

PRINCIPLES FOR RESPONSIBILITY-SHARING AND SUSTAINABLE ASSISTANCE TO PEOPLE FLEEING UKRAINE

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SHARING THE RESPONSIBILITY FOR THE PROTECTION AND ASSISTANCE OF PEOPLE FLEEING UKRAINE

By 10 April 2022, UNHCR, the UN Refugee Agency, [counted 4.5 mil refugees](#) fleeing Ukraine. The responsibility for such large numbers of people in need of protection must be shared. While neighbouring countries have the obligation to guarantee prompt access to their territory and provide for immediate humanitarian needs, meeting longer-term protection and assistance needs and providing for durable solutions relies on the support and solidarity of other states in the region and beyond.

Responsibility sharing within the European Union

The European Union (EU) has set up a dedicated mechanism to collect information and coordinate the operational response to the displacement from Ukraine – the Solidarity Platform - which brings together member states, the European Commission and EU agencies. Member states are expected to communicate daily regarding how many people they have received, what is their reception capacity, whether it can be scaled up, what kind of support they require, etc. The Solidarity Platform is meant to facilitate the mobilisation of relevant EU instruments (funding, Union Civil Protection Mechanism, EU agency support), coordinate the matching of offers for solidarity with the needs identified, and arrange the transfer of persons between member states and, where appropriate, to third countries.

For people arriving from Ukraine the EU has activated the [Temporary Protection Directive](#), whereby those eligible (Ukrainian nationals and their families; other nationals with refugee status or permanent resident status in Ukraine) are granted immediate protection in the form of a residence permit and associated rights to housing, access to the labour market, healthcare, and education. People with this status do not need to enter the individualised process designed for asylum applicants unless they choose to do so. EU member states have discretion to apply the directive also to non-Ukrainian nationals similarly displaced by the conflict in Ukraine.

Even before the activation of the Temporary Protection Directive, Ukrainians enjoyed visa

free travel to the EU. They can therefore move freely in the Schengen area after entering the EU and can travel to the member state in which they want to enjoy temporary protection. Many have already joined family and friends across the significant Ukrainian diaspora networks that exist in the EU. The Commission's [guidelines on the implementation of temporary protection](#) recommend that member states of first entry issue a relevant visa to allow free movement also to the non-Ukrainians entitled to temporary protection. The Solidarity Platform should coordinate assistance regarding the transfer of persons who do not have the means to travel to the member state where they want to enjoy temporary protection. To ensure effective responsibility-sharing within the EU, member states should:

- Cooperate in an efficient and transparent manner within the Solidarity Platform set up by the European Commission to facilitate the sharing of responsibility for people fleeing Ukraine.
- Scale up offers of reception in accordance with the growing and varying needs.
- Agree to make available reception capacity in proportion to the size of their population and economy.
- Use their discretion to apply the Temporary Protection Directive also to non-Ukrainian nationals similarly displaced by the conflict.

Responsibility sharing beyond the European Union

Currently, EU member and associated states are supporting Moldova by pledging and carrying out transfers of refugees to their territory. UNHCR, the UN Refugee Agency, is identifying the refugees to be transferred, based on “vulnerability” criteria. The US government has also pledged to welcome up to 100,000 refugees from Ukraine, through pathways including the US refugee admissions program, humanitarian parole and migrant and non-migrant visas. To ensure effective responsibility-sharing, all states should:

- Open new safe and regular pathways, including via community sponsorship schemes, to ensure that people fleeing Ukraine who wish to seek international protection can do so as quickly and safely as possible and have unimpeded access to their territory and asylum procedures.
- Offer humanitarian visas in numbers adequate to effectively respond to the growing needs of both people fleeing Ukraine and Ukrainians in neighbouring and other host countries.
- Expedite the processing of all other visas, including work, study and family reunification visas for both people fleeing Ukraine and Ukrainians in neighbouring and other host countries.
- Provide meaningful financial, technical and human resources contributions to meet the humanitarian needs of people fleeing Ukraine.
- If transferring people to another state to support responsibility sharing, take into consideration specific elements including:
 - The individual's informed consent.
 - Their family and wider links with communities in the country of destination.

- The availability of support services for unaccompanied minors or separated children, people with disabilities, survivors of trafficking, older people and other marginalized groups, as relevant.
- Significantly increase resettlement pledges to address all ongoing crises and displacement situations, in line with UNHCR identified priorities.

ENSURING SUSTAINABLE ASSISTANCE TO PEOPLE FLEEING UKRAINE

Volunteers and NGOs have stepped up to the challenge of providing life-saving assistance to people fleeing Ukraine. This has included food, housing, interpretation and free transport across Europe. However, it is not sustainable to rely on volunteers in the long term. The scale of the needs in all sectors of society - housing, education, healthcare, access to the labour market, etc. – is huge and requires active engagement of a wide range of local, regional and central authorities: healthcare, social services and employment assistance, child protection services, childcare facilities, schools, etc. The involvement of private actors in the assistance provided to people fleeing Ukraine cannot substitute for the role of the government in providing services essential for the enjoyment of human rights.

In the longer term, a “whole-of-society-approach” involving the private sector, civil society organisations, NGOs, and professional communities (legal, healthcare, education) will be most beneficial to the full inclusion of new arrivals. States planning to include offers of solidarity by individuals, businesses and communities in their response to the arrivals from Ukraine must ensure their compliance with the obligation to protect everyone under their jurisdiction from abuses by private actors.

States must take proactive steps to ensure that any offers of assistance by volunteers, NGOs and state authorities are compliant with principles of equality and non-discrimination. States must ensure that people fleeing Ukraine who belong to racialised groups including the Roma, people of African and Asian origin are not subject to discriminatory rhetoric and treatment and have equal access to support and services.

Central and local authorities in host countries should:

- Ensure the registration of all new arrivals, safe storage of personal information and data exchange with authorities from other states, including for family reunification purposes. This should be done applying relevant data protection and data privacy policies, in line with international human rights law and standards, including the principles of necessity, proportionality, and confidentiality.
- Promptly provide residence permits for the duration of the protection granted and issue documents or other equivalent evidence to prove status with employment offices, schools, hospitals, and other services, including services that provide access to social security benefits. Ensure that administrative procedures for the renewal of these documents are fair, accessible and effective.
- Put in place specific protection measures for the groups at higher risk of human rights violations, including children, older persons, victims of torture and trafficking, etc. Appoint legal guardians/legal representatives for unaccompanied children.
- Provide information on the risks of trafficking, set up emergency hotlines, raise

awareness among key professionals, train relevant law enforcement and border authorities and ensure national referral mechanisms are fully operational to improve early identification, assistance and support to survivors of trafficking.

- Ensure that people fleeing Ukraine are not subject to exploitation and unfair labour practices, including by enhancing labour inspections and monitoring in high-risk sectors.
- Develop long-term plans to ensure equal access to adequate housing, psychosocial support, education, healthcare, social security and other services as necessary.
- Establish effective partnerships with NGOs and communities to provide a coordinated response, ensuring oversight of voluntary offers of assistance from private actors; invest in an effective infrastructure for accountability, coordination and communication; and conduct regular evaluations to ensure the integrity and quality of the assistance provided.
- Establish a standardised, institutional registration system of the private actors offering transport, accommodation or other assistance to the people fleeing Ukraine. The system should enable identity verification, background checks and other safeguarding and vetting measures, and apply relevant data protection and data privacy policies, in line with international human rights law and standards, including the principles of necessity, proportionality, and confidentiality.
- Support the private actors involved in the reception and assistance of those fleeing Ukraine, by providing information, mediation and training.
- Ensure that private offers of facilities and services match the regulations and standards for government-run facilities and services. Establish an oversight body with the authority to receive complaints, manage disputes, and if problems arise, take responsibility to ensure that the needs of those fleeing Ukraine are met and remedial action is taken. Any mechanism to receive complaints must be accessible in terms of process and form to all including those who are most at risk of human rights violations.
- Fully cover the financial costs of housing, physical and mental healthcare, education and childcare and all other services necessary for the full enjoyment of human rights. Privately assisted refugees should have full and equal access to government services, including language classes for adults.
- Ensure consistency in the timelines and levels of support experienced by all refugees, regardless of their country of origin, or of their manner of arrival.