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**European Union**

# Temporary protection for all Ukrainians!

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**The exclusion of certain Ukrainian men from temporary protection infringes upon freedom of conscience and the right to family life. Solidarity with the Ukrainian resistance must respect the free choice of those concerned.**

On 4 March 2022, the European Union activated the Temporary Protection (TP) mechanism – established in 2001 to deal with a mass influx of displaced persons – for those fleeing the Russian invasion of Ukraine. This protection provided for the right to residence, employment, education and healthcare.

The groups covered were Ukrainians living in Ukraine at the time of the Russian attack and non-Ukrainians holding a long-stay residence permit in Ukraine. This protection was extended annually by the Council of the EU and, in September 2025, accompanied by an incentive to transition to other statuses through work or study.

At the same time, accommodation and social support schemes were scaled back in all host countries. There were more than 4.4 million beneficiaries of temporary protection in August 2026, unevenly distributed across EU countries, with 98 per cent being Ukrainians.

On 30 July 2026, the Council of the European Union extended the TP until 4 March 2028 and excluded Ukrainians who were not up to date with their military obligations. This exclusion, decided in consultation with the Ukrainian authorities, took effect on 5 August 2026 and is not retroactive.

# A deprivation of fundamental rights

Does the Temporary Protection Directive grant the Council the power to restrict its scope four years after its activation? If it did have that right, it would set a worrying precedent. It is difficult to see what would prevent the Council from depriving other categories of people of Temporary Protection in the future.

In practice, this decision will target only Ukrainian men and will create discrimination between Ukrainian men who arrived before and after 5 August 2026.

It infringes upon freedom of conscience, as it prohibits the latter from deserting the Ukrainian armed forces.

Finally, this restriction will prevent men from joining their spouses and/or children residing in Europe. However, family members of those benefiting from temporary protection are entitled to temporary protection themselves, according to the 2022 decision. The majority of temporary protection beneficiaries are currently single Ukrainian women and children. If a new arrival – a man aged between 18 and 60 – leaves Ukraine to join family members who have been granted temporary protection in the EU since 2022, his exclusion would be automatic and would infringe upon the right to family life and the obligations set out in the 2022 decision.

# An escalation of anti-immigration measures

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For the NPA-l'Anticapitaliste, this restriction, imposed from above, is fully in line with the escalation of anti-immigration measures at European level and constitutes yet another infringement of the freedom of establishment and movement. Whilst it is still too early to foresee the harmful effects it will have, it is already clear that it will bring disgrace upon Ukrainian men who are already beneficiaries of the Temporary Protection scheme in Europe. Whilst the specific terms and conditions of its implementation are not yet known, it is not difficult to assume that it will provide new opportunities for corruption in order to secure exemptions from military service or authorisations to leave the country.

This decision by the Council of the EU does not stem from a will expressed at grassroots level and is not a demand, either in Ukraine or in EU Member States.

# For a freely chosen commitment

We support the Ukrainian resistance, including at the military level, on the basis of free consent – a commitment decided upon by those concerned themselves, not by their leaders, and certainly not by European governments!

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*Translated by **International Viewpoint*** from **l'Anticapitaliste**.

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