

(English version)

**Question for written answer E-002349/26
to the Commission**

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(8 June 2026)

Subject: Access to Temporary Protection Directive provisions in Belgium for babies born after 24 February 2022

Since Russia's invasion of Ukraine, the EU Temporary Protection Directive ⁽¹⁾ has provided essential protection to displaced persons across the EU. Serious concerns have nevertheless arisen regarding children born in Ukraine after 24 February 2022 to mothers benefiting from temporary protection in Belgium.

According to the information received, these children are not granted temporary protection or an equivalent residence status in Belgium, despite their mothers being lawfully present under the temporary protection regime.

After 90 days, many reportedly remain without a secure residence status, health insurance or effective access to basic rights. Families are instead directed towards family reunification procedures.

This situation appears inconsistent with the objectives of Council Implementing Decision (EU) 2022/382 ⁽²⁾, notably Recital 11, which highlights the importance of preserving family unity and avoiding diverging statuses within the same family, and Recital 14, which allows Member States to extend protection to additional categories of persons.

1. Is the Commission aware of this situation, and has it assessed the compatibility thereof with EU temporary protection rules?
2. Does the Commission consider this approach to be compatible with family unity and the best interests of the child?
3. What action will the Commission take to ensure a consistent approach across Member States?

Submitted: 8.6.2026

Answer given by Mr Brunner on behalf of the European Commission
(31 August 2026)

The Commission is aware of the situation and is in contact with the relevant Belgian authorities with a view to getting a better understanding of the situation and supporting them in the correct implementation of the Temporary Protection Directive (Directive 2001/55/EC) ⁽¹⁾.

Member States must pay particular attention to the objectives of preserving family unity, under Article 15 of Directive 2001/55/EC ⁽²⁾ and Recital 11 of Implementing Decision 2022/382 ⁽³⁾, as well as to the requirements of the Charter of Fundamental Rights, notably Articles 7 and 24 on respect for family life and the child's best interests, and Article 21 on non-discrimination.

The implementation of the directive has not been without challenges across the EU, but due to the continued efforts of the EU institutions and Member States, it continues to offer protection for millions of displaced persons fleeing Russia's war of aggression.

The Commission will continue to work closely with Member States' authorities to ensure the most effective implementation of the Temporary Protection Directive and to address any emerging challenges in this context.

¹ 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 (OJ L 212, 7.8.2001, p. 12, ELI: <http://data.europa.eu/eli/dir/2001/55/oj>).

² 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 (OJ L 71, 4.3.2022, p. 1, ELI: http://data.europa.eu/eli/dec_impl/2022/382/oj).

⁽¹⁾ 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, OJ L 212, 7.8.2001, pp. 12-23.

⁽²⁾ See above.

⁽³⁾ 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, OJ L 71, 4.3.2022, pp. 1-6.