fluidity of the current situation with regard to integration support available to people who fled from Ukraine in the various member states. In cooperation with national governments, UNHCR and UNICEF have launched large-scale operations in Poland, Slovakia, Hungary and Romania. Providing for e.g. emergency shelter, advice on access to health and medical services, counselling for persons with specific needs, child protection services and multipurpose cash assistance, these programmes include elements of early integration support which for many beneficiaries will mark the start of a longer-term integration trajectory.<sup>16</sup> Likewise, IOM is active on EU territory with, among others, accommodation, mental health and psychosocial support, social counselling and vulnerability screening.<sup>17</sup>

Most importantly, the civil society response seen across the EU and especially in the countries hosting most people displaced from Ukraine arguably plays the strongest part in many places. With large-scale provision of private accommodation, material donations or volunteering for language and social orientation support, citizens and organised civil society have shown an initiative that resembles the response at the height of the 2015/16 arrivals in the EU. Nevertheless, how welcoming to refugees from Ukraine countries will turn out to be in the long run, largely will depend on choices made by their governments.

### 2.3. Countries most affected

The implementation of the temporary protection directive in member states must be seen against the background of the numbers of displaced persons arriving from Ukraine, and their presence in different countries. All such numbers represent a snapshot in a still unfolding situation of crisis. As of late June 2022, daily border crossings from Ukraine to EU countries have stabilised, with increased return and pendular movements after the retreat of Russian troops from central and north-eastern parts of the country. According to Frontex figures, 6.06 million Ukrainian citizens had entered the EU and 3.13 million had exited the EU to their home country between 24 February and 27 June 2022. The week from 16 to 22 June saw 262,606 Ukrainians entering the EU and 248, 697 Ukrainians

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<sup>13</sup>Art. 79 (4) TFEU: "The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States."

<sup>14</sup> Council of the European Union, Justice and Home Affairs Council (2004). 2618<sup>th</sup> Council Meeting, Annex: Common Basic Principles on Immigrants Integration, 14615/04 (Presse 321), Brussels, 19 November

<sup>15</sup> European Commission (2020). Action plan on Integration and Inclusion 2021-2027. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2020) 758 final, Brussels, 24 November

<sup>16</sup> UNHCR Regional Bureau for Europe, Ukraine Situation Flash Update #18, 24 June 2022, <https://data.unhcr.org/en/documents/download/93859>

<sup>17</sup> IOM, Regional Ukraine Response Situation Report #22 - 23 June 2022, [https://www.iom.int/sites/g/files/tmzbd1486/files/situation\\_reports/file/iom-regional-ukraine-response-external-sitrep-23062022-final.pdf](https://www.iom.int/sites/g/files/tmzbd1486/files/situation_reports/file/iom-regional-ukraine-response-external-sitrep-23062022-final.pdf)



returning to Ukraine.<sup>18</sup> At the same time, fighting and insecurity in Ukraine still result in a constant movement of displaced persons within Ukraine and to countries abroad. As of late June 2022, IOM estimated that there are 6.23 million internally displaced people in Ukraine.<sup>19</sup> Pending the further course of war, how many persons under temporary protection will actually reside in the EU by the end of 2022 is utterly unpredictable.

In addition, for months authorities at all levels have struggled to catch up with the actual numbers of people arriving in the EU, given the suddenness and size of the inflow and the granting of free movement in the EU. Based on a variety of sources, UNHCR is tracking the number of persons who have registered for temporary protection or similar national protection schemes:

Refugees registered for temporary protection, absolute figures		Refugees registered for temporary protection, per million inhabitants**	
EU member state		EU member state	
Poland	1,207,650	Czech Republic	36,251
Germany	670,000	Poland	31,915
Czech Republic	387,945	Estonia	21,814
Italy	132,619	Lithuania	20,881
Spain	125,668	Latvia	18,428
Bulgaria	119,517	Bulgaria	17,280
France	92,156	Cyprus	15,595
Slovakia	80,343	Slovakia	14,715
Austria	74,492	Luxembourg	9,098
Netherlands	68,050	Austria	8,339
Lithuania	58,377	Ireland	8,337
Belgium	49,617	Germany	8,057
Portugal	46,484	<b>Total EU</b>	<b>7,706</b>
Romania	42,742	Finland	5,594
Ireland	41,737	Denmark*	5,004
Sweden	39,470	Portugal	4,514
Latvia	34,888	Belgium	4,294
Finland	30,955	Netherlands	3,894
Denmark*	29,224	Croatia	3,810
Estonia	29,014	Sweden	3,803
Hungary	26,199	Slovenia	3,301
Greece	15,565	Hungary	2,692
Croatia	15,379	Spain	2,651
Cyprus	13,973	Malta	2,317
Slovenia	6,962	Italy	2,239
Luxembourg	5,775	Romania	2,226
Malta	1,196	Greece	1,458
<b>Total EU</b>	<b>3,445,997</b>	France	1,362
of which NIEM countries	2,357,808		

\* similar national protection scheme

\* similar national protection scheme

\*\* population as of 1 January 2021 (Eurostat)

Source: UNHCR Operational Data Portal, Ukraine refugee situation,

<https://data.unhcr.org/en/situations/ukraine#>,

Last accessed on 5 July 2022. Countries included in NIEM are highlighted in blue.

<sup>18</sup> Frontex, Update on Ukraine: More Ukrainians entering the EU than returning to Ukraine, 27 June 2022, <https://frontex.europa.eu/media-centre/news/news-release/update-on-ukraine-more-ukrainians-entering-the-eu-than-returning-to-ukraine-yK4lGo>

<sup>19</sup> IOM Ukraine Internal Displacement Report, General Population Survey, Round 6, 23 June 2022, [https://displacement.iom.int/sites/default/files/public/reports/IOM\\_Gen%20Pop%20Report\\_R6\\_final%20ENG.pdf](https://displacement.iom.int/sites/default/files/public/reports/IOM_Gen%20Pop%20Report_R6_final%20ENG.pdf)

In absolute numbers, Poland, Germany and Czechia are by far the three most important host countries for people fleeing from Ukraine, with Poland alone accommodating around 35% of persons under temporary protection in the EU. Italy, Spain and Bulgaria also host more than 100,000 beneficiaries of temporary protection each. Together, these six countries account for nearly 77% of persons who registered for temporary protection. The 14 countries included in the NIEM research together are hosting 2.36 million beneficiaries of temporary protection according to these figures, making up nearly 70% of the total.

The picture changes, however, when absolute figures are seen in relation to the overall population size of the host countries. Here, the three Baltic countries are among the most important receiving countries, behind top-ranking Czechia and Poland, followed by Bulgaria, Cyprus and Slovakia. While Germany under this angle has received only slightly more people fleeing Ukraine per million inhabitants than the EU average, Spain and Italy rank considerably below the EU average. Both in absolute figures and relative to the population size, Hungary and (to a somewhat lesser extent) Romania emerge as countries of transit in view of the very high number of border crossings from Ukraine. Hungary, after having seen more than 905,000 border crossings since 24 February 2022, has counted 26,000 persons registering for temporary protection. Romania, with 787,000 persons entering from Ukraine, has 43,000 registered beneficiaries of temporary protection.<sup>20</sup>

At least for the time being, the distribution pattern in EU countries of persons under temporary protection which has emerged in the first months of the crisis seems stable. According to the EUAA/OECD Surveys of Arriving Migrants from Ukraine (SAM - UKR) initiative, as of mid-June 2022 84% of interviewed people fleeing from war in Ukraine to the EU stated that they have reached their preferred destination country (with the UK, Czechia and Germany the top-ranking destination countries of those who planned to go to another country).<sup>21</sup> Similarly, UNHCR's Lives on Hold survey conducted in Czechia, Hungary, Moldova, Poland and Romania in May/June 2022 found that across these countries, 65% of respondents intend to stay in the current host country in the near future, while 26% plan to return to Ukraine or are uncertain, and only 9% plan to move to another host country. Of this latter group, the share was highest in Moldova (24%), Hungary (19%) and Romania (16%).<sup>22</sup>

It cannot be emphasised enough that, with a very high share of women and children, the composition of displaced persons arriving from Ukraine in the EU is highly unusual compared to previous movements of people seeking protection in Europe. As most male citizens between 18 and 60 years of age are banned from leaving Ukraine, about 80% of the adult displaced persons are female. The share of minors among those who arrive from Ukraine is close to 50%, especially in member states bordering Ukraine, but is with 30 to 40% lower in countries further away from the country's borders (e.g., 32% in France, 37% in Spain, 40% in Czechia as of April 2022).<sup>23</sup> In terms of integration policies, this composition calls for specific, targeted measures, such as the availability of

<sup>20</sup> UNHCR Operational Data Portal, Ukraine refugee situation, <https://data.unhcr.org/en/situations/ukraine>

<sup>21</sup> EUAA European Union Agency for Asylum and OECD, Surveys of Arriving Migrants from Ukraine (SAM - UKR). Factsheet: 14 June 2022 based on responses received between 11 April and 7 June 2022, <https://euaa.europa.eu/publications/surveys-arriving-migrants-ukraine-factsheet-14-june-2022>

<sup>22</sup> UNHCR (2022). Lives on Hold: Profiles and Intentions of Refugees from Ukraine. <https://data.unhcr.org/en/documents/download/94176>

<sup>23</sup> OECD (2022). Rights and Support for Ukrainian Refugees in Receiving Countries, OECD Publishing, Paris, <https://doi.org/10.1787/09beb886-en>; EUAA, Analysis on Asylum and Temporary Protection in the EU+ in the Context of the Ukraine Crisis Week 25 (20 – 26 June) 2022, [https://euaa.europa.eu/sites/default/files/publications/2022-06/2022\\_06\\_Ukraine\\_Asylum\\_TPD\\_Issue\\_13\\_EN\\_Public.pdf](https://euaa.europa.eu/sites/default/files/publications/2022-06/2022_06_Ukraine_Asylum_TPD_Issue_13_EN_Public.pdf)

childcare as a precondition for the labour market participation of a major part of the adult refugee population.<sup>24</sup>

### 3. Insights from NIEM: Deficient integration infrastructures

#### 3.1 Implementation and collaboration: overall results

The activation of the temporary protection directive takes place in the context of pre-existing member states' frameworks for the integration of BIPs. While the newly introduced legal provisions are distinct from the legal framework in place for those BIPs who receive protection as a results of a positive asylum procedure, the maturity of countries' overall refugee integration frameworks clearly has repercussions for the ability of member states to adapt to the new circumstances of a massive refugee movement from Ukraine.

Representing a crucial steppingstone in the creation of a comprehensive framework for the integration of BIPs, NIEM has assessed indicators referring to implementation and collaboration. In a nutshell, such indicators depict efforts towards developing, coordinating and implementing an all-of-government and all-of-society response to the challenges of refugee integration. This implies the existence of an overall strategy, cooperation within government and with social actors, the fostering of participation and a recognition that integration is a task for the receiving society as well.

Consequently, the following indicators have been monitored in the comparative research:

- the existence and implementation of an overall refugee integration policy/strategy;
- mainstreaming of integration across all relevant policy fields;
- multi-level and multi-sectoral coordination with local and regional authorities, social partners and civil society in the key dimensions of employment, vocational training, education, housing, health and social security;
- acknowledgment of integration as a two-way process and support for an active role on the part of the receiving society; and
- encouragement of the participation of BIPs in society and integration policy making.

It needs to be stressed that all indicators included in the NIEM instrument are derived from EU and international standards, such as the Geneva Convention, other international conventions on human and social rights, the EU asylum acquis and fundamental rights framework, as well as relevant EU policies including the Common Basic Principles on Immigrant Integration or the so-called partnership principle in the implementation of EU funding programmes (which play a significant role in the migrant integration area for many member states). In other words, the benchmarks against which governments are measured in NIEM represent only what they have agreed on, and should be committed to, under international law, supranational EU law and jointly adopted EU policies.

NIEM Evaluation 2 data refer to the provisions in place as of 31 March 2021 in Bulgaria, Czechia, France, Greece, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Romania, Slovenia, Spain and Sweden. Results have been scored on a scale from 0 to 100, ranging from the least supportive to the most supportive provisions. To highlight the practical meaning of the scores, they are related to four broad ranges in which the framework in place can be considered as being critically lacking (score

<sup>24</sup> cf. CARE (2022). Rapid Gender Analysis Ukraine, [https://www.care-international.org/files/files/Ukraine\\_Rapid\\_Gender\\_Analysis\\_Brief\\_CARE.pdf](https://www.care-international.org/files/files/Ukraine_Rapid_Gender_Analysis_Brief_CARE.pdf); Shreeves R. (2022). Russia's war on Ukraine: A gender-sensitive humanitarian response, EPRS European Parliamentary Research Service, [euparl.europa.eu/RegData/etudes/ATAG/2022/729328/EPRS\\_ATAG\(2022\)729328\\_EN.pdf](https://euparl.europa.eu/RegData/etudes/ATAG/2022/729328/EPRS_ATAG(2022)729328_EN.pdf)

below 25), marginally supportive (score below 50), moderately supportive (score below 75) and broadly supportive (score up to 100) for the integration of BIPs.

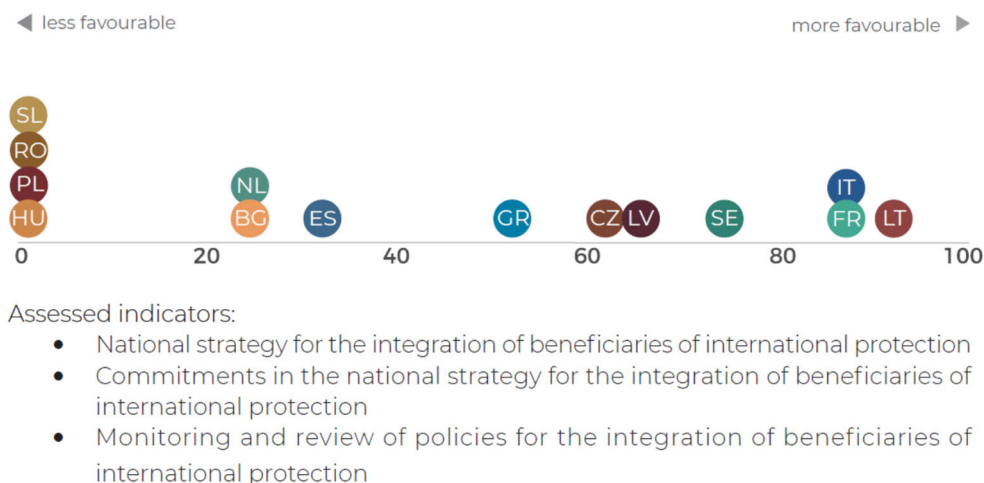
Put simply, indicators subsumed under the heading of implementation and collaboration lay bare whether a government is serious about comprehensive integration: with long-term commitments, lasting adaptation of mainstream policies to respond to the needs of BIPs, true collaboration across levels of government and with civil society, enabling of participation, and investments in the capacity of the receiving society to accommodate refugee immigration. In that respect, only three countries at least pass the half-way score and can be considered to provide moderately supportive conditions. Six countries are even seen to critically lack provisions.



Among the countries most affected by the refugee movement from Ukraine (in absolute numbers or relative to the population size) and included in NIEM, only one – Lithuania – emerges just above the threshold of an at least moderately supportive framework in place. Next to the rather weak integration infrastructure seen in Italy, Spain, Czechia and Latvia, especially policymakers in Bulgaria, Hungary, Poland and Romania should be concerned about the extraordinarily weak frameworks for the collaborative implementation of refugee integration found in their countries.

### 3.2. In focus: overall mainstreaming

A closer look at the results within various dimensions of integration further illustrate particular strengths and weaknesses of individual countries. What concerns overall mainstreaming, three indicators have been assessed and scored:



Together, these indicators capture whether governments have at their command a longer-term vision and plan for integration policies which are sensitive to the needs of BIPs; complete with a policymaking cycle including development, compulsory implementation and revision/further development. In this context, a national strategy is understood to be a policy document adopted by government and addressing the specific needs of BIPs (either as stand-alone policy or as dedicated part of a general integration or migration policy), underwritten by specific budgets. It should commit not only all relevant ministries (e.g. education, employment, housing) in addition to a ministry with prime responsibility for integration, but also local and regional authorities, as well as social partners. A regular mechanism to review the implementation of the strategy should be undertaken in coordination with all relevant stakeholders (ministries, regional and local authorities, trade unions, research institutions, professional associations, NGOs), with their advice duly taken into account; and also extending to the monitoring of integration outcomes of BIPs.

As of spring 2021, among the countries included in NIEM, Czechia, Italy, France, Greece, Latvia, Lithuania,<sup>25</sup> Spain and Sweden had a national strategy for the integration of BIPs. Hungary has allowed its integration strategy to expire with no clear plans to renew or replace it, while Romania had a two-year gap with no strategy and, although Bulgaria has a new migration strategy, it barely touches upon the specific integration needs of BIPs. The Netherlands, Slovenia<sup>26</sup> and Poland did not have a dedicated strategy for the integration of BIPs.

The results shown above reflect the extent to which countries achieve the benchmarks for a fully supportive framework, as an average of the provisions in place in each of the indicators. Looking at

<sup>25</sup> In Lithuania, two legal acts have been adopted on integration: i) the Action Plan on Integration of Foreigners into Lithuanian Society and ii) the Decree on State Support of the Procedure for the integration of foreigners granted asylum. These two acts are considered in this report as part of a national strategy for integration of BIPs.

<sup>26</sup> In 2019, Slovenia adopted a strategy in the field of migration. One chapter of this strategy focuses on integration but does not specifically address BIPs.

the indicators separately, only few countries achieve the best possible scores, as they are required by the benchmark to...

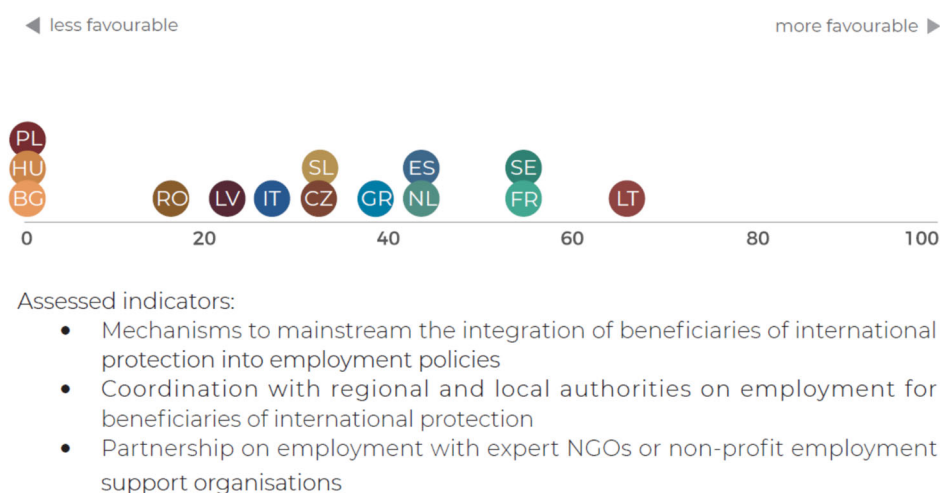


status as of 31 March 2021; countries shown fulfill the highest standard in the indicator

### 3.3. Implementation & collaboration across selected dimensions

Other indicators which are illustrative of the structural weakness of many countries in terms of dealing with the challenge of including refugees refer to implementation and collaboration within key policy areas. These indicators include sectoral mainstreaming, support for local and regional authorities as well as support for civil society organisations. For instance, results in the areas of employment, education and health highlight how rare fully-fledged refugee integration frameworks are which would systematically pursue integration agendas as an integral part of mainstream policies and with the involvement of all stakeholders.

#### Employment



Significant gaps persist in most countries, with no country providing a broadly supportive framework. In general, there are very few sector-specific strategies to facilitate the integration of BIPs through employment; or coordination mechanisms with regional and local authorities with the involvement of expert NGOs to assist BIPs to find employment. Only in a few cases countries achieve the highest standards, which require governments to...



... mainstream the integration of BIPs into employment policies (multi-stakeholder strategy, monitoring, policy review).

LT SE

... coordinate with regional and local authorities and employment bodies on employment for BIPs by providing both immaterial (e.g. guidelines, training) and material (funding) support.

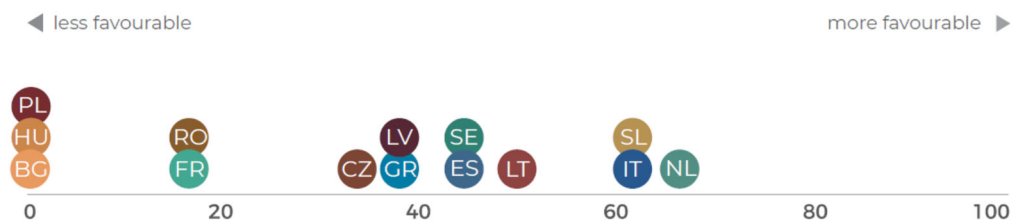
NL SE

... continuously provide means for expert NGOs or non-profit employment support organisations to assist BIPs to find employment.

CZ ES

status as of 31 March 2021; countries shown fulfill the highest standard in the indicator

### Education



Assessed indicators:

- Mechanisms to mainstream the integration of children and youth under international protection into education policies
- Coordination with regional and/or local education authorities and school boards on education for children and youth under international protection
- Partnership on education with expert NGOs

Italy, Slovenia and the Netherlands achieve, relative to the other countries, the best results. In these countries, the national governments provide material and immaterial support to regional education authorities and school boards to better deal with the education needs of children and youth under international protection. In addition, these countries continuously provide means for expert NGOs. Most of the countries, however, lack a multi-stakeholder strategy to facilitate integration in the education system and a mechanism to monitor education policies and outcomes for children under international protection. Similarly, only in some countries is comprehensive multi-level coordination with regional and local education authorities fully implemented. Moreover, in the majority of countries, there is no systematic state support for expert education NGOs within an established framework. This widely deficient situation becomes obvious when looking at the highest standards which require countries to...

... establish multi-stakeholder mechanisms to mainstream the integration of children and youth under international protection into education policies.

LT

... ensure systematic coordination with regional and/or local education authorities and school boards on education for children and youth under international protection.

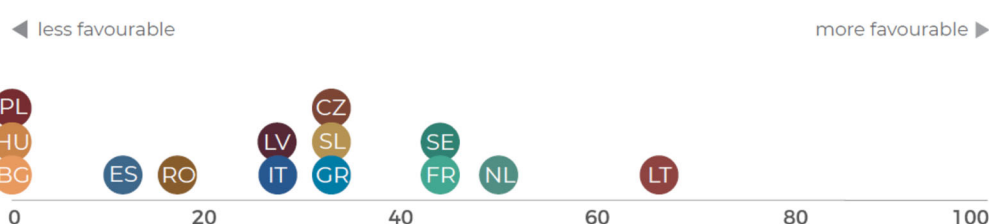
BG GR SL NL IT SE

... continuously provide means for expert NGOs within an established framework

CZ ES NL

status as of 31 March 2021; countries shown fulfill the highest standard in the indicator

## Health



Assessed indicators:

- Mechanisms to mainstream the integration of beneficiaries of international protection into health care
- Coordination with regional and local authorities and/or health bodies on health care for beneficiaries of international protection
- Partnership on health care with expert NGOs

Mainstreaming, multi-level coordination and support as well as partnerships with expert NGOs represent a particular weakness in the health dimension. Lithuania sees the most favourable results, as an Action Plan on the Integration of Foreigners into Lithuanian Society involves all relevant partners to facilitate the integration of BIPs in the health field. Overall, only in exceptional cases do governments fulfil the highest benchmarks, which require them to...

... mainstream the integration of BIPs into health policies (multi-stakeholder strategy, monitoring, policy review).

LT

... coordinate with regional and local authorities and/or health bodies on health care for BIPs by providing both immaterial (e.g. guidelines, training) and material (funding) support.

SE

... continuously provide means for expert NGOs to assist BIPs to receive adequate health care.

CZ

status as of 31 March 2021; countries shown fulfill the highest standard in the indicator



## 4. Insights from NIEM: Inadequate integration policies

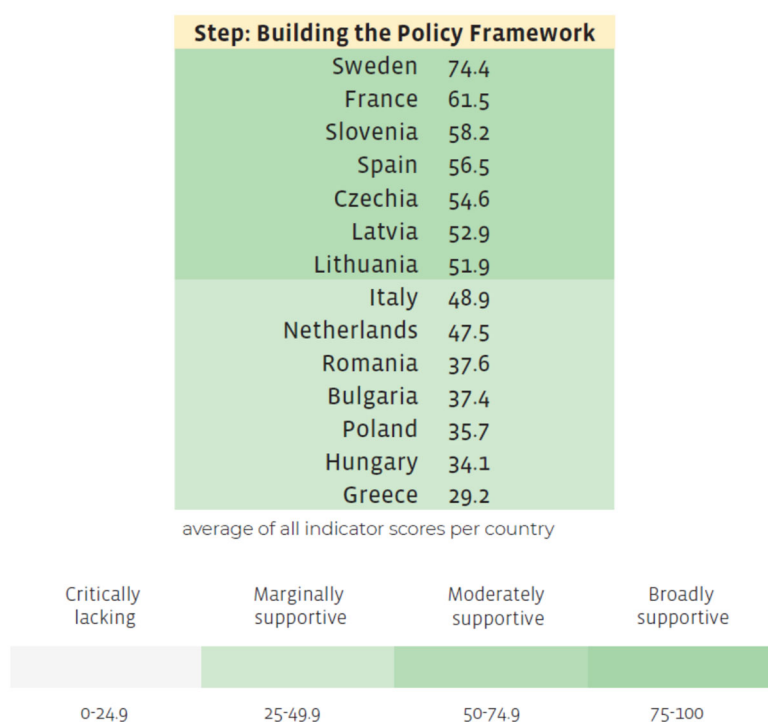
### 4.1 Building the policy framework: overall results

Another type of NIEM indicators measuring the maturity of national integration frameworks refer to policies, rules and arrangements which actively support the integration process across all dimensions of integration. Results based on 2021 data refer to the policies in place for recognised refugees and persons under subsidiary protection. Although it is far from being granted that these existing policies will be made accessible for persons under temporary protection, it is worth considering these results here as well. On the one hand, they shed light on where developed policies already exist and “only” need to be opened and scaled up, so that persons under temporary protection can also benefit. On the other hand, these results point to gaps in existing integration policies and highlight where government will be especially hard pressed when establishing policies catering to the needs of refugees from Ukraine, either from scratch or from a very low level of development.

Across the various dimensions of integration, NIEM policy indicators refer to

- the availability, scope and duration of targeted provisions and services;
- provisions for special needs groups and needs-based criteria for the allocation of goods and services;
- the absence of administrative barriers;
- fees for long-term residence, family reunification and citizenship; and
- awareness-raising/information for stakeholders and beneficiaries.

The results thus reveal to what extent governments go beyond the passive implementation of an appropriate legal framework and towards the active assistance of BIPs in the process of settling in and achieving long-term inclusion and well-being. To ensure equal opportunities, targeted policies and services, where needed, as well as barrier-free access to basic public services are at the core of a comprehensive approach to integration. While none of the NIEM countries are doing better overall than providing moderately supportive conditions, half of the 14 countries make do with a policy framework that is only marginally supportive.



Member states hosting most people under temporary protection (in absolute numbers or relative to the population size) and which are included in NIEM, are situated in this ranking somewhat above or below the threshold to a moderately supportive framework: Spain, Czechia, Latvia, Lithuania and Italy. In these countries, the foremost question is whether they succeed in making their existing support policies available to beneficiaries of temporary protection and to endow their policies with sufficient resources to meet the increased demand for measures like language courses, validation of skills, education support, psychosocial health care etc. Hungary, Poland, Bulgaria and Romania, on the other hand, rather have such deficient policy frameworks that the challenge lies more in the creation and rebuilding of integration policies from a very low level of engagement.

#### 4.2. Policy frameworks in selected key indicators

A closer look at some selected policy indicators in the dimensions of language learning, employment and health illustrates both the potential for scaling up of existing policies as well as the significant gaps which call for the creation of new policies, open to all categories of BIPs including persons under temporary protection. Without a deliberate effort to drastically change the prevailing policy approach to refugee integration, there is no reason to assume that the situation will be much different for persons under temporary protection than the oftentimes deficient conditions for recognised refugees and persons under subsidiary protection.

##### *Language learning*

Support for learning the new language is not provided in all countries; and where it is, publicly sponsored language learning courses are often insufficient. Until now, for example, free and adequate language courses for BIPs are only partially available in countries like Poland and Romania, and completely absent in Bulgaria and Hungary. Free language courses, with no further obligations such as costs and compulsory attendance attached, are provided in Czechia, Italy, Latvia, Romania, Slovenia, Spain and Sweden; however only in four of these countries, courses can be taken until proficiency is attained. The value of language learning programmes differs widely, with only Czechia and Sweden making sure that the most important components of quality language courses are in place. On the positive side, in nearly all countries where publicly sponsored host country language learning is provided, this comes without administrative barriers.

Only the following countries achieve the benchmark standards in the related indicators, which require governments to...

... ensure access to free language courses with no further obligation attached



FR: mandatory for beginners

... ensure high quality of language tuition (course placement according to needs, targeted curricula, trained second-language teachers, regular evaluation along country-wide quality standards, different formats for different target groups)



... provide for language learning based on individual assessment until proficiency is attained or without a general time limit

ES IT LT SE

... not to impose any administrative barriers to host language learning (hard-to-obtain documentation, delays, discretionary decisions).

CZ ES GR IT LT NL PL SE  
SL

### Employment

Beyond enjoying equal access to the labour market, dedicated support to BIPs to find employment – and efforts to create a level playing field for BIPs – remain patchy across countries. The quality and availability of procedures to recognise qualifications and validate skills varies considerably. Bulgaria, Hungary, Poland and Spain are among the countries which do not fulfil any of the three quality criteria assessed; while Czechia, fulfilling all of them, is an exception among the NIEM countries hosting many persons under temporary protection. France, with its action plan promoting the recognition of skills, professional experience and qualifications of newly arrived foreign nationals, can serve as a model for attempts to systematically improve the situation.

Only four countries – among them Latvia and Lithuania – provide a full range of active labour market policies targeted to the specific needs of BIPs, bringing together specialised counselling for job seekers and positive action such as on-the-job trainings or support for employers. On the other hand, NIEM data point to a general omission of BIPs in labour market policies in Bulgaria, Hungary and Poland, leading to lower chances of securing employment in their new host countries. Generally, most countries are far away from a comprehensive approach as pursued in Sweden, where labour market insertion is a cornerstone of an introduction programme lasting at least 24 months and focusing on employment services, language training and civic orientation. The programme includes validation of the newcomers' education, work experience and skills as well as several forms of subsidized employment.

Only the following countries achieve the benchmark standards in the related indicators, which require governments to...

... provide for high standards in the assessment of skills (country-wide criteria, translation, procedures where documentation is missing).

CZ SL SE

... provide for job-seeking counselling and positive action.

LV LT SL SE

... not to impose any administrative barriers to accessing employment (hard-to-obtain documentation, delays, discretionary decisions).

BG CZ HU IT LT PL SE

... raise awareness about the specific labour market situation of BIPs.

SE

## Health

Even in the area of health – where access to a system of health coverage is widely assured – the provision of supportive policies which help BIPs to actually receive the health assistance they need remains deeply problematic in many countries. Only six out of the 14 assessed countries are completely free of administrative barriers for obtaining health care, such as lack of information about entitlements, waiting times and requirements like the existence of a registered address. NIEM countries receiving high numbers of persons under temporary protection are, under their existing policy frameworks for BIPs, known for hard-to-obtain necessary documentation (Spain), discretionary decisions (Bulgaria, Hungary, Italy) and excessive delays (France, Italy, Latvia, Poland, Spain).

Deficits related to communication emerge as the biggest challenges, as most countries fail to provide individualised advice on entitlements and health services to BIPs, lack interpretation services in the health system and do not do enough to improve knowledge about specific needs and entitlements of BIPs among health actors. Again, as a model that could inspire improvements in other member states, France's Vulnerability Plan promotes healthcare provision among BIPs, including campaigns surrounding psychosocial needs.

Only the following countries achieve the benchmark standards in the related indicators, which require governments to...

... proactively raise awareness among health care providers about the entitlements and specific health issues of BIPs.

FR IT SE

... not impose any administrative barriers to obtaining health care (hard-to-obtain documentation, delays, discretionary decisions).

CZ GR LT NL RO SE

... systematically provide individualised information on health care entitlements and use of services.

CZ FR SE

... provide for free interpretation services across the health system or at least in major destination areas.

IT ES SE

## 5. Conclusions: The next defining moment for EU asylum and integration policies?

The activation of the temporary protection directive has set in motion a process among member states of implementing a new protection and integration regime for persons having fled war in Ukraine. This process is still ongoing, dynamic and continuously sees governments adopting provisions in policy areas like education, housing, employment, social security and health. In order to monitor this newly emerging integration framework, a full-scale assessment of the temporary protection regime along legal, policy and collaborative implementation indicators – as included in the NIEM instrument – is urgently needed, and ideally should take place for all member states.

However, as this policy brief has shown, parts of the existing NIEM data are already telling a lot about the readiness of countries to integrate the new arrivals. Based on the NIEM research, member states most affected by the current refugee movement are rather badly prepared, given the serious structural weaknesses in the overall setup of their refugee integration policies. It is likely that as the crisis persists, temporary protection will turn into a prolonged stay in the EU for many displaced persons. There is a grave danger that at this point the pre-existing deficits in the refugee integration policies of member states will come fully to the fore and seriously hinder the well-being of people displaced from Ukraine and their prospects for a self-sustained life.

Thus, member state governments should see the current crisis as an opportunity to kick-start the creation of more comprehensive, needs-based refugee integration systems. These would entail the mainstreaming of integration across the board, offering vital support to all protection groups and with the necessary infrastructure in place for a sustainable, truly all-of-government and all-of-society response.

### *The persistent integration gap in the Common European Asylum System*

What is more, the Ukraine crisis has at least the potential to become a game-changing moment for European migration and asylum policies. As shortcomings in integration infrastructures will become evident in the temporary protection context, they will lay bare the prevailing integration gap in the Common European Asylum System. Largely ignored by the participants of the EU policy debate, the hugely diverging integration standards for BIPs across member states are in fact one of the many reasons why the CEAS remains dysfunctional – next to the widely discussed shortcomings such as diverging reception standards and capacities, differences in recognition rates and in the duration of procedures, or the overall lack of solidarity and responsibility-sharing among member states.

And there are reasons why states do not invest in improved refugee integration policies. Member state governments which pursue restrictive asylum policies, aimed at reducing the number of arrivals, play on a straightforward fact: if people do not feel welcome and cannot see a perspective for a dignified and good life, but are faced instead with barriers to access jobs, decent housing and education for their children; when they experience discrimination, denial of support and no acceptance of their presence in society, they will rather not apply for protection in a country in the first place. And if they do, they rather choose to move to another member state during an asylum procedure or will do so even after recognition as a beneficiary of international protection.

Following this logic, rudimentary and deficient refugee integration frameworks have acquired a role in deterring arrivals, while “generous” integration policies are considered a pull factor to be avoided.<sup>27</sup> Instrumentalised in that way, refugee integration has become an implicit, rarely openly

<sup>27</sup> Ahlén A., Boräng F. (2018). Immigration Control in Disguise?: Civic Integration Policies and Immigrant Admission. *Nordic Journal of Migration Research*, 8(1), 3; Beine M., Machado J., Ruyssen I. (2020). Do potential migrants internalize migrant rights in OECD host societies? *Canadian Journal of Economics/Revue Canadienne*

acknowledged, part of the EU asylum conundrum and the policy debate on solidarity and responsibility sharing which has raged among member states since the 2015/16 crisis. While some member states are deeply reluctant to improve their refugee integration policies, others fear that their comparatively high standards will lead to shouldering a disproportionately high burden. Only adding to the dysfunctionality of the current CEAS, the fall-out of underdeveloped refugee integration policies which are deliberately kept at a minimum will involve negative integration outcomes and higher long-term integration costs, with marginalised, socially excluded and under-employed migrant communities in need of public support.

However, there is more to restrictive asylum and integration policies than the (perceived) cooperation dilemmas among member states in the Common European Asylum System. The assertion of policies concerned with deterring arrivals and denying access to protection can only happen where significant parts of society and of the political elite are not at ease with immigration and its related social changes. The widespread insistence on the temporary nature of refugee protection by politicians and the avoidance in political discourse of the obvious fact that refugee reception leads to long-term presence of immigrants<sup>28</sup> is only the expression of larger, underlying issues. Ultimately, crucial factors behind different levels of integration policy standards are deep-seated social beliefs of not being a country of immigration, as well as prevailing conceptions of citizenship and of the place of immigration in national identity. No European country has evolved easily into a society broadly accepting of migration, and the different positions of member states on these historic trajectories render it so fundamentally difficult to find a common understanding among EU governments on the necessity and purpose of highly developed integration policies.

With this broader picture in mind, two scenarios are conceivable on how the Ukraine crisis will impact on the protracted CEAS reform dossier – one where member state positions remain entrenched, with only piecemeal progress based on voluntary solidarity, and one where the need to rebuild integration policies as response to the Ukraine arrivals lead to serious efforts to diminish the integration gap in EU asylum policies.

#### *What next: Entrenched positions...*

In the scenario marked by entrenchment, various governments of member states affected by the current inflow from Ukraine will stick to the position that with the support provided their country contributes its fair share to the reception of refugees in the EU. These member states will continue to refuse taking part in any compulsory solidarity mechanism as was proposed by the European Commission in its New Pact on Asylum and Migration in 2020.<sup>29</sup> Except at the borders with Ukraine, they will also continue with restrictive border policies aimed at minimising access to protection systems for asylum seeking nationals from other third countries. The temporary protection regime will be used to erect a separate and preferential integration system, where persons who fled Ukraine have access to services and provisions which are not available to BIPs who had arrived as asylum seekers. Open to allegations of representing a discriminatory or even latently racist approach to

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d'économie, 53(4), 1429–1456; Beverelli C. (2022). Pull factors for migration: The impact of migrant integration policies. *Economics & Politics*, 34(1), 171–191.

<sup>28</sup> e.g., Constant L. et al. (2021). In Search of a Durable Solution. Examining the Factors Influencing Postconflict Refugee Returns. RAND: Santa Monica

<sup>29</sup> European Commission (2022). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, Brussels, 23.9.2020, COM(2020) 609 final



international protection<sup>30</sup>, such two-pillared systems will suffer from the costs of integration denied to a significant share of persons under international protection, and from widely inefficient and cumbersome integration frameworks.

Current developments rather point to this scenario of a further entrenched EU asylum debate. As policymakers in east central Europe maintain their rhetoric of Ukrainians not representing “real” refugees<sup>31</sup>, the 2022 French presidency could only secure piecemeal progress with eventually 18 EU countries (excluding numerous member states in east central Europe) agreeing on a voluntary solidarity mechanism<sup>32</sup>, at a time when literally millions of refugees arrived in the EU.

#### *... or a reset of the EU asylum and integration debate?*

On the other hand, in a dynamic, game-changing scenario, policy shortcomings will become painfully visible as integration challenges on the ground mount in the coming months. Concrete needs turn out to be principally the same for those displaced from Ukraine as for beneficiaries of international protection from other parts of the world: they need language courses, social orientation, receptive school systems, recognition and validation of formal qualifications skills, targeted qualification programmes, job counselling, psychosocial and mental health care, etc. With a sustained high level of commitment to protect those who fled war in Ukraine, member states most affected will have to invest heavily in the upscaling or creation of public refugee integration policies, not the least to relieve civil society from carrying a major burden in the effort. The sheer volume of the task will pressure governments into new forms of cooperating with local/regional authorities and NGOs as well as supporting them with concrete means. National integration strategies will be revamped, to respond to the hugely grown challenge, and will have to encompass provisions for all protection groups. At the same time, and as has happened in other countries which have experienced large-scale refugee arrivals in the past, experiencing the current response will make it easier for societies and institutions to come to terms with migration, leading to higher social acceptance of refugee reception and their long-term integration.

As new, resilient and mainstreamed integration frameworks are being built, policymakers will give up any pretensions they may hold that beneficiaries of temporary protection and BIPs who arrived as asylum-seekers represent fundamentally different groups of refugees – which they are not in terms of their actual integration requirements. In case the activation of the temporary protection directive expires, a European debate about the future status of beneficiaries of temporary protection is likely to further accelerate the creation of comprehensive integration frameworks.<sup>33</sup> If the Commission and

<sup>30</sup> Carrera S., Ineli-Ciger M., Vosyliute L., Brumat L. (2022). The EU grants temporary protection for people fleeing war in Ukraine. Time to rethink unequal solidarity in EU asylum policy, CEPS Policy Insights No 2022-09/ March 2022, pp. 29-33

<sup>31</sup> For example, the Polish president has repeatedly referred to “guests rather than refugees”, Andrzej Duda, Solidarity in the face of Russian aggression, Website of the Republic of Poland, 3 May 2022:

<https://www.gov.pl/web/libya/solidarity-in-the-face-of-russian-aggression-article-by-president-andrzej-duda>

<sup>32</sup> French Presidency of the Council of the European Union, First step in the gradual implementation of the European Pact on Migration and Asylum: modus operandi of a voluntary solidarity mechanism, 22 June 2022, <https://presidence-francaise.consilium.europa.eu/en/news/first-step-in-the-gradual-implementation-of-the-european-pact-on-migration-and-asylum-modus-operandi-of-a-voluntary-solidarity-mechanism-1/>. Notably, Bulgaria, Croatia, Czechia, Lithuania and Romania are among the member states subscribing to the solidarity mechanism.

<sup>33</sup> Carrera S., Ineli-Ciger M., Vosyliute L., Brumat L. (2022). The EU grants temporary protection for people fleeing war in Ukraine. Time to rethink unequal solidarity in EU asylum policy, CEPS Policy Insights No 2022-09/ March 2022, p.28f; Angenendt S. et al. (2022). Maintaining Mobility for Those Fleeing the War in Ukraine. From

member states judge that the reasons for granting temporary protection do not persist any longer, persons under temporary protection who do not return will either have to undergo a status determination procedure (where they will end up as belonging to one of the traditional protection groups, if positive) or be granted long-term residence. In either case, the addition of a significant number of people to existing target groups of integration policies will call for the expansion and consolidation of these policies.

In addition, the size of the unfolding task will place member states most affected in a situation where they need European solidarity. Next to massive funding support in the integration area, this could even entail wishes for the relocation of persons under temporary protection to other member states. Governments may become inclined to revisit the activation decision of the temporary protection directive, which deliberately had spared out the directive's provisions on a relocation mechanism under its articles 25 and 26, following opposition from Poland and Hungary.<sup>34</sup> A change of mind like this will put governments which hitherto were blocking moves towards shared responsibility into a quite different spot in the EU negotiation game, where they would be more open to the notion of binding solidarity and responsibility sharing among member states.

This would mark the context for a new, more holistic EU asylum and integration debate that would also pay attention to the highly diverging integration policy standards which prevail across member states. Re-framing a debate which is overly focused on the reception phase and responsibility sharing only with regard to asylum seekers, such a renewed EU policy discourse would reset the argument that got stuck after 2015/16.

#### *Aligning integration policies EU-wide*

A core component of such a holistic asylum and integration debate would be a serious attempt to better harmonise refugee integration policies, acknowledging that without same high standards across the EU, a truly common asylum system will remain elusive. In the short run, this would mean to fully employ the possibilities under the existing rules and instruments. Based on the objectives set out in EU integration policy documents (notably, the 2021 to 2027 Action Plan and the Common Basic Principles) and on the rich integration expertise found in member states, EU mutual learning and policy transfer formats such as the European Integration Network (EIN) can be used to fast-track the development and implementation of new member states policies. As already done in several instances, the European Semester should regularly include recommendations to member states aimed at improving integration outcomes in its annual economic and social policy cycle.

Especially in those countries where EU funds like AMIF represent a major source for financing integration measures, member state-managed programmes should be used for integration purposes to the maximum possible extent. The ERDF-sourced CARE facility and AMIF means drawing on extended 2014 to 2020 EU budget lines<sup>35</sup>, as well as integration funding under the 2021 to 2027

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Short-term Protection to Longer-term Perspectives, SWP Comment No.26, [www.swp-berlin.org/publications/products/comments/2022C26\\_RefugeesUkraine.pdf](http://www.swp-berlin.org/publications/products/comments/2022C26_RefugeesUkraine.pdf)

<sup>34</sup>Carrera S. et al. (2022). op.cit., p.16

<sup>35</sup> In April 2022, to ensure EU countries have sufficient resources to meet the growing needs for housing, education and healthcare needs of refugees from Ukraine, legislation was adopted allowing member states to redirect unallocated resources from 2014 to 2020 cohesion policy funds and the Fund for European Aid for the Most Deprived (FEAD), as well as to extend by one year the implementation period of the 2014 to 2020 AMIF funds and unlock access to unspent amounts (expected to release up to €420 million in additional AMIF support); cf. Regulation (EU) 2022/562 of the European Parliament and of the Council of 6 April 2022 amending Regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards Cohesion's Action for Refugees in Europe



AMIF programme (including its flexible Thematic Facility for unforeseen needs), should be fully devoted to supporting not only the current emergency response, but also for the development of comprehensive integration frameworks. Allocation of EU funding should be made conditional on their absorption at all levels government, thus fostering the establishment of comprehensive integration frameworks. ESF+ means, in line with the 2021 to 2027 mandate of this programme, should be widely mobilised for the support of long-term integration through its member state-managed national programmes. The Partnership Principle on the involvement of local, regional and civil society stakeholders in the programming and monitoring of EU funds should be fully complied with, to help establish improved multi-level and multi-stakeholder integration policy coordination.

In the longer run, however, the existing rules and instruments may not suffice to lead to same high integration policy standards across the EU. Based merely on financial incentives and open coordination, the power of all these instruments is quite likely to be insufficient to achieve close alignment among member states. The repercussions of the Ukraine crisis, in conjuncture with the Future of Europe process and the renewed debate about the treaty base of the European Union<sup>36</sup>, may present a unique opportunity to reconsider the very foundations of EU competencies in migrant integration. 25 years after the treaty of Amsterdam which led to today's EU migration and asylum acquis, the time may be ripe to re-assess, in light of the problems arising from non-harmonised refugee integration policies, Article 79 (4) TFEU which excludes any harmonisation of the laws and regulations of the member states.

Whichever scenario will play out in the coming months and years, EU asylum and migration policies are at a crossroad, again.

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(CARE); Regulation (EU) 2022/585 of the European Parliament and of the Council of 6 April 2022 amending Regulations (EU) No 514/2014, (EU) No 516/2014 and (EU) 2021/1147.

<sup>36</sup> Conference on the Future of Europe, Report on the final outcome, May 2022; Council of the European Union, Conference on the Future of Europe - Proposals and related specific measures contained in the report on the final outcome of the Conference on the Future of Europe: Preliminary technical assessment, Note from the General Secretariat of the Council 10033/22, 10 June 2022