

To the ministries of Health, Welfare and Sports (VWS) and Justice and Safety (JenV),  
t.a.v. Secretary of State, Mr M. van Ooijen and Secretary of State, Mr E. van der Burg

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Datum	Bijlage(n)
21 august 2023	-
Contactpersoon	Doorkiesnummer
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Onderwerp	Ons kenmerk
Temporary protection directive	VA23-072

Dear Mr. van Ooijen and Mr. van der Burg,

In light of the Government decision, communicated to the Parliament on June 8<sup>th</sup> 2023, to end access to temporary protection as of 4<sup>th</sup> of September 2023 for third country nationals holding a temporary Ukrainian residence permit, FEANTSA, the European Federation of National Organisations Working with the Homeless, and its Dutch member Valente, the national association of shelters in the Netherlands, would hereby like to raise awareness on the risk of destitution and homelessness among this group of refugees, for whom the right of residence and reception will soon be cancelled.

We, the signatories, regret the government's decision to put an end to the right of TCN to Temporary Protection (TP), as this is a regressive measure and it removes the Netherlands from the list of countries who had a broader and more humane approach to the scope of the Temporary Protection Directive (TPD), applying it as encouraged by the Council decision 2022/382 of 4 March 2022 *“to all other stateless persons or nationals of third countries other than Ukraine residing legally in Ukraine who are unable to return in safe and durable conditions to their country or region of origin”*.<sup>1</sup>

As of the 4<sup>th</sup> of September, this decision will mean that an estimated of 2500 people, mostly students, but also families with children, citizens of third countries who fled the war in Ukraine and who are currently supported by members of Valente, will lose the right to protection under the TPD. Many of the third country citizens who accessed temporary protection previously have found work in the Netherlands already and they provide for themselves, however they require support with accommodation and further inclusion. Returning to their country of origin is most likely not an option for many of these individuals, who started already building a life in the Netherlands; applying for

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<sup>1</sup>[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

asylum would represent a step back in their societal inclusion, as we well know that this process is much lengthier and complex than the temporary protection. In this uncertain context, we fear that these people will disappear into illegality, with the risk of abuse and degrading situations. Without income, food, medical help and shelter, around 2,500 people will find themselves on the streets and municipalities that support them will be confronted with chaotic situations and additional pressure on services.

Furthermore, we would like to inform you that we are waiting for the outcome of a number of legal proceedings and a judgment of the Council of State contesting the decision to end the reception of third-country nationals under TP. There is a real chance that the Council of State will reverse this decision, however the result of this will not be known before September 4, 2023. Moreover, we strongly believe that there is no need to await the outcome of these procedures and that the state must act immediately to prevent unnecessary harm and suffering among this group of people. These people are being robbed of their future for the second time, first in Ukraine and now in the Netherlands. An extension of the scope of the directive would also prevent damage and chaos in municipalities, given that social shelters in the Netherlands are at maximum capacity, homelessness of even more people must be prevented at all times.

FEANTSA and Valente call on the state representatives to extend the temporary protection for third country nationals on equal footing with the Ukrainian citizens in the Netherlands.

As a last resort, in situations where people will not be able to access a residence permit in the Netherlands under temporary (or international) protection, we call on the government to make a concrete and realistic plan of action in the coming period in case these people have to return to their country of origin, with the aim of ensuring a dignified stay until return procedures are set in place and safe travels to the countries of return.

Yours sincerely,



Frek Spinnewijn  
FEANTSA Director



Esmé Wiegman-van Meppelen Scheppink  
Director Valente

*FEANTSA is the European Federation of National Organisations Working with the Homeless. We are the only European NGO focusing exclusively on the fight against homelessness. Our goal is an end to homelessness in Europe. FEANTSA works with over 130 members across 29 countries including 22 EU Member States.*

*Valente is the national association in the Netherlands for organizations that provide help and support to vulnerable people in our society, such as homeless people, people experiencing domestic violence and people in assisted and sheltered housing. Our goal is to represent their interests. Valente's members reach out to more than 150.000 vulnerable people on an annual basis.*