

Fundamental rights of children displaced in the EU following the Russian war of aggression

Portugal

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Contents

1. Children fleeing Ukraine	3
1.1. Data on children fleeing Ukraine.....	3
2. Child protection – legal, policy framework and procedures in place	6
2.1. Responsibilities of child protection authorities.....	6
2.1.1. Individual children, including unaccompanied and separated children.....	6
2.1.2. Children evacuated from Ukrainian institutions.....	7
3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine	8
3.1. Arrived unaccompanied	8
3.2. Arrived without parents, but with other family members, neighbours or family friends	9
3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)	10
3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)	10
4. Information and practical challenges in access to basic services for children fleeing Ukraine	11
4.1. General information and challenges	11
4.2. Challenges for children at multiple risk/disadvantage.....	12
5. Policies in place.....	13
5.1. Dedicated action plan and/or integrated measures	13
5.2. European Child Guarantee	16
5.3. Budget	17

1. Children fleeing Ukraine

1.1. Data on children fleeing Ukraine

Table 1 Children fleeing Ukraine

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children		14,256
Arrived accompanied by mother, father or another legal guardian		13,540
Arrived without parents, but with other family members, neighbours or family friends		701
Arrived unaccompanied		15
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)		No information
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)		No information

Source: Immigration and Borders Service (SEF), information provided by e-mail on 28 July 2023.

In **Portugal**, the Immigration and Border Service reported the different nationalities of children arriving in the country from Ukraine. Although other disaggregated information was requested, namely sex, age, type of disability (where applicable), that information provided on nationality was the only disaggregated : Republic of Ukraine 13,880; Russian Federation 133; Republic of Belarus 71; Nigeria 40; United States of America 20; India 16; Other 13; Canada 11; Republic of Moldova 11; Israel 9; Jordan 7; Pakistan 7; Jamaica 5; Egypt 4; Afghanistan 3; South Africa 2; Algeria 2; Armenia 2;

China 2; Iraq 2; Nepal 2; Argentina 1; Bangladesh 1; Cape Verde 1; Costa Rica 1; Philippines 1; Georgia 1; Morocco 1; Qatar 1; United Kingdom 1; Republic of Kazakhstan 1; Turkey 1; Uzbekistan 1; and Zambia 1.

In **Portugal**, the Immigration and Borders Service (SEF), the body in charge of registering temporary protection requests, informed that since the beginning of the war, and until 30 April 2023, granted 14,256 temporary protection titles to children under the age of 18. The SEF also reported to the Public Prosecutor's Office the situation of 701 Ukrainian children who arrived in Portugal without their parents or legal representatives, in which it was considered that there was no current or imminent danger to the children. In other words, children from Ukraine who arrived in Portugal unaccompanied by a parent represents 4.9% of the total number of children. In these situations, SEF communicates to the Public Prosecutor's Office for the appointment of a legal representative or to issue a protection order for the children. The SEF also reported to the local Commissions for the Protection of Children and Young People (CPCJ) the situation of 15 children who arrived in Portugal unaccompanied but with a proven person other than a parent or legal representative, as these cases may represent a current or imminent danger to children.

In **Portugal**, the Government responded to accusations made by the Russian ambassador to the United Nations, on 5 April 2023, accusing Portugal¹ and other European countries of taking hundreds of Ukrainian children from their mothers and placing them in shelters. In statements to the media², the Portuguese Government denied the allegations and reaffirmed its support for Ukraine, particularly in receiving displaced victims of the Russian aggression. According to data released from the Ministry of Labour and Social Security published by the media, 27 Ukrainian children have been taken from their families since the beginning of the war, 21 of them placed in institutions and the rest in host families. At the present time, 18 of these children had been returned to their families. In the same press release, the Association of Ukrainians in Portugal stated that these children had not been stolen and that the local Commissions for the Protection of Children and Young People had acted in accordance with the Portuguese law, which applies to all children, whether Portuguese or foreign. The local Commissions for the Protection of Children and Young People, when any child is in danger situation, whether because of ill-treatment, abandonment, abuse,

¹ Permanent Mission of the Russian Federation to the United Nations (2023), "[Statement by Permanent Representative Vassily Nebenzia at Arria-formula meeting of UNSC members "Children and armed conflict: Ukrainian crisis. Evacuating children from conflict zone"](#)", 5 April 2023.

² Público (2023), "[Governo português "repudia" acusações russas na ONU"](#) (Portuguese government 'rejects' Russian accusations at UN), 5 April 2023.

lack of care, among other reasons, acts accordingly. In the case of the 27 Ukrainian children, the circumstances leading to their removal from their families are not known for reasons of investigation and secrecy.

2. Child protection – legal, policy framework and procedures in place

2.1. Responsibilities of child protection authorities

2.1.1. Individual children, including unaccompanied and separated children

In **Portugal**, the Government, as a result of Russia's war of aggression against Ukraine, has established specific criteria for granting temporary protection to displaced persons from Ukraine³. It states that temporary protection will initially last for one year and may be extended for two periods of six months, provided that the conditions preventing the return of persons to Ukraine are met. Subsequently, the exceptional measures for granting temporary protection to displaced persons from Ukraine were adopted⁴.

In **Portugal**, the Immigration and Borders Service (SEF) is the body responsible for registering applications for temporary protection. The SEF has launched a trilingual (Portuguese, English and Ukrainian) platform, SEFforUkraine⁵, which allows Ukrainian citizens and their family members, as well as all foreign citizens who have resided in Ukraine, to apply for temporary protection online. Anyone over the age of 18 can apply online on the platform. For children, due to their vulnerability, the application is made in person at SEF service desks dedicated to Ukrainian citizens. Any means of proof, including a testimonial, can be used to prove the family relationship. With the issuance of the Temporary Protection Certificate, social security numbers, tax

³ Portugal, [Resolução do Conselho de Ministros 29-A/2022 que estabelece os critérios específicos da concessão de proteção temporária a pessoas deslocadas da Ucrânia](#) (Resolution of the Council of Ministers 29-A/2022, that establishes the specific criteria for granting temporary protection to displaced persons from Ukraine), 1 March 2022.

⁴ Portugal, [Decreto-Lei 24-B/2022 que estabelece medidas excecionais no âmbito da concessão de proteção temporária a pessoas deslocadas da Ucrânia](#) (Decree-Law 24-B/2022 establishing exceptional measures to provide temporary protection for displaced persons from Ukraine), 11 March 2022.

⁵ [SEFforUkraine.sef.pt](#), SEF's online platform for registering applications for temporary protection of displaced citizens from Ukraine, which simplifies obtaining temporary protection and is aimed at citizens of legal age (from 18 years old).

identification numbers and access to the National Health System are automatically issued.

In **Portugal**, the Government⁶ has paid particular attention to the need to protect children and adolescents who arrive in the country without a responsible adult, and has set up a special multidisciplinary monitoring group comprising teams from the Ministry of Labour, Solidarity and Social Security, the Ministry of Justice, the Immigration and Borders Service and the High Commission for Migrations. The Government stresses the importance of identifying all children in this situation, whether they are already in Portugal or in transit, in order to ensure their safety and full protection, as well as access to all existing support services in the country.

In **Portugal**, the Government has created an electronic platform for registering cases of unaccompanied children. The platform is hosted on the official website of the Government PortugalforUkraine⁷. An automated contact form⁸ was also created, with six categories of needs, which directs the request/offer for help to the entity best suitable to respond to the problem presented. A service for clarifying doubts was also created, through email (childcare.ukraine@seg-social.pt), complemented by a telephone support line.

2.1.2. Children evacuated from Ukrainian institutions

No information.

In **Portugal**, there aren't institutional or media references to the arrival of children evacuated from Ukrainian institutions.

⁶ Portugal (2022), [Governo - Ucrânia: Informações e apoios disponíveis em Portugal](#) (Government - Ukraine: Information and support available in Portugal). 22 June 2022.

⁷ The [PortugalforUkraine](#) platform aims to bring together all the actions of the Portuguese State in relation to the conflict in Ukraine, in the dimensions of international action, the sending of humanitarian support and the integration and reception in Portugal of displaced persons.

⁸ PortugalforUkraine, [contact form](#) for quick response and forwarding of aid requests/offers.

3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

3.1. Arrived unaccompanied

In **Portugal**, all public and private institutions are deeply concerned about unaccompanied children and adolescents arriving in the country. The Minister of Labour, Solidarity and Social Security⁹ stated, at the beginning of the conflict, that it was important to identify all unaccompanied children, whether they were already in Portugal or in transit, in order to ensure their safety and full protection, as well as access to all existing support services in the country. In **Portugal**, the president of the National Commission for the Promotion of the Rights and Protection of Children and Young People, at the very beginning of the process of hosting families from Ukraine, alerted to the need for special attention to unaccompanied children. The need was stressed for families who were hosting children coming from Ukraine, to go in person to the Foreigners and Borders Service to formalize the registration, for the protection of underage children and young people, who are away from their families, and thus avoid "false ransoms" for human trafficking networks. This intervention took place within the scope of a clarification session held at the Lisbon Municipal Assembly¹⁰.

In **Portugal**, a joint statement¹¹ issued by several bodies (Social Security Institute, National Commissions for the Protection of Children and Young People, Lisbon's Holy House of Mercy, National Coordination for Guarantees of Children, High Commissioner for Migrations and Immigration and Borders Service) informed about the mandatory

⁹ Ministry of Labour, Solidarity and Social Security (2022), "[Governo cria plataforma de registo e proteção a crianças ucranianas](#)" (Government creates registration and protection platform for Ukrainian children), 14 March 2022.

¹⁰ Assembleia Municipal de Lisboa (2022), "[Onda de solidariedade em Lisboa disponível para acolher refugiados](#)" (Wave of solidarity in Lisbon available to welcome refugees), 14 March 2022.

¹¹ Jornal de Notícias (2022), "[Autoridades pedem contenção para fotografias de crianças ucranianas publicadas nas redes sociais](#)" (Authorities call for restraint for photos of Ukrainian children posted on social media), 17 March 2022.

"registration, identification and protection of children and young people displaced from Ukraine". They provided information on their registration, which must be done in person at one of the offices of the Immigration and Borders Service, and on the information available on the PortugalforUkraine.gov.pt platform. They also drew attention to the right to privacy and the right to one's image, urging people not to publish photographs or information that could identify children, especially unaccompanied children, on any platform or social network.

In **Portugal**, the National Commission for the Promotion of Rights and Protection of Children and Young People issued Circular 1/2022¹² on the situation of displaced children from Ukraine, addressed to all members of child protection commissions. This document draws attention to the situation of unaccompanied children in the light of the emergency, the need to inform and mobilise citizens and local authorities to prevent situations of trafficking, the obligation to ensure the registration of all children and the procedures to be followed to protect these children.

In **Portugal**, the Immigrations and Borders Service (SEF), after the personal registration of an unaccompanied child, evaluates if the child is considered to be in present or imminent danger and contacts a local Commission for the Protection of Children and Young People (CPCJ), in the geographic area of jurisdiction, and the Public Prosecutor's Office in order to appoint a legal representative and eventually to promote a protection measure for the child.

3.2. Arrived without parents, but with other family members, neighbours or family friends

In **Portugal**, the Immigrations and Borders Service (SEF), after the personal registration of a child who is not accompanied by one of his/her parents, depending on the circumstances in which the child finds himself/herself, adopts the following measures: a) in the case of unaccompanied children, in the presence of a person other than their parents or legal representatives, the SEF contacts the Public Prosecutor's Office of the geographical area of residence for the appointment of a legal representative and eventually to promote a protection measure for the child; b) in the case of unaccompanied children, in the presence of a person other than their parents or legal

¹² National Commission for the Promotion of Rights and Protection of Children and Young People, [Circular 1/2022 sobre a Situação de Crianças deslocadas da Ucrânia](#) (Circular letter 1/2022 on the Situation of displaced children from Ukraine), 21 March 2022.

representatives, but in case of current or imminent danger to life or serious impairment of the physical or psychological integrity of the child or young person, the SEF immediately informs the Commission for the Protection of Children and Young People (CPCJ) of the area of competence, in order to adopt urgent measures and provide appropriate assistance, and also informs the Public Prosecutor's Office for the appointment of a legal representative and eventually to promote a protection measure for the child.

3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

In **Portugal**, the Immigration and Borders Service (SEF), which is the first body to register children and young people applying for temporary protection, accepts as valid the testimony of the situation in which the application is made. In the case of unaccompanied children, the SEF, in conjunction with the other bodies mentioned above, has mechanisms to detect situations of risk for the child and these can be activated. In all the cases, the SEF informs the Public Prosecutor's Office of the geographical area of residence for the appointment of a legal representative and eventually to promote a protection measure for the child.

3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)

In **Portugal**, the Government specifies that, for children arriving in groups on the initiative of private organisations or individuals, the same procedures must be followed for the personal registration of these children and adolescents at one of the offices of the SEF. After the registration, SEF informs the Public Prosecutor's Office of the geographical area of residence for the appointment of a legal representative and eventually to promote a protection measure for the children.

4. Information and practical challenges in access to basic services for children fleeing Ukraine

4.1. General information and challenges

In **Portugal**, the Ministry of Education has developed a set of measures to facilitate the integration of Ukrainian children and young people into the Portuguese education system, within the measures adopted for the reception of people from Ukraine fleeing the war. These measures have been outlined at national level, taking into account the results of consultations with entities that could significantly contribute to a flexible and simplified process of access to education¹³. In February 2023¹⁴, the Ministry of Education counted 4,488 students with temporary protection enrolled in Portuguese schools: 752 in pre-school, 3,014 in primary and 722 in secondary. Given that the Immigration and Borders Service counted 14,108 children under temporary protection at the time, this meant that 9,620 young people from Ukraine were outside the Portuguese education system. According to the Association of Ukrainians in Portugal, most of these young people attend distance learning courses offered by their schools in Ukraine or, alternatively, they use the digital platforms created by the Ukrainian Government. In September 2022 at the opening of the school year, the Minister of Education¹⁵ expressed the concern for Ukrainian students who are not enrolled in Portugal, stating that the distance learning that these students might be receiving from Ukraine is not effective, considering the experience of distance learning provided during COVID-19.

¹³ PortugalforUkraine (2022), [Educação: Crianças e jovens provenientes da Ucrânia serão integrados no sistema de Educação](#) (Education: Children and young people from Ukraine to be integrated into the Educational system).

¹⁴ Público (2023), [“Crianças ucranianas entre dois mundos: quase dez mil fora do ensino português”](#) (Ukrainian children between two worlds: almost ten thousand outside Portuguese education), 21 February 2023.

¹⁵ Observador (2023), [“Ministério da Educação recebeu apenas mais 200 matrículas de alunos ucranianos na última semana”](#) (Ministry of Education received only 200 more registrations of Ukrainian students in the last week), 22 September 2022.

4.2. Challenges for children at multiple risk/disadvantage

In **Portugal**, there isn't evidence of situations of differential treatment in access to education, health or other services between Ukrainian children and young people and children of other nationalities arriving from Ukraine. No other forms of differential or discriminatory treatment of children and young people arriving in Portugal from Ukraine were identified, compared to refugee children and young people arriving from other countries. Portugal complies with the guidelines recommended at international level by the United Nations and at regional level by the Council of Europe and the European Union, and thus implemented a set of practices in line with the best interests of the children and young people.

5. Policies in place

5.1. Dedicated action plan and/or integrated measures

In **Portugal**, the Government, through the Directorate-General for Education¹⁶, in April 2022, developed an integration plan for children and young people from Ukraine, which focused mainly on the education system. This plan was based on the assumption that all foreign citizens, children, legalised or not, between the ages of 6 and 18, have access to education with the same rights that the law grants to children legally present on national territory. This plan benefited from the experience of the recent work developed in the reception of foreign refugee children and adolescents. Extraordinary measures necessary for reception in schools have been defined, namely: 1) the simplification of the procedures for recognising the equivalence of foreign qualifications and/or placement and integration into a given school year and educational offer; 2) the gradual integration into the Portuguese curricula and support for learning the Portuguese language; 3) the creation of multidisciplinary teams with the task of proposing and developing appropriate strategies for concrete situations; and 4) the provision of school social support. A model of reception and integration has also been adopted, considering two scenarios: 1) in a school context, with progressive integration into the Portuguese education system, by studying the subjects considered appropriate by the school, as well as reinforcing the learning of Portuguese as a non-native language, in conjunction with other subjects of the curricula; and 2) outside the school context, with progressive integration into a school environment, according to the sociolinguistic diagnosis, in liaison with schools, and with monitoring by a multidisciplinary team at the reception centre, consisting of specialised teachers/technicians, psychologists, social workers, interpreters and monitors, among others. Since the publication of this report, there was no update of the information.

In **Portugal**, the Government¹⁷ has established an exceptional social measure, under duly proven temporary protection, for displaced children from Ukraine regarding the

¹⁶ Direção-Geral de Educação, [Integração de crianças e jovens ucranianos no sistema educativo português](#) (Integration of Ukrainian children and youth into the Portuguese educational system), 8 March 2022.

¹⁷ Portugal, [Portaria 138/2022, que estabelece a medida social excecional, no âmbito da proteção temporária devidamente comprovada, às crianças deslocadas da Ucrânia relativamente à frequência de Creche e de Centro de Atividades de Tempos Livres](#)

attendance to Kindergarten and Free Time Activity Centre. This measure aimed at facilitating access to these social services, simplifying enrolment procedures, extending the scope of reception of these children and ensuring the necessary conditions for their reception.

In **Portugal**, It should be noted that even before the influx of people from Ukraine, changes made to the teaching of Portuguese as a non-native language¹⁸, allowed for flexibility in the ways of teaching the language, and allowing different forms of integration of children from Ukraine in Portuguese schools. These measures focus on promoting the learning of Portuguese as a subject of study and as a language of instruction, by offering the subject of Portuguese as a foreign language in the 1st, 2nd and 3rd cycles of basic education, as well as in scientific and humanistic courses, specialised artistic courses in secondary education and professional courses, with the aim of ensuring equal conditions of access to the curriculum and educational success for all students whose mother tongue is not Portuguese, regardless of their language, culture, social situation, origin and age.

In **Portugal**, the Directorate-General for Education¹⁹, developed school-related measures for unaccompanied children from Ukraine, which are in force since 2020. These measures consist of: a progressive integration in a school environment, according to the sociolinguistic diagnosis and in articulation with the local educational institutions; the learning of Portuguese as a non-native language (ensured by the school grouping/school of reference); their monitoring through a multidisciplinary team in the reception centre, composed of specialised teachers/technicians, psychologists, social workers, interpreters, among others. From the first moment, the child/student benefits from all the rights guaranteed by the Portuguese educational system. These children and young people should be included in level A of the School Social Action, with all the advantages of this level, in terms of food aid, school material, among other necessities. In addition, these students have access to textbooks and the

(Ordinance 138/2022, which establishes the exceptional social measure, under the duly proven temporary protection, for displaced children from Ukraine regarding the attendance to Kindergarten and Free Time Activity Centre), [8 April 2022](#).

¹⁸ Portugal, [Despacho 2044/2022, que estabelece normas destinadas a garantir o apoio aos alunos cuja língua materna não é o Português](#) (Order 2044/2022, establishing rules to ensure support to students whose mother tongue is not Portuguese), 16 February 2022.

¹⁹ Direção-Geral de Educação (2020), [Menores Estrangeiros Não Acompanhados - Guia de Acolhimento Educação Pré-Escolar, Ensino Básico e Ensino Secundário](#) (Unaccompanied Minors - Guide to the reception of unaccompanied minors in pre-school, primary and secondary education), July 2020.

computer kit of the Escola Digital programme, since these are free materials provided by the public educational system.

In **Portugal**, the National Health Service provides a consultation for monitoring young people and children arriving from Ukraine, operating at Dona Estefânia Hospital (University Hospital Centre of Central Lisbon)²⁰. This consultation has the mission of welcoming children and young people from Ukraine, requesting temporary protection in Portugal, focusing on the health evaluation. The Ukrainian children and young people are referred through a telephone hotline. First, a screening is carried out to determine the scheduling of the consultation. The triage through the telephone hotline takes place in the morning and the consultations are scheduled for the afternoon of the same day. Consultations take place every working day in a private office and translation/interpreting services are provided. After an initial clinical examination, Ukrainian children and young people are referred for specific treatment or follow-up consultations according to their needs. All citizens from Ukraine applying for temporary protection and their family members will automatically be given a user number, which entitles them to universal access to the National Health Service under the same conditions as nationals, including maternal and child health care, vaccination updates according to the National Immunization Plan, scheduling of vaccination for COVID-19, hospital care and other existing health programmes. The application for Temporary Protection automatically grants the National Health Service National User Number (NNU).²¹ Thus, all persons with Temporary Protection status will have access to all services of the Portuguese National Health Service. The user number will be sent to the contacts provided when submitting the application for Temporary Protection.

²⁰ Portugal, [Government's webpage, "Criada consulta para assistir crianças e jovens vindos da Ucrânia"](#) (Consultation set up to assist children and young people from Ukraine), 19 March 2020.

²¹ Portugal, [Resolução do Conselho de Ministros 29-D/2022 que amplia o âmbito da concessão de proteção temporária a pessoas deslocadas da Ucrânia, em consequência dos recentes conflitos armados vividos naquele país](#) (Resolution of the Council of Ministers 29-D/2022. Expands the scope of granting temporary protection to people displaced from Ukraine as a result of the recent armed conflicts experienced in that country), 11 March 2022.

5.2. European Child Guarantee

In **Portugal**, the approved National Action Plan for the Guarantee of the Childhood (2022-2030)^{22/23} takes into account the humanitarian emergency caused by the war in Ukraine, in particular the reception of children from Ukraine (information on pages 29-30). In response to this enormous challenge, Portugal created a special protection programme for citizens from Ukraine, exempting them from the visa requirement²⁴. Documentation requirements were simplified and automatic access to the health, social security and financial systems was guaranteed. Special attention has been paid to children and adolescents, especially those who are unaccompanied, and multidisciplinary teams have been set up for a more effective and higher quality reception and immediate protection of these children. This informal disciplinary taskforce, composed of entities with competence in the areas, is coordinated by the National Coordination for Guarantees of Children, and includes the National Commission for the Promotion of Rights and Protection of Children and Young People, the Public Prosecutor's Office, the Social Security Institute, the Lisbon's Holy House of Mercy, the High Commission for Migrations and the Immigration and Borders Service. This multidisciplinary team has maintained its activity by taking all the necessary steps for the best protection and management of the situations reported. It should be noted that, within the framework of the PortugalforUkraine platform, and in order to respond to any needs that may arise, a pool of more than 2,000 voluntary Portuguese families, who have expressed their willingness to receive unaccompanied children and young people from Ukraine was created, which included a process of evaluation and certification by the competent bodies for foster care in Portugal.

²² Portugal (2023), [Plano de Ação Nacional da Garantia para a Infância 2022-2030, aprovado pela Resolução do Conselho de Ministros nº3/2023](#) (National Action Plan for the Guarantee of the Childhood 2022-2030), January 2023.

²³ Portugal, [Resolução do Conselho de Ministros 3/2023 que Aprova o Plano de Ação da Garantia para a Infância 2022-2030](#) (Resolution of the Council of Ministers 3/2023 approving the National Action Plan for the Guarantee of the Childhood 2022-2030), 17 January 2023.

²⁴ Portugal, [Resolução do Conselho de Ministros 29 -A/2022 que estabelece os critérios específicos da concessão de proteção temporária a pessoas deslocadas da Ucrânia](#) (Resolution of the Council of Ministers 29-A/2022, that establishes the specific criteria for granting temporary protection to displaced persons from Ukraine), 1 March 2022.

5.3. Budget

In **Portugal**, the Government has not included a specific item in the 2022 State Budget²⁵ for the reception and support of children and young people from Ukraine. The Government has earmarked 50 million euros to support refugees fleeing from Ukraine. In a chapter dedicated to the main measures to mitigate the geopolitical shock, as a result of the war in Ukraine, support for refugees is included in a set of expenditures that also includes support items for the fuel, energy, family, agriculture and fisheries sectors. The State Budget for 2022 also indicates that European funds will be mobilised to support Ukrainian refugees, in particular for accommodation costs.

In **Portugal**, in the State Budget for 2023²⁶, the Government does not allocate a specific budget for the reception and support of children and young people arriving from Ukraine, nor allocates a specific item for the support of beneficiaries of temporary protection.

²⁵ Portugal, [Orçamento de Estado 2022](#) (State Budget for 2022), 13 April 2022.

²⁶ Portugal, [Lei 24-D/2022, aprova o Orçamento do Estado para o ano de 2023](#) (Law 24-D/2022, approves the State Budget for the year 2023), 30 December 2022.