

THE PROBLEM OF PROTECTING RIGHTS AND WELFARE OF UKRAINIAN REFUGEES UNDER CONDITIONS OF MILITARY AGGRESSION

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The full-scale war in Ukraine that began on February 24, 2022 forced millions of Ukrainians to flee their homes in search of security, either inside or outside the country. Missile and rocket attacks have caused widespread death, destruction of homes and businesses and severely damaged energy infrastructures across Ukraine. The energy crisis is disrupting public access to water, electricity, heating, healthcare, education and social protection. Water, education and health-care facilities have been significantly damaged. As the armed aggression in Ukraine is in its fourth year in 2025, the country continues facing extensive destruction and human suffering. Sustained attacks along the front lines and shelling of critical infrastructure and residential areas across Ukraine have devastated civilian lives and essential services. More than 2.5 million homes in the country – 13 percent of the housing stock – were damaged or destroyed, leaving many Ukrainians in damaged homes or in buildings ill-prepared for life-threatening freezing temperatures [3].

As the war continues, humanitarian needs are multiplying and spreading. As a result of heavy shelling and fighting, 3.7 million people, according to the United Nations High Commissioner for Refugees (UNHCR), have been driven from their homes and are internally displaced, while 6.9 million people have crossed into neighboring countries in the region including Poland, Hungary, Moldova or other countries globally, and have sought refuge in Europe and beyond. According to the UNHCR calculations, the largest number of Ukrainians in search of temporary asylum stays in the Republic of Poland – 1.56 million, Germany – 1.02 million, and the Czech Republic – 483 thousand [4]. A staggering 12.7 million people in Ukraine are in urgent need of humanitarian assistance, and poverty levels are soaring due to displacement. The humanitarian crisis stretches beyond the borders of Ukraine, as it also affects over 2 million refugees in neighboring countries who are in desperate need of support. Many of these refugees, especially women, children and girls, are confronted with relentless challenges as they strive to rebuild their lives, including psychological distress, protection risks and economic hardship [1].

While the full impact of the war is not yet clear, people continue to flee and there remains large-scale displacement in and out of the country. One third of Ukraine's total population has been forcibly displaced by the war and forced to flee to safer areas within Ukraine or across borders to neighboring countries. So, the United Nations High Commissioner for Refugees has reinforced its operations in Ukraine and in neighboring countries, sending more resources, staff and stockpiles. The UNHCR is the leading organization dedicated to protecting the rights and welfare of refugees, asylum seekers and stateless persons worldwide. One of the key ways to implement the mandate of this organization is to collect, analyze, and disseminate data on the situation of the relevant population groups. UNHCR collects data on refugees in a variety of ways, including direct observation and measurement, sociological surveys, and analysis of secondary sources such as government statistics and other reports. UNHCR is working with national authorities to identify and support people forced to flee within Ukraine and scaling up response in neighboring countries currently receiving refugees. In the first year of the war, UNHCR provided 4.32 million people with humanitarian assistance in Ukraine and neighboring host countries [4].

As for internally displaced persons (IDPs), in the definition of national legislation, IDPs can be any people, regardless of citizenship, who were forced to change their place of residence within the country. According to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" Part 1 of Art. 1, dated October 20, 2014, internally displaced persons are: citizens of Ukraine, foreigners, or stateless persons who legally stay on the territory of Ukraine and have the right to permanent residence in Ukraine, who were forced to leave or abandon their place of residence as a result of or in order to avoid the negative consequences of an armed conflict, temporary occupation, widespread violence, violations of human rights and natural or man-made emergencies [4].

The status of Ukrainians abroad affects the calculation of their numbers. Taking into account the circumstances and depending on the national legislation of the host country, forcibly displaced citizens of Ukraine have a different status: from refugees to persons for whom a temporary or other similar protection mechanism has been applied. In some countries, such as the countries of the European Union, the Implementing Decision (EU) 2022/382 of March 4, 2022, activated the Directive 2001/55/EC of July 20, 2001 on temporary protection for Ukrainians.

According to the 1951 Convention relating to the Status of Refugees (the "Geneva Convention"), the "refugee" status may be granted to persons who, as a result of a well-founded fear, have been the victims of persecution on the grounds of race, religion, nationality, citizenship (allegiance), membership in a particular social group or political views, and who stay outside the country of their citizenship and cannot enjoy the protection of that country, or who do not wish to enjoy this protection as a result of such fears. National legislation, for example,

Ukrainian (paragraph 1 of Part 1 of Art.1 of the Law of Ukraine “On Refugees and Persons in Need of Subsidiary or Temporary Protection” of July, 8, 2011) contain similar definitions [4].

“Temporary protection”, for example in accordance with Council Directive 2001/55/EC of 20 July 2001, means an exceptional procedure for ensuring, in the event of a massive or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate temporary protection of such persons, especially if there is a risk that the asylum system will not be able to cope with such an influx without adverse consequences for its efficient functioning, the interests of the persons concerned, as well as other persons seeking protection. On the other hand, “displaced persons” are third-country nationals or stateless persons who have been forced to leave their country or region of origin or who have been evacuated, such as in response to appeals from international organizations, and who cannot return in safety and security because of the situation prevailing in that country, and who are subject to Article 1A of the “Geneva Convention” or other international or national instruments providing international protection, in particular persons who have fled areas of armed conflict or outbreak of violence.

Since the start of the war in February 2022 and in response to growing humanitarian needs, a number of migration-related organizations like International Organization for Migration (IOM), the European Union Agency for Asylum (EUAA), UNHCR etc., have been working tirelessly to address the most urgent needs, build resilience and facilitate recovery. These organizations focus on internally displaced persons, refugees, returnees, third-country nationals, and host and affected communities. It delivers life-saving aid while scaling up efforts to address long-term socioeconomic impacts in Ukraine and neighbouring countries. The safety and protection of all those within and fleeing the country, and their ability to access assistance have remained a priority. This and other organizations also collaborate with national and regional stakeholders to support government partners and local authorities in their response to the war. This includes providing emergency assistance to the most vulnerable populations and implementing recovery initiatives that empower households to pursue durable solutions, both in Ukraine and refugee-hosting nations. For instance, IOM in Ukraine plays a pivotal role in responding to immediate humanitarian needs while simultaneously laying the groundwork for long-term recovery and resilience. Operating at the nexus of emergency response, community stabilization, and sustainable development and livelihoods, IOM’s portfolio spans support to internally displaced persons and returnees, promotion of social cohesion in conflict-affected communities, and tailored assistance to veterans and their families. Through its multi-sectoral approach, IOM contributes to Ukraine’s broader recovery agenda, supporting national and local actors in building inclusive, durable solutions that leave no one behind [2].

The European Union Agency for Asylum has strengthened its capacity to combine near to real-time situational awareness, data collection in the field and forecasting, as the aggression on Ukraine continues and the situation in Ukraine remains volatile. The aim is to go beyond reactive analysis and ensure Member States are equipped to manage not just today's asylum-related migration flows, but tomorrow's as well. The EUAA's intelligence-led activities are anchored in its legal mandate to gather and analyse information on root causes, migratory and refugee flows in support of early warning and Member State preparedness. They feed into scenario development, capacity planning, and contingency plans including regular updates to asylum trends, structured foresight exercises, and the integration of both traditional and non-traditional data sources. Thus, the EUAA supports Member States with agile, evidence-driven tools in the dynamic operational landscape of the ongoing war in Ukraine [1].

While the war continues, the pace of migration remains high. One of the key issues on the agenda today is the political reintegration of Ukrainian citizens who have found their temporary refuge abroad. The international community, host countries, and the Ukrainian government should create policies for the integration of Ukrainians into Ukraine's recovery strategy and to involve them in the post-war socio-political life.

Literature

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