

Analysing the Implementation of the Temporary Protection Directive and its Legal Implications in the Context of the Russia-Ukraine War

DGN Sanjeewani^{1#}

¹Faculty of Defence and Strategic Studies, General Sir John Kotelawala Defence University,
Ratmalana, Sri Lanka

[#]nirukasanjeewani@kdu.ac.lk

Abstract

The Temporary Protection Directive (TPD) was first invoked in March 2001 through the European Council Decision 2022/382 to address the outflows of asylum seekers fleeing Ukraine. As a result of the TPD's declaration that the situation in Ukraine was one of mass influxes, the displaced persons were allowed to settle in the countries of their choice. Arguably, it only applies to Ukrainian nationals while other nationals in Ukraine including third- country nationals are required to undergo the 'First country' of asylum or 'Safe third country' solution. Hence, TPD has created a normative deadstock within the Common European Asylum System (CEAS). This has been mainly followed by the absence of updated or revised developments in asylum mechanisms. Asylum seekers in this situation need mandatory quotas than temporary protection procedures. Within this scope, the key question of this paper is how far TPD has become beneficial to safeguard the Ukrainians. Alongside this, the main objective of this paper is to analyse the effective utilization of asylum mechanisms with reference to the CEAS. The theory of Liberal Intergovernmentalism will be utilised in this paper to demonstrate empirical views which deal with a status where immigration control moves up to the intergovernmental level. The Qualitative methodology will be used in this paper to examine both Independent and Dependent variables. The adaptation of TPD will be identified as the Independent variable and its impact on the CEAS will be considered as the Dependent variable. The paper also concludes that the TPD neither denotes a unified CEAS nor legitimate asylum protection.

Keywords: *Temporary Protection Directive, Asylum Seeker, First Country of Asylum, Safe Third Country, Common European Asylum System*