

The Need to Adapt European Regulations on Refugees in the Context of the Escalation of the War in Ukraine

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Managing the refugee crisis is a crucial test of the European Union's core fundamental values such as solidarity, respect for human rights, and human dignity. While the challenges are considerable significant, solutions are achievable through the joint efforts of member states, European institutions, and local communities. Ultimately, the EU's success in addressing the refugee crisis will depend on its ability to balance national interests with humanitarian imperatives. The refugee crisis represents one of the greatest humanitarian and political challenges Europe has faced in recent decades. This topic was chosen due to its current relevance and significant impact on EU member states, both in terms of managing migration flows and upholding core European values such as solidarity and human rights. The paper aims to analyse the causes of forced migration, the difficulties faced by EU countries in managing it amid the large influx of Ukrainian refugees, and to identify solutions for improving asylum policies and regulations. The attention given to Ukrainian refugees reflects specific geographical, political, and cultural factors but also highlights a double standard in the EU's approach to different humanitarian crises. To remain true to its principles of solidarity and fundamental rights, the EU must adopt more uniform policies and avoid discrimination between refugee groups. A central aspect of the paper is the evaluation of the limitations of the current asylum system, such as the Dublin Regulation, and the proposal of measures to promote a fair distribution of responsibilities among member states. The solutions analysed in this paper include creating a common asylum system, simplifying administrative procedures, increasing support for refugees' countries of origin and transit, and implementing effective social and economic integration programs. This paper emphasises the need for a coordinated and united approach at the European level, capable of addressing both the needs of refugees and the concerns of member states, thereby contributing to a sustainable and humane management of migration.

Keywords: *Ukrainian refugees, humanitarian crises, management of migration asylum system, integration programs*

Introduction

The war launched by the Russian Federation against Ukraine in February 2022 has triggered one of the most profound and rapid humanitarian crises in recent European history. According to data provided by the United Nations High Commissioner for Refugees (UNHCR), over 8 million people were forced to flee

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their country within just a few months, seeking protection in European Union member states.¹ This situation has tested the Union's institutional and legal capacity to respond promptly, fairly, and in a coordinated manner to a crisis of such magnitude.

Remarkably, the European Union responded swiftly and in a unified manner by activating, for the first time, Council Directive 2001/55/EC on temporary protection² granting Ukrainian refugees immediate access to a set of essential rights – legal residence, access to education, healthcare services, and the labour market. This mechanism avoided the bureaucratic procedures typical of individual asylum applications and allowed for an effective emergency response in support of forcibly displaced persons.

However, this exemplary response simultaneously raised legitimate questions about the differentiated treatment applied to other categories of refugees. Compared to recent migration crises – such as the Syrian influx in 2015 or waves of Afghan and African refugees – the EU's reaction was significantly different in terms of speed, solidarity, and institutional commitment. In the Syrian crisis, for example, discussions around the distribution of refugees among member states generated major tensions, ultimately culminating in the failure of the mandatory quota system³. Moreover, the Temporary Protection Directive was not activated, despite substantial migratory pressure and the protracted nature of the conflict.

This disparity in treatment has been critically noted by numerous scholars and international organisations, who have warned of the risk of applying a double standard in the field of international protection. Sergio Carrera and Andrew Geddes emphasise that the solidarity shown to Ukrainian refugees highlighted deep asymmetries in the EU's asylum policy and exposed a lack of coherence in applying fundamental principles of refugee law⁴.

Regarding reception conditions, Ukrainian refugees benefited from rapid integration into host countries' educational and social systems, whereas refugees from the Middle East or Africa were often placed in overcrowded reception centers, facing stigmatisation, unequal treatment, and limited access to basic services⁵. Differences in public perception and political discourse further reinforced this contrast – while the Ukrainian crisis elicited widespread empathy and civic mobilisation, other crises were often politicised, feeding anti-immigration rhetoric.

This comparison is crucial for understanding the current limitations of the European Union's legal and institutional asylum framework. While the response to the Ukrainian crisis may be considered a good practice in certain respects, it also underscores the need for a uniform, fair, and equally applicable regulatory approach to all individuals seeking international protection, regardless of origin or geopolitical context.

¹UNHCR (2023). *Ukraine Refugee Response Plan for Ukraine Situation*.

²Council of the European Union, *Directive 2001/55/EC*.

³European Commission (2015). *Proposal for a European Agenda on Migration*.

⁴Carrera & Geddes (2022).

⁵Human Rights Watch (2022). *Ukraine: Unequal Treatment for Foreigners Attempting to Flee*.

The main objectives of this research are:

- to critically examine the European Union's legal and institutional capacity to respond to the challenges posed by the Ukrainian refugee crisis, in parallel with other recent humanitarian emergencies.
- to identify discrepancies in treatment, assess the effectiveness of existing legal instruments (particularly Directive 2001/55/EC), and highlight gaps or limitations in their practical implementation.
- to formulate concrete proposals for adapting and harmonizing European refugee protection regulations to ensure a unified, coherent, and non-discriminatory response by member states. In this sense, the approach combines both analytical and normative dimensions, drawing on the lessons of the Ukrainian context to inform the development of a more equitable and resilient EU asylum policy.

Review of Relevant Legal Literature and Case Law

In the context of the escalation of the war in Ukraine and the outbreak of one of the largest humanitarian crises in recent European history, the academic literature reveals significant concern about the European Union's ability to respond coherently and equitably to the need for refugee protection. Recent studies highlight both the achievements and the limitations of the EU's legal and institutional framework, particularly in relation to the application of Directive 2001/55/EC on temporary protection.

Sergio Carrera⁶ emphasises the exceptional nature of the activation of the directive for Ukrainian refugees, arguing that while the mechanism functioned effectively in terms of institutional mobilisation, it remains dependent on the political will of member states and on a favourable geopolitical context. Andrew Geddes⁷ supports this view, noting that the solidarity shown toward Ukrainians was not the product of a robust legal system, but rather the result of geographical and cultural proximity, and of pressure from European public opinion, deeply affected by the Russian aggression.

Cathryn Costello⁸ warns of the risk of entrenching a double standard in the application of international protection rules, pointing out that while Ukrainians benefited from immediate and generous protection, other refugee groups – such as those from Syria, Afghanistan, or Sub-Saharan Africa – faced systemic barriers, including poor reception conditions, discriminatory treatment, and lack of access to fundamental rights.

This inequality is further reinforced, according to Violeta Moreno-Lax⁹, by the fragmentation of asylum policies and the lack of a common approach to identifying and supporting vulnerable persons.

⁶Carrera & Geddes (2022).

⁷Geddes (2022).

⁸Costello (2022b).

⁹Moreno-Lax (2020).

Francesco Maiani¹⁰ argues that the current EU legal framework, in the absence of binding mechanisms and a fair redistribution of responsibilities among member states, enables selective application of protection. He proposes the reform of Directive 2001/55/EC to extend long-term protection and strengthen the legal obligations of host states.

In addition to doctrinal analysis, recent jurisprudence of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) provides essential benchmarks for understanding current legal constraints and potential developments in refugee protection. In *Jawo* (C-163/17)¹¹, the CJEU reaffirmed the obligation of member states to ensure dignified living conditions for asylum seekers, ruling that transfers to other EU states are inadmissible if there is a risk of inhuman or degrading treatment. This judgment is especially relevant in the context of applying the principle of solidarity and preventing arbitrary intra-EU transfers.

In its ruling in *M.S.S. v. Belgium and Greece* (2011)¹², the ECtHR confirmed that states may not transfer asylum seekers to another jurisdiction if they risk degrading treatment or a lack of access to an effective asylum procedure. This case remains a cornerstone for evaluating the compatibility of national and European policies with the European Convention on Human Rights, particularly in crisis contexts such as Ukraine.

The academic and jurisprudential analysis converge on the idea that while the EU's reaction to the Ukrainian crisis was effective in the short term, it cannot constitute a sustainable model without structural reforms. Both the literature and case law support the need to strengthen the principle of solidarity, standardise protection frameworks, and develop a permanent and fair mechanism for responding to future humanitarian crises.

Research Methodology

This research adopts an interdisciplinary approach, rooted in legal scholarship, and employs a set of methods specific to public law and human rights analysis. The aim is to assess both the effectiveness and the limitations of the current European legal framework in responding to refugee flows caused by the war in Ukraine.

The first method applied is classical doctrinal analysis, which involves a detailed review of relevant academic works (including those of Carrera, Costello, Moreno-Lax, Maiani, among others), in order to identify key theoretical positions and map areas of consensus and divergence in the interpretation of EU asylum and migration law.

The second method is jurisprudential analysis, through which relevant decisions of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) are examined. This analysis helps outline the legal standards applicable in crisis situations and evaluate their implementation in the context of the Ukrainian refugee emergency.

¹⁰Maiani (2022).

¹¹CJEU, Judgment of 19 March 2019, C-163/17, *Abubacarr Jawo*, ECLI:EC:C:2019:218.

¹²European Court of Human Rights, *M.S.S. v Belgium and Greece*, Application no. 30696/09, Judgment of 21 January 2011.

The research also uses a comparative approach to highlight disparities in the treatment of Ukrainian refugees versus other groups (e.g., Syrian or Afghan refugees), taking into account institutional reactions across EU member states.

Finally, a critical legal perspective is adopted to uncover structural deficiencies in the Common European Asylum System and propose directions for legislative reform. This critical dimension connects legal norms with the socio-political realities produced by the war in Ukraine and offers an integrated understanding of the need for durable, inclusive, and rights-based legal adaptation.

Results and Discussion

The European Legal Framework on Refugee Protection

International Foundations and the Commitments Assumed by the European Union

The legal framework of the European Union (EU) in the field of refugee protection is deeply rooted in international human rights law. The 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol¹³ represent key instruments, establishing the legal definition of a refugee and the principle of non-refoulement, according to which no person shall be returned to a territory where their life or freedom would be threatened on grounds of race, religion, nationality, membership of a particular social group, or political opinion.

The EU, through the Treaty on the Functioning of the European Union (TFEU)¹⁴, assumes a common policy on asylum aligned with these international standards. The Charter of Fundamental Rights of the European Union, in Articles 18 and 19¹⁵, grants strengthened legal status to the right to asylum and explicitly prohibits collective expulsions and removals to countries where a person risks inhuman or degrading treatment. Also soon after the invasion of Ukraine, Russian President Putin instituted a new law restricting freedom of speech and press regarding the war. In particular, the law prohibits any reporting that does not conform to the official governmental position on what is the truth¹⁶

The Common European Asylum Policy: Development and Key Instruments

The EU's Common Asylum Policy has undergone significant evolution since the Treaty of Amsterdam in 1999, which established shared competence in the field. Its overarching objective is the creation of the Common European Asylum System (CEAS), designed to ensure a uniform and fair treatment of applicants for international protection across all member states.

The core instruments of the CEAS include: • Directive 2013/33/EU (Reception Conditions Directive) • Directive 2013/32/EU (Asylum Procedures Directive) • Directive 2011/95/EU (Qualification Directive) • Regulation (EU) No. 604/2013 (Dublin III Regulation) • Regulation (EU) No. 603/2013 (Eurodac Regulation)

¹³United Nations (1951) *Convention Relating to the Status of Refugees*.

¹⁴Treaty on the Functioning of the European Union (TFEU), Articles 67–80.

¹⁵Charter of Fundamental Rights of the European Union, Articles 18 and 19.

¹⁶Pavlik (2023).

These legislative acts establish minimum standards on reception conditions, assessment of applications, recognition of refugee or subsidiary protection status, and determination of the responsible member state. However, their practical implementation has often been uneven, leading to tensions between member states and systemic inefficiencies

CEAS Challenges and Reform Failures

The 2015–2016 migration crisis exposed structural vulnerabilities within the CEAS. Border states like Italy and Greece were overwhelmed by massive refugee inflows, while other EU countries often refused to engage in solidarity or relocation mechanisms. The Dublin Regulation, which assigns responsibility to the first country of entry, has been criticised for its inequity and the disproportionate burden it places on certain states.

In 2020, the European Commission proposed a New Pact on Migration and Asylum, aiming to reform the CEAS through the introduction of a flexible solidarity mechanism, accelerated border procedures, and revision of the Dublin Regulation. While the legislative proposals remain under negotiation, the Pact reflects an acknowledgment of the need for a more equitable and efficient system¹⁷.

Temporary Protection – An Exceptional Solution

Directive 2001/55/EC on temporary protection¹⁸ was designed for exceptional situations involving mass influxes of displaced persons that place overwhelming pressure on national asylum systems. It provides for the granting of collective temporary protection status without requiring individual asylum procedures.

The Directive was activated for the first time in 2022 in response to the Ukrainian refugee crisis. This unprecedented move demonstrated the utility of the mechanism but also attracted criticism due to its exclusive application to a specific geographical group. Scholars like Sergio Carrera and Andrew Geddes¹⁹ have highlighted the risk of politically driven preferential treatment that may undermine the coherence and universality of EU asylum law.

Ineli-Ciger²⁰ has pointed out that the Directive requires clarification and reform, particularly regarding the duration of protection, conditions for its termination, and transition to other forms of protection. Cathryn Costello²¹ emphasised the importance of immediate access to the labour market for refugee integration and suggests including such safeguards in future legislative reforms. Additionally, Vlad Perju²² has proposed the establishment of a centralised EU-level system for asylum application processing to replace the individual responsibility principle enshrined in the Dublin Regulation.

¹⁷European Commission (2020). *New Pact on Migration and Asylum*.

¹⁸Directive 2001/55/EC of 20 July 2001 on temporary protection in the event of a mass influx of displaced persons.

¹⁹Carrera & Geddes (2022).

²⁰Ineli-Ciger (2022).

²¹Costello (2022a).

²²Perju (2022).

The Case Law of the Court of Justice of the European Union on Asylum

The jurisprudence of the Court of Justice of the European Union (CJEU) has played a vital role in shaping and interpreting EU asylum standards. Notable rulings include:

- Case C-411/10 and C-493/10, *N.S. and M.E.*: The CJEU held that member states must not transfer asylum seekers under the Dublin Regulation to another member state if there are “substantial grounds” to believe that that state does not respect fundamental rights, particularly regarding reception conditions and access to the asylum procedure. This ruling enshrined the obligation for individualised risk assessments and limited the automatic application of the Dublin system²³.
- Case C-163/17, *Jawo*: The Court reaffirmed that a transfer is prohibited if there is a real risk that the applicant will be subjected to living conditions that amount to inhuman or degrading treatment, as prohibited by Article 4 of the Charter. The judgment emphasised the need to assess general levels of poverty, social exclusion, and lack of access to essential services in the destination country. *Jawo* reinforced the minimum standard of dignity and protection against indirect refoulement²⁴.
- Case C-72/22 PPU, *Staatssecretaris v. X*: This case clarified the conditions under which temporary protection status may be withdrawn under Directive 2001/55/EC. The CJEU held that such withdrawal must be justified, proportionate, and subject to rigorous legal review, ensuring the protection of the beneficiary’s fundamental rights. In the context of the Ukrainian crisis, this ruling provided legal certainty on the limits of revoking temporary protection status²⁵.

These judgments illustrate the CJEU’s crucial role in shaping a rights-based asylum policy grounded in human dignity and the rule of law. Through its evolving jurisprudence, the Court reinforces a protective interpretation of EU asylum legislation in accordance with international human rights norms.

The European Union has, on paper, a solid legal framework for the protection of refugees. Based on the Geneva Convention, the Charter of Fundamental Rights, and a series of directives and regulations, this system is intended to offer every person in need a fair, effective, and humane response. However, in reality, there is often a gap between rules and their implementation. The refugee crises of recent years—especially the one in 2015 and then the crisis caused by the war in Ukraine—have seriously tested the system. They revealed that, although laws exist, clear solidarity mechanisms and uniformly functioning procedures across Europe are often lacking.

The first-ever activation of the Temporary Protection Directive in 2022 marked an important milestone: the EU managed to respond quickly and in a coordinated

²³CJEU, Judgment of 21 December 2011, Joined Cases C-411/10 and C-493/10, *N.S. and M.E.*, *ECLI:C:2011:865*.

²⁴CJEU, Judgment of 19 March 2019, Case C-163/17, *Abubacarr Jawo*.

²⁵CJEU, Judgment of 30 June 2022, Case C-72/22 PPU, *Staatssecretaris v. X*.

way. Yet it also became evident that this reaction was exceptional, linked to specific political and geographic circumstances. For refugees from other parts of the world, such measures have never been activated.

In this context, the Court of Justice of the European Union played a key role. Through its rulings, the Court reaffirmed a simple but essential truth: asylum and protection cannot be discussed without recognizing human dignity. Refugees are not just numbers or administrative files—they are people with rights, and those rights must be genuinely defended.

The conclusion of this chapter is that the European system has potential but needs more: coherence, political will, and, above all, humanity. If the EU wishes to remain faithful to its core values—solidarity, respect for human rights, and the rule of law—then refugee protection must be treated not as a burden, but as an unavoidable moral and legal responsibility, the CJEU's crucial role in shaping a rights-based asylum policy grounded in human dignity and the rule of law. Through its evolving jurisprudence, the Court reinforces a protective interpretation of EU asylum legislation in accordance with international human rights norms.

How Europe Reacted to the Ukrainian Refugee Crisis: Between Solidarity and Challenges

Just days after the war in Ukraine began, the European Union made an unprecedented decision: for the first time, it activated the Temporary Protection Directive (Directive 2001/55/EC), a mechanism designed for emergency situations but never used since its adoption in 2001. Through Council Implementing Decision (EU) 2022/382, Ukrainian refugees were granted immediate access to an extensive set of rights: legal residence, the right to work, access to education, healthcare, and housing.

In Greece all newspapers unequivocally condemned the Russian-Belarus invasion of Ukraine²⁶.

This swift and coordinated response was widely regarded as an example of European solidarity. After years in which migration debates were marked by division, this time the Union managed to speak with one voice. According to Professor Francesco Maiani, the activation of the directive showed that Europe is capable of providing real protection when there is shared political will.

Different Realities across Member States

Even though the rule was shared at the European level, its implementation highlighted the diverse realities on the ground. Countries such as Germany, France, and the Netherlands mobilised effectively: they set up online registration platforms, offered financial support, and quickly integrated children into the education system. In contrast, in other countries like Hungary or Bulgaria, the process was hampered by bureaucracy, lack of infrastructure, and confusing information for refugees.

²⁶ Papanikos (2023)

Ineli-Ciger observes that, in the absence of a clear EU-level monitoring mechanism, such unequal treatment risks undermining refugees' trust in the system as a whole. She emphasises that real protection goes beyond administrative acts: it requires effective access to rights and services.

EU institutions did not remain passive. The European Union Agency for Asylum (EUAA) deployed experts to assist national authorities in managing the influx. Practical guidelines were developed, officials were trained, and in some cases, the EUAA directly assisted in processing protection applications.

Frontex supported border control efforts, while the Fundamental Rights Agency (FRA) monitored the respect of refugee rights. FRA reports indicate that, despite efforts, there were instances of discrimination or limited access to justice, especially for vulnerable groups such as Roma or undocumented persons.

Not all Refugees are treated Equally

One of the most sensitive aspects of the crisis was the difference in treatment between Ukrainian refugees and those from other conflict zones, such as Syria, Afghanistan, or Eritrea. While the former were welcomed with open arms, the latter often faced rejections, detention, or even deportation. Sergio Carrera warns of the risk of a “geopolitical asylum” dynamic, where protection is granted based not on actual need but on nationality.

Furthermore, there is no clear mechanism regulating what happens after the period of temporary protection ends. If the war continues, what options will refugees have? Cathryn Costello and Madeline Garlick argue that the lack of durable solutions exposes people to legal uncertainty and social vulnerability.

What can this Crisis Teach us?

Europe has proven that it can act quickly and compassionately. However, the crisis has also revealed that protection is not always applied fairly. For the future, it is essential for the European Union to adopt an automatic crisis response mechanism, based on objective criteria and applicable regardless of the nationality of those fleeing war or persecution. Only through coherence and universality can Europe maintain its credibility as a global human rights leader²⁷.

There is also a need for greater transparency, more support for refugee-hosting countries, and active oversight by European agencies. Refugee protection must be real, not just declarative.

The Ukrainian refugee crisis marked a turning point for the European Union. For the first time, Europe was able to respond swiftly, uniformly, and with empathy. The activation of temporary protection showed that European solidarity is not just an abstract principle—it can be implemented when truly needed.

Moreover, Europe was forced to face a hard truth: not all refugees are treated equally. While Ukrainian citizens received immediate protection, other people fleeing war—Syrians, Afghans, Eritreans—were often rejected or ignored. This unequal treatment raises difficult questions about the values and consistency of EU policies.

²⁷Gammeltoft H, T., & Tan, N. F. (2018).

Differential Treatment of Refugees in EU Member States: Best Practices, Inequalities, and Legal Dilemmas

The Ukrainian refugee crisis offered a unique opportunity to observe in real time how EU member states respond to a mass influx of displaced persons. While the reaction to Ukrainian citizens was swift and relatively unified, recent history shows that such responses have not been universally applied. Compared to waves of refugees from Syria, Afghanistan, or African regions, the differences are evident — not only in terms of administrative treatment but also in social perception and political discourse²⁸.

This has created a reality in which fundamental principles of international refugee law, such as non-discrimination and the universality of the right to protection, are called into question by the selective and often arbitrary application of EU legislation. Although solidarity is a principle enshrined in the EU Treaties, in practice, it appears conditioned by geographical proximity, cultural affinities, or geopolitical factors²⁹.

Best Practices in managing Ukrainian Refugees

Following the activation of Directive 2001/55/EC on temporary protection, some member states stood out for their prompt, coherent, and effective responses. Germany launched an integrated digital system allowing Ukrainian refugees to register quickly and access essential services. Authorities collaborated with NGOs and local administrations to facilitate short- and medium-term integration, including language courses, employment support, and psychological assistance.

France implemented similar measures, focusing on protecting families with children and ensuring educational integration. Meanwhile, Poland, which hosted the largest number of Ukrainian refugees, adopted special legislation granting free medical care, housing subsidies, and access to the labour market without excessive bureaucratic requirements³⁰.

These examples show that, where political will and a clear strategy exist, national systems can respond effectively and humanely. The experience has shown that early integration and tailored support significantly reduce pressure on public administrations and foster social cohesion.

Unequal Treatment of other Refugees

In contrast, refugees from other conflict-affected regions—such as Syria, Afghanistan, Iraq, or Eritrea—often faced hostile reception. Restrictive policies like border detention, denial of access to the asylum system, or expedited rejections of applications became common in some member states. In Greece, for example, numerous cases of “pushbacks” have been documented—practices involving the

²⁸Carrera & Ineli-Ciger (2023)

²⁹Popescu Ljungholm (2015).

³⁰European Union Agency for Asylum (EUAA) (2023). *Country Guidance: Ukraine*,

illegal return of individuals across borders without the opportunity to seek protection³¹. The massive influx of refugees from the Middle East and Africa has overburdened the asylum systems of several member states, and asylum application procedures are often slow and inefficient, leading to delays and poor living conditions for applicants.

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In Hungary and Croatia, complaints were lodged about inhumane treatment, lack of access to legal counsel, and inadequate living conditions. Non-European refugees are often viewed through a lens of suspicion or fear, reflected in less favourable public policies and political discourse marked by xenophobia and securitisation.

In the public and political spheres of several member states, criticism has emerged regarding the differential treatment of refugees. NGOs such as Amnesty International and Oxfam published reports condemning double standards and the selective application of EU norms based on nationality or skin colour. In the European Parliament, several MEPs from the Greens and Socialists raised concerns about fairness in access to international protection, urging the European Commission to develop clear mechanisms to prevent discrimination.

The European Commission, in official statements, acknowledged the existence of disparities in applying the rules but invoked member states' autonomy in organizing their asylum systems. However, several Commissioners, including the one for home affairs, emphasised the need for a more coherent and predictable approach to protect the EU's credibility as a global human rights actor.

This trend reveals a dangerous practice of ranking refugees, where access to fundamental rights depends not on real protection needs but on a person's ethnic, religious, or geographical origin.

Sometimes, indeed, against the background of preferential treatment, criminal phenomena have been recorded³³.

Legal and Political Implications: Challenges for the Coherence of the EU Asylum System

The effects of this differential treatment are significant both legally and politically. Legally, unequal application of international protection raises questions regarding the EU's obligations under the Treaty on the Functioning of the European Union (TFEU) and the Geneva Convention. Article 78 TFEU requires the Union to respect fundamental rights and establish a common asylum system aligned with international standards³⁴.

Politically, the lack of genuine solidarity among member states perpetuates tensions and undermines the credibility of the European project. The current system disproportionately concentrates applications in certain states, while others benefit from exemptions or contribute minimally to the common effort. These imbalances

³¹Human Rights Watch (2022). *Pushbacks and Rights Violations at Europe's Borders*.

³²Popescu Ljungholm (2025).

³³Tolbaru & Hegheş (2025).

³⁴Treaty on the Functioning of the European Union, Article 78. *Official Journal C 202*.

undermine European cohesion and delay the reforms needed for a fair and sustainable asylum system.

Therefore, if the European Union wants to remain true to its founding principles, it is essential that refugee treatment be non-discriminatory, coherent, and grounded in respect for human dignity.

A comparative analysis of how EU member states have treated different categories of refugees reveals a complex and often contradictory reality. While the treatment of Ukrainian refugees reflected an efficient mobilisation based on empathy, political will, and interinstitutional solidarity, the situation of refugees from other conflict regions has been marked by exclusion, restrictive procedures, and lower protection standards.

This disparity raises serious concerns about the application of fundamental principles of European and international refugee law, particularly the principle of non-discrimination. The disproportionate response not only undermines the coherence of the EU's legal framework but also sets a dangerous precedent: a protection system conditioned by geopolitical and cultural factors.

Criticism from civil society, some members of the European Parliament, and even European Commissioners indicates that the problem is politically acknowledged, yet a clear mechanism guaranteeing equal treatment for all in need of protection remains absent. The lack of a common approach affects not only refugees but also the unity of the European project.

For the EU asylum system to be fair, effective, and credible, it is essential for the Union to adopt a more coherent regulatory framework, supported by monitoring and sanctioning mechanisms. Only then can the principles of solidarity, humanity, and the rule of law be upheld equally for all refugees—regardless of their origin.

Perspectives and Strategic Directions for the European Union, Discussions and Possible Solutions

Looking ahead, as the conflict in Ukraine continues, the European Union bears the responsibility to design sustainable and humane post-conflict policies. Managing current refugee flows is not enough—what is needed is a coherent vision focused on long-term protection of rights and reintegration of those affected by war.³⁵

A first strategic direction could be the development of a permanent European protection framework for refugees who, even after the cessation of hostilities, may not be able to return to Ukraine due to destruction or insecurity³⁶. A mechanism would be necessary to allow these individuals to transition from temporary protection to a stable legal status, accompanied by integration measures and social support.

Additionally, the European Union should strengthen member states' capacity to meet the long-term social, educational, and medical needs of refugees. This requires targeted investment in accessible infrastructure, tailored services, and the training of personnel to work with vulnerable populations.³⁷

³⁵UNHCR (2003). Framework for Durable Solutions for Refugees and Persons of Concern.

³⁶Ineli-Ciger (2023).

³⁷European Commission (2025). *Action Plan on Integration and Inclusion 2021–2027*,

At the same time, the relationship between the EU and Ukraine must include a clear social and economic reconstruction component, which would support the voluntary return of those wishing to go back. Such return must meet international standards of safety and dignity and be financially supported through a European post-conflict fund.³⁸

In the long run, this context also calls for a reconfiguration of the concept of European solidarity. It must not remain an exceptional reaction to crises, but evolve into a constant, equitable operational principle. The principle of solidarity in the Member States in the field of migration would be an eloquent proof of the functioning of the European Union and an instrument for the development of the European community.³⁹

Discussions

Russia's intervention in Ukraine constitutes a flagrant violation of fundamental principles of international law, particularly the UN Charter and the rules concerning state sovereignty. This intervention is not only a military aggression but also a profound source of regional destabilisation that has triggered a humanitarian crisis with major legal implications. From the perspective of refugee rights, it has created a situation of force majeure that compels international actors—particularly the European Union—to rethink not only their emergency response but also the architecture of long-term protection policies.

The ongoing escalation of the war in Ukraine imposes on the European Union the urgent need to adapt its legal and operational instruments in the field of refugee protection. The wave of displaced persons, estimated by UNHCR at over 8 million in Europe since 2022, includes many elderly and disabled refugees facing heightened risks in prolonged insecurity. In this context, adopted measures must not remain confined to emergency solutions but must become part of a coherent and comprehensive medium- and long-term protection strategy.

In light of the above, several essential questions arise for the future of EU refugee policy:

1. Can the European Union transform the temporary protection model into a durable and inclusive framework that responds to the diverse needs of refugees?
2. Is it feasible to harmonise minimum protection standards for vulnerable groups across all member states?
3. How can the role of European agencies (such as EUAA or FRA) be strengthened in monitoring and effectively implementing refugee protection?

³⁸European Parliament (2023). *Report on the EU's Support for Ukraine's Reconstruction*, A9-0134/2023.

³⁹Mihai C.C. (2022).

Possible Solutions

Based on these questions, here are a few straightforward, human-centered ideas that the European Union could put into practice:

- First, there should be clear and consistent rules in all member states for identifying and supporting refugees who are elderly or have disabilities. This means checking right from the start who needs special help and making sure they have access to proper housing and services tailored to their needs. These rules could be included in the broader reform of the EU's migration system and backed by an official regulation.
- Second, local authorities—those on the front lines—need financial and operational help. A special EU fund could support them by improving reception centers, training staff to work with vulnerable people, and buying essential equipment like wheelchairs or hearing aids. This would be part of the Asylum, Migration and Integration Fund (AMIF).
- Third, there should be closer collaboration between governments and NGOs. Non-governmental organisations that already offer legal aid, psychological support, or protection for at-risk individuals should be formally included in national plans for refugee reception and integration.
- Finally, the EU should create a shared online space—a registry of best practices—run by its Asylum Agency (EUAA) and coordinated with the fundamental Rights Agency (FRA). This would allow good ideas from one country or city to be used by others, helping avoid unequal treatment of refugees across the Union.

These are not just technical measures. They reflect a deeper goal: to treat vulnerable Ukrainian refugees—and any future ones—not as a burden, but as people whose dignity and safety deserve serious, long-term protection. To do this, the EU must also update its laws. The directive on temporary protection should be revised to include stronger rules for vulnerable groups and a clear plan for how to quickly deliver help when crises drag on. European agencies must be given real authority to ensure standards are met—especially in countries facing the greatest pressure.

Actions would not only improve protection for vulnerable Ukrainian refugees but also serve as a model for future interventions in similar contexts. Furthermore, the escalation of the conflict necessitates strengthening the European Union's response capacity through a revision of Directive 2001/55/EC, which should include clear provisions on the protection of vulnerable groups and foresee automatic mechanisms for activating financial and logistical support in cases of prolonged crises. European agencies should be equipped with extended competencies to monitor compliance with protection standards, especially in states under direct humanitarian pressure.

These proposals reflect a deep understanding that refugee protection cannot be treated merely as a passing emergency, but must be part of a lasting vision grounded in fairness, accessibility, and shared responsibility.

The strength of these solutions lies in their realism: they acknowledge that vulnerabilities do not end at the border. Establishing common standards for elderly

and disabled refugees is not only morally sound but also a legal obligation under international commitments made by the EU⁴⁰. Likewise, the idea of a local-level operational support mechanism funded by AMIF directly addresses the gap between EU policy and the real capacities of local authorities. This is a crucial step in turning principles into practice.

Including NGOs as institutional partners is another innovative and realistic step. Civil society has often been on the front lines of humanitarian response, and formalizing that role would enhance both efficiency and coherence.

A European registry of best practices is a valuable initiative—not just for sharing knowledge but for creating a form of institutional memory that ensures consistent approaches to future crises.

The main challenge, however, lies in implementation: these solutions require genuine political will, sustained funding, and administrative capacity—not equally available across all member states. This underscores the need for a more robust and coordinated EU framework.

In conclusion, these measures offer a solid path toward transforming refugee protection from a reactive response into a sustainable and humane policy. They should not only be adopted but embraced as part of the EU's normative identity.

Conclusions

The refugee crisis triggered by the war in Ukraine has tested not only the solidarity of EU member states but also the effectiveness of the European legal framework on international protection. While the rapid activation of Directive 2001/ 55/EC on temporary protection was a major step in supporting millions of displaced persons, the actual experiences of refugees—especially those most vulnerable—have revealed the limits of this framework in the absence of clear, uniform, and binding mechanisms at EU level.

Academic literature—from Francesco Maiani to Lisa Waddington and Cathryn Costello—converges on the idea that the current European legal framework must be reformed to become truly inclusive. These scholars emphasise the need for an intersectional and differentiated approach, treating refugees not as a homogeneous group but as individuals with diverse needs based on age, disability, gender, or family status.

In parallel, the case law of the European Court of Human Rights and the Court of Justice of the European Union confirms the obligation to respect fundamental rights at all stages of the protection process. Cases such as *Paposhvili v. Belgium* and *Jawo* show that a flexible but firm interpretation of the principle of human dignity is essential when facing today's humanitarian challenges.

In conclusion, the European Union must strategically rethink its instruments for refugee protection. This reform must go beyond adapting legal norms and focus on building functional mechanisms for need identification, implementation monitoring, and effective coordination between European, national, and local levels. Only in this

⁴⁰Amnesty International (2021). Europe: *Fortress Continent – Human Rights Violations against Refugees and Migrants*.

way can the EU preserve its credibility as a global human rights actor and provide an equitable and humanitarian response to those fleeing war.

In my view, Russia's interference in Ukraine has triggered not only a military crisis but also a rupture of trust in the international legal system. The attack on a sovereign state, in defiance of the UN Charter, has created a dangerous precedent, forcing the European Union to respond not only through economic sanctions but also through a profound reassessment of its asylum and migration policy. Without genuine reform—focused on binding solidarity and real protection for vulnerable groups—the European response risks becoming inconsistent and unjust.

I strongly believe that the Union can no longer act in half-measures. In the face of a conflict that challenges the foundations of international legal order, refugee protection is no longer just a legal obligation—it is a test of European values in practice. The time for improvisation has passed; it is time for strategic and firm decisions.

This research, through its analysis of the legislative framework, national practices, and the vulnerabilities exposed by the Ukrainian refugee crisis, underscores the urgency of genuine European reform. Declaratory or temporary protection is not enough: only the coherent integration of the principle of human dignity in all migration and asylum policies can restore the meaning of European solidarity. The European Union stands at a crossroads—between its role as a global normative power and the risk of becoming a bureaucratic mechanism incapable of responding to crises. The future of refugee protection in Europe will be determined by the extent to which its founding values are translated into bold, fair, and reality-based practices.

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