

ЦИВІЛЬНЕ ПРАВО І ЦИВІЛЬНИЙ ПРОЦЕС; СІМЕЙНЕ ПРАВО; МІЖНАРОДНЕ ПРИВАТНЕ ПРАВО

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PROBLEMS OF TEMPORARY PROTECTION OF UKRAINIANS ABROAD IN TERMS OF ARMED AGGRESSION OF THE RUSSIAN FEDERATION (EUROPEAN EXPERIENCE)¹

The article is focused on the problematic issues of regulating the temporary protection of Ukrainians abroad related to the application on the basis of the Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

It was established that after the beginning of the armed attack of the Russian Federation on Ukraine on February 24, 2022, Ukrainian citizens were forced to leave the country to ensure safety and preserve their life and health. On March 4, 2022, the Council of Europe in its Implementing Decision 2022/382 established the existence of a massive influx of displaced persons from Ukraine within the meaning of Article 5 of the Directive 2001/55/EC, and triggered a decision regarding temporary protection mechanism to be applied. This mechanism provides for the application by Member States of minimum standards of temporary protection for displaced persons, regulating the hosting and accommodation of persons enjoying temporary protection.

It has been found that in consideration of the standards and measures are interrelated and interdependent for reasons of efficiency, coherence and solidarity and, in particular, in order to prevent the risk of re-displacement, defined by a single document – the abovementioned Directive, each Member State independently determines and details the conditions for the admission of persons and their financial security (support).

It was determined that the application of Directive 2001/55/EC is mainly related to the regulation of public law issues. However, due to the increase in migration and the number of relations with a foreign element, there is a necessity to study the impact of Directive 2001/55/EC on international private law relations and the correctness of application of conflict-of-laws rules in the context of the said Directive 2001/55/EC.

Key words: temporary protection mechanism, Directive 2001/55/EC, minimum standards for giving temporary protection, foreign element, legal status of a natural person, jurisdiction.

Суц. О. П. ПРОБЛЕМИ ТИМЧАСОВОГО ЗАХИСТУ УКРАЇНЦІВ ЗА КОРДОНОМ ПІД ЧАС ЗБРОЙНОЇ АГРЕСІЇ РОСІЙСЬКОЇ ФЕДЕРАЦІЇ (ЄВРОПЕЙСЬКИЙ ДОСВІД)

У статті досліджуються проблемні питання регулювання тимчасового захисту українців за кордоном, пов'язані із застосуванням Директиви 2001/55/ЄС про мінімальні стандарти для надання тимчасового захисту у разі масового напливу переміщених осіб та про заходи, що сприяють збалансованості зусиль між державами-членами щодо прийому таких осіб та відповідальності за наслідки такого прийому.

Встановлено, що після початку збройного нападу Російської Федерації на Україну 24 лютого 2022 року для забезпечення безпеки, збереження життя та здоров'я громадяни України вимушені бути виїхати за межі держави. 4 березня 2022 року Рада Європи у Імплементативному рішенні 2022/382 визнала існування масового припливу переміщених осіб з України в сенсі статті 5 Директиви 2001/55/ЄС, наслідком чого було ухвалено рішення про застосування механізму тимчасового захисту. Цей механізм передбачає застосування державами-членами мінімальних стандартів тимчасового захисту до переміщених осіб, що регламентують прийому та проживання осіб, які користуються тимчасовим захистом.

З'ясовано, що зважаючи на те, що стандарти і заходи є взаємопов'язаними та взаємозалежними з міркувань ефективності, узгодженості та солідарності і, зокрема, для запобігання ризику повторних переміщень, визначені єдиним документом – вказаною Директивою, кожна держава-член самостійно визначає і деталізує умови прийому осіб та їх фінансового забезпечення (підтримки).

Визначено, що застосування Директиви 2001/55/ЄС пов'язано переважно з регулюванням питань публічно-правового регулювання, але внаслідок збільшення міграції, кількості відносин за участю іноземного елемента, виникла потреба дослідження впливу Директиви 2001/55/ЄС на міжнародні приватно-правові відносини та правильності застосування колізійних прив'язок у контексті згаданої Директиви 2001/55/ЄС.

Ключові слова: механізм тимчасового захисту, Директива 2001/55/ЄС, мінімальні стандарти тимчасового захисту, іноземний елемент, правове становище фізичної особи, юрисдикція.

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Problem's setting. A mass influx of Ukrainians to the European Union countries caused by the armed attack of the Russian Federation against Ukraine on February 24, 2022 led to the activation of the Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing consequences thereof. 4.1 million forced migrants from Ukraine were registered in EU countries, according to Eurostat, as of September 2023, who acquired the temporary protection status in these countries, in accordance with the Directive 2001/55/EC. The validity period of temporary protection in September 2023 was extended until March 4, 2025, but at the same time, the mechanism for extending temporary protection for a new period has not been determined in many countries yet; some countries generally reduce the scope of minimum standards, believing that persons received temporary protection have already had the opportunity to adapt to new conditions during the time that has passed, and must to some extent independently provide the necessary living conditions with minimal support from the host country, or even offer financial support for Ukrainians to return home.

The diversity of legal regulation of minimum standards of protection by the national legislation of different countries, the complication of issues related to the registration of civil status, the extension and recognition of Ukrainian documents, taxation, employment and protection of the rights of Ukrainian citizens abroad cause an increased interest in researching the problematic issues of legal regulation of temporary protection of Ukrainians abroad in the context of the Directive 2001/55/EC and national legislation of EU countries.

Analysis of publications providing the solution to this problem. It should be noted that the general theoretical issues of migration law and the migration regime were mainly studied in scientific works of M. Balamush [1], A. Mozol [2], A. Suprunovskiy [3], N. Parkhomenko [4], V. Polishchuk [5], etc. Forced migration was studied by foreign scholars in the context of either the legal status of persons who received temporary protection in the host countries (J. Bastaki [6], R. Black [7], S. Grant [8], S. Martin [9]). Scientific publications of Ukrainian scholars are mainly related to studying the use of international aid (A. Omelchenko [10]), solving refugee problems (A. Svyashchuk [11], V. Teremetskiy [12;13], etc. The works of K. Lewandowski [14] on the comparison of temporary protection and refugee status and O. Malynovska [15] regarding the comparison of the situation of Ukrainian displaced persons abroad and forcibly repatriates from Yugoslavia can be singled out among modern publica-

tions. Therefore, considering certain features of the application of the Directive 2001/55/EC to citizens of Ukraine who were forced to flee to EU countries and acquired the temporary protection status there, the problems of implementing the provisions of the Directive 2001/55/EC require a detailed research, especially in the context of relations that are subject matter to regulation of private international law (in particular, employment, taxation, non-property rights, etc.).

The purpose of the article is to study the problematic issues of the relationship between foreign and Ukrainian legislation on determining the status of Ukrainian citizens enjoying temporary protection in the EU, as well as the essence and content of such protection.

Main part. Since the beginning of the open armed aggression of the Russian Federation against Ukraine, many citizens of Ukraine were forced to flee in order to ensure the safety and preservation of physical and mental health of themselves and family members, in particular, parents and children. Due to the geographical proximity of EU countries, many Ukrainians are currently in the European Union states.

In 2001, the EU adopted the Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing consequences thereof (hereinafter referred to as the Directive 2001/55/EC). The prerequisite for the adoption of the Directive was the displacement of persons as a result of the armed conflict in the former Yugoslavia. The preparation of a common policy on asylum is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union" [16; 17]. The Directive 2001/55/EC stipulates that the Action Plan of the Council and the Commission of 3 December 1998 provides for the rapid adoption, in accordance with the Treaty of Amsterdam, of minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and of measures promoting a balance of effort between Member States in receiving and bearing the consequences of receiving displaced persons. This balance is based on the mechanism of solidarity, consisting of two components: financial and actual reception of persons in the Member States [16; 17, preamble (20)].

The nature of minimum standards is characterized by the fact that the Member States have the right to adopt or provide more favorable provisions for persons enjoying temporary protection in the event of a mass influx of displaced persons.

Temporary protection is defined in the Directive 2001/55/EC as a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection. It is activated to guarantee the collective protection of displaced persons and to reduce the burden on the national asylum systems of the EU countries [18].

The Council Implementation Decision (EU) 2022/382 of March 4, 2022 established the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of the Directive 2001/55/EC, and had the effect of introducing temporary protection mechanism [16; 17]. According to scholars, the regime of temporary protection introduced specifically for Ukrainians is the first in the history of the European Union, the main advantages of which are speeding up the process and granting the right to work and study [19, p. 255].

Particular interesting is the fact that the Directive 2001/55/EC established: “This temporary protection should be compatible with the Member States’ international obligations as regards refugees. In particular, it must not prejudice the recognition of refugee status pursuant to the Geneva Convention of 28 July 1951 on the status of refugees, as amended by the New York Protocol of 31 January 1967, ratified by all the Member States”. Similar provisions are contained in P. 1 of the Art. 3 of the Directive 2001/55/EC: “Temporary protection shall not prejudice recognition of refugee status under the Geneva Convention”.

At the same time, only the regime of temporary protection is currently used, in particular, in relation to Ukrainians, the refugee status for Ukrainians was not recognized. Considering the fact that the refugee status and being under temporary protection status are different from the point of view of international protection, it results to different elements of the legal personality of individuals. It should be noted that the EU countries do not provide Ukrainians the opportunity to obtain the refugee status, but only recognize them as persons under temporary protection.

The next “painful” issue is the duration of temporary protection. According to the norms of the Directive 2001/55/EC, given the exceptional character of its provisions, the protection offered (according to the Preamble) should be of limited duration. Article 4 of the Directive 2001/55/EC clearly establishes that “the duration of temporary protection shall be one year. Unless terminated under the terms

of Article 6(1)(b), it may be extended automatically by six monthly periods for a maximum of one year”. Part 2 of Article 4 of the Directive 2001/55/EC stipulates: “Where reasons for temporary protection persist, the Council may decide by qualified majority, on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council, to extend that temporary protection by up to one year” [16; 17]. Thus, the maximum term of protection is set at two years, which can be extended under certain conditions for one more year (twice for one year). The experience of the previous application of the mentioned Directive demonstrates that the duration of temporary protection during conflicts in the Western Balkans, in particular from Bosnia and Herzegovina and Kosovo, was two years.

The EU activated the Directive 2001/55/EC from March 4, 2022 to March 4, 2024 in regard to the temporary protection status of Ukrainians, i.e. for two years. On 27 September 2023, ministers reached a political agreement on the extension of the temporary protection until March 4, 2025. The corresponding decision was adopted on 19 October 2023. Directive 2001/55/EC grants asylum for no longer than three years, i.e. it cannot be extended after 4 March 2025. The temporary protection mechanism cannot be reapplied to the same category of persons in need of temporary protection. The Council of Europe is discussing the rules that will apply to those who will not be able to return to Ukraine after this date. But no one knows whether citizens of Ukraine will be able to stay on the territory of the country that has granted temporary protection after the expiration of the protection period and in what status.

Following the news from the EU countries, we can note that the economy of certain countries cannot support the implementation of minimum standards and guarantees for displaced persons, and such countries create conditions (by offering money) for displaced Ukrainians to return to Ukraine. According to journalists, these are Switzerland, the Czech Republic, Ireland and Norway [20]. For example, there is still no local act on the procedure for extending temporary protection and related documents in Spain.

Provision of temporary protection involves granting the right to residence, access to the labor market, housing, social, medical and other care. For example, the official website of the Spanish National Police (Asylum and Refuge Office) contains information on the rights of persons receiving temporary protection. These are the rights to: 1) freedom of movement and residence in Spain; 2) information on the content of temporary protection; 3) travel document (if a person can justify the need to leave the country and does not have a passport or travel document or in case of their invalidity); 4) acceptance

on the national territory (if a person who receives temporary protection in Spain is or intends to enter without a permit the territory of another Member State of the European Union during the period covered by this decision, a person will be again granted permission to enter the national territory); 5) administrative work permit for the period of validity of the temporary residence permit; 6) social care: in case of the lack of sufficient resources, applicants can use social and medical services in accordance with the asylum regulations; 6) family reunification: benefits of temporary protection are granted at the request of the beneficiary in Spain to members of the family, if the family has already been created in the country of origin and they were separated due to the circumstances that led to the recognition of temporary protection [21].

The website of the Migration Service of Finland also provides information on the scope of rights of persons who have acquired temporary protection status: 1) to work (without limitations) and to study; 2) on freedom of movement and residence in Finland; 3) for social security [22;23].

In Estonia, temporary protection is a one-year residence permit that can provide security and social guarantees to Ukrainian citizens and their family members. Once they have applied for temporary protection, war refugees will enjoy rights similar to those enjoyed by Estonian residents, for instance, the right to study, work and therefore receive health insurance. There is no obligation to apply for temporary protection. All Ukrainian citizens have the right to stay in Estonia without applying for temporary protection [23].

Despite the fact that the Directive generally establishes and ensures minimum standards, their implementation is carried out by certain countries in accordance with their internal national legislation. We note that this legislation differs significantly in various EU countries.

For example, there is an interesting situation in Spain regarding the provision of financial assistance. According to the decision of the Ministry of Inclusion, Social Security and Migration [24], its amount was established – 400 euros per adult and 100 per minor child, and the term of its provision – 6 months. In some provinces (Valencia, Catalonia, Madrid), the assistance was provided through regional administrations and was paid in full or in part (due to the lack of sufficient funds) only in the summer of 2023. For example, the assistance in Andalusia was provided through the non-governmental organization Red Cross (hereinafter – RC). After the announcement about the collection of documents, some departments did not even know during a month about the type of documents, the basis and procedure for their collection. As a result, the assistance was received by a small number of Ukrainians

who managed to submit documents within two weeks after the announcement of the start of document collection in large cities. Others still do not have any explanation, except of “there is no money”. According to the Associated Press as of March 2023, the Spanish media reported that about eight regions had not yet made any of the promised payments [24; 25].

Besides general, so-called “organizational” issues, a significant problem is related to the legal regulation of the status of temporarily protected persons on the territory of any state and private legal relations with their participation. This problem arises due to the fact that persons enjoying temporary protection are simultaneously subject to two legislations – the legislation of the country of citizenship – Ukraine and the national legislation of the EU country that granted temporary protection. The biggest problems arise in the field of taxation, employment and ensuring the protection of children’s rights. Private international law solves the problem of finding the applicable law by means of connecting factors.

Thus, the Art. 4 of the Law of Ukraine “On Private International Law” [26] establishes (P. 1 of the Art. 4): “The law applicable to private legal relations with a foreign element is defined in accordance with the conflict norms and other conflict law provisions of this Act of legislation, other acts of legislation, international treaties of Ukraine”. If it is not possible to determine the applicable law in accordance with this norm, the law that is more closely related to private law relations shall be applied [26].

Lex personalis of a person is applied to determine the legal status of an individual. The state’s affiliation to a certain legal system implies two options of this binding: within continental law (France, Italy, Belgium, Spain, Portugal, Germany, Sweden, Finland, the Netherlands, Turkey, Iran, Japan) as *lex patriae* or national law and within common law (USA, Switzerland, Norway, Denmark, Iceland, states of the British Commonwealth) as *lex domicilii*. *Lex patriae* (national law) determines the legal personality of an individual according to the law of the state of the citizenship. Thus, *lex personalis* of a person according to the provisions of the Law of Ukraine “On Private International Law” [26], is the law of that state, whose citizen this person is (P. 1 of the Art. 16 of the Law). This means that *lex personalis* for citizens of Ukraine, who have acquired the temporary protection status, is the law of Ukraine. At the same time, it should be noted that, if a citizen of Ukraine acquires the status of a refugee in accordance with the Directive 2001/55/EC, then *lex personalis* according to P. 4 of the Art. 16 of the Law of Ukraine “On Private International Law” [26] will be the law of the state, where a person has the place of residence.

Analysis of the provisions of the aforementioned Law allows us to conclude that *lex person-*

alis is applied to regulate: 1) the civil legal capacity of an individual (the Art. 17); 2) civil capacity of an individual (the Art. 18); 3) recognizing an individual as missing or declaring him / her dead (the Art. 20); 4) the right to a name, its use and protection (the Art. 21); 5) registration of acts of civil status (the Art. 23); 6) guardianship and custody (the Art. 24); 7) rights and responsibilities of children (the Art. 66). However, the Art. 66 of the Law of Ukraine "On Private International Law" [26] in the latter case also allows the use of another option of conflict binding – *lex cause*, that is, we use the law of that state, with which we have the closest certain legal relations. The rights and obligations of parents and children... in accordance with P. 1 of the Art. 66 of the Law of Ukraine "On Private International Law" [26] are determined by *lex personalis* of a child or by the law that is closely related to the relevant relationship and if it is more favorable for the child. Thus, in our case, it will be the legislation of the state, where the child received temporary protection in accordance with the Directive 2001/55/EC.

The importance of clarifying the issue of determining *lex personalis* of a person enjoying temporary protection is related to the fact that there are currently cases in the EU of applying measures to Ukrainian children and their parents by the cognizant authorities of the EU countries that provide temporary protection. These are cases of taking away children from families on the basis of improper performance of parental duties and consideration of the case of depriving parental rights and cases of taking away children from accompanying persons and recognizing children as unaccompanied ones. For example, the Directive 2001/55/EC does not provide legal consequences for persons enjoying temporary protection if they leave the country that granted temporary protection for a short period of time. However, there are cases, when the cognizant authorities of foreign countries took away children from their families only having the information that the parents and the child were going to visit Ukraine and initiated cases of paternity deprivation.

The questions that arise in such situations are related to the legality of the decisions taken by the cognizant authorities and the legislation, which should be applied under the dispute's consideration. Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children of 1996 (hereinafter referred to as the 1996 Hague Convention on Parental Responsibility) [27] and Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (hereinafter – Regulation

No 2201/2003) [28] define the jurisdiction in cases on the protection of children's rights and parental responsibility as the right that is closely related to the relevant relationship and if it is more favorable to the child. It is especially worth noting that the 1996 Hague Convention on Parental Responsibility establishes jurisdiction for refugee children and children displaced to foreign countries as a result of social disturbances. The Articles 5 and 6 contain an indication that for refugee children and children who, due to disturbances occurring in their country, are internationally displaced, the authorities of the Contracting State on the territory of which these children are present as a result of their displacement have the jurisdiction to take measures directed to the protection of the child's person or property [27]. Thus, the law of the country of residence (the country that granted temporary protection) will be applied to cases arising abroad regarding parental responsibility or deprivation of parental rights of citizens of Ukraine who have received temporary protection, and the protection of children enjoying temporary protection.

Citizens of Ukraine enjoying temporary protection in the EU also have difficulties on guardianship and custody issues. Given the fact that some mothers took their children abroad with a notarized certificate of the father regarding the representation of the child's interests abroad by the mother, this certificate is not actually taken into account by the authorities of the host country, since the document is executed in Ukrainian. In cases when the cognizant authorities, for example, the regional authorities, see such a certificate, they provide the appropriate document for signature, which effectively establishes sole mother's guardianship or custody of the child.

The next problem is employment and taxation. It is of interest to Ukrainians who received temporary protection abroad and: 1) officially work for Ukrainian enterprises; 2) work in the host country; 3) registered in Ukraine as individual person – entrepreneur; 4) receive social support [29]. In most cases, it is difficult for citizens of Ukraine enjoying temporary protection to get a job within their professional field. As a result, specialists perform work that does not require qualifications and is poorly paid. Because of a language barrier and ignorance of the legislation of the country granting temporary protection, foreign employers often violate the rights of employees enjoying temporary protection. In particular, we talk about the issues of remuneration, work regime, official employment and social protection.

The key aspect in this context is whether a person enjoying temporary protection considered to be a tax resident of the host country or not. Certain EU countries consider Ukrainians who have been granted

temporary protection as tax residents based on their receipt of a tax number while receiving protection. To find out the answer to the question in the field of tax relations, it is necessary to check the existence of international treaties of Ukraine with other states on the prevention of double taxation (74 of them [30]). Among the criteria for determining tax residency, the Convention mentions: having permanent residence, permanent stay, center of vital interests, etc. The vast majority of EU countries provide the tax resident status for persons residing in a certain country after 183 days of permanent residence there. It should be noted that such an approach according to M. Kramarieva, who has analyzed the international practice, is unjustified due to the forced stay of Ukrainians in EU countries as a result of armed aggression. The author notes that the Organization for Economic Cooperation and Development (OECD) clarified during the quarantine restrictions in 2020-2021 that restrictions on the movement of people between countries due to the quarantine should not lead to a change in their tax residence, since this situation is extraordinary [30].

A person's justification for keeping the status of a tax resident of Ukraine can be based on proving the fact that his or her vital or economic interests are in Ukraine (due to a close socio-economic relationship). As a rule, such interests are in the country, where the person has: permanent residence; official place of work; registered business or entrepreneurship activities; open bank accounts; close family relations; the place where this person's minor child constantly studies (kindergarten, school or University); membership cards to gyms, swimming pools, sport clubs; regularly pays taxes and utility bills [31].

Other problems arise if a citizen of Ukraine is recognized as a tax resident of another country. First of all, a person has to guarantee the realization of the right to reduce the annual taxable income by a certain non-taxable amount (in different countries it can be up to 10-11 thousand euros per year). If the annual income does not exceed the tax-free amount, a person does not pay tax in the host country [32]. Secondly, some countries establish the obligation to pay social contributions.

If a citizen of Ukraine who has acquired temporary protection works abroad and is a tax resident of Ukraine, he or she is obliged to submit an annual income declaration in case of receiving salary and other taxable income abroad. In order to credit foreign taxes, one should obtain a legalized certificate on the amounts of declared income and paid taxes from the tax authority of the host country [29].

If a citizen of Ukraine is registered in Ukraine as an entrepreneur and works abroad remotely (for example, provides IT services), in most cases, he / she must pay local taxes on such income after the expiration of 183 days of staying in a certain coun-

try starting from the day of arrival. According to V. Nevmerzhytskyi it is necessary to be registered as a self-employed person in some countries (that allows paying foreign taxes at lower rates in some countries). If there is no such registration in the host country, the income received by the person from entrepreneurship activities will be taxed by foreign taxes at ordinary personal income tax rates (which can be quite high) without the possibility of deducting business expenses [29].

Conclusions. Summing up the above, we note that the activation of the Directive 2001/55/EC for Ukrainians who were forced to flee the country led to the timely (in the emergency sense) application of the mechanism of providing them with temporary protection. Specific features of the procedure for granting a person temporary protection status and the scope of the rights are prescribed in details by the national legislation of the host country, although the minimum standards are defined in the Directive 2001/55/EC. As a result of ongoing armed aggression, states are forced to "be adapted" to the current problems, which leads to the establishment of time-bound requirements for the provision of the relevant minimum standards in line with the Directive 2001/55/EC and their scope. Particular attention should be focused on the issues of harmonizing the provisions of the Directive 2001/55/EC and the national legislation of Ukraine, as well as the countries providing temporary protection.

We believe that the study of certain types of private law relations with the participation of citizens of Ukraine enjoying temporary protection on the territory of the EU is very perspective area for further scientific research.

Bibliography

1. Баламуш М. А. "Міграційне право" та "міграційний режим" як категорії юридичної науки. *Правова держава*. 2016. № 23. С. 54–57.
2. Мозоль А. Характеристика і аналіз міграційного законодавства та міграційних процесів України. *Право України*. 2001. № 4. С. 118–122.
3. Супруновський А. І. Міграційне право як нова галузь українського права: до постановки питання. *Вісник Запорізького національного університету. Юридичні науки*. 2014. № 4(2). С. 30–36.
4. Пархоменко Н. Міграційні процеси як чинник впливу на міжетичну консолідацію. *Українознавчий альманах*. 2016. Випуск 19. С. 73–76.
5. Поліщук О. В. Міжнародні міграційно-трудо-ві відносини як об'єкт міжнародно-правового регулювання. *Журнал східноєвропейського права*. 2015. № 13. С. 132–140.
6. Bastaki, J. (2018). Temporary Protection Regimes and Refugees: What Works? Comparing the Kuwaiti, Bosnian, and Syrian Refugee Protection Regimes. *Refuge*, 34(2), 73–84. <https://doi.org/10.7202/1055578ar>
7. Richard Black, Stephen R. G. Bennett, Sandy M. Thomas & John R. Beddington (2011). Migration as adaptation. *Nature*. volume 478, p. 447–449 URL: <https://www.nature.com/articles/478477a#citeas>

8. Grant, S. (2005). International migration and human rights. 36 p. URL: https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP7.pdf
9. Martin, S. (2005) The legal and normative framework of international migration. 42 p. URL: https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP9.pdf
10. Омельченко А. В. Правові засади отримання та використання міжнародної технічної допомоги в Україні. *Наукові записки. Серія: Право*. 2021. № 11. С. 63–74.
11. Свящук А.Л. Проблеми прав біженців: навчальний посібник. Харків: Вид-во, 2018. 324 с.
12. Теремецький В. Правове регулювання перетину державного кордону України біженцями умовах воєнного стану. Збірник наукових праць «Приватне право і підприємництво». 2023. Випуск 23. С. 212–227.
13. Teremetskiy V., Kalashnyk O., Brusakova O., Dzhafarova M., Kurych I., Sushch O., Topchii V. Specific Features of Proving in Disputes on Recognizing Persons as Refugees: on the Basis of Case Law of Ukrainian Supreme Court and the European Court of Human Rights. *Journal of Legal, Ethical and Regulatory Issues*. 2021. Vol. 24, Special Issue 1, Business Ethics and Regulatory Compliance, 1–9. URL: <https://www.abacademies.org/abstract/specific-features-of-proving-in-disputes-on-recognizing-persons-as-refugees-on-the-basis-of-case-law-of-ukrainian-suprem-12342.html>
14. Левандовські К. М. Тимчасовий захист та статус біженця в контексті української кризи. *Науковий вісник Міжнародного гуманітарного університету. Серія: Юриспруденція*. 2022. Вип. 55. С. 88–93.
15. Malynovska, Olena (2023). Naskilky tymchasovym ye tymchasovyi zakhyst: pryklad vymushenykh mihrantiv z kolyshnoi Yuhoslavii [How Temporary is Temporary Protection: the Example of Forced Migrants From the Former Yugoslavia]. *Demohrafiia ta sotsialna ekonomika – Demography and Social Economy*, 1 (51), 53–72. <https://doi.org/10.15407/dse2023.01.053>
16. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. URL: <https://eur-lex.europa.eu/eli/dir/2001/55/oj>
17. Директива Ради Європи 2001/55/ЄС про мінімальні стандарти для надання тимчасового захисту у разі масового напливу переміщених осіб та про заходи, що сприяють збалансованості зусиль між державами-членами щодо прийому таких осіб та відповідальності за наслідки такого прийому від 20 липня 2001 року. URL: <https://ips.ligazakon.net/document/MU01293>
18. Refugee inflow from Ukraine. Official web-site of European Council, Council of European Union. URL : https://www.consilium.europa.eu/en/policies/eu-migration-policy/refugee-inflow-from-ukraine/?utm_source=twitter.com&utm_medium=social&utm_campaign=20231019-jha-temporary-protection-ukraine&utm_content=visual-card
19. Näre, L, Abdelhady, D and Irastorza, N. What Can We Learn from the Reception of Ukrainian Refugees? *Nordic Journal of Migration Research*, 12(3), 2022. pp. 255–258. DOI: <https://doi.org/10.33134/njmr>
20. Несчетна С. Чотири країни платять українцям за повернення додому: суми вас здивують. *ТСН*. 23.10.2023 р. URL : <https://tsn.ua/exclusive/chotirir-krayini-platyat-ukrayincyam-za-povernennya-dodomu-sumi-divuyut-2435458.html>
21. Інформація про тимчасовий захист. Україна. Березень 2022. Офіційний сайт Офісу притулку та біженців. URL : https://www.interior.gob.es/opencms/pdf/2022/Ucrania-Protccion-Temporal/1.-MININT_Prot_Temp_UCR_07_UCRANIANO.pdf
22. Tilap inen suojelu Ukrainasta paenneille. Maahanmuuttoviraston virallinen verkkosivusto. URL : <https://migri.fi/ukraina>
23. Temporary protection for Ukrainian citizens and their family members. Information on the war in Ukraine. Estonian Police and Border Guard Board. URL : <https://www.politsei.ee/en/instructions/information-on-the-war-in-ukraine/temporary-protection-for-ukrainian-citizens-and-their-family-members>
24. Spanish bureaucracy leaves Ukrainians waiting for cash help. URL : <https://apnews.com/article/ukraine-war-refugees-spain-b03b0473c4adc3a7fb641d0a92a5e6fa>
25. Українські біженці в Іспанії досі не отримали грошову допомогу. *Район, закордон*. 3 березня 2023 р. URL : <https://zakordon.rayon.in.ua/news/580094-ukrainski-bizhentsi-v-ispanii-dosi-ne-otrimali-groshovu-dopomogu>
26. Про міжнародне приватне право: Закон України від 23 червня 2005 року № 2709-IV. URL : <https://zakon.rada.gov.ua/laws/show/2709-15#Text>
27. Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children (Concluded 19 October 1996). URL: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70#ch1>
28. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003R2201>
29. Невмержицький В. Про подвійне оподаткування українських біженців. *European Business Association*. 6 червня 2023. URL: <https://eba.com.ua/pro-podvijne-opodatkuvannya-ukrayinskyh-bizhentsiv/>
30. Особливості оподаткування ФОПів, які виїхали з України під тимчасовий захист в Європу. Блог Марини Крамарєвої. Блог UA. URL: <https://dev.ua/blogs/posts/foru-1683000632>
31. Вінокуров Я. Мільйони українців ризикують заплатити податки зі своєї зарплати двічі. Як цього уникнути? *Українська правда. Економічна правда*. 12 жовтня 2022 р. URL: <https://www.epravda.com.ua/publications/2022/10/12/692515/>
32. Зведена інформація Міністерства фінансів України про оподаткування за кордоном. URL: https://mof.gov.ua/uk/taxation_abroad-654