

EXTENSION OF TEMPORARY PROTECTION TO DISPLACED PERSONS FROM UKRAINE

Resolution of the Council of Ministers No. 29-D/2022 - Extends the scope of granting temporary protection to persons displaced from Ukraine as a result of the recent armed conflicts experienced in that country. It entered into force on March 10, 2022.

The Council of the European Union adopted Implementing Decision (EU) 2022/382 of March 4, 2022 ("Decision") in which it declared, pursuant to Article 5(1) of Council Directive 2001/55/EC of 20 July 2001, the existence of a mass influx into the European Union of persons who have had to flee Ukraine as a result of the armed conflict.

The Decision applies to Ukrainian nationals residing in Ukraine before 24 February 2022 (including stateless persons and nationals of third countries other than Ukraine who enjoyed international protection or equivalent national protection in Ukraine before 24 February 2022, and members of their families).

Given the urgent nature of the armed conflict in Ukraine, Portugal took the initiative to grant temporary protection to displaced persons prior to the adoption of the said Decision.

The temporary protection was approved by Portugal under paragraph 3 of Article 4 of Law No. 67/2003, 23 August, through the Resolution of the Council of Ministers No. 29-A/2022, 1 January 2010. No. 29-A/2022, March 1, and established the specific criteria for granting temporary protection to displaced persons from Ukraine (nationals of Ukraine and their family members, from their country of origin, unable to return there, as a result of the war situation, as well as citizens of other nationalities relatives, affinities, spouses or non-marital partners of citizens of Ukrainian nationality).

As a result of the Decision, the Presidency of the Council of Ministers has extended the scope of the Council of Ministers Resolution No. 29-A/2022 of March 1.

The main changes are the following:

1. Grant temporary protection, with the automatic granting of a residence permit, for a period of one year, with the possibility of extending the respective residence permit, in accordance with Article 7 of Law No. 67/2003 of 23 August, to nationals of Ukraine and to foreign citizens of other nationalities or stateless persons who are beneficiaries of international protection in Ukraine, coming from that country and unable to return there, as a result of the war situation there.
2. Foreign citizens of other nationalities or stateless persons who find themselves in the circumstances of the previous number and who prove to be family members, namely relatives, kin, spouse or unmarried partner of the citizens referred to in the previous number, or who prove to be permanent residents in Ukraine, or who have a temporary residence permit, or benefit from a long term visa aimed at obtaining this type of permit and whose safe and lasting return to their country of origin is not possible, shall also benefit from this temporary protection.