

Temporary Protection Netherlands

2024 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Netherlands](#).

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Temporary Protection Procedure

A. General

In the Netherlands, the Temporary Protection Directive (TPD) was introduced in national law in 2004/2005, through Articles 3, 43a and 45 (6) of the Aliens Act and Article 3.1a Aliens Decree and Article 3.9a Aliens Regulation. Displaced people who fall under the scope of the TPD are considered asylum seekers under a specific asylum regime. People falling under the scope of the TPD have right of residence in the Netherlands as asylum seekers having been granted temporary protection. As such, they can claim the rights laid down in the TPD. They do not obtain a regular or asylum residence permit.

Title (EN)	Original Title (NL)	Web link
Aliens Act 2000	Vreemdelingenwet 2000	https://bit.ly/3qUN0MS (NL) https://bit.ly/3uzy7XV (EN)
Aliens Decree 2000	Vreemdelingenbesluit 2000	Vreemdelingenbesluit 2000 (NL)
Aliens Regulation 2000	Voorschrift Vreemdelingen 2000	https://bit.ly/3qUDYzz (NL)
Regulation for the Reception of Displaced Persons from Ukraine	Regeling Opvang Ontheemden Oekraïne	https://bit.ly/3Ujptpv (NL)
IND Work Instruction 2022/17 (valid from 4 August 2022 until 4 August 2025)	Werkinstructie 2022/17	https://bit.ly/3wkBouZ (NL)
Temporary Act on the Reception of Displaced Persons from Ukraine	Tijdelijke Wet Opvang Ontheemden Oekraïne (TWOOO)	https://bit.ly/43zoCHI (NL)

As a result of the Implementing Decision (EU) 2022/382, detailed national measures have been introduced.

Scope of temporary protection in the national context

1. Ukrainian nationals who resided in Ukraine on 23 February 2022;
2. Ukrainians who left Ukraine on or after 27 November 2021;
3. Ukrainians who can prove that they were already in the Netherlands before 27 November 2021 and not in another EU country;
4. Non-UA nationals who, on 23 February 2022, had been recognised as refugees by Ukraine;
5. Non-UA nationals who held a valid, permanent Ukrainian residence permit on 23 February 2022 and who had not left Ukraine before 27 November 2021 or had not returned to their country of origin by 23 February 2022;
6. Minor children, the spouse or partner with a long-term relationship of a person falling under the scope of the TPD, who lived together in Ukraine before the start of the war;
7. Other family members (largely) dependent on a person who is part of the above-mentioned groups.¹

National procedure for temporary protection

The Dutch government introduced a specific national procedure for displaced people from Ukraine. After an initial assessment conducted by a municipality (local council) as to whether the person concerned falls under the scope of the TPD, displaced persons from Ukraine are registered by the municipality in the Personal Records Database (in Dutch: *Basisregistratie Personen* or BRP). Thereafter, the person concerned has to obtain proof of residency (proof of having been granted temporary protection) from the immigration authorities (IND). At that moment, the IND also assesses and establishes whether the person

¹ Dutch Parliament, 'Aanpak opvang ontheemden uit Oekraïne', 30 March 2022, available in Dutch at: <https://bit.ly/44fP5rO>.

concerned falls under the scope of the TPD. The beneficiary must at that moment also submit an asylum application. This is a prerequisite for obtaining temporary protection in the Netherlands.

In case a displaced person does not collect their proof of residency and/or refuses to continue the asylum procedure, the IND will no longer assess their request for temporary protection as well as their asylum application. As a result, they are no longer entitled to the rights laid down in the TPD nor the rights connected to the legal status of asylum seeker. Their registration in the BRP no longer reflects their entitlement to temporary protection. From then on they reside illegally in the Netherlands and will receive a return decision from the IND.

As of 14 March 2025, 121,000 displaced persons from Ukraine (nationals and non-nationals from UA) were actively registered in the BRP in the Netherlands.²

UA nationals beyond the scope of TPD

Ukrainian nationals who left Ukraine prior to 27 November 2021 do not fall within the scope of the TPD, unless they had been staying in the Netherlands before this date. They can submit an asylum application at the centre in Ter Apel. No information is available on the numbers of this group of displaced persons.

Third Country nationals from Ukraine (non-UA nationals)

Initially, displaced non-UA nationals holding a valid Ukrainian residence permit on 23 February 2022 – regardless of whether this was a temporary or a permanent Ukrainian residence permit – were entitled to temporary protection in the Netherlands. However, since 19 July 2022 the scope of the TPD concerning non-UA nationals has changed.³ The situation remains the same for non-Ukrainian nationals with a permanent Ukrainian residence permit. On the other hand, non-Ukrainian nationals who only held a temporary residence permit in Ukraine are no longer included under the scope of TPD in the Netherlands (see [Qualification for temporary protection](#)). Their right to temporary protection would end on 4 March 2023. However, beginning of 2023 the former Secretary of State (hereafter: Minister for Asylum and Migration) announced that temporary protection for this group would be extended until 4 September 2023. Due to a judgment of the Council of State of 17 January 2024, the temporary protection of this group of non-UA nationals (automatically) ended on 4 March 2024.⁴ However, following preliminary questions raised by the Regional Court Amsterdam⁵ and by the Council of State on 25 April 2024⁶ to the CJEU, the Minister for Asylum and Migration (hereafter the Minister) has announced that this specific group non-UA nationals are allowed to stay in the Netherlands until 4 March 2025 while awaiting the judgment of the Court of Justice of the EU.⁷ On 19 December 2024 the CJEU ruled that, in accordance with the opinion of the Advocate General, the Minister was allowed to end the temporary protection of this specific group of non-Ukrainian nationals at any moment and before the maximum duration of the temporary protection mechanism established at Union level has been reached.⁸ The government announced that the non-Ukrainian nationals concerned will retain their rights connected to the TPD at least five weeks after the Regional Court Amsterdam and the Council of State have issued their final judgments.⁹

² Dutch government, 'Cijfers opvang vluchtelingen uit Oekraïne in Nederland', only available in Dutch at: <https://bit.ly/3kww3KZ>.

³ Dutch Parliament, 'Kamerbrief over aanpassing doelgroep beschermingsrichtlijn. Aanpassing Doelgroep Beschermingsrichtlijn', 18 July 2022, available in Dutch at: <https://bit.ly/3zuFUVF>; see also Staatscourant 2022, 22623, amendment of Article 3.9a of the Aliens Decree, information only available in Dutch at: <https://bit.ly/3nlKVr2>.

⁴ Council of State, 202305663/1/V/2, 17 January 2024, ECLI:NL:RVS:2024:32, available in Dutch at: <https://bit.ly/3UA6JDh>.

⁵ Regional Court Den Haag, Amsterdam, NL24.5401, 29 March 2024, ECLI:NL:RBDHA:2024:4394, available in Dutch at: <https://bit.ly/3Uh6mfJ>.

⁶ Council of State, 202401901/1, 202402020/1, 202402066/1, 25 April 2024, available in Dutch at: <https://bit.ly/3y1JM2V>.

⁷ Parliament, 'Prejudiciële vragen Afdeling inzake derdelanders uit Oekraïne', 25 April 2024, information available in Dutch at: <https://bit.ly/4aP9lNZ>. The case is registered before the CJEU as case number C-290/24, *Abkez*, and its progress can be monitored [here](#).

⁸ CJEU, C-244/ 24 and C-290/24, 19 December 2024, ECLI:EU:2024:1308.

⁹ Dutch parliament, 'Derdelanders Oekraïne', 20 December 2024, number 36394, 25, information only available in Dutch at: [Kamerbrief over derdelanders Oekraïne | Kamerstuk | Rijksoverheid.nl](#); IND, Residency non-Ukrainians with temporary Ukrainian residence permit, information available at: <https://bit.ly/4iJaSi6>.

It should be noted that, as extensively described in the [AIDA country report](#), the Netherlands faces a significant shortage of reception places for asylum seekers. For now, reception for this particular group of non-UA nationals remains the municipalities' responsibility.

According to information provided by the Dutch government, this policy applies to a number of non-UA nationals that is estimated to be between 1,500 and 2,000 who still remain in the Netherlands.¹⁰

Russian nationals

Russian nationals who have a valid permanent Ukrainian residence permit on 23 February 2022 or who are family members of a beneficiary of temporary protection are entitled to temporary protection in the Netherlands. Russian nationals who do not fall within the scope of the TPD and flee Russia can submit an asylum application at the application centre in Ter Apel. In 2023, 330 and in 2024, 241 Russian nationals applied for asylum in the Netherlands. In January and February 2025, 31 Russian nationals filed an asylum application in the Netherlands.¹¹

B. Qualification for temporary protection

As previously indicated, different groups qualify for temporary protection in the Netherlands as of 19 July 2022:

1. Ukrainian nationals who:
 - ❖ Resided in Ukraine on 23 February 2022; or
 - ❖ Fled Ukraine on or after 27 November 2021 because of rising tensions or who travelled to the territory of the European Union for another reason (e.g., for vacation or work) in the period from 27 November 2021 to 23 February 2022; or
 - ❖ Can prove that they already resided in the Netherlands before 27 November 2021, for example through a previously submitted asylum application, on the basis of a regular residence permit or a residence permit that has been terminated.
2. Stateless or non-UA nationals who:
 - ❖ On 23 February 2022 enjoyed international protection or equivalent national protection in Ukraine; or
 - ❖ Had a valid Ukrainian permanent residence permit as of 23 February 2022 and:
 - with respect to whom there is no evidence that they left Ukraine before 27 November 2021, and;
 - with respect to whom there is no evidence that they returned to their country of origin after 23 February 2022.
3. Family members of beneficiaries of temporary protection:
 - ❖ Spouse or partner with whom a long-term relationship is maintained.
 - ❖ Minor (unmarried) children (born within or outside marriage or adopted).
 - ❖ Other family members who lived with the beneficiary and are (largely) dependent on them.

The Dutch Council for Refugees (DCR) had initially understood, from exchanges with the IND, that family members had to prove that they had lived together (cohabitation) in Ukraine for at least six months prior to the outbreak of war on 24 February 2022, or from 27 November 2021 until their departure from Ukraine. This applied to partners in a long-term relationship as well as to married couples. The DCR has heard of cases in which the IND or the municipal officer refused temporary protection because the individuals concerned could not substantiate the criterion of cohabitation. As far as known, in cases where lawyers were involved, nevertheless temporary protection was provided. However, while discussing a bill on the

¹⁰ Dutch Parliament, 'Kamerbrief over uitwerking maatregelen opvangopgave', 10 February 2023, number 44 75144, information available in Dutch at: <https://bit.ly/3Je4Kii>.

¹¹ IND, *Asylum Trends, Monthly Report on Asylum Applications in the Netherlands*, January 2025, available at: <https://bit.ly/4iVxZWR>.

reception of Ukrainians in the House of Representatives, the Minister made clear in December 2023 that family members who were in a relationship at the time of the outbreak of the conflict, but only lived together after the outbreak of the conflict in 2022, also came under the scope of the Temporary Protection Directive. There is therefore no need for cohabitation in Ukraine anymore. Moreover, if a TP beneficiary lived with a non-UA national in the Netherlands before 27 November 2021, or in another EU Member State before 23 February 2022, that non-EU national will be brought within the scope of the TPD.¹²

As can be observed from the list above, the scope of the TPD in the Dutch context is broader compared to the Council Implementing Decision 2022/382 as Ukrainian nationals who had already fled Ukraine before 24 February 2022 may also be granted temporary protection in the Netherlands.

Similarly, the scope of the TPD regarding stateless and non-UA nationals is broader in the Dutch context compared to the Council Implementing Decision 2022/382. Non-UA nationals who held a valid Ukrainian permanent residence permit on 23 February 2022 are entitled to temporary protection without determining whether they can return safely and durably to their country or region of origin. Moreover, non-UA nationals holding a temporary Ukrainian residence permit initially also fell within the scope of the TPD. However, that is no longer the case.

Situation of non-Ukrainian nationals who held a temporary residence permit in Ukraine as of 23 February 2022

Initially, displaced non-UA nationals holding a valid Ukrainian residence permit on 23 February 2022 – regardless of whether this was a temporary or a permanent Ukrainian residence permit – were entitled to temporary protection in the Netherlands. However, since then the scope of the TPD concerning non-UA nationals has changed. The situation remains the same for non-Ukrainian nationals with a permanent Ukrainian residence permit. On the other hand, in the summer of 2022, the Minister announced that non-UA nationals holding a temporary Ukrainian residence permit, who had not been registered in the BRP before 19 July 2022, would no longer fall within the national scope of the TPD.¹³ Moreover, the right to temporary protection of those who had registered before 19 July 2022 would end on 4 March 2023. At the beginning of 2023 the Minister announced that temporary protection for this group would be extended until 4 September 2023. The decision to reduce the scope of TPD was motivated by logistical problems, a lack of sufficient reception places for asylum seekers, as well as the backlog at the IND in assessing asylum applications.¹⁴ In the summer of 2023, the IND issued decisions to these non-UA nationals stating that their right to temporary protection would end on 4 September 2023. Appeal procedures were initiated in many of these cases, resulting in divergent case law from the Regional Courts. On 1 September 2023 the Council of State granted provisional measures in one case, ruling that further investigation was required. As a result, the Minister decided to ‘freeze’ the intended termination of temporary protection for the entire group, until the substantive ruling of the Council of State as to whether the termination of temporary protection of this particular group of non-UA nationals on 4 September 2023 was legally valid.

On 17 January 2024, the Council of State ruled¹⁵ that the Minister was not authorised to terminate temporary protection of non-UA nationals with a temporary Ukrainian residence permit who had registered in the BRP before 19 July 2022 on 4 September. On the other hand, the Council of State did not find that temporary protection of this group of non-UA nationals could only be terminated at the same time as the temporary protection of other displaced persons who are then covered by the mandatory scope of the TPD. The Council of State deduced from the Extension Decree ((EU) 2023/2409) of 19 October 2023 that the extension of temporary protection until 4 March 2025 only applies to those still entitled to temporary protection on 19 October 2023. But, as of 19 July 2022, the Netherlands no longer granted temporary protection to the group of non-UA nationals mentioned above. As the Extension Decree dates from 19 October 2023, and that the change of policy applied as of 19 July 2022, Article 1 of the Extension Decree

¹² Dutch Parliament, ‘Tijdelijke wet opvang ontheemden Oekraïne’, available in Dutch at: <https://bit.ly/4atBJde>.

¹³ Dutch Parliament, ‘Kamerbrief over aanpassing doelgroep beschermingsrichtlijn’, 18 July 2022, information available in the Dutch language: <https://bit.ly/44AgHKh>.

¹⁴ Dutch Parliament, ‘Kamerbrief over uitwerking maatregelen opvangopgave’, 10 February 2023, number 44 75144, information available in Dutch at: <https://bit.ly/3Je4Kii> and IND, ‘Extension sticker or card temporary protection Ukraine’, last updated 14 March 2024, available at: <https://bit.ly/3ZAYIDu>.

¹⁵ Council of State, 202305663/1/V2, 17 January 2024, ECLI:NL:RVS:2024:32, available in Dutch at: <https://bit.ly/3UA6JDh>.

and the extension laid down therein until 4 March 2025 does not apply to this particular group of non-UA nationals. Thus, according to the Council of State, the right to temporary protection of this group of non-UA nationals was to automatically end on 4 March 2024, which is the last day of the previous extension of the TP.

In February 2024, the IND started imposing return decisions on these non-UA nationals. Effective 5 March 2024, they will remain in the Netherlands illegally, unless they decide to file an asylum request or can achieve lawful residence in the Netherlands some other way.

Thus, ultimately, as a result of the ruling of the Council of State on 17 January 2024, the situation was the following:

- ❖ Non-Ukrainian nationals with a temporary residence permit in Ukraine as of 23 February 2022, who had registered in the BRP before 19 July 2022, were to benefit from temporary protection until 04 March 2024. As of 05 March 2024, unless they have managed to find another ground to stay legally, there were illegally residing in the Netherlands and could be returned. However, there have been ongoing legal challenges at the individual level (see *infra*).
- ❖ Non-Ukrainian nationals with a temporary residence permit in Ukraine as of 23 February 2022, who had **not** registered in the BRP before 19 July 2022, have not been able to access temporary protection in the Netherlands.

Appeals against the return decisions and other appeals concerning the termination of temporary protection on 4 March 2024 have been lodged with regional courts. The regional court Roermond, consisting of three judge panels, has issued three judgments in cases of individuals belonging to this particular group of non-UA nationals. The court ruled that the individuals concerned are entitled to temporary protection until 4 March 2025, just like any other beneficiary of temporary protection.¹⁶ Furthermore, other regional courts consisting of a three judge panels also have issued decisions. Regional courts Den Bosch and Haarlem have ruled the same as the regional court Roermond: the individuals concerned are entitled to temporary protection until 4 March 2025.¹⁷ The regional court Amsterdam, also consisting of a three judge panel, has raised preliminary questions to the Court of Justice of the EU. One of the questions concerns the application of the extension of the TPD by Council Decision (EU) 2023/2409 to the particular group non-UA nationals.¹⁸

Regional courts Rotterdam, Zwolle, Den Haag, Utrecht and Arnhem, consisting of three judge panels, have ruled in accordance with the judgment of the Council of State on 17 January 2024.¹⁹

As far as known about 1,300 appeals were made against the termination of temporary protection on 4 March 2024 of this particular group. The Secretary of State (IND) appealed (at minimum) the decisions of the regional court Roermond before the Council of State. Non-UA nationals also appealed decisions of regional courts that ruled in accordance with the judgement of the Council of State of 17 January 2024.

On 2 April 2024, the Council of State granted six provisional measures in cases in which an onward appeal was lodged against decisions of regional courts. In these rulings the Council of State referred to the

¹⁶ Regional Court Den Haag, Roermond, NL23.24995 and NL24.7928, 19 March 2024, ECLI:NL:RBDHA:2024:3694, available in Dutch at: <https://bit.ly/3UBORbd>; NL23.24696 and NL24.7930, 19 March 2024, ECLI:NL:RBDHA:2024:3695, available in Dutch at: <https://bit.ly/4dkWfzg>; NL23.25900 and NL23.40788, 19 March 2024, ECLI:NL:RBDHA:2024:3696, available in Dutch at: <https://bit.ly/3UmJHOW>.

¹⁷ Regional Court Den Haag, Den Bosch, NL23.24873, 25 March 2024, ECLI:NL:RBDHA:2024:4090, available in Dutch at: <https://bit.ly/3UhsmaK>; Regional Court Den Haag, Haarlem, NL23.26969, 27 March 2024, ECLI:NL:RBDHA:2024:4294, available in Dutch at: <https://bit.ly/4aUDRLS>.

¹⁸ Regional Court Den Haag, Amsterdam, NL24.5401, 29 March 2024, ECLI:NL:RBDHA:2024:4394, available in Dutch at: <https://bit.ly/3xX7j5c>.

¹⁹ Regional Court Den Haag, Rotterdam, NL24.6802, 25 March 2024, ECLI:NL:RBDHA:2024:4053, available in Dutch at: <https://bit.ly/3JCkPhl>; Regional Court Den Haag, Utrecht, NL23.25570 and NL24.8178, 26 March 2024, ECLI:NL:RBDHA:2024:4212, available in Dutch at: <https://bit.ly/4dkWquq>; Regional Court Den Haag, Zwolle, NL24.6493, 27 March 2024, ECLI:NL:RBDHA:2024:4248, available in Dutch at: <https://bit.ly/44IVyBj>; Regional Court Den Haag, NL24.7849, 27 March 2024, ECLI:NL:RBDHA:2024:4276, available in Dutch at: <https://bit.ly/44rRZtx>; Regional Court Den Haag, Arnhem, NL23.29253 and NL24.9702, 28 March 2024, ECLI:NL:RBDHA:2024: 4375, available in Dutch at: <https://bit.ly/44ou0vd>.

preliminary questions raised by the Regional Court Amsterdam. The individuals in these six cases are allowed to stay in the Netherlands awaiting the preliminary ruling by the CJEU. As these individuals are allowed to stay in the Netherlands they are entitled the rights belonging to the TPD.²⁰

On 25 April 2024 the Council of State also raised preliminary questions to the CJEU.²¹ Due this judgment, the former Secretary of State announced that the non-UA nationals would be allowed to remain in the Netherlands under temporary protection until 4 March 2025 awaiting the CJEU judgment.²² The Advocate General to the CJEU concluded in his opinion that the Dutch government was allowed to end the temporary protection for the specific group represented by non-Ukrainian nationals at any moment, and in any case before the maximum duration of the temporary protection mechanism established at Union level has been reached.²³ On 19 December 2024, the CJEU ruled in accordance with the Advocate General's opinion.²⁴ The Regional Court Amsterdam and the Council of State, which raised the preliminary questions, still have to issue final judgements taking into consideration the CJEU ruling. Pending the rulings of the Regional Court Amsterdam and the Council of State, the result of the judgments and the preparatory period afterwards, the TCN's concerned continue to benefit from the rights associated to the TPD.²⁵ In February 2024, the non-UA nationals concerned received a letter from the Minister of Asylum and Migration informing them about their legal status. The Minister stated that they are allowed to remain in the Netherlands under TPD and retain their rights associated with temporary protection until five weeks after issuing the final judgments of the Regional Court Amsterdam and the Council of State, which raised the preliminary questions, taking into account the ruling of the CJEU of 19 December 2024.²⁶

C. Access to temporary protection and registration

1. Admission to territory

As of March 2024, there has been no report of people having fled Ukraine being refused entry at the Dutch border.

Ukrainian nationals fleeing Ukraine can enter the Netherlands freely if they are in possession of a biometric passport. They can stay in the Netherlands without a Schengen visa for 90 days during the visa-exempt term. Ukrainian nationals with a biometric passport can request for prolongation of their visa exempt term.²⁷ Ukrainian nationals fleeing from Ukraine who do not hold a biometric passport and non-Ukrainian nationals – as a rule – have to apply for a short stay visa (Schengen visa). The Schengen visa applies for 90 days. When these 90 days have (nearly) expired the visa's validity will be extended for another 90 days, after which they need to have another residence ground, for example by applying for temporary protection or another residence permit.

²⁰ Council of State, 202402011/3, 2 April 2024, ECLI:NL:RVS:2024:1366, available in Dutch at: <https://bit.ly/4a01Tnn>.

²¹ Council of State, 202401901/1, 202402020/1, 202402066/1, 25 April 2024, ECLI:NL:RVS:2024:1742, available in Dutch at: <https://bit.ly/3y1JM2V>. The case is registered before the CJEU as case number C-290/24, *Abkez*, and its progress can be monitored [here](https://bit.ly/4aP9lNZ).

²² Parliament, 'Prejudiciële vragen Afdeling inzake derdelanders uit Oekraïne', 25 April 2024, information available in Dutch at: <https://bit.ly/4aP9lNZ>.

²³ CJEU, Opinion Advocate General, 22 October 2024, C-244/24 and C-290/24, ECLI:EU:2024:911, available at: <https://bit.ly/4l4ZxdQ>.

²⁴ CJEU, 19 December 2024, C-244/24 and C-290/24, ECLI:EU:C:2024:1038, available at: <https://bit.ly/4hIMprJ>.

²⁵ Dutch Parliament, 20 December 2024, TK 2023- 2024, 36394, nr 25, information only available in Dutch: <https://bit.ly/3PuovVk>.

²⁶ IND, Residency non-Ukrainians with temporary Ukrainian residence permit, information available at: <https://bit.ly/4iJaSi6>.

²⁷ Dutch government, 'Frequently asked questions about the situation in Ukraine', available at: <http://bit.ly/3K5sJj8>.

2. Freedom of movement

Displaced persons from Ukraine who fall under the scope of the TPD merely receive proof of residency in the Netherlands. This is not a residence permit. Displaced persons from Ukraine who fall under the scope of the TPD and want to benefit from its provisions must apply for asylum in the Netherlands. Consequently, they are considered asylum seekers falling under a specific asylum regime. For them to travel inside and outside the European Union they need a valid biometric travel document and a short stay (Schengen) visa.

In case they travel outside the EU, they might not be readmitted despite their proof of residency in the Netherlands. As mentioned before, DCR received information that some individuals were refused re-entry into the Schengen area via Poland or via Türkiye. Furthermore, the Dutch Council for Refugees received information that, due to German border controls, TPD holders face more difficulties travelling via Germany. Dutch authorities also introduced internal border controls, but as far as known this has so far not caused to any difficulties for TPD holders. DCR did not receive information about individuals facing issues while travelling within in the Netherlands.

Arrival at Schiphol International Airport

In the first period after the Russian invasion of Ukraine on 24 February 2022, displaced persons from Ukraine who arrived at Schiphol International Airport were generally granted access to the Netherlands. Starting from mid-January 2024, the Minister resumed applying the (usual) rules based on the Schengen Border Code. To provide clarity on the resumption of these rules, the IND Information Notice (IB) 2024/25 was issued in April 2024.²⁸ This means that an assessment regarding whether the person falls under the scope of the TPD takes place in the border procedure. During this assessment, the displaced person from Ukraine is detained at the border according to Article 6(3) Aliens Act.

The regional court Haarlem, ruled in the case of a displaced person from Ukraine who arrived at Schiphol airport that the Minister is allowed to apply the border procedure and place the person in detention. However, the Minister must act with diligence regarding the assessment whether they fall within the scope of the TPD. This means that the assessment should take place as quickly as possible.²⁹

However, the Council of State ruled in another case that the Minister may not apply the border procedure if displaced people from Ukraine invoke the TPD, they may not be placed in border detention on the basis of Article 6(3) Aliens Act.³⁰ Following this ruling IB 2024/76 was issued in November 2024 and the Information Notice IB 2024/25 was revoked.³¹ In practice, this entails that Ukrainian nationals arriving at the airport can no longer be subject to the border procedure.

3. Registration under temporary protection

Initially, upon entry in the Netherlands, displaced persons from Ukraine were referred to support centres at the Amsterdam and Utrecht Central Stations for the initial reception (also called 'HUB'). At the HUB, the Red Cross used to be available for questions in Ukrainian, Russian or English. The HUB used to refer displaced people to a reception facility in a municipality, where there is room for them to be accommodated. In the HUB, displaced people used to be informed about www.refugeehelp.nl, a website with all the necessary information (also available in Ukrainian) for displaced people from Ukraine.

This working method changed in the course of the past year. On 20 October 2023 the HUB at the Central Station of Amsterdam closed, as there were no more places available in reception centres either in or close to the capital. The HUB at Utrecht Central Station is also closed since 27 February 2024 due to an

²⁸ IND Information Notice 2024/25 (revoked), *Oekraïners in de Grensprocedure*, information not available anymore on the website of the IND.

²⁹ Regional Court Haarlem, 26 July 2024, NL24.27900, ECLI:NL:RBDHA:2024:11888.

³⁰ Council of State, 30 October 2024, BRS.24.000105, ECLI:NL:RVS:2024:4292.

³¹ IND, Information Notice 2024/76, *Oekraïners in de Grensprocedure*, Information only available in the Dutch language at: <https://bit.ly/3PA5kt2>.

increased shortage of reception places in Dutch municipalities. Initially, the HUB was closed only temporarily and vulnerable persons, such as families with minor children, could still find shelter at the HUB. Therefore, DCR had set up an intervention/ response team *sur place* (at the HUB Utrecht Central Station) for people who wanted to report themselves at the HUB in Utrecht for shelter but were refused. The team, consisting of DRC staff, tried to find shelter for persons who need such help. Due to the fact that the HUB is completely closed for displaced people from Ukraine the intervention/ response team has been cancelled.

Displaced people from Ukraine are currently advised to report to a municipality on their own initiative. In case they are in need of a place to stay the night they can contact the Red Cross.

As registration in the BRP is not possible as long as people have not been able to find a municipality where they can be accommodated, the DCR is concerned people will be left too long without access to temporary protection and the associated rights.

As a rule, displaced people from Ukraine must first be registered by a municipality. After initial assessment by the municipality as to whether the person falls within the scope of the TPD, they are registered by the municipality in the Personal Records Database (*Basisregistratie Personen* or *BRP*). After registration in the BRP has taken place, the person concerned is entitled to the rights laid down in the TPD. When it is clear to the municipality that a displaced person does not fall within the scope of the TPD, advice has to be requested from the IND. This is also known as the so-called *triage*. When the IND is of the opinion that the person concerned does not fall within the scope of the TPD a refusal decision is issued by the IND. A written objection can be presented against the decision.

When the IND is of the opinion that the displaced person falls under the scope of the TPD, a positive advice will be issued to register them in the BRP under residence code 46.

Triage is not possible if the municipality was not able to establish the identity and nationality of the foreign national.³² Then, the person would be referred to apply for asylum at the application centre in Ter Apel.

Thereafter, the beneficiary has to report to the IND. The IND (also) assesses/ establishes whether or not the person concerned falls within the scope of the TPD. This means that the IND assesses/ establishes whether:

- ❖ the person concerned falls within the TPD implemented in Dutch legislation;
- ❖ the person concerned has committed criminal offences as mentioned in Article 28 of the Temporary Protection Directive (2001/55/EG);
- ❖ the person concerned still has temporary protection in another EU Member State.

If the IND finds that the person concerned falls within the scope of the TPD, the person obtains proof of residency from the IND and must submit an asylum application with the IND.

In order to make clear that they qualify for temporary protection, displaced people from Ukraine are required to provide the IND with documentation proving they are either:³³

- ❖ A Ukrainian national who resided in Ukraine on 23 February 2022;
- ❖ A Ukrainian national who left Ukraine on or after 27 November 2021;
- ❖ A Ukrainian national who can prove that they were already in the Netherlands before 27 November 2021;
- ❖ A third-country national who, on 23 February 2022, had refugee status in Ukraine;

³² Rijksoverheid, *Instructie Triageproces* (Guidance on Triage Procedure), information available only in the Dutch language: <https://bit.ly/4g19Co1>.

³³ Rijksdienst voor Identiteitsgegevens, instructions for municipal officials to register displaced persons from Ukraine in the Basisregistratie Personen, available in Dutch at: <https://bit.ly/3IXPJIE>. On this specific webpage, a Q&A section for municipal officials is available, and it provides information on how to register displaced persons from Ukraine.

- ❖ A third-country national who held a valid permanent Ukrainian residence permit on 23 February 2022 and who did not:
 - Leave Ukraine before 27 November 2021; and
 - Return to their country of origin after 23 February 2022
- ❖ The partner, under-aged child or dependent relative of beneficiaries of the TPD.

Documents

Foreign documents must, as a rule, be apostilled or legalised. Due to the war, in practice people fleeing Ukraine seem to be exempted from this norm. The translation of source documents, such as birth and marriage certificates, by a sworn interpreter/translator is almost impossible in the Netherlands, as demand is often greater than supply. Currently, it is recommended that a Declaration under Oath or Promise (*Verklaring Onder Ede* or VOE) at the municipality be used to record marital status information. In case the document is translated, the following procedure can be followed: "Update when source document is stronger." If the document shows different data than the previously issued VOE, this must be corrected.³⁴ If the municipality official doubts whether the nationality and/or identity of the person concerned is correct, or whether the person should be regarded as a beneficiary of temporary protection, the official contacts the IND for advice. A special IND team can perform a so-called triage, resulting in an advice to the municipality. The municipality is not obliged to follow this advice, as it alone is fully responsible for (correct) registration in the BRP. When the IND assesses that the displaced person does not fall within the scope of the TPD, a refusal decision is issued. The displaced person concerned can present a written objection against the decision.³⁵

Upon registration by a municipality, the beneficiary is not provided with any specific documentation. Proof of residency (proof of having been granted temporary protection) can be obtained at a later stage from the IND. Proof of residency could take the form of a 'sticker' in a passport or a sticker on a separate piece of paper or card (a so called 'O-document'). Which (initial) proof of residency is provided depends on several aspects. The IND explains this on their website:³⁶

- ❖ "Displaced people will receive a sticker in their passport if:
 - They are a Ukrainian woman aged 14 or over;
 - They are a Ukrainian man, aged 60 or over; or
 - They are Ukrainian boys aged between 14 and 17 years old.
- ❖ Displaced people will receive a sticker on a separate piece of paper if:
 - They are a Ukrainian man aged between 18 and 60 and they hold a Ukrainian biometric passport which is still valid for at least one year;
 - They are a Ukrainian woman, or a Ukrainian man under 18 or over 60, and they hold an expired biometric passport or their biometric passport will expire within one year;
 - They are Ukrainian and have an identity card (no biometric passport); or
 - They are Ukrainian nationals who only have a domestic passport.
- ❖ Displaced people will receive a card if:
 - They are Ukrainian nationals, even though they do not have a biometric passport or identity card but do have a statement from the Ukrainian embassy to prove their nationality;
 - They are Ukrainian nationals and they do not hold a biometric passport, identity card or statement from the Ukrainian embassy. Nevertheless, based on their documents it is established they fall under the scope of the TPD;

³⁴ Rijksdienst voor Identiteitsgegevens, 'Basisregistratie Personen', instructions for municipal officials to register displaced persons from Ukraine in the Basisregistratie Personen, available in Dutch at: <https://bit.ly/3lXPJIE>.

³⁵ Guidelines triage proces (Instructie triageproces), 17 October 2024, information only available in the Dutch language, [Instructie triageproces | Circulaire | Rijksoverheid.nl](https://www.rijksoverheid.nl/onderwerpen/ind/migratie-in-nederland/instructie-triageproces).

³⁶ IND, 'War in Ukraine: appointment to collect proof of residency', last updated 12 January 2024, available at: <https://bit.ly/3ZP4vR8>.

- They are a Ukrainian man aged between 18 and 60 and who have an expired biometric passport, or the passport expires within one year;
- They are a Ukrainian child aged between 14 and 17, without proof of identity (passport); or
- They are displaced persons who fall under the TPD and who are not Ukrainian nationals.

Whether a sticker, a sticker on a separate piece of paper or a card is provided: the rights are the same except for the right to freedom of movement (see [Movement and mobility](#)). The right to freedom of movement depends on whether the displaced person is a TCN, a stateless person from Ukraine or a Ukrainian national who does not have a biometric passport.

It was not until 1 July 2022 that beneficiaries of temporary protection in the Netherlands were provided with proof of residency. From the start, there were not enough time slots to provide all beneficiaries with a sticker or a card. This was caused by the large number of beneficiaries of temporary protection wanting to collect proof of residency. Another problem was staff shortages at the IND. On 4 September 2022, the IND announced that, as of 5 September 2022, they would not be handing out proof of residency anymore as they had run out of stickers. The process of providing proof of residency resumed on 12 October 2022. The authors are not aware of (logistical) problems obtaining proof of residency in 2023 and 2024.

Proof of residency is important for Ukrainian nationals who have a biometric passport, as it allows them to travel within the European Union. Proof of residency is also required for employment.³⁷

Refusal of registration in the BRP by the municipality

The municipality officer can refuse registration in the BRP (under BRP code 46) in case they find the person concerned does not fall within the scope of the TPD. From the experience of the authors of this report, non-UA nationals in particular encounter problems when they want to prove they are eligible for temporary protection. Depending on the municipality, this refusal is given orally or in writing. There is no information available as to whether a possibility to appeal or object to this refusal exists. It is possible to go back to the municipality after registration in the BRP was initially refused and try again, for example, when new evidence has emerged.

Refusal of issuance of proof of residency by the IND

Once a displaced person has been registered in the BRP, they have to obtain proof of residency from the IND. At that moment, the IND reassesses whether the person concerned should be granted temporary protection. Grounds for refusing temporary protection are:

- ❖ the person concerned does not fall under the scope of the TPD;
- ❖ the person concerned has committed a criminal offence as in Article 28 of the Temporary Protection Directive (2001/55/EG).³⁸

The IND, on behalf of the Minister of Asylum and Migration, issues a written notice (decision) in which the reasons for refusing proof of residency are briefly mentioned. In this written notice, the IND (in most cases) also provides information on how to object the refusal. The person concerned has four weeks to file a written objection with the IND. If this objection is refused, the person's right to all benefits related to temporary protection, such as the right to housing and to work, is immediately terminated. In other words, the appeal has no suspensive effect.

DCR is aware of cases in which a written objection was made. In several cases, Ukrainian nationals were refused temporary protection in the Netherlands due to the fact that, according to the IND, they had already left Ukraine prior to 27 November 2021 to work or study in another EU Member State. In these cases, the Minister is of the opinion that these persons were not displaced as a result of the Russian invasion in Ukraine on 24 February 2022. In a number of these cases, in which the persons concerned

³⁷ IND, 'Temporary Protection Directive Ukraine', last updated 15 March 2024, available at: <https://bit.ly/3ZSFzII>.
³⁸ See also IND, Informatiebericht 2022/73 'Oekraïne en inreisverboden of ongewenstverklaringen', 28 July 2022, available in Dutch at: <https://bit.ly/3W0NpN9>.

had already left Ukraine prior to 27 November 2021 and had been staying in another Member State, an appeal was lodged with the court as well as a request for a provisional measure to continue entitlement to rights under the TPD. When assessing the requests for a provisional measure, many of the regional courts granted the request for a provisional measure, and so the person concerned was still entitled to rights laid down in the TPD while the appeal was being processed. The regional courts ruled in this way in particular due to the fact that the persons concerned had not been given the opportunity to explain their personal circumstances fully (they had only had a very brief conversation of 2 up to 5 minutes with an IND official), which meant the refusal decision had not been taken with due diligence.³⁹ The court ruling of the Regional Court Den Bosch is worth mentioning as the court took into account that the person concerned had an employment contract that allowed her to be self-sufficient and not depend on general resources. However, the authors are also aware of one case in which the Regional Court Middelburg refused to grant the provisional measure. The court took into account the fact that the reception facility was fully occupied and that the persons concerned, who had already applied for asylum, would be entitled to reception by COA.⁴⁰ The Regional Court Utrecht also refused to grant a requested provisional measure as the persons concerned had left Ukraine before 27 November 2021, and had worked in Poland prior to their arrival in the Netherlands. This meant that they do not fall within the scope of the TPD in the Netherlands. The court also ruled that the persons concerned should apply for (temporary) protection in Poland.⁴¹

In 2023 most requests for a provisional measure by people having left Ukraine prior to 27 November 2021 were denied. According to the regional courts, these people had not been displaced as a result of the invasion on 24 February 2022.⁴² Some regional courts found that the Secretary of State should assess all relevant individual circumstances when refusing temporary protection. The individual circumstances could be addressed by the person concerned in an interview with an IND official.⁴³ Nevertheless, the Council of State confirmed that the Minister is allowed to set the reference date of 27 November 2021 as a limit to obtain temporary protection in the Netherlands.⁴⁴ However, in 2023 some courts did grant the requested provisional measure. Interestingly, the regional court Den Haag⁴⁵ found, in a case concerning people having left Ukraine before 27 November 2021 that, when assessing the 'displaced' criterion, it is relevant whether the person concerned lost the center of their personal and social interests due to the conflict. In other words, did they lose 'their home'? This is not the same as the question of whether they still own a house in Ukraine. Where are they registered? Do they still feel connected to Ukraine? Do they still have family in Ukraine? All these questions may be relevant, but not decisive in determining whether someone has been displaced by the conflict, according to the regional court Den Haag. The court finds that the Minister should, when interviewing the persons concerned, raise all relevant elements related to whether a person should be considered 'displaced.' The Dutch Council for Refugees (VWN) does not have information on how often or in which kind of cases displaced people from Ukraine who are refused temporary protection as they left the country before the reference date, are interviewed when they object to the decision of refusal to grant temporary protection.

³⁹ Regional Court Den Haag, NL22.22311, NL22.22312, NL22.22313, 6 December 2022, ECLI:NL:RBDHA:2022:14589, available in Dutch at: <https://bit.ly/4dgbGsm>; Regional Court Amsterdam, NL22.22330, 20 January 2023 (only on *Vluchtweb*); Regional Court Amsterdam, NL23.646, 28 February 2023, ECLI:NL:RBDHA:2023:3815, available in Dutch at: <https://bit.ly/4dfQv9M>; Regional Court Den Bosch, NL22.22846, 2 February 2023, ECLI:NL:RBDHA:2023:1008; available in Dutch at: <https://bit.ly/3Uiusqm>.

⁴⁰ Regional Court Den Haag Middelburg, AWB 23/1704, AWB 23/1696, AWB 23/1700, AWB 23/1702, AWB 23/1697, 24 February 2023, ECLI:NL:RBDHA:2023:2526, available in Dutch at: <https://bit.ly/4aUFmJM>. In each judgment similar reasoning is provided by the Regional Court Middelburg.

⁴¹ Regional Court Utrecht, NL22.22224 and NL22.22246, 30 January 2023, ECLI:NL:RBDHA:2023:871, available in Dutch at: <https://bit.ly/3wd08Fu>.

⁴² Regional Court Den Haag, Middelburg, NL23.4045, 19 July 2024, ECLI:NL:RBDHA:2023:10987, available in Dutch at: <https://bit.ly/3UCYd6v>; Regional Court Den Haag, Amsterdam, NL23.21873 and NL23.16070, 12 September 2023, ECLI:NL:RBDHA:2023:19455, available in Dutch at: <https://bit.ly/44mJLmg> and Regional Court Den Haag, Groningen, NL23.18797, 6 February 2024, ECLI:NL:RBDHA:2024:1241, available in Dutch at: <https://bit.ly/4dbTaS1>.

⁴³ Regional Court Den Haag, Amsterdam, NL23.2108, 3 April 2023 and Regional Court Den Haag, Roermond, NL22.23587, ECLI:NL:RBDHA:2023:4686.

⁴⁴ Council of State, 6 May 2024, 202402473/1, ECLI:NL:2024:1990.

⁴⁵ Regional Court Den Haag, NL23.21314, 20 October 2023, ECLI:NL:RBDHA:2023:17425, available in Dutch at: <https://bit.ly/44iRkum>.

Cases in which the TPD applicant returned to Ukraine after the reference date 27 November 2021 can have a different outcome. The Minister is of the opinion that in such cases a displaced person could be eligible for temporary protection when the person concerned had the intention for a permanent return to Ukraine and has its main residence in Ukraine. Courts supported this interpretation through their decisions.⁴⁶

In another case, temporary protection was refused because the Minister considered the Ukrainian national to be a threat to the public order and/or national security. Indeed, in the standard refusal decision, the option 'threat to public order and/ or national security' was selected. To this, the IND official added a handwritten motivation that the person concerned was sentenced to a prison term of more than 10 months in Hungary. The Regional Court Roermond considered this decision refusing temporary protection to not be sufficiently substantiated and in accordance with Article 28 TPD. The court also ruled that the Ukrainian national should have had the opportunity to address his individual circumstances in an interview with the IND.⁴⁷

Another case concerned a Ukrainian family, consisting of a man, his wife and their child. The man had left Ukraine on 14 September 2021 because he went to work abroad, while his wife and child remained in Ukraine. After the invasion the wife and child were granted temporary protection in the Netherlands. The man (husband and father) was refused temporary protection because he had left Ukraine prior to 27 November 2021. In the man's case reference was made to Article 2(1)(c) of the Council Implementing Decision (EU) 2022/382 which states that family members of beneficiaries of temporary protection are also entitled to temporary protection. According to the regional court the condition that family members must have lived together in Ukraine before the invasion was applied too strictly in this case. According to the court the Secretary of State should assess to what extent the husband/father's departure abroad entailed an actual ending of the cohabitation in Ukraine.⁴⁸

The IND has started to issue follow-up decisions on the written objections. In some cases temporary protection was granted and the objections were found justified. As mentioned above, in many other cases, temporary protection was refused by the IND.

4. Legal assistance

DCR provides (individually or in groups) information on the TPD and related policies in the Netherlands. To this end, the Dutch Council for Refugees (VWN) used to organise consultation hours at almost every municipal facility for displaced people from Ukraine in the Netherlands. Due to change in government finances and less financial means the Dutch Council for Refugees (VWN) had to end (physical) consultation hours in many municipal reception facilities (only for cases in which municipalities took over the funding the walk-in sessions continue up to the present). DCR offered online consultations.⁴⁹ Furthermore, the Dutch Council for Refugees (VWN) provides information on the website [Refugeehelp.nl](https://refugeehelp.nl) in collaboration with the IND and many other organisations.⁵⁰

Specialised organisations, such as Nidos, also provide information to displaced persons from Ukraine.⁵¹ Nidos is the national guardianship institution for unaccompanied minors and separated children in the Netherlands. Unaccompanied children in the Netherlands should either be under parental authority or

⁴⁶ See for example: Regional Court Arnhem, 1 October 2024, ECLI:NL:RBDHA;2024:18047; Regional Court Groningen, 16 August 2024, ECLI:NL:RBDHA:2024:13059; Regional Court Amsterdam, 12 September 2023; ECLI:NL:RBDHA:2023:19455.

⁴⁷ Regional Court Den Haag, Roermond, NL23.2718, 7 June 2023, ECLI:NL:RBDHA:2023:8261, available in Dutch at: <https://bit.ly/3WkIR82>.

⁴⁸ Regional Court Den Haag, NL23.13086, 28 September 2023, ECLI:NL:RBDHA:2023:21851, available in Dutch at: <https://bit.ly/3QmWujm>.

⁴⁹ Dutch Council for Refugees received a grant until 31 March 2026 from the ministry of Asylum and Migration for supporting beneficiaries of temporary protection in the Netherlands. This was the result of a new grant application for supporting beneficiaries of temporary protection in the Netherlands.

⁵⁰ [Refugeehelp.nl](https://refugeehelp.nl) is created by Dutch Council for Refugees in collaboration with several organisations: <https://bit.ly/3XrZMDp>.

⁵¹ Nidos, see website [here](https://nidos.nl).

guardianship. Nidos provides free (legal) assistance to unaccompanied minors from Ukraine in the Netherlands. Nidos is mainly funded by the Ministry of Asylum and Migration.

Furthermore, an organisation called *Juridisch Loket* provides free legal advice to people who do not have sufficient income to consult a lawyer. Displaced persons without sufficient income can also contact the *Juridisch Loket* in order to obtain information or advice on legal issues regarding employment, social security and possibilities to obtain a residence permit in order to work or study in the Netherlands. The *Juridisch Loket* is in the position to refer a case to a lawyer. The *Juridisch Loket* is a foundation and is funded by the Ministry of Justice.

If subsidised legal aid is necessary, (specialised) lawyers may give legal assistance to displaced persons from Ukraine, for which a financial contribution is required, depending on the level of income. In case the person concerned can show documents from which it can be deduced that they are unable to make this contribution, they are exempted from it. DCR received reports that it is becoming more difficult to find a lawyer who could give legal assistance to displaced persons from Ukraine, due to the fact that the workload among lawyers (social advocacy) has increased.

In general, as a result of the Regulation *Regeling Adviestoevoeging Zelfredzaamheid* (RATZ), it is possible to consult a lawyer solely in order to obtain advice about their personal situation. In general the *Juridisch Loket* assesses whether free legal advice is needed, but regarding third-country nationals from Ukraine whose temporary protection ends on 4 March 2024 can rely on the RATZ by (initially) submitting a request to the DCR for a reference. This process was introduced on 23 December 2022 and is not applicable anymore as such because most of the non-UA nationals concerned have had advice from a lawyer about their personal situation. However, this specific group of non-UA nationals can still approach the *Juridisch Loket* to access the RATZ and obtain advice from a lawyer when necessary.⁵²

During the asylum procedure, legal assistance from a lawyer is free. Free legal aid/assistance from a lawyer is subsidised via the Ministry of Justice and Security and the Legal Aid Board. The Legal Aid Board is an independent governing body with a public task to subsidise legal aid.⁵³

Legal assistance for third country nationals fleeing Ukraine

On 18 July 2022⁵⁴ a policy change was implemented which meant that temporary protection for non-UA nationals with a temporary residence permit in Ukraine would cease: new registrations would no longer be possible as of 19 July 2022, and the right to temporary protection of those who had registered in the BRP before 19 July 2022 would end on 4 March 2023. In November and December 2022, these third country nationals received a letter from the Secretary of State of Justice & Security (IND) explaining that their lawful residence under the TPD would end on 4 March 2023. Third country nationals who believed that their right to temporary protection should continue after 4 March 2023 could respond to this letter and provide the IND with relevant information. In January 2023, however, the government announced that temporary protection for this specific group would be extended until 4 September 2023.⁵⁵ Subsequently, the IND sent written intentions to each non-UA national belonging to this specific group that temporary protection would end on 4 September 2023. Non-UA nationals could, with the help of a lawyer, respond to this written intention. In case the IND did not find that its written intention was unjustified, a decision to terminate temporary protection was taken. Appeals were filed against this IND decision.

⁵² Legal Aid Board, 'Rechtsbijstand aan niet-Oekraïners met tijdelijke Oekraïense verblijfsvergunning', 23 December 2022, available in Dutch at: <https://bit.ly/3Wfcp72>.

⁵³ Legal Aid Board, 'About the Legal Aid Board', available at: <https://bit.ly/3QT7owh>.

⁵⁴ IND, 'Residency non-Ukrainians with temporary Ukrainian residence permit', last updated 29 April 2024, available at: <https://bit.ly/49adHTH>.

⁵⁵ Dutch Parliament, 10 February 2023, 4475144, available in Dutch [here](#).

Following from the Council of State's ruling on 17 January 2024 that temporary protection for this particular group of non-UA nationals would end automatically on 4 March 2024,⁵⁶ non-UA belonging to this particular group received a letter from the IND informing them (1) that previous decisions taken to end temporary protection on 4 September 2023 were revoked; (2) that the IND would request that lawyers of non-UA beneficiaries revoke the appeals which had been lodged against these decisions; and (3) the IND would issue return decisions on the basis that these non-UA nationals would not have lawful residence after 4 March 2024 (other than lawful residence under the TPD until that date).⁵⁷ Against the return decisions, non-UA nationals (their lawyers) can lodge an appeal with the regional court. To get support from a lawyer to start a procedure against the termination of temporary protection on 4 March 2024, the non-UA national, as a rule, has to pay a financial contribution depending on the level of income from employment.⁵⁸ Non-UA nationals whose income solely consists of a monthly allowance from the municipality are exempted from paying a contribution.⁵⁹ To the best of the knowledge of the authors, legal procedures were initiated on behalf of several people belonging to this specific group of third country nationals to prevent termination of temporary protection on 4 March 2024.

Until 4 March 2024, this specific group of non-UA nationals could apply for support and financial assistance from the Dutch Repatriation & Departure Service.⁶⁰

In order to prove lawful residence under the TPD until 4 March 2024, this group of non-UA nationals were informed that that the aforementioned letter from the IND in combination with their proof of residency (card) would be sufficient.⁶¹

As the DCR has the public task, according to the Aliens Circular,⁶² to provide general information to asylum seekers ('*voorlichting*'), information was given to third country nationals on their options for obtaining legal residence in the Netherlands after 4 March 2024 (initially 4 September 2023).

As agreed with the Legal Aid Board, the Dutch Council for Refugees (VWN) had, on the basis of the RATZ, the possibility to refer cases of third country nationals to lawyers with whom they could freely seek legal advice, for example, on the options for obtaining legal residence in the Netherlands after 4 March 2024. The possibility to give free legal advice by a lawyer is subsidized via Legal Aid Board.

5. Information provision and access to NGOs

No explicit provisions on providing information to beneficiaries of temporary protection have been laid down in Dutch law.

Information is provided on [Refugeehelp.nl](https://www.refugeehelp.nl), a website created by the Dutch Council for Refugees (VWN) in collaboration with several other (governmental and non-governmental) organisations, amongst which the IND.⁶³ [Refugeehelp.nl](https://www.refugeehelp.nl) contains information on the legal situation of beneficiaries of temporary protection as well as practical information on various topics. The content on [Refugeehelp.nl](https://www.refugeehelp.nl) is available in English, Ukrainian, Russian and Dutch.

⁵⁶ As previously, the Secretary of State announced on 25 April 2024 that the specific group non-UA nationals are allowed to stay in the Netherlands until 4 March 2025 due to preliminary questions raised by the Council of State on 25 April 2024: 'Prejudiciële vragen Afdeling inzake derdelanders uit Oekraïne', 25 April 2024, available in Dutch at: <https://bit.ly/4aP9INZ>.

⁵⁷ IND, 'Residency non-Ukrainians with temporary Ukrainian residence permit', last updated 29 April 2024, available at: <https://bit.ly/49adHTH>.

⁵⁸ Legal Aid Board, 'Eigen Bijdrage', available in Dutch at: <https://bit.ly/4aVu08D>.

⁵⁹ Legal Aid Board, 'Geen eigen bijdrage', available in Dutch at: <https://bit.ly/4aRfa31>.

⁶⁰ IND, 'Extension sticker or card temporary protection Ukraine', last updated 14 March 2024, available at: <https://bit.ly/3ZAYIDu>.

⁶¹ Ibid.

⁶² The Dutch Council for Refugees has a public task in providing information on the asylum procedure as laid down in Paragraph C1/2.2 Aliens Circular.

⁶³ Please, see for more organisations DCR collaborates with in order to provide information on [Refugeehelp.nl](https://www.refugeehelp.nl) the website: <https://www.refugeehelp.nl/en/about-us>.

Prior to 4 September 2023, the Dutch Council for Refugees (VWN) distributed brochures in Dutch, Ukrainian, Russian and English to provide information to third country nationals whose lawful residence was to be terminated on that date. During meetings, webinars and consultation hours organised prior to 4 March 2024, information focused on the ending by operation of law of temporary protection for this group.

Information is also available on the IND website, with a specific webpage initially called 'Ukraine: effects of Russian invasion' and currently 'War in Ukraine'. The information is available in Dutch and English, but some specific information (instructions) is also available in Russian and Ukrainian.⁶⁴

Municipalities, governmental organisations, and several other organisations also provide information to displaced people from Ukraine on their specific websites.

Beneficiaries of temporary protection receive a brochure from the IND when they collect their proof of residency. This brochure is available in Ukrainian, Russian, English, Arabic and Dutch.⁶⁵

The information provided is written in a simple manner. This information is not tailored to, for example, persons who are (nearly) illiterate or are (nearly) blind. As far as known, no tailored information is available for unaccompanied minors from Ukraine.

Difficulties with providing information

During the first months after the start of the war, many elements regarding TPD implementation were still unclear, such as the legal situation of beneficiaries of temporary protection in the Netherlands. Regulations and policies had to be formulated and published by the Dutch government.

Municipalities were designated as responsible for the reception/housing of displaced people from Ukraine. Municipalities fulfill this task in different ways. They may decide for themselves how to provide reception/housing to beneficiaries of temporary protection and determine what kind of information should be shared.⁶⁶ As a result, information provided by municipalities may differ, which may cause ambiguity for the target group.

DCR is present in most but not every municipality. Because of this, displaced persons may be fully reliant on information they find online or receive from the municipality. There is a lack of case-oriented information.

The Dutch Royal Military Police (KMAR) can provide information at border-crossing points on how to apply for temporary protection, and refer people to the locations where the first reception takes place.⁶⁷

D. Guarantees for vulnerable groups

As far as is known to the authors of this report, a specific identification mechanism to systematically identify individuals entitled to temporary protection who can be categorised as vulnerable has not been introduced by the Dutch government still as of March 2025.

Unaccompanied minors are usually placed in host families and, as a rule, not accommodated in municipal reception centres. It is up to the municipal reception centres to identify these unaccompanied children and report them as soon as possible to Nidos, the national guardianship institution for unaccompanied

⁶⁴ For example, see the instruction manual on how to collect proof of residency: IND, 'Ukraine: appointment to collect proof of residency', last updated 12 January 2024, available at: <https://bit.ly/3ZP4vR8>.

⁶⁵ IND, 'Ukraine: appointment to collect proof of residency', last updated 12 January 2024, available at: <https://bit.ly/3ZP4vR8>.

⁶⁶ Specific rules exist regarding reception of displaced persons from Ukraine. The rules are laid down in the Regulation for the Reception of Displaced Persons from Ukraine. In the Dutch language it is called '*Regeling Opvang Ontheemden uit Oekraïne*', available in Dutch [here](#).

⁶⁷ Dutch government, 'Aankomst, registratie en verblijf van vluchtelingen uit Oekraïne', available in Dutch at: <https://bit.ly/3k9KLXS>.

minors and separated children. Nidos provides (legal) assistance to unaccompanied minors from Ukraine in the Netherlands.⁶⁸

After the referral from the municipality, Nidos has an initial interview with the minor, and if possible a remote one with the parents. It is assessed whether applying for temporary guardianship is appropriate. If the minor stays with adult supervisors in a host family, Nidos reports this to the Child Protection Council ('*Raad voor de Kinderbescherming*'), for them to conduct a judicial screening of the host family.

Dutch organisations such as *Arq Nationaal Psychotrauma Centrum* specialise in helping people traumatised by war or victims of torture.⁶⁹ This particular organisation also treats regular asylum seekers who have been traumatised.

The Dutch foundation *Wereldpsychologen* (World Psychologists) offers free mental health care through (video) calling.⁷⁰ The website of the organisation also contains information in Ukrainian.

For professionals working with displaced persons from Ukraine, an advice centre called the *Loket Ontheemden Oekraïne Psychosociale hulpverlening (LOOP)* was set up by several governmental and non-governmental organisations, such as DCR. At LOOP, professionals can get information, ask questions and find appropriate psychological assistance for displaced persons from Ukraine.⁷¹

In 2023 a specialised Mental Health Programme for displaced persons from Ukraine was introduced: *Empatia*. This programme aims to provide psychological support for Ukrainians, for Ukrainian professionals who want to work in mental health field and for municipalities and other organisations that need consultation on organising psychosocial and culturally sensitive support for Ukrainians in the Netherlands.⁷²

⁶⁸ Nidos, information available in Dutch at: <https://bit.ly/3HidB0v>.

⁶⁹ Arq Nationaal Psychotrauma Centrum, 'De oorlog in Oekraïne: Psychosociale hulpverlening en adviezen vanuit ARQ', information available in the Dutch language at: <https://bit.ly/3wfd22f>.

⁷⁰ Wereldpsychologen, information available at: <https://bit.ly/3Kks5Q2>.

⁷¹ Loket Ontheemden Oekraïne PSH (LOOP), information available in Dutch at: <https://bit.ly/3U8JX3v>.

⁷² Empatia, information available at: <https://bit.ly/3TPSN7X>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--|----------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | Not applicable |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2024? | Not applicable |

General information

Displaced persons from Ukraine who fall under the scope of the TPD do not obtain a residence permit. They remain in the Netherlands as asylum seekers having been granted temporary protection and are as such entitled to rights laid down in the TPD. Beneficiaries of temporary protection are issued proof of residency, which is not a residence permit.

Ukrainians who have been granted temporary protection may remain in the Netherlands until 4 March 2026.⁷³ For those who received proof of residency (sticker) without an end date, renewal of the sticker is not necessary. Ukrainians who were issued proof of residency (sticker) valid until 4 March 2023 or 4 March 2024 received an extension letter from the IND.⁷⁴ This letter, in combination with their proof of residency (sticker), shows that temporary protection has been granted until 4 March 2026.⁷⁵

The following applies to third-country nationals who had a permanent Ukrainian residence permit, or who have been granted temporary protection as a family member, or to those who had been granted asylum by the Ukrainian authorities. These categories of third-country nationals received new proof of residency before 4 March 2025. This proof of residency will be valid until 4 March 2026. These beneficiaries will receive a letter from the IND, after which they can make an appointment with the IND to collect their proof of residency.⁷⁶

As mentioned before, third-country nationals who held a temporary Ukrainian residence permit and were registered in the BRP before 19 July 2022 were granted temporary protection until 4 March 2024.⁷⁷ However, because of preliminary questions raised by the Council of State on 25 April 2024, the Minister decided that this specific group of non-UA nationals was allowed to remain in the Netherlands until 4 March 2025, awaiting the judgment of the CJEU.⁷⁸ The CJEU issued its judgment on 19 December 2024.⁷⁹

In February 2025, the IND sent letters to this specific group of non-UA nationals indicating what the ruling means for their right to remain in the Netherlands and what happens to their proof of residency.

Temporary protection procedure

The procedure for obtaining temporary protection in the Netherlands starts when the displaced person reports to a municipality. The municipality provides shelter and registers the displaced person within five working days in the Basic Registration of Persons (BRP). Registration in the BRP is only possible if the identity of the displaced person can be proven with official identification documents. In addition, a

⁷³ IND, 'Extension sticker or card temporary protection Ukraine', last updated 14 March 2024, available at: <https://bit.ly/3ZAYIDu>.

⁷⁴ Ibid.

⁷⁵ IND, 'Extension sticker or card temporary protection Ukraine', information available in English at: <https://bit.ly/40zSQLc>.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Parliament, 'Prejudiciële vragen Afdeling inzake derdelanders uit Oekraïne', 25 April 2024, available in Dutch at: <https://bit.ly/4aP9INZ>.

⁷⁹ CJEU, 19 December 2024, C-244/24 and C-290/24, ECLI:EU:C:2024:1038, available at: <https://bit.ly/4hIMprJ>.

reception place and address are provided. The person concerned is then admitted to the BRP with residence permit. As soon as registration has been completed, the IND is notified. To retain reception and living allowance, the displaced person must make an appointment and report to the IND within four weeks to collect proof of residency (sticker or O-document). The IND checks whether the displaced person meets the conditions for temporary protection and assesses that there are no contraindications to granting right of residence, such as criminal offences. If all conditions are met the IND issues proof of residency, which is also called a sticker or O-document. This is not a residence permit.⁸⁰ The refugee also submits an asylum application. However, the IND will not decide on the asylum application if the Temporary Protection Directive applies. If temporary protection is refused, the refugee can lodge an objection with the IND within four weeks.

Non-UA nationals may be registered by using a Ukrainian permanent residence permit or a permit that was valid on 23 February 2022 or by substantiating that they had been granted international protection or equivalent national protection by the Ukrainian authorities.⁸¹

If the municipality, before registering the foreign national in the BRP, doubts that the person concerned falls under the TPD, they may request a triage interview from the IND. The IND will then assess whether the person concerned is entitled to right of residence under the TPD. A new triage process instruction was published on 4 September 2024. This instruction provides a manual for municipalities on whether a foreign national who invokes the TPD must be referred for a triage process at the IND. The municipality can request advice from the specialised decision-making staff of the IND Ukraine team via secure e-mail. However, before submitting a triage request, the municipality must in any case state the identity and nationality of the foreign national and assess whether triage is necessary following the instructions in the manual.⁸²

Triage is not possible if the municipality was not able to establish the identity and nationality of the foreign national. In case of Ukrainian nationals triage only takes place when they evidently do not meet the conditions of the TPD. If there is only doubt about the validity of their registration, Ukrainian nationals must be registered in the BRP without triage. In case of third country nationals, triage can be requested when it is unclear whether they meet TPD conditions.

The IND states in the triage instruction that they strive to schedule the triage interview within two working days. The interview takes place in Amsterdam. During the triage interview, the IND also assesses all available documents. The IND takes a decision that results in a recommendation to the municipality to either register the person concerned in the BRP (BRP code 46) or to refuse registration. This recommendation is not binding but, in practice, we see that this is generally followed by municipalities.

Proof of residency

The IND issues proof of residency (sticker or O-document) to displaced persons from Ukraine who are entitled to temporary protection. This proof of residency is valid for as long as the TPD applies, until 4 March 2026.⁸³ Until now, the IND did not reissue stickers or O-documents when the validity period had expired. Instead, the IND provided these beneficiaries with a letter informing them that their (expired) proof of residency, together with the letter itself, would prove their right of residence. However, this does not apply to the specific group of non-Ukrainian nationals who have lawful residence under the TPD until 4 March 2025. In case of expiry, they do have to collect a new O-document.

TP beneficiaries receive a flyer when collecting their proof of residency. This flyer explains what proof of residency under the TPD entails in the Netherlands. The flyer is available in Dutch, English, Ukrainian, Russian and Arabic.

⁸⁰ IND, 'Temporary Protection Directive Ukraine', last updated 19 December 2024, available at: <https://bit.ly/3ZUtimH>.

⁸¹ Ibid.

⁸² Rijksoverheid, *Instructie Triageproces* (Guidance on Triage Procedure), Information available only in Dutch at: <https://bit.ly/4g19Co1>.

⁸³ Dutch government, 'Europese Commissie verlengt Richtlijn Tijdelijke Bescherming Oekraïners', 14 October 2022, available in Dutch [here](#).

From 2 September 2022 until 12 October 2022 the IND, due to shortage of resources, temporarily stopped handing out proof of residency, which led to several practical issues for concerned TP beneficiaries.⁸⁴ The authors of this report are not aware of problems obtaining proof of residency in 2023 nor in 2024.

Right to reception / housing and living allowance

Various rights are connected to the temporary protection beneficiary status. Once displaced persons from Ukraine have been registered in the BRP, they are entitled to the rights laid down in the TPD.

A beneficiary of temporary protection is entitled to reception/housing by the municipality, as established in the Regulation for the Reception of Displaced Persons from Ukraine.⁸⁵ Municipalities are responsible for reception/housing of beneficiaries of temporary protection. TP Beneficiaries are housed in facilities created specifically for them or may be placed with a hosting family (see [Housing](#)).

The municipality provides beneficiaries of temporary protection who do not work and/or do not receive benefits from the Dutch government with a monthly allowance consisting of a clothing fee and money for food. Beneficiaries who live with a host family receive an extra allowance in addition to the clothing fee and food money. This is the so-called residential component. It can be used for public transport, family visits or sports or to contribute to the costs of the host family. Such a contribution is not mandatory. If desired, the host family and the beneficiary can make agreements about this together. No direct reimbursement of costs is provided from the government to host families or other individuals who provide shelter.⁸⁶

The amount of the allowance for living expenses for TP beneficiaries was set in 2022. On 1 February 2023 this amount was reduced. According to the Dutch government this measure was necessary because beneficiaries of temporary protection (particularly families) received a considerably higher monthly allowance than asylum seekers and social welfare recipients in the Netherlands. The monthly allowance of TP beneficiaries was subsequently increased as of 1 October 2023, but was still lower than the original amount in 2022. As a result of indexation, the amounts for the monthly allowance were adjusted on 1 July 2024.⁸⁷

Allowance for living expenses	Family size					
	1-2 persons		3 persons		4+ persons	
	Adult / unaccompanied minor	Minor	Adults	Minors	Adults	Minors
Food	EUR 242.48	EUR 200.65	EUR 193.98	EUR 160.64	EUR 169.74	EUR 140.34
Clothes & personal expenses	EUR 62.66	EUR 62.66	EUR 62.66	EUR 62.66	EUR 62.66	EUR 62.66
Residential component (only for persons living with a host family)	EUR 80.91	EUR 80.91	EUR 80.91	EUR 80.91	EUR 80.91	EUR 80.91

⁸⁴ IND, 'Issuance of residence stickers to Ukrainians paused because of raw materials shortage', last updated 1 September 2022, available at: <https://bit.ly/3WsjMUX>.

⁸⁵ In Dutch, it is called 'Regeling Opvang Ontheemden uit Oekraïne', available in Dutch [here](#).

⁸⁶ Ibid.

⁸⁷ Rijksoverheid, Facsheet Living allowance for refugees from Ukraine, information available in English at: <https://bit.ly/42ijKG4>

As mentioned above, adult TP beneficiaries who generate income from work are not entitled to the monthly allowance from the municipality. As of 1 February 2023,⁸⁸ their allowance and that of the entire family can be reduced or withdrawn completely, depending on the level of income from work. Minors working part-time, lose their monthly allowance as well but in their case this does not apply to members of their family.

From 1 July 2024, adult beneficiaries of temporary protection who have income from work, or receive benefits or an allowance from the government must contribute financially to their shelter in a municipality.⁸⁹ However, they are left with at least the same monthly amount as TP beneficiaries who only receive the monthly allowance from the municipality. There was a 6-month implementation period so that municipalities could prepare for the implementation of the rules on the personal contribution. This means that municipalities were expected to have fully implemented the scheme by January 2025. To be able to check the obligation to pay a personal contribution, municipalities must be given access to data on people's work and income. Therefore, Article 7 of the Temporary Act on the Reception of Displaced Persons from Ukraine has included a legal basis for data sharing between the UWV and municipalities. The latter foundation makes it possible for these organisations to share the necessary data. For this reason, an amendment to the SUWI Act is also needed. This amendment still has to be sent to parliament.⁹⁰ Nevertheless, municipalities can already progress with collecting the personal contribution, based on the obligation in the Regulation for the Reception of Displaced Persons from Ukraine for TP beneficiaries to provide the municipality with information on income and family composition.

Transferring temporary protection to another Member State

Beneficiaries of temporary protection who want to exercise these rights in another EU Member State first must end their lawful residence in the Netherlands. This means they must deregister from the BRP. The municipality or reception location hands the displaced person a departure form as well as a declaration withdrawing the asylum application.⁹¹

Beneficiaries of temporary protection who plan to leave the Netherlands permanently, after having reported this to the authorities,⁹² or beneficiaries who leave the Netherlands without having reported their departure to the authorities, are no longer entitled to the rights associated with the TPD.

Also see section under [Movement and Mobility](#).

2. Access to asylum and other legal statuses

The application for residence under the TPD officially starts when a displaced person registers with the municipality. When they collect their proof of residency from the IND they must sign an asylum application form. This form is called the M35H and this is considered as an official asylum application.

However, the assessment of the asylum application 'on hold' for as long as the TPD applies. As a consequence, the IND currently suspends decisions on these asylum applications. As soon as the TP regime will end, the Minister (IND) must decide on these asylum applications within six months.⁹³

In the Dutch context, displaced persons who do not fall within the scope of the temporary protection regime can apply for asylum at the application centre in Ter Apel. Their application is assessed in one of the asylum procedures ('tracks') (see chapter A on Asylum Procedure of the [Main Report](#)). However, as

⁸⁸ For information regarding the situation before 01 February 2023 see AIDA, *Netherlands Temporary Protection Annex – Update on the year 2022*, May 2023, available at: <https://bit.ly/3TN9zV5>, 14.

⁸⁹ Staatscourant 2024, 20260, 24 June 2024, Publication of financial contribution to municipal shelter, information only available in Dutch: <https://bit.ly/3DZjmCb>.

⁹⁰ Dutch Parliament, amendment to the SUWI Act, *Kamerstuk* 19637, nr 3295, 27 September 2024, information only available in Dutch language at: <https://bit.ly/4h1ASEA>.

⁹¹ Dutch government, Circular 'Departure and effects facilities Scheme for Reception of Displaced Persons' from Ukraine', 19 June 2023, available in Dutch [here](#).

⁹² The permanent departure is announced when the municipality has been informed by the beneficiary and they deregister themselves from the BRP.

⁹³ Article 43a Aliens Act.

a result of Dutch policy, the processing of Ukrainian nationals' asylum applications has been suspended since 28 February 2022.⁹⁴

During this period, the Minister of Asylum and Migration (IND) was obliged to decide on applications in which the decision period of a maximum of 21 months would expire. Other exceptions include: Dublin cases, cases regarding beneficiaries of protection in other EU Member States, and cases involving people suspected of having committed war crimes or considered a threat to public order or national security. Recent information provided by the Dutch government indicate that asylum applications of displaced Ukrainian nationals who do not fall within the scope of the TPD have been processed. In 2023, asylum applications were processed in 390 cases. In most of these cases the asylum application was rejected in the context of a Dublin procedure, or the application was withdrawn by the displaced person.⁹⁵

The decision to suspend the processing of Ukrainian nationals' asylum applications was extended until 28 November 2023. As of that date, the Minister would need to establish and apply a formal country policy, which typically serves as the basis for assessing such applications. Although the IND was therefore expected to be in a position to apply this policy, no official country policy has been published to date. To the best of the knowledge of the authors, no other decisions have been taken on Ukrainian nationals' asylum applications since then.

The measure suspending forced returns of Ukrainians taken on 28 February 2022 was applicable until 28 February 2023. This measure was not extended, as the maximum duration of such a measure is one year. Nevertheless, in practice, according to the observations of the authors of this report, the government does not take any measures regarding forced returns of Ukrainian nationals.

Displaced persons from Ukraine who would fall within the scope of the TPD but who want to obtain a decision on their asylum application instead have, according to the observations of the authors of this report, been sent away from the application centre in Ter Apel and have been advised to report to a municipality.⁹⁶ However, the Regional Court Amsterdam ruled that the asylum application of a Ukrainian national who applied for asylum in the Netherlands in February 2020 and who would be eligible for temporary protection, should be examined. In this case, the Minister issued two decisions rejecting to process his asylum application, but these were subsequently withdrawn. The court ruled that the time limit of 21 months (as laid down in Article 31(5) APD) had been exceeded, and that the Minister had to issue a (new) decision on the asylum application, although the person concerned fell within the scope of the TPD. According to the court, the mere existence of the TPD regime does not, in any case, prevent national authorities from issuing a decision on an asylum application.⁹⁷

The Regional Court of Arnhem came to the same conclusion in another ruling.⁹⁸ On the other hand, the Regional Court Haarlem ruled, in a similar case, that the time limits of Article 31 of the APD are not applicable while the Temporary Protection Directive is in force.⁹⁹ Other appeals that were lodged which argued that asylum applications should be examined even though the TPD applied were considered inadmissible by the regional court. The court explained that no time limits had been exceeded according to Article 43a Aliens Act and Article 17(2) of the Temporary Protection Directive.¹⁰⁰ However, in two cases

⁹⁴ The Secretary of State of Justice & Security, Staatscourant 2023, number 9340, 'Besluit van de Staatssecretaris van Justitie en Veiligheid van 9 maart 2023, nr. 4509940, tot het verlengen van het besluitmoratorium voor vreemdelingen afkomstig uit Oekraïne', available in Dutch at: <https://bit.ly/3lYeODh>; IND, 'War in Ukraine', available at: <https://bit.ly/3WrmRVh>; see also Parliament, Kamerstuk 19637, number 3163, 'Situatie in Oekraïne, 4 September 2023, available in Dutch at: <https://bit.ly/44kkclU>.

⁹⁵ Dutch Parliament, *Beantwoording Kamervragen over begroting Aziel en Migratie*, 24 October 2024 (answer to question 112), only available in Dutch language at: <https://bit.ly/4gXbVdd>.

⁹⁶ IND, Work Instruction 2022/17, 04 August 2022, available in Dutch at: <https://bit.ly/3wbJdiU>, 5.

⁹⁷ Regional Court Den Haag, Amsterdam, NL22.5058, 30 June 2022, ECLI:NL:RBDHA:2022:9130, available in Dutch at: <https://bit.ly/3UhEFTP>.

⁹⁸ Regional Court Arnhem, 3 April 2024, NL24.4748, ECLI:NL:RBDHA:2024:4613.

⁹⁹ Regional Court Den Haag, Haarlem, AWB 19/3033 and AWB 19/3034, 1 July 2022, ECLI:NL:RBDHA:2022:11308, available in Dutch at: <https://bit.ly/3wfw3oS>.

¹⁰⁰ Regional Court Den Haag, Groningen, NL22.12077, 21 March 2023, ECLI:NL:RBDHA:2023:3626, available in Dutch at: <https://bit.ly/3WpzPH3>; Regional Court Den Haag, NL22.22773, 20 June 2023, ECLI:NL:RBDHA:2023:8832, available in Dutch at: <https://bit.ly/3xYHLot>.

an onward appeal has been lodged with the Council of State. At the moment of drafting this report, the cases on this matter are still pending in front of the Council of State.

Processing asylum applications from non-Ukrainian nationals

As mentioned before, third-country nationals who held a temporary Ukrainian residence permit and had been registered in the BRP before 19 July 2022 were granted temporary protection until 4 March 2024. Applicants who wanted to proceed with their asylum application had to inform the IND by letter.

The asylum applications of this group of third-country nationals have now been assessed by the IND. While processing these asylum requests, the IND prioritised asylum requests from non-UA nationals from Yemen and Syria, as they were considered eligible for international protection. Secondly, the IND examined asylum applications from people having come from 'safe countries of origin' and lastly asylum applications from remaining third country nationals were assessed (see Chapter F 3 under safe country concepts – safe country of origin of the [Main Report](#)).

The Dutch Council for Refugees (VWN) provides information ('*Voorlichting*') on the asylum procedure to non-Ukrainian nationals (see [Information provision and access to NGOs](#)). Additionally, applicants are assigned a specialised lawyer during the asylum procedure.

As far as known by the authors of this report, in case the asylum application was refused before 4 September 2023, non-Ukrainian nationals remained lawfully in the Netherlands as TP beneficiaries until 4 March 2025.

Access to other legal statuses

Holders of temporary protection in the Netherlands may also be eligible for a regular residence permit, provided they meet the applicable conditions. Examples of permitted purposes of stay include employment, study, or living with a partner or family member. The conditions that apply to the specific purpose of stay can be found on the IND website. Holders of temporary protection in the Netherlands are exempt from the MVV requirement.

Temporary protection can coexist side by side with a regular residence permit. In case of conflict of rights, the most favorable rule applies. The validity period of a regular residence period is usually five years. If a person no longer meets the conditions for granting the regular residence permit, it can be revoked during the validity period of the residence permit before its expiry.

B. Family reunification

1. Family reunification as provided under the Temporary Protection Directive

Pursuant to Article 15 of the TPD, beneficiaries of temporary protection can reunite with family members they lived with in Ukraine. Family members obtain the same right of residence with the same rights and obligations. However, their right of residence is completely dependent on that of the main beneficiary.

The following persons are considered to be family members:

1. Spouse or unmarried partner with whom a durable relationship has been maintained;
2. Minor unmarried children (born or adopted within or outside marriage);
3. Other close relatives who lived with the beneficiary and who are totally or mostly dependent on them.

As indicated, unmarried partners are also entitled to temporary protection, if they had a durable relationship with the main beneficiary at the time the war started, or from 27 November 2021 until their departure from Ukraine.¹⁰¹ Initially, married and unmarried partners had to show they had lived together for at least 6 months before having been displaced due to the war. However, in December 2023 the

¹⁰¹ IND Work Instruction 2022/17, 4 August 2022, available in Dutch at: <https://bit.ly/3wbJdiU>, 3.

Minister made clear that partners who had a relationship with a TP beneficiary, but only started living with them after the outbreak of the conflict in 2022, do fall within the scope of the Temporary Protection Directive. As a result, the condition that partners must have lived together in Ukraine no longer applies.

Non-UA nationals who, prior to 27 November 2021, lived with a TP beneficiary in the Netherlands or in another EU Member State before 23 February 2022, fall within the scope of the TPD.¹⁰²

Reunification procedure

The same procedure applies here as for displaced persons from Ukraine who want to benefit from temporary protection.

No (formal) framework or procedure for reuniting family members who have been left behind in Ukraine (or another country of origin) has been introduced. So, in the Dutch context family reunification pursuant to Article 15 TPD is only possible if the family member is also in the Netherlands.

2. Family reunification beyond the Temporary Protection Directive

As previously explained, beneficiaries of temporary protection have legal stay in the Netherlands as asylum seekers having been granted temporary protection. They are not issued a residence permit. In the existing framework a (regular or asylum) residence permit is required to be able to apply for family reunification. Thus, it is not possible for beneficiaries of temporary protection to do so according to the procedure described in the [General report](#) – Family reunification.

C. Movement and mobility

Beneficiaries of temporary protection can move freely within the Netherlands, without any restrictions. TP beneficiaries can demonstrate their lawful residency by showing their proof of residency. Due to the extension of application of the Temporary Protection Directive until 4 March 2026, TP-beneficiaries use their proof of residency, in some cases combined with the IND-extension letter as a document of identification.¹⁰³

Ukrainian nationals who have a biometric passport and proof of residency can travel to other EU countries and back and forth to Ukraine. They can also travel to other EU countries during their visa-free period: up to 90 days within a 180 -day period.¹⁰⁴ Travelling outside the European Union (except for Ukraine) is risky, as re-entry into the Schengen area may be refused.¹⁰⁵

For Ukrainian nationals who do not have a biometric passport and third country nationals having been displaced from Ukraine and who have been granted temporary protection in the Netherlands, travelling in or outside of the Schengen area is at their own risk. They need a valid travel document and proof of residency. Travelling outside of the EU is most risky as their possibility to be readmitted into the Schengen area is not guaranteed.¹⁰⁶ Their proof of residency in the Netherlands is not a residence permit and the IND does not issue TP beneficiaries with a return visa.

In 2022, 2023 and 2024, the Dutch Council for Refugees (VWN) received various reports indicating that TP beneficiaries were, after a short return to Ukraine, refused entry into the Schengen area at the Polish border. Re-established border controls at some internal borders with other EU Member States also caused problems for TP beneficiaries wanting to cross the border. This was particularly the case at the

¹⁰² Dutch Parliament, 'Tijdelijke wet opvang ontheemden Oekraïne', available in Dutch at: <https://bit.ly/4atBJde>.

¹⁰³ IND, 'Extension sticker or card temporary protection Ukraine', last updated 14 March 2024, available at: <https://bit.ly/3ZAYIDu>.

¹⁰⁴ IND, 'Temporary Protection Directive Ukraine', last updated 15 March 2024, available at: <https://bit.ly/3CXcKRu>.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

Netherlands/German border. Border guards turned out to be unfamiliar with Dutch documents such as proof of residency. As a result, TP beneficiaries were refused entry into Germany. Even though the minister for Asylum and Migration had these documents included in various online registers for European border guards, it was decided to draw attention to these documents again. Since then, the Dutch Council for Refugees (VWN) has not received any signals about problems at the German border or other internal borders. The Dutch Council for Refugees (VWN) has not received any signals about problems crossing the Dutch border after the recently resumed border control at Dutch borders.¹⁰⁷

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?
As long as TPD is in force
2. Number of beneficiaries staying in reception centres as of 31 December 2024 Not available
3. Number of beneficiaries staying in private accommodation as of 31 December 2024
Not available

The Dutch government provided the following statistics on 13 December 2024:¹⁰⁸

- ❖ Number of BRP registered displaced people from Ukraine: 118,730
- ❖ Number of available reception places ('available beds'): 93,200
- ❖ Number of occupied reception places ('occupied beds'): 92,730

Beneficiaries of temporary protection are entitled to stay in the municipal reception facility for up to a maximum of one year after the TPD ceases to apply, which means until 4 March 2027 (see also end of this same section).

Accommodation

The kind of accommodation used for the reception of TP beneficiaries varies. They can, for example, be accommodated in hotels, in emergency shelters, or on boats. Sometimes empty office buildings have been transformed to apartments to be able to accommodate displaced people from Ukraine. It is also possible to stay with a host family.

After the invasion of Ukraine, the Netherlands sought to create many reception places at short notice. On 7 March 2022, the Dutch government requested the Security Council and the security regions¹⁰⁹ to coordinate the realization of reception of displaced people from Ukraine in municipalities. In 2024, the task of coordinating the reception of displaced people from Ukraine was still carried out by security regions.¹¹⁰ In 2022, the Dutch government was unable to provide (emergency) accommodation to displaced people within the existing legal framework. Because of that, the Dutch government activated the Relocation Population Act (*Wet verplaatsing bevolking*) on 1 April 2022. This is state emergency law. As a result, municipalities (mayors) were given the statutory duty (task) to arrange reception for TP beneficiaries. This task has been implemented in the Regulation for the Reception of Displaced Persons from Ukraine. Under this scheme, municipalities (mayors) must provide shelter, a monthly financial allowance for food, clothing and other personal expenses, recreational and educational activities, insurance against financial consequences of legal liability and the possible payment of extraordinary costs.

¹⁰⁷ Dutch government, Circular 'Departure and effects facilities Scheme for Reception of Displaced Persons' from Ukraine', 19 June 2023, available in Dutch [here](#).

¹⁰⁸ Dutch government, 'Cijfers opvang vluchtelingen uit Oekraïne in Nederland', available in Dutch at: <https://bit.ly/3ZUAU8M>.

¹⁰⁹ The Netherlands is divided into 25 security regions. Each safety region is committed to the safety of the residents and visitors of that area. The safety region also makes arrangements for dealing with disasters and crises. Please see Dutch government, 'Veiligheidsregio's', available in Dutch at: <https://bit.ly/3GXxTfm>.

¹¹⁰ Dutch government, Guide 'Naslagwerk voor gemeentelijke opvang Oekraïense ontheemden', 15 January 2024, available in Dutch at: <https://bit.ly/3QQE5dP>. Dutch government, Guide 'Handreiking Gemeentelijke Opvang Oekraïners (GOO)', available in Dutch at: <https://bit.ly/3QQE5dP>.

In 2023, the 'Temporary Act on the Reception of Displaced Persons from Ukraine' bill was introduced in Parliament (House of Representatives). The bill aimed to transfer responsibility for the reception of TP beneficiaries from the Relocation and Population Act to this Temporary Act.¹¹¹ The bill has passed Parliament and from the moment of enforcement of the Temporary Act the responsibility for municipalities for the reception of TP beneficiaries has been transferred from the Population Act to the Temporary Act.¹¹²

Reception in private accommodation

In the Netherlands, TP beneficiaries can also be accommodated with host families. Takecarebnb is a volunteer organisation which, as one of the partners within RefugeehomeNL, primarily used to coordinates the assignment of temporary protection beneficiaries to host families. RefugeehomeNL was created as a partnership between the Dutch Red Cross, the Dutch Salvation Army, TakeCareBnB and DCR upon assignment by the Ministry of Justice& Security to host TP beneficiaries with host families. On 31 December 2023 Refugeehome ceased its operations due to decrease in demand, host families, and the need for more structural housing solutions.¹¹³

Since then, reception in private accommodation – by host families – has not been organised by the national government, but coordinated by local organisations in municipalities. Municipalities are (also) responsible for TP beneficiaries who are staying with host families.

In 2022 the Dutch government, in collaboration with RefugeehomeNL and the Association of Dutch Municipalities, issued a guide *Handreiking Particuliere Opvang Ontheemden* regarding accommodating TP beneficiaries with host families. In this guide *Handreiking Particuliere Opvang Ontheemden*, host families can find information on how to offer shelter, to detect signs of abuse or exploitation and which services are available for TP beneficiaries from Ukraine, such as health care and education.¹¹⁴

Obtaining reception

Displaced persons must report to a municipality to obtain a reception place. If the municipality has a reception place available, they must provide shelter and register the displaced person in the BRP. Within four weeks, the displaced person must make an appointment at the IND sticker location, where it is assessed whether they meet the conditions of the Temporary Protection Directive. If a displaced person reports to a municipality and there is no reception place available, the municipality must contact the Regional Coordination Centre for Refugee Distribution (RCVS). If no reception places are available in the region, the RCVS must submit a request via an automated application to the HUB for the Coordination of Information Ukraine (KCIO)/National Centre for Refugee Distribution (LCVS). The Ukraine Coordination Information Exchange (*Knooppunt Coördinatie Informatie Oekraïne, KCIO*) serves as an information platform between the national government, the 25 security regions and involved partners such as, inter alia, the Dutch Red Cross, Association of Dutch Municipalities and COA. Professionals can contact the platform when they have questions about available reception places. Part of the HUB is the National Coordination Point Refugee Distribution (LCVS). From this collection point, the overview of available municipal reception places on a supra-regional/rural scale is monitored and coordinated.¹¹⁵

The Dutch Council for Refugees (VWN) received reports that municipalities refuse reception to displaced persons without first contacting the RCVS and the LCVS. It is currently not clear how many displaced persons have been affected. In case people need a place to stay the night they can contact the Red Cross. As registration in the BRP is not possible, if people have not been able to find a municipality where

¹¹¹ Dutch Parliament, 'Tijdelijke wet opvang ontheemden Oekraïne', available in Dutch at: <https://bit.ly/4atBJde>.

¹¹² Publication of Temporary Act, Staatsblad 2024, 190, information only available in the Dutch language: <https://bit.ly/3WndLM6>; Staatsblad 2024, 158, information only available in Dutch: <https://bit.ly/4fvI9Es>; Staatsblad 2024, 157, information only available in Dutch: <https://bit.ly/3WmCDE1>.

¹¹³ RefugeehomeNL, information available at: <https://www.rhnl.nl/en/>.

¹¹⁴ Dutch government, Guide 'Naslagwerk voor gemeentelijke opvang Oekraïense ontheemden', 15 January 2024, available in Dutch at: <https://bit.ly/3QQE5dP>. Dutch government, *Handreiking Particuliere Opvang Oekrainers (POO)*, available in Dutch at: <https://bit.ly/3wc05pY>.

¹¹⁵ Rijksoverheid, Aankomst, registratie en verblijf van vluchtelingen uit Oekraïne, information only available in Dutch: <https://bit.ly/3Wm0e7s>.

they can be accommodated, there is a risk persons entitled to temporary protection will be left too long without access to the TP status and its associated rights.

Consequences of causing nuisance in a reception location

DCR has received reports that TP beneficiaries were expelled from the municipal shelter because they had caused nuisance. Initially it was the municipality's responsibility to arrange alternative shelter. However, as of 29 September 2023 the Regulation for the Reception of Displaced Persons from Ukraine was amended to provide a basis for municipalities to prevent and behaviours contrary to the shelters' rules and enforce related measures. As a result, a municipality can limit the right to shelter in the event of non-compliance with the internal regulations or violence in the municipal shelter.¹¹⁶ In the meantime, case law has developed on the issue,¹¹⁷ indicating that a municipality must provide the TP beneficiary with the minimum basic facilities, such as food and a guaranteed place in a night shelter. This conclusion follows from the interpretation of the Regulation for the Reception of Displaced Persons from Ukraine in conjunction with the *Haqbin* judgment of the CJEU.¹¹⁸ In any case, the measure taken by the municipality must comply with the principles of proportionality and subsidiarity.

Consequences of leaving the reception location

There is a right to access shelter and facilities in the Netherlands if it has been determined by the IND that a displaced person falls within the scope of the TPD. However, a displaced person may be treated as a new applicant if they have left the municipality for more than 28 days and have been deregistered from the BRP. In that case that municipality is no longer responsible for their reception.¹¹⁹ The displaced person will have to independently find a municipality that has reception places available. This constitutes a serious issue, as it is becoming increasingly difficult to find shelter. It is important to point out that this regulation regarding the 28 days per calendar year is not an obligation but an option for municipalities. They are allowed to provide tailor-made solutions. It is therefore important that the TP beneficiary reports his departure to the municipality and communicates with the municipality about their return.¹²⁰

Situations of exploitation, abuse or other forms of violence

Various organisations offer help to TP beneficiaries who are victims of (sexual) exploitation, abuse, or other forms of violence.¹²¹ In municipal reception facilities, procedures are in place to face situations of exploitation, (child) abuse or any other forms of violence. In cases in which there is a suspicion of (sexual) exploitation, CoMensHa can be contacted. It is also advised to supervisors of reception facilities to be in contact with on a regular basis. Information for municipalities is provided in the guide *Handreiking Opvang Ontheemden uit Oekraïne*.

If employees of the Dutch Council for Refugees (VWN) identify abuse or domestic violence they can contact *Veilig Thuis*,¹²² an organisation that provides advice to victims of (domestic) violence or to anyone who suspects this is the case. On *Refugeehelp.nl*, information is provided to displaced persons from Ukraine on how to reach out for help when there is (a suspicion of) a dangerous, an insecure or a violent situation.¹²³ This information is available in Dutch, English, Ukrainian and Russian. However, it is difficult for municipalities and organisations to inform and to reach displaced persons who live in private – non-municipal – accommodation. Host families can report (suspicions of) exploitation to FairWork.

¹¹⁶ Staatscourant 2023, 26413, 29 September 2023, available in Dutch at: <https://bit.ly/3WmNTAS>.

¹¹⁷ Regional Court Arnhem, 10 September 2024, ARN 24/ 6254, ECLI:NL:RBGEL:2024:6184; Regional Court Arnhem, 5 September 2024, ARN 24/5808, ECLI:NL:RBGEL:2024:6070.

¹¹⁸ CJEU, 12 November 2019, C-233/18 (*Haqbin*), ECLI:EU:C:2019:956.

¹¹⁹ Staatscourant 2024, 20260, 24 June 2024, information only available in Dutch at: <https://bit.ly/3DZjmCb>

¹²⁰ NOS.nl, , Gemeenten moeten Oekraïense vluchtelingen weigeren wegens gebrek aan opvang, 19 March 2025, available in Dutch at: <https://bit.ly/4ICqWUJ>.

¹²¹ CoMensHa is the National Coordination Centre against Human Trafficking, information available at: <https://bit.ly/3QYOxpZ>.

¹²² Veilig thuis, information available at: <https://bit.ly/3GXI3hk>.

¹²³ Refugeehelp.nl, information available at: <https://bit.ly/4a5O73f>.

E. Employment and education

1. Access to the labour market

A beneficiary of temporary protection is allowed to work in paid employment in the Netherlands without a work permit.¹²⁴ The employer has the obligation to report to the *Uitvoeringsinstituut Werknemersverzekeringen* (UWV). The UWV is the Dutch provider of employee insurance schemes. The UWV provides employee benefits and helps job seekers find work. To work, the TP beneficiary needs a citizen's service number (BSN) and proof of residency in the Netherlands. Proof of residency is necessary because it shows that the person concerned has been granted temporary protection in the Netherlands, which means a work permit is not required. TP beneficiaries from Ukraine who work in the Netherlands have the same rights as Dutch employees.

However, TP beneficiaries who want to become self-employed need a work permit. Such a work permit is not issued by the UWV in case of unskilled work or personal services. As a result, it is virtually impossible for TP beneficiaries to become self-employed. Violating the requirement of a work permit can result in high fines.

There are no specific professions for which TP beneficiaries have been exempt from qualification recognition.

The Central Bureau Statistics Netherlands (CBS) showed that on 1 May 2024 57% of TP beneficiaries between the ages of 15 and 65 had found paid work. However, the data from CBS also showed that most of them have a temporary job (92%). In more than half of the cases, this concerns on-call or temporary work. In addition, the work is often at a level that does not match the beneficiary's level of education or previous work experience.

On 7 November 2024 the Secretary of State of Social Affairs and Employment sent his *Action plan labour market participation Ukrainian displaced persons* to the Parliament.¹²⁵

The Secretary of State explained that a significant proportion of displaced persons went to work almost immediately after arriving in the Netherlands and that others are still finding their way to the labour market. According to the Secretary of State of Social Affairs and Employment there is a strong need to foster growth in the labour market for TP beneficiaries. With a suitable and sustainable job TP beneficiaries can make the best possible contribution to the Dutch labour market during their stay in the Netherlands. In his Action plan the Secretary of State focuses on the role of municipal services and the connection to the labour market infrastructure, the additional commitment to language acquisition and the additional commitment to the labour market for this group.¹²⁶

To inform TP beneficiaries (and their future employers) about opportunities for work and rights and obligations on the Dutch labour market, the Ministry of Social Affairs and Employment produced several factsheets. These factsheets focus on contract and wage/rights and obligations, and health and safety at work. Both factsheets are available in English and Ukrainian. Moreover, there are several initiatives, such as RefugeeWork¹²⁷ supporting beneficiaries of international protection with their job search, RefugeeHelp also provides information about work and internship opportunities.¹²⁸

¹²⁴ If an employer wants to employ a person from outside of the European Economic Area, a work permit is required. Amongst other things, a work permit entails the assessment whether an EU citizen could do the same work as the person who is aspiring for the work permit.

¹²⁵ Dutch Parliament, 7 November 2024, *Kamerstuk* 36045, nr 187, information only available in Dutch at: <https://bit.ly/4gV027L>.

¹²⁶ Ibid.

¹²⁷ RefugeeWork, available at: <https://www.refugeework.nl/en>. Information is available in several languages, such as Ukrainian.

¹²⁸ See: <https://bit.ly/4bjZXY5>.

The European Migration Network (EMN) investigated the labour market integration of beneficiaries of temporary protection from Ukraine. It published a report in May 2024. In its report, EMN studied existing policies, structures and provisions at national level that promote labour market integration for TP beneficiaries. The focus was on measures facilitating the integration of displaced persons from Ukraine into the labour market.¹²⁹

2. Access to education

According to the Compulsory Education Act, all children in the Netherlands from 5 to 16 years of age must have access to school and education. This means that all children between the ages of 5 and 16 from Ukraine are subject to compulsory education and must attend school in the Netherlands. Municipalities are responsible for education programmes and paths. Due to a lack of (specialised) staff in primary schools, it is sometimes difficult to register a child at a school. If a municipality registers too many new inscription enrolment requests from children from Ukraine, or in case the children have special educational needs, school boards may decide to establish a temporary educational facility. In doing so, schools may deviate from laws and regulations to provide an appropriate educational offer to displaced children. This should be reported to the Dutch authorities.¹³⁰

From 1 January 2024 temporary educational facilities within schools are no longer allowed. Existing temporary educational facilities within primary schools had to close on 14 July 2024, and such facilities in secondary schools had to close on 1 August 2024.¹³¹

From the age of 16, children must obtain a certificate in order to acquire access (a start qualification) to the Dutch labour market. Therefore, they need to obtain a diploma in secondary or vocational education. The conditions for displaced children of this age are the same as those for Dutch nationals or beneficiaries who have a residence permit.

In general, TP-beneficiaries are entitled to education under the same conditions as nationals or as legally residing third-country nationals. The only difference is that adult TP beneficiaries between the ages of 18 and 30 years are not entitled to student grants, because TP beneficiaries do not have a residence permit. Only Dutch nationals and migrants who have a residence permit are entitled to student grants up to the age of 30.

Beneficiaries who have studied or completed their education in another country must have their previous diploma validated to study at a Dutch college or university. The evaluation can be carried out by the Dutch organisation for internationalisation in education (Nuffic)¹³² or by the college or university where the beneficiary wants to study. After the diploma has been valued, the college or university decides whether the student meets the requirements. These are requirements specific to a study and/or language requirement necessary for a study. To be admitted, the student may have to take entrance exams or a language test.¹³³ The institutional tuition fee is determined by the college or university. The minimum statutory tuition fee for the 2022-2023 academic year was 2,209 €. Most colleges and universities used to apply the minimum fee to TP beneficiaries from Ukraine. Since the 2023-2024 academic year it is up to the college or university to decide the tuition fee (the so called 'institution tuition fee'). This means that fees could be (significantly) higher than the statutory tuition fee of 2,314 euro.

On 2 December 2024 12,400 child beneficiaries of temporary protection had been registered in primary schools and 8,200 TP child beneficiaries had been enrolled in secondary education. These numbers do

¹²⁹ EMN, 3 September 2024, Inform: 'Labour Market integration of beneficiaries of temporary protection from Ukraine', information partially available in English at: <https://bit.ly/3WInv9S>.

¹³⁰ Regulation on temporary educational facilities in case of mass influx of displaced persons, available in Dutch at: <https://bit.ly/3XFW9tn>.

¹³¹ Dutch government, 'Handreiking onderwijs voor kinderen en jongeren uit Oekraïne', 27 November 2023, available in Dutch at: <https://bit.ly/3ITuXle>.

¹³² Nuffic is the Dutch organisation for internationalisation in education: see Nuffic, 'Higher education', information available at: <https://bit.ly/3XxO6P2>.

¹³³ Ibid.

not match the number of BRP-registrations in municipalities as these were 13,600 and 9,300 respectively.¹³⁴

Due to a lack of (specialised) staff in primary schools, it may be difficult to register a child. Schools facing many registrations from children who fled the war in Ukraine can turn to LOWAN, an organisation supporting schools in providing education for migrant children in primary and secondary education who have just arrived in the Netherlands.¹³⁵ Schools and special new arrivals facilities provide a specific curriculum (lessons) for TP child beneficiaries from Ukraine. Dutch language lessons are an integral part of this.

F. Social welfare

Beneficiaries of temporary protection in the Netherlands have access to the labour market. Should a TP beneficiary lose their job and become unemployed, they are entitled to employee insurances.¹³⁶ There are four types of employee insurance schemes:

- ❖ Unemployment Act;
- ❖ Occupational Disability Insurance Act;
- ❖ Work and Income according to Labour Capacity Act;
- ❖ Sickness Benefits Act.

To benefit from an employee insurance scheme, the beneficiary of temporary protection needs to comply with the specific requirements laid down in the different employee insurance schemes. As far as known to us, social welfare is provided to beneficiaries of temporary protection under the same conditions and on the same level as to nationals or legally residing third country nationals.

Beneficiaries of temporary protection who do paid work and thus earn their own income in the Netherlands are entitled to child benefits and child budget for children under the age of 18 years. This is a contribution towards the costs of children up to the age of 18. The amount of child budget depends on the income of the TP beneficiary, the number of children and their ages.

Beneficiaries of temporary protection who do paid work may be entitled to childcare allowance ('*Kinderopvangtoeslag*') to cover the costs associated with childcare. This is not the case if their (un)married partner is still in Ukraine, which is often the case. This is because the Childcare Act stipulates that people whose (un)married partner is outside the EU do not qualify for childcare allowance. This is a problem for Ukrainians whose (un)married partners cannot leave Ukraine because of the war. Because of this, it has been proposed to change the Childcare Allowance Act to make it possible for beneficiaries of temporary protection from Ukraine whose (un)married partner is still in Ukraine to benefit from childcare allowance. This proposal has been sent to Parliament.¹³⁷ Since the Act has not yet been amended, TP beneficiaries receive the allowance as an advance. Their application must meet the conditions for childcare allowance. The government wrote this in a letter to the House of Representatives on 15 June 2022.¹³⁸ The proposed amendment to the Childcare Allowance Act does not cover other groups such as holders of asylum residence permits, who face the same issue.

Beneficiaries of temporary protection may also be eligible for other benefits such as rent allowance and health care allowance (see [Health care](#)). The Tax authority ('*Belastingdienst*') is the organisation responsible for granting rent allowances. Employee insurances are granted by the UWV.¹³⁹ The Tax

¹³⁴ Ministry of Education (Education Executive Agency, DUO), 'Weekoverzicht inschrijving Oekraïense leerlingen op scholen', available in Dutch at: <https://bit.ly/4cxMmxM>.

¹³⁵ Dutch government, information only available in Dutch at: <https://bit.ly/3ZLUDaG>.

¹³⁶ Dutch government, 'Werk en inkomen voor vluchtelingen uit Oekraïne', available in Dutch at: <https://bit.ly/3UhRMEM>.

¹³⁷ Amendment to the Childcare Allowance Act, Kamerstukken 2024-2025, 36241, E, information only available in Dutch at: <https://bit.ly/40BAs1G>.

¹³⁸ Dutch Parliament, 15 June 2022, Kamerstuk 36 045, nr 95, information only available in Dutch at: <https://bit.ly/4ajcNq8>.

¹³⁹ UWV, information only available in Dutch at: <https://bit.ly/3kxKwq9>.

Authority provides specific information for beneficiaries of temporary protection from Ukraine.¹⁴⁰ Municipalities and refugee work provide social counselling to Ukrainian refugees (see Information provision).

G. Health care

Health care insurance before 1 July 2022

Prior to 1 July 2022, a specific Medical Care Regulation for beneficiaries of temporary protection from Ukraine ('*Regeling Medische zorg Ontheemden uit Oekraïne*', 'RMO') applied. It meant that the health care costs of beneficiaries of temporary protection who did not do paid work and who did not earn their own income were reimbursed by the healthcare providers through the Central Administration Office (*Centraal Administratie Kantoor*, CAK). The CAK is a government organisation that implements financial arrangements in the healthcare sector and informs citizens about these arrangements. The CAK does this on behalf of the Ministry of Health, Welfare and Sport. Beneficiaries of temporary protection thus had access to health care at the same level as nationals and beneficiaries of residence permits who have taken out basic insurance. This insurance covers, among other things, care from the general practitioner, hospital, psychiatrist and pharmacy.

Health care insurance from 1 July 2022 onwards

Since 1 July 2022, a specific Medical Care Regulation for beneficiaries of temporary protection from Ukraine ('*Regeling Medische zorg Ontheemden uit Oekraïne*', 'RMO') has been applied.¹⁴¹ To have access to this scheme, the TP beneficiary must have been registered by a municipality in the *Basisregistratie Personen (BRP)* as a person entitled to temporary protection (BRP code 46) and have a citizen's service number (BSN). If these conditions have been fulfilled the person concerned has access to the RMO scheme, regardless of whether they generate an income or not.

Due to the RMO scheme, health care providers are reimbursed for the costs they incur if they have provided care to TP beneficiaries. TP beneficiaries do not have to pay health care insurance fees (premium). The health care covered by the RMO is not limited to emergency care, it covers general medical care. The RMO covers medical care at the same level as provided to nationals and holders of residence permits according to the basic health care insurance. It covers, for example, care from the general practitioner, hospital, psychiatrist and pharmacy. Certain medical care is outside the basic health care insurance package. This concerns, for example, the compensation of dental care for acute pain up to 250 euro, contraception, abortion care, glasses and hearing aids, and certain medication.¹⁴² The RMO is similar to health care arrangements for asylum seekers in the Netherlands. Nationals and beneficiaries of a residence permit must pay fees for their health care insurance.

If a person from Ukraine is denied registration in the BRP as a person who is entitled to temporary protection (BRP code 46) and does therefore not receive a citizen's service number (BSN), they do not fall under the RMO scheme. The health care costs can be reimbursed by the health care providers via the CAK.¹⁴³

All TP holders have effective access to health care as long as the medical treatment is covered under the basic health care insurance. As far as known to the Dutch Council for Refugees (VWN), there are no practical obstacles in accessing it. Problems might arise when TP holders wish to be treated by a health care provider whose costs are not covered by the RMO.

¹⁴⁰ Dutch Tax Authority (*Belastingdienst*), information on rent benefits only available in Dutch [here](#).

¹⁴¹ Dutch Government, 'Information for refugees from Ukraine in the Netherlands about health insurance', 27 July 2022, factsheet available in Ukrainian at: information (leaflet) is available at: <https://bit.ly/3QJApdy>.

¹⁴² Dutch government, Q&A for municipalities regarding medical care for displaced persons from Ukraine.

¹⁴³ Dutch government, information on healthcare and displaced persons from Ukraine, information is only available in Dutch [here](#).