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Emergency and Crafted ‘Migrant’ Identities in the
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The Relevance of Perceptions over Temporariness of Emergency and Crafted ‘Migrant’ Identities in the European Response to Migration Originating from Conflict Situations. The case of Ukraine

Greta Albertari and Elena Principe***

Abstract: Differences between the measures adopted by the EU as a response to the Russia-Ukraine war and to other recent mass displacement situations are striking. They resulted in what has been described as a more humane approach to this last ‘refugee crisis’. But is it really so? The underlying causes of such differential treatment have been identified in a multiplicity of factors, such as geographical and cultural closeness, and geopolitical dynamics. Relying on existing literature and first-hand professional experience of the authors, this contribution aims at adding a layer of complexity to this investigation. The hypothesis presented is that the perception of ‘temporariness’ of the emergency, by EU institutions and MS, European civil society and Ukrainian forcibly displaced people themselves, played a key role in the definition of measures to respond to mass displacement. Additionally, the perception of stereotyped migrants’ profiles – differentiating between Ukrainian nationals fleeing war but willing to return, and non-Ukrainian migrants as desperate individuals, coming from ever-lasting conflicts and in search of a better life in Europe – had a huge impact on states’ responses and citizens’ welcomeness. The contribution concludes with suggesting a degree of caution in projecting externally-crafted identities and expectations over individuals and translating them into policies. Perceptions are flexible elements to base adoption of legislation upon, and uncertain geopolitical scenarios may lead to their sudden mutation, which would be hardly coupled with parallel legislative amendments. The unprecedented openness of legislative and political measures did in fact bring human security at the centre of the European political agenda. Alas, not yet for everyone.

Keywords: Perceptions, Temporariness of Conflicts, Migrants' identities, Temporary Protection Directive, Ukraine, Mass Displacements

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Introduction

The Russian military offensive in Ukraine which started on the morning of February 24, 2022 has triggered one of the bloodiest conflicts taking place in Europe since the Second World War. The escalation of the violence resulted in indiscriminate attacks against civilians, deportations, targeting and destruction of civilian infrastructures, schools and hospitals, and other alleged war crimes in breach of international humanitarian law (UN 2022a; IISS 2022). As a consequence, a significant number of people residing in Ukraine was forced to internally relocate or leave the country in order to seek protection. Millions of displaced people have crossed borders into neighbouring countries. According to UNHCR's statistics, more than 8 million refugees from Ukraine were recorded across European Member States (hereinafter: MS) as of April 2023 (UNHCR 2023).

This fast-growing forced displacement raised several human rights concerns and led the European Union to activate in an extremely short time an unprecedented migratory response. For the first time in its history, the Temporary Protection Directive (hereinafter: TPD) was activated on March 4, 2022. This measure was considered to be the most appropriate to respond to the extraordinary and exceptional situation. This contribution analyses the peculiarity - or *perceived* peculiarity - of this situation and gauges the manner in which perceptions played a role in the decision of activating a migration management measure which had been dormant for twenty years and whose utility had been challenged in the EU political arena.

The analysis attempts to answer the question of why this measure was adopted this time and not others - for example, as a response to other mass displacement events originating from third countries such as Libya, Afghanistan, Syria - and what made the current situation so different from the previous ones. In doing so, this contribution elaborates on two lines of perceptions that played a role in the exceptional activation of the TPD. Some answers are sought in the perceived *temporariness* of the Ukrainian conflict, a perception led by many, arguably non objective, factors. Others were found in the perceived - and thus externally crafted - identities of displaced people and in particular in their comparison.

The aim of this research is far from establishing a comparison between the aforementioned conflicts, as there are intrinsically different cases, with distinctive characteristics which do not allow such kind of analogy. Specifically, the Ukrainian conflict represents a considerably more direct threat for European countries, which has presumably justified several actions and reactions adopted by EU MS. Additionally, it should be noted that there are no perfectly comparable situations, since there have been no conflicts

inside the territory of the EU after the Second World War. However, the very differences and incomparability between these conflicts represent one of the reasons why the TPD had not been triggered until now. As it will be addressed, previous conflicts did trigger a debate on the possible implementation of the TPD; nevertheless, they never resulted in the actual adoption of this legal instrument. In other words, an assessment of the differences between conflicts would go beyond the scope of this paper and the expertise of its authors. The intention is thus not to delve into the reasons why they were perceived as different *per se* but why, as a result of perceived differences, the similar mass displacement of people originating from them has been treated differently. For this purpose, it is relevant to recall the previous work of other contributors on the subject. The hypotheses presented in this research are to be considered as complements to existing alternative theories, which contribute to explaining the reasons behind the EU management of the large-scale displacement from Ukraine.

The unprecedented European response to the invasion of Ukraine can surely be read, *inter alia*, through the lens of geographical proximity of the conflict. The EU's eastern MS are clearly immediately affected by the conflict as they share an extensive land border with Ukraine. The outbreak of a conflict in a neighbouring state has made the EU a location of first response to the displacement crisis, which required an immediate and sufficiently adequate reaction (Van Selm 2022). In this sense, geographic closeness has resulted in an inevitable assumption of responsibility by EU institutions and MS. Arguably, such proximity is not merely measured by the fact that Ukraine shares a contiguous border with the EU, but it is also reflected in wider socio-political analogies ranging from ethnic traits, physical appearance, religious beliefs and cultural features to economic and political systems. In other words, a variety of factors contributed to build the perception of the EU being more related to Ukraine than to other countries affected by conflicts (Lacy and Van Houtum 2022), re-dimensioning the role of pure geographical distance. Moreover, the fact that no third country could be considered a first country of arrival that could stop refugees arguably has played a role (İneli-Ciğer 2022a). Additionally, dynamics of power and geopolitical considerations (Skordas 2023) have also been identified as major factors with a fundamental impact in the decision-making regarding EU's response towards the Russo-Ukrainian conflict and the consequent mass displacement of people escaping from that area. As shown by the preamble of the Council Implementing Decision introducing temporary protection: 'the Russian aggression [poses a] direct threat to the European and global security and stability'¹. The "fear of the

¹ Council of the EU, Council Implementing Decision (EU) 2022/382 of 4 March 2022

aggressor” (De Coninck 2022, 7) is a relevant element that differentiates this from other previous conflicts that caused mass displacements of refugees to the EU - once again based on the geographic proximity of the conflict and probably the fact that the aggressor wields the largest arsenal of nuclear arms in the world. The Russians invasion of Ukraine is perceived as a “long-term challenge” for the EU and its MS (Skordas 2022a), in terms of security as well as economic and energetic stability. This has led Josep Borrell, High Representative of the EU Foreign Affairs and Security Policy to warn that “the future of our security and our democracies depends on [this outrageous and unprovoked war]. The price to pay is the price of freedom” (European Union External Action 2022). As a consequence, since its very beginning the EU and its MS took a stand against Russia condemning the unlawful aggression against Ukraine and have demanded on several occasions for such military aggression to cease. The EU has undertaken clear action both against Russia, e.g. through restrictive measures and several packages of sanctions, and to support Ukraine, providing military, political, financial and humanitarian support (European Council 2023). In line with these considerations and strategic positioning, EU institutions and MS undertook unprecedented measures to support Ukrainian nationals, first of all by establishing the reception of displaced persons through the temporary protection mechanism.

Being aware of the relevance and weight of the geographical and geopolitical considerations outlined above, the present research strives to add a layer of complexity in the attempt to address the question of why the Ukrainian conflict led to the first-time adoption of the TPD. It intends to do so considering two main theories, the first related to the perception of temporariness of the conflict and the second to the crafted identities, which intersect with the alternative ones and provide a more comprehensive explanation. The practical consequences of these considerations are illustrated in an attempt of concluding how this is changing the EU migratory infrastructure. Moving from one of the questions of the International Conference ‘The Consequences of War and their Interdependence. Bringing Human Security Back to the Global Political Agenda’, held in Padova in November 2022, this contribution aims at investigating whether this response reflects a change in paradigm leading to a more human-centred approach to migration in the EU. By discussing how the activation of the TPD has been based on perceptions, and how these perceptions are rooted on geopolitical dynamics and cultural factors, both the basis and the hold of this newly adopted system are questioned. After more

establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

than a year from the beginning of the conflict, which does not seem to be close to an end, the grounds upon which the TPD was adopted have started to progressively clash with reality, and more academic and political thinking should be put into how to move forward, not only for this conflict scenario but for the future ones to come.

Methodology

The proposed methodology is an interdisciplinary one which triangulates between doctrinal (legal and political sciences) analysis and empirical methods, consisting mainly in participant observation (Thomas 2019; Olivier de Sardan 2015). Doctrinal research methods, employed in the study of both legal and political sciences literature, are employed to analyse EU legislation and its implications in MS systems of protection, civil society perceptions and the role they play in reinforcing legally adopted systems. Empirical methods are used to draw upon authors' personal professional experiences and pieces of information gathered from the field and to articulate them with analysis of doctrinal material and publicly available data and documents, as a way of anchoring theoretical knowledge to direct experiences (Van Boom et al. 2018).

The empirical frame of the contribution is the result of observations carried out during 2022 and the first months of 2023 by the authors during diverse professional experiences in which they were involved in support activities with Ukrainian nationals arriving to Italy as a result of the invasion of Ukraine. In the context of these experiences the authors had the possibility of exchanging views, albeit not in the form of interviews, with Ukrainian nationals, institutional actors involved in their reception and with displaced individuals from different nationalities. All these interactions informed the views of the authors on the perceptions that shaped and are still shaping the EU response to the Ukrainian conflict. In particular, insights were drawn from the experiences as legal consultants and reception officers for Ukrainian nationals both at the Italian border with Slovenia and in the city of Rome, since the very beginning of the Ukrainian emergency until the first months of 2023. The individuals fleeing the conflict with whom the authors have interacted have been many, and the characterising profiles are those of single women with or without children, unaccompanied minors, elderly population and a few men; coming from different parts of the country, including but not limited to the most affected areas such as the cities of Kherson, Mariupol and Donetsk; and with diverse backgrounds in terms of education, occupation and social standing. The interactions that have informed this analysis

have taken place in different stages of the people's presence on the Italian territory: during the initial moments of arrival at the border, in first reception premises as hotels², in educational and recreational spaces for children and in reception and integration structures³. This variety enabled a comprehensive gaze on the process of migration to Italy and on the personal perceptions and considerations that accompanied it. The knowledge absorbed during these experiences cannot be considered as data gathered *stictu sensu*, but it is used in the framework of this research as a guide into the attempt of revealing perceptions and expectations, in support of and in triangulation with literature and doctrinal knowledge.

1. EU Migration Response to Ukrainian War

The Russian military offensive in Ukraine undoubtedly required a prompt and quick response by, inter alia, the European Union. The enormous and potentially politically destabilising mass displacement the conflict would have caused was foreseeable, but the response to it was surprising. In the field of migration management as well as in other policy areas, an unprecedented response was activated at all levels. European institutions, MS and civil society, understandably shaken by this emergency, immediately empathised with the affected population in an unprecedented manner.

1.1. EU level

Russia's unprovoked aggression of Ukraine created a momentum for the first triggering of the TPD, which was originally adopted in 2001 following the humanitarian crisis deriving from the conflict in former Yugoslavia in the early 1990s, and had been dormant since. Article 1 explains that:

“The purpose of this Directive is to establish minimum standards for giving temporary protection in the event of a *mass influx* of displaced persons from third countries who are unable to return to their country

² At the very beginning of the emergency hotels and touristic facilities in Italy were designated to accommodate Ukrainian nationals fleeing the conflict, in order to provide additional spaces other than those foreseen by the reception system for foreigners. In most cases, after a few months, hosted people were progressively transferred to other types of centres, typically designed to host foreign people.

³ The SAI - Sistema di Accoglienza e Integrazione, i.e. reception and integration system - is the Italian public system of reception services destined to refugees, asylum seekers, unaccompanied minors, foreigners entrusted to the social services on reaching majority age; since February 2022, such services have been earmarked also to Ukrainian nationals entitled to temporary protection.

of origin and to promote a balance of effort between Member States in receiving and bearing the consequences of receiving such persons.’

Whilst the European Union faced several mass displacements in the past twenty years, the TPD has never been activated for any of them. In 2011 Italy and Malta requested its activation to face the large influx of Tunisian and Libyan nationals crossing the Mediterranean after the uprisings occurring in their countries respectively in 2010 and 2011, often referred to as the Arab Springs (Nascimbene and Di Pascale 2011). However, such a request was rejected on the grounds that the numbers of asylum-seekers were not large enough to correspond to a ‘max influx’ as set forth by the TPD (Genç and Şirin Öner 2019). As a consequence, the Commission did not put forward a proposal to the Council and the temporary protection remained unenforced for eleven more years. Similarly, as a response to the so-called ‘refugee crisis’⁴ faced by the EU in 2015, renewed calls were made for the activation of the TPD. However, they too remained unanswered (İneli-Ciğer 2016). The same happened in 2021, following the Talibans take over in Afghanistan (European Parliament 2021). Reasons behind its non-use were found in many factors, among which the unclear conditions and lengthy procedures for its activation (İneli-Ciğer 2018). Interestingly, there are in fact no clear criteria on what qualifies as ‘mass influx’ (CEPS 2022 10). This has deterred the implementation of the TPD, whose very existence has been repeatedly questioned by the European Commission, which lastly proposed in the 2020 New Pact on Migration and Asylum to repeal the directive and replace it with a regulation to address crisis situations⁵. Quoting the European Commission (2016a, 7):

‘This EU asylum instrument, intended to be activated in response to the mass influx of persons in need of international protection, has *never been triggered*, due primarily to its lack of an in-built compulsory solidarity mechanism to ensure a fair sharing of responsibility across Member States’.

However, in March 2022 a degree of solidarity and willingness to share responsibilities high enough to trigger the TPD were finally witnessed

⁴ It is worth noting that the use of the expression “refugee crisis” or the conceptual link between high numbers of arrivals and emergency has been critically seen and contested in literature. For instance, see, (Alcalde 2016).

⁵ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum (September 2020); European Parliament, Draft report on the proposal for a regulation of the European Parliament and of the Council addressing situations of crisis in the field of migration and asylum (COM(2020)0613 – C9-0308/2020 – 2020/0277(COD)).

throughout the EU and the lack of clarity of the directive's scope of application did not seem to represent a problem anymore (İneli-Ciğer 2022b).

In order to effectively respond to the large-scale displacement from Ukraine, the Council of the European Union unanimously adopted the Council Implementing Decision (EU) 2022/382 of March 4, 2022, granting temporary protection to Ukrainian nationals residing in Ukraine who had been displaced on or after February 24, 2022. The TPD was activated in record time, as an immediate response to this emergency. According to the Commission, *this* situation met the criteria for the deployment of the temporary protection, which was deemed the most appropriate instrument for guaranteeing high standards of protection for displaced people fleeing the conflict in Ukraine. On March 2 the Commission published the formal proposal to implement the temporary protection regime, which was then approved the following day by MS and formally adopted on March 4, 2022. The Council adopted the decision unanimously, although the Directive establishes that a qualified majority is required⁶. The widespread consensus and the rapidity of the adoption of the TPD mirror an unprecedented cohesion in EU asylum policy decision-making, and a commitment to implement a coordinated response, which has always been rather limited.

The Commission also elaborated a Communication regarding European solidarity with refugees and those fleeing war in Ukraine, published on March 8⁷. This document provided detailed information on the efforts in support of displaced people implemented in the different MS, and it represents an evidence of the unprecedented commitment of both institutions and civil society.

1.2. Member States Level

The EU response to Russia's invasion of Ukraine included the support towards EU countries hosting displaced people: a large amount of funds have been unlocked or redirected as to ensure MS the sufficient capacity to provide for adequate services in terms of housing, healthcare, education and childcare (Johansson 2022). Specifically, in April 2022 the European Council adopted a legislative amendment allowing States to redirect around €17 billion of funds initially allocated for cohesion and post-pandemic recovery to support

⁶ European Commission, Migration and Home Affairs (2022) 'Temporary protection', retrieved from: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en (accessed: 9/11/2022).

⁷ European Commission, (2022) 'Communication: European solidarity with refugees and those fleeing war in Ukraine', retrieved from: https://commission.europa.eu/document/c1c4a337-4de7-4c76-b365-6281cac37cc9_en (accessed: 09/11/2022).

displaced people with urgent needs⁸. This constitutes evidence of a high degree of flexibility, which very much aligns with the strategy of urgency that led to the adoption of the TPD in record time, and which is a leitmotif in the management of *this* emergency - but which has not been witnessed in other cases. Besides the allocation of resources, Member States also received other kinds of support to react to this crisis, *inter alia*: technical assistance for the implementation of the TPD, support for border management, guidelines on how to intensify efforts and an EU Solidarity Platform to coordinate actions⁹. The introduction of the temporary protection itself represents a benefit to MS, as it limits the need for displaced persons to immediately seek international protection and thus the risk of overwhelming the asylum systems (Ergin A. D. 2022).

In compliance with the solidarity plan elaborated by EU institutions, each MS adopted its own provisions at a national level to welcome and provide adequate assistance to those fleeing Ukraine. Several MS increased their own funds and capacities to welcome people escaping the war, in order to cover a variety of expenses, such as to provide displaced people with accommodation (often in hotels and tourist facilities), an economic compensation, free and facilitated access to healthcare (e.g. health checks, vaccinations), access to education (including specific programs like language support) and to the job market (job search support, online job-matching platforms, employment subsidies and other programs) (Eurofound 2022). Many ad-hoc government platforms were specifically set up and translated in Ukrainian language to allow the comprehension from Ukrainian nationals¹⁰. As a matter of fact, Ukrainian nationals were offered a wide set of rights, facilitations and tailored measures to smooth and accelerate their inclusion into hosting societies, such as easier access to services, education and even legal status (European Commission 2022) which are usually not granted to other forcibly displaced people, or at least not so rapidly.

⁸ European Commission, Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (2022/C 126 I/01).

⁹ Council of the EU (2022) 'EU Solidarity with Ukraine', retrieved from: <https://www.consilium.europa.eu/en/policies/eu-response-ukraine-invasion/eu-solidarity-ukraine/#host> (accessed:19/11/2022).

¹⁰ See for instance: Italy: <https://contributo-emergenzaucraina.protezionecivile.gov.it/#/>; France: <https://parrainage.refugies.info/ukraine>; Belgium: <https://info-ukraine.be/uk/assistance-belgium/ya-shchoyno-prybuy-do-belhiyi>; Portugal: <https://portugalforukraine.gov.pt/uk/домашня-сторінка/>.

Striking examples witnessed in Italy include free transport tickets within five days of arrival in the country, full exemption from the payment of highway fees, a subsistence allowance for temporary protection applicants and their children, but also easier access to school enrollment and to health services, e.g. establishment of specific health care centres for Ukrainian citizens where doctors received them with the help of cultural mediators¹¹.

1.3. Civil Society

A great wave of solidarity and support towards Ukraine took place at all levels in European MS, where the mobilisation of civil society further facilitated the welcoming and the reception of forcibly displaced people. The relationship between societal attitudes and policy making is at the centre of a complex debate (Ruhs 2022) but it seems evident how in the response to the Ukrainian conflict these two elements have been interconnected in a way that blurs the cause-effect dynamics between policy and societal responses.

Individual citizens all over Europe, shaken by the tragic images of the war displayed in the news, took Ukrainians' situation to heart and gathered efforts to provide assistance as best they could. This has notably been witnessed especially in the first months of the emergency, when the emotional impact was as overwhelming as to trigger the urgent need to take direct action to help the people affected by the war (Dennison 2019). The scale of the protests for peace has been impressive. Civil society across MS showed compassion and activated a wave of protests 'In Solidarity with Ukraine' demanding a halt to the war and immediate protection of civilians (DW 2022). Ukraine's flags were hung everywhere, both on governments' and municipalities' buildings and outside ordinary citizens' balconies (Insider 2022). Several cities all over Europe lit up their monuments in blue and yellow to show solidarity. Demonstrations spread all over social media platforms, where activists and citizens have been tirelessly advocating for peace. The hashtag #StandwithUkraine became trending and gathered most of the digital content related to this emergency¹².

¹¹ See for instance the health care centre set up for Ukrainian citizens at the local health authority (ASL) 'Roma 2' in Rome, Italy: <https://www.aslroma2.it/index.php/strutture/poliambulatori/2-non-categorizzato/879-assistenza-sanitaria-ucraina>. In this respect, it is relevant to note how in normal circumstances the lack of cultural mediators employed by the public sector represents one of the main structural deficiencies of the Italian health system.

¹² Forum Terzo Settore (2022) 'Emergenza Ucraina. Le iniziative di solidarietà a sostegno del popolo ucraino e altre informazioni utili', retrieved from: <https://www.forumterzosettore.it/2022/07/20/emergenza-ucraina-le-iniziativa-di-solidarieta-a-sostegno-del-popolo-ucraino/> (accessed: 20/12/2022).

Ordinary citizens, especially at the borders with Ukraine, have been actively volunteering and responding to the needs of fleeing people, from providing blankets, hot meals, and offering their own homes as temporary shelters. Hosting societies engaged in grassroots efforts to provide assistance, showing a remarkable sense of compassion and altruism (UNHCR 2022).

Most NGOs and Civil Society Organizations made the Ukrainian emergency a top priority in their work, both in terms of humanitarian relief and more broadly by supporting the reception and inclusion of displaced people. This shift in priorities was necessary, especially in the first months of the war, to promptly provide assistance. It caught the wave of solidarity which also allowed a sensible increase in the funds raised, thanks to the generosity of the donations collected for this crisis. Whilst this ‘escalation of support’ was remarkable, it could be argued that it happened at the expense of other crises and displacements which have been ongoing before February 2022, but often stayed out of the spotlight and hence remained underfunded (Reliefweb 2022; The New Humanitarian 2022).

All this represents a much welcomed step to ensuring high levels of protection to individuals escaping war, however, the immediate and first-time activation of the temporary protection regime brings to the surface a series of questions and challenges. Particularly with respect to the reasons why this happened this specific time for the first time, especially in a moment where the utility of this legal instrument was under discussion.

2. Perception of Temporariness

The relationship between time and migration is a deep-rooted one, albeit often not adequately taken into consideration as migration has generally been seen as a spatial process (Griffiths et al. 2013, 1). As a matter of fact, time represents a crucial factor in migration governance, and its notions have both implicit and explicit consequences in decision-making in migration law and policy. Migration literature has considered different conceptions of time, often addressing the issue of the duration of legal and administrative procedures and their impacts (Reneman and Stronks 2021). The present research focuses on the concept of temporariness, as a state of being intended to last only for a markedly brief amount of time, hence intrinsically momentaneous and eventually destined to come to an end. In the case considered in this work, i.e. the displacement of people after Russia’s invasion of Ukraine in 2022, the concept of temporariness is strictly related to that of emergency, which adds the significant elements of unexpectedness and danger. Temporariness and emergency are framed in the domain of perceptions, on which this very

research is centred, and hence in the intricate process of interpretation and understanding of the reality driven by a multitude of factors often related to assumptions, political ideals and cultural biases.

The argument presented is that the war in Ukraine was initially perceived as temporary by a variety of actors, *inter alia*, EU institutions and MS, Ukrainian nationals fleeing the conflict and European citizens. The reasons behind the perception of this conflict as temporary will be investigated, arguing for their reliance on geopolitical dynamics and cultural biases. Finally, the shift in perceptions will be addressed as to examine the consequences of the prolongation of the Ukrainian emergency in the behaviour, strategies and responses of the actors involved.

In March 2022, the EU activated the TPD as a measure aimed - as the name itself suggests - at granting temporary assistance to third country nationals displaced because of the outbreak of war in Ukraine. As set forth by Council Directive 2001/55/EC, temporary protection represents a 'procedure of exceptional character': strong emphasis is put on the extraordinary nature of this measure, which is to be triggered in situations of imminent emergency. The Directive also establishes the duration of temporary protection, which is one year with possibility of automatic extension by six monthly periods for a maximum of one year¹³. This is a relatively short amount of time, especially if compared to international protection residence permits which in the EU should be valid for at least three years and renewable¹⁴, in a far more long-term protection and inclusion perspective. Overall, the decision of adopting the TPD is part of a precise strategy within EU migration management, which finds its roots in a multitude of factors including, as it will be argued, the perception of temporariness of the Russo-Ukrainian conflict.

Ukrainian nationals themselves, forced to relocate in European MS for safety reasons, generally saw their stay as strictly momentary, *i.e.* supposed to last strictly for the time needed to seek protection. They were indeed hoping to come back shortly to their country of origin as soon as the situation would have been safer - and a large share of them actually did, when they had the possibility to do so (IOM 2023). In the first months of the emergency, several forcibly displaced Ukrainian nationals stated that they felt like their life was on pause and that migration to European MS represented only a temporary

¹³ Relevant article of the TPD is Art 4.

¹⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), Article 24.

solution, while waiting to come back to their homeland¹⁵. At the same time, European civil society and ordinary citizens showed unprecedented solidarity presumably because they were perceiving the war as temporary and resolvable in a relatively short period of time. Hosting societies were very welcoming in the short term but as the situation is being protracted, changes in their approach are expected to arise (Drazanová and Geddes 2022).

At the time of writing, more than a year after Russia's invasion of Ukraine and given the recent developments of the conflict - which does not seem to be close to an end -, we are witnessing a clash between the perception of the war as temporary and the reality, which has proven Ukraine's emergency to be a lengthy one. The TPD has been prolonged of another year¹⁶ and this is having and will have a concrete impact on perceptions, attitudes and actions of all the actors involved (The Conversation 2022). On the one hand, Ukrainian nationals must remain in European countries even if they are (supposedly) not willing to; on the other hand, European institutions, MS and citizens must welcome them even if they are (supposedly) not willing to.

Two questions arise as particularly significant: why was this conflict and its consequent displacement perceived as temporary, while other ones were not (e.g. the one originating from the Syrian civil war)? And hence, why did this conflict trigger the long-awaited adoption of the Temporary Protection directive which had never been used since its creation? The answer to these questions is complex and relies on several intertwined factors, some of which have been addressed above as part of a broader academic discussion. This contribution draws its attention to two major categories relating to geopolitical dynamics and cultural biases.

1. Geopolitical dynamics, foreign policies and international relations. The perception of temporariness of the Russo-Ukrainian conflict could indeed derive from strategic political hopes and statements. The 'West' has been actively involved in this war since its very beginning, with a wide set of measures, ranging from humanitarian assistance (Rasche 2022), military action through the deployment of NATO's troops and non-military means of coercion such as the unprecedented sanctions imposed against Russia (Kiel Institute 2022). This involvement includes decisions for the EU to finance for the first time the delivery of lethal weapons to a third country (International Crisis Group 2022). The involvement of Western countries may

¹⁵ These statements are drawn from the authors' first-hand professional experience with Ukrainian nationals, both at the Italian border and within Italian territory. Forcibly displaced persons shared their views and opinions in terms of their stay and a pattern emerged of willingness of swift return.

¹⁶ Justice and Home Affairs Council, (13-14 October 2022), retrieved from: <https://www.consilium.europa.eu/en/meetings/jha/2022/10/13-14/> (accessed: 30/03/2023).

have encouraged the perception that the war could have ended in a relatively short amount of time, thanks to their intervention. The strategic positioning of the EU also explains such open policies towards Ukrainian nationals (and against Russian nationals, as it will be argued) being a political stand against Russia (İneli-Ciğer 2022a).

2. Cultural biases and misperceptions, related to a crooked identification of specific countries as 'usually' affected by conflicts (namely the Middle Eastern and African ones), and other countries (namely the 'Western' ones) as never associated with war, except for sudden and unexpected circumstances. This fallacious dichotomy driven by Western-centrism is closely connected with the concept of crafted identities of migrants, which will be addressed in the following section. In the Western white-centric perspective, countries like Syria or Afghanistan are consistently associated with a stereotyped representation of poverty-stricken and militarised places, where war is a commonplace and is never-ending, thus being by definition non-temporary. Such perspective mirrors an institutionalised system of biased perceptions, stereotypes and discriminations within EU migration and asylum policies.

Consequences of the clash between the perception of temporariness of the Russo-Ukrainian war and its actual duration are complex to prospect and analyse due to the current uncertainty of the duration of the conflict. However, they will be various and will be relevant both in the short, medium and long term.

First of all, as discussed above, the perception of temporariness of the conflict led to the establishment of a highly protective reception system that guarantees far more rights and services to Ukrainian nationals compared to other systems of international protection (European Commission 2016a). The present contribution suggests that such a broad set of rights and services were guaranteed by European states precisely by reason of their perception that such pledges would have been granted for a limited period of time, as long as the emergency was in place. Hence, it will be interesting to investigate how the reception system implemented for Ukrainians will change given the protracted duration of the conflict. This triggers relevant questions for future research, including whether the exceptional regime of openness will change, or whether EU's political interests and perceptions will shift as well (Martini 2022). Undoubtedly, the deployment of the TPD itself will inevitably have consequences in the long term, since a precedent has been set and similar measures could potentially be deployed as a response to future mass displacement events. And if this is not the case, then civil society would at least have a basis to advocate for their adoption. Additionally, implications will arise in the medium term as well, given the standing proposal of repealing

the TPD, as part of the 2020 European Pact on Asylum and Migration¹⁷. As this was presented prior to the TPD activation in March 2022, negotiations of the Pact will need to take into account the precedent set when addressing the reforms of the Common European Asylum System (European Parliament 2022).

Furthermore, impacts on the hosting and hosted societies and their interaction are particularly relevant too. In terms of reception by European citizens, the mismatch between the perception of temporariness and the actual prolongation of Russia's military aggression against Ukraine could potentially pose a serious issue in terms of a weakening of the welcomeness of European citizens towards Ukrainian nationals (Drazanova and Geddes 2022). Since civil society all over Europe showed great openness in responding to the Ukrainian crisis, it is imaginable that this attitude of tolerance will change together with the change in the perception of the duration of the emergency (EUObserver 2022). Possible scenarios include the progressive birth of attitudes of resentment and discontent, which could have serious implications on the social fabrics. At the same time, European citizens could become progressively more aware of the preferential treatment reserved for Ukrainian nationals which has not been implemented for other displacements. Hence, they could deliberately start to question EU institutions' and MS' choices and strategies (Euractiv 2022).

As far as Ukrainian citizens are concerned, the collapse of the idea of temporariness of the emergency and hence of the nature and duration of their stay in European MS is inevitably already having and will continue to have an impact on their migratory plan and on their daily life in hosting countries. In the first months, most Ukrainian nationals were not willing to feel included in hosting societies: for instance, taking Italy as a reference, they were very sceptical about joining Italian language courses, as learning the language of the hosting country would be required for a long-term stay rather than a short-term one (as they thought their presence in Italy would have been)¹⁸. Ukrainian nationals frequently tended to remain quite closed within their community and in close contact with their network of families and friends displaced in other countries. This does find an explanation in the

¹⁷ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum (September 2020); European Parliament, Draft report on the proposal for a regulation of the European Parliament and of the Council addressing situations of crisis in the field of migration and asylum (COM(2020)0613 – C9-0308/2020 – 2020/0277(COD)).

¹⁸ These considerations were collected by the authors through their first-hand professional experience working with Ukrainian nationals in Italy.

root causes of their migration experience and the traumatic events they had just endured; however, it is also a reaction deriving from their perception of the situation as a relatively short-term emergency. In later periods, as the war was continuing and at times even intensifying, this perception has inevitably changed. It is true that a great number of Ukrainian nationals decided to return to their home country (Norwegian Refugee Council 2022), but, not all of them were able to do so, and at the time of writing many Ukrainian nationals are still 'forced' to stay in European countries to seek protection. After more than a year from Russia's invasion of Ukraine, the meaning and the characteristics of Ukrainian nationals' presence in European countries inevitably had to change. Taking Italy as a reference, an increasing number of Ukrainian children and adolescents joined Italian schools in recent times - in compliance with the compulsory education requirement for any minor residing in the Italian territory¹⁹. Especially in the first months after their arrival, many Ukrainian caregivers deliberately decided not to enrol children in Italian schools, because they often had the possibility to attend classes from their Ukrainian teachers online (Wired 2022). As of December 2022, Italy is one of the countries with the highest share of Ukrainian displaced children and adolescents enrolled in schools: 27,323 out of the more than 38,000 present (Openpolis 2022). The fact that 71% of them are now part of the educational system is a proof of this shift in perception and hence, choices. This development is reflected also at a European level: according to UNICEF's statistics, as of July 2022, some 650,000 Ukrainian children displaced in 12 host countries were still not enrolled in national education systems (UNICEF 2022); more recently, data from Eurocities shows that about 2.25 million Ukrainian minors have enrolled in European schools as of September 2022 (Eurocities 2022). Another interesting trend observed in the last months is the rise in the enrollments in Italian language courses, which does imply a growing desire for social inclusion. Getting familiar with the language spoken in the hosting country is indeed a first and significant step of openness towards the hosting society and, at the same time, a necessity deriving from the length of the stay of Ukrainian nationals. This is strictly related to a third trend detected in recent times, i.e. the rising number of adult Ukrainian women engaging in an active job search and seeking for legal advice concerning contracts and Italian labour law²⁰. In most cases the job seeking was not considered as an urgent

¹⁹ Ministero dell'Istruzione e del Merito (2022) 'Disponibile il report con i dati sulle studentesse e gli studenti ucraini accolti nelle scuole italiane', retrieved from: <https://www.miur.gov.it/-/disponibile-il-report-con-i-dati-sulle-studentesse-e-gli-studenti-ucraini-accolti-nelle-scuole-italiane> (accessed: 23/12/2022).

²⁰ These trends have been witnessed through the authors' first-hand professional experience with Ukrainian nationals within the Italian territory, specifically in projects of social

need in the first months of the emergency, but it became so as an inevitable consequence of the passing of time and, hence, of the shift in the perception of temporariness (Desiderio and Hopper 2022). All the aforementioned trends will have consequences in the upcoming future, especially considering that Ukrainian displaced people could take into account the possibility of settling in European countries and intentionally starting new lives there.

3. Crafted Identities

The question this contribution attempts to answer is why the Ukrainian conflict led to the first ever TPD activation. And while the question has been partly answered through the above considerations on the perception of temporariness of this specific conflict when compared to others, the argument continues and explores another kind of perception which arguably played a role in this policy choice. That is perception of stereotyped migrants' profiles and the projection of expectations of behaviour onto them. It is what we call crafted migrants' identities, which shape differentiated migration policies and responses to similar events.

Similar phenomena are not new to social sciences scholarship, which elaborated on the pervasive use of various degrees of discriminatory treatment of states towards refugees, depending on their countries of origin and their ethnicity (De Coninck 2020). Abdelataay (2021) for example describes the phenomenon in terms of a highly explicative matrix which gauges states' responses varying from more hostile to more friendly depending on the variable of co-ethnicity or non-ethnicity of the hosting community to the refugee community. It appears to be common for states to project into the population fleeing a conflict a sense of closeness to the victims or a sense of moral distance from the perceived perpetrator. This perception leads to a different response of the local and hosting population towards people seeking protection in their territory depending on their nationality. This dynamic is particularly evident in Europe when applied to the differential treatment between Ukrainian nationals fleeing the conflict and Russian nationals fleeing, one could say, the same conflict and its consequences.

The schematic lines of divide across which this differentiation is framed are the following: on the one hand, Ukrainian citizens are identified as 'heroes' fleeing a real war but willing to return to their country of origin as soon as possible. On the other hand, other third country nationals similarly

inclusion which also entailed Italian language courses and support in job-seeking. The authors observed an increasing number of Ukrainian nationals who voluntarily joined such programs and overall expressed their desire for a greater inclusion in the Italian society.

fleeing from conflicts are identified as individuals who, under the 'pretext' of fleeing war, enter Europe with a view of remaining. They are framed as coming from 'normalised' ever-lasting conflict scenarios, from inherently refugee producing countries, as desperate individuals in search of a better life, who will certainly remain in Europe once they have set foot in it, even if the conflict in their country of origin comes to an end. In this perception the connection lies with temporariness of conflicts as a variable influencing the EU response to their effects. This simplistic division has had a huge impact on EU, MS and citizens' migratory responses and welcomeness.

Differences in attitudes towards different 'types' of migrants is an area of migration studies that is attracting a growing scholarly interest (De Coninck & Matthijs 2020). What appears to play a role in migration policies are considerations related to both the past and the future of the people arriving to Europe: who they are, what their cultural and religious values are, what is the context from which they originate and what they have experienced, i.e. the extent to which they are perceived as 'cultural threats' (Drazanova 2022) or 'symbolic threats' (Stephan et al 2009); but also projecting expectations as to individuals' aspirations and future intentions, regarding their willingness to remain in the country of refuge or to make return to their countries of origin. Such projections are based on racial stereotypes and externally attached individual intentions based on their nationality.

The intention of this contribution is to apply this theoretical framework to the EU migratory response(s) to events of mass displacement, arguing that no coherent framework has been applied to this and other comparable refugee-producing situations and that, even the response to this particular conflict has been fragmented and multifaceted. In particular, the analysis will focus on three factual circumstances which, when compounded, are able to demonstrate this divergence of EU responses: (i) the case of other recent conflicts; (ii) the case of non-Ukrainian third country nationals fleeing the Ukrainian conflict; (iii) the case of Russian nationals fleeing Russia for reasons related to the ongoing conflict with Ukraine.

From the emerging picture, the conclusion that can be drawn is that the differentiation does not take place so much at the level of different conflicts, but it is rather led by an externally applied differentiation between the people fleeing these conflicts. It is eventually a racial differentiation, ethnically and nationally motivated, and therefore an inherently xenophobic one.

3.1. The Case of Other Recent Conflicts

The case of other conflict situations which caused migration flows into Europe clearly reveals the relevance of crafted identities for policy making.

The examples of the 2021 Afghan take-over of power by the Taliban or the decade-long Syrian civil war are paradigmatic of this approach. Neither of these recent events of mass displacement led to the activation of the twenty-year dormant TPD, and yet the (foreseeable) mass influx into Europe they would have caused was perceived as even more acute than it actually was or than the Ukrainian one was (Genç and Öner 2019).

Key to this perception is the fact that Ukrainian displacement was characterised by an uncommon disproportion of arrivals who are women and children (International Crisis Group 2022), as opposed to previous mainly men-based migration flows, perceived as more threatening (Al Jazeera 2022; Brookings 2022). Moreover, Ukrainian displacement has been covered in European media as an orderly, legal, manageable and inherently 'human' one, although sheer numbers were incomparably higher than those of other forms of displacement, which have been nonetheless described as chaotic, irregular and dangerous (Drazanova and Geddes 2022). This is partly due to the fact that Ukrainian nationals enjoy a visa free right of movement to the EU, which is not the case for most (if not all) other refugee producing countries²¹. A tweet written by Ayo Sogunro, a Nigerian human rights lawyer (Storey 2022), expresses it very bluntly:

'Can't get it out of my head that Europe cried about a 'migrant crisis' in 2015 against 1.4 m refugees fleeing war in Syria and yet quickly absorbed some 2m Ukrainians within days, complete with flags and piano music. Europe never had a migrant crisis. It has a racism crisis.'

The role played by journalists in framing the difference between Ukrainian nationals and other displaced third country nationals is also prominent (Asylum Access 2022). The promoted view, the more or less conscious bottom line, more or less explicit depending on the political spectrum of the promoter, is perfectly expressed in a disconcerting statement by Bulgarian Prime Minister Kiril Petkov referring to Ukrainian forcibly displaced people (The Washington Post 2022):

'These are not the refugees we are used to. [...] These people are Europeans. [...] These people are intelligent, they are educated people. [...] This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists'.

²¹ Council of the EU, Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

It also resonates in Italian politicians' statements referring to forcibly displaced people fleeing more or less real conflicts (La Repubblica 2022) or in Hungary's Orban describing the 'evident difference between masses arriving from Muslim regions in hope of a better life in Europe' and Ukrainian refugees who have come to Hungary because of the war (About Hungary 2022). A research conducted by the Observatory for Public Attitudes to Migration at the European University Institute (EUI) shows how divergent 'public attitudes towards immigration and refugees [are] based on the perceived ethnic and cultural threat posed by culturally more distant refugee groups as compared to refugees perceived as being culturally closer'. From the survey experiment conducted in June 2022 it emerges how European citizens generally favour Ukrainians over Syrians, a result which confirms previous findings that attitudes toward immigrants tend to be more negative toward ethnic minorities and especially pronounced in the case of Muslims (Drazanova and Geddes 2022). The factors that lie behind these sentiments are those of geographical and cultural proximity, religion, physical appearance and ethnic characteristics and they all play a role in the perceptions upon which EU policies on migration are drawn and which differentiate between displaced individuals and between the conflicts that led to their displacement.

3.2. The Case of non-Ukrainian Third Country Nationals Fleeing the Ukrainian Conflict

The case of non-Ukrainian third country nationals fleeing from the Ukrainian conflict is also telling. The TPD left a margin of discretion to Member States as to the level of inclusion of non-Ukrainian nationals (who were not already beneficiaries of international protection or permanent residence in Ukraine) in the scope of temporary protection²². In its implementation in national legal systems, only few MS extended the scope of temporary protection beyond nationality lines, thus including all third country nationals who were residing in Ukraine at the time of the Russian invasion (FRA 2022; ECRE 2022). The events at EU external borders with Ukraine have shown that the right to leave and to cross borders has not been open for everybody fleeing Ukraine. The situation in which thousands of third country nationals, who were regularly residing in Ukraine before the war, came to find themselves once they had to leave that country is dramatic (Open Migration 2022; The Guardian 2022a). They struggled to cross EU borders, being pushed back and returned to conflict-ridden Ukraine, and once they entered the EU, excluded from the scope of Temporary Protection, they were exposed to destitution

²² Relevant articles of the TPD are Art 2(2), 2(3).

and unstable legal situations in EU MS which treated them as irregular migrants, facing barriers in accessing other forms of regularisation or access to international protection (Lighthouse Reports 2022).

This situation came to international attention regarding the case of the many students from Africa, Asia or the Middle East who were pursuing their academic careers in Ukraine and who had their course of study interrupted and found themselves in the impossibility of completing their education (BBC 2022). The difficulties they encountered in leaving Ukraine, accessing EU MS and having their migratory status regularised persist until nowadays. Several Italian lawyers are currently representing dozens of these students in applications for international or special protection in Italy, encountering high administrative barriers along the path. Several African leaders have criticised this discriminatory treatment (The Guardian 2022b). The African Union stated that ‘reports that Africans are singled out for unacceptable dissimilar treatment would be shockingly racist and in breach of international law’, and called for all countries to ‘show the same empathy and support to all people fleeing war notwithstanding their racial identity’ (AP News 2022). The European Network against Racism (2022) similarly expressed its concern: ‘The decision to invoke the Temporary Protection Directive is historical and yet disappointing in that it still applies a racist double standard which prevents non-Ukrainians from having the same legal protection’. Even UN (2022b) and IOM (2022) officials warned about episodes of discrimination at Ukrainian borders.

3.3. The case of Russian Nationals fleeing Russia for Reasons Related to the Ongoing Conflict with Ukraine

A similar biased response has been witnessed when considering the EU MS reaction to the arrival, or attempted arrival, of the many Russian nationals fleeing the consequences of the war in Ukraine (Euronews 2022a). Borders remained mostly closed for them and a debate sparkled on whether it would ‘hurt’ more the Russian Federation to realise that its citizens could not leave or to be emptied of its fighting force allowing them to enter the EU (Euronews 2022b).

In September 2022, the 2007 visa facilitation agreement with the Russian Federation was suspended (Council of the EU 2022), making it harder and more costly for Russian citizens to enter the EU. This came on the request of MS bordering with Russia²³, which experienced a massive inflow of Russian

²³ Joint statement of the prime ministers of Poland, Estonia, Latvia, Lithuania, retrieved from: <https://www.gov.pl/web/eu/joint-statement-of-the-prime-ministers-of-estonia-latvia-lithuania-and-poland>; Finnish Government issues a resolution to strongly restrict entry of

nationals entering their territory at various stages of the conflict, comprising that of Russian men trying to evade military service (Grundler and Guild 2022a), and consistently being refused visa applications. The legal basis of these nationality based restriction of visa issuance is debatable (Thym 2022a). Complex foreign policy assessments played a crucial role in the MS decisions regarding their stance toward Russian nationals, creating undesirable effects on their human rights protection (Grundler and Guild 2022b). Regardless of the damage caused to the Russian Federation, this differentiation has in fact its major effects on individuals and it already emerged how ‘Russians fear unwelcome policies and hostility in light of widespread condemnation of the invasion’ (Prantl 2022).

A consequence common to all these cases of differential treatment is that displaced individuals find themselves trapped in the projected perception EU MS have of them and they are boxed into legal measures which do or do not regularise their migratory status in a way that is tailored to this externally imposed perception. The difference between the Temporary Protection and International Protection²⁴ options is telling. A Syrian national arriving in the EU is left with few other options than asking for international protection. But far from being a free choice, this is a forced one, in the absence of other options to regularise their status. The consequence of this imposed choice is the presence of many Syrians (but we could similarly speak of Afghans as well as Malians or Somalis) who cannot chose the MS where they want to apply for a residence permit (in line with the EU battle against ‘asylum shopping’ (European Commission 2016b), who are recognized as beneficiaries of international protection and are not able to move between the MS where they were recognized and other MS, and who are not free to make return to their countries of origins, not even for short periods, without endangering the regularity of their position within the EU (Schultz 2020; Maiani 2019). The same is not true for Ukrainian nationals (Ovacik 2022), and the reason lies only in the migration measure made available to them, a measure centred on ‘free choice’ (Thym 2022b). While it is true that many Ukrainians would enjoy some form of international protection if they requested it (Storey 2022), the wide majority of them opted for the possibility of applying for TP instead (EUAA 2022). The flexibility attached to this

Russian tourists into Finland, retrieved from: https://um.fi/current-affairs/-/asset_publisher/gc654PySnjTX/content/suomi-rajoittaa-voimakkaasti-venalaisten-matkustamista-turismitarjoituksessa-suomeen-valtionuuvoston-periaatepaatoksella.

²⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

status, the possibility of choosing the MS where to apply, of moving within the EU and of making return to Ukraine are all factors that incentivized this choice. Even in this respect, the fact that certain nationalities of displaced people would or would not be willing to return to their countries of origin is an external projection of their intentions and aspirations, of their past and especially of their future. And the migration measures available to them are tailored to this projection and trap them in migratory regimes that might be distant from their will.

In conclusion, these considerations show that the diversification of EU migratory responses is based on a range of perceptions that, more than being based on the abstract temporariness of conflicts, are grounded on the identities of the people fleeing them. It is ultimately a racially driven differentiation. In the words of Rasche (2020):

‘In Poland, Ukrainian refugees are welcomed while asylum-seekers attempting to enter the country from Belarus continue to be denied access to protection. Given the threat of a war at their own borders and close cultural ties, it is understandable that Ukrainian refugees are welcomed in neighbouring member states. But Poland’s two distinct border policies also exemplify how the EU treats asylum-seekers differently based on the political context in which they arrive’.

Conclusion

In the race for granting refuge to a geographically and culturally close set of people, a system of protection has been adopted for the very first time, unanimously and in an uncommonly short amount of time. In an attempt to answering the question of why the Ukrainian conflict has led to the activation of the long dormant TPD, this contribution moves along two sets of reasons, both having to do with perceptions. The first is related to the perception of temporariness of this conflict when compared to others, and the second is related to perceived (and thus crafted) identities of the people entering the European space as a result of this and other conflicts.

The perception of temporariness of the Russo-Ukrainian conflict arguably shaped the actions and responses of EU institutions, Ukrainian nationals and European citizens. Geopolitical and cultural reasons played a role in convincing the EU public sphere about a short duration of the conflict, which thus allowed for high standards of protection to be granted. Considering the temporary nature of this legal instrument, its prolonged application risks clashing with a medium to relatively long-term migration phenomenon, as the Ukrainian one is progressively becoming. After more than a year from

the start of the emergency, questions arise in terms of the consequences that such responses will have in the long run. At the EU level, high standards of reception and protection are to be guaranteed for a less 'temporary' period, posing challenges in terms of legal instruments, allocation of funds, and overall political strategies. Implications of long-term reception could be significant in terms of the relationship between Ukrainian nationals and hosting societies. An alteration of the duration of the stay poses major challenges for the displaced people, who have to face the impossibility of immediate return to Ukraine and have to acknowledge the necessity for social inclusion in the European countries in order to live, even if for an indeterminate amount of time, a dignified life. Simultaneously, EU citizens are challenged in keeping high standards of reception and hospitality towards Ukrainian nationals for an unforeseen period of time, even long after Russia's first aggression of Ukraine and now that the public attention over the emergency has sensibly decreased.

The perception based on crafted migrants' identities, which tends to project onto displaced individuals arriving to Europe a stereotyped profile as to their behaviours and intentions, is also considered to be part of the reasons leading to a different reaction to the Ukrainian mass displacement when compared to any previous such event. The role played by cultural and geographical proximity in shaping EU MS response to the Ukrainian crisis has been prominent. This contribution attempted to demonstrate it through the cases of non activation of the TPD in past situations that could have potentially triggered it, the current exclusion of non-Ukrainian third country nationals from its scope of application, and the special treatment reserved to Russian nationals.

These considerations reveal how the overall EU paradigm in responding to conflict situations causing mass displacement does not seem to have radically changed. The EU response to the Ukrainian conflict only reflects an increased level of politicisation of protection, where purely legal considerations play an increasingly lesser role (Rasche 2022). This analysis shows that the same rationale and perceptions that have historically governed EU migration and asylum management persist, albeit veiled by the peculiar considerations related to the exceptional proximity of the Ukrainian conflict: a paradigm that has been defined as systemic unequal solidarity in the EU (CEPS 2022, 9). While the adoption of TPD proved initially beneficial both to MS and to Ukrainian refugees, the passing of time risks undermining the stability of this exceptional protection system and revealing the unsound - because grounded on perceptions - basis on which it was adopted. The contribution concludes with suggesting a degree of caution in projecting geopolitical expectations and externally-crafted identities over individuals

and translating them into policies. Perceptions are flexible elements to base adoption of legislation upon, and uncertain geopolitical scenarios may lead to their sudden mutation, which would be hardly coupled with parallel legislative amendments.

While it is true and laudable that the EU has proven to be capable of an unexpected degree of solidarity which allowed for granting unprecedented high standards of protection for people fleeing (a) war, this does not ultimately lead to the conclusion that the approach adopted for the Ukrainian emergency translates into an overall more human-centred approach to events of mass displacement. As this contribution attempted to demonstrate, in fact, the decision of shifting paradigm and adopting a directive which was about to be repealed, is based on reasons inherently geopolitical and ultimately discriminatory. The unprecedented openness of legislative and political measures did in fact bring human security at the centre of the European political agenda. Alas, not yet for everyone.

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