

Methodological note

GUIDANCE ON THE INCLUSION OF REFUGEES FROM UKRAINE WHO BENEFIT FROM TEMPORARY PROTECTION IN THE EU IN THE USUALLY RESIDENT POPULATION

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UNIT F2 — POPULATION AND MIGRATION

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1.0	16 JANUARY 2023	

General situation

Russia's military aggression against Ukraine in 2022 has resulted in the movement of millions of people from Ukraine to seek refuge in EU Member States and other countries. The increase in the number of people moving from Ukraine raises the issue of their proper classification in demographic and migration statistics, and possibly in future population and housing censuses.

In March 2022, the European Commission activated the Temporary Protection Directive 2001/55/EC for people from Ukraine seeking refuge. This directive aims to help displaced persons bypass the usual asylum procedures, allowing them to stay for at least one year in the host country (with an automatic extension for a further year), and have an immediate right to work and to access health-care, social welfare and education. The mechanism attempts to provide immediate protection for displaced persons who cannot return to their home country due to the war. Temporary protection can be granted by any Member State, not only by the first country reached by the person moving from Ukraine.

In April 2022, Eurostat invited Member States and EFTA countries to transmit voluntarily monthly data on grants of temporary protection to persons fleeing Ukraine due to the Russian invasion. The purpose of this request was to ensure the timely availability of official statistics in this area. These data refer to the number of temporary protection statuses granted at first

instance during the reference month to persons fleeing Ukraine¹, as well as the stock of beneficiaries of temporary protection statuses at the end of the month². Member States also provide quarterly and annual data on temporary protection decisions on a mandatory basis, as Regulation (EC) No 862/2007 foresees collection of quarterly data on grants of temporary protection at first instance (Art. 4.2(d)) and annual data on grants of temporary protection at final instance in appeal/review (Art. 4.3(e)). Quarterly data³ for the first quarter of 2022 were due by 31 May 2022 and annual data for the year 2022 by 31 March 2023.

As a baseline – showing the numbers and demographic, employment, education and household characteristics of Ukrainians already resident in the EU before the Russian invasion – Eurostat has requested an early and additional collection of 2021 census data on Ukrainian citizens.

Impact on demographic and migration statistics

As a result of the above circumstances, at the end of 2022, the number of people from Ukraine living in EU Member States under the rules for temporary protection is significant. Eurostat believes that some guidance may be necessary concerning recommended practices on the inclusion/exclusion of these people in the annual demographic and migration statistics. Specifically, this issue concerns whether people from Ukraine who have sought refuge in EU Member States should be included in the usually resident population, and therefore in the population and migration statistics. It also concerns the treatment in the statistics of events - including vital events (births, deaths, foetal deaths) and dual events (marriages and divorces) - occurring to these people following their departure from Ukraine.

An earlier version of this guidance note was discussed with National Statistical Institutes during the Eurostat Working Group on Population Statistics in November 2022, and was the subject of a written consultation in December 2022. This updated version of the note contains information and clarifications that aim to address points raised during these consultations.

It is recognised that methods and data sources differ considerably between Member States, and this can mean that there may be challenges in applying fully all aspects of these guidelines. For those countries that use population registers and other administrative sources to produce population statistics, there may be specific difficulties in ensuring that persons from Ukraine who have been granted temporary protection are correctly included within the usually resident population – particularly during the first year following their arrival. However, the use of common guidelines and their application as closely as possible given the national

¹ Eurostat database, Temporary protection (migr_asytp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asytpfm/default/table?lang=en

Eurostat database, Temporary protection of unaccompanied minors (migr_asyumtp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asyumtpfm/default/table?lang=en

² Eurostat database, Temporary protection (migr_asytp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asytpsm/default/table?lang=en

Eurostat database, Temporary protection of unaccompanied minors (migr_asyumtp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asyumtpsm/default/table?lang=en

³ Eurostat database, Temporary protection (migr_asytp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asytpfq/default/table?lang=en

Eurostat database, Temporary protection of unaccompanied minors (migr_asyumtp)

https://ec.europa.eu/eurostat/databrowser/view/migr_asyumtpfq/default/table?lang=en

circumstances will help to ensure the comparability and overall quality of European population statistics. It is particularly important that the total population figures used for Qualified Majority Voting in the Council of the EU continue to be based on a strict application of the usual residence definition as required under Regulation (EU) No 1260/2013.

The exact approach adopted by Member States should be clearly explained in the associated metadata, with any departure from these guidelines being explained and the likely impact on the statistics assessed.

POPULATION STATISTICS

A central principle should be that persons seeking refuge from Ukraine should be treated in the statistics in the same way as any other population group, with regard to the application of usual residence definitions and in the production of European population and migration statistics, as well as statistics on events.

For the purposes of population statistics, Regulation (EU) No 1260/2013 states that the following persons alone shall be considered to be usual residents of a specific geographical area:

- a) those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference time; or
- b) those who arrived in their place of usual residence during the 12 months before the reference time with the intention of staying there for at least one year.

Where the circumstances described in point a) or b) cannot be established, 'usual residence' can be taken to mean the place of legal or registered residence (except for the purposes of total population collected for qualified majority voting in the Council).

Application of the usual residence definition to people from Ukraine granted temporary protection

As regards data for the end of 2022, criterion a) cannot be met as temporary protection has been granted only since March 2022. It is not yet possible for people granted temporary protection to have an actual stay of 12 months.

However, criterion b) is to be considered. Persons granted temporary protection have the right to remain for at least one year. Although some Member States have issued initial permits allowing the recipient to remain for less than one year (often starting on the date of registration for temporary protection and ending on the March 2023 anniversary of the temporary protection directive being implemented), under the terms of the directive, these permits can be renewed for a further one year period.

Although an unknown number of people seeking refuge from Ukraine may since have returned to Ukraine or moved to another country, those believed to be still present at the end of the year may reasonably be assumed to intend to remain for at least 12 months. These persons satisfy criterion b) and, thus, should be included in the usually resident population of the country where they were granted the temporary protection status.

For those Member States that apply the default definition of usual residence under Regulation (EU) No 1260/2013, whereby usual residence is based on legal or registered residence, persons from Ukraine granted temporary protection may also be regarded as usually resident. The

person has registered with the national authorities to receive temporary protection and has the right to remain for at least 12 months. They also have the rights commonly associated with usual residence (employment, education, access to health care and social welfare). This can be regarded as indicating that the destination country is the place of legal or registered residence, and this should therefore be seen as their place of usual residence by default.

MIGRATION STATISTICS

As regards international migration statistics, Regulation (EC) No 862/2007 defines usual residence, immigration and immigrant as follows:

- ‘usual residence’ means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;
- ‘immigration’ means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country;
- ‘immigrant’ means a person undertaking an immigration.

As noted above, persons from Ukraine granted temporary protection should be counted as part of the usually resident population. Based on this, those who arrived from Ukraine and were granted temporary protection during the year – and who are believed to still be present at the end of the year – should be counted as immigrants during the year and as part of the migrant stock at the end of the reference period.

EVENTS

As a general principle, events should be counted according to the place of usual residence of the person to which the event occurred. Therefore, events occurring to persons from Ukraine granted temporary protection, and who meet the earlier conditions necessary to be part of the usually resident population of a particular Member State, should be included in the demographic statistics reported by that Member State. This should include live births to usually resident women, foetal deaths, deaths, marriages and divorces.

Information on persons from Ukraine who may have left the Member State

It is believed that a large but unknown number of persons who arrived from Ukraine may since have returned to Ukraine or moved to another country. Clearly, this presents a complication for the application of these guidelines.

For the purpose of inclusion or exclusion from the population statistics, a decision on whether the person is still present in the Member State concerned should be based on the best and latest available information.

This may be at

- micro level - administrative information about an individual person
- macro level - scientifically based and documented estimations of the proportions with particular demographic characteristics who may remain in the Member State.

Depending on the availability of suitable administrative data, signs of life methods, whereby a series of actions recorded in administrative systems (such as a person starting employment, applying for social benefits or taking part in education), may be applied to help determine whether a person has remained within the country or has departed. These methods are often used to facilitate the use of administrative data for population statistics, and may be particularly important when applied to persons who have arrived from Ukraine.

There are a number of difficulties associated with producing population statistics on groups that are likely to be highly mobile and that may stay only for a limited time (less than 12 months) in a particular country. There is always a risk that some people will not be correctly recorded and that vital and dual events will not be counted. These challenges are clearly illustrated by the difficulties of correctly counting persons who have arrived from Ukraine.

Examples

Four examples are presented below in an attempt to clarify the situation further.

EXAMPLE 1

A person arrived in a Member State from Ukraine in April 2022. They have applied for and been granted temporary protection. The national authorities have no information that the person has since left the Member State concerned.

For statistical purposes, this person should be treated as:

- Usually resident on 31/12/2022
- An immigrant to the Member State during 2022
- Any events occurring to the person during 2022, and after their arrival in the Member State concerned, should be included in the demographic statistics.

EXAMPLE 2

A person arrived in a Member State from Ukraine in April 2022. The person applies for and is granted temporary protection. In October 2022, the national authorities in the Member State were informed that the person has returned to Ukraine or moved elsewhere outside of the EU.

For statistical purposes, this person is:

- Not usually resident on 31/12/2022
- Not an immigrant to the Member State during 2022
- Events occurring to the person should not be included in the demographic statistics.

EXAMPLE 3

A person arrived in Member State A from Ukraine in April 2022. The person applies for and is granted temporary protection.

In July 2022, the person moves to Member State B.

Decisions on inclusion or exclusion in the statistics need to be based on the best information available to each Member State.

For Member State A:

- If national authorities are not aware of the departure to Member State B, the same principles as Example 1 apply – the person should be treated as usually resident in Member State A, as an immigrant to A, with any events counted by A)
- If national authorities are aware of the departure to Member State B, the same principles as Example 2 apply (not usually resident in Member State A, not an immigrant to A, with any events not counted by A)

For Member State B:

- The same principles as Example 1 apply, as the person has arrived during 2022 and it may be concluded that they will remain for 12 months or more (usually resident in Member State B, an immigrant to B, any events counted by B).

EXAMPLE 4

A person arrived in a Member State from Ukraine in April 2022. The person applies for and is granted temporary protection. In July 2022, the person returns to Ukraine but then comes back to the Member State in October 2022.

For statistical purposes, the temporary return to Ukraine does not change the person's usual residence. There should therefore be treated as

- Usually resident on 31/12/2022
- An immigrant to the Member State during 2022
- Events occurring to the person during 2022 and after arrival in the Member State concerned should be included in the demographic statistics.

Summary and concluding points

The general conditions, as set in the relevant EU statistical legislation, that define whether or not a person is included in the usually resident population should be applied equally to persons from Ukraine granted temporary protection. Rules regarding inclusion in the usually resident population, based on actual or expected duration of residence or registration, should be applied to persons from Ukraine granted temporary protection in the same way as for any other population group.

In many cases, the available information on the duration of actual or permitted residence, and on the likely intentions of these persons, should result in their being included in the usually resident population.

A person's inclusion in the statistics on population and international migration, and the inclusion of events in the demographic statistics, should be based on the preceding decision on whether the person should be regarded as usually resident.

Although national practices may vary according to statistical methods and available data sources, every effort should be made to apply these guidelines as closely as possible. The highest priority should be given to ensuring that the total population statistics that are used for Qualified Majority Voting in the Council are produced in a harmonised manner that fully applies the concept of usual residence.

Member States should report on the detailed application of these guidelines in the associated metadata, as well as providing any other information useful for the interpretation of the statistics such as the sources and availability of information on persons who may have returned to Ukraine or moved to another Member State or third country.