

Abstract

This thesis deals with the topic of international and European legislation on temporary protection, especially in relation to the use of said instrument in the current situation of the mass influx of displaced persons from Ukraine. First, the thesis focuses on the position of temporary protection in international law and examines its relationship to the Convention Relating to the Status of Refugees as the most important binding instrument in this legal field. The second chapter closely examines the European regulation of temporary protection, which is provided for in the 2001 Temporary Protection Directive. Apart from the analysis of the content of the Directive itself, the thesis also pays attention to the historical context of its creation and explains why it has not been used by the EU Member States in the first twenty years of its existence. Chapter Three compares these findings with the circumstances of the mass influx of people from war-torn Ukraine and identifies several differences between the current situation and the previous ones that eventually led to the use of this two-decade-old tool.

The temporary protection scheme, activated across the European Union at the beginning of March 2022, is further examined in detail in the thesis. First, it focuses on the scope of the persons to whom the temporary protection applies and the differences between Member States in its definition, the grounds for individual exclusion from temporary protection and the possibility to appeal against such decision. After a detailed analysis, it points out several problematic points in national legislative acts that represent a narrowing of the scope of temporary protection compared to the scope envisaged by the EU legislation. It also discusses the rights of displaced persons under the Temporary Protection Directive, looks at the relationship between different socio-economic rights and trends in the States approach to their provision. It also briefly touches on the change in the approach to solidarity between Member States.

The paper concludes with a discussion of the possible options available to the displaced persons. It looks at the possible conditions for repatriation that would increase the likelihood of safe and durable return; but it also identifies the need for the provision of other durable solutions, which it compares and identifies the advantages and disadvantages of the possible approaches.