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The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

National contribution from the Netherlands

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1. TOP-LINE FACT SHEET

This study evaluates the application of the Temporary Protection Directive (TPD) in the Netherlands between January 1 2023 and July 1 2023. The study, conducted by EMN Netherlands, is based on desk research, interviews with representatives of government bodies and non-governmental organisations.

Legal status of beneficiaries of Temporary Protection

In Dutch law, Temporary Protection (TP) is transposed as part of the asylum procedure. Therefore, in order to receive TP, beneficiaries must formally submit an asylum application in the Netherlands. All beneficiaries of TP arriving in the Netherlands must follow the application process of TP and cannot continue the asylum procedure instead. In addition to TP, it is possible for beneficiaries of the TPD to submit an application for a regular residence permit, meaning a residence permit for example for work, study, exchange or family members. One of the biggest changes in the research period in the Netherlands is that as of 4 September 2023, third-country nationals with a temporary residence permit in Ukraine who initially benefitted from TP will no longer have TP in the Netherlands.

On 2 September 2023 the Minister for Migration decided to freeze the implications of the termination of the TPD for third-country nationals until the Council of State rules on a pending appeal. The study identified several challenges with regards to persons claiming to be fleeing the war in Ukraine who do not fall under the scope of the Council Implementing Decision (CID). These include; determining the scope, the registration and a further straining of the asylum system. These challenges were addressed by; developing a legal framework to determine the scope, evaluating the process of registration, and evaluating how to process the asylum applications of people who do not fall under the scope. With regards to traveling: the Netherlands does not track the movement of beneficiaries of TP. A beneficiary of TP cannot apply for a return visa or an entry visa for the Netherlands, which means they could lose TP in the Netherlands but this can be granted again at a later point in time. A challenge regarding re-entering the EU is; recognition by other member states of the Dutch residence sticker as well as the renewal letter. Regarding the Temporary Protection Platform (TPP), the Netherlands uses the TPP to share data on TP registrations. Challenges include inaccuracy of data, inability to provide a comprehensive overview and lack of biometric data. A good practice has been the inclusion of an 'inactive'-status on the TPP. The main registration challenges identified were regarding; identification, attempting to register in different municipalities and difficulty to appeal.

Access to accommodation, the labour market, healthcare and social assistance

This study identified various challenges and good practices with regards to granting access to accommodation, the labour market, healthcare, education and social assistance.

First, providing accommodation and housing is challenging due to the general housing shortage in the Netherlands as well as difficulties regarding obtaining permits needed for constructing sufficient accommodation for beneficiaries of TP. Furthermore, according to a Dutch Red Cross survey lack of privacy and lack of information about the specific (house)rules in shelters pose challenges to some beneficiaries' emotional wellbeing. Another challenge is the lack of available accommodation facilities for

beneficiaries needing special care.

Second, challenges with respect to providing access to the labour market include difficulties in finding suitable work, shortages of Dutch language teachers and childcare facilities, barriers to self-employment and unfamiliarity with workers' rights and obligations. To address these challenges, the national government invests in Dutch language teachers and seeks to inform beneficiaries about workers' rights. Additionally, pilots are conducted in which requirements for regulated professions are temporarily lowered with an increased amount of supervision, allowing beneficiaries to work within their own field.

Challenges in healthcare provision can arise from general scarcity, the geographical distance between reception facilities and healthcare providers, and the perceived complexity of the Dutch healthcare system. There is a shortage of general practitioners and other specialists, especially in more remote regions that accommodate a relatively large number of beneficiaries. To mitigate these challenges, the government took several measures. For instance, by incorporating Ukrainian psychologists who provide care to beneficiaries with psychological issues. Also, interpretation agencies help healthcare professionals communicate with beneficiaries, and Ukrainian organisations inform them about the Dutch healthcare system. As for providing access to education, challenges arise both from general shortages in the Dutch education system and Ukrainian children having to adapt to the Dutch education system. To address the shortage of teachers, the Dutch government hires Ukrainian teachers, temporarily allowing children to follow education in Ukrainian. However, this may impede integration of Ukrainian children into the Dutch education system in the long term. Schools aim to integrate Ukrainian children in the Dutch education system while offering them flexibility, but Ukrainian children may experience stress from their double curriculum. Having to follow the Dutch as well as the Ukrainian curriculum sometimes demotivates children to follow the Dutch curriculum.

With regards to providing social assistance and welfare, three policy changes have taken place: the monthly allowance for food per person has become dependent upon the size of the household, housing allowance for beneficiaries in private accommodation is lowered to harmonize it with allowances for beneficiaries in shelters, and municipalities can terminate allowances when a family member has alternative sources of income. However, the latter policy change is challenging to enforce, as municipalities do not have access to employment records. New legislation addresses this issue, but obtaining information about work abroad remains a challenge.

Support for vulnerable groups

Supporting vulnerable groups is challenging due to their invisibility and due to discrepancies in the way vulnerable groups are identified on an EU-level, it is found difficult to determine the scope and identify such groups. Regarding the trafficking of human beings, the Netherlands has taken various measures to protect vulnerable beneficiaries from becoming victims. Such as registering all underage unaccompanied minors (UAMs) at the Childcare and Protection Board. Furthermore, government agencies and NGOs regularly share information about signalling trafficking and inform beneficiaries of potential risks.

2. CONCEPT NOTE

BACKGROUND AND RATIONALE FOR THE STUDY

Since 24 February 2022, Russia's military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine to the EU and other countries surrounding Ukraine. Following the call of the Home Affairs ministers, on 2 March 2022, the European Commission proposed to activate the Temporary Protection Directive (TPD) (2001/55/EC). On 4 March 2022, the Council adopted an Implementing Decision establishing temporary protection for displaced persons from Ukraine, whereby the Temporary Protection Directive was activated for the first time in 2022, over 20 years since its adoption in 2001. This was a key component of the EU's unified response.

Temporary protection covers not only displaced Ukrainian nationals residing in Ukraine on or before 24 February 2022, and their family members but also stateless persons and nationals of third countries other than Ukraine who benefitted from international protection or equivalent national protection in Ukraine before 24 February 2022, and their family members. As per Article 2(2) of the Council Decision, EU Member States should provide either temporary protection or adequate protection under national law to stateless persons and nationals of third countries other than Ukraine legally residing in Ukraine before 24 February 2022, on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who were unable to return in safe and durable conditions to their country or region of origin. Article 2(3) gives Member States the option to apply temporary protection to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

EU Member States also widely extended the scope by providing temporary protection to Ukrainian nationals who were already legally in the EU Member State before 24 February 2022 and in some cases also to those who fled shortly before 24 February 2022.

Whilst EMN Observer Countries do not apply the Temporary Protection Directive, there are similar national provisions in place. Norway activated a national framework (temporary collective protection from 11 March 2022), while Moldova and Georgia each implemented national measures to support those fleeing the war.

The war caused large flows of people to leave Ukraine in search of safety, with border crossings of EU external borders reaching a peak of 800 000 weekly entries from Ukraine and Moldova into the EU during the early months of the war. The EU Member States bordering Ukraine and Moldova were the first to respond to the crisis.

As of July 2023, more than 22 million border crossings from Ukraine and Moldova to the EU were recorded, 19 million of whom by Ukrainian nationals, nearly 16 million exited. From April 2022 onwards, the number of border crossings subsided to around 240 000 per week, albeit increased border traffic registered before and after holiday periods. Overall, about four million registrations for temporary protection were recorded in the EU, more than three million of which were in the first half of 2022. From June 2022, the number of reported registrations for temporary protection declined steadily and remains now stable.

In accordance with the Temporary Protection Directive, the duration of temporary protection is for an initial period of one year. Unless terminated under the terms of the Directive, the duration may be automatically extended by 6-month periods for a maximum of one year. To this end, the European Commission announced in October 2022 that temporary protection would be prolonged until March 2024.

In this context, this EMN Study will aim to take stock of the Directive's implementation to provide insights into how the EU managed to enable a coordinated response and how Member States implemented the Directive at national level. It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the EU or receive assistance when going back home. Reflections will be drawn on challenges and good practices in EMN Member and Observer Countries.

It will also aim to identify what options are available for beneficiaries of temporary protection to either stay in the EU or receive assistance when going home back to Ukraine. Reflections will be drawn on challenges and good practices in Member and Observer Countries.

The Study will build on information collected for the three EMN Informs published in 2022 on key issues pertaining to temporary protection as well as the Annual Report on Migration and Asylum 2022. Furthermore, an EMN Inform on labour market integration of beneficiaries of temporary protection is currently being developed which will complement this Study.

STUDY AIMS AND OBJECTIVES

The main objectives of this study are:

- To provide an overview of the situation in terms of number of beneficiaries of temporary protection in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries

**Please note that this data will be extracted by the Service Provider from Eurostat and other harmonised sources prior to publication and presented in the Study.*

- To provide insight of the situation of beneficiaries of temporary protection in the EMN Member Countries and similar statuses in EMN Observer Countries. This includes:
 - The pathways for transition from temporary protection to other types and forms of legal residence or protection
 - Traveling, including (i) to other EU Member States (i.e. intra-EU mobility) and (ii) outside the EU, including to Ukraine
 - The provision of assistance to people from Ukraine going home (back) to Ukraine
 - The procedures that were used to extend the validity of documentation for persons under temporary protection after the first year.
- To provide examples of challenges and good practices from EMN Member Countries in providing access to the following rights granted under the TPD as well as similar rights provided by EMN Observer Countries (where this is the case):
 - Accommodation
 - Labour market
 - Healthcare
 - Education
 - Social assistance/welfare
- To provide an overview of policies and measures in place in the EMN Member and Observer Countries to ensure support for Unaccompanied Minors (UAMs), children arriving accompanied by a guardian and other vulnerable groups.

SCOPE OF THE STUDY

The study focuses on the implementation of the TPD in EU Member States or equivalent national legislation in EMN Observer Countries in 2023. This includes a number of aspects, as listed above, including pathways that are available for beneficiaries of temporary protection to transition to other types and forms of residence or protection. It further examines the challenges encountered by EMN Member Countries in providing access to rights granted under TPD to beneficiaries of temporary protection.

Important regarding EMN Observer Countries: Whilst this study refers to the Temporary Protection Directive and relevant EU legislation, EMN Observer Countries do not apply the Temporary Protection Directive. Where there are similar national provisions in place, EMN Observer Countries are invited to provide information on the situation in their countries. This has been clarified in the text but to avoid repetition, where EMN Observer Countries are concerned, it should be understood in terms of **relevant legislation applicable to people fleeing the war in Ukraine**.

Where relevant, reference is made to data or challenges concerning persons from Ukraine enjoying or applying for other types of residence rights since 24 February 2022.

Temporal scope: In order to obtain information on more recent developments and avoid duplication with earlier publications from EMN and other sources, the Study focuses on developments, challenges and good practices that have arisen during the first half of 2023. Thus, the research period of this Study is from **1st January 2023 to 1st July 2023**.

In the absence of such developments, or if previous developments prior to January 2023 are essential to understand the situation in your Member or Observer Country, developments pre-dating 1st January 2023 may be included as well. Where applicable, EMN NCPs are furthermore invited to provide information on any upcoming changes and developments up until **1st October 2023** which is the submission deadline for National Reports. The Study is planned to be published in the first quarter of 2024.

PRIMARY RESEARCH QUESTIONS

The Study asks the following primary research questions, with reference to the research period:

1. What pathways are available for beneficiaries of temporary protection to transition to other types and forms of legal residence or protection statuses?
2. Do and how Members State track the movement of the beneficiaries of temporary protection who are travelling to other Member States and outside the EU? What happens to temporary protection and the related benefits provided when the person travels to (i) other EU Member States and (ii) outside the EU, including to Ukraine?
3. What procedures are used to extend the validity of documentation for persons under temporary protection after the first year?
4. What challenges and good practices were encountered by EMN Member Countries, pertaining to ensuring access to the following rights granted under the TPD and similar rights granted by EMN Observer Countries:
 - Accommodation
 - Labour market
 - Healthcare
 - Education
 - Social assistance / welfare
5. What policies and measures are in place in the EMN Member and Observer Countries to ensure support for vulnerable persons who are beneficiaries of temporary protection?

DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary, unless specified otherwise in footnotes:

- **Temporary protection:** A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons and other persons requesting protection.

- **Intra-EU mobility:** Action of persons (EU nationals or legally resident third-country nationals) undertaking their right to free movement by moving from one EU Member State to another.
- **Legal pathway:** In the EU-context, every legal mechanism and policies that enable lawful migration from a third country to an EU Member State, for both international and humanitarian protection needs and labour market needs well as through labour migration, student migration or family reunification
- **Vulnerable person:** Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.
- **Guardian:** an independent person appointed to act on behalf of a child, in the absence of (both) parents or the adult responsible for the child by law or by practice, who safeguards the best interests of the child and general well-being, and to this effect complements the limited legal capacity of the child, when necessary, in the same way that parents do.
- **Social protection:** Social protection is a measure of the extent to which countries assume responsibility for supporting the standard of living of disadvantaged or vulnerable groups. Benefits may be targeted at low-income households, the elderly, disabled, sick, unemployed, or young persons. Social spending comprises cash benefits, direct in-kind provision of goods and services, and tax breaks with social purposes. (OECD , https://www.oecd-ilibrary.org/social-issues-migration-health/social-protection/indicator-group/english_3ddf51bf-en)

3. NATIONAL CONTRIBUTION FROM THE NETHERLANDS

SECTION 1. STATE OF PLAY

*In the Synthesis Report, this section will provide an overview of the current situation in terms of number of beneficiaries of temporary in the EMN Member Countries / number of people from Ukraine in EMN Observer Countries. *Please note that this data will be extracted by the Service Provider from Eurostat and other available harmonised data sources prior to publication and presented in the Study.*

SECTION 2: LEGAL STATUS

Legal Pathways and Transition from Temporary Protection to Other Types and Forms of Residence or Protection

1. **Is it possible for beneficiaries of Temporary Protection residing in your Member State to apply for other types of residence permits/visas/authorization of stay (e.g. a residence permit for work,**

family, study or other purposes)? If yes, please specify if this is in addition or as an alternative to Temporary Protection?

In addition to Temporary Protection (TP), it is possible for beneficiaries of the Temporary Protection Directive (TPD) to submit an application for a regular residence permit, meaning a residence permit for example for work, study, exchange or family members.¹

2. If yes to Q1, are there any special procedures, lowered requirements, dedicated programmes or similar practices in place to assist in obtaining those residence permits/visas/authorization of stay?

There are lowered requirements for people fleeing the war in Ukraine to enter and stay in the Netherlands:

- For example, most third-country nationals who apply for a regular residence permit have to apply for a provisional residence permit (MVV), which is an entry visa, to enter the Netherlands.² Due to the lowered requirements for persons fleeing the war in Ukraine, beneficiaries of Temporary Protection or Ukrainians with legal residence in the Netherlands with a short stay visa or who are in the visa exempt term do not need to apply for the MVV entry visa when applying for a regular residence permit. Furthermore, those who have applied for the provisional residence permit (MVV) are exempt from having to collect it at the Dutch Embassy in Ukraine (i.e. if they have received a positive decision on the MVV application or if they are already in the Netherlands on a short-stay visa or within the visa-exempt term). It is also possible, if needed, to collect the MVV at the Dutch Embassy in another country.
- A person can be granted a regular residence permit if those requirements are met. With regards to the application for a regular residence permit, the personal situation of an individual is taken into account in the assessment. Additionally, Ukrainians who apply for naturalisation and want to become a Dutch citizen will be offered a temporary postponement for renouncing Ukrainian nationality as this is currently not possible, but a necessary step in order to become a Dutch national.³

3. If yes to Q1, in the event of granting of such residence permits/visas/authorization, what happens with Temporary Protection and/or the access to rights/facilities/benefits provided under Temporary Protection?

¹ Conversely, persons with pre-existing regular residence permits in the Netherlands who fall under the scope of the TPD may apply for Temporary Protection if wanted. This means that although these beneficiaries of Temporary Protection have already obtained a regular residence permit for the Netherlands, they are still eligible to apply for Temporary Protection. In order not to lose their residence right under the regular permit, they must continue to meet the conditions of the regular residence permit. Immigration and Naturalisation Service (IND), 'WI 2022/17 Richtlijn tijdelijke bescherming Oekraïne en asielprocedure', https://puc.overheid.nl/ind/doc/PUC_1293168_1/1/, last accessed 9 august 2023.

² Immigration and Naturalisation Service (IND), 'Provisional residence permit (MVV)', <https://ind.nl/en/provisional-residence-permit-mvv>, last accessed 9 august 2023.

³ Immigration and Naturalisation Service (IND), 'Flexible handling of residence permits Ukrainians', <https://ind.nl/en/ukraine/flexible-handling-of-residence-permits-ukrainians>, last accessed 9 august 2023.

It is possible to be granted a regular residence permit, if the conditions for the permit are met, next to Temporary Protection. The Temporary Protection and the access to rights, facilities and benefits under Temporary Protection remain.⁴

4. What is the procedure followed by your Member State when a person to whom Temporary Protection is applied submits an application for international protection? (a) if they already have been registered as a beneficiary of Temporary Protection and (b) if they have not (yet) been registered as a beneficiary of Temporary Protection.

a) registered as a beneficiary of Temporary Protection

In Dutch law, Temporary Protection is transposed as part of the asylum procedure. Therefore, in order to receive Temporary Protection, beneficiaries must formally submit an asylum application in the Netherlands. After meeting the requirements of the TPD, and submitting the asylum application, beneficiaries are granted Temporary Protection. All beneficiaries of Temporary Protection arriving in the Netherlands must follow the application process of Temporary Protection and cannot continue the regular asylum procedure instead.⁴ Initially, third-country nationals with temporary residence permits in Ukraine also fell under the scope⁵ in the Netherlands⁶, but as of 19 July 2022 this is no longer the case.⁴ As of 4 September 2023, these third-country nationals with a temporary residence permit in Ukraine who initially benefitted from Temporary Protection will no longer have Temporary Protection in the Netherlands.⁷ However, on 2 September 2023 the Minister for Migration decided to freeze the implications of the termination of the Temporary Protection Directive for third-country nationals until the Council of State, the highest administrative court in the country, rules on the appeal.⁸

b) not (yet) registered as a beneficiary of Temporary Protection

In case a person was first registered as an applicant for international protection and not as a beneficiary of Temporary Protection, the initial registration will be amended to Temporary Protection, regardless of which step in the asylum procedure they are currently in.⁴

⁴ Immigration and Naturalisation Service (IND), 'WI 2022/17 Richtlijn tijdelijke bescherming Oekraïne en asielpprocedure', https://puc.overheid.nl/ind/doc/PUC_1293168_1/1/, last accessed 9 august 2023.

⁵ Article 2 (3) of the Council Implementing Decision (EU) 2022/382 of 4 March 2022 indicates that: Member States may also apply this Decision to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

⁶ Beneficiaries of Temporary Protection in the Netherlands include: persons with the Ukrainian nationality who lived in Ukraine on 23 February 2022, persons with the Ukrainian nationality who fled Ukraine on or after 27 November 2021, persons with the Ukrainian nationality who were already staying in the Netherlands before 27 November 2021 and third-country nationals or stateless persons who had (inter)national protection or permanent residence in Ukraine on 23 February 2022, plus their families.

⁷ Immigration and Naturalisation Service (IND), 'Verblijf niet-Oekraïners met bescherming tot 4 september 2023 (derdelanders)', <https://ind.nl/nl/oekraïne/verblijf-niet-oekraïners-met-bescherming-tot-4-september-2023-derdelanders>, last accessed 9 august 2023.

⁸ Government (rijksoverheid), 'Bevriazing beëindiging Richtlijn tijdelijke bescherming voor derdelanders uit Oekraïne', <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/derdelanders>, last accessed 13 September 2023.

5. Has your Member State encountered any challenges* with persons claiming to be fleeing the war in Ukraine who do not fall under the scope of Temporary Protection established by the Council Implementing Decision?

**For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

Challenge 1: Determining whether persons fall under the scope

- What the challenge entails: The Council Implementation Decision 2022/382 (CID) has a fairly broad scope and it is up to the Member States to determine the exact conditions under which someone falls within the scope of the Decision. As a result, determining whether someone meets the requirements of the Decision is a difficult task. Moreover, the Decision does not cover all possible scenarios and situations in detail. During the research period it was a challenge for the following groups to establish that they did not fall under the scope of the CID:
 - Ukrainian migrant workers who, at the time of the conflict or at least since 27 November 2021, were not residents in the Netherlands and stayed outside Ukraine during this time period and for whom it had been established in the Netherlands that they thus did not meet the conditions for TP. They sometimes return to the Netherlands after a short stay in Ukraine to apply for TP again, arguing they have left Ukraine after 27 November 2021.
 - Ukrainian nationals that stayed outside of Ukraine at the time of the conflict and who enter the Netherlands with a newly issued passport, which makes it difficult to check whether they were in Ukraine when the war started.
 - Ukrainian nationals who also have the nationality of another EU Member State but who wish to benefit from the rights that beneficiaries of Temporary Protection receive in the Netherlands.
 - Third-country nationals who received a permanent residence permit in Ukraine later than 23 February 2022.
 - Third-country nationals who are in possession of a temporary residence permit in Ukraine, who initially fell under the scope of Decision in the Netherlands but no longer fall under the scope since 19 July 2022 (see answer to question 4).⁹ This includes third-country nationals with a temporary residence permit in Ukraine who have a child with the Ukrainian nationality (in which case the child falls under the TPD, but not the parents).¹⁰
- Why it was a challenge: it was a challenge because the CID did not cover these specific scenarios and there was thus not an unambiguous legal framework.
- For whom it is a challenge: the Immigration- and Naturalisation Service (IND) and municipalities.

⁹ This information was provided by the Directorate-General for Ukraine (DG OEK) on 3 August 2023 and the Immigration and Naturalisation Service (IND) on 18 August 2023.

¹⁰ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Immigration and Naturalisation Service (IND) on 31 August 2023.

- What is the source: These challenges were identified by the Directorate-General for Ukraine (DG OEK), the Ministry of Justice and Security, the IND and municipalities.

Challenge 2: the registration process with regards to persons who do not fall under the scope

- What the challenge entails: In the Netherlands the registration process is set up as following:
 - Reception can be offered by the municipality upon arrival in that municipality;
 - A person will be identified and registered in the Personal Records Database (BRP) by that municipality;
 - An appointment with the Immigration and Naturalisation Service (IND) to obtain a passport sticker or residence document (the so-called 'O-document', standing for 'O' in 'Oekraïne') and to verify whether a person meets the conditions of the TPD.
- As a result of how the Temporary Protection process is set up in the Netherlands, challenges are experienced with persons claiming TP who do not fall under the scope of the Decision, as reception has been offered to them already.
- Why it is a challenge: Due to the steps within the process, it is only determined at a later stage whether an individual actually falls within the scope of the Decision and is granted a residence certificate, while these individuals have already been staying in the reception facilities. This is a challenge as the Netherlands is already experiencing high occupancy rates in the reception facilities for beneficiaries of Temporary Protection.¹¹
- For whom it is a challenge: the Immigration- and Naturalisation Service (IND) and municipalities
- What is the source: These challenges were identified by the Directorate-General for Ukraine (DG OEK) and the IND

Challenge 3: Persons who are not entitled to TP are automatically included in the asylum system

- What the challenge entails: As mentioned in Q4, in Dutch law, Temporary Protection is transposed as part of the asylum procedure. Therefore the registration in the BRP of the municipality is key in the further process of the application for Temporary Protection. This registration will also be visible for the IND. Subsequently the IND determines whether the applicant falls within the scope of the TPD. In case the IND determines that the applicant does not fall within the scope of the TPD, they are requested to finalize their asylum application within the regular process for international protection.
- Why it is a challenge: As the maximum processing time for an asylum application is 21 months and for people who have already registered in February 2022 the maximum processing time will be reached this November. This means that the IND will have to start issuing decisions on applications for international protection from applicants who do not fall under the scope of the TPD from November 2023 onwards.¹² Considering that the asylum system is

¹¹ This information was provided by the Directorate-General for Ukraine (DG OEK) on 3 August 2023.

¹² This information was provided by the Immigration and Naturalisation Service (IND) on 18 August 2023.

already falling behind in processing current asylum applications and in combination with the continuing unstable situation in Ukraine this will be a challenge.

- For whom it is a challenge: the Immigration- and Naturalisation Service (IND)
- What is the source: These challenges were identified by the IND

6. If yes to Q5, please explain how such challenges were addressed and/or what are the legal remedies available for such persons.

- Regarding Challenge 1 in Q5: For all the scenarios mentioned under this challenge, the authorities have developed a legal framework during the research period for the determination whether a person falls under the scope of TP:
 - Ukrainian nationals who have not been affected by the conflict directly, thus initially do not fall under the scope of the Decision and therefore decide to return to Ukraine for a brief period of time (solely in order to re-apply for the Temporary Protection in the Netherlands); these individuals are not being considered beneficiaries of the TPD, the Netherlands has chosen to strictly enforce the scope of the Decision.
 - Ukrainian nationals that stayed outside of Ukraine at the time of the conflict but enter the Netherlands with a newly issued passport, the IND asks for their old passport or other documents which indicated at what time the person stayed in and/or left Ukraine.
 - Ukrainian nationals who have the nationality of another EU Member State are excluded from Temporary Protection in the Netherlands.
 - Third-country nationals who did not have a permanent residence permit in Ukraine on or before 23 February 2022 can apply for international protection in the Netherlands, if they consider that returning to their country of origin is not possible, or for a regular residence permit if the conditions for the permit are met.
 - Third-country nationals with a temporary residence permit in Ukraine can apply for international protection in the Netherlands, if they consider returning to their country of origin not to be possible, or for a regular residence permit if the conditions for the permit are met.¹³ In addition, as mentioned earlier (see question 4), on 2 September 2023 the Minister for Migration decided to freeze the implication of the termination of the Temporary Protection Directive for this group until the Council of State rules on the appeal.
- Regarding challenge 2 in Q5: the Netherlands is currently evaluating the process of registration, in order to receive Temporary Protection, at the municipality and the IND, this is done by the Directorate-General for Displaced persons from Ukraine (DG OEK), the IND and the Association of Netherlands Municipalities (VNG).¹⁴
- Regarding challenge 3 in Q5: the Immigration and Naturalisation Service (IND), the Directorate-General for Migration (DGM) and DG OEK are currently evaluating how to process the asylum applications of people who do not fall under the scope of the CID.

¹³ This information was provided by the Immigration and Naturalisation Service (IND) on 18 August 2023.

¹⁴ This information was provided by the Directorate-General for Ukraine (DG OEK) on 25 August 2023

- The legal remedy available for such persons, for whom is decided that they do not fall under the scope, is: to appeal the decision. However there are some challenges with regards to appeal which will be further explained in Q17.

Traveling to other Member States and outside the EU

7. What, if any, is the mechanism in your Member State to track the movement of the beneficiaries of Temporary Protection who are travelling to (i) other Member States and (ii) outside the EU?

(i) Travelling to other Member States

Not applicable.¹⁵

(ii) Travelling outside the EU

Not applicable.

8. What happens to Temporary Protection and the related benefits provided when the person travels outside your Member State to (i) another Member State* and (ii) outside the EU, including to Ukraine?

(i) travelling to other Member States and Ukraine

Persons who benefit from Temporary Protection and have the Ukrainian nationality may travel within the European Union as well as back and forth to Ukraine. As requested by the European Commission, the Netherlands has registered the different residence documents (residence certificate/sticker and the extension letter) in various registers for border guards such as the False and Authentic Documents online (FADO) register, the Public Register of Authentic identity and travel Documents Online (PRADO) and in the Schengen Handbook. The EU border guards use the aforementioned registers and handbook to check what kind of documents are issued in other Member States and to check authenticity of the provided documents¹⁶. A beneficiary from TP cannot apply for a return visa or an entry visa for the Netherlands.

The ministry has advised the municipalities to pause the benefits and offer the specific place in the reception facility to anyone else if a beneficiary has left the municipality without mentioning it beforehand and has been gone for more than 14 days. The municipality is furthermore advised to do an address research when a beneficiary has been gone for more than 28 days. If this research has shown that the beneficiary has left the reception facility, the municipality can register this person in the register for persons who are no longer living at an address in the Netherlands (Register Niet Ingezetenen; RNI). In addition, a person who has decided leave the Netherlands for an indefinite period of time and deregisters from their address, will in fact be registered in the RNI as well. As soon as a person has been registered in the RNI, the IND will be informed (through the Personal Records Database) and may terminate the Temporary Protection.¹⁷

¹⁵ The European Temporary Protection Platform (TPP) is trying to provide a mechanism to document the movement of beneficiaries within the European Union however the TPP is not tracking each of the beneficiaries and where they are travelling to.

¹⁶ Parliamentary Papers II, 2022-2023, 19637, no. 3121.

¹⁷ This information was provided by the Directorate-General for Ukraine (DG OEK) on 19 September 2023

Persons who benefit from Temporary Protection in the Netherlands and do not have the Ukrainian nationality travel inside the EU and to Ukraine at the risk of losing Temporary Protection in the Netherlands. In case a beneficiary has lost their Temporary Protection status in the Netherlands, it should be noted that, under specific circumstances, it still can be granted again at a later point in time if they fall under the scope.¹⁸

(ii) travelling outside the EU

A beneficiary from TP cannot apply for a return visa or an entry visa for the Netherlands. However they are allowed to travel outside the EU if they have a biometric passport and if needed the necessary visa's for the countries they wish to travel to. Persons who benefit from Temporary Protection in the Netherlands and do not have the Ukrainian nationality (third-country national) may wish to travel outside the EU, for example travelling back to their country of origin, at the risk of losing Temporary Protection in the Netherlands. In case a beneficiary has lost their Temporary Protection status in the Netherlands, it should be noted that, under specific circumstances, it can still be granted again at a later point in time.¹⁸

9. Do national authorities in your Member State have knowledge of any challenges* encountered by beneficiaries of Temporary Protection in re-entering the EU or your Member State specifically when coming back from Ukraine or other Member States? If so, why is it considered a challenge and according to which national authority? How has this been addressed by your Member/Observer State?

****For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.***

Challenge 1: The combination of the Dutch residence sticker and renewal letter is not always recognized

- What the challenge entails: The Netherlands is aware of challenges encountered by beneficiaries of the TPD when re-entering the EU with their residence sticker. For example, there have been cases where the Polish and/or German authorities did not recognize the residence sticker in combination with the renewal letter issued by the Netherlands.
- Why it is a challenge: This means the beneficiaries had to wait in order to re-enter the EU after coming back from Ukraine
- For whom it is a challenge: Beneficiaries of TP.
- What is the source: the Directorate-General for Ukraine (DG OEK)

How it has been resolved: According to the authorities, this particular issue has been reduced by including both the residence sticker and renewal letter in various systems for border guards, such as the Schengen Handbook/Faro/Prado/Handbook for Border Guards, and also by bilaterally sharing information with the relevant Member States to ensure that the residence sticker and renewal letter are recognised.¹⁹ However, according to the Dutch Council for Refugees the steps taken have not resolved this issue.

¹⁸ This information was provided by the Immigration and Naturalisation Service (IND) on 18 August 2023

¹⁹ This information was provided by the Directorate-General for Ukraine (DG OEK) on 3 August 2023.

Temporary Protection Registration Platform (TPP)

10. How and to what extent has your country made use of the TPP during the research period?

The national TPP-coordinator in the Netherlands has used the platform to upload data from the Netherlands on Temporary Protection registrations and to compare this data with TP-registrations in other countries. Also, the Netherlands has used the granular data and the 'hits' to establish estimations as to where the inflow of beneficiaries of Temporary Protection mainly originates from – in the case of the Netherlands, mostly from Poland and Germany. Lastly, the Netherlands has used the platform to communicate with neighbouring Member States, e.g. to exchange information regarding beneficiaries of Temporary Protection situated in the different countries.²⁰

11. Has your country encountered any (i) challenges and (ii) good practices in the use of the TPP? Please elaborate and specify why it is considered a challenge and according to whom this is a challenge/good practice.

The following challenges and good practices have been identified by the IND and the Bureau for International Migration (BIM) of the Directorate-General for Migration (DGM) of the Ministry of Justice and Security (JenV):

Challenge 1: Lack of accurate data and a comprehensive overview

- What the challenge entails: At the initial stage of the TPP, it proved to be challenging to acquire accurate data and to get a comprehensive overview via the TPP. This has improved over the course of time. However, interaction between the Member States could be taken to a higher level.²¹
- Why it is a challenge: When there is accurate data insight could be provided into how people move (mapping secondary migration flows) and in which Member States they register/transit. Certain facilities may continue in one member state if it is not known whether a person moved. It is also necessary for municipalities; useful to know whether one has moved to another Member State because the shelter can be given to someone else.
- For whom it is a challenge: The IND, municipalities and the Bureau for International Migration (BIM)
- What is the source: The IND and the Bureau for International Migration (BIM)

Challenge 2: No biometric data included in the TPP

- What the challenge entails: Another challenge is that there is no biometric data included in the TPP, or other information that is directly traceable to one person.²²
- Why it is a challenge: Because of this, the IND often has to consult municipalities or other Member States to confirm that the hit indeed concerns the same person.
- For whom is it a challenge: This is a challenge for multiple organizations of the Ministry for Migration (IND, DG OEK, BIM) and municipalities
- What is the source: The IND and the Bureau for International Migration (BIM)

²⁰ This information was provided by the Bureau of International Migration Policy (BIM) on 28 July 2023.

²¹ This information was provided by the Bureau of International Migration Policy (BIM) on 28 July 2023.

²² This information was provided by the Immigration and Naturalisation Service (IND) on 18 August 2023

Good practice: In the opinion of the Dutch experts, the inclusion of the 'inactive'-status on the TPP has improved the quality of the data and ensures that no time is wasted on pursuing 'false hits'.²³

12. Does your country upload in the Platform the identity of the adult persons accompanying "separated" children arriving from Ukraine, and respectively, of guardians appointed in Ukraine before departure?

Yes. In the Netherlands, the identity of adults travelling with separated minors or guardians appointed in Ukraine before departure is registered on the TPP. An effort is made to also provide information on the relationship between the minor and the adult in question, e.g. whether they are in a family relationship.²⁴

Assistance to people wishing to go home (back) to Ukraine

13. Does your Member State provide support for the beneficiaries of Temporary Protection who wish to go home (back) to Ukraine? If so, please elaborate.

Yes, the Repatriation and Departure Service (DT&V) of the Netherlands provides support for beneficiaries of Temporary Protection who wish to go back to Ukraine and who would like assistance arranging their return home. The DT&V offers personalised service that seeks as much as possible to find answers to specific needs; for example, if people do not have the money to book a ticket, do not have the right travel documents, are disabled or are travelling with pets. In specific cases the DT&V can book a one-way flight to Poland, specifically Warsaw or Krakow for which a valid travel document is needed. From there people can travel onwards to Ukraine, if needed, this journey can be paid by the DT&V.²⁵

14. Has your Member State observed any trends in terms of outflows of beneficiaries of Temporary Protection? If so, please elaborate.

No particular trends, the outflows have been stable, around 10 persons a month have returned to Ukraine with the help of the Repatriation and Departure Service (DT&V) in 2023 until September.

Registration

15. Have there been any major legal, policy or practical changes regarding registration of beneficiaries of Temporary Protection during the research period*? If there were any, please elaborate.

During the research period, it has become possible for new beneficiaries of TPD to register themselves in their municipality within a few days. In the first weeks after the TPD had been activated, due to the large number of beneficiaries that wanted to register themselves with the municipality and with the IND, the process took much longer.²⁶ Other than this practical change, there have been no major legal or policy changes in relation to the registration of beneficiaries. Beneficiaries of Temporary

²³ This information was provided by the Bureau of International Migration Policy (BIM) on 28 July 2023.

²⁴ This information was provided by the Bureau of International Migration Policy (BIM) on 28 July 2023.

²⁵ Repatriation and Departure Service (DT&V), 'Assistance for those returning to Ukraine', available at: <https://english.dienstterugkeerenvertrek.nl/latest/news/2022/07/01/assistance-for-those-returning-to-ukraine>, last accessed 14 august 2023.

²⁶ This information was provided by the Directorate-General for Ukraine (DG OEK) on 3 August 2023.

Protection continue to have to register at the municipality in the Personal Records Database (BRP).²⁷

16. What procedure was used to extend the validity of documentation based on Temporary Protection after the first year? Please elaborate on the process.

When the TPD was extended after the first year, all beneficiaries of Temporary Protection in the Netherlands with a Ukrainian nationality received a letter about the extension. At the moment that a beneficiary needs to show identification and the residence certificate (certificate/sticker), the beneficiary also has to show the extension letter. For example at the request of national police, border control or an employer. For third-country nationals or stateless persons who had international protection or a permanent residence permit in Ukraine on 23 February 2022, a new residence certificate (o-document) was provided. Third-country nationals with a temporary residence permit in Ukraine received a new residence certificate for Temporary Protection until 4 September 2023. As of the aforementioned date they would no longer have Temporary Protection in the Netherlands due to the limitation of the scope of the TP(see Q4).²⁸

17. What challenges did your Member State encounter in the registration process and how were these addressed/planned to be addressed during the research period? Were there any good practices?**

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

Challenge 1: Identification; various types, changing of Ukrainian spelling and lack of

- What the challenge entails: During the research period, the Netherlands encountered challenges regarding the identification of beneficiaries with the Ukrainian nationality. That is, beneficiaries may have various types of identification documents, such as a biometric or national passport, an identification card, or passports in combination with other Ukrainian residence permits, and the Ukrainian spelling may have changed due to the change in official spelling rules. In addition, there are also beneficiaries who do not have any identification documents. The Netherlands is working closely with the Ukrainian consulate in order to identify the identity of these beneficiaries.²⁹
- Why it is a challenge: When it comes to the names of beneficiaries in official Ukrainian documents, these names can vary due to the new spelling. Meaning that their name can be written differently when translated to a Latin language (e.g. Dutch, English).

²⁷ Government (rijksoverheid), "Aankomst, registratie en verblijf van vluchtelingen uit Oekraïne", available at: <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/aankomst-verblijf-en-registratie>, last accessed 10 august 2023.

²⁸ Immigration and Naturalisation Service (IND), "Verlenging sticker of pasje tijdelijke bescherming Oekraïne", available at: <https://ind.nl/nl/oekraïne/verlenging-sticker-of-pasje-tijdelijke-bescherming-oekraïne>, last accessed 10 august 2023.

²⁹ This information was provided by the Directorate-General for Ukraine (DG OEK) on 3 August 2023.

- For whom it is a challenge: This is a problem for the municipalities, IND and other involved authorities.
- What is the source: These challenges were identified by the Directorate-General for Ukraine (DG OEK) and the IND.

Challenge 2: There have been cases of individuals attempting to register in multiple municipalities after they have been refused Temporary Protection.

- What the challenge entails: There have been cases of individuals attempting to register in multiple municipalities after they have been refused Temporary Protection.³⁰
- Why it is a challenge: If individuals have already been refused, they are no longer entitled to reception. Only when registering in the BRP, does one see that there is no right to protection. Sometimes it only becomes apparent after a number of weeks that someone is no longer entitled to shelter. It requires a lot from municipalities, technically but also capacity wise due to the scarcity of available places in shelters, to determine whether someone has the right to shelter.
- For whom it is a challenge: Municipalities
- What is the source: This challenge was identified by the Directorate-General for Ukraine (DG OEK) and the IND

Challenge 3: Beneficiaries who arrive at the HUBs (first reception facility) and are identified not to fall under the scope do not receive a written report of this decision from the hub

- What the challenge entails: People who arrive in the Netherlands can go directly to a municipality for their first reception or they can go to one of the HUBs for the first reception. The hub will match them with a reception centre in the municipality. The Dutch Council for Refugees (VWN) has received a number of reports that people who arrive at a HUB-location and are identified not to fall under the scope of the CID, do not receive a written report of this decision and the reason why.³¹
- Why this is a challenge: This means that they do not have an opportunity to appeal against this decision.
- For whom it is a challenge: Beneficiaries who are identified not to fall under the scope of the CID but actually do.
- What is the source: This challenge was identified by the Dutch Council for Refugees (VWN)

Challenge 4: Beneficiaries who arrive at the municipality could be identified not to fall under the scope and be refused Temporary Protection by a municipality in rare cases

- What the challenge entails: In case people report directly to the municipality and not to the HUB, the municipality officers can refuse registration in the Personal Records Database (BRP) in rare cases, for example when they find

³⁰ This information was provided by the Immigration and Naturalisation Service (IND) on 18 August 2023.

³¹ This information was provided by the Dutch Council for Refugees (VWN) on 4 August 2023.

that the person concerned does clearly not fall within the scope of the CID.³² Depending on the municipality, this refusal could be given orally or in writing.

- Why is this a challenge: This means that it is possible that displaced persons who could fall under the scope of the TPD could potentially be refused Temporary Protection by a municipality in rare cases. There is a possibility to appeal but it remains difficult to object to this refusal. Nevertheless, it should be noted that it is possible for lawyers to start a legal procedure against this refusal. Data on the scale of this problem, and whether the legal procedure to object was successful in these cases, is not available.³³
- For whom is it a challenge: beneficiaries of Temporary Protection
- What is the source: This challenge was identified by the Dutch Council for Refugees (VWN)

SECTION 3: ACCESS TO RIGHTS PROVIDED BY THE TEMPORARY PROTECTION DIRECTIVE

Accommodation

18. Have there been any major legal, policy or practical changes regarding access to accommodation for beneficiaries of Temporary Protection during the research period*? If there were any, please elaborate. Are there any changes foreseen in the way access to suitable accommodation or the means to obtaining housing is arranged?

Introduction

Around 100,000 beneficiaries of Temporary Protection have arrived in the Netherlands since the outbreak of the war in Ukraine. In the Netherlands, mayors (thus, municipalities) bear the responsibility of providing accommodation for beneficiaries of Temporary Protection. Approximately 75% of beneficiaries are housed in municipal shelter facilities, while the remaining 25% live in the private housing of Dutch citizens or rent their own private houses. The central Dutch government provides financial support to the municipalities and assists them in policy-related matters. This support has been in place since the influx of beneficiaries of Temporary Protection to the Netherlands due to the Russian invasion in 2022 in Ukraine. During the research period from January to July 2023, there have been no significant policy changes regarding accommodation.³⁴

Nevertheless, the following (policy) developments that took place during the research period (January- July 2023) are relevant in the context of arranging accommodation for beneficiaries of Temporary Protection:

- Continuation of the financial arrangement for the reception of beneficiaries of Temporary Protection: On 17 February 2023, the Minister for Migration announced that the financial arrangement for the reception of beneficiaries of Temporary Protection will be continued up to and including December 31, 2023. Municipalities incur costs for the reception of beneficiaries of Temporary

³² For example, in the case of persons with an EU nationality

³³ This information was provided by the Dutch Council for Refugees (VWN) on 4 August 2023.

³⁴ This information was provided by the Directorate-General for Ukraine (DG OEK) and the National Reception Organisation for Ukraine (NOO) on 1 August 2023.

Protection. The national government reimburses these costs on the basis of a ministerial regulation (*Bekostigingsregeling opvang ontheemden Oekraïne, BooO*) This measure ensures the continuity of funding towards municipalities.³⁵

- General measures in the area of reception (including reception in the context of TPD): The current accommodation and general housing shortages in the Netherlands make it difficult for municipalities to find suitable and sustainable living accommodation for asylum applicants and beneficiaries of temporary and international protection. On 24 May 2023, the Minister for Migration announced that further measures were necessary to cope with recent developments. These include the forecast of an influx of 70.000 applicants for international protection and the challenges arising from the reception of beneficiaries of Temporary Protection. Beneficiaries of TPD fall under a different accommodation framework than regular asylum-seekers.
- The Netherlands intends to replace the emergency law (art. 2c en 4 *Wet Verplaatsing Bevolking*) that regulates the reception of beneficiaries of Temporary Protection with the Temporary Law on the reception of beneficiaries of Temporary Protection (*Tijdelijke Wet opvang ontheemden uit Oekraïne*). This entails that the responsibility for the reception of this group shifts from the mayors of the different municipalities to the Municipal Executive of the different municipalities (*College van burgemeesters en wethouders*). The adaptations this replacement entails are of a technical nature and aimed at democratising the (legal) process of deciding where the reception of beneficiaries will be situated. At the moment of writing, this Temporary Law has not been entered into force.
- Approach to third-country nationals who no longer fall under TPD: From 4 September 2023 onwards, third-country nationals with a temporary residence permit in Ukraine who are no longer entitled to Temporary Protection under the TPD in the Netherlands can make use of the opportunity to enter the asylum procedure and thereby the asylum reception system. This means that extra places are needed in the asylum reception capacity managed by Central Agency for the Reception of Asylum Seekers (COA). Third-country nationals whose asylum applications were rejected or whose application was dismissed, are required to leave the Netherlands after 4 September 2023. Third-country nationals from Ukraine who are not entitled to Temporary Protection under the TPD but receive a positive asylum decision, are entitled to accommodation in a municipality and will be incorporated in the municipal task to provide housing for beneficiaries of international protection.³⁶ Several third country nationals have since appealed against the decision that the TPD would no longer apply to them after 4 September 2023. These appeals have led to various outcomes in the lower courts. On 2 September 2023 the Minister for Migration decided to freeze the implications of the termination of the Temporary Protection Directive for third-country nationals until the Council of State, the highest administrative court in the country, rules on the appeal (see also Q6).³⁷

³⁵ *Parliamentary Papers II, 2022–2023, 19 637, no. 3071.*

³⁶ *Parliamentary Papers II, 2022–2023, 19 637, no. 3109; Parliamentary Papers II, 2022–2023, 19637, no. 3117.*

³⁷ Raad van State, 'Uit Oekraïne gevluchte derdelander houdt voorlopig recht op opvang', <https://www.raadvanstate.nl/actueel/nieuws/september/derdelander-behoudt-recht-opvang/>, last accessed on 12 september 2023.

19. What were the key challenges in your Member State in providing access to suitable accommodation or the means to obtaining housing to beneficiaries during the research period? How were these challenges addressed/planned to be addressed and are there any good practices?**

The key challenges in providing access to suitable accommodation or the means to obtaining housing to beneficiaries that have been identified during the research period (January- July 2023) are: 1) general housing shortages in the private sector; 2) house rules and living conditions for beneficiaries; 3) and housing for beneficiaries in need of special care:

Challenge 1: Accommodation and housing shortages

- What the challenge entails: In the Netherlands, like in many other European countries, there is a general accommodation and housing shortage. The current accommodation shortage makes it a challenge for local authorities to find suitable, sustainable, and high-quality accommodation to provide shelter for beneficiaries of Temporary Protection. Furthermore, the current housing shortage can also be considered a challenge for the group of beneficiaries that rents a house in the private sector or seeks to purchase a house. A factor exacerbating the accommodation and housing shortages is that building new housing or accommodation is hindered due to environmental constraints regarding nitrogen emission. In addition, some municipalities have mentioned that insufficient residual capacity in parts of the Dutch electricity network has hindered the possibility to build new accommodation or housing. This is mostly the case for larger construction projects. It has to be mentioned that this development is not directly linked to accommodation, however, it can be considered one of the causes that limits the possibilities for municipalities to arrange sufficient accommodation and housing.
 - An additional challenge for the construction of sufficient housing and accommodation is that local provinces struggle sometimes to grant licenses for constructing new urban development. Local provinces hold the primary responsibility for environmental regulations and have the authority to make decisions regarding the urbanization of rural areas. Due to the temporary nature of accommodating beneficiaries, provincial governments and municipalities have been hesitant to grant licenses for constructing new urban development.³⁸
- Why it is a challenge: because the accommodation and housing shortage complicates the ability to provide accommodation to beneficiaries of Temporary Protection, and limits the possibilities for beneficiaries to privately seek accommodation through buying or renting private properties.
- For whom is it a challenge: municipalities, who are responsible for the provision of accommodation and housing for beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK) and the National Reception Organisation for Ukraine (NOO).

Challenge 2: House rules and living conditions in municipal shelters

- What the challenge entails: According to a survey conducted by the Dutch Red Cross (DRC), the residents of the shelters are generally satisfied with the

³⁸ This information was provided by the Directorate-General for Ukraine (DG OEK) and the National Reception Organisation for Ukraine (NOO) on 1 August 2023.

shelters, however certain needs do remain. According to the Dutch Red Cross about 15% of the people feel unsafe and/or reported to have witnessed (sexual) violence in shelters, 25% of the people report not to have adequate shoes, 43% reports not to be satisfied about their sleeping quarters and 47% is not satisfied with the sanitation.^{39 40} In some municipal accommodation centres, there is a lack of privacy and a lack of cooking facilities/options for beneficiaries to cook their own/children's meals. As mentioned by the Directorate-General for Ukraine, when the facilities to cook one's own meal are limited, catering services are arranged. In addition, at times no specific information about the specific (house)rules within the accommodation and limited possibilities to file complaints with the municipalities about the (or specific) living conditions in a municipal shelter.⁴¹ The Dutch government has published guidelines on house rules and on complaint procedures very recently, on July 13 2023. However, these are only guidelines; hence the implementation of the guidelines is up to the individual municipalities.⁴² Dutch authorities indicate that the reason for having guidelines, instead of strict rules, is to allow the local shelters and government bodies to make their own more concrete house rules based on the specific environment and needs of the individual shelters.

- Why it is a challenge: because beneficiaries do not always know what the house rules are and how they can file complaints with municipalities about rules/living conditions (such as a lack of privacy or cooking facilities).
- For whom is it a challenge: beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Dutch Council for Refugees (VWN) and the Dutch Red Cross.

Challenge 3: Accommodation for beneficiaries in need of special care

- What the challenge entails: There are no specific accommodation facilities for beneficiaries of Temporary Protection who are in need of special care, for example because they are traumatized or have other psychological or physical needs.⁴³ Furthermore, (specialized) healthcare is not always provided in the region where the beneficiaries are located. It is considered a challenge to find a suitable location to meet the (specialized) health needs of the beneficiary. Additionally, as is reported by the Dutch Red Cross, living in (temporary) shelters is straining more and more on the beneficiaries resulting in growing needs for physiological support.
- Why is it a challenge: not being able to provide the necessary (special) care leads to a diminished feeling of wellbeing for the beneficiaries.
- For whom is it a challenge: beneficiaries of Temporary Protection.

³⁹ This information was provided by the Dutch Red Cross (DRC) on 28 August 2023.

⁴⁰ Opora Foundation and Red Cross, 'Needs assessment: Displaced people from Ukraine living in the Netherlands', [RED CROSS REPORT \(oporafoundation.nl\)](https://www.oporafoundation.nl/red-cross-report) assessed at 20 September 2023. The needs assessment has been carried out from October until December 2022 among 565 respondents.

⁴¹ This information was provided by the Dutch Council for Refugees (VWN) on 4 August 2023; The Dutch Red Cross (DRC) in accordance with Opora Foundation has issued a report about the way displaced persons from Ukraine are accommodated. At this moment the DRC has issued a questionnaire to examine the current living conditions.

⁴² The Dutch Government (Rijksoverheid), 'Handelingsperspectief aanpak overlast door vluchtelingen uit Oekraïne in gemeentelijke opvang', <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/documenten/publicaties/2023/07/11/handelingsperspectief-overlast-in-de-gemeente-opvanglocatie-goo>, last accessed 15 August 2023.

⁴³ This information was provided by the Dutch Council for Refugees (VWN) on 4 August 2023.

- What is the source: this challenge was identified by the Dutch Council for Refugees (VWN) and the Dutch Red Cross.

20. Have these challenges changed since the initial arrival of beneficiaries of Temporary Protection in 2022?

The challenges remain consistent. In certain cases, finding suitable and high-quality accommodation has become even more demanding than in the initial stages of the TPD due to the increasing difficulty to find accommodation and a rising number of beneficiaries.⁴⁴

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Labour Market

**Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of Temporary Protection which will explore this topic in further detail and complement the information collected*

21. Have there been any major legal, policy or practical changes regarding access to the labour market for beneficiaries of Temporary Protection during the research period* (e.g. concerning the conditions and procedures for (self-)employment such as labour market tests, work permits, access to regulated professions, etc.)? If there were any, please elaborate.

As a preliminary note, it should be mentioned that the most prevalent policy changes regarding access to the labour market for beneficiaries of Temporary Protection, such as the exemption of the need for a work permit and the availability of job mediation, were made in 2022.

In 2023, the main policy or practical changes regarding access to the labour market concern the access to regulated professions (e.g. nursing, childcare, psychologist, healthcare professionals):

- For Ukrainian psychologists, a project has been set up to facilitate working as a psychologist in the Netherlands⁴⁵. In this way, beneficiaries with experience in psychology can exert their profession and, at the same time, provide adequate support to beneficiaries of Temporary Protection that are in need of psychological help (due to the war). See also question 24 for more information.
- Besides this, different pilots were started to provide beneficiaries of Temporary Protection with the possibility to exert part of their job (in a regulated profession), without the usual additional conditions having to be met.⁴⁶ An example of one of

⁴⁴ This information was provided by the Directorate-General for Ukraine (DG OEK) and the National Reception Organisation for Ukraine (NOO) on 1 August 2023.

⁴⁵ The Dutch government (Rijksoverheid), 'Kamerbrief over traject inzet Oekraïense psychologen', [pdf \(overheid.nl\)](https://overheid.nl), last accessed on 20 September 2023.

⁴⁶ This information was provided by the Ministry of Social Affairs and Employment (SZW) on 31 July 2023.

these projects is an initiative by the Dutch Ministry of Social Affairs and Employment (SZW) to enable beneficiaries to work in child-care facilities. This initiative is part of a larger proposal in order to tackle labour shortages in the child-care sector in the Netherlands.⁴⁷

22. What were the key challenges that your Member State encountered in (i) providing access to (self-)employment during the research period (e.g. in connection with the issuance of work permits, access to regulated professions and/or other conditions) and (ii) providing measures facilitating employment and labour market activation, such as vocational training, language courses, training or integration assistance for adult beneficiaries of Temporary Protection?**

The key challenges regarding access to the labour market for beneficiaries of Temporary Protection that have been identified during the research period (January – July 2023) are: 1) finding *suitable* work, 2) shortage in Dutch language courses, 3) shortage in childcare places, 4) barriers to self-employment, and 5) unfamiliarity with rights and obligations on the part of beneficiaries.⁴⁸

Challenge 1: Finding suitable work

- What the challenge entails: many beneficiaries of Temporary Protection have found work since arriving in the Netherlands. However, there are significant challenges in finding a 'suitable' job that matches their working background and experience. These challenges are mainly due to not meeting the conditions such as language requirements, for regulated professions.
- Why is it a challenge: because beneficiaries are unable to work in their field and level of expertise and experience. Therefore, their choices of employment remain restricted to low-paid jobs, making them generally dependent on municipal housing.
- For whom is it a challenge: beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Ministry of Social Affairs and Employment (SZW)

Challenge 2: Shortage in available Dutch language courses

- What the challenge entails: despite the fact that speaking the Dutch language is an important condition for many job opportunities, it is difficult for beneficiaries of Temporary Protection to follow language courses due to the high demand for language courses and the shortage of teachers.
- Why is it a challenge: because speaking the Dutch language is an important condition for many job opportunities in the Netherlands.
- For whom is it a challenge: beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Ministry of Social Affairs and Employment (SZW).

⁴⁷ The Dutch government (Rijksoverheid), Kamerbrief 'Aanpak personeelstekort in de kinderopvang', paragraph 3.1.5, [pdf \(overheid.nl\)](https://overheid.nl), last accessed on 6 September 2023.

⁴⁸ This information was provided by the Ministry of Social Affairs and Employment (SZW) on 31 July 2023.

Challenge 3: Shortage in childcare places:

- What the challenge entails: the shortage in childcare places is another obstruction for beneficiaries to find work, as many displaced persons from Ukraine in the Netherlands are women with children.
- Why is it a challenge: because in order to go to work, beneficiaries of Temporary Protection (especially women) need childcare for their children.
- For whom is it a challenge: beneficiaries of Temporary Protection
- What is the source: this challenge was identified by the Ministry of Social Affairs and Employment (SZW).

Challenge 4: Barriers to self-employment

- What the challenge entails: the exemption from a work permit that generally applies to beneficiaries of Temporary Protection does not apply to self-employment. There are, however, indications that the demand for working as a self-employed person is high amongst beneficiaries of Temporary Protection. These signals generally come directly from Ukrainian refugees or indirectly from parties supporting Ukrainian refugees. The Ministry of Social Affairs and Employment (SZW) is currently reassessing the possibility to work as a self-employed person for this group.
- Why is it a challenge: because beneficiaries cannot work as a self-employed person in the Netherlands.
- For whom is it a challenge: beneficiaries of Temporary Protection
- What is the source: this challenge was identified by the Ministry of Social Affairs and Employment (SZW) and the Dutch Council for Refugees (VWN).

Challenge 5: Unfamiliarity with rights and obligations

- What the challenge entails: Another challenge that beneficiaries face in relation to work is the unfamiliarity with their rights and obligations. Even though information is available (for example online at the website of the Dutch government, Rijksoverheid.nl), it appears that many beneficiaries of Temporary Protection are insufficiently aware of this information.⁴⁹
- Why is it a challenge: because not all beneficiaries of Temporary Protection are properly informed about their rights and obligations with regard to work. As a result, it might increase the possibility of labour exploitation.
- For whom is it a challenge: beneficiaries of Temporary Protection/
- What is the source: this challenge was identified by the Ministry of Social Affairs and Employment (SZW).

23. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges? *The research period is from 1st January 2023 to 1st July 2023.

The Ministry of Social Affairs and Employment (SZW) provided the following good practices/ ways to respond to the aforementioned challenges:

- The Dutch government is examining possibilities to remove obstacles in finding suitable⁵⁰ jobs for beneficiaries of Temporary Protection. This entails running projects and pilots (for example with psychologists or childcare professionals

⁴⁹ This information was provided by the Ministry of Social Affairs and Employment (SZW) on 31 July 2023.

⁵⁰ Suitable = suited to their education and previous work experience.

from Ukraine⁵¹) to be able to work in their profession in the Netherlands. For several professions, a dedicated working group will coordinate these pilots and will work on entry of jobs, advancement, specific training and certification.

- In order to facilitate language courses, the Ministry of Social Affairs and Employment (SZW) provided (additional) financial support to municipalities. In addition, the government is looking into language courses tailored to specific sectors/professions. For example, the municipality of Amsterdam and the University of Amsterdam are offering teachers from Ukraine the opportunity to learn Dutch within one year, in order to receive the right competences to teach.
- The Ministry of Social Affairs and Employment (SZW) is considering making self-employed work possible for beneficiaries of Temporary Protection. However, it should be noted that the (assumed) risk of exploitation is also taken into account in this decision-making process.
- In order to improve communication between the government and beneficiaries of Temporary Protection (specifically when it comes to the rights and obligations in relation to the labour market), a 'taskforce' has been established to work on overcoming challenges related to the provision of information, and a new communication strategy is currently being drafted.⁵²

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Healthcare

24. Have there been any major legal, policy or practical changes regarding access to healthcare (including mental health support) for beneficiaries of Temporary Protection during the research period*? If there were any, please elaborate.

The following legal, policy or practical changes regarding access to healthcare have taken place during the research period (January-July 2023):

- Empatia project: In order to provide better support to beneficiaries of Temporary Protection with mental and psychological care needs (and for Ukrainian psychologists to be able to work in their profession) the Ministry of Justice and Security (JenV) collaborated with various partners in the Empatia project. The Empatia project (consisting of the Dutch Council for Refugees (*VluchtelingenWerk Nederland*, VWN) OPORA Foundation, and PsyGlobal) is a consortium that will guide Ukrainian psychologists through the process of diploma evaluation, matching them with suitable workplaces (both curative and preventive), and connecting them with displaced individuals in need of care. Empatia will be responsible for the training, development, and placement of Ukrainian psychologists in mental healthcare. Additionally, Empatia will provide education for professionals in preventive care, who

⁵¹ The Dutch government (Rijksoverheid), Kamerbrief 'Aanpak personeelstekort in de kinderopvang', paragraph 3.1.5, [pdf \(overheid.nl\)](https://overheid.nl), last accessed on 6 september 2023.

⁵² This information was provided by the Ministry of Social Affairs and Employment (SZW) on 31 July 2023.

can then be deployed in municipalities, Regional Public Health Services (GGD) locations, or social organizations.⁵³

- Service point for psychosocial care for beneficiaries of Temporary Protection (*Loket Ontheemden Oekraïne Psychosociale Hulpverlening, LOOP*): For health professionals who work with beneficiaries of Temporary Protection, LOOP is the cross-regional information, referral, and advisory centre. Professionals and organizations such as municipalities and healthcare providers can approach LOOP for information inquiries, finding appropriate psychosocial support services for specific needs, and obtaining reliable information on psychosocial issues in reception centres. LOOP is a collaboration between the National Psychotrauma Centre (ARQ), the Regional Public Health Services (GGDs), the Association of Regional Public Health Services and Medical Assistance in Safety Regions (GGD GHOR Netherlands, (Mental Healthcare Netherlands (GGZ), the National Network of Psychotrauma Centers (NIPV), Netherlands Institute for Health Services Research (Nivel), OPORA Foundation, PsyGlobal, the National Institute for Public Health and the Environment (RIVM), the Dutch Red Cross, and VWN. Also, LOOP shares practical information, webinars and e-learnings to develop the knowledge and skills of health professionals on working with this specific target group (including vulnerable/culturally sensitive patients).⁵⁴

25. What were the key challenges in your Member State in providing access to medical care to beneficiaries of Temporary Protection during the research period?**

The key challenges in providing access to medical care to beneficiaries of Temporary Protection have been identified during the research period (January- July 2023) are: 1) sustainability of the regulation on Medical Care for Beneficiaries of Temporary Protection, 2) general scarcities in the national healthcare system, and 3) difficulties understanding the Dutch healthcare system.

Challenge 1: Sustainability of the regulation on Medical Care for Beneficiaries of Temporary Protection (*Regeling Medische Zorg ontheemden uit Oekraïne, RMO*):

- What the challenge entails: As of 1 July 2022, a special regulation for the medical care of beneficiaries of Temporary Protection (RMO) came into effect, providing the right to medical care for displaced individuals from Ukraine. The regulation aims to simplify access to healthcare for those entitled to Temporary Protection and healthcare providers. The RMO offers a healthcare package that closely resembles the Regulation on Medical Care for Asylum Seekers (*Regeling Medische Zorg Asielzoekers, RMA*), covering basic care and some additional services. The RMO and funding stream have shown predominantly successful outcomes. However, it is important to note that the RMO is designed as a temporary arrangement to cater

⁵³ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS) on 31 July 2023; see also: The Dutch Government (Rijksoverheid), Vluchtelingen uit Oekraïne kunnen straks terecht bij psycholoog uit eigen land, <https://www.rijksoverheid.nl/actueel/nieuws/2023/05/12/vluchtelingen-uit-oekraïne-kunnen-straks-terecht-bij-psycholoog-uit-eigen-land>, last accessed 28 June 2023; Dutch Council for Refugees (VWN), Vluchtelingen uit Oekraïne kunnen straks terecht bij psycholoog uit eigen land, <https://www.vluchtelingenwerk.nl/nl/artikelen/nieuws/vluchtelingen-uit-oekraïne-kunnen-straks-terecht-bij-psycholoog-uit-eigen-land>, last accessed 28 June 2023.

⁵⁴ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS) on 31 July 2023.

to the healthcare needs of beneficiaries of Temporary Protection in the Netherlands. Given the temporary nature of the RMO, it is necessary to re-evaluate the sustainability of its temporary implementation. This includes assessing the impact of the current regulation on municipalities, implementing parties, and the healthcare system, as well as evaluating the feasibility of the temporary arrangement in the long run.⁵⁵ As the RMO is a relatively unknown regulation, healthcare staff sometimes find the regulation difficult to apply. Also, VWN has reported that it is sometimes unclear by the beneficiaries to understand what kinds of care is covered under the RMO.

- Why is it a challenge: because it is currently unclear whether the RMO offers a sustainable solution for the provision of healthcare to beneficiaries of Temporary Protection in the long term.
- For whom is it a challenge: beneficiaries of Temporary Protection (potentially), municipalities, the Ministry of Health, Welfare and Sports (VWS), implementing parties and the healthcare system
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS).

Challenge 2: General scarcities in the national healthcare system

- What the challenge entails: the provision of healthcare to displaced persons from Ukraine is reliant on the national healthcare system. Within the existing healthcare system in the Netherlands, certain challenges exist as a result of a scarcity in healthcare professionals. Examples relate to the scarcity of general practitioners (GPs, mainly in regions where GP-capacity is relatively low in comparison with presence of Ukrainian displaced population), dentists and mental healthcare specialists. It should be noted that this phenomenon is not specifically related to beneficiaries of Temporary Protection, but has an effect on Dutch society as a whole.
- Why is it a challenge: because beneficiaries may sometimes not be provided with the necessary medical care due to the general scarcities in the national healthcare system. Conversely, the influx of beneficiaries of Temporary Protection from Ukraine puts an additional strain on the (already scarce) healthcare system in the Netherlands.
- For whom is it a challenge: healthcare system/providers, beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS).

Challenge 3: Difficulties in understanding the Dutch healthcare system:

- What the challenge entails: there are indications that beneficiaries of Temporary Protection often have difficulties understanding the (structure of the) Dutch healthcare system. It has been mentioned by VWN that beneficiaries sometimes deal with language barriers and that medical staff do not always have the time and/or the means to arrange proper translations. Furthermore, cultural barriers in the context of healthcare can result into a mismatch in expectations of proposed treatments.
- Why is it a challenge: because beneficiaries may not always be provided with the necessary medical care due to their inability to understand the healthcare system.

⁵⁵ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS) on 31 July 2023.

- For whom is it a challenge: beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK), VWN and the Ministry of Health, Welfare and Sports (VWS).

Challenge 4: Geographical access to Healthcare

- What the challenge entails: as demonstrated by VWN and the Dutch Red Cross, beneficiaries have experienced difficulties in accessing (special) healthcare buildings due to the accommodation of beneficiaries sometimes being located at an isolated location. Due to this isolated location, there may be a very limited access to public transport.
- Why is it a challenge: because beneficiaries might find it difficult to reach healthcare facilities, especially if they cannot use a private car.
- For whom is it a challenge: beneficiaries of Temporary Protection.
- What is the source: this challenge was identified by VWN and the Dutch Red Cross.

26. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

The Directorate-General for Ukraine (DG OEK) the Ministry of Health, Welfare and Sports (VWS) provided the following good practices/ways to respond to the aforementioned challenges in relation to the provision of healthcare:

- As of July 2023, nearly 20 Ukrainian psychologists have been working across the Netherlands through the Empatia project (see question 24), and the coordinating parties are actively working on getting more psychologists employed. A specific map was created to indicate where psychologists for displaced persons from Ukraine are available (with the same mother tongue and similar (cultural)demographic background). The map can also be used by general practitioners, municipalities, the GGD, or host families to facilitate referrals.⁵⁶
- The Ministry of Justice and Security (JenV) has also instructed and subsidized two interpretation agencies to assist healthcare professionals in communicating with beneficiaries of Temporary Protection. This was done to address the indications that communication and clarity regarding the Dutch national healthcare system and the RMO for displaced persons from Ukraine could be improved. Addressing the cultural gap in healthcare is also a priority; for this purpose, the Ministry of Justice and Security (JenV) is collaborating with relevant organizations in the Ukrainian community, and is involving specialized healthcare organizations and research centers to enhance communication between healthcare providers and displaced persons from Ukraine.⁵⁷

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

⁵⁶ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS) on 31 July 2023.

⁵⁷ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Health, Welfare and Sports (VWS) on 31 July 2023.

Education

27. Have there been any major legal, policy or practical changes regarding access to education for beneficiaries of Temporary Protection during the research period*? If there were any, please elaborate.

Introduction:

In July 2022 new legislation was passed to enable local councils and school boards to start temporary educational facilities for children from Ukraine. The Ministry of Education, Culture and Science (OCW) provides ongoing assistance and support to regions organizing education for children with Temporary Protection status. Extra funding was provided to schools and municipalities. Over 20.000 children from Ukraine are enrolled in a school for primary or secondary education, or follow catch-up classes first.⁵⁸

During the research period (January- July 2023), there were the following major policy development in relation to the education of beneficiaries of Temporary Protection:

- Dutch municipalities will receive €15 million in total to offer Dutch language lessons to beneficiaries of Temporary Protection in an accessible way: On 22 February 2023, the Minister of Social Affairs and Employment (SZW) announced that Dutch municipalities will receive €15 million in total to offer Dutch language lessons to beneficiaries of Temporary Protection in an accessible way. The goal is for municipalities to support beneficiaries of Temporary Protection that want to follow language lessons on a voluntary basis. This will help them find a job at their own level, fosters contacts with Dutch people and ensures that Ukrainian children can follow Dutch education.⁵⁹
- In addition, in April 2022 the Ministerial Commission on Crisis Management (MCCb) had allocated €136.3 million to municipalities to cover the costs for the extra infrastructure and hardware (*onderwijshuisvesting*) necessary for providing education to minors benefiting from Temporary Protection until the end of the 2021-2022 school year. While this falls outside of the research period, in September 2022 it was announced that the financial support would be extended with an additional €318 million to cover the rest of the school year, until July 2023.
- The current temporary educational facilities will expire at 1 August 2024. In an attempt to shorten the waiting lists for children of newcomers to enrol into the education system, a new proposal regarding the temporary educational facilities has been passed by the parliament. The proposal is at the moment of writing pending in the Senate.

⁵⁸ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW) on 8 August 2023.

⁵⁹ The Dutch Government (Rijksoverheid), 'Kamerbrief Lessons learned Oekraïense ontheemden in Nederland', <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/02/22/kamerbrief-lessons-learned-oekraïense-ontheemden-in-nl>, last accessed 28 June 2023.

28. What are the key challenges and barriers in your Member State during the research period in providing access to primary and secondary education to persons under 18 years old (including measures facilitating the possibility to follow the online Ukrainian curricula)?**

Introduction:

The effects of war and displacement, combined with the challenges of studying in a new country, can lead to educational setbacks for children and a reduction in learning outcomes. Although most displaced children from Ukraine started education and are provided with healthcare, access to school and support from municipalities in the Netherlands, parents and children still faces barriers which prevent access to and enjoyment of adequate education.⁶⁰

The key challenges that have been identified in relation to primary/secondary education for beneficiaries of Temporary Protection during the research period (January – July 2023) are: 1) general challenges within the Dutch education system (exacerbated by the arrival of children due to the war in Ukraine), and 2) specific challenges relating to the adaptation of displaced children from Ukraine.

Challenge 1: General challenges within the Dutch educational system:

- What the challenge entails: there are certain challenges relating to the Dutch educational system in general that impact the access to/ quality of primary and secondary education for beneficiaries of Temporary Protection from Ukraine. These include limited capacities in schools, teacher shortages (especially teachers teaching Dutch to non-native speakers) and budget stretches in the (primary and secondary) education domain.
- Why is it a challenge: Because schools and municipalities are already struggling with these general issues (among other things), it was found difficult to deal with an extra demand for school buildings and teachers, learning materials and bus drivers.
- For whom is it a challenge: schools, municipalities and teachers.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW).

Challenge 2: Specific challenges relating to the adaptation of displaced children from Ukraine

- What the challenge entails: The language barrier remains one of the biggest problems, fortified by the before mentioned lack of teachers and teachers experienced in teaching Dutch as a second language. Due to school facilities providing classes where the instructions are partly or temporarily given in the Ukrainian language, Ukrainian children may have limited contact with their Dutch peers. Hence, having fewer motivations and possibilities to acquire the Dutch language. Furthermore, children from Ukraine can also face non-linguistic challenges related to adaption to the educational system, double curricula and

⁶⁰ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW) on 8 August 2023.

overload and mental health issues. Educational staff also report⁶¹ that children who combine two studies (following the Dutch school programme as well as the Ukrainian) can experience overload. Furthermore, due to being part of the Ukrainian education system as well as the Dutch education system, Ukrainian children sometimes do not feel motivated to participate in the Dutch education system. Another problem seems to be mental health issues among children from Ukraine, such as trauma related issues due to war experiences.⁶²

- Why is it a challenge: because displaced children from Ukraine may fall behind on their social and intellectual education due to their mental health issues and/or difficulties in adapting to the Dutch education system or language.
- For whom is it a challenge: beneficiaries of Temporary Protection (children), as well as schools and teachers in the case that Ukrainian children have to remain in the Dutch school system for a longer period of time.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW).

29. What steps have been taken to address these challenges, and are there any good practices in responding to the challenges?

Many schools and municipalities in the Netherlands have made large efforts to welcome displaced children from Ukraine into their communities, gradually integrating them into local education systems. In particular, the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW) have identified the following good practices and/or ways to respond to the aforementioned challenges:

- Gradual integration/transition: It is considered important that Ukrainian and Dutch children spend time together to prevent segregation and to stimulate learning the Dutch language. The aim is to integrate children from Ukraine in the national education structure as soon as possible, but at the same time to offer flexibility and multiple pathways. Therefore, children from Ukraine can integrate into the Dutch education system via special temporary international welcome classes (1 or 2 years) to learn the Dutch language. This measure is aimed at allowing Ukrainian children to be able to transfer to Dutch schools following up to the welcome classes.
- Ukrainian teachers: Ukrainian teachers are hired to teach the children from Ukraine during the welcoming period. In secondary education, teachers from Ukraine can also get their qualifications recognised and teach their own subject. Schools who hired Ukrainian teachers are strongly encouraged to offer Ukrainian teachers Dutch language classes and have their professional skills recognised.

⁶¹ The Dutch Government (Rijksoverheid), 'Beleidsreactie op het rapport van de Inspectie van het Onderwijs over onderwijs aan Oekraïense leerlingen in primair en voortgezet onderwijs', https://www.google.nl/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAIQw7AJahcKEwjokPCz6ruBAXUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwww.rijksoverheid.nl%2Fbinaries%2Frijksoverheid%2Fdocumenten%2Fkamerstukken%2F2023%2F06%2F21%2Faanbieding-rapport-en-beleidsreactie-op-onderzoek-van-inspectie-van-het-onderwijs-over-oekraïense-ontheemde-leerlingen-in-het-funderend-onderwijs%2Faanbieding-rapport-en-beleidsreactie-op-onderzoek-van-inspectie-van-het-onderwijs-over-oekraïense-ontheemde-leerlingen-in-het-funderend-onderwijs.pdf&psig=AOvVaw02YmihmwGn_354ifpUtWER&ust=1695390077676944&opi=89978449, last accessed at 21 september 2023.

⁶² This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW) on 8 August 2023.

- Support on the national/legislative level: the Ministry of Education, Culture and Science (OCW) and national organisations such as organisations that support schools in providing education for newcomers (LOWAN) and the Dutch Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO) will continue advising and supporting local authorities in providing education for children with Temporary Protection status. Furthermore, new legislation⁶³ will see municipalities and schools joining forces and launch regional cooperation in providing education to displaced children.⁶⁴ This proposed legislation is currently still pending in the senate.
- Furthermore: In order to allow the above mentioned initiatives, the policies regarding education facilities have temporarily been loosened in regards to Ukrainian children to allow local school boards to launch initiatives tailored to the specific needs of certain schools such as changes into the topics that are being taught, more space for Ukrainian education and allowing Ukrainian teachers to teach.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Social Assistance/welfare

**Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of Temporary Protection which will explore the transition from social assistance/welfare into employment and financial independence in further detail and complement the information collected*

30. Have there been any major legal, policy or practical changes regarding access to social assistance for beneficiaries of Temporary Protection during the research period*? If there were any, please elaborate.

On 1 February 2023, the regulation for social assistance for beneficiaries of Temporary Protection (*Regeling opvang ontheemden Oekraïne*, RooO) was amended. Please note that there were also a number of changes that took effect in December 2022, however these fall outside the temporal scope of the study. The three main changes as of February 2023 are:

- The monthly financial allowance for food is now dependent on the size of the family unit. If a family unit is larger, then the financial allowance per person will be lower. This change is enacted in order to further harmonise the rules for beneficiaries of Temporary Protection and those for applicants for international protection and regular social assistance for beneficiaries of international protection.

⁶³ The Dutch Government (Rijksoverheid), 'Tijdelijke wet tijdelijke nieuwkomersvoorzieningen in het onderwijs', [Tijdelijke wet tijdelijke nieuwkomersvoorzieningen in het onderwijs \(36.373\) - Eerste Kamer der Staten-Generaal](#), last accessed on 7 september 2023.

⁶⁴ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Ministry of Education, Culture and Science (OCW) on 8 August 2023.

- The monthly financial allowance for housing-related costs for beneficiaries of Temporary Protection in private accommodation (i.e. accommodation provided by individuals/families rather than municipality-run shelters) is lowered, in order to better harmonise the allowances for those in private and in municipality-run accommodation.
- The monthly financial allowance of a family can be terminated by municipalities if one of the family members has an income through labour or benefits. Before, the municipality could only terminate the allowance when a beneficiary, and not the family members, had an income through labour or benefits.⁶⁵

31. What are the key challenges and barriers in your Member State in providing access to social assistance/welfare for beneficiaries of Temporary Protection during the research period?**

The key challenges in providing access to social assistance/welfare for beneficiaries of Temporary Protection during the research period (January- July 2023) are: 1) lack of access to (central) data on employment of beneficiaries of Temporary Protection.

Challenge 1: Lack of access to (central) data on employment of beneficiaries of Temporary Protection

- What the challenge entails: One key challenge in regard to social assistance/welfare is that municipalities currently have no legal basis to use the central database with employment records in order to determine whether or not someone is receiving an income through labour. Therefore, municipalities rely on self-reporting by the beneficiaries of Temporary Protection to determine if someone has an income and therefore loses their eligibility for financial support.
- Why is it a challenge: because municipalities are unable to verify whether beneficiaries of Temporary Protection are (no longer) entitled to financial support, unless beneficiaries self-report.
- For whom is it a challenge: municipalities, Netherlands Employees Insurance Agency (UWV)
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK).

32. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

A proposed change in law to solve this problem has been proposed to the House of Representatives, but is yet to be discussed in parliament. However, even if this legal change is passed, it will remain challenging for municipalities to access information about income through work outside of the Netherlands (e.g. remote work under a Ukrainian contract or in a different EU Member State).⁶⁶

**The research period is from 1st January 2023 to 1st July 2023.*

⁶⁵ This information was provided by the Directorate-General for Ukraine (DG OEK) on 31 July 2023; see also: Ministry of Justice and Security (JenV), 'Aanpassingen in de Regeling opvang ontheemden Oekraïne' (*adjustments in the regulation for social assistance for beneficiaries of Temporary Protection*), <https://open.overheid.nl/documenten/ronl-01bb3223465b4748d92dee0562bcd86437296f17/pdf>, last accessed 31 July 2023.

⁶⁶ This information was provided by the Directorate-General for Ukraine (DG OEK) on 31 July 2023.

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

SECTION 4: VULNERABLE GROUPS

Support for vulnerable groups

33. What are the key challenges in your Member State in (i) identifying vulnerable persons under the TPD and (ii) providing them the necessary assistance and support during the research period*?**

The key challenges in relation to (i) identifying vulnerable persons that fall under the TPD and (ii) providing them the necessary assistance and support during the research period (January - July 2023) are: 1) lack of visibility and recognition of vulnerabilities.

Challenge 1: Lack of visibility and recognition of vulnerabilities

- What the challenge entails: The key challenge in (i) identifying vulnerable groups under the TPD is the fact that they are not always (directly) visible. This was especially the case in the initial stages of the war. When large numbers of Ukrainians arrived in the Netherlands the main focus was on providing shelter and access to basic amenities as soon as possible. Therefore, there has been a lack of a proper identification process to identify vulnerable groups. Furthermore, due to discrepancies in the way vulnerable groups are identified on an EU-level, it is found difficult to determine the scope and identify such groups. This has resulted into beneficiaries being allocated to housing without the adequate facilities.⁶⁷
- Why is it a challenge: because vulnerable persons could not always be identified and thus, could not be provided with the necessary support and care.
- For whom is it a challenge: municipalities and beneficiaries of Temporary Protection (vulnerable persons)
- What is the source: this challenge has been identified by the Directorate-General for Ukraine (DG OEK)

The key challenges and good practices for specific vulnerable groups are answered in questions 24-26 (Healthcare) and 35-39.

34. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

As mentioned in Q33, at the beginning of the TPD there was a lack of visibility and recognition of vulnerable persons among beneficiaries of Temporary Protection. However, the focus in approach has shifted over time, as there is more attention for vulnerable groups.⁶⁸

The key challenges and good practices for specific vulnerable groups are answered in questions 24-26 (Healthcare) and 35-39.

**The research period is from 1st January 2023 to 1st July 2023.*

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice,*

⁶⁷ This information was provided by the Dutch Red Cross on 28 August 2023.

⁶⁸ This information was provided by the Directorate-General for Ukraine (DG OEK) on 5 August 2023.

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and c) indicate the source / evidence for the challenge/good practice

Support for UAMs, separated children, and children accompanied by UA guardians

35. What are the key challenges in your Member State in providing assistance to UAMs, separated children, and children accompanied by a guardian appointed in Ukraine? (e.g. recognition of guardianship, appointment of accompanying adult as a temporary guardian, accommodation and care conditions for individual children accompanied by guardians; monitoring the situation, etc.)**

Challenge 1: New registration process for UAMs

- What the challenge entails: Previously, only UAMs who were not accompanied by an adult were reported to Nidos. Separated children who were accompanied by an adult who was not the parent or legal guardian were referred to the Childcare and Protection Board (*Raad voor de Kinderbescherming*, RvK).
- Why is it a challenge: As relatively few Ukrainian minors were referred to the Childcare and Protection Board compared to other EU Member States, there were concerns that a significant number of separated children had not been identified and registered, increasing the risk to fall victim of exploitation or trafficking in human beings.
- For whom it is a challenge: separated children who were accompanied by an adult.
- What is the source: this challenge has been identified by the Directorate-General for Ukraine (DG OEK).

How has this been addressed: In June 2022, a new process was implemented for registration of unaccompanied minors (UAMs) from Ukraine, driven in part by concerns that these UAMs were at risk of exploitation and trafficking in human beings.⁶⁹ The new process entails that all children from Ukraine who arrived without their parent(s) should be reported to Nidos.⁷⁰ According to the new policy, Nidos now assesses for *all* children from Ukraine arriving without their parents on the basis of an intake interview whether there is a need to provide a temporary legal guardian. If the UAM would be staying with a host family, Nidos would alert the RvK, who would carry out a screening of the host family.⁷¹ Since the abovementioned new process was implemented, the amount of UAMs registered increased.⁷²

36. Does your Member State host groups of children evacuated from Ukrainian institutions? If so, how many children were hosted during

⁶⁹ In 2022, various organisations (among which Unicef, VWN, Nidos) had expressed their concerns about Ukrainian UAMs. They signaled that UAMs from Ukraine are not always registered or assigned a guardian. Because of this, UAMs from Ukraine are not always in contact with a dedicated institution and risk becoming a victim of exploitation or trafficking in human beings. See: NOS, 'Zorgen om Oekraïense kinderen die zonder ouders naar Nederland zijn gevlucht', <https://nos.nl/artikel/2430078-zorgen-om-oekraïense-kinderen-die-zonder-ouders-naar-nederland-zijn-gevlucht>, last accessed on 7 april 2023.

⁷⁰ Nidos is the national guardianship institution for unaccompanied and separated children who migrated to the Netherlands.

⁷¹ *Parliamentary Papers II*, 2021-2022, 19637, no. 2942

⁷² This information was provided by the Directorate-General for Ukraine (DG OEK) on 24 July 2023.

the research period? Please describe the type of accommodation and care that are offered to this category of children.

Yes, the Netherlands does host groups of children evacuated from Ukrainian institutions, such as children within the child protection system. However, it is not possible to provide exact numbers. The children are sheltered within separate municipal reception centres or in family-based environments, such as a foster home. The municipality is responsible for the care of these children. They provide education, required healthcare et cetera.⁷³

***For each challenge or good practice please: a) describe for whom it is a challenge/good practice; b) indicate why it is mentioned as a challenge/good practice, and c) indicate the source / evidence for the challenge/good practice*

Prevention of trafficking in human beings

37. What particular steps were taken in your Member State to protect people fleeing Ukraine and, especially, UAMS, from trafficking in human beings during the research period*?

The following policy developments to protect people fleeing Ukraine from trafficking in human beings were reported by the Directorate-General for Ukraine (DG OEK):

NB: These policy changes/developments were introduced before the research period, but their effect and applicability continues in 2023.

- Participation in EMPACT programme: The Netherlands actively participates in the EMPACT programme (start in 2022) 'South Eastern partnership related to trafficking in human beings activities'. The objective of the new programme is to identify and fight organised crime groups (OCGs) devoted to trafficking in human beings activities and where the suspects and/or victims are from South Eastern Partnership countries (more specifically Ukraine and Moldova, and where relevant, Armenia, Azerbaijan and Georgia). A specific focus will be on the exploitation of temporary displaced persons from Ukraine.⁷⁴

38. What are the key challenges in your Member State in relation to trafficking in human beings?

The key challenges in relation to trafficking in human beings during the research period (January-July 2023) are: 1) the targeting of vulnerable groups and 2) the invisibility of trafficking networks.

Challenge 1: The targeting of vulnerable groups

- What the challenge entails: since the outbreak of the war in Ukraine, there have been indications of trafficking in human beings among displaced persons from Ukraine in the Netherlands.⁷⁵ Individuals and networks are often aimed at exploiting vulnerable groups, such as single women and (underage) children, which is precisely the group that is prevalent among displaced persons from

⁷³ This information was provided by the Directorate-General for Ukraine (DG OEK) on 24 July 2023.

⁷⁴ Information provided by the National coordinator EMPACT THB for the Netherlands on 10 February 2023.

⁷⁵ See, for example, National Coordination Centre against Trafficking in Human Beings (CoMensha), 'Oekraïne', <https://www.comensha.nl/oekraïne/>, last accessed 1 August 2023.

Ukraine. As demonstrated by the Directorate-General for Ukraine (DG OEK), exploitation of labour is one of the main issues.

- Why is it a challenge: because this means that beneficiaries of Temporary Protection from Ukraine, especially women and children, are at an additional risk of becoming a victim to trafficking in human beings.
- For whom is it a challenge: beneficiaries of Temporary Protection (especially vulnerable persons such as women or children), municipalities, Ministry of Justice and Security.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK)

Challenge 2: Invisibility of trafficking networks

- What the challenge entails: individuals and networks who are active in trafficking in human beings often operate 'invisibly', making surveillance of both perpetrators and victims very complicated.⁷⁶ Also, staff working in shelters have not always followed training practise aiming at identifying vulnerable groups and forwarding them to the right institutions that can support them.
- Why is it a challenge: because it makes it difficult to detect, monitor and combat trafficking in human beings.
- For whom is it a challenge: for the Ministry of Justice and Security, staff working in shelters.
- What is the source: this challenge was identified by the Directorate-General for Ukraine (DG OEK).

39. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

Challenges in relation to human trafficking are being addressed through the already existing frameworks in the Netherlands aiming at preventing human trafficking. Therefore, no new measures have been taken. However, since the outbreak of the war in Ukraine and the increased risk of human trafficking due to the characteristics of the group of beneficiary (i.e. women and children), there has been an enlarged emphasis on beneficiaries coming from Ukraine in the coordination and communication of several institutions that deal with (signals of) human trafficking. The Directorate-General for Ukraine (DG OEK) and the Directorate for Law Enforcement and Crime (DRC), both of the Ministry of Justice and Security (JenV) provided the following good practices in responding to challenges regarding trafficking of human beings in the context of the TPD:

- Because of the invisible nature of human trafficking networks and operations, it is important that the different organizations in the migration/anti-trafficking in human beings field stay alert to signals of trafficking in relation to Ukraine, report them and continue to communicate with each other. Therefore, since the outbreak of the war in Ukraine, at a national level, a consultation with all relevant government bodies and civil society organisations within the trafficking

⁷⁶ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Directorate for Law Enforcement and Crime (DRC) of the Ministry of Justice and Security (JenV) on 26 July 2023.

in human beings domain⁷⁷ has been established, specifically aimed at displaced persons from Ukraine. Regular meetings are being held to exchange information and important developments related to trafficking in human beings in relation to Ukraine. During this consultation, information is exchanged about any signals of trafficking in human beings, but also about the activities of all organisations in terms of raising awareness of signals and the development of flyers and other information, which has been and is offered to different target groups. The participating organisations in this forum know how to find each other, even outside the consultations, if necessary.⁷⁸

- The organizations involved in the reception phase are also alert to signs of trafficking and smuggling. For example, the Guide to Municipal Shelter for Ukrainians and the Guide for Private Reception for Ukrainians pay special attention to this matter. The government is also committed to raise awareness among displaced persons themselves by means of information brochures. This information brochure is shared in various relevant consultation structures, but also with relevant partners such as Safe at Home and the Association of Dutch Municipalities (VNG). The displaced persons are also informed about the risks of exploitation by means of flyers during their journey by train and upon arrival in the Netherlands. Furthermore, at the service points of certain train stations, employees of the Red Cross provide the CoMensha flyer in the Ukrainian language.
- In addition, the government endorses the importance of identification, registration and reception of all persons fleeing the war in Ukraine, especially children because of their vulnerability.
- For the reception of persons fleeing the war in Ukraine, a national reception organization (NOO) has been set up within the Directorate-General Ukraine program which also contributes to a proper supervision.
- More in general, in December 2021, the Dutch government agreed upon the structural continuation of the programme 'Together Against Human Trafficking' and its funding of 2 million euro from 2023 onwards. The programme was initially launched in 2018, in cooperation with a large number of organizations such as municipalities, the Public Prosecution Service, the police, the Dutch Labour Inspectorate, the Royal Dutch Marechaussee, the IND, reception and care institutions, youth services, schools, NGO's, private parties, and international partners. The Ministry of Justice and Security (JenV) is coordinating this programme, but all actions are executed in consultation and cooperation with the different partners within the domain.⁷⁹

⁷⁷ This consists of representatives of the Ministry of Justice and Security, the National Police, the Inspectorate SZW, the Immigration and Naturalisation Service (IND), the Association of Netherlands Municipalities, the Office of the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children and a number of NGOs, such as CoMensha and FairWork, Defence for Children, La Strada International, Centre against Child Exploitation and Human Trafficking (CKM), ECPAT, the Salvation Army, among others.

⁷⁸ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Directorate for Law Enforcement and Crime (DRC) of the Ministry of Justice and Security (JenV) on 26 July 2023.

⁷⁹ The programme 'Together Against Human Trafficking' is built up along five lines of action:

- The Ministry of Social Affairs and Employment (SZW) and the Ministry of Justice and Security (JenV), in cooperation with partners in the supply chain, are currently working on modernizing the relevant article on trafficking in human beings in the Dutch Criminal Code (Article 273f). The aim is to make the criminal law approach to trafficking in human beings more effective (i.e. improving the prosecution of offenders and the protection of victims). This is done through a) increasing the accessibility of the legislation, such that it is clearer what qualifies as trafficking in human beings and making it easier for legal practitioners to use the article, and b) partly broadening the scope of criminal liability, in particular with respect to labour exploitation. A draft bill and draft explanatory memorandum are in progress and after informal consultation rounds with relevant partners, the bill will be sent to the Advisory Division of the Council of State and the House of Representatives. The aim is for the bill to enter into force in 2024.⁸⁰
- Regarding the challenge of the invisibility of trafficking networks, it is necessary that staff and volunteers working at reception centres are able to provide a Certificate of Conduct according to VWN, this is currently not the case.⁸¹

**The research period is from 1st January 2023 to 1st July 2023.*

SECTION 5: CONCLUSIONS

40. Please synthesize the main and most important findings of your national report by drawing conclusions from your responses, emphasizing on how challenges were addressed and main lessons learnt during the research period in terms of the key research for this Study, including: Legal pathways beyond TPD and transition from Temporary Protection to other types and forms of residence

- Transition from Temporary Protection to other types of residence (Q1-4)
In the Netherlands, in addition to Temporary Protection (TP), it is possible for beneficiaries of the Temporary Protection Directive (TPD) to submit an application for a regular residence permit, meaning a residence permit for example for work, study, exchange or family members. There are lowered requirements for people fleeing the war in Ukraine to enter and stay in the Netherlands such as:
 - Applying for a residence permit without an entry visa;
 - Exemption from collecting the entry visa;

-
- 1) further development of the basic approach to combating THB through increased detection of victims and perpetrators and improved assistance services for victims;
 - 2) further development of the approach to combat labour exploitation;
 - 3) preventing people from becoming victims, including in countries of origin and transit; considering how to prevent crimes from being perpetrated through making agreements with the business community;
 - 4) strengthening the municipal approach to combating THB;
 - 5) sharing knowledge and information between professionals in the Netherlands and abroad.

This information was provided by the Directorate-General for Ukraine (DG OEK) and the Directorate for Law Enforcement and Crime (DRC) on 26 July 2023.

⁸⁰ This information was provided by the Directorate-General for Ukraine (DG OEK) and the Directorate for Law Enforcement and Crime (DRC) of the Ministry of Justice and Security (JenV) on 26 July 2023.

⁸¹ This information was provided by the Dutch Council for Refugees (VWN) on 4 August 2023.

- Collecting the entry visa at an embassy in another country and;
- The personal situation is taken into account when assessing the application for a residence permit and naturalisation

In order to receive Temporary Protection, beneficiaries submit an asylum application in the Netherlands. However, after submitting the asylum application no further actions are taken in the context of the asylum procedure for the time being. All beneficiaries of Temporary Protection arriving in the Netherlands must follow the process of Temporary Protection and cannot continue the asylum procedure instead.

- Persons who do not fall under the scope (Q5-6)

The Netherlands is facing three challenges regarding persons who do not fall under the scope. The first challenge includes determining the scope, for the following groups it was challenging to determine that they did not fall under the scope of the Council Implementation Decision (CID): Ukrainian migrant workers and nationals who stayed outside Ukraine during the conflict, Ukrainian nationals who in addition have the nationality of another EU member state and third-country nationals who received permanent residence in Ukraine after the conflict or who received a temporary residence permit in Ukraine and no longer fall under the scope within the Netherlands. The other challenges include; the registration of persons who do not fall under the scope and the fact that persons who are not entitled to TP are automatically included in the asylum system. These challenges are addressed by; developing a legal framework for the determination whether a person falls under the scope of TP, evaluating the registration process for persons who do not fall under the scope and evaluating how to process the asylum applications of those that do not fall under the scope.

Traveling of beneficiaries of Temporary Protection

- Traveling inside the EU, to Ukraine and outside of the EU (Q7-9)

The Netherlands does not track the movement of beneficiaries of Temporary Protection. Persons who benefit from Temporary Protection in the Netherlands travel inside the EU, to Ukraine and outside of the EU at their own risk, which means they could lose their Temporary Protection in the Netherlands. The Immigration and Naturalisation Service (IND) will not give this person a return visa or an entry visa to return to the Netherlands and the person cannot make an appointment for a return visa at the IND desk. However, it should be noted that if Temporary Protection is lost, it can still be granted again at a later point in time. A challenge in the Netherlands with regards to beneficiaries re-entering the EU is recognition by other member states of the residence sticker and renewal letter. According to the authorities, steps have been taken to reduce this particular issue. However, according to the Dutch Council for Refugees the steps taken have not resolved this issue.

- Temporary Protection Platform (Q10-12)

The national TPP-coordinator in the Netherlands has used the platform to upload data from the Netherlands on Temporary Protection registrations and to compare this data with TP-registrations in other countries. Also, the Netherlands has used the granular data and the 'hits' to establish estimations as to where the inflow of beneficiaries of Temporary Protection mainly originates from – in the case of the Netherlands, mostly from Poland and Germany. The main challenges identified were with regards to the accuracy of the data, the inability to create a comprehensive overview and the lack of biometric data. The Netherlands considers the inclusion of the 'inactive'-status on the TPP an example of a good practice as it improved the quality of the data and ensures

that no time is wasted on pursuing 'false hits'.

- Assistance to people wishing to go home (back) to Ukraine (Q13-14)

The Repatriation and Departure Service (DT&V) of the Netherlands provides support for beneficiaries of Temporary Protection who wish to go back to Ukraine and who would like assistance arranging their return home. No particular trends have been identified with regards to the amount of people returning to Ukraine, this has been stable in the Netherlands in 2023 (until September).

Registration

- Practical change in registration (Q15)

During the research period, it has become possible for new beneficiaries of TPD to register themselves in their municipality within a few days. In the first weeks after the TPD had been activated, due to the large number of beneficiaries that wanted to register themselves with the municipality and with the IND, the process took much longer.

- Extending the validity of documentation (Q16)

When the TPD was extended after the first year, all beneficiaries of Temporary Protection in the Netherlands with a Ukrainian nationality received a letter about the extension. For third-country nationals or stateless persons who had international protection or a permanent residence permit in Ukraine on 23 February 2022, a new residence certificate (pass; the o-document) was provided. Third-country nationals with a temporary residence permit in Ukraine received a new residence pass for Temporary Protection until 4 September 2023, since as of that day they will no longer have Temporary Protection in the Netherlands due to the limitation of the scope of the application of the CID. On 2 September 2023 the Minister for Migration decided to freeze the implications of the termination of the Temporary Protection Directive for third-country nationals with a temporary residence permit in Ukraine until the Council of State, the highest administrative court in the country, rules on the appeal.

- Registration challenges (Q17)

The main registration challenges identified were regarding; identification, attempting to register in different municipalities and difficulty to appeal.

Access to rights provided under the TPD; accommodation, labour market, healthcare, education, social assistance and support for vulnerable groups

Due to the previously mentioned decision of the Minister for Migration, third-country nationals with a temporary residence permit in Ukraine keep their access to the rights provided under the TPD until the Council of State rules on the appeal.

- Accommodation (Q18-Q20)

The challenges for the Netherlands consist of:

- Scarcity in suitable accommodation and housing, mental well-being of beneficiaries living in shelters and accommodation for beneficiaries in need of special care.

Challenge 1: On top of the current accommodation and housing shortages in the Netherlands (which also entails negative effects for non-migrants), environmental constraints regarding emission prevent (rapid) development of new accommodation

and housing. Due to the temporary nature of accommodating beneficiaries, local governments have been reluctant in issuing (building)permits in order to construct (new) urban development.

Challenge 2: Regarding the mental well-being of beneficiaries living in shelters, it has been reported that the lack of privacy and the lack of information about the specific (house)rules are considered to be a challenge for the emotional well-being of some beneficiaries.

Challenge 3: It has been reported that there are currently no special accommodation facilities for beneficiaries who are in need of special care. Furthermore, (specialized) healthcare is not always provided in the (nearby) region where beneficiaries are located.

- Labour Market (Q21-23)

The main challenges regarding granting access to the labour market contain;

- Finding suitable work, shortages in Dutch language teachers, shortage in childcare places, barriers to self-employment and unfamiliarity with rights and obligations for workers.

Policy adaptations: the Netherlands is examining how to remove obstacles in certain regulated professions in order to allow, as much as possible, beneficiaries to carry out tasks without having fully met certain criteria. In the meantime beneficiaries can, within their field, work on meeting these criteria. Several pilots and projects have been initiated to facilitate this. To address the shortage of Dutch language teachers, financial support is given from the federal level to municipalities with the aim of providing language classes tailored to specific sectors. Finally, the Dutch government is drafting a communication strategy to raise awareness about rights and obligations in relation to the labour market.

- Healthcare (Q24-26)

Concerning healthcare, the Netherlands has identified the following challenges;

- General scarcities in the national healthcare system, geographical access to healthcare, the sustainability of the regulation on Medical Care of Beneficiaries of Temporary Protection and difficulties for the beneficiaries in understanding the Dutch healthcare system.

General scarcities in the national healthcare system entail shortages of general practitioners, dentists and medical care specialists. This challenge is especially prevalent in more remote locations that accommodate a relatively large number of beneficiaries. Also more prevalent in remote locations is the geographical access to healthcare due to a lack of public transport.

Policy adaptations: in order to manage the scarcities in the healthcare sector and the lack of means to access care facilities, the Netherlands has launched a project for Ukrainian psychologists to provide care nationwide. This project can be used by other care professionals for referrals. The Ministry of Justice and Security is working with instructed interpretation agencies and organizations in the Ukrainian communities to assist healthcare professionals in communicating with beneficiaries and explaining the Dutch healthcare system.

- Education (Q27-29)

The challenges for the access to education can be categorized in:

- General challenges within the Dutch educational system and challenges relating to the adaptation of displaced children from Ukraine.

Challenge 1: The general challenges consist of limited capacities in schools, a shortage of teachers and budget deficits. These challenges are being addressed through hiring Ukrainian teachers to teach the children of beneficiaries in the Ukrainian language in their welcome period. The Ministry of Education, Culture and Science has proposed legislation in order to further facilitate regional cooperation and providing education to displaced children.

Challenge 2: One of the main challenges relating to the adaptation of displaced children are language barriers for Ukrainian and Dutch children due to school facilities providing classes for Ukrainian children where the instructions are (temporarily) given in Ukrainian. Non-linguistic challenges entail double curricula for Ukrainian children, overload and mental health issues. Schools are aiming at integrating Ukrainian children into the Dutch education structure as soon as possible while in the meantime offering flexibility for Ukrainian children to allow multiple pathways. Some schools offer temporary 'welcome classes' (1-2 years) in order to encourage social interactions between Dutch and Ukrainian children.

- Social assistance/welfare (Q30-32)

In the field of social assistance and welfare, three main policy changes have been identified;

- The monthly financial allowance for food has become dependent on the size of the family unit. If a family unit is larger, the financial allowance per person will be lower;
- The monthly financial allowance for housing related costs for beneficiaries in private accommodation is lowered in order to harmonize allowances for beneficiaries living in shelters and beneficiaries living in private accommodations;
- The monthly allowance of a family can be terminated by municipalities if a family member has an income through labour or benefits.

○
The challenge in providing access to social assistance and welfare is:

- A lack of access to (central) data on employment of beneficiaries.

Municipalities currently have no legal basis to use the central database with employment records. A proposed change in the legislation is currently pending in the House of Representatives but is yet to be discussed in parliament. However, even if the proposed legislation is passed, there remains a challenge in obtaining information about income through work outside of the Netherlands.

- Support for vulnerable groups (Q33-37)

A challenge with regards to identifying vulnerable groups that fall under the TPD is:

- The lack of visibility of vulnerable groups.

Furthermore, due to discrepancies in the way vulnerable groups are identified on an EU-level, it is found difficult to determine the scope and identify such groups. This has resulted into beneficiaries being allocated to housing without the adequate facilities.

In order to protect beneficiaries (in particular UAMs) from becoming victim of trafficking in human beings, the Netherlands has initiated the following policy changes;

- A new process was implemented for registration of unaccompanied minors (UAMs) from Ukraine, driven in part by concerns that these UAMs were at risk of exploitation and trafficking in human beings. The new process entails that all children from Ukraine who arrived without their parent(s) should be reported to Nidos (the national guardianship institution).
- The Netherlands is actively participating in the EMPACT program which aims at identifying and fighting organized crime groups devoted to trafficking in human beings originating from Ukraine, Moldova, and where relevant, from Armenia, Azerbaijan and Georgia.

The challenges with regards to trafficking in human beings consist of:

- The targeting of vulnerable groups and the invisibility of trafficking networks.

The Netherlands has identified that exploitation of labour is one of the main issues.

Policy adaptations: since the outbreak of the war in Ukraine, at a national level, a consultation with all relevant government bodies and civil society organisations within the trafficking in human beings domain has been established, especially aimed at the displaced individuals from Ukraine. Furthermore, the Netherlands is also committed to raising awareness among displaced individuals themselves by providing brochures. In addition, the government endorses the importance of identification, registration and reception of all persons fleeing the war in Ukraine, especially children because of their vulnerability. Within this framework, the Netherlands has set up a national reception organization within the Directorate-General Ukraine.