



The impact of travel to Ukraine on refugees' legal status and access to rights in host countries

Photo: Feb 2022, Slovakia: People fleeing Ukraine cross the border into Slovakia at the Vysné Nemecke crossing point.
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Context

The war in Ukraine has precipitated one of the largest displacement crises in the world, with approximately 5.9 million refugees recorded in Europe alone to date.¹ The implementation of the Temporary Protection Directive (TPD) in the European Union and similar legal schemes elsewhere has enabled millions of refugees from Ukraine to access protection and rights in host countries.

As illustrated through UNHCR's [intentions surveys](#), the majority of refugees from Ukraine hope to return to Ukraine one day. The ongoing international armed conflict and associated safety and security concerns prevent most from permanently returning home at the current time, although there are signs of permanent returns having taken place back to Ukraine. Many refugees have temporarily returned to Ukraine since their arrival in host countries, primarily to visit family members from whom they have been separated because of the war and to obtain documentation.

As noted in [UNHCR's position on voluntary return to Ukraine](#), the ability of refugees to travel home for short periods can help pave the way for more durable returns in the future once conditions permit. UNHCR's intentions surveys support this view, with respondents who have been able to conduct a temporary visit to Ukraine more likely to report plans to return permanently in the future.²

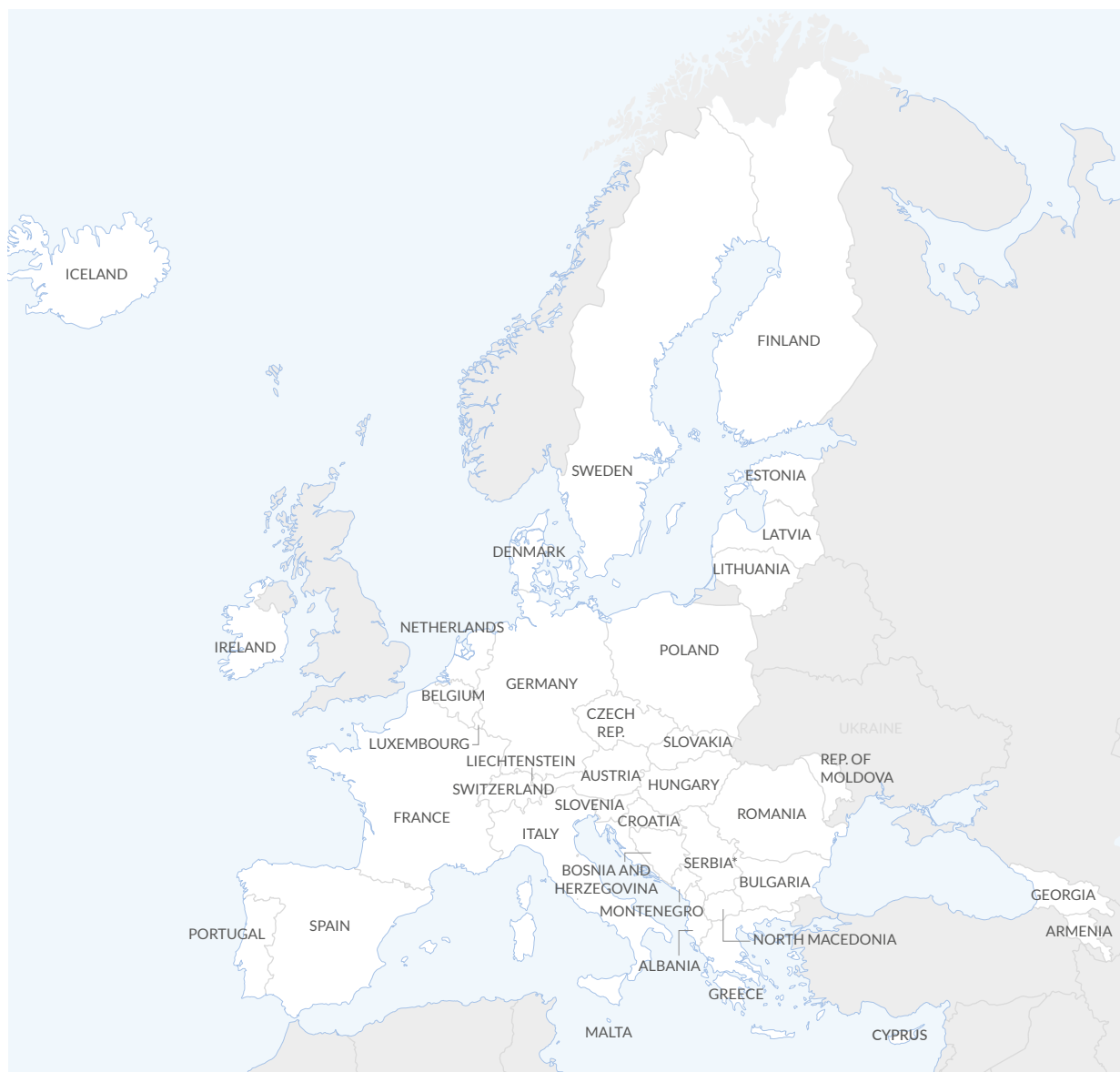
This report aims to shed light on the impact of travel to Ukraine on refugees' legal status and access to rights in 38 host countries in Europe. The research demonstrates widely varying approaches between host countries towards refugees who travel back to Ukraine with significant differences in the consequences for access to legal status and associated rights.

Methodology

The report is based on research conducted by UNHCR in July 2023 in 38 countries in Europe, including all 27 EU Member States. The research focused on the impact of travel to Ukraine on refugees' legal status and access to rights in host countries. It is complemented with border monitoring data obtained from government authorities, UNHCR's protection monitoring, and intentions surveys.

1 <https://data.unhcr.org/en/situations/ukraine> (as of 1 August 2023)

2 UNHCR, Lives on Hold: Intentions and Perspectives of Refugees from Ukraine #4, available at <https://data.unhcr.org/en/documents/details/101747>

HOST COUNTRIES WHERE RESEARCH WAS CONDUCTED ON THE IMPACT OF TRAVEL TO UKRAINE ON LEGAL STATUS AND ACCESS TO RIGHTS

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

**Serbia and Kosovo (S/RES/1244 (1999))*

Regulating the impact of returns to Ukraine

The TPD does not contain clear legal provisions regulating short term visits to the country of origin of temporary protection (TP) beneficiaries. Whilst Article 21 refers to 'voluntary return' and refers to the fact that Member States may provide for 'exploratory visits', no definition of either term is provided, leaving room for considerable divergence in state practice. Other legal regimes regulating the stay of refugees from Ukraine in countries outside the EU employ a variety of approaches toward the same issue.

UNHCR has urged host States to maintain a flexible approach to short-term visits to Ukraine, which can help facilitate fully informed decisions on longer term return. UNHCR recommends that an individual's legal status and associated rights in a host country are not affected by a visit to Ukraine lasting less than three months. UNHCR additionally recommends that in the event of longer-term travel to Ukraine, hosting countries temporarily de-activate temporary protection (TP) and other legal status rather than withdrawing legal status or de-registering individuals, in order to avoid administrative burdens and facilitate renewed access to protection if required.³

Similarly, the European Commission has issued guidance that refugees from Ukraine do not need to de-register when they travel back to Ukraine but

that their TP status should be treated as 'inactive' so that individuals may regain the benefits associated with the TPD in a swift and easy manner if needed. EC guidance also states that EU Member States should avoid revoking the residence permits of refugees who return to Ukraine, only discontinuing the benefits which are associated with TP status, in order to avoid bureaucratic hurdles associated with reissuance of residency should the individual return to the EU at a later date.⁴

However, travel to Ukraine can have a significant impact on the legal status and associated rights refugees currently enjoy in their host countries. According to UNHCR's protection monitoring data, 10% of refugees who have temporarily visited Ukraine have experienced challenges upon their return, notably as a result of the revocation of their legal status and the suspension of associated benefits, with reported challenges with efforts to re-instate this upon return to host countries.⁵ In addition, respondents to UNHCR's [intentions survey](#) indicate that a significant number are unable to engage in a temporary visit to Ukraine due to several barriers including security concerns, a lack of funds, missing documentation and a fear of losing their legal status in host countries.

3 UNHCR, Position on Voluntary Return to Ukraine, available at <https://www.refworld.org/pdfid/649a7c744.pdf>

4 European Commission's 'Frequently asked questions on going home to Ukraine on a voluntary basis in the context of the Temporary Protection Directive', available at https://home-affairs.ec.europa.eu/system/files/2022-12/Frequently%20Asked%20Questions%20on%20going%20home%20to%20Ukraine%20on%20a%20voluntary%20basis%20in%20the%20context%20of%20the%20Temporary%20Protection_en.pdf

5 UNHCR, Displacement Patterns, Protection Risks and Needs of Refugees from Ukraine #2, available at <https://data.unhcr.org/en/documents/details/100191>

Movements from and to Ukraine

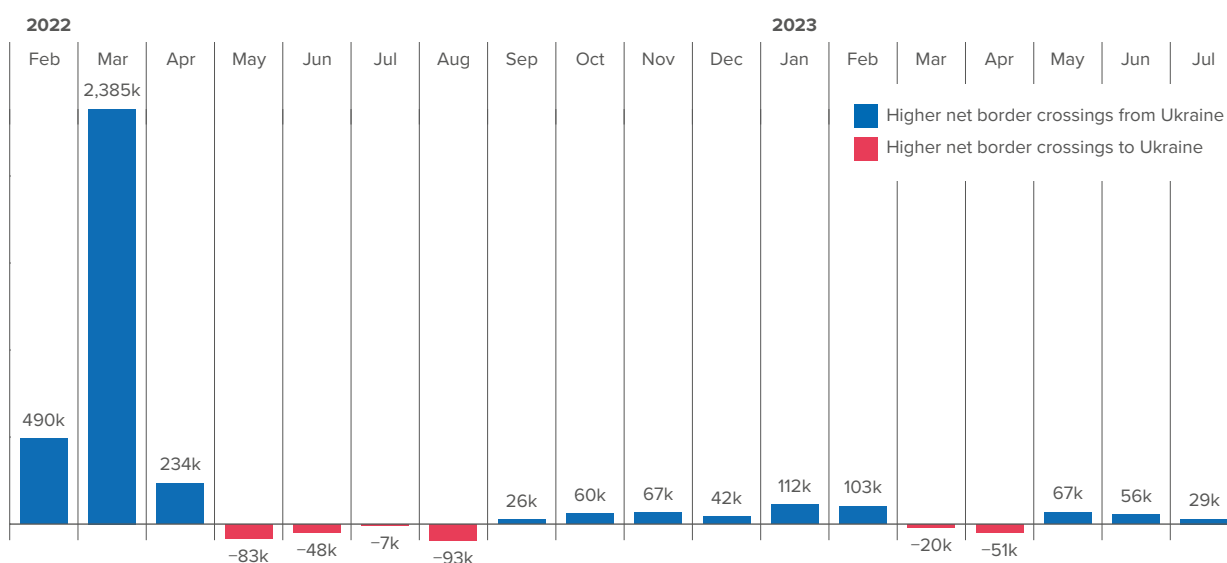
According to data made available to UNHCR by the border authorities in Poland, Moldova, Romania and Slovakia, the net number of crossings from Ukraine to neighbouring countries has consistently exceeded the number of crossings back to Ukraine – with two exceptions.⁶

Firstly, from May to August 2022 crossings back to Ukraine were higher than those out of the country. In addition to short-term visits, it is highly likely that a proportion of movements back to Ukraine during this period were driven by refugees returning with an intention to stay. In fact, IOM's assessment, conducted between 11 May and 14 June 2023, found that 69% of returnees had been back in their place of origin for 6 months or more, with an average duration of nine months since returning.⁷ Secondly, between March and April 2023, higher net crossings to Ukraine were recorded, likely because of temporary visits for Easter holidays, as it was followed – in the weeks after Easter – by an increase in movements out of Ukraine.

A significant number of refugees report temporarily returning to Ukraine, primarily to visit family members. The Ukraine refugee crisis continues to be characterised by high levels of family separation – almost 80% of respondents in UNHCR's protection monitoring reported being separated from at least one immediate family member as a result of the war⁷ – which continues to drive a significant proportion of pendular movements between Ukraine and host countries.

Data from UNHCR's intentions survey shows an increase over time in the proportion of refugees who have visited Ukraine at least once since their arrival in host countries: from 17% during the second round of intentions survey to 28% and 39% during the third and fourth rounds respectively. UNHCR's intentions survey further highlighted that 40% of refugee respondents who had not yet made a temporary visit to their area of origin were unable to engage in a visit to Ukraine even if they had wanted to, mainly due to security concerns and lack of funds, followed by caregiving responsibilities, a lack of documentation and the fear of losing their legal status in host countries.⁸

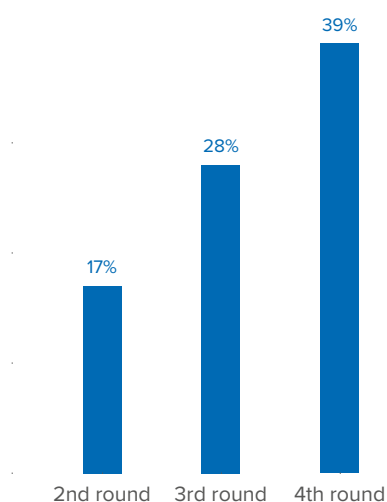
BORDER CROSSINGS FROM AND TO UKRAINE IN POLAND, MOLDOVA, ROMANIA AND SLOVAKIA (NUMBER OF CROSSINGS)



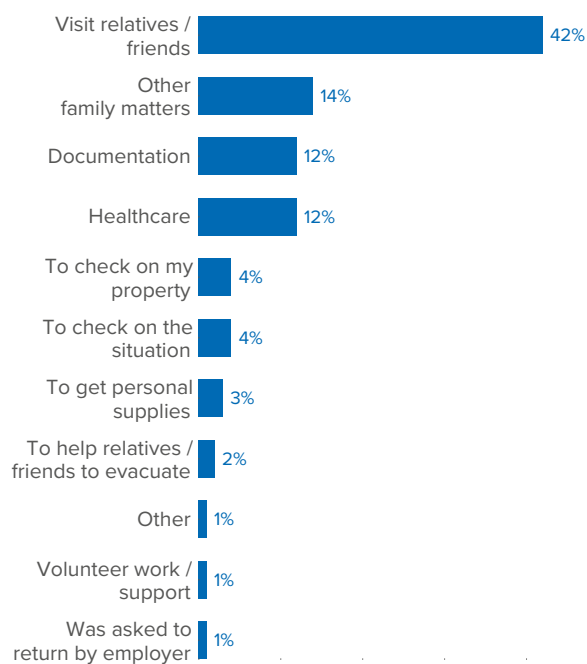
⁶ Data obtained from government authorities in Moldova, Poland, Romania, and Slovakia

⁷ [Document - DISPLACEMENT PATTERNS, PROTECTION RISKS AND NEEDS OF REFUGEES FROM UKRAINE - REGIONAL PROTECTION ANALYSIS # 1 \(unhcr.org\)](#)

⁸ UNHCR, Lives on Hold: Intentions and Perspectives of Refugees from Ukraine #4 available at <https://data.unhcr.org/en/documents/details/101747>

PERCENTAGE OF REFUGEES WHO HAVE VISITED UKRAINE AT LEAST ONCE

Source: UNHCR intentions survey

REASONS FOR TEMPORARY VISITS TO UKRAINE (% RESPONDENTS)

Source: UNHCR intentions survey

Analysing the impact of travel to Ukraine on legal status and access to rights in host countries

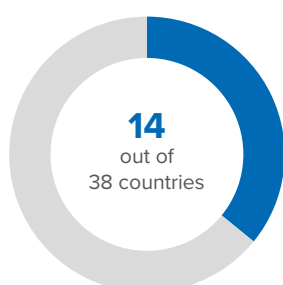
The Impact of travel to Ukraine on legal status

In 14 out of 38 countries surveyed – including 8 EU Member States applying the Temporary Protection Directive (TDP) – travel to Ukraine impacts refugees' legal status. The impact of travel on legal status varies by country, however. The majority – 10 out of 14 countries (including 6 EU Member States) – revoke or withdraw refugees' temporary protection and/or other legal status; 2 countries deactivate refugees' legal status; and 2 countries cancel their residence permits linked to the legal status.

As with the impact on legal status, the minimum duration of stay in Ukraine that affects refugees' legal status also differs by country. In two countries, a mere 2-4 weeks stay in Ukraine affects refugees' legal status, while 1-2 months stay impacts refugees' legal status in two other countries. In six countries (including 4 EU Member States), the duration of stay in Ukraine that affects legal status is not explicitly provided, resulting in significant uncertainties for refugees who plan to travel back to Ukraine.

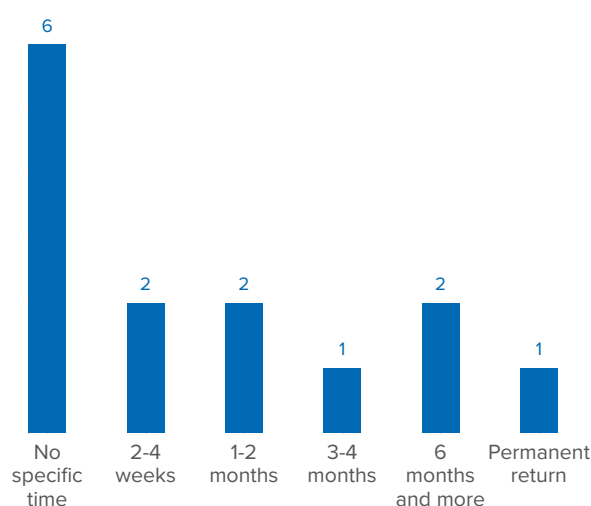
In 5 out of the 14 countries where travel to Ukraine impacts refugees' legal status, the minimum duration of stay in Ukraine which will impact legal status is set out in national legislation. However, contradictory practices have been observed in 2 countries, with refugees reporting the withdrawal of temporary protection status and cancellation of residence permits due to shorter stays in Ukraine than that outlined in national legislation.

NUMBER OF COUNTRIES WHERE TRAVEL TO UKRAINE IMPACTS REFUGEES' LEGAL STATUS

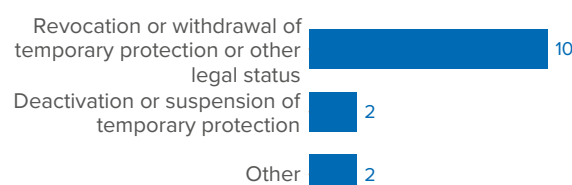


In all 14 host countries where travel to Ukraine affects legal status, refugees can re-activate their existing status or re-apply for a new status upon their return from Ukraine. However, in 3 out of 14 countries (including 2 EU Member States) refugees report challenges with the reactivation/reapplication process – from a lack of formal notification about the withdrawal of their status to lack of clarity about government institutions in charge of the reapplication/reactivation process.

MINIMUM DURATION OF STAY IN UKRAINE THAT IMPACTS LEGAL STATUS (NUMBER OF COUNTRIES)



TYPES OF IMPACT ON LEGAL STATUS (NUMBER OF COUNTRIES)*



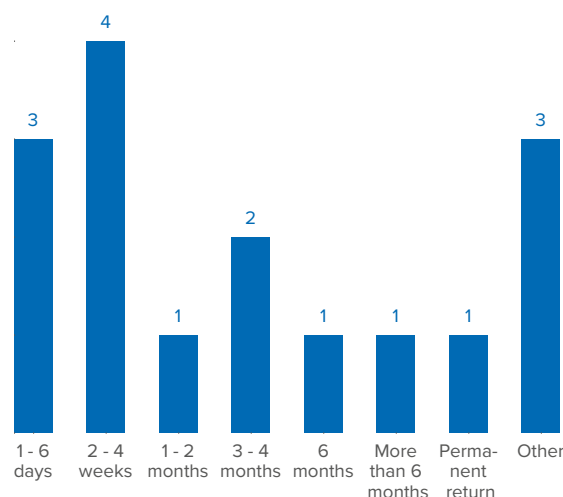
Impact of travel to Ukraine on access to rights and assistance

In 16 out of 38 host countries – 14 of which are EU Member States applying the TPD – travel to Ukraine impacts refugees' access to rights and assistance. Loss of social protection benefits – reported in 11 out of 16 countries – is the most frequently cited impact of return to Ukraine, followed by loss of access to financial services and deregistration of children from schools.

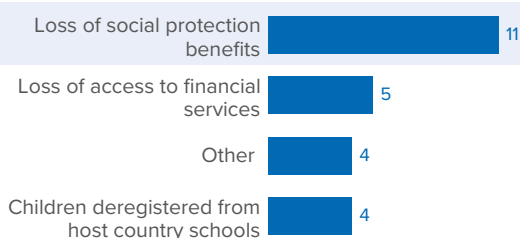
The minimum duration of stay in Ukraine that affects refugees' access to rights and assistance varies by country and is as short as 1-6 days in three countries. In 6 out of 16 host countries, the minimum period of stay in Ukraine that impacts refugees' access to rights and assistance is established in national legislation; however, conflicting practices such as loss of access to rights due to a shorter stay in Ukraine than that specified in national legislation have been identified in three countries.

In all 16 countries, refugees can re-claim their rights upon their return from Ukraine. However, in 6 out of 16 countries refugees encounter challenges during the reapplication process, including lack of information and long-waiting times whilst in one country, refugees cannot re-access their right to free healthcare upon return.

MINIMUM DURATION OF STAY IN UKRAINE THAT HAS AN IMPACT ON REFUGEES' ACCESS TO RIGHTS AND ASSISTANCE BY NUMBER OF COUNTRIES

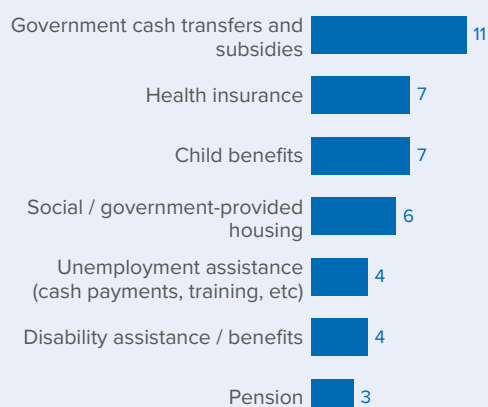


TYPES OF IMPACT ON ACCESS TO RIGHTS AND ASSISTANCE (NUMBER OF COUNTRIES)*



* some countries have selected multiple options

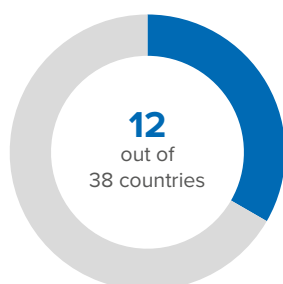
TYPES OF SOCIAL PROTECTION BENEFITS IMPACTED (NUMBER OF COUNTRIES)*



Notification

In 12 of the 38 countries surveyed, including 10 EU Member States, refugees are legally or administratively required to notify authorities of their plans to temporarily or permanently return to Ukraine – mostly online or in-person. In most of these host countries, failure to notify authorities has no practical consequence on refugees' legal status and access to rights. In some countries, however, refugees may face more difficulties re-accessing rights and/or government-provided accommodation upon their return to host countries, if they do not notify authorities in advance of their plans to return.

NUMBER OF COUNTRIES THAT REQUIRE REFUGEES TO NOTIFY AUTHORITIES OF THEIR TRAVEL TO UKRAINE

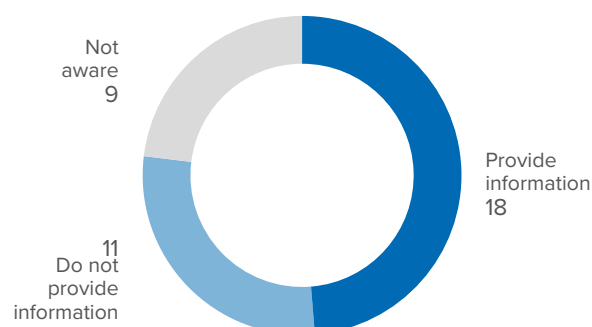


Information

18 out of 38 countries monitored (including 14 EU Member States) provide refugees with information on the impact of travel to Ukraine – or the lack thereof – on legal status and access to rights. In most of these countries, information is made available on official government websites, and in 2 out of 18 countries information is only provided to refugees upon request.

11 out of 38 countries (including 8 EU Member States) do not provide refugees with information on the impact of travel, which may negatively impact refugees' abilities to take fully informed decisions on return to Ukraine.

INFORMATION PROVISION ON THE IMPACT OF TRAVEL TO UKRAINE (NUMBER OF COUNTRIES OUT OF 38 COUNTRIES)



Recommendations



As outlined in its [position on voluntary return to Ukraine](#), UNHCR recommends that refugees' legal status and associated rights in host countries are unaffected by a visit to Ukraine lasting less than three months. In the event of longer-term travel to Ukraine, UNHCR recommends that hosting countries opt for deactivation of legal status and benefits instead of revocation – to avoid administrative burdens and facilitate renewed access to protection and assistance if required. These recommendations echo the [European Commission's guidance](#), which calls on Member States to 'refrain from adopting measures that could discourage people from going back home'.



The administrative, practical and legal barriers refugees face when attempting to reactivate their access to legal status and associated rights upon return to host countries need to be addressed. These barriers create risks of refugees falling into legal or administrative 'limbo' upon return from visits to Ukraine, with associated likelihood of increased vulnerability and exposure to protection risks as a result.



States should maintain a flexible approach to short-term visits to Ukraine. The diverging approaches of states identified in this research have the potential to prevent some refugees from maintaining important links with family, community and gaining first-hand information on the prevailing situation in the country through short term visits. The inability to engage in visits to Ukraine can in turn negatively impact refugees' ability to take fully informed decisions on permanent return once conditions permit.



UNHCR recommends that efforts to provide refugees with detailed information on the impact of return to Ukraine – or the lack thereof – on legal status and access to rights are enhanced by all relevant actors. Detailed information should also be provided on where, when, and how to re-access legal status and associated rights should refugees return to host countries at a later date.