

Displaced People Unit



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Introduction

On the 18th of May we published our first situational report as the Displaced People Unit.¹ The report highlighted major problems and bottlenecks displaced people from Ukraine are facing daily. In this position paper, we are seeking to analyze the situation from the side of governance and policy-making, challenging current measures implemented by the Dutch Government to assist Ukrainian displaced people. The latest developments being precisely about the implementation of the Temporary Directives and the decision to use stickers on certain identification documents,² as well as the decisions linked to healthcare and education.³

On 4 March, the Council of the European Union initiated⁴ the EU Temporary Protection Directive (hereafter TPD)⁵ thus granting displaced Ukrainian temporary protection. Yet, the implementation of the Directive is a responsibility of the Member States. In The Netherlands, Ukrainian displaced people have a legal right to stay for one year (till 4th of March 2023) with a possibility of prolongation.⁶ Ukrainian displaced people started arriving in The Netherlands in the beginning of March 2022. As on 7 June, the number of Ukrainian displaced people reached 68.4 thousand according to the Dutch Bureau of Statistics.⁷

Considering the latest developments at the Ukrainian frontline – the Russian Federation keeps grinding through Ukrainian territories in the East and the South and continues indiscriminate shelling in the North (most notably in Kharkiv, Sumy, Odesa and Chernihiv regions),⁸ the destruction of cities and entire agglomerations will likely continue. To be more precise, Lysychansk is the last big city in the Luhansk region to have surrendered to the Russian forces after an intensive shelling, because of their overwhelming military

¹ Shaidrova, M., Bonnepart, J., Ngo, M. Situational Report (18/05/2022): Displaced Ukrainians in the Netherlands. Prepared for the Netherlands Ministry of Justice and Security.

² Temporary Protection Directive. IND. <https://ind.nl/en/ukraine/temporary-protection-directive-ukraine> (last accessed 4.07.2022)

³ Education and health care of refugees. Government of The Netherlands. <https://www.government.nl/ministries/ministry-of-education-culture-and-science/news/2022/04/21/government-decides-on-education-and-healthcare-for-refugees-from-ukraine> (last accessed 4.07.2022)

⁴ Council Implementing Decision. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D0382&from=EN> (last accessed 4.07.2022)

⁵ Ibid

⁶ Onderwerp Aanpak opvang ontheemden uit Oekraïne. Brief regirng. Available at: [Aanpak opvang ontheemden uit Oekraïne | Tweede Kamer der Staten-Generaal](https://www.tweede-kamer.nl/maatschappij/aanpak-opvang-ontheemden-uit-oekraïne) (last accessed 4.07.2022)

⁷ CBS, Ingeschreven bij een Nederlandse gemeente uit Oekraïne, tot 7 juni 2022, available at: <https://www.cbs.nl/nl-nl/maatwerk/2022/23/ingeschreven-bij-een-nederlandse-gemeente-uit-oekraïne-tot-7-juni-2022> (last accessed 4.07.2022)

⁸ Ukraine war: Russian missile strikes kill 21 in Odesa region - emergency service. Williams and Lukov (2d of July, 2022), BBC, available at: <https://www.bbc.com/news/world-europe-62006743> (last accessed 4.07.2022)

superiority.⁹ To this day, missile strikes and shellings continue in Sloviansk, Siversk, Kramatorsk, and other cities in the Eastern Ukraine killing civilians and destroying critical infrastructure.¹⁰

We also expect the increase (signals from our helpdesk) in the private relocation initiatives from border countries, such as Poland, Slovak Republic, and Hungary, to The Netherlands. The latter is explained by the inability of the neighboring countries to provide long term employment and living solutions due to the overwhelming numbers of displaced people.

Therefore, **guidelines on the continuation** of the temporary protection as well as a clear procedure about what happens after its expiration date are required. If the prolongation of the directive is not timely considered, we expect municipalities to be reluctant in developing and implementing long-term educational, housing and employment strategies. It will also affect the willingness of Dutch universities to accept Ukrainian students under the temporary directive. Additionally, participation in the labor market could be discouraged and integration programs for children will not be implemented on time. Finally, the current (critical) situation with the general asylum procedure in the country points to the inability to process asylum requests in the current capacity.¹¹ Therefore, a comprehensive and proactive nation-wide long-term strategy in relation to displaced Ukrainians residing in The Netherlands should be put in place in order to prevent rather than react to the possible crises.

Residence and identity documents

The IND has a direct function to provide Ukrainians with documents confirming their legal right to stay in The Netherlands under the TPD¹². However, only recently the IND has started giving out the stickers to Ukrainian displaced people and the efforts are not scaled up to cover all Ukrainians residing in NL under the Directive (e.g., in the local branch of IND in Amersfoort, Wesland, and Utrecht). As a result, displaced Ukrainians residing in The Netherlands find themselves in a “legal limbo” – they are not undocumented migrants, but are not properly documented either. Since the 90 days visa free stay in the Schengen zone is coming, or has come, to an end for most of the displaced Ukrainians, there are several implications of the delayed response of the IND, which we outline below.

One of the core problems with identification documents is that **Ukrainian internal documents do not qualify as travel documents in the Schengen area**. Documents which give the right to leave Ukraine and to enter Ukraine and certify the identity of a citizen of Ukraine while staying abroad are:

- passport of a citizen of Ukraine for traveling abroad ;
- diplomatic passport;

⁹ News from 04/07/2022 <https://www.aljazeera.com/news/2022/7/4/russia-ukraine-war-list-of-key-events-day-131>

¹⁰ News from 04/07/2022

<https://www.europe1.fr/international/lest-de-lukraine-pilonne-conference-sur-la-reconstruction-en-suisse-4121307>

¹¹ Reception Crises: Dutch Authorities Acknowledge Crisis Seeking Solutions, Belgian Court Raises Question of Systematic Violations but Public Prosecutors Find No Criminal Offence. ECRE. Available at: <https://ecre.org/reception-crises-dutch-authorities-acknowledge-crisis-seeking-solutions-belgian-court-raise-question-of-systematic-violations-but-public-prosecutors-sees-no-criminal-offence/>. (Last accessed 4.07.2022)

¹² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences.

- service passport;
- travel document of the child;
- seaman's identity card;¹³

On the 18th of April, the State Border Service of Ukraine announced that the Ukrainian authorities will accept the internal documents of Ukrainians to cross the Ukrainian borders, but they do not guarantee that the decisions of the EU Member States would be the same.¹⁴ According to the operational guidelines for external border management EU-Ukraine borders 2022/C 104 I/01, all EU countries bordering Ukraine allow the entry on humanitarian grounds to all people fleeing the war in Ukraine (including children) regardless of whether or not they have a biometric passport. While many Ukrainians do have biometric passports, the internal passport of the citizen of Ukraine (in the form of a paper booklet) is the most widespread and common identity document that most of Ukrainians have. Thanks to the guidelines, it is possible for Ukrainians to cross the border with such an internal passport, despite the fact that it is not a valid document certifying the identity of a citizen of Ukraine while staying abroad.

The guidelines of the EU from the beginning of March were thus encouraging a lenient and flexible policy of acceptance of Ukrainian documents, including internal passports, when it comes to protection on humanitarian grounds. Hence, we have been in contact with the Ministry of Internal Affairs of The Netherlands from the first days making it possible for displaced Ukrainians to get registered in BRP even if they do not have biometric passports, as is normally required. However, even though the guidelines provided a quick fix, we see them as an emergency measure to give Member States time to take the responsibility for the development of the working policy in their place. The IND must therefore develop more sustainable long-term policies and procedures that would comprehensively address the status of displaced Ukrainians, as well as their personal identification documents.

First, we recommend IND not only provide Ukrainians a document that would allow them to stay in The Netherlands after the 90 days Schengen period expires, but also address the issue of how exactly the combination of the sticker and internal passports (ID card) could be a substitution of the travel document in the combination with the certificate of the embassy (issued as a proof of identity by the Ukrainian Ministry of Foreign Affairs). Since the war in Ukraine is still ongoing and there is no evidence that it will be over in the upcoming months, we expect people to start traveling back and forth between Ukraine and The Netherlands. This could be predicted taking into account the fact that the majority of Ukrainian displaced women left their male members of the family¹⁵ behind and the distance between Ukraine and The Netherlands allows for short term visits. This scenario could change once the mobilization is prolonged. In that case Ukrainian women of certain (high skilled) professions could also be called to the army (as of 31st of October) according to the new law that came in force on the 17th of December. The law obliges women to be registered in the local military committees.¹⁶ Hence, the IND must ensure that there is clarity regarding the travel

¹³ *Постанова Верховної Ради України; Положення від 26.06.1992 № 2503-XII.*

¹⁴ Official media channels (facebook) of the State border service, available at: <https://www.facebook.com/DPSUkraine>. (last accessed 4.07.2022)

¹⁵ CBS reported that 80% of adult displaced Ukrainians are women. <https://www.cbs.nl/en-gb/news/2022/14/mainly-women-and-children-from-ukraine-registered> (last accessed 4.07.2022)

¹⁶ The Order of the Ministry of Defense of Ukraine dated on 17th of December, available at: <https://zakon.rada.gov.ua/laws/show/z1566-21#Text> (last accessed 4.07.2022).

documents and their substitutes after the end of the 90 days visa free stay when it comes to crossing the Dutch border.

Second, although the solution proposed by the IND at the beginning of the influx of Ukrainians fleeing the war was a quick fix, it does not address multiple mid- and long-term problems that most Ukrainians seeking refuge in The Netherlands will face. First and foremost, the current fix implies that most of Ukrainians currently residing in The Netherlands will return to their home country shortly. This might be the case for some displaced Ukrainians, but for many it will not be an option in the foreseeable future. Because of the continuous destruction of cities and entire agglomerations, for many Ukrainians currently staying in The Netherlands, there will physically be no home, work, or community to go back to, even after the war is over. We recommend the Dutch government (more precisely DG Oek) and the IND to seek to develop a long-term policy of accommodation of displaced Ukrainians whose potential return to Ukraine may be delayed for years if not decades. In particular, as a first step in this direction, the IND must develop clear procedures for the extension of the temporary stay in The Netherlands for displaced Ukrainian citizens which currently expires on the 4th of March 2023 (**less than nine months away** from now including the summer vacation period). Although the extension is reported to be automatic, there **should be a clear communication strategy** to all actors involved in hosting Ukrainians in The Netherlands (governmental and non-governmental ones) about the duration and respective rights of Ukrainian displaced people.

Another related issue is that the stickers proposed by the IND as a substitution for the ID document **does not solve the problem of identification** for those who are not in possession of biometric passports, which creates multiple practical limitations. For instance, displaced Ukrainians face difficulties with opening Dutch bank accounts because of the absence of proper identification documents. We communicated the problem with bank accounts a month ago, but there have not been any significant changes. There has been an expectation that the IND would solve the general issue of identification by beginning to issue biometric documents for displaced Ukrainians. However, these expectations have not been realized. This practically means that IND followed the EU Guidelines regarding the leniency in accepting the documents, but only when it comes to the BRP registration and the issue of the permit – which represent only a fraction of the identification problems that displaced Ukrainians face.

Communication and responsibility

According to the latest letter of the State Secretary Eric van der Burg the responsibility of managing the Ukrainian Displaced People is on the two respective governmental policy-making and operational organs: DG Oek and NOO¹⁷. Since the situation of Ukrainians is believed to last longer than a year¹⁸, the respective Ministries (Ministry of Social Affairs, Ministry of Health, and Ministry of Internal Affairs) responsible for integration, housing, health and adaptation of the displaced people should become more salient in developing a long-term strategy.

¹⁷ Verzamel brief opvang Oekraïne, indiener E. van der Burg; available at: [Verzamelbrief opvang Oekraïne | Tweede Kamer der Staten-Generaal](#). (last accessed 04.07.2022)

¹⁸ In general, with the intensifying bombings and announcements from both presidents, it is safe to say that the war will probably not end soon. Also read: <https://reason.com/2022/06/10/ukraine-war-unlikely-end-anytime-soon/>.

Considering the direct service provisions, the Dutch Government is relying on relief organizations such as the Red Cross and the Salvation Army. Informational support is provided by Vluchtelingenwerk and educational advice by LOWAN. The questions of the municipalities about the situation of Ukrainian displaced people is most often dealt with by VNG. When it comes to the organization of housing and satisfaction of the basic needs, the responsibility lies on relief organizations that are in position neither to provide nor to coordinate long-term solutions. Hence, there should be more attention given to practical support for municipalities and local NGOs that could potentially provide the services on a long-term basis. Undoubtedly, the successful balance between central and local governance **has its source in a comprehensive communication strategy.**

Although the governing structures are in place, there is a lack of communication and guidelines about how to implement governmental policies, which produces confusion and discrepancies when it comes to operationalising governmental decisions on the ground. Since the support of Ukrainians is decentralized,¹⁹ it is essential for information to be distributed to all actors, and most importantly those operating at the local level. According to our latest survey, Ukrainians are getting their information from friends/relatives (even more than from Telegram channels as reported earlier), which could be linked to the reports of the full distrust of institutions.²⁰ For information to reach the Displaced people, it should be distributed in close partnership with local initiatives and organizations, yet still originate from a central source.

There is also a lack of one authority responsible for referrals of Ukrainians. The Red Cross helpline is covering the informational support, but it is not sufficient when it comes to following up complex or particularly sensitive requests (the requests expire in one day) which leads to inability to “track” the cases of exploitation. The specific reporting help desks when it comes to human trafficking (e.g., Comensha) are not tailored for Ukrainian needs and we do not see people approaching it, while being informed. The Red Cross helpline provides the information about the basic needs, but there should exist an informational help desk for referrals and advice when it comes to long-term questions about education, employment, social benefits, psychological health, and the like. It should be implemented after a careful analysis of the communication habits and perceptions of Ukrainians. Notably, the trust to institutions among Ukrainians is hardly existent, as reported by the Rozumkov research Center in Ukraine.²¹ Therefore, communication strategy should not be underestimated in the further development of long-term policies.

Mid and long-term strategies concerning education

As mentioned previously, it is now essential to focus on the mid- and long-term strategies concerning displaced Ukrainian. The implementation of the TPD directive is linked to long-term planning considering primary, secondary, and higher education.

¹⁹Reception of refugees from Ukraine. Government.nl. Available at: <https://www.government.nl/latest/news/2022/03/30/reception-of-refugees-from-ukraine-is-taking-shape>. (Last accessed 4.07.2022)

²⁰ First Situational Report of DPU, 18th of May, 2022.

²¹ Rozumkov Research Center Report on trust in institutions, data gathered in June - July 2021, available at: [Довіра до інститутів суспільства та політиків. електоральні орієнтації громадян України \(липень-серпень 2021р.\) \(razumkov.org.ua\)](https://razumkov.org.ua/) (last accessed, 4.07.2022).

In The Netherlands, the situation concerning the access to education for Ukrainian children remains very uneven, and solutions inconsistent. It has been reported that in some municipalities children have not yet been accepted to join a Dutch school (reported in IJsseland); in some others, Dutch schools have integrated Ukrainian children with an adjusted program that focuses on languages and art; yet in others, some schools have set up one class for children from 4 to 12 years old. It is understandable that in such times of confusion and emergency solutions must be taken quickly and therefore problems and inconsistencies may occur. However, it is essential that the Dutch government develops a central plan and strategy regarding school education for the new academic year 2022-2023, **which is less than two months away**. In the Law proposal of 18th of May by the Ministry of Education it is clear that the children will be encouraged to join the ISK or transition classes and will partially follow the program in case the whole group supports it. There is no clear strategy on the involvement of Ukrainian teachers and most of their contracts expire at the end of July.²²

Moreover, until now, Ukrainian children have been able to voluntarily continue following their Ukrainian program through online classes. However, it has already been announced that this will no longer be the case from September. This must be taken into consideration, as children will no longer be learning Ukrainian (only with their families at home) which could be very problematic if ever they were to go back to Ukraine in several years. Our survey data (July, 2022; n575) demonstrated that the majority of Ukrainian parents (56 percent) are in favor of continuing the education following both Ukrainian and Dutch programs. Depending on how many children there are in schools, a national structure for Ukrainian courses should be implemented. By hiring Ukrainian teachers (which we will uncover next), different levels of Ukrainian classes can be established in Dutch schools in order for them to continue learning their mother tongues, and have some proximity to their Ukrainian culture and background through school (and not only family). This will also guarantee a stronger possibility for them to go back to Ukraine, if they can. We consider this measure in accordance with temporariness of the current legal measure, although we are well aware about the possible scenarios, there is not yet a mechanism in place meaning that the short and long term educational strategies should also derive from this understanding.

In some schools, Ukrainian teachers have been successfully integrated or hired (mostly on short-term contracts).²³ This should not be standalone cases in some provinces and municipalities, but rather part of a comprehensive integration strategy, by which every school in The Netherlands with a minimum number of Ukrainian children has Ukrainian teachers. Although the validity of their teaching degree is a concern, teachers who have a degree from Ukraine should have a possibility to learn Dutch, receive training to ensure their adaptation to the Dutch educational system, and then be hired with normal contracts (as other Dutch teachers). Zero-hour or 6 months contracts do not represent a sustainable and fair solution, and yet this is currently the general practice around The Netherlands. The collaboration with Ukrainian teachers is absolutely necessary, given the shortage of Dutch teachers in the country.²⁴

²² Survey data DPU, n60, July 2022.

²³ Ibid

²⁴ Personeelstekorten in het onderwijs. Centerdata Research Institute. Available at: <https://www.centerdata.nl/actueel/lerarentekorten-in-het-primair-onderwijs-in-kaart-gebracht>. (last accessed 4.07.2022)

Student residency in the Netherlands

The situation of students is also unclear considering the implementation of the Temporary Directive. Once the Temporary Protection Ukraine Directive expires, students will either have to leave the Netherlands, or apply for a residence permit (student visa) and meet the requirements for the student residence permit which is normally provided for a whole year.²⁵ Hence, universities are hesitant to accept students under the temporary directive.²⁶ The student visa might be more beneficial for students, but current requirements of the IND are not feasible to meet:

- Proof that the student has EUR 12,000 available after payment of your tuition fee (via sponsor or in own account)
- Copy of your valid passport including all pages with a stamp, signature or sticker on it
- Antecedents certificate.

Considering the fact that not all Ukrainian students could provide the documents or even open the bank account (they might not be in possession of the valid international travel document), they will not be able to meet the requirements and start their education in September.

Integration (language proficiency)

Ukrainian do not fall under the obligatory integration legislation which makes their case more inclusive in terms of labor market participation.²⁷ Nevertheless, to be successfully integrated in the job market it should be possible for displaced people to acquire basic language skills and integration courses. In June 2022, €1.6 million was allocated for translation services,²⁸ but there is no mention of language courses and also intensive language courses for children and adults.

From the variety of research reports we know that the sooner the language integration begins — the more beneficial it is for displaced people, but also it helps to address the shortage the Dutch economy is facing at the moment. For example, the paper of Daniel Auer (2018) suggests that language skills have a causal effect on employment opportunities.²⁹

Conclusion

In this paper, we problematized the current measures taken by the Dutch Government for Ukrainian displaced people putting them in the long term perspective. As a result of our analysis, we conclude that the timely adoption of the long-term strategies are especially

²⁵ IND student residence permit:

²⁶ communication with university administration, UAF, Nuffic.

²⁷ Wet Inburgering 2021, available at:

<https://www.rijksoverheid.nl/onderwerpen/inburgeren-in-nederland/nieuwe-wet-inburgering> (last accessed 4.07.2022)

²⁸ Verzamel brief opvang Oekraïne, indiener E. van der Burg; available at: [Verzamelbrief opvang Oekraïne | Tweede Kamer der Staten-Generaal](#). (last accessed 04.07.2022)

²⁹ AUER, Daniel. Language roulette—the effect of random placement on refugees' labour market integration. *Journal of Ethnic and Migration Studies*, 2018, 44.3: 341-362.

relevant in the light of the asylum 'crisis' in Ter Appel which clearly shows Dutch unpreparedness in terms of logistics and operations to process asylum claims.

The current delay of the IND points out to the similar logistical problem as with asylum procedures asking for preventive rather than reactive solutions. We are concerned that the failure to provide people with documentation in time will eventually impact policy implementation in different other areas such as education, housing, and employment. Moreover, the mid-term orientations in the policy solutions (such as encouragement of private housing, the assistance of relief organizations) represent an important instrument to satisfy immediate needs, but it fails to establish a firm ground for the long term solutions which could eventually lead to the crisis.

Undoubtedly, we should work with the scientific scenarios about migration flows when approaching the situation of displaced people, but the latter is heavily influenced by conflict development and remains rather *speculative*.

Instead, we have to also focus on how the current measures adopted by the Dutch Government could create potentially problematic situations when it comes to the implementation of the long-term strategies for Ukrainian Displaced People.

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