

ASSESSING EU READINESS TO MANAGE UKRAINIAN REFUGEES: FROM OPENNESS TO LEGAL LIMITATION

Mohammad Thoriq Bahri¹

Abstract

As per October 19, 2022, seven million people had fled to the closest border, because of Russia invasion. Twitter provides information on potential migration issues. This research was conducted by using qualitative Social Network Analysis (SNA) and doctrinal law analysis to measure the openness of the European Union (EU) public and identify the legal limitation which may happen in the process. The SNA is performed by utilizing 7,171 tweets with the hashtags #immigration and #ukrainerefugees obtained between February 27 and March 3, 2022. Based on data analysis, it discovered that most Twitter users in the EU had a high level of receptivity toward Ukrainian refugees, as evidenced by the 3776 positive sentiments. However, found that the duration of protection and refugee determination process are two examples of legal limitations, which threaten the refugees. Then, a further legal framework is required to guarantee the protection of Ukrainian refugees.

Keywords

Ukraine, European Union (EU), Refugees, Immigration Law, Social Network Analysis (SNA)

I. Introduction

Displacement issues are continuously happening and are predicted will be doubled in 2023 (Jan and Drc, 2023). Based on International Organization for Migrants (IOM) World Migration Report 2022, more than 89.4 million people are displaced worldwide, consisting of 26.4 million refugees, 55 million internally displaced, and 4.1 million asylum seekers (International Organization for Migrants (IOM), 2021). Recently, three significant world events have prompted people to flee their country of origin. First, the 2008 economic crisis caused people to lose their capital and go abroad to look for better opportunities, even though the crisis had only short-term effects (Beets and Willekens, 2009). Second, the Arab Spring revolution, which started from a social media platform, triggered an uprising,

¹ University of Szeged, 13 Dugonics square, H-6720 Szeged, Hungary. E-mail: thoriq.kugsis@gmail.com.
Directorate General of Immigration, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta Selatan, 12940, Indonesia. E-mail: mohammad.thoriq@kemenkumham.go.id.

and resulted in a mass wave of refugees moving from the Middle East and North African countries to the European Union (EU), Malaysia, and Indonesia (William V. Spanos, 2012). Third, the 2015 refugee crisis in Europe pushed more than one million asylum seekers to leave their homes, most of them from Syria, followed by other Middle Eastern and North African countries (Quinn, 2016). The Russian invasion of Ukraine may spark the next crisis.

The recent Russian invasion can be seen as the result of the difference in geopolitical view, which had already been taking place in Ukraine for more than two decades (Anastasia, 2015). Almost every election or opinion poll hinted at the existence of two poles: one *pro-Western* and the other are *pro-Moscow*, which led Ukraine into four intertwined existential crises: economic, political, territorial, and diplomatic with Russia (Anastasia, 2015). The difference in geopolitical view, which caused the “cold war” between the Ukrainians, ended up with the military invasion undertaken by Russia on February 24, 2022, and has been called the biggest Russian invasion since World War II (Grajewski, 2022). As of October 19, 2022, recorded 7,710,924 Ukrainian refugees have already left their homes for neighbouring countries (UNHCR, 2022). Most of these refugees have fled to Poland, Romania, the Republic of Moldova, Hungary, Slovakia, and Belarus.

The increasing number of refugees leaving Ukraine during the war, which has been characterized as the fastest and largest movement of people since World War II, could potentially lead to the greatest refugee crisis of this century if not well managed (Annie et al., 2022). The United Nations High Commissioner for Refugees (UNHCR) suggested that more than four million refugees, which is triple the number of those during the 2015 refugee crisis in Europe, will enter the EU territory (Global Detention Project, 2022).

The EU member states are receiving these people with openness, socially and politically, driven by the digital society. More than 25.70 million social media accounts were being used by Ukrainians as of January 2021 (Kemp, 2022), most of them are Twitter accounts. Twitter is critical because it’s the most readable, and open social media platform with most of political related conversation is happened there (Dupuis et al., 2019), it’s also became tools by which people could “shout” with their voices, and as a way for the government to influence public opinion about public policy (Zhdanova and Orlova, 2017). This kind of action can result in *public-driven policy*, which becomes the main parameter in policy formulation and in shaping public administration law (Nguyen, 2021). In the Ukrainian case, many activists, NGOs, or even ordinary people who are *pro-Ukrainian* pushed the EU, through their use of social media, to give more access and protection to the Ukrainian refugees. At the same time, many *pro-Russians* have also employed social media to expand their propaganda. This “social media war” led the European Commission to give access to Ukrainian refugees to enter the EU border (Scott and Kern, 2022).

Immediate action has been taken by the European Commission, by allocating 6.8 billion euros as emergency assistance to support the Ukrainian refugees (UN Development Programme, 2022). They also received support through the Blue Dots program, which was initiated by the UNHCR, UNICEF, and local governments to provide refugees with food, water, and shelter, starting at the border zone (UNICEF, 2022b). After leaving the border zone, these refugees gain free access to cross into any EU member country,

and the U.K., by using a “solidarity” ticket which enables them to travel freely by any mode of transportation between the EU member states (European Commission, 2022). The Ukrainian refugees have also received assistance from local governments, and even Airbnb, a home-sharing company that offered 100,000 rooms to support these people and family members (Quach, 2022).

EU member states have eased immigration law as well in terms of refugee policy. In brief, Ukraine itself is not an EU member country, which means Ukrainians, legally, have to apply for a visa to enter EU territory, however, during the war, the EU has implemented a free movement policy for refugees who originate from Ukraine (ECRE, 2022). Also, in terms of international protection, Ukrainian nationals, and their family members, stateless persons and their family with third-country nationals, and permanent resident holders who face difficulty returning to their homes are provided human rights protection, including the right to extend their stay for a maximum of one year in any EU member state, a work permit that enables access to the labour market, housing, medical support, and educational opportunities (UNHCR, 2022).

Based on the facts presented above, the countless support provided by the EU as institution or public movement is based on the crisis situation, EU nations are still heavily involved in this situation to provide services and temporary housing that are necessary (Ho et al., 2022). Then, a question arises, what is the long-term legal solution to be taken by the EU? That question has emphasized the importance to understand the legal limitation and further action which needs to be taken by the EU to address the Ukrainian refugees. First, this paper analyses data obtained from Twitter social media, with the hashtags #immigration and #ukraine, and carries out a social network analysis (SNA) to identify the public openness in the EU member states. Second, the legal background and limitations in refugee handling will be discussed. Then, the potential legal problem can be identified, and the right policy can be smoothly enacted without departing from legal requirements in future refugee policy.

II. Methodology

The research method is one factor that is sufficiently important in researching because the basic research method is a scientific way to obtain data with a specific purpose. In legal analysis, qualitative methods can be utilized to examine legal instruments systematically (Linos and Carlson, 2017). The qualitative doctrinal research methodology was used in this study. Case summaries and other common primary and secondary legal sources were not the only ones used in the study. The EU legal and regulation databases, and INTERPOL-related documents were all utilized in the literature reviews for this study. Furthermore, the primary data analysis methodology which used in this study can be explained as follows:

A. Social Network Analysis (SNA)

Social network analysis (SNA) is the method for collecting and analysing the data used in this research. In general, SNA identifies the conversation patterns that occurred in a particular hashtag, and public sentiments, to investigate the effects of public opinion on refugee management.

Specifically, the data extraction in this research was performed by using RStudio, and the data analysis was conducted by using NodeXL Basic Version and Gephi Mapping, version 0.9.2, to understand the conversation pattern. The data extraction was carried out with data mining, which is the process of extracting data and patterns from large data sets (Bode et al., 2015). The data mining process is shown in Table 1.

Table 1: Data Mining Step-by-Step Process

Data Mining Task	Description	Techniques
Segmentation or Clustering	Clustering the data obtained from the social media platform based on the category	* Cluster Analysis
Classification	Labelling the data set based on the specific category	* Bayesian classification * Decision tree induction * Artificial Neural Networks * Support Vector Machine
Association	Analysing the conversation pattern happening between the users	* Association rules * Bayesian networks
Deviations	Mapping the analysis to understand the conversation pattern	* Cluster analysis * Outlier detection * Evolution analysis
Trends	Summarizing the analysed database	* Regression * Sequence Pattern extraction
Generalizations	Explaining the results by using the relevant theory	* Summary rules * Attribute-oriented induction

Source: Kitchin (2014)

The massive data sets generated by the Twitter social media platform can provide pieces of meaningful information that are non-random, valid, novel, useful, and ultimately understandable (Bode et al., 2015).

The SNA utilized in this research can help the researcher understand the patterns of connectivity between the involved actors. The involved actors (individuals, groups, or organizations) are drawn in the form of the completed network map, represented by nodes and lines that connect each other. SNA may be used to examine the function of users in a discussion network, as well as to characterize and map network interactions and study a system's structure (Larson et al., 2019). SNA provides a theoretical framework for testing hypotheses about collective behaviour and social interaction, as well as a theoretical technique for exploring the interaction of players in a system (Borgatti et al., 1992).

This research used Twitter big data obtained between February 27 and March 7, 2022. The specific date was chosen for several reasons. First, the full-scale invasion of Ukraine by Russia started on February 27, 2022, at 6:00 a.m., which was directly announced by Vladimir Putin (Jazeraa, 2022). Second, the hashtag related to the war, which mainly focused on immigration issues, started to be used worldwide immediately after the war began. Third, the first official responses of the European Parliament took place on March 1, 2022, which focused on a directive to all of the EU member states to simplify border check-point processes for Ukraine refugees (2022/C 104 I/01) (Providing Operational Guidelines for External Border Management to Facilitate Border Crossings at the EU-Ukraine Borders, 2022).

After the data were extracted with NodeXL software, the analytical tools RStudio software, version 4.0, with the Snowball, Rstem, Twitter, TM, NLP, sentiment analysis, and sentiment packages were used to analyse the text of tweets and sentiments in those specific tweets. Then, Gephi Mapping software, version 0.9.2, was used to identify the interactive map and actors. RStudio programming with Python language programming was used to analyse big data-based data from Twitter. Finally, relationships can also be weighted or valued, and this can be used to assess the strength or frequency of information sharing in a network, and also identify what the public thinks about an issue.

Data

The data used for analysis in this research consist of 7,171 tweets from worldwide, which were obtained from February 27 to March 7, 2022 (See Table 2).

Table 2: Details of Data Used

Tweet Direction	Number of Observations
Mentions	2209
Retweet	4511
MentionsInRetweet	5659
Tweet	2124
Replies to	452

Source: Authors, from the data analysis

The data sets only contain data related to the #immigration hashtag, the primary hashtag on Twitter, in observing worldwide immigration. The #immigration hashtag appeared as the primary hashtag, followed by #Ukraine, #Refugees, and other related identified hashtags, such as #freevisaukraine, #staywithukraine, #helpukrainerefugee, and #stopthewar. The data also contains the relation between the tweets, such as “replies to”, which explain the links between actors; “mentions”, to examine the level of a user to other users for each tweet that is not a retweet; and a self-loop edge for each tweet that is not a “reply to” or a “mention”.

Tools

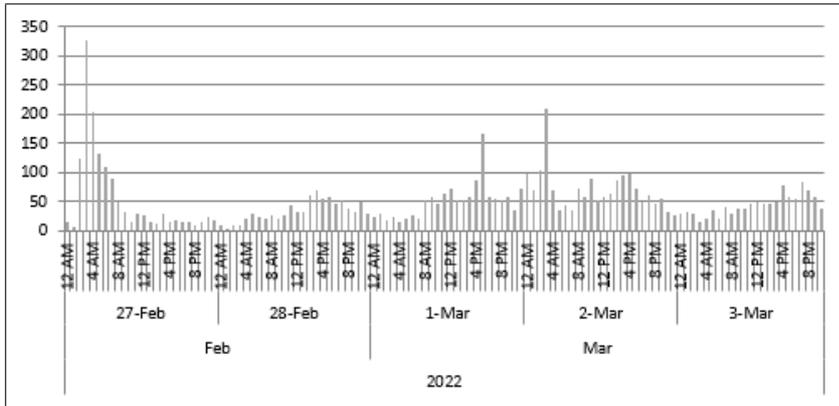
Three clustering techniques are provided by NodeXL software in the analysis tools. The Stanford Network Analysis Platform library is the first clustering algorithm, and it calculates network metrics from an analysed graph (Isa and Himelboim, 2018). The second algorithm is the Wakita-and-Tsurumi algorithm, followed by the Girvan-Newman algorithm and the Clauset-Newman-Moore algorithm. The Clauset-Newman-Moore technique is used in this study to comprehend related vertices and classify them. The data are then organized into multiple databases to examine the discussion starter, influencer, active engager, network builder, and information bridge.

III. Results and Discussion

A. Public Participation and Openness in European Union

The first question in this research is how the EU public reacts to the Ukrainian Refugees? That question will be answered by using the Social Network Analysis (SNA), the results were studied chronologically to see how social media and administrative legislation on refugee processing complement one another. In this analysis, the period between February 27 and March 4, 2022, was chosen because it can be understood as a critical period when the war was happening, and assistance was needed. Figure 1 shows the results of the timeline analysis.

Figure 1: Time Frame of #Immigration in Period of Russia’s Invasion of Ukraine



Source: Authors, from the data analysis

From the data above, can be identified if, in that timeframe, there is a connection between the policy taken by the EU parliament to address these issues and the time when some specific hashtag is becoming popular on social media. The timeframe analysis is successfully identifying the social movement which happening during the COVID-19 pandemic in 2020 (Bahri and Widhyharto, 2021). Then, the relation between the used hashtag and the taken policy in Ukrainian refugees’ cases can be seen in Table 3.

Table 3: Results of Time Frame Analysis and Related Regulations Implemented

Popular Request in the Conversation Cluster	Date Issued	Most-Used Hashtag during Implementation
Free visa extension for Ukrainians, and victims of the war without considering their country of origin	Resolution of the European Parliament 2022/C125/01/ 01 March 2022	#visaforukrainian #freeentry
Providing for external border management to facilitate border crossings at the EU-Ukrainian border	European Union (EU) Commission Communication No. 2022/C104I/01/ 04 March 2022	#freevisaforukrainian
Temporary protection for Ukrainians	Council Implementing Decision No 2022/382/04 March 2022	#standwithukraine #protectrefugees #homeforrefugees

Source: Authors, from the data analysis

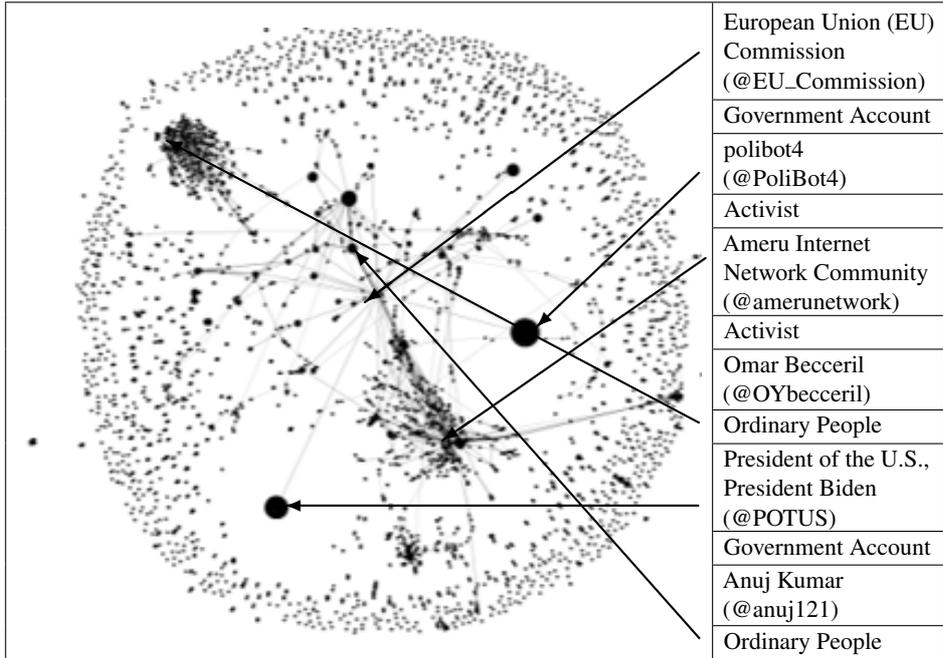
The timeline analysis above could be descriptive if the EU were following the situation and understanding the people's needs over a short period by providing the needed assistance to Ukrainian refugees. However, most of the assistance is issued in the form of resolutions and directives (directives specifying the outcomes that must be attained), and each member state is allowed to choose how to implement directives into national legislation (Scholten et al., 2021). The decisions that are made can be described as the EU rules that apply to specific instances and are addressed to one or more member states, businesses, or private people.²

The first step in the analysis is understanding the items, which comprise a structured summary of the content analysis displaying the most often cited URLs, hashtags, words, word pairs, and people in each group and the network. The conversation pattern is shown in Figure 2 below.

Based on the data analysis, the most mentioned account by other users is the European Union (EU) Commission (@EU_Commission). The most active influence users, who then become opinion leaders, can be identified by calculating the betweenness centrality, which can be described as shown in Table 4.

² Christopher Browning, S.: Geostrategies, geopolitics and ontological security in the Eastern neighbourhood: The European Union and the "new Cold War". *Journal of Political Geography*, 62, no. 1 (2018). 106–115.

Figure 2: Conversation Network of #Immigration Hashtag, from February 27 to March 7, 2022



Source: Authors, from the data analysis

Table 4: Most Active Users Calculated from Betweenness Centrality

Username	Betweenness Centrality
polibot4	14508890.13
amerunetwork	9768426
obeagis	4708996
POTUS	3638096.246
anuj121	3611660
goldqueenie4	3607579.683
yaxis	3370978.392
monsieurreese	2587214.115
seanfrasermp	1505579.095
kishan_devani	1252038

Source: Authors, from the data analysis

After identifying the most active user which has a big influence on the conversation network, the user profiles are also important to be known. Because it will improve the effectiveness of the information flow, and influence optimization, then the impact of their voices on society also can be identified by understanding the user profiles (Rocha et al., 2011). In this research, the user profiles can be seen as follows:

Table 5: Conversation Cluster Users, Classified by Profiles

Roles	Percentage	Example
Journalist	6.5%	Private Account of Journalist
Private Person	25.5%	Ordinary Citizen
Celebrity	4%	Public Figures
Media	13%	Mainstream Media
Activist	3.5%	Social Activist
Politician	4.5%	Party Member
Social Bot	1.5%	Unidentified Account
NGO	1.5%	Non-Government Org
International Organization	20.5%	Member of the UN
Company	0.5%	Private Company
Government	18.5%	Government Official Account

Source: Authors, from the data analysis

By utilizing the Clauset-Newman-Moore method, this study identified the discussion starter, influencer, active engagers, network builder, and information bridge, the Clauset-Newman-Moore is the best method to understand the community structure in a big conversation network (Clauset et al., 2017). Understanding how digital social movements are linked and bridged across players is critical to comprehending the digital age movement pattern (Derek and Jürgen, 2014). Table 6 shows the parameters used to link user measurements.

Table 6: Standard of Measurement in Understand Most Active Users

Centrality Measure	Interpretations
Degree	How many people can this person reach directly?
Betweenness	How likely is this person to be the most direct route between two people in the network?
Closeness	How fast can this person reach everyone in the network?
Eigenvector	How well is this person connected to other well-connected people?

Source: Adalat et al., 2017

Based on the data analysis, the conversation starter users attempt to form a conversation cluster and raise public awareness about a problem. The emergence steps are the first steps to form a traditional social movement; the conversation starter is dominated by the mainstream media, creating a common goal, which causes the relationship between the actors (media and other users) to become blurry and borderless, and can be triggered by a population with similar goals (Poell and Dijck, 2017) and it will start the emergence steps, which are the first steps to form a traditional social movement; the conversation starter is dominated by activist and ordinary people (Sierra-Caballero, 2018). The most active users, which are calculated from the parameters above, are shown in Table 7.

Table 7: Most Active Users Who Triggered Conversation Cluster

Top Tweeters in Entire Graph	Entire Graph Count
kat4obama	1333448
maria_andy2	1275348
m2bliquis	1213211
ipythonistabot	1148018
toicitiesnews	1035646
alcinodoliveira	974102
velocity2121	971073
jfsebastian146	958080
watermelondriia	915451
roylmurry425	903534

Source: Authors, from the data analysis

The users and hashtags mentioned in the table 8 and 9 successfully created a public awareness about the reception of the Ukrainian refugees in their countries. The last step to understand the public acceptance of the Ukrainian refugees, is to analyse the data using the sentiment analysis. The sentiment analysis is a data analysis which conducted by examining the words in a tweet, and categorize the words in a positive, negative or neutral manner with the lexicon dictionary (Appiahene et al., 2022).

Table 8: Sentiment Analysis of #Immigration Hashtag on March 7, 2022, Focusing on European Parliament Official Accounts

Sentiments	Number of Obs
Positive	3669
Negative	2360
Angry	9

Source: Authors, from the data analysis

From the data analysis above, it can be concluded that most of the users support the Ukrainian refugees by mentioning, retweeting, or tweeting their thoughts via the Twitter social media platform. This is supported by the ten-conversation cluster in the #immigration hashtag, led by various actors, with different backgrounds. The sentiment analysis can give the big picture of the public acceptance of an issue which may affect them (R. U. Gobit-haasan and Nur Farhana Syahira Che Hamid, 2020). Also, the sentiment can educate the people or organization to be more aware and create immediate action based on the recent situation which faced by the society (Shaynn-Ly Kwan and Hui Lim, 2020). The public acceptance of the Ukrainian refugees resulted in the facilitation of the Ukrainian refugees by many organizations, as summarize as follows:

Table 9: Summary of public movement based on most retweeted post

Name of Organization	Profiles	Tweet Date	Actions
Brian Chesky (@bchesky)	Airbnb CEO	28 February 2022	Free 100.000 Accommodation for Ukrainian refugees
The Community of European Railway and Infrastructure Companies (CER) @EuropeanRailway	Association of the European Railway Corporation	22 March 2022	Solidarity with Ukraine: railways provide free travel to over 1.3 million refugees and carry over 10,000 tonnes of aid
European Parliament @Europarl_EN	European Parliament	12 March 2022	Relaxing the border check by let the refugees entering the EU territory

Source: Author from Data Analysis

Based on the analysis above, can be concluded if the EU public is very open and helpful to the Ukrainian refugees. Furthermore, the migration is still a hotly debated subject in Europe, despite the region’s remarkable spirit of cooperation and volunteerism. Additionally, volunteering may have a natural “limit”. Boguslaw Komider, Krakow’s deputy mayor, said: “In the initial weeks, we managed to deal with it thanks to the unprecedented dedication of the locals, thousands of volunteers, and the actions that were swiftly undertaken at the level of the commune and its agendas. However, it is understood that volunteers’ excitement will wane over time” (Mulvik and Siarova, 2022). Then, to continue the openness and volunteerism, the long-term legal basis is strongly needed.

B. Identifying The Legal Background for Human Rights Protection

Is the openness of the people of the EU is legally acceptable? In the international framework, the international community has been thinking to anticipate the war which may happen in the future. The previous experience, drawn on the World War I and World War II with more than 50 million of casualties, and triggered the massive migration movement between countries is considered as main trigger to “internationalize” the human rights

protection. After the Allies beat the Nazis in World War II, everyone came together to establish universally accepted minimum standards of dignity (Karina Weller, 2017). The universal human rights standard becoming the focus and attention in many political aspects which triggered the needs for the human rights standardization and protection (Hitchcock, 2015).

Its main objectives are the standardization and defence of the unalienable rights to life, liberty, and security as well as the prohibition of torture and other forms of cruel, inhumane, or humiliating treatment or punishment. One of the earliest major results of the UN's work was the declaration of the Universal Declaration of Human Rights on December 10, 1948, by Resolution 217 A (III), which became a form of "human rights charter". Its regulations were developed within national and international boundaries. Its provisions have been developed within international and regional human rights conventions and pacts, including the Charter of Fundamental Rights of the European Union of 2000 and so-called "soft law" documents, such as the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights of 1966.

In the legal perspective, that openness can be seen as challenge for the human rights protection, as the Temporary Protection Directive, which issued as a Council Directive 2001/55/EC of 20 July 2001 was put into effect on March 4, 2022. By activating this directive, all the Ukrainian, without applying for the refugee status can enter the European Union (EU) member countries without any provision as stated in the Article 3.1 (2001/55/EC) (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, 2016).

The rights of the Ukrainian refugees are also legally guarantee by the EU members countries. For the housing, according to Article 13(1) of the Temporary Protection Directive, Member States are required to ensure that refugees, after an initial period spent in short-term emergency accommodation, have access to more permanent accommodation or, if necessary, are provided with the means to acquire suitable housing. The access to social protection also stated in the temporary Protection Directive ensures that refugees without sufficient resources receive 'the necessary assistance in terms of social welfare and means of subsistence' (Article 13(2)). The access to health care as stated article 13(2) of the Temporary Protection Directive, Member States are required to ensure that refugees have access to medical care, including, at least, emergency care and essential treatment of illness. Several Member States have chosen to integrate Ukrainian children into their national education system, in accordance with Article 14 of the Temporary Protection Directive, to ensure that they receive primary and secondary education. For the access to the labour market, according to Article 12 of the Temporary Protection Directive, Ukrainian refugees have the ability to work as employees or independent contractors "according to laws applicable to the profession". However, member states are allowed to give EU nationals and other groups priority. These limitations can force employers to apply for the temporary

employment of Ukrainians or jobseekers to get a work permit, or they might require employers to follow other rules governing the employment of foreign nationals. This regulation is intended to provide Member States with direction on how to handle a large influx of refugees into the EU. This regulation grants refugees the right to temporary protection for a period of one year, which may be extended for a further three years, without requiring them to go through tiresome asylum processes. The labour market, banking services, healthcare, social protection, and education are all accessible to Ukrainian refugees in addition to a residency card. Families can also rejoin in the nation where they are being hosted, and under certain conditions, refugees are free to travel to other Member States.

In this paper, the public administration law under discussion is EU public administration law, on which the EU has based its response to the Ukrainian refugee crisis, which is currently happening. This research briefly identifies the EU legal basis for addressing the Ukraine refugee crisis, which is harmonized with the data acquisition date of March 7, 2022. The legal basis for public administration law to deal with refugees who arrive from Ukrainian territory that is used by the European Parliament is shown in Table 10. The EU's actions in dealing with victims of the Ukraine war are greatly appreciated by the public. However, these can be seen as EU strategies to decrease Russia's domination, which can be considered as engaging in a "new cold war".³ From another perspective, the migration strategy implemented by the EU extends to those refugees many rights that can increase their level of happiness, which in turn encourages Ukrainians to follow the "Western" order.⁴ Furthermore, the present research only focuses on the relation between the digital public sphere and its impact on administration law.

The steps taken by the EU on immigration and border public administration can be considered quick action undertaken to protect human rights. The legal basis used by the European Parliament for administering immigration and border checkpoints is the European Commission Communication Commission, No. 2022/C104 I/01, which is legally not strong enough to bind together EU member states to follow the direction. However, the #freevisaforukrainian hashtag, which was posted thousands of times by many opinion leaders, in the #immigration hashtag conversation cluster, can be employed without violating any related legal basis. Ukraine, based on Regulation EU 2016/1806 in Article 8(1), stated, "By way of derogation from Article 4, the exemption from the visa requirement for nationals of a third country listed in Annex II shall be temporarily suspended, based on relevant and objective data, following this Article." Ukraine is listed in Annex II, which means that with a Ukrainian passport, those refugees can stay 90 days in EU territory without needing to apply for a visa.

³ Christopher Browning, S.: Geostrategies, geopolitics and ontological security in the Eastern neighbourhood: The European Union and the "new Cold War". *Journal of Political Geography*, 62, no. 1 (2018). 106–115.

⁴ Tom Coupe – Maksym Obrizan: The impact of war on happiness: The case of Ukraine. *Journal of Economic Behavior and Organization*, 136 (2016). 228–242.

Table 10: Early Legal Basis Used by European Parliament, in relevant with Public Responses in Social Media to Address Ukrainian Refugees

The EU Public Administration Law	Date Issue	Given Rights to the Refugees
<p>European Commission Communication Commission, No. 2022/C104 I/01 to Providing Operational Guidelines for External Border Management to Facilitate Border Crossing at the EU-Ukraine Border</p>	<p>March 4, 2022</p>	<ol style="list-style-type: none"> 1. Assisting in border crossing from Ukraine to EU territory by providing related personnel to reduce the congestion (Article 1) 2. Lifting all of the border-crossing requirements for refugees, including COVID-19 certification, nationality passport, visa requirements, and third-country national (Article 2) 3. Setting up temporary border points to ensure that everyone under threat can enter EU territory safely (Article 3) 4. Providing Ukrainian refugees with the facilitation of rescue services, such as free towing, food, water, and medical assistance for those waiting at the border (Article 4) 5. Providing special lanes, called “emergency support lanes”, at every border checkpoint (Article 5) 6. Relaxing customs check for valuable items and belongings, including accepting an oral declaration (Article 6)
<p>Council Implementing Decision No. 2022/382 on 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 effects of introducing temporary protection</p>	<p>March 4, 2022</p>	<ol style="list-style-type: none"> 1. Providing Ukrainian refugees, including third-country nationals and their family members, with temporary protection, which applies to all EU member states, including Ireland, which is bound by Directive 2001/55/EC 2. Enabling cooperation between the European Border and Coast Guard Agency (Frontex), European Asylum Agency, and European Union Agency for Law Enforcement Cooperation (Europol) in monitoring services, information exchange, and assistance for refugees

Source: Authors, from the *EUROLEX*, 2022

Third-country nationals, who do not have Ukrainian citizenship, which was affected by the war, can enter EU territory without applying for a visa as well. As posted by many Twitter users, students or people who work in Ukraine must be treated the same as Ukrainian refugees. In these circumstances, the EU legal basis may be strong enough to cover this. In Regulation (EU) No. 2016/1624 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and Repealing Regulation (EU) No. 1052/2013 and EU 2016/1624 in Article 9, stated if “It is necessary to monitor the crossing of the external borders efficiently, to address migratory challenges and potential future threats at the external borders, to ensure a high level of internal security within the Union, to safeguard the functioning of the Schengen area and to respect the overarching principle of solidarity. Those actions and objectives should be accompanied by the proactive management of migration, including the necessary measures in third countries. To that end, it is necessary to consolidate the European Border and Coast Guard and to further expand the mandate of the Agency.” Because Russia invaded Ukraine, and this has had an impact on migration challenges, it can be assumed that the European Parliament’s will to address public opinion does not violate the existing migration-related law. However, Council Directive 2011/55/EC in Article 2(c) also allows the EU member states to be exempt from the nationality barrier if those people are “displaced” or they fled from a territory due to special circumstances, such as armed conflict or endemic violence.

The special circumstances related to assisting in the facilitation and the relaxation of customs are also in line with a relevant legal basis. Council Directive No. 2001/55/EC of 20 July 2001 on Minimum Standards for giving temporary protection in the event of the mass influx of displaced persons and on measures promoting a balance of efforts between the member states in receiving such persons and bearing the consequences thereof, in Article 13(1), state, if the “*Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.*” From the analysis above, it can be concluded that the assistance provided by the border and immigration procedures does not violate any EU laws.

Having considered the potential violation of immigration access for Ukrainian refugees, human rights protections for the EU are also considered here. Human rights protections for addressing the influx of Ukraine refugees are found in the Council Implementing Decision No. 2022/382 on Establishing the Existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and have the effect of introducing temporary protections. Table 11 and 12 indicates the protections that must be provided by the EU, following the established legal basis.

The legal basis for protection of refugees is Directive 2001/55/EC, which also refers to the 1951 Refugee Convention and the 1967 Protocol on Refugees. Table 12 shows the identified rights of Ukraine refugees, based on the 1951 Refugee Convention (1951 Convention Relating to the Status of Refugees, 1951).

Table 11: Points of Protection for Ukrainian Refugees

Points of Protection	Identified legal basis
1. The protection given to Ukraine refugees can be given for 6 months and can be extended to 1 year (Article 21)	Directive 2001/55/EC, Article 4
2. The legal reference of the protection is Directive 2001/55/EC (Article)	Directive 2001/55/EC
3. The European Union (EU) will give fund assistance to member states to address the refugee problem	Regulation 2021/1147

Source: Authors, from the Council Implementing Decision No. 2022/382 on Establishing the Existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC

Table 12: Rights of Ukrainian Refugees Based on 1951 Refugee Convention

Stated rights	Legal Basis of the 1951 Refugee Convention
Personal Rights	
<i>Non-refoulement</i> principles, meaning refugees cannot be sent back to their country of origin	Article 33
Rights of association for refugees	Article 15
Access to courts	Article 16
Wage earning employment for refugees	Article 17
Self-employment for refugees	Article 18
Rights provided by the government	
Rights to temporary housing	Article 21
Access to public education	Article 22
Equality in public relief	Article 23
Rights to labour legislation and social security	Article 24
Administrative assistance	Article 25
Freedom of movement	Article 26
Identity papers	Article 27
Travel documents	Article 28
Fiscal charges	Article 29
Transfer of assets	Article 30
Refugees unlawfully in the country of refugees	Article 31
Naturalization	Article 34

Source: Authors, from the 1951 Refugee Convention Legal Papers

Examination of the rights given to Ukraine refugees suggests the 1951 Refugee Convention still provides a legal basis for dealing with refugees. The #freevisaforukraine, #standwithukraine, and #humanprotection hashtags are thus currently relevant to the EU legal basis for managing refugees.

Yet, when the EU enacted Directive 2001/55/EC, the access given to Ukrainian refugees became legal, because the directive, which is also in line with the 1951 Refugee Convention, is aimed at regulating border crossing and temporary protection provided by EU member states. This conditions is different if compared with the 2015 EU refugee crisis, because demographically, most of the Ukrainian refugees 90 percent of them are woman and children (UNICEF, 2022a), while in the 2015 European refugee crisis, most of the asylum seekers were men of productive age (European Union, 2016).

C. Legal Limitation and Needs for the Further Legal Infrastructure

After examining the rights which covered by the EU, the simple question arises, until when the Ukrainian refugees will get those protection? Per October 19, 2022, Ukrainian refugees in Europe registered for Temporary Protection or other national protection programs is reached 4,386,102 (UNICEF, 2022b). Furthermore, in the legal perspectives there are several challenges which must be addressed as soon as possible for ensuring the continuity of the Ukrainian refugee's protection.

As start, the maximum stay for the Ukrainian refugees is limited. Based on the Union, Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection, the maximum stay for the refugees who came from the outside EU territory is one year (Article 4.1/ 2001/55/EC) (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, 2016), and must be ended if the maximum duration is reached (Article 6.1/2001/55/EC) (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, 2016). Then, before the one-year temporary protection period is reached, the EU should create the further legal infrastructure to ensure that the rights of refugees are fulfilled. The temporary protection for the Ukrainian refugee will go into end, and there is the legal problem which then identified.

The second legal challenge is their status as refugees is questionable. Determination of refugee status is a process which takes place in two stages. Firstly, it is necessary to ascertain the relevant facts of the case. Secondly, the definitions in the 1951 Convention and the 1967 Protocol must be applied to the facts thus ascertained. In the EU, the Convention is translated into the Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast). Based on the law, the applicant who recognized as the refugees and become subject for the International Protection should apply to the competent personnel and the refugee status cannot be automatically given (Directive 2013/32/EU, Article 6.1) (Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection

(Recast), 2016). Then, the applicant should be interviewed personally before the paper can be processed into a judicial process, and the decision will be given maximum in three working days (Directive 2013/32/EU, Article 14.1) (Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection (Recast), 2016). Then, the first legal challenges regarding to the status is refugees is identified. However, after the 2015 refugee crisis, the end of the “deterrence paradigm” is ongoing, many country is trying to give access to the refugees who stay in their territory by using the national level legal regulation, however the “blurry” status of refugee is potentially happen (Gammeltoft-Hansen and Tan, 2017).

The third legal challenge is they can be categorized as illegal person who entering the EU territory after period of legal stay (one year) is achieved. Based on the Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country, there are several conditions which may will be applied for the Ukrainian refugees if they are staying more than a year in the EU territory. This can potentially happen because Ukraine is not the part of the Schengen territory, and can be identified as the third country national, as stated if any individual who is not a citizen of the Union or a person who is not a person enjoying the Community right of free movement, as defined by Article 2(5) (Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the Rules Governing the Movement of Persons across Borders (Schengen Borders Code), 2016) of the Schengen Borders Code, is referred to as a “third-country national”. Then, when the Ukrainian refugees are identified as the third country national, and doesn't have rights to stay, they will be sent back to their home country without limiting the exceptions, member States shall issue a return decision to any foreign national residing unlawfully on their territory (2008/115/EC, Article 6.1) (Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals, 2016).

IV. Conclusion

On February 24, 2022, Russia attacked Ukraine. More than three million people fled Ukraine for the nearest border up to March 15, 2022. The majority of them also searched for “online” assistance. Until January 2021, Ukraine had 25.7 million active social media users. Twitter, as the most popular channel, provided a concise overview of the EU's impending migrant issues. This study used the NodeXL and Gephi tools to analyse 7,171 tweets with the #immigration hashtag, which were collected on March 7, 2022. The first conclusion is that the majority of public opinion was swayed by politicians, activists, and regular people toward ending the conflict, which impacted the public administration's approach to resettling refugees, and the popular hashtags such as #ukraine and #visaforukrainians are effective in persuading the European Parliament to ease immigration procedures, and increasing the public openness, as evidenced by 3,669 positive, 2,360 negative, and only 9 angry users. However, the openness and volunteerism spirit of the EU public needs to be

backed up by the legal infrastructure to ensure the human rights protection of the refugees can be concluded for the long-term period.

The Ukrainian refugees are becoming the attention of the EU parliament by activating The Temporary Protection Directive, which issued as a Council Directive 2001/55/EC of 20 July 2001 was put into effect on March 4, 2022. This directive is ensuring if the Ukrainian refugees will have access to the food, shelter, education, and job market. However, the three main legal challenges are identified. First, their access to the human protection is limited by the period of time based on Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection the Union, Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection, they only have maximum 1 year to be included into the international protection schemes in the EU. Second challenges, their status as refugees is questionable, based on the Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast), the determination of the refugee status is granted after those people are applying for the refugees status, and follow the right procedures. Thirdly, they potentially assumed as illegal migrant, under the category of an individual who entered the EU after the one-year legal stay had ended. According to the DIRECTIVE 2008/115/EC on shared standards and procedures in Member States for removing third-country nationals who are living there unlawfully, there are several criteria that may be applied to Ukrainian refugees if they stay on EU soil for more than a year.

References

- Anastasia, A. (2015). *The Ukraine crisis: A geopolitical power struggle between Russia and the US*. 65–89.
- Annie, K., Swash, R., Fallon, K. (2022, March 4). *As 1.3 million people flee, Ukraine's refugee crisis is only just beginning*. The Guardian News.
- Appiahene, P., Afrifa, S., Kyei, E. A., Nimbe, P. (2022). *Understanding the Uses, Approaches and Applications of Sentiment Analysis*. MI, 1–20. <https://www.researchsquare.com/article/rs-1670421/latest.pdf>.
- Bahri, M. T., Widhyharto, D. S. (2021). Twitter Based Digital Social Movement Pattern to Fight COVID-19. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 25(2), 95–112. <https://doi.org/10.22146/JSP.56872>.
- Beets, G., Willekens, F. (2009). The global economic crisis and international migration: An uncertain outlook. *Europe*, 7, 19–37. <https://doi.org/10.1553/populationyearbook2009s>.
- Bode, L., Hanna, A., Yang, J., Shah, D. V. (2015). Candidate Networks, Citizen Clusters, and Political Expression: Strategic Hashtag Use in the 2010 Midterms. *Annals of the American Academy of Political and Social Science*, 659(1), 149–165. <https://doi.org/10.1177/00027-16214563923>.
- Borgatti, S., Everett, M., Freeman, L. (1992). UCINET IV: Network Analysis Software. *Connections Journal*, 15(1), 12–15.
- Clauset, A., Newman, M., Moore, C. (2017). Finding Community Structure in Very Large Network. *Boletim Da Sociedade Portuguesa de Cardiologia*, 15(1–2), 81–90.

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), Pub. L. No. DIRECTIVE 2013/32/EU, Official Journal of the European Union 60 (2016). <https://doi.org/10.5040/9781782257615.0028>.

Derek, R., Jürgen, P. (2014). Social media for large studies of behavior. *Science*, 346(6213), 1063–1064. <https://doi.org/10.1126/science.346.6213.1063>.

Dupuis, M. J., Pham, S., Weiss, M. (2019). Facebook vs. Twitter: An examination of differences in behavior type and substance based on psychological factors. *Proceedings – 2019 IEEE SmartWorld, Ubiquitous Intelligence and Computing, Advanced and Trusted Computing, Scalable Computing and Communications, Internet of People and Smart City Innovation, SmartWorld/UIC/ATC/SCALCOM/IOP/SCI 2019*, 1834–1840. <https://doi.org/10.1109/SmartWorld-UIC-ATC-SCALCOM-IOP-SCI.2019.00323>.

ECRE. (2022, March 11). *Updated Information Sheet: Access to Territory, Asylum Procedures and Reception Conditions for Ukrainian Nationals in European Countries*. ECRE Weekly Bulletin.

Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, Pub. L. No. 2022/C 104 I/01, 1 (2022). [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0304\(10\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0304(10)&from=EN).

European Commission. (2022, March 8). *Information for people fleeing the war in Ukraine*. EU Officials Websites.

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), Pub. L. No. 2016/399, 77 Official Journal of the European Union L (2016).

European Union. (2016). An Economic Take on the Refugee Crisis – A Macroeconomic Assessment for the EU. In *Publications Office of the European Union, 2016* (Vol. 33, Issue July). <https://doi.org/10.2765/63294>.

Gammeltoft-Hansen, T., Tan, N. F. (2017). The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy. *Journal on Migration and Human Security*, 5(1), 28–56. <https://doi.org/10.1177/233150241700500103>.

Global Detention Project. (2022). *Double Standards: Has Europe's Response to Refugees Changed?*

Grajewski, M. (2022). *War in Ukraine*. www.europarl.europa.eu/thinktank.

Hitchcock, W. I. (2015). The rise and fall of human rights? Searching for a narrative from the cold war to the 9/11 era. *Human Rights Quarterly*, 37(1), 80–106. <https://doi.org/10.1353/hrq.2015.0005>.

Ho, M. S. D., Deen, B., Drost, N. (2022). *Long-term protection in Europe needed for millions of Ukrainian refugees* *Clingendael Alert* (No. 10; Issue September). https://library.oapen.org/bitstream/id/4aca396e-4bfc-40a6-974b-4b417a213535/how_bad_is_the_ukraine_war_for_the_european_recovery_en.pdf.

International Organization for Migrants (IOM). (2021). *World Migration Report 2022*. <https://publications.iom.int/es/node/3171>.

- Isa, D., Himelboim, I. (2018). A Social Networks Approach to Online Social Movement: Social Mediators and Mediated Content in #FreeAJStaff Twitter Network. *Social Media and Society*, 4(1). <https://doi.org/10.1177/2056305118760807>.
- Jan, P., Drc, G. (2023). *By 2023 displacement will have doubled over a decade, new report predicts* (Press Release).
- Jazeraa, A. (2022). *No other option': Excerpts of Putin's speech declaring war*. News and Press Release. <https://www.aljazeera.com/news/2022/2/24/putins-speech-declaring-war-on-ukraine-translated-excerpts>.
- Karina Weller. (2017). *How World War II led to Human Rights Laws – RightsInfo*. May 8th 2017, May. <https://rightsinfo.org/remember-world-war-ii-led-human-rights-laws>.
- Kemp, S. (2022, February 15). *Digital 2022: Ukraine*. Data Reportal Annual Digital Report.
- Kitchin, R. (2014). *The Data Revolution: Big Data, Open Data, Data Infrastructures & Their Consequences*. SAGE Publications Ltd. <https://doi.org/10.4135/9781473909472>.
- Larson, J. M., Nagler, J., Ronen, J., Tucker, J. A. (2019). Social Networks and Protest Participation: Evidence from 130 Million Twitter Users. *Source: American Journal of Political Science*, 63(3), 690–705. <https://doi.org/10.7910/DVN/RLLIV>.
- Linos, K., Carlson, M. (2017). Qualitative Methods for Law Review Writing. *The University of Chicago Law Review*, 84(1), 213–238.
- Mulvik, P. I., Siarova, H. (2022). Committee Cities and the Ukrainian refugees. *REGI Committee Research*, 1 (June).
- Nguyen, K. M. (2021). *The Role of Social Media in Policy Formulation Improvement in California* [San Jose State University]. <https://doi.org/10.31979/etd.jt87-cb9v>.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Pub. L. No. DIRECTIVE 2008/115/EC, EU Immigration and Asylum Law: A Commentary 98 (2016). <https://doi.org/10.5040/9781782257615.0019>.
- Poell, T., Dijck, J. Van. (2017). *Social media and new protest movements*. <https://www.researchgate.net/publication/321781377>.
- Quach, G. (2022, March 5). *Airbnb to offer free housing to 100,000 Ukrainian refugees*. The Guardian Online News.
- Quinn, E. (2016). The Refugee and Migrant Crisis: Europe's Challenge. *EUROPE IN CRISIS*, 105(419), 275–285.
- R. U. Gobithaasan, Nur Farhana Syahira Che Hamid. (2020). Sentiment Analysis of People's Acceptance Towards the New Malaysian Government Using Naïve Bayes Method. *Universiti Malaysia Terengganu Journal of Undergraduate Research*, 2(3), 1–10.
- Rocha, E., Fancisco, A. P., Calado, P., Sofia-Pinto, H. (2011). User profiling on Twitter. *Semantic Web*, 0, 1–15.
- Scholten, M., van Melle, L., Widdershoven, G. (2021). Self-binding directives under the new Dutch Law on Compulsory Mental Health Care: An analysis of the legal framework and a proposal for reform. *International Journal of Law and Psychiatry*, 76. <https://doi.org/10.1016/j.ijlp.2021.101699>.

- Scott, M., Kern, R. (2022, March 2). *Social media goes to war*. <https://www.politico.eu/article/social-media-goes-to-war>.
- Shaynn-Ly Kwan, J., Hui Lim, K. (2020). Understanding Public Sentiments, Opinions and Topics about COVID-19 using Twitter. *Proceedings of the 2020 IEEE/ACM International Conference on Advances in Social Networks Analysis and Mining, ASONAM 2020*, June, 623–626. <https://doi.org/10.1109/ASONAM49781.2020.9381384>.
- Sierra-Caballero, F. (2018). *Cyberactivism and social movements. The Oppositional Public Space in contemporary technopolitics*. <https://doi.org/10.4185/RLCS-2018-1292en>.
- UN Development Programme. (2022). *European Union and UNDP support Ukrainian civil society in emergency response*. News and Press Release. <https://reliefweb.int/report/ukraine/european-union-and-undp-support-ukrainian-civil-society-emergency-response-enuk>.
- 1951 Convention Relating to the Status of Refugees, UNCHR Convention and Protocol 1 (1951).
- UNHCR. (2022). *Ukraine Situation Regional Refugee Response Plan*.
- UNICEF. (2022a). *Ukraine and Refugee Outflow people people million*. <https://www.unicef.org/media/118666/file/2022-HAC-Ukraine-and-Refugee-Outflow-revised-April.pdf>.
- UNICEF. (2022b). *ECAR: Ukraine Situation: Refugee Response in Neighbouring Countries*. <https://data2.unhcr.org/en/situations/ukraine>.
- 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, Pub. L. No. 2001/55/EC, EU Immigration and Asylum Law: A Commentary (2016). <https://doi.org/10.5040/9781782257615.0026>.
- William V. Spanos. (2012). Arab Spring, 2011. *Symplokē*, 20(1–2), 83. <https://doi.org/10.5250/symploke.20.1-2.0083>.
- Zhdanova, M., Orlova, D. (2017). *Computational Propaganda in Ukraine: Caught Between External Threats and Internal Challenges* (No. 2017; 9).