

Contested Deservingness: Ukrainians under Temporary Protection

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Abstract: *This article explores the Temporary Protection Directive through the perspectives of displaced Ukrainians in the Czech Republic. Based on qualitative research, it reveals how many Ukrainians from the eastern regions view their western co-nationals as undeserving of the protection granted by the directive. However, due to significant pre-war migration from western Ukraine to the Czech Republic, western Ukrainians are better positioned to adapt and benefit from temporary protection amid the mass influx of refugees.*

INTRODUCTION

The Temporary Protection Directive (Council Directive 2001/55/EC) was activated throughout the European Union on March 4, 2022, in response to the onset of Russia's full-scale invasion on Ukraine (24th February 2022).¹ The directive provided assistance to Ukrainian nationals who fled from their country of origin, requiring receiving countries to provide housing, health insurance, social assistance, language courses and access to the labour market or educational institutions.²

The Temporary Protection Directive was originally adopted in 2001 as a complement to the 1951 Refugee Convention. The temporary protection directive is to allow states to expediate the ordinary process of determining refugee status in situations of mass displacement. By allowing states to provide protections collectively instead of individually, alongside other simplifications of the administrative procedure, the directive is designed to prevent national asylum systems from being overwhelmed by a mass influx of asylum applicants.³ Outside the territory of the European Union, temporary protection was previously introduced in Turkey (for Syrians in 2014), as well as in various African and Latin American countries. It was not invoked for the 'migration crisis' in 2015-

2016, despite the public and political fear of the number of migrants entering the European Union.⁴

The possibility to afford of collective protection changes the locus of rights as it was designed in the 1951 Refugee convention. As spelled out in the Convention, a refugee is a person who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail of the protection of that country.'⁵ A refugee is thus a person who is not a citizen of the receiving country, and who fears individual persecution. Refugee status should be based on a well-founded fear of being a victim, and its outcome depends on the specific personal situation of the person. Therefore, each asylum application is assessed individually, as the grounds of the asylum system are focussed on individual assessment.

This essay looks at how the transition from individual to collective refugee assessments impact on refugees' perceptions of deservingness. As part of a larger research project, we have interviewed displaced Ukrainians living in the Czech Republic (n=40) and Poland (n=17) to examine perceptions of living standards, migration aspirations and perceptions of migrants' deservingness in relation to the Temporary Protection Directive.⁶ Our respondents frequently distinguish between 'deserving' and 'non-deserving' refugees. This article focuses exclusively on the perspectives of migrants from Eastern Ukraine, the region most affected by the war. The following sections explore how their experiences as displaced persons shape perceptions of deservingness.

PERCEPTIONS OF DESERVINGNESS AMONG UKRAINIAN REFUGEES

Already before the onset of Russia's full-scale invasion, Ukrainians made up the biggest migrant group in the Czech Republic. From 1993 and up until the invasion, the Ukrainian population in the Czech Republic consisted primarily of migrants from Western Ukraine. These were usually labelled as economic or labour migrants and they were typically employed in low-skilled jobs.⁷ Over time, many began to settle and frequently applied for temporary residency permits. The migration also became more divisive, including also students and individuals reuniting with family members already living in the Czech Republic. Social connections to Czechs are therefore more widespread among Western Ukrainians.⁸ After 2014, when the war in Donbas started and migration from Ukraine to Russia decreased, migrants from other Ukrainian regions also arrived in the Czech Republic.⁹ However, migrants from Western Ukraine remained the majority until 2022, when the temporary protection directive was invoked. To many respondents from Eastern Ukraine, Western Ukrainians were perceived to be less affected by the war.¹⁰ The respondents also brought up the Westerners' stronger social connections in the Czech context. These issues, which were often brought up spontaneously in the interviews, revolved around a tension between the temporary protection directive's granting of collective protection, and perceptions of individual deservingness, merit and fear. Indeed, many of them did not consider all their Western co-nationals as equally deserving of protection.

Respondents from Eastern Ukraine expressed concerns that not all applicants were genuinely fleeing out of fear of the war. Instead, they suspected that some might have instrumental reasons for leaving Ukraine, primarily for finding work. As temporary protection is legally granted based on citizenship, and all Ukrainian citizens are eligible for temporary protection, differences in motivation of fleeing cannot be identified.

Furthermore, respondents from Eastern Ukraine felt that the fear and risks they had experienced before fleeing the war could not be equated to those faced by their western co-nationals. While migrants from Eastern Ukraine fled life-threatening conditions—qualifying under the temporary protection directive as having escaped 'armed conflict or endemic violence' and being 'unable to return in safe and durable conditions'—those from the relatively calmer western regions of Ukraine were equally eligible. Of course, as the participants also emphasized, at the very outset of the war, no one knew what would happen in the coming days or how quickly Russian troops would advance.

The respondents' perceptions were illustrated by the recurring story of a Western Ukrainian woman, whom we provisionally refer to as 'Olena'. According to the informants, Olena was born in Uzhhorod, a Western Ukrainian city close to the border of Slovakia, and migrated to Prague, the capital of the Czech Republic, many years before the invasion. There, the rumour goes, she worked as an analyst. Having overstayed her visa, she lived in the Czech Republic without a valid residence permit. Her situation lacked stability, and random police checks could result in deportation. The irregularity of her stay also affected her living conditions, as she was unable to obtain a mortgage or use the public health system. However, after Russia launched the invasion, Olena applied for temporary protection and was granted legal residence status. In 2022, she bought a small flat (with a mortgage) and she also opened a private centre for disabled children. As her business is mainly focused on Ukrainians in Prague, the huge number of displaced Ukrainians in the city was beneficial to her economic situation. She gained many clients, and she could also expand her staff. By 2024, she had earned enough money to travel for six months. To the respondents, it was the temporary protection directive and the influx of Ukrainians that allowed her to open and expand her business.

The respondents from Eastern Ukraine held up Olena as an example of the undeserving Western Ukrainian migrant. As a 'westerner,' she was

perceived as having taken advantage of the benefits of temporary protection while also profiting from other Ukrainians displaced by the war. Furthermore, unlike most displaced Eastern Ukrainians, she could rely on her social ties in the country of immigration, her knowledge of the Czech language, laws and environment from the pre-war period. By contrast, displaced persons from the war-affected Eastern part of Ukraine lacked adequate knowledge of the Czech language and society, and social ties to the majority population.

In fact, many Eastern Ukrainian participants in our study also arrived in the Czech Republic due to previous social ties. Friends or relatives often helped them with accommodation, assistance with bureaucracy and, in rare cases, with finding employment. However, refugees from Eastern Ukraine worked for the entrepreneurships of their counterparts from Western Ukraine, resulting in a perception of richer 'westerners' and impoverished 'easterners.' This was also true for Olena, as many of the employees at her centre were from Eastern Ukraine.

In summary, our interviews show how the temporary protection directive, while beneficial for all Ukrainian nationals, might lead to tensions and perceptions of social inequality within the migrant group. This is reflected in the perception of deservingness and non-deservingness among temporary protected persons. Olena's story is only an example, but it helps to illustrate the broader situation of displaced Ukrainians in the Czech Republic and the dynamics of their mutual relationships, which also shape their future and their decision whether to stay in the Czech Republic or return to Ukraine.

NOTES AND REFERENCES

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- [6] All names and personal information have been anonymized.
- [7] Drbohlav, D. ed. 2015. *Ukrajinská pracovní migrace v Česku*. Nakladatelství Karolinum.
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