The Council Decision EU 2026/1912 introduces new eligibility requirements for displaced persons from Ukraine seeking temporary protection in the European Union. To support a harmonised application across the Member States, the European Commission proposed a two-tier verification framework designed to ensure that applicants can demonstrate they left Ukraine legally and in compliance with Ukrainian military obligations, while preserving the rights of existing temporary protection beneficiaries.

First-level verification: Presumption of eligibility: Under the proposed system, a first level of verification would apply in most cases. For Member States bordering Ukraine, a legal crossing from Ukraine through an official border crossing point should, in principle, be sufficient to establish eligibility. The rationale is that Ukrainian authorities already verify compliance with national departure requirements, including military obligations, before authorising exit from the country.

For *Member States that do not border Ukraine*, an exit stamp issued by Ukrainian authorities in the applicant's passport should generally be considered sufficient proof that the person left Ukraine legally and is therefore eligible for temporary protection, provided they fall within the personal scope of Council Decision 2022/382. As Ukrainian passports are not systematically stamped, applicants are encouraged to request an exit stamp before departure. As a general rule, the stamp should have been issued within ninety (90) days of the temporary protection application, although exceptions may be accepted in justified circumstances.

Second-level verification: Additional documents and evidence: A second level of verification would apply where doubts arise regarding compliance with the eligibility requirements. This could include situations involving any unauthorised crossing of the EU external border, the absence of a valid passport, or the lack of an exit stamp. In such cases, Member States may request additional documentation and evidence.

The European Commission considers that a certificate confirming exemption from Ukrainian military obligations should normally be accepted as sufficient proof. Such documentation may be available through Ukraine's Reserv+ application and should contain the applicant's personal details, confirmation of their exemption status, and the duration of the exemption where applicable. Member States may also consider other supporting documents, provided they clearly demonstrate that the applicant left Ukraine legally and in accordance with military obligations.

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National authorities retain discretion to determine whether alternative documentation is credible and sufficient.

Translation and administrative requirements: The European Commission encourages applicants to provide certified translations of supporting documents into English or the official language of the host Member State where possible. Since many of the relevant documents are available only in Ukrainian, Member States are encouraged to use available translation tools to facilitate verification. Authorities should retain copies of the supporting evidence submitted during the assessment process.

Safeguards for existing beneficiaries of temporary protection: The new eligibility requirements apply only to persons applying for temporary protection after the entry into force of Council Decision EU 2026/1912. Individuals who already hold temporary protection status should retain that status without being required to undergo retrospective eligibility checks. The Commission takes into account that beneficiaries should not lose their status if their personal circumstances change after protection has been granted. For example, a young Ukrainian man who obtained temporary protection while meeting the eligibility requirements should continue to benefit from that status even if, at a later date, he becomes subject to military service obligations under Ukrainian law.

Implications for beneficiaries returning to Ukraine: With regard to persons who voluntarily return to Ukraine, existing European Commission guidance remains applicable. Beneficiaries who leave the host Member State for extended periods may be deregistered and have their residence permits revoked in accordance with national procedures. Should they subsequently seek temporary protection again in an EU Member State, they would be required to submit a new application and demonstrate compliance with the eligibility requirements in force at that time, including proof that they left Ukraine legally and in accordance with military obligations. The length of absence that may trigger deregistration remains under the responsible Member States and may therefore vary.

Secondary movements between Member States: The European Commission also addresses situations involving movement between Member States. Ukrainian nationals holding biometric passports continue to enjoy visa-free travel within the Schengen area for up to ninety days within a one-hundred-and-eighty-day period. However, where an individual seeks temporary protection in a Member State other than the one through which s/he initially entered the EU, that Member State may require evidence demonstrating that the person legally departed Ukraine and complied with Ukrainian military obligations.

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Source(s)

- European Commission (18 August, 2026), [Frequently asked questions on the verification process for the eligibility for temporary protection], https://home-affairs.ec.europa.eu/document/937cc0a0-d284-45fd-b573-9fcdd58acecc_en

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